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# Under the supervision of the media

On the role of the news media in intelligence oversight



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## Abstract

While there now is a general understanding that news media play an important role in overseeing state action, there has been little systematic (case specific or comparative) research into the role of news media in the process of oversight of the intelligence community. This study contributes to this research by answering the question ‘how does media attention on intelligence-related cases in the Netherlands contribute or relate to media oversight of the intelligence sector in the Netherlands since 9/11?’. It did so through defining the general media oversight culture in the Netherlands and analysing the media reporting on (changes in) operations or policies of the intelligence community that related to four ‘events’: (1) the murder of Theo van Gogh; (2) the publication of an official report in which recommendations were made for a new bill on the intelligence services; (3) the revelation of a potential involvement of Dutch intelligence services in the collection of 1,8 million metadata; and (4) the publication of an official report in which the consequences for the *AIVD* of a period of budgetary turbulence were assessed.

The case studies showed that, despite the fact that journalist generally experience a lot of obstacles when reporting on the intelligence community, they are able to perform oversight on the community’s activities and policies through their reporting in various ways. First and most important, the media function to a high degree as an information transmitter, bringing diverse issues onto the agenda and forwarding new facts, developments, statements, et cetera. On the other hand, the low amount of in-depth critical reviews and signals of investigative efforts implies that journalists experience difficulties in scrutinising intelligence activities (supposedly due to, for example, incomplete information). Second and to a significantly lesser degree, the media perform oversight through substituting other oversight actors, providing the public with accessible versions of official reports and (seldom) functioning as a channel for whistle-blowers. Finally, although journalists at times legitimise intelligence services’ existence or activities, they predominantly address alleged wrongdoings or remain silent, even when something was revealed that could or should be legitimised. Although the specific attention through which journalists perform oversight slightly differs per analysed newspaper, the three general roles are to a certain degree fulfilled by all.

## Foreword

This report is written as a part of the final assignment to the Master program Crisis and Security Management, at Leiden University. The report describes the analysis of the role of Dutch news media in the oversight of the Dutch intelligence community. It furthermore presents the findings of this analysis and assesses the participation of Dutch media in intelligence oversight.

The idea for this under-researched but yet very current topic got into my head during the period in which I was attending the course ‘World of the Intelligence Services’, and it did not disappear anymore. I am grateful to finish my study career with the presentation of this report that follows from an important and unique research. I hope that this research inspires other people to investigate the topic of media oversight as much as it pulled my interests to this area of expertise.

Herewith I would also like to thank Constant Hijzen, my supervisor, for his help and guidance during the last semester. Additionally, I would like to thank Huib Modderkolk, Maurits Martijn and Hilde Bos-Ollermann for their helpful contributions as well. Their knowledge, expertise and experiences enabled me to analyse the role of news media in intelligence oversight even more in-depth.

The Hague, June 9, 2016

L. Clausing

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# 1. Introduction

## — Nederlanders martelden Irakezen —

*de Volkskrant, November 17, 2006*

Near the end of 2006 *de Volkskrant* journalist Jan Hoedeman published an article in which he exposed that officers of the Dutch *Militaire Inlichtingen en Veiligheidsdienst (MIVD)* (Military Intelligence and Security Service) were involved in the alleged torturing of Iraqi prisoners (Hoedeman, 2006). The publication of this article gave rise to doubts on the treatment of those Iraqi prisoners. Due to those doubts the Dutch Minister of Defence Henk Kamp commissioned an external research committee to investigate the involvement of Dutch military officers in potential wrongdoings during conversations with Iraqi detainees. The inquiry resulted in findings that showed a violation of European Human Right laws in a single case (NRC Handelsblad, 2007).

The example above perfectly shows how news media are able to hold intelligence services to account for their activities and operations. In the post-9/11 era news media have revealed controversial, illegal, ineffective, inefficient or improper dimensions of the intelligence sector on numerous occasions. Those revelations have resulted in the abdication of politicians, the discharging of intelligence officers, and even the detention of some. Although the revelation of wrongdoings on behalf of the intelligence community often works as a successful method to hold the community accountable for their activities, it is not the only way through which the media can function as an intelligence oversight actor. It is acknowledged that they, although as an informal oversight actor often less visible than formal oversight actors, still may play an important role in intelligence oversight (Caparini, 2004, p. 17).

The concept of oversight in the area of intelligence is an increasingly researched topic among academia and (governmental) organisations (see for example: Baldini, 2010; Born et al., 2005; DCAF, 2011; Ford, 2006; Johnson, 2007). Especially since 9/11 oversight of intelligence services became more apparent and scholars increasingly addressed different aspects of intelligence oversight, accountability, and control. Additionally, much academic research has addressed the news media's role as a political institution, the news media's coverage of governmental behaviour and actions, and the linkage between news media and

political accountability in general (see for example: Arnold, 2013; Besley et al, 2002; Cook, 1998; Schultz, 1998; Sparrow, 1999).

Whereas there is now a general understanding that news media play an important role in democratic transition, consolidation, and in facilitating good governance, there has been little systematic research into the role of news media in the process of oversight of the security sector. Comparative research is even rarer in this field (Caparini, 2004, p. 17). At the same time, academic research into the role of the news media on the oversight of the more narrow intelligence sector seems to be even less. Hillebrand (2012, p. 690) mentions that media coverage of intelligence aspects is often mentioned, but a systematic account of its role is still missing. Hillebrand is one of the few so far who has paid attention to the question of how news media fit into the conceptual framework of intelligence oversight. Additionally, Antje Fritz (2004) has researched the role of news media in intelligence oversight in Germany and Clerix (2013) argues that Belgian news media are a watchdog without teeth. However, for most Western European countries, including the Netherlands, a thorough study into the role of national news media is missing. Moreover, there seem to be very few elaborate case studies performed on national or international cases. An article written by Glenn P. Hastedt (2016) on the press coverage of the NSA leaks is an exception.

### **1.1. Research objective**

The main aim of this thesis is to answer the question: How does media attention on intelligence-related cases in the Netherlands contribute or relate to media oversight of the intelligence sector in the Netherlands since 9/11? By analysing the reporting of news media on selected cases, this thesis hopes to provide further explanation of and elaboration on the role of news media in the oversight of the intelligence sector as it has been addressed in academic literature until now. Media reporting or attention in this research relates only to press coverage of the selected cases (both online and hardcopy). Wherever this report uses the term media, the press as a part of news media are referred to. To answer the main research question two sub-objectives have been constructed. First, the research tries to find out how and how much different Dutch news media report on selected intelligence related cases, how and to what degree their reports contribute to the oversight of the intelligence community, and how this oversight corresponds to the general culture of oversight that exists in the Netherlands. The general culture of oversight refers to the norms, values, habits, legal standards, and other factors from within the working environment of the media that might

have influenced intelligence oversight by those media. Second, the research tests the used concepts and theories that are derived from the literature. Due to the lack of in-depth research and substantial academic studies into the topic of intelligence oversight by the media, it seems plausible that a lot of improvement in the theorisation of intelligence oversight by the media is still possible. The findings of the case studies from this research, and the degree of their correspondence to the general oversight culture in the Netherlands and the state of the art literature, hopefully reveals some improvements or necessary changes.

## ***1.2. Thesis outline***

To provide the reader with the necessary background information and an introduction to the research of this thesis, the second chapter includes a literature research of the historical development of intelligence studies and oversight, and the meaning of intelligence oversight. Furthermore, it elaborates on the involvement and roles of mass media in the oversight of state action, and more specifically the intelligence community. Finally, it briefly addresses the prerequisites for successful media oversight of the intelligence sector, and its challenges and opportunities. The third chapter elaborates on the definition and operationalisation of the concepts that are of importance for the performed analysis, after which chapter four addresses the used methodology and research design. More specifically, in that chapter the choice of analysis has been grounded, a coding frame for the identified indicators has been defined, and the delineations of the research has been justified. Chapters five and six address the findings of the researcher's own research and performed analysis. First, a general culture of media oversight in the Netherlands has been constructed, based on conducted interviews. Thereafter, chapter six describes the findings of the qualitative and quantitative analysis of the four selected cases. Subsequently, chapter seven enlightens the research's most important conclusions based on the case specific findings and the defined general oversight culture. Besides that, the chapter forwards several suggestions for the improvement of the existing theorisation on media oversight, and provides some recommendations for further research.

## 2. Context – History

This chapter explores the history of security and intelligence oversight, and the development of its sector. Furthermore, it describes the role of the news media in that oversight, and the development of the relation between the news media and its oversight of the security and intelligence sector, by researching the existing literature on these topics and its interactions.

### 2.1. A historical walk-through of...

#### 2.1.1. ...*Intelligence studies*

The intelligence studies literature is nowadays quite large, and still growing. It has not always been like that, however. Halfway through the 20<sup>th</sup> century the intelligence profession lacked a literature and was unable to ensure that knowledge about the intelligence business was captured. Many of the existing problems, however, have been fixed as both government and academia have contributed to knowledge advancement in the field (Marrin, 2016, p. 2). Intelligence studies as an acknowledged academic discipline was in its formative stages from the mid-1980s until the early 2000s. It then developed further as a result of the flow of interest and money in its direction after the 9/11 attacks. Since then the literature has grown in terms of sophistication and abstraction, with much emphasis on key intelligence concepts and theories (Ibid., p. 14). As a part of this, the literature that commented on intelligence failures and scandals, and the discussion on intelligence deficits grew (Johnson, 2010a; Müller-Wille, 2006). In the United States for example, many voluminous reports written by government panels, as well as books and articles written by scholars, commented on intelligence scandals and failures such as 9/11 and the Iraq War, and offered corresponding reform proposals (Johnson, 2010a).

The developments in the intelligence policy and practice of numerous democratic states since 9/11 have underlined the necessity of retaining these states' commitments to foundational democratic norms and core values whilst seeking to protect their societies (Caparini, 2007, p. 23). Although since then several academic articles and governmental reports have addressed both general and country or service specific oversight and control of intelligence services (e.g. Born and Leigh; 2005; Born et al, 2005; Gill, 2002), Müller-Wille (2006) argues that too little attention has been paid to the issue of agencies' democratic accountability. Nonetheless, as a consequence of additional intelligence failures and wrongdoings such as the Snowden revelations, and intelligence reform in recent years, it

looks like many scholarly studies and governmental reports have been added to the literature. Most studies on intelligence accountability that have been published predominantly seem to concern parliamentary or congressional intelligence oversight.

### *2.1.2. ...Intelligence oversight*

Hans Born, Loch K. Johnson and Ian Leigh, among others, shortly described the development of security and intelligence oversight in their book 'Who's watching the spies' (Born et al, 2005). They state that the first intelligence oversight efforts, approximately until the mid-1970s, were considered an executive prerogative in nearly all democracies. During that period oversight was mostly based on executive decrees and orders, not on laws enacted by parliamentarians (Ibid., p. 229). Then they add that the real debate about the oversight of intelligence agencies by governments and legislatures began in the mid-1970s. Through-out those years many established Western democracies, such as the UK, Canada and the US, experienced major exposures by the news media concerning security and intelligence scandals.

The ensuing outcry and media attention with regard to these scandals resulted in public pressure to reform and to better scrutinise the way the services operated (Born and Johnson, 2005, p. 229). A wave of reform spread through Europe in the 1980s and 1990s, and in many countries a pattern of exposure, report and strengthening of oversight could be noticed. The public and legislators began to understand that security and intelligence services not only protected democracy, but could also harm it. Leigh (2005, p. 4) points out that the threat might come from privacy infringement by information gathering and surveillance, attempts to manipulate the political process, by control of information, infiltrations, pressure groups, et cetera.

Apart from scandal, major historical events such as the end of the Cold War, 9/11, and the Iraq War, caused organisational reform of intelligence oversight as well (Leigh, 2005, p. 3). Recently, the 9/11 attacks and the ascendance of international terrorism created a new and strengthened legitimacy for intelligence agencies, and instigated an immediate drive among Western governments to implement measures to protect the public safety and national security of their states (Caparini, 2004, p. 15; Caparini, 2007, p. 23). In the continuing aftermath, however, these developments only further contributed to the curbing of public scrutiny of the security sector activities (Caparini, 2004, p. 15). There are significant grounds for doubting whether legal safeguards and oversight and review mechanisms kept pace with the developing

methods and capacities of the intelligence community. Additionally, there has been little debate on some of the assumptions and assertions used to justify the build-up of many states' intelligence capacities, and the degree to which they have curtailed civil liberties and fundamental freedoms (Caparini, 2007, p. 23). Only a few years later, several major events redirected the focus towards the oversight of security and intelligence services again. The Snowden revelations in 2013 and the 2015 Paris attacks caused important discussions on the abuse of powers and effectiveness of intelligence services and the need for closer oversight. A recent DCAF report (2012, ix) points out that the concerns about the tension of intelligence services' activities with democratic values has provoked a season of inquiry and soul-searching, and new oversight mechanisms have been created as a result.

## 2.2. A definition of intelligence oversight

As mentioned in the previous chapter, in recent years the volume of studies on intelligence oversight, control and accountability has increased. Many of the published articles and books address and evaluate intelligence failures and wrongdoings, or intelligence reform. Additionally, there are several authors that have addressed the actual meaning of intelligence oversight or aspects of it, and sometimes defined (opposing) own definitions.

First, the concepts of oversight and control have to be distinguished. Gill and Phythian (2006, p. 151) argue that while control refers to the adequate powers of the head of an agency to manage and direct the agency's operations, oversight refers to a process of superintendence that is concerned not with day-to-day management but with ensuring that the overall policies of the agency are consistent with its statutory mandate. Additionally, it is argued that oversight does not only include post hoc review but also covers current operations (Ibid., p. 151). An intelligence oversight toolkit by the DCAF (2012, p. 15-16) confirms this division between control and oversight, and states that oversight includes ex ante oversight, ongoing oversight, and ex post oversight.

Opposing Gill's and Phythian's definition, Born and Leigh (2005) seem to argue that control is included in the term 'oversight'. They identify five layers of oversight of which the first two refer to the exercise of control: (1) internal control by the services themselves, (2) direct control by the executive, (3) parliamentary oversight by the legislature, (4) monitoring and prosecuting by the judiciary, and (5) monitoring by civil society groups, media, think-tanks, and research institutes (Ibid., p. 15). A DCAF report (2012, p. 6) confirms that

generally oversight is performed by managers within the intelligence services, by executive officials, members of the judiciary and members of parliament, independent ombuds institutions, audit institutions, specialized oversight bodies, journalists, and members of civil society. Additionally, Born (2002, p. 13-14) emphasises that parliament alone cannot guarantee effective oversight and hold the government accountable for all activities and policies organised within the security sector. He points out that politicians do not have the time, resources or expertise to keep a close watch over the complex and large security sector. An informed civil society, among which are journalists and citizens, is therefore essential for the democratic oversight of the intelligence services.

Scholars, other professionals and institutions point out different reasons for these layers to perform oversight. First, Born and Leigh (2005, p. 16) reason that: “Because the services work clandestinely and the nature of their tasks requires them to fulfil obligations in secret, they are at odds with the principle of open society. It is because of this paradox (defence of an open society by secretive means), that the security and intelligence services should be the object of democratic accountability and civilian control”. Second, Ian Leigh (2005, p. 5-7) decomposes this statement and argues that oversight designs should concern: (1) the need to establish mechanisms to prevent political abuse while providing for effective governance of the agencies; (2) upholding the rule of law; and (3) ensuring the proportionate use of exceptional powers in order to protect civil rights. Moreover he defines oversight as “...a means of ensuring public accountability for the decisions and actions of security and intelligence actors. It suggests something looser than control in the sense of day-to-day management of the operations of the agencies”. Finally, the above mentioned DCAF report (2012, p. 4) states that the main purpose of oversight is to hold intelligence services to account for their policies and actions in terms of legality, propriety, effectiveness, and efficiency:

1. **Legality** refers to whether those actions comply with the constitutional, statutory, subsidiary and international law.
2. **Propriety** goes beyond the law and includes the ethics of the concerned policies and actions. It refers to whether an intelligence service’s actions are morally justified.
3. **Effectiveness** measures the extent to which a service realizes its goals. Oversight of effectiveness entails an assessment of whether and how agencies fulfil their statutory tasks, as well as the extent to which they meet the expectations of their costumers, the executive and other government agencies.

4. The oversight of *efficiency* implies an assessment of the relationship between expended financial resources on particular initiatives and their outcomes. This aspect of oversight is usually linked to the oversight of the finances of agencies (DCAF, 2011, p. 103-104).

Finally, Caparini (2007, p. 9) describes that oversight of security and intelligence services in democratic countries generally aims to combine above mentioned aspects of accountability and assesses one of two categories. First, the executive level tends to check the efficacy of the intelligence services, including issues such as the effectiveness of the services, whether the intelligence community is responding adequately to policy-makers' needs, whether it is doing sound analysis, or whether it has adequate capabilities. Second, judicial oversight is generally focused on the propriety of intelligence services, meaning the compliance of a service's operations with legal and ethical norms. Legislative oversight tends to mix efficacy and propriety, while public oversight tends to focus more on propriety issues, often due to a lack of information on efficacy issues (Ibid.). Gill (2002, p. 19) does not agree with the DCAF's and Caparini's theories and, in contrary, argues that in the post-9/11 environment oversight bodies have been primarily concerned with their agencies' effectiveness.

### **2.3. Mass media, their democratic duty and political accountability**

Since many years mass media have been reporting on state action and have they been holding the state accountable for their actions. This chapter describes the contemporary relationship between the media and state accountability and its historical development.

#### **2.3.1. The Fourth Estate**

As described by Julianne Schultz, author of one of the leading books written on the media and its democratic duty, *'Reviving the Fourth Estate: democracy, accountability and the media'* (Schultz, 1998, p. 1-4), several hundred years ago the press emerged as an institution of political life designed to act on behalf of the people and to report on and give voice to those in positions of political, corporate, economic and social power. In the following centuries the news media have become a source of significant power and influence itself. However, over those years the original imperatives of the press, to retail news and to provide entertainment, have remained. Even the remnants of an ideal can still be seen. This ideal is grounded in the notion that, among the checks and balances that hold the powerful accountable, the media

have an essential and highly political role to play. The process of finding, distilling, and analysing information also ensures this role, the core of its self-definition as the Fourth Estate.

### *2.3.2. Mass media as a watchdog of state action*

In the 1970s people became suspicious about the motivations and integrity of those in positions of power, even as public scepticism about the integrity and power of the news media grew. Journalists and editors accepted the watchdog role with big enthusiasm. As political institutions lost the faith of members of society, journalists were eager to disclose shortcomings and maladministration in the name of public accountability. To many of those working in the media, the role of watchdog is an important duty of professional journalism now (Schultz, 1998, p. 50-55). Since the professionalization of journalism grew, the commitment to the public's right to know and the journalists' right to disclose are central to the newest wave of journalism (Ibid., p. 44).

These professionals are now able to enhance citizens' abilities to scrutinise government actions, adding to their incomplete information. Since governments are supposed to act in the interests of citizens, it is highly important that the public is informed as much as possible about a government's policies and actions. That way they can check whether the government does or does not act in their interest (Besley et al, 2002, p. 45). Besley concludes that "...this can lead to a government that is more accountable and responsive to its citizens' needs". Sparrow (1999) confirms the idea that the watchdog function is now the news media's most important role in the political system. As he sees it other perspectives on the media's potential roles all point back to the watchdog image. However, Sparrow (1999, p. 4-5) also argues that media often are highly constrained in their coverage of politics because of the uncertain political and economic environment they have to work in.

Despite the ever changing meaning of the concept of the Fourth Estate and the diverging opinions about its role in contemporary society, Caparini argues that it nowadays is firmly established as a main principle in the Western academic world. Free and independent news media are considered a key element in democracies in which they perform a vital role as a bridge between society and government (Caparini, 2004, p. 16). But what pieces does this bridge exist of and how are these pieces put together?

### *2.3.3. Providing information and going beyond*

In the long existing literature on political accountability the media has been appointed many different roles, varying from the provision of information on state action to the public and the forwarding of government official's statements, to the checking of state action themselves and the exposing of corruption (e.g. Arnold, 2013; Besley et al, 2002; Cook, 1998; Schultz, 1998; Sparrow, 1999). Coronel (2010, p. 2-3) seems to rightly pack up all these different roles into two general roles for the media to play. First, they can monitor state action and report their findings in order to provide the public with this information. This function appears to focus on the forwarding of information and facts provided by government officials, or on the notifications made by listening and watching to state action. In doing so, the media do not investigate these findings themselves but let the public analyse these findings and scrutinise state action. Nonetheless, the media may be able to expose wrongdoings, abuses of power, ineffectiveness of policies, and so on, without investigating them. This overlaps with a second role: the media can examine findings themselves, where their reporting goes beyond what government or intelligence service's officials say (Coronel, 2010, p. 3).

This so called investigative reporting nowadays is a well acknowledged profession, but knows many different definitions. Coronel (2010, p. 3) defines it as reporting where journalists invest time and effort to expose wrongdoings.. She adds that investigative journalists report on how laws and regulations are violated, and that they compare how organisations work against how they are supposed to work. At the same time Mark Lee Hunter (2011) states that investigative journalism involves "...exposing to the public matters that are concealed..." and the Dutch-Flemish association for Investigative Journalism (VVOJ) (2016) adds that critical and thorough journalism can be performed through publishing news that would not be available without any journalistic intervention. It specifies that that can be done by creating news facts, re-interpretation or correlation of facts already by hand, while making an own substantial effort either in qualitative or quantitative terms. Another common definition of investigative journalism is "...going after what someone wants to hide..." as defined by De Burgh in his book 'Investigative journalism' (De Burgh, 2008, p. 15). In the concluding paragraph he emphasises that "...investigative journalists attempt to get at the truth where the truth is obscure because it suits others that it be so" (Ibid., p. 19). Thus, nearly all definitions seem to have in common that they define investigative journalism as critical and thorough journalism that aims to uncover scandals and to reveal information that otherwise would not have been in the open.

## 2.4. News media and intelligence oversight

So, the mentioned characteristics of the intelligence community construct a unique working environment for the news media to perform their oversight in, but what are its consequences for the media's roles and responsibilities? This chapter provides an overview of the roles and responsibilities of the media in intelligence oversight, prerequisites for good oversight, and the dilemma's, challenges and opportunities of intelligence oversight.

### 2.4.1. Roles and responsibilities

The roles of the media in overseeing state action as described in chapter 2 are also important for media oversight in the security and intelligence sector. More specific for that sector, Caparini (2004, p. 16-19) argues that news media are held to play an important role in facilitating public scrutiny of government. She points out that investigative journalists may expose corruption, wrongdoings and misuse of public office in government. The media can help educate citizens on topics such as national security and public security, enabling deeper debates and informed discussions of policies. Consequently, the media are both an actor and a mechanism in holding governments to account. By being eyewitnesses to events, communicating to their audience what they see and hear, et cetera, the media may help to hold political and state actors accountable (Ibid.). Finally, Caparini (2004, p. 39) states that the press may serve as a sort of fall-back accountability mechanism when internal control does not check questionable behaviour and external control does not identify or challenge it.

Again, one can find these roles back in the responsibilities defined in the 2012 DCAF report in which the authors summed up four key responsibilities generally appointed to the media in overseeing the intelligence community (DCAF, 2012, p. 8):

1. the investigations of policies and activities of the intelligence services and the intelligence oversight bodies;
2. the exposure of improper, illegal, ineffective, or inefficient conduct on the part of the intelligence services;
3. the informing of the public regarding intelligence service policies, activities, and its oversight;
4. the encouragement of public debate about the policies and activities of intelligence services and about the work of intelligence oversight bodies.

Simultaneous, those responsibilities can be traced back to the roles as identified by Hillebrand (2012). She states that, during the process of overseeing and trying to perform their key responsibilities, the media can adapt three different roles. First, the media can serve as an information transmitter and stimulator for formal scrutinisers, transmitting and scrutinising information about governmental activities, including those of the intelligence services, and so bringing issues onto the agenda for public debate. This can mean drawing public as well as political attention to human rights infringements, potential abuses of powers, or a more general lack of accountability. Although it predominantly focuses on (potential) wrongdoings, media scrutiny can also contribute to a public debate on the content, objectives and limits of intelligence work more broadly. Second, the media can perform a role as a watchdog, substituting other oversight actors that are not able or willing to sufficiently execute oversight. Furthermore, media outlets can provide a channel for leaking information that might not have been taken into account by formal oversight bodies or when individuals felt unable to approach formal oversight bodies. Media outlets may also provide more detailed information and present reports in a sharp and accessible way. Third, news media can act as a reassuring tool to legitimise the existence and activities of intelligence services, and related policies by informing the public about the work of intelligence services. Hillebrand (2012, p. 699) states that "...the media can help in building and fostering faith in these public institutions through demonstrating that intelligence performance is overseen...", and that the media may suggest to the public that "...the services are trustworthy and that they conduct their work within the remits outlined in their mandate".

Finally, Kristof Clerix, in his article on the media oversight of Belgium intelligence services, adds a fourth role to the debate in which the media functions as a sensitisation platform. He argues that the writing about foreign intelligence services that operate within national borders contributes to the sensitisation of the public around espionage risks (Clerix, 2013, p. 185). Combined, there are four general roles the media can play in which the above mentioned responsibilities are incorporated: (1) transmitting and scrutinising information about the intelligence services' policies and activities; (2) substituting other oversight actors; (3) legitimising the intelligence services' existence, policies, and activities; and (4) sensitising the public around espionage risks.

### ***2.4.2. Prerequisites for successful media-intelligence oversight***

In his 2016 article on the role of the press as an agent of oversight regarding the case of the NSA leaks, Glenn P. Hastedt (2016, p. 29-30) described four necessary conditions that must be in place for the press to play a substantial role in intelligence community oversight. First, the public must perceive the press to be a legitimate agent of oversight. Second, sustained attention must be given to an issue since oversight is a process and not a single reporting event. As Loch Johnson puts it: “An allegation of intelligence wrongdoing or failure would have to have sustained coverage in leading newspapers, say, several weeks running with at least a few front page stories” (Johnson in Hastedt, 2016, p. 30). Third, disagreement among the policymaking elites is vital since the press tend to report most often and in most depth on those issues that divide policymakers. Finally, the public must care about the issue being reported on. Reljić (2006, p. 74) confirms that the role of the media in the oversight of the security sector depends on many factors. He states that, to grasp reality, one must look into four factors: (1) the political environment of the news media, (2) the economic environment, (3) journalistic skills, and (4) the political psychology of the public.

To enable the media to serve as an informal body in overseeing government, media in many countries were granted special rights such as immunity from giving testimonies in certain cases, the right to withhold sources, et cetera. Even in developed democracies, though, media freedom can be restricted through national legislation on the grounds of national security, which is recognised as a legitimate reason by international law (Caparini, 2004, p. 22).

### ***2.4.3. Challenges and opportunities***

Although the general concept of the news media as a watchdog of state action can also be applied to oversight of intelligence services, the performance of the role of a state watchdog is definitely constrained by certain characteristic aspects of the intelligence sector. Of those aspects the one that presumably influences the media’s performance the most is the high degree of secrecy in the sector. Because intelligence agencies are, more than other security services, governed by secrecy in their operations and products, more challenges emerge in terms of parliamentary oversight, legislative oversight, and scrutiny by the media. As a result, intelligence services are one of the least subject to democratic control (DCAF Intelligence Working Group, 2003, p. 2). On the other hand, the high degree of secrecy is believed to stimulate whistle-blowing, which works in favour of journalists, when there the belief prevails

that it is in the public interest. Many believe that whistle-blowing is a necessity when the degree of secrecy is not serving the public interest (Caparini, 2007, p. 20). Since whistle-blowing may provide the media with huge news, the high level of secrecy thus also opens a window of opportunity.

It is important to notice that it looks like intelligence services, in recent years, have become and are still becoming more open. For example, mid-2013 the American IC on the Record was launched, which is an online forum that has posted more than 250 declassified about Intelligence Community activities (Office of the Director of National Intelligence, 2016). Additionally, Belgian investigative journalist Clerix (2015, p. 4-5) argues that the Belgian military intelligence service became more transparent in recent years and also the Dutch *MIVD* enhanced its transparency a decade back when they started publishing annual reports.

Despite the high degree of secrecy, there are several types of sources the media can get its information from, of which official sources (such as government officials) is one. Consequently, overseeing the security and intelligence sector carries the risk of over-reliance on official sources and the tendency to reproduce official statements rather than to critically scrutinise state policies, actions and the way the state frames events and issues. Inherently, information provided to journalists may be manipulated by governmental officials (Caparini, 2004, p. 15).

As a third challenge the media have to consider proportionality in performing their duties. Fritz (2004, p. 50) argues that journalists have to respect norms and quality standards when addressing security related issues. Fritz (2004, p. 50): “Objective and professional media coverage on security issues provides the best basis for an open dialogue between security institutions and the media.” Furthermore, the media have to act in a responsible way, always considering the potential damage their planned publications might do to the effectiveness of the services’ operations or national security (Hillebrand, 2012, p. 695).

Besides secrecy and proportionality, expertise forms another challenge for good intelligence oversight since there are generally few journalists who specialise in the area of intelligence. Non-specialists may use loose and inaccurate terminology, lack the necessary background to frame discussions about intelligence issues, and fail to put intelligence-related issues in case-specific context. The paucity of journalists with a relevant area of expertise is

compounded by the decreasing support for investigative journalism in many mainstream media. Investigative journalism is expensive and consumes considerable time and resources (Caparini, 2004, p. 39).

Combined, the media might experience four main challenges in overseeing the intelligence community: (1) the unavailability of complete information due to the high degree of secrecy; (2) the risk of over-reliance on official sources; (3) the need to consider proportionality of their publications; and (4) the lack of intelligence expertise among journalists.

## 2.5. Media oversight in Belgium: A neighbour's practice

One of the few other countries that have had some attention in the studies on media oversight of the intelligence sector is Belgium. Since the Belgian intelligence sector has a lot alike with the Dutch one, it might be profitable to briefly explore the findings of the relevant research. A big part of it has been performed by investigative journalist Kristof Clerix, whose articles are predominantly focused on in this chapter.

### 2.5.1. A watchdog without teeth

Clerix (2013) wrote an academic article on the relation between the Belgian media and the Belgian intelligence services in which he concludes that, with regard to the Belgian intelligence services, the Belgian media is unable to sufficiently perform their role as the Fourth Estate. As Clerix (2013, p. 181-182) says, since 9/11 the media did not report in a sufficiently in-depth and disclosing way about the Belgian intelligence services. Many questions about cases such as the Swift-affaire and the dossier on extraordinary rendition have been left unanswered by the media.

Clerix (2013, p. 192-193) points out that specialised journalists and investigative journalism in Belgium in the area of intelligence are scarce, but that the foremost reason of the insufficient reporting on intelligence is the media's lack of available sources. Although the communication of the *Staatsveiligheid* (the Belgian general intelligence service), *ADIV* (the Belgian military intelligence services), and *Comité I* (the Belgian external oversight committee) has improved over the past years, and although they have become more transparent, other sources (such as politicians, the academic world, midfield organisations and archives) remained mostly inaccessible (Ibid.). Whistle-blowers, however, often act as a

source for Belgian media, resulting in many articles on intelligence services (Clerix, 2013, p. 207-208). Many employees of intelligence services are disappointed in the often negative reporting by the media, but Clerix names a lack of communication of successes by the services themselves as one of the causes (Ibid., p. 186). Furthermore, the ADIV has been significantly less subjected to news media reporting than the *Staatsveiligheid*, while both services are of the same size and the matters they deal with are very similar. Clerix argues that both the ADIV and the media are to blame for this (Clerix, 2015, p. 7-8).

In writing about intelligence related activities, there is always a tension between informing the public and maintaining other interests, such as state interests or judicial procedures. Georges Timmerman, journalist and main editor of news website Apache.be, argues that Belgian journalists do understand the necessity to keep operational data secret in order to not endanger the well-functioning of the intelligence services (Timmerman, 2008, p. 26). Finally, Clerix (2013, p. 189-190) argues that the working environment of Belgian journalists is of a high level. Belgian journalists are provided with high-level protection and freedom, and Clerix himself has never experienced political pressure to publish or not publish certain information.

### 3. Conceptual framework and operationalisation

The chapters above have addressed the general reasons for oversight and the different roles the media can play in the oversight of intelligence services. It is now clear why media perform oversight and which roles they can take on in that process. Another question, however, still remains: how do journalists transform oversight mechanisms into writing, and if and to what degree do they perform the identified oversight roles? It appeared to be difficult to appoint an exclusive list of indicators for these roles from the existing literature. Therefore, this research has derived general indicators from the existing literature as mentioned in the previous chapter. Consequently, the researcher itemised these indicators into more specific indicators of which their presence in media articles could be measured by only reading those articles. The potential fourth role of the media as a sensitization platform has been left out because the measurement of public sensitisation cannot be measured by analysing media reports or interviewing journalists, and thus goes beyond the objectives of this research. The first subchapter addresses case specific characteristics that are measured and that provide an overview of the total media attention around a specific case and prominent topics and issues. Second, the next subchapter elaborates on indicators of the (size of the) potential roles that the media may take-on in the performance of oversight.

#### 3.1. Case specific data

First, to find out to what degree the selected intelligence related policy or activity is subjected to media attention, and thus might have been subjected to media oversight, the volume of media attention around that policy or activity is measured. Since there is no unambiguous definition of the concept of media attention, this research has defined its own description of this concept: The amount of media attention refers to the amount of attention that certain newspapers pay to an intelligence policy or activity. This attention contains the amount of unique stories, front page stories and online stories. Those numbers may tell one a lot about the media's interest in the concerned case and the degree to which the media sense a duty to report on that case (which, as mentioned before, is often larger in case of failures than in case of successes). Furthermore, the more media attention exists around a case, the more potential there is for oversight mechanisms to be included in the total amount of attention.

Especially in recent years many media articles have been published both online and hardcopy. For this study both the total amount of articles (including online and hardcopy

articles) and the amount of unique stories have been measured. The former number is only important to determine the full media attention that has been devoted to a certain policy or activity. Logically, a story that is published both online and hardcopy generally reaches a higher amount of people, which likely generates a higher impact of the potential oversight performed by the media. Nonetheless, in the rest of the research and this report only the amount of unique stories is referred to, because indicators such as investigative journalism or whistle-blowing would otherwise be measured double.

Second, it is important to determine why the selected activities or policies were subjected to media attention. Moreover, one has to question whether they relate to any concrete successes or failures by the intelligence community, or changes in their policies. Furthermore, when reporting about these (parts of) activities and policies, a journalist may bring up additional or revealed issues, such as privacy infringement, an abuse of powers or a lack of accountability onto to agenda for public debate. As described in chapter 2, media may hold state actors accountable for their activities and policies in terms of legality, propriety, effectiveness, and efficiency.

Finally, the published articles may address different members of the intelligence community. Members that may be addressed are the *AIVD* (including the Minister of Domestic Affairs, who is responsible for the *AIVD*) and the *MIVD* (including the Minister of Defence, who is responsible for the *MIVD*). For example: the interception of the mail of a 15-year old boy who is not suspected of any wrongdoings by the Dutch *AIVD* might be seen as an abuse of powers or privacy infringement. Additionally, the activity likely lacks necessity and proportionality, and does not comply with ethical norms. In this case, the *AIVD* would be the member of the intelligence community that would be subjected to media oversight. Important to notice is that different articles may refer to different issues or tensions, intelligence actors, or terms of accountability.

Although the identification and description of above mentioned characteristics is not essential for the identification of oversight roles performed by the media and the degree to which they are performed, it does give one significantly more insight into the way how media perform oversight of intelligence related policies and activities. Since it is the objective of this research to find out, based on the selected cases, *how* media perform oversight of the intelligence community, this research has included a description of case specific parts and aspects of those activities and policies, additional addressed issues, related terms of

accountability, and addressed members of the intelligence community, that have been predominantly subjected to media oversight in the selected cases.

