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Date 26 April 2022
Concerning Broad strategy against organised crime

Our country has unfortunately become a crucial hub in the global drug trade. The impact of this is extremely serious. Though not always apparent at first glance, the consequences for our society are far-reaching. Organised crime has gained significant ground in recent decades. The things we are so proud of at other times – our free economy and excellent (digital) infrastructure – are truly working against us in this regard. Criminals take advantage of these things as well, after all.

Cannabis and synthetic drugs are produced and exported on a large scale in our country. We have also been an important trading country in the drug world for dozens of years. This production, export and trade generates billions in dirty money. Some of this money finds its way to legitimate businesses and enables criminals to infiltrate every level of our society. The drug trade involves violence, intimidation and increasing interconnections with the normal, legal economy.

This did not happen overnight. It is fair to say that the true scope and subversive, disruptive effects of these activities have not been adequately recognised and acknowledged for quite some time. In the past, we may have been too naive about the impact and consequences of organised drug-related crime. The approach to drug-related crime was too fragmented and often too short-lived, as researchers also concluded in their review of 25 years of drug policy.¹ When the effects were temporarily less noticeable, the matter sometimes felt less urgent and attention shifted to other types of crime. There was a lack of a consistent and cohesive approach.

In recent years, however, it has become abundantly clear how deeply organised crime has embedded itself in our society and what its toxic effects are. More money is being made at a faster rate than ever, and the spiral of violence that goes along with it is more brutal than ever. The assassinations of the brother of the crown witness in the Marengo trial, lawyer Derk Wiersum and Peter R. de Vries are etched in our memory as absolute low points of organised crime in the Netherlands.

¹ Tweede Kamer, vergaderjaar 2020-2021, 29 911, nr. 318

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These brutal murders made it shockingly clear that the rule of law – the foundation of a safe and free society as we thought we knew it – is under severe pressure. I am therefore left with no alternative but to make tackling organised crime my top priority in the period ahead.

This letter provides a general outline of this approach for the coming period. The specific details of each component are explained in Appendix 1. This also constitutes my response to the Michon-Kuik motion.²

The subversive effects of organised crime

In recent years, a foundation has been laid to halt the further expansion of organised crime. Now, it is time to press ahead, with a comprehensive approach, to make these criminals' activities impossible and to crack down on their crimes. It is therefore good and necessary that a large amount of structural funding was made available on the previous Budget Day and in the current Coalition Agreement to expand and refine this approach on all fronts and effectively combat organised drug-related crime.

Drug-related crime is not a self-contained issue. It cannot exist without criminal personnel, criminal investment capital and people who (sometimes under duress) look the other way. The money that is illegally generated must be laundered or rapidly changes hands across the world through a system of underground banks. Young people are drawn into the criminal world: they are hired for odd jobs from an alarmingly young age and thus end up in a world with no easy way out. Lawyers are not always able or willing to say who they work for. Journalists need to be protected day and night, merely because they report stories and news about criminal networks. Business owners are visited by criminals at home; mayors receive death threats. And there are so many more examples.

These are examples of effects on our society that we would never have thought possible years ago. It is also unfortunate that there seems to be little social outrage: partly because the associated effects of these ruthless criminals' activities are not always visible and partly because drug use seems to be unaffected by the horrific incidents of recent times. People who use drugs do not seem to view the subversive effects on our society as a reason to quit using.

To counter this crime as effectively as possible, every aspect of it must be tackled. This can only be done with a comprehensive approach, patience and collaboration between government parties and private sectors, including across our national borders. Never before has so much structural funding been allocated to combat organised crime. Every day, more people join us to increase our collective strength. The approach that has been deployed in recent years is now gaining momentum and being refined and permanently safeguarded. These efforts reflect what has often been discussed: the patience that is necessary for this fight.

