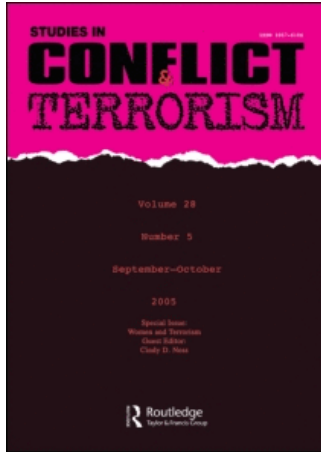


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The Grey Threat: Presence of Jihadist Terrorism and Failings in the Portuguese National Security System

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This article starts by establishing a link between the nature of the threats created by jihadist terrorism and global organized crime and the investigation model used by Portuguese intelligence and police entities to detect and eliminate them. The visible manifestations of jihad terrorism and related organized crime recorded in Portugal since 2001 are also documented. The article goes on to analyze most recent theories produced on the importance of intelligence work and criminal investigation in combating these threats. On this basis, the article raises the hypothesis that Portugal's capacity to confront these threats has been dangerously weakened by the investigation powers constraints and conflicts of jurisdiction in the national security system, the lack of effective coordination in the whole system, and delays in the necessary reforms for over a decade.

Introduction

Being the westernmost country in Continental Europe, a full member of the European Union and gateway to the Schengen space, Portugal, a State of Law and a parliamentary democracy since 1976¹ has a unique geostrategic position. Easy access to its national territory from North Africa and South America together with the attraction of the European Union, render Portugal particularly vulnerable to threats from illegal immigration, organized crime, and, in particular, from *jihadist* terrorism.

In fact, its geographic situation makes Portugal a particularly vulnerable point in the struggle that, according to Arjun Appadurai,² anthropologist and author of *Fear of Small Numbers*, is currently being developed between vertebrate structures, nation-states “organized through the central spinal system of international balances of power, military treaties, economic alliances and institutions of cooperation,”³ and cellular structures in the form of “new terrorist networks, connected yet not vertically managed, coordinated yet remarkably independent, capable of replication without central messaging structures, hazy in their central organizational features yet crystal clear in their cellular strategies and effects,” and supported “on the crucial tools of money transfer, hidden organization, offshore havens and nonofficial means of training and mobilization (. . .).”⁴

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The Portuguese state combats *jihadist* terrorism and transnational organized crime through its national security investigation system—of which the intelligence services are a crucial part.

From a legal and organizational point of view, the national security investigation system is formed by entities with jurisdiction and power to conduct prospective or pure investigation, intelligence services, and entities with the same attributes to conduct criminal investigation, the police services and departments, and the judicial bodies. The Portuguese system includes: Security Information Service (SIS) and Strategic Defense Information Service (SIED), intelligence services, and respective Secretary General, the Public Prosecution,⁵ the Secretary General of the Coordinating Office for Security (COS),⁶ the Foreigners and Border Control Service (SEF),⁷ the Judicial Police (PJ),⁸ the Public Police Force (PSP),⁹ and the National Republican Guard (GNR).¹⁰

The current Portuguese Republic Intelligence System (SIRP) is a subsystem of the national security investigation system; it comprises the Secretary General, with Secretary of State status, who is responsible for the strategic and operational coordination of the services and its operations, the SIS, in charge of internal intelligence, and SIED whose jurisdiction is to obtain intelligence from abroad.¹¹

With the exception of the figure of the Public Prosecution, whose scope is guaranteed total independence by the Constitution, all these services come under the tutelage of the Government.¹²

This article starts by establishing a link between the nature of the threats created by *jihad* terrorism and global organized crime and the investigation model used by Portuguese intelligence and police entities to detect and eliminate them.

The current investigating model is the only possible response Western states can provide to the threats placed by an enemy “(. . .) named as a global terrorist network, itself linked by shadowy mechanisms to nameless other such networks with tentacles throughout the world (. . .),”¹³ and takes place in situ through a continuous search for signs, actions, and crimes—such as passport forgery and purchase of explosives in the legal market—that can be related to terrorist activities.

At this level the article intends to show the visible manifestations of *jihad* terrorism and related organized crime recorded in Portugal since 2001, paying special attention to the most serious and specific actions in the Portuguese scene: mass forgery of the national identity card, convenience marriages between Portuguese women and Muslim citizens illegally living in the European Union, as well as the existence of poorly controlled, clandestine mosques.

The article goes on to analyze most recent theories produced on the importance of intelligence work and criminal investigation in fighting these threats. On this basis, the hypothesis is raised that Portugal’s capacity to confront these threats has been dangerously weakened by the constraints and conflicts of jurisdiction in the national security system, the lack of effective coordination in the whole system, and delays in the necessary reforms for over a decade.

As for this last item, considered of utmost importance, the article will especially emphasize the fact that the aforementioned anomalies in the security investigating system may be related to violent actions of political repression, based on intelligence and police data, played by the authorities during the fascist dictatorship that the country was subject to from 1928 to 1974. This may have caused among the current political class a “rebound effect,” unique to Western states, toward each and every matter related to national security, thus disabling some essential capabilities of security entities.

The Interlocking Cog-Wheels Model of Investigation

There is some consensus among theorists and experts that the structure and modus operandi of the entities involved in *jihadi* terrorism since 2002 has required the security systems in Western states to create new investigation models.

To Appadurai, “the new sorts of cellular political organization (represented by Al Qaeda), the increasing reliance in asymmetric warfare of violence against civilian populations, the growth in the tactic of suicide bombing (. . .)”¹⁴ demand one “to ask yet a new set of questions.”¹⁵

Olivier Roy, professor of the French School of Advanced Studies in Social Sciences, and a scholar in Islamism, defends that “Al Qaeda is an international organisation, even though its centre till 2001 was in Afghanistan. Its local networks were built with the aim of targeting a specific objective and organised around ‘hubs’(. . .)” and its militants “operate globally.”¹⁶

Magnus Ranstorp, a Swedish counterterrorism expert, considers¹⁷ that “the constantly adapting and evolving nature of Al Qaeda ‘classic’ into a decidedly asymmetric, fluid and self-organizing galaxy of a ‘global salafist jihadi’ insurgency,” confronted the Western states with “the power of asymmetric constellations of small groups of de-territorialized and transnational networks driven by an exclusionary ideological subculture, capable of remarkable adaptation, self-healing, dispersal, reassembly and innovation.”¹⁸

Ranstorp believes the nature of the current Al Qaeda has had the result that “in many ways it has been a fantastically sharp learning curve for the international community and especially the intelligence services in staying side by side with this global trans-national threat. Many battles have been fought and won but we are in many ways in danger of losing the overall war.”¹⁹

Bruce Hoffman, a leading authority on terrorism, notes that “the al Qaeda movement today is best described as a networked transnational constituency rather than the monolithic, international terrorist organization with an identifiable command and control apparatus that it once was (. . .). The current al Qaeda therefore exists more as an ideology that has become a vast enterprise, an international franchise with like-minded local representatives, loosely connected to a central ideological or motivational base, but advancing the remaining center’s goals at once simultaneously and independently of each other.”²⁰ So, “the result is that today there are many al Qaedas rather than the single al Qaeda of the past.”²¹

Just like Ranstorp, Hoffman insists on the degree of Western states’ ignorance of the main perpetrators of the threat: “what remains missing four and a half years since this war began is a thorough, systematic understanding of our enemy: encompassing motivation as well as mindset, decision-making processes as well as command and control relationships; and ideological constructs as well as organizational dynamics.”²²

Under these circumstances, the working model²³ used in most Western states in the fight against *jihadi* terrorism, and which the Portuguese intelligence and police entities adopted, is that of “detecting and following the signals so that all the cog-wheels in the mechanism are interlocked.”²⁴

In other words, the practice adopted is to investigate until one cog-wheel, the reason behind a suspicious action by a Muslim, fits another, the reason behind a previous or subsequent action by the same or other Muslims also under surveillance or who will be under surveillance from now on. The model is based on the principle that any behavior of a Muslim, of an Arab or European ethnic origin, with or without Western nationality, that indicates—is a sign of—a connection to a direct or indirect act of terrorism anywhere in the world should be monitored.

Therefore, the model for research and analysis of *jihadist* terrorism focuses on three types of target.

The first is made up by Muslims born or living in the West who, for various reasons ranging from involvement in crime to existentialist voids, do not feel integrated in their respective societies.

The second is composed of “itinerant” Muslims, usually illegal immigrants from Middle Eastern countries, North Africa, and Asia. According to the data compiled by the various Western services, a terrorist cell can spring up out of nothing in any country, formed either by members who immigrate from one country to another, totally unknown and consequently without reference, or by others without a history in terrorism and who normally remain in an “underworld” involving precarious employment, illegality, and crime. These Muslims can start some activity on their own initiative or be contacted by a terrorist living in another country that sees them as being in the right place, at the right time.

