Issue 24/19, 1 November

Welcome to the latest edition of *Statewatch News*. With other commitments keeping us busy, we have no new material of our own to share with you this week, but we do have our usual round-up of news, reports and information from across Europe and beyond.

First, however, we want to draw your attention to a statement that highlights the dangerous direction of politics across the continent (with thanks to Laurence Meyer of ***Weaving Liberation*** for bringing it to our attention).

At the end of September, the French interior minister, Bruno Retailleau, was interviewed by the Sunday newspaper *Le Journal du Dimanche*. (As an aside, it should be noted that the current editor, Geoffroy Lejeune, is a well-known supporter of the far-right. His appointment led to **an unsuccessful strike by staff** seeking to have him removed from the post.)

Retailleau himself is president of *Les Republicains*, who won just over 8% of the votes in the July parliamentary elections. He was nevertheless appointed interior minister by Emmanuel Macron, who **put together** a cabinet that marked a "shift to the right… leaving left-leaning politicians out in the cold," despite a coalition of left wing parties winning a plurality of seats in the second round.

So, what did Retailleau say? In the interview, amongst other things, he declared that "the rule of law is neither intangible nor sacred."

The statement came in the context of a discussion largely focused on immigration. It is not hard to find politicians in Europe – and elsewhere in the world – willing to argue for new and ever-more restrictive laws to restrict the rights of non-citizens. However, they do not usually so obviously state their willingness to undermine the basic principles of liberal democracy as part of that pursuit.

Retailleau's statement is indicative of longer-term trends. The right to seek asylum has now been suspended **multiple times** by EU member states in the name of fighting "weaponised migration", most recently by Poland. As we highlighted in a 2023 article, immigration policies are leading to restrictions not just on the rights of migrants and refugees, but on **transparency and freedom of information**. Groups and individuals supporting people crossing borders are **spied on, arrested, prosecuted and demonised**. And as recalled in **last month's externalisation bulletin**, EU immigration policy continues to drive support for violent and authoritarian regimes **outside of Europe**. New migration and asylum legislation will **further undermine the rights of refugees**.

Using invented and inflated "threats" and the demonisation of social groups to undermine basic democratic norms is nothing new in Europe, at least not to anyone who has undertaken even the most cursory reading of history. The only way we will escape even more of that history re-emerging is through concerted discussion, imagination, organisation and action. It is with this in mind that we will continue with our work to investigate, expose and denounce unwarranted, unnecessary and unjustified state powers and practices.

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New material

Asylum, immigration and borders

Italy: **Piantedosi compares the deportations to Albania to operation Mare Nostrum**

Embattled Italian interior minister Matteo Piantedosi responds to criticism of the costly and failed deportation to Albania of 14 people rescued at sea which opened testing of the plan to externalise fast-track procedures to deny asylum, detain and enact returns to home countries. In the Chamber of Deputies at question time, he explained that this deployment is not as expensive as the Mare Nostrum navy operation through which over 100,000 people were rescued before it was shut down in 2014.

A-DIF, Associazione Diritti e Frontiere, 1 November

A plaque against Frontex

A plaque was put up in Brussels on occasion of the Frontex agency's 20th birthday, bearing the words "Frontex guarding borders at all costs. Killing since 2004". Comments on criticism and cartographic contributions on death at the EU's borders.

Visions Carto, 31 October 2024

Technical infrastructure and communication systems of the Border Police of the Republic of Moldova – modernised with the financial support of the European Union

"The European Union has provided the Border Police of the Republic of Moldova with essential equipment to modernise technical infrastructure and border communication systems. This donation responds to the urgent needs expressed by the national authorities of the Republic of Moldova in the context of the refugee crisis and border security concerns. The new equipment will also align Republic of Moldova's border security standards with EU norms and tools, including the European Border Surveillance System (EUROSUR). The EU donation, valued at approximately €280,426.22 (over 5 million MDL), was provided through the EU Border Assistance Mission to Moldova and Ukraine (EUBAM)."

