

**Security Council**

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Letter dated 15 December 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

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

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

(Signed) Raimonda **Murmokaitė**
Chair

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex**Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters****Third report***Summary***1. Introduction**

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

2. Criminalization requirements of resolution 2178 (2014)

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

3. Law enforcement and preventing the inter-State travel of foreign terrorist fighters

The lack of information-sharing and inter-agency cooperation and coordination in several regions remains a major impediment to the successful interdiction of foreign terrorist fighters. All States would benefit from strengthening national and

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

4. Countering the financing of terrorism

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

5. Countering incitement and violent extremism that lead to terrorism

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

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I. Introduction

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

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

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

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

II. Foreign terrorist fighters: issues, trends and developments

A. Returning foreign terrorist fighters

1. Identifying returning foreign terrorist fighters

5. Foreign terrorist fighters, by definition, have a State of origin to which they may or may not return. Developing the appropriate measures to address returning foreign terrorist fighters is a long-term challenge for States of origin.¹ The Executive Directorate will continue to monitor States' responses to this challenge.

6. The prospect of foreign terrorist fighters returning from the battlefields of the Syrian Arab Republic, Iraq and other conflict zones is a major concern for many States of origin (States of nationality or habitual residence). Although available data

¹ Another category to consider is that of returnees, or "alumni", who subsequently travel to other conflict zones. These fighters have the capacity to intensify or prolong conflicts. The Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) noted that veterans played a disproportionate role in the campaigns of Islamic State in Iraq and the Levant (ISIL) and the Nusrah Front, as evidenced by the many senior commanders who had served in previous conflicts (see S/2015/358).

on the number of returning foreign terrorist fighters is limited, some States have reported receiving several hundred returnees. Even though very few foreign terrorist fighters appear to engage in terrorist activity after their return, attacks carried out by trained foreign terrorist fighters are more likely to be successful and lethal.² Moreover, those who train with terrorist groups are more likely to pose a terrorist threat upon their return than those who participate in combat.³ Terrorist groups, including Islamic State in Iraq and the Levant (ISIL), also known as Daesh, the Nusrah Front and other cells, affiliates, splinter groups or derivatives of Al-Qaida, have established training camps throughout the Middle East, the Arabian Peninsula, the Maghreb and the Sahel to recruit and train foreign terrorist fighters (see S/2015/441). Veterans of these camps may use newly acquired skills and combat experience to engage in terrorist activities upon their return to their States of origin.⁴

7. Returning foreign terrorist fighters not only may plan and carry out terrorist acts but may also support the terrorist activity of others (such as through recruitment to terrorist organizations and incitement to commit terrorist acts). They may also set up new terrorist cells, provide guidance or operational expertise or raise funds for terrorist acts or travel.⁵

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

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

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

² The “blowback rate” (the proportion of outgoing fighters who return and plot attacks against their home country or region) from the Syrian Arab Republic is very low. However, it is also likely that the risk will gradually increase as the number of outgoing foreign terrorist fighters grows. See Thomas Hegghammer and Petter Nesser, “Assessing the Islamic State’s commitment to attacking the West”, *Perspectives on Terrorism*, Vol. 9, No. 4 (August 2015).

³ Jeanine de Roy van Zuijdewijn, “The foreign fighters’ threat: what history can (not) tell us”, *Perspectives on Terrorism*, Vol. 8, No. 5 (October 2014).

⁴ The attack against *Charlie Hebdo* in January 2015 demonstrated that Al-Qaida in the Arabian Peninsula remains actively involved both in planning external attacks and in supporting others who wish to carry out such attacks (see S/2015/441).

⁵ In the European Union Terrorism Situation and Trend Report 2015, the European Police Office (Europol) warned that returning foreign terrorist fighters may exploit their newly acquired network of contacts to facilitate the transit of aspiring foreign terrorist fighters to conflict areas and raise money to assist in financing the travel of or supporting terrorist groups.

2. Criminal justice measures

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

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

3. Administrative measures

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

4. Rehabilitation and reintegration

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

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

5. Community engagement

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

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

18. Where appropriate, States may consider employing support techniques to establish and maintain contact with returnees' families in order to create a positive environment to which they can return, as well as establishing a point of contact with the foreign terrorist fighter on his or her return. This is particularly important because families often play a crucial role in a returnee's disengagement and reintegration.⁶

6. Involvement of local authorities

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

7. Conclusions and recommendations

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

⁶ The European Commission Radicalization Awareness Network declaration of good practices for engagement with foreign fighters for prevention, outreach, rehabilitation and reintegration contains 21 good practices in trust-building, outreach, substance and sustainability, as well as a family support model for engagement with families, including concrete examples of, and lessons learned in, direct and indirect engagement.

Table 1
Officially acknowledged number of foreign terrorist fighters from the
most affected Member States

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

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

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

B. Recruitment of women and girls

1. A growing phenomenon

21. Women have long played significant roles in terrorist movements.⁷ However, the current scale of their involvement in perpetrating acts of terrorism and violent extremism demands a much more serious and urgent examination.⁸ An estimated 550 European women have travelled to territory controlled by ISIL. In some States, women account for 10 to 20 per cent of Western foreign terrorist fighters.

