

# Annual Report 2004

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*General intelligence and security service*



## Foreword

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In 2004 the Netherlands was hit by a terrorist attack: the murder of film-director Theo van Gogh. The possibility of an attack had been anticipated for some time, in view of the threat emanating from radical Islamist terrorism. The fact that an attack indeed took place has underlined the vulnerability of our society.

In order to reduce this vulnerability it is necessary to prevent radicalisation among Muslim communities and to identify and frustrate violent activities at an early stage. This is a task for each body responsible for security in this country. The AIVD, as an intelligence and security service, plays a special role in this respect. Its focus on radicalisation and terrorism was given the highest priority in 2004. This annual report gives an overview of the service's efforts in this sphere and in its other areas of work. Operational details have not been included in the report. This information is provided to the parliamentary Committee on the Intelligence and Security Services.

In 2004 the performance of the AIVD was examined by the Administrative Evaluation Committee for the AIVD, which I set up for this purpose. The committee brought out its report in November, on the basis of which a number of improvements will be undertaken relating to, for example, control, information management and the service's co-operation with other government services.

All in all, this means that the AIVD is faced with an extremely important challenge in the coming period: it has to combine the continuation of its important work - especially in the area of terrorism - with the implementation of changes and the realisation of a substantial growth. I wish the service, which will celebrate its sixtieth anniversary this year, every success!

J.W. Remkes  
Minister of the Interior and Kingdom Relations



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# 1 Developments relating to national security

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This chapter describes a number of current developments relating to national security from the perspective of the duties of the General Intelligence and Security Service (AIVD). More details about the service's focus areas will be given in the next chapters.

## 1.1 Introduction

The year 2004 was an eventful year, also from the perspective of the AIVD. The threat from international terrorism increased, and the service's focus on radical Islamist networks in the Netherlands was given the highest priority. The murder of Theo van Gogh on 2 November 2004 shocked the Netherlands, including the AIVD. The suspect of the murder was in contact with a network that plotted attacks on Ms Hirsi Ali and Mr Wilders, Members of Parliament. The persons who hatched these plots were arrested on the basis of AIVD information.

In the course of 2004 the government took new measures to improve its combat of terrorism. Several of these measures had a direct impact on the work of the AIVD; new co-operative structures were set up and new forms of information exchange were introduced.

Politicians and the media continued to pay much attention to the efforts of the AIVD. Several AIVD reports, for example the one about radical Islam, fuelled the public debate. Attention was also paid to the way in which the AIVD performed its duties. In late 2003 in Parliament the question was raised whether the service was adequately equipped for its tasks. The Minister of the Interior and Kingdom Relations subsequently set up the Administrative Evaluation Committee for the AIVD, which brought out a report of its findings in November 2004.

## 1.2 Threat situation

The attacks in Madrid on 11 March clearly demonstrated that the threat emanating from Islamist terrorism was also aimed against Europe. The murder of Van Gogh proved that this applied to the Netherlands as well. The arrest of members of the so-called Hofstad network in The Hague, Amsterdam and Amersfoort removed an immediate threat, but there are more radical Islamic networks active in the Netherlands. The AIVD will continue to monitor these networks.

Last year's developments have shown that the ideology and attacks of the international Al-Qaeda network have become an important source of inspiration for regional and local networks of radical Muslims. Charismatic persons who gained respect by, for example, their jihad experience in Afghanistan or Bosnia, often form a link between Al-Qaeda's international level and the operatives with their regional or local supporters.

The targets for attacks may differ widely. The attacks in Madrid exposed the vulnerability of crowded places that are difficult to protect, the so-called soft targets. Such attacks require specific preparations, like attacks on government buildings etc., for which indications were found in the Netherlands in summer 2004. We now know that a terrorist attack may also be targeted at one individual. Such an attack can be prepared and committed relatively easily, which makes detection at a preparatory stage more difficult.

The AIVD drew again attention to the radicalisation of mainly young Muslims in 2004. Throughout Europe, including the Netherlands, we are confronted with the phenomenon that some young Muslims do not identify themselves with the Western society and feel attracted to radical forms of Islam. Radicalisation in some cases leads to receptiveness to recruitment for the jihad. Prevention of radicalisation requires a broad approach, in which social organisations, the central government, local authorities and also the Muslim community itself play an important role. In December the AIVD brought out the paper 'From Dawa to Jihad', in which both radicalisation itself and the options for preventing this phenomenon were described.

In addition to focusing on terrorism, the AIVD also continued to concentrate attention on other possible threats to national security represented by, for example, various forms of political extremism, foreign interference and proliferation of weapons of mass destruction. These efforts were limited, however, since priority had to be given to terrorism and radicalisation.

### **1.3 Measures against terrorism**

As a follow-up to the Action Plan for Counter-terrorism that was initiated in 2001, the government again took certain measures in order to improve the combat of terrorism. In some cases these measures triggered debate, because they involve a tension between the protection of constitutional freedoms and enhancement of security. The Minister of the Interior and Kingdom Relations gave a full explanation of the Cabinet's considerations concerning this dilemma in the Second Chamber (Dutch Lower House of Parliament), referring to the memorandum from the Minister of Administrative Reform and Kingdom Relations on constitutional rights in a multiform society.

The measures include the penalising of recruitment of persons for the jihad. In addition, a legislative proposal by the Minister of Justice to allow the use of AIVD information as evidence in criminal proceedings is now being examined in Parliament. The measures add significance to AIVD information in relation to the tracing and prosecution of persons involved in terrorism. There was a sharp rise in the number of official reports presented by the AIVD to the Public Prosecutions Department in 2004.

However, the AIVD's efforts are still primarily aimed at gaining insight into current threats for early warning purposes, even if no offence has been committed yet. After all, obtaining information about the preparation of terrorist activities is a crucial part of counter-terrorism, because it enables the timely frustration of these activities.

It was this idea on which the government's decision of April 2004 was based to intensify the monitoring of persons who can in any way be associated with terrorist activities or support to such activities. This has led to a new collaborative structure between the AIVD, the National Police Agency, the Immigration and Naturalisation Service, the Public Prosecutions Department and later also the Defence Intelligence and Security Service. Within this structure, which is referred to as CT (counter-terrorism) Infobox, the information about relevant persons gathered by the various participants is collated as a basis for discussing a possible follow-up.

In September the government announced a new organisational structure for its anti-terrorism policy. A National Counter-terrorism Co-ordinator (Dutch abbreviation NCTb) was appointed, who was to play a co-ordinating role under the responsibility of the Minister of the Interior and Kingdom Relations and the Minister of Justice. The NCTb started his activities on 1 January 2005. The AIVD provides the NCTb with information on both the general threat situation and specific security risks posed to persons, property and services.

Early in 2005 the Minister of Justice and the Minister of the Interior and Kingdom Relations again announced some new, mainly administrative, measures to constrain the activities of persons associated with terrorism.

During the Dutch presidency of the European Union in the second half of 2004, the Netherlands initiated a number of arrangements to improve the European co-operation between intelligence and security services. One of these initiatives was the reinforcement of the Situation Centre, the European co-operative structure within which representatives of European intelligence and security services assemble information and analyses from the services.

#### **1.4 The performance of the AIVD**

In the past year the Administrative Evaluation Committee for the AIVD examined the way in which the AIVD performed its duties. The findings were made public by the end of 2004. The committee made five recommendations. On the basis of these recommendations, the Minister of the Interior and Kingdom Relations took certain measures to strengthen the service's position, to improve its control and to expand its staff substantially. The committee's principal recommendations that were adopted by the Minister and the government are the following:

- 1 the AIVD should continue to perform its current statutory duties;
- 2 the AIVD does not need any new powers other than those arising from earlier announced amendments to the law, including a detailed provision for the power of interference;
- 3 the AIVD should improve its quality, intensify its co-operation, considerably review its information management and realise a growth in staff;
- 4 the AIVD should improve its general communication to citizens, as well as the timely and adequate provision of information to various government bodies in order to enable these bodies to take adequate measures;
- 5 the complex embedding of the AIVD in the Dutch administrative system prompts a simplified form of control by the Minister of the Interior and Kingdom Relations;
- 6 supervision of the AIVD should be deepened.

A development plan has been drawn up, on the basis of which certain changes will be implemented. Special attention will be paid to the enhancement of the AIVD's quality, involving a special focus on reinforcing the service's investigating, interpreting and mobilising capacity. Its investigating capacity will be strengthened by optimising the use of special intelligence instruments and the development of new, particularly technical, instruments. Its interpreting capacity is enhanced by making the available information more accessible to all areas of work. Reinforcement of its mobilising capacity means that the external provision of information by the AIVD should indeed lead to useful action perspectives for partners and interested parties. The growth of the AIVD's staff will also require extra attention. The service's vulnerability with respect to the selection, introduction and training of new employees was recently demonstrated by the fact that a newly employed officer leaked state secrets to persons monitored by the AIVD.

Certain misunderstandings about the AIVD's provision of information to mayors led to the setting up of a working group representing the various parties involved in spring 2005. This working group will give advice on improving the communication between the AIVD and the mayors.



## 2 Terrorism

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This chapter gives information about the AIVD's focus on terrorism. In addition to Islamist terrorism, a section is devoted to foreign terrorist groups with branches in the Netherlands. Also described are developments relevant to NBCR terrorism, financial investigation and the link between migration and terrorism.

### 2.1 Islamist terrorism

In December 2002 the AIVD expressed its fears that the threat from Islamist terrorism would increasingly manifest itself in and from the West in the near future. In its paper 'Recruitment for the jihad' the service concluded that there were indications that radical Muslims raised in the West were beginning to see Europe as a front line for the jihad and that they might soon proceed to the commission of local terrorist attacks.<sup>1</sup> Two violent incidents in 2004 unfortunately confirmed this assessment: the attacks in Madrid on 11 March and the murder of Theo van Gogh on 2 November.

Islamist terrorism is not a new phenomenon in Europe. In the 1990s Algerian terrorists already committed several attacks in France, and even the 11 September 2001 attacks were largely prepared on European territory. In other words, Islamist terrorism already posed a real threat to Western societies. What is new, however, is the fact that Islamist terrorism can no longer be regarded as an exclusively external threat, but rather as a threat rooted in and aimed against the Western society itself. The use of violence targeted at one individual also seems to have given the nature of this threat a new dimension. In the following sections you will find more details about a number of national and international aspects involved in these new developments relating to the Islamist terrorist threat.

#### 2.1.1 International developments

In Madrid on 11 March 2004, on the eve of national elections, bombs exploded on three commuter trains. The bombs killed almost two hundred people and injured hundreds. The terrorist cell that committed the attack gave as an important motive the Spanish participation in the Iraq war. The conflict in Iraq has a strong symbolic value for Islamist terrorists. They see this war as part of the West's global fight against Islam and hence perceive their global jihad against the 'enemies of Islam' as a religious duty which fully justifies an attack like the one in Madrid.

Radical Muslims from several countries in Europe have travelled to Iraq in order to take up arms against the American troops and their allies there. We are not exactly certain about the scale on which this is taking place. So far we have seen only a handful of individuals leave from the Netherlands. However, the conflict in Iraq plays a major role in the minds of young radical Muslims. It may thus pose a threat to this country from two angles. Firstly, it fuels feelings of hatred towards the West among radical and radicalising Muslims in the Netherlands. Secondly, it is possible that, as the conflict continues and more radicalised Muslims join the jihad in Iraq, they will eventually return as trained and experienced fighters, as was the case in the 1990s when jihad veterans returned from Afghanistan. In view of their expertise and experience in guerrilla strategies and the commission of attacks, these veterans will represent an increased threat to the European society. It is also possible that they will become active recruiters of new jihadists in Europe.

The attacks in Madrid confirmed the emergence of more autonomous, mainly locally active jihadist networks and cells. The group that committed the attacks in Madrid is an example of such a local cell, inspired by the ideology of the violent jihad, but not directly linked to a global terrorist network affiliated to Al-Qaeda. The emergence of these local cells, some of which interact with members of international veterans networks, has complicated the anticipated threat for the near future, especially since such locally operating cells can easily blend in with the society in which they live, which makes it more difficult to identify them. An additional phenomenon is the fact that the financing of these cells is largely a local matter, while particularly criminal activities may be a source of income. This interaction between crime and terrorism also increases the complexity and the scale of the terrorist threat. The result of these developments is that, despite successful counter-measures taken by intelligence and security services and law enforcement agencies, the power and resistance of jihadist cells has remained substantial.

It would be bad policy, however, if bodies involved in counter-terrorism exclusively focused their efforts on these local, more or less autonomous, cells. Trans-national networks of jihadists still constitute a real threat. In 2004 the AIVD investigated a number of internationally operating cells that were also active on Dutch territory. These investigations revealed a wide range of international contacts and frequent trans-national travel movements. Any direct control of these cells by a higher level has not been established so far, but there are certain indications that there really is such a hierarchical type of control. It is quite likely, however, that since the arrest and elimination of several Al-Qaeda leaders, the international networks and local cells are operating more autonomously than before. In the long term a new level of leaders and planners might emerge to fill the present vacuum. As yet, however, it seems that cells and networks are working more autonomously and that they are no longer dependent on a higher hierarchical level for the planning and approval of certain attacks.

Trans-national contacts between Islamists terrorists are spreading over large parts of Europe. Internationally operating Islamist terrorist networks have also proved to be increasingly interested in countries in Central Europe. In addition, the developments in Bosnia Herzegovina and Kosovo are reason for concern. Because of the weak government structures, the high corruption level and the limited financial means to combat terrorism effectively, these countries are an ideal base of operation for Islamist terrorists.

### **2.1.2 The Netherlands and Islamist terrorism**

Local Islamist terrorist cells also pose a threat to the Netherlands. Mohammed B., the suspected assassin of Van Gogh, operated on the periphery of such a cell, the so-called Hofstad group. Several members of this group were arrested on the basis of official AIVD reports. From the documents found at the suspect's home it appeared that he harboured extremely radical ideas and that, in addition to a deep hatred of the Western society, he had visions of extreme violence and martyrdom. The aforementioned group sees itself as the vanguard of the Islamic community and as such as the enemy of the West in general and the Netherlands in particular. Within the context of this perceived war, they see certain politicians and opinion-leaders as legitimate targets against whom the use of violence is fully justified. The local character of the Hofstad group is underlined by the lack of specific indications for international control. It is true that in October 2003 the AIVD saw contacts between the Hofstad group and a Moroccan jihad veteran who was allegedly involved in the Casablanca attacks, but since his arrest no such contacts have been established. Even the role of the group's Syrian spiritual leader is no indication of external control. Although this Syrian played

an important role in the ideological and religious development of the Hofstad group, he was not the only driving force behind their radicalisation. The Internet also played a very important role in this process. Many of the ideas expressed in Mohammed B.'s letters have circulated in news groups and chat rooms for quite some time or can be found on international web sites with texts about 'true' Islam. The Internet did not only inspire the Hofstad group ideologically, but the group also used this medium to contact young Muslims who were receptive to their ideas.

The use of individual violence against one person has added a new dimension to Islamist terrorist violence. In the past, this was a type of violence with which mainly countries like Algeria, Egypt and Iraq were confronted. The murder of Van Gogh also showed how far a young radical Muslim in the Netherlands might go in defence of his religious convictions, and how serious the danger is that is emanating from radical ideologists from the Middle East who try to win these young Muslims over to their sectarian and violent Islamist ideas, either personally or through the Internet. In addition, the vehement reaction in our society triggered by the murder has exposed certain tensions and a lack of understanding between Muslims and non-Islamic Dutch citizens. Arson attacks on churches, mosques and schools are expressions of hatred and intolerance which were almost unimaginable in the Dutch society until recently. We can draw a distinct line, however, between radical movements operating within both ethnic minorities and native Dutch groups, and the moderate forces in both communities that should counterbalance them.

The Madrid attacks have led to a shift of emphasis in Dutch counter-terrorism policy. We were already aware of the fact that Islamist terrorists had shifted their focus mainly to so-called soft targets, i.e. sites and buildings which - in view of their nature, situation or function - are easily accessible and therefore difficult to protect, and which can hence easily be hit, causing a large number of casualties. So in the prevention of terrorist attacks we put much emphasis on the protection of certain prominent places and property.

On 9 July it was decided to tighten the security of a number of buildings and sites, on the basis of information provided by the AIVD about alleged reconnaissance for terrorist attacks. The phenomenon of 'terrorist reconnaissance' attracted international attention by the arrest of the Pakistani computer expert Naeem Noor Khan. Big amounts of information resulting from detailed reconnaissance of several buildings in the United States and the United Kingdom were found in his computer. This information showed that Islamist terrorists take much time to map the potential targets for attacks and to familiarise themselves with the security procedures for these sites. At several places in the Netherlands persons were arrested this summer - whether or not on the basis of AIVD information - because they were suspected of reconnoitring certain buildings or sites. Several times the AIVD itself also proved to be a potential target of an attack. The arrest of the young radical Muslim Samir A. for involvement in a supermarket robbery in June led to the discovery of plans for several attacks, including one on the AIVD office. On the basis of AIVD information, Samir A. was already arrested by the police in connection with preparations for a terrorist action in October 2003, but he was released for lack of evidence. The AIVD considers this radical Muslim as one of the core members of the Hofstad group.

As early as in 2001 the AIVD decided, as part of its investigations into terrorist networks, to focus specifically on the monitoring of a number of persons associated with terrorism. After the Madrid attacks it was decided to widen the co-operation on this subject and to create a structure for collating information about these persons held by all participating services (see chapter 10 Co-operation).

