Security Council

**Letter dated 2 September 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 second 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

Second report

Summary

The present report is the second in a series of reports to be issued pursuant to Security Council resolution 2178 (2014), which requires the Counter-Terrorism Committee Executive Directorate to assess Member States' capacity to stem the flow of foreign terrorist fighters, identify good practices in that regard and facilitate the delivery of related technical assistance to States in need. The first report adopted a thematic approach to the foreign terrorist fighter threat, focusing on the implementation efforts of 21 Member States. The second report adopts a regional approach and analyses the efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas.

1.   Preventing inter-State travel by foreign terrorist fighters

Most States of the five regions have taken steps to strengthen border controls and prevent travel of foreign terrorist fighters. The measures introduced include passport confiscation, requirement for transit visa and use of International Criminal Police Organization (INTERPOL) screening for potential foreign terrorist fighters. Some States have connected their immigration-screening processes at the front line to the INTERPOL database on stolen and lost travel documents. More States are populating the INTERPOL list of foreign terrorist fighters. However, only some States of the five regions receive advance passenger information, and even fewer have implemented an advance passenger information system. There is an urgent need to strengthen the sharing of information by airlines and Governments through the use of such systems that enable States to detect the arrival or departure of foreign terrorist fighters. Compliance with existing international standards, supplemented by passenger name records, would assist in the detection of foreign terrorist fighters attempting to cross borders by air.

2.   Law enforcement

In general, inter-agency cooperation and information exchange on the foreign terrorist fighter threat have been strengthened. Some States have developed a counter-terrorism legal framework by introducing special counter-terrorism laws or by including a definition of "terrorist act" in their criminal codes. In the Oceania/Americas region, all States have established specialized counter-terrorism units and institutional structures in response to resolution 2178 (2014). Most States of the region are introducing programmes to reintegrate and monitor former foreign terrorist fighters, and training on issues relating to foreign terrorist fighters is provided by all States. In East Africa, the Eastern Africa Police Chiefs Cooperation Organization facilitates informal inter-State cooperation and shared capacity-building. In other regions, States share the problems of limited resources, insufficient training, lack of technical capacity, and endemic corruption, all of which hamper their capacity to mount effective investigations and prosecutions.

3. Terrorism financing

Gaps remain in Member States' legislation on countering the financing of terrorism and measures to freeze terrorist assets. In some States, no specific measures are implemented to disrupt and prevent financial support for foreign terrorist fighters. There is an increasing need for Member States' anti-money-laundering/combating the financing of terrorism regulators to engage with financial institutions to communicate potential red flags that may indicate financial activity that supports ISIL and groups associated with Al-Qaida in order to prevent those groups and groups associated with Al-Qaida from accessing the international financial system.

The use of financial intelligence can also be effective in identifying foreign terrorist fighters and tracking and preventing their travel. It is particularly important that Member States form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones. National financial intelligence units should provide an effective interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. Financial intelligence units should efficiently share financial intelligence potentially related to foreign terrorist fighters with national law enforcement counterparts, such as border control agencies, to aid investigations and disrupt foreign terrorist fighters' travel.

4. Regional and international cooperation

There is an urgent need to develop public-private partnerships involving the airline, tourism and financial intelligence sectors in order to identify foreign terrorist fighters, prevent them from travelling or engaging in terrorist acts and bring them to justice. In regions without an INTERPOL regional office, inter-State cooperation serves to strengthen the region's criminal justice response to the foreign terrorist fighter threat.

Many States face significant backlogs of requests for mutual legal assistance. In order to combat the foreign terrorist fighter phenomenon, States must strengthen their capacity to provide mutual legal assistance. For many States, the potential economic impact of terrorist attacks against the tourism sector is significant. Hotels, resorts, cruise lines and transportation services should work together to safeguard tourism security and protect tourists.

5. Countering violent extremism, including through social media

Terrorists' increasing use of information and communications technology for recruitment and propaganda poses significant challenges for policymakers and law enforcement agencies around the world. It has become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter.

Security Council resolutions 1373 (2001) and 1624 (2005) emphasize the need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes. However, efforts to achieve a global legal consensus continue to be undermined by significant differences between Member States' relevant domestic legislation and the limited capacity of investigators and prosecutors to access electronic evidence.

Private Internet companies are increasingly participating in the global counter-terrorism effort. Acting in accordance with their own terms of use, most large corporations proactively and voluntarily moderate content uploaded by their users. In the context of the counter-messaging spectrum, Member States are also issuing alternative narratives and counter-narratives to refute objectionable content published online by terrorists. Most States have developed some capacity to monitor Internet sites and social media with a view to combating online incitement to commit terrorist acts. Some have adopted laws obligating service providers to retain data for the purposes of identifying the perpetrators.

However, there is a need for strengthened judicial cooperation regarding violent extremist content, especially when Internet servers are hosted abroad. States will need to be attentive to the human rights implications of actions taken against Internet and social media communications. Many States also understand that reactive, heavy-handed law enforcement responses to violent extremism can be counterproductive and that programmes developed to help communities to understand and prevent radicalization can be more effective. Some States have launched programmes to fund projects that enhance community understanding of violent extremism and mentor youth.

Efforts to counter violent extremism should encourage the participation of local communities, religious authorities and the health sector. Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet, including social media, should be pursued. That dialogue may need to focus on avenues available to further human rights-compliant self-regulation by private companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.

The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities or infringing on human rights.

Analysis of the five regions/subregions reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.

Contents

I. Introduction

1.   The present report is the second in a series intended 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 good practices and contribute to the facilitation of technical assistance, as requested by the Council in paragraph 24 of its resolution 2178 (2014).

2.   In order to avoid repetitiveness in the compilation of the studies, the Counter-Terrorism Committee Executive Directorate has adopted a "periodical" approach. In other words, the structure of the reports is broadly consistent, but the contents vary. The first report (S/2015/338, annex) took a thematic approach to the affected States, identifying and analysing the crucial legal and policy issues that States should address in order the stem the flow of foreign terrorist fighters. The present second report focuses on regional analysis and analyses in more detail the particularities of each region and the required measures. The third report will include information contained in the previous reports, adding information on and analysis of more regions. It will also focus on the good practices identified throughout the process and include recommendations on both a regional and a thematic basis for further actions to help to strengthen capacities to address the foreign terrorist fighter threat.

3.   Each report also contains a section on issues, trends and developments, which the Executive Directorate will bring to the attention of the Committee in accordance with its mandate under paragraph 25 of resolution 2178 (2014) and paragraph 5 of resolution 2129 (2013). Those are particular issues related to the threat of foreign terrorist fighters that the Executive Directorate considers to be worthy of further attention and action. Issues, trends and developments identified in the present report include: the Internet and information and communications technology (ICT); and the need for public-private partnerships to address challenges associated with foreign terrorist fighters.

4.   The present report adopts a regional approach and analyses the implementation efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas. It employs a risk-based approach in considering the implementation of resolution 2178 (2014). The legal, policy and operational issues highlighted in each regional section may therefore vary (see enclosure I for a discussion of the methodology employed).

5.   The present report includes a map showing which Member States are considered to be States of origin, transit States, States neighbouring conflict zones or States of destination. Some States fall into two or more categories. The map reflects the latest information available to the Executive Directorate at the time of publication and may change in accordance with the evolution of the foreign terrorist fighter phenomenon and information provided to the Committee or the Executive Directorate within the framework of their dialogue with Member States pursuant to resolution 2178 (2014) (see enclosures II and III, which contain the map and foreign terrorist fighter ratio by State, respectively).

6.   The third report in the series will analyse the remainder of the 78 States most affected by the foreign terrorist fighter phenomenon, covering the Middle East, South-East Europe, South Caucasus, South Asia, South-East Asia, the Sahel and the Lake Chad region. The report will include evidence-based and risk-based

recommendations on ways to address systemic shortfalls in the affected States, providing a more detailed road map to help to strengthen Member States' capacity to counter the foreign terrorist fighter threat.

II. Foreign terrorist fighters: issues, trends and developments

7.   Security Council resolution 2178 (2014) underlines that the increasing threat posed by foreign terrorist fighters is part of the emerging issues, trends and developments relating to resolutions 1373 (2001) and 1624 (2005) that, in paragraph 5 of resolution 2129 (2013), the Council directed the Executive Directorate to identify. The present section considers current issues, trends and developments relating to the recruitment of foreign terrorist fighters through the Internet and other ICTs and, in that context, highlights the urgent need to establish public-private partnerships to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters.

A.   The Internet and information and communications technology

1.   Recruitment and social media

8.   The technological advances of the past decade have created an environment in which individuals are able to freely interact with counterparts worldwide, including with malevolent actors, and instantaneously project their views and ideologies, at little or no cost. Those developments have also freed terrorist organizations from their reliance on traditional media as the primary channel through which to convey their messages to their followers and the wider world and have given them the ability to communicate directly with a global audience.

9.   The extent to which an individual may be radicalized through social media alone, without being subject to other external influences, is the subject of much debate. However, it has certainly become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter. Contact may be initiated on open social media and various communications platforms and may subsequently move to closed, encrypted communications channels.

10.   Closed Internet forums allow for in-depth exchanges but are not ideal for recruitment. Potential recruits would not typically know where to locate them and would not necessarily know members who could give them access. Moreover, forum servers may be subject to takedowns and cyberattacks, such as distributed denial of service (an attempt to make a machine or network resource unavailable to users by overloading it with requests). Social media campaigns are more effective because they can be launched in a more decentralized way through volunteers who can repost their contents.