Media attention devoted to the cases and its cause
Total amount of stories
Total amount of unique stories
Front page stories
Cause of media attention
Addressed member of the intelligence community
Additional or revealed issues
Terms of accountability

Table 3.1.: The indicators above are defined and measured in order to provide a more in-depth insight in the sort of media attention that is devoted to the selected cases and in how the media perform oversight through the performance of their roles.

### 3.2. Transmitting and scrutinising information

An article can either solely transmit information, or transmit and scrutinise information about intelligence services' activities. Using a common definition for the concept of information as described in the dictionary, information is the communication or reception of knowledge or intelligence. Additionally, it is knowledge obtained from investigation, study, or instruction, and it may be data, intelligence, news, and facts (Merriam-Webster, 2016). In case an article is copied from another news outlet or written by a guest journalist or other guest author, this can also be seen as a transmission of information, since the journalists of the concerned newspaper do not add anything of their own. Since it is not only the goal of this research to prove the presence or absence of the described oversight roles, but also to measure the degree to which these roles are performed, the amount of articles that transmit information is numbered as well.

Journalists may also go beyond the factual transmission of information and perform scrutiny of the intelligence community's policies or activities. To measure the efforts by the media to scrutinise intelligence services themselves, one has to include both the performed investigative efforts through which journalists obtain accurate and important information, and journalists' articles through which they might forward critical assessments of the findings of these investigative efforts or merely of emerged facts. Based on the definitions provided in chapter 2.3 investigative journalism is defined here as critical and thorough journalism that exposes information that would not have been exposed without intervention of the media. Since not all definitions refer to the necessary presence of wrongdoing, revelations of successes may also be results of investigative journalism.

It appeared to be very difficult to detract the amount of investigative efforts from articles, but the articles regularly (indirectly) refer to their presence through several in-text signals. A first potential indicator of investigative efforts is forwarded information that is extracted from human sources through exclusive interviews or conversations. These human sources may be, for example, politicians, other government officials, members of the intelligence community, experts in the areas of technology, privacy or intelligence, or members of other oversight committees. On the other hand forwarded information may be retrieved from non-human sources, such as archives or online databases. The investigative efforts may be exposed in media articles through the journalist's presentation of their findings (for example, the presentation of the findings of a document analysis or an analysis through which the journalist measured the compliance of a certain procedure with ethical norms).

A pressing challenge is to determine whether the obtained information has been obtained through real significant investigative efforts. Presumably, it is often difficult to detract from the media articles whether forwarded information has been obtained by the journalist through his or her own efforts or whether the knowledge exchange was initiated by the source. Additionally, it may look like the journalist has found out certain knowledge through recent thorough investigation, whilst, in contrary, the journalist has had that knowledge for years. Only in case it can be clarified that the journalist performed significant efforts to extract certain information from its (human or non-human) sources, those efforts are appointed as indicators for investigative journalism. For example, the questioning of a source is a substantial effort. In case a source is not exclusive to a journalist, but spreads its knowledge through, for example, a press conference, the obtained knowledge cannot be seen as a result of investigative journalism. Only when it appears to be clear that a source was exclusive and was initially approached by the journalist, the obtained information is assessed as a product of investigative journalism.

Besides transmitting information an article may also contribute to the scrutiny of the intelligence community and its activities by means of critically reviewing or discussing them without any apparent investigative efforts at its basis. A critical review may be indicated by a journalist's own correlation and interpretation of yet available information or information retrieved by the self. A necessary requirement, however, is the presence of a significant line of thought. Of course these critical reviews might be based on a higher amount of investigation than the researcher is able to see during the analysis of the articles, but it is assumed that in many cases one might not be able to prove that. As a part of the journalist's

own interpretation of information he or she may criticise (which refers to the assessment of someone's (alleged) faults in a disapproving way), question or judge certain aspects of intelligence related policies or activities. Nonetheless, there may be occasions on which it is difficult to determine whether a journalist provides a critical review or just an elaborate explanation or description. Those are cases that highly depend on the researcher's interpretation.

### 3.3. Substituting formal oversight actors

Media are able to function as a substitute of other formal oversight bodies if those bodies are incapable or unwilling of conducting scrutiny. It is, however, nearly impossible to detract from media articles whether a formal oversight body was unwilling or incapable to perform oversight or not. Derived from the definitions of Caparini (2004) and Hillebrand (2012) (as described in chapter 2.4.) the researcher has defined two ways to indicate this role. First, this study looks at the presence of information leaks that might not have been taken into account by formal oversight bodies or when individuals felt unable to approach formal oversight bodies. Although one cannot derive from media articles whether formal oversight bodies have already taken into account the concerned information leaks or whether whistle-blowers felt unable to approach formal oversight bodies, it is highly likely since there would otherwise be no reasons for the whistle-blowers to address the media. The presence of information leaks is not used as an indicator for investigative journalism in this research since it is logically assumed that these leaks are initiated by the whistle-blower and not by the journalist. The concept of whistle-blowing has many different definitions, but most authors have agreed that the central idea of whistle-blowing refers to the exposure of organisational wrongdoings by organisation members that are unauthorised to do so (Miceli and Near, 1985). More specifically, the presence of whistle-blowing can be derived from in-text signals that point towards the exposure of wrongdoings of the intelligence community.

Second, the substitution of formal oversight actors can be indicated by the presence of an accessible and sharp translation of official reports that are published by formal inquiry bodies earlier. In-text references to official reports may indicate such a detailed and comprehensible translation. The degree to which the translation is deemed detailed and comprehensible depends on the interpretation of the researcher. Finally, Hillebrand (2012) also states that media channels might be used by opposition politicians to stimulate public interest in a

particular topic. However, this cannot be measured through an analysis of media reports and is thus eliminated as an indicator in this study.

### **3.4. Legitimising intelligence services and their activities**

Media can act as a reassuring tool to legitimise the existence and activities of intelligence services, and can help in building and fostering faith in these public institutions through demonstrating that intelligence performance is overseen, and suggesting to the public that the services are trustworthy and that they conduct their work within the remits outlined in their mandate (see chapter 2.4). The compliance to this role can thus be measured by looking at the presence of compliments or statements that have a positive character towards the intelligence community or their activities and policies. The researcher argues that drawing away blame from the intelligence community is also an indicator for legitimisation, because it eliminates negative views on the intelligence community, and thus directs the balance more towards the positive side.

Many people may argue that the usage of neutral language can also be perceived as a way to legitimise a services' existence or activities, since neutral language does generally not tackle those activities. However, the inclusion of neutral language as an indicator of the concept 'legitimation' would conflict with the meaning of the word legitimisation that is handled in this research, which refers to the justification of that existence or of those operations through the presence of text fragments with a positive character. As long as articles do not explicitly write positive about or justify the community's existence or operation, this study does not acknowledge text parts as legitimising tools.

Indicators for the presence of the potential roles of media oversight and the degree to which they are performed
Transmission of information
Scrutiny of information <ul style="list-style-type: none"> <li>• Investigative journalism <ul style="list-style-type: none"> <li>- Exclusive interviews / conversations</li> <li>- Transmitted information retrieved from archives or other non-human sources</li> </ul> </li> <li>• Critical review / discussion <ul style="list-style-type: none"> <li>- A journalist's own correlation and interpretation of existing information without any apparent investigative efforts at its basis</li> <li>- A journalist's own correlation and interpretation of information retrieved by the self</li> </ul> </li> </ul>
Chanel for whistle-blowing
'Translation' of official reports
Legitimation <ul style="list-style-type: none"> <li>• Legitimation of the existence of (members of) the intelligence community</li> <li>• Legitimation of the intelligence community's policies and activities</li> </ul>

Table 3.4.: The table above displays the indicators that are defined and measured in order to analyse the presence of the roles the media may perform in the oversight of the intelligence community (as explained in chapter 2.4.).

## 4. Research design

Although in the previous chapter a clear list of factors and indicators that are to be measured during the analysis of this research was compiled, it did not define the framework within which those factors and indicators are measured. This chapter first elaborates on the performed analysis and underlying methodology, the reasoning behind their use, and their limitations. Second, it provides an explanation and justification of the boundaries of the framework that is used and finally it addresses the methods of data collection.

### 4.1. Choice of analysis and methodology

#### 4.1.1. *A mix of qualitative and quantitative analyses*

This research contains several analyses. Different methodologies have been applied to complete them successfully. First, the general culture of media oversight of the intelligence community in the Netherlands has been constructed through a qualitative (literature) analysis. Consequently, and with this qualitative analysis as a basis and fall-back point, a mix of a qualitative and quantitative media content analysis has been done in order to measure the indicators that are defined in the chapter above: First, a qualitative content analysis has been applied to every single selected article to find out more about the presence of the other indicators as defined in the previous chapter.

A qualitative content analysis is not a standardised instrument that is the same for every case. The analysis must be fitted to suit the material in question and must be constructed for the issue at hand. At the heart of the qualitative content analysis is the category system through which successive parts material (media articles in this research) are assigned to the categories (indicators in this research) of a coding frame (Mayring, 2014, p. 39-40). Furthermore, a QCA relies heavily on the interpretation of media texts by the researcher Macnamara (2005, p. 5). It therefore suits this research well, since the presence of the defined indicators cannot always be proved and thus highly depends on the reader's observation and interpretation of (possible) in-text signals. This intensive and time-consuming focus is one of the reasons that much QCA has involved small samples of media content.

The content-analytical method that best fits this research is the structuring method, since its objective is to extract a certain structure from the material. Using this method also leads to a list of indicators that is as complete as possible due to its mixed inductive and deductive

category formation. When there are problems of delineation between categories, rules are formulated for the purpose of unambiguous assignment to a particular category (Ibid., p. 95). Nonetheless, the analysis used in this research slightly differs from the structuring method (see Appendix IV for the steps of the structuring content analysis). First, not all categories (or indicators) have exclusive scores. For example, the addressed issues differ per selected case and thus lead to a different category system per case. Second, anchor examples for the coding guidelines have been left out, because the provision of coding rules is deemed sufficient to explain the guidelines.

Finally, the times all indicators are present are numbered in order to gain an overview of the sort of reporting on the selected cases and the degree to which the media have performed their appointed oversight roles. Without a doubt, single scores can tell one something about the kind of media attention that is given to a specific case, and what kind of oversight media have performed. However, by quantifying the scores one may be able to identify an underlying structure of the kind of media attention that is paid and the oversight that is being performed, rather than to show an incidental occurrence that might have been a one-time thing. Mayring (2014, p. 41) confirms that a registration of how often a score occurs may give added weight to its meaning and importance. Furthermore, as a result of the quantification of the measured scores, the reporting on the cases by different newspapers can also be compared more easily, since it would be easy to see how often all indicators were present in the newspapers' articles. This report does not provide all numbers because it has not been deemed necessary in order to provide the reader with an overview of underlying structures of oversight and a general comparison of the reporting of different newspapers. However, one can derive the exact numbers from the tables in Appendix III.

The chapters in which the findings of the analyses are presented include many citations or paraphrases of sentences of the analysed media articles. For example, in addition to the mentioning that a journalist legitimises the existence of the *AIVD*, this report occasionally provides the (part of the) sentence in which that existence is legitimised as well. That part of the articles is provided in order to give the reader a more in-depth insight in the *how* of the media oversight of the intelligence community. Furthermore, it is expected that the inclusion of concrete examples helps the reader to better understand the analysis and its findings. For all indicators that are identified through-out the analysis (if based on specific text fragments) the text fragments on which that identification is based are included in the appendix of this report as well (Appendix III).

### **4.1.2. Methodology**

To answer the posed research question this study uses a multi-case study design. By applying this methodology it is made possible to analyse the unit of observation (the role of the news media in intelligence oversight) on different units of analysis. These units of analysis are selected events that have attracted major media attention. By using a multi-case study design the research has obtained in-depth results. Usually, multi-case study designs contribute to a high internal validity of the results of investigation and to a lower external validity (Eisenhardt, 1989), but within this research other factors (which will be elaborated on in chapter 4.1.3.) seem to deteriorate the internal validity. As a consequence of the multi-case study design, the case specific findings are not merely generalizable to other cases, although underlying structures may be identified based on the findings of the four cases together. Those structures may then be applied to other specific cases.

### **4.1.3. Limitations**

A few important factors and limitations may influence the findings of this research: First, the results of the analysis highly depend on the reliability of the researcher who has coded the codes. No human coder is completely free from bias and different coders thus construct different codes. Having multiple coders would help minimising the effects of the coder bias (Holsti, 1969). However, for this research it was not possible to involve multiple coders. Consequently, there is a lack of intercoder reliability, which refers to the extent to which independent judges make the same coding decisions in evaluating the characteristics of messages and which is at the heart of all content analyses (Lombard et al, 2002). This lack significantly reduces the validity of the analysis' results, since validity highly depends on the researcher's ability to maintain intercoder reliability (Holsti, 1969).

Second, for this research the choice has been made to not focus on the reasoning of journalists to write on specific topics or in specific ways, and on writer's attitudes towards the intelligence community and its activities. This would have cost too much time and effort due to the necessity to interview all involved journalists. Another possibility was to derive the writer's attitudes from text through own interpretation, but this would have caused a high degree of uncertainty and findings with a low internal validity. Still, some part of the identification of the indicators depends on the researcher's interpretation of (the intent of) the material. Due to the interpretive character of the analysis, it may be difficult to generalise the results and they may not ultimately be useful (Holsti, 1969). In the analysis and description of

the findings the researcher therefore always highlights the presence of uncertainty in case a finding is based on his own interpretation of the material.

Although the previous paragraphs defined several ways to measure indicators such as investigative journalism and whistle-blowing, the inability to interview all journalists and thus to obtain complete information leads to an incomplete picture of the roles the media fulfilled. Yet, it is expected that the research provides findings with an underlying general structure that would not differ much from findings based upon a situation with the availability of complete information. To partly fill up the information gap, however, interviews are conducted with journalists that are specialised in the reporting on the intelligence sector.

## **4.2. Research focus**

### ***4.2.1. Choice of country***

Not many countries have been the subject of research on intelligence oversight by news media yet, and especially case studies are rare or non-existing. This research focusses on the Netherlands, which has not been subjected to elaborate analysis yet, as the country of analysis. Since much intelligence research has addressed Anglo-Saxon countries, it would be interesting to also study a smaller Western country. A third reason for choosing the selected country is the fact that it is relatively easy to obtain data on that country due to their proximity and the researcher's ability to read and understand most national documents, news articles, policy papers, et cetera.

### ***4.2.2. Time window***

In this research the focus is on cases that have happened after 9/11, a period during which the media have had an important role (especially since the Snowden revelations). A second reason to analyse cases from within this period relates to the feasibility of the research. Selecting cases from recent years makes it significantly easier to obtain media reports on those cases.

### ***4.2.3. Case definition and selection***

In this research defines a case as an incident or event that has pulled huge media attention towards operations, policies or behaviour of the intelligence community. The case can be either concerning a failure or a success and may also include so-called sub-events. Sub-events are defined by the researcher as events or incidents that occur later in time and reveal new

facts or developments about the operations, policies, or behaviour of the intelligence community that relate to the main event. Of course there are many ways to select intelligence related cases that could be suitable for this research. They can be sorted on their timing and location, on their causes, or on the aspects of the intelligence sector they relate to. Examples of these aspects are: the collection, analysis and dissemination of data; other operational tasks of both military and non-military intelligence services, its legality, effectiveness and propriety; the transparency of operations and policies; the services' powers and potential abuse of powers; the services' resources and budgets. For this research, the cases are selected on two important criteria: First, the selected cases cover the selected terms of accountability. Second, the selected cases must fulfil the requirement of sufficient media attention (this concept will be elaborated on below).

As stated by a DCAF report (as mentioned in chapter 2.2) the main purpose of oversight is to hold intelligence services to account for their policies and actions in terms of legality, propriety, effectiveness, and efficiency. To cover these terms, four cases have been selected of which each one refers to one of the terms. By selecting the cases through this exclusive selection method the amount of selected cases is strictly limited. Consequently, this research is able to show to what extent media perform oversight on each of these terms of accountability. As to comply with one of the terms a case has to cause a wave of media attention that, initially, relates this term, as an aspect of the operating and acting of the intelligence community, to the case.

Additionally, the selected cases must have had sufficient media attention. As Hastedt (2016, p. 30) argues: "Sustained attention must be given to an issue as oversight is a process and not a single reporting event." To specify the concept of sufficient media attention, this research follows Loch Johnson's concept, which says that "An allegation of intelligence wrongdoing or failure would have to have sustained coverage in leading newspapers, say, several weeks running with at least a few front page stories." (Johnson, 2007, p. 345). If more than one case per category is available, the case with the highest apparent media attention and public impact is chosen, based upon a quick scan of the selected news media. The cases described below are the cases that are analysed in this study.

**Case 1 – The murder of Theo van Gogh (November 2, 2004 – December 2015):** The murder of Theo van Gogh and the almost immediate revelation that the *AIVD* knew Van Gogh's perpetrator pulled a lot of public and political attention towards the acting of the *AIVD*

before the murder. Since it is the *AIVD*'s task to protect national security and identify threats to our democracy, and it thus failed to fulfil its tasks sufficiently, the media and politics especially questioned the **effectiveness** of the *AIVD*.

**Case 2 – The collection of 1,8 million metadata (October 30, 2013):** On the 30<sup>th</sup> of October the Spanish newspaper *El Mundo* claimed to be in the possession of a document proving Dutch help with the NSA's collection of 1,8 million metadata. Following this revelation, media and politics initially started questioning the involvement of the Dutch services and the **legality** of that potential involvement.

**Case 3 – A renewed intelligence bill (December 2, 2013 – September 2015):** In 2013 the Dessens Committee published a report with the findings of their research on the necessity for a new bill on the intelligence services. The publication recommended an expansion of intelligence services' powers that may have consequences for the policies of the intelligence services and their responsible ministers, and that might limit citizens' freedom and privacy. Consequently, the media started writing about the **propriety** of the recommendations, including their compliance with the law and with ethical norms, their necessity and their proportionality.

**Case 4 – Budget cuts and intensifications (2012 – May 19, 2015):** In May 2015 a report of the *Algemene Rekenkamer* (General Chamber of Auditors) concluded that the cuts and intensifications of the *AIVD*'s budget in the period 2012-2015 have had and will have huge consequences for the *AIVD*'s performance in past, present and following years. Consequently, media started addressing this period of budgetary turbulence and its consequences for the *AIVD*. This was done mainly in terms of **efficiency**, since the report concluded that the budgetary decisions were made without keeping in mind the exceptional dynamics within the *AIVD*.

Resulting from a quick scan of the selected news media, it seemed as no cases that related the intelligence community to efficiency have been addressed extensively in the media. For that reason and to maintain a full cover of the terms of accountability, a case with less attention has been added. Not surprisingly, none of the four cases relates to activities or policies that were successful. Taking into account the media's natural duty to hold state actors accountable for their activities, and their penchant to write about wrongdoings more than

about successes, it is logical that wrongdoings or changes in policies gain more media attention.

#### **4.2.4. Data collection and exploitation**

For the selection of the cases that are subject of the analysis, the largest daily national newspapers in each country are scanned superficially. In order to find both hardcopy and online stories on the cases the Dutch database LexisNexis Academic and the websites of the concerned newspapers are used. The (combinations of) searching terms that are used to find all relevant articles on every case or subevent are summed up in Appendix I. Subsequently, to provide a description of the general culture of media oversight of the intelligence community in the Netherlands, interviews are conducted with two Dutch journalists who are specialised in the area of intelligence.

##### **Selection of newspapers**

The selected newspapers required compliance to several criteria. First, all newspapers must be published on a daily and national basis, and have both an online and hardcopy version (which have to be paid for). The four Dutch national newspapers with the largest circulation in 2015 were the *Algemeen Dagblad*, *De Telegraaf*, *De Volkskrant* and *NRC Handelsblad* (NOM Dashboard, 2016). This selection also covers the three largest media and publishing companies in the Netherlands: *Telegraaf Media Nederland B.V.* (*De Telegraaf*), *De Persgroep Nederland B.V.* (*Algemeen Dagblad* and *De Volkskrant*) and *NRC Media BV* (*NRC Handelsblad*). Because the *Algemeen Dagblad* and *De Volkskrant* have the same owner the *Algemeen Dagblad* is eliminated, despite the fact that it has a bigger circulation than the *De Volkskrant*. Reason for this is the preference to have a majority of ‘quality newspapers’ rather than one of ‘popular newspapers’. Quality newspapers report more on ‘(political) information’ than popular papers (Bakker & Scholten, 2009, p. 19-21) and provide the reader with information as complete as possible, where popular newspapers write what the readers want to read (Van Hoof, 2000, p. 11-19). Additionally, quality newspapers publish more in-depth articles than popular newspapers (Kussendrager & Van der Lugt, 2007, p. 20-21). According to Bakker and Scholten (2006) the *NRC Handelsblad* and *De Volkskrant* can be seen as quality newspapers and *De Telegraaf* as a popular one.

##### **Selection of articles**

For this research the news articles published during the first ten days after the occurrence of a case are subjected to analysis. After that time period journalists have had some time to collect

all facts and information on the case, to place the cases in their context and perhaps even to (superficially) investigate them. Additionally, it often happens that during those days new facts become apparent which influences the media's reports on that case. Since it is unjustified and illogical to stop an analysis after ten days, whilst the media attention is on its highest, all days are included in the analysis no articles are published on the case for a period of three straight days. Sometimes a case develops over time and can be defined as a collection of sub-events. In that case, every subevent is treated as a separate case. Thus, articles published within ten days are part of the analysis of that subevent. For each event or subevent different selection rules and searching terms are used to collect all relevant articles.

Different journalists may devote different sized attention to the selected cases. The size of attention can vary from one sentence to a complete article. This research excludes articles that only devote less than a paragraph to a case. Those articles often only contain short, superficial recaps of information that has already been presented in previous articles or exist of concise references to the analysed case while the main focus of the article is on a different topic. Although the transmission of little information is also defined as an indicator for the performance of intelligence oversight by the media, the transmission of such superficial and little information that has already been known to the bigger public, and its unimportance in the concerned articles, have led to its exclusion. This study only includes articles that devote a few sentences to a case, but made it to the front page, address the case in their headline or go beyond the pure transmission of information (and for example question certain aspects of the case). They then include a new factor or dimension (such as an opinion or perspective) that is specific to that single article.

As mentioned before, a QCA is an intensive and time-consuming method and therefore this research, as many other QCA's, involves only a small sample of media content. Although an analysis of such a short time period increases the possibility that the research misses out on later published articles that are based on deeper and more investigative work performed by journalists over time, a broader analysis would transform this Master thesis into a PhD research. However, due to the small sample, the results may not be as scientific and reliable as may be preferred.

## 5. A culture of media oversight

In every country a certain culture exists within the discipline of media oversight that characterises, supports, and influences the way media perform oversight of the intelligence community. An exploration of this culture based on several interviews with Dutch investigative journalists specialised in the area of intelligence, could provide this research with some background information on media oversight and with reasons for a certain way of performing oversight. Furthermore, it might help to fill up gaps in the measurement of indicators in the intelligence-related cases that are analysed in the next chapter, and it can be used to find out to what extent the case specific findings correspond with the general oversight culture.

### 5.1. Tasks of the media

Both investigative journalists in the area of intelligence Maurits Martijn (M. Martijn, personal communication, April 14, 2016) and Modderkolk (M. Modderkolk, personal communication, May 12, 2016) agree that media are not a substitute of other formal oversight actors, but that they perform a unique task. They point out that media address questions and issues that are not being addressed by, for example, the *CTIVD (Commissie van Toezicht op de Inlichtingen- en Veiligheidsdiensten* (Review Committee on the Intelligence and Security Services): Does a certain operation work? What does the operation mean? Why is it necessary? What are its consequences? Additionally, Hilde Bos-Ollermann, secretary of the CTIVD (H. Bos-Ollermann, personal communication, May 26, 2016), states that an alleged issue often gets the attention of parliament and the CTIVD through the reporting of the media. The CTIVD might then start an investigation as a result of media pressure or parliamentary inquiries.

Furthermore, Martijn argues that journalists have a lot of room for creativity, which other formal scrutinisers lack due to the institutionalisation of their tasks. Additionally, both Martijn and Modderkolk agree that the legal framework for journalists to work in provides them with a lot of protection, freedom and opportunities. Moreover, Modderkolk says that, at least within *De Volkskrant* and *NRC Handelsblad*, there is a remnant working environment for investigative journalism. Martijn and Modderkolk think that Dutch journalists handle this high degree of freedom well and fully realise their duty to also consider the potential harm of their publications to national security. Martijn's general impression about Dutch journalists is that they are reasonably ethical.

## 5.2. Investigative journalism

Modderkolk points out that, in the Netherlands, during recent years the media's check of the rightful use of services' powers from an independent perspective and with a sharp view increased in quality, but is still insufficient in general. He argues that few journalists do it really well, while many others tend to just accept everything the government communicates. Furthermore, Martijn adds that a tendency remains among press in which they only pay attention to intelligence services in case of (alleged) wrong-doings (alarmist journalism), and that although more reporters have focused on intelligence services since the Snowden revelations, none of them seriously researched them. Martijn argues that journalists are able to gain much more information than they do now, but only few journalists seem to take the time to read *CTIVD* reports and to create a network within the services to obtain information. Martijn regrets this development since the connection with these, especially human, sources is the most essential premise of good journalism. He adds that many of the journalists that are 'suddenly interested' in the intelligence services are people with no understanding about the services and the intelligence-related cases they report on, which can be very confusing and dangerous: bad journalism might lead to wrong articles and an extremely *vervuild* (befouled) public debate. Martijn emphasises that the level of intelligence journalism in the Netherlands is very low, and that many statements are merely copy-pasted without checking its truthfulness. The Dutch public opinion could use some more expertise and factual culture to rely on in this culture in which expertise and knowledge about the services is not really stimulated. Martijn concludes that both journalism and the services have their part in solving this issue.

Modderkolk has a more optimistic view on the Dutch investigative journalism stating that, although it could be better, he is convinced that Dutch journalists are doing a good job in trying. An example: to understand many of the operations nowadays, journalists have to have sufficient technological expertise. Although this is very difficult to obtain, journalists have been trying to fill up this gap in recent years. Additionally, Modderkolk implies that journalists may therefore be better able to perform oversight than the *CTIVD* when it concerns the involvement of technological issues since there is a lack of technological knowledge within the *CTIVD*. Modderkolk adds that, although it remains difficult due to the high amount of secrecy and the unavailability of complete circumstances, he thinks that Dutch have sufficient knowledge and skills to translate formal oversight reports or governmental publications into articles that are well comprehended by the public.

With respect to journalists' efforts to obtain detailed information on a case Bos-Ollermann points out that before the Snowden revelations, predominantly investigative journalists, such as Huub Jaspers from Argos, contacted the CTIVD to ask for background information, more detailed information, or to conduct interviews. However, after the Snowden revelations, the media attention for the intelligence debate increased and became more active, larger, and broader. Nowadays, journalists from various media outlets contact the CTIVD weekly to find out more about the exact meaning of reports, potential issues or important developments. A good example of a case that led to many journalists contacting the CTIVD was the WIV. Bos-Ollermann notices as well that journalists are especially interested in the meaning of reports and their findings in case of wrong-doings, but she states that positive reports (on behalf of the intelligence community) also gain a lot of attention. Journalists always want to know what exactly is going on and what the exact meaning is of a report. Even in case of successes. However, there will always be journalists who achieve to publish a negative article about a success (which happened with the reporting on the CTIVD report that had the potential existence of accomplices of Mohammed B. as its focus).

Despite the recent positive developments in media oversight, Modderkolk also identifies a few points for improvement. First, he argues that the execution of the journalists' task to forward external experts' signals or revises on certain operations is insufficient in the Netherlands. Second, Modderkolk thinks that the *WOB-procedures* (*Wet Openbaarheid van Bestuur-procedures*) (freedom of information act procedures) and archive function are too strict in the Netherlands, which hugely limits the work of journalists and historians.

### 5.3. Secrecy

Due to the high degree of secrecy within the Dutch intelligence community and the generally high risk of getting a *geheimhoudingskramp* (cramp of secrecy), there exists a high level of distrust among journalists and the public in the intelligence community. Martijn explains that, to gain more support for their work, the Dutch services pursue a strategy in which they are, structurally, more open. Since about a year, one can notice that both the *AIVD* and *MIVD* are becoming more pro-active, speaking publicly more frequently, and inviting journalists to presentations more often.

At the same time, Martijn certifies that the services often try to influence the public's image of them and the reporting of the media by means of thinking through thoroughly what they say in public. Nonetheless, Martijn and Modderkolk seem to agree that, luckily, most

journalists do not merely copy paste everything and thus do not function as a microphone for the services. However, Modderkolk adds a point of frustration: Several Dutch media sometimes run ahead of the actual developments and draw strict conclusions instead of describing potential future situations. This leads to public rumours that potential future developments have already happened and that might work in favour of the government instead of in favour of the public. Additionally, Modderkolk and Martijn confirm that, besides framing their own texts, services and politics might also try to influence media's reporting and pressure journalists in order to avoid or promote the publication of certain information.

#### 5.4. Under-addressed topics

As expected by the researcher Martijn and Modderkolk both came up with topics of which they think that they are under-addressed by the media. First, both journalists agree that the *MIVD* and its responsible ministers are less subject to critical reporting and reporting in general than the *AIVD* and its responsible minister. The former journalist thinks it is the consequence of successful policing by the services and politics, while the latter thinks that it might be because Plasterk is always looking for attention, his *AIVD* is bigger and better known, and mostly concerns domestic issues, whilst the *MIVD* mainly concerns issues happening abroad, and the Ministry of Defence and Hennis are less open and less looking for attention.

Second, when writing about the NSA revelations, Modderkolk noticed that the Cabinet and the intelligence services never want a discussion concerning current practices of the intelligence community. This makes it very difficult for journalists to discuss these current practices. Finally, Martijn states that there is a lack of reporting on the relation between democratic values and the services' operations and behaviour. He finds it necessary to better explain the reasons for a necessity of oversight of the intelligence system and for the importance of privacy.

## 6. Case analysis

### 6.1. Case 1 – The murder of Theo van Gogh

On November 2, 2004, Mohammed Bouyeri murdered Dutch film director Theo van Gogh. At the time, Mohammed B. was a member of the alleged Islamic terrorist organisation ‘Hofstadgroep’. Since some time before the murder the Dutch *AIVD* had been eavesdropping members of the Hofstadgroep, but it did not share any information with the Amsterdam mayor. When it was revealed that Mohammed B. had already been known to the *AIVD*, people from both the public and political domain started questioning the acting of the *AIVD* before the murder.

To obtain all relevant news articles in which the murder of Theo van Gogh is linked to the acting of the *AIVD*, combinations of the searching terms that are named in Appendix I were searched for. Also included are articles that refer to the following sub-events that are discussed in this analysis: (1) allegations directed at the *AIVD* concerning the ignorance of crucial information five weeks before the murder; (2) the admission of an *AIVD* failure by its deputy director Theo Bot; (3) the publication of the *CTIVD* report on the role of the *AIVD* before the murder; (4) allegations of failure on behalf of the *AIVD* made by former *AIVD* employee Heleen de Waal. In contrary, events that relate to activities that found place after the murder are considered different cases and are thus not included. The figure below shows the amount of total, unique, and front page stories that were published after the main event and after all sub-events. Not surprisingly, all stories transmitted information to a certain degree. Generally, many stories forwarded factual knowledge about the emerged developments and quoted or paraphrased statements of government officials or experts on diverse areas. While much of the knowledge transmitted by the media was instructed by others, journalists also occasionally provided information obtained from own investigation.

Event	<i>NRC Handelsblad</i>			<i>De Volkskrant</i>			<i>De Telegraaf</i>		
	Total	Unique	Front page	Total	Unique	Front page	Total	Unique	Front page
<b>The murder of Van Gogh</b>	14	14	3	29	17	2	10	10	3
<b>Ignorance of crucial info</b>	0	0	0	2	2	1	0	0	0
<b>Admission of failure</b>	2	2	1	3	2	1	0	0	0
<b>Publication <i>CTIVD</i> report</b>	3	2	0	2	1	0	1	1	0
<b>Allegations De Waal</b>	1	1	0	2	1	0	2	1	0

Table 6.1.: The defined main event and sub-events and the amount of news articles that were devoted to them.

### 6.1.1. Part 1 - November 2, 2004 – The murder of Van Gogh

The murder of Theo van Gogh and the nearly simultaneous revelation that the *AIVD* already had its eyes on the perpetrator caused a big wave of media attention. Initially, it was the acting of the *AIVD* that led to the murder that gained most attention. Especially the *AIVD*'s alleged wrong assessment of Mohammed B's risk, its alleged lack of surveillance over him, and its alleged lack of information sharing with the Amsterdam triangle, including the Amsterdam mayor Job Cohen, Public prosecutor Frits van Straelen, and the Amsterdam police, were prominent topics. On the other hand, which is something that was revealed by means of this analysis and which was not part of the initially analysed case, the developments on November the 2<sup>nd</sup> pulled both public and political attention to the broader fight against terror. A present but less addressed topic was the control of Minister of Domestic Affairs Ronald Plasterk over the *AIVD*.

#### **De Volkskrant**

A prominent topic addressed in the stories ran by *de Volkskrant* was the acting of the *AIVD* before the murder, with a focus on its ineffectiveness (referring to the insufficient monitoring of Mohammed B. which resulted in the murder), and its (alleged inefficient) communication and information sharing with local intelligence services. Consequently, multiple articles related the case to the bigger picture of the fight against terrorism and the alleged lack of the *AIVD*'s capacity and resources to successfully take part in that fight. Surprisingly, the murder of Van Gogh also caused doubts about Plasterk's ability to effectively control the *AIVD*. Consequently his position as a Minister got endangered. When it appeared that Remkes' position was endangered due to his acting, the amount of articles published in relation to the case increased, and most of them focused on the acting and position of Remkes. Unexpectedly however, journalist Poorthuis (2004) emphasised that not the political game, but the acting of the *AIVD* was of the largest importance.

While only a few articles explicitly addressed the inefficiency and ineffectiveness of the acting of the *AIVD* using the words inefficient or ineffective, many other articles indirectly drew attention to these issues through questioning whether the *AIVD* successfully fulfilled its tasks. More specifically, the articles focused on the inefficient use of the *AIVD*'s resources and powers and their ineffectiveness in the fight against terror. Journalist Groen stated that van Gogh's murder painfully exposed the *AIVD*'s inability to provide our state with sufficient safety, but that it did not have sufficient capacities nor did it have the legal powers to fulfil its

tasks (Groen, 2004). Another story ran by *de Volkskrant* argued that an expansion of competences was not necessary, but that, in addition to a better cooperation between the *AIVD* and national and local police offices, a change in their use was (de Volkskrant, 2004a). Furthermore, *Volkskrant* journalist Beusekamp (2004) appointed the bad communication between the *AIVD* and the Amsterdam mayor Job Cohen, Public Prosecutor Frits van Straelen, and the police to a lack of efficiency in the area of counter-terrorism. Additionally, Van den Eerenbeemt and Meeus (2004) introduced the existing idea that the *AIVD* has had difficulties adapting its information management to the new security environment. They state that its tendency to keep its painstakingly collected information to itself has led to a situation in which intelligence services worked in an inconsistent way. These described paraphrases are parts of media articles that also display the media's ability to scrutinise the intelligence services' actions themselves. In total seven stories critically assessed the emerged situation.

