Ambient Accountability:

Intelligence Services in Europe and the Decline of State Secrecy

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Introduction

In June 2013, Edward Snowden leaked remarkable details of numerous highly-classified surveillance programmes to the *Washington Post* and the *Guardian*, sparking an international furore. They revealed widespread collection against European citizens and monitoring of European premiers, notably Angela Merkel. The European media framed this episode around civil liberties, focusing upon 'the end of privacy' for the citizen. However, it is the contention of this article that the importance of Snowden era has been misunderstood. We argue that nature of privacy has, in fact, changed relatively slowly over the last decade and instead that these developments denote a 'crisis of secrecy'. The key issue is not government looking at us - but our increasing ability to look at government, and especially new ways of calling the secret state to account.

This article explores the changing politics of intelligence accountability in Europe. The media and the 'technologically enabled whistle-blower' are eroding the secrecy around intelligence services in the 'twitter age'. Moreover, the rise of large counter-terrorism bureaucracies and critical infrastructure resilience programmes in the West has meant that security information is no longer held in a few specialised national government agencies and instead is now dispersed vertically throughout government, including local government and also horizontally across business sub-contractors and overseas allies, further weakening secrecy. The United States is also an omnipresent 'European' security partner and there five million people enjoy security clearances. Meanwhile, the business of 'whistle-blowing' has become an electronic battlefield, with governments seeking technical fixes to protect secrecy, while campaign groups seek better 'whistle-blower' protection.

Information technology is central to this process. Disgruntled officials can now harvest and release entire archives of secret material with a pen drive. As disaffected employees deploy new technology to challenge secrecy, officials across Europe and America are responding with elaborate defences, including using algorithms to screening for employees thought likely to leak in the future. But the problem for the secret state is much wider than 'leaking', as mundane devices of every kind collect data at an astonishing rate, what one CIA officer has called 'the electronic exhaust fumes' of our lives. Courts and inquiries have also used this sort of data to call intelligence services to account. We may be moving towards what David Brin called 'The Transparent Society' in which governments will find it harder to hide anything (Brin 1999). As if to confirm this, in December 2016, classified documents from the German Parliament's recent inquiry into the activities of the US National Security Agency in Europe were handed to WikiLeaks and exposed (Deutche Welle 2016). Similarly, members of the Dutch Parliamentary Committee on Intelligence (CIVD) leaked material in 2014 when they felt

that the Interior Minister, Ronald Plasterk, was using them to cover up collaboration with the American NSA over meta-data collection (Stokmans 2014). Clearly, in an era of electronic revelation we are presented with the possibility of new forms of accountability - but there is uncertainty about precisely what this consists of.

Recent research has tended to emphasise the growth of informal accountability by the press and investigative journalists (Hillebrand 2012). Edward Snowden displayed a touching faith in the ability of old-school investigative journalists to interpret his secret material and to hold back what might be damaging to security. But arguably, the trend over the last decade has instead been towards direct and unfiltered disclosure via websites, undermining the role of the seasoned reporter. Indeed, one might even see the Internet as the enemy of the sort of dogged investigative journalism that has traditionally challenged secret services. Since the late 1990s, journalism has actually seen alarming changes with traditional revenue streams from advertising damaged by the Internet. Post-industrial journalism rarely has the resources for lengthy investigative reporting or legacy newsrooms. Moreover, the Internet helps the secret state to watch reporters ever more closely, chasing down and punishing their sources. Far from being the new face of accountability, the seasoned journalist pursuing the 'hot intelligence story' may be an endangered species (Bell and Owen 2017: 1-17). Others have claimed that Internet activists and digital whistle-blowers are themselves achieving a new form of accountability from below and talk of 'sous-veillance' secured through the democratization of information (van Beuren 2014). However, it is not clear how these processes achieve meaningful accountability, beyond episodic exposure.

Instead, we advance the idea of 'ambient accountability'. This is a concept developed by architects and accountants but little used by political scientists. It denotes a wider landscape in which connections between many different elements are crucial in encouraging greater transparency. Developing this notion, we argue that what we are seeing is a complex mixture of formal and informal, and indeed a mixing of surveillance from below with increasing interest from above, including European institutions and the United Nations. Civil rights lawyers retained by NGOs together with regional bodies such as the Council of Europe and the European Parliament have proved more immune to executive pressure. Meanwhile, judges have become more important in much of Europe, notably in the European Court of Justice, underlining their scepticism about the UK's 2016 legislation on electronic surveillance and data retention. Most importantly, the Internet has allowed all these diverse elements to collaborate on lengthy investigations that rival those of elected national bodies, especially when investigating transnational intelligence co-operation. This networked collaboration, often in transnational spaces, has helped to begin a cultural change in which the secret state feels increasingly obliged to explain itself.

Bodies such as the Norwegian parliament have singled out the accountability of transnational intelligence as an especially challenging problem in Europe. Ambient accountability has been siginficant in addressing this activity which does not sit comfortably in any particular European national jurisdiction. This is because enhanced connectivity has facilitated free-form collaboration of all the

elements involved, from the highest to the lowest, from the formal to informal - and most importantly from the local to the national and regional. We argue that rather than publicity or alarm-raising, it is this sharing of information and collaboration on investigations has been increasingly important to the development of ambient accountability. In some ways, these connected investigative collaborators have begun to resemble the global networks of surveillance that they seek to challenge (Qin 2015).

'Ambient accountability' is therefore about connections and collaboration. As a concept, it also allows us to include some under-recognised actors. We might consider the role of intelligence 'victims', those who have been abused or tortured and choose to bring their own testimony forward in court (Fabbrini 2014). It also embraces academics who, sifting through voluminous archives in many countries, slowly piece together the contemporary history of secret services, a role that mixes public understanding with final audit (Riste and Moland 1997). This, in turn, expands the idea of accountability in a temporal sense. In this difficult terrain, many of these processes require extended time with secrets sometimes coming to light after many years.

Secrecy, Transparency and Accountability

There is remarkably little research on the decline of state secrecy. Social scientists have instead tended to focus on the 'death of privacy', new surveillance technologies and their impact upon ordinary citizens. The conceptual underpinnings for this article are drawn from the ideas of Carl Schmitt who argues that in the modern age, the political secret has acquired a sinister reputation. Secrecy is often interpreted by political theorists as providing a discretionary space of action exempt from the rule of law and opaque to the cleansing effect of the democratic scrutiny. While secrecy serves to protect and stabilize the state, not least from powerful corporate interests and lobby groups, it can also facilitate a space of exception (Meier 2006). As Horn has argued, while secrecy is not always the direct opposite of a political culture of transparency, it is marked by a profound paradox, simultaneously consolidating and compromising machineries of governance (Horn 2011).

Unsurprisingly then, the idea of introducing a degree of 'transparency' into the realm of the national security state evokes much controversy and some of the most basic assertions and definitions are contested. Journalists insist that successful breaches in the wall of the secret state are sporadic and the general public's experience is often a denial of reasonable requests for basic government information. Meanwhile, officials energetically point to the way in which transparency can damage sensitive intelligence sources, and complain about the enormous compliance costs of openness (Fenster 2006). This idea of secrecy as something that is both necessary but frustrating to the democratic process, helps us to understand the wider landscape of intelligence accountability.