11.   The Islamic State in Iraq and the Levant (ISIL) has taken full advantage of the Internet and social media to disseminate its ideology, publicize its activities, raise funds and coordinate and develop its operations. It is estimated that, between September and December 2014, ISIL supporters used about 46,000 Twitter accounts.[1]

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[1] J. M. Berger and Jonathon Morgan, "The ISIS Twitter census: defining and describing the population of ISIS supporters on Twitter", Analysis Paper No. 2 (Washington, D.C., Brookings Institution, 2015), p. 2.

12. ISIL produces high-quality propaganda videos that are inspired by popular contemporary culture, including movies and video games, and are cleverly targeted at vulnerable audiences. That phenomenon is known as "narrowcasting" (i.e. designing websites that are directed at a specific audience, including women and children). ISIL has also launched targeted online foreign terrorist fighter recruitment campaigns aimed at hackers, web designers and developers of mobile telephone applications and dedicated social media platforms, both open and encrypted. Other online recruitment campaigns target doctors, engineers and other skilled individuals.

13. The vast reach of ICT provides terrorist recruiters with a global pool of potential recruits. Recruiters are able to adapt their messages to certain sectors of their target audience, including minors or young adults who may be nursing feelings of injustice or exclusion. Some ISIL messages portray extreme violence (e.g. recordings of beheadings or images of innocent victims allegedly killed by ISIL enemies); others seek to portray ISIL in an attractive and favourable light; and others contain ideology, reports from conflict zones or threats.

14. The growing use of ICT for terrorist purposes represents a significant challenge for policymakers and law enforcement entities. Each State has jurisdiction over the servers located in its territory, but the growing use of cloud computing, which provides users and enterprises with various capabilities to store and process their data in third-party data centres, increasingly means that data are stored and processed on servers located outside a particular State's territory and therefore beyond that State's territorial jurisdiction. Moreover, contemporary forms of encryption and anonymity permit Internet users to conceal their identities and to protect the confidentiality and integrity of content against third-party access or manipulation. For example, secure transmission applications are advertised as true end-to-end encryption from the sender to the recipient, based on established and renowned cryptography. However, even though encryption protects the content of communications, it does not conceal identifying factors, such as the Internet Protocol (IP) address, known as metadata. Internet users also employ anonymizing tools to avoid identification. Terrorist organizations are using those tools and even developing their own proprietary encryption software.

15. The rapid expansion of digital communication infrastructure, including the use of social platforms allowing anonymous participation and readily available encoding applications, has both positive and negative aspects. That infrastructure provides individuals with a means to protect their privacy, allowing them to browse, read, develop and impart opinions and information without arbitrary and unlawful interference (see A/HRC/29/32). However, law enforcement and counter-terrorism officials express concern that terrorists and ordinary criminals use encryption and anonymity to hide their activities, making it difficult for Governments to prevent and conduct investigations into terrorism. ISIL, for example, has thwarted attempts to cut its access to the Internet, mobile telephone networks and electricity by switching to satellite technologies and smuggling content to areas with Internet access. Law enforcement agencies must sift through vast amounts of data and differentiate between individuals who are merely expressing opinions and those who are likely to join a terrorist organization, travel or commit an act of terrorism in their own State, and take action to do so.

2. International cooperation in the information and communications technology age

16.   As reflected in the provisions of resolutions 1373 (2001), 1624 (2005) and 2178 (2014), there is global consensus on the urgent need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes, in particular foreign terrorist fighter recruitment. However, there is no clear consensus as to what measures may be taken. For instance, international cooperation in the context of enforcement with regard to criminal offences dealing with alleged acts of incitement to commit terrorist acts perpetrated through the use of ICT is particularly challenging. It is difficult for many law enforcement officials to differentiate between terrorist propaganda and statements that amount to incitement to commit terrorist acts. States also have different domestic laws and practices and regional arrangements.

17.   Some law enforcement agencies are creating Internet referral units that monitor social media content to flag terrorist content, inform private corporations of the abuse of their resources and support investigations by law enforcement agencies. In Europe, a European Police Office (Europol) initiative, "Check the web", was launched in 2007 to "store comprehensive information on persons, objects and activities" that raise suspicion. Similarly, in 2010, the United Kingdom of Great Britain and Northern Ireland launched its Counter-Terrorism Internet Referral Unit to support the removal of unlawful (under United Kingdom law) Internet content by the private sector, support the police counter-terrorism network in investigating and prosecuting terrorist or radicalizing activity and act upon referrals from citizens and public bodies. The volume of unlawful content removed by Internet companies has increased significantly, to 46,000 pieces in 2014. Content relating to Iraq and the Syrian Arab Republic now represents about 70 per cent of the Unit's caseload.[2] In response to the growing challenges faced by law enforcement officials in combating violent extremist content online, European Union member States are pooling their resources in a multilingual Internet referral unit within Europol.

18.   However, international cooperation is challenged by the lack of harmonization among domestic legal regimes. For example, if a certain act is not criminalized in all jurisdictions involved, cooperation is difficult. Indeed, States are usually requesting that the principle of double criminality be respected to cooperate. There may also be jurisdictional barriers to accessing electronic data. That is often the case with the Internet and social media, especially since data may now be located anywhere in the world. Member States and other stakeholders disagree as to which States should have jurisdiction to request access to the data (the State in which the data are stored, the State of nationality of the corporation holding the data, the State of nationality of the data owner or the State in which the data are created).

19.   Investigators and prosecutors may also have limited access to electronic evidence, since States may have different thresholds for the interception of communications, chain of custody of electronic data, and privacy rights. There are no international standards for the retention of digital data by private corporations. If the data are not retained, they cannot be accessed, even if a request for access is granted. Identification and location of individuals are made more difficult by the anonymity that the Internet can provide, including through encryption and tools that

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[2] *CONTEST: The United Kingdom's Strategy for Countering Terrorism — Annual Report for 2014.* Available from www.gov.uk/government/uploads/system/uploads/attachment_data/file/415708/contest_annual_report_for_2014.pdf.

hide the location and IP address, although measures to address this can violate privacy and other human rights.

20. Legal processes, powers and legal remedies for unlawful content (including powers to remove content) vary from State to State. Some States require court orders, while others use administrative processes. Another difficulty is deciding whether taking down a website or account or removing content is advisable. The site content may have intelligence value for law enforcement agencies, and, even if content may be legally taken down, it can easily be made available again under a new account, platform or server. It is thus impossible to eradicate terrorist-generated content completely. In view of the potential intelligence value of such content, to do so may even be ill-advised.

3. Mutual legal assistance

21. Several States expressed concern as to how the current mutual legal assistance system handles demand. Before seeking mutual legal assistance, governmental agencies might request data directly from global private corporations. When doing so, they should nonetheless consider legal issues (e.g. those arising in the State where the global private corporation is incorporated, the State where the data are stored and the State requesting information about its citizens or about transactions occurring within its territory).

22. The third report will explore and expand on the challenges involved in providing international cooperation to stem the flow of foreign terrorist fighters. The Executive Directorate will also submit recommendations to the Counter-Terrorism Committee on ways to enhance international cooperation in that area.

4. Challenges for private Internet companies

23. The Internet is largely privately owned and operated. Social media firms, telecommunications companies, e-mail and Internet service providers and providers of website and data hosting services are all integral partners in the global ICT infrastructure. Many key private corporations are engaged in global activities and have users around the world. Their data centres are also located in several States. Private corporations are subject to the domestic laws of the States in which they operate and must cooperate with law enforcement agencies. However, as noted above, the complexity of the global ICT framework raises several difficult jurisdictional issues in terms of the applicability of domestic laws and the powers of States to enforce them. Private corporations must deal with conflicting domestic laws in their international operations. Facebook, for example, has established guidelines for cooperation with law enforcement worldwide, preservation of data, and emergency requests.

24. Private corporations also employ their own terms of use for their services and can either remove content or terminate the accounts of users violating those terms. Such measures are taken by corporations in the context of terrorist activities, such as recruitment and incitement to commit terrorist acts, in relation to foreign terrorist fighters. Most large corporations proactively and voluntarily moderate content uploaded by their users or remove content that is contrary to their terms and conditions. YouTube has removed 14 million videos over the past two years. Facebook receives and reviews 1 million user notifications about violation of its terms of use (not only for terrorist-related postings) per week, and Twitter has

closed about 2,000 ISIL-related accounts in recent months. It should be recalled that any such practices must be undertaken in compliance with international human rights law, in particular international standards on freedom of expression and the right to privacy.

25. Other forms of Internet content have been successfully moderated. Child pornography, for example, is one such form. However, moderating child pornography is relatively easy because of its very nature. Analysis of contextual political propaganda, even with clearly violent content, is much more difficult and subjective. Because algorithms cannot automatically review content, experts with the required substantive and linguistic skills must moderate content. Large ICT corporations employ teams to review such content on a "24/7" basis. Although criminal sanctions or law enforcement measures may be appropriate in cases in which Internet and social media communications rise to the level of incitement to commit terrorist acts or recruitment, in many cases the most effective response to objectionable content published online by terrorists and their supporters may be counter-narratives and counter-messaging.

26. Some States continue to develop counter-messaging approaches in order to challenge and refute messages supporting or glorifying terrorist activity. Others are proactively producing alternative messages (e.g. retelling and amplifying positive narratives that advocate peace, respect and social inclusion, or deconstructing the narratives of terrorists). Effective strategies to counter the threat of online radicalization to terrorism require that Governments act beyond legislative and law enforcement measures to engage with communities and industry. In most cases, the most effective conveyors of counter-narratives may be family and friends, civil society actors, academic institutions, religious or community leaders and other non-governmental actors. For such campaigns to be effective, the private sector (because of its intimate knowledge of social media demographics and marketing tools) should be an active participant. Governments should welcome grass-roots campaigning initiatives and support them.

