

**Letter of 16 March 2016 from the Minister of Security and Justice to the House of Representatives on the policy implications of the 41st edition of the Terrorist Threat Assessment for the Netherlands (DTN41)**

Enclosed please find the public version of the 41st edition of the Terrorist Threat Assessment for the Netherlands (DTN41), prepared by the Office of the National Coordinator for Security and Counterterrorism (NCTV). This DTN provides information on the current threat level and the factors that influence it.

Based on developments in the period covered by the present DTN, the threat level has again been maintained at 'substantial'. This means that there is a real chance of an attack in the Netherlands. There are, however, currently no specific indications that attacks in or against the Netherlands are being prepared. The threat situation is still complex, with various actors (terrorist organisations, transnational networks, small cells and lone terrorists) potentially able to carry out both small- and large-scale attacks, possibly inspired or initiated by ISIS.

The plan of action 'An Integrated Approach to Jihadism' is the government's policy response to the jihadist threat. The measures provided for in the plan of action are interlinked and they should always be assessed in conjunction with one another. The plan of action provides for a broad range of measures aimed at eliminating the threat, combating radicalisation and striking a good balance between prevention and suppression. The core elements of the plan of action are: pursuing a targeted, preventive approach; tackling jihadist propaganda; employing the 'person-specific approach' based on multidisciplinary case conferences; taking surveillance and protection measures (where necessary); and investigating and prosecuting crimes. This particular mix of measures allows the government to adjust its efforts, within the existing policy framework, as the situation requires. The measures are subject to ongoing re-evaluation, based in part on the conclusions of the most recent edition of the DTN, which is published three or four times a year. Overall progress with the plan of action is covered in the fifth progress report, which is being submitted to the House along with this DTN.

In this letter I will address several key aspects of DTN41 and the policies that have been or will be developed in response to it.

## *1. Concerns about travel movements*

### *1.1 Jihadist travel*

As stated in DTN41, the attacks in Paris made clear that terrorists can enter and travel around Europe with relative ease, possibly by mixing in with the massive influx of migrants (as the Paris attackers did). In this way jihadists have been able to remain under the radar and travel in and out of Europe undetected. A steady stream of people continue to leave the Netherlands for jihadist conflict zones. The number of confirmed jihadist travellers rose by 56 in 2015.

The Counter Terrorism Group (CTG), a partnership of security agencies from EU countries, Norway and Switzerland, has already decided, under the chairmanship of the Netherlands' General Intelligence and Security Service (AIVD), to set up a platform to facilitate the exchange of operational intelligence. The aim is for the platform to be up and running by mid-March 2016. All participating services are aware that terrorism is a transnational problem that must be addressed jointly, with due regard for the principle that national security is a national responsibility.

Since the attacks in Paris, further investments are being made in improving information-sharing practices among the member states of the EU and the Schengen area. Under the motto 'collect, check, connect', the Netherlands is taking specific steps, as current holder of the EU Presidency, to work with its European partners to remove obstacles to information-sharing. At the informal meeting of the Justice and Home Affairs Council on 25 and 26 January, the member states, the European Commission, Europol and the European Counter-Terrorism Coordinator (CTC) endorsed these efforts. The existing obstacles are diverse and may be legal, operational and/or technical in nature. An example of this enhanced cooperation on information-sharing is the recent launch of Europol's European Counter Terrorism Centre. A meeting on the phenomenon of foreign terrorist fighters was held on 11 January; a letter containing the results has already been sent to parliament.<sup>1</sup> At an expert meeting on 29 February and a meeting of senior civil servants on 1 March which dealt with addressing terrorist travel movements and improving information-sharing practices, the member states fleshed out concrete measures and solutions for the short and medium term, with the assistance of the European Commission, Europol, CTC, Eurojust and others. It is one of the goals of the Dutch Presidency to have all member states commit to certain specific actions at the JHA Council of 9 and 10 June.

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<sup>1</sup> House of Representatives 2015-2016, 27925 no. 584, 11 February 2016.

Various agencies, such as the National Police, the Royal Military and Border Police and the AIVD, are working to prevent terrorist travel movements. In order to help these national partners enhance their operations, deploy various instruments and exchange information, a multidisciplinary platform has been set up to centralise this type of specific expertise. The various parties involved in the platform work together to strengthen national processes. Input from this platform is also used in aid of efforts at European level.

Within the EU, measures are being proposed to strengthen security at the external borders. As you know, the European Commission has presented a package of measures to bolster the monitoring of Europe's external borders. One of the proposals is to amend the Schengen Borders Code, so as to enable the authorities to carry out systematic checks against databases on EU citizens (as well as non-EU residents) when they pass through external borders. Another proposal would introduce a new system of border management, in which the current European agency for the management of operational cooperation regarding external borders (Frontex) would be transformed into a new body with broader powers and resources.

