



## News Online

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### REFUGEE CRISIS – A HUMANITARIAN CRISIS

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## NEWS

1. NSA: Transparency about spying on the rest of the world, "*Approved for Public Release*":

A sterling effort at transparency from the NSA/the US Foreign Intelligence Surveillance Court: declassification of ['Procedures used by the National Security Agency for targeted non-United States persons reasonably believed to be located outside the United States to acquire foreign intelligence information pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended'](#) (pdf)

2. UK: [New "counter-extremism" strategy launched](#)

The UK government has launched its new "one-nation Counter-Extremism Strategy" targeted at "all forms of extremism". "Extremism" has been defined by Prime Minister David Cameron and Home Secretary Theresa May as "vocal or active opposition to fundamental British values". The strategy precedes forthcoming anti-extremism legislation.

3. Northern Ireland: [The Good Samaritan Bombing: challenge to the Attorney General to order a new inquest](#)

Press release from the Pat Finucane Centre: "The family of Eugene Dalton, killed in what has become known as The Good Samaritan Bombing in Derry in 1987, have applied to challenge a decision of the Attorney General for Northern Ireland not to order a new inquest into his death. On Monday 19 October the High Court in Belfast will hear the arguments of both sides as to whether this challenge should be granted leave for a full hearing on this important Conflict related Legacy matter."

4. [EU-USA "UMBRELLA" AGREEMENT: Study: Fundamental Rights European Experts Group \(FREE\)](#): (97 pages, **Complete-text**, pdf) prepared by Douwe Korff: "*The Agreement , in our view, cannot be approved by the European Parliament in its present form*"

5. [The Drone Papers](#) (The Intercept, link) "*The Intercept has obtained a cache of secret documents detailing the inner workings of the U.S. military's assassination program in Afghanistan, Yemen, and Somalia. The documents, provided by a whistleblower, offer an unprecedented glimpse into Obama's drone wars.*"

- [The Assassination Complex - Secret military documents expose the inner workings of Obama's drone wars](#) (link)
- [A Visual Glossary Decoding the language of covert warfare](#) (link)
- [The Kill Chain: The lethal bureaucracy behind Obama's drone war](#) (link)
- [Find, Fix, Finish: For the Pentagon, creating an architecture of assassination meant navigating a turf war with the CIA](#) (link)
- [Manhunting in the Hindu Kush: Civilian casualties and strategic failures in America's longest war](#) (link)
- [Firing Blind: Flawed Intelligence and the Limits of Drone Technology](#) (link)
- [The Life and Death of Objective Peckham: Stripped of British citizenship and killed by an American drone](#) (link)
- [Target Africa: The U.S. military's expanding footprint in East Africa and the Arabian Peninsula](#) (link)
- [The Alphabet of Assassination: A guide to the acronyms, abbreviations, and initialisms used](#)

[in The Drone Papers. We defer to definitions provided in the source text where available; other interpretations are based on open source material](#) (link) and

Documents:

- [Small Footprint Operations 2/13](#) (link)
- [Small Footprint Operations 5/13](#) (link)
- [Operation Haymaker](#) (link)
- [Geolocation Watchlist](#) (link)

[Snowden and Ellsberg hail leak of drone documents from new whistleblower](#) (Guardian, link):  
*"Classified documents on US assassination program released to the Intercept welcomed by men who exposed NSA surveillance and Pentagon Papers"*

6. EU-USA DATA PROTECTION: Statement of the Article 29 Working Party on: [Maximilian Schrems judgment](#) (pdf):

***"If by the end of January 2016, no appropriate solution is found with the US authorities and depending on the assessment of the transfer tools by the Working Party, EU data protection authorities are committed to take all necessary and appropriate actions, which may include coordinated enforcement actions...."***

*Regarding the practical consequences of the CJEU judgment, the Working Party considers that it is clear that transfers from the European Union to the United States can no longer be framed on the basis of the European Commission adequacy decision 2000/520/EC (the so-called "Safe Harbour decision"). **In any case, transfers that are still taking place under the Safe Harbour decision after the CJEU judgment are unlawful.**" [emphasis in original]*

