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## 3. A history of the Hofstadgroup<sup>199</sup>

### 3.1 Introduction

This chapter provides a chronological description of the Hofstadgroup's 2002-2005 lifespan and concludes with a brief overview of the court cases against the group's participants. This discussion is intended to familiarize readers with the group and to act as a reference for the analytical chapters that follow. Although several good overviews of the Hofstadgroup exist, none are as strongly embedded in primary sources as the present account.<sup>200</sup>

### 3.2 The emergence of homegrown jihadism in the Netherlands

Developments both within the Netherlands and beyond its borders created conditions favorable to the emergence of homegrown jihadism. Some of these developments can be traced back years, such as the growing influence of the fundamentalist Salafist variety of Islam that was making headway in the country in part due to funding from Saudi Arabia, or the presence of small networks of veterans of jihadist conflicts in Afghanistan and Bosnia.<sup>201</sup> Other underlying factors were rooted in the increasingly sharp and polarizing debates about immigration and Islam which came to dominate media headlines, especially after the rise of populist politicians such as Pym Fortuyn and Geert Wilders.<sup>202</sup> As De Graaf remarks about the post-9/11 atmosphere in the Netherlands; 'Moroccans, Turks and other immigrants were now framed as "Muslims" and were held responsible for jihadist attacks.'<sup>203</sup>

As later chapters will explore in detail, the 9/11 attacks, the ensuing 'War on Terror' and the Dutch government's decision to lend assistance to that fight were key geopolitical developments underlying the development of jihadist groups in the Netherlands. They drew attention to the ideas, ideologies and propaganda of terrorist organizations such as al-Qaeda, especially so among some young Muslim citizens. Together, these factors created conditions favorable to the emergence of Islamist radicalism and extremism. In early 2002, two Dutch citizens of Moroccan descent were killed in Kashmir by Indian security forces, ostensibly after having been recruited by Islamist militants at a mosque in the Netherlands.<sup>204</sup> That same year, dozens of people were arrested on suspicion of involvement in providing recruitment, financial and logistical support

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199 This chapter has been published in amended form as: Bart Schuurman, Quirine Eijkman, and Edwin Bakker, "A history of the Hofstadgroup," *Perspectives on Terrorism* 8, no. 3 (2014): 65-81.

200 Sageman, "Hofstad case," 13-29, 82-99; Vidino, "The Hofstad group," 579-592.

201 De Poot et al., *Jihadi terrorism in the Netherlands*, 42-43; General Intelligence and Security Service, "Violent jihad in the Netherlands," 15-16.

202 De Koning and Meijer, "Going all the way," 223-224; De Koning, "Moge hij onze ogen openen," 52-53.

203 De Graaf, "The nexus between salafism and jihadism," 18.

204 *Ibid.*, 18-19.

to internationally operating jihadist terrorist groups.<sup>205</sup> Although the Hofstadgroup was the most infamous entity to arise in the Netherlands in the early 2000s, it was certainly not the only exponent of this broader trend.

### 3.3 2002: The Hofstadgroup's initial formation

The earliest reference to the Hofstadgroup stems from 2002. Over the course of that year, a group of increasingly radical Muslims began to draw the attention of the Dutch General Intelligence and Security Service (AIVD).<sup>206</sup> It was not until September 2003, however, that the Service began to label this particular set of people as the 'Hofstadgroup'.<sup>207</sup> The name refers to The Hague, a city colloquially known in Dutch as the 'Hofstad' (court city) and one of the places in which the group gathered. Little is known about the group's activities in 2002, although it appears that gatherings were taking place by the end of the year. A middle-aged Syrian asylum seeker known by the moniker Abu Khaled took a prominent role during these so-called 'living room meetings' as a religious instructor.<sup>208</sup> He does not appear to have spoken of the use of violence or participation in jihad directly, yet his teachings conferred a dogmatic and fundamentalist interpretation of Islam. This formed a fertile base for some participants' subsequent adoption of a decidedly extremist, pro-violence, interpretation of Islam.<sup>209</sup>

The group's meetings were held in a variety of locations in addition to The Hague, with an internet café in Schiedam and the Amsterdam residence of the Hofstadgroup participant who would go on to murder Dutch filmmaker Theo van Gogh being used regularly.<sup>210</sup> A first hint that elements within the group were developing extremist views manifested itself towards the end of 2002. Information provided to the police by the AIVD suggests that in November of that year, one person who would feature prominently in the group's extremist core spoke out in favor of a mass-casualty bombing.<sup>211</sup> Regarding the group's organizational development, it is interesting to note that initial group formation appears to have been based primarily on pre-existing social bonds. Many participants had grown up in the same neighborhoods, attended the same schools or knew each other through their local mosques.<sup>212</sup> In the words of one former participant, the Hofstadgroup was a 'circle of acquaintances'.<sup>213</sup>

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205 Algemene Inlichtingen- en Veiligheidsdienst, "Jaarverslag 2002," (The Hague: AIVD, 2003), 21.

206 Donner and Remkes, "Kamerstukken 2, 2004-2005, 29854, nr. 3," 5.

207 Ibid., 18.

208 General Intelligence and Security Service, "Violent jihad in the Netherlands," 37.

209 Dienst Nationale Recherche, "RL8026," 01/17: 4095; VERD: 19480, 19705-19706, 19747; NCTV Employee 1, "Personal interview 1," (The Hague2012), 2; Public Prosecutor 1, "Personal interview 1," (The Hague2012), 8.

210 Dienst Nationale Recherche, "RL8026," AHA 01/18: 89-90.

211 Ibid., AHA 02/19: 100.

212 Ibid., VERD: 19444, 19459, 19675, 19717, 19858-19860, 19877, 19916, 19980, 19994, 20079, 20112, 20115, 20174; GET: 18215, 18312-18313, 18374-18375, 18414, 20348; 19401/19417: 14176; AHA19403/19420: 11227; Erkel, *Samir*, 78-79.

213 Former Hofstadgroup Participant 3, "Personal interview 1," (Leiden2013), 4.

### 3.4 2003: Would-be foreign fighters and international connections

At the start of 2003, a prominent Hofstadgroup participant and a friend of his who does not appear to have been involved in the group, made an attempt to join Islamist rebels in Chechnya. They were arrested by the Russian authorities just after they left Ukraine and were sent back home after questioning. Upon return to the Netherlands they were interrogated further by both the Dutch police and the AIVD.<sup>214</sup> That summer, two other participants separately undertook travel to Pakistan where they allegedly met each other for the first time at a Quran school. Their travels appear to have been facilitated through another Hofstadgroup participant.<sup>215</sup> Messages written after their return and intelligence information imply that both underwent or at least sought paramilitary training in Pakistan or Afghanistan.<sup>216</sup> That this trip was more than an opportunity to study Islam abroad is underlined by a farewell letter one of the two men left his family, in which he expressed a desire to remain in the ‘land of jihad’.<sup>217</sup>

