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Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

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THE EUROPEAN UNION**

Brussels, 4 November 2004

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NOTE

from : General Secretariat
to : Working Party on Terrorism

Subject : Evaluation of National Anti-Terrorist Arrangements
Report about Sweden, 24-27 February 2004

Evaluation of Sweden, 24 - 27 February 2004

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1. Terrorism Situation

The attacks of 9/11 altered above all the threat assessment in the USA. The reaction of the American leadership has however come to affect Sweden and the rest of the world for years ahead, and has had a tangible impact on the activities in particular of the Swedish Security Service (SÄPO). The cooperation and resultant information exchange with many of the world's security services have increased significantly.

The increased terrorist threat in the surrounding world has resulted in a somewhat - although not significantly - augmented threat of terrorism in Sweden. **NOT DECLASSIFIED**

Sweden has ratified all of the international criminal law conventions for the suppression of terrorism. All acts that constitute an offence within the scope of and as defined in the international criminal law conventions for the suppression of terrorism are therefore criminalized in Sweden.

1.1 Domestic Terrorism / Extremist activities

After several years of unusually high crime rates as regards serious crimes committed in the right-wing extremist White Power¹ circles, such crime now follows a more normal pattern. On the other hand, the left-wing extremist Autonomous Movement² has felt a need to recover after its mustering of strength during the Gothenburg EU summit in 2001. Both the White Power and the Autonomous Movement have yet again come to devote more of their energies to fighting each other.

¹ White Power movement is a generic concept embracing a number of organisations, self-governing local groups, circles of friends and individuals sharing the same right-wing extremist ideology, to preserve a human race consisting of only white, non-Jewish, heterosexual individuals.

² Autonomous Movement is a generic concept for a network of groups and individuals characterised by political currents such as libertarian socialism, anarchism and syndicalism, mainly directed against the state, supranational institutions, multinational companies and concentration of financial power.

1.2 International Terrorism

As regards the fight against international terrorism the Annual Report 2002 of the Swedish Security Service, inter alia deals with the two following aspects.

1.2.1 Vulnerability of Modern Societies³

One key issue to be considered in all SÄPO threat assessments, is the vulnerability of modern societies on the sector of information technology and computer networks. All vital infrastructure nowadays depends on reliable IT support, be it data and telephone communications, electricity, fuel and water supplies, air traffic and railroad control, payments systems, and national and local administration. Since the interdependency between, and complexity of, various systems has also increased, problems in one sector may have repercussions in others.

Subsequently, the threat level nowadays is regarded somewhat higher, as a result of individuals, groups, organisations, companies and states having shown interest in, and capacity to perform, psychological and electronic information operations. The threat capacity and focus of these actors however vary considerably. Moreover, there is currently reason to be aware of various forms of combined threats that may be realised.

³ A 'Bill on the Vulnerable Modern Society' (2001/2: 158) was forwarded to the Swedish Parliament on 14 March 2002. Legislation in the area of information security came into effect on 1 July 2002. A new agency for crisis management, Swedish Emergency Management Agency has the overall coordinating role. The 'Board for Post and Telecommunications' has a 24 hour incident handling function that can receive emergency calls and give advice e.g. on attacks against information systems. The 'National Defence Radio Establishment' will be tasked to establish a technical competence centre that can give support in case of a major crisis, perform red team activities etc. The Bill also describes an evaluation system for Sweden, with the 'Defence Material Agency' as the first accreditation body. Sweden has recently signed the 'Arrangement on the Recognition of Common Criteria Certificates in the field of Information Technology Security' via the 'Swedish Board for Accreditation and Control'. Further review of the structures in this field is ongoing

Increased vulnerability in terms of interception and misuse of systems, however, can be reduced considerably by relatively simple means, if suitable protection mechanisms and strong encryption are used. Thus in Sweden all technology and legislation are moving towards higher demands on the users to protect themselves.

1.2.2 Counter-Terrorism

The Counter-Terrorism Section of the Swedish Security Service deals with combating international terrorism and with the prevention and detection of refugee espionage and other persecution of foreigners in Sweden by regimes or organisations in other countries associated with politically motivated violence.

Within the framework of the international cooperation⁴, acts of violence with foreign political motives shall be prevented, regardless of whether these acts are intended to be committed in Sweden or abroad. Moreover, signatory countries shall be prevented from being used as safe heavens, i.e. protected zones where terrorists can establish bases for national as well as international attacks. This includes cooperation in order to prevent terrorists from being granted asylum under false identities.

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⁴ Cf. UN Resolution 1269 on measures for the combating of international terrorism

There is currently no information indicating that Al Qaeda intends to carry out attacks against Sweden or Swedish interests. Since SÄPO assesses Al Qaeda's capacity to plan, coordinate and carry out attacks still high, as many key leaders are still at large, it cannot be excluded, that especially American, British or Israeli interests in Sweden may constitute targets for supporters of the network.

2. Structure of Authorities

2.1 General Situation

In the 17th century, Sweden was a Great Power in Europe, with a territory that extended almost all the way around the Baltic Sea. Since 1814, however, Sweden has lived in peace, which has been the most important prerequisite for the build-up of the modern Swedish welfare state.

During the 20th century, Sweden evolved quickly from a poor agrarian country to one of the world's strongest industrial nations, owing to its natural wealth of forests and ore, as well as to its ingenious inventions and an entrepreneurial tradition.

