

# ***E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS***

**No. 88, November 2014**

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## AFRICA & MIDDLE EAST

### **Democratic Republic of Congo: Government closes radio stations for “supporting terrorism”**

On 14 November, the Minister of Information, Lambert Mendé, announced the closure of five radio stations in the Beni region of the eastern province of Nord-Kivu: *RTGB (Radio Télévision Graben Beni)*, *Radio Liberté Beni (RALIB)*, *Radio Télévision Rwanzururu (RTR)*, *Radio Ngoma FM* and *Radio Furu*. According to Reporters Without Borders, the radio stations were accused of “supporting terrorism and conniving with” the rebels of the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU). The radio stations reportedly were not notified of the decision, nor was the legal procedure for media closure followed by the Government. Furthermore, the Minister of Information was said to lack the competence to close the radio stations. Reportedly, of the five radio stations, one, *Radio Ngoma*, had already closed down for lack of funding and another, *Radio Furu*, is inexistent.

NGO Statement

### **Egypt: President’s decree extends competence of military courts**

On 27 October, President Abdel Fattah al-Sisi approved Law Decree no. 136 of 2014 on “Securing and Protection of Public and Vital Facilities”. The Decree, issued while Parliament was not sitting, declares that all “public and vital facilities” will fall under military jurisdiction for a period of two years from its entry into force. A provision states that any alleged crimes related to these places must be passed to military prosecutors. Human Rights Watch expressed concern at this provision, noting that it effectively paves “the way for further military trials of civilians.” The human rights organization reported that, on 16 November, the case of five students of the al-Azhar University were referred from a criminal to a military court on charges related to their having repeatedly participated in protests against the Government at the University. They are reportedly charged with “joining a terrorist organization, displaying force, threatening to use violence, possession of Molotov cocktails, and vandalism.”

NGO Statement

### **Syria/Iraq: UN Inquiry Commission documents ISIS war crimes and crimes against humanity**

On 14 November, the UN Independent International Commission of Inquiry on the Syrian Arab Republic published a collection of witness statements into the gross human rights abuses committed by the armed group Islamic State in Iraq and Syria (ISIS), considered by the UN and several Member States as a “terrorist organization.” The report concludes that ISIS has committed war crimes and crimes against humanity. It documents that ISIS “seeks to subjugate civilians under its control and dominate every aspect of their lives through terror, indoctrination, and the provision of services to those who obey.” They are said to have perpetrated “murder and other inhuman acts, enslavement, rape, sexual slavery and violence, forcible displacement, enforced disappearance and torture ... as a part of a widespread and systematic attack against the civilian population of Aleppo, Ar-Raqqa, Al-Hasakah and Dayr Az-Zawr governorates.”

Report

UN Statement

### **United Arab Emirates: Government issues controversial terrorism list**

On 15 November, the Government issued a list of groups that it has designated as “terrorist organizations” under an anti-terrorism law issued by President Shaikh Khalifa Bin Zayed Al Nahyan in August. Once listed as a terrorist organization, those accused of any engagement, collaboration or communication with or support to these groups will risk being prosecuted pursuant to the overly-broad terrorism definition of the law. The law

punishes communication with a terrorist organization with life imprisonment or the death penalty. The list contains 85 organizations, some of which have expressed alarm at their allegedly arbitrary inclusion on the list. The organizations include, among others, the International Union of Muslim Scholars; Islamic Relief, a UK-based international aid agency; the Council on American-Islamic Relations (CAIR), the largest Muslim civil rights and advocacy organization in the US; and the Muslim Association of Britain. Reportedly, the Governments of Norway and the UK have asked the United Arab Emirates for clarification.

[List](#)

[Press Article 1](#)

[Press Article 2](#)

### **Israel: Human Rights Committee concerned at use of administrative detention and new terrorism bill**

On 21 November, the Human Rights Committee published its concluding observations assessing Israel's compliance with its obligations under the International Covenant on Civil and Political Rights. Among the observations made, the Committee reiterated its "concern at maintaining the state of emergency," which has been in effect since 1948, and at "the continuing practice of administrative detention of Palestinians, at the fact that in many cases the detention order is based on secret evidence and at the denial of access to counsel, independent doctors and family contacts." Furthermore, the Committee noted "the absence of specific information on the definitions of terrorism, and on the legal safeguards afforded to persons suspected of, or charged with, a terrorist or related crime" in the Fight against Terrorism Bill, 5771- 2011 currently under legislative discussion.