22. Policymakers and others often regard men and women foreign terrorist fighters from the perspective of deep-rooted gender stereotypes. The conventional view is that women are less likely than men to engage in terrorism. However, States increasingly understand that women terrorists are just as likely to commit deadly acts of terrorism as their male counterparts. In Nigeria, the frequency and intensity of suicide attacks involving women and girls increased sharply in 2015.⁹ In Nigeria and the Syrian Arab Republic, all-female brigades are trained to interrogate, control and monitor other women. Al-Shabaab has publicly called upon parents to send their unmarried girls to fight alongside male militants. It is clear that women should not be assumed to be more or less dangerous or more prone to peace, dialogue and reconciliation than men.¹⁰

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

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

⁷ Numerous terrorist organizations have included women in their ranks, including the Red Army Faction in Germany, the Red Brigades in Italy, the Irish Republican Army, Basque Homeland and Liberty and the Japanese Red Army. More recently, women have played active roles in Hizbullah, Al-Qaida, Al-Shabaab, the Riyadh-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs and the Revolutionary Armed Forces of Colombia — People’s Army. Their roles and level of activity vary widely, from non-operational support (for example, as wives or moral supporters) to operational support (for example, as recruiters, trainers, fundraisers, propagandists and hijackers) to more deadly roles (for example, as suicide operatives).

⁸ See Erin Marie Saltman and Melanie Smith, “‘Till martyrdom do us part’: Gender and the ISIS phenomenon”, *Institute for Strategic Dialogue*, 2015. Available from <http://www.strategicdialogue.org/publications/>.

⁹ In 2014, 26 suicide attacks were recorded, compared with 27 attacks as at May 2015. In at least three quarters of such incidents, women and children carried out the attacks.

¹⁰ See Organization for Security and Cooperation in Europe, “Women and terrorist radicalization: final report”, available from <http://www.osce.org/secretariat/99919?download=true>; and Kimiko de Freytas-Tamura, “Teenage girl leaves for ISIS, and others follow”, *New York Times*, 24 February 2015, available from http://www.nytimes.com/2015/02/25/world/from-studious-teenager-to-isis-recruiter.html?_r=1.

and supporters of violent messages and images on social media¹¹ or as active supporters (such as fighters, recruiters, fundraisers, logisticians, messengers or spies) of Boko Haram and ISIL. Table 2 depicts the percentage of foreign terrorist fighters who are women or girls, by Member State.

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

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

2. Responses

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

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

¹¹ See Edwin Bakker and Seran de Leede, "European female jihadists in Syria: exploring an under-researched topic", background note for the International Centre for Counter-Terrorism, April 2015. Available from [http://www.icct.nl/download/file/ICCT-Bakker-de-Leede-European-Female-Jihadists-In-Syria-Exploring-An-Under-Researched-Topic-April2015\(1\).pdf](http://www.icct.nl/download/file/ICCT-Bakker-de-Leede-European-Female-Jihadists-In-Syria-Exploring-An-Under-Researched-Topic-April2015(1).pdf).

3. Conclusions and recommendations

27. States should train border control and law enforcement officers in evidence-based risk assessment that takes into consideration specific issues relating to interviewing women and girls, in full compliance with human rights obligations and the rule of law. States should also increase the number of women in their security agencies, especially law enforcement and counter-terrorism units, and should raise practitioners' awareness of specific issues relating to women violent extremists.

28. The design, implementation, monitoring and evaluation of strategies to counter violent extremism should include attention to the gender perspective and should engage women from civil society and the security sector.

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

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

C. International cooperation

1. Promoting cooperation

31. The promotion of international cooperation in criminal matters with the aim of bringing terrorists to justice has been one of the central objectives of the Counter-Terrorism Committee since its inception. The emergence of the foreign terrorist fighter phenomenon has increased the need for States to improve international cooperation.¹² By definition, foreign terrorist fighter cases contain transborder elements. In order to meet the foreign terrorist fighter challenge, all States should use existing tools more widely, expeditiously and effectively. They may also consider collective action in the longer term to develop new tools that can provide for greater, more rapid and more effective international cooperation. The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, adopted in May 2015, is one example of an effective common approach.

¹² In resolution 2178 (2014), the Security Council recalled its decision in resolution 1373 (2001) that all Member States should ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and that Member States should afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings.

2. Mutual legal assistance and extradition in criminal matters

32. In general, the global use of mutual legal assistance in criminal matters is low. Moreover, the processing of mutual legal assistance requests tends to be slow and cumbersome.¹³ Foreign terrorist fighter cases present particular problems. Even high-capacity States rely primarily on evidence collected nationally to prosecute foreign terrorist fighters. Very few States are able to conduct on-site missions to conflict zones in order to collect information. Moreover, few States have established a diplomatic presence in such areas. In foreign terrorist fighter cases, the problem is exacerbated by the huge increase in demand for cooperation in gathering digital data and evidence collected from the Internet. This often requires cooperation with the private sector.

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

34. Fewer than half of all Member States extradite their own nationals. If a State does not do so, it should prosecute the case on the basis of an extradition request, in accordance with the principle of *aut dedere aut judicare* (extradite or prosecute).¹⁴ However, it is extremely difficult to secure the conviction of arrested foreign terrorist fighters if all the witnesses and the evidence are abroad. A recent trend is for Member States to revise laws to enable the extradition of all citizens, regardless of their nationality. Further alternatives to extradition and their use in foreign terrorist fighter cases are discussed below.

3. Bilateral and multilateral agreements

35. Foreign terrorist fighter cases often require interregional cooperation. It is neither realistic nor necessary for any State to conclude comprehensive agreements on mutual legal assistance with all other Member States. Some States are not allowed, whether legally or as a matter of policy, to provide for mutual legal assistance without such agreements. Extraregional bilateral agreements for cooperation in criminal matters are rare. This can pose a challenge when there is a

¹³ The processing of mutual legal assistance requests is slow in both requesting and requested States, for some or all of the following reasons: (a) failure to designate a central authority or insufficient legal power of the designated central authority; (b) lack of political will; (c) inadequate human and technical resources (including, in particular, with regard to cooperation in gathering evidence from the Internet or social media); (d) differences in the legal requirements of Member States; (e) language barriers; (f) lack of public information (for example, a summary of requesting procedures and legal requirements); (g) lack of a regional judicial cooperation body; and (h) lack of a focal point empowered to begin informal communication to prepare a request.

