

National Coordinator for Counterterrorism

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Re Counterterrorism

1. A coherent system of policy and actions

Confronted with the threat of international terrorism, especially Islamist terrorism, and the reality of Islamist radicalism at home, the Netherlands has taken systematic measures in many areas within a short space of time in response to the new situation. After the attacks of 11 September, a wide variety of measures were taken to better protect vulnerable objects and persons and monitor suspect individuals. In June 2003, a number of supplementary amendments to existing laws and policy measures were announced, aimed at observing and taking timely action against individuals and organisations that may be involved in preparing terrorist acts. In the wake of the Madrid bombings, March 2004 saw a reorientation and intensification of police and General Intelligence and Security Service (AIVD) policy on the alert system and the observation of persons of interest. The formation of the executive of the National Coordinator for Counterterrorism began in September 2004. At the same time powers under the law of criminal procedure to fight terrorism were expanded in fundamental ways, necessitating a further enlargement of the relevant services' capacity. Against the backdrop of Theo van Gogh's murder, a decision was made in November 2004 to further strengthen the AIVD's capacity and expand surveillance and protection capacity.

These steps to improve the government's ability to deal with the threats of our time have been accompanied by a flurry of new legislative bills, rules, facilities and policy measures. Since the passage of new terrorism legislation, additional amendments to the Code of Criminal Procedure and other laws relevant to counterterrorism have been submitted or are in preparation. This is, however, only the most visible aspect of the state's ever growing effort to fight terrorism and violent radicalism.

Earlier the House was informed that the Minister of Justice, in his capacity as coordinating minister for counterterrorism, would be given the statutory authority to take the necessary steps in urgent situations where consultation or consensus is no longer possible. In some instances that may mean exercising powers normally reserved for other ministers. In the interim, public officials have worked expeditiously to specify these emergency powers and explore the possible ramifications of such an arrangement. The Minister of Justice will soon present the bill to the cabinet.

The office of the National Coordinator for Counterterrorism (NCTb) has been operational since 1 January 2005, with a skeleton staff. As outlined in the letter of 10 September 2004, the executive of the NCTb, which will ultimately consist of 79 FTEs, is in charge of preparing counterterrorism policy and analyses, and falls under the responsibility of the coordinating minister for counterterrorism (i.e. the Minister of Justice) and the Minister of the Interior and Kingdom Relations. Since that time, the executive of the NCTb has expanded to include the Civil Aviation Security Department, the Civil Aviation Security Inspectorate and the National Coordinator for Surveillance and Protection and his department. Along with that, the actions of a growing number of individuals, services, organisations and agencies that are directly or indirectly involved in the fight against terrorism are being coordinated with increasing efficiency by the NCTb. The NCTb is also discussing security measures and surveillance with various economic sectors and companies that provide vital goods and services.

In addition, international cooperation and coordination between agencies in various countries are being further developed and intensified. During the Dutch Presidency of the EU, agreements were made about the course that law enforcement cooperation between member states would take in the next several years. The implementation of the EU Plan of Action on Combating Terrorism of 18 June 2004 is progressing systematically. But practical aspects of international cooperation have also been discussed and intensified. Moreover, in this same period, the Netherlands expanded its partnership with the United States in various agreements. Here too, the only visible result of such behind the scenes work is often the absence of any new attacks.

In short, the last few years have been busy ones, and not without reason. The threat to the Netherlands remains serious. This country is not immune to attacks, as became all too apparent with the murder of Theo van Gogh. The terrorist threat is multifaceted. There is a chance of attacks on buildings or locations where large groups of people congregate. For that reason the surveillance of a number of objects has been stepped up in the past six months. Van Gogh's murder also underscored how terrorist violence can chip away at the

open nature of Dutch society and free public debate. Finally there is a real danger of polarisation and hostility between various ethnic, religious and ideological groups. Not only is the nature of the threat varied, its origins are equally complex. It may be that individuals, networks or groups are preparing attacks. It is also possible that individuals are preaching a violent form of radicalism, inciting others to commit criminal acts. The ideas and influences may come from outside the Netherlands, but the radicalisation process is taking place within our own borders, often with the help of the Internet. The source of the threat is not only individuals or small groups who have embraced Islamic radicalism, but other types of extremists as well (radical right-wing, racist, anti-Semitic or anti-Islamic). Because of this, preventing terrorism and combating violent radicalism involves opposing radicalisation and the growth of radical groups by curtailing recruitment, restricting breeding grounds for extremism and raising social resistance to the appeal of radicalism; this is in addition to the more obvious tasks of observing, pursuing and arresting those suspected of planning terrorist acts, and protecting individuals, buildings and key locations.

