Complex Terrorist Cases for South and South-East Asia:
Investigation, prosecution, adjudication, rehabilitation and reintegration
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Acknowledgements

The preparation of this handbook was made possible by the cooperative efforts and invaluable contributions of several individuals, Governments and international organizations.

The United Nations Office on Drugs and Crime (UNODC) wishes to extend its gratitude to the Member States who contributed to the consultation process related to the update of the previous handbook.

The first edition of this handbook was published in 2018, under the title *Investigation, Prosecution and Adjudication of Foreign Terrorist Fighter Cases for South and South-East Asia*. Following its publication, several capacity-building efforts, including training of trainers, were conducted in South and South-East Asia during 2019 and 2020 with a view to providing technical support in dealing with the phenomenon of foreign terrorist fighters (FTFs), including their return and relocation.

UNODC is grateful to the participants and experts from Member States in South and South-East Asia and beyond, for their invaluable inputs and discussions during 2018, 2019 and 2020, which have been considered to update and better tailor the content of this handbook to the current situation.

The production of both handbooks was guided by Hidemi Yuki, Programme Officer, Terrorism Prevention Branch. The current handbook was written and updated by Renata Delgado Schenk, Sean Griffin, María Lozano Alia and Katarína Štiglincová, using as a basis the first edition and the contributions from consultations, meetings and workshops held since 2018. UNODC is also grateful to the following individuals for their comments and contributions to the edition and drafting of the handbook: Francesco Conti, Gregory Radišić and Martin Reggi.

Additionally, UNODC is most grateful to the personnel involved in developing the first edition of the manual: Harry D. Cheng, Paul Jordan, Simon Park, Keith Verralls, Timothy Wilson and Giulio Zanetti.

UNODC wishes to express its gratitude for the support provided by the Government of Japan towards the development of the handbook.
Introduction

Terrorism runs contrary to the purposes and principles of the United Nations and presents a threat to international peace and security, human rights and sustainable development. Terrorism and violent extremism leading to terrorism are truly global threats, with no country or region being immune from their impact. Interlinked is the phenomenon of foreign terrorist fighters (hereinafter “FTFs”): individuals travelling abroad to participate in terrorist activity, train or join terrorist entities, including the Islamic State in Iraq and the Levant (ISIL/Da’esh, hereinafter “ISIL”), Al-Nusrah Front and/or any entities (cell, affiliate, splinter group or derivative thereof) associated with Al-Qaida. The concept of FTF is not limited to the above examples; some States have used terrorism legislation in judicial cases involving individuals that travelled from their home countries to fight in the Ukraine conflict, joining Ukrainian or Russian forces.

In 2018, UNODC published the first edition of Investigation, Prosecution and Adjudication of Foreign Terrorist Fighter Cases for South and South-East Asia as a response to the increasing growth of the phenomenon of FTFs and its impact in the region of South and South-East Asia. This first edition was the foundation of a series of technical support and training activities organized by UNODC, designed towards enhancing the knowledge and skills of investigators, prosecutors, judges and adjudicators of these two regions, who are actively engaged on cases related to violent extremism, terrorism and/or FTFs.

The same year that this first edition was published, the Security Council adopted resolution 2396. This resolution guides Member States in strengthening national, regional and international efforts, in accordance with international law, to prosecute, rehabilitate and reintegrate suspected individuals, against whom there are reasonable grounds to believe that they are terrorists, including suspected FTFs, as well as those returning or relocating FTFs (hereinafter “RFTFs”) and their accompanying family members, including women and children. This resolution highlights also the need to develop responses based on whole-of-government approaches, recognizing the role that civil society organizations (hereinafter “CSOs”) can play.

Responding to the mandate given to UNODC by the Security Council in its resolution 2396 (2017), this, updated, edition of the manual was developed to address the next set of challenges posed by the return or relocation of FTFs and members of their families, in South and South-East Asian Member States. It aims at providing updated knowledge and skills to address the evolving phenomenon of FTFs, as well as RFTFs and members of their families, when they are in contact with the criminal justice system, or when they need the support and attention of state authorities.

This second edition addresses the 2015 Madrid Guiding Principles, as well as its 2018 Addendum and also the most recent “Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to United Nations Listed Terrorist Groups”, published by the Secretary-General in 2019. This latest publication provides additional guidance on addressing issues related to FTFs and RFTFs and their accompanying family members, intending to enhance the coherence and coordination of United Nations action in this area in order to meet the needs of Member States and, most of all, the people involved.

In that context, this edition of the manual is not only directed to law enforcement and criminal justice officials investigating, prosecuting and sentencing cases related to FTFs and RFTFs, but also to all
those practitioners, including public officials, members of CSOs and private entities, involved in the
process of rehabilitating and reintegrating those RFTFs, as well as their family members.

Elaborating on the above, this manual starts from updating the situation of ISIL and the phenome-
on of FTFs and RFTFs in the region and around the world (chapter 1), to discussing the recent global
and regional legal frameworks addressing the evolving situation surrounding this phenomenon
(chapter 2).

The following two chapters provide practical guidelines and recommendations. First, on the most
effective techniques to carry out investigations, including recommendations on investigation of online
activity and countering the use of the Internet and social media for terrorist purposes, mentioning
some updated tools available for investigators. Second, it provides guidance and recommendations on
effective rehabilitation and reintegration responses directed not only to offenders, but also to victims
of terrorism and violent extremism.

Further, chapter 4 addresses preventing and countering violent extremism (hereinafter “P/CVE”) matters with an age and gender-sensitive perspective. Engagement of community and civil society
organization is also included as a key pillar for effective P/CVE responses directed to ensure effective
rehabilitation and reintegration of RFTFs. This chapter also highlights a number of good practices and
ongoing efforts identified during consultations, research and monitoring exercises conducted by
UNODC since 2018.

This updated edition is published under complementary UNODC projects funded
by the Government of Japan. These projects built upon the continuous support, cooperation and joint
work of UNODC with national and regional counterparts in South and South-East Asia to promote
and ensure the development of effective and sustainable legal and operational responses to prevent and
counter terrorism and violent extremism leading to terrorism in accordance with international law,
including international human rights law standards.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACG</td>
<td>Aftercare Group</td>
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<tr>
<td>API</td>
<td>advance passenger information</td>
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<tr>
<td>AMMTC</td>
<td>ASEAN Ministerial Meeting on Transnational Crime</td>
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<td>ARF</td>
<td>ASEAN Regional Forum</td>
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<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>BCGR</td>
<td>Bureau of Commissioner General Rehabilitation</td>
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<tr>
<td>CEDAW</td>
<td>United Nations Convention on the Elimination of all Forms of Discrimination Against Women</td>
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<tr>
<td>CLOUD</td>
<td>Clarifying Lawful Overseas Use of Data</td>
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<tr>
<td>CRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>CSO</td>
<td>civil society organization</td>
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<td>CSV</td>
<td>comma separated value</td>
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<tr>
<td>CTC</td>
<td>Security Council Counter-Terrorism Committee</td>
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<td>CTED</td>
<td>Security Council Counter-Terrorism Committee Executive Directorate</td>
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<tr>
<td>DHCP</td>
<td>Dynamic Host Configuration Protocol</td>
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<td>ESI</td>
<td>electronically stored information</td>
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<td>EXIF</td>
<td>Exchangeable Image File Format</td>
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<td>FTF</td>
<td>foreign terrorist fighter</td>
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<td>FTP</td>
<td>File Transfer Protocol</td>
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<tr>
<td>GPS</td>
<td>Global Positioning System</td>
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<tr>
<td>GCTF</td>
<td>Global Counter Terrorism Forum</td>
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<tr>
<td>IANA</td>
<td>Internet Assigned Number Authority</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICSVE</td>
<td>International Centre for the Study of Violent Extremism</td>
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<tr>
<td>IP</td>
<td>Internet Protocol</td>
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<td>ISIL/ISIS</td>
<td>Islamic State in Iraq and the Levant</td>
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<td>ISP</td>
<td>internet service provider</td>
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<tr>
<td>JMI</td>
<td>Jammiyathul Millathu Ibrahim</td>
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<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
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<td>MLA</td>
<td>mutual legal assistance</td>
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<td>NGO</td>
<td>non-governmental organization</td>
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<td>NTJ</td>
<td>National Thowheed Jamath</td>
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<td>OS</td>
<td>operating system</td>
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<td>OSINT</td>
<td>Open Source Intelligence</td>
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<tr>
<td>P/CVE</td>
<td>Preventing and Countering Violent Extremism (conducive to terrorism)</td>
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<tr>
<td>PNR</td>
<td>passenger name record</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>PoA PCRVE</td>
<td>Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism</td>
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<tr>
<td>PVE</td>
<td>prevention of violent extremism</td>
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<td>RAM</td>
<td>random access memory</td>
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<td>RAN</td>
<td>European Union’s Radicalisation Awareness Network</td>
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<td>RFTF</td>
<td>returned or relocated foreign terrorist fighter</td>
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<td>RRG</td>
<td>Religious Rehabilitation Group</td>
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<td>SAARC</td>
<td>South Asian Association for Regional Cooperation</td>
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<tr>
<td>SIM</td>
<td>subscriber identity module</td>
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<tr>
<td>SNA</td>
<td>social network analysis</td>
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<tr>
<td>SPRR</td>
<td>Screening, Prosecution, Rehabilitation and Reintegration</td>
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<tr>
<td>TCP</td>
<td>Transmission Control Protocol</td>
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<tr>
<td>Tor</td>
<td>The Onion Router</td>
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<tr>
<td>UCTC</td>
<td>University Community Transformation Centre</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>UNTOC</td>
<td>United Nations Convention against Transnational Organized Crime</td>
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<td>UPM</td>
<td>Universiti Putra Malaysia</td>
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<tr>
<td>USB</td>
<td>universal serial bus</td>
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<tr>
<td>VPN</td>
<td>virtual private network</td>
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<tr>
<td>YPP</td>
<td>Yayasan Prasasti Perdamaian</td>
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Chapter 1

Foreign terrorist fighters and ISIL

A. Global situation

Following on from the so-called Arab Spring uprisings, civil unrest in the Syrian Arab Republic, which began to unfold in 2011, soon expanded into a full-fledged civil war in 2012. One group that exploited the power vacuum at the time was the terrorist organization Al-Qaida in Iraq. In 2013, Al-Qaida in Iraq changed its name to the Islamic State in Iraq and Syria (also known as the Islamic State in the Levant (ISIL/Da’esh)) and throughout 2013 and 2014, the group seized territory in the Syrian Arab Republic and Iraq. ISIL declared the establishment of a caliphate in Iraq and the Syrian Arab Republic in June 2014.

In 2016, some 10 million people were living in territory under ISIL control in the Syrian Arab Republic and Iraq, and the flow of FTFs across the Turkish-Syrian border was as high as 2,000 per month. By 2015, approximately 40,000 individuals from over 120 countries had travelled to Iraq and the Syrian Arab Republic as FTFs. An estimated 80 per cent of those migrated to join ISIL and lived in the territory under its control, creating a combined force, with local Syrians and Iraqis, assessed at around 100,000.

In 2020, INTERPOL had around 48,700 names in its database of suspected FTFs, with information provided from across the globe.


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7 Paul Cruickshank, “A View From the CT Foxhole: Lisa Monaco, Former Assistant to President Barack Obama for Homeland Security and Counterterrorism”, CTC Sentinel West Point, vol. 10, Issue 9 (October 2017). See also Radicalisation Awareness Network, RAN Manual. Responses to returnees: Foreign terrorist fighters and their families (July 2017, stating that there are “42,000+ foreign terrorist fighters from 120+ countries”).
As part of its overarching aim to build a “global caliphate”, ISIL announced the establishment of a number of “provinces” or administrative divisions outside of Iraq and the Syrian Arab Republic. Controlled by affiliated groups, these provinces include many on the Afghanistan/Pakistan border, in Egypt-Sinai, Libya, Nigeria, North Caucasus and Yemen.\(^{10}\)

However, by 2017 ISIL had lost about 50 per cent of its territorial holdings.\(^{11}\) The group was driven out of the main urban areas it had controlled, including the Syrian city of Raqqa (which was the de facto capital of the so-called caliphate) and the Iraqi city of Mosul. At the same time, the loss of seized oil fields also denied the group one of its main revenue streams.\(^{12}\)

In November and December 2017, the Governments of the Syrian Arab Republic and Iraq declared victory over ISIL, respectively,\(^{13}\) but the group continued to conduct attacks against military and civilian targets. ISIL has also purportedly reorganized into a network of sleeper cells supported by hidden personnel, funding streams and weaponry.

In 2019, the then leader of ISIL, Abu Bakr al-Baghdadi, died during a counter-terrorist operation.\(^{14}\) Despite this setback and major territorial losses in the Syrian Arab Republic and Iraq, ISIL managed to gain the allegiance of established and emerging terrorist groups in other countries when it was at its peak and now reportedly directs or inspires terrorist attacks around the globe.\(^{15}\)

For example, the “Islamic State Khorasan”\(^{16}\) province seeks to expand the influence of ISIL to South and Central Asia and has been responsible for around 100 attacks against civilians in Afghanistan and Pakistan, as well as roughly 250 clashes with American, Afghan and Pakistani security forces since January 2017.\(^{17}\)

The last stronghold of the Islamic State, the Syrian town of Baghouz,\(^{18}\) fell to the Syrian Democratic Forces\(^{19}\) in March 2019.\(^{20}\) However, regardless of the loss of territory and the death of Baghdadi, the group still functions in the region: it is reported that there are still around 20,000 to 25,000 ISIL fighters in Iraq and in the Syrian Arab Republic. Furthermore, there are estimates that another 15,000 to 20,000 are attached to Al-Qaida-linked groups in the Syrian Arab Republic and Iraq.\(^{21}\) In 2020, the new leader of ISIL, Amir Muhammad Sa’id Abdal-Rahman al-Mawla (known prominently as Hajji Abdallah), was added to the Security Council sanction list.\(^{22}\)

The history of ISIL shows that the leadership is calculating and opportunistic and the April 2019 Easter bombings in Sri Lanka demonstrate the group’s capability to influence spectacular attacks. The

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\(^{13}\) Angus McDowall, Sarah Dadouch, "Syria declares victory over Islamic State", Reuters, 9 November 2017. See also Maher Chmaytelli, Ahmed Aboulenein, "Iraq declares final victory over Islamic State", Reuters, 9 December 2017.


\(^{16}\) Khorasan historically encompasses parts of modern-day Islamic Republic of Iran, Central Asia, Afghanistan and Pakistan.

\(^{17}\) Center for Strategic and International Studies, *Islamic State Khorasan (IS-K)*, 2018.

\(^{18}\) Ben Wedeman and Lauren Said-Moorhouse, "ISIS has lost its final stronghold in Syria, the Syrian Democratic Forces says", *CNN*, 23 March 2019.

\(^{19}\) The Syrian Democratic Forces is a coalition of Kurdish and Arab forces (backed by American, French and British troops). See also Security Council, "Report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014)", see also S/2015/962 (2015).

\(^{20}\) Dr. Daveed Gartenstein-Ross, Dr. Colin P. Clarke and Samuel Hodgson, "Foreign Terrorist Fighters from Southeast Asia: What Happens Next?", ICCT, 17 February 2020.


Sri Lanka attacks also show that ISIL can partner with lower-profile groups, as it apparently did with National Tawheed Jamaath.

In the year leading up to March 2020, following the loss of Baghouz (see above), the group claimed more than 2,000 attacks in Iraq and in the Syrian Arab Republic. These attacks, across several countries, help ISIL achieve one of their primary goals by keeping them in the headlines.23

Broadly speaking, ISIL attacks can be placed in three categories, described below:24

- Firstly, there are in-person attacks conducted by “core” members of ISIL, who are trained by ISIL and are based in and primarily active in the Syrian Arab Republic and Iraq.25 Core ISIL members carried out the suicide bomb attack on Istanbul airport in June 2016,26 as well as attacks in France27 and Belgium28 in 2015 and 2016.

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Case Study – Turkey

On 28 June 2016, three men launched an attack on Atatürk International Airport in Istanbul. Armed with automatic weapons and explosive belts, two of the attackers opened fire in the international arrivals area before detonating their explosive belts. The third attacker detonated his belt in the parking area. In total, 48 people were killed (including the three attackers) and more than 200 were injured.

Turkish authorities believe that the attackers, who were nationals of the Russian Federation, Kyrgyzstan and Uzbekistan, had come to Turkey from the Syrian Arab Republic and that they were acting on behalf of ISIL.


- Secondly, there are online led attacks, where the person or group has not travelled to a conflict zone but makes contact online and is coached virtually by an ISIL facilitator, generally based in the Syrian Arab Republic or Iraq (often an FTF from the attacker’s own country). Using tools like encrypted messaging apps, these facilitators encourage and instruct the attackers. Some commentators have described these attacks as “remote-controlled attacks”.29 As ISIL came under greater military pressure in Iraq and in the Syrian Arab Republic, these types of attacks became more common; ISIL repeatedly urged would-be FTFs to conduct attacks in their home countries or elsewhere, instead of attempting to travel to the territory under ISIL control.

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24 These categories and attack statistics are based on a report published by the University of Maryland START Consortium. The most recent report of 2017 contains statistics for the year 2016—the figures are provided to illustrate the scope of violence occurring in a single year and the potential for violence to spread outside the main conflict zones.
Case Study – India

In 2015, Indian police broke up a cell allegedly planning attacks against markets, police stations and religious places. The cell had managed to obtain several kilograms of explosives.

The members of the cell had been radicalized through online materials. The leader, Ibrahim Yazdani, received guidance from ISIL for 17 months, plotting what would have been the group’s first attack in India. ISIL trained Yazdani to select members for the cell and organized delivery of weapons and chemicals used to make explosives.


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Case Study – United States of America

On 31 October 2017, a man drove a truck into a bike path in Manhattan, New York, killing eight and injuring eleven others. The attacker, identified as Sayfullo Saipov, had left a hand-written note in the truck pledging allegiance to ISIL.

However, law enforcement officials did not find ties to ISIL and instead categorized him as a “lone wolf” attacker. He had apparently followed instructions that ISIL published in one of its magazines, which included the directive to leave a note in the truck.


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B. Regional situation

There are around 600 million Muslims living in South Asia,32 about one third of the global Muslim population. A further 240 million live in South-East Asia, making this part of the globe an important source to ISIL for recruiting, organizing and plotting acts of violence. Rather than a just a territorial entity centred on Iraq and the Syrian Arab Republic, the identity of ISIL is focused on a self-perception

• Finally, there are lone actor attacks, where the attacker, or group, self-affiliates with ISIL, but does not have any direct or official link with the group.30 Some commentators have described these attacks as “leaderless jihad”.31

30 It is often difficult to correctly classify many attacks. Although contact with ISIL is frequently suspected, tangible evidence may not be found.
as the vanguard of an Islamic revival, seeking to unite the Islamic *Ummah*\(^{33}\) under one banner. As such, the group has long sought to exploit regional power vacuums from Libya to the Philippines, in an effort to export its model where local conditions permit.

The collapse of the so-called caliphate, rather than representing a fatal blow to the organization, has merely served to precipitate a broader strategic pivot on the part of ISIL with a return to its insurgent roots – though this time on a global scale. Such a strategy seeks to exploit the continued attraction of the ISIL ‘brand’ across the Islamic world, exploiting localized grievances and outsourcing operations to local militant groups in a bid to construct a global network.\(^{34}\)

Despite there being two appointed emirs in the region, one for the Islamic State in Khorasan (ISIL-K) and one for ‘ISIS in Bangladesh’, ISIL does not have sustained ground presence outside Khorasan.\(^{35}\) However, South Asia has a long and complex history of religious extremism and could present one of several propositions for those seeking the resurrection of ISIL as a globalized insurgency, or for taking advantage of regional sociopolitical turbulence to conduct attacks and to draw global attention to its campaign.\(^{36}\)

For instance, Maldives, located in the vast Indian Ocean, could develop as a transit alternative for extremists to infiltrate the shores of other countries and act as one of the recruiting bases for the Khorasan (ISIL-K) branch. Even territorially small nations like Maldives are not immune to the violence associated with ISIL:

- In February 2020, three men were attacked with knives on Hulhumale, an island four miles north of the capital Male. The men later recovered in hospital and three suspected Islamist extremists were arrested for the attacks. A Maldivian group affiliated with ISIL took responsibility for the attack in a video posted online.\(^{37}\)
- In April 2020, ISIL attacked five boats belonging to the Maldivian Government. The boats were destroyed by fire as they were moored on Mahibadhoo island. ISIL claimed responsibility for the attack in a weekly newsletter (*al Naba*) published shortly after.\(^{38}\)

Although the attacks in Maldives are cause for concern, the April 2019 Easter Sunday bombings in Sri Lanka grimly illustrate the capacity of ISIL to influence affiliated groups to carry out mass casualty attacks outside its more usual zones of operation. In this case, the attacks were instigated and conducted by two\(^{39}\) local groups: National Thowheed Jamath (NTJ) and Jammiyathul Millathu Ibrahim (JMI). Nine Sri Lankan citizens detonated backpack suicide bombs in three hotels and three churches in the greater Colombo area and in Batticaloa, killing 258 people. The suicide bombers are believed to have studied ISIL methods for constructing improvised explosive devices on the Internet.\(^{40}\)

Politically, ISIL is far from seriously planting roots in South Asia and, while the vast majority of Muslims find the austere Salafist-jihadist ideology of the group to be abhorrent,\(^{41}\) there is a target

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\(^{35}\) Shweta Desai and Amarnath Amarasingam, ‘ISIS in South Asia: Struggle for Survival Beyond ‘Khorasan’’, Center for Global Policy, 29 July 2020.

\(^{36}\) Ibid. See also Will Marshall, ‘Islamic State’s South Asia Pivot: Rhetoric or Reality?’, Geopolitical Monitor, 18 June 2019.


\(^{39}\) Shweta Desai and Amarnath Amarasingam, ‘ISIS in South Asia: Struggle for Survival Beyond ‘Khorasan’’, Center for Global Policy, 29 July 2020.

\(^{40}\) S/2019/570, para 64.

\(^{41}\) Shweta Desai and Amarnath Amarasingam, ‘ISIS in South Asia: Struggle for Survival Beyond ‘Khorasan’’, Center for Global Policy, 29 July 2020.
audience in the region that has proved susceptible and vulnerable to ISIL messaging. However, as ISIL continues to evolve, it may seek to further develop platforms for operations in the region.

South-East Asia, on the other hand, has now potentially assumed a greater role in the global strategy of ISIL. A series of successful and thwarted terror attacks attributed to ISIL-affiliated groups in South-East Asia underscores the persistent threat in the region. Two troubling trends observed are the targeting of places of worship, and the increased prominence of women in operational activities. The number of affiliates, attackers, suicide bombers, organized training programmes and propaganda videos, originating from the region has grown steadily in recent years. Without a claim to physical territory, the group’s information operations are even more critical to its success. In 2016, ISIL started publishing a weekly newspaper in the Bahasa language – the official language spoken throughout Indonesia – and it created hundreds of social media channels in Bahasa to promote ISIL ideology.

Moreover, it has been reported that Indonesian ISIL fighters acted as “virtual plotters or planners” recruiting members and coordinating operations in South-East Asia by web-based means from the Syrian Arab Republic. National authorities confirmed the organization of the 2016 suicide bombings in Jakarta were by a virtual planner from South-East Asia, who published an online bomb-making instruction manual in Malay, which is believed to be still used today, by the region’s militants.

As military operations against ISIL in the Syrian Arab Republic intensified it became increasingly difficult for potential FTFs to access Iraq and the Syrian Arab Republic. It is reported that FTFs from the region and further afield instead travelled to the Philippines, Indonesia and Malaysia, as the region grew in reputation as an emerging front for the so-called global jihad. Additionally, it has been observed that suicide bomb attacks – which are not a new tactic in Indonesia – are now becoming associated with Filipino and Malay terrorists. Suicide bomb attacks were rare or unprecedented in these regions prior to the rise in ISIL influence. However, since 2018 there have been 11 suicide bombers in Indonesia and 6 in the Philippines. Although there were no suicide bombings in Malaysian territory, it is reported that there were at least 13 Malaysian suicide bombers in Iraq and the Syrian Arab Republic. This trend includes the increasing participation of women in deadly attacks. In August 2020, a twin bombing attack took place in Jolo (Philippines). Both suicide bombers were identified as women, one being Indonesian and the wife of the first-ever Filipino suicide bomber from the Abu Sayyaf Group. This attack was the second female suicide bombing in the Philippines – and the fourth in South-East Asia.

Between January 2014 and July 2019, a total of 115 ISIL-linked attacks were reported across Indonesia, Malaysia and the Philippines. Reportedly, several returnees have been already linked to

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42 S/2019/570, para. 67.
45 BBC News, “Jakarta Attacks: Profile of suspect Bahrun Naim”, 14 January 2016. See also Gartenstein-Ross, Clarke, Hodgson, “Foreign Terrorist Fighters from Southeast Asia”.
some of these attacks. For instance, in May 2019, Indonesian authorities arrested seven returnees while foiling a technologically advanced Wi-Fi bomb plot.50

In May 2017, militants linked to ISIL overran Marawi, a city of some 200,000 people, on the island of Mindanao and declared a ‘caliphate’. However, following five months of intense fighting, the Philippine military regained control of the city, killing hundreds of militants during the operation, including many leaders of the local extremist, ISIL-affiliated, groups.51

In common with FTFs from other world regions, South and South-East Asian citizens who travelled to join ISIL have tried to return to their respective states of nationality or residence, in some cases travelling home with partners and children, some of whom were born in conflict zones and have not been registered at birth by formal administrative authorities, or are lacking any identification – among other challenges. Other fighters may have continued to travel to third countries and shifted their focus to other areas of conflict where ISIL affiliates are operating. In both cases, there are significant challenges ahead for regional authorities in addressing the potential risks associated with fuelling or expanding local extremist groups and individuals who seek to progress the ISIL Salafi-Jihadi ideology.

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A. Introduction

The global framework on preventing and countering violent extremism and terrorism is principally set through the United Nations Global Counter-Terrorism Strategy, which is composed of four pillars:

- Pillar I: Addressing the conditions conducive to the spread of terrorism;
- Pillar II: Preventing and combating terrorism;
- Pillar III: Building States’ capacity and strengthening the role of the United Nations; and
- Pillar IV: Ensuring human rights and the rule of law.

The global strategy relies on criminal justice and governance measures, which mutually reinforce each other.

The criminal justice approach to preventing violent extremism and terrorism derives its foundation principally from the application of national criminal laws of the Member States that establish a range of criminal offences relating to violent extremism and terrorism. Criminal justice frameworks deal not only with acts of terrorism, but also the preparatory stages leading up to terrorism, including the recruitment of potential terrorists and incitement to terrorism. Under the international legal framework, Member States are required to implement obligations arising under binding international conventions and protocols, as well as resolutions resulting from them, such as Security Council resolutions, into their national laws.

Deeply entrenched sociocultural issues that are considered to be root causes of violent extremism may not always be solved exclusively through criminal justice responses. These “non-criminal” aspects, which are typically systemic, include inequality, perceptions of dissatisfaction and social disenfranchisement — all of which may influence the causes that ultimately motivate vulnerable individuals to engage with violent extremism and terrorism, namely the so-called “push factors”. As these issues are extremely deep-rooted and dependant on many factors within society, criminal justice approaches can only provide partial solutions. In these situations, good governance and multi-agency approaches play a key role in addressing the conditions conducive to the spread of terrorism. Examples include promoting open and critical thinking in education, implementing policies to support early identification of vulnerable individuals at risk of exposure to violent extremism and providing alternative narratives to counter the narratives of terrorist organizations. As a result, under the governance approach, minimizing or eliminating the conditions conducive to violent extremism (including violent extremism leading to terrorism) are key elements to consider in developing prevention strategies.

As such, the global framework seeks to address the root causes of violent extremism, as well as to develop robust mechanisms to prevent and counter acts of terrorism, including preparatory and accessory acts. These objectives are achieved not only by laws, but through a combination of strategies, policies, institutions, and a range of operational measures. Each of these aspects are mutually dependent
and build upon a holistic whole-of-government and whole-of-society approach to preventing and countering violent extremism and terrorism.

The United Nations Global Counter-Terrorism Strategy is reviewed and updated every two years by the General Assembly to reflect changing priorities. From 26 to 27 June 2018, the General Assembly held its sixth biennial review of the Strategy. This review concluded with the adoption of General Assembly resolution 72/284 by consensus. Regarding the risks related to returning FTFs, resolution 72/284 notably:

- Called upon Member States to strengthen their cooperation at the international, regional, sub-regional and bilateral levels to counter the threat posed by FTFs, including through enhanced operational and timely information-sharing, logistical support and capacity-building activities;
- Encouraged Member States to implement programmes on biometric data, Advance Passenger Information (hereinafter “API”) Systems and Passenger Name Record (hereinafter “PNR”) data, as set out in Security Council resolution 2396 (2017); and
- Called upon law enforcement and criminal justice authorities to better address the threat of returning FTFs.

B. International legal framework

1. Overview

Terrorism has been on the agenda of the international community since the 1930s. Since 1963, a total of 19 international conventions and protocols have been adopted for the purpose of addressing acts of terrorism. Each of these 19 legal instruments has been developed under the auspices of the United Nations and its specialized agencies – in particular the International Civil Aviation Organization, the International Maritime Organization and the International Atomic Energy Agency, all of which are open to participation by all United Nations Member States. These conventions deal with various thematic areas related to terrorism, such as:

- The suppression of financing of terrorism;
- Transport-related (maritime and civil aviation) terrorism;
- Nuclear and radiological terrorism; and
- The taking of hostages and protection of international staff.

Although the 19 universal legal instruments do not specifically target FTFs or RFTFs, they represent a major component of the international corpus juris against terrorism and provide an important framework for international cooperation in terrorist/FTF/RFTF cases. In this regard, binding Security Council resolutions called upon Member States to become party to these instruments and to fulfil the obligations that they impose.52 As a result, there is no longer any Member State that has not become a party to at least one of the 19 instruments.

Table 1. Nineteen international legal instruments to prevent terrorist acts

<table>
<thead>
<tr>
<th>Instruments regarding civil aviation</th>
<th>1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft</th>
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</thead>
<tbody>
<tr>
<td>1970 Convention for the Suppression of Unlawful Seizure of Aircraft</td>
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<tr>
<td>1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation</td>
<td></td>
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<tr>
<td>2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation</td>
<td></td>
</tr>
<tr>
<td>2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft</td>
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<tr>
<td>2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft</td>
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<tr>
<th>Instruments regarding the protection of international staff</th>
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<tbody>
<tr>
<td>1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons</td>
</tr>
<tr>
<td>1979 International Convention against the Taking of Hostages</td>
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</table>

<table>
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<tr>
<th>Instruments regarding nuclear material</th>
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<tbody>
<tr>
<td>1980 Convention on the Physical Protection of Nuclear Material</td>
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<tr>
<td>2005 Amendments to the Convention on the Physical Protection of Nuclear Material</td>
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<tbody>
<tr>
<td>1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf</td>
<td></td>
</tr>
<tr>
<td>2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf</td>
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<tbody>
<tr>
<td>1997 International Convention for the Suppression of Terrorist Bombings</td>
<td></td>
</tr>
<tr>
<td>1999 International Convention for the Suppression of the Financing of Terrorism</td>
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</tr>
</tbody>
</table>


These instruments are complemented by the Security Council resolutions to prevent and counter terrorism. Combined, these norms create a framework of minimum standards and obligations for Member States under international law, to be implemented by Member States according to their international obligation to honour their commitments in good faith.

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A long list of Security Council resolutions has been adopted in order to address the challenges of terrorism and violent extremism and the changing nature of their threat to international peace and security.

Among these, resolution 1373 (2001) represents one of the most far-reaching Security Council resolutions adopted for the purposes of countering terrorism. Agreed and adopted in the wake of the September 11th terrorist attacks in the United States, this resolution provided the impetus and foundation for a series of international instruments targeting terrorism and violent extremism conducive to terrorism. Reaffirming its earlier unequivocal condemnation of these attacks, the Security Council unanimously adopted sweeping legally binding measures requiring Member States to take a series of actions to counter, prevent and suppress terrorism. One of the most revolutionary aspects of resolution 1373 was the introduction of the obligation to criminalize not only terrorist acts themselves, but also preparatory acts such as their planning and financing, as well as the criminalization of accessory actions, such as recruiting for terrorist purposes and facilitating or supporting terrorist acts.

