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## Intelligent suicide?

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## Abstract

This is an essay discussing how far the limits of intelligence can be stretched, without risking that it becomes counter-productive. It focuses primarily on Sweden and the concretisations are Swedish. However, I believe that every country suffers from its own hypocrisy and I therefore guess that the reader can find similarities if he or she digs into his or her native country's everyday intelligence operations. What is more, I believe that it is urgent, in order to produce an intelligence worthy of the name, that recent developments are turned around.



## Intelligent suicide?<sup>1</sup>

1. This is an essay discussing how far the limits of intelligence can be stretched, without risking that it becomes counter-productive. It focuses primarily on Sweden and the concretisations are Swedish. However, I believe that every country suffers from its own hypocrisy and I therefore guess that the reader can find similarities if he or she digs into his or her native country's everyday intelligence operations. What is more, I believe that it is urgent, in order to produce an intelligence worthy of the name, that recent developments are turned around.

Democracy, the rule of law and human rights are not a question of what we write, even less what we say. Democracy, the rule of law and human rights are exclusively a question of what we do. Human rights mean concretising, seeing other people, focusing on other people's rights instead of on our own. Every other position is counter-productive, when it comes to defending human rights, and this kind of hypocrisy promotes only the kind of cynicism that tears societies apart – as well as creating good arguments for terrorists.

2. Ylmaz Murad is an Iraqi refugee, granted Swedish citizenship in 1989, who came to Sweden in 1982. Murad was unfortunate enough to meet Majid Abdel-Karim Husain just a month later, when the Swedish immigration authorities decided that they were to share an apartment, during the Swedish asylum-seeking process.

Just like Murad, Husain originated from Iraq. This is, however, more or less the only thing they had in common, when they met for the first time, Murad as a common refugee, one among hundreds, but Husain as a former member of Saddam Hussein's bodyguard force. Murad fled in order not to be drafted into the war between Iraq and Iran. Husain fled when he was ordered to plant a bomb in Kuwait and arrange the bomb attack in a manner that pointed to Iranian agents as the perpetrators. The reason for his refusal was the arrangement: together with two other persons, Husain was supposed to plant the bomb in a Kuwait refinery and then kill the other two, putting Iranian passports in their pockets. When he refused to kill these two persons, it was made clear that this refusal would be regarded as a military offence with death as the penalty. Husain then fled to different countries in Europe, turning to the UN refugee committee as well as to the CIA, trying to tell his story and sell information in exchange for getting his wife and his three children out of Iraq. His attempts were unsuccessful.

<sup>1</sup> The essay originates from my speech at the first Ethics and Intelligence Conference, held in Washington D.C. in January 2006.

Finally, Husain ended up in Sweden and, in the flat in Märsta, a suburb of Stockholm, he met Murad. Sharing the same apartment, Husain finally confided in Murad, telling him more and more details about his background, including information he had received during his time as an agent. Together they started to write down this information, mainly in Arabic, anonymously publishing well-informed, critical articles in the exile press, also in English. Some of these articles became leading stories in the Arabic press in the Middle East, first published in the Iraqi exile news magazine *Al-Tayar*.<sup>2</sup> The purpose was to blackmail Iraq officials in order to force them to allow Husain's family to emigrate from Iraq. Becoming more and more desperate, the strategy failing and with western intelligence not sufficiently interested in the information to help him, Husain finally – in December 1984 – phoned the Iraqi Embassy in Algeria, threatening to reveal even more embarrassing information about Iraq's involvement in terrorism et cetera and even approached a leading Swedish newspaper, giving it not only some parts of the stories but also allowing it to listen to secretly recorded tapes, confirming his story.<sup>3</sup> Amash, the then Iraqi Ambassador in Helsinki, Finland, who had previously unsuccessfully attempted to help Husain to get his family out of Iraq, was also informed that he was going to be assassinated. All this information was also forwarded to the Swedish Security Service (SS), but with no reaction.

