



# 2021-2022 United Nations Multi-Year Appeal for Counter-Terrorism



## Building specialized capacity to investigate, prosecute and adjudicate cases of terrorism and reinforcing the resilience of criminal justice institutions to new terrorist threats

This project aims to build specialized capacity to investigate, prosecute and adjudicate cases of terrorism and reinforcing the resilience of criminal justice institutions to new terrorist threats in Africa.

### Description of the Project

**This project aims at modernising criminal justice responses to the increased and emerging terrorism threats affecting several parts of Africa, and that have not yet built dedicated and specialised counter-terrorism entities and that aim to strengthen practitioners capacities to investigate, prosecute and adjudicate terrorism cases, in line with key international standards, human rights and international humanitarian law.** Traditional criminal justice tools and infrastructures cannot halt the spread of terrorism that is being observed across the continent, in particular into West Africa's coastal States and parts of North and Eastern Africa, nor can they remedy the impact of the COVID-19 pandemic on those dynamics and on countries' capacity to provide criminal justice responses.

This project will work towards **anticipating and achieving innovative criminal justice response capacity in the countries that are most likely to face a surge of terrorist threats in the immediate future.** This will be articulated along a strategic approach with focus on legislative developments, institutional arrangements as well as operational training and support. Criminal justice response concepts and approaches under this project will include foreign terrorist fighters, links between terrorism and organised crime, special investigative techniques, more effective case management and remote access to criminal procedures. The latter is particularly relevant in the wake of the COVID-19 pandemic. Project beneficiaries will focus on Ministries of Justice and judicial authorities at the first instance and appellate levels, as well as key law enforcement agencies in charge of countering terrorism.

### Rationale

The threat of terrorism has been increasingly affecting various parts of Africa over the last couple of years. Whereas terrorist and extremist groups have been intensifying their operations around some epicentres in parts of the Sahel, around the Lake Chad Basin and in the Horn of Africa, many other countries are now feeling more directly exposed to terrorism. Those countries, whether in coastal West Africa, in North Africa or in Central Africa, are called upon to intensify efforts in building legal, strategic and operational capacities to counter terrorism, including from a criminal justice perspective. The threat also becomes more complex to apprehend, with constantly changing alliances between an increasing number of groups, new modus operandi requiring the need for digital evidence and increased evidence of linkages with organised crime.

Some countries have been taking steps in this direction by creating specialised entities in charge of investigating and prosecuting cases of terrorism, and have had relative successes in adjudicating some of these cases. While such efforts need to be further sustained and strengthened, other countries that have had no or very few terrorist attacks or incidents on their territory so far have not taken similar steps. They are urgently called upon to integrate a robust set of legislative and operational arrangements that will meet international standards but also respond to the increased complexities of terrorist behaviours and narratives that cannot be addressed through traditional criminal justice concepts. This is essential to anticipate the increasing incidence of terrorism on their territories in the immediate and near future.

The COVID-19 context has exacerbated tensions with populations living in areas most affected by terrorism. Recent experiences reported by some of those countries confirm their inability to provide a meaningful judicial response to occasional incursions by individuals associated with terrorist or extremist groups, in particular in remote border areas. CTED country assessments among others point at the need to better align legal and procedural arrangements with relevant international standards on counter terrorism and human rights, including on foreign terrorist fighters under UNSCRs 2178 (2014) and 2396 (2017), special investigative techniques, police/judicial cooperation and more effective case management. Inadequate integration of incriminations and innovative concepts in line with international standards and human rights, make those countries ill-prepared to face the current threats in particular if those would turn out to intensify in the next few years as they have in countries in the Sahel.

### Outcomes

This project seeks to achieve the following outcomes:

**Outcome 1:** Legislative framework reflecting a full range of international standards and best practices relevant to the criminal justice response to terrorism is promoted and adopted, in light with human rights.

**Outcome 2:** Dedicated teams in charge of investigating, prosecuting and adjudicating cases of terrorism are put in place under new institutional arrangements and access to digitalized justice is enhanced

**Outcome 3:** Criminal justice officials working with the CT specialised institutions are capable of using key international standards, concepts and approaches when investigating, prosecuting and adjudicating terrorism, in line with human rights standards

### Outputs/Indicative Activities

This project seeks to deliver the following outputs:

**Outcome 1: Legislative framework reflecting a full range of international standards and best practices relevant to the criminal justice response to terrorism is promoted and adopted, in line with human rights.**

**Output 1.1:** Provision of legislative assistance through desk review and consultative meetings with relevant policy and decision-makers, on a range of topics relevant to better respond to the threat of terrorism as it unfolds in the beneficiary countries.

**Output 1.2:** Building awareness and knowledge with government representatives, parliamentarians and other relevant stakeholders on international legal standards and good practices relevant to counter identified terrorism threats

**Output 1.3:** Legislative drafting and validation events to ensure broad support from criminal justice practitioners with the proposed amendments

**Output 1.4:** Advocacy missions with key policy makers and parliamentarians to facilitate the adoption of the proposed legislative amendments

**Outcome 2: Dedicated teams in charge of investigating, prosecuting and adjudicating cases of terrorism are put in place under new institutional arrangements and access to digitalized justice is enhanced**

**Output 2.1:** Dedicated teams of criminal justice practitioners in charge of investigating, prosecuting and adjudicating cases of terrorism are in place and operational

**Output 2.2:** Necessary equipment is provided to CT specialized entities and their staff, including for the implementation of remote access to criminal proceedings. The infrastructure must ensure certain fundamental matters, such as sufficient access to legal counselling for detainees, in a way that also protects attorney-client privilege, ensuring access of the general public to proceedings, ensuring data security, etc.

**Output 2.3:** Case management capacity is provided, which will include working with clerks, build statistical capacity and develop standard operating procedures for more effectively processing cases related to terrorism

**Outcome 3: Criminal justice officials working with CT specialised institutions are capable of using key international standards, concepts and approaches when investigating, prosecuting and adjudicating terrorism, in line with human rights standards**

**Output 3.1:** All staff of CT specialised entities and other agencies as relevant are trained on how to apply international requirements and standards on countering the threat of foreign terrorist fighters and returnees

**Output 3.2:** All staff of CT specialised entities and other agencies as relevant are trained on how to conduct criminal proceedings through remote access, and where need be increase computer literacy

**Output 3.3:** All staff of CT specialised entities and other relevant agencies are trained on a range of special investigative techniques and how to implement those techniques whilst taking into account human rights considerations

**Output 3.4:** All staff of CT specialised entities and other agencies as relevant are trained on preventing and countering emerging terrorist financing threats and their nexus with transnational organized crime

### Human Rights Mainstreaming

UNODC applies the UN Human Rights Due Diligence Policy and UNODC Guidance Note on Human Rights, which require human rights risk assessments and mitigating measures. Training curricula guides and other materials will include specific sections and modules on respecting human rights while countering terrorism and arms trafficking. The activities will be undertaken within existing laws and international human rights legal instruments. Human rights and ethics components in the activities will foster awareness amongst the beneficiaries to prevent the violation of human rights throughout criminal investigations in counterterrorism and firearms trafficking.

### Gender Mainstreaming

An effective criminal justice response to terrorism must include a gender perspective and consider the distinct ways that women and men are involved in, and impacted by, terrorist acts. Challenges may be institutional, legal, social and economic. Several considerations must in this regard be considered to implement a gender-sensitive programmes as part of our capacity-building workshops. The proposed project will also pay due attention to mainstream gender and relevant measures will be identified and implemented during programme activities.

UNODC will strongly encourage national counterparts and advocate for the nomination of women to participate in all programme activities. UNODC will advocate for gender diversity in the activities and will target the participation of 50% of women. Such participation will be verified through registration and attendance recordings. UNODC also developed a handbook on "The gender dimensions of criminal justice responses to terrorism", which focuses on international standards and best practices with regard to gender aspects of investigations and gender dimensions of access to justice through the judicial system. The handbook will be shared with the participants and used in capacity-building activities that will be implemented under this project.

### Budget

\$5,000,000.00

### Pillar

Pillar I -Addressing the Conditions Conducive to the Spread of Terrorism, Pillar II -Measures to prevent and Combat Terrorism, Pillar III -Building States' Capacity and Strengthening the Role of the United Nations, Pillar IV -Ensuring Human Rights and the Rule of Law

### Project Status

Initiation

### Implementation Period

### UN Org

UNODC

### UN Global CT Compact Partners

### Countries

West Africa, North Africa

### Current Donors

This project is currently unfunded.