

Report of Various Sizes

Monthly data collection on the current reform of intelligence legislation

Submission template

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Period covered: January – April 2017

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1. Legislative reform(s)

(Please, highlight the key aspect(s) of the reform, summarise any key report published in the context of the reform procedure)

Since 2015, the Belgian legal framework of the intelligence services has been shaken up by two main legislative developments; namely, the Justice reform and the adoption of anti-terrorism measures.

In March 2015, the Minister of Justice presented his Justice Plan that aimed to reform the Belgian justice system with the objective of modernising and improving the efficiency of its institutions.¹ From family law to criminal legislation, the Minister has not only reformed the courts and tribunals, he has also modified the procedural and substantive laws by adopting five packages of legal measures called ‘Pot-pourris’: a series of bills encompassing a thematic approach of some quick wins, reparations and a legal basis for the modernisation of the organisational structure.² Through the adoption of the Potpourri Act II, the Minister has adopted several measures reforming the criminal legislation and criminal procedure matters and amending the Organic Act of intelligence services concerning the types of data, to which these services can request access, from telecommunication providers.³

In the aftermath of the terrorist attacks in France and Belgium, the Belgian government also decided to reform the legal framework of the intelligence services; specifically, the State Security (civil) and the General Intelligence and Security Service (SGRS) (military). The intelligence services have seen their competences in matter of surveillance increase in the past few months, from the access to the identity of persons connected to a prepaid card⁴ to the extension of the use of exceptional investigative data collection methods (recording, cyber hacking, etc.).⁵ In addition, the intelligence structures have also been subject to modifications; a National Security Council has been established and the former Board of Intelligence and Security has been replaced by a Strategic Committee and a Coordination Committee.⁶

The legislative measures, adopted in the context of the reforms of justice and the intelligence services, have been further examined in the ‘*Short thematic report on national intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies*’ and the ‘*FRANET Annual Report*’ that mapped and analysed the developments until December 2016. Therefore, we will not re-examine them in this report; nevertheless, we have drawn up a comprehensive list of the legislative measures adopted:

¹ Minister of Justice (*Ministre de la justice/Minister van justitie*), [Plan Justice – Une plus grande efficience pour une meilleure justice](#), 2015.

² Minister of Justice (*Ministre de la justice/Minister van justitie*), [Les Lois Potpourris](#) (accessed on 31 January 2017).

³ Belgium, [Law amending the criminal law and criminal procedure and other amendments in justice matter](#) (*Loi modifiant le droit pénal et la procédure pénale et portant des dispositions diverses en matière de justice/ Wet tot wijziging van het strafrecht en de strafvordering en houdende diverse bepalingen inzake justitie*), 5 February 2016, Articles 222-224. For more information on this act, please see the Short thematic report on ‘*National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies*, page 4.

⁴ Belgium, [Act modifying Article 127 of the Law of 13 June 2006 concerning electronic communications and Article 16\(2\) of the Organic Act of 30 November 1998 concerning the intelligence and security services](#) (*Loi portant modification de l'article 127 de la loi du 13 juin 2005 relative aux communications électroniques et de l'article 16/2 de la loi du 30 novembre 1998 organique des services de renseignement et de sécurité/Wet tot wijziging van artikel 127 van de wet van 13 juni 2005 betreffende de elektronische communicatie en van artikel 16(2) van de wet van 30 november 1998 houdende regeling van de inlichtingen- en veiligheidsdienst*), 1 September 2016.

⁵ House of Representatives, [Bill amending the Organic Act of 30 November 1998 concerning the intelligence and security services and Article 259bis of the Criminal Code](#) (*Projet de loi modifiant la loi du 30 novembre 1998 organique des services de renseignement et de sécurité et l'article 259bis du Code pénal/Wetsontwerp tot wijziging van de wet van 30 november 1998 houdende regeling van de inlichtingen- en veiligheidsdienst en van artikel 259bis van het Strafwetboek*), 20 September 2016.

⁶ Belgium, [Royal Decree establishing the National Council of Security](#) (*Arrêté royal portant création du Conseil national de sécurité/Koninklijk besluit tot oprichting van de Nationale Veiligheidsraad*), 28 January 2015, Article 3. For more information on this reform, please see the Short thematic report on ‘*National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies*, page 4.