One of the border control systems being used is Interpol's Stolen and Lost Travel Documents (SLTD) database. In the Netherlands, SLTD is part of the 'first-line' border controls. This means that when documents are examined at the border, they are automatically run through the SLTD system. The SLTD system is continuously updated, partly in order to stop the fraudulent use of passports of people believed to be dead and 'real false' documents being printed in conflict zones. The Schengen Information System (SIS) is also automatically consulted during border checks. This too helps flag unlawful use of travel documents. In the Netherlands the SLTD and the SIS can be accessed through a single system.

### *1.2 Migration flows in relation to terrorism*

Another point of concern regarding travel movements is the vulnerability of migration flows and asylum procedures to infiltration by jihadists. In the present DTN, reference is made to the fact that several perpetrators of the Paris attacks of 13 November had come to Europe from Syria as ordinary migrants, according to the French authorities. In Germany there have been a few cases in which asylum procedures may have been abused.

The government has stated that abuse of migration channels cannot be ruled out. DTN40 already noted that the possibility that jihadists were infiltrating migration flows and thus posing a security risk. With this in mind the EU and the Netherlands are alert to signs that

ISIS or other terrorist organisations are abusing the asylum system. Within the EU, efforts are being made to ensure that registration and identification of refugees is done more systematically and effectively and with improved security checks. This is mainly taking the form of setting up 'hotspots' in Italy and Greece. There too, the authorities are focused on flagging high-risk individuals. A number of initiatives to this end have already been launched, and they will be taken further during the Dutch EU Presidency. From the beginning of January to the end of June, the Netherlands will be providing a Border Security Team (BST) for the Frontex operation on the island of Chios in order to help the authorities there monitor the border and run the hotspot being set up there. The BST is currently supporting the Greek authorities in screening, identifying and registering refugees on Chios. The core of the BST is composed of personnel of the Royal Military and Border Police, assisted by other elements of the Defence organisation and implementing agencies.

In the Netherlands the relevant agencies are alert to the potential abuse of asylum procedures by jihadists, and asylum seekers are screened accordingly. This means that agency staff are attuned to warning signs related not only to national security, but also to fraud, war crimes and people smuggling and human trafficking. Good identification and registration by the police serves society's interests by contributing to a well-informed decision-making process in the asylum procedure and by protecting public order and national security. Asylum seekers' documents are examined very closely regardless of the holder's nationality, with the police and the Royal Military and Border Police responsible for identity documents and the Immigration and Naturalisation Service (IND) for source documents.

Last year, the Security and Justice Inspectorate conducted a review to assess the quality of temporary and permanent reception facilities. At that time the Inspectorate suggested a number of areas for improvement in the identification and registration process. The House was informed about this in November by the State Secretary.<sup>2</sup> In letters of November last year, the House was also notified that the National Police had drawn up a plan of action to further improve the quality of the identification and registration process. The registration backlog was cleared in November. Since then registration has kept pace with the influx. The State Secretary has since asked the Inspectorate to conduct another review of the identification and registration process. It is expected that the House will be informed of the

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<sup>2</sup> Letter on recent developments with regard to the influx of asylum seekers (House of Representatives 2015-2016, 19637 no. 2077, 11 November 2015) and letter on the Paris attacks (House of Representatives 2015-2016, 29754 no. 327, 17 November 2015).

outcome in the first half of this year. The review and its eventual results can help improve the identification and registration process.

The reporting structure linking the IND, the Central Agency for the Reception of Asylum Seekers (COA) and the Repatriation and Departure Service (DT&V) has been further professionalised. The National Government Training Institute for the Prevention of Radicalisation (ROR), which has been operational since September 2015, has developed a customised training course for the COA, the DT&V and the IND, which is set to begin in the first half of this year.

There are no confirmed cases of asylum seekers currently involved in an asylum procedure in the Netherlands who have infiltrated the migrant flows for terrorist purposes. However, as in other European countries, there are growing indications that suspected jihadists may be exploiting migration channels or the asylum procedure. These indications, which are being investigated, are an extra reason to take this risk very seriously.

## *2. Possible terrorist financing through non-profit organisations*

The Financial Action Task Force (FATF), an international intergovernmental organisation whose responsibilities include combating terrorist financing, has noted in a recent report that several countries have reported an increase in the misuse of non-profit organisations providing humanitarian support. The report mentions that the Netherlands' Financial Intelligence Unit has indicated that various foundations and non-profit organisations in the Netherlands may be linked to jihadists. Such involvement may result in terrorist financing.