About half of these articles displayed a journalist's own correlation and interpretation, while the other half criticised and judged aspects of the intelligence community and its activities relating to the surveillance of Mohammed B.. Since the largest part of the articles was initially written as a column or opinion piece it is not surprising that it seems as none of the articles are based on any kind of investigative efforts. The first opinion piece, which has an apparently disappointed and aggressive tone, was written by politician Asscher. He called it inconceivable that the *AIVD* did not find it necessary to put more effort in tracking Mohammed B. and he deemed it incomprehensible that the *AIVD* did not update the Amsterdam municipality about his risk (Asscher, 2004). A second politician also voiced her angry thoughts on the acting of the *AIVD* before the murder (Hirsi Ali, 2004a), while a third article voiced negative thoughts on the *AIVD*'s use of available intelligence. Furthermore, the writer seemed to be writing about the developments with an ironic and sceptical tone, using words as *lachwekkend* (ludicrous), and *geklungel en gekluns* (tinkering and bungling) to describe the acting of the *AIVD* (Schoo, 2004).

Only a single article (Eerenbeemt and Meeus, 2004) referred to sources from within the intelligence community. However, this anonymous source did not reveal any wrongdoings or incorrect behaviour on part of the *AIVD*, and since it is not sure whether the revelation was initiated by the source or by the journalist it cannot be appointed as the product of investigative efforts. Additionally, two other articles included signals that implies the performance of investigative journalism. A first article points towards efforts that were performed to determine the *AIVD*'s communication procedures and to find out whether the

then emerged developments corresponded to those procedures. The second article presented the results of an exclusive interview with former Minister Aartsen through which the journalists tried to get a better view on the developments around the acting of the *AIVD*.

Since this case concerns an alleged wrong-doing of the *AIVD*, one may not be surprised that most articles forwarded negative views on the intelligence community. Moreover, only in a few articles the concerned writer added its own opinion about the situation, and in fewer articles the writer legitimised the existence (once) and acting (four times) of the intelligence community. Most of those legitimisations referred to the idea that it was impossible for the *AIVD* to keep track of every potential terrorist. They thus seemed to draw away the blame from the *AIVD*. For example, a first article headed that the *AIVD* was to perform an impossible task (Groen, 2004), implying that the *AIVD* was just not able to successfully perform its statutory tasks. The journalist stated that even with doubled capacities this inability would not disappear completely. Additionally, journalist Schoo (2004) stated that the *AIVD* harboured a high degree of professionalism despite their alleged ineffectiveness in this case.

Surprisingly, only a single journalist wrote a story that explicitly related the whole case to democratic values, pointing out that the illusion should not be created that every potential terrorist could be monitored. One can simply not let half of the community guard the other half. The concerned journalist concluded that the open character of our democracy is therefore also its vulnerability (de Volkskrant, 2004a). While two articles were written by prominent politicians, one other article was directly copied from press bureau ANP.

### ***NRC Handelsblad***

This event seems to be addressed in only 16 *NRC* articles because, surprisingly, no online stories could be found, which leads one to believe that the *NRC* online database is incomplete. Although *NRC* articles more or less addressed the same aspects of the intelligence community in relation to the murder as *de Volkskrant*, *NRC* did not explicitly address the aspects of effectiveness and efficiency as much. Neither did it address the alleged lack of information sharing and capacities of the *AIVD* as frequent as *de Volkskrant*. Instead, two *NRC* articles explicitly addressed the transparency versus secrecy dilemma of the *AIVD* in relation to the case. Similar to *de Volkskrant*, however, the *NRC* also referred to the bigger picture of the fight against terror in many of the analysed articles. While two stories were written by politicians, two experts were also provided the opportunity to write an article.

Only three articles critically assessed the developments around the murder, and the acting of the *AIVD* and minister Remkes. One of those articles concerned a column (Hirsi Ali, 2004b) that was also published by *de Volkskrant* which voiced negative and aggressive thoughts on the acting of the *AIVD*. The second article (Van der Zwan, 2004), written by Arie van der Zwan, an expert in the area of politics, criticised the transparency of the *AIVD* regarding its inability to effectively fight terrorism, and the indistinctness about the question whether Mohammed B. was known within the *AIVD*. Finally, in the third article, published in the opinion section as well, Clingendael Director De Wijk (2004) used its expertise to concisely interpret the working of the *AIVD*, criticised its current working processes, and argued that the service should work more proactively.

Besides that, there are very few articles that display signs of investigative journalism. Although one article presented the findings of a medium sized document analysis, none of the articles referred to exclusive interviews or other efforts to retrieve information from human or non-human sources. Despite the fact that in some articles the journalist referred to anonymous sources, it is not clear whether those sources were exclusive to the journalist, or whether those sources publicly announced their statements (such as in *NRC Handelsblad* (2004)). Additionally, several articles show efforts to summarise historical developments, but this study does not perceive those efforts as investigative efforts.

Similar to *de Volkskrant* no signals of the media's functioning as a substitute for other incapable oversight actors are identified, nor were there any formal inquiries to be translated. In contrary to *de Volkskrant* though, the *NRC* journalists seemed to be less willing to legitimise the operations and existence of the *AIVD*. Only a single article, written by Director of the Clingendael Centre for Strategic Studies Van Wijk, legitimised the low efforts of the *AIVD* to follow Mohammed B. by stating that it was impossible for the *AIVD* to keep an eye on all possible suspects of terroristic activity. More specifically, he argued that the necessary expansion of the *AIVD* to realise this was unrealistic (De Wijk, 2004).

### ***De Telegraaf***

*De Telegraaf* wrote considerably less on the intelligence community in relation to the murder of Van Gogh and also introduced the case one day later in its newspaper. While only one story devoted attention to Plasterk's control over the *AIVD*, a big part of the articles addressed the alleged necessity for an expansion of the *AIVD*'s capacity to effectively fight terror. At the same time the alleged lack of information sharing of the *AIVD* received significant attention.

Surprisingly, none of the articles directly addressed the aspect of effectiveness or efficiency of the acting of the *AIVD*. However, *De Telegraaf* introduced two new topics. First, *De Telegraaf* (2004a) forwarded a government official's statement about the leaking of *AIVD* information to the media and not to the political domain. Next, a second article (De Telegraaf, 2004b) explicitly mentioned the *AIVD* director Van Hulst (instead of the more general *AIVD*) and voiced doubts on his skills.

Additionally, the latter article also criticised the lack of the *AIVD*'s capacities to operate effectively and efficiently, while a second critical review (De Telegraaf, 2004c) assessed an *AIVD*-report that contained a factual description of the developments around Mohammed B. during years before the murder. The author of the article argued that the report indicated that there were many significant signals that pointed towards an outburst of Mohammed B.. This article is also the only article that displayed significant signals of investigative journalism by means of a document analysis. Finally, one article seemed to be written with a highly sarcastic and accusing tone towards the lack of capacities within the *AIVD*, at the time functioning as a job advertisement through stating that there was a big need for spies (De Telegraaf, 2004d).

Something that should not come as a surprise for many Dutch readers is that many *De Telegraaf* articles included exaggerating words or sentences to forward information that was actually not that interesting. Those word combinations let developments often look worse than they were. For example, one journalist (De Telegraaf, 2004b) writes that the murder of Van Gogh put the Netherlands and Dutch politics completely upside down and that Dutch politicians were panting for breath on how to avoid the collapse of the country. Additionally, *De Telegraaf* headlines were often very extreme, stating that, for example, the Cabinet declared war to terrorism (De Telegraaf, 2004e), and that a time bomb was ticking while under the attention of the *AIVD* (De Telegraaf, 2004c).

## **Conclusion**

Initially, the acting of the *AIVD* that led to the murder of Theo van Gogh, including their alleged wrong assessment of Mohammed B's danger, their alleged ineffective surveillance and inefficient communication, was the main focus of this analysis. However, it appeared that the murder also pulled attention to ineffective intelligence policies relating to the more general fight against terror, and fired up the discussion on the decision making procedures around the surveillance of potential suspects of terror. Despite these developments the topic of privacy and human rights did not receive any significant attention. The tension between the

surveillance of suspects of terror and democratic values was only addressed once by *de Volkskrant*, which supports Martijn's statement that national democratic values are under-addressed topics in media reporting.

Although not many articles explicitly assessed the operations and policies as ineffective or inefficient, many of them indirectly did. Also, when the minister's position became endangered journalists started focussing on the emerged political play in which minister Plasterk was entwined. This development corresponds with Huib Modderkolk's argument that journalist attention to a certain case increases when that case becomes more political. Journalists then find it easier and more pressing to report on political developments than on intelligence developments.

Going beyond the pure transmission of information *de Volkskrant* published significantly more stories that critically assessed the acting of the *AIVD* before the murder than both the *NRC* and *De Telegraaf*. Additionally, it displayed more signs of investigative journalism. Worth noticing is that most criticising articles from all newspapers concerned articles that were published as opinion pieces and columns or articles written by guest journalists, such as politicians or internet experts. Nonetheless, it stands out that most authors do not immediately judge the *AIVD*'s acting but predominantly just voice their doubts about it.

As for the 'investigative journalism' indicator, surprisingly many articles referred to anonymous sources. Nonetheless, it often appeared to be difficult to derive from the text whether those sources were exclusive to a certain journalist. Therefore it is difficult to describe to what extent journalists performed their own investigation through extracting information from exclusive sources. In the potential case many of the sources were actually exclusive, the high amount of references indicates that all newspapers (and especially *de Volkskrant*) maintain good connections with people from inside politics and the intelligence community. That implies that the concerned journalists have put long grain efforts into building and maintaining relationships with those sources.

Finally, it appeared to be very difficult to determine whether articles functioned as a substitute oversight mechanism for other oversight actors. One can often simply not derive from the text whether information is provided by a whistle-blower or is obtained by the journalist through other methods. As for the 'legitimation' indicator, it appeared that journalists are very reserved in reporting positive things about the intelligence community. Neither are they willing to give the community the benefit of the doubt in case of uncertainty.

### 6.1.2. Part 2 – The appearance of new developments

#### 2004 – 2005

During the following months on several occasions new information about the acting of the intelligence community in relation to the murder was forwarded by the newspapers. First, the *Volkskrant* wrote about allegations directed at the *AIVD* concerning the ignorance of crucial information five weeks before the murder. Meeus and Schoorl (2005a) argued that the *AIVD* potentially ignored crucial information about Mohammed B. five weeks before the murder, according to not earlier published documents. It is surprising that the headline of the article left out the word ‘potentially’, and thus seemed to want to let the public know that it was definitely true. The article refers to not earlier published documents, which implies a performance of investigative journalism to obtain those documents. However, they may also be provided by a whistle-blower. Surprisingly, none of the other newspapers took over the allegations.

May 1<sup>st</sup> 2005, deputy director of the *AIVD* Theo Bot admitted failures in the assessment of the danger of Mohammed B.. Taking into account that the *AIVD* admitted failure, it is surprising that only the *NRC* and *de Volkskrant* addressed this failure in an informative article and did not even criticise the behaviour leading up to the error. In a story ran by *de Volkskrant* later that week, Meeus and Schoorl (2005b) argued that the *AIVD* has become more transparent since the murder as a result of successful public and political pressure. This argumentation implies legitimisation of the *AIVD* and also implies successful oversight by the public domain. However, the writers also immediately criticised the inconsistency of the statements made by the two *AIVD* employees, calling the reasoning behind the *AIVD*’s explanation unparalleled.

#### 2008 - 2011

During the few years after the murder the Minister of Domestic Affairs Plasterk answered most but not all of the questions that emerged. Subsequently, he also initiated an internal evaluation focusing on the *AIVD*’s acting. However, many Members of the Second Chamber voiced their concerns about the decency of the internal evaluation and called for an independent external investigation. Consequently, the *CTIVD* performed an investigation on the decision processes related to the surveillance of Mohammed B. and the amount of *AIVD* attention he received. Its report was published on the 18<sup>th</sup> of March 2008. It concluded that the *AIVD* did not have sufficient indicators to believe that Mohammed B. was going to perform

an assassination on Van Gogh, and thus to intensely observe him. However, according to the Review Committee, the *AIVD* underestimated him and his behaviour, and should have put more effort in tracking him (CTIVD, 2008). In reaction to the publication of the *CTIVD* report all three newspapers only published a couple of articles in which journalists wrote informatively on the report's findings and translated the report into a highly accessible and comprehensible summary. However, they used the largest part of the articles to describe the ineffective operating of the *AIVD*, which led to the overlooking of signals and an underestimation of Mohammed B's risk.

Finally, in 2011 former *AIVD* employee Heleen de Waal published a book in which she made allegations about a lack of skills among leading *AIVD* employees and a lack of internal oversight that led to the murder in 2004. In response, all newspapers published a single unique story that described the relevant content of the book she published. Despite the alleged wrongdoings on part of the *AIVD*, they did not criticise or judge the acting of the *AIVD*. This is probably due to their lack of confirmation. Although *De Telegraaf* not explicitly judged the acting of the *AIVD*, it again used exaggerating words to describe the alleged failure, calling it *AIVD-flaters* (*AIVD*-bloopers) (De Telegraaf, 2005). *De Telegraaf* furthermore copied the statement of De Waal and made it a headline, seemingly without checking its truthfulness. Although the revelations made by De Waal can be seen as whistle-blowing, she did not use the media as the whistle-blowing channel.

## **Conclusion**

The newly revealed developments regarding the acting of the *AIVD* before the murder did not cause a big wave of media attention. Neither did the addressed aspects of the *AIVD*'s acting and the revealed issues change significantly. The main focus of the articles remained on the ineffective acting of the *AIVD*, since the analysed sub-events predominantly supported the idea that the *AIVD* acted ineffective. Only a few articles dared to mention alleged inefficiency on behalf of the *AIVD*. Since the addressed sub-events did not really reveal surprising or impressing information, this unchanged way of reporting cannot be called strange. Only once *de Volkskrant* exposed allegations that the *AIVD* had ignored crucial information, but this did not lead to significant media attention overall, probably due to the uncertainty of its truth.

Additionally, very few articles critically assessed any of the aspects of the *AIVD*'s acting. This finding can also be appointed to the lack of developments of importance. Nonetheless, the researcher argues that, despite the fact that the *NRC* and *de Volkskrant* published a story

about the admission of failure by the *AIVD* on their front page, it seems strange that they did not criticise the *AIVD*'s assessment of the danger of Mohammed B. in those same articles. It looks like the interest of media in criticising intelligence operations disappears when the intelligence community does not oppose their articles anymore.

Finally, it is important to notice that not all newspapers seem to have published articles on all sub-events. Since the collection of articles was based on many different searching combinations, but not all possible combinations, it might be that the analysis has overlooked some articles. This chance, however, is very limited and it is highly possible that, if the missing articles exist, they have been deleted from the databases that were available to the researcher. Nonetheless, it is likely that the exclusion of those articles influences the findings of the research.

## 6.2. Case 2 – A renewed intelligence bill

December 2<sup>nd</sup> 2013 the *Commissie Dessens*, a committee that had been compiled to evaluate the existing *WIV*, published its findings on the evaluation of that law. The publication of the committee's advice followed a chaotic week. A few days before, the NSA admitted that it had obtained 1,8 million metadata from the Netherlands. At that moment Dutch involvement in this data collection was unclear.

A few things were of major importance to chairman Dessens and his committee. First, the report emphasised the need for a renewed balance between the foundation for effective operations and the nation's democratic values, and the need for that balance to be constitutionalised. The report stated that, due to technological developments, Dutch intelligence services also needed to get access to cable data traffic in order to perform their tasks well in case of a potential endangerment of national security. Furthermore, and to guarantee oversight and control, every activity needed to get personal approval of the responsible minister, and external and independent oversight by the *CTIVD* needed to be intensified. Third, the committee elaborated on recommendations to improve the internal organisation of ministries in order to ensure the successful ministers' responsibility, and to reinforce democratic control over the intelligence community. Finally, tighter cooperation between the *AIVD* and *MIVD* was perceived as a necessity as well (Rijksoverheid, 2013).

After the publication of his report Dessens voiced his concerns about the public perception of the intelligence services. He stated that many citizens usually see the services as

an endangerment to their lives, instead of services that always work within their legal framework whilst subjected to a well-functioning system of control, oversight and transparency. He emphasised that a high level of transparency would enable public oversight and would contribute to an increase in public support for the services (Rijksoverheid, 2013).

To collect all relevant news articles in which the proposed changes in the policies and management of the Dutch intelligence community are addressed, combinations of the searching terms as named in Appendix I were searched for. Also included are articles that related to the following sub-events: (1) the announcement of a new intelligence bill by ministers Plasterk and Hennis; (2) a debate in the Second Chamber about the expansion of intelligence services' powers; (3) the opening of the period of consultation; (4) the publication of an inquiry by the University of Amsterdam; (5) approval of the proposed bill by the Cabinet; (6) the revelation of the content of a renewed proposal. The figure below shows the amount of total, unique, and front page stories that were published after the main event and after all sub-events. Again, all stories transmitted information to a certain degree. Generally, many stories forwarded knowledge instructed by others (often quoted or paraphrased statements and descriptions of the developments) and a few provided information obtained from journalists' investigation.

Event	<i>NRC Handelsblad</i>			<i>De Volkskrant</i>			<i>De Telegraaf</i>		
	Total	Unique	Front page	Total	Unique	Front page	Total	Unique	Front page
<b>Report Dessens Committee</b>	8	5	1	12	10	1	9	8	1
<b>Announcement new WIV</b>	0	0	0	2	1	0	3	3	0
<b>Second Chamber debate</b>	4	3	0	3	3	0	3	3	0
<b>Bill open for consultation</b>	6	3	0	0	0	0	1	1	0
<b>Publication of UvA report</b>	0	0	0	2	1	0	0	0	0
<b>Cabinet approval</b>	3	3	0	1	1	0	2	2	0
<b>Revealed new proposal</b>	0	0	0	4	3	1	0	0	0

Table 6.2.: The defined main event and sub-events and the amount of news articles that were devoted to them.

### 6.2.1. Part 1 – The advice of the Dessens Committee

The publication of the committee's advice was followed by intense media attention, likely due to the huge changes an implementation of the recommendations would cause in intelligence policies. Consequently, the proposed changes in the powers of the intelligence services gained the most attention. Additionally, some articles also addressed the less prominent policy or aspects regarding the cooperation between the *AIVD* and *MIVD*, the services' transparency,

and Plasterk's control over the *AIVD*. Although the need for enhanced oversight is a recommendation that is not considered an operation or policy of the intelligence community, it is important to notice that almost all articles in which the proposed expansion of powers was mentioned, also addressed the need for good oversight.

### ***De Volkskrant***

*De Volkskrant* stories predominantly described the committee's recommendation to expand the powers of Dutch intelligence services, the reasoning behind it and its consequences for Dutch citizens. One should not be surprised since this was the committee's recommendation that would have had the most impact for citizens if implemented. Consequently, more than 60 percent of the articles that addressed the potential expansion of powers added a notification of its tension with human rights, and more specifically with personal freedom and privacy protection. In almost 50 percent of the stories the journalists also addressed the norm that an expansion of powers should fulfil the requirements of necessity, effectiveness, proportionality, and usefulness. Furthermore, a single article brought up the issue of an alleged similarity of the proposed powers with the contemporary powers of the NSA. Since the NSA and its operations have not been the subject of positive reporting by the media lately, this reference probably does not have positive intentions.

Rather surprising is the finding that the recommendation for an expansion of powers completely overshadowed the other recommendations in the reports of *Volkskrant* journalists. The needs to enhance Plasterk's support to control the *AIVD* and to improve the cooperation between the *AIVD* and *MIVD* were only briefly addressed in an article that described the findings of the committee's inquiry. Additionally, Dessens' argument that the transparency of the services' work should be enhanced to increase the public's trust in the services was only addressed once as well. Although these recommendations were intended for both the *AIVD* and *MIVD*, *de Volkskrant* articles put a strong emphasis on the *AIVD*, often omitting the *MIVD*. The term '*AIVD*' popped up in headlines thrice, while the term '*MIVD*' did not at all. This crooked proportion could also be seen in the main texts.

Going beyond the transmission of information, five articles seemed to contain (some degree of) investigative journalism. The authors of four of these stories conducted exclusive interviews through which they tried to find out the real meaning of an expansion of powers, the reasoning behind it, or its consequences for the public's privacy and democratic values. One politician and three intelligence and information experts were subjected to the interviews.

Besides that, a fifth story displayed the author's efforts to obtain explanations and opinions on the recommendations from the Dessens Committee's chairman, several politicians and members of privacy organisation Bits of Freedom. It is important to notice that, since it is difficult to find out whether certain forwarded statements originate from exclusive sources or not and since this analysis has only appointed incontestably exclusive sources as indicators for investigative journalism, there might have been conducted more investigative journalism than the findings of this analysis show. Forwarded concerns voiced by privacy organisation Bits of freedom (twice) are examples of these uncertain statements.

Adding to the above mentioned scrutinising articles, two other articles are identified as critical reviews. Both of these articles were published in the opinion section of the newspaper. One of them is an article written by an internet expert of NGO Bits of Freedom, who used his expertise to analyse and critically assess the necessity of an expansion of powers. He concluded that there is an alleged lack of necessity, effectiveness and correspondence with European law, and that it is essential for our freedom to not implement the recommendations (Zenger, 2013). The second review (Van Walsum, 2013) assessed the alleged idea that the services always run ahead of the actual law with the use of special powers, anticipating on adaptations of that law. Although Van Walsum emphasised the strangeness of this situation, he argued that this anticipation was hundred percent legitimised. He supported an extensive use of powers, saying that the contemporary and digital environment justified the uses of these powers (Ibid.), partly legitimising the past (illegal) use of special powers by the *AIVD* and *MIVD*. Moreover, he concluded that the old bill was stemming from the past and that a new bill might be necessary.

Initially, the committee's report was inquired to find out whether the old bill on the intelligence services was still sufficiently covering the contemporary intelligence environment. It therefore was an official report published by a formal inquiry body. Consequently, the two first published *Volkskrant* articles provided a clear and detailed translation of the findings of this report. While many following articles also comprehensibly translated some parts of the report, these translations are not considered detailed and elaborate enough. Besides this indicator for the media's function to substitute other formal oversight actors, no other indicators for this function were present.

### ***NRC Handelsblad***

Just like *de Volkskrant* the *NRC* predominantly focused on the proposed expansion of powers, the reasoning behind it, and the potential consequences for both the Dutch services and the Dutch citizens. Despite the huge impact the proposed recommendations may have on one's freedom and privacy, these terms were only explicitly named once. The concerned journalist foremost emphasised the extreme intrusiveness of the recommended data collection method on democratic values, privacy and freedom (NRC Handelsblad, 2013a). While other articles also indirectly addressed the consequences for democratic values, the *NRC* only once referred to the requirement of necessity.

Introducing a less addressed topic, three *NRC* articles wrote about the existing distrust in the intelligence services. Besides that, the cooperation between the *AIVD* and *MIVD*, the need to improve the internal organisation of ministries, and the compliance of current operation with Dutch laws were mentioned as well. Furthermore, based on a revealing story published earlier by the *NRC* (based on Snowden documents) on November the 30<sup>th</sup>, several *NRC* articles addressed the idea that the Dutch intelligence services already used the powers that were proposed in the new bill in order to perform espionage (Meeus, 2013; NRC Handelsblad, 2013b). In addition to that idea, the journalists compared the proposed powers with those of the NSA. More specifically, a journalist argued that the new bill would enable Dutch services to do what the NSA had been doing for years (NRC Handelsblad, 2013b). Nonetheless, the concerned journalist seemed not surprised by the willingness of the *AIVD* to obtain entrance to cable data: "Entrance to the cable is entrance to the world". Although the latter article had the *AIVD* at its focus the *NRC*'s mentioning of both the *AIVD* and *MIVD* was more balanced than *de Volkskrant*'s was. Both services made it to the headlines once, but in-text the *AIVD* still gained a bit more attention.

In contrary to *de Volkskrant* the *NRC* journalists did not conduct any interviews. Consequently, only one article indicated the presence of investigative journalism. In that article (NRC Handelsblad, 2013b) the journalists tried to determine the full scale of reasons for an expansion of powers, following a statement made by one of their sources saying that technological developments were not the only reason for an expansion. The article presented the results of a historical analysis, partly based upon information retrieved from intelligence sources that otherwise probably would not have been published.

On the other hand, several articles scrutinised the emerged development by means of a critical review. For example, jurist and internet expert Danny Mekic (2013) used his expertise to interpret the committee's recommendations and to try to find out the exact meaning of their potential consequences. He concluded that the services would gain more power than ever and consequently criticised this development and the huge impact of the expansion of powers on our society. He seemed to use extreme word combinations such as *bevoegdheden die massaler, ongericht en grootschaliger zijn dan ooit* (competencies that would be more massive, undirected and large scaled than ever) to either scare the readers or make them aware. Additionally, the other critical reviews criticised the revealed information that services already had been using powers that they were not yet allowed to, the alleged insufficient reasoning behind the need for an expansion of powers, and the impact of a potential expansion on our freedom. The latter was addressed in an article (NRC Handelsblad, 2013a) that posed the question: 'How much freedom do we have to give up to maintain our freedom?' Therewith it likely also stimulated public debate around the issue of freedom versus security. The same article noticed that the distrust of the common citizen in the 'modern limitless espionage organisation' was certainly justified (Ibid.).

As for the media's execution of other potential oversight roles, none of the articles display any signals of whistle-blowing. Nonetheless, the *NRC* did function as a substitute oversight actor through the translation of the committee's report into a comprehensible and detailed story. Finally, only once, and very briefly, a journalist used his story as a legitimising tool for the expansion of powers, stating that an expansion of powers could provide the public with more safety when executed well (NRC Handelsblad, 2013a).

### ***De Telegraaf***

*De Telegraaf* also described the potential expansion of powers, the reasoning behind it, and its consequences in most of their articles. In about 50 percent of those articles the tension of an expansion of powers tension with privacy protection and our freedom was addressed. Regarding the issue of potential privacy infringement, Jonker and Olmer (2013a) declared the internet user *vogelvrij* (outlawed) in case the recommendations were followed up to. They added that in the future no internet communication can be hidden from the services anymore. While the necessity to fulfil the requirements of necessity and propriety was only explicitly mentioned once, they were often indirectly referred to.

Even more than the other two newspapers, *Telegraaf* articles compared the proposed powers with the NSA's powers (e.g. De Telegraaf, 2013a; 2013b). Additionally, several articles repeated that some developments within the services, such as the purchase of certain technologies, ran ahead of the development of the new bill (Ibid.). Furthermore, both the recommendations to improve the cooperation between the *AIVD*, *MIVD* and the foreign services, and the need for higher transparency of the services' policies and activities were addressed once. Surprisingly and in contrary to both other newspapers, *De Telegraaf* devoted a whole article to Plasterk's alleged lack of time and expertise to effectively and efficiently control the *AIVD*, and his relationship with the director of the *AIVD* (Olmer, 2013). Finally, the *Telegraaf* articles remained very balanced in the reporting on the *MIVD* and *AIVD*., both in their headlines and in-text.

Surprisingly, none of *De Telegraaf* articles displayed any significant signs of investigative journalism. Nonetheless, two critical reviews addressed the proposed expansion of powers and, among other things, criticised the consequences of that expansion. A first *Telegraaf* article called the expansion *buitensporig* (excessive), criticised the insufficient foundation for its necessity and propriety, and used words such as *angstaanjagend* (terrifying) to describe the proposed plan (De Telegraaf, 2013a). This could have been done either to scare the reader or to make the reader aware of the potential consequences. Because the new bill was about to direct more citizens into the arms of the intelligence services, another *Telegraaf* article called for *waakzaamheid* (vigilance)(De Telegraaf, 2013b). Furthermore, both articles criticised the services' alleged use of powers that they were not allowed to use yet, and their attempts to become like the NSA.

Despite the through this analysis perceived image that most journalist criticised an expansion of powers, other *Telegraaf* journalists seemed to have accepted the need for a new bill, calling the old one *verouderd* (dated) (Jonker and Olmer, 2013a) and declaring the distinction between data traffic through ether and cable *achterhaald* (out of date) (Jonker and Olmer, 2013b). As for the substitution role, two *Telegraaf* articles provided a detailed and accessible translation of the committee's report, but none of the articles displayed any signs of whistle-blowing. Although a single article (Olmer, 2013) referred to an anonymous source that revealed insufficient control of Plasterk over the *AIVD*, the revelation was done through the committee's inquiry and not through the media.

As expected, one can notice that the analysed articles were published in a popular newspaper. The articles of *De Telegraaf* included many exaggerations, extreme words and headlines that immediately drew attention because of their choice of words. Furthermore, three unique articles included headlines that were far ahead of the actual developments, implying the existence of a situation that was not existing yet. For example, an article from December 3<sup>rd</sup> 2013 (De Telegraaf, 2013c) stated that the recommendations of the committee were already followed up to. However, until that time some members of the Second Chamber only voiced their supports for the recommendations. Nothing was officially approved or implemented yet.

### **Conclusion**

After the publication of the Dessens Committee's report, all three newspapers, as expected, predominantly reported on the recommendation to expand the Dutch intelligence services' powers. That recommendation overshadowed the committee's other recommendations completely. The fact that the media (and the public in general) perceived an expansion of powers as a huge limitation of an individual's freedom and privacy might be a reasonable explanation for this dominance. Furthermore, it seems as if a large part of the stories are written in order to make the readers aware of the potential harm they may suffer from the implemented recommendations, and to let them critically assess the recommendations themselves. Although all newspapers in most of their stories relate an expansion of powers to the requirement of legality (including necessity, proportionality, and sometimes even subsidiarity), *de Volkskrant* most often explicitly named these terms of accountability.

Despite its irrelevance for this research, it stood out that nearly every time the recommendation to expand the services' powers was addressed, the author also addressed the need to enhance oversight of the intelligence community, as if they were afraid the intelligence services were going to misuse their powers. In contrary, it is worth noticing that, despite the fact that the recommendations account for both services, *de Volkskrant* and *NRC* both predominantly focused on the *AIVD* as subject of the report. This finding corresponds with the idea, which was confirmed by journalists Modderkolk and Martijn (see Appendix II), that the *AIVD* generally is more often subjected to media attention than the *MIVD*.

As for the performance of scrutiny, *de Volkskrant* predominantly displayed signals of investigative journalism through the transmission of the content of exclusive interviews, while *NRC* journalists foremost wrote critical reviews through the correlation and interpretation of

emerged facts. Surprisingly, *De Telegraaf* did not show any signs of investigative journalism. Nonetheless, it looks like a big part of the investigative journalism efforts has resulted in critical reviews of the activities and policies of the intelligence community. Despite that, some authors also wrote critical assessments, seemingly without the performance of investigative journalism. Most of these articles concern opinion pieces, columns, or pieces written by a guest journalist (for example an internet expert) who used their expertise to concisely analyse (aspects of) a certain activity or policy. Opinion pieces and columns often lack a specified argumentation for their conclusions. With respect to experts, it stands out that both *NRC* and *de Volkskrant* once in a while extract and forward concerns or statements made by internet or intelligence experts in order to give more depth to their articles. This complies to the statement made by Huib Modderkolk (see Appendix II) that journalists are more and more trying to find out the exact meaning of (consequences of) technological (aspects of) operations or policies by consulting those experts or by providing them a way to voice their concerns.

As a last concluding point it can be confirmed that it is difficult to derive from the media articles whether the media functioned as a substitute of other oversight actors. While all newspapers functioned as a translator of the committee's report with a few articles, none of them included other indicators. Although articles sometimes refer to anonymous sources, the references most often concern sources that do not reveal any wrongdoings from inside the intelligence community. Additionally, the media neither function as a legitimising tool often, while they often do forward legitimising statements made by others.

### ***6.2.2. The evolvement of a new bill on the intelligence services***

During the two years that followed the publication of the Dessens report, a few happenings reinforced the attention for a future new bill on the intelligence services. After every event the recommendations, and thus changes in intelligence policy, were a step closer to implementation.

#### ***The announcement of a new bill***

For a long time everything was relatively quiet around the potential change of the competencies of the Dutch intelligence services. Only at the end of November 2014, Minister of Domestic Affairs Plasterk and the Minister of Defence Hennis wrote a letter to the Cabinet in which they revealed that they were working on a modernisation of the WIV. Surprisingly, this revelation gained very little media attention. Although it seems highly unlikely due to the

size of the *NRC*, no *NRC Handelsblad* articles addressing the announcement of the modernisation of the bill were found. Additionally, *de Volkskrant* only published one unique story, which had an informative character and addressed the proposed expansion of powers, the reasoning behind it, and its potential consequences. In that article both the *AIVD* and *MIVD* were mentioned. The expansion's tension with privacy protection and the requirements of use, necessity, proportionality and subsidiarity of powers were also referred to.

Following the announcement of the modernisation of the WIV *De Telegraaf* ran three stories. Two of those stories were informative and addressed the proposed expansion of powers and the reasoning behind it. The first published story contained a speculative headline which incorrectly stated that the Dutch cable was already being tapped by the services (Jonker, 2014). The third story, however, was a critical review that contained many superlatives and adjectives to picture the expansion of the services' competencies as a very frightening development. Journalist Joost de Haas first analysed the emerged situation and appointed the Netherlands the title *afluisterstaat* (eavesdropping state). Next, he described the expansion as unprecedented and terrifying just before he referred to the idea that services may get the same powers as the NSA which is building towards a *gigantic* database with an *unbelievable* amount of personal data from citizens (De Haas, 2014). Furthermore, De Haas voiced his distrust in the promises (that came down to maintaining privacy protection) made by ministers Plasterk and Hennis (Ibid.). Despite the convincing way in which De Haas wrote his article, no real signs of investigation or proof for exposure of improper or illegal behaviour of the intelligence community could be appointed.

### ***The evolvment of a new bill on the intelligence services***

On the 10<sup>th</sup> of February 2015, a debate in the Second Chamber found place on the expansion of competencies for both the *AIVD* and the *MIVD*. It appeared that a majority of the Second Chamber supported an expansion of powers. The content and results of the debate, including the expansion of powers, the reasoning behind it and the potential infringement of privacy, were addressed in all three newspapers. In addition to these aspects, *de Volkskrant* and *NRC* also mentioned the requirements of necessity. While *de Volkskrant* addressed the lack of public trust in Plasterk and Hennis as well, the *NRC* was the first newspaper to report on the expansion's tension with European laws. Finally, *De Telegraaf* mentioned the need for reinforced internal oversight of the services.

While, on the one hand, one of the stories by *de Volkskrant* concerned a story that was copy-pasted from the ANP and edited by a *Volkskrant* journalist, on the other hand it also published a critical review. On February the 12<sup>th</sup>, Bert Wagendorp (2015), in his column, criticised Plasterk and his promise that the intelligence services would always work according to the law. After stating that it looked like national security was more important than the right of privacy at the time, he appointed the real problem: the secret services were too secret and thus no one was able to confirm the truth of Plasterk's promises. In addition to his distrust in Plasterk, Wagendorp also voiced his distrust in the capabilities of Hennis and the relation between the ministers and their services.

Likewise, *Telegraaf* journalist Wim Hoogland voiced his doubts on the reliability of the ministers' promise that guarantees for privacy protection would remain sufficient. Nonetheless, he argued that the services and their powers had to keep up with technological developments. He concluded his story with mentioning that, despite the fact that intelligence services are very useful, a lack of strict oversight may lead to very dangerous situations. Consequently, he called for enhanced internal oversight of the services (Hoogland, 2015). A second *Telegraaf* article again forwarded a speculative headline, stating that the cable may already be tapped ('*kabel mag ongericht afgetapt*'), which was definitely not yet the case. Finally, a *NRC*-story presented the findings of a small investigation. The authors (a professor and researcher in the area of information law) used their expertise to critically assess the justification for the new bill and its compliance with European law. The article summed up a few reasons for a disapproval of the proposed bill might, mainly concerning an absence of prove for its necessity and propriety, its subsidiarity, and its inconsistency with the Dutch constitution and European law (NRC Handelsblad, 2015a).

