

# The informal economy of intelligence into terrorism a moroccan-belgian case-study

## Abstract

The informal economy is often considered an exchange economy. This paper focuses on the question of whether intelligence concerning terrorism is an exchange commodity between different parties. Could this kind of exchange be considered as a form of informal economy? If so, what is the exchange value and the utility value for the parties involved? These arguments are explored through reference to a case study of a Moroccan “terrorist network” and the official reaction to it by Moroccan and Belgian police, justice and intelligence services. This case focuses on the relations between the members of the network itself, but also between different public agencies involved in counter terrorism. We start from the observation that the vagueness between legality and criminality is to a large extent supported by the fact that national regulators use other standards concerning which activities they can and want to consider as legal and/or criminal. Also within official regulatory measures, a grey zone can be observed between the governmental capacity to regulate certain activities, and the willingness (or refusal) to intervene. As such, the paper is concerned with the political economy of regulation, the grey zone between technical competence and political desirability.

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## Introduction

The relationship between the informal economy and illegality remains a subject of debate. A large part of the activities within the informal economy can be considered legitimate and legal. Nevertheless, most scholars point to the fluid passage between certain legal, and illegal activities.<sup>1</sup> It is clear that between both kinds of activities a grey zone exists. Within this framework, the position of the performer of specific behaviour is questioned. In criminological terms, the focus lies on the “offender,” and his or her behaviour. This paper will not focus exclusively on this problem, but will also discuss a related phenomenon. We start from the observation that the vagueness between legality and criminality is to a large extent supported by the fact that national regulators use other standards concerning which activities they can and want to consider as legal and/or criminal.<sup>2</sup> Within this framework the position of the public authorities is questioned. In criminological terms, the focus we use is on the “social reaction” of public authorities and their policy concerning specific forms of behaviour, more precisely of terrorist actions. In particular, we discuss the informal economy of the exchange of intelligence about terrorism and how this can be illustrated through reference to the ‘A.B. case’.

While it is our intention to discuss the Moroccan A.B. case in the aforementioned framework, it is clearly not our objective to mirror the “reality,” or the “truth” of the different elements in this case, to disentangle the complex interrelations between different persons or groups involved. Even if we wanted to do so, this kind of analysis is impossible, because the world of intelligence is not transparent enough to succeed in such an enterprise, preventing a comprehensive and transparent overview. We are to a large extent dependent on the triangulation of information generated by different media, whilst we acknowledge the partiality of this data and how it reflects particular

personal or organisational interests.<sup>1</sup> The methodology used in this case-study was a triangulation of methods. A discourse media analyse was done, complemented with some formal validation by Belgian authorities like the public prosecution and the police. Besides that study, parliamentary ‘questions and answers’ were used as a source of information, complemented by desk top analysis screening the internet and interviews conducted with key experts on this specific case on the one hand and on informal economy on the other. We use the label “A.B. network” for the group under study, without making reference to particular persons, as our aim is to illustrate the dilemmas actors encounter in this kind of intelligence exchange and how they can be understood through reference to the concept of the informal economy. The utility of this concept is explored in the second part of the article having first provided an outline of the A.B. case. In economic terms, trade is defined mostly as the exchange of a commodity between two parties by monetary payment.

If there is no payment, the exchange is no trade, but a gift (if this is voluntary), or a theft (if it is without consent) traded commodity has:

- i. A value, determined by the labour invested in the production on it<sup>3,4</sup>
- ii. A utility value, determined by the capacity of a commodity to fulfil the need of a buyer;
- iii. An exchange value, determined by the level of demand and offer on the market (scarcity),
- iv. A market price, which results out of the aspects mentioned. Trade is registered and regulated by policy-makers and is consequently part of the formal economy.

Trade becomes part of the informal economy when there is mutual,

<sup>1</sup>The media which reported on the A.B. reflect different points of view, but also differ often about details.

consensual, and a direct exchange of commodities between two parties without monetary transaction, called exchange. This exchange is not regulated by policy-makers (they cannot regulate it, because there is no trace of registration of the trade), but it isn't necessarily illegal. It is our intention to come back to this conceptual framework in the analytical part of the paper (part two) and comment on the meaning of exchange of intelligence into terrorism within the context of informal economy and exchange theory.

## The A.B. case

### The context

To fully appreciate the A.B. case it is important to understand the history of the Moroccan independence movement and the particular role of the Moroccan Communist Party. From 1912 onwards, Morocco was occupied by the French and the Spanish, and became, to a large extent, a French protectorate.<sup>2,3</sup> The Moroccan branch of the French Communist Party (PCF) was legally established in 1936; its success was short-lived: when the PCF got prohibited in France in 1939, so too was its Moroccan branch.<sup>5</sup> Morocco engaged in a process towards independence under the influence of the nationalists, led by *Istiqlal* (the Independence Party), which was founded in 1944.<sup>4,6</sup> During this time, the Communists began to emerge openly again in Morocco and formed the Moroccan Communist Party (PCM). The party grew rapidly. In an effort of the PCM to join in the Moroccan national front, their program called for the independence of Morocco and the withdrawal of French troops. In doing so, the PCM lost the support of most European members, especially that of the French PCF. During these years the PCF recognized the French colonial dominance and did not support the Moroccan claim for autonomy.<sup>7</sup> In 1956 Morocco declared itself independent and became a monarchy. The majority of the population was Islamist, with small minorities of Christians and Jews. King Mohamed V reigned until his death in 1961, at which point his son, Hassan II, began three decades of authoritarian rule.<sup>8</sup>

Hassan II was considered to be directly descended from the prophet Mohammed. Taking that position, he was untouchable, and each form of (political) critique and opposition could be interpreted as blasphemy. On paper the country had a plural party system. The de facto state-power, however, was centralised in the hands of the King, who could dismiss ministers, and nominate key offices of state including ambassadors and even judges. In short, Hassan II reigned as a dictator.<sup>9</sup> In the context of the Cold War, Hassan II sought the support of western countries. Most of these western countries condoned this authoritarian regime because of their fear for revolution or terrorist activity in the country. The US sustained the regime in developing the Moroccan security services and the secret police.<sup>10</sup> After the proclamation of the sovereign State of Morocco, the autonomous PCM recognised the monarchy. The party followed a revisionist

political line, and refused to engage in armed struggle and opposition to the established regime. Attempts to remove from the PCM program anything that the nationalists might find objectionable, did not stem the losses to the party. Despite the efforts of the PCM to join in the national front, they were formally excluded by the nationalist parties that composed it, as they mistrusted the Communists. As a consequence, the Moroccan government moved to dissolve the PCM in September 1959.<sup>5</sup> Mehdi Ben Barka, the most important socialist opponent to the monarchy, joined in 1943 the nationalist *Istiqlal* party, and became a member of the National Consultative Assembly from 1956 to 1959.

