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Terrorismebestrijding

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**Annexes**  
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*When answering please state  
the date and our reference.  
Please raise only one issue in  
your letter.*

Date 15 December 2009  
Subject Eleventh counterterrorism progress report

Last June, your House received the tenth counterterrorism progress report.<sup>1</sup> With this letter we offer you the eleventh progress report.

It is now five years ago that Theo van Gogh was murdered in a most brutal fashion in Amsterdam. This terrorist act caused a great shock to society in the Netherlands. The public was made acutely aware of the fact that the Netherlands was not safe from the terrorist threat, and that special efforts were required to prevent new attacks. For this purpose the National Coordinator for Counterterrorism (NCTb) was instituted, among other measures. Up to this moment, further terrorist attacks in the Netherlands have been able to be prevented, thanks to the efforts of the intelligence and security services, the police, the Immigration and Naturalisation Service, the Royal Military Constabulary, the NCTb and many other services and organisations, but also as a result of the vigilance of ordinary citizens. Important in this context was society's growing resilience, especially that of the Muslim communities, against radicalisation. All of the above means that the group of radicals in our country, who are prepared to further their political or religious goals by means of violence, has steadily decreased in size, and more has become known about the operation and modus operandi of this group.

The efforts made in the field of counterterrorism in the Netherlands have therefore actually achieved results. The fact that the Netherlands has become safer in recent years as regards the terrorist threat should not, however, be reason for reduced vigilance. Vigilance remains necessary because terrorist networks have shown themselves in the past to be very resilient and very patient. All manner of international and national developments can result in a situation whereby a new generation can fall under the spell of radical ideologies, with all the inherent risks involved. These dangers need not come from the same direction as they did in the past. Even individuals are able to demonstrate blind violence against our political social system, such as became painfully clear on the Queen's Birthday. There is therefore every reason to remain vigilant.

The structures, powers, strategies and working methods that have proved their value in recent years in the field of counterterrorism should certainly be used in that context. It does remain necessary, with regard to these measures, to keep asking the question of whether they will still be effective in changed

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<sup>1</sup> Lower House of Parliament, session year 2008-2009, 29 754, no. 162.

circumstances. Adjustments have to be implemented where necessary. We are pleased, in view of the above context, with the evaluation of the Dutch counterterrorism policy, in respect of which the path was cleared by the Suyver Commission and with regard to which the findings are being actively dealt with.

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## **1. Eleventh counterterrorism progress report**

Since its establishment, the NCTb has issued ten semi-annual progress reports on counterterrorism. In addition to a summary of the most recent Terrorist Threat Assessment Netherlands (DTN), these reports dealt with the progress of the development and implementation of various components of counterterrorism policy. Before you lies the eleventh counterterrorism progress report.

Counterterrorism is a long-term process. Five years on, we are able to conclude that in some areas, such as legislation and combating radicalisation, important first steps have been made and that policy developments are now fully underway. An example is the comprehensive Polarisation and Radicalisation Action Plan, of which your House will be informed separately. In other areas, such as civil aviation security or the prevention of CBRN attacks, there are still many policy or technical developments to be implemented, or there are detailed and complicated processes to be dealt with. At the EU level as well, a great deal of policy, legislation and regulations has in recent years been formed on the basis of the EU counterterrorism strategy and related action plan. In the coming years, the Stockholm Programme will provide an extra impulse in respect of the above measures.

After five years of reporting on developments in counterterrorism policy, we elected in this report to make a selection of themes that are currently politically or socially relevant, or relevant with respect to policy planning, or that otherwise attract attention. This does not mean that no progress has been made as regards other themes, but these are, as stated, fully underway, or part of a long-term negotiation process. Perhaps these themes will indeed be dealt with again in a future report as a result of new developments. By selecting a certain number of themes, we have also created the space to discuss several subject in a more in-depth manner, and to provide more detailed insight into the problems and (policy) solutions involved.

As usual, the progress report starts with a summary of the most recent Terrorist Threat Assessment Netherlands (DTN). The DTN is drawn up four times a year by the National Coordinator for Counterterrorism (NCTb) and falls under his responsibility. We will subsequently deal with the progress made in the past six months in the development and implementation of various components of counterterrorism policy. This concerns, successively, the combating of violent radicalisation, international developments, human rights, instruments and organisation, and security measures. And finally, we have attached, as an annex, the second WODC monitor report with respect to the Act to Expand the Scope for Investigating and Prosecuting Terrorist Crimes.

## **2. Summary of the Terrorist Threat Assessment Netherlands, November 2009 (DTN-19)**

The threat level for the Netherlands will be lowered from *substantial* to *limited*. *Limited* means that the chance of a terrorist attack against (the interests of) the Netherlands is relatively small, but that it certainly cannot be entirely ruled out. An evaluation of the national and international dimension of the terrorist threat compared with the resilience has led to this conclusion.

At the basis of the grounds for reduction of the threat level are two changes in the threat assessment. Firstly, in the past six months no new facts have been established with respect to the status of the Netherlands as specific 'preferred target'. There is therefore no longer any reason to consider that the Netherlands is a 'preferred target' of core al Qa'ida or groups affiliated with it. Generally speaking, it can be stated that in comparison with the start of 2008, the time at which the threat level was increased to substantial, the Netherlands is considered less in the picture of international jihadist organisations. Another important development is that the striking power of core al Qa'ida to attack Europe, and therefore the Netherlands as well, is assessed as lower than a year ago. The operational effectiveness of core al Qa'ida is being put under pressure by the continuous attacks with unmanned aircraft (so-called 'drones') in the tribal areas of Pakistan. These attacks have killed members of core al Qa'ida and have damaged the terrorist infrastructure. This development was already mentioned in previous DTN's and is therefore continuing.