7. EU: European Parliament: [Mass surveillance: EU citizens' rights still in danger, MEPs say](#) (pdf):

*"Too little has been done to ensure that citizens' rights are protected following revelations of electronic mass surveillance, say civil liberties MEPs in a resolution passed on Tuesday. They urge the Commission to come up immediately with alternatives to Safe Harbour, following the ruling by the European Court of Justice. They are also concerned about the surveillance laws in several EU countries."*

8. EU: [From fingerprints to facial scans: Why the French want biometrics on all EU travellers](#) (ZDnet, link): "France wants to collect biometric data from all EU nationals and foreign travellers crossing the outer borders of the Schengen area."

See: Council of the European Union: French Delegation: [Smart borders for all](#) (pdf) and [France says protect free movement with mass fingerprinting, face scans and entry-exit logs](#) (Statewatch)

9. EU: Europol Supervisory Body report: [Victims of trafficking in human beings: a data protection perspective](#) (pdf):

*"The Europol Joint Supervisory Body experienced that on national and on international level more attention and harmonisation is needed for data processing activities by all competent authorities - police, prosecutors and investigative judges - involved in the fight against trafficking in human beings."*

10. EU: European Parliament studies:

- [The protection role of the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities](#) (pdf):

*"It considers the petitions received on disability issues and examples of CRPD protection mechanisms implemented at level of the UN, the EU and the Member States. Recommendations are made to assist the EP in deliberating on disability issues in its protection role."*

11. EU: Council of the European Union: Justice and Home Affairs Council, 8-9 October 2015: [Final Press release: 8-9 October 2015](#) (pdf) including:

["B" Points agenda](#) (for discussion, including some non-legislative items), ["A" Points - legislative](#) (adopted without discussion, pdf) and ["A" Points -non-legislative](#) (adopted without discussion, pdf) and see: [Background Note](#) (9 pages, pdf) and Agreed: [Council conclusions on the future of the return policy](#) (pdf)

12. EU-USA "UMBRELLA" DATA PROTECTION AGREEMENT: European Parliament Study: [A comparison between US and EU data protection legislation for law enforcement purposes](#) (pdf)

*"The proposed Judicial Redress Act will not solve the structural imbalance between the protection of US and non-US persons. The Draft Act has a limited scope, referring only to "covered records".... Therefore, the Judicial Redress Act does not necessarily guarantee equal rights to EU and US persons...."*

*A further indispensable point concerns the still ongoing collection of foreign intelligence in the framework of Section 702 of the FISA Amendment Act and Executive Order 12333. The FREEDOM Act did not bring about any major changes regarding these instruments with regards to the protection of EU citizens. A future instrument regulating data exchange should address these two issues, as serious questions on their compatibility with EU fundamental rights arise (see recent opinion of Advocate General Bot in the Schrems case)."*

This is the first study carried out by the EP: [The US legal system on data protection in the field of law enforcement. Safeguards, rights and remedies for EU citizens](#) (pdf)

13. EU: EXCHANGE OF PERSONAL BETWEEN LEAs: Council of the European Union: Adopt: [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 - General approach](#) (pdf) and will now enter trilogue with the European Parliament.

See also: [EU Data protection reform on track: Commission proposal on new data protection rules in law enforcement area backed by Justice Ministers](#) (pdf) Commission press release

14. EU: Secret trilogue law-making: [Giegold: I've no problem with livestreaming secret talks on EU law](#) (euractiv, link):

*"The lead MEP on a European Parliament transparency report has said that he was lobbied "all the time" during secret negotiations over EU law, and had better access to classified documents just because he is German. Sven Giegold exclusively told EurActiv he wouldn't care if "trialogue" discussions were livestreamed and branded a European Commission push for better regulation an attack on parliamentary democracy.*

*I think that there is a problem of transparency and accountability, and that has to be changed. There's also a problem of integrity. There's a problem with transparency because there's no minutes, because it is not clear when they take place, it is not clear who has participated.*

