

National anti-terrorism coordinator

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Date 10 June 2005
Our reference 5354115/05/NCTb
Re Second anti-terrorism progress report

Please indicate the date of
this report and our
reference in all
correspondence and limit
each letter to just one
case.

In our report to you on 24 January of this year¹, we announced that we would issue half-yearly reports on the progress of measures and policy implementation in relation to the fight against terrorism. We are now, six months later as agreed, presenting you with the second progress report, which consists of this report now before you and the corresponding attachments. In this report, we will provide you with an overview, while the status of each specific measure will be elaborated on in the attachments to this document. We will also look at how the extra resources made available by the Cabinet for anti-terrorism measures will be spent, about which measures we informed you on 24 January. Anything indicated in this respect in this report is intended as further specification or explanation of the report of 24 January. Please note that financial accountability for these resources will occur via the normal channels intended for this purpose.

There are many different aspects to anti-terrorism activities. The following are decisive for the government's ability to effectively tackle the threat of terrorism: the efficient acquisition and use of information; possession of the resources and powers needed to be able to take action on time; effective security for and the protection of potential targets; a cross-border approach and limitation of the breeding ground for the recruitment of potential perpetrators. We will inform you of the progress of each of these components

¹ Lower House, *session year* 2004-2005, 29 754, no. 5

in this report. In order to place the measures taken in the right context, this report will start with an overview of current threats.

We will also take this opportunity to implement a number of motions and commitments. For example, one of the attachments to this report is an overview of the anti-terrorism measures that neighbouring countries are taking or intending to take. We undertook to provide a brief overview of this nature in our response to Question 47 in the list of 171 questions raised further to our report of 24 January of this year¹. In the progress report, we will also discuss the motions tabled by Van der Vlies et al.² and Van As et al.³ on the subject of hate-mongering and other punishable statements made on the Internet and foreign television channels and radio stations. We will also update you on the status of the introduction of the 'alert system' of which you were previously informed.

1. Current level of threat

Profile of the Netherlands

The threat faced by the Netherlands is inextricably linked with international developments. In recent months there has not been any increased threat of attacks in the Netherlands as a result of attacks or thwarted terrorist attacks in surrounding or similar countries. Nevertheless, Dutch involvement in international developments, such as the present deployment of Dutch units in Afghanistan, and the growing international interest in interethnic relationships in the Netherlands, particularly since the murder of Mr. Van Gogh, has given the Netherlands a high international profile and contributes to the threat currently faced by the Netherlands.

Terrorist networks

The radical Islamic-based terrorist threat for the Netherlands is still largely posed by extremist Islamic networks. The greatest threat currently posed for the Netherlands by the Al Qa'ida network lies in the proliferation of its ideology. Various networks and individuals have adopted Al Qa'ida ideology and are attempting to express this through missions (da'wa) and/or terrorism (jihad). Amongst other things, this is manifested in the emergence of local terrorist networks consisting of [radicalised] Muslims born in the Netherlands. The first recorded case of 'self-ignition' in the Netherlands, which was thwarted by the arrest of the individual in question, can also be attributed to

¹ Lower House, *session year* 2004-2005, 29 754, no. 6

² Lower House, *session year* 2004-2005, 29 754, no. 16

³ Lower House, *session year* 2004-2005, 29854, no. 7

this. Self-ignition occurs where an individual who is not involved in any networks, and does not have any direct personal contact with recruiters, radicalises independently (under the influence of Internet sites, for example) to such an extent that he decides to voluntarily fight his own 'Jihad', or plans and carries out a terrorist attack.

The threat faced by the Netherlands today is formed chiefly by individuals that form part of *local networks*. International veteran networks, of Jihad fighters for example, must also be taken into account. The main aim of these international veteran networks is to support and facilitate the fight in Iraq. Incidental recruitment activities are also being undertaken amongst European radicalised individuals.

The possible return to Europe of radical-Islamic extremists that have taken part in armed activities in Iraq is a reason for concern. This concern is partly based on experience in various European countries, including the Netherlands, with individuals who had, in the past, spent time in other Islamic-based extremist hotbeds of resistance (particularly Afghanistan and to a lesser extent Algeria, Bosnia and Chechenia). It is this category of individuals in particular that (re-)enter Europe and play a prominent role in the creation of radical-Islamic based terrorist networks and the recruitment of young people for the violent Jihad.

Targets

At present, the Netherlands must now be alert to the cross-border and multi-facetted selection of targets of radical-Islamic based terrorists: from the complex disruption of the critical infrastructure in our country, or open European society, to 'simple' attacks on well-known people.

Terrorist attacks carried out by radical-Islamic based groups in the period before 11 September 2001 were often directed against traditional targets (*hard targets*), such as diplomatic and military objects and/or people. This included (attempted) attacks on US embassies in Kenya, Tanzania and France. The attacks of 11 September 2001 revealed terrorists' interest in soft targets and targets with a symbolic value. Attacks on soft targets usually result in large numbers of casualties, major damage to property, or the disruption of society or of the critical, economic or political infrastructure. The discovery of the exploration of potential targets [by suspected terrorists], an activity that was detected last summer in the Netherlands, reflects a combination of different types of target in our country.

For the Western world, the attack on Van Gogh was unprecedented, also from the perspective of the target selected. This attack can be regarded as a new category of target for the West, the so-called 'enemies of Islam' (as perceived by radical/extremist terrorist groups). Certain specific individuals are being stamped 'enemy of Islam' [by these extremist groups], thus (in their eyes) legitimising the use of violence against these individuals.