By September 2014, however, a pattern of individuals travelling abroad to join terrorist entities, including ISIL, Al-Nusrah Front and other related entities of Al-Qaida, had grown into such a concern that the Security Council adopted resolution 2178. The resolution specifically addressed such individuals, who were named “foreign terrorist fighters”. The scope of resolution 2178 is explored in-depth below.

In December 2017, the Security Council adopted resolution 2396. While the focus of that resolution is on FTFs, it is principally concerned with those FTFs who return or relocate, marking a contrast to resolution 2178, which focused on individuals headed outbound to become FTFs. Resolution 2396 also emphasizes the need for Member States to be equipped and ready to deal with not only RFTFs, but also their families, including children born in conflict zones. Issues are wide ranging, from making assessments of the degree and extent of involvement of the returning FTFs and family members in the conflict, to making determinations on the legal status of their children, including citizenship rights.

Resolution 2396 urges Member States to strengthen measures to detect, investigate and prosecute actions or movements and patterns of movements, of terrorists and their networks, including FTFs, RFTFs and members of their families travelling back to their countries of origin or nationality, or to third countries. As with previous resolutions, it underlines the need to intensify and accelerate timely exchange of relevant operational information and intelligence, fostering cooperation and information-sharing among Member States and with relevant international mechanisms such as INTERPOL in the detection of FTFs’ and RFTFs’ actions, movements and patterns of movements. It also stresses the responsibility of Member States to share information and intelligence in relation to suspects who are foreign nationals.

Furthermore, resolution 2396 calls upon Member States to develop and implement comprehensive risk assessments of FTFs, RFTFs and their accompanying family members. Under international law, Member States are to take appropriate actions, including consideration for tailored prosecution, rehabilitation and reintegration measures considering special measures for children and women who may have served in different roles in terrorist acts (supporters, facilitators or perpetrators, for instance). At the same time, the resolution stresses the importance of assisting those who might be victims of terrorism, particularly women or children who may be associated with FTFs, by taking into account gender and age sensitivities.

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57 The obligation was further reiterated in Security Council resolution 2462 (2019).
It is important to remember that Security Council resolutions dealing with FTFs and RFTFs, and terrorism more generally, should be interpreted according to the principle of systemic integration, considering any rule as part of a whole counter-terrorism framework. For instance, resolution 2178 builds upon the framework established by resolution 1373 and, similarly, resolution 2396 on that of resolution 2178, and so on. In addition to the three resolutions discussed, a number of other Security Council resolutions exist within the counter-terrorism and counter-FTF framework. The Security Council is constantly updating and developing new standards for Member States.58

3. Criminal justice response to foreign terrorist fighters

(a) Overview

In terms of criminal justice responses, one of the most relevant Security Council resolutions concerning FTFs is resolution 2178. This resolution condemns violent extremism conducive to terrorism and sectarian violence for the first time and reaffirms the obligation of Member States to enhance their criminal justice response to the movement and actions of FTFs. These measures can be broadly divided into three categories: criminal laws, sanctions and preventative measures. While all may in some instances appear to be the same or similar, they have distinct legal foundations and serve different purposes.

Firstly, it is important to understand the distinct legal foundations of the three types of measures. While criminal offences have their foundations in criminal or penal codes or regulations, sanctions are founded principally on national or international punitive measures, generally adopted by the Government or Heads of State, or in the case of the United Nations, by its executive organ (i.e., the Security Council). On the other hand, preventative measures are legal measures that cover many areas of action from justice measures to health, social, psychological and economic measures. In relation to criminal justice specifically, preventative measures are related to the use of alternatives to imprisonment or the imposition of administrative measures, generally based on decisions taken at the ministerial level or equivalent levels of Government.

Moreover, each of these measures serve distinct and overlapping functions. Preventative measures are self-explanatory in that their primary function is to prevent individuals from being recruited as and becoming FTFs, as well as to prevent them from travelling or otherwise engaging in terrorism-related activities. On the other hand, criminal offences are primarily intended as post-facto punitive measures. They also specifically include the attempt to travel abroad as an FTF under resolution 2178. This, in turn, serves a preventative function for further actions. In relation to this aspect, it is important to highlight that, in addition to the punitive aspects, criminal laws dealing with FTFs should include human rights standards obligations. Namely, the objectives of disengagement, rehabilitation and the reintegration of individuals into society should be paramount.59

In this same vein, sanctions both respond to actions or suspicions of actions that have already occurred (punitive effect) and have a preventative intention for the continuation of future illegal activity. Sanctions regimes are intended to suppress and/or debilitate the capacity of listed individual terrorists, FTFs and terrorist organizations. Unlike criminal laws or preventative measures that apply to all individuals falling within the jurisdiction of the Member State, the application of sanctions regimes is limited to individuals and members of groups who have been explicitly placed on the sanctions list.

Their scope, in turn, might be international and not limited to a single jurisdiction, like the case of Security Council resolutions that are applicable to all Member States. However, their implementation relies on a fully realized political will to do so.

These measures may in some instances appear to be the same or similar, but they have distinct legal foundations and serve a different purpose. For instance, travel restrictions may be applied to individuals who are suspected of travelling abroad:

- This could be a preventative measure for certain persons related to a group or an activity;
- It may also be in place as the subject has been listed as a terrorist or FTF under the United Nations sanctions regime; or
- The person may be prevented from travelling as a result of a criminal investigation or procedure.

All three measures are contained in the resolution 2178 framework, as summarized in the table below:
## Table 2. Security Council resolution 2178 (2014) – Overview of criminal justice measures

<table>
<thead>
<tr>
<th>Resolution paragraph (para.)</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>All Member States shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and decides that all States shall ensure that their domestic laws and regulations establish serious criminal offences sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of the offence.</td>
</tr>
<tr>
<td>6(a)</td>
<td>Nationals who travel or attempt to travel to a State other than their States of residence or nationality and other individuals who travel or attempt to travel from their territories to a State other than their States of residence or nationality, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training.</td>
</tr>
<tr>
<td>6(b)</td>
<td>The wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to finance the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.</td>
</tr>
<tr>
<td>6(c)</td>
<td>The wilful organization, or other facilitation, including acts of recruitment, by their nationals or in their territories, of the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.</td>
</tr>
<tr>
<td>12</td>
<td>Member States shall afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings and underlines the importance of fulfilling this obligation with respect to such investigations or proceedings involving foreign terrorist fighters.</td>
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### Sanctions

<table>
<thead>
<tr>
<th>Resolution para.</th>
<th>Text</th>
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<tbody>
<tr>
<td>7</td>
<td>Expresses its strong determination to consider listing pursuant to resolution 2161 (2014) individuals, groups, undertakings and entities associated with Al-Qaida who are financing, arming, planning, or recruiting for them, or otherwise supporting their acts or activities, including through information and communications technologies, such as the Internet, social media, or any other means.</td>
</tr>
<tr>
<td>20</td>
<td>Foreign terrorist fighters and those who finance or otherwise facilitate their travel and subsequent activities may be eligible for inclusion on the Al-Qaida Sanctions List maintained by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) where they participate in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, or on behalf of, or in support of, Al-Qaida, supplying, selling or transferring arms and related material to, or recruiting for, or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof and calls upon States to propose such foreign terrorist fighters and those who facilitate or finance their travel and subsequent activities for possible designation.</td>
</tr>
</tbody>
</table>
Preventative measures

<table>
<thead>
<tr>
<th>Resolution para.</th>
<th>Text</th>
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<tbody>
<tr>
<td>2</td>
<td>All States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents, underscores, in this regard, the importance of addressing, in accordance with their relevant international obligations, the threat posed by FTFs and encourages Member States to employ evidence-based traveller risk assessment and screening procedures including collection and analysis of travel data, without resorting to profiling based on stereotypes founded on grounds of discrimination prohibited by international law.</td>
</tr>
<tr>
<td>3</td>
<td>Member States, in accordance with domestic and international law shall intensify and accelerate the exchange of operational information regarding actions or movements of terrorists or terrorist networks, including foreign terrorist fighters, especially with their States of residence or nationality, through bilateral or multilateral mechanisms, in particular the United Nations.</td>
</tr>
<tr>
<td>4</td>
<td>Member States, in accordance with their obligations under international law, shall cooperate in efforts to address the threat posed by foreign terrorist fighters, including by preventing the radicalization to terrorism and recruitment of foreign terrorist fighters, including children, preventing foreign terrorist fighters from crossing their borders, disrupting and preventing financial support to foreign terrorist fighters and developing and implementing prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters.</td>
</tr>
<tr>
<td>5</td>
<td>Member States shall, consistent with international human rights law, international refugee law and international humanitarian law, prevent and suppress the recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training and the financing of their travel and of their activities.</td>
</tr>
<tr>
<td>8</td>
<td>Without prejudice to entry or transit necessary in the furtherance of a judicial process, including in furtherance of such a process related to arrest or detention of a foreign terrorist fighter, Member States shall prevent the entry into or transit through their territories of any individual about whom that State has credible information that provides reasonable grounds to believe that he or she is seeking entry into or transit through their territory for the purpose of participating in the acts described in paragraph 6, including any acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida, as set out in paragraph 2 of resolution 2161 (2014), provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals or permanent residents.</td>
</tr>
<tr>
<td>9</td>
<td>Member States shall 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 established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”) and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations.</td>
</tr>
<tr>
<td>11</td>
<td>Member States shall improve international, regional and subregional cooperation, if appropriate through bilateral agreements, to prevent the travel of foreign terrorist fighters from or through their territories, including through increased sharing of information for the purpose of identifying foreign terrorist fighters, the sharing and adoption of best practices and improved understanding of the patterns of travel by foreign terrorist fighters and for Member States to act cooperatively when taking national measures to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under international law.</td>
</tr>
<tr>
<td>15</td>
<td>Underscores that countering violent extremism, which can be conducive to terrorism, including preventing radicalization, recruitment and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters is an essential element of addressing the threat to international peace and security posed by foreign terrorist fighters and calls upon Member States to enhance efforts to counter this kind of violent extremism.</td>
</tr>
<tr>
<td>16</td>
<td>Member States shall engage relevant local communities and non-governmental actors in developing strategies to counter the violent extremist narrative that can incite terrorist acts, address the conditions conducive to the spread of violent extremism, which can be conducive to terrorism, including by empowering youth, families, women, religious, cultural and education leaders and all other concerned groups of civil society and adopt tailored approaches to countering recruitment to this kind of violent extremism and promoting social inclusion and cohesion.</td>
</tr>
<tr>
<td>17</td>
<td>Recalls its decision in paragraph 14 of resolution 2161 (2014) with respect to improvised explosive devices (IEDs) and individuals, groups, undertakings and entities associated with Al-Qaida and urges Member States, in this context, to act cooperatively when taking national measures to prevent terrorists from exploiting technology, communications and resources, including audio and video, to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under international law.</td>
</tr>
<tr>
<td>18</td>
<td>Member States shall cooperate and consistently support each other’s efforts to counter violent extremism, which can be conducive to terrorism, including through capacity-building, coordination of plans and efforts and sharing lessons learned.</td>
</tr>
<tr>
<td>19</td>
<td>Member States shall develop effort to non-violent alternative avenues for conflict prevention and resolution by affected individuals and local communities to decrease the risk of radicalization to terrorism and of efforts to promote peaceful alternatives to violent narratives espoused by foreign terrorist fighters and underscores the role education can play in counteracting terrorist narratives.</td>
</tr>
</tbody>
</table>
(b) Criminal offences

Resolution 2178 requires Member States to establish the financing, planning, preparation and/or perpetration of terrorist acts or support actions as a serious criminal offence under their national legislation. At the same time, it requires that national legislation sanction also the following activities relating to FTFs:

- Travel or attempted travel of FTFs (outside their state of residence or nationality);
- Financing the travel of FTFs; and
- Organizing or facilitating (including recruitment) the travel of FTFs.\(^60\)

A number of key terms and phrases used in the resolution and other international instruments are left to the individual Member States to define, in a manner that gives full consideration to human rights standards, including due process and privacy concerns.

The tables below show a breakdown of the elements of the offences relating to FTF-related offences.

Table 3. Breakdown of the elements of the offence – travel or attempted travel of FTFs

<table>
<thead>
<tr>
<th>Subject</th>
<th>Element (act)</th>
<th>Element (intent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A National of a Member State, or an individual in the territory of the Member State travels or attempts to travel to a State other than his/her State of residence or nationality</td>
<td>to perpetrate, plan, prepare, or participate in terrorist act, or to provide or receive terrorist training</td>
<td></td>
</tr>
</tbody>
</table>

Member States are required to criminalize the travel or the attempt to travel of nationals or individuals under their jurisdiction to a State other than his or her State of residence or nationality for one of the listed prohibited purposes. This article applies irrespective of the conclusion of the travel and independently of the starting point of travel.

Example:

An individual national of Member State K and resident in Member State X travels from Member State A to Member State B to provide terrorist training, without passing through Member State K. This article requires all Member States involved to criminalize his or her travel or attempt of travel for the purpose of training. Member State K shall establish criminal rules to prosecute the individual when breaching the law of his or her nationality, wherever he or she is. At the same time, Member States A, B and X are also required to criminalize their travelling or the attempt of it. The jurisdiction where the travel is interrupted or detected should be the one that prosecutes the individual at first. However, if any of the States involved fails to have this conduct as a crime, it is only possible to bring the individual to justice in his or her country of nationality (State K) and alternatively in their state of residence (State X). In that line, it is essential that all States criminalize terrorist acts committed abroad, outside of its territorial boundaries, allowing for the implementation of the principle aut dedere aut judicare governing international criminal law.

\(^{60}\) Security Council resolution 2178 (2014), para. 6.
Table 4. Breakdown of the elements of the offence – financing the travel of FTFs

<table>
<thead>
<tr>
<th>Element (intent)</th>
<th>Element (act)</th>
<th>Particulars</th>
<th>Particulars</th>
<th>Element (intent)</th>
<th>Particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>The wilful direct or indirect provision or collection</td>
<td>by nationals, or</td>
<td>occurred in their territories</td>
<td>in the knowledge that they are to be used to finance the travel of individuals</td>
<td>with the intention that they should be used to finance the travel of individuals, or</td>
<td>who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.</td>
</tr>
</tbody>
</table>

Whereas Resolution 1373 requires Member States to criminalize the financing of terrorist acts, Resolution 2178 builds on the 1373 framework by requiring that such financing activities should be criminalized not only when used to carry out terrorist acts, but also when used to finance the travel of FTFs.

Member States that have already established criminal offences in their national laws to prevent and punish the financing of terrorism are required to make additional amendments to criminalize terrorism financing perpetrated by their nationals, regardless of where they are, as well as acts those acts carried out by non-nationals while in the territory of a Member State. Domestic laws must give due consideration as to when an act of collecting or providing funds can be considered as being carried out “in their territories”, particularly when such acts are undertaken digitally.

An offence under resolution 2178 does not require that an individual for whom funds are being provided or collected to have actually engaged in travel abroad in order for the offence to have been committed. What is required is that such funds are provided or collected “with the intention” or “in the knowledge” that they will be used to finance the travel of potential FTFs. Funding may come from a single or from multiple sources.

Under international law, the concept of “funds” is to be interpreted considering the definition of article 1(1) of the International Convention for the Suppression of the Financing of Terrorism, which defines “funds” as: “assets of every kind, whether tangible or intangible, movable or immovable, however acquired and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, traveller’s cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit.”

Example:

A national of Member State Q is recruiting people in that country to join a terrorist group based in Member State S, as a result of which a number of nationals of Member State Q decide to travel to Member State S. At the same time, another person may provide funds for the airfare tickets of those recruited to travel from State Q to State R and additional funds for travelling from State R to State S.
Table 5. Breakdown of the elements of the offence – organizing or facilitating the travel of FTFs (including recruitment)

<table>
<thead>
<tr>
<th>Element (intent)</th>
<th>Element (act)</th>
<th>Subject</th>
<th>Element (act)</th>
<th>Element (intent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The wilful</td>
<td>organization of travel, or</td>
<td>by a national, or</td>
<td>of the travel of individuals who travel to a State other than their State of residence or nationality</td>
<td>to perpetrate, plan, prepare, or participate in terrorist acts, or</td>
</tr>
<tr>
<td></td>
<td>other facilitation of the travel (including acts of recruitment)</td>
<td>occurred in the territory of the Member State</td>
<td>to provide or receive terrorist training</td>
<td></td>
</tr>
</tbody>
</table>

Security Council resolution 1373 requires Member States to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and, in addition to any other measures against them, ensure that such terrorist acts are established as serious criminal offences in domestic laws. Resolution 2178 expands on this by requiring Member States to criminalize any act of "organization or facilitation, including acts of recruitment" that assists a person who is committing the crime of travelling abroad for the purpose of terrorism.

While terms such as “organization” and “facilitation” shall be interpreted in accordance with the applicable national and international standards, broadly, “organization” may cover conduct related to practical arrangements connected with travelling, such as planning the travel routes; while “facilitation” may refer to a more direct form support, such as assisting in unlawful border crossing. The international standards require that the perpetrator acts intentionally and with the knowledge that their acts are carried out for terrorism purposes.

This crime includes both acts perpetrated by their nationals regardless of their physical location, as well as acts carried out by non-nationals carried in the territory of the Member State in question.

Of particular interest and concern for many Member States will be the necessary criminalization of recruitment in relation to the facilitation of travel, which affects many children and young adults while exposed to the Internet and other digital communication platforms such as encrypted messaging services.

Example:

An individual national of State M has close links with other nationals of State M who left and have joined a terrorist organization in State X. Their mutual understanding is that those living in State M will organize the travelling of a number of persons from State M to State X by making plans and providing funds for their travel route through the State G. The locals in State G assist the recruits to enter the borders of their respective countries illegally and transport them to the next border or the airport. In such case, the group in State M involved in the logistical/practical arrangements have "organized" travelling abroad for the purpose of terrorism, whereas the locals in the State G have “otherwise facilitated” the travelling abroad for the purpose of terrorism.


Resolution 2178 states that individual FTFs and those who finance or otherwise facilitate their travel and subsequent activities may be eligible for inclusion on the United Nations sanctions regime concerning “ISIL, Al-Qaida and associated individuals, groups, undertakings and entities” established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015). Designation of individuals and entities for sanctions under this regime is decided by the Sanctions Committee upon the request of Member States. In addition to the United Nations sanctions regimes, resolution 1373 requires Member
States to establish national sanctions regimes. Individuals subject to national sanctions regimes are designated by Governments on their own initiative or following review of a request made by the Government of another Member State.61

Sanctions typically entail one or more of the following measures: travel bans, asset freezing and/or arms embargoes.

In order for sanctions to be effective, national criminal justice agencies are to be able to effectively implement and coordinate the implementation of measures based on national laws and regulations in a timely manner. Law enforcement officials should be familiar with the listing and de-listing procedures applicable under the United Nations sanctions regimes as well as with the national terrorist sanctions regime within their respective jurisdictions.

(d) Preventative measures

Security Council resolution 1373 requires Member States to prevent the movement of terrorists or terrorist groups by effective border controls and controls on the issuance of identity papers and travel documents and through measures for preventing counterfeiting, forgery, or fraudulent use of identity papers and travel documents.62

Resolution 2178 requires Member States to prevent the entry into or transit through their territories of any individual about whom the State has “credible information that provides reasonable grounds to believe” that they are seeking entry into or transit through their territory for the purpose of participating in one of the criminal offences established under the resolution.63

As per the text of the resolution, such preventative measures in the nature of travel restrictions are triggered when the legal threshold of having “reasonable grounds to believe…” is met, based on “credible information.” This language makes it clear that the threshold for implementing the mentioned preventative measures is below the criminal conviction standard of beyond reasonable doubt (for common-law traditions) or the standard of in dubio pro reo (for civil law traditions), as there is no criminal procedure in place. In practical terms, this means that Member States must establish legal and regulatory mechanisms to enable law enforcement actors to implement preventative measures through executive or administrative action that are not contingent on criminal procedures.

The lower legal threshold that applies when utilizing preventative measures is reflective of its function, which is to prevent activities of FTFs when law enforcement officials have sufficient information to be aware of their involvement in violent extremist or terrorist activity, but with insufficient evidence to successfully prosecute and secure a conviction.

Building on the above, resolution 2396 requires Member States to develop and implement three types of administrative measures in the prevention and suppression of FTF travel: (1) the collection of biometric data, which could include fingerprints, photographs and facial recognition; (2) the establishment of API Systems, which require that airlines operating in a territory of a Member State provide to the competent national authorities basic information on passengers identity (such as name, date of birth, gender, or citizenship); and (3) the capability to collect, process and analyse PNR data and ensure PNR data is used by and shared with all competent national authorities.64

62 Security Council resolution 1373 (2001), para. 2 (g).
64 Security Council resolution 2396 (2017), paras. 11, 12 and 15.
4. International guiding principles

(a) Overview

In addition to international legal obligations resulted from the United Nations, there is a framework of additional rules and norms set out as recommendations and best practices that international forums and organizations have developed to strengthen the response of Member States to the phenomenon of FTFs. Some of the most comprehensive include:

- The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon (2014) and its Addendum (2015);
- The Malta Principles for Reintegrating Returning Foreign Terrorist Fighters (2016);


The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon is an initiative launched in 2014 by Morocco and the Netherlands within the framework of the Global Counter Terrorism Forum (GCTF). The aim of this initiative is to bring together practitioners and policymakers from a wide range of countries to share lessons learned, good practices and challenges in responding to the FTF threat.

The Memorandum identified 19 good practices to guide Governments in their policies to address the FTF threat. These goods practices focus on several aspects of the responses to the FTF threat, including:

- Detecting and intervening against violent extremism (good practices n°1 to n°5);
- Preventing, detecting and intervening against recruitment and facilitation (good practices n°6 to n°9);
- Detecting and intervening against travel and fighting (good practices n°10 to n°14); and
- Detecting and intervening upon return (good practices n°15 to n°19).

In 2015, an Addendum to this Memorandum focusing on returning FTFs was adopted. The Addendum provides additional recommendations, including:

- The reinforcement of cooperation and information-sharing between law enforcement, intelligence, border control and public prosecution services within and between States;
- Access to relevant databases by law enforcement and border agencies;
- Development and use of individual risk assessment tools to determine whether the returnee in question is (further) vulnerable to violent extremism and is receptive for rehabilitation;
- The need to develop tailored approaches when dealing with returnees, taking into account "the risk the individual poses with respect to the commission of a terrorist attack; the gravity and seriousness of the crime; the available evidence; motivational factors; the age of the returnee; the support network of family and friends; the impact on victims; and the public interest"; and
- Emphasis on close partnerships with local communities, civil society organizations (hereinafter “CSOs”) and private sector integrating rehabilitative measures beyond the criminal justice response in order to develop a comprehensive multidisciplinary approach in dealing with RFTFs.
The Malta Principles for Reintegrating Returning Foreign Terrorist Fighters (2016)

Chapter 2. Global Framework

The Malta Principles for Reintegrating Returning Foreign Terrorist Fighters is a joint initiative between the Hedayah Research Centre and the International Institute for Justice and the Rule of Law (IIJ). This initiative proposed 22 principles to guide Member States in their policies and programmes on the reintegration of returning FTFs. Some principles are worth highlighting here:

Principle 3: “Conduct effective assessments to determine the best approach for reintegration program needs.”

Principle 3 emphasizes that engagement with returnees should be individualized. Consequently, any reintegration programme “should be designed with individuals in mind, whether they serve FTFs returning from active combat, their families, or those in a country’s criminal justice system because they violated anti-terrorism laws.”

In this sense, it requires a tailored response understanding the individual FTF’s motivations, as well as considering risk assessment frameworks. Factors that may be considered in making this determination include: the risk of the returnee participating in a terrorist attack; the gravity of the returnee’s offence; the availability of evidence; motivational factors; the returnee’s age; the support network of family and friends; the impact on victims; and the public interest. Further, it may also be appropriate to implement custodial care or hospitalization for returnees with mental health issues.

Principle 6: “Law enforcement can play an instrumental role in successful reintegration efforts.”

Principle 6 underlines the important role of law enforcement in rehabilitation efforts, noting that: “Law enforcement officials could prepare a community engagement plan to help obtain trust and goodwill within communities and support partnerships with local leaders and organizations.” This principle emphasizes on the need to train and educate all law enforcement officers to understand and address the complexities of reintegration efforts.

Principle 7: “Reintegration programs should use a broad range of cross-disciplinary experts, with close coordination among relevant officials.”

Principle 7 stresses that rehabilitation strategies should be multidisciplinary. Psychologists, social workers, religious scholars, after-care experts, youth services, mental health services and, in particular, family members and community representatives all play a critical role in contributing to a successful rehabilitation. In this regard, government institutions, communities, families and individuals shall work together to carefully plan, structure and coordinate these efforts to maximize the effectiveness of reintegration measures.

Principle 19: “Develop aftercare programs, working in close partnerships with civil society organizations and communities.”

Principle 19 emphasizes the need to develop robust, individualized and effective after-care programmes that will facilitate the transition and provide an important support structure to continue to process of reintegration. In order to achieve the efficiency of after-care measures, a holistic approach shall be adopted. At the same time, multiple actors shall be involved, including law enforcement, civil society, service workers, families and communities, who exchange information on a regular basis.


The 2015 Madrid Guiding Principles constitute another additional practical tool for Member States. This instrument consolidates best practices for stemming the flow of FTFs, in accordance with Security
Council resolution 2178 (2014). The enumerated principles are the product of a Security Council Counter-Terrorism Committee (hereinafter “CTC”) special meeting, hosted by the Government of Spain in Madrid on 27 and 28 July 2015, alongside a series of related technical sessions organized by the Security Council Counter-Terrorism Committee Executive Directorate (hereinafter “CTED”).

The CTC special meeting was attended by Member States from every region of the world, including those most affected by the FTF threat. Relevant international and regional organizations, academia and civil society representatives also participated. Over the course of the meeting, participants identified a set of 35 guiding principles. The final document was eventually adopted by the Security Council in December 2015 (S/2015/939).

The 35 guiding principles are grouped into three themes:

• “Detection of, intervention against and prevention of the incitement, recruitment and facilitation of FTFs” (guiding principles n°1 to n°14);
• “Prevention of travel by foreign terrorist fighters, including through operational measures, the use of advance passenger information and measures to strengthen border security” (guiding principles n°15 to n°21); and
• “Criminalization, prosecution, including prosecution strategies for returnees, international cooperation and the rehabilitation and reintegration of returnees” (guiding principles n°22 to n°35).

In light of the evolving threat posed by returning FTFs and other principal gaps that may hinder States’ abilities to appropriately detect, interdict and, where possible, prosecute, rehabilitate and reintegrate returning FTF and returnees and their families, the Security Council, in resolution 2396 (2017) requested the review the 2015 Madrid Guiding Principles. Consequently, the 2018 Addendum to the 2015 Madrid Guiding Principles was developed.

The 2018 Addendum outlines 17 additional good practices to assist Member States in their efforts to respond to the evolving phenomenon of FTFs and RFTFs.

The 17 additional guiding principles of the Addendum espouses the following areas for intervention:

• “Border security and information-sharing” (guiding principle n°1 to n°3);
• “Preventing and countering incitement and recruitment to commit terrorist acts consistent with international law; countering violent extremism conducive to terrorism and terrorist narratives; risk assessments and intervention programmes” (guiding principles n°4 and n°5);
• “Judicial measures and international cooperation” (guiding principles n°6 to n°14); and
• “Protecting critical infrastructure, vulnerable or soft targets and tourism sites” (guiding principles n°15 to n°17).

(b) International legal framework and civil society

The Secretary-General’s Plan of Action on Preventing Violent Extremism states that “each Member State should consider developing a national plan of action to prevent violent extremism which sets national priorities for addressing the local drivers of violent extremism and, specifically, recommends Member States to facilitate and fund the implementation by government and non-governmental entities and promote public-private partnerships.”

To do so, the Secretary-General’s Plan of Action on Preventing Violent Extremism identifies a series of “community engagement strategies” which call upon Member States to, namely:

(i) Develop joint and participatory strategies, including with civil society and local communities, to prevent the emergence of violent extremism, protect communities and provide appropriate platforms for dialogue and the early identification of grievances;

(ii) Adopt community-oriented policing models and programmes that seek to solve local issues in partnership with the community and are firmly based on human rights;

(iii) Develop local and family-based mentorship programmes, based on a one-to-one relationship between mentor and mentee, focusing on vulnerable individuals or those who have been convicted of or charged with criminal acts related to violent extremism;

(iv) Provide medical, psychosocial and legal service support in communities that give shelter to victims of violent extremists, including victims of sexual and gender-based crimes;

(v) Encourage civic and professional associations, unions and chambers of commerce to reach out through their own networks to marginalized groups so as to address challenges together through inclusive dialogue and consensual politics;

(vi) Support the establishment of regional and global networks for civil society, youth, women’s organizations and religious leaders to enable them to share good practices and experience so as to improve work in their respective communities and promote intercultural and interfaith dialogue; and

(vii) Promote, in partnership with civil society and communities, a discourse that addresses the drivers of violent extremism, including ongoing human rights violations. Address any existing human rights violations, as a matter of both legal obligation and credibility.

This call to create solid partnerships within civil society and communities in terms of preventing and countering violent extremism in order to deliver a rounded and effective approach has been addressed on a number of occasions by the international community:

• Security Council resolution 1624 highlights “the importance of the role of the media, civil and religious society, the business community and educational institutions in fostering an environment that is not conducive to incitement of terrorism.”

• Resolution 2129 addresses the need to enhance partnerships with “international, regional and subregional organizations, civil society, academia and other entities in conducting research and information-gathering and identifying good practices” and “underscores the importance of engaging with development entities.”

• Resolution 2178 encourages Member States to “engage relevant local communities and non-governmental actors in developing strategies” to counter violent extremism; this is the first time that countering violent extremism is mentioned in a resolution adopted under chapter VII of the Charter of the United Nations.

• General Assembly resolution 70/291 encourages Member States "to engage relevant local communities and non-governmental actors, where appropriate, in developing tailored strategies to counter the violent extremist narrative that can incite recruitment to terrorist groups and the commission of terrorist acts and to address the conditions conducive to the spread of violent extremism as and when conducive to terrorism.”

• Resolution 2354 highlights that “efforts to counter terrorist narratives can benefit through engagement with a wide range of actors, including youth, families, women, religious, cultural and education leaders and other concerned groups of civil society.”
Lastly, resolution 2396 underscores "the importance of a whole-of-government approach and recognizes the role civil society organizations can play, including in the health, social welfare and education sectors in contributing to the rehabilitation and reintegration of returning and relocating foreign terrorist fighters and their families […] and encourages Member States to engage with them proactively when developing rehabilitation and reintegration strategies."

Therefore, it is also crucial that South and South-East Asian States consider this cooperation and collaboration with CSOs and communities when drafting their own national plans to prevent and counter violent extremism. States should allocate appropriate resources for these efforts (See chapter 4 for further development).

(c) Regional cooperation frameworks

Overview

As the movements of FTFs are transnational by definition, regional and cross-regional cooperation becomes a vital part of implementing the global counter-terrorism framework.

Both in South Asia and South-East Asia, regional bodies such as the South Asian Association for Regional Cooperation (hereinafter “SAARC”) and the Association of South-East Asian Nations (hereinafter “ASEAN”) provide a platform for regional cooperation on preventing and countering violent extremism and terrorism.

In ASEAN, the issue of terrorism was largely treated as one part of the wider transnational crime agenda up until the terrorist attacks on 11 September 2001, which marked a turning point from this approach. As early as October 2001, ASEAN ministers agreed that the work programme to implement the ASEAN Plan of Action to Combat Transnational Crime should have a particular focus on terrorism.66 The framework dealing specifically with terrorism prevention was set out by the ASEAN Heads of Governments through the adoption of the ASEAN Declaration on Joint Action to Counter Terrorism.67 The Declaration underlines the importance of strengthening regional and international cooperation to advance ASEAN’s efforts to fight terrorism and to enhance sharing of best practices and information/intelligence exchange.