These two men returned from Pakistan separately in September. Later that month, AIVD intelligence revealed that one of the Pakistan-goers may have returned on the instigation of an unnamed ‘emir’ who tasked him with ‘collecting balloons’.<sup>218</sup> According to the AIVD’s information, a fellow Hofstadgroup participant had mentioned that this particular traveler had returned to ‘play a match’ before Ramadan that year (which began on the 27<sup>th</sup> of October). Around the same time, it was also discovered that this individual, together with the person who had tried to reach Chechnya and a third Hofstadgroup participant, were in contact with a Moroccan man living in Spain who was sought by the Moroccan authorities for his suspected involvement in the 2003 Casablanca bombings and for his membership of the Moroccan Islamic Combatant Group (GICM).<sup>219</sup>

The Hofstadgroup participant who may have been in touch with the unknown emir traveled to Barcelona in the first week of October to meet the Moroccan man, returning to Amsterdam on the 8th. While in Spain, he also met an acquaintance of the Moroccan suspect who Spanish authorities believed had ties to the Iraqi terrorist organization Ansar al-Islam. Another Hofstadgroup participant communicated with the Moroccan man via telephone from the Netherlands and apparently received instructions to procure ‘a notebook’ and ‘credit’.<sup>220</sup> Other topics of conversation were ‘shoes class 1 and class 2’ and ‘things that come from Greece or Italy’.<sup>221</sup> The Moroccan suspect also mentioned that he would send a man from Belgium to meet

214 Dienst Nationale Recherche, “RL8026,” 01/01: 33; GET: 18061-18062; Calis, “Iedereen wil martelaar zijn.”

215 Erkel, *Samir*, 195; Vermaat, *Nederlandse jihad*, 33.

216 Dienst Nationale Recherche, “RL8026,” 01/13: 140-141; AHA104/121: 1657, 1666; AHA1605/1622: 2176; AHD1607/1636: 8401-8402; AHD1608/1637: 8569-8571, 8595-8597, 8618-8619, 8635-8637, 8715-8717, 8767-8769, 8773-8775, 8880, 8919-8931; AHD1609/1638: 9049, 9054-9056.

217 *Ibid.*, 01/13: 163.

218 *Ibid.*, 01/01: 23-24.

219 *Ibid.*; Samir A[.], “Deurwaarders van Allah,” (2004 / 2005), 33.

220 Dienst Nationale Recherche, “RL8026,” 01/01: 24.

221 *Ibid.*, AHA01/18: 81.

the participant he had been phoning with. Whether this meeting occurred is unclear, although two of the participants who were in contact with the Moroccan individual from the Netherlands traveled to Belgium on the 15<sup>th</sup> of October for unknown purposes.<sup>222</sup> On the 14<sup>th</sup> of October, the Spanish authorities arrested the Moroccan suspect. A day later, the AIVD informed the Dutch public prosecutor's office about the travels to Pakistan/Afghanistan and the Spanish connection. The police then arrested five Hofstadgroup participants on the 17<sup>th</sup> of October. These included the three individuals who undertook travel abroad, two of whom were in contact with the Moroccan man, another person who was also in contact with the Moroccan individual and the middle-aged Syrian religious instructor Abu Khaled. House searches turned up books, tapes and digital materials espousing an extremist interpretation of Islam, study notes on martyrdom, an at that point unknown person's will expressing a desire to die as a martyr and, in the case of one of those arrested, materials suggestive of an interest in constructing an explosive device. However, all of the suspects were released at the end of October for lack of evidence.<sup>223</sup>

The Dutch police were thus unable to substantiate the possibility that the suspects were planning a terrorist attack or assisting foreign groups or individuals in doing so. Given that two of those arrested had in September and October been trying to encourage other young Dutch Muslims to travel to Pakistan, a likely explanation for the 'emir's' task is that it was to inspire others to make a similar trip. The communication with the Moroccan suspect in Spain is harder to explain, although a source close to the investigation thought it likely that the Hofstadgroup participants were providing logistical assistance with acquiring a passport ('notebook') and money ('credit').<sup>224</sup> What the other terms referred to, and what type of 'match' was to be played before Ramadan has remained unclear.

On the very last day of 2003, one of the Pakistan travelers undertook a second journey to that country, this time accompanied by a fellow Hofstadgroup participant who had not been there before. Scarcely more than a week later, on the 9<sup>th</sup> of January 2004, both of them returned. The sources provide several different explanations for this rapid return.<sup>225</sup> Regardless of which of these accounts is true, it is clear that this second trip abroad was not very successful, with little to indicate that the travelers were able to get any paramilitary training or make contacts with foreign jihadists.

Judging by the tone and contents of his writings and translations, 2003 also saw the man who would murder Van Gogh in November 2004 rapidly embrace more fundamentalist and radical views.<sup>226</sup> This process was accompanied by a withdrawal from 'mainstream' Dutch society; he quit his job, stopped volunteer work for his local community in June and distanced himself

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222 Ibid., 01/01: 23-25; AHA01/18: 80-81; RHV01/66: 18845-18846.

223 Ibid., 01/01: 24-27; RHV01/66: 18792; Donner and Remkes, "Kamerstukken 2, 2004-2005, 29854, nr. 3," 25-26.

224 Police Investigator 1, "Personal interview 3," (Houten2011), 1.

225 Dienst Nationale Recherche, "RL8026," 01/13: 141-143; GET: 18840, 188452.

226 Peters, "Dutch extremist Islamism," 145-159.

from non-religious old friends. Around the same time, he adopted the clothing and facial hair style of a fundamentalist Muslim, leading him to become known as ‘the Taliban’ among youths in his Amsterdam neighborhood. Of particular interest is the finding that he traveled to Denmark in October. Although the available sources do not reveal what the purpose of his trip was, it is possible that he visited a Syrian preacher who lived there. This preacher was a friend of the Hofstadgroup’s Syrian religious instructor Abu Khaled and occasionally traveled to the Netherlands to visit him.<sup>227</sup>

### 3.5 2004: Individualistic plots and the murder of Theo van Gogh

The Hofstadgroup appears to have undertaken few, if any, communal activities during 2004. Burgeoning collective efforts involving at least parts of the group could be identified in 2003, such as the contacts with the Moroccan suspect and the attempts to encourage other Dutch Muslims to travel to Pakistan. Yet 2004 was characterized by distinctly individualistic initiatives. When accounting for this change, the impact of the October 2003 arrests cannot be overlooked. A former participant explained that the arrests resulted in an acutely heightened sense of paranoia and a preoccupation with personal safety. This was debilitating to the point that he described the Hofstadgroup as being effectively crippled in early 2004.<sup>228</sup>

While the realization that they were under surveillance dampened group-based activities, a small number of individuals were not deterred. Peters’ analysis of the writings of Van Gogh’s to-be killer shows that this participant moved from radical convictions to distinctly extremist ones around March 2004.<sup>229</sup> His rapidly developing extremism would lead him, around the summer of that year, to embrace the view that blasphemers needed to be killed.<sup>230</sup> This provided him with both the ideological motive and justification for murdering writer and filmmaker Van Gogh, who was very outspoken in his criticism of Islam and Muslims and often presented his arguments in a coarse fashion intended to cause offense.<sup>231</sup>

