

**Criminal Justice Centre
Fourth Seminar of the Queen Mary
Reflection Group on Terrorism and Human Rights
28-29 November 2016, Paris, Sciences-Po**

Surveillance, Oversight, and Human Rights in Counter Terrorism

GENERAL PRESENTATION

Organizing Committee

Elspeth Guild – QMUL

Didier Bigo – Sciences Po

Marie-Laure Basilien-Gainche – Lyon 3

Date

28 – 29 November 2016

Venue

Sciences-Po Paris- CERI- 56 rue Jacob- Ecole doctorale- 199 Bld Saint Germain

Organiser

The Queen Mary Reflection Group on Terrorism and Human Rights was established under the aegis of the QMUL Criminal Justice Centre in January 2014. It is a multidisciplinary group including jurists, political scientists, sociologists and international relations experts. It is also an inter-disciplinary group including academics, practicing lawyers and non-governmental organization representatives. The objective of the group is to reflection on the relationship of terrorism and human rights in the contemporary world. The group has held three seminars so far, 4 September 2015, 15 January 2016, and 16 June 2016 devoted to aspects of the current debates. The fourth seminar is now in planning.

PURPOSE OF THIS 4TH WORKSHOP

The past twenty years have transformed the availability of personal information and data. The development of the internet and related media has had a tremendous impact on the ways in which personal data becomes available to a wide range of actors and the power of the individual to control access to his or her personal data. The commercialisation of this transformation has taken place rapidly with the development of new market participants with a whole menu of products based on knowledge of individual choices of people gleaned from internet and related sources which can be sold to the private sector to refine their reach to their customers in a more precise manner. While state bodies and most specifically intelligence services

traditionally had the greatest access to information about people (in particular their own nationals) over a short period of time they found themselves at a disadvantage. The private sectors capacity to peer into everyone's private lives was in the process of outstripping that of the state. There are a variety of reasons for this change in power relationship which is not self-evident, bearing in mind the amount of information which state bodies collect and retain about their people. Various constitutional and civil rights related rules hindered or prevented the sharing of personal data among different state actors (most common is the prohibition of access by other state bodies to information about citizens held by the tax authorities). The private sector was under no such obligation and it took some time for data protection authorities to start catching up with the private sector and to start to squeeze out the worst practices of interference with individual's right to protection of their privacy.

One of the most enticing capacities of the private sectors' access to personal data from the perspective of intelligence services has been its apparent borderlessness. Unlike other government ministries which by and large only have information on their own citizens and residents and those foreigners who have applied for residence permits, the private sector through the tools it was developing to trawl the web and social media (often with purported consent of the data subjects) has a worldwide reach which is accompanied by capacities to identify the venues of consumers and their preferences, the tools which create saleable products for commercial entities. The possibility for intelligence services to have access to vast amounts of personal information about people living in far flung parts of the world was an exciting new possibility.

As the NSA and the Five Eyes plus alliance of almost 18 countries Sigint-digital interceptions activities as revealed by Edward Snowden show, the intelligence services were not slow to start to capitalise on these new functionalities of the private sector to collect and trace information on computer owners, entering into to new arrangements, coercive and voluntary with data services providers to enable them also to have access to this treasure trove of personal data(for instance the Google Allo app).

Many European intelligence services became caught up in the activities apparently initiated by the NSA, most spectacularly the British GCHQ but also to a substantial degree a number of French and German intelligence services. The kind of secret, large scale, intrusive surveillance of millions of computers belonging to persons supposedly interconnected worldwide for activities regarding national security (transnational terrorism, crime, industrial espionage...) has transformed the way intelligence has operated and the ratio between surveillors and surveillees. A form of transnational westernised alliance has tried to pull together their efforts to trace supposedly threatening communications among the overall global flows of digital communication. If it was clearly a small amount of the overall traffic, and if limitations existed for national citizen, most laws were and continue to be, notwithstanding efforts to the contrary, an open blanket for surveillance of transnational communications and investigation without personal warrants against foreigners.