1. [Act of 6 January 2014 amending certain provisions following the Reform of the State](#), entered into force on 31 January 2014.
2. [Royal Decree of 28 January 2015 establishing the National Council of Security](#), entered into force on 28 January 2015.
3. [Act of 29 January 2016 modifying the Organic Act of 30 November 1998 concerning the intelligence and security services concerning the control of the activities of the foreign intelligence services in Belgium](#), entered into force on 4 February 2016.
4. [Law of 5 February 2016 amending the criminal law and criminal procedure and other amendments in justice matter \(Pot Pourri II\)](#), entered into force on 29 February 2016.
5. [Act of 29 May 2016 concerning the collection and retention of data in the electronic communications sector](#), entered into force on 28 July 2016.
6. [Act of 1 September 2016 modifying Article 127 of the Law of 13 June 2006 concerning electronic communications and Article 16\(2\) of the Organic Act of 30 November 1998 concerning the intelligence and security services](#), entered into force on 11 September 2016.
7. [Act of 22 December 2016 related to the processing of passengers' data \(Belgian PNR\)](#), (waiting for the royal assent – not entered into force yet).

Apart from these new legal instruments, the parliament is currently reviewing the following law proposals, bills, propositions and resolutions:⁷

1. [Proposition to modify the regulations of the House of Representatives as regards the composition of the Commission in charge to monitor the Standing Committee I and P](#), 21 January 2016.
2. [Law proposal modifying the Organic Act of the monitoring of the police service, the intelligence services and the Threat Assessment Coordination Body \(OCAM\) of 18 July 1991](#), 2 February 2016.
3. [Law proposal aiming to establish an inquiry commission in charge to investigate on the information available to the investigators before the Paris attacks and on the way they have been handled](#), 6 April 2016.
4. [Resolution proposal requiring the nomination of a commissioner responsible for monitoring the Circular of Foreign Terrorist Fighters](#), 21 April 2016.
5. [Bill concerning the case consultation between carriers of a professional secret](#), 21 June 2016.
6. [Resolution proposal aiming to establish a federal intelligence agency](#), 12 October 2016.

On 16 March 2017, the Parliament adopted the [Bill amending the Organic Act of 30 November 1998 concerning the intelligence and security services and Article 259bis of the Criminal Code](#) within the framework of the fight against terrorism. The bill aims at improving the Organic Act and to further clarify it by rectifying operational issues experienced without touching upon the existing methods, guarantees to protect the fundamental rights of citizens, or the different checks. The author of the bill, the federal government, states that the main problem relates to the procedures to be followed, which sometimes obstructed a speedy and efficient use of the methods available to the Ministry of Justice State Security service (*Veiligheid van de Staat / Sûreté de l'Etat*) and the General Service for Intelligence and Security of the Ministry of Defense (*Algemene Dienst Inlichting en Veiligheid van het Ministerie van Landsverdediging / Service Général du Renseignement et de la Sécurité du Ministère de la Défense*).⁸ Some specific methods, such as observation or searches, could not be used in situations of high urgency. As the normal – written – procedure would take too long, no decision is taken to use the method. The bill expands the high urgency procedure – oral agreement with the

⁷ While law proposals and bills are legal binding texts once they are adopted, resolutions and propositions tend to be mainly political statements, not so often followed by legal action. No timeline is provided by the House of Representatives for the adoption of the law proposals, bills, propositions and resolutions.

