News Online
30 August 2016 (15/16)

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

NEWS

1. EU Commission: Copyright reform proposals: Leaked internal Impact Assessment (IA)
2. Statewatch Analysis: The visible hand: The EU's Security Industrial Policy
3. Refugees: New routes to reach Spain lead to more deaths at sea
4. EU: Common list of safe countries of origin: Parliament concerned on Commission proposal
5. EU: European System for Travel Authorisation on the way
6. EU: Council of the European Union: Visa Code and Database border checks
7. UK: Home Affairs Committee: Radicalisation: counter-narrative and identifying the tipping point
8. UK: Muslims ordered off plane after ISIL accusation
9. European Parliament: Democratic control: Parliament's powers of investigation
10. Council of Europe: Non-implementation of the Court's judgments: our shared responsibility
11. ECHR: Deterioration of security situation in Iraq entails real risk for the applicants if returned
12. FRONTEX: Shoot First: Coast Guard Fired at Migrant Boats, Frontex Documents Show
13. German minister seeks facial recognition at airports, train stations
14. Hungarian politician suggests hanging pigs' heads along border to deter Muslim refugees
15. UK: Government secrecy in renditions prosecution challenged
16. UK: Special prison units for "the most dangerous Islamist extremists"
17. BULGARIA-TURKEY: Outrage in Bulgaria over secretive transfer of Turkish citizen to Ankara
18. USA: Problems with predictive policing
19. UK: Drone strikes: the development of the UK's "targeted killing" programme
20. EU-USA: Mutual Legal Assistance Review: Council of the European Union LIMIE documents
21. EU: Commission Opinion of 1 June 2016 regarding the Rule of Law in Poland: Full text
22. UK: Bulk data collection by security agencies is needed, says government terrorism watchdog
23. UK: Undercover policing inquiry: The Met's Chaotic and Dysfunctional Record Keeping
24. Greek government rebuffs need to strengthen approach to ill-treatment by law enforcement
25. UK: Undercover policing inquiry: dead babies' names stolen by police may be kept secret
26. European Parliament: Martin Schulz steps in to veto speaker on transparency
27. A new EU Security Strategy: towards a militarised Europe?
28. UK: 'He was agitated and upset': Former Aston Villa striker Dalian Atkinson's last moments
29. NETPOL: Police refuse to rule out using undercover officers at anti-fracking protests
30. Documents Confirm CIA Censorship of Guantánamo Trials
31. Migration: Cracks widen in "impossible" Italian asylum system
32. EU: Counter-terrorism: new laws passed in Bulgaria and proposed in Germany
33. EU: Reports on implementation of EU cybercrime policies in Cyprus and Italy declassified
34. More border fences in Bulgaria
35. Poland pushes back thousands of refugees, many fleeing crackdown in Tajikistan
36. GERMANY: New far-right group comes under gaze of state spies
37. POLAND: Justice Paralyzed: Polish President Signs New Constitutional Tribunal Bill
38. HUNGARY-SERBIA: In the long crossing to Hungary refugee families get stuck in transition
39. Observatory: Refugees crisis: latest news across Europe – a daily service

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

NEWS

1. EU: Copyright reform proposals: **Leaked Impact Assessment on the copyright reform recommends an ancillary copyright on steroids!** (Initiative Against an Ancillary Copyright, link):

"*Direct attack on the freedom to link*

That the new right "would not change the legal status of hyperlinks in EU law" (see p. 147) is nothing but a lip service. Even if turned out that setting a mere hyperlink without description is not covered, any kind of described link (i.e. useful link) that includes a small excerpt of the linked source would be made subject to a license. This would mean the end of the Internet, as we know it."

Latest: EU Commission: Yes, we will create new ancillary copyright for news publishers, but please stop calling it a "link tax" (communia-association.org, link):

"*Well that was quick: just two days after Commissioner Ansip delivered a **non-denial denial** that "this Commission does not have any plans to tax hyperlinks" **Statewatch published a draft of the Commission's own Impact assessment on the modernisation** of EU copyright rules which clearly states that the Commission will indeed propose the introduction of an EU wide ancillary copyright for news publishers.*"

2. Statewatch Analysis: **The visible hand: The EU's Security Industrial Policy** (pdf) by Chris Jones

The European Commission has been working for some time to "enhance growth and increase employment in the EU's security industry" through projects launched under the 2012 'Security Industrial Policy' (SIP).

