Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters

A compilation of three reports
(S/2015/338; S/2015/683; S/2015/975)
Preface

With 30,000+ foreign terrorist fighters from over 100 States, it is obvious that the terrorist organization that calls itself ISIL (Da’esh) represents a serious threat. In a historically unique meeting of the Security Council held at the level of Heads of State or Government in September 2014, the UN body unanimously adopted resolution 2178 – a testimony to the resolve of the Council to address the threat of terrorism by stemming the flow of foreign terrorist fighters (FTFs).

As part of its work to support the Counter-Terrorism Committee, and as a concrete follow-up to resolution 2178 (2014), the Counter-Terrorism Committee Executive Directorate (CTED) has produced a series of documents on the implementation by Member States of that resolution. This publication gathers three of these key reports, namely S/2015/338 of 14 May 2015; S/2015/683 of 2 September 2015; and S/2015/975 of 29 December 2015.

Whereas the first of these reports makes a preliminary assessment of an initial 21 Member States through a thematic approach, the second looks at an additional 32 States through a predominantly regional approach. The third report, finally, employs a risk-based approach across seven additional subregions and, furthermore, includes regional and thematic recommendations for a total of 77 States most affected by the foreign terrorist fighter phenomenon.

As part of our ongoing work to assist the Counter-Terrorism Committee and the Security Council as a whole, I hope that this publication will serve as an important building-block in our efforts to counter terrorism in general, and to stem foreign terrorist fighters in particular.

Jean-Paul Laborde
Assistant Secretary-General and Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED)
FOREIGN TERRORIST FIGHTERS
highlights from three Security Council reports* on 2178 (2014)

Foreign Terrorist Fighters
are defined as “individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict” (United Nations Security Council Resolution 2178).

30,000+ FTFs from over 100 Member States have joined ISIL (Da’esh), Al-Nusrah Front & derivate entities of Al-Qaida.

77 “Most-affected Member States”
were prioritized on the basis that they are States of origin, transit and/or destination, or States neighbouring zones of armed conflict in which FTFs are active.

Number of FTFs

Source of Data
The data was derived from CTED’s regular assessment tools as well as Member States’ responses. Identification and analysis of the FTFs will benefit from the collection of further evidence. However, insufficient responses from Member States indicates that data collection remains a challenge.

Key issues, trends, & developments

Inter-State travel: “Broken travel,” lack of API use, abuse of refugee status, porous borders
Recruitment: younger recruits, also women & girls, incl. through the Internet and social media
Internet & ICT: electronic evidence challenges, encryption, Internet referral units
Law Enforcement: lack of information sharing, very few States connected to INTERPOL DBs
Int’l coop: MLA & extradition challenges, lack of harmonization of legislation
Financing: cash couriers, financial intelligence, public-private partnerships, few convictions
Returning FTFs: prosecution, monitoring, rehabilitation & reintegration, community engagement

* S/2015/338 (14 May 2015); S/2015/683 (2 September 2015); S/2015/975 (29 December 2015)
SELECTED FTF KEY FACTS
from assessment of 77 Member States most affected by the FTF phenomenon

The phenomenon of FTFs is far from new, but the magnitude of the threat is unmatched.

Women play a significant role in terrorism, constituting 20-30% of all FTFs.

Only 6 of the 14 States of the Middle East region had introduced an API system after one year of the adoption of resolution 2178.

In Azerbaijan, stories of FTFs & their families have become more prominent since being highlighted by a popular TV show, Seni Axtariam (“I am looking for you”), reuniting families and friends who have lost contact with each other after having departed for Syria to become FTFs.

5 Member States have officially acknowledged having 3,000+ FTFs.

550 European women have travelled to territory controlled by ISIL, including young girls who have pledged their support online for ISIL.

In exchange for approximately $560/month, young people from one country in West Africa have been reported to have travelled to a neighbouring country to join Boko Haram.

5 Member States have officially acknowledged having 3,000+ FTFs.
Understanding Foreign Terrorist Fighters

DEMOGRAPHICS: WOMEN AND GIRLS

Women Foreign Terrorist Fighters

The rising number of women foreign terrorist fighters requires that States place a greater focus on the gender aspect of terrorism. Several States have increased awareness of the role that women have in preventing, promoting, and participating in terrorist acts. More emphasis should be placed on strategies to counter terrorism, and promote women's participation and empowerment, including in policymaking and law enforcement roles.

Efforts to Recognize Role of Women

- RESOLUTION 2129 (2014) affirms the Security Council’s intention to increase its attention to women in the area of the threats to international peace and security caused by terrorist acts.
- RESOLUTION 2178 (2014) encourages Member States to develop strategies to counter the violent extremism narratives that can incite terrorist acts and address the conditions conducive to the spread of violent extremism, which can be conducive to terrorism, including by empowering women.
- In the PRESIDENTIAL STATEMENT (S/PRST/2014/21), the Security Council noted that violent extremism is frequently targeting women and girls, which can lead to serious human rights violations and abuses against them, and encouraged Member States to engage with women and women’s organizations in developing CVE strategies.
SNAPSHOT OF GLOBAL RECOMMENDATIONS

Criminalization
- Ensure that all FTF-related offences in resolutions 2178 (2014) & 1373 (2001) are criminalized in national legislation.
- Review national legislation to allow for collection & use of evidence, incl. through ICT.

Preventing inter-State travel
- Utilize available information, incl. national/regional watch lists & INTERPOL resources.
- Implement advance passenger information.

Preventing financing
- Strengthen the use of asset-freezing mechanisms.
- Enhance access for FIUs to aggregated information from law enforcement and other relevant agencies.

Human rights/Rule of law
- Ensure that terrorist acts are defined in national legislation in a manner that is proportionate, precise & consistent w/ int’l CT instruments.
- Recall importance of independent review, oversight.

Prosecution
- Provide further training for prosecutors.
- Develop strategies for returnees, incl. certain categories for returnees.

Countering incitement/violent extremism
- Offer alternatives to appeal of extremist ideologies.
- Consider partnerships w/ regional org’s, private sector & civil society, incl. through educational programmes.

Int’l cooperation
- Review mechanism, incl. national laws on MLA & extradition to ensure they are updated.
- Consider legislation to facilitate int’l cooperation, incl. joint investigations.
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Letter dated 13 May 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council the document entitled “Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters” (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Raimonda Murmokaitė
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
Annex

Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters

Summary

The present report is the first in a series focusing on the capacity of Member States to respond to the challenges posed by the foreign terrorist fighter threat.

Foreign terrorist fighters pose an acute and growing threat. They increase the intensity, duration and intractability of conflicts and may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active, such as Jordan, that as a result are affected by serious security burdens and often need to commit massive resources to combat the impact, and which are, therefore, themselves victims of terrorism. The threat of foreign terrorist fighters may affect all regions and Member States, even those far from conflict zones. International networks have been established by terrorists and terrorist entities among States through which foreign terrorist fighters and the resources to support them have been channelled back and forth.

In exploring the major risks posed by the foreign terrorist fighter phenomenon, the report assumes that the threat of terrorist acts resulting from a range of terrorist organizations, including, but not confined to, the Islamic State in Iraq and the Levant (ISIL) and the Al-Nusrah Front, is rapidly changing and will not be fully geographically contained; that there appears to be virtually no short-term possibility of ending certain threats; and that a significant longer-term risk will derive from “alumni” foreign terrorist fighters upon their return to their own countries or upon their arrival in third countries.

The report identifies an urgent need to establish effective flows of information at the national and international levels in the implementation of Security Council resolution 2178 (2014), as noted in Security Council resolutions 1373 (2001) and 2178 (2014), and suggests ways in which that can be done. It draws attention to the significant risks faced by small States due to the possible consequences of returning foreign terrorist fighters, and discusses the human rights implications of possible responses. Future reports will discuss ways to address recruitment, the challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues.

The Counter-Terrorism Committee Executive Directorate has identified an initial 67 Member States most affected by the acute and growing threat posed by foreign terrorist fighters, who are defined in Security Council resolution 2178 (2014) as individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict. In reviewing the implementation of resolution 2178 (2014) by the first group of 21 States, the Executive Directorate has identified the following priority measures to be taken by States to prevent the movement of foreign terrorist fighters.
1. **Preventing inter-State travel of foreign terrorist fighters**

   Urgent operational measures are required to prevent travel abroad by citizens and/or residents suspected of attempting to become foreign terrorist fighters. Front-line officers require regularly updated information to conduct effective evidence-based travel risk assessment and screenings. Foreign terrorist fighters routinely use evasive travel patterns, or “broken travel”, to prevent officials from accurately determining where they were prior to their arrival. There is an urgent need to identify practicable techniques that, if implemented, would substantially improve the ability of officials to detect “broken travel”.

   Most States, including all but one of those surveyed, do not conduct immigration control of transit or transfer passengers who remain within the international zone of the airport. Nor are such controls required by the relevant international standards. A foreign terrorist fighter can therefore travel through three or more countries without being asked to present travel documents. The Executive Directorate considers that to be a global systemic shortfall, which should be addressed as a matter of urgency.

   Only five of the States surveyed required advance passenger information or passenger name records. In visa-free or visa-upon-arrival regimes, such systems may offer the only meaningful way to identify potential foreign terrorist fighters.

2. **Law enforcement**

   Priorities for law enforcement include: the centralized and coordinated exchange of information at the national level, the breaking down of “silo thinking” among law enforcement agencies and the urgent need for an operational 24/7 alert system that enables users to share information immediately with front-line officers, including immigration officials and customs authorities.

3. **Countering incitement to terrorism, including through the Internet**

   Nearly all the States surveyed have taken steps to prohibit by law incitement to commit a terrorist act under their criminal laws as called for by Security Council resolution 1624 (2005). Those measures can contribute significantly to stemming the flow of foreign terrorist fighters, who are often spurred to action by calls to terrorist violence made by others, whether in person or through the Internet or other social media. Certain restrictions on the right to freedom of expression, subject to strict requirements, may legitimately be applied, including in cases of incitement to terrorist acts. Some States’ legal mechanisms do not appear to have proper limitations on restricting expression, making their restrictions impermissible. Several States are making active efforts to engage more directly with community leaders and religious authorities in order to present a united front against those seeking to recruit individuals and incite terrorist violence.
4. **Criminalization**

The Executive Directorate has identified as a high priority the adoption by States of comprehensive criminal offences to prosecute preparatory or accessory acts conducted in the State with the aim of committing terrorist acts outside the State’s territory. Only 5 of the 21 States reviewed had introduced such legislation. A further high priority is ensuring the existence of criminal laws to allow the prosecution of individuals who travel or attempt to travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training. Many of the 21 States have not yet fully criminalized those acts. The States reviewed have generally criminalized the provision of training, but not its receipt. That may be because, whereas the former is provided for in several regional instruments, the latter was first introduced in resolution 2178 (2014).

5. **Financing foreign terrorist fighters**

Although it is premature to expect that States would have reviewed existing mechanisms and introduced new mechanisms specifically designed to disrupt and prevent financial support to foreign terrorist fighters, most have introduced mechanisms to disrupt and prevent the provision of financial support to terrorists, and those mechanisms can be applied to foreign terrorist fighters. There remain concerns about the capacity of States to freeze terrorist assets in accordance with resolution 1373 (2001).

There is a risk that the widespread influence of ISIL may provoke attacks by self-radicalized terrorists acting alone or in tiny cells. In that regard, the Executive Directorate is concerned that only 12 of the 21 States had introduced terrorism-financing offences covering the financing of both a terrorist organization and an individual terrorist. Better implementation of measures to detect the illicit physical cross-border transportation of currency should be considered, since at least 1 of the 21 States has reported to the Executive Directorate on the recruitment of its citizens by foreign terrorist recruiters promising financial rewards and cash to fund foreign travel. Only 10 of the 21 States have such measures largely or fully in place.
I. Introduction

1. The present report is the first in a series intended to support the work of the Counter-Terrorism Committee to identify principal gaps in Member States’ capacities to implement resolutions 1373 (2001) and 1624 (2005) that may hinder States’ abilities to stem the flow of foreign terrorist fighters, as well as to identify good practices and contribute to the facilitation of technical assistance, as requested by the Security Council in paragraph 24 of its resolution 2178 (2014). The conclusions drawn are preliminary in nature, and based on the analysis of an initial group of 21 States. The second and third reports will incorporate data gathered from a larger number of States, allowing for detailed regional and thematic analysis and the formulation of evidence-based and risk-based recommendations on ways to address systemic shortfalls. Future reports will also discuss ways to address recruitment, challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues. In the coming months, the reports will produce a detailed road map to assist in the building of capacity to resist the threat of foreign terrorist fighters.

2. Foreign terrorist fighters pose an acute and growing threat. They increase the intensity, duration and intractability of conflicts and may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active, such as Jordan, that as a result are affected by serious security burdens and often need to commit massive resources to combat the threat, and which are, therefore, themselves victims of terrorism. The threat of foreign terrorist fighters may affect all regions and Member States, even those far from conflict zones. International networks have been established by terrorists and terrorist entities among States through which foreign terrorist fighters and the resources to support them have been channelled back and forth.

3. Addressing the threat posed by foreign terrorist fighters requires comprehensively addressing the underlying conditions that are conducive to the spread of terrorism, including by preventing radicalization to terrorism; suppressing recruitment; inhibiting foreign terrorist fighter travel; disrupting financial support to foreign terrorist fighters; countering violent extremism; countering incitement to terrorism; promoting political and religious tolerance, economic development and social cohesion and inclusiveness; ending and resolving armed conflicts; and facilitating the reintegration and rehabilitation of returning foreign terrorist fighters.

A. Defining foreign terrorist fighters

4. The Counter-Terrorism Committee Executive Directorate has identified 67 Member States most affected by the acute and growing threat posed by foreign terrorist fighters, defined in Security Council resolution 2178 (2014) as individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.
B. Identification of affected States

5. The 67 Member States were prioritized on the basis that they are States of origin, transit and/or destination, or States neighbouring zones of armed conflict in which foreign terrorist fighters are active, for foreign terrorist fighters recruited by and joining entities such as the Islamic State in Iraq and the Levant (ISIL); the Al-Nusrah Front and all other cells, affiliates, splinter groups and derivative entities of Al-Qaida; and including the Abu Sayyaf Group; Al-Shabaab; Boko Haram; Lashkar-e-Tayyiba; Jemmah Islamiya; and other organizations. Paragraph 14 of resolution 2178 (2014) draws particular attention to the plight of those States. On the basis of its continuous dialogue with States, the Executive Directorate considers as “destination States” several States located outside the region in which ISIL and the Al-Nusrah Front are currently active because they attract foreign terrorist fighters to other organizations on the list established and maintained by the Al-Qaida Sanctions Committee. It is likely that more such States will be identified in subsequent reports, which will also address the foreign terrorist fighter situation at the regional and subregional levels. It should also be noted that several affected States fall into two or more of the above categories.

6. The States addressed by the present report are: Afghanistan, Albania, Algeria, Bosnia and Herzegovina, Egypt, India, Indonesia, Jordan, Lebanon, Libya, Malaysia, Maldives, Mali, Morocco, Nigeria, Pakistan, the Philippines, Qatar, Saudi Arabia, Tunisia and Turkey.

II. Report methodology

7. Using responses to questions in its existing assessment tools, together with others developed specifically for the task that focus on foreign terrorist fighters, the Executive Directorate has mapped in the present report the principal gaps for only 21 of the most affected States, which were identified through its dialogue with States. It is expected that the recommendations made in the present report will evolve as more States are added to the analysis. Identification and analysis of the gaps will benefit from the collection of further evidence and may even change as more States are added. The second report will add to the present report 25 more States for a total of 46 States, and the third report, to be submitted in September 2015, will complete the review of all 67 States.

8. In order to avoid repetitiveness in the compilation of the present study, the Executive Directorate has adopted a “periodical” approach. In other words, the structure of the reports will be broadly consistent, but the contents will vary. The present report takes a thematic approach to the affected States, identifying and analysing the crucial legal and policy issues that States should address in order to stem the flow of foreign terrorist fighters. The second report will focus on regional analysis and analyse in more detail the particularities of each region and the required measures. The third report will include information contained in the previous reports, adding information and analysis of more States. It will also focus on the good practices identified throughout the process and make recommendations for further actions to help strengthen capacities to address the foreign terrorist fighter threat.
9. Each report will also contain a section on issues, trends and developments, which the Executive Directorate will bring to the attention of the Committee in accordance with its mandate under 2178 (2014) and paragraph 5 of resolution 2129 (2013). Those are findings that the Executive Directorate considers to be worthy of further attention and action and will include ways to address recruitment, challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues.

A. Evidence-based approach

10. The survey was conducted by Executive Directorate experts using information acquired during the Committee’s visits to States and other forms of dialogue with States, including responses to questions submitted directly to the States as part of the survey, as well as information gathered for completion of the detailed implementation survey and overview of implementation assessment prepared for each Member State. The Executive Directorate also wrote to all the States concerned requesting their input. The Committee recently visited Malta (October 2014), France (November 2014), Sri Lanka (November 2014), the Philippines (December 2014), Mali (February 2015), the Niger (February 2015), Turkey (February 2015), Cameroon (March 2015), Tunisia (March 2015), Uzbekistan (April 2015), Italy (May 2015) and Oman (May 2015). Future reports will include the outcomes of those and other visits.

11. The survey also draws on threat analysis provided in the course of the Executive Directorate’s dialogue with its partners, including the Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and other Security Council expert groups, the Council of Europe, the Financial Action Task Force, the International Office for Migration, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime.

B. Risk management

12. In conducting the analysis, the Executive Directorate has for the first time adopted a risk-based approach aimed at facilitating capacity-building tailored to each State’s perception of its own needs. The huge diversity of affected States in terms of their size and population, the nature of the various threats posed by foreign terrorist fighters to particular States, as well as States’ relative capacities and vulnerabilities to address the threats, makes a “one-size-fits-all” approach impractical.

13. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed template that might have little relevance to their situations. The size of a State alone is a simple yet crucial indicator that some counter-terrorism measures may be of more relevance than others. For example, the Executive Directorate’s assessments have shown that large States have a greater need for sophisticated coordination mechanisms for national inter-agency data exchange than small States do, where meaningful information exchange at the operational
level can be relatively easy to achieve.

14. Nevertheless, one of the great strengths of the Executive Directorate assessment process is its consistency. The same questions are asked of all States. That has the benefit of allowing rigorous yet granular conclusions to be drawn on a regional and global basis in accordance with agreed criteria. The Executive Directorate is developing, in the present report, a methodology that preserves the impartiality of the assessment process while allowing for the development of a tool that can provide practical answers for individual States on how to proceed: a proposed road map that will enable States and their international partners to build capacity in a meaningful way. The Committee already prioritizes certain steps in its reports on its visits to States. The intention here is to develop and implement that approach in a more systematic way.

15. In order to prioritize their conclusions, Executive Directorate experts cross-referenced findings about the implementation of specific measures, ranked on six levels from “Yes” to “No information”, with a “priority” rating ranked on three levels: low, medium and high. The concept of “priority” is intended to indicate how important the particular measure is for the security of the State. During its country visits, the Committee makes priority recommendations tailored specifically to States’ particular circumstances. The addition of the “priority” rating is proving to be an effective approach that will assist States in implementing a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further in the coming months.

16. Some of the figures included in the present report also feature accumulated data that combine the “implementation” rating and the “priority rating”. That has the benefit of offering visual clarity, although some of the most revealing data is obscured. The non-accumulated figures, therefore, offer a more granular approach.

III. Foreign terrorist fighters: issues, trends and developments

17. Security Council resolution 2178 (2014) underlines that the increasing threat posed by foreign terrorist fighters is part of the emerging issues, trends and developments related to resolutions 1373 (2001) and 1624 (2005) that, in paragraph 5 of resolution 2129 (2013), the Security Council directed the Executive Directorate to identify. The present section of the report will consider the longer-term risks posed by foreign terrorist fighters, the crucial importance of improving exchange of information mechanisms and the particular vulnerability of small States.

A. Demographics

18. Accurate and reliable data on the number of foreign terrorist fighters is impossible to obtain. In November 2014, the Monitoring Team estimated the number to be between 15,000 and 20,000, with most travelling to join ISIL, while recognizing that the total could be as high as 30,000 (see S/2014/815, para. 14). The Executive Directorate has gathered official figures from States, where available. The table below contains the officially acknowledged number of foreign terrorist fighters who have recently travelled to Iraq and/or the Syrian Arab Republic from the States surveyed.
Officially acknowledged number of foreign terrorist fighters who have recently travelled to Iraq and/or the Syrian Arab Republic

<table>
<thead>
<tr>
<th>Country</th>
<th>Foreign terrorist fighters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tunisia</td>
<td>3 000</td>
</tr>
<tr>
<td>Turkey</td>
<td>1 300</td>
</tr>
<tr>
<td>Morocco</td>
<td>1 200</td>
</tr>
<tr>
<td>Maldives</td>
<td>200</td>
</tr>
<tr>
<td>Algeria</td>
<td>170</td>
</tr>
<tr>
<td>Malaysia</td>
<td>60</td>
</tr>
<tr>
<td>Indonesia</td>
<td>50</td>
</tr>
<tr>
<td>Pakistan</td>
<td>0</td>
</tr>
<tr>
<td>Qatar</td>
<td>0</td>
</tr>
<tr>
<td>Philippines</td>
<td>0</td>
</tr>
<tr>
<td>Egypt</td>
<td>State does not possess accurate information</td>
</tr>
<tr>
<td>Jordan</td>
<td>State does not possess accurate information</td>
</tr>
<tr>
<td>Libya</td>
<td>State does not possess accurate information</td>
</tr>
<tr>
<td>Mali</td>
<td>State does not possess accurate information</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>Albania</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>India</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Insufficient information</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>Insufficient information</td>
</tr>
</tbody>
</table>

B. Risks associated with foreign terrorist fighters

19. The foreign terrorist fighter phenomenon is far from new. Experience gained in past conflicts, such as those in the Horn of Africa, Afghanistan and other regions of the world, can and should be utilized to address the current threat of foreign terrorist fighters. Nevertheless, the current movement of foreign terrorist fighters to fight with ISIL and other groups is created, encouraged and sustained by certain newer phenomena which arguably make the current threat qualitatively different from those that have occurred in the past.

20. First, the activities of foreign terrorist fighters are facilitated by rapidly changing Internet and communications technologies, an issue that will be addressed in greater depth in future reports. Recruitment is often carried out over the Internet through social networking sites and chatrooms. The speed of transition from initial interest to radicalization, to commitment, to action and, ultimately, to joining a foreign terrorist group has accelerated rapidly. The average recruitment age is also younger and women, more than ever before, are being drawn in greater numbers into zones of armed conflict as foreign terrorist fighters (see S/2015/123, para. 14).
Second, according to the Financial Action Task Force, ISIL, in particular, represents a new form of terrorist organization where funding is central and critical to its activities. Its primary sources of revenue are mainly derived from illicit proceeds from its occupation of territory, rather than external donations, and include bank looting and extortion, control of oil fields and refineries, kidnap for ransom and robbery of economic assets. The need by ISIL for vast resources to maintain financial management of its territory creates pressure to seize additional territory in order to exploit its resources, and it is not clear whether that will be sustainable over time.\(^1\) Foreign terrorist fighters are a small but significant source of funding, and methods have ranged from simple access to bank accounts in home countries with an ATM card to the use of hawala-type arrangements to access funds and movements of cash. More significantly, if foreign terrorist fighters are not paid by terrorist organizations to fight, then they may be self-funded through such means as proceeds of crime, social benefits, bank overdrafts and donations from families, friends and supporters, sent by cash and wire transfers.\(^2\) The patterns are dynamic and rapidly changing, and developments in digital mobile communications technology are likely to facilitate greater opportunities for the transfer of funds but also greater opportunities for their interception.

The risk posed by foreign terrorist fighters to societies is multifaceted. Previously localized conflicts have become international and their impact has become less predictable owing to the increased diversity among those involved. The risks and concerns raised by countries neighbouring zones of armed conflict, in particular, suggest that the threat of terrorist acts by a range of terrorist organizations, including but not confined to ISIL and the Al-Nusrah Front, is rapidly changing and will not be fully geographically contained; that there appears to be virtually no short-term possibility of ending certain conflicts; and that a significant longer-term risk will derive from “alumni” foreign terrorist fighters upon their return to their own countries or upon their arrival in third countries.

### C. Returning foreign terrorist fighters

The destiny of returning foreign terrorist fighters, including those who return to their countries of origin and those who choose to travel to third countries, is a key challenge. Foreign terrorist fighter networks within ISIL and the Al-Nusrah Front already threaten a number of States other than Iraq and the Syrian Arab Republic. There are concerns that foreign terrorist fighters may already be returning to their countries of origin, bringing with them terrorist techniques deployed by ISIL. Expert participants in a recent Executive Directorate seminar on bringing terrorists to justice, for example, reported that as many as 72 cases involving terrorism in France were linked to the conflict in the Syrian Arab Republic. That represented an increase of around 200 per cent in less than a year (see S/2015/123, para. 15). An attack involving chlorine gas, carried out in Jakarta on 23 February 2015, may have involved a technique regularly employed in the Syrian Arab Republic and Iraq, but never before used in Indonesia.\(^3\) The terror attack on the Jewish Museum of Belgium in Brussels on 24 May 2014 was reportedly carried out by an ISIL terrorist who had returned from the Syrian Arab Republic.\(^4\)

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2. Ibid., case study 4.
There is currently limited available data concerning the number of fighters expected to return to their countries of origin or to third countries, including conflict zones, and the types of behaviours in which returnees are likely to engage upon their return. However, even if only one in nine returnees does engage in terrorist activities, which is a much-quoted figure from earlier research conducted by Thomas Hegghammer of the Norwegian Defence Research Establishment, the impact could still be significant, particularly for smaller States.

There is also a concern that returning foreign terrorist fighters may not merely plot and carry out attacks, but also engage in other forms of support for terrorist activity, including radicalization, recruitment and incitement. What becomes of returning foreign terrorist fighters is therefore a critical question. Although the present report does not deal with returnees or the measures that States need to take in response, including monitoring, prosecution, rehabilitation and reintegration measures, the Executive Directorate recognizes the importance of the topic and will return to it in due course.

D. Exchange of information

Effective implementation of measures to stem the flow of foreign terrorist fighters requires an effective flow of information at every level, including nationally, regionally and internationally. The promotion of international cooperation and the exchange of operational information fall squarely within the Committee’s mandate under paragraph 3 of resolution 1373 (2001), which defines the types of information that should be exchanged and calls on States to find ways of intensifying and accelerating the exchange of operational information. Paragraph 11 of resolution 2178 (2014) also calls on Member States to improve international, regional and subregional cooperation and increase the sharing of information. There are a number of multilateral tools that can facilitate such cooperation, including several provisions of the United Nations Convention against Transnational Organized Crime, and the Executive Directorate will return to a consideration of such measures and the means by which States might effectively implement them in a future report.

The present survey reveals that exchange of information, including international cooperation, national inter-agency flows and the exchange of information between Government agencies and private sector entities such as technology firms, shipping companies and airlines, is one of the key challenges in this area. There may be a causal relationship between inadequate information exchange and the risk of terrorist attack. It should be noted that the five surveyed States in the present review that were deemed to have few effective measures in place, and with respect to which the strengthening of information exchange was deemed to be a priority concern, have all recently suffered terrorist attacks.

On terrorist financing issues, the Financial Action Task Force is working on developing red flags to better identify the funding mechanisms foreign terrorist fighters utilize, which should involve greater domestic cooperation. See Financial Action Task Force, Financing of ISIL.
28. Nevertheless, it is important to recognize that in most cases existing mechanisms for national and international information exchange can be deployed to address the foreign terrorist fighter threat. Even though very few States have introduced mechanisms devoted exclusively to the foreign terrorist fighter threat, “reinvention of the wheel” is often neither necessary nor even desirable if robust mechanisms ensuring the timely exchange of information are already in place.

29. The Executive Directorate works with States to promote the sharing of good practices in the exchange of information, and has identified many such practices. Global sporting events have proven to be a useful catalyst for the development of good practices in information-sharing aimed at protecting the movement of people, since the host country is obliged to protect both its own citizens and overseas visitors. States are often at their most resourceful and cooperative in advance of sporting events. In hosting the Olympic and Paralympic Games in London in 2012, the United Kingdom of Great Britain and Northern Ireland developed many good practices aimed at expediting the movement of people while taking all necessary measures to identify and mitigate security risks. As host of the Sochi Games in 2014, the Russian Federation established dedicated multi-agency security coordination for the event. When China hosted the 2008 Olympic and Paralympic Games in Beijing, the authorities reached out to technology companies worldwide for security systems that would protect the events. Japan and the Republic of Korea notably introduced advance passenger information systems in preparation for the Fédération Internationale de Football Association (FIFA) World Cup in 2002, as did Guyana in advance of the cricket World Cup in 2007. That event also resulted in the creation of a “single domestic space” among 10 Caribbean Community member States to facilitate the event.

30. Such events typically involve investment of resources and effort at a level that is unsustainable over the longer term. However, they help promote the development of know-how, in particular in the coordination of information exchange, and that can have a lasting effect on safety and security, in particular with respect to the movement of persons.

31. In its dialogue with States, the Executive Directorate prioritizes issues relating to exchange of information and stresses the need for national inter-agency coordination, as well as international and regional cooperation. It also continues to identify ways to help States take advantage of emerging technologies to strengthen border controls while also respecting the right to privacy set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights. The Executive Directorate seeks to understand the challenges that new technologies can present to security, as well as the ways in which they can help promote security. The Executive Directorate will continue to work with the private sector to facilitate the use of new technologies in building the capacity of high-risk, low-capacity States to prevent terrorism in accordance with international law, in particular international human rights law, international refugee law and international humanitarian law.

6 Candidate host States are required to give security guarantees: see olympic.org/Documents/Reports/EN/en_report_1078.pdf.
E. Small States

32. Although the vast majority of small States globally appear not to be facing a foreign terrorist fighter threat, those that are affected may be particularly vulnerable to sustained, well-resourced terrorist threats deriving from returning foreign terrorist fighters. Of the 21 States reviewed in the present report, 6 may be classed as small States. One is a small island developing State that is economically dependent on tourism. The inclusion of the State on the initial list of affected States was the result of official briefings received by the Executive Directorate during a country visit conducted in November 2014. Its Government estimates that around 200 fighters have departed from its territory to fight in the Syrian Arab Republic, many with their families. That number is equivalent to a force of 192,000 departing the United States of America. The foreign terrorist fighters are reportedly radicalized by foreigners who target isolated islands with small populations and promise financial rewards for travelling to the Syrian Arab Republic to fight. Returning foreign terrorist fighters therefore pose a serious national security threat beyond the risk of terrorist acts. A single terrorist attack in a resort area could shake confidence in such States and deter tourists from visiting. In the event that returning foreign terrorist fighters and their supporters were actually able to seize territory, the State might not be able to withstand such an offensive. Tourism, the only realistic source of gross domestic product for such States, would likely be eliminated. Moreover, some small island developing States, if overwhelmed, could be used as beachheads from which to attack neighbouring States. The disproportionately positive impact that well-managed and well-deployed technical assistance can have on the counter-terrorism architecture of small States is also worth highlighting. Vulnerabilities can often be more rapidly addressed and more effectively resolved than in larger States.

F. Human rights dimension

33. States should take measures to protect populations from terrorism and to deliver justice. Criminal justice systems must also ensure that they protect people’s personal security, their access to the administration of justice and the participation of all in decision-making, and that is especially true in the context of programmes and policies to prevent terrorism. As States revise legislation and policy to stem the flow of foreign terrorist fighters, it is important to recognize that the protection of human rights and the rule of law contribute to the countering of terrorism. Arbitrary arrests, incommunicado detentions, torture and unfair trials fuel a sense of injustice and may in turn encourage terrorist recruitment, including of foreign terrorist fighters.

34. Virtually all the measures advocated in the present report as effective tools to stem the flow of foreign terrorist fighters will require that States consider carefully certain human rights issues. In that connection, at least three areas appear to deserve special mention.

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7 The Executive Directorate has identified another small State as being similarly affected. The State was identified by the regional point of contact in the Caribbean shared by the Counter-Terrorism Committee and the Executive Directorate with the Security Council Committee established pursuant to resolution 1540 (2004), and the case will be analysed in a future report. The Executive Directorate is also communicating with a third small State after neighbouring States reported the departure of large numbers of foreign terrorist fighters for the Syrian Arab Republic.
35. Some States are developing responses that include the revocation of travel documents, and other measures to prevent travel, as tools with which to counter the foreign terrorist fighter threat. That can be a primary line of defence against the threat posed by foreign terrorist fighters. It also, practically by definition, raises the question of the right to liberty of movement, and to be able to leave any country, as set forth in article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights. At the same time, as set out in article 12 of the Covenant, that right may be subject to certain restrictions that are provided for by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the Covenant.

36. Many measures under consideration by States for dealing with the foreign terrorist fighter threat involve the transfer within and between States of personal information of individuals, as well as the use of surveillance and other investigative techniques that involve implications regarding the right to privacy. However, as with the right to liberty of movement, the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, is not absolute. Even though arbitrary or unlawful interference with that right is prohibited under article 17 of the Covenant, the right is, as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has noted, “flexible enough to enable necessary, legitimate and proportionate restrictions to the right” (see A/HRC/13/37, para. 15). In considering the creation or sharing of new forms of personal data collection and usage, including in particular, but not limited to, “watch lists” or “no fly lists”, States should collaborate to develop a set of objective criteria for the placement of an individual on such a list, as well as processes to ensure that the personal data contained in such lists is complete, accurate and up to date. States should also develop a common understanding as to how such information should be used, for example, whether its purpose is to prevent the person from boarding a plane or to facilitate his or her detention or arrest upon arrival. Such information should not be used in a manner that facilitates arbitrary or unlawful detention.

37. Lastly, some States regard the criminalization of foreign terrorist fighter travel as an important tool in efforts to stem the flow of foreign terrorist fighters. The issue of criminalization, among others, was recently highlighted by the Office of the United Nations High Commissioner for Human Rights, when it noted that “it should not be presumed, for example that every individual travelling to an area of conflict has criminal intent or is supporting or engaging in criminal terrorist activity” (see A/HRC/28/28, para. 49). Probably more than with many offences, owing to the anticipatory nature of the acts at issue, States will face challenges in clarifying in law and demonstrating in court the elements necessary to obtain convictions for the offences specified in resolution 2178 (2014). In all cases, it will be incumbent upon them to ensure respect for the principle of legality and the presumption of innocence, neither of which, according to the Human Rights Committee, may be subject to derogation by States parties to the International Covenant on Civil and Political Rights, even in time of emergency, as well as for the principles of due process and fair treatment.

38. Other human rights issues relevant to the foreign terrorist fighter threat are discussed elsewhere in the present report.
IV. Systemic shortfalls: thematic analysis of Executive Directorate data

39. Section IV examines the mechanisms that could be used by the first group of 21 affected States surveyed to counter the foreign terrorist fighter threat. Many of the existing mechanisms to implement resolutions 1373 (2001) and 1624 (2005) can be adapted to implement resolution 2178 (2014). In some areas, for example the prevention of inter-State travel by foreign terrorist fighters and issues relating to criminalization, specific steps will need to be undertaken in order to ensure that the provisions of the latter resolution are implemented.

A. Preventing inter-State travel of foreign terrorist fighters

Departure

40. A very effective way to implement resolution 2178 (2014) and prevent the creation of foreign terrorist fighters is to ensure that those who attempt to travel to become foreign terrorist fighters are prevented from leaving their country of origin and/or residence to travel abroad to conflict zones. For that reason, States can put in place practical measures to identify people who are suspected of attempting to become foreign terrorist fighters and to prevent them from leaving to perpetrate, plan, prepare or participate in terrorist acts or to provide or receive terrorist training abroad. The results of the Executive Directorate survey indicate that 17 of the 21 reviewed States appear to have few or no operational measures in place to prevent the travel abroad of citizens and/or residents who are suspected of becoming foreign terrorist fighters. Moreover, the same number of States does not appear to have effective measures in place to ensure that front-line officers tasked with regulating the movement of persons across borders are provided with updated information to conduct effective evidence-based travel risk assessment and screenings to help identify foreign terrorist fighters, although the Executive Directorate is aware that several States have successfully prevented the initial exit of potential foreign terrorist fighters through interception at borders. There is therefore a clear need to strengthen awareness-raising and capacity-building measures in those areas.

Broken travel

41. Foreign terrorist fighters routinely use evasive travel patterns, or “broken travel”, which is the deliberate use of techniques to break long-distance travel into multiple segments such that it becomes difficult to ascertain travel history and travel origin, to prevent border authorities and counter-terrorism officials from accurately determining where they were prior to their arrival in a particular State. Preventing “broken travel” is therefore critical to stemming the flow of foreign terrorist fighters across borders and preventing foreign terrorist fighters who have been to conflict zones from returning home as well-trained operators to carry out attacks or from moving on to States neighbouring zones of armed conflict. As far as the Executive Directorate is aware, no public or private sector entity has yet taken steps to understand and analyse that challenge. There is therefore an urgent need to strengthen the capacity of border authorities and counter-terrorism officials to accurately determine where a traveller has been before arriving in a particular country. The present survey rates slightly more than half the surveyed States as “partially” successful or better with respect to recording the entry/exit of all passengers. However, in the absence of accurate record-keeping, it will be difficult to enhance
our understanding of “broken travel” by reconstructing the manner in which foreign terrorist fighters travel in and out of transit States and conflict zones.

**Immigration control**

42. Only 1 of the 21 States surveyed conducts immigration control of transit or transfer passengers who remain within the international zone of the airport. The remainder offer transit without visa arrangements for such persons, with few or no immigration control measures in place. The lack of such procedures in most States is understandable given that there is no international requirement for States to ensure immigration controls of transit or transfer passengers under annexes 17 (Security) or 9 (Facilitation) to the Convention on International Civil Aviation. Nevertheless, the current vulnerability in that area allows foreign terrorist fighters to freely transit through numerous States, including major hubs for air travel, without ever being scrutinized by immigration officials or checked against local and international watch lists.

43. With the exception of Afghanistan and Maldives, all 21 States provide some type of visa-free arrangement with other States. The number of partner States included in such arrangements range from 4 (Egypt) to 163 (Malaysia). Ten of the 21 States provide visa-upon-arrival arrangements. Among States providing such arrangements, Nigeria offers visa-upon-arrival arrangement for one State and Maldives issues visas-upon-arrival for all States. Visa-free or visa-upon-arrival arrangements are ideal for passenger travel and trade-facilitation, but should be accompanied by appropriate threat-assessment-based scrutiny at the point of visa-upon-arrival issuance and/or immigration control in order to ensure that foreign terrorist fighters are not allowed to enter or transit through the State any more easily than in regimes requiring the procurement of visas in advance of arrival.

44. Even under the best of circumstances, immigration officials are given an extremely brief period of time in which to determine whether a passenger should be allowed to enter the country. In order to make best use of that limited time, it is our recommendation that front-line immigration officers be provided with a combination of key tools and appropriate training in order to better identify potential foreign terrorist fighters. Such key tools include, inter alia, advance passenger information, passenger name records, INTERPOL databases, national and international watch lists and information obtained through intelligence sources.

**Use of advance passenger information**

45. In view of the importance of ensuring access to all those information sources, it was worrying to learn that only five of the States included in the survey required airlines to submit advance passenger information, according to available data from the International Air Transport Association. We anticipate that there will be significant improvements in those numbers over the next few years, since resolution 2178 (2014) calls on Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from or attempted entry into or transit through their territories, by means of civil aircraft, of individuals on the list established and maintained by the Al-Qaida Sanctions Committee. Advance passenger information is particularly useful, since immigration officials are in most instances able to obtain a passenger list well in advance of the arrival of the aircraft. The extra time can be used effectively to cross-check the passenger list against existing lists of individuals who may be foreign terrorist fighters.
INTERPOL I-24/7

46. On a more positive note, the Executive Directorate was able to ascertain that 14 States possess immigration screening systems that are connected in some manner at the front line to the INTERPOL I-24/7 global police communications system and stolen and lost travel documents database. Improved and consistent use of such INTERPOL databases, combined with measures to strengthen the capacity of front-line officials to utilize effective interview techniques that take advantage of all available risk indicators, should make it much more difficult in the future for persons or travel documents included in the databases to cross national borders without being detected.

Smuggling of persons

47. The survey indicates that only 10 of the 21 States have some legal measures in place to criminalize the smuggling of persons, including foreign terrorist fighters. Even among States that do criminalize the smuggling of persons, the penalties for doing so are relatively light. There are therefore relatively few consequences for persons and criminal entities, including terrorist groups, seeking to evade immigration controls to bring in individuals across State borders.

Refugee dimension

48. Resolution 2178 (2014) calls upon States to ensure, in conformity with international law, in particular international human rights law and international refugee law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, including by foreign terrorist fighters. The establishment of a functioning refugee status determination system is an effective way to recognize refugees who require international protection and exclude those, such as terrorists, who are undeserving of such protection. Twelve of the surveyed States have some form of determination procedure in place, but only three were given a rating of “largely” successful or better.

Porous borders

49. Besides the issues covered by specific questions on foreign terrorist fighters, there are several issues in the area of border management that need further consideration. One of the biggest challenges is to stem the flow of foreign terrorist fighters by addressing the issue of “porous borders”, where States have little or no resources to deploy effective border controls. To address that shortfall, the most vulnerable parts of those border areas must be urgently identified and the technical assistance needs of the States concerned addressed in order to facilitate delivery of the required assistance. States should take advantage of coordinated border-management methods as they relate to porous borders, incorporate relevant information and communications technologies, work closely with border communities and develop effective regional cross-border cooperation.

B. Law enforcement

50. A law enforcement response to the foreign terrorist fighter threat requires a holistic approach, both at the national and transnational levels, in order to prevent, detect and suppress the flow of foreign terrorist fighters. Because one of the main
characteristics of the foreign terrorist fighter threat is mobility, there is a need for close law enforcement cooperation beyond the national level. Moreover, without the support of the intelligence community, law enforcement responses will lack vital information. Law enforcement can be effective only if the information related to foreign terrorist fighters is accurate, complete and timely. The effectiveness of the law enforcement response will also depend on the level of direct availability of such information to all front-line officers, especially at border crossings, including immigration services and customs authorities. It will also rely on early detection, intervention and prevention, which will be achieved most effectively when law enforcement works closely with local communities, through such measures as community policing.

51. The survey's law enforcement questions cover areas relating to (a) coordinated and centralized information/intelligence sharing, (b) the use of available information, (c) training and (d) international cooperation. A particular concern in that regard is the ability to deny or revoke passports or other travel documents as an effective means to stop foreign terrorist fighters from travelling. Only 1 of the 21 affected States reviewed appears to confiscate passports to prevent people suspected of attempting to become foreign terrorist fighters from travelling. Limited use of that measure may be linked to the legal complexities involved and the time required to introduce the necessary regulations. Lack of political will may also be a factor. It should be recalled that, even though revocation of travel documents may temporarily reduce the number of potential foreign terrorist fighters travelling abroad, it is unlikely to resolve the problem in the long term. In that regard, there exist numerous avenues that would allow a sufficiently motivated individual to legally or illegally secure the travel documents required to facilitate travel, which calls into question the effectiveness of that measure.

52. Related to the issue of revocation or denial of passports is the issue of revocation of citizenship of dual citizens. Although revocation is not a subject of the survey, the Executive Directorate is aware that a number of States have begun to consider or implement measures to revoke the citizenship of dual citizens suspected of being foreign terrorist fighters and of those planning to travel abroad as foreign terrorist fighters. Such measures effectively prevent the return of such individuals to their State of former citizenship, but they may also simply pass on the associated problems to the individual's State of remaining citizenship. Action by both States of citizenship to revoke may lead to concerns with respect to statelessness. There are also serious due process concerns that may be associated with the manner in which decisions are made to revoke citizenship. It would also be necessary to establish a national mechanism that allows for the exchange of information between law enforcement services and administrative bodies to guarantee a synchronized approach.

53. The inability of most States to centralize and coordinate the exchange of information at the national level also undermines law enforcement responses. For almost half the Member States surveyed, either no such cooperation takes place or there is no information available as to whether and how it takes place. That is worrying, since “silo thinking”, combined with the failure to share information/intelligence, undermines the capacity of Member States to identify foreign terrorist fighters and to implement the necessary measures to prevent their departure or transit to fight abroad as foreign terrorist fighters. Figure 1 illustrates the survey's findings. Areas highlighted in orange and red indicate a situation that requires improvement based on the ratio between the identified priority level and the related implementation rate.
Figure 1
Are law enforcement agencies provided with relevant data acquired by intelligence, particularly from external sources on FTFs?

Abbreviation: FTF, foreign terrorist fighter(s).

Figure 2
Do you have the means to centralize FTF-related information nationally (through fusion centers, etc.)?

Abbreviation: FTF, foreign terrorist fighter(s).
54. The same shortfalls are observed in relation to Member States’ capacity to provide timely information on foreign terrorist fighters at the national and transnational levels (see figure 2). If available information cannot be shared immediately with front-line officers, it will be virtually impossible to identify potential foreign terrorist fighters before they have crossed the border into another State. It is therefore essential to establish a functioning 24/7 alert system.

55. Providing information on lost or stolen travel documents to the respective INTERPOL databases is a well-established practice in most of the Member States surveyed. However, there remain considerable differences in implementation levels. The use of lost or stolen travel documents remains a widespread modus operandi for crossing borders. It is therefore important that States develop more capacity in that area, in particular with respect to INTERPOL databases, which are accessible to all its members. Moreover, even if a State has taken steps to revoke passports and/or citizenship, individuals carrying such passports may still be able to travel if the information is not made available to front-line immigration officers and other States.

56. International cooperation is another key requirement for law enforcement in monitoring and detecting foreign terrorist fighter activities. Most of the 21 States reviewed engage in such cooperation, including through the exchange of foreign terrorist fighter-related information across borders. However, it is difficult to evaluate the quality of those contacts, as the related questions do not provide a detailed account of the type of cooperation or information exchange.

57. The need for transnational information-exchange has already been noted. However, specific consideration should be given to the exchange of intelligence. Using reliable intelligence to prevent foreign terrorist fighters from crossing borders also requires guarantees that actions taken against individuals can be challenged. That highlights the need for actionable intelligence to be turned into evidence to prevent difficulties relating to potential disclosure of the underlying intelligence. The value of exchanging indicators and warnings should also be considered.

58. With regard to individual Member States, it is a cause for concern that, for one third of States that are either countries of origin or countries of destination, (a) there is currently no reliable information available about how law enforcement is dealing with the foreign terrorist fighter phenomenon, and (b) the implementation level is considered to be no higher than “marginal”. It is understandable that most States are developing their capacity to effectively address foreign terrorist fighter-related matters, but it is clear that much work needs to be done in the short and medium term to strengthen States’ law enforcement response to foreign terrorist fighters.

59. Lastly, it should be noted that the lack of up-to-date and specific information on foreign terrorist fighters makes it difficult to effectively address the related challenges.

C. Countering incitement to terrorism, including through the Internet

60. Nearly all the States surveyed have taken steps to prohibit incitement to terrorism under their criminal laws, as called for by resolution 1624 (2005). Those measures can contribute significantly to stemming the flow of foreign terrorist fighters, since foreign terrorist fighters are often spurred to action by calls to terrorist violence made by others, either in person or through the Internet or other social media. Certain restrictions on the
right to freedom of expression, subject to strict requirements, may legitimately be applied, including in cases of terrorist incitement.

61. However, in some cases, legal measures taken against incitement to commit terrorist acts appear to violate States' obligations under international human rights law. In the cases of at least four of the States surveyed, United Nations human rights mechanisms have expressed concern over criminal sanctions reportedly applied against messages that do not rise to the level of incitement, including messages of human rights defenders. There is also a question of proportionality. In at least three States, incitement to terrorism laws provide for exceedingly harsh punishment, including sentences of as long as 30 years or even life imprisonment and, in one case, imposition of the death penalty. Those situations raise important human rights issues and create a risk that counter-incitement to terrorism measures could prove counterproductive, contributing to further radicalization and alienation among parts of the population.

62. Several States have implemented other measures to counter incitement motivated by extremism and intolerance, including through the Internet. At least six produce or facilitate assertive counter-messaging designed to refute terrorist narratives. The subjects of the counter-narratives encompass many different issues, ranging from interpretations of religious texts to the realities of life in conflict zones and the impact of terrorist acts on their victims. Concerning the terrorist messages themselves, many States seek to take tactical advantage by monitoring them and using them for purposes of intelligence gathering. Some also take more direct action and close websites down, often in cooperation with the private sector, which is becoming more involved in reviewing criminal communications by terrorists and their supporters.

63. Several States are also making active efforts to engage more directly with non-governmental actors, such as local community leaders and religious authorities, in order to present a united front against those seeking to recruit individuals to terrorism and incite terrorist violence. For instance, one State drafted a comprehensive strategy to counter violent extremism that includes the creation of youth vocational training and employment as a flagship intervention, whereas another State deems its efforts at reconstruction and development of traditionally marginalized areas a part of its strategy to counter violent extremism. As for initiatives related to community policing, at least three States explicitly tasked its law enforcement entities with building trust and good communication between law enforcement agents and local communities and their leaders. Moreover, at least seven States have reportedly taken steps towards overseeing religious schools' curriculum design and delivery. At least two States currently facilitate interfaith dialogue at the national level, while Jordan, for example, has been active in launching international and regional interfaith initiatives. A few other States offer training programmes for religious leaders aimed at fostering tolerance and at least one State has advanced concrete efforts to empower women religious leaders.

D. Criminalization requirements of resolution 2178 (2014)

64. In reviewing the first group of affected States, the Executive Directorate focused its inquiry on the criminalization aspects of resolution 2178 (2014). A detailed thematic analysis of the challenges faced by Member States in the prosecution of foreign terrorist fighters was submitted to the Counter-Terrorism Committee and subsequently submitted by the Committee to the Security Council (S/2015/123). The present report should be
regarded as a continuation of the Executive Directorate’s exploration of the issue. Future reports will focus further on how an impartial, ethical and professional criminal justice system will help stem the flow of foreign terrorist fighters and ensure that human rights are respected and upheld in the pursuit of that endeavour.

65. The Executive Directorate found that the vast majority of assessed Member States (16 of 21) do not have comprehensive criminal offences in place to prosecute preparatory or accessory acts conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State’s territory. The average compliance with the criminalization requirements of the resolution is “partially”.

66. In order to obtain a more accurate picture of the specific gaps faced by Member States in criminalizing foreign terrorist fighters, the Executive Directorate separated the criminal justice requirements into five separate elements. Figure 3 shows the level of compliance with each of the five elements.

Figure 3
Criminalization of travel and training related to FTF

Abbreviation: FTF, foreign terrorist fighter(s).

67. The preliminary information gathered by the Executive Directorate also shows that many of the assessed States have not yet fully criminalized travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts. That is an area of particular concern since, for 16 of the 21 States assessed, the issue is of critical importance. Many are also countries of origin.
68. Three of the 21 countries criminalize facilitation, including organizing, transporting and equipping, of foreign terrorist fighters’ travel. Most other countries rely on broad counter-terrorism legislation to cover that requirement. Four States do not have measures in place to criminalize the recruitment of foreign terrorist fighters, and eight do not have measures in place to criminalize the providing and receiving of training.

69. The data reveal that countries generally demonstrate high levels of compliance in criminalizing recruitment for terrorism, as illustrated in figure 4.

Figure 4
Does the State have in place legislative provisions to suppress the recruitment of terrorists?

70. The high levels of compliance may be attributed to the fact that States are required to suppress recruitment for terrorism by resolution 1373 (2001) and that the efforts of the Counter-Terrorism Committee to promote it have yielded relatively high levels of compliance.

71. The questions relating to providing and receiving training received lower levels of compliance. That may be because other questions are generally perceived to be covered by resolution 1373 (2001) and the phrase “providing or receiving of terrorist training” was first introduced in resolution 2178 (2014).

72. The survey also revealed that “providing training” has been criminalized by more countries than “receiving training” has. That may be because the provision of training is already criminalized by many Member States under existing regional instruments that cover that act or because the more active nature of providing training, compared with the more passive nature of “receiving training”, is more easily captured under broader preparatory offences and raises fewer concerns regarding respect for human rights. The Committee
could use that information to encourage implementing agencies to focus their programmes on promoting good practices in criminalizing the receiving of training. A good practice recently developed for that purpose is the drafting of an additional protocol to the Council of Europe Convention on the Prevention of Terrorism, which clearly and concisely defines, in its article 3, the offence of receiving training for terrorism.

73. The survey revealed that many of the assessed States rely, in their criminal legislation, on broad or vague definitions, including definitions of terrorism or of terrorist offences. That not only violates the principle of legality but also diverts law enforcement and prosecutorial attention towards cases that are not violent in nature. It is clear that, in their efforts to implement the criminalization requirements of resolution 2178 (2014), Member States must strike a careful balance between the need to fully cover the requirements of the resolution and the need to refrain from overbroad legislation. The Committee should pay close attention to that challenge and support Member States in their efforts to implement those requirements.

74. While the Executive Directorate is aware of the fact that many States have moved in the direction of adopting new legislation to meet the challenge of foreign terrorist fighters, only a few countries surveyed have enacted specific criminal legislation to implement resolution 2178 (2014), even though for most of them the criminalization requirements of the resolution are of high priority. The Committee should encourage the countries most affected to respond with appropriate legislation.

75. In all the countries analysed in the survey, the office of the prosecutor has at least some capacity. However, except in the cases of five States, the effectiveness of the office is rather limited. There is therefore a need to enhance the authority of the office; develop expertise, including expertise on how to handle complex terrorism cases and in particular foreign terrorist fighter cases; and strengthen technical and human resources.

76. All the assessed States, except for one for which relevant information was not available, have introduced legislation authorizing the use of special investigative techniques. The information gathered does not, however, make clear whether all States have the capacity to use such techniques effectively while providing full respect for human rights and rule of law. The Executive Directorate’s past assessments have shown that the effective use of such techniques in counter-terrorism is a global challenge and that many States require assistance in developing effective techniques and mechanisms for ensuring coordination by intelligence, law enforcement and prosecution and respecting rule of law and human rights (see S/2015/123).

77. In assessing the 21 Member States, the Executive Directorate considered basic elements of international cooperation. Its findings show that most of the States in the survey have designated a national central authority for processing requests for mutual legal assistance in criminal matters and for processing extradition requests. In general, those assessed States that did have a designated central authority had also developed and made publicly available guidelines on procedures relating to mutual legal assistance and extradition to inform foreign authorities about requirements.

78. Four of the States surveyed have not yet designated a national central authority for that purpose, however. That is of particular concern because the existence of a designated central authority is essential to international cooperation in criminal matters. With respect to the four States that do not have a national central authority, addressing that issue and providing them with the necessary assistance should be a priority.
E. Terrorist financing

79. The ways in which terrorist organizations secure funding are dynamic and can change rapidly. For now, it would appear that the foreign terrorist fighters moving to join ISIL, in particular, are a relatively small but important source of funding for ISIL. Funding efforts may include foreign terrorist fighters collecting money in their home country for travel, foreign terrorist fighters travelling with funds and diaspora members sending funds to support foreign terrorist fighters, although the financial contributions from such sources are relatively low (see S/2015/123, paras. 31-34).

80. Some foreign terrorist fighters are paid by terrorist organizations, including ISIL, to travel to fight and are financially supported in the country of destination. Terrorist organizations may, therefore, fund the travel and the daily living expenses, training and equipment of foreign terrorist fighters. Officials of one State of those reviewed by the Executive Directorate recently informed the Executive Directorate of the presence of foreign recruiters in its territory who had persuaded its citizens to join ISIL with promises of financial reward in the Syrian Arab Republic.

81. In other cases, foreign terrorist fighters have to pay their own living expenses and may receive funds to that end from their home countries, ranging from several hundred to several thousand dollars. Foreign terrorist fighters continue to access their home bank accounts through the simple use of ATM cards. More ingenious methods have included cases of foreign terrorist fighters fraudulently procuring tax credits to fund their travel and expenses (see S/2015/123, para. 33).

82. Owing to the relatively recent development of the foreign terrorist fighter phenomenon, it is perhaps a little early to expect that States have reviewed existing mechanisms and introduced new mechanisms specifically designed to disrupt and prevent financial support to foreign terrorist fighters. However, most (16 of 21) have developed some mechanisms to disrupt and prevent financial support to terrorists, which may be applied to foreign terrorist fighters. Five assessed countries had few or no mechanisms to address the financing of foreign terrorist fighters. States should be encouraged to review and, if necessary, enhance their existing measures and mechanisms relating to terrorism financing, including the freezing of assets, to respond to the foreign terrorist fighter threat.

83. Only 4 of the 21 States are able to freeze terrorist funds without delay, and 3 others can largely freeze without delay. Twelve States have partial or marginal capacity to do so, and two have no capacity. Considering that it is one of the key requirements of resolution 1373 (2001), the absence of an adequate freezing mechanism is of particular concern. Further efforts should be made to help States establish an operational asset-freezing mechanism, which is essential to the disruption of terrorist financing.

84. Most States have some capacity to exchange financial information with foreign counterparts through their membership in forums such as the Egmont Group, INTERPOL connections, memorandums of understanding or bilateral exchange. Most are able to use those channels to exchange information on foreign terrorist fighter-related matters.
85. National inter-agency information-sharing, in this case financial information, was identified as a major shortfall generally within the affected States. Although no State reviewed has a dedicated national mechanism to ensure that information regarding foreign terrorist fighters is shared, in a timely manner, by financial intelligence units, customs, law enforcement and other Government agencies involved in countering terrorism financing, several States do have mechanisms to share information concerning terrorism financing across national agencies, and such mechanisms can be used to share information concerning foreign terrorist fighters. Of greater concern is the fact that two countries have only marginal capacity to share information across national agencies, and seven have been assessed to have no capacity to share foreign terrorist fighter information among Government agencies involved in countering terrorism financing.

86. Although many States have criminalized the wilful provision or collection of funds for terrorist acts, some States have also introduced legislation to criminalize the financing of the travel of foreign terrorist fighters for terrorism purposes, or the provision or receiving of terrorist training. Twelve States have introduced terrorism-financing legislation that only partially or marginally successfully addresses the financing of foreign terrorist fighter-travel and terrorism-training matters and/or fails to take into account the necessary caveats of the required components of the legislation, such as wilful provision, direct or indirect, intention and knowledge. The assessed countries therefore need to amend their terrorism-financing legislation to comply with the obligation of resolution 2178 (2014).

87. Thirteen of the 21 States have criminalized terrorist financing as a standalone offence, meaning that terrorist financing is criminalized (a) even if the funds have not been used to commit or attempt to commit a terrorist attack, (b) even if funds cannot be linked to a specific terrorist act and (c) specifically and separately from provisions on aiding and abetting. Five others have largely met the above conditions for criminalizing terrorism financing and two others have partially met the conditions. No State has yet modified its legislation to specifically prevent financial support to foreign terrorist fighters and specifically include foreign terrorist fighter-travel in its suspicious transaction report obligations. Only 1 State currently has legislation in place that specifically criminalizes the financing of travel for foreign terrorist fighters, although 11 others have introduced laws that could arguably be applied. The Executive Directorate is concerned, however, that only 12 of the 21 have introduced terrorism-financing offences that cover the financing of both a terrorist organization and an individual terrorist for any purpose. It should also be noted that, despite the introduction of terrorism-financing offences by a number of Member States, very few terrorism-financing cases have been prosecuted worldwide.

88. The foreign terrorist fighter phenomenon is closely related to the increasing incidence of terrorists acting alone or in small cells (see S/2015/123, para. 12). That may be a significant threat related to returning foreign terrorist fighters, who are being exhorted to undertake individual actions in their home countries, and to aspiring foreign terrorist fighters, who may not have acquired the resources to travel or have been prevented from travelling by effective Government action. The Executive Directorate was somewhat concerned, therefore, that only 12 of the 21 States had introduced terrorism-financing offences covering the financing of both a terrorist organization and an individual terrorist (see figure 5).
Figure 5
Does the “terrorist financing” offence in domestic law cover the financing of both an individual terrorist and a terrorist organization?

89. Given that at least one of the 21 Member States has reported to the Executive Directorate on the recruitment of its citizens by foreign terrorist recruiters promising financial rewards and cash to fund foreign travel, the use of declaration or disclosure systems in place to detect the illicit physical cross-border transportation of currency should be considered. Ten States were assessed as “having” or “largely having” such systems in place, whereas 10 others were considered to be only “partially” or “marginally” compliant. One State has no system at all.
V. Initial observations

90. The core message of the present report is that much of the technical work on how to stem the flow of foreign terrorist fighters has already been done. It has been done over the years by States meeting at the United Nations, as well as within the frameworks of other international and regional organizations, to develop the tools to tackle terrorism and other global criminal problems, whether illicit trafficking in narcotic drugs and psychotropic substances, transnational organized crime or corruption. Adaptability does not imply a "reinvention of the wheel" but rather a fresh look at the many existing measures and tools available to States to tackle the challenges posed by foreign terrorist fighters. Resourceful identification and a renewed commitment to the implementation of those measures, and to capacity-building where implementation falls short, will do much to increase States’ capacity to stem the flow of foreign terrorist fighters.

91. In producing the present report, the Executive Directorate has identified several important issues that it will cover in more depth in future reports. They include the prevention of radicalization to terrorism and recruitment; analysis of the existing multilateral legal tools that can facilitate more rapid, direct and operational forms of international cooperation and joint investigations; and measures that can be taken to address the issue of returning foreign terrorist fighters, such as the development of prosecution strategies and policies of reintegration and rehabilitation. The reports, taken as a whole, will provide a comprehensive road map, not just of the measures that States should take but of the priority shortfalls and challenges that should be addressed in order to stem the flow of foreign terrorist fighters.
Letter dated 2 September 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council the second report on the implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Raimonda Murmokaitė
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
Summary

The present report is the second in a series of reports to be issued pursuant to Security Council resolution 2178 (2014), which requires the Counter-Terrorism Committee Executive Directorate to assess Member States’ capacity to stem the flow of foreign terrorist fighters, identify good practices in that regard and facilitate the delivery of related technical assistance to States in need. The first report adopted a thematic approach to the foreign terrorist fighter threat, focusing on the implementation efforts of 21 Member States. The second report adopts a regional approach and analyses the efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas.

1. Preventing inter-State travel by foreign terrorist fighters

Most States of the five regions have taken steps to strengthen border controls and prevent travel of foreign terrorist fighters. The measures introduced include passport confiscation, requirement for transit visa and use of International Criminal Police Organization (INTERPOL) screening for potential foreign terrorist fighters. Some States have connected their immigration-screening processes at the front line to the INTERPOL database on stolen and lost travel documents. More States are populating the INTERPOL list of foreign terrorist fighters. However, only some States of the five regions receive advance passenger information, and even fewer have implemented an advance passenger information system. There is an urgent need to strengthen the sharing of information by airlines and Governments through the use of such systems that enable States to detect the arrival or departure of foreign terrorist fighters. Compliance with existing international standards, supplemented by passenger name records, would assist in the detection of foreign terrorist fighters attempting to cross borders by air.

2. Law enforcement

In general, inter-agency cooperation and information exchange on the foreign terrorist fighter threat have been strengthened. Some States have developed a counter-terrorism legal framework by introducing special counter-terrorism laws or by including a definition of “terrorist act” in their criminal codes. In the Oceania/Americas region, all States have established specialized counter-terrorism units and institutional structures in response to resolution 2178 (2014). Most States of the region are introducing programmes to reintegrate and monitor former foreign terrorist fighters, and training on issues relating to foreign terrorist fighters is provided by all States. In East Africa, the Eastern Africa Police Chiefs Cooperation Organization facilitates informal inter-State cooperation and shared capacity-building. In other regions, States share the problems of limited resources, insufficient training, lack of technical capacity, and endemic corruption, all of which hamper their capacity to mount effective investigations and prosecutions.
3. **Terrorism financing**

Gaps remain in Member States’ legislation on countering the financing of terrorism and measures to freeze terrorist assets. In some States, no specific measures are implemented to disrupt and prevent financial support for foreign terrorist fighters. There is an increasing need for Member States’ anti-money-laundering/combating the financing of terrorism regulators to engage with financial institutions to communicate potential red flags that may indicate financial activity that supports ISIL and groups associated with Al-Qaida in order to prevent those groups and groups associated with Al-Qaida from accessing the international financial system.

The use of financial intelligence can also be effective in identifying foreign terrorist fighters and tracking and preventing their travel. It is particularly important that Member States form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones. National financial intelligence units should provide an effective interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. Financial intelligence units should efficiently share financial intelligence potentially related to foreign terrorist fighters with national law enforcement counterparts, such as border control agencies, to aid investigations and disrupt foreign terrorist fighters’ travel.

4. **Regional and international cooperation**

There is an urgent need to develop public-private partnerships involving the airline, tourism and financial intelligence sectors in order to identify foreign terrorist fighters, prevent them from travelling or engaging in terrorist acts and bring them to justice. In regions without an INTERPOL regional office, inter-State cooperation serves to strengthen the region’s criminal justice response to the foreign terrorist fighter threat.

Many States face significant backlogs of requests for mutual legal assistance. In order to combat the foreign terrorist fighter phenomenon, States must strengthen their capacity to provide mutual legal assistance. For many States, the potential economic impact of terrorist attacks against the tourism sector is significant. Hotels, resorts, cruise lines and transportation services should work together to safeguard tourism security and protect tourists.

5. **Countering violent extremism, including through social media**

Terrorists’ increasing use of information and communications technology for recruitment and propaganda poses significant challenges for policymakers and law enforcement agencies around the world. It has become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter.

Security Council resolutions 1373 (2001) and 1624 (2005) emphasize the need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes. However, efforts to achieve a global legal consensus continue to be undermined by significant differences between Member States’ relevant domestic legislation and the limited capacity of investigators and prosecutors to access electronic evidence.
Private Internet companies are increasingly participating in the global counter-terrorism effort. Acting in accordance with their own terms of use, most large corporations proactively and voluntarily moderate content uploaded by their users. In the context of the counter-messaging spectrum, Member States are also issuing alternative narratives and counter-narratives to refute objectionable content published online by terrorists. Most States have developed some capacity to monitor Internet sites and social media with a view to combating online incitement to commit terrorist acts. Some have adopted laws obligating service providers to retain data for the purposes of identifying the perpetrators.

However, there is a need for strengthened judicial cooperation regarding violent extremist content, especially when Internet servers are hosted abroad. States will need to be attentive to the human rights implications of actions taken against Internet and social media communications. Many States also understand that reactive, heavy-handed law enforcement responses to violent extremism can be counterproductive and that programmes developed to help communities to understand and prevent radicalization can be more effective. Some States have launched programmes to fund projects that enhance community understanding of violent extremism and mentor youth.

Efforts to counter violent extremism should encourage the participation of local communities, religious authorities and the health sector. Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet, including social media, should be pursued. That dialogue may need to focus on avenues available to further human rights-compliant self-regulation by private companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.

The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities or infringing on human rights.

Analysis of the five regions/subregions reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.
I. Introduction

1. The present report is the second in a series intended to support the work of the Counter-Terrorism Committee to identify principal gaps in Member States’ capacities to implement Security Council resolutions 1373 (2001) and 1624 (2005) that may hinder their abilities to stem the flow of foreign terrorist fighters, as well as to identify good practices and contribute to the facilitation of technical assistance, as requested by the Council in paragraph 24 of its resolution 2178 (2014).

2. In order to avoid repetitiveness in the compilation of the studies, the Counter-Terrorism Committee Executive Directorate has adopted a “periodical” approach. In other words, the structure of the reports is broadly consistent, but the contents vary. The first report (S/2015/338, annex) took a thematic approach to the affected States, identifying and analysing the crucial legal and policy issues that States should address in order to stem the flow of foreign terrorist fighters. The present second report focuses on regional analysis and analyses in more detail the particularities of each region and the required measures. The third report will include information contained in the previous reports, adding information on and analysis of more regions. It will also focus on the good practices identified throughout the process and include recommendations on both a regional and a thematic basis for further actions to help to strengthen capacities to address the foreign terrorist fighter threat.

3. Each report also contains a section on issues, trends and developments, which the Executive Directorate will bring to the attention of the Committee in accordance with its mandate under paragraph 25 of resolution 2178 (2014) and paragraph 5 of resolution 2129 (2013). Those are particular issues related to the threat of foreign terrorist fighters that the Executive Directorate considers to be worthy of further attention and action. Issues, trends and developments identified in the present report include: the Internet and information and communications technology (ICT); and the need for public-private partnerships to address challenges associated with foreign terrorist fighters.

4. The present report adopts a regional approach and analyses the implementation efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas. It employs a risk-based approach in considering the implementation of resolution 2178 (2014). The legal, policy and operational issues highlighted in each regional section may therefore vary (see enclosure I for a discussion of the methodology employed).

5. The third report in the series will analyse the remainder of the 78 States most affected by the foreign terrorist fighter phenomenon, covering the Middle East, South-East Europe, South Caucasus, South Asia, South-East Asia, the Sahel and the Lake Chad region. The report will include evidence-based and risk-based recommendations on ways to address systemic shortfalls in the affected States, providing a more detailed road map to help to strengthen Member States' capacity to counter the foreign terrorist fighter threat.
II. Foreign terrorist fighters: issues, trends and developments

7. Security Council resolution 2178 (2014) underlines that the increasing threat posed by foreign terrorist fighters is part of the emerging issues, trends and developments relating to resolutions 1373 (2001) and 1624 (2005) that, in paragraph 5 of resolution 2129 (2013), the Council directed the Executive Directorate to identify. The present section considers current issues, trends and developments relating to the recruitment of foreign terrorist fighters through the Internet and other ICTs and, in that context, highlights the urgent need to establish public-private partnerships to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters.

A. The Internet and information and communications technology

1. Recruitment and social media

8. The technological advances of the past decade have created an environment in which individuals are able to freely interact with counterparts worldwide, including with malevolent actors, and instantaneously project their views and ideologies, at little or no cost. Those developments have also freed terrorist organizations from their reliance on traditional media as the primary channel through which to convey their messages to their followers and the wider world and have given them the ability to communicate directly with a global audience.

9. The extent to which an individual may be radicalized through social media alone, without being subject to other external influences, is the subject of much debate. However, it has certainly become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter. Contact may be initiated on open social media and various communications platforms and may subsequently move to closed, encrypted communications channels.

10. Closed Internet forums allow for in-depth exchanges but are not ideal for recruitment. Potential recruits would not typically know where to locate them and would not necessarily know members who could give them access. Moreover, forum servers may be subject to takedowns and cyberattacks, such as distributed denial of service (an attempt to make a machine or network resource unavailable to users by overloading it with requests). Social media campaigns are more effective because they can be launched in a more decentralized way through volunteers who can repost their contents.

11. The Islamic State in Iraq and the Levant (ISIL) has taken full advantage of the Internet and social media to disseminate its ideology, publicize its activities, raise funds and coordinate and develop its operations. It is estimated that, between September and December 2014, ISIL supporters used about 46,000 Twitter accounts.8

12. ISIL produces high-quality propaganda videos that are inspired by popular contemporary culture, including movies and video games, and are cleverly targeted at vulnerable audiences. That phenomenon is known as “narrowcasting” (i.e. designing websites that are directed at a specific audience, including women and children). ISIL has also launched targeted online foreign terrorist fighter recruitment campaigns aimed at hackers, web designers and developers of mobile telephone applications and dedicated

social media platforms, both open and encrypted. Other online recruitment campaigns target doctors, engineers and other skilled individuals.

13. The vast reach of ICT provides terrorist recruiters with a global pool of potential recruits. Recruiters are able to adapt their messages to certain sectors of their target audience, including minors or young adults who may be nursing feelings of injustice or exclusion. Some ISIL messages portray extreme violence (e.g. recordings of beheadings or images of innocent victims allegedly killed by ISIL enemies); others seek to portray ISIL in an attractive and favourable light; and others contain ideology, reports from conflict zones or threats.

14. The growing use of ICT for terrorist purposes represents a significant challenge for policymakers and law enforcement entities. Each State has jurisdiction over the servers located in its territory, but the growing use of cloud computing, which provides users and enterprises with various capabilities to store and process their data in third-party data centres, increasingly means that data are stored and processed on servers located outside a particular State's territory and therefore beyond that State's territorial jurisdiction. Moreover, contemporary forms of encryption and anonymity permit Internet users to conceal their identities and to protect the confidentiality and integrity of content against third-party access or manipulation. For example, secure transmission applications are advertised as true end-to-end encryption from the sender to the recipient, based on established and renowned cryptography. However, even though encryption protects the content of communications, it does not conceal identifying factors, such as the Internet Protocol (IP) address, known as metadata. Internet users also employ anonymizing tools to avoid identification. Terrorist organizations are using those tools and even developing their own proprietary encryption software.

15. The rapid expansion of digital communication infrastructure, including the use of social platforms allowing anonymous participation and readily available encoding applications, has both positive and negative aspects. That infrastructure provides individuals with a means to protect their privacy, allowing them to browse, read, develop and impart opinions and information without arbitrary and unlawful interference (see A/HRC/29/32). However, law enforcement and counter-terrorism officials express concern that terrorists and ordinary criminals use encryption and anonymity to hide their activities, making it difficult for Governments to prevent and conduct investigations into terrorism. ISIL, for example, has thwarted attempts to cut its access to the Internet, mobile telephone networks and electricity by switching to satellite technologies and smuggling content to areas with Internet access. Law enforcement agencies must sift through vast amounts of data and differentiate between individuals who are merely expressing opinions and those who are likely to join a terrorist organization, travel or commit an act of terrorism in their own State, and take action to do so.

2. International cooperation in the information and communications technology age

16. As reflected in the provisions of resolutions 1373 (2001), 1624 (2005) and 2178 (2014), there is global consensus on the urgent need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes, in particular foreign terrorist fighter recruitment. However, there is no clear consensus as to what measures may be taken. For instance, international cooperation in the context of enforcement with regard to criminal offences dealing with alleged acts of incitement to commit terrorist acts perpetrated through the use of ICT is particularly challenging. It is
difficult for many law enforcement officials to differentiate between terrorist propaganda and statements that amount to incitement to commit terrorist acts. States also have different domestic laws and practices and regional arrangements.

17. Some law enforcement agencies are creating Internet referral units that monitor social media content to flag terrorist content, inform private corporations of the abuse of their resources and support investigations by law enforcement agencies. In Europe, a European Police Office (Europol) initiative, “Check the web”, was launched in 2007 to “store comprehensive information on persons, objects and activities” that raise suspicion. Similarly, in 2010, the United Kingdom of Great Britain and Northern Ireland launched its Counter-Terrorism Internet Referral Unit to support the removal of unlawful (under United Kingdom law) Internet content by the private sector, support the police counter-terrorism network in investigating and prosecuting terrorist or radicalizing activity and act upon referrals from citizens and public bodies. The volume of unlawful content removed by Internet companies has increased significantly, to 46,000 pieces in 2014. Content relating to Iraq and the Syrian Arab Republic now represents about 70 per cent of the Unit’s caseload. In response to the growing challenges faced by law enforcement officials in combating violent extremist content online, European Union member States are pooling their resources in a multilingual Internet referral unit within Europol.

18. However, international cooperation is challenged by the lack of harmonization among domestic legal regimes. For example, if a certain act is not criminalized in all jurisdictions involved, cooperation is difficult. Indeed, States are usually requesting that the principle of double criminality be respected to cooperate. There may also be jurisdictional barriers to accessing electronic data. That is often the case with the Internet and social media, especially since data may now be located anywhere in the world. Member States and other stakeholders disagree as to which States should have jurisdiction to request access to the data (the State in which the data are stored, the State of nationality of the corporation holding the data, the State of nationality of the data owner or the State in which the data are created).

19. Investigators and prosecutors may also have limited access to electronic evidence, since States may have different thresholds for the interception of communications, chain of custody of electronic data, and privacy rights. There are no international standards for the retention of digital data by private corporations. If the data are not retained, they cannot be accessed, even if a request for access is granted. Identification and location of individuals are made more difficult by the anonymity that the Internet can provide, including through encryption and tools that hide the location and IP address, although measures to address this can violate privacy and other human rights.

20. Legal processes, powers and legal remedies for unlawful content (including powers to remove content) vary from State to State. Some States require court orders, while others use administrative processes. Another difficulty is deciding whether taking down a website or account or removing content is advisable. The site content may have intelligence value for law enforcement agencies, and, even if content may be legally taken down, it can easily be made available again under a new account, platform or server. It is thus impossible to eradicate terrorist-generated content completely. In view of the potential intelligence value of such content, to do so may even be ill-advised.

3. **Mutual legal assistance**

21. Several States expressed concern as to how the current mutual legal assistance system handles demand. Before seeking mutual legal assistance, governmental agencies might request data directly from global private corporations. When doing so, they should nonetheless consider legal issues (e.g. those arising in the State where the global private corporation is incorporated, the State where the data are stored and the State requesting information about its citizens or about transactions occurring within its territory).

22. The third report will explore and expand on the challenges involved in providing international cooperation to stem the flow of foreign terrorist fighters. The Executive Directorate will also submit recommendations to the Counter-Terrorism Committee on ways to enhance international cooperation in that area.

4. **Challenges for private Internet companies**

23. The Internet is largely privately owned and operated. Social media firms, telecommunications companies, e-mail and Internet service providers and providers of website and data hosting services are all integral partners in the global ICT infrastructure. Many key private corporations are engaged in global activities and have users around the world. Their data centres are also located in several States. Private corporations are subject to the domestic laws of the States in which they operate and must cooperate with law enforcement agencies. However, as noted above, the complexity of the global ICT framework raises several difficult jurisdictional issues in terms of the applicability of domestic laws and the powers of States to enforce them. Private corporations must deal with conflicting domestic laws in their international operations. Facebook, for example, has established guidelines for cooperation with law enforcement worldwide, preservation of data, and emergency requests.

24. Private corporations also employ their own terms of use for their services and can either remove content or terminate the accounts of users violating those terms. Such measures are taken by corporations in the context of terrorist activities, such as recruitment and incitement to commit terrorist acts, in relation to foreign terrorist fighters. Most large corporations proactively and voluntarily moderate content uploaded by their users or remove content that is contrary to their terms and conditions. YouTube has removed 14 million videos over the past two years. Facebook receives and reviews 1 million user notifications about violation of its terms of use (not only for terrorist-related postings) per week, and Twitter has closed about 2,000 ISIL-related accounts in recent months. It should be recalled that any such practices must be undertaken in compliance with international human rights law, in particular international standards on freedom of expression and the right to privacy.

25. Other forms of Internet content have been successfully moderated. Child pornography, for example, is one such form. However, moderating child pornography is relatively easy because of its very nature. Analysis of contextual political propaganda, even with clearly violent content, is much more difficult and subjective. Because algorithms cannot automatically review content, experts with the required substantive and linguistic skills must moderate content. Large ICT corporations employ teams to review such content on a “24/7” basis. Although criminal sanctions or law enforcement measures may be appropriate in cases in which Internet and social media communications rise to the level of incitement to commit
terrorist acts or recruitment, in many cases the most effective response to objectionable content published online by terrorists and their supporters may be counter-narratives and counter-messaging.

26. Some States continue to develop counter-messaging approaches in order to challenge and refute messages supporting or glorifying terrorist activity. Others are proactively producing alternative messages (e.g. retelling and amplifying positive narratives that advocate peace, respect and social inclusion, or deconstructing the narratives of terrorists). Effective strategies to counter the threat of online radicalization to terrorism require that Governments act beyond legislative and law enforcement measures to engage with communities and industry. In most cases, the most effective conveyors of counter-narratives may be family and friends, civil society actors, academic institutions, religious or community leaders and other non-governmental actors. For such campaigns to be effective, the private sector (because of its intimate knowledge of social media demographics and marketing tools) should be an active participant. Governments should welcome grass-roots campaigning initiatives and support them.

5. Human rights dimension of information and communications technology issues

27. Actions taken by States to prevent or remove messages and information communicated through ICT for terrorist purposes raise questions about the relationship between impermissible forms of expression and respect for the right to freedom of speech and opinion. In its resolution 1624 (2005), the Security Council recalled article 19 of the International Covenant on Civil and Political Rights and that any restrictions on freedom of expression shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of article 19. National security is among the grounds on which the freedom of expression might be lawfully restricted. However, any limitations should be proportionate to the threat faced and non-discriminatory. In addition, article 20 of the Convention calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

28. Whereas ICT may be used by individuals for criminal objectives, including terrorism-related objectives, States must exercise care in conducting surveillance of private digital communications. Mass surveillance of digital communications not only implicates the right to privacy but may also have a chilling effect on other fundamental human rights, such as freedom of expression, association and movement (A/HRC/13/37, paras. 33-38). As noted by the United Nations High Commissioner for Human Rights, lawful and targeted (as opposed to broad-based) surveillance of digital communications may constitute a necessary and effective measure for intelligence and law enforcement entities to prevent the recruitment of terrorists through the Internet (A/HRC/27/37, para. 24).

29. Lastly, private Internet companies need to continually identify, assess, prevent and mitigate any adverse impact of their actions on the human rights of their users in accordance with, inter alia, the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011 (A/HRC/27/37, para. 44). Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet should be pursued and focus on avenues available to further human rights-compliant “self-regulation” by companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.
B. Public-private partnerships

30. There is an urgent need to establish public-private partnerships between Governments and many business sectors in order to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters. In paragraph 9 of its resolution 2178 (2014), the Security Council called upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. That request emphasizes the importance of timely information sharing, discussed in paragraphs 26 to 31 of the first report (S/2015/338, annex). The Counter-Terrorism Committee, in its open briefing to Member States on 11 June 2015, focused on that issue in collaboration with the International Civil Aviation Organization and the International Air Transport Association.

31. The Council’s call for airlines to share timely information with States reflects the importance of establishing public-private partnerships in assisting States in identifying foreign terrorist fighters, preventing their activities and bringing them to justice pursuant to the resolution. Partners should include companies that offer other types of transportation services, including shipping companies and cruise lines, many of which already have effective information-sharing mechanisms in place, as well as social media companies and other private sector partners.

1. Tourism sector

32. Recent events have demonstrated the critical need to protect tourist infrastructure. In October 2002, 202 people, including many tourists, were killed in Bali, Indonesia. That attack was followed by the murder of 20 people in October 2005 in Bali in a series of suicide and car bomb attacks. The attacks on the Egyptian resort city of Sharm el-Sheikh in July 2005 killed 88 people (mostly Egyptians) and injured more than 200. The terrorist attack of 18 March 2015 against the National Bardo Museum in Tunis killed 22 people. The attack of 26 June 2015 against the Tunisian beach resort of Sousse killed 38 people. Most victims of those attacks were foreigners.

33. Even though such attacks are historically quite rare and are usually carried out on a relatively small scale, they can have a devastating economic impact, particularly on States that rely on tourism for economic development. In such instances, the consequences of terrorism are not confined to the attack location. The Caribbean region experienced a 13.5 per cent decline in visitors from the United States of America after the terrorist attacks of 11 September 2001, leading to the temporary loss of an estimated 365,000 jobs. Private companies suffer devastating consequences as a result of such attacks. For many States, the destruction of the tourism sector would represent a serious threat.

34. Returning foreign terrorist fighters and aspiring foreign terrorist fighters who have been prevented from inter-State travel may carry out such attacks. In that regard, the Executive Directorate has been working with the World Tourism Organization and the Organization of American States Inter-American Committee against Terrorism to raise awareness not only of the importance of tourism security but also of the crucial
need to protect tourists through public-private partnerships. Hotels, resorts, cruise lines and transportation services must work together with Governments to exchange information, review guidelines and ensure that terrorist risks to the sector are identified and addressed.

2. Financial intelligence

35. It is particularly important that Government form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones.

36. Recent events have drawn attention to the massive funding streams established by ISIL and other terrorist organizations linked to Al-Qaida. In its resolution 2199 (2015), the Security Council recognized the importance of the banking sector in addressing that threat by urging Member States to ensure that financial institutions prevent ISIL, the Al-Nusrah Front and other groups associated with Al-Qaida from accessing the international financial system. Foreign terrorist fighters rely primarily on self-funding to travel from their place of origin, often through a transit country or countries, and then to the conflict zone. Because foreign terrorist fighters need to withdraw funds to pay for travel expenses and other needs, financial institutions are ideally placed to help to identify potential foreign terrorist fighters. Recruiters are known to persuade individuals to join ISIL with promises of financial reward, although this usually does not come to fruition.

37. Financial intelligence can, however, play a crucial role in identifying foreign terrorist fighters and preventing their travel. Many of the States analysed in the present report (including Australia, Canada and France) have developed strong partnerships between government and financial institutions. Many provide guidelines for banks, as well as feedback on suspicious activity reports. Technological advances allow financial institutions to scan millions of accounts extremely rapidly. The gathering of financial intelligence, as with any other form of intelligence gathering, should be carefully regulated by law so as not to unduly infringe upon human rights, chiefly the right to privacy. Furthermore, national financial intelligence units should provide an interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. The Australian Transaction Reports and Analysis Centre, for example, provides thematic guidance to Australian financial institutions on the monitoring of funds sent to the Syrian Arab Republic and neighbouring States. Financial institutions are able to deploy sophisticated algorithms and filters that alert them to cases requiring further investigation. The Financial Action Task Force is developing tools for its members to use as guidance in their partnerships with the private sector. Actively communicating with financial institutions potential red flags that may indicate terrorist financing activities improves financial institutions' internal monitoring and screening processes, helping to prevent ISIL and other groups from accessing the international financial system, and provides additional and improved reporting on suspicious transactions. That reporting provides critical information to law enforcement agencies seeking to identify and disrupt foreign terrorist fighter travel.

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III. Systemic shortfalls: regional analysis

38. The regional analysis focuses on five regions/subregions that include States affected by foreign terrorist fighters: Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and the Americas/Oceania. Not all the legal, policy and operational challenges associated with foreign terrorist fighters affect all five regions equally. A risk-based approach has therefore been adopted in order to identify the most pressing issues for each region and focus on them.

A. Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

1. General threat assessment

39. Three Central Asian regional terrorist organizations are listed by the United Nations as being affiliated with Al-Qaida: the Islamic Movement of Uzbekistan (also known as the Islamic Movement of Turkestan), the Islamic Jihad Group (or Union) and the Eastern Turkestan Islamic Movement. The Islamic Movement of Uzbekistan pledged allegiance to ISIL in the spring of 2015. All five States have designated and banned terrorist and extremist organizations nationally.11

40. Central Asian States are considered to be States of origin because militants from the region are travelling to conflict zones in increasing numbers. According to conservative estimates made by various Central Asian States in the spring of 2015, between 500 and 1,500 individuals from the region are fighting in Afghanistan, Iraq, Pakistan and the Syrian Arab Republic.12 Along with ethnic Chechens from the Russian Federation, fighters from Central Asia are among the senior commanders of ISIL and the Al-Nusrah Front (see also S/2015/358). In late May 2015, a high-profile commander of the Tajikistan elite police force issued a propaganda video from the Syrian Arab Republic after reportedly joining ISIL there.13

41. It is reported that foreign terrorist fighters from Central Asia travel to the Syrian Arab Republic through Turkey; others cross the porous borders of Afghanistan and Pakistan to attend training camps in Northern Waziristan and are then sent to fight in Afghanistan or in the Syrian Arab Republic. Since most share language and ethnic similarities with certain minorities living in Afghanistan, it is difficult for Afghan law enforcement officers to identify them. The Islamic Movement of Uzbekistan is largely responsible for foreign terrorist fighter recruitment in the region. Its recruiters also try to lure migrant workers to join their ranks. One phenomenon of increasing concern is the recruitment of women. Some States report that their nationals travel to ISIL-controlled territories to settle as families.

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11 Defined as “terrorist” and/or “extremist” in the respective court rulings, the organizations include Hizb ut-Tahrir, the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, Jamaat al-Jihad al-Islamias, Tablighi Jamaat, Takfir wal-Hijra, Ansarullah, Jund al-Khilafah and Akromiya, among others.

12 Sources of estimates include information provided directly by Member States to the Executive Directorate, reports provided by international regional organizations and data issued by State officials.

13 According to the Office of the Prosecutor General of Tajikistan, criminal charges were brought against that individual on 28 May 2015 pursuant to Criminal Code articles 305 (State treason), 187 (participation in a criminal association) and 401 (1) (illegal participation in armed conflicts or military actions abroad). An INTERPOL red notice was issued on the same day.
Some of those militants have returned to their respective home States to engage in terrorist activity. In August 2013, the State Committee for National Security of Kyrgyzstan detained three Islamic Jihad Group members (nationals of Kazakhstan and Kyrgyzstan) charged with plotting a series of terrorist attacks after returning from the Syrian Arab Republic. In 2014, 14 members of a terrorist group were convicted by a Kyrgyz court of, inter alia, mercenary activity and preparation for terrorism, including in relation to terrorist training abroad and participation in military activities in the Syrian Arab Republic. In February 2014, four men were put on trial in Kazakhstan on terrorism charges after having allegedly fought in the Syrian Arab Republic.

2. **Regional analysis of Central Asia**

   (a) **Criminalization requirements of resolution 2178 (2014)**

43. Since most Central Asian States are States of origin, they are taking measures to stem the flow of their nationals to Afghanistan, Iraq, Pakistan and the Syrian Arab Republic. None have explicitly criminalized foreign terrorist fighter travel (or attempted travel) as required by resolution 2178 (2014), but many have introduced amendments to their criminal codes and counter-terrorism legislation to criminalize recruitment, training, financing and other forms of support for terrorist activity. In addition to criminalizing terrorism-related crimes and various forms of complicity, most Central Asian States also criminalize illegal involvement or participation in armed conflict or military operations abroad, albeit without any explicit reference to terrorist activity. However, most States have overly broad, vague and open-ended definitions of terrorist offences that go beyond the definitions provided for in the international counter-terrorism instruments. This raises human rights concerns.

44. Over recent years, several hundred individuals from the region have been convicted of terrorist crimes and crimes with violent extremist elements. Security forces, prosecutors and courts have been active in arresting, trying and convicting people on charges of terrorism, including terrorism financing. However, United Nations human rights mechanisms have raised concerns at the use of torture, arbitrary detention, lack of access to a defence lawyer, and other fair-trial violations. Acquittals in criminal cases are as low as 1 per cent in some States.

   (b) **Law enforcement and preventing the movement of persons**

45. Law enforcement, border and customs authorities have strengthened the monitoring of foreign terrorist fighter travel and are increasingly aware of the need for effective inter-agency cooperation and information exchange. Kyrgyzstan and Tajikistan have established working groups and inter-agency commissions on matters relating to foreign terrorist fighters. The State Committee for National Security of Kyrgyzstan reported in February 2015 that, as a result of close cooperation with the State Border Service, more than 500 individuals had been identified as requiring monitoring if crossing the State border. Moreover, daily “filtration measures” (i.e. screening measures, including document verification) are taken at Bishkek and Osh airports. In 2013, six channels for the smuggling of recruited individuals from Kyrgyzstan to the Syrian Arab Republic through Turkey were detected and suppressed, and 21 criminal groups (consisting of Kazakh, Kyrgyz, Tajik and Uzbek nationals) were dismantled. Kyrgyz intelligence states that, because of those measures, terrorist recruiters and smugglers consider Kyrgyzstan to be an “undesirable and risky route” and have shifted their focus elsewhere in the region.
46. Some States have enforced strict residence registration rules and conduct periodic controls of residences to detect individuals who have left the country. No Central Asian State currently implements an advance passenger information system.

(c) Terrorism financing

47. To date no specific measures to disrupt and prevent financial support to foreign terrorist fighters have been implemented in the region. Legislative and operational measures in place to counter the financing of terrorism also apply to countering the financing of foreign terrorist fighters and their travel, but all States of the region need to address a number of shortfalls, including with respect to legislation and procedures for freezing terrorist assets and monitoring money remittance services.

(d) Countering violent extremism

48. In response to the growing phenomenon of radicalization and recruitment to terrorism (including foreign terrorist fighters), most Central Asian States have put in place measures aimed at preventing their nationals from travelling abroad and joining terrorist groups. Most such initiatives are implemented at the local community level (e.g. through mahallas, in Uzbekistan) and involve representatives of State authorities, civil society, clerics and families of potential foreign terrorist fighters. Counter-narratives are also disseminated through various mass media. However, State committees on religious affairs play a prominent role in all Central Asian States. Some measures, in particular those relating to the regulation of religious organizations, religious education and religious literature, have been identified as matters of concern by United Nations human rights mechanisms as infringing on the freedoms of religion and conscience. States of the region also face challenges in implementing measures to counter terrorist and violent extremist propaganda through the Internet (including blocking web content) while ensuring respect for the right to freedom of expression.

(e) Regional and international cooperation

49. Regional cooperation is channelled primarily through the Anti-Terrorism Centre of the Commonwealth of Independent States and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization. Some Central Asian States also feed data into consolidated regional lists of individual terrorists and terrorist or violent extremist organizations maintained by the two entities. The specialized database of the Anti-Terrorism Centre also contains names of foreign terrorist fighters from States members of the Commonwealth of Independent States and the names of those involved in recruiting them and supplying them with weapons. Since March 2013, the Anti-Terrorism Centre and INTERPOL have been developing a target project aimed at enhancing the collective and national capacities of the law enforcement agencies of the States in the Central Asian region that are members of the Commonwealth of Independent States to prevent and combat terrorism.

B. Maghreb: Algeria, Libya, Morocco, Tunisia

1. General threat assessment

50. The first State of the Maghreb to experience terrorism was Algeria, in the 1990s; more than 100,000 people were killed in Algeria during the “dark decade”. The Maghreb region is a significant transit route for various forms of trafficking, including drug, arms and migrant trafficking. The deteriorating situation in Libya
has created sanctuaries for terrorists and facilitated the supply of weapons to terrorists groups, including Al-Qaida in the Islamic Maghreb, Ansar al-Sharia and ISIL. Al-Qaida in the Islamic Maghreb engages in kidnapping for ransom and cross-border trafficking to fund its activities. Its breakaway faction, the al-Mulathamun Battalion (“Al Morabitoun”), was responsible for the attack in January 2013 on an Algerian gas facility near In Amenas, in which 39 foreign hostages, 29 terrorists and 1 Algerian security guard were killed.

51. Algeria has strengthened its border-control mechanisms since the In Amenas terrorist attack. Since then, all borders except the border with Tunisia have been closed. Ansar al-Sharia is present in Libya and Tunisia. It has publicly denied allegiance to the Al-Qaida “core”, but it does train fighters who wish to join the core. Libya-based Ansar al-Sharia is thought to have been responsible for the attack in 2012 against the United States Embassy in Benghazi, and Ansar al-Sharia in Tunisia carried out a similar attack on the United States Embassy in Tunis. Those regional cells recruit fighters from other States of the region, as does Al-Qaida in the Islamic Maghreb.

52. ISIL is attempting to strengthen its presence in the region, notably in Libya, and has been responsible for the killing of Egyptian Coptic Christians. It also claimed responsibility for the recent attacks on the Bardo Museum in Tunis and the beach resort in Sousse. It uses the region as a hub for the recruitment, departure and transit of foreign terrorist fighters seeking to join the conflicts in Iraq and the Syrian Arab Republic. Of the estimated 30,000 foreign terrorist fighters who have departed for the Syrian Arab Republic, more than 5,000 are estimated to have come from the Maghreb. This is the second-largest regional contingent, after that from the Middle East. Several small terrorist groups have pledged allegiance to ISIL. They include the Algerian terrorist group Jund al-Khilafah fi Ard al-Jazayer (Soldiers of the Caliphate in Algeria).

2. Regional analysis of the Maghreb

53. The Maghreb States are deeply affected by the phenomenon of foreign terrorist fighters, whether as States of origin and transit or as States neighbouring conflict zones (Libya and Mali). Libya is also a State of destination. The States of the region are fully aware of the need to stem the flow of foreign terrorist fighters and have taken countermeasures. However, a number of shortfalls need to be addressed.

(a) Criminalization requirements of resolution 2178 (2014)

54. Member States of the Maghreb have developed counter-terrorism legal frameworks. Three have either introduced a special law on counter-terrorism or included a definition of “terrorist act” in their criminal codes. One State uses the provisions of its Criminal Code to prosecute terrorist acts. Three States have set up specialized investigative and judicial units for counter-terrorism cases. States of the region have taken steps to respond to the requirements of resolution 2178 (2014), some more comprehensively than others. One State has amended its Criminal Code, and two others are currently amending either their Criminal Code or their special counter-terrorism law. Amendments adopted or contemplated include criminalization of the travel of nationals or foreigners residing in the State for the purpose of the perpetration, the planning or preparation of, or participation in, terrorist acts, or receiving and providing training within or outside the territory; the willful organization of travel for individuals travelling abroad for the
purpose of preparing terrorist acts or participating in, providing or receiving training or facilitating the commission of terrorist acts, including recruitment; and entering or crossing the territory with a view to travelling to another territory to commit terrorist offences. All four States have criminalized joining a terrorist group, inside and/or outside the territory. One State has introduced a legislative amendment specifically covering the financing of travel pursuant to resolution 2178 (2014).

(b) Preventing inter-State travel by foreign terrorist fighters

55. Departure. One State relies on an existing law to prevent persons suspected of intending to become foreign terrorist fighters from leaving for Libya or Turkey. Such individuals may keep their passports, but those who are banned from leaving the State because of a court conviction have their passports confiscated. Another State is currently revising its Code of Criminal Procedure to enable its Prosecutor General to impose a travel ban on individuals being investigated for likely involvement in an offence. The administrative authorities of that same State may decide temporarily not to issue a passport if there are suspicions that the individual is travelling to a conflict zone. A third State is considering subjecting travel to Turkey to prior authorization. One State has no measures in place to prevent foreign terrorist fighters from leaving the State and is also increasingly becoming a State of destination.

56. Immigration control. Two States have established computerized systems for checking travellers’ names, criminal records and documents at international airports and/or main border posts. Those systems are connected to a central database that includes lists of individuals wanted nationally and internationally, including terrorists and individuals with stolen and lost travel documents. A third State is upgrading its system for identifying travellers, while another is no longer in a position to implement its legislation, policies and procedures with regard to immigration controls. There is no visa requirement between States of the Arab Maghreb Union or for individuals transiting through their territories. One State conducts immigration controls only on persons transiting through its territory by land. However, in the absence of information from the State of origin on suspected foreign terrorist fighters, it is difficult for the States of the region to intercept foreign terrorist fighters at their borders. One State has connected its front-line immigration-screening process to the INTERPOL database on stolen and lost passports, red notices for suspected criminals and wanted persons, and the Al-Qaida sanctions list. INTERPOL provides a list of foreign terrorist fighters to all its member States, but the list needs to be populated by States of origin. At least one Maghreb State has begun to do so.

57. Use of advance passenger information. Two States receive advance passenger information, but their systems are not fully computerized. Passenger data are matched against watch lists and risk analysis is performed. Another State does not systematically receive such information from all airlines. One State previously received advance passenger manifests, which were checked against various databases, especially if the originating State was considered to represent a potential risk or if there was information of interest concerning individual passengers on the flight. However, that State is no longer in a position to process such information.

(c) Recruitment

58. Foreign terrorist fighters from the Maghreb come primarily from a few specific areas and cities with active local networks for radicalization, recruitment and facilitation of travel. One State has conducted a study of those who have left to join conflict zones
in an effort to develop a profile of potential foreign terrorist fighters and prevent further departures. All States have criminalized recruitment to commit acts of terrorism, and three criminalize recruitment inside and outside their territories. Two States monitor prisons to prevent recruitment among inmates. The Internet and social media, anonymous phone calls from abroad and fatwas also play an important role in recruitment in the region. All States but one have developed some capacity to monitor Internet sites or social media. One State also employs community policing to prevent recruitment and has introduced legislation enabling its Attorney General to authorize the monitoring of electronic communications and the requirement for service providers to retain data on the detection of offences and the identification of the perpetrators. However, States of the region stress that, because Internet servers are hosted abroad, international judicial cooperation would be required to block certain sites. Data protection laws introduced to safeguard the right to privacy create additional challenges and may hamper such cooperation.

(d) International and regional cooperation

59. There is a need for States of the region to strengthen regional cooperation. The absence of strong internal coordination between police, border control authorities and intelligence services and the absence of strong cooperation among prosecutors and judges may undermine the region’s criminal justice response to the foreign terrorist fighter threat. The establishment of a regional INTERPOL office for the Maghreb would enhance States’ efforts to stem the foreign terrorist fighter flow. Regional judicial cooperation is not well developed. However, most States have developed strong cooperation with European States, particularly in the area of mutual legal assistance. One State is considering joining the INTERPOL e-extradition initiative, a new tool being developed to transmit requests electronically and securely.

C. East Africa/Horn of Africa: Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda, United Republic of Tanzania

1. General threat assessment

60. Al-Shabaab, the major terrorist organization in the subregion, is described by the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) as “determined, prolific and effective”. It has the numbers and strength to pose a major threat to peace and stability in the subregion and beyond. Formally affiliated with Al-Qaeda, it is based primarily in Somalia, which has suffered repeated terrorist attacks since the early 1990s (including recent direct attacks on United Nations staff). In March 2014, it was estimated that Al-Shabaab controlled at least half of southern and central Somalia. Al-Shabaab mimics government structures, and its preferred modus operandi is violence. It conducts Internet activity through the “al-Kataib” website and social media. It consists mostly of Somalis, but there are also significant numbers of foreigners, especially Kenyans, including at the highest level. Recruitment is conducted primarily in Kenya and Somalia, but attacks have also been committed by nationals of Ethiopia, Uganda and the United Republic of Tanzania. Local and foreign perpetrators cooperate to mount increasingly sophisticated and damaging attacks in Ethiopia, Kenya and Uganda. In Kenya’s coastal regions, emerging terrorist groups, such as Al-Muhajiroun, have threatened communities in Kenya and Uganda through social media. The conflicts in Iraq and the Syrian Arab Republic have attracted small numbers of Eritreans, Somalis and Sudanese to such groups as the Al-Nusrah Front and ISIL.
2. **Regional analysis of East Africa/Horn of Africa**

61. The subregion includes States of origin and transit, States neighbouring conflict zones and States of destination. Some States meet all four criteria. Ethnic communities in certain States of the region suffer from perhaps well-intentioned, but ill-conceived and disproportionately applied, counter-terrorism measures. A regional counter-terrorism strategy aimed at addressing the foreign terrorist fighter threat must therefore be multidimensional and sensitive to competing interests, including human rights obligations.

(a) **Criminalization requirements of resolution 2178 (2014)**

62. The East African Community agreed on a joint counter-terrorism strategy in April 2014. All seven States except one have adopted specific counter-terrorism legislation. The seventh State is currently considering draft legislation. No State has introduced legislation specifically addressing the “travel” element of resolution 2178 (2014), but the legislation of three States is sufficiently broad to cover most foreign terrorist fighter-related offences, and that of the others could be used to address some aspects. However, only three States clearly criminalize joining a terrorist organization, and only two States clearly criminalize the receipt of training pursuant to resolution 2178 (2014). Both those States and two others have criminalized the provision of training for terrorist purposes.

(b) **Terrorism financing**

63. Most States of the region have ratified the International Convention for the Suppression of the Financing of Terrorism of 1999. Financial transactions are conducted through cash payments, mobile telephone payments or informal transfers. This makes the tracking of financial flows difficult. Six States have introduced legislation on terrorist financing, but in one case the legislation has not been harmonized across the entire State and only the provisions on asset freezing and designations are applied everywhere. Moreover, no State has introduced legislation specifically covering the financing of travel pursuant to resolution 2178 (2014). Five States have introduced legislation on asset freezing, but implementing national asset-freezing measures remains a challenge. Only one State has designated persons and entities pursuant to resolution 1373 (2001). Five States have established a financial intelligence unit, and some have begun to develop formal relations with customs, law enforcement or other agencies. In one State, the legal basis for a financial intelligence unit exists, but it is unclear whether such a unit has been established. Limited information is available on the practical exchange of information on foreign terrorist fighters, whether domestically or regionally.

(c) **Law enforcement/prosecution and international cooperation**

64. Five States are members of the Eastern Africa Police Chiefs Cooperation Organization, which facilitates informal inter-State cooperation and shared capacity-building. However, intelligence and information sharing and inter-agency and interregional cooperation and coordination are generally insufficient. Only two States have established specialized counter-terrorism law enforcement and prosecution units. Across the region, limited resources, insufficient training and lack of technical capacity hamper law enforcement responses and the ability of States to mount effective investigations and prosecutions. United Nations
human rights mechanisms have raised serious concerns over human rights violations committed by law enforcement agencies in the region. The East African Community States have strengthened national cooperation and coordination between their law enforcement and prosecution services, and the number of court cases has increased. However, progress is slow, and the requirements of resolution 2178 (2014) have increased legislative and institutional burdens.

65. Even though prosecuting authorities cooperate informally under different regional groupings, there is no single, coherent regional platform for mutual legal assistance and extradition. Only two States of the region have ratified the Intergovernmental Authority on Development Conventions on Extradition and Mutual Legal Assistance, which provide a framework for cross-border criminal justice cooperation. Strengthened informal and formal judicial cooperation has resulted in successful prosecutions, especially in East African Community States (e.g. in the Kampala bombings in 2010). However, foreign terrorist fighter-related investigations and prosecutions, especially in Somalia, require deeper and more rapid cooperation aimed at generating sufficient, timely evidence. There is also a need to strengthen capacities to gather and analyse evidence from social media and the Internet. The lack of regionally harmonized laws may also hamper efforts to bring cases to court if extradition is necessary.

(d) Preventing inter-State travel by foreign terrorist fighters

66. Lengthy and porous land and sea borders continue to facilitate movements of people, illegal weapons and cash. All seven States have introduced machine-readable travel documents, but only one State’s border police have access to INTERPOL databases at all ports of entry/exit. No State uses advance passenger information. Significant cross-border flows of refugees and undocumented migrants hamper efforts to identify potential terrorists or foreign terrorist fighters. Limited information is available concerning whether risk assessments or screenings or related measures are conducted to address the foreign terrorist fighter threat or whether States are coordinating their efforts. Differing visa-free arrangements between States of the region hamper effective screening of movement. Three States, however, control transit through their territory, primarily for nationals of States outside the region.

(e) Recruitment/countering violent extremism/incitement to commit terrorist acts

67. Four States have criminalized terrorist recruitment, while one is considering related draft legislation. However, national efforts to counter recruitment are insufficient and tend to focus on reactive, heavy-handed law enforcement responses, rather than on an inclusive, balanced approach that incorporates outreach to civil society and local communities. That approach can foster a sense of grievance among marginalized communities, leading to further radicalization. Often the laws introduced in East Africa to criminalize incitement, rather than incitement to commit terrorist acts, use vague and broad terminology that can lead to human rights abuses.
D. Western Europe: Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Spain, United Kingdom of Great Britain and Northern Ireland

1. General threat assessment

68. Many States of Western Europe continue to be origin and transit States of foreign terrorist fighters. It is estimated that several thousand European passport holders are in Iraq and the Syrian Arab Republic, and this poses a significant threat to the national security of several States. Some Western European States have been the victims of terrorist attacks reportedly carried out by foreign terrorist fighters who have returned from conflict zones where terrorist groups operate and/or travelled abroad to receive terrorist training. This includes the terrorist attack in May 2014 on the Jewish Museum in Brussels (reportedly carried out by an ISIL terrorist returnee) (S/2015/338, para. 23), the attack in January 2015 on the Paris-based satirical magazine *Charlie Hebdo* (carried out by individuals who had reportedly received terrorist training in Yemen), and the murder in February 2015 of two people in Copenhagen (reportedly perpetrated by a Danish citizen who, albeit not a returning foreign terrorist fighter, was a “homegrown violent extremist” who had reportedly been inspired by the Paris attack without having travelled abroad).

69. Many States of Western Europe are aware of the number of foreign terrorist fighters who have left their territories, returned to their territories or perished in conflict zones. They are able to track the flow of foreign terrorist fighters with a view to identifying the appropriate and proportionate response to the individuals concerned at the various stages of their journey as such (from initial interest to radicalization, commitment, action, joining a foreign terrorist group, recruitment for travel, planning to travel, travelling, committing terrorist acts and/or returning).

2. Regional analysis of Western Europe

(a) Criminalization requirements of resolution 2178 (2014)

70. With respect to implementing the criminalization requirements of resolution 2178 (2014), few of the Member States surveyed have fully complied with the resolution by adopting new or amending existing criminal legislation. Some apply existing criminal counter-terrorism legislation, including under the concepts of recruitment or participatory acts, pursuant to general criminal law provisions. Some have supplemented existing laws with further amendments to cover preparatory acts that may lead to travel to join the conflicts in Iraq and the Syrian Arab Republic. Security Council resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism require Member States, including States of the European Union, to criminalize the receiving of terrorist training and the provision of such training. The criminalization of the receipt of terrorist training is not, however, required by European Union Council Framework Decision 2008/919/JHA.

71. Emerging criminal case law in the States surveyed indicates jurisdictional and evidentiary challenges, such as those relating to the admissibility of evidence acquired from intelligence sources. In view of the challenges associated with gathering evidence (also in

14 Adopted by the Committee of Ministers at its 125th session, on 19 May 2015.
relation to proving the commission of criminal offences of foreign terrorist fighter travel or attempted travel), European Union States are seeking to ensure that practical application complies with the principle of legality and the rights to be presumed innocent and to freedom of movement with a view to ensuring that the criminalized acts are supported by objective manifestations of conduct.

(b) Preventing inter-State travel by foreign terrorist fighters

72. Pursuant to resolution 2178 (2014), Member States must require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from, attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. However, only a few European Union States have implemented an advance passenger information system, which can be an effective tool in interdicting the travel of foreign terrorist fighters, other terrorists and other individuals engaged in transnational organized crime. This is especially the case if advance passenger information is used in conjunction with INTERPOL databases. A proposed European Union directive on the introduction of passenger name records, whose introduction by Member States was also encouraged by the Security Council in its presidential statement of 19 November 2014 (S/PRST/2014/23), has been pending since early 2011 owing to privacy and data protection concerns raised by the Civil Liberties, Justice and Home Affairs Committee of the European Parliament. Europol utilizes “focal point travellers”, a tool for the collection, analysis and sharing of information about foreign terrorist fighter recruitment and travel facilitation, and in February 2015 concluded a related cooperation agreement with the United States of America.

73. Legal and administrative measures taken by individual European Union member States to prevent the movement of foreign terrorist fighters who are nationals of the State out of, or back into, their territories include the possibility of (temporary) withdrawal, suspension or confiscation of passports and other types of travel document, including those of minors. Suspected foreign terrorist fighters who are foreign citizens residing in the member State concerned may be ordered not to leave the State, prevented from re-entering or be subject to revocation of their residence permit. Several European Union States have passed laws that would allow for the revocation of citizenship, and one State has the legal basis to revoke the citizenship of an individual who has obtained citizenship through naturalization, even if it would render the individual stateless. Such measures may raise serious human rights issues. States must ensure that all measures taken to implement resolution 2178 (2014) are in full compliance with international law, in particular international human rights, refugee and humanitarian law.

(c) Law enforcement

74. Law enforcement agencies and intelligence services have worked collectively to strengthen their responses to the foreign terrorist fighter threat. As most European States are Schengen members, citizens enjoy “borderless travelling” within Europe. It is therefore essential to ensure timely, complete and accurate information exchange. Several initiatives have been launched to strengthen cooperation among law enforcement agencies. The Prüm Treaty of 2005, currently in force in 14 European Union States, permits the exchange of data concerning DNA, fingerprints and vehicle registrations and counter-terrorism cooperation. The Treaty also contains provisions for the establishment of joint police patrols, entry of (armed) police forces into the territory of another State for the
prevention of immediate danger (“hot pursuit”), and cooperation within the framework of major events or disasters. In April 2012, the European Criminal Records Information System was created to improve the exchange of information on criminal records throughout the European Union.

75. Several European Union member States are currently working on data retention regulations for the communications sector. Such data are considered to be an important source of information in identifying individual links in terrorist networks. However, the said initiatives are also meeting resistance, since some of the envisaged provisions have far-reaching privacy implications and may violate certain fundamental rights.

(d) Regional and international cooperation

76. International cooperation among European Union States is strong. Bilateral and multilateral cooperation is the responsibility of States themselves, but the European Union plays an increasingly important role, especially with regard to the harmonization of such cooperation. European Union States utilize a range of networks to facilitate international cooperation, not least in relation to the foreign terrorist fighter phenomenon. Over the years, such agencies as Europol, Eurojust, Frontex, the European Judicial Network, the Financial Intelligence Unit Network and the Schengen Information System have demonstrated the capacity to provide platforms for closer European cooperation, including cooperation with non-European Union partners.

77. The European Union has also strengthened cooperation on intelligence. The main agency concerned is the European Union Intelligence Analysis Centre, whose mission is to provide intelligence analysis, early warning and situational awareness to various European Union decision makers within the framework of the Common Foreign and Security Policy and the Common Security and Defence Policy, as well as to European Union States. The Centre achieves this by monitoring and assessing international events, focusing particularly on sensitive geographical areas, terrorism, the proliferation of weapons of mass destruction and other global threats.

78. European Union States also promote the extended use of INTERPOL to share information on foreign terrorist fighters and disrupt their travel through the use of INTERPOL notices, its stolen and lost travel documents database and coordinated border-control operations. Several European Union States have extended the INTERPOL I-24/7 communications network to immigration officers at the borders. Some of the States visited by the Committee have also established integrated databases that include national, regional and international data enabling immigration officers to rapidly process travel documents of third States. In a similar spirit, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism highlights the importance of designating points of contact available 24/7 in order to strengthen the timely exchange between parties to the Convention of any available operational information concerning persons suspected of travelling abroad for the purpose of terrorism.

79. Aware that the foreign terrorist fighter phenomenon cannot be limited to a specific region, several European Union States continue to strengthen international cooperation beyond the borders of the European Union, in particular with States of origin or States neighbouring the conflict zone in the Syrian Arab Republic. Those efforts reflect the European Union’s recognition of the cross-regional nature of foreign terrorist fighter movements.
(e) **Countering incitement to commit terrorist acts**

80. Article 5 of the Council of Europe Convention on the Prevention of Terrorism and article 3 (1) (a) of European Union Council Framework Decision 2008/919/JHA on combating terrorism require States parties and European Union member States, respectively, to criminalize public provocation to commit a terrorist offence.

81. The Council of Europe has compiled a list of good State practices on intercultural dialogue,15 and the European Union and Belgium are co-funding a project entitled “Community policing preventing radicalization and terrorism”, which recognizes that community police officers have an in-depth understanding of local communities. The project aims to sensitize and train community police officers to understand the process of radicalization, identify warning signs and prevent extremism from becoming violent. Guided by the European Union Counter-Terrorism Strategy and the European Union Strategy for Combating Radicalization and Recruitment to Terrorism, the European Commission set up the European Union-wide Radicalization Awareness Network in 2011. A good practice in the involvement of the private sector, the Network supports the Europe-wide exchange of experiences and best practices among practitioners, researchers and non-governmental organizations in direct contact with targeted individuals or groups vulnerable to incitement to commit terrorist acts motivated by violent extremism and intolerance. It also incorporates the collection of good practices.16

82. Many Western European States have adopted national action plans that engage a wide range of government authorities, as well as civil society organizations, religious authorities and the health sector, to address radicalization to terrorism and violent extremism at all levels of society, often focusing on youth and minorities, who appear to be particularly susceptible to incitement. Particular attention should be paid to the repressive approaches taken by some States. Such approaches can lead to further perceived exclusion of already marginalized groups, and the more inclusive model applied by other States may not conform to the criminalization and prosecution requirements of resolution 2178 (2014). Some States have also begun to systematically address the issue of returning foreign terrorist fighters, who may not only carry out attacks but also engage in radicalization, recruitment and incitement to commit terrorist acts.

83. Some States have successfully implemented measures to counter incitement to commit terrorist acts motivated by violent extremism and intolerance, including through the Internet. “Virtual” or “cyber” community policing (i.e. the open and interactive engagement of law enforcement officers on the Internet, especially on social media platforms, with the aim of preventing or reducing the risk of radicalization that may lead to terrorism) is considered good practice in several Western European States.

84. On 12 March 2015, the Council of Ministers agreed to establish, by 1 July 2015, the European Union Internet Referral Unit, which would include the existing “Check the web” initiative. Because the Unit is still at the development stage, it is too early to determine its efficacy. The Unit will be tasked with coordinating and flagging terrorist and violent extremist content online, carrying out and supporting Internet referrals in cooperation with the private sector, and providing strategic and operational analysis in support of national agencies. The Unit is being developed by Europol in cooperation with Member States, the Commission and other agencies.

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15 See www.culturalpolicies.net/web/intercultural-dialogue-resources.php.
E. Oceania/Americas: Australia, Canada, New Zealand, Trinidad and Tobago, United States of America

1. General threat assessment

85. All five States in the group are considered to be States of origin, and the threat posed by returning foreign terrorist fighters who may be prepared to commit terrorist acts is regarded as significant. In several cases, foreign terrorist fighters have already returned and present a potential security threat. Since all five States embrace ethnic diversity as part of their national identity, they are well equipped at the policy level to introduce decisive measures that are sensitive to the needs and concerns of minority groups. The presence of returning and aspiring foreign terrorist fighters in some of those States may be evidence of a greater alienation within certain communities than was previously thought, which will likely inform longer-term policy measures, particularly in the area of community engagement. In addition, existing community engagement programmes are being tailored to recognize those individuals in the process of being radicalized to the point of violent extremism, including individuals belonging to traditionally marginalized groups that are considered particularly at risk. At least two States of the region have faced public protests against their rapid adoption of foreign terrorist fighter measures.

86. Australia recently raised its national terrorism alert level from “medium” to “high”. It estimates that 150 individuals have travelled to fight with ISIL and that 30 to 40 foreign terrorist fighters have returned to its territory. As at May 2015, the Government was investigating approximately 255 Australians who were either fighting with or supporting violent extremist groups. Some 100 were currently in Iraq, the Syrian Arab Republic and the region, and more than 155 were in Australia. More than 30 Australians have recently been killed in conflict zones.

87. Canada estimated in 2014 that about 130 people had left to participate in terrorist activity in Libya, Somalia, the Syrian Arab Republic, Tunisia and Yemen. The Government of Canada is aware of about 80 individuals who have returned to Canada after travelling abroad for a variety of suspected terrorism-related purposes. Some may have engaged in paramilitary activities and others may have studied in schools that promoted violent extremism, raised money or otherwise supported terrorist groups. In some cases, their travel was interrupted by financial issues, injuries or outside intervention, but the individuals concerned may attempt to travel again. Some travellers interested in violent extremism never achieved their goals and simply returned to Canada.

88. In New Zealand, the domestic threat level was recently raised from “very low” to “low”. Government agencies have identified 30 to 40 people of concern and another 30 to 40 people who require further investigation. New Zealand has in place a range of policy measures, programmes and responses to further build resilient and inclusive societies through community strengthening initiatives.

89. The inclusion of Trinidad and Tobago in the group once again focuses attention on the particular threat to small States identified in the first report. In Trinidad and Tobago, approximately 40 adults have been identified as fighting abroad. They comprise approximately 24 men and 16 women. Moreover, approximately 30 children (18 boys and 12 girls) are also known to be fighting abroad and may eventually return to the Caribbean region. The potential threat posed to

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17 Australia estimates that more than two thirds of Australians who returned from conflicts in Afghanistan and Pakistan subsequently became involved in activities of security concern.
the Caribbean region’s tourism sector is a serious consideration, since an attack in one State will inevitably have negative economic consequences for the others.

More than 180 Americans have travelled or have attempted to travel from the United States to the Syrian Arab Republic. The United States Department of Justice has filed criminal charges in almost 50 foreign terrorist fighter cases and often arrests aspiring fighters before they are able to leave. United States prosecutors have obtained a number of guilty pleas in those cases. More than 85 per cent of the cases have been against men, and fewer than 15 per cent are against women. Approximately 75 per cent of the defendants are 30 years of age or younger.

Considered on a per capita basis, the potential risks generated by returning foreign terrorist fighters determined to carry out terrorist acts in their home State appear to be proportionately high for small States. Approximately 1 in 19,100 citizens of Trinidad and Tobago have travelled recently as foreign terrorist fighters, compared with only 1 in 1.87 million United States residents. Nevertheless, a terrorist attack against a major United States city and an attack against Trinidad and Tobago’s petrochemical industry, for example, could potentially be equally devastating to the local economies.

All five States are taking action to prevent travel to conflict zones. Most have significant capacity to implement resolution 2178 (2014), especially in information sharing, border control, countering violent extremism, and cooperation among law enforcement at the national and international levels. One State has relatively limited capacity in law enforcement to prevent travel to conflict zones, owing to shortfalls in staffing, organization and inter-agency communication.

2. Regional analysis of Americas/Oceania

(a) Criminalization requirements of resolution 2178 (2014)

Three States of the group are among the very few States in the world that have recently passed legislation specifically aimed at tackling the foreign terrorist fighter phenomenon. One State introduced in 2014 legislative provisions that enable the Minister for Foreign Affairs to declare that a particular overseas locality is, in effect, a “no-go zone” and that citizens commit an offence by travelling there.

One State has introduced legislation that enables the Government to censor online conversations and allows the intelligence service to conduct disruption activities, in addition to intelligence gathering. It also facilitates information sharing among 17 federal institutions, allows the police to preventively detain or restrict terror suspects and ban the “promotion of terrorism”, authorizes the Public Safety Minister to add people to a “no-fly list” and enhances the powers of the intelligence service.

In December 2014, one State passed an omnibus law intended to clarify and amend existing provisions on the cancellation of passports and other measures, pending a review of the intelligence and security agencies planned for 2015. Because of the speed with which the law was passed and the provisional nature of the measures, the law, which was made available in draft form in a rapid public consultation process, nevertheless included a sunset clause, which will expire on 1 April 2017. This will allow the measures to remain in force while the Government considers other reforms and considers further the human rights impact of the measures. The Government

18 One of the priority issues identified in the first report (S/2015/338, annex); see sect. III.D.
decided against introducing new offences in the short term, concluding that the general criminal law and terrorism offences are sufficient to address foreign terrorist fighter-related offending at this time.

(b) Preventing inter-State travel by foreign terrorist fighters

96. Most of the five States surveyed have introduced passport control measures, such as passport confiscation, a transit visa requirement and an INTERPOL screening, to prevent the travel abroad of citizens and/or permanent residents who are thought to be potential foreign terrorist fighters. Australia, Canada and New Zealand have cancelled, suspended and revoked passports of foreign terrorist fighters to prevent their travel to conflict zones. Legislative efforts are also being made to extend the duration of passport confiscations. The recent change to the Passports Act 1992 of New Zealand enables the Minister of Internal Affairs to cancel the passports of foreign terrorist fighters for up to three years, instead of the previous 12-month period. Canada has passed a law allowing it to revoke the citizenship of dual citizens convicted in Canada or abroad of major crimes, including terrorism. The Minister for Foreign Affairs of Australia has cancelled 115 passports in connection with the conflicts in Iraq and the Syrian Arab Republic. A further 14 passports have been refused and 10 suspended.

97. Most States require transit visas for all travellers transiting through their territories. Furthermore, most States regularly upload the INTERPOL stolen and lost travel document database and utilize INTERPOL databases to support front-line officers.

98. One State has introduced unusual legislation, unprecedented in the subregion, to designate certain regions as “no-go zones” so that travel to those regions without a legitimate purpose constitutes a crime. There need be no intention to commit terrorist acts. The Ministry of Foreign Affairs has designated two Middle East regions. Exceptions to the provision include: entering the zone for the purpose of providing humanitarian aid; satisfying an obligation to appear before a court or other entity exercising judicial power; performing an official duty for the State, the Government of another State or the United Nations or its agencies; making a news report, where the individual is a professional journalist or an assistant to the journalist; making a bona fide visit to a family member; other purposes prescribed by regulation. The burden of proof lies with the defendant.

(c) Law enforcement

99. All States of the region have established specialized counter-terrorism units and institutional structures pursuant to resolution 2178 (2014). Other measures include legislation, training of law enforcement officials, programmes to reintegrate former foreign terrorist fighters, utilization of INTERPOL data and improvements in States’ alert and response capacity to terrorist attacks. Although not all States have established a fusion centre specifically to centralize foreign terrorist fighter-related information, some have strengthened the legislative and intelligence attention response to the foreign terrorist fighter threat. One State plans to take steps to manage the return of foreign terrorist fighters, and a number of States have recently criminalized leaving or attempting to leave the State for the purpose of committing terrorist acts abroad.

100. Training in issues relating to foreign terrorist fighters is provided in all States, and some States have established international partnerships with other States. Most States have established channels for the exchange of information among agencies and across
all levels of Government, local communities, the private sector and foreign partners to counter violent extremism.

101. Most States are introducing programmes to reintegrate and monitor former foreign terrorist fighters. Australia has introduced a strengthened programme to counter violent extremism that includes the reintegretion of foreign terrorist fighters as a non-coercive effort to dissuade people from becoming involved in terrorist activity. The programme is complemented by a commitment of $6.2 million for a new federal police diversion team intended for returning foreign terrorist fighters and those who support them. New Zealand has a well-established policy of community policing, which the Committee identified as a good practice in the prevention of violent extremism during its visit in 2010. Most States are strengthening community policing to prevent and detect violent extremism and radicalization to terrorism. In investigating and prosecuting foreign terrorist fighters, the collection of admissible evidence from abroad is a common difficulty for all States. Most States of the group deploy liaison officers at their embassies in relevant States in order to enhance international cooperation.

(d) Countering violent extremism

102. All five States are committed to strengthening capacities to counter violent extremism and already have in place or are introducing various programmes to engage with and empower local communities and non-governmental actors in the development of strategies to counter the violent extremist narrative and prevent communities from radicalization to terrorism.

103. Australia has introduced various grants programmes to strengthen communities’ resistance to violent extremism. For example, from 2011 to 2013, the Countering Violent Extremism Unit in the Attorney General’s Department launched the Building the Community Resilience Grants Programme to fund projects that enhance community understanding of violent extremism and mentor youth. The Living Safe Together Grants Programme provides funding to promote organizational capacity to address radicalization.

104. Canada has established the Cross-Cultural Round Table on Security to coordinate dialogue between community leaders and government officials on national security issues. The Royal Canadian Mounted Police’s National Security Community Outreach programme addresses the threat of radicalization leading to violent extremism in at-risk communities.

105. New Zealand works actively to enhance dialogue and broaden understanding among various cultural communities. Domestically, New Zealand engages directly across Government and with community leaders in identifying at-risk individuals and in developing pathways for them so as to prevent radicalization. The Government is continually reviewing its domestic approaches and actively developing ways to strengthen early intervention mechanisms. Internationally, New Zealand engages with the international community on the issue through a range of multilateral forums and continues to provide support to capacity-building projects in that area, both in South-East Asia through the Global Security Fund and in the Pacific through the Pacific Security Fund. Over the past year New Zealand has supported a range of projects in that space, including workshops, training programmes, threat assessments and reports, and prisoner rehabilitation programmes. New Zealand has also contributed to the Global Community Engagement and Resilience Fund, an initiative of the Global Counterterrorism Forum.
106. Trinidad and Tobago has implemented a campaign to help youth in low-income communities to resist the appeal of ISIL. In 2015, government officials publicly recognized the importance of educating children in the dangers of becoming foreign terrorist fighters. Australia is considering legislation aimed at criminalizing the act of advocating terrorism in a foreign State.

107. The Government of the United States of America has addressed issues associated with countering violent extremism at the highest level. In March 2015, President Obama hosted a White House summit aimed at examining the drivers and indicators of radicalization and recruitment to terrorism; countering extremist narratives; and community-led intervention (the Government of Australia hosted a similar high-level summit in June 2015 for the Asia-Pacific region). Domestically, the United States provides educational, technological and community engagement programmes for youth and women that highlight leadership development, conflict resolution skills and narratives from victims of terrorism and provides grants to United States embassies and consulates overseas to implement projects in local communities. The Department of Homeland Security supports community policing initiatives taken by local, State and tribal governments.

(e) Internet and social media

108. The Internet and social media remain extremely vulnerable to terrorist exploitation. Terrorist groups increasingly use social media for incitement and recruitment purposes, and the five States, like other States, are vulnerable to online propaganda, incitement to commit terrorist acts, and recruitment of terrorist groups. Those States’ responses to the threat focus on criminal activities that facilitate terrorism on the Internet and creating counter-narratives.

109. The Australian Communications and Media Authority regulates Internet content and is authorized to remove violent extremist materials. The National Security Legislation Amendment Bill (No. 1) 2014 enables the Australian Security Intelligence Organization to monitor computer networks and store content with one warrant. Australia is currently developing stronger data retention laws. For instance, proposed draft laws would require telecommunications companies to retain metadata on calls and Internet use. Moreover, the Government is acting beyond legislative and law enforcement measures to engage with communities and industry to promote counter-narratives, in particular by collaborating with social media firms, academia and civil society groups to research appropriate counter-messaging strategies.

110. The Anti-Terrorism Act, 2015, of Canada authorizes the Government to remove terrorist propaganda, including from sites hosted by Canadian Internet service providers. Those new measures are in line with existing provisions of the Criminal Code that authorize the seizure of material deemed criminal in nature, such as hate propaganda and child pornography. The Act also empowers the Canadian Security Intelligence Service to intercept private communications with closed-door judicial authorization.

111. The United States seeks to promote a greater understanding of its policies and actions, which focus on criminal activities online rather than suppression of objectionable speech, and to provide an alternative to terrorist and other violent extremist messages. For example, in an effort to combat terrorist narratives, in particular those of ISIL, the United States Center for Strategic Counterterrorism Communications counters violent extremist narratives on the Internet, including social media, on a daily basis.
112. States of the region actively cooperate with INTERPOL. International law enforcement cooperation on issues relating to foreign terrorist fighters has been strengthened, but gaps remain, and foreign terrorist fighter threat levels and State capacities vary. Some States of the region have strengthened their regulation of the Internet and social media and are taking steps to promote positive and influential messages that undermine the legitimacy of ISIL, Al-Qaida and other terrorist groups.

IV. Observations

113. The repercussions of several foreign terrorist fighter-related legal, policy and operational challenges identified and discussed in the present report transcend the imperative to tackle the foreign terrorist fighter phenomenon. The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities, including violations of their human rights, such as freedom of expression and the right to privacy.

114. Analysis of the five regions/subregions above reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.

115. The third report in the series, to be published in the coming weeks, will cover the Middle East, South-East Europe, South Asia, South-East Asia, the Sahel, South Caucasus and the Lake Chad Basin. It will also include evidence-based and risk-based recommendations on ways to address systemic shortfalls in all 78 affected States, providing a more detailed road map aimed at strengthening Member States’ capacity to counter the foreign terrorist fighter threat.
Enclosure I

Methodology

A. Evidence-based approach

1. The survey was conducted by Counter-Terrorism Committee Executive Directorate experts using information acquired during the Committee’s visits to States and other forms of dialogue with States, including responses to questions submitted directly to the States as part of the survey, as well as information gathered for completion of the detailed implementation survey and overview of implementation assessment prepared for each Member State. The Executive Directorate also wrote to all the States concerned requesting their input. The Committee recently visited Malta (October 2104), France (November 2014), Sri Lanka (November 2014), the Philippines (December, 2014), Mali (February 2015), Niger (February 2015), Turkey (February 2015), Cameroon (March 2015), Tunisia (March 2015), Uzbekistan (April 2015), Italy (May 2015) and Oman (May 2015). Future reports will include the outcomes of those and other visits.

2. The survey also draws on threat analysis provided in the course of the Executive Directorate’s dialogue with its partners, including the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and other Security Council expert groups, the Council of Europe, the Financial Action Task Force, the International Organization for Migration, the International Criminal Police Organization and the United Nations Office on Drugs and Crime.

B. Risk management

3. In conducting the analysis, the Executive Directorate has for the first time adopted a risk-based approach aimed at facilitating capacity-building tailored to each State’s perception of its own needs. The huge diversity of affected States, in terms of their size and population, and the nature of the various threats posed by foreign terrorist fighters to particular States, as well as States’ relative capacities and vulnerabilities to address the threats, makes a ‘one size fits all’ approach impractical.

4. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed template that might have little relevance to their situation. The size of a State alone is a simple yet crucial indicator that some counter-terrorism measures may be of more relevance than others. For example, the Executive Directorate’s assessments have shown that large States have a greater need for sophisticated coordination mechanisms for domestic inter-agency data exchange than do small States, where meaningful information exchange at the operational level can be relatively easy to achieve.

5. Nevertheless, one of the great strengths of the Executive Directorate assessment process is its consistency. The same questions are asked of all States. This has the benefit of allowing rigorous yet granular conclusions to be drawn on a regional and global basis in accordance with agreed criteria. The Executive Directorate is developing, in the reports, a methodology that preserves the impartiality of the assessment process while allowing for the development of a tool that can provide practical answers for individual States on how
to proceed: a proposed road map that will enable States and their international partners to build capacity in a meaningful way. The Committee already prioritizes certain steps in its reports on its visits to States. The intention here is to develop and implement that approach in a more systematic way.

6. In order to prioritize their conclusions, Executive Directorate experts cross-referenced findings about the implementation of specific measures, ranked on six levels from “yes” to “no information”, with a “priority” rating ranked on three levels: low, medium and high. The concept of “priority” is intended to indicate how important the particular measure is for the security of the State. During its country visits, the Committee makes priority recommendations tailored specifically to States’ particular circumstances. The addition of the “priority” rating is proving to be an effective approach that will help States to implement a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further over the coming months.

7. Some of the figures included in the reports also feature accumulated data that combine the “implementation” rating and the “priority” rating. This has the benefit of offering visual clarity, although some of the most revealing data are obscured. The non-accumulated figures, therefore, offer a more granular approach.
Letter dated 15 December 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council the third report on the implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Raimonda Murmokaitė
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
Annex

Implementation of Security Council resolution 2178 (2014)
by States affected by foreign terrorist fighters

Third report

Summary

1. Introduction

The present report is the third in a series of reports prepared by the Counter-Terrorism Committee Executive Directorate pursuant to paragraph 24 of Security Council resolution 2178 (2014), with a view to assisting the Counter-Terrorism Committee in identifying principal gaps in Member States’ capacities to implement Council resolutions 1373 (2001) and 1624 (2005) that may hinder their abilities to stem the flow of foreign terrorist fighters, as well as in identifying related good practices and facilitating the delivery of technical assistance. The first report (S/2015/338, annex) followed a thematic approach. The second report (S/2015/683, annex) followed a regional approach in assessing the efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania-Americas. The present report focuses on seven more regions (the Lake Chad Basin, West Africa/the Sahel, States either in or neighbouring the conflict zones in the Middle East, South Asia, South-East Asia, the southern Caucasus and South-East Europe) and includes regional and thematic recommendations aimed at strengthening States’ responses to the foreign terrorist fighter threat.

2. Criminalization requirements of resolution 2178 (2014)

The lack of national criminal laws to prosecute foreign terrorist fighters remains a major shortfall in all the regions surveyed in the present report. Few States have introduced comprehensive criminal offences to prosecute foreign terrorist fighter-related preparatory or accessory acts. Many rely on existing legislation to tackle the foreign terrorist fighter phenomenon, and such legislation may not be sufficient to prevent foreign terrorist fighter travel. In most States, prosecutions are undermined by difficulties in collecting admissible evidence abroad, particularly from conflict zones, or in converting intelligence into admissible evidence against foreign terrorist fighters. Several States have experienced challenges associated with generating admissible evidence or converting intelligence into admissible evidence from information obtained through information and communications technology (ICT), particularly social media. The pre-emptive investigation and prosecution of suspected foreign terrorist fighters is a further challenge for all regions, particularly in the light of due process and human rights concerns. Many States continue to face challenges in identifying appropriate responses to the potential threat posed by specific categories of travellers and returnees.
3. **Law enforcement and preventing the inter-State travel of foreign terrorist fighters**

The lack of information-sharing and inter-agency cooperation and coordination in several regions remains a major impediment to the successful interdiction of foreign terrorist fighters. All States would benefit from strengthening national and international law enforcement information-sharing and inter-agency cooperation and coordination. Many law enforcement agencies lack the technical capacity to investigate terrorist cases within a rule-of-law framework and in accordance with international human rights obligations. There is a need for coordinated action among government agencies and the ICT and law enforcement sectors to tackle the foreign terrorist fighter phenomenon. States have enhanced monitoring of the cross-border movement of foreign terrorist fighters, but many lack the technical and operational capacity to introduce effective border controls and controls on the issuance of identity papers and travel documents to effectively detect and prevent foreign terrorist fighter travel. Long and porous borders and inadequate immigration and visa controls are additional impediments. Very few States are fully connected to the databases of the International Criminal Police Organization (INTERPOL). Few currently use advance passenger information systems or passenger name records, which are effective risk-based tools for identifying potential foreign terrorist fighters. States should continue their efforts to adopt comprehensive and innovative approaches to effectively stem the flow of foreign terrorist fighters, in accordance with resolution 2178 (2014).

4. **Countering the financing of terrorism**

Several gaps remain in efforts to disrupt funding sources. States of all regions should enhance their national regimes for anti-money-laundering/countering the financing of terrorism. Many States continue to face challenges in actively investigating and prosecuting the financing of terrorist organizations and suspected foreign terrorist fighters, and few have taken the legal, institutional and administrative measures necessary to prohibit and suppress the financing of foreign terrorist fighters, including for their travel and related activities. Many States have recorded few, if any, convictions for the financing of terrorism.

5. **Countering incitement and violent extremism that lead to terrorism**

Most States have identified the need to address conditions conducive to the spread of terrorism as part of a comprehensive approach to tackle the terrorist threat. States of all regions have introduced a number of tools to complement traditional law enforcement actions in countering violent extremism and radicalization that lead to terrorism, including rehabilitation and reintegration strategies, the development of counter-narratives and the promotion of cultural and religious tolerance. Despite increased recognition of the need to engage civil society in efforts to counter violent extremism, opportunities for such engagement remain limited in several regions. Very few States have developed comprehensive strategies to counter violent extremism. Some have integrated into their counter-terrorism responses measures to monitor the spread of violent extremism through the Internet. However, prevention of the use of the Internet for terrorist purposes remains a major challenge for most regions.
I. **Introduction**

1. The present report is the third in a series prepared by the Counter-Terrorism Committee Executive Directorate pursuant to paragraph 24 of Security Council resolution 2178 (2014), in order to support the work of the Counter-Terrorism Committee to identify principal gaps in Member States’ capacities to implement Security Council resolutions 1373 (2001) and 1624 (2005) that may hinder their abilities to stem the flow of foreign terrorist fighters, as well as to identify related good practices and facilitate the delivery of technical assistance.

2. The report focuses on seven affected regions: the Lake Chad Basin, West Africa/the Sahel, States either in or neighbouring the conflict zones in the Middle East, South Asia, South-East Asia, the southern Caucasus and South-East Europe. It employs a risk-based approach in considering Member States’ implementation of resolution 2178 (2014) and highlights both common themes and themes that affect specific regions.

3. The risk-based approach is aimed at facilitating capacity-building that is tailored to each State’s perception of its own needs. Because of the considerable diversity of the States affected (in terms of their size and population), the nature of the various threats posed by foreign terrorist fighters to particular States and States’ varied capacities and vulnerabilities, it is not possible to adopt a “one size fits all” approach. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed “template” that might have little relevance to their particular situations.

4. The report also includes regional and thematic recommendations aimed at strengthening the response of Member States to the foreign terrorist fighter threat. In focusing on the seven regions mentioned above, it completes the regional analysis begun in the second report (S/2015/683, annex). The enclosure attached to the present report contains notes on the methodology employed.

II. **Foreign terrorist fighters: issues, trends and developments**

A. **Returning foreign terrorist fighters**

1. **Identifying returning foreign terrorist fighters**

5. Foreign terrorist fighters, by definition, have a State of origin to which they may or may not return. Developing the appropriate measures to address returning foreign terrorist fighters is a long-term challenge for States of origin.19 The Executive Directorate will continue to monitor States’ responses to this challenge.

6. The prospect of foreign terrorist fighters returning from the battlefields of the Syrian Arab Republic, Iraq and other conflict zones is a major concern for many States of

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19 Another category to consider is that of returnees, or “alumni”, who subsequently travel to other conflict zones. These fighters have the capacity to intensify or prolong conflicts. The Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) noted that veterans played a disproportionate role in the campaigns of Islamic State in Iraq and the Levant (ISIL) and the Nusrah Front, as evidenced by the many senior commanders who had served in previous conflicts (see S/2015/358).
origin (States of nationality or habitual residence). Although available data on the number of returning foreign terrorist fighters is limited, some States have reported receiving several hundred returnees. Even though very few foreign terrorist fighters appear to engage in terrorist activity after their return, attacks carried out by trained foreign terrorist fighters are more likely to be successful and lethal.20 Moreover, those who train with terrorist groups are more likely to pose a terrorist threat upon their return than those who participate in combat.21 Terrorist groups, including Islamic State in Iraq and the Levant (ISIL), also known as Daesh, the Nusrah Front and other cells, affiliates, splinter groups or derivatives of Al-Qaeda, have established training camps throughout the Middle East, the Arabian Peninsula, the Maghreb and the Sahel to recruit and train foreign terrorist fighters (see S/2015/441). Veterans of these camps may use newly acquired skills and combat experience to engage in terrorist activities upon their return to their States of origin.22

7. Returning foreign terrorist fighters not only may plan and carry out terrorist acts but may also support the terrorist activity of others (such as through recruitment to terrorist organizations and incitement to commit terrorist acts). They may also set up new terrorist cells, provide guidance or operational expertise or raise funds for terrorist acts or travel.23

8. Member States must therefore seek to identify and categorize the returnees, whether through demographic information, the role played in the respective terrorist organization (for example, as recruiter, facilitator, fighter, propagandist or supporter) or the reasons for leaving and returning. To do this is a difficult challenge, but States should use all possible means, including technological and biometric screening measures, active data collection and comprehensive interviewing.

9. Knowledge of whether individuals identified as returning foreign terrorist fighters will undertake further terrorist action is an even greater challenge. States should therefore work to develop and share risk models. Knowledge of how to assess the risks posed by individual returnees allows Governments to effectively allocate resources to prevent and disrupt their activities or facilitate their reintegration into society.

10. States have addressed the potential threat posed by returnees through a broad range of criminal justice, administrative and rehabilitation and reintegration measures. However, almost all such measures are resource-intensive. Further work to develop risk models would assist in the allocation of resources.

20 The “blowback rate” (the proportion of outgoing fighters who return and plot attacks against their home country or region) from the Syrian Arab Republic is very low. However, it is also likely that the risk will gradually increase as the number of outgoing foreign terrorist fighters grows. See Thomas Hegghammer and Petter Nesser, “Assessing the Islamic State’s commitment to attacking the West”, Perspectives on Terrorism, Vol. 9, No. 4 (August 2015).
22 The attack against Charlie Hebdo in January 2015 demonstrated that Al-Qaeda in the Arabian Peninsula remains actively involved both in planning external attacks and in supporting others who wish to carry out such attacks (see S/2015/441).
23 In the European Union Terrorism Situation and Trend Report 2015, the European Police Office (Europol) warned that returning foreign terrorist fighters may exploit their newly acquired network of contacts to facilitate the transit of aspiring foreign terrorist fighters to conflict areas and raise money to assist in financing the travel of or supporting terrorist groups.
2. **Criminal justice measures**

11. Planning a criminal justice approach involves a complex range of issues, inter alia, the balance between prosecution and prevention, the role of returnees as cooperating witnesses, the challenges associated with gathering evidence from social media and conflict zones and the role of the prosecutor before and after an individual is assigned to a rehabilitation programme.

12. In order to develop effective and context-specific criminal justice responses to foreign terrorist fighters and to facilitate the effective assessment of the risks posed by various categories of returnees, there is a need for further research and the sharing of experiences. In combating the foreign terrorist fighter threat, it is important to address the full range of serious crimes committed during travel, including war crimes, crimes against humanity and gender-related crimes. It is also important to conduct an initial assessment of each foreign terrorist fighter in order to determine the level of culpability and thus the appropriate response.

3. **Administrative measures**

13. Some States employ control orders to monitor particular returnees who may become engaged in terrorism. Malaysia and Singapore, for example, have developed effective government programmes to rehabilitate and reintegrate terrorist inmates into society through preventive/administrative detention, in cooperation with various civil society organizations. Possible restrictions under a control order may include restrictions on possessions, place of work, place of residence, relationships with others and travel. The individual may also be ordered to surrender his or her passport, submit to unannounced police visits, report to officials at a specific time and place, submit to electronic tagging or report financial transactions to the authorities. Such orders are generally subject to rigorous oversight by the few States that employ them. Oversight measures should also be adopted by other States that decide to use control orders. In employing such measures to implement resolution 2178 (2014), States should ensure that they are in full compliance with international law, in particular international human rights, refugee and humanitarian law.

4. **Rehabilitation and reintegration**

14. The employment of rigid prosecution policies and practices against foreign terrorist fighters can be counterproductive to the implementation of comprehensive strategies to combat foreign terrorist fighters and violent extremism. Member States should consider alternatives to incarceration, as appropriate, as well as the rehabilitation and possible reintegration of returnees, prisoners and detainees into a positive work and social environment.

15. Prisons are particularly important because, in the absence of appropriate and necessary safeguards, they may provide a safe haven in which terrorists can network, compare and exchange tactics, recruit and radicalize new members and even direct lethal external operations. Moreover, most imprisoned extremists will eventually be released. In order to reduce the likelihood that such individuals may return to terrorism following their release, it is essential to help them to disengage from violent activity. Prison settings can promote violent extremism, but can also present opportunities for preventing radicalization to violence.
5. **Community engagement**

16. In resolution 2178 (2014), the Security Council encouraged Member States to engage with relevant local communities and non-governmental actors in developing strategies to counter violent extremist narratives that can incite terrorist acts, including by empowering youth, families, women, religious, cultural and educational leaders and all concerned civil society groups. Greater efforts in this area can enhance States’ efforts to stem the flow of foreign terrorist fighters at the community level.

17. Many States have developed successful partnerships with at-risk communities to enable the relevant authorities to identify returnees, make accurate risk assessments and prevent returnees from reverting to extremism.

18. Where appropriate, States may consider employing support techniques to establish and maintain contact with returnees’ families in order to create a positive environment to which they can return, as well as establishing a point of contact with the foreign terrorist fighter on his or her return. This is particularly important because families often play a crucial role in a returnee’s disengagement and reintegration.\(^\text{24}\)

6. **Involvement of local authorities**

19. In many States, the unprecedented scale of the foreign terrorist fighter phenomenon has strained the capacity of national agencies to implement national strategies to counter violent extremism. The inclusion of local government in the delivery of responses offers many advantages, not least in enabling Governments to call on additional resources. Some States have developed national plans to coordinate the involvement of cities and municipalities in preventing returnees from engaging in violent extremism. This is a good practice that allows Governments to deploy additional resources, share information on good practices and employ a more nuanced “field-based” approach to community engagement.

7. **Conclusions and recommendations**

20. Many States have developed creative approaches to the issue of returning foreign terrorist fighters. Where appropriate, they should share such approaches internationally. Comprehensive and multidisciplinary approaches can be resource-intensive, but it is essential to develop effective risk models to identify returnees who may be considering further terrorist involvement. Such models serve not only to identify terrorists and bring them to justice but also to assist in allocating resources for other effective and carefully calibrated responses. Table 1 depicts the officially acknowledged number of foreign terrorist fighters from the most affected Member States.

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\(^\text{24}\) The European Commission Radicalization Awareness Network declaration of good practices for engagement with foreign fighters for prevention, outreach, rehabilitation and reintegration contains 21 good practices in trust-building, outreach, substance and sustainability, as well as a family support model for engagement with families, including concrete examples of, and lessons learned in, direct and indirect engagement.
# Officially acknowledged number of foreign terrorist fighters from the most affected Member States

<table>
<thead>
<tr>
<th>Member State</th>
<th>Number of foreign terrorist fighters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>260</td>
</tr>
<tr>
<td>Australia</td>
<td>120</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>271</td>
</tr>
<tr>
<td>Belgium</td>
<td>180</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>217</td>
</tr>
<tr>
<td>Canada</td>
<td>More than 130</td>
</tr>
<tr>
<td>Denmark</td>
<td>115</td>
</tr>
<tr>
<td>Finland</td>
<td>40</td>
</tr>
<tr>
<td>France</td>
<td>500</td>
</tr>
<tr>
<td>Georgia</td>
<td>41</td>
</tr>
<tr>
<td>Germany</td>
<td>740</td>
</tr>
<tr>
<td>Indonesia</td>
<td>50</td>
</tr>
<tr>
<td>Ireland</td>
<td>10</td>
</tr>
<tr>
<td>Italy</td>
<td>30</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>300</td>
</tr>
<tr>
<td>Kuwait</td>
<td>71</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>More than 350</td>
</tr>
<tr>
<td>Malaysia</td>
<td>60</td>
</tr>
<tr>
<td>Maldives</td>
<td>200</td>
</tr>
<tr>
<td>Morocco</td>
<td>1 200</td>
</tr>
<tr>
<td>Netherlands</td>
<td>200</td>
</tr>
<tr>
<td>Norway</td>
<td>80</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>2 700</td>
</tr>
<tr>
<td>Serbia</td>
<td>18</td>
</tr>
<tr>
<td>Singapore</td>
<td>2</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>300</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>24</td>
</tr>
<tr>
<td>Tunisia</td>
<td>More than 3,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>1 300</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>750-1 000</td>
</tr>
<tr>
<td>United States</td>
<td>180</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>200-300</td>
</tr>
</tbody>
</table>

Source: The Counter-Terrorism Committee Executive Directorate’s regular assessment tools and Member States’ responses. Identification and analysis of the foreign terrorist fighters will benefit from the collection of further evidence. However, insufficient responses from Member States indicate that data collection remains a challenge.

Note: “Most-affected Member States” were prioritized on the basis that they are States of origin, transit and/or destination, or States neighbouring zones of armed conflict in which foreign terrorist fighters are active. They were identified through the Executive Directorate’s dialogue with Member States. The number of Member States identified as most-affected has changed throughout subsequent reports (S/2015/338 — 21 States; S/2015/683 — 32 States; S/2015/975 — 77 States).
B. Recruitment of women and girls

1. A growing phenomenon

21. Women have long played significant roles in terrorist movements. However, the current scale of their involvement in perpetrating acts of terrorism and violent extremism demands a much more serious and urgent examination. An estimated 550 European women have travelled to territory controlled by ISIL. In some States, women account for 10 to 20 per cent of Western foreign terrorist fighters.

22. Policymakers and others often regard men and women foreign terrorist fighters from the perspective of deep-rooted gender stereotypes. The conventional view is that women are less likely than men to engage in terrorism. However, States increasingly understand that women terrorists are just as likely to commit deadly acts of terrorism as their male counterparts. In Nigeria, the frequency and intensity of suicide attacks involving women and girls increased sharply in 2015. In Nigeria and the Syrian Arab Republic, all-female brigades are trained to interrogate, control and monitor other women. Al-Shabaab has publicly called upon parents to send their unmarried girls to fight alongside male militants. It is clear that women should not be assumed to be more or less dangerous or more prone to peace, dialogue and reconciliation than men.

23. The drivers of violent extremism and radicalization to terrorism are multiple and context-specific. Narratives, propaganda and pathways differ for women recruits because of the differing roles played by men and women in terrorist groups. In recent years, the number of online female adherents, or “caliphettes” (young girls who pledge their support for ISIL) has increased substantially, as ISIL continues to promote the role of women in establishing a “caliphate”.

24. Terrorist groups such as ISIL, Boko Haram and Al-Shabaab have taken full advantage of the Internet and social media to disseminate their ideologies, publicize their activities, raise funds and coordinate and develop their operations. An equally worrying recent development is the increase in female recruiters, who radicalize and recruit young women and girls to play more active roles as producers, disseminators and supporters of violent messages and images on social media or as active supporters (such as fighters, recruiters,

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25 Numerous terrorist organizations have included women in their ranks, including the Red Army Faction in Germany, the Red Brigades in Italy, the Irish Republican Army, Basque Homeland and Liberty and the Japanese Red Army. More recently, women have played active roles in Hizbullah, Al-Qaida, Al-Shabaab, the Riyadus-Salikhiin Reconnaissance and Sabotage Battalion of Chechen Martyrs and the Revolutionary Armed Forces of Colombia — People’s Army. Their roles and level of activity vary widely, from non-operational support (for example, as wives or moral supporters) to operational support (for example, as recruiters, trainers, fundraisers, propagandists and hijackers) to more deadly roles (for example, as suicide operatives).


27 In 2014, 26 suicide attacks were recorded, compared with 27 attacks as at May 2015. In at least three quarters of such incidents, women and children carried out the attacks.


fundraisers, logisticians, messengers or spies) of Boko Haram and ISIL. Table 2 depicts the percentage of foreign terrorist fighters who are women or girls, by Member State.

Table 2
Percentage of foreign terrorist fighters who are women or girls, by Member State

<table>
<thead>
<tr>
<th>Member State</th>
<th>Percentage of foreign terrorist fighters who are women or girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>20</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>17</td>
</tr>
<tr>
<td>Finland</td>
<td>20</td>
</tr>
<tr>
<td>France</td>
<td>29</td>
</tr>
<tr>
<td>Georgia</td>
<td>0.82</td>
</tr>
<tr>
<td>Germany</td>
<td>10</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>20</td>
</tr>
<tr>
<td>Malaysia</td>
<td>20</td>
</tr>
<tr>
<td>Norway</td>
<td>30</td>
</tr>
<tr>
<td>Serbia</td>
<td>39</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>40</td>
</tr>
<tr>
<td>United States of America</td>
<td>15</td>
</tr>
</tbody>
</table>

2. Responses

25. Intelligence and law enforcement agencies should adjust their counter-terrorism approaches to match the current nature and scale of women’s participation. A particular challenge is the high proportion of women who are younger and thus less likely to be known to law enforcement, intelligence and border officials. States should tailor their strategies to include security training for women in law enforcement, government and civil society so that they can play a more constructive role in the development of counter-terrorism policies and programmes. Several States have strengthened women’s participation in community policing with a view to detecting signs of radicalization and terrorist operations in their communities. Others have responded by recruiting more women into their police forces.

26. In Kenya, Nigeria and Pakistan, women’s organizations promote dialogue between religions, provide support and reintegrate victims of terrorism into communities. In Iraq, women’s groups advocate for amendments to education curricula that promote the rule of law, conflict prevention and programmes to counter violent extremism.

3. Conclusions and recommendations

27. States should train border control and law enforcement officers in evidence-based risk assessment that takes into consideration specific issues relating to interviewing women and girls, in full compliance with human rights obligations and the rule of law. States should also increase the number of women in their security agencies, especially law enforcement and counter-terrorism units, and should raise practitioners’ awareness of specific issues relating to women violent extremists.
28. The design, implementation, monitoring and evaluation of strategies to counter violent extremism should include attention to the gender perspective and should engage women from civil society and the security sector.

29. States should continue to engage in genuine partnerships with grass-roots women’s organizations, identify credible women activists and organizations and empower women’s participation at all levels of decision-making processes in preventing and combating terrorism.

30. In engaging with the media to develop counter-messaging to extremist narratives, States should involve women whose views resonate with certain target audiences and provide funding to enable women, including former violent extremists, to talk about violent extremism and its consequences through articles, books, films and other media. In accordance with paragraph 16 of resolution 2178 (2014), States should also strengthen the capacity of women, including female political, community and religious leaders, and women’s civil society groups to engage with the media and contribute to the development of messages and communications strategies that counter extremist narratives and behaviours.

C. International cooperation

1. Promoting cooperation

31. The promotion of international cooperation in criminal matters with the aim of bringing terrorists to justice has been one of the central objectives of the Counter-Terrorism Committee since its inception. The emergence of the foreign terrorist fighter phenomenon has increased the need for States to improve international cooperation. By definition, foreign terrorist fighter cases contain transborder elements. In order to meet the foreign terrorist fighter challenge, all States should use existing tools more widely, expeditiously and effectively. They may also consider collective action in the longer term to develop new tools that can provide for greater, more rapid and more effective international cooperation. The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, adopted in May 2015, is one example of an effective common approach.

2. Mutual legal assistance and extradition in criminal matters

32. In general, the global use of mutual legal assistance in criminal matters is low. Moreover, the processing of mutual legal assistance requests tends to be slow and cumbersome. Foreign terrorist fighter cases present particular problems. Even high-

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30 In resolution 2178 (2014), the Security Council recalled its decision in resolution 1373 (2001) that all Member States should ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and that Member States should afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings.

31 The processing of mutual legal assistance requests is slow in both requesting and requested States, for some or all of the following reasons: (a) failure to designate a central authority or insufficient legal power of the designated central authority; (b) lack of political will; (c) inadequate human and technical resources (including, in particular, with regard to cooperation in gathering evidence from the Internet or social media); (d) differences in the legal requirements of Member States; (e) language barriers; (f) lack of public information (for example, a summary of requesting procedures and legal requirements); (g) lack of a regional judicial cooperation body; and (h) lack of a focal point empowered to begin informal communication to prepare a request.
capacity States rely primarily on evidence collected nationally to prosecute foreign terrorist fighters. Very few States are able to conduct on-site missions to conflict zones in order to collect information. Moreover, few States have established a diplomatic presence in such areas. In foreign terrorist fighter cases, the problem is exacerbated by the huge increase in demand for cooperation in gathering digital data and evidence collected from the Internet. This often requires cooperation with the private sector.

33. In order to stem the flow of foreign terrorist fighters to conflict zones, States should establish legal authority and practical capacity to arrest and extradite suspected foreign terrorist fighters. The challenges involved in extradition procedures are similar to those experienced in mutual legal assistance procedures. However, Member States have entered into fewer treaties and agreements on extradition than on mutual legal assistance. Moreover, 38 per cent of Member States have yet to designate a central authority to process extradition requests. Only one third of States may arrest fugitives based on INTERPOL red notices as the precursor of extradition. There appears to be a general lack of trust among States with regard to the extradition of terrorism suspects.

34. Fewer than half of all Member States extradite their own nationals. If a State does not do so, it should prosecute the case on the basis of an extradition request, in accordance with the principle of *aut dedere aut judicare* (extradite or prosecute). However, it is extremely difficult to secure the conviction of arrested foreign terrorist fighters if all the witnesses and the evidence are abroad. A recent trend is for Member States to revise laws to enable the extradition of all citizens, regardless of their nationality. Further alternatives to extradition and their use in foreign terrorist fighter cases are discussed below.

3. **Bilateral and multilateral agreements**

35. Foreign terrorist fighter cases often require interregional cooperation. It is neither realistic nor necessary for any State to conclude comprehensive agreements on mutual legal assistance with all other Member States. Some States are not allowed, whether legally or as a matter of policy, to provide for mutual legal assistance without such agreements. Extraregional bilateral agreements for cooperation in criminal matters are rare. This can pose a challenge when there is a need for cooperation between States of origin, transit and destination, pending the possibility of applying the principle of dual criminality once States have legislated the elements of criminalization contained in the relevant paragraphs of resolution 2178 (2014). However, a good example of extraregional bilateral joint cooperation is that undertaken between Morocco and Spain.

4. **Dual criminality and other obstacles**

36. The issue of dual criminality is particularly important in foreign terrorist fighter cases. Few Member States have specifically criminalized foreign terrorist fighter travel or financing. Some may use existing legal provisions to prosecute foreign terrorist fighter-related offences, but may apply strict requirements with respect to dual criminality, rather than interpreting the principle flexibly in order to maximize the use of mutual legal assistance.

32 See, in particular, paragraph 3 of the annex to Security Council resolution 1456 (2003), in which the Council declared that States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute.
37. Since many foreign terrorist fighters are young people or children, national legislation defining minors may also affect international cooperation. The expiry of statutes of limitations may also present challenges; States should repeal such limitations in criminal cases.

5. Central authorities

38. In the absence of a designated central authority, States may rely on diplomatic channels. This can delay responses to mutual legal assistance requests. Around 44 per cent of Member States either have not yet designated or have failed to fully operationalize a central authority, including States that are among the most affected by the foreign terrorist fighter phenomenon.

6. International joint investigations

39. It is important for States to coordinate their efforts on the same foreign terrorist fighter case, as appropriate. Some States have developed mechanisms for integrated international joint investigations. This trend should be encouraged, especially as such mechanisms can assist in the investigation of foreign terrorist fighter recruitment and financing networks. The cooperation between India and the United States of America in the investigation into the 2008 terrorist bombings in Mumbai, India, and between Indonesia and Australia in the investigation into the 2002 terrorist bombings in Bali, Indonesia, proved effective in bringing terrorists to justice. Another successful model is that of the Budapest-based South-East European Law Enforcement Centre, whose staff include at least one liaison officer (police and/or customs) from each of its 12 member States. The Centre coordinates real-time information exchange and joint investigations into transnational crime. However, many States either do not possess the legal basis to conduct joint investigations or lack the necessary experience and training.

7. Transfer of criminal proceedings

40. In the case of investigations into foreign terrorist fighter travel, evidence and witnesses may be scattered among States of departure, transit and destination. Moreover, two or more States may find themselves investigating the same foreign terrorist fighter. An effective way to facilitate such investigations is the transfer of criminal proceedings, which involves the closure of the investigation in one State and the transfer of the entire criminal file to another State for the continuation of the investigation. This mechanism is usually implemented within the framework of a bilateral treaty or an agreement between the public prosecutors and the police forces of the States concerned. It requires a certain degree of mutual confidence and is particularly effective if the States concerned share similar criminal procedures. However, whether because of a lack of awareness, trust or expertise, it is rarely employed.

33 The number of joint investigations at the Centre (including terrorism cases and cases relating to small arms and light weapons) increased from 44 in 2010 to 70 in 2014.
8. **Abuse of refugee status**

41. The massive flow of refugees and asylum seekers from conflict zones also raises the risk that foreign terrorist fighters will attempt to use the refugee system to escape prosecution. All States should establish, in consultation with the Office of the United Nations High Commissioner for Refugees, an effective status determination procedure to grant refugee status to eligible asylum seekers and exclude persons who, consistent with article 1F of the 1951 Convention relating to the Status of Refugees, are not considered to be deserving of international protection.

9. **International transfer of sentenced persons**

42. Foreign terrorist fighters are often indicted and sentenced in States other than their State of nationality. At the end of their sentence, they are released and deported to their home State to be reintegrated into their communities. However, serving the sentence in one's own country can have rehabilitative advantages. The support of family members, friends and community and religious leaders can be crucial to the de-radicalization and reintegration of foreign terrorist fighters, and such support is usually available in the home country.

43. One good measure in this regard is the Council of Europe Convention on the Transfer of Sentenced Persons, which has been adopted by an additional 18 States from outside the Council of Europe region (including Asian, American and Pacific States). However, transfer involves many challenges, including differences in sentencing standards and prison conditions. States of destination, origin and transit are therefore encouraged to conclude bilateral agreements on the transfer of foreign terrorist fighters to the States of their nationality.44

10. **Conclusions and recommendations**

44. Given that challenges relating to foreign terrorist fighters are international by their very nature, Member States should enhance their international cooperation in tackling them. International cooperation mechanisms do exist, but their implementation is not yet at the level that can provide effective responses to the challenges. Member States should dedicate the resources necessary to make existing international cooperation mechanisms effective. They should also review and update their relevant legislation, institutional structures and cooperation mechanisms, as appropriate.

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44 Article 17 of the United Nations Convention against Transnational Organized Crime provides that States parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by the Convention, in order that they may complete their sentences there.
III. Regional analysis

45. The present section continues the regional analysis of the threats and implementation priorities begun in the second report, with the addition of seven further regions affected by the foreign terrorist fighter phenomenon. The themes discussed vary for each region, based on the Executive Directorate’s assessment of the threats and implementation priorities.

A. Lake Chad Basin (Cameroon, Chad, Niger, Nigeria)

1. General threat assessment

46. The terrorist threat to the Lake Chad Basin is taking an increasingly regional dimension as Boko Haram expands its operations from Nigeria to neighbouring the Niger, Chad and Cameroon. Despite the recent successes achieved by the coalition formed by the four Basin States, Boko Haram remains a significant threat and continues to mount deadly attacks in the region.

47. The operationalization of the Multinational Joint Task Force and the determination of the President of Nigeria, Muhammadu Buhari, to defeat the group may prove to be a turning point for the region. However, in order to prevent terrorist recruitment and stem the flow of foreign terrorist fighters, the States of the region should also complement law enforcement approaches with softer approaches focusing on addressing the underlying socioeconomic drivers of terrorism.

48. The States of the region are affected by the foreign terrorist fighter phenomenon as States of origin and destination. Boko Haram remains composed primarily of Nigerian nationals, but it is reported to be recruiting increasing numbers of militants from Cameroon (around 3,000), Chad and the Niger. Although there is no indication that it is recruiting a substantial number of foreign terrorist fighters from outside the region, it does appear to be recruiting in Mali (Chad has arrested suspects from Mali in relation to Boko Haram attacks carried out in Chadian territory). Boko Haram also appears to have established local cells throughout the region. Many new members are recruited by force or in return for financial or other rewards, but some are attracted by the group’s messages.

49. Boko Haram has established well-documented links with other terrorist groups active on the continent, notably Al-Qaeda in the Islamic Maghreb. In March 2015, it pledged allegiance to ISIL and later renamed itself “the Islamic State’s West African Province”. The full extent of the material support provided by ISIL is not known. In January 2015, however, Boko Haram launched an Arabic-language Twitter account that purports to be the official outlet for the group’s media division, Al-Urwah Al-Wuthqa. The group had not previously maintained an established online propaganda site or any other official social media presence in any language, but has now published various types of propaganda online, including several videos. The sophistication of the propaganda that followed the launch of Boko Haram’s Twitter account serves to demonstrate the influence of ISIL.
2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

50. All States of the region have counter-terrorism legislation in place, although none have explicitly criminalized the travel or attempted travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, in accordance with resolution 2178 (2014). In Nigeria, the Terrorism (Prevention) Act has been drafted in such a way that most criminalization requirements of resolution 2178 (2014) could be met. Cameroon and Chad have criminalized recruitment and the provision or receiving of training to commit acts of terrorism. Facilitation is also covered in Chad’s counter-terrorism legislation. However, the counter-terrorism laws recently adopted by Cameroon and Chad include overly broad definitions of “terrorism” and “terrorist act” and provide for the death penalty in respect of most terrorist offences, raising human rights concerns.

51. The number of prosecutions for terrorism-related offences is very low for a number of reasons, including the lack of prosecutorial capacities. One State has created a specialized pool of counter-terrorism prosecutors and judges and has recently established a complex case unit within its Department of Public Prosecutions to handle terrorism cases and serious crimes. The other States of the region are less advanced in this respect. In order to bring successful prosecutions for foreign terrorist fighter-related offences, States should strengthen their capacities to collect evidence from States of destination, especially where the military is at the forefront of the fight against terrorism and is involved in the collection and preservation of evidence, and should enhance national and international coordination and information-sharing by police, border control authorities, intelligence services and prosecutors’ offices. States of the region should ensure that the perpetrators of terrorism, including foreign terrorist fighters, who are brought to justice are granted due process. Other challenges include the admissibility of intelligence in courts and the reliance on prosecutor-led investigations.

(b) Law enforcement

52. Information-sharing and inter-agency cooperation are not well developed. One State has established a special counter-terrorism unit, but it lacks the technical capacity and equipment to carry out its functions effectively. In three States, the army has primary responsibility for countering terrorism. As a result, law enforcement agencies have limited capacity to investigate terrorist activities, including through techniques compliant with human rights and the rule of law. One State has several law enforcement agencies investigating terrorist offences and no clear mechanism for assigning cases among them. However, it has established a national joint intelligence unit within the Office of the National Security Adviser and is in the process of creating a centralized and computerized database. The States of the region also lack forensic capabilities. Some have taken measures to increase intelligence-gathering and intelligence-sharing. Through the Multinational Joint Task Force, the four States are stepping up efforts to coordinate military action against Boko Haram and to increase intelligence-sharing through the newly established regional intelligence fusion centre. Nonetheless, they should also focus on strengthening national and regional law enforcement coordination and cooperation.
(c) Preventing the inter-State travel of foreign terrorist fighters

53. Most Boko Haram militants are from the border communities of Cameroon, Chad, the Niger and Nigeria. They speak Kanuri or Hausa and can easily blend into the local populations. They often have relatives across the borders and, because the issuance of "breeder" documents such as birth certificates is not sufficiently secured, they can obtain identity cards or passports from another country with relative ease.

54. The States of the region have tended to focus their resources on measures to secure airport border posts. Two States use a computerized migration flow management system that integrates national watch lists and alerts. In another State, travellers' personal data is verified against a national list of suspects. One State is taking steps to strengthen its border management capacity by supplying physical equipment and a software package for the management of cross-border movements and by connecting to INTERPOL databases. In most States of the region, passenger manifests received before arrivals are used for verification against watch lists. However, the transmission of traveller data through the manifests is not automated and checks are conducted manually. Moreover, not all airlines transmit manifests. In general, border agencies have limited capacity to check non-nationals at borders or internally against comprehensive and integrated national and international suspect lists, particularly at land borders.

55. Many land border posts lack basic resources, such as electricity and Internet access. As a result, many border officials lack access to national and international databases and must rely on paper lists of wanted individuals. Moreover, the few official border posts must cover hundreds of kilometres. Border communities often cross at non-official points for commercial and social activities. The conflict against Boko Haram limits the presence of government authorities in border areas, since isolated government facilities are easy targets. As a result, it is very easy for Boko Haram militants to cross land borders undetected. Two neighbouring States have set up border patrols composed of the military, police and gendarmerie.

(d) Countering incitement and violent extremism that lead to terrorism

56. Except in Nigeria, rates of access to and use of ICT by households and individuals are still very low, especially among vulnerable groups. There are concerns, however, that Boko Haram is radicalizing and recruiting through the Internet. There is also a concern that more educated individuals may be radicalized and recruited online to fight outside the region (for example, in the Syrian Arab Republic and Iraq). Other radicalization channels are reported to include religious schools, itinerant preachers, prisons and camps for refugees and internally displaced persons. The subversion of educational and religious institutions is a significant risk in all four States of the region, particularly as government education services do not meet the needs of the local populations, especially in areas affected by Boko Haram. One State has taken steps to promote interfaith dialogue and religious tolerance, including by creating a day of prayer for peace and an interreligious platform that involves the establishment of a peaceful coexistence programme in various regions of the country. Only one State has adopted a programme to counter violent extremism that recognizes the need to engage with civil society and communities. It has recruited a substantial number of staff to implement the programme, which includes a programme for returnees. Implementation has only just begun, however. It remains to be seen whether the strategy can be implemented successfully in areas highly affected by Boko Haram, where the Government has little influence. One State's development and security strategy promotes access to basic social services, including education, but the necessary resources
are lacking. Another State recently established centres to reintegrate young former foreign terrorist fighters. The reintegration and rehabilitation of former foreign terrorist fighters is still in its infancy in the region.

**B. West Africa/the Sahel (Côte d’Ivoire, Mali, Mauritania, Niger, Senegal)**

1. **General threat assessment**

57. In early 2012, the political situation in Mali deteriorated sharply when civil war broke out following a rebellion by the predominantly Tuareg Mouvement national pour la libération de l’Azawad. Violent Islamist groups exploited the resulting turmoil to take control of Mali’s northern regions and destabilize the entire Sahel region.

58. Some of the groups were defeated in 2013 following the French-led military intervention, Operation Serval. However, they were able to retreat and regroup. No longer able to control entire cities as before, the groups nonetheless retain the capacity to disrupt the current peacbuilding process through terrorist attacks. Since 2014, they have shifted the focus of their attacks from international and the Government’s military forces in northern Mali to United Nations and International Committee of the Red Cross personnel and contractors in central and southern Mali. Rather than moving southwards, the violence is dispersing throughout the country. In the summer of 2015, the terrorist group Ansar Eddine also issued direct threats against Côte d’Ivoire and Mauritania.

59. The threat to the region is also becoming increasingly multifaceted, with many groups becoming involved. The Front de libération du Macina and Ansar Eddine have remained largely national movements that do not recruit foreign fighters. Al-Qaida in the Islamic Maghreb, on the other hand, released a video of an attack in July 2015 on a United Nations convoy, showing fighters from Morocco, Spain and Egypt. No comprehensive estimate of the number of foreign terrorist fighters active in the Sahel is available, but general patterns are known.

60. One of the clearest patterns is that, unlike ISIL, terrorist groups operating in the Sahel tend to recruit fighters from specific States in accordance with their respective strategies and areas of influence. Al-Mourabitoun, for example, generally recruits Mauritanians from the Movement for Unity and Jihad in West Africa or persons from the Maghreb from the Mali-based organization Signatories in Blood. In its attempts to wrest influence from Al-Qaida in the Islamic Maghreb, the Movement for Unity and Jihad in West Africa is reported to have extended its recruitment activities to Chad and the Sudan. Al-Qaida in the Islamic Maghreb has recently refocused on recruiting local populations who are familiar with the terrorists’ areas of action. ISIL seeks to gain influence in the region by employing local sleeper cells, such as the sleeper cell with foreign fighters from Algeria that was dismantled in Mauritania in July 2015.

61. Some foreign terrorist fighters from West Africa have also joined Boko Haram and ISIL. In early 2015, a large group of young people from the Niger was reported to have travelled to Nigeria to join Boko Haram in exchange for money (around $560 per month). Sahel States are thus States of origin and transit, and Mali is a significant State of destination.
62. Other jihadist groups extend their networks by claiming allegiance to ISIL. Boko Haram claimed allegiance in March 2015 and Al-Mourabitoun is reported to have done the same two months later. The competition between Al-Qaida in the Islamic Maghreb and ISIL makes counteraction more complicated, in part because their methods differ. For example, whereas the former tends to hold on to hostages for the purpose of negotiation, the latter kills them as a testimony to its radicalism.

63. The evolution of the terrorist threat in the region requires the adoption of a more comprehensive counter-terrorism approach that involves measures to address conditions conducive to the spread of terrorism and takes into account socioeconomic factors, including high levels of youth unemployment, poverty, prolonged conflicts and the absence of the rule of law.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

64. Most States of the region have developed comprehensive counter-terrorism laws that incorporate the counter-terrorism treaty-based offences. However, those laws do not generally comply with the criminalization requirements of resolution 2178 (2014). Mauritania and the Niger have included to some extent the requirements to criminalize recruitment and the provision or receipt of training inside or outside the country to commit acts of terrorism.

65. The creation in Mali, Mauritania, the Niger and Senegal of specialized counter-terrorism investigative and prosecutorial units represents real progress by allowing for specialization among the judges and courts responsible for handling terrorism cases. However, these units face logistical and technical capacity challenges in handling such cases and have successfully prosecuted very few of them. There is therefore a need to enhance the authority of the units, develop their expertise in handling foreign terrorist fighter cases and strengthen their technical resources.

(b) Law enforcement and preventing the inter-State travel of foreign terrorist fighters

66. There are few or no legislative, administrative or operational measures in place to ensure that those who attempt to travel to become foreign terrorist fighters are prevented from leaving their country of origin and/or residence to travel abroad to conflict zones. One State confiscates the passports of individuals suspected of attempting to become foreign terrorist fighters.

67. The exemption from visa requirements of citizens of the Economic Community of West African States, the absence of transit visas in general and the lack of screening of transit passengers are vulnerabilities that could be exploited by foreign terrorist fighters.

68. The absence of computerized screening measures at land borders affects the ability of front-line officials to effectively screen travellers against watch lists or alerts. Moreover, watch lists and alerts are transmitted on paper and thus do not provide for the capacity for real-time verification.

69. Access for front-line officials to the INTERPOL global police communications system, I-24/7, and its stolen and lost travel documents database, which includes a foreign terrorist fighter database, is provided by only a few States of the region. The lack of advance
passenger information also undermines the efforts of front-line officials to detect entering or exiting foreign terrorist fighters. The lack of coordination among border agencies is a further shortcoming.

70. The prevention, detection and suppression of the flow of foreign terrorist fighters also require that information and related analysis on foreign terrorist fighters be shared among law enforcement agencies, including those at borders. However, the ability to gather and centralize information and intelligence on terrorist groups and foreign terrorist fighters and to share information with all law enforcement agencies varies considerably from State to State. It is essential to develop States’ capacities to collect and analyse information, as well as to establish mechanisms through which information and intelligence may be centralized and shared. Senegal, for example, has established in the President’s Office a strategic orientation centre, which centralizes all intelligence provided by internal and external intelligence agencies. The extent to which the centre shares intelligence with all security services is unclear, however.

71. Lengthy and porous borders and the lack of capacity to deploy effective border control measures make it difficult for States of the region to stem the flow of foreign terrorist fighters across their borders. However, some States have put in place measures to prevent crossings by criminals and terrorists. Mauritania’s border management strategy provides for official entry points and an increase in the number of mandatory crossing points. In the north of the country, the area bordering Mali has been declared a restricted military sector subject to a special entry and stay regime. Mauritania has also involved nomadic populations and local communities in its security-management and early warning systems. The Niger deploys joint (international) patrols at its borders with Mali and Nigeria and mixed (national) patrols throughout its territory. The joint patrols do not involve customs agencies, but bilateral agreements on the right of pursuit have been signed with Mali. There is a need, however, to increase the frequency and geographical scope of these patrols and strengthen their operational capacity. Other States of the region should also establish joint and mixed patrols that include standard operating procedures. Border agencies should strengthen cooperation with their counterparts in neighbouring States by developing joint or synchronized operations.

(c) Counteracting incitement and violent extremism that lead to terrorism

72. The various recruitment channels in the region include: collective mobilization by local recruitment cells in States in which networks affiliated with Al-Qaida in the Islamic Maghreb have a strong foundation; spontaneous and individual enlistment; and active recruitment by Al-Qaida in the Islamic Maghreb and the Movement for Unity and Jihad in West Africa, particularly through material incentives, such as “enlistment bonuses”; and ideological incentives that exploit local grievances, particularly among youth from disenfranchised areas.

73. The extent to which the Internet and social media play a role in recruitment to join terrorist groups (in particular in the Syrian Arab Republic and Iraq) is not known. Internet usage is well developed in urban areas but the overall number of Internet users and the penetration rate of social media remain moderate in all States of the region. Internet cafés are growing in number, however. States of the region have not developed their capacities to monitor websites or social media and lack the basic equipment and knowledge required to do so. Two States have implemented measures, including community policing and risk assessments in prisons, to prevent recruitment but, in general, States have not dealt effectively with the issue of recruitment owing to a lack of resources.
74. Incitement is not criminalized by all States of the region. Governments recognize that radicalization is a significant and growing problem and that extreme poverty, low literacy rates, high unemployment, especially among young people, and the influence of religious extremists are the main underlying causes. Some States have organized meetings between religious leaders and traditional and civilian authorities and have held public awareness-raising seminars. Steps have also been taken to monitor the curricula of religious schools. In Senegal, for example, pursuant to a bill currently before the legislature, religious schools would be required to broaden their curricula beyond religious teaching and introduce the teaching of local dialects. Some States have also subscribed to Morocco's initiative to train imams to teach "true Islam". Mauritania has launched a programme for the rehabilitation of terrorist prisoners and extremists. States of the region should build on these efforts by adopting comprehensive strategies to counter violent extremism that address the conditions conducive to terrorism, the spread of violent extremism and recruitment and by introducing rehabilitation and reintegration programmes for returning foreign terrorist fighters.

(d) Regional cooperation

75. No country of the region has ratified the 2008 Rabat Declaration on extradition and mutual legal assistance in counter-terrorism (A/62/939-S/2008/567, annex), adopted at the Fifth Conference of Ministers of Justice of the French-speaking African Countries, which, when in force, will be a very effective tool for regional cooperation in stemming the flow of foreign terrorist fighters.

76. Another important tool, although informal, is the regional platform for judicial cooperation in the Sahel, which facilitates the processing of mutual legal assistance requests and strengthens mutual understanding of legal and administrative frameworks through the appointment of police and justice focal points. However, not all States of the region are members of the platform.

77. Police-to-police and intelligence cooperation remains weak, despite the establishment of cooperation mechanisms, such as the Committee of Intelligence and Security Services of Africa in Addis Ababa and the Algiers-based intelligence fusion centre. The situation is exacerbated by the lack of computerized and centralized national police databases and a general trust deficit.

C. States either in or neighbouring the conflict zones in the Middle East (Bahrain, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates, Yemen)

1. General threat assessment

78. According to recent estimates, more than 25,000 foreign terrorist fighters from more than 100 Member States have travelled to Iraq and the Syrian Arab Republic, primarily to join terrorist entities such as ISIL, the Nusrah Front and cells, affiliates, splinter groups and derivative entities of Al-Qaida (see S/2015/358). The greatest concentrations of foreign terrorist fighters are found in Iraq and the Syrian Arab Republic, with a smaller number present in Yemen. The presence of these individuals helps to fuel sectarianism and increases the intensity, duration and complexity of the conflicts in the region.
79. Whether considered States of origin, transit or destination, or a combination, States either in or neighbouring the conflict zones in the Middle East are among those most affected by the foreign terrorist fighter phenomenon. This is due to a number of particular historical, political and geographical factors. First, States of the region are located close to the conflict in the Syrian Arab Republic. Second, vast areas of two States (the Syrian Arab Republic and Iraq) are under the control of ISIL. Third, there is no single regional forum in which the most affected States of the region can cooperate on counter-terrorism. Given that ISIL has emerged as a common threat to all States of the region, there is an urgent need for such a forum. Fourth, several States of the region have undergone significant political transitions since 2011, forcing them to adjust their priorities. In some cases, the transition process has brought further turmoil and instability, which has been exploited by terrorist organizations. These factors exacerbate the existing challenges posed by the long-standing Israeli-Palestinian conflict.

80. Two factors may help Member States of the region to address the threats associated with ISIL and foreign terrorist fighters. First, the foreign terrorist fighter phenomenon is not new to the region. Several States introduced legislative and institutional measures two decades ago in their efforts to deal with foreign terrorist fighters returning from the conflict in Afghanistan. Second, all States of the region have introduced measures to implement resolution 1373 (2001), and some of those measures may be employed to address the current foreign terrorist fighter threat. However, such measures may not be sufficient, whether to address the increasingly sophisticated modus operandi employed by terrorist groups operating in the region or to address the foreign terrorist fighter threat. Measures introduced pursuant to resolution 2178 (2014) would provide more effective solutions.

2. Regional analysis

(a) Criminal justice systems and international cooperation in criminal matters

81. Most States of the region have established criminal justice systems that enable their respective jurisdictions to prosecute nationals who return after engaging as foreign terrorist fighters and/or joining a terrorist organization abroad. In an effort to remedy this situation, several States either in or neighbouring the conflict zones in the Middle East have introduced administrative and law enforcement measures to prevent travel abroad. However, even though such measures may be effective in the short term, they may prove ineffective in the longer term, especially in the absence of an appropriate regulatory framework. Most such measures seek primarily to strengthen the powers of law enforcement authorities and do not give due account to the rights of the suspects. There is therefore a need to safeguard against potential abuse by adopting an approach based on the rule of law to support any law enforcement and administrative measures taken to stem the flow of foreign terrorist fighters.

82. In addition to incorporating into national law the offences set forth in resolution 2178 (2014), States should amend their criminal procedures to ensure that suspects are not deprived of basic fair trial rights. This would both ensure compliance with the rule of law in addressing the foreign terrorist fighter phenomenon and help law enforcement agencies to identify the actual suspects. The introduction of provisions authorizing the use of special investigative techniques into codes of criminal procedure would not only enhance the capacity of law enforcement agencies to handle complex foreign terrorist fighter cases, but also limit their reliance on confession-based — as opposed to evidence-based — convictions.
83. International cooperation in criminal matters in relation to foreign terrorist fighters, whether within the region or externally, is particularly challenging for States either in or neighbouring the conflict zones in the Middle East because each State criminalizes foreign terrorist fighter-related crimes in a different manner and imposes different sentences. Moreover, States of the region have entered into few bilateral agreements, whether with other Middle Eastern States or externally. Given that traditional cooperation mechanisms, such as extradition and mutual legal assistance, may not be able to keep pace with the increase in volume of cooperation requests and demands for rapid responses, States of the region should consider entering into bilateral agreements that include an expedited procedure on cooperation in cases of urgency. States should also consider other cooperation mechanisms, such as the transfer of criminal proceedings.

(b) Law enforcement and preventing the inter-State travel of foreign terrorist fighters

84. The sharing and exchange of information is of particular importance in relation to the foreign terrorist fighter threat, especially in the light of the emphasis in resolution 2178 (2014) on preventing the flow of foreign terrorist fighters. It is especially important for States of destination that either do not cooperate or lack the capacity to do so. The Executive Directorate has identified several shortfalls in its assessments on States either in or neighbouring the conflict zones in the Middle East. At the national level, shortcomings include “turf battles” among national counter-terrorism bodies, a proliferation of such bodies and failure to ensure that cooperation filters down from the policy level to the operational level. Regionally, the absence of a mechanism for information-sharing is also of particular concern because all States of the region are among those most affected by the foreign terrorist fighter phenomenon. There is also a lack of cooperation with States of other regions.

85. In order to address the shortfalls mentioned above, there is an urgent need for States of the region to enter into further bilateral arrangements and agreements on information exchange, both with other States of the region and externally. States should also strengthen their use of the INTERPOL global communications system, I-24/7, including its foreign terrorist fighter database. INTERPOL is currently exploring ways to strengthen the use of existing instruments, and has also established the “Alqabda” project, which facilitates access to its database of terrorists active in the Middle East and North Africa region. States should also extend access to the I-24/7 system to official border posts to enable front-line border officials to access information on wanted or suspect individuals. There is also a need to introduce advance passenger information systems to enable front-line immigration officials to identify potential foreign terrorist fighters. As at 28 September 2015, only 6 of the 14 States of the region had introduced an advance passenger information system.

86. States of the region should also introduce enhanced measures to detect stolen or lost travel documents and passports. This is important, not only at border crossings, but also in capitals and other major cities in which government agencies issue travel documents. In order to ensure the security and integrity of the document issuance process, the relevant agencies should be equipped with the appropriate tools and capacities to verify the authenticity of all “breeder” documents (for example, birth certificates) with a view to ensuring that no travel documents are issued to the wrong (or wanted) individuals.
87. Porous borders remain a significant concern for several States of the region. The monitoring of such vast open spaces requires significant resources. In some areas, States have embarked on projects to fence off border sections that are at high risk of infiltration. This is the case, for example, with the border between Saudi Arabia and Iraq and between Oman and Yemen. Of greatest concern in this regard, however, are the open border areas between the Syrian Arab Republic and Iraq, which are currently under de facto control of ISIL. This situation facilitates the movement of foreign terrorist fighters from the Syrian Arab Republic into Iraq and vice versa, as well as the provision of material support to the conflict zone. Measures aimed at controlling these areas may not immediately lead to the recapture of territories acquired by ISIL, but are an essential step forward in preventing the free movement of foreign terrorist fighters and the flow of financial and other support to ISIL. In this respect, the support of the international community, especially the provision of effective mechanisms and equipment for the surveillance and interception of illegal cross-border activities, is critical. Some States of the region have also requested training for front-line officials to boost their capacity to use advanced border systems and technologies. This is particularly important for States bordering conflict zones.

(c) Countering the financing of terrorism

88. The mechanisms and structures to counter the financing of terrorism established by States either in or neighbouring the conflict zones in the Middle East are not fully capable of prohibiting all the financial support mechanisms for foreign terrorist fighters envisaged by the Security Council in its resolution 2178 (2014). Moreover, most terrorism financing regimes were introduced only recently (money-laundering regimes were generally introduced earlier). Consequently, institutions, law enforcement agencies and judicial systems lack the expertise required to fully investigate this relatively new offence. This is reflected in the Executive Directorate’s assessments of States of the region, which in general reveal higher numbers of money-laundering cases than of terrorism financing cases. Furthermore, States of the region face significant challenges in investigating and proving the intent of a person to finance another individual who in turn intends to travel to join a terrorist organization. Moreover, ISIL controls oilfields in territories under its control and generates significant revenue from other illicit activities, such as kidnapping for ransom and trafficking in human organs and in stolen crafts and antiquities. The proceeds from these activities also enhance the ability of ISIL to recruit and finance individuals and induce them to become foreign terrorist fighters.

89. In order to address this situation, States should introduce measures in accordance with the relevant Security Council resolutions, including resolutions 1267 (1999), 2170 (2014), 2178 (2014) and 2199 (2015). States of the region should introduce legal and administrative measures to prohibit the collection or provision of funds by any means to finance foreign terrorist fighters and should take steps to raise awareness of the types of foreign terrorist fighter financing, including among law enforcement agencies, financial and non-financial institutions, prosecutors and judges, oil companies, government and private institutions dealing with ancient cultural artefacts, and medical institutions. There is little evidence that States of the region have taken these necessary legal, institutional and practical steps. Failure to do so will continue to facilitate the funding of foreign terrorist fighter travel to join terrorist groups such as ISIL, as well as the funding of ISIL itself.
(d) **Countering incitement and violent extremism that lead to terrorism**

90. Most States of the region have identified the need to address conditions conducive to the spread of terrorism, including by resolving ongoing regional conflicts, especially the Israeli-Palestinian conflict. The defamation of religion is also a potential source of incitement to violence and hatred, including through the exploitation of places of worship by violent extremists. Prison populations are also being exploited for the purpose of incitement.

91. States of the region should adopt a holistic, comprehensive approach that involves a broad range of government and non-governmental actors and takes into account their respective roles. The approach should be founded on a broad partnership that includes, inter alia, local communities, religious leaders, civil society, the media, the private sector and humanitarian organizations. It should also include measures to counter the incitement of terrorist acts motivated by extremism and intolerance.

92. For many States of the region, the exploitation of ICT, including social media, by terrorist groups represents a substantial and growing challenge. Foreign terrorist fighter travel arrangements and funding are often coordinated through online networks that are not easily detected. The low cost of Internet use makes online platforms particularly attractive to terrorist groups, which use them to network and to spread propaganda. The increase in the use of the Internet is also the result of crackdowns on places of assembly. Some States have banned websites that disseminate terrorist propaganda. However, this solution has proved to be of limited value, since terrorist recruiters can rapidly set up new websites. Moreover, other States consider the Internet to be an important source of information for law enforcement authorities. Some have integrated into their counter-terrorism responses surveillance programmes that monitor Internet and social media sites and chatrooms and post content aimed at rebutting the narratives of terrorists and their recruiters. All such approaches can be useful in countering violent extremism and radicalization that lead to terrorism, but it is important to ensure that they do not infringe upon the right to freedom of expression. It is essential to protect this right, not only to ensure that counter-terrorism measures are in compliance with international human rights obligations, but also to prevent terrorists from exploiting perceived grievances.

D. **South Asia (Afghanistan, Bangladesh, India, Maldives, Pakistan, Sri Lanka)**

1. **General threat assessment**

93. Many States of South Asia, including Afghanistan, India and Pakistan, continue to be the victims of major terrorist attacks. These attacks represent the continuation of a pattern that began to emerge more than two decades ago and shows no signs of abatement. India continues to be among the world’s most consistently targeted States. Since the 1990s, it has endured multiple terrorist attacks linked to individuals who have trained or fought with Al-Qaida associates in Pakistan and Afghanistan. A number of terrorist attacks in Pakistan have been conducted by veterans of terrorist networks in Afghanistan.
In 2014, around 330 Maldivians travelled to join the conflict in the Syrian Arab Republic, having been targeted by visiting recruiters and paid to travel to the Syrian Arab Republic via Sri Lanka. According to the authorities, Maldivians living on the State's more remote islands appear to have been targeted systematically, and many have taken their wives and children with them. In January 2015 alone, at least 15 Maldivians attempted to travel to the Syrian Arab Republic. Four were apprehended en route, in Malaysia. Other States of the region, such as Afghanistan and Pakistan, historically have focused more on tackling entrenched terrorist networks such as Al-Qaeda and the Taliban. However, they too have recently begun to pay greater attention to the foreign terrorist fighter threat. ISIL is understood to have contacted South Asian militant groups in 2014 with the apparent aim of expanding its influence in the region and recruiting fighters to travel to Iraq and the Syrian Arab Republic. It seems likely that the foreign terrorist fighter threat will increase the region's instability in the short term.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

Following the adoption of resolution 2178 (2014), the member States of the South Asian Association for Regional Cooperation (SAARC) began to focus on the many legal and law enforcement challenges posed by foreign terrorist fighters. In general, the States of the region have not introduced comprehensive criminal offences to prosecute preparatory or accessory acts conducted in the State with the aim of committing terrorist acts outside the State's territory. There are also specific legislative shortfalls in criminal laws on the prosecution of individuals who travel or attempt to travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the provision or receiving of terrorist training. As signatories to the SAARC Regional Convention on the Suppression of Terrorism, States of the region have criminalized aiding, abetting or counselling the commission of offences.

(b) Law enforcement and preventing the inter-State travel of foreign terrorist fighters

There are a number of gaps in the border control mechanisms of States of the region. The porous nature of many borders is of particular concern. Moreover, there is visa-free travel between numerous States of the region, and the border between India and Nepal is completely open. Some States (for example, Nepal and Maldives) offer visa-upon-arrival arrangements. Foreign terrorist fighters may take advantage of such arrangements and open borders to adopt evasive travel patterns, or “broken travel”, to prevent officials from accurately determining where they travelled prior to their arrival.

All States of the region would benefit from strengthening national and international law enforcement information-sharing to address these gaps. It is essential that national police agencies establish regular contact with customs officials and immigration authorities and that regular contact is maintained with national intelligence agencies. It is also essential that Governments engage in sustained efforts to cooperate both regionally and externally and that their national agencies fully utilize multilateral resources. Member States should actively utilize information contained in multilateral information systems, such as national and regional watch lists and INTERPOL diffusion notices and databases, including the foreign terrorist fighter database.
98. Only one of the eight South Asian States (India) currently uses advance passenger information and passenger name records. In visa-free or visa-upon-arrival regimes, such systems may provide the only effective way to identify potential foreign terrorist fighters. Advance passenger information is a border-control tool that can be used to interdict foreign terrorist fighters and other criminals who attempt to evade detection, arrest and prosecution. All States of the region are urged to implement advance passenger information systems as soon as practicable.

(c) Countering incitement and violent extremism that lead to terrorism

99. Abuse of the Internet to recruit foreign terrorist fighters is a major concern. States have taken steps to prohibit recruitment and counter violent extremism in accordance with resolution 1624 (2005). Although these steps are encouraging, it should be noted that an overly vigorous response by law enforcement to counter the recruitment of foreign terrorist fighters, especially through the Internet, may violate fundamental rights, such as the freedom of expression and the freedom of association.

100. Two States have sought to counter the influence of extremist ideology by strengthening their engagement with religious leaders and communities. In one State, individuals wishing to serve as imams are subject to a six-month State-approved training course and are provided with approved sermons for dissemination at Friday prayers. In another State, the Ministry of Education provides oversight for madrasas and is developing a standard national curriculum that includes languages, mathematics and science, as well as minimum standards for secular subjects to be taught in all primary schools up to the eighth grade. Both the Ministry of Religious Affairs and the National Committee on Militancy Resistance and Prevention work with imams and religious scholars to raise public awareness of terrorism. Furthermore, most States of the region have engaged with civil society groups to help them to understand the challenges they face and seek ways to address them.

(d) Countering the financing of terrorism

101. Member States of the region are just beginning the complex task of tracking the financing of foreign terrorist fighters. In South Asia, as in other regions, only small amounts of money are required to finance the travel and equipping of foreign terrorist fighters. This complicates tracking and interdiction efforts. Foreign terrorist fighters originating in South Asia may be self-funded or may be funded by recruitment networks. Sources of funding may be legitimate (individual savings, social benefits and small loans and donations) or illegitimate (in particular, trafficking in drugs and arms, theft/robbery and fraud). The money may be moved using traditional methods such as cash, money or value transfer services, also known as hawala, and debit or credit cards. Afghanistan, in particular, has made great strides in its efforts to register and monitor money or value transfer services. In order to enhance detection and interdiction efforts, it is recommended that central banks, financial intelligence units and representatives of the private sector in the region coordinate and cooperate to share information. More information-sharing will result in strengthened financial intelligence, which can then be used to disrupt financial flows to foreign terrorist fighters.
International and regional cooperation

102. South Asian States are encouraged to engage in more sustained regional and international cooperation, both with respect to formal legal cooperation (for example, mutual legal assistance and extradition) and the exchange of operational information by law enforcement personnel. Both formal and informal counter-terrorism cooperation have improved in the past five years. However, in order to counter the rapidly evolving threats posed by foreign terrorist fighters effectively, States should enhance their international and regional cooperation in order to prevent recruitment of foreign terrorist fighters and facilitate the arrest and prosecution of foreign terrorist fighters on terrorism-related charges.

E. South-East Asia (Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand)

1. General threat assessment

103. Although many States of South-East Asia continue to be vulnerable to the threat of international terrorism, many positive trends and developments have emerged in the past few years, and the nature of the threat has evolved significantly. The capacity of some terrorist groups (including the Al-Qaida-related Jemaah Islamiyah)35 to commit terrorist acts has been undermined by robust law enforcement and community engagement. In addition, recent peace agreements36 between Governments and separatist groups have helped to prevent terrorist incidents. However, the region faces a new terrorism threat in the form of foreign terrorist fighters travelling from South-East Asia to fight with ISIL.

104. A special military unit called “Katibah Nusantara”, mostly consisting of Malaysian and Indonesian foreign terrorist fighters, was created inside ISIL six months after its establishment. In April 2015, the unit demonstrated military capability by capturing several Kurdish-held territories in Iraq. Katibah Nusantara is assisting ISIL in achieving its ambition to make South-East Asia part of its worldwide “caliphate”. ISIL uploads propaganda to its websites in the Malaysian and Indonesian languages,37 and Katibah Nusantara is thought to be taking care of families of South-East Asian foreign terrorist fighters and developing a network in the region. The threat of ISIL has expanded rapidly across South-East Asia since the summer of 2014.

105. The number of foreign terrorist fighters from South-East Asia has significantly increased. Governments officially acknowledge that 209 Indonesians, 80 Malaysians and two Singaporean families are fighting for ISIL.38 The linkage between Katibah Nusantara and experienced returnees exacerbates the terrorist threat in the region. Indonesia, Malaysia and Singapore have detected several terrorist plots organized by ISIL returnees.

35 Jemaah Islamiyah has stated that it aims to establish an Islamic State in South-East Asia, including Indonesia, Malaysia, Singapore, southern Thailand, Brunei Darussalam and the southern part of the Philippines.
36 The Philippines concluded a comprehensive peace agreement with the Moro Islamic Liberation Front in March 2014; Indonesia concluded a peace agreement with the Free Aceh Movement in 2005; and Myanmar has concluded peace agreements with several ethnic groups.
37 Around 10 Malaysian language websites and 70 Indonesian language websites had been detected as at June 2015.
38 As at January 2015, the Government of the Philippines was aware that two Filipinos had been killed in the Syrian Arab Republic, but had no evidence of Filipinos having fought for ISIL.
106. Around 30 South-East Asian terrorist groups, including Jemaah Islamiyah in Indonesia and the Abu Sayyaf Group in the Philippines, have publicly pledged allegiance to ISIL. However, the linkage between the Abu Sayyaf Group and ISIL has not yet been proved. Since the Group is considered to be more money-oriented than ideological (it frequently engages in kidnapping for ransom and extortion), this alliance may be a means to generate financial and logistical support from ISIL.

107. With respect to foreign terrorist fighters, all South-East Asian States are States of origin, and Singapore, Malaysia and Thailand are States of transit. Since most States of the region have a long history of sending migrant workers abroad, there are many illegal smuggling syndicates producing counterfeit travel documents. It is therefore relatively easy to obtain forged passports to travel to fight in conflict zones.

108. The Royal Malaysia Police arrested 132 Malaysians (of whom 20 per cent were women) under suspicion of attempting to leave Malaysia to fight for ISIL between 2013 and October 2015. Two of those arrested in the foiled terrorist plot in Kuala Lumpur in April 2015 had just returned from the Syrian Arab Republic.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

109. Although no South-East Asian State has specifically criminalized foreign terrorist fighter travel or the financing of such travel, several are rapidly taking steps to address legislative shortfalls. Malaysia and Singapore may refuse issuance of or cancel travel documents in order to deter the travel of foreign terrorist fighters as a pre-emptive measure. Malaysia has enacted the Special Measures Against Terrorism in Foreign Countries Act, amended the Security Offences (Special Measures) Act in June 2015, enacted the Prevention of Terrorism Act in 2015 and amended the Prevention of Crime Act in September 2015 to address issues relating to foreign terrorist fighters.

110. Other States rely on existing legislation to tackle foreign terrorist fighters. Such legislation may not be sufficient, however, to prevent foreign terrorist fighter travel to conflict zones. At least one State does not criminalize the provision or receipt of terrorist training inside or outside its territory. At least one State does not have the legal basis to control the issuance of travel documents.

111. In 2007, one State introduced a counter-terrorism law that contains stringent safeguards. The law is hardly used, however, and includes no specific provisions criminalizing foreign terrorist fighter travel or the financing of such travel. There are also no general legal provisions to criminalize preparatory acts of terrorism that could be used to prosecute foreign terrorist fighter travel.

112. Malaysia and Singapore have criminalized the recruitment of members to a terrorist group. Governments should introduce measures to tackle recruitment by ISIL of combatants from South-East Asia through its websites in local languages. Measures to address the use of social media for recruitment purposes should protect the freedom of expression.

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39 The Moro Islamic Liberation Front and the Moro National Liberation Front in the Philippines have condemned ISIL.
(b) **Preventive/administrative measures**

113. Two States employ various preventive/administrative measures under their respective internal security acts and a new counter-terrorism law to deter the travel of foreign terrorist fighters, including detention and restraining orders, such as house arrest. These measures make it possible to detain would-be foreign terrorist fighters without criminal charge and/or judicial review for up to two years, with the possibility of indefinite extension. United Nations human rights mechanisms have expressed serious concerns over this practice. The Committee against Torture has stated that it could constitute a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Human Rights Committee, in its general comment No. 35 on article 9 of the International Covenant on Civil and Political Rights, said that such detention presented severe risks of arbitrary deprivation of liberty.

(c) **Law enforcement and prosecution**

114. All South-East Asian States have developed their own counter-terrorism strategies and have competent special counter-terrorism units in place within the police and the prosecution services. National coordination has been greatly improved. The collection of information and evidence in conflict areas is generally challenging, but measures taken by Indonesia and Malaysia have proved to be effective. The INTERPOL I-24/7 database is not used widely, except in one State.

115. A total of 266 Indonesian foreign terrorist fighters have travelled to join ISIL. There have been four foreign terrorist fighter-related convictions, and eight cases are pending. There are currently 43 foreign terrorist fighter-related detainees in its territory. However, as one State uses relatively minor offences to prosecute foreign terrorist fighter travel owing to the lack of appropriate criminalization, there is a concern that ex-terrorist prisoners may commit terrorist acts after serving short-term sentences.

116. Two States use preventive/administrative detention to prevent terrorism and rehabilitate and reintegrate foreign terrorist fighters into society, rather than prosecuting them under the criminal justice system. As noted above, this could raise human rights concerns.

117. In one State, there has been only one conviction under the counter-terrorism law; terrorism cases are usually prosecuted under Criminal Code offences. As terrorist groups in the State often commit kidnapping for ransom, both its national police and the prosecution service in the Department of Justice have established counter-terrorism units and special counter-kidnapping units and have accumulated certain expertise, including in hostage negotiations.

118. Oversight of law enforcement activities is relatively weak in South-East Asia. Prosecutors are tasked with overseeing the legality of investigations conducted by the police.

(d) **Countering incitement and violent extremism that lead to terrorism**

119. All South-East Asian States have actively engaged in enhancing dialogue and broadening understanding among societies with respect to preventing violent extremism. Most are implementing comprehensive and innovative policies to counter...
violent extremism and have been successful in addressing difficult challenges such as the recruitment of youth. They have also intensified relations with civil society with a view to strengthening community engagement. Specific engagement with youth at universities and schools has been particularly successful. Malaysia and Singapore have employed programmes to rehabilitate and reintegrate terrorist inmates into society, in cooperation with various civil society organizations, sometimes based on preventive/administrative detention regimes, which raise human rights concerns. The Ministry of Home Affairs of Malaysia implements rehabilitation and de-radicalization programmes at two specialized facilities.

120. Indonesia is a Co-Chair of the working group on detention and reintegreation of the Global Counterterrorism Forum and promotes the Forum’s Rome Memorandum on Good Practices for the Rehabilitation and Reintegration of Violent Extremist Offenders. Indonesia has also developed government programmes in cooperation with religious leaders and communities.

(e) Regional and international cooperation

121. Overall, regional cooperation among South-East Asian States in exchanging information works on an ad hoc basis. The geographical realities of archipelago States such as Indonesia and the Philippines make border control challenging. However, various efforts, such as coordinated naval and air patrols over the Straits of Malacca, are being conducted by Indonesia, Malaysia, Singapore and Thailand.

122. Member States of the Association of Southeast Asian Nations (ASEAN) have adopted regional instruments, including the 2007 Convention on Counter-Terrorism and the 2004 Mutual Legal Assistance Treaty Among Like-Minded ASEAN Countries. Both instruments have been ratified by all ASEAN member States. However, these regional instruments are not yet fully utilized. There is no regional agreement on extradition.

123. ASEAN is currently forming a “political security community” that will consider security issues, including terrorism.

124. Both Indonesia and Malaysia have close ties with the States affected by ISIL and have considerable capability to collect relevant information regarding their own foreign terrorist fighters. All South-East Asian States have enhanced cooperation with the United States of America in various aspects, and all have participated actively in the counter-terrorism efforts of the Asia-Pacific Economic Cooperation and the Asia-Europe Meeting.

F. Southern Caucasus (Armenia, Azerbaijan, Georgia)

1. General threat assessment

125. Several territorial conflicts continue to destabilize the southern Caucasus region, presenting an obstacle to sustainable economic growth and social well-being. The region has suffered a number of terrorist attacks. In the past two years, there have also been reports that Georgian and Azerbaijani nationals have travelled to the Syrian Arab Republic to participate in terrorist activities.
126. The research community and the Azerbaijani media report that hundreds of Azerbaijani citizens have fought in the Syrian Arab Republic since the beginning of the conflict there. According to the authorities, 248 Azerbaijani citizens travelled to take part in extremist activities in Afghanistan and Pakistan and 271 travelled to the Syrian Arab Republic and Iraq. Of those, 78 and 97, respectively, are known to have been killed. Thirty individuals were brought to justice upon their return and 33 were declared internationally wanted.

127. On 23 January 2015, a Georgian national was listed by the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) as a “Syrian Arab Republic-based senior military commander and shura council member of ISIL”. Since mid-2014, the individual concerned has led around 1,000 foreign terrorist fighters for ISIL, in particular the Jaish al-Muhajireen wal-Ansar (Army of Emigrants and Supporters), and committed a number of attacks in the northern part of the Syrian Arab Republic. Several Georgian nationals reported to have been involved with ISIL, including as military leaders, are ethnic Chechens, or Kists, from the Pankisi Gorge region bordering the northern Caucasus in the Russian Federation. According to statistics provided to the Executive Directorate by the authorities in August 2015, Georgian citizens (including two women) were fighting abroad as foreign terrorist fighters. According to the Ministry of Internal Affairs, four Georgian nationals were detained in June 2015 on suspicion of providing assistance in joining a terrorist organization in a foreign State through recruitment and assistance in terrorist actions.

128. It remains relatively easy for Azerbaijanis and Georgians to reach the Syrian Arab Republic, including through Turkey, because of linguistic similarities and the lack of visa requirements. Azerbaijan and Georgia have also been identified by Central Asian States and the Russian Federation as transit routes for their nationals travelling to the Syrian Arab Republic.

129. Of the three States of the region, Armenia appears to be the least affected by the foreign terrorist fighter phenomenon. Because of the ongoing conflict with Azerbaijan and the closed border with Turkey, Armenia is virtually unaffected by foreign terrorist fighter travel. It is, however, affected by related phenomena, including attacks against ethnic Armenians in the Syrian Arab Republic and Iraq and the flow of refugees from the Syrian Arab Republic to Armenia, as both a country of destination and of transit.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

130. Azerbaijan and Georgia have recently amended their counter-terrorism and criminal legislation to enhance their response to the terrorist threat. In 2014, Azerbaijan increased criminal sanctions for terrorist and mercenary-related crimes (fighting as a mercenary and recruitment and sponsorship of mercenaries), but not foreign terrorist fighter travel in the sense given in resolution 2178 (2014). In 2015, Georgia introduced criminal liability

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41 In July 2015, 10 individuals were convicted of grave crimes by a court in Baku, receiving sentences of between 4 and 15 years’ imprisonment. In January 2015, the Ministry of National Security announced the arrest of a further 10 citizens who had fought in the Syrian Arab Republic. Thirty-nine individuals charged with the crime of organizing permanent groups in order to take part in foreign conflicts were recently detained pursuant to article 283 of the Criminal Code. Further investigations are being conducted with regard to Azerbaijani citizens who remain in the Syrian Arab Republic and Iraq.

42 The criminal investigation is ongoing under articles 327(1) and 328 of the Georgian Criminal Code.
for, inter alia, foreign terrorist fighter travel, terrorist recruitment, and joining a terrorist organization of a foreign State or controlled by a foreign State. Incitement to terrorism and training for terrorism are criminalized in both States. Armenian criminal law punishes international terrorism and mercenary activity. The concept for the new Criminal Code of Armenia was adopted in June 2015. In prosecuting foreign terrorist fighters, all three States may also use the provisions of their Criminal Codes for accomplice liability and preparation for serious crimes.

131. All three States have established adequate jurisdiction over terrorism offences committed by their own nationals, regardless of the location of the offences committed.

132. Two States have experience in investigating and/or prosecuting their nationals in relation to their participation in terrorist activities abroad. However, since this is a relatively new phenomenon for their criminal justice systems, further adjustments are likely to be required to deal with such cases in full compliance with the rule of law and international human rights law. Such adjustments include responding to the evidentiary challenges involved in proving the intent to join terrorist organizations abroad and establishing elements of terrorist crimes committed in foreign and often uncontrolled territories.

(b) Law enforcement and preventing the inter-State travel of foreign terrorist fighters

133. The law enforcement, border and customs authorities of the southern Caucasus have enhanced monitoring of foreign terrorist fighter travel. Azerbaijan uses an inter-organization automated information search system at all State border checkpoints to identify foreign terrorist fighters. More generally, all three States are continuing their efforts to strengthen their border security. However, their efforts to secure their respective borders and cooperate with other concerned States on border control matters are hampered by border control challenges, especially in certain territories and mountainous terrain, as well as by continued regional tensions and tensions with neighbouring States. Nonetheless, enhanced joint risk assessment through regional cooperation (including by sharing information about routes, trends, groups, movements and funding sources) is essential to stemming the flow of foreign terrorist fighters. Although no State of the region fully implements an advance passenger information system, steps are being taken to strengthen screening at ports of entry, including through the use of watch lists.

134. Overall, the three States would benefit from greater inter-agency coordination and information exchange between their respective law enforcement, border and customs authorities, specifically with a view to preventing foreign terrorist fighter travel and transit.

(c) Countering the financing of terrorism

135. No specific measures have been taken to disrupt and prevent financial support to foreign terrorist fighters. However, the three States continue to improve legislative and operational measures aimed at combating terrorism financing, and those measures may also be used to counter the financing of foreign terrorist fighters and their travel. Terrorism financing, both in relation to terrorist organizations and individual terrorists, is adequately criminalized in all three States.

43 The most recent amendments were adopted by the Georgian Parliament on 12 June 2015.
(d) Counterincitement and violent extremism that lead to terrorism

136. Steps have been taken to respond to the growing phenomenon of radicalization and recruitment to terrorism, including foreign terrorist fighters, by introducing additional control measures aimed at religious institutions and the media. Some of the measures fail, however, to distinguish between persons who incite violence and political opponents. Counter-narratives are also being developed in the region. In January 2014, the Caucasus Muslim Board released an official statement (fatwa) condemning any involvement in armed conflicts in the name of religion. In order to enhance their response to this phenomenon, all three States need to strengthen their focus on vulnerable populations, including through economic development, community policing, prison reform and outreach to ethnic and religious minority groups.

137. Some civil society organizations and media outlets are becoming involved in preventive measures. For example, the stories of foreign terrorist fighters and their families have become more prominent in Azerbaijan since being highlighted by a popular television show, Seni Axtariram (“I am looking for you”). A stronger partnership between Governments, the private sector and civil society is required to increase the effectiveness of such initiatives.

(e) Regional cooperation

138. As member States of the Council of Europe, the three States of the region are expected to become parties to the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, which specifically addresses matters relating to foreign terrorist fighters. The States of the region also actively participate in efforts by the Organization for Security and Cooperation in Europe (OSCE) to prevent terrorism and violent extremism. Armenia and Azerbaijan are members of the Commonwealth of Independent States, which channels cooperation in this area through its Anti-Terrorism Centre. Additional channels for cooperation and information exchange are available through the Organization for Democracy and Economic Development — GUAM, in the cases of Azerbaijan and Georgia, and through the Organization of the Black Sea Economic Cooperation. However, regional cooperation is considerably hampered by the absence of diplomatic relations between Armenia and Azerbaijan and between Georgia and the Russian Federation.

G. South-East Europe (Albania, Bosnia and Herzegovina, Bulgaria, the former Yugoslav Republic of Macedonia and Serbia); and the Russian Federation

1. General threat assessment

139. The phenomenon of foreigners joining conflicts abroad is not new to South-East Europe. Thousands of foreign fighters joined the Balkans conflict. Many have since travelled to join other conflicts and some have remained in the region, established families and integrated, to various degrees, into States of the region.

44 The purpose of the show is to reunite families and friends who have lost contact with each other. In 2013 and 2014, the show’s host travelled to the Syrian Arab Republic to try to get in touch with Azerbaijani foreign terrorist fighters after their families contacted the show.
140. South-East Europe and the Russian Federation have been affected substantially by the new wave of foreign terrorist fighters. The number of foreign terrorist fighters leaving to join terrorist organizations in the Syrian Arab Republic and Iraq is relatively high. Most States of the region are States of origin, and some are States of transit.

141. In some States of South-East Europe, the numbers of foreign terrorist fighters have reached the hundreds and are among the highest in the world, per capita. The region is vulnerable to radicalization and recruitment to terrorism; radicalization and recruitment of foreign terrorist fighters have recently reached alarming levels. Poor economic prospects, high unemployment, historical grievances and the lack of trust in the Government make some States of South-East Europe more vulnerable than others to foreign terrorist fighter recruitment. All States of the region take the foreign terrorist fighter threat seriously. Several, including Albania, Bosnia and Herzegovina and Serbia, have either enacted new legislation pursuant to resolution 2178 (2014) or have actively begun the enactment process.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

142. Following the adoption of resolution 2178 (2014), several States began the process of reviewing and amending their criminal legislation, as necessary. Albania has initiated the process of amending its criminal legislation in order to meet the requirements of the resolution. In Bosnia and Herzegovina, a law adopted in June 2014 banned the leaving of the country to take part in any paramilitary activity or conflicts abroad. To prove the offence, it is not necessary to prove intention to commit certain acts, only participation on a battlefield abroad. A conviction for that offence carries the potential of imprisonment for a duration of 5 to 20 years. Since the publication of the law, the authorities have noticed a moderate preventive effect, even though no decisions have yet been taken by courts in such cases.

143. Few States of the region have the capacity and commitment to bring foreign terrorist fighters to justice. Serbia, for example, has arrested three nationals suspected of foreign terrorist fighter-related offences. It is handling criminal proceedings against seven foreign terrorist fighters, four of whom in absentia. According to reports in the media, in March 2015 Albania arrested seven individuals on suspicion of involvement in the recruitment of Albanian citizens to fight in the Syrian Arab Republic. On 6 August 2015, police in the former Yugoslav Republic of Macedonia arrested nine returnees. Bosnia and Herzegovina recently detained 16 people suspected of having fought in the Syrian Arab Republic and Iraq or of recruiting and funding other Balkan men to join ISIL.

144. The Russian Federation has amended articles of its Criminal Code to establish criminal liability for both providing and undergoing training with the aim of conducting terrorist activities or establishing or participating in terrorist organizations, as well as for organization of or participation in an illegal armed group. These amended articles have formed the basis of prosecutions, including for recruitment for and facilitation or financing of foreign terrorist fighter travel. In 2014, 66 individuals were convicted of terrorist crimes. They included five foreign nationals, representing 8 per cent of total convictions for such crimes.
(b) Law enforcement and preventing the inter-State travel of foreign terrorist fighters

145. Preventing the inter-State travel of suspected foreign terrorist fighters is perhaps the biggest challenge to the region, which historically serves as a transit route between Europe, Asia and Africa and is travelled by migrants from as far away as Pakistan, Afghanistan and Africa en route to Europe. Many States of the region are either States of origin or transit for foreign terrorist fighters. There is significant room for enhancement in preventing the inter-State travel of foreign terrorist fighters in South-East Europe. Some States of the region are not expected to become part of the Schengen area in the near future and must therefore manage their borders unilaterally or bilaterally. Some States have also supplemented regional border management cooperation tools with unilateral measures aimed at enhancing their security. Bulgaria, for example, has established security fences at its borders with non-European Union member States in order to stem the flow of migrants.

146. The conflicts in the Syrian Arab Republic, Iraq and the Horn of Africa have also led to massive flows of migrants, refugees and asylum seekers. States have experienced massive flows of people across borders. Refugees use South-East Europe as either a final destination or as a gateway to Europe. Most States of the region have introduced modern asylum laws, but they need to enhance their capacity to handle migrants and refugees while respecting their rights under international law. Most States face challenges in identifying suspected terrorists or returnees. An additional challenge for South-East Europe is the absence of a regional strategy or cooperation mechanism to deal with cross-border flows. In the absence of a regional strategy and cooperation, the refugee burden and the risk of potential abuse of national systems by foreign terrorist fighters will increase, as will the risk of radicalization and recruitment to terrorism in refugee camps.

147. The Russian Federation has introduced preventive measures, including the issuance of official warnings, with respect to Russian citizens suspected of travelling to the Syrian Arab Republic or Iraq for the purpose of participating in terrorist activities. It has introduced a package of measures at airports and border crossings, including searches in passenger databases in relation to suspected persons and those wanted internationally. More than 70 citizens have been denied permission to leave the country. The Russian Federation has also introduced legal measures to prevent the entry of foreign citizens suspected of participation in terrorist activity.

(c) Countering incitement and violent extremism that lead to terrorism

148. With regard to the suppression of recruitment for terrorism, including the recruitment of foreign terrorist fighters, the level of implementation of resolution 2178 (2014) varies among the States of the region. All, for example, have criminalized recruitment for terrorism and have signed and ratified the Council of Europe Convention on the Prevention of Terrorism. States of South-East Europe should review and consider updating their laws in order to make sure that they also criminalize the recruitment of foreign terrorist fighters. They should also invest in countering recruitment and violent extremism, particularly on the Internet. Most States of South-East Europe have yet to develop comprehensive and integrated national strategies that include strong community-supported programmes to counter violent extremism.
149. The Russian Federation has developed a comprehensive approach to countering recruitment that involves not only government actors, including law enforcement and security actors and the Ministries of Culture, of Education and Science and of Regional Development, but also civil society, religious leaders, the business community and the media. By putting emphasis on dialogue and understanding, the Inter-Agency Commission on Combating Extremism also plays an important role. Recruitment and incitement through the Internet are areas of significant concern for the Government. Since February 2014, more than 500 websites on which people are incited to engage in terrorist activities have been blocked.

(d) International and regional cooperation

150. The absence of a regional approach to the cross-border movement of people in South-East Europe notwithstanding, much has been achieved over the past decade to strengthen regional cooperation generally. In addition to the efforts of OSCE and the Council of Europe, several regional cooperation mechanisms have been established or strengthened, including the South-East European Law Enforcement Centre, for law enforcement cooperation, and the Southeast European Prosecutors Advisory Group, a network of experienced prosecutors who assist in operational matters and facilitate the rapid exchange of information and evidence in cross-border investigations. The Advisory Group seeks to fill a critical gap in the region by promoting the timely exchange of information and evidence, whether through the proper execution of mutual legal assistance requests or through more informal channels of information exchange. The Centre and the Advisory Group benefit from a regional convention that authorizes advanced cooperation methods, including joint investigations.

151. All States of the region have taken steps to enhance regional cooperation in counter-terrorism measures, with a particular focus more recently on foreign terrorist fighters. In February 2015, the Ministers for Foreign Affairs of South-East Europe adopted a joint declaration on terrorism that places particular emphasis on foreign terrorist fighters and calls upon the Regional Cooperation Council to develop a regional cooperation platform that brings together all relevant national, regional and international stakeholders with the aim of developing a common approach to terrorism and foreign terrorist fighters. Despite these major achievements, several issues still undermine regional cooperation in the region, including historical bilateral tensions that may have a negative impact on cross-border cooperation and thus facilitate terrorist movements.

152. The Russian Federation is an active member of OSCE, the Commonwealth of Independent States, the Collective Security Treaty Organization, the Eurasian Group on Combating Money-Laundering and the Financing of Terrorism and the Shanghai Cooperation Organization. Through its active role in these regional organizations, the Russian Federation disseminates knowledge and techniques aimed at assisting its neighbours’ counter-terrorism efforts. Furthermore, within the framework of bilateral agreements with neighbouring States, 380 individuals have been banned from entering the Russian Federation since 2015.
IV. Global recommendations

153. Some gaps in the implementation of resolution 2178 (2014) are common to every region affected by foreign terrorist fighters. The present section contains recommendations for Member States based on the shortfalls identified in the first report (S/2015/338, annex), in which the issues were considered from a thematic perspective, and the second and present reports, in which the foreign terrorist fighter phenomenon was analysed from a regional perspective. The recommendations are set out below.

A. Criminalization requirements of resolution 2178 (2014)

154. The recommendations are as follows:

(a) Ensure that all foreign terrorist fighter-related offences set forth in resolution 2178 (2014) and all relevant offences set forth in resolution 1373 (2001) are criminalized in national legislation;

(b) Ensure that all preparatory acts and preventive offences set forth in Security Council resolutions and the international counter-terrorism instruments are established as serious criminal offences in national law and that any relevant definition of a terrorist offence is clear and precise, in order to comply with the principle of legality;

(c) Take steps to encourage the engagement of parliamentarians, civil society, relevant international and regional organizations and policymakers in the legislative process;

(d) Review national legislation to ensure that criminal procedural and evidentiary rules allow for the broad collection and use of evidence against foreign terrorist fighters, while respecting international human rights and rule-of-law obligations, and update legislation as necessary, ensuring, in particular, that evidence collected through special investigative techniques or from States of destination, or evidence collected by means of ICT and social media, including through electronic surveillance, may be lawfully admitted as evidence in cases relating to foreign terrorist fighters, while respecting international rule-of-law and human rights principles and, in particular, the right to freedom of expression and the right to freedom from arbitrary or unlawful interference with privacy.

B. Prosecution of foreign terrorist fighters

155. The recommendations are as follows:

(a) Provide further training for judges and prosecutors in international counter-terrorism best practices, particularly those pertaining to foreign terrorist fighters, which could include the collection and admission of evidence from social media, financial investigations, special investigative techniques and evidence collected from conflict zones, while ensuring full respect for the rule of law and compliance with human rights obligations;
(b) Take steps to ensure close cooperation and coordination between intelligence, law enforcement, prosecution and all other relevant authorities, including financial authorities, and ensure that the prosecution services are involved from the outset in investigations into suspected foreign terrorist fighters;

(c) Ensure that the relevant authorities are able to apply a case-by-case approach to returning foreign terrorist fighters based on, inter alia, risk assessment and available evidence;

(d) Develop and implement strategies for dealing with specific categories of returnees, in particular minors, women, family members, potentially vulnerable individuals, providers of medical services and other humanitarian needs and disillusioned returnees who have committed less serious offences;

(e) Utilize administrative measures and/or rehabilitation and reintegration programmes as preventive alternatives to prosecution in cases in which it would not be appropriate to bring terrorism-related charges, while ensuring that such measures are employed in a manner compliant with applicable international human rights law and national legislation and are subject to effective review.

C. Preventing the inter-State travel of foreign terrorist fighters: border control and law enforcement

156. The recommendations are as follows:

(a) Implement measures to ensure the effective collection, analysis, transmission and utilization of specific information on known or suspected foreign terrorist fighters;

(b) Actively utilize information contained in multilateral information systems, such as national and regional watch lists and INTERPOL diffusion notices and databases, including the foreign terrorist fighter database;

(c) Establish a functioning round-the-clock alert system to ensure the provision of timely information on foreign terrorist fighters at the national and international levels, including through the establishment of a centralized database and mechanisms to facilitate the coordinated exchange of information between Member States and among national law enforcement services, security agencies and administrative bodies;

(d) Implement, as a matter of priority, an advance passenger information system that complies with annex 9 to the Convention on International Civil Aviation and the guidelines on advance passenger information of the World Customs Organization, the International Air Transport Association and the International Civil Aviation Organization;

(e) Take proactive steps to stem the flow of foreign terrorist fighters across borders by: (a) taking advantage of coordinated border management methods as they relate to porous borders; (b) incorporating relevant ICT; (c) working closely with border communities in order to facilitate knowledge-building; and (d) developing effective regional cross-border cooperation mechanisms.
D. Countering incitement and violent extremism

157. The recommendations are as follows:

(a) Encourage States to develop effective communications strategies, strengthen their understanding of the nature and appeal of extremist ideologies and promote alternatives in order to counter incitement and violent extremism;

(b) Enable local communities and civil society, including women, youth, religious leaders and other concerned non-governmental actors, to contribute to comprehensive strategies for countering incitement and violent extremism and thereby play a role in stemming the flow of foreign terrorist fighters;

(c) Implement measures to effectively prohibit and prevent incitement to commit terrorist acts, including through the Internet and other social media, while also safeguarding relevant human rights, including the right to freedom of expression and to religion or belief;

(d) Consider strengthening partnerships with regional organizations, the private sector and civil society to counter incitement through media campaigns, educational programmes and other initiatives aimed at strengthening community resilience, promoting human rights and raising awareness and building understanding of different cultures.

E. Preventing the financing of foreign terrorist fighters

158. The recommendations are as follows:

(a) Review terrorism financing legislation and consider incorporating new requirements on foreign terrorist fighters, including on the financing of foreign terrorist fighter travel for the purpose of carrying out a terrorist act, planning or preparing a terrorist act or providing or receiving terrorist training;

(b) Strengthen the use of asset-freezing mechanisms, in accordance with resolutions 1267 (1999) and 1373 (2001), in order to disrupt terrorist activity, including through the adoption of procedures to make national terrorist designations in compliance with human rights principles;

(c) Adopt effective cash disclosure or declaration procedures at borders in order to stop the illicit cross-border transportation of cash and facilitate its confiscation, including funds to support the further recruitment of foreign terrorist fighters;

(d) Sensitize the private sector, including the non-profit sector, to foreign terrorist fighter financing risks, particularly those posed by companies offering new payment methods (for example, eWallet or mobile banking accessible to foreign terrorist fighters), money or value transfer services operating close to conflict zones, and small credit companies;

(e) Enhance access for financial intelligence units to aggregated information from law enforcement or other relevant public agencies (for example, customs, border agencies or national intelligence agencies), as well as social welfare and tax information, where permitted, in order to facilitate the tracking of foreign terrorist fighter financing channels and build financial profiles of foreign terrorist fighters, particularly with regard to known foreign terrorist fighters already in conflict zones and returnees.
F. **International cooperation**

159. The recommendations are as follows:

(a) Review international cooperation mechanisms, including national laws on mutual legal assistance and extradition, and update them, as required, in order to address the substantial increase in the volume of requests for digital data;

(b) Consider putting in place appropriate laws and mechanisms to facilitate the broadest possible international cooperation, including effective joint investigations, the appointment of liaison magistrates, police-to-police cooperation, the establishment of round-the-clock cooperation networks, the transfer of criminal proceedings and the transfer of sentences;

(c) Designate central authorities responsible for receiving, analysing and responding to requests for judicial cooperation and extradition and ensure that such authorities have the necessary legislation, resources and training, including: (i) regional and bilateral cooperation tools; (ii) training in the drafting of requests for assistance; (iii) simplified and informal procedures, as required; and (iv) translation capacity;

(d) Consider developing and participating in regional mutual legal assistance cooperation platforms and working closely with international and regional organizations to strengthen judicial and other relevant networks and cross-regional cooperation in order to facilitate the effective processing of extradition and mutual legal assistance requests.

G. **Human rights and the rule of law**

160. The recommendations are as follows:

(a) Ensure that terrorist acts are defined in national legislation in a manner that is proportionate, precise and consistent with the international counter-terrorism instruments, and ensure that measures taken to stem the flow of foreign terrorist fighters comply with all obligations under international law, in particular international human rights, refugee and humanitarian law;

(b) Take steps to subject proposed measures against foreign terrorist fighters to public debate and human rights review prior to adoption, and consider the use of sunset clauses, as appropriate;

(c) Recall the importance of independent review, oversight and accountability mechanisms, including with regard to the activities of security agencies and measures that result in the deprivation of liberty.
V. Regional recommendations

161. The recommendations set out below cover the analysis of the regions included in the second report and the present report. They are intended to address the priority areas of each region, but some may be applicable to more than one region.

A. The Maghreb

162. The recommendations are as follows:

(a) Connect frontline immigration screening processes to INTERPOL databases and actively populate the INTERPOL foreign terrorist fighter database;

(b) Implement interactive advance passenger information systems;

(c) Establish programmes to facilitate and manage foreign terrorist fighter rehabilitation and reintegration and consider such programmes as alternatives to prosecution in cases in which it would not be appropriate to bring terrorism-related charges;

(d) Make use of community policing to prevent recruitment and radicalization to terrorism.

B. East Africa/Horn of Africa

163. The recommendations are as follows:

(a) Develop and implement national integrated counter-terrorism strategies and strategies to counter violent extremism that are multidimensional and inclusive, consult civil society at the development stage and institutionalize cooperation through national steering committees;

(b) Develop ICT and forensic capacities and expertise within national law enforcement agencies and strengthen the capacity of law enforcement agencies to monitor open source social media platforms for content related to terrorism in order to prevent the flow of foreign terrorist fighters;

(c) Take steps to ensure effective inter-agency coordination, including by developing multi-agency task forces;

(d) Consider ratifying the Intergovernmental Authority on Development Conventions on Extradition and Mutual Legal Assistance to enhance cross-border criminal justice cooperation.
C. Lake Chad Basin

164. The recommendations are as follows:

   (a) Review the compliance of existing legislation with resolution 2178 (2014) and update national legislation in order to criminalize the full range of foreign terrorist fighter-related preparatory acts and preventive offences required by resolutions 1373 (2001) and 2178 (2014), while ensuring the criminal offences are clearly defined and respect human rights laws and fundamental rule-of-law principles;

   (b) Enhance the capacity of the prosecution to effectively prosecute perpetrators and financiers of terrorist acts, including foreign terrorist fighters, by providing training and adequate resources;

   (c) Strengthen cooperation between law enforcement, the judiciary and border control authorities in order to bring terrorists, including foreign terrorist fighters, to justice;

   (d) Enhance capacity to intercept and arrest foreign terrorist fighters by improving border management, information-sharing by border agencies and international intelligence-sharing on foreign terrorist fighters;

   (e) Develop programmes to facilitate and manage the reintegration and rehabilitation of foreign terrorist fighters and take steps to ensure that they may be used as an alternative to prosecution in cases in which it would not be appropriate to bring terrorism-related charges.

D. West Africa/the Sahel

165. The recommendations are as follows:

   (a) Review the compliance of existing legislation with resolution 2178 (2014) and update national legislation in order to criminalize the full range of foreign terrorist fighter-related preparatory acts and preventive offences required by resolutions 1373 (2001) and 2178 (2014);

   (b) Strengthen control over spaces located between official border posts by identifying the most vulnerable border stretches and implementing mitigation measures; establishing controls at vulnerable locations; establishing mobile border-processing units and/or roving patrols, on the basis of risk assessment and assessed needs and in cooperation with neighbouring States; and extending areas of control adjacent to official border checkpoints;

   (c) Establish, strengthen and act upon bilateral agreements on cross-border cooperation;

   (d) Work closely with border communities and nomadic populations on security issues, including foreign terrorist fighters;

   (e) Develop and implement comprehensive strategies to counter and prevent violent extremism.
E. States either in or neighbouring the conflict zones in the Middle East

166. The recommendations are as follows:

(a) Actively review compliance of existing legislation with resolution 2178 (2014) and update national legislation as necessary in order to criminalize the full range of foreign terrorist fighter-related preparatory acts and preventive offences required by resolutions 1373 (2001) and 2178 (2014). In doing so, ensure that criminal offences are clearly defined and respect human rights law and fundamental rule-of-law principles;

(b) Review national legislation to ensure that evidence collected through special investigative techniques can be admitted as evidence in foreign terrorist fighter-related cases, while respecting international human rights law, in particular, the right to freedom of expression and the right to freedom from arbitrary or unlawful interference with privacy;

(c) Enhance bilateral cooperation with States of other regions, including through various modalities for cooperation in criminal matters;

(d) Review existing legal measures and mechanisms, with a view to incorporating the new requirements on preventing the financing of foreign terrorist fighter travel. In doing so, States should introduce the legislative amendments necessary to disrupt and prevent the provision of financial support for foreign terrorist fighter travel, as well as the provision of financial support to ISIL, Al-Qaida and other affiliated groups;

(e) Develop comprehensive strategies to counter and prevent violent extremism that include significant roles for youth, families, women, religious, cultural and educational leaders and other concerned civil society groups. Pay close attention to foreign terrorist fighter-related communications, whether at public gatherings or through the Internet and other communications technologies and, where applicable, review existing legislation while ensuring respect for the rights to freedom of expression, to religion or belief and to freedom from arbitrary or unlawful interference with privacy;

(f) Strengthen coordination and inter-agency information exchange, both nationally and with counterparts in other States. National law enforcement and security agencies should actively transmit relevant information that may be of use in identifying known or potential foreign terrorist fighters;

(g) Implement interactive advance passenger information systems in order to analyse and respond to passenger data in real time and take appropriate action;

(h) Actively utilize INTERPOL global tools and resources, including its foreign terrorist fighter database;

(i) Border locations should be provided with appropriate tools to produce risk assessments aimed at preventing foreign terrorist fighter travel.
F. Central Asia

167. The recommendations are as follows:

  (a) Ensure that national laws provide the ability to criminalize the travel or attempted travel of individuals to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training, in accordance with resolution 2178 (2014);

  (b) Establish jurisdiction over terrorism-related crimes committed abroad;

  (c) Ensure the transparency and accountability of counter-terrorism investigations, prosecutions and trials;

  (d) Enhance border management capacities, including with respect to travel document security and border controls, in accordance with international standards;

  (e) Establish adequate frameworks and operational practices to strengthen national and regional cooperation among relevant law enforcement agencies (national security committees, border guards, police, customs units and financial intelligence units);

  (f) Address, in collaboration with local communities and civil society organizations, the grievances that fuel violent extremism and radicalization, including human rights violations, lack of transparency and corruption, and sociopolitical alienation.

G. South Asia

168. The recommendations are as follows:

  (a) Engage in more sustained international and regional legal cooperation, in particular by ratifying the SAARC Convention on Mutual Legal Assistance in Criminal Matters and designating a central authority to respond to requests for legal assistance and extradition;

  (b) Improve national inter-agency information-sharing, placing special emphasis on information-sharing among intelligence, law enforcement, border control and financial authorities;

  (c) Take steps to stem the flow of foreign terrorist fighters across borders by taking advantage of coordinated border management methods as they relate to porous and open borders, incorporating all relevant ICT and working closely with border communities in order to facilitate knowledge-building and developing effective regional cross-border cooperation;

  (d) Ensure that central banks, financial intelligence units and representatives of the private sector in the region coordinate and cooperate to share financial information aimed at stemming the flow of foreign terrorist fighters;

  (e) Work with civil society and the private sector to weaken the legitimacy and resonance of violent extremist messaging and narratives, including through social media;
(f) Implement advance passenger information systems with the support of donor States and relevant specialized agencies and organizations, including the International Civil Aviation Organization and the International Air Transport Association.

H. South-East Asia

169. The recommendations are as follows:

(a) Review and strengthen counter-terrorism laws in accordance with the relevant international standards, in particular by: criminalizing recruitment of members to a terrorist group and recruitment of foreign terrorist fighters; criminalizing preparatory acts to serious terrorist offences, including the travel or attempted travel of individuals to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training, in accordance with resolution 2178 (2014); and criminalizing the provision and receipt of terrorist training inside and outside the territory;

(b) Review and enhance safeguards on preventive/administrative detention in the light of concerns that have been raised by United Nations human rights mechanisms;

(c) Introduce appropriate screening systems for refugees, in cooperation with the Office of the United Nations High Commissioner for Refugees;

(d) Promote regional cooperation by making greater use of regional instruments and mechanisms, including the ASEAN Convention on Counter-Terrorism and the Mutual Legal Assistance Treaty Among Like-Minded ASEAN Countries;

(e) Implement interactive advance passenger information systems in order to analyse and respond to passenger data in real time and take appropriate action. Actively utilize INTERPOL global tools and resources, including its foreign terrorist fighter database.

I. Southern Caucasus

170. The recommendations are as follows:

(a) Provide training for criminal justice and law enforcement personnel engaged in counter-terrorism, in particular on the use of evidence obtained from foreign jurisdictions and/or through special investigative techniques (including digital evidence), while respecting the rule of law and human rights;

(b) Develop public-private partnerships, including with travel agencies and Internet service providers;

(c) Strengthen joint risk assessment through regional cooperation, including by sharing information about routes, trends, groups, movements and funding sources, among other things;

(d) Strengthen regional and international mechanisms for cooperation and exchange of information and intelligence regarding foreign terrorist fighter travel, training and facilitation;
(e) Engage with, and address the needs of, marginalized communities and minorities, and empower parents, teachers, social workers, religious figures and community leaders to recognize early warning signs, stand up to violent extremism and radicalization to terrorism and advocate against travel to conflict zones abroad.

J. **South-East Europe**

171. The recommendations are as follows:

(a) Develop and implement integrated national strategies for countering terrorism and violent extremism that are multidimensional and inclusive, paying particular attention to incitement and recruitment through the Internet. In doing so, strengthen programmes to counter violent extremism, work closely with civil society, religious leaders, minorities and community leaders and engage with the private sector and work with Internet and social media providers;

(b) Enhance national and regional coordination and cooperation in protecting borders and develop a regional border control strategy that takes into account the massive flows of migrants to and through the region;

(c) Continue to strengthen round-the-clock mechanisms for police-to-police and border-authority-to-border-authority cooperation;

(d) Focus on building capacity to investigate and prosecute offences committed before travel to conflict zones.

K. **Western Europe**

172. The recommendations are as follows:

(a) Ensure that legislative amendments comply with international law, in particular human rights law;

(b) Connect border control authorities and police stations directly to the INTERPOL I-24/7 system and implement the advance passenger information requirements of resolution 2178 (2014) as a matter of priority;

(c) Enhance bilateral and regional cooperation with States outside the European Union and Council of Europe, including by considering the use of transfer of criminal proceedings and by increasing the number of bilateral treaties with non-European Union member States affected by the foreign terrorist fighter phenomenon.
L. Oceania/Americas

173. The recommendations are as follows:

(a) Take steps to document and make available to States of the region and elsewhere good practices aimed at empowering local community and non-governmental actors to develop strategies to counter the violent extremist narrative and prevent radicalization to terrorism;

(b) Establish a functioning round-the-clock alert system to facilitate the provision of timely information on foreign terrorist fighters at the national and transnational levels, including through the establishment of a centralized knowledge database;

(c) Establish mechanisms to facilitate the coordinated exchange of information between Member States and among national law enforcement services, security agencies and administrative bodies;

(d) Build public-private partnerships to use the expertise of social media firms in counter-messaging campaigns against foreign terrorist fighters, in particular by harnessing their knowledge of social media demographic and marketing tools to increase the impact of counter-messaging.
Enclosure

Methodology

A. Defining foreign terrorist fighters

1. The Counter-Terrorism Committee Executive Directorate has identified 77 Member States most affected by the acute and growing threat posed by foreign terrorist fighters, defined as individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.45

B. Identification of affected States

2. The 77 Member States were prioritized on the basis that they are States of origin, transit and/or destination, or are States either in or neighbouring the zones of armed conflict in which foreign terrorist fighters are active,46 for foreign terrorist fighters recruited by and joining such entities as Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and all other cells, affiliates, splinter groups and derivative entities of Al-Qaida, including the Abu Sayyaf Group, Al-Shabaab, Boko Haram, Lashkar-e-Tayyiba, Jamaah Islamiyah and other organizations. Based on its continuous dialogue with States, the Executive Directorate considers as “destination States” several States located outside the region in which ISIL and the Nusrah Front are currently active because they attract foreign terrorist fighters to other listed organizations. It is likely that more such States will be identified in subsequent reports, which will also address the foreign terrorist fighter situation at the regional and subregional levels. It should also be noted that several affected States fall into two or more of the above categories.

3. By using responses to questions in its existing assessment tools, together with others developed specifically for this task that focus on foreign terrorist fighters, the Executive Directorate has mapped the principal gaps for the most affected States identified through its dialogue with States.

C. Evidence-based risk management

4. The survey was conducted by Executive Directorate experts using information acquired during the Committee’s visits to States and other forms of dialogue with States, including responses to questions submitted directly to the States as part of the survey, as well as information gathered for completion of the detailed implementation survey and overview of implementation assessment prepared for each Member State. The Executive Directorate also wrote to all the States concerned requesting their input.

45 Security Council resolution 2178 (2014), eighth preambular paragraph.
46 The Security Council draws particular attention to the plight of these States in resolution 2178 (2014), paragraph 14.
5. The survey also draws on threat analysis provided in the course of the Executive Directorate’s dialogue with its partners, including the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and other Security Council expert groups, the Council of Europe, the Financial Action Task Force, the International Organization for Migration, the International Criminal Police Organization and the United Nations Office on Drugs and Crime.

6. In conducting the analysis, the Executive Directorate has for the first time adopted a risk-based approach aimed at facilitating capacity-building tailored to each State’s perception of its own needs. The huge diversity of affected States, in terms of their size and population, and the nature of the various threats posed by foreign terrorist fighters to particular States, as well as States’ relative capacities and vulnerabilities to address the threats, makes a ‘one size fits all’ approach impractical.

7. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed template that might have little relevance to their situation. The size of a State alone is a simple yet crucial indicator that some counter-terrorism measures may be of more relevance than others. For example, the Executive Directorate’s assessments have shown that large States have a greater need for sophisticated coordination mechanisms for national inter-agency data exchange than do small States, where meaningful information exchange at the operational level can be relatively easy to achieve.

8. Nevertheless, one of the great strengths of the Executive Directorate assessment process is its consistency. The same questions are asked of all States. This has the benefit of allowing rigorous yet granular conclusions to be drawn on a regional and global basis in accordance with agreed criteria. The Executive Directorate is developing, in the reports, a methodology that preserves the impartiality of the assessment process while allowing for the development of a tool that can provide practical answers for individual States on how to proceed: a proposed road map that will enable States and their international partners to build capacity in a meaningful way. The Committee already prioritizes certain steps in its reports on its visits to States. The intention here is to develop and implement that approach in a more systematic way.

9. In order to prioritize their conclusions, Executive Directorate experts cross-referenced findings about the implementation of specific measures, ranked on six levels from “yes” to “no information”, with a “priority” rating ranked on three levels: low, medium and high. The concept of “priority” is intended to indicate how important the particular measure is for the security of the State. During its country visits, the Committee makes priority recommendations tailored specifically to States’ particular circumstances. The addition of the “priority” rating is proving to be an effective approach that will assist States in implementing a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further in the coming months.
As part of its work to support the CounterTerrorism Committee, and as a concrete followup to Security Council resolution 2178 (2014), the CounterTerrorism Committee Executive Directorate (CTED) has produced a series of documents on the implementation by Member States of that resolution. This publication gathers three of these key reports, namely S/2015/338 of 14 May 2015; S/2015/683 of 2 September 2015; and S/2015/975 of 29 December 2015.