



News Online, 27 April 2015 (09/15)

Home page: <http://www.statewatch.org/>

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NEWS: <http://www.statewatch.org/news/>

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2. EU: Regulation on Data Protection: Consolidated version (630 pages) from EP
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4. CoE: Parliamentary Assembly: Mass surveillance is counter-productive
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NEWS DIGEST (129 news links from across the EU, so far in April, updated daily)

<http://www.statewatch.org/news/Newsinbrief.htm>

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2. Sweden: Data retention case to CJEU
3. Malawians seek compensation for massacre during British rule
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5. UK: SQUASH (Squatters' Action for Secure Homes): "Homes, not Jails"
6. UK: SUN newspaper reported to police over inciting racial hatred
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USING THE STATEWATCH WEBSITE

NEWS

1. [The time is here to be seized](#) (Institute of Race Relations, link) Written by A. Sivanandan:

"Neoliberalism is not working. All that stuff, about wealth trickling down, no society only individuals, the market as the regulator of everything, is shown to be false in terms of everyday reality."

And: [Living to tell the tale](#) (link): "On 18 April, a celebration event of the work of the Institute of Race Relations (IRR) and its Director Emeritus, Sivanandan, turned into a serious discussion on how to unite and strengthen struggles at a time of globalisation and austerity."
and Film: [Catching History on the Wing](#) and [Buy a copy of the film](#) (link) plus [Sivas aphorisms](#) (powerpoint, link)

2. EU: NEW REGULATION ON DATA PROTECTION:from European Parliament: [Councils consolidated version of March 2015](#) (630 pages, 4.5MB, pdf) Multi-column document: Commission proposal, European Parliament and Council positions and proposed "compromise"

3. [Frontex and eu-LISA Sign Cooperation Plan for 2015](#) (Frontex link), [LISA Press release](#) (pdf) and [Annual Cooperation Plan 2015 of eu-LISA and Frontex](#) (pdf)

4. CoE: Parliamentary Assembly: [Mass surveillance is counter-productive and endangers human rights](#) (link):

"Approving a draft resolution based on a report by Pieter Omtzigt (Netherlands, EPP/CD), the Assembly said: Mass surveillance does not appear to have contributed to the prevention of terrorist attacks, contrary to earlier assertions made by senior intelligence officials. Instead, resources that might prevent attacks are diverted to mass surveillance, leaving potentially dangerous persons free to act."

See: [Resolution](#) (pdf) [Adopted Recommendations](#) (pdf)

5. EU: OPENNESS: [Secretive 'trialogue' talks to agree EU law face investigation](#) (euractiv, link):

"Three-way talks between the major European institutions to broker deals on EU law face being investigated over their lack of transparency by the blocs maladministration watchdog."

See: Statewatch Analyses by Tony Bunyan: [Abolish 1st \[and 2nd\] reading secret deals - bring back democracy warts and all](#) (pdf) and [Secret trilogues and the democratic deficit](#) (pdf): *"Under a new agreement between the Council and the European Parliament the efficiency of decision -making is enhanced at the expense of transparency, openness and accountability "*

6. EUROPOL "CHECK THE WEB": [Development of the German Federal Criminal Police Office Check the Web project, which was originally launched to monitor the Internet, into a referral unit for unpleasant content](#) *"Check the Web is now to be developed into an EU Internet Referral Unit":*

"The CtW file contains structured information on videos, audio files, texts and statements published on the Internet. The organisations and individuals associated with the publications are linked with the stored publications and contain further background information. The evaluations of individual publications available in the Member States can also be supplied to CtW. The database also contains information on relevant individuals, organisations, media centres and internet sites in the field of religiously-motivated terrorism."

