

Report from an Autistic Country
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1. "I, just as the Government to which I belong, will in all contexts, and with all force, brand – condemn – anyone who abroad says unpleasant things about our country." This was my prime-minister, Göran Persson, speaking in the Swedish Parliament. So, time to burn.

2. Ylmaz Murad is the name of a refugee, now a Swedish citizen, who fled from Iraq at the time Saddam was U.S best friend. He had the luck to arrive to Sweden at the time we still accepted refugees – nowadays only 2 % of all refugees, coming to Sweden, are allowed to stay. The other 98 % we send back to their home country, if necessary with documentation they have presented to us, showing that they have fled their native country because of resistance against the regime or that they are to be punished in their home country. For example to be whipped by a hundred cuts/lashes in Iran, or sentenced to jail in White Russia, to mention only two of the most recent examples.

Anyway, at the time Ylmaz arrived, he was treated like all other refugees who flee to Sweden. As all the others he was approached by the National Security Service, which with sometimes threats, sometimes promises, demanded to have information about his former native country as well as about other refugees from the same area. This type of harassment is every-day life for most refugees who arrive in Sweden, at least as long as they originate in a country outside the western hegemony.

The harassment of Ylmaz was, of course, as for so many other dark-skinned refugees, especially tough after the assassination of Swedish Prime Minister Olof Palme. But he survived, and finally was awarded Swedish citizenship, in spite of all efforts from the National Security Service to stop this. There is nothing personal in this harassment, just a part of professionalism in the organization – take good care of all possible instruments you have, they may show up to be just perfect to get hold of the information you want. To have a hold on somebody works efficiently both against those who are scared to lose something as well as against those who want to gain something, to be able to be a part of the community.

Finally Ylmaz found himself a job as a caterer at an airport, and a woman to share his life with. Together they brought up three children during almost eight years, until the day life ended. It was a summer day in 1998, when Ylmaz was told that the newly decided vetting at all Swedish airports had led the National Security Service to declare him as presumptive terrorist. So he had to, no concretizations given, immediately leave his work job.

Who do you think employs someone looking like an Arab and with Iraq as native country, when the National Security Service, the Register Board and the Swedish Civil Aviation Authority has sacked him, given the reason that he is a suspected terrorist? Who do you think did that even before 9/11? Correct! The only job he could get from this fatal day on was one night at a hotel. His total income from 1998 is 70 US dollars.

Of course, the family economy broke down, just as ordinary life in all other aspects. And it

is not strange that also the relation to his women broke down. Just as it was not strange that he could not keep his apartment, since he did not have any money to pay the rent. And you cannot consider it as strange that almost nobody came to the tiny shop the "Iraq terrorist" tried to open. So he was without income, without family and his friends started to disappear. He was forced to sleep on a mattress in his shop, lacking a shower as well as a kitchen. At night he was walking the streets, looking for returnable bottles, in order to raise money for food.

He appealed to all legal instances, and appealed against every rejection. Always with the same result, up until one day four years later one of the policemen who was to keep an eye on him, could not take it anymore, and demanded a stop to the harassment, threatening the heads of the National Security Service to make public what the Service already knew – they had made a mistake. So now both the National Security Service and the Register Board reported themselves to the Chancellor of Justice, Göran Lambertz, admitting they had been utterly wrong to Ylmaz, even stating in the media that Ylmaz should be granted damages from the Government.

So, then what happens in an autistic country with autistic leaders and scientists and jurists without backbone? Left is a Chancellor of Justice, who without problems looks Ylmaz directly in his eyes, declaring that he, both as a Swedish citizen and a Swedish lawyer, is ashamed of what has happened to Ylmaz. The Chancellor of Justice, who in Sweden is the Government's attorney, hence personally employed by our Minister of Justice, Thomas Bodström, suffers in pain together with Ylmaz,

when he declares that the rules, as if they were given by God himself, only can compensate him economic damages, and this only corresponds to the loss of 6 months payment. After tax this is 7.000 US-dollars, approximately half of what the Chancellor of Justice earns a month! And "the rules", the same rules that, according to the Chancellor of Justice and the Government, entitles the mistakenly white-collar crime suspected accountant 60.000 US dollars tax free for infringement, these rules do not entitle Ylmaz even one US-dollar for the stigmatization, for the loss of his family, for the loss of his life!

