Espionage

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*For other uses, see*[*Espionage (disambiguation)*](https://en.wikipedia.org/wiki/Espionage_(disambiguation))*.*

*"Spy" and "Secret agent" redirect here. For other uses, see*[*Spy (disambiguation)*](https://en.wikipedia.org/wiki/Spy_(disambiguation))*and*[*Secret agent (disambiguation)*](https://en.wikipedia.org/wiki/Secret_agent_(disambiguation))*.*

**Espionage** (colloquially, **spying**) is the obtaining of [secret](https://en.wikipedia.org/wiki/Secrecy) or [confidential information](https://en.wikipedia.org/wiki/Confidentiality) without the [permission](https://en.wikipedia.org/wiki/Consent) of the holder of the information. Spies help agencies uncover secret information. Any individual or spy ring (a cooperating group of spies), in the service of a [government](https://en.wikipedia.org/wiki/Government), [company](https://en.wikipedia.org/wiki/Company) or independent operation, can commit espionage. The practice is [clandestine](https://en.wikipedia.org/wiki/Clandestine_operation), as it is by definition unwelcome and in many cases [illegal](https://en.wikipedia.org/wiki/Crime) and [punishable](https://en.wikipedia.org/wiki/Punishable) by law. Espionage is a subset of "[intelligence](https://en.wikipedia.org/wiki/Intelligence_assessment)" gathering, which includes espionage as well as information gathering from public sources.

Espionage is often part of an institutional effort by a government or commercial concern. However, the term tends to associate with state spying on potential or actual enemies for [military](https://en.wikipedia.org/wiki/Military_intelligence) purposes. Spying involving [corporations](https://en.wikipedia.org/wiki/Corporation) is known as [industrial espionage](https://en.wikipedia.org/wiki/Industrial_espionage).

One of the most effective ways to gather data and information about the [enemy](https://en.wikipedia.org/wiki/Enemy) (or potential enemy) is by infiltrating the enemy's ranks. This is the job of the spy (espionage agent). Spies can return all sorts of information concerning the size and strength of [enemy forces](https://en.wikipedia.org/wiki/Enemy_force). They can also find dissidents within the enemy's forces and influence them to defect. In times of crisis, spies can also oblige to steal technology and [sabotage](https://en.wikipedia.org/wiki/Sabotage) the enemy in various ways. [Counterintelligence](https://en.wikipedia.org/wiki/Counterintelligence) is the practice of various means of thwarting enemy espionage and intelligence-gathering. Almost all [nations](https://en.wikipedia.org/wiki/Sovereign_state) have strict laws concerning espionage and the penalty for being caught is often severe. However, the benefits through espionage are often great enough that most governments and many large corporations make use of it to varying degrees.

Further information on [clandestine human intelligence](https://en.wikipedia.org/wiki/Clandestine_human_intelligence) and [human intelligence](https://en.wikipedia.org/wiki/Human_intelligence_(intelligence_gathering)) information collection techniques is available, including discussions of [operational techniques](https://en.wikipedia.org/wiki/Clandestine_HUMINT_operational_techniques), [asset recruiting](https://en.wikipedia.org/wiki/Recruitment_of_spies), and the [tradecraft](https://en.wikipedia.org/wiki/Tradecraft) used to collect this information.

*Main article:*[*History of espionage*](https://en.wikipedia.org/wiki/History_of_espionage)

**Today**

Today, espionage agencies target the [illegal drug trade](https://en.wikipedia.org/wiki/Illegal_drug_trade) and [terrorists](https://en.wikipedia.org/wiki/Terrorism) as well as state actors. Since 2008, the United States has charged at least 57 defendants for attempting to [spy for China](https://en.wikipedia.org/wiki/Chinese_intelligence_activity_in_other_countries#United_States).[[2]](https://en.wikipedia.org/wiki/Espionage#cite_note-2)

