

Letter to Parliament from Ivo Opstelten, the Minister of Security and Justice, on the policy implications of the current edition of the Terrorist Threat Assessment for the Netherlands (DTN32), 13 March 2013

As the coordinating minister for counterterrorism (CT), I am writing to set out the implications for policy and further action of the 32nd edition of the Terrorist Threat Assessment for the Netherlands (DTN32). Together with the Minister of the Interior and Kingdom Relations, who is responsible for counterterrorism intelligence gathering by the General Intelligence and Security Service (AIVD), I am responding to the Parliament's request for an explanation regarding circular jihadist travel, whereby radicalised individuals head to jihadist conflict zones ('jihadtravellers') and subsequently return to their countries of residence ('returnees'), and how to deal with this phenomenon (your letter of 12 February 2013, ref. 2013Z02830).

In DTN32 the National Coordinator for Security and Counterterrorism (NCTV) announced that the general threat level for the Netherlands would be raised from 'limited' to 'substantial'. Other Western countries are also concerned about jihadist travel. Many of them are in a heightened state of alert and are stepping up measures to combat it and contain the threat posed by returnees. Various countries have publicly expressed concern about this phenomenon and noted its negative effect on the overall threat. Most of these countries, however, do not employ a system of threat assessments and threat levels like the one used in the Netherlands. This makes any true comparison between countries virtually impossible.

There are three main reasons for raising the threat level. First, there has recently been a sharp rise in jihadist traffic between the Netherlands and Syria and other areas. Returnees, some of whom are extremely radical and fully prepared to use violence, may pose a threat. Second, there are also signs of increased radicalisation among small groups of young people. Sometimes the radicalisation process occurs at a rapid pace. Finally, the space in which jihadist networks manifest themselves has increased in many countries of North Africa and the Middle East. Some of these groups are keen to strike at Western targets (including those in Europe).

Although these phenomena of radicalisation, jihadtravellers and returnees are troubling, they are not new. What is new is frequency and the rapidity with which departure and return are occurring. The proximity and accessibility of Syria is a major factor here. An extensive set of

instruments for dealing with such problems has been developed over the past few years within the framework of the national Counterterrorism Strategy 2011-2015.¹

In recent months I have taken the necessary steps to identify and contain, to the greatest possible extent, the security risks associated with the threats cited in DTN32. The AIVD and NCTV have notified all operational services about the heightened threat. On the basis of this information, they have raised their level of vigilance and intensified their efforts. The mayors of the four largest cities (Amsterdam, Rotterdam, The Hague and Utrecht) have also been notified, as have the sectors connected to the Counterterrorism Alert System (ATb).

The partners in the national Counterterrorism Strategy (the NCTV, Public Prosecution Service, Immigration and Naturalisation Service (IND), National Police, AIVD, and the Ministries of Foreign Affairs, Social Affairs & Employment (SZW) and Defence) have each, in their own way, contributed information to this letter regarding their approach and what is being done to strengthen it. To begin with, I will outline our approach to jihadist travel; then I will turn to the matter of combating terrorism in third countries.

Tackling jihadist travel

To stop individuals from travelling to jihadist training camps and conflict zones wherever possible, and to identify and contain the risks posed by returnees, the CT partners have adopted an approach that encompasses the following components:

1. intelligence and investigation
2. prosecution
3. immigration-law measures
4. local measures
5. other measures

1. Intelligence and investigation

It is crucial to identify and conduct a contextualised analysis of radicalisation processes among certain groups or individuals as swiftly as possible, so as to intervene at an early stage. Typically, the intelligence services and police flag (potential) jihadist migrants on account of their connection to known networks or because they have been reported missing

¹ The CT Strategy 2011-2015 was presented to the House on 19 April 2011. The most recent progress report on combating terrorism and extremism was submitted to the House on 22 June 2012.

by members of the public (usually relatives).² The detection of (potential) jihadist travellers is part of a broader approach aimed at identifying individuals undergoing radicalisation and preventing them from engaging in terrorist activities. The work of the Regional Intelligence Services is also key in this regard, as is the partnership with the Military Intelligence and Security Service (MIVD).