While estimates of the actual size of the security industry vary, the EU hopes it will provide more "jobs and growth" and help ensure the implementation of EU and national security policies.

The EU's initiatives in security are wide-ranging, but they frequently dovetail with the interests of major security and defence companies: tools for mass data-gathering and predictive analytics, continent-wide surveillance systems and databases, the increasing use of biometrics in all walks of life, and the closer integration of public authorities and private industry.

In 2012 the Commission argued that: "A competitive EU security industry is the conditio sine qua non of any viable European security policy and for economic growth in general," and used the SIP to launch a whole host of initiatives.

These include projects aimed at technical standardisation; attempts to bring industrial interests and state agencies together through various forms of public-private partnership; enhancing "synergies" between civil security and defence research; and initiatives aimed at introducing standards for "privacy by design"

For the industry, the benefit is clear – one Commission-contracted study concluded that: "The development of a European public security market is perceived by [large security and defence companies] as a necessary condition for the achievement of profitable business."

An examination of the paper trail surrounding the SIP and the initiatives it has spawned serves to highlight some of the ways in which the EU is seeking to help these companies achieve "profitable businesses", and how the foundations for the EU's security project are being laid.

Chris Jones commented:

"The EU's duty to level the playing field in the single market coincides neatly with the aim of large security and defence companies to have an entire continents' worth of governments and businesses to whom they can sell new security systems and products.

The harmonisation of regulatory and technical standards across the continent is the route to developing this "true internal market in security", and is likely to further empower Europe's major security and defence companies."

3. **New routes to reach Spain lead to more deaths at sea**

In the first half of 2016, more people have died at sea trying to reach Spain than during 2015 as a whole. The reinforcement of border security measures and raids against undocumented migrants by Moroccan gendarmes has led to the development of longer, more treacherous routes, with new ports of departure emerging near the Morocco-Algeria border and the sea route to the Canary Islands re-opening.

At least 208 people are thought to have died during the crossing to Spain in the first six months of 2016, although the true figure is almost certainly higher. In 2015, the total number of known deaths was 195.

4. EU: **Common list of safe countries of origin: Parliament concerns over Commission proposal**

The Commission originally proposed adopting a European list made up initially of six "safe countries of origin": Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. The report by the civil liberties committee cites a number of concerns and significantly alters the Commission's proposal, including by refusing to include any specific countries before opinions from the European Asylum Support Office have been completed.

See: **Explanatory statement** (pdf) and **full report** (pdf) by the Committee on Civil Liberties, Justice and Home Affairs.

5. EU: **European System for Travel Authorisation on the way**

"*The European Commission is preparing a proposal inspired by France and Germany to introduce a "European ESTA" modelled on a US scheme requiring international travellers who do not need a visa to apply online – and pay a $14 fee – before entering the territory, EurActiv.com can confirm.*

A legislative draft will be tabled "in the autumn", probably in November, EU sources told EurActiv.

Paris and Berlin have been pushing for the scheme, which would introduce a pan-European system for international travellers wishing to enter EU territory.

The proposal comes amid heightened security concerns following deadly terrorist attacks in Paris last November and subsequent bombings in Brussels in March."

See: **Brussels prepares EU-wide scheme for visa-free travel authorisation** (EurActiv, link)

And: **Migration: discussions on the "Central Mediterranean Route", EU Travel Information and Authorisation System; Visa Code negotiations** (Statewatch News Online, May 2016)

6.   EU: Council of the European Union: **Visa Code and Database border checks**

- VISA CODE: **Draft Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)** (LIMITE doc no; 10026-16, 183 pages, pdf): 4-column document with the Commission Proposal, the positions of the Council, the European Parliament

position and the "compromise" position. Changes to the original Commission proposal are marked in bold.

This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180 days period.

- DATABASE CHECKS: **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders** (LIMITE doc no: 11082-26, pdf) 4-column document with the Commission Proposal, and the positions of the Council, European Parliament and the "compromise" position: Outlines five key issues including only checks on the Schengen Information System and insertion of a "Sunset clause":

"The EP wishes to delete the words "relevant Union and national databases" in Article 7(2)(b), which means that the verification of a person enjoying the right of free movement under Union law would only be carried out in the SIS."

