IDENTIFYING AND EXPLORING THE NEXUS BETWEEN HUMAN TRAFFICKING, TERRORISM, AND TERRORISM FINANCING

CTED
UNITED NATIONS SECURITY COUNCIL
COUNTER-TERRORISM COMMITTEE
EXECUTIVE DIRECTORATE

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[1] https://munkschool.utoronto.ca/

[2] Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (OSR/CTHB).

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Executive summary

- Human trafficking constitutes one of the most serious human rights violations and one of the most profitable activities of organized crime. It attracts a broad range of criminal enterprises, from small local groups to international networks that deal in large numbers of trafficked victims through connections in source, transit and destination States.

- War and conflict enable human trafficking to thrive. People wishing to escape violence may turn to traffickers in the hope of finding a safe haven, but generally find themselves in an exploitative situation.

- Like other forms of illegal activities, human trafficking has become increasingly attractive to non-State armed groups, notably terrorist entities. Acts of violence associated with human trafficking have been central to the modus operandi of the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Boko Haram, Al-Shabaab, and the Lord's Resistance Army (LRA).

- Human trafficking is not a new phenomenon. However, its use in the context of war and conflict has attracted increased attention. Acknowledging terrorists' and other non-State armed groups' use of trafficking as a weapon of war, the Security Council has in recent years adopted a presidential statement and two resolutions on this phenomenon.

- Despite the substantial military setbacks and territorial losses experienced by some terrorist entities, acts of sexual abuse and enslavement against women and girls and acts of forced recruitment and indoctrination against men and boys have continued.

- Numerous studies have demonstrated a clear nexus between human trafficking and terrorism. Nonetheless, the two phenomena continue to be treated separately.

- No Member State is immune to human trafficking or to terrorism. However, the most affected States continue to have little understanding of their vulnerability to the two phenomena and to the potential links between them.

- There remains a need to conduct further research and produce new evidence. Furthermore, efforts to sensitize Member States on the issue of human trafficking in support of terrorism should be strengthened.

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Scope of report

The present report aims to identify and explore the nexus between human trafficking, terrorism, and terrorism financing.

It seeks to shed light on the broader nexus between human trafficking and terrorism and to determine, in particular, the extent to which terrorists have benefitted – including financially – from this form of exploitation. It also aims to analyse the various factors – notably situations of armed conflict, forced displacements, and irregular migrant flows – that may increase the vulnerability of persons (in particular, women and children) to traffickers.

The international community has only recently become aware of the strategic use of practices associated with human trafficking by terrorist groups. There is a need for further research and evidence. The present report therefore does not aim to be exhaustive, but rather to provide greater clarity and broaden understanding of the issue.

- **Section I** outlines the main differences and overlaps between migrant smuggling and human trafficking; explores the issues raised by Security Council resolutions 2331 (2016) and 2388 (2017); and examines the use of human trafficking as a terrorist tactic (including to intimidate populations, decimate communities, institutionalize sexual slavery, and incentivize recruitment).

- **Section II** identifies the nexus between human trafficking and terrorism financing, including by analysing those forms of exploitation that may be used to fund terrorist activities, and considers the misuse of information and communications technologies (ICT) in the sale, trade and trafficking of human beings.

- **Section III** considers, on the basis of the information received from Member States in response to a questionnaire prepared by CTED, the legal and operational measures put in place by States to counter human trafficking. It also highlights related gaps, trends and good practices.

- **Section IV** presents the main conclusions of CTED's research and proposes a number of recommendations for the consideration of Member States and United Nations entities involved in the fight against human trafficking and terrorism.

- **The Annex** contains the English version of CTED's questionnaire.

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Methodology

The present report is based, in part, on the responses to a questionnaire transmitted to all Member States of the United Nations on 13 April 2018 with a view to collecting data on human trafficking-related activities and their potential links with terrorism and obtaining an accurate picture of their use, both as a terrorist tactic and as a means to raise funds for terrorist purposes.[3] Some sections of the report (notably Section I) refer to the issue of migrant smuggling, but the report's central focus is human trafficking. The references to migrant smuggling are included either to clarify the differences between the phenomena or to highlight potential overlaps. No field visits were conducted in the context of this report.

The questionnaire addressed four topics:

- **Threat**
- **Legal framework**
- **Operational measures**
- **Good practices**.

As of 15 November 2018, CTED had received 45 completed questionnaires.[4]

The responses primarily addressed armed-conflict settings and/or areas controlled by terrorist groups.

CTED also engaged with relevant international, regional and subregional organizations involved in the fight against human trafficking; analysed research, background documents and media reports on human trafficking in conflict or post-conflict settings; and reviewed information gathered through the assessment visits conducted on behalf of the Counter-Terrorism Committee. A number of consultations further supported the final drafting and validation process.

Since March 2017, acting under the policy guidance of the Committee and in accordance with Security Council resolution 2331 (2016), CTED has included the question of the nexus between human trafficking, terrorism and terrorism financing in its dialogue with Member States,[5] notably within the framework of its assessment visits,[6] with a view to raising Member States' awareness of the issue and enhancing their response capacities.

Security Council resolution 2388 (2017) encourages Member States to increase efforts to collect, analyse and share data relating to financial flows associated with human trafficking and the extent

[3] The English version of the CTED questionnaire is provided as annex to the present report.
[4] The list of Member States and entities that have responded to the CTED questionnaire is provided in the acknowledgements.
[5] Guided by Security Council resolutions 1373 (2001) and 1624 (2005), the Counter-Terrorism Committee works to strengthen the capacity of United Nations Member States to prevent terrorist acts, both within their borders and across regions. Established in the wake of the 11 September 2001 terrorist attacks against the United States, it is assisted by the Counter-Terrorism Committee Executive Directorate (CTED), which carries out the policy decisions of the Committee, conducts expert assessments of Member States, and facilitates the delivery of counter-terrorism technical assistance.
[6] It should be noted that, thus far, only one visited Member State has been able to identify elements pertaining to the nexus between human trafficking, terrorism and terrorism financing.

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and nature of terrorism-financing activities through this crime and to provide CTED with relevant information pertaining to the links between the two phenomena.

CTED has presented the main requirements of resolutions 2331 (2016) and 2388 (2017) at several forums, including meetings of the Financial Action Task Force (FATF) and of FATF-Style regional bodies (FSRBs) (notably, the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), the Asia/Pacific Group on Money Laundering (APG) and the Eurasian Group on Money Laundering (EAG)).

It has also engaged with representatives of the financial sector, academia, and non-profit organizations involved in the fight against human trafficking.

In January 2018, CTED became a member of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), [7] a policy forum established by the General Assembly of the United Nations to strengthen coordination among United Nations agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons.

CTED also briefed Member States, United Nations entities, intergovernmental organizations, and specialized agencies on the preliminary findings of its research at the Counter-Terrorism Committee's open briefing on the nexus between international terrorism and transnational organized crime, held at United Nations Headquarters, New York, on 8 October 2018.[8]

Challenges

The present report explores the broader nexus between human trafficking and terrorism, focusing on human trafficking as a means to, *inter alia*, raise funds for terrorist purposes.

Numerous studies have addressed the direct or indirect involvement of organized crime syndicates in human-trafficking networks and the laundering of the proceeds.

[7] The functions of the ICAT are to provide a platform for exchange of information, experiences and good practices on anti-trafficking activities; to support the activities of the United Nations and other international organizations with the aim of ensuring full and comprehensive implementation of all international instruments and standards of relevance to the prevention and combating of trafficking in persons and to the protection of, and support for, victims of trafficking; to work towards a comprehensive, coordinated and holistic approach to human trafficking, which is gender and age-sensitive and grounded in a human rights based-approach; and to promote effective and efficient use of existing resources, using, to the extent possible, mechanisms already in place at the regional and national level. As of August 2018, ICAT was composed of 22 organizations: CTED, United Nations Department of Political Affairs (DPA); United Nations Department of Peacekeeping Operations; International Civil Aviation Organization (ICAO); International Centre for Migration Policy Development (ICMPD); International Criminal Police Organization (INTERPOL); International Labour Organization (ILO); International Organization for Migration (IOM); Office of the High Commissioner for Human Rights (OHCHR); Office on Genocide Prevention and the Responsibility to Protect; Organization for Security and Cooperation in Europe (OSCE),United Nations Joint Programme on HIV/AIDS (UNAIDS); United Nations Development Program (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Population Fund (UNFPA); United Nations High Commissioner for Refugees (UNHCR); United Nations Children's Fund (UNICEF); United Nations Interregional Crime and Justice Research Institute (UNICRI); United Nations Office on Drugs and Crime (UNODC); Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict; United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); and World Bank. The Council of Europe has maintained its status as ICAT partner. For more information, visit: http://icat.network/.

[8] See also: https://www.un.org/sc/ctc/news/event/open-briefing-counter-terrorism-committee-terrorcrimenexus/.

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The APG/FATF joint typology report on *Financial flows from human trafficking*[9] aims to provide tangible indicators and best practices for Governments to strengthen their ability to detect the proceeds of human trafficking-related activities. It also seeks to identify recent developments in the nature and scope of financial flows associated with human trafficking, including proceeds helping to sustain terrorist organizations and activities. However, given the current absence of specific law-enforcement case studies[10] on the use of such exploitation for terrorism-financing purposes, information on the human trafficking/terrorism financing nexus is limited, and the linkage between the two phenomena is referred to as "potential".

The broader human trafficking/terrorism nexus — notably the use of sexual and gender-based violence as a strategy to destroy communities, advance ideology and incentivize recruitment — has also been well documented.[11]

In its twenty-second report,[12] the Analytical and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities (mandated by resolution 2388 (2017) to explore with Member States the question of human trafficking and perpetration of sexual violence in armed conflict by ISIL and Al-Qaida) states that "the issue may have affected some of the women and children who left the conflict zone and are now detained". With specific regard to the potential human trafficking/terrorism financing nexus, the Monitoring team reports that consulted States have assessed that "sexual exploitation has never been a significant source of income for ISIL, but lack information on other aspects of the issue".

There are a number of reasons why it is difficult to identify cases demonstrating that human trafficking has contributed to the financing of terrorist activity:

- **Overlaps**: in many cases, it is difficult to establish whether a person has been the victim of human trafficking, migrant smuggling, or kidnapping for ransom. Even though each crime has its own legal definition, the differences between them are often blurred. Furthermore, one crime may evolve and turn into another. This may occur if, for instance, a person is abducted, abused as sexual slave, and then sold back to the family through the payment of a ransom, or when migrants who have begun their journeys by willingly placing

[9] http://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf.

[10] According to the FATF typology report, the reasons may be: "(i) authorities, appropriately, prioritize victim safety above evidence or intelligence-gathering; their focus is thus not on gathering evidence to secure a terrorism-financing conviction; (ii) evidence and intelligence collection in a given geography which is controlled, or partially controlled, by terrorist groups is very challenging, even after the conclusion of a conflict. The admissibility of such information to court proceeds would also be challenging; (iii) seeking a conviction for or specific intelligence on the financing of terrorist activities from the proceeds of human trafficking is simply a lower priority for national authorities combatting terrorist groups than other outcomes which would range from kinetic action to victim extraction; (iv) prosecutors may opt to pursue other charges – and not terrorism finance-related charges – because the evidence is more readily available and the penalties are similar".

[11] For instance, in the United Nations Human Rights Council report, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016; in the report of the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission for Iraq, *A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL,* August 2016; in the Secretary-General reports on conflict-related sexual violence; in the reports of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat; and in the reports of the Secretary-General pursuant to Security Council resolutions 2331 (2016) and 2388 (2017).

[12] https://www.un.org/sc/ctc/news/document/s-2018-705-twenty-second-report-analytical-support-sanctions-monitoring-team-submitted-pursuant-resolution-2368-2017-concerning-isil-daesh-al-qaida-associated/.

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themselves in the hands of smugglers become victims of human trafficking along the way[13] because of a debt bondage.

- **Lack of relevant/substantive information**: the responses obtained by CTED through the dissemination of its questionnaire demonstrate that, whereas some Member States have been able to collect some data on the use of human trafficking as a terrorist tactic, most lack information about financial aspects.
- **Difficulty in collecting evidence**: as trafficking activities associated with terrorism are mainly concentrated in territories that were (or still partially are) controlled by terrorist groups, gathering evidence can be challenging. Another problem relates to the possibility of using information retrieved from the battlefield or in (post-)conflict situations (particularly by the military) in court. The main challenge for law-enforcement officials and prosecutors is to determine how to ensure that such information meets the legal threshold to be permissible as evidence in criminal proceedings.
- **Impunity**: armed conflict situations or other contexts in which terrorist groups operate are characterized by a state of impunity caused by erosion of the rule of law and breakdown of order.[14]
- **Lack of capacity/expertise/awareness**: some Member States have identified concrete instances of human trafficking which may be related to terrorism financing. However, those cases are based mainly on "verbal narratives" and have not yet been investigated, owing to limited expertise or lack of resources. Some States appear not to be fully aware of their vulnerability to terrorism or human trafficking.
- **Identifying financial patterns**: because the sale of Yazidi women by the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and other instances of human trafficking that may be associated with terrorism financing involve cash transactions, it is difficult to "follow the money" in order to identify financial patterns.
- **Not a significant source of revenue**: as human trafficking does not represent a key source of revenue for terrorist groups (in comparison to natural resources, extortion and taxation), Governments tend to undermine its "potential" use as an opportunistic profit source.

Introduction

"Human trafficking is both illegal and big business".[15] According to ILO,[16] human trafficking generates annual profits of around $150 billion. As noted by the 2018 Global Slavery Index[17], 89 million people have experienced some form of enslavement over the past five years. However, because human trafficking is both covert and illegal, it is difficult to gather accurate data. In some rural communities, practices[18] that might be perceived as human trafficking are deeply rooted in

[13] IOM, Global Compact Thematic Paper, *Combating Trafficking in Persons and Contemporary Forms of Slavery*, p. 3.
[14] UNODC, *Global Report on Trafficking in Persons, 2016*, p. 64.
[15] United Nations University, *25 Keys to Unlock the Financial Chains of Human Trafficking and Modern Slavery*, Workshop Report, July 2017, p. 6.
[16] This estimate is the result of the aggregation of regional profit figures for three forms of forced labour: forced labour exploitation outside of domestic work, forced domestic work and forced sexual exploitation. It does not take into account the profits generated by the 2012 ILO estimate of 2.2 million victims of forced labour imposed by State authorities, nor does it account for the proceeds generated from human trafficking for the purposes of the removal of organs.
[17] The index is developed by the Walk Free Foundation. For further information, please visit: https://www.globalslaveryindex.org/.
[18] For instance, the "wahaya practice" – notably widespread in West Africa – involves the purchase of one or more girls, usually of slave descent, under the guise of a fifth wife. However, girls subject to this practice are not officially married to their master and therefore have

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the social structure and widely accepted as local customs. Many victims therefore remain undetected. Women and children continue to be most vulnerable to trafficking.

The overall number of victims has dramatically increased in tandem with the unprecedented rise in irregular[19] migration and forced displacements, notably in the context of armed conflict, prosecution or human rights violations. War, lack of economic opportunity, discrimination and gender-based violence further expose vulnerable people to abuse, particularly in situations where erosion of the rule of law allows traffickers to operate with impunity. A growing body of evidence has highlighted the scale and scope of exploitation, including human trafficking, experienced by migrants during their journeys.

Over recent years, this practice has also played an increasing role in the operations of terrorist organizations, particularly ISIL. Acts of sexual and gender-based violence associated with human trafficking have been used as part of the strategic objectives and ideology of terrorist groups and as a way to raise funds to support their activities. The potential for terrorist entities to use such methods to secure ransom payments is also a major concern.

