Hacettepe University Graduate School Of Social Sciences

Department of Peace Studies

THE IMPLICATIONS OF DUTCH COUNTER-TERRORISM POLICIES ON MINORITY GROUPS

Ahmed Mohamoud Ibrahim – Mohamed

Master's Thesis

Ankara, 2017

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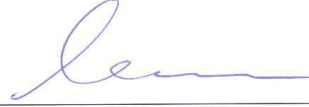Ahmed Mohamoud Ibrahim - Mohamed

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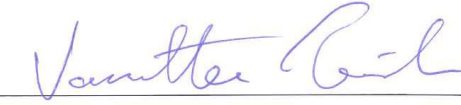Ankara, 2017

ACCEPTANCE AND APPROVAL

The jury finds that Ahmed Mohamoud Ibrahim-Mohamed has on the date of 21.06.2017 successfully passed the defense examination and approves his thesis titled "The Implications of the Dutch Counter-Terrorism Policies on Minority Groups"

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07./.07./.2017

(İmza)
A.M.İ

Ahmed Mohamoud
İbrahim - Mohamed.

ETİK BEYAN

Bu çalışmadaki bütün bilgi ve belgeleri akademik kurallar çerçevesinde elde ettiğimi, görsel, işitsel ve yazılı tüm bilgi ve sonuçları bilimsel ahlak kurallarına uygun olarak sunduğumu, kullandığım verilerde herhangi bir tahrifat yapmadığımı, yararlandığım kaynaklara bilimsel normlara uygun olarak atıfta bulunduğumu, tezimin kaynak gösterilen durumlar dışında özgün olduğunu, Tez Danışmanının Prof. Dr. Mahmut ARSLAN danışmanlığında tarafımdan üretildiğini ve Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Yazım Yönergesine göre yazıldığını beyan ederim.

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ABSTRACT

Mohamed, Ahmed Mohamoud Ibrahim, Peace and Conflict Studies, Hacettepe University, *The Implications of Dutch Counter-Terrorism Policies on Minority Groups.* Master's Thesis, Ankara, 2017.

The aim of this thesis is to examine the effect of the preventive counter-terrorism policies and measures on minority groups in the Netherlands. The main focus of this thesis will be to determine the deficiency of the counter-terrorism policies and measures and to give suggestions for future studies, which can improve the current position of minority groups in the Netherlands and the counter-terrorism policies and measures. The main argument of this thesis is that the current Dutch preventive counter-terrorism approach is discriminating and violating the human rights of ethnic minorities in the Netherlands. This thesis is organised into four parts. Part one provides an insight on how terrorism and counter-terrorism can be understood and defined. Part two elaborates the current Dutch preventive counter-terrorism strategy and approach. The third part gives an in-depth analysis on the effect of counter-terrorism on minority groups and human right violations by counter-terrorism. The last part highlights the negative effect of the current counter-terrorism policies and measures being used in the Netherlands.

The conclusion that comes out of this thesis argues that the current preventive counter-terrorism policies and measures do violate human rights of minority groups and are rather discriminating based on ethnic, race and religion. The Dutch government have allowed stigmatising of minorities as the 'others'. In order to improve the position of minority groups in the Netherlands, this thesis gives a few suggestions for future studies, in order for everyone to exercise their human rights and the improvement of the current counter-terrorism policies and measures.

Key Words

TABLE OF CONTENTS

LIST OF ABBREVETATIONS

AIVD	Algemene Inlichtingen- en Veiligheidsdienst
AMNESTY	Amnesty International
CBB	Coördinator Bewaking en Beveiligging
CBS	Centraal Bureau voor de Statistiek
CIA	Central Intelligence Agency
CTC	Counter–Terrorism Committee
CTIB	Counter-Terrorism Information Box
EAFR	European Agency for Fundamental Rights
ECRIS	Europeans Criminal Records Information System
EC	European Commission
EU	European Union
HRW	Human Rights Watch
ICCT	International Centre for Counter-Terrorism
IND	Immigratie en Naturalisatiedienst
MI5	United Kingdom's Security Services
NCTV	National Coördinator Terrorismebestrijding en Veiligheid
NCS	National Counter-Terrorism Strategy
NHC	National Handboek Crisisbesluitvorming
OSINT	Open Source Intelligence
OSF	Open Society Foundation
PLO	Palestine Liberation Organisation
RDC	Research and Documentation Center
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UN-OHCHR	United Nations – Office of High Commissioner for Human Rights
UNTC	United Nations Treaty Collections
USA	United States of America
US	United States
WODC	Wetenschappelijk Onderzoek en Documentatiecentrum

INTRODUCTION

After the terrorist attacks on September 11, 2001, in the United Sates of America (USA) and the bombings in Madrid (Spain) and London (United Kingdom) in 2004 and 2005, the fear of another terrorist attack became more serious since it got closer to home. Due to the terrorist attacks and threats, which have increased tremendously in the 'western world' over the last 16 years, there have been higher levels of fear and anxiety by citizens of the European Union Member States (Bakker, E., & Veldhuis, T., 2012, P. 1). According to the Eurobarometer, which conducted a research in the spring of 2011, respondents mentioned terrorism as the sixth most worrisome issue when they were asked the most important issues facing the EU at the moment. However, with the recent developments from migration flows from Syria and various countries to active terrorist groups like the Islamic State (IS), foreign fighters traveling in and out the European Union and home-grown jihadist, the European citizens worrisome of terrorism may well be lifted up the rank and possibly be on the top 3 of the Eurobarometer list (Bakker, E., & Veldhuis, T., 2012, P. 1).

Currently, not only citizens but also by European Union Member States like The Netherlands feel the fear for a terrorist attack. With the increasing attacks in Europe from home-grown jihadist and returning foreign fighter, the Dutch government believes that their national security is at risk and have put counter-terrorism high on the national and international political agenda. According to Mr E.S.M. Akerboom who is the Director Democratic Legal Order of the General Intelligence and Security Service of the Netherlands (AIVD) stated that; the current form of violence which is considered as terrorism by states, strikes the Dutch government as an indisputable threat against the Dutch National Security. Attacks like the one on September 11 in the US as well as the frequent attacks in Europe have made obvious that the current form of terrorism threatens the Dutch national security. Moreover, terrorism causes fear, panic and anxiety, which in return disrupt a democratic state. Therefore, the Dutch government find it highly important counter-terrorism is discussed as an agenda point on national and international level (Akkerboom, Counter-terrorism in the Netherlands, 2012, p. 1).

It is therefore believed by the Dutch government that the terrorist threat they are facing is largely interconnected with the international threat. For example, if terrorists are concentrating on American or Israeli targets, these targets also endanger the Netherlands national security due to their ties with the targeted countries. Therefore, the Dutch government believes that the threat coming from terrorism is evident and consistent to the current situation (Akkerboom, Counter-terrorism in the Netherlands, 2012, p. 1). Moreover, according to the AIVD, in recent years the threat of violence committed by terrorist has mainly come from Islamist terrorism, which has increased into an extensive and enduring external and internal threat. From the murder of the filmmaker Theo van Gogh in 2002, it appeared that radicalisation and home-grown jihadist is real and needs to be tackled with counter-terrorism policies and measures (Akkerboom, Counter-terrorism in the Netherlands, 2012, p. 1).

However, According to literature, counter-terrorism is not a tool that can be easy implemented and practiced, rather it is a complicated tactic that involve a host of peculiar strategies and strategies that act on violent extremism and terrorism. Its key purpose can define as conceive methods and policies that cause non-political state groups that use terrorism to disrupt, intercept and prevent them from using violence to realise their political goal (Eijkman & Schuurman, 2011, p. 2). Moreover, according to Alex Schmid, counter-terrorism can also be dived up into two categories, namely, those policies and measures that fight the appearance of terrorism and those that try to focus on the prevention of terrorism and terrorist acts in a non-discriminating way. At the moment, the Dutch government focuses on the preventive counter-terrorism measures and policies in order to avoid and address potential attacks. However, according to scholars in the field of terrorism and counter-terrorism, preventive counter-terrorism policies and measures that are being used in the Netherlands have a negative impact on the democratic society especially on minorities living within that society and is consider discriminating, since the Dutch government only focuses on Islamist terrorism (Eijkman & Schuurman, 2011, p. 2).

Professor E. Bakker mentioned that the effect of the current preventive counter-terrorism on minority groups in the Netherlands shown that these groups, which consist of individuals are feeling alienated by the government because of the ethnicity, religious beliefs and race (Eijkman & Schuurman, 2011, p. 1). Moreover, recent studies have showed that the national intelligence and security services, law enforcements and other

civil servants execute counter-terrorism measures in a discriminatory way in the Netherlands, which in return alienates the target group and thereby diminish opportunities efficient results. This is experienced by minority groups at airports or whenever their surname is being check for passenger clearance, surveillance and wiretapping as well as stop and search measures being used all in the name of preventive counter-terrorism policies and measures. (Eijkman & Schuurman, 2011, p. 1).

Despite the claims made by scholars and NGO's, no empirical research on the practice and effects on ethnic minorities has been made by the Dutch government on this matter, especially in comparison to the enormous amount of research on the over-representation of ethnic minorities crime stats (Brons, Hilhorst & Willemsen, 2008; Jennissen, 2009; Laan et al., 2007; Van Noije & Kessels, 2012; Willemsen, 2008). This may partially, explain why preventive counter-terrorism policies and measures are appreciated by the public and supported by the Dutch government (Van der Torre & Ferwerda, 2005).

Therefore, since the violations of human rights because of preventive counter-terrorism policies and measures, like discrimination is not a topic that is frequently discussed in the Dutch public or political discourse, this topic is rather deserving of further exploration that could provide and insight for other academics and researchers to focus more on this issues. It is anticipated that this thesis will commence more public and political debates and discussions about this increasing problem, which is substantial for the future of the development of Dutch counter-terrorism policies and society. Also, this thesis will provide another perspective on to the importance of protecting human rights while countering terrorism.

Therefore, the purpose of this study is to examine the effect of the preventive counter-terrorism policies and measures on minority groups in the Netherlands. The main focus of this thesis will be on the Dutch government counter-terrorism policies and measures. As such, the main argument of this thesis is that; **the current Dutch preventive counter-terrorism approach is discriminating and violating the human rights of ethnic minorities in the Netherlands.** Moreover, the ideal goal of this thesis is to highlight the weakness and failures of the current preventive counter-terrorism policies and measures that is being used in the Netherlands.

This thesis further aims to conclude the way in which those minority groups position within the Dutch society can be improved. Hence, by assessing the situation of the effect of preventive counter-terrorism policies and measures in the Netherlands, this study presents some suggestions, which may help to improve the Dutch counter-terrorism policies, and measures, in which the notion of terrorism without racial, ethnic or sexual orientation labelling and is intangible, are taking into account. Therefore, with a stronger focus and non-discrimination counter-terrorism policy and measures, the Dutch government can decrease the racial and ethnic discrimination of minority groups, which will contribute to a more unified multicultural society that will abolish the 'Us' and 'Them' feeling within the Dutch society.

In order to explore this issue and for a better understanding of the nature of the problem and to find out to what extend the Dutch counter-terrorism policies and measures have a negative effect on minority groups in the Netherlands, the exploratory research method is used. This method allows the flexibility and changes in the direction of the thesis depending on new data or new insights that may occur on the topic. Moreover, the exploratory method is being used not to give a solution to this existing problem but rather to create a laying groundwork that will lead to future studies, which is necessary for this topic.

As such, this thesis is based on primary and secondary sources, which were conducted through various research instruments. As for the primary sources, official documents of the Dutch Ministry of Justice and Security, political parties, non-governmental organisations, Dutch intelligence agency and the EU and UN institutions were analysed. The secondary sources comprise of publications of articles and journals by academics and scholars, NGO's, think tanks and other relative grassroots organisations which are conducted through desk research, case studies and observations between political debates of right and left wing parties, situations concerning the topic discussed by the media and various activities such pro and contra-protest on security measures.

This thesis is categorised into four chapters. Chapter I presents how terrorism and counter-terrorism can be understood in general and within the European Union. It is important to understand the perception of terrorism and counter-terrorism from various angles. This chapter tries to answer questions like: How did counter-terrorism come to existence? And what are the challenges that counter-terrorism is facing since there is no

universal or international definition of terrorism? Furthermore, in this chapter, the context of fear is being analysed as a possible root cause of the current counter-terrorism approach in the Netherlands.

Chapter II elaborates the current counter-terrorism strategies and approaches that Dutch government is using and implemented since 2011 to 2016. This chapter provides insights on why certain counter-terrorism strategies are being used and who they target. The Dutch counter-terrorism strategy is developed because the government believes the need to address terrorist threats and therefore, mainly focuses on one target group since the threat is most likely going to come from that specific group.

The third chapter, which constitutes the core of the analysis of thesis deals with the argument that the current Dutch counter-terrorism policies and measures are in fact discriminating towards minorities in The Netherlands. The human rights violations, as well as the impact of counter-terrorism policies and measures on minorities, are assessed in order to fully understand the current situation and to offer suggestions for future studies. The chapter addresses various issues such as the growing Islamophobia in The Netherlands, the partial ban on Face-covering as well as on ethnic profiling by law enforcement and the growing Dutch government surveillance of minorities.

The final chapter of this thesis presents the conclusion and suggestions of the previous chapters. The suggestions elaborated in this chapter aims at the improvement of the current Dutch counter-terrorism strategy by making it non-discriminating towards minorities, which in return will uplift their position within the society.

Within this framework, this thesis focuses on the effect of the preventive counter-terrorism policies and measures on minority groups in the Netherlands and how these policies and measures have violated their human rights within a democratic society. At the moment, minorities living in the Netherlands are facing ethnic profiling because of preventive counter-terrorism measure. Unfortunately, counter-terrorism discrimination is not a topic, which is frequently discussed in public or political discourse.

CHAPTER I: TERRORISM AND COUNTER-TERRORISM

The purpose of this Chapter is to deal with the theoretical framework of terrorism and counter-terrorism, through presenting various definitions, goals and to create an understanding, and to explore the various forms of the implementation of counter-terrorism policies in our modern time, in relations to the comprehension of the evolution of counter-terrorism policies. Without a doubt, counter-terrorism came into existence as a tool, solution and responses to the increasing threats and attacks. However, without an international recognised legal definition of terrorism, states are finding it rather difficult to prevent it. Therefore, before explaining counter-terrorism, there is a need to emphasise an understanding of what terrorism is and how it is being used. Furthermore, the Chapter will finish with short examples of the effects of the implantation of counter-terrorism polices and measures within various countries.

The questions to be responded to, in this chapter are: How can we understand counter-terrorism in its current form and what do policy-makers want? What caused counter-terrorism to exist? What counter-terrorism strategies are being used in the European Union to counter terrorism? and What is the effect of the current counter terrorism policies and measures? All these questions will be answered in this chapter. Furthermore, this chapter covers a consistent timeline to which the reader can follow the evolution of counter-terrorism, starting from counter-terrorism policies and measures from September 11 of 2001 until our current time. Additionally, each time period is taken into account under their own titles.

1.1 THE DIFFERENT DEFINITIONS OF TERRORISM

Terrorism is a well-known phenomenon and used terminology by various media channels, organisations, political institutions and governments. However, terrorism is not new, it has been around and used since the earliest time of our written history. Moreover, till this day it is still hard to define what terrorism actually is (terrorism-research, n.d., p.1). The word terrorism was first used to describe the violent repression carried out by a government against its own citizens. They called it the *'Régime de la Terreur',* which translated means 'Reign of Terror' (Silke, 2010., p. 2). In the early days, the government of revolutionary France waged the reign of terror and butchered over 40.000 French citizens in the timeframe of barely a year. However, in decades to follow the term drifted away from its origins of state violence and was increasingly applied to violence carried out by smaller organisations and movements. For example, in the 1800's, many American newspapers routinely described the violence carried out by the Ku Klux Klan as terrorism (Hurst, 1993). By the early twentieth century, the word terrorism shifted by the wider public to acts that were done by non-state groups, which is now being used on a daily basis for most attacks carried out by non-state groups and organisations (Silke, 2010., p. 2).

In most cases, terrorism has been described variously as a tactic and a strategy, a justified reaction to an inexcusable abomination and oppression. It often depends on whose point of view is being represented. The fact remains that terrorism has often been an effective tactic for, in most cases, the weaker party in a conflict (terrorism-research, n.d., p.1.). Moreover, the difficulty in defining terrorism is in agreeing on a basis for determining when the use of direct violence[1] (directed at whom, by whom, for what ends) is legitimate. Therefore, the definition of terrorism in our modern time is inherently controversial (Borunda, 2016., p.1). Additionally, the use of violence is common among states and non-state actors, to achieve political purposes (terrorism-research, n.d., p.1.). In most cases, the majority of definitions of terrorism that are

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[1] Direct-violence is a term that was first introduced by Johan Galtung and points out one of the form of violence's that is committed by a person. For example, someone can be executed or hit in a physical way. (Galtung, J. (1969) p. 170 – 171.) Galtung, J. (1969).

currently in use has been written by organisations who are directly associated with a government, and is, therefore, systematically biased to exclude governments from their definition of terrorism (Borunda, 2016., p.1).

