

**ANNUAL REPORT 2002  
GENERAL INTELLIGENCE  
AND SECURITY SERVICE**



## Foreword

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By means of this annual report the General Intelligence and Security Service (AIVD) presents an overview of its areas of special attention in 2002 and the focus areas for 2003. In effect, this is to a large extent the annual report of the National Security Service (BVD), the name of which changed with the coming into force of the new Intelligence and Security Services Act on 29 May 2002. Due to the fact that the AIVD received a lot of attention in the media recently, the new name already appears to be catching on.

This news value of the AIVD has everything to do with the topicality of security issues such as the threat of international terrorism, tensions between certain groups of the population, and the safety of politicians. It needs to be stated that these threats did not decrease in 2002; on the contrary.

It is the government's duty not only to take adequate measures, but also to inform its citizens as well as possible about any threats. After all, the observant citizen plays a crucial role in countering threats. The AIVD's annual report, which has now become compulsory by law, plays an important role in this respect.

The annual report contains no information on operational specifics, because this part of our activities is not of a public nature. Such information is provided exclusively to the Committee on the Intelligence and Security Services of the Second Chamber and to the supervisory committee instituted together with the new Act.

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# 1 **Developments relating to national security**

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This chapter first presents an outline of the security situation in the Netherlands, seen from the perspective of the AIVD. This is followed by a discussion of the role played by the AIVD in protecting the national security. In this context, control and supervision over the AIVD are also discussed. The chapter concludes with information on the AIVD's new task in collecting foreign intelligence.

## 1.1 **Threats to the national security**

The year 2002 was a turbulent year, both for Dutch society and for the AIVD. It became increasingly clear that the threat of international terrorism was not solely an external matter, but was also internal, in view of the increase of the number of potential terrorists living in our country. Also the attack on Pim Fortuyn and the increasing number of threats directed at politicians indicate that our country has lost its innocence and is at any rate less safe than was previously assumed.

The attacks in the US on 11 September 2001 made clear to the whole world that terrorism of an Islamic persuasion had developed into a major danger to international peace and security. Despite the continuing fight by the US and their allies in and outside Afghanistan against the Al Qaeda network in particular, this type of terrorism, despite various successful actions, has not been halted. Islamic terrorist networks are capable of carrying out attacks all over the world and thus disrupting entire societies or parts of society. The use of biological or chemical weapons in these attacks can no longer be ruled out. All in all this represents a considerable threat against Europe and the US. Radical-Islamic networks are active in the Netherlands as well. They are involved in support activities of a financial, material or logistic nature. In 2002, the AIVD reported that several dozens of Islamic youths are involved in a recruiting process in the Netherlands, partly as a result of radicalisation within the Islamic community in our country. The investigation into Islamic terrorism requires a major effort from the AIVD and other parties.

The fatal attack on Pim Fortuyn shocked society and led to the probing question whether the authorities and services responsible, including the then BVD, had failed in their duties. An independent committee was set up to investigate this and to examine whether the existing system of surveillance and security is adequate. The attack caused much unrest and this resulted in a political climate in which threats to politicians became quite common.

The integration of in particular the Islamic community into Dutch society is a process that is not without tension. The risk of polarisation based on ethnic and religious differences, which can damage the cohesion within society, is a real danger. At the same time, there is a danger that a stagnating integration may contribute to the radicalisation of a small part of the Muslim community, which if the worst comes to the worst, may lead to a willingness to participate in terrorist activities.

In 2002, the war against Iraq cast its shadows. Designating Iraq by the US president as a country belonging to the 'Axis of Evil', adopting resolution 1441 by the Security Council of the United Nations, tightening the system of sanctions, resuming the weapon inspections and not in the last place the threat of military action by the US, possibly with its allies, placed great tension both on the regime of Saddam Hussein and on international relations.

The proliferation of weapons of mass destruction and their means of delivery feature high on the international agenda, partly because of the Iraq issue. In addition to the developments surrounding Iraq, there were new missile tests in both India and Pakistan, which were accompanied by rising

political tensions. North Korea disclosed its nuclear programme and Iran was accused in de media of developing a secret nuclear weapons programme. The Dutch non-proliferation policy is aimed at preventing the involvement of our country in the dissemination of weapons of mass destruction. This involves a constant weighing up of the interests of the Netherlands as a reliable contracting country against the competitive position of the Dutch business community and the freedom of information exchange. In the past year it became clear that the high-risk countries referred to above are increasingly involved in exchanging goods and technology with one another. This means that international co-operation is of ever-increasing importance in effectively combating the production of mass weapons of destruction worldwide.

Over the last few years wars, humanitarian crises, economic and ecological disasters in combination with increased transport and communication facilities, have resulted in large-scale worldwide migration. It has become clear that migration flows are also used by extremist political and religious organisations to move unnoticed. In many Western countries security services, police forces and immigration services therefore closely work together in order to recognise this phenomenon and where possible to combat it. In this context, attention is paid not only to the covert transportation of persons. It is also for this reason that applications for asylum and applications for a visa are submitted to a security investigation in an increasing number of countries.

## **1.2 The role of the AIVD**

The events and developments described above have led to an increased concern in Dutch society about security issues. This has resulted in an increased interest in the work of the AIVD and, partly because of the AIVD's policy of a greater degree of openness, the service occupies an increasingly visible place in society. The expectation that the AIVD will do everything possible to guarantee the national security, is justified. The AIVD is aware of its responsibility in this respect and will make full use of the instruments provided for this purpose in the new Intelligence and Security Services Act (Wiv 2002).

It is the AIVD's role to give a timely warning when the security of society is threatened. In general there seems to be no misunderstanding of what this role entails. However, sometimes it is unclear what can and what cannot be expected from the AIVD or there seems to be a distorted view of what the AIVD can do. Some people believe the AIVD has unlimited powers to collect information. This may lead on the one hand to exaggerated expectations regarding the knowledge level of the AIVD about specific threats, and on the other hand to the mistaken idea that the AIVD has unlimited powers to violate citizens' privacy. It is also sometimes heard that there is too little supervision over the AIVD and that this has resulted in 'a state within the state'. Such suppositions are not surprising in the case of an organisation that is forced to partly operate outside of the public view. However, there cannot and may not be any misunderstanding of the duties, method of working and especially the integrity of a service such as the AIVD. For this reason, the role of the AIVD is described in more detail below on the basis of the AIVD's statutory duties. The existing system of oversight is also described.

### **1.2.1 Investigation into threats**

The AIVD's primary task is to investigate persons and organisations who/that because of the aims they pursue, or because of their activities give rise to the serious suspicion that they are a danger to the continued existence of the democratic legal order, or to the security or other vital interests of the state. The above serves as an indication of the scope of the investigative tasks of the AIVD.

Within the framework of this task, the AIVD investigates the threat arising from terrorist groups, politically violent activism and foreign intelligence services active in the Netherlands. The AIVD's annual report shows which groups and organisations are included in the investigative tasks of the AIVD, so that in general it can be anticipated when the AIVD instigates an investigation. The AIVD bases its investigations both on open sources and on the use of special means of intelligence. In view of the infringement of fundamental rights involved in the use of these special means of intelligence, these are used only after serious consideration, in which context, for example, the principles of subsidiarity and proportionality are applicable. This means that less far-reaching means are used first and that the means must be in proportion to the objective. This weighing of interests must be verifiable and is therefore checkable. Co-operation with foreign intelligence and security services is a characteristic of the work of the AIVD. There is also much co-operation with various agencies at national level. Chapters 2 up to and including 7 report on the AIVD investigations into the threats to our national security. Chapter 9 describes the national and international co-operation.

The AIVD is not itself entitled to take measures to counter the threat emanating from a person or organisation. The AIVD provides timely information to the competent authorities, such as the Immigration and Naturalisation Office, the Ministry of Foreign Affairs or a burgomaster. However, the AIVD is entitled, if necessary, to counter specific threats by taking preventive action, for example by making it known to persons posing a threat that the AIVD is aware of their activities, or by making it known to society by means of public communications such as this annual report that a certain threat exists.

Tracing and prosecuting offences is a task for the police and judicial authorities. Information from the AIVD can, when conveyed to the Public Prosecution Department by means of an official message, be used for investigative purposes or as evidence in criminal cases.

### **1.2.2 Security screening**

The AIVD conducts security investigations regarding candidates for positions involving confidentiality. The procedure for these investigations is described in the Security Investigations Act. Positions involving confidentiality are designated as such by the relevant minister and the Minister of the Interior and Kingdom Relations. Most security investigations have a limited scope and consist of an administrative investigation into the judicial antecedents of the person in question and checking the AIVD files. Only a limited number of positions involving confidentiality (the so-called A positions) actually involve extensive fieldwork including interviews with the candidate and people in his or her surroundings. Within the context of security investigations, it is by law not permitted to use special means of intelligence gathering, such as a wiretap or surveillance and observation. Chapter 8 provides an overview of the security investigations conducted by the AIVD in 2002.

Contrary to what is sometimes thought, holding a political position does not entail a position involving confidentiality. For this reason, no security investigations are conducted regarding these positions. The responsibility for the integrity of the candidates for a political position lies with the political parties. However, if there are justified misgivings about a candidate's integrity, party chairmen can request the Minister of the Interior and Kingdom Relations to have the AIVD conduct an investigation. Thus, no security investigations are conducted when ministers and state secretaries are appointed. In case of an intended appointment the AIVD does however check whether its files contain any information on the person in question.

### 1.2.3 Protective security

It is the task of the AIVD to promote the taking of security measures when vital interests of state are at issue. This task includes advising on the protection of (secret) information and on the protection of vital sectors such as civil aviation and the drinking-water supply. This task also includes making threat assessments and analyses with a view to the protection of persons and objects. Legislation explicitly excludes the use of special means of intelligence regarding the protective security task of the AIVD. Thus within the context of protective security for persons the AIVD is not entitled to collect information about other persons than the person to be protected. In so far as within setting up a new system for the protection and security of persons and objects this is deemed necessary, this will involve an amendment of the relevant Act. Chapter 8 discusses the way in which the protective security task of the AIVD was carried out in 2002.

### 1.2.4 Supervision

The activities of the AIVD are subjected to an extensive system of checks and balances, through which the democratic supervision of the AIVD's work is given shape.

The AIVD is part of the Ministry of the Interior and Kingdom Relations and the Minister of the Interior and Kingdom Relations is accountable to the Second Chamber for the doings of the AIVD. Each year the budget and the annual report of the AIVD are discussed with the Second Chamber. In addition, there is consultation several times a year with the Second Chamber, for example on the subject of the prevention of terrorism, in which context the activities of the AIVD are discussed. Each year the Minister has to answer many dozens of questions about the AIVD.

The Second Chamber has set up the committee for the Intelligence and Security Services, which consults with the Minister, for consultations on secret, operational matters.

A new phenomenon is the independent supervisory committee, which was instituted on the basis of the Intelligence and Security Services Act 2002 and which consists of three members. The members are appointed on the recommendation of the Second Chamber. The committee retrospectively supervises the legitimacy of the way in which the AIVD has operated. The committee is given insight into all the information it desires. By issuing reports, the committee will contribute substantially to the public and parliamentary supervision of the AIVD.

Finally, the AIVD, both on request and on its own initiative, provides information on the AIVD's activities, thus enabling a public assessment. There are several bodies to which complaints can be submitted if one feels oneself treated unfairly by the AIVD. These subjects are discussed in more detail in chapter 10 and in annex 2.

## 1.3 Foreign intelligence tasks

The coming into force of the new Intelligence and Security Services Act provides the legal basis for a new task of the AIVD, the foreign intelligence task. This intelligence task entails that the AIVD examines certain developments in other countries that are considered relevant in connection with the national security. More specifically this concerns subjects that are designated by the Prime Minister in agreement with the Minister of the Interior and Kingdom Relations and the Minister of Defence. This designation is published in the Government Gazette. For the second half of 2002 the following subjects have been designated:

- a. risks to the functioning of international organisations that are relevant to the Netherlands and to the co-operation with the countries belonging to these organisations;
- b. political, ethnic or religious tensions or disputes in specific countries or regions, irrespective whether these exist within or between countries and which can result in a threat to the stability of the international legal order;

- c. the infrastructure for international terrorism;
- d. developments in the countries of origin of migrants living in the Netherlands;
- e. developments in countries relevant within the context of the proliferation of weapons of mass destruction and their means of delivery;
- f. factors that have a destabilising effect on the international legal order, such as drugs trade, weapons trade, the diamond trade and human trafficking, frontier-running and money laundering.

Early 2003 an instruction was drawn up that was applicable for the entire year and which again referred to the same six subjects.

The AIVD has a Foreign Intelligence Directorate that is responsible for investigating the above subjects. In the coming years activities in this area will expand further. This requires a systematic investment in staff and resources. This so-called foreign intelligence task of the AIVD of course involves close involvement of and co-operation with the Ministry of Foreign Affairs.



## 2 Terrorism

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This chapter discusses international terrorism of Islamic persuasion, the threat this poses for the Netherlands, the relation between migration and terrorism, and whether several other groups are active in the Netherlands.

### 2.1 Islamic terrorism

Internationally operating Islamic terrorist organisations and networks, such as Osama bin Laden's Al Qaeda network, pose a serious threat to international security. Islamic terrorism is understood to mean carrying out violent activities, aimed at the realisation of a society that corresponds with extremist views on how such a society should be arranged according to the sources of the Islam. A characteristic aspect is that these networks deliberately disrupt parts of society and induce fear on a large scale by carrying out merciless attacks in many places all over the world. Combating these networks and preventing the sometimes disastrous attacks puts a severe strain on the agencies designated for these tasks and thus also on the AIVD. The Islamic terrorist networks are difficult to penetrate, because of their obscure structures and international branches. The common factor of all the members of these networks is waging an international 'holy war' (or jihad) against those they perceive to be enemies of Islam. In addition to substantial operational efforts and investments in a national context, combating Islamic terrorist networks requires co-operation between countries in which the networks operate.

After the attacks in the US on 11 September 2001, combating Islamic terrorism in an international context with a dominant role for the United States has intensified. In the course of the past year, various prominent members of Al Qaeda were killed or arrested. Also Islamic terrorist cells were rounded up in various countries. Despite these successes, we have to face the fact that combating this phenomenon is no easy task.

In various countries terrorist attempts were thwarted in 2002. Still, several attempts were carried out. In April 2002 there was an attack on a synagogue in Tunisia, in October 2002 an attack on a French oil tanker on the coast of Yemen and on a bar in Bali. This was followed by an attack on Israeli targets in Kenya in November. These and other attacks, as well as a number of thwarted attempts, demonstrate that networks affiliated to Al Qaeda are still prepared and able to cause large-scale damage and many victims.

Combating Islamic terrorism is particularly difficult because the networks have branches all over the world, have an obscure structure and have shown themselves to be extremely flexible. The preparation, support and execution of attacks for these networks almost always take place in several different countries, and are often effected to a large extent on an ad hoc basis. The persons who make up the networks may have different nationalities and may be members of a large range of groups and occasional alliances. In practice we see that disrupting terrorist activities offers only temporary relief, because the persons arrested or otherwise eliminated are quickly replaced.

A recent development regarding international Islamic terrorist networks is that cells entrusted with supporting, preparing and carrying out attacks, operate in a more autonomous fashion than previously. By concentrating on their own specific area, largely self-sufficient units are capable of planning and carrying out attacks without much involvement from the organisation at large. We also distinguish a trend in that attacks are increasingly often committed against soft targets (less intensively protected objects). Whereas military and diplomatic objects used to be favourite targets, last year the focus shifted towards targets that are easier to attack, for example targets of a religious,

economic or tourist nature, as is demonstrated by the examples referred to above. Both developments are possibly partly the result of the intensified fight against terrorism and the achievements made in this context, but may also be the result of an altered tactical concept used by the terrorists.

In its investigations into Islamic terrorism the AIVD, apart from Al Qaeda, still focuses attention on various other Islamic terrorist groups and movements, such as the Algerian Groupe Salafiste pour la Prédication et le Combat (GSPC) and the Groupe Islamique Armé (GIA), the Takfir Wal Hijra (TWH), the Libyan Islamic Fighting Group (LIGF), the Egyptian Al Jama'at al Islamiya (AJAI) and the Egyptian Islamic Jihad (EIJ), the Moroccan Groupe Islamique Combattant Marocain (GICM) and the Jammu and Kashmir Liberation Front (JKLF). However, it should be noted in this context that in the globally operating Islamic terrorist networks the importance of nationality and politico-ideological affinity is becoming less and less relevant as far as mutual solidarity is concerned. More important than origin or the groups to which one belongs are personal contacts and the position one occupies within the internationally ramified networks on the basis of, for example, one's experience at the front in Afghanistan or elsewhere. In addition to this, religious like-mindedness remains important as a binding agent between the various persons and groups.

## **2.2 The Netherlands and Islamic terrorism**

The threat Islamic terrorism poses for the Netherlands is primarily a derivative of the international threat. Looking back on the eighties, we see that today there is no longer a limited exogenous threat, but a substantial exogenous and endogenous threat of Islamic terrorism against the West, including the Netherlands. In 2002 no attempts at Islamic terrorist attacks were observed in the Netherlands, but there were activities that are related to Islamic terrorism. This involves recruiting activities and support activities of a financial, material or logistic nature. Within this context several dozens of persons were arrested on the basis of AIVD investigations in 2002. Regarding the problems involving Islamic terrorism the AIVD, on the request of the Minister of the Interior and Kingdom Relations, brought certain information to public attention in order to inform society, and in so doing to increase the resistance within society, both within and outside of the Islamic community, against radicalisation and recruiting, in particular within established Muslim communities in the Netherlands.

### **2.2.1 Recruiting activities**

In 2002 the AIVD, in its investigation into Islamic terrorist groups and networks, came across various recruiting activities in the Netherlands for the cause of the Islamic struggle. The two young Dutch men of Moroccan origin who died on 13 January 2002 in Kashmir are an example of the recruiting of young people in the Netherlands. Our investigation showed that a number of persons, often so-called 'Afghanistan veterans', are constantly and deliberately attempting to recruit young Muslims for the purpose of the Islamic struggle. They manage to come into contact with young people and make them take an interest in their very radical Islamic beliefs; slowly they manage to get an increasingly strong grip on these young people and to isolate them from the rest of their not radically Islamic environment, and to indoctrinate them with the idea that the highest achievement possible is to die as a martyr for the Islamic struggle.

In December 2001 the Minister of the Interior and Kingdom Relations submitted to the Second Chamber an AIVD memorandum on the phenomenon of recruiting, with the title 'Recruitment for the jihad in the Netherlands, from incident to trend'. The memorandum calls for attention to,

among other things, the national and international context in which the rise of the phenomenon recruiting for the armed struggle against the enemies of the Islam is to be understood. Apart from the disintegration and increasing radicalisation of small parts of the Islamic community in the Netherlands, inadequate acceptance from the side of the indigenous population also plays a role in this context. As a result of this memorandum the subject of recruiting for the jihad received a lot of public attention. Various politicians, members of the public, minority organisations and members of the press have expressed concern about the problems described and the problem is being given serious thought, as are appropriate measures.

The phenomenon of recruiting for the jihad shows that also on an international level combating terrorism cannot be isolated from other problem areas. In the Netherlands the AIVD uses a broad approach in which the radicalisation of small parts of the population, politico-social polarisation and terrorism cannot be viewed apart from one another and prevention is given a high priority.

Radicalisation processes precede or accompany terrorism and (in addition to manifest terrorism) should be prevented or dealt with. This approach to terrorism and the context in which terrorism thrives is also actively propagated in the international co-operation with fellow services. Last year, for example, the AIVD was host to a conference of experts of European security services, in which context knowledge and experience of radicalisation and recruiting were exchanged. Meanwhile this problem has become an item on the agenda of many security services.