In 2017, ASEAN adopted the Manila Declaration, which aims at countering radicalization and violent extremism leading to terrorism in all forms and manifestations, through means such as prevention of radicalization, financing, recruitment and mobilization of individuals into terrorist groups.68 Moreover, the Manila Declaration places a strong emphasis on deradicalization in rehabilitation and reintegration programmes, which shall be considered as an alternative to punitive measures.69

Reflecting on the 2015 Secretary-General’s Plan of Action to Prevent Violent Extremism, with emphasis on prevention-based tools and a comprehensive approach to address terrorism, including the development of plans of action on regional and national level, the Manila Declaration gave rise to the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (hereinafter “PoA PCRVE”) (2018-2025).

The ASEAN PoA PCRVE aims “to further strengthen the close cooperation among ASEAN Member States in preventing and countering the rise of radicalization and violent extremism.” The plan defines four actions/priority areas:

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67 ASEAN, “2001 ASEAN Declaration on Joint Action to Counter Terrorism”, 18 June 2012.
69 Ibid., para. 2.
1. **Prevention and Radicalization and Violent Extremism** encourages dialogue and conflict prevention; engaging communities; empowering youth and women; work with religious leaders; and developing early warning systems to prevent rise of radicalization.

2. **Counter Radicalization and Promote Deradicalization** emphasizing on the development of aspects of “deradicalization in rehabilitation and reintegration programmes as part of comprehensive measures to counter radicalization, violent extremism and terrorism to ensure that extremist individuals are ready to reintegrate into society as well as to prevent relapse and recidivism.”

3. **Law Enforcement and Strengthening National Legislation Related to Countering Radicalization and Violent Extremism** encouraging the: ratification of international instruments pertaining to terrorism; enhancing of domestic legislation in line with relevant Security Council resolutions; strengthening of the capacity of criminal justice professionals “to deter, investigate, prosecute and adjudicate cases related to radicalization and violent extremism”; and strengthening of the “capacity of correctional service officers to provide services, counselling and mentoring as part of deradicalization, rehabilitation and reintegration programmes of terrorist prisoners and detainees.”

4. **Partnership and Regional Cooperation** emphasizing the need to strengthen regional and international cooperation as well and on strengthening the “engagement with civil society, non-governmental organizations, academics, think-tanks, religious leaders and the media in preventing and countering radicalization and violent extremism.”

Similarly, in February 2009, the SAARC Council of Ministers adopted the Declaration on Cooperation in Combating Terrorism. The meeting also served as a platform for ministers to review existing cooperative terrorism prevention mechanisms including the SAARC Terrorism Offences Monitoring Desk, intelligence sharing and police cooperation. Some of the broadly drafted key measures endorsed in ASEAN and SAARC are summarized below:
### Table 6. Key provisions in regional declarations in South Asia and South-East Asia

<table>
<thead>
<tr>
<th>ASEAN Declaration on Joint Action to Counter Terrorism</th>
<th>SAARC Declaration on Cooperation in Combating Terrorism</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Review and strengthen national mechanisms to combat terrorism.</td>
<td>• Implement measures against organizing, instigating, facilitating, financing, fund raising, encouraging, tolerating and providing training for or otherwise supporting terrorist activities. Take appropriate practical measures, administrative and legal, to ensure that Member States’ territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.</td>
</tr>
<tr>
<td>• Call for the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism.</td>
<td>• Ensure the apprehension and prosecution or extradition of persons connected, directly or indirectly, with the commission of terrorist acts, subject to the provisions of our national laws and our international commitments towards this end, to extend cooperation, inter alia, through rendering mutual legal assistance.</td>
</tr>
<tr>
<td>• Deepen cooperation among front-line law enforcement agencies in combating terrorism and sharing “best practices.”</td>
<td>• Ensure that nationals of Member States or other persons and entities within Member States’ territories that commit or attempt to commit, facilitate or participate in the commission of terrorist acts are appropriately punished.</td>
</tr>
<tr>
<td>• Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism.</td>
<td>• Support the promotion of cooperation and exchange of information, consistent with the Member States’ respective domestic legal and administrative regimes, improve immigration and customs control measures to detect and prevent the international movement of terrorists and their accomplices and trafficking in arms, narcotics and psychotropic substances or other materials, intended to support terrorism and in this context, to consider the development of an integrated border management mechanism.</td>
</tr>
<tr>
<td>• Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organizations, their movement and funding and any other information needed to protect lives, property and the security of all modes of travel.</td>
<td>• Take steps to share expertise and information about terrorists, their movements, their support facilities and their weapons, bearing in mind in particular, the threats posed to maritime and coastal security and to share information regarding the investigation and prosecution of terrorist acts.</td>
</tr>
<tr>
<td>• Strengthen existing cooperation and coordination between the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorist acts. Particular attention would be paid to finding ways to combat terrorist organizations, support infrastructure and funding and bringing the perpetrators to justice.</td>
<td>• Contribute to the efforts in the General Assembly for the early adoption of the United Nations draft Comprehensive Convention on International Terrorism.</td>
</tr>
<tr>
<td>• Develop regional capacity-building programmes to enhance existing capabilities of ASEAN member countries to investigate, detect, monitor and report on terrorist acts.</td>
<td>• Urgently ratify and effectively implement the SAARC Convention on Mutual Legal Assistance in Criminal Matters.</td>
</tr>
<tr>
<td>• Discuss and explore practical ideas and initiatives to increase the role of ASEAN in and its involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavour.</td>
<td>• Strengthen the SAARC and the global regime against terrorism and to establish a High-Level Group of Eminent Experts to review and make proposals to further strengthen SAARC anti-terrorism mechanisms, including for pragmatic cooperation.</td>
</tr>
<tr>
<td>• Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.</td>
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</tbody>
</table>
Regional counter-terrorism conventions

By its very nature, investigating and prosecuting FTFs requires effective and fluid international cooperation and information exchange practices among Member States. The effectiveness of national criminal justice frameworks on investigating and prosecuting FTFs is inextricably linked to the effectiveness of international cooperation measures. Depending on the locality of the evidence, access may be granted through international, regional or bilateral, or informal cooperation.

In this context, SAARC was one of the first regional organizations to adopt a binding treaty against terrorism. SAARC Member States, as early as 1987, adopted the Regional Convention on Suppression of Terrorism\(^{70}\) as a regional agreement to counter, prevent and suppress terrorism. Following the attacks of 11 September 2001, which provided the impetus for the adoption of Security Council resolution 1373, the SAARC Additional Protocol to the Convention\(^{71}\) was adopted in 2004, incorporating requirements of resolution 1373 into the 1987 Convention. The two documents – the Convention (1987) and the Additional Protocol (2004) – should be read together as one document. Practitioners are encouraged to familiarize themselves with the Convention and the Additional Protocol.

Regional mutual legal assistance treaties

In 2007, ASEAN adopted the Convention on Counter-Terrorism\(^{72}\) that creates rules on applicable jurisdictions and mutual legal assistance and lists extensive areas of cooperation among ASEAN Member States. The architecture of the ASEAN Convention is intrinsically tied to 14 of the 19 international conventions and protocols on terrorism, as it defines criminal acts of terrorism as terrorism offences within the scope of those 14 instruments. In this regard, unlike the mentioned international instruments, the ASEAN convention does not create any new offences relating to terrorism. Rather, it serves as a framework for regional cooperation to counter, prevent and suppress terrorism among ASEAN Member States, complementing the international judicial cooperation framework led by the United Nations Convention against Transnational Organized Crime. The ASEAN convention establishes minimum requirements for cooperation, but also encourages Member States to go beyond these minimum requirements and forge closer collaborative relationships.

Besides the ASEAN Convention on Counter-Terrorism, ASEAN also adopted a Treaty on Mutual Legal Assistance in Criminal Matters.\(^{73}\) While the focus of the ASEAN Counter-Terrorism Convention is primarily on establishing criminal jurisdiction over terrorist offences, the Treaty on Mutual Legal Assistance deals with cooperation to support investigation and prosecution, such as the gathering and sharing of evidence or the execution of search and seizures. In that context, matters related to extradition fall within the scope of the ASEAN Convention on Counter-Terrorism.

While these instruments serve as a basis for international cooperation on various terrorism-related matters, they may not cover the entire spectrum of international cooperation and information exchange needs and requirements arising in the course of the investigation, prosecution and adjudication of FTF cases. In other cases, even where assistance requests fall within the coverage of these instruments, it may not necessarily be the most efficient means of requesting and obtaining such assistance. Law enforcement personnel should consider the full range of options available at their disposal, including

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\(^{70}\) SAARC Regional Convention on Suppression of Terrorism, (signed 4 November 1987, entered into force on 22 August 1988).


\(^{73}\) The ASEAN MLAT was adopted in November 2004. All 10 ASEAN Member States have ratified the treaty. The full text is available at http://agreement.asean.org/media/download/20160901074559.pdf.
informal cooperation, bilateral agreements and other multilateral agreements, to ensure timely and effective responses to the phenomenon of FTFs.

In that context and considering the practical difficulties experienced by ASEAN Member States, the Manila Declaration and the ASEAN PoA to PCRVE (2018-2025) have underscored the need to enhance and strengthen both regional and international cooperation related to cases of radicalization and violent extremism leading to terrorism.74

In turn, in 2008, SAARC adopted the Convention on Mutual Assistance in Criminal Matters enabling Member States to request, receive and provide each other with the widest possible measures of mutual legal assistance in criminal matters. The Mutual Assistance Convention is not yet in force, as it requires formal ratification by all Member States.75 Entry into force of the SAARC Mutual Legal Assistance Treaty will provide Member States with a regional Mutual Legal Assistance (hereinafter “MLA”) framework allowing Member States to make requests to one another, including for locating and identifying persons, obtaining information, evidence, search and seizure and measures to locate, freeze and confiscate funds, among other forms of rendering mutual assistance. However, the scope of such assistance would not extend to extradition matters, although a State Party allows for other types of movements of FTFs under state custody such as temporary transfers of detained individuals to a requesting State to assist in investigations or to testify provided the individual consents to such an arrangement.

While the SAARC Mutual Assistance framework may, upon entering into force, be useful for the purpose of investigating cases involving FTFs, the framework governing the extradition of individuals suspected of FTF offences will continue to be found outside any regional framework, including the 1987 Convention, the 2004 Additional Protocol, bilateral agreements and extradition requests granted on the basis of reciprocity or otherwise. For that purpose, bilateral or international instruments like the United Nations Convention Against Transnational Crime76 might be considered.

For more information on mutual legal assistance, see also:
• The website of the Official Portal of Secretariat for the Treaty on Mutual Legal Assistance in Criminal Matters among Like-Minded ASEAN Member Countries;77
• Compendium of Bilateral and Regional Instruments for South Asia (International Cooperation in Criminal Matters), 2015 (Volumes I and 2);78 and
• Counter Terrorism Legal Training Manual Module 3: International cooperation in criminal matters: counter-terrorism.79

Further reading
UNODC has developed the following tools:
• Guide to Mutual Legal Assistance from East Asia and the Pacific Region; and
• Mutual Legal Assistance Request Writer Tool.


74 ASEAN, Manila Declaration, para 4.7. See also ASEAN, ‘ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation and Violent Extremism’, section V, part 3, para. 3.9.
75 As of December 2017, 5 of 8 SAARC Member States are parties to the Convention.
76 General Assembly resolution 55/25 (2000), art. 16.
Chapter 3

Online investigation of offences related to foreign terrorist fighters

Computers and the Internet are now one of the key features of modern terrorism investigations. Each can be used in the commission of crime, can contain evidence of crime and can even be targets of crime.

There are a number of official publications available that discuss online investigations and e-evidence, including:

- UNODC/ C TED/ IAP publication: “Practical Guide for Requesting Electronic Evidence Across Borders” (2019);
- UNODC publication: “The use of the Internet for Terrorist Purposes” (September 2012);
- The European Union Council of Ministers Preparation of the Council meeting (Justice Ministers) report: “Collecting E-evidence in the digital age - the way forward” (4 November 2015);
- The United Kingdom Association of Chief Police Officers publication: “Good Practice Guide for Digital Evidence Electronic Evidence” (March 2012);

All of the above-mentioned documents are available online and are referenced when relied on in the text.

The trend towards increased dependency on communication and data networks, storage of information within the cyberdomain, alongside a lack of robust mutual consent between countries on the effective control of operations in that domain, presents evolving challenges to law enforcement and prosecutorial authorities in combating the threat posed by terrorism. Terrorists, being resourceful, creative and flexible, have been among the first groups to exploit these new technologies for criminal purposes.

80 Available at www.iso.org/standard/44381.html.
In 2014, Charles Lister, a terrorism expert at the Brookings Institute said:

“In many ways, Syria has revolutionised the jihadist use of PR and the jihadist’ use of information – the dominance of social media to communicate, stay connected, provide statements – and for people to have their own accounts has been profound. I don’t think any other conflict has come anywhere near the quantity or scale of social media use we are seeing in Syria. This effect is going to continue for years to come [...] it has been hugely valuable in terms of recruitment.”


In truth, the digital revolution is redefining all aspects of society and crime is no exception. Criminals, including terrorists, exploit technology more and more in planning and committing offences. This means authorities need to increasingly rely on e-evidence for prosecutions and convictions. In the United Kingdom of Great Britain and Northern Ireland, for instance, evidence used in court has included Skype conversations, photographs of training camps, as well as photographs taken in the Syrian Arab Republic on a mobile phone.\(^\text{81}\)

At the apogee of ISIL in Iraq and the Syrian Arab Republic, the spread of radicalization on social media was a serious cause for concern. Reports suggest that in 2015, the group controlled around 90,000 Twitter accounts targeting and recruiting young people into a war where hashtags became the new weapons.\(^\text{82}\) Apart from the borderless nature of the Internet, there is an important transnational dimension of extremist online content owing to factors such as shared languages, key influencers and diaspora links.

Alongside other groups, ISIL members have proven difficult to track due to their use of technological tools, such as encryption applications, social media platforms and encrypted instant messaging platforms. In 2015, it was reported that ISIL provided a 34-page guide to operational security for recruits.\(^\text{83}\) The guide was originally prepared, in Arabic, for journalists and activists in Gaza by a Kuwaiti security firm and later adapted by ISIL.

Among other things the guide details how to keep communications and location data private as well as providing links to dozens of privacy and security applications and services such as:

- The Tor Browser, the Tails operating system (see below);
- Cryptocat, Wickr and Telegram encrypted chat tools;
- Hushmail and ProtonMail; and
- RedPhone and Signal for encrypted phone communications.\(^\text{84}\)

For instance, the Tor browser is a web browser that is often referred to along with the deep or dark web, a part of the Internet that is not indexed by search engines such as Google and that encrypts connections to disrupt the possibilities of tracking web activity.\(^\text{85}\) ISIL sympathizers also continue to invest in

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resources promoting open-source tools which ensure the anonymity of communication on sites (including some on the Darknet) in order to safeguard those accessing online terrorist propaganda.\[86\]

Studies have indicated communications through “normal” channels (email etc.) using secret encoding techniques such as steganography and hidden watermarking may also remain options.\[87\]

These techniques, when employed with encryption, create serious challenges for intelligence and evidence gathering and building prosecution cases. One example of this can be found in the 2017 case of a man in the United Kingdom convicted for, inter alia, being a member of ISIL and terrorist training. The convict had set up an online self-help guide for terrorists with techniques on encryption and ways to avoid detection from police and security services. He had also published instructional videos on how to secure sensitive data and remain anonymous online.\[88\]

The software included:

- **Tails Operating System** – a secure operating system that “boots” from a USB drive and leaves no trace on a computer unless explicitly set up to do so. All outgoing connections to the OS are forced through “The Onion Router” (Tor – see below) and therefore anonymous. Non-anonymous incoming connections are blocked.

- **ZeroNet** – a peer-to-peer network that allows the creation of websites that are virtually impossible to censor or take down as contents are stored on multiple users’ computers, rather than on a server.

- **VeraCrypt** – a software which creates an encrypted volume on a hard drive, hidden within another volume. Thus, a suspect can willingly give up passwords to access a device in the knowledge that the hidden volume cannot be seen.

### A. Online investigations

The capability to effectively carry out online investigations based on electronic content, activities and platforms is increasingly becoming an essential element to ensure prosecutions. Of course, these types of investigations are just one aspect of a successful prosecution and complement established, traditional methods as well as other special investigative techniques, such as undercover operations.\[89\]

The Internet is a huge system of interconnected computer networks. It consists of millions of private, public, academic, business and government networks, linked by a broad array of electronic, wireless and optical networking technologies. These links are possible due to a number of global protocols, one of the most important of which, for an investigator, is the “Internet Protocol” (IP). The “worldwide web” (www) is an information space where documents and other resources can be accessed on the Internet. At the time of development of the “web”, three specifications for web technologies were

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87 Steganography is data hidden within data – hiding a text file within an image, for instance. Steganography is an encryption technique that can be used along with cryptography as an extra-secure method by which to protect data. Hidden watermarking is typically used to identify ownership of the copyright of such signal. “Watermarking” is the process of hiding digital information in a carrier signal; the hidden information should, but does not need to, contain relation to the carrier signal. Digital watermarks may be used to verify the authenticity or integrity of the carrier signal or to show the identity of its owners. It is prominently used for tracing copyright infringements and for banknote authentication.


defined: "Uniform Resource Locator" (URL); "Hypertext Transfer Protocol" (HTTP); and "Hypertext Markup Language" (HTML).

The basis for Internet communication is a process of assigning an address to each device attached to the Internet. This address allows a device to connect and communicate with any other connected device. This scheme is commonly referred to as the IP address, which can be compared to something like a postal code or a phone number. It allows a person to address a package and drop it in the system. Delivery of the package is guaranteed by the other part of the communication protocol, known as the "Transmission Control Protocol" (hereinafter "TCP"). TCP is one of the main protocols in TCP/IP networks. Whereas the IP deals only with packets of data, the TCP enables two hosts to establish a connection and exchange streams of data. TCP not only guarantees delivery of data, but also that the data packets will be delivered in the same order in which they were sent.

An IP address identifies a device and its location anywhere in the world. There are two versions of an IP address: "IPv4" and "IPv6". "IPv4" was created in 1983 and uses a 32-bit address scheme, allowing for the possibility of over 4 billion addresses. But the massive growth of the Internet and the quantity of connected devices means that the number of unused IPv4 addresses will eventually run out. Due to the fact that each connected device requires a unique address, the new Internet addressing system, Internet Protocol version 6 ("IPv6"), is being deployed to fulfil the need for more Internet addresses. At the time of writing, IPv4 and IPv6 are both operating simultaneously.

In order to handle the problem of potential exhaustion of addresses, "Internet Service Providers" (ISP) assign dynamic IPv4 addresses. This means that an IP address probably changes periodically – most likely each time there is a connection to a different network. Devices that go offline relinquish their IP addresses so they can be used by others. In layman terms, you rent but do not own your IP address. This significantly slows down the depletion of IPv4 addresses.90

**What do IP (v4 and v6) addresses look like?**

A 32-bit numeric address (IPv4) is written in decimal as four numbers separated by full stops. Each number can be zero to 255. For example, 1.160.10.240 could be an IP (v4) address.

IPv6 addresses are 128-bit IP address written in hexadecimal91 and separated by colons. An example IPv6 address could be: 3ffe:1900:4545:3:200:f8ff:fe21:67cf.

The two IP versions will run in tandem for some time in the future, so investigators can expect to see both versions during their research.

There are two ways in which a device can be allocated an IP address when it connects to the Internet – either with a dynamic or a static allocation:

- A static IP address is normally allocated, for instance, to a server providing a service such as a web page. Assigning a static (or permanent) address allows devices to return to that same location on the Internet.
- Dynamically assigned addresses are done through a process called "Dynamic Host Configuration Protocol" (hereinafter "DHCP"). This protocol consists of software running on a server or router, for example, that determines the assignment of IP addresses to other devices in the network. Effectively, the DHCP assigns the address out of a pool of addresses. This becomes part of the investigation trail that needs to be followed.

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90 Paul Bischoff, "IPV6 vs IPV4: what are they, what’s the difference, which is the most secure?", Comparitech, 11 January 2019. Also see: "IPv6 Explained for Beginners", 30 August 2020, available at www.steves-internet-guide.com/ipv6-guide/.

91 Hexadecimal is an easier way to represent binary values in computer systems because they significantly shorten the number of digits, as one hexadecimal digit is equivalent to four binary digits.
Once an IP address has been identified, an Internet search will reveal the "Internet Service Provider" (hereinafter "ISP") through which the device associated with the IP is connected to the Internet. As all ISPs are based on subscriptions to the company, these companies have records of every subscriber’s Internet activities.

The timeframe that ISPs retain data from subscribers varies; therefore, the investigation must move quickly. Investigators can make a formal request to the ISP requesting that they preserve the data in question while a subpoena, warrant, or court order is made requiring production of the records.

However, due to the finite number of IPv4 addresses, as discussed above, another technology employed by ISPs to address this shortage of IPv4 addresses could have serious implications for investigations until the full availability of IPv6. "Carrier Grade Network Address Translation" (CGN) technologies are being used by ISPs to share one single IP address among multiple subscribers at the same time (several thousands). It has therefore, potentially, become technically impossible for ISPs to comply with legal orders to identify individual subscribers. In a criminal investigation, an IP address is often one of the only elements that can be obtained to link a crime to an individual.92

There is no common data retention policy in place in, for instance, Europe and in some jurisdictions, ISPs have the discretion to decide on data retention time frames. Some ISPs retain data for 6 months, some for 2 months and some for as little as 14 days. However, in some States there are mandatory data retention requirements. Investigators can make a formal request to the ISP requesting that they preserve the data in question while a subpoena, warrant, or court order is made requiring production of the records.93

Gaining access to digital data, however, is not always straightforward as the data is often saved in another country. Within the European Union, new rules proposed by the European Union Commission are designed to speed up access to e-evidence saved in another Member State. These new rules (which are currently a work in progress) would allow judicial authorities from one European Union country to directly request access to e-evidence from a service provider in another European Union country. This would fast-track the access request as there would be no need to go through the authorities in the other Member State.94

At the same time, criminal justice authorities may have easier access to cloud data in the United States as the European Union Commission intends to negotiate with the Government of the United States on participation in the United States’ "Clarifying Lawful Overseas Use of Data (CLOUD) Act" 2018.95

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92 For more information see EUROPOL, "Are you sharing the same IP address as a criminal? Law enforcement call for the end of carrier grade NAT (CGN) to increase accountability online", press release, 17 October 2017.
1. **What is an online investigation?**

It is important to consider the term “online investigation” which could cover a number of activities, including:

- **Covert intelligence operations** (monitoring known or suspected terrorist sympathizers prior to criminal proceedings): normally this type of task falls under the competence of law enforcement or intelligence officers and, as such, will not be discussed in this document.

- **Online Undercover operations**: these are fully authorized covert activities by specially trained law enforcement officers. This type of the Internet investigation will not be covered in this document as it is governed by domestic legislation and therefore differs across jurisdictions.

- **Open source intelligence gathering (OSINT)**: this includes general research on the Internet. Such information is available to anyone without the need for a surveillance authority, subpoena, or warrant.

2. **Open Source Investigations (OSINT)**

There is a public expectation that the Internet will be subject to routine “patrol” by law enforcement authorities, even though it only concerns accessing open-source information. As a result, many bodies engage in proactive attempts to monitor the Internet and to detect illegal activities. In some cases, this monitoring of open-source data could evolve into full-fledged “surveillance.” In such circumstances, investigators should refer to their respective legislation for the appropriate authority to continue.

Investigators should always ensure that they are using an anonymous, stand-alone computer when surfing the Internet for this purpose. There are, more than likely, policies and procedures in place to cover investigators’ open-source activity, but some techniques to consider include:

- **Virtual Private Networks (VPN)**: a VPN extends a private network across a public network, such as the Internet. It enables users to send and receive data across shared or public networks as if their computing devices were directly connected to the private network. A VPN user thus benefits from the functionality, security and management policies of the private network.96

- **Pay-as-you-go Subscriber Identity Module (SIM) cards**: use of a cellular phone network from a local provider to access the Internet, using a different SIM card each time the Internet is accessed.

- **The Onion Router (Tor)**: Tor is a free software which enables anonymous communication, for all users, including investigators. Tor directs Internet traffic through a free, worldwide, volunteer network consisting of more than seven thousand relays which conceal a user’s location and usage from anyone conducting network surveillance or traffic analysis. Using Tor makes it more difficult for Internet activity to be traced back to the user.97 This includes “visits to websites, online posts, instant messages and other communication forms.”98 Tor is intended to protect the personal privacy of users, as well as their freedom and ability to conduct confidential communications, by preventing their Internet activities from being monitored.

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• **Proxy servers:** in computer networks, a proxy server is a server (a computer system or an application) that acts as an intermediary for requests from clients (in this case, the investigator’s computer) seeking resources from other servers.99

When carrying out open-source research, investigators should ensure that IP addresses are changed each time they log on to the Internet. Ideally, they should be choosing which IP address is associated with the device they are using to connect to the Internet.

It is highly desirable that investigators tasked with open-source investigations are suitably trained in order to ensure the integrity of their work and the security of the computer network through which that research is carried out. Without such cover, the investigator may be disclosing over the Internet who they are, where they are and who they work for; thus, hampering any future investigations.

3. Social media

Social media applications can be powerful tools for monitoring events and/or people for intelligence or investigation purposes. It should be stressed that OSINT relates to open information, freely posted by individuals or groups to the Internet and available without the need to access restricted areas of the world wide web. For instance, so-called “closed forums”, which are password protected and moderated by nominated users and would, more than likely, require surveillance authorities or warrants prior to an investigation. The veracity of open-source data should be treated with care. In practice, the analysis of information obtained by means of OSINT and in particular the application of the international standards on the level of trust and certainty of the data, is always desirable before action is considered.

The use of the internet and social media for terrorism purposes should not be underestimated. To give some idea of the scale of the challenge, social media analysts estimate that 194,444 tweets are sent in one minute, equating to 280 million tweets per day.100

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Case of online radicalization

Abu Ayad, an Iraqi who joined ISIL in 2016 told researchers of the International Centre for the Study of Violent Extremism (hereinafter “ICSVE”) that he had watched ISIL videos on Twitter and Facebook to positively solve his financial problems.

He stated that he watched about 10 videos and listened to what was said, claiming that he fast-forwarded through the scenes that included killings. He found the videos compelling. He later contacted the publisher(s) of the videos via Twitter or Facebook and eventually went on to join ISIL. According to Iraqi security officials, Abu Ayad volunteered to become a suicide bomber, although he disputes this report.

ICSVE was able to identify more than 500 Facebook profiles between the period September 2018 to January 2019. All of them were either distributing, endorsing, or positively discussing ISIL propaganda materials – demonstrating the difficulty in taking down these pages where use of foreign languages making it harder to detect terrorist activity.

ICSVE also details how terrorists have learned to alter their methods to avoid detection and take-down. Within the 500 Facebook profiles ICSVE were able to identify, most users made use of coded names for words that a bot would easily detect. For example, the word ‘jihād’ in Albanian is spelled as “Xhihad” was written on the Facebook pages as “Xh1had” and the word “minaret” was written as “M1nar3t”.

Followers of the Facebook pages were also encouraged to move from Facebook on to the encrypted Telegram platform possibly in order to avoid law enforcement attention.


4. Online tools

There are other online search tools that are available to the investigator and worthy of consideration when embarking on OSINT research:

- Intel Techniques: a commercial OSINT training portal that offers a list of online Internet search tools.  

- NetBootCamp: a learning and resource website focused on online investigation skills and techniques. The content is intended for law enforcement officers, corporate investigators, private investigators, analysts, prosecutors and attorneys. NetBootCamp also provides a number of online search tools.

* An Internet bot, web robot or simply a bot is a software application that runs automated tasks over the Internet.
CHAPTER 3. ONLINE INVESTIGATION OF OFFENCES RELATED TO FOREIGN TERRORIST FIGHTERS

- **Research Clinic**: a free resource featuring Internet research links, training and apps in support of open-source intelligence.\(^{103}\)
- **OSINT Framework**: offers a flow chart to help focus the gathering of information from free tools or resources.\(^{104}\)
- **The Open Source Intelligence Tools and Resources Handbook 2018**: offers a comprehensive list of tools to help investigators explore social media information.\(^{105}\)
- **Intelligence X**: Offers free to use open-source intelligence and forensic tools for investigators.\(^{106}\)

Many users of social media create an alias as their username. Often this alias will be used across a variety of platforms. In many cases, investigators can discover what aliases a person uses by simply searching for the person’s real name. Twitter, for example, will show a username associated with a person’s real name. “CheckUserNames”\(^{107}\) is also a useful tool for finding other sites where a particular username might appear.

Smartphones often tag pictures with “Global Positioning System” (hereinafter “GPS”) coordinates (known as a “GeoTag”), which enable identification of where a picture was taken by looking inside its “Exchangeable Image File Format” (hereinafter “EXIF”) data.\(^{108}\) An example of how EXIF data is displayed using freely available online software,\(^{109}\) is shown below:

![Figure I. Example of EXIF data](https://example.com/figure1.png)

**Note:** EXIF information is deleted from photographs uploaded to Facebook, Twitter and Instagram to name a few, but can often be preserved on other platforms (for instance Photobucket).

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\(^{103}\) For more information see the website of Research Clinic, available at http://researchclinic.net/.

\(^{104}\) For more information see the website of OSINT Framework, available at https://osintframework.com/.


\(^{106}\) Available at https://intelx.io/tools.

\(^{107}\) For more information see the website of CheckUserNames, available at https://checkusernames.com/.

\(^{108}\) The standard that specifies formats for images, sound and ancillary tags used by digital cameras (including smartphones), scanners and other systems handling image and sound files recorded by digital camera.

\(^{109}\) Available at http://exif.regex.info/exif.cgi.
Finding people who visit certain websites can be difficult. For example, many sites (especially blogs) do not have a built-in “user search” function that shows all pages where the subject has left a comment or created a profile. It is, however, possible to perform the following search in Google, which will show all comments made by an individual on whatever website is searched for:

```
site: [domain.com] "[John Doe"] says:
```
(replacing the domain.com and John Doe with name of the site and subject’s name/nickname).

For example, if you were to type into Google the following:
```
site: twitter.com “United Nations” says: “worldradioday”
```
This will return a list of tweets from the United Nations official Twitter site regarding World Radio Day.

This can be useful for building a suspect’s profile. People often mention personal details in comments, such as the city they may be visiting, websites they frequent, or places where they spend time. Tagging locations that are of public access make private information partially public to the world wide web, leaving some space for surveillance from the outside a closed social network. This a good source of additional leads and a chance to apply other investigative techniques.

There are many social media platforms other than the more well-known names, but nevertheless worthy of consideration in open-source intelligence gathering. The website "Social Media List" provides the top 200 networks worldwide and is regularly updated.110

5. Facebook

Facebook is the most popular social networking site in several English-speaking countries, including Canada, the United Kingdom and the United States. In regional Internet markets, Facebook penetration is reported to be highest in North America, followed by Middle East-Africa, Latin America, Europe and Asia-Pacific. Facebook penetration in selected South Asia and South-East Asia jurisdictions vis-à-vis Internet use by mid-2020 is set out in the table below:111

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Internet usage/penetration (% of population)</th>
<th>Facebook usage/penetration (% of population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>99,984,000 / 60.7%</td>
<td>33,713,000 / 20.5%</td>
</tr>
<tr>
<td>India</td>
<td>56,000,000 / 40.6%</td>
<td>251,000,000 / 18.2%</td>
</tr>
<tr>
<td>Indonesia</td>
<td>175,400,000 / 64.1%</td>
<td>136,960,000 / 50.1%</td>
</tr>
<tr>
<td>Malaysia</td>
<td>26,353,017 / 81.4%</td>
<td>22,000,000 / 68.0%</td>
</tr>
<tr>
<td>Maldives</td>
<td>370,000 / 68.4%</td>
<td>320,000 / 59.1</td>
</tr>
<tr>
<td>Nepal</td>
<td>16,190,000 / 55.6%</td>
<td>8,700,000 / 29.8%</td>
</tr>
<tr>
<td>Philippines</td>
<td>79,000,000 / 72.1%</td>
<td>62,000,000 / 57.4%</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>7,169,533 / 33.5%</td>
<td>5,500,000 / 25.6%</td>
</tr>
<tr>
<td>Asia (as a whole)</td>
<td>2,366,221,308 / 55.1 %</td>
<td>832,336,400 / (not available)</td>
</tr>
<tr>
<td>World</td>
<td>4,649,872,781 / 59.6 %</td>
<td>2,269,211,635 / (not available)</td>
</tr>
</tbody>
</table>

110 For more information see the website of Social Media List, available at https://socialmedialist.org/social-media-apps.html.
After registering to use Facebook, users can create a user profile, add other users as “friends”, exchange messages, post status updates and photos, share videos, use various apps and receive notifications when others update their profiles. Additionally, users may join common-interest user groups organized by their workplace, school, or other characteristics and then categorize their friends into lists such as “people from work” or “close friends”.