"The EP proposes a the temporary validity of this Regulation "sunset clause" of five years (final provisions, Article 2 (3rd column)."

7. UK: Home Affairs Select Committee report: **Radicalisation: the counter-narrative and identifying the tipping point** (pdf)

"In this report we have focused on extremism which affects Muslim communities (while recognising the differences between those communities in terms of integration, segregation and urban or rural status), and arising from the activities of terrorist organisations such as Daesh. We share the concerns about other forms of extremism, including political extremism. We are currently conducting a separate inquiry into anti-semitism. We have also issued a call for evidence on the effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence; and the extent of support that is available to victims and their families and how it might be improved....

The Director General of Border Force has assured us that the UK has one of the strongest borders in the world and additional measures have been put in place since the horrific attacks in Paris in November 2015. However, we are not convinced that border exit checks operate at the 100% level which the Home Office has set, which would mean that every person leaving the country by whatever mode of transport was checked."

See: **MPs say Facebook, Twitter and YouTube 'consciously failing' to tackle extremism - Action to date by social media companies to remove Isis propaganda and hate speech described as 'drop in the ocean'** (Guardian, link)

8. UK: **Muslims ordered off plane after ISIL accusation - Sisters and brother interrogated on London airport runway after fellow passengers claimed seeing Arabic text on phone** (aljazeera.com, link)

"Three British Muslim siblings were left traumatised after being escorted off a plane in London and interrogated on the tarmac as armed police kept watch, after fellow passengers accused them of being members of the Islamic State of Iraq and the Levant (ISIL, also known as ISIS) group.

Sakina Dharas, 24, her sister Maryam, 19, and their brother Ali, 21, were on board EasyJet flight EZY3249 from London's Stansted Airport to the Italian city of Naples on August 17.

Sakina told Al Jazeera on Tuesday that as the plane was about to take off, a crew member ordered the siblings off the aircraft and escorted them down the staircase to the tarmac, where they were met by armed police and an MI5 agent who questioned them for one hour.

Earlier, two passengers - also travelling to Naples - had told authorities that the siblings had been looking at a mobile phone screen that showed either Arabic text or the words "praise be to Allah", Sakina said.

"A passenger on your flight has claimed that you three are members of ISIS," the MI5 agent said to the siblings, according to Sakina, a clinical pharmacist."

9. European Parliament: **Democratic control: Parliament's powers of investigation** (Press release, pdf):

"Parliament is not just there to amend and approve new laws, but also to scrutinise the EU institutions. One of the tools at its disposal are committees that investigate specific issues. In recent months committees have been set up to look into revelations on car emissions cheating and wealthy individuals stashing money offshore. Read on to find out how Parliament uses its investigative powers to address people's concerns and put important issues on the political agenda....

*A committee can invite witnesses and request documents, but it is up to EU countries and European institutions to decide who they send to represent them. They can also refuse cooperation on the grounds of secrecy or public or national security. The rules for this have been set out in a **joint decision of the Council, Parliament and Commission**"*

The parliament has set up a Committee to inquire into the: **Panama Papers** (link)

And see: Council of the European Union: **Legal remarks on the Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion (PANA Committee)** (LIMITE doc no:10615-16, pdf): The Council Legal Service says that the committee set up by the EP to investigate the Panama Papers leaks has questionable legal competences, and that Member States should coordinate their responses should they be called to appear before it.

10. Council of Europe: **Non-implementation of the Court's judgments: our shared responsibility** (pdf)

*"In December last year, the Council of Europe's Steering Committee on Human Rights (CDDH) published a r**eport on the longer-term future of the system of the European Convention on Human Rights** ("the Convention"). There were two challenges which particularly struck me: firstly, prolonged non-implementation of a number of judgments of the European Court of Human Rights and secondly, direct attacks on the Court's authority."*

12. European Court of Human Rights: **General deterioration of security situation in Iraq entails a real risk for the applicants if returned to their country of origin** (pdf):

"The case concerned three Iraqi nationals who had sought asylum in Sweden and whose deportation to Iraq had been ordered....

Against a background of a generally deteriorating security situation, marked by an increase in sectarian violence and attacks and advances by ISIS, large areas of the territory were outside the Iraqi Government's effective control. In the light of the complex and volatile general security situation, the Court found that the Iraqi authorities' capacity to protect citizens had to be regarded as diminished. Although the current level of protection might still be sufficient for the general public in Iraq, the situation was different for individuals belonging to a targeted group. The cumulative effect of the applicants' personal circumstances and the Iraqi authorities' diminished ability to protect them had to be considered to create a real risk of ill-treatment in the event of their return to Iraq."

