



News Online

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

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NEWS

1. EU: EUROPEAN ARREST WARRANT: Warning over ECJ opinions that propose prioritising "mutual recognition" over human rights

[Fair Trials joins with criminal justice experts on European Arrest Warrant](#) (Fair Trials, link):

"Experts in criminal justice from across the European Union have united in expressing their concerns regarding the protection of human rights in the fast-track extradition system; the European Arrest Warrant, as well as the poor and inhumane prison conditions in EU member states.

...if the court were to follow the opinion it would mean the human rights-based grounds for refusing European Arrest Warrants applied in national implementing laws, are incompatible with the EAW Framework Decision."

The letter: [AG Bot's Opinion in Aranyosi and Caldaru - a Threat to Justice in Europe](#) (pdf):

"We believe that the Opinion of AG Bot should prompt a fundamental review of the Commission's approach. In outline, his conclusion is that "Article 1(3) ... must be interpreted in a way that it does not create a ground for non-execution of an Arrest Warrant ... on the basis of a risk of a violation in the requesting state of the human rights of the requested person". We recognise, of course, that this is not a legally-binding decision and that the Court will ultimately issue an opinion. However, we are writing now given the grave importance of the Court's ultimate response to the questions referred to it and the Advocate General's unexpected and deeply troubling advice to the Court.

The implications of this approach - according the principle of mutual recognition a higher legal status than protection for fundamental human rights - cannot be under-stated. If adopted by the Court, it would place the EU legal order out of line with overwhelming global consensus that there is an absolute and non-derogable right for a person not to be extradited to countries in which there is a real risk that they would be subject to torture or inhuman or degrading treatment. Despite AG Bat's arguments, international human rights standards allow for no "balancing" of this right against the interests of law-enforcement or judicial efficiency."

The opinions of Advocate-General Bot in the two cases in question are available on the CJEU website in various languages including French, German and Spanish. They are currently unavailable in English. See: [Aranyosi](#) and [Caldaru](#) (links).

2. EU: Justice and Home Affairs Council: 10-11 March 2015: Final [Press release, 10-11-3-16](#) (pdf)

["B" Points Agenda](#) (for discussion, pdf) and ["A" Points Agenda](#) (adopted without discussion, pdf) and [Background Note](#) (pdf)

Border Guard Agency:

See: [Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation \(EC\) No 2007/2004, Regulation \(EC\) No 863/2007 and Council Decision 2005/267/EC - Provisions on return](#) (LIMITE doc no:6884-16, pdf) and

[Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation \(EC\) No 2007/2004, Regulation \(EC\) No 863/2007 and Council Decision 2005/267/EC](#) (LIMITE doc no: 6652, pdf)

- [Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation \(EC\) No 2007/2004, Regulation \(EC\) No 863/2007 and Council Decision 2005/267/EC - State of play](#) (LIMITE doc no: 6744-16, pdf)

Counter-Terrorism:

- [State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015](#) (LIMITE doc no: 6785-16, pdf)

- [Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism \[First reading\] - General approach](#) (LIMITE doc no: 6655-16, pdf)

3. UK: [Ex-MI5 boss: Private firms spy like us](#) (Evening Standard, link): "*Private firms are compiling detailed personal profiles of ordinary citizens using methods that are "just as intrusive" as those deployed by Britain's intelligence agencies, the former head of MI5 has warned.*

Baron Evans of Weardale said the companies were using "open source" material to learn "an awful lot about what you do on a daily basis and who you associate with" to an extent that "would be very surprising" to most of the public.

Lord Evans, who served as director general of the Security Service until 2013, added that the firms had "really effective and powerful investigative capabilities" but faced only limited legal controls that were much weaker than those applied to the intelligence agencies."

And see: [Spying on a see through world: the "Open Source" intelligence industry, by Ben Hayes](#) (Statewatch Journal, January-March 2010)

4. [EU wants to give police greater digital access](#) (EUobserver, link): "*The European Commission is set to propose expanding police access to sensitive digital data, including details of financial transactions made inside the EU and biometric data of asylum seekers.*

The idea is laid out in an internal document, seen by this website, from EU counter-terrorism coordinator Gilles de Kerchove.

The paper, dated 4 March 2016, says the commission is mulling proposals to broaden the Terrorist Financing Tracking Program (TFTP), also known as the Swift agreement."