Several other notable developments took place before that time, however. On the 8<sup>th</sup> of April 2004 a supermarket in Rotterdam was robbed by two men armed with automatic weapons. Although the suspicion could not be substantiated by concrete evidence, it seems likely that the robbers received help getting into the store from one of its employees; the Hofstadgroup participant who tried to reach Chechnya a year earlier. Minutes after the robbers got away with approximately 700 Euro’s, one of them was arrested and later confirmed as an acquaintance of

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227 Alberts et al., “De wereld van Mohammed B.”; Chorus and Olgun, *In godsnaam*, 61; Commissie van Toezicht betreffende de Inlichtingen- en Veiligheidsdiensten, “Toezichtsrapport met betrekking tot Mohammed B.,” 11; Dienst Nationale Recherche, “RL8026,” 01/01: 32, 37; GET: 18349, 18415; VERD 19754; Annieke Kranenberg, “De zachte krachten achter Mohammed B.,” *De Volkskrant*, 20 November 2004.

228 Former Hofstadgroup Participant 3, “Personal interview 1,” 5.

229 Peters, “Dutch extremist Islamism,” 152-155.

230 *Ibid.*, 155-156.

231 E.g.: Chorus and Olgun, *In godsnaam*, 33-34.

the store's Hofstadgroup employee.<sup>232</sup> Several Hofstadgroup participants have since claimed that the second robber was also involved in the group and only managed to 'evade' the police because he was in fact an AIVD informant.<sup>233</sup> Concrete evidence to support this claim has, however, not been encountered.

On the 18<sup>th</sup> of May, the police received information which suggested that the supermarket employee was involved in preparations for a terrorist attack. On the 7<sup>th</sup> of June, that same individual was captured on security cameras walking around the AIVD's headquarters in Leidschendam, apparently measuring distances by taking equally spaced steps. These events contributed to his second arrest, on the 30<sup>th</sup> of June. Among the items encountered in the ensuing house search were photographs, maps and directions of the AIVD headquarters, the nuclear reactor in the Dutch town of Borssele, the House of Representatives, the Ministry of Defense, Amsterdam Schiphol airport and the barracks of the Dutch commando's in Roosendaal. Other finds included a bulletproof vest, two magazines and a silencer that could be fitted to the weapons used in the supermarket robbery, electrical circuits, night-vision goggles, household chemicals, fertilizer, documents espousing an extremist interpretation of Islam, jihad 'handbooks' and a hand-written will in the suspect's name.<sup>234</sup>

While indicative of an interest in improvised explosive devices (IEDs), it should be noted that the electrical circuits and chemicals were everyday, over-the-counter items that had not (yet) been combined into an explosive device or its precursor components. It should also be emphasized that the particular type of fertilizer found turned out to be unsuitable for making an explosive substance.<sup>235</sup> Hence, the individual in question does not appear to have had the capability to construct an actual bomb at that point in time. Interestingly, in the same month two other Hofstadgroup participants had inquired after fertilizer at a garden store. Whether this was related to an intention to construct an IED remains unclear. However, it is striking that the individual arrested on the 30<sup>th</sup> was found in possession of a list of addresses of that particular chain of stores.<sup>236</sup>

On the 6<sup>th</sup> of June, two other Hofstadgroup participants, in the company of two acquaintances who do not appear to have been directly involved in the group, traveled to Portugal. On a tip-off likely provided by the AIVD, which raised the possibility that the goal of this trip was to commit a terrorist attack during the European soccer championships or to kill Portuguese Prime Minister Barroso, the four travelers were arrested by the Portuguese police on the 11<sup>th</sup> and their whereabouts searched. No evidence was uncovered to substantiate any of the terrorism related

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232 Dienst Nationale Recherche, "RL8026," 01/01: 38-39.

233 Erkel, *Samir*, 209; De Graaf, *Gevaarlijke vrouwen*, 262; Alberts and Derix, "Het mysterie.," Janny Groen and Annieke Kranenberg, "Saleh B. wel terroristisch actief?" *De Volkskrant*, 2 June 2007.

234 Dienst Nationale Recherche, "RL8026," 01/01: 38-45.

235 *Ibid.*, 01/01: 48-49.

236 *Ibid.*, 01/01: 40; 01/13: 175.

allegations or a later claim by a witness that the trip's goal was to acquire weapons. In light of the lack of incriminating evidence, it may simply have been the case that the Hofstadgroup participant who came up with the idea for the trip in the first place, an illegal immigrant from Morocco, was telling the truth. He claims to have wanted to benefit from a Portuguese amnesty for asylum seekers. Similarly, there is little to contradict his companions' assertion that they went along to enjoy a holiday.<sup>237</sup>

Despite the lack of incriminating evidence, all four travelers were handed over to the Portuguese immigration police on the 14<sup>th</sup> of June for 'visa irregularities' and sent back to the Netherlands several days later. Upon his arrival at Schiphol airport, the trip's initiator was questioned by the Dutch police. One particularly interesting aspect of this conversation is that he warned the police of a friend of his who, he claimed, spoke a lot of jihad, adhered to the ideology of 'takfir' (declaring other Muslims apostates) and who wanted to join Islamist insurgents in Chechnya. This friend would later commit the murder of Van Gogh.<sup>238</sup> What motivated the person being questioned to divulge such information is unknown.

Two other developments complete this overview of the eventful month of June 2004. On the 14<sup>th</sup>, the mother of two Hofstadgroup participants filed a report with the police declaring that she and her daughters felt threatened by her sons' extremist and violent behavior to the point that they moved out of their own home.<sup>239</sup> Investigations conducted later in 2004 also revealed the 14<sup>th</sup> of June to be the first day on which an AIVD interpreter leaked confidential information to two Hofstadgroup participants; one of them received a 'weekly report' on the group in June and the other a wiretap in August.<sup>240</sup> The leak was discovered in September 2004 when a Dutch newspaper, which had also acquired the materials, faxed a part of the weekly report back to the AIVD. The interpreter was a prior acquaintance of one of the Hofstadgroup's participants, for whom the AIVD employee had bought a ticket from Al Hoceima (Morocco) to Amsterdam in May 2003.<sup>241</sup> Why he leaked this information and what, if any, effect the files had on the Hofstadgroup remains unknown.

### 3.5.1 Towards the murder of Theo van Gogh

On the 29th of August 2004, the Somali-born Dutch politician Ayaan Hirsi Ali appeared for an in-depth interview on the TV-program *Zomergasten* (summer guests). As part of the show, a short

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237 Ibid., 01/13: 104; AHA103/120: 859; GET: 18375; VERD: 20347-20348; RHV18302/18367: 19216-19218, 19291-19292; Diogo Noivo, "Jihadism in Portugal: grasping a nebulous reality," (Madrid: Real Instituto Elcano, 2010), 6; Vidino, "The Hofstad group," 583; Chorus and Olgun, *Broeders*; Vermaat, *Nederlandse jihad*, 107.