1.1.1   Defining Terrorism

In numerous occasions, the United Nations (UN) recognised that establishing a universal agreed legal definition of terrorism can and will make the fight against terrorism more effective. In 1963, numerous international treaties[2] have established an international framework for global cooperation against terrorism (Understanding Definitions of Terrorism, 2015. p. 1). Together, the framework provides a catalogue of terrorist acts or those (people and organisations) that are facilitating terrorism, this includes hijacking of civilian aeroplanes, hostage-taking, nuclear terrorism and terrorism financing. In addition, whenever terrorist acts may occur, states have the obligation to either extradite or prosecute their perpetrators *(aut dedere aut prosequi principle[3])* (Understanding Definitions of Terrorism, 2015., p. 1). In 2004, the United Nations made the UN Security Council Resolution 1566. In here it is stated that in order to produce a safe and a human rights friendly society, every from, tactics and/or methods that are and can be characterised as terrorism or may even be related to terrorism cannot in whatever way, in the context of the International conventions and protocols, be acceptable (Understanding Definitions of Terrorism, 2015., p.1).

Moreover, like the United Nations many governmental institutions and organisations recognised the need to define terrorism in order to prevent or/and respond to it. However, most of those definitions are similar to another, yet, they are different due to

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[2] International Treaty is an agreement under international law entered into by actors in international law, namely sovereign states and international organisations.

[3] Aut Dedere Aut Prosequi, is to choose a another option regarding the approach towards a supposed perpetrator. The Obligation to Extradite or Prosecute Principle (translation of (Aut Dedere Aut Prosequi) is usually applicable to serve as a worthy principle that respects and holds states responsible under the international laws when it comes to prosecuting the perpetrator who carried out deliberate international crimes (Galicki, Z., 2006, p. 261).

the understanding of the violence committed by terrorist to reach a certain political or non-political goal. Listed below are various definitions of terrorism from different organisations, which are non-profit organisation as well as governmental institutions:

The UN Security Council Resolutions 1566 (2004) under Chapter VII of the Charter of the United Nations:

> Violence committed against innocent people, with the propose to cause destruction and casualties, with the main aim to aggravate the government and create fear among the public, to pressure the government to refrain from decision-making (UN Security Council Resolution 1566, 2004., p. 2).

Central Intelligence Agency (CIA). The Intelligence Community is guided by the definition of terrorism contained in Title 22 of the US Code, Section 2656f(d):

> Terrorism is understood as planned, governmental violence committed against civilians by non-governmental organisation or agencies.

United Kingdom's Security Service (MI5)

> Adopting radical resolution to cause damage in order to achieve their political objectives. Most frequently they focus to scare and create fear against the indirect group (public), by refusing a democratic society.

Human Rights Watch (HRW)

> Radical acts by non-state organisation towards a society for political objectives are detestable wrongdoings, which can add up to violations against humankind.

The Ministry of Security and Justice of the Kingdom of the Netherlands - National Coordinator Terrorismebestrijding en Veiligheid (NCTV).

> Threatening with radical beliefs, assembling methods and tools for direct violence on people, which cause confusion and devastation with the goal to create fear and manipulate the public for a political change (NCTV, 2012).

As in the definitions mentioned above, violence is a continuously returning term, which is fundamental for the essence and existence of terrorism. Violence is one of the key attributes in order to be able to perform terrorism. In this case, it does not matter whether it is direct, structural or culture violence. Violence in itself, against yourself and others, in order to achieve a (political) goal, is condemned. However, it must be emphasised that not every person who uses violence to achieve a goal can be labelled as a terrorist. A terrorist is mostly motivated by some sort of ideology and aims for a political change (Schmid, 2004., p. 3). Moreover, determining what drives an individual to terrorism is even more complex. There is a special psychological dimension to it, which, however, will not be elaborated in this thesis. Moreover, since there are many definitions of terrorism, in order to give some boundaries to the focus of this thesis, we will use the concise definition developed by Martha Crenshaw (1992)[4]. According to Crenshaw (1992), terrorism is the exact form of political violence that includes assaults on a limited sum of people to affect the wider group/public (Silke, 2010 p. 3).

In addition, it is still deeply problematic to answer to the questions as to what constitutes terrorism and who is a terrorist (Silke, 2010 p. 2). Since there is no widely agreed legal definition of terrorism, some writers concluded that it ever will be unlikely that a generally definition will be agreed upon (Shafritz et al., 1991). The failing to engage in an extensively acceptable legal definition of terrorism is tied to the political use of the word. Fundamentally, the term is a pejorative with a vast range of negative meanings. Therefore, many media organisations are reluctant and prefer to use terms as 'insurgents', 'guerrillas' or 'militants' instead of terrorist. Nevertheless, terrorism in itself is a combination of various attributes that are combined to achieve an, mostly a political, outcome that can lead to structural changes. The violence that is being used by

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[4] Martha Crenshaw is a Senior Fellow at the Centre for International Security and Cooperation (CISAC) and the Freeman Spogli Institute for International Studies, as well as Professor of Political Science by courtesy, at Stanford University. From 1974 to 2007 she taught in the Government Department at Wesleyan University and from 2002-2007 was the Colin and Nancy Campbell Professor of Global Issues and Democratic Thought. She is a former President and Councilor of the International Society of Political Psychology (ISPP). http://www.start.umd.edu/people/martha-crenshaw.

a terrorist is not only the physical suffering of their adversary. It is also partly about making a psychological impact. Creating a wider sense of terror and fear to those who are indirectly affected by the direct violence of the terrorist attack (Silke, 2010 p. 1). The other part is about winning a psychological battle for hearts and minds. As it is often mentioned, a nations freedom fighter is another states terrorist (Silke, 2010 p. 1). E.g. during the apartheid in South Africa, for years individuals such as the late Nelson Mandela were labelled as terrorists. Yet, Mandela went on to become a global respected hero and statesman (Silke, 2010 p. 2). Therefore, in order to understand terrorism, Andrew Silke (2010) divided the terrorism campaigns into four general elements, which are Provocation, Escalation, Blame and Endurance (Silke, 2010 p. 4).

According to Andrew Silke (2010), provocation is the first phase of the terrorism campaign. In the phase the terrorist use the act of violence in order to provoke a strong reaction from a state and its forces. In most cases, a states first reaction during an attack is to suspend or side-line the normal methods of operation of law and order. However, as the violence continues, the military will find itself having an increasing role as well as special rules and regulations that are brought into play (Silke, 2010 p. 4). Nevertheless, since the state has already been forced to abandon their rulebook, in the Escalation stage of the terrorist campaign, the terrorist endeavours to increment the servility of attacks. This results in an ordinated dedication for even more preponderant security and safeguard. Furthermore, in the search for victory, the state takes increasingly harsh and exceptional measures resulting, sometimes, the use of illicit tactics (Silke, 2010 p. 4). As for the third phase, the conflict enters a new phase also know as the blame phase. Since the increased atrocities and rule breaking on both sides, all parties involved are doing their best to place the responsibility for their disgraceful behaviour on each other in order to win hearts and minds (Silke, 2010 p. 4). In the final phase of the terrorist campaign the terrorist aspires to break the determination and morale of the state in order to sustain the conflict. Amongst the escalation and the battle for the hearts, the terrorist attempts to convince the state and its supporters that its endurance and dedication to his goal and its ability to stay in the fight is far greater that the state's ability to continue to pay the mounting cost for the struggle. Also, as faith of all parties in final victory loses its brightness and fades away, the search for ways out and alternative solutions increases (Silke, 2010 p. 4).

1.1.2   Terrorism as mean of communication

Throughout history and in our present time, the international community frequently condemns terrorism and terrorist attacks. Hence, it is frequently expressed as mindless, senseless or irrational violence and behaviour. However, according to Jenkins (1974) none of these attributes are exact. Jenkins believes that terrorism is not mindless, senseless or irrational violence since it often works (p.4). In order for one to understand this, one must first understand that terrorism, is a means to an end, not an end in itself, rather terrorism has objectives. Nonetheless, those terrorists who carry out attacks, may not always understand it or may sometimes forget it (Jenkins, 1974, p. 4).

Terrorism is a form of communication (Schmid & de Graaf, 1982, p. 175). The violence used varies from 'ordinary' criminal violence. According to Schmid & de Graaf (1982), the violence is not between two parties of perpetrator(s) and the victim(s), but rather between three, the perpetrator(s), the victim(s) and the 'target' (Schmid & de Graaf, 1982, p. 175). In order to reach the third party, some sort of communication medium is required (Schmid & de Graaf, 1982, p. 175). As a result, Schimd & de Graaf (1982) developed the 'Terrorist-Victim-Target triangle'. In the terrorist-victim-target triangle, the victim is used as an instrument to give a message to the target, which aims to traumatise, demoralise or to influence the target in some sort of way. (Schmid & de Graaf, 1982, p. 176). Figure 1. Shows the Terrorist-Victim-Target Triangle.
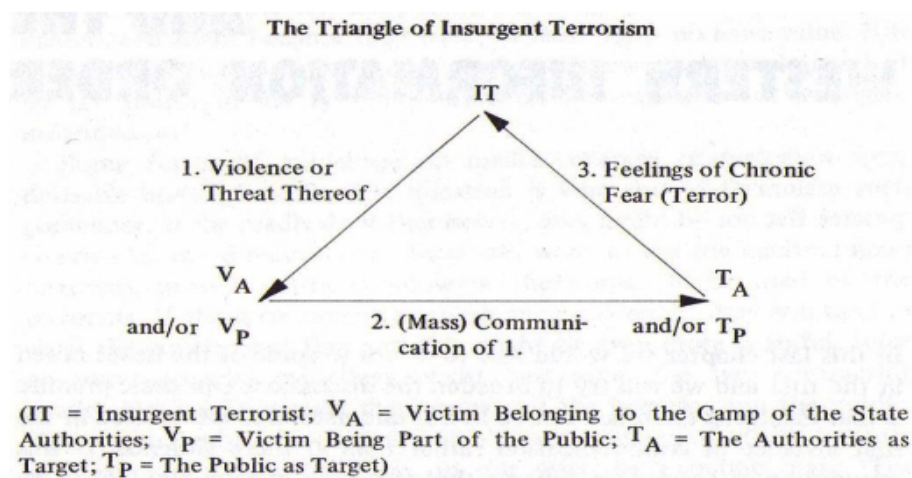

Figure 1. The Terrorist-Victim-Target Triangle (Schmid & de Graaf, 1982, p. 176).

As shown in the terrorist-victim-target triangle, the form of communication is crucial. Mass media is not necessarily the form of communication, since there was terrorism before the rise of mass media (Schmid & de Graaf, 1982, pp. 175-176). Nevertheless, according to the former British Prime Minister Margaret Thatcher, nowadays, media is seen as oxygen for terrorism and maybe considered as a terrorist best friend. terrorism by itself is void, attention surrounding it is everything (liqueur, 1976). Many argue that terrorism is used to create fear and to dominate and have influence on this fear (hacker, 1977, p. xi). Most terrorists create and spread fear by committing fully aware and deliberately indiscriminate violence. In order to attract the attention of the media and the international press, these attacks are planned, coordinated and organised carefully (Jenkins, 1974, p. 4). Furthermore, terrorism is being used as an instrument that is not aimed at the direct victims of terrorism, but on the psychological effects of the public. The terrorists play against and with the public and want to have public interaction (Hacker, 1977, p. xi). Therefore, according to Jenkins, terrorism is a form of theatre with the terrorist being the main actor and the public being the audience who are influenced by the actor (Jenkins, 1974, p. 4).

The role of the media is very important and terrorists are well aware of the importance of the media. The leader of the Palestine Liberation Organisation (PLO) described the media strategy as a push factor which forced the people to ask what is going on (Beunders, 2008, pp. 375-376). A recent example was the broadcasting of the video message of Osama Bin Laden, the former leader of al-Qaida, just before the arrival of the former US President Barack Obama in Egypt (de Graaf, 2010, p. 266). In the video message Bin Laden warned that America is still perpetrating hate speeches against Muslims, as a neutralisation of the openings of dialogues that Obama offered the 'Muslim World'[5] (de Graaf, 2010, p. 266). In the article 'Storytelling and Terrorism', William Casebeer and James Russel describe that telling these stories are vital to both the terrorist organisation and the counter-terrorism policy, as stories are fundamental in the structuring of the human thoughts (Case Beer & Russell, 2005, p. 17).

Since the terrorist themselves are fully aware of their role and effect, according to de Graaf, the role of communication, image and conviction should therefore be central in

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[5] The term Muslim world, also known as Islamic world and the Ummah, meaning 'nation' or 'community' has different meanings. In a religious sense, the Islamic Ummah refers to those who adhere to the teachings of Islam, referred to as Muslims and Muslim countries.

the counter-terrorism policy (de Graaf, 2010, p. 265). The government can influence the stories of terrorist, but can also affect the terrorist, their sympathisers and potential radicals. For this reason, the government must be aware of the image that it projects to the outside world (de Graaf, 2010, p. 265). It is about the people reaction, because it determines the impact of the terrorist attack (Furedi, 2007, p. Xv). Therefore, the people should therefore worry more about the governments reaction and response, rather than what the terrorist do (Furedi, 2007, p. Xv).

1.2 UNDERSTANDING COUNTER-TERRORISM

After the attacks on the World Trade Centres (WTC) on September 11, 2001 the United Nations Secretary - General's High-level Panel on Terrorism emphasised the need to develop an international strategy to tackle terrorism and also addresses the root causes (United Nations 2004:48), (Pickering, McCulloch, & Wright-Neville, 2008, p. 9). The definitions of these roots causes may have been thought to be a bit vague, it did refer to phenomena such as occupations by foreign powers, poverty and unemployment (Pickering et al., 2008, p. 9). However, as mentioned in paragraph 2.1, without an international recognised legal definition of terrorism, governments and organisations have decided to give their own meaning and understanding to define terrorism. The policies, strategies and tactics that states use to combat terrorism and deal with its consequences are referred to as counter-terrorism (Silke, 2010 pp. 3-4). Nevertheless, the practical use of counter-terrorism is not regulated and determined by specific agencies or governmental departments. It therefore can be carried out by many various groups within a society, by private as well as by the military, law enforcement agencies, intelligence agencies, emergency responders, to name a few (Silke, 2010 pp. 3-4).

In addition, there are various ranges of approaches a state can use to respond to terrorism. Traditionally, in order to exert to order and control, during and after a terrorist threat and attack a state will initially attempt to deal with conflict using existing

measures. Most often within the Western democratic states, such measures are often found within the criminal justice system. This transforms in, reducing the threats to an acceptable level or even eliminating it (Silke, 2010 pp. 3-4). However, whenever there are provocative attacks or the threats are more prolonged, a state finds itself facing considerable challenges in determining how to best tackle terrorism (Silke, 2010 pp. 3-4). It is because of those challenges that new counter-terrorism approaches are developed, giving counter-terrorism its many forms (Silke, 2010 pp. 3-4).

1.2.1 The Different Forms of Counter-Terrorism

In most cases, counter-terrorism is known for its varieties of tactics and approaches. For a state, it is normal to use a combination of different approaches and strategies in order to reduce, prevent and eliminate terrorism (Silke, 2010 p. 3-4). For example, with the current counter-terrorism approaches within the European Union (EU), the EU relies on different approaches rather than one exclusively. Some of those approaches that counter-terrorism is known for are listed below (Silke, 2010 p. 3-4).

- Introduction of special counter-terrorism legislation.
- Creation of specialist counter-terrorism units in state services (including police and military).
- Use of repression.
- Use of military intervention and reprisals
- Introduce Special Incarceration and Detentions policies.
- Media management.
- Negotiated settlement.

The above list outlines some counter-terrorism approaches to combat terrorism. However, there still remains one common problem. According to terrorism analyst Paul

Wilkinson, specific aims for different interventions can vary considerably (Wilkinson, P., 2001). For example, in reaction to terrorist acts and groups a state might be trying to:

- Tackle underlying grievances and problems (the root causes of the violence).
- Deter terrorist by introducing server penalties and punishments.
- Increase powers to the state (e.g. to allow search, seizure, detention, international co-operation, etc.).
- Address symbolic needs (e.g. being seen to share public revulsion/outrage to an event).
- Enhance public security.
- Suppress terrorist organisations.

Some of those counter-terrorism measures may possibly be 'effective' when aiming at one kind of terrorist threat or attack. However, according to Paul Wilkinson[6], these aims are often not compatible with each other and might be counter productive to one another (Wilkinson, P., 2001). This raises the question, which counter-terrorism policies and measures are the most effective? Unfortunately, there is no straightforward answer to this question. However, the various policies of counter-terrorism all have different aims and are all trying to tackle different aspects of terrorism (Wilkinson, P., 2001). Before implementing counter-terrorism policies it is important to start by analysing the sort of terrorism and how terrorism itself is intended to work. As mentioned in paragraph 1.1.1 Defining Terrorism, terrorist campaigns (from the perpetrators perspective) can be separated into four elements, which are *Provocation*, *Escalation*, *Blame* and *Endurance* (Wilkinson, P., 2001). Furthermore, in order to prevent the realisation of the terrorist campaign chain, counter-terrorism policies and measures somehow has to be successful. As mentioned before, there is a general acceptance that an act of terrorism is not aimed just at its direct victims but also at wider audiences. The perpetrator is expecting and hoping for a diverse range of impact. However, as it is also an on going debate to what is or what is not a terrorist act (Silke, 2010 p. 3). This makes it rather difficult for counter-terrorism policies makers to develop new policies, particularly if a new policy needs to develop after an attack.

