

# House of Representatives of the States General

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29 754 Counterterrorism

**No. 1 LETTER FROM THE MINISTERS OF JUSTICE AND OF INTERNAL AFFAIRS & KINGDOM RELATIONS**

To the Chairman of the House of Representatives of the States  
General  
The Hague, 10 September 2004

## **1. Introduction**

Present day terrorism is a new form of phenomenon and poses urgent new dilemmas for society. In the letter prepared by the Cabinet relating to the attacks in Madrid (House of Representatives (HR) Papers 2003-2004, 27 925, no. 13), we stated that any attack in Europe affected the Netherlands, because the Netherlands could just as easily be a target. There is also a separate risk affecting the Netherlands as a result of the presence of troops in Iraq, our link with United States and the presence of certain Muslim groups who are susceptible to radicalisation processes. Recent incidents underline the existence of a potential threat in the Netherlands.

The power of the government and society to protect themselves against a possible attack, and to arm themselves against any attempts at such an attack, has to be adapted to this threat. This is not a unique change but a continuing process of adjustment to our ongoing understanding of the nature and scale of the threat. Anti-terrorism policy is continually being developed at both national and international levels. It would be wrong for us to imagine, however, that this was only a temporary adjustment to an acute threat. We must appreciate that the open and complex nature of modern society makes it vulnerable to the possibilities of modern arms technology, so that even leaving the current threat aside, government and society must increase their resilience. The measures being adopted must not, therefore, be looked at exclusively in the light of the concrete threat.

As we have indicated, anti-terrorism policy - as developed in the wake of 11 September 2001 - was further refined following the attacks in Madrid, both domestically for the Netherlands and in the international context. There was an exchange of ideas in relation to this refinement with your House on 14 April last, when a number of measures were announced in this context. In particular, these involved adequate collation of information relating to individuals whose conduct indicated that they merited closer attention. An announcement was also made in relation to the preparation of an Alert System. Another important factor was the appointment of a counterterrorism coordinator, Mr. Joustra, who carefully examined the modus operandi and organisation for combating and preventing terrorist attacks. Based on his findings, the Cabinet decided to adopt a more decisive approach and set-up for this modus operandi and organisation. Significant steps have been taken in recent times to improve the management and evaluation of information relating to individuals and threats. A number of concrete threats have also manifested themselves during the same period. Based on the experience, understanding and

recommendations it had acquired, the Cabinet reached the conclusion that new steps and measures were justified. These are:

- that the collection and evaluation of sources of information, the preparation of policy and leadership and information in the area of counterterrorism should be brought together within a single organisation;
- that the authority should be set up in such a way as to be able to take steps in urgent cases, if necessary involving a circumvention of regular channels of authority;
- that there should be an expansion of the facilities for intervention, detection and provisional detention in the case of preparation for terrorist offences.

It is now the Cabinet's wish to provide you with information on these measures, as well as the threat scenario as it has developed in recent months. This letter will also explore the Alert System, announced previously, which has now been finalised.

## **2. Threat scenario**

The threat to the Netherlands has certainly not diminished since the attacks of the 11 March last in Madrid (see also HR Papers II, 2003-2004, 27925, no. 137). We can indicate some factors that make it conceivable that the Netherlands, like the United States, Great Britain, Spain and Poland, might be more attractive as a potential target than other countries. This would, however, be to assume that the threat emanates only from a single centrally directed organisation choosing targets rationally. If such an organisation ever existed, it has certainly been adversely affected by the heightened anti-terrorist efforts over the last two years. Instead of this, a multitude of groups, cells and individuals have become active in the commission of and preparation for terrorist acts, inspired by the example of 9/11. There have been developments in recent months indicating that Islamic terrorists have also been making arrangements in relation to our country. The most important observations influencing the current threat scenario for the Netherlands relate to a confirmation of surveillance of targets, threats issued on the Internet and also the context of the international threat from Islamic terrorism.

The most concrete manifestation facing the Netherlands recently, as a consequence of the threatening international situation surrounding Islamic terrorism, relates to surveillance. It has been established in recent months that individuals are actively involved in mapping out property and sites as potential targets for attacks in the Netherlands. While the investigation of these potential surveillance activities is still fully underway, there are sufficient reasons at the moment for assuming that surveillance or comparable activities are being carried out by separate groups or individuals at a range of levels. The measures adopted on 9 July last have to be viewed against this background.

Other countries have also been faced with this type of surveillance activity in recent months. The targets that have been subject to surveillance in the United States are typically what can be regarded as "soft" targets.

Another relevant factor in the current threat scenario is the number of threats issued by Islamic terrorist circles against countries whose troops are currently stationed in Iraq. These countries have been warned that they might have to suffer serious attacks if they do not withdraw their troops from Iraq. This type of threat is made by a range of groups, across a range of media such as the Internet and some Arabic language news broadcasts. When these threats are made against the Netherlands, there is usually some association suggested with Dutch foreign policy. The presence of Dutch troops in Iraq and Afghanistan is regarded by Islamic terrorists as making a contribution towards the war being waged by the West against Islam, as perceived by those terrorists. This, in their eyes, makes the Netherlands a valid target. This type of threat has also been issued against other countries with troops stationed in Iraq and Afghanistan. The backgrounds to the threats are varied. Every threat is taken seriously and assessed individually for gravity and probability of occurrence. It is often difficult to assess the origins and credibility, however. Some of the organisations we are talking about lead a virtual existence. Others exist in reality, but it is not clear whether they are in a position to commit attacks outside Iraqi territory. Nor is it always certain

whether these groups are associated with international Islamic terrorist networks. Taking steps on the basis of these threats accordingly requires careful consideration, and it is not always possible to provide explanations of all of their aspects in public.

Al Qaeda has been weakened following the attack on Afghanistan in October 2001. This is due to the fact that a number of important leaders, who were involved in planning and facilitating attacks, were either killed or arrested. Islamists belonging to Al Qaeda or its associated networks have spread throughout the world, however. They have coalesced or regrouped, and are now involved in preparing attacks on a more autonomous basis than was previously the case. This is also apparent in the Netherlands.

Al Qaeda may well have been weakened, but there is still a real risk of attacks by autonomous cells, as appears to have been the case in Madrid. The motivation of members of this type of autonomous terrorist cell is strongly influenced by foreign conflicts and the Western (including the Dutch) involvement in them. The perceived injustice of Muslims being persecuted throughout the world is also projected onto their own situation, which is viewed as being comparable. These feelings of disadvantage and inadequacy are stimulated and exploited by individuals and organisations who, for a range of reasons, have an interest in extending the gulf between Muslims and non-Muslims. This in turn contributes to the promotion of Muslim radicalism, which is a breeding ground for successful recruitment for participation in the jihad elsewhere in the world, and perhaps ultimately even in the Netherlands.

