



> Retouradres Postbus 20301 2500 EH Den Haag

Council of Europe
528 Avenue de l'Europe
Strasbourg, France
By e-transmission only

**Directie Wetgeving en
Juridische Zaken**
Sector Straf- en Sanctierecht
Turfmarkt 147
2511 DP Den Haag
Postbus 20301
2500 EH Den Haag
www.rijksoverheid.nl/jenv

Ons kenmerk
2884518

*Bij beantwoording de datum
en ons kenmerk vermelden.
Wilt u slechts één zaak in uw
brief behandelen.*

Date 24 juli 2020
Subject Alert no. 127/2019

Dear Mr.

I hereby would like to take the opportunity to respond to the alert submitted by the European Federation of Journalists (EFJ) to the Platform for the Protection of Journalism on 15 October 2019 (alert no. 127/2019). The alert concerns a bill that criminalises the intentional stay of Dutch citizens in an area "controlled by terrorist groups" without permission from the Minister of Justice and Security.

The bill aims to create an effective instrument complementary to the existing legal framework to address the issue of "foreign terrorist fighters". The Lower House (Tweede Kamer) passed the bill in September 2019. The bill is currently pending before the Upper House (Eerste Kamer) of the Dutch Parliament.

The freedom of the press is a key principle in a democratic society. The Netherlands therefore has always been, and remains, a strong advocate of this right. Measures to ensure the position of journalists have therefore, from the start, been an important area of attention.

The aim of the bill is to enhance the capability of law enforcement to react to the threat coming from (returning) foreign terrorist fighters. As follows from that, the aim of the bill is **not** to prevent journalists from traveling to the area to make news reports. To that end several measures have been taken to safeguard the rights of journalists. One of these measures is that all journalists that work for known media-organisations and all members of the Dutch Association of Journalists (NVJ) will have a general permit to stay in declared areas. The permit will be given in general and directly at the entry into force of the new law and will include all areas that in any time in the future will be declared as controlled by a terrorist group. Journalists do not have to give notice to the Dutch government of an intended stay in a declared area, nor do they have to provide reasons for their stay. As such, the government will not interfere with intended travels or concrete activities of journalists and their neutrality will be ensured.

The alert mentions that the NVJ pointed out that the use of the term "terrorist zone" is too vague. In response to this, I would like to clarify that just as in other countries where a similar provision has been introduced, only the stay in a "declared area" will be criminalised. By decree ("algemene maatregel van bestuur"), the government must explicitly and precisely define the area on the basis of geographical features, such as the names of provinces and cities, natural borders (such as rivers) and/or geographical coordinates. Before a decree can

entry into force, it first has to be submitted to the Dutch Parliament (both Lower and Upper House). Therefore, democratic scrutiny is ensured.

We will keep you informed on the progress of this bill.

Yours sincerely,
The Minister of Justice and Security,

Ferd ~~Grappenhuis~~

**Directie Wetgeving en
Juridische Zaken**
sector Straf- en sanctierecht

Datum
24 juli 2020

Ons kenmerk
2884518