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Our reference

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*Please state the date and our
reference in your reply. Please
only discuss one subject in
your letter.*

Date 17 June 2011
Subject Fourteenth Progress Report on Counterterrorism

1. Introduction

On 17 December 2010, the Lower House of Parliament received the thirteenth progress report on counterterrorism.¹ With this letter I would like to offer you the fourteenth progress report. The report discusses the progress made during the past six months in the development and implementation of the different elements of counterterrorism policy. These elements concerned, in succession: combating radicalisation, international co-operation, creating decisive tools and organisations, and taking security measures. Just as in the thirteenth report, this report also includes a selection of themes that are relevant at this moment from a political, social, or policy planning point of view or which are notable for other reasons. This does not mean that no progress has been made in relation to other themes.

As usual, the progress report will first give a summary of the most recent Terrorist Threat Assessment Netherlands. The Terrorist Threat Assessment Netherlands is drawn up four times a year by the National Coordinator for Counterterrorism, who is also responsible for this report.

Frequency of progress report from semi-annually to annually

Since January 2005, the progress report on counterterrorism has been sent to the Lower House of Parliament every six months in response to your request of 8 December 2004 to receive additional information on the policy and the implementation hereof regarding counterterrorism. The request concerned had been prompted by the context of terrorist incidents in those days, such as the attacks in Madrid in March 2004, the increased terrorism alert in the summer of 2004, and the murder of Theo van Gogh in November of that same year. The frequency of a semi-annual report has long been justified in the light of the expansion and intensification of counterterrorism policy and the implementation thereof in order to ensure that the overview and cohesion of the measures remained sufficiently clear.

In the past few years, significant headway has been made in the area of counterterrorism and the foundations have been laid for counterterrorism policy

¹ Lower House of Parliament, session year 2010-2011, 29 754 no. 196.

and measures. The policy and measures are currently the subject of expansion and fine-tuning, with adjustments to the nature and direction of the threat being made on an ongoing basis. Counterterrorism is furthermore a time-consuming process. Another aspect is that there are not always substantial new developments to report every six months. It is therefore the intention to lower the frequency of the progress report to once a year and to incorporate it in the Counterterrorism Strategy Report that is to be published on an annual basis from now on. By lowering the frequency of the progress report, we also cater for the need to optimise the information flow to the Lower House of Parliament. This does not, of course, alter the fact that the Lower House of Parliament will be informed in the interim if important events or incidents regarding terrorism occur.

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2. Summary of the 25th Terrorist Threat Assessment Netherlands of June 2011

Threat Level

The threat level in the Netherlands continues to be 'limited'. This means that the risk of an attack is currently low, but that it cannot be eliminated altogether. The following considerations contribute to the final determination of the threat level. Jihadists still consider the Netherlands a legitimate target. Viewed in this light, the developments in the main jihadist conflict areas, such as Afghanistan/Pakistan and Yemen and the threat they pose to Western countries is still reason for concern. On the one hand, the profile of the Netherlands may become higher in the coming period because of the magnified propagandistic use of the internal Islam debate and due to Dutch involvement in foreign military missions. On the other hand, the threat posed by jihadist networks in the Netherlands itself is small. This is also due to the fact that resistance against violent radicalism, extremism, and terrorism has remained high.

International Context

Osama Bin Laden's death on the eve of the tenth commemoration of the attacks of 11 September is a blow to the core of al-Qaeda. It remains to be seen, however, whether Bin Laden's death will seriously weaken the jihadist movement. The strength of the core of al-Qaeda has been mitigated since the invasion of Afghanistan. Despite the fact that Bin Laden might have communicated with many more jihadists around the world than we have assumed until now, his death will have little influence on al-Qaeda-related groups. These groups have largely determined their own course; jihadism as an ideology has spread worldwide and - in extreme cases - has acquired a local colour.

The international context was dominated by the popular revolts and revolutions in parts of North Africa and the Middle East in the months prior to Bin Laden's death. Although the revolutions in this region may in part be seen as a success of secular and peaceful protests, they may also pose security risks. Jihadists who have been released may, for instance, interfere in conflicts in the region or move to other countries. The developments in the region came as a complete surprise to the core of al-Qaeda. Not a single regional jihadist association, such as AQIM or AQAP, participated in the protests. This does not alter the fact that the jihadists would attempt to once again put the situation in the Arab countries in a jihadist perspective, for propaganda purposes

Developments in the most important jihadist conflict areas

The most important jihadist conflict areas are currently Afghanistan/Pakistan, Yemen, Somalia, and North Africa. In Pakistan, extremist parties and groups have caused an acceleration of the undermining of state authority and an increase in political and social instability during the last few months. As a result of this increased instability and insecurity, the terrorist groups in the west of Pakistan have had more opportunity to operate. As a result of this, the jihadists - who do not only commit attacks in Pakistan, but also focus on the West - have been able to recapture the territory they had been forced to abandon to the army previously.