Different intelligence services value certain [intelligence collection techniques](https://en.wikipedia.org/wiki/List_of_intelligence_gathering_disciplines) over others. The former Soviet Union, for example, preferred [human sources](https://en.wikipedia.org/wiki/HUMINT) over research, while the United States has tended to emphasize technological methods such as [SIGINT](https://en.wikipedia.org/wiki/Signals_intelligence) and [IMINT](https://en.wikipedia.org/wiki/IMINT). Both Soviet political ([KGB](https://en.wikipedia.org/wiki/KGB)) and [military intelligence](https://en.wikipedia.org/wiki/Military_intelligence) ([GRU](https://en.wikipedia.org/wiki/Glavnoye_Razvedyvatel%27noye_Upravleniye)) officers were judged by the number of agents they recruited.

Targets of espionage

Espionage agents are usually trained experts in a specific targeted field so they can differentiate mundane information from targets of intrinsic value to their own organizational development. Correct identification of the target at its execution is the sole purpose of the espionage operation.

Broad areas of espionage targeting expertise include:

* [Natural resources](https://en.wikipedia.org/wiki/Natural_resource): strategic production identification and assessment (food, energy, materials). Agents are usually found among bureaucrats who administer these resources in their own countries
* [Popular sentiment](https://en.wikipedia.org/wiki/Public_opinion) towards domestic and foreign policies (popular, middle class, elites). Agents often recruited from field journalistic crews, exchange postgraduate students and sociology researchers
* Strategic economic strengths (production, research, manufacture, infrastructure). Agents recruited from science and technology academia, commercial enterprises, and more rarely from among military technologists
* [Military capability](https://en.wikipedia.org/wiki/Military_capability) intelligence (offensive, defensive, maneuver, naval, air, space). Agents are trained by special military espionage education facilities, and posted to an area of operation with covert identities to minimize prosecution
* [Counterintelligence](https://en.wikipedia.org/wiki/Counterintelligence) operations specifically targeting opponents' intelligence services themselves, such as breaching confidentiality of communications, and recruiting defectors or moles

Methods and terminology

Although the news media may speak of "spy satellites" and the like, espionage is not a synonym for all intelligence-gathering disciplines. It is a specific form of human source intelligence (HUMINT). Codebreaking ([cryptanalysis](https://en.wikipedia.org/wiki/Cryptanalysis) or [COMINT](https://en.wikipedia.org/wiki/COMINT)), aircraft or satellite photography, ([IMINT](https://en.wikipedia.org/wiki/IMINT)) and research in open publications (OSINT) are all intelligence gathering disciplines, but none of them are considered espionage. Many HUMINT activities, such as prisoner [interrogation](https://en.wikipedia.org/wiki/Interrogation), reports from military reconnaissance patrols and from diplomats, etc., are not considered espionage. Espionage is the disclosure of sensitive information (classified) to people who are not cleared for that information or access to that sensitive information.

Unlike other forms of [intelligence collection disciplines](https://en.wikipedia.org/wiki/List_of_intelligence_gathering_disciplines), espionage usually involves accessing the place where the desired information is stored or accessing the people who know the information and will divulge it through some kind of [subterfuge](https://en.wikipedia.org/wiki/Deception). There are exceptions to physical meetings, such as the [Oslo Report](https://en.wikipedia.org/wiki/Oslo_Report), or the insistence of [Robert Hanssen](https://en.wikipedia.org/wiki/Robert_Hanssen) in never meeting the people who bought his information.

The US defines espionage towards itself as "The act of obtaining, delivering, transmitting, communicating, or receiving information about the national defense with an intent, or reason to believe, that the information may be used to the injury of the United States or to the advantage of any foreign nation". [*Black's Law Dictionary*](https://en.wikipedia.org/wiki/Black%27s_Law_Dictionary)(1990) defines espionage as: "... gathering, transmitting, or losing ... information related to the [national defense](https://en.wikipedia.org/wiki/Defense_(military))". Espionage is a violation of United States law, [18 U.S.C.](https://en.wikipedia.org/wiki/Title_18_of_the_United_States_Code) [§§ 792](https://www.law.cornell.edu/uscode/text/18/792)–[798](https://www.law.cornell.edu/uscode/text/18/798) and Article 106a of the [Uniform Code of Military Justice](https://en.wikipedia.org/wiki/Uniform_Code_of_Military_Justice)".[[4]](https://en.wikipedia.org/wiki/Espionage#cite_note-4) The United States, like most nations, conducts espionage against other nations, under the control of the [National Clandestine Service](https://en.wikipedia.org/wiki/National_Clandestine_Service). Britain's espionage activities are controlled by the [Secret Intelligence Service](https://en.wikipedia.org/wiki/Secret_Intelligence_Service).

