Counter-terrorism in the Netherlands

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'11 September' has made us painfully aware of the fact that terrorism constitutes a threat to national security. Consequently, counter-terrorism has been put high on the national and international political agenda. This article sketches (the radicalisation of) Islamist terrorism in the Netherlands and the approach of the General Intelligence and Security Service (AIVD) of this phenomenon, underlining the great importance of intensive co-operation between the AIVD and the police in this area.

Terrorism poses an evident threat to national security. The attacks on the Pentagon and the WTC on 11 September 2001, the subsequent wave of 'powder letters', as well as later attacks and terrorist threats have made this painfully clear. It is because of the anxiety and fears caused by terrorism, as well as its impact on society and on the democratic process, that counter-terrorism has been put high on the national and international political agenda.

The terrorist threat to the Netherlands is largely intertwined with the international threat. If, for example, terrorists are focusing on American or Israeli targets, these targets are also in danger in the Netherlands. The threat emanating from Islamist terrorism in this respect is still very real and relevant to the present situation. We can conclude that, while in the 1980s the Netherlands was faced with just a limited threat from abroad, this threat has now substantially grown. The threat of violence represented by Islamist terrorism has grown into a considerable and permanent exogenous *and* endogenous threat . From a couple of specific cases in the Netherlands in 2001 and 2002 it has appeared that a process of radicalisation is going on. The cases of recruitment for the jihad with which the Netherlands has been confronted over the past few years have shown that a violent, radical Islamic movement is gradually taking root into the Dutch society. So the underlying process of radicalisation is not only taking place outside our national frontiers, but also in the Netherlands, in particular in some districts of urban areas where the first possible signs are becoming visible.

Major elements of counter-terrorism are the identification and, if necessary, monitoring of radical cells and networks, as well as the prevention of radicalisation and issuing a timely alert against this phenomenon. Intensive co-operation and exchange of information between national and international law enforcement and intelligence and security services are absolutely vital in this respect.

Islamist terrorism

Islamist terrorism seeks to realise a society that is in accordance with a fundamentalist Islamic polity based on an extremist interpretation of the sources of Islam by means of politically-motivated violence and threats of violence. By committing indiscriminate attacks at various places in the world the terrorists purposefully disrupt parts of a society and inspire widespread fear. In several countries terrorist plots could be prevented from coming to fruition in 2002, but not all attacks could be thwarted. An attack was committed on a synagogue in Tunisia in

April, a French oil tanker was attacked off the Yemen coast and a bomb attack was committed on an entertainment centre in Bali in October, and some Israeli targets in Kenya were attacked in November. These and other attacks, as well as a series of thwarted attacks, have shown that within Al Qa'ida-affiliated networks there are still terrorists who are able and willing to inflict serious damage and kill people. The fact that traces of toxic substances were found in some thwarted attacks in Europe is also a reason for concern.

The war in Iraq has had no influence on the strength and strategy of the terrorist networks. The Islamist terrorist networks are still capable and prepared to commit attacks, and there is still a high risk of attacks at the moment. Experience has shown that Islamist terrorists are operating thoroughly and patiently, and we can therefore expect the threat to remain high in the near future. The waning vigilance that is creeping into society in the Netherlands is therefore undesirable and even increases the risk of a terrorist attack.

A recent development is the fact that cells within the network that are responsible for supporting, preparing and committing attacks are operating more autonomously than in the past. Largely self-supporting units are now capable of planning and committing attacks relatively independently. Another new trend is the increasing focus on low-security targets (so-called soft targets). Where in the past attacks were mainly aimed at military and diplomatic targets, last year the terrorists' focus seemed to have shifted towards easier targets in the sphere of religion, economy or tourism, as was the case in the examples mentioned above. The blows dealt to the Islamist-terrorist networks by the attacks on Afghanistan, by rounding up cells at various places in the world and by the arrest or elimination of a number of prominent figures have undeniably weakened particularly Al Qa'ida as the core of the conglomerate of terrorist networks. Possibly as a consequence of this weakening, the networks seem to have chosen a construction of more autonomously operating cells and a focus on easier targets, which, however, involves equally serious risks.

