

**Letter of 4 November 2013 to the House of Representatives of the States General from the Minister of Security and Justice, Ivo Opstelten, on the policy implications of the 34th edition of the Terrorist Threat Assessment for the Netherlands (DTN34)**

This letter sets out the policy the government is pursuing in response to the threats described in the 34th edition of the Terrorist Threat Assessment for the Netherlands, attached. The letter also addresses several outstanding parliamentary requests related to counterterrorism and combating extremism. A more in-depth overview of the situation with respect to these requests is enclosed in the annexe.

In March 2013 the terrorist threat level for the Netherlands was raised from 'limited' to 'substantial'. This decision was made in response to developments described in DTN32, namely the threat posed by jihadists travelling to and returning from conflict zones abroad, increasing levels of jihadist radicalisation among small groups of young people in the Netherlands, and the deteriorating situation in the Middle East and North Africa. In June 2013, the subsequent edition of the DTN (no. 33) reinforced this picture. The latest DTN (no. 34) shows the same trends continuing unabated.

Given the severity and scale of the potential threat, in early 2013 the various partners in the counterterrorism community decided to step up their efforts.<sup>1</sup> Since the risks described have not diminished in the meantime, not only is this approach justified, but further action also seems to be warranted. The most important new development since the previous DTN concerns the rising number of jihadists returning to the Netherlands after fighting in the Syrian conflict. Our efforts are therefore primarily concerned with minimising the potential risks associated with this category of individuals. This presents major challenges. The threat transcends national borders, and the recent attacks and arrests in Europe have shown that our open societies leave us relatively vulnerable to offences committed by 'lone offenders' or small terrorist cells.

The government's current efforts are outlined below, mirroring the three main themes cited in the threat assessment: jihadists travelling to and returning from jihadist conflict zones, jihadist radicalisation, and developments in other countries. This overview deals only with our approach to the threat posed by global jihadism. With regard to other forms of extremism, we will hold to existing, small-scale policy: where necessary, supporting national and local partners with knowledge and advice and promoting the development of relevant expertise.<sup>2</sup>

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<sup>1</sup> See the letter to parliament of 13 March 2013, accompanying DTN32 (Parliamentary Papers 29 754, no. 217) and the progress report included in the letter to parliament of 2 July (Parliamentary Papers 29 754, no. 232). The partners involved in the national counterterrorism strategy are: the National Coordinator for Security and Counterterrorism (NCTV), the Public Prosecution Service, the Immigration and Naturalisation Service (IND), the National Police, the General and Defence Intelligence and Security Services (AIVD and MIVD), the Royal Military and Border Police (KMar) and the Ministries of Foreign Affairs, Social Affairs & Employment, Finance, and Defence.

<sup>2</sup> To this end, a 'Guide to deradicalisation and disengagement from right-wing extremism' and an in-depth training programme on the same subject have been developed. In response to various incidents, the NCTV recently organised several information sessions on animal-rights extremism and left-wing and asylum-rights extremism. In early November, an information pamphlet on left-wing extremism will be issued, containing suggestions for municipal authorities and other organisations on how to deal with this issue.

## **Jihadists travelling to and returning from jihadist conflict zones**

In view of the risks to the Netherlands, the first priority in stepping up counterterrorism efforts this year is to limit the potential threat posed by jihadists returning from abroad. This entails identifying such individuals, investigating and prosecuting offences, and pursuing an administrative approach to the problem. The coordinated approach across these different domains is described below in dedicated sections.

### *Detection and intelligence gathering*

In recent months, the AIVD has intensified its efforts on and devoted more resources to jihadist travel, with a special focus on jihadists returning to the Netherlands. Given the international character of the issue, the Dutch intelligence services work closely with their counterpart organisations abroad. They exchange operational information so as to obtain the fullest picture possible of jihadist movements out of and back into Europe.