238 Dienst Nationale Recherche, "RL8026," AHA03/20: 859-861; RHV802/867: 19292.

239 Ibid., 01/01: 141; AHA103/120: 831.

240 Jaco Alberts and Steven Derix, "AIVD-stuk lekte uit naar extremisten," *NRC Handelsblad*, 9 November 2004.

241 Dienst Nationale Recherche, "RL8026," 01/13: 104; AHA105/122: 837, 1811-1813, 1837; Alberts and Derix, "AIVD-stuk lekte uit naar extremisten.;" David J. Kilcullen, "Subversion and countersubversion in the campaign against terrorism in Europe," *Studies in Conflict & Terrorism* 30, no. 8 (2007): 657.



Islam-critical film she had recently made with Van Gogh called *Submission, part 1* was broadcast.<sup>242</sup> The film contains fragments in which Quranic verses are projected on semi-naked women and was supposedly met with either disgust or indifference by the Dutch Muslim community.<sup>243</sup> But among the Hofstadgroup the film evoked much stronger reactions, all the more so since, having renounced her Muslim faith, Hirsi Ali was already a particularly hated public figure.<sup>244</sup>

A day after the film was broadcast, a message appeared on MSN Group *MuwahhidinDeWareMoslims* ('Mawahhidin the True Muslims'<sup>245</sup>). This website was administered and frequented by Hofstadgroup participants, for instance to propagate the increasingly extremist texts written by Van Gogh's to-be killer. The message, titled 'The unbelieving diabolical mortada [apostate], Ayaan Hirsi Ali', was posted by an individual on the group's edges. In it, the author claimed that the 'Mawahhidin Brigade' had uncovered Hirsi Ali's residence, proceeded to publish that presumed address in full and also posted a picture of Van Gogh.<sup>246</sup> A second message followed on the 4<sup>th</sup> of September and was openly threatening. Writing of Hirsi Ali, the author claimed that 'wherever she hides, death shall find her!'<sup>247</sup> The messages' author was arrested on the 14<sup>th</sup> of September.

On the 15<sup>th</sup> of September, the Dutch police received an anonymous e-mail warning them that two individuals were potentially preparing a terrorist attack. The anonymous source had supposedly been asked by two 'terrorists' to commit attacks in the Netherlands, with the House of Representatives in The Hague and Amsterdam's red light district as possible targets. Unfortunately, the available sources divulge no further information on this potential terrorist plot.<sup>248</sup> Interestingly, however, one of the two supposed terrorists was an active participant in the Hofstadgroup. In September, he responded affirmatively to a question posted on his website 'TawheedWalJihad'<sup>249</sup> inquiring whether it was a Muslim's duty to kill those who insulted the Prophet Muhammad. To substantiate his argument, the participant relied on a translation of the influential 14<sup>th</sup> century Salafist scholar Ahmad ibn Taymiyya's argument to this extent. This translation had been written by Van Gogh's to-be killer. The individual acting as an 'online help desk' on extremist matters was arrested on the 8<sup>th</sup> of November because he had issued death threats to Dutch politician Geert Wilders using the aforementioned website.<sup>250</sup>

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242 The film can be viewed online: YouTube, "Submission: Part 1," [https://www.youtube.com/watch?v=G6bFR4\\_Ppk8](https://www.youtube.com/watch?v=G6bFR4_Ppk8). Accessed 15 April 2014.

243 "Hirsi Ali zoekt tegenstanders voor haar wedstrijd," *De Volkskrant*, 30 August 2004.

244 Dienst Nationale Recherche, "RL8026," 01/13: 74, 161-162; Erkel, *Samir*, 223.

245 'Mawahhidin' refers to Muslims who uphold a strict belief in the concept of tawhid (the unity of god). See: Esposito, *Islam*, 146.

246 Dienst Nationale Recherche, "RL8026," AHA04/21: 1324-1339, 1342; AHA1305/1322: 2339; 1301/1317: 4002-4003, 4025-4026, 4047; Benschop, "A political murder foretold".

247 Dienst Nationale Recherche, "RL8026," AHA04/21: 1325.

248 *Ibid.*, 01/01: 179-180.

249 'Monotheism and Jihad', possibly a reference to a group by that name led by Abu Musab al-Zarqawi which would later become known as al-Qaeda in Iraq. Benschop, "A political murder foretold".

250 Dienst Nationale Recherche, "RL8026," 01/01: 160, 167, 200-201, 203; Benschop, "A political murder foretold"; Peters, "Dutch extremist Islamism," 156.

On the second of November 2004, Van Gogh was murdered while cycling to work in his hometown of Amsterdam. The killer cycled up alongside Van Gogh, shot him several times with a pistol and then tried to decapitate his dead or dying victim with a kukri knife. Without having accomplished this task, he decided to pin a note to the dead man's chest with another knife in which he threatened Hirsi Ali with death. Calmly reloading the magazine of his HS model 95 pistol, the killer then walked towards a nearby park where a shoot-out with police officers ensued. After running out of ammunition and being shot in the leg, Van Gogh's murderer was arrested. Three other people were also hit by the killer's bullets; one bystander in the leg, another in the heel and one police officer in his bulletproof vest. Upon being taken into custody the killer was told that he was lucky to be alive; he responded that he had hoped to die.<sup>251</sup>

Van Gogh's murder was a premeditated act of terrorism. The attacker utilized deadly violence against a civilian with the distinct intent of achieving propagandistic and psychological goals. For the attacker, Van Gogh's death was not just an aim in itself, but an extreme form of communication that guaranteed him the attention of those he considered Islam's enemies and those who he hoped to inspire to rise up in its defense. This follows not just from the ritualistic manner in which Van Gogh was killed in a public place in broad daylight, but also from the various letters that his assailant left behind for his compatriots to propagate. These alternately threatened death to specific Dutch politicians and the general public and encouraged Muslim youngsters to embrace militancy.<sup>252</sup> According to Schmid's definition used in this thesis, this differentiation between the immediate victim and a wider target audience to whom the violent act is meant to speak is a defining characteristic of terrorism.<sup>253</sup>

Nine witnesses later reported having seen the killer at different locations along the route Van Gogh usually traveled to work between early October and the day of the murder. Two witnesses, independently of each other, claim to have seen the killer on the 1<sup>st</sup> of November standing with his bike along Van Gogh's usual route, observing passing cyclists. This implies that Van Gogh's attacker had carefully chosen where to strike and perhaps even that the second of November was not his first attempt to kill the filmmaker.<sup>254</sup>

There has been considerable speculation about the rest of the group's involvement in or knowledge of the attack.<sup>255</sup> In September 2014, a public prosecutor involved in the case voiced his suspicion that multiple people had been involved in the murder.<sup>256</sup> In November 2015 a new report by

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251 Donner and Remkes, "Kamerstukken 2, 2004-2005, 29854, nr. 1," 1-2; Van Straelen, "Requisitoir in de strafzaak tegen Mohammed B.," 10-27; Dienst Nationale Recherche, "RL8026," 01/13: 95.