See: European Counter-Terrorism Coordinator: [State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015](#) (LIMITE doc no: 6785-16, pdf)

5. FRANCE: [A look at the latest French laws on intelligence collection](#) (Electrospaces.net, link): "*Over the last year, The French parliament passed new laws granting additional powers to intelligence services regarding interception of communications and data requests. This is part of a broader reform aimed at creating a legal framework for intelligence practices which were not formally authorized by*

law before 2015. In the press, it was said that these laws allowed sweeping new surveillance powers, legalizing highly intrusive methods without guarantees for individual freedom and privacy.

This article will focus on the provisions related to communications intelligence (COMINT), including targeted telephone tapping (lawful interception or LI), metadata collection and data requests to internet service providers (ISPs). Targeted interception of the content of internet communications is not regulated by these new laws, but only by older decrees which are still a bit unclear. The new laws are only about collection the metadata of internet communications."

6. UK: Parliamentary Office of Science and Technology: new briefing paper on digital forensics and crime

"Digital forensic science is the process of obtaining, analysing and using digital evidence in investigations or criminal proceedings. Digital evidence ranges from images of child sexual exploitation to the location of a mobile phone. This note looks at how evidence is obtained, legislation and regulation, and efforts to address challenges faced by practitioners."

See: [POSTNOTE: Digital Forensics and Crime](#) (pdf)

7.UK: [Inspectors: Refugees held in "wholly unacceptable" conditions in freight shed](#) (Free Movement, link): *"An unannounced inspection of short term detention facilities for refugees and migrants crossing the Channel into the UK has revealed that hundreds, including many children, have been held in "wholly unacceptable" and insanitary conditions. Many were held in a disused freight shed and forced to sleep on concrete floors, with no food, drink or clothing provided.*

The increase in numbers making the crossing to the UK in the summer of 2015 was found to have "overwhelmed" the Home Office and contractors but the emergency arrangements were still in place several months later, when the inspection took place. The increase in arrivals over the summer was predictable and the report questions why no adequate plans were put in place."

See the report: [HM Chief Inspector of Prisons: Longport freight shed, Dover Seaport and Frontier House](#) (pdf)

8. EU: [New "Group of Personalities" \(GoP\) advance need for "military research" in EU following the "security research" initiative:](#)

[Report of the Group of Personalities on the Preparatory Action for CSDP-related research: EUROPEAN DEFENCE RESEARCH: The case for an EU-funded defence R&T programme](#) (5 MB, pdf)

"Europe's capacity to provide for its own security depends on our ability to continuously innovate to ensure technological leadership and be a credible partner to our allies. The recent dramatic falls in investment in R&T risk undermining our efforts to support the sector and our broader defence and security goals....

This work on research in defence is part of a broader policy goal to strengthen European defence cooperation. To that effect, the Commission will present an Action Plan on defence this year."

[Members of the GoP: High-level group of personalities on defence research](#) (pdf) Not an NGO/civil society in sight.

See: [EU DEFENCE UNION: Yet another elite "Group of Personalities" set up: Bienkowska launches high-level defence research group](#) (Statewatch database) and [EU: Commission proposes military research programme](#) (Statewatch database)

And: Statewatch publications: Security research initiative: [Neoconopticon: the EU security-industrial complex](#) (pdf) by Ben Hayes and [Arming Big Brother: the EU's Security Research Programme](#) by Ben Hayes.

9. [German Bundeswehr to gain combat drones](#) (link):

"For the interim period, an Israeli model is to be leased; over the next ten years, European arms companies are to develop a competitive "Euro-drone"

The German Bundeswehr has now selected a model of combat drone for future use. It plans to lease "three to five" of the latest "TP" version (Block 2) of the Heron family of drones, developed by Israel Aerospace Industries. The prime contractor for the leasing arrangement is the Airbus Group, which entered into a teaming agreement with the Israeli manufacturer on marketing in Europe."

