

Terrorist access to firearms in the Netherlands

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In recent years both criminals and members of terrorist networks have demonstrated their ability to acquire weapons¹ on the Dutch illicit firearms market. These two types of firearms users are closely linked: firearms have usually ended up in terrorist hands through the criminal underworld, and many jihadists seem to have used their (former) criminal contacts to obtain weapons. Little academic or policy-oriented research is available on how these specific groupings interact in the Netherlands. There is, however, an interesting body of knowledge on the general availability of illegal firearms in the country: since 2002 several studies have been published on illicit firearms possession, use and trafficking in the Netherlands.¹ These studies were often the result of fruitful collaboration among the Dutch police, the Ministry of Safety and Justice, and external researchers.

This report addresses the main characteristics and dynamics of the illicit gun market and describes the (challenges facing the) regulatory and policy framework in the Netherlands aimed at combating the illicit gun market in general, and terrorists' access to this market in particular.

In the first section we describe Dutch national policy to combat the illicit firearms market, section 2 discusses the characteristics of the illegal firearms market in the Netherlands, section 3 specifically deals with terrorists' access to firearms on the illegal market in the country and section 4 summarises the most important conclusions.

¹ Within the context of conventional arms, our analysis focuses on lethal firearms. In our study we refer to them simply as 'firearms'. When reference is made to imitation weapons or non-lethal firearms, this is always explicitly stated.

Box 1: Research design

As has already been indicated, a number of relevant studies have been undertaken in the past years.² They are based on empirical data up to and including 2011. For more recent data we obtained permission from the Dutch police to study and include the results of the most recent national analysis of the illegal trade in firearms.³ In addition, five key actors from the Dutch police and the National Public Prosecutor's Office were consulted to assess and update the information we had obtained; these are listed in Table 1.

Table 1: Experts consulted

| Position | Date and method of response |
|--|--|
| Chief researcher responsible for analysing the illicit trade in firearms for the police's National Threat Assessment 2017 on Organised Crime | 23/05/2017, email |
| Police director of the National Programme for Counter-terrorism, Extremism and Radicalisation | 30/05/2017, email |
| Police Firearms Portfolio holder | 14/04/2017, interview 01/06/2017, email |
| Police project leader for combating illegal firearms | 01/06/2017, email |
| Firearms and Terrorism Portfolio holder in the National Public Prosecutor's Office | 02/06/2017, email |

Our analysis of the current regulatory and policy framework was mainly based on open-source research reports, internal policy documents made available for this study, and a face-to-face interview with the police Firearms Portfolio holder. For the third part of this research (section 3) we drew up a summary of 25 years of terrorist activities in the Netherlands based on an analysis of media information and court rulings published on the website rechtspraak.nl.⁴ A search using the terms 'firearm(s)' and 'terrorism' resulted in 61 hits, which were analysed for their content.

1. Regulatory framework and policy

Even by European Union (EU) standards, Dutch firearms legislation is very strict. Civilian possession of firearms is forbidden, unless an appropriate licence is obtained. And weapons may only be transferred to others if an exemption is granted to both the supplier and recipient.⁵ In this first section we will give an overview of the regulatory framework and the policy for combating the illegal firearms trade in the Netherlands.

1.1 Firearms legislation

National legislation governing the trade in, possession and use of firearms and ammunition in the Netherlands is laid down in two core documents: the Weapons and Ammunition Act (WWM)⁶ and the Weapons and Ammunition Regulations (RWM).⁷ In addition to the formal framework, the 'Circular on Weapons and Ammunition' is important for the implementation of weapons-related legislation: it provides general information about the implementation of the WWM and RWM in its Part A,⁸ and contains instructions from the minister of security and justice to the chief of police and the Central Department for Import and Export about the policy to be followed in the implementation of the WWM and RWM in its Part B.⁹

In the Netherlands, the possession of a firearm is not a right, but a privilege. Hunting, membership of a sports shooting association or the need for firearms to perform police/armed services duties are the only legitimate reasons for the possession of a firearm. Firearms licences are issued under strict conditions that, among other things, include the characteristics of the person (criminal record; mental health) and the safe storage and transportation of firearms. Also, the possession of firearms that look like something other than a firearm (so-called disguised firearms) is prohibited, as well as of imitation weapons, to the extent that they do not fall under the European toy directive. The possession of an airgun can also be an offence, if the conditions for use are not met or if it looks like a real firearm in terms of its shape and dimensions.

While the country's firearms legislation is considered to be restrictive, some in the Netherlands consider sentences for the illegal possession and trade of firearms as relatively lenient when compared to other EU member states.¹⁰ However, this must be qualified by the fact that it is difficult to compare prison sentences because regimes for early release may differ substantially. In the Netherlands, convicts are obliged to serve at least two-thirds of their sentence. The maximum sentence for participation in the illegal trade in firearms, without any aggravating circumstances,

is a maximum prison sentence of eight years or a fifth-category fine ¹¹ (which was fixed in 2017 at a maximum of €82,000).¹² The maximum sentence for the illegal possession of a firearm without proof of legal trade is four years or a maximum fine of €82,000.¹³ According to the national consultations of the chairmen of the Criminal Law Sectors of the Courts of Appeal and District Courts (LOVS), the maximum sentence for 'simple' firearms possession is almost never imposed in practice. On average, the LOVS observes that judges impose sentences of nine months' unconditional imprisonment for the possession of an automatic firearm, six months for a riot gun and three months for a lethal pistol, revolver or rifle.¹ On average, a sentence of four months unconditional imprisonment is given for the concealed carrying of a firearm, while the illegal possession of gas, alarm, air or imitation guns generally results in fines of between €170 and €550.¹⁴ The LOVS lists the following aggravating and/or mitigating factors: whether the firearm is loaded, is fitted with a silencer, is stored within reach in a vehicle, is carried in public, is carried (or transferred) at an airport or on board an aircraft, whether there is live ammunition that has been converted so as to cause even more serious injury than ordinary ammunition, or whether or not the firearm could be easily reactivated.¹⁵

1.2 National policy and law enforcement agency cooperation to combat the illegal firearms market and terrorists' access to this market

In the Netherlands, various agencies are involved in tackling the illegal possession of and trade in firearms: the police, the Royal Netherlands Military Constabulary (KMar), Customs, the Public Prosecution Service (OM), the Dutch Forensics Institute (NFI), the National Coordinator for Counterterrorism and Security (NCTV) and the Ministry of Security and Justice. These agencies work together in the national network for controlling illegal firearms.¹⁶

The OM leads investigations into the illegal firearms trade and, if necessary, collaboration is sought with judicial agencies abroad. Each regional police unit has weapons and ammunition specialists attached to its forensic investigations team. Because the Dutch police have relatively few (full-time) detectives, the OM has constantly to decide how to deploy investigative capacities. General investigative priorities are set every four years in a security agenda that is based on the National

¹ It should be noted that at the time of writing the data referred to on the subject of the WWM was last updated in March 2012. Furthermore, in many cases firearms are detected in the context of investigations of other types of crime, such as drug trafficking, and in these cases it is impossible to assess the extent to which firearms possession contributed to the prison sentences that were imposed.

Threat Assessment.¹⁷ The allocation of detectives to investigate specific cases then takes place in local steering teams that include OM and police representatives.¹⁸ The KMar¹⁹ regularly carries out mobile control operations on the Dutch border, sometimes jointly with Belgium and Germany.

The General Intelligence and Security Service (AIVD) has the task of identifying threats to national security,²⁰ including the mapping of firearms-related threats linked to both crime and terrorism, but focusing on preventing situations where the possession and use of firearms become a danger to national security. If the AIVD uncovers a possible threat, other interested parties (e.g. the police and the Public Prosecutor's Office) are informed in an official report so that they are able to take appropriate action.

Because of the threat and (potential) impact of possible terrorist attacks using firearms, in 2014 the national coordinator for counterterrorism and security (NCTV) singled out the reduction of the availability of firearms to terrorists as one of the priorities in the current action programme entitled Integrated Approach to Jihadism.²¹ In general, the NCTV wants to reduce the general availability of (illegal) firearms. More specifically, the aforementioned programme states that the intention is '[to make] it more difficult for the malevolent to acquire attack resources' by, among other things, 'signalling possible preparation activities [more] promptly'.²² For this purpose, 'the information sharing, investigation and gaining of intelligence concerning the [attempted] acquisition of attack resources [shall be] intensified, particularly concerning the availability of firearms in criminal circles and the intermingling of these circles with jihadist networks'.²³ As part of this prioritisation, the NCTV, in his role of instigator, facilitator and coordinator, has increased the focus on preventing firearms acquisition.²⁴ The NCTV maintains close contacts with the Firearms Portfolio holder to discuss developments in the approach and supports the accumulation of knowledge, information, personnel and resources so as to be able to achieve the prescribed objectives. Such collaboration between the police and NCTV also occurred earlier in the area of chemical, biological, radiological and nuclear defence, but is still relatively new in terms of firearms.²⁵ The Dutch police have welcomed the NCTV's targeting of firearms. Dealing with the issue of acquiring automatic firearms from the perspective of potential terrorist use is seen as essential for a successful approach to the illegal trade in automatic firearms. It gives extra urgency to the problem, which could allow the issue of the illegal trade in firearms to be freed from the changing national priorities of the Ministry of Safety and Justice dealing with organised crime.²⁶

Linked to the above, but also based on concern about criminals' increasing use of automatic firearms in the Netherlands, according to a statement by the minister of

security and justice in March 2017, the national approach to illegal firearms has ‘in the past two years been considerably intensified at the policy and operational levels’.²⁷ Law enforcement agencies now pay more attention to the trade in and possession of illegal firearms and have improved their information-collecting abilities. In addition, the police have appointed a national portfolio holder for illegal firearms, the OM has designated a national public prosecutor to deal with the issue, and a national network for combating illegal firearms possession has been set up. These measures have led to an increasing number of criminal investigations and seizures of caches of firearms and explosives. In short, the approach to illegal firearms has been improved and in the future will continue to be a priority of the police and the Ministry of Safety and Justice.²⁸

Within this context, the police particularly focus on: (1) reducing the number of assault rifles that circulate in criminal circles; (2) curbing the flow of illegal firearms that come to the Netherlands from the Balkans; (3) tackling the influx of firearms or firearms parts ordered on the internet and coming to the Netherlands by post; and (4) improving the monitoring of the access to firearms of radicalising/radicalised people with a criminal profile or who are members of a criminal network.²⁹

Finally, national prevention policy was intensified in 2005 to discourage the acquisition of illegal firearms or trading in firearms. An example is national campaigns drawing attention to the prohibition of imitation weapons. Additional initiatives are local by nature, such as information projects about firearms possession, preventive firearms controls at schools³⁰ and preventive body searches in areas where there is a high risk of firearms-related incidents.³¹ An important supporting document for these initiatives is the Action Plan of 2005 for combating illegal firearms.³²

1.3 International cooperation

Dutch law enforcement agencies cooperate with law enforcement services in EU member states in cases of international firearms trafficking. This includes collective investigations (as part of joint investigation teams, or JITs) and cooperation based on mutual legal assistance facilitated by Dutch police liaison officers stationed abroad. On several occasions information from other countries has led to major investigations of illegal firearms dealers in the Netherlands.