A striking point in the context of the developments in Yemen is that, so far, AQAP has barely given a formal reaction to the unrest in the country. It is, however, evident that a terrorist organisation such as AQAP benefits from the ongoing unrest. Many recent attacks that were carried out were aimed at the security system, as a result of which military posts at various locations have been abandoned. There are no indications that Dutch interests were specific targets.

In the Horn of Africa, the jihadist organisation al Shabaab has lost ground. The troops of the Somali transitional government and troops of the mission of the African Union have been involved in an offensive against al Shabaab in the capital of Mogadishu since mid-February. They have won major victories during this offensive.

In North Africa, a bombblast in the Moroccan city of Marrakech on 28 April killed 16 and injured 21. Besides three Moroccans, all those killed were foreigners. One Dutch citizen was killed, and two Dutch citizens were injured. For the time being, it is most likely that local terrorist networks were involved in the blast.

Threat against Western Countries

The jihadist threat against Western countries continues unabated to be present. In the past period, this was most prominently demonstrated in Germany. A shooting incident by a single attacker at Frankfurt Airport early in March caused the first casualties in Germany as a result of jihadist terrorism. As far as is known, the young man, who targeted American soldiers, acted alone. His radicalisation process appeared to have taken place through the Internet. This case shows that the so-called 'lone wolves' continue to constitute a real risk which can, in many cases, only be discovered by the immediate personal environment or the indirect environment on the Internet. In another case in North Rhine-Westphalia, early in May, three arrests were made which possibly foiled an attack against a soft target at an early stage.

Threat against the Netherlands

The threat of jihadist networks in the Netherlands is still small. The networks in our country are limited in number, loosely organised, and do not have any clear targets or strong leaders. This does not alter the fact that there are still persons in the Netherlands who foster the jihadist ideology. But the risk of their plotting an attack in the Netherlands in the short term is small. In recent months it has been observed that jihadgoing attempts by persons, who reside in the Netherlands were more successful compared to earlier attempts.

The international profile of the Netherlands has not changed. The Netherlands is still seen as a legitimate target for several reasons, including the alleged insult to

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Islam in the Netherlands. In addition, the decision to send a police mission to the Afghan province of Kunduz could in any case result in the fact that Dutch interests in Afghanistan may come into picture as a target of opportunity. In the reporting period, both the head of the police in Kunduz and the head of the police in Kandahar were killed by suicide attacks.

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Violent Radicalisation and Polarisation

The unrest in the Arab world has, so far, not resulted in massive declarations of support from the various migrant communities in the Netherlands. In the past period, there were small-scale, mainly peaceful demonstrations of Tunisians, Egyptians, Libyans and Syrians. In the Netherlands, furthermore, there continues to be broad and sometimes vehement discussions on the role of religion in society. Examples include public sector employees wearing head scarves and ritual slaughter of animals without the prior use of anaesthetics.

The Muslim Brotherhood in the Netherlands, which is frequently linked to extremism and terrorism in the media, currently does not pose a threat to the democratic rule of law. In the long term, however, the Brotherhood might pose a threat to the democratic legal order. There have, however, not been any indications of a radical or violent course. Dutch resistance against a possible radical course of the rather small movement is still high as well.

Resistance

The resistance of the Dutch population against violent radicalism, extremism and terrorism appears to be stable. So far, no developments have been reported that point to a change in the high level of resistance.

3. Combating violent radicalisation

The Internet

Ongoing efforts have been made to reduce the accessibility and presence of jihadist messages on the Internet, among other things by the *Notice and Take Down* code of conduct. The authorities have also worked vigorously on international co-operation in undermining the offer and persuasiveness of extremist messages on the Internet.

In co-operation with various European partners, the 'Clean IT Project' was launched. This project is aimed at improving dealing with radical, extremist, or terrorist websites. The basic principle in this context is that public-private co-operation as a tool is an effective supplement to the legislative and criminal law instruments. The purpose of the project is to establish a partnership between the Internet sector and the Member States to be better capable of combating illegal use of the Internet for terrorist purposes.

