



News Online, 13 April 2015 (07/15)

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NEWS

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

TOP STORIES AND ANALYSES FROM STATEWATCH

1. ITALY: GENOA 2001: Statewatch Analysis: Italy/ECHR: 2001 Genoa police beating in the Diaz - Pertini school was "torture"
2. UK: "Dirty tricks"? The FCO leaked memo - Nicola Sturgeon - the Labour Party and the Zinoviev letter
3. Statewatch Analysis: EU Maternity Leave Directive: The Council secretly rejects EP's olive branch
4. EU: Billions of euros for internal security and migration policy
5. UK: Report: Foreign fighters demands better communication between police, schools and parents

NEWS

1. EU Council of the European Union: Migratory pressures: trends and further action (LIMITE document)
2. UK: Institute of Race Relations: The Met Gangs Matrix - institutional racism in action
3. BELGIUM: CIRE statement on two suicides: a dark day for migrants and for Belgium migration policy
4. SURVEILLANCE: ECHR: Liberty & PI take case on surveillance to the ECHR
5. UK: The roots of PREVENT: the National Co-ordinator for Special Branch
6. CoE: SPAIN: CPT report
7. UK: Data protection concerns 72% of Britons in post-Snowden world
8. EU: Shipowners, Unions urge EU address migrant crisis
9. EU: Council of the European Union: Vienna Declaration: Tackling Violent

Extremism and Terrorism (LIMITE doc)

10. UK: Met adopts "Kafkaesque position" on secret surveillance database
11. EU: Council of the European Union: "Foreign fighters": the EU response to UNSC Resolution 2178 (LIMITE documents)
12. EU: Council of the European Union: Cyber Security, Restrictive Sanctions, PRUM automated database (LIMITE documents)
13. EU: DATA RETENTION JUDGMENT: European Parliament: Legal Services: Opinion
14. UK-ECHR: The killing of Jean Charles de Menezes: Oral hearing 10 June 2015
15. AFRICAN UNION: Opposes outsourcing migrants
16. EU: Council of the European Union: Marrakesh Treaty for blind & disabled, Children suspects rights & EPPO
17. UNHCR: Concerned by border control practices after deaths of two Iraqis at Bulgaria-Turkey border
18. Google's misuse of private browsing data entitles individuals to damages
19. EU-MEXICO PNR: European Commission to open negotiations on PNR agreement
20. EU DEFENCE UNION: Yet another elite "Group of Personalities" set up
21. CEUTA-MELILLA: Against a state of exception for human rights in Ceuta and Melilla
22. HUNGARY: Helsinki Committee: Refugees and migrants: breach EU asylum law
23. UK-EU: House of Lords Select Committee on the European Union report: Review of balance of competencies
24. EU: Council of the European Union: DATA PROTECTION REGULATION: Redraft of important clauses on data subjects' rights
25. Deaths of Europe's "unwanted and unnoticed" migrants exposed (IRR)
26. UK: SPECIAL BRANCH SPIES ON MPs
27. EU: DATA PROTECTION REGULATION: Council position: Chaps II, VI & VII
28. EU: European Neighbourhood Policy evaluation for 2014 published
29. EU-PNR: Substantial reservations expressed by Article 29 Working Party on data protection
30. EU: Council of the European Union: DP Regulation: Chaps I, III, VIII & XI (LIMITE documents)
31. EU: Connected Continent: Council of the European Union: Preparation for the second informal trilogue

EU-UK-GCHQ-USA-NSA SURVEILLANCE

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

1. USA: TSA "Behaviour Detection" Program targeting undocumented migrants, not terrorists
2. UK: GCHQ: Britain used spy team to shape Latin American public opinion on Falklands
3. Did Facebook and the USA violate EU data protection law?
4. Netanyahu's spying denials contradicted by secret NSA documents
5. USA: REMOTE ACCESS TO COMPUTERS
- 6 UN: New UN investigator to probe digital spying

Selected stories from: **NEWS DIGEST** (67 news links from across the EU, so far in April, updated daily)

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

1. UK: Stephen Lawrence investigation: inquiry was not told of corrupt detective
2. EU: Dublin III Regulation on asylum and unaccompanied minors
3. GREECE: Golden Dawn on trial
4. IRELAND: Detention for asylum-seekers
5. French surveillance legislation off to a bad start
6. German government blames Pegida for rise in crimes against refugees
7. CoE: Parliamentary Assembly: Mass surveillance, drones and Ukraine
8. Norway to pay reparations to Roma
9. EU regrets Roma integration a long way off
10. Poland to build watchtowers at Kalingrad enclave border
11. IRELAND: FOI restrictions on refugee issues "rushed" through
12. UK: 40 illegal immigrants detained every day
13. Greece plan to release 3,500 immigrants from asylum centres
14. EP-FRONTEx: Question for written answer: Asylum applications and Frontex operations
15. ECRE note on recast Dublin Regulation
16. ETHICAL JOURNALISM NETWORK: Corruption and conflicts of interests in Newsroom
17. Germany eyes obligatory ID for Schengen flights
18. EU:-ECHR: Court on access of EU to ECHR
19. UK: Privacy, security and surveillance
20. CoE: Czech Republic report
21. Eurozone can't survive in current form
22. IRELAND: Guardai could be given access to PPS numbers of two million drivers

USING THE STATEWATCH WEBSITE

Analyses and stories from Statewatch

1. ITALY: GENOA 2001: Statewatch Analysis: [Italy/ECHR: 2001 Genoa G8 police beating in the Diaz-Pertini school was torture - Italy contravened art. 3 of the ECHR in case involving 62-year-old beaten during police operation](#) (pdf):by Yasha Maccanico:

On 7 April 2015, the fourth section of the European Court of Human Rights in Strasbourg found Italy guilty of contravening art. 3 of the European Convention on Human Rights which forbids torture and inhuman or degrading treatment due to the treatment Arnaldo Cestaro was subjected to and to the criminal offences used to prosecute the case. The courts press release highlights that:

In particular, the Court rules that, considering the totality of the circumstances that have been presented, the ill-treatment suffered by the applicant in the Diaz-Pertini school must be classified as torture in accordance with article 3 of the Convention. The Court notes that the lack of identification of its material authors results in part from the objective difficulty for the court to undertake certain identifications as well as due to shortcomings in cooperation by the police."

