



News Online

30 July 2015 (19/15)

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

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

1. EU: Analysis: EU-USA Justice and Home Affairs cooperation: an honest and equal relationship?
2. EU: Briefing: Preparing the ground for "smart borders": EU action on "overstayers"
3. EU: Smart borders: European Commission and MSs at odds over digitising passport stamps
4. EU: European Parliament Study: The General Principles of EU Administrative Procedural Law
5. SPAIN: Analysis: ECtHR: Guilty of not investigating allegations of torture
6. EU: DP Regulation: Council: Presidency debriefing on the outcome of the trilogue on 14 July
7. EU: DP Regulation: European Data Protection Supervisor: New Chapter for Data Protection
8. EU PASSENGER NAME RECORD (PNR): Council: Preparation for internal trilogues
9. UK: Shut down undercover police unit because it broke rules
10. LONDON: PUBLIC ORDER: Met Police: Guidance documents for Mass or multiple arrests
11. Follow the Spycops Across Borders
12. ITALY: Sentences 41 years after an attack against a trade union antifascist demonstration
13. UK: What is "The Wilson Doctrine" that says MPs not to be put under surveillance by the state?
14. UK. Police Confirm Ongoing Criminal Probe of Snowden Leak Journalists
17. EU-USA: ECCHR and CCR: Appeal Spain's Decision to Discontinue Guantánamo Investigation
18. UK: Independent Review into Deaths and Serious Incidents in Custody must be effective
19. COE: Convention on cybercrime: Protocol on xenophobia and racism
20. UK: MINERS STRIKE 1984-1985: ORGREAVE: Now we need the truth
21. EU: Justice and Home Affairs Council, 20 July 2015, Brussels: Final press release (pdf)
22. UK: City of London police put Occupy London on counter-terrorism presentation
23. EU: "FREE MOVEMENT OF [LEA] DATA": Council developing its negotiating position
24. EU-PNR (Passenger Name Record): European Parliament PNR negotiating resolution
25. UK: Public order broadcasting: 'The Met' and the press (IRR)
26. FRANCE: Report on detention centres - Increased use of detention, inc children and EU nationals
27. UK: New: PREVENT Duty Guidance: for further education institutions in England and Wales
28. Joint statement on convictions for an attack on a Roma camp in Turin

EU-UK-GCHQ-USA-NSA SURVEILLANCE

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

1. UK-USA-GCHQ-NSA: [Surveillance and democracy: the EU and civil liberties](#) Tony Bunyan
2. SPIEGEL [Interview with Julian Assange: 'We Are Drowning in Material'](#)
3. EU: SURVEILLANCE: European Parliament: Resolution of 12 March 2014 mass surveillance

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

NEWS

1. EU: Statewatch Analysis: [EU-USA Justice and Home Affairs cooperation: an honest and equal relationship?](#) (pdf):

Tony Bunyan, Statewatch Director, comments:

"The USA role in justice and home affairs is like that of the 29th EU state. Year after year since 2001 there have been regular meetings of Ministers and Senior Officials in Brussels and Washington - it also attended the six-monthly G6 meetings of EU Interior Ministers (and its preparatory meetings)

The USA is a major, unseen, influence on EU justice and home affairs policies and practices and uses the meetings to lobby for direct access to EU and Member State databases.

These meetings take place on the oft-repeated assumption that the USA and the EU "share common values of democracy, the rule of law and respect for human rights and fundamental values". However, there are many people, in Europe and the USA, who do indeed believe we share these "common values", but not the policies and practices of our governments."

2. EU: Statewatch Briefing: [Preparing the ground for "smart borders": EU action on "overstayers"](#) (pdf) by Zakeera Suffee:

"Quiet preparations for the EU's ambitious "smart borders" proposals are ongoing. This will require the fingerprinting of all non-EU residents entering the Schengen area, and is made up proposals for an Entry/Exit System intended to detect visa "overstayers"; a Registered Traveller Programme for the vetting of selected individuals before they arrive at EU borders; and proposals for relevant legal amendments to the Schengen Borders Code...."

The multiple efforts to ensure ever-greater capture, storage and sharing of information suggest that people on the move are increasingly seen as a threat that needs to be regulated and managed through high-tech surveillance combined with "on-the-ground" information-gathering and police operations. All of these initiatives pose significant challenges to fundamental rights, in different ways. The fact that they are, for the most part, discussed and prepared in secret only adds to the concerns that they raise."