Iraq decided to respond – enough was enough. On 9 January 1985, Husain walked into a classical trap, when a woman, visiting Murad's and Husain's apartment, asked him to accompany her to the commuter train. On 17 March, Majid was found murdered in a suburban forest near Stockholm. His body had been cut into 53 pieces, with cuts to the lips, the genitals et cetera, sending the necessary message. In the same month in which Husain made the fatal mistake, but this time, on the 30 January, Ambassador Amash was murdered by the poison thalium, well known as a weapon used by Iraqi intelligence. Later the same year, on 6 December 1985, the Local District Court of Stockholm decided to issue a detention order for a woman, working for Iraqi intelligence and known as Nina and, according to some sources, also as Leyla. Her real name is Jamila Mustafa El-Chafej. She has still not been captured, but after the SS discovered, following the work of a foreign intelligence organisation, that there might be a breakthrough in the hunt, it decided on 31 October 2007 to advertise both in Sweden and Iraq for information about not only Jamila Mustafa El-Chafej but also two other suspected male perpetrators, Ali Abid Hussein and Ali Mowafak Hussein. On 23 November<sup>4</sup> 2007, another former Iraqi citizen was taken into custody, accused

<sup>2</sup> *Al-Tayar Al-Jadeed*, Horrific plans 29/10/1984.

<sup>3</sup> Reference to the article in *Svenska Dagbladet*, Ola Säll, "Byter spionuppgifter mot asyl" 17/12/1984.

<sup>4</sup> <http://www.sakerhetspolisen.se/publicerat/nyhetsarkiv/nyheter2007/sakerhetspolisensokeinformationomkvinna.5.36d06326115d10d5bae800079.html> Also *Aftonbladet*, De söks i styckmordsfallet, 8/11/2007.

of complicity in the case. The reader should regard this suddenly awakening of interest in the case with some critical scepticism.

As soon as Husain was found murdered, the media naturally contacted Murad. Murad was very disappointed, angry and afraid, accusing the Swedish police, especially the SS, of negligence, causing the death of Husain. The background story of Husain and the SS's handling of the case now became public. A discussion also started, implying that the cause of the negligence might be found in the sensitive mediation role Sweden and Olof Palme had played in the Iran-Iraq war. It leaked out that the SS had recommended that Husain's application for residence should be rejected and that they wanted him expelled. There was also a connection between Husain and a major spy case in Norway, the so-called Treholt affair, connections which now became public, just like the Swedish Government's hesitation to follow the advice of the SS to deny Husain residence and instead expel him. The criticism against the SS was massive, but the head of the SS denied all negligence and even any form of mistake.<sup>5</sup> It is an understatement to claim that the involved SS officials were somewhat annoyed with Murad and the publicity.

As a result, the SS started to show a great deal of interest in Murad. Until the murder of Husain, the SS had only had the regular form of contact with Murad they usually have with immigrants, at least with immigrants from the Middle East. This means that, as a *modus operandi*, the SS, using their important role as a reference before the Government decides on a matter of permanent residence or citizenship, regularly interrogate the refugee, attempting to obtain information about his/her home country and fellow citizens, switching between promises of citizenship for him/her and his/her relatives and threats that he/she will be expelled. This type of harassment is everyday life for most refugees who arrive in Sweden, at least as long as they originate from a country outside the western hegemony. There is nothing personal in this harassment, it is just part of professionalism within the organisation – take good care of all the possible instruments you have, they may turn out up to be perfect for obtaining the information you want. Having a hold on somebody works efficiently both against those who are scared to lose something and against those who want to gain something, to be able to be a part of the community.

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<sup>5</sup> This was the main story in all major newspapers in Sweden this day and the following weeks, here just two examples: *Aftonbladet*, 21/3/1985: Lars Ohlsson, *Agenten som ingen trodde* (The agent no-one believed), Lars Ohlsson, *Ville vittna mot Treholt* (Offered himself to testify against Treholt), Bengt Michanek, *Säpo-chefen: Vi har inte gjort fel* (Head of SS: We have not done anything wrong), Thomas Jonasson, *Invandrarminister: Utredningar tar tid* (Minister of immigration: Asylum investigations takes time), and *Svenska Dagbladet*, 21/2/1985: Lars Berne, *Avhoppad Irakagent offer för styckmordet* (Iraq defector victim of the cutting-up assassination), Håkan Bergström, *Husains kamrat inte rädd* (Husain's friend is not afraid), Margit Silberstein, *Invandrarverket: Saknade skäl att få asyl* (Immigration office: He did not have reasons enough to receive asylum), Margit Silberstein, *Husain fruktade att bli kidnappad* (Husain in fear of getting kidnapped).