Accountability is a term that is rarely defined. It has been called a 'complex and chameleon-like term' and is often used in a normative sense in conjunction with ideas of transparency, trustworthiness and democratic governance (Mulgan 2000: 555). In his robust analysis, Mark Bovens has asked what exactly is meant by accountability and has suggested a strongly institutional answer: a relationship between an actor and a forum, 'in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences'. Central concerns include how citizens can make elected politicians answer for polices, how they in turn can scrutinize officials, and how government agencies can offer redress for mistakes (Bovens 2007). Bovens has increasingly distinguished between accountability as a normative concept or a 'virtue' and accountability as a mechanism wherein performance that can be measured and improved (Bovens 2010). This distinction suggests that comprehensive accountability needs to consider effectiveness and efficiency, as well lawfulness and propriety.

The Intelligence Studies literature is problematic because it has paid little attention to wider discussions of 'accountability' by political scientists and also because much of it has been developed in the United States where 'oversight' is often used to mean accountability (Zegart 2011). Glenn Hastedt, for example, simply states that accountability can be understood as 'an obligation to explain and justify one's actions.' Nevertheless, Hastedt also usefully observes that to be successful, intelligence accountability 'requires recognizing its fundamentally political nature rather than denying it' (Hastedt 2010: 719). This definition is helpful, since it elucidates the linkage between party politics and intelligence, which is often left unspoken, despite the fact that many formal accountability bodies are comprised of political representatives.

Formal intelligence accountability generally comprises three components: executive, regulatory and judicial. Executive control involves ministers working with senior officials who may approve major operations and is answerable to a parliamentary assembly. Regulatory control, which includes powers extended by statute and internal rules that increasingly address the European Convention on Human Rights (ECHR), is often examined retrospectively by commissioners or inspectors general. These laws often involve special parliamentary committees set up to scrutinize intelligence services – with varying rights of access to information. Finally, courts can assess the legality of actions by intelligence services, most prominently in major cases of complaint about illegality (Caparini 2007: 8-9, 13-15). But judges are complex actors as they are themselves increasingly involved in granting warrants for intrusion or surveillance. In the 1990s, it was widely assumed that, if conscientiously applied in a mature polity, these formal mechanisms would provide effective democratic control and accountability.

The media have always played an important role in highlighting abuses and urgent issues. As early as 1955, Harry Howe Ransom observed that reporters are the 'shock troops' of accountability (Johnson 2007). Gill and Phythian have commented on the historic importance of the media in bringing

accountability to the intelligence agencies, often performing a 'fire-alarm' function that then triggers formal investigations (2012). Moreover, scholars have always accepted that where these formal mechanisms of oversight remain weak, or where the overall democratic structures are under-developed, that the importance of informal watchers increases significantly (Matei 2014; Caparini 2007). Marina Caparini argues that the media increasingly represent an 'unofficial opposition', adding that when internal control does not check questionable behaviour, and external control does not identify and challenge it, leakers, journalists or a combination of the two can highlight it (Caparini 2002).

Claudia Hillebrand developed this notion by suggesting that the media can exercise intelligence accountability in a threefold capacity – as information transmitters, stimulators for formal scrutinizers, as well as legitimizing actors (Hillebrand 2012: 693-9). Cristiana Matei, has built on this further and expands the 'legitimizing' function to include liaising government with the citizens; helping boost government legitimacy; and providing a learning environment for officials and the public. (Matei 2014). Both agree that informal accountability entails the watchdog function – transmitter and stimulator – as much as it does the legitimizing function. Improved public knowledge of intelligence activities not only promotes a healthy debate about civil liberties, but constitutes a fundamental requirement for legality under ECHR. Without an outline knowledge of the nature of intelligence activities, it is difficult for citizens to seek redress or appeal to tribunals. Importantly, Hillebrand's typology also hints at a two-fold instability. First, it admits that media-based accountability is 'ad hoc' and 'uneven', given that the abuses that it reveals depend on a degree of chance. Moreover, her typology suggests that the media rarely fulfil all functions simultaneously (Hillebrand 2012).

Partly for this reason, journalists remain 'a second-class citizens' within the mainstream debate on accountability mechanisms (Zegart 2011). Although journalists have been exposing the sore-spots of state security establishments for several decades, typified by the work of Bob Woodward and Carl Bernstein, some might argue that they are merely fronts for 'whistle-blowers' who sacrifice their careers, or even endure jail, to expose abuse. Meanwhile, government has made efforts to engage with journalists by undertaking a forward strategy of information control, presented as greater openness (Gill 1996). We have seen press offices, new websites, authorised histories, museum exhibitions and even merchandising (Aldrich 2008, Moran 2013). The deliberate subversion of the media has been an alarming feature of post-democracy in countries like Hungary and Slovakia, with instances of the secret services placing their own agents inside (Wilkin 2016: 115-128). Recent revelations accusing the German Intelligence Agency (BND) of spying on the BBC, the New York Times and Reuters, have added insult to injury (Sanders 2017). In short, informal accountability through media-driven transparency looks no less problematic that formal accountability, not least because it has little power to deliver redress.

Rather more mysterious is the rise of social media, online protest and 'hacktivism' as a source of intelligence accountability. Little has been written on this subject. Yet the twitter sphere has become increasingly important in calling intelligence services to account (Karatzogianni 2015). Hacktivists have been especially energetic in the growing debate around intelligence precisely because secret services have themselves been so active in the online world. Indeed, in some areas of the world, espionage, information and communications are increasingly inter-connected even indistinct, with the security agencies themselves coining new terms such as 'social media intelligence' (Procter et al 2013; Omand, Bartlett and Miller 2012). The Internet and social media forms a rich resource for those wishing to investigate intelligence services.

The importance of social media is especially hard to discern. On the one hand, activists and bloggers have been disproportionality aggravated by issues related to intelligence because of way they view the electronic security agencies as especially pernicious elements in the war for Internet freedom. Social media has not only reported in great detail about the activities of intelligence but has also sought to impede them directly by encouraging 'hackathons' and crypto-parties where individuals are taught techniques that impede surveillance. But on the other hand, for these very reasons, governments in all countries, especially Central Europe, have taken active measures to restrict their activities and penalties for hackers have been notably severe. Moreover, the world of bloggers and hacktivists represents fertile ground for state security and intelligence services to use such groups or individuals as proxies. Recent reports have suggested that such 'pseudo-hacktivists', allegedly tasked by Russian government, were responsible for extensive attacks not only against other states but also against the civil society, academics, and members of the opposition (Hulcoop et al 2017). Director of CIA, Mike Pompeo, had also likened the international hacktivist group Wikileaks to 'a hostile non-state intelligence service' (Associated Press 2017). Arguably taking on hacktivist identities or recruiting such actors by states is not a new practice. Overall, however, current understanding of the fine line between 'genuine' and 'pseudo' hacktivists remains limited. Clearly, the Internet itself has become an intelligence battleground (Lysenko and Desouza, 2014; Mejias and Vokuev, 2017).