### 2.1.3 European focus on recruitment

Within the context of the Dutch presidency of the European Union and as part of the activities of the Counter Terrorism Group (CTG), the counter-terrorism forum of European intelligence and security services, the AIVD initiated an investigative study of recruitment for the jihad. This study was focused on places where recruiters spot potential followers in order to prepare them for participation in the jihad, Islamist terrorism and martyrdom. Although spotting can take place at various places, we confined our focus to recruitment in and around mosques, prisons, educational institutions and on the Internet. The study was set up as a first Europe-wide exploratory analysis, which will be continued under the Luxembourg and British presidency in 2005. Practically all European security services contributed to these efforts. The analytical conclusions resulting from the study included the following:

- with respect to recruiters: 'Traditional' recruitment for the jihad by a recruiter is still frequently taking place. Recruiters are often jihad veterans with some knowledge of Islam. The phenomenon of 'autonomous' recruitment (through self-initiated radicalisation) seems also to be winning ground. In this case young Muslims evolve into very radical persons without the mediation of a 'real' recruiter and subsequently try to travel to jihad areas or commit attacks on their own initiative. Radical web sites and news coverage of fights and atrocities in, for example, Chechnya, the Palestinian territories and Iraq play a major role in this process. In many cases, however, 'autonomous' recruits nevertheless eventually get in contact with professional mentors. Peer pressure may also play a role in recruitment: young radicals win other youngsters over;
- with respect to recruits: In Europe the persons who seem to be most receptive to recruitment are young male Muslims who have not fully integrated into the western society. They are often second or third generation immigrants who feel discriminated in the western society where they were born and bred. At the same time, however, they no longer have a natural affinity with the traditional world of their parents. Jihadist ideas hardly seem to appeal to Islamic population groups that have lived in the west for decades or even centuries. Among the recruits are also small, but significant numbers of converts. Female recruits are still rare. However, very radical Islamic women are remarkably active on the Internet;
- with respect to recruitment locations: Recruiters operate everywhere where they expect to find potential recruits. In Europe mosques are still on top of the list of hot spots for recruitment.

In countries where vigilance has been stepped up we see that recruiters very soon leave the mosque to go to more secluded places with new recruits. Radicalisation and recruitment in prisons is mainly a problem in some penitentiaries in southwest Europe at the moment. Usually the recruiter continues his recruitment activities after his release. Within the context of Islamist recruitment, the Internet is a third and increasingly important location. Islamist web sites have a stimulating effect on radicalising young Muslims. They can play an important role in self-initiated radicalisation processes. Chat rooms also seem to provide good opportunities for recruiters to spot new recruits and vice versa. After their initial virtual contact with recruiters, Internet recruits often meet a recruiter in person at a later point in time.

## **2.2 Other terrorist groups**

In addition to its focus on Islamist terrorist networks, the AIVD also pays attention to (possible) activities of other terrorist groups in the Netherlands. These include the Turkish parties DHKP/C and MLKP-FESK, the Kurdish Kongra-Gel, the Lebanese Hezbollah, the ETA, the IRA and the Communist Party of the Philippines.

### **2.2.1 DHKP/C and MLKP-FESK**

As was the case in 2003, also in 2004 some dozens of sympathisers of the violent left-wing group DHKP/C were active in the Netherlands. Their activities in the Netherlands have remained peaceful. They were mainly focused on the situation of hunger strikers and prisoners in Turkish penitentiaries. Cultural events attracting many DHKP/C sympathisers had a peaceful character, like a manifestation in 's-Hertogenbosch on 22 May.

As part of a co-ordinated police operation in a number of European countries in April 2004, the Dutch police raided several premises that were associated with the DHKP/C. Five premises in the Netherlands were searched, and a substantial amount of material was seized.

The DHKP/C attracted public attention by a bomb attack in Istanbul on 24 June 2004, prior to the NATO summit in Istanbul. Because the bomb exploded prematurely, the organisation apologised to the victims.

The DHKP/C was not the only extreme left-wing organisation, however, that committed attacks prior to and during the NATO summit in Istanbul. The Armed Forces of the Poor and Oppressed, the armed wing of the Turkish Marxist-Leninist Communist Party (MLKP-FESK) claimed responsibility for an attack on the hotel in Ankara where President Bush of the USA was supposed to stay. A small number of sympathisers of this MLKP is active in the Netherlands, but they follow a peaceful course. On some occasions these sympathisers participate in broader left-wing manifestations. The name of MLKP occasionally surfaces in pamphlets.

### **2.2.2 KONGRA-GEL**

The European list of persons, groups and entities whose financial assets are frozen within the context of counter-terrorism was extended by the inclusion of, among other groups, KADEK and Kongra-Gel. These groups are regarded as continuations (aliases) of the PKK, which was included on the EU list earlier. Inclusion on the list does not mean that the organisations in question are proscribed, but it implies that their financial assets are frozen and that financial support to these organisations is punishable. Because of its inclusion on the EU list, Kongra-Gel has here been described under the chapter Terrorism.

In November 2003 the Kurdish Freedom and Democracy Congress (KADEK) dissolved to be replaced by the People's Congress of Kurdistan (Kongra--Gel). In summer 2004 a rift emerged within this new organisation as a consequence of differences of opinion among the leaders of the organisation. Partly as a consequence of the reforms that were implemented after the dissolution of KADEK and because of the disagreement about the course to be followed, a struggle for power is still going on within the top of the organisation. This continuing lack of clarity is one of the reasons that the North Iraq-based headquarters of the organisation increasingly fail to mobilise supporters in Europe.

Within the leadership a majority decided to follow a hard line. They wished to continue under the well-known name of PKK, and on 1 June they announced to end the unilateral cease-fire. The announcement came after a month that was described as 'one of the bloodiest in years' for southeast Turkey. This group of hardliners also threatened to commit attacks on tourist and economic targets in Turkey. In a statement spread by the pro-Kurdish press agency Mezopotamya, foreign tourists and businessmen were warned that Turkey would 'again be a high-risk country'.

The minority attracted public attention when on 9 August Osman Öcalan, brother of the imprisoned PKK leader Abdullah Öcalan, announced the foundation of the Patriotic Democratic Party (Partiya Welatparez é Demokratik). This new party, the PWD, claims to believe in democracy and patriotism, to support the American intervention in the Middle East and to pursue autonomy for the Kurds within the present Turkish borders. This is in line with the policy of Kongra-Gel and KADEK, who also wanted to preserve the present borders in the Middle East and dropped the demand for an independent Kurdistan. After the rift in the leadership, both factions tried to win supporters among the Kurdish communities outside Turkey. The PWD initiative seems to have had little success in Europe so far. The emergence of these factions and their attempts to win over the rank and file of the party has made the chaos within Kongra-Gel complete.

On 7 May 2004 the Supreme Council decided that the former prominent PKK/KADEK member Nuriye Kesbir could be extradited to Turkey. On 7 September the Minister of Justice announced to follow the Supreme Council's advice, after the Turkish authorities had given guarantees about Kesbir's treatment. Subsequently, Kesbir's lawyer instituted summary proceedings against the extradition. In November the court decided that Kesbir could not yet be extradited, because the Turkish guarantees were not firm enough. In an appeal to that decision the Court of Appeal in The Hague decided on 20 January 2005 that Kesbir could not be extradited to Turkey. The demonstrations against Kesbir's extradition illustrated Kongra-Gel's declining capability to mobilise supporters. Practically half of the participants in the demonstration against her extradition, held in The Hague on 22 May, were sympathisers from Germany. The demonstration on 30 October, also against Kesbir's extradition, showed a similar picture.

In April 2004 the AIVD submitted two official reports to the Public Prosecutions Department about political-ideological training camps organised by Kongra-Gel at two locations in the Netherlands. At Liempde the organisation had a camp for young people who intended to join the organisation. They were instructed in the backgrounds, history, ideology and culture of the Kurdish movement and the political writings by PKK leader Abdullah Öcalan. At Zevenaar a cadre course was organised for high-ranking leaders in western Europe. On the basis of the two official AIVD reports, the Aliens Police inspected the two farmyard campsites in question. The official reports were based on evidence to suggest that at these sites there were persons who had no valid residence documents or who were using false and/or forged identity documents. In November 2004 the national criminal investigation department raided several premises, including the training camp at Liempde. These raids were based on separate police investigations which were not in connection with the aforementioned official AIVD reports about the training camps.

In Istanbul in August attacks were committed on two tourist hotels. The attacks were claimed by an unknown group calling itself the 'Kurdish Freedom Falcons'. The name called up associations with a group of radical young Kurds who committed attacks against Turkish targets under a similar name in the 1990s. An involvement of Kongra-Gel could not be

established, however. In a press release spread through the Mezopotamya press agency the Freedom Falcons recommended tourists and businessmen to stay away from Turkey now that they (the Freedom Falcons) had taken up the initiative for the Kurdish struggle. In their statement they not only claimed responsibility for the hotel attacks, but also for earlier attacks on Turkish targets. In August the Turkish media reported the emergence of a Kurdish group calling itself '15 August Initiative', referring to 15 August 1984, the date on which the first Kurdish attack on a Turkish target was committed. It has not been established whether this group really exists, committed attacks or can be associated with Kongra-Gel.

### **2.2.3 Lebanese Hezbollah**

Investigations have shown that Hezbollah's terrorist wing, the Hezbollah External Security Organisation, has been directly and indirectly involved in terrorist acts. It can also be concluded that Hezbollah's political and terrorist wings are controlled by one co-ordinating council. This means that there is indeed a link between these parts of the organisation. The Netherlands has changed its policy and no longer makes a distinction between the political and terrorist Hezbollah branches. The Netherlands informed the relevant EU bodies of its findings.

### **2.2.4 ETA**

In Spain the separatist movement Euskadi ta Askatasuna (ETA) pursues autonomy for the Basque country. ETA mainly aims its acts of violence at Spanish dignitaries, but also at the tourist industry. In recent years ETA has confined its activities to Spain, although early in 2004 the organisation sent a number of letters to several organisations outside Spain, including travel agencies in the Netherlands, in which it threatened to commit attacks against the Spanish tourist industry.

Several raids by the police in France and Spain in 2004 have led to the arrest of prominent ETA members, including ETA's political leader Mikel Albizu Iriarte, also known as Anbotu, and to the dismantling of substantial ETA arms caches. The discovered caches included explosives, missiles and launching systems. Despite these raids, ETA succeeded in committing several bomb attacks in Spain in 2004, thus demonstrating that it still has the capability to strike. Alexander Acarrequi Casas, an ETA suspect imprisoned in the Netherlands in 2003, was extradited to Spain early in 2004.

### **2.2.5 IRA**

The Northern Irish conflict between republicans who wish to join the Republic of Ireland and loyalists who wish to remain part of the United Kingdom is not over yet. Several negotiations have so far failed to lead to autonomy in Northern Ireland. Among the main obstacles in the peace process are still the conditions for the disarmament of the republican Provisional IRA (PIRA). However, a truce has been in force since 1997, to which the principal loyalist terrorist groups have committed themselves.

The most serious potential threat of violence emanates from a PIRA splinter, the Real IRA (RIRA). The RIRA never endorsed the truce of 1998 (the Good Friday Agreement). So far the RIRA has been responsible for acts of violence across the United Kingdom, mainly plotted in Ireland. It is the task of the AIVD to identify any activities of this group on Dutch territory.

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

The Netherlands-based leader of the Communist Party of the Philippines (CPP) and its armed wing, the NPA, participated, jointly with several sympathisers, in negotiations with the Philippine authorities that were organised by Norway in 2004. Partly on the basis of an official report of our service (then BVD) he was refused a refugee status and a residence permit.

In early 2004 the two negotiating parties signed a declaration of intent that should clear the way for formal peace negotiations. The main obstacle is the party leader's demand to be removed from the EU list of terrorist persons and organisations, on the basis of which his financial assets have been frozen. In the opinion of the Dutch government, he can only be removed from the list if the NPA/CPP explicitly abandons the use of violence as a means to reach its goals. Since the signing of the declaration of intent the NPA has again committed several attacks in the Philippines, in which military and police officers were killed.

By a combination of military and political pressure the Philippine government tries to force the CPP leader and his associates to the negotiations table. According to the Philippine Ministry of Justice, the judicial inquiry into the assassination of former congress member Rodolfo Aguinaldo and his bodyguard on 12 June 2001 produced conclusive evidence that the murders were committed by the NPA on the instructions of the CPP's Central Committee. The party leader was summoned to appear in court several times in 2004, but he failed to answer these summons. As he cannot be extradited to the Philippines and in view of the fact that he lives outside the jurisdiction of the Philippine government, the case has now reached a deadlock. In January 2005 a high-ranking delegation headed by the Philippine Minister of Foreign Affairs visited the Netherlands in order to discuss the case.

### **2.3 NBCR terrorism**

In 2004 the AIVD drew specific attention to bio security (the adequate protection of pathogenic agents) and informing the public about NBCR terrorism, with the intention to prevent panic among the population. The barrier against potential procurement of pathogens is rather low as a consequence of limited legal regulations for the storage, transport and trading of these substances. The AIVD tries to make relevant companies and institutions more aware of the risks involved in procurement. The Ministry of the Interior and Kingdom Relations has been tasked with the co-ordination of these awareness-raising protective measures. Jointly with the National Information Centre a plan will be developed for the provision of public information about NBCR terrorism.

As a follow-up to the threat assessments on NBCR terrorism, the AIVD brought out a report about Protection of the Central Government against NBCR attacks. In the report a number of conceivable threat scenarios involving an NBCR attack against the Central Government were described, in addition to possible security measures to enhance the defences against such an attack.

During the Dutch EU presidency the AIVD focused on improving the international co-operation and information exchange between intelligence and security services and other organisations involved, such as emergency services. Within this context the AIVD contributed to an international seminar on NBCR terrorism that was organised by the Ministry of the Interior and Kingdom Relations on 7 and 8 July 2004. This seminar on the subject of 'Co-operation between services on the civil defence against possible attacks at the civil population with NBCR agents' was specifically focused on co-operation.

## **2.4 Financial investigation**

The AIVD recognises the importance of financial investigation both in financially incapacitating terrorist groups and networks and in exposing those who secretly support terrorism. The AIVD will continue and expand its financial investigations into several forms of financing terrorism and propagation of extremist ideas.

The AIVD's efforts relating to the UN and EU freeze lists are focused on the identification of asset holders mentioned in these freeze lists. Financial institutions to that end give the AIVD the names of asset holders registered in their records. In 2004 a large number of names of persons and organisations were reported to the AIVD by financial institutions. None of them proved to be identical to persons or organisations on the freeze list. On the basis of these reports, the AIVD submitted 31 official reports to the Ministry of Finance.

Inclusion of persons and organisations on the freeze lists might give terrorist groups and networks reason to continue under a different name or to use alternative methods for moving money. The AIVD closely follows such developments.

## **2.5 Migration and terrorism**

In the past year it has become evident that also Europe can be a logistical base of operation and a target for Islamist terrorist attacks. For this reason it is essential to have a good insight into the inflow, transit and outflow of persons who constitute a risk to national security, such as members of terrorist networks.

The AIVD therefore focuses on travel movements of persons who play a specific role within terrorist networks, such as veterans (persons who fought in Afghanistan, Bosnia, Iraq or Chechnya), facilitators (persons who provide documents, trips and accommodation) and recruits (persons leaving from the Netherlands or other European countries to jihad areas in other parts of the world). This provides insight into the way in which certain persons enter the Netherlands - as network members or otherwise - and move to other countries.

This information is not only used for internal operations, but also for identifying risk indicators to help organisations in the asylum and aliens sector, such as the Immigration and Naturalisation Service, the Ministry of Foreign Affairs, the Royal Military Constabulary and the Aliens Police. These indicators should help these organisations to identify persons who might pose a threat to national security and who are travelling to or via the Netherlands. In close co-operation with the aforementioned bodies, the risk indicators will be geared to their specific tasks. Each of these organisations (in the Netherlands collectively referred to as the 'aliens chain') has its own specific type of information, so the risk indicators developed by the AIVD should be tailored to that type of information. Intensive co-operation with these organisations is therefore of crucial importance.

The report 'Aliens Policy and Counter-terrorism' presented to Parliament by the Advisory Committee on Aliens Affairs in May 2003 gave an impulse to the co-operation between the AIVD and the 'aliens chain'. In its report the Committee recommended to considerably step up the AIVD's involvement in the admission of aliens to the Netherlands. In 2004 this co-operation was indeed much improved. The AIVD concluded co-operation agreements with all relevant organisations in order to give them more specific information about signs that might indicate terrorism. All organisations are readily prepared to contribute to the combat of terrorism.

The AIVD intends to further intensify and structure this co-operation in 2005. The information provided by the AIVD should enable the co-operation partners to enhance their role in counter-terrorism (so-called intelligence-controlled action and supervision).

## 3 Radicalisation tendencies

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This chapter concerns itself with the radicalisation of Muslims in the Netherlands in general and with the developments within various ethnic minority groups.

### 3.1 Focus on radicalisation

The AIVD drew public attention to radicalisation processes among parts of the Muslim communities in the Netherlands. This radicalisation is encouraged by the preaching (dawa) of a strictly puritan interpretation of Islam, usually with a strongly anti-Western slant. This creed, which in most cases is based on a radical interpretation of the Saudi version of Salafism or Wahhabism, is mainly preached by a number of often Saudi-based Islamic missionary organisations. They focus on the dissemination of relevant literature and audio-visual material, the organisation of training sessions and on financial support to imams and mosques spreading the message of 'pure Islam'<sup>2</sup>. The government of Saudi Arabia has dissociated itself from this radicalisation.

In addition to these institutionalised missionary organisations, more informal networks of individual preachers also play a role in the radical Islamic dawa. Some of these itinerant preachers, who mainly focus their efforts on young people, have ties with mullahs in various Islamic countries. Another major factor is the 'virtual' dawa via the Internet. The web sites of radical mullahs mainly attract young people. These web sites increasingly add to the radicalisation of parts of the Muslim communities in the Netherlands. But virtual dawa not only takes place through web sites, but also increasingly via 'chat rooms'. This is a new trend, implying that radical Islamic dawa is increasingly taking place via an intensive exchange of Islamic ideas on the electronic highway instead of personal indoctrination by preachers. The participants in chat sessions thus increasingly 'infect' themselves with the radical Islamic ideology.

Radical Islam is a multiform phenomenon constituting a variety of threats. The AIVD paper 'From Dawa to Jihad' seeks to contribute to the development of differentiated counter-strategies against the various threats.<sup>3</sup> The paper was sent to various bodies, among whom all mayors in the Netherlands. The municipal authorities of Amsterdam and Rotterdam have now developed plans to prevent radicalisation.