¹⁴ See, in particular, paragraph 3 of the annex to Security Council resolution 1456 (2003), in which the Council declared that States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute.

need for cooperation between States of origin, transit and destination, pending the possibility of applying the principle of dual criminality once States have legislated the elements of criminalization contained in the relevant paragraphs of resolution 2178 (2014). However, a good example of extraregional bilateral joint cooperation is that undertaken between Morocco and Spain.

4. Dual criminality and other obstacles

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

37. Since many foreign terrorist fighters are young people or children, national legislation defining minors may also affect international cooperation. The expiry of statutes of limitations may also present challenges; States should repeal such limitations in criminal cases.

5. Central authorities

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

6. International joint investigations

39. It is important for States to coordinate their efforts on the same foreign terrorist fighter case, as appropriate. Some States have developed mechanisms for integrated international joint investigations. This trend should be encouraged, especially as such mechanisms can assist in the investigation of foreign terrorist fighter recruitment and financing networks. The cooperation between India and the United States of America in the investigation into the 2008 terrorist bombings in Mumbai, India, and between Indonesia and Australia in the investigation into the 2002 terrorist bombings in Bali, Indonesia, proved effective in bringing terrorists to justice. Another successful model is that of the Budapest-based South-East European Law Enforcement Centre, whose staff include at least one liaison officer (police and/or customs) from each of its 12 member States. The Centre coordinates real-time information exchange and joint investigations into transnational crime.¹⁵ However, many States either do not possess the legal basis to conduct joint investigations or lack the necessary experience and training.

7. Transfer of criminal proceedings

40. In the case of investigations into foreign terrorist fighter travel, evidence and witnesses may be scattered among States of departure, transit and destination. Moreover, two or more States may find themselves investigating the same foreign

¹⁵ The number of joint investigations at the Centre (including terrorism cases and cases relating to small arms and light weapons) increased from 44 in 2010 to 70 in 2014.

terrorist fighter. An effective way to facilitate such investigations is the transfer of criminal proceedings, which involves the closure of the investigation in one State and the transfer of the entire criminal file to another State for the continuation of the investigation. This mechanism is usually implemented within the framework of a bilateral treaty or an agreement between the public prosecutors and the police forces of the States concerned. It requires a certain degree of mutual confidence and is particularly effective if the States concerned share similar criminal procedures. However, whether because of a lack of awareness, trust or expertise, it is rarely employed.

8. Abuse of refugee status

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

9. International transfer of sentenced persons

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

43. One good measure in this regard is the Council of Europe Convention on the Transfer of Sentenced Persons, which has been adopted by an additional 18 States from outside the Council of Europe region (including Asian, American and Pacific States). However, transfer involves many challenges, including differences in sentencing standards and prison conditions. States of destination, origin and transit are therefore encouraged to conclude bilateral agreements on the transfer of foreign terrorist fighters to the States of their nationality.¹⁶

10. Conclusions and recommendations

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

¹⁶ Article 17 of the United Nations Convention against Transnational Organized Crime provides that States parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by the Convention, in order that they may complete their sentences there.

III. Regional analysis

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

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

1. General threat assessment

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

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

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

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

2. Regional analysis

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

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

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

(b) *Law enforcement*

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

(c) *Preventing the inter-State travel of foreign terrorist fighters*

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

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

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

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

56. Except in Nigeria, rates of access to and use of ICT by households and individuals are still very low, especially among vulnerable groups. There are concerns, however, that Boko Haram is radicalizing and recruiting through the Internet. There is also a concern that more educated individuals may be radicalized and recruited online to fight outside the region (for example, in the Syrian Arab Republic and Iraq). Other radicalization channels are reported to include religious schools, itinerant preachers, prisons and camps for refugees and internally displaced persons. The subversion of educational and religious institutions is a significant risk in all four States of the region, particularly as government education services do not meet the needs of the local populations, especially in areas affected by Boko Haram. One State has taken steps to promote interfaith dialogue and religious tolerance, including by creating a day of prayer for peace and an interreligious platform that involves the establishment of a peaceful coexistence programme in various regions of the country. Only one State has adopted a programme to counter violent extremism that recognizes the need to engage with civil society and communities. It has recruited a substantial number of staff to implement the programme, which includes a programme for returnees. Implementation has only just begun, however.

It remains to be seen whether the strategy can be implemented successfully in areas highly affected by Boko Haram, where the Government has little influence. One State's development and security strategy promotes access to basic social services, including education, but the necessary resources are lacking. Another State recently established centres to reintegrate young former foreign terrorist fighters. The reintegration and rehabilitation of former foreign terrorist fighters is still in its infancy in the region.

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

1. General threat assessment

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

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

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

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

61. Some foreign terrorist fighters from West Africa have also joined Boko Haram and ISIL. In early 2015, a large group of young people from the Niger was reported to have travelled to Nigeria to join Boko Haram in exchange for money (around \$560 per month). Sahel States are thus States of origin and transit, and Mali is a significant State of destination.