Failure in the West

One of the attractions of ambient accountability is its relative fluidity in addressing new forms of intelligence. Typically, the two most radical changes in intelligence and security over the last decade have been the extent to which agencies engage in international co-operation and have surged capacity by outsourcing to private entities. The net result has been the creation of a transnational surveillance

entity which, while more effective in pursuing fleeting global targets, is also notably elusive in the face of traditional accountability mechanisms in nation states. Much of the recent controversy in Europe has in fact been about the co-operation of European secret services with the American CIA and NSA. But slipperiness is not an exclusive American export. The European club of security services that work on counter-terrorism, the Counter Terrorism Group, has now developed a shared terrorist database across all EU countries, together with Norway and Switzerland. This shared activity is difficult for the national parliamentary accountability bodies in each country to examine.

In some European countries, formal accountability only arrived quite recently and so there is often an assumption that its very presence is suggestive of progress. In the 1980s, only the Netherlands and Germany boasted parliamentary bodies tasked with intelligence accountability. The majority of European countries like the UK and Sweden only placed their secret services on the statute books during the 1990s, while France completed this process in 2007 (de Graaff and Nyce 2016). Governments often take the creation of these statutes and committees, where none existed before, as a sign of success in itself, with the press reporting these structural changes positively, meanwhile their transparent failings have often been ignored (Phythian 2007, Bochel et al 2014).

These national accountability structures in Europe proved insufficiently robust to deal with the post-9/11 environment. In November 2005, Dana Priest, writing in the *Washington Post,* revealed that there had been three 'black' detention sites in Europe, reportedly located in Poland, Rumania and Lithuania. The Open Society foundation eventually concluded that fifty-four countries had collaborated with the CIA in its wider rendition programme and seventeen of these states were in Europe. But none of the national accountability bodies so patiently built up over the previous decade picked up on rendition or secret detention. Instead it was independent inquires by the Council of Europe and the European Parliament that established that European security services had been collaborators in the secret transport of victims across Europe where some had subsequently been subjected to repeated water-boarding. According to the 2007 Council of Europe report, Poland's CIA 'black site' was located at the Stare Kiejkuty military training facility, and was used for torture. Council of Europe rapporteur Dick Marty eventually observed that: 'It was only through the intentional or grossly negligent collusion of the European partners that this 'web' was able to spread also over Europe' (Eur. Parl. 2006).

National accountability bodies in Europe were vulnerable to pressure from the United States. In 2005 and 2006, State Department legal advisers toured Europe, urging America's allies not to inquire into these matters nationally and not to collaborate with pan-European inquiries, insisting that this would damage transatlantic intelligence co-operation in the war on terror. In Germany, they even offered the release of particular individuals held at Guantanamo in return for help in slowing any investigatory processes. The Americans were largely successful with national accountability bodies, but struggled with wider European bodies and also with some independent judiciaries (Zelikow 2005).

Partnership and collaboration was important in probing these matters, for while whistle-blowers and journalists had sounded the alarm, it was more formal regional institutions who proved to be effective investigators, drawing their evidence from a bewildering range of a sources, including amateur aircraft spotters logging serial numbers at the end of runways across Europe (Tulloch 2007).

In June 2013, the story repeated itself. The *Guardian* and the *Washington Post* revealed a cache of 1.7 million documents collected by former CIA officer and then NSA contractor Edward Snowden. These files detailed large-scale electronic surveillance and interference by America's NSA in collaboration with European intelligence services such as Government Communications Headquarters (GCHQ) and the German BND. Formal accountability bodies such as the UK's Intelligence and Security Committee, composed of politicians, were remarkably quick to pronounce that nothing illegal had occurred and that all activities had been covered by ministerial warrants. These assertions were vigorously contested by a range of NGOs and privacy campaign groups and in response to these initiatives, the UK's Investigatory Powers Commissioners eventually ruled that GCHQ had in fact been in breach of ECHR from as early as 1997. This was because GCHQ was obliged to offer, in outline, a sense of their overall pattern of activities and had not done so. Intriguingly, civil war then broke out between different UK accountability bodies. The UK Home Affairs Select Committee, one of a number of bodies that covet the intelligence role, declared that it did 'not believe the current system of oversight is effective' and added 'we have concerns that the weak nature of that system has an impact upon the credibility of the agencies accountability, and to the credibility of Parliament itself' (Alati 2015: 106). The Independent Reviewer of Terrorism Legislation, David Anderson QC was no less critical. These observations are telling, since the UK has often claimed to have the most sophisticated array of formal accountability mechanisms in Europe.

In Germany, the story was similar. Its standing accountability bodies were tepid in their attempts to investigate the issue and eventually MPs insisted on a special parliamentary inquiry. But leaked material now shows that BND officials used loopholes to avoid responding to questions and gave different answers in public and private sessions. The United States again put pressure on Germany not to reveal too much, with General Clapper, the head of the US intelligence community insisting that the German parliamentary inquiry was more dangerous than Snowden himself. Angela Merkel eventually chose not to release some of the material provided by America about NSA's search terms used in Europe. German legal experts increasingly talk of a structural deficit in national accountability systems. The reality is that international intelligence alliances tend to have hegemons and European national bodies are vulnerable to pressure to degrade such investigations (DeutcheWelle 2015).

In short, it is hard to escape that conclusion that European national accountability bodies, introduced with much fanfare, have performed poorly over the last decade. But neither did journalism or citizen surveillance alone deliver results. A mixture of mechanisms was required to unearth abuses and intriguingly, only a local court in Italy, has managed to secure prosecutions. A Milanese court,

despite the obstruction of the national government in Rome, has issued arrest warrants for 12 CIA officers involved in the notorious kidnapping of Abu Masr in 2002. This, in turn, suggests that it is less a matter of formality versus informality, but more a culture of dogged independence that matters. Predictably perhaps, this paper postulates that all forms of intelligence accountability work better in states with stronger democratic cultures and this is of importance as we turn our attention to matters in Central Europe.

Exporting Eastwards

Since the fall of communism, we have seen an increasingly complex combination of accountability mechanisms at play in Central Europe[1]: old and new media, leakers and whistle-blowers, NGOs and civil rights activists, together with courts and formal parliamentary committees. Yet the wider political culture in Central Europe remains unreconstructed - which results in the persistence of highly politicised and manipulative intelligence and security communities focused on regime security. Moreover, democratic regression in countries such as Hungary and Poland only amplifies these problems (Ágh 2016; Wilkin 2016; Kelemen 2017). The official accountability mechanism imported from the west have certainly proved inept. But more alarmingly, while additional informal elements of accountability are arguably in place, they are situated within a problematic political culture, and so the success of these mechanisms has been uneven. Nevertheless, we have seen a recent surge in appeals to the ECHR which represent glimmerings of ambient accountability in the region.

