

**Speech by Minister Hirsch Ballin  
Conference for Developing Standards for Victims of Terrorism, 10 March in Tilburg**

Ladies and gentlemen,

**Introduction**

First of all, I want to express my thanks to Ms Kemény for her introduction to the EU project. It was a very interesting talk and one that offers many new prospects. Many thanks and congratulations also to the organisers of this conference, especially Tilburg University and its Intervict Institute together with the European Commission and other partner organisations.

It is an honour for me to speak to you here today, at the start of this two-day conference which will tomorrow coincide with the fourth European Day for the Victims of Terrorism. A conference which is to develop Standards for Victims of Terrorism. As Minister of Justice, I am responsible for both victim policy and antiterrorism policy, two policy fields that have so far developed more or less autonomously. This is also evidenced by the list of participants, since most of you have expertise in one of these two fields. We must share our knowledge in these policy fields if we are to achieve good results, results that will help us to improve the position of victims of terrorism. And that is what brings us together here today and tomorrow. I therefore heartily support the initiative of the European Commission to investigate and define the need for help and support specifically for victims of terrorism.

Today I would like to briefly dwell on Dutch terrorism policy and victim policy, after which I will name two aspects which require further elaboration specifically for victims of terrorism.

**Terrorism**

There are few offences in which the group of victims of one individual crime can be as large as is the case with terrorism. An attack comes as a real bombshell; terrorism is intended to hurt a much larger group than its immediate victims. Prevention of terrorism is therefore our first concern. There are radical consequences, not only for the immediate victims and their survivors, but also for society as a whole. Its effects may include vicarious anger and vicarious retribution, and its cure may require inter-group forgiveness. Prevention of terrorist attacks, suffering and disruption of society must have great priority in any antiterrorism policy.

Unfortunately, this is not always successful in reality. The figures make this clear. The EU Terrorism Situation and Trend Report for 2007 reports 498 attacks in the EU in 2006. The majority of these attacks resulted in little material damage and were not intended to kill. A total of 706 people were arrested in 15 Member States. The countries most frequently affected were France, Spain and the United Kingdom. Much attention goes to the investigation of offences and the prosecution of offenders, but also to investigating and bringing to trial people involved in the preparation of terrorist attacks. People suspected of terrorism have been arrested and brought to trial in the Netherlands as well.

What the EU report does not tell is the *consequences* of these attacks. How many lives were lost? How many survivors were affected by this? How great was the material and immaterial damage? When developing counterterrorism policy it is very important to not only establish means to prevent future terrorist crimes, but as well take into account the consequences for victims of terrorist attacks. It is time that we focus our attention on this. From the very serious attacks in the United States, Madrid, London and many other attacks, we can learn a great deal about assistance and support to victims.

## **Victims**

There is no universal definition of the term 'victim'. In the context of terrorism, and particularly when we are dealing with large-scale attacks, it is broader than the people actually killed and their survivors. Eye witnesses, care workers, relatives and friends can be counted to this group as well. Other people can find it difficult to cope with their anxiety and anger as a result of the attack. Society as a whole experiences the consequences. This means we must adopt a broad, differentiated approach to immediate victims and to society as a whole.

We know a lot about the needs of victims of more ordinary forms of crime. A review very recently published by the Research and Documentation Centre of my Ministry showed that victims share a number of different needs. For instance, all types of victims want emotional support and information and want to be heard in the criminal proceedings. But some needs are linked to specific types of crimes. For example, surviving dependants of victims of homicide more often ask for crisis management and for advice about dealing with the media. Victims of violence express a need for immediate safety. Many of these needs will be recognisable for victims of terrorism. This means that for our assistance and support to victims of terrorism as

well as for their legal position, we should start by looking along the lines of existing rules and existing policy.

An important document for the legal position of victims is The European Framework Decision on the Standing of Victims in Criminal Proceedings from 2001, which of course is also relevant for victims of terrorism. The regulation forces the countries of the European Union to take the rights of victims seriously. Further, there is the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which demands worldwide attention to their access to criminal proceedings, to fair treatment, to compensation for injuries and damage sustained, and to assistance.

