



DUTCH
SAFETY BOARD

Summary

Surveillance and protection

Lessons from three security situations



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The Hague, February 2023

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The Dutch Safety Board

When accidents or disasters happen, the Dutch Safety Board investigates how it was possible for these to occur, with the aim of learning lessons for the future and, ultimately, improving safety in the Netherlands. The Safety Board is independent and is free to decide which incidents to investigate. In particular, it focuses on situations in which people's personal safety is dependent on third parties, such as the government or companies. In certain cases the Board is under an obligation to carry out an investigation. Its investigations do not address issues of blame or liability.

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N.B: The full report is published in the Dutch language. This summary contains English translations of the most relevant parts. If there is a difference in interpretation between the Dutch and English versions, the Dutch text will prevail.

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On 29 March 2018, Reduan, brother of key witness in the Marengo trial Nabil B, was shot and killed at his business in Amsterdam. On 18 September 2019, Derk Wiersum, lawyer to the key witness, was shot and killed in his street in Amsterdam. On 6 July 2021, Peter R. de Vries, confidential advisor to the key witness and a number of his family members, was shot while walking towards his car following the broadcast of the Dutch TV entertainment show RTL Boulevard. De Vries died as a result of injuries sustained on 15 July 2021. After receiving a request from the Minister of Justice and Security, the Dutch Safety Board decided to launch an investigation into a single specific aspect of all three occurrences, namely the security situation of the victims. At the moment of the attacks on their lives, the Surveillance and Protection system was aware of a threat against all three victims, which according to the information available from the Public Prosecution Service and the police originated from serious organized crime. According to the Public Prosecution Service and the police, in all three cases, this threat originated from the same criminal organisation after Nabil B. had turned against said criminal organisation.

For their investigation, the Dutch Safety Board formulated the following three questions:

1. What were the actual security situations of the brother, the lawyer and the confidential advisor of the key witness in a major criminal trial, at the moment of the attacks on their lives?
2. How were the security situations of these three persons organized and which factors can help explain the course of events?
3. What lessons can be learned for future security situations in the event of threats originating from serious organized crime, on the basis of the findings from the two previous questions.

Before discussing the content of the report, the Dutch Safety Board wishes to emphasize that it is aware of the dilemma between providing society a clear and reliable insight into these security situations and the safeguarding of information in the report in the context of security. By means of a pre-examination¹, the Dutch Safety Board asked the Public Prosecution Service, the police and the National Coordinator for Counterterrorism and Security (NCTV) to check the factual elements of the draft report for information that could result in risks for current processes and/or the security of individuals, or which could provide an unwanted more in-depth insight into the processes and techniques employed, beyond what is already known. Moreover, in the regular examination process of the draft report, the Dutch Safety Board also received a number of security-related comments. Based on the comments received after (pre-)examination, the Dutch Safety Board made a deliberate and conscientious judgement about which information should

¹ See Appendix A, on the justification for the investigation, for a further description of the procedure regarding the pre-examination and the way in which the Dutch Safety Board dealt with the reaction from the Public Prosecution Service, the police and NCTV.

and should not be made public in the final report. The undisclosed information was taken into account by the Dutch Safety Board and has not resulted in a different analysis or conclusion.

Factual security situation of Reduan

From the start of 2017 onwards, the Surveillance and Protection system was aware of a potential threat to the life of Reduan as a consequence of the key witness deal that his brother Nabil B. and the Public Prosecution Service intended to enter into. Until the end of 2017, the Public Prosecution Service opted to take no security measures for the family members of Nabil B. One aspect that played a role in this decision was that the negotiations with Nabil B. were still in a covert phase and had to remain secret. At the same time, the National Public Prosecutors' Office recognized the possibility that the criminal organisation already suspected that Nabil B. 'was talking'. In that period, the Public Prosecution Service saw no acute, serious threats to the family. In conversations between the Public Prosecution Service and the family, Reduan in particular expressed criticism about the position of the Public Prosecution Service with regard to the safety of the family. Of the family members present during these discussions, he was most concerned about his own safety. Once the key witness deal was concluded in December 2017, measures were gradually taken to improve the safety of a number of family members. In the run-up to the announcement of the key witness deal in the Marengo trial on 23 March 2018, the police and the Public Prosecution Service expanded their efforts to protect the family of the key witness. A meeting was due to take place between Reduan and the police on 30 March 2018 about the threat facing him and the measures that needed to be taken in order to increase his resilience to that threat. A number of days earlier, the decision had also been taken to install a mobile video camera along the access roads to Reduan's business premises in Amsterdam, but that measure had not yet been carried out. At the time of the attack on his life, the actual security situation of Reduan was that no specific security measures had been taken for him, with the exception of an Agreement On Location (AOL)² at his residential address.

