



10 HUMAN RIGHTS ORGANISATIONS v. THE UNITED KINGDOM: Briefing on the legal case

May 2021

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Summary

This [case](#) began in the UK in 2013, following Edward Snowden's revelations that UK's GCHQ was secretly intercepting, processing, and storing data concerning millions of people's private communications, even when those people were of clearly of no intelligence interest (the 'Tempora' programme). It was also revealed that the UK government was accessing communications and data collected by the USA's National Security Agency and other countries' intelligence agencies. All of this was taking place without public consent or awareness, with no basis in law and with no proper safeguards.

The information collected and stored by the Government can reveal the most intimate aspects of a person's private life - where they go, who they contact, which internet sites they visit and when. You can learn more about mass interception [here](#). This is why Privacy International originally brought a legal complaint to the UK Investigatory Powers Tribunal (IPT) - the UK court which hears claims against all UK's intelligence agencies (GCHQ, MI5 and MI6) - in July 2013. Nine other NGOs submitted similar complaints and the IPT joined the cases. I

In 2014, the IPT ruled that these practices may in principle comply with the UK's human rights obligations. In February 2015, the IPT determined that the UK access to US bulk surveillance was unlawful prior to the IPT's December 2014 judgment because the legal framework governing such access was secret. In June 2015, the IPT found that the UK Government had conducted unlawful surveillance on two NGO claimants – Amnesty International and the Legal Resources Centre.

Between 2013 and 2015, PI and 15 other organisations and individuals brought three separate cases challenging UK's mass surveillance practices before the European Court of Human Rights. The three cases were joined together and challenged three different UK surveillance programmes:

- intercept, in bulk, any communication that happens to traverse the UK and to store the content of these communications;
- obtain similar bulk access to communications and data intercepted by the intelligence services of other states; and also
- obtaining of communications data from communications service providers.

The applicants argued that mass interception and intelligence sharing practices challenged in this case were not in accordance with the law and were neither necessary nor proportionate. Specifically, we argued that these practices are a violation by the UK of Articles 8 (right to privacy), 6 (right to fair trial), 10 (freedom of expression) and 14 (prohibition on discrimination) of the European Convention on Human Rights.

In September 2018, the First Section of the European Court of Human Rights ruled that UK laws enabling mass surveillance violated the rights to privacy and freedom of expression. However, the First Section stopped short of condemning mass surveillance. Further, it found that the UK's intelligence-sharing arrangements with other countries were lawful. The case was referred to the Grand Chamber for a ruling.

On 25 May 2021, the [Grand Chamber of the European Court of Human Rights](#) confirmed that the UK mass surveillance laws breached the rights to privacy and freedom of expression. The ruling went further than the 2018 ruling, by providing for new and stronger safeguards, adding a new requirement of prior independent or judicial authorisation for bulk interception. Authorisation must be meaningful, rigorous and check for proper 'end-to-end safeguards'.

The Grand Chamber has heard only one mass surveillance case before, [Zakharov v Russia](#). This is the first time the Grand Chamber has examined the UK Government's bulk surveillance powers.

Timeline of case

July 2013

Following the Snowden disclosures, PI filed a case in the Investigatory Powers Tribunal, challenging the interception by the UK of vast quantities of electronic data on fibre optic cables, passing through the UK, and access to data intercepted in bulk by US authorities.

Nine other NGOs (American Civil Liberties Union, Amnesty International, Bytes for All, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights, the Hungarian Civil Liberties Union, the Irish Council for Civil Liberties, the Legal Resources Centre and Liberty), submitted similar complaints and the Tribunal subsequently joined the cases.

December 2014

First Investigatory Powers Tribunal judgment that both UK bulk interception and UK access to US bulk surveillance were lawful in principle.

February 2015

Second Investigatory Powers Tribunal judgment that the UK Government's access to information gathered via US bulk surveillance was unlawful prior to the proceedings because the legal framework governing such access was secret.

March 2015

10 Human Rights Organisations filed application to the European Court of Human Rights challenging the UK's mass interception of internet traffic and access to information gathered by the US through bulk surveillance. The case was later joined by two other cases: *Big Brother Watch and others v. the UK* and *Bureau of Investigative Journalism and Alice Ross v. the UK*.

June 2015

Third Investigatory Powers Tribunal judgment that the UK Government had conducted unlawful surveillance of two of the NGOs – Egyptian Initiative for Personal Rights and the Legal Resources Centre.

July 2015

10 Human Rights Organisations filed submissions to European Court of Human Rights in light of the third Investigatory Powers Tribunal judgment.

The Investigatory Powers Tribunal issues a letter to the 10 Human Rights Organisations correcting its Third judgment, clarifying that the finding that the UK Government had conducted unlawful surveillance of the Egyptian Initiative for Personal Rights, in fact, related to Amnesty International.

November 2015

European Court of Human Rights issued Statement of Facts and Questions to Parties

September 2018

The First Section of the European Court of Human Rights rules that UK mass surveillance practices violated the rights to privacy and freedom of expression

December 2018

Applicants seek a referral to the Grand Chamber

May 2021

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