10. UK: IP BILL: [Why are the intelligence agencies revealing their spying techniques?](#) (Guardian, link) *"Now that the security services are allowed to record us through our phones, privacy has become impossible – unless we renounce modern telecoms....And is it a good idea to take a chainsaw to your computer or incinerate your iPhone? Certainly, if you have something illegal to hide – although doing so will inevitably limit your ability to commit more crimes. For the rest of us, it all depends on whether we value our personal privacy more highly than the convenience of using modern communications – and whether we think the agencies are on our side."* and [Snooper's charter: wider police powers to hack phones and access web history](#) (Guardian, link): *"Latest version of investigatory powers bill will allow police to hack people's computers and view browsing history."*

See: [Equipment Interference: DRAFT Code of Practice \[Spring\] 2016](#) (pdf)

And Statewatch: [Remote access to computers: Is it time to go back to the typewriter, carbon paper and Tippex?](#) (March 2015) by Tony Bunyan and [EU agrees rules for remote computer access by police forces](#) (September 2009) by Tony Bunyan

11. UN: [Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies](#) (pdf)

See: [UN experts provide a roadmap to avoid human rights violations during protests](#) (link): *"GENEVA – Two United Nations human rights experts presented today a new report to the UN Human Rights Council offering extensive recommendations to States and police forces around the world on how best to manage public gatherings."* And: [Factsheet: Recommendations on managing assemblies](#) (pdf)

12. [UNDERCOVER POLICING: Battle over secrecy at Pitchford Inquiry; campaigner confronts police spy who deceived her](#)

As the Pitchford Inquiry into the practice of undercover police in England and Wales approaches, the police are hoping to have the possibility to submit secret evidence, and to continue to use the "neither confirm nor deny" response to crucial questions on their practices and activities.

On the other side of the globe, a campaigner has tracked down a former undercover officer, John Dines, who deceived her into a two-year relationship. Dines is now teaching police in Sydney, on a course that involves the topics "human rights" and "gender sensitivity". A New South Wales politician has stated that: "It is offensive in the extreme that John Dines can be involved in teaching these matters to police in this State."

[What's the Pitchford Hearing About?](#) (Campaign Opposing Police Surveillance, link): *"How much of the public inquiry into undercover policing will be held in secret? How much of the police's information will be revealed?"*

13. [International Network of Civil Liberties Organizations \(INCLO\) Launch Report on Crowd Control Weapons](#) (ICCL, link): "Over the past number of years, law enforcement and security forces have increasingly turned to the use of crowd-control weapons (CCWs) to respond to popular protests. Today, the International Network of Civil Liberties Organizations (INCLO) and Physicians for Human Rights (PHR) release "Lethal in Disguise: The Health Consequences of Crowd-Control Weapons", a report documenting the health effects of these weapons. The report focuses on the dangers of so-called "less lethal weapons", particularly when used to control or manage assemblies. It is unique in its format of linking medical literature and data on weapons' health effects with case studies highlighting their human toll.

The report was launched at the United Nations in Geneva on the occasion of the presentation of a joint report on the proper management of assemblies, prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns. The Special Rapporteurs' report was presented to the 31st session of the Human Rights Council."

Full report: [Lethal in Disguise: The Health Consequences of Crowd-Control Weapons](#) (pdf)

14. EU: [MEPs refuse to vote on PNR before Council strengthens data protection](#) (euractiv, link): "A joint initiative of the conservative EPP and the ECR groups, the proposal to place the PNR on the agenda of the current plenary session was rejected by virtually all the other political families. They fear a vote on PNR may allow member states to abandon the personal data protection package they have promised as a counterweight to the new surveillance powers." and

[MEPs at war over blocked PNR vote](#) (Parliament Magazine, link): "Parliamentary groups accuse each other of playing 'dirty political games' after request to include PNR in plenary voting agenda denied."

15. EU-USA: [U.S.-EU Cooperation Against Terrorism](#) (CRS, pdf):

"Congressional decisions related to data privacy, intelligence-gathering, border controls, visa policy, and transport security may affect how future U.S.-EU counterterrorism cooperation evolves. **EU officials have welcomed passage of the Judicial Redress Act (P.L. 114-126) to provide EU citizens with a limited right of judicial redress for privacy violations in a law enforcement context**, but they have expressed unease with some provisions in the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (passed as part of P.L. 114-113 in the wake of the Paris attacks and heightened U.S. concerns about European citizens fighting with terrorist groups abroad).

Given the European Parliament's growing influence in many of these policy areas, Members of Congress may be able to help shape the Parliament's views and responses through ongoing contacts and the existing Transatlantic Legislators' Dialogue (TLD)."