Specific reports of explorations [regarding targets] being carried out [by suspected terrorists] in the Netherlands decreased in the first months of this year in comparison with last year. Terrorist attacks are often preceded by a protracted period of preparation. Thus, the *visible* decrease in specific indications should not lead us to immediately deduce that the threat has also decreased.

Radicalisation and social polarisation

Radicalisation can contribute to terrorism and to successful recruitment. In the aftermath of the attack on Mr. Van Gogh, existing radicalisation processes within immigrant communities have certainly not lost any significance. A shift has occurred in the 'motives' causing young people to radicalise. In the recent past, these motives stemmed from the areas of conflict in which a nationalist or Islamic-based struggle had occurred or was taking place, such as the Middle East, Afghanistan (during Soviet occupation), Bosnia and Chechnya). Now, it would appear that this aversion is increasingly being directed at the West in general, which is being regarded [by extremist groups] as a power that is 'unjust' towards Muslims. The West's recent action in Afghanistan and Iraq forms an additional impetus, with aversion also being directed specifically at the Netherlands. To a significant extent, the latter would appear to be linked to the fierce social debate regarding Islam [and the Islamic community] here. The anti-Islam actions that followed the attack on Mr. Van Gogh also intensified feelings of distance and aversion.

Radicalisation processes within Muslim communities are also being fed by the xenophobic, sometimes racist attitude of young people on the political right and the acts of violence committed by them. It puts a not-to-be-underestimated strain on relations between different sections of the population in the Netherlands, since they result in ethnic polarisation and stir up mutual antagonism. Moderate Muslims could then also increasingly be influenced to reflect on their identity and define this in religious terms. Radical Islamic-based extremists could put forward extreme-right statements or activities to strategically justify radical Islamic-based statements or activities.

To summarise

To summarise, it can be concluded that although the radical-Islamic base of the terrorist threat has changed in some respects in comparison with 2004, this threat is, taking everything into consideration, still substantial. Terrorism is strongly correlated with radicalisation processes, which, in turn, influence social polarisation along partly perceived ethnic lines.

2. International

The Hague programme

A key element from the Hague Programme set up last year under the Netherlands' EU presidency is the prevention and combating of terrorism. A common approach in this area should be based on the principle that when preserving national security, the Member States should take full account of the security of the Union as a whole. The Hague Programme also emphasises the importance of information exchange between law enforcement agencies and with intelligence services, both within and between Member States. The European Council has ruled that a new approach is needed, the starting point for which should be the principle of availability (see below).

On 10 May 2005, the European Commission issued a Communication to the Council and the European Parliament (COM(2005) 184 final). This Communication comprises an action plan in which all of the intentions from the Hague Programme are elaborated on, prioritised and scheduled.

The Hague Programmes includes the agreement to implement integrated Crisis Management Arrangements for crises with cross-border effects within the EU by 1 July 2006. The Netherlands is leading the development of these arrangements, in collaboration with Luxembourg, the United Kingdom and Austria. During the Netherlands' presidency of the EU, the "EU Solidarity Programme on the Consequences of Terrorist Threats and Attacks" was adopted, under which Programme it was agreed to establish one central European coordination centre, one alert system and one European programme for the protection of critical infrastructure within the EU. These instruments will be developed in close conjunction with each other. We will inform you of the progress made in this respect via the report relating to the Crisis management plan 2004-2007 [*Beleidsplan Crisisbeheersing 2004 -2007*].

Measures designed to combat terrorism may prove ineffective in the longer term if steps are not taken to reduce recruitment for terrorist activities. Therefore, a long-term strategy for the resolution of situations contributing to

radicalisation and recruitment for terrorist activities must have been developed by the end of 2005.

EU Plan of Action on combating terrorism

The EU is working on the further implementation of the approximately 150 action points from the EU plan of action to combat terrorism. You received an update on the revision of the plan of action during the discussions on the European Council in December 2004.

As regards the improvement of information exchange, various initiatives have been launched in the EU. Measures have been taken to improve existing information structures, such as the decision taken by the Justice and Home Affairs Council [*Raad Justitie en Binnenlandse Zaken*] on 2 December 2004 in respect of information exchange between Europol and Eurojust, by the EU Member States. Steps have been taken to create new information systems. The agreement achieved by the Justice and Home Affairs Council on 14 April of this year in respect of the creation of a European index for citizens convicted outside the EU is an example of this. The most in-depth discussions in an EU context are underway on the development of the so-called principle of availability as part of the Hague Programme. For this discussion, the Luxembourg presidency has drawn up a composite paper setting out the various methods possible. Following a brief introduction of the paper at the Justice and Home Affairs Council on 14 April of this year, this complex discussion will be continued in the weeks and months ahead.

NATO

Following the attacks in New York and Madrid, the NATO also put measures in place to protect the population against the consequences of terrorist attacks. These measures have been set out in the Civil Emergency Planning (CEP) Action Plan for the improvement of civil preparedness for possible attacks against the civilian population with CBRN-agents, which was adopted by the NATO Council. One of the actions from the CEP Action Plan is the Sagbata project led by the Netherlands and Switzerland, the object of which is to develop an 'Awareness Raising and Decision Support Tool' for CBRN (chemical, biological, radiological or nuclear) incidents. The intention is to complete this project at the end of 2006. Various countries, including the United States, have indicated their wish to contribute to this project.