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[6] Paul Wilkinson CBE (9 May 1937 – 11 August 2011) was a terrorism expert and an Emeritus Professor of International Relations and Director of the University of St Andrews Centre for the Study of Terrorism and Political Violence (CSTPV). Mr. Paul Wilkinson was often invited to be an analyst and confidant for the British media and the British government.

1.2.2 The Objectives of Counter-Terrorism: What do counter-terrorism policy-makers want?

Countering terrorism also raises the question of whether its prime objective should be to win over de the hearts and minds of 'the others' or to take away the fear of 'our own people' (Graaf, Graaf 2010, p. 263). According to Beatrice de Graaf (2010), counter-terrorism policy-makers should be conscious of single-mindedness and therefore should focus on achieving both. In addition, policymakers should therefore not be focusing on only defence or offence, but both (Graaf, Graaf 2010, p. 263). As in American football, counter-terrorism policy-makers can use different teams for offence and defence. Moreover, it is important that both teams should be able to reason and act like chess-players, thinking simultaneously along both lines (Graaf, Graaf 2010, p. 263). However, discerning offence from defence will not always be easy. It may occur that a terrorist is not founded guilty after a court trail, which may be felt by the prosecutor as defeat (Graaf, Graaf 2010, p. 263). Nevertheless, taking the counter-terrorism policy-maker perspective into account, this may even present to a potential terrorist and their sympathisers that the judicial system is rather fairer than they might have expected to be, which may mean a significant accomplishment (Graaf, Graaf 2010, p. 263). In addition, counter-terrorism policy-makers would gain a better understanding of what the objectives of the terrorist are, if success in combating terrorism is determined by the degree to which terrorist behaviour is influenced (Graaf, Graaf 2010, p. 263). However, most states and government are rather more focused on to what constitutes success for them and defeat for the terrorist. (Graaf, Graaf 2010, p. 263). Nonetheless, this may not be always be the case. From the point of view of the terrorist, too little attention is being paid to what constitutes victory and defeat. E.g. is the goal of a terrorist to bomb the government to the negotiating table? Or is it to create fear? Unsurprisingly, policy-makers should therefore analyse the goals, since goals can differ per context and per terrorist organisation (Graaf, Graaf 2010, p. 263).

Furthermore, according to Beatrice de Graaf and Bob de Graaf (2010), in order to formulate a clear and assessable objective of their counter-terrorism policies, another important point is to analyse in which manner terrorist are organised (Graaf, Graaf

2010, p. 264). Hierarchical organisations differ from segmented, polycentric, integrated terrorist networks. E.g. in the case of the Peruvian Sendero Luminoso and its leader Abimael Guzman, the counter-terrorism measure was successful in taking out the leadership. However, in the case of Osama bin Laden and al-Qaeda, the counter-terrorism measure had a little to no effect when they took out the leader. This is because, al-Qaeda is organised in a more segmented, polycentric and integrated network (Kurth Croning 2008, p. 56). Therefore, in order to formulate an objective new counter-terrorism policy, the manner in which a terrorist group has organised itself must be clear from the outset. Thus, make it easier to judge its effect and success (Graaf, Graaf 2010, p. 264).

1.3 WHAT CAUSED COUNTER –TERRORISM TO EXIST

Most scholars in the field of terrorism and counter-terrorism accept that counter-terrorism was caused to exist as a response mechanism to terrorism. However, according to Prof. Dr. Edwin Bakker,[7] counter-terrorism was also created due to the 'fear factor' that plays a fundamental role in order for a terrorist to achieve its goal. Moreover, the impact of fear of terrorism can be enormous both for individuals and communities and can, therefore, cause severe disruptions in society. Thus, it can disable the truth in governmental institution, provoke suspicion and derogation of 'other' and mobilise support for offensive counter-terrorism policies and deteriorate social unity. Hence, terrorists want those kind of drastic consequences. In order to analyse the fear for terrorism, a broader school of thought that analyse the fear for crime and its implication in society and security management is analysed (Bakker, E., & Veldhuis, T. 2012 pp. 1-7).

In the field of criminology, much research has been committed to studying 'fear of crime' with that, its comprehension to actual and perceived risks, which is fundamental for the development of counter-terrorism policies and measures. According to E. Bakker and T. Veldhuis, fear of crime is seen as logical and reasonable security system contra to crime, which encourages the behaviours and attitudes of individuals to have control over anticipated danger that convince them to act in a accountable and reasonable fashion (Bakker, E., & Veldhuis, T. 2012 p. 1).

Additionally, a cognitive judgment of the actual risk requires a distinguishing of the risk of victimisation and fear of crime, since fear of crime reflects an emotional response. Even though, one of the most accurate predictors of fear of crime is the perceived risk of victimisation, which is a great disengagement lives between the fear of crime and the objective risk assessments (Skogan, W. 1981). The levels of fear are hardly related to substantial victimisation and crime rate and are commonly greater than objective risks.

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[7] Edwin Bakker is a Research Fellow at ICCT, Professor of (Counter-)Terrorism Studies at Leiden University, and Director of the Institute of Security and Global Affairs (ISGA) of that same university. Dr. Bakker is member of the Netherlands Helsinki Committee (a rule of law advocacy NGO) and member of the editorial staff of the quarterlies Human Rights and Security, the Journal of Strategic Security, and Vrede & Veiligheid, as well as the monthly Internationale Spectator.

Thus, the negative outcomes including withdrawal from public life, costly precautions, reduced quality of life and well-being and departure to other living area are related to the fear of crime (Bakker, E., & Veldhuis, T. 2012 p.1). However, like awareness campaigns and neighbourhood initiatives, which have effectively targeted known predictors of fear of crime, research have given rise to some fundamental policy adjustments (Bakker, E., & Veldhuis, T. 2012 pp. 1-7).

In analysing the fear of terrorism, the notion of fear of crime is important. According to most scholars, terrorism is intended to spread fear, whereas crime in generally is not. Therefore, in the analysis of terrorism, understanding fear and behavioural responses to fear are even more relevant. Also according to Brück, T. & Müller, C. (2010), studies have shown that concerns about crimes and terrorism are similar (e.g. age, gender, number of households members and education), which indicates the factors that foresees who is afraid of crime might likely aim to those who possible also be afraid of terrorism (pp, 1-15). However, the fear of terrorism is not the same as fear of crime. In the determinants of fear, terrorism includes rare essential features that are probably to be reflected of it. The terrorist threat of a terrorist organisation or individual are often created to cause as much drama and chaos as possible (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). Terrorists spread death threats and express the idea that violence is irregular and imminent. On the contrary to crime, terrorism does not aim at one victim but at society as a whole (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). However, the fear of crime and the fear of terrorism might be similar due to underlying mechanism and therefore, the idea that fear of terrorism and fear of crime is a socially created event which causes serious consequences and, therefore needs to be addressed (Bakker, E., & Veldhuis, T. 2012 pp. 1-7).

Fear of terrorism is like other emotions complicated emotions that are multidimensional ideas, which, according to several relevant dimensions can be analysed. Time is one of the dimensions worth mentioning in current discussion. In order to understand the complexity of fear of terrorism a differentiation should be made between sustainable fear of terrorism that is not ignited by a predominant acute threat, instantaneous fear responses to terrorism (fear after terrorism) and enduring (Bakker, E., & Veldhuis, T. 2012 pp. 1-7).

On the contrary, as an immediate and automatic response to terrorist threats, fear of terrorism can be an affective state. Supposing that fear is natural and can be considered as a healthy emotion, which permits and individual to make accurate and rapid decisions in order to safe their live (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). As with other, useful fear like fear of snakes or approaching train, this type of fear of terrorism might wear off when the immediate threat has faded. Additionally, after the actual threat has faded, fear of terrorism can be imprinted as a persuasive state of mind. Also in recent literature, there are debates on how the fear of crime relates to anxiety and perceived vulnerability (Brück, T. & Müller, C. 2010). However, according to Bakker, E., & Veldhuis, T. (2012), when the fear of terrorism maintains, it presents the layers of anxiety and uneasiness of an individual or a group are being pick on and discriminated in an attack (pp.1-7). Hence, these concerns are not necessarily correlating to the certain chance of victimisation. However, as mentioned earlier, the risk of being involved in a terrorist attack does not justify high levels of terrorism fear, at least in the West [8].

Also, whether fear manifests itself at the individual or collective level is another dimension of fear of terrorism, which is worth mentioning. When we reflect on the individual level of fear of terrorism it mostly reflects the concerns of one's own safety. On the contrary, fear of terrorism on a collective level is more complex (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). Emotions are not able to be experienced by a group as a collective entity, only individuals can do is. Therefore, a collective or societal fear can only be observed as an combined result of fear among its individuals components (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). Hence, a distinction is that between collective fear and group-based fear. Group-based emotions can be experienced by individuals, referring to emotions that individuals experience on behalf of their group (Brück, T. & Müller, C. 2010, pp.1-15). E.g, according to E.H. Gordijn & D. Wigboldus (2001) and B. Doosje & N,R. Branscombe (1998), individuals can experience anger when confronted with mistreatment of their group members, or when confronted with misbehaviour of the group's past (pp. 872-86). On the contrary, in response to group-level circumstances, mutual emotional responses that are recognised are shared by the majority (D., Halperin, E., & de Rivera, J. 2007, pp. 441-60). In response to group-relevant events, group-based emotions are felt, while on the other hand, collective

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[8] The Western world or the West is a term usually referring to different nations, depending on the context, most often including at least part of Europe.

emotions are mainly perceived by group members. Primarily, in order to study fear of terrorism, collective emotions are able to provide a useful framework. As such, among a majority or large segment of society collective fear of terrorism is a common perception wherein fear of terrorism prevails. Within this dimension, Information about how insecure and emotionally vulnerable people perceive society to be is provided by fear of terrorism (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). If unmonitored, perceived collective fear of terrorism can contribute to elevating real fear of terrorism, irrespective of whether the perception of shared fear is accurate or not. The sensation that others are afraid might be sufficient to intensify individual experiences of fear, which in turn, through processes of emotional contagion, might ultimately spread and strengthen the collective perception that fear of terrorism prevails (Hatfield, E., Cacioppo, J.T., & Rapson, R. 1994).

1.3.1 Consequences Of Fear

The range of behavioural outcomes has been associated with fear of terrorism. According to various researched that have been done on the consequences of fear, indicates that the increased degree of fear have shown that it produced and encouraged group discrimination, scepticism and conventionalising of minority groups, power hungry leaders and the requirement for coherent information and transparent government (Pyszczynski, T., Solomon, S., & Greenberg, J. 2003., pp. 3-26). After 9/11, fear of terrorism predicted support for President Bush and his security policies, and negatively affected U.S. attitudes towards Arab immigrants and people living in the Middle-East (Skitka, L. J., Bauman, C. W., Mullen, E. 2004., pp. 740-56). Moreover, in general, the fear of terrorism resulted in a shift to dogmatic reasoning, which is stigmatised by us versus them mentalitily as well as stereotyping, discrimination and the lack of distinction systems that maybe effective from system which might do more harm than good (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). In the face of existential threats, not only among the public, but also in the media and government, such responses are

unconsciously triggered. One of the administrative reflexes to acute threats is strong focus on immediate security measures, aggressive actions towards perceived enemies, which is encouraged by exaggerated media representation. Therefore, harsh policy responses are likely to be supported - or at least understand by the public, who are also startled and anxious. Hence, according to Bakker (2012), fear of terrorism can possibly threaten and inflame pressure for disunity on a social and political level by states, media and the public and make them naive to sentimental responses, which in return makes it harder to actually prevent or/and counter terrorism. (Bakker, E., & Veldhuis, T. 2012 pp. 1-7). Furthermore, Bakker, E., & Veldhuis, T. (2012) argues that, what constitutes an invitation to be terrorised, can be because of the way we (over) react to terrorism. Furthermore, in terms of overreactions could lead to a wider variety of consequences such as discrimination of political or ethnic groups, waves of arrest and specific legal or bureaucratic policies and measures against such groups. This can eventually lead to polarisation or even (violent) radicalisation (pp. 1-7).

1.4 COUNTER-TERRORISM STRATEGIES IN THE EU AFTER MADRID AND LONDON ATTACKS

The attacks on the World Trade Centre on September 11, 2001 have had a great impact on the United States (U.S.) and the globe. Before the event, many countries reacted to terrorism with repressive and ineffective policies and measures. However, after the 9/11 attacks some countries reacted in a disturbing way while others did very little to respond. Nevertheless, according to Roach, K. (2001), most countries responded in such a way that mirrored their specific histories, legal, political and social cultures (Roach, K. 2001, p. 1-11). Because of their repressive and tough laws there were some countries that did not have to do much to respond the 9/11 attacks (Roach, K. 2001, p. 1-11). E.g. without trail under their Internal Security, Malaysia and Singapore relied on indeterminate detention (Roach, K. 2001, p. 1-11). Likewise, countries like Egypt and Israel also counted on administrative and military detention of suspected terrorist (Roach, K. 2001, p. 1-11). The fundamental part is the comparison between countries with poor human rights records and well-established democracies responded to the

horrifying events on September 11, 2001. Moreover, those countries that were mainly criticized for their human rights abuse of suspected terrorist before 9/11 were now able to report their repressive laws without fear to the Counter-Terrorism Committee (CTC) that was created by the UN Security Council. In addition, the U.S and Canada and other well established democracies were less able to criticize those countries with poor human rights records, because of their own complicity with the new indeterminate detention and torture of suspected individuals (Roach, K. 2001, p. 1-11).

Nevertheless, after the attacks in Madrid 2004 and London 2005, the European Union turned into a relevant counter-terrorism actor. Even though the attack on 9/11 acted as a catalyst for the rapid approval of measures that had been progressing at a disappointing pace at the Council, the attacks in Madrid was a loud wake-up call for the need of increased European collaboration. Next to that, the events in London further served to solidify counter-terrorism as a priority for the European Union (Edwards & Meyer, 2008). As a result, European governments consider the EU as a legitimate forum for conducting counter-terrorism cooperation. The need of reinforced European counter-terrorism cooperation has grown due to the transnational character of the threat, the networked presence in Europe of violent groups and the worrying phenomenon of radicalisation of young Europeans. In addition, in the aftermath of an attack, the European governments proclaimed the necessity of a complicated response that would enclosed enhanced alliance not only on the prevention of radicalisation processes, but also on the prosecution of those accused of terrorist crimes, the protection of potential terrorist targets and the provision of response mechanisms during and after an attack. Unlike other uni-dimensional European Security actors (i.e. NATO), the EU made it in principle a valuable forum for a multidimensional response in a wide range of economic and social spheres.

1.4.1 What does the European Union do to support Member States' efforts?

In 2010, to 2014, the European Commission adopted an Internal Security Strategy. As foreseen in the Commission working programme in 2015, the European Agenda on Security was adopted. The 'fight against terrorism' is principally a national competence. However, Member States' are supported by the European Union in the following ways:

- Creating a legal environment and framework for cooperation; Developing common capabilities and systems such as the Schengen Information System (SIS) or the Civil Protection Mechanism.

- Supporting with financial aid, as well as establishing of concrete and operational cooperation between practitioners and front-line actors. for example, the Radicalisation Awareness Network, ATLAS (network of the rapid intervention forces), AIRPOL (Network of airports police) in the fight against terrorism and working together with Member States and stakeholders e.g. in Chemical Biological, Radiological and Nuclear and explosives expert groups or the standing committee on precursors.

- Ensuring that security and fundamental rights are built by design into all relevant EU level policies such as transport, energy, etc.

- The Internal Security fund also provides financing to the Member States in the field of internal security, including fights against terrorism.

1.4.2 How does the EU legal framework help Member States cooperate in the fights against Terrorism?

In the fight against terrorism, the European Union's framework provides numerous tools to the Member States to help coordinate all law enforcement actors who intervene in this fight (Bertaud, 2015). According to the Bertaud (2015) who is responsible for the European Commission press release, the measures that are provided are currently being

used by law-enforcements and have proven to be 'effective' (Bertaud, 2015). Few of these counter-terrorism measures that were introduced by the EU are the European Arrest Warrant (EAW), The European Criminal Records Information System (ECRIS) and the Mutual Assistance with third countries.

Prior to the train bombing in Madrid in 11th of March 2004, the EU implemented the European Arrest Warrant (EAW) as an instrument of the mutual recognition principle, based on mutual trust. Based on this principle of the mutual recognition of the judicial decision in other EU countries, the EAW is a mechanism for the extradition of individuals between the EU Member States (Monte 2014, p. 4). In order to make it easier and quicker to bring suspects and accused persons to justice, the EAW Framework Decision replaced the old extradition procedure (Monte 2014, p. 4). This facilitates the surrender of a person from one Member State to another by, 'inter alia', limiting the grounds for refusal and setting strict time limits (Monte 2014, p. 4).

