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Concerning	Drugs controls Schiphol Airport

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and our ref. when replying.
Do not raise more than one
subject per letter.

Dear colleague,

In the most recent JHA meeting of the Council we were able to reach agreement on the compromise concerning the Framework Decision on Illegal Drugs Trafficking as prepared by the Italian Presidency. Partly against this background I would like to inform you of some new, far-reaching measures which the Dutch government will take to further restrict cocaine smuggling by couriers via Schiphol airport.

In February 2002 the then Minister of Justice informed his colleagues within the Union in writing of an explosive growth of this type of smuggling in particular from the Caribbean and of the policy measures developed in response, i.e. the Schiphol Action Plan. The measures taken at that point, demanding considerable investments, led to the arrest of a large number of drugs couriers and the seizure of larger quantities of drugs. However, a main objective, i.e. a substantial reduction of the arrival of drugs couriers at Schiphol, has been insufficiently attained.

The most important current innovation is the introduction of 100% controls of the most important high-risk flights.

Main points of current policy and results to date

The increased level of control at Schiphol introduced at the start of 2002 has led to a considerable increase of the chance of catching drugs couriers. From the start of 2002, approximately 3,750 drugs couriers have been arrested and approximately 10,000 kilos of cocaine have been seized at Schiphol. From January 2002 through June 2003, more than 4,000 drugs couriers have been convicted. This includes cases dating from the period prior to the introduction of the Schiphol Action Plan.

In order to deal with the influx of drugs specific screening is conducted by governmental

agencies at Schiphol of travellers en route to the Dutch Antilles and on the Antilles of passengers on their way to the Netherlands. Airlines do not transport passengers who are suspected – on the basis of specific criteria – of drugs smuggling. These pre-flight checks have led to more than 9,000 negative travel advices (approximately 1,650 in the Netherlands and 7,500 on Curacao) during the past year and a half. In addition, the number of no-shows had increased by 13,000 during this period (5,000 in the Netherlands and 8,000 on Curacao). This concerns passengers who decide to cancel their intended trip at the last minute.

The annual budget of the Schiphol Action Plan amounts to approximately 90 million Euros and covers the reinforcement of the total control and criminal law chain. This is illustrated by:

- Increase of the level of control at Schiphol is realized by expanding customs and border control by 50 persons in addition to the existing drugs controls.
- The Judiciary has been expanded by 20 officers and judges in total and in addition by 38 FTEs supporting personnel. A specific court has been set up at Schiphol Airport for matters relating to the airport.
- The detention capacity has been expanded by almost 1,300 additional places – specifically for this target group. This is almost 10% of the total existing penitentiary capacity in the Netherlands.

New measures

With the additional efforts commenced in December 2003, the Dutch government seeks to pose the highest possible obstacle to cocaine smuggling by couriers in order to reduce the problems to manageable proportions and to further restrict the transport of drugs.

100% controls

Increasing the level of control of high-risk flights at Schiphol Airport to 100% should increase the chance of catching couriers to such an extent that the chances of seizing the transported drugs are maximized.

The large-scale seizure and destruction of drugs will affect criminal organizations and deter them from smuggling drugs via this airport. It goes without saying that the standard controls on other flights will remain in place.

I wish to emphasize that the 100% controls are not measures as such but form part of a broader package of measures, focusing inter alia on the reduction of the transport from the source countries.

Measures at the source

The action against drugs smuggle places considerable pressure on the investigation and prosecution capacity of the Dutch Antilles. The Dutch government will therefore make

increased investments in strengthening the law enforcement and in the collaboration with local authorities. The coastguard will be strengthened and a joint law enforcement offensive will be started to deal with criminal organizations.

Measures against the transport

Apart from the aforementioned pre-flight checks, the Netherlands, in consultation with the air carriers, will strengthen the role of the air carriers in the prevention of drugs smuggle via air transport. This concerns inter alia the restriction of opportunities of previously arrested couriers and of persons who have been issued a negative travel advice to travel by aircraft to prevent them from making a smuggling attempt. Another travel restriction is that arrested foreign couriers are denied access to the Netherlands and will be removed from the Netherlands whereby an endorsement is made in their passport.

European cooperation

Although Schiphol is one of the major points of arrival of cocaine via air transport, analyses have shown that the transport is only partly destined for the Dutch market. The Netherlands is to a large extent a transit country for drugs ultimately destined for users in other countries. I therefore send you this letter to inform you of the measures already taken. The tightened-up policy in the Netherlands may have relocation effects and lead to the use of different routes.

The Dutch government is in favour of broad action against this type of drugs smuggle. Adequate exchange of information between operational services is important to gain insight into criminal organizations. I also believe it is important that Member States inform one another and European services of existing projects and/or projects being prepared. This allows us to examine where the combination of activities and practical operational cooperation might have an added value.

With this letter I have sought to clarify that the Netherlands acknowledges the problems of cocaine smuggle via air transport, has taken measures in the recent past and is currently taking further far-reaching measures.

The Minister of Justice,