Privacy
Facebook enables users to choose their own privacy settings and who can see specific parts of their profile. The website is free to its users and generates revenue from advertising, such as banner advertisements. Facebook requires a user’s name and profile picture (if applicable) to be accessible by everyone. Users can control who sees other information they have shared, as well as who can find them in searches, through their privacy settings.

Facebook Graph searching
Following recent data protection issues, Facebook has disabled the Graph Search facility, making it more difficult to freely search for users of the site when only an email or telephone number is known.

However, there are tools available online that can assist in researching Facebook data. Most require some degree of advanced Internet knowledge. However, there are user-friendly tools available, such as Intelligence X, for instance.112

Moreover, using Facebook’s own search engine, various pieces of additional information can be found. For example, people can access a list of publicly viewable photographs that people have ‘liked’ and read comments that have been posted. Also, by using the unique ID code that every page on Facebook has, additional means of research beyond mere word searches are possible. For instance, if research is being carried out on someone with the name “William” who live near Edinburgh, one can type “People named ‘William’ who live near Edinburgh, Scotland” in the Facebook search bar.

6. Images
There are a number of Internet tools that allow image searches in order to establish where else the pictures may appear. This is known as reverse image searching and is particularly useful in cases where people use the same profile picture on various websites and social networks. An example of those tools might be:

- **Tineye**: upload a saved image and follow on-screen instructions.113
- **Google Images**: click on the camera icon in the search window to upload the image for searching. Google will then show you addresses of other pages where your chosen image appears, e.g., Twitter accounts, blogs and personal websites.114

Facebook itself provides guidelines for law enforcement officers on its website entitled “Information for law enforcement authorities.” These guidelines outline procedures for investigators who may be seeking records from the website.115

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113 See website of Tineye, available at www.tineye.com/.
115 Available at www.facebook.com/safety/groups/law/guidelines/.
7. **Twitter**

Twitter is an online social networking service (micro-blog) that enables users to write and read short messages called “tweets.” Registered users can read and post tweets, while those who are not registered can only read them. Users access Twitter through the website interface, SMS, or mobile device app. In 2020, Twitter had more than 310 million international users. Roughly 42 per cent of Twitter users are on the platform daily.116

Users can group posts together by topic or type by using “hashtags”: words or phrases prefixed with a “#” sign. Similarly, the “@” sign followed by a username is used for mentioning or replying to other users. To repost a message from another Twitter user and share it with their own followers, a user can click the retweet button within the tweet.

Social media represents a powerful instrument in terrorist propaganda efforts, as demonstrated by a report in 2015 in which it was estimated that there were approximately 46,000 Twitter accounts operating on behalf of ISIL.117

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**Case Study – United Kingdom**

In 2014, a court of the United Kingdom convicted a national FTF for terrorism based on his travelling to the Syrian Arab Republic to join a jihadi training camp. His intention to participate in terrorism activity was evident throughout his conversations with another foreign fighter and his very active social media activity where he stated his intentions to become a martyr. The investigation, called “Operation Road”, exposed that he posted around 10,000 messages (tweets) in the region and had 3,000 accounts listed as “followers”. He was the first FTF to be convicted in the United Kingdom related to the conflict in the Syrian Arab Republic.


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**8. Privacy and security**

According to the rules of this platform, Twitter messages are public, but users can also send private messages. Information about who has chosen to follow an account and who a user has chosen to follow is also public, though accounts can be changed to “protected” which limits this information (and all tweets) to only approved followers.

However, Twitter collects personally identifiable information about its users and shares it with third parties as specified in its privacy policy. This could be a source of information to be reached by court order request.

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117 Berger and Morgan, “The ISIS Twitter Census”.
9. Twitter investigations

The first thing to understand in conducting Twitter investigations is that Twitter search results are divided into several sections. It is possible to switch between the following categories within the application itself: People, Images, Tweets and Videos.

Results are determined by Twitter’s search algorithms and one of the first results returned after a search will be the “top” tweets (i.e. the most popular). If a more stringent search is required, be sure to click “All.”

- **Location-based search:** searches can be carried out for tweets that come from or are near to a certain location. E.g. Type “near:NYC within:5mi” to return tweets sent within five miles of the New York City.

- **Search for tweets with links:** if only tweets that contain links are required, add “filter:links” to your search phrase.

- **Search for tweets from a certain user:** if a keyword search for data from one particular person is required, type “from:[username]” to search within his or her stream.

- **Search up to/from a date:** it is possible to search Twitter for content up to and after certain dates. Typing “since:2012-09-20” will show tweets sent since 20 September 2012, while “until:2012-09-20” will show those sent up to the same date.

- **Search for tweets from certain sources:** if an investigator is searching for tweets sent via SMS, or from a particular Twitter client, the “source” search operator should be used. For example, “source:txt” will bring up tweets sent via SMS.

All these operators can be found on Twitter’s “Advanced Search” page, many of which are provided there in a template for ease of use.¹¹⁸

Basically, Twitter could be seen as an Internet version of mobile telephone SMS texts. Researching such a potentially vast number of messages and connections can seem a daunting task. The company (Twitter) does provide guidelines for investigators on procedures for seeking records.¹¹⁹

There are a number of free to use online tools available to assist investigations, including, for example:

- **TweetBeaver** – provides useful, free Twitter analytics and allows investigators to search and download timelines and identify friends, followers and Twitter IDs. Allows results to be downloaded into Excel files to assist further analysis.¹²⁰

One useful commercial tool for downloading and analysing the mass of data available on Twitter is NodeXL,¹²¹ which is an open-source template for Microsoft Excel that works by integrating data pulled from a Comma Separated Value (CSV) file into an informative network graph in order to, for instance, create a visual representation of your tweets from any chosen period.

There are numerous programs available (commercial and freeware) that can assist in analysing mass data. For instance, a number of Twitter accounts that are interconnected and that distribute messages across the globe. Many of these programs provide a “picture” of a network of connections and can assist in identifying key individuals in that network, i.e., those that are best placed to reach out to the

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¹²¹ Available at https://nodexl.com/.
network and those who may be targeted to disrupt the effectiveness of a given network. One of the most widely used tools for online network investigations is a commercial analysis program made by Paterva called Maltego.122

Alongside the analytical tools already discussed, there is also the possibility to use this mass data to map a social network (“Social Network Analysis”, hereinafter “SNA”). SNA provides a visualization of a network and, through a series of algorithms, works out a particular person’s place in his or her network. The term used in SNA is the “centrality measure”, i.e. how “central” to the group a person is in terms of influence, access, direct contact and as a go-between. An example of a centrality measure is “Betweenness”, which measures how likely a person is to be the most direct route between two people in the network. In more concrete terms, “Betweenness” may indicate the person in a network through whom a large amount of information is likely to flow.

Figure III. Centrality measure

<table>
<thead>
<tr>
<th>Centrality measure</th>
<th>Interpretation in social networks</th>
<th>Analogous example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree</td>
<td>How many people can this person directly reach?</td>
<td>In networks of music collaborations: How many people has this musician collaborated with?</td>
</tr>
<tr>
<td>Betweenness</td>
<td>How likely is this person to be the most direct route between two people in the network?</td>
<td>In networks of spies: Who is the spy through which most confidential information is likely to flow?</td>
</tr>
<tr>
<td>Closeness</td>
<td>How quickly can this person reach everyone in the network?</td>
<td>In networks of friends: How fast will a virus spread from this person to the rest of the network?</td>
</tr>
<tr>
<td>Eigenvector</td>
<td>How well is this person connected to other well-connected people?</td>
<td>In networks of paper citations: Who is the author that is most cited by other well-cited authors?</td>
</tr>
</tbody>
</table>

An excellent example of the power of SNA can be found in a paper by Dr. Valdis E. Krebs, who produced an analysis of the 9/11 hijack teams purely from open-source information (mainly news articles), as this article was written before the existence of Twitter and Facebook.123

His results come remarkably close to the actual position within the network for each of the hijackers.

122 Available at www.maltego.com/ce-registration/?utm_source=paterva.com&utm_medium=referral&utm_campaign=301.
123 Valdis E. Krebs, ”Uncloaking Terrorist Networks”, First Monday, vol. 7, No. 4 (1 April 2002).
Figure IV. Analysis of the 9/11 highjack teams

- Majed Moqed
- Hani Hanjour
- Khalid Al-Mihdhar
- Ahmed Al-Haznawi
- Ziad Jarrah
- Satam Suqami
- Ahmed Alghamdi
- Ahmed Alnami
- Nawaf Alhazmi
- Saeed Alghamdi
- Salem Alhazmi
- Mohamed Atta
- Abdul Aziz Al-Omari
- Waleed Alshehri
- Wail Alshehri
- Mohand Alshehri
- Marwan Al-Shehhi
- Hamza Alhamdi
- Fayez Ahmed
- Ziad Jarrah

Colors:
- Green: Flight AA #11 crashed into WTC North
- Orange: Flight AA #77 crashed into Pentagon
- Blue: Flight UA #93 crashed in Pennsylvania
- Pink: Flight UA #175 crashed into WTC South
ISIS and Twitter – research

A more recent example of social network research and analysis, that exploits the mass data now available through social media, is available through a group called “Towards Science Data.” The research paper How ISIS uses Twitter looked at data collected from 2015 to 2017 containing 17,000 tweets from over 100 pro-ISIL accounts. The resulting social network analysis graphs are, on first view, a mass of bewildering connections that require deeper analysis in order to gain an insight into the significance of the data.

Identifying key ‘authorities’ in a network allows monitoring efforts to better target those who are most influential. ‘Hubs’ within a network are key to spreading information across that network and if removed can potentially limit the effectiveness of information propagating through the network.

This is the network graph for one of the ISIL Twitter users and shows that this person appears well connected to the network and is situated as both a ‘hub’ and an ‘authority’ within the network.

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B. What evidence to collect

Reflecting on the established methods of investigation, the collection of computer- or Internet-based evidence should be conducted in accordance with national and international standards, including with respect to international human rights law.

The following definitions discuss what is meant by “e-evidence” and are provided as examples when discussing methods of collecting such evidence:

- **ESI (‘Electronically Stored Information’)** includes any information created, stored or utilized with digital technology. Examples include but are not limited to word-processing files; email and text messages (including attachments); voicemails; information accessed via the Internet,
CHAPTER 3. ONLINE INVESTIGATION OF OFFENCES RELATED TO FOREIGN TERRORIST FIGHTERS

including social networking sites; information stored on cellular phones; and information stored on computers, computer systems, thumb drives, flash drives, CDs, tapes and other digital media.124

- **Computer-based electronic evidence** is information and data of investigative value that is stored on or transmitted by a computer. As such, this evidence is latent evidence in the same sense that fingerprints or DNA evidence is latent. In its natural state, we cannot see what is contained in the physical object that holds our evidence. Equipment and software are required to make the evidence available.125

- **Digital evidence** can be classified as information and data of value to an investigation that is stored on, received, or transmitted by an electronic device. This evidence is acquired when data or electronic devices are seized and secured for examination. Digital evidence is latent (like fingerprints or DNA evidence) and crosses jurisdictional borders quickly and easily. It can easily be altered, damaged, or destroyed and can be time sensitive.126

In all instances, the investigation and prosecution of cases involving digital evidence requires specialized criminal investigation skills and the expertise to apply those skills in a virtual environment. It also requires specialized digital or electronic forensic tools and analysts capable of extracting and analysing relevant pieces of information in a manner that respects the integrity of the source and guarantees the use of the information obtained as evidence in court, respecting the standards on due process, particularly those related to lawfully obtained evidence. A sound familiarity of legal and procedural requirements relating to admissibility and rules of evidence, domestically and internationally, would also be beneficial.

When deciding on what digital evidence to collect, consideration should be given to the environment in which such information and evidence will be gathered through online investigation, or at a crime scene. As previously discussed, an initial phase in an investigation may include an amount of OSINT. Throughout this phase and as an investigation moves to the next stage (by concentrating research towards proving specific criminal acts), records of the process and progress of the research should be kept. These records form the foundation of the online evidence chain.

One of the first phases of an investigation in identifying the person(s) responsible for online criminal activity is to trace and follow IP addresses. As stated above, IP addresses provide the basis for online communication. Tracing IP address and domains is a key part of any Internet investigation and there are many resources available on the Internet to assist with this process:

- Firstly, there are the entities responsible for the addressing system itself, the Internet Assigned Number Authority (IANA), where searches can be carried out by region through the Regional Internet Registries.127

- Secondly, each site has a “WHOIS” function that allows investigators to identify IP registration information.128 The registration information refers to the registrant, the person or entity paying


127 See Internet Assigned Numbers Authority (IANA) website, available at www.iana.org/.

128 WHOIS is an Internet utility that returns information about a domain name or IP address. For example, if you enter a domain name such as microsoft.com, WHOIS will return the name and address of the domain’s owner (in this case, Microsoft Corporation).
for the service. In order to access payment information or IP logs, for instance, investigators would need to contact the registrar in accordance with their respective domestic guidelines, procedures and legislation.

Once an IP address has been traced, the investigator will be able to request data from an ISP in order to determine who is in fact behind the device to which the IP address refers. Such requests are usually in the form of a subpoena or warrant to the local judge, depending upon domestic legislation and procedures. Other online tools for tracing and investigating IP addresses include Network Tools and Robtex.

1. Websites and cookies

Although any information on the Internet physically resides on one or more computer systems and, therefore, it could be retrieved through a forensic examination of those physical devices; some of this information may be volatile (e.g., instant messaging content) or inaccessible to access or obtain in a timely manner by investigators. Alternatively, it could be altered or deleted prior to the location and examination of those devices (e.g., website content). In such cases, it may be necessary to capture evidence directly from the Internet, possibly during “live” interaction with a suspect or by capturing live website content. There are many tools available to assist, including:

- HT Tracks
- Wget
- Wayback Machine – a website archive site
- Scrapbook (a “plug in” for Google Chrome and Firefox browsers)

Once a website has been captured or collected, an investigator will have access to a potentially useful investigative information. The pages themselves can be reviewed, as can the way in which the browser produces the page. An investigator can look for who wrote the page and can also check on names of people, organizations or groups that claim responsibility for the site. There may be an email address for a person or group and an investigator can research the email address through a search engine to establish if it is used elsewhere on the Internet. If the site is not grammatically correct and contains typing errors, this may be an indication of the level of understanding of the language used and a possible indication of the origin of the author. If a website in a foreign language is encountered, there are many resources to provide an assistance in translation, but perhaps not to an evidential level, which would require a certified legal translation, in accordance with national regulations.

An investigator should also consider the use of “cookies.” Cookies are small files that are stored on a user’s computer. They are designed to hold a modest amount of data specific to a particular client and website and can be accessed either through the web server or the client computer. This allows the server to deliver a page tailored to a particular user (for instance, a password), or the page itself can contain some script (a script is a list of commands that can be automatically executed) which is aware of the data in the cookie and is able to carry information from one visit to the website (or related site) to the next.
For example, imagine that a person who is known to have been in the Syrian Arab Republic is arrested upon their return and a mobile telephone is recovered during the arrest. An examination of the phone is conducted, which reveals that the suspect accessed their Facebook account while in the Syrian Arab Republic. The Facebook website would have left a cookie on the suspect’s mobile phone (unless cookies were denied or deleted by the user). Upon investigation, it is discovered that the same Facebook cookie is associated with a number of other Facebook users. This could possibly indicate that the suspect’s phone was used by other FTFs while in the Syrian Arab Republic, possibly providing useful intelligence leads for further development.

2. Internet logs

Computer documents, emails, SMSs and instant messages, transactions, images and past Internet history are examples of information that can be gathered from electronic devices and can be used very effectively as evidence. Websites themselves maintain IP logs. For instance, the Google email site Gmail would maintain IP logs for account holders and for the original IP from where the account was registered. Also, mobile devices, laptops and desktop computers use online-based backup systems, also known as the “cloud.”

With regard to mobile devices, cloud-based systems can provide forensic investigators with access to text messages and pictures taken from a particular phone and keep an average of 1,000-1,500 (or even more) of the last text messages sent to and received from that phone. In addition, many mobile devices store information about the locations where the device may have travelled and provide an idea as to when exactly it had been there. To obtain this information, investigators can access an average of the last 200 cell locations accessed by a mobile device. Satellite navigation systems and satellite radios in cars can provide similar information. Photos taken with a GPS-enabled device contain file data that shows when and exactly where a photo was taken. A potentially useful site for converting location-based information (GPS coordinates or longitude/latitude references) is Hamstermap, which offers the potential.137

Encryption and anonymizing techniques employed in connection with other forms of Internet communication are similarly applicable to files shared via, inter alia, peer-to-peer (P2P) and “File Transfer Protocol” (FTP) technology. File-sharing websites that provide parties with the ability to easily upload, share, locate and access multimedia via the Internet include “Rapidshare,” “Dropbox” and “Fileshare.” Some file-sharing networks may maintain transfer logs or payment information, which may be relevant in the context of an investigation.

The data servers used to provide these services might also be physically located in a different jurisdiction from that of the registered user, with varying levels of regulation and enforcement capabilities. Close coordination with law enforcement of other jurisdictions may therefore be required to obtain key evidence or intelligence for investigation and/or prosecution purposes.138 In such cases, competent national authorities should make use of the available tools for international cooperation, e.g., bilateral or multilateral agreements on intelligence or investigation sharing, memorandums of understanding or MLA agreements.139

Investigators should also consider referring to the UNODC document “Basic tips for investigators and prosecutors for requesting electronic/digital data/evidence from foreign jurisdictions” which outlines several good practices. These practices include, for instance, the need to have exhausted internal/national sources for obtaining electronic data/evidence prior to sending requests to a foreign country and, in consideration of an investigative strategy, to verify with the requested authority whether an account holder may learn of any preservation request (for instance if it is the policy of an ISP to notify their clients).

It could be also explored whether the formal requirements in the MLA procedures may be further differentiated depending on what data is requested (for example, whether it is subscriber, traffic, or content data). In many jurisdictions, requirements for access to subscriber data tend to be lower than for traffic data, while the most stringent regime applies to content data.

Cooperation with the private sector is also an essential element in securing digital evidence and in some cases, competent authorities could consider addressing a request directly to the foreign-based service providers, which may be allowed under domestic legislation to disclose non-content data on a voluntary basis to law enforcement authorities. Many Internet and communication-based companies have developed guides to assist law enforcement officials in understanding what information is available and how that information may be obtained. Links to publicly available guides for some of those sites, including Facebook and Twitter, can be found on the website of the International Association of Chiefs of Police. However, in some jurisdiction, evidence obtained in this manner may not be admissible before the court before it has been legally transferred through an official law cooperation framework.

C. How to collect e-evidence

Some of the challenges facing law enforcement and prosecutors carrying out “digital” or online investigations are underlined in the European Union report “Collecting e-evidence in the digital age - the way forward”, which states that:

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141 Subscriber data relates to an individual paying for, or subscribing to, a service; traffic data means information relating to the connections made between telephones or computers; content data relates the actual content of a message or conversation.


143 See International Association of Chiefs of Police (IACP), “Center for Social Media - Tools and Tutorials”.

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While there are several challenges in collecting e-evidence, there are many examples of good practice – some of which will be discussed in the following section.

As previously stated, there may be two types of crime scenes in a digital investigation: the online scene, where the investigator does not have physical possession of evidence; and the classic scene, where physical evidence can be recovered and forensically examined. A physical crime scene in the sense of a digital investigation would also include an element of non-physical evidence, such as information accessed in the cloud from a suspect’s device.

1. Handling digital evidence at a scene

Precautions should always be taken in the collection, preservation and transportation of digital evidence in order to maintain its integrity. The United Kingdom Association of Chiefs of Police guidelines for computer evidence discusses good practices in capturing ESI or Digital Evidence. Some of these good practices are listed below:

- Devices, peripherals and other materials may be collected once a crime scene has been secured and the legal authority is in place to seize evidence.
- Before recovering anything, first photograph or video the scene and all the components including the leads in situ. If no camera is available, draw a sketch plan of the system and label the ports and cables so that the system(s) may be reconstructed later.
- Document any activity on the computer, components, or devices, again by taking a photograph and record any information that can be seen on the screen.
- Physical searches of suspects and the location of computers may reveal Personal Identification Numbers (PINs) and passwords.
- Recover associated chargers, cables, peripherals and manuals, along with thumb drives, cellular phones, external hard drives and electronic photo frames, etc.
- Many of these devices are examined using different tools and techniques and this is most often carried out in specialized laboratories.
- To prevent the alteration of digital evidence during collection, document any activity on the computer, components, or devices by taking a photograph and recording any information on the screen.
- The mouse may be moved (without pressing buttons or moving the wheel) to determine if something is on the screen.\(^{145}\)

It is important to remember that device operating systems and other programs frequently alter and add to the contents of electronic storage. This may happen automatically without the user necessarily being aware that the data has been changed. The following four principles are worthy of consideration during this stage of an investigation:\(^{146}\)

- No action taken by law enforcement agencies or their agents should change data held on a computer or storage media which may subsequently be relied upon in court.

\(^{144}\) Council of the European Union, “Collecting E-evidence in the digital age”.


\(^{146}\) Ibid.
• In circumstances where a person finds it necessary to access original data held on a computer or on storage media, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions.

• An audit trail or other record of all processes applied to computer-based electronic evidence should be created and preserved. An independent third party should be able to examine those processes and achieve the same result.

• The person in charge of the investigation (the case officer) has overall responsibility for ensuring that the law and these principles are adhered to.

In considering the issue of volatile information, the second principle is key to any decisions taken when weighing up the possibility of losing volatile information against the need to preserve, as much as possible, the original state of the devices at the time of evidential recovery.

2. Live data forensics

Evidence handling is one of the most important aspects in the expanding field of computer forensics. The never-ending innovation in technologies tends to keep best practices in constant flux in an effort to meet industry needs. One of the recent shifts in evidence handling has been the shift away from simply "pulling the plug" as a first step in evidence collection to the adoption of methodologies to acquire evidence "live" from a suspect’s computer.

Effectively, "live forensics" provides for the collection of digital evidence in an order that is based on the life expectancy of the evidence in question. Perhaps the most important evidence to be gathered in digital evidence collection today and for the foreseeable future exists only in the form of the volatile data contained within the computer’s RAM ("Random Access Memory").147 However, this crucial piece of evidence is easily captured using live forensic and investigative tools, allowing the entire contents of RAM to be captured locally and even remotely.

The traditional “pull-the-plug” approach overlooks the vast amounts of volatile (memory-resident) data that could be lost. Today, investigators are routinely faced with the reality of sophisticated data encryption, as well as hacking tools and malicious software that may exist solely within memory.148 If a computer is on, using an IT forensic expert is highly recommended, as turning off the computer may result in the loss of evidence relating to criminal activity. However, if a computer is on, but running destructive software (formatting, deleting, removing or wiping information), power to the computer should be disconnected immediately to preserve whatever e-evidence is left on the machine.

The need for changes in digital evidence collection is being driven by the rapidly changing computing environment:

• Applications are installed from removable media such as a USB (Universal Serial Bus) device and are then virtualized in RAM without leaving a trace on the hard disk.

• Malware is fully RAM-resident, with no trace of existence on the hard disk.

• Users regularly utilize covert/hidden encrypted files or partitions (areas of a hard drive) to hide evidence.

• Popular web browsers offer the user the ability to cover their tracks—log files of user activity are created but deleted when the browser is closed.


Capturing and working with volatile data may provide the only route towards finding important evidence that would not normally be present if the machine was powered down for a post-mortem investigation. This information can consist of, inter alia, user accounts, passwords, unsaved document content, malicious software, running processes, event logs, network information, registered drivers and registered services.

Often, computer users are unaware of the existence of services running on a computer, as the service runs in the background and may not belong to a user. This means that while at a crime scene conducting live forensic examinations an agent may be able, for instance, to see a driver for a digital camera.149

Such a discovery could possibly indicate that a digital camera has recently been used with the computer and a search could then be undertaken to locate the digital camera before the agent leaves the scene, thereby potentially securing valuable evidence. Thus, discovering registered drivers may give investigators information about the peripheral devices associated with a suspect's machine.

3. Seizing mobile devices

If a mobile device is switched off, the investigator should not attempt to turn it on and should remove the batteries, if possible. A phone that is switched off preserves cell tower location information and call logs and also prevents the phone from being used, which could potentially change the data on the phone. Additionally, if the device remains on or is switched on, there is always the possibility that remote commands could be used to destroy any evidence without the investigator’s knowledge. Some phones have operating system updates set to automatic and updates could compromise data on the device, so battery removal is optimal.

If a mobile device is switched on, every attempt should be made to keep it on for as long possible. The investigator should consider including chargers for a variety of devices in their kit to facilitate this. Also, if possible, the investigator should attempt to keep the screen unlocked, if the device was discovered in this mode (touch the screen at regular intervals). This will negate the need for a passcode to unlock the device.

The device should be placed in “flight mode” in order to disable Wi-Fi, Bluetooth or other communication systems. If the mobile device is switched on but locked, plugging it in to a power source will (in most cases) force the device to synchronize with any cloud services running. This should maximize the amount of evidence potentially available in the cloud. However, capturing this evidence may pose some major challenges, as the target machine(s) may be cited outside of the concerned State’s jurisdiction,150 or the evidence itself could be remotely easily changed or deleted by someone with access to the “Cloud” account.

In such cases, retrieval of the available evidence has a time-critical element and investigators may resort to screen captures, with time and date, of the relevant material or to obtaining a digital extraction of the entire content of the particular Internet sites (commonly termed “ripping”).

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149 A driver is a program that controls a device. Every device, whether it be a printer, disk drive, or keyboard, must have a driver program. Many drivers, such as the keyboard driver, come with the operating system. For other devices, you may need to load a new driver when you connect the device to your computer; for more information see www.webopedia.com/TERM/D/driver.html.

A. Introduction

Violent extremism is neither new nor exclusive to any region, nationality or system of belief. The spread of violent extremism through different means constituted the most powerful tool used by terrorists to fuel insecurity and conflict.

Violent extremism tends to thrive in an environment characterized by poor governance, democracy deficits, corruption and a culture of impunity for unlawful behaviour engaged in by the State or its agents. When poor governance is combined with repressive policies and practices which violate human rights and the rule of law, the potency of the lure of violent extremism tends to be heightened. Violations of international human rights law committed in the name of state security can facilitate violent extremism by marginalizing individuals and alienating key constituencies, thus generating community support and sympathy for and complicity in the actions of violent extremists. Violent extremists also actively seek to exploit state repression and other grievances in their fight against the state.


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In Iraq and Syria, the spread of violent extremism has further aggravated an already unprecedented humanitarian crisis which surpasses the boundaries of any other region. Millions of people have fled the territory controlled by terrorist and violent extremist groups. Migratory flows have increased both away from and towards the conflict zones, involving those seeking safety and those lured into the conflict as FTFs, further destabilizing the region.152

In 2020, INTERPOL estimated 2 that there were around 48,700 suspected FTFs around the world.153 While many have been killed or captured, those that manage to leave the region to return home or travel to countries other than their own pose a unique threat to security. Predicting the scale of such a threat can be extremely challenging.

Motivations for return or relocation vary from the intention to carry out an attack, disillusionment, remorse, or family pressure.154 It may be that some returned or relocated FTFs have no intention of becoming further involved in illegal activities. Others might constitute or develop potential threats to communities of return or relocation. They might move around following activities: spreading violent extremist messages, joining or creating other extremist networks, travelling to other conflict zones or support the travelling of others, or actually plotting attacks.155 Returned FTFs can also act as ‘force-multipliers’ with the ultimate goal to radicalize others, during their stay in prisons or online.156 National counter-terrorism strategies with specific emphasis on P/CVE can mitigate this potential threat, provided they are both nationally and locally implemented.

Although research has shown that numbers of travellers to the Syrian Arab Republic and Iraq from South and South-East Asia have been low compared to other regions,157 the freedom of movement among islands and the appearance of ISIL-linked groups in the region has increased the risk of undetected movements in relation to terrorist activities. For this purpose, international and regional cooperation between Member States is essential to mitigate the potential threat associated with those areas de facto beyond state control.

Moreover, porous boundaries in the region are one of the key factors to consider when developing P/CVE measures. RFTFs and their families hoping to return to small islands, atolls or archipelagos, may find their return and reintegration process more challenging than elsewhere, considering that this region, because of its territorial distribution, may have very small and close-knit communities.

In this context, addressing violent extremism is key to proactively prevent terrorism and ensure sustainable peace and security. The Secretary-General’s Plan of Action on Preventing Violent Extremism (A/70/674) calls for a comprehensive approach encompassing security-based counter-terrorism actions with multidisciplinary preventative measures to address the underlying conditions that drive individuals to violence. Global push factors include poor governance, human rights violations, scarce socioeconomic opportunities, marginalization and discrimination. In this context, Member States are urged to prevent violent extremism by strengthening counter-terrorism measures

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152 A/70/674 (2015), para. 2.
155 P. Aruna, “Father and son wanted to bring terrorism to Malaysia from Middle East”, The Star, 1 July 2015.
and the overall rule of law. In doing so, multiple actors are to be involved: state institutions, national human rights institutions, local communities, civil society, victims of violent extremism or terrorism, as well as youth and women.

This chapter discusses holistic approaches to preventing and countering violent extremism and developing whole-of-society and whole-of-government initiatives, with a view to ensure full participation of civil society and a robust implementation of P/CVE efforts. The chapter also dedicates particular attention to strategies applicable to the phenomenon of FTFs and, ultimately, to the return or relocation of these individuals and their families. The process requires a holistic response from Member States to be included in the national or regional programmes.

