Counter-Terrorism Centre of Excellence

EAPCCO CTCoE Study 3/2023

**Countering Foreign Terrorist Fighters
in Eastern Africa: A Threat Perception Analysis**

Abstract

This study focuses on the threat of foreign terrorist fighters (FTFs) in Eastern Africa, aiming to identify patterns, challenges, and countermeasures related to FTF movements across the region. Focusing on assessing threat perception among relevant law enforcement, criminal justice, immigration, and intelligence officials, the study collected data from respondents from Burundi, Comoros, the Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, Kenya, Seychelles, Somalia, Uganda, Tanzania, and Mozambique. Drawing on the collected data, the study identifies areas perceived as posing the most significant threat in recipient, facilitating, and transit countries. The study emphasizes that understanding distinctions between these countries is essential for countries not directly affected by terrorism, as their territory could be a safe haven or staging ground for terrorist activities. Furthermore, the study evaluates the awareness and understanding of the region's current procedures and capabilities related to FTFs, including legal frameworks and mutual legal assistance. The study suggests various initiatives to strengthen border security and prevent FTFs, including increased cooperation between law enforcement agencies, cross-border information sharing, joint regional training, and enhanced police-military cooperation.

Dr. Anneli Botha
Research Consultant

With contributions from:

Dr. Isaiah Abillah Ochieng
Head, EAPCCO CTCoE Research Department

Mr. Wycliffe Burudi
Deputy Head, EAPCCO CTCoE Research Department

Ms. Margaux Dandrifosse
Terrorism Prevention Research Intern
United Nations Office on Drugs and Crime
Regional Office for Eastern Africa

TABLE OF CONTENTS

01
INTRODUCTION

1.1 Background

With financial support from the Government of the Federal Republic of Germany, since 2020, the 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[1] in enhancing national and regional capacity to effectively prevent and counter violent extremism, terrorism, and transnational organized crime.

One of the project's objectives is to produce evidence-based research relevant to Eastern African law enforcement and criminal justice practitioners. The EAPCCO CTCoE conducted this study, a new installment in the series of publications addressing various terrorism- and transnational organized crime-related challenges faced by Eastern Africa,[2] with support from UNODC as part of this objective.

1.2 Situation analysis

Eastern Africa faces a mounting and unprecedented terrorism threat, with violent extremist groups transcending state boundaries and developing networks of recruits, financing, weapons, and attacks across the region, stretching towards Southern Africa.

The global violent extremist appeal of local groups, through their pledged allegiance to al-Qaida or Da'esh,[3] and their capacity to exploit local grievances, has led to a surge in foreign terrorist fighters (FTFs) in the region.

EFFECTS OF FTFs

FTFs pose significant threats to global peace and security. The United Nations (UN) Security Council Resolution 2178[4] defines FTFs as "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, including in connection with armed conflict"

In Africa, FTFs exploit porous borders, large areas where states have limited resources to exercise effective control, ongoing armed conflicts, and powerful networks of transnational organized crime groups to move across the region.[5] Additionally, socio-economic grievances[6] of border[7] and marginalized communities, as well as corruption, provide a strong impetus for the proliferation of FTFs. Accordingly, the complex nature of FTFs' movement presents a threat to their State of residence or nationality and, equally, to the States other than their State of residence or nationality through which they transit or to which they travel.

---

1   The EAPCCO members are Burundi, Comoros, the DRC, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, South Sudan, Tanzania, and Uganda.

2   Please consult the section of the EAPCCO CTCoE website to explore the full range of the EAPCCO CTCoE Issue Papers: https://eapcco-ctcoe.org/ct-issue-papers/

3   Agbiboa, D. (2015), Shifting the Battleground: The Transformation of Al-Shabab and the Growing Influence of Al-Qaeda in East Africa and the Horn, Politikon, 42:2, 177-194, DOI: 10.1080/02589346.2015.1005791

4   UNSC Resolution 2178 (2014), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/547/98/PDF/N1454798.pdf?OpenElement

5   Center for Human Rights and Policy Studies (2020), Eastern Africa's Regional Extremist Threat: Origins, Nature and Policy Options, https://chrips.or.ke/wp-content/uploads/2020/10/Eastern-Africa%E2%80%99s-Regional-Extremist-Threat-Origins-Nature-and-Policy-Options.pdf

6   Romaniuk, P. et al. (2018), What Drives Violent Extremism in East Africa and How Should Development Actors Respond?, African Security, 11:2, 160-180, DOI: 10.1080/19392206.2018.1488560

