

The sorry state of counterterrorism in the Low Countries

Why citizens shouldn't have to sacrifice their freedom to make up for government bungling

As is probably true for the rest of the world, Dutch and Belgian Twitter feeds convincingly show that we are living in the age of the emancipated citizen. Long gone are the days when a Belgian or Dutch political leader or government official could offer his or her views without being verbally assailed by an angry mob of cynics, grumblers and lunatics. The high regard for those in office or in parliament has evaporated, and many of those who vent their frustration on Twitter, Facebook and other social media are filled with contempt for the people who are supposed to govern them. What is interesting, though, is that, at least when it comes to security and terrorism, it is not liberation that they are after. Critical as many in the Low Countries are of the political and governmental establishment, much of their criticism of security policies amounts to an appeal for the government to take *more* power. After every terrorist attack, scores of concerned citizens take to Twitter and Facebook to take the government to task for not having curtailed their freedoms enough.

Politicians of all stripes, eager to restore the legitimacy that has been slipping away from them in the last fifteen years or so, are more than willing to cater these concerns, especially during crisis situations. The recent terrorist attacks in Brussels were no exception. For example, the VVD, the liberal party of Dutch Prime Minister Mark Rutte, joined the Christian-right parties in calling for the preventive detention of fighters returning from Syria. But they were, of course, bested by the right-wing populist PVV. Never one to miss out on an opportunity to appear tough on Islam and terrorism, PVV-leader Geert Wilders demanded that the Dutch government immediately close the borders, before going on to say that Mark Rutte would be "morally responsible" for any terrorist attack on Dutch soil.

The Belgian response to the Brussels attacks was understandably focused on the functioning of the police and the intelligence services, but after the Paris attacks of last November many Belgian political parties, much like their Dutch counterparts, proposed counterterrorism measures in which privacy and freedom were sacrificed in an attempt to increase security. The cabinet of centre-right Prime Minister Charles Michel responded to the massacre in Paris by lowering the threshold for the use of phone taps and stepped up the collection of passenger data from transport companies.

These examples hint at a clear tendency in Belgian as well as in Dutch politics to ask citizens to give up freedom of movement, privacy and civil liberties in the name of national security. This approach, however, is thoroughly misguided. If counterterrorism in the Low Countries shows us anything, it is that there is no need to widen legal and investigative powers. Rather, both governments need to make better use of the powers they already have.

The terrorist safe haven at the heart of Europe

Mao Tse-tung, not only a notorious dictator but also a respected theorist of guerrilla warfare, once famously compared guerrilla fighters to fish and the population to the sea, meaning that the guerrillas need a supportive environment to move around without being detected. That this holds true for terrorists as well became clear shortly after the arrest of Salah Abdeslam, the one perpetrator of the Paris attacks who got away. Rather shockingly, it turned out that people in Molenbeek, the Brussels neighbourhood where Abdeslam was hiding, knew there was a wanted terrorist in their midst, but their hatred of the authorities and Western society in general was such that they couldn't be bothered

to inform the police. In a bizarre piece of terrorist performance art, Abdeslam even walked right by the Molenbeek police station to prove how far above the law he really was.

The extent to which Molenbeek has effectively become a no go-area is still being debated, but it is clear that the police lost the credibility and the respect of the people living there. Lacking any contacts with the Molenbeek community, the Brussels police are unable to get their hands on the information they need to discover terrorist plots. The result is a terrorist safe haven that is connected to almost all recent terrorist attacks in Europe: the shooting at the Jewish Museum in Brussels in 2014, the November Paris attacks and the attacks in Brussels were prepared in Molenbeek, and the perpetrators of the Charlie Hebdo attacks got their weapons there.

This is not to say that all inhabitants of this troubled district are committed jihadists, but at the very least there is an active and passive support network for jihadist networks. Planning terrorist attacks like the ones in Paris and Brussels requires hiding places, recruits and contacts on the black market to acquire firearms, all of which can easily be provided by a sympathetic population that has no intention of informing the police about what is going on. This is a serious problem, as the elbowroom enjoyed by the jihadist network in Molenbeek goes a long way to explaining the relative complexity and lethality of the Paris attacks in November and last week's assault on Brussels.

Given Molenbeek's role as a jihadist stronghold, it is clear what needs to be done: the Belgian government has to restore its position as the legitimate authority in the terrorist safe haven that now lies at the heart of Europe. Its approach in doing so should be twofold. First, the police should rebuild their ability to simply uphold the law. That this is easier said than done is clear from a recent report from Committee P, which monitors the functioning of the Belgian police forces. In this report the Committee devastatingly concluded that the Molenbeek police are afraid of their own neighbourhood and are only out on the streets in case of an emergency. It goes without saying that a more visible presence would be the first step towards the quelling of the jihadist networks in the area.