Collaboration with the United States

Collaboration with the United States is close both bilaterally and, in particular, in an EU context, which includes the fight against terrorism. At a bilateral

level, good contacts have been established between experts and between operational services in the Netherlands and the United States, as a result of the *Agreed Steps*. As regards the protection of airports, seaports and critical infrastructure, best practices have been exchanged, collaboration is good at an operational level and information exchange is effective. Recently, new agreements have been made on tackling forged documents, such as the exchange of working methods, analyses and statistics. At EU level, collaboration with the United States focuses on the prevention of the financing of terrorism and exchange of police and criminal-justice information in terrorism cases. In this context, various aspects, such as data protection and the use of intelligence in criminal cases have been raised in seminars.

3. Preventing terrorism

Resistance against and combating radicalisation

The combating of radicalisation is an important part of the prevention of terrorism. As already indicated before, the Minister of Justice is working on a policy document on radicalism and radicalisation. The object is for this policy document to reach the House before the summer. The policy document entitled "From Dawa to Jihad", which the General Intelligence and Security Office [*Algemene Inlichtingen- en Veiligheidsdienst (AIVD)*] published last year, is being used as part of the formulation of this document¹.

On 25 March of this year, the Minister for Immigration and Integration sent a policy document on the subject of the society's defence against the radicalisation of young Muslims [*Weerbaarheid tegen radicalisering van moslimjongeren*]² to the Lower House. Discussions were held on this document with the permanent parliamentary committee for integration policy [*Vaste Kamercommissie voor het Integratiebeleid*] on 13 and 23 April. Three motions were passed in relation to activities in the field of education and welfare and in relation to the involvement of young people and grass-roots organisations in the plans. The House also requested a more extensive analysis, a more specific representation of the activities undertaken and the inclusion of the right-wing extremism theme. The Minister for Immigration and Integration promised to send the House a new policy document at the end of June 2005.

Expansion of analysis capacity for the General Intelligence and Security Office, the Military Intelligence and Security Office and the Regional Intelligence Offices

¹ Lower House, *session year 2004-2005*, 29 754, no. 4

² Lower House, *session year 2004-2005*, 29 800 VI, no.117

An essential part of the fight against terrorism is formed by the efficient procurement and use of information. For this reason, extra financial resources have been made available for a number of organisations. As stated in our report of 24 January of this year, analysis capacity for the General Intelligence and Security Office, the Military Intelligence and Security Office [*Militaire Inlichtingen- en Veiligheidsdienst*] and the Regional Intelligence Offices [*Regionale Inlichtingendiensten (RID)*] will be expanded.

Discussions are now underway with the organisations involved on the expansion of the regional intelligence offices, as well as on the intensification of analysis capacity at a local level. Consideration is also being given to how the extra resources available can be allocated as optimally as possible. Both the regional intelligence services and local (processing and) analysis capacity will be expanded.

Border control and identity checks

Effective border control and identity checks, which are carried out under the responsibility of the Minister for Immigration and Integration, can also contribute to the prevention of terrorism. For this reason, the Royal Netherlands Military Constabulary's National Documents Office [*Nationaal Bureau Documenten (NBD)*] at Schiphol will be expanded with effect from 2006. Expertise for investigations into fake and forged documents will be reinforced and, as such, detection rates will increase. With effect from 2006, management of maritime ('blue') border control will be reinforced by means of a staffing increase and the creation of a central control room [*regiekamer*].

In our report of 24 January, we also informed you of the use of biometric equipment to identify illegal aliens or individuals without documents. On behalf of the Minister for Immigration and Integration, we are now able to inform you that the first so-called FIT stations (Fingerprint Image Transmission) were taken into use by the various operational organisations in the second quarter of 2005. It is expected that this process will have been completed within the organisations in question at the end of summer 2005.

As indicated in our report of 24 January, a European Visa Information System (EU-VIS) is currently being developed within the European Union. The proposal for a council regulation laying down the purpose, functionalities and responsibilities for the EU -VIS is currently being discussed in the Visa Working Group. Implementation of the EU -VIS will follow in 2007. The trial in 6 municipalities, in preparation for the introduction of biometric identifiers to

Dutch travel documents has now been completed. Face scans will be introduced before 28 August 2006, in accordance with the implementation deadlines agreed upon within the European Union. Once the European Commission has defined the technical specifications, the introduction of fingerprints to these documents will commence.

In our report of 24 January, we also state that, in addition to the use of biometrics in the visa process and the inclusion of biometric identifiers in travel and identity documents for EU citizens and residence permits for individuals from other countries, an information infrastructure is being developed that will make it possible to verify identity online as well. The Minister for Government Reform and Kingdom Relations informed you of the implementation of the above for Dutch travel documents in his report of 18 April 2005¹.

Disruptions

There are two types of 'disruption'. In the CT Infobox, data are exchanged in order to effect individual "disruption". We have informed you in depth of the way in which the CT Infobox works in our report of 18 March of this year.² Added to this is the counterstrategy of disruption to hotbeds of radicalisation.