### **3. Principles of policy and approach**

Previous documents sent to the House (such as the memorandum "*Terrorisme en bescherming van de samenleving*" [Terrorism and the protection of society] (HR II, 2002-2003, 27 925, no. 94) and the AIVD annual reports) explored the particular characteristics and nature of terrorism facing the Western world, including the Netherlands. Present-day terrorism is not an isolated phenomenon, but has to be viewed against the background of fundamental and cultural antagonisms, national and international conflicts far beyond our own national boundaries, and associated phenomena such as radicalisation, extremism and fundamentalism. What this implies is that the West, certainly including the Netherlands, will still have to deal with a significant terrorist threat for some time to come. The same, of course, also applies to the Islamic world.

The factors that determine how we deal with this threat include its nature, the spread of the organisation and the fact that the effort is motivated on more general cultural and religious grounds rather than on a concrete political or ideological conflict in a particular country or region. The broad and indeterminate objectives of present-day terrorism mean that uncertainty surrounds potential perpetrators, the location and nature of potential attacks and the concrete indicators for such attacks. Partly because of the nature of the organisation, there is little to go on to allow for a comparison with the threat elsewhere. There are accordingly limited opportunities for targeted detection and prosecution. Our efforts must therefore be primarily focused on the timely recognition and disruption of any potential preparations for attacks, the observation, pursuit and timely arrest of individuals who might potentially be involved in such activities, the identification and adequate monitoring and safeguarding of individuals, properties, places or meetings that might possibly be targets for attacks, the refusal of access to the Netherlands, where possible, for individuals suspected of terrorist activities, and the development of sensitivity and readiness to act on the part of the responsible authorities.

It is also essential to ensure international collaboration in the prevention and combating of terrorism, given that the causes might lie in areas outside national boundaries, that preparations can take place in a range of foreign countries, and that many countries can potentially be targets at the same time.

Prevention of attacks in the Netherlands will only be possible as an element of prevention of attacks throughout Europe. This also implies that we cannot, when acting protectively and dealing with preparatory activities, distinguish between activities aimed at the Netherlands and those aimed at other countries. This in turn means that the Netherlands must become more closely involved in combating terrorism originating in other countries, which can have its own consequences in relation to the nature of the threat in the Netherlands.

It is not possible to counter terrorism by being pressurised into removing the underlying grievances. This in fact amounts to indulging the threat of terrorism, and generally operates as an encouragement rather than a deterrent. This does not, however, mean that we should avoid battling against the phenomenon of terrorism by restricting its breeding grounds as far as possible. In addition to a foreign policy aimed at reducing and managing those conflicts which partly offer succour to present-day terrorism, this involves supporting countries where the threats originate, so as to develop their own abilities to recognise and deal with preparations for attacks in good time. The fact is, however, that the perpetrators of attacks are sometimes also recruited in Europe. In Dutch society, radicalisation forms a potential breeding ground for this type of recruitment. With a view to preventing terrorism, radicalisation processes in Dutch society must also therefore be countered and restricted, provided that this activity should not be categorised exclusively or even primarily as part of the battle against terrorism.

Unfortunately, the nature of the threat is always such that no government can indicate, confidently and with certainty, that it can exclude the possibility of attacks within the territory. This does not detract from the fact that every effort should be focused on dealing with the issue. In the light of what we have said, the following factors determine the government's ability to address terrorism decisively: the effective acquisition and use of information; the possession of resources and powers to intervene in good time; adequate monitoring and security of potential targets; a cross-border approach; and the restriction of the breeding ground for recruitment of potential perpetrators. All these elements must also be organised in such a way that the available information, opportunities and indicators can be converted as effectively as possible into decisions and actions. Steps have already been taken in each of these areas in recent years following the attacks in New York and Madrid. An explanation of these has also been provided to the House. In the light of the experience gained to date, new understandings of the threat and an examination of existing working methods, it is however desirable at this stage to adopt new steps and measures which can fortify resistance on the part of society as well as the government's ability to prevent and counter any attacks.

#### **4. An effective, decisive organisation of the system, with the power of perseverance**

An efficient organisation - of information sources, of policy and its implementation, of available human resources and the application of other resources, and of decisiveness in relation to applying the necessary measures - is both a condition and a final measure for dealing effectively with the threat of terrorism. The memorandum entitled 'Terrorism and the protection of society' set out the first steps towards a more integrated approach to the phenomenon of terrorism. These took the form of the Joint Counterterrorism Committee (GCT) and its offspring, the Counterterrorism Consultation Coordination Unit (COTb), with the GCT focusing on strategy and policy and the COTb on operational collaboration between all of the services concerned. At this point there are about 20 institutions in the Netherlands involved in dealing with terrorism, either in terms of policy or operationally. There are also a number of coordination frameworks and mechanisms involved to a greater or lesser extent in aspects of counterterrorism. At a national level these include the *Nationaal Coördinatie Centrum* (NCC) [National Coordination Centre] and the *Nationaal Coördinator Bewaking en Beveiliging* (NCBB) [National Monitoring and Security Coordinator], while there are other more locally-based frameworks as well. These coordination frameworks and mechanisms are not necessarily suited to serve as frameworks for the collaborative effort required for counterterrorism. We must therefore ensure that they operate from a single concept with a clear line of command and the necessary powers. It should be noted here that efficient coordination, collaboration and integration of policy and implementation within the area of counterterrorism is not only required at the point of an actual threat or other potential crisis, but well before that stage is reached. The collective effort and expertise must be used in such a way that the result is more than the sum of the parts. This is not adequately safeguarded in the terms of the current organisation, because at the moment it is in principle a collaboration and coordination between "equals", without proper direction, policy integration, or evaluation of information and implementation. In those areas where the collaboration has been extended, such as in relation to observation of individuals, there are already modest signs of the potential profitability of such a collaboration.