Another counter-terrorism measure that was implemented by the EU is the European Criminal Records Information System (ECRIS) (Bertaud, 2015). The European Criminal Records Information System enables the Member States to share criminal records through a system in Europe. E.g. If one committed a criminal act in a country within the EU which the person is not a national of, the information of that committed crime will be sent to that individuals home country and entered on his/her criminal record (European Criminal Records Information System, 2012). In addition, if the criminal record is requested by another EU country, one's home country is required to send it. Therefore, instead of creating one database where all records are stored, this is a method by which different EU countries are able to gain access to each other's databases (European Criminal Records Information System, 2012). However, the ECRIS only shares information with EU member countries and is therefore by law not allowed to share information with a third country (European Criminal Records Information System, 2012). Unless, if a EU country and a third country have some sort of information sharing arrangements. These arrangements will be different for every country.

As for the third counter-terrorism measure that was introduced and implemented, The EU introduced on the 29th of May 2000 according to the EU's Council Act the Mutual

Assistance in Criminal and Terrorist matters with Member States and Non-Member States (European Criminal Records Information System, 2012). The Mutual Legal Assistance with third countries is developed and implemented to enhance the cooperation between different countries, exchanging information, requesting assistance in obtaining evidence located in one country for the purposes of assist in criminal investigations or proceedings in another (Bertaud, 2015).

1.5 THE EFFECT OF THE IMPLEMENTATION OF COUNTER-TERRORISM

A fundamental issue in counter-terrorism policies had been around how to respond to potentials terrorist or even those who are involved in terrorism but are somehow not able to be brought to justice due to the insufficient evidence. In the immediate periods after the September 11 attacks in 2001, many democratic countries were more focused on the harsh methods and tactics to avoid any attacks and persecute potential suspect. E.g. the United States explored various counter-terrorism measures that were even implemented in the immediate aftermath of the 9/11 attacks (Roach, K. 2001, p. 4). However, like in many democratic countries, the counter-terrorism responses of the United States were not initially authorized in legislation and were mainly directed to external foreign potential threats (Roach, K. 2001, p. 4). One of the counter-terrorism measures that were implemented was Guantanamo Bay. The U.S. used Guantanamo Bay as extraordinary rendition to interrogate and torture terrorist suspect. Furthermore, In most cases, within a democratic system, these methods are approved by determined by democratic regulation. However, in this instance, in order to secure the national security, it was approved under a debatable and sceptical principle by administrative influence (Roach, K. 2001, p. 4).

Likewise, after the period of 9/11, the United Kingdom (U.K.) counter-terrorism measures where focusing on the prevention of attacks within its borders. The government of the U.K. introduced a large number and range of counter-terrorism

legislative policies and measures. Additionally, the starting point of for this legislation is the 'Terrorism Act 2000' and its definition of 'acts of terrorism'[9]. The broad definition of the act of terrorism in the Terrorism Act was primarily justified on the notion of its role in order to provided for police to investigate without any criminal offence is present (Walker, 2002, pp. 1-4). Furthermore, the United Kingdom introduced numerous other statutes or related pieces of legislation (Choudhury, T., & Fenwick, H. 2011, Pp. 1-18). One measure that is often used is the 'Stop and Search' method at various locations like, airports, train station and shopping malls. Furthermore, the 'Stop and Search' measure is also often used in the Netherlands as a preventive counter-terrorism method. However, with no physical symbol as of who or what terrorism is, it is rather difficult to stop and search individuals or groups without any discriminating intention.

Therefore, in the face of countering terrorism, EU member states are obligated to execute counter-terrorism strategies and policies within the EU counter-terrorism framework. Within this framework, the European Commission is the main actor in developing new legislations. The counter-terrorism framework is the main legal EU level instrument dealing with the pre and post-terrorist attack(s) (EU counter-terrorism policy, 2010). The framework can be categorised into four pillars: Prevent, Protect, Pursue and Respond. Based on those pillars, established by the European Commission, member states are allowed to counter terrorism by using various strategies within these pillars. However, those counter-terrorism strategies are also obligated to follow the EU Charter of fundamental rights, which range from civil, political, economic and social rights of EU citizens and residents (EU Charter of Fundamental Rights, 2016). As such, the following chapter continues with analysing the compressive counter-terrorism strategy and approach used by the Dutch government in order to examine the justification of the Dutch preventive counter-terrorism measures practices by law enforcements in line with the EU framework.

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[9] Acts that fund under The Terrorism Act 2000 can be separated into four categories in order to understand it. Category 1; the criminal offence is understood as terrorism and falls under this division. 2; The perpetrator is using threats to manipulate and affect the ruling government and any other international and national organisation in order to intimidate the society. 3; Like in most cases, the threat of an attack by the perpetrator is made to reach a political goal.

CHAPTER II: COUNTER-TERRORISM STRATEGIES IN THE NETHERLANDS (2011 – 2016)

The aim of this chapter is to focus on the counter-terrorism strategies and efforts that the Dutch government implemented and used since 2011 to 2016. The main features of the strategies as well the efforts that were made, and the scope and target group to whom the counter-terrorism efforts are being aimed at are being analysed. Moreover, in this chapter we analyse the terrorist threats that Netherlands is facing, in order to fully understand the current counter-terrorism strategy. Furthermore, we describe not only the efforts and strategy but also assess why the Dutch government decided to use certain strategies.

As mentioned in Chapter I, terrorism is not a new phenomenon. Throughout history, there always have been moments where groups or individuals used targeted violence to cause disruption, creating fear with the goal to influence political decision-making. However, the character and use of violence have changed in the last decade. If we look at it from an international perspective, both national and international terrorist attacks has increased, since the start of the millennium. According to the Dutch government these attacks have mainly come from 'Jihadist' quarters. Some examples are the attacks on 11 September 2001, Bali 2002, Madrid and London 2004 & 2005 and Jakarta 2009. Also, in the Netherlands there have been 'Jihadist'[10] attacks like the murder of the filmmaker Theo van Gogh. However, the murder of the Dutch politician Pim Fortuyn in 2002 showed that the terrorist threat could also come from different point (National Counterterrorism Strategy 2011 - 2015, 2011, p.17). Therefore, the Dutch government decided to implement the Comprehensive approach, which works as a guideline for the counter-terrorism strategy in the Netherlands.

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[10] According to the Rijksoverheid (Dutch government), Jihadism is a radical belief that pleads for a spiritual struggle opposing infidels. Furthermore, in order to dictate their faith and fashion on people, Jihadism takes advantage of Islam by justifying their violence in a religious way. (Rijksoverheid (2016, October 04). Combating jihadism - Counterterrorism and national security. Retrieved April 03, 2017, from https://www.government.nl/topics/counterterrorism-and-national-security/contents/combating-jihadism)

2.1 THE NATIONAL COUNTER-TERRORISM STRATEGY

In 2011, the Dutch Ministry of Security and Justice presented an integral and comprehensive approach to tackle terrorism. The Ministry believes that the most important point of departure is an effective approach to eradicate terrorism, which can only be successful if terrorism is addressed at the root causes. In this case it is important the not only the act of violence is countered but also procedure of these acts (National Counterterrorism Strategy 2011 - 2015, 2011, p.17). For the Dutch government, preventing terrorism is of crucial importance, not necessary or singly due to the direct and visible effect of a terrorist attack like the death of innocent people or the damage of infrastructure, but likewise, the disruption of a democratic society and constitutional order that can be produced by a terrorist attack (National Counterterrorism Strategy 2011 - 2015, 2011, p.17). Moreover, when someone one (citizen, organisation or politician) is forced to do something out of their own will, they no longer have the freedom to make their own choices and therefore this may have a harmful effect on the legal order and democracy (National Counterterrorism Strategy 2011 - 2015, 2011, p.7). This also applies if important elements of a society like, communication, power or even the financial systems are affected. Likewise, counter-terrorism aims on preventing and eliminating the causes of terrorism. In addition, counter-terrorism policies generally also ensures that the right protective measures are taken against possible attacks, and the correct preparations have been made to deal with the consequences of such an attack. Therefore, the objective of the counter-terrorism strategy is to reduce the fear of terrorism and to limit the material damage and the damage on democratic process and legal order after a possible terrorist attack.

2.1.1 Scope And The Target Group

It is important to have a clear definition of the scope and target group, in order to have an all-embracing counter-terrorism strategy. The Dutch government collectively decided to, in the first place, tackle terrorism threats on Dutch territory. Secondly, in order to diminish the chance of a terrorist attack in the Netherlands, the Dutch government decided to boost investments to decline or avoid terrorist attacks and/or threats which may possibly cross Dutch borders (National Counterterrorism Strategy 2011 - 2015, 2011, p.22). Thirdly, the Dutch government closely follows threats that are being made towards Dutch citizens and Dutch interest abroad. Moreover, the strategy aims on these three elements. In addition, in order to promote international legal order, the Dutch government is obliged to follow Article 90[11] of the Constitution and is therefore helping and doing all it can to counter terrorism in different parts of the globe.

With this strategy the Dutch government does not intend to lead to a renewed form of 'war on terror' or a movement to combat a specific religious minority groups but rather to prevent and combat terrorist crimes irrespective of the ideology on which individuals are committed. Nonetheless, the government cannot guarantee the absence of any terrorist attack in the Netherlands. The government's primary focus of departure in regards of counter-terrorism is to respect every single principle of the constitution state. It therefore, should act proportionally at all times and that it should work within the legislation and regulations. Furthermore, issues such as safety interested and economic, social and political interests also weigh up. For example, in theory, if the Dutch government would ban the use of all potential hazardous substance to prevent terrorist attacks who are using homemade explosive, it will have huge consequences on the business community (like, industry, retail trade and agriculture). Therefore, the focus has to be on proportional measures for the riskiest persecutors for homemade explosives, because of the Dutch commitment in the European Union. Therefore, the Dutch government believes that the definition has to be in line/equal with the target

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[11] The Government shall promote the development of the international legal order. Dutch Civil Law, (2017). Chapter 5. Article 90. Retrieved April 03, 2017, from http://www.dutchcivillaw.com/legislation/constitution055.htm

group of the Dutch counter-terrorism policy, which consist of a single person or people that execute criminal acts that are motivated by radical beliefs, which are aimed at victims or to disorganise and cause material destruction (National Counterterrorism Strategy 2011 - 2015, 2011, p.22).

For the Dutch government the target group is mostly/primarily jihadist. The government believes that this group of violent terrorist will most likely acute future terrorist threat against the Netherlands and Dutch interests abroad. Therefore, the focus in the field of counter-terrorism is on this group. Nonetheless, the government doesn't rule out similar future threats that may occur from other sources. Nonetheless, the requirement of monitoring other forms of ideologically motivated extremism is important. However, the Dutch government believes that for the time being Islamic/Jihadist are going to be the main focus of the counter-terrorism policy (National Counterterrorism Strategy 2011 - 2015, 2011, p.23). Moreover, any other threats will however be comprehensively tackled if the intelligence and security services find it to be necessary in the coming years.

2.2 THE ANALYSIS OF TERRORIST THREATS IN THE NETHERLANDS

The Dutch government is convinced that the current terrorist threat in the Netherlands comes primarily from jihadists. Due to the Dutch support in international military missions and intervention in conflict areas, such as Iraq and Afghanistan, the terrorist threats comes mainly from international jihadist groups that simply regards western intervention in conflict zones as a legitimate target/enemy. Furthermore, the hatred towards to the Netherlands is formed due to the openly insulting of the Islamic faith. In addition, the notion of the part which the Western World operates in these conflicts, in which people of Islamic beliefs are generally involved, can and will have radicalising reaction (National Counterterrorism Strategy 2011 - 2015, 2011, p.25). Moreover, returning foreign fighters increase the threat posed by jihadist returning from conflict

zones. In addition, certain groups can find their refuge in so-called failed states or failing states, which give those groups the possibility to sett up training facilities (National Counterterrorism Strategy 2011 - 2015, 2011, p.25). This demands action from governments to eradicate the possibilities of terrorist threat. Therefore, the policy, Intelligence and implementation will have to be optimally coordinated (National Counterterrorism Strategy 2011 - 2015, 2011, p.25).

People joining the Jihad and linking with transnational jihadist networks is what the Dutch 'home-grown' jihadist primarily focus on. The key indicator of the threat is the travel from and to jihad areas. The most 'exogenous threat' against the Netherlands is the transnational jihadist network cell, which operates from conflicted zones controlled by jihadist. Moreover, this also threatens the Dutch interest abroad (National Counterterrorism Strategy 2011 - 2015, 2011, p.25).

In our current times, the Internet is playing a vital role as a communication tool between terrorists. The Internet is being used for various tactics like mobilising, recruiting, propaganda and the creation of agenda. Nowadays, jihadists are becoming specialist in their areas of expertise, e.g., jihadist propaganda has become more professional and content are being spread throughout the Internet in various languages to create fear and hatred. Currently, another trend that has developed is the radical-Islamic movements distance and differentiating themselves more and more from jihadism and violence. While not so long ago, radical Islamic movements supported and justified religious violence gain a political goal, they now however, speak out against it openly. Furthermore, radicalisation towards violence is a procedure that can only be experienced by an individual in a small and distributed group (like on the internet) (National Counterterrorism Strategy 2011 - 2015, 2011, p.25).

There are four fundamental elements that determine the threat of terrorism against the Netherlands:

- Jihad areas and transnational jihadist networks
- Jihadist web fora
- Jihadist discourse/propaganda
- Jihadists in the West

The Mutual connection between the four elements is of high importance. E.g., the improvements in the jihad zones and the exercises of transnational systems affect the talk (and the purposeful publicity) on jihadist digital platform and on the plans of jihadists in the West (National Counterterrorism Strategy 2011 - 2015, 2011, p.26). On the other hand, the possibilities that people from transnational networks have is significantly determined by foreign fighters traveling from the west, by which, online recruitment and online propaganda also play a crucial role (National Counterterrorism Strategy 2011 - 2015, 2011, p.26).
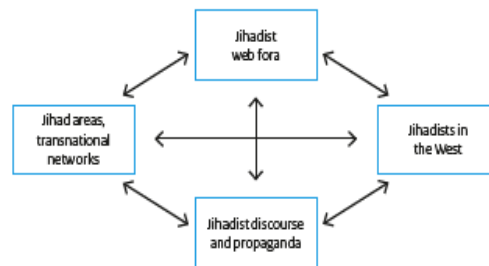
Diagram 1. The national and international terrorist threat can be depicted diagrammatically (National Counterterrorism Strategy 2011 - 2015, 2011, p.26).

The threat portrait in diagram 1 is not in the least constant but rather dynamic. E.g., In 2005, jihadist networks in the Netherlands and mainly in the west were inspired through the internet by jihadist discourse, as shown in diagram 1, the threat mainly came from the right side. However, since 2011 studies have shown that the Netherlands is facing a threat that is based on the interaction between all parts shown in diagram 1 (National Counterterrorism Strategy 2011 - 2015, 2011, p.26).

Nonetheless, in the above figure, the counter-terrorism strategy is intended to break through mutual connection wherever possible. The strategy is intended to detect individuals traveling to the west, limiting the power to act of jihadist networks in conflict areas and by countering the interaction between Dutch terrorist cells and transnational (National Counterterrorism Strategy 2011 - 2015, 2011, p.27). Furthermore, the counter-terrorism strategy also focuses on ensuring early section and prevention of target selections on websites supported by jihadist, limiting distribution of propaganda by jihadist, increasing insight on the dynamism of the jihadist internet. In addition, the strategy also aims at the early detection of Dutch foreign fighters traveling the conflict zones, countering radicalisation of Dutch citizens in the Netherlands and

combating the Dutch jihadist inclusion in transnational networks (National Counterterrorism Strategy 2011 - 2015, 2011, p.27).

2.2.1 Developments In The Threat Against The Netherlands

In the past few years, developments showed that the terrorist threat against the Netherlands has been inconsistent. There haven been periods in which the Dutch people and government felt less threatened as there were periods of immense high threat (National Counterterrorism Strategy 2011 - 2015, 2011, p.27).

In 2005, terrorist threats that were made against the Dutch government came mainly from domestic, local networks cells in which an attack was considered to be real and could happen at any moment. According to the NCTV, the threats decreased in the following years due to the lack of leadership and union within the Dutch terrorist cells and distinguishing government policy. Nonetheless, it became clear to the Dutch government that this tendency would continue to exist. Hence, the domestic network has been recognised in March 2007, and significant actions had been taken where necessary, therefore, the NCTV concluded that the chance of a terrorist attack declined and was considered somewhat small (National Counterterrorism Strategy 2011 - 2015, 2011, p.27).