5. Human rights dimension of information and communications technology issues

27. Actions taken by States to prevent or remove messages and information communicated through ICT for terrorist purposes raise questions about the relationship between impermissible forms of expression and respect for the right to freedom of speech and opinion. In its resolution 1624 (2005), the Security Council recalled article 19 of the International Covenant on Civil and Political Rights and that any restrictions on freedom of expression shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of article 19. National security is among the grounds on which the freedom of expression might be lawfully restricted. However, any limitations should be proportionate to the threat faced and non-discriminatory. In addition, article 20 of the Convention calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

28. Whereas ICT may be used by individuals for criminal objectives, including terrorism-related objectives, States must exercise care in conducting surveillance of private digital communications. Mass surveillance of digital communications not only implicates the right to privacy but may also have a chilling effect on other fundamental human rights, such as freedom of expression, association and

movement (A/HRC/13/37, paras. 33-38). As noted by the United Nations High Commissioner for Human Rights, lawful and targeted (as opposed to broad-based) surveillance of digital communications may constitute a necessary and effective measure for intelligence and law enforcement entities to prevent the recruitment of terrorists through the Internet (A/HRC/27/37, para. 24).

29.   Lastly, private Internet companies need to continually identify, assess, prevent and mitigate any adverse impact of their actions on the human rights of their users in accordance with, inter alia, the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011 (A/HRC/27/37, para. 44). Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet should be pursued and focus on avenues available to further human rights-compliant "self-regulation" by companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.

B.   Public-private partnerships

30.   There is an urgent need to establish public-private partnerships between Governments and many business sectors in order to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters. In paragraph 9 of its resolution 2178 (2014), the Security Council called upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. That request emphasizes the importance of timely information sharing, discussed in paragraphs 26 to 31 of the first report (S/2015/338, annex). The Counter-Terrorism Committee, in its open briefing to Member States on 11 June 2015, focused on that issue in collaboration with the International Civil Aviation Organization and the International Air Transport Association.

31.   The Council's call for airlines to share timely information with States reflects the importance of establishing public-private partnerships in assisting States in identifying foreign terrorist fighters, preventing their activities and bringing them to justice pursuant to the resolution. Partners should include companies that offer other types of transportation services, including shipping companies and cruise lines, many of which already have effective information-sharing mechanisms in place, as well as social media companies and other private sector partners.

1.   Tourism sector

32.   Recent events have demonstrated the critical need to protect tourist infrastructure. In October 2002, 202 people, including many tourists, were killed in Bali, Indonesia. That attack was followed by the murder of 20 people in October 2005 in Bali in a series of suicide and car bomb attacks. The attacks on the Egyptian resort city of Sharm el-Sheikh in July 2005 killed 88 people (mostly Egyptians) and injured more than 200. The terrorist attack of 18 March 2015 against the National Bardo Museum in Tunis killed 22 people. The attack of 26 June 2015 against the Tunisian beach resort of Sousse killed 38 people. Most victims of those attacks were foreigners.

33.   Even though such attacks are historically quite rare and are usually carried out on a relatively small scale, they can have a devastating economic impact, particularly on States that rely on tourism for economic development. In such instances, the consequences of terrorism are not confined to the attack location. The Caribbean region experienced a 13.5 per cent decline in visitors from the United States of America after the terrorist attacks of 11 September 2001, leading to the temporary loss of an estimated 365,000 jobs. Private companies suffer devastating consequences as a result of such attacks. For many States, the destruction of the tourism sector would represent a serious threat.

34.   Returning foreign terrorist fighters and aspiring foreign terrorist fighters who have been prevented from inter-State travel may carry out such attacks. In that regard, the Executive Directorate has been working with the World Tourism Organization and the Organization of American States Inter-American Committee against Terrorism to raise awareness not only of the importance of tourism security but also of the crucial need to protect tourists through public-private partnerships. Hotels, resorts, cruise lines and transportation services must work together with Governments to exchange information, review guidelines and ensure that terrorist risks to the sector are identified and addressed.

2.   Financial intelligence

35.   It is particularly important that Government form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones.

36.   Recent events have drawn attention to the massive funding streams established by ISIL and other terrorist organizations linked to Al-Qaida. In its resolution 2199 (2015), the Security Council recognized the importance of the banking sector in addressing that threat by urging Member States to ensure that financial institutions prevent ISIL, the Al-Nusrah Front and other groups associated with Al-Qaida from accessing the international financial system. Foreign terrorist fighters rely primarily on self-funding to travel from their place of origin, often through a transit country or countries, and then to the conflict zone. Because foreign terrorist fighters need to withdraw funds to pay for travel expenses and other needs, financial institutions are ideally placed to help to identify potential foreign terrorist fighters. Recruiters are known to persuade individuals to join ISIL with promises of financial reward, although this usually does not come to fruition.

37.   Financial intelligence can, however, play a crucial role in identifying foreign terrorist fighters and preventing their travel. Many of the States analysed in the present report (including Australia, Canada and France) have developed strong partnerships between government and financial institutions. Many provide guidelines for banks, as well as feedback on suspicious activity reports. Technological advances allow financial institutions to scan millions of accounts extremely rapidly. The gathering of financial intelligence, as with any other form of intelligence gathering, should be carefully regulated by law so as not to unduly infringe upon human rights, chiefly the right to privacy. Furthermore, national financial intelligence units should provide an interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. The Australian Transaction Reports and Analysis Centre, for example, provides thematic

guidance to Australian financial institutions on the monitoring of funds sent to the Syrian Arab Republic and neighbouring States. Financial institutions are able to deploy sophisticated algorithms and filters that alert them to cases requiring further investigation.[3] The Financial Action Task Force is developing tools for its members to use as guidance in their partnerships with the private sector. Actively communicating with financial institutions potential red flags that may indicate terrorist financing activities improves financial institutions' internal monitoring and screening processes, helping to prevent ISIL and other groups from accessing the international financial system, and provides additional and improved reporting on suspicious transactions. That reporting provides critical information to law enforcement agencies seeking to identity and disrupt foreign terrorist fighter travel.

III. Systemic shortfalls: regional analysis

38.   The regional analysis focuses on five regions/subregions that include States affected by foreign terrorist fighters: Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and the Americas/Oceania. Not all the legal, policy and operational challenges associated with foreign terrorist fighters affect all five regions equally. A risk-based approach has therefore been adopted in order to identify the most pressing issues for each region and focus on them.

A.   Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

1.   General threat assessment

39.   Three Central Asian regional terrorist organizations are listed by the United Nations as being affiliated with Al-Qaida: the Islamic Movement of Uzbekistan (also known as the Islamic Movement of Turkestan), the Islamic Jihad Group (or Union) and the Eastern Turkestan Islamic Movement. The Islamic Movement of Uzbekistan pledged allegiance to ISIL in the spring of 2015. All five States have designated and banned terrorist and extremist organizations nationally.[4]

40.   Central Asian States are considered to be States of origin because militants from the region are travelling to conflict zones in increasing numbers. According to conservative estimates made by various Central Asian States in the spring of 2015, between 500 and 1,500 individuals from the region are fighting in Afghanistan, Iraq, Pakistan and the Syrian Arab Republic.[5] Along with ethnic Chechens from the Russian Federation, fighters from Central Asia are among the senior commanders of ISIL and the Al-Nusrah Front (see also S/2015/358). In late May 2015, a high-profile

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[3] Tom Keatinge, "Identifying foreign terrorist fighters: the role of public/private partnership, information sharing and financial intelligence" (London, Royal United Services Institute, 2015).

[4] Defined as "terrorist" and/or "extremist" in the respective court rulings, the organizations include Hizb ut-Tahrir, the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, Jamaat al-Jihad al-Islamias, Tablighi Jamaat, Takfir wal-Hijra, Ansarullah, Jund al-Khilafah and Akromiya, among others.

[5] Sources of estimates include information provided directly by Member States to the Executive Directorate, reports provided by international regional organizations and data issued by State officials.

commander of the Tajikistan elite police force issued a propaganda video from the Syrian Arab Republic after reportedly joining ISIL there.[6]

41.   It is reported that foreign terrorist fighters from Central Asia travel to the Syrian Arab Republic through Turkey; others cross the porous borders of Afghanistan and Pakistan to attend training camps in Northern Waziristan and are then sent to fight in Afghanistan or in the Syrian Arab Republic. Since most share language and ethnic similarities with certain minorities living in Afghanistan, it is difficult for Afghan law enforcement officers to identify them. The Islamic Movement of Uzbekistan is largely responsible for foreign terrorist fighter recruitment in the region. Its recruiters also try to lure migrant workers to join their ranks. One phenomenon of increasing concern is the recruitment of women. Some States report that their nationals travel to ISIL-controlled territories to settle as families.

42.   Some of those militants have returned to their respective home States to engage in terrorist activity. In August 2013, the State Committee for National Security of Kyrgyzstan detained three Islamic Jihad Group members (nationals of Kazakhstan and Kyrgyzstan) charged with plotting a series of terrorist attacks after returning from the Syrian Arab Republic. In 2014, 14 members of a terrorist group were convicted by a Kyrgyz court of, inter alia, mercenary activity and preparation for terrorism, including in relation to terrorist training abroad and participation in military activities in the Syrian Arab Republic. In February 2014, four men were put on trial in Kazakhstan on terrorism charges after having allegedly fought in the Syrian Arab Republic.