**Defining violent extremism**

As a preliminary matter, the foundation for development of any P/CVE measures compatible with international human rights standards requires a conceptual clarity of the term *violent extremism*.159

In 2020, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that the lack of precise legal definitions of extremism and violent extremism are not compatible with the principles of proportionality and necessity required to any legal measure that abides to international law and produces widespread abuses of human rights reliant on non-defined concepts cannot be compatible with:

> [...] the lack of semantic and conceptual clarity surrounding violent extremism is an obstacle to any in-depth examination of the impact on human rights of strategies and policies to counter violent extremism, as well as of their effectiveness in reducing the threat of terrorism"


The term *violent extremism* is often used to describe part of the cycle of behaviour leading to acts of terrorism, but it is important to distinguish violent extremism from terrorism, which is a specific type of violent crime that can be promoted or preceded by violent extremism and has a much broader scope. Otherwise, efforts to counter violent extremism will merely focus on preventing physical acts of terror as opposed to combating the ideologies or motivations that drive individuals to commit such acts.160

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158 A/70/674, para. 6.
In this context, it is essential that P/CVE measures do not limit the legitimate exercise of fundamental rights or freedoms; particularly, the freedom of expression and freedom to manifest one’s religion or belief, which are human rights internationally recognized that may never be derogated. Instead, they might only be subject to the legal and necessary limitations required to protect public safety, order, health or the fundamental rights and freedoms of others.\(^{161}\)

In this sense, P/CVE actions should be aimed at addressing the violent manifestation of any system of belief or ideology, particularly when this violence entails acts related to terrorist activity (independent of its commission or not); but not the belief or ideology itself, as this would conflict with international human rights standards. This means that P/CVE frameworks must avoid establishing or using definitions that limit fundamental rights and freedoms or promote the misuse of any potentially discriminatory, exclusionary or politically charged concepts that could entail exclusion, securitization or stigmatization of the targeted communities or beneficiaries of the mentioned programmes. P/CVE measures should rather address structural social, economic, political and legal conditions that could result in becoming the perfect breeding ground for recruiting and radicalizing individuals into violence, paying special attention to core issues such as development, human rights and humanitarian action.\(^{162}\)

In order to develop P/CVE efforts in accordance with international law, including international human rights law, all Member States have the obligation to define the term “violent extremism”\(^{163}\) and the other related concepts like “terrorism” within their national legal systems, consistent with their obligations under international law, particularly international human rights law.\(^{164}\)

### B. Strategies to prevent and counter violent extremism leading to terrorism in the context of returned or relocated foreign terrorist fighters

According to international standards, P/CVE measures are to be taken considering a case-by-case approach. In doing so, assessing the specific threats posed by each individual and alongside the identification of their needs are key. This entails a comprehensive effort from any institution and means working on the structural conditions conducive to violent extremism in the communities.\(^{165}\)

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162 A/HRC/43/46.
163 A/70/674.
164 Ibid. See also A/HRC/43/46, paras. 12-15.
Moreover, for the purpose of ensuring effectiveness and sustainability, it is essential that P/CVE strategies should adopt human-rights-centred approaches. This means that on the one hand, they shall *prima facie* rely on the full respect of human rights; on the other hand, they have to be centred in the rights of the individuals and the community. This is so, not only because not doing so would be against international law, but because human rights violations (including repressive policies and practices that violate such rights and/or the rule of law) are themselves drivers of violent extremism and as such are very unlikely to produce any preventative results. In this context, Member States have to consider that implementing P/CVE measures that are not in accordance with international human rights standards might fuel and increase the phenomenon of violent extremism leading to terrorism.

The Secretary-General has stated that violations of international human rights law committed in the name of state security, not only do not prevent but can facilitate violent extremism by marginalizing individuals and alienating key constituencies; thus, generating community support and sympathy for and complicity in the actions of violent extremists. At the same time, Member States have to be aware that terrorist and violent extremist groups actively seek to exploit state repression and other grievances for their own benefit.

> *When poor governance is combined with repressive policies and practices which violate human rights and the rule of law, the potency of the lure of violent extremism tends to be heightened.*


In the same line, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has stated that “[…] only rights-affirming and rights-focused policies will have long-term success in preventing violence.”

Furthermore, strategies aimed at preventing and countering violent extremism should avoid over-securitization of communities and targeted populations or individuals. In the specific context of returned or relocated FTFs and their family members, including those who may not enter the criminal justice system, or those who have already been released from detention, this aspect is particularly important, as P/CVE efforts have a particular set of goals that are human- and community-centred and should, by definition, complement any security analysis or approach.

1 **Inter-government national coordination and management**

Although violent extremism is neither new nor exclusive to any region or country, each Member State might have its particular challenges in developing P/CVE strategies, plans and measures. Based on UNODC observation and consultations with Member States, the need for coordination mechanisms and the development of collaborative schemes both at national and international levels are a common need for South and South-Eastern Asian States.

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166 A/HRC/43/46, Summary.

167 Ibid., para. 11.
A coherent strategy for P/CVE, specifically linked to the phenomenon of returned FTFs in South and South-East Asia, should seek to strengthen cooperation and address all forms of violent extremism, recognizing that the threat posed by their return or relocation will not be solved purely through responsive methods, nor through law enforcement responses only.

“Whole-of-society” and “whole-of-government” approaches are required to proactively address conditions conducive to violent extremism. As such, a variety of institutions (governmental and non-governmental actors) should be involved. It is therefore essential that Member States consider how to effectively coordinate and implement that strategy among them. First and foremost, at the local level, considering national priorities, legal schemes and structures.

In that context, there is a need to identify and/or appoint a national coordination entity to lead and set up the necessary structure and leadership to deal with the needs and challenges posed by returned FTFs and their families. Special attention should be paid to the coordination role during the investigation phase, aimed at involving security forces, police and intelligence, preventing overlapping functions and leveraging all the necessary information gathered by the different agencies to act and respond accordingly. A risk assessment of the returned FTF and his or her family members (if applicable) and the possible prosecution route, should also be overseen and coordinated by this national agency in order to avoid gaps and ensure timely actions.

In the same way, all legal and administrative issues linked to nationality, repatriation, the care of children and return to the national legal system should also be steered by a coordinating national entity, which would ideally ensure that all necessary medical and/or psychological support required is made available. Finally, setting up and leading the rehabilitation and reintegration schemes during prison, probation time, or upon release, should also be part of this national agency’s portfolio – ensuring that the implementation of measures of deprivation of liberty (or alternatives to imprisonment) are coordinated with rehabilitation and reintegration responses of the alleged offender and their dependant family members.

Create a new post or build on an existing role?

Further reading

The European Union Radicalisation Awareness Network (hereinafter “RAN”) Manual: “Responses to Returnees Foreign Terrorist Fighters and their families.”

This manual discusses a number of examples on possible approaches to the addressing the challenges posed by returning fighters and their families, from a national and local perspective.


In order to coordinate the response to returned FTFs and members of their families and ensure effective management and direction of P/CVE strategies and measures, Member States can either create one or more official posts (in the form of a task force, for instance), or adjust the responsibilities of a
pre-existing role depending on the number of returned FTFs (current or expected) and the specific national priorities and needs.

One of the most important things is ensuring that a coordinating leadership position within the State is established and has a clear mandate, ideally at legislative level, so that any undue procedure, omission or failure to act can be examined by court of law. For its functionality and operation, consideration should be given to the following factors:

- **Autonomy:** it is good practice that the person(s) appointed, or the institution established is functionally and financially autonomous, while counting with the usual rule of law and accountability standards. Financial autonomy is particularly important when operating at the local level.
- **Resources:** where will the budget for new personnel come from? Likewise, where will any new staff be based?
- **Administrative Level:** the seniority of the post or institutions should be ensured to allow the coordination role in practice.
- **Regional cooperation:** a contact point to collaborate with local and regional authorities should also be identified.

2. **Adopting a local approach**

Local authorities have an important role to play in preventing and countering violent extremism as they are the level of governance closest to the citizens affected by violent extremism, as well as the closest to returned FTFs and their families. As such, local authorities are an essential part of the implementation line of P/CVE policies and strategies.\(^{168}\)

There are a number of challenges faced by local authorities related to the various methods by which returned FTFs are reintegrated into society, especially those who will not have been subject to criminal justice processes. The same can be said for those who have been already released from prison. In all cases, local authorities will face the fears and threats affecting the communities of returned FTFs and their family members. Their role and their active involvement are crucial. Not only in the implementation of national P/CVE measures, but also securing that the social network is strengthened and is not affected by fear and external risks, ensuring the safe reintegration of former members of the community. All in all, the involvement of local authorities must be encouraged and strengthened by Member States.

**Creating a localized threat picture**

Managing the risks associated with returned FTFs requires developing a comprehensive understanding of the localized threat picture. Also, decisions on managing the conditions in which extremism can develop need to be made at the local level, based upon local risk assessments. By doing so local areas can be assessed to inform national priorities, but also the number of local returned FTFs and the areas to which they are returning can be identified. This, in turn, informs analysis of travel patterns and hotspots and allows for effective resource allocation and multi-agency support (and also ensures that returned FTFs are not situated in close proximity). Based on this local threat analysis, a local strategy can be set up, identifying priorities, necessary institutions to be involved, possible challenges and required structure, among other issues.

Good practices: Learning from others

According to the results provided by local threat assessments, priorities should be identified and actions lines should be set up. This can sometimes be challenging for local authorities with little or no experience facing the return of FTFs and their families.

In order to establish an adequate local structure to deal with the needs that these individuals face and manage any potential risks, it is a good practice to seek advice from more experienced municipalities and entities that might have already faced this phenomenon. For this purpose, joining regional or international practitioners’ networks sharing this local approach might be advisable.

The Strong Cities Network (SCN)

Launched at the General Assembly in September 2015 and led by the Institute for Strategic Dialogue, the Strong Cities Network currently comprises 125 official member cities spanning every major global region. It engages mayors and local policymakers as well as front-line practitioners on preventing and countering all forms of violent extremism and works to deliver increased connectivity, effective peer learning, expert training and proactive targeted prevention strategies at the municipal and local level on a global scale.

With a specific working line on FTFs and returned FTFs, the Strong Cities Network addresses the challenges that local authorities need to face related to this phenomenon.

As of March 2019, the following cities in South Asia have become active members of the SCN:

- Bangladesh: Dhaka North, Dhaka South, Narayanganj;
- India: Mumbai;
- Maldives: Male;
- Pakistan: Nowshera, Peshawar, Quetta.


Another good practice is also observing and learning from adjacent fields, to build on the work already done by other local agencies and units (for instance, in terms of social care and practical approaches and methodologies) and then adapting this to the local needs and challenges. For this purpose, joining or developing national multi-agency coordination mechanisms is advisable.
The care and safety houses – The Netherlands

The Care and Safety House from The Netherlands adapted an already existing structure to prevent crime within the local communities to a customized platform to face the Returnees FTFs trend. Its main features are:

- **LOCAL Approach**: Commissioned by Mayor and Public Prosecutor;
- **Based on pre-existing local structures**;
- **Different organizations**: multi-agency case management and assessment;
- **Regular meetings (network)**;
- **Individual approach**;
- **Safeguarding**: Pre-criminal phase;
- **Specific target groups**;
- **Separate (stand-alone) database**; and
- **Legal agreement for information-sharing**.


Local multi-agency structure

A local threat assessment, identifying local priorities, together with a risk and needs assessment, together have the potential to provide authorities with the necessary information to establish local multi-agency responses that assist in managing any risks associated with returned FTFs.

Effective P/CVE measures require multidisciplinary and multi-agency responses. The response provided by local authorities must involve all necessary local agencies and practitioners, specifically the services related to security (police), education, health, childcare, social services, youth services and also envisage engaging civil society organizations when necessary and appropriate; all of which assist in facilitating community reintegration. To reinforce this collaboration, local authorities should support those local services that are already interacting with the communities to which FTFs and their families may return.

To this end, as soon as any returned FTFs or member of their family are identified by local authorities, the local activation of services has to begin. Ideally, public officials should also be trained in the preparation of return or reception organization and should be aware of the processes locally available within a variety of fields: the local multi-agency environment.

A multi-agency approach can be based on a newly developed multi-agency structure or on already existing support structures working with returned FTFs and members of their families. While it might be positive to start new and create a new focused structure, local authorities can take advantage of existing schemes and experience, as well as profit from established mutual trust to deliver the required services among the involved institutions. Interaction and contact among focal points in these structures in highly advisable.

In any case, the local multi-agency structure should develop focused and organized interventions and coordination guidelines. These might include identifying specific roles, tasks and steps of the
actions to be taken in relation to returned FTFs and their family members. (*See chapter 4 section B.3 below on training and on possible steps to implement this point*).

To ensure collaborative and efficient responses, it is recommended that multi-agency approaches consider sharing information processes applicable to all agencies present in the structure. In light of the sensitivity of actions surrounding the returned FTFs phenomenon, which relates to the protection of both national security and private sphere matters, it is recommended that multi-agency approaches include the development of a detailed set of rules on information-sharing. Such rules should include legal constraints affecting information-sharing; institutional competencies; different degrees of information access; and a special consideration related to the rights of the individuals involved, particularly children’s rights that have a distinct and stronger standard of protection guided by the best interest of the child.169

It is also important to identify the issues that could cause reluctance from institutions or that require specific agreements to be implemented in a coordinated manner. For that purpose, developing special agreements of cooperation, collaboration or coordination – such as memorandums of understanding among the involved local agencies, CSOs and/or practitioners – is highly recommended. Those agreements should clarify at least: the roles and tasks of the different services involved; communicate and coordinate methods; the rules and procedures regarding information-sharing; and set procedures applicable in case of management referrals.

Local authorities should also raise awareness and invest time and effort to promote and explain to institutions and their own officials, the benefits of collaborating and working together within a multi-agency, multidisciplinary and multi-professional partnership.

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**Aarhus model – Denmark**

Religious radicalization has become an international problem. But instead of cracking down on volunteers returning from the Syrian Arab Republic or radicalized young adults, Aarhus has implemented a successful dialogue based anti-radicalization effort that attracts great attention and interest abroad. Work in this area began as a pilot project in 2007. The aim of the project was to prevent the radicalization – political as well as religious – of young people thereby promoting safety and well-being.

On 1 January 2011, the project, its operations and leadership were passed over to SSP Aarhus. (SSP is an alliance between social services, schools and the police).

The work to prevent radicalization and discrimination is collaboration between East Jutland Police and Aarhus Municipality and is undertaken as a supplement to the existing crime prevention efforts for young people up to 18 years. In this instance, efforts have been targeted at young people up to 25 years. The anti-radicalization effort works with understanding and knowing how to handle the concepts of radicalization, extremism, terrorism and discrimination.

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3. Training

Public officials and practitioners involved in local multi-agency structures should be provided with the necessary training tailored to their needs, ensuring their capacity to operate within local and national strategies. Training sessions should be envisaged in the long term, ensuring a regular update of the programme contents, training modules and specific procedures.

As mentioned before, one of the most important aspects of training needs in P/CVE is to ensure that public officials and practitioners are aware of the procedures, roles and tasks of the different services involved in the process affecting returned FTFs and members of their families and how they coordinate and complement each other. The delivery of ad hoc rehearsals and table-top exercises, where all practitioners involved can identify the different steps, tasks and individuals can be valuable training aids.

Aarhus model – Denmark (continued)

How do we work with radicalization in Aarhus Municipality?

Preventing radicalization is seen as a specialized branch of general crime prevention in Aarhus Municipality. The existing crime prevention cooperation between the City of Aarhus and East Jutland Police therefore forms the basis for action and the same rules for the exchange of information applies. The specialization consists of handling and navigating the area between a citizen’s constitutional right to legitimate political and religious activism and the risk of violation of Penal Code § 114 ("Terror Paragraph").

Dealing with inquiries

Inquiries that are received by staff at SSP are sent to Info House, which is the starting point for all exit programmes. Info House is a collaboration between East Jutland Police, which has assigned two part-time police assistants and a team from SSP Aarhus. At Info House they handle inquiries from citizens or public officials who have noticed troubling behaviour of a citizen, for example, signs of extremism and radicalization.

Key initiatives in the prevention of radicalization in Aarhus Municipality

The strategy is to regard radicalization in the same way as any other crime prevention work that requires general, group related and specific actions. The specialized work in Aarhus consists of the following areas:

- Design and execution of a coordinated prevention of radicalization.
- Guidance and counselling on radicalization.
- Covering the subject of radicalization in groups or with individuals.
- Handling of individual cases of radicalization of young people at risk.

Dialogue with at-risk communities, groups and individuals

There has been a continuous and open dialogue on the areas of cooperation that exist between the different associations tied to at-risk communities and Aarhus Municipality/polic. This open dialogue promotes integration and prevents radicalization. This dialogue also includes a discussion point concerning volunteers in the Syrian Arab Republic.

C. P/CVE national strategies: a social and communication approach in times of returned and relocated foreign terrorist fighters and members of their families

1. Introduction

Increasing risks related to violent extremism and terrorism in the regions of South Asia and South-East Asia, coupled with the issue of FTFs and members of their families having returned from conflict zones, including those in the Syrian Arab Republic and Iraq, underlines the need for Member States to adopt strategies to effectively address this trend and to mitigate the impact on the communities to which these people return.

In general, P/CVE strategies should be holistic and consider crucial aspects around the return of FTFs and members of their families, for instance:

- The pull and push factors of their involvement in terrorism activities
- Their motivations to return
- The social impact of their return to their families or communities
- The new goals and narratives used by ISIL to take advantage of this return

This holistic approach means that there may be areas where complementary action is needed. For instance, civil society and community engagement measures may be necessary to address problems where criminal justice methods alone may be ineffective, for instance:

- Identifying the appropriate alternative and counter-narratives in the face of a new ISIL communication strategies
- Factors influencing the return of FTFs
- The need to involve religious communities and leaders
- Involving rehabilitated returnees as key partners in communicating official policies
- Consideration of, for instance, the gender or youth dimension of these strategies

In this context, effective P/CVE plans in the regions of South and South-East Asia addressing these topics require a strong and effective collaboration with civil society and an active involvement of the communities.

Centre for the prevention of radicalisation leading to violence – Canada

HEXAGON

The Centre for the Prevention of Radicalisation Leading to Violence has designed the “Hexagon” pedagogical tool for supporting the analysis of situations of radicalization leading to violence, developed in partnership with The Roméo Dallaire Child Soldiers Initiative. This tool adopts the format of a table-top exercise.

Source: Centre for the Prevention of Radicalization Leading to Violence, "Presentation to the Hexagon Tool in Edmonton", 11 May 2018.
UNODC has observed, that through the Internet (especially social media applications) violent extremists, terrorists and their supporters have successfully exploited new methods of communication to particularly target youth and women as recruits for financing, planning, preparation and even the commission of terrorist acts in support of their ideology. In order to mitigate this, P/CVE measures should seek to address emerging social and communication challenges, exacerbated by the increased use of new information and communication technologies. Moreover, as previously mentioned, any P/CVE measures should be implemented at all levels of government, including the local, regional and national, or federal, levels.

2. Alternative and counter-narratives

Over time, ISIL narratives have shifted to reflect a new modus operandi of the group following its collapse in the Syria Arab Republic and Iraq, adapting their message in an effort to keep the group in the spotlight. This new strategy directly exploits the phenomenon of RFTFs and is aimed at:

- Involving returnees in the commission of new attacks in South and South-East Asia
- Calling on returned FTFs to either create or strengthen networks in the region
- Recruiting new members and followers
- Expanding influence
- Strengthening the ISIL network of “sleeper cells”

Therefore, an important part of P/CVE strategies is the consideration of the development of alternative and counter-narratives to challenge those delivered by violent extremist or terrorist groups. In general terms, an alternative narrative will offer alternative messages to the extremist main discourse, which are positive and provide the audience with other non-violent solutions to a given issue, such as, for instance, the use of legal tools and resources, the support of the community, etc.

On the other hand, counter-narratives will try to directly deconstruct, discredit and demystify violent extremist messaging, by challenge of ideologies through emotion, theology, humour, exposure of hypocrisy, lies and untruths.

The consideration and selection of an alternative and/or counter-narrative will vary according to several factors, namely (and mainly) the concrete and measurable goal, the specific population being targeted and the messenger to be used. When developing those measures and identifying the most adequate narrative, it is also important to consider that women are targeted with different messages and, as such, both alternative and counter-narratives need to be gender-sensitive and develop subtle, differentiated messages. The vulnerability of children should also be considered as a special case, considering their differentiated behaviour, psychological processing and neurological functioning.

In this context, extremist narratives surrounding the return of FTFs are adopting an emotional approach, rather than the ideological and theological approach of previous narrative. According to research developed by the European Strategic Communication Network (ESCN), there are four main supporting emotional characteristics defining the new ISIL message among the returnees:

- The feeling of victimhood

• The need to search for justice or even revenge
• The pursuit of celebrity or fame
• The feeling of shame or guilt

In addition, the structural conditions that can be conducive to radicalization processes or even recidivism among returned FTFs, must also be considered. Economic crises, employment difficulties or scarcity and corruption within institutions can be determining factors fostering radicalization processes and feeding the ISIL narrative. P/CVE measures, as previously mentioned, need to address these issues, while avoiding an over securitization of the targeted community or the individuals that could also reinforce ISIL narratives linked to “victimhood” and “grievances” real or perceived.

Moreover, it is important that P/CVE policies and programmes are evidence-based. In doing so, it is key to include rigorous, systematic and independent monitoring and evaluation mechanisms that can identify the key problems and challenges surrounding the phenomenon of returned FTFs. Policies and programmes should also reflect the local perspective, together with a deep knowledge of the target audience, their communication trends and challenges, with a gender and age-sensitive perspective.

Current good practices in developing alternative and counter-narratives include:

• **Strengthening the sense of national identity and of belonging to the community.** Counter-narratives tend to emphasize the importance of national or community identity, in contrast to religious identity; thereby increasing resilience against groups who use religion to promote violent extremism. It has been explained, for example, that the term “Indonesian Muslim” can heighten national cohesion more effectively than “Muslims in Indonesia.” The former term highlights national identity, while the latter term implies that the nation is merely a place where one is physically located. This concept is endowed with more importance when ISIL messaging is calling for a Muslim nationality or caliphate. The sense of belonging can be a very positive aspect to reinforce the resocialization pathways for returning FTFs and also act as a resilience factor among the targeted youth by extremist groups in South and South-East Asia.

• **Actively engaging the private sector, civil society and local communities.** Considering the Internet is one of the key means to spread violent extremism messages, it is also important to include private actors into P/CVE measures, particularly those related to web-based platforms and social media. At the same time, alternative narratives should be designed and disseminated on a local level and consider the involvement of networks of CSOs. This approach: strengthens the legitimation of the message; facilitates its spread throughout the population; demonstrates inclusive policymaking; supports the principles of freedom of expression and assembly; and creates a sense of belonging and loyalty within the community.

• **The use of credible voices.** Victims and FTFs who have returned and have successfully been rehabilitated and reintegrated, can increase credibility of messages related to P/CVE measures. They can create empathy and identification feelings, moving those who might be at the same position as they were, or facing the same problems, into better actions or solutions to their situation. This might be very effective for approaching young people. Amplifying victims’ experiences might show the dangers and real-life results of terrorism and its direct effect on real people. At the same time, their experience might generate empathy and help others understand how much harm terrorism causes. This can, in turn, strengthen the moral principles that can prevent individuals turning to violence. With regard to former terrorists, or to returned FTFS
who have successfully completed their rehabilitation and reintegration processes, their experience within this field helps discredit the terrorist message while at the same time adds credibility to the counter-narrative among the younger generation (which would not necessarily be the case if the source of the message was governmental). For example, the AIDA Foundation in Indonesia is developing a programme in which victims of terrorist attacks visit schools in order to share their experiences with the children and to explain the outcomes of an attack.\textsuperscript{175} (See chapter 4 section C.4 on delegitimizing the caliphate).

Further reading

\textit{From Victims of Terrorism to Messengers for Peace.}

UNODC, in collaboration with the International Centre for Counter Terrorism, based on the Asian experience in this field, has recently launched a Handbook on the use of victims as credible voices

\begin{itemize}
  \item \textbf{Youth as generators of alternative and counter-narratives.} Youth should be both beneficiary and actor of alternative and counter-narratives. When young people are involved in the elaboration of content, credibility raises to levels unreachable to any public officer, expert or institution.

  One example of youth participation in the field of P/CVE is seen in the ASEAN Youth Organization,\textsuperscript{176} based in Malaysia. National P/CVE strategies should implement frameworks that facilitate youth groups and CSOs to flourish.
\end{itemize}

\textbf{UNDP Programme – Creators for Change}

YouTube Creators for Change is a global initiative that spotlights inspirational creators who use YouTube to foster productive conversations around tough issues and make a positive impact on the world. As part of their commitment to the program, Creators for Change Ambassadors and Fellows receive mentorship and promotional support to aid the creation of their Impact Projects — films that tackle a wide range of topics, from self-acceptance and showing kindness to others, to celebrating cultures and advocating for global empathy.

\begin{itemize}
\end{itemize}

\textsuperscript{175} Available at http://aida.or.id/8/publikasi.

\textsuperscript{176} Available at https://aseanyouth.net.
• **Enhancement of critical thinking.** Youth education enhancing critical thinking will increase the ability to think independently and identify the flaws in exploitative propaganda. Ultimately, the prevention of radicalization is a task of strengthening individuals to resist the impact of terrorist messaging.

### Peer-to-peer – Facebook Global Digital Challenge

This project is one example of an initiative focused on empowering young people against radicalization. It focuses on collaboration with the private sector and large companies within the sector of social networking.

The project includes a university youth initiative and an international competition, calling on students to use the power of innovation to challenge prejudice, online hate and extremism. Participants develop campaigns and social media strategies against extremism that are credible, authentic and believable to their peers which ideally resonate within their communities.

Teams research their target market and create a strategy designed to best reach and influence their peers. Each team receives a $2,000 operational budget plus $400 in Facebook ad credits to design, pilot, implement and measure the success of a social or digital initiative, product or tool that:

- Motivates or empowers students to become involved in countering violent extremism;
- Catalyses other students to create their own initiatives, products or tools to counter violent extremism; and
- Builds a network or community of interest, focused on living shared values, that also counters violent extremism.

More than 12 universities and institutes from Bangladesh, Indonesia, Malaysia, Maldives and the Philippines have participated in this international programme. The Dhaka University project “Think Twice, Act Wise” was awarded first prize in 2016 and recorded over 10 million hits on Facebook in a two-month period. In 2017, the project “I am Mindanao” from the Philippines was also awarded first prize.

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**Source:** Further information available at https://edventurepartners.com/peer2peer/.

### 3. Religious education

Considering that the interpretation of religion is one of the most common ideological bases of violent extremism, P/CVE measures need to be developed in collaboration with education responses, centres and professionals. This might contribute to develop a more moderate interpretation of a religion or system of belief (as opposed to the extremist interpretation).
CHAPTER 4. PREVENTING AND COUNTERING VIOLENT EXTREMISM

4. Delegitimizing the caliphate

Counter-narratives can expose facts and personal experience in relation to corruption; gender-based violence and abuse within the organization; double standards and hypocrisy regarding Islamic behaviours; and/or the miserable living conditions of FTFs. In this sense, counter-narratives assist in diluting the perceived legitimacy of the so-called caliphate by, for example, exposing the reality of the life of FTFs and members of their families during their involvement in terrorist activities.

Delivering these messages by utilizing former terrorists, rehabilitated, returned FTFs, or members of their family who recount their direct experience can be extremely powerful to discourage not only membership to terrorist groups, but also the spread of positive violent extremism messaging leading to terrorism. The involvement of former violent extremists and, specifically, rehabilitated returned FTFs or members of their families in communication efforts, is a sensitive endeavour. It requires special attention to several issues such as the readiness to collaborate; the level of personal security risk; and the impact of such collaboration within the subject’s communities.

In the case where collaboration may be based on direct communication, the appropriateness of one-to-one or one-to-many communication methods; and the necessary management of media are key considerations. For this reason, there needs to be an interdisciplinary approach of measures, ensuring that the security and well-being of the person and their community is prioritized and combined

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MOVE Foundation – Bangladesh

One good example of this interaction in a religious environment is the project launched by the MOVE Foundation in Bangladesh. This is a de-radicalization and civic education campaign for youth of different educational institutions and Qawmi Madrasas across the country.

Its key components include:

- Cultural and educational intervention;
- Dialogue;
- Leadership;
- Peacebuilding training; and
- Community service by Madrasa and social leaders.

Through this programme, MOVE intends to create an informed and responsible young citizenry with the required skills to engage in collective action that engenders democratic governance, public accountability, political reconciliation, religious harmony and social transformation.

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177 For instance, see the counter narrative videos produced by the International Centre for the Study of Violent Extremism (ICSVE) following numerous interviews with, for example, former members of ISIL available at www.youtube.com/c/ICSVE/playlists.

178 See Radicalisation Awareness Network, Ex post Paper: Dos and Don’ts of involving formers in PCVE/CVE work, (June 2017).
with the work of media professionals – which should focus on adapting contents to the targeted audience and formatting the message into products that respond to their age and gender.179

Religious curiosity misled a family to the Syrian Arab Republic – Indonesia

Naila Syafarina was 19 years old when she travelled to the Syrian Arab Republic with her family in 2015 to join ISIL. Initially her younger sister searched the Internet for religious reading materials and later became acquainted with someone online, who then persuaded her to go there.

“My sister was looking for religious knowledge as she longed to live during the era of the Prophet [Muhammad]. From there, she felt that ISIS lived that life, during the time of the Prophet, so she wanted to try to go there.”

Syafarina’s sister persuaded her family to leave for the Syrian Arab Republic and Naila Sayafarina was among them. But life under ISIL’s rule was completely different from what the group had promised online. Determined to escape the harsh reality of that life, Naila Syafarina and her family returned to Indonesia in 2017.

Since their return, Syafarina, along with other young Indonesians who also had joined ISIL, have been advocating about the perils of online radicalization among youth in Indonesia. She has been actively campaigning for anti-radicalism, touring the country to advise young people on seeking safety while accessing information on the Internet.

“Look for a second and a third opinion. Afterwards, don’t accept it right away, keep thinking critically,” Syafarina said, adding that many verses in the Muslim holy book, the Qur’an, ask people to think.


179 In August 2020, ICSVE hosted a public presentation of their work on interviewing formers. The event included a presentation on the process of interviewing, filming and subsequent editing of the footage. There was also a short presentation on the metrics for targeting the videos to the correct audience. The event was recorded and can be viewed in full on the ICSVE website, see ICSVE, “Fighting ISIS Online: An Introduction to Breaking the ISIS Brand”, video, 5 August 2020, available at www.icsve.org/fighting-isis-online-an-introduction-to-breaking-the-isis-brand/.
5. Gender-based messaging

Gender inequality is a vulnerability within many societies and communities of South and South-East Asia exploited by violent extremism and terrorist groups. Following the standards set by the United Nations Plan of Action to Prevent Violent Extremism, P/CVE strategies should focus on respect for women’s rights also and openly promote gender equality within society and their communities, as a means to ensure sustainable and effective responses. This includes addressing messages and communication strategies and analysis as to how they relate to the gendered drivers of conflict and terrorism; the relations between violent and hegemonic masculinities; or the increase or tolerance to violent extremism leading to terrorism.

One of the most overlooked approaches in terms of gender-sensitive P/CVE measures, is related to the use of alternative and counter messages specifically targeting women and girls who are expected to exclusively fulfil traditional gender roles (such as motherhood or being a wife to “warriors” of the terrorist group). Alternative and counter-narratives to recruitment messages should highlight the reality of the role of women once they become involved with violent extremism or with terrorist groups. The very high risk of women suffering gender-based violence; including sexual abuse, gang rape and/or economical and psychological violence should also be highlighted. To that end, local CSOs may hold crucial data regarding gender narratives and drivers, supporting the state’s understanding of the grievances that women face when joining terrorist activities as FTFs, as well as the day-to-day impact on family members as a result.

It has been claimed that the push for women to engage in terrorist activity comes from radical women on encrypted social media and from ISIL propaganda on the Internet. For example, on an Indonesian pro-ISIL Facebook page, the depiction of a Mujahidah (feminine term for mujahid, “one who engages in Jihad”) has recently shifted from a female radical carrying a baby, to a group of women armed with semi-automatic rifles. Apart from the shift of action of women to the front line, such

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Documentary: *Jihad Selfie – Indonesia*

This documentary produced by the Institute for International Peace Building in Jakarta, Indonesia, is another good example of developing content to delegitimize terrorist’s values and promises, based on true stories.

One of the feature stories is the experience and transformation of a former FTF. Akbar had been awarded a high school scholarship from the Turkish government to study religion at Imam Hatib Imam High School, Kayseri. Two of his friends, also from Indonesia, had joined ISIL. They were recruited online via social media. The documentary follows Akbar and documented his life as he considered following in his friends’ footsteps to become an IS fighter.

The documentary is intended to inspire young people on critical thinking and managing online content. It is used and screened in schools and CSOs for that purpose.