The third type of target includes the sleepers.²⁵ These people are perfectly integrated in their communities in their Western countries of adoption, and they manifest no sign of intolerance or of advocating “jihad” principles. However, reports repeatedly suggest that one day they are given a sign and subsequently they give all their support or organise an attack themselves. When the services investigate the past of these men after an event, they always find one obvious sign. Either they had a relative who performed a suicide attack or they attended a fundamentalist school, or they had some kind of slip-up.

The Importance of the Instrumental Crimes

The working model comprises the investigation of a group of acts practiced by the targets indicated earlier, in various locations around the world, with different degrees of visibility, which, at a given moment can contribute toward carrying out an act of terrorism.

Investigators’ experience suggests that the direct planning of an attack is just one manifestation of *jihadist* terrorist activity. Theft or forgery of identification documents in Lisbon can be considered another component if destined for terrorists who need them in Rome. The same is true of the indoctrination taking place at a clandestine mosque in Portimão²⁶ that could serve as a recruitment center for Moroccans who will carry out an attack in Brussels. Also, a credit card may be “cloned” in Oporto²⁷ to finance the purchase of a weapon in Seville.

The investigation is therefore focused on three broad and strongly interlinking areas: instrumental crimes, financing of terrorism, and propaganda of *jihadist* ideas and the recruitment of militants, supported in particular by communication platforms like the Internet.

The priority work of the investigation is in “instrumental crimes,” as for instance illegal purchase or theft of weaponry and explosives, theft and forgery of identification documents, mobile phone cards, credit cards, illegal immigration and people trafficking, because they serve directly some of the operational interests of the terrorists.

The main aim of investigators working on instrumental crimes is to detect an activity of this kind—for example, the acquisition of a number of stolen or fake passports—and discovering that it is more than just a criminal activity but indicates the preparation of a terrorist act.

The Visible Manifestation of the Threat in Portugal

At this level, the Portuguese front of the war against *jihadist* terrorism was activated in response to the action of Eddin Barakata Yarkas, also known as Abou Dahda.²⁸ A Spaniard

of Syrian origin, he was under surveillance in Spain because it was suspected that he belonged to “jihad” organizations. Immediately after 11 September 2001, the United States took the unprecedented step of starting to release much of the information available on the *jihadist* organizations and on Al Qaeda in particular.

Yarkas was named as the organization’s main contact in Spain. The intelligence services added this information to what they had on file from previous years and tightened their surveillance. Soon after, in November 2001, Yarkas was arrested along with six other Muslims who were also accused of cooperating with the global network inspired by bin Laden. This was soon followed by the release of information by the Spanish authorities, which had been collected mainly from telephone calls made by Yarkas, registered in his various mobile phone cards and from a precious list of telephone contacts. This list of registered calls and contacts was used to reconstruct the organization chart, or part of it, of the cell or cells operating in Spain, the South of Europe, and North Africa.

The piece of information given to Portugal and handed to the SIS and to DCCB²⁹ was both reassuring and yet unsettling, because Yarkas had never spoken to Portugal, but was in possession of various mobile phone numbers of North Africans settled in Portugal, in particular Moroccans and Algerians, nearly all of whom lived in Greater Lisbon.³⁰

The SIS, SEF, and the DCCB used this information together with what they already had and, separately, started their preliminary investigations in the field.

The public visibility of these investigations came with the arrest of part of a network of Algerians in March 2003 in a joint operation by the SIS and SEF in Lisbon³¹ and Quarteira.³² The group consisted of 13 men and their illegal activities included forgery and the use of false documents, more specifically passports, ID cards, and credit cards. Some of the men, namely those going by the names of Oulhaj and Sassi, had a long history of links with *jihadist* groups all over Europe and were well known to the English and German authorities.³³

The investigation of the part of the network identified by SIS and SEF, prosecuted by DCCB, resulted in the subsequent detention of Sofiane Laib, a 25-year-old Algerian citizen, who, in 2004, was sentenced to three and a half years imprisonment for forgery and use of false documents,³⁴ but none of the accusations of terrorism were proved.

However, the documents prepared by SIS and DCCB together with the information provided by the English and German authorities, clearly showed that Laib had lived in Hamburg between 1998 and 2001, and was very close to Atta and other North African nationals involved in preparing the 11 September 2001³⁵ attack.

In fact, Laib and Atta lived together in Hamburg in an apartment rented by Atta between 1998 and 2000, where 29 other Muslims also lived during this period. The files also indicate that Laib knew and had a close relationship with Tunisian national Ben Yamin Isaak—one of the Muslims in Atta’s inner circle.

In the following years, Laib and Issak maintained this bond and even met in Lisbon where the Tunisian lived on various occasions.³⁶

Issak, who was in possession of a false Portuguese National Identification Card, was arrested in January 2003 in the house of another Algerian in London in a nationwide operation carried out in the United Kingdom. He and a further 25 Muslims were accused of conspiring to terrorism.

During the subsequent interrogation, Issak himself confirmed that he had had further contact with Laib after Hamburg in a number of European countries, and confessed that he had maintained his friendship with Mohamed Atta.

The investigations started by Portuguese in 2002 on the North African networks are still in course, together with those of the Egyptian and Pakistani networks with regular presence in Portugal, because their members are the main suspects of instrumental crimes connected to *jihadist* terrorism and of links to organized crime.

The SIS even dared recently to write³⁷ that “the transnational Jihadist networks are a real threat for Portugal today. Persons have been detected in this country (...), who are suspected of belonging to terrorist cells in other European countries and of being involved in recruiting for and preparing terrorist attacks.” The SIS also guarantees that “they continue to find the possibility of logistic support activity for people suspected of being involved in terrorist activities and that they come to our country in search of false documents, funding, and temporary retreat. A significant percentage of those suspected of involvement in logistic support are simultaneously actively involved in criminal activities such as drug trafficking, burglary, theft of documents, credit cards and mobile phone as well as assisting illegal immigration.”

The Portuguese National Identification Card as a Special Trophy for Jihadist Cells

One of the most worrying crimes for the Portuguese security services seems to be illegal immigration given that the networks—made up of Algerians, Moroccans, Egyptians, and Pakistanis—control a countless number of citizens working illegally in Portugal, who are dedicated specifically to drug trafficking, forgery of credit cards and mobile phones and identity documents.

In 2005, SEF opened 307 processes for the investigation of networks of illegal immigration and forgery of documents, which was 19 percent more than in 2004.

However, in the specific case of Portugal the most serious criminal phenomenon is the theft and forgery of identity documents, because Portugal has a special vulnerability in the global sub-world of false documents: the beige plastic-covered card, in other words, the famous Portuguese national identity card.³⁸

The typical Portuguese ID card has attracted counterfeiters from all over the world because it is easy to counterfeit—being technically obsolete, still only a piece of plastic-covered paper that uses none of the available technological resources such as biometrics—and it is a document of a Member State of the European Union.

The various initiatives undertaken by the government to make the card more “contemporary,” introducing security technologies used in some credit cards for example, have come up against the financial constraints of the state and controversy surrounding the protection of personal computerized data. Nevertheless, it is foreseen that the Portuguese will be obliged to have a new ID card in 2008 that is more in keeping with the times.

A number of networks have been uncovered pretty much everywhere in the world and citizens from the most unimaginable countries turn up at border crossings every day brandishing the little brown card.

In May 2006, quite a large network was detected in Spain using Portuguese ID cards. The network, with a central nucleus of 17 people, was operating in Madrid, Barcelona, Saragossa, Seville, and Granada and had put hundreds of counterfeit identity cards into circulation. The main clients were North Africans and South Americans who were willing to pay between 500 and 1000 euros for a card that is considered an acceptable price on the black market. Another network was uncovered in July this year in Spain, more specifically near Barcelona, made up of forty-four people. Another strategy of the North African and

Pakistani networks is “white marriages”: in exchange for payment—between 1500 a 3000 euros— female Portuguese citizens agree to marry illegal foreigners who then become entitled to Portuguese nationality, thus being able to circulate as a citizen of the European Union.

Research has proved that these marriages are the final step in the strategy of at least two distinct kinds of organization. One is formed by small groups of immigrant Muslims—particularly Algerians and Pakistanis—who seek out prostitutes, drug addicts, and young women in financial difficulties in cities, who will agree to marry. The second is formed by criminals from the drug world who have extensive knowledge of girls with the right profile for this operation.