7   Institute for Security Studies (2018), How 'foreign' are foreign terrorist fighters in Africa? https://issafrica.org/iss-today/how-foreign-are-foreign-terrorist-fighters-in-africa; African Union (2022), Foreign Terrorist Fighters in the Sahel-Sahara Region of Africa: Recommendations for stemming a long-lasting threat, http://www.peaceau.org/uploads/policy-paper-ftfs200522-foreign-terrorist-fighters-in-the-sahel-sahara-rigion-of-africa.pdf

In the host country, they strengthen insurgent groups and prolong conflicts.[8]

When returning home or transiting through third countries, FTFs bring back strategic knowledge, radical ideas, practical skills (e.g., the manufacturing of improvised explosive devices, IEDs), connections to terrorist networks, and, eventually, weapons or bomb-making materials, thus strengthening the capacity and providing potential leadership for local extremist groups.[9] Groups such as al-Shabaab (UNSC listed; SOe.001) in Somalia, the Allied Democratic Forces (ADF, UNSC listed; CDe.001) in the Democratic Republic of Congo and Uganda, and the armed group Ahl al-Sunna wal-Jama 'a (ASWJ; not listed), which pledged allegiance to Da'esh in 2019[10] in the northern Cabo Delgado province of Mozambique attract a large number of FTFs, including from Kenya and Tanzania.[11] Intensified FTFs movement across borders facilitate coordination, knowledge and intelligence sharing between various armed groups in the region, spearheading the solidification of terrorist financing, recruitment, and material infrastructure networks[12] Ultimately, it reinforces armed groups' capacity and geographical reach, posing a significant threat of violent extremism in Eastern and Southern Africa and beyond.

Terrorists, including FTFs, use a wide variety of techniques to travel to destinations all over the world. While a large corpus of scholarship has investigated the phenomenon of FTFs in the context of international movements from mainly Europe, North Africa, and Southeast Asia to Syria and Iraq,[13] the dynamics of FTFs in Eastern Africa significantly differ from these well-researched cases. FTFs' movements across Eastern and Southern Africa are predominantly regional and multi-directional. FTFs move across neighboring countries, mainly through land borders and for multiple purposes, including training, radicalization, financing, seeking safe havens, or committing terrorist acts.

The UNSC Resolutions 2178 (2014)[14] and 2396 (2017)[15] call on Member States to strengthen border management measures to counter the threat of FTFs, including through greater information-sharing, watch lists, and biometric data, and the use of advanced passenger information (API) and passenger name record (PNR), in compliance with international law and human rights standards. While countries in Eastern Africa have adopted several measures to reinforce border controls and security,[16] often in coordination with local communities to build trust and resilience,[17] an effective, region-wide, and coordinated strategy is still lacking.[18]

8 Global Counterterrorism Forum, (2019), "Foreign Terrorist Fighters" (FTF) Initiative The Hague – Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon, https://www.thegctf.org/documents/10162/140201/14Sept19_The+Hague-Marrakech+FTF+Memorandum.pdf

9 African Union (2022), Foreign Terrorist Fighters in the Sahel-Sahara Region of Africa: Recommendations for stemming a long-lasting threat, http://www.peaceau.org/uploads/policy-paper-ftfs200522-foreign-terrorist-fighters-in-the-sahel-sahara-rigion-of-africa.pdf; IGAD (2016), Al-Shabaab as a Transnational Security Treat, https://igadssp.org/index.php/documentation/4-igad-report-al-shabaab-as-a-transnational-security-threat/file

10 Van Rentergem, T. (2022), Al-Shabab in Mozambique: Taking Stock of an Insurgency Under Cover, Egmont Policy Brief 281

11 IGAD (2016), Al-Shabaab as a Transnational Security Treat, https://igadssp.org/index.php/documentation/4-igad-report-al-shabaab-as-a-transnational-security-threat/file

12 Botha, A. (2022), Trans-regionalization of Terrorism in Eastern and Southern Africa, EAPCCO CTCoE Issue Paper 5 / 2022

13 E.g. Cragin, R. K. (2021), Preventing the Next Wave of Foreign Terrorist Fighters: Lessons Learned from the Experiences of Algeria and Tunisia, Studies in Conflict & Terrorism, 44:7, 543-564, DOI: 10.1080/1057610X.2019.1568005; Baxter, K. & Davidson, R. (2016), Foreign Terrorist Fighters: managing a twenty-first century threat, Third World Quarterly, 37:8, 1299-1313, DOI: 10.1080/01436597.2016.1159127