The *Nationaal Coördinator Terrorismebestrijding* (NCTb) [National Coordinator for Counterterrorism] has

been in office since May 2004. His task is to improve collaboration in the area of counterterrorism. Combining services or powers only offers a limited solution to this issue. Most of the bodies involved in preventing and countering terrorism are doing so in the context of a much wider function and responsibility. These include the police, the Public Prosecutor, the Immigration & Naturalisation Service (IND) and other investigation or implementation agencies (MOT, FIOD, and so on). Counterterrorism will never form the lion's share of the work involved for these bodies and, even for agencies where this is the case at the moment, such as the AIVD, their operations and principal duties are not confined to this area. The value to the counterterrorism effort of most of the agencies involved is derived from the fact that their work in this connection forms part of a wider ranging operation; without that wider operation, they would have no job to do in this area. Concentrating the individuals involved in collecting information at the AIVD, MVD, Kmar, the police and other information services within a single agency would not, therefore, be an appropriate solution, as they would then have lost touch with their parent organisations. The same applies, in principle, to the powers that have to be deployed in relation to counterterrorism.

To put it briefly, the degree of collaboration across the whole field of counterterrorism must be raised to a higher plane. What is required is a simple, speedy and streamlined approach. In most areas, therefore, while maintaining the spread of duties and implementation, we will have to look for the solution in a strengthening of leadership as well as encouragement of the necessary power of perseverance, in the interests of efficiency. In addition, the cultural shift that will be required for all of this among the various agencies will have to be pushed on vigorously. It will also have to be possible to quickly forge local and international links during the prevention phase and when steps are being taken.

The choice between the various potential solutions can vary according to the functions involved. The following elements are, however, essential to an efficient approach to counterterrorism:

- a single joint strategic conceptual policy framework, agreed on an international basis and to be used to determine priorities in policy and action;
- a single central institution to organise the required higher level of collaboration, leadership and perseverance, like a spider with its web;
- the collation, assessment and use of information collected by third parties;
- an administrative and statutory structure, appropriate to the gravity of the situation, setting out the requisite powers in connection with counterterrorism.

#### *A joint policy framework and a central organisation*

It is important to develop a single joint strategic conceptual policy framework, for the short-term and the long-term, in order to provide our antiterrorism policy with hands and feet. Its preparation and formulation is currently spread across a range of departments, with the centre of gravity currently lying within the Ministries of Justice and Internal Affairs & Kingdom Relations. The consequence of this is that similar work is being done in each of the Ministries concerned, although it also requires continual mutual refinement.

In order to improve this process, the work at the Ministries of Justice and Internal Affairs & Kingdom Relations will be brought together within a single organisational unit under the direction of the National Coordinator for Counterterrorism (the NCTb). The NCTb will be responsible for preparation of general policy in the area of counterterrorism, answerable to the lead Minister for counterterrorism - the Minister of Justice - and to the Minister of Internal Affairs & Kingdom Relations.

The NCTb's organisation will also be charged with other work in the field of counterterrorism. This might include work presently done by the *Beveiliging Burgerluchtvaart* [civil aviation security] bureau of the Ministry of Justice which is currently charged with organising checks on passengers, hand and checked luggage, security at airports (including access control), monitoring peripheries and protecting aircraft. This bureau is also responsible for the training of security personnel, carrying out background checks for staff employed at airports, checking air freight and finally the deployment of air marshals. The *Inspectie Beveiliging Burgerluchtvaart* (IBB) [civil aviation security inspectorate] will also become part of the NCTb; its task is to supervise security implementation for civil aviation. The *Nationale Coördinator Bewaking en Beveiliging* [national monitoring and security coordinator] and his supporting *Eenheid Bewaking en Beveiliging* [monitoring and security unit] (NCBB/EBB) will also be integrated within the NCTb. These moves will secure the cohesive preparation of measures to prevent a terrorist attack.

The work of the NCTb falls entirely within ministerial responsibility. The Ministers of Justice and of Internal Affairs & Kingdom Relations are responsible for the NCTb in accordance with their distinct ministerial

powers. Each of them will be able to substitute for the other if necessary in appropriate cases as regards the Ministers' responsibilities and powers in the operational scope of the NCTb. The current substitution regulations will be amended accordingly. In administrative terms, the NCTb will be accounted for within the Justice budget.

### *Control*

In addition to the work described previously in the field of counterterrorism, there are a large number of policy areas related to counterterrorism in a greater or lesser degree of proximity. These generally involve departments other than Justice and Internal Affairs & Kingdom Relations. It is not, however, necessary to bring all these tasks under the immediate or indirect control of the NCTb, despite the fact that a number of activities and projects are of particular relevance to counterterrorism. It would in fact lead to an over-burdening of the Coordinator's responsibility for management and control if all of the work in question were to be made his sole responsibility, without this being necessary to monitor cohesion and progress. The NCTb will be charged with control in these situations. The NCTb will be required to ensure collaboration and progress as the progress director, possibly through the appointment of project managers.

This task would concern the following subjects:

- Identification of possible targets and development of the requisite protective measures; [Systems such as the 'Vitaal' project and the Alert system will be the first to be fleshed out in the context of counterterrorism, although counterterrorism is not their sole *raison d'être*.]
- Formulation of special assistance measures;
- Exercises;
- Assessments; and
- Monitoring of policy areas which are primarily the responsibility of other departments, such as:
  - transit of funds in relation to terrorism;
  - NBC terrorism (terrorism using nuclear, biological and/or chemical materials);
  - infrastructural provisions.

### *Collating, analysing, prioritising and using information*

A different organisation is required for collating, analysing, prioritising and using information. Information is the most valuable "raw material" for counterterrorism. This generally does not involve concrete indications but rather the collection of data from a large range of sources in order to look for patterns, discrepancies or notable irregularities in the data that has been collected. This is better done by a number of different services, some more specialist than others in dealing with this task.

The results of the work done by the services are used in a range of different ways. First of all, they are used as direct input for policy decisions or for detecting and prosecuting individuals. They may have to be combined for this purpose with information derived from other services or other administrative sources. But the collective results from all the services are also used to provide information to the government, based on which a continual threat scenario for the Netherlands can be inferred. A threat assessment is prepared partly from general trends and developments, threat assessments from the EU, the specific national circumstances and an analysis of targets at risk. There is no provision just now covering the continuous need for a range of threat assessments at any given point.

These distinct functions have to be organised differently. The collection, processing and analysis of information in order to assist in identification and investigation in particular incidents, the monitoring of individuals or properties and the exploration of potentially unusual developments should take place, as far as possible, within or between the agencies specifically involved. In section 5, below, we will explore how this is presently organised for the pursuit of individuals who merit special attention.

However, the development and updating of threat assessments and the monitoring of general developments require involvement from as many agencies as possible, along with collaboration at the highest possible level. There is accordingly also a need for a central point, specialising in threat assessments in the broadest sense of the term for a range of target groups and/or clients.