Since the murder, it seems as though the SS are convinced that Husain was a real defector. Another reason for this new interest in Murad is that they (correctly) suspected that Murad might have some information, originating from Husain. Initially, Murad admitted that he had this information, but later – because of anger with and distrust of the Swedish police – he denied this and refused to give any information whatsoever to the police. Together with the well-founded and now also publicly communicated, severe criticism of the police, especially the SS, this made the contact between the SS and Murad increasingly tense.

As a result, Murad's application for citizenship, which was opposed by the SS, was pending until 1989, when the entire leadership of the SS was sacked and replaced by a new management team.<sup>6</sup> From this time until 1998, Murad's life became normal. He found a woman and they started to share a life together with her three children. The family lived a traditional lower middle-class life and Murad never told his common-law wife anything about the disturbances in the past. He had left that behind him.

In 1996, Murad got a permanent job at Arlanda Airport, working with catering. As a member of Schengen, Sweden became obliged to conduct a terrorist check, a vetting procedure, at airports. In Sweden, this is done through a so-called register control,<sup>7</sup> handled by the SS and the Register Board.<sup>8</sup>

In the spring of 1998, a register control was conducted at Arlanda. It revealed that the SS held a file on Ylmaz Murad, but with no recordings younger than ten years. According to the internal rules for the SS, nowadays formalised in statutory law, all files in which there are no new recordings for the last ten years are to be regarded as inactive and no information is to be handed out in register control matters. The vetting procedure is handled by officials at the SS, even though it is the Register Board which makes the decision about whether or not to pass on the information. In Murad's case, the check of Murad against the SS files was handled by the same SS official that was a leading person in the harassment of Murad in the 1980s. This man, well aware of the ten-year rule, decided that the Register Board was to be informed of the unfounded suspicions relating to Murad and invented by the SS in the aftermath of the assassination of Husain, presented in a way that prevented the Register Board realising how old they were. Murad was then called to a "security meeting" by the SS, but he was denied the opportunity to see or be informed more specifically about why he

<sup>6</sup> As a result of revealed illegal bugging, see Töllborg, *Under Cover. The Swedish Security Police and their Modi Operandi*, in Fijnaut/Marx (ed), *Police Surveillance in Comparative Perspective* [Kluwer 1995].

<sup>7</sup> Previously labelled personnel control, see Töllborg, *Personalkontroll* [Symposium 1986], also Töllborg (ed), *National Security and the Rule of Law* [Centrum för Europaforskning, Göteborgs universitet 1997].

<sup>8</sup> For the procedure et cetera, see Cameron/Töllborg, *Internal Security in Sweden*, in Brodeur/Gill/Töllborg (ed), *Democracy, Law and Security* [Ashgate 2003]. Also Cameron, *National Security and the European Convention on Human Rights* [Juridiska fakulteten i Uppsala, Årsbok 2000]).

was supposed to lack “civic reliability”, as the Swedish authorities prefer to call it. The Register Board decided to pass on the information and Murad was sacked with immediate effect.<sup>9</sup>

Without income, Murad applied for hundreds of different jobs, but who, at least in Sweden, hires a person with an Arabic name and Arabic appearance, who has been sacked after suspicions from the SS and the Register Board of being a terrorist? Finally, Murad started a gift shop in a suburb of Stockholm, but it did not make enough money to live on, let alone finance a family with three children.

The harassment now began again, this time also aimed at his common-law wife and the children. The harassment, together with the non-existent economy, finally caused the relationship to collapse. Murad, unemployed and with no money, was forced to move into the shop, with only cold water and no heating. For the following three years, he lived in the shop, staying alive using the small income from the shop (which only took care of the rent), collecting cans and receiving support from friends and people in the neighbourhood.