3. Democracy, the Rule of Law and Human Rights is not about what we write, even less what we say. Human Rights is not about having fancy conferences, cocktail-parties and writing handsome international conventions. Democracy, the Rule of Law and Human Rights are all about what we do. Human Rights is concretizing, seeing other people, focusing on others' rights instead of on our own. Every other position is contra-productive, as far as concerns defending Human Rights, and this kind of hypocrisy promotes only the kind of cynicism that tears societies a part. And create good arguments for terrorists.

4. In 1979 I was 25 years old, newly graduated from Law School. In autumn this year a Mr Leander contacted me. He had, after only one week's work, been sacked from a job as a carpenter at the Naval museum. The reasons given were that he failed in the vetting procedure – he was, according to the National Security Service, to be regarded as a security risk, no concretizations given. The Naval Museum is open to the public, photography is permitted and there were more than 50.000

visitors every year. At the time, the number of security classified posts were secret, as well as the number of vettings every year. These figures were classified as of utmost importance for national security. Now we know that there were, and is, more than 410.000 posts security classified – rather high with a population of 9 million – and sometimes more than 200.000 vettings every year. At the time, not anyone of the vetted citizens was allowed to take part of any concretization of the allegations, all you were told was that you lacked, as they called it, "civic reliability". And that the National Security Service 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 had the 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 three of the Norwegian chairman together with the French and the Italian judge, that there was no breach against the convention. Ten years later, in 1997, I was finally able to force the Government to let me read Mr Leander's file. I made the contents public, and the Government

∑ admitted that their process had been based on false in-formation, with the responsible Swedish counsellor, Mr Hans Corell, for the Guardian claiming that he "only obeyed orders",
∑ gave Leander a public apology,
∑ damages (SEK 400,000 tax free), and
∑ publicly declared that Leander was not and never had been a security risk.

Now, you see, we learned that the reason Leander originally was filed, was because in 1968, as a 16-year-old child, according to the

file, he "is selling the VC:s (VietCong, FNL) school publication in his school and account to the VC-office." Do I need to remind the audience about the official position of Sweden, during the Vietnam War?

Let me now draw your attention to just one of several statements from Mr Corell, the Government's representative in the Leander case, this one taken from the secret hearing in front of the European Commission of Human Rights, October 10, 1983:

"Mr President, of course it would be much easier to defend this case if I was free to disclose the full information, but I am not authorised to do this. I can however give you the in-formation that it is suspected that organised attempts are made to try to force the security filter surrounding the personnel control system (insinuating me, working my doctoral thesis, of course, DT) ... If the Commission should consider that the Con-vention obliges the State to grant the citizens of Sweden ac-cess 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..."

I am now going to disclose the full information, and I dare guess that it will have no negative impact on national security in any european country, not then, and not now. This is what was handed out:

"1970 in August LEANDER contacted the office of KFML (nowadays SKP) in Stockholm, ordering 8,000 copies of the KFML election appeal and posters." The election was nation wide, with both KFML and SKP as legally acknowledge

parties.

"He claimed that he was a member of the Stockholm department of Clarté, but temporarily residing in Karlshamn, to where he wanted the material sent. He was going to work in the Karlhamnsarea with propaganda until the election." Clarté was a youth organisation, which among its members counted most leftist politicians, including the former social-democratic prime minister of Sweden, Tage Erlander.

"In October 1970, it came out that he had applied for membership in the Stockholm department of KFML" There was no signals what so ever that representing these parties was to be considered to involve a threat against national security. On the reverse, as the Government pointed out, even the Swedish Constitution explicitly forbid registration merely because of political affiliation.