An expert reporting and analysis centre has therefore been formed as part of the NCTb, with participation from the AIVD<sup>1</sup> (which also uses threat assessments from foreign-based services for its input), the police, the MIVD<sup>2</sup>, the IND<sup>3</sup>, the Kmar<sup>4</sup>, de FIOD/ECB<sup>5</sup>, Customs, Foreign Affairs and other potential partners. The centre prepares opinions in relation to the general situation regarding terrorism. This does not involve duplication of work done by the different services, but rather an enhancement through collation and policy-based processing of information that is supplied. The work relates in part to potential new measures to be taken. The centre also undertakes an alignment function in relation to all of the organisations involved. The centre will further ensure that the National Monitoring and Security Coordinator will receive the collated information.

Items produced by the knowledge centre include:

- comprehensive threat assessments (regional, national and international);
- analyses for the National Alert System;
- analyses for Monitoring and Security;
- specific analyses carried out at the request of, for example, local authorities (possibly for events or other soft targets).

It is not, however, the intention for the centre also to deal with the personal approach and measures targeted against individuals; the AIVD/KLPD/OM/IND<sup>6</sup> collaboration has been created for that purpose.

#### *Communication and information*

An essential element in relation to how society learns to deal with the risk of terrorist attacks is the way in which the threat and the actual risks are communicated. The danger of unconsidered information is, at one extreme, that many people live in a continual state of fear in their daily lives, and there are many factors that make them feel restricted. At the other extreme, people get accustomed to frequent warnings and become insensitive to possible signs of unusual activities at exactly the time they should be on guard for them. On one hand, the interests of effective counterterrorism required that it will not always be possible to be completely open about the measures that are being taken. On the other hand, however, there is just as much chance of giving the impression that nothing is happening, or that the appropriate bodies are not sufficiently accomplished to deal with their duties. The final risk of poor communication is that, in the unfortunate event of an attack being committed, the public's ability to act - required then more than at any other time - is paralysed by an infuriated public opinion on the (perceived) negligence of the authorities..

Against this background, the development of a uniform and cohesive policy in relation to communication of threat assessments, incidents, measures taken and policy developed by government is of fundamental importance to any strategy of coping adequately with the threat of terrorism. The NCTb is entirely responsible for communication surrounding terrorism. Information and announcements in relation to terrorism and counterterrorism are accordingly subject to his control.

#### *Adequate power of perseverance*

The complex nature of a terrorist threat and the enormous potential impact of an attack demand effective national leadership. We must be sure that the necessary measures can be taken immediately in the event of a threatened terrorist attack. Such assurance is necessary so that the Ministers of Justice and of Internal Affairs & Kingdom Relations can fulfil their responsibilities for combating terrorism. The concrete threat of a terrorist attack also involves a possibility of a punishable crime. Preventing such crimes falls within the remit of the Public Prosecutor, under the Minister of Justice.

It may also be necessary to adopt other operational measures. These might include instructions to vacate a building or to block off roads. The powers in these areas lie largely with local authorities. The measures might also include those within the remit of other administrative bodies, and might include, for example, a

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<sup>1</sup> AIVD: Feneral Intelligence & Security Service

<sup>2</sup> MIVD: Military Intelligence & Security Service

<sup>3</sup> IND: Immigration & Naturalisation Service

<sup>4</sup> Kmar: *Koninklijke Marechaussee*, or Royal Netherlands Military Constabulary

<sup>5</sup> FIOD/ECB: Fiscal Intelligence & Investigation Service/Economic Investigation Service

<sup>6</sup> KLPD: National Police Agency; OM: Public Prosecutor

requirement to halt train traffic on a particular line or to suspended telecoms traffic in a particular area. We must always be in a position to adopt any measures indicated by counterterrorism immediately. Generally speaking this is done using existing normal lines of control and standard procedures. It has been agreed within the Cabinet that every Minister will immediately cooperate in the implementation of such measures as need be taken. In threat situations where consultation or agreement is impossible given the urgency of the situation, the ultimate and decisive responsibility for taking the necessary measures will rest of the Minister of Justice in his capacity as lead Minister for counterterrorism, as indicated during the debate with the House of Representatives on 14 April last, and this may include the exercise of powers normally within the remit of other Ministers. This will be regulated by statute.

In light of the present threat expressed against our society, we consider it necessary that the lead Minister for counterterrorism should be able to use these powers in the interim period until the relevant statutory provisions come into effect. This will be dealt with in a Royal Decree to be proposed by the Prime Minister.

## **5. Information, observation and pursuit**

Preventing and countering terrorism should in the first instance be directed against actual and potential perpetrators. Generally these individuals do not announce their presence publicly. At the same time, the risk and potential consequences of a terrorist attack are such that we cannot afford to wait until we have concrete, solid supposition, suspicion or proof against certain individuals. This would generally mean that intervention would be too late, and is why we need measures and provisions to allow the government to recognise in good time any signs and indications that would justify suspicion, and also to observe and pursue individuals who have become suspect in order to establish whether such suspicions are justified or not.

With this in mind, and following the attacks in Madrid, the Cabinet adopted measures designed to ensure that we can "keep an eye on" individuals who have aroused suspicion in any way in connection with terrorist activities or support for them. We are not talking here about individuals who can be classified as "hard core" terrorists, who pose an acute danger or in relation to whom there is a concrete suspicion of involvement in terrorist-related crime; rather they are individuals who have come to the attention of the AIVD or police during previous or current investigations as potential links in terrorist networks.

The result of this is a completely new collaboration between the AIVD, the police, the Public Prosecutor, and the IND, which will also involve participation by the MIVD. These services have intensified their mutual exchange of information by setting up a counterterrorism (CT) info-box. This CT info-box is an information centre and analysis unit. It allows for a range of information files to be collated, whereupon the information is subjected to a multi-disciplinary assessment. In this way, we can make a balanced risk assessment at an early stage, based on as full a picture as possible, and then decide on a suitable operational approach. The service holding the relevant information will pass this on in the form of an official report to the service responsible for the operational approach. The exchange of information is, of course, undertaken in such a way as to comply with current statutory provisions.

This operational approach might consist of (a) intervention under the criminal law, (b) acting under the law relating to foreign nationals, (c) intelligence-based observation, or (d) disruptive actions. There is also the option of selecting a combination of these methods. It is important that the activities of the various players are tied in to the statutory provisions governing them - pursuit under the criminal law via the police and Public Prosecutor, the WIV<sup>7</sup> via the AIVD and foreign nationals' legislation via the IND. The aim will be to deploy these methods, in accordance with the statutory provisions, as far as possible on an incremental basis in order to provide for the optimal reduction of risk in relation to the terrorist threat.