**Technology and techniques**

*See also:*[*Tradecraft*](https://en.wikipedia.org/wiki/Tradecraft)*and*[*List of intelligence gathering disciplines*](https://en.wikipedia.org/wiki/List_of_intelligence_gathering_disciplines)

* [Agent handling](https://en.wikipedia.org/wiki/Agent_handling)
* [Concealment device](https://en.wikipedia.org/wiki/Concealment_device)
* [Covert agent](https://en.wikipedia.org/wiki/Covert_agent)
* [Covert listening device](https://en.wikipedia.org/wiki/Covert_listening_device)
* [Cut-out](https://en.wikipedia.org/wiki/Cut-out_(espionage))
* [Cyber spying](https://en.wikipedia.org/wiki/Cyber_spying)
* [Dead drop](https://en.wikipedia.org/wiki/Dead_drop)
* [False flag](https://en.wikipedia.org/wiki/False_flag) operations
* [Honeypot](https://en.wikipedia.org/wiki/Clandestine_HUMINT_asset_recruiting#Love,_honeypots,_and_recruitment)
* [Interrogation](https://en.wikipedia.org/wiki/Interrogation)
* [Non-official cover](https://en.wikipedia.org/wiki/Non-official_cover)
* [Numbers messaging](https://en.wikipedia.org/wiki/Numbers_station)
* [Official cover](https://en.wikipedia.org/wiki/Official_cover)
* [One-way voice link](https://en.wikipedia.org/wiki/One-way_voice_link)
* [Safe house](https://en.wikipedia.org/wiki/Safe_house)
* [Side channel attack](https://en.wikipedia.org/wiki/Side_channel_attack)
* [Steganography](https://en.wikipedia.org/wiki/Steganography)
* [Surveillance](https://en.wikipedia.org/wiki/Surveillance)
* [Surveillance aircraft](https://en.wikipedia.org/wiki/Surveillance_aircraft)

Organization[[edit](https://en.wikipedia.org/w/index.php?title=Espionage&action=edit&section=6)]



An intelligence officer's clothing, accessories, and behavior must be as unremarkable as possible — their lives (and others') may depend on it.

A spy is a person employed to seek out top secret information from a source. Within the [United States Intelligence Community](https://en.wikipedia.org/wiki/United_States_Intelligence_Community), "asset" is a more common usage. A [case officer](https://en.wikipedia.org/wiki/Case_officer), who may have [diplomatic status](https://en.wikipedia.org/wiki/Diplomatic_protection) (i.e., [official cover](https://en.wikipedia.org/wiki/Official_cover) or [non-official cover](https://en.wikipedia.org/wiki/Non-official_cover)), supports and directs the human collector. Cutouts are [couriers](https://en.wikipedia.org/wiki/Courier) who do not know the agent or case officer but transfer messages. A house is a refuge for spies. Spies often seek to obtain secret information from another source.

In larger networks the organization can be complex with many methods to avoid detection, including [clandestine cell systems](https://en.wikipedia.org/wiki/Clandestine_cell_system). Often the players have never met. Case officers are stationed in foreign countries to recruit and to supervise intelligence agents, who in turn spy on targets in their countries where they are assigned. A spy need not be a citizen of the target country—hence does not automatically commit [treason](https://en.wikipedia.org/wiki/Treason) when operating within it. While the more common practice is to recruit a person already trusted with access to sensitive information, sometimes a person with a well-prepared synthetic identity (cover background), called a *legend* in tradecraft, may attempt to infiltrate a target organization.