2.   Regional analysis of Central Asia

(a)   Criminalization requirements of resolution 2178 (2014)

43.   Since most Central Asian States are States of origin, they are taking measures to stem the flow of their nationals to Afghanistan, Iraq, Pakistan and the Syrian Arab Republic. None have explicitly criminalized foreign terrorist fighter travel (or attempted travel) as required by resolution 2178 (2014), but many have introduced amendments to their criminal codes and counter-terrorism legislation to criminalize recruitment, training, financing and other forms of support for terrorist activity. In addition to criminalizing terrorism-related crimes and various forms of complicity, most Central Asian States also criminalize illegal involvement or participation in armed conflict or military operations abroad, albeit without any explicit reference to terrorist activity. However, most States have overly broad, vague and open-ended definitions of terrorist offences that go beyond the definitions provided for in the international counter-terrorism instruments. This raises human rights concerns.

44.   Over recent years, several hundred individuals from the region have been convicted of terrorist crimes and crimes with violent extremist elements. Security forces, prosecutors and courts have been active in arresting, trying and convicting people on charges of terrorism, including terrorism financing. However, United Nations human rights mechanisms have raised concerns at the use of torture,

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[6] According to the Office of the Prosecutor General of Tajikistan, criminal charges were brought against that individual on 28 May 2015 pursuant to Criminal Code articles 305 (State treason), 187 (participation in a criminal association) and 401 (1) (illegal participation in armed conflicts or military actions abroad). An INTERPOL red notice was issued on the same day.

arbitrary detention, lack of access to a defence lawyer, and other fair-trial violations. Acquittals in criminal cases are as low as 1 per cent in some States.

(b) *Law enforcement and preventing the movement of persons*

45. Law enforcement, border and customs authorities have strengthened the monitoring of foreign terrorist fighter travel and are increasingly aware of the need for effective inter-agency cooperation and information exchange. Kyrgyzstan and Tajikistan have established working groups and inter-agency commissions on matters relating to foreign terrorist fighters. The State Committee for National Security of Kyrgyzstan reported in February 2015 that, as a result of close cooperation with the State Border Service, more than 500 individuals had been identified as requiring monitoring if crossing the State border. Moreover, daily "filtration measures" (i.e. screening measures, including document verification) are taken at Bishkek and Osh airports. In 2013, six channels for the smuggling of recruited individuals from Kyrgyzstan to the Syrian Arab Republic through Turkey were detected and suppressed, and 21 criminal groups (consisting of Kazakh, Kyrgyz, Tajik and Uzbek nationals) were dismantled. Kyrgyz intelligence states that, because of those measures, terrorist recruiters and smugglers consider Kyrgyzstan to be an "undesirable and risky route" and have shifted their focus elsewhere in the region.

46. Some States have enforced strict residence registration rules and conduct periodic controls of residences to detect individuals who have left the country. No Central Asian State currently implements an advance passenger information system.

(c) *Terrorism financing*

47. To date no specific measures to disrupt and prevent financial support to foreign terrorist fighters have been implemented in the region. Legislative and operational measures in place to counter the financing of terrorism also apply to countering the financing of foreign terrorist fighters and their travel, but all States of the region need to address a number of shortfalls, including with respect to legislation and procedures for freezing terrorist assets and monitoring money remittance services.

(d) *Countering violent extremism*

48. In response to the growing phenomenon of radicalization and recruitment to terrorism (including foreign terrorist fighters), most Central Asian States have put in place measures aimed at preventing their nationals from travelling abroad and joining terrorist groups. Most such initiatives are implemented at the local community level (e.g. through mahallas, in Uzbekistan) and involve representatives of State authorities, civil society, clerics and families of potential foreign terrorist fighters. Counter-narratives are also disseminated through various mass media. However, State committees on religious affairs play a prominent role in all Central Asian States. Some measures, in particular those relating to the regulation of religious organizations, religious education and religious literature, have been identified as matters of concern by United Nations human rights mechanisms as infringing on the freedoms of religion and conscience. States of the region also face challenges in implementing measures to counter terrorist and violent extremist propaganda through the Internet (including blocking web content) while ensuring respect for the right to freedom of expression.

(e) Regional and international cooperation

49. Regional cooperation is channelled primarily through the Anti-Terrorism Centre of the Commonwealth of Independent States and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization. Some Central Asian States also feed data into consolidated regional lists of individual terrorists and terrorist or violent extremist organizations maintained by the two entities. The specialized database of the Anti-Terrorism Centre also contains names of foreign terrorist fighters from States members of the Commonwealth of Independent States and the names of those involved in recruiting them and supplying them with weapons. Since March 2013, the Anti-Terrorism Centre and INTERPOL have been developing a target project aimed at enhancing the collective and national capacities of the law enforcement agencies of the States in the Central Asian region that are members of the Commonwealth of Independent States to prevent and combat terrorism.

B. Maghreb: Algeria, Libya, Morocco, Tunisia

1. General threat assessment

50. The first State of the Maghreb to experience terrorism was Algeria, in the 1990s; more than 100,000 people were killed in Algeria during the "dark decade". The Maghreb region is a significant transit route for various forms of trafficking, including drug, arms and migrant trafficking. The deteriorating situation in Libya has created sanctuaries for terrorists and facilitated the supply of weapons to terrorists groups, including Al-Qaida in the Islamic Maghreb, Ansar al-Sharia and ISIL. Al-Qaida in the Islamic Maghreb engages in kidnapping for ransom and cross-border trafficking to fund its activities. Its breakaway faction, the al-Mulathamun Battalion ("Al Morabitoun"), was responsible for the attack in January 2013 on an Algerian gas facility near In Amenas, in which 39 foreign hostages, 29 terrorists and 1 Algerian security guard were killed.

51. Algeria has strengthened its border-control mechanisms since the In Amenas terrorist attack. Since then, all borders except the border with Tunisia have been closed. Ansar al-Sharia is present in Libya and Tunisia. It has publicly denied allegiance to the Al-Qaida "core", but it does train fighters who wish to join the core. Libya-based Ansar al-Sharia is thought to have been responsible for the attack in 2012 against the United States Embassy in Benghazi, and Ansar al-Sharia in Tunisia carried out a similar attack on the United States Embassy in Tunis. Those regional cells recruit fighters from other States of the region, as does Al-Qaida in the Islamic Maghreb.

52. ISIL is attempting to strengthen its presence in the region, notably in Libya, and has been responsible for the killing of Egyptian Coptic Christians. It also claimed responsibility for the recent attacks on the Bardo Museum in Tunis and the beach resort in Sousse. It uses the region as a hub for the recruitment, departure and transit of foreign terrorist fighters seeking to join the conflicts in Iraq and the Syrian Arab Republic. Of the estimated 30,000 foreign terrorist fighters who have departed for the Syrian Arab Republic, more than 5,000 are estimated to have come from the Maghreb. This is the second-largest regional contingent, after that from the Middle East. Several small terrorist groups have pledged allegiance to ISIL. They include the Algerian terrorist group Jund al-Khilafah fi Ard al-Jazayer (Soldiers of the Caliphate in Algeria).

2. Regional analysis of the Maghreb

53.   The Maghreb States are deeply affected by the phenomenon of foreign terrorist fighters, whether as States of origin and transit or as States neighbouring conflict zones (Libya and Mali). Libya is also a State of destination. The States of the region are fully aware of the need to stem the flow of foreign terrorist fighters and have taken countermeasures. However, a number of shortfalls need to be addressed.

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

54.   Member States of the Maghreb have developed counter-terrorism legal frameworks. Three have either introduced a special law on counter-terrorism or included a definition of "terrorist act" in their criminal codes. One State uses the provisions of its Criminal Code to prosecute terrorist acts. Three States have set up specialized investigative and judicial units for counter-terrorism cases. States of the region have taken steps to respond to the requirements of resolution 2178 (2014), some more comprehensively than others. One State has amended its Criminal Code, and two others are currently amending either their Criminal Code or their special counter-terrorism law. Amendments adopted or contemplated include criminalization of the travel of nationals or foreigners residing in the State for the purpose of the perpetration, the planning or preparation of, or participation in, terrorist acts, or receiving and providing training within or outside the territory; the wilful organization of travel for individuals travelling abroad for the purpose of preparing terrorist acts or participating in, providing or receiving training or facilitating the commission of terrorist acts, including recruitment; and entering or crossing the territory with a view to travelling to another territory to commit terrorist offences. All four States have criminalized joining a terrorist group, inside and/or outside the territory. One State has introduced a legislative amendment specifically covering the financing of travel pursuant to resolution 2178 (2014).

(b)   *Preventing inter-State travel by foreign terrorist fighters*

55.   *Departure*. One State relies on an existing law to prevent persons suspected of intending to become foreign terrorist fighters from leaving for Libya or Turkey. Such individuals may keep their passports, but those who are banned from leaving the State because of a court conviction have their passports confiscated. Another State is currently revising its Code of Criminal Procedure to enable its Prosecutor General to impose a travel ban on individuals being investigated for likely involvement in an offence. The administrative authorities of that same State may decide temporarily not to issue a passport if there are suspicions that the individual is travelling to a conflict zone. A third State is considering subjecting travel to Turkey to prior authorization. One State has no measures in place to prevent foreign terrorist fighters from leaving the State and is also increasingly becoming a State of destination.

