

National Coordinator for Counterterrorism

To the President of the House of Representatives
of the States General
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Policy and Strategy Department
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Third progress report on counterterrorism

Last June the House received the second progress report on counterterrorism.¹ As it was previously announced that there would be two reports a year, it is now time for the next progress report. This letter contains the third progress report on counterterrorism. Independently of the biannual progress reports we regularly inform the House about particular aspects of counterterrorism policy. In recent months, for example, the House has received policy documents on radicalism and radicalisation² and European antiterrorism policy.³ Following the attacks in London we informed your House about current counterterrorism policy and the current threat situation.⁴ We discussed these policy documents at length with your House. This progress report will therefore deal only briefly with the subjects of radicalisation and European counterterrorism policy. The same applies to surveillance and protection. Your House recently received from us an evaluation of the Surveillance and Protection System.⁵ We discussed this matter with the House on 17 November 2005. Previous progress reports were accompanied by lists of current and ongoing action points. We have decided to drop these lists of action points from the third progress report onwards. Many of the action points have now been

¹ House of Representatives, 2004-2005 session, 29 754, no. 5.

² House of Representatives, 2004-2005 session, 29 754, nos. 26 and 40.

³ House of Representatives, 2004-2005 session, 23 490, no. 391.

⁴ House of Representatives, 2005-2006 session, 29 754, no. 31.

⁵ House of Representatives, 2004-2005 session, 28 974, no. 5.

implemented or form part of regular policy. Progress on the main outstanding action points will now be described in the report itself.

The progress report starts with a summary of the latest threat assessment for the Netherlands (DTN), as drawn up under the responsibility of the National Coordinator for Counterterrorism. This is followed by consideration of the various elements of counterterrorism policy. This policy ranges from tackling radicalisation and preventing terrorist attacks to preparing for any attack that might occur despite all the precautionary measures. As mentioned above, certain topics will receive only cursory attention in this report. Nonetheless, the implications of the threat assessment for policy will be dealt with where appropriate.

1. Current threat assessment (summary)

The level of threat to the Netherlands continues to be substantial. Although the recent arrests have greatly reduced an acute, specific terrorist threat, this is not a reason to reduce the general threat level. The threat to the Netherlands is, after all, much more complex and comprehensive than the specific threat in question. Besides the Hofstad network, there are between ten and twenty other networks active in the Netherlands. As regards the relative influence of the domestic and foreign factors, the latest threat assessment is comparable to the previous one. This means that internal factors (such as the dynamics of radicalisation processes and the activities of local networks) together with external factors (such as the international profile of the Netherlands and the repercussions of international developments) continue to determine the threat situation.

As regards domestic factors, the past period has witnessed certain developments that can only be properly explained in the context of global radicalisation processes. This means that developments in the Netherlands are part of global social processes that exhibit comparable patterns in many Western countries and involve only a very small part of the ethnically Western and ethnic-minority population. First of all, an increasing number of ethnically Western converts are becoming involved in predominantly individual radicalisation processes. Some are even becoming involved in supporting terrorist activities. The increased willingness of such converts to use force is a worrying development. The police are also receiving frequent reports of people evidently

undergoing radicalisation. This frequency is partly because the public are increasingly alert to any radicalisation processes. Many of the people concerned are found to have a criminal record. This could be an indication that radical preachers are succeeding in providing an attractive alternative to a life of crime. Contact between criminals and supporters of radical Islam gives various reasons for concern. The scope for recruitment in prisons and on the streets could increase as a result.

Moreover, a strikingly large number of 'informal' Muslim marriages are being contracted in radical Muslim circles. There are similarities between these marriages and the longstanding criminal activities of 'loverboy' pimps.* Informal marriages are an important theme in the discussions and activities of radical Muslims. Through these informal marriages young women are increasingly being drawn into extremist circles. No recognised religious or secular authority is involved in the conclusion of informal Islamic marriages. These marriages are concluded without the knowledge of the parents. This is perceived as a great scandal for the family in the Islamic world. The marriages are not recognised officially either in the Netherlands or in the countries of origin. At present informal Islamic marriages are mainly concluded by radical or ultraorthodox Muslims.

Finally, the discovery in the Netherlands that the proportion of more highly educated people among recruits is increasing corresponds with observations abroad. No information is yet available on whether radicalisation processes orchestrated from abroad are taking place in Dutch higher education. However, there are increasingly frequent reports of radicalisation processes in schools.

Various international developments show that the foreign factor in the threat situation in the Netherlands cannot be ignored. For example, the parallel broadcasting of video messages from one of the perpetrators of the London attacks and Al Qaida ringleader al-Zawahiri, in combination with provisional investigation results, indicates that forces outside the United Kingdom were involved. This shows that dangers from abroad should not be underestimated as an independent element in the threat, however much they may be linked with national factors. Although the Netherlands has a positive image among

* Translator's note: The term 'loverboy' is used in Dutch to designate pimps (often members of an ethnic minority) who recruit new girls by feigning romantic interest in their victims, all the while fostering an emotional and financial dependence that ultimately leads to prostitution.

the general public in many Muslim countries, for example owing to development aid, attention in radical Muslim circles tends to focus on what is perceived as the negative role played by the Netherlands as an active and loyal partner in the international fight against terrorism waged by such major powers as the United States, the United Kingdom and Russia. In addition, developments connected with terrorism and radicalisation in the Netherlands attract international attention. The international profile of the Netherlands is therefore as high as ever.