² Tweede Kamer, vergaderjaar 2021-2022, 35 925, nr. 53

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The main points

Using the additional funds, I am working with all government organisations involved to expand, broaden and strengthen the foundation that has been laid in recent years. I have four substantive priorities in this regard: prevention, breaking down criminal networks and revenue models, punishment and protection.

Prevention

Preventing little boys from becoming big criminals

Prevention means helping young people not to choose a criminal career, but to choose the right path and a safe future. Youth crime is falling, but at the same time, we see that it is becoming increasingly difficult for young people to resist the temptations of drug-related crime. It often starts out with seemingly innocent tasks: keeping a lookout here, delivering a package there. But things quickly get out of hand. Youths are resorting to violence, using guns and turning against society earlier and faster. This is deeply concerning. There is no time to lose, because if we do nothing, even more young people will end up in the drug trade, and the power of the drugs organisations in vulnerable neighbourhoods will continue to grow. To prevent youths and young adults from being recruited into organised crime, we are investing heavily in prevention and launching a community-based approach in 15 municipalities where the problem is serious. This will be expanded to more communities later this year. Additional efforts are being made at schools, such as through the 'Kapot Sterk' programme, which teaches children in year 8 to stand stronger against the temptation and magnetic effect of crime. At a local level, collaboration is being sought with municipalities and business owners to provide work placements and apprenticeships, for example. Investments are being made in youth work, with schools, parents and street coaches working together to help and encourage at-risk young people to go to school or get a job. Support and incentives are available as long as the youths commit themselves, participate and stay within the boundaries of the law. It is not without obligation. Young people who cross the line are dealt with close to home, for instance by local prosecutors who are familiar with the local circumstances and players.

Drug prevention

Prevention also means focusing on preventing substance use and addiction. The State Secretary for Health, Welfare and Sport is currently working out the details of this proposal. Specific attention will be devoted to preventing problematic drug use by focusing more intensively on an active and effective prevention approach, especially to protect vulnerable youths. Part of this approach includes targeted information and education about the risks and consequences of substance use, along with effective interventions like 'Helder op School'. Explicit attention will also be paid to the fact that drug use is not innocent and helps to maintain a criminal drug industry.

Breaking down criminal networks and revenue models

It is an illusion to think that we can stop global drug trafficking with Dutch policy. What we can do, however, is disrupt and break down the crucial role of the Netherlands on the world stage as a drug trafficking and production country. If there is less money to be made, crime will become less attractive. The possibilities for the supply, transit and export of drugs will have to be minimised in order to reduce trafficking and the supply. This requires an international offensive from our side.

International offensive

Drug trafficking and criminal money flows cross both our national borders and our moral boundaries. The destabilising effect this creates has an impact on our entire Kingdom, including the Caribbean Netherlands. My international ambitions are twofold. First, I would like the Netherlands to develop into one of the frontrunners on the international playing field when it comes to an effective and preventive approach to cross-border organised crime. We should not wait for drugs to arrive in the Netherlands from Latin America, for example, but should instead tackle this in the source and transit countries as well. I am therefore pursuing more concrete partnerships with other countries, including between major logistics hubs, to prevent drug smuggling from moving from one port to another. In June, for instance, I'll be travelling to Colombia to strengthen cooperation with logistics hubs in order to stop drugs from Latin America from reaching the Netherlands. The Dutch embassy network will play an important connecting role in this effort. Efforts must also be made to collaborate with the United Nations, the European Union and regional organisations.

At the same time, I am examining the approaches and systems of other countries. A comparison of our model of laws and regulations and the organisation of the criminal justice system with that of Italy, for example, a country which has a great deal of experience waging a cohesive battle against organised crime, provides valuable insights about how our approach could be strengthened. Other countries with different experiences than Italy have also developed tools that could help us in our fight against organised crime. As already reported to your House, the current legal framework for seizing illegal assets is no longer sufficient.³ More is needed to act more quickly and effectively. For example, experiences in the United Kingdom are being used to draft a bill for non-conviction-based confiscation. This means that, under certain circumstances, criminal assets can be seized without a conviction. If the police raid a building and find a large amount of cash, for instance, and the owner is unable to give a good explanation of where it came from, there does not need to be a lengthy criminal trial in order to confiscate that money. The focus in that moment is not on the person, but on the assets. The bill will be submitted to the Council of State for advice sometime around the summer.