On the other hand, the most cooperative women do not just marry in Portugal, they also take advantage of their EU status for traveling to Spain, the United Kingdom, or other European countries for the ceremony. The SEF investigators have identified several networks involved in the business and keep them under surveillance as far as possible. They also take preventive action in the registry offices and with the women involved. One of the investigators says today that “one of the most serious consequences of this investigation and others which are ongoing, is that the immigrants and the intermediaries start to put pressure on the women that refuse to sign the papers, sometimes using violence.”³⁹

The use of “white marriages” that goes on in Portugal is one of the phenomena that the SIS, SEF, and PJ currently follow most closely.

The Danger of the Illegal Sale of Explosives

The Portuguese investigators were confronted with the threat of the illegal buying of explosives by terrorists in October 2004, when the Spanish authorities shared information⁴⁰ that a *jihadist* cell intended to buy explosives in the Bragança area,⁴¹ for use in an attack against the *Audiência Nacional* (National Court) in Madrid.

The national trade in explosives is very dynamic but little controlled because of the high number of clients, particularly in the building industry and in quarries. The investigators believe that tax evasion and the carelessness of authorities when authorizing storage and commercialization have made it easy to acquire this kind of material. In March 2005, PJ carried out an operation in Northern Portugal, between Bragança and Viseu, in four warehouses of one of the largest companies in the business, “*Moura, Silva e Filhos*,” and seized 785 kilos of explosives of which there was no record in the company’s systems. These included 70 kilos of Goma 2 Ecco, often used by terrorists. According to a PJ officer, the operation “was above all a sign to explosive dealers that they could no longer act with impunity.”⁴²

However, it does not seem to have had a great effect, because in February 2006, again in the North, this time in Valpaços, the PJ conducted an operation in which they seized another 260 kilos of illegal explosives, gelamonite 33 type, which can be perfectly adapted for terrorist purposes, and imprisoned three people. According to information made available, since then this illegal trade has declined but has not disappeared.

The Portuguese Node Terrorism Funding

At this moment, to Western security entities, the most important aspect of the investigation is always to track down sources of financing and their distribution channels. Therefore, the

work of the authorities is concentrated on monitoring the circuit of money that finances *jihadist* terrorism and that is carried out in very complex ways.

The main sources of this circuit are the programmed deviation of funds from Islamic charity organizations, the creation of fictitious companies, and the channelling of proceeds from crime. The distribution channels are based on alternative international systems of money transfer, legal or illegal, on the “invention” of documentation resulting from fictitious commercial activity, on the Western financial system and the use of human couriers. Numerous mechanisms are used, ranging from over-invoicing in commerce to traditional money laundering and using off-shore paradises.⁴³

In this line of work, the SIS warned that in 2005 and 2006, “fresh signs of financing activities for radical organizations and extremist groups operating outside of the territory, namely in the Indo-Pakistan region, have also been detected,”⁴⁴ especially connected with “redirecting money obtained illicitly and the deviating of income from charitable organizations.”⁴⁵

Clandestine Mosques in Portuguese Territory

At another level of investigation—the series of operations essential to the formation of a cell or the carrying out of an attack—particular attention is focused on the existence of places of worship with restricted access, to the circulation of propaganda related with extremist ideals, the recruitment of novices, and the dissemination of activities, propaganda, and communications via Internet or by voice, image, and data communication networks.

One line of work being followed up intensively is the discovery and surveillance of websites, blogs, and chats; the services have concluded that these have not only been essential to the spread of *jihad* ideals and attracting new recruits, they were also created or managed by important members of the radical community, sometimes known only to a small group of novices or with a discreet profile.⁴⁶

The dissemination of ideas and the recruitment of militants in physical spaces is also a priority field of investigation, and the authorities pay special attention to monitoring mosques and smaller, informal places of worship, and any act that may indicate the adoption of radical ideology, or the display of extremist attitudes by a Muslim.

This aspect of investigation has taken on increasing significance due to the fact that the perpetrators of the Madrid and London attacks, as well as the aborted attack in London in August 2006, were members of the Muslim community living in the West.

In Portugal, confidential information produced by SIS and DCCB reveals a highly unnerving phenomenon: the setting up of clandestine mosques attended by Muslims on the move in Europe. They are the latest wave of immigrants that began in the 1990s and are made up of men and women from Pakistan, Egypt, North Africa, and Bangladesh. Although they have no links with Portugal, they are spread all over the country, although predominantly in the main cities, and they have no ties with the central community.

Members of these communities have made attempts to start clandestine mosques, often in the rooms of boarding houses where they worship along with people who are professionally exploited and are also targets of racism, and those marginalized by their own community, that may be some of the most susceptible to *jihadist* recruitment.

According to one report, mosques of this kind have been detected recently in the Algarve, in Odivelas and on Lisbon’s south bank.⁴⁷

This data is more reassuring when it comes to the national Portuguese Islamic community, 30000 members, mainly Sunni Muslims, of which the first generation came from Mozambique and the second was already born in Portugal.

Reports so far indicate that they have never shown any visible interest or sympathy for extremist ideas, and, living in and around the Greater Lisbon, have known places of worship.

Other Signs of Threat

The information of the Portuguese security services obtained by the author demonstrates that the work of the aforementioned networks is only a small part of the hypothetical *jihadist* terrorist presence in national territory and that a number of disquieting signs have been detected.⁴⁸

For example, in May 2004, on the eve of the European football championships, held in Portugal, eleven North Africans were expelled from the country, some of whom were suspected of being linked to the cell responsible for the death of Dutch movie director Theo Van Gogh in Amsterdam in 2003.

In fact, Moroccan citizen by the name Noureddine—who shared an apartment in Amsterdam with Mohamed Bouyeri, charged as the main suspect in the murder of Van Gogh, and was arrested by the Dutch police after the attack—was a member of this group.

A paragraph of a text written by magistrate and former director of the SIS between 2001 and 2003, José António Teles Pereira, summed up the threat of *jihadist* terrorism in Portugal: “Our country is in a kind of ‘grey area’; at best one can say that it is not so ‘close’ to the problem that there is a strong probability of attacks; but it is also not so ‘far’ inasmuch as it is considered a marginal possibility.”⁴⁹

Structural Weaknesses in the National Investigation System and the War on Terrorism

It is not only the danger of Portugal being a target for a *jihad* terrorist attack that is in a *grey area*, to use Teles Pereira’s expression. In fact, although the information disclosed earlier proved that the Portuguese intelligence and police entities are actively fighting *jihad* terrorism and organized crime, this does not necessarily indicate that they do so effectively. In fact, in carrying out their mission, they do not have access to the same tools, executive directives, and political and social support as their Western counterparts. If one considers the analysis of the few experts in Portuguese security, political, and ideological conjuncture since 1974, which will be examined in detail later on, has meant that the investigation system of Portuguese national security is characterized by a set of decisive weaknesses, particularly related to investigation power constraints, conflicts of jurisdiction, and lack of effective coordination in the whole national security system.

A context of this kind is particularly dangerous in the fight against *jihad* terrorism and related organized crime, given that, according to the predominant theory, intelligence work and criminal investigation are vital to potentially contain and eliminate such threats.

As Appadurai writes, the global world nowadays is one of “unilateral and perpetual war and long-distance democratization, unveiled by the United States in Afghanistan and Iraq after 9/11, and the world of long-distance terror, unleashed by Al Qaeda, and others against the West in the same period.”⁵⁰

Brian Michael Jenkins, senior policy analyst and counterinsurgency and terrorism expert at Rand Corporation, writes that “the jihadist enterprise is the prototype for the amorphous and criminal networks that will figure prominently in the 21st century. Therefore, we must seek not only to destroy the jihadist enterprise, but to develop the skills, institutions, and relationships that will be necessary to conduct a global war against non-state actors.”⁵¹

One of the tasks that Jenkins underlines is “enhancing domestic intelligence collection and analysis capabilities” and the urgency of creating “networks of horizontal and vertical collaborative relationships between intelligence and law enforcement agencies.”⁵²

Michael Herman, a leading British authority on intelligence, is even more specific, writing that “in pointing to its crucial importance, the events of 11 September highlight intelligence’s fundamental but often latent role: contributing to the defence of national integrity and the fabric of government itself, or at least of government whose values include protection from terror and violence”⁵³ and stressing that “intelligence will now have a special status (...) as principal defence against mass murder.”⁵⁴ Hoffman considers that “more and more, the measure of success in the war on terrorism is defined as the ability of intelligence agencies and law enforcement organizations to prevent, preempt and deter attacks”⁵⁵ and, referring to the religiously motivated terrorist movements, warns of the difficulty of the task when he stresses that “in terms of the countermeasures that the government, military, police and intelligence and security services can employ against these new types of adversaries, the first and most immediate challenge is simply identifying them,” given that “these ethereal, amorphous entities will often lack the ‘footprint’ or *modus operandi* of an actual, existing terrorist organization, making it more difficult for intelligence, law enforcement (...) to get a firm idea or build a complete picture of their intentions and capabilities (...).”⁵⁶

Roy is even more abrupt when he states: “the passage of Islam to the West and the globalization of Islam make most of the representations that founded policies towards the Middle East, Islam and terrorism irrelevant,” while recalling that “most Al Qaeda operatives who have been arrested were caught through classical police and intelligence means, not as a consequence of a military campaign.”⁵⁷

The Portuguese State as an Outsider of the Contemporary Strategic Reality

Due to historical and political constraints and the lack of support from Government and society, the Portuguese intelligence and police entities seem to be excluded from the aforementioned strategic reality. To start with the limitation of powers, the interception of telephone and Internet connections, commonly called “tapping,” has loomed for more than twenty years as one of the biggest political, legal, and social taboos in Portuguese society, and periodically the focus of intense theoretical and media controversies.

