



Counter-Terrorism  
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# Addressing the Links Between Human Trafficking, Migrant Smuggling, and Terrorism in Eastern Africa

## **Abstract**

This Issue Paper examines the extent to which terrorist and armed groups in Eastern Africa are engaged in trafficking in persons and smuggling of migrants and reviews current law enforcement and criminal justice responses. Trafficking in persons and smuggling of migrants may contribute to terrorist financing. Terrorist groups may actively engage in trafficking, smuggling, or taxing the groups facilitating the movement of people. There are further additional benefits that terrorist groups can derive from trafficking in persons and smuggling of migrants. Smuggling networks may be used to move fighters and to create forged documentation to facilitate this movement and other illegal activities. Displacement resulting from terrorism creates a role for smuggling networks to operate as many fleeing individuals seek onward movement. Refugee and internally displaced persons camps can also become radicalization hubs. Terrorist groups have also engaged in trafficking in persons, as defined in the United Nations Convention Against Transnational Organized Crime (UNTOC) and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, through the forced recruitment and exploitation of children, women, and girls. Human trafficking serves a practical purpose – increasing membership and rewarding fighters – but it also spreads terror. Effects of these linkages are wide-ranging and require tailored responses.

**Dr. Sasha Jesperson,**  
Research Consultant

With contributions from:

**Dr. Isaiah Abilah Ochieng,**  
Head of Research Department, EAPCCO CTCoE,

**Mr. Wycliffe Burudi,**  
Deputy Head of Research Department, EAPCCO CTCoE

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# 1. INTRODUCTION

## 1.1 Background

With the financial support from the Government of the Federal Republic of Germany, since 2020 United Nations Office on Drugs and Crime (UNODC) has been implementing a project on supporting the Eastern African Police Chiefs Cooperation Organization (EAPCCO) and its regional Counter-Terrorism Centre of Excellence (CTCoE). The project benefits fourteen EAPCCO members<sup>1</sup> while supporting the EAPCCO CTCoE and assisting EAPCCO members in enhancing national and regional capacities to effectively prevent and counter violent extremism and terrorism, and related serious crime.

One of the objectives of the project is to produce evidence-based research and knowledge products, relevant for law enforcement and criminal justice practitioners in Eastern Africa. The CTCoE developed this paper with the support from UNODC as part of this objective.

The CTCoE has published issue papers on cooperation between law enforcement and prison authorities,<sup>2</sup> terrorism financing,<sup>3</sup> engagement with victims of terrorism,<sup>4</sup> and on links between transnational organized crime and terrorism.<sup>5</sup> Upcoming issue papers include an overview of the impact of the COVID-19 on al-Shabaab, deradicalization case-study, and practical border security guidelines.

## 1.2 Objectives

The links between terrorism and trafficking in persons and smuggling of migrants in Eastern

Africa have not been systematically analyzed yet. Accordingly, criminal justice responses, which may at times be focusing almost exclusively on countering the movement of terrorist fighters and terrorist financing, require further tailoring to enable law enforcement and criminal justice institutions to effectively detect, prevent, and suppress these crimes by addressing other areas as well.

To address this need, this Issue Paper has a three-fold objective. First, to explore the links between trafficking in persons, migrant smuggling, and various terrorist and armed groups in Eastern Africa. Second, the Paper aims to assess current mitigation strategies. And finally, the Paper seeks to provide recommendations to enhance criminal justice responses and regional cooperation.

## 1.3 Methodology

The Issue Paper is based on a desk review of relevant reports, policy documents, and academic research on the linkages between terrorism and trafficking in persons and smuggling of migrants. Where available, quantitative data was used to plot the main trafficking and smuggling routes against terrorist and armed groups activity in the region. Motives of terrorist and armed groups to engage in trafficking in persons and smuggling of migrants were examined. Interviews were conducted with law enforcement authorities in Eastern Africa, civil society organizations working on countering human trafficking and migrant smuggling, as well as with think tanks and academics.

- 1 The EAPCCO members are Burundi, Comoros, the DRC, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, South Sudan, Tanzania, and Uganda.
- 2 EAPCCO CTCoE Issue Paper 1/2021 Cooperation between law enforcement and prison authorities in counterterrorism cases: unravelling expectations and proposals to strengthen cooperation: [https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC\\_CTCoE\\_Issue\\_Paper.pdf](https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC_CTCoE_Issue_Paper.pdf)
- 3 EAPCCO CTCoE Issue Paper 2/2021 Countering the financing of terrorism in Eastern Africa: [https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC\\_CTCoE\\_Issue\\_Paper\\_2\\_2021.pdf](https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC_CTCoE_Issue_Paper_2_2021.pdf)
- 4 EAPCCO CTCoE Issue Paper 3/2021 Law Enforcement Engagement with Victims of Terrorism: [https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC\\_CTCoE\\_Issue\\_Paper\\_3\\_2021.pdf](https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC_CTCoE_Issue_Paper_3_2021.pdf)
- 5 EAPCCO CTCoE Issue Paper 1/2022 Addressing the Links between Transnational Organized Crime and Terrorism in Eastern Africa: [https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC\\_CTCoE\\_Issue\\_Paper\\_3\\_2021.pdf](https://eapcco-ctcoe.org/wp-content/uploads/2021/08/UNODC_CTCoE_Issue_Paper_3_2021.pdf)

## 2. KEY DEFINITIONS AND INTERNATIONAL LEGAL FRAMEWORK

### 2.1 Trafficking in persons and smuggling of migrants

The two Protocols to the UN Convention against Transnational Organized Crime (UNTOC), to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air, establish internationally recognized, binding definitions for trafficking in persons and migrant smuggling, and require each state party to adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in the respective Protocols.

Subparagraph “a” of Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime defines “trafficking in persons” as:

*“... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”*

It further places an emphasis on, and provides a non-exhaustive list of exploitative practices that state parties shall transpose into their national legislation, “including, at a minimum”:

*“... the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

In contrast, subparagraph “a” of Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, defines “migrant smuggling” as:

*“... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident.”*

As evident, these two definitions describe different forms of organized crime. While trafficking in persons is a crime against an individual, smuggling of migrants is a crime against a state.<sup>6</sup> Key differences between trafficking in persons and smuggling of migrants further arise from the issue of consent, and from the intent of a perpetrator to exploit the victim. Smuggling of migrants is primarily a service (albeit an illicit one), which migrants pay for and, therefore, consent to. Trafficking in persons, though, involves coercion, deception, as well as other means to force an individual into being exploited against their will.

While clearly defined in international legal instruments, in practice the distinction between migrant smuggling and human trafficking can be blurred. By procuring the services of a smuggler, a migrant may begin their journey to the desired destination willingly. Nonetheless, smuggled migrants are vulnerable to exploitation, abuse, and violence. The irregular status of a smuggled migrant in transit and destination countries, as well as their reliance on smugglers who can provide false information about the cost and conditions of the journey, may result in a migrant becoming a victim of trafficking. Another challenge is significant discrepancies in the exploitation threshold in national legislation across state parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.<sup>7</sup>

6 Sasha Jespersen, Rune Henriksen, Anne-Marie Barry, and Michael Jones (2019). *Human Trafficking? An Organized Crime*. Hurst, London.

7 See for example UNODC (2015). Issue Paper: The Concept of Exploitation in the Trafficking in Persons Protocol. Vienna, UNODC.