2. Combating radicalisation

As mentioned previously, the subject of radicalism and radicalisation will not be dealt with in depth in this report. The measures we announced in previous policy documents and debates are now starting to be implemented. The same is true of the plans that are being implemented under the responsibility of the Minister for Immigration and Integration. Similarly, a joint programme to inform and encourage local authorities has been started by the Minister of Justice, the Minister of the Interior and Kingdom Affairs and the Minister for Immigration and Integration. However, this report will consider the recent steps to disrupt hotbeds of radicalism and tackle the use of the Internet for radical (and terrorist) purposes.

The findings of the threat assessment also indicate the need to be especially vigilant about radicalisation processes in schools and colleges. In association with the Education Inspectorate, the Minorities Integration Policy (Coordination) Department of the Ministry of Justice, the General Intelligence and Security Service and the National Coordinator for Counterterrorism, the Ministry of Education, Culture and Science will shortly embark on a study of radicalisation in schools and ways of preventing it. They will examine to what extent the lessons learned in tackling the problem of 'loverboy' pimps can be used in dealing with the growing problem of 'informal Muslim marriages' in radical Muslim circles. The study will also consider whether the Muslim community can be warned of the risks of such processes and, if so, how.

Intervention in hotbeds of radicalism

A hotbed of radicalism is an organisation or foundation that serves as a breeding ground for radicalisation. To curb these processes, measures must be taken to disrupt the hotbed. Multidisciplinary analyses of various hotbeds have been prepared in the past period. It has been decided on the basis of these analyses to carry out interventions in a number of these hotbeds. What instruments can best be used will be determined on a case-by-case basis. They could include measures connected with residence status and financial and administrative measures, designed to supplement or reinforce measures already taken in these fields. Supervisory and enforcement powers may also be applied. Decisions on what instruments to use will take account of the strategy to be followed and the mutual coherence of the measures. Part of the process will involve keeping a continuous record of the effects of the measures. Naturally, any interventions must take place within the limits of the law.

The local authorities will be involved in all stages of the project. This is in order to ensure that the message is conveyed clearly and unequivocally to those in charge of the organisation involved in the radicalisation. Close involvement of the local authority is also important in implementing the measures and taking advantage of local knowledge.

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

The measures to tackle radical and terrorist communications on the Internet involve both taking stronger action to investigate and prosecute offences and combining knowledge and expertise within the existing frameworks. Both these measures will be reflected in the National Cybercrime Centre, which will become operational early in 2006. The centre is being developed and built by the National Police Services Agency (KLPD).

Both organisations and individuals will shortly be able to report various forms of cybercrime through the centre, which will act as a 'front office'. The focus will initially be on radical and terrorist communications and child pornography and gradually expand to include other forms of crime. The centre will use state-of-the-art technology to monitor the Internet for radical and terrorist communications. The centre will not itself have any powers of investigation, but will refer the cases it uncovers to the 'back office'. The back

office consists of existing organisations: the Public Prosecution Service, the police and the intelligence and security services. In complex cases these organisations will consult together in the centre's assessment unit to decide whether follow-up action should be taken and, if so, what. As already stated in the second progress report, a Notice & Takedown (NTD) procedure will be linked to the reporting centre so that information on the Internet can be removed or blocked through the Internet provider. This procedure is being developed together with the centre.

The international dimension of the Internet means that a connection with authorities and initiatives in other countries is necessary. To find out how neighbouring countries are combating radical communications on the Internet, the National Coordinator for Counterterrorism is conducting a fact-finding study in association with the Ministry of Foreign Affairs. A number of EU member states and countries outside the EU are being asked to provide information about their legislation and regulations, their policies and to what extent they collaborate internationally. The findings will be used to determine how international cooperation can be promoted. Attention will be paid to cooperation within the European Union and with Europol. For example, the existing E-Commerce Directive of the EC provides scope for member states to take action against the use of the Internet for radicalisation and recruitment.

Member of parliament Van der Staaij has asked questions about the websites of FARC, the Colombian rebel organisation, on a number of occasions.⁶ The Minister of Justice had given an undertaking to inform the Swiss authorities of the nature of the Netzwerk Resistencia (the holder of domain name www.farc-ep.ch) and request them to take measures against this website under Swiss law. The Swiss authorities have replied that FARC's site does not contain any information that infringes Swiss criminal law. They state that as long as violence is not advocated and the site 'merely' contains information about the position of FARC there is no reason to block or remove the site. However, the Swiss authorities are vigilant and continue to monitor the site.

