



News

20 December (Issue 21/22)

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We need your support more than ever

In 2022 our analysis, investigations and reports have contributed to **debate, dissent and discussion across Europe**, informing the work of civil society organisations, activists and campaigners, journalists, elected officials, researchers and many others.

We are proud of what we've achieved this year and want to continue standing up for **civil liberties, human rights and democratic standards** into 2023 and beyond.

To do that, we need your help.

Statewatch is not a large or generously-funded organisation. We have [**four members of staff**](#) working incredibly hard, none of whom are full-time employees.

If you appreciate what we do, [**you can support us by becoming a Friend of Statewatch**](#) with a regular donation from as little as €1/£1 per month. It makes a huge difference to a small organisation like ours to have regular core funding from our supporters.

If, like us, you believe in the importance of investigating, exposing and challenging **the surveillance state, government secrecy, unwarranted police powers and brutal border policies**, [**please support us with a regular or one-off donation**](#) to help strengthen Statewatch in 2023 and beyond.

Chris Jones, Executive Director

In this edition

The final edition of Statewatch News for 2022 features:

- **Statements: pardon Julian Assange, the EU Artificial Intelligence Act and migration**
- **Tracking the Pact: the “way forward” and Rwanda-style proposals**
- **From EU budgets to Europol, via Brexit and biometrics**
- **On video: criminalisation of solidarity and border externalisation**

We also have news reports on the UK's continued derogation from data protection standards in its deal with the EU on travel surveillance; a special report on the situation for asylum-seekers housed in hotels by the UK government; and the Cypriot government's response to a European Parliament questionnaire on the Pegasus spyware scandal.

This will be last issue of this year. We wish all our readers happy holidays, a happy new year, and we will be back in January to continue Statewatching.

Statements: Pardon Assange; fix the AI Act

This month we have joined hundreds of other organisations and individuals in signing public statements on two vital issues: the first is a letter calling for Joe Biden to pardon Julian Assange, facing extradition to the USA and life in prison for his work as a journalist; the second is a call to EU lawmakers to make sure that the proposed Artificial Intelligence Act includes adequate protections for migrants, refugees, and everyone subjected to border controls.

- [**Letter to the President of the United States of America to pardon Julian Assange**](#)

A letter from Stella Assange and members of the European Parliament, co-signed by a number of other individuals and human rights organisations, including Statewatch, calls on Joe Biden to grant a pardon to Julian Assange to "demonstrate that the United States values fundamental rights, truth, accountability, and the protection of those who speak out against injustice."

- [**Joint statement: The EU Artificial Intelligence Act must protect people on the move**](#)

Joint statement signed by over 160 organisations and 29 individuals, in the run-up to votes in the European Parliament on the position to be taken in negotiations with the Council of the EU.

Tracking the Pact: the “way forward” and Rwanda-style proposals

More than two years after it was published, the European Commission's 'New Pact on Migration and Asylum' is being slowly pushed forward by officials in the Council and the Parliament. Earlier this month, MEPs voted to [**approve a negotiating mandate on the revamped Eurodac database**](#) (featuring facial recognition and the fingerprinting of children).

This may be one of a package of measures to be negotiated with the Council in the new year, according to [**a Czech Council Presidency note**](#) we published this week. Those negotiations could also include a number of other proposals that were put on the table in 2016, provisionally agreed in 2018, but have remained blocked since then.

In those proposals, “the European Parliament... accepted many of the Council’s positions which they were initially sceptical about,” the Presidency highlights, warning that if negotiations are reopened, “the Council might end up losing some of the concessions obtained.”

Those “concessions” include approval of “the notion that applicants have no right to reception conditions, with the exception of basic needs being met, if they are in the ‘wrong’ member state.” Were the Council to lose them, it would not be a bad thing.

Meanwhile, the UK and Denmark’s plans to deport refugees to Rwanda have proven inspirational to the Austrian interior minister, Gerhard Karner. At the end of November [he suggested that the EU should also introduce](#) “asylum procedures in safe third countries.”

Whether he is aware of it or not, Karner is in fact recycling [an old idea previously put forward by the Austrian government](#). Perhaps he thinks – much like the British government, riding high off [a legal victory that declared the Rwanda policy legal](#) – that it is an idea whose time has come. In 2023 it will be vital to prove him, and other advocates of inhumanity, wrong.

You can find all the reports from our Tracking the Pact series [here](#).

From EU budgets to Europol, via Brexit and biometrics: our reports

Alongside our regular news and analysis, in 2022 we published five in-depth reports. If you haven’t had a chance to take a look yet, they are all well-worth a read. Early next year we will have new reports out looking at Frontex and its access to the EU’s ‘interoperable’ databases, and secrecy and the externalisation of EU migration controls.