These agents can be [moles](https://en.wikipedia.org/wiki/Mole_(espionage)) (who are recruited before they get access to secrets), [defectors](https://en.wikipedia.org/wiki/Defection) (who are recruited after they get access to secrets and leave their country) or [defectors in place](https://en.wikipedia.org/wiki/Clandestine_HUMINT#Defector_in_place) (who get access but do not leave).

A *legend* is also employed for an individual who *is not* an illegal agent, but is an ordinary citizen who is "relocated", for example, a "protected witness". Nevertheless, such a non-agent very likely will also have a case officer who will act as controller. As in most, if not all synthetic identity schemes, for whatever purpose (illegal or legal), the assistance of a controller is required.

Spies may also be used to spread disinformation in the organization in which they are planted, such as giving false reports about their country's military movements, or about a competing company's ability to bring a product to market. Spies may be given other roles that also require infiltration, such as [sabotage](https://en.wikipedia.org/wiki/Sabotage).

Many governments routinely spy on their allies as well as their enemies, although they typically maintain a policy of not commenting on this. Governments also employ private companies to collect information on their behalf such as [SCG International Risk](https://en.wikipedia.org/wiki/SCG_International_Risk), [International Intelligence Limited](https://en.wikipedia.org/wiki/International_Intelligence_Limited) and others.

Many organizations, both national and non-national, conduct espionage operations. It should not be assumed that espionage is always directed at the most secret operations of a target country. National and terrorist organizations and other groups are also targets. This is because governments want to retrieve information that they can use to be proactive in protecting their nation from potential terrorist attacks.

Communications both are necessary to espionage and [clandestine operations](https://en.wikipedia.org/wiki/Clandestine_operation), and also a great vulnerability when the adversary has sophisticated SIGINT detection and interception capability. Agents must also transfer money securely.

Industrial espionage

*Main article:*[*Industrial espionage*](https://en.wikipedia.org/wiki/Industrial_espionage)

Reportedly [Canada](https://en.wikipedia.org/wiki/Canada) is losing $12 billion and [German](https://en.wikipedia.org/wiki/Germany) companies are estimated to be losing about €50 billion ($87 billion) and 30,000 jobs[[7]](https://en.wikipedia.org/wiki/Espionage#cite_note-7) to industrial espionage every year.

Agents in espionage[[edit](https://en.wikipedia.org/w/index.php?title=Espionage&action=edit&section=8)]

In espionage jargon, an "agent" is the person who does the spying; a citizen of one country who is recruited by a second country to spy on or work against his own country or a third country. In popular usage, this term is often erroneously applied to a member of an intelligence service who recruits and handles agents; in espionage such a person is referred to as an *intelligence officer*, *intelligence operative* or *case officer*. There are several types of agent in use today:

* [Double agent](https://en.wikipedia.org/wiki/Double_agent): "engages in clandestine activity for two intelligence or security services (or more in joint operations), who provides information about one or about each to the other, and who wittingly withholds significant information from one on the instructions of the other or is unwittingly manipulated by one so that significant facts are withheld from the adversary. [Peddlers](https://en.wikipedia.org/wiki/Peddler), [fabricators](https://en.wikipedia.org/wiki/Fabricator_(intelligence)), and others who work for themselves rather than a service are not double agents because they are not agents. The fact that double agents have an agent relationship with both sides distinguishes them from penetrations, who normally are placed with the target service in a staff or officer capacity."
* [Redoubled agent](https://en.wikipedia.org/wiki/Re-doubled_agent): forced to mislead the foreign intelligence service after being caught as a double agent.
* Unwitting double agent: offers or is forced to recruit as a double or redoubled agent and in the process is recruited by either a third-party intelligence service or his own government without the knowledge of the intended target intelligence service or the agent. This can be useful in capturing important information from an agent that is attempting to seek allegiance with another country. The **double agent** usually has knowledge of both intelligence services and can identify operational techniques of both, thus making third-party recruitment difficult or impossible. The knowledge of operational techniques can also affect the relationship between the [operations officer](https://en.wikipedia.org/wiki/Operations_officer) (or [case officer](https://en.wikipedia.org/wiki/Case_officer)) and the agent if the case is transferred by an [operational targeting officer](https://en.wikipedia.org/w/index.php?title=Operational_targeting_officer&action=edit&redlink=1) to a new operations officer, leaving the new officer vulnerable to attack. This type of transfer *may* occur when an officer has completed his term of service or when his *cover* is blown.
* [Triple agent](https://en.wikipedia.org/wiki/Triple_agent): works for three intelligence services.
* Intelligence agent: provides access to [sensitive information](https://en.wikipedia.org/wiki/Sensitive_information) through the use of special privileges. If used in *corporate intelligence* gathering, this may include gathering information of a corporate business venture or [stock portfolio](https://en.wikipedia.org/wiki/Portfolio_(finance)). In *economic intelligence*, "Economic Analysts may use their specialized skills to analyze and interpret economic trends and developments, assess and track foreign financial activities, and develop new econometric and modeling methodologies." This may also include information of trade or tariff.
* Access agent: provides access to other potential agents by providing [profiling](https://en.wikipedia.org/wiki/Offender_profiling) information that can help lead to recruitment into an intelligence service.
* Agent of influence: provides [political influence](https://en.wikipedia.org/w/index.php?title=Political_influence&action=edit&redlink=1) in an area of interest, possibly including [publications](https://en.wikipedia.org/wiki/Propaganda) needed to further an intelligence service agenda. The use of the media to print a story to [mislead](https://en.wikipedia.org/wiki/Disinformation) a foreign service into action, exposing their operations while under surveillance.
* [Agent provocateur](https://en.wikipedia.org/wiki/Agent_provocateur): instigates trouble or provides information to gather as many people as possible into one location for an arrest.
* [Facilities agent](https://en.wikipedia.org/w/index.php?title=Facilities_agent&action=edit&redlink=1): provides access to buildings, such as [garages](https://en.wikipedia.org/wiki/Garage_(residential)) or offices used for [staging](https://en.wikipedia.org/wiki/Staging_area) operations, resupply, etc.
* Principal agent: functions as a [handler](https://en.wikipedia.org/wiki/Agent_handling) for an established network of agents, usually considered "blue chip."
* [Confusion agent](https://en.wikipedia.org/wiki/Confusion_agent): provides misleading information to an enemy intelligence service or attempts to discredit the operations of the *target* in an operation.
* [Sleeper agent](https://en.wikipedia.org/wiki/Sleeper_agent): recruited to *wake up* and perform a specific set of tasks or functions while living under cover in an area of interest. This type of agent is not the same as a [*deep cover*](https://en.wikipedia.org/wiki/Deep_cover)*operative*, who continually contacts a case officer to file [intelligence reports](https://en.wikipedia.org/w/index.php?title=Intelligence_report&action=edit&redlink=1). A sleeper agent is not in contact with anyone until *activated*.
* [Illegal agent](https://en.wikipedia.org/w/index.php?title=Illegal_agent&action=edit&redlink=1): lives in another country under [false credentials](https://en.wikipedia.org/wiki/Identity_document_forgery) and does not report to a local station. A nonofficial cover operative can be dubbed an "illegal “when working in another country without diplomatic protection.