The intelligence and security services are now stepping up their efforts to combat jihadist travel and deploying additional personnel and resources in the areas of detection and control. The Royal Military and Border Police are heightening investigative activities along the border in respect of people entering and leaving the country. This is being done in conjunction with their regular work of protecting vital objects and individuals. The police are also on the alert, and they have enhanced their system for gathering information on this subject from regional units. The municipalities and their local partners also play a crucial part in identifying radicalisation when it occurs. The relevant parties have been active on this front for the past few years, and they will step up their efforts in the months ahead.

Ultimately, the approach will be determined based on the sum total of all intelligence gathered. All the participating partners pool their information on high-risk individuals in the Counterterrorism Information Centre (*CT-Infobox*), so as to plan the most effective intervention.³ In addition, the AIVD shares information where necessary with partners in government to deal with potential jihadist travellers, coordinating its efforts, if necessary, with the Public Prosecution Service and the police.

2. Prosecution

Participating in armed jihad or jihadist training abroad is a criminal offence under article 134a of the Criminal Code. Returnees can also be charged with offences under other terrorism legislation (e.g. Criminal Code articles 157, 170, 288a in conjunction with 289 and 302 in conjunction with 304a). The Public Prosecution Service has an adequate set of instruments for instituting criminal proceedings, where possible, aided by the police and in coordination with the AIVD. Conducting a criminal investigation in international conflict zones is difficult, if not impossible, and as a result, gathering evidence in such areas is problematic.

² In response to the question posed by MP Gert-Jan Segers during question time on 11 February, it can be reported that there are no indications that mosques have a mobilising or facilitating effect on jihadist travel.

³ The Counterterrorism Information Centre is a partnership of the AIVD, the Fiscal Information and Investigation Service and Economic Investigation Service (FIOD-ECD), the IND, the National Police Unit, the Royal Military and Border Police (KMar), the MIVD and the Public Prosecution Service. The Counterterrorism Information Centre is a unit of the AIVD.

Nevertheless, the relevant agencies are doing their utmost to amass sufficient evidence in specific cases.

3. *Immigration-law measures*

Individuals who depart the Netherlands for jihadist purposes generally have Dutch nationality (and sometimes another nationality as well). In cases where the person in question is a foreign national, the authorities will consider what measures can be taken under immigration law. If there are concrete indications that a foreign national poses a threat to national security, it is possible to rescind his or her residence permit.

An example of a concrete indication would be a person-specific report drawn up by the AIVD for the IND. Once a person's right of residence has been revoked, the IND will generally issue an exclusion order against the foreign national or impose an entry ban. This means that he or she is flagged for refusal of entry. If the person in question manages to enter the Netherlands anyway, he or she is guilty of a serious offence and subject to prosecution.

In addition to the measures that can be taken against foreign nationals under immigration law, Dutch nationals can be stripped of their citizenship if they have been convicted of a terrorist offence, provided they also hold another nationality. Citizenship cannot be revoked if this would render an individual stateless.

4. *Local measures*

Along with measures taken under criminal law and immigration law, the mayor, working with the chief of police and the public prosecutor, can order specific action to be taken against high-risk individuals and their associates. The goal of this approach is to reduce the threat posed by these individuals, particularly the danger that they might radicalise, mobilise and/or recruit others. Its effectiveness depends on the availability of concrete, person-specific information that can be shared by the intelligence and security services and the police. Upon request, the NCTV and AIVD can provide advice regarding this approach. Interventions of this kind inevitably require customised methods, involving some combination of the following measures (among others):

- various forms of pressure, focused on the individual or his/her associates (zero tolerance policy on debt repayment, mandatory acceptance of educational/employment opportunities offered by the municipality, rigorous eligibility conditions for benefits, etc.);
- conspicuous surveillance of individuals and disruption by the police (at the behest of the mayor);

- customised plans intended to detach radicalised individuals from their jihadist surroundings (before or after travelling to a jihadist conflict zone). The goal is to involve the subject's personal circle (family, key figures from the community, frontline professionals) in individual processes of probation, trauma rehabilitation, counselling and mentoring.

Creating a climate of dissuasion

In addition to this person-specific approach, the local authorities will also work with local communities, motivated by a shared concern about the radicalisation of young people and their jihadist involvement. The climate of dissuasion is further reinforced and extended by investing in relationships with key figures, while at the same time making use of the possibilities presented by the internet and social media. Another important role in this process is the use of resources offered by the integration policy of both the Ministry of Social Affairs and Employment and individual municipalities. These include a good network of key figures, social emergency plans and the teaching of citizenship skills at schools.