However, as an increasing amount of information became publicly available about these programmes, so some state authorities became increasingly uncomfortable with the number of persons under suspicion and the depth of interference with personal data which was taking place. A number of NGOs became active seeking to uphold the right to respect for privacy and in a seminal decision of the Court of Justice of the European Union (*Schrems*) the court held that personal data on EU citizens has to be held within the EU in order to ensure that EU rules of data protection are fully complied with. Where personal data is stored in a country outside the EU that country must be able to ensure that a level of data protection equivalent to that applicable in the EU applies. The US could not provide such an assurance of equivalence so long as the NSA has access to all data falling into the hands of private sector actors in the USA.

This judgment put the proverbial cat among the pigeons. It let loose what had become an imperative for many commercial actors regarding the collection and use of personal data gleaned from the internet and related sources against the intelligence services and their insistence of access to this personal data. Either the private sector actors had to exclude the NSA from access or it would have to hold the personal data of EU citizens at least, far from the snooping eyes of the NSA in databases in Europe (or elsewhere). The judgment also raised the stakes enormously for supervisory authorities responsible for protecting the right of people to respect for their privacy. While the case resulted from the failure of the Irish data protection authority to protect Mr Schrem's Facebook account from transfer to the US (though the Irish data protection authority was strongly in favour of greater controls to protect his data), and thus was the result of an individual taking action to protect his own privacy (with the help of a foundation to assist with the costs) it was also the equivalent of a high voltage electric jolt to data protection authorities (DPA)s across the EU. Their role was effectively transformed from friendly, sleepy observers and regulators of private sector activities generally seeking negotiated solutions to various data protection issues, into the equivalent of investigative magistrates charged with ferreting out data protection prohibited activities of other government departments, eg intelligence services, as carried out on the backs of (or independently but this seems less the case) of private sector providers. Private sector providers had a new ally in re-establishing their reputations as protectors of their customers' personal data in the form of the new role of the DPAs.

Into this rather toxic mix of rights, duties, adventurism, dubious opportunities and temptations, the issue of terrorism was set up as critical for the large public. For the intelligence services, continued access to the massive amounts of personal data which the private sector was amassing about people everywhere and anywhere in the world depended on a legally valid reason. State authorities' commercial spying activities or "curiosity" about statistical abnormalities alone was insufficient to justify the interference with the right to respect for privacy. For an interference with the right to respect for privacy to be legitimate a limited number of reasons can be put forward. The investigation of crime is one, but this ground is firmly in the hands of the criminal justice authorities with whom the intelligence services do not always have excellent relations. Tax avoidance is another, but presents equally problematic issues for the services faced with the territoriality and secrecy which is the culture of their tax counterparts. Terrorism, however, was a field in which the intelligence services had a legitimate right of action where other state authorities were less dominant. As is evident from the TE-SAT annual reports of EUROPOL, terrorism has been a substantial concern of a variety of Member States for many years. While the main source of terrorist related criminal activity in the EU stubbornly remained nationalism – claims to nationalism of regional groups – such as the IRA in Northern Ireland, ETA in Spain and the Corsica independence movement in France – other types of terrorism threat have been much more evident in media discourses. In particular, so-called Islamist terrorism has become a focus of governments and their intelligence services in a number of Member States. A spate of such terrorist attacks in the Belgium, France, Germany and the UK (though in the past five years the level of death, injury and damage has been very limited except in the cases of Belgium and France) has heightened concerns in a substantial range of government departments regarding what might be or could be effective activity to counter this. In the last workshop held in Paris on 16/17 June 2016 we examined the impact of these state related activities on discrimination.

In this workshop, we want to examine the relationship of surveillance by intelligence services in the context of counter-terrorism activities with human rights obligations in respect of the right to protection of the right to privacy of personal data. We will focus on the responsibility and powers of the different oversight bodies and their capacity of control when intelligence activities are transnational. Two types of state agency are of specific interest: the intelligence services charged with counter-terrorism activities and

oversight bodies responsible for ensuring that those activities do not overstep the boundaries of acceptable interference with the right to respect for privacy justified on a reason recognised by law and founded on solid grounds. Three European states have revised and reviewed their legislation in respect of intelligence services activities, France, Germany and the UK. In these reviews, the legality of intelligence services counter-terrorism activities have been placed on a legislative basis (which was not always the case before) and made subject to oversight. The scope, intensity and powers of oversight have been to a large extent codified. The powers of oversight bodies have been debated and determined at least to a certain degree. In this workshop, we will examine the changing nature of the job of the intelligence services bearing in mind the increasing importance of data collection, management and interpretation in those activities. In this context we will inquire into the nature of oversight bodies and their powers to regulate and ensure the compatibility of intelligence service activities with EU fundamental rights and ECHR human rights.