The susceptibility of some Muslim youths of mainly North-African origin to Islamic indoctrination and recruiting, is considerable. Audio-cassettes containing testimonies (so-called testaments) found in the course of searches indicate that recruited persons are willing to give their life for the jihad. Also other written material and video tapes found in the course of searches, shed light on the way in which the indoctrination process takes place and the content of the message the recruited persons receive. It is alarming to have to conclude that such Muslim extremist ideas, in which martyrdom is the highest aim, have found a fertile breeding ground in at least several dozens of members of second and third generation migrants in the Netherlands. It also needs to be stated that both Dutch society as a whole, and the relevant Muslim communities in particular, until now have been largely unable to discourage recruiting activities. This can be explained partly by the relatively new nature of the recruiting phenomenon. As to the Muslim communities, it appears that the culture of honour and shame prevents people from assuming responsibility in this matter and actively dealing with and publicly condemning such practices.

### **2.2.2 Support activities**

Apart from recruiting activities for the purpose of the Islamic struggle, the AIVD's investigations into Islamic terrorism revealed that various persons and organisations residing or domiciled in the Netherlands in the past year, could be linked to the support of Islamic terrorist activities in foreign countries.

It turns out that facilitating activities are regularly undertaken in radical-Islamic circles in the Netherlands for persons belonging to the internationally diffused network of Islamic fighters. At issue are matters such as organising false travel documents and personal documents, putting up jihad fighters or other Islamic persons and assisting them in entering, passing through and leaving the country. Also making it possible for a newly recruited fighter to travel to a jihad destination can be counted as a facilitating activity. In this example facilitating and recruiting come together. Recruiters and facilitators share the same ideological religious ideas and often know one another from other activities, such as training courses in camps in Afghanistan.

Apart from facilitating Islamic terrorism as referred to above, some Islamic NGOs (non-governmental organisations) are involved in financing Islamic terrorism. Usually this concerns organisations with a charitable or other social purpose. Attempts are being made in an international context to prevent financing of Islamic terrorism through such NGOs by compiling lists of organisations the balances of which are to be blocked, or organisations the financial behaviour of which is to be monitored. In effecting this policy the Dutch government relies to a large extent on the investigation of the AIVD into (the financing of) Islamic terrorism. In 2002 this investigation focused in particular on two organisations: Benevolence International Foundation (BIF) and Al Aqsa.

An official message has been submitted to the Ministry of Finance on the Benevolence International Foundation, which is affiliated to the Al Qaeda network. The official message states that the foundation Benevolence International Nederland (BIN), which is registered in the Netherlands, is part of the BIF. The BIF is included on the sanctions list of the United Nations and the so-called 'freeze list' of the European Union. This means, among other things, that the balances of this organisation can be frozen.

In connection with the prohibition of the Palestinian Al Aqsa foundation in Germany in August 2002, the AIVD has further intensified its already ongoing investigation into the Al Aqsa foundation in Rotterdam. Al Aqsa raises money in the Netherlands for Palestinian organisations and is connected with support to the radical-Islamic Palestinian organisation Hamas. Unlike the policy in Israel and the United States, in Europe only the military wing of Hamas, the al Qassam brigade, is characterised as a terrorist organisation.

In the past personnel and administrative links between Al Aqsa Germany and Al Aqsa the Netherlands have been established. Investigations by the AIVD have meanwhile provided indications that funds collected by the Al Aqsa foundation in the Netherlands, have been used for violent activities in the Middle East. Because of this, the balances of the foundation in the Netherlands have been frozen.

The AIVD has conducted an investigation into the Somali conglomerate Al-Barakaat. In November 2001 this Somali company, which among other things provides financial services, was branded by the US as an organisation with financial ties to terrorist organisations. The investigation showed that the Somali community uses Al-Barakaat and similar organisations as 'Dahabchil' to send money to family in Somalia. For want of a regular banking system in Somalia, Dubai acts as point of confluence of the funds.

### **2.2.3 Arrests**

In 2002 the Netherlands had no legislation in place specifically focusing on preventing terrorism. In the recent past the diffuse, constantly changing international network structures of Islamic terrorism have exposed the limitations of the classic legal instruments used in the West. Specific antiterrorist legislation is expected to become effective in 2003.

Nevertheless, over the past years the Netherlands has achieved some successes in combating terrorism with its limited legal instruments. Since the attacks of 11 September 2001 several arrests have been made in the Netherlands on suspicion of (in)direct involvement in Islamic terrorism in general and/or the Al Qaeda network in particular; in almost all instances on the basis of information provided by the AIVD. As to the number of arrests the Netherlands belongs to the European countries with most arrests in 2002, as a result of the increased attention of the AIVD,

Public Prosecutions Department and police. The image of the Netherlands as an all too tolerant country is therefore incorrect in this respect.

In April and June 2002 intensive investigations by the AIVD into recruiting activities in the Netherlands resulted in the arrest of a group of persons that had formed itself around a person affiliated with the Algerian terrorist group GSPC (Groupe Salafiste pour la Prédication et le Combat). In June this person managed to escape from the detention centre in Breda, but partly because of the efforts of the AIVD he was arrested in France in late November.

In August another group of persons also involved in recruiting people for the jihad, was arrested. Among this group is a person who has earlier been linked to the LIFG (Libyan Islamic Fighting Group) by the AIVD.

Op 12 September 2002 the Iraqi Kurd Najamuddin Faraj Ahmed ('Mullah Krekar') was denied permission to enter the Netherlands. This was possible because the AIVD had shortly before learnt that the person in question was en route (from Iran) to Schiphol and there were doubts about the validity of his Norwegian travel document (Krekar has a Norwegian alien status, which had possibly been revoked). Also the AIVD was aware of his alleged leadership of the radical-Islamic group Ansar Al Islam, a group that controls an area in northern Iraq and is affiliated to Al Qaeda. This information was submitted to the Immigration and Naturalisation Service by an official message.

#### **2.2.4 Yemaah Islamiyya**

In a publication of the International Crisis Group (ICG) of 8 August 2002, and in the edition of the television programme 2Vandaag based on this on 18 October 2002, Abdul Wahid Kadungga was presented in the past year as the missing link between Osama bin Laden and Jemaah Islamiyya (JI). JI is understood to be an Asian collaborative partnership between Muslim extremists that pursues a Pan-Asian Islamic state that is to include Malaysia, Indonesia, Singapore and parts of the Philippines. Supporters of these ideas have been linked to the attacks on Bali in October 2002, which resulted in more than 190 fatalities. Jemaah Islamiyya is a focus of attention for the AIVD. On 24 December 2002 Kadungga was arrested in Indonesia. The official reason for his arrest is that he used two different identity papers (his Dutch passport and an Indonesian identity card). This is prohibited in Indonesia. Meanwhile Kadungga is free and a duty to report has been imposed upon him.

There is a link between Kadungga and the Netherlands: after several visits to the Netherlands in the seventies, Kadungga returned to the Netherlands in 1980 for permanent residence. Since 1990 he has the Dutch nationality and a Dutch passport. The AIVD has further investigated his history. This investigation showed that despite his Dutch nationality and family ties, he spends most of his time in Indonesia. In 1971, Kadungga, together with other Indonesian students, formed the Indonesian Muslim organisation Persatuan Pemuda Muslim se Eropa (PPME). The PPME has branches in Amsterdam, The Hague, Heemskerk and Rotterdam, with a co-ordinating committee in The Hague. A very small group splintered off in 1992 and is still active in Rotterdam. This group - contrary to the other PPME branches - supports Kadungga's ideas and pursues the establishment of an Islamic state in Indonesia. The other PPME branches together consist of approximately one thousand members and have a socio-cultural objective. Their involvement with Indonesia is not primarily of a political nature.

Kadungga's radical views are apparent from interviews, such as for example in the NOS news programme of 1 January 2003. Kadungga makes clear that he is sympathetic to Osama bin Laden. However, no contact, neither direct nor indirect, has been established between the two.

#### **2.2.4 Combating terrorism and social polarisation**

Combating terrorism in the international and national sphere also leads to certain feelings of frustration and anger among specific groups of Muslims, both within and outside the Netherlands. For example, in a response to the arrest of Islamic persons in the Netherlands, Omar Bakri, residing in London, who can be linked to the Al Qaeda organisation and has been known for some time for his extreme views, in a television programme criticised the Dutch authorities for their 'anti-Muslim' policy. He stated that he would not be surprised if Muslims were to take up arms against the Dutch government. Although more direct appeals to violence have not (yet) been heard, it is important to take the message sent through Omar Bakri's words seriously.

Many Muslims perceive the international fight against Islamic terrorism as a fight against Islam in general. The large amount of attention that today exists in the press and among politicians for the Islam, and in which context the necessary differentiations are not always made, can contribute to feelings of exclusion and isolation among Muslims. In its reports the AIVD naturally exercises due care and is aware of certain sensitivities, in particular when these involve the relationship between radicalisation tendencies within society and a growing sympathy for and even willingness to support or carry out violent activities inspired by radical-Islamic views.

### **2.3 Migration and terrorism**

Islamic terrorism is pre-eminently an international phenomenon, and partly for this reason closely linked to (illegal) migration. Islamic terrorist groups have their own internationally operating support networks, which see to the transportation of sympathisers. Such networks are also active in the Netherlands.

As in previous years, many of the attacks that members of Islamic terrorist networks plotted and/or carried out in 2002 were carried out by persons operating outside their country of origin. On many occasions they first underwent terrorist training in countries such as Afghanistan or they fought at one of the fronts of the jihad such as Kashmir or Chechnya. In plotting and carrying out the attacks, these persons are supported by others, who are in contact with one another from various countries.

The AIVD has established that last year the Netherlands served as transit country or temporary quarters for jihad fighters and other members of Islamic terrorist networks with international branches. In these networks, personal ties and carefully built-up trust play a very important role. Several key figures in these networks that are based on trust are themselves highly mobile, which means that they do not operate from one specific base, but often carry out their activities from different countries. In doing so, they often use the same facilities as they provide (or let provide) to others.

In the course of the past ten years several leading members of radical-Islamic groups have gone through the asylum procedure with a varying amount of success, understandably hardly ever making use of their real personal particulars. Using the asylum channel is an interesting option especially for persons who wish to stay in Europe for a somewhat longer period of time. By merely going through the asylum procedure it used to be possible to stay in the Netherlands for many years, even when a request for asylum was ultimately turned down.

Islamic people residing in various European countries have extensive knowledge on asylum legislation and asylum opportunities in Europe. They exchange information on asylum procedures among themselves and discuss in which countries a request is most likely to be accepted. Quite regularly, many radical Muslims are suddenly seen attempting to go to one particular country,

because in their circle a new possibility of receiving a resident status has been discovered. In addition, it is not unusual that upon rejection of their request for asylum radical Muslims again submit a request, under a different name.

## **2.4 Other terrorist groups**

This section describes terrorist groups that are active in the Netherlands and that are not considered to be radical-Islamic networks.

### **2.4.1 DHKP/C (Revolutionary People's Liberation Party/Front)**

The Turkish left-wing extremist organisation DHKP/C was included on the EU list of terrorist organisations in May 2002. The DHKP/C can be directly linked with terrorist activities carried out in Turkey. The leader of DHKP/C, Dursun Karatas, is wanted internationally and is still on the run.

In the past year the organisation attempted to open up to a wider (Turkish) left-wing public and also attempted to positively adjust its own image. In addition, in 2002 activities were organised by the foundation 'TAYAD Committee', which claims that its objective is 'to assist political prisoners in Turkey'. Part of the political prisoners referred to are members of DHKP/C who started a hunger strike on 20 October 2000, to protest against the reorganisation of the Turkish prison system. Two large manifestations, one on 27 April and one on 21 December, organised by DHKP/C and the foundation TAYAD Committee respectively, took place without any disturbances.

### **2.4.2 Communist Party of the Philippines/New People's Army**

The peace talks that the Philippine government started in early 2001 with the 'Communist Party of the Philippines' (CPP) and its military branch, the 'New People's Army' (NPA), were broken off later that year, after the NPA claimed responsibility for a number of attacks. In 2002 the NPA again carried out several attacks and also threatened American soldiers active in the Philippines as part of the fight against international terrorism.

The leading members of the forum that negotiated with the Philippine government on behalf of CPP reside in the Netherlands. One of them is the co-founder, chief chairman and even now still the political leader of CPP and NPA. In the mid-nineties, partly on the basis of an official message from the BVD, he was refused a refugee status as well as a residence permit. As in previous years, in 2002 new appeals from the Netherlands were made to continue the violent communist resistance in the Philippines.

On 9 August 2002, the United States included the CPP, the NPA and the political leader of these organisations on the American list of terrorist organisations. In response to this, the Dutch government took a number of limiting financial measures against these organisations. Subsequently, on 28 October 2002, the NPA and its political leader were included on the EU list of terrorist organisations against which the EU countries as a whole are to impose financial sanctions.

### **2.4.3 Mujahedin-e Khalq**

For more than two decades, the Mujahedin-e Khalq (MKO) has opposed the Islamic Republic of Iran from camps in Iraq. The organisation has carried out terrorist attacks on representatives of the Iranian government as well as violent attacks on government buildings. The MKO's battle against the Iranian regime is supported by the activities of numerous umbrella organisations,

some of which are located in the West. Since May 2002 the MKO has been included on the EU list of terrorist groups. The United States and the United Kingdom had already placed them on their respective lists before that.

In the Netherlands umbrella organisations of the MKO have been active in fundraising, political lobbying and recruiting new sympathisers for, among other things, the struggle in Iran. In our country, the foundation Solidariteit met Iraanse Mensen (SIM) (Solidarity with Iranian People) collects money for the MKO. From the AIVD's investigations it became apparent that the allocation of the funds (maintaining and arming the MKO) is in conflict with the objectives stated by the SIM. Under the guise of providing support to orphaned children in Iran or children who are otherwise suffering or have suffered from the Iranian regime, the SIM attempts to move people to give generously. Whereas the SIM previously limited itself to fundraising in public areas (collecting in shopping malls), a shift can now be seen towards a direct, personal approach of potential contributors.

The Mujahedin-e Khalq (MKO) feels that its continuation is threatened. This relates on the one hand to the attack on Iraq, where the organisation has its camps. On the other hand, the concerns relate to the negative attention that the organisation has received in the West and which has resulted in the MKO being included on the EU list of terrorist groups. It is likely that outside Iran the MKO will limit itself to fundraising, political lobbying and recruiting new sympathisers. However, if an attack on Iraq were to inflict casualties among the leadership or members of the MKO, it is quite possible that the MKO will manifest itself in a radical way in the Netherlands as well.

## 3 Counterforces of integration

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The integration of ethnical minority groups is of great importance in maintaining cohesion within society. Disruption of this integration process, whether or not intentionally, poses a threat to this cohesion. This may lead to the free exercise of the democratic constitutional rights of Dutch citizens being hindered or conflicts arising between and within groups in the population of a different ethnical, religious or national origin. It may also lead to Dutch citizens feeling unsafe due to intimidation or unwanted interference from the countries of origin. This way the principles of the democratic legal order come into play.

A stagnating or failed integration process can also lead to security problems if alienation from Dutch society is involved. For example, groups in isolation are more susceptible to radical views and they may turn against the society around them. The present investigation by the AIVD into the counterforces of integration focuses on such radicalisation trends. Keeping oneself apart from others, and an aversion to western society in some circles leads to a growing need, based on ideology, to seek actual confrontation with this society. Such a radicalisation process may in extreme cases even lead to a willingness to use violence in such a confrontation.

The theme of integration, linked to that of immigration, over the past year has featured prominently on the political agenda, and has been stripped of many taboos. As a result, politicians and the public administration have more eye for the obstacles to the integration process and attempts are made to remove these in several areas. An example of this is the steps that have meanwhile been made in the area of education to push back undesired foreign interference with schools. In the spring of 2002 the AIVD signalled the existence of this problem in a public report.

At the same time the pressure on ethnical minority groups to integrate into Dutch society has increased. This development occurs in a social climate in which, partly as a result of the attacks of 11 September 2001, an in-depth debate is going on about the position of the largest minority group, the Muslims. Because of this there is a risk of polarisation based on ethnical and religious differences. This development calls for caution, prudence and tact from all the parties involved.

This chapter discusses various counterforces of the integration process. First the extreme right-wing parties are dealt with. Subsequently, the relationship between Muslims and non-Muslims in the Netherlands is discussed followed by the integration problems within various migrant communities that are relevant from a security perspective, i.e. the Moroccan community, the Turkish and Kurdish community, the Pakistanis, Indians and Chechens. Finally, attention is paid to Islamic non-governmental organisations.

### 3.1 Extreme right-wing groups

Extreme right-wing groups in the Netherlands propagate antidemocratic views and oppose the inflow and integration of migrants into Dutch society. At present extreme right-wing groups are not considered capable of posing a serious threat to the democratic legal order. Extreme right-wing actions, however, continue to damage the inter-ethnical relations within Dutch society. This section will discuss the various extreme right-wing movements and the contacts between extreme right-wing groups and the LPF/Leefbaar movement.

### 3.1.1 Movements

The AIVD distinguishes roughly three movements within the extreme right-wing movement. The first represents the so-called 'civil extreme right'. This group has xenophobic and ultra-nationalist views but has complied with the democratic mores, partly forced by the legal system and the public opinion. The neo-Nazi organisation is the second manifestation. They openly express antidemocratic and racist views and are, moreover, willing to realise their objectives using extralegal means. Thirdly, there are unorganised groups of individuals and subcultures that in many different ways, sometimes on the basis of political motives, propagate an extreme right-wing or racist message. For example, the use of racist violence, extreme right-wing manifestations on the internet, or disseminating sound recordings with discriminating or racist texts.

Between the various movements intensive cross pollination takes place. The leaders of the organisations within the movements have little hold on the doings of individual members. Often they have no prior knowledge of actions carried out by their supporters. In the past year the extreme right-wing movement tried to profit from the rise of the LPF/Leefbaar movement. Several right-wing extremists attempted to join up with this movement, but in most cases they were banned from the party the moment their background became known publicly.

In the election year 2002, the civil extreme right-wing movement again achieved hardly any appreciable results. With the death of the former member of parliament Hans Janmaat his party, the 'Centrumdemocraten' (CD, Centre Democrats) ceased to exist. Also the 'Nederlands Blok' (NB, Dutch Bloc) of Wim Vreeswijk was discontinued after years of decline. The 'Nieuwe Nationale Partij' (NNP, New National Party) is the only organisation within the civil extreme right-wing movement that actively sought publicity. The supporters of this party partly consist of youths and partly of former activists of the party CP'86 which was banned in 1998. In 2002 the NNP took part in several local elections, but only obtained two seats in the Rotterdam borough of Feijenoord. The NNP did not succeed in acquiring sufficient financial means and signatures to take part in the national elections of 22 January 2003.

The neo-Nazi party 'Nederlandse Volks-Unie' (NVU, Dutch People's Union) also took part in several local elections. In Kerkrade the German neo-Nazi (and also NVU secretary) Christian Malcoci stood as a candidate. However, his party hardly received any votes.

The leaders of the NVU have come to realise that a municipal ban on public manifestations can be successfully contested before the court. In 2002 dozens of Dutch and German neo-Nazis demonstrated on secluded industrial zones in Rotterdam and Harderwijk, after these demonstrations had initially been prohibited by the local authorities. Both demonstrations went smoothly, partly due to the fact that remote locations had been chosen and due to the presence of the police, who succeeded in keeping antifascist counter-demonstrators and riot-loving football hooligans at a distance. NVU chairman Constant Kusters has stated his intention to latch on to the courts' decisions to have the NVU demonstrate in the Netherlands twice a year.

A numerically small and isolated group of neo-Nazis, led by NVU party ideologist Eite Homan, is active in the 'Antizionistische Beweging' (AZB, Anti-Zionist Movement). The group attempts to link up with Arab nationalists and radical Muslims to fight the mutual enemy (the United States, Israel and the big capitalists 'dominated by the Jews'). In 2002 several members of the AZB took part in pro-Palestinian demonstrations. Homan and several comrades were possibly involved in disturbances that took place at the Dam in Amsterdam on 13 April 2002. On the so-called Werewolf page on the internet the AZB has published names, addresses and photographs of political enemies. These include Jewish institutions, left-wing activist groups and governmental

bodies. A call for 'dealing' with these persons and bodies has meanwhile disappeared from the web page.

As in 2001, in 2002 the neo-Nazi organisation Stormfront Nederland (SFN) organised several unannounced brief demonstrations. The number of supporters of the SFN varies greatly. The supporters consist largely of young skinheads and members of the rave scene with hardly any political motivation. The leaders do not have much grip on the individual members. The SFN lacks a clear structure, leadership and direction. Stormfront appears to succumb to mutual rows and excessive drug and alcohol use by its leaders.