It is estimated that the threat against the Netherlands and its interests is more likely to originate from groups affiliated with al Qa'ida than by core al Qa'ida itself. The chances of an attack against Dutch interests (such as Dutch citizens working abroad, Dutch companies and Dutch diplomatic representations) are greater in a number of countries and regions where these groups are active than in the Netherlands itself. It would therefore be logical to assess the threat in these countries and regions as higher than in the Netherlands. This threat concerns the countries and regions that are generally discussed in the DTN, such as Pakistan, Afghanistan, Yemen, Somalia and the Western Sahel.

In addition to the decreased international threat against the Netherlands, it is also a fact that the domestic jihadist networks have been in a state of relative rest for several years. These networks currently do not have the intention to commit an attack in the Netherlands. Moreover, the attention of many members of these networks is particularly focused on the struggle in the classic jihadist areas of conflict. Additionally, local autonomous networks are faced with a continuous lack of leadership and cohesion. These networks are also faced with a reduced focus on their task (less activities are deployed that are related to violent jihad). Furthermore, the growth of local jihadist networks seems to have decreased in recent years as a result of increased resilience against jihadism within the Dutch Muslim communities.

Although there is no longer any reason to consider the Netherlands as a 'preferred target' of core al Qa'ida or affiliated groups, the Netherlands remains, in the eyes of international jihadist groups, a 'legitimate target'. The tone of the debate on the Islam in the Netherlands and the Dutch military presence in Afghanistan remain the main reasons for this threat. Furthermore, the increased focus of domestic jihadists on the traditional jihadist areas of conflict entails the risk that these individual Dutch jihadists return as hardened jihadists and will then focus on the Netherlands. The more pronounced presence of European jihadists from surrounding countries in the jihadist areas of conflict has an influence on the threat against the Netherlands as well. The free movement of persons in the Schengen Area means that jihadists have the possibility of entering the Netherlands in order to develop terrorist activities.

It was stated above that the jihadist threat against the Netherlands has decreased. This development is not occurring, or is less pronounced, in other Western European countries. For example, plans for an attack against France and Denmark were identified during the previous reporting period, and specific threats were again issued against Germany. No unambiguous explanation can be provided for this discrepancy. After all, each country has its own specific circumstances and dynamics. It can be stated, however, that there is a stronger presence of transnational network structures in various other Western European countries than in the Netherlands. The dismantling of jihadist support networks in the Netherlands after 11 September 2001 made a significant contribution in this context. For the local jihadist networks in the Netherlands, the reduced transnational network structures means that they have less opportunity - in comparison with jihadists in other Western European countries - to join core al Qa'ida or networks affiliated with this network.

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## **Terrorism**

### *The international context of the jihadist threat*

Security agencies increasingly often question core al Qa'ida's striking power. As a network, core al Qa'ida has received major blows as a result of the continuous bombing of leaders and infrastructure in the Tribal Areas of Pakistan. The international policy of sanctions in combination with various measures against the funding of terrorism has also created a hostile environment for core al Qa'ida. There are also signs that the attraction of the ideology is fading, and that core al Qa'ida's propaganda is in some areas less successful than in the past. It is nevertheless too soon to conclude that core al Qa'ida has become irrelevant. This network has in the past demonstrated that it possesses great resilience.

In addition to core al Qa'ida, other jihadist groups in Pakistan were also put under further pressure during the past reporting period. In particular, the death of the leader of Tehrik-i Taliban Pakistan (TTP), Baitullah Mehsud, constitutes a major victory for Pakistan and its allies in the fight against terrorism. Despite the increased military pressure, the Pakistani Taliban are, however, still able to perpetrate attacks in the country at a fast pace.

In Afghanistan, another jihadist area of conflict, the Afghan Taliban are becoming stronger. Although intelligence services in general do not doubt that the Afghan Taliban's agenda is restricted to Afghanistan, each Taliban triumph constitutes a victory for jihadist terrorism. This is because Afghanistan has taken up an important place in jihadist propaganda.

### *Threats against Europe and its interests*

Core al Qa'ida is only able to perpetrate attacks in Europe itself to a limited extent, as a result of its decreased striking power. The network is, however, probably able to perpetrate attacks on the interests of European countries in Pakistan and Afghanistan. The series of audiovisual messages aimed at Europe confirms that core al Qa'ida is still focusing on Europe.

The threat against Europe is more likely to originate from groups affiliated with al Qa'ida than by core al Qa'ida itself. This threat mainly manifests itself when European jihadists come into contact with these groups in the various jihadist areas of conflict. Groups affiliated with al Qa'ida can instruct the European jihadists from abroad to commit an attack in Europe. Sending jihadists back to their own country, especially in the case of Pakistan and Afghanistan, creates the

possibility of a link between regional or local agenda and international violent jihad. European jihadists can furthermore come to function as a 'magnet' to their fellow-countrymen. They can, after all, use their experiences to encourage their fellow-countrymen to join the violent jihad. They are better able, on the basis of their contacts, to bring prospective members into contact with core al Qa'ida or groups affiliated with this network. European jihadists who have resided in the border area of Pakistan and Afghanistan constitute the largest security risks.