The police have improved their systems for gathering information in this area. A framework for dealing with jihadist travellers has been drawn up, providing the units with guidelines on radicalisation and jihadist travel. The National Police collects all information from regional units about radicalisation and jihadist travel and draws up periodic overviews. The National Police monitors relevant topics, focusing especially on returning jihadists and jihadist recruiters, facilitators and financiers. Information is also shared with international partners wherever possible, using the appropriate police channels. The municipalities and their local partners also play a crucial part in identifying radicalisation when it occurs. In the latest reporting period, we have enhanced our knowledge, expertise and networks in this area.

The Royal Military and Border Police (Kmar) have intensified their 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. Where legally possible, available information on (potential) jihadist travellers is shared in a targeted fashion with the counterterrorism partners. The current limits on the use of travel data and the fact that jihadist travellers often use airports outside the Netherlands restrict the effectiveness of detection efforts by the Kmar and other Dutch security services.

The current situation only emphasises the need for all operational services to gain a clearer picture of jihadists' travel movements, especially those of jihadists returning to Europe. It is therefore necessary in the short term to broaden the scope for using travel data and to step up international cooperation in this area. Since this is not feasible at European level at the present time, I intend to permit the use of such travel data nationally. To achieve this, resources have been procured by means of a European tendering procedure. I will shortly write to the House providing further details on my plans with respect to the use of travel data.

If an outward journey to Syria is suspected or detected, there is often no evidence available that could be used in criminal proceedings, particularly if indications of jihad-related travel have emerged from an intelligence investigation. In particular, the counterterrorism partners try where possible to obstruct travel by minors through the application of juvenile law. Such cases can involve not only minors who wish to travel to jihadist conflict zones, but also

minors taken abroad by their parents. Three such attempted journeys were blocked in the period under review on the basis of information supplied by the AIVD.

### Investigation and prosecution

The Public Prosecution Service has drafted a national legal framework to assist the operational partners. The framework sets out the legal scope for bringing criminal prosecutions against individuals travelling to or returning from jihadist conflict zones. On 23 October 2013, the first convictions were handed down to individuals planning to travel abroad for jihadist purposes. One was convicted of preparing to commit murder, but was found to be suffering from diminished responsibility and was hence discharged from prosecution. The individual in question has since been admitted to a psychiatric hospital. A second individual was sentenced to 12 months' imprisonment for preparing an arson attack and distributing texts inciting the commission of criminal offences or acts of violence.

In the interest of protecting investigative interests, the Public Prosecution Service is not providing any further information on criminal investigations concerning specific individuals or networks which may or may not be under way.

The Public Prosecution Service has indicated that it has an adequate set of instruments for instituting criminal proceedings, aided by the police and in coordination with the AIVD. Nevertheless, I consider it important to explore all the available legal options. Further to the House's request, I have therefore submitted a bill for consultation, in accordance with the motion by Klaas Dijkhoff et al proposing that participation in non-state paramilitary organisations should result in the loss of Dutch nationality (Parliamentary Papers 29 754, no. 224). In addition, and in accordance with a further motion by Dijkhoff et al (Parliamentary Papers 29 754, no. 225), I commissioned a study on the scope for introducing a destination-specific visa system. This study showed that such a system would not be effective as long as there is free movement of persons within the Schengen area. Furthermore, introducing such a system would be a violation of the right to leave any country, which is laid down in international conventions (the International Covenant on Civil and Political Rights and Protocol no. 4 of the European Convention on Human Rights). A report of this study is enclosed.

### Administrative approach

Alongside measures under the criminal 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. Whereas in recent months this approach has been directed at individuals known or suspected to be planning to leave the country, the focus is now specifically on jihadists returning from abroad.

Multidisciplinary case conferences are held in all relevant municipalities with a view to finding the best approach in these situations. The partners concerned (besides the police and Public Prosecution Service, these can include youth care or child protection services, for example) launch interventions aimed at increasing surveillance of returning jihadists (and potential jihadist travellers) and, where possible, steering such individuals away from extremism. The Counterterrorism Information Centre (*CT-infobox*) is a cooperative partnership which

employs its members' systems to provide advice on sharing information about and dealing with jihadist travellers (whether departing or returning).<sup>3</sup>

The multidisciplinary approach is always aimed at reducing the projected threat. Interventions are case-specific and vary in their intensity, design and degree or coerciveness. The result is generally a combination of intelligence-based surveillance, the elaboration of enforcement options under criminal or administrative law, and/or some form of personal supervision or guidance.

