

Report by the Committee for the Intelligence and Security Services (CIVD) on its activities in 2018

REPORT

Adopted on 4 April 2019

The Committee for the Intelligence and Security Services has the honour of publishing a report on its activities in 2018.

Chair of the Committee,

Dijkhoff

Clerk of the Committee,

Van der Leeden

1. Introduction

The annual report first describes the task and basis of the Committee for the Intelligence and Security Services (hereinafter the Committee) and gives a brief explanation of the various meetings and types of meetings held by the Committee and the Committee's activities, and the documents it deals with. Subsequently, the composition and support of the Committee are discussed, as well as the frequency and attendance of meetings in 2018. Finally, a concise chronological overview is provided of the topics and documents, including policy documents, received and discussed by the Committee in 2018.

Partly in view of the state secret nature of the information shared, the annual report cannot be regarded as an exhaustive summary of the topics discussed by the Committee.

2. Task and basis of Committee

Article 22 of the Rules of Procedure of the House of Representatives determines that there shall be a Committee for the Intelligence and Security Services (hereinafter the Committee). The Committee is charged with parliamentary scrutiny of the operational activities of the General Intelligence and Security Service (hereinafter the AIVD) and the Military Intelligence and Security Service (hereinafter the MIVD). This means that the Committee in principle only deals with state secret information. The basis for providing the Committee with state secret information confidentially is laid down in Article 68 of the Dutch Constitution, which governs the duty to provide information to both the Senate and the House of Representatives. Further, the Intelligence and Security Services Act 2017 (hereinafter the ISS Act 2017), and until 1 May 2018 the Intelligence and Security Services Act 2002 (hereinafter the ISS Act 2002), also provide for the possibility of providing the Senate and the House of Representatives with confidential information.¹

The ISS Act 2017 introduced a new provision concerning the processing of reports of suspected misconduct at the AIVD or MIVD by the complaints handling department of the Review Committee on the Intelligence and Security Services (hereinafter the CTIVD). Pursuant to Article 131(8) of the ISS Act 2017, state secret data from rulings concerning a report and a minister's response to it may be confidentially shared with the Senate or the House of Representatives. In practice, this means that the Committee ought to be informed about this.² However, this has not thus far occurred since the introduction of the ISS Act 2017.

3. Meetings and activities of the Committee

On average, the Committee meets at least once a month for meetings, talks and working visits.

Regular meetings

During the regular meetings, documents and policy documents are discussed from the Minister of the Interior and Kingdom Relations, the Minister of Defence and the Minister of Justice and Security concerning the AIVD, the MIVD and the National Coordinator for Security and Counterterrorism (hereinafter the NCTV). In addition, classified documents from the CTIVD, the Netherlands Court of Audit and – since its foundation within the context of the ISS Act 2017 – of the Review Board for the Use of Powers (hereinafter the TIB)³ are discussed as well as the responses from the ministers concerned. Finally, the Committee is informed orally or in writing about current events, and presentations are given on specific topics or countries, often at the request of the Committee.

These meetings are generally attended by the ministers concerned (Interior and Kingdom Relations, Defence, and Security and Justice), possibly accompanied by the Secretary-General of the

¹ See Articles 12 and 113 of the ISS Act 2017, and Articles 8 and 79 of the ISS Act 2002 respectively.

² *Parliamentary document* 34 588, no. 3, p. 186 (MvT – explanatory memorandum).

³ The TIB is an independent committee that investigates in advance the lawfulness of deployment of certain investigatory powers by the AIVD and MIVD. See www.tib-ivd.nl.

department concerned, the Director-General or deputy Director-General of the AIVD (together with no more than one AIVD staff member), the Director or Deputy Director of the MIVD (also accompanied by no more than one MIVD staff member) and the representative or deputy for the NCTV.

Additional meetings

Additional meetings are planned on an ad hoc basis with the minister or ministers concerned, for example, due to a specific event.

Meetings behind closed doors

These meetings only involve the committee members, and are generally decision-making in nature. For instance, decisions are taken on the Committee's annual plan and annual report, on its working procedure and possible expansion, and on specific topics dealt with in the regular meetings. In addition, the Committee takes decisions on letters of complaint from third parties and requests to consult the Committee's archives, and on the hosting of delegations from abroad.

Talks

Apart from meetings with ministers, the Committee holds talks with the CTIVD, the Netherlands Court of Audit and the TIB. Topics of discussion include the secret appendices to CTIVD review reports, classified reports from the Netherlands Court of Audit and classified letters from the TIB.

Working visits

The Committee aims to pay working visits to the AIVD, MIVD and/or the NCTV twice a year.

Apart from the committee members, all meetings and activities are attended by the clerk and the advisor of the Committee.⁴ Reports are drawn up of the meetings and talks, which are then adopted by the Committee in the next meeting. These reports are classified as state secret.

4. Committee meeting documents

This section provides an overview of the various documents, including policy documents, discussed by the Committee.