12. FRONTEX: **Shoot First: Coast Guard Fired at Migrant Boats, European Border Agency Documents Show** (The Intercept, link):

"a Greek court ruled that the coast guard officers, including the one arrested, did nothing wrong; they were shooting to stop a suspected smuggler.

Yet a collection of incident reports from Frontex, the European Union's border agency, obtained by The Intercept, reveals a broader Greek and European tactic of using weapons to stop boats driven by suspected smugglers — and injuring or killing refugees in the process. (In the Greek islands, Frontex operates alongside the coast guard, patrolling the sea border with Turkey. In many cases, the information in these documents was reported to Frontex by the Greek coast guard as part of their joint operations.)

*The documents, which were meant to be redacted to shield operational details but were inadvertently released by Frontex in full, reveal multiple cases of firearms use against boats carrying refugees (**The Intercept has elected to publish the unredacted versions to demonstrate how refugees' lives were endangered during these incidents**). The reports span a 20-month period from May 2014, two months after the Chios shooting, to December 2015. Each case of firearms use - even if it resulted in someone being wounded - was described as part of the standard rules of engagement for stopping boats at sea...*

After the shooting, Rawan, Amjad, and Akil were taken to the general hospital in Chios to be treated, where they stayed for two weeks. Doctors' reports from Germany and Sweden, where the three were eventually given asylum, as well as from the hospital in Chios, confirm that the injured refugees were released from the hospital in Chios with bullets still in their bodies. All three victims speculate that the hospital responded to pressure from the coast guard, who, they say,didn't want evidence of the shooting in Greece.""

See full file: **Serious Incident Reports** (190 pages, pdf) and see Frontex rules: **Serious Incident Reporting** (pdf)

13. **German minister seeks facial recognition at airports, train stations** (The Register, link):

"Germany's interior minister Thomas de Maiziere wants facial recognition systems in the country's airports and train stations to identify terror suspects.

Europe has experienced a wave of attacks, many terror-related, over recent months, which has in turn triggered a heightened state of security.

De Maiziere told the German Sunday newspaper Bild am Sonntag he wants a system to match against intelligence databases of known terror suspects, something the country has resisted. "There are opportunity for individuals to photograph someone and use facial recognition software on the internet to find out if they have seen a celebrity or a politician," De Maiziere says.

"I want to use such face recognition software on video cameras at airports and train stations. "Then the system will show if a suspect is detected."

14. **Hungarian politician suggests hanging pigs' heads along border to deter Muslim refugees** (The Telegraph, link):

"*Severed pigs' heads should be hung along Hungary's border to deter Muslim refugees and migrants from entering the country, an MEP has suggested.*

Gyorgy Schopflin, a member of the Right-wing government of Viktor Orban, the prime minister, sparked outrage and disbelief with the suggestion.

He made it during an ill-tempered exchange on Twitter with a human rights campaigner."

15. **Government secrecy in renditions prosecution challenged** (Reprieve, link):

"*The UK government's refusal to answer questions about political interference in a decision not to bring charges over British complicity in renditions has been challenged by international human rights group Reprieve.*

The Crown Prosecution Service (CPS) announced in June 2016 that it would not bring any charges in Operation Lydd, a police investigation into the UK Government's role in the 2004 kidnap and rendition to torture of two families, including a pregnant woman and children aged 6 to 12.

This was despite finding that a senior British intelligence official was involved in the operation and had – to a limited extent – sought political approval for it. The CPS took two years to consider the original police investigation which produced a 28,000 page file.

Now Britain's Information Commissioner will review the government's refusal of a freedom of information request about possible political interference in the CPS investigation. Reprieve asked if the Cabinet Office contacted the Crown Prosecution Service (CPS) about Operation Lydd. The Cabinet Office, which coordinates intelligence, refused to confirm or deny if it had discussed Operation Lydd with the CPS."

16. UK: **Special prison units for "the most dangerous Islamist extremists"**

The UK government has announced new plans to "tackle extremism in prisons," including through the creation of "specialist units" for "the most dangerous Islamist extremists," and a new "directorate for Security, Order and Counter-Terrorism, responsible for monitoring and dealing with this evolving threat."