A study has been launched to combat hatemongering and other radical messages broadcast in the Netherlands on foreign television and radio stations. This study consists of two parts and is now in the final stage. The first part involves a survey by the Dutch

⁶ House of Representatives, 2004-2005 session, Annexe to the Proceedings, nos. 555 and 2038.

Media Authority at the request of the National Coordinator for Counterterrorism to identify the foreign stations that can be classified as posing a 'risk', the satellites and other possible conduits, such as cable and the Internet, through which these stations can be received in the Netherlands and the member states primarily responsible for supervision and regulation. This first part of the study is intended to reveal the true scale of the problem and the extent to which Dutch authorities are competent to act against such stations. The second part consists of an investigation by the National Coordinator for Counterterrorism, in cooperation with other organisations such as the Public Prosecution Service, the police, the Dutch Media Authority and the Radiocommunications Agency, to determine how to implement a general ban from the Netherlands for stations that pose a risk. In anticipation of the results of this part of the research some measures can already be mentioned. One of them is a change in the criteria for holding broadcasting licences (sections 71a and 71b of the Media Act). For example, a station which is connected with a terrorist organisation or has been convicted in another EU member state for inciting hatred will not now be granted a licence. However, stricter criteria such as this one can have an effect only if the relevant station comes under Dutch jurisdiction⁷ and must apply for a broadcasting licence under the Media Act. In addition, a warning system is being developed. If there is reason to take action against a particular station, the Public Prosecution Service can send warning letters drawing this to the attention of distributors of the relevant frequencies or capacity. This can result in termination of the signal transmission without the necessity of taking further steps. The criterion for sending the letters is that action can be taken on the basis of Dutch jurisdiction and law or that intervention is possible abroad under the terms of a mutual legal assistance convention.

As mentioned above, the study of the use of foreign stations to carry radical messages in the Netherlands is in its final stage. In compliance with the undertaking⁸ given during the meeting on the policy document with a House committee on 10 October 2005, we will shortly inform you about the results of the study and the further steps that will be taken.

⁷ Article 2 of the EU 'Television without Frontiers' Directive.

⁸ House of Representatives, 2005-2006 session, 29 754, no. 54.

3. Preventing attacks

Preventing attacks has many aspects and many organisations and services play a role. In this report we do not provide a full survey of all measures, but deal with developments that have taken place since the last progress report. Nor does the report deal with the work and expansion of the General Intelligence and Security Service (AIVD). The Minister of the Interior and Kingdom Relations discussed this subject with the House not long ago in relation to the AIVD's annual report. We recently provided you with separate information about the latest position concerning the Counterterrorism Information Centre (*CT infobox*).⁹

Person-specific intervention

In previous letters to the House we have dealt with the subject of person-specific intervention.¹⁰ Various developments have occurred since then. Following its establishment the Counterterrorism Information Centre initiated cooperation with the relevant security services by setting up a person-specific intervention coordinating group.

The Counterterrorism Information Centre gathers and compares intelligence about networks and individuals who are in any way involved in terrorist activity. This analysis leads to a recommendation for:

- a) limiting action to monitoring or to consulting information systems;
- b) instituting criminal proceedings;
- c) taking action under immigration law;
- d) mounting an intelligence operation; or
- e) person-specific intervention.

A combination of different forms of action is also possible.

Person-specific intervention involves monitoring both an individual who poses a terrorist threat and those around him in such a way that it is obvious to all concerned that he is

⁹ House of Representatives, 2005-2006 session, 29 754, no. 21.

¹⁰ House of Representatives, 2003-2004 session, 27 925, no. 123 and House of Representatives, 2004-2005 session, 29 752, no. 1

under official surveillance. The purpose is to hinder the person concerned from preparing for or engaging in terrorist activity. This involves using legal instruments other than criminal proceedings, action under immigration law or intelligence operations. Such intervention does not involve round-the-clock surveillance.

If the Counterterrorism Information Centre considers person-specific intervention to be the most appropriate form of action, the person-specific intervention coordinating group is informed. This group then advises the service responsible for the operational response about the measures to be taken. The interventions are carried out mainly by the local police under the authority of the mayor. Examples are visible surveillance, home visits by the neighbourhood coordinator or community police officer, contact with the family or neighbours, and a visible presence around a mosque or other meeting place. Whether intervention remains the most appropriate form of government action is periodically reviewed by reference to the latest intelligence. The administrators, public prosecutors and police chiefs concerned are kept informed of the progress of any such intervention.

Expansion of National Police Services Agency, including National Crime Squad and National Criminal Intelligence Department

The developments connected with counterterrorism, surveillance and protection have resulted in a substantial expansion of the duties of the National Police Services Agency. In order to be able to carry out these additional duties properly, the Agency is using the extra funds previously allocated to it to establish new organisational units and expand existing units. It is working closely in this connection with the Ministries of Justice and of the Interior & Kingdom Relations, the National Coordinator for Counterterrorism, the national intelligence and security services, the regional police forces and the other services within the National Police Services Agency.