In 1959 he left after clashes with conservative party members to form the left-wing National Union of Popular Forces (UNFP), becoming the most important left anti-royalist party. The politics of resistance filtered down through the ranks of society and resulted in violent demonstrations. In the vanguard of these politicized groups was the UNEM (the *Union nationale des étudiants du Maroc*). The yearly congress of the UNEM was repeatedly the scene of raucous demands for democratization, the purging of colonialism, and the placing of limits on the powers of the king. Ben Barka was widely considered as a likely president for a possible Republic of Morocco. When Morocco and Algeria had a brief war in 1963, Ben Barka sided with Algeria and went into exile. He was accused of plotting against King Hassan II and sentenced in absentia to death. He moved to Paris and became leader-in-exile of the opposition to Hassan II.<sup>11</sup> During the middle of the sixties, Marxists were confronted with the revisionism of the PCM, and radicals within this movement translated their convictions into the terms of armed struggle, democratic and anti-imperialist revolution. The organisation was strongly supported by students, youngsters, miners and workers in many cities and in the countryside. Starting in 1965, youth above the age of seventeen were prohibited from attending the second cycle of high school. In practice, this rule separated out 60% of students. It became a rallying symbol which set off the student mobilization, and provoked unrest in Casablanca, Rabat and other cities.<sup>12</sup> These unrests were brutally dispersed by the government and a large number of dissidents, including many communists, were arrested.<sup>13</sup>

In April 1965, Hassan II attempted a reconciliation with the opposition, receiving a delegation from the UNFP of Ben Barka, but these discussions resulted in no concrete action, and the UNFP continued to criticize the regime. On the 29<sup>th</sup> October 1965, Ben Barka had "disappeared" in Paris, never to be seen again. A formal inquiry and trial in France showed that Morocco had violated French national sovereignty and, moreover, French police officers and members of the French intelligence services had been involved in Barka's disappearance.<sup>14</sup> This marked the beginning of a tumultuous period in Morocco's political history. Throughout the sixties and seventies, a number of political parties were found, only to be either banned by the King, or prosecuted for unclear reasons and often without due process. Islamist groups (Chabiba Islamiya "Islamic Youth") were formed, along with leftist groups (Party of Progress and Socialism, heritage of Ben Barka). These were all effectively challenged by the king, and often their parties did not persevere.<sup>14,15</sup> On the 10<sup>th</sup> of July 1971 King Hassan II survived a military coup attempt. A year later, on the 16<sup>th</sup> of August 1972, a new assault was perpetrated against Hassan

<sup>2</sup>After the conquest of Algeria in 1830 by the French, Morocco sustained the Algerian rebellion leader Abd el-Kader. This situation led to a war. France, Spain and the UK agreed upon the division of Morocco in an international zone (Tangier), a French zone, and a Spanish zone of influence by the beginning of the 20<sup>th</sup> century.

<sup>3</sup>Though Spain controlled the northern third of the country as well as the Western Sahara.

<sup>4</sup>The *Istiqlal* represented the nationalist right wing, whose discourse relies heavily on Islam as one of the fundamental elements of its socio-political programme. It supported the king in the early sixties and was reintegrated into the government between 1977 and 1984 (Joffé & Vasconcelos, 2000).

<sup>5</sup>The Moroccan Supreme Court ruled in May 1964 that the Communists were opposed not only to the regime, but also to the fundamental tenets of Islam.

I. Escorting military airplanes attacked the royal Boeing.<sup>6</sup> Following these events, Hassan II cleansed the top ranks of the military and political dissidents were prosecuted and detained without due process. The student syndicate UNEM was dissolved and its leaders were arrested.

As a result, Hassan II reorganised the Moroccan intelligence services in 1973 into the DGED (“Direction Générale des Etudes et de la Documentation”, or the General Directorate for Studies and Documentation) and the DGST (“Direction Générale de la Surveillance du Territoire”, or the General Directorate for the Surveillance of the Territory). Members of the DGED were sent abroad to observe the Moroccan diaspora throughout Western Europe. The DGST was tasked to maintain the internal security of Morocco.<sup>16</sup> It is in this political context that A.B. is born in 1957 in Nador, former Spanish Morocco, at the Mediterranean coast, nearby the Algerian border. When A.B. is seven, he becomes interested in Islam and visits local mosques. Later on, his Belgian lawyer declared: “A.B. grew up with guns. His father was in an Islamic movement and spent time in Egypt, involved in armed activity as well”.<sup>7</sup> Like many radicals of his generation, A.B. studied engineering and embraced leftist and Islamic ideas. In October 1971 the family migrates to Belgium. A.B. is fourteen at that time.<sup>16</sup>

### The Life of A.B., and The “confessions” 8

A short timeline of the life of A.B., and the political changes throughout his life will be provided but since this article’s focus is not on A.B. the individual, but more on A.B. the pawn within the intelligence game, his biography will be short and concise.

1970s: The Moroccan DGED, and the DGST developed their relationship with the Belgian State Security. It was agreed upon that the Belgians would inform DGED when members of the Moroccan community would infringe upon public order in Belgium or Morocco.<sup>16</sup>

1980s: Political Islam gathers momentum in Morocco; the remnants of Chabiba splinter into a number of smaller groups varying in terms of the moderation or radicalism. These factions are involved in smuggling ammunition and explosives and eventually they migrate to Iran, inspired by the Islamic Revolution. The so-called success of the Islamic Revolution inspired many North-Africans to believe that an Islamist alternative was possible.<sup>17</sup>

1979-1980: A.B. starts reading Islamist literature, and participates in conferences in mosques throughout Brussels. Initially employed in the metallurgic industry, he would later work for the Belgian Christian Labour Union (CSC).<sup>18</sup> During these years, A.B. marries and studies industrial electricity.<sup>16</sup>

1980: A.B. “confessed” to meeting members of the Moroccan Islamic Revolutionary Movement. The meeting takes place in the Iranian embassy in Brussels, during which a regime shift in Morocco is stressed, based on the Iranian experience, and the notion to start the Jihad in Morocco. Following this meeting, A.B. allegedly travels to Teheran, financed by the Iranian government.<sup>19</sup>

<sup>6</sup>The Minister of Defense, Moehammad Oefkir, commits suicide after the assault.

<sup>7</sup>Los Angeles Times, One terrorist suspect’s murky trail, 24/08/2008.

<sup>8</sup>During the development of the case-study we will refer to “confessions” made by A.B. These “confessions” were the result of interrogations of A.B. in February 2008 by the Moroccan police. As we will discuss further on, these “confessions” are subject of critique because they are considered to be the result of pressure and torture.

1981: an Arab delegation (a spin-off of CSC) met Ayatollah Khomeini in Iran.<sup>9</sup>

1981-1985: Belgian civil intelligence take notice of A.B. as he becomes known as an extreme Islamist, and pro-Iranian opponent of the Moroccan king.<sup>10</sup> Contacts between GDED and the Belgian State Security become more intense, and information concerning A.B. is exchanged between the GDED and Belgian State Security.<sup>16,19</sup>

1986: Belgian public prosecutor starts recording A.B.

