statewatch

News
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STATEWATCH NEWS

1. **EU migration agenda highlights its shortcomings**

"*This can mean the application of more broad policy leverage. In this respect, the revised EU Visa Code, in force from February 2020, will be one important additional tool, providing the EU the possibility to adopt restrictive visa measures for third countries which do not cooperate sufficiently on readmission."*

2. EU: **PNR: Council wants to "explore the necessity and feasibility" of the surveillance and profiling of all forms of mass transport**

A draft set of Council conclusions calls for "a thorough impact assessment conducted by the European Commission on widening the scope of PNR Directive to other travelling forms than air traffic."

3. **Refugee crisis: latest news from across Europe** (15-21.10.19) including:

- Croatia's Schengen Accession: Reinforcing Legal Red Lines Not Borders
- Reports on the situation in the Aegean, Lesvos and the Balkans
- A flimsy raft, more than 100 souls, and three teenage heroes - or are they pirates?

4. **Refugee crisis: latest news from across Europe** (1-14.10.19) including:

- European States urged to do more to protect and support child refugees and migrants
- New Frontex Regulation: corrected version of the text
- Hungary: Refusing journalist access to a reception centre for asylum-seekers was in breach of the European Convention
- Italy's new migrant decree promises repatriations in 4 months
- Fatal fire inside Moria refugee camp

5. EU: **European States urged to do more to protect and support child refugees and migrants**

European States must step up their efforts to protect child refugees and migrants who have endured not only difficult and dangerous journeys but continue to face risks and hardship once in Europe, including unsafe accommodation, being incorrectly registered as adults, and a lack of appropriate care, UNHCR, the UN Refugee Agency, has urged.

6. **Catalonia leaders jailed for sedition by Spanish court**

"*Spain's Supreme Court has sentenced nine Catalan separatist leaders to between nine and 13 years in prison for sedition over their role in an independence referendum in 2017.*"

7. **Commission starts negotiations with the USA on exchange of e-evidence**

- talks start even though EU legislation not yet adopted
- CJEU questions the legality of proposed EU measure
- Commission says deal must include content and non-content data

On 25 September 2019 the Commission started negotiations with the USA on: **E-evidence - Negotiations for EU-U.S. Agreement on cross-border access to evidence - report on state-of-play** (RESTRICTED doc no: 12318-19, pdf)

The document also covers: in Annex II: Report on the state-of-play of Commission's participation, on behalf of the Union, in the negotiations for the Second Additional Protocol to the Council of Europe Convention on Cybercrime

8. **Refugee crisis: latest news from across Europe** (24-30.9.19) including:

- Greece: Deadly fire triggers protests at Moria refugee camp
- EU: 'Inhumane' Frontex returns going unreported
- The "temporary solidarity mechanism" on relocation of people rescued at sea - what does it say?

9. **Spanish-Moroccan borders upgraded with new cameras, facial recognition and a barbed wire 'swap'**

The Spanish government is seeking a 50% reduction in illegal immigration and to achieve this goal is deploying new surveillance cameras and facial recognition technology at its borders with Morocco in Ceuta and Melilla. The Spanish government also plans to remove the barbed wire fences at those borders - but the Moroccan government is constructing its own.

10. **EU drone operations: Israeli military firm Elbit amongst maritime agency's subcontractors**

Seven EU member states have been provided with drone "services" by the European Maritime Safety Agency (EMSA) since 2018, and EMSA has also "supported the [European Border and Coast Guard Agency, Frontex] in 2018 and 2019 with surveillance along the Portuguese coast."

11. EU: **The "temporary solidarity mechanism" on relocation of people rescued at sea - what does it say?**

Germany, France, Italy and Malta have drafted a **declaration** (pdf) establishing a "predictable and efficient temporary solidarity mechanism" aimed at ensuring the "dignified disembarkation" of people rescued at sea in the Mediterranean. If those rescued are eligible for international protection they will be relocated to a participating EU member state within four weeks, while ineligible persons will be subject to "effective and quick return."

12. **Refugee crisis: latest news from across Europe** (17-23.9.19)

13. **Here we go again! EU seeks to "balance" privacy and rights against the demands of law enforcement agencies**
Here we go again! In the aftermath of 11 September 2001 in each new measure we were told that they had "balanced" fundamental rights and the demands of EU security. In practice the latter almost always won the day.

The emergence of new technologies presents a whole new era of demands which are the subject of a Note from the Council Presidency: **The future direction of EU internal security: new technologies and internal security - Preparation of the Council debate** (LIMITE doc no: 12224-19, pdf).

14. **Counter-Terrorism Coordinator wants EU to target right-wing extremism and terrorism**

The EU's Counter-Terrorism Coordinator (CTC) has distributed two papers to national delegations in the Council's Terrorism Working Party calling attention to the threat of right-wing extremism and terrorism: *"Attacks in Western countries such as Norway, Germany, Italy, the United Kingdom, Canada, the United States and New Zealand, as well as foiled attacks in France, have shown that there is a need to further strengthen the EU approach in tackling right-wing extremist violence."*

See: NOTE from: EU Counter-Terrorism Coordinator to: Delegations: **Right-wing violent extremism and terrorism in the European Union: discussion paper** (11756/19, LIMITE, 30 August 2019, pdf) and: **background information** (11756/19 ADD 1, pdf)

The CTC (since 2007 a Belgian official, Gilles de Kerchove) underlines that "right-wing extremism is a problem in Europe" - not exactly news, but it is now deemed urgent to address the issue at EU level.

15. **The ongoing disasters in Libya**

- There are between 700,000 and 1 million migrants in Libya

- "*migrants and refugees rescued or intercepted at sea being transferred to detention centres [with a] lack of traceability, transparency and accountability***"**

- "The government's reluctance to address the problems raises the question of its own involvement."

See: Note from the Council Presidency to national delegations; **Libya and the surrounding area: current situation and need for immediate action** (LIMITE doc no: 115381, pdf)

16. **Refugee crisis: latest news from across Europe** (10-16.9.19)

17. EU: **New EU deportation law breaches fundamental rights standards and should be rejected**

A proposed new EU law governing standards and procedures for deportations would breach fundamental rights standards, massively expand the use of detention, limit appeal rights and

undermine 'voluntary' return initiatives. It should be rejected by the European Parliament and the Council, argues a new analysis published today by Statewatch: **Analysis** (pdf)

The original Returns Directive was agreed in 2008, but a proposal for a 'recast' version was published by the European Commission in September 2018 as one a number of measures aiming to crack down on "illegally staying third-country nationals" in the EU.

18. EU: **Automating the exchange of police data: Council looks to national databases**

The EU's recently-agreed plans for interconnecting its migration and policing databases are still being implemented (two Regulations were approved in July), but national delegations in the Council are looking to the future - in particular, how to make national law enforcement databases 'interoperable' with EU systems and with one another.

NEWS

1. GREECE: **The asylum draft bill violates international, EU and national law and exposes thousands of asylum seekers and refugees, the majority of whom are women and children, in high risk** (Greek Council for Refugees,Press release, link):

"Athens, October 23, 2019 - On the evening of October 21, and mere hours after the just 5 day-long public consultations were concluded, the draft bill "on International Protection" was submitted to Parliament through the urgency procedure.

The Greek Council for Refugees (GCR) underlines that the proposed draft bill leads to the blatant undermining of fundamental guarantees and rights of refugees and asylum seekers, in violation of international, EU and national law, as well as the principle of non-refoulement."

See: **GCR's comments onthe draft bill "On International Protection"** (pdf)

2. **Europe quietly becoming a spy superpower** (euobserver, link):

"Momentous changes are underway in European intelligence, propelled by new technology and a political push for integration.

And without finally having an open and inclusive public conversation about them, we risk losing the democratic legitimacy of these transformations.

The evolution of government surveillance is bold, multi-faceted, and confusing. Agencies across the continent are deploying an avalanche of new technologies, notably machine learning, to both advance new capabilities such as biometric surveillance and master long-standing challenges like information overload."

3. **'It's the jungle': Bosnian migrant camp in crisis** (euractiv, link):

"No running water, putrid portable toilets and surrounding woods littered with land mines – these are the bleak conditions of a camp where hundreds of migrants brace for winter in Bosnia.

"It's the jungle," says Mohammad Nawaz, a 30-year-old Pakistani living in the tent-city built on a former garbage landfill in the northwest village of Vucjak."

4. **An agenda for transparency in the EU** (European Law Blog, link) by Herwig Hofmann and Päivi Leino-Sandberg:

"Transparency and openness of Union decision-making procedures are foundational values of the EU[1] and essential to a system under the rule of law. But are the existing EU standards of transparency adequate to ensure that these values translate to legitimate exercise of public powers

on the European level? In view of today's challenges, is the EU's approach to transparency sufficient, given that it is an atypical constitutional structure exercising sovereign powers across multiple levels of government and in constant need of explaining itself?