During the period after he was sacked, Murad tried all the different legal opportunities to obtain redress. He asked the SS and the Register Board for permission to see his file, in order to be able to defend himself, he appealed against the refusals to both the Administrative Court of Appeal (Kammarrätten) and the Supreme Administrative Court (Regeringsrätten), both instances denying him this, referring to national security, without even looking into the files.<sup>10</sup> Finally, the SS officer whose specific task it was to keep an eye on Murad, well aware of the fact that the SS did not have any substantial suspicions against Murad whatsoever, seeing him suffer, decided that everything had gone too far and decided to inform the heads of the SS. In the autumn of 2001, the then new head of the SS<sup>11</sup> decided to report the SS to the Chancellor of Justice, because of its handling of the Murad case, and the Register Board supported the report, including its own handling of the matter and also stating that Murad must be given damages.<sup>12</sup>

On 3 June 2002, the Government’s lawyer, the Chancellor of Justice, Göran Lambertz, decided that the SS had mistreated Murad and the National Police Board was therefore instructed to pay financial damages corresponding to the loss of six months’ pay.<sup>13</sup> This meant SEK 110,460 crowns, or approx. 11,750 €

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<sup>9</sup> Luftfartsverket (Civil Aviation Authority), Beslut i registerkontrollärende (Decision in register control matter) 29/5/1998 (Hans Karlstrand) and Gategourmet, Decision to sack Murad 9/6/1998 (Ulf Schönborg).

<sup>10</sup> SS SA 187-4151-99, Stockholm Administrative Court of Appeal (Kammarrätten i Stockholm), Judgement 12/5/2000 case no. 2017-2000, and Supreme Administrative Court (Regeringsrätten), Judgement 30/8/2000, case no. 4152-2000.

<sup>11</sup> Jan Danielsson.

<sup>12</sup> SS SA 990-7978-01, Register Board (Registernämnden) 8/5/2002, dnr 34/02.

<sup>13</sup> Chancellor of Justice, dnr 2824-01-40.

before tax. After tax, this is approx. 7,200 €, less than half what the Chancellor of Justice earns every month. For the stigmatisation, for the loss of his family, for the loss of his life, in other words the infringement, Murad was not entitled to any damages, according to Mr Lambertz. The European Convention for Human Rights was not applicable and no national law gave the right to compensation, all according to Mr Lambertz. Several earlier decisions by the Government, in vetting cases, to pay damages for infringements of SEK 100,000 to eight other victims<sup>14</sup> and SEK 400,000 to one other (Leander, see below) were not relevant, according to the judgement by Lambertz. Murad appealed to the Government, which rejected his appeal in a decision dated 24 October 2002.<sup>15</sup>

On 6 June 2006, the European Court of Human Rights decided, by seven votes to zero and on four articles (8, 10, 11 and 13), that the refusal to give the five applicants the right to see and correct information in the files of the SS was a breach of the convention and granted them damages for the infringement of between 3,000 and 7,000 €. <sup>16</sup> However, in a decision in March 2007, ten months after the verdict, the Chancellor of Justice refused to follow the decision by the Court in another complaint, based on the judgement of the ECHR.<sup>17</sup>

Murad, who now has left Sweden and returned to Iraq, has still not received any redress. Just before he left, I met him and he said that it had been easier to live with the same harassment in Iraq under the Saddam regime than it was in Sweden. In Iraq, people had at least believed him, when he told them about the harassment, but in Sweden no one could see or even imagine. His point is worth considering.

**3.** In 1979, I was 25 years old and had recently graduated from law school. In the autumn of that year, a Mr Leander contacted me. After only one week's work, he had been sacked from his job as a carpenter at the Naval Museum. The reasons given were that he failed the vetting procedure – he was, according to the SS, to be regarded as a security risk without any concrete details being given.

The Naval Museum is and was open to the public, photography is and was permitted and back in the 1970s there were more than 50,000 visitors every year. At the time, the number of security-classified posts was secret, as well as the number of vetting procedures every year. These figures were classified as being of the utmost importance for national security.<sup>18</sup> We now know that there were, and are, more than 410,000 posts with a security classification – fairly high for a population of nine million – and sometimes more than 200,000 vetting

<sup>14</sup> Borås tidning 29/6/2001.

<sup>15</sup> Swedish Government, Department of Justice, dnr Ju2002/4497/L2.