The recent expansions for the benefit of the surveillance and protection system are intended to bring the National Criminal Intelligence Department up to strength, thereby equipping it to produce threat reports, projections and analyses of consistently good quality for use in antiterrorism activities. The Department is thus evolving into a national

intelligence service for the Dutch police which has a coordinating, quality-monitoring and identifying role.

The National Police Services Agency is responsible for the recruitment of personnel for the further expansion of the National Crime Squad and the National Criminal Intelligence Department. The recruitment process (including security screening) is time-consuming and many vacancies are filled by internal transfers within the organisation concerned. This can create vacancies elsewhere. However, this is not adversely affecting the work in practice; various terrorism investigations are being carried out by the National Crime Squad.

In order to strengthen the basic information infrastructure of the regional police forces the intelligence role and the role of processing and analysis of information is being expanded at non-central level. The regional intelligence services and the regional information hubs are being expanded, with the addition of 150 FTEs. The Ministry of the Interior and Kingdom Relations has made agreements with the forces about certain minimum requirements, such as a minimum strength level, and about organisational and configuration requirements. These measures will safeguard the information processes.

Expansion of the Public Prosecution Service

To intensify the investigation and prosecution of terrorist crimes the Public Prosecution Service has been allocated financial resources to increase the capacity of the National Public Prosecutor's Office and the National Public Prosecutor's Office for Financial, Economic and Environmental Offences (FP), as well as for court costs (more telephone taps, interpreters, etc.). The National Public Prosecutor's Office has used these funds to develop sufficient capacity to intensify investigations into terrorist offences and their preparation and the prosecution of suspects in terrorism cases. The purpose of the extra funds for the FP is to enable it to step up its efforts to fight terrorism and terrorist financing and to tackle terrorism by means of civil proceedings and hence also by supervision of legal entities. The FP has already started taking on additional staff.

Civil powers of the Public Prosecution Service

The FP is currently carrying out a pilot project involving the use of the civil powers of the Public Prosecution Service to fight terrorism and terrorist financing. Using its civil powers over legal entities, it put written questions to two organisations possibly connected with radicalisation. The answers given by the organisations prompted further investigation. This investigation is currently in full swing. In another case the Public Prosecution Service applied for an organisation to be proscribed and disbanded. This request was refused by Amsterdam District Court. The Public Prosecution Service appealed against this judgment and the hearing took place on 8 November 2005. Judgment is expected in the first half of December.

The use of civil powers was recently evaluated by the FP. Various problems were identified, including problems connected with the gathering and sifting of information. The Public Prosecution Service will examine internally how these problems can be adequately resolved.

Action against terrorist financing

On 30 June 2005 the Minister of Finance, acting on his own behalf and on behalf of the NCTb, sent the House a policy document about action to combat the misuse of not-for-profit organisations for the financing of terrorism.¹¹ The Ministers of Finance and Justice debated this policy document and a number of related subjects with the House on 2 November 2005. An important development that will help to reduce the vulnerability of the not-for-profit sector is the new system of monitoring legal entities. The system of preventive supervision is to be replaced by a system of permanent screening. The information that becomes available about legal entities will be used efficiently and enforcement instruments will be deployed more effectively. The legal entities supervision project is expected to be completed in mid-2007.

¹¹ House of Representatives, 2004-2005 session, 27 925, no. 181.

Border controls and identity checks

The Dutch Court of Audit presented its report on the use of border controls for antiterrorism purposes to the House of Representatives on 28 September 2005.¹² It made various recommendations based on its investigation of the effectiveness of border controls on passenger and goods transport in combating terrorism. A plan of action containing specific measures will be presented to the House before the end of the year.

The National Coordinator for Counterterrorism, the General Intelligence and Security Service and the Ministries of Foreign Affairs and Justice are drawing up indicators that can be used to determine whether travellers of a particular nationality pose a national security risk. They are also examining ways of amending annexe 5A to the joint visa instructions in order to enhance national security. This annexe lists the nationalities and categories of exception for which visa applications should be submitted to the central authorities. Where necessary, these authorities may refer a case to the AIVD.

Various measures relating to border controls and antiterrorism were taken in the period under review. For example, the border controls at ports and airports were stepped up temporarily in July 2005 following the terrorist attacks in Great Britain. To improve international cooperation, a joint exercise was carried out at various airports, including Schiphol Airport, under the direction of the European Air Border Centre (ABC) in July and August 2005 to combat illegal immigration on low-budget airlines.

In September 2005 a start was made on the implementation of the new approach to maritime border control. This new approach will take account of developments relating to the new-style coastguard organisation.

The first major steps have now been taken to introduce biometrics in the identification and registration of aliens. The public procurement procedure for the Automated Fingerprint Identification System (AFIS) has been completed. The biometric recording equipment (FIT stations) has been introduced by the Aliens Police and by the Royal Marechaussee. The pilot project for the integration of biometrics in the procedure whereby airlines are required to supply a copy of their passengers' travel documents has been successfully completed. A possible follow-up will be examined in the short term.