[Concluding Observations](#)

## **AMERICAS**

### **USA: Senate blocks law against NSA mass surveillance**

On 19 November, the US Senate defeated an motion to discuss and take action on the USA Freedom Act, a piece of draft legislation that was aimed at ending the mass data surveillance and collection programmes of the National Security Agency by requiring that specific and not generic requests be addressed to telecommunication companies. It would also have created a special advocate system for surveillance authorizations and would have required that landmark rulings of the Foreign Intelligence Surveillance Court be made public. The draft law received only 58 votes, of the required 60, in favour of opening discussion under existing filibuster procedures. All members of the Republican Party, but four, and a single member of the Democratic Party voted against the draft law, amid allegations that it would have weakened the US capacity to react to the threat of the Islamic State of Iraq and Syria (ISIS).

[Press Article 1](#)

[Press Article 2](#)

### **USA: US counter-terrorism human rights laws and practices criticized by Committee against Torture**

On 28 November, the UN Committee against Torture published its concluding observations on the compliance by the USA with its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among its many observations, the Committee stressed that the US position on the extraterritorial application of the Convention, while it had been modified, was not in accord with the Convention, as it excluded such application "during military occupation or peacekeeping operations and in such places as embassies, military bases, detention facilities, or other areas which a State party exercises factual or effective control." The Committee expressed grave concern about the US-led rendition, interrogation and secret detention programme and urged to release information about it, including the Senate Intelligence Committee's report, whose publication is presently withheld by the US executive. The Committee found the US had not adequately and effectively undertaken investigations on torture overseas

and urged for the instalment of effective investigations and accountability for those responsible for such violations. The Committee urged to close the Guantánamo detention centre, to stop the force-feeding of the detainees on hunger strike, and to either charge in federal civilian courts or release the detainees. Finally, the Committee expressed concern at the “possibilities for abuse” of certain techniques of interrogations contained in the US Army Field Manual Human Intelligence Collector Operations, in particular the use of sleep deprivation techniques, “a form of ill-treatment,” and sensory deprivation.

[Concluding Observations](#)

[NGOs Statement](#)

[Press Article](#)

### **USA: Medical organizations urge Navy to drop disciplinary charges against Guantánamo nurse who refused participation in force-feeding**

On 19 November, the American Nurses Association and Physicians for Human Rights issued public statements urging the US Navy to end all disciplinary proceedings against an unnamed nurse that had refused to participate in the Guantánamo force-feeding practices, as revealed in the *habeas corpus* applications of Guantánamo detainee Abu Wa’el Dhiab. The organizations stressed that the nurse’s refusal was upholding his profession’s ethical obligations. According to the statements, the Navy is contemplating holding a disciplinary trial that could lead to the nurse’s discharge from the Navy. He has served there for eighteen years.

[NGO Statement 1](#)

[NGO Statement 2](#)

### **USA: Six Guantánamo detainees released and transferred, five to third countries**

On 5 November, the Department of Defense announced that a Kuwaiti Guantánamo detainee, Fouzi Khalid Abdullah Al Awda, had been transferred back to his country of nationality after thirteen years of imprisonment without trial since his capture in 2002 in Afghanistan. On 20 November, the Department announced the transfer of Guantánamo detainees Hashim Bin Ali Bin Amor Sliti, a Tunisian, and Husayn Salim Muhammad Al-Mutari Yafai, a Yemeni, to Slovakia; and of Salah Mohammed Salih Al-Dhabi, Abdel Ghaib Ahmad Hakim, and Abdul Khaled Al-Baydani (all Yemeni) to Georgia. These countries have agreed to resettle these Guantánamo detainees. Currently 143 persons remain detained in the Guantánamo detention centre, of whom 74 are already cleared for release.

[DoD Statement 1](#)

[DoD Statement 2](#)

[Press Article](#)

### **USA: UN Special Rapporteurs urge President Obama to release CIA renditions report as fully as possible**

On 26 November, the UN Chair-Rapporteur of the Working Group on Arbitrary Detention, Mads Andenas, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo De Greiff, the UN Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Ariel Dulitzky, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Mendez, delivered a joint open letter to President Barack Obama, urging him “to support the fullest possible release of the report on Central Intelligence Agency (CIA) interrogation practices conducted by the Senate Select Committee on Intelligence (SSCI).” They stressed that other States are following the US example and that, “if [the President yields] to the CIA’s demands for continued secrecy on this issue, those resisting accountability will surely misuse this decision to bolster their own agenda in their countries.” They recommended President Obama that “the only way to move forward is to acknowledge what has happened. Lasting security can only be achieved on the basis of truth and not secrecy.”