4.1 AIVD/MIVD budget and accountability information

In the 4 December 2014 report entitled *Naar een sterker functionerende CIVD* (Towards a more efficient and effective CIVD) the Committee was advised to request the ministers to henceforth put aspects of the budgets and financial accountability, including secret aspects, of the AIVD and the MIVD on the Committee's agenda.⁵ Such information was not being put on the agenda anywhere at the time, although progress reports and annual reports of the AIVD and MIVD were discussed. Since 2015 the annual plans of the AIVD and MIVD have also been discussed by the Committee, as well as the *Geïntegreerde Aanwijzing* (Integrated Intelligence and Security Order) (see below for more details).

Between 2016 and 2018 the Committee met with the Minister of the Interior and Kingdom Relations and the Minister of Defence on several occasions to discuss what the Committee needed in order to exercise its right to approve and amend budgetary policy, and at what points in time this information should be available to it. The Netherlands Court of Audit advised the Committee on this process on various occasions. The various consultations resulted in a further tightening of control of the budget

⁴ See also section 3.

⁵This report is not available for perusal on account of its confidential nature. However, the Committee for the Intelligence and Security Services did inform the Standing Committee on the Interior and the Standing Committee for Defence on 10 December 2015 by letter about the results of the investigation. This letter can be found at www.tweedekamer.nl under document number 2015D49861.

and accountability information from the AIVD and the MIVD, and in agreement on the following budget and accountability cycle with the ministers:



Please find below a brief explanation of the documents discussed by the Committee in relation to the budget and accountability cycle.

Integrated Intelligence and Security Order

The Integrated Intelligence and Security Order describes the need for intelligence of various parties and is jointly established by the prime minister, the Minister of the Interior and Kingdom Relations and the Minister of Defence in consultation with the Minister of Justice and Security and the Minister of Foreign Affairs. The Integrated Intelligence and Security Order comprises a public section, which is published in the Official Gazette of the Kingdom of the Netherlands, and a confidential section. The confidential section is discussed by the Committee, and contains the research objectives for the coming four years as well as the division of tasks between the AIVD and the MIVD.

Annual plans

The Minister of the Interior and Kingdom Relations and the Minister of Defence work out the Integrated Intelligence and Security Order in the annual plans (investigation plans) for the AIVD and the MIVD respectively. Due to their content, the annual plans are state secret but are published in general terms and offered to the House of Representatives (more specifically to the standing committees on Interior Affairs and Defence). The confidential annual plans are shared in full with the Committee.

Progress reports

The AIVD and the MIVD provide a progress report twice a year. In these progress reports, which are classified as state secret, the AIVD and the MIVD are accountable for the progress of their operational activities, as established in the annual plans, for the period concerned.

Budget letters

In 2018 it was agreed with the Minister of the Interior and Kingdom Relations and the Minister of Defence that the Committee would be informed about the aspects of the budgets classified as secret when the budgets of the ministry of the Interior and Kingdom Relations and the ministry of Defence are sent in September to the House of Representatives. These letters inform the Committee in

general terms about the budget breakdown for the various sections of the AIVD and the MIVD and also focus on trends that will be of relevance to national security in the coming year. For each service, the letters include an appendix with graphs illustrating the relevant figures.

Annual reports

Before 1 May of each year, the AIVD and the MIVD simultaneously provide the Senate and the House of Representatives with a public report on the manner in which they have performed their tasks in the previous year. These reports contain a full overview of at least the following matters in accordance with the ISS Act 2017:

- Areas of focus for the service's activities over the past year;
- Areas of focus for the service's activities in the current year.

The public version of the annual report does not mention details that afford insight into:

- The means deployed by the service in concrete matters;
- Secret sources used by the service;
- The service's current knowledge level.

The ministers can provide such details confidentially to the Dutch Senate and/or the House of Representatives. In practice, this means that the AIVD and the MIVD provide the Committee with an annual report which is classified as secret.

4.2 Other meeting documents

Terrorist Threat Assessment Netherlands

The Committee also examines the Terrorist Threat Assessment Netherlands (*Dreigingsbeeld Terrorisme Nederland*, DTN). The Terrorist Threat Assessment Netherlands is based on information from the AIVD and the MIVD among other sources, and is published by the National Coordinator for Security and Counterterrorism (NCTV) two or three times a year. A summary of the Terrorist Threat Assessment Netherlands is made public, but the Assessment itself is classified as state secret and is discussed by the Committee.

The Cyber Security Assessment Netherlands

The Cyber Security Assessment Netherlands (CSBN) is an annual publication by the NCTV which affords insight into developments, interests, threats and resilience relating to cyber security. It is produced in collaboration with public parties such as the AIVD and the MIVD and also private parties. Since 2018 there is also a classified version of the Cyber Security Assessment Netherlands, which is examined by the Committee.

Letters on current affairs

The Committee receives a letter on current affairs (*actualiteitenbrief*) from the Minister of the Interior and Kingdom Relations and the Minister of Defence ahead of all regular meetings. With this letter, the MIVD and the AIVD inform the Committee about current events and developments.

Letters from ministers containing supplementary information

The Committee can request the ministers responsible to provide supplementary information on specific topics. Such information is sometimes presented verbally, but is often shared with the Committee by means of a letter. Promises outstanding to the Committee are sometimes also dealt with by letter from the minister concerned. All letters from the ministers to the Committee are put on the agenda.