However, in mid-2008, a sudden considerable threat by networks abroad where posed against the Netherlands. These threats mainly came from the Afghanistan and Pakistan region. Due to the Dutch military presence in Afghanistan and the hardening debates and insulting of the Islam in the Netherlands heightened the risk of an attack. In mid-2008, the screening of the film Fitna, viewed by the Netherlands, would be received by the jihadist as hostile to the Islamic religion (National Counterterrorism Strategy 2011 - 2015, 2011, p.27). Due to the freedom of speech and assault on the Islamic religion, the Netherlands was regarded as a preferred target by domestic and international jihadist. However, due to the influence of the developments in Afghan and Pakistan region, the

probability of an attack gradually decreased in domestic radicalisation which led to a growing resistance to violence within the Dutch Muslim community (National Counterterrorism Strategy 2011 - 2015, 2011, p.27).

At the start of 2011, the Netherlands was considered a target by international jihadist. On the contrary, there was no proportional decrease to domestic developments on the Dutch interest abroad (National Counterterrorism Strategy 2011 - 2015, 2011, p.28). Due to the Dutch military presence in Afghanistan and statements against the Islamic prophet, the Netherlands was still regarded as the target by international jihadist cells. In addition, the low threat assessment measured in the Netherlands does not apply for neighbouring countries like Belgium and France (National Counterterrorism Strategy 2011 - 2015, 2011, p.28). Foreign fighters traveling to conflict zones controlled by jihadist and increasing threatening films contributed to the increase of terrorist threats in those countries. Nonetheless, with the aim of being the identification of the radicalisation process at its early stage, the developments mentioned above cannot be considered as an isolation from the Dutch counter-terrorism policy. With the foundation in from of legislation, structures and partnerships, as strong basis were build for an effective counterstrategy (National Counterterrorism Strategy 2011 - 2015, 2011, p.28).

Although improving developments, one has to take into account that an attack can take place at any time in the Netherlands or against Dutch interests abroad (National Counterterrorism Strategy 2011 - 2015, 2011, p.28). The need to continue engaging in international cooperation and maintaining the provision of information at a national level is due to the on-going developments in the field of undesirable travel. Moreover, the Netherlands is vulnerable, making it an easy target for socially disruptive attacks due to their storage and main transit port. Furthermore, to put things into perspective, the reproduction of threat can be contributed by the threat assessments and the increased attention paid by experts to the issues of terrorism. Experts believe that anything that receives attention grows, which can result in a tunnel vision or a self-fulfilling prophecy (National Counterterrorism Strategy 2011 - 2015, 2011, p.28).

As the final point, social trends of which are expected to continue in the coming years have to be taken into account. According to the NCTV, the Dutch society is growing more and more towards a polarised society. In the Netherlands the political and social debate is intense by which, nuances are sometimes given lacking attention (National

Counterterrorism Strategy 2011 - 2015, 2011, p.29). However, if we analyse it from a terrorism point of view, a polarised society creates a feeding ground for radicalisation of individuals that feel forsaken by the government (National Counterterrorism Strategy 2011 - 2015, 2011, p.29). Moreover, the majority of terrorist experts agree that radicalisation is a fundamental step towards terrorism. Therefore, from the counter-terrorism point of view, it is important to limit social gaps as much as possible within the Dutch society. Another social trend is the increase of right-wing, left-wing and animal rights extremist groups in the Netherlands and Europe, which are often not motivated by religious influences. However, according to the NCTV, what they have in common is that, according to the suited definition, these groups behaved up to now clearly, impatiently and sometimes aggressively even though they have not committed any terrorist acts (National Counterterrorism Strategy 2011 - 2015, 2011, p.29). Nonetheless, the Dutch government cannot ignore that this will be the case in the near future. As mentioned in chapter one of this thesis, there is a fine line between occasional acts of violence and terrorism for a political goal. Therefore, from a counter-terrorism strategy point of view in the Netherlands, it is important to continue following and monitoring these groups and their underlying ideologies (National Counterterrorism Strategy 2011 - 2015, 2011, p.29).

2.3 THE COMPREHENSIVE APPROACH

We as human beings believe that no one is born with hatred in its heart, therefore, we also believe that no one is born a terrorist. In order to become a terrorist, the Dutch government believes that a person undergoes a process of radicalization before he/she decides to place their own life and that of others in harms way by using violence to pursue an ideology or political goal. This process is included as the basis of the 'comprehensive approach' to Dutch counter-terrorism policy. In addition, in order to prevent people in question from committing acts of terrorism, the approach also aims to focus on the early identification of radicalization among groups and individuals process. However, those who are resolved to committing violence and are on the brink of doing so, require a different response of a more restrictive essence (National Counterterrorism Strategy 2011 - 2015, 2011, p.17). The fact that not only terrorist groups stimulate and uses processes of radicalization to attract new members but also the government actions can influence radicalization, demonstrates that a strong content bases cohesion exists between both domains of counter-terrorism policy and therefore, the Dutch government believes a comprehensive approach was necessary.

For the Dutch counter-terrorism policy, the comprehensive approach has served as a guideline for more than ten years and managed to inspire countries around the world (The United Kingdom, Germany, European Union and the United States) to follow this approach (National Counterterrorism Strategy 2011 - 2015, 2011, p.37). Moreover, in the international context there is an fundamental agreement that a firm link exist between early prevention and decline of terrorist threat in the future (National Counterterrorism Strategy 2011 - 2015, 2011, p.37). The Dutch government agreed that the comprehensive approach would continue being used for years to come. Moreover, the Dutch government's counter-terrorism approach and the counter-terrorism vision of the United Nations strategy against terrorism (2006) as well as the European Unions strategy against terrorism (2005) has considerable similarities with each other. Within the European Union efforts are being made to combat and address radicalization and recruitment of potential terrorist who might possess a threat. The aim is to address the two phenomena at the earliest possible stage. The Dutch government is taken up the roll

as leading actor in order to address the problem, in regards to the advancement and the trade of scientific information and experience when countering radicalisation and recruitment (National Counterterrorism Strategy 2011 - 2015, 2011, p.37).

2.3.1 The Five Pillars Of Counter-Terrorism In The Netherlands

In the Netherlands, the strategic comprehensive approach is based on five pillars, which commonly describes the entire counter-terrorism chain. It looks as the procurement of intelligence to the prosecution of the perpetrators of terrorist attacks.

1. Procure: The first pillar focuses on compiling threats analyses and gathering of information/intelligence.
2. Prevent: The prevention pillar addresses the early intervention to prevent individuals from acquiring terroristic ideas and/or engaging in terrorist crimes.
3. Protect: Protection is one of the most important aspects of five pillars. This protection focuses on the protection and defence of the Dutch society against any form of terrorist threats.
4. Prepare: As mentioned before being aware of potential terrorist attacks the 4th pillar aims at the consequences of a possible attack.
5. Prosecute: The fifth pillar aims at the detection, prosecution and sentencing of individuals who are suspected of committing terrorist acts, or preparing them.

These five pillars form the baseline of the comprehensive approach. Nonetheless, counter-terrorism is only possible and effective if radicalisation processes are identified in the first stage, legal action is taken without any delays, the society is being protected, measures are to reduce the consequences of a potential terrorist attack and terrorist are identified, prosecuted and convicted on criminal charges. This not only helps and safeguards the approach to terrorism but also connects the repressive and the preventive side of the approach.

The Dutch government believes that intervention at the earliest possible stage offers the greatest chance of success and the idea that prevention is better than a cure shapes the Dutch counter-terrorism strategy. Therefore, the Dutch government means to say, that they aim at counteracting (the process of) radicalisation and will focus on early intervention on the basis of the information received through intelligence work (National Counterterrorism Strategy 2011 - 2015, 2011, p.38). Therefore, the focus within the pillars in this strategy is on the prevention of terrorism. If the strategy is successful this will mean less effort is required within the other pillars. Moreover, as mention before, the Dutch government stresses that the comprehensive approach is not solely focusing on violence extremism from an Islamic nature, rather, other forms of extremism like animal rights and right-wing extremism are monitored as well. With this, the Dutch government tries to underline that they are not being discriminated rather showing the facts, that the comprehensive approach also focuses on other ideologies that aim for the disruption of a democratic society and imply the risk of continued radicalisation (National Counterterrorism Strategy 2011 - 2015, 2011, pp.38-39).

However, despite the efforts being made by the Dutch government to limit the risk of attacks as much as possible, unfortunately, these can never be prevented with 100% certainty. On the other hand, preventing and countering terrorism can be imbedded into other interest. For instance, the counter-terrorism policies and measures are focusing on providing the optimal security in respect to non-violation of human rights, containing confidentiality within the lines of democratic legislation (National Counterterrorism Strategy 2011 - 2015, 2011, pp.39).

2.4 PILLAR ONE: PROCUE

The dependency of counter-terrorism is mostly dependent on thorough prognoses. This results in obtaining intelligence and information. In order avoid any disadvantage it's crucial that the direction, nature and seriousness of the threat are obtained on time. Thus, information gained over the years from terrorist have to interpret using the knowledge also learned over the years through analyse of terrorist behaviour, choice of target, their modus operandi and, rationalities and objectives. Furthermore, any information and data obtained from previous parallel developments and experiences can also be useful. These shape the foundation of analysis (or anticipation reasoning), which leads the investigations towards those who execute attacks, and their apprentice (National Counterterrorism Strategy 2011 - 2015, 2011, p.53). Moreover, in order to reduce the risk, they also form they determine the place and nature of countering measures. The more detailed information that is shared and accessible about the threat, the more regularity rises and with the probability of particular intervention. However, in practice, counter-terrorism measures will have to depend on professional's capacity to make predictions (National Counterterrorism Strategy 2011 - 2015, 2011, p.53).

The basis of counter-terrorism policy is provided by the procurement of intelligence and information. The effective counter-terrorism policy and strategy are the realisation that availability of objective and reliable intelligence is essential. Moreover, not only the Netherlands but also abroad, it serves as the basis of all possible counter-terrorism strategy, measures and its foreign and domestic counter-terrorism policy. Furthermore, the Dutch government considers the prevention and reducing of radicalisation as the fundamental object. The defined advancement in the threat has shifted the centre of attention of this policy to the foreign arena (National Counterterrorism Strategy 2011 - 2015, 2011, p.53). Thus, the future priorities and work of the AIVD can have consequences. The Dutch government wants to focus more on improved intelligence from abroad. Also, the Dutch government applied one of the strategies, which is 'forward defence' (National Counterterrorism Strategy 2011 - 2015, 2011, p.53). The idea behind forward defence, is that the Dutch government can utilise successful intelligence on threats from abroad, and which could pose a threat for the Dutch

national security (National Counterterrorism Strategy 2011 - 2015, 2011, p.53). This kind of intelligence can be obtained through effective cooperation with security and intelligence services abroad. Furthermore, under the 'forward defence' strategy falls an issue such as 'travel intelligence'. In order to counter a potential threat from abroad, intelligence services can follow suspicious travel movements. However, the success of such a strategy is based on the basis of good cooperation with foreign agencies. Moreover, intelligence shared sent from a foreign agency with a different view on safeguarding human rights than that of the Dutch government must be handled properly and care.

2.4.1 The Importance Of Intelligence

The Dutch counter-terrorism policy is dependent on information and intelligence provided by intelligence and/or security services, in order to carry out threat analysis and taking part in specific intervention. However, these services can seriously trespass on people's privacy, in order to prevent terrorist attacks. Intelligence and security forces are able to use various resources like wire-tapping, tailing, observation and infiltration if the information cannot be obtained in a less drastic way. In the recent years, there have been occasions where the intelligence services were able to obtain enough information to avoid any threats (National Counterterrorism Strategy 2011 - 2015, 2011, p.54).

However, the services are strained by using intelligence resources in a cautiously and narrow manner, due to the necessity of proportionality and additional forces (National Counterterrorism Strategy 2011 - 2015, 2011, p.54). This means that the services also have to use relevant open sources information ('Open Source Intelligence', OSINT). Moreover, in our today's information age, there are massive quantity of date, the fast cycle of technical innovations and the vast availability of information is setting a complicated issues and challenges in front of the intelligence and security services. They are frequently forced to develop and design new search strategies. Nowadays,

scientist and market parties are more active since they can provide qualified information, which can be used for counter-terrorism policy. Because of this development, the security services and intelligence agency are forced to interact with as much expects and more dynamic environment than before (National Counterterrorism Strategy 2011 - 2015, 2011, p.55).

For the measures against potential extremist and terrorist, the counter-terrorism Information Box (CTIB) has a very important role. In the cooperation between the services in counter-terrorism, the counter-terrorism information box is a fundamental link. The information from all the bodies that collaborate on the related problem of radicalisation and terrorism is all collected into the counter-terrorism information box. Therefore, the Dutch government wants to continue the optimisation of the counter-terrorism Information Box, which will function a main priority for the coming years in the Netherlands. In addition, to enable a simpler searching and rapid analysis and the accessibility of information systems, an assessment will need to be made (National Counterterrorism Strategy 2011 - 2015, 2011, p.55).

With this pillar, the Dutch government is committed to improving the future policy initiatives in the field of the intelligence and information gathering in the coming years (National Counterterrorism Strategy 2011 - 2015, 2011, p.60).

- A flexible and threat-oriented method of intelligence gathering which effectively connects the local, national and international dimension;
- The continued reinforcement of the information position of local authorities, to identify and obviate deviant behaviour which may indicate security risks at an early stage (such as undesirable travel);
- The early detection of radicalised individuals in order to facilitate rapid and adequate intervention using existing resources.

2.5 PILLAR TWO: PREVENT

In order to prevent individuals from becoming radicalised and interacting in terrorist acts, the Dutch government find it important to identify processes of radicalisation at the earliest stages. Scholars in the field of terrorism believe that radicalisation is a step towards violent extremism, which can eventually lead to terrorism. Moreover, it is believed that violent extremism is the extremist way of thinking with violence as the extreme consequences (National Counterterrorism Strategy 2011 - 2015, 2011, p.63). However, by means of timely detection and specific focused intervention strategies, violent extremism can be prevented and countered.

In the recent years, the Dutch government used this preventive policy that pursued a rather tempering effect on the domestic terrorist threat. Additionally, the government is also fixated on a policy of immediate intervention (National Counterterrorism Strategy 2011 - 2015, 2011, p.63). Furthermore, because of the early intervention and preventive counter-terrorism measures, there is a noticeable decrease in the support of terrorism, which in return has led to a rise of defiance of minority groups in the Netherlands (National Counterterrorism Strategy 2011 - 2015, 2011, p.63). If we would compare with other European countries, the Dutch government was rather fast to start its preventive approach to violent extremism, while other countries used a more repressive approach to tackling violent extremism. Moreover, if the Dutch approach would be analysed from an international perspective, we can conclude that the Dutch government is more in the ascendant. According to the NCTV, various EU member states and overseas allies are working on an integral feature of their counter-terrorism policy when it comes to prevention.

In order to prevent terrorism in the long and short term, investments need to be made in resources, which the government can use to take action. The Dutch government's focus on the prevention of terrorism through the following two points:

• Preventing acts through early action or turmoil (National Counterterrorism Strategy 2011 - 2015, 2011, p.63).

- Preventing extremism in order to reduce the chance for support of terrorism (prevention) (National Counterterrorism Strategy 2011 - 2015, 2011, p.63).

Furthermore, to prevent terrorism, the actions are in the form of measures aimed at dissolving the possibilities for carrying out and terrorist attack. For instance, the previous Dutch counter-terrorism measures were focusing on the hampering of financing and intentional conviction of perpetrators. The Dutch government will concentrate more on early intervention compared to previous counter-terrorism measures (National Counterterrorism Strategy 2011 - 2015, 2011, pp.63/64). However, early intervention is only possible and determined with criminal evidence and by intelligence services. As we look at measures used in the second group, the Dutch government uses e.g. action that indicates the increase of residence among the Dutch population, the improvement of international collaboration with specific regions and countries in the EU and overseas. In addition, a new element that is being implemented is the timely focus on the prevention of violent extremism. However, experience has taught scholars that, in most cases, radicalism or extremism as a state of mind doesn't always result in violent or illegal actions/behaviour.

In order to prevent terrorism the Dutch government is focusing on future policy initiatives for the coming years, which are:

- Particular efforts against people or organisations, for instance, when some is expected to travel or to utilise the digital platform for terrorism (National Counterterrorism Strategy 2011 - 2015, 2011, p.82).
- Opposing and preventing violent extremism domestically and globally (National Counterterrorism Strategy 2011 - 2015, 2011, p.82).
- Maintaining and upholding international collaboration (National Counterterrorism Strategy 2011 - 2015, 2011, p.82).