Sweden has 9 million inhabitants. It is a constitutional monarchy, in which King Carl XVI Gustaf is head of state, but royal power has long been limited to official and ceremonial functions.

The nation's legislature is the Swedish Parliament. In 2002, an agreement was reached on the following description of Swedish security policy: "The aims of Sweden's security policy are to preserve our country's peace and independence, contribute to stability and security in our vicinity and strengthen international peace and security."

Sweden pursues a policy of non-participation in military alliances. This security policy, making it possible for the country to remain neutral in the event of conflicts in its vicinity, Sweden has reported to have served well.

Sweden is also very active in international peace efforts, especially through the United Nations, and in support to the Third World.

During the 1990s, initiatives were taken to establish a new police organisation - a community police service, with officers who are acquainted with the area in which they operate and who work in partnership with the local community. Activities are dealt with in a problem-orientated manner, i.e. with a focus on the more direct causes of crime and public disturbances. Community police officers maintain a regular exchange of information with other public agencies in their area, such as schools, social services etc.

According to the Population Registration Act (1991:481) all Swedish citizens must have a social security number which serves as an identification number. A person who has once been given a personal identity number retains it for life. The personal identity number has become widely used as an identity code not only in population registration but also in other administrative areas, e.g. for taxation, as a conscript number, for national insurance, driving licence and passport registration, and in the education system. The personal identity number in its current form dates back to 1967.

A national mandatory identification document does not exist in Sweden.

2.2 Governmental and Security Structure

Sweden is a parliamentary democracy with a large number of authorities on national level under the control of the Government. Since the Government cannot provide detailed control of the authorities, they are controlled by laws and regulations, and through the Government's distribution of funds, setting of targets and follow-up of results.

On regional level, there are authorities under the control of the Government and 21 country administrative boards), as well as popularly elected county councils, the latter are responsible for health care.

On local level, there are 290 independent municipalities, responsible for much of the services to the citizens, e.g. schools, care, water supplies and rescue services.

The Swedish judicial system is taken to comprise the agencies responsible for ensuring legal security and the rule of law. The courts form the basis of this system. Agencies for crime prevention and investigation, i.e. the National Police Board including the Swedish Security Service and the National Criminal Investigation Department, the Office of the Public Prosecutor, the Swedish National Economic Crimes Bureau and the Prison and Probation Services are also part of the judicial system. Other public agencies, such as the enforcement services, also have tasks connected with the judicial system.

The Police is one of the largest public agencies in Sweden, with over 24.000 employees in one organisation that operates at the national and local levels.

Different from other EU Member States where public authority such as security and intelligence services answer directly to a Ministry, and a Minister can make the final decision in operative issues, Sweden has another tradition with public authorities that are completely independent from Ministerial influence in individual cases. General regulations and guidelines are however issued for each public authority through the General Approval Document (GAD) on appropriations, signed on behalf of the Government by the Minister responsible.

Ad hoc intermediate decisions to whatever authority are possible, though extremely seldom, and need a common decision of at least five Ministers.

3. Conclusions

The modernisation of the judicial system is an important issue for the Swedish Government. The aim of the qualified and efficient system is to guarantee the legal security and statutory rights of the individual. A comprehensive reform of the judicial system has been underway for a number of years.

3.1 Good Practices

3.1.1 Phone Call Analysis System

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3.1.2 SÄPO as Security and Law Enforcement Service

All SÄPO participants, be they from the counter-terrorism or the protection units reported a close, experienced and trustful cooperation with all national and local agencies. This coordination is based on good personal contacts, supported by the fact, that SÄPO is part both of the Security Service and Law Enforcement system too. This has been stressed as very good practice. No problems concerning the exchange of information, especially referring to investigations have been mentioned.

This was confirmed by the Stockholm Police participants.

3.1.3 Use of Evidence / Intelligence at Court

The Court is free to decide on the use of evidence, even intelligence provided by the Security Service. Excluding rules do not exist.

3.1.4 Swedish Emergency Management Agency (SEMA)

The Swedish Emergency Management Agency works together with municipalities, county councils and government authorities, as well as the business community and several organisations, to reduce the vulnerability of society and improve the capacity to handle emergencies. It also coordinates the planning, resource allocation, follow-up and evaluation of work within the area of crisis management. In addition, it collects knowledge through horizon scanning, strategic analyses and research to develop society's emergency management. However, SEMA does not operate a permanent national crisis centre.

3.2 Recommendations

3.2.1 National Crisis Centre

Swedish authorities should reflect about a national alert system, and whether to operate a national permanent crisis or situation centre, with internal links to all relevant domestic security bodies and as a permanent point of contact for other Member States, to duly be prepared for international cooperation in case of a terrorist attack.

3.2.2 Special Surveillance Technique

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3.3 EU / International Level

3.3.1 Third-Party Rule

Similar to other Member States, discussion took place on the Third-Party Rule, according to which intelligence and information provided by a security service may not be shared with another addressee without the consent of the originator.

The Swedish view is that the third party rule is a ground rule, but that the information received may sometimes be difficult to be used as evidence.

3.3.2 UN-Lists

After 9/11, the financing of terrorism has become an important topic. However, the identification data on the UN (and other) lists distributed to freeze assets of suspected individuals, is sometimes incomplete and thus difficult to manage when it comes to ensuring that a name on the lists is matching with an identity.

Given the fact that this problem could not be solved at national nor at EU level, the appropriate EU bodies are requested to bring it to the attention of the UN level.