

Summaries

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Intelligence services in Europe and America; the reorientation since the collapse of the Berlin wall and September 11th 2001 *C. Fijnaut*

After sketching the genesis of intelligence services in Europe and the United States the author goes into the crucial role Cheka and SS played within the totalitarian regimes of the Soviet Union and Nazi Germany. After World War II, as a result of these experiences, intelligence services in Europe as well as in the United States were separated from the police organizations in order to prevent abuse of power. In the second part of his contribution the author points out that already after the terrorist attacks in Libanon in the beginning of the eighties, FBI and CIA adapted their organization so they would be better equipped for fighting terrorism. Only after the assaults of the September 11th 2001 this strategy became dominant. The reorientation of the FBI has led to an expansion of possibilities to bring political intelligence and criminal information together in an early stage as well as to the growth and specialisation of political intelligence. Moreover the cooperation with the CIA in the fight against terrorism has been intensified and improved. Within the European Union the events of September 11th have led to a stronger role for Europol, but a drastic restructuring of the cooperation between the various national intelligence services failed to occur.

The danger of success in the war on terrorism; a portrait of the new enemy *R. de Wijk*

The terrorist attacks on March 11, 2004 in Madrid served as a wake up call for most West European governments. Paradoxically, successes during the war on terrorism, have decreased rather than increased the

security of Europe. First, international terrorism is reorganizing itself in smaller, more dispersed cells, which are more difficult to infiltrate and to eliminate. Second, terrorists will become more motivated. It is the better option to die for the 'good cause, that being killed by agents of the 'Alliance of Crusaders and Zionists'. Third, the war on terrorism has brought Muslims in Western countries in an awkward position. Social and economic marginalization will radicalize young Muslims. Consequently, they have become a likely recruitment base for extremists. Finally, European security will be undermined by the withdrawal of Spanish troops from Iraq and similar calls for troop withdrawals in other countries. Extremists will consider this a clear cut victory.

Who wins the 'war on terrorism'?

B. de Graaff

The author considers the term 'modern fanaticism' more adequate than 'new terrorism' to describe the political violence used by al-Qaeda and similar organizations. The question of definition is not an academic one, but is leading for the way in which governments try to counter the phenomenon. The author states that nowadays too much emphasis is being laid upon a military approach, detracting from the use that can be made of intelligence and security services. However, these services are ill equipped to operate against the new fanatics. Often they still function according to principles dating from the Cold War. Instead of the secrecy that was useful in those days, they will have to adopt an attitude of sharing information, both within their own nations and with their counterparts abroad. Refusing to do so makes it unlikely that they will win the war against an enemy that is well ahead in globalizing.

The problems of the international intelligence liaison

C. Wiebes

EU leaders recently picked Dutchman Gijs de Vries as their first 'anti-terror czar' after the deadly Madrid train bombings. His appointment was one of the emergency measures enacted in the wake of Madrid. Others included: improving cooperation among their police and intelligence services; enacting laws on an EU-wide arrest warrant; increasing border controls and tracking of phone records; cracking down faster on terrorist finances and creating a European database of terror suspects. Since Madrid, Europeans have felt increasing alarm at

the prospect of a new wave of terrorism. Political leaders are under pressure to respond. However, the impression was often created that there was no cooperation at all, which is simply not true. In this article the author intends to give a broad overview of the various bodies within the EU and Nato in which intelligence and security services worked together since the 1970's in the field of counter-terrorism. The article also sketches the continuing difficulties surrounding intelligence liaison.

The changes within the Dutch intelligence and security service since the end of the cold war

P.H.A.M. Abels and R. Willemse

In this contribution two staff members of The Netherlands intelligence and security service (formerly BVD, now AIVD) outline the evolution of the organisation over a fifteen year period from a strictly secretly operating service with a limited mission, to a security-advisor that is established, acknowledged and involved in major security-issues. Both the terrorist attacks on September 11, 2001 in the USA and the killing of the politician Pim Fortuyn on May 6, 2002 caused a marked change. The assignment of the service was extended to the collection of foreign intelligence, thus establishing a combined service. AIVD is closely involved in counter-terrorist policy-making in The Netherlands, which is characteristic of its broad approach that also pays attention to breeding grounds for terrorism. The attack on Fortuyn has resulted in a new security system, with a key role for AIVD. In the current spirit of times, simply offering information on concrete threats is not sufficient. In addition, developments and their consequences should be interpreted and recommendations should be offered.