56.   *Immigration control*. Two States have established computerized systems for checking travellers' names, criminal records and documents at international airports and/or main border posts. Those systems are connected to a central database that includes lists of individuals wanted nationally and internationally, including terrorists and individuals with stolen and lost travel documents. A third State is upgrading its system for identifying travellers, while another is no longer in a position to implement its legislation, policies and procedures with regard to immigration controls. There is no visa requirement between States of the Arab Maghreb Union or

for individuals transiting through their territories. One State conducts immigration controls only on persons transiting through its territory by land. However, in the absence of information from the State of origin on suspected foreign terrorist fighters, it is difficult for the States of the region to intercept foreign terrorist fighters at their borders. One State has connected its front-line immigration-screening process to the INTERPOL database on stolen and lost passports, red notices for suspected criminals and wanted persons, and the Al-Qaida sanctions list. INTERPOL provides a list of foreign terrorist fighters to all its member States, but the list needs to be populated by States of origin. At least one Maghreb State has begun to do so.

57.   *Use of advance passenger information*. Two States receive advance passenger information, but their systems are not fully computerized. Passenger data are matched against watch lists and risk analysis is performed. Another State does not systematically receive such information from all airlines. One State previously received advance passenger manifests, which were checked against various databases, especially if the originating State was considered to represent a potential risk or if there was information of interest concerning individual passengers on the flight. However, that State is no longer in a position to process such information.

(c)   Recruitment

58.   Foreign terrorist fighters from the Maghreb come primarily from a few specific areas and cities with active local networks for radicalization, recruitment and facilitation of travel. One State has conducted a study of those who have left to join conflict zones in an effort to develop a profile of potential foreign terrorist fighters and prevent further departures. All States have criminalized recruitment to commit acts of terrorism, and three criminalize recruitment inside and outside their territories. Two States monitor prisons to prevent recruitment among inmates. The Internet and social media, anonymous phone calls from abroad and fatwas also play an important role in recruitment in the region. All States but one have developed some capacity to monitor Internet sites or social media. One State also employs community policing to prevent recruitment and has introduced legislation enabling its Attorney General to authorize the monitoring of electronic communications and the requirement for service providers to retain data on the detection of offences and the identification of the perpetrators. However, States of the region stress that, because Internet servers are hosted abroad, international judicial cooperation would be required to block certain sites. Data protection laws introduced to safeguard the right to privacy create additional challenges and may hamper such cooperation.

(d)   International and regional cooperation

59.   There is a need for States of the region to strengthen regional cooperation. The absence of strong internal coordination between police, border control authorities and intelligence services and the absence of strong cooperation among prosecutors and judges may undermine the region's criminal justice response to the foreign terrorist fighter threat. The establishment of a regional INTERPOL office for the Maghreb would enhance States' efforts to stem the foreign terrorist fighter flow. Regional judicial cooperation is not well developed. However, most States have developed strong cooperation with European States, particularly in the area of mutual legal assistance. One State is considering joining the INTERPOL e-extradition initiative, a new tool being developed to transmit requests electronically and securely.

C. **East Africa/Horn of Africa: Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda, United Republic of Tanzania**

1. **General threat assessment**

60. Al-Shabaab, the major terrorist organization in the subregion, is described by the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) as "determined, prolific and effective". It has the numbers and strength to pose a major threat to peace and stability in the subregion and beyond. Formally affiliated with Al-Qaida, it is based primarily in Somalia, which has suffered repeated terrorist attacks since the early 1990s (including recent direct attacks on United Nations staff). In March 2014, it was estimated that Al-Shabaab controlled at least half of southern and central Somalia. Al-Shabaab mimics government structures, and its preferred modus operandi is violence. It conducts Internet activity through the "al-Kataib" website and social media. It consists mostly of Somalis, but there are also significant numbers of foreigners, especially Kenyans, including at the highest level. Recruitment is conducted primarily in Kenya and Somalia, but attacks have also been committed by nationals of Ethiopia, Uganda and the United Republic of Tanzania. Local and foreign perpetrators cooperate to mount increasingly sophisticated and damaging attacks in Ethiopia, Kenya and Uganda. In Kenya's coastal regions, emerging terrorist groups, such as Al-Muhajiroun, have threatened communities in Kenya and Uganda through social media. The conflicts in Iraq and the Syrian Arab Republic have attracted small numbers of Eritreans, Somalis and Sudanese to such groups as the Al-Nusrah Front and ISIL.

2. **Regional analysis of East Africa/Horn of Africa**

61. The subregion includes States of origin and transit, States neighbouring conflict zones and States of destination. Some States meet all four criteria. Ethnic communities in certain States of the region suffer from perhaps well-intentioned, but ill-conceived and disproportionately applied, counter-terrorism measures. A regional counter-terrorism strategy aimed at addressing the foreign terrorist fighter threat must therefore be multidimensional and sensitive to competing interests, including human rights obligations.

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

62. The East African Community agreed on a joint counter-terrorism strategy in April 2014. All seven States except one have adopted specific counter-terrorism legislation. The seventh State is currently considering draft legislation. No State has introduced legislation specifically addressing the "travel" element of resolution 2178 (2014), but the legislation of three States is sufficiently broad to cover most foreign terrorist fighter-related offences, and that of the others could be used to address some aspects. However, only three States clearly criminalize joining a terrorist organization, and only two States clearly criminalize the receipt of training pursuant to resolution 2178 (2014). Both those States and two others have criminalized the provision of training for terrorist purposes.

(b) *Terrorism financing*

63. Most States of the region have ratified the International Convention for the Suppression of the Financing of Terrorism of 1999. Financial transactions are conducted through cash payments, mobile telephone payments or informal transfers.

This makes the tracking of financial flows difficult. Six States have introduced legislation on terrorist financing, but in one case the legislation has not been harmonized across the entire State and only the provisions on asset freezing and designations are applied everywhere. Moreover, no State has introduced legislation specifically covering the financing of travel pursuant to resolution 2178 (2014). Five States have introduced legislation on asset freezing, but implementing national asset-freezing measures remains a challenge. Only one State has designated persons and entities pursuant to resolution 1373 (2001). Five States have established a financial intelligence unit, and some have begun to develop formal relations with customs, law enforcement or other agencies. In one State, the legal basis for a financial intelligence unit exists, but it is unclear whether such a unit has been established. Limited information is available on the practical exchange of information on foreign terrorist fighters, whether domestically or regionally.

(c) *Law enforcement/prosecution and international cooperation*

64. Five States are members of the Eastern Africa Police Chiefs Cooperation Organization, which facilitates informal inter-State cooperation and shared capacity-building. However, intelligence and information sharing and inter-agency and interregional cooperation and coordination are generally insufficient. Only two States have established specialized counter-terrorism law enforcement and prosecution units. Across the region, limited resources, insufficient training and lack of technical capacity hamper law enforcement responses and the ability of States to mount effective investigations and prosecutions. United Nations human rights mechanisms have raised serious concerns over human rights violations committed by law enforcement agencies in the region. The East African Community States have strengthened national cooperation and coordination between their law enforcement and prosecution services, and the number of court cases has increased. However, progress is slow, and the requirements of resolution 2178 (2014) have increased legislative and institutional burdens.

65. Even though prosecuting authorities cooperate informally under different regional groupings, there is no single, coherent regional platform for mutual legal assistance and extradition. Only two States of the region have ratified the Intergovernmental Authority on Development Conventions on Extradition and Mutual Legal Assistance, which provide a framework for cross-border criminal justice cooperation. Strengthened informal and formal judicial cooperation has resulted in successful prosecutions, especially in East African Community States (e.g. in the Kampala bombings in 2010). However, foreign terrorist fighter-related investigations and prosecutions, especially in Somalia, require deeper and more rapid cooperation aimed at generating sufficient, timely evidence. There is also a need to strengthen capacities to gather and analyse evidence from social media and the Internet. The lack of regionally harmonized laws may also hamper efforts to bring cases to court if extradition is necessary.

(d) *Preventing inter-State travel by foreign terrorist fighters*

66. Lengthy and porous land and sea borders continue to facilitate movements of people, illegal weapons and cash. All seven States have introduced machine-readable travel documents, but only one State's border police have access to INTERPOL databases at all ports of entry/exit. No State uses advance passenger information. Significant cross-border flows of refugees and undocumented migrants hamper efforts

to identify potential terrorists or foreign terrorist fighters. Limited information is available concerning whether risk assessments or screenings or related measures are conducted to address the foreign terrorist fighter threat or whether States are coordinating their efforts. Differing visa-free arrangements between States of the region hamper effective screening of movement. Three States, however, control transit through their territory, primarily for nationals of States outside the region.

(e) Recruitment/countering violent extremism/incitement to commit terrorist acts

67.   Four States have criminalized terrorist recruitment, while one is considering related draft legislation. However, national efforts to counter recruitment are insufficient and tend to focus on reactive, heavy-handed law enforcement responses, rather than on an inclusive, balanced approach that incorporates outreach to civil society and local communities. That approach can foster a sense of grievance among marginalized communities, leading to further radicalization. Often the laws introduced in East Africa to criminalize incitement, rather than incitement to commit terrorist acts, use vague and broad terminology that can lead to human rights abuses.