#### 3.1.1 Radicalisation and terrorism

It is difficult to pinpoint and to quantify causal connections between Salafi missionary activities and terrorism. It is a fact, however, that the preachers often emphasise the moral decadence of the Western (including the Dutch) society, as well as the undesirability of the integration of Muslims into such a society. The preachers also continuously suggest that Islam is being oppressed, threatened and attacked in the West and that Muslims should defend themselves against this. The preaching thus contributes to the intensification of confrontational sentiments and violent (jihadist) tendencies among parts of the Muslim minorities in the Netherlands.

#### 3.1.2 Salafi mosques in the Netherlands

As has been described in the aforementioned paper 'Saudi influences in the Netherlands', in the Netherlands there is a small number of mosques and foundations with a Salafi character,

where radical, strongly anti-integrative ideas have been preached for years. This takes place in sermons by imams, but also during (often private) training sessions and conferences, or by disseminating relevant literature and audio-visual material. This strongly anti-integrative and anti-Western ideas have proved to contribute substantially to the radicalisation of some young Muslims, who have eventually become receptive to recruitment practices.

Recently imams and board members of Salafi mosques seem to have moderated their attitude. They now take care that the worshippers of the mosques are not openly incited to participation in the armed jihad. However, this change seems mainly to be caused by external pressure (from e.g. media, politicians, local authorities and moderate Muslim organisations). It does not yet have the character of an irreversible and completed process. If the external pressure is removed, a reversion to the radical attitude is very well possible. The more moderate attitude of imams has prompted radical Muslims and recruiters to move their working area to more secluded, private places, out of the Salafi mosque's view and without their knowledge. The radicalisation process initiated at these places can still be regarded as very serious.

### **3.1.3 Education**

In recent years educational institutions were confronted with several incidents relating to confrontations between Western standards and values on the one hand and an ultra-orthodox or extremist interpretation of Islam on the other. The AIVD estimates that most of these incidents were isolated cases. So far we have not established any central control from radical Muslim circles aimed at spreading an ultra-orthodox form of Islam within or via the Dutch educational system. The above-mentioned incidents should therefore rather be seen as attempts by individuals (or groups of individuals) to claim disproportional scope for the practicing of their religion in a major part of their private lives (at school). Nevertheless, these incidents are part of a broader development in all aspects of society. It is therefore expected that if the Dutch society fails to find a satisfactory solution to the problems within particularly groups of young Muslims, we will continue to be confronted with such incidents.

### **3.1.4 Al-Haramain**

On the recommendation of the United States and Saudi Arabia, the United Nations Sanctions Committee included a number of branches of the Saudi missionary organisation al-Haramain on the sanctions list in June 2004. The organisations on this list are associated with (financial) support to Al-Qaeda. Because the chairman of al-Haramain, sheikh Aqeel al-Aqeel, sat on the board of the Dutch al-Haramain branch, al-Haramain Humanitarian Aid in Amsterdam, this foundation was also included on the sanctions list. Subsequently, the organisation's assets were frozen.

The AIVD has no specific evidence to suggest that the Dutch al-Haramain branch was involved in support to Al-Qaeda. The foundation merely existed on paper for quite some time. The AIVD provided the Public Prosecutions Department with an official report about the al-Haramain Humanitarian Aid foundation to support its civil proceedings for dissolving this foundation.

## **3.2 The Moroccan community**

The AIVD's investigations into the Moroccan community are focused on both religious and political radicalisation.

### 3.2.1 Religious radicalisation

The AIVD observed a further religious radicalisation of young Muslims of Moroccan origin in 2004. Groups of young Muslims in the age group from fifteen to twenty five appeared to be increasingly receptive to an ultra-orthodox interpretation of Islam. This is partly based upon the perception of these young Muslims that the Muslim community is being oppressed (not only in conflict areas such as Iraq, the Palestinian territories and Chechnya, but also in a country like the Netherlands). A Salafi interpretation of life gives these young Muslims a clear and straightforward guidance, but also encourages them to turn their back on the Dutch society, as a consequence of which they may end up in social isolation and become vulnerable to radicalisation and ultimately to recruitment for the jihad.

International conflicts again proved to add to growing feelings of indignation among the Dutch Muslim community in 2004. They were, for example, outraged about the liquidations of Palestinian Hamas leaders by Israeli armed forces and about the siege of Falloujah in Iraq. Also, their own social circumstances in the Netherlands gave young Muslims enough reason to believe that they found themselves in a deprived position. Opinion-makers and politicians who criticised or offended Islam invariably provoked vehement reactions. Within the Moroccan community such sentiments are usually not expressed through organised political/activist means such as demonstrations and other extra-parliamentary campaigns, but they usually keep smouldering. These emotions are only expressed via an anonymous medium like the Internet and within their own religious and ethnic circles. Another factor that adds to the feelings of discontent is the lack of organisations with a wide support among the Moroccan community that can further the interests of this community.

The AIVD has observed that groups of young radical Muslims are often formed at places frequented by Muslim youth. We mainly see radical-Islamic expressions and behaviour in social areas like the Internet, schools and Islamic institutions like houses of worship and Islamic associations. The resistance against radicalisation seems to have slightly increased in these social areas. The AIVD established, for example, that mosques, schools and web sites made attempts to keep extremism at bay. The consequence of this increased resistance is that extremists move their radical activities to other places. A positive effect of this development is that Muslims are less confronted and associated with radical ideas. But it also means that radicalisation increasingly takes place at small-scale, less visible meetings on which society has less influence.

In the past year Internet forums with a Moroccan and/or Islamic background, which - despite curbing efforts by the web site managers - published controversial, shocking and even threatening texts attracted much attention in the Netherlands. These texts were mainly aimed against 'the West' and 'unbelievers' in general, and against politicians and opinion-makers in particular. Especially the MPs Ms Ayaan Hirsi Ali and Mr Geert Wilders and film-director Theo van Gogh were the object of anonymous torrents of abuse and threats. But the anger was also frequently aimed at moderate Muslims, who were branded as 'renegades', 'hypocrites' or 'collaborators with the West'. The Internet has now become one of the principals channels for spreading extremist ideas and for extremist influencing. At the moment a system called 'Notice and take down' is being developed, which is expected to play an important role in countering this phenomenon. The system was announced in a letter from the Minister of Justice and the Minister of the Interior and Kingdom Relations to the Second Chamber of 24 January 2004.

### **3.2.2 Political radicalisation within the Moroccan community**

The Arab European League (AEL) failed to consolidate its success of 2003. The initially substantial membership ceased to grow in 2004. Although the AEL voiced its views on national and international political issues through press releases, the group failed to express the general dissatisfaction among the Moroccan community effectively to a broad audience. Among the AEL's potential supporters (Muslims of North African, mostly Moroccan origin) there seems to be little enthusiasm for expressing the dissatisfaction about perceived socio-political abuses through extra-parliamentary campaigns, such as demonstrations etc. In 2004 the AEL mainly focused its efforts on the foundation of the Muslim Democratic Party (MDP), which should participate in the municipal elections in 2006. Through this initiative the AEL intends to fill the perceived gap in the political representation of Muslims in the Netherlands.

### **3.3 The Turkish and Kurdish communities**

Examination of radicalisation tendencies in the Turkish and Kurdish communities in the Netherlands has shown that the Salafi ideology seems to appeal to certain groups in these communities. Initially the Turkish community seemed to remain relatively free from these radicalising influences, but since the suicide attacks in Istanbul in November 2003 this has no longer been the case. However, like the other Islamic communities in the Netherlands, the vast majority of the Turkish community is not radical. A case in point was their condemnation of the murder of Theo van Gogh. The incident led to some commotion within the Turkish community, the largest Islamic community in the Netherlands, because they believed that the Dutch society unjustly held them, as Muslims, collectively responsible for the murder. However, like in non-Turkish radical circles, among Turkish radicals there were certain elements who applauded the murder of Van Gogh.

#### **3.3.1 Turkish radical Islamic networks and organisations**

Within the Turkish community in the Netherlands we also see networks of radical Muslims, whether or not loosely organised. Although only a small number of persons are involved in these networks, this development is nevertheless important. The AIVD has established that some dozens of Turks have embraced the Salafi creed, a philosophy that until recently hardly had any Turkish adherents. However, it seems to be mainly a matter between Turks only; only a small number of radicalising Turks seem to have joined trans-ethnic or non-Turkish radical networks. In view of the threat emanating from this range of ideas, as described in the paper 'Saudi influences in the Netherlands' which was brought out in 2004, and in view of the fact that a Turkish group of adherents has now been identified, our monitoring of these persons will be continued and intensified.

We also see a radicalisation in Turkish radical Islamic organisations like IBDA-C and the Turkish Hezbollah, whose ideas are welcomed in certain circles of the Turkish community. A larger Turkish radical Islamic organisation is the Kaplan movement. This movement attracted public attention in the Netherlands on several occasions in 2004, mainly in relation to the movement's leader Metin Kaplan and his extradition to Turkey by the German authorities. The Kaplan community, surprised by this development, reacted indignantly. It is not clear who will succeed Metin Kaplan as leader of the movement.

Finally, within this context we should mention the international radical Islamic organisation Hizb ut-Tahrir (HUT). Although, strictly speaking, this organisation is not a Turkish

organisation, in the Netherlands its supporters are mainly recruited among Turks. Some dozens of Turks in the Netherlands adhere to the HUT's ideas. The Hizb ut-Tahrir is an international movement which adapts itself to the local circumstances of each country in which it is represented. Hence, HUT in the Netherlands is different from for example the British, German, Danish or Uzbek HUT. In each country the HUT focuses on the largest group of Muslims, so the British followers are mainly Pakistani and Bangladeshi, while the Dutch followers are Turks. The HUT is strictly spoken not really an organisation, but rather a movement that seeks to raise a certain Islamic awareness among its followers. The HUT does not exist as a legal entity. In January 2004 the Danish Ministry of Justice revealed that 18 months of investigation had not produced any evidence that the HUT pursued an illegal objective, used illegal means or carried out illegal activities, so it could not be proscribed. In Germany the movement as such has not been banned, but the membership of the movement is prohibited.

### **3-4 The Pakistani and Indian community**

Despite the cautious *détente* between India and Pakistan, started in 2004, Kashmir, the disputed territory, is still frequently confronted with attacks. The conflict has so far not led to direct confrontations between Indians and Pakistani in the Netherlands. The same goes for Hindus and Muslims originating from Surinam, who traditionally have a cultural and religious affiliation with India and Pakistan.

In 2004 several high-ranking Pakistani spiritual and political leaders visited or tried to visit the Netherlands. First of all, the radical Member of Parliament Qazi Hussain Ahmed, representing the Jama'at-i-Islami, tried to visit the Netherlands in May 2004 on the AEL's invitation. On the basis of an official AIVD report he was refused a visa. We feared that Ahmad's presence in this country would have a radicalising or even recruiting effect on Muslims in the Netherlands. In August, one of his sympathisers, the MP Maulana Fazlur Rehman, representing the Jamiat Ulema-e-Islami (JUI), visited the Netherlands on a French Schengen visa. He delivered a speech at a mosque in The Hague. In August 2004 also Hafiz, Zubair Ahmad Zaher, leader of the orthodox Markazi Jama'at Ahle Hadith movement, visited the Netherlands. The AIVD is examining to what extent the ideas of the above-mentioned persons have found response among radical Muslims in the Netherlands.

At an international level we see an increasing participation of Pakistanis among supporters of Islamist terrorism, instead of the former North African predominance. The recent arrests in the United Kingdom in summer 2004 in which mainly Pakistani were involved are a case in point. The AIVD is trying to find out whether this trend also manifests itself in the Netherlands. It has been established that some radicalised individuals within the Pakistani community in the Netherlands are maintaining ties with sympathisers from other communities.

### **3-5 The Afghan community**

Within the Afghan community in the Netherlands there is still anxiety about the deportation policy of the Dutch government. However, in 2004 - as opposed to 2003 - this did not lead to demonstrations or other manifestations.

With a view to the election process in Afghanistan and the possible return of refugees to Afghanistan, in several European countries supporters of various Afghan political movements are trying to set up new parties in order to participate in the coming elections. Afghans resident in the Netherlands play a leading role in these efforts. One of them even put himself up for the

presidential elections that were held in Afghanistan on 9 October 2004, but he withdrew as a candidate prior to the elections.

The AIVD has found no evidence to suggest that the Afghan community constitutes a terrorist threat or that radicalisation tendencies would be developing within this community.

### **3.6 European co-operation**

The AIVD has further intensified its already close co-operation with European counterpart services concerning the focus on radicalisation processes and the development of counter-strategies. Within the context of the Dutch EU presidency in 2004, the AIVD, jointly with the European co-operative group of police services 'EU Chiefs of Police Task Force', organised an expert meeting on 'Countering Radicalisation and Recruitment' in September 2004.

## 4 Politically motivated violent activism

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The AIVD investigates politically motivated activism insofar as it involves violent means and action. The investigations are focused on violence (and threats of violence) aimed against both persons and property.

This chapter describes the various forms of politically motivated violent activism in the Netherlands, in particular left-wing activism and right-wing extremism. Also described are developments within the Moluccan community.

### 4.1 Left-wing activism

2004 should have been a year of action for left-wing activists. The Netherlands held the presidency of the European Union in the second half of the year, which was expected to trigger various activities from left-wing activist quarters. Outsiders particularly expected many campaigns from the anti-globalisation movement as part of its protest against the global economic restructuring. Nothing proved to be further from the truth: practically nothing happened. In 2004 it became increasingly clear that left-wing activism in the Netherlands was faced with a growing despondency and lethargy.

Anti-militarism hardly attracted any attention. The Informal Meeting of Ministers of Defence, held at Noordwijk in September, was only confronted with a playful gathering and an 'noise demonstration' that should have disturbed the meeting, but did not.

Support to so-called political prisoners has increasingly become a marginal phenomenon.

In the past few years, activists only gave support to ETA suspects. In 2004 they only paid attention to an anti-globalist from Amsterdam who was extradited to the Swedish authorities because of his suspected involvement in the Göteborg riots in June 2001. When the activist was released soon afterwards, the campaign was immediately stopped.

Initially Minister Verdonk's integration policy seemed to become a spearhead of activism in 2004. There were some demonstrations and an attempted sit-in at the various deportation centres (Rotterdam Airport, Schiphol Airport, Ter Apel), but activism in the traditional sense only played a marginal role in these campaigns. Only one act of more radical individuals made it to the front pages: an incident in which Minister Verdonk was smeared with ketchup.

The non-violent campaign against the EU Conference on Integration Policy in Groningen, planned for 9 to 11 November, was indeed peaceful, except for one or two minor incidents.

Only one category of activists could again be labelled as 'politically violent': the anti-fascists.

In 2004 again several demonstrations and activities of right-wing groups triggered a reaction from anti-fascists. This reaction, often in the form of a counterdemonstration, was mainly intended to force local authorities to withdraw their authorisation for right-wing demonstrations. If they did not, the anti-fascists usually tried to provoke a direct confrontation with their extreme right-wing adversaries. And if these attempts failed, which was often the case, the activists sought a confrontation with the police. However, the extreme-right wing demonstrations in the aftermath of the murder of Theo van Gogh only triggered a few verbal reactions from left-wing anti-fascists. They did not seek a confrontation.

Summarising, we can conclude that left-wing activism has generally reached a low. Hardly any disturbances of public order were initiated in 2004, let alone violations of the personal integrity of authorities. In October a spokesman of the anarchist group EuroDusnie in Leiden concluded

that the character of the big protest manifestations in 2004 could be ranged between that of a political meeting and an 'EO family day' (a family event organised by the Protestant broadcasting company). He made an appeal to reflect on future resistance and struggle for more solidarity in society: 'Which does not only mean that we should deal with this right-wing government, but also with the left-wing nostalgia towards the welfare state and 'polder-model' negotiating'.

## **4.2 Animal rights activism**

In July 2004 the AIVD brought out a paper on welfare and rights of animals.<sup>4</sup> The paper was submitted to the Second Chamber in April, together with a police (KLDP) report about this subject. The paper described the history and development of activism focused on animal welfare and animal rights, as well as the composition of action groups, the backgrounds of the activists, their methods and targets and the international component of this type of activism. The question was raised what risks are involved in the violent expressions of this type of activism and what we might do against excrescences.

Animal rights activism in 2004 was again mostly characterised by moderate campaigns such as demonstrations and distributions of pamphlets. On a few occasions there were peaceful blockades. More radical campaigns such as liberations of animals did practically not take place in 2004, partly as a result of the fact that the target companies stepped up their security. The most violent expressions of dissatisfaction were three arson attacks. The most serious one was an incident at the village of Houten, where activists set fire to a car and the fire spread to a fur trader's house. However, even with respect to this most violent category we can observe a decline in activity. Only companies and institutions associated with experimenting on animals were frequently confronted with campaigns last year. The Biomedical Primate Research Centre (BPRC) at Rijswijk, as well as its business contacts such the ABN Amro bank, were again target of many campaigns, as well as the private homes of persons employed by the BPRC. A temporary stagnation in these activities was caused by the arrest of eight persons on charges of vandalism at the BPRC grounds.

In November a number of animal rights activists were acquitted on appeal for vandalism and overt violence in the so-called Putten case (damage inflicted to a mink farm and liberation of some minks at Putten in September 2003).

New legislation is expected to help prevent radical animal rights activists from achieving 'new successes'. On 1 January 2005 a new Identification Act will come into effect, which might lead to a drop in activities. On the other hand, however, it is also possible that the hard core of the activists will decide to go underground, with all its consequences.

## **4.3 The far right**

At the moment the two principal neo-Nazi movements in the Netherlands, the Nederlandse Volks Unie (NVU) and the Racial Volunteer Force (RVF), are rather small groups. As a consequence of their extreme ideas they find themselves in a relatively isolated position. The RVF is a small, originally British Blood & Honour organisation, set up in 2002 out of dissatisfaction with the NVU's moderate course. The RVF and NVU kept a rather low profile in the past year. The NVU organised a demonstration in The Hague on 5 June, which caused some disorder, mainly stirred by extreme left-wing counter-demonstrators.

