



News Online
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Home page: <http://www.statewatch.org/>
e-mail: office@statewatch.org

NEWS

1. Statewatch Analysis: Civilizing the torture and execution trade
2. UNHCR: (22.10.16): 319,826 arrivals 2016: 168,873 in Greece, 145,982 in Italy
3. CoE: "Combating anti Gypsyism: calls for better access to social rights and legislative measures
4. EU: EP Study: Turkey: How pre-accession funds have been spent, managed, controlled
5. EU: Massive transnational police "action day" on "facilitated illegal immigration"
6. UN: Special Rapporteur warns that situation for civil society remains 'precarious'
7. EU: European Council offers approval for migration deals with African states
8. UK-IRELAND: Undercover policing: fresh questions over Mark Kennedy's activities in Ireland
9. European Data Protection Supervisor calls for new ways to protect personal data online
10. EU: EP: European Council Conclusions: A Rolling Check-List of Commitments to Date
11. Top EU Court: IP addresses are personal data
12. Afghanistan Agony for Returning Refugees - Thousands Pushed Into 'Voluntary Return
13. EU-UK: BREXIT: House of Lords Select Committee on the EU: Brexit
14. UK: Woman who was engaged to police spy sues Met
15. UN: Special rapporteur on the rights to freedom of peaceful assembly and of association
16. EU: European Commission: Report back on so-called "Partnership Frameworks" with Africa
17. EU: Commission presents REFIT evaluation of the Visa Information System
18. EU: Commission: European Agenda on Security: effective and sustainable Security Union
19. EU-USA visa row on the cards: many visa-free entrants
20. UK spy agencies 'broke privacy rules' says tribunal
21. EU-Africa talks pose questions on aid and security
22. EU: Proposed ENTRY-EXIT SYSTEM: Council of the European Union
23. EU: Council of the European Union: Justice and Home Affairs Council, 13-14 October 2016
24. The UK's Investigatory Powers Bill is about to become law – here's why that should terrify us
25. Shoot First: Coast Guard Fired at Migrant Boats, European Border Agency
26. EU: Regulation on European Public Prosecutor's Office (EPPO)
27. UK-ECHR: Letter from parliamentary Joint Committee on Human Rights to the Defence Secretary
28. EU: Council of the European Union: "Returns" travel document
29. EU: Council of the European Union: Terrorism Directive
30. EU-TUNISIA RETURNS DEAL?
31. EU: €67 million for maritime surveillance drones
32. German development aid and the politics of pre-emption
33. UK: The 'science' of pre-crime: The secret 'radicalisation' study underpinning PREVENT
34. UK: Revealed: Bristol's police and mass mobile phone surveillance
35. Refugee crisis: Council admits the EU has failed to respond on key areas
36. EU: Meijers Committee: 'The reform of the Dublin System and Crisis Relocation'
37. Viewpoint: Why Afghan refugees are facing a humanitarian catastrophe
38. EU-USA JHA Senior Officials meeting 8-9 September 2016

39. EU: Council of the European Union: European Public Prosecutor's Office
40. UK: Lists, lists of foreigners, lists of foreign born people
41. We must learn lessons from history and speak out against the Tories' ugly xenophobia
42. GREECE: Prosecutor wants US suspect to face trial for wiretapping
43. European Parliament: Growing impact of EU migration policy on development cooperation
43. EU Border Guard Agency: Launch of the European Border and Coast Guard Agency
44. EU-AFGHANISTAN: Second "dodgy deal" agreed
45. EU steps up efforts to repatriate Afghans
46. EP Study: A comparative analysis of media freedom and pluralism in the EU Member States
47. UK-EU BREXIT: German Bundestag: Consequences of Brexit for the realm of JHA
48. Council of Europe: UK: New report reveals increasing hate speech and racist violence
49. Council: Manual on law enforcement information Exchange, Exit entry, Visas and Japan: MLA
50. Passenger name regulation could destroy cross-border rail
51. EU: Service level agreement between European Maritime Safety Agency (EMSA) and Frontex
52. European Commission: EU-Turkey-Greece-Italy-returns-relocation
53. European Commission: Schengen border checks
54. EU-Afghanistan returns plan: Another "dodgy" deal
55. EU: Commission: urges MS's to improve information sharing on terrorism and serious crime
56. EU's secret ultimatum to Afghanistan: accept 80,000 deportees or lose aid
57. EU: Council of the European Union: Encryption of data – Questionnaire
58. European Parliament Study: Overview on the use of EU funds for migration policies
59. EU/France/Germany: France and Germany: take on "itinerant crime groups"
60. EU: Court of Justice of the European Union: Hamas and LTTE
61. EU: Council of the European Union: Fight against terrorism: EU strengthens its legal arsenal
62. EU: EDPS: Migration, security and fundamental rights: A critical challenge for the EU
63. Greece: Lesvos: Golden Dawn supporters stir up ugly scenes and Moira set on fire
64. Bulgaria: Report from the project: Who gets detained?
65. Statewatch Observatory on the refugee crisis

And see: **News Digest:** dozens of news links every month:
<http://www.statewatch.org/news/Newsinbrief.htm>

1. Statewatch Analysis: [Civilizing the torture and execution trade](#) (pdf) by Dr Steve Wright (Reader in Applied Global Ethics, Leeds Beckett University):

Earlier this month, the European Parliament and Commission finally agreed to outlaw the export, brokering and promotion of torture and execution equipment from Europe. Such equipment includes guillotines, hanging ropes, lethal injection drugs, multi-barbed steel 'sting sticks', electroshock batons and tools familiar to torturers of old, leg irons and wall cuffs to hang prisoners from walls and ceilings, thumbscrews, neck chains and other medieval paraphernalia....

Can we further civilize the security trade? I believe so, but only region by region. The 21st century has already become the epoch of the torturer. Only civil society can civilize state security practices further - as if people mattered.

2. UNHCR: (22.10.16): 319,826 arrivals in the Med in 2016: 168,873 in Greece, 145,982 in Italy. 3,654 dead/missing.

[Greek Ministry statistics: 21.10.16](#) number of refugees/"guests" in camps and their capacity (pdf): Greek islands: 15,378 refugees/"guests" and capacity 8,030. Voluntary" returns in 2016: 5,010 and Departures to Turkey 2016: 724.

3. Council of Europe: **"Combating anti Gypsyism: Congress calls for better access to social rights and legislative measures"**

*"Strasbourg, 20 October 2016 At their 31st Session in Strasbourg, France, the members of the Congress of Local and Regional Authorities examined, on 20 October 2016, a report on the situation of Roma and Travellers, presented by John Warmisham (United Kingdom, SOC) and **highlighting***

the context of rising extremism, xenophobia and the refugee crisis, which is worsening discrimination against them and stirring anti-Gypsyism."

See: [Report](#) (pdf)

4. EU: European Parliament Study: [Turkey: How the pre-accession funds have been spent, managed, controlled and the monitoring system?](#) (pdf):

*"This study follows up on the European Court of Auditors Special Report 16/2009 'The European Commission's management of pre-accession assistance to Turkey'. The European Commission has undertaken actions addressing the recommendations of the report but **it is unclear how effective these actions have been, or are likely to be, in addressing the underlying concerns expressed in the report. In particular, understanding of the effectiveness and impact of European Union funding to Turkey is still very limited.**" [Emphasis added]*

See: [European Auditors report](#) (link)

5. EU: [Massive transnational police "action day" on "facilitated illegal immigration", drugs, human trafficking, fraud](#)

EU police agency Europol has been working hard to publicise the results of a recent "joint action day" that involved 52 national law enforcement agencies and four international organisations cooperating with Europol to "deliver a major blow to organised crime groups operating across the European Union and beyond. Cooperation with partners from the private sector was also key to this successful operation."

6. UN: [Press release: Special Rapporteur warns that situation for civil society remains 'precarious'](#)

NEW YORK – In his final presentation to the General Assembly today, Maina Kiai reflected on his 5½ years as the United Nations' first-ever Special Rapporteur on the rights to freedom of peaceful assembly and of association, and warned that the environment for exercising civic freedoms remained hazardous worldwide.

"Unless there is renewed commitment from the world's leaders, away from fear and control of their own people, and toward respecting the dignity of all, the situation will remain precarious for civil society globally," the UN expert said.