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Furthermore, there were recently several cases that once again emphasise that Europe remains a target of (international) jihadists. There are, for example, indications that "Al-Qaeda in the Islamic Maghreb" (AQIM) encouraged a French-Algerian nuclear physicist, who has already been detained, to perpetrate an attack on French soil. The Danish intelligence and security services (Politiet's Efterretningstjeneste, the PET) and the American Federal Bureau of Investigation (FBI) have, in their own words, reduced the risk of attack in Denmark, after arresting two individuals in the United States (US) in this context. The reason for these plans for an attack were the Danish Mohammed cartoons, dating from 2005. This case shows that trigger events, such as the cartoons, can have a long incubation time. And finally, in Milan, on 12 October 2009, a jihadist residing in Italy tried to blow himself up at the gates of a military barracks by using an improvised explosive device. This jihadist and two collaborators were not known to the Italian security agencies.

#### *Threats against the Netherlands and its interests*

It was stated above that there is currently no reason to consider the Netherlands as a 'Preferred target' of core al Qa'ida or groups affiliated with it. The Netherlands, as well as other countries of the European Union, does remain, in the eyes of international jihadists, on the side of the 'enemies of Islam', which means that the Netherlands, or its interests, continues to be a potential target for an attack. There are currently no concrete indications for a threat from core Al Qa'ida or groups affiliated with it against the Netherlands or its interests.

The jihadist networks in the Netherlands have been in a state of relative rest for the past several years and focus more on international theatres of conflict. The increased international focus of Dutch jihadists does entail the risk that Dutch jihadists may travel to jihadist areas of conflict for training and participation in the struggle there, and thus may subsequently return to the Netherlands as hardened warriors. In that sense, the threat to the Netherlands could mainly come from these returned jihadists. As stated in the tenth Counterterrorism Progress Report, there are indications that a very limited number of persons in the past travelled from the Netherlands to the Pakistani-Afghan region in order to take part in the international violent jihad.

A Somali citizen was detained in Dronten on 8 November 2009. The Somali is suspected of having undertaken supporting activities in the US for the struggle of jihadist groups in Somalia, including Al Shabaab. The person involved allegedly played a facilitating role in the journey of jihadist juveniles from the US to Somalia. On the basis of these suspicions the US made a request for mutual legal assistance and requested his extradition to the US. Five of the jihadist juveniles who left the US allegedly attended a training camp in Somalia and received the instruction to continue the jihad in the US. It has since become clear that at least three of the five juveniles were killed in Somalia.

## Jihadist Internet

In September 2009, just as in September 2008, a number of international jihadist websites disappeared. Some reappeared shortly thereafter, while other websites are still inaccessible. These sites were probably taken off the air. The disappearance of these websites does not in any way constitute a definitive cancellation of jihadist propaganda on the Internet. Quite the contrary, many other websites remain active, taking over the role of the websites that have disappeared and conducting an intensive propaganda offensive on the Internet. All things considered, it can be concluded that (temporarily) taking down international jihadist websites and forums does not mean the disappearance of jihadist propaganda.

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## Polarisation and radicalisation

Radical voices are hardly heard from the known Salafist centres in the Netherlands, in the sense of inciting discrimination or hate or calling on persons not to take part in democratic achievements such as the right to vote. Radical voices can be heard on the Internet however, as reported in DTN18. A positive development is that on some websites radical statements are removed more quickly than before by webmasters. A new development is that, in recent years, some Dutch-language music videos were placed on the Internet in which the violent jihad and martyrdom are glorified and the 'godless West' is despised.

Opponents of Dutch asylum and aliens policy increasingly often take both legal and illegal action, which recently included violent acts. The General Intelligence and Security Service (AIVD) therefore warns against a growing radical resistance against the detention and removal of foreign nationals. The modus operandi are comparable with those of animal rights extremists, whereby not only policymakers in the first line were targeted, but also executive employees in the second and third line (such as (sub)contractors, suppliers and financiers).

## Resilience

Previous DTN's provided an image of increased resilience against the radical and extremist views within the Dutch Muslim communities. This image has not changed during the past period. This increased resilience against extremism does not detract from the fact that some juveniles are sympathetic towards jihadist-inspired violence. The jihadist message on the Internet is not left unanswered. The views of juveniles oriented towards jihad, which are expressed on forums intended for juveniles, are regularly contradicted by other Muslims.

### 3. Threat level reduced from *substantial* to *limited*

The general threat level, which is linked to the general threat to the Netherlands, as it is described in the National Terrorist Threat Assessment (DTN), has been lowered from *substantial* to *limited* pursuant to recent threat analyses. The *limited* threat level is not the lowest threat level, and certainly does not mean that an attack can be completely ruled out. The *limited* level indicates that the chance of a terrorist attack is at this time relatively small. The adjustment of the threat level is the result of a careful weighing of the threat information available at this time.

The DTN is a global analysis of the national and international threat against the Netherlands and its interests abroad. This system therefore presents the (potential) terrorist threat to the Netherlands as a whole, whereby all information on the chances of an attack is taken into consideration, and therefore also the

international context and initial phases of terrorism: radicalisation and recruitment. It is not so much the ultimate classification of the threat (the threat level), but rather the underlying periodical picture of the developments relevant to the threat, that constitute the basis for Dutch counterterrorism policy.