<sup>16</sup> ECHR, Case of Segerstedt-Wiberg and others v. Sweden, application no. 62332/00.

<sup>17</sup> Chancellor of Justice, decision 13/5/ 2007, dnr 4456-06-40.

<sup>18</sup> RPS/SÄK SA 449-737-81, Department of Justice (Justitiedepartementet) dnr 3207-81 and RPS/Säk SA 248-998-81.

procedures every year.<sup>19</sup> At the time, none of the vetted citizens was allowed to see any concretisation of the allegations; all they were told was that they lacked “civic reliability” and that the SS was forbidden, also according to the Constitution, to file anyone merely because of his or her political affiliation.

With this, we went to the European Court of Human Rights. In 1987, we received a verdict. The Court decided, with the four votes of the Swedish Marshal of the Realm, the Turkish judge, the English judge and the German judge against the other three, the Norwegian chairman, together with the French and the Italian judge, that there was no breach of the Convention.<sup>20</sup> Ten years later, in 1997, I was finally able to force the Government to let me read Mr Leander’s file. I made the content public and the Government

- admitted that their case at the European Court for Human Rights had been based on false information, with the responsible Swedish counsellor, Mr Hans Corell, for the Guardian claiming that he was “only obeying orders”,<sup>21</sup>
- gave Leander a public apology,
- paid Leander damages (SEK 400,000 tax free) and
- publicly declared that Leander was not and never had been a security risk.<sup>22</sup>

The file showed that the reason the SS became interested in Leander back in 1968 was that he, as a 16-year-old child, “is selling the VC’s (VietCong, FNL) school publication at his school and account to the VC office”.<sup>23</sup> This, for us somewhat shocking, fact should be seen against at least one of several statements by Mr Corell, this one taken from the secret hearing in front of the European Commission of Human Rights on 10 October 1983:

“Mr President, of course it would be much easier to defend this case if I were free to disclose the full information, but I am not authorised to do this. I can, however, give you the information that it is suspected that organised attempts are being made to try to force the security filter surrounding the personnel control system (insinuating me, working on my doctoral thesis, of course, DT) ... If the Commission were to consider that the Convention obliges the State to grant the citizens of Sweden access to the secret police files, such a decision would mean a winding-up of the entire security police work in Sweden. I ask myself what will be the impact of such a decision on similar security police work in other member states. Mr President, I dare not guess...”<sup>24</sup>

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<sup>19</sup> SOU 1990:51, p 233.

<sup>20</sup> ECHR Judgment of 26 March 1987, application no. 9248/81.

<sup>21</sup> Walker, EU rights law rests on Swedish lies, *The Guardian*, 30/12/01997.

<sup>22</sup> Swedish Government, decision 27/11/ November 1997.

<sup>23</sup> SS, file LEANDER Torsten, 510220-0051, file A4, p 8.

<sup>24</sup> Verbatim Record, Secret Hearing in the Leander case, European Commission of Human Rights 10/10/1983, pp 88-89 tape 15/4 and 15/5.

This is what was handed out:<sup>25</sup>

“In 1970 in August, LEANDER contacted the office of the KFML (nowadays SKP) in Stockholm, ordering 8,000 copies of the KFML election appeal and posters.<sup>26</sup>

He claimed that he was a member of the Stockholm department of Clarté, but was temporarily residing in Karlshamn, to where he wanted the material sent. He was going to work in the Karlshamn area with propaganda until the election.<sup>27</sup>

In October 1970, it emerged that he had applied for membership of the Stockholm department of the KFML.<sup>28</sup>

In 1978, during the period 29-30 April, FiB/Kulturfront had its annual meeting in Norrköping. In all probability, LEANDER participated at this meeting, since his car was seen parked in the playground of the school where the meeting was held. The playground was let as a parking lot only for participants at the meeting. The association FiB/Kulturfront, which issues a publication with the same name, is an association in which the SKP has important influence.”<sup>29</sup>

After the case had been won, Mr Corell was offered the post as head of the SS by the Government, an offer he rejected. Instead, he successfully demanded Swedish lobbying to be Under-Secretary-General for Legal Affairs and United Nations Legal Counsel.<sup>30</sup> This is a well-known fact in Sweden, at least among lawyers who want to have a career and are therefore interested in how people are supposed to act and what they should absolutely not do.