Upon returning to the Netherlands, every jihadist is approached by a community safety partnership (*veiligheidshuis*) or the police, depending on whether the intervention is part of a preventive or repressive approach. In either case, it is made clear to the individual that the authorities have their eye on him or her. The police also try to make contact with the individual's family or associates. At this point, administrative measures are considered alongside the ongoing criminal investigation. These include the termination of benefits and other measures designed specifically to remove the radicalised individual from the jihadist environment (whether before or after travelling to a conflict zone abroad).

Another course of action is to refuse to issue a passport or, having confiscated one, to declare a passport invalid if there are good grounds for suspecting that the Netherlands' internal or external security is at risk. The scope for applying this measure was examined following a request by Foort van Oosten, at the parliamentary committee meeting with members of the government on justice and home affairs (AO JBZ), for a briefing on how the German government deals with measures such as these. Passport-related measures in Germany are comparable to those in the Netherlands, and are also among the instruments assessed in multidisciplinary case conferences. The briefing requested by Mr Van Oosten is included in the annexe to this letter.

Many municipalities now faced with the problem of jihadist travel are unfamiliar with the phenomenon. There is a widespread need for knowledge about this issue and how best to tackle it. In recent months, the NCTV and AIVD have stepped up the support they provide to local authorities and other local partners. The mayors of all affected municipalities are briefed regularly on new developments. Here, too, the NCTV and AIVD are pooling their efforts. Strategic briefings are held in affected municipalities to help shape the right approach, and targeted recommendations are given in multidisciplinary case conferences. Relevant officials, community police officers and other first-line professionals receive training on how to identify suspicious travel movements. An 'extremism toolbox' is also available, and a pool of experts has been assembled to assist local partners in tackling each aspect of the problem.<sup>4</sup> The NCTV coordinates a monthly information exchange among the most relevant municipal authorities. The AIVD is also involved in this process. The national

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<sup>3</sup> Partners in the Counterterrorism Information Centre are: the AIVD and MIVD, the National Unit of the National Police, the IND, Kmar, the Fiscal Information and Investigation Service (FIOD), the Financial Intelligence Unit (FIU), the Social Affairs and Employment Inspectorate, the Public Prosecution Service and the NCTV.

<sup>4</sup> The toolbox was launched on 4 November 2013. In it, local and national partners can find the full range of products developed recently or in the past, including the 'Guide to deradicalisation and disengagement from right-wing extremism', an in-depth training course on Islamic extremism, and online courses on potentially violent 'lone offenders' and privacy issues (see [www.nctv.nl](http://www.nctv.nl)).

partners (the NCTV, the AIVD, the police and the Public Prosecution Service) also meet on a regular basis. This ensures that efforts to tackle jihadists travelling to or returning from conflict zones are collaborative and coordinated.

Practical experience gained at national and international level is collated and shared with local partners to facilitate the local administrative approach. Considerable knowledge is now available concerning best practices. Such practices and the manner in which they are shared with municipal authorities are described in the annexe. This addresses the motion submitted by Jeroen Recourt and Magda Berndsens-Jansen (Parliamentary Papers 29 754, no. 222). Where international exchange is concerned, the Netherlands is taking active steps. In the framework of the Global Counterterrorism Forum (GCTF), the Netherlands and Morocco are together leading a new initiative aimed at quantifying and containing the risks associated with jihadists travelling to and returning from conflict areas. At EU level, the Netherlands is working with Belgium and the European Counter-terrorism Coordinator, Gilles de Kerchove, on an informal initiative addressing this problem. The Netherlands is serving as a liaison between these two initiatives.

