

**ANNUAL REPORT 2003
GENERAL INTELLIGENCE
AND SECURITY SERVICE**

Foreword

The attacks in Madrid on 11 March 2004 demonstrated that radical Islamist networks who perceive the West as their enemy have widened their terrorist field of battle to include western Europe. It is one of today's challenges to prevent that the terrorists, whose attacks are meant to cause fear and unrest, succeed in undermining our society. Intelligence and security services play an important role in the prevention of attacks. It is their task to monitor persons involved in terrorism and to alert the authorities in time, thus enabling them to prevent attacks. The AIVD showed several results in this area over the past few years.

This annual report for 2003 provides insight into the AIVD's efforts to examine the threat from international terrorism. It also describes other relevant risks to national and international security, like the proliferation of weapons of mass destruction and violent activism. Another subject is the AIVD's protective security function, which includes the vetting of candidates for positions involving confidentiality. New tasks described in this report are the AIVD's foreign intelligence function and its role in the new system for protection and security. The annual report contains no operational details. This information is classified and it is only provided to the parliamentary Committee on the Intelligence and Security Services and to the Supervisory Committee for the Intelligence and Security Services, which started its activities in 2003.

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

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1 **Developments relating to national security**

This chapter describes current developments in the area of national security. It first focuses on some of today's principal security issues, followed by an explanation of the role of the AIVD. The chapter concludes with the new functions that were recently assigned to the service. More details about these subjects will be given in the next chapters.

1.1 **Threats to national security**

One of the principal threats to national security is the threat emanating from international terrorism with a radical Islamic character. But there are also other radical movements within Islam that demand our attention where they repudiate the western society. In addition, it remains necessary to focus attention on infringements on the sovereignty of the Netherlands by foreign intelligence services and on other forms of foreign interference. Proliferation of weapons of mass destruction is still one of the AIVD's major focus areas. Violent forms of animal rights activism in the Netherlands demand increasing attention. More details about these phenomena are given below.

1.1.1 **Islamist terrorism and radical movements within Islam**

Islamist terrorism is rooted in a deep-seated hatred of the West. According to Islamist fighters and terrorists, the West seeks to dominate Muslims world-wide. Their hatred is also aimed at Islamic rulers who are prepared to co-operate with the West and whose lifestyle and policy is not completely in accordance with the Sharia, the Islamic law. Islamist terrorism has become a long-term phenomenon, which recently escalated into the bloody attacks of 11 March 2004. The consequences are becoming more and more manifest: a growing social polarisation mainly in western societies, a global radicalisation of Muslims and an increasing preparedness to engage in violent activities for the jihad. The violent Islamists see these effects as successes. And, despite substantial setbacks, these successes may inspire the Al Qaida network to higher ambitions.

The threat from radical Islam does not only manifest itself as a terrorist threat. Radical Islam encompasses a multitude of movements, organisations and groups. Although they have several ideas in common (particularly relating to religious standards and anti-western sentiments), they may also have very different opinions about the aims to be pursued and the means to be used. In addition to radical Islamic organisations and networks focusing on the jihad (in the sense of armed struggle) against mainly the West, other movements rather concentrate on 'dawa' (preaching radical Islamic ideology), while some groups and networks combine these two elements.

The fact that the dawa-oriented forms of radical Islam do not have a directly violent character does not mean that they do not represent a serious threat to security. Adherents of these forms of radical Islam seek to 're-Islamise' the Muslim minorities in the West. They see these minorities as 'oppressed brothers' who should be liberated from the 'yoke of Western brainwashing'. To that end the dawa-oriented groups use long-term influencing strategies, inspired by extremely puritan, intolerant and strongly anti-western lines of thinking. They preach an extreme isolationism and often propagate intolerance towards other groups in western societies. This has prompted the AIVD to widen its focus areas in order to gain

insight into the various manifestations of radical Islam and the consequences for our society. Once again we should emphasise, however, that in the Netherlands there is relatively little support for radical forms of Islam, since the vast majority of the Muslims resident in this country are averse to extremism and violence.

1.1.2 Unwelcome interference of foreign powers

There are foreign countries that carry out various activities in the Netherlands – bypassing official channels – that constitute an infringement on the sovereignty of the Netherlands. Some of them try to control migrant groups in the Netherlands or to preach a certain form of religion that is at odds with the values of our society. Others are still using traditional espionage methods in order to collect political, military, economic and scientific information in the Netherlands or they try to influence social decision-making to their advantage. It has also appeared that foreign intelligence services sometimes support international terrorism, illegal migration or the proliferation of weapons of mass destruction.

The Dutch society seems to be less able to defend itself against these covert activities than before, whereas the phenomenon rather seems to have increased. This has been caused by growing internationalisation and international co-operation, which has made it very difficult to distinguish friends from enemies. International relations are no longer based upon a ‘friend-or-foe concept’, but on long-term national interests. The AIVD seeks to identify and prevent unwelcome interference of foreign powers in the Netherlands. The AIVD also tries to arm society against this interference, for example by informing companies and institutions about the risks from foreign intelligence activities.

1.1.3 Proliferation of weapons of mass destruction

The spread or proliferation of chemical, biological or nuclear weapons and the means of delivery for these weapons such as ballistic missiles is still high on the international political agenda. Topical issues are the controversy over the alleged presence of weapons of mass destruction in Iraq, the international pressure on Iran to disclose information about its nuclear programme, the mounting political tensions in relation to North Korea’s nuclear ambitions and Pakistan’s support to the nuclear programmes of other countries. Libya’s recently expressed intention to discontinue its development of weapons of mass destruction has been positively received in the international community.

In the past few decades several arms control and non-proliferation treaties were concluded in order to stop the proliferation of weapons of mass destruction. These treaties, signed by a great number of countries, have been implemented in national export control policies. In the Netherlands several government organisations, scientific institutions and business organisations are working on this policy in close co-operation. The AIVD supports this policy by giving these organisations and institutions relevant advice and by identifying attempts to procure goods or knowledge for programmes for weapons of mass destruction in or via the Netherlands.

Export control is relatively successful because of its slackening effect on procurement attempts by countries of concern. But export control also has some major restrictions where dual use goods are concerned (goods that may be used for both civilian and military purposes). The procurement organisations of countries of concern have changed their methods in order to circumvent export control measures by covering up their procurement

efforts and using complex roundabout routes. Another development is the fact that countries of concern are increasingly co-operating on the development, production and procurement of weapons of mass destruction: the so-called 'secondary proliferation'. Finally, export control regimes probably have little or no influence on the procurement of nuclear, biological and chemical weapons by non-state actors. These actors seem to attach less value to the quality and quantity of such weapons, and they aim their procurement attempts primarily at the domestic market.

Within the European Union new agreements on non-proliferation were made at the Thessaloniki summit in June 2003. This has resulted in a 'Strategy against the proliferation of Weapons of Mass Destruction'. In addition, in 2003 a new initiative was taken to overcome the restrictions of the current non-proliferation policy for weapons of mass destruction: the Proliferation Security Initiative (PSI). The Netherlands has participated in this initiative since the middle of 2003. The initiative seeks to prevent sea, land or air transports of (components of) weapons of mass destruction and their means of delivery.

1.1.4 Violent animal rights activism

The campaigns of radical animal rights activists meet with more and more resistance in society. In various European countries, including the Netherlands, the governments are working on measures to prevent these campaigns. So far, however, this resistance seems to have had little effect on the activists. Their campaigns even seem to become increasingly aggressive. In the past year again a large number of enterprises (e.g. fur shops, mink farms, poultry farms and meat processing companies) were confronted with incidents like arson and large-scale vandalism, which seriously interfered with their work. In addition, a growing number of people supposedly involved in cruelty to animals were threatened and harassed, both at work and privately. The activists thus tried to force these people to seek another job. It also happened a couple of times that Members of Parliament were threatened when they aired opinions that animal rights activists perceived as unacceptable.

The AIVD tries to trace the hard cores of animal rights activism and to gain more insight into the nature and scope of this phenomenon. Our efforts are also aimed at identifying and preventing radicalisation processes within animal rights activism. At the request of the Second Chamber, a special memorandum on animal rights activism will be presented to Parliament in 2004.

1.2 The role of the AIVD

Most of the developments in the field of national security have an international character. The AIVD maintains contacts with more than hundred foreign services in order to ensure a good access to information. In general, international co-operation has become more complex, given the fact that interests may be shared but also be conflicting, as is the case where services from non-democratic countries are concerned. In a number of areas, like counter-terrorism, international co-operation has been strongly intensified in the past few years. In Europe several co-operation groups of intelligence and security services were set up. The AIVD is actively pursuing expansion and intensification of international co-operation, making its knowledge and expertise available to other services where possible.

The AIVD alerts authorities and society to specific threats, but also to developments that may have repercussions on national security. Authorities and society expect us not only to point

out security risks, however, but also to initiate measures to prevent these risks. The role of the AIVD has therefore increasingly become that of a security advisor, in addition to its traditional watchdog role.

As a consequence of the increased social relevance of the work of the AIVD, the service has regularly attracted public attention. In the past year the AIVD was subject of severe criticism in a number of cases. The service was accused of having failed to perform its duties properly in relation to the case of Princess Margarita and her husband Mr De Roy van Zuidewijn, and the case of Ms Wisse Smit. The fact that the court released suspects who were arrested for involvement in terrorist activities on the basis of AIVD information led to questions about the value of AIVD information.

In public debate it regularly happened that there were misunderstandings about the AIVD's statutory powers and restrictions. People sometimes suppose that the release of alleged terrorists can be blamed on faulty information from the AIVD. However, the obligatory protection of sources and methods imposes restrictions on the disclosure of AIVD information in legal proceedings. It is remarkable that in the past, debate about the AIVD (and its predecessor the BVD) was mainly concentrated on the question whether the service did not exceed its powers, whereas today the question is often raised whether the service is adequately equipped for the proper performance of its tasks.

The Minister of the Interior and Kingdom Relations accepted the proposal of the Second Chamber to examine the AIVD's performance of its duties. He set up an Administrative Evaluation Committee, which will examine the statutory duties, responsibilities, powers and resources of the AIVD and the way in which the AIVD handles these in changing circumstances. The committee will make recommendations for the future functioning of the service. The committee's findings are expected to be submitted to the Second Chamber in autumn 2004. At the same time, the Minister is well aware of the fact that false expectations and misunderstandings about the AIVD should be removed. Where possible, the Minister and the AIVD will inform the public.

1.3 New tasks

In the past few years a number of new tasks have been assigned to the AIVD. When the new Intelligence and Security Services Act came into effect on 29 May 2002, a foreign intelligence function was added to the service's existing functions. In addition, as a result of the findings of the Van der Haak Committee, a new system for protection and security of persons in the Netherlands is being developed, which has led to an adjustment of the task of the AIVD in this area.

1.3.1 Foreign intelligence

In relation to the AIVD's efforts in the area of foreign intelligence it is necessary to put more emphasis on setting priorities within the designated subjects. Particularly now that the available manpower is still limited, but also when manpower will be at full strength (target year 2007), it will be impossible to meet all needs at the same time. Despite the complexity of prioritising at an interministerial level, the first steps to realise this were made in 2003. These efforts will be continued in 2004.

1.3.2 Protection and security

The assassination of LPF leader Pim Fortuyn on 6 May 2002 proved that at an administrative level the attitude towards security risks to which politicians and other persons and institutions supporting the Dutch democratic system are exposed had to be changed drastically. The findings and recommendations of the Van den Haak Committee formed the foundation for a new system for Protection and Security. The AIVD plays a major role in this system, in addition to organisations like the National Police Agency (KLPD).

In the past the AIVD used to focus practically exclusively on politically extremist individuals and groups who were suspected of posing a threat to the democratic legal order and national security. If the AIVD suspected that a specific threat emanated from these individuals or groups, the authorities responsible for security were immediately informed. This threat-oriented approach proved to be fruitful, hence it was maintained in the new system.

The most important change for the AIVD resulting from the introduction of the new system is the introduction of the so-called risk-oriented approach, which is complementary to the aforementioned threat-oriented approach. The risk-oriented approach implies that the persons and organisations to be protected will be subject of continuous scanning, aimed at the systematic identification and prevention of potential threats and risks. The type of risk depends upon the position of the person or organisation to be protected or upon their factual actions. The efforts within the context of the new system do not involve the use of special intelligence instruments. Information about potential threats is not only important for determining security levels within the system for Protection and Security, but it may also influence the AIVD's threat-oriented investigations.

The risk-oriented approach is a new task for the AIVD which requires new procedures and manpower. The service is working on incorporating these into its organisation and, jointly with the other participants, gearing its external relations to the new system. This requires developing specific expertise and hiring and training new personnel. The new system for Protection and Security also requires an amendment to the current law. A legislative proposal to this effect is in preparation.

On the basis of the present information and newly acquired expertise about the new system, the AIVD has already started to work according to the new system insofar such is possible. In 2003 the AIVD presented a great number of threat reports and threat assessments to the National Co-ordinator for Protection and Security concerning politicians, foreign dignitaries visiting the Netherlands and special events.

2 Terrorism

This chapter about the threat from international terrorism first describes Islamist terrorism, including both the developments world-wide and the situation in the Netherlands. This is followed by a description of other forms of terrorism. The final sections of this chapter are about financing of terrorism and the relation between migration and terrorism.

2.1 Islamist terrorism

Islamist terrorism manifests itself through international networks. The developments within these networks are described below, followed by a section about the noticeable interaction between terrorism and guerrilla.

2.1.1 International developments

Despite world-wide efforts to combat international Islamist terrorism, this type of terrorism has continued to represent a serious threat to the safety of many. More and more countries were confronted with attacks. A heavy blow was dealt to Morocco, when in Casablanca in May 2003 a number of western and Jewish targets were hit simultaneously. In Saudi Arabia, which had been confronted with serious terrorist incidents before, some residential areas were attacked in May and November. Among the victims were not only westerners, but also many non-Saudi Muslims, including women and children. In November the Turkish city of Istanbul was twice hit by heavy, simultaneously carried out attacks, two of which were aimed at synagogues and two at British targets: the consulate and the branch office of an internationally operating British bank. These attacks also caused many casualties and serious damage. At many places in the world, including Europe, attacks were thwarted. Unfortunately this was not the case in Madrid, the capital of Spain, which faced a new and dramatic sequel to the long series of bloody attacks on 11 March 2004. It can therefore be concluded that although the destruction of terrorist training camps, the arrest or elimination of many Al Qaida members (including several leading figures) and the dismantling of terrorist cells have led to a fragmentation of Islamist terrorist networks, they have largely maintained their power.

The threat, which is also still serious for the Netherlands, has several causes. First of all, there is a 'moral' dimension. Islamist terrorists see each successful attack or action as a victory, even if the perpetrators are prosecuted and if serious blows are dealt to their organisation. Secondly, committing an attack often requires only simple means and little preparation. Thirdly, the Islamist terrorist networks succeed in continuing their attacks by increasingly focusing on so-called soft targets: easily approachable or accessible persons and objects. Fourthly, in the organisational structure of the networks the emphasis has been put on semi-autonomous local cells, which are largely self-supporting and therefore fit into the above-described picture. This makes it even more difficult to expose and eliminate Islamist networks than in the past, as the recent attacks in Madrid painfully demonstrated.

2.1.2 Terrorism and guerrilla

A phenomenon closely related to the above-described development in Islamist terrorist networks is the convergence of terrorism and guerrilla. Guerrilla should be understood to

mean armed struggle by irregular, paramilitary forces. The convergence of terrorism and guerrilla does not only manifest itself in facilitation and recruitment, but it also includes the methods and scene of battle of Islamist terrorist networks. This scene of battle has moved from earlier hotspots like Afghanistan and Chechnya to new jihad theatres like Saudi Arabia, East Africa and recently also Turkey. The earlier jihad fighting methods have been adapted to the new areas of operation, resulting in increasingly large-scale and complex terrorist attacks. Although these attacks are in a way unique, they also fit into the traditional picture of terrorism: actions carried out by small units or individuals that cause mainly civilian victims. Simultaneously carried out large-scale attacks committed by (groups of) suicide bombers have now become the trade mark of Islamist terrorist networks operating world-wide.

Particularly since the international intervention against the Taliban and Al Qaida in Afghanistan, the members of the above-mentioned networks have combined and propagated methods like ambushing, liquidation of one or a couple of soldiers, sabotage against infrastructure or government bodies and suicide attacks on soft targets. In addition to land targets, they also aim attacks at 'hostile' aviation. As opposed to previous years, in 2003 no attacks were committed on marine targets, but this does not mean that potential terrorists are no longer interested in these targets. The use of originally military means like land mines and anti-aircraft missiles alternates with a tried and tested terrorist instrument like the car bomb. This mix has been used for example in Iraq, Afghanistan, Indonesia, the Philippines and Kashmir. The conflicts in many of these places present an opportunity for training and gaining experience. In addition to an extension of the Islamist terrorist programme, this development also means that the operating area of the terrorists has been expanded (and not 'just' shifted). Finally, it has made it more difficult to make a distinction between long-time members of Islamist terrorist networks and a range of other combatants and attackers. This applies in particular to Iraq, where the aforementioned networks seem to link up with a multitude of persons who are prepared to commit attacks, inspired by Islamist and other motives.

In 2003 Islamist fighters from various countries travelled to Iraq in order to fight the United States and its perceived allies, along with a range of other armed opposition groups. These perceived allies also include international aid organisations and Iraqis who collaborate with the current interim regime. Spokesmen of Islamist networks threatened the United States and the United Kingdom also with attacks outside Iraq. The fact that these threats should be taken very seriously was demonstrated by the attacks against British targets in Istanbul in November 2003 and the attacks in Madrid on 11 March 2004. Like a wide range of other countries, the Netherlands also sent troops to Iraq in 2003, in order to help maintaining public order and reconstructing the country. Consequently, we cannot rule out that attacks may be targeted at the Dutch military forces in Iraq, but also at relevant targets in the Netherlands. Such potential targets obviously include the embassies and consulates of countries with troops in Iraq, but the Madrid attacks have shown that not immediately war-related soft targets may also be hit by terrorists.