16. EU: Proposed new counter-terrorism law: [Joint NGO critique](#) (pdf): "In this submission, Amnesty International, the International Commission of Jurists (ICJ), and the Open Society Justice Initiative (OSJI) and the Open Society European Policy Institute (OSEPI) analyse and offer recommendations on the European Commission's December 2015 proposal for a Directive on Combating Terrorism and Replacing Council Framework Decision 2002/475/JHA on Combating Terrorism ("the proposed Directive") in light of Member States' obligations under international law, in particular international human rights law...

This submission seeks to specifically address:

- The failure to provide sufficient guarantees of human rights protection in the implementation of the Directive by Member States;
- The overbroad scope and vague delineation of many of the offences to be established under the Directive, with consequences for the principle of legality and the prohibitions on arbitrary, disproportionate and discriminatory interference with human rights;

- The designation of ancillary and inchoate offences with a low degree of proximity to the principal offence of commission of a terrorism-related act;
- The imprecise definition of the specific intent required to incur responsibility for a number of offences and lack of requirements for wilful or voluntary conduct;
- The potential of the Directive to undermine states' obligations under international humanitarian law and international criminal law, where those regimes are applicable."

17.UK: [Shortage of asylum seeker accommodation and "appalling" prejudice, says report](#) (parliament.uk): "The Commons Home Affairs Committee says the red doors and wrist bands scandals leave major questions to be answered about the running of the COMPASS contract providing asylum support services. It says delivery of the contract has been mostly unsatisfactory to date, with these episodes highlighting flaws in accountability and oversight of the contracts, and a failure to ensure that the way asylum seekers are treated and housed meets basic standards.

The Committee also warns of an impending shortage of asylum seeker accommodation and a lack of fair and equal dispersal throughout the country."

The report: House of Commons Home Affairs Committee: [The work of the Immigration Directorates \(Q3 2015\)](#) (pdf)

18. Council of the European Union: [C-T Directive, Checks at borders, Border Guards and Vienna Declaration](#)

- Counter Terrorism Directive: [Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism \[First reading\] - General approach](#) (6655-16, pdf):

"The Council is invited to reach a general approach on the text, as set out in the Annex, which will constitute the basis for future negotiations with the European Parliament in the context of the ordinary legislative procedure. Changes compared to the Commission proposal are marked in **bold**."

- [EU Counter-Terrorism Coordinator: State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015](#) (LIMITE doc no: 6450-16, pdf):

"information sharing still does not reflect the threat: while there are now five times more person entities in Europol's Focal Point Travellers database compared with last year, the analysis file still contains only 2,786 verified foreign terrorist fighters (FTF) entered by EU Member States.

The European Information System (EIS) contains only 1,473 FTF entered by Member States. This despite well-founded estimates that around 5,000 EU citizens have travelled to Syria and Iraq to join DAESH and other extremist groups. It should also be noted that more than 90% of the contributions by Member States regarding verified FTFs in FP Travellers in 2015 originate from just 5 Member States."

- Checks at external borders: [Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EC\) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders - General approach](#) (6673-16, pdf):

"The changes vis-à-vis the Commission proposal are highlighted in underline."

- EU Border Guards: [Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation \(EC\) No 2007/2004, Regulation \(EC\) No 863/2007 and Council Decision 2005/267/EC](#) (LIMITE doc no: 6746-16, dated 3 March 2016, pdf): "It is noted that the new (vis-à-vis doc. 6483/16) proposed changes are highlighted in bold, underline and strikethrough."

- EU Border Guards: [As above 6483-16](#) (LIMITE doc, pdf):

"The most recent compromise suggestions reflecting the discussions so far on these provisions and the relevant contributions by delegations are highlighted in bold/underline/strikethrough; the compromise suggestions which had been submitted by the Presidency in previous discussions are marked with underline."

- EU Border Guards: [As above: 6359-REV-1-16](#) (pdf):

"the Presidency believes that the compromise text included in the Annex and in 6283/16 and 6330/16 has a sufficient degree of support by delegations. It invites the Committee to confirm this with a view to preparing the upcoming negotiations with the European Parliament on this file."

- Declaration agreed by Croatia, Slovenia and Austria: [Conference "Managing Migration Together", Vienna, 24 February 2016](#) (6481-16, pdf)

19. European Parliament: [Report on the proposal for a directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings: Committee on Civil Liberties, Justice and Home Affairs Rapporteur: Caterina Chinnici](#) (pdf)

20. UK: [Stephen Lawrence: former police officer avoids charges over alleged spying](#) (The Guardian, link): *"A former senior police officer has avoided disciplinary charges over an alleged plot to spy on the family of murdered teenager Stephen Lawrence."*

Former commander Richard Walton retired in January from his post as the head of the Metropolitan police's counter-terrorism command.