Security Council resolutions 2331 (2016)[20] and 2388 (2017)[21] condemn, in the strongest terms, the sale of, or trade in, persons seized by ISIL, as well as violations and abuses conducted by Boko Haram, Al-Shabaab, the Lord's Resistance Army (LRA) and other such groups for the purposes of sexual slavery, exploitation and forced labour. They also request CTED to include in its country assessments information regarding Member States efforts to address the issue of trafficking in persons where it is committed for the purposes of supporting terrorism, including financially.

The links between human trafficking and terrorism have been demonstrated notably in the sale of Yazidi women on the open market and the use of children as suicide bombers and beggars. However, the covert nature of human trafficking, the difficulty of collecting evidence, the lack of expertise required to conduct proper investigations, and the sensitivity of the issue also undermine efforts to ascertain its scale. Therefore, the broader human trafficking/terrorism nexus continues to be underexplored.

none of the legal rights and protection to which legal wives would have recourse. "Wahaya" are essentially slaves used for domestic labour and sexual gratification.

[19] In this report, the term *irregular* denotes movement that does not follow, or fall within, legally recognized modes of entering States.

[20] http://unscr.com/en/resolutions/doc/2331.

[21] http://unscr.com/en/resolutions/doc/2388.

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Section I

Human trafficking and migrant smuggling

1. Over recent years, the issues of human trafficking and migrant smuggling have attracted increasing momentum. Target 8.7 of the 2030 Sustainable Development Goals, adopted by Member States in 2015, requires States to "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms".[22]

2. The increased attention of the international community has helped strengthen understanding of the issues. However, that understanding continues to be undermined by definitional difficulties, lack of knowledge, and the blurring of distinctions.

1. Legal definition

3. Human trafficking and migrant smuggling are two different crimes. Article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[23] supplementing the United Nations Convention against Transnational Organized Crime, states that "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

4. The main elements of human trafficking are thus the following:

- **Act**: recruitment; transport; transfer; harbouring; receipt of persons
- **Means**: threat or use of force; coercion; abduction; fraud; deception; abuse of power or vulnerability; giving or receiving of payments or benefits
- **Purpose**: exploitation.

5. Article 3 (a) of the Protocol Against the Smuggling of Migrants by Land, Sea and Air[24] defines migrant smuggling as "the procurement, in order to obtain, directly or indirectly, a financial

[22] https://www.un.org/sustainabledevelopment/economic-growth/.
[23] The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. It entered into force on 25 November 2000. Currently, 173 Member States are party to the Protocol. See also: https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html.
[24] The Protocol was also adopted on 15 November 2000 and entered into force on 28 January 2004. Currently, 146 jurisdictions are party to the Protocol. See also: https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-21%20AM/Ch_XVIII_12_bp.pdf.

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or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident".

2. Differences and overlaps between the two phenomena

6. Although, in some circumstances, it is difficult to establish whether a person has been the victim of human trafficking or migrant smuggling, the main differences between the two crimes can be identified in the following elements:

- **Consent**: trafficking victims have not consented or have consented under coercion[25]
- **Transnationality**: smuggling is always transnational (since it consists of the illegal entry of a person into a third State), but human trafficking need not be
- **Cycle of exploitation**: whereas smuggling ends when the migrant reaches his/her destination, trafficking is an endless cycle of abuse, which stops only when the victim no longer constitutes a source of profit for his/her trafficker(s)
- **Effect/impact**: since smuggling represents an act aimed at facilitating the illegal entry of an individual into a third country, it mainly affects the sovereignty of States over their borders. Trafficking is conducted for the purpose of exploitation (which can assume different forms and manifestations) and is mainly a crime against a person (i.e., the trafficked victim).[26]

7. However, both traffickers and smugglers engage in these activities because they produce a "benefit". Whereas in the case of smuggling, the benefit is mainly financial, in the case of trafficking, it is more diversified. Human traffickers regard people as commodities (i.e., items that can be exploited and traded for a variety of purposes).

8. Another aspect that hampers efforts to distinguish between the two phenomena is the fact that one crime can easily evolve and turn into the other. The rise of irregular migration flows has further increased vulnerable people's exposure to different forms of exploitation, including trafficking. With trafficking, migrants often hand over their lives to someone who promises a safe passage into a desired destination, but later find themselves sexually exploited or in forced labour.[27]The clear linkage between the two phenomena is also evidenced by the fact that around 60 per cent of identified human trafficking victims are foreigners in the country of detection. Many prove to be international migrants who have moved from one country to another. [28]

9. Furthermore, most studies focus on the distinction between the two phenomena, based on the assumption that, once the migrant has paid the required sum, he or she is no longer tied to the smuggler. However, the facts tend to demonstrate the opposite. Migrant smuggling can be a stepping stone to human trafficking, notably in cases where the person cannot pay the smuggler or is caught up in economic exploitation or forced crime.[29]

[25] It should be noted that, in the context of child victims, the element of consent is always irrelevant.
[26] UNODC, *Global Study on Smuggling of Migrants, 2018*, p. 19.
[27] UNODC, *Global Report on Trafficking in Persons, 2016*, p. 62.
[28] *Ibidem.*
[29] CARITAS, Research Action, *Trafficking in Human Beings in Conflict and Post-Conflict Situation, 2015*, p. 6.

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Example 1

Faith was approached by a woman who promised her a job at a Nigerian restaurant in Italy. She thought this was her chance to begin a new life. When Faith arrived in Italy, however, she was informed that she had to pay back more than $50,000 in debt before she could leave. Her traffickers forced her into prostitution, telling her that they would kill her if she did not comply. Faith felt like she was always in danger and was even stabbed several times. She managed to escape and now works to help other women trapped in sex trafficking in Italy.

Source: *US State Department, Trafficking in Persons Report, 2018*, p. 8.

Example 2

On 27 March 2017, Kenyan Police arrested Ali Hussein Ali (alias "The Trusted One"), a terrorist linked to ISIL, whom they described as a key link in terrorism financing, as well as human smuggling and trafficking.

According to the police, he played a key role in the *Magafe* network in facilitating the travel of recruits from Kenya to Somalia to join ISIL in Libya, as well as the safe passage to Europe of irregular migrants via Libya. Ali facilitated the transfer of money linked to an ISIL network and traversed several States, including Libya, Somalia, South Sudan and Sudan. The money was transferred through various States before reaching Libya, in order to conceal the transaction trail.

Ali was born in Mogadishu and entered Kenya in 2010 as a tourist, before moving to South Africa, Sudan and, finally, Tripoli, where he joined ISIL. He returned to Kenya in November 2016, becoming a key agent for the terrorist organization and the *Magafe* human smuggling/trafficking network in Libya.

At the time of his arrest, Ali was demanding $639,000 from his "boss". The money was a "facilitation commission" that he was to be paid after safely delivering recruits and irregular migrants to their destinations. Ali and his accomplices housed recruits and irregular migrants in lodges within Eastleigh, Malindi, and other areas before facilitating their travel to Libya, the Syrian Arab Republic, and Europe.

Upon their arrival in Libya, the recruits and irregular migrants were detained by criminal gangs (notably *Magafe*) and would only be released upon payment of ransom of between $2500 and $7000. The money was transferred to Mogadishu through *Hawalas* located in Kenya. The ransom was channelled to ISIL in Libya. Recruits and irregular migrants captured in Libya had been requesting assistance from their family members back in Kenya. The funds sent to *Magafe* were intended to secure their release.

ISIL recruits would have taken advantage of the situation to extort their family members by making false claims of capture in order to finance their activities.

Source: *National Police Service, Republic of Kenya*

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Factors that may increase vulnerability to trafficking

10. Vulnerability to trafficking should be broadly understood as the relationship between "push" factors, the conditions in the hosting and transit States, people's access to entitlements, and their capacity to make migratory decisions. Women and girls, and those fleeing war and persecution, are most vulnerable to trafficking. All migrants make choices, but within divergent ranges of options for mobility, which can change over time on a migratory journey. A worst-case risk scenario is an already marginalized person, who is pushed into a weak State where trafficking gangs operate, who has no access to resources or international protection.

11. Vulnerability is dictated not simply by exposure to risk, but by proximity to entitlements in social and political structures.[30] For example, when war is looming, those with the most entitlements can choose to migrate early as an anticipatory decision, with a specific destination in mind. They can procure travel documents through bribes or pay reliable smugglers for a full journey from country of origin to destination. Many migrants make the choice to move on a "proactive" basis (i.e., as a result of poor life chances), rather than on a "reactive" basis (i.e., the result of conflict or direct persecution), or, what Betts calls "survival migration".[31]

12. People with migratory potential who enjoy higher status will be less likely to be trafficked, but can suffer from more risk over time as they move away from certain privileges. People with fewer entitlements experience the same "push" factors, but have narrower choices. They make decisions later, in a more ad hoc fashion, and their journeys are longer and involve several waypoints. Traditionally marginalized groups, including women, minors, the poor, people with lower education, or ethnic minorities, are more vulnerable to trafficking.

13. In contexts that combine strong "push" factors with narrow regular migration channels, traffickers can trick or coerce migrants into abusive contexts or offer to facilitate movement for later payment, resulting in situations of forced labour or prostitution.[32] For example, people fleeing acute crises like civil conflict often have to move quickly and without a plan. The absence of international protection, or safe channels for migration, can render them more vulnerable to trafficking. To take a prominent example: Syrian refugees who have fled the ongoing violence in their country appear to be particularly vulnerable to trafficking in neighbouring States, where NGOs report a significant amount of indentured labour and among both adults and children, child marriages, and forced "temporary marriages" amounting to forced prostitution.[33] Recent research shows that Syrian men and women are vulnerable to different forms of trafficking. While women and girls are open to more sexual abuse, men travelling alone are more vulnerable to forced labour.

14. People escaping war and persecution are the most vulnerable to human trafficking. They are forced to make decisions within a short time frame and often flee to weak States with pre-

[30] Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation*, 1981, Oxford, Clarendon Press.
[31] Alexander Betts, Survival Migration: Failed Governance and the Crisis of Displacement, 2013, Ithaca, NY, Cornell University Press.
[32] Gabriella Sanchez, Human Smuggling and Border Crossings, 2014, Routledge.
[33] United Nations Population Fund, New Study Finds Child Marriage Rising Among Most Vulnerable Syrian Refugees, 2017. Available at: https://www.unfpa.org/news/new-study-finds-child-marriage-rising-among-most-vulnerable-syrian-refugees.

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existing displacement crises – a particularly worrisome trend given that most displaced people are hosted in the world's least developed States.

15. Within irregular migratory contexts, relying on smugglers means that interactions are often isolated to clandestine markets that are characterized by the desire to avoid protection regimes and law enforcement. In the context of high levels of corruption and collusion between State authorities and criminal networks, where migrant rights may be ignored and traffickers may act with impunity. This is illustrated by the current situation in Libya, where the large number of irregular migrants either try to avoid State authorities or are trafficked by security services.[34]

16. In crisis scenarios (e.g., violent conflict, failing States, or natural disasters), migrants face pressure to move in situations where they are effectively trapped. Migrants thus have an even narrower range of choices in contexts in which they are highly vulnerable because of subordinate social position, lack of legal status, exacerbated protection gaps, lack of consular assistance, and arbitrary detention. Women, unaccompanied minors, the poor, and the undocumented face even greater vulnerability. In crisis-affected States, the issue of trafficking may be ignored, leading to more room for abusive situations.[35] In the European context and elsewhere, "crisis" situations can cause refugees and asylum seekers, particularly unaccompanied minors, to be more vulnerable to trafficking, particularly for sex work and forced labour.[36]

Human trafficking and conflict

17. The connection between human trafficking and conflict is not new. However, over the last five years, it appears to have grown significantly. Situations of armed conflict render people more vulnerable to trafficking by exacerbating instability, insecurity and economic desperation, eroding the rule of law and forcing individuals to flee for their safety.[37] These factors also allow armed groups to engage in trafficking activities, notably to forcibly recruit new combatants, perpetrate sexual violence, or generate revenues. "Human trafficking in conflict thus encompasses a wide range of illicit conduct, including enslavement, child recruitment, sex slavery, organ trafficking, forced labour and fraudulent recruitment into an armed group resulting in illegal domestic servitude or military service".[38]

18. In Libya, patterns of sexual violence against migrants, refugees and asylum seekers, perpetrated by smugglers, traffickers and hybrid criminal-terrorist networks, have been well documented. On 7 June 2018, the Security Council Committee established pursuant to resolution 1970 (2011) added six leaders of criminal networks – responsible for human trafficking and people

[34] United Nations Security Council "Final Report on the Panel of Experts on Libya Established Pursuant to Resolution 1973 (2011) (S/2018/812)" https://undocs.org/S/2018/812.
[35] IOM, "Addressing the Situation of Migrants in Countries in Crisis," Global Compact Thematic Paper, 2017, available at: https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Migrants-in-Countries-in-Crisis.pdf.
[36] European Commission, *Report on the Progress Made in the Fight Against Trafficking in Human Beings. Brussels*, 2016. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/commission_report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016_en.pdf.
[37] U.S. State Department, *Trafficking in Persons Report, 2016*, p. 32.
[38] United Nations University, *Fighting human trafficking in conflict, 10 Ideas for Action by the United Nations Security Council*, 2016, p. 2.

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smuggling in Libya – to its Sanctions List. In the narrative summary of the reasons for listing Ahmad al-Dabbashi,[39] it is explained that his clan and militia "cultivate relationships with terrorist and violent extremist groups". The summary also states that they "have longstanding links with ISIL and its affiliates" and that "several ISIL operatives have been in their ranks".

19. Moreover, human trafficking has become an opportunistic tactic to spread terror, control populations, and impede the restoration of peace and the possibility to conduct a normal life. The 2018 Report of the Secretary-General on Conflict-Related Sexual Violence[40] underscores the use of sexual assault both by State actors and non-State armed groups as a weapon of war and a source of profit. "Combatants raid, pillage, abduct, extort, ransom, trade and traffic to supplement their personal micro-economies, while women suffer structural discrimination at the macroeconomic level, which reduces their resilience to financial and security shocks".[41] Women who have been victims of sexual violence face trauma, stigma, social marginalization, poor health and unwanted pregnancy.[42]

20. Children and minors who have been forcibly recruited and trained to combat alongside armed groups face detention for alleged affiliation. These alarming trends are common to a range of otherwise diverse conflicts, including in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, Myanmar, Nigeria, Somalia and South Sudan.[43] However, despite efforts to better ascertain the gravity of the issue, human trafficking in conflict – as well as in other crisis situations – remains largely overlooked and omitted from formulations of humanitarian and emergency response policies.[44]

Security Council resolutions 2331 (2016) and 2388 (2017)

21. The Security Council held its first-ever meeting on human trafficking in the context of armed conflict in December 2015. During the debate, organized by the United States Presidency, the Council deplored all acts of trafficking perpetrated by ISIL, Boko Haram, the Lord's Resistance Army (LRA) and other armed or terrorist groups, underscoring that such abuse in the context of armed conflict might constitute a war crime. On that occasion, Ms. Nadia Murad Basee Taha, UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking and winner of the 2018 Nobel Peace Prize,[45] addressed the Council to share her own experiences as a sexual slave of ISIL. Furthermore, in its presidential statement PRST/2015/25, of 16 December 2015,[46] the Council called upon Member States to reinforce their political commitment and improve the implementation of applicable legal obligations to criminalize, prevent and otherwise combat human trafficking, while enhancing efforts to detect and disrupt it.

[39] https://www.un.org/sc/suborg/en/sanctions/1970/materials/summaries/individual/ahmad-oumar-al-dabbashi.
[40] http://undocs.org/S/2018/250.
[41] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 7.
[42] *Ibidem.*
[43] *Ibidem.*
[44] U.S. State Department, *Trafficking in Persons Report, 2016*, p. 32.
[45] Dr. Denis Mukwege –gynaecologist, human rights activist and founder of the Panzi Hospital and Foundation in the Democratic Republic of the Congo– also received the 2018 Nobel Peace Prize for "his efforts to end the use of sexual violence as a weapon of war and armed conflict".
[46] https://undocs.org/S/PRST/2015/25.