- [Brexit: Goodbye and hello – the new EU-UK security architecture, civil liberties and democratic control](#)

The UK government’s domestic programme seeks to crack down on dissent and to abolish or severely limit ways for the public to hold the state to account. This report shows that those ambitions also play a role in the post-Brexit agreement with the EU.

- [Building the biometric state: Police powers and discrimination](#)

This report examines the development and deployment of biometric identification technologies by police and border forces in Europe, and warns that the increasing use of the technology is likely to exacerbate existing problems with racist policing and ethnic profiling.

- [At what cost? Funding the EU’s security, defence, and border policies, 2021–2027](#)

The 2021–27 Multi-annual Financial Framework **allocates an unprecedented amount of European public money** for security and defence purposes, more than doubling its budget from the previous spending cycle – from €19.7 billion to €43.9 billion. This report provides a critical guide on how those budgets work.

- [A clear and present danger: Missing safeguards on migration and asylum in the EU’s AI Act](#)

Certain technologies or uses of technology are insufficiently covered by or even excluded altogether from the scope of the EU’s proposed Artificial Intelligence Act, placing migrants and refugees - people often in an already-vulnerable position - at even greater risk of having their rights violated.

- [**Empowering the police, removing protections: the new Europol Regulation**](#)

Europol's tasks and powers have been hugely-expanded, in particular with regard to acquiring and processing data, but independent data protection oversight of the agency has been substantially reduced. Don't forget to explore our [**map of EU agencies and 'interoperable' databases**](#) that was published alongside the report.

On video: criminalisation of solidarity and border externalisation

Our researcher Romain Lanneau has been captured on camera twice this month, firstly by Privacy International to explain EU border externalisation and some of our work on the topic; secondly by Migureurop as part of a webinar on the criminalisation of solidarity, focusing on the harassment and prosecution of migrants – an often-neglected topic.

- [**EU border externalisation and surveillance**](#) (Privacy International)

“Borders are not only the ones we can see. Romain Lanneau explains how it happens and how Statewatch has been investigating surveillance in border externalisations practices.”

- [**The criminalisation of solidarity, focus on migrants in solidarity**](#) (Migureurop)

“Migureurop organised on 9 December 2022 a webinar on the criminalisation of solidarity with a focus on migrant solidarity activists. While the issue of the crime of solidarity is now increasingly highlighted within Euro-African civil societies, little is said about the criminalisation of migrants in solidarity with their own cause, despite the fact that they are prosecuted for much more serious offences and sentenced to much heavier prison terms.”

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Help us expose and oppose intrusive and unwarranted state powers!

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News

15 December

[Letter to the President of the United States of America to pardon Julian Assange](#)

A letter from Stella Assange and members of the European Parliament, co-signed by a number of other individuals and human rights organisations, including Statewatch, calls on Joe Biden to grant a pardon to Julian Assange to "demonstrate that the United States values fundamental rights, truth, accountability, and the protection of those who speak out against injustice."

13 December

[Tracking the Pact: Council of the EU seeks progress with the Qualification Regulation](#)

The Council of the EU is calling upon member state representatives in COREPER to approve a mandate for negotiations with the European Parliament on the Qualification Regulation, which sets out the standards that must be met for an individual to receive formal refugee or subsidiary protection status. The text is based on a provisional agreement reached by the Council and Parliament in 2018, that was not approved by COREPER at the time.

13 December

[EU to approve further UK derogations from air passenger profiling safeguards](#)

The Council is set to approve a decision that will allow the UK's continued derogation from safeguards for the automated surveillance and profiling of all air passengers arriving from the EU. The UK-EU Trade and Cooperation Agreement allows the UK to derogate from applying those safeguards while it tries to align its systems with the requirements of Court of Justice jurisprudence. This is the final derogation permitted; it will expire on 31 December 2023.

12 December

[UK: They are playing a waiting game with us](#)

A special report on the situation for asylum-seekers housed in hotels in the UK. By Ali Zalme (PhD), A British-Kurdish freelance researcher, author of 'Home and Sense of Belonging among Iraqi Kurds in the UK'.

12 December

[Pegasus spyware scandal: Cypriot government response to European Parliament questionnaire](#)

"The Republic of Cyprus reaffirms its unwavering commitment to the promotion, protection and effective enjoyment of human rights, both domestically and internationally, and acknowledges that the matter currently inquired by the PEGA Committee has raised questions regarding the actual status of certain rights and freedoms in the EU itself."

6 December

[Joint statement: The EU Artificial Intelligence Act must protect people on the move](#)

Joint statement signed by over 160 organisations and 29 individuals, in the run-up to votes in the European Parliament on the position to be taken in negotiations with the Council of the EU.

28 November

Austria calls for EU to adopt UK-style Rwanda plan for refugees

A demand for "asylum procedures in safe third countries" is one of five items on a wishlist put together by Gerhard Karner, Austrian interior minister.