EU4Moldova, 29 October

Israeli drones an essential part of EU's attempts to prevent migrants and refugees reaching its shores

"Drones 'tested over Gaza' have been reappropriated by the EU to monitor migrants in the Mediterranean", notes Sally Hayden as she investigates developments in the central Mediterranean and talks to civilian rescue crews.

Irish Times, 28 October

EU migration policy as a global health crisis

"Reveals how EU migration policy measures "focused on deterrence, detention, and border sealing are triggering a public health crisis affecting millions of migrants. …this situation is not an inevitable consequence of the migration process, but a political decision. The EU, which already has walls on 15% of its borders, has increased by 94% the funding allocated to migration control for 2021-2027."

Salud por Derecho, 25 October

EU watchdog issues criticism of EU-Tunisia deal over human rights concerns

"The European Ombudsman has called for "concrete criteria" to suspend EU funds for Tunisia in case of human rights abuse.

The controversial deal signed between the European Union and Tunisia has come under renewed scrutiny over the human rights situation in the North African country and the lack of transparency on Brussels' side."

Euronews, 23 October

Playing with 'electoral rocket fuel': How Poland's Donald Tusk hopes to weaponize migration

"But Tusk faces potential dangers in making the issue his own. Flis noted he has a record of launching high-profile initiatives and then failing to follow through — as happened when Tusk called for the chemical castration of pedophiles, clashed with football hooligans, or launched a campaign against semi-legal narcotics."

Politico Europe, 21 October

UK deports record number of Nigerians and Ghanaians in single flight

"A record number of Nigerians and Ghanaians were deported to their home countries on one flight, with 44 forcibly removed on Friday, the Home Office has confirmed.

The news came as it emerged that any asylum seekers who arrive in Diego Garcia before a treaty between the UK and Mauritius to hand back the Chagos Islands is finalised will be sent to Saint Helena, a British territory in the Atlantic Ocean described as one of the most remote places on Earth."

The Guardian, 19 October

Italy: **Migrants in Albania, detention not validated: tomorrow they return to Italy**

Court does not validate detention in Albania under the Italy-Albania Protocol of 12 citizens of Bangladesh and Egypt because they cannot be deemed safe countries of origin.

Il Sole, 18 October

If you think Trump's migration policies are extreme, look at the EU's

"EU countries have individually pushed to crack down on migration after substantial surges in support for anti-immigrant parties in various European elections this year.

While they mostly eschew the racist, xenophobic rhetoric Trump uses to describe immigrants, in the cold, hard light of policy their positions are not all so different. At a meeting in Brussels, EU leaders spent hours discussing migrant processing centers, speedier deportations and "hybrid warfare" by hostile powers using migrants to destabilize EU countries."

Politico Europe, 17 October

Baby dies as asylum seekers' boat sinks off French coast

"A baby has died after a boat carrying asylum seekers towards the United Kingdom sank in the English Channel off the coast of France, the authorities said.

The local coastguard in France said on Friday the incident took place on Thursday night off the French town of Wissant. The French maritime prefecture for the English Channel and the North Sea said 65 people were rescued and taken to the port at Boulogne-sur-Mer."

Al Jazeera, 18 October

Scabies, sexual harassment & racism: inside the UK's asylum hotels

"People living in the UK's "asylum hotels" endured sexist and racist harassment and scabies outbreaks as accommodation providers raked in millions in profits, openDemocracy can reveal.

As of June 2024, just under 30,000 asylum-seeking people – many of them incredibly vulnerable – were living in hotels run by the government or its contractors. While much of the coverage of the hotels has thus far focused on the associated costs of the accommodation, our investigation has provided a rare glimpse into their daily reality, revealing the extent of the poor living conditions and disrespectful treatment they suffer – often for months at a time."

OpenDemocracy, 14 October

How Europe's far right is changing EU asylum policy

"The EU migration and asylum pact was the culmination of almost 10 years of fraught negotiations. It saw the 27 countries agree on measures to more evenly distribute the costs of taking in asylum seekers across the bloc, but also beef up external border protection to stop people reaching the EU in the first place.