Following the debate and a further review of the old WIV, on the 2<sup>nd</sup> of July 2015, a renewed version of the WIV was published for public consultation. Surprisingly, *NRC* published three unique stories referring to the bill, while *De Telegraaf* and *de Volkskrant* respectively ran one and zero stories. While both *De Telegraaf* and *NRC* articles again addressed the proposed expansion of powers and its tension with privacy protection, the *NRC* also ran a story in which the journalists described part of an interview with minister Plasterk through which they tried to find out what a revision of the law would exactly mean (Kas and Pelgrim, 2015).

On the 23<sup>rd</sup> of July 2015, *de Volkskrant* published a story in which it referred to an inquiry conducted by researchers from the University of Amsterdam (Modderkolk, 2015a). Those experts in the area of information law concluded that the proposed bill on the intelligence services was not in compliance to European human right laws, since it did not include enough guarantees to protect human rights. Surprisingly, this incompliance to European law has already been addressed by *NRC* earlier on. In the concerned *Volkskrant* article the journalist described the findings of the report in an accessible way and forwarded an explanation given by the researchers. Despite that, it is not completely clear whether the journalist obtained these statements through his own investigative journalism. However, because both the *NRC* and *Telegraaf* did not publish any articles referring to this inquiry, there is a big chance that the explanations were given through an exclusive conversation with the journalist.

On the 15<sup>th</sup> of April this year, ministers Plasterk and Hennis presented their proposal to provide the intelligence services with more competencies to fight terrorism, serious crime, cyberattacks and espionage. All three newspapers published one unique story that addressed the proposed expansion of powers, the reasoning behind it, and its tension with privacy. While the article by *de Volkskrant* was copy-pasted from the ANP and BuzzT, the *Telegraaf* wrote its own story and even referred to apparent exclusive sources from within the political domain. Those sources revealed information about a future bill, but it is not sure whether the journalist initiated the process of provision.

Exactly two weeks later *Volkskrant* journalist Huib Modderkolk (2016a) exposed the content of a, at that time, secret proposal for the new bill on the intelligence services. His story made it to the front page. In the concerned article Modderkolk addressed the Cabinet's plans to expand the intelligence services' powers and its ignorance of the critic voiced by the telecom sector, but also forwarded the Cabinet's plan to conduct a privacy assessment in order to measure the impact of the proposed bill on citizens' privacy. In the same article Modderkolk forwarded the reactions and concerns of privacy organisation Bits of Freedom and internet provider A2B Internet. The exposure of this proposal might have been a result of whistle-blowing but it might also have become exposed through other methods of investigative journalism.

In the same print of the newspaper, Modderkolk (2016b) elaborated on the content of the proposal and critically reviewed its separate parts, predominantly focussing on its

legitimation and its consequences for both the intelligence services and the Dutch society. This critical assessment is also an indicator of performed investigative efforts. One day later, *de Volkskrant* published a third story in which the journalist described the results of an exclusive interview with a former *AIVD* employee and owner of security company Fox-IT. The journalist questioned him about the expansion of the services' powers, its necessity and its consequences. The interviewee foremost addressed the idea that broader data collection would have negative consequences for the efficiency of data collection. Although the journalist forwarded the interviewee's legitimising statement that tapping of internet data would be a necessity, it seems as the journalist found this statement important as well since he made it the article's headline.

### **Conclusion**

Although the proposed bill on the intelligence services revealed new information on the wants of the Cabinet and the likely form of the future bill, the different newspapers did not significantly change their reporting. However, they did report significantly less articles. This may not be surprising since the analysed sub-events mainly revealed that the recommendations were a step closer to implementation instead of exposing significant changes or completely new information. Similar to their response to the committee's report, during the aftermath of the sub-events the media still predominantly addressed the expansion of powers and often questioned its necessity and propriety, and scrutinised its tension with privacy protection. Additionally, the newspapers continuously emphasised the need to combine an expansion of powers with sufficient control over the intelligence services and guarantees for privacy protection.

Although, over time the Dessens Committee and involved politicians frequently tried to explain the need for a new bill, its necessity and propriety remained a prominent topic of media reporting. Likely, the still high public interest in those terms of accountability and the lack of public confidence in the new bill's correspondence to ethical norms contributed to the maintaining of that focus. Nonetheless, following the emerged sub-events, the media's focus widened a bit and later also included the legality of the bill. However, the size of that sidestep remained very small.

Despite many confirmations by politics that the requirements of necessity, legality and propriety would be fulfilled, it looked like the media still tried to warn the citizens for the intrusive future measures. Especially *De Telegraaf* highlighted the potential terrifying

consequences and seemed to have the want to oppose the execution of the recommendations, using many superlatives and adjectives to supposedly negatively report on them. In addition to their distrust in the expansion of powers, the media also increasingly addressed public distrust in the intelligence services and in promises stating that those services will always operate according to the law. Nonetheless, it looks like most journalists already had peace with the implementation of the recommendation ever since the revelation that the ministers were about to publish a new proposal. Especially *De Telegraaf* seemed to act like that, publishing loads of articles that ran ahead of the actual developments. However, this might also be, as Modderkolk argues (see Appendix II), because journalists were just being *slordig* (careless).

Similar to the first case, it seems to be *de Volkskrant* that put most effort in its reporting on the developments around the intelligence related case. Upon the fact that that newspaper displayed most signals of investigative journalism, it even revealed the content of a proposal that was still secret at the time. Additionally, *de Volkskrant* was the newspaper that forwarded the findings of a research team's report on the compliance of the expansion of powers with European law, and often included concerns and statements about an expansion of powers voiced by internet, privacy or intelligence experts in its articles. Nonetheless, it is not sure whether all of these statements are exclusively provided to *de Volkskrant*, just like many other statements of government officials.

Finally, several articles per newspaper functioned as a comprehensible translation of the bill proposals and adapted proposals. However, not all of them were as detailed and complete as desired. Although several journalists seemed to accept the need for an expansion of powers, they did not often add their own arguments to their article to explicitly legitimise the expansion of powers or the more general existence of the services. However, many articles forwarded statements made by government officials or intelligence experts that an expansion of competencies was a necessity.

### **6.3. Case 3 – The collection of 1,8 Million metadata**

During the summer of 2013 American citizen Edward Snowden revealed thousands of classified NSA documents to journalists. The press, led by the Guardian and the Washington Post, revealed the existence of a major domestic surveillance program in the United States carried out by the National Security Agency (NSA). Under a Foreign Intelligence

Surveillance Court (FISC) ruling, Verizon Business Network Services provided the NSA all call logs between the US and abroad. In the light of this data collection it also appeared that the NSA acquired data about foreign residents.

On the 30<sup>th</sup> of October the Spanish newspaper El Mundo claimed to be in the possession of a document proving Dutch help with the collection of the 1,8 million metadata. These data included the metadata of phone calls and of a small part of texts and faxes. Initially, it seemed as the NSA itself intercepted the data as the Dutch Minister of Domestic Affairs Ronald Plasterk emphasised that he did not know about the interceptions and as he denied cooperation with the NSA. However, on the 20<sup>th</sup> of November 2013 further research revealed that our own National Sigint Organisation (NSO), which is a part of the ‘Joint Sigint Cyber Unit’, a sort of joint venture of the *AIVD* and *MIVD* that is responsible for the collection of signals intelligence, collected the metadata and shared it with the NSA. On November 22 the intelligence services updated both the Minister of Defence and the Minister of Domestic Affairs and on the fourth of February 2014 those Ministers wrote a letter including the new findings to the Second Chamber (NOS, 2014).

To collect all relevant news articles in which the data collection was linked to the Dutch intelligence community, combinations of the searching terms as named in Appendix I were searched for. Also included are the following sub-events: (1) the sending of their letter by ministers Plasterk and Hennis. The table below displays the media attention devoted to the main event and the sub event. Most stories again forwarded knowledge instructed by others (for example, government officials or experts on the area of intelligence) or by the emerged developments. Several articles also provided information obtained from a journalist’s investigation.

Event	<i>NRC Handelsblad</i>			<i>De Volkskrant</i>			<i>De Telegraaf</i>		
	Total	Unique	Front page	Total	Unique	Front page	Total	Unique	Front page
<b>El Mundo revelations</b>	6	6	0	7	6	1	5	5	0
<b>Ministers’ letter</b>	10	7	1	13	12	0	7	7	1

Table 6.3.: The defined main event and sub-events and the amount of news articles that were devoted to them.

### 6.3.1. Part 1 – Acknowledgement of NSA-eavesdropping

On the 30<sup>th</sup> of October the Spanish newspaper El Mundo claimed to be in the possession of a document proving Dutch help with the collection of 1,8 million metadata. Later that day

Plasterk confirmed that the NSA did tap Dutch data, but he stated that Dutch services and politicians did not know anything about this collection. Initially, the revelations pulled both public and political attention to a potential involvement of the Dutch services in the collection of the 1,8 million metadata, including a discussable cooperation with the American NSA.

### ***De Volkskrant***

Not surprisingly, all *Volkskrant* articles addressed the possibility that the Dutch intelligence services were involved in the operation through which 1,8 million metadata was collected by the NSA. Most of the stories only forwarded the new facts and developments that emerged, and statements made by, for example, minister Plasterk. In addition, more than 60 percent of the articles published in the direct aftermath of the revelations connected the potential involvement to the accountability aspect of legality. Nonetheless, probably due to the lack of information and proof, none of articles dared to make any judgements about the legality of a potential involvement. Furthermore, two articles also forwarded information about a potential role for Plasterk in the data collection. Reporter Jeroen Visser wrote on the potential case that the *AIVD* and Plasterk used the data-exchange with the NSA to illegally obtain data they were not allowed to collect themselves (Visser, 2013). (Later on, it appeared that the addressed trial, initiated by, among others, journalists, against Plasterk triggered both minister Plasterk and minister Hennis to come forward with information about the eavesdropping that they otherwise would have kept secret.) Finally, one article explicitly appointed transparency issues in relation to the data collection operation.

Although, it was not sure yet what Dutch intelligence services were involved in the data collection at the time, journalists were quick to put their emphasis on the *AIVD* and Plasterk. While the terms ‘*AIVD*’ and ‘Plasterk’ were came forward in respectively three and one headlines, the *MIVD* and Hennis were included in none of the headlines. The in-text proportions were crooked the same way. During the first two weeks after the revelations only one journalist introduced the National Sigint Organisation (NSO). This article (Persson, 2013), which was published only two days after the revelations, was one of two critical reviews that contributed to scrutiny of the potential Dutch involvement in the data collection. The concerned journalist critically assessed the emerged information and explored the different potential explanations for the data collection. Then, he posed the question: Has the Netherlands helped the NSA with the interception of the metadata? Consequently, Persson encouraged public debate by providing the reader with several possible options regarding the

data collection, including both a legal and an illegal option. In the same article Persson also tried to put the reader at ease, spreading word that the content of phone calls was most certainly not recorded and analysed (Ibid.). In addition to the critical review of Persson, a guest journalist from Privacy Barometer wrote an opinion piece in which he was quick to judge that there were significant indicators that the *AIVD* collects data through cooperation with the NSA (Koning, 2013).

While Persson's article contributed to media scrutiny through critically reviewing the emerged situation, only two other articles contributed to scrutiny through investigative journalism. Those articles presented the findings of exclusive interviews with a politician and the director of the Dutch external oversight committee (CTIVD). Through those interviews the journalists tried to obtain different perspectives on the emerged developments and more detailed information on those developments. Finally, none of the journalists forwarded any signs that indicate a role of the media as a substitute for other oversight actors, nor did they legitimise the existence or potential involvement of the services in their articles.

### ***NRC Handelsblad***

Before discussing the topics that were at the focus of the *NRC* articles it is important to notice that none of its stories made it to the front page. That can be called surprising since a potential involvement of Dutch services could be considered big news. The articles that were published in the rest of the newspaper addressed, just as *de Volkskrant*, the potential involvement of the Dutch services in the data. Since the moment the chance on a potential involvement of the Dutch intelligence services increased, the legality of the data collection gained more prominence in the press as well. Nonetheless, the legality aspect was only mentioned in three articles. In one of those articles Zandstra (2013) highlighted a political call for proof of legal acting on the part of the intelligence services. Despite this call for proof, it seems as *NRC* journalist Laura Klompenhouwer was less doubtful about the legality of the data collection. She immediately wrote that the state had to stop using illegally collected data (Klompenhouwer, 2013). Another *NRC* journalist added his voice to claims made by part of the opposition that a thorough investigation was necessary to clarify the legality of the eavesdropping of Dutch citizens and the involvement of the Dutch *AIVD* (*NRC Handelsblad*, 2013c). Just like *de Volkskrant* the *NRC* explicitly mentioned a potential involvement of Plasterk twice, and also put more focus on the *AIVD* and Plasterk than the *MIVD* and Hennis.

Worth noticing is the finding that none of the articles could be appointed as critical reviews, and that only one of them displayed significant indicators of investigative journalism. The concerned article described the findings of an interview with an employee of Privacy First, one of the organisations that initiated a law suit against Plasterk for laundering the metadata. Despite that, the reporting and journalism of the *NRC* could be called very superficial. Contributing to that perception is the belief that the very first article simply copied its headline from another news outlet without checking its truthfulness (Zandstra, 2013). In addition to that, several articles include text passages that are simply copy-pasted from press bureau Novum.

### ***De Telegraaf***

Although *De Telegraaf* also predominantly addressed the potential involvement of the Dutch services in the data collection, they only related that involvement to the accountability aspect of legality once. Consequently, one article focused on the existing cooperation between the Dutch *MIVD* and the American NSA, and a second article focused on the transparency of both the *AIVD*'s and *MIVD*'s work. The latter article (De Telegraaf, 2013d) is also the only article through which investigative journalism can be appointed, since it referred to Dutch sources of *De Telegraaf*, who provided the journalist with exclusive information. Nonetheless this information had nothing to do with wrongdoings. Besides that, the sources were not insiders from the intelligence community and the provision of information could thus not be called whistle-blowing.

On the other hand, the article did criticise the behaviour of the politicians that held Plasterk accountable for the collection of the metadata, while it was actually the *MIVD* who was responsible. *De Telegraaf* sources were baffled about the politicians' behaviour (De Telegraaf, 2013d). The article functioned as a sort of legitimising tool towards the acting of Plasterk. Whereas the emphasis of *NRC* and *De Volkskrant* was strongly on the *AIVD* and Plasterk, *De Telegraaf* seem to have had a more balanced distribution.

Something that gained much attention in the *Telegraaf* articles and not in the other newspapers was the allegation that the Netherlands itself was a very experience tapping country. Two articles criticised the acting of politics around the El Mundo revelations and stated that that behaviour was *schijnheilig* (hypocritical) (De Telegraaf, 2013e) and argued that the Netherlands was a professional *aftapland* (eavesdropping country) (De Telegraaf, 2013f). The headline of the latter article probably was the most accusative statement directed

at the Dutch intelligence community and politics, stating that nothing and no one is safe in ‘eavesdropping-Holland’.

### **Conclusion**

When it was revealed that the NSA obtained 1,8 million Dutch metadata the Dutch society was shocked. The revelations made by El Mundo reinforced this shock. Although minister Plasterk denied Dutch knowledge about the data collection, all three newspaper immediately started considering and even questioning a potential involvement of (mainly) the *AIVD* and Plasterk. One of the reasons for this focus on the *AIVD* is likely to be the efforts that Plasterk puts in getting attention. Huib Modderkolk confirmed this theory in a conversation with the researcher, adding that Plasterk generally lusts after media, but that he has also been put forward to function as the public face of both the *AIVD* and *MIVD*.

Although most of the media articles connected the potential involvement of Dutch services to the accountability aspect of legality, not many of them went as far as questioning or judging the acting of those services. A likely reason for that is the uncertainty about the involvement of the services that still existed at the time. Only after a few days journalists dared to call for proof of legality, but still very few journalists critically assessed the situation. While this contributed to a low level of media scrutiny, the very few articles that displayed signals of investigative journalism even further decreased that level. It is not even sure whether the newspapers put any efforts in attempts to check El Mundo’s allegations. This is not surprising since there was very little information or data to analyse and assess, partly due to the high degree of secrecy around the collection operation.

Finally, once more it was *De Telegraaf* that published the articles with the most excessive content, through which they also take down all Dutch hope on a good ending to the case. The newspaper’s journalists seem very down to earth, reporting that it would not be strange if it was revealed that Dutch services had their part in the collection, since the Netherlands had their own professional spying culture.

#### **6.3.2. A letter that changes all**

On the 5<sup>th</sup> of February 2014 minister Plasterk and minister Hennis sent a letter to the Dutch Second Chamber in which they described that the *AIVD* and *MIVD*, through the NSO, did intercept 1,8 million phone calls and e-mails, and thus did help the NSA, but also that they participated through a legal way. On the other hand, the letter made clear that minister

Plasterk made wrong statements back in October and November 2013. However, because the acting of both ministers was initially not included as a case in this research, it has been left out as a separate unit of analysis.

### ***De Volkskrant***

Since the uncertainty about the involvement of the Dutch services in the data collection disappeared after the submission of the letter, *de Volkskrant* switched its focus to the actual involvement of the services, the reasoning behind it, and the necessity and proportionality of the operation. However, the aspects of legality, necessity and proportionality were only addressed a few times and lacked substantial attention since it appeared that the data collection performed through legal methods. Furthermore, two articles focused on Plasterk's control over the *AIVD* and the alleged lack of that control, and consequently two other articles explicitly addressed the role of the *MIVD* in the data collection. One of the latter articles also mentioned a lack of transparency of the *MIVD*'s operations. So, in general the emphasis of the articles was not anymore solely on the *AIVD*, but it had switched in the direction of the *MIVD* since it appeared that the *MIVD* seemed to have had a role in the data collection as well. Moreover, many articles also mentioned the more narrow NSO as an involved actor.

After the focus of *de Volkskrant* articles switched to the political domain (the acting of Plasterk and Hennis) the efforts to perform investigative journalism in relation to the involvement of the Dutch services decreased. More specifically, not a single signal of investigative journalism could be noticed. Nonetheless, four articles contained a critical review of the situation. While in three articles the journalist interpreted the past developments and the content of the letter sent by Plasterk and Hennis, in the fourth article the journalist questioned whether Plasterk's control over the *AIVD* and *MIVD* was sufficient. Surprisingly, the journalist also appointed the control over the *MIVD* to Plasterk's responsibilities (Van der Kolk, 2014). In one of the three interpreting articles Persson and Righton (2014) addressed the limitations in the cooperation between the *AIVD* and *MIVD*, between the ministers and their services and between both services. They also stated that, by being not transparent about their own way of working, they caused more and longstanding paranoia among the public (Ibid.). Finally, in a column by Bert Wagendorp (2014a) Plasterk's control over the *AIVD* was criticised again. The author argued that potentially, in case the minister did not lie about his knowledge about the data collection, he did not know something he should have known.

Although there is no sign that the newspaper functioned as a substitute of other formal oversight actors, one article did legitimise the data collection by the Dutch services. Very briefly the journalist mentioned that the *AIVD* soon would announce that they prevented an attack through using the collected metadata (Wagendorp, 2014b). Surprisingly, the journalist did not devote more attention to it, and no other articles mentioned it. Except for one story (which was copied from ANP and edited by a *Volkscrant* journalist), all stories were written by journalists.

### ***NRC Handelsblad***

As mentioned before, the transmission of Plasterk's and Hennis' letter caused a huge political stir and *NRC* as well seemed to be eager to report on the developments following that stir. Just like *de Volkskrant* the *NRC* predominantly described the emerged involvement of the services in the data collection, but in only three articles the aspect of legality was also taken into account. Furthermore, the newspaper reported on the alleged lack of control over the *AIVD* by Plasterk. While in two articles explicitly the *MIVD* was addressed, in another story the NSO was the main subject. Similar to *de Volkskrant* the *NRC* also wrote more about the *MIVD* and NSO after it became apparent that it were not only the *AIVD* and Plasterk that had something to do with the data collection. During the latter part of the two weeks after the letter was sent only one story called for rethinking and stated that the political stir pulled all attention away from the real issue: the allegation that the Netherlands were helping the United States with spying and the fact that the legal framework around the distribution of metadata was insufficient (Modderkolk and Derix, 2014a).

In the same article Modderkolk and Derix critically reviewed the legal framework around the data collection powers of the intelligence services and their information sharing with foreign services (Modderkolk and Derix, 2014a). In addition to this article, two other articles referred to sources that revealed information. However, this information did not concern whistle-blowing, and there is no sufficient indication that its exposure was a result of investigative journalism performed by the concerned journalists. As with the main event regarding this case, once more a *NRC* article and multiple text passages were copied from news forum Novum.

### ***De Telegraaf***

The ministers' letter to the Second Chamber explained a whole lot more about the NSA's eavesdropping. This seemed to have lead, in combination with government statements

forwarding that the whole process has been legal, to *De Telegraaf* accepting the idea that no laws were crossed (De Telegraaf, 2014g). This was probably one of the reasons why the Dutch involvement in the data collection did not get as much attention anymore in the newspaper. In contrary, a topic that gained more attention within *De Telegraaf* was the allegedly bad relation and cooperation between the Dutch intelligence services, and between them and their responsible ministers.

As for the presence of investigative journalism, a *Telegraaf* story ran on the 6<sup>th</sup> of February concerning a revealing interview with a high-ranked *MIVD* employee showed that the roots of the eavesdropping scandal were founded years ago by the *MIVD*. The interview also addressed the need for the services to collect information to fight terrorism and pointed out that the activities were actual legal. Furthermore the employee stressed that the cooperation between the *AIVD* and *MIVD* was out of hand and that their work became a race for the two agencies (De Telegraaf, 2014g). Additionally, *De Telegraaf* ran another story in which the author elaborated on the fight of intelligence services against terror, each other and politics, using the developments during the aftermath of the revelations as an example. The author stated that the *AIVD* and *MIVD* followed their own path in a world full of secrets (De Telegraaf, 2014c). The story contributed to scrutiny by showing high efforts to find out the relations between members of the intelligence community and by critically reviewing those relations.

Finally, two other articles seem to have presented the results of investigative journalism, referring to observers from within the intelligence community and former intelligence employees. However, it is not sure whether those sources came forward through the sources' own initiative or via the journalist's initiative and the sources can, thus, not be appointed as unambiguous indicators of investigative journalism. Nonetheless, both of these references point towards whistle-blowing, since they both concern the exposure of inefficient and insufficient cooperation between the *AIVD* and *MIVD* (De Telegraaf, 2014g), and the *AIVD* and minister Plasterk (De Telegraaf, 2014i). Besides that, both sources seem to be from within the intelligence community.

## **Conclusion**

Since the letter showed that there has been no illegal action on part of the intelligence services, journalists seemed to accept this and seemed to switch their focus. To replace the issue of illegality, the issue of proportionality was introduced and the services' transparency

became more pressing. Surprising, however, is the finding that nearly no articles thoroughly questioned or criticised the collection's necessity and proportionality anymore. Neither did they relate the operation to democratic values such as human rights and privacy protection anymore. These issues and existing tensions were completely overshadowed by the political game in which Plasterk and Hennis played the main roles. Presumably, the largest cause of this switch of focus was the contradiction of the statements that Plasterk made in the past about the potential involvement of the Dutch services and the newly emerged facts about the provision of data by the Dutch services.

Thus, since the media did not have any leverage anymore to criticise the potential illegality of a Dutch involvement in the data, the media started focusing more on Plasterk's control over the *AIVD*, since he apparently did not know what was going on. Because Plasterk's letter also revealed that there was a significant part for the *MIVD* in the data collection, the articles that still referred to the Dutch involvement in the data collection became more balanced in their reporting, mentioning the *MIVD* almost as often as the *AIVD*.

#### 6.4. Case 4 – Budget cuts and intensifications

In 2012, the second Rutte Cabinet implemented a cut in the *AIVD*'s budget of 68 million euros. Only shortly after this budget cut, intensifications of the budget followed in 2014 and 2015 with respectively 25 and 40 million euros. This decision derived from the intensified threat levels of, among others, jihadism and deteriorated relations with Russia (Algemene Rekenkamer, 2015). On May 19, 2015, the *Algemene Rekenkamer* published a report that contained the findings of an analysis of the budgetary turbulence during the period 2012 until 2015, its consequences for the *AIVD*, and the reaction of the *AIVD*. The report concluded that, in October 2012, there was not enough attention for the exceptional dynamics of the *AIVD*'s processes and operations. Furthermore, it stated that the budgetary developments, the *AIVD*'s acting to be able to shrink, and the almost simultaneous execution of necessary operational processes in order to grow again, have had a huge impact on the organisation and the consequences will be tangible in the coming years (Algemene Rekenkamer, 2015).

To collect all relevant news articles in which the Dutch intelligence community was linked to the publication of the report, combinations of the searching terms listed in Appendix I were used. Generally, many stories forwarded knowledge instructed by others (for example, government officials or experts on the area of intelligence) or by the emerged developments. Several articles also provided information obtained from a journalist's investigation.

Event	<i>NRC Handelsblad</i>			<i>De Volkskrant</i>			<i>De Telegraaf</i>		
	Total	Unique	Front page	Total	Unique	Front page	Total	Unique	Front page
<b>Publication of the report</b>	6	4	0	4	2	0	2	2	0

Table 6.4.: The defined main event and sub-events and the amount of news articles that were devoted to them.

#### 6.4.1. The budgetary turbulence in the media

In reaction to the findings of the *Algemene Rekenkamer* the media started addressing the period of budgetary turbulence, its causes, and its consequences. Consequently, they focused on two specific aspects of the intelligence community. First, they addressed the Cabinet's decision in 2012 to cut the *AIVD*'s budget (minister Plasterk, who is responsible for the *AIVD*, is obviously also a member of the Cabinet). Second, they addressed the consequences for the *AIVD*'s policies and work in general.

##### ***De Volkskrant***

The *Volkskrant* story that was published on the same day as the report's publication addressed the findings of the report in length. Topics of prominence were the negative consequences the turbulence of the *AIVD*'s budget had for the *AIVD*'s working processes and the insufficient foundation on which the Cabinet's decision to cut the budget in 2012 was based. Furthermore, the article addressed the inefficiency of the *AIVD*'s management and working processes, to which the budget cuts and intensifications during the period 2012 until 2015 led. Additionally, it addressed the unaccountability of the acting of the Cabinet, including minister Plasterk, in 2012. Finally, the article also directly addressed the in the report mentioned unorganised finances of the *AIVD*. This was unique because none of the other articles (also in the other newspapers) addressed this aspect of the report. This first story can be seen as a detailed and comprehensible translation of the report of the General Chamber of Auditors, who is also a formal oversight actor. In doing so, the journalist functioned as a substitute for the *Algemene Rekenkamer*.

The second story, which was published a few days later, forwarded the journalist's own interpretation of the developments with supportive reasoning, criticised the political bargaining of money (meaning the budget cuts and intensifications), and incorporated the issue in a list of disorders that limit the working of the *AIVD* (Modderkolk, 2015b). It looks like the same article obtained information from an exclusive source who revealed improper behaviour on behalf of the Dutch Cabinet. The source stated that the decision to cut the *AIVD*'s budget only received very little attention at the time. Although it cannot be assured

that this source addressed a formal oversight actor first, it seems reasonable that the source did not feel comfortable or capable addressing other oversight actors since the AIVD's responsible minister Plasterk was included in the improper acting, and consequently used the media as a leaking channel.

### ***NRC Handelsblad***

Three of the published *NRC* articles wrote purely informative on the report's findings regarding the lack of foundation for the 2012 budget cuts and on the finding that the budgetary turbulence has had huge consequences for the working of the *AIVD*. The inefficiency that was inherent to the budgetary turbulence and the development of the *AIVD*'s working processes and management was only addressed indirectly, just as the lack of accountability of the Cabinet's decision to cut the *AIVD*'s budget. Two of the articles wrote elaborately on the findings of the report and are interpreted as a detailed and comprehensible translation of the report.

A final article (Meeus, 2015) forwarded the journalist's own interpretation of the report and criticised the *AIVD*'s control and management by minister Plasterk in addition to a short transmission of the report's findings. The article appointed the incompliance of statements made by Plasterk earlier on with the findings of the General Chamber's report. As a result, not surprisingly, the article seemed to have had a condescending tone towards the acting of the minister. The critical review of Plasterk's acting was written as a part of a thorough analysis of the General Chamber's report. Meeus (2015) concluded that the General Chamber unintentionally wrote a destroying review on Plasterk's management of the *AIVD* and his presentation of its policy.

### ***De Telegraaf***

*De Telegraaf* only wrote two stories on the relation between the report and the intelligence community. One of those stories elaborated on the findings of the report in length, while the second story only shortly addressed the findings. Just like *de Volkskrant* the articles addressed the lack of foundation for the Cabinet's decision to cut the *AIVD*'s budget, the negative consequences for the *AIVD*'s working abilities, and the unorganised finances of the *AIVD*. While the first (long) article can be seen as a detailed and accessible translation of the *Algemene Rekenkamer*'s report, the latter is too short and superficial. Surprisingly, none of the articles criticised (the acting of) the Cabinet or the intelligence community, or showed any signs of investigative journalism or of a media substitution of other oversight actors.

## **Conclusion**

The publication of the *Algemene Rekenkamer's* report did not cause any significant or surprising media reporting on the identified operations and policies of the *AIVD* and minister Plasterk. All newspapers reported in length on the findings of the report, including the consequences of the budgetary turbulence for the *AIVD's* working and the lack of accountability of the Cabinet's decision to cut the *AIVD's* budget in 2012. Thus, while the expected initial focus of the media was the inefficient development of the *AIVD's* budget over time (although that inefficiency was not often explicitly named), the focus of the articles also included the lack of accountability of the Cabinet's decision. This lack of accountability can be defined as a lack of necessity since the foundation for the decision was not sufficient.

Although all newspapers functioned as a capable translator of the formal inquiry performed by the *Algemene Rekenkamer*, the signals of investigative journalism were very scarce. The same accounts for the amount of critical reviews that have been performed on the developments. This apparent lack of interest from journalists might be present due to the long period of time that has gone by since the Cabinet's decision to cut the *AIVD's* budget. Additionally, the pressing idea that the negative consequences of the budgetary turbulence for the *AIVD* and for the security and privacy of the common Dutch citizen have not been directly tangible, might have added to this disinterest.

*De Volkskrant* journalist Huib Modderkolk, in an interview with the researcher, argued that the Cabinet and intelligence services generally do not want discussions on ongoing operations or policies, or on current practices. They aim to avoid immediate publications of wrongdoings and try to postpone those publications. In case they then becomes public at a later stage, the government or services may say that they have already handled and corrected the wrongdoing (see Appendix II). It looks like this description can also be applied to the Cabinet's decision to cut the *AIVD's* budget and its alleged unaccountability. Although it is not sure whether the revelation of this unaccountability has been postponed on purpose, or whether it was only revealed recently through researching the consequences of the budgetary turbulence, the past years gave the Cabinet the opportunity to repair their unaccountable decision by reinforcing the *AIVD's* budget again.

## 7. Conclusion

This final chapter comprises several things. First, it provides the reader with the main conclusions of this research, meaning that it aims to answer the posed research question ‘How does media attention on intelligence related cases in the Netherlands contribute or relate to media oversight of the intelligence sector in the Netherlands since 9/11?’. Second, it addresses and elaborates on some potential changes and improvements for the theorisation of intelligence oversight by the media. Finally, several recommendations are made for future research on this area of expertise, and some ideas and research topics are suggested for future studies.

### 7.1. Overseeing the intelligence sector

As is described in the first chapters of this thesis, the media can take on different roles and perform different tasks in overseeing the intelligence community. This research has divided those roles and tasks in three main roles that have been operationalised and analysed in the performed research. Moreover, the media can function as a (1) transmitter and scrutiniser of state action, as a (2) substitute for other formal oversight actors, or as a (3) legitimising tool of the existence, policies and activities of the intelligence community.

#### ***Transmitting information and scrutinising intelligence action***

The amount of media attention regarding a certain intelligence operation or policy fulfils an important role in intelligence oversight by the media. No reporting would mean an absence of ways to perform the three roles, while an immense amount of articles would cause many opportunities for journalists to perform oversight and for the public to receive those signals of oversight. The selected cases concerned either (alleged) improper activities or policies on the part of the intelligence community, or policy changes that may cause harm to our society, and since the media is from origin an ‘institution’ that has as its duty to communicate information on state action to the public and that flourishes when something extraordinary happens, there has been no lack of reporting on those cases. Especially with respect to cases that directly related to the personal freedom of individuals or to a danger for an individual (such as terror) the media seem to significantly enhance its reporting efforts.

Depending on the analysed activity or policy different terms of accountability were related to them. Inherently, the media brought different issues, such as potential privacy infringement or an abuse of powers, onto the agenda for public debate. While the term

legality, including necessity and proportionality, was often explicitly named when it became of importance, the extent to which an activity or policy was accounted for in terms of effectiveness and efficiency was also often related to indirectly. More specifically, articles then addressed, for example, the failure of the *AIVD* in achieving its goals. Predominantly, media articles addressed the terms of accountability and issues that gained public attention immediately after the main event. However, on several occasions the focus of journalists slightly changed or widened to include new issues or address other terms of accountability that gained attention due to new emerged events. While reporting on activities or policies that accounted for both Dutch intelligence services, there was a tendency among the analysed newspapers to focus on the *AIVD* and Plasterk instead of the *MIVD* and Hennis.

Although this research showed that media are capable of mentioning the terms of accountability in relation to an activity or policy, and of questioning the compliance of the addressed activity to those terms, one could notice that media find it difficult to make a critical assessment of the compliance of the addressed activity to those terms. Media rarely seem to be able to check an activity's legality or effectiveness due to a lack of expertise or information. This often resulted in apparent superficial critical reviews (of which most were articles intended as opinion pieces or columns) of activities and policies, or in allegations of improper acting without profound reasoning. However, it remains difficult for a researcher to correctly assess the content and arguments elaborated on in media articles and to decide whether there really is a lack of profound arguments, due to incomplete knowledge about the information that was available to the journalist and about the journalist's intentions.

Investigative journalism is one method that journalists use to obtain data that could help them scrutinise and critically assess intelligence activities or policies. However, the findings of this research confirmed that not all signals of investigative journalism also indicate critical assessments, nor are critical assessments always preceded by investigative journalism. Furthermore, it appeared to be difficult to derive from the content of articles whether a journalist performed investigative journalism to substantiate its article. All newspapers often seemed to display efforts of own investigation (such as thorough document analyses and exclusive conversations with sources). However, it rarely is completely clear whether the concerned journalists really put their effort in obtaining data, since one cannot derive from texts how and where a journalist obtained his sources' statements or revelations. Despite that uncertainty, the high amount of sources that has been referred to in the articles regarding the cases points towards a situation in which journalists have many good connections within

politicians, the intelligence community, and NGO's. This may also be the result of longstanding journalistic efforts in order to get hands on important information easier and quicker.

Earlier in this research it was mentioned that performed investigative efforts were likely to be higher sometime after the main event or sub-events, since journalists would then have had some time to investigate. Although, in most cases the performed analysis included articles spread out over two years, the results do not provide any clear insights in the development of investigative journalism relating to a certain event over time. The analysed articles (published within ten days of a new (sub)event most often addressed that new event and did not in-depth look back at previous events. Even if all analysed news articles are interpreted as belongings of the first main event in every case, still nothing sensible can be said about that development. In some cases the amount of signals that indicate investigative efforts increased as time passed by, while in other cases the level of signals remained the same or decreased.