7. EU: [European Council offers approval for migration deals with African states](#)

"European Union leaders agreed on Thursday to step up their efforts to curb illegal migration from African countries with the aim of replicating their success in halting inflows from Turkey over the past year..."

To curb flows along the so-called central Mediterranean route, where thousands of migrants drown every year as they make the dangerous journey, the EU is offering trade deals and investment to African countries."

See: [European Council conclusions on migration, 20 October 2016](#) (pdf) plus earlier [Draft conclusions](#) (11226/16, LIMITE, pdf)

8. UK-IRELAND: [Undercover policing: fresh questions over Mark Kennedy's activities in Ireland](#)

"GARDA CHIEFS and Scotland Yard commanders allowed British undercover policeman Mark Kennedy to spy on environmental groups in Ireland, including the Shell to Sea campaign in Mayo. Dublin Sinn Féin MEP Lynn Boylan wants Justice Minister Frances Fitzgerald to get some long-

overdue and straight answers from her British counterpart when she meets Home Secretary Amber Rudd this month..."

9. European Data Protection Supervisor calls for new ways to protect personal data online

"Giovanni Buttarelli, EDPS, said: "Our online lives currently operate in a provider-centric system, where privacy policies tend to serve the interests of the provider or of a third party, rather than the individual. Using the data they collect, advertising networks, social network providers and other corporate actors are able to build increasingly complete individual profiles. This makes it difficult for individuals to exercise their rights or manage their personal data online. A more human-centric approach is needed which empowers individuals to control how their personal data is collected and shared.""

See: European Data Protection Supervisor: [Opinion 9/2016: EDPS Opinion on Personal Information Management Systems: Towards more user empowerment in managing and processing personal data](#) (pdf) and the press release: [Towards a new reality: Taking back control of our online identities](#) (pdf)

10. EU: European Parliament: [European Council Conclusions: A Rolling Check-List of Commitments to Date](#) (pdf):

"The Parliament's administrative capacity to support parliamentary committees and individual Members in exercising ex-post scrutiny and oversight of the executive has accordingly been enhanced in order to provide stronger and deeper analysis of the transposition, implementation and enforcement of EU secondary law, and more generally, of the impact, operation, effectiveness and delivery of EU law and policy in practice.

In this context, since June 2014, the European Council Oversight Unit has been monitoring and analysing the delivery on commitments made by the European Council in the conclusions of its meetings, as well as its various responsibilities either in law or on the basis of intergovernmental agreements."

11. Top EU Court: IP addresses are personal data

The EU's Court of Justice (ECJ) today looked into whether website operators such as Google or Facebook may record which information Internet users read, post or searched on the web - or whether citizens have a right to use the Internet anonymously. The ruling concerns the case of German pirate party politician and privacy activist Patrick Breyer who is suing the German government over logging all visits to government websites (Case C-582/14).

According to the court, users' IP addresses are personal data and may be collected only where allowed by data protection law.

The Court did not decide on whether website operators may retain IP addresses in bulk or whether the users privacy rights prevail. EU law does not give specific guidance on the matter.

Breyer calls on the Commission to act on the lack of specific EU rules protecting on-line privacy: *"The Commission should amend EU legislation to specifically prohibit any blanket recording of our Internet use by website operators. Europe should reject the ruthless NSA method of collecting it all and enforce our right to freedom of information and expression in the digital age."*

See: [Judgment full-text](#) (pdf)

See also: [Your dynamic IP address is now protected personal data under EU law - CJEU rules that personal IPs can't be stored, unless to thwart cybernetic attacks or similar](#) (arstechnica, link):

"Europe's top court has ruled that dynamic IP addresses can constitute "personal data," just like static IP addresses, affording them some protection under EU law against being collected and stored by websites.

But the Court of Justice of the European Union (CJEU) also said in its judgment on Wednesday that one legitimate reason for a site operator to store them is "to protect itself against cyberattacks."

12. [**Afghanistan Agony for Returning Refugees - Thousands Pushed Into 'Voluntary Returns' Face Fresh Dangers at Home**](#) (HRW, link):

"At Kabul airport on Tuesday, I met a group of Afghans – three women and 10 men – who had just arrived from Turkey. It was not a joyous homecoming. They had joined the waves of several hundred thousand Afghans whose bid for safer lives abroad in the face of worsening insecurity at home ended in limbo in Turkey, blocked from claiming refugee status or continuing onward to Europe."

13. **EU-UK: BREXIT:** House of Lords Select Committee on the EU: [**Brexit: parliamentary scrutiny**](#) (pdf): Concludes that:

"The current level of scrutiny of trade and other international negotiations by the European Parliament, as set out in the 2010 Framework Agreement between the European Parliament and the European Commission, provides a baseline against which any arrangements agreed in the United Kingdom Parliament must be measured: it would be unacceptable for the European Parliament to have greater rights of scrutiny over the negotiations on Brexit than Westminster. We are therefore grateful for the Secretary of State's assurance that the level of scrutiny in Westminster will at least match that in Brussels."

14. UK: [**Armed drones: disquiet over government arguments on "targeted killing"**](#)

"We are disappointed that the Government's response does not contain a full explanation of the Government's "detailed and developed thinking on these complex issues". We had hoped that the work we did in our inquiry, and our reasoned Report, deserved such an explanation. Rather, the Government declines to state its understanding of the law that applies to lethal drone strikes outside of armed conflict on the basis that this is "hypothetical". We do not find this a satisfactory response."

15. UN: **Special rapporteur on the rights to freedom of peaceful assembly and of association in the workplace**

"In recent decades, globalization has led to a rise in economic productivity and wealth, but it has also contributed to a dramatic increase in the power of large multinational corporations and concentrated wealth in fewer hands. At the same time, States' power to regulate these business entities has eroded — and in some cases been voluntarily ceded in order to attract these businesses.

This new global economic order has had a profound impact on workers' ability to exercise their rights to freedom of peaceful assembly and of association. Labour's traditional tools for asserting rights – trade unions, strikes, collective bargaining and so on – have been significantly weakened across the globe. The majority of the world's workers find themselves excluded from national legal protective frameworks, while some are not even defined as "workers." This situation has left vast swathes of the world's labour force unable to exercise their fundamental rights to associate or assemble, and without access to remedies when their rights are violated.

In this report, the Special Rapporteur examines how and why this has happened, focusing on the most marginalized portions of the world's labour force, including global supply chain workers, informal workers, migrant workers, domestic workers and others. He finds that although States are obligated under international law to respect and promote workers' rights to freedom of peaceful assembly and of association, many are dismally failing at this task."

The report (in English): [**The rights to freedom of peaceful assembly and of association in the workplace**](#) (pdf). Other languages (French, Spanish, Arabic, Mandarin, Russian) are available on [the](#)

[Special Rapporteur's website](#) (link). The report will be presented to the UN General Assembly on 20 October.

16. EU: European Commission: Report back on so-called "Partnership Frameworks" with African countries - who have agreed to the return and readmission of refugees or suffer "the consequences" for aid and trade deals:

- [Managing migration effectively: Commission reports on progress in the implementation of the Partnership Framework with third countries](#) (Press release, pdf)

- [First Progress Report on the Partnership Framework with third countries under the European Agenda on Migration](#) (COM 700-16, pdf)

- [Annex 1](#) (pdf)

- [Annex 2](#) (pdf)

- [Annex 3](#) (pdf)

See original policy decision (7 June 2016): [Communication: on establishing a new Partnership Framework with third countries under the European Agenda on Migration](#) (COM 385-16, pdf) and related documentation: [New proposals on migration: "partnerships" with third countries, Blue Card reform, integration plan](#) (Statewatch News Online, 7 June 2016)

17. EU: [Commission presents REFIT evaluation of the Visa Information System](#) (link):

"As part of the Commission's better regulation agenda, ensuring that EU legislation remains fit for purpose, the Commission has today adopted an Evaluation Report on the implementation of the Visa Information System (VIS), analysing the use of fingerprints at the EU's external borders and the use of biometrics in the visa application procedure...."

