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Subject Twelfth Counterterrorism Progress Report

1. Introduction

Last December your House received the eleventh counterterrorism progress report.¹ With this letter we offer you the twelfth progress report. The report concerns the progress made in the last six months in the development and implementation of the various components of counterterrorism policy. The following components are dealt with, in consecutive order: the countering of radicalisation, international cooperation in this area, the creation of decisive instruments and organisation, human rights issues, and the implementation of security measures. As in the eleventh report, a selection has once again been made of the themes that are currently relevant from the perspective of politics, society or policy planning, or that otherwise stand out. This does not mean that no progress has been made with respect to other themes, but these are in any case well under way.

As usual, the progress report starts with a summary of the most recent National Terrorist Threat Assessment (DTN). The DTN is drawn up four times a year by the National Coordinator for Counterterrorism (NCTb) and falls under his responsibility.

2. Summary, National Terrorist Threat Assessment June 2010(DTN-21)

The trends that have been recognised in the recent period, at the national and international level, correspond in broad lines to those of the previous threat assessment. The threat level for the Netherlands remains 'limited'. No specific indications for attacks against the Netherlands have become known at the time of this DTN either, but the chance of an attack certainly cannot be excluded. The profile of the Netherlands continues to fit the image of 'the enemy' as seen by the international jihadist movement. In connection with the above, the risk of terrorist attacks against Dutch interests, as part of Western interests, near jihadist areas of conflict, including Pakistan, Afghanistan, North Africa and the Arabian Peninsula, has been explicitly present for some time. This is where franchises affiliated with core Al Qaeda, and groups that feel themselves connected with core Al Qaeda, not only have the wish but also the capacity to hit Western interests.

The threat against the Netherlands itself mainly comes from transnational networks, and could manifest itself in particular through Dutch or European jihadists returning from training camps or areas of conflict. There is a risk in connection with above that threats from this area will long remain invisible to the intelligence and security services, for example as a result of the character of such transnational conspiracies, such as those recognised in Europe at the time of DTN19 and DTN20.

Terrorism

The international context of the jihadist threat

The strength and freedom of movement of core Al Qaeda are under pressure. This is caused in part by the strategy pursued for some time now - in particular by the US - of targeting and eliminating leaders of core Al Qaeda in Pakistan and Afghanistan, mainly with the aid of unmanned aircraft. Because the striking power of the various

¹ Lower House, session year 2009-2010, 29 754, no. 172.

franchises affiliated with core Al Qaeda elsewhere in the world continues to exist, and core Al Qaeda can link itself – (at least) in name – to attacks committed by its 'branches', the total package (inspirator, instigator, executor) nevertheless explicitly continues to pose an international threat against the West. In addition, the situation in Pakistan/Afghanistan may lead to power being generated elsewhere, for instance by calling on jihadists in the West to participate in the jihad in their own country instead of (first) going to Pakistan/Afghanistan for training or participation in the struggle, for example.

The production of core Al Qaeda's media organisation as-Sahab has changed in the recent period. There are fewer statements from core Al Qaeda leaders, and websites that are served by as-Sahab have in that respect 'dried up' to some extent. Propaganda now mainly comes from franchises affiliated with core Al-Qaeda. A remarkable feature of the propaganda is the appeal of Adam Gadahn, a spokesman of core Al Qaeda. He has called for so-called lone wolf attacks, with weapons that are easy to obtain, such as handguns. Despite the fact that the modus operandus is in line with previous statements from jihadist ideologists such as al-Suri and al-Maqdissi, this focus constitutes a change when compared with previous core Al Qaeda propaganda, which, after all, had been focused on spectacular attacks such as those of 2001. This could indicate that there is currently insufficient potential for such complex attacks, but in any case these appeals bring a modus operandi that is more accessible for many terrorists more explicitly to the fore. There are as of yet no clear effects with respect to these appeals.

Conspiracies that are planned from different countries by various persons acting jointly seem to once again play an important role. The conspiracy to kill Swedish cartoonist Lars Vilks (see DTN20) is a prime example of the above. Despite the fact that transnational conspiracies are not new, the difference with ten years ago is that at that time, these conspiracies were initiated from within Afghanistan, while this now is mainly happening from within Pakistan. The Internet is now a constant factor in recruitment, plotting and logistical transnational planning of attacks, while such activities previously occurred on the basis of personal contacts established in training camps. In the intervening period, fewer conspiracies of this nature have been identified, presumably because jihadist networks have been broken up or disrupted, because the focus of jihadists was centred more on Iraq, and because there were no local European networks that were capable of perpetrating attacks (such as in Madrid in 2004 and in London in 2005). The international dimension of conspiracies, together with the use of the Internet, increases the complexity of the activities involved in gaining timely insight into the terrorist threat, and therefore makes high demands of the national and international cooperation between organisations involved in counterterrorism.