2. UK: ["Dirty tricks"?: The FCO leaked memo - Nicola Sturgeon - the Labour Party and the Zinoviev letter](#)

A Cabinet Office inquiry has been launched into the leaking of a government document concerning alleged remarks by Nicola Sturgeon, leader of the Scottish Nationalist Party (SNP), which are damaging to the SNP and the Labour Party. Are there historical parallels?

See: [UK Intelligence Services Attack SNP - The fake FCO memo has MI5 written all over it. This is the worst example of British security services influencing an election campaign since the Zinoviev letter.](#)(Craig Murray, link)

In 1924 the leak of the "Zinoviev letter" by MI6 to the *Daily Mail* contributed to the fall of the first (minority) Labour government: See: ["Zinoviev letter" extract from The Political Police in Britain](#) by Tony Bunyan, 1977 (pdf)

3. Statewatch Analysis: [The EU's Maternity Leave Directive: The Council secretly rejects the EP's olive branch](#) by Steve Peers, Professor of Law, University of Essex:

"The Council's refusal to accept the EP's olive branch and even start negotiations on a possible compromise (however unlikely that might be) is petty and vindictive"

4. EU: [Billions of euros for internal security and migration policy](#)

22 EU Member States' plans for internal security and migration were approved by the European Commission yesterday, opening the door to billions of euros in funding from the EU's current seven year budget, which runs from 2014 until 2020. The new budgets follow the EU's previous internal security and migration budgets, which ran from 2007 until 2013 and paid for transnational databases and police operations, surveillance equipment, and detention centres, amongst other things.

European Commission press release: [Investing in an open and secure Europe: 1.8 billion to fund Asylum, Migration, Integration and Security](#) (pdf)

5. UK: [Report on foreign fighters demands better communication between police, schools and parents; increased social media and travel controls](#)

A new report from the UK Parliament's Home Affairs Committee on the "foreign fighters" phenomenon calls for:

- a "vast improvement" in "communication between the police, schools and parents";
- "social media companies" to suspend users' accounts when "they are given evidence that users of their services are seeking to promote violent extremism";
- "stricter controls" on people travelling to "destinations of concern (DOCs) such as Syria, Somalia, Iraq and Nigeria"; and for
- no-fly lists to "be strictly adhered to and shared internationally."

Full report: House of Commons Home Affairs Committee: [Counter-terrorism: foreign fighters](#) (pdf)

NEWS

1. EU Council of the European Union: [Migratory pressures: trends and further actions](#) (LIMITE doc no: 6565-rev-1-15, pdf), includes:

"effective return policy: The swift return of migrants could serve as an example to counter the vain promises that migrants will see an immediate improvement in their lives in the EU....."

2. UK: Institute of Race Relations: [The Met Gangs Matrix institutional racism in action](#) (link):

"Lee Bridges, Professor Emeritus (School of Law, University of Warwick), examines the ethnic composition of the Metropolitan polices gangs database.,,,

the presumption that gangs databases and the policing policies and practices that utilise them represent a clear example of institutional racism will remain. Indeed, there is a strong case for suspending their use as the basis of such policies as targeted stops and searches, let alone for special operations such as Operation Shield. which so clearly involve collective and potentially indiscriminate punishment."

And: [Where was our independence? The persistent questions about the IPCCs Mark Duggan investigation](#) (link) by Betsy Barkas:

"Last week the Independent Police Complaints Commission (IPCC) report into the death of Mark Duggan exonerated the officers involved and was immediately condemned by the family as a whitewash. IRR News analyses previously unreleased internal documents that shed new light on the IPCCs investigation in the immediate aftermath of the shooting"

3. BELGIUM: [CIRdstatement on two suicides:A dark day for migrants and for Belgian migration policy - press statement of 3 April](#)

"Thursday 2 April 2015 will remain etched as a dark day. Two people who were refused the right of residence by Belgium killed themselves. Acting as spokespersons for many others, they send out a message to our humanity and recall - if it still needs to be demonstrated - the true cost of our migration policies."

4. SURVEILLANCE: ECHR: [Liberty takes fight against mass surveillance to European Court](#) (Liberty, link) and see: [Privacy International calls on Europes](#)

[top human rights court to rule on British mass surveillance](#) (Privacy International, link):

"Privacy International and several other human rights organisations are taking the UK Government to the European Court of Human Rights over its mass surveillance practices, after a judgement last year found that collecting all internet traffic flowing in and out of the UK and bulk intelligence sharing with the United States was legal.

The appeal, filed last week by Privacy International, Bytes for All, Amnesty International, Liberty, and other partners, comes in response to a ruling in December by the UK's surveillance court, the Investigatory Powers Tribunal, dealing with the industrial-scale spying programmes TEMPORA and PRISM revealed by National Security Agency whistleblower Edward Snowden."

See [Application to the ECHR: 10 Human Rights organisations](#) (pdf)

5. UK: [The roots of PREVENT: the National Co-ordinator for Special Branch](#) (Undercover research, link):

"For a long time it has been argued that Prevent is being used as cover for spying on the Muslim community. When you realise Prevent is just Special Branch re-branded, we think this conclusion is incontrovertible."