The evaluation found that the VIS meets its objectives and functions well but would need to be further developed to respond to new challenges in visa, border and migration policy. VIS remains one of the most advanced systems of its kind, with close to 23 million visa applications and 18.8 million fingerprints registered by the end of March 2016."

- [Report on the implementation of Regulation \(EC\) No 767/2008 of the European Parliament and of the Council establishing the Visa Information System \(VIS\), the use of fingerprints at external borders and the use of biometrics in the visa application procedure/REFIT Evaluation](#) (COM 655-15, pdf)

See also: Impact assessment: Staff Working Document: [SWD 328-16](#) (pdf) and [SWD 327](#) (pdf)

18. EU: European Commission: [European Agenda on Security: First report on progress towards an effective and sustainable Security Union](#) (Press release, pdf):

"The present report is the first of a series of monthly reports on the progress made towards an operational and effective Security Union, as requested by President Juncker in his mission letter addressed to Commissioner Julian King. The monthly reports will highlight action taken by the EU institutions and EU Agencies in the area of security and will identify where more efforts are needed. The next progress report is foreseen for November 2016." and includes:

*"Work is also ongoing as regards the Commission's legislative proposal for an **EU Travel and Information Authorisation System (ETIAS)** to provide prior checks for visa-exempt thirdcountry nationals travelling to the Schengen area, which will be presented by November."*

*In addition, swift negotiations and adoption of the Commission proposal for systematic checks of EU citizens crossing the external borders by the end of 2016 and the establishment of an **EU Entry-Exit System (EES)** are necessary to enhance security at the external EU borders."*

And see: [First progress report towards an effective and genuine Security Union](#) (COM 670-16, pdf)

The proposal for a EU Travel and Information Authorisation System (ETIAS) to provide prior checks for visa-exempt thirdcountry nationals travelling to the Schengen area present a major problem for relations with the USA. See: [EU-USA visa row on the cards](#)

19. [EU-USA visa row on the cards](#): many visa-free entrants "stay within the territory of the Schengen area for several years continuously."

The long-standing EU-USA row over the US visa-free entry to the EU is soon to come to a head. Last week we reported on the [EU-USA JHA Senior Officials meeting 8-9 September 2016](#) where the EU proposal to "impose temporary visa requirement for US nationals" went down like a lead balloon. At the same time the EU has been trying for years to get the USA to give visa-free entry to five EU Member States. Now changes to visa-free entry are planned as part of the Entry Exit System.

See: Proposals for planned Regulations on the [Entry-Exit System](#) and touring visa: [Duration of short-stay in the Schengen area - Extension of that duration under bilateral agreements concluded by Member States with third countries - Draft regulations on Entry/Exit system and Touring visa](#) (LIMITE doc no: 12114-16, pdf)

20. [UK spy agencies 'broke privacy rules' says tribunal](#) (BBC News, link):

"UK spy agencies broke privacy rules by collecting large amounts of UK citizens' data without adequate oversight, the Investigatory Powers Tribunal has ruled. Complaints about data collection by GCHQ, MI5 and MI6 were put forward by campaign group Privacy International.

The ruling said that some of the bulk collection did not comply with the European Convention on Human Rights. But it added that proper statutory supervision was put in place last year. It was a "highly significant judgement", Privacy International said"

See also: [UK security agencies unlawfully collected data for decade, court rules - Investigatory powers tribunal says secret collection of citizens' personal data breached human rights law](#) (Guardian, link)

And: [Full text of IPT Judgment](#) (pdf)

21. [EU-Africa talks pose questions on aid and security](#) (euobserver, link):

"Later this week in Brussels, EU leaders will be discussing forthcoming deals with a handful of African states.

With repressive regimes like Sudan demanding that the EU finance border controls, leaders appear increasingly willing to do almost anything to stop people from crossing the Mediterranean to reach Italy. Last November, Sudan's foreign minister Ibrahim Ghandour said the EU should help pay to keep migrants from crossing its borders into Libya and Egypt.

A few months later, it sent the EU commission a wish list of demands. Sudan requested the EU pay for "computers, cameras, scanners, servers, cars, aircraft" at 17 crossing points along its borders under a programme that is part financed by the European Development Fund. "In principle yes but aircraft unlikely," responded the commission, in a document that can be found on the commission's website.

"The EU is in essence providing these repressive regimes with a cloak of international legitimacy at a time when more scrutiny on their domestic policies is needed," [wrote Kloe Tricot O'Farrell, the NGO's EU advocacy officer.](#)"

See also: [The EU Emergency Trust Fund for Stability and addressing the root causes of irregular migration and displaced persons in Africa: Action Fiche for the implementation of the Horn of Africa Window](#) (pdf)

22. EU: Proposed ENTRY-EXIT SYSTEM: Council of the European Union:

- [Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU\) 2016/399 as regards the use of the Entry/Exit System](#) (LIMITE doc no: 12178-16, pdf):

"Delegation will find attached a Presidency compromise text of the above Proposal. The compromise suggestions reflect the discussions and the relevant contributions by delegations put forward during the previous readings of the draft Regulation.

*The new additions are highlighted in **bold/underline**. The changes already included in the previous version of the text (doc. 10876/16) are highlighted in underline/strikethrough. Deletions of parts of the Commission's proposal are marked as [...]."*

- [ANNEX to above](#) (LIMITE doc no: 12178-ADD-1-16, pdf): Details of processing those entering or leaving Schengen Area.

23. EU: Council of the European Union: Justice and Home Affairs Council, 13-14 October 2016, Luxembourg: Final: [Press Release: 13 and 14 October 2016](#) (pdf)

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

24. [The UK's Investigatory Powers Bill is about to become law – here's why that should terrify us](#) (Open Democracy, link): *"The evidence that these powers are all needed is thin indeed. And the cost to all of our privacy is huge."*

The [IP Bill as at 12-9-16](#) (pdf): The Bill is now before the House of Lords

25. After the publication of: [Shoot First: Coast Guard Fired at Migrant Boats, European Border Agency Documents Show](#) (The Intercept, link) and full file: [Serious Incident Reports](#) (190 pages, pdf) 42 Members of the European Parliament wrote to Frontex: [Letter to Mr Fabrice Leggeri, Executive Director of Frontex concerning "Shoot First" policy](#) (pdf).

The Director of Frontex has now responded to the MEPs' Letter: [Response to Letter from MEPs on: Recurrent use of weapons by coast guards within Frontex operations](#) (pdf):

Frontex Executive Director, Fabrice Leggeri replies that in; *"half of the incidents reported, the weapons were shot into the air, with no possible harm to anyone and thus in full respect of the principles of necessity and proportionality."*

He seems to be unaware of how frightening it is for shot to be fired "in the air" or towards a boat of refugees.

In the remaining cases (that is half): *"shots were fired upon attempts by facilitators to violently ram the patrol vessel.. officers are entitled to the right of self-defence."*

When it comes down to specific cases they come under each EU Member States's law - Frontex is not responsible.

26. EU: Regulation on European Public Prosecutor's Office (EPPO): Council of the European Union: [Partial general approach/Progress report](#) (LIMITE doc no: 13185-15, pdf):

With Member State positions and focused on cooperation with third countries, non-participating Member States and Eurojust.

27. UK-ECHR: [Letter from parliamentary Joint Committee on Human Rights to the Defence Secretary of State](#) (pdf):

"The Government's proposed derogation from the ECHR I am writing to you about your joint announcement with the Prime Minister on 4 October that the Government propose to protect the Armed Forces from persistent legal claims by introducing a presumption to derogate from the European Convention on Human Rights in future overseas operations.

Derogating from the UK's international human rights obligations is a very serious matter."

Includes 25 Questions.

28. EU: Council of the European Union: [REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994](#) (pdf):

Replaces the 1994 Resolution adopted under the Maastricht Treaty. This will only be effective if states (eg: in Africa) agree to returns and readmission decided by EU Member States:

The national authorities of the Member States experience difficulties in returning illegally staying third-country nationals who possess no valid travel documents.