International threat

The terrorist threat in and from Pakistan remains present. The US and Pakistan are cooperating well in the fight against terrorist networks in the tribal areas of Pakistan. This results, inter alia, in the continuous arrest of Taliban leaders and more liquidations of terrorists that are hiding in Western Pakistan. Pakistan sometimes cooperates with the US in dealing with the Taliban, but much less in dealing with groups that focus on India. Pakistan's attitude has a restraining effect on the approach to the broad terrorist threat. The foiled attacks (according to the Pakistani authorities) against hotels and western entertainment areas in Pakistan therefore show that Western interests are still explicitly in the sights of the jihadists there. Striking at the interests of India is also high on the jihadists' agenda, as this would frustrate/hinder the improving relations between Pakistan and India. Any

rapprochement between both countries has negative consequences for terrorist groups in Pakistan and Kashmir.

The terrorist threat from Pakistan comes in part from Western jihadists that have been trained in training camps in Pakistan and subsequently return to the West. That risk became clear once again with the failed attack on Times Square in New York on 1 May. A fire-bomb car, rigged with a home-made (fire)bomb which had failed to detonate, had been found. The suspected perpetrator, a Pakistani who had acquired American citizenship by means of naturalisation, was arrested shortly before he wanted to leave the US. The suspect indicated that he came into contact with Taliban fighters during his stay in Pakistan and that he had visited a training camp. The American security services allegedly have evidence that corroborates the above.

The Horn of Africa and the Arabian Peninsula remain two other sources of the international threat. Particularly notable were the wishes, also expressed on jihadist websites, by the Somali 'al Shabaab' and 'Al Qaeda in the Arabian Peninsula' (AQAP), for more jihadist naval power in their own region. Gaining control of the narrow, much-travelled sea straits of the Middle East, such as Bab al-Mandab and the Gulf of Aden, would, according to jihadists, constitute appropriate means to frustrate international trade, and in doing so deal an economic blow to the West. Security services estimate however that, although the intention is definitely there, such groups will not be able in practice to gain control of the aforementioned sea straits. There are also few indications that the intention is leading towards actual activities in this area. However, individual attacks against ships in this region are conceivable, partly on the basis of attacks perpetrated in the past. The piracy in Somalia is relevant as regards the attention of the Somali 'al Shabaab' for a naval component. Pirates could provide al Shabaab with expertise or perform activities for al Shabaab in exchange for weapons and training. Any possible cooperation is likely to have been prompted by commercial instead of ideological motives. Such a construction does illustrate however that terrorist groups can gain strength by forming business alliances with non-ideologically motivated violent groups or criminals. This 'mercenary concept' is also known inter alia with respect to members of 'Al Qaeda in the Islamic Maghreb' (AQIM) who have made a deal with Touaregs in Mali and Niger: Touaregs kidnap westerners for financial gain, who they hand over to AQIM for payment (see DTN 20). Westerners and Western interests in those regions should therefore take increased terrorist risks and risk areas into account.

Several postings were found in the recent period on the jihadist Internet that demonstrate jihadists' interest in perpetrating an attack against the 2010 FIFA World Cup in South Africa. It is not unusual for jihadists to speculate about attacks against large Western (sports) events. For example, (sports) delegations and supporters of specific nationalities can be attacked, and the media attention and live broadcasting can increase the impact of such an attack. Such speculations do not automatically mean that attacks should actually be expected. In addition to the postings on the Internet, a document was found in Iraq after the death of two leaders of Al Qaeda in Iraq that shows that Al Qaeda in Iraq would be interested in perpetrating an attack during the World Cup. A person was subsequently arrested whom the Iraqi authorities presented as being the author of the document. In retaliation for alleged insults to Islam in the Netherlands and Denmark, Al Qaeda in Iraq allegedly intends to strike at Danish or Dutch teams or their fans present there by making use of car bombs or firearms. Jihadists expect that South Africa would be easier to enter than the Netherlands and Denmark. Security services do not have information that suggest operationalisation has actually been started. The estimation is that the

independent striking power of Al Qaeda in Iraq for a complex attack in South Africa is small.

The aforementioned arrest and the idea for an attack becoming known may have a restraining effect on jihadists as regards the (further) operationalising of their idea, but does not mean that it can be assumed that any preparatory acts have been fully disrupted. An attack could also, depending on its potential, be perpetrated on a lesser scale. Soft targets remain attractive targets for jihadists in such cases as well.

Threat against the Netherlands

Local networks in the Netherlands remain, for the time being, weak and leaderless. There are, however, contacts between Dutch jihadists and professional transnational jihadist networks elsewhere in the world. This may allow transnational networks to gain a foothold in the Netherlands. To the extent that Dutch jihadists are indeed developing activities, it appears that they mainly wish to focus on participation in the jihad in Afghanistan, Pakistan and Somalia. A jihadist with Dutch nationality who grew up in Germany was recently killed during a armed fight with Pakistani troops in Pakistan.