PROGRAMME

Monday 28 November
CERI, 56 rue Jacob, Salle de Conférence

17:30 – 19:00

Keynote Speech and Roundtable

The democratic and Effective Oversight of National Security Services

Keynote speaker: Nils Muižnieks, Council of Europe Commissioner for Human Rights

Chair: Didier Bigo, Sciences-Po

Panel

Marie-Laure Basilien-Gainche, Lyon 3

Elspeth Guild, QMUL

Valsamis Mitsilegas, QMUL

Open to the public - Discussion

20:00 – Dinner

Didier Bigo-Elspeth Guild

147 rue du faubourg Poissonnière 75009 Paris

Tuesday 29 November
Ecole Doctorale, 199 boulevard Saint Germain, 3rd Floor

10:00 - 11:30 – Panel 1

Inscribing in law oversight powers in respect of intelligence services

One of the aspects of the activities of intelligence services as they come under scrutiny from the perspective of fundamental and human rights protection has been the scope of their activities. To clarify the duties and ambit of action of various intelligence services there has been a trend across Europe to provide a legislative basis, in particular oversight bodies. In this first session we will examine the institutions, powers and scope of intelligence services' oversight bodies and the impact on the services which placing on a legal basis their activities has had. Specific focus will be on France, Germany and the UK. Issues of the impact of constitutions and their requirements will be part of this discussion. Similarly the nature of the debates and events which have framed the move towards judicialisation.

Chair: Elspeth Guild, QMUL

Discussant: Didier Bigo, Sciences-Po

Panel

Laurence Blisson, Syndicat de la Magistrature, France
Guy Rapaille, Directeur du Comité R, Belgique
Thorsten Wetzling, Stiftung Neue Verantwortung

Discussion

11:30 - 12:00 – Coffee Break

12:00 - 13:30 – Panel 2

Supervising the activities of intelligence services

One of the most noticeable aspects of legislation in France, Germany and the UK regarding the legal basis for the activities of a variety of intelligence services in each state is the introduction and proliferation of supervisory authorities. These authorities have taken a variety of forms – among the most common are parliamentary supervisory committees or responsibilities at ministerial level. However, as a range of scandals of various kinds have affected the work of intelligence services, so diversification of supervisory mechanisms has been a common response. In this panel we will look at the proliferation of supervisory mechanisms, including judicial structures, their powers and the strengths and weaknesses which they reveal. Specific attention will be paid to the possibility of oversight of transnational activities of the services. This includes where intelligence services act in consortia or networks providing one another with segments of information.

Chair: Mario Oeteimer, European Agency for Fundamental Rights

Discussant: Ben Wagner, CIHR

Panel

Jean-Marie Delarue, Conseil d'Etat, France
Kurt Graulich, German Federal Administrative Court (retired)
Jean-Paul Hanon, UTIC, Coetquidan
Jean-Marc Manach, journalist

Discussion

13:30 – 14:30 Lunch

14:30 - 16:00 – Panel 3

Human and fundamental rights challenges

In this panel we will tease out the problems of human and fundamental rights in the surveillance activities of intelligence services and the (in)capacity of oversight mechanisms to provide redress. In order to understand the scope of the issues at stake and the strengths and weakness of various

mechanisms to address these issues, this panel will examine issues and examples of where egregious failures have occurred and seek to understand why.