As described in our report of 24 January of this year, the counterstrategy of disruption to radicalisation processes is being applied to a number of so-called hotbeds of radicalisation in the Netherlands. A multidisciplinary analysis is being prepared in the new sub-projects. The question central to this analysis is whether or not sufficient possibilities exist, in relation to the hotbeds of radicalisation investigated, to attempt to put a stop to it via the disruption method. The analysis will be used to determine the intervention tools applicable. This concerns measures in the field of residence law, or measures of a financial, political-administrative nature, etc., in supplementation or reinforcement of the measures already put in place in these areas. Supervisory and enforcement powers may also be applied. The set of instruments available comprises measures that vary in intrusiveness from positive and supportive, to repressive. For instance, this might involve entering into a dialogue with a foundation's board to bring about a change in the radical course steered by it,

¹ Lower House, *session year* 2004-2005, 25 764, no. 26

² Lower House, *session year* 2004-2005, 29 754, no. 21

the government's request for further information in order to increase transparency, increased targeted supervision and checks and, ultimately, the prohibition of meetings, the freezing of assets and the possible deportation of individuals.

The sub-project initiated as a pilot is now at the implementation stage. Naturally, local authorities are closely involved in the sub-projects. For operational reasons, we cannot discuss this approach in detail. If required, we could provide the Committee for the Intelligence and Security Services of the Lower House with further information.

Administrative measures

In our report of 24 January of this year, we announced to the Lower House that the set of administrative anti-terrorism instruments applicable will be increased. To this end, we have prepared a bill that has recently been distributed for consultation. Following the receipt and processing of response from the consultation round, we will place the bill on the agenda for the Council of Ministers without delay, for submission to the Council of State.

Measures based on aliens law

When recommended to do so, or following consultation of the CT Infobox, the Immigration and Naturalisation Service will assess and deal with alien cases involving an infringement of public order in connection with terrorism, or a threat to national security (for example, the cases involving the three imams from the Al Furkaan mosque). Within the Immigration and Naturalisation Service, a special unit has been created which, amongst other things, assesses these cases for the applicability of measures under aliens law, such as the termination of residency, the issuing of executive orders declaring a person an undesirable alien and the identification of individuals as such. This unit also investigates the possibility of withdrawing alien naturalisation in this context. In collaboration with the police and the Royal Netherlands Military Constabulary, active steps are being taken to remove aliens whose residence entitlement has been terminated from the Netherlands.

Financing terrorism

- Civil action open to the Public Prosecution Service

The functional Public Prosecutor's Office is currently conducting a pilot in which the Public Prosecution Service's powers are being used to tackle (the financing of) terrorism.

Pursuant to its supervisory role in respect of legal entities, the Public Prosecution Service has now put a number of written questions to two foundations that may be linked with radicalisation and requested a response from them. A response has been received from one of the foundations; the response term for the other foundation has not yet expired.

In another case, the Public Prosecution Service requested the prohibition and dissolution of a particular foundation. However, this was recently rejected by the District Court of Amsterdam. The Public Prosecution Service has appealed against this ruling.

Added to the above, the Financial Expertise Centre [*Financieel Expertisecentrum*] is implementing a project in which participants in this centre are exchanging information on a number of specific foundations that could be contributing to radicalisation.

- *Non profits*

In or around the summer of this year, the House will be informed of developments in the measures proposed in this area, as set out in the report from the Minister of Finance of 14 July 2004¹. The most important points to be addressed are the transparency and accountability of foundations and associations, the reliability of the register maintained by the Chamber of Commerce, information exchange within the government and the role played by the Public Prosecution Service when exercising its civil powers in respect of foundations.

4. Tackling the use of the Internet and satellite channels for radical and terrorist purposes

Further to hate-mongering and the communication of radical statements via the Internet and foreign television channels and radio stations, two motions were passed with the common purport that statements of this nature must be traced and kept out of the Netherlands. In the motion tabled by Van der Vlies et al.² (Internet), a criminal investigation is requested into the hate-mongering used in websites and related punishable behaviour on the Internet. In the motion tabled by Van As et al.³ (radio stations), an investigation is requested

¹ Lower House, *session year* 2003-2004, 27 925, no. 136

² Lower House, *session year* 2004-2005, 29 754, no. 16

³ Lower House, *session year* 2004-2005, 29854, no. 7

into the hate-mongering and incitement to violence via foreign TV channels and radio stations available in the Netherlands.

The problems identified in the motions above display important similarities that affect the approach required. In the first place, the Internet and channels and stations that are transmitted via satellites have a strong international dimension. These media have a large - usually worldwide - scope and often do not fall under Dutch jurisdiction. What is more, both media are now accessible to virtually everyone. These characteristics impede the introduction of effective measures. Added to this, the development of this media is ahead of the development of instruments that can be deployed in order to improve their regulation. Finally, a difficulty lies in the actual ability to demonstrate that statements do indeed constitute hate-mongering and/or incite terrorism. A communication that is hurtful for many is not always punishable; this applies both in our country and in many other countries.

It can be concluded that, partly due to the above characteristics, it is impossible to banish all radical and terrorist statements made via the Internet and satellite channels. Therefore, the complex nature of the problem demands an integral approach at a national and international level, in which both public and private parties should be involved. The reinforcement of repressive intervention by governments (through investigation, disruption and prosecution) and collaboration between governments, and between the government and the private sector, is important if the action taken is to be effective.

The problem demands a broad approach. Investigations and inquiry are useful if they form part of a broader whole. Given this fact, the relevant parties have started to develop an integral approach to the problem involving both the Internet and satellite channels.