Review reports from the CTIVD

CTIVD review reports sometimes include classified appendices. Such appendices are always offered to the Committee by the minister concerned and are discussed at two times:

- The CTIVD gives an explanation of the report during a discussion, and answers any questions the Committee may have. The ministers are absent during this discussion.

- The report, the accompanying classified appendix, and the minister's response are discussed at a regular Committee meeting, at which the minister concerned may be questioned by the Committee. The CTIVD is not present at this meeting.

Classified letters from the TIB

In 2018, the TIB sent a progress letter to the House of Representatives. The figures mentioned in the letter were assessed by the Minister of the Interior and Kingdom Relations and the Minister of Defence as state secret, and were therefore blanked out in the public version of the letter. The classified version was discussed by the Committee. It is expected that letters from the TIB which are classified as state secret will be discussed more frequently by the Committee in the future. As in the case of confidential appendices to the CTIVD review reports, the documents are always first discussed in a meeting with the TIB and subsequently in a meeting with the ministers concerned.

Classified reports from the Netherlands Court of Audit

The Committee also examines documents from the Netherlands Court of Audit, for instance classified letters accompanying the results of accountability audits, or secret appendices to reports (such as the 2015 report entitled *Bezuinigingen en intensiveringen bij de AIVD* (Budget cuts and intensification at the General Intelligence and Security Service of the Netherlands (AIVD)⁶). Documents from the Netherlands Court of Audit too are always first discussed in a meeting with the Netherlands Court of Audit before being discussed with the ministers concerned.

Letters from third parties

Finally, each year the Committee receives several letters from citizens and institutions containing questions, complaints or comments concerning the AIVD and the MIVD. It is decided during the meetings what action is to be taken regarding these letters.

5. Composition and support of the Committee

Pursuant to Article 22(2), second sentence of the Rules of Procedure of the House of Representatives, the Committee consisted until 2 April 2018 of the chairs of the five largest parliamentary groups: Dijkhoff (VVD), chair of the committee, Wilders (PVV), Pechtold (D66), Van Haersma Buma (CDA) and Klaver (GroenLinks).

in accordance with Article 22(2), third sentence of the Rules of Procedure, the Committee decided to take on one more member – the chair of an opposition parliamentary group – in order to achieve a balance in the Committee between the coalition and the opposition. To this end, the Committee approached chairs of opposition groups in order of parliamentary group size. Because the chair of the SP⁷ was not willing to take a seat on the Committee, the Committee decided to put forward Mr Asscher of the PvdA party⁸ as its sixth member.⁹ The Committee regrets that the SP chair declined membership of the Committee.

On 3 April 2018 the House of Representatives agreed to the nomination of Mr Asscher as the sixth committee member.¹⁰ On 8 October 2018 Mr Jetten succeeded Mr Pechtold as chair of the parliamentary group D66.

The Committee is supported by a clerk, an advisor and an assistant. The clerk and the advisor jointly take care of matters such as preparing and planning meetings, drawing up annotations, recommendations and meeting reports as well as maintaining official contacts with the AIVD, the MIVD, the ministries, the CTIVD, the Netherlands Court of Audit and the TIB. The clerk focuses mainly on the process while the advisor concentrates on content. The responsibilities of the assistant

⁶ *Parliamentary document* 30 977, no. 114 (appendix).

⁷ In 2018, the SP had 14 seats in the House of Representatives.

⁸ The PvdA had 9 seats in the House of Representatives in 2018.

⁹ *Parliamentary document* 34 920 no. 1

¹⁰ *Acts II 2017/18*, no. 68, item 23.

to the Committee include receiving, registering and sending documents, including postal documents, and archiving them, scheduling meetings and inviting ministers and Committee members for the various activities of the Committee. All three members of staff have been screened by the AIVD and are in possession of a Certificate of No Objection (*Verklaring van Geen Bezwaar*, VGB).

Since December 2018 the Committee has also been supported by the Analysis and Research Department (*Dienst Analyse en Onderzoek*, DAO) of the House of Representatives. Since then, for the purposes of every regular meeting, two information specialists have delivered an overview of news reports concerning intelligence and security services in the Netherlands and abroad. The information specialists concerned do not have a Certificate of No Objection and are therefore not privy to the topics discussed by the Committee (other than what is subsequently stated in the annual reports). They draw up the overviews purely on the basis of open sources.

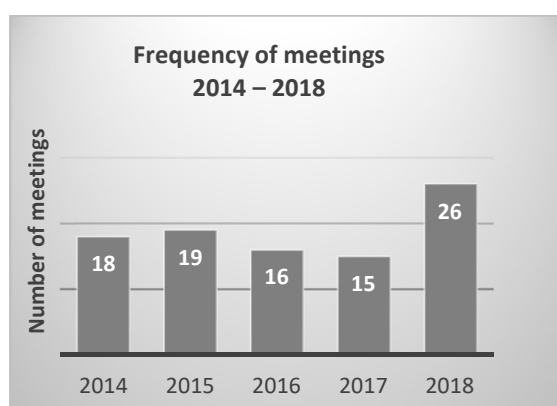
6. Frequency and attendance of meetings

In 2018, the Committee held a total of 26 meetings:

Number of meetings in 2018	
Regular meetings	12
Additional meetings (scheduled following a specific event, for example)	4
Talks with the Netherlands Court of Audit	1
Talks with the CTIVD	3
Talks with the TIB	1
Meetings behind closed doors (only attended by Committee members)	5
Total for 2018	26

The frequency is therefore considerably higher than in 2017, when the Committee met 15 times (see graph 1). There are various explanations for this, the main one being that the meetings behind closed doors were not always counted separately until 2017. It was decided to do so henceforth, in view of the fact that such meetings have been accorded an increasingly significant role in the Committee's functioning in recent years.