On Wednesday, the Independent Police Complaints Commission announced that its two-year investigation had found that Walton and another retired officer, Bob Lambert, would have had a case to answer for misconduct if they had still been employed by the police."

See: [IPCC publishes investigation report about meeting with undercover officer](#) (IPCC, link) and the report: [Ellison Review - Walton, Lambert, Black: An investigation into the circumstances surrounding a meeting between A/Detective Inspector Richard Walton and an undercover officer on 14 August 1998](#) (pdf). Previous IPCC report: [IPCC independent investigation into complaints following "The Boys Who Killed Stephen Lawrence"](#) (pdf)

And: [Richard Walton dodging questions and keeping his pension](#) (Undercover Research Group, link)

21. UK: [Police 'used sexualised violence against fracking protesters'](#) (The Guardian, link): *"Police at the Barton Moss anti-fracking camp near Manchester used "sexualised violence" to target female protesters, it is alleged."*

Protesters told academics from York and Liverpool John Moores universities that officers groped and pressed their groins up against women as they cleared demonstrations against test drilling at the site.

They are now calling for a public inquiry to investigate the relationship between police and the fracking firm IGas, the proportionality of police tactics and the use of bail to restrict the right to protest."

The report: [Keep moving! Report on the policing of the Barton Moss community protection camp, November 2013-April 2014](#) (pdf) and a summary: [New report recommends public inquiry into policing of Barton Moss protest](#) (Netpol, link)

22. European Parliament Study: [Female refugees and asylum seekers: the issue of integration](#) (pdf):

"Upon request by the FEMM Committee, the study presents an overview of the most important issues faced by refugees and asylum seeking women in their host country regarding access to appropriate housing, including privacy and shelter in case of domestic violence, training and language courses, the labour market, and the health systems, including psychological support and trauma healing. A summary of international standards and of applicable European laws, as well as details on available funding from the European level are provided. International promising projects illustrate the way forward."

And: [International Women's Day: providing support for women refugees](#) (Press release, pdf)

Also: [Report: the proposal for a directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings \(COM\(2013\)0822 – C7-0428/2013 – 2013/0408\(COD\)\) Committee on Civil Liberties, Justice and Home Affairs Rapporteur: Caterina Chinnici](#) (pdf)

23. Greece: Council of Europe: [Council of Europe anti-torture Committee publishes report on Greece](#) (link):

"The CPT's findings from the 2015 visit illustrate once again the widespread and deep-rooted problem of police ill-treatment in Greece and the report makes specific reference to the excessive use of force employed by the Delta motorcycle police unit in Athens. The CPT urges the authorities to fully acknowledge the phenomenon of police ill-treatment and calls for a comprehensive strategy and determined action to address it. The findings detailed in the report also demonstrate that the current system of investigations into allegations of ill-treatment by law enforcement officials is characterised by a number of systemic failings by the police and judicial authorities. The result is that investigations often remain ineffective and the report is notably critical of the lack of action taken by prosecutorial authorities. Further, there has been no progress as regards the practical implementation of formal safeguards against ill-treatment, notably the rights of notification of custody, access to a lawyer and access to a doctor as from the very outset of deprivation of liberty."

In their response, the Greek authorities refer to their zero tolerance policy towards human rights violations. However, no concrete information is provided regarding the effectiveness of investigations into police ill-treatment allegations."

And see: [Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 14 to 23 April 2015](#) (pdf) and [Greek government response](#) (pdf)

24. Council of Europe: Human Rights: **France:** [Anti-racism commission concerned at rise of hate speech and violence motivated by intolerance](#) (link):

"Secretary General Thorbjørn Jagland has endorsed a new report on France which reveals a rise in hate speech and racist violence."

"I commend the significant efforts made by the French authorities to combat racism and intolerance," Jagland said on the publication today of the European Commission against Racism and Intolerance (ECRI) report."

"However, hate speech, which has become commonplace in the public sphere, remains a matter of concern. I call on political leaders in particular to refrain from making comments which stigmatise already vulnerable groups and fuel tensions in French society."