3. EU: [Smart borders: European Commission and Member States at odds over digitising passport stamps](#)

The EU wants to replace ink-on-paper passport stamps with a digital alternative as part of its plans for an Entry/Exit System supposed to detect visa "overstayers". Member States are not convinced by the idea.

A proposed new database known as the Entry/Exit System (EES) would require the fingerprinting of all non-residents entering the Schengen area, with the aim of making it easier to calculate and detect who has "overstayed" their visa entitlement. A Registered Traveller Programme (RTP), for the vetting of certain travellers before they reach EU borders, would also be introduced, along with amendments to the Schengen Borders Code.

However, the Commission's plan has raised concerns amongst the Member States. Documents obtained by *Statewatch* show that a majority of Member States consider passport stamps to be the most effective way of detecting overstayers

4. EU: European Parliament Study: [The General Principles of EU Administrative Procedural Law](#) (pdf):

"Upon request by the JURI Committee this in-depth analysis explains what general principles of EU administrative procedural law are, and how they can be formulated in the recitals of a Regulation on EU administrative procedure."

5. SPAIN: Statewatch Analysis: [ECtHR: Spain guilty of not investigating allegations of torture in incommunicado detention](#) by Yasha Maccanico:

On 5 May 2015, the third section of the European Court of Human Rights (ECtHR) in Strasbourg unanimously found Spain guilty of violating the procedural aspects of article 3 of the European Convention on Human Rights (ECHR). Arratibel Garciandia applied to the ECtHR on 6 September 2013, complaining about the failure by Spain's internal jurisdiction to effectively investigate allegations that he was subjected to ill-treatment following his arrest at 3 a.m. on 18 January 2011 in his home in Etxarri Aranatz (Navarre). He was placed in incommunicado detention until 22 January and transferred to the Guardia Civil's general directorate in Madrid, after his fingerprints and a DNA sample were taken in the Pamplona audiencia provincial (province court) in the Navarre region.

And see : [Statewatch Analyses: Resources for researchers](#) (from 1999 - ongoing)

6. EU: DATA PROTECTION REGULATION: Council of the European Union: Latest state of play in secret trilogue meetings at summer break: [Chapter II, preparation of trilogue](#) (LIMITE doc no 10790-15, pdf): Developing the Council's position: "*With a view to preparing the next trilogue, the Presidency invites delegations to discuss Chapter II . Principles (Articles 5-10).... **While underlining that the General Approach reached by Council on 15th June 2015 constitutes the basis of the Presidency's negotiation mandate, and taking into account the position of the European Parliament on Chapter II, the Presidency invites delegations to share their views on the different questions and suggestions listed below (points 7 and 8).***" [emphasis added]

and [Presidency debriefing on the outcome of the trilogue on 14 July 2015](#) (LIMITE doc no: 10680-15, pdf): 93 pages with multi-column positions. Summary of discussions including: "*discussed in a trilogue on the General Data Protection Regulation the provisions related to Chapter V on **transfer of personal data to third countries or international organisations** and on the territorial scope of the Regulation.*" (emphasis added)

7. EU: DATA PROTECTION REGULATION: European Data Protection Supervisor (EDPS): [Opening a new Chapter for Data Protection](#) (Press release, pdf):

"Today, as the European Data Protection Supervisor sent his recommendations to the EU co-legislators negotiating the final text of the General Data Protection Regulation (GDPR), he [launched a mobile app](#) to compare the latest texts from the Commission, the Parliament and the Council more easily on tablets and smartphones.

Giovanni Buttarelli, EDPS, said: "Privacy and data protection matter more than ever to people. For the first time in a generation the EU has an opportunity to modernise, harmonise and simplify the rules on how personal information is handled. These rules must be relevant for the next generation of technologies. As part of my remit to be proactive and constructive, my recommendations aim to support the co-legislators to get a better deal for the individual, to make safeguards more effective in practice and enable them to benefit from technological innovation."

And see: [EDPS Opinion on the new Regulation](#) (32 pages, pdf) and [Annex to Opinion 3/2015: Comparative table of GDPR texts with EDPS recommendations](#) (520 pages, pdf) Multi-column document.

8. EU PASSENGER NAME RECORD (PNR): Council of the European Union: [Preparation for internal trilogues](#) (LIMITE doc no 11105-15: pdf): Multi-column document, 507 pages.