In 2018, the Conference of the Parties to UNTOC established a review mechanism to encourage Member States to effectively implement their obligations under the Convention and its supplementing Protocols.<sup>8</sup> Speaking on the occasion of the twentieth anniversary of the UNTOC and the Protocols thereto in November 2020, United Nations Secretary-General stressed that “international cooperation through the Convention and its Protocols on human trafficking, migrant smuggling and illegal firearms is more necessary than ever to promote the rule of law, tackle links between organized crime and terrorism, support victims and protect human rights.”<sup>9</sup>

## 2.2 Terrorist group, terrorist suspect and international legal framework against terrorism

For the purposes of this paper, the term “terrorist group” denotes a group or an entity listed under the UNSC Consolidated List pursuant to resolutions 1267 (1999), 1989 (2011), 2253 (2015), and subsequent resolutions concerning ISIL (Da’esh), Al-Qaida and associated individuals groups undertakings and entities. These groups may include individuals being reasonably suspected of being a terrorist, or being associated with a terrorist group, including foreign terrorist fighters’ groups, resorting to acts of terrorism to advance their goals. Each country has the authority to request listing or delisting entities engaged in terrorist acts or associated with terrorist groups from the UN consolidated list of sanctions as per the mechanisms established by the UNSC resolutions.

Furthermore, at the national and regional levels, lists of terrorist individuals and groups may have also been created in accordance with domestic laws or regional frameworks and regulations, or within the scope of the UNSC Resolution 1373 (2001) for those reasonably suspected of having participated in the financing, planning, preparation of terrorist acts or in supporting terrorist acts (OP 2(e)). Hence, at the national and regional levels, the term “terrorist group” may not be limited to the entities listed by the Security Council, i.e., ISIL (Da’esh) and Al-Qaida and groups affiliated to ISIL and Al-Qaida.

While there is no universally accepted comprehensive definition of terrorism, in the context of Eastern Africa, the EAPCCO CTCoE refers to the UNSC Resolution 1566 (2004) which condemns and calls upon Member States to prevent criminal acts, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, including acts against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostage, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing an act.

International efforts to prevent and combat terrorism are guided by nineteen thematic international legal instruments, United Nations Security Council<sup>10</sup> and General Assembly<sup>11</sup> resolutions, collectively known as the Universal Legal Framework against Terrorism (ULFAT)<sup>12</sup>. The ULFAT supports Member States<sup>13</sup> in harmonizing national legislation including through obligations to

8 Conference of the State Parties to the United Nations Convention against Transnational Organized Crime (2018). Resolution 9/1 on the Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

9 United Nations Secretary-General (2020). Statement SG/SM/20416.

10 These resolutions address terrorism in its various forms and manifestations. They are often adopted under Chapter VII of the Charter of the United Nations, which deals with the maintenance of international peace and security. They frequently contain binding language addressing all Member States and impose a number of obligations on them.

11 The General Assembly has played an important role in establishing an international legal framework against terrorism and encouraging Governments to work together more closely to address that threat. In that regard, the Assembly has adopted a series of resolutions relating to terrorism. Although not legally binding, these resolutions, together with non-binding Security Council resolutions, constitute authoritative recommendations, and language used therein has often been a source of inspiration for the drafting of subsequent binding instruments. In September 2006, the Assembly adopted the United Nations Global Counter-Terrorism Strategy, which consists of a resolution and an annexed Plan of Action aimed at enhancing national, regional, and international efforts to counter terrorism (see section 1.2 below). The Strategy embodies the first successful attempt by all Member States to agree on a common strategic approach to prevent and suppress terrorism by resolving to take practical steps both individually and collectively.

12 For further information on the ULFAT, see UNODC, Module 2 of the Counter-terrorism Legal Training Curriculum, the Universal Legal Framework Against Terrorism. [https://www.unodc.org/documents/terrorism/Publications/Training\\_Curriculum\\_Module2/17-04123\\_eBook\\_FINAL.pdf](https://www.unodc.org/documents/terrorism/Publications/Training_Curriculum_Module2/17-04123_eBook_FINAL.pdf)

13 The above-mentioned sources of requirements and recommendations must be kept distinct from one another since they are addressed to different (albeit often overlapping) groups of States. Whereas Security Council resolutions must be observed by all Member States (by virtue of having ratified the Charter of the United Nations), universal instruments bind only those States that have specifically ratified or acceded to them.

criminalize certain types of conduct, while the international legal instruments create an obligation for state parties to either prosecute or extradite perpetrators of terrorism-related offences to prevent the creation of safe-havens and serve as bases for international cooperation.

## 2.3 United Nations Security Council and General Assembly resolutions addressing the nexus between terrorism and trafficking in persons, and smuggling of migrants

The United Nations Security Council (UNSC) adopted several resolutions addressing links between transnational organized crime and terrorism, and between human trafficking and migrant smuggling and terrorism. UNSC resolutions 2482 (2019), 2464 (2019), 2394 (2017) and 2331 (2016) express concern with the links between terrorism and transnational organized crime, including terrorism financing and trafficking in persons, and call for continued research to enhance the knowledge and understanding of the nature and scope of these links.

UNSC Resolution 2331 (2016) states:

*“... acts of sexual and gender-based violence, including when associated with trafficking in persons, are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism and an instrument to increase their finances and power through recruitment and the destruction of communities.”*

The UNSC held its first thematic debate on trafficking in persons in situations of conflict in 2015. The debate included discussions on terrorism, prompted by the role of Da'esh in trafficking in persons addressed in UNSC resolutions 2253 (2015) and 2388 (2017). In 2016, UNSC resolution 2331 (2016)

condemned all acts of trafficking in conflict, including by terrorist groups, an assertion reiterated in 2467 (2019). Furthermore, UNSC resolution 2482 (2019) considers trafficking in persons to be linked to sexual violence in conflict, and notably the seventh review of the Global Counter-Terrorism Strategy referenced sexual violence in the situation of conflict.<sup>14</sup>

The UNGA resolution 55/25 of 8 January 2001 (A/RES/55/25) calls upon Member States to:

*Recognize the links between transnational organized criminal activities and acts of terrorism, taking into account the relevant General Assembly resolutions, and to apply the United Nations Convention against Transnational Organized Crime in combating all forms of criminal activity, as provided therein.*

Despite the robust attention, in 2021 the Special Rapporteur on trafficking in persons, especially women and children stressed that:

*“... despite increased attention to the intersections between trafficking in persons and terrorism, measures to prevent trafficking are limited and often ineffective.”<sup>15</sup>*

There has been less focus on the nexus between terrorism and smuggling of migrants. The UNSC resolution 1373 (2001) requires Member States to prevent the movement of terrorists across national borders. To prevent terrorist movement, the UNSC resolution 2396 (2017) focuses on the prevention of terrorist movement through appropriate screening measures at the borders and enhancing identity management; enhanced collection of passenger data and biometrics; and increased information sharing, both among states and within states.

<sup>14</sup> United Nations (2021). *Draft resolution submitted by the President of the General Assembly: The United Nations Global Counter-Terrorism Strategy: seventh review.* A/75/L.105

<sup>15</sup> United Nations (2021). *Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally.* A/76/263, 2.