Encouraging effective yet accountable intelligence and security agencies across all of Europe remains an important project. Recent developments suggest that new EU members play an expanding role in the wider problem of international terrorism. Several perpetrators of the Paris (November 2015) and Brussels (March 2016) terrorist attacks allegedly spent time in Budapest, using the so-called Balkan migrant route into Hungary (Adam 2015b). Arms used in the January 2015 Charlie Hebdo massacre as well as the August 2015 attack on the French high-speed train have reportedly been traced to a sleepy little town in the North-West of Slovakia (Samuel 2015; Kantchev et al 2015). Moreover, with the ongoing problems in Ukraine and refugee issues, Central European intelligence agencies need additional capacity to address a range of new security threats, freeing themselves from old-style

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[1] Understood here as the Visegrad Four countries, Czech Republic, Hungary, Poland, and the Slovak Republic.

dynastic disputes. Accordingly, persistent politicization represents a serious problem, as it distracts from increasingly critical regional security issues (Matei and Bruneau 2011: 663-4).

We know less about intelligence accountability in Central Europe. The literature thus far has been largely Anglo-centric, prescriptive and based on a rather mechanistic understanding of intelligence reform. Most of the literature pertains to English-speaking countries. This underlines a more important point - formal intelligence accountability was manufactured in the West and exported to the East after 1989. After the fall of communism, Central European countries became a primary focus for Western security sector reform programmes (Martin 2007: 552). Beyond 2000, these programmes were extended to the states of the former Yugoslavia and indeed to Central Asian states with energetic backing from the UN, the EU and the OSCE. More recently, amid a broad assumption about the success of these activities, the former communist satellites have, in turn, begun exporting their recent reform experience to Tunisia, Afghanistan as well as the countries of Eastern Africa.

The declared ambitions of Security Sector Reform are admirable and seek to create frameworks in which both the military and the security agencies are lawful and accountable (Egnell and Haldén 2009; Martin and Wilson 2010). Yet we have little research on the actual process of policy transfer and only limited evaluation of its success. Although the literature has mapped national intelligence legislation and the formal creation of its parliamentary mechanisms, harsh secrecy laws and the general lack of data on intelligence matters hinders a systematic assessment of their performance. Nevertheless, this rush to export Western mechanisms begs the obvious question: were security advisors right to focus narrowly on parliamentary accountability bodies and regulatory infrastructure? Or did this amount to exporting damaged goods?

Two divergent schools of thought have dominated the discourse on intelligence reform and democratisation in Central Europe. The first argues that the reforms encouraged by Western intelligence agencies in Central Europe were never designed for accountability, and instead were about facilitating operational partnerships with new services (Martin 2007; Watts 2007). The second school suggests that, although the reforms imported from the West introduced new legislation and institutions in the cause of accountability, these provide the newly-democratic states with what Peter Gill referred to as, 'a veneer of legality and accountability behind which essentially unreconstructed practices continue to the detriment of human rights and freedoms' (Gill 2008: 6). Similarly, Marina Caparini warns that, in addition to laws and institutions, the process of democratising intelligence requires the agencies to learn, 'democratic habits, such as norms of nonpoliticization of intelligence and intelligence agencies among political elites' (Caparini 2014: 506). Contrary to the assumption that the EU accession process and conditionality successfully de-politicized the civil services of new member states, most remained politicized and resist ideas of transparency (Watts 2007). Roumania is perhaps the exception to the rule, displaying the most energetic efforts to implement intelligence reform (Maior 2010).

In their important study of the recent Czech, Romanian and Slovak intelligence services, Kieran Williams and Dennis Deletant identify a number of 'post-communist specificities', which distinguish accountability in post-Soviet democracies from western models (2000). They argue that in the first decade of transition from communism, insufficient trust in institutions 'beyond the family and other highly personalized networks' has tainted the public's view of some of the key state institutions. This, in turn, perpetuated mistrust towards those state agencies, which were at the forefront of communist oppression. The second problem they highlight is the politicisation of bureaucracy. Appreciating the fact that under communism, public offices were not occupied based on rules of meritocracy, but were rather guided by party affiliation, they argue that this practice has not ceased with the installation of democracy. New recruits are not chosen based on expertise but rather on how trustworthy they seem to the new post-communist elite or on personal connections. This, in turn, creates a contextual challenge when reforming the corporate culture of intelligence agencies (Williams and Deletant 2000: 17-20).

Indicators suggest that politicization and personalised networks continue to haunt the intelligence environment the Central Europe. Governments routinely appoint spy-chiefs with close ties to the government elite, often with no previous security experience, which leaves the intelligence apparatus exposed to misuse and politicization (Lefebvre 2011: 702-3). Moreover, large-scale cleansing of the state's bureaucracy by incoming governments based on allegiance, be it in the intelligence and security services, law enforcement or other ministries remains commonplace. Marián Leško, Slovakia's leading political commentator, estimated that six to ten thousand public servants are replaced following each election, dubbing this phenomenon 'a bureaucratic coup d'etat' (Leško 2011). In this environment, politically unsuitable intelligence personnel are exchanged for more reliable candidates (Nicholson 2012: 124-139).

All four Central European countries have established western-style intelligence accountability bodies drawn from their elected assemblies. Nevertheless, highly-politicised intelligence communities feature prominently in wider political scandals, often tainted by party rivalry. In 2015, a newly-elected Polish right-wing government forced its way into NATO's Counter-Intelligence Center of Excellence based in Warsaw. Using a copied key and accompanied by military police - they sought to remove the Centre's director appointed by its predecessors (Kozlowska 2015). In Hungary, extensive powers have been granted to a Counter Terrorist Unit (TEK) established in 2010 and run by Prime Minister Viktor Orbán's former bodyguard. Critics argue that TEK's competences spread well beyond the counter-terrorist realm - with their extensive surveillance competences subject only to the approval of the cabinet, made up of Orbán's party colleagues (Scheppele 2012). In fact, in 2015, the Hungarian president allegedly refused protection from the TEK unit, believing it had been informing the premier of his activities (Adam 2015b). Orbán's predecessors were no different. In 2009, Sándor Laborc, head of the Constitutional Defense Office, was widely reported to have used state institutions to blackmail or compromise political opponents, mostly from Viktor Orbán's party (Máthé 2013).

Politicized and secretive intelligence agencies continue to play for high stakes. In 2013, amidst the biggest corruption scandal in Czech history, eight politicians and high-ranking bureaucrats were arrested in a spectacular police raid - which involved a search of government offices as well as thirty other buildings. Commandeered by the then prime minister's lover and chief-of-staff, Jana Nagyová, the country's military intelligence service was employed to collect information on the prime minister's wife. Military intelligence was also deployed against two employees of the prime minister's office ('Kauza Vojenského Zpravodajství' 2016). The scandal resulted in the downfall of the government of the center-right Petr Nečas.

Slovakia's intelligence scandal of the decade had quite the opposite effect - it helped secure an unprecedented election victory for current premier Robert Fico. In 2011, an intelligence file code-named 'Gorilla' - suggesting high-profile corruption across the Slovak political spectrum - was leaked online. The file was allegedly based on a recording conducted by the country's joint civilian intelligence service (SIS), known for its political allegiance to whomever is in power, and sold for large sums of money ('Coca-Cola' 2012; 'Slovakia's general election' 2012). For several months following the leak, Slovakia saw the biggest public protests of the 21st century. The public reacted to what Martin Šimečka, leading journalist and former dissident, called '…a very public window into the bowels of Slovak politics…It is a detailed probe into a "mafia capitalism" that everyone was aware existed but few had concrete evidence of.' (Šimečka 2012). Clearly, in this febrile climate, even transparency achieved by civil society is often politicized, since journalists and campaigners conduct alliances with controversial partners who seek to expose each other's dirty laundry.