⁸ Belgium, House of Representatives, [Wetsontwerp tot wijziging van de wet van 30 november 1998 houdende regeling van de inlichtingen- en veiligheidsdienst en van artikel 259bis van het Strafwetboek / Project de loi modifiant de la loi du 30 novembre 1998 organique des services de renseignement et de sécurité et l'article 259bis du Code pénal](#), 20 Septembre 2016.

department head – to all specific methods. Other problems relate to the lack of clarity of certain provisions, for instance because some situations are not included or because technology has evolved. The bill includes one new specific method, namely the collection of travel data. As of yet, the bill has not yet entered into force as it has not been published yet in the Belgian Official Gazette.⁹

It is also noteworthy that no oral questions have been raised in the House of Representatives on the topic of ‘secret services’ in January¹⁰, February¹¹ or March¹² 2017. However, 11 written parliamentary questions in relation to ‘secret services’ were transmitted in January 2017 for answer by the competent department¹³. Three parliamentary questions concern the Mosques of Brussels. The first question refers to the monitoring measures, adopted by the State Security vis-à-vis of the Grand Mosque of Brussels, and what the outcomes of these surveillance measures actually are. The second and third questions concern the recognition requests lodged by 45 mosques in the Flemish region and the status of these recognition procedures based on the State Security opinions. Five other questions refer to Snowden’s revelations about the NSA and UK surveillance programs. In his questions, the member of parliament inquires if the Belgian government adopted intelligence measures aiming to prevent the interception of telecommunication data through Wi-Fi in embassies, planes and trains by foreign intelligence services. The ninth question concerns the recent conventions that certain Belgian companies have obliged their employees to sign and which enable the State Security to lead inquiries into their private lives.¹⁴ The answers to these written parliamentary questions will be examined once they have been answered.

Two written parliamentary questions were answered at the end of January 2017. The first question/answer concerns the piracy of the company Belgacom, organised by the GCHQ in the early 2010’s, and the type of security measures that were adopted by the Belgian Institute of Post and Telecommunications Services to prevent any data hacking by foreign services in the future.¹⁵ The last question/answer refers to the cybersecurity measures adopted during these last months by the SGRS to prevent any telecommunication interception by the foreign services.¹⁶ However, none of these two concerns the civil intelligence services as such.

On 3 February 2017, a written parliamentary question was submitted and answered concerning Salafist extremists in the army, which falls outside of the scope of FRA’s report.¹⁷

The Privacy Commission did not release new opinions relevant to intelligence services between January and April 2017.¹⁸

The ministers decided during the Council of Ministers of 31 March 2017 that 20 names would be added to the list of terrorists whose accounts and assets are frozen.¹⁹ It concerns an administrative decision for which no approval from a judge is needed. The Royal Decree that gives the Coordinating Body for Threat Analysis (*Coördinatieorgaan voor de Dreigingsanalyse / Ogane de coordination pour l’analyse de la menace*) the possibility to request such a measure to be taken by the government has been in place since 2006, but was used only for the first time in early 2016.²⁰ Previously, the list

⁹ Belgium, House of Representatives, [Volledige Fiche Parlementair Document nr. 54K2043](#) (accessed on 21 April 2017).

¹⁰ House of Representatives, [Interpellations&Questions orales- Service Secret](#) (accessed on 25 January 2017).

¹¹ House of Representatives, [Interpellaties & Mondelinge vragen – Geheime Dienst](#) (accessed on 28 February 2017).

¹² Belgium, House of Representatives, [Interpellaties & Mondelinge vragen – Geheime Dienst](#) (accessed on 3 April 2017).

¹³ House of Representatives, [Questions&Réponses –Service Secret](#) (accessed on 25 January 2017).

¹⁴ House of Representatives, [Questions&Answers](#) (accessed on 8 February 2017).

¹⁵ House of Representatives, [Answer to a parliamentary question nr. 0759](#), 21 January 2017.

¹⁶ House of Representatives, [Answer to a parliamentary question nr. 0997](#), 27 January 2017.

¹⁷ House of Representatives, [Schriftelijke vraag en antwoord nr. 1056](#), 3 February 2017.

¹⁸ Privacy Commission, [Onze adviezen, machtigingen en aanbevelingen](#) (accessed on 28 February 2017 and on 3 April 2017).

¹⁹ Lars Bové (De Tijd), [Regering bevriest geld van nog 20 terroristen](#), 1 April 2017.