For full background and documentation see Statewatch Observatory: [EU-PNR \(Passenger Name Record: 2011: ongoing\)](#)

9. UK: [Scotland Yard shut down undercover police unit because it broke rules - A secret review found that the Special Demonstration Squad ignored ethical issues and gathered information that had no crime-fighting value](#) (Guardian, link):

"The SDS was run by the Met and collected what the review called "high-grade intelligence" on protesters during "deep infiltration operations". Established in 1968, the unit planted more than 100 undercover officers in more than 460 political groups, until it was wound up in 2008. The undercover officers adopted intricate fake personas and pretended to be campaigners for spells of usually five years.

The SDS spies were deployed to gather information about protests organised by campaigns including those of grieving families seeking the truth about police misconduct, environmentalists and anti-racist groups."

Background: [Investigation into links between Special Demonstration Squad and Home Office](#) (pdf) and Mark Ellison QC and Allison Morgan's: [Review of possible miscarriages of justice: Impact of Undisclosed Undercover Police Activity on the Safety of Convictions Report](#) (57 pages, pdf) plus: [Special Demonstration Squad: Tradecraft Manual](#) (pdf).

10. LONDON: PUBLIC ORDER: Metropolitan Police: [Guidance documents for Mass or multiple arrests](#) (pdf): A fair bit of it is censored. Contains: Briefing Note Prisoner Transport - Mass Arrest SOP [Standard Operating Procedure] - Briefing Note Good Practice - Supervisors guidance card S12 & S14 (sections 12 and 14 of the Public Order Act 1986)

11. [Follow the Spycops Across Borders](#) (COPs, link): "German MP Andrej Hunko, who has taken great interest in Mark Kennedy's deployment in Germany, has written to the Home Secretary insisting that the [forthcoming inquiry](#) into undercover police includes UK officers' actions abroad. It comes after May's announcement last week which, whilst scant on detail, did specify that it will cover "operations conducted by English and Welsh police forces in England and Wales". It's known that officers from the political police units have been going abroad for about twenty years. Conversely, their foreign counterparts work over here." See also: [Secrets and lies: undercover police operations raise more questions than answers](#) (Statewatch database, link)

12. ITALY: [Strage di piazza della Loggia, ergastolo per Maggi e Tramonte 41 anni dopo \[Life sentences for Maggi and Tramonte, 41 years after the piazza della Loggia massacre\]](#): 41 years after an attack using explosives against a trade union antifascist demonstration in Brescia in which eight people were killed and more than 100 people were injured on 28 May 1974, Carlo Maria Maggi of the far-right Ordine Nuovo group, and Maurizio Tramonte, a former intelligence service source, were convicted and received life sentences.

13.UK: What is ["The Wilson Doctrine"](#) (House of Commons, pdf) that says MPs must not be put under surveillance by the state?

and see: [MPs can no longer remain exempt from surveillance, lawyers concede - James Eadie QC tells investigatory powers tribunal the Wilson doctrine is unworkable in era of bulk interception by intelligence agencies](#) (Guardian, link) and see: [What is the Wilson doctrine? The story behind MPs' protection from snooping - The convention, outlined by former Labour PM Harold Wilson, says intelligence agencies should not bug MPs, but that hasn't stopped such behaviour occurring](#) (link)

14. UK. [Police Confirm Ongoing Criminal Probe of Snowden Leak Journalists](#) (The Intercept, link): "A secretive British police investigation focusing on journalists working with Edward Snowden's leaked documents remains ongoing two years after it was quietly launched, *The Intercept* can reveal.

London's Metropolitan Police Service has admitted it is still carrying out the probe, which is being led by its counterterrorism department, after previously refusing to confirm or deny its existence on the grounds that doing so could be "detrimental to national security." The disclosure was made by police in [a letter](#) sent to this reporter Tuesday,

The admission that the investigation remains ongoing triggered criticism from the U.K.'s largest journalists' organization. Michelle Stanistreet, general secretary of the National Union of Journalists, called on the police to "stop attacking press freedom." "Journalists who reported on the Snowden documents are not criminals, they are not a threat to national security," Stanistreet said"

15. USA: Government Accountability Office (GAO): [COMBATING TERRORISM: State Should Evaluate Its Countering Violent Extremism Program and Set Time Frames for Addressing Evaluation Recommendations](#) (pdf):

"Without specific time frames, it will be difficult for the bureau to ensure timely implementation of programmatic improvements. In addition, despite identifying its CVE program as a priority and acknowledging the benefit of evaluating it, the bureau has postponed evaluating it each fiscal year since 2012."