14 UNSC Resolution 2178 (2014), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/547/98/PDF/N1454798.pdf?OpenElement

15 UNSC Resolution 2396 (2017), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/460/25/PDF/N1746025.pdf?OpenElement

16 Bos, W., van Ginkel, B., Mehra, T. (2018), Capacity-Building Challenges: Identifying Progress and Remaining Gaps in Dealing with Foreign (Terrorist) Fighters, International Centre for Counter-Terrorism Report, https://www.jstor.org/stable/pdf/resrep19620.pdf?acceptTC=true&coverpage=false&addFooter=false

17 Mehra, T. (2016), Foreign Terrorist Fighters: Trends, Dynamics and Policy Responses, International Centre for Counter-Terrorism Report, https://www.jstor.org/stable/pdf/resrep17497.pdf

18 African Union (2022), Foreign Terrorist Fighters in the Sahel-Sahara Region of Africa: Recommendations for stemming a long-lasting threat, http://www.peaceau.org/uploads/policy-paper-ftfs200522-foreign-terrorist-fighters-in-the-sahel-sahara-rigion-of-africa.pdf

1.3 Objective and methodology

Three primary objectives guided the study:

1. Identifying the main dynamics and patterns of FTFs' cross-border movements in Eastern and Southern Africa.

2. Analyzing the main challenges faced by regional authorities as well as good practices to address the FTFs threat, including the return of FTFs to their countries of origin.

3. Providing recommendations for strengthening national authorities' border management capacity and enhancing inter-agency and inter-regional coordination and information sharing to effectively detect and prevent the cross-regional movements of FTFs.
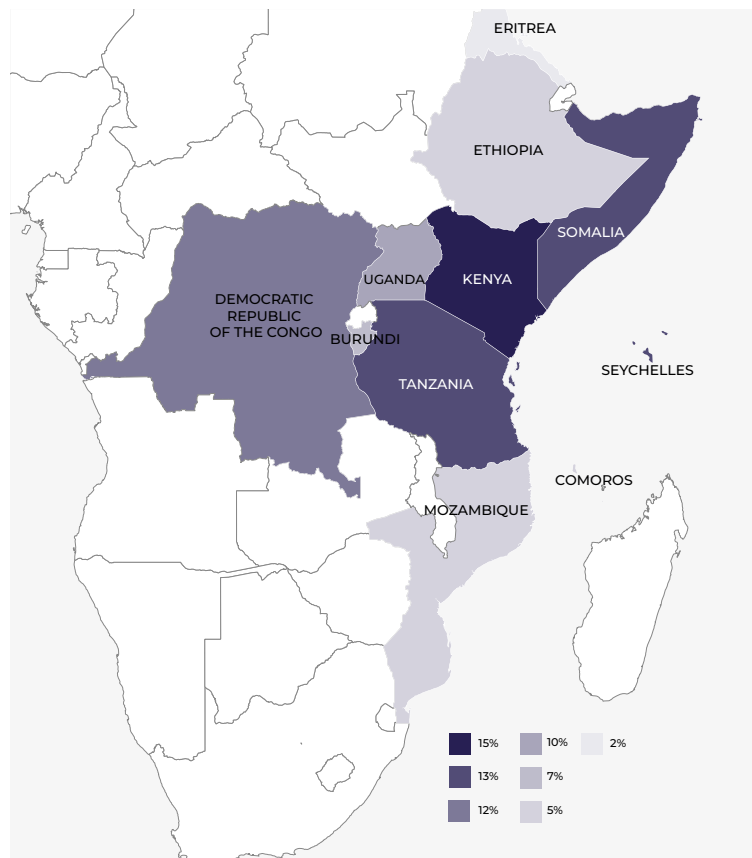
A questionnaire was developed and distributed to individuals who previously participated in UNODC capacity-building initiatives in Eastern Africa. During the period 1 August to 15 September 2023, forty (40) respondents representing eleven EAPCCO member states – Burundi, Comoros, the Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, Kenya, Seychelles, Somalia, Uganda, and Tanzania – in addition to representatives from Mozambique completed the questionnaire.