Polarisation

The threat represented by Islamist terrorist groups is not only directly related to violence. Islamist fighters (mujahedin) resident in the Netherlands who are involved in recruitment threaten the democratic legal order by these activities also in another way. They purposefully influence members of the Muslim communities in the Netherlands in order to create a polarisation in society and to alienate the Muslims from the rest of the population. The polarising influence of the mujahedin reinforces purposeful efforts by radical Islamic persons and organisations within and outside the Netherlands to prevent the integration of citizens with a Muslim background and to create a religiously-based antagonism between Muslims and their non-Islamic environment. Radical-Islamic individuals and groups in many countries increasingly succeed in convincing religious brothers that a society should be established that is in accordance with the 'pure' Islam. The strength of their recruitment does not lie in the fact that they can show that Islamic laws and regulations will solve all problems, but in their appealing to the idea that the rights and interests of 'good' Muslims are being violated time and again, also in the West.

Recruitment

Some tens of thousands of people have been trained as Islamic fighters in Afghanistan since the 1980s. After the training they dispersed all over the world, supporting the Islamic jihad and trying to win other Muslims over to their ideas. The phenomenon of recruitment in the

West should be seen as a worldwide mobilisation of members of Muslim communities for the holy war against the 'enemies of Islam'. Recruitment for the violent jihad in the West also shows that Islamist terrorism is not only a threat that is aimed at the West, but also a threat that is more and more professionally generated in the West itself. The phenomenon of recruitment once more demonstrates the fact that the fight against Islamist terrorism does not only require great effort on the part of intelligence and security services, police and judicial authorities, but also permanent alertness in other policy areas, like immigration and aliens policy and integration. Two young Dutchmen of Moroccan origin resident at Eindhoven were killed in the Indian province of Kashmir in January 2002. It turned out that the two young men had been recruited in the Netherlands by radical Muslims who mentally prepared them for participation in the violent jihad. This incident made painfully clear that also some Muslims raised in the Netherlands are receptive to radical-Islamic ideas. These young people appear to be susceptible to indoctrination by charismatic spiritual leaders. Meanwhile, on the instigation of the AIVD, several members of an international network of Islamist fighters have been arrested in the Netherlands. Several of them are suspected of involvement in recruitment of Muslims in the Netherlands for Islamist purposes.

The task of the AIVD

In the Netherlands terrorism has been not been defined by law so far. This situation will soon change, when membership of a terrorist organisation will be made punishable under the amended Dutch Penal Code. In view of the perpetrators' political motivation and the evident threat to national security, counter-terrorism is one of the AIVD's core tasks. On the basis of the Intelligence and Security Services Act 2002, the AIVD has – and has had for decades - a heavy responsibility in the field of counter-terrorism and it has a number of special intelligence means at its disposal for the identification and prevention of terrorist activities.

The AIVD and the police
The duties and powers of the intelligence and security services in the Netherlands have been laid down in the Intelligence and Security Services Act. The AIVD conducts investigations into organisations that and persons who give cause for serious suspicion that they pose a threat to the continued existence of the democratic legal order, to national security or to other vital interests of the state. The aim of the investigations is to make the threat visible and to promote or take measures against these threats. The co-operation between the AIVD, the police and the Royal Netherlands Military Constabulary has largely been defined in the Intelligence and Security Services Act, particularly in Articles 38, 60 and 62.

- Article 38 describes how the AIVD can pass information that is relevant to the investigation or prosecution of offences to the police and/or the Public Prosecutions Department. The AIVD passes such information to the police and/or judicial authorities in official reports through the National Public Prosecutor responsible for counter-terrorism.
- Article 60 enables the AIVD to ask the Regional Intelligence Services (RID) of the police forces and the Special Security Service (BD) of the Royal Netherlands Military Constabulary to perform activities under the responsibility of the AIVD.
- Article 62 provides that information that has come to the notice of the police and that may be of interest to the AIVD should be passed to the AIVD through the regional intelligence service.