D.   Western Europe: Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Spain, United Kingdom of Great Britain and Northern Ireland

1.   General threat assessment

68.   Many States of Western Europe continue to be origin and transit States of foreign terrorist fighters. It is estimated that several thousand European passport holders are in Iraq and the Syrian Arab Republic, and this poses a significant threat to the national security of several States. Some Western European States have been the victims of terrorist attacks reportedly carried out by foreign terrorist fighters who have returned from conflict zones where terrorist groups operate and/or travelled abroad to receive terrorist training. This includes the terrorist attack in May 2014 on the Jewish Museum in Brussels (reportedly carried out by an ISIL terrorist returnee) (S/2015/338, para. 23), the attack in January 2015 on the Paris-based satirical magazine *Charlie Hebdo* (carried out by individuals who had reportedly received terrorist training in Yemen), and the murder in February 2015 of two people in Copenhagen (reportedly perpetrated by a Danish citizen who, albeit not a returning foreign terrorist fighter, was a "homegrown violent extremist" who had reportedly been inspired by the Paris attack without having travelled abroad).

69.   Many States of Western Europe are aware of the number of foreign terrorist fighters who have left their territories, returned to their territories or perished in conflict zones. They are able to track the flow of foreign terrorist fighters with a view to identifying the appropriate and proportionate response to the individuals concerned at the various stages of their journey as such (from initial interest to radicalization, commitment, action, joining a foreign terrorist group, recruitment for travel, planning to travel, travelling, committing terrorist acts and/or returning).

2.   Regional analysis of Western Europe

(a) Criminalization requirements of resolution 2178 (2014)

70.   With respect to implementing the criminalization requirements of resolution 2178 (2014), few of the Member States surveyed have fully complied with the

resolution by adopting new or amending existing criminal legislation. Some apply existing criminal counter-terrorism legislation, including under the concepts of recruitment or participatory acts, pursuant to general criminal law provisions. Some have supplemented existing laws with further amendments to cover preparatory acts that may lead to travel to join the conflicts in Iraq and the Syrian Arab Republic. Security Council resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism[7] require Member States, including States of the European Union, to criminalize the receiving of terrorist training and the provision of such training. The criminalization of the receipt of terrorist training is not, however, required by European Union Council Framework Decision 2008/919/JHA.

71. Emerging criminal case law in the States surveyed indicates jurisdictional and evidentiary challenges, such as those relating to the admissibility of evidence acquired from intelligence sources. In view of the challenges associated with gathering evidence (also in relation to proving the commission of criminal offences of foreign terrorist fighter travel or attempted travel), European Union States are seeking to ensure that practical application complies with the principle of legality and the rights to be presumed innocent and to freedom of movement with a view to ensuring that the criminalized acts are supported by objective manifestations of conduct.

(b)   Preventing inter-State travel by foreign terrorist fighters

72. Pursuant to resolution 2178 (2014), Member States must require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from, attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. However, only a few European Union States have implemented an advance passenger information system, which can be an effective tool in interdicting the travel of foreign terrorist fighters, other terrorists and other individuals engaged in transnational organized crime. This is especially the case if advance passenger information is used in conjunction with INTERPOL databases. A proposed European Union directive on the introduction of passenger name records, whose introduction by Member States was also encouraged by the Security Council in its presidential statement of 19 November 2014 (S/PRST/2014/23), has been pending since early 2011 owing to privacy and data protection concerns raised by the Civil Liberties, Justice and Home Affairs Committee of the European Parliament. Europol utilizes "focal point travellers", a tool for the collection, analysis and sharing of information about foreign terrorist fighter recruitment and travel facilitation, and in February 2015 concluded a related cooperation agreement with the United States of America.

73. Legal and administrative measures taken by individual European Union member States to prevent the movement of foreign terrorist fighters who are nationals of the State out of, or back into, their territories include the possibility of (temporary) withdrawal, suspension or confiscation of passports and other types of travel document, including those of minors. Suspected foreign terrorist fighters who are foreign citizens residing in the member State concerned may be ordered not to leave the State, prevented from re-entering or be subject to revocation of their

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[7] Adopted by the Committee of Ministers at its 125th session, on 19 May 2015.

residence permit. Several European Union States have passed laws that would allow for the revocation of citizenship, and one State has the legal basis to revoke the citizenship of an individual who has obtained citizenship through naturalization, even if it would render the individual stateless. Such measures may raise serious human rights issues. States must ensure that all measures taken to implement resolution 2178 (2014) are in full compliance with international law, in particular international human rights, refugee and humanitarian law.

(c) Law enforcement

74. Law enforcement agencies and intelligence services have worked collectively to strengthen their responses to the foreign terrorist fighter threat. As most European States are Schengen members, citizens enjoy "borderless travelling" within Europe. It is therefore essential to ensure timely, complete and accurate information exchange. Several initiatives have been launched to strengthen cooperation among law enforcement agencies. The Prüm Treaty of 2005, currently in force in 14 European Union States, permits the exchange of data concerning DNA, fingerprints and vehicle registrations and counter-terrorism cooperation. The Treaty also contains provisions for the establishment of joint police patrols, entry of (armed) police forces into the territory of another State for the prevention of immediate danger ("hot pursuit"), and cooperation within the framework of major events or disasters. In April 2012, the European Criminal Records Information System was created to improve the exchange of information on criminal records throughout the European Union.

75. Several European Union member States are currently working on data retention regulations for the communications sector. Such data are considered to be an important source of information in identifying individual links in terrorist networks. However, the said initiatives are also meeting resistance, since some of the envisaged provisions have far-reaching privacy implications and may violate certain fundamental rights.

(d) Regional and international cooperation

76. International cooperation among European Union States is strong. Bilateral and multilateral cooperation is the responsibility of States themselves, but the European Union plays an increasingly important role, especially with regard to the harmonization of such cooperation. European Union States utilize a range of networks to facilitate international cooperation, not least in relation to the foreign terrorist fighter phenomenon. Over the years, such agencies as Europol, Eurojust, Frontex, the European Judicial Network, the Financial Intelligence Unit Network and the Schengen Information System have demonstrated the capacity to provide platforms for closer European cooperation, including cooperation with non-European Union partners.

77. The European Union has also strengthened cooperation on intelligence. The main agency concerned is the European Union Intelligence Analysis Centre, whose mission is to provide intelligence analysis, early warning and situational awareness to various European Union decision makers within the framework of the Common Foreign and Security Policy and the Common Security and Defence Policy, as well as to European Union States. The Centre achieves this by monitoring and assessing

international events, focusing particularly on sensitive geographical areas, terrorism, the proliferation of weapons of mass destruction and other global threats.

78. European Union States also promote the extended use of INTERPOL to share information on foreign terrorist fighters and disrupt their travel through the use of INTERPOL notices, its stolen and lost travel documents database and coordinated border-control operations. Several European Union States have extended the INTERPOL I-24/7 communications network to immigration officers at the borders. Some of the States visited by the Committee have also established integrated databases that include national, regional and international data enabling immigration officers to rapidly process travel documents of third States. In a similar spirit, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism highlights the importance of designating points of contact available 24/7 in order to strengthen the timely exchange between parties to the Convention of any available operational information concerning persons suspected of travelling abroad for the purpose of terrorism.

79. Aware that the foreign terrorist fighter phenomenon cannot be limited to a specific region, several European Union States continue to strengthen international cooperation beyond the borders of the European Union, in particular with States of origin or States neighbouring the conflict zone in the Syrian Arab Republic. Those efforts reflect the European Union's recognition of the cross-regional nature of foreign terrorist fighter movements.

(e) *Countering incitement to commit terrorist acts*

80. Article 5 of the Council of Europe Convention on the Prevention of Terrorism and article 3 (1) (a) of European Union Council Framework Decision 2008/919/JHA on combating terrorism require States parties and European Union member States, respectively, to criminalize public provocation to commit a terrorist offence.

81. The Council of Europe has compiled a list of good State practices on intercultural dialogue,[8] and the European Union and Belgium are co-funding a project entitled "Community policing preventing radicalization and terrorism", which recognizes that community police officers have an in-depth understanding of local communities. The project aims to sensitize and train community police officers to understand the process of radicalization, identify warning signs and prevent extremism from becoming violent. Guided by the European Union Counter-Terrorism Strategy and the European Union Strategy for Combating Radicalization and Recruitment to Terrorism, the European Commission set up the European Union-wide Radicalization Awareness Network in 2011. A good practice in the involvement of the private sector, the Network supports the Europe-wide exchange of experiences and best practices among practitioners, researchers and non-governmental organizations in direct contact with targeted individuals or groups vulnerable to incitement to commit terrorist acts motivated by violent extremism and intolerance. It also incorporates the collection of good practices.[9]

82. Many Western European States have adopted national action plans that engage a wide range of government authorities, as well as civil society organizations,

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[8] See www.culturalpolicies.net/web/intercultural-dialogue-resources.php.
[9] See http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/ran-best-practices/index_en.htm.

religious authorities and the health sector, to address radicalization to terrorism and violent extremism at all levels of society, often focusing on youth and minorities, who appear to be particularly susceptible to incitement. Particular attention should be paid to the repressive approaches taken by some States. Such approaches can lead to further perceived exclusion of already marginalized groups, and the more inclusive model applied by other States may not conform to the criminalization and prosecution requirements of resolution 2178 (2014). Some States have also begun to systematically address the issue of returning foreign terrorist fighters, who may not only carry out attacks but also engage in radicalization, recruitment and incitement to commit terrorist acts.

83.   Some States have successfully implemented measures to counter incitement to commit terrorist acts motivated by violent extremism and intolerance, including through the Internet. "Virtual" or "cyber" community policing (i.e. the open and interactive engagement of law enforcement officers on the Internet, especially on social media platforms, with the aim of preventing or reducing the risk of radicalization that may lead to terrorism) is considered good practice in several Western European States.