If there are no concrete suspicions of involvement in criminal activity, or if there is no possibility of expulsion under the law relating to foreign nationals, then the aim would be to undertake intelligence-

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<sup>7</sup> WIV: *Wet op de Inlichtingen- en Veiligheidsdiensten*, or Intelligence & Security Services Act

based observation. Initial results within the collaborative framework indicate that individuals posing a risk, as identified by the police and AIVD, can only be dealt with by means of criminal law or foreign nationals' law with partial success. In order to reduce to an acceptable level the risk of such an individual meddling in terrorism-related activities without being detected, a decision may be taken to investigate his movements and contacts. Intelligence-based observation, or "monitoring", can be continued for a lengthy period.

If terrorist-related activities are discovered during the monitoring process, a choice can be made to disrupt these activities if they do not amount to punishable crimes. What we mean by disruption is keeping an eye on someone to the extent that it becomes clear to him and his associates that he is the subject of some form of government action, if necessary using other statutory powers, so that individual will not, in fact, be in a position to play any further part in terrorist-related activities. This prevents the individual in question from progressing any further in a role of a useful partner in terrorist activities.

Direction of the police and the Public Prosecutor in how they deal with individuals associated with terrorism falls within the responsibility of the Minister of Justice, while direction of the AIVD is the responsibility of the Minister of Internal Affairs & Kingdom Relations. Other agencies and organisations may also, however, be brought in for disruptive activities, even though they are not the responsibility of those Ministers. These agencies and organisations have different leadership mechanisms and their own planning arrangements. It is, however, of the utmost importance that any disruptive action should be able to be taken immediately. This might override any internal prioritisation within the agencies and organisations concerned. In order to prevent delays in management/direction problems, the Cabinet has decided that the Minister of Justice should be responsible for dealing with the general approach in relation to disruptive activities. This means that the Minister of Justice can ask other members of the government to deploy the services under their control against specific potential terrorists, bearing in mind of course the existing statutory framework and using existing powers. The urgent nature of countering terrorism justifies overriding any existing policy or planning arrangements. The KLPD/UTB T<sup>8</sup> plays a central part in monitoring the cohesion of the range of actual action undertaken in the context of a disruptive campaign. Another aspect of maintaining a watch over individuals is the use of facilities under the law relating to foreign nationals. The principle here is that the admission of a foreign national will be tested as far as possible before he reaches our boundaries. This means that there will be a check at the first Embassy meeting as to whether the conditions for admission are met or not. If there is any suspicion, in relation to the individual concerned, of involvement in crime that might support terrorist activity, for example the falsification of official documents or theft or drug dealing that might finance terrorism, then a visa for the Netherlands will be refused. A follow-up check will be carried out by arranging for the KMar to undertake pre-boarding checks for risk flights. For certain flights, the KMar will also then carry out checks immediately on leaving the aircraft following arrival at the Dutch airports (gate checks). The IND will then pay special attention to article 1F of the Geneva Convention and the question of terrorism during the admission procedure. Finally, the Aliens Police will carry out checks in the Netherlands by means of domestic supervision of foreign nationals, and this will also include the area of counterterrorism.

## **6. Expansion of powers in connection with the prevention of terrorism**

The prevention of terrorism requires it to be possible to intervene in time if the available information indicates a need to do so. Generally speaking, any such interventions will be based on the criminal law in the event of concrete suspicions. After all, the criminal law involves not only responding to crimes that have been committed but also crime prevention. This does not detract from the fact that the criminal law is here being applied to situations and activities which might in many respects be viewed as a "situation of war" or other exceptional circumstance, rather than to 'social' offences within an ordered society. This can lead to tension between what is acceptable in terms of criminal law and what is deemed necessary to protect society. This no longer however poses any problems in terms of the Dutch legal system. A distinct category of offences was introduced into the Dutch Penal Code in terms of the *Wet terroristische*

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<sup>8</sup> UTBT: *Unit Terrorisme Bestrijding en Bijzondere taken*, or Counterterrorism and Special Duties Unit

*misdriften* [Crimes of Terrorism Act]. By extending the criminality of preparatory activities and making the "conspiracy to commit serious terrorist offences and recruitment for the violent jihad" an offence, it is now possible to deploy penal law powers at an early stage, allowing early intervention.

The penal law bodies need to have appropriate powers to prepare the criminal case for trial on the basis of information they have available. With this in mind, the government has already proposed amendment of the legislation on many points. A summary of all these measures may be found in the progress reports accompanying the Counterterrorism and Security Action Plan (HR papers II, 2001-2002, 27 925, no. 10), in the memorandum entitled Terrorism and the Protection of Society (HR papers II, 2002-2003, 27 925, no. 94) and in the letter submitted immediately after the attacks in Madrid (HR papers II, 2003-2004, 27 925, no. 123). As a result of the examination of the legislation announced in the last-mentioned letter, the Cabinet is currently preparing a number of proposals for further expansion of powers relating to the prevention of terrorism.

An important mechanism for gathering the required information in the initial phase of an investigation is the deployment of a surveillance investigation. Article 126gg of the Dutch Penal Code specifies, in relation to surveillance investigations, that where there are indications of assemblies of individuals devising or committing serious offences, the Public Prosecutor can order a criminal investigator to initiate an investigation into this as a precursor to the detection process. This power is also useful in the context of counterterrorism. If necessary in order to carry out an investigation, the Public Prosecutor can determine that section 9.1 of the *Wet bescherming persoonsgegevens* [Data Protection Act] will not apply in relation to the investigation as regards such public records set up under the Act as he may specify. The scheme for surveillance investigations does not at this point offer adequate facilities for investigating terrorist activities, because of the restrictions. The Cabinet will accordingly be proposing an expansion of this power to carry out surveillance investigations in relation to offences of a terrorist nature. This will involve acquiring information on identification from bodies outside the government, and also linking information already available to the police for these surveillance investigations with information from other government or private bodies.

The power to carry a preventive search is also an important power for the prevention and detection of terrorist offences.

The *Wet Wapens en munitie* [Arms and Munitions Act] allows for the opening of packages if there are indications for doing so, for halting and examining vehicles and for searching individuals. Even if there are no indications for doing so, these powers can still be used in previously designated security areas. The Cabinet is preparing a legislative proposal to expand these powers in a number of respects. This Bill is designed to ensure that the Public Prosecutor can arrange for anyone to be searched or for examination of packaging and vehicles in connection with an actual or threatened terrorist attack in designated places (for example transportation links such as motorways or train lines). This will be an addition to the current legislation relating to preventive searching, in which the local mayor (*burgemeester*) has a part to play. As regards counterterrorism, the preventive search power will have status equivalent to the WED<sup>9</sup> powers for opening up and examining packaging and stopping vehicles, where the Public Prosecutor can already require these powers to be exercised against anyone if there are indications for doing so.