1987: A.B. is convicted for trafficking arms, misuse of confidence, and use of false passports, with the complicity of members of the Moroccan embassy.<sup>16</sup>

1988: The year in which A.B. starts to actively recruit students in the Moroccan environment in Brussels, convincing them of the necessity to start the Jihad in Morocco. A.B. also “confessed” to traveling to Algeria, where he meets members of the Palestinian Abu Nidal organisation.<sup>19</sup> He receives the assignment to gather information concerning Jews and Saudi Arabians in Belgium, with the aim of liquidating them.

1986-1989: A number of political assassinations which A.B. subsequently confesses to. In 1988 a former Belgian air-force officer, then grocery-store owner, was mistaken for being Jewish and in the same year a Jewish tailor was also killed.<sup>16</sup> In March 1989 the imam of the Grand Mosque in Brussels, which functioned under the influence of Saudi Arabia, and his assistant are killed. The double assassination is claimed by the “Soldiers of Justice”, a pro-Iranian fraction of Abu Nidal.<sup>11,19</sup> A.B. is interrogated four times in relation to these events by the Belgian police, without further consequences. A number of months later a member of the embassy of Saudi Arabia in Brussels is shot. In October 1989 the president of the co-ordination committee of Jewish organisations in Belgium is killed. Again the “Soldiers of Justice” claim the assassination. Belgian police-officers conclude that the last three murders are connected. Again A.B. is interrogated by the Belgian police concerning his eventual implication, and again a lack of evidence leads to his release. None of these killings have ever been solved by the Belgian police. According to the “confessions” of A.B. he was engaged in all of them.<sup>16</sup>

1989: convicted for embezzlement with regards to his activities with the CSC. Moreover, the Belgian Gendarmerie receives information about A.B.’s involvement in arms trafficking but a subsequent search of A.B.’s house reveals nothing. During this period A.B. requests naturalization, with Belgian citizenship as the goal. The demand is refused on the advice of the Belgian State Security services.

1990-1991: A.B. divorces, and remarries an Algerian woman. In November 1991 the Belgian Gendarmerie receives anonymous information implicating A.B. in the double assassination that took place in the Grand Mosque of Brussels of 1989. Again a search is executed in his house. Arab documents are confiscated, but no

<sup>9</sup>According to certain sources A.B. travels in 1983 to Lebanon where he is introduced in the use of fire arms.

<sup>10</sup>Declaration of the Belgian Minister of Justice Vandeurzen before Parliament, *De Standaard*, 04/03/2008.

<sup>11</sup>A Belgian citizen, Jan Cools, was kidnapped on May 21, 1988, near the Palestinian refugee camp of Rashidiyeh, where he worked, on the outskirts of the southern port of Tyre. A group calling itself “*Soldiers of Justice*” claimed responsibility and accused Cools of spying for Israel. Many analysts believed that “*Soldiers of Justice*” was one of the many names used by the Abu Nidal’s Group.

weapons are found. A.B. is interrogated several times but to no avail. Even so, A.B. appears in a report of the Belgian Anti-terrorist Group (GIA).

1992: Belgian State Security becomes increasingly interested in Islamic terrorism and establishes an Arab Extremism Unit which recruits informants. This newly found unit develops contacts with the DGED.<sup>20</sup> It observes privileged contacts of DGED with the Belgian Gendarmerie and claims that intelligence services should collaborate with intelligence services and not with the police. It is also the year in which A.B., according to Moroccan police sources, participates in several meetings in Tangiers and Casablanca with the aim of establishing his own terrorist network. A politician, M.M., is also implicated and later goes on to form the party al-Badil al-Hadari (Civilized Alternative). A.B. is, during this time, arrested in Morocco for his links to the “Mouvement des Moujahidins au Maroc”.<sup>12</sup>

1993: According to A.B.’s “confessions”, he mentions weapons smuggling between Belgium, via the Spanish enclave Melilla (nearby the birthplace of A.B.) close to the Moroccan border.

1994: Belgian police sources allege A.B. contacts an Algerian whom is responsible for the weapon supply for the Algerian “Front Islamique du Salut” (FIS).<sup>13</sup>

1999: A.B. meets members of the “Groupe Islamique Combattant Marocain” (GICM) in Morocco, to discuss the establishment of a Jihadist network. During this period A.B. starts to function occasionally as informant for the Belgian civil intelligence service.<sup>16</sup> In Morocco, King Hassan II passes away, and the more liberal Crown Prince Sidi Mohammed takes the throne, assuming the title of Mohammed VI. He enacts successive reforms to modernize Morocco, and the human-rights record of the country improves markedly. One of the new king’s first acts is to free approximately 8.000 political prisoners and reduce the sentences of another 30.000.<sup>15</sup>

2000: On the 17<sup>th</sup> of April, an armed paramilitary commando commits a robbery at the headquarters of the security firm Brink’s-Ziegler, located in Khelen, Luxembourg. The loot of the armed hold-up is roughly 17,5 million euro, which is never recovered. Police find fingerprints of one of the alleged perpetrators, a Moroccan Belgian from Brussels (A.B.2), who was unknown to the police services in Belgium.<sup>14</sup> During a search in the house of A.B.2, the police find radical Islamist propaganda, and A.B.2 is arrested. According to the Moroccan police, A.B.2 is a member of the network of A.B. It is also the year in which, according to the “confessions,” A.B. is officially recruited as an informant for the Belgian State Security; A.B. denies that he was paid for his services<sup>15</sup> He frequently travels between

<sup>12</sup>In May 2012 the Moroccan police announces the seizure of a large amount of weapons transported from Belgium for the “Mouvement des Moujahidins au Maroc.” A.B. is mentioned in this context as supplier of war gear by the Moroccan police. He has always denied his implication in this trafficking. In July 2013 members of the “Mouvement des Moujahidins au Maroc” are condemned for their participation in terrorist activities.

<sup>13</sup>The FIS is an illegal fundamentalist islamist political party in Algeria.

14 The man will be arrested in 2008 by the Moroccan police as a member of the terrorist network of A.B.

15 The news was launched in the media in February 2008. Following this announcement, the Moroccan interior minister claimed that it was “obvious” that the Belgian intelligence services had known about A.B. Jo Vandeurzen, Belgium’s minister of Justice, spoke to the Belgian House of Representatives concerning the affair. He said that he could neither confirm nor deny whether or not A.B.