84.   On 12 March 2015, the Council of Ministers agreed to establish, by 1 July 2015, the European Union Internet Referral Unit, which would include the existing "Check the web" initiative. Because the Unit is still at the development stage, it is too early to determine its efficacy. The Unit will be tasked with coordinating and flagging terrorist and violent extremist content online, carrying out and supporting Internet referrals in cooperation with the private sector, and providing strategic and operational analysis in support of national agencies. The Unit is being developed by Europol in cooperation with Member States, the Commission and other agencies.

E.   Oceania/Americas: Australia, Canada, New Zealand, Trinidad and Tobago, United States of America

1.   General threat assessment

85.   All five States in the group are considered to be States of origin, and the threat posed by returning foreign terrorist fighters who may be prepared to commit terrorist acts is regarded as significant. In several cases, foreign terrorist fighters have already returned and present a potential security threat.[10] Since all five States embrace ethnic diversity as part of their national identity, they are well equipped at the policy level to introduce decisive measures that are sensitive to the needs and concerns of minority groups. The presence of returning and aspiring foreign terrorist fighters in some of those States may be evidence of a greater alienation within certain communities than was previously thought, which will likely inform longer-term policy measures, particularly in the area of community engagement. In addition, existing community engagement programmes are being tailored to recognize those individuals in the process of being radicalized to the point of violent extremism, including individuals belonging to traditionally marginalized groups that are considered particularly at risk. At least two States of the region have faced public protests against their rapid adoption of foreign terrorist fighter measures.

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[10] Australia estimates that more than two thirds of Australians who returned from conflicts in Afghanistan and Pakistan subsequently became involved in activities of security concern.

86. Australia recently raised its national terrorism alert level from "medium" to "high". It estimates that 150 individuals have travelled to fight with ISIL and that 30 to 40 foreign terrorist fighters have returned to its territory. As at May 2015, the Government was investigating approximately 255 Australians who were either fighting with or supporting violent extremist groups. Some 100 were currently in Iraq, the Syrian Arab Republic and the region, and more than 155 were in Australia. More than 30 Australians have recently been killed in conflict zones.

87. Canada estimated in 2014 that about 130 people had left to participate in terrorist activity in Libya, Somalia, the Syrian Arab Republic, Tunisia and Yemen. The Government of Canada is aware of about 80 individuals who have returned to Canada after travelling abroad for a variety of suspected terrorism-related purposes. Some may have engaged in paramilitary activities and others may have studied in schools that promoted violent extremism, raised money or otherwise supported terrorist groups. In some cases, their travel was interrupted by financial issues, injuries or outside intervention, but the individuals concerned may attempt to travel again. Some travellers interested in violent extremism never achieved their goals and simply returned to Canada.

88. In New Zealand, the domestic threat level was recently raised from "very low" to "low". Government agencies have identified 30 to 40 people of concern and another 30 to 40 people who require further investigation. New Zealand has in place a range of policy measures, programmes and responses to further build resilient and inclusive societies through community strengthening initiatives.

89. The inclusion of Trinidad and Tobago in the group once again focuses attention on the particular threat to small States identified in the first report. In Trinidad and Tobago, approximately 40 adults have been identified as fighting abroad. They comprise approximately 24 men and 16 women. Moreover, approximately 30 children (18 boys and 12 girls) are also known to be fighting abroad and may eventually return to the Caribbean region. The potential threat posed to the Caribbean region's tourism sector is a serious consideration, since an attack in one State will inevitably have negative economic consequences for the others.

90. More than 180 Americans have travelled or have attempted to travel from the United States to the Syrian Arab Republic. The United States Department of Justice has filed criminal charges in almost 50 foreign terrorist fighter cases and often arrests aspiring fighters before they are able to leave. United States prosecutors have obtained a number of guilty pleas in those cases. More than 85 per cent of the cases have been against men, and fewer than 15 per cent are against women. Approximately 75 per cent of the defendants are 30 years of age or younger.

91. Considered on a per capita basis, the potential risks generated by returning foreign terrorist fighters determined to carry out terrorist acts in their home State appear to be proportionately high for small States. Approximately 1 in 19,100 citizens of Trinidad and Tobago have travelled recently as foreign terrorist fighters, compared with only 1 in 1.87 million United States residents. Nevertheless, a terrorist attack against a major United States city and an attack against Trinidad and Tobago's petrochemical industry, for example, could potentially be equally devastating to the local economies.

92. All five States are taking action to prevent travel to conflict zones. Most have significant capacity to implement resolution 2178 (2014), especially in information

sharing, border control, countering violent extremism, and cooperation among law enforcement at the national and international levels. One State has relatively limited capacity in law enforcement to prevent travel to conflict zones, owing to shortfalls in staffing, organization and inter-agency communication.

2. Regional analysis of Americas/Oceania

(a) Criminalization requirements of resolution 2178 (2014)

93. Three States of the group are among the very few States in the world that have recently passed legislation specifically aimed at tackling the foreign terrorist fighter phenomenon. One State introduced in 2014 legislative provisions that enable the Minister for Foreign Affairs to declare that a particular overseas locality is, in effect, a "no-go zone" and that citizens commit an offence by travelling there.

94. One State has introduced legislation that enables the Government to censor online conversations and allows the intelligence service to conduct disruption activities, in addition to intelligence gathering. It also facilitates information sharing among 17 federal institutions,[11] allows the police to preventively detain or restrict terror suspects and ban the "promotion of terrorism", authorizes the Public Safety Minister to add people to a "no-fly list" and enhances the powers of the intelligence service.

95. In December 2014, one State passed an omnibus law intended to clarify and amend existing provisions on the cancellation of passports and other measures, pending a review of the intelligence and security agencies planned for 2015. Because of the speed with which the law was passed and the provisional nature of the measures, the law, which was made available in draft form in a rapid public consultation process, nevertheless included a sunset clause, which will expire on 1 April 2017. This will allow the measures to remain in force while the Government considers other reforms and considers further the human rights impact of the measures. The Government decided against introducing new offences in the short term, concluding that the general criminal law and terrorism offences are sufficient to address foreign terrorist fighter-related offending at this time.

(b) Preventing inter-State travel by foreign terrorist fighters

96. Most of the five States surveyed have introduced passport control measures, such as passport confiscation, a transit visa requirement and an INTERPOL screening, to prevent the travel abroad of citizens and/or permanent residents who are thought to be potential foreign terrorist fighters. Australia, Canada and New Zealand have cancelled, suspended and revoked passports of foreign terrorist fighters to prevent their travel to conflict zones. Legislative efforts are also being made to extend the duration of passport confiscations. The recent change to the Passports Act 1992 of New Zealand enables the Minister of Internal Affairs to cancel the passports of foreign terrorist fighters for up to three years, instead of the previous 12-month period. Canada has passed a law allowing it to revoke the citizenship of dual citizens convicted in Canada or abroad of major crimes, including terrorism. The Minister for Foreign Affairs of Australia has cancelled 115 passports in connection with the conflicts in Iraq and the Syrian Arab Republic. A further 14 passports have been refused and 10 suspended.

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[11] One of the priority issues identified in the first report (S/2015/338, annex); see sect. III.D.

97.   Most States require transit visas for all travellers transiting through their territories. Furthermore, most States regularly upload the INTERPOL stolen and lost travel document database and utilize INTERPOL databases to support front-line officers.

98.   One State has introduced unusual legislation, unprecedented in the subregion, to designate certain regions as "no-go zones" so that travel to those regions without a legitimate purpose constitutes a crime. There need be no intention to commit terrorist acts. The Ministry of Foreign Affairs has designated two Middle East regions. Exceptions to the provision include: entering the zone for the purpose of providing humanitarian aid; satisfying an obligation to appear before a court or other entity exercising judicial power; performing an official duty for the State, the Government of another State or the United Nations or its agencies; making a news report, where the individual is a professional journalist or an assistant to the journalist; making a bona fide visit to a family member; other purposes prescribed by regulation. The burden of proof lies with the defendant.

(c)   Law enforcement

99.   All States of the region have established specialized counter-terrorism units and institutional structures pursuant to resolution 2178 (2014). Other measures include legislation, training of law enforcement officials, programmes to reintegrate former foreign terrorist fighters, utilization of INTERPOL data and improvements in States' alert and response capacity to terrorist attacks. Although not all States have established a fusion centre specifically to centralize foreign terrorist fighter-related information, some have strengthened the legislative and intelligence attention response to the foreign terrorist fighter threat. One State plans to take steps to manage the return of foreign terrorist fighters, and a number of States have recently criminalized leaving or attempting to leave the State for the purpose of committing terrorist acts abroad.

100.   Training in issues relating to foreign terrorist fighters is provided in all States, and some States have established international partnerships with other States. Most States have established channels for the exchange of information among agencies and across all levels of Government, local communities, the private sector and foreign partners to counter violent extremism.

101.   Most States are introducing programmes to reintegrate and monitor former foreign terrorist fighters. Australia has introduced a strengthened programme to counter violent extremism that includes the reintegration of foreign terrorist fighters as a non-coercive effort to dissuade people from becoming involved in terrorist activity. The programme is complemented by a commitment of $6.2 million for a new federal police diversion team intended for returning foreign terrorist fighters and those who support them. New Zealand has a well-established policy of community policing, which the Committee identified as a good practice in the prevention of violent extremism during its visit in 2010. Most States are strengthening community policing to prevent and detect violent extremism and radicalization to terrorism. In investigating and prosecuting foreign terrorist fighters, the collection of admissible evidence from abroad is a common difficulty for all States. Most States of the group deploy liaison officers at their embassies in relevant States in order to enhance international cooperation.