The **European Council's strategic agenda for 2019-2024** identifies respect of the principles of democracy, the rule of law, and transparency as a key focus, instructing each institution to "revisit its working methods and reflect on the best way to fulfil its role under the Treaties"... Regrettably, the **mission letter to Vera Jourova**, Commission Vice-President-designate for 'Values and Transparency', provides no concrete actions to deliver on the commitments included in the strategic agenda to develop the potential of the EU as a modern, open legal system connected to its citizens. "

5. **Vulnerable child and women refugees refused evacuation from Libya** (Al Jazeera, link):

"*Asylum seekers awaiting evacuation from war-torn Libya say the United Nations has turned down scores of refugee relocation requests, including from women and children previously held in Libyan government-run detention centres where they were allegedly subject to abuse.*

The rejected asylum seekers, who are among more than 900 people the UN refugee agency (UNHCR) is hosting at a transit centre in the Libyan capital, Tripoli, say they have been asked to leave the facility.

More than 40 people staged a protest at the UNHCR's Gathering and Departure Facility (GDF) on Thursday denouncing the move, according to photos provided by sources at the centre."

And see: **Closure of detention centre exposes migrants and refugees to even worse conditions** (MSF, link)

6. **Return: voluntary, safe, dignified and durable?** (Forced Migration Review, link):

"*Voluntary return in safety and with dignity has long been a core tenet of the international refugee regime. In the 23 articles on 'Return' in this issue of FMR, authors explore various obstacles to achieving sustainable return, discuss the need to guard against premature or forced return, and debate the assumptions and perceptions that influence policy and practice. This issue also includes a mini-feature on 'Towards understanding and addressing the root causes of displacement'.*"

7. **Aegean Boat Report** (link): Latest update 21.10.2019. Total number of refugees on the islands: 34,279.

8. **Analysis 4 of the revised Brexit withdrawal agreement: citizens' rights** (EU Law Analysis, link) by Professor Steve Peers:

"*The issue of the acquired rights of EU27 and UK citizens has long been a focus of this blog. It's also one of the key issues in the debate over Brexit. I'm revisiting the issue now that there is a proposed revised withdrawal agreement, which consists of a **revised Protocol on the Irish border** (for a full text of the revised withdrawal agreement following this change, see **here**) and a **revised political declaration** on the future relationship.*"

9. European Parliament: Research Services: EPRS: **What if technologies replaced humans in elderly care?** [Science and Technology podcast] (link);

"*Europeans are ageing. In 2016, there were 3.3 people of working-age for each citizen over 65 years. By 2070, this will fall to only two. As the population lives longer, our care needs grow, but fewer people will be available to deliver them. Could assistive technologies (ATs) help us to meet the challenges of elderly care?*"

10. **EU data watchdog raises concerns over Microsoft contracts** (euractiv, link):

"Microsoft's contracts with European Union institutions do not fully protect data in line with EU law, the European Data Protection Supervisor (EDPS) said in initial findings published on Monday (21 October).

The EDPS, the EU's data watchdog, opened an investigation in April to assess whether contracts between Microsoft and EU institutions such as the European Commission fully complied with the bloc's data protection rules."

See: **EDPS investigation into IT contracts: stronger cooperation to better protect rights of all individuals** (link)

11. **Hal Far riot sparked by row between migrant and security** (Times of Malta, link):

"Eyewitnesses said up to sixty people were involved in the riot that began at about 10pm on Sunday night but Mr Farrugia later said there were more than 300 people rioted.

Several fires were started and there were reports of stones being thrown at staff who manage the so-called 'Tent Village'. Five cars and a container that housed the administration facility were burnt out and confidential documents were strewn around. A police spokesman confirmed a police car was also damaged."

12. **Almost 7,500 people forcibly returned to Libya in 2019** (euobserver, link):

"The partly EU-financed and trained Libyan Coast Guard has intercepted 7,404 refugees and migrants at sea and returned them to the war-torn country so far this year, according to figures from the UN's International Organisation for Migration (IOM). Many are then sent to notorious Libyan detention centres amid an ongoing backlash from human-rights organisations."

13. **Bosnia Should Immediately Close Inhumane Migrant Camp - Relocate Migrants to Decent Accommodation Elsewhere** (HRW, link):

"Over a year after Human Rights Watch first criticized Bosnia's failure to protect the basic rights of migrants and asylum seekers, the International Organization for Migration (IOM) is warning of a fast-developing humanitarian emergency in a makeshift camp near the border with Croatia. Over 20,000 migrants and asylum seekers have arrived in Bosnia since January 2019, but violent and unlawful pushbacks from Croatia have created a bottleneck on the border, leaving many stranded in unsafe conditions."

14. EU: **Croatia's Schengen Accession: Reinforcing Legal Red Lines Not Borders** (ECRE, link):

"*A tussle is taking place in the Commission over the accession of Croatia to Schengen – membership of the Schengen zone through accession to the Schengen treaty. On one side, President Juncker; on the other, a handful of Member States, technical experts, and a mounting pile of evidence about violations at the border.*

As is to be expected from the "political Commission", it is a highly political issue. Rumours abound that Juncker has promised Croatian Prime Minister Plenkovic, an ally, that he will get it done before he's done, and his public statements say as much.

But then there's the situation at the borders. There is now widespread substantiated evidence of violence at Croatia's borders, especially but not only at the border between Croatia and Bosnia and Herzegovina. Evidence demonstrates breaches of international and EU law, including of the prohibition of refoulement under Article 3 of the European Convention on Human Rights and the prohibition of collective expulsions under Article 4 Protocol 4 ECHR, of Articles 4 and 19 of the EU's Charter of Fundamental Rights."

15. SPAIN: **Attacks on ECCHR partner lawyer Gonzalo Boye** (ECCHR, link):

"*Spanish authorities have searched the home of our colleague and lawyer Gonzalo Boye, legal representative of Carles Puigdemont and several former Catalan ministers. The action taken by the Audiencia Nacional – a centralized court with jurisdiction over the Spanish territory – in our assessment is based on the assumed identification of Mr. Boye with his clients' cause, the Catalan independence movement.*

From the European Center for Constitutional and Human Rights' (ECCHR) and other international colleagues' points of view, the search was conducted under a false pretext and with the aim of discrediting Mr Boye as a lawyer."

16. NORTHERN IRELAND: **Finucane murder was followed by 'assault on the rule of law'** (Irish Legal News, link):

"*The murder of Belfast solicitor Pat Finucane was followed by "nothing less than an assault on the rule of law and the very fabric of a democratic society", a senior barrister has said.*

Fiona Doherty QC, part of the legal team for widow Geraldine Finucane and her family, spoke at the fifth annual Belfast Homecoming Legal Symposium at Law Society House yesterday about the ongoing campaign for the truth about the 1989 killing."

17. MALTA: **Migrants' detention beyond 10 weeks 'on health grounds' is unlawful - court** (Times of Malta, link):

"*The detention of migrants for more than 10 weeks on the basis of health laws was unlawful and the migrants should be released, a court has ruled.*

The judgement was delivered following an application filed by six asylum seekers, detained at the Safi Barracks beyond the legal limit of ten weeks.

The migrants, assisted by lawyers from Aditus Foundation and the Jesuit Refugee Service, filed separate applications claiming that their continued detention was not merely a 'restriction of movement' in terms of laws on the prevention of disease, but was a deprivation of their personal freedom."

18. **WhyID: Protecting Our Identity in the Digital Age** (Access Now, link):

"*To the leaders of International Development Banks, the United Nations, International Aid Organisations, Funding Agencies, and National Governments:*

We are a group of civil society organisations, technologists, and experts who work on digital identity developments across the world. We have worked directly with vulnerable populations, and witnessed the impact that ill-considered, badly designed, and poorly implemented digital identity programmes can have on human lives.

A Basic Question: Why ID?"

See also: **Facilitating innovation, ensuring protection: the ICRC Biometrics Policy** (ICRC, link): "*As part of its digital transformation agenda, the ICRC decided to develop a Biometrics Policy that would both facilitate the responsible use of biometrics and address the data protection challenges this poses. So what does the responsible use of biometrics look like from the vantage point of an institution like the ICRC?*"

19. **Turkish Syria offensive raises Greek fears of new refugee influx - EU states divided over giving Turkey further funds to deter refugees from making crossing** (Guardian, link):

"*Turkey's military push into Syria has sparked fears in Greece, already struggling with an alarming surge in the number of asylum seekers, of a new wave of migration to Europe.*

With camps on Aegean islands at breaking point, Athens has insisted the topic should be discussed at this week's EU summit. "Europe shouldn't be caught unprepared again," Giorgos Koumoutsakos, the Greek minister for migration policy, told local media. "Nobody can be certain what is going to happen.""