This implies that the regional intelligence services, which have been embedded in the 26 police forces in the Netherlands, and the Special Security Service of the Royal Netherlands Military Constabulary have the following tasks:

- perform activities under the authority of the AIVD;
- notify the AIVD of information that has come to the notice of the police and that may be of interest to the AIVD's intelligence-gathering function (through the commissioner of a police force).

In fact, the Regional Intelligence Services function as regional AIVD branches and as a link between the AIVD and the Dutch police. The added value for the AIVD lies particularly in the antenna function of the police forces in the regional and local communities. The various RIDs should occupy a strong, authoritative position within the forces and meet requirements as to quantity and quality. The realisation of this ambition is supported by the current project called 'RID quality'.

Counter strategies

Counter-terrorism in the Netherlands is based upon a wide-range approach in a situation of asymmetry.
The 'wide-range approach' implies that terrorism should not be dealt with as an isolated phenomenon, but in combination with interfacing phenomena like radicalisation and recruitment. Relevant signals should be identified as such at an early stage, in order to make effective intervention possible. Counter-terrorism involves a wide range of political, administrative, financial, legal and disruptive instruments to be deployed separately or in combination.
'Asymmetry' refers to the situation in which the combatant parties – the Dutch government on behalf of society versus the Islamist activists – are acting on the basis of completely different rules and standards. Jihad fighters consider themselves to be at war with the West, whereas the Dutch government uses democratic, peacetime instruments, which implies, in fact, that there is an 'inequality of arms'. This does not mean, however, that the government machinery is powerless to do anything against those who seek to commit or support attacks.

Intelligence work and criminal law
Thorough intelligence work, active measures to frustrate terrorist activities and an adequate co-ordination with criminal investigation and prosecution should be essential elements of counter-terrorism. The AIVD's annual report for 2002 shows that the police made a large number of arrests on the basis of AIVD information in 2002. Initially the Rotterdam court questioned the lawfulness of the use of AIVD information in criminal proceedings, but according to a recent decision of the court of appeal in The Hague, judicial authorities can rely on the lawful acquisition of AIVD information, which implies that such information can indeed be admitted in evidence in criminal cases. The court has not yet given a decision about the evidential value of AIVD information in criminal proceedings. In a number of cases the AIVD, in conjunction with the Public Prosecutions Department (in this case the officer responsible for counter-terrorism) and the police, decided that intervention was (immediately) necessary. The effects of interventions go beyond the judicial proceedings and should not only be assessed in terms of the length of the punishment or the number of convictions. After all, it is also important that an intervention frustrates or stops plans for violent activities at an early stage. The Islamist organisation and its clandestine activities are thus being exposed, which makes an undisturbed continuation of its activities impossible. This exposure of terrorism supporters and disclosure of structures and processes also leads to a social awareness and hence a possible increase in resistance against radicalism and extremism.

The sometimes suggested picture of the Netherlands as a tolerant country is absolutely not correct where the phenomenon of terrorism is concerned. On the contrary, the Netherlands approaches the subject energetically and rather effectively at a political and policy level, at a judicial level and at the level of implementing bodies like the AIVD, the police, the Ministry of Finance, etc. The outcome of relevant criminal proceedings will show whether the legal instruments in the Netherlands are adequate. The Minister of Justice is already investigating whether an extension of the provisions under criminal law would be advisable in order to enable the authorities to take effective measures against, for example, recruitment.

It should be noted that effective counter-terrorism mainly consists of preventive measures. The identification of terrorists and the prevention of attacks should have first priority. This has become even more important now that Islamist terrorism increasingly uses the instrument of suicide attacks, against which nothing can be done in terms of legal rules, repression and prosecution. Another aspect of this prevention is the need for adequate protection of persons, property and services (e.g. transport). In order to meet this requirement, a national security co-ordinator was recently appointed, whose task it is to set up a new security and guard system.