Portugal is the only Western state in which spies are not allowed to intercept telephone and Internet connections, which are generally considered an essential weapon of national security.

The arguments presented by the States to defend the importance of the interceptions are related to the fact that complex criminal and terrorist organizations tend to use telecommunications and Internet to set a series of acts and operations into motion, and an interception can guarantee in seconds what would otherwise take months or years to obtain. Teles Pereira warns of the “need for a growing political investment in improving the means legally open to the services for operation (...). In this context—and because it represents one of the greatest operational weaknesses of the Portuguese services, unparalleled among its European counterparts—the question of being able to intercept communications must be tackled seriously (...).”⁵⁸

However, this appeal has never been considered in the last twenty years. The last of the rare occasions on which a Portuguese politician expressed himself against this was in 2001. Alberto Costa, who had been Minister of Home Affairs (MAI) in 1995, defended⁵⁹

that “there was a significant imbalance between the powers given to PJ in the investigation phase prior to criminal proceedings and those which are legally available to the intelligence services.”

The then Member of Parliament went on to say “it is indispensable to extend these powers to the intelligence services, and any abuse of these powers would be avoided by allocating a judge to the services to analyze the requests for tapping.”

In fact, he has never spoken of the matter again since José Sócrates⁶⁰ appointed him Minister of Justice. Nor in fact have any of his government colleagues, just like the other members of the governments, over the last twenty years.⁶¹

Forbidding the interception of communications is just one of the constraints that are imposed. In fact, Portuguese services must also cope with not being able to obtain ongoing and productive collaboration from essential State entities such as the services involved in banking and tax supervision. Yet again, it is Teles Pereira who warns that “(. . .) other entities should have the effective duty to collaborate with the intelligence services; although this is generally spoken about (. . .), in practice it does not happen because there is no specific law for that purpose.”⁶²

The Conditioned Use of the Recruitment of Sources and Undercover Work

In this scenario, it is the intelligence services that are most affected, as they are reduced to the process of recruiting sources and doing undercover work, a small part of the essential powers necessary to fulfill their mission to collect the best truth effectively.

However, some failings have stained the positive results obtained even in this pivotal sector for spying.

In the field of sources, the two Portuguese services do not seem to have taken into consideration the analyses of various specialists over the last decade, as they continue to prefer their senior staff to come from the police and armed forces, or from other public departments.

They completely ignore people of African, Arab, Slav, and Chinese origins as well as Muslim and Orthodox believers who completed their studies in Portuguese schools, sometimes in higher education, have adopted some of the national values and are perfectly integrated into society, and could obtain information much more easily and recruit informers in important circles such as terrorism, illegal immigration, and organized crime.⁶³

At the level of undercover work—through surveillance operations, or by infiltration—the value of a service lies in the ability to obtain decisive information about states, entities, organizations, or people who intend to keep their aims and activities in secrecy.

In Portugal, SIS and SIED have to “cover up” their “undercover operations,” as they have no explicit legal coverage for this kind of work⁶⁴; which is totally different from what has been happening for decades in most Western states.

Rui Pereira, Law scholar, former head of SIS between 1997 and 2000, and Interior Minister since June 2007, starts by warning that “(. . .) The Portuguese Legal System only provides for undercover operations in the context of criminal investigation and with the direct or indirect intervention of the Judicial Police.” Meanwhile, the Law scholar guarantees that in spite of the national legislation, “it should not be concluded however that undercover operations are purely and simply forbidden in the scope of intelligence services operations. Such a conclusion would be dramatic for an activity that is based to a great extent on ‘undercover operations’, which are crucial to gather information.”⁶⁵

Having clearly defined the problem—which is only a problem in Portugal if we use Western states as our reference—Pereira tries to explain as clearly as possible how this power is used by Portuguese spies: “(...) Obviously, nothing prevents an intelligence agent from concealing his identity to collect data on a terrorist organization or to obtain information through one of its members (...).”⁶⁶ Therefore, Pereira feels it should be explained that “the action of an undercover agent who carries out executive acts of crime can generally be justified by the law of necessity (...). If, for example, an intelligence agent can only gain the trust of a terrorist organization and prevent the perpetration of attacks by giving it false documents, his actions would be justified by the law of necessity (...).”⁶⁷

In other words, the now Interior Minister argues that the use of the fundamental power of spying is limited in the case of Portuguese spies and it should be used with every caution because it may harm the service and the agent himself.

Pereira recognizes just how serious the situation of the Portuguese services is and warns that “given the above, it is reasonable to conclude however that the undercover operations conducted by the intelligence services are the best solution provided by the law. On this matter, silence can have two undesirable effects: the inexistence of protection of the State when facing great threats to its internal and external security; or the temptation to interpret silence as an authorization to do everything.”⁶⁸ In addition to this nevertheless limited power, as mentioned earlier, of cultivating sources and conducting undercover operations, there are few other powers and capabilities that the Portuguese services can draw on. One of these is the use of “reserved funds”; in other words, funds to finance operations, informers, or for the acquisition of advanced technology in the areas of tracking, detection, and other crucial aspects for their work that do not need to be registered in the budget, thereby avoiding public scrutiny. It is international cooperation that currently plays a key role in completing the capabilities of the Portuguese investigation entities. Portugal has been benefiting considerably from the information of its peers, especially those from Spain, Italy, the United Kingdom, and North African countries. Also, through Europol, the European Union already has a system that selects and analyzes information from member countries and subsequently sends it without any restrictions to the interested parties, including Portugal.

A Lack of Effective Coordination of All the Components of the Investigation System

The investigation system of Portuguese national security is also characterized by a set of decisive weaknesses related to the conflicts of jurisdiction between its various services. This gives rise to negative competition between them for information and its subsequent dispersion. Essentially, the center core of the problem is that all services in the system focus on the same kind of targets and on the same dimension of reality. With few exceptions, in addition to seeking to fulfill their mission as best they can, they also try to obtain maximum control of the national security area.

The following practical example explains this phenomenon more clearly than a straightforward analysis: To control the threat of *jihadist* terrorism in national territory, the Security Investigations Service (SIS) must be attentive to contacts that foreign Muslims, for example, from Pakistanis who have just entered the country illegally, make with members of the Muslim community in Portugal. Obviously, this field of work is first and foremost that of the Foreigner and Border Control Service (SEF). However, the *DCCB of the Judicial*

Police (PJ) can always claim they are keeping a member of the Portuguese community under surveillance who was in contact with the illegal Pakistani, and therefore open an investigation on the two. To complicate things even further, it is known that the secret circulation of money is a key characteristic of contemporary terrorism, due to the need to finance cells and activities; therefore, PJ's central direction responsible for financial crimes⁶⁹ will also have jurisdiction.

But the Pakistanis may well be thought to be selling drugs as this is very common; in this case, they will be investigated by PJ's central direction for drug trafficking, or by the criminal squads of the Public Police Force (PSP) or the Republican National Guard (GNR).

Awareness of this conflict goes back a long way. For example, the Interior Minister between 2005 and May 2007, António Costa, states that Portugal has "a security system that dates back to the 1980s. Security issues have changed since then, in particular with the threat of terrorism. We need to give thought to our system."⁷⁰

Teles Pereira writes that "the foreknowledge of two intelligence services (...) has not stopped other entities from undertaking work in this field (...). This occurs namely with police structures that, under the pretext of conducting crime prevention work, tend to produce internal security intelligence."⁷¹ In fact, this is currently done by all the services and police forces. The SEF has its Central Direction for Investigation, Research and Intelligence Analysis, the PSP and the GNR both have their investigation centers and central intelligence departments, and PJ is undoubtedly the entity with the longest history of producing, storing, and analyzing intelligence. In fact, these conflicts are only partly generated by the overlapping of jurisdiction, because crime and terrorism cannot be placed in watertight boxes. This is what Pereira recognizes when he defends that "therefore, what distinguishes the activities of the intelligence services from the criminal investigation work of the police is unavoidably the phase of the process with the respective intervention. The work (...) is typically preventive and is aimed at identifying threats against the State that are not yet at the stage which warrants police intervention or the institution of criminal proceedings. (...)."⁷²

But even this rigid definition of a category of intrinsically flexible frontiers, like those between the intelligence services and the police, tends to be underrated by the most recent security doctrine. Maria José Morgado,⁷³ head of the Department of Investigation and Penal Action of Lisbon and José Vegar defend that "the criminal investigation paradigm (...) must be undertaken upstream, by a preventive system that is based on the collection, analysis and treatment of information specifically aimed at the timely knowledge and detection of criminals and their activities. In short, an organized preventive system capable of avoiding that an investigation begins in the dark, because prevention is the driver of all criminal investigation."⁷⁴

The Splitting of Information between Entities as the Main Factor of Insecurity

Quite the contrary, the norm is in fact competition and each department holding back the information they have obtained. The former Interior Minister himself recognized this dangerous situation in the aforementioned interview, stating that "our system has gaps, has overlapping and has a lack of articulation. These problems must be solved." Costa goes on to admit that "the main factor of insecurity is the splitting of information between the various services (...)."