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22. The Security Council's attention to, and action against acts of human trafficking in areas affected by armed conflicts were further enhanced through the adoption of its resolutions 2331 (2016) and 2388 (2017). In resolution 2331 (2016), the Council notes the possibility that this practice is used as a tactic of terrorism, as well as an instrument to raise funds for terrorism. Acknowledging that terrorist groups might benefit from resources generated through human trafficking, the resolution encourages FATF to conduct an analysis of financial flows associated with trafficking in persons that finances terrorism as part of its ongoing work. It also calls upon Member States to develop the expertise of their financial intelligence units (FIUs) to analyse cases of trafficking in persons associated with terrorism financing and to consider reinforcing legal and regulatory measures to help identify and detect suspicious financial activity related to such abuse.

23. By its adoption of resolution 2388 (2017), the Council reaffirms its condemnation, in the strongest terms, of all instances of trafficking in persons, especially women and children, who made up the vast majority of all trafficking victims in areas affected by armed conflict and underscores the importance of collecting and preserving evidence relating to such acts so as to ensure that those responsible could be held accountable. It also stresses that trafficking undermines the rule of law and contributes to other forms of transnational organized crime that could exacerbate conflict and foster insecurity and instability.

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Other Security Council resolutions dealing with human trafficking and terrorism

Security Council resolution 2195 (2014): "expressing concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs […]"
Security Council resolution 2199 (2014): "condemning in the strongest terms abductions of women and children, expressing outrage at their exploitation and abuse, including rape, sexual abuse, forced marriage, committed by ISIL, ANF, and other individuals, groups, undertakings and entities associated with Al-Qaida, and encouraging all state and non-state actors with evidence to bring it to the attention of the Council, along with any information that human trafficking may support the perpetrators financially"
Security Council resolution 2242 (2015): "expressing deep concern that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing, recruitment, and the destruction of communities"
Security Council resolution 2253 (2015): "condemning in the strongest terms abductions of women and children by ISIL, ANF, and associated individuals, groups, undertakings, and entities […] expressing outrage at their exploitation and abuse, including rape, sexual violence, forced marriage, and enslavement by these entities, encouraging all State and non-state actors with evidence to bring it to the attention of the Council, along with any information that such human trafficking may support the perpetrators financially […]and noting that any person or entity who transfers funds to ISIL directly or indirectly in connection with such exploitation and abuse would be eligible for listing by the Committee"
Security Council resolution 2368 (2017): "reaffirms its intention to consider targeted sanctions for individuals and entities associated with ISIL or Al-Qaida involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and encourages all Member States to consider submitting to the Committee listing requests in this regard"
Security Council resolution 2379 (2017): "condemning the commission of acts by ISIL involving murder, kidnapping, hostage-taking, suicide bombings, enslavement, sale into or otherwise forced marriage, trafficking in persons, rape, sexual slavery and other forms of sexual violence, recruitment and use of children […]"
Security Council resolution 2427 (2018): "remains gravely concerned by the human rights abuses and violations of international humanitarian law committed by all non-state armed groups, including those who commit acts of terrorism, including abuses and violations such as mass abductions and sexual and gender-based violence, particularly targeting girls, which can cause displacement and affect access to education and healthcare services, and emphasizing the importance of accountability for such abuses and violations".

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Armed groups as traffickers

24. Armed, terrorist and insurgent groups often occupy the same spaces and engage in the same tactics. The Central Mediterranean irregular migration route is the most-travelled to Europe. Smuggling and trafficking routes from West, Central, and East Africa, which transit through the Sahel, and into North African States with Mediterranean coastlines, overlap significantly with territory controlled by terrorist and armed groups. In these contexts, terrorist entities have been able to take advantage of porous borders and lack of governance to earn profits from human smuggling and trafficking.

25. The Sahel is the de facto geographical, cultural, and historical division between Sub-Saharan and North Africa. It includes parts of 15 States. Its central sections, particularly in Chad, Mali, Niger and Sudan, include long-established smuggling and trafficking routes across the Sahel, on an East-West axis, as well as for goods and people travelling between Sub-Saharan Africa and North Africa. Most illicit profits are earned through trafficking in drugs, weapons, pharmaceuticals, cash, cigarettes, and other contraband.[47]

26. In this context, several prominent terrorist networks are intertwined with actors involved in smuggling and trafficking. For example, the notorious leader of Al-Mourabitoun, before pledging allegiance to Al-Qaida and later ISIL, was known as the "King of Marlboros" or "Mr. Marlboro" because of his prolific cigarette smuggling through the region.

27. In Libya, armed groups benefit from the proceeds of human trafficking. Most migrants entering Libya do so voluntarily, using smugglers. They enter the country either from West Africa, via its southern borders, or from the Middle East and East Africa, via its borders with Egypt and Sudan. Armed groups have long operated smuggling routes into and out of Libya, but the fracturing of the State after 2011 led to the proliferation of militias, the emergence of protection economies, and the opportunity to accumulate wealth through illicit trade. Following the fragmentation of the State, various groups profited hugely from smuggling weapons out of the country to peripheral States in the Sahel and West Africa and began to participate in the smuggling of people into Libya.

28. The Panel of Experts established pursuant to resolution 1973 (2011) has shown that armed groups in both eastern and western Libya profit from human smuggling and trafficking, which overlaps with weapons, petroleum, and gold trafficking.[48] Throughout eastern, western, southern, and coastal Libya, armed members of security services are either connected with smuggling rings or actively complicit in smuggling, detention, and selling people for forced labour, which amounts to trafficking. The Special Deterrent Forces, the Libyan Coastguard, and the Directorate for Countering Illegal Migration (all affiliated with the Tripoli-based Government and supported by the European Union) earn profits by selling migrants to traffickers and smugglers. In the most

[47] FATF-GIABA-GABAC, *Terrorist Financing in West and Central Africa*. Financial Action Task Force, Paris, 2016. http://www.fatf-gafi.org/media/fatf/documents/reports/Terrorist-Financing-West-Central-Africa.pdf..

[48] United Nations Security Council "Final Report on the Panel of Experts on Libya Established Pursuant to Resolution 1973 (2011) (S/2017/466)" https://undocs.org/S/2017/466.

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notorious case, the Libyan coastguard and militant groups on the coast, at Zawiya, have opened private detention centres for extorting migrants and selling them to other groups.[49]

29. Migrants entering Libya, particularly through its southern borders, from the Sahel, are often reported to be detained and forced to work in order to secure release or onward travel. Sexual and physical abuse are common. One way to earn profits from trafficking is extortion from family members in countries of origin or the diaspora.[50] A survey of the International Organization for Migration (IOM) [51] – conducted to measure human trafficking and exploitation prevalence among migrants and refugees – found that 71 per cent of 2,783 migrants and refugees travelling through the Central Mediterranean route interviewed from June-September 2016 had answered "yes" to having experienced one of six proxy indicators[52] for potential human trafficking or exploitative practices.

30. Sub-Saharan migrants are particularly vulnerable to trafficking by armed groups. Migrants coming from member States of the Economic Community of West African States (ECOWAS) encounter traffickers in Niger, who offer passage in return for later payment. These arrangements often result in debt bondage, violent detention with the aim of extortion, forced labour in construction or on farms, forced prostitution, and other forms of trafficking. Forced prostitution and trafficking of women from Nigeria is a well-documented phenomenon. In addition, Nigerian traffickers often recruit victims in Nigeria and then "sell" them to traffickers in Libya. Evidence for the nexus is strongest along these routes, since migration routes are controlled by militant groups who operate in the largely anarchic areas of the Sahel.

31. Armed groups earn significant profits from trafficking and represent a challenge to State authority. However, there is little evidence that they engage directly in transnational terrorist activities. The absence of evidence does not amount to evidence to the contrary, but more research is needed to establish the connection between the proceeds of trafficking and terrorist activity. However, the proliferation of weapons being trafficked from Libya both to, and by, terrorist groups is the cause of severe instability throughout the Sahel. Terrorist groups (including Al-Qaida and ISIL affiliates) tax migration and trafficking routes, but more often than not the routes are taxed by local and regional armed groups, with little evidence that they support, or are affiliated with, terrorist groups.

32. The profits and prestige of smuggling and trafficking groups may suffer from the connections between irregular migration and terrorist organizations. For example, in the coastal town of Sabratha (where ISIL took root in Libya), smugglers saw the group as a threat to their business model. Wealthy smugglers reportedly bankrolled the fight against ISIL in 2015. Evidence

[49] Office of the United Nations High Commissioner for Human Rights, 2017. *UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity*, Geneva. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E.

[50] Global Initiative Against Transnational Organized Crime, *Libya: A Growing Hub for Criminal Economies and Terrorist Financing in Trans-Sahara*, May 2015. Available at: http://globalinitiative.net/wp-content/uploads/2015/05/TGIATOC-Libya_-a-growing-hub-for-Criminal-Economies-and-Terrorist-Financing-in-the-Trans-Sahara-web.pdf.

[51] IOM, *Mediterranean Human Trafficking and Exploitation Prevalence Survey*, December 2016, Geneva. Available at: www.iom.int/news/mediterranean-human-trafficking-and-exploitation-prevalence-survey-iom.

[52] Five survey indicator- questions refer to the experiences of individual and family travelling with the respondents, and a sixth question refers to a situation witnessed by the respondent (that could also include individual experience, or the experience of a family member). For more information, please visit: http://dtmodk.iom.int/docs/Flow%20Monitoring%20Survey%20Form.pdf.

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suggests that ISIL was unable to earn profits from taking a direct role in either smuggling or trafficking.[53] Violent confrontation between smugglers, militias, and terrorist groups makes specific routes less attractive.

33. The engagement of armed groups in human smuggling and trafficking activities has also been reported by the Panel of Experts established pursuant to resolution 2374 (2017) concerning Mali. According to the Panel, "The two categories overlap, as some smugglers exploit migrants' vulnerability by forcing them into labour and sexual exploitation. Armed groups profit from migrant smuggling through the levying of security fees and illicit taxes, but armed group members are also directly involved as transporters and organizers, so-called *passeurs*, who arrange transport, deal with State officials and security forces and provide shelter in so-called *foyers* and *garages*".[54] Mahamadou Ag Rhissa, also known as Mohamed Talhandak, controls migrant passages in Talhandak and has held women captive and facilitated their sexual exploitation, releasing them only after payments of 150,000-175,000 CFA francs ($300-$350).[55] Ag Rhissa is member of HCUA[56], and on 1 October 2017 Operation Barkhane forces raided two of his houses in the Kidal area on suspicion of having relations with terrorist networks. Ag Rhissa was briefly arrested. However, in November, Ag Rhissa allegedly participated in a terrorist armed group meeting in the Mali-Algeria border area.[57]

Human trafficking as a terrorist tactic

34. Terrorists' systematic use of acts of violence associated with human trafficking clearly demonstrates that such practices are a highly effective means to achieve strategic objectives. Military setback and loss of control over significant parts of territory have not deterred certain terrorist groups from using abduction, rape, sexual slavery, enslavement and other such acts to subjugate populations and advance their ideologies. Victims of violence and forced recruitment are frequently labelled as "affiliates", rather than receiving assistance. Their vulnerability – mainly caused by the rejection from society – may leave them even more susceptible to recruitment, radicalization and trafficking.[58] These factors and their impact generate a vicious cycle that may lead to other violence and, consequently, to forced displacement or destruction of communities. The following sections will explore the nexus between human trafficking and terrorism, including through the analysis of examples.

1. To intimidate populations and decimate communities

35. The strategic use of human trafficking-related activities to pursue ethnic cleansing campaigns targeting persons belonging to minorities is particularly evident in the crimes perpetrated by ISIL against the Yazidi community.

[53] Micallef, Mark. 2017. "The Human Conveyor Belt: Trends in Human Trafficking & Smuggling in Post-Revolution Libya," The Global Initiative Against Transnational Organized Crime, p. 15.
[54] Final report of the Panel in accordance with paragraph 11 (c) of Council resolution 2374 (2017), p. 34.
[55] *Ibidem*
[56] *Haut Conseil pour l'unité de l'Azawad*.
[57] Information provided by the Panel on Experts on Mali in its final report, on the basis of a confidential report dated 28 June 2018.
[58] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 6.

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"Their aim was to eliminate all Yazidi existence under the pretext that — according to them — we were infidels".[59]

36. Even before the August 2014 attack on Mount Sinjar (Nineveh Governorate, Iraq), the Yazidi constituted one of the world's most endangered religious minorities. This predominantly Kurdish-speaking population used once inhabited a wide area stretching across eastern Turkey, northern Syrian Arab Republic, northern Iraq, and western Iran.[60] Since ancient times, they have been targeted because of their non-Abrahamic religion and erroneously known as "devil-worshippers". In fact, their belief incorporates elements of the three "religions of the Book" (Judaism, Christianity, and Islam), as well as traces of lesser-known religions, founded upon a substratum that may derive from Iranian religions.[61]

37. Targeted killings of Yazidi date back to the period of the Ottoman Empire and began to increase in frequency in 2007 when bus hijackings and vehicle bombings conducted by suspected Al-Qaida militants left hundreds dead or injured.[62] However, at no point in history have the acts of violence against them have been more heinous and systematic than during the persecution campaign initiated by ISIL on 3 August 2014.[63]

38. On that day, ISIL invaded hundreds of towns and villages, forcing most of the population (c. 400,000 people) to flee to neighbouring Kurdistan and other areas of Iraq. An estimated 40,000-50,000 people fled to the top of Mount Sinjar. Thousands of Yazidi were also killed or taken as captives to Mosul and the Syrian Arab Republic. These acts of violence represented a clear attempt to persecute, subjugate and destroy an entire community, notably because:

1. **The Yazidi were targeted by ISIL, regardless of their age or sex**: both executions and kidnappings were systematic and targeted children and adults indiscriminately. These findings have been confirmed by the discovery of several mass graves[64] containing the remains of hundreds of Yazidi men, women, and children in the Sinjar area (which has been taken back from ISIL).[65]
2. **The Yazidi were forced to convert and to abandon all their traditions and customs (**i.e., to repudiate their cultural identity).
3. **ISIL fighters destroyed or looted** Yazidi temples and shrines.
4. **Families in captivity were separated and forcibly transferred** to temporary holding sites in ISIL-controlled territory.

[59] Nadia Murad Basee Taha, UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking, Security Council debate on trafficking in persons, held on 16 December 2015.
[60] http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254.
[61] *Ibidem*
[62] *Nadia's Initiative, In the Aftermath of Genocide, Report on the Status of Sinjar*, 2018, p. 6.
[63] *Ibidem.*
[64] Sixty-eight mass graves and dozens of individual burial sites have been discovered in Sinjar. According to the first report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, "To date, more than 200 mass graves containing the remains of thousands of men, women and children have been discovered in areas formerly controlled by ISIL. These large-scale crime scenes are sites of harrowing human loss, profound suffering and shocking cruelty".
[65] A report from the Yazda Documentation Project on *Mass Graves of Yazidi killed by the Islamic Organization or Local Affiliates on or after August 3, 2014* of January 2016.