### ***Substituting other formal oversight actors***

Whether the media may substitute other formal actors in the oversight process highly depends on its necessity and on the media's ability to take on that substitution function. As explained before, the media are more often than not incapable to assess the compliance of activities with terms of accountability as other formal oversight actors do. Therefore, media may only function as a substitute actor through accessibly translating official inquiries or through channelling whistle-blowing. This research has showed that the former function is performed well by the different newspapers. To find out the exact meaning of reports so that they can write a, for the public, comprehensible story, journalists often approach people with expertise on the subject, such as internet or intelligence experts, or members of the CTIVD. The latter function, channelling whistle-blowing, is performed less often in the analysed cases.

### ***Legitimising intelligence services' existence, activities and policies***

In general, there exists a tendency among media to predominantly write negative on the intelligence community and its activities and policies, or to voice their doubts on them. Although they sometimes forward statements made by interviewees or sources, journalists rarely ever add a legitimising phrase of their own. This is not surprising since most reporting relates to (alleged) wrongdoings or improper acting on behalf of the intelligence community. The findings of this research confirmed this tendency, but also showed that, even after moments that drew away blame from the intelligence services or pointed out the necessity for

their existence, media seemed not keen to explicitly mention the need for the services and activities in their articles. On the other hand, the intelligence community does perform large efforts to maintain a good relation with the media and influence their reporting in a way that supports the community. It may be that the absence of negative comments in many articles, as a result of those efforts, must also be included as a method of legitimisation.

### ***De Telegraaf vs. de Volkskrant vs. NRC Handelsblad***

The size of the analysed newspapers ensured that the journalists of those newspaper addressed almost every (sub)event. Although the research revealed some small differences in the reporting of the three newspapers, all three of them generally addressed the same (aspects of) cases, relating issues, and terms of accountability. While *De Telegraaf* generally published the least amount of articles, it was also the newspaper that reported in the most excessive way, probably either to simply attract readers or to also shake them up and make them aware. Furthermore and derived from the case analysis, *de Volkskrant* journalists seem to put most effort in their reporting, by performing investigative journalism, maintaining connections with sources, and critically reviewing intelligence activities or policies.

### ***The Netherlands vs. Belgium***

Most of this research's findings relate to the specific analysed cases. Only a few findings and a part of the interviews with journalists Modderkolk and Martijn (see Appendix II) concern the general Dutch media oversight culture. Consequently and combined with the lack of elaborate research on media oversight in Belgium, it is difficult to compare the media oversight cultures of both countries. Nonetheless, a few general similarities are identified. First and most important, this research has showed that media are well able to hold the intelligence services to account for their activities and policies, but only to a certain degree. Similar to Belgian media, Dutch media often do not seem to be able to in-depth assess intelligence activities and policies, and to answer all pressing questions regarding a case. The reasons for this partly seem to be the same as in Belgium, where the insufficient reporting also results from, among other thing, insufficient investigative journalism, a lack of journalistic skills and a lack of available sources (meaning politicians, archives, and also still the intelligence services). Nonetheless, both the Dutch and Belgian intelligence services, and the external oversight committees seem to have become more transparent and outgoing in recent years.

Something else Belgium and the Netherlands seem to have in common is the predominantly negative reporting about the intelligence community. Here as well, at least part of the cause appears to be the same in both countries: a lack of communication of successes by the services themselves. Furthermore, both Belgian and Dutch journalists argue that journalists in their countries behave and report responsibly. More specifically, they do understand the need to carefully balance national security and the informing of the public, despite the fact that they all have a high level working environment in which they experience a high degree of protection and freedom. Finally, in both countries the military security and intelligence service receives less attention than the general intelligence service. Although Belgian journalist Clerix and Dutch journalists Modderkolk and Martijn all argue that this is probably caused by both the service itself and the media, it is not sure whether the exact reasons in both countries are the same.

## 7.2. Opportunities for theorisation improvement

The first chapters of this thesis have addressed several concepts that are at the basis of the presented research. As stated in the introduction of this thesis the compliance of these theories and concepts with the case specific findings and general findings on Dutch oversight of the intelligence community has been looked at. Since the idea of media oversight of the intelligence community is a rarely researched topic and the existing concepts have barely been applied in case studies on the topic, this thesis expected room for improvement, positive changes, or the identification of alternative parts of theory. It can be concluded that this expectation was justified and although the biggest part of the existing theorisation has been confirmed by this research, this chapter only focusses on the opportunities for improvement or change.

The first few points relate to an alternative division of roles (in comparison to those defined by Hillebrand (2012) that looks a lot like the division that is often made for the roles of media in the oversight of state action in general: the division between solely transmitting information and going beyond that transmission by way of scrutinising state action. This research once more proved that those concepts differ significantly. Although almost all scrutinising efforts will likely result in information transmission, not all information transmissions will be related to scrutinising performances. The researcher argues, therefore, that those functions should be divided into two different roles.

Consequently, the other roles as defined by Hillebrand should then be appointed to one of those main roles. As a first step the role of the media as a substitute body is to be eliminated. As confirmed by Modderkolk and Martijn (see Appendix II) the media are generally not able to perform the formal and constitutional duties of other formal oversight bodies. As for the defined tasks of substituting those actors, the researcher argues that the translation and forwarding of findings of a formal inquiry resembles more to a comprehensible transmission of published information than to a substitution of the formal oversight body, since the formal oversight body did perform its job on those occasions. Furthermore, and departing from the idea that the pure transmission of information is a separate role of the media, the functioning of them as a channel for whistle-blowers should be appointed to that new role. In addition to the transmission of whistle-blower's information this role will further include the forwarding of expert's or other sources' visions and expertise on intelligence activities and policies. As a final step, the legitimising function of the media should be assigned as a sub-function to the role of information transmitter, since legitimising the intelligence services by reporting on successes is also a provision of information, just like the reporting on wrongdoings. In case legitimising paraphrases result from scrutinising efforts, they may also be appointed to the scrutiny performer's role. The table on the next page displays the division of roles that can be performed by the media as used in this research and the alternative division as described above. The bullet points show one the sub-functions that have switched to a different role or that have been identified as new sub-functions.

Finally, the researcher suggests removing the responsibility of the media to encourage public debate from the list of responsibilities the media has to fulfil in the oversight of the intelligence sector as defined by DCAF (2012). Although the media might be able to and actually do sometimes encourage public debate, Modderkolk (see Appendix II) stated that journalists do not see the encouragement of public debate as one of their main responsibilities, but merely as an occasional additional benefit when performing their duty to inform the public about intelligence action.

Roles of the media as used in this research (based on papers by Hillebrand (2012) and Caparini (2004))	Alternative division of roles (based on the findings of this research)
<p><b>1. The media as an information transmitter and scrutiniser of information about the intelligence services' policies and activities</b></p>	<p><b>1. The media as an information transmitter</b></p> <ul style="list-style-type: none"> <li>• Including the translation and forwarding of findings of a formal inquiry</li> <li>• Including the functioning of the media as a channel for whistle-blowers</li> <li>• include the forwarding of expert's or other sources' visions and expertise on intelligence activities and policies</li> <li>• Including the functioning as a legitimising tool</li> </ul>
<p><b>2. The media as a substitute for other oversight actors</b></p> <ul style="list-style-type: none"> <li>• Including the translation and forwarding of findings of a formal inquiry</li> <li>• Including the functioning of the media as a channel for whistle-blowers</li> </ul>	<p><b>2. The media as a scrutiniser of information about the intelligence services' policies and activities</b></p> <ul style="list-style-type: none"> <li>• The inclusion of the functioning as a legitimising tool</li> </ul>
<p><b>3. The media as a legitimising tool for the intelligence services' existence, policies, and activities</b></p>	

Table 7.2.: The division of roles of the media as used in this research and an alternative division of roles which is constructed based on the findings of this research.

### 7.3. Recommendations for further research

It goes without saying that every research has its limitations, either due to factors that the researcher simply cannot influence or measure or through a delineation of the researcher himself. So did this research and this chapter therefore elaborates on some recommendations for potential further research. First, this research has a very specific and narrow focus for its analysis and only addresses four different cases. Since not many case studies have addressed media oversight of the intelligence community yet and the findings based on the few case studies performed in this research cannot merely be generalised, it would be very useful to research more specific national cases. That way it might become possible to identify similarities, differences and patterns, and to identify underlying structures of the performed oversight. This research has compared the findings of the cases and general oversight culture in the Netherlands with the general oversight culture in Belgium, but these comparisons have not provided the author with the hoped results. To obtain better results in future research, the researcher argues that an in-depth study of Belgian or other international cases would

significantly add to the quality and reliability of a comparative research between oversight systems in different countries.

Furthermore, a qualitative media content analysis as performed here hugely depends on the coding and interpretation of the material by the researcher. Consequently, this has a negative influence on the validity of the analysis' findings. To enhance the intercoder reliability and the findings' validity, it would be very beneficial to perform this analysis again, but then coded by multiple independent coders. Additionally, it might be revealing to perform the same analysis, but with slightly different operationalisations for the addressed concepts. This research has used its own operationalisation to indicate the presence of the defined roles, but that operationalisation is not the only one possible through which those roles can be indicated.

Third, it has been proven difficult to measure some of the indicators by only reading media articles. To fill up the emerged gaps of information the few conducted interviews have been proven very useful. However, these interviews are only the perceptions of a few journalists and not of all journalists that have written stories on the analysed cases. Consequently, some statements made by those journalists were contradicting or might have been influenced by a personal bias. In order to construct a more reliable and elaborate image of the Dutch oversight culture the researcher supports the necessity to interview more journalists from different media. During those interviews not only the general oversight culture within the media should be addressed, but their reporting regarding specific cases as well.

Fourth, this research has based its analysis on media stories ran within a limited amount of days following the initial (sub-)events and thus has not included all stories devoted to the cases. Since investigative journalism often takes time, it is plausible that this research has missed out on articles that have been the result of investigative journalism. This exclusion has definitely influenced this study's findings. To gain more complete and reliable findings on the media oversight on the intelligence community the researcher therefore argues that it is necessary to qualitatively analyse all articles published in relation to a case.

Finally, during this research several ideas and potential topics for future research through which one can gain more insight in the media oversight of the intelligence community popped up. Since the selection of cases has been based on the amount of attention they received, all cases had to do with potential wrongdoings on behalf of the intelligence community. Successes simply did not receive as much media attention. An interesting topic for future

research would therefore be to investigate the media reporting on intelligence successes. Other interesting topics that popped up are the relationship between journalists and the members of the intelligence community, the development of journalists as (for example, technological) experts, and the politicisation of media reporting.

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## Appendix I – Searching terms

For the selection of the news articles that are devoted to certain cases or sub-events searching terms or combinations of searching terms have been used to find them in the LexisNexis database. The searching terms per case or subevent are summed up below and are based on the involvement of those terms in the cases, and on the author's expectation of them to bring forward relevant articles.

### Case 1 – The murder of Theo van Gogh:

- Part 1:** *Van Gogh / AIVD / Remkes / inlichtingendiensten* (intelligence services) / *Mohammed B. / veiligheidsdiensten* (security services)
- Part 2:** *Van Gogh / AIVD / Remkes / inlichtingendiensten* (intelligence services) / *Mohammed B. / veiligheidsdiensten* (security services)
- Part 2:** *Bot / fout* (error) / *taxatie* (taxation) / *inschatting* (estimation) / *AIVD / Mohammed B. / Van Gogh*
- Part 3:** *CTIVD rapport* (CTIVD report) / *AIVD / Mohammed B. / Van Gogh / toezichthouder* (oversight actor)
- Part 4:** *Van Gogh / AIVD / Remkes / inlichtingendiensten* (intelligence services) / *Mohammed B. / veiligheidsdiensten* (security services) / *De Waal / boek* (book)

### Case 2 – A renewed intelligence bill:

- Part 1:** *Dessens / rapport / AIVD / MIVD / inlichtingendiensten* (intelligence services) / *veiligheidsdiensten* (security services)
- Part 2:** *Dessens / rapport / Plasterk / Hennis / AIVD / MIVD / WIV* (*Wet op de Inlichtingen- en Veiligheidsdiensten*) (Law on the intelligence and security services) / *nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services) / *voorstel* (proposal)
- Part 3:** *Tweede Kamer / debat* (debate) / *bevoegdheden inlichtingendiensten* (powers of intelligence services) / *WIV / nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services) / *Plasterk / Dessens*
- Part 4:** *WIV / nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services) / *Plasterk / Dessens / consultatie* (consultation)

- Part 5:** *Onderzoek* (inquiry) / *Universiteit van Amsterdam* (University of Amsterdam) / *WIV* / *nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services)
- Part 6:** *Voorstel* (proposal) / *WIV* / *nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services) / *Kabinet* (Cabinet)
- Part 7:** *Voorstel* (proposal) / *WIV* / *nieuwe wet op de inlichtingendiensten* (new bill on the intelligence services) / *Kabinet* (Cabinet)

### **Case 3 – The collection of 1,8 million metadata:**

- Part 1:** *NSA* / *AIVD* / *MIVD* / *Plasterk* / *Hennis* / *inlichtingendiensten* (intelligence services) / *veiligheidsdiensten* (security services)
- Part 2:** *NSA* / *AIVD* / *MIVD* / *Plasterk* / *Hennis* / *inlichtingendiensten* (intelligence services) / *veiligheidsdiensten* (security services) / *brief* (letter)

### **Case 4 – Budget cuts and intensifications:**

- Part 1:** *Algemene Rekenkamer* (General Chamber of Auditors) / *rapport* (report) / *AIVD* / *budget* (budget) / *bezuinigingen* (budget cuts)

## Appendix II – Interview transcriptions

The conducted interviews have been transcribed through a denaturalized way, meaning that the utterances are not transcribed in the fullest detail. This is not necessary as the transcription grows out of an interest in the informational content. A denaturalized approach attempts a verbatim depiction of speech, while still working for a full and faithful transcription. The accuracy of the transcription concerns the substance of the interview, that is, the meanings and perception created and shared during the interview (Mason et al, 2005, p. 1277). Following this reasoning, words as ‘ehm’, ‘ja’ (yes), and other irrelevant small words, repetitions, and errors in grammar or sentence structure have been eliminated.

### Appendix II.I Interview with Maurits Martijn

**Interviewee:** Maurits Martijn  
**Occupation:** Technology and surveillance journalist at the ‘Correspondent’  
**Date of interview:** 14-04-2016  
**Length of interview:** 52 min. 25 sec.

#### *Transcript:*

\*Informal introduction (not on tape)\*

**Luuk:** Je zei net al dat je het wel nodig vindt dat er toezicht door de journalistiek wordt gehouden. Dat idee is natuurlijk al heel oud en stamt uit de tijd dat de media als een Fourth Estate werd aangemerkt. Daarin hadden zij de maatschappelijke opdracht om het publiek te informeren, door de verspreiding van betrouwbare, objectieve, en uitgebreide informatie, en meningen en opinies. Zo konden zij een kritische evaluatie van overheidsop treden faciliteren, en daardoor de overheid en overheidsorganen, zoals de inlichtingendiensten, ter verantwoording roepen. Nu worden er een aantal verantwoordelijkheden toegedicht aan de media die zij moeten of kunnen uitoefenen: Het onderzoeken en analyseren van overheidsop treden; het informeren van het publiek; het aanmoedigen van publiek debat; en het onthullen van ineffectief, inefficient of illegaal overheidsgedrag. Denk je dat die vier verantwoordelijkheden een beetje overeenkomen met hoe jullie dat zien?

**Maurits:** De praktijk is natuurlijk nooit 1 op 1 hetzelfde als de theorie, maar als ik naar mezelf kijk en naar hoe ik zelf mijn vak beleef en mijn opdrachten zie, dan zie ik mezelf wel als een controleur van de macht, en de macht definieer ik dan breder dan alleen de overheid.

Ik zie ook een hele nadrukkelijke rol voor journalisten om bedrijven, variërend van Shell tot Google, te controleren. Er zijn verschillende manieren waarop je die kunt controleren. Dat kun je namelijk doen door ze gewoon consequent stevig te bevragen, dat kun je doen door zelf onderzoek te doen naar bepaalde aspecten van deze machtspartijen, je kunt het doen door uitspraken, verklaringen, jaarverslagen of kamerbrieven te analyseren, te duiden, en je kunt het doen door iets meer de meningenkant op te gaan en in de vorm van essays of columns te reflecteren op handelen, de uitspraken van die partijen. Dat laatste doe ik zo min mogelijk. Ik zie mezelf wel echt als een klassieke journalist die zich vooral bezighoudt met feiten.

**Luuk:** Een journalist die objectief de waarheid rapporteert?

**Maurits:** Nou, objectieve journalistiek bestaat niet, daar geloof ik niet in. Omdat het sowieso filosofisch is, is het al heel ingewikkeld, maar daarnaast is het zo dat je als journalist gewoon een mens bent. En de beste journalisten zijn mensen die zich ergens druk over maken, ergens kwaad over maken, die heel erg betrokken zijn bij een onderwerp. En op het moment dat je betrokken bent bij een onderwerp ben je al niet meer objectief. Neem iemand als Tom Jan Meeus bijvoorbeeld. Dat is een heel voornaam politiek verslaggever van *NRC* en die is al jaren consequent bezig met héél kritisch de PVV volgen. Dat betekent dat hij de hele tijd feiten boven tafel probeert te krijgen over het handelen van die partij. Als je hem op twitter volgt en sommige van zijn stukken leest, dan zie je dat hij zegt: 'ik maak me hier zorgen om'. En uiteindelijk komt hij dan met scoops, maar het is heel duidelijk dat hij betrokken is en dat hij gewoon op zoek is naar stront bij de PVV omdat hij dat belangrijk vindt.

Ik schrijf onder andere over de inlichtingendiensten, omdat ik vind dat dat moet. Die inlichtingendiensten zijn bij wet gemachtigd om rechten van burgers te schenden onder bepaalde voorwaarden. Samen met de politie zijn die diensten de enige partij die dat mogen. Ik vind dat je dan ook een enorm krachtig systeem van toezicht moet hebben, en daar is de pers een onderdeel van. En om dan meteen even verder te gaan: Wat je heel erg ziet, en dat is dus ook wel logisch, is dat er eigenlijk voornamelijk aandacht van de pers voor geheime diensten is als er misstanden plaatsvinden of als er ophef is. De collectie van 1,8 miljoen metadata is natuurlijk een bekend voorbeeld. Dus je ziet dat de aandacht van de pers voor de inlichtingendiensten een soort conjunctuurbeweging volgt die redelijk gelijk loopt met misstanden en ophefjes.

**Luuk:** Dus geen continue controle, maar eigenlijk een soort alarmachtig concept?

**Maurits:** Ja, alarmjournalistiek, precies. Nou is dat ook hoe de meeste journalistiek werkt, maar wij bij de Correspondent proberen dat een beetje te doorbreken door niet op de uitzonderingen te zitten, maar te kijken of het lukt om de onderliggende structuren te identificeren. Maar het werkt natuurlijk ook zo dat als je een verhaal wilt vertellen er wat spanning in moet zitten. Een verhaal heeft een punchlijn nodig en je kan niet zomaar zeggen 'nou vandaag gebeurde er niks'. Daar bevindt zich dus wel een wankel evenwicht.

**Luuk:** Ik kan me voorstellen, dat als je een bepaalde structuur wilt laten zien, dat je dan ook meer, nog meer, onderzoek moet doen naar die structuur. In het geval van een misstand, word je als journalist eigenlijk al de goede richting in gestuurd, maar als je een bepaalde structuur wilt onderzoeken heb je dat voordeel niet.

**Maurits:** Nee, dat klopt. Één mijn laatste stukken over de diensten ging heel over de wensen van dit kabinet voor nieuwe bevoegdheden van de diensten. Toen heb ik dus de conceptwet gelezen, de memoriam van toelichting, en daar héél veel mensen over gesproken. Op die manier heb ik kunnen beschrijven welke gedachten er rond gingen in het kabinet en wat haar bezwaren waren op de nieuwe wet. In dat geval is er geen sprake van ophef, maar heb ik gewoon beschreven wat het kabinet wilde en waarom burgers zich zorgen moeten maken.

**Luuk:** Denk je dat er in de afgelopen jaren, zeker na 9/11, enige verandering te zien is in de inlichtingencultuur? Inlichtingendiensten kregen bijvoorbeeld meer macht om data af te tappen of operaties uit te voeren...Kon je daar in Nederland nog iets van merken? Paste de media zich daar ook op aan? Werd er meer onderzoek gedaan?

**Maurits:** Nou ja dat was wel een beetje voor mijn tijd hè. Dat vind ik moeilijk om te zeggen. Wat je wel ziet, is dat de toon in de berichtgeving en in de discussie over de diensten ook heel erg conjunctuurafhankelijk is. Wat ik weet is dat we in 1999-2000 héél veel kritiek hadden op de diensten. In die tijd was er enorm veel ophef over Echelon. Echelon dat was eigenlijk een beetje de voorloper van al die NSA-programma's die we nu kennen, een vrij draconisch aftaprogramma van de Five Eyes, waaronder de NSA. Op dat moment was de tendens in de media ook pro-privacy, anti-diensten, even heel gechargeerd gezegd. Toen kwam 9/11 en dat veranderde alles. Iemand heeft wel eens de manier waarop de publieke opinie omgaat met de diensten, en de publieke opinie wordt natuurlijk gevoed door media en politiek, vergeleken met een pendule. Dus de ene keer zo [houdt 1 hand omlaag en de ander omhoog], dus pro-privacy en dan komt hij na 9/11... [brengt eerste hand omhoog en de tweede hand omlaag]. Dan gaat hij weer naar pro veiligheid eigenlijk. Toen ging het weer lang zo door, in 2003 ging

het weer terug [verwisselt handen wederom], en toen kwamen de aanslagen in Londen en Madrid. Bam, ging het weer die kant op [zwaait handen weer de andere kant op]. Toen kwam Snowden en toen kreeg de pendule echt een vrij harde zwiep die kant op [wijst naar de pro-privacy kant van de pendule]. Nu zijn er weer aanslagen geweest in Frankrijk en Brussel, en nu zie je heel duidelijk dat de pendule weer die kant op gaat [wijst naar de pro-veiligheid kant van de pendule]. Maar goed, ik heb er geen onderzoek naar gedaan. Ik heb dit zelf alleen maar uit secundaire bronnen en weet het wel vooral van de Verenigde Staten. Ik weet wel dat na de Snowden onthullingen meer Nederlandse verslaggevers zich zijn gaan richten op de inlichtingendiensten.

**Luuk:** Ook op een onderzoekende manier of vooral op een verspreidende manier?

**Maurits:** Eigenlijk niemand echt serieus. Je hebt nu wel een aantal mensen die goed in de terrorisme- en antiterrorisme hoek zitten, maar Huib is eigenlijk de enige die, vanaf Snowden zeg maar, echt met eigen onderzoek veel heeft bloot gelegd over de manier waarop de Nederlandse diensten hun werk doen. En dat is gewoon heel mager!

**Luuk:** Denk je dat er na bepaalde cases zoals de Snowden onthullingen of de moord op Theo van Gogh meer journalisten zijn die zich dan in één keer gaan interesseren in de diensten en dan ook dieper op hun activiteiten ingaan?

**Maurits:** Nee, mijn indruk is dat, en dat heb je al best wel gezien bij de Snowden onthullingen, er veel mensen zijn die er echt geen verstand van hebben en er toch over gaan schrijven. Daardoor ontstaan vrij veel misverstanden en verwarring. De collectie van 1,8 miljoen metadata is een heel goed voorbeeld, want dat was niet alleen Ronald Plasterk die fouten maakte, maar ook de journalistiek die het gewoon niet begreep. Bovendien is het ook wel gevaarlijk. Een goed voorbeeld vind ik een artikel van Wilmer Heck uit het *NRC*. Wilmer Heck is helemaal geen specialist, maar die had op de voorpagina een stuk geschreven over dat de NSA samen met de BND, de Duitse dienst, de Nederlandse kabels aftaptten. Dat was echter helemaal niet waar en slechts gebaseerd op een claim van een Oostenrijks parlementslid. Wij hebben toen ook een stuk gemaakt over waarom het niet klopte, maar zo zie je dus wel dat, omdat er zo weinig echte specialistische journalisten zijn, het publieke debat vrij snel vrij grof vervuild kan worden. Want haal die leugen er maar eens uit, iets wat op de voorpagina van de *NRC* wordt gepubliceerd. Binnen no time komen 2 miljoen mensen in aanraking met de zin 'Duitse dienst en Amerikaanse dienst luisterden Nederlanders af', maar alles in die zin is onjuist.

**Luuk:** Ja en zodra je dan een andere krant hebt die zegt dat het niet waar is, wie moet je dan geloven?

**Maurits:** Dat is ook een probleem inderdaad. Dan moet je dus argumenten kunnen wegen, maar dat kan ook niet iedereen. Maargoed, het niveau van onderzoeksjournalistiek is gewoon heel laag. Een uitzondering is Argos, die zaten heel goed op de *MIVD*, hoe die dienst in het buitenland opereerde, maar de laatste jaren valt dat weer tegen.

**Luuk:** Ik heb ook het idee dat journalisten vaak statements uit andere kranten overnemen en die als kop gebruiken voor hun artikel, zonder enige check of het klopt. Ik kan natuurlijk niet aan het artikel zien of ze dat gecheckt hebben, maar daar lijkt het vaak niet op. Dus het blijft dan bij oppervlakkig verspreiden van nieuws dat misschien niet eens allemaal waar is?

**Maurits:** Ja, dat vormt wel de basis, ja. En je zou eigenlijk willen dat er vrij veel verslaggevers en journalisten waren die consequent verslag zouden doen van het handelen van de diensten en niet alleen op de momenten dat het misgaat of dat het spannend is. Heel veel informatie kun je halen uit de *CTIVD* rapporten elk jaar, maar die leest ook bijna niemand. De meeste journalisten lezen alleen persberichten. Zij kijken: ‘oh, is er een misstand? Dan maken we er bericht van!’ Heel weinig journalisten nemen de tijd of hebben de tijd om een netwerk te creëren binnen de diensten. Dat kost tijd en dat levert niet meteen wat op, maar dat is de essentiële voorwaarde voor goede journalistiek. Goede menselijke bronnen zijn van essentieel belang, maar dat valt eigenlijk heel erg tegen.

**Luuk:** En dan eigenlijk bij beide diensten, binnen de politiek, misschien zelfs binnen academici? Het is allemaal een beetje mager?

**Maurits:** Nouja, er zijn ook gewoon niet zo heel veel specialisten in de wetenschap op dit vlak, dat zijn er ook maar vijf of tien. Binnen de Tweede Kamer is het nog dramatischer, daar heeft niemand er verstand van. Er is in Nederland eigenlijk gewoon niet echt een cultuur van kennis en expertise over de diensten en over de controle op de diensten. Dat zit gewoon niet echt in ons systeem, in de politiek niet en in de wetenschap niet echt. Uitzonderingen daar gelaten.

Maar het valt tegen hoor. Ik bedoel, als je het vergelijkt met Amerika: Amerika is veel groter natuurlijk, maar de situatie daar is ongelooflijk. Daar heb je bij elke krant, maar ook bij elke universiteit, een specialist. Daar heeft elke congressman een specialist in zijn team zitten. Daar is dat gewoon zo fucking belangrijk. Goed, het is in Amerika ook gewoon spannender.

Ik bedoel, daar gebeurt shit. En hier, ik bedoel, ik weet niet of je wel eens iemand van een dienst hebt ontmoet... Dat zijn gewoon ambtenaren! Alleen Bertholee is nog wel een uitzondering. Dat is echt een ex-militair, die is nog super afgetraind, een knappe man om te zien. Dat is wel een uitzondering, die is ook altijd gewoon in strak gesneden pakken enzo. Maar als je kijkt naar andere werknemers, dat zijn gewoon van die saaie Nederlandse ambtenaren die een boterham met pindakaas meenemen naar hun werk.

**Luuk:** Maar denkt u dat Nederland niet toch iets over heeft genomen van de Verenigde Staten in de afgelopen jaren?

**Maurits:** Nou, het werk van de diensten wordt wel steeds meer digitaal, en dat betekent wel dat er bepaalde nieuwe skills nodig zijn bij medewerkers van de diensten. Dat zorgt er denk ik wel voor dat die diensten wereldwijd iets meer op elkaar gaan lijken, Je hebt hackers en statistici nodig, mensen die grote big data analyses kunnen uitvoeren. En daar beginnen ze dan een beetje op elkaar te lijken denk ik, maar zoals het is bij de CIA bijvoorbeeld, zo kennen we het hier heel weinig, denk ik.

**Luuk:** Even over die band tussen jullie als journalisten en de diensten: Je bent natuurlijk wel deels afhankelijk van elkaar. De diensten die moeten ook positief omgaan met jullie omdat jullie natuurlijk ook positief over hun kunnen schrijven. Dat is belangrijk omdat, wat je net ook al zei, dat eigenlijk zelden gebeurt. Denk je dat die diensten dat genoeg doen. Oefenen ze genoeg aantrekkingskracht uit, zodat jullie ook een keer de diensten kunnen 'legitimiseren'?

**Maurits:** Ja, dat is wel heel erg aan het veranderen. De laatste maanden eigenlijk, het laatste half jaar, jaar. Ik merk dat zowel de *AIVD* als de *MIVD* veel pro-actiever aan het worden is, en mij vaker uitnodigt voor rondleidingen. Ze hebben nu ook allebei een jaarverslag, waarin mensen ook naar buiten treden. Bertholee treedt het laatste jaar heel veel naar buiten. Dat was 1,5 jaar geleden echt wel anders. Kijk, allereerst hebben de diensten ook een hele moeilijke positie. Ze zijn niet voor niets geheime diensten. Daar zijn goede redenen voor. Heel veel van wat ze doen is gewoon staatsgeheim. Ze kunnen dus ook niet, zoals het Ministerie van Landbouw, alles laten zien wat ze doen. Ze kunnen geen journalisten meenemen op missies, ze kunnen geen journalisten of gewone parlementariërs mee laten kijken als ze uitrekenen waar Somalische piraten zich ophouden. Dat is voor hun altijd een enorm dilemma. Wat je wel ziet, en waarover ook wel vrij veel geschreven is, is het risico dat je in een soort geheimhoudingskramp schiet. Dat je dus ook de dingen die helemaal niet geheim zijn of niet hoeven zijn, ook maar voor je houdt. Heel veel wordt dan als top secret geclassificeerd. Wij

mogen dat niet zien en dat zorgt voor nog meer wantrouwen. Dat zorgt er dus voor dat als er dan een keer shit naar boven borrelt, of dat nou via Edward Snowden is of door een fout van Plasterk, dan duikt iedereen er ook vol op. ‘Jullie houden alles verborgen? Nou als er dan wat naar boven komt, dan persen we ook alles eruit wat erin zit.’ Het idee bij diensten is dus, en ik denk dat dat wel terecht is: ‘Als we nou gewoon iets meer gestructureerd open zijn, dan kweken we misschien meer begrip voor ons werk.’ Momenteel is er namelijk super veel onbegrip voor wat ze doen.

**Luuk:** Maar je denkt dus wel dat er goede verbetering in zit, alhoewel het natuurlijk altijd beter kan?

**Maurits:** Ja! En, ik bedoel, het blijft natuurlijk ook altijd pr, dus daar moet je altijd heel kritisch op blijven, maar dat ze wat meer open zijn gaan staan, dat die Bertholee echt vrij veel naar buiten treedt, dat is toe te juichen. De volgende vraag is dan: Zegt hij ook echt iets anders dan wat er in het jaarverslag staat? Dat valt tegen vind ik, maargoed, het is een begin. En, kijk, als het bijdraagt aan een beter geïnformeerd publiek debat over de diensten, als er daardoor meer journalisten geïnteresseerd raken in diensten en er structureel aandacht aan besteden, dan is dat alleen maar goed denk ik.

**Luuk:** Heb je het idee dat de diensten zelf op een bepaalde manier het rapporteren over de inlichtingendiensten proberen te beïnvloeden

**Maurits:** Ja, natuurlijk doen ze dat, dat willen ze. De diensten hebben gewoon een communicatieafdeling en die bedenkt van tevoren wat ze wel en niet zeggen, en hoe ze alles zeggen. Dat is allemaal voorgekauwd, het is weinig spontaan. Ze willen de beeldvorming ook beïnvloeden, omdat die gewoon helemaal ruk was de afgelopen jaren. Denk aan Edward Snowden, denk aan die enorme kritiek op de AIVD. Dat willen ze herstellen en dus moet je als journalist niet klakkeloos alles overschrijven alsof het waar is, maar dat gebeurt ook niet!

**Luuk:** Journalisten nemen niet klakkeloos alles over wat de inlichtingendiensten zeggen?

**Maurits:** Nee, dat gebeurt niet. Journalisten rapporteren niet altijd even goed, maar het is niet zo dat de AIVD bij grote kranten een luidspreker heeft die ze kunnen gebruiken.

**Luuk:** Heb je zelf wel eens druk gevoeld van bovenaf van diensten of van politici die gingen over: Daar mag je niet of daar moet je niet over schrijven, daar moet je wel over schrijven. Of achteraf? Dat je een artikel hebt geschreven en dat ze opeens naar je toe kwamen?

**Maurits:** Nou ja ik heb een aantal historische stukken gemaakt over operaties van de BVD en de CIA, in Nederland. Operatie Leunstoel bijvoorbeeld, waar ik ook in de wereld draait door over heb gesproken. Bij het publiceren van dat artikel ben ik best wel tegen gewerkt in de zin van, dat ik gewoon geen archieven open kreeg die in mijn ogen al heel lang open hadden moeten zijn. Maar het echt tegenwerken heb ik nooit meegemaakt. Huib ongetwijfeld wel omdat hij informatie had over Nederland, die in die Snowden onthullingen stond. Toen is hij gewoon met de minister en het hoofd van de *AIVD* gaan praten: ‘Jongens ik ga dit naar buiten brengen. Als je me nu overtuigt dat dit echt een gevaar voor de staatsveiligheid is, dan ben ik bereid om niet te publiceren.’

**Luuk:** Zojuist zei u, ‘als u mij kunt overtuigen dat het echt een gevaar is voor de staatsveiligheid, dan publiceert ik het niet’. Denkt u dat de journalisten in Nederland zich voldoende realiseren dat ze wel nog onder een bepaalde grens moeten blijven, zodat ze echt inderdaad die veiligheid niet aantasten met hun publicaties?

**Maurits:** Ja, ik heb wel het gevoel dat, over het algemeen, Nederlandse journalisten vrij ethisch zijn wat dat betreft. Goed, je weet natuurlijk niet wat er tegen wordt gehouden. Het zou kunnen dat er wel eens een journalist op het punt stond om iets te publiceren en dat er actie is ondernomen door diensten of politici, omdat het bijvoorbeeld de troepen in Afghanistan in gevaar bracht. Het is echter mijn indruk dat wij wel best wel braaf zijn en dat we een goed ethisch besef hebben. Maar kwaliteitsjournalistiek moet het ook gewoon hebben van replicatie en van vertrouwen. Dat is je belangrijkste goed en als je het verneukt dan sta je bekend als die journalist, die krant, die het heeft verneukt en waar bronnen dus niet meer mee willen praten of waar overheden geen contact meer mee willen hebben. Je moet dus constant laten zien dat je te vertrouwen bent en dat je ethische beslissingen neemt. Je bent in het algemeen, als journalist, zo goed als je bronnen zijn, zo werkt het. Dus als Edward Snowden je bron is, dan ben je op dat moment de beste journalist ter wereld. En dat was Glenn Greenwald op dat moment.

**Luuk:** Er zijn natuurlijk heel veel toezichthouders, waaronder de *CTIVD* en nog een aantal andere actoren. Heb je het idee dat de media soms ook inzien dat de *CTIVD* niet genoeg toezicht houdt en dat zij daarom moeten bijspringen?