At the beginning of 2017 around 50 Dutch investigations were ongoing and many required cross-border cooperation.³³ However, in February 2017 two articles appeared in the Dutch newspaper *De Telegraaf* with the suggestive headlines ‘Dutch firearms policy fails’³⁴ and ‘English victim of trafficking’.³⁵ Both articles cite two anonymous

sources claiming to be employees of the National Crime Agency. The matter is extremely sensitive. According to these articles, in 2016 the Dutch Ministry of Security and Justice was asked on four occasions to tighten firearms policy. The United Kingdom (UK) is apparently frustrated by the low priority given to dealing with the issue of illegal firearms in the Netherlands, because it is confronted with firearms that are trafficked from the Netherlands to the UK. Given that major crime groups from the Netherlands and the UK closely collaborate (see below), law enforcement collaboration between the two countries is essential to obtain evidence and tackle these groups. The UK source, however, stated that 'If a firearm is seized in the Netherlands, that's often the end of the matter. Our and your police services work together very well, but we notice, according to our contacts, that your police would like to do more.' He further stated that in the Netherlands the seizure of a firearm is all that happens: 'We trace back the trail and regularly encounter more criminals. If our services request further information about a firearm, the Dutch police often cannot tell us anything.' According to this criticism, prioritisation, resources and authority are lacking in the Netherlands. In response to these articles, the minister of security and justice denied these accusations in the Dutch Parliament and stated that the tackling of illegal firearms has been improved since 2015 and that 'whether and how the approach can be improved is being constantly assessed'. He further stated that whether more investigative capacity can be freed up would be decided later in 2017 based on the outcomes of the National Threat Assessment and subsequently the Security Agenda.³⁶ The Dutch police stated that consultations with the UK on the matter were as constructive as ever.³⁷ The criticism expressed anonymously in the media was neither repeated nor supported by British officials.³⁸

The Slovakian police and Europol expressed similar criticism of the contribution of the Netherlands to identifying arms dealers in 2015, in response to arrests made for arms trafficking from Slovakia. At that time, Europol also had uncovered indications of regular ('once or twice a month') courier shipments of firearms from Slovakia to the Netherlands. While the Slovaks wanted to identify all the members of the smuggling operation, the Dutch authorities apparently chose to immediately arrest three low-level individuals (so-called 'errand boys') who were smuggling a package with components for 35 CZ sub-machine guns.³⁹ The case was concluded within a year by the judge: the main suspect (a Polish citizen) was sentenced to three years' imprisonment, while his Dutch fellow-suspects were acquitted. Yet at the time of their arrest the three were supposed to deliver the firearms to a man who would be waiting in a black BMW at a parking lot in Nistelrode. The police were unable to establish the identity of the man and the destination of the firearms. A Dutch newspaper reported in the spring of 2015 that this caused annoyance at Europol and among the Slovakian police. 'It is typical of the way in which the arms trade is handled in the Netherlands and arises from a consciously

implemented policy', concluded a journalist in an editorial.⁴⁰ To improve international collaboration the Netherlands shortly thereafter started participating in a JIT with Slovakia, Poland, Germany and the UK.⁴¹ This team achieved good exchanges of operational information and successful interventions, and is still active.⁴²

Another method to improve bilateral collaboration is the strategic positioning of police liaison officers abroad. Optimising this network has been given top priority.⁴³ The Dutch police particularly underline the importance of its liaison officers stationed in Belgrade and Bucharest.⁴⁴ Based on the Benelux Implementation Agreement for Liaison Officers, a Belgian liaison officer is also stationed in Albania who works for both the Belgian and Dutch police (and the KMar). The western Balkans countries are generally considered to be important source countries for the trafficking of assault rifles to the Netherlands. According to a police interviewee, 'Having police liaison officers stationed there is extremely important for us, because in these countries personal connections [characterised by] trust and confidence are essential.'⁴⁵

Collaboration with international actors such as Europol, Interpol and Eurojust is subsequently shaped mainly by the participation of firearms experts in relevant international networks. A 'firearms info unit' is positioned as the national focal point for firearms for the Dutch National Police and also provides information to the Europol focal point. Furthermore, the Netherlands is one of the co-drivers of the priority issue of illegal firearms within EMPACT, together with the UK, France and Belgium (co-drivers) and Spain (driver). The Dutch police appointed one national firearms expert to monitor relevant developments affecting the Netherlands stemming from EMPACT, the European Firearms Experts Network and the Europol Firearms Focal Point.⁴⁶ These various international positions are filled by a total of four officials, each with many years of experience of the Dutch approach to firearms-related crime. They can all deputise for one another and if necessary can attend meetings together as joint representatives.

1.4 Main challenges facing national policy to combat the illicit firearms market in the Netherlands

As explained previously, the Netherlands has extremely strict firearms legislation, and a licence for a lethal firearm is only issued under strict conditions (solely for sports shooting and hunting) and after screening the applicant's criminal record and mental health status. Because of these restrictions, criminals rely on firearms that are smuggled into the Netherlands or have been stolen from either licensed firearms dealers or people who are permitted to own a firearm. The investigative services give high priority to indications of the illegal possession of firearms.

Intelligence is followed up as quickly as possible and searches are conducted to find and seize the firearms. However, keeping a record of this process, and further investigation into the origins of seized firearms and the criminal groups possibly involved in their trafficking, is far less systematic. A primary cause of this is that specialisations such as firearms expertise have been increasingly abolished since 1993.

Police firearms specialists now primarily have a technical function. They have been attached to forensics teams and focus primarily on examining confiscated firearms and properly describing them. Most of these specialists have little or no access to relevant investigation information and have excessive workloads that involve correcting reports drawn up by police officers who seized firearms but lack specialised knowledge. They also become bogged down in record-keeping systems that do not support them sufficiently in their work. It will therefore not come as a surprise that figures about seized firearms are currently incomplete and unreliable.

Despite political statements, investigating the firearms trade and trafficking is not given the highest priority in the Netherlands. This can be largely explained by two factors. Firstly, the arms trade in the country is a relatively small criminal market compared, for example, with the production and export of drugs and the import and transit of cocaine. Secondly, as a consequence of the relatively small scale, the arms trade is often a sideline for criminal groups that primarily focus on other illicit markets. Therefore, policy-makers have assumed that the trade in and trafficking of illegal firearms are automatically dealt with when other crimes are investigated.

The level of priority that the Dutch police give to firearms trafficking and trade is mainly determined by external pressure and not by the fact that firearms are necessary tools for members of the criminal underworld. This is reflected in policy priorities. At the start of 2000, firearms were included on the list of investigative priorities, which was confirmed in 2004 based on the outcomes of the National Organised Crime Threat Assessment. In 2008, however, a new threat analysis did not reveal major changes in the crime situation, but it was decided that firearms were not a threat, primarily because trafficking and trade took place on a small scale. In 2012, based on the latest threat analysis, the minister of security and justice concluded that illicit firearms were a threat, but for reasons not explicitly stated, decided that a separate investigative priority dealing with firearms was not necessary. In response to a number of murders in Amsterdam in which Kalashnikovs were used, including in a shooting near a primary school, firearms once again became a priority at the end of 2015. Whether this will remain the case is unclear, particularly because the most recent figures show that the number of firearms seizures is declining. On the one hand, however, this may be explained by inaccurate records of firearms seizures; on the other hand, one can question whether such figures should be

the prime criterion for prioritising criminal activities. For example, the number of firearms says little about possible impact: in the hands of a terrorist even a single firearm can inflict major harm.

2. The illicit gun market in the Netherlands

2.1 Estimated size of the illicit gun market

It is impossible to estimate the exact number of illegal firearms in a country. Any estimate requires assumptions that may be challenged, and wide margins of error are possible. One assumption (which is used by the Dutch police and in other Western European countries⁴⁷) is that law enforcement agencies annually seize around 10% of the total number of firearms available in the criminal underworld.⁴⁸ Based on this assumption and detailed data of seizures by the Dutch police in the period 1998-2000, an estimate was made in 2002 that 10,000-15,000 firearms were introduced into the Dutch market annually by smuggling and that in total there were between 85,000 and 125,000 illegal firearms in the Netherlands.⁴⁹ In the same period the police confiscated 7,170 firearms, of which around 1,200 were surrendered voluntarily. However, there are various problems with this estimate. Firstly, it is unclear whether the '10% rule' actually applies to the Netherlands. Secondly, the information about the number of confiscated firearms was still incomplete. Thirdly, the estimate would mean that the cache of illegal firearms is constantly growing at a high rate, although it is impossible to demonstrate that demand has increased at the same rate. Fourthly, the number of weapons is not equal to the number of owners, because key members of organised criminal groups generally own several (types of) firearms. These and other considerations mean that the number of illegal firearms could be either higher or lower than the estimates.

In 2005, to supplement the 2002 estimate, a population-specific estimate was made of the number of illegal firearms owners in the Netherlands.⁵⁰ This was done using the capture-recapture method – a statistical method that (with good source data about the number of seized firearms) can give a reasonable estimate of the scale of the number of illegal firearms in a particular country. The 2005 capture-recapture estimate included people who were apprehended at least once in the period 2001-2003 for the illegal possession of firearms, and who belonged to one or more specific categories of criminal groups (those who are connected to the illegal drug-trafficking world, who were suspected of carrying out armed robberies and who were born in the Dutch Antilles). Taken together, the groups selected were involved in around 75% of the total number of registered firearms offences in the Netherlands. There

were 2,093 relevant suspects between 2001 and 2003; of these, 1,977 were apprehended once for a weapons-related offence, 105 were apprehended twice, eight three times, two suspects were apprehended four times and one suspect five times. Based on the analysis, it was estimated that these three groups together total at least 40,533 people who possess firearms, including both those who had been apprehended and an estimated figure for those who had not been apprehended.⁵¹ This supports the perception, which had also been raised by the previous study, that there are tens of thousands of Dutch citizens linked to crime who want to arm themselves. The capture-recapture method such as the one developed in 2005 could not map the degree to which there was a preference for owning lethal, non-lethal or imitation weapons. It could not be completely excluded that some suspects used an imitation weapon or a gas or alarm pistol, for example when a firearm was used as a threat and was subsequently not found; as a result, no technical details on it were available.

Because of the deterioration of the record-keeping system for firearms seized in later years and the decline in the information available on illegal traders (see below), no comparable approximation was subsequently made.⁵² A useful aid for estimating the scale of the illicit firearms market in more recent years could be provided by the number of confiscated firearms that are destroyed annually by the Logistics and Distribution Unit (ULD) of the Dutch police. An application for destruction is linked to a criminal case for about 2,000 firearms each year (see Table 2). This validates the assumption that these are firearms that have circulated in criminal circles and have been confiscated. If we assume that the seized firearms must be replaced, these figures are the absolute lower limit of demand in the market. In addition, some of the firearms with a case number may have had a criminal owner – the average citizen does not just lose a firearm. Furthermore, not every firearm that must be replaced ends up in the hands of the ULD, for example, criminals who get rid of a firearm after using it.⁵³

Table 2: Number of destroyed lethal firearms linked to criminal cases, 2006-2011

| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|---|--------------|--------------|--------------|--------------|--------------|--------------|
| Handguns (pistols and revolvers) | 1,999 | 2,047 | 1,374 | 790 | 1,143 | 1,655 |
| Rifles, assault rifles and sub-machine guns | 108 | 173 | 126 | 309 | 150 | 436 |
| Shotguns and hunting rifles | 36 | 34 | 40 | 47 | 60 | 166 |
| Total | 2,143 | 2,254 | 1,540 | 1,146 | 1,353 | 2,257 |

Source: Boerman and Bruinsma (2012, p. 47)

2.2 Availability and prices of different types of firearms

2.2.1 Availability

The illegal possession and trade of firearms in the Netherlands mainly involves pistols. At least half of all lethal firearms seized in the country are of this type (i.e. between 700 and 1,100 annually). Revolvers are less commonly seized than pistols (around a quarter of the handguns seized). These data come from the national phenomenon studies up to 2012,⁵⁴ but a similar pattern can also be noted in the more recent data that four police units collected for the National Threat Analysis 2017.⁵⁵

Automatic assault rifles seem to have become more readily available in recent years and/or have a wider range of customers. After 2012 the number of incidents involving heavy automatic weapons such as Kalashnikovs increased significantly. Before that date such incidents were highly exceptional and generally linked to internationally linked criminal networks. At the end of 2012 this state of affairs had changed due to a series of murders with automatic weapons mainly related to conflicts between cocaine wholesalers.⁵⁶ In addition, perpetrators increasingly started to use assault rifles instead of handguns (pistols and revolvers) to commit crimes such as robberies. For instance, assault rifles were used to keep residents at a distance during an ATM attack using explosives in Amsterdam.⁵⁷ The developments resulted in an increase in the number of murder investigations (first mainly in Amsterdam, but later also elsewhere) and an increase in the number of search warrants related to the possession of automatic firearms. Consequently, since 2014 more assault weapons have been seized. The number of automatic firearms seized in the large cities of Amsterdam and Rotterdam rose from 10-20 per year in 2012 and 2013 to 30-40 per year in 2014 and 2015.⁵⁸ From 2001 to 2010 the share of automatic firearms seized annually in the whole of the Netherlands was on average 4% of all seized lethal firearms (around 50 per year).⁵⁹ More recent data are unavailable, but in October 2015 Chief Commissioner Hans Vissers of the Zeeland-West Brabant Police Unit stated in his role as spokesperson on firearms that 'an increase can be observed in the number of heavy weapons, such as sub-machine guns In 2013 we confiscated around 170, in 2014 just over 200, and if the increase continues at the same tempo, we will perhaps reach 250 this year.'⁶⁰

A third observation is that converted gas and alarm pistols remain widely available. Since the end of the 1990s the trade in such pistols has attracted attention in both the Netherlands and abroad.⁶¹ These are firearms that originally were unable to fire live bullets, but were illegally converted to make this possible. Converted firearms are technically less reliable than firearms originally designed to be lethal, but for this reason they are also much cheaper, and therefore popular. In the Netherlands,

conversions were considered a special subject of interest and this resulted in several targeted investigations. Data until 2012 indicate that between 100 and 275 converted firearms were seized each year.⁶² Constructing reliable estimates subsequent to that year is not possible, but police experts believe it is a stable market.