The ECRI report reveals alarm at the rise of hate speech and the increase in racist, antisemitic and islamophobic violence."

See: [ECRI REPORT ON FRANCE: \(fifth monitoring cycle\)](#) (pdf)

25. Council of Europe: Parliamentary Assembly: [As ten-year torture inquiry ends, Council of Europe states give final responses on CIA 'secret prisons'](#) (link):

"Pedro Agramunt, the President of the Parliamentary Assembly of the Council of Europe (PACE), has welcomed a third and final round of responses from the governments of Council of Europe member States to questions on their possible involvement in illegal CIA detentions in Europe or "rendition flights" through European airspace in the years after the 9/11 terrorist attack.

Seven states – Austria, Denmark, Germany, Lithuania, Poland, Romania and the UK – provided additional information to the inquiry, prior to its closure earlier this month by Council of Europe Secretary General Thorbjørn Jagland, information which is made public today. The inquiry was begun in 2005 by Mr Jagland's predecessor, using powers under the European Convention on Human Rights, which explicitly prohibits torture."

[Timeline: the Council of Europe's investigation into CIA secret prisons in Europe](#) (link) and [Third round of responses](#) (Pdf) also: [2nd round responses by country](#) (link) and [1st round responses](#) (link)

26. EU: Council of the European Union: [Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism - Examination of the revised text](#) (LIMITE doc no: 6326-16, pdf): Pages 4-27 set out the amended draft of the Council's negotiating position: "Changes compared to the previous version of the text are marked in **bold underlined**..."

And see: Background: [Directive on combating terrorism](#) (SEMDOC, link)

27. [The Corporate Greed of Strangers](#) (IRR, link): "John Grayson reveals the spread of corporate involvement in the provision of asylum housing in the UK and northern Europe, and how outsourcing and private companies are tarnishing northern Europe's 'welcome' to refugees."

28. European Court of Human Rights: [The CIA's abduction and extrajudicial transfer to Egypt of the imam Abu Omar infringed the applicants' rights under the Convention](#) (Press release, 23.2.16, pdf):

"In today's Chamber judgment¹ in the case of Nasr and Ghali v. Italy (application no. 44883/09) the European Court of Human Rights held, unanimously, that there had been:— with regard to Mr Nasr :

- violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the European Convention on Human Rights,*
- a violation of Article 5 (right to liberty and security) of the European Convention,*
- a violation of Article 8 (right to respect for private and family life) and a violation of Article 13 (right to an effective remedy) read in conjunction with Articles 3, 5 and 8*
- with regard to Ms Ghali:*
- violation of Article 3 (prohibition of torture and inhuman or degrading treatment),*
- violation of Article 8 (right to respect for private and family life) and*
- violation of Article 13 (right to an effective remedy) read in conjunction with Articles 3 and 8*

The case concerned an instance of extrajudicial transfer (or "extraordinary rendition"), namely the abduction by CIA agents, with the cooperation of Italian officials, of the Egyptian imam Abu Omar, who had been granted political asylum in Italy, and his subsequent transfer to Egypt, where he was held in secret for several months."

See: [Judgment](#) (pdf)

29. European Court of Human Rights: [Khlaifia and Others v. Italy \(application no. 16483/12\)](#) (pdf):

*"The following case has been referred to the Grand Chamber of the European Court of Human Rights. **Khlaifia and Others v. Italy** (application no. 16483/12): which concerns the detention in a reception centre on Lampedusa and subsequently on ships moored in Palermo harbour, as well as the return to Tunisia, of clandestine migrants who had landed on the Italian coast in 2011 during the events linked to the "Arab Spring".....*

In its Chamber judgment of 1 September 2015, the European Court of Human Rights held, unanimously, that there had been a violation of Article 5 §§ 1, 2 and 4 of the Convention, finding that the applicants had been deprived of their liberty without a sufficient legal basis, that they had not been duly informed of the reasons for the measure, and that they had been unable to challenge it."