Both of the approaches being developed focus on the reinforcement of legal instruments, the intensification of monitoring and investigation, the combination of knowledge and experience, the reinforcement of an international approach and collaboration with the private sector. In the long term, the object is to achieve an integral international approach through the deployment of effective instruments that can be deployed internationally. Incidentally, the approach will not be limited to the combating of radical statements; communication that could be threatening in other respects will also be included in the total approach. Finally, it is important that the

approach focus on statements of both a radical Islamic-based and left and right wing extremist nature.

In response to the motion tabled by Van der Vlies et al., it can be reported that an investigation has already been initiated into websites inciting hate and related punishable statements. The police have intensified their efforts, resulting in more, targeted investigation and will continue this. As already indicated, parties involved in investigation and prosecution have also decided to integrally intensify the approach taken. An important element of this is the decision to set up and organise an integral reporting centre for ICT crime. The National Police Agency [*Korps Landelijke Politiediensten*] has recently been instructed to implement the above. The reporting centre referred to above will be operational at the end of the year. This project will be implemented by the National High Tech Crime Centre, a National Police Agency project organisation for ICT crime. The reporting centre will consist of a front office where public and private parties can report various forms of ICT crime, such as radical and terrorist statements made via the Internet. In addition, the reporting centre itself will also perform active, large-scale searches for radical and terrorist statements published on the Internet. The investigation of cases encountered on the Internet will be outsourced via the back-office to various organisations, including the Public Prosecution Service, the police and the General Intelligence and Security Office. Added to this, a so-called Notice & Take Down (NTD) system will be linked to the reporting centre, in which a procedure will be set out for the removal of certain information on Internet.

In response to the motion tabled by Van As et al., it can be reported that an investigation has been started into the hate-mongering and incitement to violence occurring via foreign TV channels and radio stations in the Netherlands. This investigation is being carried out by the Media Authority [*Commissariaat voor de Media*]. It will establish which potentially dubious channels and stations can be received in the Netherlands and whether they have the correct permits. In addition, the Ministry of Education, Culture and Science, the Media Authority in close collaboration with the Public Prosecution Service and the Ministry of Foreign Affairs, are investigating how channels and stations such as these can be kept out of the Netherlands. Consideration is also being given, amongst other things, to the extent to which (amendment of) the Media Act [*Mediawet*] in combination with criminal law can provide opportunities for the tackling of this problem. A warning method is also being developed (to be issued to the distributors of satellite frequencies by the Public Prosecution Service), resulting in a tool that can be used to

amend contracts between distributors and broadcasters, resulting in the discontinuation of transmission.

5. Surveillance and security

Intensification of the surveillance and security of individuals and objects

Our report of 24 January of this year contains a detailed summary of intensifications within the system for Surveillance and Security. This particularly concerns an expansion of the Royal and Diplomatic Protection Department [*Dienst Koninklijke en Diplomatieke Beveiliging*], which falls under the National Police Agency [*Korps Landelijke Politiediensten*]. The expansion will have been completed in 2007. The Surveillance and Security Unit [*Eenheid Bewaking en Beveiliging*] falling under the National anti-terrorism coordinator [*Nationaal Coördinator Terrorismebestrijding*], which unit is responsible for the evaluation of reported threats and threat assessments, will also be expanded. The Cabinet has also made extra resources available for the execution of security tasks. When allocating the extra resources intended for object security, the starting point applicable will be that some of this will benefit those regions requiring the most security at the current time. This concerns the Amsterdam-Amstelland, Rotterdam and Haaglanden regions. Added to this, possibilities for the flexible deployment of national capacity is also being investigated. The objective is to ensure that other regions with an incidental, long-term need for extra security capacity will be able to call upon national capacity.

Protection of civil aviation

Following the diamond robbery at Schiphol, an independent committee was created to investigate access security from landside to airside in the airport and the pass system. The committee consists of Mr. Hutcheson (former Commissioner of the London Metropolitan Police, whose last position was Director of Security at the British Airport Authority BAA, as such responsible for security at Heathrow airport), Mr. Oord (former secretary for security affairs for the Association of Dutch Banks [*Vereniging van Nederlandse Banken*]) and Mr. Uylenhoet (former deputy president of the management board at Schiphol). The committee is expected to have completed its findings before the summer, at which time we will inform you of them.

In 2004, an air marshals trial programme was introduced; this programme was recently concluded. Based on the findings obtained during the trial programme, the continued use of air marshals is currently being considered.

6. Investigation and prosecution

Creation of new powers

The Cabinet believes that legislation must be tailored towards the effective combating of terrorism. The threat of terrorism justifies fast, preventative action from government. Broader powers are needed to prevent terrorism. To this end, several bills have been prepared; these will be discussed in more detail below.

- increasing possibilities for the investigation and prosecution of terrorist offences

A bill is currently before the Council of State for its advice, which bill proposes that reasonable suspicion of a criminal offence should no longer be required for the deployment of special methods of investigation (such as observation, infiltration, pseudo-purchase and telephone tapping), but that indications that a terrorist attack is being planned will suffice. Indications will be considered to apply where facts and circumstances point to the preparation of an attack of this nature. The consent of the delegated judge [*rechter-commissaris*] must be obtained for telephone tapping, while the public prosecutor must be approached for his approval of the use of other special methods of investigation. In addition, in certain places, the public prosecutor may order the performance of preventive searches on individuals and order searches on vehicles and objects.