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5. **Rape, sexual slavery and other forms of enslavement were used to psychologically and physically debilitate women and girls** and to ensure that they could never again lead a normal life.
6. **ISIL fighters regularly traded and purchased unmarried women and girls in open slave markets**. They also held online slave auctions, using an encrypted application which circulated photographs of the captives, as well as details of their age, marital status, current location and price.
7. **Boys were forcibly indoctrinated, recruited, given new names, trained in military camps, and used as human shields.** Only those who had not reached puberty were allowed to remain with their mothers.[66]

39. The Yazidi were not the only minority to be targeted by ISIL. Shia Turkmen, Shia Shabak and Christian communities were also considered to be *kuffar* (i.e., "infidel unbelievers") and therefore persecuted. Initially, Christians (viewed by ISIL as "People of the Book") were ostensibly given the option of paying *jizya* (a form of protection tax), as an alternative to death, for the "privilege" of living under the rule of the so-called caliphate.[67] Such claims, however, were apparently mere propaganda, since all Christians were also forced to convert.[68] All these facts demonstrate that ISIL acted freely and implemented a thorough and systematic plan to commit the crime of genocide,[69] in addition to war crimes and crimes against humanity.[70]

40. On 3 June 2018, the Department of Yazidi Affairs in the Ministry of Awqaf and Religious Affairs of the Kurdistan Regional Government evaluated the toll of atrocities perpetrated by ISIL in accordance with the following statistics:

- **Number of people displaced following ISIL invasion: 360,000**
- **Number of orphans created by the invasion: 2,745**
- **Number of abductees: 6,417 (3,548 females and 2,869 males)**
- **Number of those who emigrated: 100,000**
- **Numbers of survivors: 3,300 (1,150 women, 337 men, 946 female children and 867 male children).**
- **Number of those remaining in the grip of ISIL: 3,117 (1,452 females and 1,665 males).**

41. The last figure is particularly worrying. More than 3,000 individuals remain missing. They may be dead or they may continue to be subject to ISIL atrocities. Act of sexual abuse and enslavement against girls and women, as well as acts of forced recruitment and indoctrination against men and boys, have therefore not yet ceased.[71]

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[66] United Nations Human Rights Council report, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 7.
[67] https://www.gatestoneinstitute.org/12138/christian-yazidi-captivity.
[68] *Ibidem.*
[69] "The campaign of violence against the Yazidi community has been declared genocide by multiple country Governments and the United Nations. In 2016, the UN Independent International Commission of Inquiry determined that ISIS' violence against the Yazidi constitutes a case of genocide, as defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. In the same year, the U.S. Government officially asserted the same judgment, concurring with the European parliament and Council of Europe's reviews". *Nadia's Initiative, In the Aftermath of Genocide, Report on the Status of Sinjar,* 2018, p. 9.
[70] Yazda, a Global Yazidi Organization, *Working against the clock: Documenting Mass Graves of Yazidi Killed by the Islamic State*, 2018, pp. 14-15.
[71] https://www.al-monitor.com/pulse/originals/2018/08/yazidis-genocide-iraq-minorities.html.
UNAMI/OHCHR, *Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL*, 2018, p. 4.

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2. To institutionalize sexual violence and slavery

42. The systematic use of rape, sexual violence, enslavement and other such practices as a tactic to spread terror, advance ideology, decimate communities and exert control on population – notably women – is particularly evident in the modus operandi of ISIL, Boko Haram and Al-Shabaab. Despite attempts to legitimize and institutionalize these acts of violence, including through theological or ideological justifications, it is clear that such practices have been conducted for opportunistic reasons. Slaves have been mainly exploited as:

- A recruitment tool to attract new fighters (e.g., through forced marriages) or to be directly deployed in military operations (as human shields, informants, bombmakers, executioners/suicide bombers)
- Merchandise to be sold and re-sold
- A means to secure ransom payment
- Instruments to perform servitude roles.

43. In December 2014, the ISIL Research and Fatwa Department issued a 27-point pamphlet offering guidelines on how to capture, forcibly hold, and sexually abuse female slaves. The document aimed to provide ideological motivations to justify sexual slavery and enslavement. ISIL also addressed slavery in the ninth issue of *Dabiq*[72] – one of its official magazines – and provided justifications for sexual violence against Yazidi women in an article entitled "The revival of slavery before the hour"[73] (fourth issue of *Dabiq*). The most significative points of the guidelines are summarized in the table below.[74]

[72] Umm Sumayyah al-Muhajirah, "Slave-Girls or Prostitutes?" Dabiq No. 9, 44-49.
[73] https://clarionproject.org/isis-points-sharia-law-justify-slavery-women/.
[74] Nikita Malik, The Henry Jackson Society, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism*, 2017, p. 24; Jawad Al-Tamimi, A., *The Archivist: Unseen Islamic State Fatwas on Jihad and Sabaya*, Pundicity, 25 September 2015, available at: www.aymennjawad.org/17879/thearchivist-unseen-islamic-state-fatwas-on.

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Al-sabi is the name given to a woman who has been captured as the spoils of war.	If slaves are impregnated and give birth, they cannot be sold.	Slaves can be beaten for disciplinary purposes, but not for gratification or torture, and never in the face.
All *kuffar* women can be captured, although some scholars argue that apostates should not be captured.	After a man's death, female captives become part of his estate. If she has children from a fighter, intercourse is prohibited.	Sexual intercourse is permitted only if a man owns a slave exclusively; in cases of dual ownership of captives all shares must be bought by one man only.
Sexual intercourse with a female captive is permitted and can take place immediately after capture, except for when the woman is not a virgin, in which case her uterus must be purified first.	A man cannot have intercourse with the female slave of his wife and a man cannot kiss the slave of other man. Masters cannot have intercourse with a woman who is married to someone else.	Fighters cannot marry slaves unless they are at risk of committing the sin of fornication.
Since slaves are property, they can be bought, sold, or given as a gift.	It is permitted to have intercourse with a slave who has not reached puberty if she is fit for it; if not, she can be enjoyed without intercourse.	It is a sin for slaves to run away from their captors and punishment shall be decided to deter other slaves from leaving.
Mothers and children should not be bought or sold separately, unless the child is mature.	Sisters can be taken together, but whoever has intercourse with one of them cannot have intercourse with the other.	*Al-azl* (refraining from ejaculating inside a woman) can be used during intercourse with a female slave, with or without her consent.

44. In the aftermath of the attack on Mount Sinjar, ISIL fighters executed Yazidi women around aged 60 years (and older) and separated young girls from their families. Unmarried women and girls aged 9 years (and above) were considered the most "valuable". They were forcibly transferred to various locations in ISIL-controlled territory in order to be sold to individual fighters directly from the holding sites or in slave markets. It should be recalled that, once the sale had been finalized, the fighter automatically acquired the right of ownership of the slave (i.e., the entitlement to fully dispose of her as an object). Most slaves were subjected to brutal sexual violence, including gang rape, and were beaten or verbally abused daily. The fighter-owner could also exert full control over the slave's reproduction: most of the women were forced to take birth-control measures. Some, however, were subjugated to forced insemination or pregnancy in order to build and secure "the next generation of jihadists".[75]

45. Yazidi women and girls were not the only victims of these atrocities. Christians, *Shabaks*, Sunni Muslims and, to a certain extent, women compelled to follow their husbands to the conflict

[75] Nikita Malik, The Henry Jackson Society, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism*, 2017, p. 29.

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zones were also raped, traded, forced to marry ISIL fighters or to deliver as many babies as possible for the so-called caliphate. A case [76] involving nine women from the Commonwealth of Independent States (CIS) who were forcibly taken to Iraq by their husbands and who delivered 45 children in total within a short period of time is a clear example of this trend.

46. The acts of sexual violence may still be occurring. In the period from January to December 2017, the United Nations verified nine cases of sexual violence in Iraq affecting seven girls and two boys. Those cases included forced marriage of girls to ISIL fighters and the abduction of boys. One 16-year-old boy was held by an armed actor suspected of ISIL affiliation, who severely beat his genitals and threatened him with other forms of sexual assault. One 14-year-old boy was raped for three consecutive nights in an ISIL training camp.[77] In the Syrian Arab Republic, seven of the eight cases of sexual violence verified by the United Nations were attributed to ISIL. Accounts were received of ISIL fighters demanding to marry girls living in areas under their control.[78]

47. In Libya, groups known to have pledged allegiance to ISIL have been implicated in abductions and sexual abuse.[79] It has been reported that, in 2015 and 2016, ISIL in Libya abducted and took into captivity 540 migrants and refugees, including at least 63 women forced into sexual slavery for ISIL fighters.[80]

48. Acts of sexual violence, slavery, and domestic servitude have also been at the core of Boko Haram's modus operandi. Boko Haram has abducted hundreds of girls in Borno, Yobe and Adamawa states and subjected them to domestic servitude, forced labour, and sexual slavery through forced marriages to its militants. Boko Haram's abduction threats began in 2012. In a video released in January of that year, Abubakar Shekau, the group's leader, threatened "to kidnap the wives of government officials in response to the Government's imprisonment of the wives of Boko Haram members". In September 2012, in another video, Shekau taunted viewers: "Since you are now holding our women … just wait and see what will happen to your own women … to your own wives according to Sharia law." Systematic episodes of abduction are ongoing. Women rescued from Boko Haram have reported a slave hierarchy, where women who refuse to marry the militants become the slaves of the enslaved wives.[81]

49. In the case of Boko Haram, acts of abduction and violence against women and girls were mainly perpetrated as a response to the Nigerian Government's actions, for the purpose of creating the next generation of fighters and to advance ideology, including through forced conversions. Christians and students have been the main targets.

[76] Example identified by the Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (OSR/CTHB). The oldest woman was 38 years old and the youngest 19. All women were forced to marry multiple times and had 2-3 children in each marriage. According to family members, 6 women lived in prisons in Baghdad or were kept as hostages with their children in camps in Peshmerga. The women informed their relatives that they were forced to misinform their family members of living conditions. They were threatened that their children would be taken away and they would be forced to fight. Passports of all women and family members were confiscated and they were informed that they would be given new passports of "ISIL State". Two women mentioned that they had witnessed the burning of their documents.
[77] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 19.
[78] *Ibidem.*
[79] *Ibidem.*
[80] U.S. State Department, *Trafficking in Persons Report, 2018*, p. 463.
[81] https://www.wsj.com/articles/boko-haram-and-the-lost-girls-of-nigeria-1431113437.

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50. Over recent years, the United Nations has observed an increase in reported incidents of sexual violence conducted by Boko Haram in north-eastern Nigeria. In 2016, the number of verified cases was 644; in 2017, 997.[82] Those cases included rape, sexual slavery and forced marriage, perpetrated by Boko Haram insurgents.[83]

51. Al-Shabaab has also been involved in acts of sexual violence and slavery. Women who escaped from the terrorist group's camps reported having been victims of gang rape and forced to use drugs,[84] as well as to cook and clean. According to a Kenyan Anti-Terror Police Unit investigator, women have been mainly recruited or abducted "to provide sex to fighters so that the fighters do not think about going back home". Displaced women and girls from marginalized groups and very poor areas have been the main targets.

52. The United Nations has received reports of women and girls' having been trafficked by Al-Shabaab from the coastal regions of Kenya to Somalia, where they were forced into sexual slavery after having been deceived by false promises of work abroad. Some of those women were reportedly held as sex slaves, while others were forced to become the "wives" of insurgents.[85]

Example 3

A woman from the Commonwealth of Independent States (CIS) was forced to follow her husband to Turkey with her minor son. Subsequently, she was transferred with her family to Tal Afar City in Iraq. She maintained contact with her sisters via WhatsApp until August 2017. Her initial calls indicated good living conditions. However, she then began to reveal that the family was being threatened and had been deceived. Her husband had been deceived by assurances of trade deals in Iraq. Upon their arrival, their passports were confiscated and they were kept in special apartments allocated for the family. The woman was allowed to leave the apartment only under supervision. For the first few months, her husband lived with the family, but then left to conduct business in another city.

After six months, she was informed that her husband had been killed. Three months after the death of her husband, she was forced to remarry another man. In 2016, she gave birth to a daughter, who was registered as an Iraqi citizen. Her second husband was also killed, in August 2017. The woman was forced to marry and to become pregnant to increase the number of ISIL fighters. Her children were called "the soldiers of freedom". Since September 2017, there has been no news of the family.

Source: *Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB)*

[82] Data pertaining to 2018 are still being analyzed.
[83] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 29.
[84] Especially *bugizi*, a combination of heroin, marijuana and Rohypnol.
[85] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 19.

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3. As a driver for recruitment

53. Terrorists and terrorist groups have used trafficking both as a tool to forcibly recruit new fighters and as a means to incentivize and attract individuals who are willing to sacrifice their lives for the "cause". In the first instance, the link between trafficking and recruitment for terrorist purposes is immediate and direct. The fighter is the victim of trafficking: he or she has been forcibly recruited, indoctrinated, and trained to fight alongside terrorists. In the second example, the link is indirect, since trafficked victims are generally used to attract new recruits. This approach is illustrated in an ISIL propaganda campaign aimed at luring male fighters to Iraq and the Syrian Arab Republic by offering them women and girls as property. Muslim women are described as "wives" who will populate a new "caliphate". "Infidel unbelievers" (notably, Yazidi and Christians) are described as spoils of war and sex slaves.[86] Recruits usually came from deeply conservative societies in which causal sex is taboo and dating is forbidden.[87]

54. Acts of forced recruitment for terrorist purposes have been perpetrated regardless of age, sex, health and religious background and are reportedly ongoing. Children and minors have been – and continue to be – most vulnerable to this form of exploitation.

55. In the aftermath of the August 2014 attack on Mount Sinjar, ISIL fighters systematically separated Yazidi boys aged seven years and above from their mothers and forcibly transferred them to training centres or military camps in Mosul, Tel Afar, and Baaj, in Iraq, and in Raqqah City, Tabqa, Tel Abyad, and Suluk, in the Syrian Arab Republic.[88] Boys were registered, given new Islamic names and treated as ISIL recruits.[89] During indoctrination and training sessions, Yazidi and Sunni Arab boys were forced to watch propaganda videos of armed battles, beheadings, and suicide missions, perform acts of violence, and memorize Quranic verses.[90] The main objectives of this strategy were to increase recruitment and destroy the personal, cultural and religious identity of children in order to forcibly transform them into ISIL fighters.

56. Despite its military and strategic setbacks in Iraq and the Syrian Arab Republic, ISIL continues to abduct, forcibly recruit, and use children in combat and support roles, including as human shields, informants, bombmakers, executioners, and suicide bombers. Some are as young as eight years old and some are mentally disabled.[91] In January 2017, ISIL abducted 400 Yazidi children and trained them for combat roles, including as suicide bombers. In the same month, ISIL abducted 150 children from Tal Afar and forcibly recruited them into a training camp.[92]

57. Boko Haram and one of its factions, the Islamic State West Africa Province (ISWAP),[93] have continued to forcibly recruit, abduct, and use child soldiers as young as twelve as cooks, spies,

[86] United Nations University, *Fighting human trafficking in conflict, 10 Ideas for Action by the United Nations Security Council, 2016*, p. 7.
[87] https://www.thetimes.co.uk/article/isis-uses-koran-to-justify-rape-5dcvxzb925s.
[88] United Nations Human Rights Council report, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 19.
[89] *Ibidem.*
[90] *Ibidem.*
[91] U.S. State Department, *Trafficking in Persons Report, 2018*, pp. 233-234.
[92] *Ibidem.*
[93] In 2015, Boko Haram pledged allegiance to ISIL and renamed itself as the Islamic State's West Africa Province. The group subsequently split into two factions: the Islamic State West Africa Province (ISWAP) and Jamatul Ahlis Sunna lidawatti wal Jihad (JAS). Both factions are still widely referred to as Boko Haram.

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messengers, bodyguards, armed combatants and, increasingly, as suicide bombers in attacks in Nigeria, Cameroon, and Chad.[94] In 2017, Boko Haram used at least 158 children (boys and girls) as human bombers. This was significantly more than the 19 used in all of 2016.[95]

58. According to United Nations officials, Al-Shabaab recruited and used more than 2,100 children in Somalia in 2017. The children were forced to participate in conflict situations, including by planting explosives, carrying out attacks, and playing support roles, such as carrying ammunition, water, and food; removing wounded and deceased militants; gathering intelligence; and serving as guards.[96] Al-Shabaab also continued to raid schools, madrassas, and mosques, for recruitment purposes. In rural areas of Galmudug state and elsewhere, terrorists forced students as young as seven to enrol in Al-Shabaab-run madrassas, whose curriculums included military training and indoctrination.[97]

59. The Lord Resistance's Army (LRA)[98] has continued to abduct boys and girls for use as cooks, porters, concubines, and combatants. Regional military operations have curtailed the group's activities, but the group remains a threat. In 2016, abductions for recruitment by the LRA increased slightly. Sixteen Burundian child soldiers and one Rwandan child soldier, some recruited from refugee camps, were stopped by government officials while reportedly transiting through the Democratic Republic of the Congo to fight with armed groups in Burundi.

