

# RECOMMENDATIONS

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## *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.