Various attacks by Islamist terrorists in 2003, including many suicide attacks, were committed within the context of the Israeli-Palestinian conflict. So far the Palestinian struggle has still had a predominantly national character, despite its current strongly Islamist features. Supporters of Palestinian Islamist terrorist organisations share the philosophy of international Islamist networks, but they have so far restricted their radius of action to Israel and the occupied Palestinian territories. Conversely, spokesmen of international Islamist networks have so far mainly expressed verbal support to the fight of their Palestinian

brothers. All the same, however, these spokesmen are taking full advantage of the Palestinians' situation in the occupied territories for propaganda purposes.

In 2003 a number of specific incidents occurred that may be seen as indications of an internationalisation of the Palestinian fight. In Tel Aviv in spring two British citizens committed a suicide attack, while in the Gaza Strip in October an attack was committed on a convoy of American diplomats. It is too early to conclude that these incidents mark the beginning of a trend. Anyway, the liquidation of Hamas leader sheikh Yassin on 22 March 2004 has not reduced the risk of a further spreading of this conflict over the world.

2.2 The Netherlands and Islamist terrorism

Networks with an Islamist terrorist character also extend to the Netherlands. In the Netherlands persons who are in any way involved in these networks mainly focus on recruitment of Muslims for the violent jihad and on facilitation of this jihad by providing false documents, accommodation etc. We estimate that this group – the composition of which frequently changes – still consists of between one and two hundred people. So-called veterans who fought in Afghanistan or Chechnya play an important role in the development of young Muslims into potential jihadis. But also internal dynamics within groups of radical young Muslims seem to have an increasingly important attraction: the jihad and the developments in conflict areas are subjects for intensive discussions within these groups. In circles of radical Muslims the jihad in these areas is followed with great interest. The discussions are often supported by radical web sites and news groups.

Small groups of young Muslims, mainly of North African origin, have appeared to be susceptible to radical views and expressed their preparedness to take part in the violent jihad in speech and action. It has appeared that interest in the jihad may already be aroused at a relatively young age (16, 17). In some cases these young people even actually take the first serious steps towards the realisation of this ideal. Recruiters try to win these young people over to their ideas by taking advantage of the perceived poor prospects for integration, offering them a puritan Islamic ideal as alternative. This ideal is in practice translated into a moralist attitude, on the basis of which the young people are made aware of a sense of guilt and prepared for a life devoted to the defence of Islam. The question of recruitment for the violent jihad was described in the paper 'Backgrounds of jihad recruits in the Netherlands', which was presented to Parliament in March 2004.

A case to prove the existence of very young recruits was the attempt of two young Muslims from Amsterdam to travel to Chechnya in January 2003 in order to support the Chechen rebels there. One of these two youngsters was arrested in October 2003, along with four other radical Muslims, because there were serious reasons to believe that the group was involved in the preparation of an imminent terrorist attack.

Twelve suspects who were arrested for alleged involvement in recruitment for and support to the violent jihad on the basis of an official AIVD report in spring 2003 were acquitted in June 2003. The acquittal was based upon the fact that the evidence produced by the Public Prosecutor was mainly supplied by the AIVD and that the legitimacy and legal validity of this evidence could therefore not be verified. The Public Prosecutor lodged an appeal against the judgment.

During the criminal proceedings in Rotterdam information was disclosed relating to diving activities of one of the suspects. This suspect followed diving lessons from an allegedly radical Islamic instructor who lived near Eindhoven and whose diving classes attracted many

likeminded persons. The AIVD had examined such diving activities for quite some time. Attacks like the ones on the American naval vessel USS Cole (2000) and the French oil tanker Limburg (2002) showed that Islamist terrorist attacks could also be targeted at marine objects. The AIVD takes reports about diving activities very seriously and investigates them thoroughly. On the basis of the findings recommendations for security are provided to vulnerable sectors in society.

The Netherlands was confronted with activities of Islamist terrorists within a completely different context when in Algeria in February 2003 a group of tourists, among whom the Dutchman Arjen Hilbers, was taken hostage. The kidnappers were GSPC members. The GSPC is still offering active resistance against the government in Algeria, but it is also an internationally operating Islamist terrorist network. In August 2003 the last hostages, including Hilbers, were released.

In the aftermath of the bomb attacks in Bali in October 2002, the name of Abdul Wahid Kadungga came up. He was supposed to be the 'missing link' between Jemaah Islamiyya (JI), an Islamist terrorist network operating in Southeast Asia, and Al Qaida. Kadungga holds a Dutch passport. AIVD investigations have not provided any evidence that Kadungga's activities in Indonesia are supported from the Netherlands.

2.3 Other terrorist groups

Several nationally oriented terrorist groups have branches in the Netherlands. The groups in question originate from Turkey, Spain, Ireland, the Philippines and Iran.

2.3.1 DHKP/C (Revolutionary People's Liberation Party/Front)

The Turkish left-wing extremist organisation DHKP/C was responsible for several small-scale attacks in Turkey in 2003. The organisation denounced the American invasion and considered the attacks in Istanbul as 'the inevitable consequence of the Western hegemony' in the region. Among the Turkish prisoners who started a hunger strike in October 2000 against the reform of the prison system were many DHKP/C members. The campaign came to an end in October 2003, after more than one hundred hunger strikers had died. In the Netherlands the DHKP/C has a small number of sympathisers, only some dozens of whom are active for their organisation. They follow a peaceful course. The activities in the Netherlands of the TAYAD Committee Foundation, which helped the hunger strikers, did not involve any disturbances of public order.

2.3.2 ETA

The Spanish separatist movement Euskadi Ta Askatasuna (ETA) pursues autonomy for the Basque country in Spain (and France). In summer 2003 ETA attracted much public attention by many bomb attacks in Spain; the so-called summer offensive, in which also a Dutch tourist was seriously injured. The summer offensive was not only aimed at the Spanish authorities, but it was also meant to damage tourism as the pillar under the Spanish economy. In spite of many arrests in Spain and France in 2003, ETA is still active. The attacks on trains in Madrid on 11 March 2004 did not leave the organisation unmoved, however. Initially the Spanish government pointed its finger at ETA, but the organisation hastened to distance itself from the attacks. A subsequent ETA 'offer' to negotiate the future of the Basque

country was not favourably received, not even by the newly installed government. This attitude should be seen against the background of the fact that ETA's political activities had stagnated for quite some time: on 4 June 2003 the European Union decided to include the Basque nationalist parties Batasuna, Euskal Herritarok and Herri Batasuna on the list of terrorist organisations. The Basque parties Batasuna, Euskal Herritarok and Herri Batasuna as well as ETA are now ranged under one structure, i.e. the Basque liberation movement MLNMF (Movimiento de Liberación Nacional Vasco), within which ETA plays a leading role.

In the Netherlands early in August a joint demonstration of members of the Spanish SEGI and Dutch extreme left-wing sympathisers who drew attention to the situation in the Basque country caused some commotion. The demonstration was also intended as a protest against the extradition of ETA suspects Juan Ramon Rodriguez Fernandez (Juanra) and Alexander Acarrequi Casas, who were detained in the Netherlands. The reason for the political commotion about the demonstration was the fact that in December 2001 SEGI and its predecessors were included on the European list of organisations and persons whose assets can be frozen, the so-called freeze list. The fact that the organisations were put on this list did not automatically justify legal action against them in the aforementioned situation, however.

2.3.3 IRA

The bloody Northern Irish conflict between pro-Ireland Catholics and pro-British Protestants is not over yet. Since 1998 a truce has been in force, however, under which the principal part of the Catholic Irish Republican Army (IRA), i.e. the Provisional IRA (PIRA), and the main Protestant terrorist groups promised to cease the hostilities. Northern Ireland then got its own government, consisting of both Protestants and Catholics. However, last year an espionage scandal involving the PIRA's political wing led to a breach of confidence within this self-government and with the British government, after which the self-government in Northern Ireland was suspended. The elections planned for May 2003 were also suspended. They were eventually held late November 2003. The results of the elections showed a certain radicalisation: both on Republican and on Loyalist side the radical parties won. This outcome will make the formation of a new Northern Irish government more difficult.

The most serious potential threat of violence in the Northern Irish conflict is represented by a PIRA splinter: the Real IRA (RIRA). RIRA never supported the truce of 1998. The last major bomb attack, in which 29 people were killed, was committed by RIRA: at Omagh, United Kingdom, in 1998.

In the Netherlands a prominent RIRA member and an accomplice were arrested on 11 July 2003 for alleged involvement in cigarette smuggling from the Netherlands to the United Kingdom. In the past evidence was found that the proceeds of cigarette smuggling were used for the financing of terrorism.

2.3.4 Communist Party of the Philippines/New People's Army

In 2003 the peace negotiations between the Philippine government and the Communist Party of the Philippines (CPP) were gradually resumed. They started with informal talks, which were partly held in the Netherlands at the explicit request of the Philippine authorities, to be followed by formal negotiations in Norway. The principal members of the forum negotiating with the Philippine government on behalf of the CPP and its military wing the New People's Army (NPA) live in the Netherlands. One of them, José Maria Sison, co-founder, first chairman and still political leader of the CPP and NPA, has been a subject for

long-time AIVD investigation. Partly on the basis of an official report of the AIVD (then BVD) he was refused the refugee status as well as a residence permit.

In response to the financial sanctions imposed upon him after being included on the European Union's freeze list, Sison instituted several legal proceedings. The court is expected to give a decision in the course of 2004.

In relation to various attacks in the Philippines that were claimed by the NPA, the Public Prosecutions Department in the Philippines started a judicial inquiry into Sison's involvement as initiator of these attacks.

2.3.5 Mujahedin-e Khalq

The Iranian opposition group Mujahedin-e Khalq (MKO) has been designated as a terrorist organisation by the United States and the European Union. Under the Saddam Hussein regime the MKO used to carry out armed resistance against Iran out of Iraqi territory, but in the first six months of 2003, when the United States and its coalition partners put the MKO camps under control, its military power was seriously restricted.

Outside Iraq the organisation was also faced with setbacks. In France a large-scale police operation against the MKO was carried out on 17 June 2003, during which a large sum of money was seized, as well as means of communication, and several persons were arrested. Among them was Maryam Rajavi, wife of MKO leader Massud Rajavi and second in the MKO hierarchy. MKO members protested fiercely against the French police action. In several countries people burned themselves during protest demonstrations, and MKO members went on hunger strike. The events in France also caused unrest among the MKO supporters in the Netherlands, which mainly led to emotional, but peaceful demonstrations.

In the coming months we will see what consequences the above-described drastic changes in the MKO's situation will have for the organisation's aims and policy. The organisation has already adopted a different attitude, being more active in the area of political lobbying than ever, through its front organisations. The main goal of this lobbying is to get rid of the label 'terrorist organisation' and to be removed from the EU list of terrorist groups.

In the Netherlands the 'Solidariteit met Iraanse Mensen' (SIM) or Solidarity with Iranian People foundation occupies itself with fundraising. According to the foundation itself, the funds are meant for the victims of the Iranian regime. Western intelligence and security services assume, however, that at least a substantial part of the funds raised by the SIM and associated organisations are used for the MKO, which is in financial trouble. The AIVD is working on measures to prevent these fundraising activities, which is in line with the recommendations made by the Financial Expertise Centre in conjunction with several government organisations in the paper Financing and Combat of Terrorism (July 2003).

2.4 Financial investigation

One of the instruments in counter-terrorism is financial investigation. Its aim is both to incapacitate terrorist groups and networks financially, and to expose those who secretly support terrorism. The AIVD conducted an investigation into J.M. Sison (the leader of the New People's Army in the Philippines) and the affiliated Vanguard Multi Media foundation, the foundation Benevolence International Netherlands (BIN) and the Al Aqsa foundation, which is affiliated to the Palestinian terrorist organisation Hamas. Partly as a result of these

investigations, the aforementioned person and organisations were included on the so-called 'freeze list' of the European Union, a list of persons and organisations suspected of involvement in terrorism. The aim of the list is to freeze the assets of these persons and organisations in the Member States. The assets of all aforementioned persons and organisations were frozen.

In the past year the AIVD started an investigation into the so-called Golden Chain List. The Bosnian police found this list during a raid of the Islamic Benevolence International Foundation in Sarajevo in March 2002. The names on the list are believed to include the names of the twenty principal alleged Al Qaida financiers. The list is used by the lawyers of the next of kin of the victims of the 11 September 2001 attacks in the United States to prove the Saudi connection. The AIVD investigation, carried out in co-operation with foreign services, has so far not produced any evidence to confirm the authenticity of the list nor the involvement of Saudi financiers in the 11 September 2001 attacks.

2.5 Migration and terrorism

Cross-border travelling is of great importance to terrorist networks in order to organise themselves, to keep ahead of the police and to prepare and commit attacks. It frequently happens that attacks are not prepared in the target country. In order to move from one place to another, Islamist terrorists use not only illegal migration channels, but they also try to travel to western countries and obtain a residency status there through legal procedures. They have demonstrated increasing resourcefulness and flexibility in this area. The aliens and migration policy is therefore an important instrument to be used in preventing Islamist terrorists from abusing migration channels.

In April 2003 the Advisory Committee for Aliens Affairs brought out a report entitled 'Aliens policy and counter-terrorism'. In this report the committee recommended to use the aliens policy more specifically and more systematically in the prevention and combat of terrorism, for example by carrying out security checks on admission applications. Such checks are meant to identify persons who are seriously suspected of posing a threat to national security and to refuse them entry to the Netherlands. The National Court of Audit presented a report 'Visas in the Schengen area' to the Second Chamber on 23 October 2003, in which the risks involved in issuing visas in relation to national security were described.

In view of the above developments, the AIVD expanded its co-operation with government organisations involved in the immigration system, like the Immigration and Naturalisation Service (IND), the Ministry of Foreign Affairs, the Royal Military Constabulary and the Information and Analysis Centre for Migrant Smuggling of the police. This co-operation is also intended to contribute to the recommended systematic security checks on aliens in the assessment of admission applications. On 17 June 2003 a convention was concluded on the exchange of information between the two services. In a number of individual cases the AIVD submitted an official report to the IND. In a general sense the AIVD tried to enhance the awareness of national security within organisations involved in the immigration system by giving lectures and providing information and expertise. This co-operation and information exchange will be further intensified in 2004.

3 Radicalisation tendencies

This chapter provides insight into the AIVD's examination of radicalisation tendencies. After a general explanation of the subject, the focus will be narrowed down to radicalisation within the Moroccan and Turkish communities. The next sections describe the relevant developments within the Afghan, Indian en Chechen communities. The chapter is concluded by sections about the Jewish Defence League and the far right.

3.1 Focus on radicalisation

Major events like the 11 September 2001 attacks, the American invasion of Iraq in 2003 and the attacks in Madrid in March 2004 have put the interethnic relations in the Netherlands under increasing pressure. This has led to a hardening in points of view and in some circles to accelerated radicalisation processes that involve risks to national security. These developments have given the AIVD reason to narrow down its examination of anti-integration tendencies within the Dutch society to these various forms of radicalisation.

Radicalisation as a subject for AIVD investigation should be understood to mean the growing preparedness to pursue or support far-reaching changes in society that are incompatible with or pose a threat to the democratic legal order. This often involves the use of undemocratic means (such as violence).

The AIVD focuses both on radicalisation processes among the indigenous population (e.g. the far right) and among ethnic minority groups (e.g. Islamic radicalism or ethnic nationalism), based on various motives (political, religious or ethnic motives). We do not only examine violent forms of radicalisation (violent politically motivated activism and terrorism). Other, not directly violent forms of radicalisation may also be extremely harmful to the democratic legal order, like intentionally stirring up hatred, demonising other groups in society (e.g. anti-Semitism) or the pursuit of extreme social isolationism while the group concerned takes the law into its own hands (using its own, different legal system).

3.2 The Moroccan community

The AIVD examines both political and religious radicalisation within the Moroccan community.

3.2.1 Political radicalisation within the Moroccan community

In 2003 the AIVD investigated potential security risks emanating from the Arab European League (AEL). The AEL has adopted a polarising attitude in the integration debate and some of its statements are extremely anti-Israel. In order to lend force to its political viewpoints, the AEL does not shrink from using means that come near to or even overstep the limits of the law. Hence the movement sometimes causes political and social unrest.

The undisputed AEL leader, Dyab Abu Jahjah, a Belgian citizen of Lebanese origin, made a tour of the Netherlands in March 2003. After having set up the AEL in Belgium, he officially announced the establishment of a Dutch branch. The chairmanship of the Dutch AEL branch (AEL-NL) was a controversial issue from the start. Initially Mohammed Cheppih was put forward as prospective chairman. Cheppih has a prominent position within conservative

Islamic circles. He represents the Saudi missionary organisation World Muslim League in the Netherlands. However, Cheppih's religious orientation proved to disagree with the political viewpoints of other board members. After the AEL congress in May 2003, these problems came to a head, as a consequence of which Cheppih withdrew his candidacy. In February 2004 Nabil Marmouch was elected chairman of AEL Netherlands.

The AEL organised some demonstrations in the Netherlands last year, while it also took advantage of demonstrations organised by others. An Israeli flag was burnt during a demonstration against the American invasion of Iraq on 21 March. On this occasion a prominent AEL board member and five young sympathisers were arrested. In Amsterdam on 16 August the AEL joined a demonstration against the shooting by a police officer of a citizen of Moroccan origin who had been armed with a knife. The AEL claimed that young people of Moroccan origin were terrorised by the police. The demonstration itself was peaceful, but afterwards there were some riots. On 8 December AEL supporters dressed in dark clothes and balaclavas blocked the A10 ring road round Amsterdam. The police interfered and arrested a number of activists, including an AEL board member. In these cases the AEL seemed to follow the Belgian example by provoking police action and subsequently filing a complaint about it.

The AIVD examines the possible risks to the Dutch democratic legal order represented by the AEL. The findings will be reported in a letter to the Second Chamber in 2004.

3.2.2 Religious radicalisation within the Moroccan community

Religious radicalisation within the Moroccan community is developing for example within and around mosques in the Netherlands. In a small number of places of worship a radical political Islamist creed is preached by imams, board members or visitors. In the course of 2003 the AIVD narrowed its focus down on the radicalising role of representatives of Salafism in the Netherlands. A number of imams who call themselves Salafis are known for their anti-integration and radical Islamist attitude. These imams aim their preaching mainly at young Muslims. They create a climate of intolerance within which these young people may become susceptible to radicalisation and even to recruitment for the jihad.