[94] U.S. State Department, *Trafficking in Persons Report, 2018*, p. 332.
[95] *Ibidem.*
[96] *Ibidem.*
[97] *Ibidem.*
[98] The Lord Resistance's Army is an armed group, designated pursuant to Security Council resolution 2127 (2013). It is mentioned in Council resolutions 2331 (2016) and 2388 (2017), because of its abduction and trafficking activities. See also: https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/car.xsl.

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Section II

Human trafficking and terrorism financing

"Armed, terrorist and transnational criminal groups directly profit from trafficking, with victims being either abducted or deceived by false promises of lucrative job offers, their dreams of finding safety and opportunity becoming nightmares of sexual slavery and forced prostitution".[99]

60. Human trafficking activities not only constitute a key element in the terrorist strategy to subjugate and control vulnerable populations, advance ideology, and bolster recruitment, but can also represent an opportunistic source of profit. Security Council resolutions 2331 (2016) and 2388 (2017) note that human trafficking has been used, inter alia, as an instrument to increase terrorist finances, but in many cases the nexus between the two phenomena has been difficult to identify and prove. This may be because of limited information, the absence of law enforcement cases, or the absence of a direct link.

1. Acts of sexual and gender-based violence as an instrument to increase terrorist finances

"Drug trafficking generates greater dollar revenues, but trafficked women are far more profitable. Unlike a drug, a human female does not have to be grown, cultivated, distilled, or packaged. Unlike a drug, a human female can be used by the customer again and again".[100]

61. The systematic sale of Yazidi women by ISIL fighters represents the most significant known instance of the use of sexual slavery to generate revenue (i.e., of the "human trafficking/terrorism financing nexus").

62. As previously reported, following the August 2014 attack on Mount Sinjar, ISIL forcibly transferred captive women and girls to holding sites in Iraq and the Syrian Arab Republic. Eighty percent of the slaves were made available to the fighters for individual purchase. The remainder were held as collective property of ISIL and distributed in groups to military bases throughout Iraq and the Syrian Arab Republic.[101] In some instances, ISIL allowed its fighters to buy a group of Yazidi females in order to take them into rural areas without slave markets and sell them individually at a higher price.[102]

63. ISIL's slave trade was well organized and involved significant logistical investment: a network of warehouses in which to hold the victims; viewing rooms in which the victims were inspected and purchased; and a dedicated fleet of buses, used to transport them. In the Syrian Arab

[99] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 7.
[100] Kara, Siddartah. *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press, 2009, p. 12.
[101] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 12.
[102] *Ibidem.*

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Republic, the bureaucracy of the Yazidi slave market was organized by a central body called the "Committee for the Buying and Selling of Slaves".[103] Where this Committee authorized the opening of a slave market in a particular town, it devolved some of its functions to a local committee and commander.[104]

64. According to an ISIL document[105] – released online and considered to be authentic – fighters were required to pre-register if they wished to attend a slave market in Homs. In most cases, the sale was finalized through a bidding process. The offer was submitted in a sealed envelope at the time of purchase and the fighter who had won the bid was obliged to buy the slave.[106]

65. Women and girls were exposed, both at the slave markets and at the holding sites, as chattel. Interested buyers could check their hair or teeth and ask them to walk through the room, as if parading on a catwalk.[107] Their price was based on marital status, age, number of children and perceived beauty, and could range between $200 and $1,500.[108] According to the 2015 FATF report on ISIL financing,[109] the price paid for ISIL slaves was much lower, amounting, on average, to $13. Other sources[110] report the following prices:

- 0-9 years old: $172
- 10-20 years old: $129
- 20-30 years old: $86
- 30-40 years old: $75.

66. In some cases, slaves were donated for free, as a gift.[111]

67. This data – mainly based on anecdotal evidence – demonstrates that activities relating to human trafficking do not represent a significant source of revenue for terrorists, notably in comparison with other, more lucrative, funding streams, such as natural resources, taxation and extortion. They remain, however, an attractive source of financing whose "potential" may increase following ISIL's territory losses. According to the report of the Secretary-General on Conflict-Related Sexual Violence, "as ISIL militants retreat into the Syrian Arab Republic, there is a heightened risk of the sale, trade and trafficking of women and children who remain under their control".

68. Moreover, as noted by the Office of the Special Representative on Sexual Violence in Conflict, the selling of slaves has a significant impact, not on the financial situation of ISIL itself, but on the economic situations of individual fighters, each of whom has access to slaves who can

[103] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 13.
[104] *Ibidem.*
[105] Jawad Al-Tamimi, A., *Archive of Islamic State Administrative Documents*, Pundicity, 11 January 2016, available at: http://www.aymennjawad.org/2016/01/archive-of-islamic-state-administrative-documents-1.
[106] *Ibidem.*
[107] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 13.
[108] *Ibidem.*
[109] http://www.fatf-gafi.org/media/fatf/documents/reports/Financing-of-the-terrorist-organisation-ISIL.pdf.
[110] http://www.coedat.nato.int/publication/tec2017presentations/12-Colonel%20Janos%20BESENYO/12-Colonel%20Janos%20BESENYO.pdf.
[111] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 13.

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be sold several times over, at higher prices. This is not the case for the more lucrative funding sources.

69. It should be noted that fighters could benefit from slaves in other ways, including by "employing" them in their homes. Many interviewees recount having been forced to act as the domestic servant of fighters and their families.[112] One 13-year-old Yazidi girl, who was held for 11 months in ISIL-controlled territory and sold multiple times, recounts having been sexually enslaved and forced to cook, clean and wash the clothes of her fighter-owner and his family.[113] This demonstrates that ISIL has treated its slaves as "reusable commodities". Unlike drugs or oil, which are single-use goods, enslaved victims may be exploited many times and for several purposes.

70. In determining whether the ISIL slave trade can constitute terrorism financing, it should be recalled that the slave markets were intended to be internal only. The resale of Yazidi to non-members was forbidden and punishable by death. ISIL justified this rule by declaring that slaves were considered the spoils of war (i.e., rewards for fighters). However, the rule was in fact established to prevent Yazidi (and other captives) from being sold back to their families. Moreover — as will be discussed in the section on "Kidnapping for ransom, terrorism and human trafficking" — the rule was regularly violated. ISIL fighters could earn more money by selling the slaves back to their families, since the price of each transaction ranged from $10,000 to $40,000.[114] Whereas, in this case, the ransom payment constitutes terrorism financing (since the money is provided by an individual who is not an ISIL fighter), it is not clear that this is the case for purchases taking place only between ISIL fighters.

71. Anecdotical evidence suggests that slaves were also sold to individuals who were merely ISIL sympathizers, not fighters, as well as to smugglers.[115] Smugglers who engaged in the trade with the secret intent of rescuing the slaves report that women and girls brought to the al-Quds area of Mosul city were sold to youth from local communities, as a way to induce them to join ISIL.[116] This would appear to indicate the use of human trafficking as a source of terrorism financing.

72. It may also be argued that ISIL is not the only terrorist group to engage in the systematic trade of slaves. In the aftermath of the April 2014 abduction of female students in Chibok, Nigeria, Abubakar Shekau[117] stated that Boko Haram intended to sell the kidnapped women and girls to its combatants as slaves or brides. According to reports, some were sold for $12.[118]

73. Most evidence indicates that Boko Haram has not engaged directly in the sale of women to traffickers. However, reports indicate links between trafficking and terrorism along the route

[112] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 15.
[113] *Ibidem.*
[114] *Ibidem.*
[115] https://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/.
[116] OHCHR/UNAMI, Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July–10 September 2014, p. 15.
[117] Leader of Boko Haram.
[118] https://www.washingtonpost.com/news/morning-mix/wp/2014/04/30/hundreds-of-kidnapped-nigerian-school-girls-reportedly-sold-as-brides-to-militants-for-12-relatives-say/?utm_term=.3ce00f8d991f.

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from southern Nigeria, through Niger and Libya, to Europe.[119] Women displaced as a result of Boko Haram activity have been captured by traffickers and forced into prostitution.[120] [121]

2. Other forms of exploitation that may contribute to terrorism financing

74. As noted above, terrorists may benefit from victims of human trafficking in different ways. Direct sale of victims appears to be the most lucrative. ISIL fighters have also employed their slaves as domestic servants, forcing them to cook, clean, wash, and look after their children. Men and boys have been not only forcibly recruited and indoctrinated, but also subjected to forced labour in agriculture (e.g., on sheep and poultry farms in Iraq)[122] and on construction projects.[123] One example of the latter is ISIL's use of trafficked people to build a tunnel system under the streets of Mosul. The tunnels were responsible for significant casualties and for extending the siege of the city.[124] Displaced children have been employed in organized begging rings.[125]

75. Boko Haram has employed abducted women as domestic servants, and used children not only as combatants or suicide bombers, but also as cooks, spies and messengers.

76. Al-Shabaab has employed the same modus operandi. Women and girls have been forced to clean and cook, and children have been employed in support roles (e.g., carrying ammunition, water and food). However, the group appears to have profited even more from the systematic use of deceptive "recruitment" strategies that falsely promise employment or education opportunities. This practice is confirmed in the accounts of two women who were promised employment opportunities, but whose salaries were paid directly to Al-Shabaab members.[126] Those accounts (and others documented below) are given in interviews between victims and the Somali financial intelligence unit (FIU) and have not yet been investigated. However, they represent a concrete example of terrorist involvement in human trafficking for profit.

77. Human trafficking thus constitutes a highly opportunistic source of financing for terrorists, who are able to profit from their victims in many ways and exploit them as "reusable commodities". Whereas the ISIL slave trade requires some investment (including for payment of logistics and transportation) and considerable organization, other forms of abuse enable the victims to be directly exploited without any additional "expense".

[119] Nikita Malik, The Henry Jackson Society, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism, 2017*, p. 46.
[120] https://www.unicefusa.org/stories/fleeing-boko-haram-and-tricked-prostitution/32525.
[121] https://www.thedailybeast.com/how-boko-harams-sex-slaves-wind-up-as-sex-workers-in-europe.
[122] U.S. State Department, *Trafficking in Persons Report, 2015*, p. 37.
[123] United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidi*, June 2016, p. 9.
[124] https://www.washingtonpost.com/news/worldviews/wp/2017/04/14/the-islamic-state-has-tunnels-everywhere-its-making-them-much-harder-to-defeat/?utm_term=.8a536b2b4c47; https://www.news.com.au/world/middle-east/islamic-states-network-of-tunnels-is-more-vast-than-ever-imagined/news-story/7e0b7f6da95f17f147889b3278f334c8.
[125] U.S. State Department, *Trafficking in Persons Report, 2015*, p. 324.
[126] FATF/APG, *Financial flows from Human Trafficking, 2018*, p. 17.

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Example 4

Anecdotal evidence indicates that ISIL has not only sold Yazidi captives to families (through ransom and rescue payments), but also abducted them to Turkey or sold to human trafficking or prostitution rings.

In Turkey, six suspects were arrested and charged with being members of a terrorist organization, financing a terrorist organization, and human trafficking. The first trial was held on 31 December 2015. The suspects denied the allegations and claimed that they were transferring ordinary Syrians' money to Turkey, on a fixed commission, because the Syrian banking system had collapsed. The second trial was held on 15 January 2016. All the suspects were released, owing to insufficient evidence.

However, the transaction receipts were subsequently translated into Turkish and handed over to the court on 27 January 2016. The translated receipts clearly indicated that large sums of money had been routinely transferred.

Source: https://www.npr.org/sections/parallels/2018/01/18/578313469/this-man-has-freed-hundreds-of-yazidis-captured-by-isis-thousands-remain-missing; https://www.huffingtonpost.com/anne-speckhard/isis-sex-slave-trade-in-g_b_9774610.html.

Example 5

A 27-year-old German citizen (Jennifer W.) is currently facing war crimes charges (alongside charges for murder and weapons offences) for having allowed her five-year-old household slave to die of thirst. If the charges are proven, the woman will face a life sentence. It is expected that the trial will be conducted in 2019.
According to German prosecutors, Jennifer W. and her husband purchased the child when living in then ISIL-occupied Mosul, in northern Iraq, in 2015. After the girl fell ill and wet her mattress, the husband of the accused chained her up outside, as punishment, and left her to die of thirst in the scorching heat. The woman allowed her husband to do so and did nothing to save the child.

Jennifer W. first left Germany in August 2014 and travelled via Turkey and the Syrian Arab Republic to Iraq, joining ISIL the following month. Recruited to a "vice squad" of the group's "morality police", she was required to patrol park areas of the ISIL-occupied cities of Falluja and Mosul. Her task was to ensure that women complied with the behavioural and clothing regulations established by ISIL. She carried a Kalashnikov assault rifle and a pistol, and wore an explosive vest.

The woman visited the German embassy in Ankara to apply for new identity papers in January 2016, months after the child's death. Turkish security services arrested her when she left the mission and she was extradited to Germany a few days later. For lack of actionable evidence against her, she was initially allowed to return to her home in the state of Lower Saxony. She was ultimately arrested while attempting to travel to the Syrian Arab Republic, in June 2018.

Source: https://www.theguardian.com/world/2018/dec/29/german-isis-woman-let-slave-girl-5-die-of-thirst-say-prosecutors

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3. Kidnapping for ransom, terrorism, and human trafficking

78. Kidnapping for ransom (KFR) is a major element of terrorist strategies because it fuels insecurity and represents a highly profitable funding source.

79. Recognizing the threat posed by KFR, the Security Council has repeatedly[127] called on Member States to prevent terrorists from benefiting directly or indirectly from ransom payments or political concessions and to secure the safe release of hostages.

80. It is clear that many terrorist groups (notably ISIL, Al-Nusrah Front for the People of the Levant (ANF), Al-Qaida in the Arabian Peninsula (AQAP), Boko Haram and the Abu Sayyaf Group (ASG))[128] continue to profit from KFR. However, this section focuses, not on KFR as a source of terrorist revenue *per se*, but on its connection with human-trafficking activities perpetrated by terrorists.

81. The case of ISIL, in particular, demonstrates how the abduction of women and girls frequently blurs the boundaries between human trafficking and KFR.[129] FATF also acknowledges the use of human trafficking by terrorists as "an occasion to secure ransom payments".[130]

82. As noted above: whereas, in theory, the external sale of Yazidi was forbidden and punishable by death – notably, to prevent slaves from being sold back to their families – in practice, this rule has been frequently violated by ISIL fighters. The financial incentives to do so were considerable. Families were required to pay between $10,000 and $40,000 to secure the release of their family member.