Watchdogs, Lapdogs and Sleeping Dogs

The more optimistic views of accountability through transparency suggest that in such a corrosive political climate, the media, whistle-blowers and civil society should step into the breach. However, the region's traditional media - state and privately-owned newspapers, television and radio - have a mixed record in this respect. According to media veterans, when they come across intelligence-related scandals, journalists are confronted with a dilemma: they must try to stay out of 'intelligence games' but at the same time must not keep important stories from their readers (Nicholson 2012: 8). Politicization also renders stories difficult to verify because of their instrumental use by political factions (Leško 2014). This dilemma has resulted in three different approaches to intelligence scandals: the media have acted either as watchdogs, lapdogs, or have pretended to be asleep.

The watchdogs have usually acted on anonymous leaks or built their stories around testimonies of insiders. For instance, under the 1990s semi-authoritarian regime of Slovak prime minister Vladimír Mečiar, some media joined forces with the political opposition and with what has become known as the

'parallel intelligence service'. This network, composed of active and retired intelligence officers, accumulated evidence of the SIS's misconduct and passed it on to journalists (Cibula 2011; Tóth, 2013b). Meanwhile, some media became government lapdogs. The SIS controlled the only press agency of the time, TASR, and implanted its agents in almost a dozen Slovak newspapers, television and radio stations. Remarkably, the director of the only public television was on the SIS payroll (Tóth 2014: 21, 63, 192).

Hence, politicization had either turned the media into government lapdogs or aggressive watchdogs linked to the opposition camp. In both cases, however, the media ceased to be neutral actors helping to deliver measured accountability and instead became directly involved in the political struggle. This experience, according to Canadian-Slovak investigative journalist Tom Nicholson, inflicted long-term damage on the profession, as journalists 'got used to the fact that they were not only spectators, but also actors' (Nicholson 2012: 36-8). Furthermore, others suggest that the freedom of press does not automatically lead to effective intelligence oversight when 'higher state interests' or alliances with key partners such as the United States are at stake. As seen in the case of the CIA black sites, Polish authorities were extremely reluctant to probe case (Gill and Andregg 2017). With democratic regression currently under way in Poland and Hungary similar media polarisation can also be observed there.

An environment infected with unreconstructed political and intelligence practice presents additional hurdles to journalistic work. Strict defamation legislation can have a chilling effect in the journalistic trade - leading to self-censorship (Griffen 2014). It was this defamation culture that initially led all Slovak media outlets to decline publishing stories uncovering the "Gorilla File" - as they feared the complicit businessmen and politicians could sue them (Šimečka 2012). Moreover, post-communist privatisation has tended to result in media empires that are factionalised and owned by tycoons or politicians (McNair 2006). In Central Europe, such media ownership has caused much controversy due to worries that it may lead to preferential media coverage favourable to particular interests (Hillebrand 2012: 700; Matei 2014: 94). Curiously, the extension of western institutions has also limited the operation of the press and freedom campaigners. Accession to NATO required a number of states to repeal liberal freedom of information legislation passed in the early days of post-democratisation in order to protect alliance secrets (Roberts 2010: 128-32). Accordingly, in Central Europe, the role of the seasoned reporter in covering intelligence has been occluded by the twittersphere enabling direct and unfiltered disclosure. Online newspapers, blogs or social media play an increasingly prominent role in disclosures related to intelligence. Their appeal lies in the fact that they are often anonymous and that they are free of politicized editorial scrutiny.

Leaks enabled by modern technology, have played a prominent role in exposing intelligence misuse and politicisation. But again, this new trend, does not exist in a vacuum and can be subverted

by the political climate. A range of actors - political parties, activists or hackers - are all eroding secrecy in Central Europe for quite different reasons. For instance, a 2011 leaked telephone conversation between the current Slovak Minister of Interior, Róbert Kaliňák, and a Pravda newspaper journalist revealed how politicians use leaks. In the phone call, Kaliňák coerced the Pravda journalist into being his main point of contact for leaking materials discrediting his political opponents. Ironically, the conversations were then taped by the country's Military Intelligence without proper authorisation. The scandal resulted in the dismissal of the then Minister of Defence, yet it failed to trigger any further official investigation (Kaliňák 2011).

While in Western Europe, judges have often proved a refreshingly independent source of accountability, in Central and Eastern Europe the experience has been, at best, uneven, despite the efforts of the EU to export reform (Dallara 2016, Mendelski 2016). Overall, the region's judiciaries have consistently scored some of the lowest international rankings in respect of reliability. The formal role of the judiciary is to evaluate 'intrusive measures' taken by the agencies - such as wiretaps or surveillance and to prosecute gross abuses of executive power. Although data on the role of courts is scarce, extant examples suggest a lack of challenge. Between 2006 and 2012, the SIS filed 3,121 requests for wiretaps. Only ten were denied by the country's courts - resulting in a 99.68 percent success rate (Dubéci 2013). Moreover, although the ECHR's ruling on Poland's complicity in the rendition cases triggered calls for a further domestic investigation by national jurists - this has not materialised (Williams 2015). This state of affairs reaffirms that accountability, whether formal or informal is contingent on political climate.

Despite these post-communist specificities - glimmerings of ambient accountability are increasingly apparent throughout the region. A year after the 2014 ECHR ruling on Poland's CIA black sites, the court investigated a case of mass surveillance, initiated by Hungarian activists. Here they challenged the government's intrusive surveillance measures carried out by TEK, the country's chief anti-terrorist body. Ruling in the activists' favour, the European judges found TEK's surveillance in violation of privacy by failing to provide sufficient warranties and safeguards (Rizzo 2016). In 2014, the ECHR had also investigated Russian spying in Europe - ruling that Moscow's system of secret interception of mobile communications breached the Human Rights Convention ('Ambiguous judgment' 2016). This recent surge in ECHR activity suggests that some European institutions are projecting accountability eastwards, even beyond EU borders.

Complex coalitions of actors - activists, victims, artists, journalists, judges, lawyers and politicians - have emerged on a national level demanding improved intelligence accountability. Most recently, in Slovakia such coalition of citizens managed to reverse an almost 20-year-old amnesty verdict. This was put into place by the infamous Vladimír Mečiar, whose intelligence services kidnapped the son of the then Slovak President, Michal Kováč. The kidnapping caused an international

outcry, but in order to prevent investigation Mečiar declared an amnesty on all actions connected to the event. In April 2017, pressure from this diverse coalition, fuelled by a recently-released fiction movie inspired by the kidnapping, prompted the Slovak parliament to overrule the amnesties. Here informal and formal accountability working together resuscitated an episode of unresolved Slovak intelligence history (Kern and Prušová: 2017).