As regards the Netherlands and its interests, the threat from abroad and in foreign countries remains larger than the threat from domestic networks. It does not so much concern core Al Qaeda itself, but rather groups affiliated with core Al Qaeda. The threat posed by those groups against the Netherlands has remained unchanged in the past reporting period. In the event of a possible attack, it would be most logical for it to be committed by a jihadist returnee after participation in the struggle or following a visit to a training camp. So far, few Dutch young persons seem to have gone on a jihad journey, but jihadist returnees in our neighbouring countries could potentially move operations to the Netherlands. Germany, in particular, is faced with the fact that various jihadist young persons from that country have been identified as being present in training camps in the border area of Afghanistan and Pakistan. During the past period, for that matter, a very well-known German jihadist was killed in Pakistan.

There is no direct relationship between a country's international profile and the chance of an attack in that country, but the profile does provide an indication as to whether a country has caught the eye of the jihadists. The international profile of the Netherlands remains unchanged in outline when compared with DTN20. The jihadist perception of the debate on Islam in the Netherlands, the Netherlands as ally of the US and Israel, and the Dutch military involvement in Afghanistan remain important factors in this respect. The announced withdrawal of Dutch troops from Afghanistan has so far not had any noticeable influence on the profile. It is expected that the Netherlands will retain its negative image in jihadist circles. At most, jihadists will no longer be able to accuse the Netherlands of direct participation in the 'crusade' against Muslims. However, jihadist networks apply a significant lead-time where it concerns their fight against perceived insults to Islam. This is illustrated by the motivation of Al Qaeda in Iraq's wish to strike at the Dutch and Danish teams or supporters during the World Cup. The 'memory' of jihadists with respect to their image of the enemy, and the extent to which the Netherlands fits this image, was also recently demonstrated by a threatening message to the creators of an American cartoon movie which featured the prophet Mohammed. In this message, which included images of writer Salman Rushdie who was reviled and denounced as a heretic in Islamic circles (1989), they also referred to the fate of Theo van Gogh. It furthermore included images of two other Dutch critics of Islam (Hirsi Ali and PVV leader Wilders).

Jihadist Internet

The perpetrator of the suicide attack at an American military base in Afghanistan (reported in DTN20), during which seven members of the American intelligence agency CIA and a Jordanian military officer were killed, is presented on jihadist forums as an inspiring example. The perpetrator, al-Balawi, was already known among jihadists for his regular postings on jihadist websites. His attack constitutes a considerable moral strengthening of the virtual jihadist community, because 2009 was a difficult year for cyber jihadists. Various sites have suffered from take-down actions or have completely disappeared from the web. There were also complaints about the decline of the quality of postings after various writers had disappeared. Al-Balawi's virtual inheritance has, in view of his life story and his 'martyrdom', become of substantial importance, and has led to a true revival of support for Al Qaeda on web forums. His texts are consequently strongly promoted on the sites. His example may have lowered the threshold for some jihadists to move from cyber jihad to actual violence.

Polarisation and Radicalisation

This year, the campaigns of the parliamentary elections focused strongly on socio-economic themes. The debate on integration and Islam consequently moved somewhat to the background during the recent period, compared with period preceding the municipal elections. Statements in the run-up to the municipal elections could not, for that matter, be designated as very polarising, but they did cause some individuals to issue threats against politicians. Such threats can also be viewed as excesses of the polarised debate on Islam and integration. This also applies to various instances of vandalism (including painted and scratched swastikas, Nazi and racist slogans), threats, and acts of violence in public places, that were aimed against Muslims. These were sometimes committed by young persons with extreme right wing sympathies, and contribute to the feelings among Dutch Muslims of not being safe in society. For example, several mosques were the target of arson and defacement in the past year.

In Belgium, the new organisation Sharia4Belgium has made a name for itself. This orthodox and activist organisation strives for the introduction of the caliphate in Belgium with Islamic legislation and regulations (sharia), but indicates that it rejects all forms of violence. At the instigation of an appeal on the Sharia4Belgium website, dozens of young persons disrupted a lecture entitled 'The debate on Islam. Long live God, down with Allah' presented by Dutch poet Benno Barnard. It has become clear that Dutch-speaking Salafists are maintaining Internet contact with Salafists in the Netherlands. This contact could in future lead to a more organised association of activist-Salafist young persons in the Netherlands, similarly to Sharia4Belgium. Sharia4Belgium's action in Belgium, for that matter, caused a large number of Islamic institutions there to take a joint stand against extremism.

Resilience

As regards the resilience that is developing internationally, it can be remarked that recently (once again) prominent jihadists detained in various Maghreb countries have openly renounced their violent ideology. The ideological revision of former jihadists form a delegitimisation of the violent ideology and activities of Al Qaeda, and can consequently be considered as a setback for the jihadist movement. These initiatives, supported and welcomed by several prominent scholars from the circles of the salafists and the Muslim Brotherhood, are an important impulse for the development of a 'counter narrative' within and from Muslim circles. However, the revisions have to date been formulated on the basis of conservative salafist theory and are often vague about the legitimacy of the use of violence against the West. In addition, the durability of deradicalisation is uncertain at the completion of the

process, as became clear previously in other countries, including in particular Saudi Arabia and Yemen. The experiences in these countries suggest that some detainees only *verbally* renounce their jihadist ideology on the basis of the promise of release, and afterwards resume their jihadist activities once again.