2. The present report

This letter follows on from earlier letters to parliament of 30 March, 10 September and 10 November 2004, which detailed the improvements in counterterrorism policy discussed above. They were drafted in response to parliament's request of 8 December 2004 for additional information on policy and its implementation. They seek to inform parliament about additional measures taken by the government, the resources set aside for that purpose and the distribution of these resources among the various recipient organisations. This letter is also being sent on behalf of the Minister for Immigration and Integration.

A disadvantage of reporting on the introduction of new measures and the intensification of existing measures at irregular intervals is that one can easily lose sight of the full picture and the coherence of the various measures. Moreover, in such cases, the practical side of policy implementation is not given the attention it deserves. In the light of the request for additional information, we take it that there is a need for this type of communication. Previously, in the wake of the attacks of 11 September 2001, this House was regularly informed about the implementation of the counterterrorism and security action plan through progress reports. However, during the discussion of the sixth progress report, it was decided that the system of progress reports should be discontinued.

At the time this move was justified, but with the ongoing expansion of policy and its intensified implementation, we believe it would be advisable to report to parliament once

again on a semi-annual basis. A first overview of the progress of implementation has been enclosed with this letter.

3. Status report

Earlier in this letter we described the main features of the development of counterterrorism policy. But what is being done to further practical implementation, and what has been accomplished since our last report? A systematic description of the activities of the many agencies operating in this field would not be particularly useful. A point-by-point breakdown will give a better overview.

Threat analyses

- The AIVD continues to invest in the swift identification of new, predictable and conceivable threats to national security so that the service can properly inform and alert the responsible institutions in time. Their efforts extend to both existing phenomena and as yet unknown organisations, individuals and trends.

Observing individuals and exchanging information

- The AIVD is doing its utmost to monitor a number of individuals and groups suspected of involvement in terrorist activities. If, in the course of its duties, the service should encounter facts that would necessitate intervention by other official bodies, such as the Public Prosecution Service (OM) or the Immigration and Naturalisation Service (IND), they will be notified by official report.
- Information about individuals who may pose a danger to national security or may be involved in terrorist activities is shared by the AIVD, the police, the OM and the IND via the Counterterrorism Information Centre (*CT-infobox*). Even though it has only existed for a relatively short time, the Centre has already produced tangible results. The exchange of information can lead to a criminal investigation, but it can also trigger actions under immigration law, such as the revocation of a residence permit. And more generally, it promotes coordination between the various services concerned. The Military Intelligence and Security Service (MIVD) has taken part in the Information Centre since 3 January 2005.

Action under immigration law and the law of criminal procedure

- In the last several months a number of suspects have been arrested; the courts will decide if they can be convicted for terrorist activities. After the murder of Theo van Gogh, a total of 12 individuals were arrested, including the suspected murderer, Mohammed B. Among this number are the two men arrested in the Laakkwartier section of The Hague on 10 November 2004. All 12 remain in custody. With respect to the circle around Mohammed B., the IND has initiated the procedure to have three illegal residents declared undesirable aliens. The residence permit of one of the four aliens who are in the country legally has been revoked.
- The authorities have also acted on information suggesting that a terrorist attack was in preparation. Thanks to reports in the media, parliament is already familiar with the case of Samir A., who was arrested in the summer of 2004 on suspicion of plotting an attack. For the purposes of this letter, it suffices to say that this is not the only occasion that intelligence and security services have 'red-flagged' an individual and acted on specific intelligence.
- The Public Prosecution Service has also begun to work more intensively to combat terrorism. An example of this is an upcoming case in which the OM is asking the court to dissolve a foundation that has been linked to terrorist activities.

Protecting vital businesses and industries

- The National Alert System has been expanded to include terrorism. The system consists of three parts: a framework for assessing the seriousness and probability of a potential attack, a system of three colour-coded alert levels and a package of general security measures tied to each colour. The colour-coded alert levels are used if a threat exceeds the standard level (with all the security measures that are a fact of contemporary life): yellow for a slight threat, orange for a moderate threat and red for a severe threat. This system was selected for its simple design and because of experiences with existing national and international and threat-level systems. The system will offer a targeted response by focusing on concrete threats (i.e. threats attached to a certain time and place) and the specific measures coupled to such threats. This means that the national colour-coded threat level will not be raised if the threat is limited to a certain region or industry.
- The package of security measures includes measures to be taken by the government as well as those meant for the private sector. In emergencies certain measures can become compulsory. A basic aspect of the system is that in the case of an impending terrorist attack, there will be no discussion about what measures should be taken and

indeed *whether* any measures should be taken. It should be crystal clear that they will be taken. The practical value of the system lies mainly in the structures enabling the exchange of information between government bodies and the private sector. For that reason, the competent authorities have begun operationalising *general* security measures for specific sectors or regions. The first sectors connected to the system will be the railways, the port of Rotterdam, Schiphol Airport, drinking water supplies and the power network. For these sectors the alert system is expected to take effect as of 1 March 2005. From that point on, additional sectors will gradually be added and the systems will be subject to ongoing monitoring and maintenance. Naturally the choice of which sectors should be part of the system is closely bound up with the sector's 'appeal' to terrorists and the findings of the protection of vital infrastructure project.