Examining the radicalising influence of representatives of Salafism, it appeared that in 2003 the opinions expressed by these persons in public (in the mosque and during major religious meetings) were less radical than in the past. This may be the result of the fact that local authorities tackled them about their conduct and of negative publicity about them. The AIVD provided local authorities with information about radical Islamic organisations and individuals in their community in 2003. In autumn 2003, the mayors of some big cities were again informed about developments within this radical segment of the Muslim communities in their cities.

Radicalisation tendencies also manifest themselves – although to a smaller extent – in a small number of mosques that do not belong to the Salafi network. An example is the Arrahmane mosque in Amsterdam. This mosque attracted public attention in September last year in relation to rumours that the mosque was involved in recruiting jihadis and in supporting terrorist networks. The Arrahmane mosque is the religious centre of the ultra-orthodox Jamaat Al-Tabligh Wal-Dawa movement, in principal an apolitical movement which strictly focuses on obeying the rules of Islam. Adherents to this movement stimulate others to convert to the Islamic faith.

This development gives reason for concern, because the Jamaat Al-Tabligh Wal-Dawa may further the social isolation and radicalisation of segments of the Moroccan community. The movement spreads an ultra-orthodox version of Islam, and, because of its loyalty towards religious brothers and its inadequate control of worshippers, it may be vulnerable to abuse by radical Islamists. The AIVD informed the mayor of Amsterdam of these findings in order to enable the local authorities to gear their policy to these problems.

The AIVD has observed that mainly young Muslims and Muslim students are vulnerable to religious radicalisation. This radicalisation process is not only taking place in and around mosques, but also at other sites where young Moroccan Muslims meet each other. Among young Muslims there seems to be increasing interest in the radical Islamic range of ideas and a growing preparedness to actively devote themselves to the fundamentalist interpretation of faith. The so-called study trips to Saudi Arabia also play a role in the stimulation of religious awareness among young people. And for indigenous converts these trips present an opportunity to prove themselves as a Muslim and to study Islam in depth. This is the reason for the growing popularity of these trips. The conservative line of thinking with which the students are confronted in Saudi Arabia might influence the radicalisation of these people.

3.3 The Turkish and Kurdish communities

The AIVD also examines radicalisation tendencies within the Turkish and Kurdish communities in the Netherlands. Before elucidating this subject, first our views on the terrorist attacks in Turkey will be given.

3.3.1 Attacks in Turkey

The attacks on Jewish and British targets in Istanbul in November 2003 were a dramatic climax of what can be called a turbulent year for the Turkish and Turkish-Kurdish communities. The fact that the suspects of these attacks on religious and non-Turkish targets respectively were Turks is an indication that also Turkey and the Turkish community should seriously take the presence of radical Islam within their own ranks into account. Within the Turkish and Turkish-Kurdish communities in the Netherlands the attacks were widely repudiated, although within a small group of radical Muslims there was some noticeable sympathy for the actions.

The military intervention in Iraq by the American-British coalition has also had great impact on Turkish and Turkish-Kurdish circles in the Netherlands. Issues like a possible second American military front against Iraq on Turkish territory, the possibility of a unilateral Turkish military intervention in the Kurds-dominated northern part of Iraq, as well as the bomb attack on the Turkish embassy in Baghdad in October 2003 caused great commotion in Turkish politics. In general, the Turkish and Turkish-Kurdish communities in the Netherlands, as well as public opinion in Turkey itself, were opposed to a Turkish role in the military intervention in Iraq.

3.3.2 Turkish radical Islamic networks and organisations

Until recently the Turkish community seemed to remain relatively free from radical-Islamic influences, but this seems to be over after the two bomb attacks in Istanbul in November 2003. Responsibility for these attacks was claimed by the Great Oriental Front of Islamic

Fighters (IBDA-C). A very small group within the Turkish community greeted the attacks with approval. Like some other radical Turkish organisations including the Turkish Hezbollah, IBDA-C also has a few sympathisers in the Netherlands. As was the case in 2002, also in 2003 again some individual Turks joined up with these radical Islamic networks and organisations. They still have only a small number of sympathisers, however.

The international radical Islamic organisation Hizb ut-Tahrir (HUT), which has a small branch in the Netherlands dominated by Turkish activists, attracted public attention several times in 2003 because of the arrest of its members in various countries. This organisation pursues the establishment of an Islamic state, and in order to reach this goal it uses subversive and anti-democratic means.

The Kaplan movement, a Turkish radical Islamic organisation with some hundreds of followers in the Netherlands, has moved an increasing number of activities from Germany to the Netherlands. The Kaplan movement, or Caliphate State as it is called in Germany, is banned in Germany. The leader of the Kaplan movement, Metin Kaplan, was released from a German prison on 27 May 2003.

3.3.3 KADEK (Kurdistan Freedom and Democracy Congress)

KADEK, successor to the Kurdish Workers Party PKK, still represents the ambitions of (part of) the Turkish Kurds. In the past year KADEK organised several campaigns and set several deadlines, which passed without any result, however. The aim of the deadlines was to urge the Turkish authorities to enter into a dialogue with KADEK, to realise a liberalisation of the Turkish amnesty law (from which also the PKK and KADEK leaders would benefit) and to draw more attention to the health situation of the imprisoned leader Abdullah Öcalan. On 1 September 2003 KADEK cancelled the unilateral truce that had been in force since 1999, because the Turkish authorities had made no overtures and were not willing to enter into a dialogue. However, this cancellation was immediately followed by a three-month period in which armed struggle would not be resumed from KADEK's side in order to give the Turkish authorities another opportunity to start the dialogue.

The KADEK leadership frequently emphasised its pursuit of further democratisation of the Middle East while preserving the existent frontiers. KADEK praised the American intervention in the Middle East, because the organisation saw it as an attempt to democratise the region. KADEK presented itself as a partner in this democratisation process, maintaining, however, its right of self-defence. For this purpose the organisation has approximately five thousand fighters in reserve in North Iraq. Despite the fact that a unilateral Turkish military intervention in Iraq did not take place, in the south-east of Turkey there were an increasing number of armed skirmishes between militant Kurds and Turkish troops that were based there in connection with the situation in Iraq.

On 11 November 2003 KADEK announced to have dissolved itself in order to be part of the Kurdistan People's Congress (KHK), also known as KONGRA-GEL. The dissolution of KADEK involved a number of far-reaching reforms to the structure of the organisation, which led to confusion among the members. In the Netherlands practically all manifestations organised by KADEK in the past year had a peaceful character. The number of demonstrators was usually limited and in most cases the organisation failed to attract the attention of the national media. In general, support for and interest in the Kurdish cause seem to be dwindling within the community in the Netherlands, as well as the influence of the KHK leadership and its ability to mobilise demonstrators.

The Aliens Section in the Netherlands rejected the request for asylum of PKK/KADEK cadre member Nuriye Kesbir. A definite decision on the Turkish request for this woman's extradition was not yet made in the year under review.

3.4 The Afghan community

The Afghan community in the Netherlands mainly focused on the deportation policy of the successive Ministers for Aliens Affairs and Integration Policy in 2003. The government's plans to force Afghan asylum seekers to return to their home country caused much anxiety within the Afghan community.

Favon, the largest Afghan refugee organisation in the Netherlands, believes that Afghanistan is still not safe and that it is impossible for the refugees to return. A few peaceful demonstrations were held, and a group of Afghans sought legal assistance in order to prevent possible deportation of particularly persons with a so-called 1-F status (persons suspected of involvement in crimes against humanity). When the date of implementation of the intended deportation policy will be nearing by the middle of 2004, new demonstrations can be expected.

The Afghan community in the Netherlands, which consists of about 40,000 people, plays a relatively important role within the Afghan diaspora in the West, due to the fact that several leading figures from the former Afghan regimes are resident in the Netherlands. Some of these leading figures are now trying to reclaim a role in political life in Afghanistan. So far no evidence has emerged that these efforts involve undesirable activities like support to or participation in violent groups.

The attempts by Afghans in the Netherlands to reacquire an active role in political and social life in their home country has drawn the attention of the new rulers in Afghanistan to the diaspora in the Netherlands. So far there has been no evidence to suggest that this has led to systematic attempts of the Afghan government to covertly influence, control or manipulate Afghans in the Netherlands, which would be incompatible with the Dutch sovereignty and the principles of the democratic legal order.

3.5 The Pakistani and Indian community

The conflict between India and Pakistan 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.

3.6 The Chechen community

The Russian authorities organised a referendum in Chechnya on 23 March 2003, through which the population could give its opinion about a draft constitution. The basic principle of this constitution is the fact that Chechnya will remain an integrated part of the Russian Federation. In the run up to the day of the referendum there were no more attacks than usual (an average of about thirty a week). According to the local and federal authorities, the

referendum had a high turnout. A vast majority of the voters voted in favour of the constitution.

In the elections on 5 October 2003 Ahmed Kadirov, a Kremlin protégé, was elected President. A number of other (likely) candidates had withdrawn, whether voluntarily or not. The referendum and the elections are part of a plan of the Russian authorities to reduce the conflict in Chechnya to a purely domestic Chechen matter.

The small Chechen community in the Netherlands feels great emotional involvement in the conflict, but so far it has hardly organised itself. Some Chechen organisations in the Netherlands are active in the area of human rights and humanitarian aid. They are against violent protest actions. The majority of the Chechens in the Netherlands, like their compatriots in Chechnya and the refugees in the neighbouring countries, seem to be war-weary.

3.7 Jewish Defence League

The extreme right-wing Jewish Defence League (JDL) set up a branch in the Netherlands in 2003 and attracted much public attention by manifestations. The JDP branch in the Netherlands is a department of the Jewish Defence League that was founded by rabbi Meir Kahane in the United States in 1968. The objective of the JDL is to further the interests of Jews, the Jewish people and the state of Israel. These efforts involve an extremist interpretation of values like Jewish discipline, unity, pride and 'iron'. The principle of 'iron' implies that in pursuing the goals practically all means are allowed, including violence.

Representatives of the Dutch JDL branch have declared themselves against the establishment of a Palestinian state and the 'road map to peace' for the Middle East.

The establishment of JDL in the Netherlands coincided with an increase in anti-Jewish and anti-Israel incidents. The JDL apparently believes that the way in which the government and social organisations tackle this phenomenon is inadequate. The ideological-political objective of the JDL to reach its goals by means of violence, if necessary, is incompatible with the principles of the democratic legal order.

The presence of JDL adds to a radicalisation in society and has created unrest among both moderate and radical Islamic organisations. Even within some indigenous extreme right-wing circles some people react fiercely against the JDL and are considering a confrontation. Other indigenous radical right-wing groups welcome the arrival of the JDL, however. The AIVD will continue to watch the activities of the Dutch JDL branch and to examine the consequences of these activities. Our attention will also be focused on possible links between the JDL in the Netherlands and the Kach/Kahane Chai party that has been proscribed in Israel and that has been included on the EU list of terrorist organisations.

3.8 The far right

In the Netherlands the far right offers resistance against the inflow and integration of ethnic minorities into the Dutch society and propagates anti-democratic points of view. At the moment the far right does not pose a serious threat to the democratic legal order in the

Netherlands. The present insignificant (electoral) attraction of the extreme right-wing organisations seems partly to be a consequence of the introverted, closed character of these groups. But it is also the widely felt repulsion among the Dutch population against the ultra-right range of ideas that affects the attraction of this movement. In addition, now that also the established political parties have severely criticised the dark side of the multi-ethnic society and took several initiatives against it, they seem to have stolen most of the thunder of the far right as an electoral protest movement. However, by means of radical actions the far right can still add to the interethnic polarisation within the Dutch society and affect people's confidence in the functioning of the democratic legal order. The AIVD will therefore continue to watch this movement and alert the authorities to possible radical actions.

The AIVD distinguishes roughly three types of extreme right-wing movements. The representatives of so-called 'civil extreme right' cherish xenophobic and ultra-nationalist ideas, but they have conformed to the democratic mores, partly forced by law and public opinion. The New National Party (NNP) was the only organisation of this character that actively attracted public attention. The neo-Nazi organisations have adopted an openly anti-democratic and racist attitude, and they try to realise their goals with undemocratic, illegal means. Among the neo-Nazi groups the Nederlandse Volks Unie (NVU), or Dutch People's Union, had no noticeable growth in membership in 2003. This Union attracted not much public attention in the past year.

The profile of the far right in the Netherlands is mainly determined by unorganised (politically and non-politically motivated) individuals and subcultures propagating extreme right-wing or racist points of view. The latter may involve racist violence, ultra-right expressions on the Internet or dissemination of sound recording media with illegal texts. There is intensive interaction between the various movements.

In December 2003 figures were published relating to racist motivated violent incidents in 2002. The fall in the number of incidents set in in 2001 was continued in 2002. There was a marked increase in anti-Semitic violence, however. This could largely be blamed on the so-called new anti-Semitism: anti-Jewish sentiments resulting from, for example, discontent with the situation in the Middle East and football hooliganism-related excrescences. Anyway, among the perpetrators of violent incidents inspired by this new anti-Semitism were no disproportional number of immigrants. Anti-Islamic violence decreased in 2002.

4 Politically motivated violent activism

This chapter concerns itself with politically motivated violent activism. After a section about left-wing activism in general, the latest developments within the anti-globalisation movement and in relation to anti-militarism will be described. The chapter is concluded by a section about developments within the Moluccan community.

4.1 Left-wing activism

The AIVD investigates political activism insofar as it involves the use of violent means and actions. We focus both on violence (and threat of violence) against persons and on violence against property, which sometimes causes substantial material damage.

The observed revival in left-wing activism in 2002 has continued in 2003, although the emphasis was shifted: the resistance against economic globalisation in the form of so-called direct actions has lost considerable strength, partly as a result of countermeasures taken by the authorities (such as the moving of conferences to remote locations). Several other developments in the world, like the Iraq war and its aftermath, triggered various campaigns, however.

Animal rights activism remains a source of concern, with a view to both economic damage and potential violation of the physical integrity of persons employed by the threatened sectors. While the vast majority of the activists expresses their concerns about cruelty to animals by means of socially acceptable campaigns, a minority oversteps the limits by acts of vandalism and by threatening people.

The AIVD will publish a separate paper on animal rights activism entitled 'Animal rights activism in the Netherlands: boundaries between peaceful and burning protest'. The aim of this paper is to give Parliament and society insight into the backgrounds of violent animal rights activism and to help preventing excesses by specific AIVD and police action and by encouraging resistance from the large, moderate segment of animal rights activism.

4.2 Anti-globalisation

From the perspective of the Dutch anti-globalists or 'andersglobalisten' (activists propagating an alternative type of globalisation), the year 2003 was characterised by doubts about the need and the usefulness of resistance. Initially they participated in relevant manifestations abroad with renewed zest. The World Economic Forum (WEF) in Davos (January 2003), the G8 meeting in the French town of Évian-les-Bains (June 2003) and the EU summit in Thessaloniki (also in June 2003) attracted also Dutch activists. Except for a few individuals, they confined themselves to peaceful demonstrations.

This type of campaigning – so-called summit hopping, i.e. travelling to financial-economic as well as European meetings abroad – seemed to be back after a few years of absence. In addition to the members of the Trotskyist splinter International Socialists, who never stopped going to meetings abroad, also in leftist circles activists were again prepared to travel abroad and no longer to confine themselves to symbolic actions in the Netherlands.

In November, however, a completely different note was struck, remarkably enough mainly by those who initiated the Dutch anti-globalisation movement after the last EU summit in the Netherlands (June 1997). Looking back, they concluded that the movement had declined. In addition to tough police action, this had mainly been caused by the moving of free-market meetings to locations that were inaccessible to demonstrators and by the fact that the movement had increasingly been hedged in by the political establishment. The aforementioned 'summit-hopping' strategy would anyhow be doomed, because of the European Union's intention to hold all meetings of European government leaders in Brussels.

Nevertheless, the same activists called on their supporters to join forces within left-wing activism and to give renewed impetus to the anti-globalisation movement in 2004 and the years afterwards. The emphasis should be put on the setting up of 'accessible and transparent basic-democratic organisations'.

4.3 Anti-militarism

While anti-militarism seemed to be declining in the past few years, the war in Iraq caused a small revival. Peace activists and peaceful anti-militarists organised peaceful or playful protest demonstrations like the so-called civil inspections. For these 'inspections' activists forced entry to airforce bases in order to 'prove that weapons of mass destruction were stored there'. In April 2003 a peaceful demonstration was organised against a Rotterdam firm which, from the perspective of the anti-militarists, was too closely involved in the transport of American weapons. The radical action group Onkruit (not to be confused with the usually more moderate group called Onkruit, Vergaat Niet!) occupied a railway track near Sevenum in the same period. The group succeeded in delaying the transport of American equipment. There were also some 'professional' anti-militarists who attracted public attention, partly by inflicting serious damage. They destroyed for example communication disks at Volkel airbase.

So the Iraq war initially led to a growing preparedness to engage in action, but with the rapid progress of the acts of war, enthusiasm soon died down again. In the course of the year meetings about possible new campaigns in the future took the place of street demonstrations. Particularly the Platform Against the 'New War' kept its finger on the pulse and took advantage of incidents by calling upon its supporters to demonstrate. The announced participation of the American Secretary of State, Colin Powell, in the OSCE meeting in Maastricht (1-2 December 2003) gave some activists reason to resume their protest activities.

4.4 The Moluccan community

As a result of the fact that peace seems to have been restored in the Moluccas and that the state of emergency was lifted in September 2003, the mood among the Moluccan community in the Netherlands was less emotional and fiery than in the previous years. In 2003 the understandable concern about the situation in the Moluccas did not lead to any radical or violent incidents initiated by Moluccan people, apart from the 'traditional' protest demonstrations. Press coverage of any new disturbances was limited because of the turbulent developments in international politics last year, and consequently activists had little to go by. The arrest and three years imprisonment sentence of Alexander Manuputty and Semmy

Waileruny, leader and member of the FKM (Front Kedaulatan Maluku) in the Moluccas, for state-undermining activities caused some commotion among the Moluccan community in the Netherlands. A protest demonstration was held and a petition was presented to the Indonesian embassy. FKM Europe was involved in attempts to open a diplomatic post for the South Moluccan people in Vanuatu (Melanesia). The Indonesian government sees the FKM as a separatist movement.