²⁰ Belgium, [Royal Decree on specific restrictive measures directed against certain persons and entities with a view to combating the financing of terrorism](#) (Koninklijk Besluit inzake specifieke beperkende maatregelen tegen bepaalde personen en entiteiten met het oog op de strijd tegen de financiering van het terrorisme / Arrêté royal relatif aux mesures

contained 36 names. People on the list are no longer able to withdraw cash, to wire money, to use their credit card and to rent, buy or sell property.²¹

2. Reports and inquiries by oversight bodies

In Belgium, the Standing Intelligence Agencies Review Committee (Standing Committee I) monitors both intelligence services. The Standing Committee I is a permanent and independent review body responsible for reviewing the activities and functioning of both services' review. As well as the Standing Committee I, there are other authorities that can review specific aspects of the functioning of the Belgian intelligence services. For instance, the Administrative Commission exercises an ex-ante judicial review when the intelligence services resort to exceptional methods of data collection, the Data Protection Authority (Privacy Commission) is responsible for exercising the individual's right of access and correction to information processed by an intelligence service and the Appeal Body supervises the decisions relating to security clearances and certificates.

Recently, the Standing Committee I transmitted its 300-page Annual Activity Report 2015 to the House of Representatives, in which the following main topics were covered²²:

1. The follow up of the recommendations of the Standing Committee I;
2. Monitoring inquiries;
3. Monitoring of the specific data collection methods of intelligence services;
4. Monitoring the interception of communications transmitted abroad.

a. Key highlights

In this report, the Standing Committee I highlights the fact that the General Intelligence and Security Service's (SGRS) competences have been largely extended regarding the possibility to use specific data collection methods abroad and on Belgian territory. Therefore, the Standing Committee I will also see its monitoring competences enlarged, given that as it will have to monitor the use of these methods jurisdictionally.²³ It also explains that the collaboration between the different intelligence services, namely, the State Security, the SGRS and the Threat Assessment Coordination Body (OCAM) have improved significantly. The recent fight against terrorism has fostered internal and international cooperation.²⁴ In 2016, the Standing Committee I participated in three meetings with other European oversight bodies (The Netherlands, Switzerland, Denmark, Norway) resulting in an agreement to apply the same investigation scheme to the Foreign Terrorist Fighters (FTF) in order to best compare results. They also agree on a similar definition of the FTF.²⁵

b. The follow up of the recommendations

The following main recommendations have been realised in 2015:

1. The National Security Council issued a directive defining the notion of 'international and foreign counterparts' and clarifying the types of foreign intelligence services with which OCAM can engage specific contacts.

restrictives spécifique à l'encontre de certaines personnes et entités dans le cadre de la lutte contre le financement du terrorisme), 28 December 2006.

²¹ Joost Freys & Cedric Lagast (Het Nieuwsblad), [Zwarte lijst voor makelaars: deze jihadisten mogen geen huis meer kopen of huren](#), 13 March 2017.

²² House of Representatives, [Activity Report 2015 of the Standing Committee I](#) (*Rapport d'activités 2015/Activiteitenverslag 2015*), 20 December 2016.

²³ House of Representatives, [Activity Report 2015 of the Standing Committee I](#) (*Rapport d'activités 2015/Activiteitenverslag 2015*), 20 December 2016, p. 4.

²⁴ House of Representatives, [Activity Report 2015 of the Standing Committee I](#) (*Rapport d'activités 2015/Activiteitenverslag 2015*), 20 December 2016, p. 6.

²⁵ House of Representatives, [Activity Report 2015 of the Standing Committee I](#) (*Rapport d'activités 2015/Activiteitenverslag 2015*), 20 December 2016, pp. 9-10. The Hague Agreement on Foreign Terrorist Fighters is not publicly available.

2. The Belgian Intelligence Academy (BIA) was created to mitigate the lack of continuous education of personnel.

However, the Standing Committee I renewed the following recommendation: a structured consultation between the intelligence services and police services shall be implemented in order to exchange data through defined procedures.²⁶

c. Monitoring inquiries

In 2015, the Standing Committee I finalised nine inquiry reports and elaborated three supplementary reports.²⁷ The main inquiries are further discussed in the following section.

The **first inquiry** concerned the Joint Information Box (JIB), a list of names and organisations that play a key role in the radicalisation process. The Committee concluded that this list has not yet offered a great added value to the fight against radicalisation, the measures elaborated on the basis of this list being marginal.