Financial investigation
The fight against financing of terrorism is another issue that has attracted much national and international attention. The freezing of assets in combination with other measures may help to disrupt and weaken the infrastructure of terrorist organisations. The effectiveness of these measures should not be overestimated, however. Terrorist organisations are motivated by objectives of a political and violent nature, and not, like many criminal organisations, by pecuniary gain. And the preparation and commission of attacks do not always require large sums of money. Besides, the money to be used for these purposes is often 'clean money', i.e. money that should disappear from the legal circuit in order to obscure its origin. In a number of cases, however, financial investigation can reveal by whom and how terrorist organisations are supported.

National and international early warning
An adequate early warning system should throw light on both foreign and domestic breeding grounds for radicalisation. The problem of Islamist terrorism is largely rooted in other countries. It is therefore important to keep up-to-date on relevant developments abroad, including the emergence of potential hot spots. It is also necessary to focus more attention on activities of terrorist groups aimed at the procurement of chemical, biological, nuclear and radiological weapons. The identification and frustration of these activities is essential, especially now that there is more and more evidence to suggest that terrorists are capable and prepared to produce and deploy these weapons. The exchange of information within the international network of intelligence and security services is a precondition within this context. At a national level, the interaction with other ministries and bodies like the police is equally important. Their embedding in the local society enables the police to supply information that, in combination with other sources, may help to identify radicalisation tendencies, radical cells and possible support to terrorist violence at an early stage.

Strategic response
It can be concluded that although after 11 September 2001 considerable damage was inflicted to Osama Bin Laden's network, a recovery of this organisation's strength and new actions should not be ruled out. The military intervention in Afghanistan, the various operations against training camps, as well as the arrest and elimination of some Al Qa'ida leaders are

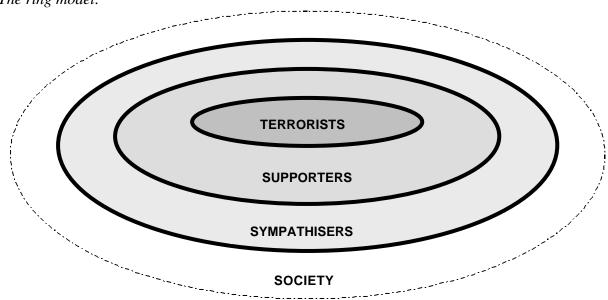certainly important, but they should not yet be considered as a complete elimination of the organisation.

The attacks in the US on 11 September 2001 have had a polarising effect in the Netherlands. In radical-Islamic circles the attacks were seen as a success, because of the fact that they demonstrated the power of the terrorist networks, because thousands of people were killed and because the US and the western world were humiliated. In reaction to this attitude, parts of the native Dutch population voiced generalising and stigmatising views against Muslims and Islam and acted accordingly. At the same time, Islamists used the opportunity to refuel feelings of hatred and aversion to the western society, as a consequence of which polarisation deepened. The effects are still visible, also in the Netherlands.

Several political-administrative authorities (including the Minister of the Interior and Kingdom Relations and the burgomaster of Amsterdam) have underlined the fact that one of their major objectives - in addition to counter-terrorism – is preventing that a barrier will be put up between Muslims and non-Muslims.
At a ministerial level the co-operation and co-ordination between all security sectors in the Netherlands have now been centralised in two sub-councils of the Council of Ministers, i.e. the Council for the Intelligence and Security Services (RIV) and the Security Council (RvdV). At an international level the co-operation and information exchange between intelligence and security services have been intensified. The AIVD is working on this subject in close co-operation with security and intelligence services of more than one hundred countries. Late 2001, for example, a European Counter Terrorism Group was set up on the initiative of EU Council of Justice and Interior Ministers. Within this group directors of the counter-terrorism branches of European security services draw up a common threat assessment every three months, co-ordinate their operational focus and exchange information on targets. The intelligence and security services also participate in various European ad-hoc co-operative groups and many of them have set up bilateral operational co-operation.