17. BULGARIA-TURKEY: **Outrage in Bulgaria over secretive transfer of Turkish citizen to Ankara** (Fair Trials International, link):

"*Bulgarian civil society is currently outraged by the unlawful and secretive transfer on 10th August of Turkish businessman Abdullah Büyük from Bulgaria to Turkey. Mr. Büyük was secretly handed over to a state which has only recently derogated the application of the European Convention on Human Rights (ECHR) and had expressed the intention to reinstate the death penalty as a possible means to punish everyone suspected of participating in the coup, as Turkey claimed Mr. Büyük was. What is more, the de facto extradition took place despite two Bulgarian courts finding that Büyük was being persecuted on political grounds and that were he handed over to Turkish authorities his human rights, notably his right to a fair trial, would likely be violated.*"

18. USA: **Problems with predictive policing**

An analysis of a predictive policing system used by the police in Chicago argues that it does "not significantly reduce the likelihood of being a murder or shooting victim, or being arrested for murder," but it does lead to "increased surveillance" of those listed on the system.

19. UK: **Drone strikes: the development of the UK's "targeted killing" programme**

In August 2015, "British forces... launched a remote air strike against one of its own citizens," Reyaad Khan, "and in a country in which the UK was not at war," Syria. A new analysis from *Drone Wars UK* examines what is currently known about the UK's "targeted killing" prorgramme, a timeline of its development and the need for openness, transparency and serious debate on the UK's decision follow in the footsteps of the USA.

20. **EU-USA: Mutual Legal Assistance Review**: Council of the European Union: The EU-USA Agreement on Mutual Legal Assistance (MLA) entered into force on 1 February 2010 and Article 17 requires a Review no later than five years after its entry into force:

- **Seminar on the application of the Mutual Legal Assistance and extradition agreements between the European Union and the United States of America - Outcome Report** (LIMITED doc no: 9519-16,pdf) Worth a read, revealing discussions between Member States:

*"In terms of refusals, Member States have refused US requests because of issues relating to data protection, death penalty, "**fishing expeditions**" or logistical problems. Also some identified issues in relation to US application of extraterritorial jurisdiction. The US has refused requests from many MS in relation to probable cause, dual criminality, freedom of expression and de minimis."* [emphasis added]

"In relation to the possibility to directly preserve and/or obtain electronic evidence from ESPs [electronic service providers], it was observed that i) for some EU Member States, this is **not a viable option to obtain admissible evidence** for their criminal proceedings; ii) there is a large and ever growing number of ESPs with different policies on the **voluntary disclosure** and preservation of data; iii) **some ESPs notify users if their data is requested by law enforcement authorities or preserved for them** (in that case an MLA request should be issued specifying that the subscriber should not be notified)... It was also observed that i) directly preserving and **obtaining from ESPs such data as is possible to obtain in that manner is much more rapid and efficient than going through the MLA channel** to do so; ii) directly preserving and obtaining data was the best way to ensure the data is not deleted."

- **Review - 5 May 2016** (LIMITE doc no: 9291-16, pdf)

- **Review - 13 May 2016** (LIMITE doc no: 8707-16, pdf)

- **Review of the 2010 EU-US MLA Agreement - Examination of draft texts** (7403-16, pdf)

"According to the survey, the five EU Member States from which the greatest number of requests went to the U.S. in 2014 were Greece, the Netherlands, the Czech Republic, Poland, and Portugal. U.S. records disclose that over the five year period the greatest number of incoming files (potentially with multiple requests) originated from Greece, the Netherlands, the United Kingdom, Spain and Poland.

According to the Commission survey, the number of annual requests sent to the U.S. by individual Member States ranged from several hundred to fewer than 10. That corresponds with U.S. figures. According to the Commission survey, the five EU Member States that received the largest number of requests from the U.S. in 2014 were the Netherlands, Germany, the Czech Republic, Bulgaria and France. The U.S. figures, covering the five year period, show a slightly different pattern, identifying the Netherlands, Germany, the United Kingdom, and France receiving the greatest number of requests."