Chair: Susie Alegre, Independent Researcher

Discussant: Marie-Laure Basilien-Gainche, Lyon 3, IUF

Panel

Anne Charbord, Senior Legal Advisor to the Special Rapporteur on HR and Counter-Terrorism

Maryant Fernandez Perez, EDRI

Elsbeth Guild, QMUL

Dan Squires QC, Matrix Chambers

Discussion

16h-16h30 coffee break

16h30 - 18:00 – Panel 4

Redress and the Supranational

The European context provides a number of different ways to address issues of surveillance by intelligence services and the right to respect for privacy. National constitutions and their traditions are the first framework for redress. However, issue of judicial deference and inadequacy of judicial powers has dogged the field. The claims of the services to national interest arguments for the failure to provide evidence or the creation of close evidence mechanisms to prevent the ventilation of issues regarding the robustness of evidence are among the matters which have raised questions. Supranational venues – UN human rights committees - CJEU and ECtHR provide alternative mechanisms of adjudication with substantially different roles and powers. How do these judicial fora change the relationships of surveillance by intelligence services and oversight bodies?

Chair: Saskia Hufnagel, QMUL

Discussant: Thorsten Wetzling, Stiftung Neue Verantwortung

Panel

Susie Alegre, Independent Researcher

Elise Latify, CNIL, and former EDPS office

Amanda Weston, Garden Court Chambers

Felix Treguer, Sciences-Po UTIC

Discussion & conclusions

PARTICIPANTS

Susie Alegre

Susie Alegre is an independent consultant and is an associate tenant at Doughty Street Chambers. She participated in her personal capacity. She is Interception of Communications Commissioner for the Isle of Man. She has been working in international counter-terrorism policy and human rights since 2001 through her work for JUSTICE and Amnesty International as well as in her role as Anti-Terrorism Adviser to the OSCE and as an independent consultant for the UNODC and the UNOHCHR. More recently, she was posted to the EU Delegation in Uganda as an accountability and governance adviser and has worked for the Financial Ombudsman Service in the UK on cases involving mortgages and issues of equality in financial services.

Marie-Laure Basilien-Gainche (Université Lyon 3 & IUF)

Professeure des Universités en Droit Public à la Faculté de droit de l'Université Jean Moulin Lyon 3, Marie-Laure Basilien-Gainche is a specialist in French constitutional law and European law, focusing on evaluating the legitimacy of the political systems of the European Union and its Member States. Her analyses are based on the reference to the rule of law both formally and substantially. Formal considerations engage study of the separation of powers, more precisely the ways in which EU norms are elaborated. Substantial issues concern the guarantee of fundamental rights. In order to assess the legitimacy of political systems, her work focuses on analysis of the exception: situations of serious crisis which allow the concentration of powers and the restriction of rights, and the areas of legal confinement which can act as conduits for abuse of powers and infringement of rights. Her current research project is on "The finis and the limes - Thoughts about a constitutionalised EU from the asylum and immigration policy view". The purpose is to highlight the dialectical tensions that exist between the substantial (political) components and the formal (geographical) elements of the European identity, thanks to a critical approach of the immigration and asylum policy of the EU and its Member States.

Didier Bigo (Kings College London & Sciences-Po Paris).

MCU professor of International Relations at Sciences-Po, Paris and researcher at the Center for International Studies and Research/National Foundation of Political Science (CERI/FNSP). He is also the director of the Center for study of Conflicts, Liberty and Security (CCLS) and editor of the quarterly journal in French *Cultures et Conflits* published by CCLS and l'Harmattan. He has been the founder and co-editor with Rob Walker of *International Political Sociology* one of the journals of the International Studies Association published by Oxford University Press. He is co-editor of the Routledge collection *International Political Sociology*, and the Routledge collection *liberty and security*. He is responsible of the KCL WP of the FP7 SOURCE in London and coordinator of the ANR UTIC in Paris

Laurence Blisson (Syndicat de la Magistrature)

Laurence Blisson is a French magistrate is the enforcement of sentences (JAP) in Bobigny (Seine-Saint-Denis) and general secretary of the Syndicat de la Magistrature, a Judges Union.

Céline Castets-Renard (Université de Toulouse Capitole, IUF)

Céline Castets-Renard is Professor of Law (University Toulouse Capitole) and member of the *Institut Universitaire de France*. Her researches are developed in digital rights ((privacy, personal data, copyright,

e-commerce, cybersecurity and cybercriminality Law). She created a Master on such a topic in Toulouse, edited a book on the protection of personal data in Europe, organized multiple international conferences on these different themes, and wrote a reference textbook in 2009, republished in 2012 on " Law of the internet: French and European law " Montchrestien (3rd publication is planned for 2017).