### **Jihadist radicalisation among certain groups of young people**

In addition to the potential threat posed by jihadist travellers and returnees, DTN34 describes an alarming trend in the Netherlands: growing Islamist radicalisation among small groups of young people in various Dutch towns and cities. The radicalisation process appears to be taking place outside the mosque, in youth groups whose members interact in both cyberspace and the physical world, exchanging jihadist ideology. These groups function simultaneously as both the seed bed for jihadist travellers and their circles of influence (e.g. by attracting followers on social media).

Our approach primarily aims to increase resilience to radicalisation within Muslim communities. This entails involving actors who are able to reach radicalised young people and capable of providing them with credible guidance. Such actors are usually part of the Muslim community themselves, but other individuals, like teachers or youth workers, can also play a role. To help involve such actors and increase their levels of knowledge and expertise, targeted networks are now being created or strengthened. To this end, the NCTV and the Ministry of Social Affairs and Employment are organising a series of meetings at local and national level. Those who can help are being offered support and encouraged to take responsibility, working together to create a climate that discourages radicalisation. These efforts address the motion submitted by Jeroen Recourt (Parliamentary Papers 29 754, no. 223).

During the parliamentary committee meeting with members of the government on DTN32, the House drew attention to the potentially negative effects of foreign funding of mosques in the Netherlands (motion by Gert-Jan Segers et al, Parliamentary Papers 29 754 no. 221). Although (as noted above) there are currently no indications that Dutch mosques have any role in jihadist radicalisation, this motion can also be viewed as exploring the broader undesirable influence of funding from abroad, which may harm core Dutch democratic values (for example by promoting anti-integration tendencies). In order to examine this question and address the above motion, I, together with the Minister of Social Affairs and

Employment and in consultation with the Ministries of Foreign Affairs and the Interior & Kingdom Relations, have instructed the Research and Documentation Centre (WODC) to carry out a study of the funding of Dutch mosques by repressive regimes abroad (for more information see the annexe to this letter).

### **Developments in other countries (Middle East and Africa)**

The government's International Security Strategy emphasises that the key to preventing radicalisation and terrorism in the Netherlands lies to a great extent abroad. It also reaffirms the government's intentions with regard to international counterterrorism.<sup>5</sup> Its policy is aimed at bolstering legislative, investigative and judicial capacity in other countries, taking the rule of law and respect for citizens' fundamental freedoms as guiding principles.

As well as the projects already under way in this area, the Netherlands' efforts in the period under review included supporting the establishment of the International Institute for Justice and the Rule of Law, which aims to build capacity in the North African region for investigating and prosecuting terrorists while respecting the principles of the rule of law. The Netherlands is funding the development of the Institute's curriculum. We have also financed a study by the International Centre for Counter-Terrorism in The Hague (ICCT) on the use of evidence collected by military personnel in terrorism cases and how to guarantee that the rule of law is observed.<sup>6</sup> In June, the United Nations, with Dutch support, hosted a three-day conference in Algiers to promote closer cooperation between civil society organisations and government authorities in preventing terrorism in the North African region.

Finally, the Ministry of Foreign Affairs and the AIVD have held 'awareness training' courses at various embassies to help embassy staff (such as consular officers) respond effectively when potential jihadist travellers are identified.

### **Conclusion**

This letter explains how the government is addressing the present threats across the spectrum of counterterrorism activity. These efforts are primarily targeting individuals returning from jihadist conflict zones, in order both to ensure that they appear (and remain) on the authorities' radar and to contain the risks they may pose. It goes without saying that all national and local counterterrorism partners are constantly vigilant, and are taking all necessary measures within their power. Throughout this process we are continually evaluating whether our approach is adequately targeted and sufficiently broad.

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<sup>5</sup> Parliamentary Papers 33 693, 21 June 2013.

<sup>6</sup> Following an internal evaluation by the Ministry of Foreign Affairs, we now intend to continue the ICCT's grant after the current grant period expires in 2015. Since its establishment in 2010, the ICCT has evolved into a respected institute in the field of countering violent extremism (CVE) and the rule of law in relation to counterterrorism (CT). As a result, it has become a key partner in international projects in these two fields.