And see: [National Co-ordinator for Special Branch](#) (Wiki, link)

6. CoE: SPAIN: [Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) (pdf)

"The Council of Europe anti-torture committee (CPT) today published the report on its visit to Spain in July 2014, in which it examines the treatment of irregular migrants intercepted in Melilla on the border with Morocco. It also assesses the implementation of previous CPT recommendations in relation to the detention centres for foreigners (CIEs) in Barcelona (Zona Franca) and Madrid (Aluche).....The CPT also expresses its concern on recently adopted legislation, pending in front of the Spanish parliament at the time of the adoption of the report, which legalises the practice of forcibly deporting irregular migrants without any prior identification or assessment of their needs."

7. UK: [Data protection concerns 72% of Britons in post-Snowden world, research shows - NSA revelations, hacks and identity theft have left seven in 10 people in the UK concerned about their privacy, and a third willing to pay to protect information](#) (Guardian, link): *"New research has found that 72% of British adults are concerned about their private information online, worried about hackers*

and unauthorised access to their data."

8. EU: [Shipowners, Unions Urge EU Address Migrant Crisis](#) (Maritime Executive, link):

"European and global operators of merchant ships have joined forces with seafarers unions in a letter urging EU Member States to take immediate collective action in addressing the growing humanitarian crisis in the Mediterranean Sea....."

In a joint letter to leaders of all 28 EU Members States dated March 31, the European Community Shipowners Associations (ECSA), the European Transport Workers Federation (ETF), the International Chamber of Shipping (ICS) and the International Transport Workers Federation (ITF) have warned that the crisis is spiralling out of control. They warn there is a serious risk of further catastrophic loss of life unless EU Member States respond with greater urgency."

See: [Letter from shipping industry to EU Heads of State/Heads of Government of EU/EEA Member States: Humanitarian crisis in Mediterranean sea](#) (pdf)

9. EU: Council of the European Union: [Vienna Declaration - Tackling Violent Extremism and Terrorism](#) (LIMITE doc no 7500-15, pdf):

"Delegations will find in annex the declaration of the Ministerial Conference of Foreign and Interior Ministers Tackling Jihadism Together held in Vienna on 20 March 2015..."

We, the Ministers of Foreign Affairs and the Ministers of Interior of Croatia, Italy, Slovenia and Austria (as host of the Conference) together with our colleagues from the Western Balkans 6 in the presence of the European Commission, the OSCE, the EU Counter-Terrorism Coordinator, the EU Fundamental Rights Agency, Europol and the Regional Cooperation Council at the Conference Tackling Jihadism Together Shaping, Preventing, Reacting

10. UK: [Met adopts Kafkaesque position on secret surveillance database - The Metropolitan Police has dreamt up a new excuse for blocking domestic extremist subject access requests](#) (Netpol, link):

"This is the Kafkaesque position we have arrived at. It is impossible to know for certain whether a secret database holds data about you, so you can only speculate that your involvement in protests means it is possible. However, submitting a request without evidence that you are in fact on the database is a speculative search. To make matters worse, advice from the Information Commissioners Office yesterday suggested providing evidence of your participation in protests, to show that your request is not simply based on unreasonable assumptions or guesswork."

That's correct: in order to find out if the police hold data about your participation in political protest, you are expected to tell the police all about your participation in political protest."

11. EU: Council of the European Union:

["Foreign fighters": the EU response to UNSC Resolution 2178, the CoE Protocol and critical commentary](#)

AGREEMENT TO START NEGOTIATIONS BY WRITTEN PROCEDURE: **[Council decision authorising the opening of negotiations on an additional protocol supplementing the Council of Europe Convention on the Prevention of Terrorism \(CETS No. 196\) Outcome of written procedure](#)** (LIMITE doc no: CM 2128-15.pdf): *"We are pleased to inform you that the written procedure initiated by CM 2089/15 of 30 March 2015 was successfully completed..... the United Kingdom regrets the late publication of the Recommendation for a proposed Council Decision. This was published only after the negotiations for the Additional Protocol had been commenced. This is not consistent with the duty of sincere cooperation."* ("Written Procedure" is a process by which Member States do not meet but the text is circulated to all Member States and agreement is assumed if there are no substantive problems - in this instance a Member State Statements are attached)

[Criminal justice response to the phenomenon of foreign fighters - Compilation of replies](#) (LIMITE doc no: 5206-rev-2-15, 87 pages, pdf) Responses from 22 EU Member States

[Judicial response to terrorism = State of play and next steps](#) (5917-15, pdf) including: *"Reinforced cooperation with third countries is indispensable to amplifying the response to terrorism across the EU. This is of particular importance for the identification of the alleged perpetrators and the collection of evidence based in foreign jurisdictions or the collection of e-evidence."*

Commentary: **[Foreign Fighters and EU implementation of the UNSC resolution 2178. Another case of Legislate in haste, repent at leisure ?](#)** (EASFJ, link): *"the European Commission and the Council informed the EP of their intention to negotiate in the framework of the Council of Europe a protocol to the European Convention against terrorism, to implement the United Nations Security Council resolution 2178 on foreign terrorist fighters... highlights the main aspects of the issue of Foreign Fighters starting from the International law dimension by taking as basic references:*

*Excellent briefing **[Foreign Fighters under International Law](#)** of the Geneva Academy of International Humanitarian Law and Human Rights and the very timely*

and focused remarks of the former United Nations Special Rapporteur on human rights and counter-terrorism Martin Scheinin on UNSC Resolution 2178": [Back to post-9/11 panic? Security Council resolution on foreign terrorist fighters](#)

Martin Scheinin's comments include: "Let us assume that a country applies a definition of terrorism that includes organized campaigns of indigenous groups toward self-determination by non-violent means. Criminalizing the provision of training to empower these groups, including in the field of human rights, would then be legitimized by OP6. The repressive regime would refer to its obligations under the UN Charter to justify a crackdown upon travel, training and funding of organizations and movements said to constitute a threat to the oppressive regime itself even when totally nonviolent."