Several projects have been launched under the umbrella of the *National Programme for the Recognition of Digital Information and Fingerprinting*. These projects relate to improved and automated recognition of objects, persons and texts from websites or data files. The Netherlands participated, for instance, in an international benchmark 'searching in video collections', and research is being done into techniques to search graphic and audiovisual files for text. These tools are also useful in tracking and combating terrorist information on the Internet. The preparations have begun for testing the tools that are under development

within this programme regarding the extent to which they are privacy proof. The principle of 'security by design' is thus given content.

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4. International developments

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4.1 Developments in counterterrorism at the European level

Internal Security Strategy

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The Internal Security Strategy for the European Union contains important proposals in the area of counterterrorism that link up with the European Counterterrorism Strategy. Dutch efforts in this respect include better protection of transport by using new technologies, for instance to detect liquid explosives, and the execution of other measures from the European Action Plan for the protection of explosives. The Netherlands will also make efforts at the European level to recognise and deal with terrorism-related security risks attached to migration and travel movements at an early stage. These risks require effective and efficient control of the Schengen external borders and an improved information position of law-enforcing agencies.

In addition, the Netherlands aimed to establish concrete action points to tackle cyber crime and cyber security. The Netherlands has contributed actively to the efforts of the EU to execute all of these action points, including the development of the digital agenda for Europe and the Internal Security Strategy. In addition, a project proposal submitted by the Netherlands was approved. This project entails that on the basis of experiences with the Notice and Take Down code of conduct, a similar voluntary Notice and Take Down procedure will be developed for private parties and law-enforcing agencies at the European level, for instance in the area of 'sowing hatred' and 'terrorism'. In line with the National Cyber Security Strategy (Parliamentary Papers II 2010/2011, 26 643, no. 174), the Netherlands has advocated international co-operation and an integrated cyber security approach to strengthen the security of the digital society. Co-operation between the EU and the US is an important item to be addressed in this context. In order to facilitate this co-operation, the EU-US Working Group on Cyber Crime and Cyber Security was established.

On 1 August 2010, the agreement between the EU and the US on the exchange of bank details for the purposes of the Terrorist Finance Tracking Program (TFTP) entered into force. The first evaluation was conducted recently. The results of this evaluation were presented during the JHA Council of 11 and 12 April 2011. The evaluation examined the method by which Europol had performed its task regarding the verification of American requests, the number of American reports on terrorist threats to Europol and Eurojust, and the protection of data. The general conclusion was that both parties had implemented the agreement properly and were executing it adequately. It was, however, the first evaluation which related to a short period, and there were also some points for improvement. One of the points for improvement is to increase the transparency around the requests from the United States and to have these requests substantiated in writing as much as possible. The European Commission is currently working on an initial orientation towards the development of an EU-TFTP system. The Commission will present the results of a study into the feasibility of an EU TFTP at the beginning of the summer. After consultation of the Council and the European Parliament, a specific proposal is expected to be submitted in early 2012. The Netherlands is actively involved in this process.

Finally, the current presidency of the European Union has sought to increase cohesion between internal and external policy. This is supported wholeheartedly by the Netherlands. In this context, the Netherlands considers it important that a good division of tasks is established between the European External Action Service (EEAS), the Member States' own external policies, and the roles for the Commission and the European Counterterrorism Coordinator Van Kerchove.

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Passenger Name Records

In February, the European Commission submitted a proposal for a directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (EU PNR).

The Government is favourably inclined towards this initiative which is currently being discussed at the European level. Major items to be addressed in this context are proportionality, data protection, retention period, and the costs. The Lower House of Parliament will be informed of this through the standard channels.

4.2 Terrorism lists

By designation decision of 15 March, the funds of the *Tamil Kunst en Culturele Organisatie Nederland* (Dutch Tamil Art and Cultural Organisation) (Government Gazette 2011, no. 5018) and the Tamil Coordinating Committee (Government Gazette 2011, no. 5019) have been frozen. On 18 April, the national freeze measures against the Dutch Al Aqsa Foundation were renewed, (Government Gazette 2011, no. 7209)² and on 26 April the funds of *Stichting Internationale Humanitaire Hulporganisatie Nederland* (International Humanitarian Aid Organisation Netherlands, IHH-Netherlands) were frozen (Government Gazette 2011, no. 7634).