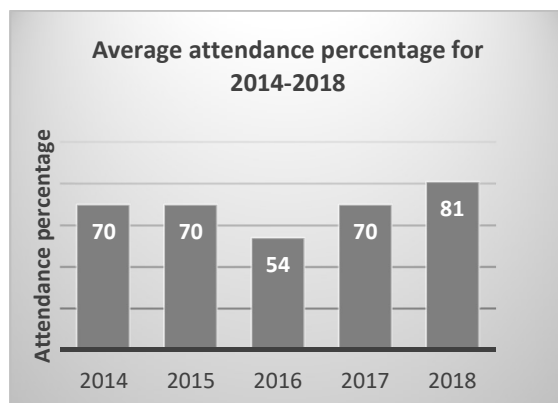
In addition, unlike in 2018, the Committee did not engage in any consultations in 2017 with the CTIVD or the TIB (which was not founded until May 2018), and fewer additional meetings were held (two in 2017 as opposed to four in 2018).



Graph 1

Supplementary to the above meetings, the Committee paid one working visit in 2018.

The average attendance and also frequency of the meetings was considerably higher in 2018 than in previous years. Attendance was 70% in 2017 and 81% in 2018 (see *graph 2*).¹¹



Graph 2

7. Chronological overview of topics and documents, including policy documents, discussed by the Committee

18 January 2018

On 18 January 2018, the Committee met twice: for the purpose of a regular meeting with the Minister of the Interior and Kingdom Relations and the Minister of Defence, and behind closed doors (only attended by Committee members).

During the regular meeting, further to previous meetings on the same subject, discussions took place with the Minister of the Interior and Kingdom Relations and the Minister of Defence about the Committee's needs in order to properly exercise its right to approve and amend budgetary policy. In a letter to the two ministers the Committee formulated a number of points of departure: What information does the Committee need? When does the Committee need the information? With regard to this last point, the Committee indicated at the meeting that it found it particularly important that the secret parts of the budgets of the AIVD and the MIVD should be discussed by the Committee in good time, i.e. before voting takes place on the public budgets of the ministries in early or mid-December. In the meeting of 18 January 2018, the Committee and the ministers did not reach agreement on all the points. It was decided to schedule the subject for a later time.

Based on the letter on current issues from the AIVD, talks included such topics as the relationship between two specific countries, the developments in Venezuela and the possible transfer of Dutch nationals from ISIS in Syria and Iraq to ISIS in Somalia.

Based on a previous promise, the AIVD gave an extensive presentation on an investigation carried out jointly by the AIVD and the MIVD into a certain country. The presentation covered topics such as the intelligence position of the AIVD and the MIVD in the investigation and developments concerning terrorism in that location.

Finally, the Committee enquired into a kidnapping incident.

¹¹With regard to 2017, the 70% refers to the average for the year as a whole. In 2017 the composition of the Committee was changed from ten to five members as from the end of March. Up to and including March, the average attendance was 66%, and 71% from April to December.

The percentage of 81% is also the average for 2018 as a whole. At the beginning of April 2018, the composition of the Committee was changed from five to six members. Average attendance was 81% both up to and including March and in the period from April to December.

On 18 January, the Committee met behind closed doors to discuss a case it had discussed previously. On Friday 24 November 2017 the *Volkskrant* newspaper reported that a Syrian ISIS fighter had been recognised during a performance at the debating centre De Balie in Amsterdam on 14 September 2017.¹² This was also reported in a broadcast of *Nieuwsuur* (a Dutch current affairs television programme.)¹³ As a result of these reports, the Committee was informed about this case on request in late 2017 by the Minister of the Interior and Kingdom Relations and the Minister of Justice and Security. Committee members posed around 40 questions in writing, and various discussions took place on the subject with the two aforementioned ministers. Taking all considerations into account, the Committee decided on 18 January 2018, behind closed doors, to request the CTIVD to conduct an investigation into the facts of this case (hereinafter De Balie case). At this meeting, the Committee discussed possible questions for the investigation.

Various internal matters were also discussed, including the way in which meetings are reported on.

22 February 2018

On 22 February 2018 the Committee also met twice: once for a regular meeting with the Minister of the Interior and Kingdom Relations, the Minister of Defence and the Minister of Justice and Security, and once behind closed doors.

The regular meeting was devoted to the case of Marco Kroon. This meeting was occasioned by statements by Mr Kroon in the media concerning his involvement in a violent incident during a secret military operation in Afghanistan in 2007.¹⁴ At the Committee's request, the Minister of Defence sent the Committee a letter on this matter on 14 February 2018. The letter was discussed at the meeting.