The **second inquiry** concerned the use of funds devoted to the remuneration of the State Security and the SGRS's informers. The Committee highlighted that there is a legal gap, given that the law neither defines nor regulates the use of these funds.

The **fifth inquiry** concerned the Belgian foreign fighters and the returnees. The Committee observed that the Belgian foreign fighters and the Syrian crisis had a significant impact on the functioning of the State Security in terms of work and personnel.

The **sixth inquiry** examined if some members of the intelligence services published the nature of their function in social networks like LinkedIn and Facebook, as reported by some members of the Media in 2012. According to State Security, no cases of disclosure on LinkedIn were observed. However, checking on Facebook and on other private networks was impossible.

A similar inquiry was carried out about the personnel of the Threat Assessment Coordination Body (OCAM). Four members of the personnel were recognised as 'active on social Media', but OCAM recalled that the names of the personnel are published anyway on the Official Gazette after their nomination and a steering group is in charge of these security concerns. Nevertheless, the Standing Committees I and P concluded that the general safety regulations are not sufficient and proposed that OCAM adopt a Social Media Policy.

The **seventh inquiry** aimed to investigate the ways in which OCAM maintains contact with foreign and international intelligence services. In its observations, the Standing Committees I and P concluded that the frequency of the contacts was not exaggerated. However, it also highlighted that these contacts are not based on a strategic and clear vision and that their added value was not always obvious. In addition, the Committees emphasised that the contacts with foreign and international intelligence services, which are not their counterparts, raise more concerns in terms of the legality of their mission. They also raised the imprudence of the Director who tended to trample over the intelligence services' competences in his cooperation with foreign intelligence services. Lastly, the fact that OCAM has not fulfilled its legal obligation to submit an activity report at the end of each semester was also emphasised.

Following the Snowden revelations, the Senate Parliamentary Commission requested that the Standing Committee I conduct four inquiries between 2014 and 2015. Three of these four inquiries were completed in 2014. These three inquiries investigated the following topics:

²⁶ Comité permanent de contrôle des services de renseignements et de sécurité (2016), [Rapport d'activités 2015](#), Antwerpen, Intersentia. pp. 1-6.

²⁷ Comité permanent de contrôle des services de renseignements et de sécurité (2016), [Rapport d'activités 2015](#), Antwerpen, Intersentia.

1. The programs used by the US and the UK to collect a massive amount of data in a systematic way, the position of the Belgian intelligence services and the meaning of the notion of 'Friend State' in the context of surveillance services.
2. The application and respect of the Belgian data protection regime, regarding the massive amount of data collected by intelligence agencies.
3. The use of information collected by foreign intelligence services in criminal procedures.

The results of these inquiries were discussed in the Short thematic report '*National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies*'.

Starting in 2015, the fourth inquiry was conducted by the Committee itself. It covers the possible impacts of foreign programs such as PRISM on the protection of the scientific and economic potential of the country. Through this inquiry, the Committee examined whether or not the Belgian intelligence services had detected threats for the protection of the national scientific and economic potential and if sufficient and adequate means have been adopted to monitor the problem. The inquiry was completed in 2016; one can, therefore, expect that these conclusions will be presented in the Activity Report of 2016. Other inquiries concerning the issue of foreign (terrorist) fighters, the assessment of the threat by OCAM, the serious structural issues of OCAM and the availability of information of both intelligence services prior to the Paris attacks were opened by the Committee in 2015, and started in 2016. These inquiries' final conclusions will also most probably be presented in the activity report 2016.

d. Monitoring of the specific data collection methods of intelligence services

In 2015, the number of specific data collection methods increased from 976 in 2014 to 1,143, in 'terrorism' matters particularly. The State Security has made less use of the exceptional data collection methods, but the number of wiretapping has slightly increased (86 in 2014 and 91 in 2015). Furthermore, the emergency procedure implementing each of the specific methods (e.g. the immediate surveillance of an individual, etc.) has been used more than twice as to 2013 (11 times in 2013 and 25 times in 2015).²⁸

e. the right to remedy

In 2015, the Standing Committee I received 22 complaints from individuals. After checking the information, the Committee rejected 14 of these complaints, either because they were manifestly unfounded or because the Committee was not competent to handle these matters. The other eight complaints were followed by distinct inquiries.²⁹