**Maurits:** Nouja, de *CTIVD* is wel een heel ander type toezichthouder dan de media is of zou kunnen zijn. De *CTIVD* houdt toezicht op de rechtmatigheid: ‘Mag dit?’ Maar er is nog veel meer om toezicht op te houden. Bijvoorbeeld, ‘werkt het?’ Daar kijkt de *CTIVD* niet naar. Als

de *AIVD* en de *MIVD* zeggen ‘we moeten het hele internet kunnen aftappen, want op die manier kunnen we terroristische aanslagen voorkomen’, dan gaat de *CTIVD* niet zeggen ‘nou er is nog nooit uit een enkel onderzoek gebleken dat dergelijk aftappen werkt’. Dat moeten journalisten zeggen. Die moeten dat laten zien en de vraag stellen: ‘Ja maar hallo, je zegt dat je dit nodig hebt, maar waarom bewijs je dit niet eerst?’

**Luuk:** Dus wat onderwerpen van toezicht betreft zijn de media echt een toevoeging?

**Maurits:** Absoluut, absoluut! Het is een heel andere vorm van toezicht houden. Bovendien is de *CTIVD* ook geïnstitutionaliseerd. In de wet staat gewoon wat zij moeten doen. Als journalist heb je binnen de grenzen van de wet ruimte voor creativiteit. Stel je voor dat ik 3 *AIVD*’ers spreek die zich bezig houden met big data en die me uitleggen hoe ze dat doen zonder echt de geheimen van de smid bloot te leggen. Dan zou ik een verhaal kunnen maken waarin ik opschrijf hoe deze mannen of vrouwen, geanonimiseerd uiteraard, hun werk doen. Dat is super inzichtelijk en echt een vorm van controle, van toezicht over wat die mensen nou doen. Hoe denken ze? Hoe werken ze? Daar heeft de *CTIVD* geen ruimte voor, dat is niet hun taak.

Maar ik heb het nu dus wel steeds over het ideaalbeeld hè. Het gebeurt dus in Nederland niet goed genoeg. Er is in de praktijk een groot gat met de wenselijke situatie. We zouden veel meer over diensten te weten kunnen komen als er hier in Nederland meer interesse vanuit de journalisten zou zijn om nuttige informatie te verkrijgen over de dagelijkse bezigheden van bijvoorbeeld een *AIVD*’er. Deze nuttige informatie zou het publiek ook beter in staat stellen om zelf een oordeel te vellen over de diensten. Je hoeft geen naam te noemen, je hoeft geen foto’s te laten zien, je hoeft niet te zeggen: ‘hij spreekt nu een keer Asoud, de syrische overloper’. Je kunt zoiets gewoon globaal omschrijven, maar dat gebeurt eigenlijk niet en dat is wel jammer. Stel dat ik honderd procent van mijn tijd aan diensten zou besteden en dus mezelf de opdracht zou geven ook de niet spannende dingen op te schrijven, dan is 70 à 80% van mijn stukken vrij saai. Daar moet je toch rekening mee houden als journalist.

**Luuk:** Heeft de Nederlandse journalistiek wel een goed wettelijk kader om binnen te werken?

**Maurits:** Zeker, gelukkig wel. Je bent als journalist gewoon goed beschermd en je mag vrij veel als journalist.

**Luuk:** Wat me echt is opgevallen tijdens het analyseren van artikelen voor mijn onderzoek is dat de *MIVD* een onderwerp is waar heel weinig over geschreven wordt. Met betrekking tot

die nieuwe wet op de inlichtingendiensten, die in principe gaat over de *AIVD* én de *MIVD*, is de meerderheid van de artikelen gericht op de *AIVD* of ‘inlichtingendiensten’. De *MIVD* lijkt eigenlijk een beetje onder de radar mee te gaan, en zo heb ik dat idee ook bij Plasterk en Hennis. Plasterk is natuurlijk ook wel een minister die een beetje tot de voorgrond treedt en die wel houdt van een beetje aandacht, maar toch heb ik het idee dat Hennis en de *MIVD* wel echt minder vaak onderwerp zijn van (kritisch) rapporteren.

**Maurits:** Dat klopt, ja. Dat is een beetje het kip of het ei. Komt dat nou door de journalistiek of is dat gewoon bewust beleid, bewust succesvol beleid? Ik denk het laatste. Ronald Plasterk en de *AIVD* zijn duidelijk naar voren geschoven als woordvoerders van de hele dienst, van alle diensten. Dat is strategisch een beetje een fout geweest, want Plasterk heeft een paar keer flink lopen stuntelen. Het is heel duidelijk inderdaad, Plasterk is synoniem komen te staan met de diensten. Terwijl het inderdaad zo is dat het hoogstwaarschijnlijk gewoon de *MIVD* was bij die metadata kwestie. De NSA is namelijk de partner van de *MIVD* en zij werken heel veel samen. Dus eigenlijk had Hennis daar moeten zitten en had Hennis zich moeten verantwoorden. Maar Plasterk, dat is zo een eigengeiler. Die man heeft helemaal niks meer te doen. Die mag zich bezig houden met de provincies en met de diensten. Dus nu denkt hij dat hij dat allemaal wel kan en is hij gewoon vaker goed door zijn hoeven gezakt.

**Luuk:** Hennis schijnt tegen hem te hebben gezegd dat hij zich gedeisd had moeten houden, maar je weet natuurlijk nooit hoe dat precies is gegaan...

**Maurits:** Nee nee, er zit heel veel spin bij, maar ik weet wel uit een paar hele betrouwbare bronnen dat dit voor een groot deel echt een fout is omdat Plasterk er de grote Ronald Plasterk show van wilde maken. Hij heeft gewoon zijn mond voorbij gepraat over dingen waar hij net niet genoeg verstand van heeft. Hennis lijkt gewoon best wel verstandig te hebben gehandeld in die kwestie.

**Luuk:** Plasterk is natuurlijk heel vaak negatief in het nieuws geweest, zeker de laatste jaren, mede door de kwestie rondom de metadata, maar Remkes ook op een gegeven moment, in eerdere jaren. Denk je dat dat komt doordat die mensen alleen in het nieuws komen als er iets mis gaat, en dus dan negatief in het nieuws komen?

**Maurits:** Nouja, je kunt het sowieso heel moeilijk goed doen als minister. Je ziet wel dat sommige ministers met terugwerkende kracht, met de kennis van nu, worden gezien als goede

ministers. Maar dat is altijd zo, dat politici pas jaren later op waarde worden geschat. Bijna geen enkele politicus wordt nu positief gezien.

**Luuk:** Heb je zelf het idee dat er verder nog taboes zijn binnen het rapporteren? Zijn er onderwerpen die eigenlijk zo onder de radar doorgaan, terwijl er meer over gerapporteerd zou moeten worden?

**Maurits:** Ja, ik zou het wel mooi vinden als journalisten meer vanuit democratische kernwaarden zouden schrijven en dat ook meer zouden benoemen. Dus, leg aan je lezers, of aan je kijkers, of aan je luisteraars, uit waarom het nodig is dat wij die diensten controleren. Leg ze uit waarom privacy belangrijk is.

**Luuk:** Dus dan kom je eigenlijk uit waar we dit interview zijn begonnen, de redenen waarom u over inlichtingendiensten rapporteert? Vanwege de wettelijke schending van privacy...

**Maurits:** Ja, zij mogen dat, en daar ben ik het mee eens hè! Het is niet zo dat ik vind dat de diensten afgesloten moeten worden, maar ik vind dat daar wel iets bij hoort: Een heel stevig systeem van waarborg en toezicht, en daar kan de pers een rol bij spelen. Ik denk ook de publieke opinie die wordt gevormd over de inlichtingendiensten wel wat meer expertise en feitelijkheid kan gebruiken. En dat is voor een deel door de journalistiek zelf op te lossen, door gewoon meer experts te worden. Maar het ligt ook aan de diensten zelf en de hele cultuur in Nederland die dus de ontwikkeling van kennis en expertise over die diensten niet echt stimuleert.

## Appendix II.II – Interview with Huib Modderkolk

**Interviewee:** Huib Modderkolk  
**Occupation:** Investigative journalist at De Volkskrant  
**Date of interview:** 12-05-2016  
**Length of interview:** 55 min. 04 sec.

### *Transcript:*

\*Informal introduction (not on tape)\*

**Huib:** Om een voorbeeld te geven: Wat ik merkte tijdens het schrijven over die NSA-documenten is dat wat het kabinet en wat de inlichtingendiensten zelf eigenlijk nooit willen, is dat het over de situatie van nu gaat, over de praktijk van het nu. Dus de discussies gaan vaak over wat er gebeurde in het verleden, en dat komt naar voren uit de toezichtverslagen van de CTIVD. Dat is natuurlijk het moment dat ook journalisten zien hoeveel operaties er zijn geweest. Die waren misschien onrechtmatig en die niet. Dat kan je niet zelf concluderen [als journalist], dat doet de CTIVD. Maar dat is altijd achteraf. Dan heb je het over periodes van 3 a 4 jaar later. En als er dan iets mis is dan, dat zie je ook bij het kabinet. Wat gebeurt er dan? Dan zeggen ze óf ‘ja maar, dat is al verbeterd’ óf ‘dat gaan we verbeteren’. Helemaal met de nieuwe wet was het altijd zo van ‘ja, maar met de nieuwe wet wordt het straks allemaal geregeld’. Maar daardoor krijg je nooit een discussie over wat er gebeurt er op dit moment, want voordat je daar bent, ben je al een paar jaar later. Als de CTIVD nu iets constateert wat de AIVD of de MIVD doet, dan is dat pas 2 a 3 jaar later publiek, tenzij het heel erg dringend zou zijn. Maar zelfs dan komt het pas later in toezichtverslagen.

**Luuk:** En vaak blijft het dan ook geheim denk ik?

**Huib:** Exact, en sowieso krijgen we nooit de details te weten. Dat maakt het heel moeilijk. Discussies over het nu is men ook niet gewend. Dat is misschien ook wel logisch, want dat betreft modus operandi, en daar wordt dus permanent gezegd ‘daar gaan we het niet over hebben’. Maar dat maakt dus een wezenlijke discussie over wat er nu gebeurt wat de praktijk van de inlichtingendiensten is, heel erg moeilijk. Juist voor journalisten.

**Luuk:** Met die brief van Plasterk en Hennis, toen ze onthulden dat ze al wisten... .

**Huib:** Ja, dat laat het zien. Dat was natuurlijk gebaseerd op een document uit het NSA-archief van Snowden. Dat document hadden wij op dat moment. En wij, Steven en ik, hebben dat

document heel vaak bekeken, en hebben dat niet gepubliceerd omdat we niet wisten wat daar precies stond. Wij wilden zekerheid daarover dus zijn we langs allerlei mensen geweest omdat er allemaal technische dingen opstonden. ‘Wat staat hier nou eigenlijk, wat kan dit nou zijn?’

**Luuk:** Wat betekent dit?

**Huib:** Wat betekent dit! Want die 1,8 was al eerder naar buiten gekomen via Der Spiegel, maar wij hadden toen het onderliggende document. Wij konden het niet publiceren, maar in Frankrijk deden ze dat wel, en in Spanje en Noorwegen deden ze dat ook. Daar hebben ze dus gewoon gezegd dat de NSA dat had verzameld in die landen, en dat werd daar ontkend. Dat ging een eigen leven leiden. Wij dachten daarom, ‘ja voordat wij zeker weten wat we publiceren, willen we dat weten’. Daarom vind ik het ook zo kwalijk dat Plasterk daar wél over ging speculeren. Wij zijn journalisten, maar we zijn daar heel zorgvuldig mee omgedaan en hij heeft dat gewoon niet gedaan. Hij is er helemaal niet zorgvuldig mee omgegaan. En in die tussenliggende periode ontstond er een krankzinnige situatie. Wij belden het ministerie van Defensie, voor de *MIVD*, en de *AIVD* woordvoerders, met de vragen ‘hoe zit het nou?’ en ‘kunnen jullie daar iets meer op zeggen?’ En bij de Defensie zeiden ze de hele tijd ‘ja, maar wij hebben dat zelf verzameld’. En bij de *AIVD* zeiden ze ‘nee hoor, dat is verzameld door de NSA’. En dat was het verhaal van Plasterk. En zo vertelde de regering dus permanent 2 versies van het verhaal.

**Luuk:** Ik wil heel graag weten hoe het in de praktijk gaat, maar vind je het goed om eerst heel even terug te gaan naar de rollen van de media in het algemeen? Wat zou jij vanuit de media, jezelf als rollen toedichten in het toezicht op inlichtingendiensten? Het gaat dan bijvoorbeeld om het verspreiden van informatie, het informeren van het publiek, maar ook het zelf kritisch analyseren van staatsoptreden, of echt het onderzoeken daarvan.

**Huib:** Ik vind dat je als journalist per definitie kritisch moet zijn over het handelen van grote instanties, overheden. Dat is een natuurlijke rol en ik denk dat je die kritische houding bij de inlichtingendiensten zeker moet hebben, want ze hebben vergaande bevoegdheden gekregen. Daar is een reden voor, dat vinden we als samenleving belangrijk. Maar die moeten wel goed gebruikt worden. En dat toezicht daarop is lastig, omdat het vaak geheim is. Dus het is de taak ook juist voor journalisten om daarin te investeren, om te weten wat daar gebeurt. En om op te letten dat die bevoegdheden niet misbruikt gaan worden, of dat die uitgebreid gaan worden zonder dat daar noodzaak voor is. En juist in de afgelopen 15 jaar, sinds 9/11, is er een

tendens geweest om allerlei bevoegdheden op te rekken om terrorisme wetgeving te maken die de overheid meer middelen geeft, die gebruikt kunnen worden, misschien wel om terrorisme te bestrijden, maar die ook gebruikt of misbruikt kunnen worden in een samenleving. En dan is het heel belangrijk dat er mensen zijn die daar kritisch naar kijken En los van de NGO's of de toezichthouder (toezichthouder wordt benoemd door de overheid), moeten dat ook mensen zijn met een onafhankelijke blik, die daar scherp, en onaflatend zou ik willen zeggen, naar kijken.

**Luuk:** En denk je dat de media dat ook doen? Vooral dat onafhankelijke aspect?

**Huib:** Ik denk dat het heel erg lastig is om te doen. Het is echt moeilijk, dat merk ik zelf ook, omdat het staatsgeheimen betreft, dus je krijgt zelden een echt goed beeld van wat nou de dagelijkse praktijk is. Eigenlijk nooit. Je krijgt daar soms een beetje een korte blik op. Het is per definitie lastig. En ik vind dat als je ziet wie er aandacht aan besteden... Nu is dat redelijk goed, maar ik denk dat er ook jaren zijn geweest dat dat minder was. En ik denk ook dat dat nu nog niet over de volle breedte goed gebeurt. Er zijn een aantal journalisten die dat uitstekend doen, maar er zijn ook media die de neiging hebben om alles wat de overheid hierover communiceert gewoon blind aan te nemen. En ik denk dat je altijd moet realiseren, dat een kabinet, een overheid of een dienst ook een belang heeft, en dat je dat voor ogen moet houden als over hun schrijft. Wij zijn geen PR bedrijf, wij zijn journalisten. Dat is een wezenlijk verschil. Je moet niet blind doorgeven wat over de diensten wordt gecommuniceerd. Je zag het rondom de Snowden onthullingen, wat er gebeurde met de CTIVD. Dat is een toezichtsorgaan dat jaren toezicht had gegeven en die communiceerde in vreselijk juridische taal over wat er gebeurde. Die zeiden zinnen zoals: 'we hebben de rechtmatigheid niet vast kunnen stellen'. Dat betekende dus gewoon dat het onrechtmatig was. Toen kwam er een nieuwe toezichthouder, Brouwer, en die heeft alles in het begin wel even heel scherp neergezet, omdat hij ook wel zag dat er een verschil was ontstaan tussen hoe de journalistieke perceptie was, helemaal na Snowden, en hoe de toezichtcommissie dat eigenlijk zag. Ik denk dat die toezichtcommissie veel te veel mee is gegaan in het jargon van die inlichtingendiensten, en het is goed geweest dat daar wat scherpte in kwam. En dat is gewoon veroorzaakt doordat er vanuit het buitenland documenten over zijn gelekt. En zelfs dan zie je, als er ook scherpe toezichtrapporten liggen, dat het kabinet en de ministers de neiging hebben om in begeleidende brieven te doen alsof dat allemaal wel mee valt. Dan wordt er gezegd van 'ja, er zijn wel wat onregelmatigheden, maar over het algemeen is het goed'. Ik bedoel, als iemand bestraft wordt in een rechtbank zegt de rechter ook niet '80% van

de tijd was het goed, maar je hebt nu 1 keer iemand vermoord'. Ik wil niet zeggen dat het zo heftig is, maar het gaat juist om die keer dat je het niet goed doet. En juist diensten die zulke ingrijpende bevoegdheden hebben, die echt door mogen dringen tot ons privéleven, die moeten scherp gecontroleerd worden, en daar is elke fout er 1 te veel. En natuurlijk kunnen er redenen zijn om iets in alle haast te doen, maar dat moet een dienst vooral zelf uitleggen. En dat kunnen wij dan weer proberen te controleren, maar elke fout is er 1 te veel.

**Luuk:** Maar denk je dat jullie als media er goed in zijn om die rapporten van de CTIVD of brieven van de ministers zelf, te vertalen naar wat wij [als publiek] begrijpen?

**Huib:** Ik denk dat wij dat redelijk kunnen, ja. Het lastige blijft dat het eigenlijk een soort kwantitatieve analyse is: Er staat gewoon 'zo vaak is er een onrechtmatigheid geweest en dat betreft dan ongeveer dit soort operaties'. Maar wij kunnen dus niet controleren hoe ernstig dat precies was, omdat we de complete omstandigheden niet kennen. Als er een keer iemand is afgeluisterd, dan moet je de omstandigheden kennen. Op zich is dat natuurlijk heel ernstig, maar was dat de advocaat van een terrorist die op dat moment inlichtingen had over een misschien op handen zijnde aanslag. Ja, dan is het wel een andere situatie dan als er niks aan de hand is. En dan blijft het heel moeilijk om [de situatie] te toetsen. Ook voor journalisten.

**Luuk:** De CTIVD heeft voornamelijk een focus op het toetsen van onrechtmatigheid. Denk je dat de media daarin bijdraagt, want de media zou ook kunnen kijken naar 'compliance' met ethische normen, of naar effectiviteit....

**Huib:** Wat je de laatste jaren bent gaan zien, is dat er, door de techniek, hele andere dingen mogelijk zijn. Vroeger was het zo dat de techniek de inzet van bijzondere bevoegdheden beperkte, omdat je ergens daadwerkelijk aanwezig moest zijn om een telefoon op te hangen, om een richtmicrofoon te hebben. Dus om iemand af te luisteren waren best wel wat verrichtingen nodig. Als er iemand afgeluisterd werd, moeten er een paar mensen zijn die dat beluisterden en die het uitwerken. Dat is allemaal heel bewerkelijk. Die barrières zijn door technische ontwikkelingen een beetje weggevallen. Dat maakt dat er op grotere schaal afgeluisterd kan worden. Ik zeg niet dat dat gebeurt, maar dat kan wel. En eigenlijk vind ik dat er bij de CTIVD, zeker onder de vorige commissie, te weinig kennis was over die technische ontwikkeling. En eigenlijk nog steeds, want er zitten geen technici of mensen met heel specifieke technische kennis in de CTIVD, wat natuurlijk gek is, want als het straks gaat over het aftappen van glasvezelkabels moet je weten wat dat betekent. Wat er nu gebeurt, is dat de CTIVD enkel juridisch kijkt naar de rechtmatigheid, maar zij kijken nooit naar de

doelmatigheid. Dient het af luisteren van een heel datacentrum het juiste doel? Dan kunnen zij zeggen, 'het was niet proportioneel', maar ik denk dat het veel relevanter is om te kijken wat het middel doet en wat dat technisch allemaal kan. Wat zijn de gevolgen daarvan? Welke gegevens haal je daar precies uit en wat doe je vervolgens met die gegevens? En dat moet je technisch begrijpen om de omvang daarvan te kunnen begrijpen. Dat begrijp ik ook niet altijd, maar ik denk dat journalisten de laatste jaren zijn gaan proberen om dat gat op te vullen. Dat merk ik zelf ook, ik spreek inmiddels vaak met mensen van internetproviders bijvoorbeeld. Zij hebben bijvoorbeeld technische kennis over de implicaties van wetten, en zij, zelfs de CEO van KPN, het grootste telecombedrijf van Nederland en altijd een groots staatsbedrijf geweest, waarschuwen echt expliciet voor de gevolgen van de nieuwe wet [de WIV]. Zij zeggen dat het heel veel gedoe met zich mee brengt, omdat de wet zo omvangrijk en grootschalig is. En dat zijn mensen die er echt verstand van hebben. En dan vind ik het de taak van journalisten om dat signaal ook over te brengen. In het toezicht zoals wij het als Nederland hebben georganiseerd, speelt dit eigenlijk een te kleine rol.

**Luuk:** Dan even wat meer naar de onderzoeksjournalistiek. Onderzoeksjournalistiek is een begrip dat meerdere definities kent. Wat is voor jouw onderzoeksjournalistiek?

**Huib:** De belangrijkste definitie zou ik willen zeggen is dat je zaken onthult die anders niet in de media zouden zijn gekomen, die anders niet besproken zouden zijn geworden, of in ieder geval niet op dat moment. Dus het moet altijd een kenmerk van een onthulling in zich hebben. Dus dat moet het resultaat zijn van wat je doet. En waarom heet het dan onderzoeksjournalistiek? Omdat je er vaak langer mee bezig bent, omdat dat tijdrovend is, omdat dat verlangt dat je een goed netwerk hebt, dat je goede bronnen hebt, dat je nog eens bekijkt, dat je pluist, dat je trekt. En dat het resultaat dan hopelijk iets is dat onthullend is in de zin van de overheid wilt nog niet dat het bekend wordt of wil helemaal niet dat het bekend wordt en andere media schrijven er niet over of hebben er nog niet over geschreven. Dat is voor mij onderzoeksjournalistiek.

**Luuk:** En om wat voor zaken gaat het dan?

**Huib:** Ik denk dat het zaken zijn waarvan journalisten vinden dat ze maatschappelijk relevant zijn. En het zal voor bepaalde partijen niet leuk zijn dat het al eerder openbaar is of wordt, maar journalistiek hoort ook niet leuk te zijn. Anders is het PR [voor de diensten of de politiek].

**Luuk:** Stel dat je een bepaalde tijd onderzoek hebt gedaan naar een bepaald iets en er komt eigenlijk uit naar voren dat het een heel groot succes blijkt te zijn geweest...

**Huib:** Ja, ik kan niet in detail treden, maar ik heb nu een operatie waarvan ik vind dat die heel succesvol is geweest voor de inlichtingendiensten. En dat is toch voor de inlichtingendiensten niet leuk als dat naar buiten komt, maar ik vind het wel relevant. Ik zal een ander voorbeeld geven: Stel, vorig jaar heeft de inlichtingendienst een grote aanslag verijdeld op Amsterdam Centraal en ik kom daarachter. Natuurlijk publiceer ik dat, het is hartstikke relevant namelijk. Maar de inlichtingendiensten zijn daar niet blij mee. Ergens hebben ze natuurlijk een trots dat ze dat hebben gedaan, maar ze willen eigenlijk niet dat dat naar buiten komt

**Luuk:** Maar jouw insteek bij het eerste artikel dat je er over schrijft is eigenlijk hetzelfde als bij een situatie waarin de aanslag niet verijdeld was?

**Huib:** Ja absoluut, de verijdelde aanslag, natuurlijk afhankelijk van de schaal, is heel relevant. En dat maakt ons werk ook wel eens lastig, want, om een ander voorbeeld te geven, en dit is wel echt gebeurd. Vlak na de aanslagen van Brussel, werd op last van de Franse politie iemand aangehouden in Rotterdam. Toen stond er ergens in de Telegraaf dat dat ook kwam door het goede netwerk van de AIVD, door een goede bijdrage van de AIVD, zoiets. Naja ik vraag me dan af, is dat zo? Dat kunnen wij namelijk heel moeilijk controleren. Waar komt dat dan vandaan? Dus dan ga ik bellen met mensen, en toen kreeg ik het gevoel dat dat inderdaad klopte, dus heb ik dat ook opgeschreven. Maar dat wil ik wel controleren. Maar dat is dus iets dat positief is voor de diensten. Kijk, mijn belang is om goed uit te leggen wat de diensten doen. Zo goed mogelijk, want dat is allemaal heel moeilijk en daar zitten allemaal haken en ogen aan. Daarom heb ik bijvoorbeeld ook begin januari een heel groot stuk gemaakt, groter dan het stuk wat uiteindelijk over het wetsvoorstel gaat, over wat de diensten nou eigenlijk straks willen met de nieuwe wet. Wat is het belang van die diensten om een nieuwe wet te willen? Dat was iets wat we eigenlijk nog niet hadden gelezen. Dan ga ik dus juist praten met mensen die dichtbij de dienst staan, omdat ik wil dat zij aan mij uitleggen waarom die wet er dan moet komen. Dat is een stuk van 3000 woorden ongeveer. En de 'Bits of Freedom', die vinden dat helemaal niks, maar dat maakt mij natuurlijk niks uit. Waar het mij om gaat, is dat ik wil uitleggen wat er gebeurt rond die diensten, en wat ze precies willen met bijvoorbeeld die nieuwe wet en hoe die nieuwe wet er straks uit gaat zien? En ja, als ik die nieuwe wet dan in handen heb, dan vind ik dat je kan concluderen, en dat bestrijden de voorstanders ook niet, dat het gaat om grootschalig aftappen van internetverkeer straks. Dat is een gegeven.

Natuurlijk kan je dan discussiëren over de term grootschalig, maar ik vind dat als je toegangspunten tot internet gaat aftappen, en dat kan een jaar lang en dan ook nog eens verlengd worden met een jaar, je het over grootschalig aftappen hebt. En dat is daarmee, vind ik, een gerechtvaardigde term geworden.

**Luuk:** En dan gebruik je dus die term inderdaad ook in die artikelen?

**Huib:** Ja, maar daar leg ik ook nog steeds uit wat de *AIVD* zegt dat ze er mee willen. Het lijkt me volstrekt gerechtvaardigd dat de inlichtingendiensten zeggen ‘wij willen bij dat internet kunnen’, en ik kan ook heel goed de redenering begrijpen dat zij zeggen ‘wij willen dat omdat we bepaalde communicatie, bijvoorbeeld tussen Nederland en Syria, niet meer kunnen zien.’ Maar stap 3 is dan: Moet dat op deze manier? En is deze manier daarvoor het best geschikt? Ik vind het de taak van journalisten om dat uit te leggen. Namelijk, wat staat hier nou eigenlijk, wat vinden we hier nou eigenlijk van? Dan krijg je er een debat over. En daar zie je dus de PR rondom zo’n wetsvoorstel. Het is een ongericht middel wat straks gebruikt mag worden, net zoals dat nu ongericht mag in de ether. Alleen een ongericht middel is gewoon een ongericht middel. Dan kun je daar doelgericht van maken, of onderzoeksdoelgericht. Het zijn allemaal leuke termen, maar het komt op hetzelfde neer.

**Luuk:** Je weet eigenlijk voor 90% zeker dat de *AIVD* goed werk heeft verricht? Want je zei net ik kreeg het gevoel, en toen heb ik er over gepubliceerd...

**Huib:** Ja, weet je waarom ik het woord gevoel gebruik? Er bestaat geen 100% zekerheid voor een journalist, omdat wij het [meeste] niet kunnen controleren, ik kan het niet zien. Ik heb geen bewijs, ik moet afgaan op mensen waarvan ik geloof dat ze mij de waarheid vertellen. Dat is het moeilijke van dit werk. De *AIVD* zal dat nooit, als het staatsgeheime informatie betreft en dat is het al gauw, kunnen bevestigen. En daar moet ik wel mee werken.

**Luuk:** Dat blijkt ook heel vaak uit artikelen inderdaad. Wij lezen artikelen en dan denken wij, ‘hé de krant beweert hier iets, maar waar is het bewijs? Weet je het wel zeker?’ Maar dat weten jullie dan dus inderdaad vaak ook maar voor 90%?

**Huib:** Ja, maar er zitten ook wel gradaties in. Kijk, je kan er vanuit gaan dat wat er staat dat dat geen onzin is. Maar dat betekent niet dat ik het onomstotelijke bewijs er voor heb. En daar zit iets tussen namelijk. En dat we er toch over kunnen schrijven, zeg ik even namens andere journalisten dan ook maar, is omdat je dan probeert, door middel van goede bronnen, een scherp beeld te krijgen.

**Luuk:** Ja, dus wat er staat, wat gebaseerd is op eigen onderzoek, dat is geen onzin? Want wat je net ook al zei, er wordt ook wel eens klakkeloos overgeschreven wat de politiek zegt.

**Huib:** Ja maar, dan is het duidelijk waar het vandaan komt. Dat is heel erg te verdedigen, het kabinet wilt dit en dit en dit en dit. Dat is prima te verdedigen. Waar ik me wel aan stoort bijvoorbeeld, dat zijn echt slordigheden die niet kunnen vind ik, en meerdere media bezondigen zich daaraan: Op het moment dat zo'n wetsvoorstel als intentie naar de Raad van State wordt gestuurd, dat daaruit wordt geconcludeerd dat de *AIVD* en *MIVD* dit volgend jaar mogen, dat het kabinet dat wilt, of 'mogen dit volgend jaar' als sterk gegeven. Kijk, dat is dus niet zo. Het is een wetsvoorstel dat eerst nog naar de Raad van State gaat en dat ook nog door de kamer moet. Maar je moet dus wel zuiver blijven want als het publiek die informatie onthoudt dan denken mensen dus dat dat een gegeven is. Daarmee doe je eigenlijk ook iets wat het kabinet wil, namelijk dat je net doet alsof het er toch al is. Maar staatsrechtelijk is het onjuist, dus het klopt ook gewoon nog niet. Bovendien dient het ook nog eens verkeerd doel. Journalisten zouden het omgekeerde doel moeten dienen, namelijk dat je laat zien dat er nog een maatschappelijk debat aan plaats vindt, en dat een publiek debat plaats vindt eerst. En dat er nog een serieus staatsorgaan naar gaat kijken.

**Luuk:** Denk je dat in Nederland onderzoeksjournalistiek voldoende wordt bedreven?

**Huib:** Ja, dat is altijd lastig te beoordelen want Nederland is niet zo groot als bijvoorbeeld Amerika. Onderzoeksjournalistiek is heel bewerkelijk en moeilijk, maar ik denk dat er redelijk veel onderzoeksjournalistiek wordt gedaan. NRC doet het, 6 man zelfs, Volkskrant doet het, RTL doet het, De Correspondent probeert het ook, zeker met Maurits en Dimitri, en op dit dossier doen ze het ontzettend goed. Argos doet het, Zembla doet het, ik denk dat onderzoeksjournalistiek daarmee niet onder de maat is.

**Luuk:** Maar meer specifiek voor de inlichtingen, surveillance, technologie sector ook?

**Huib:** Dat zou beter kunnen, absoluut. Maar ik vind wel dat er hele goede pogingen worden gedaan. Het feit dat Joost Schellevis, een kundig iemand van Tweakers, is binnen gehaald door NOS zegt heel veel. Hij is iemand die technologie-onderwerpen en surveillance onderwerpen kritisch volgt om daarover te schrijven. Bovendien moet je ook niet vergeten dat, ondanks de hele discussie rondom de WIV et cetera, de *AIVD* en de *MIVD* geen NSA's zijn. Ze zijn bij lange na niet zo groot, hebben bij lange na niet zo veel geld, en zetten bij lange na niet zulke grote af luister technieken en methoden in als de Amerikanen. Dat maakt ook dat

hetgeen wat voor ons verborgen blijft, gewoon echt kleiner is. Er blijven altijd dingen verborgen die heel relevant zijn en die echt wel daglicht moeten zien wat mij betreft, en daar moet zeker goede onderzoeksjournalistiek op bedreven worden, maar we moeten niet vergeten dat dat echt een wereld van verschil is met wat de Amerikanen doen.

Waar wel trouwens echt iets in te verbeteren is, en daar zijn de Amerikanen en zelfs de Britten ruimhartiger in, dat zijn de WOB-procedures [Wet Openbaarheid van Bestuur]. De WOB-procedures bij inlichtingendiensten zijn in Nederland kansloos, eigenlijk alle WOB-procedures. Dat is een heel belangrijk wapen van journalisten en ik begrijp best dat er redenen zijn waarom ze zeggen dat sommige dingen staatsgeheim zijn, maar anderen... Ik vind dat daar te rigide mee wordt omgesprongen. Hetzelfde geldt voor de archieffunctie. Bij de CIA, komen alle documenten na 30 jaar sowieso vrij, alles. Dat gebeurt bij de *AIVD* absoluut niet. Er zijn nu nog rechtszaken over wat er uit de jaren 50 sporadisch vrij mag komen, en de rest is ondenkbaar. Daar is het verschil tussen Nederland en de Amerikanen, de Britten en de Duitsers. Nederland moet zich echt schamen dat ze dat zo doen. Het is namelijk gewoon relevant voor de geschiedschrijving om op een gegeven moment te weten hoe dingen echt zijn gegaan. Desnoods spreek je ook een termijn af van 30 jaar, prima, maar het is krankzinnig dat de Amerikanen het al 30 jaar doen en wij gewoon praktisch niet. Er wordt niks overgeheveld naar het koninklijk archief. Het is nauwelijks in te zien, het moet allemaal middels rechtszaken. Dat is gewoon het frustreren van geschiedkundigen en de journalistiek.

**Luuk:** Iets dat me op viel bij het lezen van alle artikelen over de collectie van 1,8 miljoen metadata, is dat jullie [Huib en Steven] eigenlijk heel veel refereerden naar bronnen, naar Haagse bronnen. Best veel in vergelijking tot andere journalisten. Hoe richt je de banden op met die bronnen?

**Huib:** Ja dat kan ik wel vertellen. Wij hebben toen de Snowden files uitlekten, dus in juni 2013, bij de krant gezegd 'hier moeten we natuurlijk wat mee'. Toen heeft de chef in eerste instantie mij gevraagd om dat te doen. Wij hadden toen geen zicht daarop [op die files] op dat moment, en wij hadden ook geen documenten, dus het enige wat ik toen kon doen, was de Nederlandse situatie in kaart brengen, want dat wist ik niet toen. Ik wist niet precies hoe dat allemaal speelde met die wet uit 2001. Wat is het juridische, wat mogen ze eigenlijk allemaal. Dus dat ben ik gaan doen, dus daarvoor ben ik gewoon heel veel gaan mensen gaan spreken. En Steven is er op een gegeven moment bijgekomen omdat hij veel over Defensie heeft geschreven en daarmee ook in aanraking is geweest met de *MIVD*. Dus hij had in die hoek

hele goede bronnen. Dus dat zijn we gaan combineren. En daar zijn ook bronnen uitgekomen zoals internetproviders of mensen van beveiligingsbedrijven, mensen uit de inlichtingendiensten of mensen die bij de inlichtingendiensten hadden gewerkt, ministers, oud-woordvoerders van de diensten die nog wel wat wisten misschien. Nou, die categorieën mensen, daar moet je het een beetje in zoeken. Wij hebben daar 2 a 3 maanden aan besteed, vrij intensief en dat is iets wat, denk ik, andere media op dat moment niet deden. En dat maakt dat wij toen al een vrij goed beeld hadden van wat er allemaal kon, en wie er toe deden, wie echt wel wisten hoe het zat. En dat hebben we bewaard, dat netwerk hebben we toen opgebouwd. En dat is heel waardevol gebleken. En om aan te geven hoe waardevol ook: In september, voordat we überhaupt zicht hadden op die documenten, hebben wij als eerste, samen met de Standaard, bericht over de hack bij Belgacom. Wij waren het eerste medium wereldwijd dat daarover berichtte, op basis van onze bronnen. Dus die wisten al dat er iets gebeurde bij Belgacom, en lichtten ons daarover in. Later is dat in die Snowden documenten helemaal beschreven. Der Spiegel had die documenten, die hebben daar direct de week daarop over gepubliceerd, maar wij hadden daar al, voordat Belgacom dat zelf zei, over gepubliceerd. En dat laat zien dat wij gewoon goed in die inlichtingendiensten zaten op dat moment. En dat hebben we opgebouwd omdat we dachten ‘als we ooit die documenten krijgen, dan willen we dat ook kunnen bespreken, dan moeten we ook genoeg kennis hebben over hoe die situatie nu is in Nederland’. En dat is de achtergrond van veel van die bronnen, die periode van 2 a 3 maanden die we daarin hebben gestoken. En dat heeft dus geloond.