As controversial intelligence issues continue to emerge, we are likely to see more of ambient accountability throughout the region. Attention is likely to focus on the alleged assistance of Central European countries in US mass surveillence. Or on the controversial issue of US and GCHQ spying on European - including Czech and Slovak - private companies through security software (Schneier 2016). Overall, although the intelligence environment in Central Europe remains unreconstructed, various actors, often acting in coalition, have contributed to spectacular breaches in secrecy and helped illuminate intelligence misuse in the region. The ability of ambient accountability to operate across borders and party lines - has helped compensate for some of the failings in the region. However, political culture remains a significant barrier to addressing controversial intelligence cases.

Conclusion

The formal patterns of intelligence accountability now widely prescribed across Europe are a product of a chance chronological confluence. After 1989, the rush towards legal identities for secret agencies and parliamentary accountability committees across Western Europe was the result of a series of court judgements that deemed faceless elements of government problematic. While these specific developments had little to do with the end of the Cold War and the associated Third Wave of democratization during the same decade, these contemporaneous processes nevertheless converged, resulting in an evangelistic export of these mechanisms eastwards. As a result, western-style parliamentary accountability bodies and intelligence statutes have become a familiar feature across all of Europe - but they have not performed well.

Accordingly, during the last decade, academic experts on intelligence have become more excited about informal accountability, delivered by a mixture of whistle-blowers, media, NGOs and activists, often acting in concert. Increasingly they inter-communicate and share data across borders giving substance to the idea of global civil society. This is in part a reaction to the puzzling problem of what to do about transnational intelligence co-operation that seems especially intractable for conventional national parliamentary committees. But while this has re-invigorated the accountability landscape, it can only expose abuses, it cannot deliver robust accountability or penalties as defined by Bovens. Therefore, courts and independently-minded judges remain important, especially at a regional

level and it is increasingly clear that better accountability requires a more complex network of actors collaborating together - denoted here as ambient accountability.

Underlying all these recent observations, whether related to informal activity by the media and civil society or more formal strictures by the courts, is a dependence on stable background of mature institutions and an open political culture. In Central and Eastern Europe, Latin America and across much of the global south this is absent. Meanwhile, the global financial crisis and the prolonged aftermath of wars in the Middle East have increased problems for democracy everywhere. In the new post-communist members of the European Union, democracy is broadly in crisis, under pressure from the rise of nationalist politics, separatism and the ongoing refugee crisis. Amid this regression there is little sign of the political progress and moderation expected by reformers a decade ago.

There can be no doubt that across much of Central Europe, whistle-blowers and the media have exposed specific wrong-doing by the intelligence services, forcing decision-makers to institute some reforms. But this has also illuminated the persistence of a regressive intelligence culture in which the secret services remain connected to political parties and personalities rather supporting democratically-controlled state structures. Even when intelligence abuses are patiently brought to light, the sanctions are modest and there seems to be little cultural change. Strengthening informal mechanisms would help. Tom Nicholson, argues that an effective way of decreasing politicization and increasing transparency is to train more journalists in investigative journalism. Moreover, as journalists often avoid covering intelligence topics due to their opacity, specialist training could help increase confidence (Nicholson, 2014). In Central Europe, there is also work to be done educating members of the judiciary, so that they understand the importance of ensuring that public figures at all levels of society are accountable before the law ('Slovakia Today', 2014). Special intelligence tribunals made up of seasoned judges with fixed tenures should be considered at least as a temporary answer to Central Europe's judicial challenges. European legislation protecting whistle-blowers and removing harsh libel laws would be especially helpful. In order for accountability and oversight to work, intelligence services must accept that we have the right to require an account of their activities, like any other public body, and that whistle-blowers are not necessarily enemies of the state.

Most importantly, we need a broader and more inclusive idea of what constitutes intelligence accountability. Even in Western Europe, the media, civil society and enhanced transparency through the digital infosphere have not proved to be the panaceas that some hoped for (Van Puyvelde, 2014). However, what we are seeing is the gradual rise of a more complex intelligence accountability community that is populated by a wider range of actors and that is increasingly connected and transnational. At the heart of ambient accountability is this sense of community and collaboration, together with an acceptance that accountability is a normal and natural part of good governance, even in secret spaces. Intelligence services too have much to gain from these processes. In a world in which

intelligence services undoubtedly faces difficult challenges, the improved effectiveness offered by good accountability is surely to be welcomed.

References:

'Ambiguous judgment of the European Court of human rights on surveillance issues'. (2016).AEDH. http://www.aedh.eu/Ambiguous-judgment-of-the-European.html, Accessed:30/4/17.

Adam, C. (2015a).'Hungary's Orbán Government Invests in Spying Technology For Use Abroad'. *Hungarian Free Press*, 9 July. http://hungarianfreepress.com/2015/07/09/hungarys-orban-government-invests-in-spying-technology-for-use-abroad/, Accessed:26/4/17.

Adam, C. (2015b).'The Hungarian president no longer trusts Orbán's secret service'. *Hungarian Free Press*. 28 March, http://hungarianfreepress.com/2015/03/28/the-hungarian-president-no-longer-trusts-orbans-secret-service/, Accessed:26/4/17.

Ágh, Attila. (2016).'The Decline of Democracy in East-Central Europe: Hungary as the worst-case scenario,' *Problems of Post-Communism* 63:5-6, 277-287.

Alati, D. (2015).'Cowardly Traitor or Heroic Whistleblower-The Impact of Edward Snowden's Disclosures on Canada and the United Kingdom's Security Establishments,' *Lincoln Memorial University Law Review,* 3:1, 91-114.

Aldrich, R.J. (2008).'Regulation by Revelation? Intelligence, the Media and Transparency', in R. Dover and M. Goodman, (eds.). *Spinning Intelligence: Why Intelligence Needs the Media, Why the Media Needs Intelligence*, New York: Columbia University Press.

Associated Press (2017).'WikiLeaks 'a hostile intelligence service' says CIA director, Mike Pompeo', *The Telegraph*. 13 April, http://www.telegraph.co.uk/news/2017/04/13/wikileaks-hostile-intelligence-service-says-cia-director-mike/, Accessed:16/10/2017.

Bell, E., and T. Owen (eds.). (2017).*Journalism after Snowden: The Future of the Free Press in the Surveillance State*, New York: Columbia University Press.

Beuren, J. van (2014).'From Oversight to Undersight: the Internationalization of Intelligence Oversight'*, Security and Human Rights*, 24:3-4, 239-252.

Birch, David, R. Brown, and Salome Parulava. (2016)'Towards ambient accountability in financial services', *Journal of Payments Strategy & Systems,* 10:2, 118-131.

Bochel, H., A. Defty and J. Kirkpatrick (2014) *Watching the Watchers: Parliament and the Intelligence Services*. Basingstoke, Palgrave.

Born, H., I. Leigh and Aidan Wills (eds.) (2011).*International Intelligence Cooperation and Accountability*, London: Routledge.

Bovens, M. (2007).'Analysing and assessing accountability: a conceptual framework', *European Law Journal,* 13:4, 447-468.

Bovens, M. (2010).'Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism'. *West European Politics,* 33:5, 946-967.

Brin, D. (1999).*The Transparent Society: Will Technology Force us to Choose Between Privacy and Freedom?* New York: Basic Books.