Background: **EU: JHA Council authorises signing of EU-USA agreements on extradition and mutual legal assistance** (Statewatch database) and see **Full-text of MLA and extradition Agreements**

21. EU: **Commission Opinion of 1 June 2016 regarding the Rule of Law in Poland: Full text now available** (EU Law Analysis, link):

"Rule of law aficionados among the readers of this blog may be interested in getting access to the full text of the yet unpublished Commission Opinion regarding the Rule of Law in Poland adopted on 1 June 2016, which is published as an Annex to this blog post. "

22. UK: **Bulk data collection by security agencies is needed, says government terrorism watchdog**

The UK's Independent Reviewer of Terrorism Legislation has said that the bulk collection of data by the security agencies MI5, MI6 and GCHQ plays "an important part" in countering terrorism and that "there is a proven operational case for the three powers already in use," while there is "a distinct (though not yet proven) operational case" for a fourth proposed power. All the powers are contained in the Investigatory Powers Bill that is currently before parliament.

The review undertaken had no remit to examine whether the powers in question - bulk interception, bulk acquisition, bulk equipment interference and the collection of bulk personal datasets - are "desirable, or should be passed into law, or [to comment] on the safeguards that should be applied to them," nor to examine whether they were compatible with the requirements of the European Convention on Human Rights or EU law.

See: **Bulk Powers Review – Report** (Independent Reviewer of Terrorism Legislation, link) and: **Report of the Bulk Powers Review** (pdf)

23. UK: Undercover policing inquiry: **The Met's Chaotic and Dysfunctional Record Keeping** (COPS, link):

"*Storage facilities with most documents missing or misfiled, systems repeatedly described as 'chaotic' by the police themselves – internal documents reveal that the Met is having big problems sorting out its records management before it can even tell the Pitchford Inquiry what's gone on.*

Guest blogger Peter Salmon of the Undercover Research Group unpicks recent statements from the force."

24. **Greek government rebuffs suggestion to strengthen approach to ill-treatment by law enforcement agents**

A suggestion from the Council of Europe's human rights commissioner that new powers for the Greek Ombudsman should go beyond simply "issuing non-binding recommendations" in relation to allegations of ill-treatment by law enforcement agents has been rebuffed by the country's officials.

The Greek justice minister, Nikolaos Paraskevopoulos, said in response to a letter from the commissioner, Nils Muižnieks, that new powers for the Ombudsman are foreseen as "an additional mechanism, apart from the imposition of disciplinary and criminal sanctions" by internal bodies and the justice system.

See: Council of Europe to Greek government: **Letter from Nils Muižnieks to Nikolaos Paraskevopoulos and Nikolaos Toskas**, 25 July 2016 (pdf) and Greek government reply:**Letter from Nikolaos Paraskevopoulos to Nils Muižnieks** 17 August 2016 (pdf)

25. UK: **Undercover policing inquiry: dead babies' names stolen by police may be kept secret**

"*Parents of dead babies whose identities were stolen by undercover policemen might not be told if their children's names were abused.*

A ruling by the Pitchford Inquiry, set up to examine undercover policing in England and Wales, says that anonymity and protection for police officers might preclude parents being told the truth."

26. European Parliament: **Martin Schulz steps in to stop a speaker on transparency - Parliament president intervenes to prevent testimony from former staffer who is suing the institution**.(politico, link):

"*A European Parliament committee chairwoman said Thursday the assembly's president, Martin Schulz, had intervened to prevent a former parliamentary staffer from speaking in a hearing on transparency.*

Cecilia Wikström said the Parliament's petitions committee had invited the former head of the Parliament's civil liberties secretariat, Emilio De Capitani, to speak Tuesday at a debate entitled "Transparency and Freedom of Information within EU Institutions." .....

But in a letter sent to Wikström before the hearing, Schulz said he would not authorize the hearing with De Capitani, citing an ongoing legal dispute.

"I would like to express my astonishment at the proposal of your committee," Schulz wrote. "I regret to inform you that the hearing cannot be authorized given the possible prejudice of the dignity of the Parliament.""

Letter from Martin Schulz, President of the European to the Chair of the Petitions Committee banning Emilio de Capitani - former EP employee - from attendng hearing (pdf)

27. **A new EU Security Strategy: towards a militarised Europe?** (link):

""Europe has never been so prosperous, so secure nor so free". It was 2003 and those were the words introducing the self-congratulatory EU Security Strategy that set the Common Security and Defence Policy (CSDP) guidelines for the next 13 years. The former High Representative (HR), Javier Solana, drafted it to tackle indirect and external threats, as almost none existed at home. Now, the current HR, Federica Mogherini, faces very different circumstances and so the strategy does too."