In addition to the above, the bill extends powers that make it possible, during a preliminary investigation, to collect information on groups of people that may be plotting an attack. In the event of a terrorist threat, it would also be possible to remand suspects into custody at an earlier stage than is presently the case. The suspicion of a terrorist offence will no longer require *serious, incriminating evidence*, in the future, a *reasonable suspicion of guilt* will be sufficient. Finally, the bill makes it possible to postpone full inspection of procedural documents in relation to a terrorist offence where premature disclosure would impede the preparation of the case against a suspect, or would be detrimental for the preparation of criminal proceedings against any fellow suspects. The summoning of an individual suspected of a terrorist offence can then be postponed for a maximum of two years. Submission of the bill to the Lower House is anticipated before the start of the summer recess.

- bill in relation to protected witnesses

On 18 May, the Lower House completed the hearing of the bill in relation to protected witnesses, which it then passed on 24 May. The bill improves possibilities to assess and use General Intelligence and Security Office information in criminal proceedings in a number of respects. For example, the

bill provides for two special procedures for the verification of official reports from the intelligence and security services by the delegated judge under protected conditions. The most far-reaching procedure (Sections 226g to 226m inclusive) make it possible to hear an officer from the General Intelligence and Security Office (or Defence Intelligence and Security Service) as a protected witness, whether or not anonymously. The lighter procedure provides for the protection of certain data, in the interest of state security, during a normal hearing by the delegated judge.

The above bill is now pending with the Upper House. The expectation is that it may be possible to achieve the entry into force of the new statutory regulation on 1 November 2005.

- bill in relation to the penalisation of the glorification of terrorist offences and removal from office for certain professions.

In this bill, the glorification, condoning, trivialisation or denial of very serious (terrorist) offences will be made separate, independently punishable offences, in certain circumstances. This bill has been prompted by the need to provide better protection for society against statements that have gone far beyond the limits of what is considered tolerable. The bill will also provide for the possibility to remove individuals from office due to the commission of certain offences (for instance, insulting a group of people, inciting hatred, discrimination or violence, or discrimination while acting in one's official capacity or profession).

This bill will be sent in consultation to the advisory bodies in question before the end of this month. Submission to the Lower House is expected to follow in the autumn of this year.

Expansion of police capacity (National Police Agency: National Crime Squad [Dienst Nationale Recherche] and the National Criminal Intelligence Service [Dienst Nationale Recherche-informatie]) and the Public Prosecution Service (National Public Prosecutor's Office and Functional Public Prosecutor's Office)

In order to facilitate the intensification of investigations and prosecution, financial resources have been allocated to the Public Prosecution Service, which resources are being used to increase staffing at the National Public Prosecutor's Office and the Functional Public Prosecutor's Office, as well as for court costs (intensification of telephone taps, interpreters, etc.).

The National Public Prosecutor's Office has been allocated an amount of € 700,000 for 2005 and € 1,261,000 for 2006 and onwards. These resources are intended for the intensification of investigations into (the preparation of) terrorist offences and the prosecution of suspects in terrorism cases.

The Functional Public Prosecutor's Office will receive € 100,000 in 2005, € 339,000 in 2006 and € 490,000 for 2006) and onwards. These resources are intended for the intensification of efforts to combat (the financing of) terrorism, for an approach to terrorism in line with the principles of civil law and, related to this, for the supervision of legal entities.

Opmerking: Two amounts are being allocated for 2006. Is this correct??

The National Police Agency triangle has agreed on how the extra resources allocated to the National Crime Squad and its National Criminal Intelligence Service will be used. Over the next three years, both services will be expanded, in line with the resources to be allocated.

7. Responding to crises

Review of special units system

We recently informed you, also on behalf of the Minister of Defence, of the government position on the review of the special units system. The implementation of this position will take place under the direction of the National Anti-terrorism Coordinator.

The government position envisages the achievement of a number of improvements as regards the organisation, management and performance of the special units system. This should safeguard the cohesion of the system, simplify and shorten decision-making processes and ensure the optimisation of the fight against terrorism.

In view of the lack of cohesion identified in the present system, the existing police and defence units will be placed under central control when deployed in terrorism-related situations, in situations involving brute force and in special cases. To this end, a new, umbrella organisation will be created. This Special Interventions Service [*Dienst Speciale Interventie*] will fall under the National Police Agency. The Special Interventions Service will be a full-time unit, consisting of the Special Forces Rapid Intervention Unit [*BBE-Snelle Interventie Eenheid*], a police marksman unit and managerial staff. The other units from the present system, i.e. the police Arrest and Assistance units [*AOE*], the arrest and assistance units from the Special Security Assignment brigade (*BSB*) of the Royal Netherlands Military Police and the Marine's Special Forces

Unit [*BBE-M*], will remain under the aegis of the regional police forces and the Ministry of Defence respectively. In terms of its actual deployment when combating terrorism and brute force, the Special Interventions Service is responsible for the operational management of the Special Forces Rapid Intervention Unit and the Marine's Special Forces Unit. The Arrest and Assistance units that are deployed in combination with the other units from the Special Interventions Service also fall under the operational management of the Special Interventions Service. The deployment of the Special Interventions Service occurs under the authority of the Public Prosecution Service, following approval by the Minister of Justice. An exception to this rule applies when the Minister of Justice consults with the Minister of Defence on the deployment of the Marine's unit. Besides this, the Prime Minister, the Minister of the Interior and the Minister of Defence are immediately informed of any decision to deploy the Special Interventions Service. Where possible, this will occur prior to this service's actual deployment.