The representatives of the so-called 'civil extreme right' foster xenophobic and ultra-nationalist ideas, but they have adapted themselves to the democratic mores, partly under pressure of the

law and public opinion. In 2004 the significance of the 'Nieuwe Nationale Partij' (NNP), which actively sought the limelight in 2003, was considerably reduced, partly as a consequence of the fact that a lot of members left the party to join 'Nieuw Rechts' and the 'Nationale Alliantie' (NA). The NA, which was set up in November 2003, succeeded in attracting the more radical segment of the NNP, as well as neo-Nazi sympathisers. The NA is politically very active and frequently steps into the limelight. The group also has international ambitions and joined the European National Front (ENF), which was set up in 2004. The other members of the European National Front are extreme right-wing parties from Spain, Germany, Italy, Romania, Slovakia, the Czech Republic, Bulgaria, the United Kingdom, Greece, Serbia and Lithuania.

The far right in the Netherlands is mainly dominated by unorganised individuals (or groups of individuals) and subcultures propagating extreme right-wing or racist ideas in various ways, inspired by political or other motives. More and more individuals among the Dutch native youth are using extreme right-wing symbols to emphasise their identity and to seek a confrontation with ethnic minorities, local authorities and public opinion. Incidents caused by these persons meet with great resistance in society, if only because of the display of extreme right-wing symbols. Especially the so-called Lonsdale youth (teenagers sporting Lonsdale clothes) has been subject of much public attention last year. Although the vast majority of these young people have no organisational structure or political ideology, the fact that a number of them wear the same type of clothes may add to the perceived threat emanating from them. These youngsters may also be an interesting breeding ground for recruitment by extreme right-wing movements with more political ambitions. So far, however, we have hardly seen any successful recruitment by extreme right-wing parties among these unorganised groups.

The murder of Theo van Gogh was used by extreme right-wing organisations as an opportunity to draw public attention to their ideas about the government's failing integration policy and the collapse of the multicultural society. The organisations hardly attracted any new members, however. Most of the arson attacks against Islamic institutions in the aftermath of the murder proved to be committed by mainly young persons (including Lonsdale youth) who were motivated by a certain solidarity with racist ideas. In one or two cases the perpetrators were members of extreme right-wing groups.

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

The members of the Moluccan community in the Netherlands are seriously concerned about the violence between Christians and Muslims in the Moluccas, which flared up in 2004 and is still continuing, although on a small scale. They are not only worried about their relatives in the Moluccas, but many Moluccan activists are also furious about the perceived evil role of the Indonesian authorities, whom they hold responsible for the violence. They accuse the Indonesian authorities of siding with the Muslim population on the Moluccas. Many Moluccans also protested again against the perceived passive attitude of the Dutch government towards the Republic of Indonesia with respect to the situation in the Moluccas. Apart from some small demonstrations in, for example, The Hague, Geneva and Brussels, this has not led to any violent campaigns initiated by the Moluccan community, however.

The supporters of the RMS ideal in the Netherlands are currently reconsidering their line of action, because many of them believe that the RMS has lost initiative. This has led to a more prominent role of the FKM (Front Kedaualatan Maluku), an activist organisation pursuing independence for the Moluccas. Indonesia sees the FKM as a separatist organisation and accuses it of having incited the riots in the Moluccas. The leader of the FKM, Alex Manuputty,

fled Indonesia in 2004 and is now living in the United States. The FKM has supporters both in the Moluccas and in the United States and the Netherlands. The organisation has plans to open a Moluccan 'embassy' in Vanuatu, Melanesia.

## 5 Unwelcome interference of foreign powers

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Unwelcome interference of foreign powers is not a subject that can be described in detail in a public report, with a view to the protection of the AIVD's current level of knowledge. For this reason this chapter just gives some general information on the subject.

Over the past decade a number of developments have had great impact on the way in which the AIVD had to respond to unwelcome interference of foreign powers. These developments include the emergence of foreign 'control and influencing networks' among migrants groups in the West, the growing need for intelligence among foreign powers as a consequence of the increasing complexity of international relations (the disappearance of the traditional Cold War friend-enemy perception), the increasing privatisation of intelligence gathering and the more sophisticated and differentiated mode of operation of foreign powers in the area of intelligence.

Although multinationals, private organisations, criminal rings and terrorist networks may also be involved in intelligence activities and can thus damage Dutch interests, the AIVD - in accordance with its statutory duties - mainly focuses on government-controlled intelligence activity. This activity is mainly carried out by foreign intelligence services that have the required instruments and professionally trained intelligence officers at their disposal. In principle, all clandestine activities carried out by foreign intelligence services and powers that might damage Dutch interests can be subject of AIVD investigation.

Unlike the threat emanating from Islamist terrorism, which has been high on the political agenda worldwide since 11 September 2001, the threat constituted by intelligence-gathering is a practically invisible phenomenon. As a consequence of this invisibility, awareness of the threat represented by unwelcome foreign intelligence activities among public and politicians is relatively low. The AIVD, jointly with the MIVD, intends to make this intelligence threat more visible and to combat it. In March 2004 the brochure 'Espionage and security risks; invisible, but still there' was published. This AIVD/MIVD co-production was intended to make employees in both the private and the public sector more aware of the current risks from espionage. It has been distributed among a wide range of AIVD and MIVD contacts. A reprioritisation of the AIVD's activities in spring 2004, as a result of which our counter-terrorism efforts were stepped up, left limited room for counter-interference efforts.



## 6 Proliferation of weapons of mass destruction

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The AIVD tries to identify and prevent attempts to procure goods or technology for programmes for weapons of mass destruction in or via the Netherlands. The service thus supports the Dutch counter-proliferation and export control policy. The AIVD also provides relevant information to the Ministries of Foreign Affairs and Economic Affairs, as well as to relevant sectors in trade and industry and to scientific research institutions.

### 6.1 Countries of concern

With respect to the proliferation of weapons of mass destruction there are various countries that are internationally referred to as high-risk countries or countries of concern. Under this category the international intelligence community mainly ranges Iran, Syria, Pakistan and North Korea. These countries are situated in unstable regions like the Middle East and Southeast Asia, where the possession of weapons of mass destruction is perceived as an opportunity to exert political or military pressure at a regional or global level.

It has become more and more evident that countries of concern are increasingly co-operating in the area of the development, production and procurement of weapons of mass destruction and their means of delivery. Sharing their expertise, technology and procurement techniques enable them to develop and produce weapons more effectively. The level and intensity of this co-operation is considerably higher than we estimated in the past, especially between countries with a more or less equally developed industrial infrastructure.

On the basis of disclosures in the international press about proliferation-relevant goods of Pakistani origin found in Iran and Libya, the Pakistani nuclear scientist A.Q. Khan was placed under house arrest in Pakistan in December 2003. Khan was accused of having sold these goods and technology to Iran, Libya and North Korea. In the 1990s Khan allegedly supplied goods including ultra centrifuges to Iran through his business partner in Dubai. On 4 February 2004 Khan held a press conference during which he confessed his guilt. President Masharraf granted him amnesty the next day. Khan is still under house arrest, however.

In 2002 the National Council for Resistance in Iran (NCRI) disclosed some indications for possible nuclear activities with a military component in Iran. The next year, Iran avoided to answer questions asked by the International Atomic Energy Agency (IAEA) about the nature and purpose of these activities, which led to growing concern within the international community about the possible proliferation risk of Iran's nuclear programme. In October 2003, under pressure of being referred to the UN Security Council, Iran agreed to answer a number of questions asked by the IAEA and to sign an additional protocol to its safeguards agreement under the non-proliferation treaty. As a confidence-building measure, Iran voluntarily suspended all its activities relating to uranium enrichment and plutonium reprocessing.

In June 2004, however, Iran changed its mind and announced to resume its enrichment activities. In the period following the announcement it became clear that exerting pressure on Iran would not have the desired effect. Iran said never to renounce its indefeasible right to uranium enrichment. In view of the seriousness of the matter, a new approach was initiated, which resulted in an agreement between Germany, France and the United Kingdom in November 2004. This agreement and the IAEA resolution following Iran's renewed agreement to voluntarily

suspend all enrichment and reprocessing-related activities cleared the way for negotiations, started in January 2005, about a long-term agreement.

In 2004 Iran and North Korea made considerable progress in the area of missile technology. Iran developed an improved version of a ballistic missile. During a parade in Tehran, an improved Shahab-3 was shown, which allegedly has a range of more than 1500 km. This is some hundreds of kilometres more than the now operational Shahab-3. This improved version brings Israel and parts of the NATO territory under the range over Iranian missiles that are capable of delivering weapons of mass destruction. In autumn 2004 North Korea declared to have a ballistic missile with a range of more than 3500 km.

## **6.2 The Netherlands and proliferation**

In the course of 2004 it was discovered that high-tech proliferation-relevant material and goods had disappeared from Iraq. In its quarterly reports to the UN Security Council UNMOVIC reported that over the years, Iraq procured 380 SA-2 engines for the Al Samoud programme. After Saddam Hussein's fall, about twenty of these engines ended up with a Dutch scrap dealer in Rotterdam. The missile engines found in Rotterdam were destroyed according to UNMOVIC's guidelines for destruction on Wednesday 24 November 2004. Three were stored elsewhere, under the responsibility of the Dutch government. UNMOVIC supervised the destruction.

In December 2002 the Fiscal Intelligence and Investigation Service and the Economic Surveillance Department (FIOD-ECD) searched the premises of a Dutch businessman who dealt in goods for the Pakistani Khan Research Laboratories (KRL) for years. They found sufficient evidence for prosecution. The businessman has been charged with unlicensed exporting dual-use goods to Pakistan and twice exporting goods for which it had recently become obligatory to have license. A new house search was conducted on the instructions of the Public Prosecutions Department in April. The first part of the case came up for trial in May 2004. The trial will be continued in 2005.

In 2003 President Bush announced the Proliferation Security Initiative (PSI) as a new instrument in the fight against weapons of mass destruction and against the use of these weapons by terrorists. Meanwhile many countries have endorsed the PSI. PSI implies that ships and other vehicles suspected of transporting weapons of mass destruction and their means of delivery can be forced to stop for inspection (interdiction). The PSI was implemented as an additional instrument to the existing non-proliferation treaties and other relevant agreements and instruments (such as the export control regime) in order to enable a more effective prevention of proliferation.

## 7 Foreign intelligence

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Within the context of its foreign intelligence function, the AIVD collects intelligence relating to other countries in order to provide the government with information that is difficult or impossible to obtain through other channels and that may help the government to define its position on foreign policy and in international negotiations. This information should also contribute to an early identification of latent threats to national security and to a better comprehension of current threats. So the efforts in the area of foreign intelligence, like those in the area of security, contribute to the protection of national security. The difference is that where foreign intelligence is concerned, the AIVD exclusively focuses on the possible influence of the international environment on national security. With a view to the protection of the AIVD's sources and methods, it is not possible to give a detailed description of these efforts in this annual report. We have therefore confined ourselves to listing the focus areas for foreign intelligence.

The law prescribes that the Prime Minister, in agreement with the Minister of the Interior and Kingdom Relations and the Minister of Defence, designates focus areas for foreign intelligence. The Minister of Foreign Affairs is closely involved in the process leading to the annual (and, if necessary, ad-hoc) designation of these subjects. The designation for 2004 was not essentially different from that for 2003, although, as we mentioned in chapter 1, in spring the attacks in Madrid prompted a reconsideration of priorities. The new designation for 2005 confirmed these priorities, so the focus areas for 2005 are largely identical to the reset priorities for 2004. This enables the AIVD to expand both its analytical knowledge and its access to information on these areas in 2005.

These focus areas are the following:

- developments relating to international terrorism;
- developments in countries relevant to the proliferation of weapons of mass destruction and their means of delivery;
- political, ethnic or religious tensions or conflicts in specific countries or regions - both within and between countries - which might lead to a threat to international stability or the international legal order.

As the Netherlands has internationally safeguarded its security by participating since World War II in the United Nations, NATO and the OSCE and more recently also the EU, the AIVD's efforts in the area of foreign intelligence are also focused on supporting these vital international institutions. In the explanatory notes to the designation of focus areas it was stated that: 'Assessing the value of intelligence-gathering in relation to other countries should not be confined to its immediate usefulness for the Netherlands. Joint European and allied efforts or efforts pertaining to international law are also taken into consideration in assessing whether and to what extent this intelligence-gathering is in the interest of national security'.

In view of the still limited number of staff for foreign intelligence, it was again not possible to focus equally intensive attention on all designated countries or subjects in 2004. For that reason the AIVD uses the so-called 'varifocal model' for the time being. This means that long-term investment aimed at gaining good access to unique intelligence is only focused on the most important countries or subjects. In other cases intelligence-gathering will be less thorough and usually be restricted to, for example, open sources and reports from counterpart services. Consequently, these efforts will involve a relatively limited use of special instruments.

This more superficial intelligence-gathering is based on the principle that a subject should be followed in such a way that it enables us at an early stage to identify serious developments that deserve special attention (early warning).

## 8 Protective security

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The AIVD's efforts in the area of protective security are aimed at the following objective: making sure that organisations responsible for security perform this task adequately. Within this context the AIVD focuses on the following areas: special information, vital sectors, as well as persons, property and services within the government domain and other subjects relevant to the democratic legal order and national security.

The AIVD can help these bodies by providing them with information about threats, by giving them advice about security measures (and making them aware of the vulnerability), by facilitating matters like production, distribution and registration of cryptographic key material, by giving advice on the designation of confidential posts and by contributing to the development of a security policy.

This approach adds value to the organisation's own efforts in the area of security and supports them in their responsibility for security.

### 8.1 Special information security

Special information encompasses state secrets and other vulnerable information that require extra protection. The AIVD contributes to the protection of special information by helping to develop national and international legislation, by giving advice to government bodies and private companies and by developing and acquiring information security products.

#### 8.1.1 Security of Information Regulation for the Government Service - Special Information (Vir-bi)

On 1 March 2004 the Security of Information Regulation for the Government Service – Special Information (Vir-bi) came into effect. It was published in no. 47 of the Government Gazette, 9 March 2004. The regulation replaces the old regulation for the protection of state secrets dating from 1989. Under the new regulation the use of modern information and communication technology in handling special information within the government service has to meet certain security requirements relevant to, for example, the storing, processing and transmission of special information in computerised information systems. The regulation also obliges the Minister of the Interior and Kingdom Relations to submit a biennial report on the quality of special information security in the government service to the Council of Ministers.

An interdepartmental working group promoted the implementation of the new regulation and developed information and publicity about it as well as guidelines for the implementation. On the basis of the Vir-bi the AIVD developed a framework for assessing systems for the protection of special information. Regulations related to the Vir-bi were brought in line with the new regulation.

#### 8.1.2 Working group on Special Information Security and Crypto facility

The Working Group on Special Information Security gives advice and makes proposals concerning the government's policy in the area of special information security. The participants in the Working Group on Special Information Security are the Ministries of Defence, Foreign Affairs, Justice, and the Interior and Kingdom Relations. The AIVD chairs the working group and is also responsible for its secretariat.

In 2004 the Working Group submitted three products for the protection of special information to the head of the AIVD for his approval; two products for the encryption of files and one concerned the renewal of an interim approval of a radio system. The head of the AIVD approved these products on behalf of the Minister of the Interior and Kingdom Relations. The Working Group also gave positive advice on a regulation in which the security procedures and responsibilities for handling cryptographic key material and information security systems have been laid down.

In addition, the Working Group approved and set priorities for certain projects to be implemented by the crypto facility unit, which is located at the AIVD. In 2004 these projects included development projects for the protection of data (e.g. PCs, laptops and palmtops), oral communication and fax messages (both via the mobile and the regular network), Public Key Infrastructure and software for the secure deletion of data (for example from hard disks). Another project that was launched is focused on the development of a security core in future equipment.

### **8.1.3 Security scans and advice**

A security scan is an examination of the security system of an organisation. In 2004 the AIVD completed a cycle of security scans at several ministries. The scans showed that many ministries should considerably improve their system for special information security. The AIVD will develop a plan for this improvement in consultation with the ministries in question in 2005.

The AIVD also examined the protection of special information at the Regional Intelligence Services, the National Police Agency's intelligence service and the special intelligence service of the Royal Military Constabulary. Where necessary recommendations were made to improve the situation.

In 2004 the AIVD 'swept' several meeting rooms and offices at various ministries (checked the presence of eavesdropping equipment), for example for meetings under the Dutch EU presidency. The AIVD also gave advice on the use and quality of information security products for data communication and took care of the safe production and distribution of security products, including cryptographic key material.

### **8.1.4 National Security Authority (NSA)**

The National Security Authority (NSA) is responsible for the protection of special information relating to NATO, EU and the Galileo project at a national level. In the Netherlands the NSA responsibility rests with the Ministry of Defence and the Ministry of the Interior and Kingdom Relations. The latter has delegated this task to the AIVD. The Ministry of Defence focuses on security in the military sector, the AIVD on the civilian sector. The Minister of the Interior and Kingdom Relations acts as co-ordinator. The NSA regularly inspects national bodies holding special information and screens staff who have access to this information.

#### **8.1.4.1 NSA for NATO**

The policy for the protection of classified NATO information is developed by the NATO Security Committee and its working groups. The AIVD, in its capacity of NSA, participates in the meetings of the Committee and the working groups.

In 2004 implementation guidelines were drawn up for the NATO security policy. Much attention was also paid to the enlargement of NATO by new Member States.

Organisations that have access to classified NATO information are regularly subjected to inspections by the NATO Office of Security (NOS). In the Netherlands in 2004 such inspections were conducted at several organisations in the public and the private sector. The AIVD and the Ministry of Defence jointly prepared and supported these inspections. The findings did not give any reason for taking special measures.

A country hosting a NATO institution on its territory is obliged to offer this institution a safe working environment. Within this context, the AIVD provided a number of security recommendations to civilian NATO bodies based in the Netherlands. NATO requires that companies executing orders for NATO have a valid Facility Security Clearance Certificate and that staff are screened before getting access to classified NATO information. The activities involved in this screening are carried out by the AIVD.

Within a NATO context, the AIVD also functions as National Communications Security Agency. As part of this responsibility the AIVD contributes to the development of NATO regulations for technical information security and related procedures. In 2004 these efforts were focused on, for example, the procurement and development of equipment for NATO.