Second, the government has to restore its legitimacy. Spending 1.8 million euros on a smart camera surveillance system, as the Molenbeek city council did in 2013, while at the same time leaving the unemployment, poverty and the dysfunctional school system in the area unaddressed, is bound to lead to anger and frustration. Taking care of the very real problems that Molenbeek is dealing with should happen regardless of the current terrorist threat, but has the added advantage of undermining the terrorist support base that is currently in place. The government has to improve the area's socioeconomic problems if it wants to have a shot at convincing the Molenbeek community to side with them instead of with the terrorists.

Information management

But Belgium's problems are not limited to the police's inability to get information about terrorist attacks that are being planned in Molenbeek. Another major issue concerns the management of the information the police does have. This is not the place to describe, let alone explain, Belgium's absurdly complex governance structure, but it is certainly worth mentioning that the law in Brussels is being upheld by no less than six police departments. Unsurprisingly, the information exchange between these six forces is less than perfect, as are other forms of cooperation. And as if this is not bad enough as it is, efforts to do something about this strange patchwork of police forces are hamstrung by the division between the Dutch and the French speaking parts of the political elite. While Flemish parties are generally in favour of establishing one police force for all nineteen municipal districts in Brussels, their Francophone colleagues are much less enthusiastic. Bernard Clerfayt, one of Brussels' nineteen

mayors, even wondered what the problem was, claiming that the highly fragmented structure has yielded good results.

And then there are, apart from the problems in the sharing of information, the mistakes that have come to light in the actual use of information. Some three weeks ago, it emerged that Committee P had gained access to a recording of a phone conversation in which a police officer told her superior about an important tip she received from an informer. According to the informer, who sought contact with the police in 2014, Salah Abdeslam and his brother Ibrahim, who blew himself up on 13 November, were radicalising rapidly and were planning a terrorist attack. The Belgian federal police briefly investigated the two brothers, but concluded there was no need for any follow-up.

Equally damaging for the standing of Belgian law enforcement was the diplomatic spat that occurred shortly after the terrorist attacks in Brussels. In an understandable attempt to embellish his credentials as a loyal ally in the fight against terrorism, Turkish president Erdogan announced in a press conference that Ibrahim el-Bakraoui, one of the perpetrators of the attacks in Brussels, had been arrested at the Syrian border. As Erdogan explained, El-Bakraoui had been deported to the Netherlands, and Belgium and the Netherlands were alerted soon afterwards. The Belgian police were indeed aware of El-Bakraoui's presence in Europe, but failed to take any action. Having served a prison sentence for wounding a policeman in an armed robbery in 2010, El-Bakraoui disappeared shortly after his conditional release in 2014, but when he resurfaced in the Netherlands after an attempt to get into, of all places, Syria, nothing happened. Belgium did not issue a warrant for his arrest, nor did they give the Netherlands the heads-up about the threat El-Bakraoui posed.

Summing up, it is clear that Belgium has problems, but these are all problems that can – and therefore should – be fixed without access to new kinds of information and without further restricting the freedom of citizens who have nothing whatsoever to do with terrorism. The same goes for Belgium's northern neighbours.

The Dutch jihadist scene

Polls show that the Dutch general public is becoming more afraid of terrorism as the attacks are occurring closer to their homes. Also, a series of arrests in Rotterdam suggests that the Molenbeek networks have branches in the Netherlands as well. At the same time, though, the Dutch can take some comfort in the fact that the 'homegrown' jihadist networks in their country are of a decidedly different calibre than the Belgian ones. The Dutch government's main concern was the jihadist network in The Hague, but when seven members of this network were brought to court late last year, it turned out that they had not been planning terrorist attacks. The judge, who handed out prison sentences of up to six years, ruled that the suspects had indeed formed a terrorist organisation, but that was primarily because of their efforts to get people to join the Islamic State. Accordingly, the crimes they committed as a network concerned terrorist recruitment and inciting hatred rather than involvement in actual attacks.

Moreover, as the trial progressed, more became known about the way the group functioned, and the picture that emerged was not exactly that of a well-oiled vanguard of battle-hardened and dedicated fighting machines. For instance, the group's ideologue, carrying the nom-de-guerre Abu Jazeed, was only nineteen years old and, according to an expert witness who had been in touch with the suspects, possessed no leadership qualities. Also, Abu Jazeed wanted to travel to Syria, but failed to do so for a reason that raises questions about whether he was really IS-material: his mother had taken his passport away from him. Even more remarkable was that his interests were not quite limited to the jihad. In online chat sessions with girls and young women whom he tried to draw into the network, he

regularly asked them to put on high heels and racy lingerie, a move that further sheds doubt on his credibility as a warrior for Allah.