20. GREECE: **Report on Rights Violations & Resistance in Lesvos - October 2019** (Lesvos Legal Centre, link):

"For over three years we have been reporting on the systematic denial of rights to migrants in Lesvos, and each report includes a laundry list of violations that only seem to worsen over time. The containment policy - at first opposed by UN agencies, NGOs and civil society - has become all but the norm in Lesvos.

Since the start of the year, 45,500 people have migrated to Greece, with approximately 18,000 arriving by sea from Turkey in August and September alone. Currently, over 14,000 people trapped on Lesvos are living in inhumane living conditions as a result of the 2016 EU-Turkey Statement, and the legislated containment policy that stipulates that asylum seekers cannot leave the Greek islands."

21. GREECE: **Fire in Samos Refugee Camp** (Pressenza, link):

"Last night there was a fire on the island of Samos, a fire that ripped through the temporary homes of human beings living in 'the jungle', the overfill space relied upon to house men, women and children in a Reception and Identification Centre that can no longer cope with the numbers of refugees stuck on the island waiting for an asylum meeting.

Fires, in the RICs are no longer deemed to be news worthy; during the summer months they were occurring on a weekly basis, but like the fire on Lesvos only two weeks ago, this fire was different. The fire on Lesvos led to the death of two people and like last night's fire on Samos is a symptom of the extreme overcrowding, which leads to frustrations and arguments but that can also lead to far worse."

And see: **Samos mayor warns island at breaking point after migrant camp fire** (ekathimerini, link):

"The mayor of East Samos has warned that a fire at its Vathy migrant reception and processing center earlier his week has brought the eastern Aegean island to breaking point as hundreds of people are having to sleep in the streets and public squares.

"The island has become destabilized," Mayor Giorgos Stantzos told a morning talk show on Antenna TV on Thursday, days after a fire and a riot at the facility. "We are counting down for something bad to happen.""

22. **MotM EXCLUSIVE | Going Homeless In Gran Ghetto** (Migrants of the Mediterranean, link):

""Just say 'ghetto' and anyone will tell you what bus to take. Just say 'ghetto.'"

Peter* (Sierra Leone) told me this again and again in the days leading up to my visit. Those are imprecise, if not outright dubious directions when you're wondering how to meet someone in one of Italy's most precarious places.

Peter is in a ghetto in Foggia, Italy after leaving Isernia, a small town in the Molise region where I first met him in spring of this year."

23. UK: London: Police ban climate protests: **MET Police statement: Extinction Rebellion protests** (link)

Extinction Rebellion: **Response to Metropolitan Police outlawing Extinction Rebellion protests in London - October 14, 2019** (link):

"The Climate and Ecological Emergency isn't going away and we remain resolute in facing it.

We urge the Government and the authorities to join us in doing the same. We cannot do it alone.

This is bigger than all of us."

Also: **Police ban Extinction Rebellion protests from whole of London - City-wide Met police operation begins to clear Trafalgar Square and other protest sites** (Guardian, link)

24. Border Violence Monitoring Network: Balkan Region – **Report September 2019** (link):

"The Border Violence Monitoring Network has just published it's September report analyzing collated testimony of pushbacks and police violence in the Western Balkans. The case material covers extensive violations along Croatia's border with Bosnia-Herzegovina, chain refoulement from Slovenia, pushbacks from Hungary to Serbia, and incidents from the North Macedonian -Greek border."

Download report (link)

25. Aegean Boat Report: Week 41: **Report** (pdf):

"A total of 181 boats started their trip towards the Greek Islands, carrying a total of 5915 people. However, 125 boats were stopped by TCG/police, and 1776 people arrived on the Greek Islands.

So far this year 2316 boats have been stopped by The Turkish Coast Guard and Police, 75947 people. 40209 people have arrived on the Greek islands on 1222 boats, so far in 2019."

26. **Migrant deaths: 19,000 in Mediterranean in past 6 years** (InfoMigrants, link):

"*The Mediterranean crossing continues to be the deadliest migrant route worldwide: 19,000 migrants have been reported dead or missing since October 3, 2013. So far this year, the crossing has claimed over 1,000 victims.*

...Here's how many migrants went missing or died in the Mediterranean Sea between 2014 and 2018:

- 3,280 in 2014
- 3,771 in 2015
- 5,143 in 2016
- 3,139 in 2017
- 2,297 in 2018"

27. EU: **Reform of Council transparency in stalemate** (CEO, link):

"*EU member states have recently been discussing how to open up their decision-making to more public scrutiny, especially in their legislative forum, the Council of the EU. The Council plays a crucial and powerful role in agreeing new EU rules and regulations, but has been compared to a "**black box**" by the EU's own Ombudsman when it comes to transparency. Our **Captured states** report shows how this opacity provides a major advantage to corporate lobbyists who typically have the significant capacity and resources required to unravel, understand, and influence member states to push for new EU regulations in their favour. This is a deep-seated and long-standing problem with governance in the EU, and tackling it would require a revolution in how the Council operates. Sadly the current reform proposal is far too unambitious, and with the whole process now on hold due to a lack of agreement between member states, real progress seems far off.*"

28. UK: **Implications of Brexit for asylum policy highlighted in new report** (Irish Legal News, link):

"*The most significant implication of UK withdrawal from the EU's Dublin System – which determines responsibility for asylum applications – would be the loss of a safe, legal route for the reunion of separated refugee families in Europe, the House of Lords EU Home Affairs Committee's report* **Brexit: refugee protection and asylum policy** *[pdf] has found.*

In a no-deal Brexit scenario, refugees could be left in legal limbo, facing months of delays and additional distress, while a new framework to allow them to reunite with their families is negotiated.

The committee urges the UK and the EU to honour the right of refugees to family reunion by agreeing a temporary extension of current family unification arrangements in the event of no-deal."

See the report: **Brexit: refugee protection and asylum policy** (pdf)

29. **Greece calls for more NATO ships to patrol Aegean Sea following Turkey's Syria offensive** (euractiv, link):

"*Greek Prime Minister Kyriakos Mitsotakis called on NATO to increase naval patrols in the Aegean Sea on Thursday (10 October) after a threat by Turkey to open Europe's doors to more than three million migrants.*

"I asked the Secretary General and the Alliance, and member states to strengthen their presence…in the Aegean Sea with more ships," Mitsotakis said in a press conference after talks with NATO chief Jens Stoltenberg in Athens yesterday.(...)

Turkish President Recep Tayyip Erdogan earlier threatened that Ankara would allow millions of refugees to head to Europe if the bloc criticised Turkey's ongoing military offensive in Syria."

30. **EU agency kept in dark on forced flight abuse** (euobserver, link):

"*Witnesses of abuse during a forced-return flight to Afghanistan last year preferred telling national authorities rather than informing the EU's border agency, Frontex.*

The returns, on a flight from Munich to the war-torn country on 14 August 2018, had been coordinated by the EU agency, but were marked by reports of severe violations inflicted by German escort officers on a terrified Afghan man."

31. EU: **Joint press release of the Palermo Charter Platform Process on the results of the EU Summit of Home Affairs Ministers on 23 September in Malta and the consequent negotiations on 8 October in Luxembourg** (pdf):

"*The Malta Agreement ("agreement on temporary reception and distribution mechanism") is not a hard-won solution, but nothing more than a partial emergency relief. We, European civil society initiatives and networks, mayors of European cities and search and rescue non-governmental organizations, demand a real solution that is adequate to the scale of the humanitarian crisis in the Mediterranean Sea.*

Over 15.000 people have died in the Mediterranean Sea in the last five years. "Every single person is one too many," says Alessandra Sciurba from Mediterranea. "When we receive distress calls from people on boats, they fear both to drown and to be returned to Libya. The outsourcing of EU border control to Libyan forces and mass interceptions at sea have to stop," demands Maurice Stierl from WatchTheMed Alarm Phone. " The establishment of an operational and sustainable European rescue mission is absolutely necessary in order to prevent deaths in the Mediterranean Sea. Sadly, it is still missing in the Malta agreement", adds Sciurba."

See: **Outcome of the Council meeting here** and: **The "temporary solidarity mechanism" on relocation of people rescued at sea - what does it say?**

32. **France Set to Roll Out Nationwide Facial Recognition ID Program** (Bloomberg, link):

"*France is poised to become the first European country to use facial recognition technology to give citizens a secure digital identity -- whether they want it or not.*

Saying it wants to make the state more efficient, President Emmanuel Macron's government is pushing through plans to roll out an ID program, dubbed Alicem, in November, earlier than an initial Christmas target. The country's data regulator says the program breaches the European rule of consent and a privacy group is challenging it in France's highest administrative court. It took a hacker just over an hour to break into a "secure" government messaging app this year, raising concerns about the state's security standards.

None of that is deterring the French interior ministry."