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New material

Material we have shared on our [Twitter](#) and [Facebook](#) accounts.

- [Asylum and immigration](#)
- [Civil liberties](#)
- [Law](#)
- [Military](#)
- [Policing](#)
- [Prisons](#)
- [Privacy and data protection](#)
- [Racism and discrimination](#)
- [Surveillance](#)

Asylum and immigration

Alarm Phone, 14 December

[The deadly line: militarised borders lead to more deaths in the English Channel](#)

“Despite all these resources it was not enough to save the 4 people confirmed dead. While we ought to recognise the efforts of all search and rescue actors in these case and over the past months in the Channel the final question remains: why were these 43 people and thousands of others forced to make such a dangerous journey? Lives will continue to be lost if states persist in reinforcing militarised borders rather than allowing all people to access existing routes to cross the Channel by ferry and train. Yesterday’s announcement from the British Prime Minister confirms the UK government’s intention to continue to illegalise the movement of some. Freedom of movement for all is the only way to prevent loss of life like today’s.”

InfoMigrants, 14 December 2022

[At least four dead after migrant boat incident in Channel](#)

“At least four people have died and about 43 were rescued after a migrant boat ran into difficulty in waters off the English coast of Kent on Wednesday morning.

A major search and rescue operation, which reportedly involved the UK coastguard, the French navy, an air ambulance and a nearby fishing boat, was launched in the early hours of Wednesday morning (December 14) in British waters off the English coast of Kent. A boat carrying migrants was understood to have begun sinking at about 3 am off the coast of Dungeness, reported the BBC.”

Amnesty, 13 December

[Morocco/Spain: Stalled and inadequate inquiries “smack of cover-up”, six months after 37 deaths at Melilla border](#)

“The abject failure of Spanish and Moroccan authorities to provide truth and ensure justice for at least 37 sub-Saharan African people killed and 77 others still missing following the deadly

events that took place on the border of Spain's Melilla enclave, smacks of a cover-up, said Amnesty International in a report published ahead of the six-month anniversary of the tragedy."

UK government, 13 December

UK/Albania Joint Communiqué: Enhancing bilateral Cooperation in areas of common interest

UK and Albania will increase returns to Albania, including of those identified as victims of modern slavery and as victims of human trafficking (from point 3.3 of the communiqué).

The Standard, 12 December

EU increases visa fee to force Gambia to accept deportees

"These measures are a result of The Gambia's refusal to cooperate with the EU after both the European Council and the Council have continuously highlighted the need to mark real progress on the return and readmission of Gambians to their home country, the statement added.

The speaker at the Refugee Council of Baden-Württemberg for Gambia, and migration advocate Yahya Sonko, said the new EU measures are unfair to The Gambia."

Background: **EU moves ahead with plans to use visa policy as "leverage" to increase deportations**

New Statesman, 12 December

Revealed: UK police and Home Office ran immigration raids on care homes during Covid-19

"New data has revealed that raids carried out by immigration officials are not only cruel, but often ineffective."

EU Immigration and Asylum Law and Policy, 12 December

Sea Watch cases before the EU Court of Justice: An analysis of International Law of the Sea

"On 1 August 2022, the Court of Justice delivered its preliminary ruling on two joined cases (see here) concerning the conduct of Italian authorities over Sea Watch vessels that had disembarked rescued persons in Italian ports in 2020. Sea Watch is a humanitarian organisation which systematically carries out activities relating to the search for and rescue of persons in the Mediterranean Sea, using ships that it owns and operates. During the summer of 2020, Sea Watch 3 and Sea Watch 4, both flagged to Germany, carried out rescue operations and disembarked the persons rescued at sea in the ports of Palermo and Porto Empedocle (Italy). They were then subject to inspections by the harbour master's offices because they were not certified in respect of search and rescue activities at sea and had taken persons on board in much greater numbers than they are supposed to do."

Human Rights Watch, 12 December
[**EU: Frontex Complicit in Abuse in Libya**](#)

“The use by the EU’s border agency, Frontex, of aerial surveillance to enable the Libyan Coast Guard to intercept migrant boats, knowing that migrants and asylum seekers will face systematic and widespread abuse when forcibly returned to Libya, makes Frontex complicit in the abuse, Human Rights Watch and Border Forensics said in a multimedia research feature released today.”

Avvenire, 10 December
[**Via libera ai trafficanti di uomini, la Libia chiede la riabilitazione di Bija**](#) [Free rein for traffickers of human beings, Libya asks for Bija to be rehabilitated]

Libyan PM Dbeibah demands withdrawal of restrictions/travel bans for coast guard officer Abdurahman al-Milad, on the UN Security Council sanctions list for his illegal activities.