See also: [Fight against terrorism: follow-up to the statement of 12 February by the Members of the European Council and to the Riga Joint Statement of 29 January by the Ministers of Justice and Home Affairs of the EU - Implementation of measures](#) (LIMITE doc no: 6606-15, pdf)

7. EU: [Leaked digital single markets evidence file reveals Commissions ambitions - Documents show policy came before evidence for cybersecurity measures](#) (Politico, link):

"Leaked copies of the upcoming Digital Single Market Strategy and its supporting Evidence file show the European Commission is ready to propose vast regulatory reforms that could affect everything from sales taxes and e-privacy to Internet searches and big data. The Evidence file, obtained on Monday by POLITICO, tracked changes in the Commissions

priorities and concern for its public image... The strategy, which is entering into service consultation Tuesday and is set to be released on May 6, sets out a roadmap for pushing member states to accept far-reaching changes....

the Commissions document pointedly identifies their failure to finalize a substantial Telecom Single Market package, known as Connected Continent. The inter-service version of the new plan, now circulating, confirms that the Commission is giving up on much of the Connected Continent and, for now, settling for a deal restricted to roaming and net neutrality."

See: [Commission Communication](#) (pdf) and [Digital Single Market Evidence](#) (link to pdf, 21MB)

See also: CONNECTED CONTINENT: UPDATED for TRILOGUE: [Proposal for a Regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations \(EC\) No 1211/2009 and \(EU\) No 531/2012 - Preparation for the second informal trilogue](#) (LIMITE doc no: 7741-rev-1-15, 308 pages, pdf) ""The second informal trilogue will take place on 21 April 2015." Multi-column document: Commission proposal, European Parliament and Council positions and proposed "compromise"

8. [France debates proposed surveillance laws amidst civil society opposition](#)

A new bill on intelligence gathering, debated this week in the French Parliament has been criticised over its ambiguity, allowing for increased surveillance by the State. Motivated by the protection of national security, as well as territorial integrity, the bill is drafted for the additional purpose of counter-terrorism, counter organised crime and in the interests of foreign policy including within the European Union.

If passed, the bill would strengthen the monitoring techniques of intelligence services as well as the methods and technology currently used in surveillance.

9. EU: **European Commission says the plans for accession by the EU to the European Convention of Human Rights needs to be changed:** [Presidency: To: Working Party on fundamental rights, citizens' rights and free movement of persons: On: 21 April 2015: Subject: Technical written contribution from the Commission services - Co-respondent mechanism - Prior involvement of the CJEU](#) (LIMITE doc no DS 1216-15, pdf):

"Article 3 (6) of the draft Accession Agreement should be amended in such a way as to provide for an unlimited right of the EU as a co-respondent to initiate the prior involvement procedure (on the basis of its own interpretation of the case of the Court of Justice)

- paragraph 66 of the Explanatory Report should be amended in order to clarify that the prior involvement procedure also covers the interpretation (and not only the validity) of secondary law."

10. EU: Council of the European Union: [Proposals from Eurojust: Improving information and intelligence exchange in the area of counter terrorism across the EU](#) (LIMITE doc no: 7445-15, pdf) including the involvement of Eurojust at the investigative stage.prior to arrest and charges.

11. [EU Zombie Law: the CJEU re-animates the old 'third pillar'](#) (EU Law Analysis, link):

"Back in 1993, when the Maastricht Treaty entered into force, the EU began adopting measures on criminal law and policing under a peculiar institutional system, known in practice as the third pillar of EU law. This system was amended by the Treaty of Amsterdam in 1999, and then survived several attempts to kill it over the next decade; indeed I once compared it to Rasputin. The Treaty of Lisbon nominally finished it off as from that Treaty's entry into force (1 December 2009); but this was subject to a five-year transitional period.

That makes it sound as though the third pillar finally came to an end on 1 December 2014 but it did not. Indeed two judgments of the CJEU yesterday ([here](#) and [here](#)) not only maintain old third pillar measures in force, but allow new measures based on them to be adopted. Third pillar measures aren't exactly dead yet rather they are undead. Lets take a look at these zombies of EU law."

12. EU: [ODYSSEUS Network: EUROPEAN SUMMER SCHOOL: European Union Law & Policy on Immigration and Asylum](#) (pdf): 29 June - 10 July 2015, UNIVERSITgLIBRE DE BRUXELLES.