33. **A Threat from Within? Exploring the Link between the Extreme Right and the Military** (ICCT, link):

"*Right-wing violence and terrorism have slowly gained more academic and public attention in recent years, with an increase in anti-immigration and anti-government organised violence from the extreme right in most Western countries. Some evidence exists that right-wing extremists have attempted to infiltrate the military in their home countries to gain access to tactical training, weapons, and to recruit highly skilled new members.*

...This Policy Brief will discuss available knowledge about extreme right-wing links to the military in Germany, the United Kingdom, Canada, and the United States. It will conclude by formulating concrete recommendations for handling this potential threat."

34. UK: **The Government's Prevent database isn't about keeping us safe, it's about control** (Metro, link):

"*The human rights group, Liberty, has just revealed that the Government is operating a secret database of every referral ever made to the anti-radicalisation programme, Prevent.*

...This database isn't about keeping us safe. It's about keeping tabs on and controlling people, particularly minority communities and political activists.

...The majority of information on the database is gathered by public servants who have been co-opted by the Home Office under Prevent and encouraged to view even very young children as potential future criminals."

35. IRELAND: **Why We Need Independent Inspection of Garda Cells** (Dublin Inquirer, link):

"*Imagine if, for reasons you're unsure of, you're arrested and taken into custody. Now ask yourself: would you feel safe if the doors of a police cell slammed behind you?*

The worst deeds happen behind closed doors. Detention of any type, whether in prisons, police cells or hospitals, is a dangerous situation for anyone. That's recognised the world over – hence why human rights principles lay out special safeguards to prevent abuse of people who are detained, and accountability mechanisms so that mistreatment is detected and punished.

But one bulwark against mistreatment while in Garda custody – a system of independent inspections – is absent in Ireland."

36. **Delivering Refugees and Migrants to a 'Place of Safety' Following Rescue by States at Sea** (Maritime Safety and Security Law Journal, link):

"*Irregular migration by sea leads states such as Italy and Australia to conduct maritime rescue operations involving refugees and other migrants. During these operations, states must deal with the question of where to disembark survivors.*

The law of the sea regime obliges states to ensure survivors are delivered to a 'place of safety', arguably requiring maritime officers to merely consider the physical safety of survivors immediately on disembarkation. Non-binding International Maritime Organization guidelines state that the need to avoid disembarking refugees and asylum-seekers in the states of departure or origin is also a consideration. The guidelines refer to other 'relevant' international law, including treaties dealing with 'refugee refoulement' or refoulement in connection with a risk of torture.

Under the international human rights law regime, including international refugee law, states' obligations in relation to non-refoulement are broader and prohibit the return of refugees and migrants to states where they directly or indirectly face persecution, torture or other serious harm. In interpreting 'place of safety', this work argues that there is insufficient consensus to integrate the two legal regimes. Nevertheless, states can be under co-existing human rights obligations that place limits on disembarkation of rescued refugees and migrants."

37. ECHR: **Refusing journalist access to a reception centre for asylum-seekers was in breach of the European Convention** (pdf):

"*In today's Chamber judgment1 in the case of Szurovecz v. Hungary (application no. 15428/16) the European Court of Human Rights held, unanimously, that there had been:*

- a violation of Article 10 (freedom of expression) of the European Convention on Human Rights. The case concerned media access to reception facilities for asylum-seekers.

The applicant in the case, a journalist for an Internet news portal, complained about the authorities' refusal of his request to carry out interviews and take photographs at the Debrecen Reception Centre, thus preventing him from reporting on the living conditions there."

See: **Judgment** (pdf)

38. **Council of Europe Commissioner for Human Rights** (link): Commissioner Mijatovic calls for bolder measures to protect the human rights and dignity of all migrants in the Mediterranean:

"*member states have a chance to prevent further disastrous human rights and humanitarian consequences by **suspending any co-operation activities with the Libyan authorities that impact on interceptions at sea and result in returns to Libya**, until clear guarantees of full human-rights compliance are in place.*"

39. Council of the European Union: **Border management: EU signs agreement with Montenegro on European Border and Coast Guard cooperation** (link);

"*Today, the European Union signed an agreement with Montenegro on border management cooperation between Montenegro and the European Border and Coast Guard Agency (Frontex).(...)*

The objective of this agreement is to allow Frontex to coordinate operational cooperation between EU Member states and Montenegro on the management of the borders that the European Union and Montenegro have in common. The signing of this agreement is yet another demonstration of the deepening and expanding cooperation with Montenegro. It will bring benefits for both parties, in particular in enhancing border management activities."

See: **Full-text of agreement** (pdf)

40. Greece: **Aegean Boat Weekly Report 30 September to 6 October** (pdf): Highly detailed report:

"A total of 203 boats started their trip towards the Greek Islands, carrying a total of 6,941 people. However, 139 boats were stopped by Turkish Coast Guard/police, and 2,242 people arrived on the Greek Islands.

So far this year 2191 boats have been stopped by The Turkish Coast Guard and Police, 71,808 people. 38,433 people have arrived on the Greek islands on 1,166 boats, so far in 2019."

41. UK: **Counter-terror police running secret Prevent database** (The Guardian, link):

"*Counter-terror police across the UK have been running a secret database containing details of thousands of individuals referred to the government's controversial anti-radicalisation Prevent programme, the Guardian can reveal.*

The National Police Prevent Case Management (PCM) database is managed centrally by national counter-terrorism policing headquarters. It is accessible to all police forces across England, Wales, Scotland and Northern Ireland, and the Home Office are able to request data from it, according to documents sent to the human rights group Liberty and seen by the Guardian."

See: **Liberty uncovers secret Prevent database** (link)

42. EU: **Case C-93/18 Bajratari – Unlawful Employment and the Right to Free Movement** (European Law Blog, link):

"*On 2 October 2019, the CJEU delivered an important **decision**, which clarifies the 'sufficient resources' condition of Article 7(1)(b) **Directive 2004/38** and simultaneously reinforces the right to free movement of Union citizens.*

The case concerned the right of a third-country national mother of two minor Union citizens to reside in Northern Ireland in her capacity as their primary carer. The UK authorities had found that the mother could not claim a derived right of residence as the children did not fulfil the requirements set out in Article 7(1)(b) of Directive 2004/38. This provision sets out two conditions for the Union citizen's right of residence in a host Member State for a period longer than three months: having (i) sufficient resources for themselves and their family members not to become a burden on the host state's social assistance system, and (ii) comprehensive sickness insurance cover."

Judgment: **Case C-93/18** (pdf)

43. UK: **Deaths in custody: Saturday 26 October 2019 assemble at 12:00 @ Trafalgar Square: NO MORE STATE KILLINGS** (pdf):

"*The United Families and Friends Campaign (UFFC) was set up in 1997 by families who had lost loved ones at the hands of the state to challenge the injustice in the system. It began as a network of black families because disproportionate numbers of black people were dying in police custody. It is now grown as a group that supports all families of the victims of custodial deaths at the hands of police officer, prison officers or in secure medical units.*

Join us for this years annual remembrance procession which takes place on Saturday 26 October 2019 Assemble at 12pm at Trafalgar Square for a march on Downing Street."

44. **UNHCR in Libya Part 1: From standing #WithRefugees to standing #WithStates?** (euronews, link):

"*October 3rd is a day upon which the UNHCR "remember and commemorate all the victims of immigration and promote awareness-raising and solidarity initiatives."*

With that very sentiment in mind, Euronews has undertaken an investigation into the UNHCR's operation in Libya, where tens of thousands of migrants live in detainment camps, hoping to make it to Europe.

We uncover the extent of neglect in terms of care that can be found where migrants wait to be processed. We ask why the UN's humanitarian agency cannot have the required access in Libya when the mother organisation - The United Nations - is working with the Tripoli-based government. We ask why there is a severe lack of transparency surrounding the agency's operation and we talk to some of the migrants involved in the process and allow them to tell their stories."

Plus: **Part 2**, **Part 3**, **Part 4**

45. UK: **IOPC publishes figures on deaths during or following police contact for 2018/19** (IOPC, link)**:**

"There were 16 deaths in or following police custody, a decrease of seven from a ten-year high in 2017/18, and in line with the average figure for over the last decade. No deaths took place within a police custody suite. Six people died in hospital after becoming unwell in a police cell, and six people were taken ill at the scene of arrest and died in hospital.

There were three fatal police shootings, compared to four fatalities last year.

There were 42 road traffic fatalities, an increase of 13 on last year and the highest figure in the past decade; 30 of the deaths were from police pursuit-related incidents, an increase of 13 from last year; five fatalities resulted from emergency response incidents, a decrease of three from last year.

There were 63 apparent suicides following police custody, a small increase on the previous year."