#### **8.1.4.2 NSA for the EU**

The Council of the European Union also has a Security Committee. The Netherlands is represented in this committee by the Ministry of Defence and the AIVD.

In 2004 the Security Committee focused attention on several subjects, including

- the exchange of classified EU information with third countries and international organisations;
- the protection of two classified Council networks, both with a view to the entry into the EU of new Member States and in order to upgrade the security level of the networks;
- a network that should replace the two present networks in the future.

In connection with the enlargement of the EU, the EU, jointly with the European Commission's security office, inspected all new Member States in order to verify whether they complied with the EU regulations for special information security. The AIVD was also involved in these inspections.

The AIVD satisfies the EU requirements for conducting evaluations of information security equipment for the EU as a 'second country', independent from the producing country. In 2004 the AIVD conducted two evaluations for the EU and started a third one.

The AIVD participates in the Commission Security Policy Advisory Group (CSPAG), a committee for the security policy of the European Commission. This group also paid attention to the enlargement of the EU, but also to a regulation for industrial security to supplement the current security regulation. A draft regulation is expected to be submitted to the Member States in 2005.

#### **8.1.4.3 The Galileo project**

The Galileo project is a joint initiative of the European Commission and the European Space Agency (ESA) for the development of a European satellite navigation system as a counterpart of the American GPS system. The Netherlands is one of the participants in the project. In its capacity of NSA the AIVD sits on the ESA Security Committee, which develops a policy for the protection of classified information to be handled by ESA.

Within this context the AIVD conducted an inspection of the European Space Research and Technology Centre (ESTEC) at Noordwijk in 2004. As a result, a security clearance was issued to ESTEC for the period of one year. The AIVD also gave ESTEC security advice.

The AIVD also participates in a working group of the European Commission which develops the policy for the protection of special information within the Galileo project.

## **8.2 Vital sectors**

It is the AIVD's task to support and enhance the security of vital sectors in our society. Vital sectors are parts of the public and the private sector that the ministry responsible deems to be of vital importance to the preservation of social life. The AIVD helps the organisations in these sectors to make risk assessments, provides them with information about threats and gives them advice on security.

The Ministry of the Interior and Kingdom Relations co-ordinates the interdepartmental efforts within the context of the Vital Infrastructure Protection project. The purpose of this project is to gain insight into the vulnerability of the vital infrastructure in the Netherlands and to protect this where necessary by taking protective measures. A coherent set of measures to protect the vital infrastructure will be presented to Parliament by the middle of 2005. In order to realise the objective of the project, each ministry should make vulnerability analyses of its vital sectors.

The following twelve sectors have been designated as vital:

- 1 energy;
- 2 telecommunication;
- 3 water supply;
- 4 food;
- 5 health;
- 6 finance;
- 7 surface water control;
- 8 public order and safety;
- 9 legal order;
- 10 public administration;
- 11 transport;
- 12 chemical and nuclear industry.

The AIVD provides expertise on a methodology to assess the interrelation between interests, threats and defence capability, helps the sectors to make vulnerability analyses and gives advice on possible security measures. Although the AIVD offered its assistance to all vital sectors, in 2004 only the energy sector, the telecommunication sector, the financial sector, the water supply sector and the chemical and nuclear industry accepted the offer.

The progress and depth of vulnerability analyses differ per sector. Given the aim to have a coherent set of measures by the middle of 2005, the AIVD expects more requests for assistance from the ministries in the first six months of 2005.

## **8.3 Persons, property and services**

The AIVD completed the project for embedding the new system for safety and security in the AIVD organisation on 1 June 2004. The essence of this new task, which will be laid down in amended legislation, is to focus attention not only on specific threats by investigating the persons or groups posing the threats, but also on potential threats considered from the perspective of the threatened target. For this task extra staff was assigned to the AIVD.

### **8.3.1 Threat reports and threat assessments**

Within the final context of the system for safety and security the AIVD should produce four types of products: threat reports, threat assessments, threat analyses and risk analyses.

A threat report contains information which the AIVD cannot immediately assess, but which

may be important to the National Co-ordinator for Safety and Security. A threat assessment is brought out in relation to nearing events when it is important to specify possible indications of specific threats against these events. A threat assessment is based on investigations into a person or group posing the threat. Threat analyses describe not only specific threats, but also potential threats, considered from the perspective of the threatened target. Risk analyses are based upon the aspects of the threat analyses in relation to an assessment of the capability of the threatened person, property or service to defend himself/itself against the threat. On the basis of this defence capability we can assess the neutralising effect of security measures. If the measures are insufficient to neutralise the threat, there is a risk.

Until the Intelligence and Security Services Act 2002 has been amended, the AIVD is not allowed to start investigations into potential threats or to lay down information related to persons or organisations within this context. The present Act restricts our efforts to the examination of situations in which there is a serious suspicion of a danger to the democratic legal order, national security or other vital interests of the state. This does not include a potential threat. This means that at the moment the AIVD cannot yet make complete threat analyses or risk analyses. But on the basis of its current statutory duties, the AIVD can make threat reports and threat assessments.

The bill to amend the present Act will be submitted to Parliament in spring 2005. Under the provisions of this bill the intelligence and security services will be responsible for making threat analyses (MIVD and AIVD) and risk analyses (AIVD) for persons, property or services in the public domain. They will do so at the request of the National Co-ordinator for Safety and Security, who will be mandated to make such requests by the Minister of the Interior and Kingdom Relations and the Minister of Justice. The services will then be enabled to start investigations for making these threat analyses and risk analyses, even in cases in which such investigations would not fall within the regular duties of the services. It is not allowed to use special intelligence instruments for these investigations.

### **8.3.2 Products in 2004**

In 2001 the AIVD contributed to the Safety and Security System by providing the National Co-ordinator for Safety and Security with 696 threat reports and threat assessments. The products concerned threats aimed at persons and at special or specific events like the European Football Championship in Portugal and the situation in the aftermath of the murder of Theo van Gogh.

The Netherlands held the presidency of the European Union from 1 July to 31 December 2004. The AIVD was involved in a number of security-related aspects of the presidency, including drawing up a temporary list of positions involving confidentiality, security screening for these positions, consulting records for political background information and making threat assessments for EU meetings. The EU presidency passed off without any problems or disturbances worth mentioning, partly as a result of the AIVD's efforts. During the presidency the AIVD

- issued about 450 security clearances;
- produced about one hundred threat assessments and threat overviews for EU meetings in the Netherlands and Brussels and for the presidency in general;
- checked the records on 21,000 persons. This resulted in two official reports which were intended to bar the persons mentioned in these reports from EU meetings.

The AIVD also brought out reports about 'reconnaissance activities' carried out by radical Muslims at several public buildings. Extremist Muslims observed these buildings and proved to be in possession of plans of the buildings, possibly with the aim to commit attacks. The AIVD's efforts within the context of the Safety and Security System first of all concerned the protection of a number of specific buildings, about which the AIVD provided regular updates to the organisations concerned.

The murder of Theo van Gogh has led to a climate in society in which the polarisation between various groups intensified. The assassination triggered a series of threats to politicians and other prominent figures in the Netherlands. Mosques, churches and other buildings with an obvious religious background were targets (or potential targets) of violent campaigns. In this period the AIVD informed interested parties about possible threats to persons and property.

As a host country for a number of international organisations, the Netherlands should create and guarantee conditions for the undisturbed functioning of these organisations. In 2004 the AIVD provided several relevant threat assessments and security recommendations to these organisations and conducted vetting inquiries at the request of these organisations.

The organisations in question are the International Criminal Tribunal for former Yugoslavia (ICTY), the International Criminal Court (ICC), Eurojust, Europol, the International Court of Justice, Eurocontrol, the Organisation for the Prohibition of Chemical Weapons (OPCW) and the European Patent Office (EPO).

The AIVD provided the National Security Committee on Civil Aviation with two reports on specific threats to civil aviation in 2004.

### **8.3.3 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 International Criminal Tribunal for former Yugoslavia (ICTY) and the International Criminal Court (ICC). The Netherlands should safeguard the undisturbed functioning of these organisations as much as possible. The buildings, staff and visitors of these organisations may be exposed to certain security risks. In order to enable these organisations to defend themselves adequately against these risks, the AIVD provided them with threat assessments and security advice. At the request of a number of organisations the service also conducted a number of vetting inquiries.

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

In 2004 the AIVD examined possible threats to the ICTY and informed the parties involved about its findings. The AIVD is on alert for risks involved in the Milosevic trial, which started in 2002, and for risks involved in the trial of three former fighters of the Kosovo Liberation Army, which started in 2004. The AIVD still believes that the suspected Bosnian Serbs Mladic and Karadzic might be handed over to the ICTY in 2005. If such is the case, the AIVD will inform the bodies responsible about possible security risks.

#### **8.3.3.2 International Criminal Court**

The International Criminal Court (ICC), which started its activities in July 2002, is gradually developing into a fully operative tribunal. In 2004 the ICC investigated two situations, one in the Democratic Republic of Congo and one in Uganda. We expect that the first ICC trial will be started in 2005. Within this context the AIVD focuses on the identification and prevention of

possible threats against the ICC and against the Netherlands as a host country. In 2004 the AIVD provided the ICC with relevant security advice and discussed matters like information exchange. We expect that the relations with the ICC will be further intensified in 2005.

#### **8.4 Positions involving confidentiality and security screening**

A position involving confidentiality can only be filled when a security clearance ('certificate of no objection') has been issued by or on behalf of the Minister of the Interior and Kingdom Relations. Prior to the issuing of such a clearance, a security investigation or vetting inquiry is conducted by, or under the responsibility of the AIVD.

Positions involving confidentiality can be divided into three categories: A, B, and C positions. These categories indicate the vulnerability of the positions, which corresponds with the seriousness of the possible damage to national security that may be caused by employees holding the positions. The depth of an investigation depends on the category of the position. Recently a new category was introduced for positions at the police and at the Royal Household. For the police these positions are called P-category positions, for the Royal Household we call them KH-category positions (KH is an abbreviation of 'Koninklijk Huis', Dutch for Royal Household). Vetting for KH positions and P positions is comparable to vetting for B-category positions, be it that they include some fieldwork. These investigations are conducted by mandate.

##### **8.4.1 Reducing the duration of procedures**

Early in 2004 the AIVD reconsidered its procedure for A-category vetting in view of the long duration of these investigations. This has led to an adjustment to the procedure, meaning that now more emphasis is put on administrative investigations in order to narrow down the labour-intensive field investigations and make them more efficient. The AIVD also made some agreements with police regions in order to reduce the duration of vetting procedures.

The measures indeed reduced the duration of A-category investigations in 2004. While in 2003 the average duration of these investigations was 16 weeks, by the end of 2004 this had been reduced to eight weeks. By the end of 2004 the average duration of A-category investigations for the police was 11 weeks, whereas in 2003 the average duration was 20 weeks.

The AIVD also started to examine the usefulness and employability of several new instruments to reduce the duration, but also to improve the quality of vetting inquiries. This examination has not yet been completed.

##### **8.4.2 Implementation of the Security Investigations Act in practice**

The AIVD, in co-operation with the Defence Intelligence and Security Service, reconsidered the implementation of the Security Investigations Act in practice. This led to proposals to amend the Act and some organisational activities (parliamentary report 2004/05, 29 843, no. 1).

The AIVD has meanwhile started the implementation of the organisational activities that are relevant to its functions, such as the harmonisation of positions involving confidentiality and an updating of policy regulations. We are also preparing an amendment to the Act.

##### **8.4.3 Confidential posts and integrity**

The AIVD started the development of guidelines for designating certain types of (sensitive) public positions as positions involving confidentiality if such contributes to the protection of

the democratic legal order. The guidelines are based on the principle that the government bodies themselves are responsible for taking measures to enhance integrity. If these are inadequate and if, as a consequence, dishonourable or dishonest behaviour may affect the democratic legal order or national security, a possible option is to designate confidential posts (i.e. positions involving confidentiality). The guidelines are expected to be completed in 2005.

#### 8.4.4 Vetting by the Royal Military Constabulary

The AIVD has mandated the Royal Military Constabulary (KMAR) to conduct vetting inquiries for civil aviation. In comparison to 2003, the total number of investigations for civil aviations went down by 1,744 to 34,894. In 2003 the KMAR started with so-called renewed investigations in civil aviation. In 2004 4,622 inquires of this type were started for positions at Schiphol Airport. Renewed investigations were also started for positions at the other airports. If there are reasons to believe that a security clearance should be refused, the KMAR passes the investigations to the AIVD. In 2003 this happened in 3,744 cases. In 2004 this number went up by 546 to 4,290 cases. These investigations were passed to the AIVD because the subject had a criminal record or because initial vetting produced insufficient information to assess whether a security clearance could be issued. The KMAR also transfers investigations to the AIVD with a view to certain information held by the AIVD - the so-called political consultation of AIVD records - and in case of an earlier refusal of a security clearance for civil aviation.

**Table 1 KMAR vetting inquires passed to the AIVD**

Relevant criminal records	1,370
Insufficient information	2,146
Consultation of AIVD records	163
Earlier refusal of a security clearance	611
Total	4,290

#### 8.4.5 Vetting for and by the police

In 2004 25 police forces conducted vetting inquiries under the Security Investigations Act. In 2005 the last police force also started this activity. Vetting for the police includes both A-category investigations and so-called P-category investigations. The AIVD has mandated the police to conduct these P-investigations. P-category positions involving confidentiality are less vulnerable than A-category positions, hence P-investigations are less in-depth than A-investigations. If there are reasons to believe that a security clearance should be refused, the police pass such investigations to the AIVD. In 2004 this happened in 83 cases.

In principle, vetting for A-category positions at the police forces is carried out by the AIVD. In 2004 there were 981 of such A investigations, which was 105 more than in the previous year. The AIVD is also responsible for the training and supervision of police officers who have been charged with vetting for P-positions. The AIVD organised five training courses in 2004. 36 officers followed a course for investigators and 37 followed training in the processing of vetting-related data.

The AIVD made some agreements with a number of police regions, including the big ones, to have the police carry out part of the A-category vetting inquiries, i.e. the consultation of records. In 2004 the AIVD also started to have a number of A-category vetting inquiries conducted in the regions. In these cases the AIVD controls the inquiries, but the fieldwork is carried out by police officers. Decision-making still rests with the AIVD. In 2003 for the first time some police officers who were experienced in P investigations started to work for the AIVD on a secondment basis. This initiative was continued in 2004. By the end of 2004, seven police officers worked

for the AIVD on a secondment basis. They mainly conducted vetting inquiries for A-category positions at the police. This initiative, as well as the fact that some A-category investigations were conducted in the regions, gave the AIVD more room for the other A-category vetting.

#### 8.4.6 Vetting for the Royal Household

As from 2 April 2004 a number of positions at the Royal Household have been designated as A-category and KH-category positions involving confidentiality. These positions are held by persons who are employed by the Royal Family. The AIVD conducts the A investigations. Vetting for KH positions is conducted by the National Police Agency under the responsibility of the AIVD. In the past year the AIVD carried out 32 A investigations, while the National Police Agency conducted 104 KH investigations. When there is reason to believe that a security clearance should be refused, the police pass the investigations to the AIVD. Seven KH investigations were passed to the AIVD in 2004.

The AIVD is responsible for the training and supervision of the officers who have been charged with vetting for KH positions. In 2004 one officer followed a course for investigators and two followed training in the processing of vetting-related data. The courses were equal to those mentioned under section 8.4.5.

#### 8.4.7 Number of positions and investigations

The table below gives an overview of the number of positions involving confidentiality and the number of vetting inquiries over the past three years.

**Table 2 Confidential posts (c.p.) and vetting inquiries (v.i.) 2002-2004**

	c.p. 2002	v.i. 2002	c.p. 2003	v.i. 2003	c.p. 2004	v.i. 2004
Central government*	4,508	1,666	5,328	1,761	5,935	2,024
Defence order companies	16,000	2,615	16,500	2,168	16,000	1,983
Civil aviation**	55,578	55,578	36,638	36,638	34,894	34,894
Police	15,500	893	15,900	2,902	15,356	3,678
Royal Household***					141	143
Vital companies	1,547	1,738	1,547	399	1,547	764
Miscellaneous****		1,644		1,444		1,192
Total	93,133	64,134	79,174	46,076	73,882	44,478

- \* Excluding the Ministry of Defence and the armed forces, including the AIVD. For the Ministry of Foreign Affairs the figure represents the number of FTEs for confidential posts.
- \*\* The figure under 'confidential posts' represents the number of vetting inquiries, because no confidential posts have been designated in civil aviation. In civil aviation a pass is required for access to protected areas. One of the conditions to obtain such a pass is a security clearance issued on the basis of a vetting inquiry.
- \*\*\* The confidential posts at the Royal Household will be designated in phases over a period of three years.
- \*\*\*\* Under the category 'miscellaneous' we range investigations carried out at the request of other countries or international organisations in connection with security measures used by these countries or international organisations.

The table below gives an overview of the number of vetting inquiries conducted by the AIVD in the past three years. The investigations conducted by the KMAR and the police forces are not included, except for those that were later transferred to the AIVD.

**Table 3 Vetting inquiries handled by the AIVD**

	2002	2003	2004
A-category	1,679	1,863	2,102
P-category		57	83
KH-category			7
B-category	(incl. 4,489 via KMAR) 9,755	(incl. 3,744 via KMAR) 7,680	(incl. 4,290 via KMAR) 7,324
C-category	1,152	867	1,000
Total	12,588	10,467	10,156

#### 8.4.8 Results

In 2004 in 40,399 cases a security clearance was issued. The number of refusals of a security clearance dropped by 583 compared to 2003 to 1,549. Most of these cases involved B investigations in civil aviation (1,513 in 2004 and 2,065 in 2003).

For the Royal Household no security clearances were refused in 2004.

**Table 4 Refusal of security clearances**

	Criminal records	Insufficient information	Other reasons*
A-category	1	3	5
A-category police	1	0	5
P-category	4	0	3
B-category	5	4	0
B-category civil aviation	976	360	177
C-category	5	0	0
Total	992	367	190

\* Other reasons for refusal are personal conduct and circumstances and/or information from AIVD records.