See also: **EU says "soft power is not enough" as German and French ministers call for "European Security Compact"** (Statewatch)

28. UK: **'He was agitated and upset': Former Aston Villa striker Dalian Atkinson's last moments revealed by his father after Telford Taser death** (Shropshire Star, link): *"The father of former Aston Villa striker Dalian Atkinson, who died in Telford after being Tasered by police, has spoken of his son's 'agitated' last moments."*

See also: **Dying for Justice** (IRR News, link): *"On Monday 23 March, the Institute of Race Relations published Dying for Justice which gives the background on 509 people (an average of twenty-two per year) from BAME, refugee and migrant communities who have died between 1991-2014 in suspicious circumstances in which the police, prison authorities or immigration detention officers have been implicated."*

And: UK: **IPCC investigation launched into death of Dalian Atkinson - Tributes paid as independent police investigation begins into death of former Aston Villa striker after being Tasered by police** (Guardian, link):

"The world of football paid tribute to one of the mercurial stars of the Premier League's early years after former Aston Villa striker Dalian Atkinson died after being Tasered by police. The 48-year-old died around 90 minutes after being Tasered in an incident with two officers in the Trench area of Telford, Shropshire, where he grew up and lived, at around 1.30am on Monday outside his father's home.

29. NETPOL: **Police refuse to rule out using undercover officers at anti-fracking protests** (link):

"National Police Chiefs Council insists using controversial covert undercover tactics is a matter for local police commanders

In July 2015, the National Police Chiefs Council published new guidance on operations targeting anti-fracking protests. In response, Netpol produced a detailed briefing raising eighteen questions about the scale and tactics of policing operations and the necessity of undertaking significant intelligence-gathering targeting opponents of fracking. Now, nearly a year on, we have finally received a reply from Norfolk Assistant Chief Constable (ACC) Sarah Hamlin, of the NPCC's National Protest Working Group."

See: Association of Chief Police Officers (ACPO) **Guidance**: (pdf) and see **Netpol response** (link)

EU to crack down on online services such as WhatsApp over privacy - Europe will publish draft law to ensure that online messaging services have privacy rules like those for texts and calls (Guardian, link):

"WhatsApp, Skype and other online messaging services face an EU crackdown aimed at safeguarding users' privacy, in a move that highlights the gulf between Europe and the US in regulating the internet.

The European commission will publish a draft law on data privacy that aims to ensure instant message and internet-voice-call services face similar security and privacy rules to those governing SMS text messages, mobile calls and landline calls."

30. **Documents Confirm CIA Censorship of Guantánamo Trials** (Intercept, link):

"during the military trial of five men accused of plotting the 9/11 attacks, a defense lawyer was discussing a motion relating to the CIA's black-site program, when a mysterious entity cut the audio feed to the gallery. A red light began to glow and spin. Someone had triggered the courtroom's censorship system.

The system was believed to be under the control of the judge, Col. James Pohl. In this case, it wasn't."

31, Migration: **Cracks widen in "impossible" Italian asylum system** (IRIN, link)

"Closed borders in the Balkans and the EU-Turkey deal have drastically reduced arrivals of migrants and refugees to Greece, but arrivals to Italy have continued at a similar rate to last year. The key difference is that fewer are able to move on to northern Europe, leaving Italy's reception system buckling under the pressure and migrants paying the price.....

Yasha Maccanico, an Italian researcher for civil liberties monitoring organisation Statewatch, says Italy has been placed in an "impossible and unsustainable" position.

"Relocation was meant to be the justification for the hotspot system, but it simply has not happened," he told IRIN. "And no matter what effort the state makes in providing adequate reception facilities, it will not be enough to match the numbers of migrants arriving.""

32. EU: **Counter-terrorism: new laws passed in Bulgaria and proposed in Germany**

The ongoing implementation of new counter-terrorism laws across Europe continues, with the German government announcing last week plans for new measures and the Bulgarian parliament approving the first reading of a new bill at the end of July.

33. EU: **Reports on implementation of EU cybercrime policies in Cyprus and Italy declassified**

The Council of the EU has published declassified reports on Cyprus' and Italy's implementation of EU cybercrime policies. Initially produced as RESTREINT/RESTRICTED documents, their contents have now been made public in full.