Based on the MIVD letter on current affairs, various subjects were discussed, including the situation in Syria and combating ISIS.

In addition, a letter from the Minister of the Interior and Kingdom Relations was discussed in detail following reports in the *De Volkskrant* newspaper and a *Nieuwsuur* broadcast about hacking activities by the AIVD against the Russian Federation.¹⁵

Regarding the letter on current affairs from the AIVD, the Committee discussed glorification of the violence in Syria during a sermon in a mosque in the Dutch town of Hoorn.¹⁶

The AIVD then gave a presentation on the intelligence assessment regarding a certain country, and following a number of promises, the foundation of a Sharia court in Mali was discussed as well as a specific country that the AIVD is investigating.

On that day, the Committee also met behind closed doors to discuss extension of the Committee by one member to achieve a balance between coalition and opposition. As mentioned in section 5, the Committee decided to ask the House to agree to the nomination of Mr Asscher of the PvdA party as sixth member of the Committee because the chair of the SP parliamentary group was not prepared to take a seat on the Committee.

¹² H. Modderkolk, «Uit het kalifaat gevlucht naar ... Amsterdam» (H. Modderkolk, ""He fled from the caliphate to... Amsterdam"), *De Volkskrant* newspaper, 24 November 2017.

¹³ «Nieuwsuur» (*Syrische IS-strijder verblijft op valse papieren in Nederland* (Syrian IS fighter stays in the Netherlands using fake documents), NPO, 24 November 2017.

¹⁴ See A. Meesterburrie, '*Marco Kroon zegt man te hebben gedood die hem gevangen hield*' (Marco Kroon says he killed man who had held him hostage), *NRC* newspaper, 8 February 2018.

¹⁵ «Nieuwsuur» (*Hackteam AIVD gaf FBI cruciale info over Russische inmenging verkiezingen* – AIVD provided FBI with crucial information on Russian interference with elections), NPO, 25 January 2018, and (among others) H. Modderkolk, '*Zo kwam het verhaal over het cruciale werk van de AIVD in het onderzoek naar Russische beïnvloeding van de Amerikaanse verkiezingen tot stand*' – how the story about the AIVD's crucial work in the investigation into Russian interference in the US elections came about, *De Volkskrant*, 25 January 2018.

¹⁶ S. Schoonhoven, «'Jihadpreek' (jihadist sermon) in Hoorn», *De Telegraaf* newspaper, 17 February 2018.

5 April 2018

The meeting of 5 April, which was attended by the ministers of the Interior and Kingdom Relations, Defence and Justice and Security, began by addressing the subject of Syrian asylum permit holders returning to the Netherlands. This was followed by an extensive examination of the secret part of the Terrorist Threat Assessment Netherlands no. 47. In this context, developments were discussed concerning the funding of terrorism in the Netherlands, the position of ISIS in Libya, the radicalisation of networks of relatives and friends of ISIS fighters, the media reports on involvement in charting political opponents of the Turkish government, the potential for violence of right and left-wing radical groups and the relationship between terrorism and crime.

Two review reports by the CTIVD were then examined: one about the investigation into the legitimacy of acquiring datasets with large volumes of personal data by the AIVD and the MIVD, and one about the communication interception statistics of the two services.¹⁷

Finally the Committee was informed during this meeting by the Minister of the Interior and Kingdom Relations about indications from the AIVD of the involvement of Iran in the 2017 murder of Ahmad Nissi (hereinafter Iran case). In this context, the 2015 murder of Ali Motamed was also discussed. The Committee asked whether the information from the AIVD could be made public.¹⁸ It was decided to schedule an additional meeting to discuss this case further.

Due to lack of time, the letters on current affairs from the AIVD and the MIVD were postponed to the meeting of 17 April 2018.

17 April 2018

In the meeting of 17 April with the ministers of the Interior and Kingdom Relations, Defence and Justice and Security the first topic of discussion was the letter on current affairs from the MIVD. In this context, the Committee posed questions about the increasing influence of the Russian Federation in Afghanistan, the case of two Afghans living in the Netherlands in relation to a broadcast by *Nieuwsuur*¹⁹, and the state of affairs in the case of Marco Kroon.

In response to the letter on current affairs from the AIVD, the Committee then raised the following topics for discussion: jihadists in the Netherlands under investigation by the AIVD, the new branch of Al Qaeda (Tanzim Hurrasal-Din), the AIVD's intelligence position regarding Al Qaeda, the question of ISIS members travelling to and within Europe on falsified Syrian and European documents, secret influencing by the Russian Federation and the attribution of cyber attacks.

The meeting also focused intensively on the Iran case put forward in the previous meeting by the AIVD. At the Committee's request, the Minister of the Interior and Kingdom Relations promised to provide a letter with extensive factual statements on this case.

Finally, the Committee was verbally informed by the MIVD about the four GRU intelligence officers who carried out activities in the Netherlands with the purpose of infiltrating OPCW networks. The Minister of Defence pledged to return at a later date to the Committee's question of whether this information could be made public.²⁰

¹⁷ *Parliamentary document* 34 588, no. 52 (appendix), *Parliamentary document* 29 924, no. 155 (appendix).