These four important themes also play a major role in Dutch victim policy. For a long time, the rights of victims were largely set forth in subordinate legislation. The Dutch parliament is presently discussing an act which would give victims and their survivors a well-defined set of rights in criminal proceedings. We have also set out to improve implementation of victim policy. This means an about-face for organisations that have traditionally been oriented to offenders, such as the police and the public prosecutions service; they will have to shift their focus in order to include victims.

This, too, is of great importance for victims of terrorism. They may also have to deal with the police and the public prosecutor after an attack. This means that a well-defined and balanced legal position in the criminal proceedings, as well as assistance and support, must be available to them.

However, all these important developments are still not sufficient for terror victims. Because a terrorist attack will be extensively and continuously dealt with by the media and, as a result, not only the direct victims are affected but also society at large, for terrorism victims *an additional, more specific policy must be developed*.

### **Communication to society at large**

Terrorist attacks affect society at large: this is one of the objects of committing a terrorist attack. For this very reason, communication to the public is one focus of antiterrorism policy. There are basically two types of crisis communications: before and after an attack. ‘The Netherlands against Terrorism’, a campaign started in February 2006, aims to inform society

about counter-terrorism efforts and measures. Another aspect of the campaign is to inform people about their own role and what precautionary measures they can take.

Communication after a terrorist attack requires a different approach. After a terrorist attack, there is absolutely no time to lose. Not only in responding, but also in communicating with the public. And speed is not only important for the country under attack. We live in an era of globalisation. With Internet, mobile phones and satellite TV, the world is rather small. News travels fast, and through many channels. Government communications must not fall behind, especially at times of crisis. In our national strategy for communication after a terrorist attack, speed is the key word. Delay makes things worse. Terrorists aim to instigate fear and confusion, to divide public opinion. So it is crucial to address people's fear and anger. Of course, there are limits to how much we can prepare for. Every situation is unique.

Nevertheless, we have guidelines for public communications after an attack, which address the following matters:

- 1) What exactly has happened? What are the facts and what are we doing to prevent parallel attacks?
- 2) Public fear and unrest. We work to prevent counter-reactions and to provide reassurance.
- 3) What measures will be taken, such as extra surveillance at certain locations or on public transport?

### **Specifically for victims of terrorism**

Existing policy can help victims of terrorism on many aspects. Two subjects require particular attention: the scale and pattern of victimisation, and the amount of attention given by the media to a terrorist attack.

Experiences abroad have shown that terrorist attacks can be of a large magnitude, such as the train attacks in Madrid. The legal system in Spain was not designed to cope with large groups of victims and survivors who needed to be informed about the criminal proceedings or who wanted to file a claim for damages. A possible solution to this is to allow interest groups of victims to have access to certain provisions. In the Netherlands, we have some experience with interest groups filing claims for damages in civil proceedings; however, we have not yet seen anything similar in criminal proceedings. Working with such interest groups has both

advantages and disadvantages, for victims and their survivors as well as for the criminal system. This is an aspect that requires further exploration.

## **Conclusion**

Ladies and gentlemen,

This brings me back to what I have started with today. There are many similarities between victims of 'ordinary' crime and terrorism. We can start by aligning the rights of victims of terrorism with existing rights for victims of crime. But there are unmistakable differences that we primarily see in the event of large-scale attacks. When there are large groups of victims and survivors who want to exercise their rights in criminal proceedings, additional measures will need to be taken. Another point that demands our attention is the influence of the media on the way people cope with an attack. More than only the immediate victims are affected by the difficulties of coping with an attack.

In fact terrorism affects society as a whole. But its immediate victims and their survivors feel its greatest impact. Although we cannot remove their suffering, we can ensure that they are heard and feel that they are supported. It is our duty to do so.

The Ministry of Justice is very much interested in the findings of this conference and will definitely benefit from the proposals for the best possible support for victims of terrorism. I wish you two very fruitful days; I hope that you will learn a great deal and moreover, that you will have many useful encounters. Thank you for your attention.