Fourthly, 3D-printed firearms have not been seized in the Netherlands. In recent years articles appeared in the media about manufacturing firearms with 3D printers, and the phenomenon was presented as a potential new risk.⁶³ However, up to mid-2017 3D-printed firearms have never been found in Dutch criminal circles and the NFI has not received any such firearms.⁶⁴

With regard to the countries that produced the seized firearms in the period 2001-2010, a fairly constant pattern could be observed in 2012: seized pistols mainly originated from legal factories in Italy, Germany and Belgium; revolvers were mainly produced in the United States and Germany; the gas and alarm weapons that were later converted generally came from factories in Italy, Germany and Turkey; and up to 2010 automatic firearms came mainly from the UK, what was then Serbia and Montenegro, and Russia.⁶⁵ Overall, the conclusion was that this is an EU problem: 75% of the illegal firearms seized in the Netherlands were produced in EU member states.⁶⁶ According to experts, it can be assumed that this picture has not changed considerably in recent years.⁶⁷ However, investigations have identified an occasional new type of firearm linked to European countries of origin that were previously less prevalent: the Czech-manufactured CZ vz.58. This could be connected to the increased trafficking of deactivated or reactivated firearms from Slovakia (see section 2.3.3).

2.2.2 Prices

The Dutch police have gathered a large amount of information for the period 2002-2017 on the prices of firearms in the criminal underworld, mainly from investigation reports and information collected from informers.

In the Netherlands, pistols cost on average €1,000-2,000, while AK-47s are sold for €1,500-4,500 (including 100 rounds of ammunition). Recycled, slightly damaged firearms or fake brands are the cheapest.⁶⁸ In 2008 it was established that converted gas and alarm pistols had been on sale for at least ten years for €300-500.⁶⁹ More recent police data and interviews with detainees confirmed these prices.⁷⁰ For specific Glock pistols the price can go up to €3,000. This observation is supported by the discovery of a comprehensive price list that circulated in the Dutch underworld in 2008 and listed virtually all the types of firearms on offer. On this list, an AK-47 was listed at €1,600, which is lower than for some pistols.

The available data show that prices have remained quite stable over the years. This same price list was seized during searches over a period of several years in various criminal investigations.⁷¹ The picture has not changed since 2012, which indicates no scarcity of lethal firearms. This observation, in combination with the observation that more automatic firearms are used and found in criminal circles (see section 2.2.1), suggests that the market for automatic firearms in the Netherlands has grown in scale since 2012. In a recent case there even seems to be the suggestion of a temporary over-supply in the market: Skorpion vz.61 machine pistols were being offered in sets of ten and for a lower price than previously seen in other cases. Apparently, this was due to a (temporarily) large stockpile or a new supplier.

Large price differences can be observed across European countries, which makes the Netherlands an interesting destination and transit country for trafficked firearms. Although the identified prices on the illegal market vary, according to the Dutch police there are strong indications for classifying the Netherlands (1) as an outlet for firearms particularly from Serbia (and also from Slovakia); and (2) as a transit country for firearms destined for the UK. In Serbia, for example, AK-47 assault rifles can be acquired for €300-350, while in Slovakia they go for €500. The Netherlands is therefore an interesting market because the same weapon costs around €500-1,000 more than it would in Belgium. Transit to the UK is even more interesting. According to the Dutch police, AK-47 assault rifles would cost €3,000-11,000. These prices were identified in various investigations in the period 2012-2016, which revealed that weapons were purchased in the UK from the Netherlands or (telephone) contacts were made between UK arms dealers and individuals in the Netherlands.⁷² In addition, bartering firearms for drugs can be very lucrative, because good-quality drugs can be bought cheaply in the Netherlands and sold in countries where guns are cheap and drugs expensive. Thus, the importance of the Netherlands as a drug market cannot be separated from its attractiveness as an intermediate destination for illicit firearms. For Dutch criminals, firearms constitute a valuable asset that can be exported to other countries, but also sold in the Netherlands, although the latter takes longer because the market is relatively small. Whatever the case, firearms are durable goods and for this reason are a good long-term investment. For example, there are rumours that at least one Dutch criminal bought an entire container of firearms from Belgian firearms dealers who wanted to get rid of them after Belgian firearms legislation was tightened in the early 1990s. The police assume that the buyer was able to draw an income from this hidden stock for at least a decade, in addition to the revenues from his other criminal activities.

2.3 Sources of weapons on the illicit market

The Netherlands does not manufacture firearms. Consequently, illicit firearms must either be smuggled across the Dutch border, stolen from legal owners or illegally manufactured in the country itself. In practice, the majority are manufactured legally in other countries and diverted to the illegal sphere at some point.⁷³

2.3.1 Illegal production

Around 5% of the illegal firearms encountered in the Netherlands have never been legal, and have thus been illegally manufactured at some stage.⁷⁴ Among these weapons a distinction can be made between (1) self-produced firearms (often hidden or disguised firearms such as pens with guns built into in them); (2) brand replicas; and (3) weapons made up of individually acquired firearms parts.

Little is known about the origins of self-made firearms. They seem to be largely the result of 'cottage industries' abroad, sometimes with indications of somewhat more professionally based illegal workshops. Annually, several dozens of these firearms are encountered in the Netherlands, mainly during searches and linked to other firearms finds.⁷⁵

In recent years Dutch police have also discovered so-called 'brand replicas'. During the war in the Balkans the 1990s Croatian manufacturers produced several brands that imitated real ones (e.g. Uzi, Smith & Wesson); these were also encountered in the Dutch criminal underworld.⁷⁶ Croatia has a long tradition of brand counterfeiting.⁷⁷ A new trend originating from Croatia are fake 'R9 Arms' sub-machine guns. This type of firearm was seized in the Netherlands for the first time in 2012.⁷⁸ The full name of the legal weapon is 'R9 Arms Corp. U.S.A.'⁷⁹ Possibly this fake branding is intended to make the gun more attractive to buyers. Most probably they were built in a small, illegal factory or workshop in Croatia. Until the start of 2014 fake R9 Arms sub-machine guns were only encountered in the Netherlands; since then there have also been seizures in Germany, Belgium, the UK and France.⁸⁰

The phenomenon of firearms built up from individual parts has not been observed in the Netherlands until fairly recently. In recent years in particular, built-up Glock pistols have been found. In 2014 one such Glock pistol was seized, while in the first half of 2015 an additional 30 built-up Glock pistols were seized. In these cases, casings for Glocks have been purchased in Austria via the internet (no permit/licence is required), while additional components were legally acquired in the United States. These components were then assembled into a firearm. It is currently

unknown where and by whom these firearms were assembled. Doing so does not require much expertise and acquiring the parts is relatively cheap. The casings of the most popular models (Glock 17 and 19) only cost around €140 in Austria. The remaining parts cost a few hundred dollars at most in the United States. This means that a lethal Glock can be put together for a price lower than that of a regular Glock pistol in the criminal underworld. Although US firearms dealers can no longer send firearms components to international addresses, it has been observed that people have all sorts of creative solutions for this, such as shipping under a different name, sending them via friends in the United States or making use of courier services. The Europol Firearms Focal Point is investigating this phenomenon.⁸¹

2.3.2 Conversion of gas and alarm weapons into lethal firearms

Gas and alarm pistols that can be converted are acquired in countries where they can be bought without a licence. These firearms are then illegally converted to fire live ammunition. Converted Italian-, German- and Turkish-made firearms are encountered in the Netherlands. The first converted firearm to attract attention in the Netherlands was the Tanfoglio GT28, which was produced in Italy and converted in the border area of Spain and Portugal, but these conversions slowly disappeared from the market due to effective enforcement. Since 2007 converted pistols of the Turkish brand Ekol Tuna and associated types appeared more frequently, as well as converted German Walther P22 and P99 gas pistols.⁸² In addition, converted Turkish Zoraki alarm pistols have been encountered in the Netherlands in recent years. A significant recent development seems that conversion not only takes place abroad, but also in the Netherlands itself, although the scale remains unclear.⁸³

2.3.3 Recycling of rejected, malfunctioning, decommissioned or depreciated firearms

For several years the illicit trade in recycled firearms has been characterised throughout the EU as a constantly growing market.⁸⁴ In this context the term 'recycled' means that rejected, decommissioned or malfunctioning firearms are made useable. Often these are discarded police or army weapons, for example, the firearms arsenals of these services had been modernised, after which the old weapons were sold legally as decommissioned 'decorative firearms' or converted into alarm weapons. In the Netherlands old pistols from the Danish, Swedish, and East German police, and previously decommissioned Russian, Hungarian and Finnish pistols have been seized.⁸⁵ The core of the problem is the differences in legislation and regulations among the various EU member states dealing with the decommissioning

of firearms, on the one hand, and the sale of firearms components and ammunition, on the other. This allows arms dealers to acquire decommissioned firearms and firearms components in various EU countries without restrictions. In the past, large numbers of recommissioned FN, Walther (PP and PPK models), Makarov, FEG and Tokarev pistols in particular have been seized.⁸⁶ From 2010 Nagant revolvers, which appeared to be reactivated in the Netherlands, also drew the attention of the Dutch police.⁸⁷

In recent years, however, the main concern was the illegal flow to the Netherlands of Slovakian reactivated (largely automatic) firearms, especially CZ vz.58 assault rifles, which first appeared in 2013. In the first half of 2016 the Dutch police seized such weapons almost every week. Based on sales data in Slovakia and the illicit business activities of identified Dutch traffickers, the Dutch police assumed that criminals had smuggled hundreds and perhaps even more than a thousand reactivated firearms from Slovakia to the Netherlands. Some of these guns have been used to commit murders in the Netherlands.