There is a third category of powers made up of special detection powers (telephone tapping, infiltration, systematic observation and so on).

These powers can be exercised in an investigation even where the investigation is not confined to suspicions of an actual criminal act. In such cases these are special detection powers for the purpose of an investigation into organised planning for or commission of serious offences. Their application is linked to a reasonable suspicion that specifically detailed serious offences are being planned or committed in an organised context.

It is therefore already possible to use these powers in relation to counterterrorism. A terrorist cell can also be an "organised context". Even if there are insufficient indications of any such organized context, it may still be desirable to investigate any plans being made for serious criminal offences, and this does not have any collateral requirement for suspicion of a concrete offence. Against this background, the Cabinet is

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<sup>9</sup> WED: *Wet op de economische delicten*, or Economic Offences Act

preparing a legislative Bill designed to extend the statutory facilities - within the framework of the Constitution - for applying special detection powers in connection with counterterrorism. If this extension also has an impact on the WIV, then the latter will also be adjusted.

Another legislative proposal is being submitted in connection of the provisional deprivation of liberty for those suspected of terrorist offences. With terrorist offences in particular, it happens that people are taken into custody on the basis of fairly slight suspicions. The examining judge is unlikely to grant a warrant for detention if the investigation has not come up with sufficient evidence in the brief period which is usually available. This is currently a necessary consequence of the requirement for serious objection. The Cabinet will be preparing a legislative Bill to facilitate custody for terrorist offences on the basis of the suspicion, even ignoring any serious objections.

The Dutch Penal Code also provides that a criminal prosecution must be dealt with inside 106 days after the initial hearing, with the documents of process being available for inspection to all the participants. This time limit can be too short, particularly for investigations into terrorist offences, allowing for the public nature of cases as encouraged by the law. The Cabinet accordingly wishes to revise this rule in such a way that will allow for documents of process to be left incomplete for a longer period in terrorism cases.

As regards the AIVD, some legislative proposals have already been announced which will allow the service to respond adequately to the current threat situation. The consequences for current primary and subordinate legislation in the area of asylum and immigration will also be scrutinised.

## **7. National Alert System**

In addition to the measures mentioned above, a system is also being developed in terms of which information will be passed to local government, commerce and the public in connection with current threats and risks. The system will allow for rapidly adapted measures to be taken to reduce the chance of attacks and other crises, even where the danger affects several locations at the same time. This section is designed to provide information on progress regarding development of the Alert System and further planning. We will also explain the outlines of how the System will work in future.

### *Purpose and operation*

The purpose of the National Alert System is to make clear to government bodies, operational services, vital businesses and (other) public and commercial sectors what the recommended state of alert is and what measures are being recommended in order to reduce the risk of a crisis. The System provides for this by having a number of alert levels, each with an associated package of measures, and thus corresponding as far as possible with other international systems. The System has been developed for the full range of crisis management, i.e. it can be applied to any type of crisis. The development of this System was also announced in the *Beleidsplan Crisisbeheersing* [Crisis Management Policy Plan] 2004-2007 (HR papers 2003-2004, 29 668, no. 1). Development of the System for preventing terrorist attacks has been given priority over other types of crises.

Alert levels for terrorism are announced by the lead Minister for counterterrorism, namely the Minister of Justice. Because of the involvement of administrative and operational authorities, the Minister of Justice consults with the Minister of Internal Affairs & Kingdom Relations unless there is insufficient time to do so in light of the concrete nature of the threat. The announcement of alert levels coincides as far as possible in terms of timing and place with the risk perceived at the time, on the basis of threat and risk analyses. This means that an alert level may apply to a specific sector or a particular geographical area, whereas a lower alert level might apply or continue to apply to other sectors and/or areas. This is a way of avoiding measures being taken unnecessarily throughout the whole country for a specific threat.

The System is designed to allow for the organisation of an immediate and unambiguous reflex from

government authorities, operational services and relevant sectors/businesses in the event of an increased risk, with it being clear to everyone what action is required and what they can expect of others. The Alert System is therefore mandatory. If a particular alert level is decided upon, then the relevant administrative bodies, services and commercial sectors will be expected to take the appropriate measures. We will determine which measures these are to be before the System is introduced, in the form of appropriate operational instructions.

### *Introduction*

These instructions in relation to the measures to be taking are currently being prepared, with coincident packages of measures being developed under central government supervision for government and local government authorities, operational services and the public and commercial sectors concerned. Against the background of the attacks in Madrid, the National Alert System has now been fully elaborated for the risk of terrorist attacks using the scenario of an attack against the Railways sector. Under this scenario, the measures are currently being fleshed out and allocated for each alert level to the relevant government bodies and parties from the appropriate commercial sectors. The idea is to have an incremental scale of measures depending on the gravity of the risk, ranging from police surveillance up to complete isolation of a geographical area. The commercial sector will also be taking appropriate measures: these may range from instructing staff to be extra alert, through extra access checks to the complete stoppage of railway traffic. There is outline agreement on the measures to be adopted although further detailing is required; this will include the quality criteria such as permissible time limits and so on. The organisations concerned will then be in a position to invest in preparing for the measures so that they can be adopted quickly if the situation requires it.

A start has recently made on extending the system to other potential targets of terrorist attacks, with the results from the "railway pilot study" being used as the guiding principle for working out instructions for other sectors. The necessary measures have already been finalised in a number of cases at a local level.

The System is being developed with considerable urgency. The size and complexity of the System mean that its implementation requires thorough preparation. The timescale originally provided for (see HR papers II, 2003-2004, 27 925, no. 123) has turned out to be too tight. The current intention is to have functional preparation completed by 1 January 2005, so that we can then start on the technical and operational introduction of the System in relation to terrorism. Leaving aside the situation of extraordinary circumstances, the statutory powers for issuing instructions to take measures are presently inadequate. Bearing in mind the huge importance of preventing terrorist attacks, we are proceeding on the assumption that the desired and agreed measures will be adopted nonetheless almost universally, so that there will be no need to wait until the requisite statutory obligations have become operational once the Alert System is introduced. We have already indicated how this will be accomplished.