Working with the European Union

- On 5 November 2004, the European Council under the Dutch Presidency reached agreement on the Hague Programme, an elaboration of earlier agreements reached in Tampere in 1999 on a common area of freedom, security and justice. The Hague Programme encompasses all aspects of policy – including the external aspect – related to the area of freedom, security and justice: specifically fundamental rights and citizenship, asylum and migration, border control, integration, the fight against terrorism and organised crime, cooperation within the criminal justice system, and civil law. The Hague Programme will span the next five years. Information crucial to the security of another member state must be passed on at once; member states will be mindful of one another's internal security, and terrorists will be prevented from profiting from relaxed border controls.
- The EU is working on a European Visa Information System (EU-VIS), which will contain not only the personal data but also the biometric characteristics of anyone applying for a Schengen visa. The EU-VIS will improve the exchange of information among member states. At national as well as international level, this will contribute to the effectiveness of external border security by making European visa data accessible to border control staff. EU-VIS will be implemented in 2007. Currently, a pilot programme involving the production of sample travel documents with biometric characteristics is being conducted in six municipalities. The first biometric travel documents are expected to be issued in the autumn of 2006.

- On 1 May 2005 the European Agency for the Management of External Borders (FRONTEX) opened its doors. FRONTEX is charged with coordinating joint operations on the Union's external borders. The present Risk Analysis Centre (RAC) in Helsinki, which makes periodic risk analyses for the purposes of enhancing border security, will be incorporated into the agency. On the basis of its analyses, the RAC makes suggestions for joint action.
- It will become easier to exchange information drawn from criminal records within the EU.
- All sections of the European Council declaration of 25 March 2004 and the EU Plan of Action on Combating Terrorism (18 June 2004) will be implemented in the near future, particularly the request that the European Commission submit a proposal for a joint approach to the use of passenger data for border and aircraft security. The Commission is expected to submit proposals to improve the storage and transport of explosives and safeguard industrial and chemical precursors.
- The ECOFIN Council has reached unanimous agreement on the proposal for a third directive on money laundering, which would also deal with terrorist financing. This directive will further tighten up and harmonise legislation in these areas. The directive is expected to be considered by the European Parliament in the first half of this year.
- Within the Council of the European Union under the Dutch Presidency, an agreement was reached on a regulation for monitoring cash transport (cash controls). Persons entering or leaving the EU with more than €10,000 in cash or securities will be required to submit a customs declaration. After that, this information will be accessible to the national authorities responsible for combating money laundering and terrorist financing and can be passed on to other member states and third parties. The regulation should be presented to the European Parliament for a second reading in February 2005.
- The intelligence capability of the Council Secretariat, the Situation Centre (SitCen), has been doubled, significantly strengthening SitCen's capacity to make cross-pillar threat assessments, whether thematically or geographically oriented.

- In the meantime, the 15 old member states have each been subjected to a reciprocal evaluation to assess their counterterrorism systems. The Netherlands was evaluated in February 2004, and the resultant report was positive. Singled out for praise were the decision to designate a coordinating minister for counterterrorism and the Dutch policy on combating terrorist financing. Points for improvement were the exchange of information between Intelligence and Security (I&V) services and police agencies and the limited admissibility of I&V information as evidence in criminal cases. Last December's Justice and Home Affairs Council approved an interim report containing a number of the recommendations made in the 15 evaluations. In June 2005 the member states will report on how these recommendations are being followed up at national level. These non-binding recommendations relate to issues like improving coordination between law enforcement agencies, exchanging information with Europol, and themes like radicalisation and recruitment. Since the evaluation, the creation of the office of the National Coordinator for Counterterrorism has given rise to many developments that follow on from the recommendations appearing in the Dutch report and the interim report.
- The Netherlands is on schedule for implementing the EU legislation included in the EU Plan of Action on Combating Terrorism. The implementation timelines for the protocols to the Europol Convention and the Framework Decision on the execution of orders freezing property or evidence are now in place. Other EU legislation has also been implemented.

Cooperation with the US

Agreements have been made with the US, both bilaterally and through the European Union.

Bilateral agreements

In addition to the various agreements that fall under the heading of 'agreed steps', the Netherlands and the US have agreed to:

- exchange experiences and information on alert systems, and
- cooperate more closely on profiling terrorist suspects.

A pilot version of the registered traveller programme, in which travellers to the US are subjected to a pre-screening to speed up airport procedures, was recently launched at Schiphol Airport.

Agreements between the European Union and the United States

Central to US-EU cooperation in this area is the Dromoland Castle Declaration on Combating Terrorism of 26 June 2004. This document contains agreements on tackling terrorist financing, improving cooperation among criminal justice agencies by sharing information and intensifying the partnerships with Europol and Eurojust, protecting vital infrastructure, mutual legal assistance agreements and border control.