Furthermore, it can be remarked that recently various Muslim scholars have announced publicly, in an international context, that Islam condemns violence. It is remarkable that these condemnations, in comparison with previously published condemnations since the attacks of 2001 in the US, are sharper and more unequivocal in tone. This development could further reduce the support for violence committed in the name of Islam. This is contrasted by the fact that (sympathisers of) those who commit violence will probably dismiss these scholars, because they are often affiliated with 'infidel' state agencies. The scholars may also belong to a movement within Islam that is not recognised by the radicals as authoritative, such as mystical Sufism.

For that matter, previous research performed by the General Intelligence and Security Service (AIVD) has shown that, for jihadists, ideology and ideological revision hardly play any role in decisions to denounce their willingness to actively participate in the jihad. It is rather a person's changed personal circumstances that play a role, such as having a wife and children, and that mean that other interests, such as the jihad, become less important. However, this does not mean that the jihadist ideology is abandoned. The role of ideological revisions is presumably greater for individuals who have not yet actually embraced jihadist ideology: it can reduce the chance of this step being taken, and increase resilience from the community.

In the Netherlands, the website al-Yaqeen, affiliated with the salafist As Soannah mosque in The Hague, posted an interview with the Saudi Islam scholar al-'Allaamah Sa'd Naasir ash-Shatri in February 2010. He is a state-affiliated Islam authority, and a former member of an advisory committee of the Saudi king (the 'Council of Senior Islamic Scholars'). In his argument, the sheikh emphasises the good relationships between the prophet Mohammed on the one hand and the Christians and Jews on the other hand during the early phase of Islam. He also says that if a Muslim decides to live in Western society, he should observe local legislation and should not cause ruin or damage.

Countermeasures

The Rotterdam District Court sentenced Eric Jan Q. to twelve years of imprisonment (LJN BMO727) on 12 April 2010.² "Q." has, in the meantime, filed for appeal of his case. The media coverage of a 'conviction in respect of the preparation of terrorist attacks' is incorrect. The Public Prosecution Service has not charged the convicted person with terrorist motives, nor has he been convicted in respect thereof. The convicted person, who indicated in court to have operated autonomously, had in his attic various objects, highly dangerous mixtures, and information carriers that, according to the District Court, were apparently intended to commit arson or cause an explosion in public areas such as the Botlek area and the centre of The Hague during the day of the Queen's speech, or which were intended to aid in committing theft with violence, or in the unlawful deprivation of someone's liberty and in holding such person hostage. According to the District Court, he is consequently guilty of acts in preparation of very serious acts of violence. Little has become known about the motives of the convicted person during the hearing. Despite the fact that he was not convicted of terrorism, Q. is of importance as an example of the violent threat by

² LJN BMO727.

lone wolves against the socio-political system or its representatives (referred to in DTN19 and DTN20).

Disruption activities were recently carried out in Western Europe against active representations and members of the Kurdistan Workers' Party (PKK) and the Revolutionary People's Liberation Party/Front (DHKP/C) during the recent period. The aforementioned groups are carrying out violent activities in Turkey, and are included on the so-called European 'freeze list'. Several member of the Liberation Tigers of Tamil Eelam (LTTE) were arrested in the Netherlands as well. The LTTE, also included in the above mentioned EU list, has conducted a bloody struggle for an independent Tamil state in the north of Sri Lanka since 1983. These (disruption) actions took place on the basis of country reports provided by the AIVD. They are intended to disrupt, and, where possible, break down the infrastructure of these organisations, which are used for propaganda, fund-raising and recruitment of members and support of the struggle in their motherland.

3. Combating violent radicalisation

3.1. Internet

The intervening approach to the Internet and terrorism is shaped in a steering group in which the General Intelligence and Security Service (AIVD), the Military Intelligence and Security Service (MIVD), the National Police Services Agency (KLPD), the Public Prosecution Service (OM), the Ministry of the Interior and Kingdom Relations (BZK), the Ministry of Justice, the Ministry of Economic Affairs (EZ), the Computer Emergency Response Team (Govcert), the Department of Immigration and Integration (DI&I) and the National Coordinator for Counterterrorism (NCTb) take part. In 2009, the Netherlands participated, together with Germany, the Czech Republic and the United Kingdom, in the project called 'Exploring the Islamist extremist web of Europe'. Within the context of this project, the NCTb organised a successful expert meeting on self-regulation on the Internet in The Hague on June 2009. The above mentioned European project will be followed up by the project entitled 'Illegal use of the Internet', to be planned and organised by the Netherlands. The public-private partnership in the fight against terrorism on the Internet will be shaped at the European level in close cooperation with the European Commission and partner countries such as Germany, Belgium and the United Kingdom. The NCTb was also actively involved, at the UN level, in the promotion of best practices in the field of public-private partnerships in the fight against the use of the Internet for terrorist purposes.