5 **Unwelcome interference of foreign powers**

This chapter explains the AIVD's focus on unwelcome interference of foreign powers. Two areas will be described in detail: the Turkish control network and the influencing activities of Islamic guide countries. The chapter is concluded by a section on the disclosure of Stasi files.

5.1 **General focus**

The fact that the combat of international terrorism obviously demands a great deal of attention does not mean that the phenomenon of 'espionage' would be a thing of the past. On the contrary: AIVD investigations have shown that foreign powers are still active in the Netherlands and that the activities of foreign intelligence service are more and more interconnected with phenomena such as international terrorism, illegal migration and proliferation.

Over the past few years the threat emanating from interference of foreign powers has changed considerably. The changed international relations and the increasing internationalisation have given the relationships between countries and their intelligence services a more diverse character. While in the Cold War era the Netherlands was mainly confronted with espionage from Warsaw Pact countries and China, today the number of countries involved in conspiratorial activities in the Netherlands has considerably grown. The range of activities carried out by foreign powers in the Netherlands has also considerably grown. This does not only include traditional espionage activities – like obtaining secret political, military, economic and scientific information – but also influencing of political and official decision-making, as well as influencing and controlling migrant communities in the Netherlands, controlling and intimidating opponents resident in the Netherlands and procurement of material and knowledge for the production of weapons of mass destruction.

Despite overtures between former perceived enemies, self-interest is still an important factor. Even for countries which seek to enter into relations with the West, or which have established such relations in the past few years, it is sometimes important to continue their clandestine activities. Foreign powers use their national intelligence services for collecting economic and scientific information in order to improve their own economic position. The Netherlands, as a highly developed industrial country, is an interesting country in this respect. The AIVD has established that some foreign powers try to influence population groups in the Netherlands, both covertly and openly. To that end they do not hesitate to use methods such as manipulation, intimidation, illegal interference and other forms of undesirable interference.

The above-described developments have given the AIVD reason to widen its focus to include not only the activities in the Netherlands of foreign intelligence services, but also of foreign powers in general. In view of this widened approach, which was worked out in detail and implemented in 2003, the AIVD no longer uses the term counter-intelligence, but 'counter-interference', i.e. countering undesirable and clandestine activities of foreign powers in the Netherlands that violate the Dutch sovereignty and that may seriously harm national security. Such interference may seriously undermine the political and administrative integrity of this country, as well as the international legal order and stability. It may lead to radicalisation

among population groups, violation of fundamental rights, undermining of vital sectors in the Netherlands and it may affect the international competitive position of the Netherlands.

A characteristic feature of unwelcome interference of foreign powers is the fact that it usually involves clandestine activities. It is an 'invisible' phenomenon, which only comes to public notice in exceptional cases. Clandestine information-gathering is usually carried out under cover. To that end foreign powers use, for example, front companies and business delegations, students and journalists. Intelligence services of foreign powers often also have extensive networks of informants. Their focus areas include the migrant groups in the Netherlands, international forums (e.g. NATO, EU and OSCE), economic sectors (e.g. defence, industry, ICT and the energy sector) and international organisations (e.g. International Court of Justice, International Criminal Tribunal for former Yugoslavia and OPCW).

The AIVD's efforts are aimed at identifying and preventing unwelcome interference of foreign powers in the Netherlands. Every year we draw up a new threat profile, on the basis of which we systematically investigate unwelcome interference of a number of countries. Apart from this, we also investigate incidents relating to activities of foreign powers and their intelligence services in the Netherlands. In order to identify and prevent these undesirable activities the AIVD co-operates closely with foreign counterpart services and with other Dutch government bodies. The AIVD also tries to make society more aware of the activities of foreign intelligence services, for example by giving specific information about it. The AIVD and MIVD (Defence Intelligence and Security Service) jointly brought out an information brochure about this subject in March 2004.

5.2 The Turkish control network

The Turkish state wishes that Turkish nationals abroad also commit themselves to the Kemalist doctrine, which is based on the concept of a secular state and the indivisibility of the territory. In practice this means that the Turkish authorities watch left-wing extremist, Kurdish, separatist and radical-Islamic movements suspiciously and that they frustrate them in their activities. Within the Turkish government system the Turkish armed forces see themselves as the guardians of the secular constitution and the unity of Turkey. They dominate the control network and are suspicious of the present Turkish government and the party in power, the Islam-inspired AK Party (Party for Justice and Development). This has led to a certain tension. Some government initiatives have added to this tension, such as the incident when wives of AK members of parliament appeared in headscarves at an official reception on the occasion of the opening of the parliamentary year. The government's instructions to the Turkish embassies in Europe to tighten the contacts with the Islamic Milli Görüs movement also added to the tension.

The European tour of General Tuncer Kilinc, secretary of the influential National Security Council, was in fact a countermove of the Turkish control network. During his tour, General Kilinc visited the Netherlands in April 2003, where he held a speech for some selected representatives of the Turkish community in the Netherlands during a private meeting at the embassy in April 2003. He stressed the importance of integration and warned his audience for the dangers of radical Islam. These performances caused considerable commotion within the Turkish community. Some representatives felt that they were lured to the meetings under false pretexts.

The extreme nationalist Turkish Federation Netherlands (TFN), which can also be ranged under the Turkish control network and whose members are usually referred to as 'Grey Wolves' organised hardly any activities in the past year, due to lack of money.

5.3 Influencing by Islamic guide countries

The AIVD examines if and how individuals and organisations from Islamic guide countries (like Saudi Arabia and Iran) exert unwelcome influence that might lead to radicalisation processes among part of the Muslim communities in the Netherlands. At the moment particularly a number of internationally operating Saudi-based Islamic non-governmental organisations (NGOs) with branches in the Netherlands give us most reason for concern. As is the case in other countries, these daughter companies combine their humanitarian and social-cultural activities with spreading Wahhabism, the ultra-orthodox and strictly puritan form of Islam which is the official creed in Saudi Arabia. As a religious-political ideology, modern Wahhabism (and Salafism) encompasses views that are at odds with the principles of the democratic legal order. The global preaching activities (dawa) controlled from Saudi Arabia and by Wahhabi NGOs have already led to radicalisation processes among Muslims in a number of countries. Even the Saudi government has now become aware of these harmful side-effects of dawa and it has therefore recently intensified its supervision of the dawa organisations. This has not removed the risk, however, that anti-Western ideas are spread that may lead to radicalisation tendencies among particularly young Muslims, also in the Netherlands. The AIVD will continue to focus attention on this phenomenon.

5.4 Stasi files

Germany disclosed files originating from the former East German Ministerium für Staatssicherheit (MfS/Stasi) in July 2003. These files, known under the name of 'Rosewood' or 'Rosenholz' in German, contain information about the MfS's espionage network abroad. The AIVD checked whether as a result of this disclosure any names of prominent Dutch persons might be exposed in a negative sense. This seems not to be the case.

6 International legal order

In this chapter two focus areas of the AIVD will be described which concern the international legal order: the proliferation of weapons of mass destruction and the security of international organisations in the Netherlands.

6.1 Proliferation of weapons of mass destruction

The Dutch non-proliferation policy is aimed at preventing Dutch companies, universities or research institutions from becoming consciously or unconsciously involved in proliferation of weapons of mass destruction. To that end the AIVD investigates the proliferation of goods, technology or knowledge that may be used for the production of weapons of mass destruction and their means of delivery from or via the Netherlands. Our new foreign intelligence function also enables us to collect information about weapons programmes in countries of concern and potential countries of concern. We expect that our widened information-gathering in this area will provide more insight into the procurement attempts of these 'state actors' in the Netherlands. The AIVD also investigates attempts by 'non-state actors' (i.e. groups or individuals) to obtain nuclear, chemical or biological agents. As part of this non-proliferation strategy, the AIVD has an awareness programme aimed at pointing out the risks involved in proliferation to relevant business sectors and scientific research institutes. Special attention is paid to the transfer of non-tangible technology, like scientific and technological expertise. The AIVD intensified its contacts with academies and universities and the Academic Medical Centres within this context.

6.1.1 Countries of concern

There are several countries that are referred to as high-risk countries or countries of concern. These countries are mainly situated in unstable regions like the Middle East, North Africa and Southeast Asia, where the development and possession of weapons of mass destruction is seen as a opportunity to exert political or military pressure at a regional or global level. The AIVD mainly focused on Iraq, Iran, Libya, Syria, Pakistan and North Korea in 2003. We also continued to pay attention to the conflict between India and Pakistan and the resulting arms race in nuclear weapons and ballistic missiles.

As was the case in 2002, in 2003 within the context of weapons of mass destruction the AIVD again paid much attention to the developments relating to Iraq. Until the military intervention by the allied coalition forces in March, the inspectors of IAEA and UNMOVIC carried out inspections under UN resolution 1441. By the middle of March, opinions within the UN Security Council were not really divided on the question whether Iraq had failed to comply with resolution 1441, but rather on the question how to deal with this situation. Eventually, a coalition of the United States, the United Kingdom and Australia decided to launch a military intervention. The formally announced cessation of the military activities on 9 April marked the beginning a new phase in the search for supposed arms caches and evidence for a programme for weapons of mass destruction. After a first search by the American army, in May this task was passed to the Iraq Survey Group (ISG), which was set up specially for this purpose. ISG consists of some 1400 American and British experts who have been tasked to make a complete overview of the Iraqi programme for weapons of mass destruction. The ISG's interim report (also called Kay report) brought out early in October did

not present any sensational conclusions. In the report, which was presented to the American Congress, it was tentatively concluded that Iraq was making efforts to rapidly switch over from civilian production to small-scale military production of biological and chemical agents ('just-in-time-capacity'). The ISG will continue its efforts until the middle of 2004.

By the end of 2002 it turned out that Iran had failed to report certain sites for its nuclear programme to the International Atomic and Energy Agency (IAEA), which reinforced the suspicions about a possible Iranian nuclear weapons programme. According to Iran, however, these sites were used for civilian nuclear applications, and the country invited the IAEA to inspect the sites. The inspections brought several irregularities to light. These are still subject of discussions between Iran and the IAEA.

In its interim report brought out in summer 2003 the IAEA characterised the ultracentrifuges in the Iranian town of Natanz as an early European design. Further investigations by the Atomic Agency proved that the 'early European design' had ended up in Iran via Pakistan.

Under international pressure, particularly by the United States, Iran eventually signed the additional protocol of the Non-Proliferation Treaty in December 2003. This enables the IAEA to conduct unannounced inspections of the sites. Iran still has to ratify the protocol, however.

Late December 2003, after months of secret negotiations with the United States and the United Kingdom, Libya announced to discontinue its programme for the development of weapons of mass destruction. Allegedly it was Libya itself which took the initiative for these negotiations. In October and December 2003 American and British arms experts and negotiators were given the opportunity to visit suspicious sites. What they found included stocks of sulphur mustard gas and the means of delivery for this weapon, as well as nuclear installations under construction. Libya promised soon to sign the additional IAEA protocol. Libya also signed the chemical weapons treaty, reported its existing stocks to the Organisation for the Prohibition of Chemical Weapons (OPCW) and ratified the Comprehensive Test Ban Treaty.

After North Korea withdrew from the Non Proliferation Treaty and forced the UN inspectors to leave North Korea, there has been no international supervision of North Korea's nuclear programme. The country claimed to have the disposal of a nuclear weapon, but this could not be confirmed by international observers. It is a fact, however, that North Korea has the Taepo-Dong, a long-range missile.

There is a risk that the balance of power in East Asia will be seriously disturbed when North Korea actually has a nuclear weapon, especially in combination with the aforementioned Taepo-Dong missile. In that case an arms race between North Korea, South Korea and Japan cannot be ruled out. Japan has already announced that it will step up its efforts in developing an American missile shield.

6.1.2 NBCR terrorism

In relation to its examination of possible terrorist threats from nuclear, biological, chemical or radiological weapons – NBCR terrorism for short – the AIVD shifted its emphasis in 2003. In 2002 NBCR terrorism was still mainly seen as a theoretical possibility, but in 2003 a number of groups showed increasing interest in producing and using relatively simple NBCR

weapons. The AIVD concluded that there is a real risk of terrorist attacks with relatively simple NBCR weapons. We also believe that the possible terrorist use of these types of weapons will rather lead to short-term or long-term disruptions of public life than to large numbers of casualties, although the latter effect cannot be ruled out.

In 2003 Europe was confronted with several incidents allegedly involving (preparations for) the use of NBCR weapons. In the first few weeks of January 2003 several arrests were made among radical Muslims in London, when traces of the toxin ricin were found. Early in June Belgium was confronted with letters containing toxic substances, as a consequence of which some persons were admitted to hospital with eye and airways irritation. The AIVD started an investigation in order to find out whether there was also a risk to the Netherlands, but this was not the case. At Gorinchem a powder letter sent from Iraq caused some commotion in September. As a result of joint efforts of security services, the sender of the letter could soon be identified, after which the incident could be dealt with. Although a causal connection is not certain, the reports in the press about these incidents led to an increase in the number of mailed powder letters. In 2003 about two hundred powder letters were examined. In none of the cases, however, dangerous substances were found. Well-balanced information to the public might reduce the commotion caused by receiving a powder letter. An information strategy will be developed in 2004.

6.2 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 is responsible for setting and controlling the conditions for the undisturbed functioning of these organisations. Physical threats to the buildings, staff and visitors of these organisations should be taken into account. In order to prevent any incidents, the AIVD provided several threat analyses, threat assessments and recommendations on security in 2003, while the service also conducted vetting inquiries at the request of a number of organisations.

6.2.1 International Criminal Tribunal for former Yugoslavia

As was the case in previous years, the AIVD investigated threats that might follow from the transfer to and detention in The Hague of persons indicted by the ICTY. The AIVD provided the authorities responsible with information about (possible) threats to staff, suspects or witnesses of the ICTY or to the Netherlands as its host. The AIVD is on alert for risks involved in the Milosevic trial, which started in 2002. The AIVD is also prepared for the possible transfer to The Hague of Bosnian Serbs indicted by the ICTY, such as Karadzic and Mladic. It cannot be ruled out that their transfer involves security risks to the Netherlands or to the ICTY.

6.2.2 International Criminal Court

The International Criminal Court (ICC), which started its activities in July 2002, is still in an early phase of development. By now the Chief Prosecutor and the registrar have been appointed, and the first group of eighteen judges have been installed. Although the ICC has already announced on which issue it will focus its attention, it may still take a couple of years

before the first defendant will arrive in the Netherlands. The reason is that the Chief Prosecutor wishes to prepare a trial completely before having a suspect arrested. The security risks involved in the presence of the ICC in the Netherlands largely depends upon the cases that will be brought before this court. As this is not expected to take place in the near future, we cannot yet mention anything specific about possible physical threats to the ICC or to the Netherlands as its host. The AIVD gave the ICC general security advice in 2003 and discussed the exchange of information. It is to be expected that the relationship between the AIVD and the ICC will be intensified in 2004.

7 Foreign Intelligence

Collecting intelligence in relation to other countries has been a new AIVD function since June 2002. In this chapter the efforts involved in this function have been described.

7.1 General overview

As prescribed by law, in 2003 the AIVD's efforts in the area of foreign intelligence were focused on the subjects that were designated by the Prime Minister in agreement with the Minister of the Interior and Kingdom Relations and the Minister of Defence at the beginning of the year. The Ministry of Foreign Affairs also played an important role in this designation. These activities were regularly discussed with the Ministry of Foreign Affairs and the Defence Intelligence and Security Service (MIVD), usually in the form of tripartite talks.

The following subjects were designated for 2003:

- a. risks to the functioning of international organisations that are relevant to the Netherlands and to the co-operation with countries participating in these organisations;
- b. political, ethnic or religious tensions or conflicts in specific countries or regions – both within and between countries – which might involve a threat to international stability or to the international legal order;
- c. the infrastructure for international terrorism;
- d. developments in the home countries of migrants resident in the Netherlands;
- e. developments in countries relevant to the proliferation of weapons of mass destruction and their means of delivery;
- f. factors that have a destabilising effect on the international legal order, like trafficking in drugs, weapons, diamonds or human beings, migrant smuggling and money laundering.

Part of these subjects were designated with a view to determining the Dutch government's position and strategy in international negotiations. Other subjects were selected with a view to collecting information that enables the AIVD to identify potential threats at an earlier stage and to gain more insight into existing threats.

Every three months a progress report of the AIVD's efforts in the area of foreign intelligence is submitted to the Prime Minister via the Minister of the Interior and Kingdom Relations.

As a consequence of the fact that this task is a relatively new one, in the course of the year it turned out that things were not yet running completely satisfactory, meaning firstly, that the stakeholders (the Ministries of General Affairs and Foreign Affairs) should be more specific in defining their requirements, and secondly, that the services (AIVD and MIVD) should be more specific in indicating what they can do, but specifically what they cannot do.

Experiences during this process of habituation have shown that it would be preferable to involve the Ministry of Foreign Affairs not only de facto, but also de jure in the annual designation of subjects. The first opportunity to amend the Intelligence and Security Services Act will be used to make proposals to that effect.

In 2003 the AIVD has shown – albeit on a modest scale – that despite the still limited manpower its efforts in the area of foreign intelligence can indeed result in the provision of products that have added value and that are useful to the stakeholders. Our aim for 2004 is to expand our access to information in order to generate more unique and useful information.

8 Protective Security

The AIVD supports the authorities and bodies responsible in taking security measures. This chapter describes the various fields that are relevant to the AIVD's protective security function: special information, vital sectors, integrity of public administration, persons, property and services, as well as positions involving confidentiality and security screening.

8.1 Special information

Special information encompasses state secrets and other vulnerable information that require extra protection. In the area of special information security, the AIVD contributes to the development of national and international legislation, it advises government bodies and companies and it plays a co-ordinating role in the development and acquisition of products for the protection of information. The users of products for information security feel a strong need for having simultaneous access through one system to information protected by different security regimes, such as Internet information, internal government service information, confidential documents from the ministry and state secrets. In relation to communication and information technology the AIVD tries to find a balance between the information and communication needs of the user, adequate security measures and the acceptance of these measures by the user.