During the Dutch EU Presidency, the following firm agreements were made:

- the US will station an FBI liaison officer in The Hague to work with Europol;
- the US will second a liaison officer from the Department of Homeland Security to Brussels for border control and transport security;
- every year the JHA ministers will meet with the relevant members of the US cabinet for in-depth talks on improving counterterrorism policy;
- there will be regular consultation between the EU and the US on protecting personal and biometric data, vital infrastructure and the internet.

4. Stepping up counterterrorism efforts

In developing and implementing policy, a number of problems and constraints have come to light in the structure or activities of the agencies concerned. First and foremost, there is the capability to process and analyse information or threats, both with respect to the general analytical capacity of the AIVD and the specific function of monitoring and protecting individuals. A second issue is the capacity of other agencies involved in the surveillance and protection of individuals, objects or borders. Thirdly, more resources are necessary to strengthen those special units authorised to use force in combating terrorism. These three topics are discussed in greater detail below.

4.1 Analytical capacity

Successful counterterrorism requires sufficient analytical capacity and effective use of that capacity. The establishment of the office of the National Coordinator for Counterterrorism has increased that analytical capacity, supplementing that of the operational agencies. These agencies will now convey the information they have analysed and evaluated to the NCTb. This intelligence enables the NCTb to issue threat assessments, phenomenon analyses, trend reports and advisory reports informing the relevant services on what policy measures should be taken and to guide their implementation.

The Royal Military and Border Police (*Koninklijke Marechaussee*, KMar), the IND, the National Police Services Agency (KLPD), regional police forces, the AIVD and the MIVD expressed a desire to expand their own capacity to analyse aspects of the field of counterterrorism of specific concern to them. The government has accordingly decided to enlarge their capacity in a targeted way.

Moreover, the NCTb has been instructed to consult the other implementing agencies in order to decide how best to use the expanded analytical capacity and identify any gaps that may still exist. Given the importance of providing information to local and regional authorities, the NCTb will pay particular attention to regional police forces' capacity to gather and process information. The government has earmarked additional financial resources in order to fill these gaps.

4.2 Enlarging the capacity of the AIVD and Regional Intelligence Services (RID)

Following the government's letter dated 10 November 2004, we decided to institute a long-term increase in the AIVD's budget to improve the Surveillance and Protection System (60 FTEs). We also decided to expand the AIVD's capacity by 40 persons, to further intensify surveillance of high-risk individuals. These new staff members will monitor and track suspicious persons, while audio specialists and operational analysts will sift through whatever information is received. This intensification is over and above the earlier increase in resources ordered by the government in the wake of criticism of the AIVD in the report by the Havermans Committee. You will be sent the government's response to this report separately. The RID divisions of a number of regional police forces will also be expanded.

4.3 Expanding the capacity of the police, KMar and IND

Stepping up the operational aspects of counterterrorism also requires an expansion of the relevant police activities, particularly those of the National Criminal Investigation Service (60 FTEs), the Counterterrorism and Special Assignment Unit and the National Information Hub (30 FTEs together), all of which are subdivisions of the KLPD. In conjunction with this, the capacity of the National Public Prosecutor's Office, which is responsible for prosecuting terrorist offences, will also be enlarged. At the same time, additional resources will be set aside for criminal investigations, including special assignments.

We have also decided to step up KMar activities. Under section 6 of the Police Act 1993, KMar is responsible for enforcing immigration law. This includes border controls, mobile immigration control (MTV) and related duties.

Clearly, to carry out these duties properly, the authorities need good intelligence, national and international. For this purpose the KMar employs analysts, liaison officers and researchers. On the basis of this information, along with intelligence from other agencies, a risk analysis can be drawn up. This analysis enables KMar to perform targeted inspections while policing the border and participating in MTV operations. Conversely, information obtained from border control officers and MTV patrols can be used in investigations of terrorist and criminal activities and shared with other services. In such cases the information obtained from risk analyses is used to stop suspect individuals before they actually attempt to enter the country. By expanding the capacity (113 FTEs) of its criminal investigation divisions and expert support staff for its operational tasks related to immigration and aliens (through analysis, document expertise and liaisons), KMar will be better able to perform these duties. Border patrols at the port of Rotterdam are handled by the Seaport Police (ZHP), a division of the Rotterdam-Rijnmond police force. In addition to patrolling the borders, this service is also responsible for regulating the movement of aliens through the port and carrying out certain tasks related to visas for maritime personnel.