Slovakian firearms stores seem now to be concentrating on the sale of so-called Flobert firearms instead of acoustic firearms, and they seem with this to open up a new market that gives some legal room for manoeuvre, but equally quickly leads to illicit trade. Flobert firearms are firearms with a limited fire power (up to 7.5 Joule) and a small calibre (generally 6 millimetre or 4 millimetre M20) and are freely obtainable in Slovakia (but also, for example, in Germany). The first Flobert firearms from Slovakia – pistols of the brand/model Walther P99 – were encountered in the Netherlands in the first months of 2016. It transpired that the firearms did not comply with the current specifications of a Flobert firearm and were simply original sharp-shooting firearms. This is again a good example of a part of a law being tightened in one EU country, after which traders simply find another loophole in the law. If countries are not obliged to adopt equivalent legislation and regulations which apply throughout the EU, these problems will, it is expected, continue.⁸⁸

2.3.4 Embezzlement

There are very few up-to-date data on embezzlement as a method of leaking legally owned firearms into the illicit gun market in the Netherlands through corrupt legal arms dealers or gun owners. The most recent example dated from 2010 and involved a corrupt Dutch legal arms dealer and a single firearm.⁸⁹

Other known cases involved foreign firearms dealers who illegally sold large quantities of firearms to the Dutch criminal underworld. In various investigations in the

period 2003-2008 the Dutch police encountered a total of 203 Glock pistols with erased serial numbers that originated from a licensed German firearms dealer who embezzled more than 4,500 firearms (including Glock and Beretta pistols, and Ruger revolvers) between 2001 and 2006. This dealer made it appear that he had himself converted the Glocks from lethal 9 mm calibre pistols to 3 mm M20 pistols, that is, *luft energie patrone* (LEP, or air pressure cartridge) firearms that can be legally sold in Germany. In his arms register the firearms were deregistered with the remark: 'converted to LEP firearm'; in practice, the weapons disappeared into the criminal underworld in their original form. The German authorities have since shut down the company.⁹⁰

Another licensed German firearms dealer was caught in 2008 selling weapons to Dutch nationals who did not have a permit. After an extensive investigation a delivery was monitored and 15 Glock pistols were confiscated. The police were unable to establish how many illegal firearms had been traded to the Netherlands via this route. There were, however, rumours that the Dutch suspects had been in the arms trade for many years.

A third example concerns a corrupt Belgian arms dealer from Beveren who filed off the serial numbers of firearms and sold them to customers without a permit. The dealer was convicted in 2008, but between 2004 and 2006 he sold 779 firearms in this way, including automatic weapons and riot guns. More than half of these firearms were sold to 'a Dutchman' and in the following years the police seized several of these weapons from Dutch criminals.⁹¹

A final example again concerns a legal German firearms dealer operating a shop close to the Dutch border who 'sold' 128 firearms to several non-existent Dutch customers. Some of these firearms were later seized from criminals who were involved in illegal cannabis production in the Netherlands.⁹²

2.3.5 Theft

Firearms are also acquired through theft from government stockpiles, private individuals, licensed firearms dealers and shooting clubs. In 2012 nearly 400,000 firearms were registered as missing in the Schengen countries, around 1,600 of which were in the Netherlands.⁹³ Particularly relevant for the Netherlands is the large number of weapons disappearances in neighbouring countries (in 2012, 31,000 firearms disappeared in Belgium and 143,000 in Germany), since these firearms could easily end up in the Dutch criminal underworld.

In the Netherlands, around 300-400 firearms are stolen each year.⁹⁴ Most of these thefts involve firearms stolen from individual permit holders.⁹⁵ In recent years some large-scale firearms thefts also took place from legal arms dealers and shooting clubs in the Netherlands: in the 2012-2015 period there were four instances of this involving around 20-30 stolen firearms per case.⁹⁶ After a remarkable case involving a large number of air force pistols in 2005,⁹⁷ no major thefts have taken place from government stockpiles.⁹⁸

2.3.6 Smuggling

The smuggling of firearms to the Netherlands traditionally takes place by road with cars, vans and trucks from or via the neighbouring countries of Belgium and Germany. Individual shipments of illicit firearms are usually small (less than ten at a time).⁹⁹ Large-scale container trafficking has not been detected since 2004. The Dutch police believe that a few people in the Netherlands import firearms on a large scale.¹⁰⁰ The few cases that have been discovered each year indicate that these people have often built up a large and varied firearms arsenal, with handguns, semi-automatic and automatic firearms, anti-tank weapons, and hand grenades. Networks of family members or communities abroad play a large role in this kind of smuggling. The National Threat Assessment 2012 refers to illegal importers with Turkish and Portuguese connections. The most recent National Threat Assessment 2017 mentions mainly importers with connections with countries such as Poland, Croatia, Slovakia and (to a lesser extent) the Antilles.¹⁰¹

The police have observed that Dutch criminals have recently been experimenting with new trafficking methods. It was observed that firearms components were hidden in large postal parcels sent to various parties in the Netherlands.¹⁰² The police observe that the practice of ordering firearms via the internet and having them delivered by postal and courier services has increased considerably since 2012. Both major and petty criminals use this method, according to the National Threat Assessment 2017. However, there is also considerable uncertainty about the exact scale: 'It is unknown how the trade via the internet relates in scale to the normal face-to-face trade.'¹⁰³

With the growth of firearms sales via the internet several perfectly innocent facilitating actors have become more important for the illicit firearms market in the Netherlands, for example, courier companies. Illegal firearms dealers use these companies to send packages of firearms anonymously from, for example, the United States to the final recipient in the Netherlands. The use of courier companies makes it more difficult for law enforcement agencies to detect these types of

firearms shipments. A new feature is also the use of so-called straw purchasers in the United States; that is, US citizens who can legally buy firearms in the United States, and do so on behalf of criminal firearms dealers in the Netherlands. They then send the firearms to the Netherlands via courier companies.

2.4 Actors in the illicit gun market

In many ways the market for illegal firearms is a closed one comprising importers, buyers and sellers who have often known each other for years.¹⁰⁴ This situation has recently become less absolute through the emergence of the dark web, where suppliers and buyers who do not know each other can be brought into contact.

In the Netherlands, illegal firearms are mostly sold to criminals. The customers identified by the police tend to have criminal records involving financial and violent crimes and are mainly ethnic Dutchmen, followed by people of Moroccan or Turkish origin.¹⁰⁵ The people involved in the illegal sale of firearms in the Netherlands are virtually always men; the majority were born in the Netherlands and have Dutch nationality.¹⁰⁶ These men tend to have criminal records, with a relatively large number of WWM offences. Many criminal groups that trade firearms are also active in other forms of crime, such as drug trafficking or contract killing in the criminal underworld.¹⁰⁷

Those involved in the larger cases of illegal sale of firearms are often criminal members of the commercial traveller community or members of outlawed motorcycle gangs. Since 2012 two cases have involved the conviction of motorcycle gang members for illegal trade in firearms. The first case involved an investigation into the president of the Satudarah gang in the city of Tilburg. He was convicted of supplying automatic firearms to a new chapter of the gang in the German city of Duisburg (the weapons were possibly intended for a conflict with a rival gang). The second case involved the sentencing of the president of the Hells Angels in the Dutch city of Haarlem to two-and-a-half years in prison in connection with, among other things, an arsenal of firearms that had been uncovered. In recent years various criminal members of the commercial traveller community have been under serious investigation for possible links to two large arms dealers and a sizeable arsenal of firearms that was discovered in 2015 in a garage lock-up in Limburg.¹⁰⁸ Finally, the National Threat Assessment 2017 links 'criminal groups of Dutch-Antillean or former Yugoslav origin' and 'developed criminal youth groups' to illegal firearms sales.¹⁰⁹

It seems that buyers of firearms use several supply lines. Within the larger network of Dutch-Antillean criminal groups, requests for firearms are circulated via mobile phone messaging. This can also be observed among youths who trade in illegal firearms. WhatsApp and other easy-to-use message systems form a flexible middle layer of firearms brokers. According to the National Threat Assessment 2017,

there are also groups involved in brokering; the members of these groups belong to a broader network and form ad hoc coalitions. After importation, they take care of the further sales of the firearms in the Netherlands. The group members are able to contact each other easily.¹¹⁰

The National Threat Assessment 2017 also states that ‘firearms are more frequently leased, particularly by street gangs’.¹¹¹ In addition, firearms arsenals have been uncovered that seem to have come from different supply routes.¹¹² An example of this is a major discovery of firearms in Nieuwegein. In this case the police and the Public Prosecutor’s Office found an unprecedented number of weapons and related materiel in a warehouse: 60 pistols and revolvers, nine hand grenades, 36 automatic weapons and large amounts of ammunition. A dozen bulletproof vests were also seized.¹¹³

2.5 The Netherlands as a transit country for illicit firearms trafficking

While most of the firearms trafficked to the Netherlands are sold domestically, some are exported to lucrative markets in other countries, especially the UK and Ireland. Several examples illustrate this. In 2008 the Amsterdam police discovered a large stash of firearms primarily originating from the United States and Germany that were intended for export to Ireland and the UK by an Irish criminal group that was suspected of smuggling weapons, drug and cigarettes.¹¹⁴ In 2011 the military police discovered more than a hundred semi-automatic firearms during a roadside search of a van. The Hungarian driver claimed he was on his way to deliver firearms to collectors in the UK. He did not possess the papers necessary for transit and the firearms had not been decommissioned.¹¹⁵ An interesting related case is that of a US citizen in 2007 who had to ‘babysit’ a large quantity of firearms stored in a house in Amsterdam. He was part of a British criminal group that smuggled cocaine from Jamaica to the UK and that had been linked to several murders in the latter country.¹¹⁶ It is currently not clear whether the firearms were on route to a more lucrative market abroad or were to be stored in the Netherlands until they were needed in the UK. The findings of earlier studies suggest that British criminals have settled in the Netherlands, partly because the Netherlands acts as a transit and distribution

country for heroin and because of the UK's strict enforcement and investigation policy.¹¹⁷ These criminal links may also play a role in the trafficking of illegal firearms. Recently, a police investigation of supply lines of reactivated firearms from Slovakia has also revealed connections between Dutch firearms dealers and British customers.¹¹⁸ There are also reports of a Dutch-based criminal group that makes use of low-flying light aircraft to ship drugs and firearms to the UK.¹¹⁹

Occasionally there are indications of transit to destinations other than the British Isles. A Europol investigation, for example, revealed a distribution route for firearms from Kosovo via the Netherlands and Denmark to Sweden involving a Dutch motorcycle gang.¹²⁰ Sometimes the smuggled firearms are also destined for Southern Europe, for example, to Italy, smuggled by a drug-trafficking group.¹²¹ In 2007 the National Crime Squad received information about firearms being possibly trafficked from a military base in Estonia via the harbour of Rotterdam and with the involvement of the Revolutionary Armed Forces of Colombia (the main Colombian insurgency group). It involved 25,000 AK-47s and HK-G4-type assault rifles. To finance the transport of these firearms, batches of cocaine were delivered to the United States and the Netherlands. Firearms to the value of US\$50 million were apparently exchanged for the cocaine.¹²²

3. Terrorist access to the illicit gun market in the Netherlands

Information on the ways in which terrorists in the Netherlands have acquired firearms is scant and fragmented, mainly because only two terrorist attacks have been committed with firearms in recent decades. The first was on filmmaker, columnist and director Theo van Gogh on 2 November 2004 by the Muslim extremist Mohammed Bouyeri. The second was the murder of politician Pim Fortuyn by the radical left environmental activist Volkert van der Graaf. In addition, in recent years at least 15 people in the Netherlands have been suspected of planning terrorist attacks with firearms. In this section we describe these cases based on public court records supplemented by media reporting of the cases. The court records also contain information about firearms possession in the Netherlands or about firearms acquisition in or trade to the Netherlands.¹²³ Our analysis of how the terrorists acquired their firearms will be presented in the final parts of the section.