*There is also a lack of accountability, because it is not transparent about who has defended which position in the negotiations. Lastly, there is a problem with integrity. The documents that are meant to be secret are not secret. I've seen it very often that lobbyists have documents given to them through sources in the Parliament, or more often through the Council."*

15. EU: European Court of Justice: SAFE HARBOUR JUDGMENT: [The Court of Justice declares that the Commission's US Safe Harbour Decision is invalid](#) (Press release, pdf): and [Full-text-judgment](#) (pdf)

*"The Data Protection Directive provides that the transfer of personal data to a third country may, in principle, take place only if that third country ensures an adequate level of protection of the data..... The United States safe harbour scheme thus enables interference, by United States public authorities, with the fundamental rights of persons, and the Commission decision does not refer either to the existence, in the United States, of rules intended to limit any such interference or to the existence of effective legal protection against the interference."*

See: [Initial response from max schrems](#) (pdf) and see his [Facebook](#)

16. EU: Council of the European Union: **Exchange of personal data between law enforcement agencies & UNHCR**

- Council agrees its negotiating position: [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 - General approach](#) (pdf)

- [Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, in the sixty-sixth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees](#) (pdf) and the detail in: [Annex](#) (pdf)

17. EU: Council of the European Union: **Cybercrime evaluation & UK and SIS**

- Interesting detailed report: [Evaluation report on the seventh round of mutual evaluations "The practical implementation and operation of European policies on prevention and combating Cybercrime" - Report on Slovakia](#) (Declassified document no: 9761/1/15 REV 1 DCL 1, 139 pages, pdf)

- [Putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System for the United Kingdom of Great Britain and Northern Ireland - State of play](#) (pdf): *"agreed inter alia on a set of recommendations addressed to the United Kingdom and considered that further proceedings were necessary in order to conclude the evaluation with a view to adopting an implementing decision setting the date for the final putting into effect by the United Kingdom of the provisions referred to in Article 1(a)(ii) of Decision 2000/365/EC, in so far as they relate to the functioning of the SIS."*

18. EU: Court of Justice of the European Union (CJEU):

[Data protection legislation of a Member State may be applied to a foreign company which exercises in that State, through stable arrangements, a real and effective activity](#) (Press release, pdf) and [Full text of Judgment](#) (pdf)

and: [Persons whose personal data are subject to transfer and processing between two public administrative bodies must be informed in advance](#) (Press release, pdf) and [Full text of Judgment](#) (pdf)

## REFUGEE CRISIS – A HUMANITARIAN CRISIS

1. [Weekend Greece Arrivals Exceed Peak Summer Day Total](#) (IOM, link): as at 20-10-15: 651,132 refugee arrivals (Greece: 507,825 Italy: 139,711) and 3,138 dead/missing people.

"IOM Greece reports, after consultations with the Hellenic Police, an unprecedented number of migrants arriving in Greece this weekend, with totals exceeding arrivals during peak summer sailing days. On Friday (16/10) over 8,900 migrants crossed into Greece; on Saturday (17/10) arrivals exceeded 9,100; and on Sunday (18/10), arrivals approached 9,200.

A total of over 27,000 migrants entered Greece last weekend, the majority of whom arrived on the island of Lesbos (16,448). The island of Chios, which previously saw arrivals of up to 300-500 migrants a day, over the weekend, witnessed the arrival of over 4,300 migrants."