Perhaps this explains what happened in 2005, when the Swedish Foreign Department was caught lying to the UN Torture Committee. Sweden was subsequently caught with her trousers down.<sup>31</sup> Otherwise, how are we to explain how normally decent and honest Government officials decide to lie even in front

<sup>25</sup> SS, Personalkontroll 27/8/1979, dnr 5:9/4 d p. 830 U 15956/79.

<sup>26</sup> The election was nationwide, with both the KFML and SKP as legally acknowledged parties.

<sup>27</sup> Clarté was a youth organisation, whose members included most leftist politicians, including the former social democratic prime minister of Sweden, Tage Erlander.

<sup>28</sup> There were no signals whatsoever that representing these parties was to be considered to involve a threat against national security. On the contrary, as the Government pointed out, even the Swedish Constitution explicitly forbids registration merely because of political affiliation.

<sup>29</sup> There is still some uncertainty about whether this last paragraph was handed out, since it was marked with a cross from a pencil. FiB-Kulturfront was a large leftist paper, which once revealed that Sweden had secret military intelligence, with extremely good connections with the social democratic party, mainly involved in taking up the fight against the communists.

<sup>30</sup> To be fair, it might have helped him, having the post he so much wanted, that the Swedish judge in the ECHR when deciding in the Leander Case, the Marshal of the Realm, was Gunnar Lagergren, an older colleague of Mr Corell (Sweden is indeed a small country). Lagergren's daughter is married to Kofi Annan.

<sup>31</sup> May 2005. See yearbook 2005 Swedish Helsinki Committee.

of a UN Committee and this in an issue on which Sweden has always otherwise been a leading figure? My guess is that not only children, but also authorities, even intelligence, do not look upon and reflect on what we say – they act according to how we act. This explains why human rights can never be a question of what we say or what we write, not even what we teach and examine, it can only be a question of what we do.

The revelation of the Leander files led to a public outcry, which forced the Government to start several official investigations. With his experience from Canada, Jean-Paul Brodeur has described the standard procedure for handling this kind of crisis: first, firm denial, complemented by disparaging comments about the critics, often combined with political accusations. If this fails, use deniability, join the critics and categorically dissociate from the criticised. “Then comes the moment of insinuation; even admitting the practice is evil, it is asked, can we do without it? ... Finally comes the solution: the practice is going to be allowed, but on a limited and controlled basis, the controls being either legal or administrative, or both.”<sup>32</sup>

Brodeur’s analysis fits well with experience from Sweden. I would like to give the reader three examples from these investigations.

Firstly; as a member of a research committee, a research project initiated by the Government due to political pressure after the revelation of the Leander files, I asked the SS for information on the number of employees, their age and their gender, from the period 1965 to 2000. Firstly, the SS denied me this information. When I was able not only to tell them the present number of employees but also to show them in written detail how easily I could work this out, they changed their decision and verified my figures, supplementing the number with information about the average age and the percentage of the different sexes, but only with the facts relevant at the time (this was in 2000). For the other years, 1965, 1970 et cetera, they were unable (and are still unable), claiming reasons of importance for national security, to give any information. I naturally appealed the decision to the same Administrative Court of Appeal and the Supreme Administrative Court which has tried, and rejected, both Murad’s and Leander’s appeal to see their files. And I lost! According to the courts, it would have a detrimental effect on national security for me, in spite of being the head of a Governmental research project, and being prepared to accept an obligation to observe silence, to be informed even of the number of employees at the SS in 1965!<sup>33</sup> It seems as though the courts here all too eagerly followed Lord Denning: “When national security is at stake, even the rules of natural justice may have to be modified to meet the position”.<sup>34</sup>

<sup>32</sup> Jean-Paul Brodeur, *Undercover Policing in Canada: A Study of its Consequences*. In Fijnaut/Marx (ed), *Undercover. Police surveillance in comparative perspective*, p 98.

<sup>33</sup> SS SA 187-2140-98, Stockholm Administrative Court of Appeal (Kammarrätten i Stockholm), Judgement 13/3/2000, case no. 1167-2000 and Supreme Administrative Court (Regeringsrätten), Decision 19/12/2000 case no. 1808-2000.