Now, as far-right politicians exert ever more influence on the levers of powers in European capitals, both directly in government posts and indirectly in opposition, the deal looks more fragile than ever."

DW, 28 September

Civil liberties

Human rights activist detained by Morocco just after Macron's departure

Human rights activist Fouad Abdelmoumni, involved in struggles against corruption and political arrests in Morocco, was formally arrested and held just after the French president's visit in an operation his lawyers call "arbitrary", noting France's silence about human rights issues.

Mediapart, 31 October

Arrest of a French PhD student in Tunisia

26-year-old Victor Dupont, was arrested in an operation in Kram (Tunis suburb) involving 16 officers, suspected of posing a threat to the security of the state, and is held in La Monarguia prison, where around 60 political prisoners have been detained after February 2023. As a student of Aix-Marseille university conducting research in Tunis, his arrest appears a warning to foreigners in the north African country.

Le Point, 30 October

Civil society support to refugees and other migrants: the need to end the backlash on civil society space

Thematic Study prepared by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe, laments that NGOs and solidarity networks are vilified, shunned and obstructed in their efforts to meet the humanitarian needs of people on the move and to uphold their rights.

Council of Europe, Expert Council on NGO Law, 21 June

Law

Criminal barristers in Northern Ireland to strike over legal aid rates

"Criminal barristers in Northern Ireland are to stage a one-day strike and begin to refuse serious cases in pursuit of an increase in legal aid fees.

Following a ballot earlier this month, the Criminal Bar Association (CBA), which represents criminal barristers within the Bar of Northern Ireland, will hold a full-scale day of action on Monday 4 November, during which members will refuse to participate in any work related to criminal cases across the jurisdiction."

Irish Legal News, 21 October

Legal and political struggles in court – podcast

"Can legal struggles and strategic litigation undermine the colonial balance inherent in the international legal system? What are the benefits and what are the limitations of those strategies? How can we move towards abolitionist forms of justice and accountability that are non-punitive and anti-carceral?

Roundtable with: Valentina Azarova and Noemi Magugliani (de:border migration justice collective), Lorraine Leete (Legal Centre Lesvos), Nefeli Belavila-Trova, Christina Karvouni and Varvara Christaki (Aegean Migrant Solidarity) and Julia Winkler (borderline europe)."

The Criminalisation of Freedom of Movement, 30 October

Italy: Bologna court refers the safe countries decree to the European Court of Justice

Judges from Bologna court referred a case to the CJEU after the Meloni government passed a safe third countries decree to adopt fast-track border procedures, also in Albania, to implement the Italy-Albania protocol. In response, the government has initiated an institutional conflict, attacking judges.

A-DIF, Associazione Diritti e Frontiere, 29 October

Digital Rights are Charter Rights: Essay Series

The series is now available in **French**. It includes an essay by *Statewatch* Researcher Romain Lanneau: **Digital rights and the protection of the right to asylum in the Charter of the European Union**

Digital Freedom Fund

Military

Thiel's Palantir dumped by Norwegian investor over work for Israel

"One of the Nordic region's largest investors has sold its holdings in Palantir Technologies (PLTR.N), opens new tab because of concerns that the U.S. data firm's work for Israel might put the asset manager at risk of violating international humanitarian law and human rights.

Storebrand Asset Management disclosed this week that it had "excluded Palantir Technologies Inc. from our investments due (to) its sales of products and services to Israel for use in occupied Palestinian territories.""

Reuters, 25 October

Policing

USA: **ICE is Training Civilians to Conduct Violent Raids on Immigrants**

"New details about a program from Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) are getting attention after the Center for Constitutional Rights (CCR) published a trove of internal documents about ICE's 'Citizens Academy' programs.

The academy trains civilians to operate multiple firearms, use lethal force, perform surveillance on immigrants, and conduct raids while also acting as a public relations initiative to try and

sway public opinion about ICE, Customs and Border Protection (CBP), and the HSI unit of the Department of Homeland Security (DHS)."