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Lowering the threat level to *limited* does not mean that policy development will stop or that legislative processes are stopped. Each DTN is in principle a registration of a particular moment in time. This means that trends can become visible in several consecutive DTN's. Dutch counterterrorism is aimed at both early identification and prevention, as well as on repression. This policy is therefore an underlying factor of the lowering of the threat level to *limited*.

Moreover, it is not known how long this level can be maintained. Developments can occur at an extremely fast pace, and vigilance remains necessary. For example, the level was lowered from substantial to limited in March 2007, but was raised again to substantial in March 2008 as a result of an increase of the international component of the threat. Threat level *limited* therefore requires vigilance as well. The NCTb and its partners are and shall remain vigilant.

Reducing the threat level has, for that matter, no direct consequences for concrete security measures. The Main Process Counterterrorism Alert System and the Surveillance and Security System are available for determining such measures. The DTN will include all information that indicates a possible terrorist threat. This means that information will also be included which may indeed indicate a possible threat, but in respect of which the specific target of this threat is as yet unknown. This information only serves as context for the Main Process Counterterrorism Alert System and the Surveillance and Security System: these systems are, after all, mainly aimed at information that demonstrates a target focus, in order to be able to implement security measures for the benefit of threatened persons, objects and services.

#### **4. A new definition of terrorism**

The question as to how terrorism should be defined comes up in debate and scientific discussions with some regularity. Parliament has also asked us for more detailed information on the definition applied in the Netherlands.

##### *4.1. International context*

The negotiations within the UN concerning a comprehensive treaty with respect to international terrorism have been progressing slowly for a considerable time, because the positions of the UN Member States on the scope of the treaty and the related definition of terrorism are highly divergent.<sup>2</sup>

In the Netherlands, the agencies involved in counterterrorism applied a working definition, from 2001 onwards, which was to a large extent guiding for their deployment. Since the formulation of this definition, descriptions of a terrorist objective and crimes that can be designated as terrorist have been adopted in new legislation and international decisions; however, this has occurred without having resolved the definition problem itself.

It is against this background that we re-examined the current definition of terrorism and discussed it with cooperating partners in the field of international terrorism. This has led to several adjustments in the old text, and has thereby

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<sup>2</sup> Lower House, session year 2008-2009, Letter from the House request [for information on the] progress of the formation of a comprehensive convention against terrorism, parliamentary document 26 150, no. 78.

resulted in the formulation of a new working definition, which is currently applied by all government agencies involved in the file. It should be noted in this context that this definition cannot be used to replace the statutory criteria against which the specific measures have to be verified (Wiv 2002, Wsv).

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#### *4.2. The importance of a definition of terrorism*

It is of great importance to a modern state under the rule of law such as the Netherlands to have a clear definition of the phenomenon of terrorism, which is generally accepted and used by the various services and parties involved in counterterrorism. Such a definition is all the more important, because it allows a clear demarcation of the object of the implementation of policy measures, and of those acts and perpetrators which do ultimately receive the label 'terrorist' and of those which do not receive this label. This definition is, moreover, necessary as a result of the implications that arise from such a label concerning, for example, debates on policy concerning freezing lists, grounds for exclusion from insurance, identification, inclusion in the Counterterrorism Information Centre and proportionate deployment of information resources.

Terrorism is a very serious phenomenon because it affects the fundamentals of a state and society. The state is therefore allowed, where necessary, to combat terrorism with the strongest means. It is, however, important, for reasons of proportionality, to prevent phenomena which in themselves should be taken seriously, such as street violence or serious disturbances of the peace, from being classified as terrorism as well. Terrorism is characterised primarily by the underlying motives and the seriousness and nature of the violence committed. Terrorists are not primarily moved by personal gain, personal vengeance or sensation, nor do they act on impulse. The political or political-religious motives of an act classify it as terrorism, in combination with the violence of such acts and the political and social consequences – for the democratic state under the rule of law and state security – which result from such acts.

The numerous scientific definitions of terrorism, which have by far exceeded the number of one hundred, are of limited use to counterterrorism. They are generally too historical, philosophical or scientific in nature to be used in practice. Moreover, they are not sufficiently in line with the terminology and descriptions in legislation currently in use in the Netherlands. The definition presented at this time is derived from:

- The definition applied until recently by the AIVD and NCTb, which read:  
*"the commission or threat of violence directed against human life, or the infliction of property damage which seriously disrupts society, with the aim of effecting social changes or influencing the political decision-making process."*
- The Council Framework Decision of 13 June 2002 on Combating Terrorism, which obliges penalisation of a number of serious, punishable acts described in more detail:
  - which are committed intentionally;
  - and can cause considerable damage to a country or an international organisation; and which
  - are committed with the objective of intimidating the population and of drastically changing or destroying the political, economic and social structures of the country.