Factual security situation of Wiersum

From March 2018 onwards, the Surveillance and Protection system was aware of a potential threat to the life of Wiersum, after his fellow lawyer reported that he was concerned about their security situation. This was shortly before the announcement would be made that Nabil B. was to become a key witness in the Marengo trial. The earlier warning from Nabil B., that his lawyers also needed to 'be careful', was not taken very seriously by his lawyers or the Public Prosecution Service, and had not resulted in the Surveillance and Protection system taking any action in respect of Wiersum and his fellow lawyer. The report in March 2018 did result in the Surveillance and Protection system taking a number of security measures for Wiersum. These included security advice for his office and regarding his actions, and an AOL both at his work and home address. Following the attack on Reduan, these measures were extended to include police surveillance around his home and security measures in his home. Despite the fact that some time later the threat level was believed to have fallen, the Chief Public

² This means that in the event of a report to the police at that location, a police response unit is urgently dispatched.

Prosecutor in Amsterdam decided not to downgrade the security measures surrounding Wiersum. This decision by the Chief Public Prosecutor was not taken on the basis of the threat assessment, but out of a sense of employer's responsibility towards Wiersum. Nevertheless, some time later, the frequency of police surveillance was lowered, because no concrete threat was known and also to reduce the workload of the police basic operations team. The threat assessment to Wiersum was regularly updated. This had no consequences for the classification of the threat or the set of security measures, which up to the moment of the attack on his life on 18 September 2019 remained the same. At the time of the attack on his life, the factual security situation regarding Wiersum was that he had received security advice for his office and his actions, that an AOL had been established on his home address, that security measures had been taken for his home, and that police surveillance was in place around his home.

Factual security situation of De Vries

At the start of June 2020, in a press conference, De Vries announced that he would be acting as confidential advisor to the key witness in the Marengo trial, together with Schouten in his capacity as criminal lawyer. Later, lawyer De Jong also joined the defence team. De Vries entered the service of the law firm Schouten Legal Advocaten, making Schouten his employer. Because of the threat arising from his role as confidential advisor, the security of De Vries came under the decentral domain of the Surveillance and Protection system. This made the Public Prosecution Service responsible for his security. As lawyers to the key witness, the protection of Schouten and De Jong remained in the national domain and as such was the responsibility of the NCTV. The Public Prosecution Service established police surveillance in and around De Vries' home and commissioned a threat assessment. Following the press conference, the Public Prosecution Service decided to offer De Vries surveillance at arrival and departure times. Organizing this additional surveillance required De Vries to constantly share his schedule four days in advance. Given his home and work situation, De Vries was unwilling to do this. In response, he was offered the possibility to specify those moments at which he wished to be accompanied. At the end of 2020, this possibility was once again presented by the Public Prosecution Service to De Vries, after Schouten, De Jong and De Vries had announced in the media that they had appeared on a hit list. De Vries never took up the offer to specify moments at which he wished to be accompanied. At the time of the attack on his life, the factual security situation of De Vries consisted of an AOL at his work and home address, and police surveillance around his home.

Factors that influenced the security situations

The investigation has revealed a number of factors that influenced the security situations.