Unorganised extreme right-wing movements manifest themselves among other things on the internet. There are several extreme right-wing web pages aimed at the Netherlands on which racist and insulting remarks can frequently be found. Dutch right-wing extremists also use the American internet discussion group Stormfront to freely express racist and anti-Semitic language. This discussion group has nothing to do with the group Stormfront Nederland referred to above. Several former NVU supporters are active in the Dutch wing of the internationally operating Blood&Honour (B&H) group. B&H Netherlands uses sound recordings to disseminate extreme right-wing or racist messages and tries to organise concerts of a similar nature.

In the annual report for the AIVD over 2001 it was announced that again an upward trend was noticeable that year in the number of violent crimes with a racist motive. Considering the dozens of anti-Islamic incidents committed after 11 September of that year, the cautious conclusion at the time the annual report for the AIVD over 2001 was drawn up, was that the upward trend of the previous years had continued also in 2001. On the basis of a comparison of data of other organisations carried out by the Anne Frankstichting and the University of Leiden, we can now establish that 2001 in fact showed a decline in the number of racist violent crimes in the Netherlands. At the moment there is no explanation for this decline. The figures and background of this violence were published in January 2002 in the 'Monitor Racisme en Extreem Rechts' (racism and extreme right-wing monitor). This is produced by the Anne Frankstichting and the University of Leiden, on the instruction of the Ministry of the Interior and Kingdom Relations. Although individual members of extreme right-wing movements could on occasion be held responsible for crimes that carried a racist motive, the AIVD was unable to discover any form of planned action by extreme right-wing organisations.

### **3.1.2 Extreme right-wing movements and the LPF/Leefbaar movement**

In 2002 the extreme right-wing movement showed great interest in the LPF/Leefbaar movement. The protest nature of this movement, but particularly the standpoint adopted by Pim Fortuyn on the issue of migrants, attracted people with an extreme right-wing background. The press revealed that dozens of extreme right-wing adherents had signed the support lists of the national election of May 2002 and January 2003 of, among others, 'Leefbaar Nederland' (LN) and the Conservatieven.nl. (a conservative party). LN and the 'Lijst Pim Fortuyn' (LPF), partly under the pressure of the media, banned the right-wing extremists from their parties. The media were informed of the support of the extreme right-wing movement by the antifascist research group Kafka. In particular the contacts that Leefbaar Rotterdam councillor Michiel Smid maintains with extreme right-wing movements, drew attention.

The extreme right-wing movement responded furiously to the murder of Fortuyn. Several persons with extreme right-wing leanings were involved in the disturbances of the public order in The Hague on the evening of 6 May. Many of them also took part in the various silent marches that

took place in the Netherlands in the week following the incident. The NVU held a 'commemoration march' in Harderwijk to commemorate Pim Fortuyn. Strong agitations against left-wing political opponents were expressed via several extreme right-wing web pages. Participants to internet discussion groups however in general do not combine the forceful language they use with concrete actions, as was also the case this time. The AIVD has no indications that an extreme right-wing plan or organisation underlies the spate of insults and threats addressed at left-wing politicians. The judicial authorities have arrested three neo-Nazis following an official message of the AIVD. The AIVD had information that the three were making preparations for an act of retaliation against left-wing politicians. Extreme right-wing groups have hardly profited from the murder of Fortuyn.

### **3.2 Islam and integration**

In 2002 little was left of the commotion among the Muslim community in the Netherlands following the attacks of 11 September 2001. There is however still some tension as far as the integration of this community into Dutch society is concerned. Various events have contributed to this. The death of Pim Fortuyn was a shock not only to the indigenous community but also to the migrant community. However, the fact that many people supported Fortuyn's ideas about migrants and asylum seekers has resulted in an alertness and some concern among many migrants about the future. The relationship between Muslims and non-Muslims also came under pressure due to the statements of a very small group of radical imams in the Netherlands, which they made in the TV programme NOVA. Also as a result of this broadcast the tone of the social debate on Islamic standards, values and customs harshened and more issues than before are now openly discussed.

Several trends are discernable regarding Islam and integration. Within the Muslim community itself there is an emancipatory movement that sometimes expresses fundamental criticism at the own religion and the behaviour of Muslims in the Netherlands. In addition to this a movement is emerging within this community that advocates the necessity of maintaining the own Muslim identity and a satisfactory and unhindered position of Muslims in the social and political arena. This movement appears to be a consequence particularly of the dissatisfaction about the increased stigmatisation of Muslims in the West. In view of the foundation in 2003 of a branch in the Netherlands with Mr M. Cheppih, director of the ultra-orthodox Muslim World League, as its intended chairman, the Belgian Arab European League (AEL) appears to be developing into an important exponent and catalyst of these feelings also in the Netherlands. As a clear advocate of maintaining the own Arab and Muslim identity, especially young, dissatisfied Muslims of Moroccan origin are attracted to the message of this movement.

The views of the AEL, which are seen as provocative, polarising and opposed to integration, have aroused not only support, but also opposition in Belgium. This political commotion can largely be explained from the specific situation in Antwerp, the 'birthplace' of the movement, where interethnic relations have also been brought to a head in recent years by a powerful 'Vlaams Blok' (Flemish Bloc). In the Dutch situation the relations are less polarised and the formation of political organisations among ethnical or religious minorities has always been a reality. However, in the Netherlands, too, security risks are involved when ethnical or religious sentiments are invoked and used to formulate political demands. For this reason the rise of AEL-like organisations, possibly counter movements and the effects thereof on the democratic order, receive the AIVD's attention.

That emancipatory and dissenting voices within the Muslim community sometimes meet with ignorance and resistance in their own circle, became apparent when the Somali Ayaan Hirsi Ali openly criticised the Islam and in particular the position of Muslim women in the Islam. Because

she indicated no longer being a Muslim herself, she became the butt of criticism on this point. The fact that she, as a renegade, expressed criticism of the Islam was not taken kindly in certain segments of the Muslim community and even led to death threats. In response to these threats the AIVD submitted an official message to the Public Prosecutions Department and - each time there was reason to do so - informed the bodies responsible for security measures.

### **3.3 The Moroccan community**

After the terrorist attacks in America of 11 September 2001 it became known that also among the Muslim community in the Netherlands there are a small number of people willing to actively support or execute violent terrorist activities. This appears to concern mainly members of the Moroccan community. Although on the surface they appear to have integrated well, some turn out to have such radical, anti-Dutch and anti-western ideas that they are willing to participate in violent terrorist activities. The Netherlands is no different in this respect from the countries that surround us. Also elsewhere in Europe and beyond, such movements are visible in parts of the Islamic communities.

Below we will enter into the investigation of the AIVD into the radicalisation processes within the Moroccan community, where the propagation of political Islamic views, in particular in and around mosques, and radical influencing of Muslim students were the central themes.

Insight into radicalisation calls for insight into the breeding ground of radicalism, one of the most important being stagnation of the integration process. In the next year attention will therefore also focus on persons and organisations that deliberately attempt to disrupt the integration process of Muslims in the Netherlands. Where possible efforts will be made, in collaboration with the responsible authorities and the Moroccan community, to curb their influence.

From way back Muslims have sympathised with the fate of the Muslims all over the world. Within the Moroccan community in the Netherlands some young people are willing to use violence to protest against American interference with Arab states, such as Iraq. Earlier on, riots broke out during a pro-Palestinian demonstration in Amsterdam, in which young Moroccan persons were the major agitators. There are no indications that the willingness to use violence will result in attacks, but it is not unconceivable that these persons will seize upon possible (peace) demonstrations to use or provoke violence. The AIVD assesses emotions within the Moroccan community and where possible tries to channel these, also with the aid of members of the Moroccan community itself.

#### **3.3.1 Radicalisation in and around mosques**

In June several imams in mosques in Amsterdam, Rotterdam, The Hague and Tilburg made the news because in their sermons they had expressed anti-Western sentiments and opposed integration. Together, they constitute a network of highly conservative orthodox imams. With their radical expressions they and several other imams, who incidentally make up a very small group of a total of many hundreds of imams in the Netherlands, contribute to the creation of a climate of intolerance. In such a climate individual - especially younger - Muslims tend to become increasingly susceptible to radicalisation and even to recruitment for the violent jihad.

Investigations into such radicalisation trends show that those who propagate these radical political Islamic messages, often belong to a movement that can be interpreted as salafitic, and at the same time there is congeniality with wahabism, supporters of which are mainly found in Saudi Arabia. Salafism favours a strict and literal observance of the Koran and has very orthodox views, for

example on the role of Muslim women and the integration of Muslims into the western world. There is intensive contact between the mosques of orthodox signature referred to above, both between visitors and between imams. The precise activities are not always clear, but we know that segments of this mosque population (visitors, imams, committee members) live in their own secluded orthodox world remote from contemporary western society. The role of the imam is not always decisive in this context. Political influencing also takes place without the imam exerting a direct role, for example when the mosque serves as a meeting place the mosque committee is deliberately or unconsciously playing a facilitating role towards the orthodox-radicals trying to influence visitors of the mosque. Influencing also takes place during meetings organised from the mosque but held elsewhere in the country.

Salafists in the Netherlands seek to influence in particular young people, in order to persuade them to walk the straight path of the Islam. In doing so, the salafists attempt to shut them off from western influences and they are to keep themselves apart from surrounding society. A notable trend is that in particular among second and third generation Moroccans, many young people are seeking their identity and in doing so increasingly turn to religion. Because in some cases they link up with radical orthodox-Islamitic movements such as the salafists, their integration is at stake and they are in danger of losing their roots in the Netherlands. Notable also is that a number of criminal youths are attracted by and turn to this orthodox religious doctrine.

In the Netherlands the salafist doctrine is not confined to the visitors of a limited number of mosques, but is also propagated actively outside the mosque. Also mosques qualified as moderate are sometimes visited by orthodox-radical people trying to win the visitors over to their views. Also from abroad initiatives reach the Netherlands in order to disseminate the salafitic doctrine here. We know of contacts between several mosques with salafitic mosques in Germany and Belgium. Dutch mosques are also regularly visited by imams from abroad (for example Saudi Arabia). These foreign connections remain the subject of investigation. The nature and extent of educational travels for youths initiated or organised by some mosques to, among others, Great Britain and Saudi Arabia, are also investigated because a certain amount of political-radical indoctrination is suspected.

In collaboration with the authorities responsible, and where possible with the Moroccan community itself, the AIVD attempts to contain the radicalising and anti-integration influence of some imams. In order to implement its own policy more effectively, the AIVD over the past year has informed various burgomasters about activities of radical-Islamic persons and organisations in their municipalities.

### **3.3.2 Radicalisation of Muslim students**

The investigation into the radicalisation of Muslim students is aimed at associations and organisations focusing in particular at these young people. It has been established that several associations are active in this field, trying to propagate the radical-Islamic message via lectures, organising meetings and the dissemination of texts. A group of youths, among whom a number of indigenous converts, is very active in disseminating the orthodox Islam among other youths. The internet is a very important information channel to this end. Because Islamic students are a potentially attractive target group for radical organisations and possibly for the recruitment for violent combat, the radicalisation of Muslim students will continue to hold the AIVD's attention.

### **3.4 The Turkish and Kurdish community**

This section will enter into the integration in the Netherlands of population groups originating from Turkey. We will discuss the Turkish control network, Turks and the Dutch elections, Turkish-Islamic radicalisation and the Kurdish political organisation KADEK.

#### **3.4.1 The Turkish control network**

The population groups originating from Turkey in the Netherlands are characterised by a great ethnical, religious and political diversity. The Turkish state tries to channel this diversity by propagating, in several ways, one ideology among the Turkish community in the Netherlands, namely that of the secular united state of Turkey. Since the integration of the Turkish community in the Netherlands is obstructed by this influence exerted from Turkey, attention for the activities of this so-called Turkish control network is necessary. The extent to which and the way in which the Turkish government propagates its ideology, largely depends on the political field of influence in Turkey. The substantial loss of the more nationalist political parties at the latest parliamentary elections could result in the classical Turkish control network losing some of its importance in the long term.

In the year 2002, the Turkish political field of influence was shaken up because of the election result of 3 November. The Turkish community in the Netherlands has closely watched the progress of the Turkish elections and some have even travelled to Turkey to cast their vote. With the resounding victory of the AK party (Adalet ve Kalınma Partisi, Party for Justice and Development), all traditional parties have disappeared from parliament. One or two political movements will therefore need to reassess their strategy. This includes the supporters of the electorally eradicated extreme-nationalist party Milliyetçi Hareket Partisi (MHP). The supporters of this ideology in the Netherlands are mainly found in the Turkish Federation Nederland (TFN), popularly referred to as 'Grey Wolves'. Turkish expressions of an extreme-nationalist nature are particularly delicate among the Turkish Kurds and Armenians in the Netherlands and may, also because of the intolerant way in which ideas are sometimes propagated, result in interethnic tension.

Also the negotiations between Turkey and the European Union stirred up feelings within the Turkish community in the Netherlands. On 12 December, the European Union decided that a decision on whether the political Copenhagen criteria have been met would only be taken in December 2004. It is notable that the normally rather politically fragmented Turkish community is almost unanimous in the view that membership of the EU is urgently desired.

#### **3.4.2 Turkish-Islamic radicalisation**

Within the Turkish community in the Netherlands there is a smaller number of radical-Islamic groups that reject any form of dialogue with the Turkish government. In their pursuit to convert Turkey into an Islamic state, these groups do not reject violence in advance. Also these groups impede the integration of Turkish Muslims into Dutch society.

The main group in this respect is the Kaplan movement or - as it is referred to in Germany - the Caliphate state. This movement has but a small number of sympathisers in the Netherlands, approximately two hundred. They deliberately adopt an isolated position in the spectrum of Turkish-Islamic groups. The propaganda of the movement is often of a polarising nature, sometimes even resentful, thus contributing to the radicalisation of small sections of the Turkish community in the Netherlands.

There are also indications that individual Turks are increasingly joining non-Turkish radical-Islamic organisations or networks. For example, the Hizb al-Tahrir (HUT) is an international radical-Islamic movement that in the Netherlands recruits its members within a small circle of the Turkish community. The HUT seeks to establish a new Islamic state. Although they claim to make use of non-violent means only - such as consciousness raising and mobilisation of the population - it has turned out abroad that persons claiming to belong to the HUT, were sometimes involved in violent actions.

### **3.4.3 KADEK (Congress of Freedom and Democracy in Kurdistan)**

The Kurdish Labour Party PKK was placed on the EU list of terrorist organisations in May 2002. just before, in April, the PKK had abolished itself. The name under which PKK activities are to a large extent continued, is KADEK (Congress for Freedom and Democracy in Kurdistan). In its articles, KADEK has now also ideologically embedded its non-violent course, a course followed by the PKK in practice since 1999. KADEK has also laid down its democratic principles in the party programme. With this change of course, KADEK hopes to raise its chances of joining the European Union. To date, this strategy has not met with much success. On 12 February last KADEK called on the population to use violence against Turkey because, KADEK claimed, no other options remained. Several times the Turkish Kurds in the Netherlands have protested peacefully against this decision. The successive Turkish governments of the past year have adopted a number of measures of reform that have resulted in more liberties especially for the Turkish Kurds. It has also been decided to abolish the death penalty, which has resulted in the sentence of Abdullah Öcalan, the imprisoned leader of KADEK, being converted from the death penalty into life imprisonment.

Meanwhile, also the European Court of Human Rights rendered a decision (on 12 March 2003) in the Öcalan case against Turkey ruling that Turkey had violated the rules for detention, the principle of a fair trial and the ban on torture by imposing the death sentence following an unfair trial.

On 15 January 2002 the asylum request of PKK/KADEK cadre member Nuriye Kesbir was dismissed by the Ministry of Justice because she was suspected of having committed war crimes and crimes against peace and humanity. On 17 December the Amsterdam District Court decided that the evidence put forward by the government was insufficient and ruled that Kesbir was to be readmitted to the asylum procedure. However, Kesbir has to await the outcome of the asylum procedure in prison. The Turkish request for extradition was dismissed by the court on 10 December because the information provided by Turkey does not constitute a criminal act according to Dutch law.

### **3.5 The Afghan community**

In the past year the Afghan community in the Netherlands showed great involvement with the political and military developments in Afghanistan, where an international coalition led by the United States put an end to the Taliban regime. For many Afghans in the Netherlands the installation of the Karzai government offers the hope of a new future for their home country. At the same time most people view the situation in Afghanistan, especially outside the capital of Kabul, as very unstable. This explains the growing unrest among the Afghan community in the Netherlands about plans of the Dutch government for a forced return of Afghans who do not possess the Dutch nationality.

The unrest among Afghans in the Netherlands is increased because many feel that their interests are insufficiently represented by the Afghan interest groups that are in contact with the Dutch

government. Especially the relatively large group of Afghans in the Netherlands that was associated with the former communist regime in Afghanistan feels left out by the organisation that to the government presents itself as the representative of Afghans in the Netherlands, the Federation of Afghan Refugee Organisations in the Netherlands (FAVON). In 2002 the controversy over the representativeness of FAVON resulted in the formation of two new interest groups, the Co-ordination Council Afghans in the Netherlands (CRAN) and the General Co-ordination Council Afghans (ACRA).

The competition between the various Afghan interest groups in the Netherlands also explains the tug-of-war that surrounded the representation from the Afghan community in our country for the Loya Jirga, the consultative meeting held in Kabul in June. In the course of several meetings in the Netherlands in the spring of 2002, also attended by representatives from various sections of the Afghan community, a list was composed with thirty names from which two representatives were to be chosen. There was great indignation within the community when two persons who were not on the list but who belonged to the circle of relations of the chairman of the preparatory committee of the Loya Jirga, travelled to Kabul as official representatives of the Afghans in the Netherlands and, before any response was possible, had themselves accredited with the United Nations as voting members for the Loya Jirga.

The Afghan community in the Netherlands, which comprises approximately 40,000 people, can be seen as relatively important within the Afghan diaspora in the West, because several senior people from former Afghan regimes reside in the Netherlands. A number of them are currently attempting to play again a role on Afghanistan's political scene. To date it has not been established that prohibited activities, such as the support of or co-operation in violent movements, are being carried out. Many Afghans in the Netherlands who have been asked to help rebuild the country still adopt a standoffish attitude. This concerns former politicians as well as academics and doctors. Many of them are of the opinion that the present government is unable to offer them sufficient protection against their former opponents, often exponents of the Northern Alliance.

In collaboration with the Defence Intelligence and Security Service (MIVD) the AIVD attempts to gain as much insight as possible into Afghan persons and organisations in the Netherlands that because of their activities may pose a threat to the security in Afghanistan, in particular to the Dutch ISAF troops stationed there. This concerns especially persons and organisations whose aim is the fall of the Karzai government. Apart from any Taliban sympathisers in the Netherlands, this may also include supporters in the Netherlands of the radical-Islamic warlords Hekmatyar, Rabbani or Sayyaf or Pashtun nationalists dissatisfied with the underrepresentation of Pashtun in the Karzai government.

The attempts of several prominent Afghans in the Netherlands to again actively participate in the political and social life in their home country, explain the interest of the new rulers in Afghanistan for their former fellow-countrymen in the Netherlands. Until now, there are no indications that this interest is accompanied by systematic attempts by the Afghan government to covertly influence, control and manipulate Afghans in the Netherlands.

### **3.6 Pakistanis and Indians**

The conflict between India and Pakistan about the control over Jammu and Kashmir, which has been going on for more than fifty years now, was repeatedly in danger of escalation in the past year. Bloody clashes between Hindus and Muslims in India itself added fuel to the flames, especially so in the Indian state of Gujarat, where thousands of people were killed.

Underlying these violent actions is a growing, extreme Hindu nationalism in India that adopts a very intolerant attitude towards the large Muslim minority in the country. The growth of Hindu nationalism in India is an important factor in a further escalation of the conflict over Jammu and Kashmir and is comparable to the ever-increasing radical-Islamism in Pakistan. The latter, incidentally, is not only directed towards India, but also towards minorities in Pakistan itself, such as Shiites and members of the Ahmadiyya movement (a movement of liberal Muslims). It also has a very anti-western nature.