2.6 PILLAR THREE: PROTECT

Within the documented released by the Dutch government about their counter-terrorism strategy, they mainly focus on the formulation of strategic points of departure for their future counter-terrorism policies with a focus on security and view to taking protective measures. However, the government also aims to avert terrorist threats against their democracies, citizens and sectors with the help of two systems that are in place. The systems that are placed by the government are known as the Surveillance and Protection system (S&P) and the Counter-Terrorism Alert System (CAS). In the occurrence of terrorist threats the S&P focuses on the security and protection of people and society (National Counterterrorism Strategy 2011 - 2015, 2011, p.85). Whereas the Counter-terrorism Alert System is dedicated to the protection of the business sector. In addition, the Dutch government focuses on the protection of their civil aviation and external borders through the laws in the enforcement act, tribunal act, congregation act and the security and intelligence act, to name a few (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

In the recent years, the field of work, surveillance and protection of people, objects, services and sectors has undergone numerous changes (National Counterterrorism Strategy 2011 - 2015, 2011, p.85). Currently, the focus is mainly on the acceptance of risk and making these risks manageable. We live in an innovative society with fast changing forms of terrorist threats; therefore, the Dutch believes that their focus must be on the flexible anticipation of changing threats. However, the possibility of reducing risk is the pursuit of risk management mixed with risk acceptance. If we look at the most important risk management of recent years it fits with the following developments:

- Expanding the concentration of people surveillance and the supplies for professional response towards individuals and groups (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).
- Safeguarding the systems adaptability in the face of uncertain threats (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

- Engaging with security profiles, in order to evaluated and observe danger and threats efficiently (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

- Utilising assessment groups to examine safe areas and undisclosed action. Also to assess safety conditions (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

- Raising observation of dangerous loners/lone wolfs and radicalised persons as focus group within the observation, screening and security are of work. (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

Furthermore, another important point for the Dutch government is providing security for threatened persons; objects or sectors are still able to continue functioning with none to little hindrance (National Counterterrorism Strategy 2011 - 2015, 2011, p.86). With unhindered functioning the Dutch means, that those affected people, objects or sectors are still able to perform daily routine without any disadvantages. As is mentioned before in this chapter, the government is not able to guarantee 100% protection against terrorist threat/attacks, therefore, it is important to make threats and risks manageable. Moreover, in the field of security and protection, there are increasing developments, which enable the government to be flexible in their approach. Therefore, the Dutch government has expressed their expanding of security in years to come (National Counterterrorism Strategy 2011 - 2015, 2011, p.86).

As in the field of Procure and prevention, the Dutch government is committed to focusing on future policy initiatives in the field of protection in the coming years with the main focus on:

- The on-going advancement of security screening and safety systems with an eye for radicalisation and safety attention and efficiency (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

- The development of string of border screening to counter possible danger in the Netherlands (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

- Developing new innovative technologies to prevent new forms of threats, keeping a special concentration on civil aviation evaluation (National Counterterrorism Strategy 2011 - 2015, 2011, p.85).

2.7 PILLAR FOUR: PREPARE

As mentioned numerous times before, the Dutch government is well aware of the possibility of a terrorist attack. Therefore the Netherlands must be prepared for the aftermath and consequences of a possible terrorist attack. That is why the Dutch government differentiates between the following focal areas:

- Crisis decision-making
- Strengthening resilience
- Contending with consequences
- Communication after an attack
- Practice sessions

For the Dutch government an essential advancement with an opportunity to be ideally adjusted and ready for any negative result after a terrorist attack is engaging in the cooperation of domestic and global levels. It has been proven that attacks cross borders and this includes the consequences of an attack as well. Therefore, the Dutch government has taken this in to consideration and into their counter-terrorism policies (National Counterterrorism Strategy 2011 - 2015, 2011, p.95).

2.7.1 Crisis Decision-making

After a terrorist attack, a proper coordination of crisis decision-making will help everyone involved to adapt in his or her roles and responsibilities. Furthermore, in order to increase resilience and limited the damaged caused by a terrorist attack, the government needs to response adequately.

Decision-making structures and adapted advisory comes in to effect in a time of crisis. In the National Handbook on Crisis Decision-making (National Handboek Crisisbesluitvorimng) (NHC), the agreements on the setup of crisis management organisation in the period of a terrorist attack have been formulated. Moreover, the role of the NCTV is fundamental during this period, it is agreed upon by the government that the NCTV has a leading role when it comes to the coordination of crisis decision-making at a time of crisis. In addition, during this time, the crisis group during an terrorist attack and the crisis team active during a collective attack/crisis are identically, keeping in mind that the NCTV Surveillance and Protection coordinator (CBB) and the Dutch Minister of Security and Justice share the governing role (National Counterterrorism Strategy 2011 - 2015, 2011, pp.95/96).

2.7.2 Strengthening Resilience

By increasing the resilience level as much as possible, the Dutch government is trying to prevent the 'overreactions' after a terrorist attack. The government plans to do this by stimulating the spectrum to tackle terrorist risk and enhancing the spectrum of adaptation and resilience. The Dutch's government point of departure is by being transparent and informing the public openly and completely about the existing risk, while retaining impartiality and authenticity (National Counterterrorism Strategy 2011 -

2015, 2011, p.97). By informing the public how to act in response to a suspicious people and or people, the government is positive it will reduce overreactions of citizens after an attack in the Netherlands. In addition, providing professionals with intelligence, which allows them to act adequately after a terrorist attack, the government plans on increasing the resilience level (National Counterterrorism Strategy 2011 - 2015, 2011, p.97).

2.7.3 Contending With Consequences

The close cooperation between the judicial and government is a fundamental aspect when it comes to combating the consequences of a terrorist crisis.

- The resulting crisis must be dealt with. This falls within the regular agreements within the framework of crisis management. This is primarily an element of the general, governmental chain.
- Any subsequent threat must be dispelled wherever possible. This is primarily an element of the judicial chain.
- The legal order must be maintained. Any terrorists who are still present or who have fled must be detected and taken into custody and a technical investigation must be carried out locally. This is primarily an element of the judicial chain.
- Social unrest must be prevented and if necessary de-escalated. This responsibility is primarily an element of the governmental chain. Although the chains are complementary, dilemmas can occur on the
- Interface between both chains. It is also important that the specific tasks (either based on disaster relief or on maintaining legal order) determine who exercises authority at that moment: the mayor or the public prosecutor. Examples of these dilemmas are:
- Assistance versus traces examination;

- Warning the population versus the importance of being able to arrest perpetrators (and possibly being able to prevent an attack);
- A rapid recovery from the consequences of an attack versus (time consuming) investigations.

Furthermore, when it comes to the deployment of emergency after a terrorist attack the specific pros and cons need to be analysed and the realisation of the possibility of more attacks in various locations which might lead to a shortage of resources. Therefore, deciding factor of the implementation is essential (National Counterterrorism Strategy 2011 - 2015, 2011, p.98).

2.7.4 Communication After An Attack

To tackle the crisis and consequences of an attack, every crisis is therefore embedded with activities. The Dutch governments have a goal to normalise the society after an attack and in order to achieve that goal, communication is a key instrument. Being able to communicate with the public, can regain strength and trust, taking fears, concerns and questions of the public into account while addressing the situation. This point of departure has always been the focus on the interest of the society and not the government. Unfortunately the consequences of a terrorist attack cannot ben exclude when communicating with the public. However, it can limit and help. In order to achieve it, for the Dutch government, the ultimate communication goal is to control the tone of discussion from civil and single on domestic and global level (National Counterterrorism Strategy 2011 - 2015, 2011, p.99). However, determining the tone of the discussion abroad and in the Netherlands can be done by the initial responses. As such, to produce a proper/helpful outcome, it essential that the facts are exchanged within the various layers of the governmental body, will lead to the proper timing of the public and media outlets (National Counterterrorism Strategy 2011 - 2015, 2011, p.99).

2.7.5 Practice Sessions

In order to prepare for the aftermath of possible attacks, it is of importance that the Dutch government holds frequent practice sessions. As we saw after the London bombings in 2005, the British government established a rapid response of services and outline of information. According to the NCTV, this was due to the fact the British government practised such events in order to be prepared for a real attack. Moreover, preparing and practising events after a terrorist attack is the responsibility of the Minister of Security and Justice (National Counterterrorism Strategy 2011 - 2015, 2011, p.99).

As such, being prepared for the consequences after a possible attack, the Dutch government also discussed on a few future policy initiatives, which they will focus on the coming years.

- On going assessments for diverse features of domestic and global communication from the Dutch government (National Counterterrorism Strategy 2011 - 2015, 2011, p.100).
- On going concentration towards crisis management preparation and rehearsal drills, with the main aim on collaboration and intelligence sharing on between domestic and global stages (National Counterterrorism Strategy 2011 - 2015, 2011, p.100).

2.8 PILLAR FIVE: PROSECUTE

The Dutch government decided to re-enforce on the basis the criminal law, which means the detection, prosecution and sentencing of criminal offences. Moreover, in the Dutch legal system, after a criminal offence is committed, criminal law is commonly sued as a disciplinary response. However, the role of criminal law is inadequate in numerous ways, if we look at the framework of counter-terrorism. Due to the nature of violence's, used by terrorist, it means that the goal of the terrorist is to affect the indirect group of their physical attack. Furthermore, since there are many terrorists who use explosive to kill innocent people by blowing themselves up, committing suicide, they deterred themselves from a long prison sentence.

As such, by adopting and using criminal laws means, terrorism cannot only be countered by the exposure and retribution of the transgressor of terrorist acts after an attack (National Counterterrorism Strategy 2011 - 2015, 2011, p.103). Moreover, after an attack is carried out, it is often too late to bring the perpetrator to justice. Therefore, the government needs to act quickly, when the time comes. Therefore, in order to tackle terrorism before the actual attack is committed, the Dutch government focuses on the significance of prevention. This means, while an attack is being prepared, actions have to be taken by the Dutch government to prevent a crisis (National Counterterrorism Strategy 2011 - 2015, 2011, p.103).

2.8.1 Legislation

When the horrible events on September 11, 2001, the Dutch government questioned whether the 'classic' criminal law was adequately established to deal with a new form

of terrorist threats. After a period of dissuasion, the government decided to make a few changes which also been assimilated into legislation.

When the Dutch government decided to make changes into the criminal law in order to combat terrorism, they decided to implant terrorism regulation in the general law and criminal account/report (National Counterterrorism Strategy 2011 - 2015, 2011, p.104). According to the Dutch government, it is this embedding that allows the best guarantees for the legal protection of individual suspect. Moreover, because of the embodiment of the terrorism legislation into to the general law, it also inspired the observation of current laws (National Counterterrorism Strategy 2011 - 2015, 2011, p.104).

By embedding terrorism legislation in the common law and criminal proceedings, this means that the Dutch law does not have separate terrorism legislation. This means that the government is trying to tackle and prevent a terrorist attack at an early stage rather than waiting to crack down a terrorist organisation after an attack as been committed. By using criminal investigations and using intelligence services, in order to, avoid an attack and tackle where necessary.

As in the previous four pillars, the Dutch government is committed to following future policy initiatives in the field of prosecuting individuals who committed terrorist attacks. Therefore, the main focus will be on:

- The immediate prosecution of perpetrators by averting and avoiding potential terrorist assemble and get ready for an attack (National Counterterrorism Strategy 2011 - 2015, 2011, p.107).
- Guaranteeing excellent union in forthcoming counter-terrorism policies and measures (National Counterterrorism Strategy 2011 - 2015, 2011, p.107).

2.9 REFORMED LAWS AND REGULATIONS FOR AN EFFECTIVE COUNTER-TERRORISM APPROACH IN THE NETHERLANDS

Since 2016, in support of the comprehensive approach, which is used as a guideline for the counter-terrorism measures, the NCVT proposed some changes in national laws and regulation, with respect to the three pillars of the NCTV counter-terrorism protecting the national security, which was accepted and implemented.

Terrorism Offences Act

Within the newly reformed laws and legislation recruitment and conspiracy for armed struggle with the intent to commit a serious terrorist offence are since 2016 made punishable by law. Terrorist offences like hijacking or kidnapping for terrorist goals, manslaughter and aggravated assault are increased. Therefore, the acts like penalising the recruitment of violent extremism by modifying Article 205 of the Dutch Penal Code (Justitie, Laws and regulations (counterterrorism/cyber security/national security), 2016). Thus, recruitment of individuals for armed struggle can be punishable, even though the recruitment intent to contribute to armed struggles are uncertain. Moreover, the law will penalise any form of conspiracy in order to commit terrorist acts separately. This law aims to clarify the induction of criminal affairs opposing any form of terrorist cells and activities working unstable and flexible coalition (Justitie, Laws and regulations (counterterrorism/cyber security/national security), 2016). The Dutch government's aims to punish and counter terrorism as much as possible by criminalising of conspiracy to commit serious terrorist acts.

Investigation Of Terrorist Offences Act

Investigations of Terrorist Offences Act are no longer required to start investigations after a concrete fact of criminal acts. Since the reformed laws and regulations, any suspicion of a criminal offence for the use of committing terrorist attacks is therefore, allowed be infiltrating, observing and wiretapping. Furthermore, measures like body search and having vehicles and objects searched are allowed. Moreover, arresting and taken suspects into custody is therefore allowed to avoid any terrorist offences/threats

(Justitie, Laws and regulations (counterterrorism/cyber security/national security), 2016).

Money Laundering And Terrorist Financing (Prevention) Act

Money laundering and terrorist financing (prevention) act aims to prevent the use of any financial system for the finance of terrorism or money laundering. The disclosure of unseals transaction (Financials Services) Act and Identification for Provision of services (Identification) Act are merged together to ensure the effective implementation of the Act. Moreover, it is recognised by the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations (Justitie, Laws and regulations (counterterrorism/cyber security/national security), 2016).

However, previously if any organisation where listed on the terrorism list of the United Nations (UN) or the European Union (EU), bank accounts were frozen in order to restrain their financial activities. Furthermore, after such actions have been taken, the organisation were no longer allowed to be active in any way in the Netherlands, meaning that the organisation is not allowed to appointed a new acting director or to recruit new members. Also, organisations that pose a danger to international peace and security and are determined by the EU or UN as danger are also included on the ban (Justitie, Laws and regulations (counterterrorism/cyber security/national security), 2016).

Nevertheless, there have been developments from civil society organisation to European Commission institutions contradicting the Dutch counter-terrorism approach since it impacts certain minority group within the society. According the ICCT, the impact on minority groups in the Netherlands has increased over the years, which has resulted in a more fearful society and hatred attacks (Bakker, E., & Veldhuis, T. 2012, p. 10). Therefore, it is important to assess what the impacts on minority groups are and how it has affected human rights in the Netherlands.

CHAPTER III: HUMAN RIGHTS VIOLATIONS RELATED TO COUNTER-TERRORISM MEASURES IN THE NETHERLANDS

This chapter examines the human rights violations related to the implemented counter-terrorism measures in the Netherlands. The impact of those measures on minority groups in the Netherlands is assessed. Moreover, the discrimination factors of those measures and how it aliens minorities within a society are examined.

As we all know, terrorism has a tremendous impact on human rights in democratic societies and therefore states/governments have the obligation to implement effective measures that help counter terrorism. Furthermore, a government has the obligation to protect human rights and the rights of the suspect who are penalised with criminal acts within their jurisdiction. In addition, when rushing through legislative and counter-terrorism measures, many countries have unconsciously created a negative result for fundamental human rights (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, P. 20).

Unfortunately, like in most countries, Dutch minority groups who are victims of the impact of counter-terrorism policies and legislation had received little to no attention in the Netherlands. Even though over the last decade observational research have shown that the impact of counter-terrorism effect is rather scary, the Dutch government have only evaluated the success and effectiveness of counter-terrorism measures.

3.1 COUNTER –TERRORISM AND HUMAN RIGHTS

Over the years, the human cost of terrorism has been felt in almost every corner of the globe. According to the OHCRH, terrorism is believed to have a tremendous effect on human rights, which resulted in consequences for the right to life, freedom and physical virtue of victims (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, P. 1). Moreover, terrorism can undermine civil society, destabilise governments, and threaten social and economic development. Therefore, the impact of terrorism is enormous on the enjoyment of human rights. However, one the fundamental obligation of governments is to provide security and protection of individuals. Therefore, to ensure human rights of nationals, States have to take positive measures to protect them from any terrorist threats and attacks and bringing those to justice who have and will commit terrorist attacks and criminal acts.

However, in recent years, human rights and the rule of law are facing challenges by measures adopted by governments in order to counter terrorism. For instance, in order to tackle terrorism, some governments participated in torture and other hard methods leaving the legal and monitoring of detention centres and safeguarding to avoid torture disregarded (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, P. 1). Moreover, other governments violated the international legal obligation of nonrefoulement by sending suspected persons of engaging in terrorist activities back to countries where they face a real risk of torture and other horrific human rights abuse. While the use of exceptional courts system has had an impact, unfortunately, in some places, the independence of the judiciary has been undermined. The voices of indigenous groups, civil societies, journalist, minorities and human rights defenders have been stifled by the repressive measures to counter terrorism. Furthermore, the diverted resources for economic, social and cultural developments and programs to the security sector have affected rights of many (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, P. 1).

When taken these practices together, it has a corrosive effect on good governance, human rights and the rule of law. Additionally, using it in the context to combat terrorism on a national and international level, it rather functions counterproductive. In order to combat terrorism, the respect for human rights and the rule of law must be solid. Therefore, in order to ensure the protection of human rights, prosecuting those who are responsible for criminal acts and preventing terrorism, policy-makers must develop counter-terrorism strategies that require those elements.

According to the United Nations Office of High Commissioner for Human Rights, measures that focus on the expansion of terrorism should be in respect to the rule of law should not be allowed to violate human rights (ethnic profiling, discrimination). Therefore, in order to uplift the civil society and their cooperation, governments/states should denounce and avoid the violation of human rights as well as convict the perpetrators and organisations that are violating human rights and the rule of law. (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, Pp. 1/2).