See: [Resolution 2178 \(2014\): Adopted by the Security Council at its 7272nd meeting, on 24 September 2014](#) (pdf)

12, EU: Council of the European Union: LIMITE documents: [Cyber Security, Restrictive Sanctions, PRUM automated data exchange](#)

[EU Cybersecurity Strategy: Road map development](#) (LIMITE doc no: 6183-rev-1-15, 22 pages, pdf): "Delegations will find in Annex an updated version of the road map on the implementation of the Council conclusions on the EU Cybersecurity Strategy taking into account the progress made on the respective already agreed actions, the discussions at the Friends of the Presidency Group on Cyber Issues meeting held on 23 February 2015 and subsequent comments received."

[Restrictive measures \(Sanctions\) - Update of the EU Best Practices for the effective implementation of restrictive measures](#) (LIMITE doc no: 7383-rev-1-15, 34 pages, pdf) Covers: "Designation and identification of persons and entities subject to targeted restrictive measures - Identification of designated persons or entities - Claims concerning mistaken identity - De-listing" and financial sanctions.

Italian delegation: [Action 7.7 "To analyse the problem of underevaluation from the point of view of the possible involvement of organised crime in this type of fraud, to evaluate existing tools and best practices to counter this phenomenon \(legal/operational\) and to propose adoption of new ones if needed" - Final Report](#) (LIMITE doc no: 16072-rev-2-14, pdf): "The aim of Action 7.7 of the CCWP was to "analyse the problem of underevaluation from the point of view of the possible involvement of organised crime in this type of fraud, to evaluate existing tools and best practices to counter this phenomenon (legal/operational) and to propose adoption of new ones if needed".

PRUM: AUTOMATED DATA EXCHANGE: [Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in](#)

[combating terrorism and cross-border-crime, Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border-crime \("Prm Decisions"\) - statistics and reports on automated data exchange for 2014](#) (5503-rev-2-15, 50 pages, pdf)

Detailed, Member State by Member State statistics on the the automated exchange of DNA data, of dactyloscopic reference data as well as of Vehicle Registration Data (VRD).

13..EU: DATA RETENTION JUDGMENT: European Parliament: Legal Services: Opinion [LIBE - Questions relating to the judgment of the Court of Justice of 8 April 2014 in Joined Cases C-293/12 and C-594/12, Digital Rights Ireland and Seitlinger and others - Directive 2006/24/EC on data retention - Consequences of the judgment](#) (27 pages, pdf)

*"The DRI judgment **presents a novel aspect in so far as the Court of Justice refers specifically to a particular body of the case-law of the European Court of Human Rights on the issue of "general programmes of surveillance"**, The Court of Justice has now effectively incorporated the same principles, stemming from this case-law of the European Court of Human Rights, into EU law in this same field. In view of the fact that the cited case-law of the European Court of Human Rights itself relates to a diverse category of surveillance measures (which is not at all limited to data retention issues), **it is to be expected that the Court of Justice will, in future, also apply the same reasoning when assessing the validity, under the Charter, of other EU legislative acts in this same field of "general programmes of surveillance....***

***All new and pending ED legislative proposals** which concern the special context of **"general programmes of surveillance"** **must clearly now take account of the reasoning of the Court of Justice** in the DRI judgment. Great care must therefore be taken in such cases to ensure full respect for the Charter.*

*The **same considerations will apply also in the case of international agreements under negotiation**, given that the EU legislature's discretion, in external relations, to conclude international agreements, under the Treaty and in accordance with the Charter, **cannot be wider than the discretion, in internal matters**, to adopt ED legislation applying within the ED legal order....*

*Following the DRI judgment, **Member States run an even higher risk than before of having their legislation annulled** by the national courts, in a similar way to what has already happened in a number of Member States."*

But: ***"bilateral agreements concluded by the Member States with third countries requiring mass collection of personal data and exchange of personal data for***

law enforcement purposes would presumably have been concluded in the exercise of the competence of the Member States. Consequently the Charter would not be applicable to such agreements and so the DRI judgment would not then have any particular consequences in this regard. [emphasis added]

See also: European Parliament: [Legal Service Opinion on the ECJ judgment](#) (dated 8 April 2014, pdf) and Statewatch Observatory: [The surveillance of telecommunications in the EU \(from 2004 and ongoing\)](#)

14. UK-ECHR: **The killing of Jean Charles de Menezes**: Oral hearing 10 June 2015: [Alleged failure to conduct effective investigation into fatal shooting of person mistakenly identified as suspected terrorist: communicated](#) (link): *"The applicant is a relative of Mr Jean Charles de Menezes, who was mistakenly identified as a terrorist suspect and shot dead on 22 July 2005 by two special firearms officers in London."*

See: [Statement of facts](#) (pdf).

See also: [No charges to be brought against officers who shot Jean Charles de Menezes](#) (Statewatch database) and [Justice4JeanFamily Campaign](#) (Statewatch database)

15. [African Union opposes outsourcing migrants](#) (euobserver, link):

"The African Union is opposed to any EU-level plan to outsource asylum processing centres to countries in Africa. "From the African perspective, this would be a dangerous approach, said African Union ambassador to the EU, Ajay K Bramdeo, on Wednesday. Niger, Tunisia, Egypt, Morocco and Turkey may host such centres."