Assumptions

On a number of occasions, the establishment of the security situations was based on assumptions. At the start of the key witness process, the Public Prosecution Service did suspect that the criminal organisation was monitoring the family of Nabil B., because the criminal organisation suspected that he had 'defected'. However, the decision to not take any measures and to not seek active contact with the family was based on the assumption by the Public Prosecution Service that the criminal organisation did not know that Nabil B. was already 'talking'. The Public Prosecution Service assumed that the threat from the

criminal organisation at the start of the key witness process was limited. The Public Prosecution Service had no experience with a threat against individuals in the circle of a key witness, when the key witness itself is unattainable, but assumed that any such secondary threat was limited. With regard to the lawyers, the further assumption made was that lawyers would not be the target of an attack, since they are replaceable. These assumptions were not constantly monitored or assessed during the trial. However, working on the basis of these assumptions changed, when the date of the announcement of the key witness deal approached and the officers involved in this Surveillance and Protection operation received more information about the Marengo trial and the possible threat in respect of the key witness process. This resulted in a number of security measures for part of the family and the lawyers of the key witness, although those measures were not based on a threat assessment. The measures for the family members at that moment were based on indications from the key witness and the explicit wishes of the family.

Information-based operation

In all three security situations, the principle of information-based operation proved vulnerable. This was because the staff of the Public Prosecution Service and the police responsible for providing Surveillance and Protection often had no access to information about the threat presented by the criminal organisation. This information was available elsewhere within the Public Prosecution Service and the police (in particular within investigation and prosecution). This made it difficult for the Surveillance and Protection officers to make a realistic assessment of the severity and probability of the threats, which meant it was not clear to them which security measures were needed and whether the already implemented measures were appropriate. This was related to the existence of separate worlds ('silos') within the Public Prosecution Service and the police service and the difficulty or even impossibility of exchanging information between these worlds. This second factor played a role in all three security situations. One example was the inability of the Surveillance and Protection system to gain access to all the information available in the police system about, what subsequently proved to be, the preparations for the attack on Wiersum. Another example was the threat analysis drawn up by the Witness Protection Team in the summer of 2017, which contained information about the threat against the family of the key witness, but that was not shared with Surveillance and Protection. A dilemma exists in respect of the shielding and sharing of information, whereby the shielding of information can result in risks for people who must be protected by the Surveillance and Protection system, while sharing information can lead to problems in investigation and prosecution. Moreover, the sharing of information can result in that information becoming known in the outside world, which in turn can lead to unsafe situations.

Information about concrete threats

In addition to the fact that relevant information was not always available to the Surveillance and Protection system, the focus on information about concrete threats in the processes used within the system also played a role. The usual, reactive process of Surveillance and Protection is based on information about concrete threats. Measures are taken on the basis of a classification of the severity and probability of the threat. According to the definition employed within the system, there was no information about concrete threats

in the investigated security situations. In combination with the limited availability of relevant information within the Surveillance and Protection system, this led to considerable uncertainty about the actual threat. 'Soft' (less concrete) signals that were recognized were not always included in the threat assessment process. The processes in use offered little assistance in determining appropriate security measures for the conceivable threat that had been identified in the investigated security situations. The process also offered little space for proactive consideration of alternative scenarios or a qualitative assessment and substantiation of the threat. There was no room for 'soft' information and information about the resilience of the person to be protected against the threat.

Command of the Surveillance and Protection system

All three security situations were covered by the decentral domain of the Surveillance and Protection system. The active implementation of Surveillance and Protection in that situation is the responsibility of a chief public prosecutor of the Public Prosecution Office of the place of residence of the person to be protected. In the investigated security situations, according to the information available to the Public Prosecution Service and the police, the threat originated from serious organized crime, exceeded the boundaries of a single Public Prosecution Office, and was very violent in nature. Moreover, the persons to be protected were located in judicial districts of different Public Prosecution Offices. Furthermore, following the attack on Wiersum, it was decided that the security of the participants in the Marengo trial was no longer a matter for the decentral domain but the national domain of Surveillance and Protection. This meant that despite the relationship between them and the comparability of their situations, the security of De Vries was the responsibility of the Public Prosecution Service, while the security of Schouten and De Jong came under the authority of the NCTV. Another aspect of the security situation of De Vries was that when he made the decision to not take up the offer to himself announce those moments at which he wished to be accompanied, various other parties outside the Surveillance and Protection system became involved in taking measures to ensure his safety. This fragmentation of the command of the Surveillance and Protection system had a negative impact on the implementation of the system in the investigated security situations, in which the threat originated from serious organized crime.