In an attempt to put an end to this approach, Costa had a study done on the national security system by three experts that was concluded at the start of 2007. In a preliminary report publicized by Costa in July 2006, Nuno Severiano Teixeira, Nelson Lourenço, and Nuno Piçarra take a very hard line stating that “the organic laws of the security services and forces analyzed reflect a search for the differentiation of status, for more autonomy, more professional and functional prerogatives; these cannot always be objectively justified and the democratically legitimate power has not known how or wanted to resist this appropriately. This also explains why the laws have been adopted by accumulation or addition, on a largely random basis and almost never showing any concern about articulating with the others. As a result, it is not unusual to find incongruence or even anomalies between them.” The academics conclude severely: “It is no exaggeration to say that this framework which is extremely ‘original’ in terms of comparative law, paves the way for an ungovernable situation.”⁷⁵

The Limitations of the Sectorial Coordination of the Investigation System

The only feeble attempt to solve the problem has been through coordination at a higher, but totally sectorial, level, because, in the national security investigation system, the Secretary General for Intelligence, who reports to the Prime Minister, has executive power in the intelligence services but not in the police services, and he competes with the Secretary General of the Coordinating Office for Security (COS) whose coordinating power is limited to the police, but with the exception of the Judicial Police. This is because, at a highest political level, the Secretary General of COS is accountable to the Interior Minister whose jurisdiction includes the coordination of SEF and the police forces; however, he cannot effectively coordinate PJ, which comes under the Ministry of Justice or SIS, and SIED, which reports to the prime minister.

Morgado and Vegar warn that “the absence of a really centralized Integrated System of Criminal Information (. . .), fed by the work of all the police forces and at the services of each of them, is one of the main reasons the Portuguese police is incapable of responding to international organized crime.”⁷⁶ The same can obviously be said of the intelligence services and the fight against terrorism.

In an interview in April 2006,⁷⁷ Morgado is even more explicit. The magistrate assures that fighting serious threats “(. . .) demands an information system that provides (. . .) an overview of the phenomenon and this could be achieved with an entity above the police that coordinates the activity in terms of information (. . .),” thus avoiding “(. . .) the dispersion of intelligence around the country (. . .),” because “(. . .) the information system in Portugal still does not use standardized and scientific methods; the method of collection varies from one entity to another, who subsequently feels that it owns information and does not share it with anyone.” This results in conflicts generated by responsibility being spread among various authorities, and the inexistence of an overall control and coordination by any of them for all areas, eliminating any possibility of getting the best truth.

These weaknesses stand out in particular because the Portuguese State belongs to an international political alliance that faces real threats and that is in search of the best means to face up to this on a daily basis. On this subject, Loch K. Johnson, an American scholar in the field of intelligence theory, writes that “the U.S. intelligence community faces new challenges as its most pressing targets—particularly terrorist organizations—are structured to elude many of the tools of information-gathering that have proven successful in the past.”⁷⁸

At a more specific level, Gregory F. Treverton, a senior policy analyst at Rand Corporation and an expert on intelligence reform, states that the attack of 11 September “made all too real an emerging threat, and created a sudden demand for an immediate response by intelligence” that “requires intelligence not only to share information across nations, but to work at home with a range of government officials and private citizens who are newcomers to intelligence, to what it is, what it can do and what it cannot.”⁷⁹

In fact, the international debate led by the most powerful nations in the Western world took the line that, at the organizational level, the urgent need to “devise” greater directive coordination of all intelligence and police organisms is a priority in order to bring about more effective crossing of information.

In other words, an attempt is being made in most Western countries to clearly define the communication channels and the upward and downward flow of information, where each entity ends up respecting the limits of the information it needs to obtain and produce, and on the other hand, any other information obtained is redirected to a supra-structure that can use this to produce the best truth for the decision makers.

Therefore, the solution adopted by the majority of Western states—with the United States and the United Kingdom leading—is to hand over the overall management power to coordinating entities who are in charge of the intelligence and police entities as well as the information produced by them, like, for example, the United States Director of National Intelligence (DNI), who, for Johnson, is pivotal, because “no intelligence reform proposal is more important than putting in place a Director of National Intelligence (DNI) with full budget and appointment powers over all intelligence agencies, a true leader with a broad perspective on spending, planning, collection, processing, analysis, and dissemination (. . .).”⁸⁰

In the study by Severiano Teixeira, Piçarra, and Lourenço, mentioned earlier, they are careful to compare the Portuguese system with those of four European countries that share a number of similarities with Portugal. The three researchers chose France because of “the influence traditionally exerted over both Portugal and the remaining Member States,” Spain, “above all due to the geographic and geopolitical proximity, which inevitably means the subject of internal security in Portugal in the Iberian context is addressed. In addition, the Spanish SSI went through significant reforms—that are quite different from those carried out in France (. . .).”⁸¹ The security models of Belgium and Austria were also studied because they are Member States “with a population of a similar size to Portugal; Austria also covers a similar area. Above all, however, the systems of internal security of the two countries both concluded profound and apparently successful reforms in the 21st century.”⁸²

The three academics identified “the strengthening and unification of the effective coordination structures and integration at the central, regional and local level,” and “the reduction of organic-functional dispersion wherever possible,” as well as “improvements in the sharing of information and services between organic units that for some reason could not be merged or amalgamated, in order to raise effectiveness, efficiency and economy of resources.”⁸³ In conclusion, Severiano Teixeira, Piçarra, and Lourenço note that the four countries are heading toward “increasingly specialized organisms for the prevention and combat of new threats and social risks that typically cross over borders, namely international terrorism and organized crime” and to the “trend” “towards unification or approximation.”⁸⁴

However, the governing powers in Portugal seem insensitive to the current strategic reorganization of intelligence and criminal investigation prevailing in the West.

A System Without Reforms Since 1984

The absence since 1984 of a proposal for structural reforms of the security investigation system has continued to this very day, as no structural measures have been advanced by any of the subsequently elected governments.⁸⁵

In fact, an ensuing discussion on the power wanted for espionage and for security investigation will always have to originate from or be conducted by the two largest Portuguese political parties, namely the Socialist party and the Social Democratic party⁸⁶ without whom any major changes in the legislative structure would be impossible.

The direct result of this choice made by Socialists and Social Democrats, who have alternated in power since 1978, was that at a time of successive and fast moving waves of change in the field of national security that are hard to keep pace with, the Portuguese investigation entities have been held back in an anachronism, that determines the nucleus of its capacity and, to quote Herman, also the scope of Portugal's National Power, since "(...) the main aim of intelligence is to enable its government to take better action than it would without intelligence."⁸⁷

Being the case, it is no surprise that the Portuguese system's attempts for a reform are constantly being planned in obscurity by the security community, and are never actually applied, in face of the deliberate rather than indifferent silence of the political decision makers.

The most ambitious of these came from Teles Pereira. The magistrate begins by defending that "the multidimensional nature of the new threats implies a degree of complexity which forces the services to act on multiple levels, meaning that additional effort must be made in intelligence retrieval and production(...)." ⁸⁸

Therefore, defends Teles Pereira, "it is a risk for SIRP⁸⁹ to maintain its current profile" because "the legitimate concern to prevent the intelligence services from becoming a threat to the democratic State based on the rule of law should not make their work ineffective or even grind it to a halt."⁹⁰

But Teles Pereira does more than just propose unifying services and this is where his plan takes on real significance. What the former head for internal espionage wants above all is "(...) a clarifying intervention from SIRP. In a first phase this intervention should include—and this format is common to many western countries such as Italy—the concentration of military intelligence (...) in an organism which is within the armed forces, and, on the other hand, the concentration of security intelligence (...) in a single service, that reports directly to the Prime Minister (...)." All this because "(...) the discussion of SIRP's architecture is not just a theoretical or merely speculative problem; the efficiency of intelligence retrieval and production—essential to the Portuguese State—depends on it. Whichever format is adopted, one reality cannot be ignored: SIRP's current model needs to undergo profound change."⁹¹

A proposal for a reform of this nature has never been taken to Parliament in the last decade, or even assumed by any political force in a parliamentary debate. Hence the debate over the reform of the system in question is really only a simulation, confined to specialists.