30. SWEDEN: [Sweden's compliance with the International Covenant on Civil and Political Rights \(ICCPR\) - Joint NGO submission for the UN Human Rights Committee's review of Sweden during its 116th session, 7-31 March 2016](#) (pdf): *"The situation for civil and political rights in Sweden is generally good in comparison with many other countries. There are, for example, oversight mechanisms to safeguard the freedom of opinion, assembly, speech and religion, as well as protection for due process and legal certainty. At the same time there are significant human rights concerns in Sweden, in particular in regard to the rights protection for minority populations and other vulnerable groups. This report aims at pointing the Committee's attention to some of these concerns. The report does not claim to be exhaustive. As such, Civil Rights Defenders and the undersigned organizations (the signatory organizations) do not contend that the issues addressed below describe all human rights concerns under the Covenant in Sweden. The issues addressed in this report have been selected because these are areas where the signatory organizations possess specific expertise"*

31. EU: DATABASE CHECKS AT BORDERS: Council of the European Union: [Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 \(EC\) as regards the reinforcement of checks against relevant databases at external borders](#) (LIMITE doc no: 6181-16, pdf):

"The intention of the Presidency, in line with the aforementioned mandates from the Council and the European Council, is to confirm a general approach on the compromise text at the JHA Council on 25 February 2016. It is noted that the changes vis-à-vis the Commission proposal are demonstrated in underline and the latest changes following the Coreper meeting on 10 February are indicated in bold and underline."

See: Previous document: [LIMITE no: 5808-16](#) (pdf) and [Commission Proposal](#) (pdf)

32. EU: COUNTER-TERRORISM: Council of the European Union: [Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism - Examination of the revised text](#) (LIMITE doc no 5982-16, pdf) :

"On 8 February 2016, the Working Party on Substantive Criminal Law (DROIPEN) continued its examination of the revised text of the draft Directive. Articles 9, 11, 15 and 16 were withheld from this discussion to allow for more time for preparing a compromise text on these provisions. SI, RO and PT have a general scrutiny reservations. PL, SI, EE and CZ have a parliamentary scrutiny reservation."

33. EU: Council questioned over CIA rendition programme

The European Parliament's civil liberties committee (LIBE) has submitted a number of questions to the Council of the EU over its work in relation to the CIA rendition programme. The committee is seeking answers on, amongst other things:

- whether the Council has apologised for providing incomplete information to the Parliament on meetings with US officials;
- whether the Council has formally acknowledged Member States' involvement in the rendition programme; and

- whether the Council has cooperated fully with "the truth-finding and accountability processes in the Member States".

The questions were tabled on 2 March. The Council is yet to respond.

See: Question for oral answer to the Council submitted by Claude Moraes, on behalf of the committee on Civil Liberties, Justice and Home Affairs: [Follow-up to the resolution of Parliament of 11 February 2015 on the US Senate report on the use of torture by the CIA \(2014/2997\(RSP\)\)](#) (pdf) and on [the European Parliament website](#) (link).

EU-UK-USA: NSA-GCHQ

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

1. EU-USA: [While President Obama signs the Judicial Redress act, are the European Commission and the Parliament sharing the same Umbrella?](#) (EASFJ, link):

"The European Commission is dealing with challenges on another EU-U.S. data sharing deal: the Parliament legal service and MEPs argued that the so-called Umbrella Agreement, which will be brought into being with the signature of the Judicial Redress Act, does not comply with EU law."

2. EU-USA: [NSA can still spy under new 'Privacy Shield' agreement with Europe](#) (Yahoo News, link):

"The new Privacy Shield was published in full a few days ago, showing the principles that would govern the exchange of digital information between EU consumers and U.S. companies. However, the new agreement also has provisions that explain how and when the NSA can continue bulk data collection in the region."

3. EU-USA: [Restoring "trust" in transatlantic data flows](#)

[Restoring trust in transatlantic data flows through strong safeguards: European Commission presents EU-U.S. Privacy Shield](#) (press release, pdf): *"The European Commission today issued the legal texts that will put in place the EU-U.S. Privacy Shield and a Communication summarising the actions taken over the last years to restore trust in transatlantic data flows since the 2013 surveillance revelations. In line with President Juncker's political guidelines, the Commission has (i) finalised the reform of EU Data protection rules, which apply to all companies providing services on the EU market, (ii) negotiated the EU-U.S. Umbrella Agreement ensuring high data protection standards for data transfers across the Atlantic for law enforcement purposes, and (iii) achieved a renewed sound framework for commercial data exchange: the EU-U.S. Privacy Shield."*

Commission Communication: [Transatlantic Data Flows: Restoring Trust through Strong Safeguards](#) (COM(2016) 117 final, pdf)

4. [Report: German intelligence spied on EU foreign minister Ashton](#) (DW, link):

"Allegations emerged in the German media that the BND spy agency targeted Catherine Ashton, the former EU Foreign Minister. The news comes in the aftermath of the NSA scandal and the BND's assistance to US intelligence."