62. Other jihadist groups extend their networks by claiming allegiance to ISIL. Boko Haram claimed allegiance in March 2015 and Al-Mourabitoun is reported to have done the same two months later. The competition between Al-Qaida in the Islamic Maghreb and ISIL makes counteraction more complicated, in part because their methods differ. For example, whereas the former tends to hold on to hostages for the purpose of negotiation, the latter kills them as a testimony to its radicalism.

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

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

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

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

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

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

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

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

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

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

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

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

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

73. The extent to which the Internet and social media play a role in recruitment to join terrorist groups (in particular in the Syrian Arab Republic and Iraq) is not known. Internet usage is well developed in urban areas but the overall number of Internet users and the penetration rate of social media remain moderate in all States of the region. Internet cafés are growing in number, however. States of the region have not developed their capacities to monitor websites or social media and lack the basic equipment and knowledge required to do so. Two States have implemented measures, including community policing and risk assessments in prisons, to prevent recruitment but, in general, States have not dealt effectively with the issue of recruitment owing to a lack of resources.

74. Incitement is not criminalized by all States of the region. Governments recognize that radicalization is a significant and growing problem and that extreme poverty, low literacy rates, high unemployment, especially among young people, and the influence of religious extremists are the main underlying causes. Some States have organized meetings between religious leaders and traditional and civilian authorities and have held public awareness-raising seminars. Steps have also been taken to monitor the curricula of religious schools. In Senegal, for example, pursuant to a bill currently before the legislature, religious schools would be required to broaden their curricula beyond religious teaching and introduce the teaching of local dialects. Some States have also subscribed to Morocco's initiative to train imams to teach "true Islam". Mauritania has launched a programme for the rehabilitation of terrorist prisoners and extremists. States of the region should build on these efforts by adopting comprehensive strategies to counter violent extremism that address the conditions conducive to terrorism, the spread of violent extremism and recruitment and by introducing rehabilitation and reintegration programmes for returning foreign terrorist fighters.

(d) Regional cooperation

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

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

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

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

1. General threat assessment

78. According to recent estimates, more than 25,000 foreign terrorist fighters from more than 100 Member States have travelled to Iraq and the Syrian Arab Republic, primarily to join terrorist entities such as ISIL, the Nusrah Front and cells, affiliates, splinter groups and derivative entities of Al-Qaida (see [S/2015/358](#)). The greatest concentrations of foreign terrorist fighters are found in Iraq and the Syrian Arab Republic, with a smaller number present in Yemen. The presence of these individuals helps to fuel sectarianism and increases the intensity, duration and complexity of the conflicts in the region.

79. Whether considered States of origin, transit or destination, or a combination, States either in or neighbouring the conflict zones in the Middle East are among those most affected by the foreign terrorist fighter phenomenon. This is due to a number of particular historical, political and geographical factors. First, States of the region are located close to the conflict in the Syrian Arab Republic. Second, vast areas of two States (the Syrian Arab Republic and Iraq) are under the control of ISIL. Third, there is no single regional forum in which the most affected States of the region can cooperate on counter-terrorism. Given that ISIL has emerged as a common threat to all States of the region, there is an urgent need for such a forum. Fourth, several States of the region have undergone significant political transitions since 2011, forcing them to adjust their priorities. In some cases, the transition process has brought further turmoil and instability, which has been exploited by terrorist organizations. These factors exacerbate the existing challenges posed by the long-standing Israeli-Palestinian conflict.

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

2. Regional analysis

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

81. Most States of the region have established criminal justice systems that enable their respective jurisdictions to prosecute nationals who return after engaging as foreign terrorist fighters and/or joining a terrorist organization abroad. In an effort to remedy this situation, several States either in or neighbouring the conflict zones in the Middle East have introduced administrative and law enforcement measures to

prevent travel abroad. However, even though such measures may be effective in the short term, they may prove ineffective in the longer term, especially in the absence of an appropriate regulatory framework. Most such measures seek primarily to strengthen the powers of law enforcement authorities and do not give due account to the rights of the suspects. There is therefore a need to safeguard against potential abuse by adopting an approach based on the rule of law to support any law enforcement and administrative measures taken to stem the flow of foreign terrorist fighters.

82. In addition to incorporating into national law the offences set forth in resolution 2178 (2014), States should amend their criminal procedures to ensure that suspects are not deprived of basic fair trial rights. This would both ensure compliance with the rule of law in addressing the foreign terrorist fighter phenomenon and help law enforcement agencies to identify the actual suspects. The introduction of provisions authorizing the use of special investigative techniques into codes of criminal procedure would not only enhance the capacity of law enforcement agencies to handle complex foreign terrorist fighter cases, but also limit their reliance on confession-based — as opposed to evidence-based — convictions.

83. International cooperation in criminal matters in relation to foreign terrorist fighters, whether within the region or externally, is particularly challenging for States either in or neighbouring the conflict zones in the Middle East because each State criminalizes foreign terrorist fighter-related crimes in a different manner and imposes different sentences. Moreover, States of the region have entered into few bilateral agreements, whether with other Middle Eastern States or externally. Given that traditional cooperation mechanisms, such as extradition and mutual legal assistance, may not be able to keep pace with the increase in volume of cooperation requests and demands for rapid responses, States of the region should consider entering into bilateral agreements that include an expedited procedure on cooperation in cases of urgency. States should also consider other cooperation mechanisms, such as the transfer of criminal proceedings.

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

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

85. In order to address the shortfalls mentioned above, there is an urgent need for States of the region to enter into further bilateral arrangements and agreements on information exchange, both with other States of the region and externally. States

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

86. States of the region should also introduce enhanced measures to detect stolen or lost travel documents and passports. This is important, not only at border crossings, but also in capitals and other major cities in which government agencies issue travel documents. In order to ensure the security and integrity of the document issuance process, the relevant agencies should be equipped with the appropriate tools and capacities to verify the authenticity of all “breeder” documents (for example, birth certificates) with a view to ensuring that no travel documents are issued to the wrong (or wanted) individuals.