Terrorist networks and their environment

A wide-range approach of the phenomenon of terrorism should involve a wide spectrum of counter strategies. Effective strategies should be tailored to a specific target group or target person. The ring model below shows how the 'arena' of target groups can be arranged.

The ring model:

Obviously, every model is a simplification, while the core only represents a very small part of the Muslim community. The innermost ring represents persons who are able and willing to commit attacks. The active supporters of terrorists can be put in the second ring. These persons can and want to support terrorists, so they are aware of the connection between their activities and terrorist attacks. The third ring represents the people who feel some sympathy for the cause and who are susceptible to recruitment. In general, persons in this third ring reject the western, Dutch society. The area outside the third ring encompasses the entire Muslim society. The people in this area are in no way involved in Islamist extremism, but may fall victim to its actions. In this ring model our focus should not only be on the groups to be distinguished, but also on the interaction between the rings. Centripetal movements can be designated as radicalisation processes.

Terrorists

A counter strategy targeted at the innermost ring should be aimed at stopping the terrorist individual or group and thus reducing a terrorist threat. It is very difficult to detect potential terrorists. European intelligence and security services are intensively co-operating in order to monitor their movements. It is often difficult to identify persons as terrorists, because, despite their often very orthodox views, they adapt their behaviour to blend in with the 'local colour'. This may even be 'Western' behaviour which seems to be incompatible with their religious ideas. Their strategy and motivation differ from the methods and viewpoints of terrorists in the past, while they are also imperturbable and very patient. International co-operation is the key word here, with increasing emphasis on multilateral co-operative groups. Essential requirements are sharpness, intuition, in-depth knowledge of the phenomena and sensitivity to details. National co-operation is often a follow-up on international signals, with a key role for the AIVD, the Public Prosecutions Department and the police. As soon as suspicions arise about an offence, the AIVD and the National Public Prosecutor discuss the information available. The AIVD can pass person-related information to the authorities in an official report. Usually, in such a case the Public Prosecutions Department initiates a criminal investigation involving judicial intervention, i.e. arrest, search of premises, conviction, detention, and - if possible - confiscation or freezing of financial assets. Over the past few years, this type of judicial intervention took place in various countries in Europe, including the Netherlands. It is important to choose the right moment for an intervention. Prevention and disruption have priority, sometimes over further information-gathering in a specific case.

Supporters

In the Netherlands the supporters in the second ring are mainly involved in logistical support, fund-generating crime and falsification of documents. In order to recognise which criminal activities are related to terrorism, a network analysis should be made on the basis of high-quality information from and about the support network. Which persons are involved, what is their role, with whom are they in contact, what is their ideological background and which other countries are involved? In order to gain insight into the networks, the use of the most sophisticated techniques has become increasingly important. The fluid character of the networks requires, in addition to the use of all possible and necessary intelligence means in accordance with the Intelligence and Security Services Act, also fast and effective information-gathering from both publicly available and classified data bases. Modern technology has created the facilities to achieve this.

Examples of support networks are GSPC (Groupe Salafiste pour la Prédication et le Combat) and TWH (Takfir Wal Hijra), which apparently have been tasked to support and prepare terrorist violence in Europe. Particularly the networks of TWH adherents are involved – often in groups - in punishable offences aimed against 'unbelievers', including non-orthodox

Muslims. As long as a substantial part of the proceeds are used for the jihad, these activities are (religiously) approved by people from their own set. The role of the police in this respect is an important one, since they are able to combine the person of the perpetrator with other matters (e.g. his social environment, behaviour, travelling pattern, and the type of offence). It is very difficult to institute criminal proceedings, however, because these groups of perpetrators are no organisations in the traditional sense. They usually commit only minor offences, but on a large scale and in combination with conspiratorial support activities. Even so, several cases, also in the Netherlands, have shown that legal action may nevertheless be effective. Frustration of support networks may prevent attacks. Banning such organisations via a civil court seems neither feasible nor effective.