But he wasn't the only suspect whose motivations can be questioned. Jihadists are often believed to act on deeply held beliefs, but as the trial against the group wore on, more and more members began to recant their earlier views. One peripheral group member, who was not on trial, had been ratting on his former friends during the investigation phase, and several others caved in as they were facing the judge, one declaring that he had been "out of his mind" and another that he wanted to distance himself "from terrorism, jihadism and all the atrocities that are associated with it". Even the man who was considered the network's leader said that he had lost touch with reality during his time in the jihadist movement.

It is true that there are more jihadist cells in the Netherlands than just the one in The Hague, but, again, the network in The Hague was long considered the most dangerous one. Sensationalist news reports even claimed – erroneously as it turned out – that they had created a 'sharia triangle' in the Schilderswijk, a famously run-down neighbourhood in The Hague. The truth was, while still disconcerting, more prosaic: this was a group of men who were energetic, frustrated and hateful, but their antics suggest they were also incompetent, divided and lacking in focus.

Budget cuts and reorganisations

Even this kind of jihadist buffoonery, though, is no excuse for the cavalier treatment that the Rutte-cabinet meted out to the two major players in Dutch counterterrorism: the intelligence service AIVD and the police. In 2012, faced with the demands of austerity and with the terrorist threat still at an ebb, Rutte decided to cut the budget of the AIVD by some 30%. That decision was reversed a year later, and with the budgetary increases Rutte's coalition government decided on since, the AIVD's budget is now higher than it has ever been. That does not mean, however, that the organisation can go on as if nothing happened. An investigation of the General Accounting Chamber into the effects of the budget cuts showed that the AIVD lost lots of expertise as a result of the cuts, and is still – and will be for the coming years – in the process of rebuilding the operational and intellectual capabilities that went to waste in 2012.

Meanwhile, the Dutch police fares little better. In another ill-conceived attempt to reorganise the national security apparatus, the Rutte-cabinet merged all 26 regional police forces in one organisation. While sensible in itself, this reorganisation has been implemented in such a way that the results are nothing less than disastrous. The new organisation's ICT-infrastructure is a mess, the various hierarchical layers distrust each other and staff morale is at an all-time low. What makes this sorry state of affairs even more painful, is that the so-called community policing, aimed at establishing ties with local communities, has been a big selling point for Dutch counterterrorism. In fact, one of the reasons why the Dutch have a firmer grip on the jihadist threat than the Belgians is that the police has been able to do with their Belgian colleagues were, to their country's peril, not able to do: keep in touch with the communities where terrorists might be hiding.

Gratuitous calls for harsher measures

Last year the Dutch government issued a bill to grant the AIVD the legal powers to comb through digital data without any kind of prior authorisation from a judge. This plan has privacy advocates predictably up in arms, and it is doubtful whether the government will have its way, but the perceived need to widen the AIVD's legal powers is exemplary for the way terrorism is being fought in the Netherlands, and in Europe in general. The same goes for the proposed law that allows the Dutch police to impose contact bans and restraining orders on terrorist suspects before they are even officially charged. These

are just two examples – and there are Belgian ones as well – of a response that has, unfortunately, become all too familiar: terrorists attack, and civil liberties are being curtailed to prevent further attacks, even though it would make more sense for the government to focus on its own performance and figure out how the system that is already in place can be made to function properly.

To give a specific example, instead of widening the powers of intelligence agencies, the Belgian, Dutch and other European governments should finally start taking the exchange of intelligence on terrorist suspects seriously. Belgium did not inform the Netherlands about El-Bakraoui, but they are certainly not the only ones to be less than forthcoming in this regard. France already knew that the perpetrators of the November attacks were dangerous radicals, but kept this information to themselves. Consequently, Belgium had no way of knowing who the two men were when they got back into Europe through the Brussels airport of Zaventem. Also, a few days ago it transpired that the perpetrators of the Brussels attacks were on a US watchlist, but for some reason the US chose not to share this information with their allies. It is true that European police agencies are making increasing use of Europol databases to share intelligence on jihadists travelling to and from Iraq and Syria, but as long as that is being done in the half-hearted way it is today, any claim that intelligence agencies need access to more information is preposterous.

In fact, none of the problems listed above requires a curtailment of privacy, civil liberties or freedom of movement in order to be solved. Taking back crime-ridden neighbourhoods, making accurate assessments on the basis of valuable intelligence and refrain from crackpot reorganisations are things that any government should be able to do without monitoring all their citizens' e-mail traffic. If the terrorist attacks in Paris and Brussels make one thing clear, it is that police and intelligence services should be perfectly capable of fighting the terrorist threat with the legal powers they currently have. Suggesting otherwise is ignorant at best and deceitful at worst.

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