(d) *Countering violent extremism*

102. All five States are committed to strengthening capacities to counter violent extremism and already have in place or are introducing various programmes to engage with and empower local communities and non-governmental actors in the development of strategies to counter the violent extremist narrative and prevent communities from radicalization to terrorism.

103. Australia has introduced various grants programmes to strengthen communities' resistance to violent extremism. For example, from 2011 to 2013, the Countering Violent Extremism Unit in the Attorney General's Department launched the Building the Community Resilience Grants Programme to fund projects that enhance community understanding of violent extremism and mentor youth. The Living Safe Together Grants Programme provides funding to promote organizational capacity to address radicalization.

104. Canada has established the Cross-Cultural Round Table on Security to coordinate dialogue between community leaders and government officials on national security issues. The Royal Canadian Mounted Police's National Security Community Outreach programme addresses the threat of radicalization leading to violent extremism in at-risk communities.

105. New Zealand works actively to enhance dialogue and broaden understanding among various cultural communities. Domestically, New Zealand engages directly across Government and with community leaders in identifying at-risk individuals and in developing pathways for them so as to prevent radicalization. The Government is continually reviewing its domestic approaches and actively developing ways to strengthen early intervention mechanisms. Internationally, New Zealand engages with the international community on the issue through a range of multilateral forums and continues to provide support to capacity-building projects in that area, both in South-East Asia through the Global Security Fund and in the Pacific through the Pacific Security Fund. Over the past year New Zealand has supported a range of projects in that space, including workshops, training programmes, threat assessments and reports, and prisoner rehabilitation programmes. New Zealand has also contributed to the Global Community Engagement and Resilience Fund, an initiative of the Global Counterterrorism Forum.

106. Trinidad and Tobago has implemented a campaign to help youth in low-income communities to resist the appeal of ISIL. In 2015, government officials publicly recognized the importance of educating children in the dangers of becoming foreign terrorist fighters. Australia is considering legislation aimed at criminalizing the act of advocating terrorism in a foreign State.

107. The Government of the United States of America has addressed issues associated with countering violent extremism at the highest level. In March 2015, President Obama hosted a White House summit aimed at examining the drivers and indicators of radicalization and recruitment to terrorism; countering extremist narratives; and community-led intervention (the Government of Australia hosted a similar high-level summit in June 2015 for the Asia-Pacific region). Domestically, the United States provides educational, technological and community engagement programmes for youth and women that highlight leadership development, conflict resolution skills and narratives from victims of terrorism and provides grants to United States embassies and consulates overseas to implement projects in local

communities. The Department of Homeland Security supports community policing initiatives taken by local, State and tribal governments.

(e) *Internet and social media*

108. The Internet and social media remain extremely vulnerable to terrorist exploitation. Terrorist groups increasingly use social media for incitement and recruitment purposes, and the five States, like other States, are vulnerable to online propaganda, incitement to commit terrorist acts, and recruitment of terrorist groups. Those States' responses to the threat focus on criminal activities that facilitate terrorism on the Internet and creating counter-narratives.

109. The Australian Communications and Media Authority regulates Internet content and is authorized to remove violent extremist materials. The National Security Legislation Amendment Bill (No. 1) 2014 enables the Australian Security Intelligence Organization to monitor computer networks and store content with one warrant. Australia is currently developing stronger data retention laws. For instance, proposed draft laws would require telecommunications companies to retain metadata on calls and Internet use. Moreover, the Government is acting beyond legislative and law enforcement measures to engage with communities and industry to promote counter-narratives, in particular by collaborating with social media firms, academia and civil society groups to research appropriate counter-messaging strategies.

110. The Anti-Terrorism Act, 2015, of Canada authorizes the Government to remove terrorist propaganda, including from sites hosted by Canadian Internet service providers. Those new measures are in line with existing provisions of the Criminal Code that authorize the seizure of material deemed criminal in nature, such as hate propaganda and child pornography. The Act also empowers the Canadian Security Intelligence Service to intercept private communications with closed-door judicial authorization.

111. The United States seeks to promote a greater understanding of its policies and actions, which focus on criminal activities online rather than suppression of objectionable speech, and to provide an alternative to terrorist and other violent extremist messages. For example, in an effort to combat terrorist narratives, in particular those of ISIL, the United States Center for Strategic Counterterrorism Communications counters violent extremist narratives on the Internet, including social media, on a daily basis.

112. States of the region actively cooperate with INTERPOL. International law enforcement cooperation on issues relating to foreign terrorist fighters has been strengthened, but gaps remain, and foreign terrorist fighter threat levels and State capacities vary. Some States of the region have strengthened their regulation of the Internet and social media and are taking steps to promote positive and influential messages that undermine the legitimacy of ISIL, Al-Qaida and other terrorist groups.

IV. Observations

113. The repercussions of several foreign terrorist fighter-related legal, policy and operational challenges identified and discussed in the present report transcend the imperative to tackle the foreign terrorist fighter phenomenon. The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international

community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities, including violations of their human rights, such as freedom of expression and the right to privacy.

114. Analysis of the five regions/subregions above reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.

115. The third report in the series, to be published in the coming weeks, will cover the Middle East, South-East Europe, South Asia, South-East Asia, the Sahel, South Caucasus and the Lake Chad Basin. It will also include evidence-based and risk-based recommendations on ways to address systemic shortfalls in all 78 affected States, providing a more detailed road map aimed at strengthening Member States' capacity to counter the foreign terrorist fighter threat.

Enclosure I

Methodology

A. Evidence-based approach

1. The survey was conducted by Counter-Terrorism Committee 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. The Committee recently visited Malta (October 2104), France (November 2014), Sri Lanka (November 2014), the Philippines (December, 2014), Mali (February 2015), Niger (February 2015), Turkey (February 2015), Cameroon (March 2015), Tunisia (March 2015), Uzbekistan (April 2015), Italy (May 2015) and Oman (May 2015). Future reports will include the outcomes of those and other visits.

2. 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.

B. Risk management

3. 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.

4. 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 domestic inter-agency data exchange than do small States, where meaningful information exchange at the operational level can be relatively easy to achieve.

5. 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.

6.   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 help States to implement a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further over the coming months.

7.   Some of the figures included in the reports also feature accumulated data that combine the "implementation" rating and the "priority" rating. This has the benefit of offering visual clarity, although some of the most revealing data are obscured. The non-accumulated figures, therefore, offer a more granular approach.

Enclosure II

Foreign terrorist fighters map[a]
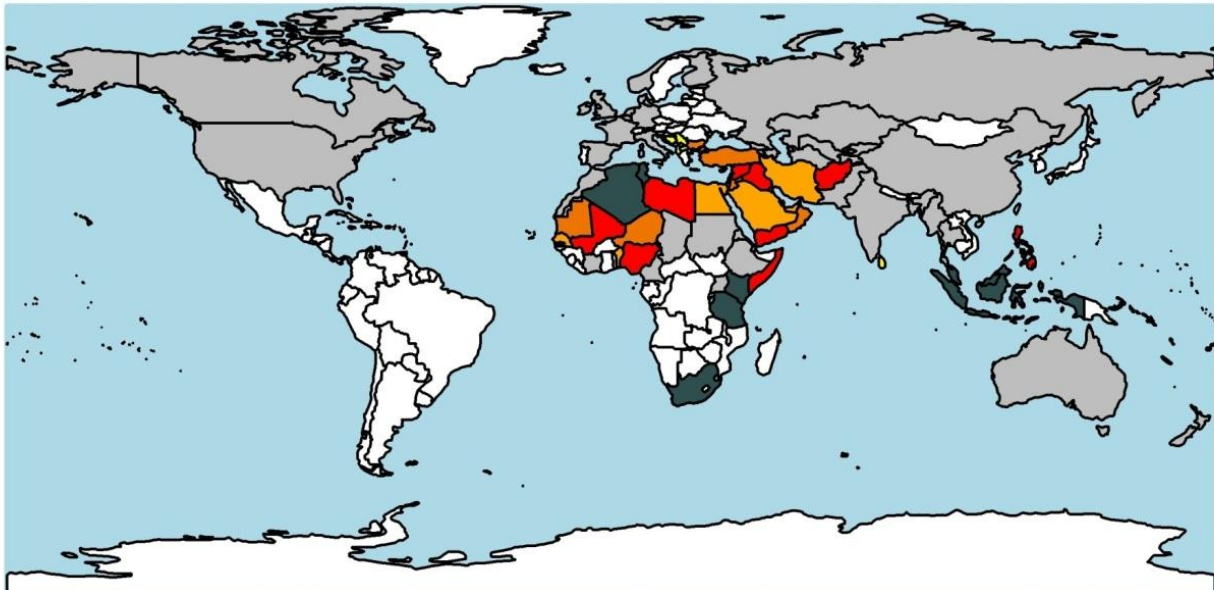
•	Destination/destination and transit/destination and origin
•	Neighbouring conflict zone/origin
•	Neighbouring conflict zone/origin/transit
•	Transit
•	Origin
•	Origin/transit
	Others

Note: Some of the borders do not reflect United Nations borders. The map is generated by a programme to simply illustrate the general overview of affected Member States.

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[a] The tenth preambular paragraph of Security Council resolution 2178 (2014) states that foreign terrorist fighters may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active. The map shows which Member States are considered to be States of origin, transit States, States neighbouring conflict zones or States of destination. Some States of origin also serve as transit States. This is particularly true, for example, for such regions as Europe or Central Asia, where the travel routes of foreign terrorist fighters often lie through one or more neighbouring States.

Enclosure III

Foreign terrorist fighter ratios by State