³ Tweede Kamer, vergaderjaar 2020-2021, 29 911, nr. 297

Joining forces

To tackle the criminal cooperation structure, it is important that we engage in smart collaboration with all services involved. The criminals are well organised, after all, so we must be too. This includes pursuing new and innovative initiatives and partnerships. Being able to share data, within the safeguards of privacy, is crucial to these aims. Money earned from criminal activities should not mix with 'clean' money in our society and financial system. The economic and subversive effects of this mixing are huge. We are therefore dedicating our efforts to preventing and combating money laundering and underground banks. During investigation and prosecution, we are focusing on criminal assets and hitting criminals where it really hurts. The possibilities for confiscating criminal assets must be expanded by also allowing seizure of assets outside of criminal proceedings. I have already mentioned the bill for non-conviction-based confiscation above. These steps are part of the action plan for criminal money flows, which was requested in the Michon-Kuik motion.⁴ This plan has been drawn up to strengthen the ambition to seize criminal assets and illegal funds. In Appendix 2 of this letter, I discuss the action plan for criminal money flows in further detail, in response to part of the Michon-Kuik motion. In Appendix 3, I outline the problem of underground banking and the national and international efforts to put a stop to this. Furthermore, after the summer, I will issue a letter about how I would like to expand the crown witness scheme, so as to leverage the unique intelligence position of financial and other facilitators – who themselves are accused of less serious offences – to tackle ringleaders.

Punishment

Criminals have long believed themselves to be untouchable, but in recent years, major successes have been achieved in investigation and prosecution. The National Investigation Service and all partners deserve to be sincerely congratulated for this. An impressive number of known and unknown criminal ringleaders have been tracked down, extradited and brought to trial. In order to effectively deal with criminals, a strong foundation of enforcement, investigation and prosecution is indispensable. That is why we are investing in the entire criminal justice system, from police and the Fiscal Intelligence and Investigation Service to the prison system and the probation service. People and resources are being added everywhere. Crime is not only tackled through criminal law: enforcement agencies like the Tax and Customs Administration and Dutch Customs also play an important role in this effort and are therefore being reinforced. To keep up with the developments in the criminal world, we are investing in additional personnel as well as in technology. This will enable forensic investigators to work faster using the latest techniques and will equip Dutch Customs with new technology to scan incoming containers for hidden drugs faster and more effectively.

⁴ Tweede Kamer, vergaderjaar 2021-2022, 35 925, nr. 53

Substantial investments are also being made in the prison system to prevent organised criminals from continuing to commit or orchestrate crimes during their imprisonment. I am collaborating with the Minister for Legal Protection in these efforts.

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In November of last year, his predecessor informed your House about the measures being taken to this end.⁵ For example, there will be a total of four judicial complexes, with the prison and hearing location in one joint, high-security environment. This reduces the risk of escape during transport. There will also be more, stricter and longer supervision within the prison system, staff will receive more intensive resilience training and information sharing will be improved.

Protection

While we devote our full effort to preventing crime and a new influx of criminals, cracking down on criminals and breaking down their revenue models, we must also be alert in the meantime and ensure the protection of the people who are on the front line. It is crucial that crime fighters, journalists, judges, lawyers, public prosecutors, police officers, local officials and other politicians are able to do their jobs safely and without restraint. They are committed to protecting the rule of law, sometimes risking their lives in the process. They do this by reporting news, engaging with young people, assisting witnesses and fighting criminals through the justice system. It is precisely through these efforts that we can stop criminals and their networks. Years ago, drug lords mainly fought each other, but these days, they will not hesitate to take on anyone who gets in their way.