And: [African envoy expresses concern over EU migrant center plans](#) (New Europe, link)

See also Statewatch: [Plan to set up "ad hoc operational cooperation mechanisms" between the EU and north African states, which will have a "real deterrent effect so that less and less migrants would be ready to put their life at risk to reach the European coasts" - to block refugees leaving Africa and hand them over to north African states](#)

16. [EU: Council of the European Union: LIMITE documents: Marrakesh Treaty for the blind and disabled, Rights of child suspects & EPPO](#)

[Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled -](#)

Guidance for further work (LIMITE doc no: 7321-15, pdf) You might think it would be easy for EU governments to agree on facilitating access to publication for people who are blind, visually impaired or otherwise print disabled - but you would be wrong:

"the will to sign without delay the Marrakesh Treaty was strong, but the issues linked to the legal basis and the nature of the competence of the European Union controversial, it was agreed that the discussions on those issues would be postponed to a later stage. Thus the Council reached a fragile compromise and adopted on 14 April 2014, the decision on the signing of the Marrakesh Treaty on behalf of the European Union, with the United Kingdom voting against and Poland abstaining out of opposition to the use of Article 207 TFEU as legal basis. The signature took place in Geneva on 30 April 2014."

But the EU Member States (governments) having signed up to the Treaty disagree on the legal basis for the EU to implement it. Worth reading.

CHILD SUSPECTS RIGHTS: **Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings - Outcome of the first trilogue and the first technical meeting / preparation of the second trilogue** (LIMITE doc no: 7503-15, 132 pages, pdf): Report on trilogue meeting:

"The Presidency generally retains a positive impression of the two meetings, which were held in a very pleasant atmosphere. This being said, the pace of the meetings is rather low; the European Parliament clearly wants to take the negotiations regarding this Directive more slowly than the negotiations regarding the procedural rights Directives that were adopted in the recent years. It may therefore take more time before concrete results can be reported."

EPPO: MAJOR RE-DRAFT OF COUNCIL'S POSITION: **Proposal for a Regulation on the establishment of the European Public Prosecutor's Office** (LIMITE doc no: 7070-15, pdf). Lots of footnotes referring to "Some delegations" or "A few delegations" "A number of delegations" or "Many delegations" without naming the Member States.

17, **UNHCR concerned by border practices after deaths of two Iraqis at the Bulgaria-Turkey border** (link to press release):

"GENEVA, 31 March (UNHCR) The UN refugee agency on Tuesday expressed increasing concern that people needing international protection were being blocked from entering the European Union, citing the deaths of two Iraqi men who were in a group of 12 Yazidi people allegedly beaten by Bulgarian border guards...."

The statement followed a recent incident in which UNHCR was told 12 Iraqis

belonging to the Yazidi minority were stopped by Bulgarian border guards as they tried to enter from Turkey. The Iraqis had their belongings seized and were badly beaten.

The group scattered and two of the men, suffering from severe injuries, died later of hypothermia on the Turkish side of the border. According to the reports, a third person was taken in a critical condition to a hospital in Edirne after Turkish authorities were alerted."

18. [Googles misuse of private browsing data entitles individuals to damages Court of Appeal](#) (UK Human Rights Blog, link): Google Inc v Vidal-Hall and others [2015] EWCA Civ 311 (27 March 2015) - read [Judgment](#) (pdf)

"This case concerned the misuse of private information by an internet provider based in the United States. Google had secretly tracked private information about users internet browsing without their knowledge or consent, and then handed the information on to third parties (a practice known as supplying Browser-Generated Information, or BGI)."

See also: [Facebook tracking said to breach EU law](#) (euobserver, link)

19. EU-MEXICO PNR: European Commission to open negotiations on PNR agreement: [Letter from Commissioner to Claude Moraes, Chair LIBE Committee](#) (pdf)

See: Statewatch story filed on 8.3.15: [European Commission in a pickle over PNR](#)

- Mexico and Argentina about to implement PNR laws requiring "the transfer of passenger data from air carriers that operate in [their] countries"

- The Commission has only 2-3 weeks to sort this out: airlines face fines if they do not comply and would break EU law if they do

20. EU DEFENCE UNION: Yet another elite "Group of Personalities" set up: [Bienkowska launches high-level defence research group](#) (euractiv, link):

"Elzbieta Bienkowska , Commissioner for Internal Market, Industry, Entrepreneurship and SMEs, launched a new high-level group to advise the EU on how it can support research on a future defence union."

See: [High-level group of personalities on defence research](#) (pdf)

Background: [First EDA-Commission workshop on the preparatory action for](#)

[CSDP-related research](#) (European Defence Agency, link) and [ASD: Aerospace and Defence Industries Association of Europe: Position paper:](#) (pdf): "ASD represents the Aeronautics, Space, Security and Defence industries in Europe. Based in Brussels, the organisations membership today comprises 15 major European aerospace and defence companies and 27 member associations in 20 countries" and also: [EU: Commission proposes military research programme](#) (Statewatch database)

See also: [Arming Big Brother: the EU's Security Research Programme](#) (Statewatch, pdf): "The story of the EU Security Research Programme is one of Big Brother meets market fundamentalism. It was personified by the establishment in 2003 of a Group of Personalities (GoP) comprised of EU officials and Europe's biggest arms and IT companies." And the ground-breaking report from Statewatch & TNI: [NeoConOpticon: The EU Security-Industrial Complex](#) by Ben Hayes (pdf)

21. CEUTA-MELILLA: [Against a state of exception for human rights in Ceuta and Melilla](#) (pdf):

"The 150 undersigned social associations have looked into the eyes of these migrants and seen their injuries, traumas and persecutions often, very often. This is why we won't look away and allow our shame for this illegal practice through which our name is being soiled to discourage us. We won't allow the existence in our country of zones of exception for human rights regardless of how hard they try to legalise them."