87. Porous borders remain a significant concern for several States of the region. The monitoring of such vast open spaces requires significant resources. In some areas, States have embarked on projects to fence off border sections that are at high risk of infiltration. This is the case, for example, with the border between Saudi Arabia and Iraq and between Oman and Yemen. Of greatest concern in this regard, however, are the open border areas between the Syrian Arab Republic and Iraq, which are currently under de facto control of ISIL. This situation facilitates the movement of foreign terrorist fighters from the Syrian Arab Republic into Iraq and vice versa, as well as the provision of material support to the conflict zone. Measures aimed at controlling these areas may not immediately lead to the recapture of territories acquired by ISIL, but are an essential step forward in preventing the free movement of foreign terrorist fighters and the flow of financial and other support to ISIL. In this respect, the support of the international community, especially the provision of effective mechanisms and equipment for the surveillance and interception of illegal cross-border activities, is critical. Some States of the region have also requested training for front-line officials to boost their capacity to use advanced border systems and technologies. This is particularly important for States bordering conflict zones.

(c) *Countering the financing of terrorism*

88. The mechanisms and structures to counter the financing of terrorism established by States either in or neighbouring the conflict zones in the Middle East are not fully capable of prohibiting all the financial support mechanisms for foreign terrorist fighters envisaged by the Security Council in its resolution 2178 (2014). Moreover, most terrorism financing regimes were introduced only recently (money-laundering regimes were generally introduced earlier). Consequently, institutions, law enforcement agencies and judicial systems lack the expertise required to fully investigate this relatively new offence. This is reflected in the Executive Directorate’s assessments of States of the region, which in general reveal higher numbers of money-laundering cases than of terrorism financing cases. Furthermore,

States of the region face significant challenges in investigating and proving the intent of a person to finance another individual who in turn intends to travel to join a terrorist organization. Moreover, ISIL controls oilfields in territories under its control and generates significant revenue from other illicit activities, such as kidnapping for ransom and trafficking in human organs and in stolen crafts and antiquities. The proceeds from these activities also enhance the ability of ISIL to recruit and finance individuals and induce them to become foreign terrorist fighters.

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

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

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

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

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

radicalization that lead to terrorism, but it is important to ensure that they do not infringe upon the right to freedom of expression. It is essential to protect this right, not only to ensure that counter-terrorism measures are in compliance with international human rights obligations, but also to prevent terrorists from exploiting perceived grievances.

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

1. General threat assessment

93. Many States of South Asia, including Afghanistan, India and Pakistan, continue to be the victims of major terrorist attacks. These attacks represent the continuation of a pattern that began to emerge more than two decades ago and shows no signs of abatement. India continues to be among the world's most consistently targeted States. Since the 1990s, it has endured multiple terrorist attacks linked to individuals who have trained or fought with Al-Qaida associates in Pakistan and Afghanistan. A number of terrorist attacks in Pakistan have been conducted by veterans of terrorist networks in Afghanistan.

94. In 2014, around 330 Maldivians travelled to join the conflict in the Syrian Arab Republic, having been targeted by visiting recruiters and paid to travel to the Syrian Arab Republic via Sri Lanka. According to the authorities, Maldivians living on the State's more remote islands appear to have been targeted systematically, and many have taken their wives and children with them. In January 2015 alone, at least 15 Maldivians attempted to travel to the Syrian Arab Republic. Four were apprehended en route, in Malaysia. Other States of the region, such as Afghanistan and Pakistan, historically have focused more on tackling entrenched terrorist networks such as Al-Qaida and the Taliban. However, they too have recently begun to pay greater attention to the foreign terrorist fighter threat. ISIL is understood to have contacted South Asian militant groups in 2014 with the apparent aim of expanding its influence in the region and recruiting fighters to travel to Iraq and the Syrian Arab Republic. It seems likely that the foreign terrorist fighter threat will increase the region's instability in the short term.

2. Regional analysis

(a) Criminalization requirements of resolution 2178 (2014)

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

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

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

97. All States of the region would benefit from strengthening national and international law enforcement information-sharing to address these gaps. It is essential that national police agencies establish regular contact with customs officials and immigration authorities and that regular contact is maintained with national intelligence agencies. It is also essential that Governments engage in sustained efforts to cooperate both regionally and externally and that their national agencies fully utilize multilateral resources. Member States should actively utilize information contained in multilateral information systems, such as national and regional watch lists and INTERPOL diffusion notices and databases, including the foreign terrorist fighter database.

98. Only one of the eight South Asian States (India) currently uses advance passenger information and passenger name records. In visa-free or visa-upon-arrival regimes, such systems may provide the only effective way to identify potential foreign terrorist fighters. Advance passenger information is a border-control tool that can be used to interdict foreign terrorist fighters and other criminals who attempt to evade detection, arrest and prosecution. All States of the region are urged to implement advance passenger information systems as soon as practicable.

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

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

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

(d) *Countering the financing of terrorism*

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

(e) *International and regional cooperation*

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

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

1. General threat assessment

103. Although many States of South-East Asia continue to be vulnerable to the threat of international terrorism, many positive trends and developments have emerged in the past few years, and the nature of the threat has evolved significantly. The capacity of some terrorist groups (including the Al-Qaida-related Jemaah Islamiyah)¹⁷ to commit terrorist acts has been undermined by robust law enforcement and community engagement. In addition, recent peace agreements¹⁸ between Governments and separatist groups have helped to prevent terrorist incidents. However, the region faces a new terrorism threat in the form of foreign terrorist fighters travelling from South-East Asia to fight with ISIL.