Law

Espionage is a crime under the [legal code](https://en.wikipedia.org/wiki/Legal_code) of many nations. In the United States it is covered by the Espionage Act of 1917. The risks of espionage vary. A spy breaking the host country's laws may be deported, imprisoned, or even executed. A spy breaking their own country's laws can be imprisoned for espionage or/and treason (which in the USA and some other jurisdictions can only occur if they take up arms or aids the enemy against their own country during wartime), or even executed, as the [Rosenbergs](https://en.wikipedia.org/wiki/Rosenbergs) were. For example, when [Aldrich Ames](https://en.wikipedia.org/wiki/Aldrich_Ames) handed a stack of dossiers of U.S. [Central Intelligence Agency](https://en.wikipedia.org/wiki/Central_Intelligence_Agency) (CIA) agents in the Bloc to his KGB-officer "handler", the [KGB](https://en.wikipedia.org/wiki/KGB) "rolled up" several networks, and at least ten people were secretly shot. When Ames was arrested by the U.S. [Federal Bureau of Investigation](https://en.wikipedia.org/wiki/Federal_Bureau_of_Investigation) (FBI), he faced life in prison; his contact, who had [diplomatic immunity](https://en.wikipedia.org/wiki/Diplomatic_immunity), was declared [*persona non grata*](https://en.wikipedia.org/wiki/Persona_non_grata) and taken to the airport. Ames' wife was threatened with life imprisonment if her husband did not cooperate; he did, and she was given a five-year sentence. [Hugh Francis Redmond](https://en.wikipedia.org/wiki/Hugh_Francis_Redmond), a CIA officer in China, spent nineteen years in a Chinese prison for espionage—and died there—as he was operating without diplomatic cover and immunity.[[11]](https://en.wikipedia.org/wiki/Espionage#cite_note-11)

In United States law, treason, espionage, and spying[[14]](https://en.wikipedia.org/wiki/Espionage#cite_note-14) are separate crimes. Treason and espionage have graduated punishment levels.

The United States in [World War I](https://en.wikipedia.org/wiki/World_War_I) passed the [Espionage Act of 1917](https://en.wikipedia.org/wiki/Espionage_Act_of_1917). Over the years, many spies, such as the [Soble spy ring](https://en.wikipedia.org/wiki/Soble_spy_ring), [Robert Lee Johnson](https://en.wikipedia.org/wiki/Robert_Lee_Johnson_(spy)), [the Rosenberg ring](https://en.wikipedia.org/wiki/Julius_and_Ethel_Rosenberg), [Aldrich Hazen Ames](https://en.wikipedia.org/wiki/Aldrich_Hazen_Ames), [Robert Philip Hanssen](https://en.wikipedia.org/wiki/Robert_Philip_Hanssen), [Jonathan Pollard](https://en.wikipedia.org/wiki/Jonathan_Pollard), [John Anthony Walker](https://en.wikipedia.org/wiki/John_Anthony_Walker), [James Hall III](https://en.wikipedia.org/wiki/James_Hall_III), and others have been prosecuted under this law.

**History of espionage laws**

From ancient times, the penalty for espionage in many countries was execution. this was true right up until the era of [World War II](https://en.wikipedia.org/wiki/World_War_II); for example, [Josef Jakobs](https://en.wikipedia.org/wiki/Josef_Jakobs) was a Nazi spy who parachuted into Great Britain in 1941 and was executed for espionage.

In modern times, many people convicted of espionage have been given penal sentences rather than execution. For example, [Aldrich Hazen Ames](https://en.wikipedia.org/wiki/Aldrich_Hazen_Ames) is an American CIA analyst, turned KGB mole, who was convicted of espionage in 1994; he is serving a [life sentence](https://en.wikipedia.org/wiki/Life_sentence) without the possibility of parole in the high-security [Allenwood U.S. Penitentiary](https://en.wikipedia.org/wiki/United_States_Penitentiary,_Allenwood). Ames was formerly a 31-year [CIA](https://en.wikipedia.org/wiki/Central_Intelligence_Agency) [counterintelligence](https://en.wikipedia.org/wiki/Counter-intelligence) officer and analyst who committed espionage against his country by [spying](https://en.wikipedia.org/wiki/Spying) for the Union and [Russia](https://en.wikipedia.org/wiki/Russia). So far as it is known, Ames compromised the second-largest number of CIA agents, second only to [Robert Hanssen](https://en.wikipedia.org/wiki/Robert_Hanssen), who is also serving a prison sentence.