Combating terrorist financing is one of the government's priorities, both domestically and internationally. In the domestic context the government redoubled its efforts last year to expand the options for freezing terrorists' assets and resources. At European level the government is working to foster closer cooperation, for example by increasing the powers of the Financial Intelligence Units and promoting closer cooperation between them, so they can access the necessary information more quickly. At UN level the government is pressing for more effective international efforts to tackle terrorist financing. For example, the government supported UN Security Council Resolution 2253, which sets out a specific sanctions regime against ISIS and Jabhat al-Nusra. At the meeting of the Global Counterterrorism Forum (GCTF) and the Anti-ISIS Coalition on 11 January in The Hague, this resolution was promptly incorporated into the terms of the concluding document. The resolution was also

echoed in the conclusions of the Economic and Financial Affairs Council of 15 February 2016. The government also intends to submit the names of individuals for inclusion on the UN terrorism list.

There are also various ways in which the government can monitor the situation and possibly intervene. For example, intelligence and security services can investigate if there are serious suspicions, in specific cases, that funding from abroad is jeopardising the democratic legal order or posing a risk to national security. If there are no serious suspicions regarding activities that may pose a danger to the democratic legal order or national security, but doubts exist about the funding or origins of certain activities, the local authorities have various options at their disposal for conducting their own investigation (under the Public Administration (Probity Screening) Act, via an external, independent research bureau). Prior to that, local government can ask the organisation in question to account for itself, with a view to providing transparency and openness. Municipalities, local partners and communities are being consulted about the best ways to achieve optimal transparency. In addition to these domestic measures to promote transparency, Dutch embassies are also engaged in a dialogue with financial authorities and private donor organisations in places like Saudi Arabia and Kuwait, with the aim of achieving greater clarity about the origin and purpose of financial flows destined for houses of worship in the Netherlands.

The Dutch Tax and Customs Administration monitors various institutions (mainly foundations) that have a special status as Public Benefit Organisations (ANBIs), focusing on those deemed to present particular risks. Every institution designated an ANBI is publicly listed as such on the website of the Tax and Customs Authority. An institution must meet certain conditions to acquire and maintain ANBI status.<sup>3</sup> Since 1 January 2016 there has been a mandatory publication policy in place.<sup>4</sup> The Tax and Customs Administration has the power to revoke an institution's ANBI status if its objectives and activities are found not to be to the public benefit or if the institution fails to comply with other legal conditions.

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<sup>3</sup> Section 5b of the State Taxes Act defines the term 'public benefit' (*algemeen nut*) as it is used in ANBI legislation. The term is designed to be neutral, and case law shows that it is also treated as such in practice. In principle the Tax and Customs Administration does not interfere with the internal affairs of an institution. At the same time, the Administration does have discretionary powers to revoke an institution's ANBI status if a statutory rule is broken. This section of the State Taxes Act also lays down the conditions governing ANBI status.

<sup>4</sup> Under the publication requirement, the institution is obliged to publish information online regarding its activities. In addition to general information about the ANBI, this required information includes: information about institutional objectives; the names of the members of the governing board; remuneration policy; an outline of the current policy plan; an up-to-date report of its activities; the balance sheet and a statement of income and expenses with explanatory notes. ANBIs that repeatedly refuse to make this information publicly available online will lose their status.

The moment there are indications that financial resources are being used to support terrorist activities, whether directly or indirectly, an administrative measure will be imposed to freeze the assets of the individual or organisation concerned. The Public Prosecution Service can also initiate a criminal investigation.

Finally, in collaboration with other relevant bodies, the Financial Expertise Centre (FEC)<sup>5</sup> launched a project on 1 February 2015 aimed at obtaining an overview of and combating terrorist financing.<sup>6</sup> The goal of this project is to map out the financial networks of individuals and entities known to the FEC's partners and participants that could be connected to terrorism. On the basis of the results, appropriate preventive and suppressive measures can be taken.

### *3. Violent incidents related to the influx of asylum seekers*

As stated in the letter outlining the policy implications of DTN40 (9 November 2015), the current dynamic surrounding the influx of asylum seekers and the popular discontent that this has sparked in certain segments of society are giving rise to extremism. In the same connection DTN41 has noted an increase in the number of threats, acts of intimidation and violent incidents. Such phenomena magnify feelings of insecurity among certain segments of the population and can also undermine the democratic process at local level.

During the period under review, local officials and politicians were threatened; houses occupied by people with refugee status and sites earmarked as reception centres were the target of graffiti and vandalism; and public consultation meetings were accompanied by significant disorder. The frameworks with regard to problematic behaviour, which were cited in the letter on Salafism in the Netherlands, also apply here in full. Against this backdrop, both the government and society as a whole have a duty to promote certain standards of conduct, each in its own way and with due regard for the Constitution. This will provide a counterweight to organisations and individuals that incite hatred, intolerance and anti-democratic behaviour, and attempt to restrict the freedom of others.