*Improving cooperation on return and readmission with the main **countries of origin and transit** of illegally staying third-country nationals is essential for increasing rates of return, which are unsatisfactory. An improved European travel document for the return of illegally staying third-country nationals is relevant in that regard.*

*The current standard travel document for the return of third-country nationals, established by the Council Recommendation of 30 November 1994, is **not widely accepted by authorities of third countries, for reasons including its inadequate security standards.*** [emphasis added]

Comment: The primary reason why an EU document is not accepted is not "security" but because third countries are not prepared to accept an unlimited number of "returns" to their state of those from and "transiting" through that state. Moreover, there is a quite understandable reluctance of refugees to "return" to countries from which they have fled due to war, persecution and poverty.

29. 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 - Follow up of the third trilogue of 28 September 2016](#) (LIMITE doc no:12736-26, 99 pages, pdf): Multi-column document with the Commission proposal, the Council and European Parliament positions and the "Compromise" position

"Changes introduced by the GA [Council agreed "General Approach"] are marked in **bold**, changes introduced by the EP are marked in **bold italic**; new text is marked in **bold underlined**."

And see: State of play: after 2nd Trilogue between the Council and the European Parliament: [Follow-up on 8 September 2016 the second trilogue on the Terrorism Directive](#) (LIMITE doc no: 12051-

16, pdf) 4-column document and as above: "Changes introduced by the GA are marked in **bold**; changes introduced by the EP are marked in ***bold italic***; new text is marked in **bold underlined** "

30. EU-TUNISIA RETURNS DEAL? [The EU and Tunisia start negotiations on visa facilitation and readmission](#) (Press release, pdf):

"The Commission and Tunisia today began parallel negotiations in Tunis on an agreement to facilitate the process of issuing short-stay visas and an agreement to establish procedures for the readmission of irregular migrants...."

the agreement on the readmission of irregular migrants should lay down the procedures to be followed by both sides in order to clarify, simplify and speed up cooperation in this area...."

See: Communications from Commission and EEAS (JOIN 46-16): [Renforcer le soutien de l'UE à la Tunisie](#) (pdf)

31. EU: [€67 million for maritime surveillance drones](#)

The European Maritime Safety Agency (EMSA) wants drones, and lots of them. The agency has made more €67 million available for unmanned aircraft that will fulfil "the various maritime surveillance needs in general, including fisheries, illegal immigration, anti drug trafficking, etc." as well as "other public purposes on an emergency basis."

In documents published at the end of July, EMSA says it is looking for a company or companies to provide three different types of drone to monitor "the different operational domains": medium-size, long-endurance drones; "larger size RPAS services with 'long endurance' and with a comprehensive set of sensor capabilities"; and drones with vertical take-off and landing (VTOL) abilities.

32. [German development aid and the politics of pre-emption](#) (IRR News, link):

"Below we reproduce excerpts from anti-fascist activist Joschka Fröschner's October 2016 Race & Class article 'German development aid and the politics of pre-emption'".

And see: [The October issue of Race & Class features articles on the international impact of securitisation](#). (IRR, link)

33. UK: [The 'science' of pre-crime: The secret 'radicalisation' study underpinning PREVENT](#) (Cage, link):

"In July 2015, the UK government introduced a statutory duty on all public sector workers to spot the signs of 'radicalisation' in order to stop their charges being 'drawn into terrorism'. The government uses a system of 22 factors that has been developed to train these public sector employees in spotting signs of vulnerability.

This [CAGE report](#), details for the first time how the government produced these factors in secret, and subsequently relied on an evidence base that was not only unproven, but extended far beyond its original remit. Key among our findings, is the admission by those who wrote the study, that they did not factor political grievance into the modelling, a fact they say was, "perhaps an omission". Further, the government's study states that only trained professionals should be using these factors, and yet they have been rolled out nationally under a statutory duty imposed under the Counter-Terrorism and Security Act 2015 – ultimately being used in what they term the pre-crime space."

34. UK: [Revealed: Bristol's police and mass mobile phone surveillance](#) (link) Written by Alon Aviram on 10th October, 2016
Edition 9 on Avon and Somerset police, human rights, police and protest:

"Evidence points to Avon and Somerset Constabulary and five other forces having bought devices that can spy on thousands of phones at a time..

'IMSI-catchers' are surveillance devices that can both track the movements of mobile phone users within a given area, and intercept texts and calls.

They mimic cell towers – what your mobile phone connects to in order to make and receive phone calls and text messages. When deployed, every mobile phone within an area up to 8km square will try to connect to the dummy-tower. IMSI-catchers trace your location and your International Mobile Subscriber Identity (IMSI), a unique number for each phone which can be used to identify you."

"These findings have opened up a whole new avenue for investigation and debate" Privacy International."

35. Refugee crisis: [Council admits the EU has failed to respond on key areas](#)

- "Frontex and Europol... report fatigue among Member States in responding to calls for experts"

- Some 'nationalities' are unable to register their asylum applications. Lodging of asylum applications is done according to nationality, giving priority to Syrians, Pakistanis and North Africans, while Iraqi and Afghani requests are not being dealt with."

Over a year ago the Council and the European Commission- belatedly - started to respond to the refugee crisis. Now a year on the Council, in a secret report to COREPER, recognises some of the failures and urges - for the umpteenth time - Member States to "do more":

See: [Migration - Implementation](#) (LIMITE doc no: 12730-16, pdf)

36. EU: Meijers Committee: [Statement on behalf of the Meijers Committee During the Public Hearing on 'The reform of the Dublin System and Crisis Relocation' of 10 October 2016 By Ms. Neijra Kalkan, Executive Secretary](#) (pdf):

"With regard to this proposal one may wonder:

Should we not establish a system that works with the interests of asylum-seekers and Member States which are in the frontlines – instead of coercing unwilling Member States and asylum seekers into cooperation? As long as the system is deemed to be unfair by the key players in Dublin and does not serve their interests, Dublin may be bound to fail, regardless of how much coercion is put into the system. That coercion is moreover problematic from the perspective of human rights.

Would we not call a builder of a house irresponsible if he or she would build more floors to a house whose foundations are, to say the least, shaky?"

See: [Note on the proposed reforms of the Dublin Regulation \(COM \(2016\) 197\), the Eurodac recast proposal \(COM \(2016\) 272 final\), and the proposal for an EU Asylum Agency \(COM\(2016\)271 final\)](#) (pdf)

37. [Viewpoint: Why Afghan refugees are facing a humanitarian catastrophe](#) (BBC News, link);

"Hundreds of thousands of Afghan refugees in Europe, Pakistan and Iran are being forced to return home to Afghanistan by the European Union, UN agencies and governments in the region.

An unprecedented humanitarian crisis is likely to be the result as the refugees - many of them destitute - return to what is effectively a countryside war zone, with the Taliban attacking half a dozen provinces.

Moreover, the country's severe winter months are approaching, when essential supplies are even harder to obtain. The government in Kabul does not have the resources to help these refugees or resettle them as it focuses on the war, defending major cities and paying for the army's upkeep. .

The EU is likely to accept many Syrian refugees because it considers Syria a war zone, but the EU does not consider Afghanistan as a war zone even though the country is torn apart by war.

Previous definitions by the EU that Kabul and provincial capitals are safe havens no longer hold true with half a dozen provincial capitals under siege by the Taliban....

Similarly, Pakistan plans to repatriate 1.6 million registered and another one million unregistered Afghan refugees - many of whom have been living in Pakistan since the 1979 Soviet invasion of Afghanistan. .."

38. [EU-USA JHA Senior Officials meeting 8-9 September 2016](#)

- US offers to help with terrorist intelligence on "*special interest aliens*", *irregularly migrating foreigners born in countries close to the crime-terrorism nexus*"

- EU proposal to "*impose temporary visa requirement for US nationals*" went down like a lead balloon

- The US Judicial Redress Act would not come into effect until the "Umbrella Agreement" on the exchange of personal data is adopted

See: [Outcome of the EU – US Justice and Home Affairs Senior Officials Meeting, Bratislava, 8-9 September 2016](#) (LIMITE doc no: 12385-16, pdf)

39. EU: Council of the European Union: [European Public Prosecutor's Office](#)

- [Proposal for a Regulation on the establishment of the European Public Prosecutor's Office - Relations with third countries and international organisations](#) (LIMITE doc no: 12340-16, pdf):

"This paper deals with the issue of relations with third countries and international organisations. The Presidency draws the attention of delegations to the fact that prior discussions on the issue have been based on document 10831/16, whereby the following options for legal solutions of the issues at stake were presented:

- *Declarations of participating Member States to third countries that EPPO shall be considered to be a competent judicial authority*
- *Union accession to international agreements for the purpose limited to cooperation between EPPO and Third countries*
- *Amendment of international agreements, and/or*
- *Cooperation with third countries on the basis of the "double hat" principle, i.e. that the European Delegated Prosecutors may act also as national prosecution authorities...."*

See also [previous document](#): (LIMITE do no: 10831-16, pdf)

"In Annex I, delegations will find a descriptions of some legal and practical consequences of the above mentioned alternatives solutions, completed by some aspects pointed out during the discussion at expert level. Draft suggestions concerning the relevant provisions for EPPO Regulation are included in Annex II of this document."