13. EU: Statewatch Analysis: [Biometric data and data protection law: the CJEU loses the plot](#) (pdf) by Steve Peers, Professor of Law, University of Essex:

"I won't mince words: this judgment is appalling. It's sensible enough as regards the scope of the Passports Regulation itself, which clearly wasn't intended to apply to any national identity cards or to the creation of government databases using biometric data. But the Court's fundamental flaw is its failure to confirm and elaborate upon the application of the Charter and the data protection Directive to such databases."

See: [Judgment](#) (pdf)

14. EU: Council of the European Union: [LIMITE documents: Data Protection Regulation, DP Directive \(LEAs\) & Connected Continent \(Updated\)](#)

RIGHTS OF THE DATA SUBJECT: CHAP III: [Proposal for a Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\) - Chapter VII](#) (LIMITE doc no 7722-15, pdf) Council developing its negotiating position with 90 Member State positions/footnotes)

LEAs PERSONAL DATA EXCHANGE: [Proposal for a Directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data - Chapters I and II](#) (LIMITE doc no 7740-15, pdf) Council developing its negotiating position with 184 Member State positions/footnotes) significant points: Chapter I: General provisions and Chapter II Principles

See Statewatch: [EU: Observatory on data protection and law enforcement agencies](#)

CONNECTED CONTINENT: UPDATED for TRILOGUE: [Proposal for a Regulation laying down measures concerning the European single market for electronic](#)

[communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations \(EC\) No 1211/2009 and \(EU\) No 531/2012 - Preparation for the second informal trilogue](#) (LIMITE doc no: 7741-rev-1-15, 308 pages, pdf) "*The second informal trilogue will take place on 21 April 2015.*" Multi-column document: Commission proposal, European Parliament and Council positions and proposed "compromise"

15. IRELAND: [Supreme Court alters rule for criminal trial evidence - Bar on use of evidence obtained in breach of a constitutional right has now been removed](#) (Irish Times, link):

"A hugely significant majority Supreme Court decision today has introduced a new rule concerning the admissibility of evidence in criminal trials.... By a four to three majority, the court granted an appeal by the DPP to alter a rule which had applied since the 1990 Supreme Court DPP v Kenny decision.

That rule effectively excluded all evidence obtained in circumstances where there was a breach of a constitutional right, whether or not that breach was deliberate or due to a mistake. The majority court decision introduces a new test which provides that evidence taken in deliberate and conscious violation of constitutional rights should be excluded except in certain exceptional circumstances."

See: [Supreme Court Judgment](#) (pdf), [Dissenting view](#) (pdf), [Judgment of Mr. Justice Clarke delivered the 15th April, 2015](#) (pdf) and [Information Note](#) (pdf)

16. EU: ACCOUNTABILITY of SIGNAL INTELLIGENCE AGENCIES: CoE: Venice Commission: [Update of the 2007 Report on the democratic oversight of the Security Services and Report on the democratic oversight of Signals Intelligence Agencies](#) (pdf): Adopted by the Venice Commission at its 102nd Plenary Session (Venice, 20-21 March 2015).

See [Executive Summary](#) (EASFJ, link) and see Venice Commission: [2007 Report](#) (pdf)

17. Germany-Egypt: [What new progress can the Federal Government report on the negotiations or potential conclusion of an agreement regarding police cooperation with Egypt](#) (pdf): Written question submitted by Member of the Bundestag Andrej Hunko on 25 March 2015: Including:

"In February 2015, the Federal Ministry of the Interior agreed measures with the Ministry of Interior Affairs of the Arab Republic of Egypt for a more intensive cooperation in the Federal Polices sphere of responsibility for the current year. These measures cover combatting illegal migration, support in ensuring aviation security, as well as the topics of explosive detection/disposal, police role at major events and training."