The problem seems to be that what has really been at stake for more than twenty years is Portugal's entire national security system, because the acquiescence of successive governments gives rise to an uncontrolled machine and above all, one without strategic command.

The reform requires a reassessment of the targets, a clear and absolute definition of the specializations and jurisdictions, the opening of effective channels for the sharing of information between services, a truly complementary work and cooperation in the tasks

demanding, and the creation of coordinating structures for control and global information collection and treatment. This would make it necessary to eliminate internal departments and services, to remove jurisdictions, to share information and for various groups of professionals in the area to adapt to a whole new working model. It is not hard to see that a reform of this kind involves a high political price that no Government has yet been willing to pay.

Unless, paradoxically, history repeats itself; and Portugal is faced with a very visible threat like the one that originated SIS,⁹² forcing the decision makers to adapt the system they built to the espionage that the Western states currently have. It is preferable not to even think of such a scenario as the price to pay would not be political, but human.

In a moment of brutal sincerity, rare in civil servants, Teles Pereira stresses that “all these questions are related to a political understanding of the need and use of the intelligence services. In not contemplating the introduction of effective mechanisms—and this is totally compatible with a democratic State based on the rule of law—the intelligence services run the risk of being a voluptuous charity which, additionally, create a semblance of security where there is none. This is the challenge the political decision makers face in a society which is turning into a ‘danger society’ instead of a ‘risk society.’”⁹³

The Security Investigation System as the Maximum Authority on the Violation of Freedoms and Basic Citizen’s Rights

Johnson states that “the viability of an effective intelligence service in a democracy depends on the public respect it can achieve.”⁹⁴

In Portugal, the scarce empirical data available⁹⁵ seems to indicate that the relations that Government, Parliament, and civil society establish with the security entities, in particular the intelligence services, show very little public respect.

In fact, the data available appear to show that, in Portugal, the security investigation system—an essential instrument for the State and for the protection of its citizens—is seen by the elected members of that same State as a danger, real or imaginary, that can be politically manipulated.

A careful analysis of this data can cast some light on the phenomenon, because the constraints described in this article, together with the lack of a political strategy to reform the system, seem to be explained by a “rebound effect” created by a complex structure of historical and political reasons that are sometimes so intangible that analyzing the causes of their existence is like entering a maze without a thread.

According to documents of unreserved archives—such as essays or interviews with former directors of the SIS, Daniel Sanches, Pereira, and Teles Pereira, and with Pedro Cardoso, one of the architects of Portuguese espionage in democracy—Portuguese political decision makers have a “PIDE complex,”⁹⁶ that is, they see security entities as a potential totalitarian political police force that could easily slip into violating citizens’ basic rights and guarantees, if not kept in tight legal check. On this, José Pacheco Pereira,⁹⁷ the Portuguese historian, writes that “it is understandable that while the generation that experienced the effects of dictatorship is alive, the treatment of the memory will not only be historic but will also seem like a denouncement, the pedagogy of evil, rejection.”⁹⁸ Rui Pereira believes that “more than twenty years on from the start of the democratic regime in Portugal, the legitimacy, the need and the usefulness of security intelligence continues to be questioned (. . .). Besides the proverbial suspicion in which people doing this kind of work are held, the very concepts of internal security and, for example, subversion have a suspicious ideological resonance for the historic reasons which we all know.”⁹⁹ Teles Pereira goes

further, stating that “(...) the fact that there has never really been a democratic security culture in Portugal, unlike most western countries,” means that “both for public opinion and for political decision makers, the suspicion in relation to the operations of the intelligence services is naturally sharpened.”¹⁰⁰

In other words, if we try to unveil the origins of a web of reasons that has not yet been worthy of any systematic scientific work in Portugal, all evidences suggest that the totalitarian actions of PIDE led to a genetic rejection of the national security machine by the political class and the large majority of opinion makers and citizens. This rejection can be the result of the conviction of its authors that the preservation of citizens’ rights and freedom should be superior to the powers of security services, but, at the same time, it may be instrumental in the case of political powers that seem to submit themselves to the costly causes of the electorate. This rejection contaminates the whole party spectrum, even the most right-wing parties, and eliminates the debate of national security from the very outset.

If there is no debate on the security investigation model at the core of the democratic system, in Parliament, and it is relegated to the fringes occupied by experts, the space for the ever-sensitive reform of the system and the reassessment of the powers that can be conceded to services and police, ceases to exist.

This apparent short-circuit is clearly understood by Pedro Esteves,¹⁰¹ an expert on Portuguese intelligence, who underlines the need for “(...) national, public and private involvement in raising the awareness of the relevance of intelligence,” and to foster “debate on the role of intelligence in the State and on the respective use in the defense of national interests and security (...);” this “schools the political class, enhancing the intelligence and security culture (...).”¹⁰²

The current paradigm has a two-fold perverse effect: as members of government, the elected representatives appear fearful of defending and encouraging the work of the services and the reform of the system, whereas the opposition knows that the security entities are a perfect target for a political attack.

The Absence of a Culture of Intelligence Evaluation

Furthermore, as the few scholars on security in Portugal write, Portuguese politicians do not have “a culture of evaluating intelligence,” because in most cases they refuse to evaluate it and use it, and are suspicious of the product of intelligence work.

Esteves states that “the Portuguese case is really an example of a political predisposition for the integration of the intelligence services in a multi-participatory model of control and supervision without the corresponding functional expression (...). The Portuguese system does not seem to work on the principle that the existence of permanent directives for the services is a necessary condition for the regular working of the intelligence services (...).”¹⁰³

When there is a cut between producers of intelligence and their direct clients, Government and Parliament, a “functional drift” sets in, because “the management of good intelligence starts by determining precisely what needs to be known” as stressed by Herman.¹⁰⁴

In this case, no counter-power is more fatal than the indifference of the governing powers, because in addition to the lack of strategic orientation, according to Christopher Andrew, the intelligence historian, the product is not taken advantage of, because “the work of the services is to supply intelligence but it is the government who decides

how it wants to be used, and that use is much more important than the retrieval of intelligence.”¹⁰⁵

The web of historical and political reasons where the democratic power is imprisoned is not restricted to those mentioned earlier.

The criteria for appointing the directors of the intelligence services and police entities is the key to understanding the recurrent parliamentary and mass media upheaval around national security.

Contrary to what would be expected, the directors are not elected according to broad party consensus, but on the criteria of strict political confidence. Using extreme elasticity, at one level the decision makers maintain what they consider an advisable distance from espionage, but at another much deeper level they want to control it.

Following his studies of both the American and the English systems, Andrew concludes that the dangers of instrumentalizing the services are real and that ultimately it all depends on a State’s “political culture.” He believes that “if that culture is geared towards considering the public service as a State question, there are no partisans.” Otherwise, “it is very difficult to have intelligence services which are not party oriented.” Andrew draws attention to the fact that, contrary to what ritually happens in Portugal, “no director of the intelligence services has ever changed with the arrival of a new government.”¹⁰⁶

The scenario described earlier can place the State and Portuguese citizens in danger because it seems vital in the contemporary geostrategic landscape to strengthen security powers in fighting current threats. Morgado and Vegar point out that “there can be no elusions in this field, nor is it healthy to resort to hypocritical euphemisms (...). The only way to beat the filters used by these criminals, and the total obscurity created by them, is to make use of all weapons in the criminal process, while not forgetting that this option puts a great constraint on basic rights (...). Fighting this kind of crime triggers an irresolvable penal and procedural dilemma between respect for the rights of criminal process and fundamental rights and the need to combat crime effectively.”¹⁰⁷

In other words, an effective national security investigation system may come at a high political price, which governments so far have avoided paying, perhaps because “today, the political and media impact of an operational slip-up or of a gross error of analysis. means that the whole guidelines of the regulatory authority is measured in terms of consequences and the proportionality between the means and the ends,”¹⁰⁸ defends Esteves.

Conclusion

One of the most important points in Appadurai’s theoretical concept, based on the actual existence of a conflict between vertebrate and cellular structures, is that “in myriad ways, some essential principles and procedures of the modern nation-state—the idea of a sovereign and stable territory, the idea of a containable and countable population, the idea of a reliable census, and the idea of stable and transparent categories—have come unglued (...),”¹⁰⁹ mainly due to the erosion process caused by the “cellular world, whose parts multiply by association and opportunity (...), working outside the existing frameworks of sovereignty, territoriality, and national patriotism.”¹¹⁰

This is exactly what the operational information obtained from the Portuguese intelligence and police entities shows, proving that Portugal is not outside the geographic range of *jihadist* terrorist activity and organized crime, that is, the fields of action of some of the most malign contemporary cellular structures.