According to a German media report released on Saturday, the country's Federal Intelligence Service (BND) spied on the British politician Catherine Ashton during her time as the European Union's top diplomat.

The BND, wrote the "Spiegel" news outlet, collected information on Ashton beginning in 2009 and for several years onward.

The Briton was the first ever High Representative of the Union for Foreign Affairs and Security Policy, a position now held by the Italian Federica Mogherini. This position also made her Vice President of the European Commission."

5. EU-USA: [Why the Judicial Redress Act is worthless](#) (papersplease.org, link): Edward Hasbrouck: "I've posted a detailed takedown of this law and why it should not be relied on as the basis for an adequacy finding, a new Safe Harbor or Privacy Shield, or the EU-US "umbrella agreement", Is the Judicial Redress Act really so historic? And will it actually "ensure that all EU citizens have the right to enforce data protection rights in U.S. courts"? Sadly, no.

*Europeans should not be fooled by statements such as those from Commissioner Jourová or his counterparts in other EU institutions. **As we know from our own experience in court as US citizens, there are almost no real-world cases in which the Judicial Redress Act will provide any actual protection or enforceable legal rights to citizens or residents of the EU, or anywhere else.***" [emphasis added]

6. EU-USA: "UMBRELLA AGREEMENT" TO EXCHANGE PERSONAL DATA: European Commission: [The signature of the Judicial Redress Act by President Obama is a historic achievement in our efforts to restore trust in transatlantic data flows, paving the way to the signature of the EU-US Data Protection Umbrella Agreement](#) (pdf): "

"The entry into force of the Judicial Redress Act will pave the way for the signature of the EU-U.S. Data Protection Umbrella Agreement. This agreement will guarantee a high level of protection of all personal data..."

The Commission is oblivious to contrary views: [EU-USA Data protection: EPIC: 'Judicial Redress Act' Provides Little Redress](#)

*"The Judicial Redress Act of 2015, which amends the Privacy Act of 1974, has been passed by Congress and moved on to the President for signature. **The Act fails to extend Privacy Act protections to non-US citizens, and as adopted coerces EU countries to transfer data to the US..**" and*

European Parliament Legal Service: [Legal opinion: EU-US Umbrella agreement concerning the protection of personal data and cooperation between law enforcement authorities in the EU and US](#) (pdf)

7. USA: [NSA Targets World Leaders for US Geopolitical Interests](#) (Wikileaks, link)

"Today, 23 February 2016 at 00:00 GMT, WikiLeaks publishes highly classified documents showing that the NSA bugged meetings between UN Secretary General Ban Ki-Moon's and German Chancellor Angela Merkel, between Israel prime minister Netanyahu and Italian prime minister Berlusconi, between key EU and Japanese trade ministers discussing their secret trade red-lines at WTO negotiations, as well as details of a private meeting between then French president Nicolas Sarkozy, Merkel and Berlusconi.

The documents also reveal the content of the meetings from Ban Ki Moon's strategising with Merkel over climate change, to Netanyahu's begging Berlusconi to help him deal with Obama, to Sarkozy telling Berlusconi that the Italian banking system would soon "pop like a cork".

Some documents are classified TOP-SECRET / COMINT-GAMMA and are the most highly classified documents ever published by a media organization."

See: [WikiLeaks: US spied on Merkel, Ban Ki-moon](#) (euobserver, link): "Whistleblower site WikiLeaks has published new evidence that the US spied on EU leaders in trade talks, climate talks, and on Israel. The five secret US documents published on Tuesday (23 February) indicate that the National Security Agency (NSA) tapped 13 phone lines between 2006 and 2011 linked to government officials and offices in Austria, Belgium, France, Italy and Switzerland."

8. [EU-USA Data protection: EPIC: 'Judicial Redress Act' Provides Little Redress](#)

*"The Judicial Redress Act of 2015, which amends the Privacy Act of 1974, has been passed by Congress and moved on to the President for signature. **The Act fails to extend Privacy Act protections to non-US citizens, and as adopted coerces EU countries to transfer data to the US..**"*

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