<sup>34</sup> Quoted from Lustgarten/Leigh, *In from the Cold. National Security and Parliamentary Democracy* (Clarendon Press 1994), p 142.

Secondly; after the revelation of the Leander file, the Register Board was tasked with attempting to find out whether there were other “Leander cases”. The first investigation by the Register Board revealed that there were at least 1,001 more suspected “Leander cases”.<sup>35</sup> In its first investigation, the Register Board was understaffed and lacked the time to go into depth and check all the suspected cases. So, after the first report, it asked the Government for an extension of the mission. The Government really did not have any choice. It then decided that, instead of going into depth in these 1,001 identified, suspected “Leander cases”, the Register Board was to advertise in the daily newspapers for people who could personally ask the Register Board to check their presumptive files. The 1,001 suspected “Leander cases” were not contacted and told exactly that they should perhaps ask for such an investigation – the only thing that was done was to advertise and this was done in the middle of the summer and in liberal daily newspapers (once, or maybe twice), telling people about this opportunity. There was no advertisement in leftist papers. Moreover, if anyone wanted the Register Board to check a possible file, he/she had to (a) write down why he/she thought that the SS might have a file on him/her and (b) accept that both this reason, given by him/herself, and, if anything whatever was filed about him/her it would subsequently be made public for the whole world. Some of this information was later found in a Nazi death register, created by some neo-Nazis in Sweden! The result was that only 192 Swedish citizens asked for this investigation and of them only 22 came from the 1,001 people the Board had previously identified as being presumptive “Leander cases”. Only 27 of the applicants were found in the SS’s files.<sup>36</sup> Of them, the Register Board found that, in 16 cases, i.e. more than 50 per cent, some mistakes had been made and, in six cases, about 20 per cent, the security screening had damaged the applicant in an unreasonable way. These six were later awarded damages from the Government.<sup>37</sup> However, a further five victims were subsequently awarded damages, followed by a further one, which the Register Board had incorrectly – also according to the Government nowadays – claimed was filed on solid grounds.<sup>38</sup>

Thirdly; the Government also ordered an investigation about what military intelligence might have done in the past. In December 1998, the supervisory organ for military intelligence, the Swedish Intelligence Commission, SIC (Försvarets Underrättelsenämnd, with what is, for this ”supervisory” organ, the most appropriate abbreviation, FUN, in Swedish), presented its report on military intelligence, one of the different missions the Government was forced to

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<sup>35</sup> Registernämnden (Register Board), Personalkontroll den 1 oktober 1969-den 30 juni 1996, Rapport till regeringen av Registernämnden beslutad den 16 december 1998.

<sup>36</sup> Registernämnden (Register Board), Personalkontroll Del II. Fortsatt uppdrag av regeringen den 31 mars 1999 om utlämnande av uppgifter ur SÄPO-registret den 1 oktober 1969-den 30 juni 1996, Rapport till regeringen av Registernämnden den 3 oktober 2000.

<sup>37</sup> Borås tidning 29/6/2001, also Siren 6/7/2002 and [www.newsdesk.se/view/34957](http://www.newsdesk.se/view/34957).

<sup>38</sup> Department of Justice Ju2002/6434/PO.

initiate after the revelation of the content of the Leander file.<sup>39</sup> The SIC was and is chaired by the former conservative minister of defence, Anders Björk. Björk decided to make a show of the release of the investigation, so the presentation was broadcast live by the Swedish National Television Company as a kind of open press conference for the public. The material the SIC presented also included details about a woman, presented in the report with her full name and identity, who had been subjected to illegal bugging for a period. As appears to be fairly common practice on the part of the Swedish National Security Service and, in this case, also military intelligence, the bug had been hidden in the woman's bed.<sup>40</sup> The woman herself was never given this information and was not informed before the broadcast press conference either that she had been bugged or that this was going to be made public!

In the report, there is no discussion whatsoever about the legality of the operation, the extent to which this kind of illegal method was common or not, the circumstances that made it important to place the bug in the bed and whether the ethical arguments for/against had been discussed before the operation. Instead, on television, and at the press conference, the chairman of the SIC, Anders Björk, on his own initiative, decided to make the audience aware of this bugging operation, including the full name of the woman, but with no other reflection than trying to make fun of the fact that all the military intelligence got out of the operation was, in the chairman's own words, "some panting".<sup>41</sup>

Björk is still chairman of this supervisory organ.