See: Statewatch Observatory: [Refugee crisis: Humanitarian emergency - updated daily](#)

2. European Commission: [The "Returns" package](#):

a. [Returns Handbook: Full text](#) (106 pages, pdf)

b. [ANNEX: Return Handbook](#) (116 pages, pdf): "The content of this handbook deals essentially with standards and procedures in Member States for returning illegally staying third-country nationals and is based on EU legal instruments regulating this issue (in particular the Return Directive 2008/115/EC)."

c. [Directive on common standards and procedures in Member States for returning illegally staying third-country nationals](#) (pdf)

d [EU Action Plan on return](#) (pdf)

e. [Addressing the Refugee Crisis in Europe: The Role of EU External Action](#) (Commission and EEAS, pdf)

f. [Council of Europe: Guidelines on forced returns](#) (pdf)

3. [Establishing control of refugees took precedence over providing humanitarian aid](#)[First hotspot inaugurated on Lesbos](#) (ekathimerini.com, link): "If this had taken place 10 months ago, we could have avoided what we went through this summer," Avramopoulos said. "More importantly, we would have been able to treat all those people who are seeking for a better life in Europe in a more humane manner," he said. Additional hotspots on Chios, Samos, Kos, and Leros are expected to be fully operational by end-November."

Tony Bunyan, Statewatch Director, comments:

"Commissioner Dimitris Avramopoulos's statement does not hold water. His DG produced on 13 January 2015 a: ["Fact Sheet: Facts and Figures on the arrivals of migrants in Europe"](#) (pdf) predicting what was to unfold this year - it said 276,113 refugees had arrived in 2014. The simple truth is that the EU had no plans to swiftly put in place humanitarian aid and protection from January 2015 in Italy and Greece. This aid has only come now, ten months late, with the so-called "hotspots" which ties aid to registration and fingerprinting (with "proportionate coercion" if necessary). Establishing control of refugees took precedence over providing a "humane" response."

4. EU: [Greece and Italy "state of play" from the European Commission including "return flights"](#): First groups "nationality screened" for "return"

5. Refugee crisis: [Map of the 'Hotspots' designated in Greece](#) (pdf): Lesbos, Chios, Samos, Leros and Kos and [Map of the 'Hotspots' designated in Italy](#) (pdf): Lampedusa, Pozzallo, Augusta, Porto Empedocle and Trapani

5. EU COUNCIL: RESPONSE TO REFUGEE CRISIS: [SUMMIT CONCLUSIONS](#) (16.10.15, pdf):

"welcomes the joint Action Plan with Turkey as part of a comprehensive cooperation agenda based on shared responsibility, mutual commitments and delivery. Successful implementation will contribute to accelerating the fulfilment of the visa liberalisation roadmap towards all participating Member States and the full implementation of the readmission agreement. Progress will be assessed in spring 2016."

6. [Afghan Migrant Shot Dead in Bulgaria near Border with Turkey](#), (novinite.com, link):

"An Afghan man died in Bulgaria after being indirectly hit by a bullet of border police on Thursday, authorities say. The incident took place around 22:00 local time (EEST), the Interior Ministry's Chief Secretary, Georgi Kostov, has announced. Pretrial proceedings have been launched.

*It happened as border police detected the movement of 54 people trying to enter Bulgaria near the town of Sredets, in the country's south-east, not far from the border with Turkey. **After shooting in the air as a warning sign, a bullet "rebounded" hitting one of them in the back of the neck by mistake, Kostov has explained, without elaborating.*** [emphasis added]

7. Spain-Morocco: [Two deaths at Spain-Morocco border after marines overturn raft](#)

Two migrants died and 20 others were injured at the Spanish-Moroccan border on Friday 9 October after a raft on which they were travelling was overturned by the Moroccan Royal Marines, according to a report on the website of Spanish radio station Cadena SER.

Cadena SER cited eyewitness testimony from people working with the NGO Caminando Fronteras, who said: "The immigrants were travelling in a raft which was intercepted and overturned by the Royal Marines with great violence; they were subsequently beaten."