In fact, this is inevitable given Portugal's geostrategic position—the nearest country to North Africa and doorway to Southern Europe and the Schengen space created by the European Union.

The operational information indicates that the Portuguese territory does not seem to be a priority target for attacks by *jihadist* terrorist cells, but an ideal space at the European level for conducting some of the darkest and more dangerous actions a terrorist and criminal cellular structure can perform: logistic activities, raising funds for crime, spreading propaganda, and recruiting militants.

In the Portuguese territory, criminal activities by cell members such as money laundering, forgery of Portuguese identification cards—an EU document recognized all over the world—"white marriages" and the creation of clandestine mosques, are cause for special concern, as these supply members of cellular structures the specific means and tools for circulating throughout the world and perform anywhere actions that may be either just criminal or terrorist, or, in permanent connection may lead to later performing terrorist actions.

The Portuguese intelligence services have tried to respond to these threats but they work within the limits imposed by a political and social conjuncture that is found in no other country and that limits its powers and prevents the necessary effectiveness, notably in the field of sharing and coordinating information, and in the ability of gathering public respect from the political decision makers and public opinion in general. In a time when risk prevails and "(...) the metastasis of what we call terrorism and the rapid-fire spread in the discourse of terrorism as a name for any variety of anti-state activity has decisively blurred the lines between wars of the nation and wars in the nation,"¹¹ the Portuguese security system is still chained by praxis and ideals created by a fascist, dictatorial regime that, more than 30 years after its fall, is still molding the way strategic options and executive action are taken by the decision makers, as well as the common citizen thinks.

In fact, the Portuguese society does not seem to have taken into consideration what Johnson defends when he states that "in a strategic landscape infected by ever greater uncertainties, the need for knowledge is not only maintained but has grown."¹²

In the author's view, the shortcomings of the Portuguese system of security investigation can be a serious danger to the State and to Portuguese citizens as well as a major breach in the global war against *jihadist* terrorism.

Notes

1. A military coup on 25 April 1974 eliminated the fascist dictatorship of António de Oliveira Salazar, in power since 1928. Portugal's first democratic Constitution was approved in 1976. Under the Constitution, the President of the Republic is the nation's maximum authority, but the executive power lies with the Government chosen by direct election every four years. The Government answers to the Assembly of the Republic, the Portuguese Parliament, and the judicial power is independent.

2. Arjun Appadurai, in his recent book, *Fear of Small Numbers: An Essay on the Geography of Anger* (London: Public Planet, 2006) writes that "(...) the main reason for this overwhelming show of support for the United States from governments throughout the world is that they recognized that the war unleashed on 9/11 was above all a war between two kinds of systems, both global in scope. The first may be described as vertebrate, the second as cellular. Modern nation-states recognize their common belonging to the vertebrate world and, like the last dinosaurs, see that they are in a desperate struggle for survival as global formation," p. 21.

3. Appadurai, *Fear of Small Numbers*, p. 129.

4. *Ibid.*, p. 28.

5. The State's representation in the courts, the defense of interests determined by law, and penal action lie with the Public prosecution.

6. The Security Coordination Office (COS) promotes the coordination of criminal and investigation agencies, with the exception of intelligence entities, but has no executive or decision-making powers.

7. The main jurisdiction of the SEF is border control, investigation of illegal immigration, people trafficking, and forgery of documents.

8. The Judicial Police is the main criminal investigation body of the Portuguese state with jurisdiction in all kinds of crime and all over the national territory.

9. The Public Police Force has jurisdiction to investigate all kinds of crime in urban territory except homicides, organized crime, and terrorism.

10. The National Republican Guard has the same jurisdiction as the PSP but in rural territory.

11. Between 1974 and 1986, Portugal had just one service, the Intelligence Division (DINFO), which came under the military hierarchy. In 1984, the SIS was formed and started operations in 1987. The SIEDM started in 1995 and became SIED in 2000. The Secretary General only assumed legal responsibility for the system's coordination in 2004, and this became effective in 2005.

12. The General Secretary of SIRP answers to the Prime Minister. The SIED and the SIS come under the Prime Minister, by the general secretary of SIRP. The Security Coordination Office, SEF, PSP, and GNR come under the Minister of Home Affairs. PJ comes under the Minister of Justice.

13. Appadurai, *Fear of Small Numbers*, p. 20.

14. *Ibid.*, p. 12.

15. *Ibid.*

16. Olivier Roy, *Globalized Islam: The Search for a New Ummah* (New York: Columbia University Press, 2004), p. 304.

17. Magnus Ranstorp, "Al-Qa'ida—An Expanded Global Network of Terror," *RUSI Journal* (June 2005), pp. 5–6.

18. *Ibid.*, p. 5.

19. *Ibid.*, p. 6.

20. Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), p. 282.

21. *Ibid.*, p. 282.

22. Bruce Hoffman, *Combating Al Qaeda and the Militant Islamic Threat*, Testimony presented to the House Armed Services Committee, Subcommittee on Terrorism, Unconventional Threats and Capabilities, RAND Corporation Testimony Series, RAND, February of 2006, Santa Monica (CA), p. 6.

23. The data given in this and the following sections of the article were obtained from the periodic collection of data by the author from senior officers of SIS, PJ, SEF, and the executive hierarchy of the Portuguese national security system between 1998 and 2006. For methodological reasons we have decided to preserve the anonymity of the authors of the more specific information by referring to them with a number only rather than by name.

24. Interview by the author with the coordinating inspector of Judicial Police (PJ). Lisbon, November 2005 (Officer PJ–1).

25. Interview by the author with the coordinating inspector of PJ. Lisbon, November 2005 (Officer PJ–1).

26. City on the south coast of Portugal.

27. City in the north of Portugal, capital of the Porto district.

28. Interview by the author with senior officer of SIS. Lisboa, March 2004 (Officer SIS–1).

29. The DCCB, a Judicial Police (PJ) department, mainly investigates organized and violent crime and terrorism.

30. Interview by the author with senior officer of SIS. Lisboa, March 2004 (Officer SIS–1).

31. Capital of Portugal.

32. Densely populated city in the Algarve district with much tourism.

33. Interview by the author with the coordinating inspector of PJ. Lisbon, March 2004 (Officer PJ–2).

34. This is the only sentencing to date in Portugal for instrumental crimes related with terrorism. Nobody has been sentenced for terrorism to date.

35. The activity of the Hamburg cell is documented in various open works. However, “The 9/11 Commission Report—final report of the national commission on terrorist attacks upon the United States,” (Norton, pp. 160–169) must be consulted due to its detailed research.

36. Interview by the author with senior officer of SIS. Lisbon, March 2004 (Officer SIS–1).

37. Report on Internal Security 2005, SIS chapter, Ministry of Home Affairs. The Report on Internal Security is produced annually by the Portuguese State on crime and terrorism in the national territory.

38. All Portuguese are obliged by law to carry an Identification Document containing personal data and a photograph.

39. Interview by the author with senior officer of SEF. Lisbon, December 2005.

40. Interview by the author with senior officer of PJ. Lisbon, January 2006 (Officer PJ–3).

41. City in the north of Portugal, on Spanish border.

42. Interview by the author with senior officer of PJ. Lisbon, January 2006 (Officer PJ–3).

43. FATF-GAFI provides detailed information on these processes. Available at www.fatf-gafi.org

44. Report on Internal Security, 2005, SIS chapter, Ministry of Home Affairs.

45. Interview by the author with senior officer of SIS. Lisbon, March 2006 (Officer SIS–2).

46. Hoffman, *Inside Terrorism* (New York, Columbia University Press, 2006) pp. 197–229.

47. Interview by the author with senior officer of PJ. Lisbon, January 2006 (Officer PJ–3). Algarve is the most southerly region of Portugal. Odivelas and the South Bank are densely populated areas in the outskirts of Lisbon.

48. Interview by the author with senior officer of PJ. Lisbon, January 2006 (Officer PJ–3).

49. José António Teles Pereira, Opinion article, “Atlântico” magazine, Lisbon (29 September 2005), pp. 38–43.

50. Apaadurai, *Fear of Smal Numbers*, pp. 11–12.

51. Brian Jenkins, *Unconquerable Nation: Knowing Our Enemy, Strenthening Ourselves* (Santa Monica: Rand, 2006), p. 119.

52. *Ibid.*, p. 165–166.

53. Michael Herman, *Intelligence Services in the Information Age* (London: Frank Cass, 2001), pp. 228–229.

54. *Ibid.*, pp. 228–229.