¹⁸ This information was made public on 8 January 2019. The Minister of the Interior and Kingdom Relations and the Minister of Foreign Affairs informed the House of Representatives by letter as follows: *Parliamentary document* 35 000 V, no. 56.

¹⁹ «Nieuwsuur» broadcast (*Wij vrezen voor ons leven na uitspraken Marco Kroon – We fear for our lives after statements by Marco Kroon*), NPO, 15 April 2018.

²⁰ This information was finally made public on 4 October 2018 through a press conference by the Minister of Defence, the Director of the MIVD and the ambassador of the United Kingdom. See also the letter from the Defence Minister of 4 October 2018 to the House of Representatives: *Parliamentary document* 33 694, no. 21.a

31 May 2018

On 31 May 2018 the Committee met twice: once for a discussion with the CTIVD and once for a regular meeting.

The discussion with the CTIVD focused on review reports by the CTIVD about the deployment of hacking powers by the AIVD and the MIVD in 2015, and about the investigation into the legitimacy of multilateral data exchange by the AIVD regarding jihadists or suspected jihadists.²¹

The regular meetings were attended by the Minister of the Interior and Kingdom Relations and the Minister of Defence. First of all, the above-mentioned CTIVD review reports were discussed. The Committee asked several questions, particularly with regard to the legal framework of the CTG (Counter Terrorism Group) partnership.

In addition, attention was paid to the right to approve and amend budgetary policy of the House regarding the budgets of the AIVD and the MIVD. It was agreed with the ministers that the Committee would henceforth be informed in writing on the division of the budget between the various sections of the AIVD and the MIVD at the same time as the budgets of the Ministries of the Interior and Kingdom Relations and Defence are sent to the House in September. This letter focuses on trends relevant to national security, and relevant figures are illustrated with graphs.

Regarding the letter on current affairs from the AIVD, the Committee raised subjects including the following: the expertise of ISIS regarding simple chemical and biological weapons, the right-wing extremist anti-terror brigade (ATB) Special Forces, the stabbing incident in The Hague on 5 May 2018, individuals travelling from the Netherlands to the warzone of Syria/Iraq and women in Kurdish refugee camps.

Based on the letter on current affairs from the MIVD it was discussed what logistical footholds and foreign ports are being eyed by a specific country, and military deployment in areas where ISIS is still active.

The Committee was then briefed by the AIVD and the MIVD on the counterterrorism investigation into ISIS and Al Qaeda.

During this meeting, the AIVD also provided further information on the Iran case previously discussed by the Committee. The Committee was assured that it would be further informed about the case through a timeline.

Finally, the Committee was further informed by the MIVD about the state of affairs and developments regarding the case of the four GRU intelligence officers.

27 June 2018

On 27 June 2018 the Committee spoke with the Minister of Defence about the first progress report and the 2017 annual report of the MIVD as well as the MIVD current affairs letter. Regarding the first progress report, discussions covered expansion of the data reduction system regarding the responsibility for dealing carefully with data, IT backlogs, the intelligence position regarding the Russian Federation, availability of Humint capacity in the Netherlands and abroad, and the case of the four GRU intelligence officers.

With regard to the MIVD annual report the Committee discussed the use of capacity regarding

²¹ *Parliamentary document* 29 924, no. 149 (appendix) and *Parliamentary document* 29 924, no. 161 (appendix).

counter-terrorism, the nuclear deal (JCPOA) and the nuclear capacity of Iran, as well as the size and growth of the MIVD.

Based on the letter on current affairs of the MIVD, the Committee posed questions about the investigation into two specific countries.

28 June 2018

The Committee met twice on 28 June: once to speak with the Netherlands Court of Audit and once for a regular meeting.

The discussion with the Netherlands Court of Audit covered the Court's report with the results of the accountability audit regarding the 2017 AIVD annual report. In the report, the Netherlands Court of Audit answered the following questions: Was the money collected and spent in accordance with the rules? Were matters dealt with properly? Did the policy have the desired effects?

In the regular meeting, the Committee spoke with the Minister of the Interior and Kingdom Relations and the Minister of Justice and Security. First of all, the Netherlands Court of Audit accountability audit was discussed, and the Minister of the Interior's response to it. Matters dealt with included the Netherlands Court of Audit's observation that there was room for improvement in the relationship between policy objectives, performance and financial means. In this context, the Minister of the Interior and Kingdom Relations promised that the cohesion between the documents would be improved, and that henceforth the budget letter would be sent to the Committee in late September and the AIVD annual plan at year end 2018.

Subsequently the first AIVD progress report (covering the period from January to April) was discussed in detail. In this context, the Committee raised the following topics: the threat of the influence of salafism (on education, for instance), the AIVD's information position regarding salafism in the Netherlands, the risk to Dutch economic interests of espionage by China, secret political influence and attempts at it by state actors, the reorientation of the jihadist movement in the Netherlands, the willingness to use violence of right-wing extremists and cyber attacks by the Russian Federation.