- As above: [Discussion paper on cooperation between EPPO and non-participating Member States](#) (LIMITE doc no: 12341-16, pdf):

*"This paper deals with the issue of cooperation between EPPO on the one hand and **UK, IE and DK** as non-participating Member States under Protocols No 21 and 22. Two possible legal bases have been discussed at this stage. i.e. Article 325(4) TFEU and the possibility to apply a logic of "succession".*

This paper does not discuss the issue of non-participating Member States in the framework of a hypothetical enhanced cooperation. Delegations are invited to reflect on the questions highlighted in the document."

- As above: [Relations with Eurojust](#) (LIMITE doc no: 12342-16 pdf)

"The main modification in relation to the Commission proposal concerned the limitation of operational co-operation between EPPO and Eurojust (paragraphs 2-3) and the scope of the technical and administrative support which Eurojust could or should provide to EPPO, depending on whether this is an obligation or a possibility (paragraph 5)."

- As above: [Other issues](#) (LIMITE doc no: 12344-16, pdf):

"The Netherlands' Presidency established a consolidated version of the Regulation, which was welcomed by Council (JHA) on 9 June this year. A few provisions were left out of the consolidated version, as substantial issues had not yet been treated in depth or remained open (in particular as regards judicial review, relations with third countries and cooperation with Eurojust). This paper evokes a number of other issues which have been provisionally agreed upon, but for which substantial reservations remain."

- See: [Consolidated text as at: 22 July 2016](#) (LIMITE doc no: 11350-16,

40. UK: [Lists, lists of foreigners, lists of foreign born people](#) (Michael Rosen, link):

"Lists

Lists of foreigners

Lists of foreign born people living and working alongside those not on lists

Lists of children sitting alongside children not on lists

Lists to be sent in to government departments

Lists of names, addresses that can pass from official to official from department to department so that what starts out as 'information' drifts into ways of saying to those on the lists that they should have less they should have no guarantees of the right to work or live alongside or amongst those not on the lists.. [and see more]

See: [Proposals on lists of foreign workers cause outcry - Economists see little to link migration and unemployment](#) (FT, link) and: [LSE foreign academics told they will not be asked to advise UK on Brexit - Experts question legality under anti-discrimination laws as senior politicians criticise move as 'baffling'](#) (Guardian, link)

41. [Mhairi Black: We must learn lessons from history and speak out against the Tories' ugly xenophobia](#) (The National, link):

"IN my year and a half of being a politician I can truly say that I have never been more horrified or afraid of the rhetoric coming from the Conservative Government as I have this past week. To read the headlines of the major British newspapers felt like I had awoken in some dystopian, V for Vendetta-esque society. The Conservative Party's mask as 'a party of the common people' has slipped to reveal the xenophobic, often racist, nationalist, ugly face beneath....

So let me finish with a poem by Martin Niemoller:

First they came for the Jews.

But I did not speak out because I was not a Jew.

Then they came for the Communists.

But I did not speak out because I was not a Communist.

Then they came for the trade unionists.
But I did not speak out because I was not a trade unionist.
Then they came for the Catholics.
But I did not speak up because I was a Protestant.
Then they came for me.
And by that time there was no one left to speak out for me."

42. GREECE: [Prosecutor wants US suspect to face trial for wiretapping](#) (ekathimerini.com, link):

"Prosecutor Maria-Sofia Vaitsi on Thursday proposed that an American citizen, William Basil, be indicted to trial on spying charges in connection with a wiretapping system set up to eavesdrop on top Greek government officials during and after the Athens 2004 Olympics.

Basil, an American agent, left Greece after the wiretaps were discovered in 2006 and his whereabouts remain unknown..."

See: [Prime minister and top officials' phones tapped by "unknown individuals"](#) (Statewatch database, link) and [Vodafone faces court case in 'bugging' row - Parents believe their son was murdered before he could blow the whistle](#) (The Observer, link)

43. European Parliament Briefing: [Growing impact of EU migration policy on development cooperation](#) (pdf):

"Along with the non-governmental organisations (NGOs) active in this field, the European Parliament opposes aid conditionality dependent on partner countries cooperating on readmission and return, as laid out in the migration compacts. Addressing the current migration challenge without jeopardising development policy achievements and objectives will be one of the key issues of the ongoing revision of the European consensus on development."

43. EU Border Guard Agency: [Securing Europe's external borders: Launch of the European Border and Coast Guard Agency](#) (Press release, pdf):

"Under the new mandate, the Agency's role and activities have been significantly expanded. The Agency's permanent staff will be more than doubled and the Agency will be able to purchase its own equipment and deploy them in border operations at short notice. A rapid reserve pool of at least 1,500 border guards and a technical equipment pool will be put at the disposal of the Agency - meaning there will no longer be shortages of staff or equipment for Agency operations. The European Border and Coast Guard will now ensure the implementation of Union standards of border management through periodic risk analysis and mandatory vulnerability assessments."

And see new: [REGULATION \(EU\) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on the European Border and Coast Guard and amending Regulation \(EU\) 2016/399 of the European Parliament and of the Council and repealing Regulation \(EC\) No 863/2007 of the European Parliament and of the Council, Council Regulation \(EC\) No 2007/2004 and Council Decision 2005/267/EC](#) (pdf)

See: [Shooting revelations clouds EU border guard launch](#) (euobserver, link):

"The EU inaugurated the launch of the new border and coastguard agency on Thursday (6 October), amid revelations that border forces routinely used firearms against migrants off Greece in 2014 and 2015.

The new agency, called the European Border and Coast Guard Agency, replaces Frontex, and is a precipitous policy response to last year's large inflow of refugees and broader security issues. ... On 23 September, EU ombudsman Emily O'Reilly and Nils Muiznieks from the human rights watchdog Council of Europe were cc'd in a letter to Frontex that demanded answers over the shooting incidents. The letter, signed by 42 MEPs, asks if the new agency will continue to use firearms against boats carrying refugees.

See: European Parliament: From 42 MEPs: [Letter to Mr Fabrice Leggeri, Executive Director of Frontex concerning "Shoot First" policy](#) (pdf); and [Shoot First: Coast Guard Fired at Migrant Boats, European Border Agency Documents Show](#) (The Intercept, link) and full file: [Serious Incident Reports](#) (190 pages, pdf) also Frontex rules: [Serious Incident Reporting](#) (pdf).

44. EU-AFGHANISTAN: Second "dodgy deal" agreed: [Joint Way Forward on migration issues between Afghanistan and the EU](#) (18 pages, pdf)

See: [EU mulls 'migrant' terminal at Kabul airport](#) (euobserver, link):

"The EU and Afghanistan are looking into creating a new terminal at Kabul's airport designed specifically for migrants rejected by EU states.

The plan is part of a broader deal on stepping up the returns of rejected asylum seekers from the EU to Afghanistan signed over the weekend....

the return agreement appears to contradict an [internal document from the European Council](#), representing member states, which earlier this year said security is actually getting worse in Afghanistan.

"Due to the deteriorating situation in Afghanistan, as well as pressure on Afghans in Pakistan and Iran, there is a high risk of further migratory flows to Europe," noted the internal document."

See also: Joint "non-paper" from the European Commission and the European Action Service (EEAS) in March 2016: [Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan](#) (Restricted do no: 6738-16, pdf)

Tony Bunyan, Statewatch Director, comments:

"Under the dodgy EU-Turkey deal we have two Letters and a Statement now for the Afghanistan deal there is a "Agreement" - yet again by-passing formal law-making and parliamentary scrutiny. Yet again the Council demonstrates its contempt for the rule of law. There is no way Afghanistan, even in Kabul, is a safe country to return refugees to."