5. Tools and organisation

5.1 Security Awareness & Performance

The multi-year programme *Security Awareness & Performance* (SA&P) is directed towards increasing security at companies and institutions with a vital function for Dutch society. It is essential that employees are alert, for instance so as to recognise possible terrorist activities, or the preparations for these activities, at an early stage and to take adequate action. From within their working environment, they are often the first to identify deviant behaviour or a situation that is out of the ordinary. Part of this programme, which is public-private in nature, is directed towards the development of means to increase security awareness of employees. Human capacity is central to practising incidents and recognising deviant behaviour and situations that are out of the ordinary. By means of real-life exercises, vital institutions and public or semi-public authorities are penetrated physically and through the Internet, on the basis of which the security and the preparedness for terrorist threats are assessed. The results of these exercises form an important link in achieving more security and security awareness. Attention must also be paid to security awareness at the strategic

² *The Dutch Al Aqsa Foundation has been on the EU terrorism list since 27 June 2003 (2003/482/GBVB). By the renewed freezing at the national level, the legal basis for placement on the EU list has been continued.*

policy level in the business and public sectors This is fleshed out further in co-operation with CEOs from the business sector.

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In order to stimulate the security awareness of employees, the workshop *Zeker van je Zaak (Security at Work)* was developed in co-operation with the Police Academy and Delft University of Technology. In order to be able to continue to provide the workshop *Security at Work* on a structural basis, an e-learning module for security professionals has been developed which was completed early in 2011 and which has been made accessible to professionals via the website (www.nederlandtegenterrorisme.nl).

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5.2 Airport security

Liquid rules

New rules on taking liquids on board airplanes entered into force on 29 April 2011. The European Commission, however, advised the Member States to suspend the implementation of the new rules. The most important reason for this was that, both inside and outside the EU, harmonisation of the relevant rules was insufficient and would result in a lack of clarity for the passengers. Even prior to the European Commission issuing its recommendation, the Netherlands decided to suspend the implementation of the new rules and informed the European Commission hereof.

The new rules would make it possible for passengers from outside the EU to take their duty-free liquids with them during transfers at EU airports. The Dutch government advocates replacing the prohibition on liquids by screening liquids, but it is also of the opinion that lifting the prohibition must be effected in a harmonised way. At the European level, everything is being done to remove all restrictions for taking liquids on board before 29 April 2013.

5.3 CBRN terrorism

The coordinated efforts at the national level to minimise the risk of CBRN terrorism as announced in the previous progress report are going according to plan. The parties involved in the execution of the measures include the line ministries, the police, and the intelligence and security agencies. The efforts include measures to increase resistance at high-risk CBRN research agencies (2008-2013); the realisation of one point of contact for both security and safety of biological agents (mid-2011); and an international (globally oriented) exercise to prevent chemical terrorism of INTERPOL, the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Organisation for the Prohibition of Chemical Weapons (OPCW), the Netherlands Forensic Institute(NFI), and the National Coordinator for Counterterrorism (NCTb) (see the passage in this report on Exercises).

The NFI Field Lab was opened officially on 18 March 2011. The NFI Field Lab provides all organisations in the security system the opportunity to practise, under simulated but realistic conditions in a multi-disciplinary manner, how to secure traces at a complex crime scene. The use of state-of-the-art technology and training contributes to a higher percentage of solved cases.

In 2011, the Netherlands will also preside over the Biological and Toxin Weapons Convention (BTWC).

5.4 Exercises

A globally oriented exercise aimed at biological terrorism and the prevention thereof (BIOSHIELD GLOBAL), organised by the National Coordinator for

Counterterrorism and INTERPOL, took place in Utrecht from 16-18 November 2010. Eighty participants from 23 different countries participated in the exercise. The exercise was a success and produced several valuable learning points for the international capacity to prevent a biological attack. The international trusted community in the area of chemical, biological, radiological and nuclear (CBRN) terrorism was strengthened further. As a part of a series of international exercises (Cobalt 2009, BIOSHIELD GLOBAL), the National Coordinator for Counterterrorism will organise an international exercise once again at the end of the year; this exercise will be aimed at chemical terrorism and the prevention thereof.

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5.5 Explosives, homemade or otherwise

Terrorist and other criminal organisations have the potential and unabated intention to use explosives. In nearly all terrorist attacks in Western Europe, the attackers used homemade explosives. The fact that the components (specific chemical substances) and the knowledge are freely available are a considerable contributory factor. The General Intelligence and Security Service, the Military Intelligence and Security Service, the National Police Services Agency, the Ministry of Infrastructure and Environment, the Explosives Ordnance Disposal Service, the Joint Taskforce Counter-IED of the Ministry of Defence, the Netherlands Forensic Institute, the National Institute for Public Health and the Environment, and the National Coordinator for Counterterrorism are working in close co-operation to prevent this type of attack. The public agencies have also co-operated with relevant private parties.