252 Peters, "De ideologische en religieuze ontwikkeling," appendix: Overzicht teksten geschreven of vertaald door Mohammed B., 32-46, 50-56.

253 Schmid, "The definition of terrorism," 62-63.

254 Van Straelen, "Requisitoir in de strafzaak tegen Mohammed B.," 9-10.

255 Derix, "Hoe kwam toch.," Former Hofstadgroup Participant 4, "Personal interview 2," (The Hague2015), 4-5; NCTV Employee 1, "Personal interview 1," 3-4; Van Straelen, "Requisitoir in de strafzaak tegen Mohammed B.," 7; Public Prosecutor 2, "Personal interview 1," (Amsterdam2012), 3.

256 'T Sas and Born, "Hoofdofficier: Mohammed Bouyeri handelde niet alleen."

Dutch Review Committee on the Intelligence and Security Services revealed that the AIVD had received ten pieces of information in the years after the murder indicating that others were aware of the murder, had assisted in preparations for it or had even ordered it.<sup>257</sup> While the report is careful not to dismiss this information out of hand, nine out of ten pieces of intelligence were based on hearsay and speculation; there was no *concrete evidence* to suggest the involvement of others.<sup>258</sup>

Consequently, this thesis takes the position that the *currently available evidence* indicates that the murder was planned, prepared and executed solely by the attacker himself.<sup>259</sup> Based on his explanation in court, he appears to have been primarily driven by a sense that it was an individual believer's duty to behead those who insulted Allah and his prophet, as he felt Van Gogh had done with his movie and writings. He took full responsibility for his actions and claimed that he would have done exactly the same had the blasphemer been his brother or father.<sup>260</sup>

The authorities responded to the murder by arresting most of the suspected members of the Hofstadgroup on the day of the attack. Two, however, managed to evade apprehension. One was Abu Khaled, the middle-aged Syrian man who had provided religious instruction to the group. Aided by several acquaintances, he left for Syria the day that Van Gogh was killed, traveling via Belgium and Greece and entering the country illegally from Turkey. Despite the striking coincidence, the police investigation was unable to ascertain whether Abu Khaled was aware of the murderer's plans. The second participant who got away was a member of the group's extremist core and who featured earlier as the initiator of the trip to Portugal. Although precisely where he went after evading arrest has remained unclear, he may have traveled back to his family in Morocco in November 2004 or spent the time until his arrest in June 2005 alternately living in Brussels and possibly Luxembourg, from where he would occasionally travel to the Netherlands.<sup>261</sup>

### 3.5.2 Violent resistance to arrest

The most dramatic episode in the arrests of alleged Hofstadgroup members occurred during the early hours of the 10<sup>th</sup> of November 2004. As a police arrest squad tried to force the door on the apartment of two suspects in The Hague around 02:50 in the morning, they found that it had been barricaded from within and could only be partially opened. The two men had prepared for the police's arrival and discussed beforehand how to respond to it. Mere moments after the squad's attempt to force entry to the apartment, one of its occupants threw a hand grenade through the crack between door and door frame, which passed the officers standing on the

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257 Commissie van Toezicht betreffende de Inlichtingen- en Veiligheidsdiensten, "Toezichtsrapport over eventuele handlangers," 14-16.

258 Ibid., 16.

259 Van Straelen, "Requisitoir in de strafzaak tegen Mohammed B.," 6-7."

260 NOS, "Verklaring Mohammed B. in tekst," 2005; Vermaat, *Nederlandse jihad*, 27.

261 Dienst Nationale Recherche, "RL8026," AHA02/19: 755; GET: 4069; Public Prosecutor 1, "Personal interview 1," 17, 42; Groen and Kranenberg, *Women warriors*, 84-85.

landing and bounced down an outdoor stairwell to explode on the street below. Moments after realizing a grenade had been thrown at them, one of the officers fired twice at their attacker, both shots just missing his head. The grenade's ensuing explosion injured five policemen, one of whom seriously, and forced the squad to pull back.<sup>262</sup>

During the day that followed, the suspects spoke on the phone with friends and family, announcing their imminent martyrdom. They hastily wrote a will and made several prank calls to the emergency services asking for the police to come and rescue them from the 'masked scary men' surrounding their home.<sup>263</sup> Additionally, they threatened to blow up the entire street with twenty kilograms of explosives, provoked officers to shoot them and were seen waving a sword and a firearm that would later turn out to be a fake. Towards the end of the afternoon, a military special forces unit went into action. After 18 tear gas canisters were fired into the apartment, the two suspects clambered onto a balcony. Soldiers in an opposite building then ordered them to raise their hands and fired a warning shot. The suspects were told to undress and descend into the garden via a ladder. Instead, one of them reached into his jacket pocket, prompting him to be shot in his shoulder. Subsequently, both suspects complied with the soldiers' orders, climbed down and were taken into custody. No explosives were found in the apartment but both suspects were carrying additional grenades in their pockets.<sup>264</sup>

### 3.6 2005: From 'Hofstad' to 'Piranha'

The November 2004 arrests ended what could be called the 'first wave' Hofstadgroup. Yet from approximately April 2005 onward, a small group re-emerged that, with regard to its participants, ideological convictions and practical intentions, was a direct successor to the 2002-2004 Hofstadgroup. This 'second wave' has become known under the name of the police investigation into its activities as the 'Piranha' group. Despite the separate investigations and court cases, the Piranha group was essentially a continuation of the Hofstadgroup and is treated here as such.

The 2005 resurgence was made possible by three factors. First of all, the individual arrested in June 2004 after reconnoitering the AIVD headquarters was acquitted and released from custody in April 2005. Thus, one of the most extremist individuals in the Hofstadgroup was able to continue his activities. Secondly, another member of the Hofstadgroup's extremist core had evaded arrest in November 2004 and remained at large until his apprehension in June 2005. During this interval, he contributed to the new group's operational capabilities by procuring three firearms. These two men appear to have formed the new group's main protagonists and are referred to here as its ringleaders. Of the remaining nine individuals ultimately earmarked as

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262 Dienst Nationale Recherche, "RL8026," 01/13: 38, 95-96, 105-106, 171; GET: 18011, 18235-18237; AGV18001/18062: 17967-18005.

263 Ibid., AHA07/24: 3112.

264 Ibid., 01/01: 131; 101/112: 139-110; 101/113: 171; AHA102/119: 610-614; AHA107/124: 3087-3127; AGV3001/3062: 17969-18005; GET: 18011, 18235-18237; The Hague Court of Appeal, "LJN BC2576."

alleged members of the Piranha group, all but two had been on the original Hofstadgroup's edges. The arrest of most of the original participants seems to have brought these peripheral individuals forward into positions of increased prominence.<sup>265</sup>

The Piranha group displayed some interesting differences from its predecessor. Most importantly, there appeared to be a burgeoning sense of hierarchy, tenuous indications of a return to more *group-based* efforts and clearer signs that these efforts were in the service of *terrorism related* goals.<sup>266</sup> Police and intelligence information reveals that as many as three tentative terrorist plots may have been considered, all three of which were being shaped under the overall guidance of the individual released in April 2005. One of these potential plots targeted Dutch politicians, with particular emphasis on Hirsi Ali. The second aimed to bring down an El-Al airplane, while the third envisioned a double strike; first at the AIVD headquarters and then at several Dutch politicians.