45. [EU steps up efforts to repatriate Afghans](#) (euobserver, link)

"The EU is seeking to send migrants back to war-torn Afghanistan as a part of a broader policy to return rejected asylum seekers and others who refuse to be deported voluntarily.

On Tuesday (4 October) senior officials from both sides are set to meet to launch the so-called EU-Afghanistan Joint Way Forward agreement that they signed over the weekend. EU states will be able to charter an unlimited number of flights to Kabul, reports The Guardian newspaper, which has seen a copy of the yet-to-be made public agreement."

The documents referred to are here: [EU-Afghanistan returns plan: Another "dodgy" deal](#) See: dated 22 September 2016: [Draft Joint Way Forward on migration issues between Afghanistan and the EU - Adoption](#) (LIMITE doc no: 12191-16, 2016, pdf). And a joint "non-paper" from the European Commission and the European Action Service (EEAS) in March 2016: [Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan](#) (Restricted do no: 6738-16, pdf)

46. European Parliament Study: [A comparative analysis of media freedom and pluralism in the EU Member States](#) (pdf):

"This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee. The authors argue that democratic processes in several EU countries are suffering from systemic failure, with the result that the basic

conditions of media pluralism are not present, and, at the same time, that the distortion in media pluralism is hampering the proper functioning of democracy.

The study offers a new approach to strengthening media freedom and pluralism, bearing in mind the different political and social systems of the Member States. The authors propose concrete, enforceable and systematic actions to correct the deficiencies found."

47. UK-EU BREXIT: German Bundestag Study: [Consequences of Brexit for the realm of justice and home affairs Scope for future EU cooperation with the United Kingdom](#) (pdf)

*"In the referendum of 23 June 2016, a majority of British voters opted for the United Kingdom to leave the European Union (EU).¹ The present study deals with the consequences of the referendum result, particularly with the repercussions of Britain giving notice under Article 50 of the Treaty on European Union (TEU) of its intention to withdraw from the European Union. **The study focuses on Union legislation in the realm of justice and home affairs and, in particular, on police cooperation and judicial cooperation in criminal matters.**"*

48. Council of Europe: [United Kingdom: New report reveals increasing hate speech and racist violence](#) (link)

"A new report on the United Kingdom has confirmed fears that racism and discrimination in the country are at worrying levels.

The European Commission against Racism and Intolerance (ECRI) highlights key concerns in its latest report on the United Kingdom published today.

"It is no coincidence that racist violence is on the rise in the UK at the same time as we see worrying examples of intolerance and hate speech in the newspapers, online and even among politicians," said ECRI Chair Christian Ahlund.

"The Brexit referendum seems to have led to a further rise in 'anti-foreigner' sentiment, making it even more important that the British authorities take the steps outlined in our report as a matter of priority."

See: [Press release](#) (pdf) and [Report from ECRI](#) (pdf)

49. [Council documents: Manual on law enforcement information Exchange, Exit entry, Visas and Japan: Mutual Legal Assistance statistics](#)

Including: Working Party on Information Exchange and Data Protection (DAPIX): [Working Party on Information Exchange and Data Protection \(DAPIX\) No. prev. doc.: 6704/16 Subject: Manual on Law Enforcement Information Exchange - Draft update 2016](#) (LIMITE doc no: 11794-16, pdf)

"The Manual on Law Enforcement Information Exchange (6704/16), drafted in the framework of the Information Management Strategy (IMS) for EU internal security, aims at supporting, streamlining and facilitating cross-border information exchange. Since the manual is intended as a tool for police officers working in this area, both structure and content of the manual are focussed on the practical day-to-day cooperation between national authorities involved in information exchange, and their training purposes....."

And see: Previous document with full-text of: Manual on Law Enforcement Information Exchange [LIMITE doc no: 6704-16](#), 391 pages, pdf)

50. [Passenger name regulation could destroy cross-border rail](#) (Railway Gazette, link):

"The European Commission, train operators and passenger representative groups have expressed grave concern over draft legislation introduced into the Belgian parliament on September 19 which could threaten the viability of cross-border passenger trains.

Proposed as a reaction to the terrorist attacks in Brussels earlier this year, as well as attacks elsewhere in western Europe, the regulation would extend the airline-style Passenger Name Record requirements to all international trains crossing Belgian borders.

Operators would be expected to collect and submit information on all travellers 24 h in advance, which would preclude same-day ticket sales and completely destroy any prospect of a walk-on service competitive with other surface transport modes. "

See also: USA-BELGIUM: [Proposed laws would expand travel controls from airlines to passenger railroads](#) (Papers, Please, link)

51. EU: [Service level agreement between European Maritime Safety Agency \(EMSA\) and Frontex for the provision of surveillance tools and services in support of Frontex activities](#) (pdf)

52. European Commission: [EU-Turkey-Greece-Italy-returns-relocation](#)

- EU-Turkey deal: [The Commission is today reporting on the progress made on the EU's relocation and resettlement schemes and the implementation of the EU-Turkey Statement](#) (Press release,pdf)

- EU-Turkey deal: [Third Report on the Progress made in the implementation of the EU-Turkey Statement](#) (COM 634-16, pdf)

- EU-Turkey deal: [Implementing the EU-Turkey Statement – Questions and Answers](#) (pdf) includes:

"What is the state of play as regards visa liberalisation for Turkish citizens? As regards the implementation of the Visa Liberalisation Roadmap, the Second Report of 15 June 2016 described seven benchmarks that remain to be met:

- issuing biometric travel documents fully compatible with EU standards;
- adopting the measure to prevent corruption foreseen by the Roadmap;
- concluding an operational cooperation agreement with Europol;
- revising legislation and practices on terrorism in line with European standards;
- aligning legislation on personal data protection with EU standards;
- offering effective judicial cooperation in criminal matters to all EU Member States;
- implementing the EU-Turkey Readmission Agreement in all its provisions."

Still negotiating.

And: *"there are still shortfalls for both EASO and Frontex experts for the period of September to December 2016."*

Also: *"Since the Statement entered into force, there have been 578 returns from the Greek islands to Turkey, including 53 Syrians. Other nationalities returned have included Pakistanis, Afghans, Bangladeshis, Iranians as well as people from Iraq, India, Congo, Algeria, Sri Lanka, Morocco, Nepal, Somalia, Ivory Coast, Egypt, Yemen, Lebanon, and the Palestinian Authority."* and:

For returns to Turkey: *"Frontex has mobilised the following resources for the time being: 1 ferry - 5 buses for transportation from the hotspots to the ports - 1 charter plane - 56 Frontex escort officers."*

- [Sixth report on relocation and resettlement](#) (COM 636, pdf)

- [Annex 1: Relocations from Greece](#) (COM 636, pdf):

Commitment legally foreseen: 63,302: Pledges: 9,776 and Pledges effected: 4,455.

- [Annex 2: Relocations from Italy](#) (pdf) Commitment legally foreseen: 34,853: Pledges 3,544, Pledges effected: 1,496

- [Annex 3: Resettlement in the EU](#) (pdf)

- [Management of the Migration Crisis in Greece since October 2015 and Implementation of the EU-Turkey Statement since 20 March 2016](#)(pdf)

Includes general; charts on: Registration rates (now said to be 100%), Assisted Voluntary Returns (AVR): 582 in August 2016, Hotspot capacities, Deaths in Aegean (said to be 11 post EU-Turkey deal 18 March) and returns to Turkey (1,078 post 28 March 2016).