### *Communication*

Communication is an important aspect of the Alert System, as the System has to contribute towards informing the public of the required level of alertness in relation to potential crises such as terrorist attacks, and to informing the citizen about the measures required in that context. The principle here is to provide citizens with a clear picture of the risks, with the correct dose and usage preventing the System from being undermined by "inflation". Citizens will always be offered a clear and concrete idea of how to deal with the situation whenever there is a change in the level of the alert.

Commissioning of this System will be preceded by an intensive implementation and information campaign aimed at government institutions, public and commercial sectors and citizens. A communication strategy is currently being developed for this. The campaign must ensure that all citizens and other parties involved have a clear understanding of how the System operates, and of the attitude and conduct expected if central government announces an alert level. The campaign must also ensure that society is confirmed in its confidence that the government appreciates the danger of terrorism

and is taking appropriate steps, as well as that it takes citizens sincerely and will keep them informed. The campaign will be launched at the point when the parties are actually operating in accordance with the agreed Alert System. This campaign will be preceded by wider-ranging information aimed at citizens and relating to risk management policy.

## **8. Dealing with legal entities who support terrorist activities**

Dealing with legal entities who are in any way involved in facilitating terrorist organisations is also a matter of importance. These might, for example, include foundations of a charitable or religious nature, who can play a part in financing terrorist activities.

Measures are currently being prepared, as a follow-up to a study by the *Financiële Expertise Centrum* (FEC) [Financial Expertise Centre] into non-profit organisations and the financing of terrorism, in order to subject foundations to a greater degree of transparency. We are concentrating here on extending the facilities for audits and sanctions in relation to foundations. In the first instance we are looking at a better use of existing facilities as well as solutions of a more structural nature. This will require measures within the ambit of a range of departments and agencies (including Justice, Finance, Internal Affairs & Kingdom Relations, the Public Prosecutor and the AIVD).

One element of this approach consists of the Public Prosecutor deploying his civil law powers in this area under the Dutch Civil Code in relation to legal entities. The Public Prosecutor has embarked on a pilot study to explore the scope of this facility in these specific circumstances. The powers include, for example, submitting a claim to the Court for dissolution of a legal entity, applying for a prohibitory declaration, asking directors to provide information in the event of serious doubts as to whether the articles of association are being fulfilled in good faith or whether the entity is being managed properly, or submitting a claim from dismissal of directors in the event of improper management.

In addition to investigating the possibility and desirability of applying the Public Prosecutor's civil powers in this area, we are looking at ways of promoting the transparency of legal entities by refining the duty of publication and setting up a risk analysis methodology.

For a full summary of the Cabinet's policy on this matter, I would refer you to the memorandum sent to your House (HR II, 2003-2004, 27 925, no. 136) on dealing with the abuse of non-profit organisations for the financing of terrorism, following on the report by the Financial Expertise Centre on this topic dating from 2003.

## **9. International collaboration**

Counterterrorism activities in the Netherlands should not, of course, be viewed in isolation, but must form part of a coordinated collaborative effort with other countries in order to deal with terrorism in a wider international context. Various initiatives have been deployed for that purpose. In its role as chairman of the EU, the Netherlands has an important part to play in the further development and implementation of these various initiatives. What follows is a summary of the activities presently being undertaken in the EU context, as well as the campaigns that the Netherlands will focus on in the context of its chairmanship.

The appointment of an EU Counterterrorism Coordinator, Mr De Vries, is of major importance. His duties include guiding the various EU bodies involved in counterterrorism towards improved collaboration and mutual alignment, as well as coordinating implementation of the Counterterrorism Action Plan. There is a revised Action Plan incorporating new and existing campaigns in the area of counterterrorism within the EU, and this must be put into effect as quickly as possible. The EU joint situation centre, SitGen, is also being expanded with delegates from security services in order to improve on future exchange of information at an EU level. The European Taskforce of Police Chiefs is also involved in counterterrorism and is committed to more intensive exchange of information in this context. The Europol Terrorism

Taskforce has also been activated.

Within the framework of its EU chairmanship, and following up on the campaigns relating to 11 March 2004, the Netherlands is focusing in particular on improved collaboration and exchange of information between the police and intelligence/security services, inter-disciplinary collaboration, improving operational collaboration among the member states and the development of a counterstrategy aimed against recruitment for terrorism. The Netherlands is also embarking on a further development of the contribution to counterterrorism by the European Security and Defence Policy, which includes protecting the civilian population following any terrorist attack (including attacks using weapons of mass destruction) and collaboration with NATO. Counterterrorism also forms a prominent element of the JBS (Justice and Foreign Affairs) long-term agenda which is expected to be adopted by the European Council on 5 November next. We shall also be devoting attention to countering the financing of terrorism during the Dutch chairmanship. We will be looking to make substantial progress in relation to finalising the Third Money-laundering Directive and completing measures to make it obligatory to report sender information on bank giro payments. Early completion of measures relating to cross-border traffic of cash payments is also a matter of priority. A start will also be made in the European context on discussing the transparency and regulation of non-profit organisations. We will also be taking in hand an evaluation of the European mechanism available to freeze the assets of terrorists and terrorist organisations. Finally, the Netherlands will also strengthen collaboration with countries outside the EU in the area of counterterrorism. We will be working, in close collaboration with the EU Counterterrorism Coordinator, with a group of priority countries on improving collaboration, and providing technical assistance towards implementing international obligations.

## **10. Restricting the breeding ground for terrorism**

Dealing with terrorism must not be confined exclusively to the possibility of actual attacks. There are other starting points for prevention. The first of these is the process of radicalisation in our current global society, which forms an important breeding ground for recruitment of the perpetrators of terrorist activities. Another is the fact that the threat emanates largely from abroad, in countries where there are insufficient facilities available to identify and recognise the preparatory stages of attacks in good enough time. A third starting point is the phenomenon of countries where the state is so weak that terrorist movements have complete freedom to prepare for attacks elsewhere (what we term "failed states"). The policy for avoiding or restricting failed states is part of our foreign policy, and is one whose results will only be perceptible in the longer term. There are also short term prospects, as a supplement to domestic measures, in supporting countries where potential terrorists settle, allowing the countries to develop their abilities to recognise the perpetrators or their preparations in good time, as well as to facilitate their communication and contacts with the outside world. Slowing down, stopping or even reversing the process of radicalisation, which is a breeding ground for the recruitment of potential perpetrators, is also an approach that offers prospects.