The contrasts between India and Pakistan have up to now not resulted in overt confrontations between Indians and Pakistanis in the Netherlands. The same applies to Surinam Hindus and Muslims, who have old cultural and religious ties with India and Pakistan. There is, however, an atmosphere of distrust between certain Indian and Surinam Hindus on the one hand and Pakistani and Surinam Muslims on the other hand. This became clear during a number of incidents over (alleged) threats directed at each other, which could however mostly be attributed to purely personal motives.

### **3.7 Chechens**

The conflict in Chechnya again featured prominently in the news in 2002. In Chechnya itself, many suicide missions and attempted assassinations took place, causing dozens of victims. The Russian government responded to these attacks with extensive concentrated military action in Chechnya and a diplomatic offensive to curb the freedom of movement of Chechen spokesmen abroad.

The small Chechen community in the Netherlands feels closely associated with the conflict but up to now is hardly organised. On 24 October last the first copy of the 'Chechen Times' edited in the Netherlands was presented in The Hague, a Russian-English language newspaper for Chechens abroad. The presentation received considerable attention because it happened to coincide with the taking of hostages in a theatre in Moscow.

A few smaller Chechen organisations in the Netherlands are active in the field of human rights and humanitarian aid and reject violent actions such as the taking of hostages in Moscow. Also, several Islamic organisations in the Netherlands collect door to door to collect money for Chechen refugees. From Islamic quarters the radical-Islamic Turkish Kaplan movement and the foundation 'Islamic Relief', among others, collected money on behalf of Chechen refugees.

The hardening of the Chechen fight has resulted in more intensive investigations of the AIVD into the Chechen community in the Netherlands and the possible violent elements within this community.

### **3.8 Islamic non-governmental organisations**

The AIVD investigates to what extent and in what way attempts are made from other countries to disseminate radical-extremist ideas among the Muslim population in the Netherlands through Islamic non-governmental organisations (NGOs). Islamic NGOs primarily engage in humanitarian and socio-cultural activities. However, we know of a number of NGOs that are dominated by persons adhering to an ultra orthodox form of Islam and that these NGOs adopt an attitude opposed to integration. One of the most important Islamic NGOs is the Muslim World League (MWL), the main objective of which is the dissemination of the Islam and the promotion of unity and solidarity among Muslims. The underlying ideology of the MWL is wahabism, the

ultra-orthodox and strictly puritan form of Islam, which is the official doctrine in Saudi Arabia. The director of the MWL, M. Cheppih, is the designated chairman of the Dutch section of the AEL. The Saudi NGO El Haramain is an important financier of the Tawheed mosque in Amsterdam. In view of the very close connection between this mosque and El Haramain it cannot be ruled out that orthodox-radical wahabitic ideas are also disseminated one way or another in the mosque via this NGO.



## 4 Politically motivated violent activism

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The AIVD investigates 'political' activism that makes use of violent forms of action and means. The investigation covers violence against persons as well as objects.

Generally speaking, left-wing activism experienced a revival last year, with anti-globalisation acting as a catalyst. In the Netherlands the political rise of Fortuyn, the assassination of this politician and its aftermath considerably stirred up feelings in activist circles. On 14 March the 'cake incident' - cakes thrown at Fortuyn - took place. This incident can be seen in the light of a long activist tradition. By means of an official message the AIVD informed the Public Prosecutions Department of the identity of the cake throwers. The outcome of the parliamentary elections of 15 May 2002 and several statements from members of government in the media, subsequently also led to radical statements from a number of left-wing activists, for example in response to plans of minister Nawijn of Immigration and Integration.

The assassination of Fortuyn was strongly condemned by the entire (ultra) left-wing movement. Also in circles of animal rights activists, who earlier, based on emotion and impotence, had expressed themselves in threatening terms in response to policy plans that were disadvantageous to animals - also from Fortuyn - the assassination was strongly rejected. In addition to these rejections some activists, in particular the persons who had thrown the cakes, feared for their own safety, after in the public opinion a direct link had been made between these actions and the assassination. One or two even felt so threatened that they felt forced to go into temporary hiding.

In this chapter attention will be paid in particular to political, or politically violent, activism of a 'radical-left-wing' persuasion. We will discuss anti-globalisation, in the context of which in addition to radical-left-wing, extreme right-wing groups incidentally also plays a role; antimilitarism, which with the (imminent) war in Iraq experienced a considerable revival; and animal activism. Finally, the developments within the Moluccan community will be discussed in so far as these could lead to radical political actions.

### 4.1 Anti-globalisation

In the sixties and seventies, world-wide resistance against the Vietnam War was the predominant feature of rebellious youths. In the eighties this was, also in the Netherlands and not only confined to youths, the cruise missiles. In the last decade of the previous century environmental polluters were an important target for action. Meanwhile there is a world-wide movement against economic globalisation. In November 1999 the first big confrontation took place in Seattle between demonstrators and the authorities. Since this time, resistance has only increased. The movement is characterised by a willingness to join in action in the street. The common aim, putting an end to the new politico-economical organisation of the world, is put first. The theme is taken up by left-wing as well as right-wing groups, both progressive and conservative; an occasional coalition that up to several years ago would have appeared unthinkable.

As for the Netherlands, the 'right-wing' plays an insignificant role, especially when a comparison is made with our neighbours in the south where right-wing so-called 'andersglobalisten' (those inclined towards a different kind of globalisation) often make an appearance. In the Netherlands also in 2002 the left-wing parties again demonstrated a form of two-tier anti-globalisation. The (Marxist) International Socialists increasingly set themselves apart from the old left-wing 'movement'. The International Socialists again seized the opportunity to involve part of the left-wing activists in their camp. It was this movement in particular that was also active abroad in 2002 at several meetings of financial and economic authorities, but also at the various (sub) summits, such as Copenhagen (December 2002).

The activists pur sang, the activists from the sixties and seventies and those who have joined them since, were initially more interested in symbolic actions in their own country (coinciding with the conferences and summits referred to). A notable example in the Netherlands was the activities of the long-standing environmental movement Green Front, which in the past year besides anti-militarism became active on the anti-globalisation front. During the EU summit in Seville well over one hundred activists, as had been announced well in advance, held a so-called street rave, a dancing sit-in, during which the A28 motorway was closed off for several hours. Recently also these so-called Movement activists have become more willing to hold demonstrations abroad.

In the summer of 2002 the city of Leiden was visited by more than four hundred anti-globalists, participants of the European conference of the world-wide anti-globalisation movement Peoples' Global Action (PGA). The AIVD's assessment beforehand was that no disruptions of the public order were to be expected. The conference indeed passed off quietly, possibly also owing to an urgent call from the organiser, the action centre EuroDusnie, to refrain from creating any disturbance.

#### **4.2 Anti-militarism**

Also because of the persistent, even increasing threat of a war in Iraq, anti-militarism flourished further. This resistance had partly increased due to the so-called 'new war' against terrorism, which entailed a more repressive attitude of activists.

Apart from the customary entering of the air force base Volkel and actions in Woensdrecht, activities were now developed that were aimed specifically against the US plans with the regime in Iraq. In the autumn, for example, a smudging action was carried out in the Eemshaven against the presence of an American warship. Also a so-called civil inspection was held on the marine complex Kattenburg in Amsterdam, where in a carnival atmosphere activists looked for objects supposedly related to the war against Iraq. On 26 October thousands of peace activists, anti-militarists, left-wing activists but also migrant anti-Israel demonstrators joined in a demonstration against the American-British plans. In the second half of the year a scenario for actions across the country against the imminent war was drawn up.

#### **4.3 Animal rights activism**

The year 2002 was considered a successful year by animal rights activists. It was a year in which tangible results were achieved. At least one retailer felt compelled to close his business because of anti-fur actions. Also Dutch sympathisers of the British organisation Stop Huntingdon Animal Cruelty (SHAC), because of the destruction they caused at Dutch branches of the insurer Marsh, were co-responsible for the termination of the insurance activities of Marsh on behalf of Huntingdon Life Sciences, a British institute comparable to the Biomedical Primate Research Centre (BPRC).

Notable was the increase of violence, not only against objects but also against persons. That the Netherlands occupies a prominent position in the international resistance against issues such as animal testing and the bio-industry became apparent in February, when in Amsterdam under the auspices of the Animal Defence League an International Animal Rights Gathering was held. Apart from workshops there were direct actions against previously announced targets. Fur shops, MacDonald's and in particular the primate research centre in Rijswijk, the BPRC referred to above, were the target.

In 2002 the BPRC was increasingly faced with partly violent actions against buildings as well as individuals. Researchers and staff once again received threats at home.

Late November demonstrators inflicted great material damage to the offices of the BPRC during a burglary in the course of which they attempted to gain possession of company information.

Releasing furred animals, in particular mink, was the order of the day also in 2002. There were also actions against poultry farms. Cause for concern was the sudden increase of arson in the last few weeks of the year, involving various companies in eastern Holland. On one occasion a claim was made on behalf of the Animal Rights Militia, a group known in Great Britain as the most violent of all British activist groups.

#### **4.4 The Moluccan community**

Early 2002 a peace agreement was concluded over the conflict on the Moluccas, the so-called Malino II agreement. The delegation that conducted the negotiations comprised Christians as well as Muslims. Immediately after reaching the agreement it turned out that not everyone supported the outcome. The RMS (Republik Maluku Selatan) and the FKM (Front Kedaulatan Maluku), two organisations that receive support from the Netherlands, do not support the agreement. The agreement implicitly puts the blame for the violence on these organisations, for it expressly states that the RMS and the FKM, who seek to establish sovereignty for the Moluccas, should be combated. This way, the assumed role of the Indonesian authorities in the violent conflict is pushed to the background and the blame is put in particular on the inhabitants of the Moluccas. This is an important reason why the predominantly Christian Moluccan community in the Netherlands - for the RMS movement and the FKM are predominantly Christian - has generally responded negatively to the agreement. The Malino II agreement, incidentally, has been welcomed by large parts of the Moluccan population itself, which is in the first place interested in peace and safety.

Despite the fact that the situation on the Moluccas appears to have somewhat stabilised since mid-2002, with peace seemingly returned, the mood among the Moluccan community in the Netherlands is still emotional and fiery. However, the understandable concern has not manifested itself in radical or violent actions of Moluccan people, apart from the 'traditional' moments of protest. Press coverage on any new disturbances was going to be limited anyway because of the turbulent developments in the national politics in the past year, and consequently activists had little to go by. However, activists are not inspired by events on the Moluccas only. In 2002, for example, Moluccan activism was seen to evolve from internal developments in the Moluccan community in the Netherlands, as a result of internal radicalisation and initiatives for political awareness. The four-hundred-year-anniversary of the VOC, for example, gave occasion to several peaceful actions.



## 5 Unwelcome interference of foreign powers

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Secret activities of foreign powers on Dutch territory infringe on the national security of our country. These activities cover a wide area, varying from political and economic espionage to undesired and covert influencing of migrants staying in the Netherlands. Under the influence of international developments the AIVD has increasingly turned its attention from combating espionage activities to the possible involvement of certain foreign services in international terrorism, legal and illegal migrants' networks and influencing groups of migrants.

The complexity and the extent of the threat have prompted the AIVD to make a permanent risk analysis, covering an annual priority list based on the gravity of the possible damage that these foreign intelligence activities could inflict on national security. In 2002 the AIVD on the basis of this analysis focused in particular on the activities of the Russian, Chinese, Iraqi and Iranian intelligence services, and it will do so again in 2003. This chapter will discuss these services (the Iraqi intelligence activities will be discussed in section 6.2 on Iraq). In order to respond flexibly to changing notions of threats, we will also describe some illegal incidental activities of intelligence services to which the AIVD until now paid no, at least no structural, attention. Important in this respect is whether these activities can inflict serious harm on Dutch interests. A source of concern in this context remains the fact that the Libyan and Moroccan services, directly or indirectly, attempt to exert influence on migrant communities in our country. In 2003, the AIVD will also investigate the possible damage to the economic competitive position of the Netherlands by foreign intelligence services.

The relationship of the AIVD with the various foreign intelligence services can be considered as dualist. On the one hand, we co-operate with many intelligence services on areas such as non-proliferation of weapons of mass destruction and combating international terrorism. On the other hand, some of these services do not hesitate to harm Dutch interests by performing clandestine activities, which calls for restraint and vigilance.

### 5.1 Russia

The Russian intelligence and security services still have considerable power. They have extensive legal powers and financial resources and, through the position they occupy in the National Security Council, they co-determine Russian domestic and foreign policy. President Putin, who used to work for the former KGB, because of his ambition to create a strong, centralised Russian state and to expand Russia's international influence, regularly emphasises the importance of the services. For example, Putin has transferred the leadership of the 'anti-terrorist' operations in Chechnya from the General Staff to the Federal Security Service, the FSB, which goes to show that he has more confidence in the FSB than in the military.

The duties of the Russian foreign intelligence service SVR and the military intelligence service GRU include, among other things, collecting political, economic, technical research and military information. Important targets include NATO, the EU, the western defence industry and high-tech firms. According to press publications, Putin has recently called on the Russian intelligence services to intensify their activities in the West. This corroborates the two-tier policy pursued by Putin regarding the West. On the one hand, he seeks close co-operation with the West both with respect to political and economic issues and with respect to security matters, as is demonstrated by the fact that he has given up his resistance to the enlargement of NATO. On the other hand, he does not appear willing to reduce offensive actions against western partners. This phenomenon can also be seen with the Russian intelligence and security services, which, on issues of non-

proliferation and combating international terrorism and organised crime welcome collaboration with western services but simultaneously do not hesitate harming western interests through clandestine intelligence activities.

The budget for the FSB and SVR for 2003 will be increased following a proposal recently presented to the Russian parliament. The additional budget will partly be used to combat Chechen and international terrorism. In view of Putin's appeal to increase the intelligence activities in North America and Western Europe, it is not unconceivable that part of this budget will be used to finance Russian espionage activities. The Netherlands is a highly developed industrial nation. Hosting a number of international organisations, it continues to be an area of attention of the Russian intelligence and security services.

The AIVD has conducted an investigation into Dutch aspects in the documents of the KGB archives of Vasiliy Mitrokhin. Mitrokhin, a former archivist of the KGB, defected to the United Kingdom in 1992 taking with him a large number of documents from the KGB archives copied by him. Purpose of the investigation by the AIVD was to investigate what the information position of the BVD concerning the KGB was at the time, and to what extent information from the archives is still relevant today. The investigation shows that in the period from 1960 to 1980 the BVD was well informed with regard to the threat posed by the KGB. Partly as a consequence of this the damage that the Soviet Union inflicted on the Netherlands, has probably remained limited. About the topical value we can say that the new Russian intelligence and security services use the same methods as the KGB used to use.

## **5.2 The People's Republic of China**

The investigation into both intelligence and other clandestine activities of the People's Republic of China in the Netherlands has made it clear that the Chinese community in our country is used as an instrument for the Chinese government and that this is an area of attention.

The regime in Beijing makes use of emigrated fellow-countrymen and their children to exert political influence, control, and obtain all kinds of advanced information and technology in their immediate environment. In 2002 delegates of Chinese state and party organs interfered directly with both the organisation and the course of a number of migrant associations in our country. The purpose among other things was to have a co-operation grouping of the most obedient among them, which was to be recognised by the government as the main representation of the Chinese minority in the Netherlands.

Those at whom the deployment of Chinese migrants with a view to the intelligence interests of the People's Republic of China - either out of loyalty or under duress - tends to be aimed, are almost invariably also of Chinese origin. It has been established that with a view to these very interests, migrant circles are occasionally infiltrated by fellow-countrymen. Despite the limited number and limited influence of groups of opponents to the Chinese government migrating to our country, this is apparently a continuous source of concern for the leaders in Beijing. The internal renewal of the Chinese political leadership, which was initiated since the 16th congress of the Chinese Communist Party, which took place in November 2002, has not shown any different views in this respect as yet.

As for the active as well as the passive involvement of intelligence work and other clandestine activities of individual members of the Chinese community, also foreign intelligence and security services constantly observe patterns and points of recognition similar to those in our country.

### 5-3 Iran

The situation in Iran, which since the election of the reformist president Khatami in 1997 is characterised by a fight between reformists and conservatives, remains tense. Especially youths are dissatisfied with the progress of the liberalisation process in the country. Repression by the conservatives, headed by the spiritual leader Khamanei, is still a major obstacle to the democratisation process in Iran.

In December 2002, negotiations started between the European Union (EU) and Iran over a trade and collaboration agreement. A condition set by the EU for a co-operation treaty is for Iran to make progress in the area of human rights. This way the EU partly meets the Dutch requirement that negotiations can only start once an improvement of human rights is a fact.

We know from the Iranian intelligence service MOIS that, to support the Iranian regime, it traces and registers persons related to oppositional groups at home and abroad. The MOIS is particularly interested in (former) supporters of the main opposition group, the Mujahedin-e Khalq (MKO). The MKO has been on the EU list of terrorist organisations since May 2002.



## 6 International legal order

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This chapter discusses issues regarding the international legal order, i.e. proliferation of weapons of mass destruction and undesirable trade in conventional weapons, the Iraq issue and international organisations.

### 6.1 Proliferation of weapons of mass destruction and undesirable trade in conventional weapons

The aspiration of several countries to take possession of or produce chemical, biological and nuclear weapons and ballistic missiles, continues to be a threat to the international security. The AIVD investigates and, where possible, prevents, the proliferation from or via the Netherlands of resources, technology and knowledge important for the production of weapons of mass destruction and their means of delivery. Also in 2002, several countries in the Near and Far East that wish to develop their own production capacity, made attempts to acquire these. The year was characterised in particular by the instigation of the forced disarmament of Iraq, the disclosures of North Korea about its nuclear programme, reports about a secret nuclear arms programme in Iran and missile tests in India and Pakistan, which were accompanied by increasing political tensions.

The situation involving the disarmament of Iraq shows that the proliferation of weapons of mass destruction is a complex problem that is hard to combat despite intensive international collaboration and regulations. A non-proliferation policy mainly has a delaying effect on the process of the creation of an ever-increasing group of possessor states. In some areas, such as chemical weapons, well co-ordinated international efforts may lead to a reduction of the arsenals world-wide. Poor effectiveness of the international non-proliferation policy, however, may also result in military intervention, such as in Iraq.

The Dutch non-proliferation policy is aimed at preventing Dutch involvement in the proliferation of weapons of mass destruction. In this context various government bodies, academic institutes and the business sector closely co-operate. In practice, the Dutch interests as a reliable treaty partner are constantly weighed against the competitive position of the Dutch business sector and the freedom of the exchange of information. The past year has shown that the risk countries referred to above are increasingly exchanging resources and technology. This means that, because of increased complexity due to several actors and intermediaries, international co-operation is becoming more and more important.

In this context the new intelligence task is also important, for in the future it will enable the AIVD to better monitor the developments of the arms programmes of the risk countries concerned. An improvement of the intelligence position in this area will also enhance insight into attempts to acquire weapons of mass destruction in the Netherlands, as a result of which the government and the business sector will be better able to take appropriate measures.

National and international tensions in the area of non-proliferation are aimed at preventing the transfer of resources, technology and knowledge to risk countries. Apart from these countries, over the past few years there has also been interest for weapons of mass destruction for terrorist use by non-state actors. The most generally known example of this are the statements made by Al Qaeda representatives, who indicated that this network is capable of producing and using nuclear, biological and chemical (NBC) weapons. Because the methods used to acquire these weapons and because the products and actors sought diverge strongly from the non-proliferation practice, the AIVD paid special attention to this phenomenon in 2002. Efforts in this area will be further intensified in 2003.

### **6.1.1 International and national non-proliferation policy**

Because the Netherlands pursues an active policy on (inter)national and regional security and legal order, it has entered several arms control and non-proliferation treaties, and the corresponding export control regimes. Examples of these include the Non-Proliferation Treaty (1968, NPV), the Chemical Weapons Treaty (1993, CWV) and the Biological and Toxic Weapons Treaty (1972, BTWC). Several countries in the Middle East and Asia have not signed these non-proliferation and disarmament treaties, for example Egypt (CWC, BTWC), Israel (CWC, BTWC, NPV) and North Korea (CWC).