¹⁷ Jemaah Islamiyah has stated that it aims to establish an Islamic State in South-East Asia, including Indonesia, Malaysia, Singapore, southern Thailand, Brunei Darussalam and the southern part of the Philippines.

¹⁸ The Philippines concluded a comprehensive peace agreement with the Moro Islamic Liberation Front in March 2014; Indonesia concluded a peace agreement with the Free Aceh Movement in 2005; and Myanmar has concluded peace agreements with several ethnic groups.

104. A special military unit called “Katibah Nusantara”, mostly consisting of Malaysian and Indonesian foreign terrorist fighters, was created inside ISIL six months after its establishment. In April 2015, the unit demonstrated military capability by capturing several Kurdish-held territories in Iraq. Katibah Nusantara is assisting ISIL in achieving its ambition to make South-East Asia part of its worldwide “caliphate”. ISIL uploads propaganda to its websites in the Malaysian and Indonesian languages,¹⁹ and Katibah Nusantara is thought to be taking care of families of South-East Asian foreign terrorist fighters and developing a network in the region. The threat of ISIL has expanded rapidly across South-East Asia since the summer of 2014.

105. The number of foreign terrorist fighters from South-East Asia has significantly increased. Governments officially acknowledge that 209 Indonesians, 80 Malaysians and two Singaporean families are fighting for ISIL.²⁰ The linkage between Katibah Nusantara and experienced returnees exacerbates the terrorist threat in the region. Indonesia, Malaysia and Singapore have detected several terrorist plots organized by ISIL returnees.

106. Around 30 South-East Asian terrorist groups, including Jemaah Islamiyah in Indonesia and the Abu Sayyaf Group in the Philippines, have publicly pledged allegiance to ISIL.²¹ However, the linkage between the Abu Sayyaf Group and ISIL has not yet been proved. Since the Group is considered to be more money-oriented than ideological (it frequently engages in kidnapping for ransom and extortion), this alliance may be a means to generate financial and logistical support from ISIL.

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

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

2. Regional analysis

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

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

¹⁹ Around 10 Malaysian language websites and 70 Indonesian language websites had been detected as at June 2015.

²⁰ As at January 2015, the Government of the Philippines was aware that two Filipinos had been killed in the Syrian Arab Republic, but had no evidence of Filipinos having fought for ISIL.

²¹ The Moro Islamic Liberation Front and the Moro National Liberation Front in the Philippines have condemned ISIL.

Measures) Act in June 2015, enacted the Prevention of Terrorism Act in 2015 and amended the Prevention of Crime Act in September 2015 to address issues relating to foreign terrorist fighters.

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

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

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

(b) Preventive/administrative measures

113. Two States employ various preventive/administrative measures under their respective internal security acts and a new counter-terrorism law to deter the travel of foreign terrorist fighters, including detention and restraining orders, such as house arrest. These measures make it possible to detain would-be foreign terrorist fighters without criminal charge and/or judicial review for up to two years, with the possibility of indefinite extension.²² United Nations human rights mechanisms have expressed serious concerns over this practice. The Committee against Torture has stated that it could constitute a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Human Rights Committee, in its general comment No. 35 on article 9 of the International Covenant on Civil and Political Rights, said that such detention presented severe risks of arbitrary deprivation of liberty.

(c) Law enforcement and prosecution

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

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

²² Each extension is limited to two years, but there is no limit to the number of extensions.

concern that ex-terrorist prisoners may commit terrorist acts after serving short-term sentences.

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

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

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

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

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

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

(e) Regional and international cooperation

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

122. Member States of the Association of Southeast Asian Nations (ASEAN) have adopted regional instruments, including the 2007 Convention on Counter-Terrorism and the 2004 Mutual Legal Assistance Treaty Among Like-Minded ASEAN Countries. Both instruments have been ratified by all ASEAN member States.

However, these regional instruments are not yet fully utilized. There is no regional agreement on extradition.

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

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

F. Southern Caucasus (Armenia, Azerbaijan, Georgia)

1. General threat assessment

125. Several territorial conflicts continue to destabilize the southern Caucasus region, presenting an obstacle to sustainable economic growth and social well-being. The region has suffered a number of terrorist attacks. In the past two years, there have also been reports that Georgian and Azerbaijani nationals have travelled to the Syrian Arab Republic to participate in terrorist activities.

126. The research community and the Azerbaijani media report that hundreds of Azerbaijanis have fought in the Syrian Arab Republic since the beginning of the conflict there. According to the authorities, 248 Azerbaijani citizens travelled to take part in extremist activities in Afghanistan and Pakistan and 271 travelled to the Syrian Arab Republic and Iraq. Of those, 78 and 97, respectively, are known to have been killed. Thirty individuals were brought to justice upon their return²³ and 33 were declared internationally wanted.