- The Security Council of the United Nations provided the following definition in Resolution 1566: *criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.*
- The Crimes of Terrorism Act, which implements the Council Framework Decision on combating terrorism in the Dutch Criminal Code, provides in Article 83a of the Dutch Criminal Code, in accordance with European rules, no definition of terrorism, but only a definition of a terrorist objective. Which definition reads "*the objective to cause serious fear in (part) of the population in a country and/or to unlawfully force a government or international organisation to do something, not to do something, or to tolerate certain actions and/or to seriously disrupt or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation.*"

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Bringing together the elements of the aforementioned definitions has led to the following definition of terrorism:

*"Terrorism is the act, based on ideological motives, of threatening with, preparing or committing serious violence aimed at persons, or acts aimed at creating property damage that disrupts society, with the aim of effecting social changes, causing serious fear in the population or influencing the political decision-making process."*

#### 4.3. Explanation of the new definition

It is assumed as an implicit starting point that the definition relates to a democratic situation under the rule of law. Placing the focus on ideological motives emphasises one of the two distinguishing criteria that separate terrorism from 'common' crime. Moreover, the above means that other (for example purely criminal) motives to force the world of politics or society to do something can be excluded. The phrasing 'serious violence aimed at persons' means that acts of violence can be incorporated as well which ultimately turn out not to have claimed human lives, but which do (consciously or taken into account knowingly and willingly) lead to serious physical injury or to the endangering of human lives. 'Causing fear' is mentioned as a separate terrorist objective in the Council Framework Decision. Although this constitutes in practice often a means to achieve an underlying objective, for this reason a decision was made to place this element of threat in the category of terrorist objectives.

The definition is in line with the provisions of the law and international conventions and treaties on terrorist crimes, but it can nevertheless not be used in a legal sense. It was formulated in a concise manner and in non-legal language for use in practice by agencies involved in counterterrorism and other government agencies and for communication on the phenomenon of terrorism with the world of politics and society.

## 5. Combating violent radicalisation

### 5.1. Investigation

In June 2009, the report entitled *Achtergronden en determinanten van radicalisering en terrorisme*, performed by Professor J. van der Pligt and Dr. W.

Koomen of the University of Amsterdam, was published. The cause for the investigations was the fact that knowledge of the psychological backgrounds of radicalisation and terrorism was too fragmented among the various scientific disciplines. The investigation therefore focused on the synthesis of existing behavioural scientific and especially psychological knowledge.

An important conclusion of the report is that, when social circumstances are unfavourable for an individual or group, these will be perceived as threats by those involved. This does not only concern objective discrimination, but also in particular its perception and experience. This 'relative deprivation' may, in combination with ideology and religious convictions, constitute a binding and guiding factor, and lead to 'us-them' thinking, and (ultimately) radicalisation. The content of the report also constitutes a renewed substantiation of the importance of the broad approach in the sense that it emphasises the process aspect of radicalisation.<sup>3</sup> Action will also have to be taken at the front side of the process in order to combat terrorism. Factors that make persons susceptible to radicalisation and the influence of role models within radical movements will have to be removed in the above context.

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The study *Waarom jongeren radicaliseren en sympathie krijgen voor terrorisme: onrechtvaardigheid, onzekerheid en bedreigde groepen* [Why young people radicalise, and develop sympathy for terrorism: injustice, insecurity and threatened groups] performed by K. van den Bos, A. Loseman (both of the Utrecht University) and B. Doosje (University of Amsterdam) was published in September 2009, which study was commissioned by the NCTb. The objective of the investigation was to create insight into the attitudes of juveniles with respect to subjects that are relevant to radicalisation and terrorism in the Netherlands and the meaning thereof for (the combating of) radicalism and radicalisation in the Netherlands.

The findings with respect to the attitudes with respect to violence and terrorism shows, inter alia, that nearly all Muslim juveniles and native Dutch juveniles with right wing extremist views explicitly reject terrorism. Neither political Islamic views nor right wing extremist views seem to be connected to the willingness of juveniles to use violence. Both Muslim and non-Muslim juveniles do seem more prepared to display violent behaviour if they consider Dutch authorities as less just (less legitimate) and when they experience more distance and consider themselves superior to other groups. Experiencing injustice (in particular being discriminated as a group), and relationships with other groups that are experienced as hostile therefore seem to play a major role in radicalisation processes and possibly radical or even terrorist behaviour.

In addition to the abovementioned investigation, the NCTb also finances other investigations that should provide more insight into the phenomenon of radicalisation. The knowledge provided by the above investigation will be deployed in the analysis of radicalisation processes and in the implementation of policy with respect to radicalisation.

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<sup>3</sup> The Netherlands applies a so-called broad approach in the combating of terrorism. This means that, in the context of counterterrorism, not only the acts of violence themselves are dealt with, but also the process that precedes these acts. Therefore: taking action in as early a stage as possible of the 'process' that turns someone into a terrorist, and not just acting repressively when a (potential) terrorist becomes active. Terrorist acts are preceded by a process of radicalisation. The approach to radicalisation is therefore explicitly linked to the phenomenon of terrorism.

### 5.2. Internet

It is important, for effective combating of radical and jihadist messages on Dutch web sites, that the managers of web sites take their responsibility to prevent punishable comments from winding up on their site or to remove these as soon and as adequately as possible. A farther-reaching form of self-regulation has been laid down in the Notice-and-Take-Down code of conduct which is endorsed by a growing number of companies. It is becoming increasingly difficult for companies which turn a blind eye to illegal content to hide behind unclear procedures and responsibilities. In addition, work is being carried out on the review of Article 54a of the Dutch Criminal Code, which provides for a statutory procedure for Notice-and-Take-Down. This statutory procedure can be deployed where self-regulation has proved ineffective. A brochure for politicians has also been developed, which is aimed at safe familiarity on the Internet and dealing with threatening Internet content.