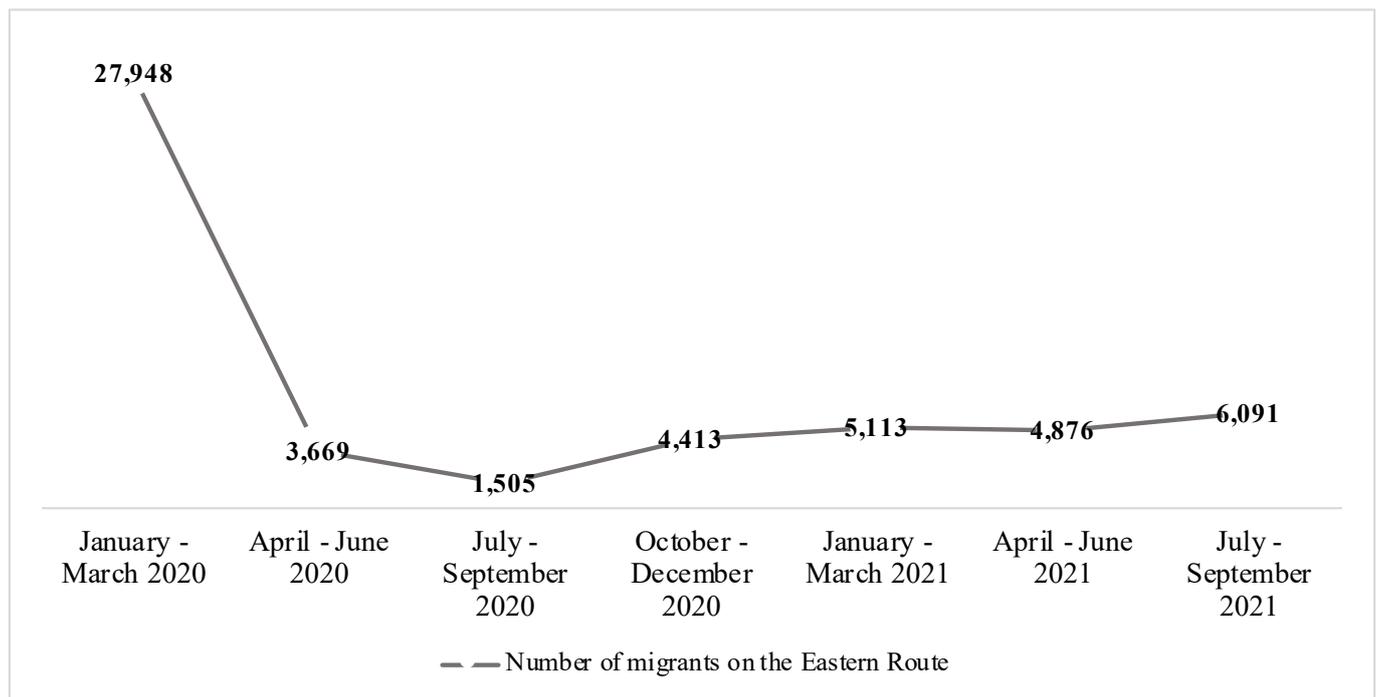
### 3. PRINCIPAL MIGRATION ROUTES IN EASTERN AFRICA

Three major migration routes run through Eastern Africa. Traversing Sudan and Libya (and sometimes stretching into Chad), the Northern Route is primarily used by migrants from Eritrea, Ethiopia, Somalia, and Sudan. Since 2018 and following widespread reports of violence and extortion, the usage of this route decreased significantly. While over fifty thousand migrants used the route to reach Europe in 2015, just over three thousand used this route in 2020.<sup>16</sup> Relying on smugglers to facilitate their journey, migrants on the Northern Route were

often subjected to forced labour, extortion, and kidnapping for ransom.<sup>17</sup>

The Eastern Route, crossing the Red Sea to Yemen and continuing to Saudi Arabia, requires migrants to seek maritime transportation provided by smugglers. Owing to the COVID-19 pandemic, maritime transportation costs raised from USD 500 to USD 1000.<sup>18</sup> Higher costs and travel restrictions resulted in fewer migrants using the route, although the numbers have already started to rebound.

**Figure 1:**  
Impact of the COVID-19 pandemic on the number of migrants on the Eastern Route<sup>19</sup>



<sup>16</sup> This reduction was also a result of Covid-19 restrictions, but numbers were also low in 2019. Mixed Migration Centre (2021). 'Quarterly Mixed Migration Update: East Africa and Yemen, Quarter 4, 2020', <https://mixedmigration.org/resource/quarterly-mixed-migration-update-eay-q4-2020/> ; Sasha Jespersen, Rune Henriksen, Riccardo Pravettoni and Christian Nellemann (2021). 'Illicit Flows Fuelling Conflict in the Tri-Border: Migration and Artisanal Gold Mining in Sudan, Chad and Libya', RHIPTO Research Report.

<sup>17</sup> Sasha Jespersen, Rune Henriksen, Riccardo Pravettoni and Christian Nellemann (2021). 'Illicit Flows Fuelling Conflict in the Tri-Border: Migration and Artisanal Gold Mining in Sudan, Chad and Libya', RHIPTO Research Report.

<sup>18</sup> These figures are estimates and vary significantly based on multiple factors, including gender, relationship with the smuggler etc. They are presented to illustrate the rise in cost rather than the definitive cost of the journey. Jason Burke (2020). 'Coronavirus border closures strand tens of thousands of people across Africa', The Guardian, <https://www.theguardian.com/world/2020/may/05/coronavirus-border-closures-strand-tens-of-thousands-of-people-across-africa>

<sup>19</sup> Mixed Migration Centre. Quarterly Mixed Migration Update: East Africa and Yemen.

At the same time, overland smuggling on the Eastern Route has been mainly surpassed by labour migration facilitated by recruitment agencies from Kenya and Uganda. Some of these agencies have been reported to engage in exploitative practices, including charging travel and visa costs to both employers and employees, withholding documents, and placing workers in exploitative or violent working conditions in destination countries.<sup>20</sup>

Migrants on the Southern Route towards Southern Africa also heavily rely on smugglers to cross multiple borders, although trafficking is less common.<sup>21</sup> While this is mostly an overland route, there have been reports of dhows smuggling migrants down the coast from Tanzania. However, since the increase of instability in the northern provinces of Mozambique, this practice has become less common.<sup>22</sup>

## 4. TERRORIST ENGAGEMENT IN TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

While the extent and dynamics of interrelationship between terrorism and organized crime has been widely debated,<sup>23</sup> research shows that terrorist groups are increasingly “versatile and opportunistic” in profiting from illicit activities, while the lack of harmonized legislation acts as an enabler, often resulting in impunity or insufficient sentencing.<sup>24</sup>

### 4.1 Terrorist financing

Trafficking in persons is the third largest criminal industry in the world, behind drug and arms trafficking,<sup>25</sup> and it may be assumed that it provides significant revenue for terrorist groups. Trafficking in persons and smuggling of migrants are also widespread due to acts of terrorism resulting in forced displacement, as well as the low cost of trafficking and smuggling, as it only requires a vehicle and the means to ensure safe passage.<sup>26</sup>

While there is evidence of terrorist groups profiting from trafficking in persons and smuggling of migrants, profit is primarily made by charging traffickers and smugglers for crossing their territory. For example, in May 2015, Da’esh was estimated to generate significant funding by taxing groups facilitating the movement of migrants through the Middle East and Northern Africa into Europe, with some indications that attacks on refugee camps in western Syria were intended to increase the movement of people in areas under Da’esh control.<sup>27</sup> Similarly in the Sahel and Northern Africa, Al-Qaida in the Islamic Maghreb (AQIM) and, more recently, Jama’a Nusrat Ul-Islam wa al-Muslimin (JNIM) have reportedly profited from smuggling of migrants indirectly, providing the vehicles and safe houses used by smugglers in exchange for a tax.<sup>28</sup>

There are some cases where terrorist groups have directly profited from trafficking in persons. For

20 Mustafa Qadri (2020). ‘The UAE’s Kafala System: Harmless or Human Trafficking’, in Matthew Page and Jodi Vittori (eds) *Dubai’s Role in Facilitating Corruption and Global Illicit Financial Flows*. New York, Carnegie Endowment; Samantha McCormack, Jacqueline Joudo Larsen, and Hana Abul Husn (2015). *The Other Migrant Crisis: Protecting Migrant Workers against Exploitation in the Middle East and North Africa*. Geneva, IOM.