The European Journal of Migration and Law, 9 December
[**The EU Returns Agency: The Commissions’ Ambitious Plans and Their Human Rights Implications**](#)

“Frontex takes a centre-stage role in the Commission’s plan to intensify returns. This article fills the relevant gap in existing literature, updating our knowledge on the latest legislative developments in EU return operations and answering questions related to their human rights implications at a time when the scrutiny over Frontex is at its peak. The article discusses the human rights risks of these operations and the effectiveness of the available safeguards.”

European Council on Refugees and Exiles, 8 December
[**Joint Statement: EU admits Croatia to Schengen without regard to abuses at the border**](#)

Council decision to admit Croatia into the Schengen area despite breaches of EU and international human rights law disregards EU commitment to fundamental rights.

UK government, 8 December
[**Joint statement of the interior ministers and/or those responsible for migration of Belgium, France, Germany, the UK and the Netherlands on migration issues**](#)

“They exchanged views on the current situation and the common progress achieved since November 2021, as well as possible structural and operational responses, in consistency with the Trade and Cooperation Agreement between the EU and the UK. In particular, they discussed: 1) secondary movements across Europe and across the Channel to the UK and 2) migratory flows into Europe and breaking the business model of migrant smugglers through enhanced cooperation with concerned third countries.”

UK government, 8 December
[**Government increases hearing capacity to speed up immigration cases**](#)

“Thousands more immigration cases will be heard over the next few months, speeding up decisions on removing people with no right to be in the UK.”

Appeals cases to be sped up to enable returns.

The Guardian, 8 December

Migrants face 'unprecedented rise in violence' in EU borders, report finds

The Border Violence Monitoring Network's (BVMN) Black Book is out!

Migrants and asylum seekers face an unprecedented rise in violence at EU borders, including beatings, forced undressing and sexual assaults.

See: [**The Black Book of Pushbacks**](#)

UNHCR, 5 December

Comment on UK Asylum Reform Proposals

"UNHCR notes with concern the proposals presented in a report issued today by the Centre for Policy Studies on UK asylum reform.

The report contains critical factual and legal errors regarding the international legal status of refugees and asylum-seekers...

A blanket ban on claiming asylum in the UK for those arriving on small boats would also breach the Refugee Convention, if this results in refugees having no means to establish their status and places them at risk of enforced return to their own countries. Resettlement is a complementary system. It cannot replace obligations under International Law to provide access to asylum."

London Review of Books, 1 December

I am in the hell

Excellent double review of Sally Hayden's "The Fourth Time, We Drowned: Seeking Refuge on the World's Deadliest Migration Route" and Matthieu Aikins' "The Naked Don't Fear the Water: a Journey through the Refugees' Underground".

Free Movement, 30 November

Frontex, pushbacks and the failure to protect the right to claim asylum in Greece

Focus on pushbacks and border violence on the island of Samos – an external EU border a mile from the Turkish coast – that the authors know well.

EuroMed Rights, 30 November

Réfugié.e.s, migrant.e.s et demandeur.se.s d'asile: oublié.e.s jusque dans la mort

[Refugees, migrants and asylum seekers: forgotten even in death]

A rise in deaths at sea, lack of legal routes, no identification procedures: the nightmare of refugees, migrants and asylum seekers continues up until death.

EU Law Analysis Blog, 29 November

Provisional Agreement on the recast Reception Conditions Directive: Preventing 'Asylum Shopping' and 'Secondary Movements' as the Ultimate Goal?

“...the Commission in 2020 presented the new Pact on Migration and Asylum in order to boost the negotiations in the Council and propose a ‘fresh start’ on migration. As the recast RCD was one of the instruments where a provisional agreement was reached, the Commission did not amend at all this text through the proposed 2020 Pact on Migration and Asylum. As the Council is currently getting prepared to open again the discussions with the European Parliament on the recast RCD, this blogpost aims to examine the most important amendments of the recast RCD mainly regarding the proposed measures that aim to prevent ‘secondary movements’ and ‘asylum shopping’ which is at the epicenter of the proposed legislation.”

Politico Europe, 29 November 2022

The EU is privatizing its migrant rescue work — by default

“The EU has outsourced a big chunk of its migration policy to a fleet of privately run boats searching the Mediterranean waters for asylum seekers in crisis.

In recent weeks, these boats — run by a variety of NGOs not directly controlled by any specific government — have become the focal point of a mounting tempest over migration as countries fret about a new influx of people and squabble over where they should be placed within the EU.

And increasingly, it appears that sniping over how these NGOs should operate has proved a more manageable target for officials than harmonizing the EU’s outdated and fractured asylum rules.”

Lighthouse Reports, 29 November

Reconstructing the Melilla Massacre

“The biggest loss of life at a European land border in living memory occurred this year and it was barely reported at the time. On June 24, 2022 at least 23 people died and 77 remain missing after a group of African asylum seekers attempted to enter a border post in Melilla, a Spanish enclave on the coast of North Africa.