International cooperation is indispensable for combating international jihadist web sites. The Netherlands takes part, within the EU, in the European 'Check the Web' project. Knowledge is exchanged, by means of a series of expert meetings, on the combating of Internet and terrorism in Great Britain, Germany, the Czech Republic and the Netherlands. The Netherlands has, in this context, organised an expert meeting on the theme of self-regulation. The Dutch approach, including the Notice-and-Take-Down code of conduct, was well received within Europe and has been designated as a 'best practice'.

### 5.3. Arrests recruitment

At the request of your House<sup>4</sup>, information was requested from the Public Prosecution Service concerning the number of arrests made in recent years for recruitment. The punishability of recruitment for and conspiracy to commit serious terrorist crimes has been regulated in the Crimes of Terrorism Act, which entered into effect in 2004. As of 2005, prosecution on the basis of recruitment took place in 11 criminal cases. Three of these cases led to a conviction, one of which has become final.

## 6. International developments

### 6.1. Increase in travel movements to training camps and areas of conflict

Previous DTN's already reported on travel movements to training camps and areas of conflict from several European countries, and the risks this may entail for these countries. An increase in the number of (potential) jihadists (of Somali descent or otherwise) from European countries and North America who travel to Somalia for training or jihadist combat has currently been established. Al Shabaab (literally 'the juveniles') is currently the most important jihadist movement in Somalia.

For example, four persons from the Netherlands, who were possibly on their way to a jihadist training camp in Somalia, were recently arrested in Kenya. The Pakistani foreign national residing in the Netherlands on a student visa [and] the recent arrest of a Somali asylum seeker in Dronten also emphasise the importance of an adequate approach to undesirable travel movements.

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<sup>4</sup> AO terrorismebestrijding 20 November 2008, question by member Boekstijn (VVD) pursuant to the eighth Counterterrorism Progress Report (Parliamentary Papers 29 754, no. 131).

Individuals could, upon their return, deploy the experiences they have gained in Somalia for perpetrating attacks or for increasing their reputation and prestige within their own circle. The latter may have a radicalising effect on third parties. It is conceivable that these developments could come to serve as sources of inspiration and as catalyst for new radical networks in Europe and therefore also in the Netherlands.

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It is important, with a view to effective counterterrorism, that the possibilities of such travel movements to jihadist areas of conflict and training camps is *recognised* in a timely fashion, and that such travel movements are, if possible, *frustrated* and *combated*. For this purpose, the government partners involved will, where necessary, optimise the process along aliens-law, criminal-law and/or intelligence based lines. This can occur on the basis of the following three areas of attention:

- Strengthening the detection capacity of local authorities in the Netherlands (information position);
- Timely exchange of information *between parties* with a view to removal of residence rights under aliens law;
- Alertness of diplomatic representations in risk countries and transit countries.

For that matter, a careful and individual consideration remains necessary in the 'combating' of persons taking part in jihad. It is impossible to formulate starting points in a general sense. The weighing of the legal and intelligence-based interest primarily occurs in the Counterterrorism Coordination Meeting (AOT) and in the Counterterrorism Information Centre. The latter means that options under aliens law are also taken into account. It should be noted that this concerns persons that have been placed on the Counterterrorism Information Centre list, therefore persons who are already being investigated by one of the affiliated organisations. This implies that there is no insight into undesirable travel movements of person which have not yet been detected and are therefore lacking in the Counterterrorism Information Centre.

A chain-based approach, analogous to the approach followed for study and knowledge migration, is important to combat travel movements to training camps and areas of conflict.

#### *6.2. Study and knowledge migration*

As stated above, the misuse of 'study and knowledge migration' also brings security risks. The NCTb has therefore been working closely together since the end of 2007 with partners within and outside the central government to limit these security risks. The starting point in this context is the so-called chain-based approach: all organisations involved in the process of study and knowledge migration (from the issue of visas abroad to the monitoring of study progress in the Netherlands), will monitor, on the basis of their own specific responsibility, the possible risks to national security.

Efforts are already being made in several fields for the above purpose.

#### *6.3. Border supervision*

Work is being carried out on faster and more intelligent border supervision in the current 'Border Management Renewal Programme' in which the NCTb participates. In mutual consultation, work is being carried at, inter alia, Schiphol (as EU outer border) on the early detection of undesirable travel movements from third

countries to the European Union, without losing sight of the usefulness and need for travellers to swiftly pass through.

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## **7. Human rights**

### *7.1. Human rights*

Combating terrorism is necessary for protecting human rights. The way in which counterterrorism occurs should meet this purpose. Promotion of human rights is an important condition in the prevention of extremism, which may be a source from which terrorism may arise. If counterterrorism is not to lose public support, it should always be carried out in accordance with the principles of human rights. It is for the above reasons that the realisation of human rights should always go hand in hand with counterterrorism strategies. This applies both within and outside the Netherlands

In an international context, the Netherlands endorses this vision within the UN and the EU, but also in bilateral contacts, for example with Morocco, Algeria, Afghanistan and Pakistan. For example, in the past six months the contacts on the basis of the agreements concluded in 2008 with Algeria have been further developed, and both countries have organised a bilateral seminar on radicalisation in Algiers. In that context, it turned out that the analysis of the phenomenon of radicalisation was largely shared by the parties. It is precisely such meetings that create space to strengthen the integration of human rights in counterterrorism strategies.

The Netherlands also acted as host to an expert meeting on the application on the UN Human Rights Strategy in the Maghreb. Academics, NGO representatives and government organisations from the relevant countries as well took part in the above Strategy meeting. It became clear, at this meeting as well, that human rights, good governance, political pluriformity and the rule of law in the Maghreb have a central role in the prevention and combating of terrorism.