21 Bram Frouws and Christopher Horwood (2018). *Smuggled South*, RMMS Briefing Paper 3, [https://mixedmigration.org/wp-content/uploads/2018/05/016\\_smuggled\\_south.pdf](https://mixedmigration.org/wp-content/uploads/2018/05/016_smuggled_south.pdf)

22 Global Initiative against Transnational Organised Crime (2021). *Observatory of Illicit Economies in Eastern and Southern Africa: Risk Bulletin, Issue 17, March-April*, <https://globalinitiative.net/wp-content/uploads/2021/04/GITOC-East-and-Southern-Africa-Risk-Bulletin-17.pdf>

23 For a more detailed discussion on the nexus between terrorism and transnational organized crime, see *UNODC Issue Paper 1/2022 Addressing the Links Between Transnational Organized Crime and Terrorism in Eastern Africa*.

24 Nazli Avdan and Mariya Omelicheva (2021). ‘Human Trafficking-Terrorism Nexus: When Violent Non-State Actors Engage in the Modern-Day Slavery’, *Journal of Conflict Resolution* 65(9): 1576-1606.

25 ECPAT (2018). ‘The trafficking of children for sexual purposes: One of the worst manifestations of this crime’, <https://ecpat.org/trafficking-the-third-largest-crime-industry-in-the-world/>

26 Louise Shelley (2007). ‘Human Trafficking as a Form of Organised Crime’, in c. Oregon, Willan Publishing.

27 Global Initiative against Transnational Organised Crime (2015). *Libya: A Growing Hub for Criminal Economies and Terrorist Financing in the Trans-Sahara*, [https://globalinitiative.net/wp-content/uploads/2015/05/TGIATOC-Libya\\_-a-growing-hub-for-Criminal-Economies-and-Terrorist-Financing-in-the-Trans-Sahara-web.pdf](https://globalinitiative.net/wp-content/uploads/2015/05/TGIATOC-Libya_-a-growing-hub-for-Criminal-Economies-and-Terrorist-Financing-in-the-Trans-Sahara-web.pdf)

28 RHIPTO (2020). *Threat Network Analysis*.

example, Da'esh returned some trafficked Yazidi women and girls to their families in exchange for payment, generating an estimated USD 35-45 million in 2014.<sup>29</sup> There are also cases where individual fighters have sold women provided to them as sex slaves.<sup>30</sup> In some of these cases, there was intent to sexually exploit the victims.

In terms of financing, trafficking in persons and smuggling of migrants are not a significant source of income for Al-Shabaab. However, numerous migration routes move through Kenya. Accordingly, there is scope for checkpoints and taxation on major routes. In Mozambique, Ahl al-Sunna wal-Jama'a controls territory and ports that have been used to move migrants into southern Africa. While there is limited evidence of whether they are exploiting this movement, there is potential for taxation. Many dhows have moved to ports further south to avoid interacting with Ahl al-Sunna wal-Jama'a fighters.<sup>31</sup>

## 4.2 Moving fighters

There is evidence of terrorist groups using migration channels in Eastern Africa. A 2019 INTERPOL Operation on criminal mobility identified 827 individuals at air and land border points, including individuals linked to terrorism.<sup>32</sup>

In Kenya, Al-Shabaab attacks in the country have been attributed to the presence of Somali refugees, resulting in attempts to close the Dadaab refugee camps, which still housed 218,873 refugees in July 2020, and introduce new security restrictions on the Somali population in Kenya.<sup>33</sup> Kenyan militants from the Pumwani Muslim Youth, the precursor to the Muslim Youth Centre (MYC) were travelling to

Somalia as early as 2006, relying on well-established smuggling networks to facilitate their travel.<sup>34</sup>

Al-Shabaab, as well as Da'esh, have been expanding their influence across Southern and Central Africa, which would require the movement of some fighters.<sup>35</sup> Researchers point out that Da'esh Somalia may have engaged in the transportation of Yemeni fighters across the Red Sea, while highlighting that smuggling groups would take any cargo so long as it pays, and that group's leadership would have encouraged its smuggler contacts to direct migrant fighters to its bases.<sup>36</sup>

The movement of fighters relies on smugglers and document fraud rather than refugee flows, which terrorist and armed groups rely on as a service. In 2011, the UN Monitoring Group on Somalia and Eritrea documented a Somali national who ran a hotel for migrants in Eastleigh, Nairobi.<sup>37</sup> The hotel was a hub for stolen and forged passports, travel documents and Kenyan national ID cards. Clients may have included Al-Shabaab members entering or leaving Somalia and migrants seeking transit to Europe, as well as fighters from Europe seeking to join Al-Shabaab.

As facilitators are not directly linked to specific terrorist groups, they can collaborate with multiple partners. For instance, Kenya's Anti-Terrorism Police Unit (ATPU) worked with Brazilian and European law enforcement to trace a smuggling network facilitating the movement of Da'esh fighters from Syria and Iraq into Europe via Eastern Africa and Brazil, as well as moving Al-Shabaab fighters on the same route, using fake passports and visas.<sup>38</sup>

29 UN Security Council (2016). Report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat. S/2016/92.

30 UN Security Council (2016). Report of the Secretary General on Conflict-Related Sexual Violence. S/2016/361.

31 Global Initiative against Transnational Organised Crime (2021). Observatory of Illicit Economies in Eastern and Southern Africa: Risk Bulletin, Issue 17, March-April, <https://globalinitiative.net/wp-content/uploads/2021/04/GITOC-East-and-Southern-Africa-Risk-Bulletin-17.pdf>

32 INTERPOL (2019). 'INTERPOL operation exposes terrorist mobility in East Africa', <https://www.interpol.int/en/News-and-Events/News/2019/INTERPOL-operation-exposes-terrorist-mobility-in-East-Africa>

33 World Bank and UNHCR (2015). *Forced Displacement and Mixed Migration in the Horn of Africa*. Washington DC, World Bank.

34 Christopher Anzalone (2012). Kenya's Muslim Youth Center and Al Shabaab's East African Recruitment. CTC Sentinel 5(10): 9-13.