One of the first things the individual released in April 2005 did was to approach an old acquaintance, someone who had been in contact with Hofstadgroup participants from approximately the end of 2003. During the trial against the Piranha suspects, this person claimed to have been coerced and threatened by the group's two ringleaders, for instance into renting a house for the group in Brussels and occasionally supplying participants with money.<sup>267</sup> In contrast, the other suspects in the Piranha case claimed that this individual was in fact very radical, not at all involuntarily associated with them and purely motivated to give incriminating testimony in court to avoid being sentenced.<sup>268</sup> Although the currently available data does not allow these conflicting claims to be convincingly resolved, it should be noted that this was one of the witnesses whose testimony a Dutch court qualified as unreliable.<sup>269</sup>

Police intelligence from early April 2005 indicated that the individual recently released from detention had gathered a new group around him, that he wanted to die as a martyr and that he was driven to rectify the '1-0' in the unbelievers' favor.<sup>270</sup> This latter point suggests that he may have been at least partially motivated by a personal desire for revenge for his arrest and incarceration. This motive also appears in various writings by and about this individual, which highlight his experience of poor treatment by the Dutch justice system and police and, especially,

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265 Dienst Nationale Recherche, "RL8026," 01/17: 4085-4086, 4128, 4179, 4201; Dienst Nationale Recherche, "PIRANHA," (Korps Landelijke Politiediensten, 2005), REL00: 55, 62, 205; Public Prosecutor 1, "Personal interview 1," 42.

266 Bart Schuurman, Quirine Eijkman, and Edwin Bakker, "The Hofstadgroup revisited: questioning its status as a 'quintessential' homegrown jihadist network," *Terrorism and Political Violence* 27, no. 5 (2015): 1-20.

267 Dienst Nationale Recherche, "PIRANHA," REL00: 61-63, 82-83, 85-86, 104-105, 158-160, 211-214; Sageman, "Hofstad case," 85.

268 "Getuige Piranha-zaak zelf radicaal," *De Volkskrant*, 28 October 2006; Annieke Kranenberg and Janny Groen, "Kroongetuigen vallen in eigen kuil," *De Volkskrant*, 2 December 2006.

269 Kranenberg and Groen, "Kroongetuigen vallen in eigen kuil."

270 Dienst Nationale Recherche, "PIRANHA," REL00: 29; NOVA, "Informatie AIVD en politie uit strafdossier," <http://www.novativ.nl/page/detail/nieuws/8239/Informatie+AIVD+en+politie+uit+strafdossier>.

his adversarial relationship with the AIVD.<sup>271</sup> Given this background, it is unsurprising that one of the three potential plots overseen by this person appears to have targeted the AIVD.

### 3.6.1 Spring and summer 2005: Renewed signs of terrorist intentions

May 2005 brought signs of a renewed interest in pursuing acts of terrorism in the Netherlands among some of the Piranha group's participants. For instance, the Piranha ringleader who had been a fugitive since the murder of Van Gogh allegedly told two other participants that he had a CD-ROM with instructions on how to make a suicide vest and that the required components could be bought in Germany. This person also turned up in possession of three firearms; a CZ 'Skorpion' version 61 submachine gun (also referred to as a 'baby Uzi'), an Agram 2000 submachine gun with a separate silencer and a .38 caliber Smith & Wesson revolver. In May, he instructed a participant to visit the group's other leader, the man released from custody in April, to pick something up. This turned out to be a piece of paper printed in an internet café which listed the names, addresses and telephone numbers of several Dutch politicians.<sup>272</sup>

Events in June provided further indications that both the intent and capability to use terrorist violence was being developed, again with a particular focus on Dutch politicians. On or around the 15<sup>th</sup>, the fugitive and his female companion took two other participants to a large park in Amsterdam to fire one of the submachine guns at a tree.<sup>273</sup> Several days later, on the 20<sup>th</sup>, the aforementioned companion phoned a family member who worked at a pharmacy in The Hague. She asked for the addresses of the politicians who frequented it and was particularly interested in Hirsi Ali's, but was not given the information.<sup>274</sup> The next day, police officers conducting surveillance in The Hague recognized the fugitive they had sought since November 2004. At the time, he had been staying with someone who appears to have been pressured into providing him and his companion with shelter and transportation.<sup>275</sup>

This was also the case a day later, on the 22<sup>nd</sup> of June, when the acquaintance was instructed to drive the fugitive and his companion to Amsterdam. Both seemed tense and the fugitive twice made their driver attempt to shake off any possible tails. In Amsterdam, he took over the wheel and drove towards train station Amsterdam Lelylaan, where he and his companion got out. Upon reaching the platform, both were apprehended by a police special intervention unit. At the time, the fugitive was carrying the loaded Agram 2000 in his backpack. In the driver's home, the police found a handwritten and coded note listing the addresses of four Dutch politicians that appears to have belonged to the two people who had just been arrested. Their interest in the whereabouts

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271 De Graaf, *Gevaarlijke vrouwen*, 273; Erkel, *Samir*, 199-200, 206-208, 218-219, 227-228, 240-241.

272 Bart Den Hartigh and Alexander Van Dam, "Requisitoir 'Piranha' deel 1," (2006), 70; Dienst Nationale Recherche, "PIRANHA," REL00: 61-62.

273 Dienst Nationale Recherche, "PIRANHA," REL00: 213.

274 *Ibid.*, REL00: 158-160.