The Dutch policy is further given shape in the export policy of strategic goods, which has been formulated in an EU context, and by adopting an active role in the formulation of new agreements within EU and UN context. The AIVD supports the Dutch non-proliferation and export control policy by providing advice to the ministries of Foreign Affairs and Economic Affairs. The AIVD undertakes to identify attempts made by foreign powers and/or terrorist groups to acquire material or knowledge via the Netherlands for programmes for weapons of mass destruction. In this context the AIVD also renders advice to relevant sectors in trade and industry and academic research institutes, to prevent co-operation to proliferation.

### **6.1.2 Weapons of mass destruction - state involvement**

With regard to the proliferation of weapons of mass destruction a number of states are considered to a higher or lesser extent as nations of concern, also referred to as 'risk countries'. These countries generally appear to feel an imbalance in the power balance in their region. This applies in particular to countries in the Middle East, North Africa, South and South-east Asia. There is, for example, the power game between Israel, Egypt, Syria, Libya, Iraq and Iran and the tense relationship between India and Pakistan. The main risk countries that received the AIVD's attention during 2002 are Iran, Iraq, Libya, Syria, North Korea, India and Pakistan. These countries are still to some extent dependable on the purchases of relevant technology in highly industrialised foreign countries. Because this mostly concerns issues that fall under the international export control measures, over the past few years a trend is discernable that risk countries increasingly co-operate with one another and exchange the knowledge and technology they possess, the so-called secondary proliferation. An example of this is the collaboration between North Korea and Pakistan.

In 2002 as far as the issue of weapons of mass destruction was concerned, the focus was primarily on the developments regarding Iraq. In the build-up to the adoption of resolution 1441 by the UN Security Council, political pressure tightened due to various publications on the status of the Iraqi arms programme. Since the departure of the UNSCOM inspectors in 1998 there had been much uncertainty about the status of this programme. In September the International Institute for Strategic Studies (IISS) published a report titled 'Iraq's Weapons of Mass Destruction, a Net Assessment', to be followed in the same month by a report by the Blair government, 'The Assessment of the British Government'. The US administration also produced its own publications on this subject. The AIVD closely monitored these developments and published its own assessments via the appropriate channels.

On 8 November the increased political pressure resulted in UN resolution 1441, in which once again the obligation for Iraq to dismantle the production of its weapons of mass destruction and their means of delivery was laid down. The inspectors of UNMOVIC and the IAEA resumed their inspections on 27 November. The inspections, however, could not prevent the US from accusing Iraq of possessing weapons of mass destruction (see also 6.2).

In May 2001, it became clear that Iran had successfully launched its first self-produced short-range ballistic missile: the Fateh-110. This, together with earlier trial launches of the medium-range Shahab-3 ballistic missile in 2000, once again underlined Iran's ambitions and activities in the area of proliferation. Early December 2002 there were rumours in the media that two secret nuclear locations had been discovered in Iran that were possibly related to a secret nuclear weapons programme in that country. Earlier on, in August, a member of the Iranian resistance movement NRCI (National Resistance Council Iran) had disclosed information to this effect. The AIVD already had indications for some time that such locations existed. Iran has meanwhile offered to allow access to these locations for inspections by the IAEA.

Attempts by the Libyan leader Khadafi to improve his image are in sharp contrast with renewed activities by Libya in the area of weapons of mass destruction. There are several indications that the Libyan ambitions for a production capacity of its own are still very much alive, such as its long-standing ambition to obtain ballistic missiles with a reach of 2000 km.

After in December 2001 an attack on the Indian parliament was attributed to Pakistan, in 2002 tensions between these two countries ran so high that in May there was a serious threat of war. There was talk of Indian missile attacks on Pakistan's nuclear capacity. In May 2002, Pakistan for the third time carried out a test with the Ghauri ballistic missile, during a military truce with India on Kashmir. The Ghauri can be equipped with a warhead and has a reach of approximately 1300 km, enabling it to reach large Indian cities such as New Delhi and Mumbai. After mediation by the Russian president Putin and the US minister Rumsfeld, it was announced mid-June that a possible nuclear war between the two South Asian countries had for the time being been averted. Neither India nor Pakistan has ratified the Non-Proliferation Treaty.

North Korea has denied the international community (i.e. the International Atomic Energy Agency, IAEA) access to its nuclear facilities and has cancelled its membership of the Non-Proliferation Treaty, which seeks to regulate the development, possession and use of nuclear weapons.

In 2002 in the context of prevention, the AIVD continued and further intensified its awareness programme for companies and academic institutes on the subject of proliferation. In 2003 this programme will receive a higher priority in order to better identify the undesirable transfer of non-tangible technology and software.

### **6.1.3 NBC terrorism**

Not only states, but also terrorist groups show interest in weapons of mass destruction of a nuclear, biological or chemical nature. In the event of terrorist use of these weapons, the AIVD refers to NBC terrorism. The emphasis here lies not so much on the use of weapons of mass destruction, as laid down in the non-proliferation policy, but on a relatively simple method for releasing NBC agents. Instead of weapons of mass destruction, this can be referred to more appropriately as weapons of mass disruption. The purpose of deployment of weapons of mass disruption is not only to make victims but also to create panic and chaos. The intensified attention of the AIVD for NBC terrorism consists of drawing attention to, identifying and preventing the possible terrorist deployment of NBC weapons or conventional weapons with an NBC effect.

In the memorandum 'Terrorism at the beginning of the 21st century' (April 2001) the AIVD describes its investigation into NBC terrorism. The emphasis in this memorandum lies on the difficulties the terrorists must overcome before they could actually start using these weapons. The

difficulties, in brief, relate to barriers of a psychological, technical and pragmatic nature. The attacks of 11 September 2001 and the dissemination briefly afterwards of biological agents (anthrax letters) in particular in the US, have further razed these barriers. This has resulted in a different approach to the investigation into NBC terrorism: motives and possibilities of terrorists are currently taken as a starting point and the emphasis no longer lies so much on the impossibilities and barriers.

In the investigation into NBC terrorism, it is assumed that the aim of an NBC attack is to create panic and chaos. For this, no technologically superior quality of NBC agents and their means of delivery are needed. After all, an attack with only a tiny amount of a toxic agent, or even the mere threat of it, will cause upheaval and panic. In its investigation into terrorists threatening to use NBC agents, the AIVD takes into consideration the circumstance that there is no need for an attack with NBC agents to have an optimal effect, in order to cause panic among the population. The investigation therefore is not only aimed at advanced technologies and the expertise required, but in particular at the relatively simple technologically available means and expertise for the terrorist use of NBC agents. The AIVD asks training and research institutes to be constantly alert to the possible misuse of NBC weapons. To this end, the existing awareness programme in the context of the non-proliferation policy for companies and academic institutes, has been extended and intensified.

The pragmatic barrier against employing sometimes extremely lethal diseases and means, because of the express disapproval of part of the supporters or the public opinion, appears to hardly play any role anymore. Osama bin Laden has made clear to the world that he will not shrink from using NBC weapons. Terrorist handbooks and training videos showing the method of production and the use of toxic substances, can be bought all over the world. These images and documents underline that terrorist networks are working on the development of NBC agents. The AIVD investigates whether the Netherlands is involved in terrorist attacks with NBC weapons, either because terrorists make preparations in the Netherlands or intend to use the Netherlands as a potential target.

Collaboration and co-ordination with knowledge and research institutes, training institutes, ministries and the business sector has resulted in the development of expertise within the AIVD. The AIVD participates in an interdepartmental control group that co-ordinates the proposed policies. These were presented to the Second Chamber in April 2002 in the progress report 'Combating terrorist attacks with NBC agents'. Strengthening the international collaboration between intelligence and security services is one of the initiatives referred to in the progress report. In the past year, this collaboration was intensified.

## **6.2 Imminent war in Iraq**

In the course of 2002 the developments concerning Iraq featured high on the political agenda. The positioning of Iraq as a member of the 'Axis of Evil' by US President Bush and ultimately the military intervention by the United States and its allies, have put pressure both on the regime of Saddam Hussein and international relations.

The Iraq issue made it necessary for the AIVD to investigate the implications of this for the security situation in the Netherlands. Within this context attention was paid to the general (political) developments in Iraq and the region around the Persian Gulf, the activities of the Iraqi intelligence service Mukhabarat, the proliferation of weapons of mass destruction, the migration flows from Iraq to the West, the possible involvement of Iraq in international (Islamic) terrorism and the radicalisation trends within the Iraqi community in the Netherlands.

For several years, the AIVD has investigated the presence and activities of the Iraqi intelligence service, the Mukhabarat, in the Netherlands. The Iraqi intelligence and security service is an important instrument of the Iraqi regime in defending the national interests of the country. The investigation in 2002 showed among other things that the Mukhabarat in anticipation of a military intervention by the United States has intensified its activities against the Iraqi opposition abroad. These activities were intended to prevent the Iraqi opposition from becoming a real alternative for the present regime of Saddam Hussein. The AIVD sought to identify and combat these undesired activities. The investigation into the use of migration channels by the Mukhabarat was continued.

The Iraqi community in the Netherlands has increased from 8,000 in 1995 to approximately 40,000 in 2002. This concerns only Iraqis who have a residency status or who have obtained the Dutch nationality. Apart from this group, there is an unknown number of Iraqis illegally staying in the Netherlands. The AIVD has intensified the investigation into the Iraqi community, thus making it possible to timely register any signs of turmoil or radicalisation in case of a war in Iraq.

### **6.3 International organisations**

The Netherlands hosts several international organisations, such as the International Court of Justice, Europol, Eurojust, the Organisation for the Prohibition of Chemical Weapons (OPCW), the Yugoslavia Tribunal (ICTY) and, since 1 July 2002, the International Criminal Court (ICC). The Netherlands is responsible for setting and maintaining the conditions for the unhindered functioning of these organisations. Potentially there are physical threats against the buildings, staff and visitors of these organisations. There is also the possibility of information within the international organisations being removed. In 2002, to prevent this situation from happening, the AIVD provided advice on security and carried out security investigations at the request of a number of organisations.

#### **6.3.1 International Criminal Tribunal for former Yugoslavia**

As in previous years, the AIVD carried out an investigation into the threats that could follow from the transfer to and detention in The Hague of persons indicted by the ICTY. The criminal proceedings against Milosevic, which started in February 2002, received wide coverage by the international media. The AIVD is alert for risks related to these proceedings. The AIVD has provided the authorities responsible with information about the (possible) threats against staff, suspects or witnesses of the ICTY or against the Netherlands as host country to the ICTY. The AIVD also reckons with the arrival of Bosnian Serbs indicted by the ICTY, such as Karadzic and Mladic, to The Hague. It cannot be ruled out that security risks to the Netherlands or the ICTY are involved in their transfer to the Netherlands.

#### **6.3.2 International Criminal Court**

In April 2002 at the UN headquarters in New York, ten states simultaneously submitted their instrument of ratification of the Statute of Rome on the establishment of the International Criminal Court (ICC). As a result, on 1 July 2002 the formation of the ICC and the establishment in The Hague was a fact. The AIVD has provided the precursors of the ICC with advice on security and conducted talks about the exchange of information and security investigations into staff of the ICC. Furthermore, the AIVD provided advice to, among others, the ministries of Foreign Affairs and Justice on the security risks associated with the presence of the ICC in The Hague. In 2003, the AIVD will start an investigation into the security risks related to any future prosecutions.



## 7 Other fields of interest

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This chapter will elaborate on the assassination of Pim Fortuyn and the AIVD's inquiry into Surinam.

### 7.1 The assassination of Pim Fortuyn

The assassination of Fortuyn brought about great commotion and outrage within Dutch society. Political opponents were severely reproached for the way in which they had attacked him verbally, allegedly initiating a process of 'demonisation', thus contributing to the creation a hostile climate in which violence could prosper. A series of implicit and explicit threats to the address of in particular left-wing politicians followed. They were made responsible for the tragic fate of Fortuyn. This took place in the form of curses, hate mail and threatening letters. The AIVD attempted in these months together with police and justice to trace the identity and intentions of those who had threatened him, in order to provide the bodies responsible for the security of private persons with the necessary information and, where possible, remove concern.

Of course the members of government responsible were confronted with the probing question whether the assassination of Fortuyn could have been foreseen and prevented. This question in particular concerned the functioning of the police, the intelligence and security services and the bodies responsible for the security of special persons and objects. An independent inquiry committee set up by the ministers of the Interior and Kingdom Relations and Justice chaired by Mr H.F. van den Haak conducted interviews with a large number of people and was allowed access to all relevant files, also of the AIVD. The examination of the facts resulted in the presentation of a report on 17 December, which judged that the system and practice of the security of persons in the Netherlands had failed. The Second Chamber adopted the conclusions of the inquiry committee and the government promised to take to heart the recommendations made in the report. A review of the system of protection and security is now being worked at under the responsibility of the National Co-ordinator for Security and Surveillance.

### 7.2 Surinam

In the autumn of 2001, the Dutch Supreme Court rendered a clear and definite judgment in both criminal proceedings against Desi Bouterse in the Netherlands (involvement in drug trafficking and the case of the December murders). Several parties, however, made it clear that to them these issues were not yet settled. For this reason the AIVD, at the beginning of 2002, continued its investigation into the security risks involved in this matter. In the course of 2002 all parties decided to acquiesce to the decisions of the Supreme Court, following which the AIVD has terminated its investigation.



## 8 Protective security

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The AIVD has the task of supporting the authorities and bodies responsible in the security measures that they need to take. This includes the promotion of security measures in order to protect information the secrecy of which is required in the interest of the state and in order to protect sectors in the public and the private sector that are of vital importance to the maintenance of social life. This chapter describes the various fields that are relevant to this protective security function: special information security, vital sectors, integrity of public administration and security screening.

### 8.1 Protective security special information

Special information encompasses state secrets and other vulnerable information that call for extra security. In the area of special information security, the AIVD contributes to the development of national and international legislation and advises government bodies and companies.

Developments in the area of information and communication technology play an increasingly important role in this. The complexity and interconnectedness of information systems, both for general and special information, also increase as a result of which the two types of information are increasingly difficult to distinguish as separate fields.

The Netherlands National Communications Security Agency (NLNCSA) plays an important role in the area of information security. On 1 January 2001, the NLNCSA was transferred from the ministry of Foreign Affairs to the AIVD. A working group consisting of representatives of the AIVD and the ministries of Foreign Affairs and Defence, carried out an evaluation in 2002. The main conclusion was that the transfer had been effected fully in accordance with the objectives set in advance, that the NLNCSA had been properly embedded in the AIVD's organisation and that no bottlenecks remained.

#### 8.1.1 Working Group Special Information Security

In 2002, the Working Group Special Information Security (WBI) was set up. The WBI's task is to give advice and make proposals concerning the policy of the government on the subject of special information security. The working group is the successor of the Special Information Security Council, the arrangement establishing the creation of which ended in 2002. In line with the specialist nature of its working area, the WBI consists of fewer members than the Special Information Security Council. On the other hand the interconnectedness with adjoining areas is given due regard because the WBI will be embedded in interdepartmental structures related to other information security.

The permanent representatives of the WBI are the ministries most involved in special information security, i.e.: Defence, Foreign Affairs, Justice and the Interior and Kingdom Relations. The AIVD chairs the WBI.

#### 8.1.2 Encryption facility

In 2002 the Council of Ministers decided to install an encryption facility. This facility will play an important role in determining and meeting the government's needs in the area of encryption equipment. The encryption facility has been accommodated with the AIVD. The permanent members of the WBI are also the ministries contributing to the recently established encryption facility. The WBI therefore also acts as a steering organ for the encryption facility. The encryption facility is still in progress and will have a stimulating and co-ordinating role in the development of

reliable systems and (cryptographic) products or parts thereof for the security of special information of the central government.

### **8.1.3 Electronic attacks**

In 2002 an investigation was held into the phenomenon of electronic attacks, in order to provide companies and organisations with better protective security advice. In 2003 this investigation will be continued.

### **8.1.4 Review of regulations on the protection of state secrets**

The interdepartmental project group 'Review AAR-9', chaired by the AIVD, has made a new proposal for the security of special information. This proposal is to replace the regulations on the security of state secrets dating from 1989. The proposed new regulations set higher requirements on the security of state secrets that are processed and stored in automated systems.

In 2002, the proposal was sent to several bodies for comments and was adjusted accordingly. The intention is to implement the new regulations in 2003. In connection with the intended implementation of the regulations, an interdepartmental working group has been set up to prepare the implementation of the regulations. This working group is responsible for the preparation of implementing guidelines and for setting up an information trajectory.

### **8.1.5 Security scans and recommendations**

The AIVD advises various departments and High Institutions of State on protective security with a view to physical, organisational, personal (integrity) and ICT security measures. In 2002, the AIVD proceeded to a more systematic approach to its activities in this area. In a two-yearly cycle a security scan - a broad investigation into the set-up of the security organisation - will be performed at all the ministries. In November the first two security scans were carried out at the ministries of Social Affairs and Employment and Agriculture, Nature Management and Fisheries. The results of these scans can be used to start a procedure of improvement, if necessary. After these two years, the Council of Ministers will be informed on the outcome of the trajectory.

At the ministry of Housing, Spatial Planning and Environment the security survey - a systematic investigation into the security realised - was rounded off. The implementations of the recommendations made in the report are now taken up by the department with the support of the AIVD.

In the context of the protection of state secrets, security scans were performed in 2002 at all Regional Intelligence Services, the intelligence service of the KLPD and the two special services of the KMAR, with a focus on the organisational and personal security aspects. Each service has been informed about the findings of the investigation and any recommendations for improvement. All the organisations turned out to have a sufficient sense and awareness of security. For twenty other organisations the AIVD has made further recommendations for the improvement of the organisational and personal security. In 2003 any follow-up to these recommendations will be considered.

The AIVD is involved in the protection of state secrets at providers of telecommunication. In 2002 a project was started in which the set-up of the protection of state secrets at the main providers was investigated by means of security scans. Where necessary recommendations will be made to improve the protection. The project will be completed in the course of 2003. The AIVD will remain

involved in the protection of state secrets at providers of telecommunication after the project is finished.

#### **8.1.6 National Security Authority**

Together with the ministry of Defence, the AIVD is engaged in the NSA (National Security Authority). The ministry of Defence is responsible for the security in the military sector whereas the AIVD occupies itself with civil affairs. The Dutch NSA is charged with the protection of classified NATO and EU intelligence in the Netherlands and with Dutch bodies abroad. It sees to it that, among other things, security plans are in place, it conducts periodical inspections and screens persons who have access to classified information (clearance).

The policy for the protection of classified NATO information is developed in the NATO Security Committee. As a member of the National Security Authority, the AIVD takes part in the meetings of this committee and the associated working groups.

In 2002 a treaty was worked on that is to provide the rules for the protection of classified information that is exchanged between NATO and the EU. Attention was also paid to the enlargement of NATO with new member states. The proposed member states are to bring their national laws and regulations in accordance with the NATO security regulations and make the appropriate adjustments accordingly

In 2002, a national NATO inspection was carried out at the Permanent Representation of the Kingdom of the Netherlands to NATO (PR NATO) in Brussels, as well as the Permanent Representation of the Kingdom of the Netherlands to the Disarmament Conference at Geneva. Recommendations were provided to both organisations in order for them to comply with the minimum security requirements set by NATO.

On the occasion of the NATO summit in Prague, at the request of the Czech NSA, assistance was rendered on site by way of participation in the Security Committee.

In the context of the 'host nation' obligation, which means that a host nation is obliged to offer a NATO institution located on its territory a safe working environment, contacts are maintained with the civil NATO divisions established in the Netherlands, i.e. NC3A (NATO Consultance, Command & Control agency) in The Hague and NAPMA (NATO Airborne Early Warning and Control Program Management Agency) in Brunssum. At the request of NAPMA, security recommendations were provided.

There is also the 'parent nation' obligation, meaning that the country of origin is responsible for issuing the so-called clearance for its citizens working with NATO. To optimise the procedures for clearance requests, contacts are maintained with the NATO divisions NC3A (The Hague and Brussels), NAPMA (Brunssum), Shape (Supreme Headquarters Allied Powers Europe) in Mons, NAEWF (NATO Airborne Early Warning & Control Force) in Geilenkirchen and NAMSA (NATO Maintenance and Supply Agency) in Luxemburg.