8.1.1 Working Group on Special Information Security

It is the task of the Working Group on Special Information Security to give advice and make 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 2003 the Working Group submitted four products for the protection of special information to the head of the AIVD for his approval. He officially approved these products on behalf of the Minister of the Interior and Kingdom Relations. The Working Group also set priorities for projects to be carried out by the Encryption Facility (see 8.1.2).

8.1.2 Implementation of Encryption Facility

In 2002 the Council of Ministers decided to install an encryption facility unit at the AIVD. This facility should play an important role in determining and meeting the government's needs in the area of encryption equipment. In 2003 the Encryption Facility started its first projects, including a study of Public Key Infrastructure applicability to special information, and the development of information security products intended for the protection of special information. Another initiative was the development of a long-term vision for ICT security of special information from the four ministries involved: the Ministry of the Interior and Kingdom Relations, the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of Justice. The Encryption Facility further expanded its contacts with potential suppliers in 2003.

8.1.3 Security scans and advice

A security scan is an examination of the security system of an organisation. As was the case in 2002, in 2003 the AIVD again carried out security scans at several ministries. Some ministries are now implementing a biennial security cycle. This security cycle should be part of a general planning and control cycle of the ministries. In 2004 the project for security scans at the central government will be concluded by a few more scans. In 2003 the AIVD also gave several ministries advice on information security and concerned itself with the safe production and distribution of security products.

The AIVD completed a project for an examination of the protection of state secrets at a number of telecommunication providers. When the project is completed, our service will remain involved in the protection of state secrets by providers of telecommunication.

8.1.4 Review of regulations on special information security

An interdepartmental project group chaired by the AIVD made a proposal for a new regulation for the security of special information: the Security of Information Regulation for Government Departments – Special Information (VIR-BI). Under this new regulation the use of modern information and communication technology in handling special information has to meet certain security requirements. The regulation is in line with the recently renewed EU and NATO regulations for the security of special information. The VIR-BI came into effect on 1 March 2004. Related regulations are brought in line with this VIR-BI. The introduction of the regulation was prepared by an interdepartmental working group, which drew up guidelines for the implementation and an information programme.

In 2003 the AIVD was also involved in a review of the task and position of the departmental Security Officer and the security regulations connected with this function.

8.1.5 National Security Authority for NATO

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 Minister of the Interior and Kingdom Relations functions as co-ordinator and spokesman. The NSA inspects national bodies holding special information and screens staff who have access to this information. In the next section details will be given about the NSA function for the EU. The Ministry of Defence and the AIVD participate in the meetings of the NATO Security Committee and its working groups. The NATO Security Committee develops the policy for the protection of classified NATO information. An important subject in 2003 was the enlargement of NATO. The candidate member states should bring their national laws and regulations into conformity with the NATO security regulations and implement them appropriately.

In its role of National Communications Security Agency the AIVD actively contributes to new NATO regulations on technological information security and the procedures involved. Relevant subjects in 2003 were the acquisition and development of equipment for NATO, the provision of equipment to non-NATO countries and regulations for the implementation of technological information security.

According to the NATO regulations, regular inspections should be conducted at organisations that have access to classified NATO information. In 2003 such inspections were carried out at the Permanent Representation of the Kingdom of the Netherlands to NATO in Brussels and at the Ministry of Foreign Affairs. In both cases the AIVD made recommendations in order to help the organisations to meet the minimum NATO security requirements.

Within the context of the 'NATO host nation' obligation, which means that a host nation is obliged to offer a NATO institution located on its territory a safe working environment, security recommendations were given to the civilian NATO bodies located in the Netherlands.

In his capacity of NSA, the Minister of the Interior and Kingdom Relations is responsible for companies with which civilian NATO bodies place orders. NATO regulations prescribe that these companies should have a valid Facility Security Clearance Certificate and that their staff should be screened before getting access to classified NATO information. The ensuing activities were carried out by the AIVD.

8.1.6 National Security Authority for the EU

The Ministry of Defence and the AIVD participate in the meetings of the Security Committee of the Council of the European Union on behalf of the Dutch government. In 2003 much attention was again paid to the exchange of classified EU information with third countries and international organisations. On the basis of a new convention between NATO and EU on the exchange of classified information between these bodies, an internal regulation was drawn up with procedures for the exchange of special information to be applied within the EU.

With a view to the enlargement of the EU, the Council concluded agreements with all candidate member states on the exchange of special information. On the basis of these agreements an inspection programme was drawn up in order to verify the compliance of each candidate member with the EU rules for the protection of classified EU information. At the Council's request, the AIVD participated in an NSA inspection team that inspected the Hungarian NSA in Hungary with a view to the country's accession to the EU in 2004. Much attention was also paid to security aspects of the expansion of the two classified networks for communication between the Council and the candidate member states. The first steps were taken towards drawing up security requirements for a new network to substitute the old one .

The security policy of the European Commission is discussed in the EU Commission Security Policy Advisory Group (CSPAG), in which the AIVD represents the Netherlands. The CSPAG also focused much attention to the enlargement of the EU in 2003. Inspections to verify the compliance of the candidate member states with the EU security requirements were carried out in co-operation with the Council's Security Office. By the end of 2003, the CSPAG started working on a regulation for industrial security. The present security rules do not provide for such a regulation. The draft regulation will be submitted to the member states in 2004.

One of the elements laid down in the EU Council's procedure for the purchase of ICT security products is the fact that a security product for classified EU information should not only be evaluated by the member state in which the product was designed and produced, but also by another member state. In 2003 both the Swedish and the German government asked the AIVD to conduct the 'second-country evaluation' of a secure GSM and an ISDN

encryption device respectively. The evaluation of the secure GSM was completed in November 2003, while the evaluation of the ISDN device is expected to be completed in the first quarter of 2004.

8.1.7 The European Galileo project

The Netherlands participates in the Galileo project. This 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. An interdepartmental consultative group, in which also the AIVD participates, prepares the national positions.

In 2003 the 'Agreement between the States Parties to the Convention for the Establishment of a European Space Agency and the European Space Agency for the Protection and the Exchange of Classified Information' was finalised. This agreement enables the exchange of special information within the context of an ESA programme between the ESA members as well as between ESA and the EU member states, and the provision of adequate protection of this information on both sides. The Netherlands signed the convention; ratification will follow in 2004.

On behalf of the NSAs of the countries participating in the Galileo project, the AIVD carried out an inspection at the European Space Research and Technology Centre (ESTEC) at Noordwijk in 2003. The inspection resulted in the issue of a security clearance to ESTEC.

The EU organisation itself is also working on a security structure for the Galileo project. The AIVD participates in a working group of the European Commission in which the European Commission policy for the protection of special information within the Galileo project is developed. In 2003 the working group focused on reviewing the Programme Security Instruction (PSI), a policy document for the protection of special information exchanged in the scope of the Galileo project within the EU.

8.2 Vital sectors

It is the AIVD's task to further and enhance the security of vital sectors of our society. Vital sectors are parts of the public and the private sector that the minister 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 security advice.

8.2.1 Vital Infrastructure Protection Project

In order to comply with action point 10 of the 'Action Plan for Counter-Terrorism and Security', introduced by the government in the aftermath of the 11 September 2001 attacks, the AIVD participates in the interdepartmental 'Vital Infrastructure Protection' project. The aim of the project is to have an overview of the intersectional conjunctions and the vulnerabilities of the protective measures that have been and/or should be taken. The project should be completed by July 2004. When the project will be completed, the protection of the vital infrastructure will be a permanent task for the ministries responsible.

In March 2003 the Second Chamber approved the designation of 31 products and services within eleven vital sectors. By the end of 2003 the designation of conjunctions within and

between these sectors within the context of the project was completed. The next stage is to make vulnerability analyses. The AIVD helps the sectors to analyse their vulnerability in relation to conscious human action. To this end we use a methodology for examining the interrelation between interests, threats and resistance capability, we make a vulnerability analysis – in collaboration with the sectors – and we give recommendations on security measures to be taken if necessary. The AIVD's efforts relating to the protection of the vital infrastructure are geared to the aforementioned project.

8.2.2 Other efforts focused on vital sectors

In addition to its efforts within the context of the Vital Infrastructure Protection project, the AIVD also carried out some other activities in relation to vital sectors as a follow-up to earlier efforts.

The AIVD again participated in the project for the protection of the Dutch drinking water supply in 2003. During the first phase, a project group consisting of the Ministry of Housing, Spatial Planning and the Environment, the Association of Water Companies in the Netherlands (VEWIN), the AIVD and two water companies analysed the vulnerabilities within the water sector. During the second phase a risk assessment for the water sector was drawn up. The AIVD contributed to this process by providing information on threats. The assessment formed the basis for a detailed description of the basic security level for the water sector.

The AIVD made a threat assessment for the National Security Committee on Civil Aviation. The AIVD also participated in the steering group National Security Programme, which was dissolved after the presentation of a National Security Plan for Civil Aviation by the middle of 2003.

The AIVD also worked with several parties on the implementation of a Certificate of Good Behaviour (VOG) in the security system for civil aviation. This Certificate of Good Behaviour is supposed to be the Dutch version of the so-called background screening mentioned in the EU regulation no. 2320/2002 of 16 December 2002 for the protection of civil aviation. A Certificate of Good Behaviour has a more limited meaning than a security clearance resulting from a security investigation or vetting, however. Within the EU there is no agreement on form and content of the aforementioned background screening, hence positions involving confidentiality will not be redesignated as positions requiring a Certificate of Good Behaviour in the near future.

In 2003 the Basic Administration of Personal Data and Travel Documents Agency started the development of an instrument for external auditing (examination by third parties) of the security at municipalities. The AIVD is involved in this development. In 2004 the AIVD will examine the security regime protecting the application and issue of travel documents by municipal authorities.

The Government Road Transport Agency put out the development and production of a new version of the vehicle registration certificate to tender in Europe in 2003. The AIVD gave the Government Road Transport Agency advice on the formulation of security requirements for the production, storing and transport of the vehicle registration certificates and on judging the tenders in relation to these aspects.

8.3 Integrity of public administration

When integrity breaches affect the integrity and reputation of public administration, the citizens may lose confidence in the authorities. Our democratic system cannot function without this confidence. The AIVD seeks to further the integrity of public administration in two ways.

8.3.1 Guidelines for integrity projects

By the middle of 2003 the AIVD brought out the new Guidelines for Integrity Projects and distributed them at all levels of public administration. These guidelines enable authorities to examine and enhance the integrity of their organisation. The new guidelines were given wide publicity, for example by publishing a Dutch and an English version on the web sites of the Ministry of the Interior and Kingdom Relations and the AIVD, and by means of presentations at ministries and municipal administrations. In order to draw up an integrity profile of the complete government service, the Ministry of the Interior and Kingdom Relations has started an examination, part of which is meant to find out to what extent the various administrative levels are familiar with the guidelines and apply them. The findings of this examination are expected by the middle of 2004.

8.3.2 Integrity Violations Reporting Centre

The Integrity Violations Reporting Centre is a facility where everyone can report suspected violations of integrity within the government service while the identity of the source will be safeguarded (source protection). The aim of the Centre is to gain insight into the nature, scope and seriousness of specific reports and to contribute to ending integrity violations or to negating rumours. The reports may also provide insight into integrity breaches in a more general sense, on the basis of which measures and recommendations may be drawn up to enhance integrity.

The table below gives an overview of the number of reports over the past three years and shows how many cases were dealt with and completed in 2003.

Table 1

Year	reported incidents	handled in 2003	completed in 2003	pending cases
2001	33	1	0	1
2002	54	15	14	1
2003	49	49	45	4

As was the case in 2002, the nature of the reported integrity violations was highly diverse in 2003. Most of the reports concerned the police, municipal authorities and the central government. Most reports came from Regional Intelligence Services and citizens. 43 out of 49 reports proved not to meet the criteria set by the Reporting Centre. Some of these reports were passed to other competent organisations. Six reports gave reason to start a preliminary investigation. In five cases this presented insufficient information to continue the investigation. One preliminary investigation has not yet been completed.

8.4 Persons, property and services

In September 2003 the Second Chamber agreed to the government's decision to set up a new System for Protection and Security. This system was developed in response to the findings of

the Van den Haak Committee, which investigated the protection of Pim Fortuyn. The AIVD helped to develop the new system, and after it was examined in Parliament in September, the service started to implement its role in the system.

The AIVD conforms its activities to the new system where such is possible within the existing organisation and frameworks. This means that the AIVD provides the National Co-ordinator for Protection and Security with threat reports and threat assessments in accordance with the new system. Partly on the basis of these AIVD products, the Co-ordinator gives the Evaluation Triangle advice on the measures to be taken.

As host of a number of international organisations, the Netherlands has to safeguard and create conditions for the undisturbed functioning of these organisations. In 2003 the AIVD provided several threat assessments, and – at the request of these organisations – gave security advice and conducted security screening (see also section 6.2).

8.5 Positions involving confidentiality and security screening

A position involving confidentiality can only be filled when a security clearance or ‘certificate of no objection’ has been issued by or on behalf of the Minister of the Interior and Kingdom Relations. The issue of such a clearance is based on the results of an investigation or vetting, conducted by or under the responsibility of the AIVD. In general, positions involving confidentiality are divided into three categories: A, B, and C positions. These categories correspond with the seriousness of the possible damage to national security that may be caused by employees holding the positions: ‘very serious damage’ (A-category), ‘serious damage’ (B-category) and ‘damage’ (C-category). The depth of an investigation corresponds with the category of the position. Vetting for police positions includes, in addition to A-category investigations, also less in-depth P-category investigations.

8.5.1 Vetting by the Royal Military Constabulary

The AIVD has mandated the Royal Military Constabulary (KMAR) to conduct security investigations and to issue security clearances for civil aviation. In cases in which it seems necessary to refuse a security clearance, the investigations are passed to the AIVD. In 2002 this was the case with 4,489 investigations. In 2003 this number went down by 745 to 3,744 investigations. In 1,014 of these cases the subject of the investigation had a criminal record, while in 1,982 cases initial vetting produced insufficient information. The KMAR also transfers investigations to the AIVD on the basis of certain information held by the AIVD: the so-called political consultation of AIVD records. This happened in 135 cases in 2003. Furthermore, the KMAR passed 613 investigations to the AIVD because the subjects had been submitted to vetting for civil aviation before, which resulted in a refusal of the clearance.

In 2003 the KMAR started with so-called renewed investigations in civil aviation: i.e. investigations into persons who have had a security clearance since the Security Investigations Act came into effect in 1997 or since 1998. 7,121 of these investigations were dealt with. In 2003 the renewed investigations involved 95 percent of the relevant companies at Schiphol Airport. In 2004 the other airports will be submitted to renewed investigations.

Compared to 2002, the total number of investigations for civil aviation dropped by 18,940 to 36,638 investigations (including 7,121 renewed investigations). This reduction can be

explained by a decline in employment as a consequence of the economic recession and by the exceptionally high number of investigations in 2002, due to about 12,000 investigations into KLM cockpit and cabin crew.

8.5.2 Vetting for and by the police forces

In 2003 25 police forces conducted investigations under the Security Investigations Act. The AIVD has mandated the police to conduct these so-called P-investigations and to issue security clearances. P-category positions involving confidentiality are less vulnerable than A-category positions, hence P-investigations are less in depth than A-investigations. In total 2,026 P-investigations were started. If there are reasons to believe that a security clearance should be refused, the police pass such an investigation to the AIVD. In 2003 this happened in 57 cases.

Vetting for A-positions at the police forces is carried out by the AIVD. In 2003 there were 876 of such A-investigations, which was 442 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 four training courses for a total of about eighty persons in 2003.

8.5.3 Number of positions and investigations

Table 2 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.) 2001-2003

	c.p. 2001	v.i. 2001	c.p. 2002	v.i. 2002	c.p. 2003	v.i. 2003
Central government*	5,125	1,600	4,508	1,666	5,328	1,761
Defence order companies***	16,000	2,866	16,000	2,615	16,500	2,186
Civil aviation**	31,430	31,430	55,578	55,578	36,638	36,638
Police			15,500	893	15,900	2,902
Vital companies***	1,547	918	1,547	1,738	1,547	399
Miscellaneous****		1,470		1,644		1,444
Total	54,192	38,284	93,133	64,134	79,174	46,076

* 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, and one of the conditions to obtain such a pass is a security clearance issued on the basis of a vetting inquiry.

*** The figure under 'confidential posts' represents the number of employees filling a confidential post.

**** The category 'miscellaneous' concerns 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 AIVD expects that the number of positions involving confidentiality at the police will

increase as a result of the establishment of the National Crime Squad and the Superregional Crime Squads, as well as the expansion of the police in the coming years. In addition, reorganisations at a regional level are also expected to lead to a growing number of confidential posts, as basic police positions will be transferred to criminal intelligence.

Table 3 gives an overview of the number of investigations conducted by the AIVD in the past three years. The investigations conducted by the KMAR and the police forces are not included, except for the investigations transferred to the AIVD. The number of ‘administrative’ investigations (B and C categories) went down in 2003. The number of investigations involving field work and interviews of informants (A investigations and transferred P investigations) rose.

Table 3 Vetting inquiries handled by the AIVD in 2001, 2002 and 2003

	2001	2002	2003
A-category	1,055	1,679	1,863
P-category			57
B-category	<i>(incl. 3,334 via KMAR)</i> 7,709	<i>(incl. 4,489 via KMAR)</i> 9,755	<i>(incl. 3,744 via KMAR)</i> 7,680
C-category	1,424	1,152	876
Total	10,188	12,588	10,467

8.5.4 Results

In 2003 in 41,622 cases a security clearance was issued. In ninety cases follow-up inquiries, during which both parties were given the opportunity to present arguments, led to issuing a security clearance where originally a refusal was intended. In 67 of these cases the intention for refusal was based upon the fact that insufficient information was available and in 23 cases upon criminal records.

The number of actual refusals of a security clearance rose by 310 compared to 2002 (from 1,822 to 2,132). Most of these cases involved B-investigations in civil aviation (2,065 in 2003 and 1,765 in 2002). In civil aviation 715 security clearances were refused on the basis of insufficient information (Security Investigations Act, Article 8) and 1047 on the basis of criminal records (Security Investigations Act, Article 7, paragraph 2 (a)). In 298 of the cases a security clearance was refused for the second time. Five investigations in civil aviation resulted in a refusal or withdrawal of a security clearance on the basis of personal conduct and circumstances (Security Investigations Act, Article 7, paragraph 2 (d)).