**Use against non-spies**

Espionage laws are also used to prosecute non-spies. In the United States, the [Espionage Act of 1917](https://en.wikipedia.org/wiki/Espionage_Act_of_1917) was used against socialist politician [Eugene V. Debs](https://en.wikipedia.org/wiki/Eugene_V._Debs) (at that time the act had much stricter guidelines and amongst other things banned speech against military recruiting). The law was later used to suppress publication of periodicals, for example of [Father Coughlin](https://en.wikipedia.org/wiki/Father_Coughlin) in [World War II](https://en.wikipedia.org/wiki/World_War_II). In the early 21st century, the act was used to prosecute [whistleblowers](https://en.wikipedia.org/wiki/Whistleblower) such as Drake, John, and [Edward Snowden](https://en.wikipedia.org/wiki/Edward_Snowden), as well as officials who communicated with journalists for innocuous reasons, such as [Stephen Jin-Woo Kim](https://en.wikipedia.org/wiki/Stephen_Jin-Woo_Kim).

As of 2012, India and Pakistan were holding several hundred prisoners of each other's country for minor violations like trespass or visa overstay, often with accusations of espionage attached. Some of these include cases where Pakistan and India both deny citizenship to these people, leaving them [stateless](https://en.wikipedia.org/wiki/Statelessness). The BBC reported in 2012 on one such case, that of Mohammed Idrees, who was held under Indian police control for approximately 13 years for overstaying his 15-day visa by 2–3 days after seeing his ill parents in 1999. Much of the 13 years was spent in prison waiting for a hearing, and more time was spent homeless or living with generous families. The Indian [People's Union for Civil Liberties](https://en.wikipedia.org/wiki/People%27s_Union_for_Civil_Liberties) and [Human Rights Law Network](https://en.wikipedia.org/wiki/Human_Rights_Law_Network) both decried his treatment. The BBC attributed some of the problems to tensions caused by the [Kashmir conflict](https://en.wikipedia.org/wiki/Kashmir_conflict).

**Espionage laws in the UK**

Espionage is illegal in the UK under the Official Secrets Acts of 1911 and 1920. The UK law under this legislation considers espionage as actions "intend to help an enemy and deliberately harm the security of the nation". According to [MI5](https://en.wikipedia.org/wiki/MI5), a person will be charged with the crime of espionage if they, "for any purpose prejudicial to the safety or interests of the State": approaches, enters or inspects a prohibited area; makes documents such as plans that are intended, calculated, or could directly or indirectly be of use to an enemy; or "obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article, or note, or other document which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy". The illegality of espionage also includes any action which may be considered 'preparatory to' spying, or encouraging or aiding another to spy.

An individual convicted of espionage can be imprisoned for up to 14 years in the UK, although multiple sentences can be issued.

**Government intelligence laws and its distinction from espionage**

Government intelligence is very much distinct from espionage, and is not illegal in the UK, providing that the organizations of individuals are registered, often with the ICO, and are acting within the restrictions of the Regulation of Investigatory Powers Act (RIPA). 'Intelligence' is considered legally as "information of all sorts gathered by a government or organization to guide its decisions. It includes information that may be both public and private, obtained from many different public or secret sources. It could consist entirely of information from either publicly available or secret sources, or be a combination of the two."

However, espionage and intelligence can be linked. According to the MI5 website, "foreign intelligence officers acting in the UK under diplomatic cover may enjoy immunity from prosecution. Such persons can only be tried for spying (or, indeed, any criminal offence) if diplomatic immunity is waived beforehand. Those officers operating without diplomatic cover have no such immunity from prosecution".

There are also laws surrounding government and organizational intelligence and surveillance. Generally, the body involved should be issued with some form of warrant or permission from the government, and should be enacting their procedures in the interest of protecting national security or the safety of public citizens. Those carrying out intelligence missions should act within not only RIPA, but also the Data Protection Act and Human Rights Act. However, there are spy equipment laws and legal requirements around intelligence methods that vary for each form of intelligence enacted.

**Military conflicts**



French spy captured during the Franco.