Radicalism is an (increasing) readiness to pursue and/or support one's own political or social beliefs, which may imply far-reaching changes in society and a threat to the democratic legal system and/or may involve the application of undemocratic means to that end. An obvious and urgent problem area in the context of terrorism is the radicalisation of Muslims, including converts, but this is not the only aspect. The radicalisation of other population groups is just as significant an aspect of the problem. Increasing support for radical variants of Islam is an unmistakable and important factor, but another factor - no less significant - is the polarisation between Muslims and their surrounding society and the radicalisation of other groups in their animosity against Islamic citizens. The involvement of a very small group of Dutch Muslims in international terrorism has had a serious negative impact on the perception of Islam. This in turn may form a breeding ground for Muslim youths.

It appears in practice that various forms of radicalisation in our society and many of the activities undertaken in this context cannot be classified as criminal. We should not, therefore, be thinking in the first instance of applying the criminal law to deal with radicalisation. For the same reason, it is not just what the government does that is relevant, but individuals and organisations must also be mobilised.

Politicians, national and local government, the social middle ground and members of the Muslim communities themselves need to come to the fore as players to offer some counterbalance to the established threats. The battle against terrorism aims on the one hand at increasing resilience among vulnerable groups and on the other hand at entering into and conducting a dialogue with moderate and fundamentalist groups. As an extension to this, the Cabinet will shortly be making further proposals to combat recruitment for terrorist groups, particularly in prison institutions.

While preventing, isolating or stemming the tide of radicalisation is an important element in permanently combating disintegration and terrorism, this is an issue that has to be examined from perspectives other than that of counterterrorism alone. For that reason, the topic merits discussion in a wider context. Your House will shortly receive a separate memorandum setting out the Cabinet's views and proposals in this area.

A series of steps have already been undertaken recently in the specific context of countering radicalisation processes in Islamic circles and doing away with the breeding ground for Islamic terrorism. No matter how small the radical group actually is, any violent attack can have major repercussions for (perceptions of) security and public order. Society's resistance to this threat may manifest itself directly, through a repressive battle against radical groups. On the other hand, an indirect approach would be through strengthening the resilience of Dutch Muslims and Islamic communities to trends of radicalisation within their own circles. The Cabinet is encouraging local government authorities to enter into debate with local groups who express extremist ideas. In this context, a large number of mayors from the G30 (the 30 largest cities in the Netherlands) held a discussion earlier this year with the Ministers of Internal Affairs & Kingdom Relations and of Immigration & Integration about how to deal with radical mosques, and in particular how to approach radicalisation processes as a breeding ground for terrorism. The administrative facilities available to local government were discussed during this meeting of mayors. These would include a refinement of the conditions for granting subsidies and permits. In particular, they would depend on the extent to which organisations were prepared to accept their social responsibility and to observe openness in relation to their aims and finances. Dialogue with the Islamic organisations will also be strengthened at a local level.

Dialogue is also undertaken with Islamic organisations at the national level. The Minister for Immigration & Integration maintains regular contact with the *Landelijk Overleg Minderheden* [National Minorities Consultation Forum] and periodically also with religious contact groups. In the specific context of dealing with radicalisation, the collaborative FORUM is developing an implementation program to allow for public discussion of the Islamic radicalisation debate. It is expected that this programme will be submitted to the House of Representatives by the Minister for Alien Affairs & Integration in October 2004.

## **11. Financial implications**

Putting the ambitions outlined above into practice costs money. To some extent this involves a reallocation of existing budgets. The staffing costs of the Monitoring and Security Unit, currently accounted for within the budget for Internal Affairs & Kingdom Relations, will also be transferred to the budget for Justice. The net additional structural costs of the National Coordinator for Counterterrorism, in terms of the current provision, amounts to approximately €11 million in accordance with the following summary, and form an additional budget. These amounts will be processed technically for budget purposes in the *Voorjaarsnota* [Spring Memorandum]. Additional amounts were included in the 2004 Spring Memorandum in relation to the capacity of the AIVD. A new financial summary will be prepared on the basis of the results of the work done by the *Commissie Bestuurlijke Evaluatie* [Administrative Evaluation Committee].

x 1000 euros

	2005	2006	2007	2008	2009
Personnel	4000	4900	4900	4900	4900
Accommodation	680	850	850	850	850
Security	120	150	150	150	150
ICT	200	250	250	250	250
Exercises	456	570	570	570	570
Inspections/investigation	200	250	250	250	250
Public campaigns/information	2350	2350	2350	2350	2350
Development of analysis models etc	670	670	200	200	200
IND information and analysis	1500	1500	1500	1500	1500
Budget presently available - Justice	4000				
Total	6176	11490	11020	11020	11020

## 12. The long term

Extending and adapting the organisation, with the contemplated strengthening of management by the Minister of Justice in collaboration with the Minister of Internal Affairs & Kingdom Relations, are measures that can and must be taken in the short term. These will form an important and substantial follow-up to the Cabinet's earlier measures following 11 September 2001 and 11 March 2004, designed to provide an answer to the bottlenecks that have been indicated (fragmentation, coordination among equals, lack of clear leadership), and these can also be implemented in the short term. This is not, however, where our thinking stops.

The expectations with regard to the development of terrorism, and the ever increasing threat to the West (including the Netherlands), are matters of such a serious nature that even more radical measures may prove to be necessary. Our view is that a thorough examination is required, for the medium and longer term, into possible alternatives for an effective and more efficient appropriation of organisations and responsibilities within the field of (national) security. The evaluation of the operation of the police force (see the Outline Accord), the results of the administrative investigation of the AIVD (Havermans Committee) and the results from the nationwide functional analysis *Andere Overheid (veiligheid en rechtsorde)* [Other Government (security and legal system)] will also provide input for such an examination. This examination will be carried out under the responsibility of the Minister of Administrative Review & Kingdom Relations, in consultation with the Prime Minister and other Ministers involved. This examination will be completed not later than in the second half of 2005.

## 13. Conclusion

As will be apparent from the foregoing, much has been achieved in recent years following 11 September 2001. This process has been continued in recent months, for example with the coming into effect of the Crimes of Terrorism Act and intensive collaboration between detection and intelligence services. But there is much yet to be done : there is a draft Alert System to be expanded on, there are legislative Bills in preparation which will allow for more effective counterterrorist activities and a new organisation is on the horizon. Within that organisation, all parties will be able to collaborate towards countering terrorism. This does not detract from the fact that there is always a chance of an attack being committed in the Netherlands. The Cabinet is alert, however, and its efforts are focused on reducing that chance as far as possible by all means available.

The Minister of Justice

J. P. H. Donner

The Minister of Internal Affairs & Kingdom Relations,

J. W. Remkes