Report: **Deaths during or following police contact: Statistics for England and Wales 2018/19** (pdf)

46. EU: **JHA Council, 7-8 October: documents on EU-USA e-evidence negotiations; EU accession to the ECHR; right-wing extremism; and problems for plans to interconnect policing and migration databases**

The Justice and Home Affairs Council is meeting in Luxembourg on 7 and 8 October. Issues under discussion include e-evidence negotiations between the EU and the USA; EU accession to the European Convention on Human Rights; right-wing extremism and terrorism; and the implementation of the EU's plans to interconnect its migration and policing databases. Council documents published here indicate that this latter project is running into trouble.

47. **Behind the razor wire of Greece's notorious refugee camp** (Observer, link):

"Moria camp mourns a woman's death, after reports wrongly blamed residents for the fire that killed her.

Last week Moria was in mourning. A deadly fire last Sunday (29 September) killed a woman called Faride Tajik, described by UN officials as a widow with a teenage daughter who has now been taken into care outside the camp. Initial reports suggested a baby had been killed in the blaze that may have been started by refugees protesting over conditions.(...)

However, this account has been shown to be false. There were clashes between residents and the police and fire service but they came after the blaze when people were angry at a perceived failure to help. The Observer has seen and verified a number of time-stamped videos from the fire showing that the first responders were camp residents who brought an emergency firehose to combat the flames engulfing a cluster of stacked containers."

48. **Aegean Boat Report**: (link):

Today Aegean Boat Report past another milestone, 25000 followers on Facebook, and counting.

It started out as a small community on Facebook, with one single purposes, to provide information. This community has grown beyond my wildest expectations. It has been a long journey from December 2017 until today, and I'm exited to see what the future will bring.

To everyone who has supported me on this journey, THANK YOU."

See also: **Moria Refugee Hotspot Camp, Lesvos Oct 2019** (You Tube, link)

49. **"It is not enough for your country to be at war, you should be more vulnerable!"** (Lesvos Legal Centre, link):

"I write to you who know my passion for sharing, learning and listening. With many of you, I've had conversations about how war and peace are part of the history of all peoples. What I can tell you now, because of what I am experiencing and learning here on Lesvos, is that there are different forms and consequences of what we know as war. The first consequence is death and destruction. After comes the reconstruction phase which is almost impossible. War brings unimaginable destruction, displaces millions of people, and destroys families. Refugees have lived through all of this."

50. **Third Anniversary of EU-Turkey Statement: A Legal Analysis** (Heinrich Böll Stiftung, link):

"During the EU-Turkey Summit held on 29 November 2015, parties agreed to support refugees fleeing civil war in Syria and their host country Turkey, and to implement a Joint Action Plan, adopted on 15 October 2015, which sought cooperation to prevent irregular migration flows to the European Union. "

51. **Sea Watch migrant rescue captain Carola Rackete criticizes EU lawmakers** (DW, link):

"The Sea Watch 3 captain, who memorably defied Italy's landing ban, chastised EU lawmakers for the situation in the Mediterranean. She said rescuers were legally compelled not to return migrants to Libya as it is unsafe.

"The EU member states have engaged in a policy of externalization of their responsibilities and a practice of pushbacks and omissions of rescue, delegating interventions to a country at war, Libya, in breach of international law," Rackete said Thursday to both applause and jeers."

52. CoE: Parliamentary Assembly: **PACE to Europe's governments: 'It is your duty not to let people drown in the Mediterranean'** (link):

"While welcoming the commitment of NGOs to carrying out sea rescues, the Assembly has insisted that "it is the duty of States not to let people drown in the Mediterranean.

States should also allow NGOs to carry out their life-saving missions in the Med, and refrain from "stigmatising" their work. The captains of all such rescue vessels should be able to disembark migrants and refugees in the nearest port of safety, as provided for in international maritime law."

See: **Adopted Resolution** (pdf)

53. FIVE EYES: **US, allies seek access to Facebook encrypted messaging apps** (DW, link):

"US, UK and Australian officials want Facebook to give authorities a way to read encrypted messages sent by ordinary users. Law enforcement has long sought access despite pushback from tech giants and privacy advocates.

US Attorney General William Barr and his British and Australian counterparts are pressing Facebook to create a so-called backdoor to give authorities access to encrypted messages on WhatsApp and other messaging platforms."

54. **EU states given right to police Facebook worldwide** (euobserver, link):

"National courts in EU states can order Facebook to delete content "worldwide", Europe's top tribunal has ruled, in what the US social media giant called an attack on free speech.

If content was deemed "illegal" by a national court, then Facebook could be ordered to "remove information covered by the injunction or to block access to that information worldwide", the European Court of Justice (ECJ) said in Luxembourg on Thursday (3 October).."

CJEU: Press release: **EU law does not preclude a host provider such as Facebook from being ordered to remove identical and, in certain circumstances, equivalent comments previously declared to be illegal** (pdf) and judgment: **Eva Glawischnig-Piesczek v Facebook Ireland Limited** (Case C-18/18, pdf)

55. **Data access blow for EU nationals with UK immigration cases** (euractiv, link):

"EU nationals will be unable to access their personal records held by the UK government in immigration cases, following a high court ruling on Thursday (3 October) that said "immigration exemption" introduced last year was not unlawful.

The 3million organisation, one of the civil society groups campaigning for the rights of EU citizens in the UK, had argued that the immigration exemption introduced in the country's Data Protection Act (DPA), which came into force in May last year, denies people access to their personal records in immigration cases."

Judgment: **Open Rights Group and the3million v Secretary of State for the Home Department** ([2019]EWHC 2562 (Admin), 3 October 2019, pdf) and see: **Open Rights Group and the3million seek to appeal immigration exemption judgment** (ORG, link)

56. UK: **Is the prime minister's defence of free speech 'humbug'?** (IRR News, link):

"If we are not vigilant, the government's attempts to deny the links between speech that inflames and actual acts of physical violence could be extended to deny or excuse incitement to racial hatred."

57 **New Frontex Regulation: Fortress Europe to be upgraded** (link):

"The European Union is setting up a "Standing Corps" of 10,000 border guards, most of whom will be provided by the German Federal Police. The new President of the Commission wants the unit to be complete by 2024. Frontex will also be given more powers and change its organisational structure."

58. Lesvos Legal Centre: Press release: **Fatal fire inside Moria refugee camp** (link):

"In what comes as no surprise to anyone paying attention to the hotspots on the Greek islands, yesterday a fire broke out inside Moria Refugee Camp, which currently houses approximately 13,000 people in unlivable, cramped 'housing'. The fire apparently started after an electric short-circuit in one container and killed at least one woman and resulted in the severe injury of many others

After the fire was finally put out, with the assistance of many residents of the camp, and the bodies of several carried to ambulances, protests over the conditions inside the camp were met with excessive use of tear gas by the police."

59. **Does Frontex arrange illegal push backs?** (link):

"The EU Border Agency's air surveillance could have triggered unlawful deportations at external borders. Such operations took place off Libya and Bosnia-Herzegovina."

60. GREECE-ECHR: **The remedies proposed to detained migrants in emergency reception centres in Greece were neither accessible nor sufficient** (pdf):

"The case concerned the conditions of detention of Syrian, Afghan and Palestinian nationals in the "hotspots" of Vial and Souda (Greece), and the lawfulness of their detention in those camps.(...)

In contrast, the applicants, who did not have legal assistance, had not been able to understand the content of the information brochure; in particular, they were unable to understand the material relating to the various appeal possibilities available under domestic law. (...)

Even assuming that the remedies were effective, the Court did not see how the applicants could have exercised them. Having regard also to the findings of other international bodies, the Court considered that, in the circumstances of the case, the remedies in question had not been accessible to the applicants.

There had therefore been a violation of Article 5 § 4."

Judgment: **Kaak et autres v Grèce** (French only, application no. 34215/16, pdf)

61. **UN: Migrant, refugee death toll in Mediterranean tops 1,000 for 6th year** (ekathimerini.com, link):

"More than 1,000 migrants and refugees have died in the Mediterranean Sea this year, the sixth year in a row that this "bleak milestone" has been reached, the United Nations said on Tuesday."

62. **Bulgaria: Human Rights Group Under Threat - Halt Attacks on Bulgarian Helsinki Committee; Dismiss Bogus Request** (HRW, link):

"Bulgaria's prosecutor general should reject a call from a political party in the country's governing coalition to disband the Bulgarian Helsinki Committee (BHC), Human Rights Watch said today. The party has been in legal battles for years with the Bulgarian Helsinki Committee over its stance on anti-discrimination issues."

63. **Greece must act to end dangerous overcrowding in island reception centres, EU support crucial** (UNHCR, link):

"*UNHCR, the UN Refugee Agency, is today calling on Greece to urgently move thousands of asylum-seekers out of dangerously overcrowded reception centres on the Greek Aegean islands. Sea arrivals in September, mostly of Afghan and Syrian families, increased to 10,258 - the highest monthly level since 2016 – worsening conditions on the islands which now host 30,000 asylum-seekers.*

The situation on Lesvos, Samos and Kos is critical. The Moria centre on Lesvos is already at five times its capacity with 12,600 people. At a nearby informal settlement, 100 people share a single toilet. Tensions remain high at Moria where a fire on Sunday in a container used to house people killed one woman. An ensuing riot by frustrated asylum-seekers led to clashes with police.