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180 A/70/674, para. 53.
181 A/HRC/43/46, para. 39. See also Melissa Johnston and Jacqui True, “Misogyny and violent extremism: implications for preventing violent extremism”, (Monash University, UN Women, October 2019).
propaganda might be promoting the message of women as means to the success of their husbands and the *ummah* (Muslim community); as they have both agency and power in their evolving operational roles. This is also to be seen in online encrypted platforms where some radical women voiced frustration at being side-lined and who showed a strong desire to shoulder more significant roles in ISIL networks. This desire is also seen in postings asserting that women should be “allowed to spill blood” in the cause of ISIL.\(^{182}\)

At the same time, new narratives need to assist in demystifying messages that offer women the chance to experience new roles within society. Ideally, Member States should analyse how women and girls may view their involvement in a terrorist group as a method of personal “empowerment” or rebellion. Recruiters might make them believe that the group is capable of building a “new, more equal, society”, when in reality their roles, including their active roles, are secondary and objectified as “second-class” or as “less valuable” fighters.

The use of women to fulfil active roles within terrorist groups is not new. What is new, however, is that their active roles have greatly increased and expanded to now include activities traditionally assigned to men, such as undercover surveillance and suicide attacks, among others. The exponential increase use of female suicide bombers may confirm this hypothesis:\(^{183}\)

- In 2016, an Indonesian woman attempted to detonate a suicide bomb she was wearing, while with her spouse, outside the Presidential Palace in Jakarta.
- In 2018, the Surabaya bombings in Indonesia also involved women, as well as immediate family members, including children.\(^ {184}\)
- In January 2019, another woman with her partner – members of Jemaah Ansharud Daulah (JAD) – conducted a suicide attack in the Cathedral of Our Lady of Mount Carmel, in Jolo, the Philippines.\(^ {185}\)
- In August 2020, two women (one Indonesian) carried out suicide bombings, also in Jolo, this being the second suicide bombing perpetrated by women.\(^ {186}\)

Finally, in the specific case of women returned FTFs, particular attention should be given to the expectations of their communities and themselves considering the “new position” they will occupy in the community upon their return and the possible reluctance of their communities and families to their return and/or their motivations. Communication strategies should aim at facilitating their resocialization, avoid stigmatization and look to strengthening the bonds female returned FTFs may have with their families and communities, by closely working with civil society and community-based organizations.

### D. Civil society and community engagement: a methodology

Once Member States have developed their national P/CVE strategies, these strategies must be implemented. The implementation should be coordinated by a national agency or department that has assumed the leadership role in the P/CVE domain. As mentioned before, local implementation is key for ensuring efficiency and sustainability of P/CVE activities, making this aspect even more crucial in the specific context of returned FTFs.

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182 A. Nasir, “Female Suicide Bombers”.
183 In other regions of the world also affected by violent extremism, it has been reported for instance that two-thirds of Boko Haram’s suicide attackers were female. See Institute for Economics and Peace (IEP), *Global Terrorism Index 2019: Measuring the Impact of Terrorism* (Sydney, November 2019), p. 16.
Under Security Council resolutions, Members States are asked to recognize the role of civil society organizations in contributing to rehabilitation and reintegration of returned FTFs and members of their families, particularly in the sectors of health, social welfare and education and based on their relevant knowledge of, access to and engagement with local communities.

For that purpose, under international standards, Member States are asked to:

• Engage and consult with civil society organizations and actors when developing and implementing comprehensive and tailored screening, prosecution, rehabilitation and reintegration strategies and protocols.

In relation to vulnerable groups, the Security Council recommends:

• Partnering with youth-led organizations, particularly on employment and entrepreneurship.

• Making specific efforts to ensure the participation of women (including women’s organizations) in the design, implementation, monitoring and evaluation of strategies or returned FTFs and family members.

These recommendations for Member States, constitute also the mandate of CSOs to act in relation to returned FTFs matters, under a whole-of-society approach.


Expanding on the concept of CSOs, key partners in community engagement should include not only organizations, but also individuals from the community, particularly young men and women, as well as children. This has the potential to be an effective approach as, on the one hand, CSOs are close to those affected by returned FTFs: some of the families have already been in contact with organizations for support in issues like health care, education, family assistance and community engagement. On the other hand, CSOs are capable of addressing the different needs of returned FTFs and their families, bringing expertise and experience on different P/CVE subjects. In this sense, the participation of individuals is essential to ensure community ownership and foster dialogue, as well as to promote the fact that efforts are actually responding to community’s needs and remain sensitive to age and gender.

When identifying CSOs for collaborative work, Member States need to take a multidisciplinary approach looking beyond organizations with an expressly mentioned P/CVE mandate. It is good practice to map organizations based on identified topics relevant to the needs of returnees and their family members, looking specifically for those with the ability to support rehabilitation and reintegration efforts in a broad sense, namely covering any of the following areas of intervention: psychological, religious, educational, social, sports and recreation, creative arts and/or vocational support, among others.

This section will review some relevant aspects to take into consideration when engaging CSOs and communities, highlighting the benefits of their involvement and suggesting a methodology to ensure its success.
1. Benefits of CSO engagement

There are many crucial reasons for including CSOs in a P/CVE plan, specifically addressing the return or relocation of FTFs.

**Credibility.** Organizations promoting P/CVE messages and activities must be credible. In many instances, P/CVE programmes led by governmental agencies experience difficulties achieving the desired amount of credibility among beneficiary communities and individuals – this is particularly the case for young people, who might hold suspicion and even anger against the government. Therefore, it is a good practice to collaborate with CSOs, in an attempt to increase credibility and reduce the likelihood of rejection and/or suspicion.

Credibility is essential for implementing de-radicalization and disengagement programmes based on mentorship. Those efforts require a great deal of communication, trust and involving the state in the equation might not always be beneficial for that relationship.

Moreover, it is highly recommended that the “messengers” or “visible faces” of these programmes are credible voices within their communities, able to generate trust and empathy among the public at whom their message is aimed. These “messengers” often require significant logistical support, assistance, training to craft narratives (what to say) and training to access the target audience (how, when and where to say it). Local civic organizations can provide this assistance more efficiently than regional or national state institutions.

C-SAVE

C-SAVE is a network of CSOs collaborating to address violent extremism in Indonesia, the region and globally, supporting returnees to act as credible voices.

The mission of C-SAVE is to build a national network of CSOs for combating pro-violent radicalism through:

(i) Synergy and collaboration with government, universities, the media and community institutions;

(ii) The growth of innovative initiatives and best practices at the local and national level;

(iii) Building relationships with the international community for maximum benefits and impacts; and

(iv) Strategic studies and research relating to the prevention, handling and development of counter-violence of pro-violent radicalism in the community.

*Source: Available at http://csave.org/id/home/**.

**Access to networks of CSOs.** Collaboration with CSOs regarding P/CVE will not only positively impact credibility, as mentioned before; it may also ensure that activities are targeted and updated. At the same time, CSOs are a source of already established networks, from which state authorities can benefit and which might amplify the audience of the message and ultimately the effectiveness of actions. For instance, access to certain areas of the community and also marginalized groups, may only be possible through cooperation with specific CSOs and their networks.
Updated knowledge of vulnerable populations. As CSOs have already been working with vulnerable people, they can articulate their needs and might have already identified some challenging situations that require State attention. In terms of returned FTFs and members of their families, local CSOs can obtain information about individual needs, where a governmental presence may otherwise be passively or actively unwelcome. This point is extremely important due to the role that families play in the reintegration process and in building resilience among other relatives exposed to radicalization. The same logical approach should be kept in mind when dealing with children, in the case of which their best interest should be a priority.

Better management of risks to the community reputation of the P/CVE programme. The planning process of implementing P/CVE measures includes the identification of possible threats to the community. CSOs are often better placed within the community to identify and support mitigating these threats. Is the strategy being effective? Are affected families being isolated in the community despite the resocialization efforts? These are some questions that can only be answered by local CSOs staff and that will definitely help to monitor the implementation of any measure.

Credibility of P/CVE policies involving law enforcement. CSO involvement can raise the credibility of governmental authorities. CSO collaboration with law enforcement bodies focusing on P/CVE can build respect for state authority and increase the community’s candour with law enforcement, enabling early detection of radicalization and more effective investigations. At the same time, specialized CSOs may work with law enforcement to strengthen investigations and prosecutions in their compliance with human rights standards.

South-East Asian Network of Civil Society Organisations (SEAN-CSO)

The South-East Asian Network of Civil Society Organisations works to counter violent extremism in South-East Asia. This network spans across Thailand, the Philippines, Malaysia, Indonesia and Australia.

2. CSO-Community engagement: a methodology

In developing P/CVE efforts with the necessary CSO engagement the following checklist should be considered:

Figure V. Checklist of CSO involvement

- **Community needs assessment**: Prior to designing a plan or activity, an evidence-based needs assessment should be undertaken in order to identify areas that would require and benefit from the support or collaboration with CSOs. The needs assessment should be founded on evidence-based research capable of answering at least following questions:
  - Do we fully know the characteristics of the target population we are addressing? For example, do we understand the needs and possible push factors of young women from rural areas to become radicalized?
  - Do we count on adequate credibility to effectively reach the target audience and to build a strong bond with that audience?
  - Are the necessary legal and logistical structures in place to assist in P/CVE implementation?

- **Identification**: In order to ensure that relevant CSOs for specific activities are identified, it is desirable to have information on their expertise and capabilities. The use of simple questions can facilitate the work of the government entity that assumes leadership and coordination of the P/CVE plan. Local authorities are in the best position to identify the work and suitability of CSOs already working in one field and possibly collaborating in other working areas.
  - In which P/CVE-related areas do CSOs work?
  - Do they focus on particular groups (for example, women, children, young returned FTFs)?
  - Are they providing any service that the state is not providing?
  - Are there any CSO networks in place?
• What is their credibility level or perception among the community?
• Are the necessary legal and operational frameworks in place to manage specific challenges posed by returned FTFs?

Prioritization: Once CSOs have been identified, a process of prioritization should be undertaken in order to ensure that each CSO is utilized considered for the activities to which they are best suited, while adhering to the fundamental objectives in the P/CVE plan. For example, where activities are related to interventions within schools through “credible voices,” CSOs from the local area able to build relationships with the target audience (school pupils) should be given priority.

Additionally, previous experience would suggest that victims’ associations, or associations of relatives of radicalized youth, including returned FTFS (regardless if they are working in coordination with governmental authorities or through their own networks), are often the most effective CSO collaborators for P/CVE activities.

Coordination: A coordinating mechanism or a leading entity guided by state authority is advisable to ensure that the joint efforts of the state and community are mutually reinforcing. In that sense, it is important to identify the model of coordination or collaboration that will be maintained with each CSO — in particular, the stage of involvement of them in services that are to be provided primarily by the state. A possible collaboration could be staged in four steps.

Figure VI. Four main steps for possible CSO involvement

- Agenda: developing a common agenda with CSOs fosters not only cooperation with those working closest to our target audience, but also ensures that all needs of returned FTFS and members of their families are met.
- Drafting the plan of action: Once the common agenda is developed, it is important to draft a plan of action to ensure that all identified needs are covered.
- Implementing: CSOs can directly implement aspects of a P/CVE plan or efforts, or Member States may finance existing CSO projects that are directly associated with the objectives and national strategy of a P/CVE plan.
- Monitoring and evaluating: The monitoring and evaluation of the results and effectiveness of a plan or activity can be enhanced by the collaboration of CSOs. In this case, the use of surveys,
Support and training of CSOs: Collaboration and cooperation with CSOs may highlight areas with room for improvement. Addressing these issues will increase the effectiveness of the P/CVE plan. Training activities relating to the use of social networks and the creation of online campaigns, or the development of forums in which the CSOs’ collaboration is evident, are effective in strengthening these organizations and will reinforce coordination and cooperation within them. Financing projects is another aspect that will enhance these organizations and therefore positively contribute to the effective implementation of a national or regional plan.

Training given to CSOs, focused on empowering them in their work as partners of government in P/CVE responses, may focus on topics such as, for instance, design, launch and management of online P/CVE campaigns; or the fundraising and financing of state-led projects.

Evaluation of the collaboration and relationships with CSOs: Periodic monitoring meetings between the staff of these CSOs and the governmental agencies to ensure that the adequate degree of communication between both is achieved, is essential. This will ensure that the expectations of both parties in meeting objectives is fulfilled and will provide a platform through which engagement can be modified or adapted to current situations.

3. Concluding points: successful community engagement

When implementing P/CVE measures and particularly in the context of returned FTF’s and family members, community and local engagement is key to ensure sustainable and effective measures. In that context, credibility and trust appear as the cornerstones to a successful community engagement.

Additionally, families together with an efficient partnership with the local police, appear essential during the process.

Families of returning FTFs

Families are a key factor to understand the radicalization process of specific individuals and their motivations for returning. At the same time, they are critical to facilitating disengagement. Families are also in the best position to alert authorities about the relocation and/or return of FTFs; as they may have critical information on the needs and plans of those, as well as report on signs of possible recidivism.

To ensure that families are actively involved in the process of rehabilitation and reintegration, the relationship between families and state authorities (including local police) is to be developed beforehand, ideally based on mutual trust and understanding. Collaboration is mutually beneficial: on the one hand, authorities need constant updating of the situation, as well as early alerts or signs of radicalization; on the other hand, families need support in reintegration efforts, without the feeling of being responsible or under scrutiny or suspicion for the actions of their relatives.

The crucial role of police

Information is key to prevention work. Police officers, particularly those at local or community level, have a special role to play in community engagement, as they can recognize the first signs of violent extremism, either directly or indirectly collecting information from many local sources. In order to improve collaboration of the community with the police, several practical steps can be considered:

- Developing and strengthening local networks. In that sense, the establishment or strengthening of local networks of actors is a useful means to ensure high quality of information (in
terms of credibility and veracity) to detect and prevent violent extremism. Specific protocols to manage this information in accordance with international human rights standards should be developed.

- Promoting awareness and training in community engagement. Providing law enforcement officers with the appropriate skills and knowledge in community engagement, approaches, CSO management and how to approach and deal with sensitive situations is essential.

- Establishing a personal contact point with the local police team for families is highly effective in order to avoid secondary victimization and ensure a coordinated action from the state towards the community.

- A “two-way communication” channel between families and the local police must be established. Police should be both receiving information and providing advice and support during the de-radicalization and disengagement processes. Families should also be able to report on advancements and backlashes and be willing to implemented any suggested measures.

### E. Context, difficulties and stigma surrounding the return or relocation

**General standards applicable to rehabilitation and reintegration of returned FTFs and members of their families**

- There is a framework of specialized international legal standards applicable to returned FTFs and members of their families, which is complementary to the general international law standards applicable to any person.

- International human rights law, international humanitarian law, refugee law, international criminal law and other international legal standards are applicable to returnees and members of their families, without any kind of discrimination.

- The human rights of individuals should be a primary consideration in any decision affecting returned FTFs and their families.

- Rehabilitation and reintegration efforts are to be developed case-by-case.

#### 1. The importance of context

When working with returned FTFs and members of their families, it is important to consider the differentiated contexts and standards that are applicable to each particular individual; as well as their vulnerabilities and particular needs and challenges. Having said that, it has to be reminded that international law standards apply to FTFs and returned FTFs, as well as to members of their families (See chapter 2 section B on the international legal framework on terrorism) and should be implemented without any undue distinction to other groups, provided they are under the jurisdiction of a Member State.

Member States have to take in consideration that the human rights of individuals are to be considered in any decision taken, including those decisions based on national security concerns. For that purpose, the national legal status of returned FTFs should not be an excuse or an obstacle to abide to the applicable international standards.
Moreover, rehabilitation and reintegration measures, whether complementary or alternative to prosecution, are to be considered and analysed taking a case-by-case approach. In this context, it is important to mention that international standards specifically allow for the admissibility of intelligence for the purpose of implementing rehabilitation and reintegration as an alternative to prosecution.

General standards applicable to cross-border issues of returned FTFs and members of their families

- Member States have primary responsibility over their own nationals, regardless of their location.
- In no case may a person be arbitrarily deprived of the right to enter their own country. The concept of their own country is to be interpreted in a broader manner, including countries to which the person claims to have “special ties,” even if they haven’t acquired nationality by birth or conferral.
- Member States shall ensure that nationals who are family members of suspected FTFs are repatriated and do not face serious charges only based on that ground.
- In case of children, Member States have the obligation to consider and protect all of them as victims, regardless of their nationality (if any) and involvement in criminal activity for which they might be accountable, provided minimum age of criminal responsibility and other.

2. The challenge of cross-border issues

South Asian Member States report that extraterritoriality issues are one of the main challenges faced in relation to returned FTFs and members of their families. In that context, the following issues present challenges: investigation and prosecution of crimes; international mutual assistance; sharing of intelligence; border control and the nationality of children born in conflict zones.

The phenomenon of FTFs is, by definition, a cross-border issue. Returnees and family members face many cross-border challenges, both individually and as a group. In the majority of cases, members of the same family might have different legal statuses and personal journeys that involve many different jurisdictions or even locations outside of state control.

Recurrent difficulties for returnees are related to their legal status and nationality situation, as well as the nationality of their family members. Addressing their legal status is usually the first step necessary when in contact with their country of return which may represent a source of secondary victimization. Member States should bear in mind that they have primary responsibility for their own nationals. This means that they should “ensure that their nationals who are family members of suspected FTFs are repatriated and do not face serious charges only based on that ground.” In case of children, Member States have the obligation to consider and protect all of them as victims, regardless

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188 Ibid., principle 25.
189 Refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim, see UNODC, Handbook on Justice for Victims: On the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (New York, 1999), p. 9.
of their nationality (if any) and involvement in criminal activity for which they might be accountable, provided minimum age of criminal responsibility and other factors are present.191

Female FTFs who have returned, or family members, are even more affected by cross-border issues. Particularly when their situation is dependent on the nationality of their spouses (especially if a spouse is deceased or fleeing justice); when the nationality of their children is unclear or contested; or if their nationality is arbitrarily changed without their knowledge or the possibility of appeal. This results in preventing their return, rehabilitation and reintegration in society, as well as the return of their dependant family members.

For mothers, nationality and citizenship issues are interrelated to parenting and custody rights. The ability of mothers to protect and provide for their children is directly dependent on their ability to navigate cross-border issues affecting them both. It has been recurrently observed that many women are not returning to their country of nationality or residence because they are unable to attain citizenship or nationality status, or theirs does not match that of their children or dependant family members, including young women and men.192 Custody of children in these circumstances might be negatively impacted, or even neglected, to the detriment of child rights, leading to unnecessary separation of family members and institutionalization of dependant family members.

In this context, it has to be remembered that any decision affecting child rights (whether directly or indirectly), including decisions directed to their parents or legal guardians, is to be taken based on the consideration of the best interest of the child.193 Institutionalization of children should always be a last resort measure, to be taken only when strictly necessary. In cases of family members with different legal statuses (including statelessness), consideration of the rights of children should be of paramount importance.194

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194 Ibid., arts. 9, 10 and 18.
Member States are reminded that in the context of counter-terrorism and PCV/E matters, international law, including international human rights law, international humanitarian and refugee law, are all applicable without any kind of exclusion. However, legal voids are very common at the national level when it comes to FTFs, RFTFs and members of their families.

In South-East Asia it is very common to see FTFs and members of their families returning with a different nationality from that they held when they left; sometimes returned FTFs will have an asylum or refugee status or may be stateless. This is particularly true in the case of widows who may have married to fighters in a conflict zone and/or may have obtained their husband’s nationality, but are unable to claim it because of his death. It is very frequent that in the event of the husband’s death, the husband’s national authorities may not recognize the wife’s entitlement to the right to return to her new or former country of nationality, nor the right of their children to do the same. In some cases, the marriage may have only been carried out under formalities outside of state control or registry. Sometimes, those parents married only under a religious jurisdiction of their choice but have failed to legalize their bond before national authorities for various reasons. Other times, mothers are stateless while children are not, or the other way around.

Challenges of a stateless relocated FTF with children – United Kingdom / Bangladesh

Shamima Begum joined ISIL as a minor and travelled to the Syrian Arab Republic in 2015 when she was around 15 years of age. In February 2019, when she was found in a refugee camp in the northeast of Syria, she was then an adult (19) and a mother of a newborn. That same month, the United Kingdom Home Office issued an order to remove her citizenship based on national security concerns, stating that she may be eligible for Bangladeshi citizenship through her family, although she had never been in that country. Being stateless, the legal status of her child was unclear. The parents of Begum tried to bring their grandson to the United Kingdom but before that was possible the baby died, reportedly due to the poor conditions in the refugee camp and the lack of access to nutritious food for the baby and the mother.

In February 2020, the Special Immigration Appeals Commission ruled that it was lawful to remove her citizenship because she was a citizen of Bangladesh by descent (mother). In July of the same year, the Court of Appeal ruled that she could return to the United Kingdom to make her case in the interest of justice and be able to contest the decision of rescinding her British citizenship, as she was not able to make her case from the Syrian camp. At the same time, Bangladesh confirmed that she had never sought Bangladeshi citizenship and her parents are not Bangladeshi citizens. Bangladesh also confirmed that she would face death penalty in Bangladesh, under national counter-terrorism legislation.

In this case, the international human right of not being arbitrarily deprived of a nationality and the standards applicable to statelessness are at stake.

In that context, it is important to highlight that there are distinct aspects to the legal framework covering the right to return to their own country applicable to all: adults, youth and children and some applicable to women and children.

On the one hand, adult and young returned FTFs and family members are protected by the general clause of freedom of movement that refers to their right to leave and enter their own country, as recognized in Article 12 of the International Covenant on Civil and Political Rights (hereinafter “ICCPR”).

International Covenant on Civil and Political Rights

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

According to the Human Rights Committee, the right to enter to “his own country” includes:

(i) The right to return to the country of nationality or permanent residency (from which one has originally travelled).

(ii) The right to return to the country towards which the person has or claims to have "special ties”, even if he or she hasn’t acquired nationality by birth or conferral.195

This includes individuals that are nationals but have never been to their country of origin; those who were born outside, are permanent residents or are refugees, asylum seekers or aliens that claim relation to that country; as well as those nationals of a country who have been stripped of their nationality in violation of international human rights law. This right is also applicable regardless of the additional jurisdictions applicable before the person (or their legal representative, in case of children) expresses their wish to return.196

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196 Ibid., paras 19-20.
In no case may a person be arbitrarily deprived of the right to enter their own country. The reference to the concept of arbitrariness in this context is intended to emphasize that it applies to all State action, legislative, administrative and judicial; it guarantees that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances. The Committee considers that there are few, if any, circumstances in which deprivation of the right to enter one’s own country could be reasonable. A State Party must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country.


On the other hand, children are specifically protected by a stronger human rights framework based on the right to a nationality (Art. 8(1) of the Convention on the Rights of the Child, hereinafter “CRC”)

Convention on the Rights of the Child

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 8

1. States Parties undertake to respect the right of the child to preserve their identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of their identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily their identity.

Article 9

1. State Parties shall ensure that a child shall not be separated from their parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child […].

In the same line, Article 9 of the Convention on the Elimination of All forms of Discrimination Against Women (hereinafter “CEDAW”), specifically grants equal rights of women with regard to access to a nationality for their own and their children, stating that any applicable changes should not render in statelessness or force a nationality based on marriage.

Convention on the Elimination of All Forms of Discrimination Against Women

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Alongside these general human rights standards, other norms of refugee law apply. Among those: the 1954 Convention relating to the status of stateless persons and the Convention on the Reduction of Statelessness. Both of them imply a negative obligation for those Member States that have not ratified them. Under the general rules of international treaty law, all Member States are prevented from taking actions that would make a treaty adopted by the General Assembly inapplicable. And this is so because all State Members of the United Nations are part of the discussions that lead to the approval of treaties and in doing so, regardless of their acceptance or ratification of treaty, by the mere participation in the discussions of approval of a treaty, they accept that the treaty has been discussed, its content is valid and that it represents the opinion of the international community on a certain subject matter.

3. Violence and trauma

General standards applicable to violence and trauma of returned FTFs and members of their families

In order to avoid secondary victimization, rehabilitation and reintegration measures should be trauma-informed.

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199 VCLT, arts. 9, 10 and 18. The obligation was further reiterated in Security Council resolution 2462 (2019).
Exposure to violence, regardless of actual involvement in terrorist activity or not, might be sufficient to impact mental and psychical health. In the case of children, there is scientific consensus about those negative effects. In this context, it is of paramount importance that state measures are trauma-informed. This means that they should not contribute to or perpetuate further victimization of those who have already experienced acute violence, or who may already be suffering from trauma-related conditions.

Trauma-informed rehabilitation model – Indonesia

The Outreach division of the Yayasan Prasasti Perdamaian (YPP) of Indonesia focuses on assistance for former terrorist inmates and their families, children in networks of terrorism, deportees and returnees. This assistance is the part of their disengagement and reintegration. Disengagement and social reintegration efforts are conducted through trauma healing therapy, discussions, regular visits, soft skills training and entrepreneurship coaching and assistance.


In this context, general principles applicable to victims of crime, are also mutatis mutandis applicable for returned FTFs and members of their families. Among those, the following should be considered:

- Inform them of their situation, options, role, timing and progress of the proceedings and of the disposition of their cases, especially where children and/or serious crimes are involved and even more so, where they have requested such information.
- Allow their views and concerns to be presented and considered at appropriate stages of the proceedings where their personal interests are affected (this includes the views of children).
- Provide proper assistance to victims throughout processes (social, medical, psychological, etc.).
- Take measures to minimize inconvenience and difficulties.
- Take measures to protect their privacy, when necessary and ensure their safety and protection against intimidation or retaliation; as well as the safety of witnesses related to their situation and/or actions.
- Avoid unnecessary delays in the disposition of cases and the execution of orders or decrees granting awards that benefit them.

Apart from the above, in the context of rehabilitation and reintegration of returned FTFs and members of their families, Member States shall consider:

- Provision of multidisciplinary support to survivors of violence, abuse and other violations of international law; in particular to women and children. Support shall include at least social, medical and psychological measures.

• Take measures to prevent further victimization and stigmatization of family members of persons with links to terrorist groups.

• Engage relevant local communities and non-governmental actors, including community, religious, cultural and education leaders, in the development of rehabilitation and reintegration measures of FTFs and members of their families, shall be considered.\(^{203}\)

Finally, in the process of reintegration of returned FTFs and members of their families, any state action or omission should also avoid secondary victimization.\(^{204}\)

Examples of secondary victimization of returned FTFs and members of their families by action:

• Generalized institutionalization upon arrival without or prior to a risk assessment

• Repetition of individual risk analysis or evaluations by different stages of the administrative or judicial process considering the same issues

• Questioning about the reason why they were victimized or why they brought family members in or to that context

• Requesting formalities and documents that it is known they cannot provide

• Reintegration into communities and/or families without support or without analysing the capability of them to accept their family or community members back

• Reintegration into families that are violent or have a record of violence or crime

• Removal of citizenship/nationality or changing the legal status of parents/legal guardians without considering the impact on children and dependant family members

• Separation of children or dependant family members from parents/legal guardians without consideration of the best interest of the child

• Any other state action that directly or indirectly results in suffering or increased difficulties for returned FTFs and members of their families

Examples of secondary victimization of returned FTFs and members of their families by omission:

• Not sharing information among institutions or administrative stages forcing recurrent interviews and/or forms with individuals about the same issues.

• Taking measures of rehabilitation and reintegration without the consent of individuals themselves, for those above 18 years of age; or without the consent of their legal guardians (in case of children).

• Taking measures of rehabilitation and reintegration without listening to the opinion and views of the ones involved, including not giving space or not listening to children’s opinions.

• Deprivation of essential support needs upon arrival (health, psychological support, food, etc.).

• Any other state omission that directly or indirectly results in suffering or increased difficulties for returned FTFs and members of their families.

\(203\) Security Council resolution 2178 (2014), para. 16.

4. The challenge of stigma

General standards applicable to reduce and prevent stigma in relation to returned FTFs and members of their families

- To reduce stigma and its effects on rehabilitation and reintegration, it is essential to engage influential community leaders (including religious authorities and media) in delivering a balanced message that combine dialogue and social cohesion.
- There are additional factors that can increase the effects of stigma experienced and suffered by FTFs and members of their family. Among those: criminal convictions or institutionalization and gender considerations.

Stigma is related to social, cultural and religious misconceptions and prejudice that ultimately lead to the discrimination of the affected persons. Stigma is a source of discrimination that can greatly affect returned FTFs and members of their family during the phases of their return/relocation, rehabilitation and/or throughout the reintegration process.

Additional factors, such as a criminal conviction or institutionalization, can increase stigma and the social exclusion of returned FTFs within communities. For instance, assumptions may be made that convicted women may have been victims of sexual violence and abuse, which could have implications in family and social relationships. Specific challenges exist with reintegrating women convicted of violent extremist offences.

Other factors can increase the effects of stigma on returned FTFs such as sexual and/or gender-related violence and crimes, for which victims face increased difficulties. Rehabilitation and reintegration of female returned FTFs or female family members of returned FTFs should be addressed considering prevailing gender prejudices, harmful practices, misogyny and the deficit of dignity and rights that women experience in their communities; many of which push women into violent extremism leading to terrorism.

In 2019, the Security Council stressed that:

[A]cts of sexual and gender-based violence in conflict can be part of the strategic objectives and ideology of and used as a tactic by certain parties to armed conflict, including non-state armed groups, designated as terrorist groups.

[V]ictims of sexual violence, committed by certain parties to armed conflict, including non-state armed groups designated as terrorist groups, should have access to national relief and reparations programmes, as well as health care, psychosocial care, safe shelter, livelihood support and legal aid and that services should include provisions for women with children born as a result of sexual violence in conflict, as well as men and boys who may have been victims of sexual violence in conflict including in detention settings; contribute to lifting the sociocultural stigma attached to this category of crime and facilitate rehabilitation and reintegration efforts.

Women and girls who become pregnant during conflict (often as a result of sexual violence), as well as men and boys victims of sexual violence, have specific needs in terms of rehabilitation and reintegration. In some cases, these victims face life-threatening and enduring risks. In other cases, their children are at risk and suffer harm related to social marginalization, physical and psychological injury, statelessness, discrimination and a lack of access to basic rights and services, including access to justice and reparation of the consequences of the violence suffered. 205

As such, Member States are required to ensure that male and female returned FTFs (including their dependant family members, especially those who might be conceived as a result of sexual violence) have:

(i) the option of reporting and/or documenting their cases for future accountability processes; and

(ii) access to health and psychological care, a safe shelter, livelihood support and legal aid. 206

In the context of reintegration, prejudice and stigma within society can be a challenging situation which has the potential to become a vicious cycle for returned FTFs, particularly for women. 207 To reduce stigma and its effects on rehabilitation and reintegration efforts, several factors are to be considered, including:

• Community exclusion factors;

• The potential of violent backlashes against returned women and girls; and

• The engagement of influential community leaders, including religious authorities and media and their ability to deliver a balanced message that combines dialogue and social cohesion. 208

C-SAVE

Integration programmes for women and their communities – Indonesia

The organization of Civil Society Against Violent Extremism (C-SAVE) has created integration programmes between former returned FTFs and their communities. One of those provides cooking lessons as an opportunity for women and the community to come together. In doing so, they might be confronting the stigma directly and providing long-term security and well-being to avoid reengagement.


206 Ibid., para. 31.
207 UNDP and ICAN, Invisible Women: Gendered Dimensions of Return, (see CRC, art. 3.).
208 Security Council resolution 2396 (2017), para. 35.
F. Specialized standards

General standards applicable to reduce and prevent gender discrimination or exclusion in the context of returned FTFs and members of their families

- Gender and age sensitivities considerations are to be taken in rehabilitation and reintegration measures.

- Rehabilitation and reintegration of female returned FTFs or female family members of returned FTFs should be addressed considering prevailing gender prejudices, harmful practices, misogyny and the deficit of dignity and rights that women experience in their communities; many of which push women into violent extremism leading to terrorism.

- Participation of women in rehabilitation and reintegration responses can help formulate and deliver tailored responses that are more localized, inclusive, credible, resonant and therefore sustainable and effective.

- Leadership and participation of women, including women-led organizations and organizations working on women’s issues, should be considered and promoted in relation to the design, implementation, monitoring and evaluation of strategies for addressing RFTFs and their families.

- Gender-sensitive measures should also include specific rehabilitation and reintegration measures for male survivors of sexual violence, offering appropriate responses with a view to including monitoring about this type of violence in risk assessments, analysis and reporting spaces for survivors; as well as measures to challenge cultural assumptions about men’s invulnerability to such violence.