For the fight against terrorism, the international community has dedicated to follow and use counter-terrorism measures in order to protect the right to human rights by adopting the General Assembly resolution 60/288 of the United Nations Global Counter-Terrorism strategy (OHCRH, Human Rights, Terrorism and Counter-terrorism, 2014, p.20). However, States and governments have mainly settled with measures that directly counter-terrorism, by taking up measures that following their own laws.

3.2. COUNTER-TERRORISM POLICIES IN THE NETHERLANDS

Like in many other countries, the Netherlands Counter Terrorism legislation was introduced to prevent and tackle any form of terrorist threats and actions against governments. Although the Netherlands is one of the few 'Western' countries in Europe that did not experience any massive form of terrorist attacks, the counterterrorism policies and measures did not feature prominently on the political agenda. According to

Monica den Boer, the Netherlands had no emergency legislation for terrorist incidents nor a specific 'Act' that criminalised terrorist offences until quite recently (den Boer, 2007, p. 285). In response to the European Union Framework Legislation (Kamerstukken II 2001/2002, 27 925, nr10), the Dutch Government produced a bill that was to penalises members and participation in a terrorist organisation included with the vast array of various measures (den Boer, 2007, p.285). One of the Dutch Counter-Terrorism legislation is the 'Stop and Search' measure. A reasonable suspicion of a criminal offence is no longer required, mere indications that terrorist attack is being prepared is sufficient. (van der Leun & van der Woude, 2011, p. 7,8) The public prosecutor will give a verbal leading order to practice the stop and search measure during a twelve-hour period in a designated 'Terrorist Risk Zone', only if the indication exist when the facts and circumstance suggest that a terrorist attack is being prepared (Art. 126zq, 126zr and 127zs Code of Criminal Procedure). However, within the context of Counter Terrorism, police officers are allowed to perform preventive stop and search measures without an official leading order by the public prosecutor in specific permanent security areas. (van der Leun & van der Woude, 2011, p. 7,8). Like at the Houses of Parliament, all airports, the train stations, the Media Park in Hilversum and the nuclear power station in Borssele (Art. 126 zq-zs Code of Criminal Procedure).

3.3 COUNTER-TERRORISM AND DISCRIMINATION IN THE NETHERLANDS

Within the Dutch social and legal system, individuals with a non-Dutch heritage are distinguishing from individuals with Dutch heritage. The Centraal Bureau voor de Statistiek (CBS) decided in 1999 to differentiate these people with the terms 'autochthoon' (of Dutch heritage) and 'allocation' (of non-Dutch birth or ancestry). In addition, the CBS even decided to differentiate 'Western' allochtoon and 'non-Western' allochtoon. Moreover, they also decided to subcategorise the terms into first, second and third generation in order to differentiate even more (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012, p.2). This means that regardless of an individual was born or

raised in the Netherlands, they are still considered an allochtoon if one of their parents or even grandparents are born in a foreign country (Yanow & van der Haar, 2012). However, in recent years these terms have advanced in their meaning, which was not the initial intention in order to tackle or measure the socio-economic disadvantages (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012, p.2). With 'race' terminology being a public taboo in mainland Europe, the terms allochtoon and authochtoon shapes the present-day discourse about migrant integration in the Netherlands, functionally setting apart 'non-integrated' (i.e. culturally and socio-economically backward) allochthonen from the native white, 'Western' Dutch population (Essed & Trienekens, 2008).

3.2.1 Discrimination In The Netherlands

Discrimination concerns in relation to Counter Terrorism legislation and policies are not addressed in the Dutch political and public discourse. Most of these measures are implemented to prevent crime and extremist violence (Bovenkerk, 2009 16-17: Eijkman & Schuurman, 2011). Additionally, the realisations of the acceptance by the public of these measures are rather more disturbing. This method has been generally accepted, yet probably unpopular among minority groups within the society. In 2002 and 2004 an evaluation study was conducted into the effectiveness of preventive stop-and-search operations in various big cities like Amsterdam and Rotterdam (Eijkman, Lettinga, & Verbossen, 2012, p. 8,9). Within the study, the impact of public opinion was considered. The results of the study showed that only 4% of the respondents were negative about the instrument and half agreed that their sense of security improved. However, the outcome differs for ethnic minorities. In Rotterdam, almost one in four respondents of minority disagreed or strongly disagreed with the statement that preventive search increased public safety. Furthermore, most of the minorities felt that they were subjected to such 'stop and search' measures more frequently that the general population, due to their ethnicity, racial or religious beliefs (Open Society Foundations, 2009, 53, 153, fn. 240; Van der Torre & Ferwerda, 2005).

Over time, the Dutch counter-terrorism policy has evolved, as the target group developed over time, but a constant factor is a link to international and home-grown

jihadist networks. The NCTV stated that jihadism is a is a radical belief that pleads for a spiritual struggle opposing infidels in order to dictate their faith and way of life of people (NCTV, 2012). While the Dutch Counter Terrorism policy clearly states that it does not specifically focus on a certain group or ideology (Eijkman, Lettinga, & Verbossen, 2012, p. 12). Policy documents make it clear that the terrorist threats is primarily seen as deriving from individuals or radical extremist Islamist groups (General Intelligence and Security Service: AIVD 2011; AIVD, 2010; NCTV, 2011). Moreover, any other non-religious extremist groups other than jihadists are considered non-targets for the counter-terrorism policies and measures. Even though non-religious extremist groups like Animal rights extremists, anti-Islamic groups or extreme right wing or left wing groups are being monitored by Dutch intelligence, they, however, are not the main focus of the national Counter Terrorism strategy. (Eijkman, Lettinga, & Verbossen, 2012, p. 12).

In 2005 most Dutch counter-terrorism policy focused on radical and extremist Muslims such as Mohammed B., the convicted murderer of a filmmaker and Islamic critic. Mohammed B was a Dutch-born but descendants of Turkish and Moroccan immigrants, also known as the 'second generation Islamic immigrants'. Thereby the primary focus of Counter Terrorism measures (Vermeulen & Bovenkerk, 2012, 23, 36). In addition, the Dutch government have developed their traditional 'comprehensive approach' to fight post 9/11 terrorism. From this, we can understand that counter-terrorism measures, on the one hand, focuses on identifying, monitoring and de-radicalising potential and violent jihadist. Following with the more 'hard or repressive approach', which is on the one hand fighting against discrimination, fostering social cohesion and stimulating the socio-economic integration of minorities (De Graaf, 2011; De Graaf & De Graaff, 2008; NCTV, 2011; NCTV, 2012a). However, according to the Racism and Extremism report of the Anne Frank Foundation and Leiden University state that feeling of exclusion inaccessible integration can create the possibility and contribute to the radicalization of individuals who share this feeling and are fascinated and attracted by violent ideologies (De Graaff, 2008, 130).

Also, over the years the policy attention has shifted towards so-called 'lone wolves' who are defined by the Dutch government as individuals who pose a danger to the safety and security of Dutch citizens in order to gain a political goal through a radical

belief (NCTV, 2011, 48; see also Bakker & De Graaf, 2011). Moreover, there is a growing awareness that terrorism can also evolve from non-Islamic sources, since the terrorist attack by Anders Behring Breivik on the 22nd of July 2011. However, the NCTV and the AIVD continue to focus on anticipated threats posed by jihadist networks (NCTV, 2012).

3.3.2 Ethnic Profiling By Law Enforcements

According to various scholars, over the last few years, ethnic profiling as a counter-terrorism measure has become more problematic in the Netherlands (Van der Leun & Van der Woude 2011, p. 445.). This has mainly to do with the changing political discourse in which the government does not find it a taboo anymore to address minority groups as 'dangerous others'. Furthermore, there are people who suggest ethnic profiling as a solution to terrorism and the fight against certain types of crimes (Eijkman 2010, p. 1.). In the context of traffic control, identity and immigration stop, and preventive searches, there is considerable proof of ethnic profiling by the Royal Netherlands Marechaussee and Dutch police. Moreover, according to recent studies, ethnic profiling is presented to be as structural violence created by government and policy makers as by sluggish methods from law enforcements officers stop and search measures and intolerance manner of law enforcement officers (Amnesty International 2016, p. 10).

Due to the lack of monitoring and recording stop and search operation made by the Dutch police officers in the field, the Dutch government is lacking in data. However, According to the comprehensive researched published in January 2015 by the Netherlands Institute of Social Research shows that discriminatory stop and search methods have a significant effect on people with migrant backgrounds (Amnesty International 2016, p. 10). Moreover, in article 1 of the Dutch Constitution, it is described that discrimination on the basis sex, race, religion etc. are prohibited in the Netherlands. Nonetheless, the policy that is being used in the Netherlands to tackle

discrimination is general; only if general provision fails, a special provision for tackling discrimination is installed by the government (CERD: Report of the Netherlands 2013, p.3). However, little to no attention is paid when it comes to ethnic profiling or/and racial discrimination within the Dutch society (Amnesty International 2013, Pp. 21-25).

According to assessments on the impact of counter-terrorism measures on human rights in the Netherlands, which is researched by a non-governmental organisation (NGO's) and other various organisations, concerns mainly within the academic community have been expressed, about the preventive stop and searches risk. Also academic scholars have mentioned that the permanently carrying of identification documentation (ID) and the enlarged powers of law enforcements under the 2000 Aliens Act may well be potentially discriminatory against minorities (Bovenkerk, 2009; Buro Jansen & Janssen, 2009).

An investigation conducted by the Dutch National and Municipal Ombudsman on the power of law enforcement officers to subject persons to a preventive stop and search in designated security risk zones concluded that such measures used by the law enforcement's challenge the fundamental human rights of minority groups, even though the government and the majority of the society support such measures. They expressed their concerns about the invalid guidelines on the basis of stop and search measures. This increases possible discrimination. The ombudsman stated the criteria based on race, religion or crime is stigmatising and discriminating, which has a disadvantage effect on the Dutch society. (National Ombudsman, 2011, 41).

Furthermore, according to academic scholars, ethnic profiling that has been conducted in the Netherlands, lead to a troubling impact on minority groups within the Dutch society. With 2 years qualitative research data, which was done by Cankaya in 2012 on the thought process of police officers, proposed actions in Amsterdam-Amstelland (Çankaya 2012, pp. 31-25). Cankaya indicates that; law enforcements officers often use their instinct in counter-terrorism measures practice. The basis of this instinct is partly focused on the physical attributes of a person. Law enforcements officers have an opinion of what 'common' and orderly accepted according to the majority of community. This makes ethnic minority groups easily standout and look more distrustful (Vromen, S., 2015, p17).

3.3.2 Islamophobia

Islamic and Muslim values and patterns of social interaction have in recent years been at the centre of debate concerning their compatibility with western values, after the September 11 attack in the United States. According to the European Monitoring Centre on Racism, Muslims are regularly portrayed as actively believing people who share a fundamentalist interpretation of Islam, by the media (European Monitoring Centre On Racism And Xenophopa, 2006, p. 31). However, this image portrayed by the media disguises bigger difference in religious beliefs and practices derive from Muslims. More importantly, it disguises the Muslim identities of the younger generation have undergone and are still undergoing developments within non-and Muslim communities (European Monitoring Centre On Racism And Xenophopa, 2006, p. 31).

Not only in Europe but also in the Netherlands, numerous of international terrorist attacks have lead to phobia towards Muslims. Fuelled by events in the western world, the issue of Islam and its threat against West has, therefore, became a matter of occupation in the Netherlands. There are some political parties in the Netherlands that believe that the presence of Islam (in the form of its Muslim citizens and migrants) in Europe, especially in the Netherlands, is a challenge for the Netherlands and Dutch values and norms. This debate has taken up a strong presence in Dutch political discourse, which in return, created a climate of fear (Modood, T. (2003), p. 100).

After the murder of the filmmaker Theo van Gogh, in one of the first polls conducted on countering terrorism, over 80% of the respondents stated that extra measures are needed to be implemented to combat Islamic extremists and agreed on a rather harder approach on the Muslim community (European Monitoring Centre On Racism And Xenophopa, 2006, p. 37). Moreover, 59% of the respondents agreed on the deportation of Imams and better surveillance of mosques in the Netherlands. Another 48% of the respondents agreed to with the abolishing the right of citizens holding a double nationality (European Monitoring Centre On Racism And Xenophopa, 2006, p. 37). 33% of the respondents believe that the Moroccan and Turkish Muslim community in the Netherlands failed to integrated and do not share the Dutch norms and values (Enquête,

samenleving voorgoed veranderd, 2004). In addition, according to the Onderzoeksbureau Labyrinth, three out of four citizens in the Netherlands feel unsafe and have a negative persecution and attitude towards Muslims.

This resulted in various forms of discrimination in numerous fields and sectors. 28% respondent of North African descent and 22% of Turkish descent personally experience discrimination when looking for a job. According to a survey conducted by EU-MIDIS, in lower and medium skilled jobs, employers are more likely to discriminate during the first phase of the procedure selection (phone calls and application letters) against minority men (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012, Pp. 11/12).

3.3.3 Refugees and Immigrants

For a number of years now, the international human rights committees and civil society organisation stressed about the negative impact and risk of European Union's counter-terrorism measures on minority groups and immigrants and refugees. The violation of the assumption guiltlessness, the privacy of persons and the protection of personal data, as well as indictment of an entire, ethnic or religious groups and the assumption of the presences of collective signs by coupling Islamic terrorism in a nation's collective memory, are the common side-effects concerns relating to preventive counter-terrorism measures (Agnes Hankiss, 2010, 'Cornerstones of the EU's Counter-Terrorism Strategy').

Nonetheless, according to the International Centre for Counter-Terrorism (ICCT), there have been no relations between terrorism and refugees or immigrations traveling to the Netherlands (Bakker, E., & Veldhuis, T. 2012, p. 4). Rather most attacks committed by terrorist in Europe are coming from Europeans who are second or thirds generation migrants with western values. Partly by feeling alienated by the government and society due to discriminating counter-terrorism measures, this can possibly push towards hatred feelings and radicalisation.

Furthermore, the Dutch Alien Act 2000 elaborates on the detention of undocumented migrant entering the Netherlands. This is partly an act to investigate the identity of individuals who want to enter the country. According to the AIVD, with the current migration and refugee flows from failed states, a lot of migrants don't have any documentation, which makes it harder to differentiate between potential extremist and persons hoping for safety and security in the Netherlands. Moreover, the Dutch Alien Act 2000 includes the Kinder Pardon (Children Pardon), which means that infants under the age of 18 can be refuse entry and asylum in the Netherlands (Bakker, E., & Veldhuis, T. 2012, p. 6). The have been some cases where children were held in detention centres under harsh condition before deported back to their country of origin, violating the freedom of movement and safety of innocent women and children. Furthermore, According to Alex Brennikmeijer who is the Dutch National Ombudsman stated that the Dutch government is aware of the harsh terrain of detention centres and is trying to improve the conditions, however, the progress is rather slow (Dutch refugee detention centres inhumane, 2011). It is estimated that around 6.000 immigrants are being held in detention centres and waiting to be deported back to their country of origin. He also stresses that the living conditions are 'soul-destroying', being placed in a shared cell of 2 by 5 meters for more than 16 hours a day is inhumane. You don't have any control over your life this can destroy a person who gave up everything for a brighter future in the Netherlands (Dutch refugee detention centres inhumane, 2011).

3.3.4 Partial Ban On Face-Covering

In the recent years, specifically in areas as education and employment, the wearing of the headscarf is a complicated affair, which is often raised in the public debate in some European countries. Particularly in those areas the headscarf became controversial and is quite often seen a female oppression and gender inequality (European Monitoring Centre On Racism And Xenophopa, 2006, p. 39). Therefore, women's motivation for wearing headscarf can vary somewhat a lot. In some instances, women wear the

headscarf, as their family members or peer group pressure obliges it (European Monitoring Centre On Racism And Xenophopa, 2006, p. 39). However, in another instance, women wearing the headscarf can help to increase the freedom of movement in certain surroundings, where otherwise social or family pressure force them to stay home. In addition, some women wear the headscarf as their Muslim Identity as their political or personal statement, as other wear it as their religious beliefs and duty (European Monitoring Centre On Racism And Xenophopa, 2006, Pp. 39-40).

However, in numerous European Member States, the legal issue for wearing a headscarf in spaces as in schools by teachers and students has been up for debates. In some Member States, the range of policies for wearing a headscarf can vary from a nationwide ban on displaying religious symbols or statements in public places to complete freedom of human rights values in exercising one's religious beliefs (European Monitoring Centre On Racism And Xenophopa, 2006, p. 42). Nonetheless, there are some policies that gives the federal states or private schools the freedom of making their own decision for prohibiting all religious symbols or certain ones (European Monitoring Centre On Racism And Xenophopa, 2006, Pp. 39-40).