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<sup>5</sup> The Financial Expertise Centre (FEC), which was established to strengthen the integrity of the financial sector, is a partnership between authorities with a supervisory, auditing, prosecutorial or investigative task in the sector.

<sup>6</sup> As the House was previously informed, in the Second Progress Report on the Plan of Action 'An Integrated Approach to Jihadism' (House of Representatives 2014-2015, 29754 no. 308, 7 April 2015).

Various Muslim houses of worship were also threatened. A number of mosques have received a pamphlet containing Nazi symbols and anti-Muslim text, and a Molotov cocktail was thrown into a mosque in Enschede at a time when people were inside. A criminal investigation is currently being conducted into the origin of the pamphlets. The Public Prosecution Service believes that the images on the pamphlet constitute a criminal offence under articles 137c and 137d of the Criminal Code. Following the incident in Enschede a person was arrested on suspicion of attempted arson with terrorist intent.

There is heightened vigilance with regard to the security situation at mosques, at both local and national level. The police and local authorities are in close contact with the governing bodies of mosques and the Muslim community in order to monitor the situation at local level. The Minister of Social Affairs and Employment is also speaking personally with representatives of the Muslim community about these incidents to express the government's support and engagement with regard to the safety of the Muslim community.

The government strongly condemns threats and violence. Violence cannot be rewarded and thus be allowed to disrupt political processes and social relationships. Obviously, criminal behaviour will be duly punished. This also applies to any unlawful activity online. The government will also be joining forces with municipalities in order to combat such excesses so that the public debate on the influx of asylum seekers can be conducted in a civil way. To this end, a number of steps have been taken, including the following: an administrative agreement was concluded at the end of last year with the municipalities; the government has regular consultations with local authorities about the increased influx of asylum seekers; and the government, in collaboration with the Association of Netherlands Municipalities (VNG), is offering support through the Support Team for Asylum Seekers and Residence Permit Holders (OTAV). Specific attention is also being paid to the safety of political office holders. The Expertise Unit on Social Stability (ESS) is taking stock of the needs of parties involved in the reception of migrants that have encountered local tensions prompted by the high influx of people. Based on the results of this stock-taking exercise, the municipalities will be offered targeted support, in collaboration with relevant parties, both national and local.

#### *4. Women and girls in ISIS*

Finally, the DTN concludes that, thus far, women and girls have not actively taken part in fighting, though they are receiving weapons training. In the memorandum it sent the House



in January,<sup>7</sup> the AIVD devoted specific attention to the role and position of women and girls in ISIS, concluding that, thus far, women and girls have not actively taken part in fighting, though they are receiving weapons training. Women are also maintaining the terrorist organisation's momentum by actively recruiting new members, spreading propaganda and contributing to logistical support. According to DTN41, 40% of the Dutch nationals who have gone to Syria and Iraq and are still there are women. Given this, it is clear that the role of women and girls and the risks they pose should not be underestimated.

Case histories show that both proximal and more distant causes of radicalisation, for women as well as men, can be highly diverse and that individuals might have a variety of motives for leaving the country, regardless of their sex. The radicalisation process cannot be described in terms of gender-specific processes. On the basis of present case studies, there is currently no reason to adopt a gender-specific approach.

However, this is not to say that women and girls should not receive special attention when addressing radicalisation and jihadism. Women and girls are also discussed in the multi-disciplinary case conferences, where appropriate interventions are agreed. The person-specific approach to jihadists and returnees always results in a combination of different measures that are tailored to individuals, regardless of their sex. The notion that women and girls should not only be seen as victims is factored into the decision-making process.

### **Final remarks**

DTN41 makes it all the more clear that the current threat is the outgrowth of a complex state of affairs in which various actors are potentially able to carry out both small- and large-scale attacks. This requires a long-term, integrated approach, which addresses new developments where necessary. In that connection I would also like to note that the DTN itself was recently subjected to a review. On 13 December 2015 a conference was held in Rotterdam on the occasion of the 10th anniversary of the inception of the DTN. Various experts, from Netherlands and abroad, reflected on both the threat assessment and the current threat situation in front of an audience of around 300 people. A report of this conference has been enclosed with this letter (not available in English). At the same time, an essay was published by Professor E. Bakker and J. de Roy van Zuijdewijn evaluating 10 years of DTNs. I will say more about their recommendations regarding the DTN and the system of threat levels when DTN42 is released.

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<sup>7</sup> AIVD, 'Leven bij ISIS, de mythe ontrafeld' (Life with ISIS: the myth unravelled) (House of Representatives 2015-2016, 27925 no. 569, 12 January 2016).