17. EU-USA: ECCHR and CCR: [Former Detainees and Human Rights Groups Appeal Spain's Decision to Discontinue Guantánamo Investigation](#) (pdf):

"The Berlin-based European Center for Constitutional and Human Rights (ECCHR) and the Center for Constitutional Rights (CCR) in New York, together with their cooperating lawyer in Madrid, Gonzalo Boye, have lodged an appeal against the Spanish National Court's decision to halt the long-running investigation into torture at the U.S. detention center in Guantánamo."

18. UK: [Independent Review into Deaths and Serious Incidents in Custody must be effective and lead to real change](#) (INQUEST, link):

"Responding to the announcement, Deborah Coles, Co-Director of INQUEST, said: "For the review to be effective bereaved families, their lawyers and INQUEST will need to play an integral role in the review, and the Reviewer will need to take full account of their views and experiences. It must also address why so many previous recommendations from reviews, inquiries and inquests have not been acted upon. It is too early to tell if this is more about a public relations exercise than a real attempt to bring about effective systemic change and the necessary accountability of police officers."

And see: [Theresa May to launch independent review of deaths in police custody - Home secretary will state desire to rebuild public confidence in police in speech that comes after tensions between ministers and force under Tory-led coalition](#) (Guardian, link): "Theresa May will announce plans on Thursday to launch an independent review of deaths in police custody as she vows to stamp out the "evasiveness and obstruction" suffered by families at the hands of the authorities."

19. COE: [Convention on cybercrime: Protocol on xenophobia and racism](#) (280 pages, pdf)

20. UK: MINERS STRIKE 1984-1985: ORGREAVE: [We were fed lies about the violence at Orgreave. Now we need the truth - This pivotal event in the miners' strike led to a police cover-up. Only an inquiry can correct history and repair broken trust](#) (Guardian, link)

See: Despite finding evidence of assault, police withholding evidence and committing perjury the IPCC (Independent Police Complaints Commission) decides not to investigate any further: [IPPC Decision](#) (pdf) and [IPPC Review](#) (pdf)

"the IPCC found "support for the allegation" that three senior police officers in command at Orgreave had "made up an untrue account exaggerating the degree of violence (in particular missile throwing)" from miners to justify their use of force and the charges of riot. The report said one of these most senior officers had his statement typed and witnessed by another officer who led a team of detectives which, the IPCC said, dictated those identical opening paragraphs of junior officers' statements" (Guardian report)

And see: [Orgreave: Truth and Justice Campaign](#) (link)

21. EU: Justice and Home Affairs Council, 20 July 2015, Brussels: Asylum, Agreements on relocation, resettlement and safe countries of origin: [Final press release](#) (pdf)

- [Background Note](#) (pdf) The "non-legislative": [Agenda](#) (pdf) is solely concerned with:

Resettling 20 000 displaced persons from outside the EU in clear need of international protection
Relocating from Greece and Italy 40 000 persons in clear need of international protection
Provisional measures in the area of international protection for the benefit of Italy and Greece
Designation of certain third countries as safe countries of origin

22. UK: [City of London police put Occupy London on counter-terrorism presentation with al-Qaida - Anti-capitalist campaigners described as 'domestic extremism' and put on slide with pictures of 2005 London bombing and the 1996 IRA bombing](#) (Guardian, link) and see: [NETPOL](#) (link)

23. EU: "FREE MOVEMENT OF [LEA] DATA": Council of the European Union developing its negotiating position on the: Proposed Directive on the exchange of personal data between law enforcement agencies (LEAs) in the EU:

- [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](#) (LIMITE doc no: 10335-15, pdf) 149 pages with 629 Member State position/amendments: *"All changes made to the original Commission proposal are underlined text, or, where text has been deleted, indicated by (...). Where existing text has been moved, this text is indicated in italics. The most recent changes are marked in bold underlining."*

- [Chapters I, II and V](#) (LIMITE doc no: 10133-15, 63 pages, pdf) Chapter 1: General, Chapter II: Principles and Chapter V: Transferring of personal data to third countries or international organisations. With 219 very detailed Member State positions/amendments including:

"DE, supported by FI, wanted it to be possible to transfer data to private bodies/entities, for cybercrime this was important. NL, SE and SI agreed with DE on the need for a solution on transfer to private parties in third countries...."