The Council of the European Union also has a Security Committee. The Dutch NSA takes part in the meetings of the Security Committee.

In 2002 the Security Committee paid much attention to the exchange of classified EU information with third countries and international organisations. The secretariat general of the Council is increasingly confronted with requests from third countries for classified EU information. Besides, in connection with the forthcoming enlargement of the EU, the Council will have to enter into agreements with accessing member states on the exchange of classified information in the time

that lies between the conclusion of the accession treaty and its coming into force.

The NSA also takes part in the Security Committee (Infosec) that focuses in particular on the protection of data systems in which classified EU information is processed. The committee has in particular paid much attention to formulating the security requirements that equipment employed for the protection of classified EU information, must comply with.

The security policy of the European Commission is discussed in the EU Commission Policy Advisory Group (CSPAG). In 2002 attention was paid among other things to the set-up of an arrangement for industrial security. The existing European security regulation does not yet provide for such an arrangement. The CSPAG seeks to introduce an arrangement shortly based on the recently reviewed NATO security policy.

The Netherlands takes part in the Galileo project. The Galileo project is a joint initiative of the European Union and the European Space Agency (ESA) for the development of a European satellite navigation system (the European counterpart of the American GPS system). The national positions are being prepared by an interdepartmental consultative body in which the AIVD also participates.

Within the Galileo project ESA is charged with the development and validation of the navigation system. ESA does not yet have regulations regarding the protection of classified information. In connection with the proper progress of the navigation satellite programme it is important that these regulations are in place as soon as possible. Together with the other NSAs of the countries participating in the programme security regulations are being formulated and a security structure is being developed for ESA. The basic principles and minimum standards will be completed in 2002. In 2003 these regulations will be developed into Security Regulations. Also in other fields the AIVD will be closely involved in making recommendations within the context of the Galileo project in 2003.

## **8.2 Protective security vital sectors**

Within the context of the protective security task the AIVD also focuses on those parts of society that in the opinion of the ministers responsible are of vital importance to the preservation of social life. To this end, the AIVD provides recommendations to vital sectors of the government and the business sector.

### **8.2.1 Project Protection Vital Infrastructure**

In order to comply with action point 10 of the Action Plan for Counter-Terrorism and Security the ministerial steering group terrorism and security has decided to carry out the interdepartmental project 'Protection Vital Infrastructure'. The project seeks to set measures to reduce the vulnerability of the Dutch society for large-scale disruptions, whatever their cause. The project also intends to implement the motion of Wijn c.s. of May 2001. In the motion, the government was requested to formulate a sector-transgressing plan of action for the protection of vital infrastructures. The AIVD takes part in the project and has an advisory, supporting, and alerting role. The project will be concluded in April 2004.

### **8.2.2 Protection of the Dutch water sector**

Following the events of 11 September 2001 the ministry of Housing, Spatial Planning and the Environment in collaboration with the Association of Water Companies in the Netherlands (VEWIN), the AIVD and two (pilot) water companies have started a project to secure the Dutch drinking water supplies.

At the two pilot companies the vulnerability of vital elements in the drinking water supply was examined. The first phase was rounded off with a report containing recommendations on the following steps to be taken. In a next phase it will be examined what security level is desirable for the drinking water sector, and in what form this can be laid down in regulations.

### **8.2.3 Marine navigation and ports**

Following the attacks of 11 September 2001 the National Committee for the Protection of Marine Navigation and Ports met three times in 2002. At these meetings, the AIVD explained the current threats to marine navigation and ports. The collaboration with the ministry of Transport, Public Works and Water Management has been intensified on this subject over the past year.

The AIVD has also participated in a security workshop in the port of Rotterdam that was held on the initiative of the ministry of Transport, Public Works and Water Management in collaboration with the American embassy.

### **8.2.4 Civil aviation**

The consequences of the attacks of 11 September 2001 were still felt by the civil aviation in 2002. This has resulted in intensive collaboration between the AIVD and the ministry of Justice and the ministry of Transport, Public Works and Water Management on the subject of security. Two threat analyses were drawn up for the National Security Committee Civil Aviation.

In 2002 the AIVD also participated in various project and working groups of the ministry of Justice, including the steering group National Protection Programme for the Civil Aviation and the brainstorming group Inspection Civil Aviation.

Within the framework of the EU regulation no. 2320/2002 of 16 December 2002 for the protection of civil aviation, it was decided to put the so-called background screening on a par with the Certificate of Good Behaviour (VOG) and to make this compulsory for all functions in civil aviation. In collaboration with the ministry of Justice, there has been consultation with the Central Organ for the issue of Certificates of Good Behaviour (COVG). For a large number of functions, setting up security investigations will no longer be needed. Functions that are directly involved in the protection of civil aviation or to which in any other way special powers have been granted, will in 2003 be designated as positions involving confidentiality. Precisely how many functions this involves, is still being studied.

### **8.2.5 New generation of travel documents**

At the request of the Basic Administration of Personal Details and Travel Documents Agency (BPR) of the ministry of the Interior and Kingdom Relations, to round off the preparatory phase of the production of the 'new generation' of travel documents, a security scan has been carried out into the set-up of the protection of the production, storage and distribution of travel documents at Enschedé/Sdu, the manufacturer of these travel documents.

The AIVD makes recommendations on the security of the request, production, distribution and issue of the travel documents. It is expected that in 2003 in particular the security level at the bodies charged with making the requests and issuing the documents, will be investigated.

## **8.3 Promoting the integrity of public administration**

A consequence of the AIVD's statutory duties is that it contributes to the protection of the democratic legal order. The integrity of civil servants, administrators and politicians is a

prerequisite for the trust of citizens in the government and essential for the proper functioning of our democratic legal order. It is important for government bodies to continue to invest in integrity and to take measures inductive to integrity. The AIVD is developing a number of activities in this area.

### **8.3.1 Integrity projects**

In 1996, the handbook 'A bit honest is impossible' was published. It has since been used in various sections of the public administration, also abroad. The experiences gained have resulted in a renewed 'Handbook Integrity' that will be published by the AIVD in the first half of 2003. With the handbook, government organisations can carry out independent integrity projects. It is a preventive instrument by means of which the most structural vulnerabilities - from the point of view of integrity - can be identified and measures to promote integrity be taken. The handbook can be used by any type of government organisation and is intended for self-examination. In some cases the AIVD (upon request) may supervise an investigation.

### **8.3.2 Meeting of experts integrity counsellors**

Within central government, and increasingly also in other public sectors, integrity counsellors (VPis) have been appointed. They give advice on integrity issues and mediate in case of alleged violations of integrity. In practice many questions arise concerning the tasks, competences and the position of the VPI; how the function is give shape differs per organisation. Mid-2002 the AIVD and the directorate-general Management and Personnel (DGMP) - both are part of the Ministry of the Interior and Kingdom Relations - organised an expert meeting. The aim was to exchange knowledge and experience regarding the VPI function. These insights and the corresponding possible solutions have been incorporated into a guide 'Helping Hand' that was published in the spring of 2003. It contains practical guidelines and recommendations and can be used by all government bodies that already have a VPI or are in the process of setting up such a facility.

### **8.3.3 Registration of integrity violations**

The AIVD houses a reporting centre for integrity violations. It is a facility where everyone can report (suspicions of) violation of the official and administrative integrity and where the identity of the source (source protection) can be safeguarded. The violations may relate to an administrator or staff member of a ministry, province, municipality or police force. The reporting centre will only conduct an investigation into an alleged violation of the integrity if the report meets three conditions:

- the report relates to the (alleged) violation of the official or administrative integrity;
- it concerns reports that indicate a violation of the democratic legal order, state security or other vital interests of the states. Violations manifest themselves among other things in violation of the credibility, reliability and legitimacy of the public administration;
- the reports are, in so far as is known, not already being handled by or cannot be handled by, other organisations competent on the matter.

In 2002, the AIVD produced a brochure in which the starting points and procedure are laid down. The folder has been distributed among the relevant institutions.

The first column of the table below shows the year. The second column states the total number of reported incidents in the relevant year. The third column states the number of reported incidents processed in 2002. The fourth column states the number of reported incidents that were

completed in 2002. The fifth column states the number of reported incidents still pending and which have been passed on to 2003.

<b>Table</b>				
	<b>Total number of reported incidents</b>	<b>Handled in 2002</b>	<b>Completed in 2002</b>	<b>Workload 2003</b>
2000	44	1	1	0
2001	33	15	14	1
2002	54	54	39	15

Three quarters of the investigations into integrity violations carried out by the report centre concern the central government, police and municipalities. No investigations have been made into reportings relating to provinces. The nature of the violations of integrity is highly diverse. One quarter of the cases reported referred to fraud or corruption. Also reported were, among other things, conflicts of interest, extra duties and leaking confidential information.

#### **8.4 Protective security of (foreign) persons and objects**

It is the AIVD's task to protect the security of diplomatic representative bodies and international organisations in the Netherlands. This follows from the obligations of the Dutch government in the context of several treaties and agreements. Within this context the AIVD renders requested and unsolicited security advice to international organisations in the Netherlands. The AIVD also gives advice on security measures for Dutch members of government; order and security measures for state visits and (other) possible visits of foreign (highplaced) guests involving a certain amount of risk; and measures to protect the dignity of diplomatic and consular representative bodies and international organisations. Part of this advisory role is also the security of buildings where these persons or organisations are accommodated. Upon the request of international organisations, security investigations may also be carried out.

At the request of the ministry of Justice the AIVD in 2002 assisted Europol in formulating a risk analysis, carried out within the framework of the adjustments or improvements requested by Europol of the security regime.

Late 2002, at the request of Eurocontrol, contacts with the AIVD were extended further. The AIVD will advise Europol in the set-up of a new security plan desired by the organisation, in which context attention will be paid in particular to security investigations.

#### **8.5 Security investigations**

A position involving confidentiality can only be filled after the Minister of the Interior and Kingdom Relations has issued a 'certificate of no objection'. In connection with such a certificate the AIVD will carry out, or have carried out on its responsibility, a security investigation. Positions involving confidentiality are divided into several categories. The categories are the so-called A, B, and C positions. These positions make it possible for employees to damage national security or other vital national interests seriously (A-category) or less seriously (B-category) or to prejudice these interests (C-category). The depth of an investigation is related to the category of the position. Investigations for police positions include, in addition to A-category investigations, also less in-depth P-category investigations.

### 8.5.1 Security investigations by the Royal Military Constabulary

The Royal Military Constabulary (KMar) conducts security investigations on behalf of civil aviation and, under the mandate of the AIVD, issues security clearances. In cases in which a security clearance cannot be issued, the Royal Military Constabulary passes the investigations on to the AIVD. In 2001 this concerned 3,334 investigations. In 2002 this number rose by 1,155 investigations to 4,489 investigations that were transferred. 1,512 of the cases referred to investigations involving relevant judicial antecedents and in 2,977 cases the security investigation initially provided insufficient information.

### 8.5.2 Security investigations for and by the police forces

The AIVD conducts security investigations for the A positions at police forces. In 2002 the AIVD handled 434 A investigations for the police. In 2002 the introduction of positions involving confidentiality continued and the police started the execution of security investigations in accordance with the Security Investigations Act. This concerns the so-called P investigations. The P-investigations are carried out by the police and under the mandate of the AIVD security clearances are issued. Because the P positions involving confidentiality are less vulnerable than the A positions involving confidentiality, the P investigations are less in-depth than the A investigations. In cases in which a security clearance cannot be issued, the police transfers the P investigation to the AIVD. In 2002 16 police forces continued or started the execution of P investigations. It is expected that the remaining ten police forces will start carrying out P investigations in 2003. In total 459 investigations were presented in 2002, 391 of which were completed. Only in two cases was the investigations transferred to the AIVD. In accordance with previous estimates eventually approximately 15,500 positions at police forces will be designated as positions involving confidentiality (approximately 4,600 A positions and 10,900 P positions). In the next few years, security investigations will be conducted for all these functions.

### 8.5.3 Overview number of positions and investigations

An overview of the number of positions involving confidentiality and the number of security investigations handled in 2000, 2001 and 2002 is provided in table 1.

	c.p. 2000	v.i. 2000	c.p. 2001	v.i. 2001	c.p. 2002	v.i. 2002
Central government*	6,822	1,374	5,215	1,600	4,508	1,666
Defence-order companies ***	13,659	2,950	16,000	2,866	16,000	2,615
Civil aviation **	35,171	35,171	31,430	31,430	55,578	55,578
Police					15,500	893
Vital companies ***	1,314	796	1,547	918	1,547	1,738
Miscellaneous****		1,513		1,470		1,644
Total	56,966	41,804	54,192	38,284	93,133	64,134

\* Excluding ministry of Defence and armed forces, including the AIVD.

\*\* In the columns 'confidential posts' the number of vetting inquiries is provided, because in civil aviation no concrete confidential posts have been designated. Therefore there is no fixed number of positions involving confidentiality. In civil aviation a pass is required to access protected areas and one of the conditions to obtain such a pass is a security clearance that has been issued following the outcome of a security investigation. In the columns 'confidential posts' the number of persons filling a position involving confidentiality is stated since 2001.

\*\*\* The category 'miscellaneous' concerns investigations carried out at the request of another country (924) or of an international organisation (720) and which are made in connection with the security measures used by that country or international organisation.

Compared with the previous year under review the total number of investigations presented in 2002 rose sharply by 25,850 investigations. This increase can be attributed to the increase of the number of security investigations in civil aviation on the one hand, whereas, on the other hand, a large number of police forces in 2002 started conducting security investigations.

The number of investigations requested in civil aviation rose by 24,148. One cause of this increase is the high number of security investigations (approximately 12,000) performed in 2002 into cabin and cockpit staff of the KLM. Also the employment in civil aviation, after a considerable decline due to the attacks in the United States in September 2001, recovered noticeably.

An overview of the number of security investigations handled by the AIVD in 2000, 2001 and 2002, is provided in table 2. The investigations carried out by the KMar within the context of civil aviation are not included, with the exception of the investigations that the KMar has transferred to the AIVD.

**Table 2 Vetting inquiries handled by the AIVD**

	2000	2001	2002
A position	1,071	1,055	1,679
B position	(incl. 3,567 Kmar) 7,514	(incl. 3,334 KMar) 7,709	(incl. 4489 KMar) 9,755
C position	1,615	1,424	1,152
Total	10,200	10,188	12,586

#### 8.5.4 Results

In 2002, on the basis of the security investigations carried out, a security clearance was issued in 61,451 cases. The number of refusals to issue a security clearance, rose from 1,471 in 2001 to 1,822 in 2002. The 1,822 refusals concerned 1,765 B investigations on behalf of civil aviation. In four cases, the A investigations resulted in a refusal or withdrawal of the security clearance. The A investigations on behalf of the police, which were completed in 2002, all resulted in a security clearance.

Of the 4,489 investigations transferred by the Royal Military Constabulary to the AIVD, in 2,049 cases a security clearance was issued; in 1,765 cases such a clearance was refused. The work supply of civil aviation investigations of the AIVD amounted to 675 investigations by the end of December.

In 2002 the total average duration of a security investigation conducted by the AIVD was seven weeks. The majority of the B and C investigations was handled well within the statutory handling term of eight weeks. The B investigations handled by KMar on behalf of civil aviation had an average handling period of three weeks. The statutory handling term was exceeded mainly in case of A investigations (in which context informants are to be heard in a field investigation). In 2002 the average handling term of the A investigations was 13 weeks. The handling of A investigations on behalf of the police took on average 14 weeks. The cause of the delayed handling lies in, among other things, the AIVD's dependance on information from other countries. Various other causes underlie the relatively long processing times of A investigations of the police. For example, the AIVD in accordance with the agreements made with the police, has given priority to security

investigations of newly to be appointed staff. Also, the positions involving confidentiality have not yet been formally determined for all police forces. As a consequence the A investigations already requested for non-field police staff and requests for investigations regarding functions for which no designation order was available, could only be carried out with considerable delay.

## **8.6 Objection and appeal**

On the basis of the General Administrative Law Act it is possible to object and subsequently appeal against the refusal to issue a security clearance.

In the year 2002, 49 notices of objection were submitted and also 49 were settled. The notices of objection that were settled related to the years 2001 and 2002.

Four notices of objection were withdrawn. Of the remaining notices of objection, eleven were manifestly inadmissible on account of the non-timely submission of the notice of objection or because the grounds of the objection, despite a request to this end, were not submitted. Twenty notices of objection were declared unfounded, and the remaining fourteen notices of objection were upheld and subsequently the parties ultimately received a security clearance.

The fourteen notices that were upheld, concerned the following cases.

Four times the aggrieved parties ultimately received a security clearance on the basis of additional information that was obtained during the procedure for lodging an objection. Three times it turned out that the judicial antecedents on the basis of which a security clearance had been refused, were not relevant in relation to the position involving confidentiality that was at issue. In three cases the judicial antecedents concerned youthful lapses and in two cases the antecedents had become extinguished by limitation. In one case, the person involved was ultimately acquitted of the suspicion of a relevant offence and in the last case there had been a mistaken identity.

Unless a notice of objection - whether or not after an additional investigation - has to be declared manifestly unfounded or inadmissible, it is forwarded to the Appeals Commission for Security Screening for an advice. In the year under review, 21 times an advice was received from the Appeals Commission for Security Screening. In eighteen cases the commission recommended declaring the objection unfounded. In the other three cases, the advice was to declare the objection founded.

In the year under review, four times an appeal was made against a decision on a notice of objection. One appeal was withdrawn and another was declared unfounded. The remaining two are still to be handled.

Furthermore, in the year under review a judgment was rendered in the appeal case from 2001. This concerned a case in which a security clearance had been withdrawn because it had become known that the person involved had committed offences. The district court decided that the Minister of the Interior and Kingdom Relations was not competent to withdraw the security clearance. The minister has appealed against this judgment at the Administrative Law Division of the Council of State.

## 9 Co-operation

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This chapter will discuss aspects of co-operation with the AIVD in the Netherlands, the Kingdom and in an international context.

### 9.1 National co-operation

Important forms of national co-operation are co-operation with the police, co-operation within the framework of the Great Evaluation Triangle and the Technical Evaluation Committee and co-operation with the Defence Intelligence and Security Service (MIVD).

#### 9.1.1 Co-operation with the Dutch police

The AIVD must have access to information on regional and local developments and situations in the Netherlands. Therefore the new Intelligence and Security Services Act (Wiv) provides for police officers, under the responsibility of the minister of the Interior and Kingdom Relations and in accordance with the instructions of the head of the AIVD, to perform activities for the AIVD (article 60 Wiv).

Although these activities may in principle concern all the statutory tasks of the AIVD, the emphasis lies on the investigative task, for example if terrorism or frontier-running is involved or on performing security investigations. As a result of the development of the so-called police security investigations (see chapter 8), the number of officers carrying out activities for the AIVD under article 60 Wiv, has increased considerably. As for the investigative task the activities for the AIVD are performed by staff of the regional intelligence services (RIDs). The police security investigations show a more varied picture: sometimes the tasks are performed by RID staff, but these may also be carried out by other departments, such as the bureaus Security and Integrity. In the Wiv the provision that police officers report to the AIVD 'information that they have taken cognisance of' and which may be of interest to the AIVD (article 62 Wiv), has been maintained. Also in this respect the RIDs are of great value to the AIVD, for the RIDs have insight into police information and due to their great familiarity with the field of activity of the AIVD, they can be alert to the relevance of this information for the service.

The co-operation between the AIVD and the RIDs has been intensified following the 'Action Plan for Counter-Terrorism and Security' that was drawn up in connection with the attacks of 11 September 2001, and which was brought up-to-date several times in the past year. The RIDs have been extended by 20.5 fte's to combat terrorism on a structural basis. Moreover, it was decided that this expenditure must be accounted for in the individual annual accounts of the police forces. The meetings of the AIVD and the RID with the regional police officers, a project running into 2003, are part of the co-operation in this field. These are held to make the police at district level more alert to signs of ethnical-religious tensions, radicalisation trends and perhaps even the recruitment by Islamic extremists, and in order for the AIVD to be informed about this.