[Open Letter](#)

## **USA/Israel/Central Asia: Report alleges complicity by several companies in intelligence surveillance by Central Asian States**

On 20 November, Privacy International revealed, in its report *Private Interests: Monitoring Central Asia*, that Israeli and US companies have supplied technology and expertise to intelligence agencies in Central Asian countries that are known for their record of gross violations of human rights. The report charges that Verint Israel and NICE Systems have supplied monitoring centres to the security services of Kazakhstan and Uzbekistan, allowing them "unchecked access to citizens' telephone calls and internet activity on a mass, indiscriminate scale." The report also documents that Verint attempted to aid Uzbek authorities to access secured communications protocols "based on technology provided by US-based company Netronome, which is owned by Blue Coat."

[Press Article](#)

## **ASIA - PACIFIC**

### **China: Congress approves new intelligence law**

On 1 November, the National People's Congress adopted the Counter-espionage Law to replace the previous National Security Law. The new legal framework on intelligence services, reportedly, stresses that "counterespionage work should proceed according to law, respect and ensure human rights, and guarantee the legal interests of citizens and organizations." The law prohibits the use by private persons of espionage technology to monitor cell phones and reportedly will authorize public officers to "seal or seize any items or other properties linked to any acts of espionage." On 3 November, a draft anti-terrorism law, which would govern all the anti-terrorism action of the People's Republic of China, was posted on the Congress website for comments.

[Counter-espionage Law \(C\)](#)

[Draft Anti-Terrorism Law \(C\)](#)

[Press Article \(E\)](#)

### **Afghanistan: Parliament approves extension of foreign troops presence**

On 23 November, the Parliament approved an agreement with the US and NATO forces allowing the continued presence of 12,000 troops in the country through 2015. President Obama is also said to have secretly approved new guidelines for US soldiers that allow them to "engage Taliban fighters, not just al-Qaida terrorists in Afghanistan. Obama's decision also means the US can conduct air support when needed." However, a spokesperson for the Afghan President said that the foreign troops are allowed only to "train, advise and assist Afghan security forces". The agreement was approved by a vote of 152 against 5 MPs.

[Press Article 1](#)

[Press Article 2](#)

### **Sri Lanka: Human Rights Committee concerned at continuing violations in counter-terrorism practices**

On 31 October, the UN Human Rights Committee issued its concluding observations on the compliance by Sri Lanka with its obligations under the International Covenant on Civil and Political Rights. Among its observations, the Committee expressed concern that, despite the lifting of emergency laws, "provisions similar to that of the emergency regulations continue to be applied within the framework of the Prevention of Terrorism Act, including restrictions on freedom of expression and association, arbitrary searches and arrests, prolonged detention without charge or trial, and the reversal of the burden of proof when detainees allege that they have made confessions as a result of torture or ill-treatment." The Committee urged that Sri Lanka undertake legislative reform so as to come into compliance with the Covenant and to "try those arrested under emergency and/or counter-terrorism laws by independent and regularly constituted courts with adequate safeguards."

[Concluding Observations](#)

### **Malaysia: Prime Minister announces new anti-terrorism law**

On 26 November, the House of Representatives approved a white paper entitled "Towards Overcoming the Threat of Islamic State", proposed by Prime Minister Datuk Seri Najib Tun Razak, committing the government to table a new anti-terrorism law before the House in its next session and to reinforce law enforcement powers under the Security Offences (Special Measures) Act (SOSMA), the Prevention of Crime Act and the Penal Code. On previous occasions, the Minister for Home Affairs, Datuk Seri Dr Ahmad Zahid Hamidi, had announced that the act would entrust a panel of five members to decide whether a person subject to preventive detention "should be further investigated by the police or tried in court." So far media reports have been contradictory as to whether the government intends to reintroduce detention without trial. The Home Minister proposed to amend existing legislation to allow surveillance of communications to be accepted as evidence in courts. On 28 November, the Human Rights Commission underscored the need to consult with relevant stakeholders and to insert appropriate human rights safeguards into this legislation.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Australia: Committee against Torture concerned at intelligence agency's powers**

On 28 November, the UN Committee against Torture published its concluding observations on the compliance by Australia with its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee underlined that it remained "concerned about aspects of the State party's counter-terrorism legislation, including the broad definition of "terrorist act" as well the reports concerning the need to further restrict the warrant powers provided to the Australian Security Intelligence Organisation (ASIO) to detain a person for the purpose of questioning with the possibility of restricting access to a lawyer of choice."