Relationships

The functioning of the Surveillance and Protection system was negatively influenced by the relationship between the officers involved in Surveillance and Protection and the individuals to be protected. This factor became particularly prominent when differences of opinion arose regarding the nature and severity of the threat and/or the effectiveness of the proposed measures. In particular due to the absence of clear frameworks within the Surveillance and Protection system, in terms of both content and process, these substantive differences in opinion occasionally escalated to the status of interpersonal conflicts. This in turn led to a decline in mutual trust. The relationship between the Public Prosecution Service and the family of the key witness, for example, worsened following the attack on Reduan. In this situation, the family sought and found assistance in the person of De Vries as confidential advisor. De Vries was annoyed by the lack of urgency within the government to enter into discussion about his own security, and felt that he

was not being taken seriously, given the different treatment he received as compared with that offered to the other members of the key witness' defence team. Moreover, there were also occasional substantial differences of opinion between the Public Prosecution Service and the individuals to be protected about other subjects than their personal security situation. In the case of De Vries, for example, these disputes related to his access to the key witness and the support he provided to the family of the key witness in their conflict with the Public Prosecution Service. These interfering interests had a negative influence on the mutual relationship and hence the practical functioning of the Surveillance and Protection system. In this context it should be noted that there is no independent body that supervises the functioning of the system in individual cases or to which individuals can submit an appeal against decisions with respect to Surveillance and Protection. This factor played a role in the security situations of Reduan and De Vries, but not in the security situation of Wiersum.

Evaluation and improvement

Finally, the security situations were not monitored and evaluated in a structured and sound manner. The security situation of Reduan was evaluated with senior police officers, the Public Prosecution Service and the NCTV. The security situations of Wiersum and De Vries were not evaluated. Following the evaluation of the security situation of Reduan, a series of developments were initiated in the operational practice of the Surveillance and Protection system, for example organizing operations via the Surveillance and Protection Task Force and the establishment of regional dialogues. The investigation did not show that strategic choices were made regarding the observed bottlenecks, for example about the information management between the police and the Public Prosecution Service, and dealing with conceivable threats. A number of these bottlenecks in fact re-emerged in the security situations of Wiersum and De Vries.

Lessons for future security situations

The Dutch Safety Board observes that the course of events in the investigated security situations provides grounds to learn lessons, for future security situations involving a threat from serious organized crime. Those lessons relate to the positioning and command of the Surveillance and Protection system; improving the information position of the Surveillance and Protection system; the process of assessing threats and risks and translating the outcome into security measures; the handling of uncertainties and conflicts; and finally the way in which evaluation and improvements are carried out within the system. These lessons have been translated into a set of seven recommendations.

The Dutch Safety Board investigated the security situations of the brother, the then lawyer and the confidential advisor of the key witness in the Marengo trial, prior to the attacks on their lives. First and foremost, these attacks resulted in immense and irreparable suffering among their next of kin. The attacks also resulted in a feeling of unsafety among the next of kin of the victims, and more broadly within society. The attacks led to social unrest and are viewed as an attack on the rule of law. Partly as a consequence of these attacks, the Surveillance and Protection system came under increased operational pressure, due to the expansion of the circle of persons to be protected in relation to the Marengo trial.

This report focuses on the establishment of the factual security situations and the lessons that can be learned from those situations for the Surveillance and Protection system. In combatting serious organized crime (and threats originating from this source), the police and the Public Prosecution Service work to remove the threat by means of investigation and prosecution, while at the same time providing surveillance and protection for the individuals against whom the threat is directed. In this consideration, the Dutch Safety Board reflects on the challenges facing the Surveillance and Protection system in general, including the threat from serious organized crime, and the consequences for the system of the use of a key witness, in particular.

Challenge for the Surveillance and Protection System

The current Surveillance and Protection system was established following the attack on Pim Fortuyn in 2002, and the investigation conducted into that attack by the Van den Haak Committee. The system was established according to the idea that the recurrence of incidents of this kind had to be prevented, given their capacity to disrupt democracy and social safety. In 2004, the procedures and responsibilities were laid down in the circular regarding the surveillance and protection of persons, property and services, in which a multi-stage responsibility is assumed between individual persons, their employers and the government. The aim of the system is to prevent terrorist (and other) attacks on persons, property and services. However, no one, including the government, can guarantee absolute safety. The Surveillance and Protection system is therefore intended to limit potential risks; after all, it is impossible to absolutely exclude risks and a residual risk will always remain. A process was developed for mapping out threats, risks and the necessary security measures. In principle this process is followed identically, for every threat.