275 Dienst Nationale Recherche, "RL8026," AHA06/23: 2564-2600, 2618-2620.

of Dutch politicians and Hirsi Ali in particular, something corroborated by the statements of two inmates who met them in prison, lends further credence to the idea that they were considering plans to assassinate one or more of these individuals.<sup>276</sup>

Two days after the arrests the group's remaining ringleader phoned one of his imprisoned Hofstadgroup friends. He mentioned being unable to sleep since the arrests, that 'the earth is very warm at this moment' and that there was a story which had not yet made the newspapers and which would astound his friend.<sup>277</sup> The next day he phoned again and cryptically talked of a 'soup' that was still boiling but would make it onto television soon.<sup>278</sup> Suspicions that the caller was involved in preparations for an act of terrorism were strengthened a month later. Just after midnight on the 26<sup>th</sup> of July, police officers observed this person enter a park in The Hague in the company of an unknown male. Not much later a bang was heard. Its source has never been discovered, leaving it uncertain whether this was potentially some kind of firearms or explosives test. Two days later the AIVD officially informed the police that they had indications that the group's remaining leader was involved in terrorist activities.<sup>279</sup>

### 3.6.2 The second and third potential plots come to light

In early August, signs of a second potential terrorist plot began to manifest themselves. Police intelligence reports indicated that a group of young men of Moroccan descent in Amsterdam West, including two Piranha participants, were working on a plan to shoot down an El Al plane at Schiphol airport, possibly using some type of Rocket Propelled Grenade (RPG). The reports raised the possibility that one individual had been tasked with conducting a reconnaissance of a particular area of Schiphol airport and that the plot was being funded by a levy on the criminal proceeds of acquaintances of the remaining Piranha ringleader. The intelligence information, however, could not be marked as 'reliable'.<sup>280</sup> Furthermore, subsequent police investigations were unable to substantiate the intelligence. This suggests that the potential second terrorist plot attributable to the Piranha never proceeded beyond a conceptual phase.<sup>281</sup>

In contrast to the 'first wave' Hofstadgroup, 'living room meetings' did not feature as prominently in its 2005 continuation. Participants did visit each other and some individuals provided religious instruction, yet relatively large-scale group meetings such as those that were held at the house of Van Gogh's killer were not encountered in the available sources. A likely explanation is that the Piranha group had developed a much more acute sense of safety and was wary of indoor gatherings for security reasons. This is supported by several meetings held outdoors in public

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276 Ibid., AHA06/23: 2587-2589, 2596, 2610-2612, 2713, 2755-2756; 2501/2517: 4236-4238, 4241; Dienst Nationale Recherche, "PIRANHA," REL00: 99; 1056.

277 Dienst Nationale Recherche, "PIRANHA," REL00: 144-145.

278 Ibid.

279 Ibid., REL00: 39-40; NOVA, "Informatie AIVD en politie uit strafdossier".

280 Dienst Nationale Recherche, "PIRANHA," REL00: 40-42; NOVA, "Informatie AIVD en politie uit strafdossier".

281 Den Hartigh and Van Dam, "Requisitoir 'Piranha' deel 1," 5; NOVA, "Informatie AIVD en politie uit strafdossier".

places, such as on the 24<sup>th</sup> of August in The Hague, when four Piranha participants were observed together, on the 7<sup>th</sup> of September in Amsterdam, when two individuals met and exchanged a package, and on the 11<sup>th</sup> of October when five suspected members of the Piranha group met in The Hague.<sup>282</sup>

Arguably the most interesting such meeting occurred in September 2005, when the Piranha group's principal protagonist met a Belgian national of Moroccan descent at a train station in The Hague. According to police information, the Belgian man declined the protagonist's request to participate in a suicide attack against the AIVD on the grounds that he was already planning something in Morocco.<sup>283</sup> A different take is given by investigative journalists Groen and Kranenberg. They describe the Belgian man as a cousin of a participant of the 'original' Hofstadgroup and as supposedly offering three female suicide bombers to his Piranha contact, who declined the offer because he wanted men only for his attack on the AIVD.<sup>284</sup> The Belgian man was arrested in Morocco in November 2005 on charges not related to the Piranha case. The available data offers no further information on the meeting, leaving it unclear exactly what happened.

Signs of the third potential terrorist plot came to the fore in October. AIVD information from the beginning of the month indicated that the Piranha group's participants were, to differing degrees, involved in preparations for a terrorist attack. This potential attack was to occur before the 31<sup>st</sup> of October, the date set for the main protagonist's appeals hearing. The plot was thought to consist of two parts; one group of attackers would target politicians while the second would force entry to the AIVD headquarters and blow it up. None of the perpetrators expected to survive the attacks. The AIVD information also indicated that the Piranha ringleader was looking for additional weaponry; ten AK-47 assault rifles, two silenced pistols and ten vests containing eight kilograms of explosives each. The individual in question apparently expected a call from someone to discuss delivery of these goods. Phone intercepts revealed that a meeting between a possible supplier and the ringleader was arranged for the 12<sup>th</sup> of October. However, despite agreeing to a time and place over the phone, the Piranha participant did not show up.<sup>285</sup>

The next day, the police received additional information from the AIVD that precipitated the remaining suspects' arrest. Most important was a videotaped will in which the group's main protagonist, seated next to the Skorpion submachine gun, threatened the Dutch state and its citizens for, among other things, the country's involvement in the Iraq war. Until the Dutch 'left Muslims alone and chose the path of peace' the 'language of the sword' would reign.<sup>286</sup>

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282 Dienst Nationale Recherche, "PIRANHA," REL00: 43-44; Den Hartigh and Van Dam, "Requisitoir 'Piranha' deel 1," 7.

283 Dienst Nationale Recherche, "PIRANHA," REL00: 151-152.

284 Groen and Kranenberg, *Women warriors*, 144-145.

285 Dienst Nationale Recherche, "PIRANHA," REL00: 46-53; NOVA, "Informatie AIVD en politie uit straf dossier".

286 NOVA, "Videotestament Samir A. - vertaling NOVA," NOVA, <http://www.novativ.nl/page/detail/nieuws/8887/Videotestament+Samir+A.+--+vertaling+NOVA>.



He also appeared to bid his family farewell by stating that he ‘commits this deed out of fear for the punishment of Allah’.<sup>287</sup> In addition he called upon other Muslims to rise up in defense of oppressed Muslims worldwide and spoke out in support of his incarcerated Hofstadgroup friends.<sup>288</sup> Just how the AIVD got its hands on this video has remained unclear. The person seen on the video claims that an AIVD informant assisted him with the recording and then supplied it to the AIVD after staging a break-in of his home as cover for the tape’s disappearance.<sup>289</sup>

Acting on the above information, the police arrested the remaining Piranha suspects on the 14<sup>th</sup> of October without incident. Among the items found during house searches were three gas masks, several balaclava’s, radical and extremist materials and, notably, a document made by one of the suspects called ‘lessons in safety’ which belied the Piranha group’s greater awareness of and concern for the authorities’ interest in them.<sup>290</sup> The remaining two firearms – the Skorpion and the revolver – were, however, not recovered at this time. They were found on the 28 August 2006 in a cellar belonging to one of the Piranha suspects by plumbers called in to address flooding on the premises.<sup>291</sup> The October 2005 arrests effectively put an end to the Hofstadgroup; its most extremist elements were imprisoned and the remainder made no attempt to resuscitate the group a third time.

### 3.7 An overview of the court cases

The first decade of the 21<sup>st</sup> century saw the Dutch government enact various legal and policy measures intended to increase its counterterrorism effectiveness.<sup>292</sup> One of these was the Crimes of Terrorism Act, which was passed in August 2004. This Act enabled judges to pass heavier sentences on suspects if they were found to have committed their crimes *with terrorist intent*. It also specified recruitment for terrorism and membership of an organization that intended to commit terrorist crimes as distinct offenses. The latter became known as article 140a of the Dutch Criminal Code, which was based on article 140 that deals with organized crime.<sup>293</sup>

On the 26 July, 2005, Van Gogh’s assassin was found guilty of, inter alia, murder with a terrorist intent, multiple counts of attempted murder on bystanders and police officers and threatening Hirsi Ali with terrorist intent. He was sentenced to life in prison.<sup>294</sup> In March 2006, the first

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287 Ibid.