(...)

The lack of sustained and independent reporting on the day of chaos and death has so far prevented any serious shortcomings in the countries’ accounts from coming to light.

Lighthouse Reports and partners undertook the most advanced visual investigation to date to establish fully what happened at the border post and how an attempt to seek protection in Europe led so many people to a violent death.”

The Independent, 29 November

23 dead and 77 missing, so why is Europe silent? The fight for justice in Melilla

New footage and witness testimonies reveal extent of Spain’s involvement in crush that led to the deaths of more than twenty African asylum seekers on the Moroccan border.

UK Home Office, 28 November

Latest documents on the UK-Rwanda "partnership"

Note Verbale on guarantees regarding reception and accommodation

Note Verbale on guarantees regarding the asylum process

The Times, 28 November

UK: Creating "hostile" environment for asylum seekers does not deter migrants

“Creating a hostile environment for asylum seekers coming to the UK does not deter migration, internal Home Office research has found, contradicting claims by ministers.”

EUBAM Libya, 24 November

Joint-Declaration issued at the conference on “Cross-border Cooperation Libya-Sahel to better counter terrorism, border crimes and organized crimes”

“We... express our firm belief in the relevance of a regional approach to fostering the management and security of borders. Conscious of the interconnection and interdependence of the issues under discussion, we consider cross-border cooperation a means of border protection and a fundamental prerequisite to a successful strategy to counter complex transnational challenges such as terrorism, cross-border criminality and organized crime.”

EU Fundamental Rights Agency, 22 November

Establishing independent and effective national border monitoring mechanisms: Expert meeting

“On 17 November, the EU Fundamental Rights Agency (FRA) hosted an expert meeting on how its 2022 guidance can support fundamental rights monitoring at borders. Experts from national human rights institutions and representatives from selected European Union (EU) entities and international organisations met in Vienna to discuss issues around the operationalisation of FRA’s 2022 guidance.”

Refugee Platform in Egypt, 27 October

EU funding for the Egyptian coast guard: strengthening a partnership that violates human rights

“The paper notes that the EU has previously provided funding to strengthen migration management in Egypt, but in fact, the funds and support of the EU have contributed to tightening restrictions on irregular migration in Egypt, by using law No. 82 of 2016, the law in which among several things, it criminalizes aiding irregular migrants and contradicts with other laws that expand the circle of human rights violations against people on the move. RPE paper also criticizes the EU’s demand to enhance cooperation between Egypt and Libya in the field of migration, especially since the two countries have a long record of violations of the rights of migrants and refugees.”

Council of Europe, June 2021

Bulgaria: [Report on Children left behind: between labour migration, institutional standards, and extended family](#)

CoE report on the understudied case of left-behind children and their plight in Bulgaria when their parents are absent due to labour migration.

Civil liberties

Council of the EU, 15 December

[Joint EU-US statement following the EU-US justice and home affairs ministerial meeting](#)

- Pilot project on exchange of "terrorism-related information"
- Relaunch of negotiations on e-evidence
- "Enhanced Border Security Partnership" AKA mass biometric data-sharing

On the "Enhanced Border Security Partnership", see: [USA offers foreign states access to 1.1 billion biometric "encounters" in return for reciprocal database access](#)

Institute of Employment Rights, 8 December

UK: [The End of the Right to Strike in Public Services?](#)

The Transport Strikes (Minimum Service Levels) Bill may be dropped or significantly modified to catch more groups of workers in its ambit (like firefighters or ambulance workers), in response to strikes.

The Guardian, 8 December

UK: [Suella Braverman urges people to rethink Christmas holiday flight plans](#)

Home secretary warns of 'undeniable, serious disruption' if Border Force strikes go ahead.

"Ultimately, security at the border is my number one non-negotiable priority."

Ceasefire and Rights & Security International, 8 December

UK: [The Bill of Rights threatens access to justice for civilians and service personnel – Ceasefire and RSI joint briefing](#)

UK: Joint statement by Ceasefire and RSI to oppose the Rights Removal Bill (aka Bill of Rights) because it threatens access to justice for civilians and service personnel in overseas military operations, and may reduce accountability.

EurActiv, 7 December

[Two private Serbian TVs go off-air to protest poor media freedom](#)

"Private Serbian television channels N1 Srbija and Nova stopped broadcasting for 24 hours on Tuesday to protest against the state of media freedom in the EU candidate country."

Euronews, 24 November

[**Abortion rights: French parliament votes to include right in Constitution**](#)

“Lawmakers in France's National Assembly voted (337 for and 32 against) to include abortion rights in the country's constitution, the first step in a lengthy legislative process.”