This report shows that the Surveillance and Protection system was not sufficiently prepared for a threat from serious organized crime; the standard process is insufficiently equipped for a threat of that nature. By focusing the investigation on the three related security situations and the conclusions drawn by the Dutch Safety Board, the Dutch Safety Board specifically issues no statement on the functioning of the Surveillance and

Protection system in its broadest sense, but addresses the functioning of the system in the face of new forms of threat, such as those originating from serious organized crime. The functioning and future-proofness of the Surveillance and Protection system were the subject of investigation by the Bos Committee in 2021.³ In line with the recommendations from said Committee, the Dutch Safety Board believes that it is essential that if the Surveillance and Protection system is to be made future proof, it must be structured in such a way that it is possible to respond to different types of threats, by customizing the approach taken, in each case. After all, the system is faced with different types of threats and phenomena, such as the threat of terrorism and extremism, threats relating to stalking and/or honour-based violence and threats originating from serious organized (and other) crime. These threats may be aimed against public figures or against 'ordinary' citizens. Each type of threat entails its own logic, dynamic and challenges. As a consequence, an in-depth specialist understanding of the various types of threats, for example knowledge of modus operandi, must be included in the further development of the threat analysis. Starting with a solid foundation, a flexible and adaptable approach within the system is necessary to adjust methodology in response to evolving threat developments.

Implications for the Surveillance and Protection system of the use of a key witness

The common denominator in the three security situations investigated is the threat that emerged as a consequence of the negotiations and establishment of a key witness deal, in the Marengo trial. In general, the decision on whether or not to use a key witness presents the government with a dilemma. The use of a key witness has the potential to combat serious organized crime more effectively, thereby improving the safety of society. At the same time, by using a key witness, the government actively creates a dangerous situation for a number of individuals, such as the family members of the key witness and those persons who assist the witness on a professional basis. In other words: reliance on a key witness could potentially save but could also cost human lives. This makes it extremely important, before using a key witness, to chart out the possible implications of using a key witness and carefully balancing the criminal justice interest and the intended security benefits for society against the safety risks for specific individuals. The phenomenon of target substitution means that a threat has the potential to affect a larger group of people than simply the key witness and their immediate next of kin. To allow such a careful balancing of interests, it is essential that the Surveillance and Protection system also be involved. If, following these considerations, the government does decide to collaborate with a key witness, a special duty of care is created for the government in respect of those persons who – both unintentionally and beyond their own control – run a risk as a result of the use of the key witness. The execution of this duty of care lies with the Surveillance and Protection system. As such, a well-functioning Surveillance and Protection system is an absolute precondition for entering into new key witness deals.

The above considerations impact directly on the recent proposal from the Minister of Justice and Security to expand the key witness scheme.⁴ The aim of this amendment is to also make the key witness scheme available to persons who – in relative terms – play a

³ J.G. Bos et al, *Adviescommissie toekomstbestendig stelsel bewaken en beveiligen*, October 2021

⁴ *Parliamentary Papers II 2022-2023*, 29 911, no. 380.

lesser role within a criminal network or who facilitate criminal activities, such as a civil-law notary or dockworker. According to the minister, expanding the scheme would make it possible to combat serious crime more effectively. Although in the Letter to Parliament, the minister expresses an awareness of the implications of broadening the key witness scheme for the Surveillance and Protection system, the proposal is nonetheless made in the light of 1) the reinforcement of the system currently being undertaken, 2) the decisive risk analysis before initiating a key witness process and 3) the interest of investigation and prosecution. Based on the investigated security situations, the Dutch Safety Board notes that more is needed than the three points referred to by the minister in the Letter to Parliament. The recommendations issued by the Dutch Safety Board to improve the fulfilment of the surveillance and protection task in the event of a threat originating from serious organized crime bear extra weight in situations in which the threat is in part brought about by the actions of the government.