[Concluding Observations](#)

### **New Zealand: New Terrorism law presented to Parliament**

On 25 November, the Prime Minister John Key tabled before Parliament the Countering Terrorist Fighters Legislation Bill, aimed at the adoption of new provisional counter-terrorism measures lasting until 1 April 2018. For that time, the Prime Minister has announced a comprehensive review of the country's intelligence and security legislation. The draft legislation, if approved, would increase the duration of the effects of a passport cancellation from one to three years, allow the intelligence agency NZSIS to "carry out video surveillance on private properties for the purpose of observing activities of security concern" and to "conduct emergency surveillance for up to 48 hours prior to the issue of a warrant."

[Draft Law](#)

[Press Article](#)

## **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

### **UK: Iranian opposition leader entry ban lawful, rules Supreme Court**

On 12 November, the Supreme Court upheld the lawfulness of the decision by the Home Secretary to exclude Iranian opposition activist Maryam Rajavi, member of Mujahedin e-Khalq, from entering the UK on grounds of risks to national security. The case was brought by Lord Carlile of Berriew, the former UK Independent Reviewer of Terrorism Legislation, and other members of the House of Lords that had twice asked the Home Secretary to lift the entry ban to allow Maryam Rajavi to participate in a meeting in Westminster. Mujahedin e-Khalq was formerly a proscribed terrorist organization in the UK, but had been delisted in recent years, as it was considered no longer to engage in terrorist actions. She was, and remains, excluded because her presence "would not be conducive to the public good for reasons of foreign policy and in light of the need to take a firm stance against terrorism." The Supreme Court, with a 4-1 majority, held that the decision of the

Home Secretary did not violate article 10 of the ECHR on freedom of expression as it was proportionate, done in good faith and there were no grounds to challenge its evidentiary base.

[Judgment](#)

### **UK: Case on torture in detention in Afghanistan and Iraq may proceed, rules High Court**

On 19 November, the High Court of Justice held that the case brought by Yunus Rahmatullah and three other Iraqi citizens, identified as HTF, ZMS and XYZ, against the Ministry of Defence and the Foreign and Commonwealth Office could proceed. Yunus Rahmatullah is a Pakistani citizen who was detained by the British forces in Iraq in 2004 and later transferred to US custody in Afghanistan under a 2003 Memorandum of Understanding. The High Court ruled that the case was neither blocked by the doctrine of state immunity, nor by that of foreign act of state. Yunus Rahmatullah alleged to have been subject to torture and other ill-treatment while in detention. The three Iraqi citizens allege to have been tortured or ill-treated either by members of the UK forces or by US officers with the complicity of UK forces.

[Judgment](#)

[Press Article](#)

### **UK: Newly released documents reveal secret services spying on lawyers**

Government documents declassified on 6 November reveal that the Government Communications Headquarters, MI5 and MI6 had given a green light to their employees to put under surveillance communications of lawyers with their clients, and also of "journalists and others deemed to work in 'sensitive professions' handling confidential information." The documents were released pursuant to litigation brought by Libyan families that alleged to have been subject to CIA renditions with the complicity of the UK. According to The Intercept, "in at least one case legally privileged material that was covertly intercepted by a British agency may have been used to the government's advantage in legal cases." Recently published documents provided by former NSA agent and whistleblower Edward Snowden revealed that UK companies, including Vodafone, "have helped GCHQ dramatically scale-up the volume of internet data it collects from undersea cables." On 14 November, the Special Immigration Appeals Commission considered the possibility of abuse of process in one of its cases, but did not find a violation in the specific case because any potential violation of the lawyer-client privilege would not have affected the material that was relied on in the judicial procedure.