Directa, 8 November

[**Fiscalia demana presó a un grup d'activistes per intentar aturar un desnonament a Raval**](#) [Spain/Catalonia: Prosecutor demands prison for activists who tried to stop an eviction]

Four people face a total of up to 12 years in prison; three others face fines of up to €27,000.

Fair Trials, November

[**Netherlands: Top400. A top-down crime prevention strategy in Amsterdam**](#)

“In 2011, the city of Amsterdam launched a predictive identification programme, the Top600, to reduce the number of high impact crime (HIC) incidents by structurally intervening in the lives of 'at-risk' individuals. 'Predictive identification' is a term used to describe any policing approach that develops and uses information and statistical analysis about individuals to inform forward-thinking crime prevention. In 2016 the city of Amsterdam expanded the Top600 with the Top400, which includes a group of young 'high potentials', i.e. minors that have not committed serious offences but whose behaviour is considered a nuisance to the city.”

Law

Lesvos Legal Centre, 10 December

[**Greece: Delayed “justice” in appeal trial: Amir Zahiri and Akif Razuli will finally be freed!**](#)

“Yesterday, 8 December 2022, the twice postponed appeal trial of Amir Zahiri and Akif Razuli took place in Mytilini, Greece. At the end the three judge Appeal Court acquitted Akif, but found Amir guilty of “boat driving” and sentenced him to 8 years in prison. Compared to the first instance decision, his sentence was substantially reduced, which means that he is eligible for early release on parole. The initiatives Legal Centre Lesvos, Aegean Migrant Solidarity, borderline-europe e.V., You can't evict Solidarity and Deportation Monitoring Aegean observed the case of the two on Lesvos and welcome their upcoming release from prison.”

Il Manifesto, 9 December

[**Italy: La guardia costiera deve ripristinare la luventa. Ordine del giudice**](#) [The coast guard must repair the luventa. Order of the judge]

Judge for preliminary enquiries orders the port authority to undertake refurbishment and maintenance work on the luventa (confiscated in August 2017); proceedings are delayed by procedural errors.

Pressenza, 3 December

[**Italy: International observers allowed in trial against luventa**](#)

At a hearing in the slow-moving trial of 21 civilian sea rescuers who face up to 20 years' imprisonment for assisting irregular migration, the court admitted international trial observers.

“... the public prosecutor’s office has so far been unable to fulfil its obligation to provide the necessary conditions for all defendants to participate in the trial. Recurrent procedural errors and the prosecution’s disregard for basic fair trial standards, such as the provision of adequate interpretation during interrogations of foreign defendants, have left the judge with no other option but to prolong the proceedings and to let appointments pass unused, in order to give the prosecution more time to rectify its errors.”

Military

Science Business, 1 December

Industry calls for cut to EU defence R&D fund to be reversed

“The EU should increase the European Defence Fund (EDF) to the €13 billion that was originally planned and be prepared to raise it further in the face of the grim reality of war in Ukraine, according to the EU defence industry.

“€13 billion was something we saw as a minimum investment for the EDF in peacetime, but now we are looking at wartime,” said Jan Pie, secretary general of the Aerospace, Security and Defence Industries association of Europe.”

The EDF already has a budget of some €8 billion. See: [**At what cost? Funding the EU’s security, defence, and border policies, 2021–2027**](#)

Lighthouse Reports, 30 November

Flight of the Predator: Jet linked to Israeli spyware tycoon delivers surveillance tech from the EU to notorious Sudanese militia

“On a dusty May morning in Khartoum an executive jet taxied to a halt under the blistering sun. Two jeeps with tinted windows stood ready to meet it from one of the most notorious and feared militias in the world, the Rapid Support Forces. The sleek white Cessna flew in from Cyprus and remained on the ground in Sudan’s capital for just 45 minutes, long enough to draw a disturbing line of connection between the ferocious contest for power in Sudan and a spyware scandal roiling Greece.”

Policing

The Times, 12 December

Police Scotland accused of profiling by ethnicity

“Police Scotland has been accused of racial profiling after it emerged that people from minority ethnic backgrounds were up to 20 times more likely to be stopped under counterterrorism powers.”

Haaretz, 6 December

EU Freezes Europol Ties Over Incoming Government Policies, Israeli Sources Say

“There’s pressure to be less forgiving with Israel, now that the government is changing,’ one source told Haaretz

Notification of the freezing of the agreement was conveyed on Friday to Chaim Regev, Israeli ambassador to the EU. The agreement, considered desirable by the professional echelons on both sides, is meant to improve the transfer of intelligence between member countries to prevent crime and terrorism."

See also: [EU seeks policing agreement with Israel as far-right leader tipped to become police minister](#)

The Guardian, 5 December

Italy home to 11 of 100-plus unofficial Chinese ‘police stations’

Civil rights group claims outposts are used to monitor Chinese population abroad and force dissidents to return

UK Home Office, 2 December

Drug Dealing Telecommunications Restriction Orders 2017: post implementation review

A review of how these regulations have been implemented since they came into force.