127. On 23 January 2015, a Georgian national was listed by the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) as a “Syrian Arab Republic-based senior military commander and shura council member of ISIL”. Since mid-2014, the individual concerned has led around 1,000 foreign terrorist fighters for ISIL, in particular the Jaish al-Muhajireen wal-Ansar (Army of Emigrants and Supporters), and committed a number of attacks in the northern part of the Syrian Arab Republic. Several Georgian nationals reported to have been involved with ISIL, including as military leaders, are ethnic Chechens, or Kists, from the Pankisi Gorge region bordering the northern Caucasus in the Russian Federation. According to statistics provided to the Executive Directorate by the authorities in August 2015, 41 Georgian citizens (including two women) were fighting abroad as foreign terrorist fighters. According to the Ministry of Internal Affairs, four Georgian nationals were detained in June 2015 on suspicion of

²³ In July 2015, 10 individuals were convicted of grave crimes by a court in Baku, receiving sentences of between 4 and 15 years’ imprisonment. In January 2015, the Ministry of National Security announced the arrest of a further 10 citizens who had fought in the Syrian Arab Republic. Thirty-nine individuals charged with the crime of organizing permanent groups in order to take part in foreign conflicts were recently detained pursuant to article 283 of the Criminal Code. Further investigations are being conducted with regard to Azerbaijani citizens who remain in the Syrian Arab Republic and Iraq.

providing assistance in joining a terrorist organization in a foreign State through recruitment and assistance in terrorist actions.²⁴

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

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

2. Regional analysis

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

130. Azerbaijan and Georgia have recently amended their counter-terrorism and criminal legislation to enhance their response to the terrorist threat. In 2014, Azerbaijan increased criminal sanctions for terrorist and mercenary-related crimes (fighting as a mercenary and recruitment and sponsorship of mercenaries), but not foreign terrorist fighter travel in the sense given in resolution 2178 (2014). In 2015, Georgia introduced criminal liability for, inter alia, foreign terrorist fighter travel, terrorist recruitment, and joining a terrorist organization of a foreign State or controlled by a foreign State.²⁵ Incitement to terrorism and training for terrorism are criminalized in both States. Armenian criminal law punishes international terrorism and mercenary activity. The concept for the new Criminal Code of Armenia was adopted in June 2015. In prosecuting foreign terrorist fighters, all three States may also use the provisions of their Criminal Codes for accomplice liability and preparation for serious crimes.

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

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

²⁴ The criminal investigation is ongoing under articles 327(1) and 328 of the Georgian Criminal Code.

²⁵ The most recent amendments were adopted by the Georgian Parliament on 12 June 2015.

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

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

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

(c) *Countering the financing of terrorism*

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

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

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

137. Some civil society organizations and media outlets are becoming involved in preventive measures. For example, the stories of foreign terrorist fighters and their families have become more prominent in Azerbaijan since being highlighted by a popular television show, *Seni Axtariram* ("I am looking for you").²⁶ A stronger

²⁶ The purpose of the show is to reunite families and friends who have lost contact with each other. In 2013 and 2014, the show's host travelled to the Syrian Arab Republic to try to get in touch with Azerbaijani foreign terrorist fighters after their families contacted the show.

partnership between Governments, the private sector and civil society is required to increase the effectiveness of such initiatives.

(e) *Regional cooperation*

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

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

1. General threat assessment

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

140. South-East Europe and the Russian Federation have been affected substantially by the new wave of foreign terrorist fighters. The number of foreign terrorist fighters leaving to join terrorist organizations in the Syrian Arab Republic and Iraq is relatively high. Most States of the region are States of origin, and some are States of transit.

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

2. Regional analysis

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

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

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

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

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

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

146. The conflicts in the Syrian Arab Republic, Iraq and the Horn of Africa have also led to massive flows of migrants, refugees and asylum seekers. States have experienced massive flows of people across borders. Refugees use South-East

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

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

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

148. With regard to the suppression of recruitment for terrorism, including the recruitment of foreign terrorist fighters, the level of implementation of resolution 2178 (2014) varies among the States of the region. All, for example, have criminalized recruitment for terrorism and have signed and ratified the Council of Europe Convention on the Prevention of Terrorism. States of South-East Europe should review and consider updating their laws in order to make sure that they also criminalize the recruitment of foreign terrorist fighters. They should also invest in countering recruitment and violent extremism, particularly on the Internet. Most States of South-East Europe have yet to develop comprehensive and integrated national strategies that include strong community-supported programmes to counter violent extremism.

149. The Russian Federation has developed a comprehensive approach to countering recruitment that involves not only government actors, including law enforcement and security actors and the Ministries of Culture, of Education and Science and of Regional Development, but also civil society, religious leaders, the business community and the media. By putting emphasis on dialogue and understanding, the Inter-Agency Commission on Combating Extremism also plays an important role. Recruitment and incitement through the Internet are areas of significant concern for the Government. Since February 2014, more than 500 websites on which people are incited to engage in terrorist activities have been blocked.

(d) *International and regional cooperation*

150. The absence of a regional approach to the cross-border movement of people in South-East Europe notwithstanding, much has been achieved over the past decade to strengthen regional cooperation generally. In addition to the efforts of OSCE and the Council of Europe, several regional cooperation mechanisms have been established or strengthened, including the South-East European Law Enforcement Centre, for law enforcement cooperation, and the Southeast European Prosecutors Advisory

Group, a network of experienced prosecutors who assist in operational matters and facilitate the rapid exchange of information and evidence in cross-border investigations. The Advisory Group seeks to fill a critical gap in the region by promoting the timely exchange of information and evidence, whether through the proper execution of mutual legal assistance requests or through more informal channels of information exchange. The Centre and the Advisory Group benefit from a regional convention that authorizes advanced cooperation methods, including joint investigations.