- [Discussion on questions suggested by the Presidency](#) (LIMITE doc no: 10208-15, pdf)

See Statewatch Observatory: [Observatory on data protection and law enforcement agencies](#) - the protection of personal data in police and judicial matters (2005-2008) and new proposals 2011 ongoing with full-text documentation on all the secret discussions in the Council - Last updated 19 July 2015

24. EU-PNR (Passenger Name Record): [European Parliament PNR negotiating resolution](#) (pdf) and see: [MEPs back surveillance and profiling of air passengers as Council discusses "global approach" to PNR deals with non-EU states](#)

25. UK: [Public order broadcasting: 'The Met' and the press](#) (IRR News Service, link):

"Embedded journalism and police power

This programme shows how far the gains of the landmark 1999 Macpherson report have been rolled back. The media now considers racism something to be consigned to Britain's past; it has been 'dealt with'. [7] As community anger continues – in case after case – the media, faced with interpreting this dissent, proves incapable of scrutinising the actions that cause it. Left with effect without cause, it has turned to the same institutions that generate anger to fill the gap in the narrative."

26. FRANCE: [Report on detention centres for 2014 - Increased use of detention, including of children and EU nationals](#)

The fifth report on French detention centres, published jointly by the associations *ASSFAM, Forum Réfugiés - Cosi, France terre d'asile, La Cimade and Ordre de Malta France*, provides a wealth of official data, statistics and critical analysis concerning detention centres and places of detention for migrants on the French mainland and overseas territories for 2014.... [and] a practice initially introduced to target third-country nationals was later extended to Romanians and Bulgarians, and is now being used to deal with citizens of several EU member states..

27. UK: [Universities will be allowed to host extremist speakers – within limits: External speakers at campuses must share platform with opponents under compromise on government's Prevent counter-extremism strategy](#) (Guardian, link) and see new: [Prevent Duty Guidance: for further education institutions in England and Wales](#) (pdf)

28. [Joint statement by European Roma Rights Centre, Idea Rom Onlus and Associazione Studi Giuridici Immigrazione on convictions for an attack on a Roma camp in Turin](#) On 17 July 2015, the ERRC, Idea Rom Onlus and ASGI issued a statement which welcomes the conviction of six people for a violent attack in December 2011.

EU-UK-GCHQ-USA-NSA SURVEILLANCE

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

1. UK-USA-GCHQ-NSA: Speech by Tony Bunyan Statewatch Director, Cardiff University, 18 June 2015: [Surveillance and democracy: the EU and civil liberties](#) (YouTube, link). Tony talks about surveillance with respect to the European Union and the effect the EU has on our civil liberties. He details that what has happen in terms of mass surveillance is nothing new, but what is new is the political and legal framework which allows it to happen. And gives an overview of the relationships between each of the following: 1) Gatherers of data (NSA, GCHQ), 2) Users of data (CIA, FBI), 3) Suppliers of data (Corporations) and 4) Targets of surveillance (Suspected terrorists, protests and dissenters, refugees and asylum seekers, migrant communities, general public)

This talk was given as part of the plenary session entitled State-Media-Citizen Relations in the Surveillance Society. It was part of the 2015 Surveillance and Citizenship Conference held at Cardiff University's School of Journalism, Media and Cultural Studies.

2. SPIEGEL [Interview with Julian Assange: 'We Are Drowning in Material'](#) (Der Spiegel, link): "In an interview, Julian Assange, 44, talks about the comeback of the WikiLeaks whistleblowing platform and his desire to provide assistance to a German parliamentary committee that is investigating mass NSA spying."

3. EU: SURVEILLANCE: European Parliament: [Amendments 1-125 to Draft motion](#) (pdf) and [Draft Motion for a Resolution: On the Follow up to the European Parliament Resolution of 12 March 2014 on the electronic mass surveillance of EU citizens: Claude Moraes](#) (pdf)

See Statewatch Observatory (June 2013 - ongoing): [EU-UK-GCHQ-USA-NSA: Data surveillance](#)

USING THE STATEWATCH WEBSITE

News Online: <http://www.statewatch.org/news/newsfull.htm>

Whats New (all new items): <http://www.statewatch.org/whatsnew.htm>

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

Observatories (20): <http://www.statewatch.org/observatories.htm>

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

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

Database, over 31,000 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>

About Statewatch: <http://www.statewatch.org/about.htm>