Anti-Terrorist Sanctions Order 2007-II

Freezing financial assets is a powerful administrative measure. If there are sufficient indications that an individual intends to leave the country or has left the country for the purpose of engaging in or facilitating terrorist activity, a decision will be taken to freeze his/her assets under the Anti-Terrorist Sanctions Order 2007-II. Such sanctions, which have a legal basis in UN Security Council Resolution 1373 (2001), fall under the authority of the Minister of Foreign Affairs, who will consult with the Minister of Finance and the Minister of Security & Justice before taking any action. Because this is a preventive administrative measure, it is not necessary to first obtain a criminal conviction. Asset-freezing measures can also be taken on the basis of a person-specific report by the AIVD.

5. Other measures

- *Alerts:* Along with the measures described above, politicians, public officials and relevant critical sectors will be informed and alerted about the current risks of radicalisation and terrorism.
- The AIVD provides *awareness training courses* to staff at Dutch embassies in destination and transit countries. Their purpose is to help embassy staff to recognise signals that individuals are, have been or plan to be engaged in jihadist activities. Training will be stepped up.

- *Efforts to establish a comprehensive registration system for passenger data:* Operational services rely on the systematic collection of passenger and reservation data for the timely identification of jihadists as they enter and depart the country. At present the Schengen zone still lacks a comprehensive registration system for such information. Consequently, the authorities do not have a clear overview of the movements of individual travellers, including jihadists. Obtaining the necessary passenger and reservation data is not possible under current (European) legislation. The explosive growth in jihadist travel from Europe underlines the need to increase efforts to pass (European) legislation that will enable the comprehensive registration and use of passenger and reservation data.
- *Security measures:* The general threat situation for the Netherlands as described in the DTN should be regarded as separate from the targeted, concrete security measures taken to protect people, objects and services that are under threat. The Surveillance and Protection System, which exists for this purpose, is sufficiently equipped to respond flexibly to day-to-day events and has a broader purview than counterterrorism alone.

International

The increase in the number of jihadtravellers is a pan-European phenomenon. Enhancing cooperation and information- and knowledge-sharing in an international context is therefore vital. The AIVD already works closely with its counterparts abroad to counter jihadist travel. Within the Counterterrorism Group (CTG) – a partnership of European security services – countering jihadist travel is a top priority. International exchanges are also regularly held to address other aspects of the approach, and the parties concerned do their utmost to coordinate their efforts. For example, the Netherlands works closely with the EU Counterterrorism Coordinator (CTC) and the European Commission's Radicalisation Awareness Network (a European network of frontline professionals: people in direct contact with targeted individuals or vulnerable groups) to improve a joint approach to tackling jihadist travel.

Counterterrorism in third countries

The Netherlands' international counterterrorism policy is focused on combating radicalisation and strengthening the counterterrorism capacity of third countries, with special attention to upholding human rights and the rule of law. The Middle East, North Africa and the Sahel are priority areas for the Netherlands' international counterterrorism policy. Within the EU the Netherlands advocates greater attention to the problem of jihadist travel and promotes measures at the European level.

The UN and the Global Counterterrorism Forum (GCTF) are the two main coordinating bodies for counterterrorism capacity-building for the countries in question. In that connection the Netherlands works closely with the International Centre for Counter-Terrorism - The Hague, the Hague Institute for Global Justice, the Centre for International Legal Cooperation (CILC), the Netherlands Helsinki Committee and the T.M.C. Asser Institute, and in other countries with the Institute for Security Studies (South Africa) and the Center on Global Counterterrorism Cooperation in the US.

A recent example is the Netherlands' contribution to the development of a rule of law institute in Tunisia, which aims to raise awareness regarding the importance of defending human rights and the principles of the rule of law, and to enhance the capacity of the criminal justice system (e.g. capturing and prosecuting terrorists and exercising oversight over intelligence services). There are also a number of ongoing projects focused on preventing and combating violent extremism (e.g. through a stronger, independent media sector).

Finally, the government continues to campaign internationally for a political solution to the protracted crises in Syria and the Sahel.