In an international context, the Netherlands also has a leading role in the efforts to combat terrorism on the Internet, especially where self-regulation is concerned. The Notice-and Take-Down code of conduct, which was drawn up in 2008, is internationally recognised as a best practice in the field of self-regulation in the approach to illegal content on the Internet. A growing number of companies in the Netherlands is complying with the Notice-and-Take-Down code of conduct. The code of conduct offers companies clarity as to *if* and *how* they should act against perceived illegal content hosted by them. With respect to companies that turn a blind eye to illegal content, it is becoming increasingly difficult for them to hide behind unclear procedures and responsibilities.

The Netherlands is also closely involved in international initiatives that are aimed at increasing the knowledge about terrorist websites on the Internet. For example, the NCTb participates in an EEnet working group; this is a European network of experts that focuses specifically on the jihadist and terrorist threat on the Internet.

An updated version of the phenomenon study entitled 'Jihadists and the Internet' published in January 2007, was issued in the spring of 2010. The conclusions are roughly the same as in 2007. The Internet is and remains a crucial resource for jihadists. The most important changes relevant to policy since 2007 are:

- The interactivity of the Internet has increased, as result of which activities such as propaganda, the formation of networks, recruitment and mutual communication and planning can progress more easily;
- New Internet applications have made it easier and simpler for terrorists to obtain information by means of the Internet;
- The international jihadist propaganda, via jihadist media organisations and so-called mother sites, has been further professionalised;
- The scope of jihadist statements on the Dutch Internet has decreased, but jihadist material is still present;
- The vulnerabilities to cyber attacks against and via the Internet have increased, and are becoming more widely known all the time.

The updated phenomenon study leads to the conclusion, as it did in 2007, that an integral approach to interventions against terrorism on the Internet, remains necessary. The approach is being continued in full force and will be intensified in a number of respect. For example, in the project on 'Security Risks of Internet Applications', the security implications of new Internet applications are being inventoried in a structured manner. In addition, the resilience (cyber security) against (terrorist) cyber attacks will receive attention in the test and exercise programmes to be developed in the context of the Security Awareness & Performance programme.

A multitude of organisations, both public and private, both national and international, is involved in this integral approach. In the time to come, the focus of the approach will increasingly shift to public-private partnerships in an international connection.

3.2. "Theatre of Fear" investigation

In order to increase insight into the relationship between public perception of counterterrorism and the actual measures that the government is implementing in this context, the National Coordinator for Counterterrorism requested dr. Beatrice de Graaf of the Centre for Terrorism and Counterterrorism (CTC) of the Leiden University, Campus Den Haag to perform an investigation into this relationship. The author has investigated this relationship by means of an historic comparison of counterterrorism measures and the public perception thereof in the Netherlands, Germany, Italy and the US respectively. This study was published on 28 January 2010 under the title *Theatre of Fear*.

In her book, dr. De Graaf investigated – for each country – the decision-making process with respect to counterterrorism, as well as the political and public support for this policy, and the [public] discourse pertaining to terrorism and the fight against it. The author did this on the basis of the so-called performative power of counterterrorism. The assumption in this context is that the public interest for counterterrorism influences the development process of the terrorist threat.

This study shows that a restrained, business-like and, if possible, a-political presentation of counterterrorism ultimately had a more positive effect on counterterrorism than policy aimed at mobilisation of the population and a demonstration of government power. Activities that deployed limited performative power had a quicker neutralising effect on radicalisation and political violence than ostentatious displays of the power of counterterrorism measures.. In the seventies, the limited performative power of counterterrorism policy and the low degree of

mobilisation in the Netherlands was effectively able to deal with a number of radicalisation tendencies and eradicate them before they could do any damage.

The investigation once again emphasised the need to take account, with respect to any form of counterterrorism policy, of the danger that the activities that arise from the above can produce so-called signifiers or legends of injustice. Signifiers are meaningful events or actions that determine the practical implementation of policy, because they have decisive influence on public perception. Government action therefore does not need to be unlawful or unreasonable in an absolute sense to nevertheless be presented as unjust and to be blown out of proportion by those who 'spread hatred' or 'deal in violence'. For this reason, registration of the public perceptions concerning government action will take place at the central level, along with the deployment and evaluation of specific activities. The analysis of these perceptions will be used to effectively shape any neutralizers, such as substantive counterarguments to be used against the extremist discourse.

4. International developments

4.1. Travel movements and border control

The failed attack during the flight to Detroit in December 2009 showed that travel movements can still entail risks. The concerns about travel movements to and from training camps and areas of conflict remain constant. That is why the efforts with respect to the detection, frustration of and intervening approaches to travel movements that give cause for concern are being continued in full force, on the basis of three areas for attention as referred to in the previous progress report.

Firstly, the G4 (four largest Dutch cities) and local police and intelligence services are working together on the optimisation of local investigation capacity. In addition, the responsible border control authorities are making efforts at the national level to make border management even smarter, quicker, and better where necessary. Full border management, moreover, is not just intended to combat/prevent terrorist attacks, but also aims to prevent undesirable travel movements in general. Think in this connection, for example, of combating organised crime and illegal immigration.