The ZHP makes use of a Comprehensive Shipping Information System (ZUIS), which helps them conduct efficient, targeted inspections on the basis of risk analyses. This gives the ZHP solid intelligence on the movement of ships, passengers and crew in the port area. Security agencies and the National Criminal Investigation Service regularly consult the system in fighting terrorism. The ZHP builds on its intelligence by monitoring aliens in the port zone, patrolling the coastline and carrying out other specific duties relating to border control. In 2005 the surveillance of aliens in the port zone will be intensified. In the second half of that year the ZHP will acquire biometric equipment to identify illegal or undocumented aliens, which the police and KMar are also using for the purposes of border control and the surveillance of aliens already in the country.

In regulating the admission of aliens to the Netherlands, the IND works closely with KMar and the ZHP (on border patrols), the aliens police (providing information on admissions procedures) and the municipalities (dealing promptly with suspicious applications). In the light of terrorist threats the IND has ramped up a number of processes. Even before 2 November 2004 it was understood that more cases would be handled each year from the perspective of counterterrorism. Due to the current situation we have decided to provide the IND with the resources to perform 500 investigations annually. This number is, in part, a direct result of the additional counterterrorism activities expected to be carried out by the AIVD and the police intelligence services. Crucial to these activities is the Counterterrorism Information Centre, to which the IND seconded three members of staff. As stated above,

working on a case-by-case basis, the Information Centre staff will examine what steps can be taken under immigration law and how these steps can be coordinated with measures under criminal law. In practical terms, these measures can include recommending that an alien be denied entry to the country, revoking a residence permit, expelling an alien, declaring an individual an undesirable alien, refusing to naturalise an alien or even stripping a naturalised citizen of Dutch nationality.

As part of counterterrorism efforts, besides including biometric data on visa and identity documents, an information infrastructure is being developed to enable authorities to verify an individual's identity online. Such a system presupposes that the records of biometric identity documents are centralised. In this way we will be better able to crack down on the growing number of cases of look-alike fraud, a technique that can also be used by terrorists. Implementation protocols are being developed to explain how verification should take place in the infrastructure's databases. These new initiatives stem from the government's standpoint on combating identity fraud and the commitments made in the Policy Document on Return. The development of this information infrastructure helps take European cooperation to a new level, thereby contributing to effective enforcement of the Compulsory Identification Act. This infrastructure will support the implementing agencies as they expand their duties. The resources reserved in this letter concern only the aforesaid information infrastructure. The Minister for Government Reform and Kingdom Relations will inform the House at a later date about the centralisation of biometric data on which this infrastructure will be based.

4.4 Intensifying the protection and surveillance of persons and objects

The new Surveillance and Protection System has been in place since 1 July 2003. It will be fully implemented sometime in 2005. The system is based on the premise that surveillance and security are, in essence, an individual's own responsibility. Another important principle of the system is that local and regional domains should receive the same protection as the national domain. In other words, there should be no qualitative difference between the level of security at central and local levels. If a capacity shortfall should arise, the capacity enlargements described below can also be applied at the local level. The level of security in an individual case will obviously depend on the severity of the threat.

The demand for surveillance and bodyguarding is increasing. This particularly affects the Royalty and Diplomatic Protection Department (DKDB) of the KLPD. Personnel strength at the DKDB proved to be insufficient for the growing number of assignments: since 1 July 2003 the number of permanent security details has nearly doubled. Despite the inadequate

capacity at the DKDB, the department was still able to fulfil its security assignments, as the Special Security Operations Brigade (BSB) of the Royal Military and Border Police (KMar) and regional police forces were able to step in and round out the team.

On the assumption that this increasing reliance on the Surveillance and Protection System will become a trend, the government has decided to expand the DKDB by 235 FTEs. At the same time, additional funds have been set aside for protection assignments, such as guarding the homes of threatened individuals. This enlarged capacity can also be used for bodyguarding assignments at local level.

This expansion will enable the DKDB to coordinate eight particularly demanding full-scale security assignments, involving round-the-clock protection by a team of 30 security officers, or 25 less intensive missions.

Prior to any security or surveillance mission, whether pertaining to a person or an object, the NCTb and its constituent units evaluate received threats and issue prognoses. The NCTb and its unit are in charge of this process. In the light of the increased number of assignments and the consequent enlargement of Surveillance and Security System capacity mentioned above, the NCTb's operational staff will have to be enlarged accordingly.

The NCTb has an advisory role with respect to local and regional affairs and takes an active approach to his duties at those levels. As the occasion arises, the NCTb identifies and monitors certain trends, requests threat intelligence from various services (including the AIVD) and proactively advises local government officials on what steps should be taken. As mentioned above, local and regional officials are also entitled to request the services of the DKDB. In his advisory capacity, the Coordinator of Surveillance and Security at the NCTb recently conferred with several opinion leaders and counselled local police forces. In a number of cases the local authority followed up on these conversations with specific measures. In earlier discussions with parliament, the question was raised whether the security of opinion leaders should be made the responsibility of the national authorities, in order to safeguard their freedom of expression. Given that the local and regional level provides the same degree of security as the national level, there are no grounds for taking such action.