Ruthless criminals put a strain on our rule of law by intimidating or attacking anyone who does something they do not like. Our people on the front line need to feel safe and be protected when they are threatened. We are therefore investing in improving the resilience of local officials, judges, public prosecutors and lawyers. In addition, both public and private partners are working to make their personnel less vulnerable. A great example of this is Amsterdam Airport Schiphol's 'Don't give criminals a chance' campaign, which makes employees aware of how they can protect themselves from the rapprochement of criminals. The surveillance and protection of people, objects and services is both an important capstone and an absolute condition in the fight against subversive crime. Additional personnel have already been hired for this purpose in the recent period, and I will continue to reinforce the system moving forward. I recently informed your House about this in my letter regarding the Bos Committee.⁶

Focus on impact

The additional resources made available on Budget Day last year and the extra funds from the Coalition Agreement will allow us to expand and strengthen the foundation that was laid during the previous government. Crime is evolving at a rapid pace, which means our strategy to tackle it must be dynamic, innovative and flexible. This also means that a different leadership approach is needed: one that focuses more on impact than on input. The letter of 4 October 2021⁷ outlined how the funds allocated on Budget Day will be distributed.

⁵ Tweede Kamer, vergaderjaar 2021 - 2022, 29 911, nr. 339

⁶ Tweede Kamer, vergaderjaar 2021 - 2022, 29 911, nr. 347

⁷ Tweede Kamer, vergaderjaar 2021 - 2022, 29 911, nr. 329

There are high expectations for the €434 million in structural funding available, and rightly so. Discussions about this start with the questions of how, where and by whom the most results with the greatest impact can be achieved, in both the short and the longer term. The approach must be flexible and able to keep pace with the developments within organised crime. This means that, when criminals change their tactics, we can adjust and keep up. This requires an innovative form of collaboration from the government, both internally and with various private sectors. Our only chance to deliver powerful punches is through a smart combination of measures, resources and expertise.

My leadership will therefore focus primarily on the desired results and effects and not on how many extra people will be added to each organisation. Together with all partner organisations, we are committed to a cross-organisational approach that will enable us to create maximum impact. While some results are readily visible and easily measurable, another part of the strategy requires more patience because the investment will only pay off later. Accordingly, this approach will by definition span one or more government terms. It will be a matter of patience, but this does not mean that we will have to wait to see results.

In the short term, visible results will include the criminalisation of illegal residence at a container site and the conviction of so-called 'uithalers' (those who retrieve smuggled drugs). Conversely, a young person who decides not to become involved in crime is more difficult to measure. In Appendix 1, I go into further detail regarding how the structural investments from Budget Day 2021 will be used. This also constitutes my response to the first section of the Michon-Kuik motion of 25 November 2021 with respect to providing insight into the increase of structural operational capacity and programme funds.

In conclusion

Tackling organised crime requires determination and stamina from everyone involved, from an ICT employee at the police department to a gym owner who gives vulnerable young people sports lessons and a home base. We are working together to create a safe and just society in which everyone can flourish and move about freely. For me as the minister responsible, this requires pro-active management of the strategy as a whole. But I am not alone in this important task. Throughout the government, there is a strong focus on reducing the subversive effects of organised crime. The problem is also identified from various perspectives in the Coalition Agreement. To realise the shared ambitions and strengthen the approach from multiple policy areas, the Ministerial Committee for the Approach to Subversive Crime has been set up. In this Ministerial Committee, we bring together urgent themes and look at what each of us can do to put a stop to this type of crime.

The impact of this ruthless crime on our society is so vast and so fundamental that we as a government, as a body of politicians and as a whole society cannot accept it.

We will therefore fight organised crime on all possible fronts.

The Minister of Justice and Security,

D. Yeşilgöz-Zegerius

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