¹² House of Representatives, session 2005-2006, 30 315, nos. 1 and 2.

Measures under immigration law

Since the second progress report, the Immigration and Naturalisation Service (IND), acting under the responsibility of the Minister for Immigration and Integration, has taken a large number of measures under immigration law against aliens connected with radicalisation or radical groups. The aliens concerned often make use of their legal remedies, for example by seeking the lifting of an order for detention pending expulsion, or by instituting an objection or appeal against termination of residence rights or against a declaration that the person has the status of undesirable alien. For example, a case is pending before the European Court of Human Rights in which an alien who had exhausted domestic remedies and been declared an undesirable alien invoked article 3 of the European Convention on Human Rights (which prohibits torture and inhuman treatment) to contest his expulsion. Pending the decision the alien cannot be expelled. All of this is delaying implementation of the measures under immigration law.

Measures to combat illegal residence and tackle identity fraud, as well as the instrument of refusing entry to the Netherlands, can also be used to combat terrorism and exclude radicals. For example, an applicant was refused a visa on the grounds that he was stated in the description of him issued by the French authorities to be involved in a radical Islamist organisation. The French description and the subsequent visa refusal ultimately led to the cancellation of a conference that was to have been held in Amsterdam this summer. The Netherlands can in fact itself issue a description of a person as a danger to national security.

Aliens suspected of crimes against humanity

During the debate in the House on the budget of the Ministry of Justice, member of parliament Çörüz requested information about the numbers of aliens resident in the Netherlands who are suspected of involvement in terrorism and of crimes against humanity. Under Article 1F of the UN Refugee Convention people who have committed crimes against humanity cannot obtain protection under the Convention, and such people are not granted entry to the Netherlands. The Immigration and Naturalisation Service also forwards these '1F' files to the National Public Prosecutor's Office, which

examines whether the persons concerned can be prosecuted. Three people have so far been convicted by the Dutch criminal courts under this procedure.

CBRN terrorism

Chemical, biological, radiological and nuclear (CBRN) materials can be used to commit terrorist attacks. The probability of such an attack in the Netherlands is assessed as low by the intelligence and security services. However, the consequences of such an attack could be very serious. Even small-scale incidents involving CBRN materials, such as letters containing powder, could quickly cause great fear among the public. This requires an effective and coordinated approach. This is why the National Coordinator for Counterterrorism has been given responsibility, from October 2005, for coordinating the measures to tackle CBRN terrorism. This involves a proactive approach and prevention. The other element of Dutch policy on CBRN terrorism, i.e. dealing with the consequences of a possible attack, is coordinated by the Minister of the Interior and Kingdom Relations. Policy on the two elements – prevention and response – is designed to form a coherent whole.

The proactive approach to CBRN terrorism involves five projects. Each of these projects focuses on a different aspect: unauthorised acquisition of CBRN agents, transport and storage, border control, intelligence and the provision of information. The purpose of the first three projects is to provide a higher level of security for processes, organisations, persons and others who frequently come into contact with CBRN materials. The CBRN intelligence project is intended to improve intelligence about CBRN terrorism, and the information project focuses primarily on informing the general public and government bodies about CBRN terrorism when a threat occurs. These projects are being carried out by various organisations and ministries and are being coordinated by the National Coordinator for Counterterrorism. Their duration is about one year.

The part of the CBRN policy that focuses on response involves such matters as preparation, investigation and follow-up. Progress on these matters is reported annually to the House. The progress report on NBC weapons for 2004¹³ was discussed during the

¹³ House of Representatives, 2004-2005 session, 27 925, no. 180.

consultations on the terrorism policy document on 10 October 2005. The report for 2005 will be sent to the House in the spring of 2006. It was stated in the last report that some projects were being completed. A few new projects involving contamination control, quality of equipment, and training and exercises (T&E) are due to be started. These projects will last for about one year. One exception is the T&E project, which is of an ongoing nature.

Counterterrorism Alert System

The Counterterrorism Alert System became operational for the port of Rotterdam, the railways, the drinking water industry and Schiphol Airport on 16 June 2005. Before that the threat level applicable to each sector was determined and reported to the Queen's Commissioners, mayors, Public Prosecution Service and police forces. It was stated in this connection that other business sectors would be added in due course and that the system would gradually be upgraded and improved.

The state of alert was set at the basic level for these first business sectors, with the exception of Schiphol Airport. The level of alert at Schiphol had for some time been set at a level comparable to the lowest state of alert under the Counterterrorism Alert System. Immediately after the attacks in London on 7 July 2005 the threat to the railways was analysed anew. In early September 2005, however, new information from the intelligence services led to the state of alert being raised to 'slight threat' on 9 September 2005. The security measures previously agreed for Schiphol were then put into operation. As this threat is no longer relevant, the state of alert has been reduced to basic. The current alert levels of all business sectors covered by the system are shown on the website of the National Coordinator for Counterterrorism.