Caparini, M. (2014).'Comparing the Democratization of Intelligence Governance in East Central Europe and the Balkans'. *Intelligence and National Security,* 29:4, 498-522.

Caparini, M. (2007).'Controlling and Overseeing Intelligence Services in Democratic States'. In Hans Born and Marina Caparini (eds.) *Democratic Control of Intelligence Services: Containing Rogue Elephants*, Farnham: Ashgate, 3-24.

Caparini, M. (2002).'Challenges of Control and Oversight of Intelligence Services in a Liberal Democracy'. Workshop on Democratic and Parliamentary Oversight of the Intelligence Services, DCAF, Geneva, 3-5 October 2002, l-60.

Cibula. I. (2011).'Limity lojality príslušníkov spravodajských služieb'. In *Problémy spravodajských služieb v otvorenej spoločnosti. Zborník 5.medzinárodného sympózia ABSD*. Bratislava.

Dallara, Cristina. (2016).'Ten Years of EU-Driven Judicial Reforms in Southeastern Europe: The EU Leverage and Domestic Factors at Stake,' *Southeastern Europe* 40:3, 385-414.

DeutcheWelle (2015).'Reining in the BND: intel oversight's "structural deficit"'. 12 May.

DeutscheWelle (2016).'Wikileaks releases 2,420 documents from German government NSA inquiry', 1 Dec.

Dubéci, M. (2013).'Symbolická kontrola tajných služieb'. *Blog.sme.sk*. 15 May. https://dubeci.blog.sme.sk/c/328387/Symbolicka-kontrola-tajnych-sluzieb.html, Accessed:26/4/17.

Egnell, R., and Peter Haldén (2009).'Laudable, ahistorical and overambitious: security sector reform meets state formation theory'. *Conflict, Security and Development,* 9:1, 27-54.

Eur. Parl. (2006).*Alleged Secret Detentions and Unlawful Inter-state Transfers Involving Council of Europe Member States, Draft Report-Part II*, Doc. No. AS/Jur (2006) 16 Part II (June).

Fabbrini, F. (2014).'The European Court of Human Rights, extraordinary renditions and the right to the truth'. *Human Rights Law Review,* 14:1, 85-106.

Fenster, M. (2006).'The Opacity of Transparency'. *Iowa Law Review*, 91:3, 885-949.

Fila, L. (2012).'Coca-Cola'. *The Slovak Spectator*, 22 Mar. https://spectator.sme.sk/c/20042907/coca-cola.html, Accessed:26/4/17.

Gill, P. (1996).'Reasserting control: Recent changes in the oversight of the UK intelligence community'. *Intelligence and National Security*, 11:2, 313-31.

Gill, P. (2013).Obstacles to the Oversight of the UK Intelligence Community. *E-International Relations,* 19 July. http://www.e-ir.info/2013/07/19/obstacles-to-the-oversight-of-the-uk-intelligence-community/, Accessed:4/2/15.

Gill, P., and M. Phythian (2012).*Intelligence in an Insecure World.* Cambridge: Polity.

Gill, P. (2008).'Introduction', in Stuart Farson, Peter Gill and Shlomo Shpiro (eds.). *PSI Handbook of Global Security and Intelligence: National Approaches, Vol.1*. New York: Praeger.

Gill, P., and M. Andregg (eds.) (2017).*Democratization of Intelligence*. Oxon, New York: Routledge.

de Graaff, B., and James Nyce (2016).*The Handbook of European Intelligence Cultures*. Lanham, MD: Rowman & Littlefield.

Griffen, S. (2014).IPI Austria Director of Press Freedom Programmes. The Freedom of Media Conference – 25 Years After, Bratislava, 25 Nov.

Hastedt, G. (2010).'The Politics of Intelligence Accountability'. in L. Johnson (ed.). *The Oxford Handbook of National Security Intelligence*, Oxford: Oxford University Press, 719-34.

Hess, S. (2012).'German Intelligence Organizations and the Media'. *Journal of Intelligence History*, 9:1/2, 75-87.

Hillebrand, C. (2012).'The Role of News Media in Intelligence Oversight'. *Intelligence and National Security,* 27:5, 689-706.

Horn, E. (2011).'Secrecy and Transparency'. *Theory Culture and Society*, 28:1, 103-22.

Hulcoop, A., et. al. (2017).'Tainted Leaks. Disinformation and Phishing With a Russian Nexus'. *The Citizen Lab*. 25 May, https://citizenlab.ca/2017/05/tainted-leaks-disinformation-phish/. Accessed:16/10/2017.

Johnson, L.K. (2007).'Harry Howe Ransom and American Intelligence Studies'. *Intelligence and National Security* 22:2, 402-28.

'Kauza Vojenského Zpravodajství: Soud Zrušil Osvobozující Verdikt'. (2016).*TÝDEN.cz*. 27 Dec. http://www.tyden.cz/rubriky/domaci/kauzy/kauza-vojenskeho-zpravodajstvi-soud-zrusil-osvobozujici-verdikt_411258.html. Accessed:26/4/17.

'Kaliňák: Nie je podstatný rozhovor s novinárkou, ale obludnosť Galka' (2011).*Pravda.* 24 Nov. http://spravy.pravda.sk/domace/clanok/172494-kalinak-nie-je-podstatny-rozhovor-s-novinarkou-ale-obludnost-galka/, Accessed:14/12/2015.

Kantchev, G. et al (2015).'Slovakian Shop Is Eyed as Source of Guns in Prior Terror Attacks.' *The Wall Street Journal*, 27 Nov. http://www.wsj.com/articles/slovakia-shop-believed-to-be-source-of-guns-in-two-french-terror-attacks-1448629216, Accessed:15/12/15.

Karatzogianni, A. (2015).*Firebrand Waves of Digital Activism 1994-2014*. London: Springer.

Kelemen, R.D. (2017).'Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union'. *Government and Opposition*, 1-28.

Kern, M. and Veronika Prušová. (2017).'Parlament po 19 rokoch zrušil Mečiarove amnestie.' *DenníkN*. 5 Apr. https://dennikn.sk/725833/zrusili-co-sa-vraj-zrusit-nedalo-co-doteraz-o-amnestiach-hovorili-v-smere-a-inych-stranach/, Accessed:25/4/17.

Kozlowska, H. (2015).'Poland's New Government Raided NATO-Affiliated Counter-Intelligence Offices in the Middle of the Night,' *Quartz*. 18 Dec. https://qz.com/obsessions/, Accessed:26/4/17.

Scheppele, K.L. (2012).'The New Hungarian Secret Police'. *Paul Krugman Blog*. 19 Apr. https://krugman.blogs.nytimes.com/2012/04/19/the-new-hungarian-secret-police/?_r=3, Accessed:25/4/17.

Leško, M. (2011).'Keď sa z excesu stala norma,' *www.etrend.sk.* 14 Sept. https://www.etrend.sk/trend-archiv/rok-2011/cislo-37/ked-sa-z-excesu-stala-norma.html, Accessed:24/4/17.

Leško, M. (2014).Interview. 7 Nov. Bratislava.