**Luuk:** Maar het heeft natuurlijk ook een negatieve kant: De inlichtingendiensten en de politie kunnen ook proberen om jullie te beïnvloeden.

**Huib:** Ja, maar daarom moet je zorgen dat je een gedifferentieerd netwerk hebt, dus dat je mensen hebt die actief bij een dienst werken, maar ook [oud-werknemers die] daar weg zijn. Om een goede band op te bouwen, moet er ten eerste moet een soort klik zijn. Ten tweede, merk je al snel, dat niet iedereen geschikt is om bron te zijn. Er zijn mensen die zichzelf overschreeuwen, of die niks willen zeggen, of die alleen maar 1 kant van het verhaal willen belichten. Die zijn ook niet geschikt, want dat maakt dat je niet per definitie op hun informatie kan vertrouwen. Je wilt mensen hebben waarvan je weet dat hun informatie correct is. En dat is ook ervaring op doen, maar daar zorg je ook voor door een goed netwerk te hebben. Want dat betekent dat je de informatie van 1 iemand kan checken bij de ander.

**Luuk:** Heb je wel eens druk gevoeld van bovenaf om iets echt niet te publiceren?

**Huib:** Defensie heeft wel eens gedreigd om een rechtszaak te beginnen ja, en de *AIVD* is langs geweest bij *NRC Handelsblad* om te zeggen dat wij in principe strafbaar zijn door die documenten te hebben.

**Luuk:** Door die documenten te hebben überhaupt?

**Huib:** Ja, dan ben je gewoon strafbaar, je hebt gewoon staatsgeheimen. Maar goed, wij zijn daar ons ook altijd wel bewust van geweest, dat we daar voorzichtig mee om moeten gaan. En dat is dus ook wel een reden dat we altijd actief, altijd vóór publicatie, de diensten ruimhartig de mogelijkheid geven voor weerwoord. Daar is toen ook wel wat kritiek op geweest van mensen die zeggen dat dat belachelijk is, maar ik vind het absoluut onverantwoord om dat niet te doen, want je kan niet altijd overzien wat de gevolgen zijn van publicatie van staatsgeheimen. En dus moet je de diensten de kans geven, de mogelijkheid geven om daarop te reflecteren. Los van dat een weerwoord altijd noodzakelijk is, moet je daar in dit geval nog eens ruimhartiger mee zijn, vind ik. En ruimhartiger betekent niet dat je hun autorisatie geeft over publicatie, absoluut niet. Dat betekent wel dat zij mogen zeggen van ‘let op, dit kan gevaarlijk zijn hier en hier en hierop.’ En dan maken wij zelf die afweging. En het is vaak zo geweest dat wij tegen hun zin in dingen hebben gepubliceerd, maar dan ligt de afweging bij ons, en dan kunnen we in ieder geval overzien wat de mogelijk risico’s kunnen zijn. En dat deden we ook met de Amerikanen. Die gaven eigenlijk altijd 1 antwoord, namelijk: ‘Wij raden publicatie per definitie af’. En dan zeiden we ‘nou, bedankt voor het advies, maar we publiceren het toch’. Het is 1 keer voorgekomen dat er nog initialen op een document stonden, iets van *SVD* ofzo, die dus herleidbaar zouden kunnen zijn naar een persoon, en toen heeft de *NSA* nog contact met ons opgenomen met het vriendelijke verzoek of wij die alsjeblieft van onze site konden verwijderen. Naja, het dient natuurlijk geen enkel doel om 3 initialen bekend te maken, want niemand weet wat daarmee bedoeld wordt, tenzij er mensen zijn die misschien kwaad in de zin hebben. Dus natuurlijk hebben wij dat weggehaald. Maar we hebben wel gepubliceerd, ondanks dat zij dat niet wilden.

**Luuk:** Maar journalisten zijn natuurlijk door de wet wel goed beschermd, op het gebied van het publiceren van gevoelige informatie...

**Huib:** Ja, er zit een bepaalde bescherming, dat is ook de reden dat Snowden die stukken aan journalisten heeft gegeven. Dat is ook de reden dat de naam van Glen Greenwald altijd bij ons erbij stond. Omdat dat hem een zekere bescherming geeft, omdat dat duidelijk maakt dat hij daarmee geen bron is van de documenten, maar een journalist die die documenten van een

bron heeft gekregen en publiek maakt. Dat is een heel belangrijk verschil en dat gaf hem en ons een zekere bescherming

**Luuk:** Waar ik het eigenlijk nog even een beetje over wil hebben, is het echte schrijven van jullie, hoe jullie bepaalde dingen overzetten in het schrijven. Je merkt bij een aantal cases dat de *MIVD* en Hennis minder onderwerp zijn van kritisch schrijven dan de *AIVD* en Plasterk.

**Huib:** Absoluut, daar is denk ik ook een reden voor. Ten eerste, de *AIVD* is groter en gaat over Nederland, *MIVD* speelt veel meer in het buitenland. Maar de belangrijkste reden is misschien dat Plasterk zelf zich ook op heeft geworpen als een gezicht van inlichtingendiensten Nederland. En dat heeft hij vrij structureel gedaan sinds juni 2013. Hennis heeft het tegenovergesteld gedaan. En bovendien heeft de *MIVD*, anders dan Plasterk en het Ministerie van Binnenlandse Zaken en de *AIVD*, bijvoorbeeld geen eigen woordvoerder. Dat gaat allemaal via het Ministerie, en het Ministerie is vrij gesloten. Je ziet dat daar dus simpelweg minder informatie vandaan komt en dat betekent dat er ook minder over wordt geschreven.

**Luuk:** Denk je dat er nog andere taboes zijn in het schrijven over de inlichtingen community?

**Huib:** Ik zou het overigens geen taboe noemen, want ik schrijf graag over de *MIVD*. Ik probeer altijd te benadrukken dat de *MIVD* ook onderdeel is van de Nederlandse diensten, en dat er ook een wet over de *MIVD* gaat. Maar hier gelden ook wel een beetje de regels van de media: Mensen weten inmiddels meer over de *AIVD* dan over de *MIVD* en dus is het ook makkelijker om als je iets schrijft, datgeen uit te leggen met een voorbeeld van de *AIVD*. En ook: Die nieuwe wet heeft natuurlijk ook gevolgen vanuit het perspectief vanuit de *MIVD*, maar de gevolgen voor de *AIVD* en wat dat betekent voor Nederland, voor Nederlanders, zijn veel evidenter, want de *AIVD* gaat hier tappen [in Nederland]. De *MIVD* kan hier straks ook gaan tappen, maar wel met als doel om de buitenlandse communicatie te onderscheppen, en veel minder de Nederlandse communicatie. Dus ja, in die zin is het ook wel journalistiek gerechtvaardigd dat er, in ieder geval over de nieuwe wet, wat meer aandacht is voor de *AIVD*.

**Luuk:** Verder nog dingetjes die te weinig aan bod komen of die onder de radar doorgaan?

**Huib:** Nou de *MIVD* vind ik echt een goed voorbeeld, over wat zij in het buitenland doen. Daarnaast zijn er een paar moeilijkheden met die diensten, dat vertelde ik dus net. Het ene is dus het schrijven over de praktijk. Dat willen ze niet. Dat wil het kabinet niet, dat willen de

diensten niet, dus dat is een lastig iets. Een anders iets is dat... Kijk, wij hebben een hele mooie wet in Nederland die bepaalt dat er inbreuken mogen zijn op onze privacy, maar die wet geldt natuurlijk niet in het buitenland. Wat betekent dat precies? Er is altijd gezegd ja maar de *MIVD* opereert gewoon buitenland, dus moet dus in de geest van de wet handelen. Maar dat betekent dus dat zij in het buitenland privacy mogen schenden van bijvoorbeeld, Belgen of Fransen of Duitsers, maar dat kan dus helemaal niet. Want dat willen we helemaal niet, maar daar zit hem dus direct de moeilijkheid. Toch zijn ze eigenlijk bevoegd om dat te doen, maar internationaal kan dat helemaal niet. Daar is wat mij betreft ook te weinig aandacht voor, ook omdat de *MIVD* zegt dat ze vinden dat ze in het buitenland eigenlijk gewoon alles mogen doen wat ze zelf willen. Daar is dus weinig debat over... En het laatste is, en dat blijft ook moeilijkheid, is dat de *AIVD* en *MIVD* kunnen hele mooie wetten en regels voor wat ze hier in Nederland mogen, maar in de inlichtingenwereld is het nou eenmaal zo dat je informatie deelt, dat is een heel belangrijk aspect daarvan. Dat betekent ook dat als de Amerikanen hier iets doen wat zij mogen vanuit hun eigen wettelijke mogelijkheden, terwijl dat onrechtmatig zou zijn voor Nederland, dat ze die informatie toch aan de *AIVD* zou kunnen geven. Dus dat de *AIVD* in die zin, of de *MIVD*, informatie zou kunnen krijgen, dus de U-bocht constructie, die ze normaal gesproken niet zouden mogen hebben. Om als voorbeeld te geven: De lat om journalisten te mogen tappen ligt vrij hoog in Nederland, en met het nieuwe wetsvoorstel nog iets hoger. Daar moet namelijk gewoon een minister voor tekenen. Maar wat als de Amerikanen dat nou doen? En zeggen: nou we hebben toch iets interessants gevonden bij een Maurits Martijn. En die geven dat aan de *AIVD*. Ja, dan heeft er niemand een bevoegdheid getekend in Nederland, maar dan hebben ze de informatie wel. En dat is een onoplosbaar probleem maar het is wel heel relevant. Want het is een hele makkelijke methode om dingen te doen en dingen af te spreken. Natuurlijk het is not done, en men zal altijd communiceren dat het niet gebeurt, maar wij kunnen dat niet controleren. En wij hebben geen zekerheid dat dat gebeurt, en dat krijg je ook niet.

**Luuk:** Iets waarvan ik wel het idee heb dat daar aandacht naar toe gaat, is een situatie waar de politiek bij is betrokken, net als bij de NSA-case. Zodra de brief van Hennis en Plasterk werd gepubliceerd, werden er per krant zeker 4 artikelen per dag, zeker bij de NRC en Volkskrant en Telegraaf ook wel een beetje, gewijd aan de ministers, de brief, het verzamelen van data. Is dat iets wat je vaak merkt, zodra de politiek er bij betrokken wordt, dat er opeens veel meer aandacht aan wordt besteed.

**Huib:** Ja, want dan wordt het uit het domein van die diensten getrokken. En dat domein vinden journalisten toch lastig, en dat is ook lastig want het is daar allemaal moeilijk te controleren. Dus het is minder beleidsmatig en het wordt een politiek spel. En dat maakt het voor heel veel journalisten aantrekkelijker. En er speelt dan natuurlijk nog al wat, want de minister dreigt dan natuurlijk zijn baan te verliezen. Dus dat is dan een nationale kwestie daarmee, een nationale politieke kwestie. Het wordt een ander spel, een andere dynamiek, en dus gaan ook andere journalisten daarover schrijven, namelijk politieke journalisten.

**Luuk:** In de literatuur wordt er vaak gezegd dat journalisten publiek debat moeten aanmoedigen als deel van hun verantwoordelijkheden. Bent u het hier mee eens?

**Huib:** Nee, zo doen wij dat niet. Ik vind het debat aanjagen an sich geen taak voor journalisten. Het informeren van publiek, dat vind ik een belangrijke taak voor journalisten. En dat is bij de inlichtingendiensten heel moeilijk. Je ziet dus vooral journalisten die zich langduriger daarin vast bijten. Vandaar dat je daar meer onderzoeksachtige journalisten ziet. Ik denk nooit van 'ik moet nu eens slim het debat sturen of zo'. Het is informeren in de hoop dat mensen, want hoop heb je altijd wel, dat mensen erover na gaan denken en dat ze zich een mening gaan vormen. Dat zou ik alleen maar aanmoedigen. Ik denk dat het goed is om een, helemaal ij zo'n ingrijpende wet als de wet op de inlichtingendiensten, m een grote betrokkenheid te hebben van publiek maar ook van politiek. In het begrijpen van wat daar precies staat en dus ook in het kunnen meediscussiëren daarover. Lijkt me heel relevant, het gaat ons namelijk allemaal aan.

**Luuk:** Je bent natuurlijk van de NRC naar de Volkskrant gegaan. Waarom en wat zijn de verschillen?

**Huib:** Ja naja, bij de NRC heb ik de laatste jaren onderzoeksjournalistiek kunnen doen, en de Volkskrant wilde daar ook veel ruimte voor nemen. Dat vind ik heel belangrijk, dus ja dat vond ik daarmee aantrekkelijk om ook te doen. Maar ja, ik werkte 7 jaar bij NRC, ijk vond het gewoon ook wel eens prettig om ergens anders te werken. En hier werd me de kans gebroken om dus te doen wat ik bij de NRC ook deed, namelijk veel aan onderzoeksjournalistiek. Verder zijn er weinig verschillen.

\*Informal ending\*

## Appendix II.III – Interview with Hilde Bos-Ollermann

<b>Interviewee:</b>	Hilde Bos-Ollermann
<b>Occupation:</b>	Secretary of the Review Committee on the Intelligence and Security Services
<b>Date of interview:</b>	26-05-2016
<b>Length of interview:</b>	42 min. 13 sec.
<b>Remark:</b>	Interview is not on recorded. The transcript of the answers of the interviewee below is based on notes of the researcher

### Hilde Bos-Ollermann:

#### ***CTIVD investigations***

In contemporary oversight of state action, and in the area of intelligence as well, journalists are often able to start a debate by reporting on certain issues or wrongdoings. In general it happens often that a potential issue reaches parliament through the reporting of the media. If parliament considers the issue significant, she might process it to the CTIVD and ask the CTIVD for a thorough investigation. Bos-Ollermann argues that the parliament performs an important task by deciding whether the (journalistic) attention for an (alleged) issue is justified. Finally, in case a journalist started a debate or revealed a potential issue, that led to a investigation by the CTIVD, the CTIVD always tries to reach out to the source of the journalist and not merely to the journalist himself.

Although the CTIVD sometimes starts an investigation as a result of media pressure or parliamentary inquiries (such as the two reports that concerned the role of the AIVD around the murder of Van Gogh), Bos-Ollermann emphasises that it is important for the CTIVD that she pursues her own course, and to initiate investigations when she deems it necessary. This is also important to comply to the committee's principle of independence. In case the CTIVD initiates an investigation herself, initially it always focusses on the aspect of legality (including proportionality and necessity). If other issues pop up during the investigation or if asked for by parliament, the CTIVD might also include other aspects, such as efficiency or effectiveness.

### ***CTIVD-journalism relation***

Bos-Ollermann points out that the CTIVD is always very open to journalists. They are always allowed to call, come by, and ask questions. Despite that, the CTIVD always behaves very conscious when working together with journalists. She emphasises that the CTIVD would, for example, never provide journalists with information or findings of a report under an embargo, before she has informed the Second Chamber first.

Before the Snowden revelations, predominantly investigative journalists, such as Huub Jaspers from Argos, contacted the CTIVD to ask for background information, more detailed information, or to conduct interviews. However, after the Snowden revelations, the media attention for the intelligence debate increased and became more active, larger, and broader. Nowadays, journalists from various media outlets contact the CTIVD weekly to find out more about the exact meaning of reports, potential issues or important developments. A good example of a case that led to many journalists contacting the CTIVD was the WIV.

Bos-Ollermann notices that journalists are especially interested in case of wrong-doings, but she states that positive reports (on behalf of the intelligence community) also get a lot of attention. Journalists always want to know what exactly is going on and what the exact meaning is of a report. Even in case of successes. However, there will always be journalists that achieve to publish a negative article about a success (this happened with the reporting on the CTIVD report that had at its focus the potential existence of accomplices of Mohammed B.).

Finally, Bos-Ollermann argues that a good relation with academics is also of big importance for the CTIVD. A high quality of research on the intelligence community facilitates informed debate. Additionally, it might be profitable for journalists as well, since they also profit from a higher level of knowledge and expertise about the intelligence sector. Although the academic attention for intelligence services and intelligence oversight has increased since the Snowden revelations, Bos-Ollermann thinks that its level is still insufficient. She notices that, in practice, people always address the CTIVD when they have questions about intelligence oversight, because there are very few other experts.

## Appendix III – Media content analysis

This appendix provides the actual media content analysis that has been conducted for this research. Per case and per newspaper all relevant articles have been subjected to this analysis.

There are a few important remarks:

1. ‘Part 1’ relates to the main event, while the following parts refer respectively to the following sub-events.
2. The articles that have been displayed here are articles that have showed any exceptional signs. Articles that were purely informative have been left out in consultation with the supervisor of the researcher, due to their insignificance and in order to save space and paper.
3. The articles’ titles that have one \* behind it have only been published online. The articles’ titles with \*\* behind it have been published both online and hardcopy. Finally, articles with \*\*\* behind it have been published through three different mediums: hardcopy, online and through *NRC Next*.

## Appendix III.I – Case 1 The murder of Theo van Gogh

Title- Volkskrant	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review/ discussion	Remarks
<b>Part 1</b>										
'Ik ben de dorpsgek, jij de afvallige vrouw' (On)redelijkheid **	<a href="http://www.volkskrant.nl/binnenland/-ik-ben-de-dorpsgek-jij-de-afvallige-vrouw~a691817/">http://www.volkskrant.nl/binnenland/-ik-ben-de-dorpsgek-jij-de-afvallige-vrouw~a691817/</a>	04-11-2004	Alleged lack of acting of the AIVD	AIVD	No	No	No	No	Criticising the acting of the AIVD. The author is <i>woedend</i> (furious) that the AIVD did not act, since they knew about Mohammed B. She calls it <i>dom</i> (stupid).	Opinion piece by politician Ayaan Hirsi Ali
Terreuraanpak nog geen geoliede machine ; Achtergrond **	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DPP-SS40-0150-V1D1&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DPP-SS40-0150-V1D1&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	04-11-2004	Inefficient communication between AIVD and Amsterdam mayor, public prosecutor and police / inefficient fight against terror	AIVD	No	No	No	No	Own interpretation and correlation of the emerged facts about the AIVD's communication. Conclusion: <i>efficiency is anders</i> (something else than efficiency)	X
Cohen krijgt informatie pas later **	<a href="http://www.volkskrant.nl/archief/cohen-krijgt-informatie-pas-later~a678778/">http://www.volkskrant.nl/archief/cohen-krijgt-informatie-pas-later~a678778/</a>	06-11-2004	Alleged bad communication of AIVD	AIVD	Yes: The communication process of the AIVD seems to have been determined by the journalist himself.	No	No	No	X	X
Kwetsbare democratie **	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DR4-WS10-0150-V23T&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DR4-WS10-0150-V23T&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	06-11-2004	The alleged lack of fight against terror in general / the need for a better use of existing powers (efficiency) and a better cooperation between the AIVD and local police services	AIVD	No	No	No	Yes: Legitimation of the services' inability to protect all citizens, agreeing that there is a limit in protecting them, and that not every potential terrorist can be traced without hurting our democracy.	Criticising the inefficient use of existing powers in the fight against terror and the inefficient cooperation of the AIVD with local services. The journalist states that there is still a lot to improve.	Opinion section
'Wij tegen 'zij' - en de kloof is diep ; Een terreurcel kan niet helemaal geïsoleerd opereren	<a href="http://academic.exisnexis.eu/?lni=4DR4-WS10-0150-V228&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/?lni=4DR4-WS10-0150-V228&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	06-11-2004	Alleged insufficient surveillance and communication of the AIVD	AIVD	No	No	No	No	Criticising the insufficient surveillance and communication of the AIVD, calling the acting <i>onbegrijpelijk</i> (incomprehensible); Stating that it is clear that the capacity of the AIVD should	Written by politician Lodewijk Asscher

									be enhanced and its information sharing should be improved	
<b>'Meedogenloze aanpak is nodig'</b> **	<a href="http://www.volkskrant.nl/binnenland/-meedogenloze-aanpak-is-nodig-a691843/">http://www.volkskrant.nl/binnenland/-meedogenloze-aanpak-is-nodig-a691843/</a>	06-11-2004	Alleged lack of AIVD's powers and its relation with the more general fight against terror	AIVD	Yes: Exclusive interview with politician Jozias van Aartsen. Reporters went by his office for more information	No	No	No	X	X
<b>AIVD staat voor bijna onmogelijke taak; Achtergrond</b> **	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4D RS-NGR0-0150-V2BF&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4D RS-NGR0-0150-V2BF&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	09-11-2004	Surveillance of the AIVD / powers and capacity of AIVD / relation with the more general fight against terror / the need for better information sharing, both national and international.	AIVD	No	No	No	Yes: Stating that the AIVD does not have sufficient capacities nor the legal powers to fulfil its tasks effectively	Criticising the ability of the AIVD to protect our democracy. Journalist states that van Gogh's murder painfully exposes the AIVD's inability to provide our state with sufficient safety	Voicing intelligence experts concerns that address the idea that the AIVD has to perform an impossible task.
<b>Databank terreur moet soelaas bieden</b> **	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4D S0-DK70-0150-V2GX&amp;csi=263237&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4D S0-DK70-0150-V2GX&amp;csi=263237&amp;oc=00240&amp;perma=true</a>	10-11-2004	Alleged ineffective and inefficient communication of the AIVD	AIVD	No	No: Revelations about the inefficient information-sharing were not revealed by an inside source.	No	Yes: Forwarding information that indicates that the AIVD did share its important information.	Own interpretation of facts / introduced the existing idea that the AIVD has had difficulties adapting its information management to the new security environment. Stating that its tendency to keep its painstakingly collected information to itself has led to a situation in which intelligence services work in an inconsistent way.	X
<b>Cohen wil voortaan alle informatie</b> *	<a href="http://www.volkskrant.nl/binnenland/cohen-wil-voortaan-alle-informatie-a708575/">http://www.volkskrant.nl/binnenland/cohen-wil-voortaan-alle-informatie-a708575/</a>	11-11-2004	The information sharing of the AIVD	AIVD	No	No	No	Yes: Drawing away blame from the AIVD by forwarding information that the AIVD did share most important information	X	X
<b>Verdachte B. al twee jaar in beeld bij AIVD</b> **	<a href="http://www.volkskrant.nl/archief/verdachte-b-al-twee-jaar-in-beeld-bij-AIVD-de-waarnemer-a671915/">http://www.volkskrant.nl/archief/verdachte-b-al-twee-jaar-in-beeld-bij-AIVD-de-waarnemer-a671915/</a>	12-11-2004	The decision making process of the AIVD	AIVD	No: Journalists retrieved historical background information. However, it is probably not information that is being exposed for the first time.	No	No	No	X	X
<b>Kijk-operatie van Gogh</b>	<a href="http://www.volkskrant.nl/archief/ki">http://www.volkskrant.nl/archief/ki</a>	13-11-2004	The communication of the AIVD, their	AIVD / Remkes	No	No	No	Yes: 'De inlichtingendienst blijkt	Own interpretation of the emerged developments /	The writer seemed to be

	jkoperatie-van-gogh-a676388/		decision to not more thorough surveille Mohammed B. , / reference to inefficient use of the available intelligence by the AIVD / Plasterk's control over the AIVD					<i>uitstekend op de hoogte van wat zich in de haarvaten van een subversief, internationaal opererend milieu allemaal afspeelt' and 'maar ook uitstekend werk' and 'Maar de inlichtingen- en opsporingsdiensten herbergen ook veel professionaliteit'</i>	Criticising the AIVD's use of available intelligence, stating that this is a problem / the decision to not perform surveillance over Mohammed B. / Plasterk's control over the AIVD	writing with an ironic and sceptical tone, using words as lachwekkend (ludicrous), and geklungel en gekluns (tinkering and bungling) to describe the acting of AIVD	
<b>Part 2</b>											
<b>AIVD miste cruciale info moord Van Gogh</b>	http://www.volkskrant.nl/binnenland/AIVD-miste-cruciale-info-moord-van-gogh-a683334/	09-04-2005	The allegation that the AIVD missed out on very important information about the murder / lack of communication of the AIVD	AIVD	Yes: Journalists presented the content of a not yet published document of the Public Prosecutor which they obtained.	No: Information obtained through own investigation	No	No	No	X	X
<b>Part 3</b>											
<b>B. was geen volger, maar een leider; Ook uit AIVD-informatie blijkt weinig van ondergeschikte rol van verdachte</b>	http://academic.leidenuniv.nl/exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4G33-FP90-0150-V25V&csi=259070&oc=00240&perma=true	03-05-2005	The wrong assessment of the danger of Mohammed B. / transparency of the AIVD	AIVD	No	No	No	Yes: Journalist argues that AIVD has become more transparent since the murder as a result of public and political pressure	X	X	
<b>Part 4</b>											
<b>Part 5</b>											

Title - NRC	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
<b>Part 1</b>										
<b>'Ik ben de dorpsgek, jij de afvallige vrouw'</b>	http://vorige.nrc.nl/opinie/article1685044.ece/lk_ben_de_dorpsgek_jij_de_afvallige	04-11-2004	The acting of the AIVD	AIVD	No	No	No	No	Briefly the acting of the AIVD. The author is <i>woedend</i> (furious) that the AIVD did not act, since they knew about	Opinion piece Ayaan Hirsi Ali / same article as in <i>de Volkskrant</i>

										Mohammed B. She calls it <i>dom</i> (stupid).	
<b>Beveilig nu alle politieke partijen</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DR0-V3F0-0150-W13X&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DR0-V3F0-0150-W13X&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	05-11-2004	Need for enhanced capacities / fight against terror	<i>AIVD</i>	No	No	No	No	Yes "het is ridicuul om te denken dat de <i>AIVD</i> bij machte is alle potentiële daders van een aanslag in de gaten te houden"	Using his expertise to critically analyse the current working processes of the <i>AIVD</i> . Criticising the ineffectiveness of the working of the <i>AIVD</i> , and its current working processes and arguing that the service should work more proactively.	Opinion section / written by Director of Clingen-dael Centre for strategic studies
<b>Mohammenrcd B een bijfiguur</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DS8-7S50-0150-W24T&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=4DS8-7S50-0150-W24T&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	11-11-2004	Background on how the <i>AIVD</i> knew Mohammed B.	<i>AIVD</i>	Yes: Elaborate presentation of the content of personal documents of Mohammed B. that seemed to be obtained by the author.	No	No	No	No	X	X
<b>Het heeft de afgelopen tijd ontbroken aan leiding en regie</b>	<a href="http://vorige.nrc.nl/dossiers/moslimterreur/politiek_reacties_en_beleidtot0/article1628534.ece">http://vorige.nrc.nl/dossiers/moslimterreur/politiek_reacties_en_beleidtot0/article1628534.ece</a>	13-11-2004	Fight against terror and the wrong assessment of the <i>AIVD</i> of Mohammed B.	<i>AIVD</i>	No	No	No	No	No	Criticising the transparency of the <i>AIVD</i> about its inability to effectively fight terrorism, and the indistinctness about the question whether Mohammed B. was known within the <i>AIVD</i> .	Written by Arie van der Zwan, an expert in politics
Part 2											
Part 3											
Part 4											
Part 5											

Title - Telegraaf	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										

<b>Ruzie bij terreurjacht</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DR4-GYT0-00J5-K3CG&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DR4-GYT0-00J5-K3CG&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	06-11-2004	Alleged lack of information sharing by <i>AIVD</i> /	<i>AIVD</i>	No	No	No	No	X	Use of extreme words for a not extreme situation: <i>ruzie bij terreurjacht</i> (fight while hunting down terror)
<b>Spionnen gevraagd</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DRJ-G3S0-00J5-K3M5&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DRJ-G3S0-00J5-K3M5&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	08-11-2004	Alleged lack of capacities of the <i>AIVD</i> in the fight against terror.	<i>AIVD</i>	No	No	No	No	Article seems to be written with a sarcastic tone, and could therefore be identified as criticising the lack of the <i>AIVD</i> 's capacity to fight terror.	X
<b>Donner en Remkes wacht zwaar weer</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DRS-DSF0-00J5-K3TS&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DRS-DSF0-00J5-K3TS&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	09-11-2004	The capacities of the <i>AIVD</i> in the fight against terror / the skills of the <i>AIVD</i> director / information sharing of the <i>AIVD</i>	<i>AIVD</i> and also explicitly the Director Van Hulst	No	No	No	No	Voicing doubts about the sufficiency of the <i>AIVD</i> Director's skills and the <i>AIVD</i> 's capacities to work efficiently and effectively.	Column
<b>Tijdbom tikte onder ogen <i>AIVD</i></b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DSD-BXV0-00J5-K4CW&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/???ini=4DSD-BXV0-00J5-K4CW&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	12-11-2004	Lack of <i>AIVD</i> 's capacity to fight terror / the <i>AIVD</i> 's assessment of Mohammed B.	<i>AIVD</i>	Yes: Thorough document analysis of an <i>AIVD</i> -report / debrief about its case concerning Mohammed B.	No	No	No	Own interpretation of the <i>AIVD</i> -report, stating that in the report there are many indicators that point towards the 'exposion' of Mohammed B. ( <i>regent keiharde aanwijzingen</i> )	X
Part 2										
Part 3										
Part 4										
Part 5										

## Appendix III.II – Case 2 A new bill on the intelligence services

Title – Volkskrant	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										
<b>Commissie-Dessens: geef de AIVD meer bevoegdheden</b> *	<a href="http://www.volkskrant.nl/tech/commissie-dessens-geef-de-AIVD-meer-bevoegdheden-a3555001/">http://www.volkskrant.nl/tech/commissie-dessens-geef-de-AIVD-meer-bevoegdheden-a3555001/</a>	02-12-2013	Recommendations to expand the services' powers, to enhance their transparency in order to create more trust, but also to maintain the balance between operational effectiveness and democratic guarantees.	AIVD and MIVD but emphasis on AIVD.	No	No	Yes: detailed and comprehensible translation of the Dessens Committee's report	No	X	
<b>Ook zonder extra bevoegdheden zijn geheime diensten machtiger dan ooit</b> *	<a href="http://www.volkskrant.nl/tech/-ook-zonder-extra-bevoegdheden-zijn-geheime-diensten-machtiger-dan-ooit-a3555180/">http://www.volkskrant.nl/tech/-ook-zonder-extra-bevoegdheden-zijn-geheime-diensten-machtiger-dan-ooit-a3555180/</a>	02-12-2013	The expansion of services' powers and its tension with the requirements of use, necessity and effectiveness, and human rights and personal freedom.	AIVD and MIVD	No	No	Yes: detailed and comprehensible translation of the Dessens Committee's report	No	The author uses his expertise to critically analyse the recommendations, the necessity for their implementation, and their potential consequences / Criticising the current lack of democratic guarantees and transparency / Questioning the usefulness, effectiveness and necessity of an expansion of powers.	Opinion section / written by Rejo Zenger, Internet expert at Bits of Freedom
<b>Burgers in de kijker</b>	<a href="http://academic.leidenuniv.nl:2048/?lni=59YV-0F61-DYRY-N3JD&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.leidenuniv.nl:2048/?lni=59YV-0F61-DYRY-N3JD&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers and its tension with the freedom and privacy of citizens.	AIVD and MIVD but emphasis on AIVD.	No	No	No	Yes: A whole paragraph is devoted to legitimising an expansion of powers. Quote: ' <i>Dat de AIVD anticipeert op een aanpassing van de wet is verdedigbaar</i> '	Own interpretation of the developments. Conclusion: If the services' powers are to be expanded, oversight needs to be expanded as well. Criticising the powers of the services and the fact that the services are already using powers they do not have yet, anticipating on adaptations of the law.	Opinion section

<b>'Accent ligt wel erg op de privacy'</b>	<a href="http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/??lni=59YV-0F61-DYRY-N3MP&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/??lni=59YV-0F61-DYRY-N3MP&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers, its tension with privacy protection and a person's freedom.	<i>AIVD</i> and <i>MIVD</i>	Yes: The journalist conducted an exclusive interview in which he tried to find out the real meaning of the recommendations	No	No	No	X	Comparing the proposed powers with the NSA's powers  Exclusive interview with Stan Dessens
<b>Eens met Dessens Bibi van Ginkel</b>	<a href="http://academic.exisnexis.eu/??lni=59YV-0F61-DYRY-N3MT&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??lni=59YV-0F61-DYRY-N3MT&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers and the reasoning for its necessity	<i>AIVD</i> and <i>MIVD</i> but emphasis on <i>AIVD</i> .	Yes: Exclusive interview through which the journalist tries to find out the reasoning behind an expansion of powers.	No	No	No	X	Description of an interview with a researcher of the Clingendael institute and the counter-terrorism institute ICCT.
<b>Scepsis over meer armslag AIVD**</b>	<a href="http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=59YV-0F61-DYRY-N3MS&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=59YV-0F61-DYRY-N3MS&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers, its proportionality, and its tension with human rights and privacy protection.	<i>AIVD</i> and <i>MIVD</i> but emphasis on <i>AIVD</i> .	Yes: Apparent efforts to obtain explanations and opinions from the Dessens Committee, politicians and internet experts about the recommendations.	No	No	No	X	Voicing concerns of privacy-organisation Bits of Freedom.
<b>Mogen spionnen te weinig? Experts zijn verPartd</b>	<a href="http://academic.exisnexis.eu/??lni=59YV-0F61-DYRY-N3MR&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??lni=59YV-0F61-DYRY-N3MR&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers, its necessity, and its tension with privacy protection and personal freedom.	<i>AIVD</i> and <i>MIVD</i> , but emphasis on <i>AIVD</i> .	Yes: Exclusive interview through which the journalist tries to obtain more information about the necessity for an expansion of powers.	No	No	No	X	Description of an interview with Gerrit-Jan Zwenne, professor in <i>recht in de informatiesamenleving</i> .
<b>Gerard Schouw: Wij zijn een speelbal van minister Plasterk*</b>	<a href="http://www.volkskrant.nl/tech/gerard-schouw-wij-zijn-een-speelbal-van-minister-plasterk-a3556407/">http://www.volkskrant.nl/tech/gerard-schouw-wij-zijn-een-speelbal-van-minister-plasterk-a3556407/</a>	04-12-2013	The expansion of services' powers and its tension with privacy protection.	<i>AIVD</i> and <i>MIVD</i>	Yes: Exclusive interview through which the journalist tries to obtain a political perspective on the recommendations	No	No	No	X	Description of an interview with Gerard Schouw, member of political party D66.
Part 2										
Part 3										
<b>Geheime diensten</b>	<a href="http://academic.exisnexis.eu/??lni=5F8T-72N1-">http://academic.exisnexis.eu/??lni=5F8T-72N1-</a>	12-02-2015	The expansion of services' powers and its tension with	<i>AIVD</i> , <i>MIVD</i> , Hennis,	No	No	No	No		Criticising minister Plasterk and his promises, the secrecy of the secret  Column / Text seems to be very sceptical

	JC8W-Y3YX&csi=259070&oc=00240&perma=true		privacy protection, the transparency of the secret services, and the distrust in Plasterk and Hennis	and Plasterk						services, and the reasoning behind an expansion of powers	towards the acting and behaviour of the ministers and the secret services.
Part 4											
Part 5											
<b>Inlichtingen-diensten te vrij in nieuw wetsvoorstel</b> **	<a href="http://academic.exisnexis.eu/??l ni=5GH4-CBF1-DYRY-N4TN&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5GH4-CBF1-DYRY-N4TN&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	23-07-2015	The expansion of services' powers, and the in compliance of the proposed bill with European laws	<i>AIVD</i> and <i>MIVD</i>	No	No	Yes: Accessible and comprehensible summary of the inquiry performed by the University of Amsterdam	No	X		X
Part 6											
Part 7											
<b>Kabinet blijft bij massaal aftappen</b> **	<a href="http://www.volkskrant.nl/media/kabinet-houdt-vast-aan-massaal-aftappen-internetverkeer~a4291392/">http://www.volkskrant.nl/media/kabinet-houdt-vast-aan-massaal-aftappen-internetverkeer~a4291392/</a>	29-04-2016	The expansion of services' powers, it necessity, the reasoning behind it, and its tension with privacy protection.	<i>AIVD</i> and <i>MIVD</i>	Yes.	No: It is not sure though, how the journalist obtained the new proposal.	No	No	X		Voicing opinion and concerns of privacy-organisation Bits of Freedom and internet experts.
<b>Wat mag de geheime dienst hier allemaal uithalen?</b>	<a href="http://academic.exisnexis.eu/??l ni=5JN2-77H1-DYRY-N43J&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5JN2-77H1-DYRY-N43J&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	29-04-2016	Follow-up of the previous article. The expansion of services' powers, the legitimisation of the new bill, the Cabinet's attempt to enhance public trust in the bill, its tension with privacy protection, and the transparency of the services.	<i>AIVD</i> and <i>MIVD</i>	Yes: The journalist obtained the proposal for a new bill that was not yet published by the state	No	No: Not of a formal inquiry.	No		Own interpretation of the content of the new bill and its legitimisation and consequences.	Voicing opinion and concerns of privacy-organisation Bits of Freedom (same as previous article).
<b>'Tappen internet-verkeer is noodzakelijk'</b>	<a href="http://academic.exisnexis.eu/??l ni=5JN9-2TV1-JC8W-Y18S&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5JN9-2TV1-JC8W-Y18S&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	30-04-2016	The expansion of services' powers, its importance, necessity and usefulness, and the tension with efficient collection of important data.	<i>AIVD</i> and <i>MIVD</i> , but <i>AIVD</i> used for examples	Yes: Exclusive interview through which the journalist tried to obtain a clearer view of the consequences and necessity of the new bill.	No	No	No: Only forwarded legitimisation, although the headline implies that journalist thinks the legitimising statement is important.	X		Description of interview with former <i>AIVD</i> employee and owner of security company Fox-IT.