Three more business sectors – the natural gas, electricity and nuclear industries – began participating in the system on 3 October 2005. Once again, the levels of threat applicable to them were determined beforehand and the authorities were informed.

Whether a business sector takes part in the system depends on whether it is of vital financial and economic importance and whether it forms an attractive target for terrorists. Another factor is whether large numbers of fatalities can be caused by relatively simple

means. Finally, whether the targets have a symbolic significance for Western society is taken into consideration. Fourteen business sectors are scheduled to be connected to the system on the basis of these criteria in 2007. Urban and district transport will join in December 2005. The sectors that are expected to follow are high-concentration passenger transport on inland waterways, the oil industry, the financial industry, the public administration sector, the chemical industry and large-scale public venues (e.g. the events industry, sports stadiums and large hotels and restaurants). As regards this last, rather heterogeneous group, the first step will be to determine what approach should be adopted in a practical and organisational sense. Even if a business sector is not participating in the system, the police can still take measures in specific places where this is warranted.

Exercises will be held with the industries concerned and an exercise procedure has been established with a number of industries. The results of the exercises can provide a basis for improving the operation of the system. Steps are being taken in cooperation with the Vital Infrastructure Protection Project to improve security measures in the business sectors that are part of the terrorism alert system. Moreover, coordination is being enhanced at local level between the sectors concerned, the police and the local and provincial authorities. For example, a matrix has been developed to allow better coordination of industry and police measures. A working group will also study the legal aspects of the system and advise on whether or not participation should be made compulsory. For the time being, participation is on a voluntary basis. These and other developments as well as an evaluation of the system will be included in a final report, which is planned for the spring of 2007.

Surveillance and protection

The new Surveillance and Protection System was recently discussed at length with the House following an evaluation of it. The first progress report, dated 24 January 2005, gave a detailed account of the extra resources made available by the government for the system of surveillance and protection. A large proportion has been earmarked for the expansion of the Royalty and Diplomatic Protection Department (DKDB). Agreements have been made about how the capacity of the DKDB should be increased to 235 FTEs by 2008. This is proceeding according to plan. The extra funds that have been released

for the decentralised protection of infrastructure by regional police forces are being divided among the regional forces that are bearing the brunt of the surveillance work, namely Haaglanden, Amsterdam-Amstelland and Rotterdam-Rijnmond. In addition, the Amsterdam-Amstelland and Haaglanden police forces are receiving extra resources for protection of specific targets, which can be used nationally. The other regions can, if necessary, apply for extra funds through the standard assistance scheme. The extra funds allocated to the General Intelligence and Security Service for surveillance and security are being used to meet the increased demand for information about threats, to embed the system more firmly within the working procedures, to strengthen its analysis capacity and to develop expertise faster. As mentioned previously, the increase in the capacity of the National Criminal Intelligence Department of the National Police Services Agency is going to plan.

In his letter of 1 July 2005,¹⁴ the Minister of Justice, writing partly on behalf of the Minister of Defence and the Minister of the Interior and Kingdom Relations, informed the House about the content and progress of the report 'Safety and Security Reconciled', produced by the committee established to investigate access security from landside to airside at Schiphol Airport and the access pass system. The chairman of the committee, Mr Oord, has agreed to supervise the implementation of the recommendations. The main recommendations are for:

- reorganisation of the access control arrangements in order to improve quality;
- an overall survey designed to find ways of regulating access properly on a lasting basis;
- modifications to the infrastructure to facilitate the controls;
- an integrated approach to crime control and security.

On 30 September 2005 the House was informed about the progress made in implementing these recommendations.¹⁵ During a meeting with members of government on 4 October 2005, a House Committee was informed that the four recommendations were being implemented and the work was proceeding according to plan or had, wherever possible, already been completed. Under the supervision of Mr Oord, work is currently under way on the configuration of a control model at Schiphol Airport. This

¹⁴ House of Representatives, session 2004-2005, 24 804, no. 29.

¹⁵ House of Representatives, 2005-2006 session, 24 804, no. 32.

model features an integrated approach to crime control and security. A first 'constitutional' meeting will be held in mid-December 2005, at which the establishment of a command centre will also be discussed. The House will be kept informed of further progress.

An air marshals trial programme started in 2004 was completed in 2005. On the basis of the findings it has been decided to deploy air marshals permanently.

Renegade aircraft procedure

During question time on 10 October 2004 the Minister of Justice promised to provide the House with more information about the procedure for combating aviation terrorism, known as the renegade aircraft procedure. The Antiterrorism Assistance (Aviation) Order came into effect on 1 May 2005. This records a number of existing procedural agreements between the Ministries of Defence and Justice about the provision of military assistance in combating an airborne terrorist threat.