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

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

IV. Global recommendations

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

A. Criminalization requirements of resolution 2178 (2014)

154. The recommendations are as follows:

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

(b) Ensure that all preparatory acts and preventive offences set forth in Security Council resolutions and the international counter-terrorism instruments are established as serious criminal offences in national law and that any relevant

definition of a terrorist offence is clear and precise, in order to comply with the principle of legality;

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

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

B. Prosecution of foreign terrorist fighters

155. The recommendations are as follows:

(a) Provide further training for judges and prosecutors in international counter-terrorism best practices, particularly those pertaining to foreign terrorist fighters, which could include the collection and admission of evidence from social media, financial investigations, special investigative techniques and evidence collected from conflict zones, while ensuring full respect for the rule of law and compliance with human rights obligations;

(b) Take steps to ensure close cooperation and coordination between intelligence, law enforcement, prosecution and all other relevant authorities, including financial authorities, and ensure that the prosecution services are involved from the outset in investigations into suspected foreign terrorist fighters;

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

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

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

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

156. The recommendations are as follows:

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

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

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

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

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

D. Countering incitement and violent extremism

157. The recommendations are as follows:

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

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

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

(d) Consider strengthening partnerships with regional organizations, the private sector and civil society to counter incitement through media campaigns, educational programmes and other initiatives aimed at strengthening community

resilience, promoting human rights and raising awareness and building understanding of different cultures.

E. Preventing the financing of foreign terrorist fighters

158. The recommendations are as follows:

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

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

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

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

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

F. International cooperation

159. The recommendations are as follows:

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

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

(c) Designate central authorities responsible for receiving, analysing and responding to requests for judicial cooperation and extradition and ensure that such authorities have the necessary legislation, resources and training, including:

(i) regional and bilateral cooperation tools; (ii) training in the drafting of requests for assistance; (iii) simplified and informal procedures, as required; and (iv) translation capacity;

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

G. Human rights and the rule of law

160. The recommendations are as follows:

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

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

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

V. Regional recommendations

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

A. The Maghreb

162. The recommendations are as follows:

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

(b) Implement interactive advance passenger information systems;

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

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

B. East Africa/Horn of Africa

163. The recommendations are as follows:

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

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

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

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

C. Lake Chad Basin

164. The recommendations are as follows:

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

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

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

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

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

D. West Africa/the Sahel

165. The recommendations are as follows:

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

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

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

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

(e) Develop and implement comprehensive strategies to counter and prevent violent extremism.

E. States either in or neighbouring the conflict zones in the Middle East

166. The recommendations are as follows:

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

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

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

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

(e) Develop comprehensive strategies to counter and prevent violent extremism that include significant roles for youth, families, women, religious, cultural and educational leaders and other concerned civil society groups. Pay close

attention to foreign terrorist fighter-related communications, whether at public gatherings or through the Internet and other communications technologies and, where applicable, review existing legislation while ensuring respect for the rights to freedom of expression, to religion or belief and to freedom from arbitrary or unlawful interference with privacy;

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

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

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

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

F. Central Asia

167. The recommendations are as follows:

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

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

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

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

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

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

G. South Asia

168. The recommendations are as follows:

(a) Engage in more sustained international and regional legal cooperation, in particular by ratifying the SAARC Convention on Mutual Legal Assistance in

Criminal Matters and designating a central authority to respond to requests for legal assistance and extradition;

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

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

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

(e) Work with civil society and the private sector to weaken the legitimacy and resonance of violent extremist messaging and narratives, including through social media;

(f) Implement advance passenger information systems with the support of donor States and relevant specialized agencies and organizations, including the International Civil Aviation Organization and the International Air Transport Association.

H. South-East Asia

169. The recommendations are as follows:

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

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

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

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

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

Actively utilize INTERPOL global tools and resources, including its foreign terrorist fighter database.

I. Southern Caucasus

170. The recommendations are as follows:

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

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

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

(d) Strengthen regional and international mechanisms for cooperation and exchange of information and intelligence regarding foreign terrorist fighter travel, training and facilitation;

(e) Engage with, and address the needs of, marginalized communities and minorities, and empower parents, teachers, social workers, religious figures and community leaders to recognize early warning signs, stand up to violent extremism and radicalization to terrorism and advocate against travel to conflict zones abroad.

J. South-East Europe

171. The recommendations are as follows:

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

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

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

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

K. Western Europe

172. The recommendations are as follows:

- (a) Ensure that legislative amendments comply with international law, in particular human rights law;
- (b) Connect border control authorities and police stations directly to the INTERPOL I-24/7 system and implement the advance passenger information requirements of resolution 2178 (2014) as a matter of priority;
- (c) Enhance bilateral and regional cooperation with States outside the European Union and Council of Europe, including by considering the use of transfer of criminal proceedings and by increasing the number of bilateral treaties with non-European Union member States affected by the foreign terrorist fighter phenomenon.

L. Oceania/Americas

173. The recommendations are as follows:

- (a) Take steps to document and make available to States of the region and elsewhere good practices aimed at empowering local community and non-governmental actors to develop strategies to counter the violent extremist narrative and prevent radicalization to terrorism;
- (b) Establish a functioning round-the-clock alert system to facilitate the provision of timely information on foreign terrorist fighters at the national and transnational levels, including through the establishment of a centralized knowledge database;
- (c) Establish mechanisms to facilitate the coordinated exchange of information between Member States and among national law enforcement services, security agencies and administrative bodies;
- (d) Build public-private partnerships to use the expertise of social media firms in counter-messaging campaigns against foreign terrorist fighters, in particular by harnessing their knowledge of social media demographic and marketing tools to increase the impact of counter-messaging.

Enclosure

Methodology

A. Defining foreign terrorist fighters

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

B. Identification of affected States

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

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

C. Evidence-based risk management

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

^a Security Council resolution 2178 (2014), eighth preambular paragraph.

^b The Security Council draws particular attention to the plight of these States in resolution 2178 (2014), paragraph 14.

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

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

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

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

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