Morocco and Belgium, contacting several terrorist organisations. Again he applies for Belgian citizenship, which is denied once more, only to be overturned a week later. The Belgian Justice Minister declares that A.B. did not enjoy protection, and that the demand for naturalisation was not used as means of exchange for information. Since then, A.B. has held a dual Moroccan-Belgian citizenship.<sup>16</sup>

2001: In August A.B. travels to Karachi, Kabul, Kandahar, and Quette where he encounters the top of al-Qaida days before 9/11.<sup>16</sup> He “confesses” to meeting with Osama Bin-Laden, Ayman al-Zawahiri and others. A.B.’s followers train in al-Qaida camps alongside militants belonging to the Moroccan Islamic Combatant Group (GICM).<sup>17</sup>

2002: Legislative actions are held In September, and the Socialist Union of Popular Forces (USFP), the heritage of the left-wing split from *Istiqlal* by Ben Barka in 1959, wins. International observers regard the elections as free and fair, in contrast to the 1997 elections.<sup>14</sup> The same year, al- Hadari (“Civilized Alternative”), is formed by Secretary-General M.M.;<sup>18</sup> it offers a leftist alternative to other Islamist organisations. The leaders call themselves Islamist democrats, mirroring the idea of European Christian Democrats. They are alumni of the radical Chabiba Islamiya (“Islamic Youth”). The founding manifesto supports a socialist Islam. They sustain the governmental plan for emancipation of women and start a dialogue with other political groups. The party declares itself in favour of civil rights, social justice, the rule of law, and democracy.<sup>21</sup>

2003: On May the 16<sup>th</sup>, twelve terrorists commit parallel suicidal bombings of five targets in Casablanca, a large hotel, two restaurants, a Jewish civic association and a Jewish cemetery in the old city. Thirty-three people are killed, and more than one hundred are injured. The events are considered as the Moroccan 9/11, the most serious terrorist acts committed on Moroccan territory. Until that moment, the Moroccan monarchy appeared to have successfully contained its political Islamists, either by co-opting them into the system or by limiting their space for manoeuvre. The Casablanca attacks, however, shattered this image and uncovered a complex and diverse array of militant Islamist groups. On the 29<sup>th</sup> of May 2003, less than two weeks after the Casablanca bombings, the Moroccan parliament passes the Law to Combat Terror.<sup>20</sup> The law had been pending before the

was an informant. He said that he had handed responsibility to the Permanent Intelligence Oversight Committee, which was charged to draw conclusions. Shortly after these events it became clear from leaked documents submitted to the Permanent Intelligence Oversight Committee that the intelligence wing of the Belgian army had also been aware of A.B. The newspaper *De Morgen* reported that the committee had requested and received “hundreds” of documents from the State Security and also from the *Algemene Dienst Inlichting en Veiligheid* (General Information and Security - ADIV). The manner in which such details were being openly discussed caused the general administrator of the State Security to issue a complaint. He said he “deplored” the media comments on issues which dealt with “highly classified” information. He said that the “total irresponsibility” of media reporting could compromise relationships with other agencies. He confirmed that this is the first time that the department has had to answer public questions on “operational data.”

<sup>16</sup>Morocco was one of the first Arab and Islamic states to denounce the 9/11 terrorist attacks on the United States.

<sup>17</sup>The GICM will commit assaults in Casablanca (on the 16<sup>th</sup> of May 2003) and Madrid (on the 11<sup>th</sup> of March 2004).

<sup>18</sup>The party will only participate in the elections from 2005 on.

parliament through the winter session.<sup>21</sup> Bill 3.03.<sup>19,20</sup> Intensifies the possibilities to detain an individual in preventative incommunicado detention, which is increased from eight to twelve days [...] before the suspect must be brought before the investigative judge. It also allows the judicial police, with the prosecutor's approval, to prevent suspects being investigated from meeting with their lawyers for up to ten days.

The bill introduces a very broad definition of terrorism. Islamist suspects arrested in the aftermath of the Casablanca bombings have reported incidents of torture and secret detention.<sup>23,24</sup> The Moroccan government responds with a crackdown against Islamist extremists, ultimately arresting several thousand, prosecuting 1.200, and sentencing about 900. Following the bombings, Moroccan authorities believe the perpetrators to be of Belgian origin; the Belgian government requests clarification, and State Security deploys an agent, along with a French colleague to Rabat. What is discussed remains unclear, but after the passage of both agents in Morocco serious tensions between the DGED and the Belgian State Security can be observed.

2004: A.B. moves from Brussels to the Ghent area, renting a house of a Belgian State Security Informant.

2005: A.B. travels to Damascus (Syria) to recruit Jihadi's for the war in Iraq. Shortly after the 7/7 2005 assaults, the Belgian State Security gives the British government "very precise" information from A.B. about a planned follow-up attack.<sup>21</sup> Moreover, A.B. visits training camps run by the Algerian militant group the Salafist Group for Preaching and Combat.

2008 - January: A.B. travels to Marrakech. According to certain sources he wants to resolve matters concerning the money stemming from the Brink's Ziegler hold-up committed by A.B.2. On the 18th of January rumours in the Moroccan community run that A.B. disappeared. The Belgian State Security becomes aware of these rumours and announces to the Belgian ministry of external affairs that a Belgian is in trouble in Morocco. According to the lawyer of A.B. he was arrested, and "kidnapped" by the Moroccan police in the hotel of his brother S.B. in Marrakech. Moreover, according to the same source, A.B. was brought to Témara, between Rabat and Casablanca, where he was interrogated and tortured.<sup>22</sup>

2008- February: A.B. was arrested around the 10<sup>th</sup> of February 2008 in Morocco. The precise date and reason for the arrest remain unclear, but Moroccan sources point to the suspicious frequent displacements of A.B. between Belgium and Morocco which led to further investigation. The Moroccan police contacted the Belgian police. A.B. was interrogated by the Moroccan police for a week, and started his "confessions." These declarations were the basis to draw a list of 34 members of the A.B. network.<sup>23</sup> The most striking fact is that the list contained six Moroccan politicians.

<sup>19</sup>Law No. 03-03 on the fight against terrorism enacted by Dahir No. 1-03-140 of 28 May 2003 and published in official bulletin No. 5114 on June 2003.

<sup>20</sup>Morocco's Penal Code does not include a definition torture consistent with the provisions of the Convention against Torture. The government does not recognize the competence of the U.N. Committee against Torture under the Convention's Article 20 to conduct confidential investigations. Morocco also does not recognize the competence of CAT under Article 22 of the Convention to consider individual complaints (Human Rights Watch, 2004b).

<sup>21</sup>Agence France-Presse 3/15/2008.

<sup>22</sup>Public Library of US Diplomacy.

<sup>23</sup>Public Library of US Diplomacy.