In the Netherlands, if there is enough justification as to why these pose problems, schools are allowed to ban religious symbols, which includes a ban on the headscarf. Moreover, veils like burka's, which cover the face except for the eyes, are prohibited in schools. As for headscarf's, it can be banned if it challenges the religious principles of the school (European Monitoring Centre On Racism And Xenophopa, 2006, p. 42). In addition, the Dutch government just enforced a bill where the ban on burkas is nation wide in public places such as, in public transport, healthcare institutions and public education. The ban contradicts the rights to freedom of religion and of expression for Muslim women (European Monitoring Centre On Racism And Xenophopa, 2006, p. 42). This ban is introduced because of safety and security measures in the Netherlands. According to E. Bakker & Veldhuis (2012), this ban is enforced in order to give standards to the Dutch society as well as preventive counter-terrorism methods. According to the Dutch government, everyone wearing a burka should be able to identify his/herself by removing his or her burka when asked upon by law enforcements. For example, in earlier February 2015, a Dutch woman of North African decent was held at gunpoint in The Hague by Dutch police officers as she was wearing a burka. One of the police officers received calls of suspected gunshots in the area. Moreover,

that area is better known by the police department for harvesting individuals traveling to Syria to fight. However, this time, the law enforcements officers held a woman at gunpoint on suspicion of carrying a lethal weapon and unable to identify her. The woman was taken into custody. However, there were no charges since no evidence was found (Bert Brussen, 2015). Since 2015, there have been more incidents, which prohibit Muslim women wearing a headscarf or burka from practising their human rights. As an incident occurred in June 2015, a bus driver of the bus company Arriva, refused a woman wearing a burka to enter the bus. According to the bus driver, she was not allowed in because of her Burka (RTL Nieuws, 2015). He refused the women from entering because he was unable to identify her, which made him feel unsafe. On the one hand, one can possibly argue that these events are not based on the discrimination of counter-terrorism policies. However, since the enforce bill on the partial ban on face covering and the nationwide ban on the burka, Muslim women are being more discriminated and harassed in public places out of preventive counter-terrorism policies. As such, the Dutch government has taken the rights of one group of people who want to practice their religion open and freely.

3.3.5 Government Surveillance

In 2016, the Dutch government decided to introduce a new law[12], which would legitimise the sweeping surveillance and interception measures enacted by intelligence and security services and the military intelligence services. This new law will make non-nationals and nationals vulnerable and possible victims of human rights violations, which includes violations of their rights to privacy, freedom of expression and non-discrimination (Intelligence and Security Services Act 20, 2016).

Moreover, as long as it is specifically focused on a case, this law would mean the interception of communication of non-specified groups and individuals. According to Amnesty International, the law has limitation and is unclear, which is risky for improper interpretation of the law (Amnesty International 2016, p. 9) Also, Amnesty International believes that the with the absence of any specific necessity would most likely meddle with private communications (Amnesty International 2016, p. 9).

Furthermore, the law does not protect against abuse and therefore lacks in safety and security of groups and individuals. In addition, the law can be a platform for cooperation with foreign intelligence and security agencies, which might get involved in the information and therefore can, lead to serious human rights violations. Human right organisation Amnesty International shared their concerns and stated the sharing of intelligence with states that engaged in human rights violations can harm the privacy of individuals and groups. Therefore, the law that is drafted doesn't safeguard the protection of human rights in the use of law, which in return will most likely lead to human rights violations by the Dutch government (Amnesty International 2016, p. 9).

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[12] This is a bill containing rules concerning the intelligence and security services and amending certain acts (Intelligence and Security Services Act 20..), 2016/188/NL (Netherlands), 21/04/2016 http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2016&num=188)

CHAPTER IV: PREVENTIVE COUNTER-TERRORISM MEASURES AND NON-DISCRIMINATION

Chapter III presented numerous deficiencies and weaknesses in the counter-terrorism policies and measures used in the Netherlands. This chapter highlights the finding of the previous, which shows the current inconsistency. Also, this chapter provides possible suggestions that might help improve the counter-terrorism policies and measures as well as uplift the position of affected minority groups in the Netherlands.

4.1 CONCLUSION

The current preventive counter-terrorism policies and measures in the Netherlands, presents some serious shortcomings in the field of preventive and non-discrimination counter-terrorism policies and measures, which in return, has a tremendous negative effect on minorities in the Netherlands. The Dutch government and counter-terrorism policy makers do not take the impact of policies into consideration when counter-terrorism policies are put into practices. In addition, since the Dutch government mainly focuses on Islamic terrorism, there is a sense of discrimination when the government tries to tackle terrorism, which has led to more extremism, fear and disunity within the Dutch society.

Also, in the Dutch political and public discourse, non-discrimination concerns are not extensive in relation to preventive counter-terrorism measures. In the Dutch government's evaluation report of 2011, the government concluded, with the comprehensive approach to combating terrorism, that they do not violate the basic human rights standards that were set by the European Convention on Human Rights (European Agency for Fundamental Rights, 2012 Pp. 1-14). However, the European

Court of Human Rights (ECHR) presented a rather different point of view. Concerns with the legislative and administrative counter-terrorism measures used by the Dutch government have been expressed by Council of Europe's report on the Netherlands. The Council stated that the law on terrorism was to widely defined in the Dutch law, which in return, risk far-reaching investigative measure and serious punishments can be used to broadly and indiscriminately (Council of Europe Report CommDH, 2009, Pp.37-40). Moreover, in the same year, similar concerns, on the disturbance order and the relatively indiscriminate use of telephone taps on people from North Africa and Turkish decent without of judicial oversight were expressed by the United Nations Human Rights Committee in their concluding observations on the Netherlands (United Nations Human Rights Committee, 2009, Pp.8-10). However, the Dutch government still does not acknowledge the need for specific evaluation in relation to non-discrimination counter-terrorism measures. But evaluations of preventive security measure such as of the obligatory identification documents (ID) and preventive stop and search clearly suggests otherwise (United Nations Human Rights Committee, 2009, Pp.8-10). Moreover, in 2005, as part of the preventive security measure, the Dutch government went even further by introducing the legal duty to permanently carrying of identification documents, which in return, puts and end to the requirement that a person could be asked to show his or her ID unless suspected of offences in the Netherlands (General Administrative Law Act, 2010).

In addition, According to the Minister of Justice, in order to safeguard against discrimination when using counter-terrorism measures, the law enforcements are required to stick to the reasonable exercise of their duties (The Hague: Research and Documentation Centre (WODC), 2009. Pp.43-44). However, according to research that was conducted by The Hague Research and Documentation Centre concluded that, with the current obligatory carrying of identification documents is relatively ineffective and has led to an increase of discrimination by law enforcements on people from North African, Turkish descent and other minorities in the Netherlands (The Hague: Research and Documentation Centre (WODC), 2009. Pp.43-44). In addition, academic scholars in the field of discrimination have drawn more attention to the liability of prejudice on the counter-terrorism measures, which are used by the Dutch government (Meerschaut, K and de Hert, 2011, Pp. 11-10). Therefore, the obligatory carrying of identification documents has its consequences. Another consequence is that it increases checks on

aliens with the absences of valid documentation or residence permits (IND: National Ombudsman Report, 2007. Pp.1-30). Furthermore, in the early 2000's, the Dutch government passed a law which allowed people to be subjected to a preventive search by police officers within designated 'security risk zone' in the Netherlands, which in theory, the law is clear and understandable. However, according to the National Ombudsman report, in practice the stop and search measure leads to more ethnic profiling and has connotation for the presumption of innocence, the freedom of movement and the peoples right to privacy (IND: National Ombudsman Report, 2007. Pp.1-30). However, within the Dutch government and society the stop and search measure is still enjoyed by the majority and therefore supported by the government. Moreover, the Dutch government drafted a new law that will extend the measures to be used that already exists (Overheid, 2011).

Another key point is the lack of involvement of civil society and minority organisations in the state policy design. Several types of researches conducted by civil society organisations in Amsterdam and Rotterdam have shown that the stop and search method as a preventive counter-terrorism measure are ineffective and discriminating (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012. p.7). Moreover, in the emerging opposition to counter-terrorism and counter-radicalisation measures, Dutch civil society and minority organisations have not been visible stakeholders. This is mainly because they are subsides by the Dutch government and therefore mainly rely on volunteers to work on their projects. Thus, they only focus on local counter-radicalisation efforts. Even though the Dutch government has expressed its interested in the role of civil society in connection to preventive counter-terrorism, there are rather seen as instrumental tools (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012. p. 34). Nevertheless, since radicalism and violent Islamic extremism is understood as integration issues by the Dutch government, the government did launch projects that encourages the integration of minorities participation in the Dutch society with the help of minority organisation and religious and non-religious organisations, yet these organisations are not seriously involved or consulted in the counter-terrorism policy design (Vermeulen & Bovenkerk, 2012, 103). In return, this has resulted in the lack of support of state policies by minorities and caused counterproductive effects (Vermeulen & Bovenkerk, 2012, 103).

In addition, by focusing on the Islamic community as problem holders and by labelling violent Islamic extremism as integration issues, the government have stigmatised the

Muslim minorities in the Netherlands, which has lead to increase of Islamophobia and hatred attacks against minorities (Eijkman, Q., Lettinga, D., & Verbossen, G., 2012. p. 34).

At the moment, many Dutch citizens like many citizens of other European Union Member States are not aware or concerned with the current impact of counter-terrorism policies on minority groups throughout Europe or in the Netherlands. With the increase of security measures, there is a decrease of human rights in the Netherlands and in Europe. The evaluation of the effect of counter-terrorism measures occurs in terms of the effectiveness in preventing terrorist crimes and counter-terrorism. However, future studies should also be focusing on the impact on human rights of minority groups, which may help to develop better and more effective policies and measures in a non-discriminating way.

4.2 SUGGESTIONS FOR FURTHER STUDIES TO IMPROVE THE IMPACT OF COUNTER-TERRORISM ON MINORITY GROUPS

As mentioned earlier, previous findings present the shortcoming of counter-terrorism policies and measures in the Netherlands. However, with the following suggestions and future in-depth studies, the Dutch government may be able to develop effective counter-terrorism policies and measures and contribute to a more unified society, which will uplift the position of minority groups in the Netherlands and reduces systematic discrimination.

As for the first suggestion, In order to improve the impact of counter-terrorism measures performed by law enforcements, the Dutch government should set up a systematic monitoring system to monitor the stop and search operations done by law enforcements. It is crucial that the Dutch government evaluates how often the stop and search operation is performed and under which criteria. With this monitored evaluation, the government will be able to calculate the impact on minorities and most likely improve

the stop and search method. Once the evaluation is done, the Dutch government should provide clear instruction and guidance to law enforcements on how exactly to use the stop and search measure and under which reason and legal ground the stop and search method can be used.

Secondly, the Dutch government should bring the drafted Intelligence and Security Services Law in line with the international human rights standards. Also, clearly clarifying that the interception of communication is based on the authorisation by an independent judicial authority and only possible on reasonable suspicion of wrongdoing of individuals. Furthermore, in order to secure the safety of intelligence sharing with foreign agencies, the Dutch government should draft a law on intelligence sharing to provide a clear systematic framework, which prevents sharing of information that could result in human rights violations and indiscriminate mass surveillance.

The third suggestion is that the Dutch Ministry of Education should establish human rights education based on the European Union's fundamental rights for EU citizens and residents within the Dutch school system. By making it obligatory for Dutch students and embedded in their core school curriculum. Also, since there are many migrants that are held in camps/detention centres in the Netherlands, free online course by video on human rights should be provided in order to educate them on their human rights in the Netherlands and other EU member states. The importance of providing videos and not a textbook is because not everyone can read or write making it by video more accessible for those who are less educated. Moreover, teachers who received the human rights teaching course can facilitate these online courses. As for last, free human rights course should be accessible for non-students at open universities. In order to realise this, the government needs to start organising training courses for current and new teachers. The importance of this suggestion is that human rights should be a common knowledge within the Dutch society in order to accept each other's differences, which helps to build a more open and healthier society and as goal closes the 'US' and 'THEM' gap.

As for the fourth and final suggestion, in order to minimize the gap between the Islamic community and the Dutch government, the Dutch government needs to establish a focal point within the Ministry of home-affairs or other suitable government departments that can be contacted on the basis of human rights violations of the Islamic community within the Netherlands. The focal point needs to compile a report at the end of each

month in order to highlight the cases of human rights violations done by law enforcements officers at various sectors. Following the Dutch government has to act on the improvement of those cases by re-evaluating the policies that are connected to the cases. The importance is that this group has experience and faced more human rights violations through counter-terrorism measures and feel alienated by the Dutch government. Another option is providing Islamic organisation within the Netherlands with tools, like a budget, computers etc. in order to establish a government focal point to monitor human violations of minority groups in the Netherlands.

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APPENDIX 1 ETHIC BOARD WAIVER FORM

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
ETHICS BOARD WAIVER FORM FOR THESIS WORK

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
Peace Studies.................. **TO THE DEPARTMENT PRESIDENCY**

Date: 21/06/2017

Thesis Title / Topic: ...The Implications of the Dutch Counter-Terrorism Policies on Minority Groups
....

My thesis work related to the title/topic above:

1. Does not perform experimentation on animals or people.
2. Does not necessitate the use of biological material (blood, urine, biological fluids and samples, etc.).
3. Does not involve any interference of the body's integrity.
4. Is not based on observational and descriptive research (survey, measures/scales, data scanning, system-model development).

I declare, I have carefully read Hacettepe University's Ethics Regulations and the Commission's Guidelines, and in order to proceed with my thesis according to these regulations I do not have to get permission from the Ethics Board for anything; in any infringement of the regulations I accept all legal responsibility and I declare that all the information I have provided is true.

I respectfully submit this for approval.

Date and Signature

Name Surname:	Ahmed Mohamed Ibrahim-Mohamed	21-06.2017
Student No:	N14224853	
Department:	Peace Studies	A.M.ᵢ
Program:	Peace and Conflict Studies	
Status:	[X] Masters [ ] Ph.D. [ ] Integrated Ph.D.	

ADVISER COMMENTS AND APPROVAL

approved

(Prof.Dr. Mahmut Arslan)

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HACETTEPE ÜNİVERSİTESİ
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Barış Çalışmaları.... ANABİLİM DALI BAŞKANLIĞI'NA

Tarih: 21/06/2017

Tez Başlığı / Konusu: ....Hollanda Karşı Terörizm Politikalarının Azınlık Grupları Üzerinde Uygulanması
....

Yukarıda başlığı/konusu gösterilen tez çalışmam:

1. İnsan ve hayvan üzerinde deney niteliği taşımamaktadır,
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3. Beden bütünlüğüne müdahale içermemektedir.
4. Gözlemsel ve betimsel araştırma (anket, ölçek/skala çalışmaları, dosya taramaları, veri kaynakları taraması, sistem-model geliştirme çalışmaları) niteliğinde değildir.

Hacettepe Üniversitesi Etik Kurullar ve Komisyonlarının Yönergelerini inceledim ve bunlara göre tez çalışmamın yürütülebilmesi için herhangi bir Etik Kuruldan izin alınmasına gerek olmadığını; aksi durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.

		Tarih ve İmza
Adı Soyadı:	Ahmed Mohamed Ibrahim-Mohamed	21.06.2017
Öğrenci No:	N14224853	
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Programı:	Barış ve Çatışma Çalışmaları	
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DANIŞMAN GÖRÜŞÜ VE ONAYI

Uygundur

(Prof.Dr. Mahmut Arslan)

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APPENDIX 2 THESIS/DISSERTATION ORGINALITY REPORT

HACETTEPE UNIVERSITY
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THESIS/DISSERTATION ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
TO THE DEPARTMENT OF ...... Peace Studies ....

Date: 21/06/2017

Thesis Title / Topic: ...... The Implications of Dutch Counter-Terrorism ...... Policies on Minority Groups ......

According to the originality report obtained by myself/my thesis advisor by using the Turnitin plagiarism detection software and by applying the filtering options stated below on 05/05/2017 for the total of 86 pages including the a) Title Page, b) Introduction, c) Main Chapters, and d) Conclusion sections of my thesis entitled as above, the similarity index of my thesis is 22 %.

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I respectfully submit this for approval.

Date and Signature

Name Surname: Ahmed Mohamoud Ibrahim - Mohamed 21/06/2017
Student No: N14224855
Department: Peace Studies
Program: Peace and Conflict Studies
Status: ☒ Masters ☐ Ph.D. ☐ Integrated Ph.D.

A.M.i

ADVISOR APPROVAL

APPROVED.
Prof. Dr. Meghmut Arslan

(Title, Name Surname, Signature)

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.... *Peace Studies* .... ANABİLİM DALI BAŞKANLIĞI'NA

Tarih: *21/06/2017*

Tez Başlığı / Konusu: *The Implications of Dutch Counter-Terrorism Policies on Minority groups*

Yukarıda başlığı/konusu gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam *16* sayfalık kısmına ilişkin, *05/05/2017* tarihinde şahsım/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda belirtilen filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı %*22*.'tür.

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Gereğini saygılarımla arz ederim.

Tarih ve İmza

Adı Soyadı: *Ahmed Mohamoud Ibrahim-Mohamed* *21/06/2017*
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DANIŞMAN ONAYI

UYGUNDUR.

Prof. Dr. Mahmut Arslan

(Unvan, Ad Soyad, İmza)