In addition to the simplification of the management model applied, it is also vital that the procedures also be simplified, which will facilitate the acceleration of decision-making. This will be achieved by means of pre-agreed deployment scenarios and by the Minister of Justice's delegation of decision-making powers on deployment to the chair of the Board of Procurators General [*College van procureurs-generaal*]. This concerns a number of specific situations that are yet to be determined and for which the Minister of Justice will give his prior consent.

In addition, a number of measures will be taken to ensure the smooth running of the system. These include the streamlining and simplification of legislation, the procurement of the equipment and arms required and by ensuring proper information exchange between intelligence services, investigative and observation services and the units themselves.

An amount of 3 million euro has been specifically set aside for the special units system on a structural basis. This amount will come on top of the current annual BBE budget of 900,000 euro. This amount will be used for the following items: staff increases in the form of staff, support and expertise, training and retraining, and special equipment and resources (for example, NBCR equipment and radar).

Bonfire exercise

In the framework of preparations for possible attacks on so-called 'soft targets', the Ministry of the Interior and the Municipality of Amsterdam

organised the so-called 'Bonfire' exercise, which took place on 6 April 2005. The exercise started with a [simulated] national terrorist threat in the morning. During the course of the day, an "attack" was staged on the Amsterdam Arena during a lunch concert. The perpetrators of the attack took 60 people hostage in the Heineken Music Hall. Approximately 2000 'actors' were involved in this exercise, from more than 50 different organisations responsible for various roles in the field of crisis management and/or anti-terrorism activities.

The evaluation will be ready at the end of June, when it will be sent to the Lower House. At this point, it can already be concluded that a great many lessons have been learned and that the exercise was very valuable. Added to this, the organisations involved are hailing the preparation of the exercise as at least as important as the exercise itself.

As already announced in previous reports, the Anti-terrorism Alert System has now been implemented for the first areas of application, under the direction of the National Anti-terrorism Coordinator¹. The object of the Anti-terrorism Alert System is to ensure that, where necessary, government agencies, operational services, critical companies and (other) public sectors and business sectors are notified quickly and uniformly of the state of alert and measures required in order to reduce the risk and potential effect of a terrorist attack. The system is geared towards the alerting of professionals rather than citizens, since a study by the Netherlands Government Information Service [*Rijksvoorlichtingsdienst*] has shown that citizens would prefer to hear about the problem applicable in a specific situation, which measures have been taken and what they themselves could do, rather than receive general information about threats. However, information will be made available to citizens on the operation of the system as such and further information will become available if the system is activated, so that citizens can be informed properly and quickly and their questions answered, whether or not via the media, amongst other channels.

As already indicated before, the Anti-terrorism Alert System consists of a basic level and three levels of alert, i.e. 'low threat', 'moderate threat' and 'high threat'. These levels are determined through a combination of an estimation of the seriousness and the probability of a terrorist attack. In the event of very high probability and an extremely high level of seriousness, detailed information will have been obtained on the fact that an attack with major

¹ Lower House, *session year 2004-2005*, 29 754, nos. 1, 2, 3, 5 and 6

consequences will take place at a quite precisely determined time. Thus, in a situation of this nature, the highest alert level will be announced. In this respect, system design occurred in accordance with the system for Surveillance and Security¹. In specific terms, this means that the information supplied by information services is collated by the National anti-terrorism coordinator and incorporated into an integral recommendation on the level of danger applicable for (part of) a sector, and that the communication of an alert level to the sector involved and government agencies also occurs via this system. Responsibility for decision-making on alert-level announcements lies with the Minister of Justice, in close consultation with the Minister of the Interior and Kingdom Relations, except where urgency dictates otherwise.

The period since 1 March 2005 has been used to further refine the functional design with all of the organisations and (government) agencies involved and to commence its actual implementation. Implementation of the Anti-terrorism Alert System comprises the development and further specification of the analysis and alert system and, in close consultation with the sectors and specialist departments involved, the sector-by-sector analysis, evaluation and determination of the type of measures applicable per alert level and the communication of this to all involved within the sector. Added to this, competent local authorities, which will implement many of the measures provided for where the alert level announced is raised, will be informed of the entry into force of the Anti-terrorism Alert System and its possible consequences for the various police forces and other services. The business sectors involved have been asked to initiate contacts with the relevant local competent authorities in order to achieve the alignment of (the types of) measures corresponding to each alert stage. The Minister of the Interior has met with representatives from each of the business sectors to be connected to the system and with the departments in question in order to discuss the operation of the alert system, aspects of the system specific for the sector in question, communication aspects and confirmation of the agreements made with regard to connection to the alert system. The following four business sectors will be connected to the Anti-terrorism Alert System:

- Schiphol airport (both landside and airside);
- Drinking water (water companies);
- Rail (passenger transport and stations);
- Port of Rotterdam (petrochemical industry).

¹ Lower House, *session year* 2002-2003, 28 374, no. 13

Initially, a connection was also to be provided for the electricity sector. Following consultation with this sector and the Ministry of Economic Affairs, it was concluded that a link between this sector and gas production and transport, combining them into an Energy sector is more logical and will result in a more efficient use of the Alert System. In consultation with the parties involved in this sector and the Ministry of Economic Affairs, steps are currently being taken to achieve the connection of the Energy sector.