3.1 Overview of firearms-related terrorist activities in the Netherlands

3.1.1 Political murders

As stated above, two successful politically motivated murders of high-profile targets have been carried out in the Netherlands since 2000. On 6 May 2002 the environmental activist Volkert van der Graaf (whom we will call suspect A) shot Pim Fortuyn dead nine days before the parliamentary elections in which Fortuyn's party (Lijst Pim Fortuyn) was predicted to achieve a major victory. Van der Graaf saw Pim Fortuyn 'as a danger to society', particularly to 'vulnerable groups such as Muslims and people on disability benefits'.¹²⁴ He fired five rounds at close range and hit Fortuyn in his chest, neck and head. The perpetrator had no criminal record and used a Star Firestar M-43 semi-automatic 9 mm single-action pistol. He carried the firearm loaded with seven bullets around with him and had previously kept it hidden in a case in his attic. This case was later found and contained two boxes of ammunition (25 rounds of S&B, 18 MRP rounds and three other rounds).¹²⁵ Van der Graaf stated that he had purchased the firearm in 1997 or 1998 in a bar in Ede to 'protect himself against farmers who threatened him because of the legal proceedings he was taking against them'.¹²⁶ Van der Graaf supposedly purchased the ammunition in The Hague and the firearm had traces of DNA on it that could link it to a robbery committed earlier.¹²⁷

The second high-profile case was the murder of film-maker, columnist and director Theo van Gogh. On 2 November 2004 Muslim extremist Mohammed Bouyeri (suspect B) killed him with seven bullets fired from an HS 2000 pistol. He then cut Van Gogh's throat with a large machete. Two passers-by were shot at and in an exchange of fire with the police he shot at eight police officers and threatened three others by pointing the pistol at them. He then reloaded his pistol with 15 more rounds.¹²⁸ After the murder, a great deal of information was revealed about the many contacts Bouyeri had with members of the so-called Hofstad network, which had been under AIVD surveillance since 2002 for the possible planning of terrorist activities (see more about this network below). For example, members of the Hofstad network had visited him at his home.¹²⁹

3.1.2 Other terrorist activities

*Suspects in the so-called Hofstad case.*¹³⁰ In the middle of 2002 a group of Muslim youths in The Hague attracted the attention of the AIVD because their behaviour was becoming increasingly more radical. An investigation was started into the group and from the middle of 2003 the AIVD identified more and more indications that an attack was imminent. In October 2003 the public prosecutor issued arrest warrants for five members of the group, which from then on was known as the Hofstad network. Because of lack of solid evidence, four people were released within two weeks, while the fifth was deported from the Netherlands.¹³¹ On 7 June 2004 the AIVD then observed one of the main suspects, Samir Azzouz (suspect C), scouting the surroundings of the AIVD building. At the end of the month he was again arrested, this time for possible involvement in an armed robbery – which could, however, not be proved.¹³² The police did search his house and found items possibly related to terrorism plans: maps, photos, and drawings of objects, notes about security-related matters, explosives, two magazines and a silencer for an automatic firearm, an imitation weapon, soldered electrical circuits, a bullet-proof vest, a set of night-vision goggles, ammonia, and hydrochloric acid.¹³³ The investigation of Samir Azzouz led to Operation Piranha, which is discussed below.¹ A second firearm that was discovered and linked to this group was an imitation weapon that was found in a house raided by the police on 10 November. The casing of this firearm had on it the mixed DNA profile of three people: the two suspects who were present in the house and who had been the targets of the raid – Jason Walters (suspect D) and Ismail Akhnikh (suspect E) – and another person whose identity we were unable to discover in open sources (suspect F). More important for the arresting team was the fact that suspects D and E were then in possession of four hand grenades from the former Yugoslavia, one of which was thrown at members of the arresting team during the raid.¹³⁴ Finally, it has become known that a loaded Agram 2000 machine pistol was found on the back seat of the car belonging to the Hofstad suspects Nouriddin El Fathni (suspect G) and his wife, Soumaya Sahla (suspect H), when they were stopped on 22 June 2005 at the Lelylaan station in Amsterdam. This incident was considered by the judge in the case to be ‘separate from the Hofstad network’, because when this arrest was made the other Hofstad suspects had already been in custody for several months.¹³⁵ Both suspects G and H were sentenced by the court on 10 March 2006 and 18 October 2005, respectively, for complicity in the possession of the Agram 2000.

¹ Another reason is that in 2003 the AIVD had intercepted a telephone call between suspect Samir Azzouz and the Moroccan-Spanish terrorism suspect Abdeladim Akoudad, who was suspected of involvement in the attacks in Casablanca on 16 May 2003. He too was detained in January 2003 with a friend at the border with Ukraine, on his way to Chechnya (De Wijk, 2012).

*Suspects in the Piranha case.*¹³⁶ This case was a follow-up of the Hofstad investigation and partly concerned the same suspects (suspects C, G and H, together with four other suspects). Four new suspects make an appearance: Mohammed Chentouf (suspect I), Mohammed Hamdi (suspect J) and the married couple Lahbib B. (suspect K) and Hanan S. (suspect L). According to the public prosecutor, all seven suspects were 'on one or more occasions in possession of firearms', including assault rifles.¹³⁷ Five of them were also suspected of transporting firearms by car to Belgium and The Hague (suspects G, H, I, K and L) and four of the five (all except suspect I) had practised their shooting skills 'near a wood in Amsterdam' using the AGRAM 2000 with which suspects G and H had previously been apprehended.¹³⁸ The Piranha investigation started in early October 2005 with an official notice from the AIVD. The seven were suspected of having firm plans for attacks, including attacks on politicians and the AIVD building in Leidschendam 'for the hearing of the appeal of Azzouz on 31 October 2005'. The AIVD was subsequently able to observe suspect C trying to order firearms: ten Kalashnikovs, two pistols with silencers and ten belts with five kilograms of explosives that worked on batteries. He was supposed to be phoned by a supplier in Belgium on 10 October 2005. However, the firearms dealer proved to be an undercover member of the AIVD: suspect C and the six co-suspects were detained on 14 October 2005 in The Hague, Almere, Amsterdam and Leiden.¹³⁹ Two weeks after that arrest, the National Crime Squad searched their rented house in Schaarbeek (Brussels). No further firearms were found, but later the police found firearms and ammunition in the cellar of a block of flats in The Hague with a shared entrance way where suspect H, the wife of suspect G, lived.¹⁴⁰ They were discovered by chance after torrential rain had flooded the cellar in early September 2006. When the fire brigade pumped the water out of the cellar they found two plastic bags containing two magazines, 300 bullets, a Smith & Wesson revolver and a Skorpion vz.61 machine pistol. The Skorpion vz.61 showed 'a very great similarity' to a sub-machine gun that could be seen in the background of a video made by suspect C.¹⁴¹

A Dutch suspect in the Sharia4Belgium case. This suspect was Redouan Akdim (suspect M), one of three Dutch nationals¹⁴² who were extradited by the Netherlands to Belgium in the context of the major Sharia4Belgium trial in Belgium.¹⁴³ Together with other suspects from Belgium, suspect M was thought to have obtained money and recruited fighters for jihad in Chechnya. The Dutch court that heard the extradition case stated that in Belgium suspect M had been sentenced to eight years imprisonment and a fine of €11,000 for being one of the leaders of a terrorist group between 13 January 2010 and 24 November 2010 and for possessing, transporting and passing on/selling a firearm without a permit.¹⁴⁴ The report of the ruling contained several further details about the case. It was stated that suspect M was suspected of trading illegal firearms in Antwerp and elsewhere in Belgium between 1 March and 31 March 2010: 'The illegal arms trade involved at least one firearm and

was committed together with [name 1], who is also suspected of involvement with a terrorist organisation.’ In a letter from the Belgian authorities dated 11 January 2011, the following was also stated: “On 6 March 2010, the person claimed was detained on Dutch territory in a car, in which he was driving with two others. A Ruger firearm, type SP 101, calibre .357 MAGNUM and the associated ammunition was found, which he had received before this in Belgium from [name 1]. A box of bullets with the label Fiocchi 9 Luger Palla Blindata Full Metal Jacket was also found in the car.”¹⁴⁵

The Winzip case. This case concerns Mohamed Abdiuwahab A. (suspect N), a Dutch national of Somali origin who returned to the Netherlands in the summer of 2013 after spending six months in Syria.¹⁴⁶ After his return, the police arrested him in 2014 for a minor offence and placed him in a cell with an undercover officer (whom we shall call A). He told A about a robbery he wanted to commit. A offered to help him. Suspect N was then apprehended in May 2015 with three firearms in his possession: a Pachmayr riot gun with serial number JB70040, a .357 Magnum calibre revolver and a gas pistol converted to 6.35 mm calibre. He was also illegally in possession of category III ammunition: six .38 Special calibre bullets, nine other rounds of ammunition, one .357 Magnum cartridge, a box with 25 rounds of 6.35 mm bullets and 30 shotgun cartridges. According to the Public Prosecutor’s Office, he intended to use the booty from the robbery to finance his terrorist activities. The element that makes the report of this ruling significant is that it contains several reports of intercepted conversations in which the suspect arranged the purchase of firearms.

*A Dutch suspect who was apprehended with a friend in Germany, probably en route to Syria.*¹⁴⁷ Mohamed el Atrach (suspect O) caught the attention of the Dutch police and Security Services because of his brother Abdelkarim el Atrach, who joined the terrorist movement Jabhat al-Nusra in Aleppo, and because of his connections with several members of a jihadist network in the Dutch city Arnhem. Suspect O was apprehended with survival clothing in the summer of 2013 in a car and was suspected of wanting to take this clothing to his and his friends’ brothers in Syria who were fighting for Jabhat al-Nusra. The suspect apparently wanted to join the group and was convicted of ‘preparing to participate in an organisation that has the intention of committing terrorist crimes’. In the report on the ruling it was stated that several imitation weapon were seized from the suspect: a black pellet gun and corresponding pellets, a black plastic pistol and another black ‘imitation weapon’. A fourth imitation weapon was also seized, but the possession of this weapon was not prohibited and the judge ruled that it had to be returned to him.

*A suspect preparing to go to Syria to participate in jihad.*¹⁴⁸ Pictures of a man with an AK-47 in his hands were also discovered on this potential fighter in the Syrian civil war (suspect P). The firearm was never found and there is no information in the

court records about its acquisition or who owned it. However, it was stated that the man had sent many text messages via services such as www.paltalk.com, www.militaria4you.com and www.dumpshop.online.nl. The man was declared not criminally responsible by reason of mental disorder: 'The suspect was encouraged by hallucinations to undertake the terrorist preparatory activities for which he is charged.'

A suspect who was dubbed a 'recidivist jihadist' by the Public Prosecution Service and was detained on 9 October 2015 together with two other Dutch citizens¹⁴⁹ at the border between Bulgaria and Turkey, en route to Syria.¹⁵⁰ Younes A. (suspect Q) an 18-year-old man from Almere, was suspected of participating in a criminal organisation with terrorist intent: he wanted to join ISIS and, among other things, had inflammatory text messages on devices he owned. He was sentenced to one year in prison, eight months of which were suspended. The record of the ruling states that various investigations were started into this suspect in response to official AIVD reports dated 26-10-2012, 25-03-2015 and 30-07-2015, all dealing with his intention to travel to Syria and participate in jihad. The last-mentioned official report also states that the suspect had found an arms dealer and that, if his imminent attempt to leave the country failed, he wanted to 'do something' in the Netherlands. This led to a thorough investigation using far-ranging investigative measures, resulting in a new official report by the AIVD on 17 August 2015 specifically dealing with the firearms trade. The report states: "In the framework of its legal duties, the AIVD has at its disposal, in addition to the official report issued on 30 July 2015, the following reliable information: [suspect] (born on [date of birth] in [place of birth], Iraq) may, via [relevant party] (born on [date of birth] in [place of birth]), possess or come into possession of the [telephone] number of a person who could help him acquire automatic firearms. The relevant party apparently spoke to [the relevant party] about this. [The] relevant party considers such a firearm suitable for executing a 'lone wolf' action, by himself and/or with others."