4. All this harassment and all these lies, so obvious and so stupidly strange and unnecessary, can only be understood as developing from a culture where what is true and what are lies appear to be regarded from an instrumental perspective rather than a moral one. The problem is not only that this disease has spread to the civil society; it is also, in my view, counter-productive when it comes to the quality of intelligence work.

It is undisputable that intelligence is both necessary and important. At the same time, we are all aware of how difficult it is to produce significant intelligence of good quality.

Intelligence shares one specific difficulty with other kinds of pro-active policing. It is pro-active, not re-active; as a result, its main objective is not to find the offender but the (presumptive) crime. To some extent, this both is and has to be enough. It is better to know your enemy than to catch him, since the catch only opens a vacuum to be filled by another. Then you have to start looking again. One important consequence is that successful intelligence is as much as

<sup>39</sup> Försvarets underrättelsenämnd, Redovisning av vissa uppgifter om den militära underrättelse- och säkerhetstjänsten 26/11/1998.

<sup>40</sup> *ibid* p 66.

<sup>41</sup> Swedish Television 26/11/1998.



successful policing – pro-active or re-active – mainly dependent on HUMINT, in other words based on good contacts with people who have insight into the environments of interest. The public is, and will always be, most important.

HUMINT is based on trust – or fear. Good intelligence tends to be more dependent on trust than fear, since information that comes from fear is more often motivated from a utilitarian angle than information based on trust.

You earn trust – difficult to gain, easy to lose. If intelligence designed to realise politically determined goals is primarily steered by policy, giving answers politicians and other benefactors demand, when these, as is so often the case, mix defending their own established position with national security, the result will most definitely be lack of trust among those from which intelligence most needs it. This might lead to a vicious circle: if you cannot have quality HUMINT, you become more and more dependent on SIGINT and other technical measures, all too unsophisticated ever to replace good quality HUMINT and all too general in their surveillance not to risk being regarded as threatening even to the trustworthy. Forgetting what was already learned so painfully from the Church Committee, the MacDonald Commission, the Lund Commission et cetera, no matter whether this Alzheimer's depends on ignorance or just plain stupidity, it not only condemns us to repeat history but might even force intelligence to base its future information gathering on fear – notwithstanding what this might mean for analysts and what kind of analysts we may attract to intelligence.

5. It really is a paradox that what Baader-Meinhof was striving for, but so fortunately failed to achieve, Bin Ladin has now succeeded, with a little help from his former friends, in making a reality. As soon as the USA was attacked, democracy showed itself to be too poorly internalised to stand up to the attack. Leaders in Europe, with England and Sweden as their forerunners, are now all too eager to learn from the new continent, claiming reasons of national security when it is all a question of securing their own established position. Just take two terms – terrorism and national security, combine them and the entire legal system at national and international level has suddenly been turned upside down to the extent that it even risks committing hara-kiri. War becomes peace, we torture in the name of humanity, abolishing human rights in order to defend... yes, to defend what? We obtain total transparency into everyone's life, even into our bedrooms, but no transparency into power. Claim openness, practise secrecy – hypocrisy becomes normality. As a result, the only way to save the values which are the foundations of a democracy, based on human rights, is to give the new phenomena their correct names: intelligence can be called deaf and blind fact-inventing, politics utilitarian hypocrisy and law the autistic process of justification. Then we can at least save our language and thereby give concepts like democracy, the rule of law and human rights a fair chance to survive this dark period.

It is perhaps time we learned something from changes in flight safety before and after this industry enforced, and internalised, transparency concerning not only technical and system-oriented defects but also human mistakes, weaknesses and incompetence. Perhaps history has taught us, in intelligence as well as in law and politics, that transparency is the only working measure against all our human preparedness to, in the name of the good, do the evil. So, just as the need once was apparent for asylum as an international legal weapon defending humanity and democracy, the same fight for whistle-blowers might be the only chance to save democracy from committing suicide in fear of death.