The other administrative investigations (B and C category) led to a refusal of a security clearance in 23 cases on the basis of insufficient information and in thirty cases on the basis of criminal records.

Two A investigations for the Central Government and five A investigations for the police resulted in a refusal of the security clearance on the basis of personal conduct and circumstances of the applicant. One A investigation for the police led to a refusal on the basis of a criminal record. Two P investigations resulted in a refusal of the security clearance on the basis of insufficient information about the applicant’s partner and personal conduct and circumstances of the applicant respectively. Four P investigations carried out in 2003 resulted early in 2004 in an intention to refuse a security clearance on the basis of criminal records.

The average duration of vetting inquiries conducted by the AIVD was nine weeks in 2003. The majority of the B and C investigations was handled within the statutory period of eight weeks. Cases in which this statutory period were exceeded many concerned A investigations. A 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 manpower 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. The average duration of A investigations was 16 weeks in 2003. The duration of A investigations for the police was twenty weeks on average. Part of the capacity allocated to A investigations for the police is spent on training and supervision of police officers who carry out 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. Late December 2003 182 A investigations, including 72 A investigations for the police, were in the field-investigation phase. Another 161 A investigations and 185 A investigations for the police were waiting to be dealt with.

The AIVD tries to reduce the average duration of A investigations. To that end various measures were taken, such as the involvement of police officers – under the responsibility of the AIVD – in field investigations for A investigations within their own police force. In January 2004 the AIVD will start an evaluation project for the complete procedures for security screening. Where possible, the procedures will be adjusted in order to reduce the duration.

8.5.5 Objection and appeal

In 2003 98 notices of objection were filed against refusals to issue a security clearance, six appeals were lodged against the decisions on these objections and one case was taken to a higher court (the Council of State).

In 2003 91 objections, four court cases and two appeals before the Council of State were dealt with. Part of these cases were instituted in 2002.

Pending cases late 2003

Objections	34
Court cases	6
Appeals before the Council of State	1

Results notices of objection

Notice of objection withdrawn	6
Inadmissible	25
Upheld	27
Not upheld	33

In 18 cases the notices of objection that were upheld concerned cases in which during the objection procedure new or additional information was provided about the applicant. On the basis of that information a security clearance could indeed be issued. Nine cases concerned judicial information that the Complaints Committee for Security Screening did not deem to be serious enough or that had become extinguished by limitation, or the applicant was meanwhile acquitted of the offences of which he was suspected. The appeals did not lead to any changes to the regular policy for refusing security clearances.

9 Parliamentary matters and legislation

This chapter reports about the AIVD's consultations with the Second Chamber and the Committee on the Intelligence and Security Services. In addition, two issues will be described that demanded much attention, both from the Second Chamber and from the Minister of the Interior and Kingdom Relations: the events relating to Princess Margarita and her husband and those relating to Prince Johan Friso's intended marriage. The chapter is completed by a section on amendments to relevant laws and regulations.

9.1 The Second Chamber

The Second Chamber discussed the AIVD and matters in which the AIVD was involved on several occasions in 2003. On 12 March 2003 the efforts of the AIVD in relation to Mr De Roy van Zuydewijn, spouse of HRH Princess Margarita, were discussed during a plenary debate.

On 3 September 2003 the standing committee for the Interior and Kingdom Relations and the standing committee for Justice discussed the government's position on the report of the fact-finding study on Safety and Protection of Pim Fortuyn (the Van den Haak Committee) and on the new system for Protection and Security. As a result of these discussions, the Minister of the Interior and Kingdom Relations asked the Supervisory Committee for the intelligence and security services to examine an AIVD officer who had not been questioned in person by the Van den Haak Committee. The Supervisory Committee agreed to conduct this additional examination, which fell beyond the scope of the Intelligence and Security Services Act (Wiv 2002), since this act did not provide a statutory basis for such an examination. The main conclusion was that the examination had hardly yielded any new facts.

The standing committees for the Interior and Kingdom Relations, for Justice and for Foreign Affairs discussed the combating of international terrorism on 30 September 2003.

At a general meeting of the standing committee for the Interior and Kingdom Relations on 2 October 2003, the AIVD's annual report for 2002 and the annual report for 2003 of the parliamentary Committee on the Intelligence and Security Services were discussed.

Finally, on 23 October 2003, the AIVD's investigation into HRH Prince Johan Friso's bride-to-be, Ms M.M. Wisse Smit, was subject for discussion of a plenary debate.

The tasks, powers and activities of the AIVD were also indirectly discussed during debates on crime control, Iraq and amendment to and supplementing of the Penal Code and some other Acts of Parliament in connection with terrorist crimes. During question time on 9 September 2003 and during a general meeting of the standing committee for Justice on 1 October 2003, the AIVD's investigation into violent animal rights activists were discussed.

Not only did the Second Chamber discuss the AIVD and its activities on many occasions, the Members of Parliament also asked dozens of questions in writing about the AIVD and AIVD-related subjects. An overview of these questions has been attached to this report in annex 1.

9.2 The Committee on the Intelligence and Security Services

In order to complete parliamentary oversight of the activities of the intelligence and security services, a parliamentary Committee on the Intelligence and Security Services was set up.

The government renders account to this committee of all matters relating to the intelligence and security services which cannot be discussed in public. The committee annually submits a public report about its activities to the Second Chamber.

From 1977 to 2003 the committee consisted of the leaders of the four largest parties represented in parliament. From 1 April 2003, however, the committee comprised only three members, because the leader of the fourth largest party, Mr Marijnissen of the SP (Socialist Party) waived the right to sit on the committee. In addition, the chairman of the PvdA (Labour Party), Mr Bos, did not participate in the committee meeting prior to the debate on 23 October 2003 on the intended marriage of HRH Prince Johan Friso to Ms M.M. Wisse Smit, because he was of the opinion that the meeting should take place after instead of before the public debate. This triggered a debate in parliament about the functioning and the composition of the Committee on the Intelligence and Security Services. As a result, on 11 December 2003 the committee proposed to enlarge the committee and to include all leaders of the political parties represented in parliament. This proposal was adopted by the Second Chamber. Even in its new composition, however, the SP does not wish to sit on the committee.

The committee met seven times with the Minister of the Interior and Kingdom Relations in 2003. The subjects for discussion included the efforts of the then BVD in relation to Mr De Roy van Zuydewijn, the war in Iraq and its possible repercussions on national security, the secret annual report of the AIVD for 2002, the AIVD's activities in relation to Ms Wisse Smit and Islamist terrorism. Officers of the AIVD were present at the meetings to provide the committee with detailed information if so required. The meetings about the AIVD's efforts in relation to Mr De Roy van Zuydewijn and Ms Wisse Smit were also attended by the Prime Minister and officers of the Ministry of General Affairs.

9.3 HRH Princess Margarita and her spouse

In relation to the developments concerning HRH Princess Margarita de Bourbon Parme and her husband, the Prime Minister submitted a letter in which he explained the efforts of the then BVD in relation to Mr De Roy van Zuydewijn and the relevant legal framework (Parliamentary Reports 2002/3 8II, no. 1). During the parliamentary debate about this letter particularly the position of the Queen's Secretariat and its authority to ask the BVD for information were questioned. The fact that the ministers had not been informed of the BVD's investigation was also criticised. During the debate the chairman of the Committee on the Intelligence and Security Services explained that, on the basis of confidential information provided on the matter, the committee unanimously found that the relevant indications and the questions arisen constituted sufficient reason for the BVD to start an investigation into Mr De Roy van Zuydewijn. The government pointed out that by then agreements were made to guarantee, if the AIVD (successor to the BVD) is asked to start an investigation in relation to (future) members of the Royal Family, that this request must be made through the Ministry of General Affairs and that the ministers concerned should be informed in time. In reply to the generally carried motion tabled by Mr Herben and Ms Halsema (Parliamentary Reports II 2002/03, 28 8II no. 4) the Minister of the Interior and Kingdom Relations explained in a letter of 28 May 2003 (Parliamentary reports II 2002/03, 28 8II no. 10) how the Intelligence and Security Services Act (Wiv 2002) prescribes in which cases the AIVD is authorised to start an investigation and in which cases the AIVD may provide information from that investigation to third parties.

9.4 HRH Prince Johan Friso's intended marriage

By letter of 10 October 2003 (Parliamentary reports 2003/04, 29 241 no. 2) the Prime Minister informed the Second Chamber of the government's decision not to submit a legislative proposal for parliamentary permission for the intended marriage of HRH Prince Johan Friso to Ms Wisse Smit. This letter referred to investigations made by bodies including the AIVD. In reply to the questions asked by the Members of Parliament about the letter (Parliamentary reports II 2003/ 04 29 241, no. 5), an explanation was given about the efforts of the AIVD (and its predecessor the BVD) in relation to Ms Wisse Smit, including details about the legal framework for AIVD activities and the difference between an investigation and a consultation of records. On the basis of agreements with respect to potential members of the Royal Family, the AIVD consults its own records at the request of the Ministry of General Affairs in order to find out whether any information about the person in question is held. An investigation can only be started when there is reason for serious suspicion that the person in question poses a threat to national security, which includes the integrity of the Royal Family. With respect to Ms Wisse Smit, the AIVD initially confined its efforts to consulting its records, but at a later stage a limited investigation was started at the Prime Minister's request. When new facts emerged, a more in-depth investigation was conducted, the results of which were communicated to parliament by the Prime Minister by letter of 28 November 2003 (Parliamentary reports II 2003/04, 29 241, no. 7).

The government announced (Parliamentary reports II 2003/04, 29 241, no.5, p. 30) that it considered to amend the Intelligence and Security Services Act (Dutch abbreviation Wiv 2002), in order to enable the AIVD to examine future members of the Royal Family analogous to the vetting investigations conducted under the Security Investigations Act. This would enable the creation of a regulation tailored to the needs of this specific situation. During the debate in parliament on 23 October 2003 (Official Report II 2003/04, pp. 15-913 ff.) the Minister of the Interior and Kingdom Relations promised to present a strength/weakness analysis of the tasks and powers of the AIVD under the Wiv 2002. This analysis will include the functioning of the AIVD in practice.

9.5 Legislation

The Act of 23 April 2003 to amend the Wiv 2002 and some other Acts of Parliament came into effect on 1 September 2003. This act mainly consists of technical amendments to the Wiv 2002, which had become necessary because an adopted amendment concerning the Committee on the Intelligence and Security Services had not consistently been incorporated into all articles. On 17 July 2003 the Rule on Designation Countries as high-risk countries came into effect. This rule is based upon Article 10 of the Wiv 2002; it names the countries to which officers of the AIVD and MIVD are not permitted to travel – other than in the performance of their duties – in view of the risk to national security.

The official preparation of the Directive Decision Article 39 Wiv 2002 has been completed. Prior to submitting the draft Decision to the Council of State for advice, it will be presented – in accordance with Article 39, paragraph 3 – to both Chambers of the States General. Under this Decision persons and bodies with a public function are designated to whom the AIVD and MIVD may provide information for an urgent and serious reason.

The law announced in the memorandum 'New system for Protection and Security' (Parliamentary Reports II, 2002/03, 28 974, no. 2, p. 13), which should enable the AIVD to investigate persons and organisations posing a (potential) threat to a person, property or service to be protected as part of this System for Protection and Security is in preparation.

An evaluation of the implementation of the Security Investigations Act, including recommendations for amendment to law and procedures, will soon be presented to the Second Chamber.

10 Co-operation

At a national level the AIVD co-operates with a large number of organisations in the Netherlands and in the overseas territories and at an international level with organisations in the European Union and with counterpart services. Below the various forms of co-operation will be described.

10.1 National co-operation

The relations described are those with the Defence Intelligence and Security Service (MIVD), with law-enforcement services like the police and the Royal Military Constabulary, with the Ministries of Justice and Foreign Affairs and with the Financial Expertise Centre.

10.1.1 Defence Intelligence and Security Service

There are many interfaces between the AIVD and the Defence Intelligence and Security Service (MIVD), as the functions of the two services have been placed on the same statutory footing. The services exchange information on shared focus areas, like the fight against international terrorism and undesirable activities of foreign intelligence services. They also closely co-operate in the area of protective security, including security advice and security screening. The development of the National Signals Interception Organisation (NSO) has been set up as a joint project. An agreement on further structuring the co-operation between the two services is expected to be concluded in 2004.

10.1.2 Police, judicial authorities and Royal Military Constabulary

In relation to the AIVD's co-operation with the police a number of important developments can be mentioned, such as the project relating to the regional and national information management of the police: 'the national information co-ordination DNP'. This project seeks to set up one national infrastructure for co-ordination of police information, cutting across the traditional dividing lines between maintenance of public order and criminal law enforcement. To that end one national information centre was set up at the National Criminal Investigation Service (dnRI) of the National Police Agency (KLPD), and 25 regional information centres were set up at the regional police forces. At a regional level, the Regional Intelligence Services (RID), performing activities for the AIVD under Article 60 of the Intelligence and Security Services Act, constitute a link to and exchange information with the AIVD. The Regional Intelligence Services are familiar with and have access to both the regional information centres and the AIVD. At a national level, the AIVD posted a liaison officer to the National Criminal Investigation Service of the KLPD in 2003. In addition to furthering information exchange, this liaison officer is also responsible for timely consultation about strategy, acquisition and provision of information, for example with a view to the Dutch presidency of the European Union in the second half of 2004.

An important element in the new system for Protection and Security, developed as a result of the final report of the Van den Haak Committee, is the broad approach to risks. This means that the required protection and security of a person, property or service can be based on both tangible (predictable) threats and on potential (conceivable) threats. Both the police and the AIVD have been assigned a major role in the implementation of the new system, which

makes close co-operation and intensive information exchange necessary. It will also be necessary to intensify the relationship with Regional Intelligence Services that can provide information for risk assessments.

A third development concerns the expanded role of the police and judicial authorities in the area of counter-terrorism, which was already announced in the Action Plan for Counter-Terrorism and Security, drawn up in 2001. This plan provides for a considerable expansion of the KLPD's Counter-Terrorism and Special Tasks Unit. More recently this was described in the Cabinet's memorandum 'Terrorism and the protection of society', in which information-gathering by the police was seen as an important link in the chain of counter-terrorist activities. The importance of this chain-structured approach to counter-terrorism was emphasised. The AIVD's information exchange with the police and judicial authorities is an important part of this chain. For this reason the discussions on co-ordination of counter-terrorism have been intensified since 2002, while in 2003 two officers of the Counter-Terrorism and Special Tasks Unit were designated as officers within the meaning of Article 60 of the Intelligence and Security Services Act. The relations between the AIVD and the police (and judicial authorities) will have to be intensified in other respects as well. The Regional Intelligence Services play a major role in this area as well. It was also recommended that the AIVD should make a more effective and efficient use of relevant police records (mainly held by the KLPD).

Within the same context, important steps were taken to follow up the recommendations of the National Court of Audit. The National Court of Audit submitted a paper called 'Exchange of police information and terrorism-related information' to the Second Chamber in April 2003, in which it argued the necessity of computerised co-ordination of data between KLPD and AIVD. The Minister of the Interior and Kingdom Relations promised that the AIVD and KLPD would study the legal and technical feasibility of computerisation of the provision of information as referred to in Article 62 of the Wiv 2002. Consultations between the two services about solving legal and practical bottlenecks have made good progress. It is expected that the AIVD will have automated access to the first large KLPD database, the Reference Index for Criminal Investigation and Subjects, by the second half of 2004.

Finally, a so-called Quality Project for Regional Intelligence Services was started on the initiative of the Council of Commissioners late 2002. This project is focused on several quality aspects in relation to the Regional Intelligence Services, relating to both their police duties and their activities for the AIVD. The project was part of the National Information Co-ordination Project DNP. Both police and AIVD officers participate in the project. In 2003 they worked on describing the AIVD-police-RID information chain and the working procedures involved. The description of the information chain forms the basis of a more effective and more efficient co-operation between the police and the AIVD, which will be implemented in 2004. These efforts are in line with the policy within the Dutch police to enhance the efficiency of their organisation.

The co-operation with the Royal Netherlands Military Constabulary (KMAR) was intensified and outlined in a new protocol in 2003. This partly resulted from the counter-terrorism initiatives that were announced in, for example, the 'Action Plan for Counter-Terrorism and Security' following 11 September 2001. One of these initiatives was the expansion of the KMAR's Special Service, which was realised in 2003. The officers of this service perform activities for the AIVD under the provisions of the Wiv 2002. In this respect the main focus is on international movement of persons and on the entry of aliens at civil airports, sea ports and the other national frontiers.

10.1.3 Ministry of Justice

The AIVD contributed to the development of an integrated point of view of counter-terrorism in 2003. This viewpoint was laid down in the paper 'Terrorism and the protection of society', which was submitted to parliament by the Minister of Justice, on behalf of the government. This paper described the relevant links between preventive measures against terrorism, protection and security measures and measures aimed at tackling the breeding grounds for terrorism. As a direct result of the paper, two interdepartmental consultation groups on counter-terrorism were set up, i.e. the Joint Counter-terrorism Committee (GCT) and the Counter-terrorism Co-ordination Group (COTB). Both groups are chaired by the Minister of Justice. The AIVD's role in these groups is to provide insight into the nature and scope of the terrorist threat in the Netherlands, which enables the members of the group to develop a wide-ranging counter strategy against terrorism. The AIVD also functions as secretary to the COTB group.

10.1.4 Ministry of Foreign Affairs

In addition to traditional co-operation areas like international developments relating to counter-terrorism and European legislation, the development of the AIVD's foreign intelligence function was also cause for frequent and intensive contacts with the Ministry of Foreign Affairs at various levels in 2003. These contact mainly concerned the fact that - according to the instructions in the explanatory note to the designation of subjects for the foreign intelligence function - intelligence collected for the benefit of the government should be complementary to information that can be obtained via diplomatic channels. Continuous co-ordination is a precondition to achieving this. This joint development process progressed positively in 2003.