"1978, during the period April 29-30, FiB/Kulturfront had its annual meeting in Norrköping. In all probability LEANDER participated in 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 parkinglot only for participators in the meeting. The association FiB/Kulturfront, who gives out a publication with the same name, is an association where SKP have important influence."FiB-Kulturfront was a big leftist paper, which once revealed that Sweden had a secret military intelligence, with all to good connections with the social-democratic party, mainly involved in taking the fight against the communists.

Mr Corell, who lied in front of the European Court of Human Rights, later claiming that he "only obeyed order", was, after the case was won, by the Government offered the post as head of the National Security Service, an offer he rejected. Instead he successfully demanded Swedish lobbying to be Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. This is a well-known fact in Sweden, at least among jurists who want to have a career, and hence are interested in what you ought to do and what you not ought to do.

Maybe this explains what happened last year, 2005, when the Swedish Foreign Department was caught lying to the U N Torture Committee, Sweden later taken with their trousers down. Otherwise, how do you explain why normally decent and honest Government officials decide to lie even in front of a U N Committee, and this in an issue, where Sweden always otherwise has been a front figure? You see, not only children, but also authorities, even intelligence, do not look upon and reflect what we say – they act according to how we act. Hence, once again, human rights are not about what we say or what we write, even not what we teach and examine, it is about what we do.

5. The revelation of the Leander files led to a public outcry, which forced the Government to start several official investigations. You all know the procedure all too well, described by professor Brodeur: First firm denial, complemented with disparaging comments upon the critics, often combined with political accusations. If this fails, use deniability, join the critics, and categorically dissociate from the criticized. "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".

6. I will give you 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 National Security Service for information on the number of employees, their age and their sex, from the period 1965-2000. First, the National Security Service denied me this information. When I not only could tell them the present number of employees but also in written detail could show them how easily I could count this out, they changed their decision, and verified my figures, completing the number with information about the average age and the percentage of the different sexes, however only with the present facts at the time (this was the year 2000). For the other years, 1965, 1970 etcetera, they could (and still cannot), claiming reasons of detrimental importance for the national security, not give any information. I, of course, 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 was detrimental to national security that I, even though being the head of a Governmental research project, and being prepared to accept an obligation to observe silence, was not to be informed even of the number of employees at the National Security Service in 1965!

Secondly) After the revelation of the Leander file, the Register Board was given the task to try to find out if there were other "Leander cases". The first investigation by the Register Board showed that there were at least 1,001 suspected more "Leander cases". In their first investigation, the Register Board was understaffed and lacked the time to go into depth and check all the suspected cases. Hence, after the first report they 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 announce 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 that maybe exactly they should 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. Also, if you wanted the Register Board to check your possible file, you had to (a) write down why you thought that the National Security Service might have a file on you and (b) accept that both this reason, given by yourself, and, if anything, whatever filed about you later was 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 earlier had identified as being presumptive "Leander cases". Only 27 of the applicants were found in the National Security Service's Files. Out of them the Register Board found that in 16 cases,

that is more than 50 per cent, some mistakes had been done, and in 6 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. However, later, a further five victims were awarded damages, and then further one, which the Register Board incorrectly – also according to the Government nowadays – had claimed was filed on solid ground.

So, "intelligence" is not always intelligent!

Thirdly) The Government also ordered an investigation about what the military intelligence might have done in the past. In December 1998 the supervisory organ for the military intelligence, Swedish Intelligence Commission, SIC (Försvarets Underrättelsenämnd, with the, for this "supervisory" organ, most proper abbreviation FUN, in swedish), presented their report on military intelligence, one of the different missions the Government was forced to initiate after the revelation of the content of the Leander file. SIC was and is chaired by the former conservative minister of defence, Anders Björk. Björk decided to make a show of presenting the investigation, so the presentation was broadcasted live by the Swedish National Television Company as a kind of for the public open press conference. In the material SIC presented were also details about that a woman, in the report presented with her full name and identity, had been subject to illegal bugging for a period. The bug had, as seems to be a rather common practice by the Swedish National Security Service and, in this case, also the military intelligence, been hidden in the woman's bed. The woman herself was never given this information, and was neither informed before the broadcast press conference, explicitly giving her full identity, that she had been bugged and that

this was going to be publicly known!