Fighting aviation terrorism is a national responsibility. In the Netherlands the Minister of Justice has been designated as the competent national authority. A civil aircraft may be designated as an airborne terrorist threat by NATO, by the Air Operations and Control Station of the Royal Netherlands Air Force (AOCS NM) or by the Minister of Justice. The AOCS NM, acting under the responsibility of the Minister of Justice, is competent to give instructions to two armed F-16s – the Quick Reaction Alert (QRA) – to intercept a civil aircraft to verify its identity and obtain information about it. From the moment that a civil aircraft is deemed to be an airborne terrorist threat, the Minister of Justice is competent to issue instructions to the QRA. Interception by the QRA takes place under the responsibility of the Minister of Justice.

In addition to the renegade aircraft procedure clear agreements have been made by those concerned about the provision of information to provincial and local authorities and to the general public.

Review of the system of special units

We informed you by letter of 3 June 2005 about the government's position on special units in the Netherlands. The government has decided to review the system of special units. In August 2005 the introduction of the new system began. Part of this new system is the new Special Intervention Service of the National Police Services Agency, which will become operational in early January 2006. Not all aspects of the new system will have been completed by that date. This is because it requires amendments to legislation. In order to ensure that the implementation process goes smoothly, a project organisation has been established under the control of the National Coordinator for Counterterrorism. All relevant parties, such as the Ministry of the Interior and Kingdom Relations, the Ministry of Justice, the Ministry of Defence, the Public Prosecution Service, the National Police Services Agency and the police, are represented.

Legislation

Various antiterrorism bills have been introduced or are being drafted. The legislative process has continued in the period under review. The bill to expand the scope for investigating and prosecuting terrorist crimes is currently before the House. You will shortly receive the commentary on the report accompanying the bill. The bill on the use of administrative measures is currently under consideration by the Council of State. It will be sent to the House in the next few months. The same applies to the bill on the granting of temporary extra powers to local authorities. Conflicting advice has been received in the consultation round on the bill making it a crime to glorify terrorist crimes and barring offenders from practising certain professions. This advice is now being studied. Finally, legislation is being prepared to make it an offence to attend terrorist training camps. It is proposed to discuss this bill in Cabinet in the first quarter of next year, after the consultation round. This implements the Eerdmans motion on this subject.¹⁶

¹⁶ House of Representatives, 2004-2005 session, 29 754, no. 11.

4. Responding to crises

Crisis management

In the letter on the current state of antiterrorism policy of 29 September 2005¹⁷ we informed you about the measures taken to improve crisis response. A working group of experts (consisting of representatives of the police, fire service, emergency medical service, public transport companies and other organisations) is identifying measures that can be taken in the short term to improve the response. These measures can be divided into five categories:

- provision of information
- coordination and control
- communications
- operational services, and
- civil-military cooperation.

We will hold consultations on this subject with the mayors of the four big cities at the end of this year and will inform you separately of the measures to improve the response in early 2006.

As regards civil-military cooperation the Minister of Defence and the Minister of the Interior and Kingdom Relations announced a change of course in the letter to the House on 'defence and national security' of 22 April 2005.¹⁸ This means that the role of the armed forces will change from that of an occasional safety net for the civil authorities into that of a permanent security partner for the police, fire service and emergency medical organisations in the field of national crisis management. The Civil-Military Cooperation Intensification Project (ICMS) has been established to work out the details. In late 2005 the government presented a number of measures for cooperation in areas such as surveillance and protection of vital infrastructure and areas and the protection of ports, airports and air space, and for cooperation in joint exercises, information-gathering and the provision of information.

¹⁷ House of Representatives, 2005-2006 session, 29 754, no. 31.

¹⁸ House of Representatives, 2004-2005 session, 29 800 x, no. 84.

Exercises

The first exercise at national level in the Netherlands to simulate crisis decision-making in the event of a terrorist attack was held in the spring of 2005. The participants in this exercise were central government, the municipality of Amsterdam and the operational services concerned. They regarded this large-scale multidisciplinary exercise as very useful and the Minister of the Interior and Kingdom Relations therefore decided that a similar exercise should be held every two years. This means that the next large-scale multidisciplinary exercise at central government level will be held in 2007. A smaller counterterrorism exercise will be held in 2006, when the emphasis will be on the functioning of the ministerial policy team. Many small-scale and large-scale exercises are also being held in the area of crisis management, disaster response and antiterrorism. A complete list can be found in the exercise calendar which will be presented to the House as an annexe to the progress report on the Crisis Management Policy Plan in December 2005.

5. Communication and the provision of information to the public

In the letter to the House on the state of antiterrorism policy, to which reference was made in introduction to this report, we announced that we would be starting a campaign to inform the Dutch public about terrorism and antiterrorism measures. At present the European procurement procedure for the multiyear public information campaign on terrorism and antiterrorism is under way. The selection stage has been completed. The national campaign is due to start in mid-February in close cooperation with the four big cities, Dutch Railways, Schiphol Airport and the police.

In order to reach the widest possible public, use is being made of mass media such as radio and television advertisements, the Internet, posters and billboards. An information leaflet will also be sent to each household in the Netherlands.

