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1. Turkey: [Cumhuriyet journalists sentenced to five years for revealing state secrets](#) (link):

"An Istanbul court sentenced Cumhuriyet journalists Can Dündar and Erdem Gül to five years in prison for "leaking state secrets" on May 6, hours after Dündar escaped unharmed from an armed attack in front of Istanbul's Çaglayan courthouse.

Dündar, the daily's editor-in-chief, was given five years and 10 months for "leaking state secrets" while the paper's Ankara bureau chief, Gül, was given five years on the same charge. However, the duo will not immediately go to prison....

Dündar and Gül were on trial for "leaking state secrets" due to stories published about Turkish intelligence trucks bound for Syria with hidden weapons in early 2014. They were arrested on Nov. 26, 2015, and released on Feb. 26 following a Constitutional Court decision."

2. NETHERLANDS: [Dutch dragnet surveillance bill leaked: our analysis](#) (Bits of Freedom, link):

"At the end of April, an updated draft for the Dutch dragnet surveillance bill was leaked. It turns out that minister of the Interior Ronald Plasterk persists on granting the secret services the power to carry out bulk interception of innocent citizens' communications.

How did we get here?

Ever since the law was announced in 2013, one of the main concerns of the debate has been how the dragnet will function and how extensive it will actually be. It led to a squabble between Plasterk and members of parliament. The latter weren't keen on the idea of a dragnet, so Plasterk decided to rename it. Bulk interception became "purpose-oriented" interception. It sounded different, true, but we were afraid the meaning had been left unchanged.

Squabbles be squabbles

The bill remained vague. Based on the draft that was released for public consultation in September 2015, a dragnet could definitely be in our future. The explanatory memorandum didn't do much towards clearing things up. We weren't alone in voicing harsh criticism about what was being proposed. After all, the government has to be clear about their plans and the extent of their reach."

3. [France outraged at film showing police officers 'harassing and humiliating man with no legs and one arm'](#) (The Independent, link): *"France has been shocked by a video which appears to show three policemen harassing and humiliating a man with no legs and one arm.*

More than 100,000 have watched the short film posted on Facebook, which shows the man being abandoned by the police officers after being made to remove his artificial legs and strip to his underpants.

As the policemen walk away, a passer-by who filmed the scene on his smartphone is heard shouting: "Officer, officer, we need you. Officer, turn back please. This is humiliation, It is not normal."

4. UK: [PREVENT, Islamophobia and Civil Liberties National Conference Prevent Conference: Saturday, 4 June 2016 from 11:00 to 18:00 \(BST\)](#): Central London location to be confirmed.

5. UK: Independent Reviewer of Terrorism Legislation: [Citizenship removal leading to statelessness](#) (link):

"The Immigration Act 2014 revived the Home Secretary's power to remove citizenship from UK nationals, even when they have no other citizenship. Such a power existed prior to 2003, though it had not been used since 1973.

So controversial was this power (which in its application to single nationals exceeds powers recently introduced or debated in Australia, Canada and France) that Parliament insisted on provision being made for the independent review of its operation. The Immigration Minister, James Brokenshire MP, asked me to conduct the first review.

The first report on the new power was laid before Parliament on 21 April. The power has not so far been used, so strictly speaking there was nothing to report on. But I took the opportunity in my report to explain the historical and comparative background to the power, and to set out some reasons for scepticism as to its utility in the global fight against terrorism."

See: [FIRST REPORT OF THE INDEPENDENT REVIEWER ON THE OPERATION OF THE POWER TO REMOVE CITIZENSHIP OBTAINED BY NATURALISATION FROM PERSONS WHO HAVE NO OTHER CITIZENSHIP](#) (pdf)

And see: [Citizenship Deprivation: 21st Century Banishment](#) (One Small Window, link)

6. EU-UK: House of Lords Select Committee on the European Union Report: [The process of withdrawing from the European Union](#) (pdf):

"EU Member States would retain significant control over the withdrawal negotiations, despite the Commission having responsibility for their conduct. (Paragraph 28)

The European Parliament's right not to give its consent to the adoption of the withdrawal agreement would give it considerable influence. (Paragraph 29)

One of the most important aspects of the withdrawal negotiations would be determining the acquired rights of the two million or so UK citizens living in other Member States, and equally of EU citizens living in the UK. This would be a complex and daunting task. (Paragraph 30)...

The Member States would retain significant control over the negotiations on a future relationship. We note the potential for groups of Member States vetoing certain elements of the agreement to secure better deals on others. This could mean, in effect, that nothing would be agreed until everything was agreed. (Paragraph 39)."