35 Global Counterterrorism Forum (2021). 'East Africa Capacity Building Working Group: Mapping Report', ([https://www.thegctf.org/Portals/1/Documents/Other%20documents/EAWG%20Newsletters/EAWG\\_Mapping\\_ENG%20March%202021.pdf?ver=2021-04-21-105031-607](https://www.thegctf.org/Portals/1/Documents/Other%20documents/EAWG%20Newsletters/EAWG_Mapping_ENG%20March%202021.pdf?ver=2021-04-21-105031-607))

36 EIP (2018). 'Islamic State in East Africa'. [https://www.eip.org/wp-content/uploads/2020/07/Report\\_IS-in-East-Africa\\_October-2018-3.pdf](https://www.eip.org/wp-content/uploads/2020/07/Report_IS-in-East-Africa_October-2018-3.pdf)

37 UN Security Council (2011). Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010). S/2011/433.

38 Interviews with the Kenya's Anti-Terrorism Police Unit (ATPU), 2021.

### 4.3 Displacement leading to trafficking in persons and smuggling of migrants

Terrorist activity displaces large numbers of people. While many settle in refugee camps, many more seek onward movement, relying on smuggling networks and becoming vulnerable to trafficking. Furthermore, refugees and internally displaced persons (IDPs) are vulnerable to radicalization, creating a vicious circle between terrorism and displacement,<sup>39</sup> and become increasingly susceptible if the crisis lasts longer than five years.<sup>40</sup>

Al-Shabaab's activities are a significant driver of displacement, with Somalia being the most affected.<sup>41</sup> The large refugee camps created, and the pressure these camps place on host communities have raised fears of radicalization. Refugees in Dadaab camp have also expressed fears of recruitment by Al-Shabaab, particularly fearing that children may be forced into recruitment.<sup>42</sup> The recruitment of displaced children was a strategy used by the Lord's Resistance Army (LRA) in Uganda as well.<sup>43</sup>

Large numbers of migrants leaving the region and travelling overland are susceptible to human trafficking. The migration route from the Horn of Africa north into Sudan and Libya has become notorious for the exploitation of migrants, particularly through extortion and kidnap for ransom.<sup>44</sup> In addition, many migrants are subject to forced labour along their journey. Many migrants were reported to be forced to work in gold mines in

Sudan, Chad, and Libya to pay for their journey, with limited control over working conditions and becoming indebted to their employer for food and accommodation if they are unsuccessful.<sup>45</sup>

### 4.4 Recruitment and exploitation, including of women and children

Forced recruitment by terrorist groups constitutes trafficking in persons, with the intent to exploit. This is most widely recognized in terms of recruitment of children – whether as soldiers, porters, cooks, lookouts, or sex slaves.<sup>46</sup> For children, the need for consent is irrelevant for an offense to be defined as trafficking in persons.<sup>47</sup> When committed against adults, trafficking requires the element of “means” – the threat of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

The presence of this element, however, is not required in the case of child trafficking, as many young people are recruited via sympathetic family members or told that their membership helps defend their families or communities.<sup>48</sup> Consequently, parents may consent to their children's involvement because of the pressures of war, such as the need to survive, or because they support the ideology of the group.<sup>49</sup> However, there are still

39 Laurence Kuznar, Ali Jafri, and Eric Kuznar (2020). 'Dealing with Radicalization in IDP Camps', NSI Reachback Report, [https://nsiteam.com/social/wp-content/uploads/2020/02/NSI-Reachback\\_B5\\_Dealing-with-Radicalization-in-IDP-Camps\\_Feb2020\\_Final.pdf](https://nsiteam.com/social/wp-content/uploads/2020/02/NSI-Reachback_B5_Dealing-with-Radicalization-in-IDP-Camps_Feb2020_Final.pdf)

40 Khalid Koser (2015). 'IDPs, refugees, and violent extremism: From victims to vectors of change', Brookings Institute, <https://www.brookings.edu/blog/order-from-chaos/2015/02/20/idps-refugees-and-violent-extremism-from-victims-to-vectors-of-change/>

41 United Nations High Commissioner for Refugees (2017). Global Trends. Forces Displacement in 2017. 5b27be547.pdf (unhcr.org); Aimee-Noel Mbiyozo (2018). *Fleeing Terror, Fighting Terror: The Truth about Refugees and Violent Extremism*. Nairobi, Institute of Security Studies.

42 Katrin Marchand, Julia Reinhold and Raphael Dias e Silva (2018). *Study on Migration Routes in the East and Horn of Africa*. Maastricht, UNU-Merit.

43 The difference between forced and voluntary recruitment of children has been deemed irrelevant by the International Criminal Court (see ICC case of The Prosecutor v. Thomas Lubanga Dyilo, judgment of 14 March 2012, para. 612). Accordingly, all child recruitment is considered coercive and aligned with trafficking.

44 Sasha Jespersen, Rune Henriksen, Riccardo Pravettoni and Christian Nellemann (2021). 'Illicit Flows Fuelling Conflict in the Tri-Border: Migration and Artisanal Gold Mining in Sudan, Chad and Libya', RHIPTO Research Report.

45 Fransje Molenaar, Jerome Tubiana and Christophe Warin (2018). 'Caught in the Middle: A Human Rights and Peacebuilding Approach to Migration Governance in the Sahel', *CRU Report*. The Hague, Clingendael Institute

46 UNODC (2017). Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System. Vienna, UNODC.

47 UN General Assembly (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

48 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>

49 Sasha Jespersen (2019). 'Conflict and Migration: From Consensual Movement to Exploitation', *Stability: International Journal of Security and Development* 8(1): 1-13.

examples where children are deceived, trafficked, kidnapped or otherwise forcibly recruited.<sup>50</sup>

Forced marriage is also a commonly used tactic, where women and girls are kidnapped and forced to marry fighters. In contrast, sexual slavery focuses on rewarding fighters, punishing the groups that slaves are taken from, or a combination of the two.

All terrorist and armed groups in Eastern Africa recruit and exploit children to varying degrees. The use and exploitation of child soldiers by the Lord's Resistance Army (LRA) is the most prominent. The group is reported to be responsible for the recruitment of more than fifty thousand persons in northern Uganda between the late 1980s and 2004, many by force, around half of whom were under eighteen years of age at the time of recruitment.<sup>51</sup> In Mozambique, Ahl al-Sunna wal-Jama'a is reported to abduct young girls as sex slaves and young boys as child soldiers.<sup>52</sup>

Also active in Uganda, the Allied Democratic Forces (ADF) also use and exploit child soldiers. The 2012 Group of Experts report highlighted how the ADF had recruited children, including a case where a recruiter was captured by Ugandan authorities travelling to the DRC with six boys.<sup>53</sup> In a separate case, 30 children were rescued from a training camp on Lake Victoria.<sup>54</sup> More recently, in the first video published by the Islamic State Central African Province (ISCAP) in the DRC, fighters were pledging allegiance to Da'esh, many of whom were children.<sup>55</sup>

In 2021, the Panel of Experts on Somalia interview displaced communities that were forced to hand

over their children to Al-Shabaab. From 1 January to 30 June 2021, the country task force on monitoring and reporting recorded an increase in verified instances of recruitment and exploitation of children compared to the same period in 2020. A total of 631 children were recruited and exploited, while another 348 were abducted, reportedly for recruitment purposes. Most cases, 487 (77%), were attributed to Al-Shabaab.<sup>56</sup> In addition, there have also been reports of youth being abducted from madrassas.<sup>57</sup>

The forced recruitment of women is more prevalent with Al-Shabaab than with other Eastern African groups, with a differentiation between Somali and non-Somali women. Somali women are more likely to be forced into marriage, becoming 'legitimate' wives, while others, especially Kenyan women, are more likely to be used as sexual slaves or for domestic labour.<sup>58</sup> Kenyan women are often recruited by Kenyan nationals, resulting in their differential treatment in the camps.<sup>59</sup> This has parallels with other examples of trafficking in persons where the victims become the perpetrators to gain some freedom, agency or other benefits, or often as a continuation of the coercion of their exploiter.<sup>60</sup> In some instances, Al-Shabaab openly recruits women using social media and outreach in places where women are present.