In section 8.4.1 we mentioned our efforts to reduce the duration of A-category vetting inquiries. These efforts will be continued in 2005.

The majority of the B and C investigations were handled within the statutory period of eight weeks. Cases in which this statutory period were exceeded mainly concerned A investigations. These investigations include an administrative phase and a field investigation, including interviews with informants. Each phase usually takes four weeks. However, if there is not enough staff available for the number of A investigations to be dealt with, it takes a couple of weeks before the field investigation can be started. This causes backlogs. Part of the manpower allocated to A investigations for the police was spent on training and supervision of police officers who conduct P investigations. Due to these extra efforts and the relatively large number of A investigations to be carried out for the police, work tends to pile up.

#### 8.4.9 Objection and appeal cases

The overview below represents the numbers and results of objection and appeal procedures instituted against the outcome of vetting inquiries.

**Table 5** Number of objection and appeal procedures

	Instituted	Dealt with
Objections	93	60
Court cases	14	12
Appeals before the Council of State	--	1

Part of the objection and appeal procedures that were dealt with were instituted in 2003.

**Table 6** Results of objection and appeal procedures

	Not upheld	Upheld	Inadmissible	Withdrawn
Objections	18	24	10	8
Court cases	8	2	--	2
Appeals before the Council of State	1	--	--	--

In twelve of the cases in which the notice of objection was upheld the security clearance was refused because insufficient information about the applicant was available. During the objection procedure the lacking information was provided, which enabled us to assess whether the applicant would faithfully fulfil the duties ensuing from the position involving confidentiality faithfully under all circumstances.

Ten cases concerned judicial information. During the objection procedures in two of these cases the information proved to have been changed. In the other eight cases the Complaints Committee for Security Screening did not deem the information serious enough to refuse a clearance.

In two cases a security clearance was refused on the basis of other personal circumstances and actions. In one of these cases the Complaints Committee for Security Screening assessed these circumstances differently, and in the other the personal circumstances proved to have been changed.

One appeal case that was upheld was focused on the question when an offence should be regarded as a juvenile offence. According to the court, finding an answer to this question should be based on the information mentioned in the extract from the General Documentation Register and the Policy Rule for positions involving confidentiality and security screening at civil airports. The court also deemed that in relation to the contested decision it was insufficiently explained what role the severity of the sentence had played in reaching the decision.

Concerning another appeal that was upheld, the court considered to reverse the contested decision on the notice of objection because it was based on insufficient grounds, meaning that the decision failed to make clear why the offence in question was not considered a juvenile offence.

These two cases have led to the decision to provide more detailed grounds for the reason why an offence committed by a minor is not considered a juvenile offence in case of a decision to refuse a security clearance on the basis of this offence.

**Table 7** Pending cases late 2004

Objections	33
Court cases	9
Appeals before the Council of State	--

## **8.5 Other efforts**

A number of activities carried out by the AIVD within the context of protective security cannot be ranged under the above-mentioned subjects. This paragraph gives an outline of these efforts.

### **8.5.1 Integrity Violations Reporting Centre**

The Directorate General for Management in the Public Sector of the Ministry of the Interior and Kingdom Relations is developing an Integrity Office for the Public Sector. The intention is to transfer the further development of instruments for and management of the Guidelines for Integrity Projects from the AIVD to this office, because the latter is a more appropriate body for this task.

At present the Integrity Violations Reporting Centre still falls under the AIVD's responsibility. In 2005 the above-mentioned Directorate General for Management in the Public Sector and the AIVD will investigate where the reporting centre could better be transferred to another government organisation. This is in line with the recommendation made by the Administrative Evaluation Committee for the AIVD to examine whether parts of tasks now carried out by the AIVD, including integrity projects, might be conducted by other organisations.

In the past few years, the Reporting Centre received many reports that did not actually concern integrity violations. This led to a distorted image of the proportion between the big number of reports and the small number of investigations. This was again the case in 2004. The AIVD received 87 reports, 67 of which were immediately recognised as irrelevant to integrity violations. Closer examination of the remaining 20 reports did not give us cause for starting integrity investigations either. This was based on various reasons:

- On closer examination, ten reports concerned cases that failed to meet the relevant criteria;
- Five cases were being dealt with by other organisations;
- In five cases the reporter either withdrew the report or refused to provide more details for an investigation.

The fact that many reports do not concern integrity incidents is another reason to broaden the public information about the Reporting Centre, specifically when we know under whose responsibility it will fall in the future.

### **8.5.2 Integrity at the police**

Jointly with the Police Directorate of the Ministry of the Interior and Kingdom Relations, the Netherlands Police Institute (NPI) and the Netherlands Police College (NPA), the AIVD is examining how it can contribute to current efforts focused on integrity at the police.

### **8.5.3 Electronic attacks**

In 2004 the AIVD continued its research into the nature and number of attacks on computer networks, the so-called electronic attacks. This will also be the case in 2005. The means used to that end include so-called intrusion detection systems, which enable temporary or long-term monitoring of various networks, focused on attacks from outside. The AIVD has set up a facility for the collection and collation of reports relating to electronic attacks from, for example, counterpart services and government organisations.

#### **8.5.4 Restructuring the position of Security Officer**

The tasks currently performed by the AIVD's Security Officer (who is responsible for the service's overall security) are considered to be inadequate in the sense that they do not meet today's requirements for adequate governmentwide security. In 2004 the AIVD reconsidered the Security Officer's position within the organisation and contributed to a restructuring of the tasks involved in the job. The results were laid down in a report about the position of Security Officer and incorporated in the draft 'Security Regulation 2004'. Both documents are relevant to the development of a reviewed job description. They were approved by the council of secretaries general.

#### **8.5.5 Protection of application for and issue of travel documents**

At the request of the Basic Administration of Personal Data and Travel Documents Agency (BPR), the AIVD examined the security procedures for protecting the application for and issue of travel documents in two towns. Similar examinations will be started in two other towns in 2005, after which the findings of all four examinations will be provided to the BPR.

#### **8.5.6 Protection of production, storing and transport of driving licences**

The Government Road Transport Agency put out the development and production of a new driving licence to tender in Europe in 2004. The AIVD gave the Government Road Transport Agency advice on the formulation of security requirements for the production, storing and transport of these documents and on judging the tenders in relation to these aspects. In 2005 the AIVD will support the further progress of the tendering.



## 9 Oversight

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This chapter describes political control, parliamentary matters, legislation and communication relating to the AIVD, as well as applications under the Freedom of Information Act and complaints. The final section concerns the Supervisory Committee.

### 9.1 Control

The primary responsibility for controlling the AIVD rests with the Minister of the Interior and Kingdom Relations. Some areas come under the joint responsibility of this minister and other ministers. Relevant political decision-making is prepared by two official preparatory bodies.

#### 9.1.1 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 (AIVD). The Minister determines the focus areas and renders account of the work of the AIVD to parliament. The Administrative Evaluation Committee for the AIVD concluded that, partly as a consequence of the complicated oversight structure relating to the AIVD, there is a lack of clarity about the way in which priorities are set for AIVD activities. The Committee was of the opinion that only one person, the Minister of the Interior and Kingdom Relations, should be responsible for controlling the service and for setting its priorities. The Council of Ministers endorsed these conclusions. As from 2005, the Minister of the Interior and Kingdom Relations will lay down the priorities and posteriorities for the AIVD in a year plan, which will be co-ordinated with the other ministers.

The Minister of Justice was designated as co-ordinating minister for counter-terrorism. So in relation to counter-terrorism efforts to be performed by the AIVD the Minister of the Interior and Kingdom Relations works in close conjunction with the Minister of Justice. In order to support this structure, after the attacks on 11 March 2004, a National Co-ordinator for Counter-Terrorism (NCTb) was appointed, who has his own staff.

#### 9.1.2 Council for National Security

In the aftermath of the attacks in Madrid the Council for National Security (RNV) was set up. The Council for National Security is a sub-council of the Council of Ministers. It replaces the former Council for the Intelligence and Security Services. The RNV is chaired by the Prime Minister. Its members are the Vice Prime Ministers, the Minister of the Interior and Kingdom Relations, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Defence and the Minister for Aliens affairs and Integration. The RNV met on eight occasions in 2004. Counter-terrorism is obviously one of the RNV's key focus areas. The RNV discussed the structure of counter-terrorism in the Netherlands several times in 2004. At each meeting an updated threat assessment is discussed, as well as the ensuing measures.

#### 9.1.3 Joint Counter-terrorism Committee

The Joint Counter-terrorism Committee (GCT) is one of the preparatory bodies for the RNV. In principle, each RNV meeting is preceded by meeting of a preparatory body. The GCT prepares documents and decisions for the RNV concerning counter-terrorism. The other

documents are prepared by the Netherlands Joint Intelligence Committee (CVIN, see below). The National Co-ordinator for Counter-terrorism chairs the GCT meetings. The GCT consists of representatives of all organisations involved in counter-terrorism on a central government level.

#### **9.1.4 Netherlands Joint Intelligence Committee**

Like the GCT, the Netherlands Joint Intelligence Committee (CVIN) is a preparatory body for the RNV. But where the GCT focuses specifically on the preparation of decision-making, the CVIN rather discusses certain sensitive issues relating to the foreign intelligence function of the AIVD and the MIVD. The CVIN is chaired by the Co-ordinator for the intelligence and security services of the Ministry of General Affairs. Its members are the Director General Political Affairs of the Ministry of Foreign Affairs, the Director General Law Enforcement of the Ministry of Justice, the Director General Public Order and Security of the Ministry of the Interior and Kingdom Relations, the Director General of the AIVD and the Director General of the MIVD.

### **9.2 Parliamentary matters and legislation**

This section describes the parliamentary oversight of the work of the AIVD by the Second Chamber (Lower House of Parliament) and its Committee on the Intelligence and Security Services, as well as legislation relevant to the AIVD.

#### **9.2.1 The Second Chamber**

The Second Chamber discussed the subject of terrorism and related subjects on many occasions in 2004. Plenary debates were held about the financing of imams by the Embassy of Saudi Arabia, the attacks in Madrid, the Al Tawheed mosque in Amsterdam and the assassination of Mr Van Gogh. On 11 March the standing committee for the Interior and Kingdom Relations and the standing committee for Justice discussed with the Minister of the Interior and Kingdom Relations the government position on the report 'Aliens Policy and Counter-Terrorism' from the Advisory Committee for Aliens Affairs. Separately the two commissions also discussed with the minister the Takfir Wal Hijra and the Al Waqf Al Islami foundation.

On 15 September the two aforementioned committees discussed the Al Tawheed mosque, Saudi financing of mosques and the Al-Haramain foundation. Finally, on 23 September the committees discussed some subjects including the exchange of law enforcement-related and terrorism-related information as well as the increased terrorist threat.

Also discussed in plenary meetings were information from national security services about Iraq and threats against the Minister for Aliens Affairs and Integration. On 22 June the standing committees for the Interior and Kingdom Relations and for Justice discussed a letter from the Minister of the Interior and Kingdom Relations and the Minister for Government Reform and Kingdom Relations about freedom of expression and the safety and security system, also referring to an AIVD paper about the background of jihad recruits in the Netherlands.

The paper described how a growing number of Muslims in the Netherlands feel disrespectfully treated by opinion-makers and opinion-leaders. Finally, on 14 October 2004 the standing committee for the Interior and Kingdom Relations discussed the annual reports for 2003 of the AIVD, the Supervisory Committee for the Intelligence and Security Services and the parliamentary Committee on the Intelligence and Security Services. On the same occasion the government's position with respect to the follow-up of a parliamentary motion about the attack on Mr Fortuyn were discussed, as well as the Supervisory Committee's report about an AIVD study of

radicalisation processes in the Islamic community, the legislative proposals to amend the Intelligence and Security Services Act 200 (Wiv 2002) and the Security Investigations Act (WVO) and an AIVD paper on animal rights activism.

The standing committee for the Interior and Kingdom Relations paid a working visit to the AIVD on 13 February 2004. On that occasion the committee received a briefing on the threat level in the AIVD's various focus areas and general information on the use of special intelligence tools, on financial investigation and on the AIVD's contribution to the safety and security system.

In the past year the Minister of the Interior and Kingdom Relations provided the Second Chamber with detailed information about AIVD-related subjects on several occasions, by means of letters, reports, memorandums and notes. A complete list of these documents has been included in the overview of all parliamentary reports relating to the AIVD in 2004 (annex 1). The following documents were particularly relevant.

- The AIVD paper 'Backgrounds of jihad recruits in the Netherlands', submitted on 9 March 2004 (Parliamentary reports II 2003/04, 27 925, no. 120);
- The AIVD paper 'Saudi influences in the Netherlands. Connections between Salafi mission, radicalisation processes and Islamic terrorism', submitted on 3 June 2004 (Parliamentary reports II 2003/04, 27 925, no. 128);
- The letter dated 10 June 2004 about the government's knowledge of the involvement of Urenco Nederland BV in the development of nuclear weapons in a number of countries, including Pakistan (Parliamentary reports II 2003/04, 29 200 V, no. 87);
- The AIVD paper 'Animal rights activism in the Netherlands. Between peaceful and burning protest', submitted on 12 July 2004 (Parliamentary reports II 2003/04, 29 200 VI, no. 175);
- The letter dated 10 September 2004 from the Ministries of Justice and the Interior and Kingdom Relations about new steps and measures concerning counter-terrorism and about the threat situation in the past few months (Parliamentary reports II 2003/04, 29 754, no. 1);
- The letter dated 10 November 2004 about the allegation that AIVD information might have ended up in the hands of Muslim terrorists and Mohammed B. (Parliamentary reports II 2004/05, 29 854, no. 3);
- The letter dated 10 November 2004 about the backgrounds of the murder of Mr Van Gogh (Parliamentary reports II 2004/05, 29 854, no. 3);
- The AIVD report 'From Dawa to Jihad; the various threats from radical Islam to the democratic legal order', submitted on 22 December 2004 (Parliamentary reports II 2004/05, 29 754, no. 4);
- The report 'Implementation of the Security Investigations Act in practice', submitted on 11 October 2004 (Parliamentary reports II 2004/05, 29 843, no. 1);
- The report 'AIVD in transformation' submitted by the Administrative Evaluation Committee for the AIVD on 16 November 2004 (Parliamentary reports II 2004/05, 29 876, no. 1) and the letter dated 24 January 2005 containing the government's response to the committee's report (Parliamentary reports II 2004/05, 29 976, no. 3).

### **9.2.2 The Committee on the Intelligence and Security Services**

The Minister of the Interior and Kingdom Relations renders account to the parliamentary Committee on the Intelligence and Security Services of all matters relating to the AIVD that cannot be discussed in public. The committee consists of the leaders of the parties represented in parliament, except for the leaders of recently split off parliamentary groups and the leader of the SP (Socialist Party) who has chosen not to sit on the committee. The committee brings out

a public annual report of its activities.

The committee paid a working visit to the AIVD on 16 February 2004. In 2004 there were nine meetings of the committee with the Minister of the Interior and Kingdom Relations, who was accompanied by AIVD officers on these occasions. The subjects for discussion included the attacks in Madrid, setting new priorities for the AIVD, the secret version of the AIVD's annual report, AIVD information about Iraq, the arrest of an AIVD officer and the assassination of Mr van Gogh. In relation to the murder of Mr van Gogh, the committee also discussed the system for safety and security. These discussions were also attended by the Minister of Justice and the national co-ordinator for safety and security.

### **9.2.3 Legislation**

In a letter dated 15 July 2004, written by the Minister of the Interior and Kingdom Relations, also on behalf of the Minister of Defence, an overview of the various proposals to amend Acts of Parliament pertaining to the intelligence and security services was sent to the chairman of the Second Chamber. The proposed amendments concerned the Intelligence and Security Services Act 2002 (Wiv 2002) and the Security Investigations Act (wvo). A number of proposals were based upon the experiences with the new regime since the coming into effect of the Wiv 2002. But also the attacks in Madrid gave cause to supplement the proposals and to reset priorities. In the letter these proposals were referred to as the so-called post-Madrid measures. The bill in which the post-Madrid proposals are incorporated is nearing its completion and is expected to be submitted to the Council of Ministers in spring 2005. The bill will also contain some other proposals, which were developed on the basis of the administrative evaluation of the AIVD, including an extension of the provisions for technical assistance and an adjustment to the appointment procedure for the Supervisory Committee. As concerns the other legislative proposals mentioned in the letter of 15 July, the Council of State gave its advice about the bill on safety and security based upon the amendments proposed in the memorandum on the new system for safety and security (Parliamentary reports II 2002/03, 28 974, no. 2), on 17 December 2004. The bill will be submitted to the Second Chamber in spring 2005. On 11 October 2004 the report on the implementation in practice of the Security Investigations Act was submitted to the Second Chamber (Parliamentary reports II 2004/05, 29 843, no. 1). In the report it was concluded that the Security Investigations Act needed to be amended with respect to a limited number of sections. The preparation of these amendments was recently started.

On 18 March 2004 the Act to amend the Code of Criminal Procedure and other acts pertaining to the adjustment of authorisations to demand telecommunication data was laid down in the Bulletin of Acts, Orders and Decrees 2004, 105. Article IV of this Act provides for new Articles 28 and 29 in the Wiv 2002, pertaining to the authorisation to demand so-called traffic data (i.e. data relating to a user's name, address, post code, place of residence, number and type of service) from the providers of public telecommunication services and telecommunication networks. The entering into force of this article was postponed awaiting the drawing up of an order in council containing a comprehensive enumeration of the types of traffic data that can be demanded from providers of public telecommunication networks and services on the basis of Article 28 of the Wiv 2002. The Council of State gave its advice on the proposal for this order in council on 10 December 2004. The proposal was also notified to the European Commission, on the basis of Directive no. 98/34/EC (notification directive). The stand-still period for the proposal ends on 21 February 2005.

The Designation Order for Article 39 Wiv 2002 (Bulletin of Acts, Orders and Decrees 2004, 506) came into effect on 15 October 2004. This order designates a number of persons and organisations involved in public tasks to whom the services can provide information on the

basis of an urgent and serious reason, insofar as this information may also be relevant to the interests looked after by these persons and organisations within this context.