After receipt of this notification extensive investigative resources were deployed. A police investigator was placed in the immediate vicinity of the suspect and he was eventually led to a house that was fitted with bugging equipment. The suspect was finally detained on 9 October 2015, because he was possibly (once again) planning to leave for Syria or Iraq using a forged passport. The suspect was considered 'to a lesser degree criminally responsible by reason of mental disorder', because he 'functioned intellectually on the border of developmental disability'.¹⁵¹

Also relevant is the apprehension in 2016 of the French Syrian Anis B., whom the French public prosecutor suspected of involvement in preparing terrorist attacks.¹⁵² When he was apprehended, 45 kilograms of ammunition were found in his apartment in Rotterdam, some for assault rifles. The public prosecutor claimed that the

man had bought this ammunition from Antillean criminals. NCTV Dick Schoof stated in a Dutch newspaper, 'I cannot remember such a large arms find connected to terror ever being made before. A disturbing development.'¹⁵³

3.2 Firearms acquisition by terrorists

Based on the previous section, we can draw up the following summary of illegal firearms that were linked to suspects who were convicted in the past 25 years of (planning) terrorist activities in the Netherlands (see Table 3). Another two suspects were making enquiries about purchasing firearms: the AIVD discovered that suspect C tried to order ten Kalashnikov-type assault rifles and two pistols with silencers (in addition to explosives) and that suspect P made enquiries about the purchase of an 'automatic firearm'.

Table 3: Overview of terrorist-related firearms in the Netherlands

| Types of firearms discovered (possession and/or used) | Number of firearms | Number of suspects who had access to these firearms, according to court records |
|---|--------------------|---|
| <i>Submachine guns</i> | | |
| Skorpion vz.61 | 1 | 7 |
| Agram 2000 | 1 | 7 |
| <i>Pistols</i> | | |
| Star Firestar M-43 9 mm single-action semi-automatic | 1 | 1 |
| HS 2000 semi-automatic | 1 | 1 |
| Gas pistol converted to 6.35 mm calibre | 1 | 1 |
| <i>Revolvers</i> | | |
| Smith & Wesson | 1 | 7 |
| Ruger SP 101 .357 Magnum | 1 | 1 |
| .357 Magnum | 1 | 1 |
| <i>Others</i> | | |
| Pachmayr riot gun with serial number JB70040 | 1 | 1 |
| Imitation weapon/pellet gun | 5 | 5 |
| Total number of firearms and separate suspects | 14 | 15* |

* The same suspects had access to several of the weapons.

Although further details about the technical characteristics, physical condition or origins of these firearms are not available, we can conclude that this is a broad range of firearms – from automatic firearms to an imitation weapon – including sub-machine guns, revolvers, pistols and a converted gas pistol. What further attracts attention is that both automatic firearms that were encountered were manufactured in Central and South-Eastern Europe: in the Czech Republic (the Skorpion vz.61) and Croatia (the Agram 2000).

Dutch law enforcement agencies believe that terrorists in the Netherlands acquire their firearms through contacts in the criminal underworld. In January 2017 the NCTV stated that ‘Criminals and terrorists are increasingly working together. This means jihadists can acquire firearms more quickly.’ According to him, this inter-connectivity between the underworld and jihadism is a recent phenomenon: ‘We saw this much less a few years ago. When Syrian fighters return, they know where they can acquire items and services.’ This could be firearms and explosives, but also, for example, help with entering or leaving the country unobserved. He explained the growing collaboration stemming from the criminal pasts of those involved. Their old relationships remain intact: ‘Trade is trade for criminals. They don’t ask questions.’¹⁵⁴ It also emerges from research that many of the male jihad suspects have criminal records¹⁵⁵ and that they sometimes use their time in prison to contact criminals as possible future suppliers of firearms and explosives.¹⁵⁶ Furthermore, witnesses and exhibits suggest that jihadists actively and – occasionally – openly enquire about firearms and explosives. They then let the intended suppliers know that they have connections who could supply them with the finances needed to purchase firearms.¹⁵⁷ Illegal firearms dealers who focus exclusively on supplying firearms to jihadists in the Netherlands have not been identified.¹⁵⁸

Based on court records, little can be said about the specific way in which the suspects described above acquired their firearms. Information on this may also be lacking because investigators focus primarily on the terrorist crimes themselves and not on the firearm. But several interesting observations arise indirectly, both in the two murder cases, and also in several cases where the suspects were under AIVD observation for a longer time, sometimes with the help of informers and undercover officers. Firstly, in the Piranha case it appears that the suspects who were living in Amsterdam also bought their firearms there.¹⁵⁹ Secondly, also in this case, it is clear that the firearms circulated around the entire group of seven people and were also regularly moved from place to place. All the individuals in this closely knit network could quickly gain access to firearms. These firearms were simply transported in the boot of a car and not much effort was made to conceal them. Thirdly, particularly the Winzip case, which involved a Dutch citizen from Delft of Somali origin who went to Syria (suspect N), demonstrates how easily this man

moved in both criminal and jihadist circles. It is possible that he sold illegal firearms to both fellow criminals and fellow jihadists. In the transcribed wiretapping reports he emerges as being able to supply all types of firearms very quickly because of his existing contacts in criminal circles. In 2014, for example, he said to an informer: *“that he had once with a boy collected several firearms in Utrecht Parkwijk with a bag of bullets. That there was also a shotgun. That the firearms were not new but for his own use but that he could sell them to [undercover agent] A-2154 if he had money with him. Then he [the suspect] said that he could arrange two new Glocks with a lot of bullets for 3,000 euros each. Later [the suspect] said that if they were not new he could arrange something for 2,200 euros each. [The suspect] said that he could in any case give A-2154 a Ladykiller 6.5 so that he had something and that he could arrange more.”*¹⁶⁰

And he said (also in 2014) to two undercover officers who had said that they needed firearms: *“if you need me I can help you’ or words to a similar effect. We asked him what do you mean by helping. To this we heard him say that he could help us with two new Berettas. We then asked him when he could deliver them to us. He said, in two or three days ... We asked him whether he could deliver sooner. He then replied that he could supply a shotgun in three hours. ... We asked him all sorts of questions about how quickly he could deliver and the size of the firearm. We saw that he indicated with his hands a size of around 60 centimetres. He said that he had something else, namely a 6 mm firearm, a Ladykiller. I [undercover agent A-2158] asked whether the firearm had been used. He answered that this was a very new one. You could easily kill somebody with it. He also said that he had an imitation weapon that looked like a real firearm. ... We then asked him when he could deliver the firearms to us, he answered that he could deliver tomorrow around 12.00 noon or 1.00 p.m., together with a whole lot of bullets. ... He told us that that would cost 500 to 600 euros. We asked him whether he could deliver this evening. He answered that it was dangerous to drive around with those things in the car in the evening. Then he said it could be delivered tomorrow around 12.00 noon to 1.00 p.m. ... ‘For the Berettas I have to speak to someone, perhaps it will take 1 day before I have them. And you must phone me tomorrow at 10.00 a.m. about the Ladykiller and the shotgun. We can then perhaps meet up between 12 and 1.”*

The suspect and the two undercover agents subsequently met each other again in 2015:

During the drive, I [undercover agent A-2158] asked how much experience [the suspect] had with firearms. [The suspect] said that he had a lot of experience with Kalashnikovs. ... I [A-2154] asked him whether he wanted to go along this evening, because this was, after all, a robbery. [The suspect] said to us, ‘yes, I know what we’re doing, brother’ ... I [A-2158] asked [the suspect] whether he had any problems about doing things with firearms

and possibly using them. To this [the suspect] said 'no, of course not. I can arrange and organise a lot for you'.¹⁶¹

Additionally, there is unconfirmed information in one case that criminal suppliers who were involved in trading drugs wanted to expand their activities by selling firearms to terrorists. This refers to a criminal group of Dutch nationals and Yugoslavians.¹⁶² The core actors were Yugoslavian brothers who had emigrated from Albania and the former Yugoslavia to the Netherlands. They worked as doormen, started cannabis plantations and later also became active in the trade in cocaine, ecstasy and firearms. A car tyre centre was used for money laundering, as a meeting place and to conceal cocaine in tyres. Firearms were also stored and traded.¹⁶³ The available information does not reveal for which terrorists the firearms were intended (in the Netherlands or abroad, jihadists or others), but the criminals concerned explicitly mentioned terrorists as potential buyers of their weapons.

Supplementary to this, it has become known that the firearm used by suspect B to murder Theo van Gogh originated from a large batch of firearms that were stolen in Zagreb, Croatia, in 2000.¹⁶⁴ Most of these firearms ended up in the hands of criminals across Europe and suspect B probably also acquired his firearm from an illegal arms dealer in the criminal underworld.¹⁶⁵

Finally, in the Pim Fortuyn murder case, the suspect (suspect A) stated that he had bought the firearm illegally in a café in Ede, a municipality in the Netherlands with around 110,000 inhabitants. He probably felt reasonably at home there, since he had worked in the vicinity (in Wageningen). The firearm was in the lower regions in terms of both price and quality. It was categorised as the 'Lada'¹ among firearms in the documentary *A Democracy in Shock*.¹⁶⁶ The suspect probably paid around €150 for it, claimed an firearms dealer who appeared as an expert witness in high-profile court cases.¹⁶⁷ The scenario seems conceivable that the customer did not want to pay a lot of money for it: it was not a top-quality firearm and was tainted, since it had been used previously in a robbery and could be traced. According to the firearms dealer, the suspect could have probably acquired the firearm through his own activist contacts. The expert indicated that in illegal circles 'they are very reluctant to supply a firearm to somebody outside those circles'. The expert thought it more likely to have come 'from the circles around the Basque terrorist movement ETA [Euskadi Ta Askatasuna]. After all, the Firestar is the service pistol of the Guardia Civil, the Spanish state police.'¹⁶⁸ The Spanish company Star Bonifacio Echeverria SA produced these firearms until 1994. The company went bankrupt, after which large numbers of Spanish police officers started to sell their own firearms to legal

1 The Lada was a Russian-made car with a very poor reputation in terms of its quality and reliability.

arms traders.¹⁶⁹ The precise nature of the link between legal dealers and the illegal market in the Netherlands is not clear. On July 2002, however, a Dutch newspaper stated that *“the firearm used to murder Fortuyn probably originated from a shipment that was smuggled from Spain to Belgium, and intended for the illegal market. In collaboration with other information and security services, including those of Spain and Belgium, it is being investigated whether the ‘Star Firestar’ had possibly been used previously in one of those two countries.”*¹⁷⁰

Despite a possible connection between ETA and the environmental activist who killed Fortuyn, there is no evidence that terrorists with differing ideologies transfer firearms to one another.

4. Conclusions

The firearms available on the Dutch illegal market seem to be mainly supplied to criminals in the Netherlands itself. The availability of assault rifles has increased in recent years, although it remains to be seen whether this is a temporary phenomenon because of the ‘Slovakian route’, which has now been closed, or the result of increased demand in the criminal underworld. The market for the main types of firearms used by criminals – pistols and revolvers – seems to be stable, because no price fluctuations have occurred.

Apart from being sold on the Dutch market, illicit firearms are almost certainly also routed to other countries via the Netherlands, particularly to Ireland and the UK. The Netherlands does not manufacture firearms and illegal arms dealers must therefore smuggle the weapons into the country, steal them from licensed owners or buy them from other illicit dealers. Firearms originating from illegal domestic production are seldom encountered.

In recent years, five important observations can be made with regard to the sources of the weapons on the Dutch Illicit firearms market. Firstly, like many other EU member states, the Netherlands has experienced increasing problems with firearms that have been introduced into the illegal market through the process of recycling – especially reactivated firearms coming from Slovakia. Secondly, the market for converted gas and alarm pistols remains substantial, and particularly converted alarm pistols of Turkish manufacture have recently turned up in relatively large numbers. A new development is the emergence of Dutch ‘converters’, while previously almost all converted pistols were brought in from abroad. Thirdly, the relatively new phenomenon has arisen of acquiring firearms by ordering parts from

online shops or on the 'dark web' and then assembling them into complete firearms. Because of differences in legal requirements among the various EU member states (but also between EU member states and the United States), a single part can usually be bought without a permit in at least one country and then be sent to the end user by post. For the time being, mainly firearms enthusiasts living in various countries who have extensive knowledge of national differences in legislation, who know each other from weapons fairs, and who stay in contact via closed online chatrooms seem to be involved in ordering and exchanging firearms parts. Fourthly, since 2012 a new self-built firearm has been encountered in the Netherlands: the 'R9 Arms' sub-machine gun, which is probably of Croatian manufacture. Fifthly, thefts from licensed owners, firearms dealers and military stockpiles have been consistent sources of supplies for the illegal firearms market: in 2012 around 1,600 firearms were registered in the Netherlands as missing and annually around 300-400 new firearms thefts are reported.