8. EU: European Commission: [Letter to Hungary: and detailed Annex: Comments and preliminary concerns on recent legislative changes related to the migration crisis](#) (pdf)

*"This preliminary assessment reveals a number of concerns and questions on substance and implementation relating inter alia to:*

- *a possible quasi-systematic dismissal of applications for international protection submitted at the border with Serbia*
- *a possible lack of sufficient safeguards in the asylum procedure implemented at the border, including as regards the existence of effective remedies to challenge a decision on the admissibility of an asylum application*
- *the criminal sanctions introduced relating to the crossing of the border and a possible lack of adequate safeguards ensuring respect of the rights of defence and effective remedies in the criminal proceedings*
- *the closing of border crossing points*
- *the powers granted to the military forces in border management and questions as to the existence of adequate safeguards and remedies*
- *a possible general lack of specific procedures or safeguards for children"*

9. EU: REFUGEE CRISIS: VALLETTA CONFERENCE: 11-12 November 2015: Council of the European Union: [Valletta Summit Action Plan - Working Draft Two](#) (LIMITE doc no 12560-rev-1-15, 7 October 2015, pdf)

10. [EU funds for Migration policies: Analysis of Efficiency and best practice for the future](#) (pdf):

"This study provides an overview of EU funding and agencies in the field of migration, asylum and integration. It begins with a brief assessment of their effectiveness and efficiency before examining whether the design of management, budgeting and control systems is effective in preventing the misuse of resources. The study illustrates good practices, lessons learnt and recommendations on how to achieve greater transparency in the implementation of future EU funding programmes."

See: also: [MED CRISIS: Billion-euro budgets to be distributed to Member States; plus latest news reports](#) (Statewatch database): "The European Commission has announced the approval of 23 more national programmes for the Asylum, Migration and Integration Fund and the Internal Security Fund, paving the way for the release of up to €2.4 billion to Member States to "improve migration management, foster cooperation and make Europe safer".

11. UN: EU Med Operations: [Resolution 2240 \(2015\), Security Council Authorizes Member States to Intercept Vessels off Libyan Coast Suspected of Migrant Smuggling](#) (Full-text, pdf)

See: [U.N. council OKs mission against human trafficking off Libya](#) (Reuters, link):

12. EU-Africa: [The 'Khartoum Process': beefing up borders in east Africa](#)

The 'Khartoum Process' is intended to limit the number of people travelling to Europe via the "Horn of Africa migration route" and involves east African states, EU Member States, the European Commission and the African Union. Formally known as the 'EU-Horn of Africa Migration Route Initiative', it has been criticised by the human rights organisation AEDH as attempting "to arrange the material conditions to avoid that they [migrants and refugees] come to Europe, especially by establishing asylum processing centres" within African countries. The 'Process' foresees, amongst other things, the enhancement of law enforcement powers and border controls in east African states.

13. European Parliament study: [Shaping and controlling foreign policy: Parliamentary diplomacy and oversight, and the role of the European Parliament](#) (pdf): "The paper examines the role and functions of parliaments in shaping and controlling foreign policy, also by discussing some case studies (US, German, British and French). It reflects particularly on the gradual parliamentarisation of Member State-dominated EU foreign policy."

14. EU [Refugee crisis: Returns policy - unworkable](#)

Council of the European Union: [Draft Council conclusions on the future of the EU return policy](#) (LIMITE doc no: 12420-15, pdf) for adoption at the Justice and Home Affairs Council on 8-9 July 2015. Including:

*"The Council invites the Commission and the EEAS, and the Member States, in particular through their representations outside the EU, in close cooperation with the liaison officers mentioned in paragraph 9, to promote the **EU laissez-passer (standard travel document for the expulsion of third-country nationals)** which should become the travel document commonly accepted for return purposes by third-countries. Moreover, Member States commit to using more regularly the EU laissez-passer in return operations."* (Point 14, emphasis added)

Tony Bunyan, Statewatch Director, comments:

*"The Commission and the Council have never understood that refugees, who have fled from war, persecution and poverty, do not want to return to the country they have come from. The idea that returns can be fast-tracked through issuing EU laissez-passer to return refugees to third countries is reminiscent of the apartheid pass laws.*

*This is compounded by the Council is relying on [1994 Recommendations](#) as the legal basis for issuing these co-called EU laissez-passer return documents which were adopted before the European or national parliaments had any say. Furthermore these "Conclusions" are "soft law", non-binding but enabling two or more Member States to undertake operational measures - again parliaments have no*



say. Measures which will have such a profound effect on refugee's rights and freedoms should be the subject of formal EU legislative procedures."