4.5 Special units

In its Action Plan for Counterterrorism and Security, the government announced its intention to revamp the system of special units (Surveillance and Protection Department (BBE),

Special Security Operations Brigade (BSB), Arrest and Observation Units (AOE)). Ahead of decisions to be taken by the government, one operational change has already been made, namely the formation of a temporary working alliance, the BBE-Rapid Intervention Unit (BBE-SIE). This unit consists of both police and military personnel who have been specially trained to handle the threats posed by 21st century terrorism, including suicide attacks. In operation since 1 September 2004, this well-equipped unit can be deployed in short order throughout the country. Its services have already been used on a number of occasions.

Parliament will receive a more detailed report on the reorganisation of the system of special units in the spring of 2005. This reorganisation will also entail a review of the units' equipment.

5. Progress in developing new policies and approaches

In our letter of 10 November 2004 we announced a large number of measures designed to combat radicalisation. Below we examine how some of these measures are working in practice.

5.1 Tackling radicalisation

The AIVD memorandum 'From Dawa to Jihad', which analyses the problems of radicalisation, jihadist recruitment and terrorism in the light of their risks to the democratic legal order, was circulated to local and regional authorities and the regional police forces at the behest of the Minister of the Interior and Kingdom Relations. Last December the House also received a copy of this memorandum. The government released the document to local authorities to help them and their partners devise differentiated intervention strategies. The government is actively following and encouraging these local developments.

This memorandum is also being used as a source for the memo 'Radicalisation in Perspective' which, as you know, the Minister of Justice is preparing. The latter document seeks to provide a broader view of radicalisation, as a basis for assessing and tackling the risks posed by diverse forms of radicalisation. Radicalisation as a phenomenon is not confined to the Muslim community. In the past several years the Netherlands has also been confronted with violent activism perpetrated by animal rights campaigners, right-wing extremists and radical elements within the anti-globalisation movement. This memorandum is expected to be sent to parliament sometime this spring.

In connection with this a study (mentioned earlier in the letter of 10 November 2004) is being undertaken on the necessity and desirability of amending criminal law legislation to make it more effective in protecting democratic values and norms, in the light of current manifestations of radicalism.

The Minister for Immigration and Integration is also drawing up a plan of action, which seeks to root residents of non-Western origin more deeply in Dutch society. This plan will be sent to the House in mid-February 2005. One aspect of the plan is the programme 'Building Social Resistance', which aims to prevent radicalism by boosting society's immunity to it. The plan also provides for expanding the remit of the various groups associated with the National Ethnic Minorities Consultative Committee (LOM), thereby enabling the LOM to engage its own rank and file in dialogue on the dangers of radicalisation, the importance of having bonds with Dutch society and the importance of dialogue with others outside their own ethnic and religious communities.

5.2 Increasing the options for action

Considering the possible nature and magnitude of a terrorist act, all our efforts are directed at intercepting signals and indications that point to impending attacks. In many cases, given the gravity of the potential consequences, we will be forced to act on little more than suppositions, which do not necessarily indicate involvement in terrorist activities. Certain behaviours, when taken as a whole, could give rise to such suspicions. The authorities can choose between a number of possible responses: action under criminal or administrative law or disruption of these activities.

To launch criminal proceedings, the authorities must have reasonable suspicion that a criminal offence has been committed. The Crimes of Terrorism Act widens the scope for criminal liability and raises the maximum sentences for terrorist offences. A bill is currently under consideration that would broaden the applicability of special investigative powers as they pertain to counterterrorism, making it possible to take action under the law of criminal procedure even in cases where there are merely indications of a terrorist offence. Under this bill it would also be possible to perform personal searches without concrete evidence of a criminal offence. The government also intends to propose establishing semi-permanent 'security risk zones'. These proposed amendments to the criminal law in the interest of counterterrorism are more far-reaching than anything that had previously been possible. These measures will exist alongside the present law on preventive personal searches for which the mayor is responsible. A second bill currently in preparation seeks to expand the protection that criminal law provides against radicalisation. This bill criminalises the

glorification or defence of serious offences of a terrorist nature. Under this law the mere glorification of a terrorist offence that has already been committed would be indictable. Additionally, the bill increases the options for taking action against individuals who incite hatred or violence. Specifically, the new legislation empowers the court to prohibit a defendant from performing certain professional activities (e.g. teaching, conducting religious services and youth care), even if the conviction in question is his or her first.

We can also report that officers will soon be authorised to perform personal searches for the entire Schiphol Airport site, including the public section. These increased powers will soon apply to all international airports in the country (e.g. Maastricht-Aachen, Zestienhoven, etc.)