7. EU: [The far right is weaselling into the mainstream, dressed up in suits](#) (The Guardian, link): *"Article 7 of the EU Treaty allows a country to be sanctioned or suspended if it commits a severe breach of fundamental rights. But it needs two-thirds majority in the parliament and has never been invoked. This month it must draw the line in Austria. Europe must make clear it will refuse to recognise a far-right president in Vienna. It's their democratic right to elect a cleaned-up fascist; it's ours – by treaty – to suspend Austria from the EU."*

We know the EU can act ruthlessly against a government it does not like – because we watched it try to smash the most anti-racist, pro-social justice government ever elected, in Greece last summer. Today the countries that stood alongside Germany in its attempt to boot Greece out of the euro are the same ones who refuse to take refugees, whose media and judiciaries are under threat. As Europe dithers in the face of the authoritarians and racists, the populations in the mature democracies that founded the EU should insist: our grandparents didn't defeat fascism in 1945 to see it weasel back into the mainstream now, dressed in suits instead of uniforms, but trailing the same pathetic victimhood that excused the crimes of the past."

8.. [Greenpeace: TTIP Leaks](#) (links): *"Greenpeace Netherlands has released secret TTIP negotiation documents. We have done so to provide much needed transparency and trigger an informed debate on the treaty. This treaty is threatening to have far reaching implications for the environment and the lives of more than 800 million citizens in the EU and US."*

[Download All](#) (RESTRICTED documents, ZIP file)

9. EU: Legal Aid proposal: From Justicia Network: [To: Civil Liberties, Justice, and Home Affairs Committee of the European Parliament Council of the European Union, and the Presidency European Commission, DG Justice](#) (pdf):

The JUSTICIA European Rights Network, which brings together 19 civil society organizations from 18 EU member states, believes that an effective system of legal aid is vital to ensure that everyone, regardless of economic status, is treated fairly by the law.

The Directive on Legal Aid is the last in a series of groundbreaking directives that collectively have the potential to bring about significant improvements on defence rights across the EU. We are encouraged by the progress made on this file under the Dutch Presidency. As you enter the final stages of the trilogue negotiations we urge you to continue to work towards a strong and comprehensive Directive."

10. [Proposed EU Terrorism Directive Compromises Fundamental Rights](#) (Liberties.eu, link): *"The directive is full of broad offenses and threatens people's freedoms of movement and expression, says a group of experts in European law."* and see:

11. EU: Meijers Committee: [Note on a Proposal for a Directive on combating terrorism](#) (pdf):

12. ANOTHER "DODGY DEAL": EU-USA: DATA PROTECTION: "UMBRELLA AGREEMENT": [Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of an Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses](#) (pdf) and [Annex](#) (pdf)

And see: [Marc Rotenberg President, EPIC Adjunct Professor, Georgetown Law Hearing:](#) *"The Judicial Redress Act does not provide adequate protection to permit data transfers and it does not address the many provisions in the Privacy Act that need to be updated."*

And: Statewatch Observatory: [EU-USA general agreement on data protection and the exchange of personal data](#)

13. [Hillsborough families to sue police for 'abuse on industrial scale'](#) (Guardian, link):

"Lawyers acting for hundreds of those affected by disaster launch action against South Yorkshire and West Midlands police The families of Hillsborough victims are to launch a multimillion-pound high court claim against two police forces for "abuse on an industrial scale".

Lawyers acting for hundreds of those affected by the disaster said they had launched proceedings against the South Yorkshire and West Midlands forces.

In a statement, solicitors firm Saunders Law said it was taking the high court action over the "cover-up and actions intended to wrongly blame the deceased and Liverpool Football Club supporters for the tragedy, for which there has still been no proper admission or apology".

14. Council of Europe: [Thorbjorn Jagland: Europe's human rights and security are at risk through populist nationalism](#) (Press release, pdf) and Annual Report: [State of democracy, human rights and the rule of law: A security imperative for Europe](#) (pdf):

"Europe is currently struggling with many serious challenges, including terrorism, migration and conflict. This is being successfully exploited by nationalists and populists in many places, and trust in national and European institutions is dwindling," said the Secretary General.

"At the same time, we still see many important gaps in the laws and practices that our member states have in place, and basic human rights including free speech, freedom of assembly and the right to privacy are increasingly being restricted."

15. EU: Council of the European Union: Developing its negotiating positions on: **Weapons Directive and Discrimination**

- [Draft Directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons = Revised text](#) (LIMITE doc no: 5622-rev-2-116, pdf) With 116 footnotes - Member State positions.

- State of Play: [Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) (LIMITE doc no: 7957-16, pdf)

16. EU: Council of the European Union: **Operational C-T cooperation & "Youth sector" and radicalisation**

- [Development of a structured approach for operational cooperation on countering terrorist threats](#) (LIMITE doc no: 7796-16, pdf):

"Following the Paris attacks on 13 November 2015, the Council on 20 November 2015 in its conclusions on Counter-Terrorism (CT) called for COSI to liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of the operational measures agreed. In this context, COSI was asked by the Council to examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats" [emphasis in original]. It seems extraordinary that the EU is still at the stage of "developing a methodology" for operational cooperation to counter terrorist attacks.