Anne Charbord (Independent Researcher)

Anne Charbord is Senior Legal Advisor to the Special Rapporteur on Human Rights and Counter-Terrorism, Ben Emmerson (Oct 2014-ongoing), she provides research and legal analysis to the Special Rapporteur for his reports to the Human Rights Council and General Assembly. She is also consultant on Human Rights and Counter-Terrorism, OHCHR (May-December 2014), and provides specific expertise and support to two newly- established mandates related to security policies, notably "surveillance and the right to privacy in the digital age" and "human rights implications of the use of armed drones". She is co-Editor and Project Manager, Book on "Human Rights and Counter Terrorism: Why States have failed and how to get it right", together with Manfred Nowak (May 2014 – ongoing).

Jean-Marie Delarue (Conseil d'Etat, France)

Jean-Marie Delarue, after studying history and sociology at the *Ecole Normale Supérieure* (Saint-Cloud), entered the *Ecole Nationale d'Administration* (promotion Michel de l'Hospital, 1979) and graduated the *Conseil d'Etat*. He then became councillor of Michel Delebarre and Jacques Delors, occupying functions of interministerial delegate to the city (1991-1994) and of director of the public liberties and the legal affairs of the Home Office (1994-2001). Since, he had been appointed as *Contrôleur des lieux de privation de liberté* (2008-2014), as member of the *Conseil consultatif national d'éthique* (2013), and as president of the *Commission nationale de contrôle des interceptions de sécurité* (2014-2015).

Maryant Fernandez Perez (EDRI)

Maryant Fernandez is a lawyer and Advocacy Manager at European Digital Rights (EDRi). She defends privacy, security and freedoms online in the fields of telecommunications, intermediaries, trade and Internet governance. She is specialised in EU, International and Comparative law, with a focus on digital rights. Maryant received her education from the CEU San Pablo University, the Université Catholique de Lille, the Instituto de Empresa and the Universidade Católica Portuguesa.

Kurt Graulich (German Federal Administrative Court, retired)

Dr Graulich was elected and appointed as Federal Judge for the Federal Administrative Court (Germany) Member of the 6th Senate, competent for cases in the field of compulsory service in the armed forces, Police law and law of public order, freedom of assembly, Federal Intelligence Service, Federal Office for the Protection of the Constitution, Parliament's Law, Media Law, Telecommunication Law, Broadcasting Law and Film law. He retired in 2015 but remains active including teaching at Humboldt University in Berlin.

Elsbeth Guild (QMUL)

Elsbeth Guild is Jean Monnet Professor ad personam at Queen Mary, University of London as well as at the Radboud University Nijmegen, Netherlands. She is also a partner at the London law firm, Kingsley Napley and an associate senior research fellow at the Centre for European Policy Studies, Brussels. She is also a visiting Professor at the College of Europe, Bruges. She was special advisor to the House of Lords European Union Committee's Inquiry into Economic Migration in 2005.

Elise Latify (CNIL)

After two years as lawyer in Paris, she started working for the inspection department of the French data protection authority in Paris in 2010. There, she carried out numerous data protection inspections/audits both in public and private sector entities. She was then seconded to the European Data Protection Supervisor, in Brussels, from October 2012 to October 2014 where she worked at the policy and consultation department. She advised the European institutions on the data protection requirements applying to diverse draft legislations relating to anti-money laundering, drones, new technologies, judicial proceedings and new EU level police files. In 2014, the President of the French data protection authority was elected Chair of the Group of the European data protection authorities (Article 29 Working Party). At this occasion, Elise Latify joined the European and International department as a member of the Presidency team. There, she participates to the organization of the group's meetings, represents the French data protection authority at subgroups meetings, workshops and conferences and works as a co-rapporteur/drafter of the group's opinions advising the EU institutions on the data protection requirements applying to their legislative initiatives. She more specifically works on striking a balance between the necessity to set up police / justice / intelligence files and to comply with data protection and privacy requirements.