On 28 November 2005, in anticipation of the national campaign, Amsterdam and Rotterdam started their own information campaign specifically for users of local public transport as both these cities had promised to inform their residents about terrorism and antiterrorist measures in 2005. The purpose of the municipal campaign is to get across

one message: if you see something suspicious, report it to the police or municipal transport company or call the emergency telephone number 112. The messages have appeared on billboards at stations in the two cities. The local campaigns of Amsterdam and Rotterdam will run from 28 November to the end of January 2006. Thereafter both local authorities will take part in the national campaign.

6. International

As stated above, we recently informed the House in detail about developments in European antiterrorism policy. Moreover, a number of decisions on new initiatives will not be taken until December, during the last stage of the British presidency of the EU. As usual, we will inform you about this around the time of the JHA Council and the European Council. We will not therefore deal in more detail with European developments in this report.

International cooperation

In the past year the Netherlands has concluded conventions with various countries containing provisions on the international exchange of information, partly in relation to antiterrorism. These are the Benelux Convention on cross-border police action (concluded in Luxembourg on 8 June 2004, Dutch Treaty Series 2005, 35), the Convention between the Netherlands and Germany on cross-border police cooperation and cooperation in criminal-law matters (concluded in Enschede on 2 March 2005, Dutch Treaty Series 2005, no. 86) and the Convention between the Netherlands, Belgium, Germany, Spain, France, Luxembourg and Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (concluded in Prüm on 27 May 2005, Dutch Treaty Series 2005, 197), about which the House was informed by letters of 13 July 2005 and 28 September 2005.¹⁹

In addition to greater scope for the exchange of information and the spontaneous provision of information, these conventions also contain other provisions which may be

¹⁹ House of Representatives, 2004-2005 session, 29 800 VI, no. 162 and 2004-2005 session, 23 490, no. 391.

of importance in the fight against terrorism. These include direct (computerised) application for vehicle registration data (Benelux and Prüm Conventions), direct, computerised consultation of data banks in the other member countries in order to compare fingerprints and DNA profiles (Prüm Convention), and the possibility of making urgent requests for legal assistance in order to secure evidence (Netherlands-Germany). The Benelux Convention will shortly be presented to the Senate, but has been provisionally applicable since 27 February 2005 in so far as the provisions do not require a change in the law. The bill to approve the convention between the Netherlands and Germany has been sent to the Council of State for its opinion. If the parliamentary approval process has not been completed by March 2006, this convention too will be provisionally applied from 30 March 2006. Before the Prüm convention can enter into force, various implementing schemes must be drawn up and agreed and technical measures (such as the building and modification of databanks) carried out. As many countries are involved, the implementation period will be relatively long. Although the first meetings of the multilateral working groups established for this purpose have been held, implementation is not expected to be completed until well into 2006 at the earliest

Council of Europe

Two antiterrorism conventions were adopted by the Council of Europe in Warsaw on 16 May 2005. The Convention on the Prevention of Terrorism imposes a number of obligations on the parties to establish as criminal offences under their domestic law acts that often precede the commission of terrorist attacks, namely public provocation to commit a terrorist act, recruitment for terrorism and training of terrorists. Besides introducing what amount to new offences in an international context, the Convention imposes obligations on the parties to cooperate together in respect of these offences. The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism is intended to update the existing Council of Europe Convention on Laundering (1990) and supplement it by introducing provisions on terrorist financing. The government wishes the Netherlands to become a party to these conventions. In addition, the Council of Europe has adopted a number of recommendations on the fight against terrorism (on special investigation techniques, protection of witnesses and 'collaborators of justice', and identity and travel document fraud), as well as guidelines on human rights and the fight against terrorism and

guidelines to protect the rights of victims of terrorism. Finally, it is worth noting that the Council of Europe is preparing overviews of antiterrorism legislation and organisational structures in each member country.

United Nations

The United Nations has also made advances in the fight against terrorism. On 13 April 2005 the General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism. This was followed on 8 July 2005 by the revision by the International Atomic Energy Agency of the Convention on the Physical Protection of Nuclear Material. On 14 October 2005 the International Maritime Organisation (IMO) adopted two protocols for the review of two IMO conventions dating from 1988, namely the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Unfortunately, the negotiations in the Sixth Committee on the text of the Comprehensive Convention on International Terrorism have not yet produced a result. The controversial issues of a legal definition of terrorism, the right of self-determination and state terrorism have not been resolved.

7. Conclusion

Together with the recent policy documents and correspondence to which reference is made in the introduction and elsewhere in this letter, the third progress report provides, in our opinion, a good overview of the current situation regarding counterterrorism policy in the Netherlands. As the Netherlands continues to face a substantial threat, the importance of implementing this policy expeditiously is once again apparent. The government will therefore continue its efforts to achieve this in the period ahead.

The Minister of Justice

The Minister of the Interior and
Kingdom Relations