83. According to the United Nations Assistance Mission for Iraq (UNAMI), ISIL received between $35 million and $45 million in 2014 from ransom payments made by the families of hostages. It is believed that $850,000 was paid in January 2015 for the release of 200 Iraqi Yazidi.[131]

84. A further consideration is the method used to rescue the hostages. Anecdotal evidence suggests that two methods are generally employed to secure the release of Yazidi captives.[132] One is a rescue operation, paid for by the Yazidi family and undertaken by smugglers, without negotiations with ISIL.[133] The other is the payment of a ransom by the Yazidi family to ISIL, through smugglers who act as "middlemen" and demand extra fees to execute the operation.[134] The choice of the wording is not accidental. In the context of "rescue operation", the smugglers risk their lives to free the captives. The amount paid by the family represents a direct compensation for the operation, which is extremely dangerous, since the smugglers essentially "steal the slaves

[127] S/RES/2133 (2014) is entirely devoted to KFR.
[128] Twenty-second report of the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) (S/2018/705). http://undocs.org/S/2018/705.
[129] United Nations University, *Fighting human trafficking in conflict, 10 Ideas for Action by the United Nations Security Council*, 2016, p. 7.
[130] FATF/APG, *Financial flows from Human Trafficking, 2018*, p. 18.
[131] http://undocs.org/S/2016/92.
[132] Nikita Malik, The Henry Jackson Society, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism*, 2017, p. 40.
[133] *Ibidem.*
[134] *Ibidem.*

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from ISIL".[135] In the second case, the word *ransom* is used because the smugglers act only as intermediaries. They receive a call directly from a contact point — in many cases, an ISIL member — and deliver the agreed amount in exchange for the freedom of the captive.[136]

85. The actual amount earned by ISIL through the ransom/rescue payment is another key factor. Even though both smugglers and middlemen have denied paying ISIL members, it is clear that, at least in the operations conducted by middlemen, money ultimately ends up in ISIL's hands.[137]

86. The Kurdish Regional Government (KRG) also facilitated the release of captives through payment. KRG officials confirmed the payment of around $1.5 million to intermediaries in 2014, to free 234 Yazidi.[138]

87. The abductions perpetrated by Boko Haram also blur the distinction between human trafficking and kidnapping for ransom. One of the most notorious abductions occurred on the night of 14 April 2014, when Boko Haram kidnapped 276 female students from the Government Secondary School in the town of Chibok in Borno State, Nigeria. Here, the nexus with human trafficking is clear. Most captives were compelled to convert, subjected to domestic servitude, forced labour, and sexual slavery (including through forced marriages to Boko Haram members), and used as suicide bombers in military operations. The gradual release of the "Chibok girls" was facilitated through negotiations with the Nigerian Government[139] involving, inter alia, the exchange of five Boko Haram leaders and the payment of around $3.7 million in ransom money.[140]

88. On 18 February 2018, 111 schoolgirls were kidnapped in Dapchi, in norther-eastern Nigeria. A total of 104[141] captives were released by the Islamic State West Africa Province (ISWAP) on 21 March 2018, in exchange for a large ransom payment.[142]

4. Removal and sale of organs, which may be associated with terrorism financing

89. A further controversial issue is ISIL's alleged involvement[143] in organ harvesting and trafficking. Again, the allegation is based mainly on anecdotal evidence and the verbal accounts of former prisoners and ISIL defectors.

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[135] https://www.newstatesman.com/world/2016/05/price-life.

[136] Nikita Malik, The Henry Jackson Society, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism*, 2017, p. 42.

[137] *Ibidem;* https://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/.

[138] https://www.newstatesman.com/world/2016/05/price-life).

[139] On 6 May 2014, 82 of the schoolgirls were released following successful negotiations carried out by Mustapha Zanna, a barrister and owner of an orphanage in Maiduguri. The deal also involved the intervention of the Swiss Government and the International Committee of the Red Cross (ICRC).

[140] https://www.wsj.com/articles/first-look-how-nigerias-kidnapped-schoolgirls-are-rebuilding-their-lives-1517584918.

[141] Five died, and one, Leah Sharibu, remains in captivity because she refused to renounce her Christian faith. See also: https://guardian.ng/news/uk-member-of-parliament-omokri-others-protest-in-london-to-demand-release-of-leah-sharibu/?utm_source=NMU+full+subscribers+list&utm_campaign=e174f4abce-EMAIL_CAMPAIGN_2018_09_06_07_50&utm_medium=email&utm_term=0_7be6e0b32e-e174f4abce-106827749.

[142] Twenty-second report of the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) (S/2018/705), July 2018, p. 13.

[143] In February 2015, former Iraqi Ambassador, Mohamed Alhakim, requested the United Nations Security Council to investigate the deaths of 12 doctors in Mosul, Iraq, who, he claimed, had been killed by ISIL after refusing to remove organs from dead bodies. He also claimed that some of the bodies found were mutilated, with an opening in the back where the kidneys are located. The U.S. State

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90. An ISIL document — allegedly released by the group's Research and Fatwa Department and retrieved by the U.S. Special Forces in eastern Syrian Arab Republic — sought to justify the harvesting of organs of "infidels" by stating: "The apostate's life and organs do not have to be respected and may be taken with impunity".[144]

91. Even though this document offers no concrete evidence that ISIL engaged in organ harvesting and trafficking, it is not inconceivable that the group could have been profiting from trafficking in body parts.[145]

92. Interviews conducted by the International Center for the Study of Violent Extremism (ICSVE) with ISIL former prisoners and defectors also shed light on the potential use of the practice, including for financial purposes. One of the interviewees, Abo Rida, a former ISIL surgeon, stated that ISIL surgeons removed kidneys and corneas from prisoners and had been told that "jihadists were more deserving of organs".[146] In December 2015, a former ISIL fighter stated, "There is a statement now from Da'esh: 'From this point you do not kill the slaves. We need to use their bodies to make money [for organ trade].' Basically, they are saying that the slaves are already 'dead'. We need to make money off their bodies by selling body parts".[147]

93. According to a media report, in November 2016, the Director-General of the Syrian Coroner's Office disclosed that, since 2011, more than 25,000 surgical operations had been performed in the refugee camps of neighbouring States and ISIL-controlled areas in Syria to remove the organs of 15,000 Syrians and sell them on the black market.[148]

94. A former intelligence officer from Kurdistan who had coordinated the rescue of Yazidi captives claimed to have information relating to the sale of children for organ trafficking. He stated that part of the rescue network involved working with international law enforcement agencies to dismantle an organ-smuggling ring that they believed was based in Turkey.[149]

95. Additional information concerning the possible involvement of terrorist groups in the international black market organ trade is provided by the analysis of financial patterns relating to kidney transplants, conducted by national security and money-laundering experts[150] at George Mason University, Washington D.C. This analysis suggests that, during the last five years, most

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Department responded to the February 2015 claims with the following statement: "We also have no reason to doubt them, given other similar atrocities that have been documented and other heinous crimes for which ISIL has proudly taken credit".

[144] The document – dated 31 December 2015 – also states: "Organs that end the captive's life if removed: The removal of that type is also not prohibited […] The notion that transplanting healthy organs into a Muslim person's body in order to save the latter's life or replace a damaged organ with it is permissible." See: https://www.reuters.com/article/us-usa-islamic-state-documents-idUSKBN0U805R20151225.

[145] Anne Speckhard, Ph.D. & Ahmet S. Yayla, Ph.D., *ISIS Defector Reports on the Sale of Organs Harvested from ISIS held "Slaves"*, 2015.

[146] https://www.express.co.uk/news/world/609158/ISIS-harvest-organs-Doctors-Escape-Abo-Rida-Syria-Terrorism-Surgeons.

[147] http://www.icsve.org/brief-reports/isis-defectors-interviews-project-u-s-state-department-foreign-press-briefing/.

[148] U.S. Joint Counterterrorism Assessment Team, in collaboration with NCTC, DHS and the FBI, *First Responder's Toolbox, International Partnerships Among Public Health, Private Sector, and Law Enforcement Necessary to Mitigate ISIS's Organ Harvesting for Terrorist Funding*, May 2017, p. 1.

[149] https://www.npr.org/sections/parallels/2018/01/18/578313469/this-man-has-freed-hundreds-of-yazidis-captured-by-isis-thousands-remain-missing.

[150] In a joint interview with Dr. Campbell Fraser, a money-laundering expert from George Mason University, Washington, D.C., Duminda Wijesekera notes that "human intelligence provided the best evidence to link organ trafficking to terrorist networks […] They know the parties that collect the money, the intermediate parties — not the hospitals, not the surgeons […] These people who get this money are in fact working for the human smugglers to get people into Europe. It directly and indirectly feeds ISIS and the money flows have been traced — sometimes you do not directly give cash to these organizations, you pay the people who supply weapons, they supply fighters".

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kidneys traded in illicit organ markets were taken from Syrian refugees and from refugees from Sudan, Somalia and Eritrea in the Syrian camps who crossed into Lebanon from temporary settlements controlled by Al-Nusrah and its affiliated organizations.[151]

Use of ICT in the sale, trade and trafficking of persons

96. The systematic use of ICT by terrorist individuals and entities to spread ideology, incentivize recruitment and move funds is well documented. It appears, however, that social media platforms were also used to facilitate the sale of slaves, including through online auctions. Interested buyers could easily preview photographs of captured women and girls (accompanied by details of their age, marital status, current location and price) before finalizing the purchase, and then communicate their preferences through encrypted messaging applications (e.g., Telegram).

97. ISIL fighters took the photograph of Nazdar Murat as part of a database of enslaved Yazidi women and girls. Nazdar was put on sale for $8,000.

98. Hoda Alias and her three children were abducted and enslaved by ISIL fighters during the Sinjar massacre of August 2014 and released in November 2015 through money paid to ISIL via a middleman in Gaziantep. After served over a year as a fighter's slave, Hoda was put up for sale with her three children on an ISIL Internet page, as "slave number 12". Abu Mital, one of the men who facilitated their release, claimed to have directly negotiated with ISIL via online chat rooms and WhatsApp.

99. On 20 May 2016, a German FTF who named himself Abu Assad Almani posted images of two ISIL slaves on the ISIL Facebook page, accompanied by the following text:

"To all the bros thinking about buying a slave, this one is $8,000,"

"Another sabiyah [slave], also about $8,000,". "Yay, or nay?"

100. Facebook took the photographs down within hours. It is unclear whether the Facebook account's owner was doing the selling himself or commenting about women being sold by other fighters. Social media and private-messaging platforms have also been used to lure women into travelling to conflict areas through hoax marriage proposals. Victims – often living in difficult economic conditions and searching for opportunities to change their lives – were contacted by ISIL sympathizers on chat rooms. These men took advantage of the women's vulnerability to gain their trust and develop romantic and emotional relationships. Upon their arrival in the conflict zones, however, the women found themselves held captive, abused, and tortured by their "husbands". The following example[152] clearly illustrates this modus operandi.

[151] Information provided by the Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (OSR/CTHB).
[152] Example identified by the Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (OSR/CTHB).

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101. In 2014, a 36-year-old woman from the Commonwealth of Independent States (CIS) met a Turkish man on the Internet who proposed marriage to her. According to her aunt, the woman had been living with her mother, owing to financial constraints. After a month of communication, she left the country without notifying her mother. Concerned at her daughter's disappearance, the mother contacted law enforcement. The authorities discovered that the woman had travelled to Istanbul. Two months later, the mother received a message on her mobile telephone informing her that her daughter had married and moved to the Syrian Arab Republic. The mother answered the message and expressed the wish to visit her daughter. In response, she was informed that they would meet at the Turkish border with the Syrian Arab Republic on 9 January 2015. Despite the concerns of her family members, the mother decided to leave the country on 4 January 2015. In May 2017, the mother informed her sister that she and her daughter were being held captive and that her daughter had been deceived by the Turkish man whom she had met on the Internet and had been abused and tortured by him.

Using technology to combat human trafficking

The cases presented above demonstrate how ICT (notably, social media and private-messaging platforms) can be misused by terrorists to facilitate the sale of slaves and to lure potential victims into exploitative situations.

It should be noted, however, that ICT are also invaluable tools in detecting and disrupting human trafficking networks. Recognizing that new technologies also present opportunities, public and private stakeholders are developing joint projects in an effort to eradicate human trafficking.

One such project is "Tech Against Trafficking," a coalition of global technology companies, civil society organizations and United Nations agencies. Founding members British Telecom, Microsoft, and Nokia have been leading efforts to identify how technology can be better utilized to prevent human trafficking.

FINTRAIL, a consultancy firm that supports financial technology (FinTech) firms to combat financial crimes, has conducted awareness-raising campaigns to sensitize financial services firms to their potential exposure to human trafficking. Despite being mostly cash-based, trafficking networks require some access to banking facilities, including to advertise their services online.

Even though they do not directly target terrorists' trafficking activities, such initiatives can help strengthen the global effort to eradicate human trafficking.

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Section III

Analysis of information provided by Member States

102. In an effort to gain access to reliable data on human trafficking-related activities, CTED developed an ad hoc questionnaire, which was sent to the United Nations membership and shared with relevant international, regional or subregional organizations involved in the fight against human trafficking.

103. This section provides an overview of Member States' responses to the questionnaire and highlights good practices that might be recommended in order to further enhance domestic legal and operational frameworks to combat human trafficking.

104. This section also presents concrete examples of the human trafficking/terrorism/terrorism financing nexus, provided by Member States. Most cases are based mainly on victims' accounts and have not yet been investigated, whether because of limited expertise or lack of evidence. However, they serve to illustrate the nature and scope of the nexus.

1. Legal framework

105. All Member States that responded to the CTED questionnaire are parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime and have either enacted specific legislation or amended their Criminal Codes to criminalize most forms of trafficking in accordance with the Protocol.

106. Member States whose legislation against human trafficking predated the adoption of the Protocol (in some cases covering only trafficking for sexual exploitation) amended their legislation to broaden its scope and effectively criminalize the other forms of trafficking described in the Protocol.[153]

107. However, even though most States appear to have established an appropriate legal framework to combat human trafficking, the considerable discrepancy between the number of identified victims and the number of convicted offenders indicates that many acts of trafficking still remain unpunished.[154]

108. Analysis of Member States' responses indicates that there are a number of reasons why this may be the case:

[153] This was the case, for instance, for the Netherlands and Germany.
[154] UNODC, *Global Report on Trafficking in Persons, 2016*, p. 12.

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- Human trafficking remains, in many respects, a "hidden crime"[155] since, for instance, victims do not always understand the nature of the exploitation to which they are subjected to are afraid of reporting to the authorities.
- States do not always have a realistic perception of their vulnerability to the offence and are more focused on international cases.
- The "financial aspect" of human trafficking continue to be overlooked. Law enforcement agencies do not systematically conduct financial inquiries when investigating human-trafficking cases. The detection and analysis of financial flows relating to the case could help authorities to identify perpetrators and disrupt their criminal networks.

109. As noted above, human trafficking is a highly profitable illegal business, which is exploited by organized criminal groups for financial purposes. The groups concerned are particularly skilful at disguising the origins of their illicit gains in order to avoid identification, seizure and confiscation. Moreover, terrorists' use of violence associated with human trafficking to raise funds indicates that human trafficking represents an attractive profit source.

110. Member States must therefore not only establish a solid legal framework criminalizing human trafficking, but also criminalize human trafficking a predicate offence in their national anti-money-laundering/counter-financing of terrorism (AML/CFT) legislation. It should be recalled that the United Nations Convention against Transnational Organized Crime requires States parties to criminalize the laundering of the proceeds of human trafficking offences.[156]

111. The analysis conducted by CTED on the questionnaires received demonstrates that most Member States have criminalized human trafficking as a predicate offence pursuant to their AML/CFT legislation – or are in the process of doing so – by directly listing the crime or adopting a "catch-all provision",[157] according to which any crime can constitute a predicate offence pursuant to the AML/CFT legislation.

112. This requirement is further emphasized in Security Council resolution 2388 (2017), in which the Council calls upon States to strengthen their compliance with international AML/CFT standards and enhance their capacity to conduct proactive financial investigations to track and disrupt human trafficking and identify potential linkages with terrorism financing.

2. Mechanisms to counter human trafficking

113. The majority of States that responded to the CTED questionnaire do not appear to have in place a mechanism to ensure the timely exchange of information between domestic agencies respectively responsible for the investigation of human trafficking, terrorism, money-laundering

[155] FATF/APG, *Financial flows from Human Trafficking, 2018*, p. 38.
[156] Article 6 of the Convention requires States to criminalize the laundering of the proceeds of crime. The Convention also requires that money-laundering offences apply to the widest range of offences that may generate proceeds of crime (known as "predicate offences"). Human trafficking should thus be included as a predicate offence in the State's anti-money-laundering legislation.
[157] e.g., France.