In September 2010, the European Commission presented a draft Regulation intended to reduce the availability to private individuals of high-risk chemical substances³. This could be realised by making it more difficult to sell specific chemical substances above specified concentrations to private individuals, and to impose the obligation to report suspect transactions. Parallel to this, efforts must be made to improve awareness among all co-operating organisations in this system. In anticipation of the Regulation, the Fiscal Information and Investigation Service/Economic Investigation Service and the Department of International Police Information of the National Police Services Agency have realised a reporting centre to report suspect or possibly suspect transactions of chemicals. The negotiations on the Regulation are under way.

The NFI is in the process of developing a CBRNE System (Bomb Data System) for all Dutch co-operating organisations, such as the Ministry of Defence and the police. This system will realise increased professionalisation of the Dutch knowledge basis on explosives, homemade or otherwise, by making it possible to retrieve and search data quickly and in a smart way using mobile equipment. This will considerably increase the quality and security of the work of the users. The pilot is operative and the complete roll-out is expected to be realised before 11 November 2011.

5.6 Financing of terrorism

In the past period, the *Financial Action Task Force* (FATF) examined to what extent the Netherlands complied with the forty recommendations on combating

³ COM (2010) 473.

money laundering and the nine specific recommendations on combating the financing on terrorism. The evaluation report contained a description of Dutch policy and, where necessary, made recommendations to strengthen specific elements⁴. The evaluation was positive about the criminal law/legal framework for money laundering, seizure, confiscation of the proceeds from crime, and freezing terrorist funds. The evaluation report was, however, also critical but constructive regarding a few specific parts of Dutch policy on combating money laundering and the financing of terrorism.

The most important point of criticism related to the penalisation of the financing of terrorism. As my colleague of Finance already reported to the Lower House of Parliament by letter⁵, the method of penalisation in Dutch law differs from the method of penalisation in the majority of FATF countries. In the Netherlands, the financing of terrorism is punishable as a preparation for terrorist crimes or as participation in a terrorist organisation. It emerged from the report that the FATF prefers the financing of terrorism to be punished as an autonomous offence. It has been decided to include in the Dutch Penal Code provisions that make the financing of terrorism punishable as an autonomous offence in order to position this crime clearly recognisably in the law in accordance with the recommendations. The relevant bill will be submitted to the Lower House of Parliament before the end of the year.

Another point of criticism in the report was the effectiveness of the Financial Intelligence Unit - Netherlands (FIU Netherlands). The FATF is of the opinion that too many parties are involved in managing the FIU, which undermines its independence. This point of criticism has been warded off partly by the recent merging of the relevant parts within the Ministry of Security and Justice and the Ministry of the Interior and Kingdom Relations. The report furthermore discovered shortcomings in the Dutch Money Laundering and Terrorist Financing (Prevention) Act. A bill is currently being drawn up to remedy the shortcomings discovered. The aim is to present the relevant bill to the Lower House of Parliament at the end of this year. In February 2013, the FATF must be notified of the improvements made.

6. Security measures

6.1 National events

This year, Queen's Day passed off safely and, above all, in a festive atmosphere again, in particular thanks to the efforts of the Limburg organisation of the event and the local agencies that were involved. Within the existing authority relationships in the preparations, the National Coordinator for Counterterrorism as well contributed to the fact that the event passed off excellently. All the organisations involved, both at the local and the national level, co-operated in accordance with a clear national working procedure. This national working procedure had been established after the events of Queen's Day 2009. National events are events that are visited by persons included on the exhaustive list⁶ and

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⁴ Financial Action Task Force, *Mutual Evaluation Report. Anti-Money Laundering and Combating the Financing of Terrorism. The Netherlands* (25 February 2011).

⁵ FM/2011/6465 M.

⁶ *On this list are persons, objects and services for whose protection the central government has a special responsibility*

in which the national interest is central and which may give rise to a specific or increased pressure on surveillance and protection due to the nature of the event (32 054 no. 1, session year 2008 - 2009). This working procedure for national events has been drawn up in co-operation by the police, the intelligence and security agencies, and the National Coordinator for Counterterrorism. The working procedure is aimed at safeguarding in concerted action the security during the course of the event, the guests, and participants during events such as Queen's Day, Remembrance Day, Veterans' Day, and State Opening of Parliament without affecting the character of the event. The working procedure includes the development of an integrated threat assessment, threat scenarios coordinated at the national level, and working with a system of security circles.

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This working procedure was adopted by the Board of Commissioners of Police in March 2011. By the adoption of the working procedure, the conclusions and recommendations regarding the system of surveillance and protection as included in the reaction of the Government on the investigations into the events of Queen's Day 2009 have been implemented⁷.

The Minister of Security and Justice,

⁷ *Lower House of Parliament, session year 2008-2009, Queen's Day letter 2009, Parliamentary Paper 32 054 no. 1.*