Another highly relevant development for the co-operation between the AIVD and the police forces in which the RIDs play an important role, is the project 'National Information Co-ordination of the Dutch Police'. This project has been set up to improve the national information co-ordination of the police by setting up information interchanges, both at regional and at national level, which are able to collect all relevant (police) information beyond the boundaries of public order and detection, both in crisis situations and in peacetime. At regional level staff of the RID can play an important role in two respects. On the one hand, their role under article 60 Wiv - as liaison of the AIVD in the possible use of information of the AIVD. This role involves deciding which information the Dutch

police needs, making inquiries with the AIVD whether the AIVD has these data, and consulting with the AIVD about the question if and to what extent and form this information of the AIVD can be legally provided to the police officers charged with the regional information co-ordination. On the other hand the AIVD, through the staff of the RIDs, will have better access to police information. This way they can act in accordance with article 62 Wiv and transfer to the AIVD information that has been made available within the context of the information co-ordination of the Dutch police.

As a consequence of the cabinet's position on the investigation of the Van den Haak Committee, a broader and more structural co-operation at national level between the AIVD and the Dutch police is being developed.

#### **9.1.2 Great Evaluation Triangle and Technical Evaluation Committee**

In 2002 the AIVD participated in the Great Evaluation Triangle (GED) and the Technical Evaluation Committee (TEC). Both committees are interdepartmental consultative bodies entrusted with advising the ministers of the Interior and Kingdom Relations and Justice on security-related matters.

Given the government's responsibility for the security and protection, the AIVD in 2002, at the request of the TEC, performed assessments and analyses of threats directed against persons, specific objects and/or events. The conclusions of the TEC were the basis of recommendations to the ministers referred to concerning the security measures to be taken.

In addition to visits of heads of state and dignitaries, the proceedings against Milosovic and the visits of his spouse, among other things, were items on the agenda of the TEC. Also the effects of the attack on 11 September 2001 affected the activities and frequency of meeting in 2002. The Royal wedding on 2 February 2002, the assassination of Pim Fortuyn, his burial and the political consequences of it, as well as the burial of Prince Claus were more than just notable events, which resulted not only in many extra meetings of the two bodies, but also in a rapidly increasing number of requests for AIVD threat analyses.

Partly on account of the evaluation of the tunnel incident it was decided to review the circular on protection and security matters. The AIVD was closely involved in this. The assassination of Pim Fortuyn and the installation of the Van den Haak Committee accelerated the process. Under the responsibility of the National Co-ordinator for Security and Surveillance the entire system of security and protection is currently being reviewed.

#### **9.1.3 Co-operation with the Defence Intelligence and Security Service**

In various fields the AIVD co-operates with the Defence Intelligence and Security Service (MIVD). The international fight against terrorism, the proliferation of weapons of mass destruction and activities of foreign intelligence services are areas of attention of both the AIVD and the MIVD. There are also contacts in the field of protective security, security investigations and within the context of the implementation of the Government Information (Public Access) Act.

#### **9.1.4 Co-operation against financing terrorism**

Combating terrorism receives much attention both nationally and internationally. On 27 December 2001 the European Council adopted a Common Position to which an implementation regulation was linked that concerned specific limitative measures against certain persons and entities. This

regulation makes it possible on the basis of a list drawn up unanimously by the Council - also referred to as the 'freeze list' - to freeze assets across the EU of persons and organisations the EU associates with terrorism. Furthermore it is forbidden to make financial resources, directly or indirectly, available to persons or organisations that are on the list. In Dutch legislation this ban has been provided for via an amendment to the Sanctions Act. Carrying out transactions with and making resources available to entities included on the list has been designated as an economic offence, and are punishable as such. The ban thus provides for taking away the right to property of the entity. Periodically, on the basis of files submitted by the member states or third countries new organisations are added to the freezelist. The AIVD plays a role in creating files to be added to entities on the European freeze list.

In the ministerial Steering Group Terrorism and Security (MSTV) of 16 November 2001, it was decided to draw up a protocol that contains the procedure for the execution of sanctions against entities on the freeze list. This protocol was drawn up in 2002 by the ministries of Finance, Foreign Affairs, Justice, the regulators in the financial sector, and the AIVD. The Council of Ministers took cognisance of the protocol in 2002. The protocol states that the AIVD investigates whether the holders of funds found in the accounts of the financial institutions, are on the freeze list.

#### **9.1.5 Covenant with Unusual Transactions Reporting Office**

In order to optimise the financial information position of the AIVD, a covenant came into force between the AIVD and the Unusual Transactions Reporting Office (MOT) in November 2002.

#### **9.1.6 Contribution to the Financial Expertise Centre**

In 2002 the AIVD made a contribution to the working group Financing and Combating Terrorism of the Financial Expertise Centre (FEC). Participants in this working group included the Financial Markets Authority, the Public Prosecutions Department, the Dutch Central Bank, FIOD-ECD, KLPD, MOT, the Pension and Insurance Supervisory Board, the Inland Revenue (Large Enterprises) Section Amsterdam, and the Amsterdam/Amstelland police force.

#### **9.1.7 Co-operation with actors involved in migration**

It is the AIVD's aim to timely provide the implementary body and policy bodies involved in the migration issue (in particular the Immigration and Naturalisation Office (IND) with information. The AIVD also works closely together with government bodies involved in migration, in order to timely identify the persons that make use of the migration channels to enter the Netherlands and who could pose a threat to the national security. This can involve (potential) political and/or religious-extremist persons and employees of foreign intelligence services. The AIVD has also co-operated in the second report on frontier-running, entitled 'Focus on Frontier-running', which will be presented to the Second Chamber this spring.

### **9.2 Co-operation with the overseas territories**

The security services of Aruba (VDA) and the Netherlands Antilles (VNA) and the AIVD regularly meet to discuss the developments in the security situation in each of the countries in order to determine to what extent the developments in the individual countries are relevant to the security situation in one of the other countries or to the Kingdom at large. The Council of Ministers of the Kingdom of the Netherlands has determined that in the area of combating terrorism the services must work more closely together. There is not much progress in this area.

With regard to the Aruban security service an important part of the co-operation consists of supportive activities of the AIVD in the extension of the VDA to a service that is able to meet the tasks assigned to it by the new Act of the Netherlands Antilles.

### **9.3 International co-operation**

In the year 2002, international terrorism to a large extent determined the agenda of international co-operation. The imminent conflict in Iraq also cast its shadow. This has had consequences for the various manifestations of this co-operation: the AIVD liaison network, bilateral contacts with intelligence and security services and multilateral forms of co-operation

Apart from the geopolitical situation also the new foreign intelligence task, which the AIVD has since the Wiv 2002 entered into force, calls for re-orientation and extra efforts to be made regarding international co-operation.

#### **9.3.1 The AIVD liaison network and bilateral contacts**

In order to maintain good relations with foreign intelligence and security services, and to maintain an adequate, independent information position concerning developments abroad and to look after the AIVD's interests abroad, the AIVD has had five permanent liaisons abroad (Washington, Moscow, Caracas, Amman and Singapore) since 2002. There are also two travelling liaisons with a similar instruction, who frequently visit the regions Central Europe and the Mediterranean/North Africa from the Netherlands. The liaison network will be extended in 2003 with a sixth permanent liaison in the United Arab Emirates.

Several foreign intelligence and security services have officially put forward a staff member with the AIVD as liaison. This person will as a rule have his domicile in the Netherlands, or may maintain the relationship from a neighbouring country. Their task is identical to the task of the AIVD liaisons abroad. The number is growing and now numbers well over thirty. In total more than one hundred services across the world are part of the relation network of the AIVD.

#### **9.3.2 Co-operation groups of European intelligence and security services**

The AIVD participates in several international forms of co-operation of intelligence and security services that exchange operational data, phenomenon studies, scenario analyses and policy views. Among these forms of co-operation are the European Union (EU), the Counter Terrorist Group (CTG), the Middle Europe Conference (MEC) and the NATO Special Committee.

In 2002 the agenda of EU consultation was largely set by security issues. This also affected the AIVD. Not only in the field of Justice and the Interior and Kingdom Relations, but in particular also in the field of Foreign Affairs, much more attention was paid to combating terrorism and related issues. This resulted in numerous measures, most notable being the initiatives to reinforce international co-operation, the attention for dialogue or co-operation with third countries and dealing with the financing of terrorism.

The CounterTerrorist Group (CTG), a consultative group set up of directors of the security services of the EU member states committed to combating terrorism, which was set up immediately after 11 September 2001, met four times. The main product of this group is threat analyses in the field of Islamic terrorism, which are made available to the highest EU committees. In 2002 the group worked on the reinforcement of the institutional basis of the group. The starting point was the need for flexible co-operation in an atmosphere of mutual trust in view of the sensitivity of the information circulating in the group.

Also immediately after 11 September 2001 a terrorism combat task force was set up at Europol, in which the AIVD participated through a liaison. This task force was integrated into the existing organisation of Europol.

Late 2002, agreements were made in EU context to evaluate each other's national systems for combating terrorism. The AIVD took an active part in this, especially with a view to the Dutch EU chairmanship in 2004. This evaluation is expected to result in new policy initiatives for the co-operation in EU context between intelligence and security services, police and judicial authorities. Within the counter-terrorism co-operation of the ministries of Foreign Affairs, much attention was paid to creating country and regional analyses with the aim of establishing in what way the EU can contribute to combating terrorism elsewhere. These analyses were made by comparing the threat of terrorism in a country or region to the ability of the relevant government to defend itself against terrorism. The Netherlands made several of these analyses which were made in close collaboration with the ministry of Foreign Affairs and the AIVD. In order to establish in what way EU assistance in combating terrorism can take shape elsewhere, so-called fact finding missions are undertaken to third countries. The AIVD took part in these missions several times, including a mission to Indonesia following the attack on Bali.

The attention for financing terrorism gained momentum. The subject was placed high on the agenda not only within an EU context, but also in UN context. This resulted in a series of measures to freeze the assets of terrorist organisations. In the EU the executive activities, i.e. placing terrorist groups and persons on freeze list, are performed by a working group, a so-called clearing-house. The work done in Brussels but especially in each member state is of a multidisciplinary nature and requires much co-ordination; in other words, it is labour-intensive. The call for more efficiency in comparison with other instruments against terrorism, frequently surfaces.

Finally, it is worth mentioning that at the initiative of the European Council and under direct responsibility of the High Commissioner also within the EU Council secretariat combating terrorism has received a new impulse. Early 2002 the Situation Center (SitCen) was established, which will concentrate on making analyses of crisis areas in the world, and possible repercussions aimed at the EU.

In 2002 the MEC (Middle Europe Conference), a collaborative project of a number of Western European and Central European security services, played a preparatory role in the accession to the EU in 2004 of approximately ten new countries. This collaborative project was set up by the AIVD in 1994 with the main objective of supporting democratisation processes in the former Eastern bloc states.

The NATO Special Committee (NSC), in which the heads of the civil security services of the NATO member states participate, has established that NATO finds itself in a process of change. The emphasis within NATO is shifting from a military orientation to a more civil orientation. There is, for example, a great need within NATO to bring together intelligence obtained from military sources and that from civil services. A proposal has been made to organise joint meetings with the NSC (civil) and the NATO Intelligence Board (military). This proposal has been taken into consideration. The AIVD has outsourced a staff member to the ad-hoc Analytical Cell of NATO. This cell was set up in response to the attacks of 11 September 2001. The cell analyses the intelligence obtained from the member states and processes it into biweekly threat analyses. The committee has conducted talks about the security services in a NATO context with the security services of the countries that qualify as suitable candidates for NATO membership.



## 10 **Communication, requests to inspect AIVD files and complaints**

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This chapter discusses the telecommunication policy of the AIVD, the requests to inspect AIVD files and the handling of complaints.

### 10.1 **Communication**

The transparency required from government these days, applies also to intelligence and security services. Openness and checkability are therefore among the starting points of the Intelligence and Security Services Act that came into force in 2002. The AIVD attempts to give shape to this openness in its communication policy by providing information to press and public, both on request and on its own initiative. An important objective in this context is calling attention to topical security issues among a wide public, in order to enhance social resistance against specific threats. Of course in exercising openness, the limits are observed that are fitting to the nature of an intelligence and security service.

In 2002 in addition to the annual report, two AIVD reports were published: 'The democratic legal order and Islamic education, foreign interference and anti-integration tendencies' and 'Recruitment for the jihad in the Netherlands, from incident to trend'. Also the head of the AIVD sought publicity on a number of occasions. For example on the publication of the annual report 2001 and on the publication of the report on recruiting for the jihad he held a press conference, in the course of which questions from the media were also discussed.

After the terrorist attacks in the US on 11 September 2001, public interest in the work of the AIVD has increased markedly, both nationally and internationally. This is apparent from a large number of press publications in which the AIVD is referred to.

Since May 2002 the AIVD has its own website ([www.aivd.nl](http://www.aivd.nl)), which gives an overview of all the publicly accessible information on the AIVD. The website has approximately two hundred hits a day.

### 10.2 **Requests to inspect AIVD files**

The coming into force of the Wiv 2002 also meant a new system for requests to inspect AIVD files. In outline this system corresponds with the former system, but on several points changes have been introduced. For example, information on deceased persons has in principle become accessible to once removed relatives. Of course the usual restrictions which hold that information may not give insight into the topical level of knowledge, sources or working method of the AIVD, remain in force in this context. Also the period for handling requests to inspect AIVD files has been extended from six weeks to three months with a possibility of adjournment for a maximum of four weeks. The applicant must be timely notified of an adjournment and a written reason for the adjournment must be given. As a result of the extension of the period in which requests are to be handled, the AIVD has managed to deal with the often labour-intensive requests to inspect AIVD files within the statutory period.

Late 2002 there were 35 requests to inspect AIVD files, five notices of objection, nine court cases regarding requests to inspect AIVD files and 24 pending proceedings on appeal. The backlog that still existed in early 2002, has to a large extent been caught up with.

### 10.3 Complaints

When civilians feel that they have been improperly treated by the AIVD, they can submit a complaint to the AIVD itself, the Minister of the Interior and Kingdom Relations or with the Committee on the Intelligence and Security Services of the Second Chamber. If a citizen is not satisfied with the response to his/her complaint by these bodies, he/she can apply to the National Ombudsman.

In the year under review four complaints were submitted to the AIVD. The first complaint referred to the complainant's suspicion that information about him had been given to a journalist. This turned out not to have been the case. The second complaint was submitted as a result of the use of a special power against the complainant. The complainant believed that the AIVD did not have the power in question and therefore acted unlawfully. After an internal investigation the AIVD concluded that in this case no unlawful acts had been committed and also otherwise no improper conduct had been established. The third complaint was not taken up. For in 2001 the Minister of the Interior and Kingdom Relations informed the person in question that, as discussed with the Second Chamber, his complaints about the intelligence and security service have been settled comprehensively and that his letters on this subject will no longer be taken up. Finally, the last complaint was forwarded to the AIVD by the National Ombudsman and referred to the lack of any response to a request for information. The National Ombudsman did not take up the complaint himself, because the complainant had failed to first submit his complaint to the AIVD. After the AIVD received the complaint, the omission was rectified as quickly as possible.

Two complaints were submitted to the Committee on the Intelligence and Security Services, which were brought to the attention of the AIVD. One complainant was referred to the competent judicial authority by the Committee, because by means of his letter he possibly attempted to indict the State of the Netherlands for alleged war crimes. This concerned a person with whom the AIVD has maintained a regular correspondence on the same subject. The other complainant accused the AIVD of acting negligently by not allowing him to inspect his AIVD file. He had also brought an appeal against this decision before the District Court in Groningen. For this reason the Committee refrained from commenting on the matter. In addition, two complaints submitted to the Committee were dropped and subsequently submitted to the National Ombudsman. One of these complaints has not (yet) been submitted to the AIVD by the National Ombudsman and one is now pending. Both complaints refer to unlawful acts allegedly committed by the AIVD. Finally, in connection with a third complaint, the AIVD has on the request of the National Ombudsman stated that it is not involved in monitoring operations as alleged by the complainant.

## 11 Internal management

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This chapter on the internal management of the AIVD discusses the following subjects: personnel, computerised information, general and technical services, registration, documentation and archives, quality management, finance and the management statement.

### 11.1 Personnel

In 2002 the staff of the AIVD was increased by 127 new members; 35 persons left the AIVD. On 31 December 842 persons were employed by the AIVD. In the context of these figures it should be noted that over the coming years, the consequences of the ageing of the AIVD's staff will become increasingly relevant. The outflow of staff as a result of this will amount to more than two hundred staff members up to 2010. At the same time the coming years will witness a steady growth of the organisation. This will put extra pressure on the new staff; especially regarding the breaking in and training of new staff members. Apart from centralising the recruitment and selection, a trajectory has been developed to ensure that new staff members undergo a high-quality training period.

In addition, it has been decided to abolish the existing operational functions, categorised under teams and to introduce a broad group function at different levels instead. This organisational change contributes to an improved quality and offers the individual staff member more possibilities for his or her development.

In order to support the personnel policy, a start has been made with the introduction of function and personal profiles. This provides information on result-oriented job descriptions, and, based on insight into the necessary competencies, on the essential requirements for a specific function. Meanwhile there are job profiles of more than 75% of all functions. Moreover, in September the personal profile was introduced, making available more objective information on the specific experience and competencies of the staff members.

As a result of the introduction of the Eligibility for Permanent Invalidity Benefit (Restrictions) Act (Wet Poortwachter) the administrative procedures have been adjusted and in the course of daily practice managerial staff and other staff members will familiarise themselves with the consequences of the Act. The extra focus on absenteeism and reintegration over the past years has resulted in a relatively low rate of absenteeism due to illness (5%). Especially a number of new facilities and the close co-operation with, for example, the working conditions service within the context of the Eligibility for Permanent Invalidity Benefit (Restrictions) Act, give cause to further accentuate our ambitions in this area.

Partly because of the growth of the organisation, the demand for childcare facilities has strongly increased. It is expected that this trend will continue over the coming years, which, as a result of the considerable increase in rates in this sector, will have serious financial implications for the employer's contribution.

### 11.2 Computerised information

In carrying out its duties the AIVD, in line with the provisions laid down in the Intelligence and Security Services Act 2002, adopts as starting point that information is obtained in such a way that the principles of proportionality and subsidiarity are respected. Against this background investments have been made in the improvement of access to the internet and other information networks. The internal network infrastructure has been extended to such a level that each workplace has access to such networks. The severe security requirements in this context have been put in place.

In order to better guarantee 24-hour availability of the computer system in case of calamities, additional measures have been taken.

The possibility to exchange information via data communication with national and international intelligence and security services has been further extended by completely renewing several networks and increasing the number of extensions. The continuing intensification of international co-operation will continue to hold our special interest in the coming years.

### **11.3 General and technical services**

The aspects of the general and technical services discussed below refer to accommodation, the purchase of goods and services, and environmental protection.

#### **11.3.1 Accommodation**

Because of the expansion of the AIVD the need for more office space increased and became more urgent. In co-operation with the Government Buildings Agency it was possible in 2002 to take over the lease of an additional office building suitable for the AIVD. Because it is considered desirable to have all staff members working together in one building in the (near) future, a study has been made of locations suitable for this purpose. This has resulted in a decision to move to Zoetermeer in 2007, where the AIVD will be based in the office building of the Ministry of Education, Cultural Affairs and Science.

#### **11.3.2 Purchase of goods and services**

A study focused on the question how the purchase policy of the AIVD can be further professionalized. In advance of the results of this study, it has been decided to more expressly attempt to obtain advantage by means of increase in scale (in co-operation with other departments and services). Meanwhile the first (financial) results have been gained in this respect. Concluding more master contracts for recurring orders both reduces and simplifies the administrative workload.

#### **11.3.3 Environment**

As an official authority the AIVD implements government environmental policy. This entails that the AIVD attempts to meet the standards that enable certification in accordance with ISO 14001. This is an international standard for environmental protection, intended to provide organisations with an effective system of environmental protection. With the aid of expert support preparations were made in 2002 to enable official certification of the AIVD to take place in the second quarter of 2003.