## The accusations

A.B. was arrested around the 10<sup>th</sup> of February 2008 in Morocco. The precise date and reason for the arrest remain unclear, but Moroccan sources point to the suspicious frequent displacements of A.B. between Belgium and Morocco which led to further investigation. The Moroccan police contacted the Belgian police. For a week A.B. was interrogated by the Moroccan police and started his "confessions." These confessions were the basis to draw a list of 34 members of the A.B. network.<sup>24</sup> The most striking fact is that the list contained six Moroccan politicians. The Moroccan police continue their discrete investigation and find weapons in three different places: two stocks in Nador, and one in Casablanca, all as a result of A.B.'s "confessions." According to the ministry of Interior, the arms originate from Belgium in 1994. They were transported by car by A.B. himself. In 2000 a new stock will be brought in by the network. According to the logic of the Moroccan authorities these stocks prove the manifest violent intentions of the network. The weapon used for the attempted assassination in June 1996 of a Jewish entrepreneur in Casablanca is said to have been found in the stock of the A.B. network. The six political members of the alleged network were aware of the existence of these stocks, according to the Moroccan authorities.<sup>25</sup> Some of the evidence in the case was not made public because of its classified nature.<sup>26</sup>

On Wednesday the 20<sup>th</sup> of February 2008 the minister of Interior, assisted by the Moroccan police, the "Direction Générale de la Sûreté Nationale" (DGSN),<sup>25</sup> delivered his press-report concerning the case of A.B. He announced the dismantling of a terrorist network, with A.B. at the head of the network. The suspects are arrested in Casablanca, Radbat and Nador. He simultaneously announces the ban on the al-Badil al-Hadari (Civilized Alternative) party. The founder of the party, M.M., is among the suspects. The disparate nature of the detainees, including professors, politicians, pharmacists, computer and telecommunication technicians, journalists and a police superintendent, and the large variety of accusations is striking. The case is described as amorphous. According to the DGSN the network financed its activities by hold-ups, trafficking and contributions from its own members.<sup>26,27</sup> The Interior minister, Chakib Benmoussa, declares on the 21<sup>st</sup> of February 2008 that the group targeted foreign tourists, Moroccan Jews, and high Moroccan ministers and officials in 2002 and 2005. He charged that various members of the network had contacts over the years with members of al-Qaida and Lebanese Hezbollah. Lastly, the minister mentioned connections with the Moroccan Islamic Revolutionary Movement, where A.B. was introduced at the Iranian embassy in Brussels in 1980.<sup>28</sup>

According to the Moroccan version of the events, the A.B. network is divided into members belonging to the core of the organisation, and the periphery: those who delivered logistic aid to the network (by selling stolen objects, facilitating transactions, housing meetings, hiding weapons, etc.). The members of the core were engaged in subversive meetings from 1992 on, 17 years before the arrests. A year later al-Badil al-Hadari (Civilized Alternative) was constituted.<sup>25</sup> On 16<sup>th</sup> October 2008 the process against the A.B. network starts at the Salé Criminal Appeal Court. The formal charges, some from the

<sup>24</sup>Public Library of US Diplomacy.

<sup>25</sup>Known as 'Sûreté nationale'. DGSN is the most important police force of Morocco, functioning under the supervision of the minister of Interior.

<sup>26</sup>Morocco: Address Unfair Convictions in Mass Terror Trial.

penal code and others from the 2003 anti-terrorism law,<sup>27</sup> include “harming the interior security of the state”, “forming an armed group to attack public property”, “forming a criminal group to perpetrate terrorist attacks”, possession of illegal arms and explosives, forging documents, and laundering money. It is a drawn out process, with 40 lawyers defending the members of the network. On the 27<sup>th</sup> of July 2009 the court would judge in the case. The judge considers the 6 murders to be proven, along with the smuggling of weapons and the laundering of money.

The composition of the network is as follows:

Firstly, there is the so-called “Belgian connection” of the network. The ringleader, A.B., is interrogated four times by the police, and twice by the examining magistrate. He “confesses” his implication in the six assassinations in Belgium between 1986 and 1989, including the killing of a Jewish leader in Belgium which had been attributed to Abu Nidal. During searches in Casablanca and Nador large amounts of weapons are discovered and confiscated. The hold-up on the headquarters of the security firm Brink’s-Ziegler in Luxembourg in 2000 is also mentioned in this context. A.B. is consequently sentenced to life imprisonment in July 2009. Another Belgian Moroccan, A.B.2, who was convicted, and escaped prison in Luxembourg for the Brink’s Ziegler robbery, is also arrested. He is suspected to have committed different hold-ups in jewel-shops in Belgium, and in an agency of Lydec<sup>28</sup> in Morocco during 1993, 1994, 2000, and 2002. During a search at the home of A.B.2, the Moroccan police find a significant amount of weapons and ammunition. The money (17, 5 million euros) of the Brink’s-Ziegler hold-up is not found. A.B.2 will be judged by the court of Sale to 30years in prison.

A goldsmith from Casablanca, who melted down the stolen jewels in ingots, receives the same sentence. The man who is considered to be the manager of the laundered Brink’s funds is also among the accused. He is sentenced to 8years imprisonment. Together with A.B. and his 2 year younger brothers, S.B., a hotel manager in Marrakech, is also accused. He is sentenced to 8years, reduced to 5years on appeal, and then pardoned in 2012. Also a hotel waiter, sentenced to 8years imprisonment and a parking keeper (who gets a minor sanction of two years) in Casablanca is on the list. Yet another Belgian of Moroccan origin, a shopkeeper in Casablanca and Tangier, unknown to the Belgian police, is also accused and sentenced to 8years Imprisonment.

Secondly, the home-based Moroccan suspects are an additional group within the network. Those who will be condemned the most severely by the court of Sale initially are: a retired teacher from Casablanca, a shopkeeper in Tangier and Kenitra, and a shopkeeper from Oujda; all sentenced to thirty years in prison. Furthermore, there are the director of a telecommunications agency in Casablanca (30years) and his associate (30years); a modest shopkeeper from Nador, the birth place of A.B., who knew about a hide-away of a stock of arms (15years); a notions seller from Rabat (15years); a teacher in a private school in Casablanca (10years); a former employee in a travel agency in Kenitra (8years).<sup>29</sup> Thirdly, the last group is composed of

Moroccan politicians with connections to the far left and Islamist movement. None of these suspects have a prior criminal record. These circumstances attracted immediate media interest because it was the first time the Moroccan state had accused leaders of moderate Islamist parties of links to terrorism. In the first instance, there is M.M., professor at the Ecole Normale Superieure in Casablanca and Secretary-General of al-Badil al-Hadari (Civilized Alternative). M.M. had the reputation of being moderate. The Moroccan authorities, on the contrary, believed that M.M., who had always maintained good relations with Iran, wanted to create political polarisation within Morocco.

The allegations of the Moroccan authorities go back to 1992, the moment at which a constitutive meeting took place of the network in Casablanca, provoked by A.B. M.M. will be judged by the court of Sale to 25years imprisonment. His sentence will be reduced to 10years on appeal. In 2012 he will be pardoned. The secretary of the national council and spokesman of al-Badil al-Hadari is also arrested. A professor at the Ecole Normale Superieure of Fez, was a member of Chabiba Islamiya (Islamic Youth) as well. It was believed that he broke with radical Islamism and lined up with a leftist political line for a long time. He also will be judged by the court of Sale to 25years, the sentence will be reduced to 10years on appeal, then pardoned in 2012. Furthermore, there is a professor at the Ecole Normale Superieure in Fez, the Secretary General of the unauthorized party Al Haraka Min Ajli Al Umma, in short Al Umma (the Nation), an Islamist organisation that had been seeking legal party status.<sup>30</sup> Al Umma is less positioned at the left of the political spectrum, but stands for a modern Islamist version. The accused was engaged in 1996 in the creation of Badil al-Hadari, before the establishment of Al Umma in 1997.