53. European Commission: Schengen border checks: [Report on the application of Council Implementing Decision of 12 May 2016 setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk](#) (COM 635, 28.9.15, pdf):

*"The present report contains the findings of the Commission after monitoring the manner in which the current temporary internal border controls are carried out, as foreseen by the Council Recommendation. It focuses on whether, as recommended, the reintroduced internal border controls by the above Schengen Member States have been limited to what is strictly necessary and proportionate in light of the **serious threat to public policy and internal security posed by the persistent risk of secondary movements of irregular migrants entering via Greece and who might move to other Schengen Member States**. It also analyses whether the circumstances have changed so as to require an adaptation of the Council Recommendation."* [emphasis added]

See also: [Back to Schengen: Commission proposes Roadmap for restoring fully functioning Schengen system](#) (pdf, March 2016 , pdf)

54. [EU-Afghanistan returns plan: Another "dodgy" deal](#)

- Deal to be signed next week to start immediate refugee "return" flights
- Is Afghanistan a "safe country"?
- Quick return of 80,000 refugees planned
- **"effectively implement readmission commitments"** - by-passing parliamentary scrutiny

Tony Bunyan, Statewatch Director, comments:

"Under the dodgy EU-Turkey deal we have two Letters and a Statement now for the Afghanistan deal there is to be a "Declaration" - yet again by-passing formal law-making and parliamentary scrutiny. Yet again the Council demonstrates its contempt for the rule of law. There is no way Afghanistan, even in Kabul, is a safe country to return refugees to."

See: Dated 22 September 2016: [Draft Joint Way Forward on migration issues between Afghanistan and the EU - Adoption](#) (LIMITE doc no: 12191-16, 2016, pdf). And a joint "non-paper" from the European Commission and the European Action Service (EEAS) in March 2016: [Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan](#) (Restricted doc no: 6738-16, pdf)

55. EU: Commission: [Information Exchange for Security: Commission urges Member States to improve information sharing to combat terrorism and serious crime](#) (link)

"The Prüm Decisions (Council Decisions [2008/615/JHA](#) and [2008/616/JHA](#)) introduced procedures for fast and efficient data exchanges between Member States in specific areas. The Prüm framework lays down rules to allow Member States to search each other's DNA analysis files, fingerprint

identification systems and vehicle registration data bases. The Prüm Decisions should have been implemented fully by Member States by August 2011.

The European Commission decided today to address letters of formal notice to **Croatia, Greece, Ireland, Italy and Portugal for failing to comply with the Prüm Decisions**. These Member States have not yet ensured automated data exchanges in at least two of the three data categories of DNA, fingerprints and national vehicle registration data. These are the first infringement procedures initiated for a so-called 'former third pillar instrument' in the field of police cooperation and judicial cooperation in criminal matters. The Commission acquired full enforcement powers in this field on 1 December 2014, five years after the entry into force of the Treaty of Lisbon. The concerned Member States now have two months to reply, after which the Commission may decide to send a reasoned opinion."

56. [EU's secret ultimatum to Afghanistan: accept 80,000 deportees or lose aid](#) (Guardian, link):

"Memo leaked in advance of Brussels aid summit reveals EU plans to make assistance to Afghanistan 'migration sensitive' despite security concerns.

When international donors and the Afghan government convene in Brussels next week, the EU secretly plans to threaten Afghanistan with a reduction in aid if the war-torn country does not accept at least 80,000 deported asylum seekers.

According to a leaked restricted memo (pdf), the EU will make some of its aid "migration sensitive", even while acknowledging that security in Afghanistan is worsening.

Meanwhile, the Afghan government is also struggling with internal turmoil, and has failed to revive the economy or produce jobs for the young who leave the country in droves.

It would be challenging for Afghanistan to absorb 80,000 deportations. So far, in 2016, about 5,000 Afghans have returned voluntarily from Europe

The EU said in the leaked memo that it is "aware of the worsening security situation and threats to which people are exposed" and that Afghanistan is suffering "record levels of terrorist attacks and civilian casualties".

The memo added: "Despite this, more than 80,000 persons could potentially need to be returned in the near future."

An EU official said in an email: "**We don't comment on leaked documents**." He added that the EU and Afghanistan have a "constructive dialogue" on migration." [emphasis added]

Based on a document made available by **Statewatch**: [Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan](#) (Restricted doc no: 6738-16, pdf).

57. EU: Council of the European Union: [Encryption of data - Questionnaire](#) (LIMITE doc no: 12368-16, pdf):

"Over lunch during the informal meeting of the Justice Ministers (Bratislava, 8 July 2016) the issue of encryption was discussed in the context of the fight against crime. Apart from an exchange on the national approaches, and the possible benefits of an EU or even global approach, the challenges which encryption poses to criminal proceedings were also debated. **The Member States' positions varied mostly between those which have recently suffered terrorist attacks and those which have not**. In general, the existence of problems stemming from data/device encryption was recognised as well as the need for further discussion.

To prepare the follow-up in line with the Justice Ministers' discussion, the Presidency has prepared a **questionnaire to map the situation and identify the obstacles faced by law enforcement**

authorities when gathering or securing encrypted e-evidence for the purposes of criminal proceedings." [emphasis added]

A number of questions to Member States concern whether judicial authorities have to agree access including:

*"Under your national law, is there an obligation for the suspects or accused, or persons who are in possession of a device/e-data relevant for the criminal proceedings, or any other person to provide law enforcement authorities with encryption keys/passwords? **If so, is a judicial order (from a prosecutor or a judge) required?** Please provide the text of the relevant provisions of your national law."* [emphasis added]

58. European Parliament Study: [Overview on the use of EU funds for migration policies](#) (pdf):

"The aim of this document is to give an overview of the use of EU funds on migration policies during the first two years (2014-2015) of the Multiannual Financial Framework (MFF) and present a preliminary budgetary outlook for 2016---2017 and the remaining MFF period, taking into account the uncertainties relating to the evolution of the migration situation and pressures on EU funding....

Within the current EU framework, potential changes in policy and practice to deal with the migration crisis are under discussion. Such changes include revisiting legislative instruments on asylum and legal migration, as well as (within an overall vision adapted to the needs of the crisis) the competences of the EU agencies involved in migration management. Any revision of the latter should involve a budget increase accompanied by the necessary staff reinforcements."

59. EU/France/Germany: [France and Germany: take on "itinerant crime groups" through cross-border cooperation, personal data exchange, predictive policing](#)

The German and French delegations to the Council of the EU have proposed a set of conclusions on "property crimes committed in Europe by highly mobile organised crime groups," which they assert are "attributable to itinerant crime groups originating mainly from South-Eastern and Eastern Europe," who "belong to the field of organised crime or are considered one step away from organised crime." Despite the clear connection between the proposals and the possibility of ethnic profiling and discriminatory police action - "itinerant"=travellers=Roma - the draft conclusions make no reference to fundamental rights issues.

See: NOTE from: German and French delegations, '[Draft Council conclusions on organised domestic burglary](#)' (12098/16, LIMITE, 12 September 2016, pdf)

60. EU: Court of Justice of the European Union: [Advocate General Sharpston considers that The Court should annul the measures maintaining Hamas and LTTE on the EU list of terrorist organisations on procedural grounds](#) (Press release, pdf):

"the Council is precluded from relying on a list of terrorist attacks without those being shown in decisions of competent authorities..."

the Council cannot rely on facts and evidence found in press articles and information from the internet, rather than in decisions of competent authorities, to support a decision to maintain a listing." [emphasis in original]

And Advocate General's Opinion - [Tamil Tigers](#) (pdf) and [Hamas](#) (pdf)

See: [EU court recommends removal of Tamil Tigers and Hamas from terrorist list](#) (euractiv, link):

"The European Union's top court took a step toward confirming the removal of Hamas, as well as the Tamil Tigers, from an EU terrorism blacklist despite protestations from Israel and the Sri Lankan government.

An advocate general at the European Court of Justice, whose advice is usually followed by judges, recommended yesterday (22 September) that they reject an appeal by the Council of EU member states against the lower EU court's decisions in late 2014 to remove both movements from the sanctions list due to flawed procedures."

61. EU: Council of the European Union: [Fight against terrorism: EU strengthens its legal arsenal against ISIL/Da'esh and Al-Qaida](#) (Press release, pdf) and see:

- [COUNCIL DECISION \(CFSP\) 2016/1693 of 20 September 2016 concerning restrictive measures against ISIL \(Da'esh\) and Al-Qaida and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP](#) (pdf)

- [COUNCIL REGULATION \(EU\) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL \(Da'esh\) and Al-Qaida and natural and legal persons, entities or bodies associated with them](#) (pdf)

See also: [EU targets foreign fighters with sanctions](#) (euobserver, link):

"The European Union will from now on be able to freeze assets and impose travel bans on people associated with the Islamic State (IS) and Al-Qaida jihadist groups, even if they are not on UN blacklists. The move, agreed by the Council on Tuesday (20 September), is primarily targeted against EU nationals.