While only 45% of responders are currently stationed at points of entry and exit, all clearly understood the security challenges their respective countries are confronted with. In addition to 56% of respondents representing the police, six are currently employed at immigration, and four are each employed at intelligence and airport security.
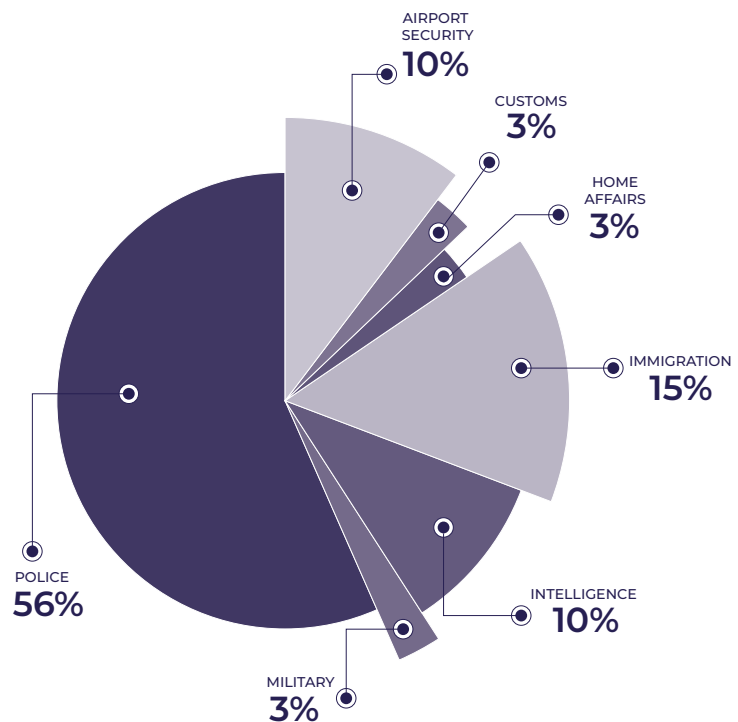

Figure 1: Member States represented by respondents

Figure 2: Agency representation of respondents

02

THREE SCENARIOS OF A THREAT POSED BY FTFs IN EASTERN AND SOUTHERN AFRICA

Three scenarios related to FTF exist within Eastern and Southern Africa.[19] Despite being distinguished from the other, it is essential to note that a single country can experience a combination of all three in different parts of its territory simultaneously.

1. **Recipient countries** of FTFs or areas within countries confronted with the direct manifestation of violent extremism and acts of terrorism need to prevent the influx of FTFs while at the same time addressing existing instability. Countries like Somalia, the DRC, and Mozambique resorted to military-led responses – including cross-regional intervention – within a counterinsurgency framework.

A military-led approach to countering terrorism

Despite being better equipped than the police in an armed confrontation, military personnel seldom have the requisite capacity or expertise to collect and handle evidence in full compliance with procedural requirements, ensuring its later admissibility or conducting subsequent investigations that may be lengthy and extend well beyond national borders. Additionally, the law enforcement-military relationship within the counterinsurgency context is often complicated by the need to understand the respective roles, especially in cooperating in investigations.

Consequently, one of the most pressing challenges countries confronted with terrorism and insurgency struggle where the military leads the counter-terrorism response is what to do after a person is arrested, detained, and has surrendered. Instead of collecting and preserving evidence, military personnel and law enforcement officers often over-rely on confessions, sometimes obtained under questionable circumstances. While some court proceedings may bring a conviction, insufficient evidence collection has a negative impact on legal proceedings in other jurisdictions. In addition, in some countries, military tribunals still retain jurisdiction over terrorism-related offenses. While the evidentiary standard may be lower in military courts/tribunals, the lack of evidence and not following the correct procedures may lead to acquittal, where a criminal justice-led response and proper handling of evidence could have secured a conviction.

Another issue relates to the difference in defining success. Considering that an act of terrorism is a crime and related activities – financing of terrorism, possession of explosives and/or firearms, incitement, recruitment, etc. – are often well-defined and equally criminalized, within the criminal justice framework, success can be measured by the number of successful prosecutions (the number of arrests should not measure success). Under a military approach, success is often measured by the number of organization members being killed or eliminated. Military action can also result in civilian casualties. Consequently, the counterstrategy and approach can easily contribute to human rights abuses, radicalization, and recruitment within marginalized and affected communities.

"Military action can also result in civilian casualties."

19 While countries in Southern Africa were not the study's focus, the FTF threat's nature makes adjacent regions virtually inseparable.

2. **Facilitating countries** are countries where FTFs are recruited following in-person and/or online radicalization. These countries can also be used as safe havens from where acts of terrorism are being directed, funded, supported, etc. Despite potentially not being directly impacted by the physical manifestation of violent extremism and terrorism, these countries are at an increasing risk of experiencing acts of terrorism. Consequently, specific attention needs to be directed at communities where conditions conducive to radicalization exist to prevent and counter additional radicalization and recruitment while developing and implementing strategies and programmes to facilitate the return of FTFs. Close cooperation between intelligence agencies and counterterrorism investigators should focus on individuals facilitating radicalization and support while taking active steps not to drive a wedge between vulnerable communities and security agencies.

3. **Transit countries** or countries through which FTFs travel to areas directly affected by acts of terrorism. These may include neighboring countries and countries not traditionally associated with violent extremism with more relaxed border control and monitoring systems in place.