There is also a pharmacist from Rabat, a member of the national council of the Islamist-inspired Party of Justice and Development (PJD). The PJD was the heritage of the Chabiba Islamiya (Islamic Youth), founded in 1969, which evolved into the present-day “Justice and Development Party” (PJD).<sup>31</sup> The PJD is an Islamist party that holds more seats in the chamber of deputies than all but one other party at that moment.<sup>32</sup> He is condemned by the court of Salé to 20years. His sentence was reduced to 10years on appeal, and eventually pardoned in 2012.

The group of “politicians” contains also a correspondent of the Hezbollah television channel Al Manar, ex-member of the national council of the PJD. He will be judged by the court of Salé to 20years. His sentence will be reduced to 10years on appeal, then pardoned in 2012. Another professor is arrested, a member of the national council of the Unified Socialist Party (PSU),<sup>33</sup> and the only politician who is not affiliated with an Islamist party. He will receive a suspended sentence of two years.

### The problems

The affair gained attention because the charge sheet contained

<sup>27</sup> Law 03-03 of May 29, 2003.

<sup>28</sup> An operator of public services, distributing water and electricity.

<sup>29</sup> All the others are considered as less important and will be judged to lower sentences. Here we find: a shop assistant in Kenitra (6 years); a computer scientist at the direction of judicial assistance at the Hassan II foundation for Moroccans residing abroad in Rabat (5 years); a bricklayer assistant from Kenitra (5 years); a professor (5 years); a police superintendent (5 years); a pharmacy PhD holder from Casablanca (3 years, acquitted on re-trial after the Court of Cassation quashed his conviction); another professor (2 years); an unemployed person (1 year); a woodworker (1 year); etc.

<sup>30</sup> *Al Umma* organised its constitutional conference at the siege of the *PSU*, after the refusal of the Moroccan authorities to have it organised in a public space.

<sup>31</sup> After the events of 2008 concerning the A.B. network, the *PJD* will become the ruling party in Morocco since 29 November 2011.

<sup>32</sup> After the events of 2008 concerning the A.B. network, the *PJD* will become the ruling party in Morocco since the 29<sup>th</sup> of November 2011.

<sup>33</sup> The *Unified Socialist Party* (*PSU*) is a mixture of various movements that sprung up throughout the 60s and the 70s. It first started with the spin-off “23 Mars” (a reference to the 23 March 1965 students’ uprising). The *PSU* was founded in 2005 as a merger of other parties.

limited evidence of the major, well-funded terrorist network connected to al-Qaida as claimed by the Minister of the Interior. The alleged acts were limited to one failed assassination attempt in 1996 on a Jewish entrepreneur, a couple of armed robberies, and several vehicle thefts - all before 2001. At the trial, the defendants vigorously disputed the evidence, which largely consisted of their purported confessions to crimes allegedly committed years earlier. Many of the accused stated that their declarations had been falsified or obtained under torture.<sup>27,34</sup> M.M. tells the press that the implication of the six political figures was a ploy by those in power to destroy, or undermine the political parties whose members were implicated. The then-secretary-general of the "Justice and Development Party" (PJD), the most prominent of the implicated parties, said the "political" defendants were "all known for moderation, rejection of violence and extremism, and for working within the framework of institutions and established national principles." He added, "We are sure that there is some sort of an error ... and we hope it will be corrected".<sup>29</sup> During this period, a judicial case against A.B. opened in Belgium. The federal prosecutor's office commands a search in the house of A.B. on the 26th of February 2008. No evidence for terrorist activities is found.<sup>16</sup> In August 2008 A.B. writes an open letter in the Belgian journal *Le Soir*, affirming that all his "confessions" are the result of pressure and torture in Morocco. This letter would eventually function as a turning point in the case A.B.<sup>35</sup>

In October 2008 a Belgian police delegation is sent out by the prosecutor's office to Morocco. The police officers return with more questions than answers. They were not granted the right to consult nor copy the Moroccan A.B. file, see the confiscated arms, or take the fingerprints of the accused. They could interrogate A.B., but central questions, such as "Did you make confessions concerning the six murders during the period between 1986 and 1989", were prohibited. In November 2008, eleven individuals are interrogated by the Belgian police following twelve searches in Belgium. The Moroccan judicial authorities had delivered seventeen international mandates for arrest. Fourteen of them were related to persons whom were residents of Belgium. Six of the interrogated individuals were witnesses of the reaching activities of DGED in Belgium. According to them, the DGED spread false rumours, blackmailed, threatened, photographed, observed, and intimidated individuals. One of the interrogated alleged that the DGED in Belgium could count on the collaboration of 150 persons. In the framework of the A.B. investigation, the DGED had interrogated and confronted several people in Belgium with lists of names and photographs, without formal consent of the Belgian authorities.

The Moroccan courts did not make an effort to examine the alleged illegal and coercive nature under which the statements were obtained. One key piece of evidence at the trial was the detailed statement of A.B. himself to the police, which directly implicated the six "political" defendants. A.B. initially confirmed his police statement to the investigating judge, but later repudiated it, saying that his interrogators had tortured him into signing a "confession" containing false declarations that he had not made. At trial A.B. proclaimed his innocence, and explained that he had initially confirmed his statement because one of his torturers was present in the judge's chambers. The principal evidence against the defendants were two stocks of arms found by police in Nador and Casablanca. A.B. spoke of the weapons but he said that they had been intended for sale or delivery to Islamist militants in Algeria and not for use in Morocco. The appeals hearing started on the 26th of October 2009 before the appeals division of

the Rabat Court of Appeals. Under Moroccan law, the appeals court is empowered to review issues of both procedure and fact and can overturn verdicts or modify the sentences imposed by the lower courts. In January 2010 the Belgian State Security published its first public report.<sup>30</sup>

A portion of it dealt with the A.B. case and is rather critical of the Moroccan version of the facts.<sup>36</sup> According to the report, the existence of a terroristic network is neither proven nor implicates A.B. in six murders in Belgium. It is not only a strong critique of the Moroccan justice system and police, but also of the Belgian judicial system itself, which contributed actively to the A.B. case, as Belgian judicial files were transmitted to the Moroccan judicial authorities for the prosecution of A.B. A Belgian M.P. wrote to the Minister of Justice on the 4th of March 2010 questioning this collaboration between the Belgian and Moroccan authorities. On the 16th of July 2010 the Rabat Court of Appeals confirms the conviction of the 35 defendants, including the six political figures, neglecting to address the procedural irregularities that denied the defendants their right to a fair hearing in the lower court. The appeals court reduces the sentences of six defendants, including four associated with Islamist political parties who now face 10 years in prison. It confirmed the other sentences, including life in prison for A.B. King Mohammed VI pardons or commutes the sentences of 190 prisoners on the 14th of April 2011. Partly due to calls made by a rights council set up in March, linked to the process of political reform in Morocco provoked by the wider 'Arab Spring'. Amongst those pardoned are the political figures convicted in the mass A.B. trial. In April 2012 Secretary General M.M. of al-Badil al-Hadari asks the Moroccan government to lift the ban on his party.