"The Drug Dealing Telecommunications Restriction Orders Regulations 2017 (DDTRO) were introduced on 6 December 2017 to support the disruption of county lines drug dealing.

A DDTRO is an order which can be made by a court to require a mobile network operator to close down particular phone lines (or whatever action the order specifies) to prevent or restrict the use of communication devices in connection with drug dealing offences.

These regulations require the publication of this review and its findings within five years of the regulations coming into force."

Council of the EU, 29 November

Police cooperation: Council Presidency and European Parliament agree on a directive to improve information exchange between law enforcement authorities

"The Council Presidency and the European Parliament have reached a provisional agreement on an information exchange directive. The agreed text is subject to approval by the Council and the European Parliament before undergoing the formal adoption procedure.

This text will regulate the organisational and procedural aspects of information exchange between law enforcement authorities, contributing to make it more efficient. It will ensure law enforcement authorities have equal access to information available in other member states and avoid the proliferation of communication channels used to exchange information."

Council of the EU, 28 November

Joint review of EU-US data exchange on antiterrorism

Reports on the implementation of the EU/US Agreement on processing & transfer of Financial Messaging Data from the EU to the US as part of Terrorist Finance Tracking Program:

- [Report from the Commission](#) (pdf)
- [Staff working document](#) (pdf)

Prisons

The Guardian, 6 December

UK: [**Parents of man left to die in prison say care failures will haunt them forever**](#)

“The parents of a 25-year-old man left to die in a cell by a negligent prison nurse given responsibility for 800 inmates say the conditions in which he died will haunt them.”

Privacy and data protection

EurActiv, 13 December

[**European Commission publishes draft adequacy decision on EU-US data flows**](#)

“The European Commission initiated the formal process for adopting an adequacy decision on the EU-US Data Privacy Framework on Tuesday (13 December). But the third attempt to underpin transatlantic data transfers is bound to face more legal challenges.”

EU Fundamental Rights Agency 8 December

[**Bias in algorithms: Artificial intelligence and discrimination**](#)

On artificial intelligence in predictive policing and offensive speech detection. Assessment of algorithms and their bias is needed before using them in decision-making that affects people.

European Commission, 30 November

[**Interoperable Europe Act Proposal - key documents**](#)

“The Commission has adopted the Interoperable Europe Act proposal and its accompanying Communication to strengthen cross-border interoperability and cooperation in the public sector across the EU.”

EurActiv, 28 November

[**Meta sanctioned with 265m euro over data scraping practices**](#)

The Irish Data Protection Commissioner levied a €265 million fine on 28 November on Meta-owned Facebook and Instagram over their data scraping practices and ordered a set of remedial actions.

mlex, 24 November

[**Principles on government access to personal data to be agreed by OECD negotiators this year**](#)

“International data flows could be shaped by a new declaration of “common principles” on governments’ access, for national-security and law-enforcement purposes, to personal data held by the private sector, with ministers from “like-minded” democratic countries expected shortly to reach a consensus...”

eu-LISA, 28 September

eu-LISA's Working Group on Artificial Intelligence discusses priorities for the application of AI in the area of internal security

"On 28 September 2022, eu-LISA hosted the first hybrid meeting of its Working Group on Artificial Intelligence (WGAI) in Tallinn, Estonia, to discuss use-cases for the implementation of AI in the areas of internal security and migration."

Racism and discrimination

FASTI, 14 December

What is colonialism today?

"This exhibition "What is colonialism today?" reaffirms that colonialism is not dead. It was put together by the North/South Commission of FASTI. It is part of the continuity of the work of this Commission which, for many years, has organized meetings-debates, published documents and organised mobilization on the North/South relationship. Its objective is to encourage, through an accessible tool, meetings and discussions on the way the colonial question is posed today. Through 10 concrete and current examples of French colonial policy, it presents its most obvious and traditional translations (overseas territories, military interventions), its more recent forms (the CFA franc, land grabbing, economic partnership agreements, migration management, debt and extractivism) and finally, its more indirect manifestations through France's support to Israeli and Moroccan colonialism."

The Intercept, 7 December

"We're Coming for You": Italy's neofascists target journalists as they assume power

Italy's new government inspired a surge of far-right threats and attacks against journalists and critics.

The Guardian, 7 December

German police raids target far-right extremists 'seeking to overthrow the state'

Minor aristocrat, an ex-paratrooper and a former AfD MP among those detained in operation. Thousands of officers search 130 sites across country in operation against Reich Citizens plotters. Twenty-five people detained on suspicion of a terrorist plan.