1. Gender sensitivity

Gender inequality, discrimination and exclusion is manifest in all human activity and violent extremism leading to terrorism is no exception. Terrorism and counter-terrorism measures are equally affected by gender prejudice and discrimination. Women have been traditionally considered “soft targets or actors” of violent extremism and terrorist activities. At the same time, it has been widely reported that women associated with FTFs, or who have relocated to or from conflict, may have served in different roles, both active and passive, including as supporters, facilitators, recruiters, perpetrators and of course, victims.\textsuperscript{209} Moreover, there is consensus that terrorist groups use and have used, acts of sexual and gender-based violence as part of their strategic objectives and ideology. These acts are also used as tactics of terrorism and as an instrument to increase their power through the destruction of communities.\textsuperscript{210}

\textsuperscript{209} Ibid., para. 31.

\textsuperscript{210} Security Council resolution 2242 (2015).
It is a fact that terrorist and violent extremist groups have taken different measures to attract, target and engage women and men into their efforts, including through acts of sexual and gender-based violence. At the same time, it is important to consider that, although men and women might equally be targets, actors and victims of violent extremism and terrorism, their role, experience and needs in terms of rehabilitation and reintegration might be very different. As such, the Security Council has reiterated the differential impact of violent extremism and terrorism on the human rights of women and girls, including in the context of their health, education and participation in public life.

As mentioned in previous sections, women have played a significant role in violent extremist and terrorist groups, both at the strategic and tactical levels. However, the role of women in terrorist activities remains widely unseen and under-analysed. According to gender studies, between 1985 and 2010, 257 female fighters were involved in suicide attacks, i.e., about a quarter of all terrorist operations worldwide. Examples of “all-female moral police”, like the Khansaa Brigade of ISIL, or the increase of female suicide bombers (See chapter 4 section C.3 on gender-based messaging) may demonstrate the expansive role of women and girls within violent extremist and terrorist groups.

Active role of women in conflict – Indonesia

In Indonesia women have historically played many roles during the conflicts in Maluku and Poso from 1998 to 2002. It is reported that they have provided ammunition, home-made explosives and logistical support to non-state actors. Since that time, women have engaged in religious proselytizing, education, recruitment and charitable activities for violent extremist groups.

Source: Unaesah Ramah, “The Role of Women in the Islamic State in the Dynamics of Terrorism in Indonesia”, Middle East Institute, 10 May 2016.

As well as being active fighters in the field, women also carry out the ‘traditional’ role as wives to jihadists and mothers to their children. In doing so, they contribute to the logistical support and secrecy of the group, among other things. Some of these women routinely underwent physical training.

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211 According to the European Union Radicalization Awareness Network: ‘For men, there is a strong focus on masculinity, life as a warrior and the glorification of martyrdom. […] Often, young male recruits have a criminal background and asocial psychological disorders which means they have a range of difficulties, such as low impulse control, anger management issues, a propensity for violence as tool for power and control, metaphorical short sightedness etc. Trauma from having inflicted, experienced or witnessed violence must be addressed. In contrast, the role of women in Daesh propaganda is projected towards identity and belonging, towards having active and vital roles in building the so-called Islamic State. If they fulfill their duties as wives and mothers, some may actively contribute as teachers and nurses, or to propaganda and recruitment […] For some female recruits, Daesh is an escape route from difficult identity issues, such as choosing between modern Western values and the retention of their families’ traditional Islamic principles.’ See Radicalization Awareness Network, RAN Manual. Responses to Returnees, p. 82; Paul Cruickshank, ‘A View from The CT Foxhole: Lisa Monaco, Former Assistant to President Barack Obama for Homeland Security and Counterterrorism’, CTC Sentinel West Point, vol. 10, Issue 9 (October 2017). See also Radicassion Awareness Network, RAN Manual. Responses to returnees: Foreign terrorist fighters and their families (July 2017, stating that there are “42,000+ foreign terrorist fighters from 120+ countries”.


in order to prepare for the eventuality that they might have to defend “their territory.” In some of these settings, women are considered “property” of individual males and/or “property” of the entire group.\textsuperscript{216}

Consequently, the analysis of the role of women in terrorist and violent extremist groups should influence the measures that Member States put in place to prevent their recruitment, as well as to ensure their effective rehabilitation and reintegration.

For instance, women and families of FTF’s associated with Al-Qaida were not allowed to have tactical roles unless involved in defending their rights and territories; women within ISIL not only had support roles but were actually trained as active combatants.\textsuperscript{217} In this scenario, while measures to address the women associated with Al-Qaida in the first example should focus on the effects of violence; measures to support the rehabilitation and reintegration of women from ISIL, may face the challenge of women that are used to being active, leaders and who have engaged in violence. In this context, measures should also include disengagement and particular attention to reintegration efforts, as their role may be in direct contrast to the societies and communities to which they may return.

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, called for an “holistic and inter-sectorial approach to addressing the relationship between gender and violent extremism”.\textsuperscript{218} As such, any gender-sensitive measure related to counter-terrorism or P/CVE should consider three distinctive aspects:\textsuperscript{219}

(i) Women’s rights: how they are respected or can exercised;
(ii) Structural inequalities: how the society conceives women and what role they have in it; and
(iii) The gendered drivers of armed conflict and the relationship between violent and hegemonic masculinities and the production of violent extremism.

In this context, in developing strategies and policies addressing rehabilitation and reintegration, Member States should consider the differentiated gender dimensions and needs. In doing so, efforts should address:

(i) the causes of the involvement of women in violent extremism, which are gender-based (among them exclusion, discrimination and violence based on gender and prejudiced views); and
(ii) the consequences of women’s involvement in violent extremism. Namely: the impact of violence, trauma and other related health issues and the actual consequences of involvement in violence, some of which might be gender-based, others not.

A UN Women study carried out at two universities in northern Bangladesh showed that young women and men identified gender equality and equal opportunities for women and men as the most critical element affecting social cohesion in Bangladesh.\textsuperscript{220} Actions affecting gender equality that were considered in the study referred to violence against women and children, discrimination of women in arbitration processes and child, early, or forced marriage. As a consequence of that inequality, sexual harassment was identified as an early warning sign or proxy indicator of radicalization.\textsuperscript{221}

\textsuperscript{216} Unaesah Rahmah, “The Role of Women in the Islamic State in the Dynamics of Terrorism in Indonesia”, Middle East Institute, 10 May 2016.


\textsuperscript{218} A/HRC/43/46, para. 39.

\textsuperscript{219} Ibid., paras. 39-41.


\textsuperscript{221} Ibid., p. 3.
Additionally, previous research found that sexism and support for violence against women are the factors most strongly associated with those who support violent extremism. The results of this study coincide with the outcomes of mentioned study of Bangladesh:

In Bangladesh, people who support violence against women are three times more likely to support violent extremism. This can be exploited by violent extremist groups in Bangladesh through adherence to traditional gender roles, gender-based oppression and sexual and gender-based violence to heighten the marginalization of women and girls and a toxic masculinity that positions men as violent defenders and protectors of extremist ideologies.


Although in Asian countries women-led violent extremist attacks are less common, women can and do, play different roles in relation to radicalization and violent extremism. In that sense, understanding sexism and violence against women can contribute to develop early signs or radicalization and violent extremism.

UN Women observed that in Bangladesh, when recruiting women, violent extremist groups prey on women’s marginalization on multiple layers, all of which range from family and community life, to social hierarchy, experiences at education institutions, employment opportunities, pressures around and conditions of marriage, religious discourse about women and freedoms, societal view on women’s bodies and their security in the public space.

In the case of Bangladesh, activities related to the understanding of sexism and violence against women have been proven to be important early warning signs of radicalization and violent extremism. In addition, this understanding has empowered young people to address unequal power relations between women and men that manifest in sexism and violence against women, thereby short-circuiting the continuum of violence that often starts with sexism and/or violence against women in the private sphere and escalates to ideological masculinity rooted in violence and support for violent extremism.

The above-mentioned case of female university students in northern Bangladesh reported by UN Women, reflects on the dual influence that gender can play in women affected by violent extremism leading to terrorism: on the one hand, gender roles and gender discrimination play a key function as a push factor to violent extremism; at the same time, women are also specifically targeted by violent extremist groups that will absorb them into their groups, yet also perpetuate gendered misconceptions and prejudice.

This is why Member States are encouraged to address the rehabilitation and reintegration of female returned FTFs considering prevailing gender prejudices, harmful practices, misogyny and the deficit.  

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222 Johnston and True, “Misogyny and violent extremism”. (See A. Nasir, “Female Suicide Bombers”.)
223 Ibid., p. 1.
of dignity and rights that women experience in their communities and many of which push women into violent extremism leading to terrorism.225

In the majority of cases reported in the region of South Asia, female FTFs or their family members were reportedly returning or relocating with their children and acting as heads of family/household after their repatriation.

Example of a usual case of female FTFs that returns as head of household – Malaysia

Lidia, a medical laboratory technician from Malaysia, left the country with her husband and a minor son to secretly travel to the Syrian Arab Republic in October 2014. Her husband died in conflict and she remarried again. In March 2019, after she fled the territory controlled by ISIL, she contacted her father requesting him to help her return to Malaysia with her two minor sons as soon as possible, as the conditions in the camp of food and shelter were not adequate for her children.


In general, women return or relocate to rather traditional communities, whose values are frequently based upon male leadership and where the women’s role is reduced to the privacy of the home. In the absence of their deceased/disappeared/left behind husbands, their fathers (or other male family figures) might assume a “protective” role, treating their daughters as children again; even though they may no longer be minor. At the same time, children with FTFs parents may suffer additional rejection just because of the actions of one or both of their parents, leading to a new set of challenges for them in terms of facing stigma and discrimination while adjusting to their new surroundings and situation.

Additionally, many state measures affecting women returned FTFs are gender-biased in a negative way. It is common practice in South and South-East Asia (and elsewhere) to underestimate the potential of active involvement of women and girls with violent extremist groups.

Developing gender-sensitive measures for women in the context of returned FTFs, requires some degree of coordination with the affected members of the family or dependants of the women concerned.226 In many cases, this contact might be led by female family members or might have been developed already by community or CSOs. Therefore, it is advisable to engage women, community leaders and CSOs (including women-led CSOs), non-governmental organizations (hereinafter “NGOs”), working on women’s issues and survivors sexual and gender-based violence related to conflict, in the design, implementation, monitoring and evaluation or strategies for addressing RFTFs and members of their families.227 In doing so, Member States are encouraged to contribute to designing

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225 UNDP and ICAN, Invisible Women: Gendered Dimensions of Return, pp. 12-13. (See CRC, art. 3.).
226 At international level the “immediate family” is considered within the scope of the definition of “victim” of human rights violations. See General Assembly resolution 60/147 (2005), “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, principle 8.
and delivering tailored responses that are more localized, inclusive, credible, resonant and therefore sustainable and effective.\textsuperscript{228}

Finally, it is important that State Members consider and recognize that men and boys can also be targets of sexual violence by terrorist and violent extremist groups. For that purpose, gender-related measures should also include specific rehabilitation and reintegration measures for male survivors of sexual violence, offering appropriate responses with a view to including monitoring this type of violence in risk assessments, analysis and reporting spaces for survivors, as well as measures to challenge cultural assumptions about invulnerability to such violence.\textsuperscript{229}

2. Two specialized and distinct frameworks

Women and children associated with foreign terrorist fighters returning or relocating to and from conflict may have served in many different roles, including as supporters, facilitators, or perpetrators of terrorist acts and require special focus when developing tailored prosecution, rehabilitation and reintegration strategies […].

\textit{Source: Security Council resolution 2396 (2017), para. 31}

International standards applicable to women and children, returned or associated with FTFs, call for specialized attention taking into account gender and age sensitiveness.\textsuperscript{230} While it is true that specific legal frameworks are in place that require particular measures to be taken by Member States concerning children and women, equating gender and age-sensitive measures within the same, specialized, framework is a common misunderstanding. This situation can be rectified by reflecting on the different justification, purpose and content of these measures.

\textsuperscript{228} GCTF, “Good Practices on Women and Countering Violent Extremism”, good practice no. 3.
\textsuperscript{229} Security Council resolution 2467 (2019), para 32.
\textsuperscript{230} S/2018/1177, guiding principle 46 (c).
For instance, the framework for children is based on their primary consideration as victims of terrorism without exception, as they fall under a special legal framework governed by the CRC. This upgraded protection is based on the fact that children’s neurological and psychological developmental status as well as their ability to protect themselves, is radically different from adults.

In turn, women are also the subjects of a specialized international framework. However, this framework is based on an historic direct and indirect exclusion of rights and entitlements. So, while the child framework upgrades protections because of biological vulnerabilities, the framework applicable to women calls for a gender analysis in a way that ensures that they can access and enjoy rights at the same level as men do, namely, with equality. This means that their vulnerability does not come from biological or developmental issues, but from prejudiced social constructions that promote their exclusion and the limitation of their access to rights, services and even recognition as a human being with equal value as their male family members, colleagues or citizens.

Even so, in the context of returned FTFs, it is common to see that women and children in South and South-East Asia are frequently put and treated under a similar framework of measures. It has been reported that women are being considered victims *prima facie* and being assigned to protection schemes without carrying out evidence-based risk assessments that consider all possible roles that they might have acquired during their contact with terrorist activities.

In this same line, in relation to the assessment and investigation of individuals of whom there are reasonable grounds to believe that are terrorists, including suspected FTFs, the Security Council called to “distinguish them from other individuals, including their accompanying family members, who may not have been engaged in foreign terrorist fighter-related offences, including by employing evidence-based risk assessments, screening procedures and the collection and analysis of travel data […] without resorting to profiling based on any discriminatory ground prohibited by international law.”

Note that the Security Council, while calling for security risk measures that are to be applied in a gender-sensitive manner, prohibits discriminatory profiling. In that sense, gender-based profiling, where gender is the only consideration for measures, is contrary to international standards.

### 3. Age sensitivity

The concept of age sensitivity covers aspects affecting both children and youth.

As mentioned before, children are to be considered within a special framework, guided by the principles of the Convention on the Rights of the Child and other major international law standards on children. For both vulnerable groups, the Security Council has developed specialized standards.

In relation to young men and women, Security Council resolution 2250 (2015), calls for the inclusion of specific needs of youth during repatriation, resettlement, reintegration and rehabilitation. At the same time, Member States are encouraged to facilitate an inclusive and enabling environment in which youth actors (including youth from different backgrounds) are recognized and provided with adequate support to implement violence prevention activities and support social cohesion. Moreover, Member States are encouraged to empower young individuals into developing strategies to counter the violent extremist narratives that can incite terrorist acts and addressing the conditions conducive to the spread of violent extremism, promoting social inclusion and cohesion and engaging for that

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CHAPTER 4. PREVENTING AND COUNTERING VIOLENT EXTREMISM

purpose: young men and women, families, women and religious, cultural and education leaders. Furthermore, the support of youth-led organizations as partners in disengagement and reintegration, particularly in relation to youth employment and entrepreneurship, is strongly encouraged.233

In relation to children, UNODC has compiled a set of minimum standards applicable to them in the "UNODC Roadmap on the Treatment of Children Associated with Terrorist and Violent Extremist Groups".234 This Roadmap compiles following international rules:

1. There is no dichotomy between security interests and child rights. The two objectives of preserving public safety and protecting child rights are complementary and should be pursued concomitantly with a view to building long-lasting peace.

2. Child recruitment by terrorist and violent extremist groups is a serious form of violence against children, regardless of the means and methods employed. It leads to exploitation of children with long-lasting consequences for their well-being and society at large.

3. Children recruited and exploited by terrorist and violent extremist groups should be considered and treated primarily as victims of crime. This means that there is a need to protect, respect and fulfill the rights of all child victims, regardless of alleged involvement in terrorism-related or other criminal offences as offenders, or of the alleged risks they may pose in committing future terrorism-related offences. It is highly important to ensure that efforts are made to prevent the secondary victimization of these children.

4. Prevention of child involvement with terrorist and violent extremist groups should be a priority for State and non-State actors.

5. The best interests of the child must always be the primary consideration in any determination concerning the treatment of a child recruited and exploited by terrorist and violent extremist groups.

6. The key objective of any action taken in relation to a child associated with terrorist and violent extremist group should be to promote his or her rehabilitation and reintegration into society, in accordance with the child’s specific characteristics, circumstances and needs.

7. No child recruitment process can be regarded as truly voluntary, owing to the forms of coercion and influence used by these groups and the inherent power imbalance that arises in these circumstances.

8. When children are alleged as, accused of, or recognized as having infringed the penal law, they are entitled to all rights established by international law in relation to juvenile justice, with no exception or derogation due to the nature of the offence committed.

9. Any initiative aimed to prevent and respond to violence against children by terrorist and violent extremist groups must be mindful of the different impact of terrorism and counter-terrorism measures on girls and boys and must adopt child and gender-sensitive approaches.

10. Regardless of different circumstances, child recruitment is not only a crime problem, but first and foremost it is a developmental issue. It is a very complex phenomenon which requires concerted and multidisciplinary efforts by different systems and cooperation across different institutions and actors, in order to be effectively addressed.

233 Security Council resolution 2250 (2015), paras. 1, 2, 10, 16 and 17.

Further reading

Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups; The Role of the Justice System.

Rehabilitation and Reintegration of Child Victims of Recruitment and Exploitation by Terrorist and Violent Extremist Groups.


G. Rehabilitation focused on reintegration

1. Rehabilitation

De-radicalization and disengagement from violence – guiding principles.

Working definitions

In order to ensure the proper understanding of this section, for the purpose of the Manual, following concepts are to be defined:

De-radicalization: The process of changing the belief system, rejecting the extremist ideology and embracing more tempered values. De-radicalization refers primarily to a cognitive rejection of certain values, attitudes and views — in other words, a change of mind. It implies a cognitive shift, i.e. a fundamental change in understanding, resulting from activities intended to help individuals to renounce radical or extreme ideas, beliefs and groups.

Disengagement: Social and psychological process whereby an individual’s commitment to and involvement in, violent extremism is reduced to the extent that they are no longer at risk of involvement and engagement in violent activity. Disengagement from using, or supporting the use of, violence does not necessarily mean a change in an individual’s commitment to a radical or extremist cause. Disengagement involves a change in behaviour (renouncing the use of violence) rather than a change in fundamental beliefs.

Rehabilitation: For the purpose of this section, rehabilitation refers to the process gathering both de-radicalization and disengagement approaches, that enables the beneficiary to return to the society having abandoned any extremist view or behaviour.

The phenomenon of returned FTFs and the need to provide the appropriate response has received special attention from the UN, specifically from the Security Council through its resolution 2178 (2014). This resolution calls on Member States’ international law obligations to cooperate to address the threat posed by FTFs, including by developing and implementing prosecution, rehabilitation and reintegration strategies for returning FTFs.

In accordance with Security Council resolution 2178 (2014), Member States discussed principal gaps in their capacities to implement resolutions 1373 (2001) and 1624 (2005) that may hinder States’ ability to stem the flow of FTFs. Pursuant to their discussions, Member States identified 35 Guiding Principles were subsequently adopted by the Security Council, known as the “Madrid Guiding Principles.” Their ultimate goal is also rehabilitation and for that they contain following recommendations:

(i) Ensure that competent authorities are able to apply a case-by-case approach to returnees, on the basis of risk assessment, the availability of evidence and related factors;

(ii) Develop and implement strategies for dealing with specific categories of returned FTFs and members of their families, in particular children, women, family members and (other) potentially vulnerable individuals; and

(iii) Consider appropriate administrative measures and/or rehabilitation and reintegration programmes as alternatives to prosecution in appropriate cases.

Such measures should be used in a manner compliant with applicable international human rights law and national legislation and should be subject to effective review.

The Addendum to the Madrid Guiding Principles also states the need to proactively engage with civil society when developing rehabilitation and reintegration strategies for returned FTFs and their families. This recommendation is based on two grounds: (i) their possible relevant knowledge of, access to and engagement with local communities and (ii) their possible support as a way to monitor, evaluate and review the effectiveness of prosecution, rehabilitation and reintegration strategies.

Following this line, the 2017 Manila Declaration introduced specific lines of effort for the Association of Southeast Asian Nations (ASEAN) Member States, such as taking steps to consider pursuing de-radicalization in rehabilitation and reintegration programmes as an alternative to punitive measures.

This rehabilitation approach is also highlighted in the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (2015–2019) and the most recent ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (2018–2025). These plans specifically address the need to develop aspects of de-radicalization in rehabilitation and reintegration programmes as part of comprehensive measures to counter violent extremism and terrorism. These plans of action also highlight the need to strengthen the capacity of correctional service officers to provide services, counselling and mentoring as part of de-radicalization, rehabilitation and reintegration programmes for terrorist prisoners and detainees.

On the other hand, and as mentioned in a previous section, the risk and threat posed by these returned FTFs is closely linked to their motivation for returning and can vary from committing terrorist attack upon their return, forging or strengthening terrorist networks, or recruiting and radicalizing other inmates in prison, members of their community, or family.

In addition, and in light of the increasing number of FTFs returning or relocating to South and South-East Asia, Member States in the region are expanding their efforts to deliver structured, resilient rehabilitation approaches both in prisons and upon release.

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236 S/2015/939.
238 Adopted at the 12th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) held in Kuala Lumpur, Malaysia.
239 LTC Harris Tan Nan An, “Tackling the returning foreign fighter threat”; Barrett, “Beyond the Caliphate”.
241 Murad Halimmuddin, “Father and son wanted to bring terrorism to Malaysia from Middle East”, The Star, 1 July 2015.
Challenges
There are specific challenges that returning FTFs present during their rehabilitation process, which are different from “domestic” violent extremist offenders that require specific responses in terms of their rehabilitation, resocialization considering the potential threat they pose.

CTED addressed some of these specific challenges in a recent Trend Report. Likewise, the RAN and other international forums and platforms has identified particular challenges faced by returned FTFs.

Radicalisation Awareness Network (RAN)
The Radicalisation Awareness Network from the European Union discusses challenges faced by returned FTFs during the rehabilitation process in a report from 2020:

Males:
- Likely to have experienced trauma.
- Often assessed as highly dangerous by law enforcement and intelligence agencies.
- Undergo intense surveillance and stricter prison conditions.
- Subject to increased distrust from society and communities.

Females:
- Likely to have experienced trauma.
- May be responsible for children: mother-child prison programmes are necessary.
- High media exposure with greater obstacles to later (re)integration into social and functional contexts.
- Underestimated potential for future radicalization and violence.


In this context, Member States should identify how to properly ensure that the needs on returned FTFs’ rehabilitation and reintegration are met, while delivering effective measures to prevent recidivism and radicalization of other individuals and/or family members.

Member States of South and South-East Asia have deployed different rehabilitation approaches and techniques targeting returned FTFs, based on their own national schemes, previous experience with domestic violent extremist offenders, local threat assessments and priorities and the current and expected number of beneficiaries of these programmes.

Successful regional and national approaches to the rehabilitation of returned FTFs include some of the following guiding principles:

- Returned FTFs should be the unique and real owners and beneficiaries of the process of rehabilitation. In order to ensure that programmes are effective and sustainable, rehabilitation programmes should rely on the active engagement of returned FTFs in their rehabilitation, which has to be based on their free will to do so. This volunteer basis should not undermine or conflict with the possibility of incentives and benefits. Evaluation of their impact on success should be monitored.

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• **Rehabilitation models should be tailored to beneficiaries.** General models might not fit all the needs of beneficiaries and may lead to additional difficulties. The most successful rehabilitation programmes are all tailored to meet the specific needs and circumstances surrounding the beneficiaries, their expectations and especially their motivation to return.

• **Rehabilitation programmes should be constantly monitored, evaluated and have measures of success.** When defining a rehabilitation and reintegration strategy, it is necessary to identify clear measures of success (with partial and final goals), all of which are to be adapted to the individual process of each beneficiary.

• **Rehabilitation programmes should begin as soon as possible** (in prison, for the case of offenders), taking into special consideration the results of the risk and needs assessment. In addition, rehabilitation programmes should build up a continuum programme along the whole process from relocation to reintegration.

• **Rehabilitation models that abide to international human rights standards have a positive impact on the success of beneficiaries.** Rehabilitation tends to succeed in contexts where law enforcement measures, including deprivation of liberty, are managed and developed in conditions of humanity and dignity. Measures to avoid feelings of discrimination, inequality, polarization or the feeling of “them against us”, as well as humane treatment by prison staff, have the capacity to positively impact the belief of beneficiaries in the ultimate goals of their imprisonment, namely, their rehabilitation and resocialization.

Note that respect for international human rights standards does not conflict with classification of inmates according to the individual threat they can pose on other inmates or on themselves – nor on setting up different control measures on their ability to move or communicate with others.244

• **Rehabilitation efforts should be multidisciplinary and based on multi-agency approaches.** Rehabilitation affects all areas of life. Therefore, it is advisable to involve a multiplicity of disciplines, agencies or practitioners, according to the needs, chances and expectations of the returned FTFs. The multidisciplinary approach recalls the need to include all relevant disciplines necessary to the rehabilitation process (medicine, psychology, social work, etc.). Naturally, multidisciplinary processes are to be delivered by a multiplicity of agencies. These may include law enforcement agencies, the criminal justice sector, prison, probation services, social services, education and, as appropriate, CSOs and the private sector. The involvement of

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243 See S/2015/939, this approach has been specifically stated by the Guiding principle 30.
CSOs as part of a multi-agency approach is recommendable. The participation of practitioners from CSOs (including NGOs) might strengthen the trust relationship with beneficiaries and, therefore, might have a positive impact in their rehabilitation process. As previously developed, a State institution should assume the leadership and coordination of this holistic approach.

Multi-agency rehabilitation model – Singapore

Terrorist rehabilitation in Singapore is based on a blended model of intervention, which uses three approaches: psychological (conducted by the Ministry of Home Affairs’ psychologists doing counselling and identify possible interventions), religious (conducted by accredited religious clerics) and social (undertaken by inter-agency after-care groups), which is crucial to support the returnee’s family as well. Singapore also shared the existence of strong community engagement efforts based on the active engagement of the academia and many interreligious and interracial organizations.

They all foster multiparty cooperation that has seen different approaches, bottom-up and top-down, enabling rehabilitation to be dynamic in achieving its aims.


Wahid foundation – Indonesia

“RAN PE” is a government policy containing action plans to overcome violent extremism divided into four pillars. First, a pillar of prevention aimed at targeting the general public and vulnerable groups. Second, deradicalization targeting terrorism prisoners and families. Third, law enforcement and strengthening the legislative framework. Fourth, international partnerships and cooperation that contain national plans for government cooperation with civil society and the business community at the local, national and international levels.

The draft “RAN PE” was prepared by the Directorate of Regional and Multilateral Cooperation Deputy for International Cooperation in the National Counterterrorism Agency (BNPT). In this draft the government’s strategic efforts are compiled with systematic planning, planned and synergized with all stakeholders aimed at overcoming violent extremism using the four pillars as mentioned above.

The Wahid foundation actively collaborated to draft the national Preventing Violent Extremism Program for five years. This programme itself is based on the request of the Government of Indonesia, through The Coordinating Ministry for Political, Legal and Security Affairs (Kemenkopolhukam).

Successful rehabilitation models should involve communities and families. The involvement of communities and families is essential to ensure an adequate evolution of the rehabilitation over time, as it provides accurate and relevant information on the advancements of rehabilitation. This involvement might also avoid possible stigmatization coming from the community. Working with families and providing them with a role within the process will also facilitate the later reintegration of the returnees.

**Family-focused rehabilitation models – Sri Lanka**

Rehabilitation Programmes in Sri Lanka include several projects that are family-focused. Among these:

- **Family unification through the “Peace Village” concept**: Families are reunited at special rehabilitation centres named “Peace Villages”. Those centres aim at forging family spirit, ties and values. Married ex-combatants might re-join their spouses, children and their parents to resume their family life at the Peace Villages enjoying free movement.

- **Family Reunification Protective Accommodation and Rehabilitation Centres**: These centres established at Kaithady (Jaffna) enable the reunification of married ex-combatants who are undergoing rehabilitation separately at different rehabilitation centres.


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**Rehabilitation models benefit from resocialization efforts.** Returned FTFs involved in specific rehabilitation programmes, linked to de-radicalization and disengagement, tend to benefit from their involvement in other general activities with an ultimate resocialization goal. These activities might include sports, vocational training and/or social gathering opportunities, among others.

**Measures of deprivation of liberty within rehabilitation programmes should be a last resort.** Prison tends to be a breeding ground of further radicalization. Based on that, the use of alternative measures to imprisonments to enhance rehabilitation efforts, like the consideration of probation or any other alternative measures, are recommended. The use of these alternative measures must always be monitored and rely on the updated results of risk assessments.

The Madrid Guiding principle no. 31 recommends Member States to consider administrative measures and/or rehabilitation and reintegration programmes as alternatives to prosecution in appropriate cases. Such measures should be used in a manner compliant with applicable international human rights law and should by no means be subjected to regular and effective review.

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• Rehabilitation programmes should rely on trained personnel. All personnel involved in rehabilitation programmes should be adequately trained in rehabilitation standards, as applicable to their roles and functions. Training programmes for prison and probation staff should, for instance, cover radicalization processes, indicators of violent extremism and how to deal with extremist offenders. Other practitioners involved in the rehabilitation process in prison, during probation or upon release – social workers, psychologists, educators or religious leaders – should also receive specialized training on rehabilitation applicable to their respective fields. Furthermore, the sharing of good practices, handbooks and tools can inspire other institutions and agencies when designing their own training modules.

Yayasan Prasasti Perdamaian (YPP) – Indonesia

Based on the results of thorough research, the YPP Capacity Building Programs design interventions to counter violent extremisms adopting a train-the-trainers approach. Main beneficiaries of the capacity building programmes are government officers from Correctional Directorate of Law and Human Rights Ministry who train the parole and prison officers in handling terrorist inmates and social workers in the Social Ministry, who train the social workers in handling deported or returned FTFs.

Training for Social Ministry Officers in Handling deported/returned FTFs, aims to equip state officers, especially Social Ministry officers (social workers) with the capacity and capability in handling deported and returned FTFs from the Syrian Arab Republic.


• Rehabilitation programmes should carry out regular monitoring and evaluation activities. It is essential to monitor and evaluate rehabilitation processes, even more so when dealing with short-term expected results. In general terms, Member States need to invest time and efforts to develop regular monitoring and generalize the use of credible evaluation tools linked to the rehabilitation process. The involvement of CSOs is particularly useful to ensure effective and impartial monitoring efforts.
2. Risk and needs assessment

The concept of risk assessment is crucial to design the treatment provided to violent extremism offenders and specifically to returned FTFs and members of their families, if applicable. It has implications in the social and security field and particularly in the rehabilitation and reintegration processes that follow.

Many of these models or tools have been developed by psychologists for use as structured professional Judgement tools.

Examples include:

- The Extremism Risk Guidance (ERG 22+) – United Kingdom.
- The Multi-Level Guidelines (MLG V2) – USA/Canada.
- The Violent Extremism Risk Assessment, Version 2, Revised (VERA-2R) – developed by the Netherlands Institute of Forensic Psychiatry and Psychology.

Common elements of the structured professional Judgement tools include assessing issues around: engagement, intent and capability while assessing risk factors such as injustices/grievances, indoctrination, de-humanization and ‘us-and-them’ thinking. It is worth mentioning here, that some jurisdictions have modified structured professional Judgement tools in order to assist police and multi-agency partners to develop assessment methods for use in an operational environment, as opposed to academic or theoretical ones.

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**The Extremism Risk Guidance (ERG 22+) – United Kingdom**

The formulation of this structured professional Judgement tool is made up of 22 factors organized into three domains: engagement, intent and capability. Each factor and domain are assessed and recorded as being 'strongly present', 'partly present' and 'not present.' This allows the construct validity and the internal consistency reliability of the ERG22+ to be examined statistically.\(^246\) \(^247\) The target population for ERG22+ is all individuals in England and Wales convicted of an extremist offence (under terrorism and in some cases, other legislation). The assessment generally takes place with the first 12 months of a sentence.