In the report there is no discussion whatsoever about the legality of the operation, to which extent this kind of illegal methods were common or not, what circumstances had made it important to place the bug in the bed, and what ethical arguments pro/contra had been discussed before the operation. Instead, on television, and at the press conference, the chairman of 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, with the chairman's own word, "some panting".

Björk is still chairman of this supervisory organ.

6. All this harassment and all these lies, so obvious and so stupidly strange and unnecessary, can only be understood as developed from a culture where what is true and what are lies seems to be regarded from an instrumental perspective more than a moral. Just as if there are honourable lies, honourable hypocrisy, honourable torture... The problem is not only that this disease has spread also to the civil society, it is also contra-productive as far as concerns the quality of intelligence work.

7. It must be said to be 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. And for good purpose.

Intelligence shares with other kinds of proactive policing one specific difficulty. It is pro-active, not re-active; hence its main object is not to find the offender, but the (presumptive) crime. To some extent, this both is and must be enough. It is better to know your enemy than to catch him, since the catch only opens a vacuum to be filled with another. And then you have to start looking again. I will not dig deeper into these more technical questions, I only want to stress one important consequence: Successful intelligence is as much as successful policing – pro-active or re-active – mainly depending on HUMINT, in other words based on good contacts with people who have insight into the environments of interest. Most important is, and will always be, the public.

HUMINT is based on TRUST – or FEAR. Good intelligence tends to be more dependant on TRUST than FEAR, since information coming from FEAR more often is utilitarian motivated than information based on TRUST. Now, finally I start to approach my main point. You earn TRUST – difficult to gain, easy to lose. If intelligence, as nowadays more and more intensive, in order to please politically decided goals, primarily is steered by policy; giving answers politicians and other benefactors demand, when these, as so often, mix defending own established position with national security, the result most certainly will be lack of TRUST among those from which intelligence most need it. This might lead to a bad circle: if you cannot have quality HUMINT, you become more and more dependant on SIGINT and other technical measures, all too

unsophisticated to ever replace good quality HUMINT and all too general in their surveillance, to not risk being regarded as threatening also against the trustworthy. Forgetting what so painfully already once has been learned from the Church Committee, the MacDonal Commission, the Lund Commission etcetera, no matter if this alzheimer depends on ignorance or just plain stupidity, not only condemn us to repeat history, but might even force intelligence to base it's future information gathering on FEAR. Not to say what this might mean for analysts, and what kind of analysts we can attract to intelligence.

8. It really is a paradox that what Baader-Meinhof was striving for, but so luckily failed to achieve, Bin Ladin now, with a little help from his former friends, is succeeding to make a reality. As soon as the U.S. was attacked, democracy showed itself to be too poorly internalised to stand up against the attack. And now leaders in Europe, with England and Sweden as pro-runners, are all too eager to learn from the new continent, claiming reasons of national security when it is all about securing own established position. Let's face it: Just take two words – terrorism and national security – combine them, and the whole legal system on national and international level suddenly has gone flip-flop 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 receive total transparency into everyone's life, even into our bedrooms, but no transparency into power. Claim openness, practice secrecy – hypocrisy becomes normality. Hence, 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 utilitaristic hypocrisy and Law autistic process of justification. Then we can at least save our language, and hence give ideas like democracy, the rule of law and human rights a fair chance to survive this dark period.

9. Maybe it is about time to learn 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. Maybe history has taught us, in intelligence as well as in law and politics, that transparency is the only working measure against all our humans' preparedness to, in the name of the good, do the evil. Hence, 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.