Different forms of deception have been used to recruit Kenyan women, including promising jobs overseas or drugging them to bring them to an Al-Shabaab camp.<sup>61</sup> Some of these tactics are elaborate; for instance, the recruiter posed as a Dubai-based headhunter, and lured local women into the camp on the pretense of providing them

50 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>

51 Tim Allen et al. (2020). 'What Happened to Children Who Returned from the Lord's Resistance Army in Uganda?' *Journal of Refugee Studies* 33(4): 663-683.

52 Fourteenth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat, 28 January 2022, [S/2022/63, paras. 16-17](#).

53 UN Security Council (2014). Democratic Republic of Congo Sanctions Committee, Narrative Summaries of Reasons for Listing: Allied Democratic Forces, Cde.001 <https://www.un.org/securitycouncil/sanctions/1533/materials/summaries/entity/allied-democratic-forces-%28adf%29>

54 Godfrey Olukya (2013). 'Uganda rebels in DRC recruit child soldiers', *The Africa Report*, <https://www.theafricareport.com/5397/uganda-rebels-in-drc-recruit-child-soldiers/>

55 Pauline Draps (2019). *The Evolution of the Terrorist Threat in the DR Congo: Growing Numbers of IS-Claimed Attacks on Congolese Territory Seem to Suggest a Connection with Local Armed Groups*. ESISC Briefing 15/08.

56 UN Security Council (2021). Final report of the Panel of Experts on Somalia. *S/2021/849*.

57 *Ibid.*

58 Katharine Petrich and Phoebe Donnelly (2019). 'Worth Many Sins: Al Shabaab's Shifting Relationship with Kenyan Women', *Small Wars & Insurgencies* 30(6-7): 1169-1192.

59 *Ibid.*

60 UNODC has identified how traffickers continue to control trafficked victims in this way to shield themselves from prosecution. See UNODC (2020). *Female Victims of Trafficking for Sexual Exploitation as Defendants: A Case Law Analysis*. Vienna, UNODC.

61 Katharine Petrich and Phoebe Donnelly (2019). 'Worth Many Sins: Al Shabaab's Shifting Relationship with Kenyan Women', *Small Wars & Insurgencies* 30(6-7): 1169-1192; UN Security Council (2018). Report of the Secretary-General on conflict-related sexual violence. *S/2018/250*

with detailed knowledge of the procedures for job applications in Dubai.<sup>62</sup> Once inside the camp, those women are tasked with cooking, cleaning weapons and subjected to sexual violence. It is believed that presence of these women may also be a strategy to prevent fighters from raping Somali women.<sup>63</sup>

The fear of forced marriage and sexual slavery within Al-Shabaab has resulted in families forcing their daughters, including those that are underage, into marriage. For example, Stern highlights how a man quickly married off his daughters to non-Al-Shabaab members after an Al-Shabaab member beat one of his daughters for refusing to marry him.<sup>64</sup> Al-Shabaab has also reportedly engaged with Kenyan sex workers, using them as an intelligence source, paying them to report discussions disclosed by clients, usually police officers.<sup>65</sup>

## 4.5 Spreading terror

Terrorist and armed groups may resort to trafficking in persons to spread terror and further its goals. Rape and other forms of sexual violence was recognized in UNSC Resolution 1820 (2008) as “a war crime, a crime against humanity, or a constitutive act with respect to genocide” (paragraph 4). The Security Council also noted that “women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group”.

Article 7 of the Rome Statute of the International Criminal Court identifies enslavement (c) and sexual slavery (f) as crimes against humanity.

The paragraph 2 (c) of the article 7 defines “enslavement” as:

*The exercise of any or all the powers attaching to the right of ownership over a person and includes the exercises of such power in the course of trafficking in persons, in particular women and children.*

Avdan and Omelicheva argue that “by terrorizing people with trafficking, slavery and rape, insurgent groups can destabilize and dislocate communities and undermine societal trust in the government.”<sup>66</sup> Underscoring the gravity of sexual violence and enslavement, the Secretary-General reported in 2017 that sexual violence also an effect of turning victims into outcasts, unravelling family and kinship ties through shame and stigma.<sup>67</sup> In addition, trafficked victims have been used to commit acts of terror, such as becoming suicide bombers, or being forced to fight.<sup>68</sup>

Al-Shabaab’s use of human trafficking and sexual slavery has been argued to have the effect of terrorizing civilians and state structures in Somalia and adjoining countries.<sup>69</sup> This is particularly evident in the different treatment of Kenyan and Somali women described above, as well as the forced recruitment of fighters.

62 Katharine Petrich and Phoebe Donnelly (2019). ‘Worth Many Sins: Al Shabaab’s Shifting Relationship with Kenyan Women’, *Small Wars & Insurgencies* 30(6-7): 1169-1192.

63 *Ibid.*

64 Orly Maya Stern (2019). ‘The Invisible Women of al-Shabaab: Understanding the role of women in, and their influence on sons, husbands and brothers in, the processes of joining al-Shabaab, defecting from al-Shabaab, rehabilitation, and reintegration’, Adam Smith International, <http://www.oryllystern.com/wp-content/uploads/2016/06/The-Invisible-Women-of-al-Shabaab-.pdf>

65 Katharine Petrich and Phoebe Donnelly (2019). ‘Worth Many Sins: Al Shabaab’s Shifting Relationship with Kenyan Women’, *Small Wars & Insurgencies* 30(6-7): 1169-1192.

66 Nazli Avdan and Mariya Omelicheva (2021). ‘Human Trafficking-Terrorism Nexus: When Violent Non-State Actors Engage in the Modern-Day Slavery’, *Journal of Conflict Resolution* 65(9): 1576-1606.

67 UN Security Council (2017). Report of the Secretary-General on conflict-related sexual violence. S/2017/249

68 Coman Kenny and Nikita Malik (2019). ‘Trafficking Terror and Sexual Violence: Accountability for Human Trafficking and Sexual and Gender-Based Violence by Terrorist Groups under the Rome Statute’, *Vanderbilt Journal of Transnational Law* 52(1): 43-74.

69 Anne-Marie de Brouwer, Eefje de Volder and Christophe Paulussen (2020). ‘Prosecuting the Nexus between Terrorism, Conflict-Related Sexual Violence and Trafficking in Human Beings Before National Legal Mechanisms: Case Studies of Boko Haram and Al-Shabaab’, *Journal of International Criminal Justice* 18(2): 499-516.