Illegal firearms seized in the Netherlands mainly originate from Germany and Belgium, as well as from the western Balkans. A relatively small group of firearms dealers import various types of firearms into the Netherlands, many of whom have been active for years and know each other directly or indirectly. Those who import firearms from countries such as Poland, Croatia and Slovakia have usually migrated to the Netherlands and use family members and friends who still live in their countries of origin to acquire firearms. It often remains unclear how a firearm is eventually sold to an end user. In investigations, people living in trailer parks, members of outlawed motorcycle gangs, criminal groups of Antillean or former-Yugoslavian origins, and criminal youth groups have been linked to the domestic illegal sale of firearms. Some youth gangs trade converted gas and alarm pistols and carry out contract killings.

Two terrorist attacks in the Netherlands in the past 25 years (1991-2017) were committed with firearms (the politically motivated murders of Pim Fortuyn in 2002 and of Theo van Gogh in 2004). In addition, Dutch law enforcement agencies have arrested (and often jailed) at least 15 other terror suspects who possessed illegal firearms or came close to acquiring them. The suspects possessed a broad range of illegal firearms – from automatic firearms to imitation weapons – including not only sub-machine guns, but also revolvers and pistols, and a converted gas pistol. Terrorists in the Netherlands are believed to acquire their firearms through their own (often previous) criminal connections. Illegal firearms dealers who focus exclusively on supplying firearms to jihadists in the Netherlands have not been observed. The police suspect that interconnectivity and collaboration between criminals and jihadists have increased in recent years, which means that the acquisition of firearms has become simpler and thus also quicker for terrorists. Based on particular cases, observations about the acquisition of firearms are as follows: that

firearms are acquired close to the place where the suspects live or in a social environment that they know; that firearms circulate within groups of like-minded individuals and are then regularly moved from place to place; that firearms are transported in the boot of a car or in a van and not much effort is made to conceal them; and that there are people who deal in firearms and move equally easily in criminal and jihadist circles.

Because of the threat and (potential) impact of possible terrorist attacks with firearms, but also based on concerns about the increasing use of automatic firearms by criminals in the Netherlands, national policy to tackle illegal firearms has been upgraded since 2015. In the past two years the number of criminal investigations and seizures of caches of firearms have increased. In the future the police intend to focus their efforts on four fronts in order to reduce the number of assault rifles available in the criminal underworld; reduce the flow of illegal firearms that come to the Netherlands from the western Balkans; combat the online acquisition of firearms and firearms components (and their dispatch via the postal service); and improve monitoring of the access to firearms of people with a criminal profile or who form part of a criminal network, focusing on radicalised people or those in the process of being radicalised. The national prevention policy to limit the acquisition of illegal firearms or the trade in firearms for terrorist purposes has intensified since 2005.

The Dutch police have increasingly participated in international investigations (e.g. in a JIT) and focused on increasing their cooperation with other countries' law enforcement agencies. Of crucial importance is the strengthening of the network of police liaison officers stationed in or near the western Balkans countries (Albania, Serbia, Kosovo, Macedonia, Bosnia-Herzegovina and Croatia). Collaboration with international actors such as Europol, Interpol and Eurojust is mainly characterised by the participation of Dutch firearms experts in relevant international consultations.

Recently the Dutch minister of safety and justice made combating the trafficking of and trade in illegal firearms a priority of the country's law enforcement agencies. The authorities struggle with the fact that in the Netherlands illegal firearms constitute a relatively small criminal market (when compared to drugs, for instance) and suppliers are often mainly involved in other types of crimes. Threat assessments should, however, emphasise the impact of the damage that a criminal or terrorist can potentially inflict with even a single automatic rifle, instead of focusing on numbers only. Every firearm in the hands of a determined perpetrator of violence constitutes a national threat and this alone should suffice to guarantee that the fight against the illegal firearms market will remain a law enforcement priority.

ENDNOTES

- 1 See for example: Maalsté, N., P. Nijmeijer & M. Scholtes (2002), *De vuurwapengedetineerde aan het woord. Daderonderzoek naar achtergronden en motieven van vuurwapenbezit, vuurwapengebruik en vuurwapenhandel*, Den Haag, Ministerie van Justitie; Spapens, T. en M. Bruinsma (2002a), *De smokkel van illegale handvuurwapens vanuit voormalige Oostbloklanden naar Nederland*, Tilburg, IVA; Spapens, T. en M. Bruinsma (2002b), *Vuurwapens gezocht: vuurwapengebruik, -bezit en -handel in Nederland 1998 – 2000*, Tilburg, IVA; Spapens, T. en M. Bruinsma (2004), *Illegale vuurwapens in Nederland: smokkel en handel*. Zeist: Uitgeverij Kerckebosch, Politiewetenschap no. 26; Bruinsma, M. & H. Moors (2005), *Illegale vuurwapens. Gebruik, bezit en handel in Nederland, 2001 – 2003*, Tilburg, IVA; KLPD (2006), *Vuurwapensen explosieven. Deelrapport Criminaliteitsbeeld 2005*, Driebergen: Korps landelijke politiediensten, Dienst Nationale Recherche; Spapens, A.C.M. (2008). *De logistiek en aanpak van illegale vuurwapenhandel binnen de EU-landen. Justitiële Verkenningen*, 34(4), 64-75; Vries, M. de (2008a), *De illegale handel in vuurwapens en explosieven. Deelrapport Criminaliteitsbeeldanalyse 2007*, Driebergen, Korps landelijke politiediensten, Dienst Nationale Recherche; Vries, M.S. de (2008b), *De handel in omgebouwde gas- en alarmwapens. Vanuit een criminaliteitskundig perspectief*, Apeldoorn, Politieacademie.; Boerman, F. & M. Bruinsma (2012), *De illegale handel in vuurwapens en explosieven*, Zoetermeer, Dienst Nationale Recherche Informatie.
- 2 Relevant are in particular: Spapens & Bruinsma, 2002a; 2002b; 2004; Maalsté et al, 2002; Bruinsma & Moors, 2005; De Vries, 2008; Boerman & Bruinsma, 2012
- 3 The police produced this analysis recently for the National Threat Analysis (NDB) on organised crime, of which the summary report was published on 1 June 2017.
- 4 This website includes all rulings (after being anonymised) that are relevant from the point of view of case law and routinely all cases in which a sentence of four years imprisonment or more.
- 5 There are four categories of firearms and five types of firearm licences: exemption, permission, recognition, consent and transit exemption. (<https://www.justis.nl/producten/wwm/>)
- 6 Stb. 1997, 292; <http://wetten.overheid.nl/BWBR0008804/2017-01-01>
- 7 Stcrt. 1997, nr. 129; <http://wetten.overheid.nl/BWBR0008800/2017-01-01>
- 8 <http://wetten.overheid.nl/BWBR0038281/2016-07-15#Circulaire.divisieA>
- 9 <http://wetten.overheid.nl/BWBR0038281/2016-07-15#Circulaire.divisieB>
- 10 KST 2053237
- 11 WWM, art.51, par. 4; <http://wetten.overheid.nl/BWBR0008804/2017-01-01#Paragraaf12>
- 12 <https://www.rijksoverheid.nl/onderwerpen/straffen-en-maatregelen/vraag-en-antwoord/hoeg-hoog-zijn-de-boetes-in-nederland>
- 13 WWM, art.51, sub. 3
- 14 “Orientation points indicate the sentence that judges tend to impose for the average fact (the most prevalent form of the punishable offence). They are established after an inventory is made of the practice of sentencing and after consultation with all courts. The orientation points are confirmed by the LOVS at the proposal of the Uniformity of Law

- Committee.” (LOVS, 2017: 1). <https://www.rechtspraak.nl/SiteCollectionDocuments/Orientatiepunten-en-afspraken-LOVS.pdf>
- 15 <https://www.rechtspraak.nl/SiteCollectionDocuments/Orientatiepunten-en-afspraken-LOVS.pdf>
- 16 KST 2053237
- 17 KST 2053237
- 18 Respondent OM
- 19 This encompasses the Mobile Oversight Security (MTV). See <https://www.defensie.nl/onderwerpen/taken-in-nederland/inhoud/grenstoezicht>
- 20 www.aivd.nl
- 21 Ministry of Security and Justice, National Coordinator Counter-terrorism and Security and Ministry of social Affairs and employment (24 August 2014). *Action programme Integrated Approach to Jihadism, Summary. Measures and actions.*
- 22 See: https://www.nctv.nl/onderwerpen/prioriteiten_2015/tegengaan_dreiging_jihadisme/. And see also: Ministry of Security and Justice, National Coordinator Counter-terrorism and Security and Ministry of Social Affairs and Employment (24 August 2014). *Action programme Integrated Approach to Jihadism, Summary. Measures and actions.*
- 23 Point 10.c of the aforementioned Action programme Integrated Approach to Jihadism.
- 24 Interview firearms portfolio holder police
- 25 Interview firearms portfolio holder police
- 26 Interview firearms portfolio holder police
- 27 KST 2053237
- 28 KST 2053237
- 29 Interview firearms portfolio holder police and submission of relevant internal documentation.
- 30 See for example https://www.schoolenveiligheid.nl/wp-content/uploads/2015/10/Checklist_Wapenbezit_scholen_2015.pdf
- 31 See for example: https://hetccv.nl/fileadmin/Bestanden/Onderwerpen/Uitgaansgeweld/Documenten/Preventief_fouilleren/handout-preventief-fouilleren.pdf en <https://www.politie.nl/themas/preventief-fouilleren.html>
- 32 <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vi3ansveyfzc>
- 33 Interview firearms portfolio holder police
- 34 http://www.telegraaf.nl/binnenland/27562100/_Wapenbeleid_faalt_.html
- 35 http://www.telegraaf.nl/reportage/27562068/___Engelsen_dupe_doorvoer___.html
- 36 KST 2053237.
- 37 Interview firearms portfolio holder police
- 38 Respondent OM
- 39 This concerned the Ceska vz.61 Skorpion. The firearm is often smuggled in parts because the body does not fall under the weapons act in Germany.
- 40 <https://www.nrc.nl/nieuws/2016/07/13/hoe-het-vuurwapengeweld-in-nederland-explodeerde-3215824-2-a1511304>

- 41 Interview firearms portfolio holder police, respondent OM and also see <https://www.youtube.com/watch?v=ETFYuzAGeYE>.
- 42 Respondent OM, firearms portfolio holder police
- 43 Ibid.
- 44 Interview firearms portfolio holder police
- 45 Ibid.
- 46 This information comes from an information letter from the National EMPACT Coordinator of Staff Corps Training National Police, dated 1 September 2016
- 47 Sagromoso, 2001
- 48 Spapens & Bruinsma, 2002b, p. 134, 135
- 49 Spapens & Bruinsma, 2004, p. 51-52; Spapens & Bruinsma, 2002b, p.135, 136
- 50 Bruinsma & Moors, 2005
- 51 Bruinsma & Moors, 2005, p. 131
- 52 Interview firearms portfolio holder at the police
- 53 Boerman & Bruinsma, 2012
- 54 Boerman & Bruinsma, 2012, p. 22, 23
- 55 These are the data of the units Amsterdam, Rotterdam, Zeeland West Brabant and East Brabant.
- 56 Police data for National Threat Assessment 2017
- 57 See <http://www.at5.nl/artikelen/133456/O39omwonenden-plofkraak-met-automatisch-vuurwapen-bedreigd039>, consulted on 12 May 2017
- 58 Police data for National Threat Assessment 2017
- 59 Boerman & Bruinsma, 2012, p. 23
- 60 <http://nos.nl/artikel/2061204-politie-nam-in-2-5-jaar-24-000-vuurwapens-in-beslag.html>
- 61 Boerman & Bruinsma, 2012
- 62 Boerman & Bruinsma, 2012
- 63 See for example <https://mancave.conrad.nl/werkend-pistool-uit-je-3d-printer-blueprints-anyone/>, <http://www.nu.nl/tech/3622949/eerste-3d-geprinte-wapen-van-metaal-vuurt-vijftig-kogels-af.html>
- 64 Police data for National Threat Assessment 2017
- 65 Boerman & Bruinsma, 2012, p. 24-28
- 66 Boerman & Bruinsma, 2012, p. 28, 83
- 67 Police data for National Threat Assessment 2017
- 68 Police data for National Threat Assessment 2017
- 69 De Vries, 2008b, p.40
- 70 Police data for National Threat Assessment 2017
- 71 Boerman & Bruinsma, 2012, p. 31
- 72 Police data for National Threat Assessment 2017
- 73 Boerman & Bruinsma, 2012, p. 83