Unicorn Riot, 31 October

Italy police arrest four over alleged illegal database access, source says

"The alleged database access was carried out by a private intelligence business run by a former policeman, a person with direct knowledge of the matter told Reuters.

(...)

The illegal access to confidential data, which was allegedly sold to customers or used to blackmail businessmen and politicians, went back to at least 2019 and continued up to March 2024, a court document seen by Reuters showed.

Milan prosecutors allege the business intelligence agency tapped into three key databases: one gathering alerts over suspicious financial activities; one used by the national tax agency with citizens' bank transactions, utility bills, income statements; and the police investigations' database, the person said."

Reuters, 27 October

UK: Data bill will boost NHS and police access to data, says government

"The government claims a data bill introduced in the House of Lords today will improve public services and boost the UK economy by £10bn.

The Data Use and Access Bill will allow patient healthcare records to be accessed by all NHS trusts, GP surgeries and ambulance services.

(...)

Other measures include proposals to allow police to access personal data from police databases during investigations without having to manually record the "justification" for the search."

It should be noted that despite some changes to the previous Conservative government's Data Protection and Digital Information Bill, the provisions on the police remain extremely similar and would weaken a number of safeguards

Computer Weekly, 24 October

UK: Black children and adults strip searched 25 times more often than white peers in Avon and Somerset, leaked report reveals

"A sensitive report leaked to the Cable reveals 'super users' of stop-and-search powers and the police who prolifically and disproportionately target Black people in Bristol, providing an in-depth insight into the prevalence of racist policing in the city over the past seven years."

Bristol Cable, 24 October

UK: Police push to make it harder to prosecute officers after Chris Kaba shooting

"Police chiefs have formally asked the government to make it harder to investigate and prosecute officers after the fatal shooting of Chris Kaba led to a Scotland Yard sergeant being

acquitted of murder, the Guardian has learned.

Campaigners have criticised the move, saying calls to redraw the rules were a cynical attempt by police leaders to secure "effective immunity" for their officers."

The Guardian, 22 October

Five Country Ministerial Communiqué 2024

The latest communique from the "Five Countries (Australia, Canada, New Zealand, the UK and the USA) that covers: National Security Risks of Artificial Intelligence (AI); Countering Foreign Interference; Cyber Security; Domestic Security; Lawful Access; Child Sexual Exploitation and Abuse (CSEA); Migration.

Five Country Conference, 18 October

UK: Police watchdog reveals highest number of deaths in custody for 17 years

"New data has revealed a shocking increase in deaths at the hands of the police and in custody, the highest in 17 years.

The Independent Office for Police Conduct (IOPC) has released statistics for 2023/24 which show there were 24 deaths in police custody and 68 apparent suicides following police custody. The data also includes 32 road traffic fatalities and two fatal shootings by police."

The Justice Gap, 17 October

Racism and discrimination

France: **Algorithms Policed Welfare Systems For Years. Now They're Under Fire for Bias**

"A coalition of human rights groups have today launched legal action against the French government over its use of algorithms to detect miscalculated welfare payments, alleging they discriminate against disabled people and single mothers."

Wired, 16 October

Secrecy and transparency

Making Access to EU Documents a Reality: Access Info Publishes Key Recommendations

"Access to EU documents is a fundamental right governed by Regulation 1049/2001, which was designed to give the "fullest possible effect" to this right. Despite a fairly robust legal framework, many requesters still face significant challenges when attempting to access documents from EU bodies in practice.

To address these challenges, Access Info has collaborated with civil society organisations, academics, and legal experts to develop a report containing ten targeted recommendations, which are designed to remove these persistent barriers and improve transparency."

Access Info, 28 October

CEELI Releases Landmark Report on Freedom of Information & Corruption in Central and Eastern Europe

"The report provides an in-depth analysis of the current state of FOI national laws in Central and Eastern Europe, highlighting both the successes and the challenges faced in their implementation. Among its many recommendations, it calls on governments to harmonize national legislation with international standards, ensure that data protection laws do not undermine transparency, and strengthen enforcement mechanisms for FOI requests.