Regarding the letter on current affairs from the AIVD, the Committee posed questions about the arrest of three persons on 17 June 2018 in Rotterdam in the De Balie case and the publishing of fake profiles on LinkedIn by China. The above-mentioned Iran case was also further discussed.

5 July 2018

On 5 July 2018 the Committee met three times: for talks with the CTIVD, for the regular meeting and for a meeting behind closed doors.

The Committee discussed the investigation into the facts of the case that the CTIVD had conducted at the Committee's request into the De Balie case.

In the regular meeting with the Minister of the Interior and Kingdom Relations and the Minister of Justice and Security, the CTIVD review report was discussed in more detail. The members of the Committee asked the ministers about the provision of information to the Committee in this case.

The Committee also held a meeting behind closed doors on 5 July. The Committee's draft 2017 annual report was discussed, as was the previously discussed Iran case.

13 September 2018

In the regular meeting of 13 September the classified version of the CSBN 2018 was discussed with

the Minister of the Interior and Kingdom Relations and the Minister of Defence (the Minister for Justice and Security could not attend). This was the first time that this document was discussed by the Committee; in previous years, the CSBN did not have a classified version. Extensive discussions took place on the threat posed by specific countries, and the question was posed as to whether some of the information shared with the Committee should perhaps also be addressed publicly at some point. The Ministers of the Interior and Kingdom Relations and Defence said they also aimed at publication ultimately, but that certain steps had to be taken first.

In response to the MIVD's letter on current affairs, questions were asked regarding developments in Syria, Afghanistan, North Korea and Iran. The military exercise by the Russian Federation – VOSTOK 2018 - were then addressed, as well as the participation of Chinese units in this exercise.

The MIVD also provided an update on the case of the four GRU intelligence officers that the Committee had been informed about in April and May. The Committee was informed about the intention of the Netherlands, in consultation with British and the US, to communicate publicly about this operation.

Following a promise made previously by the Defence Minister, the Committee was informed by means of an infographic of the consequences of the 2018 Defence White Paper for the budget for the MIVD.

Finally, a detailed presentation was given on a case that has been repeatedly discussed by the Committee for a number of years.

The Committee discussed behind closed doors the request from a foreign delegation of members of parliament to talk with the Committee. It was decided not to host the delegation, but to pass on the request to the standing committee for the Interior and Defence.

2 October 2018

The Committee convened several times in October 2018. The first time was on 2 October 2018, as an additional meeting following various media reports on 27 September on the arrest of seven individuals on suspicion of preparing a terrorist crime. At its request, the Committee received a letter on 1 October from the Minister of the Interior and Kingdom Relations and the Minister of Justice and Security containing further details about the arrests and the AIVD's involvement in the case. On 2 October the Committee spoke to the ministers about this matter. The Committee stated that it wished to be informed sooner about such matters in future. The Minister of the Interior and Kingdom Relations promised that he would endeavour to inform the Committee promptly should a similar situation occur.

4 October 2018

On 4 October 2018, at the request of the Minister of Defence and the MIVD, an additional meeting was convened to discuss the case of the four GRU intelligence officers about whom the Committee had already been informed on a number of occasions. A few hours after the meeting, the minister, together with the ambassador of the United Kingdom, was to hold a press conference on this operation. The minister and the MIVD deemed it important to inform the Committee in advance of the latest developments in the matter, and to provide further background information.

10 October 2018

On 10 October 2018 the Committee spoke with the Minister of Justice and Security about the Terrorist Threat Assessment Netherlands No. 48. The classification of the secret Terrorist Threat Assessment Netherlands was discussed at the meeting. The document contains several passages that are not state secret but are not public either. It was enquired whether a number of specific

subjects could perhaps be made public. For example, the observation that a 'positive security-bias' may exist among government authorities or public safety providers, such as, for instance, that women are less dangerous than men. It was also discussed whether certain developments regarding the funding of terrorism could be made public. Other topics that were discussed included the terrorist department *terrorismeafdeling* (TA) of the *Extra Beveiligde Inrichting* (extra secured wing) in Vught, and the release of detained jihadists in the coming years. Some questions were asked about the PKK, and additional information was requested about Tanzim Hurras al-Din, a group newly founded in Syria. Those questions that could not be answered by the Minister of Justice and Security but which fell under the responsibility of the Minister of the Interior and Kingdom Relations were rescheduled for the meeting planned for 11 October.

11 October 2018

On 11 October the regular Committee meeting took place, with the ministers of the Interior and Kingdom Relations and Defence. The Minister of Justice and Security did not attend, as the Terrorist Threat Assessment Netherlands had been discussed with him the previous day. The Minister of the Interior and Kingdom Relations and the AIVD answered a number of remaining questions about the Terrorist Threat Assessment Netherlands. Discussions also focused for some time on specific information in the Threat Assessment regarding a specific country, and the question of whether this information could be made public. It was stated that this would not be possible for the time being.

This meeting also discussed the budgets of the AIVD and the MIVD for 2019. With regard to the AIVD, questions included enquiries into the distribution of funds according to theme (cyber, country-by-country studies, radicalisation and extremism and counterterrorism), and how this came about. With regard to the MIVD, discussions focused mainly on what the allocated funds are going to be used for.