In particular, people trying to travel to Syria could be stopped from leaving in the first place, or from coming back to another EU country besides than the one they hold the passport of. It will also become easier for EU countries to prosecute their own nationals for terrorist-related activities.

Non-EU nationals with links to Islamic terrorism will be barred from entering the bloc. Their assets in the EU will be frozen, and it will become illegal for EU persons and entities to send them money. "

62. EU: European Data Protection Supervisor (EDPS): [Migration, security and fundamental rights: A critical challenge for the EU](#) (Press release, pdf):

*"it is vital that the reform of the EU's border policy be further **assessed** to ensure its full consistency with the respect for the fundamental rights of **those who enter and leave the EU**.*

Giovanni Buttarelli, EDPS, said: "The EDPS understands the need for the EU to better address the challenges of migration, borders and refugees. However, we recommend considering additional improvements in the revised proposals which will involve a significant collection of data concerning non-EU nationals whose freedoms, rights and legitimate interests may be significantly affected.

***Border management and law enforcement are distinct objectives** and need to be more clearly distinguished. Refugees, asylum seekers, illegal immigrants and ordinary travellers may require separate considerations".*

*The EDPS recommendations to **enhance data protection** in these proposals relate in particular to retention periods, the collection of the facial images of travellers requiring visas, the use of sensitive information such as biometric data, and to security measures.*

In his Opinions, the EDPS draws attention to the role of eu-LISA and Frontex performing specific processing operations such as those related to statistics, as well as to the situations of minors when subject to the collection of fingerprints."

See also: [EDPS Opinion on the First reform package on the Common European Asylum System \(Eurodac, EASO and Dublin regulations\)](#) (pdf), [EDPS Opinion on the Second EU Smart](#)

[Borders Package Recommendations on the revised Proposal to establish an Entry/Exit System](#) (pdf) and Commission Press release: [Commission launches discussion on future framework for stronger and smarter information systems for border management and internal security](#) (pdf)

63. Greece: [Lesvos: Golden Dawn supporters stir up ugly scenes and "Guantanamo-style" Moira detention centre set on fire](#)

[Nine arrested after Greek refugee camp burns](#) (BBC News, link):

"Nine people have been arrested after a large fire destroyed parts of the Moria refugee camp on the Greek island of Lesbos.

Up to 4,000 migrants were evacuated from the camp, as the blaze destroyed tents and prefabricated homes. No fatalities were reported, but large areas of the camp, which was already crowded, were left unusable. The Greek government said it would send a ship to hold at least 1,000 people as a temporary overflow area.

Early reports suggested a riot broke out as rumours of imminent mass deportations to Turkey spread. Other witnesses said it was the result of an argument over food.

The nine people arrested under suspicion of starting the blaze included people from Afghanistan, Iraq, Senegal, Syria and Cameroon, the AFP news agency reported, citing a police source. Additional riot police have been dispatched to the island."

See also: [Fire At Moria: Thousands of Refugees Flee](#) (News That Moves, link) and see: [EU: Migrants to stay on Greek islands despite fire](#) (ekathimerini.com, link):

"The EU and Greece cannot carry on stockpiling refugees indefinitely on the Greek islands," Amnesty International's Giorgos Kosmopoulos said.

"Witnessing the charred remains of Moria camp is shocking but comes as little surprise. Holding thousands of vulnerable people on Lesbos in appalling conditions with no knowledge of their fate inevitably creates an incendiary atmosphere of fear and despondency."

Also: [EU Commission found THE solution: Migrants will remain on Greek islands "as much as possible"](#) (Keep Talking Greece, link):

"Finally! The European Commission found a solution for the Migration crisis in Greece and the Greek islands. During a press conference on Tuesday, the EC coordinating spokesperson, Natasha Bertaud, revealed the well-hidden plans:... EU Commission spo Bertaud says migrants will remain on islands "as much as possible"

To avoid secondary movement to the rest of Europe, that means keeping asylum seekers on the islands for the most part," Bertaud said also and threw the ball in the court of the Greek government. She said "the Greek government had described the situation as being under control. Transfers to the mainland would remain limited," Bertaud said.

If this is all the EC can say after the ugly incidents of Monday on the island of Lesbos, it is clear that the migrants will remain indefinitely on the Greek islands, the EU Turkey Deal was just a bunch of papers to use for packing Fish & Belgian Fries and that the European Union will send prayers and good vibes."

Statewatch correspondent reports (20.9.16): *"Volunteers trying to get in to help. There are a lot of fascists around after weekend fascist rally who stirred up the locals, pretty ugly. The volunteers got in around the back in the end through a hole in the fence. At the weekend people trying to get in were greeted by angry mobs."*

Comment: Moira is a closed detention centre with "Guantanamo-style" fencing, razor wire, steel cabins and floodlights. It holds refugees mainly from Afghanistan and Pakistan and over a hundred unaccompanied children. Adjacent to it is the "open" Kara Tepe camp.

64. Bulgaria: [Report from the project: Who gets detained? Increasing the transparency and accountability of Bulgaria's detention practices of asylum seekers and migrants](#) (pdf):

"Since 2013, Bulgaria, as an external border of the EU, has experienced an unprecedented for its history number of migrants passing through its territory, primarily asylum seekers and refugees. The majority of the arriving migrants are subjected to administrative detention, where the decisions made by the administrative bodies appear to be dictated by policy rather than by individual and objective assessment.

The current project "Who gets detained? Increasing the transparency and accountability of Bulgaria's detention practices of asylum seekers and migrants" examines this proposition, while aiming to contribute to increasing the transparency in the decision-making process for the administrative detention of migrants in Bulgaria and to the adopting of transparent and just detention practices that are in line with the principles of proportionality and individual assessment defined in international and European law."

65. [Statewatch Observatory on the refugee crisis](#)

[Refugee crisis: latest news from across Europe](#) (22-23.10.16)
[Refugee crisis: latest news from across Europe](#) (21.10.16)
[Refugee crisis: latest news from across Europe](#) (20.10.16)
[Refugee crisis: latest news from across Europe](#) (19.10.16)
[Refugee crisis: latest news from across Europe](#) (18.10.16)
[Refugee crisis: latest news from across Europe](#) (17.10.16)
[Refugee crisis: latest news from across Europe](#) (15-16.10.16)
[Refugee crisis: latest news from across Europe](#) (14.10.16)
[Refugee crisis: latest news from across Europe](#) (13.10.16)
[Refugee crisis: latest news from across Europe](#) (12.10.16)
[Refugee crisis: latest news from across Europe](#) (10-11.10.16)
[Refugee crisis: latest news from across Europe](#) (8-9.10.16)
[Refugee crisis: latest news from across Europe](#) (7.10.16)
[Refugee crisis: latest news from across Europe](#) (6.10.16)
[Refugee crisis: latest news from across Europe](#) (5.10.16)
[Refugee crisis: latest news from across Europe](#) (4.10.16)
[Refugee crisis: latest news from across Europe](#) (3.10.16)
[Refugee crisis: latest news from across Europe](#) (1-2.10.16)
[Refugee crisis: latest news from across Europe](#) (30.9.16)
[Refugee crisis: latest news from across Europe](#) (29.9.16)
[Refugee crisis: latest news from across Europe](#) (28.9.16)
[Refugee crisis: latest news from across Europe](#) (27.9.16)
[Refugee crisis: latest news from across Europe](#) (26.9.16)
[Refugee crisis: latest news from across Europe](#) (24-25.9.16)
[Refugee crisis: latest news from across Europe](#) (23.9.16)
[Refugee crisis: latest news from across Europe](#) (22.9.16)
[Refugee crisis: latest news from across Europe](#) (21.9.16)
[Refugee crisis: latest news from across Europe](#) (20.9.16)
[Refugee crisis: latest news from across Europe](#) (19.9.16)
[Refugee crisis: latest news from across Europe](#) (16-18.9.16)
[Refugee crisis: latest news from across Europe](#) (15.9.16)