[Documents](#)

[Ruling](#)

[Press Article 1](#)

[Press Article 2](#)

### **UK: Home Secretary tables new anti-terrorism law before the House of Commons**

On 27 November, the Secretary of State for the Home Office, Theresa May, introduced in the House of Commons the Counter-Terrorism and Security Bill. The bill grants new powers to the police and border officers to seize passports for up to thirty days, with a requirement that a magistrate affirm their decision within two weeks. It would also introduce renewable Temporary Exclusion Orders, according to which persons for whom there is "reasonable suspicion of involvement in terrorist activity abroad", including UK citizens, could be banned from the UK for two years and be able to return "under controlled circumstances," including rehabilitation programmes, control orders or prosecution. A no-fly list for this purpose would be introduced. Terrorism Prevention and Investigations Orders would include the power to relocate a suspect, but the threshold for their activation would pass from "reasonable suspicion" to "the balance of probabilities" of terrorist activity. Public bodies would have a duty to report cases of extremism to the authorities. The UK Independent Reviewer of Terrorism Legislation, David Anderson QC, expressed concerns at parts of the draft legislation, including the lack of judicial oversight on temporary exclusion orders.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)



### **France: New anti-terrorism law published in the Official Gazette**

On 14 November, the recently adopted *Law no. 2014-1353 strengthening provisions on the fight against terrorism* was published in the Official Gazette. Under the law, any French citizen may be subject to a prohibition on leaving the national territory for six months, renewable up to a maximum term of two years, where there are reasonable grounds to believe that he or she is planning to travel abroad to participate in terrorist activities or to go to places where terrorist groups are operating in conditions apt to threaten French public security upon the person's return. The law also introduces the power to prohibit entry into French territory. This would apply to citizens of the EU and other Schengen associated countries, "when the presence in France would constitute, because of his or her personal behaviour, a real, present and sufficiently serious threat to a fundamental interest of society, from an order and public security point of view." For all other foreigners, constituting a serious threat to public order, internal security or international relations of France would suffice as a reason for the prohibition of entry.

Law (F)

### **Germany: Five-year pre-trial detention of terrorist suspect not excessive, rules European Court of Human Rights**

On 6 November, the European Court of Human Rights ruled that the pre-trial detention of over five years of Faruk Ereren, a stateless person resident in Hagen (Germany), was not excessive in length and therefore was in compliance with article 5.3 of the European Convention on Human Rights. Faruk Ereren had been arrested in April 2007 for possession of fake documents and subsequently detained on suspicion of being a leader of Turkey's Revolutionary People's Liberation Party-Front, DHKP-C, considered by Turkey to be a terrorist organization, and having committed two counts of murder. His first conviction had been quashed and a fresh trial ordered that is still pending. The European Court assessed that the risk of absconding was still present, that the German authorities had been conducting investigations with diligence considering the complexity of this transnational terrorism case and were constantly reviewing the necessity and proportionality of the detention. Faruk Ereren was released by German authorities in February 2014, but the criminal case is still pending.

Judgment

### **Netherlands: European Court of Human Rights find Dutch troops investigation into Iraqi death in Iraq insufficient**

On 20 November, the Grand Chamber of the European Court of Human Rights ruled that the Netherlands authorities did not conduct an effective investigation into the killing of Azhar Sabah Jaloud, an Iraqi national that was killed by Dutch soldiers when he did not stop his car at a vehicle checkpoint guarded by them and Iraqi forces, in violation of Netherlands's procedural obligations under the right to life enshrined in article 2 of the ECHR. The Court ruled that the soldier's action fell within the jurisdiction of the Convention, as they had acted "for the purpose of asserting authority and control over persons passing through the checkpoint." The Court held that the investigations were inadequate because important documents were not made available to the judicial authorities and the victim's father, no precautions were taken to avoid situations of collusion among witnesses, the autopsy was inadequate and "important material evidence ... was mislaid in unknown circumstances."

Judgment

### **Switzerland: Government tables before Parliament law banning organizations including Al-Qaeda and ISIS**

On 12 November, the Federal Council, Switzerland's executive body, approved draft legislation making permanent the prohibition of the organizations of Al-Qaeda, the Islamic State and groups associated with them. This legislation, if finally adopted by the Swiss Parliament, would criminalize the activities of these organizations, as well as make liable

anyone providing them with material or personal support, including by diffusing propaganda, fundraising or recruiting new members. The Swiss federal judiciary would assume jurisdiction in such cases and the sanctions could be imprisonment for up to five years.