288 Ibid.

289 De Graaf, *Gevaarlijke vrouwen*, 273-274.

290 Dienst Nationale Recherche, “PIRANHA,” REL00: 57, 161; Roel Meijer, “Inhoud van de religieuze en ideologische documenten aangetroffen in het beslag van verdachten in het Piranha-onderzoek,” 1-74.

291 Den Hartigh and Van Dam, “Requisitoir ‘Piranha’ deel 1,” 8; Groen and Kranenberg, *Women warriors*, 134-135.

292 Commissie Evaluatie Antiterrorismebeleid, “Naar een integrale evaluatie van antiterrorismemaatregelen,” (The Hague: Rijksoverheid, 2009), 16-18.

293 J.P.H. Donner, “Wet van 24 juni 2004 tot wijziging en aanvulling van het Wetboek van Strafrecht en enige andere wetten in verband met terroristische misdrijven (Wet terroristische misdrijven),” in *Staatsblad 2004*, 290 (The Hague: Sdu Uitgevers, 2004), 1-9.

294 Amsterdam District Court, “LJN AU0025,” (2005): 15-16.

judgment was passed on whether the Hofstadgroup had constituted a terrorist organization. On the 10<sup>th</sup> of that month, the Rotterdam District Court found nine out of fourteen suspects guilty of membership of a terrorist organization as described in the recently minted Article 140a.<sup>295</sup>

However, in early 2008 The Hague Court of Appeal acquitted seven of them on this particular count, arguing that '[t]he Hofstadgroup had insufficient organizational substance to warrant the existence of an organization as intended in articles 140 and 140a'.<sup>296</sup> This judgment was in turn revoked in February 2010, when the Supreme Court ordered a partial retrial after ruling that the Court of Appeal's grounds for acquittal had been partly based on an incorrect interpretation of the law.<sup>297</sup> The cases of these seven individuals were referred to the Amsterdam Court of Appeal. In December 2010 that Court ruled that the defendants had indeed participated in a criminal and terrorist organization.<sup>298</sup> After another referral to the Supreme Court, however, the Den Bosch Court of Appeal ruled in June 2015 that two of these suspects had not been members of a terrorist organization after all.<sup>299</sup>

The trials against the six Piranha suspects followed a similar course. On the 1<sup>st</sup> of December 2006, the Rotterdam District Court found five of the defendants guilty of preparation for or furtherance of a terrorist offense. However, the Court did not convict them of constituting a terrorist organization. One suspect was acquitted of the charges brought against him.<sup>300</sup> On the 2<sup>nd</sup> of October 2008, however, The Hague Court of Appeal ruled that four of those convicted in 2006 had indeed been members of a terrorist organization.<sup>301</sup> In late 2011, the Supreme Court decreed a retrial for three of them. In one case, the Supreme Court found that the defense had not been given access to all relevant intelligence sources.<sup>302</sup> With regard to the other two individuals, the Court ruled that participation in a terrorist organization had been insufficiently demonstrated.<sup>303</sup> On 25 March 2014, the Amsterdam Court of Appeal once again convicted two of these three individuals for membership of a terrorist organization, but acquitted the third on this count.<sup>304</sup>

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295 Rotterdam District Court, "LJN AV5108," (2006): 3, 42-44.

296 The Hague Court of Appeal, "LJN BC4178," (2008): 1; The Hague Court of Appeal, "LJN BC4183," (2008): 1; The Hague Court of Appeal, "LJN BC4182," (2008): 1; The Hague Court of Appeal, "LJN BC4171," (2008): 1; The Hague Court of Appeal, "LJN BC2576," 1; The Hague Court of Appeal, "LJN BC4129," (2008): 1; The Hague Court of Appeal, "LJN BC4177," (2008): 1.

297 Supreme Court of the Netherlands, "LJN BK5175," (2010): 1.

298 Amsterdam Court of Appeal, "LJN BO7690," (2010): 35-36; Amsterdam Court of Appeal, "LJN BO8032," (2010): 40-43; Amsterdam Court of Appeal, "LJN BO9014," (2010): 39-40; Amsterdam Court of Appeal, "LJN BO9015," (2010): 41-42; Amsterdam Court of Appeal, "LJN BO9016," (2010): 36-37; Amsterdam Court of Appeal, "LJN BO9017," (2010): 38; Amsterdam Court of Appeal, "LJN BO9018," (2010): 41-44.

299 "Terreureverdachten Hofstadgroep na tien jaar vrijgesproken," *NRC Handelsblad*, 17 June 2015.

300 Rotterdam District Court, "LJN AZ3589," (2006): 40, 42-44.

301 The Hague Court of Appeal, "LJN BF3987," (2008): 1.

302 Marije Willems, "Zaak tegen terrorismeverdachte Soumaya S. moet over," *NRC Handelsblad*, 15 November 2011.

303 Mireille Beentjes, "Zaken terreureverdachten moeten over," *Hoge Raad Der Nederlanden*, 6 December 2011.

304 Amsterdam Court of Appeal, "GHAMS:2014:914," (2014): 23; Amsterdam Court of Appeal, "GHAMS:2014:905," (2014): 21; "Drie jaar cel Soumaya S. in oude terreurzaak," *Het Parool*, 25 March 2014.

### 3.8 Conclusion

The preceding pages reveal more about the Hofstadgroup than simply the most prominent activities of its participants. For instance, this overview has made clear that on the whole the Hofstadgroup *did* very little that had any direct bearing on (preparations for) terrorism. Only a small inner circle of extremist participants showed signs of interest in conducting an attack or joining jihadist insurgents overseas. Secondly, even among the minority of participants who (appeared to) be interested in conducting acts of terrorism, there were very few signs of *communal* efforts. After initial signs of working together in 2003's trips abroad and the connections that were established with a jihadist suspect in Spain, 2004 was characterized by individual and ad hoc activities. Not until 2005's 'Piranha' continuation did the Hofstadgroup once again show signs of a communal pursuit of shared goals.

These findings thus provide insights into the group's organizational characteristics, providing a link to the focus of the next chapter. They also suggest that involvement in the Hofstadgroup could take on a variety of forms. Only a minority of participants actually became involved in (preparations for) acts of terrorism. This underlines the importance of keeping in mind that 'involvement' and the processes that preceded it were distinctly heterogeneous in nature. A crucial question this poses is what distinguished those who planned or perpetrated acts of terrorism from those who did not. Before the analysis can turn to the factors underlying the various involvement processes, however, the descriptive part of this thesis needs to be completed. To that end, the next chapter delves deeper into what the Hofstadgroup was by discussing the group's ideological and organizational nature, as well as shedding further light on the degree to which it was communally involved in terrorism.