



Chamber hearing on the bulk interception of external communications

The European Court of Human Rights is holding a **Chamber** hearing today **Tuesday 7 November 2017 at 9.15 a.m.** in the cases of **Big Brother Watch and Others v. the United Kingdom** (no. 58170/13), **Bureau of Investigative Journalism and Alice Ross v. the United Kingdom** (no. 62322/14) and **10 Human Rights Organisations and Others v. the United Kingdom** (no. 24960/15).

The cases concern the bulk interception of external communications by the United Kingdom intelligence services, and the sharing of intelligence between the United Kingdom and the United States of America.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The complaints in these three cases were triggered by the leak of information by Edward Snowden about the electronic surveillance programmes used by the United States of America and the United Kingdom to intercept communications in bulk, and the sharing of intercepted communications and communications data between the two States.

The applicants in all three cases believe that, because of the sensitive nature of their activities, their communications may have been intercepted by either the United Kingdom or the United States' intelligence services.

Big Brother Watch and Others v. the UK is a case brought by three non-governmental organisations based in London and an academic based in Berlin, all of whom work internationally in the fields of privacy and freedom of expression; Big Brother Watch is in particular a vocal critic of excessive surveillance.

The Bureau of Investigative Journalism and Alice Ross v. the UK is a case brought by a media organisation and one of its reporters, Alice Ross. Their investigations often touch upon national security issues, such as drone warfare.

10 Human Rights Organisations and Others v. the UK is a case brought by ten human rights organisations which have regular contact with NGOs, politicians, journalists, lawyers, victims of human rights abuses and whistle-blowers, both nationally and internationally. The information contained in their communications frequently includes material which is sensitive and/or confidential.

In one of the cases, **10 Human Rights Organisations and Others**, the applicants brought domestic proceedings. They notably lodged complaints – between June and December 2013 – with the Investigatory Powers Tribunal (IPT) in which they complained about both the bulk interception of external communications by the United Kingdom intelligence services, and the intelligence sharing regime. Following a closed hearing the Government disclosed information about “below the waterline” arrangements related to the intelligence sharing regime. The IPT found that, following this disclosure, the internal arrangements were sufficiently signposted and subject to appropriate oversight. Therefore, while the arrangements had contravened Article 8 (right to respect for private and family life and for correspondence) of the European Convention prior to the disclosure, they no longer did so. As regards the bulk interception of external communications by the United Kingdom

intelligence services, the IPT found that the regime and safeguards were sufficiently compliant with the requirements the European Court's case-law.

Procedure

In their applications to the European Court of Human Rights the applicants all complain under Article 8 (right to respect for private life and correspondence). The applicants in *Bureau of Investigative Journalism and Alice Ross v. the UK* and *10 Human Rights Organisations and Others v. the UK* also complain under Article 10 (freedom of expression). Finally, the applicants in the case ***10 Human Rights Organisations and Others v. the UK*** complain under Article 6 (right to a fair trial) about the proceedings before the IPT, and under Article 14 (prohibition of discrimination) in conjunction with Articles 8 and 10 that the legal regime for the interception of external communications grants additional safeguards to people known to be in the British islands.

The applications were lodged with the European Court of Human Rights on 4 September 2013, 11 September 2014 and 20 May 2015, respectively. They were communicated to the British Government on [9 January 2014](#), [5 January 2015](#) and [24 November 2015](#), together with questions from the European Court.

The following organisations were granted leave to intervene in the written proceedings as third parties:

Access Now, Bureau Brandeis, The Center For Democracy & Technology, The European Network of National Human Rights Institutions 'ENNHRI'/ Equality and Human Rights Commission, The Helsinki Foundation For Human Rights, The International Commission of Jurists, The Open Society Justice Initiative, Project Moore, The Law Society of England and Wales, and Human Rights Watch – in ***Big Brother Watch and Others v. the UK***

The Center For Democracy & Technology, The Helsinki Foundation For Human Rights, The International Commission of Jurists, The National Union of Journalists, and The Media Lawyers Association – in ***The Bureau of Investigative Journalism and Alice Ross v. the UK***

Article 19, The Electronic Privacy Information Center, and The European Network of National Human Rights Institutions 'ENNHRI'/ Equality and Human Rights Commission – in ***10 Human Rights Organisations and Others v. the UK***.

Composition of the Court

The case will be heard by a Chamber, composed as follows:

Linos-Alexandre Sicilianos (Greece), *President*,
Kristina Pardalos (San Marino),
Aleš Pejchal (the Czech Republic),
Ksenija Turković (Croatia),
Armen Harutyunyan (Armenia),
Pauliine Koskela (Finland),
Tim Eicke (the United Kingdom), *judges*,
Jovan Ilievski ("the former Yugoslav Republic of Macedonia"),
Krzysztof Wojtyczek (Poland), *substitute judges*,

and also Abel Campos, *Section Registrar*.

Representatives of the parties

Government

R. Sagoo, *Agent*,

J. Eadie QC and J. Milford, *Counsel*,

N. Samuel, S. Bowden, M. Anstee, T. Rutherford, L. Morgan, and B. Newman, *Advisers*;

Applicants

Dinah Rose QC, Helen Mountfield QC, and Matthew Ryder QC, *Counsel*,

Ravi Mehta, Conor McCarthy, Aidan Wills, Daniel Carey, Caroline Wilson Palow, and Nick Williams, *Advisers*.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.