



Last updated: December 2009

## Netherlands Detention Profile

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Dutch detention practices have been among the most controversial in Europe. The country has been criticized for using boats as detention sites, detaining large numbers of asylum seekers, and placing unaccompanied minors in juvenile justice centres. Until the 1970s, Netherlands' immigration policy was considered lenient. However, since the 1980s, the country's policies have grown increasingly restrictive (Meyers 2004; Bruquetas-Callejo et al 2009). Concomitant with the restrictive policies has been growth in the country's detention infrastructure. According to Amnesty International, the number of places in detention facilities grew from 200 in 1989 to some 3,000 by 2007 (AI 2008).

Public outcry over harsh conditions at detention sites, which was sparked in part by a 2005 fire at the Schiphol Airport detention facility that resulted in the deaths of several detainees, has gradually led to some reforms, in particular with respect to safety regulations at detention facilities (CPT 2008, p. 21). In 2006, the government launched a "General Amnesty Scheme" for tens of thousands of foreign nationals. And in January 2008, the government issued a new policy on the detention of families with children, emphasizing alternatives to detention and restricting detention periods to "in principle at most fourteen days" (CPT 2009, p. 16).

**Detention Policy.** The principle norms governing Dutch immigration policy are contained in the Aliens Act 2000 ([Vreemdelingenwet 2000](#)), which establishes the legal basis for immigration detention, the entrance of foreign nationals, the issuance of residence permits, and the deportation of asylum seekers and immigrants.

Grounds for administrative detention are established in Sections 6 and 59 of the act. Section 6 (on "border detention") stipulates, "An alien who has been refused entry into the Netherlands may be required to stay in a space or place designated by a border control officer, which "may be secured against unauthorised departure." According to Section 3, grounds for refusing entry include lack of valid travel document and/or visa, posing a threat to the public order or national security, and insufficient means to defray costs of staying in the country.

Section 59 provides for detention for purposes of deportation for unlawfully staying residents, including rejected asylum seekers.

Describing these two detention regimes, Amnesty International reports, "Irregular migrants and asylum-seekers can be detained under either Article 6 (border detention) or Article 59 of the Aliens Act 2000 with different detention regimes. Whereas border detention is governed by the Regulation on Border Accommodation (RBA, Reglement Grenslogies), detention following the discovery of an irregular migrant is governed by the [Penitentiary Principles Act](#) (PPA, Penitentiare Beginselenwet)" (AI 2008, p 19).

The key difference between these two detention regimes is that in the case of border detention, detainees are considered to not have formally entered the Netherlands. "Border detention is mostly imposed in combination with a formal entry refusal. Based on Article 3 of the Aliens Act 2000 and Article 13 of the Schengen Border Code, a person who does not fulfil the visa criteria and who arrives by ship or by aeroplane can be refused formal entry at the border. To prevent this person from gaining access to the state beyond the border point, he or she can be detained. Since this measure forms part of the border protection regime—with the aim of preventing illegal entry—it is not deemed to be imposed 'with a view to the expulsion' of the migrant in question, as is the case with the other form of immigration detention. Formal entry refusal is a legal fiction, because the people are already physically present within the territory of the state and are subject to its jurisdiction" (AI 2008, p. 17).

**Government agencies.** The Immigration and Naturalisation Service (Immigratie-en Naturalisatiedienst, or IND) enforces immigration law in the Netherlands; the Directorate for Detention and Special Facilities of the National Agency of Correctional Institutions is

responsible for the administrative detention of migrants. Both agencies are part of the Ministry of Justice. In addition, the Aliens Police and the Royal Military Constabulary are authorized to “see whether aliens are lawfully resident in the Netherlands. They can stop them, ask them for identification and take them away for questioning if they suspect that they are illegal immigrants. They may also stop vehicles, confiscate travel and identity documents and, if they suspect unlawful residence, enter a home without the owner’s permission” (MoJ 2004).

**Length of detention.** Those detained at the border under Section 6 of the Aliens Act 2000 can be detained for up to six weeks (CPT 2009; Ammeraal 2009a). However, according to the Dutch Council for Refugees, detention for the purposes of deportation can theoretically be unlimited in duration (Ammeraal 2009a). An official at the Ministry of Justice said in a statement to the [Global Detention Project](#), “There is no formal maximum duration for the detention of aliens in Dutch law. According to Dutch jurisprudence, after a period of six months the interest of the alien to regain his liberty should in principal be given more weight than the interest of the government to continue the detention. However, in a number of circumstances, the duration of detention can exceed six months, for example if the alien has a criminal background or if he has frustrated the return process. With the implementation of the EU guideline on forced [return of third-country nationals](#), the duration of the detention will have a maximum of six months, which can be extended to 18 months in specific circumstances. The implementation will be completed in December 2010” (Opstal 2009).