Counterterrorism policy should be in line with human rights within the Netherlands as well. The report of the Suyver Commission emphasises this point.

### *7.2. Follow-up to the Suyver Commission*

We informed your House in the tenth progress report that we would send you the report drawn up by the Suyver Commission, together with a Cabinet response, prior to the 2009 summer recess. We sent your House the Commission's report together with our response in July of this year. During the General Consultation on terrorism with your House of 29 November last, we indicated that we would immediately get to work on the recommendations of the report of the Suyver Commission and would instruct the NCTb to implement the recommendations under our responsibility and in cooperation with the parties involved. We have promised your House to draw up a working plan for this purpose and intend to inform you in this respect in January next year.

## **8. Instruments and organisation**

### *8.1. Security awareness*

Societies have become more vulnerable since the advent of international terrorism, and the demand for security has increased strongly. One hundred percent security could be an answer to this question, but this is impossible and undesirable if we are to maintain an open society. This means that security has increasingly often less to do with the full *exclusion* of risks, and more with *dealing* with certain risks. It is very important, especially in relation to counterterrorism,

to increase security awareness at organisations. There are often significant investments in physical security measures (*safety*), but these only function optimally in the event of adequate human actions. Whereas safety aspects often already have a place on companies' strategic agendas, this should also be the case for security awareness. In this context, the emphasis - from the perspective of counterterrorism - lies on human deployment supplementary to the physical measures. The NCTb is making efforts to bring security awareness to a higher level via three strategic lines: 1) by performing research into security awareness, 2) by guaranteeing attention for this theme in scientific education and 3) by actively encouraging specific target groups to embed security awareness in their organisations.

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Several initiatives have since been started in the field of research. For example, a study was performed into the risk of sensitive information on the Internet concerning the security of civil aviation; a literature investigation and file study were performed into those who threaten politicians; and there is currently an investigation into the possible approach to specific persons who issue threats. Cooperation processes, as regards the guaranteeing of security awareness in joint education, have been concluded with the Delft University of Technology and Campus Den Haag.

The NCTb has, in first instance, two groups of organisations in mind, on the basis of its specific relationship with these target groups, for actively promoting security awareness. It concerns companies that are affiliated with the Main Process Counterterrorism Alert System (ATb) and institutions that work with chemical, biological, radiological and nuclear (CBRN) materials. The NCTb will offer these companies and institutions a helping hand to keep promoting vigilance among its own employees (in total approximately 40,000). This can help not only to just prevent terrorism, but for example also to prevent forms of crime that could harm operational continuity. The first concrete step to promote security awareness at these organisations is the presentation of the 'Zeker van je Zaak' workshop. Abovementioned research has shown that security awareness within an organisation is only effective if it concerns a continuous process. Gains can be made as well if not just the security professionals, but the 'ordinary' employees as well are aware of the environment and of any risks present. The basic workshop 'Security Workshop' and related materials are offered to the aforementioned groups free of charge to help companies and institutions set up this security awareness in their own organisations. Companies can ensure that they have an employee trained in this awareness, who can subsequently facilitate the internal rollout within the own organisation. In the workshop, the employees learn to look more sharply at the possible risks and threats to their organisation, to see what they themselves can observe in that respect and to decide what perspective for action there can be. This process is brought to the attention of the aforementioned target groups via the various channels of communication. There is, in this context, not just attention for the security professionals within an organisation, but explicitly also for its management. Commitment at this level turns out to be a necessary condition.

The 'Zeker van je Zaak' workshop is a first practical product to help ATb companies and CBRN institutions put the subject of security awareness on the minds of their employees. Rollout started in autumn of 2009. Monitoring investigation into the use and effects of the training materials is anticipated for

the first half of 2010. Partly depending thereon, an expansion of target groups and further development of the workshop will be investigated in time.

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### *8.2. Civil aviation security*

#### "Bodyscanner"

The previous progress reports already dealt with the bodyscanner pilot at Schiphol, which pilot was approved by the European Commission. It was indicated in those reports that a great deal of attention is paid to privacy aspects. It can be reported in this connection that an automatic detection algorithm has been developed for the *millimetre wave scanner*, such as in use at Schiphol. Its use means that it is no longer necessary for an operator to examine the scan for the presence of prohibited objects; this is done automatically by a computer. This technology means that the scan image is no longer seen by any person; this includes persons who are remotely stationed. It is expected that the first scanner with automatic detection will still be tested in 2009 in the regular security process.

Pursuant to a motion of the European Parliament in 2008, the European Commission investigates the economic, medical and privacy related aspects of the deployment of scanners. The results of this investigation are not yet known. The results will be included in the ultimate decision to definitively include scanners in regular security checks in European regulations.

Following the Dutch example, various Member States have since started pilots for the use of these scanners, with the approval of the European Commission. As of yet, there are no Member States that have explicitly stated, within a European context, that they will never use such scanners.

#### Measures concerning liquids

It is acknowledged internationally that there is an undiminished threat as regards the use of liquids in civil aviation. Research shows that the current state of technology is insufficient to remove this threat by means of the deployment of screening equipment for the detection of liquid explosives in hand luggage.

Your House was informed of developments with respect to the liquids measure by letter dated 28 October 2009.<sup>5</sup>

### *8.3. CBRN terrorism*

In view of the disproportionate consequences of an attack with chemical, biological, radiological or nuclear (CBRN) means, a coordinated effort at the national level, aimed at the minimisation of the chance of CBRN terrorism, is and remains necessary.