The reports cover "general matters" such as national cybersecurity and cybercrime strategies and priorities; national structures such as law enforcement agencies and the judiciary; the relevant legal framework (including sections on investigative techniques and human rights); operational aspects; training; and recommendations.

Report on: **Cyprus** (9892/1/16 REV 1 DCL 1, pdf) and **Italy** (9955/1/16 REV 1 DCL 1, pdf)

34. **More border fences in Bulgaria**

"Meanwhile, a 30 kilometer long, 3.5 meter (12 foot) high fence has been erected along the Bulgarian border with Turkey. Now the fence is to be extended along the entire length of that border.

Officials want to secure the country's 484 kilometer southern border to Greece with a fence as well. This is because the Bulgarians have witnessed an increase in the numbers of refugees attempting to cross their border to get to the EU as a result of Macedonia having closed its border with Greece."

35. **Poland pushes back thousands of refugees, many fleeing crackdown in Tajikistan**

"*With the election of a right-wing government in Poland in late 2015 boasting an openly anti-migrant platform, things are looking increasingly bleak for Tajik refugees headed to Europe. While the Polish Border Guard insists that it is merely upholding Schengen regulations and "fighting illegal migration," Polish NGOs and human rights organizations accuse the Polish authorities of engaging in illegal push-backs of Tajik asylum seekers in particular in the buffer zone between the Polish and Belarusian checkpoints, away from the eyes of UNHCR and other outside observers..."*

36. GERMANY: **New far-right group comes under gaze of state spies** (The Local, link):

"*The far-right Identitarian Movement is growing in popularity in Germany to the extent that the main federal intelligence agency has started watching them.*

Up until this point, the movement, which originated in France and has been present in Germany since 2012, had been observed by spy agencies at the state level.

"We are seeing in the Identitarian Movement indications of efforts to undercut the democratic order," said Hans-Georg Maaßen, head of the Federal Office for the Protection of the Constitution - Germany's domestic security agency."

37. POLAND: **Justice Paralyzed: Polish President Signs New Constitutional Tribunal Bill** (Liberties.eu, link):

"*After the adoption of the bill by the Sejm (the lower house of Poland's Parliament), members of the Helsinki Committee in Poland and the board of the Helsinki Foundation for Human Rights issued a statement saying that the new bill is "a backslide against the separation of powers rule and it opens the path to a dictatorship of the ruling majority that is not bound with Constitution.""*

38. HUNGARY-SERBIA: **In the long crossing to Hungary refugee families get stuck in transition** (New Internationalist, link): "*'The journey has been so difficult, especially for my child,' Noor*, a 27-year-old woman from Afghanistan tells us. 'I have had to watch her be scared every day, dry her tears every day.'*

Noor is in Horgoš on the Serbian-Hungarian border, a tented pre-transit camp beside a high barbed-wire fence. Each morning she joins hundreds of others, crowding around anxiously to look at a list, to see where their name is and how much longer they have to wait. It is a document which directs the fate of hundreds of people – some of them months into their journey, some of them years. This is the waiting list for refugees and asylum seekers trying to move on to Hungary and the European Union.

Noor asks to speak to us away from children who have, she says, already seen and heard too much."

39. **Observatory: Refugees crisis: latest news across Europe – a daily service**

Refugee crisis: latest news from across Europe (27-29.8.16)
Refugee crisis: latest news from across Europe (26.8.16)
Refugee crisis: latest news from across Europe (25.8.16)
Refugee crisis: latest news from across Europe (24.8.16)
Refugee crisis: latest news from across Europe (23.8.16)
Refugee crisis: latest news from across Europe (22.8.16)
Refugee crisis: latest news from across Europe (20-21.8.16)
Refugee crisis: latest news from across Europe (19.8.16)
Refugee crisis: latest news from across Europe (17-18.8.16)

[Refugee crisis: latest news from across Europe](#) (16.8.16)
[Refugee crisis: latest news from across Europe](#) (15.8.16)
[Refugee crisis: latest news from across Europe](#) (13-14.8.16)
[Refugee crisis: latest news from across Europe](#) (12.8.16)

See also our site: **[Statewatch Refugee crisis Observatory : January 2015 ongoing](#)**

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**