The AIVD's second progress report was also discussed on 11 October. In this context, discussions included statements made by the US ambassador in response to the attack at Amsterdam Central Station, digital espionage by the Russian Federation, and the available capacity for specific investigations.

The MIVD's second progress report was also discussed, including matters relating to Chinese intelligence activities.

With regard to the AIVD letter on current affairs, one specific subject was discussed. The Committee members expressed a broad wish to deal with this matter in public.

30 October 2018

Finally, on 30 October, at the request of the Minister of Justice and Security, an additional meeting was held on the De Balie case at which the Minister gave an oral presentation on the arrest of the Syrian national who had been recognised one year earlier at the De Balie debating centre as a member of a terrorist group.

8 November 2018

On 8 November, the Committee held its first meeting with the TIB to discuss the progress letter that the TIB had sent to the House of Representatives on 1 November. This was an open letter to the Speaker of the House in which concrete figures had been blanked out, and a classified letter to the Committee in which these figures were visible.²² During the meeting with the TIB a further explanation was given of the figures, and examples were given of cases in which the TIB had assessed an application as unlawful. Finally, attention was paid to one of the emergency procedures

Parliamentary document 29 924, no. 172.

that had been invoked unlawfully, of which the TIB had assessed that the data obtained had to be destroyed.

The regular meeting of 8 November was devoted to a further discussion of the TIB progress letter with the Minister of the Interior and Kingdom Relations and the Minister of Defence. Differences between the AIVD and the MIVD were examined, and detailed discussions took place on a number of applications by the AIVD and the MIVD that had been declared unlawful by the TIB.

Regarding the AIVD letter on current affairs, discussions covered matters such as Chinese espionage activities and individuals who had highly probably travelled from the Netherlands to the war zone in Iraq or Syria. Other topics of discussion were the seven individuals arrested on 27 September on suspicion of preparing a terrorist crime.

The MIVD letter on current affairs also turned attention to possible use of chemical weapons of war in Syria.

Finally, the director of the MIVD and the Chief of Defence gave an extensive presentation on the Russian military threat posed to Europe and the NATO allies.

19 December 2018

On 19 December the Committee met for a regular meeting and a meeting behind closed doors. During the regular meeting, the Integrated Intelligence and Security Order 2019-2022 was discussed with the ministers of the Interior and Kingdom Relations and Defence. Topics discussed included the choices that had been made in the Integrated Intelligence and Security Order, and much attention was paid to the consequences of the introduction of the 2017 ISS Act for the AIVD and the MIVD, as well as the possibilities for discussing these matters in public.²³

This meeting also devoted attention to the annual plans of the AIVD and the MIVD. Regarding the AIVD's annual plan, the Committee posed questions regarding the consequences of certain shifts within investigations, and about countries with which cooperation takes place on certain investigations. The Committee also commented that the annual plan had not addressed the operational risks. The Minister of the Interior and Kingdom Relations promised that the next annual plan would do so. Further, she indicated that a section would be added to the annual plan on the use of big data in the form of an addendum in conformity with the explanatory memorandum to the 2017 ISS Act.²⁴ The Committee received and discussed the addendum in question (for both the AIVD and MIVD annual plans) in January 2019.

With regard to the MIVD annual plan, the Committee members indicated that they required more information on the intelligence gathering means that the MIVD intends to use for the various investigations, and with what countries cooperation takes place. The Minister of Defence promised to include these matters in next year's annual plan.

In the 18 December meeting, the Committee discussed a letter with the Minister of Justice and Security in which ten promises were dealt with.

Discussions took place with the MIVD on two articles which had been published in the *Telegraaf* newspaper on 8 and 10 December, respectively about purported negotiations between the Ministry of Defence and the Taliban in the case of the hostage Peter Oosterhuis. Finally, the Committee

²³ In a written consultation with the standing Committee on the Interior, the Minister of the Interior and Kingdom Relations, partly on behalf of the Minister of Defence, responded to this topic. See Parliamentary document 34 588, no. 81, p. 10 and 13.

²⁴ *Parliamentary document* 34 588, no. 3 (MvT - explanatory memorandum), p. 133.

discussed indications with the AIVD of anti-democratic conduct by the Cornelius Haga Lyceum school in Amsterdam.²⁵

The Committee discussed and adopted the annual plan for 2019 behind closed doors. In addition, the Committee discussed two letters from citizens, as well as a request to view a document in its archives. Section 8 devotes attention to this.

8. Processing of third party letters

In 2018, the Committee dealt with two letters from citizens. The Committee passed one of the two letters on to the Minister of the Interior and Kingdom Relations for further processing. This particular letter contained a complaint about the AIVD. The second letter was taken by the Committee as read.

In addition, the Committee received a request for perusal of its archives in 2018. The Committee rejected the request because it considers it to be of vital importance that information shared with the Committee remains secret under all circumstances. Those concerned were informed in writing of the Committee's decision.

²⁵ The concerns regarding the Cornelius Haga Lyceum were made public on 7 March 2019 in a letter from the NCTV to the mayor of Amsterdam: *Parliamentary document* 29 614, no. 112 (appendix).