In the abovementioned Letter to Parliament the minister briefly refers to the difference between protecting a key witness and their immediate next of kin, and the protection of other next of kin and officers concerned. A key witness and their immediate next of kin are covered by the Witness Protection Programme. The measures within the Witness Protection Programme are aimed at rendering the person in question 'untraceable'. In practice, this usually means that a key witness and their immediate next of kin are relocated abroad with a new identity. Other next of kin of a key witness and the officers involved are subject to the Surveillance and Protection system. In principle, the objective of measures according to the Surveillance and Protection system is to offer the greatest possible resistance to the threat, even though the threatened person remains 'traceable'.⁵ In recent years, the need has arisen to render persons 'untraceable' inside the Netherlands, too. Hence the concentration of efforts on ensuring the anonymity and shielding of individuals to be protected. In practice, officials encounter all sorts of problems, for example in organizing the shielding of the person to be protected in administrative systems. In part this is because in these processes, the police is dependent on the cooperation of other parties (government and otherwise). The Dutch Safety Board notes that this issue deserves additional attention in the future, in order to increase the possibilities of protection in the face of a threat originating from serious organized crime.

Duty of care

As referred to above, the use of a key witness can result in the creation of a threat against persons within the circle of the key witness. In that case, the threat is in part caused by the actions of the government. This situation is fundamentally different than for example in the face of a terrorist threat or a threat from within a personal relationship. These threats are also subject to the Surveillance and Protection system, but in threats of this kind, the government plays no role in the creation of the threat. In these situations, the government is nothing more than a helping hand in facing up to the threat. In situations in which the threat against an individual is in part the result of the actions of the government, the government has a particular duty of care.

5 Parliamentary Papers II 2022-2023, 29 911, no. 380, page 7.

The Dutch Safety Board notes that the duty of care upon the government is not limited and has no clear foundation in a legal framework for Surveillance and Protection. As a consequence, both for the parties within the system and the persons to be protected, the minimum that can be expected of the government or indeed the maximum, remains unclear. In the event of a threat, the government is required to act, but is unable to enforce cooperation with measures. In such situations, the government must at all times respect the personal life of the person to be protected. If a person to be protected refuses to cooperate with the security measures, or makes it more difficult for them to be implemented, all that the government is able to do is to encourage the person to be protected to cooperate, on the basis of a clear explanation. In addition, the government must do its utmost to organize the protection of the individual, wherever protection can be provided, without the cooperation of the person to be protected.

These observations lead to the conclusion that there is a mutual dependency between the parties involved in the system, and the persons to be protected. In order to achieve the optimum security situation, the cooperation of the person to be protected is required. As far as possible informing the person to be protected about the nature of the threat and the countermeasures considered necessary and encouraging them to consider these aspects, may make a valuable contribution. In addition, information available to the person to be protected can be used in assessing the threat. At the same time, it is important to achieve clarity in advance of what the government can and may expect of the person to be protected. In this way – while taking account of the responsibilities of each party and the limits imposed by the legal framework – it is possible to work together to consider the most appropriate measures. When it comes to government action the decision lies with the parties within the system. The Dutch Safety Board argues that the sound underpinning of these decisions can contribute to the relationship between the parties and the person to be protected, a relationship that is essential for organizing successful protection.

In addition to considering the legal aspects of the duty of care, the Dutch Safety Board draws attention to another perspective on this aspect. Duty of care consists of two components. The component 'care' calls for people who are capable of solving concerns and problems. The component 'duty' calls for people who do everything in their power to inform the persons to be protected as fully as possible about the threat, and the possibilities for offering protection and, if necessary, encouraging them to accept the protection offered. This also applies if the person to be protected does not recognize the need for protection, or arrives at a different assessment of the threat and of the measures to be taken. In order to correctly fulfil this duty of care, the officers involved must demonstrate empathy, communication skills and the capacity to solve problems. These characteristics can help establish a sense of trust, which is essential if the government is to be able to exercise its duty of care. The Dutch Safety Board considers it important that parties within the Surveillance and Protection system actively reflect on their actions and evaluate security situations, in order to improve the fulfilment of the duty of care. With its vision on the duty of care, the Dutch Safety Board goes beyond what the government has done to date. The Dutch Safety Board calls upon the parties to enter into discussion about the fundamental question of how this vision on the duty of care relates to the scope of the system and to the capacity and skills required for Surveillance and Protection.

