

Rijksgebouwendienst

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Aantekenen
Confidential
Mrs. Jill Magid
374 Bedford Ave. # 2 b Brooklyn
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USA

Artwork

Date
17 July 2008

Our reference
DIV-2008-065885

Enclosures
1

Copy
H. van den Ban, RGD

Dear Mrs Magid,

As part of the completion of the art commission granted to you by the Government Buildings Agency (Rgd) on the occasion of the General Intelligence and Security Service (AIVD) taking office in a new building in Zoetermeer, I would like to put the following to you. It should also be considered a continuation of the meeting on 5 June 2008 on the premises of the Rgd led by Mr Huib Haye van der Werf.

The commission in March 2005 entailed the creation of a "visual artwork" for the AIVD. Initially you envisaged to give shape to this artwork by means of publishing a book. Gradually this idea developed, in mutual agreement between you, the Rgd and the AIVD, into an exhibition of several works of art. These works of art have been displayed at an exhibition called *Article 12* in gallery Stroom in The Hague.

Part of the exhibition was the series of eighteen Letterpress prints, 11" x 17", 2008, to be referred to hereafter as *18 spies*. Six canvases in the series *18 spies* are considered not to be appropriate for further exhibition, circulation or reproduction. The reason for this is the fact that the six persons referred to in these works could be identified by third parties by means of the rendered text. The AIVD will provide you with a list of these six works. As you well know the project was launched with the agreement that all participants would be presented completely anonymously to the outer world, in writing as well as in image (print). The negative consequences of the fact that this agreement has not been fully upheld should be limited as much as possible. Therefore these six objects should exclusively be the property of the AIVD. They should in no form whatsoever be circulated, exhibited or reproduced. In this context I would like to remind you of the last sentence of article 9 of our agreement which states that you are prohibited to create equal works of art or parts thereof without permission of the Rgd. As far as the other twelve works of art in the series are concerned, there are no objections for further circulation or exhibition

Ministerie van VROM →

Wat voor ruimte, wonen, milieu en rijksgebouwen. Beleid maken, uitvoeren en handhaven. Nederland is klein. Denk groot.

In addition to this you have presented the AIVD with your manuscript *Article 12, Report for the AIVD on the subject of its face*. This manuscript describes your impressions during the conversations you conducted with employees of the AIVD. As stated above, your primary idea about the Rgd commission in the form of a book has evolved into a different kind of work of art. It would therefore be contrary to the commission granted to you, to still publish a book.

I would also like to point out to you that you are not at liberty to publish such a book on your own behalf and at your own risk outside of the granted commission. As you know the AIVD is an intelligence and security service which strives to protect and uphold national security and democratic legal order. It is an organisation which deals with very sensitive and confidential information and whose employees need to be sure that they are anonymous and protected, so that they can do their work. From the very first beginning it was clear to you that these interests result in the fact that you may not freely dispose of the information about the AIVD which you were to and actually did obtain in the course of your commission. The use of the information -made completely anonymous- which you have acquired during meetings and conversations with employees is therefore expressly limited to the work of art within the parameters of the commission granted to you.

During the above mentioned meeting on 5 June last, we suggested to you to present the manuscript as a visual work of art in a one-time-only exhibition, after which it would become the property of the Dutch government and would be stripped of all sensitive information and not be published. If you do not agree with this proposal or do not make a counterproposal which is acceptable to all parties before 1 September 2008, you will have to refrain from any further development of the manuscript.

Because of the fact that your agreement with the Rgd falls within Dutch law it has certain consequences. Under Dutch law you are compelled at all times to keep facts secret of which you know the confidential character or should reasonably presume it. I hereby refer to article 98 and article 272 of the penal code. For your information an overview of several translated, relevant sections of the law is enclosed. In particular this involves the identity of the AIVD employees with whom you have been in contact and the sensitive information which they have shared with you in order to facilitate the creation of the works of art as part of the above mentioned commission. This also includes everything which may have come to your knowledge about the modus operandi of the AIVD. It needs to be underlined that information from your manuscript cannot be considered as being isolated from other information which is already available in the public domain; third parties might link the information you have released with information which is already available from other books and thus might obtain insight into the identity of employees or modus operandi of the service.