Draft Law (F)

Government Statement (F)

### **Turkey: Terrorist suspect's lengthy pre-trial detention excessive, rules European Court of Human Rights**

On 13 November, the European Court of Human Rights held that the pre-trial detention of Ali Rıza Kaplan for eight years, from 16 April 2003 to 25 February 2011, had been excessively long and in breach of article 5.3 of the ECHR. The European Court also ruled that the fact that the Assize Court had not shared the Prosecutor's opinion on the lawfulness of his detention during the *habeas* proceedings with his lawyer constituted a violation of his right to *habeas corpus* under article 5.4 of the ECHR. Ali Rıza Kaplan had been arrested on 16 April 2003 on suspicion of being a member of the illegal organization MLKP (Marxist-Leninist Communist Party). He was charged with attempting to overthrow the constitutional order, but the Court of Cassation ordered in 2012 the re-qualification the offence and he is presently sought under an arrest warrant for aid and assistance to an illegal organization. He was released in 2011 and his whereabouts remain unknown.

Judgment (F)

### **Kazakhstan: Committee against Torture concerned at Shanghai Convention transfers**

On 28 November, the UN Committee against Torture published its concluding observations on the compliance by Kazakhstan with its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among its observations, the Committee expressed concern at the fact that "asylum applications by Syrian and Ukrainian nationals are routinely rejected and that individuals continue to be extradited under bilateral or multilateral extradition agreements and international and regional instruments such as the Minsk Convention on Legal Assistance and the Shanghai Convention on Combating Terrorism, Separatism and Extremism."

Concluding Observations

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **UN: Security Council presidential statement outlines new counter-terrorism priorities**

On 19 November, following deliberations at the Security Council, the Australian Presidency issued a statement highlighting the UN body's position on countering terrorism with a specific emphasis on the issue of foreign fighters. While reaffirming that "Member States must ensure that any measures taken to counter terrorism comply with the UN Charter and all their other obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law," the Council's Presidency said that persons, groups or other entities supporting Al-Qaeda, including "through information and communications technologies, such as the Internet, social media, or any other means" would be inserted in the UN Al-Qaeda List. The Security Council mandated the Counter-Terrorism Executive Director (CTED) to report on gaps in the use of Passenger Name Records and "encouraged" airline companies to provide this data to Member States. It further called on States to act so that "refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, including by foreign terrorist fighters."

Statement

Meeting Minutes

Press Article

### **EU: Commission subjects monitoring software to export controls**

On 22 October, the European Commission issued a “delegated regulation,” immediately applicable in the EU Member States, that includes some type of monitoring software into EU produced goods that require a licence to be exported to third countries. This means that it will be possible to record their selling abroad and government will have more information to decide about a blocking their export to certain countries. This measure comes after reports of several NGOs and media companies revealed that EU companies provided surveillance software to countries with poor human rights records, such as Bahrain. On 20 October, The Intercept revealed that “companies like Milan-based Hacking Team or FinFisher, of Munich, sell to countries where authorities appear to have used the software to spy on dissidents and the press.”

[Regulation](#)

[Press Article](#)

### **EU: New draft security strategy focuses on data sharing and third country cooperation**

On 13 November, the Presidency of the Council of the EU transmitted to the Council a draft conclusion of the EU Internal Security Strategy (ISS). The conclusions recall the importance of respecting fundamental rights, but call for the introduction of legislation that would enhance a greater exchange of data, including a Directive on EU Passenger Name Record (PNR), currently under heavy debate in Parliament. It envisages also the “possible introduction of a European Police Record Index System (EPRIS).” The ISS calls particular attention to “the issue of foreign fighters and returnees and lone actors” that will require “strong cooperation with third states and strategic partners such as Interpol and a renewed focus on preventing and countering radicalization.” Furthermore, the policy urges special attention be paid to “establishing an effective common return policy and enforcing readmission obligations in agreements with third countries.” The ISS, also encourages EU institutions and Member States “to work together with the assistance of the European Union Fundamental Rights Agency (FRA), within its mandate, to continue to ensure that fundamental rights safeguards are integrated into the Union’s legislation and operational work on internal security.”

[Draft Conclusions](#)

[Press Article](#)

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