And see: [Counter-terrorism: Proposals on information sharing and operational cooperation](#) (Statewatch) including: [The Counter-Terrorism Coordinator's report: Systematic feeding and](#)

[consistent use of European and international Databases - information sharing in the counter-terrorism context](#) (LIMITE doc no: 7726/16, pdf)

- [Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the role of \[...\] the youth sector in an integrated and cross-sectoral approach to preventing and combating \[...\] radicalisation leading to violent extremism of young people](#) (LIMITE doc no: 7784-16, pdf):

*"The process of identity development towards violent extremism can be influenced by many factors such as a multi-problem family background, peers, internet and social media and the position of groups of young people in society **often confronted with discrimination, humiliation, exclusion, injustice and a lack of prospects, leading to feelings of frustration...***

Young people must have awareness about democracy, equality, democratic principles, and respect for human dignity and human rights, as well as about media and information literacy...." [emphasis in original]

17. UK: Sheffield: [Hillsborough inquests jury says 96 victims were unlawfully killed - Jurors also rule Liverpool fans' behaviour at 1989 FA Cup semi-final did not contribute to disaster as verdict vindicates families](#) (Guardian, link):

"The 96 people who died at Hillsborough in 1989 were unlawfully killed due to gross negligence manslaughter, the jury at the new inquests into the disaster has determined.

The verdict represents a vindication for the bereaved families who have fought for 27 years against South Yorkshire police claims that misbehaving supporters caused the disaster, as well as against the 1991 verdict of accidental death.

The jury decided that the behaviour of Liverpool supporters at Hillsborough did not contribute to the dangerous situation that developed outside the football ground, rejecting a claim by South Yorkshire police which the families and survivors of the disaster have relentlessly denounced as a cover-up."

and [Hillsborough disaster: Fans unlawfully killed](#) (BBC News, link)

18. EU: Council of the European Union: PRUM data exchange: [Decisions - overview of documents and procedures - overview of declarations - state of play of implementation of automated data exchange](#) (doc no 5017-16, pdf)

See also: [DNA databases keep growing](#) (Statewatch)

18. EU: **Draft Council conclusions on radicalisation and youth work**

"The recent terrorist attacks in Belgium, France and Denmark, and similar atrocities in Europe in the past, as well as the rise in incidents of hate-crime, destabilising propaganda and violent xenophobia in Europe, show an urgent need for contributions from all sectors in society, including the youth sector, to fight radicalisation¹, maintain social stability and a positive and safe environment for growing up and living in families, communities² and the wider society in Europe."

See: [Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the role of \[...\] the youth sector in an integrated and cross-sectoral approach to preventing and combating \[...\] radicalisation leading to violent extremism of young people](#) (7784/16, 20 April 2016, pdf)

19. [Counter-terrorism: proposals on information sharing and operational cooperation](#)

"There are still major gaps in intelligence sharing regarding DAESH fighters that have returned to Europe in the wake of the Brussels and Paris attacks, the EU's anti-terrorism coordinator warned Thursday.

The report, presented by Gilles de Kerchove at an interior ministers' meeting in Luxembourg, comes after repeated calls by European Union leaders for greater cooperation in dealing with extremists that attempt to return from Syria and Iraq.

"There are still significant gaps in the information being fed to Europol," the report indicated, referring to data on so-called foreign terrorist fighters who travel abroad and are then at risk of returning to their countries of origin to carry out more attacks."

20. UK: [Detective sacked over Mark Duggan gun enquiry](#) (BBC News, link): *"A detective has been sacked over his failed investigation into an associate of Mark Duggan, whose shooting by police sparked riots in August 2011.*

The probe centred on Mr Duggan's associate, Kevin Hutchinson-Foster, who beat a man with a gun in east London.

Six days after the attack he gave the same gun to Mr Duggan, who was shot 15 minutes later by armed police.

The police watchdog found errors in how an officer, named only as DC Faulkner, conducted the initial investigation.

The officer was dismissed without notice."

The report by the IPCC: [Alleged MPS failure to investigate an allegation of serious assault on 29 July 2011](#) (pdf)

21. EU: European Parliament briefing: [Virtual currencies: Challenges following their introduction](#) (pdf): *"Virtual currencies began creating controversy soon after their launch. The nature of virtual currencies is difficult to apprehend, the underlying technology is complicated, their operations are conducted in a decentralised way, and they are almost unregulated. No-one can predict if a particular virtual currency may become a direct competitor for existing currencies in the distant future, or if it might just collapse overnight. What is certain, however, is the high level of volatility demonstrated by today's market leader, Bitcoin."*

22. EU: [DNA databases keep growing](#)

A document published in March by the Council of the EU contains statistics for DNA, fingerprint and vehicle registration data exchanged between Member States as part of the "Prüm" framework, set up in 2008.

The DNA database of every EU Member State increased in size over the course of 2015, except for Malta's.