## 4.6 Summary of the role of terrorist and armed groups in trafficking in persons and smuggling of migrants

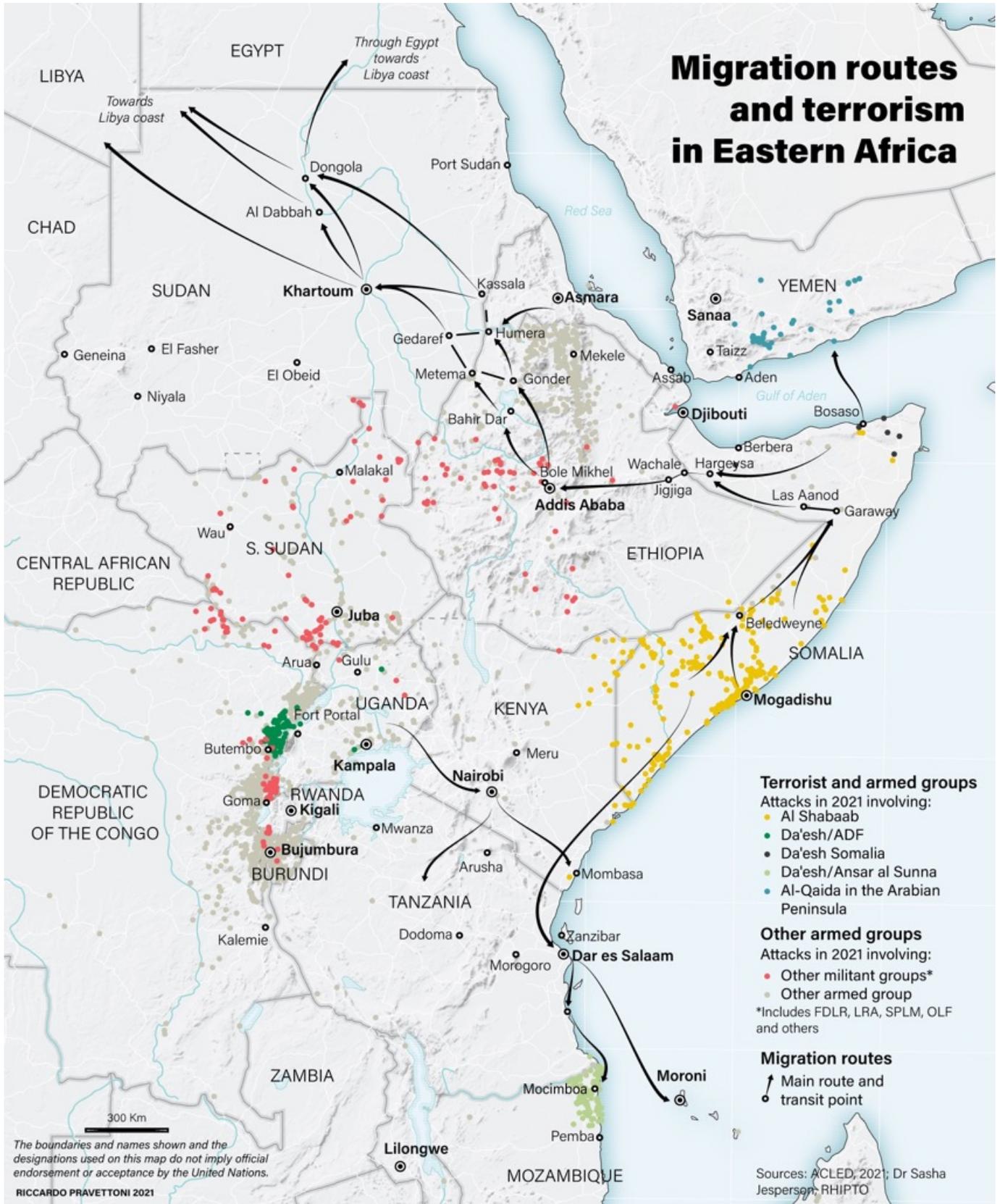
Terrorist groups in Eastern Africa are linked to trafficking in persons and smuggling of migrants in different ways, with Al-Shabaab linked in multiple ways.

**Table 1:**

Summary of the role of terrorist and armed groups in trafficking in persons and smuggling of migrants

Terrorist or armed group	Links to trafficking in persons and smuggling of migrants
Allied Democratic Forces	The ADF has relied on the recruitment and exploitation of children, with deceptive recruitment practices
Ahl al-Sunna wal-Jama'a	There are reports of children enslaved and recruited by Ahl al-Sunna wal-Jama'a.
Da'esh Somalia	In Somalia, Da'esh has relied on smuggling networks to transport fighters from Yemen into Somaliland.
Al-Shabaab	Al-Shabaab has relied on smuggling networks to move fighters into Somalia and across the region, as well as bringing foreign fighters into Eastern Africa. Al-Shabaab forces children into recruitment and uses deception and abduction as recruiting tools; sexual slavery and forced marriage is common, particularly for Kenyan women. In addition, the extensive displacement arising from Al-Shabaab operations has increased the prevalence of trafficking in persons and smuggling of migrants in the region.

**Figure 2:**  
Migration routes and terrorism in Eastern Africa



## 5. LAW ENFORCEMENT AND CRIMINAL JUSTICE RESPONSES TO THE LINKAGES BETWEEN TERRORISM AND TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS IN EASTERN AFRICA

The countries primarily affected by the linkages between trafficking in persons, smuggling of migrants and terrorism have been strengthening their criminal justice responses to effectively prevent and suppress trafficking in persons. However, law enforcement and criminal justice responses in Eastern Africa are primarily focused on addressing trafficking in persons and smuggling of persons as individual crimes. In addition, responses are prosecution-focused, and do not sufficiently engage with victims in a human rights-centered approach. When linked with terrorism, this creates a risk of undermining the rights of victims and migrants.

The following overview of the responses in select countries is based on the interviews with law enforcement authorities in Eastern Africa, civil society organizations working on countering human trafficking and migrant smuggling, as well as with think tanks and academics.

**The Federal Government of Somalia** has made efforts to combat trafficking, while the international community has supported training of police officers on investigating and prosecuting cases of human trafficking and training for police recruits and NGOs on migration and trafficking issues. The Ministry of Defense's Child Protection Unit (CPU) identified eleven child victims of recruitment and exploitation recovered from Al-Shabaab in 2020, referring them for additional assistance, although other children have been detained by authorities for involvement with Al-Shabaab.

The Government of **Kenya** has increased the number of investigations and prosecutions of trafficking crimes, convicted more traffickers, increased the anti-trafficking police units, and launched an anti-trafficking hotline. Victim identification and protection remains limited. Cases are rarely tried under anti-trafficking legislation, and

victims have been deported under immigration law. UNODC is currently working on strengthening legislation in partnership with the Government of Kenya, to align it with international standards, and to raise awareness on the legislative framework

Prosecutions of suspected traffickers have increased in **Uganda**, as well as training of law enforcement personnel, with new roles created in the Ugandan Police Force and the Criminal Investigative Directorate. The National Action Plan for the Prevention of Trafficking in Persons Uganda 2019-2024 is being implemented, and National Referral Guidelines for the Management of Victims of Trafficking in Uganda have been signed.

**Tanzania** has increasing funding for the anti-trafficking committee to implement the national action plan and has allocated resources to the victim assistance fund. The government identified more victims and referred them to shelter services; it also repatriated Tanzanian and foreign victims. However, courts convicted fewer traffickers and did not impose penalties that were sufficiently stringent. The government continued to lack formal victim identification and protection mechanisms and a victim witness protection programme.

COVID-19 has had a significant impact on the enablers of forced recruitment. For example, school closures in Uganda have increased child recruitment by the Allied Democratic Forces (ADF). With children at home, and the livelihoods of parents also likely disrupted, recruiters promising to feed and house children provides a compelling offer. Prioritizing the reopening of schools and supporting families will reduce the enablers of recruitment. Increasing awareness of how terrorist and other armed groups recruit children is also important to undermine deceptive practices that exploit families in need.

## 6. RECOMMENDATIONS

To strengthen the response to terrorist engagement in trafficking in persons and/or smuggling of migrants, there needs to be greater collaboration across law enforcement agencies, but also with organizations working on anti-trafficking. The latter collaboration is difficult given that the response to terrorism in Eastern Africa has been heavily securitized and there is a lack of trust among various actors. Accordingly, there is a need for relationship building and trust building.

