IN THE INVESTIGATORY POWERS TRIBUNAL
BETWEEN:

HUMAN RIGHTS WATCH, INC.

Claimant

And

(1) THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
(2) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT
(3) THE SECRET INTELLIGENCE SERVICE
(4) THE SECURITY SERVICE
(5) THE GOVERNMENT COMMUNICATIONS HEADQUARTERS

Respondents

STATEMENT OF GROUNDS

1. Human Rights Watch, Inc. is a charitable organisation registered in New York State, USA under section 501(c)(3) of the Internal Revenue Act with major offices in the United Kingdom (London), the USA (New York), as well as smaller offices, affiliates and presences in many other countries around the world. Human Rights Watch undertakes research and advocacy to further observance of fundamental human rights globally in situations of both peace and conflict. In the course of publishing material and advocating for respect of human rights concerning approximately 90 countries a year, HRW maintains contacts with its employees, consultants, interns and volunteers, as well as external partners, sources, journalists, lawyers, government officials, civil society, alleged perpetrators and victims around the world. These communications, both the content and the facts pertaining to their occurrence (the "metadata") are confidential and their confidentiality is essential to both protect the persons involved and the ability of HRW to obtain accurate and complete accounts of human rights events and situations.

2. Human Rights Watch believes that the Respondents have and/or continue to intercept, solicit, access, obtain, process, use, store and/or retain its information and/or communications. Human Rights Watch also believes that that its information and/or communications are accessible to the Respondents as part of datasets maintained, in part, or wholly, by other governments' intelligence agencies.

3. In so doing, the UK government has breached Articles 8 and 10 of the European Convention on Human Rights (ECHR), as incorporated into UK law by the Human Rights Act 1998 (HRA).

4. This Tribunal has already concluded that, to the extent our information was shared with the UK Government Communications Headquarters (GCHQ) by

the US National Security Agency (NSA) prior to 5 December 2014, such action was unlawful and a violation of Article 8 of the ECHR. **Liberty & Ors** [2015] UKIPTrib 13_77-H (6 February 2015 Judgment).

5. If Human Rights Watch's information was so shared, we request a determination pursuant to Section 68(4) of the Regulation of Investigatory Powers Act 2000 (RIPA) that such unlawful sharing occurred, with a summary of that determination including any findings of fact. **Belhadj & Ors** [2015] UKIPTrib 13_132-H.

6. Human Rights Watch also believes that the Respondents may have unlawfully intercepted, solicited, accessed, obtained, processed, used, stored and/or retained its information and/or communications, whatever the source of that information or communications may be. It appears that the Respondents have, in many cases, failed to follow their own internal procedures.

7. To the extent the Respondents failed to follow their internal policies or procedures governing the interception, access, obtaining, processing storage or retention of my information and/or communications, such failure is unlawful and violates Articles 8 and 10 of the ECHR. **Liberty & Ors** [2015] UKIPTrib 13_77-H (22 June 2015 Judgment and 2 July 2015 Correction).

8. These grounds accompany the forms T1 and T2 filed by Human Rights Watch. They set out, in summary, the Grounds relied upon.

9. Human Rights Watch seeks the following relief:

    a. A declaration that the UK's intercepting, soliciting, accessing, obtaining, processing, using, storing and/or retaining its information and/or communications is unlawful and contrary to Articles 8 and 10 of the ECHR, and RIPA;

    b. An order requiring destruction of any unlawfully obtained material wheresoever it has been retained or transferred in whatever form;

    c. An injunction restraining further unlawful conduct; and

    d. Any further relief the Tribunal deems appropriate.