22. HUNGARY: [Helsinki Committee: Refugees and migrants: Information note on Hungarian government plans to breach EU asylum law and to subject asylum-seekers to massive detention and immediate deportation](#) (link) and see: [Media information note](#) (pdf, link):

*"Hungarian Helsinki Committee aimed at providing background information and key facts about migration to *Hungary*, conditions for migrants in the country and recent developments in the government's migration policy. With 42,777 asylum claims registered last year, the number of asylum-seekers in Hungary saw a twentyfold increase from 2012 to 2014. The already problematic situation of migrants and asylum-seekers in the country risks to deteriorate following the *anti-migrant communication campaign* initiated by the Prime Minister last February.*

*Planned amendments to asylum and immigration laws are going, for example, in the direction of *systematic detention* of asylum-seekers and migrants irregularly entering the territory, *undermining the protection of their fundamental rights."*

23. UK-EU: House of Lords Select Committee on the European Union report: [The Review of the Balance of Competences between the UK and the EU](#) (pdf) and

[Evidence submitted](#) (pdf) in response to: [Government Review](#) (link): *"Although the reports represent a significant and worthwhile body of work, the Review as a whole is diminished by the Governments failure to deliver its undertaking in 2012 to draw together the analysis contained in the Review."*

See: [Lords slams UKs splendid isolation on EU justice opt-out](#) (euractiv, link): *"The House of Lords has called on the British government to abandon its legally unsustainable interpretation of EU justice and home affairs law, and drop its unnecessarily confrontational strategy."*

24. EU: Council of the European Union: DATA PROTECTION REGULATION: This a redraft of important clauses on data subjects' rights and remedies: [Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\) - Chapters III and VIII](#) (LIMITE doc no: 7526-15, 27 March 2015, pdf)

25. [Deaths of Europes unwanted and unnoticed migrants exposed](#) (Institute of Race Relations, link): *"The deaths over the last five years, in the detention and reception centres, the streets and the squats of Europe, are a product of the rightlessness and the lack of human dignity European governments accord to migrants and asylum seekers. They are also the tip of the iceberg; the true figures are unknown, as in many countries migrants deaths are not recorded or investigated. But of the deaths whose circumstances are known, the largest number, sixty, were suicides; 26 were caused by untreated illness or illness exacerbated by detention, while sixteen were caused by destitution."*

"Liz Fekete, Director of the IRR, said, Some lives simply dont matter. These deaths reflect exactly the same indifference to human life that we see at the border this suffering, these deaths need to be accounted for."

Full report: [Unwanted, Unnoticed: an audit of 160-asylum and immigration-related deaths in Europe](#) (link to pdf)

26. UK: SPECIAL BRANCH SPIES ON MPs: [Furious Labour MPs allegedly spied on by undercover cops demand to see files](#) (Mirror, link): *"Furious Labour MPs have demanded to see their secret Special Branch files after it emerged they were allegedly spied on by undercover cops."*

"Deputy party leader Harriet Harman, ex-Cabinet Minister Peter Hain and senior backbencher Jeremy Corbyn urged the Government to release the confidential documents detailing their activities."

A now-defunct unit of Met Police officers has been accused of threatening

democracy by keeping and even updating records on their targets after they became MPs - including Jack Straw during his time as Home Secretary."

Parliament is about to go into recess before the general election in March, so it is unlikely that there will be many formal developments before the election of a new parliament. As Home Office minister Mike Penning noted during the debate: "*Lots of things are possible with notice -in the next Parliament.*". Penning also told Harriet Harman that he could not guarantee MPs would be able to see the full contents of the files kept on them: "*Ultimately, there may be reasons for that. I was a counter-terrorism Minister in Northern Ireland, where there had to be redactions. I will make sure that as much as can be released is released.*" See: debate: [Undercover Policing](#) (Hansard, link)

Background: [Police continued spying on Labour activists after their election as MPs](#) (Guardian, link) and see also: [The Wilson Doctrine](#) (pdf): "*The convention that MPs communications should not be intercepted by police or security services is known as the Wilson Doctrine. It is named after the former Prime Minister Harold Wilson who established the rule in 1966*"

27. EU: DATA PROTECTION REGULATION: Council position on Chapters II (Principles), VI (Independent Supervisory Authorities) and VII ("one-stop-shop")

"Delegations will find attached the texts of Chapters II (Annex I), VI and VII (one-stop-shop) (Annex II) as agreed in the partial general approach reached at the Council on 13 March 2015." See: [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 \(General Data Protection Regulation\) - Chapters II, VI and VII](#) (7466-15, pdf)

From earlier this month: Statewatch Analysis: [Second version: The Proposed Data Protection Regulation: What has the Council agreed so far?](#) (pdf) by Steve Peers, Professor of Law, University of Essex

28. EU: **European Neighbourhood Policy evaluation for 2014 published**

"In 2014 the EU maintained a high level of engagement with partners, in which the instruments offered by the ENP played a central part. The new European Neighbourhood Instrument (ENI), adopted in 2014, provides EUR 15.4 billion for the period 2014-20. Financial assistance is more focused than before; civil society organisations (CSOs) and local authorities are better and more closely involved in preparing, implementing and monitoring EU support."

Full report: European Commission and High Representative for Foreign Affairs and Security Policy: [Implementation of the European Neighbourhood Policy in 2014](#)

(pdf) and for an overview: [Commission publishes neighbourhood reports for 'test year 2014'](#) (EurActiv, link)

The document notes that: "*The terrible loss of life in the Mediterranean Sea during 2014 showed that coordinated policy formulation of the EU with its partner countries in the South and beyond is indispensable.*

"As ENP partner countries are mostly transit countries for irregular migration, the EU includes the neighbours of neighbours in relevant discussions, e.g. authorities from West and Central Africa in the framework of the 'Rabat Process'. Similarly, a regional dialogue process was launched in November with countries along the East African migratory route ('Khartoum Process'). Most of the EU's southern partner countries lack a comprehensive, sustainable legal and administrative system to deal with this issue. Libya, in particular, was very vulnerable to flows of asylum-seekers, irregular migration and human trafficking following the deteriorating security situation and the conflict in the country. "

On this issue, see also: [Plan to block refugees leaving Africa and hand them over to North African states](#)

A document was published at the beginning of March outlining the "clear need to review the assumptions on which the policy is based, as well as its scope, and how instruments should be used..." See: [Towards a new European Neighbourhood Policy](#) (pdf)

29. EU-PNR: Substantial reservations expressed in: [Letter from the Article 29 data protection Working Party to Claude Moraes, Chair of the Civil Liberties Committee \(LIBE\)](#) (pdf) with detailed Appendix.