In view of, inter alia, the increasing international threat, it is important for the AIVD to gain insight into travel movement data. It can therefore be reported, pursuant to the promise of the then Minister of the Interior and Kingdom Relations made during the General Consultation on Counterterrorism of 3 February last, that the AIVD is working on acquiring data concerning passenger data in order to be able to perform its statutory duties even more effectively.

The timely exchange of information between parties is a critical success factor when preventing undesirable travel movements. For this reason the possibilities of the optimal use of passenger data such as Advanced Passenger Information (API) and Passenger Name Records (PNR), are being investigated, taking into account aspects related to purpose limitation, proportionality and traveller privacy. The Netherlands is looking forward with great interest to receiving the Commission's proposal on an EU PNR directive. The Commission is expected to present a proposal this autumn. In addition, the new EU Visa Code that entered into effect on 5 April offers possibilities for closer and expanded cooperation in a European connection with respect to the exchange of information on Visa matters. For example, Member States can inform each other on visas issued, which will provide better insight into the travel movements of the applicants. Finally, the vigilance of diplomatic representations in high risk and transit countries is being maintained in full force.

The US has included extra provisions in its Visa Waiver Programme(which enables Dutch citizens and subjects from a range of other states to be admitted to US without a visa), which are imposed on the participating countries. In doing so, the US is applying the basic principle that more information is required concerning, for example, cross border terrorist and criminal activities, whereby access to the US can also be better controlled and risk assessments can be drawn up. The Netherlands has therefore been requested to negotiate an agreement entitled *Prevention and Combating of Serious Crime* (PCSC). This agreement serves to simplify the cooperation between the Netherlands and the US with respect to the prevention and combating of serious crime. The content of the intended PCSC agreement relates to enabling direct access to referenced data of DNA profiles and finger prints.

4.2 Terrorism lists in the European Union and the United Nations

In a number of previous progress reports, you were informed of the improvements to the procedural legal safeguards for persons and organisations that have been placed on the EU and UN terrorism lists, and about Dutch efforts in that respect. On 17 December 2009, the UN Security Council adopted Resolution 1904. This Resolution entails important improvements to the UN procedures with respect to the so-called listing and de-listing of persons and organisations that are placed on the UN list. It has been laid down in the Resolution, among other things, that an independent ombudsperson is to be appointed who will present an investigation report to the members of the Security Council with respect to requests for de-listing. This ombudsperson will also maintain a dialogue with the parties involved.

Furthermore, an EU Regulation to amend Regulation (EC) no. 881/2002 regarding the imposing of certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al-Qaida network and the Taliban, has entered into effect.³ This Regulation constitutes a follow-up to the Kadi ruling in which the European Court of Justice identified a number of shortcomings in the EU implementation of Resolution 1267 of the UN Security Council. For example, the new Regulation provides for a procedure for the right of the parties involved to hear and be heard.

5. Instruments and organisation

5.1. Follow-up to the Suyver Commission

A working plan for implementation of the recommendations of the Suyver Commission were sent to the Lower House on 29 January 2010. This working plan was discussed during the General Consultation on Counterterrorism of 9 March 2010. The working plan is intended to provide a practical evaluation of counterterrorism measures. A system is being developed for this purpose that can also be used for future, periodical evaluations of counterterrorism measures. The framework of the Suyver Commission – constructed of testing questions concerning the coherence, legitimacy and effectiveness of measures – will serve as basis. Making use of the testing questions, the five most important specific measures referred to by the Suyver Commission (Counterterrorism Information Centre, system of special units, sanctions lists, person-specific approach and the administrative measures for national security legislative proposal), in addition to the delivery of a general review of counterterrorism measures in their mutual coherence, are subject to further assessment.

5.2. Security Awareness & Performance

Vigilant employees are essential, in order to recognise terrorist activities and preparations thereof in time and to act adequately. That is why the Security

³ EU Regulation 1286/2009 (Pb L 346/42).

Awareness & Performance programme focuses centrally on the security awareness of professionals and the performance of persons. This does not just concern the responsible security professional, but also the management and the 'ordinary' professional on the shop floor. It is these people, in particular, who are often the first ones to identify deviant behaviour or a deviant situation in their own working environment. This does not just help to prevent terrorism, but also to prevent other forms of crime that can affect security or harm business continuity.

Research has shown that security awareness within an organisation cannot be effective unless it is a continuous process. In order to promote this continuous process, the programme relates, inter alia, to the realistic testing of security, also known as Red Teaming, at companies affiliated with the Counterterrorism Alert System and at CBRN institutions. In this connection, various parties are working closely together under the coordination of the NCTb.

The Sure of your Business workshop, which was developed in 2009 as the first practical product of the Security Awareness & Performance programme with film, workbook and manual, will be implemented further in 2010. The research into the effect of the Security Awareness & Performance programme will take place in 2010 by means of a companies monitor to be developed for this purpose.