Title – NRC	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										
<b>Adviescommissie pleit voor scherper toezicht op inlichtingendiensten</b> **	<a href="http://academic.exisnexis.eu/??l=59YP-08K1-DYRY-N2CS&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l=59YP-08K1-DYRY-N2CS&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	02-12-2013	The expansion of the services' powers, the reasoning behind it, and the need to enhance the public trust in the services.	<i>A/VD</i> and <i>M/VD</i>	No	No	Yes: Accessible and detailed translation of the committee's report	No	Criticising the fact that services used powers that they were not yet allowed to use.	X
<b>Advies: meer bevoegdheden voor A/VD en M/VD en scherpere controle</b> *	<a href="http://www.nrc.nl/nieuws/2013/12/02/advies-meer-bevoegdheden-voor-A/VD-en-M/VD-en-scherpere-controle">http://www.nrc.nl/nieuws/2013/12/02/advies-meer-bevoegdheden-voor-A/VD-en-M/VD-en-scherpere-controle</a>	02-12-2013	The expansion of the services' powers, the need for better cooperation between the <i>A/VD</i> and <i>M/VD</i> , the need to enhance trust in the public services, and the need to improve internal organisation of ministries.	<i>A/VD</i> and <i>M/VD</i>	No	No	Yes: Accessible and detailed translation of the committee's report	No	X	X
<b>Veiligheidsdiensten willen wettelijk fiat voor al lang bestaande praktijk</b> ***	<a href="http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?l=59YW-YFX1-JC8W-Y0F1&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?l=59YW-YFX1-JC8W-Y0F1&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers, the compliance of the services' acting with current laws.	<i>A/VD</i> and <i>M/VD</i>	Yes: Presentation of the findings of a historical analysis to find out the real reasons for an expansion of powers / information is retrieved from intelligence sources that otherwise probably would not have been published.	No: Information is retrieved from intelligence sources, but it does not refer to wrongdoings or ineffective acting	No	No	Criticising the reasoning behind the need for an expansion of powers of the intelligence services.	Comparison made with the powers of the NSA
<b>Vrijheid in de surveillancestaat</b>	<a href="http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?l=59YW-YFX1-JC8W-Y094&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ez.proxy.leidenuniv.nl:2048/?l=59YW-YFX1-JC8W-Y094&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers, its necessity, its tension with democratic values such as freedom and privacy, and the public distrust in the intelligence services.	<i>A/VD</i> and <i>M/VD</i> , but emphasis on <i>A/VD</i>	No	No	No	Yes: Journalist states that an expansion of powers can provide the public with more safety when executed well.	Own interpretation of recommendations. Conclusion: ' <i>Het laat in ieder geval zien hoe buitengewoon indringend deze vorm van inlichtingen verzamelen is</i> '. Criticising the impact of a potential expansion of powers on our freedom, the current lack of democratic guarantees,	X

									arguing that the distrust of the public in the services is justified.	
<b>Ah, nee, niet nog meer aftappen; af luisteren, interesseert het ons niet of juist wel?</b>	<a href="http://academic.exisnexis.eu/??l ni=5B0J-84F1-JC8W-Y3WF&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5B0J-84F1-JC8W-Y3WF&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	05-12-2013	The expansion of services' powers and its immense consequences for society / the current working environment of the intelligence services	<i>A/VD</i> and <i>M/VD</i>	No	No	No	No	The author used his expertise to critically analyse the potential consequences of an expansion of powers and concluded that the intelligence services would obtain more power than ever. Criticising the huge impact an expansion of powers would have on our society and on the general power of the services.	Opinion section / written by Jurist and internet expert Danny Mekic / using extreme words: <i>introductie van nieuwe bevoegdheden die massaler, ongerichter en grootschaliger zijn dan ooit tevoren.</i>
Part 2										
Part 3										
<b>Waarom geldt het briefgeheim niet voor kabelverkeer</b>	<a href="http://academic.exisnexis.eu.ez proxy.leidenuniv.nl:2048/?l ni=5FBC-C0P1-JC8W-Y48B&amp;csi=263237&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ez proxy.leidenuniv.nl:2048/?l ni=5FBC-C0P1-JC8W-Y48B&amp;csi=263237&amp;oc=00240&amp;perma=true</a>	19-02-2015	The expansion of services' powers, its tension with European laws, the lack of proof for its necessity, proportionality, and subsidiarity	<i>A/VD</i> and <i>M/VD</i>	No	No	No	No	Criticising the justification for the new bill, and the lack of it. The authors used their expertise to analyse and criticise the justification for the new bill and its compliance with European law.	Opinion section / written by Ot van Daalen (lawyer and researcher at the institute for information law) and Nico van Eijk (professor in information law)
Part 4										
<b>De A/VD moet nog veel meer mogen vindt hij **</b>	<a href="http://academic.exisnexis.eu/??l ni=5GBR-7J41-DYRY-N4C3&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5GBR-7J41-DYRY-N4C3&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	02-07-2015	The expansion of services' powers, and the A/VD's information sharing with foreign services	<i>A/VD</i> and <i>M/VD</i> , but emphasis on <i>A/VD</i>	Yes: Exclusive interview to find out the reasoning behind the content of the proposed bill.	No	No	No	X	Interview with Minister of Domestic Affairs Ronald Plasterk.
<b>Geheime diensten hebben machtig evenwicht nodig</b>	<a href="http://academic.exisnexis.eu/??l ni=5GBX-YSR1-DYRY-N4J1&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??l ni=5GBX-YSR1-DYRY-N4J1&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	03-07-2015	The expansion of services' powers, its tension with privacy protection, the acting of the Cabinet	<i>A/VD</i> and <i>M/VD</i> , Plasterk	No	No	No	No	Criticising the nonchalant acting of Plasterk and the Cabinet regarding the expansion's impact on our privacy.	X
Part 5										
Part 6										
Part 7										

Title – Telegraaf	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										
<b>Vrij spel voor online spion; 'Geheim agent anders straks doof en blind'</b> **	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=59YV-G7B1-JC8W-Y231&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=59YV-G7B1-JC8W-Y231&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers and the reasoning behind it, the need for closer cooperation between the <i>AIVD</i> and <i>MIVD</i> and with foreign services.	<i>AIVD</i> and <i>MIVD</i>	No	No	Yes: Accessible and detailed translation of the committee's report	No	X	Noticing that recent developments within the <i>AIVD</i> and <i>MIVD</i> run ahead of their legal powers / Comparison of proposed powers with powers of the NSA
<b>Kamer steunt aftappen kabel; Advies Dessens opgevolgd</b>	<a href="http://academic.exisnexis.eu/??lni=59YV-G7B1-JC8W-Y22X&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??lni=59YV-G7B1-JC8W-Y22X&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers	<i>AIVD</i> and <i>MIVD</i>	No	No	No	No	X	The headline runs ahead of the actual developments / Comparison of proposed powers with powers of the NSA
<b><u>Internetter vogelvrij; bevoegdheden geheime diensten verruimen</u></b>	<a href="http://academic.exisnexis.eu/??lni=59YV-G7B1-JC8W-Y1X0&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??lni=59YV-G7B1-JC8W-Y1X0&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	03-12-2013	The expansion of services' powers and the huge impact for Dutch citizens	<i>AIVD</i> and <i>MIVD</i>	No	No	No: Not detailed enough	No	X	Extreme use of words: <i>Internetter vogelvrij</i> .
<b>'AIVD groeit Plasterk boven het hoofd'; Commissie-Dessens pleit voor ondersteuning</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=5B02-FD01-DYRY-N4NK&amp;csi=280434&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=5B02-FD01-DYRY-N4NK&amp;csi=280434&amp;oc=00240&amp;perma=true</a>	04-12-2013	Plasterk's alleged lack of time and expertise to effectively control the <i>AIVD</i> , his relation with the <i>AIVD</i> director	Plasterk and <i>AIVD</i>	No	No: Whistle-blowers have not used the media, but the Dessens inquiry to expose insufficient control by the minister.	No	No	X	X
<b>Kamerleden ook in geheim ingelicht</b>	<a href="http://academic.exisnexis.eu/??lni=5B08-RDS1-JC8W-Y020&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu/??lni=5B08-RDS1-JC8W-Y020&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	05-12-2013	Transparency of the <i>AIVD</i> and <i>MIVD</i>	<i>AIVD</i> and <i>MIVD</i> , but emphasis on <i>AIVD</i>	No	No	No	No	X	The headline runs ahead of the actual developments.
<b>Buitensporig</b>	<a href="http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=5B08-RDS1-JC8W-Y020&amp;csi=168873&amp;oc=00240&amp;perma=true">http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/?lni=5B08-RDS1-JC8W-Y020&amp;csi=168873&amp;oc=00240&amp;perma=true</a>	07-12-2013	The expansion of services' powers, its tension with privacy	<i>AIVD</i> and <i>MIVD</i> but emphasis	No	No	No	No	Criticising the idea that the services already bought software that they	Comparison of proposed powers with powers of the NSA:

	I:2048/?lni=5B0 P-BX11-JC8W- Y1S3&csi=2804 34&oc=00240&p erma=true		protection, and its consequences and necessity and propriety.	on <i>A/VD</i>					may not use yet / Questioning the ethical aspect of the new bill and whether the Netherlands want their own NSA.	<i>gaat alle perken te buiten</i>  Extreme use of words: <i>angstaanjagend / buitensporig</i>
<b>Onbegrensd</b>	http://academic.l exisnexis.eu.ezp roxy.leidenuniv.n l:2048/?lni=5B0 G-CVT1-JC8W- Y4VX&csi=2804 34&oc=00240&p erma=true	06-12- 2013	The expansion of services' powers, its tension with privacy protection, and its consequences for citizens.	<i>A/VD</i> and <i>M/VD</i> but emphasis on <i>A/VD</i>	No	No	No	No	Criticising the size of the proposed expansion of powers, and the idea that the services want to be like the NSA / The idea that the services already bought software that they may not use yet	The journalist calls for vigilance ( <i>waakzaamheid</i> )
Part 2										
<b>Kabel wordt afgeluisterd *</b>	http://www.telegr aaf.nl/binnenlan d/23360184/___K abel_wordt_afge luisterd_.html	21-11- 2014	The expansion of services' powers and the reasoning behind it.	<i>A/VD</i> and <i>M/VD</i>	No	No	No	No	X	The headline runs ahead of the actual developments.
<b>Afluisterstaat</b>	http://academic.l exisnexis.eu/??l ni=5DNB-5J11- JC8W- Y1HB&csi=1688 73&oc=00240&p erma=true	22-11- 2014	The expansion of services' powers and the reasoning behind it / the consequences for the privacy of citizens / distrust in minister Plasterk	<i>A/VD</i> and <i>M/VD</i>	No	No	No	No	Questioning the propriety of an expansion of powers and the promises made by ministers of an ' <i>afluisterstaat</i> '. Questioning whether the Netherlands want their own NSA.	Comparison of proposed powers with powers of the NSA. Use of extreme words: <i>een ongekende en angstaanjagende machtsuitbreiding</i>
Part 3										
<b>'Kabel mag ongericht afgetapt'</b>	http://academic.l exisnexis.eu.ezp roxy.leidenuniv.n l:2048/?lni=5F8 C-VS31-JC8W- Y1KY&csi=1688 73&oc=00240&p erma=true	10-02- 2015	The expansion of services' powers and its tension with privacy protection.	<i>A/VD</i> and <i>M/VD</i>	No	No	No	No	X	The title runs ahead of the actual developments.
<b>Geheime diensten in schemergebied</b>	http://academic.l exisnexis.eu.ezp roxy.leidenuniv.n l:2048/?lni=5F8T -T9J1-DYRY- N3DK&csi=2804 34&oc=00240&p erma=true	12-02- 2015	The expansion of services' powers, its necessity and its tension with privacy protection. / The need for internal oversight.	<i>A/VD</i> and <i>M/VD</i>	Yes: Document analysis of a book by CIE-detective Gerard Mak	No	No	Yes: Legitimising the existence of services by calling them <i>nuttig</i> / legitimising the expansion of powers by saying that a modernisation of	X	Opinion section / journalist calls for enforced internal oversight

										eavesdropping methods is <i>broodnodig</i> and <i>logisch</i>
<b>Part 4</b>										
<b>Geheime diensten gaan vaker af luisteren *</b>	<a href="http://www.telegraaf.nl/binnenland/24224192/___Vaker_en_meer_aftappen_.html">http://www.telegraaf.nl/binnenland/24224192/___Vaker_en_meer_aftappen_.html</a>	02-07-2015	The expansion of services' powers and its consequences for citizens	<i>AIVD</i> and <i>MIVD</i>	No	No	No	No	X	Headline runs ahead of actual developments / Giving voice to concerns of privacy organisation Bits of Freedom.
<b>Part 5</b>										
<b>Kabel vaker aftappen *</b>	<a href="http://www.telegraaf.nl/binnenland/25607703/___Kabinet_wil_kabel_vaker_aftappen_.html">http://www.telegraaf.nl/binnenland/25607703/___Kabinet_wil_kabel_vaker_aftappen_.html</a>	15-04-2016	The hardcopy version is a short introduction to the online article / The expansion of services' powers, its tension with privacy protection, and the reasoning behind it.	<i>AIVD</i> and <i>MIVD</i>	No: the journalist seem to refer to exclusive <i>Haagse bronnen</i> (political sources) who reveal information about a coming proposal of a new bill. However it is not sure by who this provision of information was initiated.	No: No sources from within the intelligence community and not in relation to any wrongdoings.	No	No	X	X

### Appendix III.III – Case 3 The collection of 1,8 million metadata

Title - De Volkskrant	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
<b>Part 1</b>										
<b>'AIVD hielp mogelijk NSA bij aftappen 1,8 miljoen telefoontjes' *</b>	<a href="http://www.volkskrant.nl/tech/-AIVD-hielp-mogelijk-nsa-bij-aftappen-1-8-miljoen-telefoontjes~a3535918/">http://www.volkskrant.nl/tech/-AIVD-hielp-mogelijk-nsa-bij-aftappen-1-8-miljoen-telefoontjes~a3535918/</a>	30-10-2013	The potential involvement of Dutch services in the collection of the metadata.	<i>AIVD</i>	No	No	No	No	X	Assumption of potential involvement copy pasted from Tweakers
<b>Vraag blijft: van wie zijn al die gegevens?</b>	<a href="http://www.volkskrant.nl/archief/vraag-blijft-van-wie-zijn-al-die-gegevens~a353">http://www.volkskrant.nl/archief/vraag-blijft-van-wie-zijn-al-die-gegevens~a353</a>	01-11-2013	Potential involvement of Dutch services and its legality	<i>AIVD</i> and <i>MIVD</i> and NSO	No	No	No	No	Exploring different potential explanations for the collection of metadata, based on the revealed developments. Questioning	X

	6995/									the potential involvement of Dutch services.	
<b>'Geheime dienst best braaf, maar ik sluit niets uit'</b>	<a href="http://www.volkskrant.nl/archief/-geheime-dienst-best-braaf-maar-ik-sluit-niets-uit~a3539734/">http://www.volkskrant.nl/archief/-geheime-dienst-best-braaf-maar-ik-sluit-niets-uit~a3539734/</a>	06-11-2013	Potential involvement of Dutch services and its legality	<i>AIVD</i> and <i>MIVD</i>	Yes: Exclusive interview to obtain different perspectives on the developments	No	No	No	No	No	Interview met Member of the Second Chamber Ronald van Raak.
<b>'AIVD is echt geen big brother'</b>	<a href="http://www.volkskrant.nl/archief/-AIVD-is-echt-geen-big-brother~a3541749/">http://www.volkskrant.nl/archief/-AIVD-is-echt-geen-big-brother~a3541749/</a>	09-11-2013	Potential involvement of Dutch services and its legality / transparency of the services	<i>AIVD</i> and <i>MIVD</i>	Yes: Exclusive interview through which journalist tries to obtain more information on the case.	No	No	No	Np	X	Interview with CTIVD director Van Delden.
<b>Waakhond van de AIVD blijkt tam schoothandje**</b>	<a href="http://www.volkskrant.nl/opinie/-waakhond-van-de-AIVD-blijkt-een-tam-schoothondje~a3542866/">http://www.volkskrant.nl/opinie/-waakhond-van-de-AIVD-blijkt-een-tam-schoothondje~a3542866/</a>	12-11-2013	Potential involvement of Dutch services and Plasterk, and its legality	<i>AIVD</i> , <i>MIVD</i> and Plasterk	No	No	No	No	No	Quick to judge that there are significant indicators that the <i>AIVD</i> collects data through the NSA	Opinion section / written by journalist of Privacy Barometer
Part 2											
<b>Heeft Plasterk zijn geheime diensten wel onder controle?*</b>	<a href="http://www.volkskrant.nl/tech/heeft-plasterk-zijn-geheime-diensten-wel-onder-controle~a3590958/">http://www.volkskrant.nl/tech/heeft-plasterk-zijn-geheime-diensten-wel-onder-controle~a3590958/</a>	05-02-2014	Involvement of Dutch services and Plasterk's control over the services / the cooperation with other services and the legality of the operation	NSO, <i>MIVD</i> , Plasterk	No	No	No	No	No	Own interpretation of the sent letter and the control of Plasterk over the <i>AIVD</i> / Criticising Plasterk's control over the <i>AIVD</i> and voicing doubts on it.	It seems as the author thinks that both services are under Plasterk's control, according to the headline.
<b>Spionnen</b>	<a href="http://academic.ilexisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=5BFP-3H91-DYRY-N11W&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.ilexisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=5BFP-3H91-DYRY-N11W&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	06-02-2014	Plasterk's relation with and control over the <i>AIVD</i>	Plasterk	No	No	No	No	No	Criticising Plasterk's control over the <i>AIVD</i> : <i>Als Plasterk niet bewust loog, wist hij iets niet wat hij wel had moeten weten</i>	X
<b>Wanneer wist Hennis dat Plasterk fout zat , dat is cruciaal</b>	<a href="http://academic.ilexisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=5BG4-1R81-JC8W-Y2BK&amp;csi=2590">http://academic.ilexisnexis.eu.ez.proxy.leidenuniv.nl:2048/?lni=5BG4-1R81-JC8W-Y2BK&amp;csi=2590</a>	08-02-2014	Involvement of the <i>MIVD</i> , and the transparency of its operations, and its bad relation with minister Hennis	Emphasis on <i>MIVD</i> for one of the first times.	No	No	No	No	No	Own interpretation of the past developments. Criticising the acting of the <i>MIVD</i> and its transparency.	X

	70&oc=00240&perma=true										
<b>Ongerust over die spionagepraktijken? Het valt ietsjes mee</b>	<a href="http://www.volkskrant.nl/archief/ongerust-over-die-spionagepraktijken-het-valt-ietsjes-mee-a3592006/">http://www.volkskrant.nl/archief/ongerust-over-die-spionagepraktijken-het-valt-ietsjes-mee-a3592006/</a>	07-02-2014	Involvement of the MIVD	MIVD	No	No	No	No	X		It seems as journalist attempts to ease the readers mind.
<b>Flutbrief</b>	<a href="http://www.volkskrant.nl/archief/flutbrief-a3594389/">http://www.volkskrant.nl/archief/flutbrief-a3594389/</a>	11-02-2014	The data collection by the services	AIVD	No.	No	No	Yes: Very briefly in the last paragraph: <i>Binnenkort zal de AIVD bekendmaken dat ze een aanslag heft weten te voorkomen, mede dankzij de metadata.</i>	X		Column
<b>Kabinet raakte door zijn eigen onwaarheden in de knel</b>	<a href="http://www.volkskrant.nl/archief/kabinet-raakte-door-zijn-eigen-onwaarheden-in-de-knel-a3594352/">http://www.volkskrant.nl/archief/kabinet-raakte-door-zijn-eigen-onwaarheden-in-de-knel-a3594352/</a>	11-02-2014	The collection of data by Dutch services and its legality	AIVD, MIVD and NSO	No	No	No	No		Own interpretation of parts of the ministers' letter /	X

Title - NRC	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										
<b>'De staat moet met feiten komen over af luisteren</b>	<a href="http://academic.lexisnexis.eu/???ini=59SB-PRS1-JC8W-Y16J&amp;csi=259064&amp;oc=00240&amp;perma=true">http://academic.lexisnexis.eu/???ini=59SB-PRS1-JC8W-Y16J&amp;csi=259064&amp;oc=00240&amp;perma=true</a>	07-11-2013	The data collection of Dutch services and their legality / the role of Plasterk in the collection	AIVD, MIVD and Plasterk	Yes: Interview through which the journalist tries to find out the reasoning behind the law suit against Plasterk	No	No	No	X	X
Part 2										
<b>Boundless Informant van NSA werd niet begrepen</b>	<a href="http://www.nrc.nl/handelsblad/2014/02/08/boundless-informant-van-nsa-werd-niet-">http://www.nrc.nl/handelsblad/2014/02/08/boundless-informant-van-nsa-werd-niet-</a>	08-02-2014	The data collection by the MIVD	MIVD	No: <i>Volgens bronnen van deze krant</i> (according to sources of this newspaper): seem to be exclusive sources, but it is not sure whether the journalist	No: Not sure whether these sources are inside sources	No	No	X	X

	begrepen-1346797				retrieved the information or it was just provided to him						
<b>Hoe Plasterk precies het verkeerde scenario koos**</b>	<a href="http://www.nrc.nl/handelsblad/2014/02/08/hoe-plasterk-precies-het-verkeerde-scenario-koos-1346593">http://www.nrc.nl/handelsblad/2014/02/08/hoe-plasterk-precies-het-verkeerde-scenario-koos-1346593</a>	08-02-2014	Data collection by the Dutch <i>MIVD</i>	<i>MIVD</i>	No	No	No	No	Critical assessment of the past developments	X	
<b>NSA hielp Nederland met onderzoek naar herkomst 1,8 miljoen*</b>	<a href="http://www.nrc.nl/nieuws/2014/02/08/nsa-hielp-nederland-met-onderzoek-naar-herkomst-18-miljoen">http://www.nrc.nl/nieuws/2014/02/08/nsa-hielp-nederland-met-onderzoek-naar-herkomst-18-miljoen</a>	08-02-2014	The data collection by the NSO	<i>AIVD</i> , <i>MIVD</i> and NSO	Yes: Revealed new information about the data collection. 'According to sources' (seem to be exclusive sources)	No	No	No	X	X	
<b>Jarenlange inlichtingen-ruilhandel heeft een wankel juridische basis</b>	<a href="http://www.NRC.nl/handelsblad/2014/02/10/jarenlange-inlichtingenruilhandel-heeft-een-wankel-1346890">http://www.NRC.nl/handelsblad/2014/02/10/jarenlange-inlichtingenruilhandel-heeft-een-wankel-1346890</a>	10-02-2014	The data collection by the Dutch services and the information sharing with foreign services and its badly structured legal framework	<i>AIVD</i> and <i>MIVD</i>	Yes: Analysing the legal framework around the data collection powers of the services and the information sharing with foreign services. For this it is assumed that the journalist had to obtain knowledge about the legal framework.	No	No	No	Critical review of the legal framework regarding the data collection powers of Dutch services and their information sharing with foreign services.	X	

Title - Telegraaf	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
Part 1										
<b>Schijnheilig</b>	<a href="http://academic.laxisnaxis.eu.ezproxy.leidenuniv.nl:2048/?lni=59PT-F131-DYRY-N2MP&amp;csi=168873&amp;oc=00240&amp;pema=true">http://academic.laxisnaxis.eu.ezproxy.leidenuniv.nl:2048/?lni=59PT-F131-DYRY-N2MP&amp;csi=168873&amp;oc=00240&amp;pema=true</a>	31-10-2013	The potential involvement of the Dutch services in the data collection	<i>AIVD</i> and <i>MIVD</i>	No	No	No	No	Criticising politicians' attitudes towards the NSA's data collection, calling the atmosphere in the Second Chamber the two-faced ( <i>schijnheilig</i> )	X
<b>Niets of</b>	<a href="http://academic.laxisnaxis.eu.ezproxy.leidenuniv.nl:2048/?lni=59PT-F131-DYRY-N2MP&amp;csi=168873&amp;oc=00240&amp;pema=true">http://academic.laxisnaxis.eu.ezproxy.leidenuniv.nl:2048/?lni=59PT-F131-DYRY-N2MP&amp;csi=168873&amp;oc=00240&amp;pema=true</a>	02-11-	The potential	<i>AIVD</i>	No	No	No	No	Criticising politicians'	X

<b>niemand is veilig in Nederland-afluisterland</b>	exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=59R7-CHN1-DYRY-NOR5&csi=168873&oc=00240&perma=true	2013	involvement of the Dutch services in the data collection and the hypocritical atmosphere among politicians.	<i>MIVD</i>						attitudes towards the NSA's data collection, since the Netherlands itself is a professional collection country ( <i>aftapland</i> ) as well	
<b>'NSA gaat gewoon door met tappen'</b>	http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=59SH-6N81-JC8W-Y2JF&csi=168873&oc=00240&perma=true	08-11-2013	Cooperation between the <i>MIVD</i> and NSA	<i>MIVD</i>	No: Referring to Dutch sources of <i>De Telegraaf</i> . (these sources seem to be exclusive), but it is not sure whether the journalist retrieved the information or it was just provided to him	No	No	No		Criticising the acting of the politicians that held Plasterk accountable for the collection of the metadata, while it was actually the <i>MIVD</i> .	Baffled tone about the idea that the politics held Plasterk accountable for the collection of metadata, while it was the <i>MIVD</i>
<b>Part 2</b>											
<b>Stammenstrijd tussen geheime diensten</b>	http://academic.exisnexis.eu/??lni=5BFP-DYV1-JC8W-YOXR&csi=168873&oc=00240&perma=true	06-02-2014	The data collection by Dutch services, the cooperation with the NSA that led to it, the reasoning behind it, its legality / the cooperation between the <i>AIVD</i> and <i>MIVD</i>	<i>AIVD</i> and <i>MIVD</i>	No: A revealing interview with a leading employee from within the <i>MIVD</i> , but it is not sure whether the journalist retrieved the information or it was just provided to him	No: A source reveals inefficient cooperation between the <i>AIVD</i> and <i>MIVD</i> , and more information about the cooperation with the NSA,	No	No	X		Voicing intelligence expert Constant Hijzen, stating that he has empathy for the Dutch cooperation with the NSA.
<b>'Plasterk en AIVD-top geen dikke vrienden'</b>	http://academic.exisnexis.eu.ezproxy.leidenuniv.nl:2048/??lni=5BFP-DYV1-JC8W-YOXP&csi=168873&oc=00240&perma=true	06-02-2014	Relation Plasterk and <i>AIVD</i>	Plasterk and <i>AIVD</i>	No: Reference to <i>waarnemers</i> and <i>insiders</i> (these sources seem to be exclusive), but it is not sure whether the journalist retrieved the information or it was just provided to him	Yes: Observers (insiders) talk about friction (insufficient cooperation) between the minister and the <i>AIVD</i>	No	No	X		X
<b>Wie is de baas?; AIVD en MIVD varen eigen koers in wereld vol geheimen</b>	http://academic.exisnexis.eu/??lni=5BG4-HVN1-JC8W-Y3SY&csi=168873&oc=00240&perma=true	08-02-2014	the operating of the <i>AIVD</i> and <i>MIVD</i> , their bad relations with each other and the bad relations with their ministers.	<i>AIVD</i> and <i>MIVD</i>	Yes: Much effort to find out the relations within the intelligence community	No	No	No		A critical review of the operating of the <i>AIVD</i> and <i>MIVD</i> , their bad relations with each other and the bad relations with their ministers.	Extreme use of words:
<b>NSO speurt naar 'pareltje' onder getapte nummers</b>	http://academic.exisnexis.eu/??lni=5BGS-D9H1-DYRY-	11-02-2014	The data collection by Dutch services, the reasoning behind it	NSO	No: Referring to a former intelligence employee (source is anonymous and	No: revelation has nothing to do with any wrongdoings.	No	No	X		X

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73&oc=00240&p  
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seems to be  
exclusive)

## Appendix III.IV – Case 4 Budget cuts and intensifications

Title – De Volkskrant	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
<b>Rekenkamer kraakt bezuiniging op AIVD: risico voor geheime dienst</b> **	<a href="http://www.volkskrant.nl/binnenland/rekenkamer-kraakt-bezuiniging-op-AIVD-riisico-voor-geheime-dienst-a4033772/">http://www.volkskrant.nl/binnenland/rekenkamer-kraakt-bezuiniging-op-AIVD-riisico-voor-geheime-dienst-a4033772/</a>	19-05-2015	The budgetary turbulence and its negative consequences / the lack of foundation for the Cabinet's decision itself to cut the AIVD's budget / The unorganised finances of the AIVD	AIVD, but emphasis on Plasterk	No	No	Yes: Accessible and detailed translation of the committee's report	No	X	X
<b>De zeven kwalen van de AIVD</b> **	<a href="http://academic.lexisnexis.eu/???ini=5G24-JK01-JC8W-Y50X&amp;csi=259070&amp;oc=00240&amp;perma=true">http://academic.lexisnexis.eu/???ini=5G24-JK01-JC8W-Y50X&amp;csi=259070&amp;oc=00240&amp;perma=true</a>	23-05	The budgetary turbulence and its negative consequences / the lack of foundation for the Cabinet's decision itself to cut the AIVD's budget / The unorganised finances of the AIVD / Good lobby work by the AIVD that led to the budget intensifications	AIVD / Cabinet, including Plasterk	No: exclusive sources, but it is not sure whether the journalist retrieved the information or it was just provided to him	Yes: Yes: ' <i>Tijdens de formatie is er 'betrekkelijk weinig aandacht aan besteed', vertelt iemand die erbij was</i> '. This quote by an anonymous source exposes improper acting of the Cabinet	No	No	Own interpretation of the developments with supportive reasoning / Critical review of the acting of politics in relation to the budget cuts, calling it politiek gemarchandeer met geld (political bargaining of money)	X

Title – NRC Handelsblad	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
<b>'Vernietigend' rapport van Rekenkamer over bezuiniging AIVD</b> *	<a href="http://www.nrc.nl/nieuws/2015/05/19/algemeen-rekenkamer-kraakt-bezuinigingen-op-AIVD">http://www.nrc.nl/nieuws/2015/05/19/algemeen-rekenkamer-kraakt-bezuinigingen-op-AIVD</a>	19-05-2015	The budgetary turbulence and its negative consequences / the lack of foundation for the Cabinet's decision itself to cut the AIVD's budget	AIVD and Cabinet including Plasterk	No	No	Yes: Accessible and detailed translation of the committee's report	No	X	Partly based on ANP source

<b>Als Van Rijn sneuvelt, vervalt de morele basis onder de coalitie *</b>	<a href="http://www.nrc.nl/handelsblad/2015/05/23/als-van-rijn-sneuvelt-vervalt-ook-de-morele-basis-1497615">http://www.nrc.nl/handelsblad/2015/05/23/als-van-rijn-sneuvelt-vervalt-ook-de-morele-basis-1497615</a>	23-05-2015	The budgetary turbulence and its negative consequences / the lack of foundation for the Cabinet's decision itself to cut the <i>AIVD</i> 's budget	<i>AIVD</i> / Cabinet, including Plasterk	No	No	NO	No	An own interpretation of the report. Conclusion: The Rekenkamer unintentionally wrote a destroying review on Plasterk's <i>AIVD</i> management and his presentation of his policy / Critically assessing Plasterk's management and control over de <i>AIVD</i> appointing the in compliance of his statements with the findings of the General Chamber's inquiry.	Condescending on Plasterk's control over the <i>AIVD</i>
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Title – De Telegraaf	Source	Date	Addressed part of activity or policy / issue or terms of accountability it is related to	Member of the IC	Investigative journalism	Chanel for whistle-blowing	'Translation' of official reports	Legitimation	Critical review / discussion	Remarks
<b>Rekenkamer vernietigend over bezuinigingen op AIVD *</b>	<a href="http://www.telegraaf.nl/binnenland/24058128/_Vernietigend_oordeel_over_AIVD_.html">http://www.telegraaf.nl/binnenland/24058128/_Vernietigend_oordeel_over_AIVD_.html</a>	19-05-2015	The budgetary turbulence and its negative consequences / the lack of foundation for the Cabinet's decision itself to cut the <i>AIVD</i> 's budget / The unorganised finances of the <i>AIVD</i>	<i>AIVD</i> and Cabinet including Plasterk	No	No	Yes: Accessible and detailed translation of the committee's report	No	X	X

## Appendix IV – Structuring content analysis

The figure below displays the steps of a structuring content analysis as defined by Mayring (2014, p. 97). The structuring content analysis is the method on which the analysis that is performed for this research is based.