The Bristol Cable, 2 December

UK: 'We see it as a warning': Barton Hill's Muslim community on impact of pig's head, racist hate crime

"A pig's head was dumped near a mosque in Barton Hill last month in a incident that's triggered residents' memories of previous anti-Muslim hate crimes in the area."

gal-dem, 23 November

UK: Inside the online forums where anti-Gypsy, Roma and Traveller sentiment thrives

"Online hate against GRT communities manifests primarily through social media and is incited by the wider media, according to researchers at Goldsmiths University. In a 2020 paper on

online hate speech towards GRT, they found the main triggers for online hate were the arrival of new camps and a shortage of legitimate sites, calling for a more serious response to hate speech from media outlets, social media platforms and public authorities.”

Secrecy and transparency

FragDenStaat, 13 December

[Public register: All the Frontex documents](#)

“The EU border police Frontex is one of the most notoriously secretive EU agencies. Here, we are publishing thousands of documents we and collaborators have gathered from Frontex through freedom of information requests.”

Surveillance

Middle East Eye, 14 December

[Greek police raid offices of Israeli spyware firm](#)

“Greek police raided the offices of an Israeli company that sells spyware on Tuesday, following a wiretapping scandal that has engulfed the country's intelligence services in the past several months.”

Human Rights Watch, 8 December

[Greece: Problematic Surveillance Bill: Thorough, Transparent Investigation Needed on Spyware Scandal](#)

Greece's lawmakers are considering a draft surveillance law that lacks effective privacy and human rights safeguards, Human Rights Watch said today.

Consortium News, 7 December

[USA: Daniel Ellsberg: Indict me too](#)

“Daniel Ellsberg calls on the U.S. to indict him for having the same unauthorized possession of classified material as Julian Assange. Ellsberg follows the Cryptome.org founder who has also invited prosecution.”

Computer Weekly, 1 December

[UK: MI6 chief's hacked emails attacked MI5 and betrayed British spy operations in China](#)

“Former UK spy boss Richard Dearlove leaked names of MI6 secret agent recruiters in China to back an aggressive right-wing US campaign against tech company Huawei. His emails were hacked and then leaked – probably by Russian intelligence.

Emails published by Russian hackers and systematically analysed by Computer Weekly reveal that in January 2020 the former “C” (chief of the Secret Intelligence Service, MI6) Richard Dearlove linked up with hard-Brexit campaigners and White House lobbyists to send a threat-laden briefing to 10 Downing Street warning about telecoms company Huawei.”

Privacy International, 30 November

UK: Buddi Limited - Immigration Enforcement's favourite tracking buddy

"The privatisation of migration control and policing takes different shapes and forms. The latest iteration comes in disguise – specifically, in four pastel colours: if you were to look at this company's main website, in fact, you'd only find wristbands and tools to monitor the well-being of elderly people who live alone. But as stated in their annual report, the majority of British company Buddi's revenue originates from the criminal justice market."

Politico Europe, 28 November

EU spyware probe has a problem: Spain Lawmakers accused of 'protecting allies' by inviting criticized scholars to committee hearing

"Spain is the biggest spyware scandal in Europe ... However, there has not been any strong reaction from the PEGA inquiry committee," said Saskia Bricmont, a Belgian Greens lawmaker and member of the PEGA Committee.

Critics have pointed fingers to the European Parliament's two largest political groups for blocking scrutiny."

European Ombudsman, 28 November

Decision on how the European Commission assessed the human rights impact before providing support to African countries to develop surveillance capabilities (case 1904/2021/MHZ)

"The complainants, a group of civil society organisations, were concerned that the European Commission did not assess human rights risks before providing support to African countries to develop surveillance capabilities, notably in the context of the EU Emergency Trust Fund for Africa (EUTFA). The complainants contended that, before agreeing to support projects with potential surveillance implications, such as biometric databases or mobile phone monitoring technologies, the Commission should have carried out prior risk and impact assessments to ensure that the projects do not result in violations of human rights (such as the right to privacy)."

Based on the inquiry, the Ombudsman concluded that the measures in place were not sufficient to ensure the human rights impact of EUFTA projects was properly assessed. To address the shortcomings she identified, the Ombudsman made a suggestion for improvement to ensure that, for future EU Trust Fund projects, there is a prior human rights impact assessment."

Ekathimerini, 28 November

Greece: Some changes made to draft surveillance bill

The changes introduce greater accountability. The National Intelligence Agency (EYP) and the police's counterterrorism division should justify their requests for surveillance in greater detail.

Reporters sans Frontières, 6 December

Greece's Predatorgate – draft law on surveillance falling short of European standards must be amended, says RSF

“Reporters Without Borders (RSF) urges Greece’s parliamentarians to use RSF’s recommendations to amend a proposed law on surveillance that they are due to vote on this week, amid a continuing outcry about the use of Predator spyware against journalists.”

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