In military conflicts, espionage is considered permissible as many nations recognizes the inevitability of opposing sides seeking intelligence each about the dispositions of the other. To make the mission easier and successful, soldiers or agents wear [disguises](https://en.wikipedia.org/wiki/Disguise) to conceal their true identity from the enemy while penetrating enemy lines for intelligence gathering. However, if they are caught behind enemy lines in disguises, they are not entitled to [prisoner-of-war](https://en.wikipedia.org/wiki/Prisoner-of-war) status and subject to prosecution and punishment—including [execution](https://en.wikipedia.org/wiki/Execution).

The [Hague Convention of 1907](https://en.wikipedia.org/wiki/Hague_Convention_of_1907) addresses the status of wartime spies, specifically within "Laws and Customs of War on Land" (Hague IV); October 18, 1907: CHAPTER II Spies". Article 29 states that a person is considered a spy who, acts clandestinely or on false pretenses, infiltrates enemy lines with the intention of acquiring intelligence about the enemy and communicate it to the [belligerent](https://en.wikipedia.org/wiki/Belligerent) during times of war. Soldiers who penetrates enemy lines in proper uniforms for the purpose of acquiring intelligence are not considered spies but are [lawful combatants](https://en.wikipedia.org/wiki/Combatant#Privileged_combatants) entitled to be treated as prisoners of war upon capture by the enemy. Article 30 states that a spy captured behind enemy lines may only be punished following a trial. However, Article 31 provides that if a spy successfully rejoined his own military and is then captured by the enemy as a lawful combatant, he cannot be punished for his previous acts of espionage and must be treated as a prisoner of war. Note that this provision does not apply to citizens who committed [treason](https://en.wikipedia.org/wiki/Treason) against their own country or co-belligerents of that country and may be captured and prosecuted at any place or any time regardless whether he rejoined the military to which he belongs or not or during or after the war.

The ones that are excluded from being treated as spies while behind enemy lines are escaping prisoners of war and downed [airmen](https://en.wikipedia.org/wiki/Airmen) as law distinguishes between a disguised spy and a disguised escaper. It is permissible for these groups to wear enemy uniforms or civilian clothes in order to facilitate their escape back to friendly lines so long as they do not attack enemy forces, collect military intelligence, or engage in similar military operations while so disguised. Soldiers who are wearing enemy uniforms or civilian clothes simply for the sake of warmth along with other purposes rather than engaging in espionage or similar military operations while so attired is also excluded from being treated as unlawful combatants.

[Saboteurs](https://en.wikipedia.org/wiki/Sabotage) are treated as spies as they too wear disguises behind enemy lines for the purpose of waging destruction on enemy's vital targets in addition to intelligence gathering. For example, during [World War II](https://en.wikipedia.org/wiki/World_War_II), eight German agents entered the U.S. in June 1942 as part of [Operation Pastorius](https://en.wikipedia.org/wiki/Operation_Pastorius), a sabotage mission against U.S. economic targets. Two weeks later, all were arrested in civilian clothes by the [FBI](https://en.wikipedia.org/wiki/FBI) thanks to two German agents betraying the mission to the U.S. Under the Hague Convention of 1907, these Germans were classified as spies and tried by a [military tribunal](https://en.wikipedia.org/wiki/Military_justice) in [Washington D.C.](https://en.wikipedia.org/wiki/Washington_D.C.) On August 3, 1942, all eight were found guilty and sentenced to death. Five days later, six were executed by [electric chair](https://en.wikipedia.org/wiki/Electric_chair) at the District of Columbia jail. Two who had given evidence against the others had their sentences reduced by President [Franklin D. Roosevelt](https://en.wikipedia.org/wiki/Franklin_D._Roosevelt) to prison terms. In 1948, they were released by President [Harry S. Truman](https://en.wikipedia.org/wiki/Harry_S._Truman) and deported to the [American Zone of occupied Germany](https://en.wikipedia.org/wiki/American_Zone_of_Occupation#American_Zone_of_Occupation).

The U.S. codification of enemy spies is Article 106 of the [Uniform Code of Military Justice](https://en.wikipedia.org/wiki/Uniform_Code_of_Military_Justice). This provides a mandatory death sentence if a person captured in the act is proven to be "lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere".