

# CTED TRENDS ALERT

July 2018

## CONCERN AT POTENTIAL RISKS POSED BY THE FORTHCOMING

## RELEASE OF IMPRISONED FTFs



**CTED**

UNITED NATIONS SECURITY COUNCIL  
COUNTER-TERRORISM COMMITTEE  
EXECUTIVE DIRECTORATE

## OVERVIEW

The present *Trends Alert* was prepared by CTED in accordance with Security Council resolution 2395 (2017). This reaffirms the essential role of CTED within the United Nations to identify and assess issues, trends and developments relating to the implementation of Council resolutions 1373 (2001), 1624 (2005) and 2178 (2014), and other relevant resolutions.

CTED *Trends Alerts* are designed to increase awareness within the Security Council Counter-Terrorism Committee (CTC), and among UN agencies and policymakers, of emerging trends identified through CTED's engagement with Member States on their implementation of the relevant Council resolutions. The Alerts will also include relevant evidence-based research conducted by members of the CTED Global Research Network (GRN)<sup>1</sup> and other researchers.

## INTRODUCTION

With the flow of foreign terrorist fighters (FTFs)<sup>2</sup> to conflict zones in the Syrian Arab Republic, Iraq, and Libya, all but halted, Member States' focus has shifted to the challenges posed by returning and relocating FTFs and their accompanying family members. A November 2017 study<sup>3</sup> found that over 5,000 FTFs from 79 States were imprisoned, while a July 2018 research paper indicated that over 7,000 travellers from 80 States had returned from the conflict zones.<sup>4</sup>

## TRENDS ALERT

Within the framework of its engagement with Member States, **CTED has been alerted to their increasing concern at the potential risks posed by the forthcoming release of imprisoned FTFs.** Research suggests that the current trend primarily relates to male FTFs; just five per cent of women who travelled to Iraq and the Syrian Arab Republic have been recorded as returning home,<sup>5</sup> while some Member States have only recently begun to prosecute female returnees.<sup>6</sup>

<sup>1</sup> See April 2018 [GRN newsletter](#) for further information.

<sup>2</sup> As defined by Security Council resolution 2178 (2014).

<sup>3</sup> Cragin, Kim (2017), *Foreign Fighter: 'Hot Potato' Lawfare*.

<sup>4</sup> Cook, Joanna & Vale, Gina (2018), *From Da'esh to Diaspora: Tracing the Women and Minors of Islamic State* International Centre for the Study of Radicalisation.

<sup>5</sup> Ibid

<sup>6</sup> Renard, Thomas & Coolsaet, Rik (editors) (2018) *Returnees: Who are They, Why are They (not) Coming Back and How Should we Deal With Them?* Egmont Royal Institute for International Relations

States are particularly concerned at the potential for released FTFs to re-engage in terrorist activities. A number of prominent terrorist offenders (including much of ISIL's leadership) have continued their activities in prison, creating new networks or organizational structures with a view to continuing their operational activities upon their release. Member States have identified two critical challenges in relation both to this trend and to the broader issue of in-prison radicalization:

1. Uncertainty about the effectiveness of risk-assessment and monitoring tools developed for such individuals, both during their imprisonment and following their release;
2. The need to develop rehabilitation and reintegration measures for such individuals, both during imprisonment and following their release, and uncertainty about their effectiveness.

Moreover, owing to evidentiary and jurisdictional challenges, a number of FTFs have been given relatively short sentences. Consequently, Member States will have limited opportunity to engage them in rehabilitation and reintegration programmes prior to their release. Member States have therefore sought CTED's support to identify good practices in the implementation of existing rehabilitation and reintegration programmes.

## AVAILABLE GUIDANCE

Security Council resolutions 2178 (2014) and 2396 (2017) stress the importance of taking effective measures to address the FTF phenomenon, and the need for States to develop and implement comprehensive and tailored prosecution, rehabilitation and reintegration strategies for returning and relocating FTFs and their accompanying family members, taking into account gender and age sensitivities. States are also encouraged to take a whole-of-Government approach, in consultation, as appropriate, with local communities, mental health and education practitioners, and other relevant civil society organizations and actors. Resolution 2396 (2017) emphasizes that **these measures must be in compliance with domestic and international human rights law.**

Further guidance is available from various sources, including CTED's *Technical Guide*<sup>7</sup> and the United Nations Office on Drugs and Crime's *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons*.<sup>8</sup> Guidance is also available from the Global Counterterrorism Forum,<sup>9</sup> the Council of Europe,<sup>10</sup> and the European Commission Radicalisation Awareness Network.<sup>11</sup>

<sup>7</sup> Available on the [CTC website](#) in all six official languages of the United Nations.

<sup>8</sup> Available on the [UNODC website](#).

<sup>9</sup> See various, including: [Addendum to The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon with a focus on Returning FTFs](#) GCTF; [Rome Memorandum](#) GCTF; [Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offences](#).

<sup>10</sup> See [New guidelines for prison and probation services regarding radicalisation and violent extremism](#).

<sup>11</sup> See [Declaration of Good Practices for Engagement with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration](#).

## CURRENT APPROACHES

In dealing with terrorist offenders, many Member States have prioritized the potential risk of in-prison radicalization, including by dispersing inmates identified as potential radicalizers across the prison population; housing them separately from the general prison population; or combining both strategies in accordance with their respective risk assessments.<sup>12</sup> Member States have also taken steps to strengthen in-prison monitoring, by creating specialized units to inform risk assessment and post-release risk-mitigation strategies. Recent post-release monitoring measures include the creation of dedicated teams to monitor former inmates, and the use of administrative measures that combine electronic monitoring with restrictions, including over travel and Internet usage. It is essential that all such approaches comply with domestic and international human rights law.

CTED's engagement with Member States has identified a number of regional trends in the development and implementation of rehabilitation programmes for terrorist prisoners and reintegration programmes to support their eventual release. Some Central Asian States, for example, have used non-governmental organizations, religious leaders, and former terrorists to engage with detainees. In the Maghreb and Middle East, some programmes combine a religious component with the provision of psychosocial assistance, vocational training, and financial support to families and communities. Some South Asian and South-East Asian States have adopted a whole-of-society approach that involves prison authorities, religious experts, mental health experts, local communities, and families.

Several European States have developed or updated action plans to prepare terrorist prisoners for their release, including measures to strengthen coordination among the relevant authorities, local communities and civil society; provide education and training to participants; and make use of existing welfare systems to support reintegration. Some States have engaged with FTF families, including while FTFs are still in the conflict zone, with a view to preparing them for various potential scenarios and ensuring that they are supported once the FTF is released from prison.

## CHALLENGES

Despite the available guidance and the recent development of monitoring, assessment, rehabilitation and reintegration programmes, considerable challenges remain, particularly for

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<sup>12</sup> Rushchenko, Julia (2018), [Prison Management of Terrorism-Related Offenders: Is Separation Effective?](#) The Henry Jackson Society.

Member States with limited capacity to develop and implement programmes in already stretched prison systems. **Moreover, there is often a limited evidence base to judge the merits of such programmes.** This is due to a combination of factors, including:

- The lack of effective monitoring and evaluation measures, and the recent implementation of many programmes, resulting in limited available data;
- The difficulty of relying on recidivism rates as a metric of success, given Member States' use of differing criteria to determine entry into such programmes, and who is released;
- The difficulty of determining their broader applicability, given the importance of tailoring programmes to local, regional and national conditions.

There is therefore a need for more data, improved information-sharing (in particular with respect to lessons learned), and greater engagement with the research community to ensure that rehabilitation and reintegration programmes are based on sound methodologies. Such programmes may also need to be adaptable to shifts in terrorist-offender demographics, including with respect to age and gender, and must respect human rights and fundamental freedoms in compliance with domestic law and international human rights law.

CTED will continue to engage on these issues, in partnership with Member States; other UN entities; international, regional and subregional organizations; civil society; and the research community (through the GRN). UN entities who are delivering technical assistance to Member States on prison and security sector reform and the prosecution, rehabilitation and reintegration of returning and relocating FTFs, may also be well-placed to identify good practices, and to enhance these technical assistance efforts in partnership with relevant donors.