The [European Committee for the Prevention of Torture](#) (CPT) has also criticized the lengthy periods of detention for immigrants at police stations—up to 14 days—despite the fact that they are not designed to hold people for long periods of time. “The findings during the CPT’s 2007 visit suggest that police cells are being used as surplus capacity for remand prisons and alien holding facilities. The CPT notes that a shortage of remand capacity, combined with a policy of keeping prison occupation rates below 100% ... may encourage prolonged detention in police facilities. However, the fact remains that police facilities do not offer suitable accommodation for lengthy periods of detention, particularly as concerns juveniles. The CPT has already commented in previous reports on the unsuitability of such arrangements. The CPT recommends once again that the Netherlands authorities take appropriate measures to minimise the time detained persons have to spend in police cells. Moreover, particular efforts should be made to ensure that juveniles are not detained in police cells for prolonged periods and are transferred to appropriate juvenile detention facilities expeditiously. The CPT also recommends that immigration detainees be promptly transferred to suitable accommodation in keeping with their needs and status” (CPT 2008).

**Asylum seekers.** Article 3 of the Aliens Act stipulates that non-citizens who claim asylum should not be denied entry into the country. However, asylum seekers can be subject to lengthy detention while their claims are adjudicated. In addition, an appeal or a second asylum application based on new facts can further prolong procedures (EMN & IND 2006, p 72).

According to the government’s accelerated asylum procedure a decision on whether to allow asylum seekers to formally apply for asylum in the Netherlands should be determined within 48 working hours—or 5-8 days. During this initial period, asylum seekers are held at government-run “application centres” (Visser 2009). If the IND decides during the initial 48-hour period that further investigation is necessary, a “prolonged” procedure continues at a “temporary reception centre,” which is run by an independent, government-funded agency called the Central Agency for the Reception of Asylum Seekers (COA) (Visser 2009).

Although detention at application centres is meant to be for short periods, observers claim that asylum seekers are routinely held at detention sites located at ports of entry for longer periods of time, particularly at Schiphol Airport, which has both an application centre and a secure detention centre (Ammeraal 2009b). “In September 2007, UNHCR-funded research by the Dutch Council for Refugees showed that, in practice, asylum seekers at Schiphol Airport are routinely subjected to border detention during and immediately following the accelerated asylum-determination procedure at the Schiphol Application Centre. In the case of further investigation being necessary beyond the 48-hours accelerated procedure and in certain other circumstances, asylum-seekers may face continuous border detention. ... The research also revealed that detention lasted an average of 100 days, with exceptional cases of people being detained for up to a year” (AI 2008).

According to the Dutch Council for Refugees, as of 2007, the average detention period at the border for asylum seekers making claims under Dublin Regulation, which establishes criteria for determining which EU member state is responsible for examining asylum claims, was 86 days (AI 2008).

If the IND concludes that the asylum seeker meets the conditions to apply for asylum, a temporary residence permit is granted and he/she is provided housing at a COA-run “Asylum Seeker Orientation and Integration Centre.” Those not allowed to enter the asylum stream are placed in one of two facilities while they await deportation: a non-secure, COA-run “Asylum Seeker Repatriation Centre” or a secure, government-run detention centre. People considered a flight risk are sent to the secure centres. People allowed to stay at non-secure

centres must register regularly at the centre. Failure to do so can result in loss of status as an asylum seeker (Visser 2009).

**Minors.** For many years, the Netherlands was harshly criticized for detaining migrant children with their families as well as unaccompanied minors. The relevant norms are contained in the **Juvenile Penitentiary Principles Act** (JPPA, *Beginnelsenwet Justitiële Jeugdinrichtingen*), which according to AI “is applicable to irregular migrants who are under the age of 18, mostly unaccompanied minors. The latter regime ... contains special provisions for juvenile detainees” (AI 2008, p 19).

In its response to the CPT’s 2008 report on Dutch detention practices, the government reported that a “new policy in respect of families with children in aliens detention was presented in a letter to the Lower House on 29 January 2008. ... Deprivation of liberty, with a view to the removal of families with children, will be limited to term of in principle at most fourteen days. The detention may last at most four weeks if admission is refused at the border, which term may be extended to two months if an asylum application is submitted at the border. This will not rule out the detention of families with children, but it can prevent families with children from staying in detention for prolonged periods of time” (CPT 2009).