On Samos, the Vathy reception centre houses 5,500 people – eight times its capacity. Most sleep in tents with little access to latrines, clean water, or medical care. Conditions have also deteriorated sharply on Kos, where 3,000 people are staying in a space for 700.

Keeping people on the islands in these inadequate and insecure conditions is inhumane and must come to an end."

64. EU: **'Moria is hell': asylum seekers protest conditions at Greek camp** (Reuters, link):

"Hundreds of asylum seekers protested conditions at Greece's biggest migrant camp on Lesbos on Tuesday after a woman was killed in a fire there, marching towards the island's capital before being halted by police.

More than 12,000 people - mainly from Syria, Afghanistan and Iraq - live in Moria camp, which has grown to become the island's second largest town in just three years.

The woman's death on Sunday was the third there in two months. An Afghan teenager was killed in a fight in August and a five-year-old Afghan boy was accidentally run over by a truck while playing in a cardboard box outside the camp in September."

65. EU: **European Commission: report on use of the European Arrest Warrant in 2017**

In 2017, European Arrest Warrants (EAWs) were most commonly used for offences falling within the categories of theft and criminal damage (2,649 EAws); fraud and corruption (1,538); and drugs (1,535), although not all member states provided the European Commission with the requested information.

66. Letter from civil society organisations to Antonio Guterres, Secretary-General of the United Nations: **Protecting the rights of migrant children** (pdf):

"*Migrant children are being denied their right to survival and development, to education and family unity, to their cultural identity and to participation in our society by discriminatory and arbitrary migration policies and practices, are denied access to psychological recovery from those harms and to psycho-social, health and welfare resources, detained and separated from their families deliberately and without access to justice and protection measures. Those civil society members who provide assistance and who defend the rights of young migrants must also be free from the fear of prosecution and persecution for so doing, including punitive measures against their families.*

 There are no justifiable reasons for this systemic harm and abuse of children. States must find new solutions to their legitimate concerns to manage immigration. These measures MUST comply with all existing universally adopted children's rights standards, not be set against them."

67. USA: **Do DNA Databases Make Would-Be Criminals Think Twice?** (Undark, link):

"*...what if instead of just bringing more perpetrators to justice, the widespread perception of law enforcement's genetic omniscience was also preventing crimes from happening in the first place? Or to put it slightly differently, what if the fear of being done in by DNA is actually holding potential offenders back from criminal behavior? This would seem like an extremely difficult effect to measure, but some researchers are using sophisticated analysis of crime data to argue that it is real, and that it results in lower recidivism rates.*

Just how strong the deterrent effect is, or whether it's any better at discouraging would-be criminals than, say, incarceration — which studies suggest is at best a weak deterrent — remain open questions. And even if it is more effective, some civil liberties advocates argue that this sort of biosurveillance is likely to weigh more heavily on some segments of the population than others, raising genuine civil rights concerns."

68. EU: **MEPs concerned with peace should worry about the new 'Defence Industry & Space' unit** (EurActiv, link) by Laetitia Sedou:

"*On 2 October, the European Parliament committee for Industry, Research and Energy (ITRE) will hear the French Commissioner-designate Sylvie Goulard, whose Internal Market portfolio will include a new Directorate-General for Defence Industry and Space... the creation of a DG for the Defence Industry will open the door even wider for corporate interests of the arms industry to dominate the EU agenda. The arms industry has long been calling for such a DG to be created, and the recent set-up of an EU Defence Fund was heavily influenced by it.*

...MEPs should all the more be alarmed that the EU is engaged in an ideological, political, industrial and material preparation for war, whatever form conflicts will take in the future; in other words it is undergoing a rampant but characterised militarisation process (something more complex than whether or not to have an 'EU army'). Elected representatives should ask themselves and Sylvie Goulard if this is really what EU citizens are expecting from the EU."

See also: **Open letter to Members of the European Parliament: The EU peace project is under threat** (pdf)

69. BOSNIA AND HERZEGOVINA: **'Large increase in anti-Bosnian, anti-Muslim bigotry': Report** (Al Jazeera, link):

"*Islamophobic rhetoric at the political level, which at its peak in the 1990s Bosnian War played a significant role in the massacre of thousands of Bosniak Muslims, is once again being used by Serbian and Croatian politicians - including those of Bosnian background - with dangerous aims, according to a new report.*

Prior to and during the 1992 -1995 conflict, divisive and dehumanising language was used with the hope of splitting the country into "Greater Croatia" and "Greater Serbia".

According to the European Islamophobia Report 2018, which was published by the Ankara-based Foundation for Political, Economic and Social Research think tank on Friday, politicians and some sections of the media are today attempting to falsely present Bosnia as a "radical Muslim haven" in order to undermine the country - again with the aim of dividing it territorially."

See: **European Islamophobia Report 2018** (link): "*This report investigates in detail the underlying dynamics that directly or indirectly support the rise of anti-Muslim racism in Europe in 2018.*"

70. **Greece: Deadly fire triggers protests at Moria refugee camp** (BBC News, link):

"*At least one person has died after a fire broke out at an overcrowded refugee camp on the Greek island of Lesbos, local officials say.*

They say the charred body of a woman was found at Moria camp. But unconfirmed reports say there was another victim, a child.

Police fired teargas against protesting migrants who said firefighters were too slow to respond to the blaze.

The camp houses about 12,000 people in tents and shipping containers.

But it only has an official capacity of 3,000 - leading to severe overcrowding."

71. **EU extends Operation Sophia, Libyan coast guard cooperation despite hefty criticism** (InfoMigrants, link):

"*The European Union has extended Operation Sophia, its anti-migrant-smuggling mission along the Libyan Mediterranean coast, by six months to the end of March 2020. Actual naval operations remain halted, however; the mandate now mainly consists of air support and training Libya's controversial coast guard, Europe's go-to partner to stem migration.*

*European Union member states resolved to extend the naval mission Operation Sophia for another six months. The mandate was due to expire at the end of September, According to a **press release by the European Council**, the core aim of the operation, which was set up four years ago, is to "disrupt the business model of migrant smugglers and human traffickers" in the southern central Mediterranean. Albeit not an official goal, the desired result is fewer migrants successfully crossing the Mediterranean Sea from northern Africa to Europe.*"

72. **Widow of Pat Finucane launches High Court proceedings against Northern Ireland Secretary** (Irish Legal News, link)

"*The widow of murdered Belfast solicitor Pat Finucane has launched proceedings against the Secretary of State for Northern Ireland in the High Court in Belfast following a landmark UK Supreme Court ruling earlier this year.*

The Supreme Court ruled in February that the state has failed to deliver an Article 2 compliant investigation into the death of her husband, who was shot and killed by loyalist paramilitaries in collusion with UK security forces.

Mrs Finucane has now lodged proceedings as a result of the Secretary of State's failure to make a decision on how the UK Government will proceed in light of the Supreme Court's findings."

See: Supreme Court judgment: **In the matter of an application by Geraldine Finucane for Judicial Review (Northern Ireland)** (February 2019, pdf)

73. UK: **Supreme Court: Suspending Parliament was unlawful, judges rule** (BBC News, link):

"*Boris Johnson's decision to suspend Parliament was unlawful, the Supreme Court has ruled.*

Mr Johnson suspended - or prorogued - Parliament for five weeks earlier this month, saying it was to allow a Queen's Speech to outline his new policies.

But the court said it was wrong to stop Parliament carrying out its duties in the run-up to the Brexit deadline on 31 October."

Judgment Full-text (pdf)

74. LESVOS: **Journey back to the borders - melody and rhythm of freedom for all** (w2eu.net, link)

"*Small concert and musical activities in memory with welcome to europe*

We would like to look back on migrant struggles and we want to face the reality today on the island. A reality of an organized permanent crisis, with the hot-spots like Moria made to deter people and break their will to move freely – but people continue moving. 10 years after Noborder '09 on Lesvos we want to celebrate continuity and stubbornness we have learned together in these migrant struggles."

See: **Lost at border** (pdf):

"*We want to give back a piece of dignity, to those who died – right here – into the senselessness of the European borders – and we want to thank those who risk their lives to rescue.*

All of these dead people have a face, a name. All of them leave behind relatives and friends. Besides the bodies also their hopes and dreams are lost."

75. **Hundreds of migrants reach Lesvos; Moria bursting at the seams** (ekathimerini.com, link):

"*nother 408 migrants reached the island of Lesvos by Friday noon, of which 73 arrived by sailboat, the general police directorate of the Northern Aegean said in a press release.*

The new arrivals raise the total number of migrants living in the overcrowded identification center of Moria to 12,000, when the camp's capacity is for 3,000."