In April 2015 the Brussels court decided to cease the prosecution of A.B. in Belgium. The federal prosecutor argued that the "confessions" of A.B. are the result of torture in Morocco. According to the judge there was not enough evidence in Belgium to have A.B. convicted for the crimes he was suspected of. The Belgian judge urged the Belgian authorities to put pressure on the Moroccan government to allow A.B. visitations from his Belgian lawyer.

## The formal and informal economy of intelligence in the A.B. case

### The informal market of intelligence: cross-departmental or inter-agency responses are

considered today as necessary in the war against terrorism<sup>31,32</sup> argues: "vertical structures are arguably effective at delivering discrete policies and providing clear lines of management and accountability" but "complex issues, which do not fit neatly within a departmental portfolio, or span the interest of several departments, tend to be neglected." In essence, the A.B. case raises puzzling questions concerning the exchange of intelligence between different services. Two hypotheses can be formulated in this regard.

- i. The core of the Moroccan indictment and judgement are the alleged contacts between A.B. and M.M. and other "politicians", dating from 1992, leading to the preparation of political violence by a terrorist network under construction.<sup>37</sup> At that time, A.B. was under observation of the Belgian State Security. It is during

<sup>36</sup>Rapport annual 2018.

<sup>37</sup>The stocks of arms found in 2008 on Moroccan territory in the framework of the A.B. case function as the materialisation of the intentions of the suspects from 1992 on.

<sup>34</sup>Morocco: Address Unfair Convictions in Mass Terror Trial.

<sup>35</sup>Borloo, J.-P., Une lettre de Belliraj: "J'ai été torturé", *Le Soir*, 14/11/2008.

the same year that the Belgian State Security started to become increasingly interested in Islamist terrorism and started recruiting informants. Granting that A.B. started in 1999 as occasional informant for the Belgian State Security, and in 2000 officially as their informant, leads to the conclusion that A.B. had already been active in the terrorist scene before he became an informant for the Belgian service.<sup>38</sup> This seems logical, since an informant is interesting for an intelligence service only when he already has a certain degree of knowledge about the environment under investigation, but this hypothesis does not explain his position after 2000. From that moment, A.B. was an official informant, meeting with heads of al-Qaida in 2001 and continuing his contact with several terrorist groups the years following. Given his alleged status, it is logical that the Belgian State Security was informed about his activities during this period.

This assumption is sustained by the fact that the Belgian State Security passed “very precise” information, stemming from A.B., to the British security and intelligence services concerning an imminent attack in Britain in 2005. The question should be posed: why did the Belgian State Security not inform their Moroccan colleagues concerning the activities of A.B. after 2000? It is hypothesized that A.B. was the initiator, the “ringleader”, of the formation of “his” own terrorist network in 1992. It is plausible that A.B. presented himself to the Belgian State Security as a participant in a broad terrorist network, and not as the spider in the web, or as a terrorist-entrepreneur. Rather, he presented himself to the Belgian security and intelligence services as a follower and not as a driving force. If this assumption were to be true, then it was A.B. who decided which intelligence was passed to the Belgian State Security and which not, covering up his complete and exact role for the Belgians. In this scenario, the Belgian State Security was unable to pass relevant information to the Moroccans concerning A.B., while they only held fragmented information concerning different more or less “peripheral” events. The Moroccan authorities had already known “for an extended period of time” that A.B. was an informant for the Belgian State Security. Also from this point view, it can be observed that the Moroccans did not warn the Belgians of A.B.’s clandestine activities, more precisely concerning the active role A.B. had in the constitution of his own network from 1992 on.

In short, mutual exchange of intelligence between the Belgian and Moroccan intelligence services was absent. Moreover, it became clear that the Moroccans preferred to act on their own account, also on foreign territory. We should not forget that in 1973 the Moroccan DGED (“Direction Générale des Etudes et de la Documentation”),<sup>39</sup> was set up specifically for observations abroad. Members of the DGED were sent throughout Western Europe to observe the Moroccan diaspora in 1973 as illustrated by the Ben Barka affair, a case in which Morocco violated French national sovereignty. This disregard for national sovereignty was the reason why the Belgian State Security services asked the Moroccan DGED to withdraw their agents from Belgium in 2008 in relation to the A.B. case.

- ii. It is plausible that A.B. had already been functioning as an informant for the Belgian State Security services before 1999. If this hypothesis is true, the active role of A.B. in the formation of his own terrorist network would be known by the Belgian service. In that case, we should assume that A.B. was provoking criminal behaviour, leading others into the clandestine

construction set up by himself. This hypothesis seems unlikely, while such a scenario would imply that the Belgian State Security has sustaining such a difficult, illegal and risky counter-intelligence operation. This does not exclude the involvement of A.B. as an informant for other foreign intelligence services prior to 1999. Without suggesting that this assumption is based on reality, this scenario seems believable. A.B. is, for example, introduced to the Iranian embassy in Brussels in 1980 and he meets Palestinians in Algeria during 1988, accepting subversive assignments from them. It is evidently unclear which kind of intelligence exchange existed during these contacts. If this assumption is plausible, we can speak of A.B. as a double agent.

### The informalization of the exchange of judicial information

Moreover, the intelligence market is determined by other rules than the exchange of judicial information, for the purposes of criminal prosecution, between police services. The ultimate goal of the intelligence market is political, while the subject of criminal police investigation is ultimately prosecution in the criminal courts. The judicial rules of the police are much more formalized and regulated than those of intelligence services. In the A.B. case this distinction becomes almost non-existent. To a large extent this is the consequence of the fact that the Moroccan case against the A.B. network was not only leading to the sentencing of “criminals” by a judge, but also towards the elimination of a political party by the Moroccan government at the same moment. In doing so, the logical consequence was that the defence lawyers were labelling the prosecution of A.B. as a political rather than criminal issue. But there are other consequences, linked to the informal exchange of intelligence. It is conceivable that A.B. was that well socialized in the world of intelligence services, that he “confessed” before the Moroccan police, and the examining judge, making a detailed statement which directly implicated the six “political” defendants. It is possible that in doing so, he expected to gain a negotiating position with law enforcement in his personal interest, minimizing his culpability by pointing to role of other actors.

Ultimately it is even conceivable that A.B. involved “political” suspects to give the process a political, and not just an unambiguously criminal, character and in so doing he managed to create further trouble for the ability of the Moroccan justice system to prosecute him for criminal offences. The other, and more realist, hypothesis is that he indeed was tortured during his police interrogations.<sup>40</sup> If this was the case, the formal rules of law enforcement were informalised as a consequence of competition between intelligence services and police services. The distinction between the intelligence world and police investigation generates this kind of competition. When the Belgian State Security services started to become increasingly involved in the problem of Islamist terrorism in 1992, they observed a growing relationship between the Moroccan DGED and the Belgian police, more precisely the Gendarmerie, and claimed that intelligence services should collaborate with intelligence services and not with the police. Of course, direct contacts between the Moroccan police and the Belgian police can be observed in the framework of the preparation of the court case against A.B. in 2008.