### 6.1 Overarching Recommendations

Continue to strengthen the strategies set out in UN Security Council resolution 2482 (2019), including:

- **Promote intelligence collection and sharing between law enforcement and prosecution agencies. In Eastern Africa, this can be in the form of a Regional Plan of Action or Regional Forum where Member States can do joint operations together, share intelligence, challenges, and best practices;**
- **Strengthen prison management to prevent recruitment to either transnational organized crime or terrorism;**
- **Promote inter-agency responses, at the policy level through national action plans to promote information exchange and through the establishment of joint task forces, operations centers, and other coordination mechanisms;**
- **Conduct risk assessments on the financing of terrorism and strengthening the role of Financial Intelligence Units in collaboration with counter-terrorism investigations;**
- **Support international cooperation, including regional cooperation platforms, bilateral information sharing agreements, exchange of liaison officers, use of INTERPOL and regional**

**databases, and mutual legal assistance treaties;**

- **Establish and use databases to collect and analyses information, such as passenger data systems;**
- **Build public-private partnerships to counter specific criminal markets, including art dealers, firearms manufacturers, banks, Internet Service Providers, and others;**
- **Build capacity of law enforcement to detect and prevent the movement of illicit goods and the illicit movement of people.**

### 6.2 Specific recommendations

The Criminal Justice and Rule of Law Working Group of the Global Counter Terrorism Forum identified good practices on the nexus between transnational organized crime and terrorism that should be reiterated here.<sup>70</sup> On criminal justice responses, these good practices include:

#### Prevention

- **Raising awareness and capacity building among criminal justice actors and other competent authorities**
- **Developing and strengthening public-private partnerships and the role of the private sector in prevention**
- **Improving protection measures to prevent illicit trafficking of goods**
- **Developing solid mechanisms to prevent corruption and protect whistleblowers**

#### Detection

- **Making Risk Assessments to Understand the Linkages between Transnational Organized**

<sup>70</sup> GCTF (2020). Addendum to the Hague Good Practices on the Nexus Between Transnational Organized Crime and Terrorism: Focus on Criminal Justice.

- Crime and Terrorism
- Promoting Availability of Tracing and Surveillance Instruments
- Strengthening the Role of Customs and Border Control
- Building and Strengthening Public-Private Partnerships in Detection

### Investigation

- Strengthening Multidisciplinary and Multi-Agency Coordination and Analysis
- Encouraging Police-to-Police Cooperation and Mutual Legal Assistance
- Enhancing the Use of Special Investigation Techniques
- Strengthening the Use and Capacity in Financial Investigation
- Cooperation with Private Sector in Investigation

### Prosecution

- Enhancing the Legal Framework
- Establishing Jurisdiction
- Developing a Comprehensive Prosecutorial Strategy
- Strengthening Mutual Legal Assistance and Extradition (Judicial Cooperation)
- Improving the Use of Different Types of Evidence
- Court Security and Witness Protection

### Sentencing, Rehabilitation, and

#### Reintegration

- Sentencing Considerations
- Strengthening the Use of Criminal Confiscation and Where Possible Non-Conviction Based Confiscation
- Encouraging the Use of Risk Assessment in a Prison Context
- Improving the use of Prison Intelligence
- Developing Individual Rehabilitation and Reintegration Programs

In addition to the above good practices, countries in the region would benefit from enhancing collaboration among anti-terrorist and organized crime law enforcement units, strengthening the regional response, building trust with the affected communities, and protecting the victims.

- Encouraging collaboration among anti-terrorist and organized crime law enforcement units

Kenya's Anti-Terrorism Police Unit works closely with other specialized units, including the Anti-Trafficking Police Unit. In addition, good practices on cases are being showcased in training to encourage collaboration. The case of terrorist groups using smuggling networks to move fighters into Kenya and then on to Brazil and Europe has been used in training by UNICRI and NCTC in Kenya.<sup>71</sup>

- Strengthening the regional response

EAPCCO creates the infrastructure for collaboration across the region. However, more effort is required to strengthen collaboration at the working level because of the complexities of cross-border crime. Relationship building between prosecutors and investigators at the working level would contribute to trust and active communication. Regional trainings could foster interactions between law enforcement officers and prosecutors across the region and allow individuals to build positive relationships and robust professional networks. At a regional and inter-regional level, professional networks contribute to the enhanced cooperation on mutual legal assistance treaties, intelligence sharing and joint investigations.

<sup>71</sup> UNICRI and NCTC (2021). Pilot Training on the Policy Toolkit on the Hague Good Practices on the Nexus between Transnational Organized Crime and Terrorism. <http://www.unicri.it/sites/default/files/2021-01/Kenya.pdf>

EAPCCO and Southern Africa Police Chiefs Cooperation Organization (SARPCCO) agreed on a legal framework and strong cooperation in combating transnational crimes, and while EAPCCO and SARPCCO members have worked together on joint operations, further cross-regional cooperation would be beneficial to combat terrorism and transnational organized crime.

- **Building trust with the affected communities**

Partnerships civil society organizations (CSOs) working on preventing and countering violent extremism programmes would provide a platform for tackling the stigma surrounding returnees to counter the persecution of those recruited to terrorist groups by force. By responding more sensitively to the needs of these recruits, other individuals would be encouraged to escape or defect, decreasing support for terrorist and armed group.

- **Engaging in community policing in vulnerable communities can also work to build trust and reduce the recruitment potential.**

Women's organizations and CSOs can play a key role here, drawing on evidence from their effectiveness in peacebuilding.<sup>72</sup> Women's organizations can generate a nuanced understanding of how women become part of terrorist groups, recognizing that while some are coerced, others make a choice based on considerations of economic and other benefits.<sup>73</sup> In addition, while women may not be in frontline fighting, their contributions feed into the overall fight. Accordingly, responses to returnees would be strengthened by distinguishing to the extent possible between coerced and willing recruits.

In Kenya in particular, there are several women's organizations focused on violent extremism that are engaged in an impressive range of activities despite the challenges they face working in this area. They have significant access to and trust within communities, as well as clear ideas for how to engage communities in the prevent space - although there is more reluctance to engage on CVE/CT due to security concerns.

72 UK Stabilisation Unit, 'Learning Brief: Gender Perspectives on Peace Processes.'

73 Gayatri Sahgal and Martine Zeuthen (2018). Analytical Framing of Violent Extremism and Gender in Kenya: A Review of the Literature. *The African Review* 45(1): 1-18.

## 7. CONCLUSION

This Issue Paper presents an overview of the linkages between terrorism and human trafficking and migrant smuggling in Eastern Africa. Further research and actions are required to identify, develop, and implement specific criminal justice responses to criminal activities that benefit terrorist and armed groups, including by focusing on victim-centered and human rights-compliant approaches to trafficking in persons and migrant smuggling.









## Counter-Terrorism Centre of Excellence

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**EAPCCO CTCoE:** EAPCCO CTCoE, EAPCCO Secretariat Regional Office, Mazingira Complex Block- F, P.O.BOX 42997, 00100, Nairobi, Kenya; Tel. +25420-851209-06, Fax: +25420-3512100. Email: [info@eapcco-ctcoe.org](mailto:info@eapcco-ctcoe.org); <https://eapcco-ctcoe.org/>.

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