10.1.5 Financial Expertise Centre (FEC)

In 2003 the AIVD again contributed to the Financial Expertise Centre (FEC). Participants in the FEC include the Financial Markets Authority, the Public Prosecutions Department, the Dutch Central Bank, FIOD-ECD (Fiscal Intelligence and Investigation Service/Economic Surveillance Department), KLPD (National Police Agency), MOT (Registration of Unusual Transactions), the Pension and Insurance Supervisory Board, the Inland Revenue (Large Enterprises Section) Amsterdam and the Amsterdam/Amstelland police force. The AIVD participates in the FEC working group on Financing and Combating Terrorism. This working group brought out a report in July 2003, which provided insight into financial flows of terrorist groups and described the tasks of the FEC members and their access to information on financing of terrorism.

10.2 Co-operation with the overseas parts of the Kingdom of the Netherlands

The integrity of public administration has become one of the most important common focus areas of the security services in Aruba, the Netherlands Antilles and the Netherlands. The developments in this area attracted the attention of the Council of Ministers of the Kingdom of the Netherlands, who developed a plan of approach in which the security services also play a role. The ministers of the countries concerned have agreed that their services will intensify their co-operation in the field of integrity. By now the efforts of the individual services in this area have been evaluated, and plans are being developed for further co-operation.

10.3 Co-operation in the European Union

In 2003 the Netherlands fully supported the initiatives of the Council Secretariat of the European Union and the European Commission in the area of security, in particular those relating to counter-terrorism. One of these initiatives was the setting up of the Situation Centre within the Council Secretariat, which focuses, in addition to analyses of regions and countries, also on subjects such as terrorism and proliferation of NBC weapons. The European Commission mainly focuses on counter-terrorism aid programmes for third countries.

The AIVD also worked on improving the co-ordination between the network of European intelligence and security services and the EU.

In December 2003 the European Council approved the document on the European security strategy. This document will function as a guideline for the approach to subjects like terrorism, proliferation of weapons of mass destruction and 'failed states'. On the basis of this document a new EU action plan for counter-terrorism will be drawn up. The AIVD will gear its activities within the EU to this policy, in particular in relation to linking up the intelligence and security community to the EU. During the Dutch EU presidency in 2004 counter-terrorism will be high on the agenda, aimed at a cross-pillar approach to both endogenous and exogenous factors of terrorism.

10.3.1 Counter-Terrorist Group

The Counter Terrorist Group (CTG), the group of heads of counter-terrorism branches of the European intelligence and security services, met again in 2003. The group seeks to reinforce the operational co-operation between the participating services. In the second half of 2003 representatives of the ten new EU Member States were admitted to the CTG as observers. This has made the CTG – which was set up after 11 September 2001 – a unique forum in post-war history. The threat assessment on Islamist terrorism, which is drawn up about every three months, has become a regular part of the group's work, and it shows the uniform view of this phenomenon among the European services. In addition, several initiatives were taken to organise meetings for experts from the services in order to exchange information about Islamist terrorist networks and their modus operandi, as well as strategies to counter this phenomenon.

In the second half of 2004 the AIVD will chair the CTG meeting. From then on, ten new services will be full members of the CTG. Consequently, the proper embedding of these services is one of the main objectives of our chairmanship.

10.3.2 Terrorism Committee

The Terrorism Committee under the second pillar of the European Union meets every month. A major aim of this committee is to survey and control all counter-terrorism initiatives within and outside the EU. The Committee focuses special attention on the financing of terrorism. To that end it enters into dialogues with third countries and consults various forums in the area of counter-terrorism (UN, G8, etc.). Another major aim is to involve the subject of counter-terrorism in the co-operation with third countries, particularly the home countries of Islamist terrorists. It is, in fact, the EU's forward defence strategy, which will also be given ample attention during the Irish and Dutch presidency in 2004. On the basis of analyses of regions and countries in relation to terrorist threats, it will be decided

whether and how the EU can lend support to counter-terrorism in these regions and countries. In line with the policy of the Ministry of Foreign Affairs, the AIVD will contribute to assistance to be given to Indonesia. The AIVD also participated in a mission to Southeast Asia to explore the possibilities for co-operation between countries in that region.

10.3.3 Working Group on Terrorism

The Working Group on Terrorism (WGT), the consultative group on counter-terrorism of police and security services under the third pillar of the European Union (JHA pillar), met on ten occasions in 2003. Among the subjects discussed were the introduction of operational guidelines for so-called multinational ad-hoc teams. These teams, in which also Europol may participate on request, are set up in order to collect and exchange information during the proactive or intelligence-gathering stage of counter-terrorism. Since the middle of 2002 it has been possible to set up multinational ad-hoc teams within the EU, but in practice this instrument has hardly been used. Under the Italian presidency conditions were therefore created for changing this situation, meaning that (1) national points of contact were designated for the teams, and (2) guidelines were drawn up, indicating which powers and authorities may be used by each member state within the context of these teams. In the Netherlands both the AIVD and the National Police Agency (KLPD) were designated as points of contact.

A second important task of the Working Group in 2003 was examining the exchange of information between police services and intelligence and security services in each member state. This examination, conducted by representatives of member states in other member states, follows directly from the measures adopted by the JHA Council after 11 September 2001. The Netherlands attaches great value to this examination, especially since the issue of information exchange was a key issue in the Netherlands in 2003. Early 2004 a team of experts will visit the Netherlands. The evaluation reports of the member states will be discussed within the WGT in 2004, also during the Dutch EU presidency. The Dutch chairmanship of the WGT (in which the AIVD heads the Dutch delegation) seeks to underline the importance of information exchange by means of putting the investigation of radicalisation tendencies and recruitment for the jihad on the agenda.

10.4 International co-operation

The war in Iraq, the combat of international terrorism and the proliferation of NBCR weapons require an intensive exchange of information, not only between services that have maintained contacts for decades. Particularly in the field of counter-terrorism, the AIVD now also enters into single-issue relations with services which were not considered for co-operation until recently. For example, the AIVD's co-operation in this important field with its counterpart services in the Russian Federation is rapidly growing.

Within the European co-operative groups of intelligence and security services the AIVD made out a case for accepting the ten new EU Member States to the various forums.

At the government leaders' summit in Prague it was decided that NATO should also play a role in counter-terrorism. For this reason the relationship between the AIVD and the relevant NATO sections has been intensified.

10.4.1 The AIVD's network of liaison officers and bilateral contacts

The great need for international co-operation has also had consequences for the AIVD's network of liaison officers and the service's bilateral contacts. The liaison officers were frequently and intensively involved in enhancing the exchange of operational information between counterpart services world-wide.

The AIVD's network of liaison officers was expanded by stationing a liaison officer to the Gulf region in 2003. This liaison station is very important with a view to the AIVD's intensified focus on the situation in this region, particularly Iraq, on counter-terrorism and on the developments relating to Iran.

The contacts with foreign intelligence and security services are not only maintained by the AIVD liaison officers abroad. The need for international co-operation has prompted a growing number of foreign services to station a representative to the Netherlands for liaising with the AIVD.

In 2003 the AIVD again expanded its network of relations by adding new contacts to the large number of existing ones.

10.4.2 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'. Thirteen countries, including the Netherlands, signed the 'Arrangement on the Recognition of the Common Criteria Certificates in the field of Information Technology Security' in 2000. This Arrangement now includes 19 countries which have committed themselves to a mutual recognition of certificates for IT security products. In this connection, the Netherlands Organisation for Applied Scientific Research (TNO) recently developed a Dutch plan for the evaluation and certification of IT security products, which will become operational in 2004.

11 Communication, data disclosure and complaints

This chapter describes the AIVD's communication policy, requests to inspect AIVD files (applications under the Freedom of Information Act), complaints and the historiography project.

11.1 Communication

The functioning of the AIVD was extensively discussed in public debate on several occasions. Doubts were expressed about, for example, the service's investigation of security risks involved in the admission of new members to the Royal Family.

Another subject for discussion was the value of information provided by the AIVD as a ground for the apprehension of several persons on suspicion of terrorist activities. The court did not convict these persons for these activities. The debate proved largely to be based on misunderstandings about the AIVD's statutory powers and restrictions. Both in parliament and in his contacts with the media, the Minister tried to remove these misunderstandings as much as possible. He also wrote an article about the value of AIVD information in criminal proceedings, which was published in the newspaper 'NRC Handelsblad' on 3 December 2003. In its communication policy the AIVD tries to provide as much clarity as possible, both about current security risks and about what citizens may expect from the service in view of its statutory tasks and powers and the resulting abilities and restrictions.

11.2 Applications under the Freedom of Information Act

Under the Freedom of Information Act, every citizen can request to inspect AIVD files. Only information that is no longer relevant to the AIVD's current functioning may in principle be released. Data that are not relevant to current issues are not disclosed, however, if such might compromise sources or methods of the AIVD. In principle, personal data are not disclosed to third parties, except, however, if these data concern the applicant's deceased spouse, registered partner, child or parent.

Handling applications under the Freedom of Information Act is a complex and labour-intensive job. Thanks to the fact that the statutory period for handling the requests for inspection has been extended to a maximum of three months, the AIVD succeeds in dealing with them in time.

As was the case in previous years, the AIVD received many applications under the Freedom of Information Act in 2003. 129 out of 185 requests concerned inspection of data about the applicants themselves. 26 applicants requested to inspect files on deceased relatives. Scientists and journalists made 30 requests to inspect other information than personal data.

In 2003 twenty applicants filed a notice of objection against a refusal to inspect a file, eight applicants instituted an appeal and two took their case to a higher court. In 2003 22 objections, eight court cases and 25 appeals to the Council of State were dealt with. In all cases the AIVD's policy stood the test of scrutiny by the court.

Pending cases late 2003

Requests for inspection of files	22
Notices of objection	3
Court cases	9
Appeals before the Council of State	1

11.3 Complaints

In the year under review one complaint was lodged with the AIVD by a person who was insufficiently informed about the state of affairs in relation to a notice of objection. This complaint was settled internally, with the complainant's permission.

Three complaints about the AIVD were lodged with the National Ombudsman in 2003. The first one concerned the alleged use of a special power against the complainant. The AIVD examined this case internally in 2002, which led to the conclusion that no wrongful acts were committed and that otherwise there was no evidence of any improper actions either. The National Ombudsman also decided against the complainant. The second complaint concerned the AIVD's actions in relation to an application under the Freedom of Information Act. This complaint was also considered unfounded. The third complaint concerned an accusation that officers of a Regional Intelligence Service had supplied personal data to the regular police on their own authority. The National Ombudsman closed the case, because it had already been before the court, and the court decided that no wrongful acts were committed.

11.4 Historiography

By order of 4 September 2003, Minister Remkes commissioned Dr D. Engelen, former AIVD officer, to write a history of the National Security Service in the Cold War era. Dr Engelen will be supported by a scientific committee headed by the director of the Netherlands Institute for War Documentation, Prof. J.C.H. Blom. An official committee will see to it that information that cannot be disclosed (i.e. identity of sources, modus operandi) will indeed remain secret. The project has meanwhile been started.

12 Internal management

In this chapter on internal management the following subjects are described: personnel policy, computerised information, facilities, registration, documentation and archives, quality management, finance, management statement and auditing.

12.1 Personnel

As was the case in 2002, the past year was again characterised by a substantial inflow of new employees. It is expected that this trend will continue in the coming years, given the expansion of the service on the one hand and the increasing number of ageing employees on the other.

In view of the current inflow and the expected growth in the coming years, the introduction programme for new officers has thoroughly been reviewed. The new structure enables new officers to familiarise themselves thoroughly with the tasks and methods of the service within a fixed period of time. In practice, this new introduction programme adds to the new officers' motivation and makes their early involvement in the working procedures of the AIVD possible.

A major organisational change was the introduction of the so-called integrated jobs, meaning that a number of separate, closely related jobs within operational teams were abolished to be integrated into one wider ranging integrated job concept which enables the officers to develop their skills along different job lines. In terms of quality this change is aimed at enhancing the organisation's flexibility and improving the career opportunities for the employees.

12.2 Computerised information

The application of new network technology has enabled the AIVD to improve the provision of all available information to the work stations. This project made good progress in 2003. Obviously, the protection of these facilities is an integrated part of the application of the new technology, while physical, organisational and personal security aspects are also taken into account.

The facilities for information exchange through data communication with counterpart services at home and abroad were further expanded.

The first exploratory steps were taken towards a far-reaching innovation of the service's computer facilities. This innovation project should enable the AIVD to use the growing diversity of digital information and the increasing digital information flow from partners effectively, easily and interactively.

Consultation of open sources is an important element of the work of the AIVD. In order to improve access to these sources, a user-friendly infrastructure was installed in 2003. Each work station has now access to a wide range of databases via a secure network. The past year was mainly spent on training the users in the safe and effective use of all available open sources. Three hundred AIVD officers were trained in 2003, while about half of the entire AIVD staff got access to this network. The number of open sources available via this network has considerably increased. In 2004 most efforts will be focused on integrating these sources

into a coherent whole, refining the efficient use of the sources and providing tailor-made information from open sources. A technical infrastructure for the digitalisation of relevant audio and video tapes was also developed in 2003.

12.3 Facilities

In March 2003 the Minister of the Interior and Kingdom Relations, the Minister of Housing and Spatial Planning and the Environment and the Minister of Education, Culture and Science agreed to the plan for moving the AIVD to the former office of the Ministry of Education, Culture and Science at Zoetermeer in 2007. This marked the end of a long search for alternatives for the service's present accommodation at Leidschendam, which can no longer house the growing organisation. Extensive preparatory efforts enabled the AIVD shortly after the decision to define in detail its requirements for the new office. In September 2003 a list of renovation requirements and costs was drawn up.

In October 2003 the AIVD launched a project for the development of a draft plan for the renovation of the building. Much emphasis is put on the outside adaptations to the office complex, while both the security of the organisation and the interests of the neighbours are taken into account. In order to provide the future neighbours with relevant information, two informative meetings were held for the residents of the neighbourhood. Regular news letters will provide information on the progress of the project.

12.4 Registration, documentation and archives

12.4.1 Archival selection list

In 2003 the formal development of selection criteria for records – as required by law – was started. These criteria should enable the selection of records to be stored permanently and records to be destroyed after a pre-set period of time. The draft selection list was discussed within the so-called triangular consultation group, consisting of policy experts, AIVD representatives and representatives of the National Archives. The following aspects were taken into consideration: administrative interests, the interests of citizens seeking justice and evidence, and the historical importance of the records.

The results of these discussions will lead to adjustments to the draft list, after which it will be submitted to the Minister of Education, Culture and Science in 2004. The minister will then consult the Culture Council. Subsequently, the Minister of the Interior and Kingdom Relations and the Minister of Education, Culture and Science will submit the draft list to the Second Chamber, after which it can be officially adopted. The decision to adopt the list will be published in the Government Gazette. The AIVD will not start the destruction of records before the official adoption of the selection list.

12.4.2 Inspection of Regional Intelligence Services

As they did in previous years, late 2002 and early 2003 AIVD officers inspected the administrations of all Regional Intelligence Services in order to verify whether they were in compliance with the Intelligence and Security Services Act (Wiv 2002). In general, the quality of record keeping and documentation proved to be adequate. Regional Intelligence Services with an administrative staff gave less reason for comments or recommendations than

services without such a staff. The inspections were also focused on the compliance with the guidelines for administrative processing of investigations conducted by the police under the Security Investigations Act. This part of the inspections proved to be premature, however, since the police had only recently started their efforts in the area of vetting. In 2004 this aspect will be re-examined.

12.5 Quality management

In 2003 a quality management model developed by the Dutch Quality Institute (INK) was introduced as a guideline for developing and implementing improvements to the organisation's performance. Information that should form a basis for a broad long-range quality programme is collected along various lines. The programme is supervised by the Deputy Director General of the AIVD. In connection with this task, he was relieved of his responsibility for the Strategy and Legal Affairs Directorate of the AIVD on 1 December 2003.

In anticipation of a definite set-up of the programme, some spearheads were already determined and started. One of these spearheads is the reorganisation and maintenance of the service's administrative organisation (AO). As a basis for implementing this reorganisation, an AO statute and a general plan of approach were drawn up in 2003. In 2004 we will start with examining, improving and describing processes and with implementing the findings. The other spearheads concern the innovation of information management and the reinforcement of the AIVD's external focus. The quality programme will also include a staff appraisal survey in 2004.

In 2003 several evaluations were made of a wide range of policy-making processes and working procedures. Similar evaluations are planned for 2004. The AIVD will request an INK audit in due course.

At the request of the AIVD an external agency made an evaluation of the quality of environmental management at the service. As a result, the AIVD was granted the ISO 14001 certificate.

12.6 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 to pay salaries and business expenses. The service also has a 'secret budget', which covers the AIVD's operational expenditure.

The financial overview of 2003 shows that the AIVD's budget was exceeded by approximately € 1.6 million. This was caused by the fact that the costs for accommodating the growing service were higher than expected. The deficit was compensated within the overall budget of the ministry.

The results of the AIVD's expenditure were described in the previous chapters of this annual report. In the course of the year 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 2003 the AIVD had extra funds for counter-terrorism at its disposal, as part of an allocation in 2002 which is made available in phases. These extra funds were mainly used for extra personnel and materials to be deployed in the area of counter-terrorism. Investments were made in the operational and auxiliary infrastructure and in signals intelligence. The latter enables the AIVD to link up with the National Sigint Organisation in the future.

In 2003 the AIVD also received the first part of a series of extra funds for the new Protection and Security system. This has enabled the AIVD to contribute to the implementation of the recommendations made by the Van den Haak Committee.

The AIVD also started with setting up an encryption facility for the protection of information exchange within the central government, for which also financial contributions from other ministries were used.

Finally, the AIVD received extra funds for a temporary reinforcement in relation to the Iraq crisis and in relation to some existing focus areas, including foreign intelligence.

Budget 2003 (expenditure)

Staff	€ 47.6 million
Materials	€ 26.9 million
Secret budget	€ 3.0 million

12.7 Management statement

In the financial year 2003 the AIVD systematically focused attention on management control, weighing the use of steering and control instruments on the basis of a risk assessment. This also included developing a framework of standards and determining the criteria for including focus areas in this management statement.