The process that has already been initiated aimed at increasing resilience at high-risk CBRN research institutions - such as hospitals, laboratories and universities - is still on course. The process will run from 2008 to -2013. Implementation at a number of the objects has started. A start was made on strengthening the possibilities of (forensic) investigation in this area. In addition to these measures, activities aimed at increasing security awareness at institutions where CBRN knowledge and/or CBRN agents are used, are currently being performed.

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<sup>5</sup> Lower House of Parliament, session year 2009-2010, 29 754, no. 168.

The interdepartmental efforts aimed at strengthening of the security of biological agents will be continued as well. Currently, the Ministries of Agriculture, Nature and Food Quality (LNV), Housing, Spatial Planning and the Environment (VROM), Health, Welfare and Sport (VWS) and Education, Culture and Science (OCW), work closely together with the NCTb in structuring a provision in which data is brought together and where measures are thought through.

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In order to strengthen border control, work is being carried out in an innovative project on the structuring of a test CBRN-E inspection street at Schiphol, which can optimise the investigation of the flow of goods for CBRN agents and explosives. The test results will be available in 2010.

The GICNT (Global Initiative to Combat Nuclear Terrorism) is an international, worldwide partnership aimed at combating and preventing nuclear terrorism. Last June, the Netherlands organised the annual plenary meeting of the GICNT, followed in November 2009 by an international GICNT exercise.

#### *8.4. Improvised explosive devices*

Explosives are the weapons of terrorism used most often. In order to make the production and use by terrorists as difficult as possible, the Action Plan on Enhancing the Security of Explosives was adopted. The objective of the action plan is to frustrate the abuse of explosives and precursors. The European Council adopted this plan in April 2008.

At the European level, the most important precursors have been identified in the same manner as in various Member States, including the Netherlands. It is for this reason that measures with respect to these measures are in first instance implemented at the European level. In order to maintain a level playing field in Europe for the industry that produces the substances, and also to bring security in all Member States to the same level, the European Commission has an important role implementing measures, or having these implemented.

In anticipation of and in line with the European measures, the NCTB, VROM and trade associations have made agreements on the measures that can already be implemented. Examples include making it impossible to sell certain substances (or concentrations of substances) to private citizens, registration of substances, and improving security. 'Precursor chains' have been identified in the Netherlands for the above purpose and assessed for possible risks, in order to let the measures be proportionate to the threat and risks.

We are pleased to report that, since July of this year, producers, wholesalers and retailers are able to report suspicious trade in chemicals to the 'Improvised Explosive Devices Reporting Centre' (040--2916000). This new reporting centre was set up by the Ministry of Housing, Spatial Planning and the Environment and the National Coordinator for Counterterrorism. This new Improvised Explosive Devices Reporting Centre provides the business community with a central point to report suspicious transactions in chemicals that are suitable to producing homemade explosives and (raw materials for) drugs. For the time being, the reporting centre is operating in the form of a pilot. In due course an assessment will be made as to what results have been achieved, and whether the reporting centre will be institutionalised.



## 9. Security measures

### 9.1. Camera supervision

The Camera Surveillance in Public Transport (CTOV) programme provides an impulse to camera surveillance for the purpose of the security of the public transport sector which is vulnerable to terrorist attacks. The programme is currently being implemented at seven specific high-risk locations in public transport. The aim of the programme is to increase social safety in public transport through the deployment of camera supervision. Central to the implementation are the joint efforts and cooperation between the relevant actors at the locations. Cameras are the means, increasing safety is the end. The sense of security of the citizens is not one of the primary aims of the programme.

In addition to the CTOV programme, there is the Joint Infrastructure Control Room (GMI) project at Schiphol. The GMI project is placed, as regards its financing, within the CTOV subsidy programme. Over 25 million Euros is available for the CTOV component, and somewhat less than 5 million Euros for GMI. The GMI project at Schiphol has since been completed.

The NCTb works closely together, in implementation of the CTOV programme, with the departments of the Ministries of Justice, Interior and Kingdom Relations (BZK) and Transport, Public Works and Water Management (V&W), as well as with the public and private actors involved in the seven station locations.

The actual construction of the projects was started later this year than was expected. The formal application for the subsidies took more time than anticipated, partly as a result of additional substantiation of the applications with detailed project plans. These plans are in several cases dependent on and in part subordinated to very drastic infrastructural reconstruction that are currently taking place at various CTOV station locations.

In the period from June 2009 onwards, the first implementing activities were nevertheless started, such as the tendering procedures for the cameras and the required software. Processes to obtain permits to perform reconstruction and roadwork in the public domain run parallel to the above. The major implementing activities are expected to take place in the first quarter of 2010, and it is further expected that all projects will be completed by 1 January 2011, the end date of the CTOV subsidy programme.

Moreover, cooperation covenants and protocols were agreed between the parties involved on 15 October 2009. These contain practical agreements, such as which party takes what action in certain situations when it concerns passing on camera images and arranging for follow-up in respect thereof. This constitutes a major step in the realisation of the objectives of the programme, whereby joint efforts and cooperation are a central focus.

The Minister of Justice,

The Minister of the Interior and  
Kingdom Relations,

dr. E.M.H. Hirsch Ballin

dr. G. ter Horst

**Date**

15 December 2009

**Our reference**

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