RECOMMENDATIONS

A1. To the Minister of Justice and Security:

Establish a statutory basis for the Surveillance and Protection system so that it can be called upon by the persons to be protected, their employers and the government. At least lay down the following:

- a. the frameworks for the Surveillance and Protection system, both substantive and procedural;
- b. the rights and obligations of the persons to be protected and their employers;
- c. providing access to the parties concerned to an independent appeal body within the Surveillance and Protection system.

A2. To the Minister of Justice and Security:

In the face of a threat against individual persons originating from serious organized crime, place responsibility for Surveillance and Protection as a core task at the national level to ensure that:

- a. Surveillance and Protection has access to the information necessary for the Surveillance and Protection system, from the investigation, intelligence and security services;
- b. the officers responsible for Surveillance and Protection have no tasks that interfere with their operations, enabling them to focus on their Surveillance and Protection task and to gain experience with the complex nature of threats of this kind;

Equip the officers in authority, granting them the powers to gather information (or to order it to be gathered), specifically for Surveillance and Protection tasks.

A3. To the Public Prosecution Service, the police and the National Coordinator for Counterterrorism and Security:

Regard Surveillance and Protection and investigation and prosecution as complementary tasks in combatting serious organized crime (and threats originating from this source), and define the shared challenge in this approach. Translate this shared challenge into a form of cooperation at the operational level, in which information sharing, coordination and the joint balancing of interests between Surveillance and Protection and investigation and prosecution are established, on the basis of equal partnership. At the minimum, give due consideration to the principles and requirements for addressing the dilemma between the sharing and the shielding of information, such that information essential for Surveillance and Protection is made available to the system, and that sensitive information does not end up with those that do not need it.

A4. To the Public Prosecution Service, the police and the National Coordinator for Counterterrorism and Security:

Reinforce the information provision and advisory branch of the Surveillance and Protection system, specifically to arrive at an appropriate response framework in the face of a (conceivable) threat from serious organized crime.

- a. Use this process of reinforcement to make it possible to base the protection measures on an integrated assessment of the risks in which soft information and even the absence of information can be interpreted, rather than on a separate threat assessment and a set of recommended measures. Under all circumstances, in the appropriate context, evaluate the threat, the resistance of the person to be protected, the required measures and their effectiveness, and the risks (residual or otherwise).
- b. Ensure that all information on the basis of which decisions are taken, assumptions are made and actions initiated, is monitored and evaluated at regular intervals. In that process, make structural use of scenario analysis and opposing opinions.

A5. To the Public Prosecution Service, the police and the National Coordinator for Counterterrorism and Security:

Actively live up to the special responsibility of the government to ensure that differences in factual perspectives do not develop into interpersonal conflicts, but instead are used to arrive at a common, appropriate solution. Further increase the awareness of Surveillance and Protection officers of this task and provide them with the necessary support in the form of specific training and counselling. As an organization, ensure to anticipate the risk of interpersonal conflicts arising, and identify methods for dealing with that risk.

A6. To the Public Prosecution Service:

Right from the start of a possible key witness process, ensure a structured approach to assessing:

- a. from the viewpoint of investigation and prosecution: The criminal procedural interest of the use of the key witness;
- b. from the viewpoint of Surveillance and Protection and Witness Protection: The risks that face the key witness and their environment, the security measures that are necessary to manage these risks, and the possibilities within Surveillance and Protection and Witness Protection to provide those measures.

Use this assessment as the basis for a carefully considered balancing of the common interests of Surveillance and Protection, and investigation and prosecution while coming to a decision on whether or not to make use of a key witness. If this results in the decision to use a key witness, ensure that the necessary security measures for the key witness and their environment are operational at the moment when the key witness deal is made public.

A7. To the National Coordinator for Counterterrorism and Security:

As the authority with system responsibility, ensure that protection situations are structurally evaluated, making use of past experience, best practices and lessons learned to improve the system. In that process, ensure that:

- a. the parties cooperating within the system are actively involved and taking account of the position of the persons to be protected and their experiences;
- b. if necessary, the outcomes result in an amendment to the legislation and regulations governing Surveillance and Protection.

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