Over the year, both the implementation and the planning of the management control system were further developed. Concerning the implementation, the AIVD incorporated the ministerial management reports into its internal policy, control and budget cycle by means of systematic and substantive co-ordination with the internal organisation. Co-ordination on substance was particularly relevant to the periodical reports to the Minister on developments in specific focus areas. These reports again played a major role in the AIVD's accountability. In relation to the operational implementation, the basis for the policy, control and budget cycle was reinforced by the development and systematic use of analysis and evaluation instruments for the deployment of special intelligence means.

With regard to planning the policy, control and budget cycle, considerable progress was made. In 2003 for the first time a series of planning documents as described in the internal cycle were coherently realised, in which the objectives and activities at various levels were presented in increasingly concrete terms. The annual planning document for 2004, as part of the aforementioned series, has by now been approved by the Minister.

In 2004 the new and improved planning instruments will effectively and efficiently be implemented in existing and new instruments for reporting. Here, too, the AIVD will try to link up with the renewed instruments developed by the ministry.

In the progress reports for 2003 the planned evaluations, as referred to in the Ministry's Performance and Evaluation Regulations, were specifically mentioned. It turned out that the implementation of these regulations put a severe strain on the AIVD's capacity. One of the

causes is that external parties who can be given some insight into the service's management can – for obvious reasons – only be used to a limited extent. Consequently, not all planned examinations were completed in 2003. Nevertheless, a new planning has been drawn up for 2004. The unfinished examinations of 2003 will be incorporated into this planning. Furthermore, the AIVD started to make risk assessments for management processes in 2003. Two of these assessments were completed and will be followed up by further measures. A third assessment was postponed awaiting a new design of the procedure to be examined. Following from a new plan for the maintenance of the service's administrative organisation, the objective of both the evaluations and the risk assessments of the management processes is to gain more insight into the level on which these processes are used and the planning of the processes in 2004.

Finally, in 2003 some improvement plans for administrative management were carried out, in close consultation with the Departmental Auditing Service, which concluded that the results were satisfactory.

12.7.1 Departmental Auditing Service

In view of the above, it can be concluded that the management processes within the AIVD were well under control in 2003. The improvement of some parts of the aforementioned focus areas will still require some extra effort, however. In 2004 this will be mainly be implemented under the umbrella of the service-wide quality programme. Preconditions are the identification of internal performance criteria and the implementation and maintenance of the administrative organisation.

On the basis of the Government Accounts Act and the Departmental Auditing Service Decree, the Departmental Auditing Service (DAD) conducts audits for the leadership of the ministry. The audits lead to independent judgements of the quality of the internal and external accountability-related information and processes and the quality of the compliance with national and ministerial management frameworks. Using a reviewed, integrated auditing programme, the DAD focuses specifically on environment analyses (including risk assessments for management processes), process analyses and evaluations.

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 2003 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 DAD evaluated the progress of these plans. The director of the DAD discussed the findings with the deputy director general of the AIVD.

Parliamentary reports

- 23432** **The situation in the Middle East**
- No. 120 Report of General Consultations on 25 June 2003 about the possible Dutch military contribution to the multinational stabilisation force in Iraq.
- No. 124 Letter from the Minister of Foreign Affairs to the chairman of the Second Chamber on available information and sources in decision-making about the Iraq war.
- No. 125 Letter from the Prime Minister to the chairman of the Second Chamber on a report from the British security services about Iraq.
- No. 127 Report of General Consultations on 10 September 2003 about recent developments in Iraq and the repercussions on the Dutch forces in South Iraq.
- No. 129 List of questions and replies relating to a report from the British security services about Iraq.
- No. 139 Report of General Consultations on 27 November 2003 about a report from the British security services on weapons of mass destruction in Iraq.
- 27834** **Crime control**
- No. 29 Report of General Consultations on 24 April 2003.
- 27925** **Combating international terrorism**
- No. 82 Letter from the Minister of Justice to the Chairman of the Second Chamber on counter-terrorism.
- No. 86 Letter from the Minister of Justice to the Chairman of the Second Chamber about the activities of the fundamentalist Muslim organisation Takfir Wal Hijra in the Netherlands.
- No. 90 Letter from the Minister of the Interior and Kingdom Relations to the Chairman of the Second Chamber about Islamist terrorism.
- No. 91 Letter from the Minister of the Interior and Kingdom Relations to the Chairman of the Second Chamber about the Eindhoven-based foundation Al Waqf al-Islami and the Al Furqaan mosque.
- No. 94 Letter from the Minister of Justice to the Chairman of the Second Chamber about the paper ‘Terrorism and the protection of society’.

- No. 96 Letter from the Minister of Justice to the chairman of the Second Chamber about the sixth and last progress report on the action plan Counter-terrorism and Security of 5 October 2001.
- No. 99 Letter from the Minister of the Interior and Kingdom Relations to the Chairman of the Second Chamber to submit the progress report for 2003 entitled 'Preventing terrorist attacks with NBC weapons'.
- No. 101 Report of General Consultations on Islamist terrorism on 22 October 2003.
- No. 102 Letter from the Minister of Defence, also on behalf of the Minister of the Interior and Kingdom Relations, to the Chairman of the Second Chamber about the state of affairs in establishing a National Sigint Organisation (NSO).
- No. 103 Letter from the Minister for Alien Affairs and Integration to the Chairman of the Second Chamber on the Minister's response to the report 'Aliens Policy and Counter-terrorism' by the Advisory Committee on Alien Affairs.
- No. 104 Letter from the Minister of the Interior and Kingdom Relations to the Chairman of the Second Chamber on the reply to questions about combating international terrorism.
- No. 106 Letter from the Supervisory Committee for the Intelligence and Security Services to the Chairman of the Second Chamber on its intention to examine the lawfulness of the AIVD investigation into radicalisation processes within the Islamic community.
- No. 108 Report of General Consultations on 18 November 2003 about the sixth progress report on counter-terrorism and security.
- 28059 Amendments to the Code of Criminal Procedure and other Acts of Parliament in connection with adjusting the powers to demand information relating to telecommunication (demanding telecommunication data)**

First Chamber

- No. 187 Amended legislative proposal.
- 28374 Attack on Mr W.S.P. Fortuyn**
- No. 18 List of questions and replies about the government's position on the report of the Fact Finding Committee Security and Protection Pim Fortuyn.
- No. 19 Reply from the Minister of Justice to the Chairman of the Second Chamber to the request made by Mr Vos for a response to the comments of the Minister of the Interior and Kingdom Relations to the sentence of Volkert van der G.

- No. 20 Motion by Mr Cornielje and Mr Eerdmans concerning three officers of the National Security Service, the National Police Agency and the NCC to be examined in person by the Supervisory Committee in order to have a complete picture of the activities carried out by these services in relation to the protection of Pim Fortuyn.
- No. 21 Adjusted motion by Mr Cornielje and Mr Eerdmans to substitute the motion printed under no. 20.
- No. 22 Report of General Consultations on 3 September 2003
- No. 23 Letter from the Supervisory Committee on the Intelligence and Security Services to the Chairman of the Second Chamber stating that the Committee will consider the request made by Mr Cornielje and Mr Eerdmans by motion 28 374, no. 21.
- No. 24 Letter from the Supervisory Committee on the Intelligence and Security Services to the Chairman of the Second Chamber stating that the committee is prepared to conduct the additional examination as requested by the Chamber.
- 28463** **Amendment and supplement to the Penal Code and some other Acts of Parliament in connection with terrorist crimes (Terrorist Crimes Act)**
- No. 9 Extended report.
- No. 10 Memorandum on the extended report.
- No. 25 Motion by Mr Wilders.
- No. 26 Motion by Mr Van Fessem.
- No. 27 Motion by Mr Dittrich.
- No. 29 Report of a hearing on 20 October 2003 about the bill.
- 28649** **Amendment to the Intelligence and Security Services Act 2002 and some other Acts of Parliament**
- No. 5 Memorandum relating to the report.

First Chamber

- No. 183 Final report of the standing committee on the Interior and the High Institutions of State

- 28797** **Nomination for the vacancies of chairman and two members of the Supervisory Committee on the Intelligence and Security Services**
- No. 1 Letter from the standing committee for the Interior and Kingdom Relations to the Chairman of the Second Chamber on the nomination of three candidates for the vacancy of chairman.
- No. 2 Letter from the standing committee for the Interior and Kingdom Relations to the Chairman of the Second Chamber on the nomination of three candidates for the vacancy of member.
- No. 3 Letter from the standing committee for the Interior and Kingdom Relations to the chairman of the Second Chamber on the nomination of three candidates for the vacancy of member.
- 28811** **Events in relation to HRH Princess Margarita de Bourbon de Parme and her spouse**
- No. 1 Letter from the Prime Minister to the Chairman of the Second Chamber on the actions of the government in relation to this subject.
- No. 2 Statement.
- No. 4 Motion by Mr Herben and Ms Halsema.
- No. 6 Motion by Ms Kalsbeek.
- No. 8 Letter from the Prime Minister to the Chairman of the Second Chamber concerning the publicity about the parliamentary debate on the case of Princess Margarita and Mr De Roy van Zuydewijn.
- No. 9 Letter from the Prime Minister to the Chairman of the Second Chamber about Ms Halsema's request to make public the memorandum written by the state advocate on the Margarita case.
- No. 10 Letter from the Minister of the Interior and Kingdom Relations to the Chairman of the Second Chamber about organisations and persons authorised to ask or commission the AIVD to start an investigation.
- No. 11 Letter from the Minister of Justice to the Chairman of the Second Chamber about the charges brought by Princess Margarita against former ministers, senior civil servants and others.
- No. 12 Report containing a list of questions and replies.
- 28 833** **Oversight of intelligence and security services**
- No. 1 Letter from the Presidium in which an overview was given of the grounds for the position of the Committee on the Intelligence and Security Services.

- 28 844 Integrity policy of public administration and police**
- No. 1 Letter from the Minister of the Interior and Kingdom Relations to submit the paper 'Integrity policy of public administration and police'.
- No. 2 Paper 'Integrity policy of public administration and police'.
- No. 3 Report of General Consultations on 3 September 2003 about the paper 'Integrity policy of public administration and police'.
- 28 845 Exchange of criminal and terrorism-related information**
- No. 1 Letter from the National Court of Audit to the Second Chamber to present the report 'Exchange of criminal and terrorism-related information' .
- No. 2 Report 'Exchange of criminal and terrorism-related information'.
- 28 859 Nomination for the vacancy of member of the Supervisory Committee on the Intelligence and Security Services**
- No. 1 Letter from the standing committee for the Interior and Kingdom Relations to the Chairman of the Second Chamber on the nomination of 3 candidates for the vacancy of member.
- 28 974 New system for protection and security**
- No. 1 Letter from the Minister of the Interior and Kingdom Relations and the Minister of Justice to the Chairman of the Second Chamber on the new system for protection and security as implementation of the recommendations made by the Fact-finding Committee Security and Protection of Pim Fortuyn, the government position of 17 December 2002 and the motion by Mr Verhagen of 19 December 2002.
- No. 2 Memorandum on the system for protection and security.
- 29037 Report from the Committee on the Intelligence and Security Services on its activities over the last five months of 2002**
- No. 1 Report adopted on 10 September 2003.
- No. 2 Report of General Consultations on 2 October 2003 on items including the AIVD annual report for 2002 and the report of the Committee on the Intelligence and Security Services on its activities over the last five months of 2002.

- 29200 VI Adoption of the budget of the Ministry of Justice (VI) for the year 2004**
- No. 63 Report of General Consultations on 1 October 2003 about animal rights activists.
- 29 200 VII Adoption of the budget of the Ministry of the Interior and Kingdom Relations (VII) for the year 2004**
- No. 2 Explanatory memorandum.
- No. 3 List of questions from the standing committee for the Interior and Kingdom Relations and replies from the government in relation to the AIVD's annual report for 2002.
- No. 6 Report containing a list of questions and replies.
- 29 241 Intended marriage of HRH Prince Johan Friso**
- No. 1 Letter from the Prime Minister on the reply to questions asked by Mr Eerdmans and Ms Kalsbeek.
- No. 2 Letter from the Prime Minister on the government's decision not to submit a bill to the States General in order to get permission for the intended marriage of HRH Prince Johan Friso to Ms Wisse Smit.
- No. 3 Letter from the Prime Minister in reply to questions asked by Ms Kalsbeek during the debate on 30 September 2003 about the relationship of Ms Wisse Smit with Mr Klaas Bruinsma.
- No. 4 Letter from the Prime Minister in reply to questions asked by Mr Herben and Mr Vos during the debate on 7 October 2003 about the possible ennobling of Ms Wisse Smit and the ministerial responsibility.
- No. 5 List of questions from the government about the letter from the Prime Minister concerning the decision not to submit a bill to the States General to get permission for the intended marriage of HRH Prince Johan Friso to Ms Wisse Smit.
- No. 7 Letter from the Prime Minister to the Chairman of the Second Chamber on the follow-up investigations conducted by AIVD and DKDB (Security Service for the Royal Family and Diplomats) into Ms Wisse Smit.
- 29 375 The composition of the Committee on the Intelligence and Security Services**
- No. 1 Letter from the Presidium to the members about the composition of this committee, dated 17 December 2003.

Proceedings

Proceedings I 2002/03, no. 22, p.673

Examination of the bill to amend the Intelligence and Security Services Act 2002 and some other Acts of Parliament (28 649).

Proceedings II 2002/03, no. 43, pp. 2992-3038

Examination of the letter from the Minister of Foreign Affairs on Iraq (23 432, no. 77)

Proceedings II 2002/03, no. 48, pp. 3173-3232

Examination of the letter from the Prime Minister on events relating to HRH Princess Margarita (28 811, no. 1).

Proceedings II 2002/03, no. 52, p. 3413

Examination of the bill to amend the Intelligence and Security Services Act 2002 and some other Acts of Parliament (28 649).

Proceedings II 2002/03, no. 75, pp. 4215-4228

Examination of the letter from the Presidium on supervision of intelligence and security services (28 833).

Proceedings II 2002/03, no. 86, pp. 4993-5027

Debate on Iraq (32 432).

Proceedings II 2002/03, no. 90, pp. 5190-5194

Questions asked by Mr Griffith to the Minister of Justice and the Minister of the Interior and Kingdom Relations about animal rights activists.

Proceedings II 2002/03, no. 91, pp. 5228-5233

Debate following General Consultations on 3 September 2003 about protection and security (28 374).

Proceedings II 2003/04, no. 15, pp. 863-924

Debate on the letter from the Cabinet on the decision not to submit a bill to get permission for the intended marriage of HRH Prince Johan Friso and Ms M.M. Wisse Smit (29 241).

Proceedings II 2003/04, no. 33, pp. 2189-2224 and 2333-2362

Examination of the bill to amend the Penal Code and some other Acts of Parliament relating to terrorist crimes (28 463).

Appendix to Proceedings

Appendix to Proceedings II 2002/03, no. 669

Reply to written questions asked my Mr De Wit about the interception of Internet communications world-wide by the United States.

Appendix to Proceedings II 2002/03, no. 690

Reply to written questions asked by Mr Eerdmans about adjustments to the Van den Haak report concerning the protection of Mr Pim Fortuyn.

Appendix to Proceedings II 2002/03, no. 799

Reply to written questions asked by Mr Eerdmans and Mr Janssen van Raaij about GroenLinks in Wageningen and the BVD.

Appendix to Proceedings II 2002/03, no. 800

Reply to written questions asked by Mr Van Oven about security screening of the judiciary.

Appendix to Proceedings II 2002/03, no. 842

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Reply to written questions asked by Mr Vos about the establishment of a National Sigint Organisation (NSO) as part of the AIVD.

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Reply to written questions asked by Mr Wilders, Mr Eurlings and Mr Eerdmans about Saudi funds and terrorist activities.

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Reply to written questions asked by Mr Van den Brink and Mr Eerdmans about possible closer co-operation in combating illegal immigration and terrorism.

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Reply to written questions asked by Mr Wilders about the alleged serious terrorist threat to the EU.

Annex 2 Oversight

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 head of the AIVD reports to the Minister. The Minister is a member of the Council for the Intelligence and Security services (see section 2).

2 Council for the Intelligence and Security Services

The Council for the Intelligence and Security Services (RIV) is a sub-council of the Council of Ministers, consisting of the Prime Minister, the Minister of the Interior and Kingdom Relations, the Minister of Defence, the Minister of Foreign Affairs and the Minister of Justice. The RIV met on nine occasions in 2003.

The main subject for discussion at the RIV was Islamist terrorism. The AIVD provided regular verbal and written threat assessments, both relating to threats from abroad and to indigenous threats. Other subjects for discussion included NBC terrorism, violent animal rights activism and the new Regulation for Information Security at the Central Government (VIR-BI). The progress of the National Sigint Organisations was also discussed, as well as the designation of focus areas for foreign intelligence. The security situation in Iraq was discussed at RIV meetings several times.

3 Netherlands Joint Intelligence Committee (CVIN)

The CVIN prepares the subjects to be discussed by the RIV. It is chaired by the Co-ordinator for the intelligence and security services of the Ministry of General Affairs, and 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. The CVIN met on seven occasions in 2003. The Committee discussed the same subjects as the RIV did.

4 Supervisory Committee

The Intelligence and Security Services Act (Wiv 2002) provides for an independent supervisory committee pertaining to the intelligence and security services. The Committee verifies whether the AIVD and MIVD perform their duties in accordance with the Intelligence and Security Services Act (Wiv 2002) and the Security Investigations Act. The Committee advises the relevant Ministers on its findings, both on request and on its own initiative. The Committee also gives advice about the handling of complaints and about the implementation of the so-called obligatory notification by the Ministers. The Committee is entitled to start an investigation on its own initiative or at the request of one of the two Chambers of the States General. The Ministers, the heads and officers of the AIVD and

MIVD and all others involved in the implementation of the Wiv 2002 and the Security Investigations Act provide the Committee with all information it may require for its investigations. The Committee has access to all information held by the services and is entitled to examine witnesses and experts, if required under oath.

On 26 November 2003 the Committee informed the Second Chamber that – as part of its supervisory duties – it intended to examine the lawfulness of the AIVD's investigations into radicalisation processes within the Islamic community. In preparation of future in-depth investigations, the Committee will also carry out random surveys at the AIVD (Parliamentary Reports II, 2003/04, 27 925, no. 106).

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E-mail ieb@euronet.nl
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