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and terrorism financing. The absence of such a mechanism may result in a piecemeal approach, which terrorist and organized criminal groups can exploit to their advantage. Even in the case of States in which both human trafficking and terrorism constitute a major threat and there is some evidence of a concrete link between the two, the relevant agencies continue to investigate both crimes individually. There is often limited or no interaction between agencies involved in the fight against human trafficking and the AML/CFT community. Thus, the financial component of human trafficking is not systematically addressed.

114. Member States should therefore consider establishing inter-agency taskforces, teams and inspection groups to integrate the criminal, financial and terrorist elements of the investigation of human trafficking-related cases. Collaboration, data gathering, and information-sharing within existing institutional frameworks can also provide effective tools for the prevention of human trafficking and the prosecution of perpetrators.[158]

115. Public-private partnerships are also of paramount importance. Financial institutions, in particular, can play an important role in disrupting and prosecuting human trafficking cases, because of their ability to analyse the associated money flows.[159] Financial data is not only important for identifying the proceeds of crime related to human trafficking, but can also provide crucial evidence when building a case in court. Because human-trafficking prosecutions often rely heavily on victims' statements, it is difficult to secure a conviction.[160] In the view of the European Commission, "evidence gathered from money trails might provide the necessary additional proof […] thus relieving victims of the burden of testifying in court".[161]

116. As noted in the following sections, some Member States that responded to the CTED questionnaire and that have such mechanism in place consider the establishment of public-private partnerships to be good practice in combating the threats posed by money-laundering, terrorism financing and other forms of crime, including human trafficking.

117. NGOs with specific expertise or frontline experience in combating trafficking can help law enforcement agencies, policymakers and financial institutions to develop more informed trafficking profiles.[162] In this context, some Member States referred, in particular, to the key role played by Liberty Shared,[163] a Hong Kong-based charitable organization that aims to prevent human trafficking through legal advocacy, technological interventions, and strategic collaboration with NGOs, corporations, and financial institutions of South-East Asia. One of its programmes, the Information and Data Collaboration Programme (IDC), collects and collates data and information from publicly available sources and platforms to create intelligence and research products that are made available and accessible for decisionmakers who are aiming to reduce their risk and involvement in exploitation and corruption and contribute to the fight against slavery and trafficking. Most recently, Liberty Shared partnered with Arachnys, a due diligence research

[158] https://www.state.gov/j/tip/rls/fs/2018/283549.htm.
[159] Royal United Services Institute (RUSI), "Disrupting Human Trafficking: The Role of Financial Institutions", 2017, p. 18.
[160] *Ibidem.*
[161] European Commission, *The EU Strategy Towards the Eradication of Trafficking in Human Beings 2012-2016*, p. 9.
[162] Royal United Services Institute (RUSI), "Disrupting Human Trafficking: The Role of Financial Institutions", 2017, p. 32.
[163] See also: https://libertyshared.org/.

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platform, to offer interested stakeholders a Know-Your-Client tool that can help them better understand how trafficking intersects with their relationships.[164]

118. Thus, despite the differences in their mandates, areas of expertise and functions, policymakers, law enforcement agencies, private-sector entities and NGOs all have an important role to play in the fight against human trafficking. However, their current limited interaction, coupled with their inability, or reluctance, to cooperate and share information, has resulted in a fragmented approach that can easily be exploited by criminal networks and other malicious actors, including terrorists, with a potential interest in human trafficking.

3. Cases

119. Most States that responded to the CTED questionnaire were able to provide specific data on human trafficking cases identified during the past two years. Only a few, however, were able to provide concrete information about human trafficking-related activities conducted in support of terrorism, including through the financing of, and recruitment for, the commission of terrorist acts.

120. According to Member States' responses, domestic data on human trafficking shows that sexual exploitation and forced labour are the most common elements of detected trafficking cases.

121. Member States also underlined the challenges that they faced in investigating such acts and collecting evidence.

Somalia

122. The Somali FIU informed CTED about a case containing some elements of the human trafficking/terrorism-financing nexus. The case has not yet been investigated, owing to limited expertise and lack of resources. It is based mainly on the accounts of victims and witnesses.

123. The victims recount how they were forced to flee their villages and told to move to specific camps, where they would be housed and receive aid distributions. However, when the aid is delivered to the camps, the victims are given less than 10 per cent of the items. The remainder is retained by the camp gatekeepers and used to fund Al-Shabaab's operations.

124. An old lady and her extended family, who lived in a village located around 120 km from the city of Baidoa (256 km from Mogadishu), was forced to move to an internally displaced persons (IDP) camp in Baidoa, where, she was told, she would receive food and shelter. However, when she and her family arrived at the camp, she was given less food and most of the aid items were taken by the gatekeeper, who used the proceeds from the sale of the items to pay terrorists for protection.

Burundi

[164] Even though not aimed at specifically addressing the human trafficking/terrorism nexus, such initiatives can be highly effective in that context.

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125. Burundi provided four cases of forced recruitment, which fit the definition of human trafficking in conflict:

1. In 2015, 13 young Burundian men were recruited by unknown individuals to join Al-Shabaab in Somalia. One of the victims eventually escaped from Mombasa, in Kenya, and provided information about the modus operandi used by the criminal group in human trafficking;
2. In 2015, a group of 12 Burundians became the victims of human trafficking for terrorist activities. One was arrested by the Kenyan police on the Kenya/Somalia border when attempting to join Al-Shabaab in Somalia;
3. In 2017, six persons from Burundi, including students, were reported to have been recruited by the Allied Democratic Forces-National Army for the Liberation of Uganda (ADF-NALU)[165] a local terrorist group operating, *inter alia*, in Uganda and thought to work in close collaboration with Al-Shabaab. Following an investigation conducted by the Burundian police, in collaboration with the Democratic Republic of the Congo police, a young woman who was a member of the ADF-NALU was arrested in Bukavu City;
4. In November 2017, eight Burundians were arrested by Kenyan police at Ilso, Kenya, while travelling to Somalia to join Al-Shabaab in Moyale City. They stated that they had been recruited to fight on behalf of Al-Shabaab. They were repatriated by the Government of Kenya, to be brought before the Burundian court. The individual in charge of recruitment was also arrested.

The Netherlands

126. The case study provided by the Netherlands demonstrates the challenges currently faced by the judicial authorities in prosecuting human trafficking activities conducted in support of terrorism. The case concerned a family that was planning to travel to ISIL-controlled territory. Prosecutors did consider charging the suspects involved with trafficking in human beings. However, they decided not to do so, since Dutch counter-terrorism legislation offered the possibility to prosecute the suspects for terrorism offences, which were easier to prove. Prosecuting the case on human trafficking grounds would have been too complicated and would have offered no added value.

Belgium

127. Several terrorism cases processed by Belgium's Federal Prosecutor's Office reveal the use of existing channels for smuggling and trafficking in persons by ISIL fighters who sought to return to Europe to perpetrate attacks. The suspects were able to cross the Syrian border to Turkey, and then from Turkey to Greece (by sea), and finally from Hungary to Austria. False Syrian identity cards appear to have been made for some of the fighters prior to their entry into Greece. Belgium stated that, in general, it appears that some traffickers and smugglers support ISIL's cause, while others are merely opportunists.

[165] The Allied Democratic Forces (ADF) was added on 30 June 2014 to the Sanctions List of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of Congo. For more information, see: https://www.un.org/securitycouncil/sanctions/1533/materials/summaries/entity/allied-democratic-forces-%28adf%29.

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128. The cases revealed that, upon arrival in the Syrian conflict zone, recruits were often shocked by the reality of the situation and expressed their desire to leave. (They would have been banned from returning to Belgium.) They were threatened with imprisonment, physical abuse and even execution. The use of deception and the withdrawal of the passport upon arrival appears to have been systematic.

Role of financial intelligence unit (FIU)

129. In its resolution 2331 (2016), the Security Council calls on those Member States that have not yet done so to develop the capacity of their FIUs to analyse cases of trafficking in persons that finance terrorism.[166]

130. Serving as the national centre for the receipt and analysis of suspicious transaction reports (STRs) and other information relevant to money-laundering, associated predicate offences and terrorism financing,[167] the FIU plays a key role in the analysis of financial transactions/flows that may be linked to human trafficking.

131. Noting the crucial role of the FIU in every AML/CFT regime, including as an intermediary between financial-sector entities and law-enforcement agencies, CTED asked Member States whether their FIUs had sufficient expertise to detect and analyse potential cases of human trafficking that finances terrorism.

132. It appears that no State – which responded to the questionnaire – has thus far detected any financial transactions in relation to human trafficking that may constitute terrorism financing. However, most declared that their FIUs had sufficient expertise. One State noted that its FIU had collected enough evidence to suggest that the identified human trafficking activity had been undertaken in support of terrorism. However, because of its lack of expertise and resources, the FIU had been unable to proceed further.

133. In the fight against human trafficking, the FIU plays a crucial role not only by analysing and detecting transactions that may be linked to human trafficking, but also in disseminating guidelines and/or risk indicators. These "red flags" can further strengthen financial institutions' capacity to detect illicit flows deriving from human trafficking. The FIU should also consider issuing periodic public reporting or typologies containing data and information reflecting the changing nature of human trafficking-related activities.

[166] S/RES/2331 (2016), para. 5.
[167] See FATF Recommendation 29.

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The Netherlands

In 2016, the Netherlands' FIU developed a methodology ("'red flags") for recognizing illicit money flows indicating a high risk of a crime associated with human trafficking. The findings were shared with Dutch and some European law enforcement agencies and with all European Union FIUs. In 2017, as a follow-up, suspicious transaction reports were made available to law-enforcement agencies.

Source: this information was provided by the Netherlands.

Examples of red flags indicators relating to human trafficking*

- Use of cash through couriers and money-remitters; repeated cash withdrawals and transfers in small amounts to avoid identification or reporting requirements
- Use of multiple bank accounts and credit cards, as well as multiple aliases and addresses
- Use of front companies, straw people, or false identity documents
- Inexplicable lifestyle compared to the client profile
- Relations with persons with suspected or known criminal history
- Use of cash to invest in real estate/high-value goods
- Frequent deposits or withdrawals with no apparent business source
- Lack of aa lawful business underlying banking operations
- Use of ATM and credit cards at times of the day that are inconsistent with normal operating hours for the business
- Frequent money transfer to "risk" countries
- Third-party cash deposits made at various bank branches and via ATMs
- Laundering of cash through casinos, import/export trades, etc.
- Use of the *hawala* or other informal banking systems.

This list is not intended to be exhaustive, but rather to provide some example of indicators suggesting that a financial activity may be linked to human trafficking. For a more comprehensive list of red flags indicators, see the APG/FATF joint typology report on *Financial flows from human trafficking*
Source: https://www.state.gov/j/tip/rls/fs/2018/283549.htm.

Good practices

134. This section provides concrete examples of existing tools and good practices (including the use of financial intelligence and public/private information-sharing mechanisms) that Member States might consider adopting in order to strengthen operational frameworks developed to identify and detect suspicious financial activities associated with human trafficking. Although these initiatives currently aim to identify and disrupt human trafficking-related proceeds that are being laundered, they also constitute an effective tool to address the potential human trafficking/terrorism financing nexus.

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1. Domestic initiatives

Fintel Alliance[168] (Australia)

135. In 2017, the Australian Transaction Reports and Analysis Centre (AUSTRAC) launched Fintel Alliance, a public-private partnership aimed at addressing the threats posed by money-laundering, terrorism financing and other forms of crime. It consists of financial sector entities, NGOs, and law-enforcement and national-security agencies.

136. Fintel Alliance provides a platform for AUSTRAC to engage with the private sector to combat victim-based crimes. In the case of certain human-trafficking investigations, the private sector (including banks and financial institutions) has been approached to assist with proceeds-of-crime inquiries.

Belgium[169]

137. In Belgium, the policy for combating human trafficking and smuggling is set forth in various strategic documents, some of which have been recently updated. Those documents include the action plan 2015-2019 of the Interdepartmental Unit of Coordination for Human Trafficking Prevention, which is a national coordination body for this policy area, chaired by the Minister of Justice. The Belgian Financial Intelligence Processing Unit (CTIF-CFI) has been a member since 2014. The action plan highlights the importance of financial investigations with regard to human trafficking and stresses the CTIF-CFI's role in this regard. Detecting and tracing financial flows is essential to identifying networks, destabilizing criminal organizations, and depriving them of their assets. As part of the action plan, CTIF-CFI committed to help raise the awareness of financial, legal and accounting professions in order to increase the quality and quantity of disclosures made to the CTIF-CFI. A leaflet showing case studies and risk indicators will be distributed soon.

Project Protect[170] (Canada)

138. Project Protect[171] is a unique public-private partnership initiative that has mobilized partners across Canada since 2015 to combat human trafficking in the sex trade by focusing on the money-laundering aspect of the crime. Recognizing money as the common thread among a range of human trafficking operations, the Financial Transaction and Reports Analysis Centre of Canada (FINTRAC) and Canada's major banks joined forces to develop a comprehensive list of indicators to assist businesses in identifying financial transactions and patterns of activities related to human trafficking in the sex trade that might give rise to suspicions of money-laundering. Banks and other businesses and individuals that are required by law to report financial transaction information to FINTRAC use the indicators as triggers for STRs submitted in support of Project PROTECT.

[168] Information provided by Australia.
[169] Information provided by Belgium.
[170] Information provided by Canada.
[171] http://www.fintrac-canafe.gc.ca/emplo/psr-eng.asp.

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139. Reporting entities such as banks, credit unions and money-services businesses are legally obliged to submit a report to FINTRAC when they have reasonable grounds to suspect that a transaction or attempted transaction is related to the commission or attempted commission of a money-laundering or terrorism-financing offence. FINTRAC and Canada's major banks worked closely together and with Canada's police and law-enforcement agencies to develop an operational alert, which focuses on the types of financial transactions, financial patterns and account activities that may raise suspicions of money-laundering associated with human trafficking and thus trigger the requirement to send an STR to FINTRAC.

140. FINTRAC analyses the STRs submitted, along with other financial transaction reports and available information. Once FINTRAC has reasonable grounds to suspect that the information would be relevant to an investigation or prosecution of a money-laundering or terrorism-financing offence, FINTRAC discloses this actionable financial intelligence to police and other law enforcement agencies to support their investigations into the money-laundering aspects of the crime. Disclosures on behalf of Project Protect have been made to both domestic and international partners in recognition of the transnational nature of trafficking crimes.

141. As a result of the efforts of Project Protect, nearly 4,000 STRs have been received by FINTRAC since the project's inception. This has led to the production of over 200 financial intelligence disclosures to appropriate law-enforcement agencies.

Joint Money Laundering Intelligence Taskforce (JMLIT)[172]

142. Some Member States referred to the Joint Money Laundering Intelligence Taskforce (JMLIT) in the United Kingdom as an effective domestic mechanism for detecting and disrupting financial flows relating to various forms of crimes, including human trafficking. The Taskforce was established in 2016 to enable tactical and strategic intelligence-sharing between law enforcement agencies and financial institutions in the United Kingdom. It brings together law enforcement, regulators and over 40 United Kingdom and international financial institutions to exchange and analyse information and intelligence. The overall aim is to identify priorities and focus the mutual effort deployed against financial crime by the public and private sectors. The taskforce shares information through an Operational Working Group and several Expert Working Groups.

143. The Operations Group assists in ongoing money-laundering and terrorism-financing investigations. It exchanges live tactical intelligence using the Section 7 gateway of the Crime and Courts Act 2013, strengthened and safeguarded by an information-sharing agreement which must be signed by all members. Vetted members of 17 major financial institutions are briefed every week on law-enforcement subjects of interest, and requests are made for specific information to fill intelligence gaps. Information is shared for intelligence purposes only and must be backed up if law enforcement wishes to use it evidentially. This is an entirely voluntary arrangement, which complements the United Kingdom's Suspicious Activity Report regime.