The connection of the business sectors referred to above will occur on the basis of a number of agreements. Based on experience with the system, the usefulness of and need for further regulations in this framework will be considered in the period ahead.

In May 2005, the analysis and advice process was run through with the business sectors and government departments involved for the first time. As part of this process, the National Anti-terrorism Coordinator made a synthesis of the threat information applicable. On 16 June of this year, the Anti-terrorism Alert System will be introduced and the alert level applicable per business sector to be connected will be announced.

A start has been made with the process involving the further development of the system for and connection of application areas other than those referred to above. As already indicated before¹, the development of and elaboration on the Alert system is an ongoing process. The system will have to be elaborated on for many business sectors and government departments in Dutch society. Added to this, the system must also continually be adjusted in line with developments in society on the one hand and on the basis of experience gained in its application on the other hand. As such, implementation will also be given to the motion tabled by Van Aartsen et al. on 14 April 2004², on the understanding that amendment of crisis legislation will not be necessary for the entry into force of the Alert system, since existing powers and structures will be used. Finally, in addition to its use for anti-terrorism, use of the Alert system must also be extended to other types of crisis.

Extended Authority

The complex nature of a terrorist threat, and the enormous consequences that could result from such an attack, demand effective national management. Where any threat of a terrorist attack exists, it must be guaranteed that the

¹ Lower House, *session year* 2004-2005, 29 754, no. 3

² Lower House, *session year* 2004-2005, 27 925, no. 126

measures necessary can be put in place immediately. This guarantee is essential in order to allow the Cabinet, the Minister of the Interior and Kingdom Relations and, in particular, the Minister of Justice (as the coordinating minister for anti-terrorism), to be able to fulfil their responsibilities in relation to the combating of terrorism. The Cabinet has promised the House that it will introduce legislation to ensure that in threatening situations, in which consultation or agreement is no longer possible in view of the urgency of the situation, the Minister of Justice, in his capacity as coordinating minister for the combating of terrorism, will, ultimately, have deciding power on whether or not to put measures in place, where necessary supplemented by an extended authority that extends into areas falling under the aegis of other ministers¹. The preparation of this bill is now nearing completion.

8. Coordination of anti-terrorism activities

The National Anti-terrorism Coordinator

On 1 January 2005, the staff of the National Anti-terrorism Coordinator became operational with a core team. Today, staffing is almost at full strength. Since staffing for the Surveillance and Security Unit will be increased by 7 FTE, the National Anti-terrorism Coordinator's team will ultimately consist of 86 FTE.

Communication strategy

When the National Anti-terrorism Coordinator was installed, an overarching communication strategy was developed under the direction of a working group consisting of communication experts. In a general sense, this plan concerns the role and positioning of communication and the starting points formulated in it. The object of anti-terrorism communication is to ensure that communication remains clear and uniform at every stage of the terrorism combating process. As such, it is essential that a concept be adopted with clear direction and with the appropriate positioning and powers. As a starting point for National Anti-terrorism Coordinator, the above is aligned with wherever possible, and good use is made of the commitment and expertise applicable in this field. Added to this, a communication plan has been produced that focuses on government communication with citizens on the subject of terrorism. When writing this plan, several public opinion studies were consulted. The plan contains the need for information measured amongst the public, an analysis of the starting points for communication on terrorism, and the communication resources that the

¹ Lower House, *session year* 2003-2004, 29 754, no. 1

government is able to deploy. The plans will be worked out in more detail and then implemented.

9. Conclusion

In our opinion, this report provides a good overview of the implementation of the many measures put in place in order to achieve the improved combating of terrorism and which, therefore, contribute to increased safety in the Netherlands. The current threat set out in this report indicates that this threat is still substantial. Therefore, the expeditious implementation of all measures is vital. In the weeks and months ahead, the Cabinet will focus its efforts on proceeding vigorously with the implementation of the policy announced.

The Minister of Justice

The Minister of the Interior
and Kingdom Relations

Our report of 24 January includes an overview of the additional financial resources made available by the Cabinet for the combating of terrorism. These funds will enable the organisations involved to increase their capacity. This will result in the following staff increases at the end of 2009 (preliminary figures).

	FTE increase in relation to anti-terrorism (in FTEs)	2009
	Surveillance and security	
1	General Intelligence and Security Office: surveillance and security	60
2	EBB staff	7
3	Special forces (incl. implementation of Fijnaut)	30
4	Police: heavy equipment	n/a
5	Police: National Police Agency /Royal and Diplomatic Protection Department	279
6	Police: regional intelligence services	150
7	Police: local (object) security	100
8	Special Security assignment brigade	35
	Operational control	
9	Public Prosecution Service: intensification of National Public Prosecutor's office, etc.	20
10	Public Prosecution Service: intensification of telephone taps and interpreters	n/a
11	General Intelligence and Security Office: operational control	40
12	General Intelligence and Security Office: operational control (special resources)	n/a
13	Police: UTBT/NIK	30
14	Police: National Criminal Investigation Department	60
15	Military Intelligence and Security Office: CT Infobox + analysis of telecommunications traffic	12
	Aliens chain	
16	Immigration and Naturalisation Service: admission, naturalisation supervision, repatriation	22
17	Royal Netherlands Military Constabulary	113
18	On-line database identity documents	n/a
19	Secure society programme	1
20	Extension of LOM remit	PM
	Additional item	
21	Envelope analysis	PM
22	Envelope criminal chain	PM
	Total	959