Infiltration in practice; intelligence and communists in The Netherlands during the Cold War

E Hoekstra

Until 1982, when Dutch parliament forced the BVD to terminate almost all activities against the communist party, a large number of agents, volunteering citizens, infiltrated the CPN, the Dutch communist party, on all levels. In the first decades of the Cold War the security service registered as many members of the CPN as possible. For registered communists it was impossible to get a job as a civil servant or at companies considered to be of key importance for the country. The volunteering citizens, agents of the service, were rarely

aware of these consequences of their activities. The great number of agents in the communist party made the party stronger than it could have been without the often-zealous members sent by the BVD. Is it ethically correct to make the target of the intelligence/security service stronger by infiltrates? How ethical correct was it to convince citizens to give up their original social, religious and family structures in order to act as a communist, just to fill the registers of the security service with names of members of the communist party? In the 1970's and 1980's infiltration in violent political groups, supporting foreign political terrorists such as German RAF and IRA, was an important activity of the service. By paying agents for the purchase of weapons, the state funded in fact the weaponry of a revolutionary movement.

The Dutch Intelligence Agency and civil rights

W. van der Schans and E. Timmerman

This article critically examines the role of the Dutch Intelligence Agency (AIVD) and argues that its work inevitable interferes with and violates the rights of civilians. On the basis of numerous examples from both the anti globalisation movement and the refugee population the authors show that the agency trespasses individual rights, partly because of the absence of an independent control mechanism. According to the Council of State (Raad van State), the former Intelligence and Security Services Act did not comply with Articles 8 and 13 of the European Convention on Human Rights. Although the new Act, which was introduced in 2002, extensively outlines the tasks and powers of the Security Agencies, it does not provide a clearer demarcation about the work area of the AIVD. It introduces the term 'national security' but fails to define it, which allows for anti-war demonstrators, for example, to be treated as a threat to national security and therefore be targeted by the AIVD. After the fall of the Berlin Wall and 11 September 2001, refugees have increasingly been pressurised by the AIVD to disclose information about their countries of origin, and any possible knowledge they have about terrorism, Islam, political organisations and human trafficking, whilst (often misleadingly) being promised an asylum status in return.

Intelligence work and ethics; a wilderness of mirrors

B. Hoogenboom

A United States Congress report on domestic intelligence (1976) covering the period 1930-1975 is used to discuss the ethics of

intelligence. There can be no question to the necessity of carefully focused intelligence both then and now. However, the main finding of the 1976 report was that too often intelligence lost focus: targets of intelligence activity have ranged far beyond persons who could properly be characterized as enemies of freedom and have extended to a wide array of citizens engaging in lawful activity. Domestic intelligence activities have invaded individual privacy and violated the rights of lawful assembly and political expression. The American Civil Liberties Union, the Electronic Frontier Foundation and the Federation of American Scientists draw parallels between the 1976 findings and a number of new anti- terrorism policies, after 9/11, based upon the Patriot Act. A fundamental debate on the future of intelligence should stress professionalism (chirurgical precision) and include ethical and moral dimensions of intelligence.

The use of secret information in criminal proceedings

L. van Wifferen

In this article, the question is asked in what ways information, provided by secret services – which guard the national security – can be used in a criminal investigation. This question is answered by summing up the political and judicial statements on the matter. It then becomes clear that the information can be used to start an investigation. Furthermore, most say, the information can result in someone becoming a suspect of a crime. However, it isn't clear if and how information from secret services can be taken into evidence. The secrecy to which the employees of secret services are sworn, conflicts with the suspects right to a fair trial. In addition to this, the question is asked, and answered, how the police can take part in ascertaining the national security and what is to be done with suspects of terrorist activities, when they can't be prosecuted for lack of evidence.