Jean-Paul Hanon (UTIC, Coetquidan)

Jean-Paul Hanon graduated from the Saint-Cyr Coëtquidan Military Academy and is holder of the "agrégation". He has been teaching at Saint Cyr since 1995 and is currently heading the Department of International Relations at the Academy Research Center (CREC Saint-Cyr). He has also taught defense and security policies and strategy at the "Institut d'Etudes Politiques" of Paris from 1998 to 2013 in the Master "International Affairs". His research fields include cooperation systems of military forces and security agencies in the EU and the US, European intelligence policies and more generally the merging of internal and external security.

Lisa Klinkenberg (Consultant Lethal Drones and Targeted Killings Open Society European Policy Institute , Belgium)

Jean-Marc Manach (journalist)

Jean-Marc Manach is a French investigative journalist working on surveillance, privacy and intelligence issues since the late 1990s. He has written numerous information security manuals explaining how to protect ones sources and communications, worked with Reporters Without Borders for their Online survival kit, with WikiLeaks on the SpyFiles, and two books one on privacy and the surveillance society, and another on Amesys, the French company who designed and sold a "massive" internet surveillance system for former Libyan leader Muammar Gaddafi. In 2013, prior to Snowden's coming out, he co-authored a documentary, "A Counter History of the Internet", featuring several internet freedom fighters including Julian Assange, John Perry Barlow, Rickard Falkvinge, Eben Moglen, Andy Müller-Maguhn, Bruce Schneier and Richard Stallman. In 2014, he was among those who received a Datajournalism Award for The Migrant Files, a project which revealed that, since 2000, more than 23 000 migrants died trying to seek refuge in Europe.

Valsamis Mitsilegas (Professor and Head of Law Department QMUL)

Valsamis Mitsilegas is Head of the Department of Law, Professor of European Criminal Law and Director of the Criminal Justice Centre at Queen Mary University of London. From 2001 to 2005 he was legal adviser to the House of Lords European Union Committee. His interests and expertise lie in the areas of EU law (with particular focus on the evolution of the Union into an Area of Freedom, Security and Justice), global security governance and human rights. He has published widely in the fields of European criminal

law, immigration and asylum and security and counter-terrorism law. He is also an expert in the field of legal responses to transnational organised crime, corruption and money laundering. His work explores the impact of globalisation and Europeanisation on the relationship between the individual and the state.

Nils Muižnieks (Council of Europe Commissioner for Human Rights)

Nils Muižnieks was elected Commissioner for Human Rights on 24 January 2012 by the Parliamentary Assembly and took up his position on 1 April 2012. He is the third Commissioner, succeeding Thomas Hammarberg (2006-2012) and Alvaro Gil-Robles (1999-2006). Born in 1964, Mr Muižnieks is a Latvian national educated in the United States of America, where he obtained a Ph.D. in political science at the University of California at Berkeley. He has been working in the field of human rights for the past two decades and has acquired extensive knowledge in the field of international human rights monitoring, training and education. Prior to his appointment as Commissioner for Human Rights, he held prominent posts such as Director of the Advanced Social and Political Research Institute at the Faculty of Social Sciences of the University of Latvia in Riga (2005-2012); Chairman of the European Commission against Racism and Intolerance (2010-2012); Latvian minister responsible for social integration, anti-discrimination, minority rights, and civil society development (2002-2004); and Director of the Latvian Centre for Human Rights and Ethnic Studies - now Latvian Human Rights Centre (1994-2002).

Mario Oetheimer (European Agency for Fundamental Rights)

Mario Oetheimer is a Head of Sector – Information Society, Privacy and Data Protection.. His areas of expertise with respect to the Agency's work include: data protection and freedom of expression; disability and human rights; the European Court of Human Rights. Mario Oetheimer manages the project on *Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU*. Before joining the Agency in 2009, he worked for the Council of Europe for thirteen years – first with the Council of Europe media division and then with the European Court of Human Rights research division. He studied law, and is the author of the book *Harmonisation of Freedom of Expression in Europe* (2001) in French. He has authored several articles on freedom of expression and the European Court of Human Rights.

Guy Rapaille, Directeur du Comité R, Belgique

Guy Rapaille is Solicitor General at the Liege Court of Appeal and Chairman of the Permanent Oversight Committee on the Intelligence and Security Services, which exercises external oversight over the Belgium's most important intelligence agencies. He was appointed by the Senate on 30 March 2006 and took the oath of office on 4 July 2006.