15. EU: Council of the European Union: [The future management of the EU's external borders](#) (LIMITE doc no: 12541-15, pdf):

"How can the collective responsibility of Member States and Frontex evolve, e.g. for ensuring a better and at times **compulsory allocation of border guards and equipment from low risk areas to those most affected by illegal migration?**" [emphasis added]

16. EU: TURKEY: [EU Action on Migratory Pressures - targeted update and the outcome of discussion on Turkey](#) (LIMITE doc no: 9491-15, 15 pages, pdf):

"Turkey had the capacity to act as a significant transit point for migrants from the wider Middle East-North Africa region: migrants may legally enter Turkey but then illegally enter the EU. Along with Syrians, Moroccan, Tunisian, Libyan, Georgian, Jordanian, Lebanese and Iranian passport holders do not require a visa to enter Turkey."

17. [Frontex asks for 775 border guards - refugees to be "nationality" screened](#) (link):

"This is the largest number of border guards Frontex has ever requested in the history of the agency. The officers are to assist mainly Italy and Greece in the registration and identification of migrants coming from Libya and Turkey. Since the beginning of this year over 470 000 migrants arrived in Greece and Italy alone. No country can possibly handle such high migratory pressure at its borders by itself. It is crucial that all those arriving in the EU are properly registered and identified," said Frontex Executive Director Fabrice Leggeri.

Frontex requested 670 officers – mainly **screeners**, debriefers and interpreters to be deployed in Italy and Greece, in addition to 105 officers to be deployed at various external land borders of the European Union.

**The screening officers play a key role in helping authorities to determine the nationality of the incoming migrants in order to identify and register them. Debriefers gather information about the activities of smuggling networks.**" [emphasis added]

"**Screening officers**" will be carrying out "**nationality screening**" (Frontex in European Parliament hearing on 23 September 2015), followed by registration and fingerprinting after which refugees will be divided into two groups, those destined for "return" to their country of origin to be held in closed camps and those to be relocated in the EU through asylum procedures in open camps.

16. EU: Council of the European Union: [Justice and Home Affairs Council Presidency Letter to the President of the European Council for the Summit meeting on 15-16 October 2015](#) (pdf): A summary of the actions taken and future plans: Includes two sets of Conclusions and 1994 Recommendations (EU return *Laissez-passer*) in which national and European parliaments have no say at all:

"To increase the effectiveness of the EU's return system, Ministers reiterated their willingness to implement all measures, including the **use of detention as a legitimate measure of last resort**. They underlined the need to reinforce **pre-removal detention capacities to ensure the physical availability of irregular migrants for return**....

an integrated system of return management by building on synergies between all relevant stakeholders [see footnote]....

The Council also highlighted the importance of all EU actors exploiting the full potential of **EU diplomacy** on the ground and prioritizing readmission in all relevant contacts at political level with countries of origin of irregular migrants, thus **helping to identifying potential leverage**. On this

issue, Commissioner Avramopoulos stressed his strong support for the organization of planned **joint return flights to Pakistan** by the end of the month...

addressing the future management of the external borders of the European Union. In the current circumstances, further efforts need to be undertaken on hotspots, with **a focus on green [land] borders**....

**Influx of migrants to the European Union will not abate in the short run."**

Footnote: New initiatives to try and persuaded, or "bribe", the so-called "more for more principle" if African states agree to the return of refugees:

*"Notably the European Integrated Approach on Return towards Third Countries (EURINT), the European Reintegration Instrument Network (ERIN) and the European Return Liaison Officers network (EURLO), as well as Immigration Liaison Officers (ILOs), Frontex Liaison Officers and European Migration Liaison Officers (EMLOs), to be deployed by end of 2015 to Egypt, Morocco, Lebanon, Niger, Nigeria, Senegal, Pakistan, Serbia, Ethiopia, Tunisia, Sudan, Turkey and Jordan."* [emphasis added]

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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:

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