



United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED)

LEGAL AND CRIMINAL JUSTICE ISSUES

The adoption of [Security Council resolution 1373 \(2001\)](#) introduced a significant new dimension to international counter-terrorism law by requiring all United Nations Member States to criminalize various acts associated with terrorism, as well as participation in the financing, planning, preparation and perpetration of such acts. The resolution emphasizes the need to bring terrorists to justice through effective criminalization and requires that the punishment duly reflect the seriousness of such acts.



MORE INFORMATION

More info about CTC and CTED, including the CTC Chair and CTED's Executive Director, can be found here:

<https://www.un.org/securitycouncil/ctc/content/about-us-0>.

A list of FAQs is available here:

<https://www.un.org/securitycouncil/ctc/content/frequently-asked-questions-faqs>.

Council resolutions [1373 \(2001\)](#), [1624 \(2005\)](#), [2178 \(2014\)](#), [2396 \(2017\)](#), and other relevant resolutions. The Counter-Terrorism Committee Executive Directorate (CTED) supports the Committee by assessing Member States' counter-terrorism efforts, including progress made, remaining shortfalls, and priority areas for technical assistance needs, as well as by identifying terrorism-related trends and challenges and good practices employed in the implementation of the relevant Council resolutions.

Security Council resolution [2178 \(2014\)](#) addresses the exceptional challenges posed by the foreign terrorist fighter (FTF) threat and establishes States' obligations to criminalize additional acts specific to this threat and to ensure that prospective terrorists can be brought to justice for actions taken to prepare or facilitate terrorist acts, including travel.

INTERNATIONAL COOPERATION – PROSECUTION, REHABILITATION, AND REINTEGRATION STRATEGIES

Promoting international law enforcement and judicial cooperation is a central objective of the Security Council's counter-terrorism efforts. This objective is set forth in resolution [1373 \(2001\)](#) and several subsequent resolutions. In 2016, the Council adopted its [resolution 2322 \(2016\)](#), which is the first Council resolution to focus specifically on international law enforcement and judicial cooperation to counter terrorism. The resolution highlights the need for enhanced cooperation in several new and emerging areas, especially in relation to FTFs.

The requirement for Member States to develop and implement prosecution, rehabilitation, and reintegration (PRR) strategies originates with the call to bring terrorists to justice, contained in resolution [1373 \(2001\)](#). The concept of a PRR strategy was explicitly introduced through resolution 2178 (2014); further developed in the 2015 [Madrid Guiding Principles](#) (S/2015/939); and further emphasized in Council resolution 2396 (2017), which focuses on suspected terrorists, including relocating and returning FTFs and their family members, presenting additional provisions in the areas of judicial measures and international cooperation to develop PRR strategies.

Furthermore, in the [Addendum to the Madrid Guiding Principles](#) (S/2018/1177), Guiding Principle 46 encourages States to consider ways to ensure that prosecution, rehabilitation and reintegration strategies are timely, appropriate, comprehensive and tailored, taking into account gender and age sensitivities and related factors, the severity of the crime(s) committed, available evidence, intent and individual culpability, the support network, the public interest and other relevant considerations or factors, as appropriate, and that they are in compliance with domestic and international law, including international human rights and humanitarian law.

CTED's legal experts help States ensure that their counter-terrorism measures respect the rule of law, including human rights, and support the criminal justice system. CTED further facilitates the delivery of support to victims of terrorism; works with parliamentarians to ensure a holistic approach to legal issues; promotes synergies between the assistance programmes of international, regional, and subregional organizations; and serves as an intermediary between potential donors and recipients.

EVIDENCE COLLECTION

A vital part of the global counter-terrorism effort is to ensure that those responsible for planning, supporting, and conducting terrorist attacks are brought to justice. In practice, Member States face significant challenges in their attempts to obtain [admissible](#) evidence that can be used to help prosecute and secure convictions of terrorist suspects in judicial proceedings.

Even though States have gathered a considerable amount of digital data relating to the activities of terrorists and violent extremist groups, they face challenges in putting in place appropriate procedures and mechanisms to provide legal access to data across borders that require engagement with private communications service providers (CSPs). The



situation of FTFs who travel to, or return from, conflict zones has also caused challenges for prosecutors and investigators. Because information related to the activities of FTFs can be located on the battlefield, it may be inaccessible to civilian prosecutors and investigators.

In order to address this serious challenge, CTED, acting together with the International Association of Prosecutors (IAP) and the United Nations Office on Drugs and Crime (UNODC) launched, in September 2018, the “Practical guide for requesting electronic evidence across borders”, which also responds to Security Council resolutions [2322 \(2016\)](#), [2331 \(2016\)](#), and [2341 \(2017\)](#), in calling on Member States to collect and preserve evidence for the purposes of investigations and prosecutions aimed at holding accountable those responsible for terrorist attacks. CTED has also partnered with United Nations entities that are members of the Counter-Terrorism Implementation Task Force (CTITF) Working Group on Legal and Criminal Justice Responses to Terrorism to develop guidelines for Member States on how to collect evidence on the battlefield to enhance its admissibility in criminal justice proceedings. This is particularly relevant in cases where civilian investigatory capacities in the State in which the conflict is occurring are insufficient or where mutual legal assistance (MLA) arrangements are lacking. The project partners have launched the [“Guidelines to facilitate the use and admissibility as evidence in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences”](#) as a first attempt at the international level to address this complex issue.