The Standing Intelligence Agencies Review Committee (*Vast Comité van Toezicht op de inlichtingen- en veiligheidsdiensten / Comité permanent de contrôle des services de renseignements et de la sécurité - Committee I*), the permanent and independent body responsible for reviewing the activities and functioning of the civil and military intelligence services in Belgium, did not publish new reports or advices in February 2017.³⁰

The Standing Intelligence Agencies Review Committee (*Vast Comité van Toezicht op de inlichtingen- en veiligheidsdiensten / Comité permanent de contrôle des services de renseignements et de la sécurité - Committee I*), the permanent and independent body responsible for reviewing the activities and functioning of the civil and military intelligence services in Belgium, did not publish new reports or advices in March 2017.³¹

²⁸ Further information about these complaints is not publicly available. Comité permanent de contrôle des services de renseignements et de sécurité (2016), [Rapport d'activités 2015](#), Antwerpen, Intersentia, p. 70.

²⁹ Further information about these complaints is not publicly available. Comité permanent de contrôle des services de renseignements et de sécurité (2016), [Rapport d'activités 2015](#), Antwerpen, Intersentia, p. 7.

³⁰ Belgian Standing Intelligence Agencies Review Committee, [Publications](#) (accessed on 28 February 2017).

³¹ Belgian Standing Intelligence Agencies Review Committee, [Publications](#) (accessed on 3 April 2017).

3. Work of specific ad hoc parliamentary or non-parliamentary Commissions

A parliamentary commission of inquiry in charge of examining the terrorist attacks in Brussels was established in April 2016.³² This inquiry commission examines whether the current legislation is efficient in fighting against radicalism and terrorism and identifies the gaps and shortcomings that need to be addressed. In August 2016, the Commission issued an interim report concerning the assistance and rescue services, but the work of the intelligence services was not assessed.³³ The Commission finished its hearings on 15 February 2017.³⁴ The parliamentary commission of inquiry intended but failed to complete its final report by 15 March 2017.³⁵ The thematic focus of the report will be threefold: aid, security, and extremism. The Parliamentary Commission of Inquiry now aims at rounding up its activities by the end of April 2017.³⁶

No new reports have been published since the interim report on the assistance and rescue services from August 2016, which was mentioned in the previous monthly report.³⁷

4. Work of non-governmental organisations and academia

Last year, 2016, Amnesty International³⁸, the Belgian League of Human Rights³⁹, Federation Internationale des droits de l'homme (FIDH)⁴⁰ and Human Rights Watch⁴¹ all denounced the emergency adoption of anti-terrorist measures infringing upon human rights in the aftermath of the Paris and Brussels terrorist attacks.

Some of these criticisms focus on the anti-terrorism measures adopted by the government and do not concern the intelligence services as such. For instance, it criticises the extension of the scope of the incrimination of preparatory acts of a terrorist offence in the Criminal Code and the modification of the pre-trial detention regime of persons suspected of terrorism.⁴²

However, other criticisms concern the bill extending the intelligence services' exceptional investigative and data collection methods, currently under review by the parliamentary commission Justice.⁴³ This bill would enable, if adopted, these services to use exceptional methods such as

³² House of Representatives, [Proposition to establish a Parliamentary Investigative Commission responsible for examining the circumstances leading to the terrorist attacks of 22 March 2016 in Brussels National Airport and Maelbeek metro station](#), 11 April 2016.

³³ House of Representative – Parliamentary Inquiry Commission, [Intermediary report concerning the assistance and rescue services](#), 3 August 2016.

³⁴ Metro (2017), [Onderzoekscommissie aanslagen – Onderzoekscommissie klaar met hoorzittingen](#), 15 February 2017.

³⁵ Het Laatste Nieuws (2017), [Onderzoekscommissie aanslagen niet klaar tegen 22 maart](#), 24 February 2017.

³⁶ Het Laatste Nieuws (2017), [Onderzoekscommissie aanslagen niet klaar tegen 22 maart](#), 24 February 2017.