With a view to counterterrorism the range of instruments available under administrative law will be enhanced. In the case of individuals who maintain contacts with suspicious persons or engage in activities of an alarming (but not criminal) nature, the authorities will have the option of using two new measures: a requirement to report periodically to the local police station or a restraining order, which would bar the individual from appearing in the vicinity of certain persons or objects. The contacts and activities mentioned above should be regarded as a pattern or system of conduct, like visiting a foreign training camp for terrorists, or acting suspiciously at certain locations.

Along with this, the substantive criteria of the Public Administration (Probity in Decision-Making) Act can be broadened so that the range of instruments for which it provides can also be employed against terrorism. The legislation necessary for the measures described in the above paragraph is currently being prepared.

5.3 Disrupting radicalisation processes

In the letter of 10 September 2004 on counterterrorism we informed parliament about the programme of 'intervention', i.e. monitoring individuals and their environment in such a way that it is obvious to the subjects that they are targets of official activity, thereby rendering them incapable of engaging in any terrorist-related behaviour.

A pilot programme was carried out under NCTb guidance. The programme centred on a specific organisation, which the NCTb believed to be appropriate for the type of intervention described in the letter. The programme involved gathering all available information on the organisation (in this instance a foundation and a mosque affiliated with it). On the basis of this information the NCTb drew up a detailed description of the organisation. This resulted in the following conclusions:

- activities are taking place under the aegis of this organisation which could be construed as anti-integrationist;
- the organisation may be acting as a breeding ground for radicalisation;
- the organisation and mosque are a potentially active environment for recruiters;
- their practices are not transparent;
- nevertheless there are, as yet, insufficient legal grounds for action under criminal, civil or administrative law.

The main purpose of the intervention is curbing the drift towards radicalism and changing the policy of both the foundation's executive board and the imams in the affiliated mosque. It is incumbent upon the board to uphold the standards and values associated with Dutch society.

The NCTb has developed a package of measures that enable the authorities to craft a targeted response to the radicalisation process observed in this case. These measures, which may involve the use of sanctions under immigration law or financial or administrative procedures, will serve to supplement or reinforce any steps that have already been taken in these areas. Surveillance and enforcement powers may also be invoked. Examples of measures that might be taken include tightening up requirements for short-stay visas for those attending specific events in the mosque, or risk-based surveillance (including surveillance in the Netherlands by immigration authorities, external border controls and MTV) at the time of such an event. In this way we can prevent undesirable guest speakers and visitors from entering the Netherlands and deport them if they are in this country without the necessary papers. The Ministry of Finance could also notify relevant finance companies about a foundation suspected of direct or indirect involvement in terrorism or extremism. This could set the stage for an investigation of the foundation's financial relations or transactions, which would give the authorities a better sense of its financial flows. The Tax and Customs Administration could audit the foundation to learn more about its bookkeeping practices. Community police officers could be instructed to carry out preventive surveillance at neighbourhood level, and the local authorities could be informed about the level of radicalisation so they could firm up the rules for issuing grants or permits.

These are not new powers. Rather, the services in question are making targeted and intensive use of existing powers. The effectiveness of these measures lies in their coordinated application. For this reason intervention is not simply a matter for the national

government. Local government has an explicitly defined role and, is responsible for measures taken at local level.

The NCTb's multidisciplinary tactic has proven to be a promising new approach. For that reason we have decided to apply the methods used in dealing with this foundation to a number of other foundations and meeting places in the Netherlands that are suspected of functioning as hotbeds of radicalism. A hotbed can be many things: from a mosque or religious foundation to a prison or even a website. For operational reasons, we cannot give the House specific information about ongoing investigations. Too much publicity would compromise the intended result: increasing transparency and persuading targets to change their course.

The NCTb starts off by making a thorough multidisciplinary analysis of each of these hotbeds and creates a project organisation for each one. On the basis of the analysis a set of intervention instruments is developed and applied with a view to halting the radicalisation process. At the same time the NCTb is also involved in another ongoing case, which will, it is hoped, provide valuable lessons for other projects. If it so desires, the parliamentary Intelligence and Security Services Committee can receive additional information about these projects.

Without prejudice to the disruption strategy described above, the government is considering amending both criminal and administrative law in ways that would contribute to an effective response to radicalism and terrorism. Obviously, the experience gained in disruption operations can also lead to legislative amendments.

5.4 Tackling threats and radical postings on the internet

The government agrees that the Internet is popular among individuals with extremist views. Wherever possible, the government will act to limit online manifestations of radicalism. The authorities are trying to develop a Notice and Takedown (NTD) system, which is one product of new liability rules for internet service providers. Last year, the Minister of Justice together with the trade association for Dutch internet providers began to examine the possibility of setting up such a system. Using the results of that study, a system will be developed that will enable the authorities and providers jointly to combat harmful or criminal content (like child pornography), discrimination and copyright infringement. At the heart of the proposed system is a complaints bureau, like the present Internet Discrimination Hotline, where members of the public can report illegal content. The bureau's staff would then investigate these reports. Complaints can centre on a website, a newsgroup or various other forms of

online content. In addition, the complaints bureau will monitor specific websites, newsgroups and the like, that are known to contain illegal material. If potentially illegal material is found on a site hosted in the Netherlands, the provider is requested (the 'notice') to remove ('take down') the information, and the police are called in to investigate the individual(s) responsible for posting the information.