And see: **Greek PM to seek international help with migration problem** (ekathimerini.com, link)

76. **RTÉ to broadcast acclaimed Loughinisland Massacre documentary** (RTE, link):

"RTÉ One has announced that it will broadcast Oscar-winning director Alex Gibney's No Stone Unturned, a feature-length documentary on the 1994 Loughinisland massacre.

On 18 June 1994, in the small village of Loughinisland, Co Down, three gunmen burst into a pub with assault rifles and fired on the customers, killing six people and wounding five others. (...)

Belfast journalists Trevor Birney and Barry McCaffrey were arrested following the making of the film, over the alleged theft of a Police Ombudsman for Northern Ireland document, with the charges ultimately being dropped. (...)

No Stone Unturned will air on RTÉ One on Wednesday 2 October at 9.35pm."

77. Northern Ireland: PRESS RELEASE: **The Court of Appeal have ruled this morning that the treatment endured by the hooded men is torture, and an effective criminal investigation is necessary** (pdf):

"Francis McGuigan, the applicant, said:

"Todays Judgment makes it expressly clear that the treatment that I suffered at the hands of Ministers was torture and should be investigated by an independent police force."

"This treatment cannot be forgotten, it has had lasting and terrible effects on my mental health to this day and I can only hope that this judgment will assist someone somewhere in the world that suffers torture at the hand of their Government"

The Court said at Para 116 of the Judgment that they were satisfied that "the treatment to which Mr McGuigan and Mr McKenna were subject would if it occurred today properly be characterised as torture.""

See also: **'Hooded Men': PSNI's appeal over inquiry dismissed** (BBC News, link): *"A group known as the Hooded Men have won the latest stage of a legal battle to force an investigation into alleged torture by the security forces in 1971 ".*

78. **Fastest-growing UK terrorist threat is from far right, say police** (Guardian, link)

"Counter-terror police vow to thwart rise in violence driven by extreme-right ideologies.

Police have vowed to thwart the rise of the far right, which they have said is the fastest-growing terrorist threat in the UK, as they try to stop race hate ideologues from bringing violence to the country's streets."

See also : **Counter-Terrorism Coordinator wants EU to target right-wing extremism and terrorism**

79. **Met boss Cressida Dick: More Met Police officers will carry tasers** (ITN News, link)

"The Metropolitan Police Commissioner has said more officers in London will carry a Taser, but a fifth do not want to use them."

80. **Europe's refugee policy is test of its true 'way of life'** (euobserver, link) by Mary Robinson, a former president of Ireland and UN High Commissioner for Human Rights:

"What is the "European way of life"?

In a continent as geographically, linguistically and culturally diverse as ours, this is very difficult to answer.

The way that Europeans live their lives is informed by centuries of history, enriched by overlapping traditions and the shared experience of different peoples, from long-settled communities to new arrivals, living side by side.

In today's turbulent times, we believe it is more fruitful to reflect on what constitute European values, and how these can be applied and strengthened in an era of globalisation and mass migration."

81. **Turkey stops 300,000 irregular migrants en route to EU so far this year** (Daily Sabah, link):

"*According to the migration authority's most recent data, the authorities have intercepted some 269,059 irregular migrants between the period of Jan. 1 and Sept. 12. The number is expected to rise until the end of the year. Last year Turkey intercepted 268,003 illegal migrants. The number was 146,485 in 2015, 174,466 in 2016 and 175,752 in 2017 – meaning the number has almost doubled over the last three years.*"

82. UK: **The Black Power movement and Special Branch: Special Branch Files in context** (SBFP, link):

"*The British state took the threat of Black Power very seriously, both at home and across the Commonwealth. When an international conference on Black Power took place in British Protectorate Bermuda on July 10-13 July 1969, the British government sent a warship full of marines to anchor off the coast in case civil disorder broke out and Special Branch officers attended, submitting a 133pp report afterwards.*

Beforehand, the option to ban the entire conference had been discussed up to the level of the PM in the UK. The fact that there was no law to do such thing, and that it would be impossible to enforce a ban, was seen as a minor issue set against the risks of UK military involvement should disturbances occur.

While both Special Branch and the government's Joint Intelligence Committee did not believe that Black Power would ever become widely supported by black people in the UK, they did worry about its potential to inspire civil unrest."

83. **Edward Snowden: Germany a 'primary example' of NSA surveillance cooperation** (DW, link):

"*In his new book, Edward Snowden describes how US intelligence agencies collect vast amounts of data around the world. Foreign governments often help facilitate the collection, and Germany is no exception.(...)*

In his new book Permanent Record, he describes working at "America's premier signals agency" as being "a dream job." He also writes of how he uncovered STELLARWIND,

84. EU: **Joint Press Statement from Commissioner Vìra Jourová and Secretary of Commerce Wilbur Ross on the Third Annual EU-U.S. Privacy Shield Review** (pdf):

"*Gender Equality Vìra Jourová made the following statement regarding the third annual joint review of the EU-U.S. Privacy Shield Framework:*

"Senior officials from the United States Government, the European Commission, and EU data protection authorities gathered in Washington, DC on 12 and 13 September to conduct the third annual joint review of the EU-U.S. Privacy Shield Framework. The broad and senior level participation from both sides underscored the shared and longstanding commitment of the United States and the European Union to the Framework."

The reports on the first and second review can be found **here** (link) See: **Snowden: Privacy Shield won't stop US mass surveillance** (Statewatch database)

85. **Prorogation of Parliament: Conflicting judgments in England and Scotland** (EU Law Analysis, link):

" The outcome of the conjoined appeals at the Supreme Court of the UK on Tuesday the 17th of September is far from certain. The Scottish judgment is a constitutional first: the first time a serving Prime Minister has been found guilty of acting illegally in relation to the proroguing of Parliament.

What is certain is that the 11 justices of the Supreme Court will once again make UK constitutional history after the hearing on Tuesday week."

86. **MSF: 3 migrant children attempted suicide, 17 had injured themselves** (Keep Talking Greece,link):

"Children are the real victims of the Migration policy, many of them are not in position to comply with the harsh realities. According to a press release by Doctors Without Borders / Médecins Sans Frontières (MSF), Greece, in the summer months of July and August, three children attempted suicide and 17 had injured themselves. Ten of a total of 73 children referred to MSF were under the age of six, the youngest being just two."

87. CJEU hearings on four data retention cases: **Opinion of the European Data Protection Supervisor** (EDPS, pdf):

On 9 and 10 September, the Court of Justice of the European Union held hearings on four data retention cases involving several Member States (United Kingdom (UK), Ireland, France, Spain, Sweden, etc.) and civil society actors such as Privacy International and La Quadrature du Net. The European Data Protection Supervisor (EDPS) was also present and shared its point of view.

88. **'Protecting the European way of life' from migrants is a gift to the far right** (Guardian, link):

"EU technocrats still believe tougher border controls will defang their populist rivals – but they are fuelling a dangerous new nationalism. (...)

Yet Europe's rightwing populists did not make Von der Leyen president of the commission, and her clumsy debut is another example of a broader trend: politicians of the centre adopting the nationalist demands of their far-right challengers in an attempt to keep them at bay.(...)

The plan, it appears, is to co-opt the demands of the far right – and thus neutralise their appeal – rather than take them on."

Tony Bunyan, Statewatch Director, comments:

"In the EU bubble lexicon this strategy is known as "triangulation" - you adopt the policies of the populists, fascists and racists in the hope they will go away. Whereas history tells that appeasement only legitimates these political forces."

89. **Lesvos: Head of Moria hot spot submits his resignation** (Keep Talking Greece, link):

"The head of the hot spot of Moria on the island of Lesvos submitted his resignation to the political leadership of the Ministry for Citizens' Protection on Wednesday afternoon.

Citing personal reasons, the Manager of the Reception and Identification Center, Ioannis Balbakakis said that he was "tired" and he had to go.

"I leave with my head up at doing what I needed to do in difficult situations. I am neither leaving as a thief nor leaving as a protesting politician. I'm leaving because I have to leave. I'm tired."

90. **Deportations to Turkey – overview: August 2019** (Deportation Monitoring Aegean, link)

91. **Aegean Boat Report** (link):

"Total number of refugees on the islands: 25,484."

92. **Claude Moraes: 'Protecting our European Way of Life' is 'anachronistic and insulting title'** (EP, link):

"UK MEP Claude Moraes has joined a growing chorus of scathing criticism of the European Commission's new portfolio for "Protecting our European Way of Life.

Moraes, a Socialist member, told this website on Wednesday, "The European Commission have either deliberately played to the populist right in naming this or they have made a serious mistake."