To ensure that you are able to meet your obligations, the AIVD has decided to provide you with a version of the manuscript from which the above mentioned confidential information has been removed, as soon as possible. From that copy also the information has been removed which could affect the privacy of the persons in question and some information has been removed on request of the persons interviewed. Furthermore information has been deleted which could affect the safety of the persons involved, including you and your surroundings, as well as the information which is harmful to the image of the AIVD and other parts of the government, because that could hinder the service in the performance of its duties. There will be no changes implemented in the manuscript -as for example corrections of spelling etc.

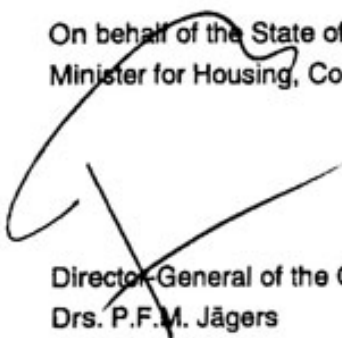
Hereby I would furthermore like to point out to you that it is your responsibility to ensure that confidential data do not come into the possession of third parties. It is also your responsibility to, without delay, destroy

the confidential data and passages which are in your possession in whichever form, or to hand them over to the AIVD. You may ask the AIVD for assistance in this matter if you wish.

It was the Government Buildings Agency's task to provide its special client the AIVD with art for their new building. The Rgd dared to entrust you with this assignment because you saw it as a challenge to manifest your artistic talent against such a sensitive background with its inherent limitations. Therefore I do believe and trust that you will carry this special art commission to a good completion, despite the clear and strict framework outlined above.

Sincerely,

On behalf of the State of the Netherlands
Minister for Housing, Communities and Integration:



Director-General of the Government Buildings Agency
Drs. P.F.M. Jägers



Overview of several translated sections of the penal code

Art. 2,3,4,5,23,98, 98a, 98b, 98c, 272, 273

- Art. 2 The criminal law of the Netherlands is applicable to any person who commits a criminal offence within the Netherlands.
- Art. 3 The criminal law of the Netherlands is applicable to any person who commits a criminal offence on board a Netherlands vessel or aircraft outside the Netherlands.
- Art. 4 The criminal law of the Netherlands is applicable to any person who commits any of the following criminal offences outside the Netherlands:
- any of the serious offences defined in articles 92-96, 97a, 98-98c, 105, and 108-110;
- Art. 5
- The criminal law of the Netherlands is applicable to any Netherlands citizen who commits any of the following criminal offences outside the Netherlands:
 - any of the serious offences defined in Title I on Title II of Book Two, and in articles 197a, 197b, 197c, 206, 237, 272, 273, 388 and 389;
 - an offence that is considered a serious offence under the criminal law of the Netherlands and is considered a criminal offence under the laws of the country, where the offence was committed;
 - The prosecution may also take place in cases in which the accused only acquires Netherlands nationality subsequent to committing the offence.
- Art. 23
- A person who has been sentenced to pay a fine is required to pay the amount set by the judge to the State, within the period of time set by the Public Prosecutor's Office charged with implementing the judgment.
 - The amount of the fine shall be not less than € 3,-.
 - The fine which may be imposed for a criminal offence shall be not more than the maximum for the category specified for that offence.
 - There are six categories:

the first category	€ 335,-
the second category	€ 3.350,-
the third category	€ 6.700,-
the fourth category	€ 18.750,-
the fifth category	€ 67.000,-
the sixth category	€ 670.000,-
 - Where a fine has not been set, for either lesser or serious offences, the judge may impose a fine to the maximum amount of the first and third categories respectively.
 - Where the amount of a fine has been set, for either lesser or serious offences, but where no category has been determined, the judge may impose a fine to the maximum amount of the first and third categories respectively, where this amount is greater than the amount of the fine prescribed for the offence.
 - In the case of the conviction of a juristic person, a fine may be imposed of not more than the amount of the next category, where the category defined for the offence does not allow appropriate punishment.
 - The preceding section is also applicable in the case of the conviction of an unincorporated association, such as an unincorporated company (vennootschap zonder rechtspersoonlijkheid, a partnership (maatschap) or special funds.
- Art. 98
- A person by whom any information classified in the interest of the State or of its allies, any object from which such information may be derived, or any such data, is intentionally provided or made available to a person or a body not authorized to receive such, where he knows or should reasonably suspect such information, object or data to be of such nature, is liable to a term of not more than six years or a fine of the fifth category.
 - The punishment in section 1 is also applicable to a person by whom any information emanating from a prohibited place and relevant to the security of the State or of its allies, or any object from which such information may be derived, or any such data, is intentionally provided or made available to a person or a body not authorized to receive such information, where he knows or should reasonably suspect the information, object or data to be of such nature.
- Art. 98a.
- A person by whom any information, object or data specified in article 98 is intentionally disclosed, or by whom, without authority, said information, object or data is intentionally provided or made available to a foreign Power, a person or body established in a foreign country, or to a person or body of such nature that there is a risk of the information or data becoming known to a foreign Power or to a person or body established in a foreign country, where he knows or should reasonably suspect the information or data to be of such nature, is liable to a term of imprisonment of not more than fifteen years or a fine of the fifth category.
 - Where the offender has acted in wartime, or in the employment of or on assignment for a foreign Power or a person or body established in a foreign country, life imprisonment or a term of imprisonment of not more than twenty years or a fine of the fifth category may be imposed upon him.
 - Activities undertaken in preparing the commission of a serious offence, as defined in the preceding sections, are punishable by a term of imprisonment of not more than six years or the fifth category.
- Art. 98b A person who by negligence or carelessness is responsible for any information, object or data specified in article 98 becoming public knowledge, or becoming to person or body not authorized to receive such information, is liable to a term of imprisonment or of detention of not more than one year or a fine of the third category.
- Art. 98c
- A person who:
 - intentionally takes or has in his possession, without authority, any information, object or data specified in article 98;



2. undertakes any activity with the object of obtaining, without authority, any information, object or data specified in article 98;
3. covertly, by misrepresentation, by means of disguise or by way other than the regular entrance enters or attempts to enter a prohibited place, or is so present in such place, or removes himself or attempts to remove himself from such a place by such means or ways;

is liable to a term of imprisonment of not more than six years or a fine of the fifth category.

2. The provisions of (3) are not applicable where it becomes evident to the judge that the perpetrator did not act with the object specified in (2).

Art. 272

1. A person by whom any secret which he either knows or should reasonably suspect that he is bound to keep by reason of his office, profession or a legal requirement, or his former office or profession, is intentionally violated is liable to a term of imprisonment of not more than one year or a fine of the fourth category.
2. Where the serious offence is committed against a particular person, it will be prosecuted only upon that person's complaint.

Art. 273

1. A person who intentionally:
 1. discloses specific information related to a commercial, industrial or service organization in which he is or has been employed, which he was bound to keep secret or
 2. discloses, or uses for motives of pecuniary gain, data that have been obtained by means of a criminal offence from a computerized device or system of a commercial, industrial or service organization and that are related to such organization, where the data, at the time of disclosure or use, were not generally known and where any disadvantage may ensue from such disclosure or use, is liable to a term of imprisonment of not more than six months or a fine of the fourth category.
2. A person who may have assumed in good faith that disclosure was in the public interest is not criminally liable.
3. Prosecution will take place only upon complaint by the organization's management.