See: Council of the European Union: [statistics and reports on automated data exchange for 2015](#) (10 March 2016, 5129/16, pdf): *"The General Secretariat provides herewith a compilation of statistics for 2015 concerning the automated exchange of DNA data, of dactyloscopic reference data [fingerprints] as well as of Vehicle Registration Data (VRD)."*

23. AUSTRIA: [Far right on the rise](#)

"Austria's government was licking its wounds Monday after a historic debacle that saw the opposition anti-immigrant far-right triumph in a presidential ballot two years before the next scheduled general election.

According to preliminary results, Norbert Hofer of the Freedom Party (FPÖ) came a clear first with 36 percent of the vote, while candidates from the two governing parties failed to even make it into a runoff on May 22.

The result means that for the first time since 1945, Austria will not have a president backed by either Chancellor Werner Faymann's Social Democrats (SPÖ) or their centre-right coalition partners the People's Party (ÖVP).

"This is the beginning of a new political era," FPÖ leader Heinz-Christian Strache said after what constituted the best-ever result at federal level for the former party of the late Joerg Haider, calling it a "historic result".

24. UK: [The Police Have Used Tasers on Children Hundreds of Times](#) (Vice, link): "On Thursday, the small but robust police-monitoring group Stop Watch released a report that makes concerning reading if you're the kind of bleeding-heart liberal who thinks it's bad for the police to electrocute minors.

The cornerstone of the report, a formal submission to the UN Committee on the Rights of the Child, was the responses to a series of FOI requests on the police use of Tasers against children. Tasers have been deployed – which could mean anything from drawn, aimed or fired – by the Metropolitan Police 185 times against children during the period Jan 2014-Nov 2015, and 16 of those times against children 14 years old or younger. Tasers were fired against children by the Met ten times, including once at a 13-year-old child. In the rest of England and Wales, 28 of the 43 forces that responded to the FOI request (excluding the Met), deployed Taser guns against minors more than 407 times, including 57 times against those 14 or under. Among these deployments, Tasers were fired 34 times.

As is often the case with FOI responses, the information provided is not complete – some forces found ways to avoid or delay replying. But at the very least, we know that 2014 and 2015 saw the police in England and Wales actually fire Tasers at children a minimum of 44 times."

See: StopWatch: [UN Submission: The Policing of Children in England and Wales and International Human Rights Standards](#) (link) and [The Policing of Children in England and Wales and International Human Rights Standards - Submission to Committee on the Rights of the Child from StopWatch](#) (pdf)

25. UK: [Undercover policing: spycops north of the border](#)

"A SALES engineer from Angus was in charge of a secret police squad being investigated by a public inquiry. (...)

His biography said: "Seconded to a National Unit responsible for gathering, assessing and disseminating intelligence relating to domestic extremism, including animal rights, left and right wing extremists and environmental extremism. Attending force areas throughout the UK, I would work with covert assets to assist with the planning, preparation and implementation of any operational policing response to planned demonstrations where there was potential for extremist activity."

In September 2003, his biography said he was promoted to detective sergeant with NPOIU and "coordinated the activities of five field officers who had liaison responsibilities across all police forces within the UK."

He claimed to have been involved in policing at the G8 Summit at Gleanagles in 2005 when undercover Met officers were working in Scotland. They included the most notorious, Mark Kennedy, who was attached to the NPOIU between 2003 and 2010 until being exposed."

26. EU: Justice and Home Affairs Council, 21 April, Luxembourg: [Final press release](#) (pdf) and see: [Asylum decision practices: The Council approved the following conclusions](#) (pdf)

["B" Points Agenda](#) (for discussion, pdf); ["A" Points Agenda](#) : (non-legislative adopted without discussion, pdf); and: [Background Note](#) (pdf)

27. EU: [Onwards to the "Security Union"](#)

"The Commission is today setting out the way forward towards the achievement of an effective and genuine EU Security Union – building on the European Agenda on Security presented on 28 April 2015. Whilst responsibility for security lies primarily with Member States, transnational threats such as terrorism cannot be addressed effectively without a common European approach. The necessary tools, infrastructure and environment are being built at European level for national authorities to work effectively together to meet the shared challenge. But the full added value of a Security Union depends crucially on the use that is made of this framework, to close operational loopholes and plug information gaps. This requires a step change at the level of Member States and their law enforcement authorities, working closely with EU Agencies."

European Commission, [Delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union](#) (COM(2016) 230 final, 20 April 2016, pdf)

28. EU: SMART BORDERS: [Bulgaria Calls for Equal Access to EU's Entry-Exit System for All Member States](#) (Novinite, link): *"Bulgaria's Interior Minister Romyana Bachvarova has called for equal access of all member states to the proposed Entry-Exit System of the EU to boost the efficiency of the fight against organized crime and terrorism.*

"We all should be able to make full use of the new centralized system which is being developed," Bachvarova said at a meeting of the Justice and Home Affairs Council in Luxembourg on Thursday, according to a statement from the ministry. (...)

Bulgaria, which is not member of the EU's free-travel Schengen area, currently cannot use in full the potential of key information systems of the bloc. At the same time, the country ensures security along one of the most important and vulnerable EU external borders amidst the current migration crisis, Bachvarova said."

See the new proposal for an Entry-Exit System, published on 6 April: European Commission, [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing an Entry/Exit System \(EES\) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation \(EC\) No 767/2008 and Regulation \(EU\) No 1077/2011](#) (pdf) and [Annexes 1 to 2](#) (pdf)

29. [How fair are trials at the International Criminal Court? Three examples of concern](#) (Fair Trials, link): *"While acknowledging that ICC trials are conducted according to international recognized standards and the governing laws and regulations guarantee the rights of the accused, there are structural limitations. Seven years after the opening of the first trial different patterns have emerged which are of concern from a fair trial perspective. Three common examples:*

1. Regulation 55

The ICC's Regulations contain the controversial regulation 55 which allows the judges to recharacterize the facts presented by the parties to enable more focused trials. The provision has been used in various cases and at different stages of the proceedings to make law and facts better fit. (...)

2. Long proceedings

While long trials are common at many international courts, the ICC in addition to the trial has developed an extensive pre-trial phase at the end of which the charges against a person are either

confirmed or declined. This means that most suspects are in pre-trial detention for a year or longer before it is clear whether they will go on trial at all. (...)

3. Inherent bias

The defense side and the accused are rarely at the center in international criminal trials. Instead, the focus is often on victims and the “fight against impunity” for heinous crimes. From such a perspective a conviction is seen as a victory of justice while an acquittal is considered a failure of the court.

30. EU: [Europol joins UK appeal to report extremist and terrorist material online using red "stop" button](#) (press release, pdf): "1 622 media content and social media accounts in 4 languages containing terrorist and violent extremist propaganda – hosted by 13 social media and online service providers - were processed for the purpose of referral by Europol."

Europol joined forces with the UK National Counter Terrorism Internet Referral Unit (CTIRU) on a 36-hour operation to secure the removal of the material as quickly as possible. Several teams of Europol specialists, analysts, translators and counter-terrorism experts supported the British colleagues throughout the operation from the Agency's headquarters in The Hague.

The UK CTIRU had previously launched a national appeal for internet users to report harmful extremist and terrorist material when they see it online using the red "STOP" button. All last week, UK police and partners used their social media channels to urge people to report material they suspect is extremist or terrorist by clicking on a distinctive red "STOP" button that can be found on their websites. STOP stands for Stop Terrorists' and extremists' Online Presence."

For more information on Europol's plans for policing the internet, see: [Policing the internet: from terrorism and extremism to "content used by traffickers to attract migrants and refugees"](#) (pdf)

31. UK: [UN special rapporteur criticises government policies on return visit](#)

"The UK government's strategy to counter Islamist extremism is affecting the discussion of terrorism, the UN's special rapporteur on the right to freedom of assembly has said.

Attempts to identify and counter Islamist extremism through the Prevent programme had “created unease and uncertainty around what can be legitimately discussed in public,” said Maina Kiai, at the end of a three-day visit to the UK in which he warned Britain must live up to its human rights commitments.

“I heard reports of teachers being reported for innocuous comments in class, for example,” Kiai said. “The spectre of Big Brother is so large, in fact, that I was informed that some families are afraid of discussing the negative effects of terrorism in their own homes, fearing their children would talk about it at school and have their intentions misconstrued.”

32. [UK spy agencies have collected bulk personal data since 1990s, files show](#) (Guardian, link):

"Agencies privately concede that 'intrusive' practices can invade privacy and that data is gathered on people 'unlikely to be of interest'...

*The files show that GCHQ, the government's electronic eavesdropping centre based in Cheltenham, was collecting and developing bulk data sets **as early as 1998 under powers granted by section 94 of the 1984 Telecommunications Act.** ... Another MI5 file notes that datasets “contain personal data about individuals, the majority of whom are unlikely to be of intelligence or security interest”.*
[emphasis added]

See Privacy International link with all the documents: [Bulk Personal Datasets Challenge](#)

and in the [Intercept](#) (link): "Elsewhere in the documents, eavesdropping agency Government Communications Headquarters (GCHQ) and domestic intelligence agency MI5 admit that they have obtained the bulk datasets on several occasions dating back more than a decade – **GCHQ beginning in 1998, and MI5 in 2005** – under Section 94 of the 1984 Telecommunications Act" [emphasis added]

33. [German court: anti-terror laws partially unconstitutional](#) (DW, link) : See Court Press release: [Constitutional Complaints Against the Investigative Powers of the Federal Criminal Police Office for Fighting International Terrorism Partially Successful](#) (link) and [Decision](#) (link, German)

On 20 April, the German Constitutional Court declared in a landmark decision surveillance powers of the Federal Criminal Police Office (Bundeskriminalamt - BKA) and provisions for information exchange partly unconstitutional.