Given the nature of the NTD system, this kind of procedure is also applicable to the fight against radicalisation and terrorism. This possibility is currently being discussed with the association of Dutch internet service providers, NLIP. The House will be informed about the results of these talks in early 2005. At that time the government will make a specific proposal about how the NTD procedure will be used, both to combat radicalisation and terrorism and in more 'conventional' forms of law enforcement. If NTD proves to be effective at national level, international cooperation will serve to enhance it further.

6. Tackling terrorist financing

In mid-July 2004, we and the Minister of Finance sent parliament a policy document (HR 27 925, no. 136) that proposed several measures, both short and long term, to help fight abuse of the non-profit sector for terrorist financing. The proposed measures vary from using existing law enforcement powers more actively to improving official intelligence on non-profit institutions.

At present these measures are being fleshed out and coordinated with the various agencies involved. For example, authorities are looking into ways of introducing a disclosure requirement for the annual accounts of foundations and mandatory audit reports for certain categories of foundation. Furthermore, as the House has already been informed, the Public Prosecution Service is exercising the civil powers granted to it by Book 2 of the Civil Code in order to fight terrorism and terrorist financing.

New efforts to uncover financial abuses will concentrate on charities in particular. The exchange of information among various government services (especially the Customs and Tax Authority, the Public Prosecution Service and the AIVD), with the participation of the Financial Expertise Centre, is essential. This exchange of information will be stepped up in the near future.

7. Conclusion

The last several years have been marked by a flurry of new measures and proposals expanding powers, information-sharing, cooperation and capacity. Measures that help make the Netherlands a safer place. A number of these measures, however, will only come to fruition in the fullness of time. An optimal result will thus require all parties concerned to use the available time as well as possible and remain truly open to cooperation. In the coming months and years the government aims to vigorously promote the implementation of these measures and further enhance cooperation between all official bodies and agencies concerned.

The Minister of Justice

The Minister of the Interior and Kingdom Relations

The reorganisations and expansions discussed above will be financed with additional resources specifically designated by the government for that purpose. The exact break-down of this expenditure is given in the table below.

Counterterrorism	2005	2006	2007	2008	2009
<i>Surveillance and Protection (incl. materiel)</i>	22	35.2	48.2	47.3	48.4
AIVD – surveillance and protection (60 FTEs)	1.1	2.2	3.3	4.4	5.6
EBB staff (7 FTEs)	0.2	0.4	0.6	0.6	0.6
BBE	3	3	3	3	3
Police – materiel (large)	2.5	2.5	2.5	2.5	2.5
Police – KLPD/DKDB (235 FTEs)	10.5	19.6	28.8	26.8	26.8
Police – regional intelligence services	0.2	0.3	0.6	0.6	0.6
Police – local and regional protection operations	2.2	4.5	6.8	6.8	6.8
Special Security Operations Brigade (BSB) (35 FTEs)	2.3	2.6	2.6	2.6	2.6
<i>Operational control monitoring</i>	6.7	13.9	18.1	18.3	18.3
Public Prosecution Service (OM): strengthening the National Public Prosecutor's Office, etc.	0.8	1.6	2.3	2.5	2.5
Public Prosecution Service (OM): wiretapping, interpreters, etc.	1	2	3	3	3
AIVD – operational control (40 FTEs)	1	2.5	3.7	3.7	3.7
AIVD – operational control (special resources)	0.4	0.8	1	1	1
Police – Counterterrorism and Special Assignment Unit (UTBT)/National Information Hub (NIK)	0.8	1.7	2.5	2.5	2.5
Police – National Criminal Intelligence Department	1.7	3.3	5	5	5
MIVD: Counterterrorism Information Centre	1	2	0.6	0.6	0.6
<i>Immigration authorities</i>	8.5	16.2	16.1	14.1	14.1
IND: admission, monitoring, naturalisation, return	1.5	3	3	3	3
KMar (113 FTEs)	2	8.2	8.5	8.5	8.5
Infrastructure for the verification of identity documents	3	3	2.6	2.6	2.6
'Building Social Resistance' programme	1	1	1	0	0
Expanding the duties of the LOM	1	1	1	0	0
Subtotal terrorism	37.2	65.3	82.3	79.6	80.7
<i>Supplemental costs</i>					
Block-grant analysis	8	9	10	10	10
Block-grant law enforcement authorities	3	4	5	5	5

Total supplemental costs	11	13	15	15	15
Total	48.2	78.3	97.3	94.6	95.7