5.3. Civil aviation security

Effective as of 29 April 2010, EU Regulation 300/2008 on common rules in the field of civil aviation security entered into effect, including the underlying implementation rules. This new EU Regulation will replace Regulation (EC) no. 2320/2002. The revision of the regulations is intended to simplify, harmonise and clarify the existing rules and improve the level of security. The regulations were drawn up in close consultation with the civil aviation sector. The new regulations include a transitional scheme in order to achieve gradual abolition of the restriction on fluids. This will depend on the development of new methods of investigation.

EU Regulation 300/2008 does not yet provide a provision that allows for the structural (i.e. independent of a pilot such as in place at Schiphol), deployment of the security scan ('body scan'). The European Commission is currently investigating the possibilities in respect of the above, with due observance of the privacy and health aspects.⁴

5.4. Drills and exercises

One of the themes that received more attention in the recent period, and that will do so in the coming period, is the exercise of counterterrorism activities. The NCTb was, for example, closely involved in the changes to the national decision-making structures for crisis management and contingency management (including the formation of the Ministerial Contingency Management Committee) for aspects related to counterterrorism. You were already informed of the above by means of the third National Security Progress Letter.⁵ The NCTb employees involved were informed of the changes and are continuously performing training exercises pertaining to the role, duties and responsibilities in the event of a (threat of a) terrorist attack. Apart from the NCTb, the public and private parties involved should also conduct sufficient training exercises. Training exercises are being developed and organised, within the context of the Security Awareness & Performance programme, that are aimed at testing the security of locations of the Counterterrorism Alert System and CBRN institutions. Moreover, several global

⁴ See also my letter of 9 February 2010, TK 2009-2010, 29 754, no. 18.

⁵ Lower House, Session Year 2009-2010, 30 821 no. 10 dated. 22-02-2010.

exercises will be conducted towards the end of 2010. In the autumn, a global exercise aimed at cyber security will take place; this exercise, in which the Netherlands will also participate, is to be organised by the United States. The NCTb and INTERPOL will organise a global exercise aimed at (the prevention) of biological terrorism in November 2010. This exercise can be considered a follow-up to *Cobalt 2009*, the exercise in the field of radiological/nuclear terrorism organised in November 2009. This exercise took place within the context of the so-called *Global Initiative to Combat Nuclear Terrorism* (GICNT). Both exercises were organised at the initiative of the NCTb.

5.5. CBRN terrorism

The coordinated effort at the national level to minimise the chance of CBRN terrorism remains necessary in view of the disproportionate effects it may have. The CBRN/E threat assessments from the AIVD and the MIVD will be guiding for projects within the CBRN/E programme. The process that has already been initiated, that is aimed at increasing resilience at high-risk CBRN research institutions – such as hospitals, laboratories and universities – is still on course (2008 – 2013). Performance is effected by the Ministries of Agriculture, Nature and Food Quality (LNV), Housing, Spatial Planning and the Environment (VROM), Health, Welfare and Sport (VWS) and Education, Culture and Science (OCW). These departments work closely together with the NCTb in structuring a provision in which data are being merged and where a single desk for both security and safety aspects for companies, research institutes, hospitals and universities is being realised. This is line with international developments in this field. The international (global) bioterrorism exercise to be organised by INTERPOL and the NCTb at the end of this year has already been referred to in the previous paragraph.

5.6. (Home-made) explosive devices

Homemade explosives are the weapons terrorists use most often. The EU Action Plan for improving the security of explosives was adopted in April 2008 in order to hinder the production and use of explosives by terrorists. One of the actions from this action plan concerns the prevention of unauthorised access to the most high-risk chemicals for the production of home-made explosives (also referred to as precursors). At the European level, the most important precursors have been identified in the same manner as in various Member States, including the Netherlands. Relevant institutions at the EU and national level, such as the experts of the intelligence and security services, the police, forensic experts and substance experts as well as private parties who produce, supply or sell these chemicals are involved in the above actions. Representatives of the private parties involved are, for example, the Netherlands Chemical Industry Association (VNCI), the Association of Chemical Traders (VHCP), Confederation of Netherlands Industry and Employers (VNO-NCW), Dutch Retail Council, Agri Retail, the Central Chemists Association and large producers of chemicals. The chains of each precursor (from import/production to sale) have been inventoried, whereby the efficiency and proportionality of the measures were considered in their relationship to the threat and risks. These activities are expected to lead the presentation of a EU Regulation in the autumn of 2010. This should, on the one hand, bring the security in all Member States to the same level with respect to this issue and, on the other hand, retain a level playing field in Europe for all industry and retail parties involved. In the Netherlands, agreements concerning the (voluntary) measures that can be implemented with respect to some of these substances have already been made, in anticipation of these measures.