The powers at stake were introduced in 2008 in order to expand the mandate of the BKA in the field counterterrorism. It authorised among others bugging of homes, online searches of computers and covert interception of communication for the purpose of preempting terrorism. Before, only German state police forces had the mandate of crime prevention. Therefore, critics feared the emergence of a German FBI. Although the constitutional court did not scrap the new powers at all, the judges limited their scope and called for precise regulation, the protection of intimate information, better oversight and more transparency.

Moreover, the judges limit both domestic and international information exchange by the BKA and call for adequate data protection standards in foreign non-EU countries as a prerequisite for data transfers by the BKA. The BKA Act is now to be revised in summer 2018 but is it clear that the decision of the Court is also a message to the intelligence agencies and their information sharing with the NSA and other partners.

34. European Parliament: Study: [Research for TRAN Committee – Self-piloted cars: The future of road transport?](#) (pdf)

"The study provides an analysis of the development of automated vehicles inside and outside the EU, including both the technologies which are already on the market and those under testing and research. The EU is giving increasing attention to automated and connected vehicles as they could have huge impacts on road safety, travel behaviour and urban development. The study reports on state of the art key research projects and large scale testing in this area and discusses future pathways and potential impacts of increasing vehicle automation. It concludes with recommendations on aspects that should be considered when shaping policies to sustain the research and development, and bringing to market, of highly automated and connected vehicles."

35. UK: House of Commons Briefing: [Radicalisation in prisons in England and Wales](#) (pdf):

"This Commons Library briefing describes how the Government is seeking to tackle extremism and, in particular, radicalisation in prisons. It examines

- *The difference between faith and radicalisation*
- *Why people become radicalised*
- *What is happening within prisons*
- *How radicalisation is being countered in prisons and*
- *Whether the National Offender Management Service is doing enough."*

36. [Article 29 Working Party Delivers Its Opinion on the EU-U.S. Privacy Shield](#) (Covington, link): Useful summary.

37. EU: **Full text of the PNR Directive as agreed**

See: [DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of passenger name record \(PNR\) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime](#) (pdf)

38. EU: Common Foreign and Security Policy (CFSP): migration control to take more prominence in overseas missions

A paper produced by the European External Action Service in February 2016 provides an overview of current CFSP missions and sets out possibilities for their future development. Key issues are ensuring that missions take into account the requirements of EU migration and counter-terrorism policy, and the paper notes overall that: *"there will likely be needs to intensify CFSP actions in support of Third States, either via projects implemented by civilian CSDP missions or through dedicated CFSP projects. This will also require additional staffing, skills and expertise in project management."* Several hundred million euros are currently available for ongoing and future CSDP missions.

See: European External Action Service, [CFSP budget orientations for 2016 and 2017](#) (doc. 6383/16, 22 February 2016, pdf) and [COR 1](#) (pdf)

On migration, the paper notes:

"Migration is at the heart of the political debate in the EU and, for a few years now, is one of the strategic priorities of the external relations of the Union. The ongoing refugee crisis has put discussions on refugees and irregular migration on top of political agenda of the EU. The EU has not only set up a military CSDP operation EUNAVFOR MED Sophia, but also taken significant steps together with its neighbours and partners by creating a set of measures and action plans to jointly meet the challenges. Civilian CSDP missions in the concerned regions may need to be further reinforced with migration dimension and experts, as it was the case in 2015 of EUCAP Sahel Niger."

On "radical and terrorist organizations":

"Destabilization by radical and terrorist organizations is already partly addressed through notably CSDP missions assisting with capacity building in Mali and Niger. Pending the evolution of the fragile regional environment, additional experts and assets could possibly be requested to reinforce CSDP missions."

The paper is structured by the following headings: **CFSP and CSDP in the changing global security environment; Future CSDP; Conclusions; Annex I - Current CSDP missions and mid-term forecast; Annex II - Possible non-proliferation and disarmament projects.**

39. [Information exchange for internal security: Council documents](#)

Documents from recent discussions within the Council on how to improve information exchange amongst Europe's law enforcement authorities. The issue has come to the fore (again) following recent terrorist attacks and the movement of refugees towards and within Europe.

40. EU: Council of the European Union: [New asylum policy, EU-Turkey resettlement and Visa Code](#)

- [Discussion paper on Commission Communication "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe"](#) (LIMITE doc no: 7861-16, pdf): Discussion on Commission's new asylum paper.

- [Draft Council Decision amending Council Decision \(EU\) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece](#) (LIMITE doc no: 7500-16, pdf) Resettlement issues -EU-Turkey plan

- [Proposal for a Regulation of the European Parliament and of the Council on the Union code on Visas \(Visa Code\) \(recast\) - mandate for negotiations with the European Parliament](#) (LIMITE doc no: 7714-16, pdf) Council deal on visa code, no humanitarian clause. Only benefits states agreeing readmission deals

41. Another bad day for rights and privacy: European Parliament: [Parliament backs EU directive on use of Passenger Name Records \(PNR\)](#) (pdf): The text was approved by 461 votes to 179, with 9 abstentions.

"The new directive regulating the use of Passenger Name Record (PNR) data in the EU for the prevention, detection, investigation and prosecution of terrorist offences and serious crime was approved by Parliament on Thursday. It will oblige airlines to hand national authorities passengers' data for all flights from third countries to the EU and vice versa."

The Press release is disingenuous: It says: "member states **could also extend it to "intra-EU" ones** (i.e. from an EU country to one or more other EU countries), provided that they notify the EU Commission" As Statewatch reported in December: Member States circulated a Note following the Justice and Home affairs Council of 3-4 December 2015:

"Draft declaration by the Member States to the minutes of the Council

"Article 1a of the PNR Directive allows Member States that so wish to apply it to intra-EU flights on a voluntary basis, upon notice to the Commission to that end.

Considering the current security situation in Europe, *Member States declare that by the date of transposition provided for in Article 15 they will make full use of the possibility provided for by Article 1a under the conditions set by the Directive."

See: [EU-PNR: European Parliament has "egg on its face"](#)

42. EU-USA: PRIVACY SHIELD: EU Article 29 Working Party on data protection: [Opinion 01/2016 on the EU – U.S. Privacy Shield draft adequacy decision](#) (pdf) They rip the Privacy Shield to shreds.

"On 29 February 2016, the European Commission published a Communication, a draft adequacy decision and the annexed texts constituting a new framework for transatlantic exchanges of personal data for commercial purposes: the EU-U.S. Privacy Shield (hereinafter: Privacy Shield), which seeks to replace the previous U.S. Safe Harbour invalidated by the Court of Justice of the European Union (hereinafter: CJEU) on 6 October 2015, in the Schrems case...."

With regard to the applicable law, the WP29 highlights that if the Privacy Shield adequacy decision is adopted on the basis of Directive 95/46/EC, it needs to be consistent with the EU data protection legal framework, both in scope and terminology. The WP29 considers a review must be undertaken shortly after the entry into application of the General Data Protection Regulation, in order to ensure the higher level of data protection offered by the Regulation is followed in the adequacy decision and its annexes...."

The WP29 also concludes that onward transfers of EU personal data are insufficiently framed, especially regarding their scope, the limitation of their purpose and the guarantees applying to transfers to Agents. As regards the access to Privacy Shield data by law enforcement, especially to foreseeability of the legislation is a concern, due to the extensive and complex nature of the U.S. law enforcement system at both Federal and state level, and the limited information included in the adequacy decision."

43. EU-USA: EU Article 29 Working Party on data protection: [Working Document 01/2016 on the justification of interferences with the fundamental rights to privacy and data protection through surveillance measures when transferring personal data \(European Essential Guarantees\)](#) (pdf)

"The four European Essential Guarantees that are described in this opinion are no unconditional Guarantees. Also when looking at their formulation, it should be clear that all four require a certain degree of interpretation. Should a third country allow for interferences that go beyond what should be regarded as strictly necessary in a democratic society...,

"The WP29 underlines that the Guarantees are based on the fundamental rights that apply to everyone, notwithstanding their nationality. Furthermore, it should be noted that the Guarantees are based on what is required by the law and not necessarily on what is the current practice in the EU Member States. The WP29 does not maintain a double standard and has therefore already called several times upon the Member States to ensure their surveillance legislation is in line with the jurisprudence of the CJEU and the ECtHR."

The WP has reservations about the collection of mass data by US agencies and the so-called redress mechanism. Further there are six exceptions allowing the bulk collection of data and on the re-use of data for other purposes or their transfer to third countries.

See also: [Statement of the Article 29 WP on the consequences of the Schrems judgment](#) (pdf)

44. EU: **INTERNAL SECURITY AGENCIES ACCESS & INPUT INTO SIS**: Council of the European Union: [Observations of the Presidency on strengthening Information Exchange/Information Systems, especially SIS](#) (LIMITE doc no: 7412-16, pdf)

"Enable direct inserts of alerts in the SIS for security services (possible national legal changes) Member states will ensure that security services have the possibility of entering alerts into the SIS without interference of judicial authorities. Amendments of legal or policy frameworks allowing security services to enter alerts will be made."

Includes: ANNEX: *"Indicative criteria to be taken into consideration regarding exchange and sharing of information on individuals involved in travelling to and from jihadi areas of conflict Any transmission and sharing of information about the individuals referred to below is submitted to limitations and safeguards provided in national law."* and

"Extend Europol's access rights to SIS II (legal change): Europol must have the possibility to access alerts with regard to missing persons and on persons undesirable in or refused entry to the territory of a Member State."

45. EU-USA: Council of the European Union: [Outcome of proceedings of the EU - US Justice and Home Affairs Senior Officials Meeting, 24-25 February 2016, Amsterdam](#) (LIMITE doc no: 7188-16, pdf):

*"The US warned of considerable security risks that should not be underestimated. It offered to take a more pro-active look at US-EU cooperation and mentioned the experience of **vetting 25.000 resettled refugees to Canada against US databases**. This also had a political aspect as it reassured the population that migrants were no risk."* and

"Hopefully, the Umbrella Agreement could be signed in June at the EU-US ministerial meeting and adopted in autumn. However, if an opinion by the ECJ was deemed necessary by the European Parliament, there would be a delay." [emphasis added]

50. Statewatch Analysis: [Commission proposals on migration and internal security databases: a new list of old "needs"](#) (pdf) by Chris Jones

The Commission's proposal to extend the fingerprinting of short-stay visa applicants to children from the ages of 6 and up is part of a list of possible "enhanced functionalities" (i.e. expanded uses) of the Visa Information System (VIS). These "functionalities" will be examined as part of a larger process of trying to beef up EU and national databases and information systems.

In a Communication entitled 'Stronger and Smarter Information Systems for Borders and Security' the Commission sets out its plans for more gathering, exchange and processing of personal data, particularly the data of non-EU nationals. The Commission's long-term plans are extremely similar to those proposed recently by the German Federal Ministry of the Interior (see further below).

The Communication opens by noting the scale of movement into and out of the Schengen area: its external borders were crossed more than 200 million times in 2015, by "more than 50 million non-EU nationals". It moves on to conflate refugees with terrorism and to insist upon "the need to join up and strengthen the EU's border management, migration and security cooperation frameworks and information tools in a comprehensive manner."

And see: [EU calls for the fingerprinting of 6-year-old children](#)

51. EU-USA: **Mutual Legal Assistance (MLA) Agreement: draft texts on review of the 2010 MLA Agreement**

"The documentation comprises three sections:

- I) An introduction to the EU-US MLA Agreement (ANNEX I);*
- II) An assessment of the key provisions of the Agreement (ANNEX II);*
- III) Recommendations for improving the practical functioning of the Agreement (ANNEX III).*

The Presidency intends discussing this documentation at the COPEN [Working Party on Cooperation in Criminal Matters] meeting on 13 April 2016. After passage through the appropriate bodies it is the intention of the Presidency that these documents will be agreed at the high level EU-US meeting in June."

See: Council of the European Union: [Review of the 2010 EU-US MLA Agreement - Examination of draft texts](#) (7403/16, pdf)

Also on EU-US cooperation: Council of the EU: [Outcome of proceedings of the EU - US Justice and Home Affairs Senior Officials Meeting, 24-25 February 2016, Amsterdam](#) (7188/16, pdf): Notes of discussions on migration and mobility, visas, security (counter-terrorism and -extremism, border control, TFTP), cybercrime, drugs, wildlife trafficking, data protection, criminal law cooperation, cooperation in international organisations, preparation for the next meeting (Amsterdam, 1-2 June 2016), Slovakian Council Presidency priorities.

52. [EU calls for the fingerprinting of 6-year-old children](#)

On Wednesday the European Commission set out its plans to expand EU and national databases "to allow effective management of migration and to contribute to internal security." One of the myriad ways this could be done is by "collecting fingerprints of children between the age of 6 and 12 years old" who enter the EU on short-stay visas.

See: page 9 of European Commission, [Stronger and Smarter Information Systems for Borders and Security](#), COM(2016) 205 final, 6 April 2016

53. EU: Council of the European Union: **Blue Amber Ops, LEA Information Exchange Manual and Legal Aid**

- [Comments on the Blue Amber joint action days](#) (LIMITE doc no: 15566-16, pdf):

"JADs are included in virtually every operational action plan in 2016. They still remain a controversial concept, mainly because of the lack of a clear definition and a corresponding approach (differentiating them from high-impact operations (HIOs), joint police operations (JPOs), operations launched as part of a joint investigation team (JIT), etc.). Furthermore, it is noted that many operations are falsely called JADs (e.g. operation LUXCAR, which was more akin to a joint police operation, i.e. a type of police operation that has been organised by each EU presidency for a number of years). This lack of a definition causes confusion and limits the value of the operations. We therefore suggest that a clear definition of joint action days be established."

- [Manual on Law Enforcement Information Exchange](#) (LIMITE doc no: 6704-16, pdf): 391 pages.

- Legal Aid: [Proposal for a Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings = Follow-up of the fifth and sixth trilogues \(18 February and 3 March 2016\)](#) (LIMITE doc no: 6904-16, pdf) and see:

- As above: [Discussion on selected issues](#) (LIMITE doc no: 7378-16, pdf):

"As Member States will remember, the European Parliament would like to enlarge the scope of the Directive by providing that legal aid should be granted in certain specific cases where investigative or other evidence-gathering measures are carried out under Directive 2014/14/EU on the European Investigation Order (see doc. 6904/16).

At the meeting on 16 March, a lot of Member States voiced concerns concerning these proposals of the European Parliament. The Presidency communicated these concerns to the rapporteur of the European Parliament. He indicated that the European Parliament wants to await the position of the Commission before possibly revising its own position in this matter."

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