Sympathisers
The farther from the centre of the model, the less concrete the approach, and the less prominent the role of the AIVD is. The role of political-administrative authorities representing the democratic legal order in public debate is becoming more and more important. In 2002 several burgomasters openly denounced the radical character of texts preached by some imams. However, it is particularly the Muslim community itself, and the moderate forces within this community, that should check the progress of radicalisation processes and recruitment. They still have some influence on those who are receptive to radical ideas. Important is also the relationship of police officers with the local Muslim community and the ability of self-criticism within that community. The AIVD can help to enhance the resistance against terrorism-related developments by pointing out the tendencies it has identified in this field, as, for example, described in the papers *The democratic legal order and Islamic education* and *Recruitment in the Netherlands for the jihad*, which were both presented to Parliament in 2002.

Antenna function
In order to identify radicalisation processes at an early stage, it is necessary to develop a good antenna function within society. The police are *the* organisation whose core business it is to know the local society down to its minute capillaries. Community police officers know their district, its inhabitants and their security problems. Youth detectives know the youngsters whose behaviour shows relevant signs. Detectives know which persons may be of interest to the AIVD, because of their criminal profile or otherwise. It is in the interest of the AIVD to gain insight into breeding grounds of radicalisation. The service has already organised information meetings in several police regions in order to enhance the awareness of this aspect. According to Article 62 of the Intelligence and Security Services Act, the regional intelligence services should make information relating to this subject available to the AIVD. To that end they will have to distil the information, through its own organisation, from the capillaries of society. Recently a National Information Centre has been set up for the co-ordination of such information. The ability of the police to generate security-relevant information at a national level is very relevant to the AIVD's tasks.

Conclusions:

- At the moment we can conclude that the threat of violence represented by Islamist terrorism is growing into a substantial and permanent exogenous *and* endogenous threat.
- Radical Islamic individuals and groups in many countries appear to be increasingly successful in convincing moderate Muslims of the fact that the realisation of a society that is in agreement with the 'pure' Islam is the perfect solution to injustice in the present society.

- We have been painfully confronted with the fact that also some Muslims raised in the Netherlands are receptive to radical-Islamist ideas and manipulation. A number of them underwent a radicalisation process and were successfully recruited for the jihad, with the ultimate prospect of martyrdom.
- Counter-terrorism in the Netherlands is based upon a wide-range approach. This implies that terrorism is not approached as an isolated phenomenon, but in combination with interfacing phenomena of radicalisation and recruitment. In order to enable effective interventions, it is necessary to identify relevant signals at an early stage.
- Effective counter-strategies are anyway aimed at the following relevant categories: terrorists, supporters, sympathisers and the Muslim community.
- The combat of Islamist terrorism does not only require great effort on the part of intelligence and security services, police and judicial authorities, but also permanent alertness within other policy fields, like immigration and aliens policy and integration.
- The identification of terrorist networks and the prevention of attacks are core tasks of the AIVD.
- The combat of international terrorism requires close co-operation and information exchange with foreign law enforcement and intelligence and security services.
- Major elements of counter-terrorism are the identification and, if necessary, monitoring of radical cells and networks, as well as the prevention of radicalisation and issuing a timely alert against this phenomenon. Intensive co-operation is essential in this respect (with the Ministry of the Interior and Kingdom Relations, the Ministry of Justice, the Public Prosecutions Department, the National Police Agency, the Defence Intelligence and Security Service (MIVD), the Royal Military Constabulary, police forces, regional intelligence services, etc.).
- In view of their role in the investigation and prosecution of offences the police are obviously an important partner for the AIVD in counter-terrorism. But the police can also provide information that helps to identify radicalisation processes at an early stage. The value of this information is mainly based upon the quality of the relations of the police with persons within the Muslim community.
- The regional intelligence services are the link between the police and the AIVD. The increasing importance of this link may lend even more weight to the recently started quality-improvement process within the regional intelligence services.