"First, the necessity of an EU PNR scheme still has to be justified. Precise argumentation and evidence are still lacking in that respect. Further restrictions should also be made to ensure that the data processing is proportionate to the purpose pursued, in particular considering that the report now includes intra-EU flights in the data processing..."

the scope of the offences concerned should be further reduced and the retention period shortened and clearly justified....

the WP29 insists on the necessity to present as soon as possible a detailed evaluation of the efficiency of the PNR scheme. A sunset clause should also be inserted into the directive to assist in ensuring periodic review of the necessity of the system....

to reduce the list to the crimes for which the use of PNR data would effectively

prove necessary for the police investigators and, in any case, to justify, for each category of crime currently listed, that the use of PNR data is necessary for the prevention, detection, investigation and prosecution of these crimes....

at the very least, philosophical belief, trade union membership, health data and sex life should be added to the list of data on the basis of which no decision producing adverse legal effects, such as regarding preassessment of passengers, must be taken." [emphasis added]

30. EU: Council of the European Union: [Data Protection Regulation - latest documents](#): Proposal for a Regulation of the European Parliament and of the Council 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):

GENERAL PROVISIONS & GENERAL PROVISIONS: [Chapters I and XI](#) (LIMITE doc no: 7700-15, pdf) With 38 Member State positions or Footnotes.

RIGHTS OF THE DATA SUBJECT: [Chapter III](#) (LIMITE doc no: 7651-15, pdf) With 150 Member State positions on Footnotes. Includes: *"However, if requests are manifestly unfounded such as when the data subject repetitiously requests information or where the data subject abuses its right to receive information for example by providing false or misleading information when making the request, the controller could refuse to act on the request."* [emphasis added]

[Chapters III and VIII](#) (LIMITE doc no: 7526-15, pdf) includes "Profiling" (pp 6-7) and 15 Member State positions or Footnotes.

PRINCIPLES, INDEPENDENT SUPERVISORY AUTHORITIES and CO-OPERATION AND CONSISTENCY: [Chapters II, VI and VII](#) (Doc no 7466-15, pdf) With 147 Member State positions or Footnotes

Note: [Spanish delegation on Chapters III & VIII](#) (LIMITE doc no: 7586-ADD-1-15, pdf)

31. EU: Connected Continent: Council of the European Union: **Preparation for the second informal 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 5](#)** (LIMITE doc no 7741-15, 342 pages pdf): Multi-column document with Commission proposal, European Parliament position, Council position and "compromise" text.

Significant changes proposed by Council Presidency: *"Before examination of the amendments, the Working Party will be further briefed on the results of the two*

technical meetings and reasoning for the amendments as proposed by the Presidency."

EU-UK-GCHQ-USA-NSA SURVEILLANCE

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

1. USA: [Exclusive: TSA Behavior Detection Program Targeting Undocumented Immigrants, Not Terrorists](#) (The Intercept, link):

"A controversial Transportation Security Administration program that uses behavior indicators to identify potential terrorists is instead primarily targeting undocumented immigrants, according to a document obtained by The Intercept and interviews with current and former government officials.

The \$900 million program, Screening of Passengers by Observation Techniques, or SPOT, employs behavior detection officers trained to identify passengers who exhibit behaviors that TSA believes could be linked to would-be terrorists. But in one five-week period at a major international airport in the United States in 2007, the year the program started, only about 4 percent of the passengers who were referred to secondary screening or law enforcement by behavior detection officers were arrested, and nearly 90 percent of those arrests were for being in the country illegally, according to a TSA document obtained by The Intercept.

Nothing in the SPOT records suggests that any of those arrested were associated with terrorist activity."

See: [Document](#) (pdf), See [TSA document](#) (pdf) and [Examples of SPOT targets](#) (png)

2. UK: GCHQ: [Britain Used Spy Team to Shape Latin American Public Opinion on Falklands](#) (The Intercept, link):

"Faced with mounting international pressure over the Falkland Islands territorial dispute, the British government enlisted its spy service, including a highly secretive unit known for using dirty tricks, to covertly launch offensive cyberoperations to prevent Argentina from taking the islands.

A shadowy unit of the British spy agency Government Communications Headquarters (GCHQ) had been preparing a bold, covert plan called Operation QUITO since at least 2009..... At the heart of this operation was the Joint Threat Research and Intelligence Group, known by the acronym JTRIG, a secretive unit that has been involved in spreading misinformation."

3. [Do Facebook and the USA violate EU data protection law? The CJEU hearing in Schrems](#) (EU Law Analysis, link)

4. [Netanyahus Spying Denials Contradicted by Secret NSA Documents](#) (The Intercept, link):

"Israeli Prime Minister Benjamin Netanyahu yesterday vehemently denied a Wall Street Journal report, leaked by the Obama White House, that Israel spied on U.S. negotiations with Iran and then fed the intelligence to Congressional Republicans. His offices denial was categorical and absolute, extending beyond this specific story to U.S.-targeted spying generally, claiming: The state of Israel does not conduct espionage against the United States or Israels other allies.

Israels claim is not only incredible on its face. It is also squarely contradicted by top-secret NSA documents, which state that Israel targets the U.S. government for invasive electronic surveillance, and does so more aggressively and threateningly than almost any other country in the world. Indeed, so concerted and aggressive are Israeli efforts against the U.S."