### **11.4 Registration, documentation and archives**

In 2002 the report of the Institutional Inquiry into the actions of the security service in the period 1945-2002 was completed. Meanwhile the report has been published. Based on the Institutional Inquiry and in co-operation with the National Archives, a draft archival selection list has been drawn up. The list consists of actions included on the basis of the Institutional Inquiry and linked to selection criteria. The actions can be subdivided into general and specific tasks of the AIVD. In the first half of 2003 the list will be presented to the National Archives, thus starting the formal adoption trajectory.

In the past year all the Regional Intelligence Services have been visited for an inspection of the administration. The objective of the inspections was to determine whether the administrations comply with the Wiv 2002. In addition, the inspections promote a uniform working method. Despite minor differences in execution the conclusion was that the quality of the administration at the Regional Intelligence Services had further improved in the previous period. The inspection of 2003 will focus on compliance of the guidelines for the administrative processing of police investigations carried out on the basis of the Security Clearances Act.

## **11.5 Quality management**

In 2002 the AIVD started to introduce a quality assurance system of the Dutch Quality Institute (INK). This will also include knowledge management, which is considered a vital part of the quality policy.

In the field of the administrative organisation the focus was on the coming into force of the new Wiv. On the date on which the Wiv came into force, all the procedures regarding the use of special powers had been described and included in the handbook Administrative Organisation. Regarding those special powers that in accordance with the Wiv can be mandated, a mandate order was enacted.

In addition, the quality bureau of the AIVD played a co-ordinating role in implementing the assessment studies planned for 2002 regarding the reorganisation of the then BVD in 1998, security screenings, illegal migration flows and establishing the Netherlands National Communications Security Agency in 2001. In addition, several quality studies were conducted in the field of operational and management processes.

## **11.6 Finance**

The AIVD's budget is part of the budget of the Ministry of the Interior and Kingdom Relations. Drawing up, implementing and accounting for the budget therefore are part of the financial process within the Ministry of the Interior and Kingdom Relations.

The financial resources within the AIVD are primarily used to pay salaries and expenses for business operations. In addition there is a 'secret budget', which covers the operational expenses of the AIVD.

The budget for 2002 was drawn up before the attacks of 11 September 2001. As a result of the attacks, as reported in the plan of action Combating Terrorism and Security, investments have been made in the expansion of the intelligence and security services. For the AIVD this has resulted in an increase of its budget for 2002. The increase was used for additional efforts in the field of combating terrorism.

The total financial picture over 2002 shows that the budget of the AIVD was used in its entirety. What it was used for is described in the previous chapters of this annual report. In general it can be stated that the AIVD has used its resources efficiently and effectively. In order to accomplish this, a reallocation of resources took place in the course of the year on the basis of adjusted priorities. On balance it was a year in which an increasing budgetary tightness manifested itself in the choices made in the area of both the use of primary capacity, and the expenditure of resources for facilitating and support services. A certain amount of deferred expenditure will have to be paid for as yet in 2003.

## Budget 2002 (expenditure)

Staff	41.7 million
Resources	23.7 million
Secret budget	1.9 million

### 11.7 Management statement

In accordance with the frame of reference for the management statement based on Article 21 of the Government's Accounts Act, this section gives insight into the extent to which the AIVD systematically steers and controls the primary and support operational processes in the form of a management control system, as a guarantee for achieving the objectives of the organisation.

Important in this context is the implementation of an integrated policy, control and budget cycle. With the implementation of this cycle in 2002, a start has been made in co-ordinating information requirements at various levels within the AIVD and between the AIVD and the ministry. The cycle includes products from the internal organisation of the AIVD, such as annual plans of the management and interim reports, as well as products that are instigated by the ministry, such as management reports. Based on the cycle, information is made available which enables effective steering and control of both the primary process and the support processes.

Agreements have been made with the management of the ministry on the way in which the information exchange will be further developed in 2003.

During the year under review there was an increase in the exchange of steering and control information. At various levels within the organisation procedures and formats were developed for the assessment of the effectiveness of operational processes. Based on this assessment, adjustments have been made in a structured way, by intensifying or cutting back on activities or shifting priorities. Combinations of qualitative and quantitative information have also played an increasingly large role in the support processes regarding decisions of how to make the best use of limited resources.

The availability of more information makes the risks in the execution of operation processes better visible. A risk analysis of the operational processes, as prescribed in the frame of reference for the management statement, is meanwhile underway. An accountant has subjected several support processes to a process analysis. This showed that in general the operational processes are orderly. At the same time when auditing the annual accounts the accountant found room for improvement regarding other processes.

In 2003 the management control system will be further developed. In 2002 an important step was set to this end in the annual plan for 2003, which presents objectives, activities and costs in a more coherent way. The AIVD will make major efforts to further develop the assessment study tool.

- 25877 Regulations pertaining to the intelligence and security services and amendments to a number of Acts of Parliament (Intelligence and Security Services Act 19..)
- Official Reports Handling of the Wiv bill dd 5 February 2002.  
First Chamber 18-905
- Official reports Ditto.  
First Chamber 18-933
- 27591 Large-scale tapping of modern telecommunication systems
- no. 3 Report of a General Consultation dd 29 November 2001.
- no. 4 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on a memorandum on the protection of citizens, companies and institutions against large-scale tapping.
- 27925 Combating international terrorism
- no. 72 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on the question whether there have been contacts between the security services of the Netherlands and Great Britain concerning the ‘warning of an attack of a ferryboat’.
- no. 74 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on a memorandum of the AIVD about the phenomenon of recruiting in the Netherlands for the jihad.
- no. 80 Letter from the Minister of Justice to the Chairman of the Second Chamber on a recent analysis of the nature of the Arab-European league in Belgium and its activities.
- 28000 V Adoption of the budget of the income and expenditure of the ministry of Foreign Affairs (V) for the year 2002.
- no. 66 List of questions and replies.
- 28006 Report on the Integration Policy Ethnical Minorities 2001
- no. 7 Letter from the Minister of the Interior and Kingdom Relations also on behalf of the Minister of Major Cities and Integration Policy and the State Secretary of Justice.
- no. 11 Letter from the Ministers of Major Cities and Integration Policy, the Interior and Kingdom Relations and Justice to the chairman of the second Chamber.

- no. 12 Motion by Mr Dittrich c.s.
- 28059 Amendment of the Code of Criminal Procedure and other acts in connection with the adjustment of the powers to demand information about telecommunication (demanding data telecommunication)
- no. 4 Report drawn up dd 14 January 2002.
- no. 5 Memorandum in connection with report.
- no. 6 Memorandum of amendments.
- 28366 Collecting data during prosecution
- no. 1 Letter from the Minister of Justice to the chairman of the Second Chamber.
- 28374 Attack on Mr W.S.P. Fortuijn
- no. 1 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the decision to install the Fact Finding Committee.
- no. 2 Letter from the ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on providing insight into the way in which the protection and security of special persons and objects is arranged.
- no. 3 Motion by Mr Hoogendijk c.s.
- no. 4 Motion by the members Rietkerk and Nicolai.
- no. 5 Report of a General Consultation dd 12 June 2002.
- no. 6 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the first progress report of the Fact Finding Committee on the Protection of Pim Fortuyn.
- no. 7 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the second progress report of the Fact Finding Committee on the Protection of Pim Fortuyn.
- no. 8 Letter of the Minister of Justice to the chairman of the Second Chamber concerning the protocol, concluded between the Fact Finding Committee Protection of Pim Fortuyn and the Council of procurators general.
- no. 9 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the progress of the activities of Fact Finding Committee on the Protection of Pim Fortuyn.

- no. 10 Letter from the Ministers of Justice to the chairman of the Second Chamber on the Arrangement concerning the cognisance by the Fact Finding Committee on the Protection of Pim Fortuyn from the criminal investigation into the assassination of Pim Fortuyn and other relevant criminal proceedings.
- no. 11 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on the alleged tapping of Mr Fortuyn.
- no. 12 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the presentation of the conclusive report of the Fact Finding Committee on the Protection of Pim Fortuyn.
- no. 13 Letter from the Ministers of the Interior and Kingdom Relations and Justice to the chairman of the Second Chamber on the government's position concerning the report of the Fact Finding Committee on the Protection of Pim Fortuyn.
- no. 14 Motion by Mr Herben.
- no. 15 Motion by Mr Verhagen c.s.
- no. 16 Motion by Mr Dittrich c.s.
- no. 17 Adjusted motion by Mr Herben.
  
- 28600 VII Adoption of the budget of the ministry of the Interior and Kingdom Relations (VII) or the year 2003
  
- no. 9 List of questions and replies.
  
- no. 35 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on the security surrounding the elections and the execution of personal protection.
  
- no. 39 Letter from the Minister of the Interior and Kingdom Relations to the chairman of the Second Chamber on replying oral questions on the security of tapping rooms.
  
- no. 41 Ditto  
(previously printed under number 39)
  
- no. 70 Report of a General Consultation dd 31 October 2002.
  
- 28649 Amendment to the Intelligence and Security Services Act 2002 and several other acts.
  
- no. A Advice Council of State and explanatory report.
  
- no. 1 Royal Message.

- no. 2 Bill.
- no. 3 Explanatory Memorandum.
- no. 4 Report of the permanent committee for the Interior and Kingdom Relations dd 16 december 2002.
- 28669 Report of the committee for the Intelligence and Security Services on the activities over 2001 and the first seven months into 2002.
- no. 1 Report adopted 7 November 2002.
- 28731 Nomination for the vacancy of chairman of the supervisory committee on the intelligence and security services.
- no. 1 Letter of the permanent committee for the Interior and Kingdom Relations to the chairman of the Second Chamber on the nomination of three candidates for the vacancy of chairman of the supervisory committee on the intelligence and security services.
- 28754 Assessment of candidate-ministers and state secretaries
- no. 1 Letter of the prime minister, Minister of General Affairs, to the chairman of the Second Chamber.

## Appendix to Proceedings

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**Appendix to Proceedings II 2001-2002, no. 528**

Reply to written questions asked by Van der Hoeven about the integrity of civil servants.

**Appendix to Proceedings II 2001-2002, no. 558**

Reply to written questions asked by Mr Van der Steenhoven about airports.

**Appendix to Proceedings II 2001-2002, no. 588**

Antwoorden op written questions asked by Mr Verhagen about the EU list of terrorist organisations.

**Appendix to Proceedings II 2001-2002, nr.604**

Reply to written questions asked by Mr Rehwinkel and Mr Van Oven about the Islamic organisation Hilafet Devleti.

**Appendix to Proceedings II 2001-2002, no. 859**

Reply to written questions asked by Mr Kant and Mr De Wit about the screening of persons on account of the wedding of crown prince Willem-Alexander and Maxima Zorrequieta.

**Appendix to Proceedings II 2001-2002, no. 892**

Reply to written questions asked by Mr Cornielje and Mr Rijpstra about the incitement to hate in Islamic primary schools.

**Appendix to Proceedings II 2001-2002, nr.893**

Reply to written questions asked by Mr Kant about Islamic schools.

**Appendix to Proceedings II 2001-2002, no. 894**

Reply to written questions asked by Ms Ross-van Dorp and Verburg about teaching material in Islamic primary schools.

**Appendix to Proceedings II 2001-2002, no. 989**

Reply to written questions asked by Mr Van den Doel and Mr Wilders about Al Queda followers in the Dutch army.

**Appendix to Proceedings II 2001-2002, no. 1028**

Reply to written questions asked by Ms Vos and Mr Niederer about malpractices at Schiphol with security passes.

**Appendix to Proceedings II 2001-2002, no. 1342**

Reply to written questions asked by Mr Teeven about the statements made by the chairman of the Fact Finding Committee on the Protection of Pim Fortuyn.

**Appendix to Proceedings II 2001-2002, no. 1352**

Reply to written questions asked by Mr De Wit about whether sound-recordings produced in Dutch tapping rooms can be manipulated.

**Appendix to Proceedings II 2001-2002, no. 1366**

Reply to written questions asked by Albayrak and Van Heemst about statements made by radical imams in mosques.

**Appendix to Proceedings II 2001-2002, no. 1367**

Reply to written questions asked by Mr Mosterd, Ms Schreijer-Pierik and Mr Rietkerk about the investigation into attacks on poultry-farms, slaughterhouses, transporters of livestock and cattle breeders.

**Appendix to Proceedings II 2001-2002, no. 1370**

Reply to written questions asked by Ms Scheltema-de Nie and Mr Lambrechts about the progress of the clearout of BVD archives and the transfer of these archives to the ARA.

**Appendix to Proceedings II 2001-2002, no. 1424**

Reply to written questions asked by Mr Koenders about the death of two Dutch persons in Kashmir.

**Appendix to Proceedings II 2001-2002, no. 1434**

Reply to written questions asked by Mr Mosterd, Mr Rietkerk and Ms Schreijer-Pierik about the investigation of the environmental inspectorate and the AIVD concerning the Environment Offensive at Wageningen.

**Appendix to Proceedings II 2001-2002, no. 1465**

Reply to written questions asked by Mr De Graaf about the antecedents investigation of candidate-members of government.

**Appendix to Proceedings II 2001-2002, no. 1498**

Reply to written questions asked by Mr De Wit about the decision not to install the supervisory committee as referred to in the Intelligence and Security Services Act 2002 (WIV)

**Appendix to Proceedings II 2001-2002, no. 1498 Reprint**

(on account of co-signing).

**Appendix to Proceedings II 2001-2002, no. 1582**

Reply to written questions asked by Mr Mosterd, Ms Schreijer-Pierik and Mr Rietkerk about the investigation into attacks on poultry-farms, slaughterhouses, transporters of livestock and cattle breeders.

**Appendix to Proceedings II 2002-2003, no. 43**

Reply to written questions asked by Mr Van Bommel about attacks on Iranian dissidents in Europe.

**Appendix to Proceedings II 2002-2003, no. 95**

Reply to written questions asked by Mr Cornielje about the threats to Ms Ayaan Hirsi Ali.

**Appendix to Proceedings II 2002-2003, no. 96**

Reply to written questions asked by Ms Halsema about the protection of Ms Hirsi Ali.

**Appendix to Proceedings II 2002-2003, no. 127**

Reply to written questions asked by Mr Mosterd, Mr Rietkerk and Ms Schreijer-Pierik about the violence used by animal liberators.

**Appendix to Proceedings II 2002-2003, no. 143**

Reply to written questions asked by Mr De Wit about bank balances of Philippine oppositional organisations.

**Appendix to Proceedings II 2002-2003, no. 152**

Reply to written questions asked by Mr Wilders and Mr Cornielje about the Al Aqsa foundation.

**Appendix to Proceedings II 2002-2003, no. 153**

Reply to written questions asked by Mr Teeven about the activities of the Al Aqsa foundation in the Netherlands.

**Appendix to Proceedings II 2002-2003, no. 172**

Reply to written questions asked by Mr Lazrak about the threats posed to the academic Ayaan Hirsi Ali.

**Appendix to Proceedings II 2002-2003, no. 249**

Reply to written questions asked by Mr Teeven about the report to the committee Haak c.s.

**Appendix to Proceedings II 2002-2003, no. 363**

Reply to written questions asked by Mr Teeven about a demonstratoion and financial support to Al-Aqsa.

**Appendix to Proceedings II 2002-2003, no. 369**

Reply to written questions asked by Mr Rouvoet and Mr Van der Staaij about Al-Aqsa, Gretta Duissenberg and the prevention of actions by terrorist organisations.

**Appendix to Proceedings II 2002-2003, no. 510**

Reply to written questions asked by Mr Eurlings about an Islamic charity fund, Benevolence International Netherlands, which has possible ties with Al Qaeda.

**Appendix to Proceedings II 2002-2003, no. 520**

Reply to written questions asked by Mr Wilders about financing originating from Saudi Arabia.

**Appendix to Proceedings II 2002-2003, no. 521**

Reply to written questions asked by Mr Wilders about financing originating from Saudi Arabia.

**Appendix to Proceedings II 2002-2003, no. 522**

Reply to written questions asked by Mr Wilders and Mr Cornielje about the Islamic charity fund 'Benevolence International'.

**Appendix to Proceedings II 2002-2003, no. 523**

Reply to written questions asked by Mr Wilders and Mr Cornielje about the financing of terrorism.

**Appendix to Proceedings II 2002-2003, no. 539**

Reply to written questions asked by Mr Rehwinkel about subsidies provided to organisations that have close links with the Turkish political party MHP.



**1 The minister of the Interior and Kingdom Relations**

The Minister of the Interior and Kingdom Relations is responsible for the General Intelligence and Security Service. The Minister determines the areas of attention of the AIVD and is informed by the head of the AIVD on the way in which the AIVD performs its task. Apart from the case-oriented contacts, both oral and in writing, this is performed via monthly policy meetings and quarterly reports that are discussed with the Minister. The Minister participates in the Committee for the Intelligence and Security Services (RIV).

**2 Committee for the Intelligence and Security Services**

The Balkenende Cabinet has decided to set up a formal subcouncil of the council of ministers, the Committee for the Intelligence and Security Services (RIV). This council is the successor of the Ministerial Committee for the Intelligence and Security Services (MICIV). Members of the RIV are the prime minister and the deputy prime minister(s) as well as the Ministers of the Interior and Kingdom Relations, Defence, Foreign Affairs and Justice. In principle, the RIV meets three times a year and further as often as is deemed necessary.

The MICIV met once in 2002, the RIV also met once. In both meetings the phenomenon of terrorism, the specific situation in the Netherlands and the measures related to this were extensively discussed.

**3 The Netherlands Joint Intelligence Committee**

The official entrance to the MICIV was, and for the RIV is, the Netherlands Joint Intelligence Committee (CVIN). The CVIN co-ordinates the activities of the intelligence and security services and promotes co-operation between these services. Since the installation of the RIV the CVIN consists of the co-ordinator of the intelligence and security services (chairman), the director-general Public Order and Security of the Ministry of the Interior and Kingdom Relations, the director-general Political Affairs of the Ministry of Foreign Affairs and the director-general Law Enforcement of the Ministry of Justice as well as the head of the AIVD and the director of the MIVD. In principle, the CVIN meets every month and further as often as the situation calls for. A set point on the agenda is the evaluation of the threat against national security. Within this context, much attention was paid to developments in the area of Islamic terrorism and related issues and possibilities of taking action.

Furthermore, in the course of the year attention was paid to issues related to and ensuing from the implementation of the Wiv in 2002.

**4 The First and Second Chamber**

On 5 February 2002, the First Chamber dealt with the bill on the Intelligence and Security Services Act. The bill was passed without voting.

The permanent committee for the Interior and Kingdom Relations of the Second Chamber on 11 December 2002 discussed, during the general consultation, the annual report of the BVD over 2001 and a report of the committee for the Intelligence and Security Services over the same year and the first seven months into 2002. On 17 December the Second Chamber in full session discussed a memorandum of the AIVD on recruiting in the Netherlands for the jihad. Issues that also

concerned the AIVD also came up during the treatment of the progress reports Counter-terrorism and Security and the final report of the Fact Finding Committee on the Protection of Pim Fortuyn.

An overview of the large number of written questions asked by members of the Second Chamber about the AIVD's activities, has been attached as appendix 1 to this annual report.

## **5 Committee on the Intelligence and Security Services**

In order to be able to discuss the AIVD's operational affairs in strict confidentiality the Second Chamber has set up the Committee on the Intelligence and Security Services. The committee is made up of the chairmen of the four main parliamentary parties.

In 2002 the committee met three times with the Minister of the Interior and Kingdom Relations. At these meetings, officers of the AIVD were present to provide the committee with detailed information if so desired. Discussed were, among other things, the assassination of Mr Fortuyn, Islamic terrorism and the confidential part of the BVD's annual report over 2001. The Minister also provided the committee with written information on ten occasions.

The committee reports annually about its activities. This public report provides insight into the issues dealt with by the committee.

## **6 The supervisory committee on the intelligence and security services**

The Wiv 2002 provides for a supervisory committee on the intelligence and security services. One of the tasks of this committee is to control retroactively whether the services have executed their duties in accordance with the statutory regulations. The supervisory committee also renders advice to the relevant ministers about the handling of complaints about the services. It reports annually on its activities. The committee, which is appointed by the Crown on the recommendation of the Second Chamber, will commence its activities in 2003.