There have been concerns that many unaccompanied minors in the Netherlands have been the victims of trafficking for sexual exploitation. In 2008, a pilot project was introduced called “Protected Reception of Unaccompanied Minor Aliens (UMA) at Risk,” which is designed to protect trafficked minors who are considered to be at risk of disappearing. The programme includes protected reception in “Warded Reception Centres” and the assignment of a guardian (NIDOS 2007; IND 2008a, p 6).

**Additional criticisms.** AI reported in 2008 that Dutch detention practices were rife with problems, highlighting in particular the prison-like quality of most detention centres. “Amnesty International expresses serious concern about the fact that the conditions under which migrants and asylum-seekers are detained are similar to those in regular (remand) prisons and that migrants and (rejected) asylum-seekers are held under a regime that is based on one designed for regular prisons. Despite the fact that under all regimes individuals may not be further restricted in the exercise of their rights than is necessary to safeguard their presence in the detention centre or to maintain the safety and order in the facility, most migrants experience and describe the regimes as ‘harsh’ and even ‘inhuman’” (AI 2008, p 21).

The rights group also pointed to a number of other concerns, including ineffective procedures for investigating ill treatment, the frequent use of isolation in detention, as well as “inadequate medical care, poor access to their lawyers and humiliating routine procedures” (AI 2008, p 21). A number of these concerns have also been reported by the CPT and the European Parliament (CPT 2008; European Parliament 2007).

**Detention Infrastructure.** Netherlands employs a range of facilities to house and/or confine asylum seekers and irregular migrants, including “application centres,” “reception centres,” “expulsion centres” (*uitzetcentrum*), “detention boats” (*detentieboot*) “asylum seeker centres” (*asielzoekerscentrum*), and “detention centres” (*detentiecentrum*). Determining which facilities should be considered secure detention sites can be unclear, and migrant rights advocates and government officials sometimes appear to disagree on this issue.

According to data collected by the Global Detention Project, as of November 2009 there were six dedicated immigration detention sites in operation, as well as one secure “application centre” which, although meant for only short-term detention of arriving asylum seekers, is reportedly routinely used to hold asylum seekers for several days at a time (Ammeraal 2009b).

As of November 2009, the Ministry of Justice (MoJ) officially maintained six dedicated immigration detention centres with a total capacity of 2,757: *Detentiecentrum Zeist* (540), which is located near the airport in Soesterberg; *Detentiecentrum Schiphol-Oost* (*Oude Meer*) (168), located near Amsterdam’s Schiphol Airport; *Uitzetcentrum Rotterdam* (aka *Zestienhoven*) (212), near the Rotterdam airport; *Detentiecentrum Dordrecht* (aka *Detentieboot Zuid-Holland* and *Detention Boat Kalmar*) (494); *Detentiecentrum Zaandam* (544); and *Detentiecentrum Alphen aan den Rijn* (799). The government plans to open a seventh facility at Schiphol airport in 2013 (Opstal 2009).

The total number of people detained at these six facilities under provisions in Articles 6 and 59 of the Aliens Act has gradually decreased since 2005, according to data provided by the Ministry of Justice. In 2005, a total of 12,485 were detained; in 2006, 12,480; in 2007, 9,595; and in 2008, 8,585 (Opstal 2009).

As of November 2009, there was apparently only one detention boat in operation, in Dordrecht. It is slated to close in 2012 (CPT 2008, p. 30). Previously, the country employed several additional boats, one of which—the *Stockholm* in Rotterdam—reportedly served as a British hotel boat for soldiers during the Falklands War (AI 2008, p. 20). The use of boats has been harshly criticized. AI reported in 2008, “The detention boats in Rotterdam came in for particular criticism after an undercover journalist worked for several weeks as a

guard on the boats. He reported disrespectful treatment of irregular migrants by guards, violent incidents and a lack of facilities, including an alleged lack of skills to deal with emergencies” (AI 2008, p. 21). According to a report by the CPT, these boats—or “floating platforms”—are characterized by confined spaces, poorly ventilated cells, high levels of humidity, and a lack of rest areas (CPT 2008, p. 31). Government authorities told the CPT that the boats were meant to provide surge capacities for use when other facilities are full. The government opted to use boats because they could be “made operational more quickly and with fewer administrative formalities than any land facility” (ibid).

In addition to these officially recognized detention centres, the Netherlands employs a range of different facilities for housing asylum seekers and people slated for deportation, which have varying security regimes. According to an official at the Central Agency for the Reception of Asylum Seekers (COA), during their initial 48-hour screening period, asylum seekers are held at government-run “application centres” (Visser 2009), which can be considered a form of “transit zone” detention because while people are held in these facilities, they are considered not to have officially entered the Netherlands (AI 2008, p. 17).

There are apparently three application centres: at Schiphol airport, and in Ter Apel and Zevenaar. According to a source at the Dutch Council for Refugees, only the application centre at Schiphol should be considered a secure detention site as the other two facilities allow people to leave the premises before the initial investigation has been completed, although doing so results in the person forfeiting his/her opportunity to apply for asylum (Ammeraal 2009b). People confined at the Schiphol application centre, which a Ministry of Justice official referred to as the “Judicial Centre” (Opstal 2009), can only leave by voluntarily exiting the country (Ammeraal 2009b).

If the IND decides that further investigation is necessary to determine whether a person can proceed with an asylum claim, a “prolonged” procedure continues at a “temporary reception centre,” which is run by an independent, government-funded agency called the Central Agency for the Reception of Asylum Seekers (COA) (Visser 2009).

If the IND concludes that the asylum seeker meets the conditions to apply for asylum, a temporary residence permit is granted and he/she is provided housing at a COA-run “Asylum Seeker Orientation and Integration Centre.” Those not allowed to enter the asylum stream are placed in one of two facilities while they await deportation: a non- or semi-secure COA-run “Asylum Seeker Repatriation Centre” or a secure, government-run detention centre. People considered a flight risk are confined at secure centres. People allowed to stay at non-secure centres must register regularly at the centre. Asylum seekers who fail to properly register lose their asylum status (Visser 2009).

It is not clear how some of these facilities should be coded with respect to their security levels. All the sources in the Netherlands contacted by the Global Detention Centre in 2009 characterized the asylum seeker reception centres as “open” (Visser 2009; Opstal 2009; Ammeraal 2009b). However, the source at the Dutch Council for Refugees described the centres as “freedom-limiting locations,” highlighting the centre at Ter Apel, where liberty is “strictly regulated.” People housed in the Ter Apel “reception centre” have “voluntarily” agreed to leave the country but require extra time to arrange their documentation (Ammeraal 2009b).

**Facts & Figures.** According to data collected by the Global Detention Project, as of November 2009, the Netherlands maintained six dedicated immigration detention centres and one secure transit zone detention site—called an “application centre”—at Schiphol Airport. The total number of people detained at the six dedicated detention facilities under provisions in Articles 6 and 59 of the Aliens Act has gradually decreased since 2005, according to data provided by the Ministry of Justice. In 2005, a total of 12,485 were detained; in 2006, 12,480; in 2007, 9,595; and in 2008, 8,585 (Opstal 2009).

There were some 85,000 asylum seekers in the country in 2000; less than 5,000 in 2005; and about 15,000 in 2008 (European Parliament. 2007, p 167). According to UNHCR, as of the end of 2008, there were nearly 10,000 pending asylum claims in the Netherlands (UNHCR 2009). Roughly a third of recent asylum seekers come from Iraq, which is followed closely by Somalia. A high number of applicants also come from Afghanistan, Iran, and former Soviet countries (COA website 2009). According to the IND, 10 percent of asylum applicants (more than 1,400 people) were granted asylum in 2008, compared to 13 percent in 2007 (DCR 2008, p 8).

As of 2005, the Netherlands had an estimated undocumented population of 62,000-114,000 (2005). Men made up 85 percent of this population (CLANDESTINO 2008.)

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## Netherlands Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Single Day Pop.	Demographics & Segregation
Schipol Aanmeldcentrum (Schiphol Application Centre)	In use (2009)	Schiphol International Airport	Transit Zone - Airport	Secure	Ministry of Justice / Immigration and naturalization authority)	Ministry of Justice / Department of Correctional Institutions / Special Services Department			Adult males and females (2007)
Detentiecentrum Schiphol-Oost (Oude Meer / Schiphol-Oost Detention Centre)	In use (2009)	Schiphol Oost	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	168 (2009)		
Detentiecentrum Zaandam (Detentiecentrum Noord-Holland / Zaandam Detention Centre)	In use (2009)	Zaandam, Noord-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	544 (2009)		
Grenshospitium	Closed (2009)	Schiphol-Oost, Haarlemmermeer, Tafelbergweg, Noord-Holland			Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			
Detentieboot Stockholm (Detention Boat Stockholm)	Closed (2008)	Rotterdam	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			
Detentiecentrum Dordrecht ( Detentieboot Zuid-Holland / Detention Boat Kalmar / Dordrecht Detention Center)	In use (2009) [Slated for closure in 2011]	Dordrecht, Zuid-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	494 (2009)	107 (June 2007)	
Detentiecentrum Alphen aan den Rijn (Alphen aan den Rijn Detention Centre)	In use (2009)	Alphen aan den Rijn, Zuid-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	799 (2009)	282 (2008)	
Detentiecentrum Zeist (Zeist Detention Centre)	In use (2009)	Zeist, Utrecht	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	540 (2009)		
Uitzetcentrum Rotterdam (Zestienhoven / Rotterdam Removal Centre)	In use (2009)	Rotterdam, Zuid-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department	212 (2009)		
Rotterdam Airport Custodial Centre	2010 (est. opening date)	Rotterdam Airport		Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			

Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Single Day Pop.	Demographics & Segregation
Schiphol Airport Custodial Centre	2012 (est. opening date)	Schiphol Airport		Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			
Detentieboot Reno (Detention Boat Reno)	Closed (2008)	Rotterdam, Zuid-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			
Detentieboot Rotterdam (Detention Boat Rotterdam)	Closed (2008)	Rotterdam, Zuid-Holland	Migrant detention centre	Secure	Ministry of Justice / Immigration and Naturalisation Service	Ministry of Justice / Department of Correctional Institutions / Special Services Department			

## Sources

(This is only a partial list. More detailed information is available upon request.)

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- Ministry of Justice. 2008. Website. "Detentiecentrum Noord-Holland." 19 May 2008. [www.dji.nl/Organisatie/Locaties/Detentiecentra-en-uitzettingcentra/Detentiecentrum-Noord-Holland/index.aspx](http://www.dji.nl/Organisatie/Locaties/Detentiecentra-en-uitzettingcentra/Detentiecentrum-Noord-Holland/index.aspx) (accessed 30 September 2009).
- Steven Ammeraal (officer from the Dutch Refugee Council) interview with Michael Flynn (Global Detention Project), 10 July, 2009. Geneva, Switzerland.
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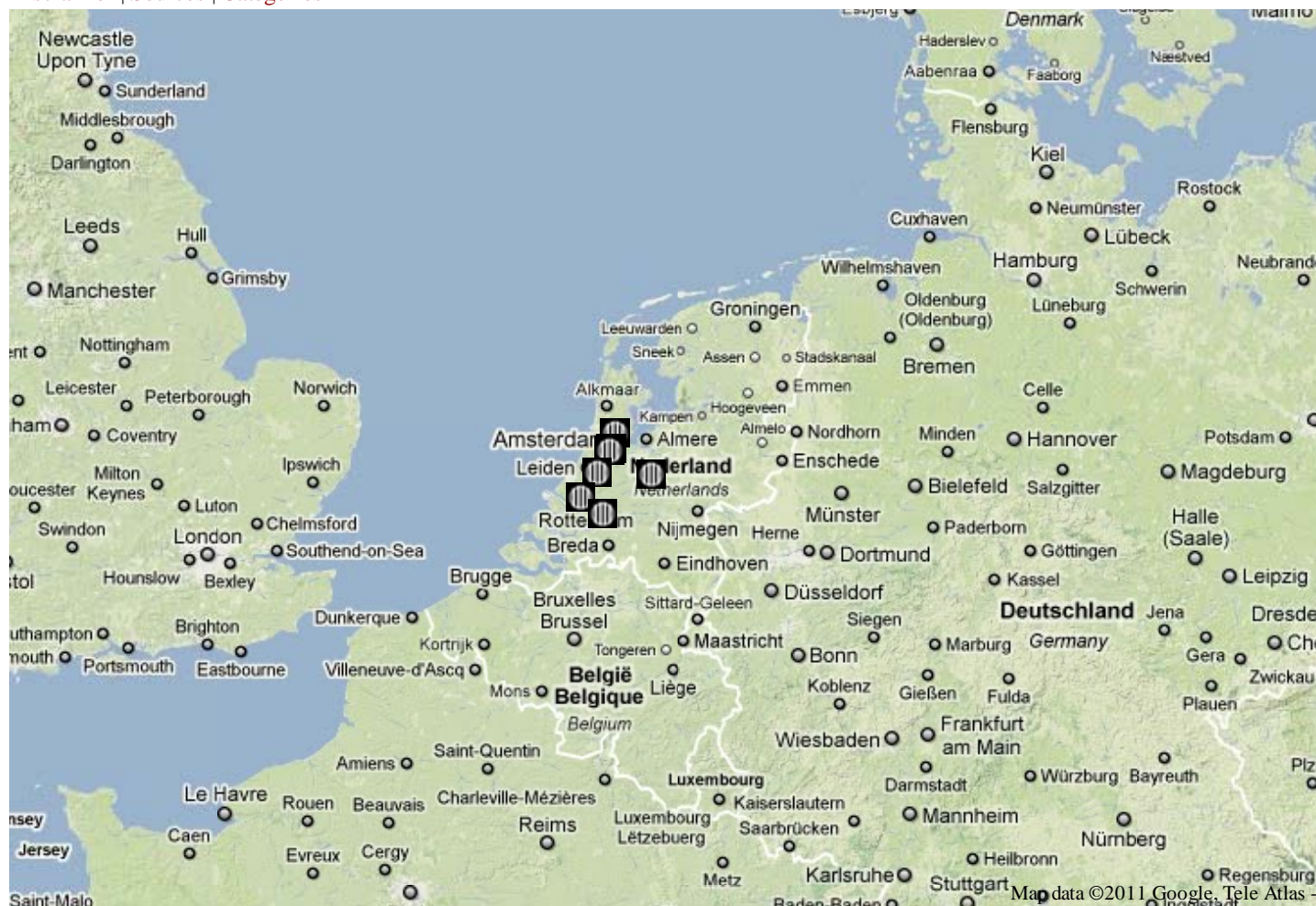
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## Netherlands Detention Profile

### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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### Country View

1. Detentiecentrum Alphen aan den Rijn (Alphen aan den Rijn Detention Centre)
2. Detentiecentrum Dordrecht (Detentieboot Zuid-Holland / Detention Boat Kalmar / Dordrecht Detention Center)
3. Detentiecentrum Schiphol-Oost (Oude Meer / Schiphol-Oost Detention Centre)
4. Detentiecentrum Zaandam (Detentiecentrum Noord-Holland / Zaandam Detention Centre)
5. Detentiecentrum Zeist (Zeist Detention Centre)
6. Schipol Aanmeldcentrum (Schiphol Application Centre)
7. Uitzetcentrum Rotterdam (Zestienhoven / Rotterdam Removal Centre)

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- » NGOs and Research Institutions
- » Media

### Government Agencies

Advisory Committee on Alien Affairs

<http://www.acvz.com/>

Aliens Police

<http://www.politie.nl/>

Central Agency for the Reception of Asylum Seekers

<http://www.coa.nl/NED/website/home.asp>

Custodial Institutions Service

<http://www.dji.nl/>

General Intelligence and Security Services

<https://www.aivd.nl/>

Immigration Coordination Department

[http://www.justitie.nl/organisatie/wie-is-justitie/organigram/Internationale\\_Aangelegenheden\\_en\\_Vreemdelingenzaken/coördinatie-vreemdelingenketen.aspx](http://www.justitie.nl/organisatie/wie-is-justitie/organigram/Internationale_Aangelegenheden_en_Vreemdelingenzaken/coördinatie-vreemdelingenketen.aspx)

Immigration and Naturalisation Service

[www.ind.nl](http://www.ind.nl)

Ministry of Justice

<http://english.justitie.nl/>

Ministry of Social Affairs and Employment

<http://home.szw.nl/index.cfm>

Repatriation and Departure Service, Ministry of Justice

<http://english.dienstterugkeerenvertrek.nl/>

### International Organisations

International Organisation for Migration - Netherlands

<http://www.iom.int/jahia/Jahia/activities/europe/western-europe/netherlands>

## NGOs and Research Institutions

Amnesty International Netherlands

[www.amnesty.nl](http://www.amnesty.nl)

Dutch Refugee Council

[www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl)

Netherlands Refugee Foundation

[www.vluchteling.org](http://www.vluchteling.org)

## Media

Algemeen Dagblad (Dutch)

<http://www.ad.nl/>

De Telegraaf (Dutch)

<http://www.telegraaf.nl/>

Dutch News (English)

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NIS News Bulletin (English)

<http://www.nisnews.nl/>

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