93. UK-BREXIT: **Yellowhammer: no-deal chaos fears as secret Brexit papers published** (Guardian, link):

"*Ministers forced to publish documents predicting public disorder, rising prices and disruptions to food and medicines.*

A no-deal Brexit could result in rising food and fuel prices, disruption to medicine supplies and public disorder on Britain's streets, according to secret documents the government was forced by MPs to publish on Wednesday.

The content of the document was strikingly similar to the plan leaked to the Sunday Times in August, which the government dismissed at the time as out of date.

That document was described as a "base case"; but the new document claims to be a "worst-case scenario". (...)

On law and order it warns: "Protests and counter-protests will take place across the UK and may absorb significant amounts of police resource. There may also be a rise in public disorder and community tensions."

See: **New Yellowhammer document** (pdf)

94. **Switzerland: Former local MP must not be punished for aiding asylum-seekers** (AI, link):

"Ahead of tomorrow's appeal against the conviction of former local MP, Lisa Bosia Mirra, fined almost 10,000 Swiss francs ($10,000 US) for helping 24 Syrian and Eritrean asylum seekers to cross the Italian border into Switzerland, Amnesty International Researcher, Rym Khadhraoui said:

"Lisa Bosia Mirra's actions were examples of humanity rather than criminality. By helping asylum seekers, who were mostly unaccompanied minors, to access protection in Switzerland, she committed no crime but instead showed compassion to desperate people – some of who had suffered torture."

95. EU: **Open letter to Members of the European Parliament: The EU peace project is under threat** (pdf) signed by over 60 organisations including *Statewatch*:

"*As a coalition of 61 organisations we are writing to express our deep concern about a number of policy proposals which, taken together, call into question the EU's founding values of human rights, peace and disarmament.*"

DOCUMENTATION

1. **EU-U.S. Privacy Shield: Third review welcomes progress while identifying steps for improvement** (European Commission, link):

"*Today the European Commission publishes its report on the third annual review of the functioning of the EU-U.S. Privacy Shield. The report confirms that the U.S. continues to ensure an adequate level of protection for personal data transferred under the Privacy Shield from the EU to participating companies in the U.S. Since the second annual review, there have been a number of improvements in the functioning of the framework, as well as appointments to key oversight and redress bodies, such as the Privacy Shield Ombudsperson. Being in the third year of the Shield's operation, the review focused on the lessons learnt from its practical implementation and day-to-day functionality. Today there are about 5,000 companies participating in this EU-U.S. data protection framework.*"

See: **Report from the Commission on the third annual review of the functioning of the EU-U.S. Privacy Shield** (COM(2019) 495 final, pdf) and: **Staff Working Document** (SWD(2019) 390 final, pdf)

2. **21 Thoughts and Questions about the UK-US CLOUD Act Agreement: (and an Explanation of How it Works – with Charts)** (European Law Blog, link):

"*The Need to Unpack the Long-Awaited **UK-US Data Sharing Agreement** (pdf)*

After four years of negotiations surrounded by secrecy, the United Kingdom and the United States finally released on October 7, 2019, the text of their Data-sharing agreement aiming to facilitate the cross-border access to electronic data for the purpose of countering serious crime. This long-awaited agreement is the first of the executive agreements envisioned by the CLOUD Act."

3. European Parliament Study: **European Council conclusions: A rolling check-list of commitments to date** (pdf): A very useful summary.

"*This latest edition of the overview of European Council conclusions to date, presented in the form of a rolling check-list, is produced by the European Council Oversight Unit of the European Parliamentary Research Service (EPRS), the European Parliament's in-house research service and think tank. **Since 2014**, the Unit has been monitoring and analysing the delivery on commitments made by the European Council in the conclusions of its meetings, as well as its various responsibilities, either in law or on the basis of intergovernmental agreements.*"

Council Conclusions are non-binding but provide a legal basis when two or more Member States decide to cooperate.

4. EU: Meijers Committee: **Response to a Note from the Presidency on 'The future of EU substantive criminal law – Policy debate'** (pdf):

"*it believes that the fundamental interests that are at stake in criminal policy, deserve to be reconsidered time and again – especially in the EU context where substantive criminal law competences are limited, either through institutional principles (such as the principle of subsidiarity), or through values-based principles rooted in criminal law theory (such as the last resort principle). The Meijers Committee therefore wishes to express its appreciation for the initiative to launch such a debate.(...)*

the Meijers Committee concludes that the discussion has focused on criminalisation, with less or no attention for the (further) harmonization of sanctions."

5. EU: Global Approach to Migration and Mobility (GAMM): Council of the European Union: **Commission services: GAMM** (LIMITE doc no: 11539-19,47 pages, pdf):

"*This document provides an updated overview of the main external migration dialogues and processes implemented in the framework of the EU Global Approach to Migration and Mobility (GAMM). The document is compiled for the information of the EU High Level Working Group on Asylum and Migration by the responsible European Commission services, in association with the EEAS.*"

See previous: **Update report - May 2019** (Statewatch News) and **March 2019** (Statewatch News)

6. **Security Union: Commission calls on 4 Member States to respect EU exclusive competence in the area of automated DNA, fingerprint and vehicle registration data exchange (Prüm Decisions)** (Commission press release, link):

"*The Commission decided today to launch infringement procedure by sending letters of formal notice to Austria, Bulgaria, Hungary and Romania for signing an agreement with 5 Western Balkan countries on the automated exchange of DNA data, dactyloscopic data and vehicle registration on 13 September 2018. The Commission considers the agreement is in breach of EU exclusive competence in the area, especially since the exchange of such data between Member States is covered by the Prüm Council Decisions (Council Decisions 2008/615/JHA and 2008/616/JHA). The Member States concerned have two months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.*"

7. EU: **New Frontex Regulation: corrected version of the text**

The European Parliament is due to approve a corrected version of the new Frontex Regulation, which was originally agreed between the Council and Parliament but has been undergoing revision by legal and linguistic specialists.

See: **REGULATION (EU) 2019/... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ... on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624** (pdf)

8. EP: Briefing: **Role of Advocates General at the CJEU** (pdf):

"*Today, there are 11 Advocates General, six of these posts are permanently assigned to the larger Member States. Advocates General are Members of the Court of Justice of the EU, and are appointed under the same procedure as judges. They enjoy the same privileges as judges (immunity), and cannot be removed from office before the end of their six-year term of office. They may be re-elected. Unlike judges, however, they only have an advisory role and do not take part in the decision-making on cases.*"

9. CoE-CPT: **Council of Europe anti-torture Committee publishes report on the United Kingdom, focusing on police and prisons in Scotland** (link):

"*The purpose of the visit was to examine the situation in police and prison establishments in Scotland and to assess the progress made since the CPT's previous visit in 2012; specific attention was paid to inmates in segregation, in remand, women prisoners generally and to overall healthcare issues. In addition, the delegation examined the treatment of persons in police custody and carried out visits to several police custody facilities across Scotland. The main conclusions of the CPT are set out in the executive summary of the report.*"

See: **Report** (pdf), **Executive Summary** (pdf) and: **Government response** (pdf)

10. **The CJEU rules on consent to cookies under data protection law** (EU Law Analysis, link):

"*Last week's CJEU ruling in in* Planet 49 *is an important Grand Chamber decision concerning the use of cookies and the meaning of consent under the e-Privacy Directive in the light of the Data Protection Directive but also the General Data Protection Regulation (Regulation 2016/679)(GDPR). The*

judgment is therefore relevant for understanding the cookie obligations in the new regime as well as the old."

11, EU-JAPAN: PNR: **Security Union: The Commission recommends opening negotiations with Japan on the transfer of Passenger Name Record (PNR) data** (press release, pdf):

"...*the European Commission has recommended that the Council authorise the start of negotiations for an EU-Japan Agreement to allow the transfer and use of Passenger Name Record (PNR) data in order to prevent and combat terrorism and serious transnational crime. The Agreement will set out the framework and conditions for the exchange of PNR data, in full respect of data protection safeguards and fundamental rights, in accordance with the Charter of Fundamental Rights.*"

See: **Recommendation for Council Decision to authorise negotiations for an Agreement between the European Union and Japan for the transfer and use of Passenger Name Record (PNR) data** (pdf) and: **Annex** (pdf)

12. Council of the European Union: Note from the Council Presidency: **Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)** (Doc no; 12349-19, pdf):

Accession has been the subject of lengthy negotiations. This document sets out the: *"Synthetic Overview of the required Amendments to the negotiated Instruments."*

13. European Parliament: Briefing: **EU guidelines on ethics in artificial intelligence: Context and implementation** (pdf):

"In the EU, there are strong calls for clarifying the EU guidelines, fostering the adoption of ethical standards and adopting legally biding instruments in order to, inter alia, set common rules on transparency, set common requirements for fundamental rights impact assessments and provide an adequate legal framework for face recognition technology."