55. Hoffman, *Inside Terrorism* (New York, Columbia University Press, 2006), p. 295.

56. Hoffman, *Inside Terrorism* (New York, Columbia University Press, 2006), p. 127.

57. Roy, *Globalized Islam*, pp. 338–339.

58. José António Teles Pereira, “O 11 de Setembro e o debate sobre o modelo de serviços de informações em Portugal,” monograph, author’s edition, 2001, Lisbon, p. 12.

59. Interview given to the newspaper “Independente”(Lisbon, published 2 November 2001).

60. José Sócrates is the current prime minister of Portugal and was elected in 2005.

61. No member of any executive has assumed any formal position on the hypothesis that communications can be intercepted by the intelligence services.

62. Jose António Teles Pereira, “O 11 Setembro e o debate sobre modelo de serviço de informações em Portugal,” 2001, p. 13.

63. According to the author’s information, nobody in the Portuguese intelligence services has the ethnic and religious characteristics mentioned.

64. The Executive does not transparently assume the possibility that intelligence officers can conduct undercover operations, even in the most recent Law, quoted in Note 81. The 12th article of the diploma reads as follows: “For the convenience of the service and security, the identity and category of the functionaries and agents of SIED and SIS carrying out duties in operational departments may be codified and legal documents of an alternative identity may be issued under a protocol to be signed between the Secretary General and the public entities responsible.”

65. Rui Carlos Pereira, “Informações e Investigação Criminal,” *Política Internacional Journal* (July 2005), pp. 14–28.

66. *Ibid.*, p. 15.

67. *Ibid.*, p. 17.

68. *Ibid.*, p. 18.

69. The Central Direction for the Investigation of Corruption and Economic and Financial Crime (DCICCEF), the PJ department in charge of investigation corruption and financial crime.

70. Interview given to the newspaper “Correio da Manhã,” Lisbon, 28 May 2006, pp. 8–11.

71. Pereira, “O 11 de Setembro e o debate sobre o modelo de serviços de informações em Portugal,” p. 8.

72. Rui Carlos Pereira, “A produção de informações de segurança no Estado de Direito Democrático,” monograph, author’s edition, 1998, Lisbon, p. 16.

73. Maria José Morgado is a Public Prosecutor. She was the head of the DCICCEF department of Judicial Police between 2000 and 2002, and is the head of the Department of Investigation and Penal Action (DIAP) of Lisbon.

74. Maria José Morgado and José Vegar, “O Inimigo sem rosto—fraude e corrupção em Portugal,” *Dom Quixote* (2003), pp. 113–123.

75. Nuno Severiano Teixeira, Nelson Lourenço, and Nuno Piçarra. “Study for the Reform of the Organization Model of the Internal Security System,” preliminary report, Ministry of Home Affairs, June 2006, Lisbon, pp. 17–25.

76. Morgado and Vegar, “O Inimigo sem rosto.” pp. 113–123.

77. Newspaper “Público,” (Lisbon, 10 April 2006), pp. 12–13.

78. Loch K. Johnson, “A Framework for Strengthening U.S. Intelligence,” *Yale Journal of International Affairs* (Winter/Spring 2006), p. 116.

79. Gregory F. Treverton, “Reshaping Intelligence to Share with Ourselves,” *Commentary Journal* No. 82 (July 2003).

80. Johnson, “A Framework for Strengthening U.S. Intelligence,” p. 130.

81. Teixeira, Lourenço, and Piçarra. “Study for the Reform of the Organization Model of the Internal Security System,” p. 37

82. *Ibid.*

83. *Ibid.*, p. 69.

84. *Ibid.*

85. At the legal-constitutional level, the Portuguese State only passed a Law on intelligence in 1984, twelve years after the establishment of democracy; and this law only started to produce any effect when the operations of the SIS began in 1987. The imperfections of the system created by the 1984 law were only corrected fourteen years later in 1998 when the socialist government of António Guterres was at its strongest; however, this correction only allowed the effective start of SIEDM, the second intelligence service foreseen in 1984 and which became SIED in 2004. A third legal correction of the system, partial again, which establish the political coordination of the intelligence entities by the prime minister, and the strategic coordination by the secretary general of intelligence, only acquired legal force in 2004, with the social-democrat Durão Barroso as prime minister. In other words, the fleeting hiatus, and the rare and limited upgrading of the system seem to suggest that the political decision makers do not consider national security to be a priority.

After 2004, the only executive proposal on matters of security, with reference 83/X/1, and related with intelligence sub system, was made by the prime minister on 14 July 2006, approved by Parliament on 11 January 2007, and transposed in the Law, 9/2007, on 19 February. Essentially, the law further reinforces the powers of the Secretary General of the Intelligence sub system by bringing all the action of the services, and not just the strategic coordination, under his orientation. On 1 March of last year, the prime minister announced in Parliament that he would introduce changes in the system of internal security, which only covers the police and the SEF. The PM assured that he would present an alteration to the Law by September of 2007 that provided for the creation of a secretary general of internal security, with greater executive and coordinating powers than the current secretary general of the COS. Until this moment, no alterations were made to the Law.

86. The Socialist and the Social Democrat Parties have alternated in power since 1974 either with a majority or in a coalition. The Socialist party is currently in power with a majority.

87. Michael Herman, *Intelligence Power in Peace and War* (London: Cambridge, 1996).
88. "O 11 Setembro e o debate sobre modelo de serviço de informações em Portugal," 2001.
89. Intelligence System of the Portuguese Republic (SIRP); in other words, the aforementioned intelligence sub system of the national security system.
90. Pereira, "O 11 Setembro e o debate sobre modelo de serviço de informações em Portugal," 2001, p. 13.
91. Pereira, "O 11 Setembro e o debate sobre modelo de serviço de informações em Portugal," 2001, pp. 17–18.
92. The merging of the Portuguese intelligence services under democratic rule only took place after an intense parliamentary debate in 1983 following an act of terrorism in Montechoro on 10 April 1983 that caused the death of a PLO leader, Issam Sartawi, and a second in Lisbon on 27 July 1983 by Armenian commandos against the Turkish Embassy. Under the intense public pressure provoked by the attacks, the Members of Parliament recognized the need for intelligence.
93. Pereira, "O 11 Setembro e o debate sobre modelo de serviço de informações em Portugal," 2001, p. 20.
94. Loch K. Johnson, "Spies," *Foreign Policy* (October 2000), pp. 18–26.
95. Given the almost non-existence of theoretical production on intelligence in Portugal, the research work is limited to the qualitative methods that the author uses, as interviews, the observation of executive action, and the analysis of legislation, essays or interviews published in national newspapers. In addition to the essays by Rui Carlos Pereira and José António Teles Pereira quoted in this article, the study by Pedro Cardos ("Intelligence in Portugal," Gradiva 2001, Lisbon) is also essential reading as is the interview given by Daniel Sanches, former director of SIS between 1993 and 1997, to the newspaper "Expresso," published on 11 January 1997, p. 10.
96. The State's International Defense Police Force (PIDE) was formed by the dictator Oliveira Salazar, and operated from 1936 until the fall of the dictatorship in 1974. PIDE accumulated the intelligence and criminal police functions and took direct action against those opposing the dictatorship, who subsequently formed the main democratic parties after 1974.
97. Qualified as a historian, he is a member of the Social Democratic party and Member of the European Parliament.
98. José Pacheco Pereira, "Opinion article," *Newspaper Público* (June 2006), p. 6.
99. Rui Carlos Pereira, "A produção de informações de segurança no Estado de Direito Democrático," monograph, author's edition, 1998, Lisbon, p. 5.
100. Rui Carlos Pereira, "A produção de informações de segurança no Estado de Direito Democrático," monograph, author's edition, 1998, Lisbon, p. 5.
101. Master in Political Science and author on national security matters.
102. Pedro Esteves, "Estado e Informações: Uma perspectiva sistémica," in Adriano Moreira, ed., *Informações e Segurança—Estudos em Honra do General Pedro Cardoso* (Lisbon: Prefácio, 2004), p. 441.
103. *Ibid.*, p. 442.
104. Michael Herman, *Intelligence Power in Peace and War* (London: Cambridge, 1996), p. 237.
105. Christopher Andrew, interview with the author, "A Revista" magazine, Expresso newspaper, 2 September 1995, Lisbon, pp. 24–35.
106. *Ibid.*
107. Morgado and Vegar, "O Inimigo sem rosto," pp. 103–131.
108. Esteves, "Estado e Informações," p. 442.
109. Appadurai, *Fear of Small Numbers*, p. 6.
110. *Ibid.*, pp. 129–130.
111. *Ibid.*, p. 15.
112. Loch K. Johnson, "Spies," *Foreign Policy* (October 2000), pp. 18–26.