For civil society, the report emphasizes the importance of working closely with public officials, the judiciary, and other relevant stakeholders to raise awareness of FOI's role in fighting corruption. It also encourages civil society organizations to build stronger networks and share expertise on how to effectively use FOI laws in their advocacy efforts."

CEELI Institute, 23 October

EU: Frontex agrees to occasionally, when it feels like it, produces lists of documents in response to requests

The statement is contained in a letter from Frontex responding to the findings of a European Ombudsman inquiry.

European Ombudsman, 24 May

Security and intelligence

Create a CIA-style European spy service, von der Leyen is told

"As part of a sweeping review of the bloc's readiness for war and crisis issued Wednesday, ex-Finnish President Sauli Niinistö reckons the EU needs its own intelligence agency to help countries fend off threats, saboteurs and foreign agents operating in capitals across the continent through more information sharing.

(...)

But there's little chance the EU is about to pick out the best and brightest of its recruits for a career in high-risk missions abroad anytime soon — not least because member countries would point to the leaky EU executive arm as a reason not to do so.

(...)

There are numerous other areas where the bloc should shore up its readiness for conflict, he said, also proposing an EU Preparedness Law that would set out "principles, standards, and targets" under which countries should cooperate. For example, the EU lacks a million cybersecurity experts, Niinistö said, and while he isn't advocating military conscription he does advocate for capitals to introduce programs that bring civilians into national defense."

Politico Europe, 30 October

See the report: Strengthening Europe's civil and military preparedness and readiness: Report by Special Adviser Niinistö

New Zealand: The Enemy Within: How the Government spent decades spying on Kiwi activist

"Maire Leadbeater, the sister of former Green MP Keith Locke, was one of many social justice advocates spied on by the Government. This extract from her new book, The Enemy Within: The Human Cost of State Surveillance in Aotearoa/New Zealand, outlines how the SIS kept tabs on a prominent campaigner."

The Press, 26 October

Surveillance

The psychological effects of digital repression

"Digital repression has achieved unparalleled spatial outreach in recent years. The proliferation of intrusive surveillance technologies combined with advancements in network connectivity have enabled authoritarian governments to extend their surveillance and scrutiny of freedom of expression and assembly to online spaces. Compared to traditional intelligence methods, using surveillance technologies and social media for spying on human rights defenders (HRDs) requires less resources and is more cost-effective, which has significantly aided in the expansion of government repression."

Gulf Center for Human Rights, 7 October

Rwanda: Government introduces travel surveillance system

"On 13 May 2024, the Government of Rwanda introduced a Ministerial Order no 001/01 of 10/05/2024 determining elements of advance passenger information and passenger name record data, and time of their transmission. This Ministerial order determines (a) elements of Advance Passenger Information and Passenger Name Record data; (b) time limits for transmission of Advance Passenger Information and Passenger Name Record data; and (c) faults and their sanctions, modalities of administering the sanctions and appeal."

Mondaq, 29 October

EU: High-Level Group on access to data for effective law enforcement: state of play and envisaged next steps

Preparing the next steps for new rules on telecoms data retention, digital forensics and lawful interception:

"The Hungarian Presidency and the Commission, with the continuous support of the previous presidencies (Sweden, Spain, Belgium), are committed to facilitating the preparation of a concluding report by the HLG. Throughout the process, HLG experts have been consulted by the Commission, including in writing, to get a clearer picture of how to operationalise the recommendations. The concluding report will explore in more depth the rationale behind the recommendations and reflect the experts' suggestions for possible ways forward. In line with the structure of the working groups established in the context of the HLG, the report will delve into the issues and possible solutions related to digital forensics, data retention and lawful interception. It will do so through the lens of legal, capacity-building and cooperation dimensions."

Council of the EU, 12 September