18. EU: CJEU JUDGMENT: Immigration law: Member States cannot just fine irregular migrants, they have to expel them ([full text](#))

Selected entries from NEWS DIGEST (129 news links from across the EU, so far in April, updated daily)

<http://www.statewatch.org/news/Newsinbrief.htm>

1. [London airport police to use surveillance drones](#) (BBC News, link)
2. [Summary of the Swedish Data retention law](#) (DFI, link) and see: [The Swedish Administrative Court of Appeal has decided to refer data retention case to the CJEU](#) (twitter)
3. [Malawians seek compensation for Nyasaland massacre during British rule - Families of 33 pro-independence protesters killed in 1950s say decision to sue is inspired by success of legal action by Kenyan victims of Mau Mau crackdown](#) (Guardian, link)
4. [Lawyers Take Dutch State to Court Over Eavesdropping](#) (Liberties.eu)
- 5 UK: SQUASH (Squatters' Action for Secure Homes): [Homes, Not Jails SQUASHs latest report](#) (link)
6. [Katie Hopkins and The Sun editor David Dinsmore reported to police for incitement to racial hatred following migrant boat column](#) (Independent, link)
7. USA: [Thirty years in jail for a single hair: the FBI's 'mass disaster' of false conviction - A dirty bomb of pseudo-science wrapped up nearly 268 cases perhaps hundreds more. Now begins the herculean effort to right the wrongs](#) (Guardian, link)
8. [Czechs, Germans to sign deal on extended police cooperation](#) (Prague Post, link): *"Rules for cross border pursuits and monitoring are expanded; drugs and theft are key problems"*
9. UK-MALAYA: [Supreme Court prepares to hear 1948 massacre survivors plea for British justice](#) (Bindmans, link): *"Tomorrow (22 April 2015) Britain's highest court will hear an extraordinary test case in which survivors of a 1948 massacre by British troops in colonial Malaya argue for a public inquiry into what happened and its six-decade long cover-up. The case has huge ramifications in Malaysia, where a campaign supported by 500 organisations has been pressing for justice for the survivors and their families, and in Northern Ireland, prompting an intervention in the litigation by its Attorney General and a response by the Pat Finnuccane Centre and Rights Watch UK on behalf of families seeking accountability for British troops' actions during the Troubles."*
10. [Germany is the Tell-Tale Heart of Americas Drone War](#) (The Intercept, link): *"TOP-SECRET U.S. intelligence document obtained by The Intercept confirms that the sprawling U.S. military base in Ramstein, Germany serves as the high-tech heart of Americas drone program. Ramstein is the site of a satellite relay station that enables drone operators in the American Southwest to communicate with their remote aircraft in Yemen, Somalia, Afghanistan and other targeted countries. The top-secret slide deck, dated July 2012, provides the most detailed blueprint seen to date of the technical architecture used to conduct strikes with Predator and Reaper drones."*
11. [Ombudsman: EU must interrogate US over TTIP transparency](#) (euractiv, link): *"The United States resistance to greater transparency in the Transatlantic Trade and Investment*

Partnership (TTIP) talks, poses a problem to a European Commission that must answer demands for more openness from civil society if it is to seal the trade deal, the European Ombudsman has told EurActiv in an exclusive interview."

12. EU: [DP NGO letter](#) (pdf) *"The undersigned organisations, NGOs from the European Union and around the globe are deeply concerned at the changes to the data protection reform package being made in the Council of the European Union. Europe's data protection framework is not just important for the protection of European citizens, it is not just important for building trust in European businesses, it is also crucial as an international gold standard for data protection and privacy on a global level"*

13. [Secret documents shine light on GCSB spying in Bangladesh](#) (New Zealand Herald, link): *"Secret files reveal the GCSB spies both on and for the South-East Asian nation"* See: [Document](#) (pdf)

14. [Special Branch collusion with Southampton University security](#) (Undercover Research Group, link)

15. [Yes voters right to suspect MI5 of spying on them](#) (The Scotsman, link)