In October 2008 a Belgian police delegation is sent out by the prosecutor’s office to Morocco and the Moroccan judicial file contains

<sup>38</sup>This doesn’t mean that A.B. was unknown before 1999-2000 by the Belgian State Security. From 1986 on he is observed by the Belgian State Security.

<sup>39</sup>Apart from the DGST (“Direction Générale de la Surveillance du Territoire”).

<sup>40</sup>A hypothesis which seems to be supported by the fact that the Brussels court decided to stop the prosecution of A.B. in Belgium. The federal prosecutor argued that the “confessions” of A.B. were the result of torture in Morocco. This is in sharp contrast with the position of the Moroccan judge who condemned the members of the network, also in appeal.

Belgian documents that were provided by the Belgian judicial authorities. In this context, it is striking that in 2010 the Belgian State Security service commented critically in its first public report on this form of (judicial) collaboration. Whatever the underlying motives may have been, it is clear that the A.B. case was a crossroad of different logics concerning the exchange of intelligence and information, and that this influenced the outcome of the process.<sup>41</sup> The consequence of this situation is that the court case is directed towards a strange mixture of politically motivated violence (e.g. assassinations and assaults), rooted in organised crime activities (e.g. embezzlement, trafficking of arms, robbery and hold-up, money laundering, selling stolen objects), and pure and simple legal political activism (contributions of party members). This resulted in a group of suspects of a very disparate nature, demonstrating that terrorist activities are to a large extent embedded in different forms of informal economy.

## Conclusion

The informal economy is more than the inverse of the formalized economy. It is a dynamic environment. It is less limited by legal rules, state control, bureaucracy or regulation. On the other hand the informal market is less visible than the regular economy. The A.B. case demonstrates that Jihadist networks depend on the supporting community to provide political sympathy, financial support, and the supply of recruits. As Lopez et al.,<sup>33</sup> point out, “at the heart of this dynamic of social support is an informal economy of exchange.” To a large extent this observation goes also for the exchange of intelligence in the world of counter-terrorism, being in itself transformed into an informal economy.<sup>34</sup> The most plausible explanation of the intelligence position of A.B. lies in the dependent position of intelligence services of their informants. The central question we want to answer is to what extent we can consider the exchange of intelligence in the A.B. case as a form of informal economy. The value of intelligence is difficult to unravel. Mostly the value of a commodity is determined by the amount of labour invested in it.<sup>4</sup> The original owner of the intelligence in the case under study is A.B. If it is true that A.B. was recruited as an informant by Belgian State Security, it is difficult to consider him as the direct producer of the intelligence, while this would put him in the position of provocateur.

Starting from the assumption of the position of A.B. as informant for the Belgian State Security, he can only be considered at most as an intermediate. The intelligence is not produced by him, but is originating from elsewhere.<sup>3</sup> In the same line of thought, intelligence is not the result of labour invested in the traditional sense. Even if A.B. was paid for providing intelligence, this payment was not in relation to the labour delivered but can be considered as a compensation for the risks taken. A.B. is in this context not to be considered as engaged in a real exchange relationship. In any case, intelligence services pay for information to avoid that which a real mutual and bilateral information exchange would generate. Officially intelligence services gather intelligence, they do not provide it to informants.<sup>35,36</sup> This is precisely the reason why informants are normally paid.<sup>42</sup> A.B. denies that he was paid for delivering intelligence. If this is true, which

<sup>41</sup>It is at the least puzzling that both the Moroccan and Belgian jurisdictions disposed to a large extent of the same judicial information and concluded in a completely contradictory way concerning the case. We can only deduce that the reconstruction of the “judicial truth” was in both countries strongly influenced by contextual factors, partially by the different points of view of the intelligence services involved.

<sup>42</sup>In this context, the discussion concerning the demand of naturalisation of A.B. and the position the Belgian State Security took, is a debate about the possibilities of discretion in this regard.

we cannot check, this means that he was motivated by other forms of compensation, such as assistance in the pursuit of his moral or religious objectives. In this context we can speak of an exchange of “symbolic commodities.” If this was the case, we are confronted with a more or less “altruistic form” of collaboration.<sup>37</sup> It is also possible that he acted from a pragmatic or even opportunistic point of view, which implies a more “egocentric form” of collaboration.

The deliverance of intelligence is in both situations no real exchange. In such a kind of situation, the actions of A.B. should be considered as a gift. Even if we accept that A.B. provided intelligence in exchange for monetary compensation, he retains control over this intelligence and is able to exchange it with other parties, such as other foreign intelligence services. In the case of A.B. several sources mention that he worked for different intelligence services at the same time and should be considered as a double agent.<sup>38,39</sup> If A.B. were to be an informant, he was officially registered as an informant by the Belgian State Security services. This kind of registration is not publicly known and can be considered as strictly classified information. Even when the informal exchange is officially registered, we can consider the behaviour of A.B. as an informant as unknown outside the Belgian State Security services. This makes his activity by definition informal. The utility value of an exchange is determined by the capacity of a commodity to fulfil the need of a buyer. If we consider the exchange of intelligence in the case under study, we are confronted with a situation where only an extreme small number of buyers or purchasers is interested. The utility value for that small group (of intelligence agencies) is very high, since it is precisely the kind of information they want to gather. The gathering of this type of intelligence is the reason for their existence, while this intelligence provides them legitimacy.<sup>34</sup>

## The purchaser of the intelligence, however, has a problem

The authenticity and credibility of the intelligence remains questionable. Only when the purchaser can triangulate the information, can they be confident about the exchange value of the intelligence in question. The purchaser will look for additional sources of intelligence, but will be hindered by the limited offer on the intelligence market. The exchange value is determined by the level of demand and supply on the market. In the case of intelligence about terrorism, the availability and supply of the commodity is very limited and privileged. To the extent that the same intelligence is no longer exclusive and shared with other actors on the market, the exchange value diminishes particularly where intelligence is considered as a means to position oneself strategically in the informal intelligence market.<sup>40</sup> Sharing intelligence with other services is potentially risky, while the triangulation of intelligence is not certain, and it weakens at the same time the strategic position because of the loss of exclusivity ownership of the intelligence in question.

These aspects of intelligence exchange determine its market price. Intelligence services dispose of limited financial resources to attract intelligence providers. In this sense the market price is rather fixed. The elasticity of the market is strongly limited. On the other hand, the provider of intelligence will search other purchasers. This gives the provider the opportunity to increase his income for the same intelligence delivered. From this point of view providers and purchasers have contradictory interests. As<sup>35</sup> already stated, criminology has in the past failed to formulate theories about terrorism and espionage. The study of this kind of behaviour, committed by agents and organisations that are prima facie considered both as acceptable and politically powerful, in terms of an informal economy of exchange relations can

illuminate the apparent contradictions between the legitimate role of state agents in public security and their adoption of illegal methods that subsequently undermine this legitimate role, as the A.B. case rigorously demonstrates.

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## Conflicts of interest

The author declares that there are no conflicts of interest.

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