Dan Squires QC

Dan Squires is a practicing barrister and visiting professor at QMUL. His practice encompasses national security, terrorism, police powers, discrimination/equality, privacy, fair trial rights, EU law, free movement. He has been involved in over a dozen European Court of Human Rights and Supreme Court cases including on financial sanctions, prison segregation, interception of communications, airport stops under the Terrorism Act, religious freedoms in the workplace, race discrimination in school admissions, and the retention of DNA and maintenance of databases by the police. He is currently representing a group of NGOs seeking to challenge the UK's communications interception regime in the European Court of Human Rights following the Snowden revelations. Dan has taught courses on Constitutional Law and Law and Terrorism at Queen Mary University, King's College London, the London School of Economics and the University of Puerto Rico. He has held fellowships at the Carr Centre of Human Rights at Harvard University and was adjunct professor at Northeastern University, Boston.

Niovi Vavoula (QMUL)

Researcher in Law QMUL, Niovi Vavoula graduated from the Law School of the University of Athens, Greece in 2008. Between 2009 and 2010 she worked as a trainee attorney for a law firm in Athens. In the academic year 2010-11 she qualified as a lawyer in Greece (Athens Bar Association), while pursuing an LLM in European law at Queen Mary, University of London. Following the completion of her studies, she provided research assistance to Professor Valsamis Mitsilegas at the same university. At the same time, she served as a volunteer at the Legal Department of the Greek Council for Refugees and did an internship for the Greek Desk at EUROJUST. Between 2012 and 2015, Niovi received a studentship jointly awarded by the Department of Law and the Immigration Law Practitioners' Association (ILPA). Since August 2015, she is Research Assistant in the Department of Law. Furthermore, she offers coordination assistance to the European Criminal Law Academic Network (ECLAN) and Editorial Assistant to the New Journal of European Criminal Law (NJECL).

Ben Wagner (CIHR)

PhD is the Director of the Centre of Internet & Human Rights (CIHR) and supervises all research projects. His research focuses on communicative ruptures, digital rights and the Internet in foreign policy. Ben holds a PhD in Political and Social Sciences from European University Institute in Florence. He was previously a post-doctoral research fellow at University of Pennsylvania and a Visiting Fellow at Human Rights Watch, Humboldt University and the European Council on Foreign Relations. His research has been published in Politics, Telecommunications Policy, JITP and the International Journal of Communications.

Amanda Weston (Garden Court Chambers)

Having been instructed in many of the leading cases on deprivation of citizenship for national security reasons, this has become a niche specialism for Amanda who has been involved in driving the case law on procedural fairness in this developing area. She also acts in TPIM/control order cases and is instructed in the lead case pending in the Court of Appeal on the Home Secretary's powers to certify and thereby 'terminate' judicial review under the Justice and Security Act 2013. Amanda was a guest on BBC Radio 4's *Law in Action* in March 2013 speaking about deprivation of citizenship and the rule of law. She also writes and lectures on the subject.

Thorsten Wetzling (Stiftung Neue Verantwortung)

Thorsten Wetzling directs the Privacy Project of the Berlin-based think tank Stiftung Neue Verantwortung. His current research and advocacy focuses on the democratization and professionalization of intelligence governance in Germany and Europe. Previously, Thorsten worked as Senior Fellow at the Brandenburg Institute for Society and Security, The Hague Institute for Global Justice and as Advisor for the Geneva Centre for the Democratic Control of Armed Forces (DCAF). As Transatlantic Post-Doc Fellow for International Relations and Security (TAPIR), Thorsten also conducted surveillance policy research at the French Institute for International Relations (ifri) in Paris and the RAND Corporation and the Center for Transatlantic Relations at Johns Hopkins University in Washington, D.C. Thorsten testified before the European Parliament and the Bundestag on intelligence legislation and his recent work appeared in various German media outlets, including the Frankfurter Allgemeine Zeitung, Der Spiegel, Zeit Online, Frankfurter Rundschau and Handelsblatt. Thorsten holds a doctorate degree in political science from the Graduate Institute of International and Development Studies in Geneva.