³⁷ House of Representatives, [Het verslag van een onderzoekscommissie](#) (accessed on 28 February 2017 and on 3 April 2017).

³⁸ Amnesty International, [Lutte contre le terrorisme : le traitement en urgence des projets de loi bafoue les droits humains](#), Press release, 12 July 2016 ; Amnesty International, [Mesures anti-terroristes : agir vite...mais pas n'importe comment](#), 27 July 2016.

³⁹ Ligue des droits de l'homme, [Amnesty International Belgique et la Ligue des droits de l'Homme désapprouvent le traitement d'urgence de trois projets de loi dans le cadre de la lutte contre le terrorisme](#), Press release, 12 July 2016 ; Ligue des droits de l'homme, [La lutte contre le terrorisme : l'urgence est mauvaise conseillère !](#), Press release, 17 July 2016

⁴⁰ Fédération internationale des droits de l'Homme, [État d'urgence : contre le terrorisme, la dérive sécuritaire reste injustifiable](#), Press release, 1 February 2016.

⁴¹ Human Rights Watch, [Sources d'inquiétude Les réponses antiterroristes de la Belgique aux attaques de Paris et de Bruxelles](#), Press release, 3 November 2016.

⁴² Amnesty International, [Lutte contre le terrorisme : le traitement en urgence des projets de loi bafoue les droits humains](#), Press release, 12 July 2016 ; Amnesty International, [Mesures anti-terroristes : agir vite...mais pas n'importe comment](#), 27 July 2016 ; Ligue des droits de l'homme, [La lutte contre le terrorisme : l'urgence est mauvaise conseillère !](#), Press release, 17 July 2016.

⁴³ Amnesty International, [Lutte contre le terrorisme : le traitement en urgence des projets de loi bafoue les droits humains](#), Press release, 12 July 2016 ; Amnesty International, [Mesures anti-terroristes : agir vite...mais pas n'importe comment](#), 27 July 2016 ; Ligue des droits de l'homme, [La lutte contre le terrorisme : l'urgence est mauvaise conseillère !](#), Press release, 17 July 2016.

recording, cyber hacking, collecting bank information in terrorism and foreign interference matters as well as making use of the extreme emergency procedure for all specific exception methods.⁴⁴ The adoption of the Retention Act and the possibility for the intelligence services to request personal data has also been raised by Human Rights Watch.⁴⁵ During a parliamentary hearing, Amnesty International presented its report on 'Security and human rights' to the House of Representatives in July 2015 where the organisation and the members of parliament exchanged their opinions on the anti-terrorist measures proposed by the government.⁴⁶

In Belgium, there is a study centre for intelligence studies called the 'Belgian Intelligence Studies Centre (BISC)'. In 2016, the following publications on intelligence services were published by scholars and practitioners' members of this centre as well as other academic scholars:

- Van Laethem, W., *"Alles onder controle! Een (ver)nieuw(d)e Kamercommissie die toeziet op de politie- en de inlichtingendiensten"* (*Everything's under control! A renewed House committee which oversees the police and intelligence services*), Vigiles, 2015.
- Coekelbergs, R., Cools, M., Libert, R., Pashley, V., Raes, J., Stans, D., Vandecasteele, R., (2015) *Gedenkboek Inlichtings- en Actieagenten, Livre-mémorial Agents de Renseignement et d'Action (Book memorial on Intelligence and Action services)*, Gedenkbuch Nachrichten und Aktionsagenten, Memorial Volume Intelligence and Action Agents, Maklu, Antwerpen, 2015.
- Cools, M., Leroy, P., Libert, R., Pashley, V., Stans, D., Testelmans, E., Van Acker, K., *1915-2015. Het verhaal van de Belgische militaire inlichtingen- en veiligheidsdienst – L'Histoire du service de renseignement militaire et de sécurité belge (2015. The history of the Belgian military intelligence and national security services)*, Maklu, Antwerpen, 2015.
- Kenneth L., Lasoen, *185 years of Belgian security service*, Journal of Intelligence History, Vol. 15 – Issue 2, 2016.
- Laurent Lemasson (Institut Pour la Justice), *Le risque terroriste et l'action quotidienne de la police (The terrorist risk and the everyday actions of the police)*, Elsevier, 2016.
- Wagner Lucas, *Une coopération entre le secteur public et le secteur privé (sous la forme d'une externalisation) pour effectuer du renseignement de sources ouvertes (OSINT) est-il envisageable ? (Is cooperation between the public sector and the private sector (in the form of outsourcing) for carrying out intelligence checks of open source information (OSINT) possible ?) Analyse des limites et opportunités*, Liège, Université de Liège, 2016.
- David Stans, *Le Comité R dans sa relation avec le Parlement et certains acteurs de l'exécutif : Cohérence ou incohérence? (The Standing Committee I in its relation with the Parliament and certain actors from the executive: Coherence or incoherence)*, Cahiers d'études du Renseignement Nr.6, Antwerpen, Maklu, 2016.
- Brockmans, E., *Evenwichten in de rechtstaat verdedigen [Interview met Vivianne Deckmyn] (Balance in defending the rule of law [Interview with Vivianne Deckmyn])*, Juristenkrant, afl. 338, 2016, p. 15.
- Vandermeersch, M., *Artikel 189ter van het Wetboek van Strafvordering – wie controleert nu wat, en hoe? (Article 189ter of the Criminal Procedure Code – who is now monitoring what and how?)*, Tijdschrift voor Strafrecht, Issue 2, 2016, p. 185-189.