16. USA: [Counter-Terrorism Officials Helped Track Black Lives Matter Protesters](#) (East Bay Express, link): *"A cache of California Highway Patrol emails provides a glimpse into how anti-terrorism agents helped law enforcement officials monitor Black Lives Matter protesters on the web."*

17. [Brussels unaware Malta had outsourced border control software](#) (Independent, link): *"After German MEP Cornelia Ernst had recently taken issue over Malta's use of the PISCES border control software, which was donated to the country by the American government in 2004, claiming that Malta's use of the software could constitute a security risk for other EU member states, the European Commission has said that it is, "not aware that Malta has externalised such IT-services"."* and see: [MALTA-USA: MEP questions Malta's use of US-supplied border security technology](#) (Statewatch database)

18. GREECE: [Golden Dawn Watch to shine a spotlight on upcoming trial - Greek anti-racism groups announced on Thursday an initiative to provide daily coverage and analysis of the upcoming trial of Greek far right party, Golden Dawn.](#) (Press Project, link)

19. [Norway to pay reparations to Roma for racist policies and suffering under Nazis - Prime minister Erna Solberg apologises for discrimination which led to dozens of Roma dying in Nazi death camps after being denied re-entry into Norway](#) (Guardian, link)

20. FRANCE-UK: ['At night it's like a horror movie' inside Calais's official shanty town new jungle camp, which has no shelter for men and no running water, represents an alarming toughening in Frances treatment of UK-bound migrants](#) (Guardian, link)

21. [Poland to build watchtowers at Kaliningrad enclave border](#) (euroactiv, link)

22. EP-FRONTEx: Question for written answer to the Commission Marina Albiol Guzmán (GUE/NGL) Subject: [Asylum applications and Frontex operations](#) (link) and

Answer (link): "According to information provided by **Frontex, the agency has so far assisted and coordinated 270 joint return operations in which 13 798 non-EU citizens** have been returned to their home countries. Frontex is not in possession of any figures on how many people have applied for asylum during these operations..." [emphasis added]

23. ETHICAL JOURNALISM NETWORK: "This month we published a new report covering 18 countries and focusing on growing concerns inside media about newsroom bias and secret deals which undermine ethical values. **Untold Stories: How Corruption and Conflicts of Interest Stalk the Newsroom**" (link to pdf Report)

24. **Americans Privacy Strategies Post-Snowden** (Pew Research Centre, link): "34% of those who are aware of the surveillance programs (30% of all adults) have taken at least one step to hide or shield their information from the government." and see: **NSA Telephone Records Surveillance** (EPIC, link)

25. **Council of Europe anti-torture Committee publishes report on the Czech Republic** (link) and see: **Report** (pdf): " Particular attention was paid to the situation of juveniles, high-security and life-sentenced prisoners. For the first time in the Czech Republic, the delegation examined the treatment of and legal safeguards offered to persons held under the court-ordered measure of security detention at Brno Prison. Further, the delegation visited a detention centre for foreigners as well as a psychiatric hospital where it examined the situation of involuntary patients. The report also deals with the issue of surgical castration of sex offenders which was the subject of consultations with representatives of the relevant national authorities."

26. IRELAND: **Garda could be given access to PPS numbers of two million drivers** (Irish News, link): "Other measures examined by the multi-agency group include the exchange of PPS numbers between private vehicle buyers and sellers.... Also being reviewed is the linking of car-owners' PPS numbers for each new vehicle registration. Social security numbers being used to block people with unpaid fines from selling or buying cars or from renewing a licence is also being assessed. PPS is short for Personal Public Service Number, "a unique reference that helps you access social welfare benefits, public services and information in Ireland."" See also: **Personal Public Service Number** (Citizens Information, link)

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Database, over 30,000 items: <http://database.statewatch.org/search.asp>

Statewatch European Monitoring & Documentation Centre on Justice and Home Affairs in the EU: <http://www.statewatch.org/semdoc/>

JHA Archive - EU Justice and Home Affairs documents from 1976 onwards:

<http://www.statewatch.org/semdoc/index.php?id=1143>

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