Furthermore, the AIVD, in co-operation with the Ministry of Economic Affairs, worked on an exemption facility pursuant to Article 3.10, paragraph 3 of the Telecommunications Act. Under the provisions set forth in Article 3.10, paragraph 2 of this Act, the Minister of Economic Affairs, in agreement with Minister of the Interior and Kingdom Relations may give permission for a use of the frequency range that is different from the use set forth in chapter 3 of the Telecommunications Act when such is necessary for the performance of the AIVD's statutory duties. This concerns, for example, the use of active scanning equipment for tracing numbers of pre-paid mobile phones to enable the effectuation of the authorisation to intercept telecommunication. Pursuant to Article 3.10, paragraph 3, of the Telecommunications Act, it is possible, by ministerial regulation of the Minister of Economic Affairs and the Minister of the Interior and Kingdom Relations jointly, to grant exemption from the permission requirement under the provisions to be set forth in that regulation. After having consulted the Telecommunication and Post Consultation Platform, pursuant to Directive no. 98/34/EC (notification directive), the European Commission was notified of the draft regulation in December. The regulation is expected to be adopted in 2005.

The Telecommunications Act provides that in case of interception of telecommunication, the providers are entitled to a reimbursement of the factual personnel and administrative costs. Pursuant to the provisions laid down in the Telecommunications Act, rules shall be laid down for determining and reimbursement of these costs by ministerial regulation. In 2004 the Ministers of Justice, the Interior and Kingdom Relations, Economic Affairs, Defence and Finance reached agreement about the fact that such a regulation would be drawn up and come into effect in 2005.

### **9.3 Communication**

The AIVD seeks to provide the Dutch society with as much information on current risks to national security as possible. To that end, in addition to the annual report, several publications were brought out last year, about subjects like foreign espionage in the Netherlands, radical Islam and animal rights activism. Given the response, these publications evidently proved to fill a need. So our policy to bring out papers on specific security issues will be continued. In addition to this, the AIVD also gives information about its work through the press and through public information, for example via its web site [www.aivd.nl](http://www.aivd.nl).

Her Majesty Queen Beatrix paid a working visit to the AIVD. In addition, several Members of Parliament, ministers and business contacts visited the service in order to gain more insight into the performance and organisation of the AIVD.

According to the conclusions in the Administrative Evaluation Committee's report 'The AIVD in transformation', the public still have insufficient knowledge of the service's duties and powers. The committee believes that this leads to false expectations of what the service can do. In his response to the report, the Minister of the Interior and Kingdom Relations acknowledged that something should be done about this, both by the Minister himself and by the AIVD. The Minister will more often clarify the role of the service on the basis of specific incidents, and the AIVD itself will seek more publicity and explain its activities via its web site, publications or the press where possible. Obviously, this will take place insofar as it does not compromise current operations, the secrecy of sources, modes of operation and intelligence held by the service.

## 9.4 Applications under the Freedom of Information Act

In the year under review, many request were made to inspect files held by the AIVD. Only information that is no longer relevant to the AIVD's current activities may in principle be released. However, if information is not relevant to current issues but might compromise sources or methods of the AIVD, this information is not released. Personal data are not disclosed to third parties, except for data concerning deceased relatives in the first degree. Despite the complexity of many applications under the Freedom of Information Act, the AIVD succeeded in dealing with all applications within the statutory period of three months.

It has appeared that the more the AIVD is mentioned in the media, the more requests are made to inspect files. In 2004 the service received 225 applications under the Freedom of Information Act, which was 21.6% more than in 2003. 147 of these requests concerned data about the applicants themselves, 34 concerned data about deceased relatives, 37 concerned other information than personal data and seven requests concerned data relating to third parties.

The number of requests is not indicative for the intensity and duration of handling them. While some cases do not ensue any processing of documents because the AIVD does not hold any information on the applicant, other cases lead to the examination and processing of hundreds of documents.

In 2004 18 applicants filed a notice of objection against a refusal to inspect a file, 13 applicants instituted an appeal and eight took their case to a higher court. In 2004 16 objections, nine court cases and one appeal to the Council of State were dealt with. In all cases the AIVD's policy stood the test of scrutiny by the court.

**Table 8 Pending cases in late 2004**

Requests for inspection of files	40
Notices of objection	2
Court cases	4
Appeals before the Council of State	7

## 9.5 Complaints

If citizens believe to be improperly treated by the AIVD, they can lodge a complaint with the service itself, the Minister of the Interior and Kingdom Relations or the parliamentary Committee on the Intelligence and Security Services. If the outcome does not satisfy a citizen, he or she may also turn to the National Ombudsman.

In the year under review four complaints were lodged with the Minister of the Interior and Kingdom Relations. The first complaint concerned an action that allegedly took place longer than one year before the complaint was lodged. By invoking Article 9:8, paragraph 1 sub of the General Administrative Law Act, this complaint was not handled.

The second complaint concerned the fact that, according to the complainant, the AIVD failed to give the complainant protection. Pursuant to Article 83 of the Intelligence and Security Services Act 2002 (Wiv 2002), the minister submitted the case to the Supervisory Committee for the intelligence and security services for its advice. In conformity with this committee's advice, the Minister of the Interior and Kingdom Relations declared the complaint unfounded. In the third complaint the AIVD was accused of having unjustly started an investigation into

the complainant. The Supervisory Committee gave its advice on this complaint. It will be dealt with in 2005.

The fourth complaint also concerned an accusation of an unjust investigation into the complainant. This complaint was submitted to the Supervisory Committee early in 2005.

Finally, the National Ombudsman dealt with a complaint about the use of a false identity by two AIVD officers in their contact with a citizen. The National Ombudsman regarded this action as proper.

In 2003 the National Ombudsman investigated the handling of letters from citizens by government organisations. Within this context the National Ombudsman asked all ministers questions about their handling of applications, notices of objection, written complaints, other letters and e-mail messages in 2002. Some of these questions were also relevant to the AIVD. In his final report of 20 September 2003 (2003/325) the National Ombudsman recommended the AIVD to reduce the duration of handling notices of objection and to improve the provision of information to persons who file a notice of objection or a written complaint.

On 15 March 2004, the Minister of the Interior and Kingdom Relations informed the National Ombudsman that the AIVD was working on speeding up the progress of handling notices of objection and that the other recommendations for improvement were implemented in the relevant administrative procedures. Since then the internal procedure for handling notices of objection has been further streamlined. The Minister for Administrative Reform and Kingdom Relations submitted an action plan 'Professional Handling of Letters and Electronic Messages' to the Second Chamber on 28 May 2004. This action plan is also the Cabinet's response to the National Ombudsman's report (Parliamentary reports II, 2003/04, 29 362, no. 16).

## **9.6 Supervisory Committee**

The Intelligence and Security Services Act 2002 (Wiv 2002) provides for an independent supervisory committee pertaining to the intelligence and security services. The Committee's primary task is to supervise the performance of duties in accordance with the Wiv 2002 and the Security Investigations Act. The Committee started its activities on 1 July 2003.

The Committee brought out its first public annual report, covering the period from 1 July 2003 to 1 April 2004. The annual report gives an overview of the Committee's activities. In addition to the annual report, the Committee also brings out so-called supervision reports. These reports are based upon examinations conducted by the Committee. The supervision reports are public, except for certain parts that provide insight into secret sources, the use of intelligence means in specific cases or a service's current level of knowledge.

On 29 April 2004 the Committee brought out its first supervision report concerning the AIVD. The report reflected the results of an in-depth examination of the AIVD's activities in relation to its investigation of radicalisation processes within the Islamic community. The Committee concluded that the use of special powers in this investigation was justified and that the use of these powers met the requirements of proportionality and subsidiarity. The Committee also concluded that an initial inadequacy relating to the prolongation of the use of natural persons had been removed. Finally, the Committee made a number of recommendations of an administrative and procedural nature. The Minister of the Interior and Kingdom Relations submitted the public part of the report with his response to the chairmen of the two Chambers of the States General (Dutch Parliament) (Parliamentary reports II, 2003/04, 27 925, no. 129).

The Committee sent the other part of the supervision report, which was classified Top Secret, to the parliamentary Committee on the Intelligence and Security Services for their information.

In 2004 the Committee also examined the legitimacy of AIVD investigations into developments within the Moluccan community, into proliferation of weapons of mass destruction and into politically motivated violent activism, in particular animal rights activism. In addition, the Committee examined the exchange of information between the AIVD and the IND as well as the meaning and consequences of Article 13 of the Wiv 2002 concerning the processing of personal data. The Committee concluded that the interpretation of Article 13 of the Wiv 2002 did not ensue any problems for the AIVD. As for the other examinations, the supervision reports were not yet completed by the end of 2004.

In 2004 the Committee also carried out a random survey at the AIVD to see how the AIVD's methods were adapted to the provisions set forth in the new Wiv 2002. The Committee concluded that initially there was an inadequacy relating to the use of natural persons, but that this had been brought in line with the new Act. Nevertheless, the Committee decided to start a closer examination of the procedures relating to the use of special powers in 2004-2005. In addition, the Committee gave its opinion about the AIVD's point of view that the obligation to examine whether a person against whom certain special powers were used can be notified of this fact five years afterwards lapses when there is no legal ground for this notification. The Committee deemed this point of view acceptable, but preferred the MIVD's approach, meaning that after five years they examine whether there is still no legal ground for notification. The AIVD has decided to follow the MIVD's method.

Finally, pursuant to Article 83, paragraph 3 of the Wiv 2002, the Committee gave advice on two complaints about alleged actions of AIVD officers (see section 9.5).

## 10 Co-operation

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The AIVD co-operates with a large number of services at home and abroad. This chapter describes this co-operation in separate sections on national co-operation, co-operation with the overseas parts of the Kingdom, European co-operation and other co-operation at an international level.

### 10.1 National co-operation

The AIVD's co-operation with organisations at a national level encompasses a new co-operative structure, the Counter-terrorism Infobox (CT Infobox), as well as our standard relations with the police, judicial authorities, the Royal Military Constabulary and the MIVD.

#### 10.1.1 CT Infobox

Following the attacks in Madrid in March 2004, the Cabinet announced in a letter to the Second Chamber that the monitoring of persons who 'can in any way be associated with terrorist activities or support to such activities' should be intensified. This led to the setting up of an Analytical Cell in April 2004. This Analytical Cell, located at the National Police Agency's (KLPD) headquarters at Zoetermeer, was a unit for co-operation between of the Public Prosecutions Department, the police and the AIVD. The Analytical Cell was supposed to compile and analyse the information held by the aforementioned services relating to persons associated with terrorism (the so-called 'group of 150') in order to find a proper way to deal with these persons. In practice, however, this structure proved to be inadequate, because the information held by the AIVD could not completely be made available to the Analytical Cell, in view of the statutory provisions governing secrecy and the provision of information. However, this problem was effectively solved by transferring the collection and collation facility to a new structure located at the AIVD, the CT Infobox. As from 1 July 2004 this has enabled the aforementioned parties to continue and intensify their co-operation. The co-operative group was enlarged with the Immigration and Naturalisation Service (IND) and on 1 January 2005 with the Defence Intelligence and Security Service (MIVD).

The aim of the CT Infobox is to contribute to the combat of terrorism by compiling and comparing at a central point information about networks and persons who are in any way involved in terrorism - in particular Islamist terrorism - and in terrorism-related radicalisation. Consultation, comparison and analysis of the data provided to the CT Infobox by the participating services enables a quick, multi-disciplinary analysis and assessment of the information. On the basis of the results of the multi-disciplinary assessment it becomes clear which type of action – intelligence operations, measures pertaining to criminal or aliens law, or a frustration of activities - may be taken by the participating services. The required information is largely exchanged directly between the various partners, within the relevant legal regimes. The CT Infobox as such does not provide information to outsiders. The analysis and multi-disciplinary assessment in the CT Infobox may also lead to the conclusion that there is yet insufficient information to recommend, for example, a follow-up under criminal law or administrative law. In that case the CT Infobox may recommend to monitor certain individuals on various levels. If analysis and assessment of new information lead to the conclusion that there is sufficient reason for taking specific measures, for example pertaining to criminal law or administrative law, the CT Infobox partners will prepare relevant advice.

The first results of the CT Infobox were promising and met the expectations of the participating services.

By early December 2004 the CT Infobox gave the relevant bodies advice on 21 occasions. Six times advice was given to the UTBT (The KLPD's Terrorism and Special Tasks Unit) on possible measures pertaining to criminal prosecution. The IND received advice on matters relating to aliens law on ten occasions, seven of which led to official reports and specific measures pertaining to aliens law. On one occasion advice was given to the Public Prosecutions Department. Finally, on four occasions advice was given to the AIVD in relation to intelligence-related steps.

The effectiveness of the CT Infobox's efforts may considerably be enhanced by expanding the group with other services or by gaining direct access to records held by other services, for example the Fiscal Intelligence and Investigation Service/ Economic Surveillance Department (FIOD/ECD). After all, the more records and files about persons associated with terrorism and radicalism can be consulted, the complete the picture of these persons will be. The participation of other services will also widen the expertise on possible measures against such persons. An extension of the number of records to which the CT Infobox has access will prompt more efficient and more effective methods for consulting these records. One of the options is the use of various forms of data analysis, including files linking and automated files comparison. Furthermore, in the long term we should not rule out the possibility to expand the current co-operation to include other focus areas of the participating services where a joint approach may have an evident added value. The CT Infobox also intends to develop operational analysis, meaning that trends and developments relating to persons and networks involved in terrorism and radicalism will be examined at an operational level.

#### **10.1.2 Police and Royal Military Constabulary**

In recent years information management within the police organisation underwent various changes. One of them was the development of one national infrastructure for the co-ordination of police information. These changes also have consequences for the Regional Intelligence Services (RID).

After the project 'National Information Co-ordination DNP (the Dutch police)', in 2004 the project 'AIVD-Police-RID Information Chain and Quality' was set up to improve the quality and effectiveness of the information exchange with the Regional Intelligence and Security Services. This project will be completed by the end 2005. The recommendations made by the Administrative Evaluation Committee for the AIVD concerning the exchange of information between the AIVD and the police will be incorporated into the project, in coherence with the other points for improvement. Specific emphasis will be put on establishing a link to other intelligence functions within the regional forces than those carried out by the RID. The project 'National Information Co-ordination DNP' was concluded in April 2004. The method was adopted by the organisation. This project led to the development of a joint vision of the future of the RID, agreed by the Council of Police Commissioners and the Director General of the AIVD in 2004. This vision serves as a perspective for the future co-operation between the police/RID and the AIVD, and as a basis for a follow-up to the project. One of the steps taken as a follow-up was the description of working procedures for the RID's public order function.

The so-called Intelligence Need Plan plays a key role in the co-operation between the AIVD and the RID, in terms of making this co-operation concrete. It should help us to solve the problems

in the co-operation between AIVD and RID that were identified by the Administrative Evaluation Committee for the AIVD.

In the aftermath of the 11 September 2001 attacks, the AIVD - in close co-operation with the RIDs - organised lectures about the AIVD's counter-terrorism task for community police officers and neighbourhood watchers throughout the country. The attacks in Madrid gave us reason to repeat this series of lectures. The lectures were attended by some 2500 police officers. The lectures were intended to enable the police to identify at an early stage signs of possible Islamist terrorist activities or support to such activities. The lectures were therefore not only focused on community police officers and neighbourhood watchers, but also on other police officers involved in relevant public tasks.

In order to establish a proper link to the police's information co-ordination system, the co-operation and co-ordination is not only a subject discussed within IBPs (police training units), but the AIVD also stationed a liaison officer to the National Criminal Information Service of the National Police Agency (KLPD). This liaison officer seeks to optimise the co-operation between the AIVD and in particular the National Information Centre (NIC), but he also plays a role in the implementation of the system for safety and security. The developments in this area mainly led to a further co-ordination between the parties involved in 2004.

The co-operation between the AIVD and the Royal Military Constabulary (KMAR) was further intensified and confirmed by signing the co-operation protocol drawn up in 2003. The co-operation was particularly improved as a result of staff expansions in the area of aliens and border control.

### **10.1.3 MIVD**

In 2004 the AIVD and the Defence Intelligence and Security Service (MIVD) jointly considered where their current co-operation could be improved and where new co-operation could be initiated. Both services first of all pursue a better use of the information and resources at their disposal. The Intelligence and Security Services Act 2002 also provides for an exchange of information and mutual (technical) support between the two services. The principal focus points are operational co-operation and co-operation on protective security. One of the intentions is to combine specific in-company training courses. The co-operation structure will be laid down in an agreement to be approved in 2005.

In 2004 the AIVD and the MIVD contributed to the development of the National Sigt Organisation (NSO). To that end a project was started by representatives of the two services. The project group drew up an Integrated Material Plan, on the basis of which the satellite interception capacity will be substantially expanded in 2005/2006. This fulfils the requirement of action point 18 of the Action Plan Counter-terrorism and Security. A small part of the expanded satellite interception capacity has already come into operation at the AIVD in 2004. The antennas required for the expanded satellite interception capacity should be located elsewhere. The Ministry of Defence is currently negotiating the purchase of premises to be used for this purpose.

## **10.2 Co-operation with the overseas parts of the Kingdom**

In 2004 several steps were taken for an upgrading of the co-operation between the security services in the various parts of the Kingdom of the Netherlands. The heads of the services

signed an agreement which forms the basis for an intensification of the co-operation. This agreement concerns, for example, joint investigations or support to mutual investigations, vetting inquiries and the exchange of information. Agreements were also made about an intensive exchange of information and expertise on counter-terrorism. At least twice a year analysts of the services will meet in order to share information about subjects like radicalisation and financing of terrorism. In 2004 the AIVD again contributed to the further enhancement of the professionalism of the Security Service of Aruba by means of technical support at a middle management level.

### **10.3 European co-operation**

The European co-operation between intelligence and security services has been concentrated in several partnerships: the Club of Bern, the Middle Europe Conference, the Counter Terrorist Group and the Situation Centre.