⁴⁴ House of Representatives, [Bill amending the Organic Act of 30 November 1998 concerning the intelligence and security services and Article 259bis of the Criminal Code](#) (*Projet de loi modifiant la loi du 30 novembre 1998 organique des services de renseignement et de sécurité et l'article 259bis du Code pénal/Wetsontwerp tot wijziging van de wet van 30 november 1998 houdende regeling van de inlichtingen- en veiligheidsdienst en van artikel 259bis van het Strafwetboek*), 20 September 2016.

⁴⁵ Human Rights Watch, [Sources d'inquiétude Les réponses antiterroristes de la Belgique aux attaques de Paris et de Bruxelles](#), Press release, 3 November 2016.

⁴⁶ House of Representatives, [Hearing Security and Human Rights – Suggestions of Amnesty International in response to the twelve anti-terrorist measures of the government](#). (*Audition Sécurité et Droits humains: les propositions d'Amnesty International Belgique en réponse aux douze mesures du gouvernement pour lutter contre le terrorisme/ Hoorzitting Veiligheid en Mensenrechten: de voorstellen van Amnesty International België in antwoord op de twaalf maatregelen van de regering in de strijd tegen het terrorisme*), 5 June 2015.

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These publications are not publicly accessible; however, Patrick Leroy, a Member of the SGRS and coordinator of the 'Outreach' program, recently published the following paper which is publicly accessible: Patrick, Leroy, [*La communauté du renseignement belge : essai de définition \(The Belgian intelligence community: essay of definition\)*](#), Revue Militaire Belge, 2016. In his study, Patrick Leroy analyses the different models of intelligence services. He also highlights that although the Organic Act of 30 November 1998 legally recognises only two intelligence services, the SGRS and the State Security, other institutions are a part of the intelligence community, such as the Financial Information Processing Unit (CTIF), the Threat Assessment Coordination Body (OCAM), the Federal Police, the National Safety Authority, the Belgian Intelligence Academy (BIA) and the Belgian Intelligence Studies Centre (BISC).

ANNEX – Court decisions

Thematic area	Please provide the most relevant high court decision relating to the use of surveillance measure.
Decision date	<i>No decisions from the courts relating to the use of surveillance measure by the intelligence services were identified between January and April 2017.⁴⁷ Citizen complaints against the use of surveillance measure by the intelligence services can be lodged and examined by the Standing Committee I and certain information can be requested to the Privacy Commission. However, the results of their inquiries and decisions are not publicly available.⁴⁸</i>
Reference details	
Key facts of the case (max. 500 chars)	
Main reasoning/argumentation (max. 500 chars)	
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	

⁴⁷ [Juridat website](#) (accessed on 31 January 2017).

⁴⁸ [Standing Committee I website](#) (accessed on 31 January 2016).

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