See: [Excerpt from 2008 NSA document Which Foreign Intelligence Service Is the Biggest Threat to the US?](#) (link)

5. USA: REMOTE ACCESS TO COMPUTERS: [Advisory Committee Approves Rules to Expand Police Hacking Authority](#) (EPIC, link):

"according to a news report, a committee of the Federal Judicial Conference voted on Monday to approve changes to Rule 41 of the Federal Rules of Criminal Procedure. Under the revised rule, judges could issue "remote access" warrants authorizing law enforcement to search computers remotely, even when the target is outside the jurisdiction of the court."

See also: [FBI's Plan to Expand Hacking Power Advances Despite Privacy Fears - Google had warned that the rule change represents a monumental constitutional concern](#). (National journal, link) and UK: [Code of Practice: "Equipment Interference" to give the intelligence and security agencies direct access to computers to by-pass encryption and to use "remote access" to "obtain information.. in pursuit of intelligence requirements" or to "remove or modify software"](#) (Statewatch)

6 UN: [New U.N. investigator to probe digital spying](#) (Reuters, link): *"The United Nations top human rights body agreed on Thursday to appoint a special investigator*

to probe digital spying and violations of online privacy.

"Brazil and Germany spearheaded the resolution, which voiced deep concern over electronic surveillance and the interception of digital communications, as well as data collection by governments and private companies."

See also: [Human Rights Council creates mandate of Special Rapporteur on the right to privacy: Adopts Three Other Texts on Human Rights, Democracy and the Rule of Law, the Right to Work, and the Effects of Terrorism on Human Rights](#) (UN ,link) and [Human rights, democracy and the rule of law](#) (link)

And: UN Human Rights Council: [The right to privacy in the digital age](#) (pdf) and: [UN Human Rights Council Appoints Special Rapporteur on the Right to Privacy](#) (Electronic Frontier Foundation, link)

Selected entries from NEWS DIGEST (67 news links from across the EU, so far in April, updated daily)

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

1. UK: [Stephen Lawrence investigation: inquiry was not told of corrupt detective - Special unit concluded that John Davidson was corrupt but did not tell the public inquiry into the bungled investigation of teenagers murder](#) (Guardian, link)

2. EU: [Dublin III Regulation on asylum and unaccompanied minors](#) (EASFJ, link)

3. 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)

4. IRELAND: [DirectProvision15: Legal Insights into the Direct Provision System](#) (Human Rights in Ireland, link): *"The Direct Provision system in Ireland to accommodate Asylum seekers is now 15 years old. It is a remarkable system and over the past 13 years I have visited almost every hostel at this point in different parts of the Country. All of them appear to have the same hallmarks. Direct provision hostels are institutions which are wholly unsuitable for the people and families who reside in them."*

5. [French surveillance legislation is off to a bad start](#) (euractiv, link): *"The new French Intelligence Bill has provoked concern among many of the countrys lawmakers, as well as international NGOs. According to French Human Rights*

Defender Jacques Toubon, the legislation contravenes the rulings of the European Court of Human Rights."

6. [German government blames Pegida for rise in crimes against refugees](#) (euractiv, link): "Germany's Ministry of Internal Affairs is blaming right-wing extremist demonstrations, aimed especially at asylum seekers, for the growing number of attacks on refugee shelters."

7. CoE: Parliamentary Assembly: [Spring Session: mass surveillance, drones, situation in Ukraine](#) (link)

8. [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)

9. [EU regrets Roma integration a long way off](#) (euroactiv, link): "There is still a long way to go for Roma integration in the EU, the European Commission said on the eve of International Roma Day Wednesday (8 April)"

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

11. IRELAND: [Fol restrictions on refugee issues rushed through Oireachtas](#) (Irish Times, link): "The Irish Refugee Council has expressed its concern at the manner in which restrictions to the Freedom of Information Act, as it applies to bodies dealing with asylum and refugee issues, were rushed through the Oireachtas before Easter. Both Houses debated and approved the restrictions on the date from which the records of two refugee bodies - Refugee Appeals Tribunal and the Refugee Applications Commissioner - can be now be accessed under the Act."

12. UK: [40 illegal immigrants detained every day](#) (The Times, link): "Forty illegal immigrants a day are being arrested in Britain as enforcement squads swoop on premises known for employing people in the black economy. Raids on Indian and Chinese restaurants, petrol stations and car washes have helped to boost the number of illegal immigrants being picked up by the authorities. "

13. [Greece plan to release 3,500 immigrants from asylum centres sets it on a collision course with Europe](#) (Independent, link)

14. 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]

15. [ECRE has published an information note providing guidance to apply the recast Dublin Regulation from the perspective of the fundamental rights of the asylum seekers. The Dublin Regulation determines the Member State responsible for the examination of an asylum application in the EU](#) (link)

16. 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)

17. [Germany eyes obligatory ID for Schengen flights](#) (euobserver, link): *"German interior minister Thomas de Maiziere has said the fact the air passengers in the EU's borderless region only need to present a ticket to board a plane is a "huge security problem"."*

18. EU:-ECHR: [Opinion 2/13 of the Court of Justice on access of EU to the ECHR One step ahead and two steps back](#) (EASFJ, link)

19. UK: [Privacy, security and surveillance: tackling dilemmas and dangers in the digital realm](#) (Wilton Park, link)

20. [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."*

21. [Eurozone can't survive in current form, says PIMCO - Single currency area must become a "United States of Europe" in order to secure its future, says manager of world's largest bond fund](#) (Telegraph, link)

22. IRELAND: [Gardaould 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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Observatories (20): <http://www.statewatch.org/observatories.htm>

Analyses (1999 - ongoing): <http://www.statewatch.org/analyses.htm>

Statewatch Journal: Current issue:

<http://www.statewatch.org/contents/swjournal23n2.html>

Statewatch Journal: Archive: Since 1991: <http://www.statewatch.org/subscriber/>

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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