[172] http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/economic-crime/joint-money-laundering-intelligence-taskforce-jmlit; FATF/APG, *Financial flows from Human Trafficking*, 2018, pp. 42-43.

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144. The Expert Working Groups provide a platform for members to discuss current or emerging threats and to identify innovative ways to collectively combat them. The Groups consist of experts from across the public and private sectors and are aligned with the following JMLIT priority areas: (i) Organized Immigration Crime /Human Trafficking; (ii) Bribery and Corruption; (iii) Trade-Based Money-Laundering; (iv) Money-Laundering Through Markets; (v) Terrorism Financing; and (vi) Future Threats.

2. International initiatives

Bali Process[173]

145. Some Member States of the Asia Pacific region described the Bali Process as a good example of a regional initiative aimed at strengthening the response to various forms of crime, including human trafficking.

146. Since its inception in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime has effectively raised awareness of the consequences of people smuggling, trafficking in persons, and related transnational crime. It serves as a forum for policy dialogue, information-sharing and practical cooperation to help the States of South-East Asia to address those challenges. The Bali Process Strategy for Cooperation guides the work of the Bali Process in implementing priorities directed by the Ministers.

147. Co-chaired by Indonesia and Australia, the Bali Process has more than 49 members.[174] It also includes the Ad Hoc Group, which brings together the most-affected member States and relevant international organizations to address specific people smuggling, trafficking in persons, and irregular migration issues in the region.

148. The Regional Support Office (RSO) of the Bali Process was established to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the region. The Sixth Bali Process Ministerial Conference (March 2016) confirmed the core objectives and priorities of the Bali Process through endorsement of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime. The Declaration acknowledges the growing scale and complexity of irregular migration challenges, both within and outside the Asia Pacific region, and supports measures that would contribute to comprehensive long-term strategies addressing the crimes of people smuggling and human trafficking, as well as reducing migrant exploitation by expanding safe, legal and affordable migration pathways.

149. The Seventh Bali Process Ministerial Conference and Second Bali Process Government and Business Forum were held on 7 August 2018. The Ministerial Conference adopted a political declaration, by which the Bali Process will advance engagement on irregular migration and with

[173] See also: https://www.baliprocess.net/.

[174] Including the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Office of Drugs and Crime (UNODC) and the International Labour Organization (ILO), as well as a number of observer countries and international agencies.

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business and civil society. Recommendations from business to Government to enhance collaboration on tackling modern slavery were adopted. The "business track" was made a permanent track of the Process.

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Section IV

Recommendations

150. Member States may wish to consider the following recommendations for strengthening efforts to identify and explore the nexus between human trafficking, terrorism, and terrorism financing:

- **Raise awareness** of the possible use of human trafficking, both as a terrorist tactic and as an opportunistic source of revenue for terrorists. Some Member States appear to have little understanding of their vulnerability to human trafficking and terrorism, or to the potential interactions between the two. They therefore continue to consider the two phenomena separately, even where there is concrete evidence of a link. Private-sector entities, including financial institutions, appear to be more aware of risks relating sex trafficking, but lack a broader understanding of risks potentially arising from other forms of exploitation.
- **Use the appropriate legal terminology**: human trafficking and migrant smuggling are two different crimes, which require two different responses. Failure to understand this could undermine the effectiveness of measures and policies put in place to address them. Many stakeholders appear to have a limited knowledge of the relevant Protocols or the legal definitions contained therein.
- **Enhance efforts to bring perpetrators to justice**: human-trafficking activities associated with terrorism or taking place in conflict or post-conflict settings continue to be met with mass impunity. To date, not a single member of ISIL or Boko Haram has been prosecuted for offences of sexual violence[175] or other forms of exploitation associated with human trafficking. The case relating to a German citizen who is currently facing charges for having allowed her five-year-old household slave to die of thirst (see Section II, above) could represent an important step forward. The United Nations Investigative Team[176] established pursuant to Council resolution 2379 (2017) is expected to play an important role to ensure that ISIL is held accountable for all the crimes that it has committed in Iraq, including those associated with human trafficking. At the national level, Governments should strengthen the capacity of their justice and security sectors to ensure accountability for such crimes.
- **Ensure that victims of sexual violence associated with human trafficking** perpetrated by armed or terrorist groups are recognized as legitimate victims of conflict and/or terrorism and that measures to address their situation are considered to be an integral part of counter-terrorism strategies.
- **Adopt the necessary legal measures** to enhance domestic counter-human trafficking frameworks, including by criminalizing human trafficking as a predicate offence pursuant to national AML/CFT legislation.

[175] Report of the Secretary-General on Conflict-Related Sexual Violence, 2018, p. 9.
[176] On 31 May 2018, the Secretary-General appointed Mr. Karim Asad Ahmad Khan of the United Kingdom of Great Britain and Northern Ireland as Special Adviser and Head of the Investigative Team.

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- **Establish national inter-agency coordination mechanisms to enhance cooperation/information-sharing** between domestic bodies responsible for the investigation of human trafficking, terrorism, money-laundering and terrorism financing, as well as private-sector entities, civil society, and NPOs. All these stakeholders may hold significant information that, if shared in a coordinated and timely manner, can improve the effectiveness of State's overall efforts to combat human trafficking.
- **Conduct parallel financial investigations** in all human trafficking-related cases. It appears that the financial aspect of such crimes is not systematically addressed. "Following the money" could help disrupt potential exploitation networks, strengthen the detection of victims, and help bring perpetrators to justice. National anti-trafficking structures (including National Referral Mechanisms, national coordinators, independent rapporteurs, and relevant government agencies) could integrate financial investigations into human trafficking investigations.
- **Develop the FIU's capacity to detect or identify suspicious transactions/financial flows** associated with human trafficking that could be terrorism financing.
- **Consider listing individuals involved in human trafficking** who may meet the designation criteria of the "1267/1989/2253 Committee".
- **Consider involvement in human trafficking to finance terrorism as grounds for the designation** of a person/entity pursuant to the asset-freezing mechanism established by States pursuant to Security Council resolution 1373 (2001).
- **Update the narrative summaries of listed individuals (or entities)** to reflect their implication in human trafficking-related activities.
- **Provide technical assistance to Member States that have identified possible instances** pertaining to the human trafficking/terrorism financing nexus, but do not have the adequate expertise or means to conduct a thorough investigation.
- **Examine human trafficking as a potential money-laundering/terrorism-financing risk** within the framework of a national risk assessment (NRA).
- **Monitor ICT for possible abuse involving human trafficking and create partnerships with Internet service providers** or social media platforms to strengthen efforts to eradicate such abuse**.** ICT can constitute an invaluable tool for law-enforcement agencies to detect and disrupt the online recruitment of victims, including recruitment through fraud and deception. Social media providers may be able to identify, through geospatial data and content, specific individuals who may be vulnerable to human trafficking in conflict and incorporate warning information and assistance information (such as details for a hotline or assistance app) into social media feeds.[177]
- **Enhance regional and international cooperation.** Although many human-trafficking cases do not involve the crossing of international borders – and occur domestically – some perpetrators and their leaders may reside outside of destination countries where most of the exploitation take place. Reaching them requires international cooperation, which can be difficult to secure. Even though many countries of origin have signed the "Trafficking Protocol", they may not have introduced legislation facilitating cooperation to combat

[177] United Nations University, *Fighting human trafficking in conflict, 10 Ideas for Action by the United Nations Security Council, 2016*, p. 29.

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trafficking. Regional and international cooperation facilitate the timely exchange of information necessary to conduct proper investigations.

151. The United Nations may wish to consider the following recommendations for countering the human trafficking/terrorism nexus more effectively:

- Optimize the relevant existing tools, including by assisting Member States in their efforts to meet the obligations contained in Council resolutions 2331 (2016) and 2388 (2017) and by continuing to monitor their implementation by the concerned entities;
- Within the framework of various forums, including through the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), continue to sensitize all stakeholders to the issue of human trafficking in conflict and, in particular, to the use of human trafficking in support of terrorism.

Common indicators and warning signs

152. The following paragraphs contain common indicators and warning signs for the connections between human trafficking and terrorism. Although these indicators are entirely qualitative, they may be observed to varying degrees in all the cases discussed above, and across all regions of the world.

Porous borders and areas of weak State control

153. Weak State control over border areas offers armed groups the opportunity to control illicit smuggling and trafficking groups. In some cases, such groups will directly challenge the State for control over these areas, often for the primary purpose of controlling illicit markets. When irregular migration routes flow through the same area, armed groups, including terrorists, are presented with an opportunity to earn profits from smuggling and trafficking. With the exception of ISIL in the Syrian Arab Republic and Iraq, it is usually the case that armed groups earn profits by taxing smugglers or traffickers or directly extorting migrants, rather than actively facilitating the trafficking. However, in Al-Qaim, Iraq, ISIL used its pre-existing control over a border area and contiguous transboundary area to move women across the border for the purposes of sexual slavery.

Political instability, corruption and lack of governance

154. Political instability, lack of governance and large-scale corruption offer fertile ground for trafficking and terrorism, acting as “push” factors for irregular migration and creating the grievances and conflicts that give rise to terrorist groups. These are very often simply correlations. However, where these factors co-exist (e.g., throughout the Sahel), terrorist organizations can take advantage of them to engage in trafficking.

Underdevelopment, inequality and poverty

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155. Low levels of human and economic development are often correlated with the prevalence of human trafficking and terrorism.[178] The States and regions addressed in the examples contained in the present report rank from low to middling on human development and economic development indicators. However, it should be noted that the poorest segment of a population does not make up a significant proportion of an irregular migration flow. Indeed, one of the key lessons from studying the development/migration nexus is that increased GDP per capita (i.e., economic development) can lead to greater irregular migration as people develop the means and aspiration for mobility.

Armed conflict

156. People are particularly vulnerable to trafficking by terrorist organizations in conflict situations. Most contemporary conflicts are civil/intra-State wars, and asymmetric. They involve non-State actors as combatants and include both indiscriminate and targeted attacks on civilians and civilian infrastructure. These types of wars create disproportionately more civilian casualties, internal displacement, and forced migration in the same spheres in which non-State armed groups and terrorist organizations operate. The presence of troops often brings with it market demand for prostitution, which transnational criminal groups, who are often associated with terror organizations, fill through human trafficking.

Organized crime

157. Pre-existing criminal smuggling and trafficking networks for illicit goods and services often also serve as human smuggling/trafficking corridors. Evidence tends to suggest that, wherever militant organizations are involved in the movement of illicit goods, there might be a prevalence of trafficking.

Conclusions and potential next steps

158. The goal of the present report is to shed light on, and broaden, understanding of the nexus between human trafficking and terrorism, including by providing examples of instances in which the nexus exists.

159. There remains a need to conduct further research and produce new evidence. Furthermore, as noted in the recommendations, efforts to sensitize Member States on the issue of human trafficking in support of terrorism should be strengthened.

160. To overcome some of the challenges highlighted in the present report and address current operational gaps, CTED has also identified potential additional areas of work. They may include:

- Organizing regional experts' round-table consultations or workshops in areas highly affected by human trafficking and terrorism.

[178] The correlation between the phenomena was also mentioned during the General Assembly two-day high-level meeting on human trafficking. At the outset of the meeting, held on 27 September 2017, the Assembly endorsed by consensus the "political declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons".

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- Developing practical tools to assist Member States in effectively detecting and investigating acts of human trafficking in support of terrorism, including by enhancing cooperation and information-sharing mechanisms between domestic agencies responsible for the investigation of human trafficking, terrorism, money-laundering and terrorism financing and by enhancing States' capacity to conduct parallel financial investigations in all human trafficking-related cases.
- Facilitating the delivery of technical assistance to those States that have identified possible instances pertaining to the human trafficking/terrorism financing nexus, but do not have sufficient expertise or resources to conduct a thorough investigation.

161. The Counter-Terrorism Committee and CTED — notably within the framework of assessment visits and the identification of emerging trends by CTED, in cooperation with its Global Research Network — will continue to devote their attention to the nexus between organized crime and terrorism, including the issue of human trafficking in support of terrorism. CTED will also continue to work with other United Nations entities, regional and subregional organizations, the private sector and civil society, including academia, to collect new evidence, data, and cases pertaining to the human trafficking/terrorism nexus, as well as to identify additional good practices and lessons learned that might be suggested to Member States as a way to increase their capacity to address the related threats.

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Annex

CTED questionnaire

Part I. The threat

1. Is your State affected by human trafficking-related activity?

How many human trafficking cases have been reported in your State over the past two years?	
What are the most common forms and manifestations of this crime (e.g., forced labour, sexual exploitation, or others)?	

2. Links between terrorism and organized crime

Organized criminal groups and domestic/international terrorist entities may be involved in various types of illegal activities and cooperating through alliances, collection of taxes, extortion, etc. Has your State detected or identified links between terrorist entities and transnational organized criminal groups?	
If so, please give details of specific cases.	

3. Human trafficking and terrorism

Has your State detected or identified any terrorist activity that may be related to trafficking in persons?	
If so, was human trafficking undertaken in support of terrorism, including financially?	
Please give details of specific cases.	

4. Financial flows associated with human trafficking

How many financial investigations have been conducted in relation to human trafficking in your State?	
Has your State detected or identified any suspicious transactions/financial flows	

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associated with human trafficking that could be terrorism financing?	
If so, please give details of specific cases.	

5. Misuse of social-media platforms and information and communications technologies (ICT) for the sale, trade and trafficking of persons

Over recent years, the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) has sold kidnapped women via smartphone apps and shared databases containing their photographs and the names of their "owners". Is your State monitoring ICT for possible abuse involving human trafficking?	
If so, please give details of specific cases.	
Was any financial information identified in those cases?	

Part II. Legal framework

6. Legislation on human trafficking

What legal framework is in place in your State to incorporate international standards on human trafficking?	
Is human trafficking a predicate offence pursuant to your State's anti-money-laundering/counter-financing of terrorism (AML/CFT) legislation?	

Part III. Operational measures

7. Mechanisms to counter human trafficking

Which agency(ies) is/are responsible for the investigation of human trafficking in your State?	
What mechanisms are in place in your State to counter human trafficking and to cooperate and exchange information in that regard?	

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Has your State established an inter-agency task force to cooperate in countering terrorism and its financing, money-laundering, and human trafficking? Have any domestic agencies signed memorandums of understanding in this regard? If so, can you provide us with specific examples?	
Can involvement in human trafficking to finance terrorism be grounds for the designation of a person/entity pursuant to the asset-freezing mechanism established by your State pursuant to Security Council resolution 1373 (2001)?	

8. Role of financial intelligence unit (FIU)

Has your State's FIU detected or identified any suspicious transactions/financial flows associated with human trafficking that could be terrorism financing? If so, how many?	
Does your State's FIU have the necessary expertise to detect and analyse potential cases of trafficking in persons that finance terrorism?	
Does your State's FIU consider human trafficking to be a potential money-laundering/terrorism-financing risk within the framework of its national risk assessment (NRA)?	
Has your State's FIU issued any guidelines and/or risk indicators ("red flags") to strengthen financial institutions' capacity to identify illicit flows deriving from human trafficking?	
Are there mechanisms in place for cooperation/information-sharing by the FIU and NGOs in combating human trafficking and supporting its victims?	

Part IV. Good practices

9. Initiatives to counter human trafficking

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Has your State identified any good practices in the areas of AML/CFT and compliance aimed at reducing financial institutions' risk of exposure to human trafficking proceeds?	
Has your State conducted outreach to the private sector (including financial institutions) regarding the detection of proceeds linked to human trafficking?	
Are you aware of any private-sector initiatives in your State aimed at identifying the proceeds of human trafficking? If so, have those initiatives explored possible links between human trafficking and terrorism?	
Can you recommend any publication, academic study, research, or other material relevant to the issues addressed by this questionnaire?	

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