Lysenko, V.V. and Kevin Desouza (2014).'Charting the coevolution of cyberprotest and counteraction: The case of former Soviet Union states from 1997 to 2011'. *Convergence* 20.2: 176-200.

Lefebvre, S. (2011).'The Czech Experience with Intelligence Reforms, 1993–2010'. *International Journal of Intelligence and CounterIntelligence*, 24:4, 692-710.

Maior, G.C. (ed). (2010).*A Mind War: Intelligence, Secret Services and Strategic Knowledge in the 21st Century*, Bucharest: RAO Publishing House.

Martin, A., and Peter Wilson (2010).'The Role of the Private Sector in Security Sector Reform', in Mark Sedra (ed.), *The Future of Security Sector Reform*, Waterloo, Ontario: CIGI. 314-27.

Martin, A. (2007).'The lessons of Eastern Europe for modern intelligence reform'. *Conflict, Security and Development* 7:4, 551-77.

Matei, F.C., and T.C. Bruneau (2011).'Policymakers and Intelligence Reform in the New Democracies'. *International Journal of Intelligence and CounterIntelligence,* 24:4, 656-691.

Matei F.C. (2014).'The Media's Role in Intelligence Democratization'. *International Journal of Intelligence and CounterIntelligence,* 27:1, 73-108.

Máthé, Á. (2013).'Tip Of The Iceberg? Conspiracy Scandal Shakes Hungarian Public Life', *Mandiner's Hungarian Globe. http://mandiner.hu/*. 24 Apr. http://hungarianglobe.mandiner.hu/cikk/20130424_tip_of_the_iceberg_conspiracy_scandal_shakes_hungarian_public_life, Accessed:26/4/17.

McNair, B. (2006).*Cultural chaos: journalism and power in a globalised world*. London: Routledge.

Meier, H. (2006).*Carl Schmitt and Leo Strauss.* Chicago: University of Chicago Press.

Mejias, U. A., and Nikolai E. Vokuev (2017).'Disinformation and the media: the case of Russia and Ukraine'. *Media, Culture and Society*. Online first.

Mendelski, Martin (2016).'Europeanization and the rule of law: Towards a pathological turn,' *Southeastern Europe* 40.3, 346-384.

Moran, C. (2013).*Classified: Secrecy and the State in Modern Britain*. Cambridge: Cambridge University Press.

Mulgan, R. (2000).'"Accountability": An Ever-Expanding Concept?'. *Public Administration,* 78:3, 555-73.

Nicholson, T. (2012).*Gorila*. Bratislava: Dixit.

Nicholson, T. (2014).Interview. 27 Oct. Bratislava.

Parasie, S., and E. Dagiral (2013).'Data-driven journalism and the public good'. *New Media and Society,* 15:4, 853-71.

Phythian, M. (2007).'The British experience with intelligence accountability'. *Intelligence and National Security,* 22:1, 75-99.

Procter, R., et al (2013).'Reading the riots: What were the Police doing on Twitter?'. *Policing and Society,* 23:4, 413-36.

Qin, J. (2015).'Hero on Twitter, traitor on news: How social media and legacy news frame Snowden'. *The International Journal of Press/Politics,* 20:2, 166-84.

Riste, O., and A. Moland (1997).*'Stengt Hemmelig': Norsk etterretningstenste.* Olso: Universitetsfolaget.

Rizzo, G. (2016).'Szabò and Vissy V. Hungary: A Step Back?'. 5 Feb. http://www.mmlex.it/en/english-szabo-and-vissy-v-hungary-a-step-back/, Accessed:30/4/2017.

Roberts, A. (2010).*Blacked Out: Government Secrecy in the Information Age*. New York: Oxford University Press.

Samuel, H. (2015).'Charlie Hebdo shootings: Automatic rifles used in Paris attacks traced to shop in Slovakia'. *Telegraph*, 18 Feb. http://www.telegraph.co.uk/news/worldnews/europe/france/11420946/Charlie-Hebdo-shootings-Automatic-rifles-used-in-Paris-attacks-traced-to-shop-in-Slovakia.html, Accessed:13/12/15.

Sanders, L. (2017).'Germany's spy agency monitored journalists across the globe'. *DeutscheWelle*. 24 Feb. http://www.dw.com/en/report-germanys-spy-agency-monitored-journalists-across-the-globe/a-37709878, Accessed:26/4/17.

Schneier, B. (2016).'NSA and GCHQ Attacked Antivirus Companies'. *Schneier on Security*. 26 June. https://www.schneier.com/blog/archives/2015/06/nsa_and_gchq_at.html, Accessed:30/4/17.

'Secret detention sites'. (2016).European Court of Human Rights. June. http://www.echr.coe.int/Documents/FS_Secret_detention_ENG.PDF, Accessed:26/4/17.

'Slovakia's general election. Fico enters the jungle'. (2012).*The Economist*, 17 Mar. http://www.economist.com/node/21550331, Accessed:15/12/15.

'Slovakia Today'. (2014).*Radio Slovakia International*. 26 Nov. http://www.rtvs.sk/radio/archiv/1487/88036, Accessed:15/12/15.

Stokmans, D. (2014).Afluisterzaak besproken in 'commissie-stiekem', zij acht zich niet geïnformeerd. NRC.NL 18 Feb. https://www.nrc.nl/nieuws/2014/02/18/afluisterzaak-al-in-december-besproken-in-commissie-stiekem-a1427099 Accessed:15/12/15.

Šimečka, M.M. (2012).'A Gorilla tearing down the system' *Respekt*. 1 Feb. http://www.voxeurop.eu/en/content/article/1468351-gorilla-tearing-down-system, Accessed:15/12/15.

Tóth, P. (2014).Komando 52: Najšpinavšie operácie SIS. Bratislava: Dixit.

Tóth, P. (2013). Krycie meno Bežec. Bratislava: Dixit.

Tulloch, J. (2007).'Hunting ghost planes: An interview with journalist Stephen Grey'. *Journalism* 8:5, 510-16.

Van Puyvelde, D. (2014).'Intelligence, Democratic Accountability, and the Media in France'. *Democracy and Security,* 10:3, 287-305.

Watts, L. (2007).'Intelligence Reform in Europe's Emerging Democracies'. *Studies in Intelligence* 48:1, https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol48no1/article02.html#author1,

Wilkin, P. (2016).*Hungary's Crisis of Democracy: The Road to Serfdom*. Lexington Books.

Williams, C.J. (2015). 'Poland feels sting of betrayal over CIA "black site"'. *Los Angeles Times*. 10 May. http://www.latimes.com/world/europe/la-fg-poland-cia-blacksite-20150510-story.html, Accessed:9/12/15.

Williams, K., and Deletant Dennis (2000).*Security Intelligence Services in New Democracies. The Czech Republic, Slovakia and Romania. Studies in Russia and East Europe*. London: Palgrave.

Zegart, A. (2011).*Eyes on Spies: Congress and the United States Intelligence Community*. Stanford: Hoover Institute Press.

Zelikow, P. (2005).State Department Counselor, and John B. Bellinger III, State Department Legal Advisor, 'Detainees-The Need for a Stronger Legal Framework'. Unclassified, July 2005, nsarchive.gwu.edu, Accessed:10/12/15.