A second action concerned the realisation, before the end of 2009, of a reporting centre for (possible) suspicious trade in chemicals. The Homemade Explosives

Reporting Centre (040—2916000) was formed for the Netherlands on 1 July 2009. The Ministry of Housing, Spatial Planning and the Environment and the NCTb have made agreements for this purpose with the FIOD-ECD, KLPD-IPOL and the National Investigation Service. Partly at the request of the aforementioned (representatives of) parties from the business community, a single desk for reporting (possible) suspicious transactions, pertaining to both explosives and drugs, has been realised. Companies are and will continue to be informed via private representatives. The pilot period of the reporting centre was evaluated at the start of 2010. It was concluded that although the number of reports was indeed small, the reports were nevertheless relevant. The reports concerned suspicious purchases or transactions that required assessment. The business community furthermore appreciates the realisation of a single desk. Continuation is necessary, partly in view of the envisaged obligation in the above-mentioned EU Regulation.

It was indicated in the tenth progress report that the police is working on the problems identified with respect to an explosives-related police system. In 2004, the Board of Chief Commissioners (RvHC) identified problems with respect to the availability and usefulness of this system pursuant to the attacks in Madrid. The chain partners established at the end of 2008 that these problems had not yet been resolved. The RVHC was subsequently requested to remedy the situation with due haste. Due to the stagnation that nevertheless continued, the NCTb entered into consultations with the RvHC in order to find a solution. Moreover, alignment with related European systems has to be realised before the end of 2010. The NCTb therefore recently entered into consultations once again with RKC to find a solution as soon as possible.

6. Security measures

6.1. Surveillance and Protection

Queen's Day

This year, the Queen's Day celebrations once again took place safely and above all in a festive atmosphere, in particular due to the efforts of the organisers of the events in Zeeland and the local agencies involved. Within the existing relationships of authority and powers, the NCTb implemented its new role in securing national events in close consultation with the local competent authorities during the preparation of Queen's Day 2010. As stated in the letter of 4 September 2009 concerning the events of Queen's Day 2009, the Surveillance and Protection Coordinator advised the local competent authorities on the coherence and alignment between the parties involved with respect to the surveillance and protection of the event, security rings were deployed, and threat scenarios were coordinated. The open attitude, cooperation and coordination of all organisations involved, both de-centrally and nationally, consequently contributed to the excellent result with respect to the safety and success of the royal visit to Zeeland.

Remembrance of the Dead

The National Remembrance of the Dead at Dam Square in Amsterdam is also a national event. The NCTb was involved in the preparations of the Remembrance on 4 May 2010 similarly to its involvement in Queen's Day 2010. For the time being, everything indicates that the incident that occurred during the last Remembrance ceremony, which involved many casualties, concerned a public order incident. The safety of the dignitaries present was never in any danger.

The "National Events Working Method" project further implements the conclusions and recommendations pursuant to the NCTb report concerning the operation of the Surveillance and Protection System on Queen's Day 2009. The objective of this project is to realise a uniform national working method that is aimed at ensuring that

national events proceed safely and without interruption. The project is being performed by the police and the NCTb acting jointly. The aim is to finish the project in 2011. Interim experiences with a number of national events that take place in 2010, such as Queen's Day, Remembrance of the Dead and Budget Day will be included in the final project results.

The elections

During the campaigns for the municipal elections and the elections to the Lower House, the NCTb devoted extra attention to the security situation of the participating candidates. The NCTb played a supporting role, because the security of candidates during municipal elections is a decentralised responsibility. The NCTB introduced a specific elections regime for the campaign period of the Lower House elections. The special feature of the elections regime is that, on the basis of the various threat assessments, threat analyses and the information available to the police and the intelligence and security services, public sources and the experiences with the elections of 2002, 2003 and 2006, a risk assessment was prepared in advance. This risk assessment, which closely monitored the developments during the campaign period, was the basis for the security measures that were implemented.

World Cup football

The situation as regards the threat against the World Cup football championship in South Africa this summer is being closely monitored by the various agencies involved, including the Ministry of Foreign Affairs, the intelligence and security services, the NCC/DGV of the Ministry of the Interior and Kingdom Relations and the NCTb. The intelligence and security services disseminate the available and relevant information in such a way that both the South African government and the Ministry of Foreign Affairs can fulfil their respective responsibilities.

As organising nation, South Africa has the responsibility of implementing adequate security measures for the participating teams and the supporters present. The Dutch embassy in Pretoria provides consular aid to the supporters present. Providing travel advice is part of those consular services of the Ministry of Foreign Affairs, which also has a website with relevant information for travelling supporters. This website communicates the possible risks, and how to minimise them, to the Dutch supporters. Travel advice issued by the Ministry is not binding. Travelling to South Africa is the individual responsibility of each supporter.

The Surveillance and Protection Coordinator of the NCTb is focusing extra attention on Dutch dignitaries travelling to South Africa, whose security is my responsibility as Minister of Justice. The South African authorities are in first instance responsible for implementing adequate security measures for these persons. Additional (personal) security measures will be implemented if there is reason to do so.

The Minister of Justice,
Minister of the Interior and Kingdom Relations,