



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 Member States of the United Nations to criminalize various acts associated with terrorism, as well as the financing of planning 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.

The Counter-Terrorism Committee is tasked with monitoring, promoting, and facilitating States' implementation of 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 to identify terrorism-related trends and challenges and good practices employed in the implementation of relevant Security Council resolutions.

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/sc/ctc/about-us/>.

A list of FAQs is available at <https://www.un.org/sc/ctc/about-us/frequently-asked-questions-faqs/>.

Security Council resolution 2178 (2014) addresses the exceptional challenges posed by the foreign terrorist fighter (FTF) threat, 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. The imperative is affirmed in Security Council resolution 1373 (2001) and several subsequent resolutions. In 2016, the Security Council adopted resolution [2322 \(2016\)](#), which is the first Council resolution to focus specifically on international law enforcement and judicial cooperation to counter terrorism. It 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 UNSCR 1373 (2001). The concept of a PRR strategy was explicitly introduced through resolution 2178 (2014), developed in the so-called [Madrid Guiding](#)

[Principles](#) (2015), and further emphasized in 2396 (2017). The latter 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 and the comprehensive requirement to develop PRR strategies.

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 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 global counter-terrorism efforts 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.

While there is a lot of digital data related to activities of terrorists and violent extremist groups, States 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.

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.

To address this serious challenge, CTED together with the International Association of Prosecutors (IAP) and the United Nations Office on Drugs and Crime (UNODC) in September 2018 launched a *Practical guide for requesting electronic evidence across borders*, which also responds to Security Council resolutions [2322 \(2016\)](#), [2331 \(2016\)](#), and [2341 \(2017\)](#), 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 is also working with UN entities that are members of the Counter-Terrorism Implementation Task Force (CTITF) Working Group on Legal and Criminal Justice Responses to Terrorist to develop guidelines for Member States on how to collect evidence on the battlefield to enhance the admissibility in the criminal justice proceedings.