**Multi-level guidelines (MLG version 2) – USA/Canada**

MLG-2 is also a structured professional judgment tool that aims to provide assessors with comprehensive and systematic guidelines to assess and communicate an individual’s risk for group-based violence, including terrorism, to prevent (not predict) violence and to guide prevention though planning. The system also seeks, for example, to ensure assessors are following best-practice and allow assessors to monitor change in those being assessed.\(^248\)

This tool is aimed at the pre-crime or post-crime space, targeting individuals, male and female, from 14 years of age (age of minimum criminal liability) who are currently a member of or affiliated with a group (including terrorist groups).

**The Violent Extremism Risk Assessment, version 2, revised (VERA-2R)**

VERA-2R is a tool specifically designed to analyse the risk of violent extremism. It is being used as a supplementary approach by psychologists and psychiatrists with knowledge of violent extremism. At the same time, VERA-2R can also be used by analysts of security and intelligence services, forensic social workers, social rehabilitation professionals and police forces or others tasked with assessing people suspected of violent extremist or terrorist criminal offences. This tool is intended for use with all types of violent extremists, terrorists and violent offenders motivated by religious, political or social ideologies, pre-crime or post-crime and in any judicial setting.

VERA-2R contains 34 indicators specifically related to violent extremism, which are divided into five domains:

- Beliefs, attitudes and ideology
- Social context and intention
- History, action and capacity
- Commitment and motivation
- Protective/risk-mitigating indicators\(^249\)

These tools have been shown to be efficient in certain, specific environments. Therefore, each Member State should consider designing its own risk assessment, or structured professional Judgement, tool, based on the specific cultural, social and political circumstances relevant to their own countries. Ideally, this should be done alongside the analysis of the push and pull factors surrounding the local

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\(^{248}\) Ibid., p. 28.

radicalization processes. As has become customary in the P/CVE field, “one model does not fit all” - therefore, Member States will need to invest in the necessary research and resources to develop a unique and effective model to assess the risks posed by violent extremism offenders and specifically by returned FTFs and members of their families.

Moreover, there are internationally recognized standards and principles associated with the use of these risk assessments that must be taken into consideration. As a general pattern, the Risks – Needs – Responsivity assessment model,250 linked to the Dynamic Security concept and approach recommended by UNODC,251 is an adequate methodology to provide Member States with an efficient tool to not only assess the risks that these individuals can pose in terms or recruiting others, creating networks, or even committing terrorist attacks at home, but also to identify those needs that should be considered when defining the individual rehabilitation and resocialization strategy.

Implement a comprehensive, structured and individually tailored risk and needs assessment protocol to evaluate each returning family member to inform response strategies.

Risk and needs assessments enable authorities to build tailored responses to ensure they address needs, are commensurate with the risk and do not further radicalize to violence the returnees, members of their families, or local communities. Such assessments should be professionally administered by a coordinated, cross-sectional and multidisciplinary approach with a systematic methodology and they are considered most accurate when they employ structured professional judgment tools based on triangulation from a variety of sources – including risk assessment checklists, interviews and other information. They should be individually administered to each returnee and re-administered iteratively and they should focus on the needs of the individual as much as the risks associated with them to ensure they do not stigmatize or limit the freedom of expression, even if their opinion is extreme but not prone to violence.

Source: Global Counter Terrorism Forum, “Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs)”, Good Practice no.5.

It is worth highlighting that these tools may entail several ethical and functional challenges, linked to their possible use as profiling tools that can be tainted by prejudice, politicization, or ignorance – particularly in multicultural contexts. They might also generate unpredictability among the monitored subjects and/or communities; or even open up arbitrary administrative practices in prevention efforts. In many cases, they also lack judicial supervision. Therefore, the use of these tools should always be based on a full compliance with international human rights standards.252

252 A/HRC/43/46.
3. One process – different approaches

According to South and South-East Asian academia, rehabilitation models are varied. They can focus on ideological, religious, educational, vocational, social, creative arts therapy, sports and recreation, as well as psychological factors that may cause violent extremism.

Some rehabilitation models are based on social rehabilitation approaches. In these, family and community play an important role in the detainee’s journey to reintegrate into the community. There are other approaches based on psychological rehabilitation. Here, detainees work with psychologists to re-establish their capacity to function in society and to achieve self-efficiency leading to positive behaviour transformation.

Other approaches are based on religious rehabilitation, mainly carried out by religious figures, that aim at addressing misunderstood concepts and redirect individuals to open and critical ways of interpreting religious texts and sources. Moreover, there are also rehabilitation models based on vocational training - these allow detainees to acquire new technical skills or upgrade current skills to support their employment potential upon release. Finally, there are also models based on sports and recreational rehabilitation which are generally employed to address self-esteem, leadership, cooperation and other personal skills that are relevant for their resocialization process.

For the purpose of this section, we will analyse some of those models and provide practical examples on how each approach has been implemented in different Member States of the region of South and South-East Asia, highlighting the involvement of other necessary stakeholders and partners, such as academia, civil society organizations and community-based organizations. The majority of the examples provided are linked to rehabilitation programmes targeting domestic violent extremist offenders. As such, they can serve as inspiration sources to be adapted to the special context of returned FTFs, realizing the specific challenges that their return will pose.

The decision on the adequate approach or model to follow will be determined by the results presented following the risk and needs assessment administered to each returnee.

Offer Prison Rehabilitation Programs to Facilitate Eventual Reintegration.

Prisons and detention centres should offer robust rehabilitation programs and services to prepare returnees in custody for release and reintegration. Such programs should provide access across a range of stakeholders to prisoners, which may include mental health professionals, religious actors and scholars, victims’ advocates, legal representation, former violent extremists, community influencers, education and employment skill programs and family members.

[...] In this effort, prisons should forge partnerships with existing rehabilitation and reintegration programs, civil society organizations and local community leaders, where relevant.

Source: Global Counter Terrorism Forum, ‘Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs)’, Good Practice no. 9.

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Creative arts therapy, sports and recreation

Some rehabilitation approaches are aimed at facilitating a transformative journey to reintegration into the community by the use of creative arts therapy and art themes for therapeutic interventions. This approach can include any form of sport or art (music, drama, dancing, painting, performance art, etc.).

These art-based interventions may contribute to the following goals:

- Create an opportunity for prisoners to explore their own identity and strengthen their capabilities to express themselves;
- Contribute to developing their personal and social skills;
- Assist them to locate hope and motivation in a personal discourse which makes sense to them and which they own; and
- Provide Judgement-free spaces for prisoners to recognize their interconnectedness with others without external pressure to comply.254

Aesthetic workshops (drama, sports and music) – Sri Lanka

These therapeutic programmes are directed to open up the bitter past of ex-combatants and bring them relief. Workshops are conducted at Protective Accommodation and Rehabilitation Centres with the assistance of specialists in the fields of aesthetics, drama and music.

Musical Band – “Friends of Peace”

The “Friends of Peace” made its maiden public appearance before a large audience at the Campbell Park in Colombo on 24 October 2011 following a football match organized by the Ministry of Rehabilitation and Prison Reforms between the Prison Inmates Team and the Rehabilitation Centre Inmates Team.

Mega Sports Carnival at Polonnaruwa

A Mega Sports Carnival was held at the Polonnaruwa National Sport Complex on 5 November 2011 for ex-combatants undergoing the rehabilitation at Welikanda and Kandakadu Protective Accommodation and Rehabilitation Centers. The sports event provided an opportunity for the youth to develop team spirit and display their talents. The different ethnic communities were also able to interact and socialize informally.

“Cricket for Change” – Sports as a medium for reconciliation

The Bureau of Commissioner General Rehabilitation (BCGR), Ministry of Sports and Public Recreation, Sri Lanka Cricket Board, International Cricket Council and the Cricket for Change (a charity organization based in the United Kingdom) joined together to promote the spirit of Cricket for ex-child combatants, where sport was used as the vehicle for reconciliation.


Religious

Faith-based rehabilitation interventions are based on the role that religion plays in the justification of violent extremism and terrorism, both from the perspective of offenders that have used religion to justify violence; and from the perspective of terrorist groups that misuse religion to fit and serve their ideological purposes. In this sense, any religious intervention requires extensive knowledge of religious sources and the ability to respond to critical issues and arguments used by violent extremism and terrorist groups by means of their own religious sources and leaders.

In the context of religious approaches in prisons, it is advisable that intervention teams in detention facilities are paired with religious professionals, ideally be from different religious backgrounds. While their work may be different from other experts involved in rehabilitation programmes — such as psychologists, psychiatrists, social workers and educators — it is, nevertheless, essential that they work closely with them to achieve better and sustainable results.255

Religious Rehabilitation Group – Singapore

The Religious Rehabilitation Group (RRG) is a group of volunteers, mainly from the Asatizah fraternity (religious clerics) in Singapore. Members of RRG provide services based on their personal capacity and their areas of expertise, including as: religious teachers, counsellors, social workers, or educators, among others.

The RRG counsellors’ objectives are threefold:

(i) extricate the detainees’ negative imbibed ideologies and replace these with correct interpretations;

(ii) imbue in the detainees the most appropriate understanding of Islamic knowledge; and

(iii) help to demonstrate gratifying ways of living in a multiracial, multi-religious society as displayed by the Prophet Muhammad.

To ensure consistent messaging is given by the counsellors to the detainees, RRG has produced working manuals. These manuals serve as important tools and guides for the religious counsellors to conduct structured counselling sessions.


255 Ibid.
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**Religious Rehabilitation Program – Malaysia**

Malaysia’s main deradicalization initiative is the Religious Rehabilitation Program, which is based on re-education and rehabilitation — the former focused on correcting militants’ political and religious misconceptions and the latter on thorough monitoring of militant detainees after their release. Family members of the detainees are engaged in the process and are financially supported while the militants are held in detention. Prior to their release, militants are assisted in reintegrating into society.

In Malaysia, aside from law enforcement agencies, the religious bodies through the National Committee of Muzakarah Fatwa by the federal Department of Islamic Development Malaysia (JAKIM) have banned the jihad by Daesh due to the extreme values that pursue, which are contradictory to the Sunni teachings. They have also declared that dying while fighting for Daesh is not syahid (martyrdom) and that it is therefore against Islamic law. In addition, JAKIM also plays a vital role in propagating the Islamic teaching in the syllabus of the rehabilitation programme and is engaged psychologically through counselling sessions, lectures, elaboration and dialogues with the detainees. Malaysia has also introduced the concept of wasatiyyah (moderation) as a way to portray Islam as a moderate religion.\[114\]

Also, the Government of Malaysia has established the Institut Wasatiyyah Malaysia to deal with issues that are related to extremism at the same time emphasizing the version of Islam that is balanced and moderate as accepted by the Sunni populace.

*Source: Mohd Mizan Bin Mohammad Aslam, “Deradicalization Programs for SOSMA, POTA and POCA Detainees in Malaysia”, Middle East Institute, 23 June 2020.*

**Education**

Other approaches are focused on educational rehabilitation, which provides the violent extremist offenders with opportunities to gain academic qualifications or benefit from entrepreneurship knowledge in order to become economically independent.

**Alternative Learning System (ALS) – the Philippines**

The Alternative Learning System is an educational programme composed of secondary, elementary and basic elementary level curricula in which prison officers serve as teachers. Sessions are recorded, provided consent is obtained from the prisoners. The recordings of each class session are then put on a CD-ROM and given to their wives for their children to use. In this sense, the package is not only directed to offenders, but also directed to benefit their families and, more importantly, their children. This programme is offered to all persons deprived of liberty in the Philippines, including those charged with terrorism-related crimes.

*Source: Contribution submitted by the Bureau of Jail Management and Penology, the Philippines, in the course of the two UNODC Expert Group Meetings on the Management of Violent Extremist Prisoners (Vienna, Austria; 16-18 December 2015 and 1-3 June 2016).*
Health and psychological support

The mental health and psychological support approach of rehabilitation implies several specific conditions aimed at building and strengthening a relationship of trust between a psychologist and the violent extremist offender. In these approaches, continuity of professionals during the process is key.

Psychological approaches should be part of comprehensive and holistic rehabilitation programmes. Sensitive problems affecting returned FTFs including identity issues, their new role in the community, or stigmatization, could be addressed here.

Rehabilitation efforts could include cognitive skills programmes

In addition to mental health support, States could consider developing cognitive programs that assist offenders in defining the issues that pushed them towards violent extremist behaviours in the first place and subsequently in formulating objectives and identifying and implementing solutions.

Source: Global Counter Terrorism Forum, “Rome Memorandum”, Good Practice Number 15.
Family

Families have a relevant role in the process of rehabilitation and the ability of returned FTFs to succeed in the process of rehabilitation. Families may share some of the main challenges experienced by the returned FTFs such as stigma, discrimination or social exclusion, etc., but they can also provide useful information to the staff working with the returned FTFs concerning issues such as progress, etc. The needs of the families of returned FTFs must also be met and therefore they will also need advice from these professionals on possible challenges and the ways in which they can support the returned FTF during the process. Therefore, families of returned FTFs should also be considered as beneficiaries of rehabilitation programmes, both directly and indirectly.

Social rehabilitation approach – Singapore

The third mode that Singapore employed in its rehabilitation journey is the social aspect. Social rehabilitation in the form of social support is included to enable the detainees to reintegrate smoothly into society upon release. The family plays a significant role in this regard. While in detention, family visits are highly encouraged to preserve their communication and bond as much as possible.

Moreover, families are supported by the Inter-Agency Aftercare Group (ACG), which is a joint initiative of Muslim organizations. Case workers of this organizations assess the specific needs of the family and, thereafter, help them to obtain the relevant aid from existing social services programmes. The support provided by the ACG ensures that the family remains functional while the main breadwinners are in detention/deprivation of liberty. This approach might also impact on collaboration of those deprived of liberty with law enforcement authorities.

Mentoring

This special approach, generally linked to time spent under probation, can be a useful option to ensure effective rehabilitation of returned FTFs into society and the community, due to the fact such approaches are tailored to the needs of the beneficiaries and paced by their progress.

The Volunteer Probation Officers System – Japan

The Volunteer Probation Officers System is a rehabilitation and reintegration programme for criminal offenders and juvenile in conflict with the law based on a human network of volunteer citizens (Volunteer Probation Officers) that support probation efforts. Volunteer Probation Officers are individuals with stable work, emotional and family situations, that help released offenders and juvenile in conflict with the law to build a new life after imprisonment or detention, providing them with support in interacting with society and becoming an active and independent member of it (reengagement).

Volunteer Probation Officers have a double mission:

(i) Coordination of the social circumstances through, for instance, interview of guarantors to confirm their intention to cooperate after parole of the subject; and

(ii) Probation focused services whereby volunteers interview the subject, 2-3 times a month. The place of the interview is either the house of the subject or the house/office of the Volunteer Probation Officer. pay particular attention not to force their own opinion on the individual, as the individual cannot be rehabilitated if they do not want to be.

Volunteer Probation Officers also provide advice and mediation for employment of the subject following release from prison or a detention facility. This network is complemented by a network of businesses that employ ex-offenders and support their reintegration into society, based on social responsibility and tax incentives.

Volunteer Probation Officers work part-time and are unpaid. They come from very different backgrounds: doctors, pharmacists, priests, housewives. owners/managers of small and medium enterprises, etc. In order to be a civilian volunteer, enthusiasm is one of the most important requirements.

Some of the advantages of the system include the establishment of networks that can help offenders and juveniles in conflict with the law with building a new life after imprisonment and detention, which is particularly challenging to do individually.

Source: Presentation provided by Mr. Ichiro Tanaka, Volunteer Probation Officer and Criminal Lawyer, on the Framework and Role of Probation Officers in Japan. Follow-up Online National Consultation Meeting on the proposed steps for reformulating SPRR and PVE strategy hosted by UNODC with the Government of Malaysia on 22 July 2020.
4. Return to the family and the community – after-care measures

To be effective, rehabilitation processes should commence as soon as possible. In the context of offenders, this could mean beginning the process in prisons or during probation. For this to happen, the prison conditions, management and overall environment must be prepared and adequate so that both persons deprived of liberty and probation officers can grow trust and mutual respect throughout the process.

Considering that the transition process to the outside is a very sensitive and crucial element, all of the practitioners involved (including those involved at the start of this process) should remain available once the offender is released. A relationship of trust among all stakeholders involved with the former violent extremist offenders, their family and community is a prerequisite to achieving positive results.

As such and for the sake of sustainability, the design of after-care programmes should involve CSOs and community-based organizations as they are the ones that might continue working with the returned FTFs. In order to facilitate the structured reintegration of the individual into the society, the content of these after-care programmes should be linked to, or follow, the programmes developed during the rehabilitation phase in prison.

In this context, as previously stated, the role of the families and the communities is especially relevant; alongside the necessary role of local authorities and their multi-agency schemes to support and meet the needs of returned FTFs and their families. It has to be remembered that the involvement of families and communities, as well as local stakeholders can also provide useful information concerning the monitoring and evaluation of the rehabilitation process.

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*Involv Local Stakeholders to Account for the Unique Context Existing in Local Communities.*

Local community engagement tends to work best when multiple sectors within a local community are involved in the initiative, including local governments, private sector businesses, faith-based organizations, NGOs, academia, local health care providers, teachers and the media.

*Source: Global Counter Terrorism Forum, “Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs),” Good Practice no. 18.*
H. Reintegration

Reintegration into society is a human right of every individual. This right is based on the rights to an adequate standard of living for oneself or ones' family, the right to work and the right to education, as guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR).\footnote{International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, (United Nations Treaty Series, vol. 933, No. 14531), arts. 6, 11, 13 and 14.} For those who have passed through the justice system, there are additional sources of the right applicable governed by the ICCPR.\footnote{Ibid., art. 10(3) and General Assembly resolution 70/175 (2016) “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)” and General Assembly resolution 45/110 (1990) “United Nations Rules for Non-Custodial Measures (the Tokyo Rules)” .} In the case of children, there is a different and stronger legal framework guided by the CRC and its Optional Protocol on the Involvement of Children in Armed Conflict.\footnote{For further information see UNODC, Rehabilitation and Reintegration of Child Victims; European Commission, HLCEG-R Final Report .}

According to Article 11 of the ICESCR, the right of everyone to an adequate standard of living for oneself or ones’ family includes the right to: (i) adequate housing; (ii) adequate clothing and food; as well as (iii) the “continuous improvement of living conditions”.

It should be pointed out that the right to adequate housing is not guaranteeing a “right to have a house for free” but referring to the prohibition of forced evictions.\footnote{United Nations, International Human Rights Instruments, Human Rights Instruments: Volume I. Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, General Comment No. 7: The Right to Adequate Housing (art. 11 (1) of the Covenant) Forced evictions, HRI/GEN/1/Rev.9 (Vol. I), 27 May 2008.} At the same time, the Committee on Economic, Social and Cultural rights has added that the right to housing “should be seen as the right to live somewhere in security, peace and dignity.”\footnote{Committee on Economic, Social and Cultural Rights, “General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)”, E/1992/23 (1991), para. 6.}

Apart from that, the focus of the application of this right to the context of returned FTFs and members of their family is the right to adequate food. In the words of the Committee on Economic, Social and Cultural Rights: “The right to adequate food is realized when every man, woman, or child, alone or

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in a community with others, have physical and economic access at all times to adequate food or means for its procurement.\(^{261}\)

As economic and social human rights are not only the basis of reintegration efforts, but the objective of their fulfilment, reintegration should not be seen as a reward, but as the delivery and exercise of human rights, which are not only individual, but collective and therefore need to be based on relying on social structures being in place. Therefore, to ensure that those rights can adequately be fulfilled, two aspects are to be considered. Firstly, the individual willingness to reintegrate after the rehabilitation and disengagement processes; and secondly, the social openness of structures to allow individuals to do so.

Individuals’ considerations apart, Member States are asked to ensure that returned FTFs are able to effectively reintegrate into social structures, namely: the family, community and society. This means that reintegration of individuals must consider and include the preparation of societal structures to receive the individual back and allow for reintegration efforts to succeed and be sustainable. It is in this latter aspect, where many challenges arise.

One frequent challenge is the fact that many returned FTFs were not active parts of society before their “journey” to joint violent extremism or terrorism. Some individuals have a background of social exclusion, so reintegration may in some cases not be a way back, but a “first-time” integration.\(^{262}\)

Another recurrent challenge is prejudice and stigma. The social aspect of reintegration is dependent on the direct influence of prejudice, stigma and external efforts supporting families and communities at local, regional and national levels (See chapter 4 section E.4 on the challenge of stigma). Thus, it is key that Member States intervene promoting a space where individual can flourish by means of engaging the community, as well as religious, spiritual, education and other local leaders in reintegration efforts.

Furthermore, another set of challenges might be gender-based. Women in general, because of their gender, suffer from difficulties in accessing their economic rights. In the context of returned FTFs and considering their legal difficulties in accessing rights from the moment of return or relocation, they might suffer even greater restraints. It has to be considered that the context to which they reintegrate might be still guided by exclusion and prejudice against the role of women in society,\(^{263}\) particularly in relation to women's access to self-sustainment, which is essential for female head of households. As such, access to sustainability options might not be straightforward for female returned FTFs or female family members of returned FTFs.

Reintegration efforts are key for individuals to ensure full functionality and sustainability of their life-project in a non-violent environment. In turn, reintegration is key for societies to continue consolidating and strengthening non-violent societal networks and means. For that purpose, the first and most crucial step of reintegration are families and communities. Both should be involved in all social reintegration efforts, as early and as intensively as possible. In this line, local authorities and organizations (municipalities, NGOs, academia, etc.) are indispensable partners in ensuring that that reintegration is not only social, but functional. (See chapter 4 section D.4 on civil society organizations and community engagement).

It is critical that returned FTFs can sustain themselves and that they have no financial connection to extremist groups, therefore functionality of reintegration should be based on livelihood support. Due to the fact that societal structures are based on education and labour, individuals relocating or

\(^{261}\) Economic and Social Council, “General Comment No. 12: The right to adequate food (art. 11),” E/C.12/1999/5 (1999), para. 6.


\(^{263}\) UNDP and ICAN, Invisible Women: Gendered Dimensions of Return, p.7. See CRC, art. 3.
returning from conflict or terrorism environments should have access to tools that facilitate them becoming effective and productive members of society, namely: education and employment.

1. **Education and vocational training**

   Relevant and quality education efforts have a significant role to play in the prevention of violent extremism.\(^{264}\) According to international standards, rehabilitation and reintegration programmes of returned FTFs and members of their families should always include education programmes.

   *Basic education, including literacy, math, history and civic courses, can open a world of understanding [...]. Improving [...] educational abilities will increase their self-esteem, self-confidence, opportunities and status within their communities. Education is often a direct antidote to the malign, violent extremist messages from their terrorist past.*


   In the context of the phenomenon of FTFs, education responses should include strengthening skills related to the capacity to think critically, learn by inquiry and verify facts. This might contribute to avoid falling into one-dimensional or prejudiced views spread by violent extremist groups.\(^{265}\)

   At the same time, considering that women and girls are subjected to a differentiated impact of terrorism and violent extremism and are at a different level in terms of access to basic human rights and in the context of their access to education and participation in public life,\(^{266}\) it is important to underscore that education responses are one of the areas that requires a specific gender analysis.

   However, consideration should be given to the fact that returned FTFs and members of their families may also be affected by the consequences of their experience in a way that could impact their ability to adapt to traditional and theoretical forms of education, making their probability of success very low. Offering practical training and vocational skills might enable many returned FTFs the ability to support themselves and, ultimately, their families too. Thus, when education may not be an option available to or achievable for returned FTFs, it is advisable to develop alternative measures directed to ensure self-sufficiency and independence.

   Vocational training can give individuals not only basic practical training, but the life and business skills necessary to be independent and self-sufficient. According to the International Labour Organization, Member States have the primary responsibility for the training of the unemployed, particularly of those seeking to enter or re-enter the labour market and people with special needs. In doing so, Member States have also the responsibility to develop and enhance their employability through measures, incentives and assistance in the public and private sectors.\(^{267}\) The role of communities and community networks, as well as the leading example of enterprises with clear social responsibility lines, is therefore to be encouraged and strengthened.

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\(^{265}\) Ibid., p. 9.

\(^{266}\) Security Council resolution 2242 (2015). See also S/2015/203.

2. Access to work and employment opportunities

The access to means of sustainment is not only key for an individual’s rehabilitation and reintegration, but also helps to counter stigma within families and communities. In that context, it is of crucial importance that rehabilitation and reintegration programmes include not only vocational skills training but employment assistance, where possible and appropriate. Additionally, international standards applicable to employment in the context of reintegration of returned FTFs and members of their families, recommend awareness, sensitization and engagement of the private sector.

Returned FTFs may not be accepted into the labour market based on prejudiced views, which could further contribute to their social stigmatization and their probability of recidivism. Some employers may consider individuals who are directly or indirectly related to FTFs, as too dangerous to employ. In that context, awareness, sensitization and engagement of the private sector might be advisable to ensure effective reintegration measures.

Additionally, Member States should consider supporting the access of returned FTFs and members of their families to employment in and by the private sector, including support in developing their own business ideas and initiatives. In doing so the consideration of incentives like tax reductions or social

Indonesia

The Rehabilitation Centre conducted by the Ministry of Social Affairs provides skills training to returned FTFs, including farming, welding, sewing and IT literacy. It also develops extracurricular and talent interests such as painting, scouting, music and sports.

Source: Information provided to UNODC by the Permanent Mission of the Republic of Indonesia to the United Nations (Vienna), May 2020.

Malaysia

The Prison Department of Malaysia includes a Vocational and Industrial Section under the Inmate Management Division that gives detainees not only education (basic literacy), but also vocational training skills such as baking, batik painting and printing, carpentry and/or other handiwork, depending on the individual’s interest.

Source: Information provided to UNODC by the Permanent Mission of Malaysia to the United Nations (Vienna), July 2020.

270 Security Council resolution 2396 (2017), paras. 21 and 27.
advantages might contribute to the expansion and engagement of the private sector in the reintegra-
tion of returned FTFs, following a whole-of-society approach.

In many South and South-East Asian countries, “[m]any young women feel they must negotiate
community expectations and social customs in order to access new opportunities, including educa-
tion, employment and relationships.” 271 As is the case in education, women, when relocating or return-
ing from terrorist-related settings, or when family members of former terrorists or convicted terrorists,
face more or increased difficulties in accessing work and employment opportunities. Therefore,
gender-specific and gender-sensitive measures are required to ensure that female FTFs and female
family members of FTFs can obtain employment.

It is worth mentioning that the majority of female returned FTFs or members of their families have
become heads of family upon return and relocation. Some of them might left the country as minors
and/or were previously fully dedicated to private roles within the family. As such, they might have the
necessary technical skills or working experience to access employment opportunities that might allow
for the sustainment of themselves and their families.

In the case of children, the situation is even more challenging. Some of the returnees might be insti-
tutionalized together or without their parents. Some of them might even end up taking up the roles of
heads of household, particularly in those cases where there is a lack of a father or male figure, or when
mother heads of families are deprived of liberty or unable to provide for the family for other reasons.
Some returned children, because of their financial distress, are “pushed” to work options that might be
hazardous and harmful to their health or safety. It is worth noting that all of them are prohibited under
international standards.

In any case where returned children are involved in employment efforts, the age of employability
according to international standards and the minimum standards, have to be considered before sup-
porting their engagement in the labour market. 272

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271 UN Women, Research Brief: Young Women and Men Promoting Peace and Social Cohesion, p. 3. See UN Women,
272 ILO, Convention (No. 138) concerning minimum age for admission for employment of 1973, (United Nations Treaty
Series vol. 1015, No. 14862) and ILO, Convention (No.182) concerning the prohibition and immediate action for the elimina-
CHAPTER 4. PREVENTING AND COUNTERING VIOLENT EXTREMISM

3. Other practical needs

Returned FTFs and members of their families have needs and human rights that surpass education and work. Therefore, in terms of rehabilitation and reintegration efforts, a multidisciplinary and holistic approach is preferable. At the same time, Member States should, on a case-by-case basis, analyse the needs of returned FTFs and their families and develop comprehensive, structured and individually tailored risk and needs assessments to guide and evaluate the rehabilitation and reintegration measures. The goal is to then develop comprehensive, structured and individually tailored risk and needs assessments and use them to guide and evaluate the rehabilitation and reintegration measures to be taken.

In the context of returned FTFs, families and individuals may require support with for instance, documents and administrative procedures (status, family matters, property, etc.); housing; school enrolment; culture or religious needs; sports; access to health and psychological services; and reporting threats to the authorities.

Indonesia

In Indonesia reintegration of convicted FTFs is carried out by multidisciplinary experts: correctional officers, social workers, psychologist, doctors, religious leaders, scholars, skills instructors, teachers, social counsellors and academic scholars.

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ILO Convention No. 182

Article

For the purposes of this Convention, the term the worst forms of child labour comprises of:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic performances;

(c) the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and

(d) work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

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273 S/2015/939, principle 30. See also GCTF, "Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs)".
I. The challenge of COVID-19

The COVID-19 pandemic is an unprecedented health crisis disrupting social and economic activities worldwide. The shifting focus of state efforts to control the spread of the virus has created opportunities for violent extremist groups to exploit the situation to their benefit, spreading their narratives and attract new and previous recruits online, particularly in contexts where health and safety measures have exponentially increased the individuals’ exposure to web-based platforms and channels.

Throughout Asia, extremist groups have been trying to spread narratives that vary from attributing a “divine origin” to the virus or considerate it as “God’s ultimate goal”. In this sense, it is argued that the Muslim community cannot be prevented to freely practise their faith and therefore, they should not be compelled by health social restrictions. Some of those narratives disseminate “anti-Chinese”, “anti-Jew” or “anti-government” sentiments. In the meantime, some health and safety measures have also affected the capacity of national and local governments to counter and prevent the strengthening of violent extremism and the expansion of their networks, especially those related to law enforcement functions to investigate and prosecute violent extremist groups.

Source: Cross Cultures, “Open Fun Football Schools”, available at https://ccpa.eu/programs/open-fun-football-

Jordan

The NGO Cross Cultures has developed the programme “Open Fun Football Schools” which aims at building relations among children and communities. This programme gathers a number of stakeholders and actors around a common purpose. It seeks to involve parents, municipalities, primary school teachers, community police, local sponsors, national and regional football associations, local and national media and the ministries of youth and sports, among others. So, while integrating individuals and communities, they build a cross-sectoral cooperation between sports, schools, local authorities and the police. In the Middle East (Jordan, Lebanon, Iraq and Syria), the programme is mainly used to facilitate integration between children and youth from the host communities with refugees from Syria, Iraq, Yemen, etc.

A fundamental strength of the programme is that it is an activity that attracts children and adolescents of any geographical, ethnic, cultural, or religious background. It has also shown to attract girls, even in countries where religious and cultural often offer very limited opportunities to socialize with other young people (in 2018, 42 per cent of all participants at Open Fun football schools were women). With the parents’ acceptance and support, the programme has created a framework that gives children and young people a space to have fun and play together; while at the same time, they might learn transversal skills such as respect, tolerance, teamwork, fair play and reconciliation.

More impoverished communities, many exposed to increasing extremist narratives, might be an added argument to individuals who distrust their own governments and the decisions made to confront the crisis. This combination might constitute a breeding ground for the rise of violent extremism and a new challenging scenario where returned FTFs have come back or relocated and others will do so in the near future.

In preventing and countering violent extremism in the context of COVID-19, Member States should take in consideration following guiding principles:

- Transparency and equity must be guiding principles when dealing with P/CVE during the COVID-19 crisis to prevent mistrust of authorities.
- Measures should fully comply with international human rights standards and have continuity throughout the pandemic-affected period, taking in consideration the urgent need of vulnerable groups, such as women, youth and child victims.
- Measures are to be multidisciplinary and address the underlying conditions driving individuals to violence as well as conducive factors to the rise of violent extremism, such as: exclusion, corruption, impunity, poor governance and democracy deficits, including human rights violations.
- The development of measures should include multiple actors: state institutions, national human rights institutions, local communities, civil society, victims of violent extremism, or terrorism, as well as youth and women.
- The use of alternative and counter-narratives should be evidenced-based and the involvement of communities, CSOs, community-based organizations and other relevant agents should be ensured in order to strengthen the bonds with the community.