- 74 Boerman & Bruinsma, 2012
- 75 Boerman & Bruinsma, 2012; Police data for National Threat Assessment 2017
- 76 Boerman & Bruinsma, 2012
- 77 Spapens & Bruinsma, 2004
- 78 Police data for National Threat Assessment 2017
- 79 See for example <http://www.thefirearmblog.com/blog/2015/08/11/mystery-9mm-machine-pistol-seized-europe/>
- 80 Police data for National Threat Assessment 2017
- 81 Police data for National Threat Assessment 2017
- 82 Boerman & Bruinsma, 2012, p. 34-41, 54-56
- 83 Police data for National Threat Assessment 2017
- 84 Boerman & Bruinsma, 2012; BKA, 2014; Duquet & Van Alstein, 2016; Ernst & Young & SIPRI, 2014
- 85 Boerman & Bruinsma, 2012
- 86 Spapens & Bruinsma, 2004, p. 31; Spapens, 2008, p. 68
- 87 Boerman & Bruinsma, 2012
- 88 Police data for National Threat Assessment 2017
- 89 De Vries, 2008a, p. 81
- 90 The loophole in the German law (de-registering because of conversion to LEP) which the arms dealer used for his "blackening" practices, was closed on 1 April 2008.
- 91 Boerman & Bruinsma, 2012 and see also Duquet & Van Alstein, 2011, p. 157
- 92 Boerman & Bruinsma, 2012
- 93 Boerman & Bruinsma, 2012
- 94 Police data for National Threat Assessment 2017 And see also: Boerman & Bruinsma, 2012, p.64
- 95 Including occasional government officials. See for example: <https://www.defensie.nl/actueel/nieuws/2013/05/21/weekoverzicht-defensie-operaties>, consulted on 12 May 2017. And: <http://www.omroepbrabant.nl/?news/174431642/Vuurwapen+gestolen+tijdens+Landmacht+dagen+Oirschot.aspx>, consulted on 12 May 2017.
- 96 Police data for National Threat Assessment 2017 And also see for example: <http://nos.nl/artikel/490086-veel-wapens-gestolen-in-hoofddorp.html>, consulted on 12 June 2017; <https://www.stadindex.nl/druten/1444794-inbraak-bij-schietvereniging-in-dossier-gld>, consulted on 12 May 2017; <http://www.omroepbrabant.nl/?news/231190602/Reconstruatie+van+ramkraak+op+wapenwinkel+The+Gearshed+in+Kaatsheuvel+in+Bureau+Brabant.aspx>; <http://www.omroepbrabant.nl/?news/227712722/Wapenwinkels+geschokt+door+ramkraak+bij+Gearshed+in+Kaatsheuvel.aspx>, consulted on 12 May 2017
- 97 Boerman & Bruinsma, 2012, p. 59: "In April 2005, 206 service pistols were stolen from the secured firearms room of the Gilze-Rijen airbase. Six of the 206 Glock 17 pistols stolen have not been recovered; these were probably sold. The other 200 were found in a bag in a ditch. Possibly there was no market for these firearms. The theft was committed by a Pakistani, a Dutchman and a Brazilian, all resident in the Netherlands. Former service personnel were involved in this theft (KLPD, 2006, p. 79; De Vries, 2008a, p. 85)."
- 98 Police data for National Threat Assessment 2017

- 99 Boerman & Bruinsma, 2012
- 100 National Threat Assessment 2017 Organised crime, p.99.
- 101 National Threat Assessment 2017 Organised crime, p.99-100.
- 102 Police data for National Threat Assessment 2017
- 103 National Threat Assessment 2017 Organised crime, p.99.
- 104 Boerman & Bruinsma, 2012
- 105 Boerman & Bruinsma, 2012; Data police for National Threat Assessment 2017
- 106 Boerman & Bruinsma, 2012; Data police for National Threat Assessment 2017
- 107 Police data for National Threat Assessment 2017
- 108 Data National Police for National Threat Assessment 2017
- 109 National Threat Assessment 2017 Organised crime, p.100.
- 110 National Threat Assessment 2017 Organised crime, p.100.
- 111 National Threat Assessment 2017 Organised crime, p.100.
- 112 Police data for National Threat Assessment 2017
- 113 Public Prosecutor's Office (2015, 21 July). Unprecedented find of firearms in storage warehouse (press release) Derived from: <https://www.om.nl/actueel/nieuwsberichten/@90162/ongekend-grote/>.
- 114 Boerman & Bruinsma, 2012, case 7 in annex 1
- 115 Boerman & Bruinsma, 2012, case 30 in annex 1
- 116 Boerman & Bruinsma, 2012, case 2 in annex 1
- 117 Boerman, Grapendaal & Mooij, 2008, p. 234
- 118 Police data for National Threat Assessment 2017
- 119 Boerman & Bruinsma, 2012: csv 39 in annex 1
- 120 Boerman & Bruinsma, 2012
- 121 Boerman & Bruinsma, 2012, csv 99 in annex 1
- 122 Boerman & Bruinsma, 2012, csv 10 in annex 1
- 123 This is thus information related to the conviction of those persons in the context of terrorism; no WWM records investigation was carried out on these suspects.
- 124 <https://www.om.nl/vaste-onderdelen/zoeken/@53614/stelt-motief/> <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2003:AF7291>
- 125 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2003:AF7291>
- 126 <https://www.om.nl/vaste-onderdelen/zoeken/@53614/stelt-motief/>
- 127 <http://www.telegraaf.nl/binnenland/teksten/nws.der.wapen.onderzoek.fortuyn.html> via <http://www.volkertvandergraaf.net/Volkert/kocht%20wapen.htm>
- 128 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2005:AU0025>. And see also: the charges by the Public Prosecutor 26-1-2005: <https://www.om.nl/vaste-onderdelen/zoeken/@55867/stand-zaken/>. Neither the Public Prosecutor nor Mohammed B. appealed the sentence, so the ruling has become irrevocable.
- 129 See in particular the 'Oversight report concerning the deliberation processes of the AIVD with regards to Mohammed B. CTIVD no. 17' of the Oversight Committee concerning the information and security services (2008).

- 130 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2010:BK5189>
- 131 CTIVD, 2008, p. 8
- 132 On Wednesday 6 April 2005, Azzouz was acquitted for the robbery, because of lack of evidence.
- 133 Court of Rotterdam, 'Ruling case number 10/030075-04', 6 April 2005. <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSGR:2005:AU6181>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2007:AZ0213>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2007:AZ0213> And supplemented for the names based on: https://nl.wikipedia.org/wiki/Samir_Azzouz
- 134 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2010:BO9017>. And for the names supplemented on the basis of https://nl.wikipedia.org/wiki/Politie-inal_in_Laakkwartier_in_Den_Haag
- 135 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2010:BO9017>. And for the names supplemented on the basis of: https://nl.wikipedia.org/wiki/Nouriddin_El_Fahni
- 136 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2006:AZ3589>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2008:BC7531>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2008:BC7539>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSGR:2008:BF4814>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>
- 137 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>
- 138 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>) and the names were further supplemented based on https://nl.wikipedia.org/wiki/Nouriddin_El_Fahni and <https://www.om.nl/vaste-onderdelen/zoeken/@60918/rechtbank-rotterdam/>
- 139 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2006:AZ3589>, 'Information AIVD and police from criminal file', Nova, 4 November 2005, as referred to in De Wijk (De Wijk, 2012, p. 26)
- 140 'Brussels: All traces wiped in Hofstad group building', De Telegraaf, 29 October 2005, as referred to in De Wijk (De Wijk, 2012, p. 26)
- 141 'Rain came at the right time for the public prosecutor's office', BN De Stem 8 September 2006, as referred to in De Wijk (De Wijk, 2012, p. 26).
- 142 The others extradited are Samir S. and Soufiane B. The Dutch Yassine el K who lives in Belgium was also detained in this matter.
- 143 See for example: <http://nos.nl/artikel/2018603-sharia4belgium-is-terroristische-groep.html>, http://www.nieuwsblad.be/cnt/dmf20140930_01295313
- 144 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2015:2350>
- 145 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2011:BP2237>
- 146 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2016:851>. And see also: Vrij Nederland 14 February 2015, p.26
- 147 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHARL:2016:2025>; http://www.telegraaf.nl/binnenland/23169365/_Dreigijhadi_blijkt_Arnhemmer_.html; <http://www.elsevier.nl/nederland/article/2015/07/dit-zijn-de-personen-op-de-nationale-terroristenlijst-2664668W/>; http://www.telegraaf.nl/reportage/23168637/_Telg_uit_berucht_jihadgezins/; <http://www.dagelijksestandaard.nl/2014/10/dreigende-jihadist-is-arnhemmer/>; <http://www.nrc.nl/handelsblad/2014/12/06/politie-ziet-netwerk-jihadisten-in-arnhem-1444181>

- 148 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2013:8265>
- 149 A 17-year-old girl from Utrecht and a 22-year-old man from IJmuiden (<https://www.rtl-nieuws.nl/nieuws/binnenland/drie-nederlanders-bulgarije-opgepakt-om-jihadisme>)
- 150 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2016:6681>. See also: <http://www.omroepflevoland.nl/nieuws/128455/almere-syrieganger-verdacht-van-deelname-criminele-organisatie>, <https://www.omroepflevoland.nl/nieuws/146860/almere-syrieganger-overtreedt-contactverbod-om-eist-opnieuw-celstraf?dossier=617>, <https://www.rtlnieuws.nl/nieuws/binnenland/drie-nederlanders-bulgarije-opgepakt-om-jihadisme>
- 151 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2016:6681>
- 152 <http://www.ad.nl/rotterdam/terreurverdachte-had-45-kilo-aan-munitie-in-huisliggen~adad8096/>
- 153 <http://www.nu.nl/terrorisme-in-europa/4424451/criminelen-en-jihadisten-werken-steeds-vaker-samen.html>
- 154 <http://www.nu.nl/terrorisme-in-europa/4424451/criminelen-en-jihadisten-werken-steeds-vaker-samen.html>
- 155 De Poot & Sonnenschein, 2009, p. 134, 135; De Bie, 2016, i.a. p. 20, 127, 230
- 156 De Poot & Sonnenschein, 2009, p. 76. See also p. 129
- 157 De Poot & Sonnenschein, 2009, p. 109
- 158 Interview firearms portfolio holder at the police.
- 159 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2006:AZ3589>
- 160 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2016:851>
- 161 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2016:851>
- 162 Boerman & Bruinsma, 2012
- 163 Boerman & Bruinsma, 2012: csv 32 in annex 1
- 164 Boerman & Bruinsma, 2012
- 165 Boerman & Bruinsma, 2012, p. 84
- 166 Documentary 'A democracy in shock'. Art-S Home Entertainment, January 2007.
- 167 <https://www.trouw.nl/home/hoe-kwam-volkert-van-der-g-aan-het-pistool--a50e2eea/>
- 168 <https://www.trouw.nl/home/hoe-kwam-volkert-van-der-g-aan-het-pistool--a50e2eea/>
- 169 Documentary 'A democracy in shock'. Art-S Home Entertainment, January 2007.
- 170 De Telegraaf, 6 July 2002. 'Pim's murder weapon comes from Spain.'