#### **10.3.1 Club of Bern**

The Club of Bern (or Club de Berne, CdB), the partnership of security services of the EU Member States, Switzerland and Norway convened an extraordinary meeting for the heads of service in Zurich in April 2004. At this meeting it was decided to reinforce the Counter Terrorist Group (CTG), which was set up as a sub-CdB group after the terrorist attacks in 2001 in order to intensify the co-operation on counter-terrorism between the services in Europe, to make it more independent and to enlarge it with the security services of the new EU Member States.

#### **10.3.2 Middle Europe Conference (MEC)**

In 2004 the services of the Baltic states joined the Middle Europe Conference (MEC), a consultative partnership of services of central European countries and some western European services, including the AIVD.

#### **10.3.3 Counter Terrorist Group (CTG)**

The CTG was set up on the instigation of the JHA Council immediately after the 11 September 2001 attacks. Although still an informal platform, it has now grown into a fully-fledged, independently functioning organisation, comprising counterterrorism-focused intelligence and security services from 27 countries. The AIVD chaired the CTG in the second half of 2005. The structure of the forum was reinforced, and its work has made good progress. For the first time a long-range work programme was adopted, which is focused on the well-known subjects involved in the broad approach to counter-terrorism (i.e. radicalisation tendencies, recruitment, financing of terrorism, migration and NBC terrorism). A link between the CTG and the EU's Joint Situation Centre (SitCen) was realised by making agreements about the content and arrangement of the information exchange between both entities. As a result, the EU will be provided with more and with more specific terrorism-related information, as agreed by the European Council in June 2004.

#### **10.3.4 SitCen**

The Joint Situation Centre (SitCen) is an intelligence unit within the EU Council Secretariat, at the moment consisting of representatives of seven European intelligence services. Currently its principal task is making analyses of countries and regions to support the European foreign

policy and security policy. In 2004 it was decided to enlarge SitCen with representatives of European security services. The subject of counter-terrorism was added to the focus areas of SitCen.

## **10.4 International co-operation**

The AIVD's network of liaison officers plays an important role in international co-operation outside Europe. This international co-operation also encompasses co-operation between intelligence and security services within the context of NATO, as well as international co-operation in the areas of security screening and security standards.

### **10.4.1 NATO**

In 2004 the subject of counter-terrorism was further embedded in the NATO structure by the setting up of the Terrorist Threat Intelligence Unit (TTIU), in which both civilian and military information are assembled. After the setting up of the TTIU, the Ad Hoc Analytical Cell, consisting of officers of security services of the Member States (including the AIVD) was dissolved.

In 2004 the Secretary General of NATO initiated a wide-ranging reorganisation of the intelligence function within the Alliance. In the long term this will have consequences for the positions and functioning of the NATO Special Committee, the consultative body for security services of NATO member states.

### **10.4.2 Liaison network and bilateral contacts**

The AIVD closed its liaison station in Caracas in 2004. In 2005 the liaison network will be expanded and restructured as a consequence of the continuing globalisation of security-related phenomena. The liaison network enables the AIVD to gain direct access to information abroad while expanding and intensifying the relationship with foreign services. The liaison officers also contribute to collecting information relevant to the security of Dutch interests abroad. A number of new initiatives were taken in this respect in 2004. Decisions about expansion and preservation of the liaison network are made in close consultation with the Ministry of Foreign Affairs. The AIVD stationed temporary liaison officers to Athens during the Olympic Games and the Paralympics, and to Istanbul during the NATO summit. They worked in close co-operation with representatives of the security services of the host countries and with liaison officers from other services. This enabled the best possible exchange of security-related information.

### **10.4.3 Vetting enquiries**

In 2004 a method was developed for expanding the co-operation with foreign counterpart services in the area of vetting. This co-operation should help the AIVD to collect the required data on persons who lived abroad prior to their application for a confidential post in the Netherlands. The new method implies that the intended co-operation is tested against a number of criteria with a view to identifying possible risks to national security and risks to the subject of the vetting and his family. The head of the AIVD eventually decides about entering into co-operation with a certain country, if necessary under certain conditions.

#### **10.4.4 International co-operation on security standards**

In order to gain insight into the security levels of IT security equipment a methodology for evaluation and certification of IT security equipment was developed at an international level: the 'Common Criteria'. 21 countries have now committed themselves to a mutual recognition of certificates for IT security products on the basis of these criteria by signing the Common Criteria Recognition Arrangement (CCRA). From September 2004 for the period of one year the Netherlands will chair the CCRA Management Committee, which co-ordinates the admission of countries. The AIVD represents the Netherlands in the CCRA Management Committee.

The Dutch system for evaluation and certification of IT security products was presented for international CC recognition in 2004. This system was developed by TNO Certification with AIVD support. The system is expected to be officially recognised in 2005.

## 11 Internal management

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This chapter on internal management describes the following subjects: personnel policy, the provision of computerised information, quality management, registration, documentation, archives and finance. The final sections concern the obligatory 'management statement' by the head of the AIVD and an account of the activities of the Departmental Auditing Service.

### 11.1 Personnel

The AIVD's staff grew by more than 100 new employees in 2004. This growth will even increase in the next few years, partly as a result of the recommendations made by the Administrative Evaluation Committee for the AIVD. At the same time, however, we are confronted with a sharply rising outflow of personnel as a consequence of the large number of ageing staff. Consequently, recruitment and selection, as well as training of new staff will remain important spearheads of the AIVD's personnel policy.

The introduction of a so-called integrated jobs system in 2003 was a major improvement to both the flexibility of operational working procedures and personal career opportunities. This system was further worked out in 2004, in terms of implementing specific job changes and training programmes for the required coaching skills. These efforts gave a major impulse to the development of similar career development programmes for other job categories.

### 11.2 Computerised information

In 2004 a technical innovation and expansion of the AIVD's computer infrastructure (Work station->XP, Network, Vexnet) was implemented as a first step towards the functional innovation of the systems. A second step on this path was our participation in the interdepartmental acquisition of a document management system in 'Interlab'. A third step towards functional innovation was the introduction of a new application development programme to be applied to the system for notification under the Intelligence and Security Services Act 2002. The rapid introduction of the CT Infobox was also supported by computerised facilities. The communication with external partners, which was specifically important within the context of several international events in 2004 (EU presidency, Olympic Games and EU enlargement), was further expanded and improved. Improvements were implemented in the provision of information for the registration of personal data. Finally, by the end of 2004 a large-scale survey was made of our operational information management with a view to improving the efficiency of information management processes. This was also one of the points mentioned in the recommendations made by the Administrative Evaluation Committee for the AIVD.

### 11.3 Quality management

In 2004 the main subject for the quality management department was an extensive staff appraisal survey. The survey, presented in September, had a response rate of about 67%. The outcome of the survey, in addition to external measuring criteria, is an important input for the AIVD's development path in the coming years.

At an organisational level a protocol for policy evaluations was introduced. The most important evaluations were the following:

- An internal survey of the quality of the interaction between the AIVD and Regional Intelligence Services (RID). The results were incorporated into improvement and innovation programmes;
- An examination of the implementation of the personnel policy plan that was developed in 2002. Improvement and innovation efforts will be started in 2005.

An exploratory study was made of a possible improvement and innovation of the methodology for describing working procedures and related instruments. This study led to the decision to start using a system that is also used by the police and that is in line with the police methodology for process arrangement.

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

In 2004 the first major steps were made towards a new document and workflow management system to replace our current applications. Also, the development of a so-called documentary structure plan was started, which should improve the management of support procedures in relation to documentary information. In 2004 a new Documentary Information Management Arrangement was introduced, in which management aspects and responsibilities with respect to the provision of documentary information have been laid down.

#### **11.5 Finance**

The AIVD's budget is part of the budget of the Ministry of the Interior and Kingdom Relations. Consequently, budgeting and accountability fall within the financial process of the Ministry of the Interior and Kingdom Relations. The AIVD's financial resources are primarily used for salaries and business expenses. The service also has a 'secret budget', which covers the AIVD's operational expenditure. The AIVD renders account on its secret budget - with an audit report - to the Minister of the Interior and Kingdom Relations and the president of the Netherlands Court of Audit.

The results of the AIVD's expenditure were described in the previous chapters of this annual report. In the course of 2004 a reallocation of resources took place on the basis of adjusted priorities. The Departmental Auditing Service concluded, on the basis of its examination, that in general the resources were spent on staff and equipment in the most effective and efficient way possible. This applied to both our regular activities and to our intensified focus on areas for which extra funds were made available.

In 2004 extra funds were first of all intended for counter-terrorism, as part of a phased allocation to be provided from 2002 to 2006 in relation to the attacks in the United States. Another part was a new allocation in 2004 ensuing from the Madrid attacks. These funds were mainly used for extra manpower in the combat of Islamist terrorism. Extra funds from the budget of the Ministry of the Interior and Kingdom Relations were also allocated to the AIVD for our rising material costs involved in counter-terrorism.

Furthermore, the second half of a phased allocation of funds for the Safety and Security system was provided to the AIVD. This enabled us to implement this task according to plan.

Finally, the AIVD temporarily had the disposal of extra funds in 2004 in relation to the Dutch EU presidency. These funds enabled us to put extra efforts in investigations focused on security during the presidency and on the organisation of a number of meetings and conferences.

So all extra funds allocated to the AIVD were spent on extra personnel and material in order to improve the quantity and quality of the service's efforts on some important subjects. Nevertheless, the budget for 2004 was still tight. Especially in the area of counter-terrorism the extra funds proved to be insufficient to employ enough extra staff to bring our efforts up to the required level, so it was decided to find additional funds by means of an internal resetting of priorities. Even the allocation of extra funds for materials was preceded by extensive internal cutbacks. As a result of a stringent budget policy the expenditure level remained within the budget limits. It led to a temporary stagnation of the planned growth in personnel, however, while planned investments had to be postponed.

The Administrative Evaluation Committee for the AIVD explained in its report why the budget for the AIVD was insufficient. Subsequently, the government decided by the end of 2004 to make sufficient resources available to enable the AIVD to implement the recommendations of the Administrative Evaluation Committee and at the same time to realise the desired intensification of efforts focused on operational control, safety and security. The extra budget will amount from approximately € 15 million in 2005 to approximately € 46 million in 2009.

**Table 9 Budget 2004 (realisation figures)**

Staff	€ 52.2 million
Materials	€ 32.2 million
Secret budget	€ 3.1 million

#### **11.5.1 Management statement**

The Director General of the AIVD has made the following statement concerning the service's management in 2004: In the financial year 2004 the AIVD systematically focused attention on management control, weighing the use of steering and control instruments on the basis of a risk assessment.

*Explanation:*

Planning and rendering account of the AIVD's activities have to meet requirements laid down in laws, regulations and circular letters. The most important ones relevant to management are the Government Accounts Act (and the ensuing regulation on Performance and Evaluation in the Central Government) and the government's Policy Document 'from policy budget to policy responsibility'. On the basis of these documents the AIVD further implemented its management control system.

The internal policy, management and budget cycle was brought in line with the ministry's by the introduction of working agreements. Both during the planning stage and in the implementation stage these working agreements enable 'general control' and 'result-oriented management'.

The working agreements replace ministerial year plans and management reports. However, at the AIVD year plans at a directorate level were also an important instrument for working out the consequences of priorities the outlines of which were established earlier. The year plans for the directorates for 2005 have meanwhile been completed.

In 2004 on regular occasions account was rendered on the AIVD's policy to the Minister of the Interior and Kingdom Relations by means of three-monthly progress reports on political administrative relevant results and adjustments to the year plan. Management reports were based upon working agreements. In addition to reports about the working agreements, insight into the results and the means used to reach the results was also provided by periodical internal management reports from the directorates.

In 2004 a systematic evaluation survey was conducted as described in the above-mentioned regulation on Performance and Evaluation in the Central Government. This survey included both examinations from 2003 that were postponed to 2004 and examinations that were planned for 2004. Some examinations could not be completed in 2004. The results of some examinations were incorporated into projects that will be completed in 2005. A new planning for 2005 has been arranged now, to which the pending examinations from 2004 will be added, if possible.

Attention was also paid to risk assessments for the service's management. Because the new maintenance plan for the administrative organisation had not yet been completed, the risk assessments were particularly focused on the most urgent risks involved in supportive procedures, on the basis of current process plans.

#### **11.5.2 Departmental Auditing Service**

For applying the auditing programme to the AIVD it is necessary to make specific agreements on the scope and depth of the audits and the involvement of the auditors. In 2004 the examinations were restricted to financial audits. In view of the findings, plans were drawn up to improve part of the administrative management of the AIVD. The Departmental Auditing Service of the Ministry of the Interior and Kingdom Relations evaluated the progress of these plans. The director of this service discussed the findings with the deputy director general of the AIVD.

## Annex 1 Parliamentary reports relating to the AIVD in 2004

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### Parliamentary reports

- 23 432            The situation in the Middle East**
- No. 166           Letter from the Minister of Defence about the military intervention in Iraq.
- 23 490            Draft decisions concerning Union Treaty**
- No. 321           Report of general consultations on 17 March 2004 about the preparation of the informal JHA Council on 19 March 2004
- 27 925            Combat of international terrorism**
- No. 110           List of questions and replies relating to the letter about the national Sigint (signal intelligence) organisation (27 925, no. 102).
- No. 111           Report of written consultations about the alleged Saudi financing of imams
- No. 112           Motion by Mr Wilders et al. about Saudi financing of Islamic institutions in the Netherlands.
- No. 113           Motion by Ms Karimi et al. about Saudi financing of mosques, imams and Islamic centres in the Netherlands.
- No. 114           Motion by Mr Eerdmans about admission of imams from countries with a fundamentalist Islamic culture.
- No. 115           Letter from the Minister of Justice about the possibility to proscribe and dismantle religious communities and mosques.
- No. 116           Letter from the Minister of Foreign Affairs about his conversation with the Saudi Ambassador.
- No. 118           List of questions and replies about the letter from the Minister of Aliens Affairs and Integration relating to the advice on 'Aliens policy and counter-terrorism' (27 925, no. 103).
- No. 120           Letter from the Minister of the Interior and Kingdom Relations presenting the paper 'Backgrounds of jihad recruits in the Netherlands'.
- No. 121           Report of general consultations about the advice on 'Aliens policy and counter-terrorism' on 11 March 2004.
- No. 122           Report of general consultations about terrorism on 11 March 2004.

- No. 123 Letter from the Minister of Justice and the Minister of the Interior and Kingdom Relations about the attacks in Madrid, about the measures taken so far and about the need for additional measures.
- No. 124 Motion by Mr Verhagen et al. about setting up a national security council.
- No. 125 Motion by Mr Herben et al. about not yielding to international terrorism and about taking appropriate measures.
- No. 126 Motion by Mr Van Aartsen et al. about the special powers and additional measures relevant to alertness levels, about amendment of emergency legislation and about reinforcing the co-ordination.
- No. 128 Letter from the Minister of the Interior and Kingdom Relations presenting the paper 'Saudi influences in the Netherlands. Connections between Salafi mission, radicalisation processes and Islamist terrorism'.
- No. 129 Letter from the Minister of the Interior and Kingdom Relations presenting the public part of report of the Supervisory Committee for the Intelligence and Security Services about its examination of AIVD efforts focused on radicalisation processes in the Islamic community and the Minister's comments to this report.
- No. 131 Report of a hearing on 24 May 2004 about the combat of international terrorism.
- No. 137 Letter from the Minister of the Interior and Kingdom Relations and the Minister of Justice about safety and security measures that were taken in connection with a threat in relation to preparation of terrorist actions.
- No. 138 Letter from the Minister of the Interior and Kingdom Relations about the alleged letter from Al-Qaeda to the UN.
- No. 147 Report of general consultations on 15 September 2004 about the Al Tawheed mosque, Saudi financing of mosques and the Al-Haramain foundation.
- No. 149 Report of general consultations on 23 September 2004 about threats and terrorism.
- No. 150 Letter from the Minister of the Interior and Kingdom Relations about the alleged Al-Qaeda letter, among other things.
- No. 151 Motion by Mr Van Heemst and Mr Dijsselbloem about a blacklist of radical Islamists who will be refused entry to the EU.
- No. 152 Motion by Mr Van Heemst about supervision of non-profit organisations in order to prevent them from being used for siphoning money to terrorist activities.

- No. 153 Motion by Mr Van Heemst about setting up a unit at the national criminal investigation department for exposing discrimination and racism.
- No. 154 Letter from the Minister for Aliens Affairs and Integration about barring persons from entering Schengen states for reasons of national security.
- No. 157 Report of general consultations on 8 December 2004 about threats and terrorism.
- 28374 Assassination of Mr W.S.P. Fortuyn**
- No. 25 Letter from the Supervisory Committee on the Intelligence and Security Services presenting its report on the implementation of the Cornielje-Eerdmans motion.
- No. 26 Letter from the Minister of the Interior and Kingdom Relations about the report of the Supervisory Committee on the Intelligence and Security Services on the implementation of the Cornielje-Eerdmans motion.
- No. 27 List of questions and replies about the report of the Supervisory Committee on the Intelligence and Security Services.
- 28463 Amendment and supplement to the Penal Code and some other Acts with respect to terrorist crimes (Terrorist Crimes Act)**
- No. C Memorandum of reply from the Minister of Justice on counter-terrorism and the role of criminal law in counter-terrorism.
- 28 845 Exchange of information relating to law enforcement and terrorism**
- No. 5 Report of general consultations on 5 February 2004 about reports of the National Court of Audit concerning the exchange of information relating to law enforcement and terrorism.
- No. 6 Letter from the Minister of the Interior and Kingdom Relations about the role and tasks of the Public Order and Safety Inspection and about measures to improve the information exchange.
- 28 974 New system for safety and security**
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## Notes

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- 1 See the paper *'Recruitment in the Netherlands for the jihad; from incident to trend'*, AIVD, 2002
- 2 See the paper *'Saudi influences in the Netherlands. Links between Salafi mission, radicalisation processes and Islamist terrorism'*, Parliamentary Reports II 2003/04, 27925, no. 120.
- 3 See the paper *'From Dawa to Jihad. The various threats from radical Islam to the democratic legal order'*, Parliamentary Reports II 2004/05, 29754, no. 4.
- 4 *'Animal Rights Activism in the Netherlands – between peaceful and burning protest'*, Parliamentary reports II 2003/04, 29200 VI, no. 175.



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