Each of these categories presents unique challenges and vulnerabilities that require the attention of law enforcement and criminal justice institutions. Understanding the distinction is essential to raise awareness in countries not directly impacted by violent extremism and acts of terrorism that their territory can potentially be used as a safe haven and staging ground from where acts of terrorism are being directed from.

The involvement of FTFs originating from countries not directly impacted by violent extremism and terrorism should be seen as a warning that requires urgent attention. Recognizing that the same motivating factors facilitating the radicalization and recruitment to become FTFs can be turned inward, law enforcement and criminal justice institutions should not intentionally or unintentionally neglect the issue. By not actively gathering intelligence and conducting criminal investigations, the wrong signals will be sent to both violent extremists and affected countries that the country is becoming a safe haven for violent extremism. Consequently, it will hamper the government's ability to address the medium- to long-term threat.

03

INTRODUCTION TO THE FOREIGN TERRORIST FIGHTER THREAT WITHIN THE BROADER BORDER SECURITY FRAMEWORK

The following section examines the extent to which FTFs present a threat within participating countries, especially in relation to other challenges associated with border security, based on respondents' assessments. Although some context will be provided, it is essential to note that the objective of this study is not to present an extensive account of the involvement of FTFs in the region but rather to identify existing challenges and countermeasures to prevent and address the threat presented by FTFs.

The first set of questions aimed at assessing the perceived challenges to border security. The responses established that each country experiences unique security challenges and that a one-size-fits-all approach will be counterproductive. Table 1 identifies the five most prominent threats as determined by respondents.

Priority	Burundi	Comoros	DRC	Eritrea	Ethiopia	Kenya
1	Acts of terrorism committed in neighboring countries	Drug trafficking	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)	Trafficking in illegal goods (e.g., cigarettes)	Acts of terrorism committed in neighboring countries	Acts of terrorism committed in neighboring countries
2	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)	Trafficking in illegal goods (e.g., cigarettes)	Trafficking in illegal goods (e.g., cigarettes)	The country is used as a safe haven from where attacks in other countries are being executed	Trafficking in illegal goods (e.g., cigarettes)	Drug trafficking
3	Drug trafficking	Transit country of human trafficked individuals	Marginalized border communities	Acts of terrorism committed in neighboring countries	Drug trafficking	Marginalized border communities
4	Trafficking in illegal goods (e.g., cigarettes)	Marginalized border communities	Illegal weapons trafficking	Cross-border raids	Transit country of human trafficked individuals	Acts of terrorism committed in your country
5	Acts of terrorism committed in your country	Acts of terrorism committed in neighboring countries	Foreigners participating in violent extremism in your country	Transit country of human trafficked individuals	Illegal weapons trafficking	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)

Priority	Mozambique	Seychelles	Somalia	Tanzania	Uganda
1	Drug trafficking	Drug trafficking	Returning Foreign Terrorist Fighters (FTFs) to your country	Transit country of human trafficked individuals	Drug trafficking
2	Acts of terrorism committed in your country	Acts of terrorism committed in neighboring countries	Radicalization and recruitment into violent extremism to stay in your country	Acts of terrorism committed in neighboring countries	Acts of terrorism committed in neighboring countries
3	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)	Radicalization and recruitment into violent extremism to travel to another country in another region on the continent (e.g., Western Africa)	Radicalization and recruitment into violent extremism to travel to a neighboring country	Radicalization and recruitment into violent extremism to travel to a neighboring country	Radicalization and recruitment into violent extremism to travel to a neighboring country
4	Foreigners participating in violent extremism in your country	Radicalization and recruitment into violent extremism to travel to other countries beyond the continent (e.g., Middle East)	Acts of terrorism committed in your country	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)	Transit country of human trafficked individuals
5	Radicalization and recruitment into violent extremism to stay in your country	The country is used as a safe haven from where attacks in other countries are being executed	Foreigners participating in violent extremism in your country	The country is used as a transit by violent extremists to other countries in the region.	Trafficking in precious stones (e.g., diamonds, tanzanite etc.)

Across Eastern and Southern Africa, the three primary hotspots of ongoing acts of violence have emerged in recent years – Somalia, the DRC, and Mozambique. All three countries identified the involvement of FTFs contributing to instability, most notably Mozambique (90%), followed by the DRC (68%) and Somalia (60%). Additionally, 53% of respondents representing Kenya attributed threats to its domestic stability to the presence of FTFs within its borders. In addition to the involvement of FTFs in acts of terrorism, Mozambique (75%) and Tanzania (72%), followed by Somalia (64%), emphasized the radicalization and recruitment of its nationals as FTFs to neighboring countries.
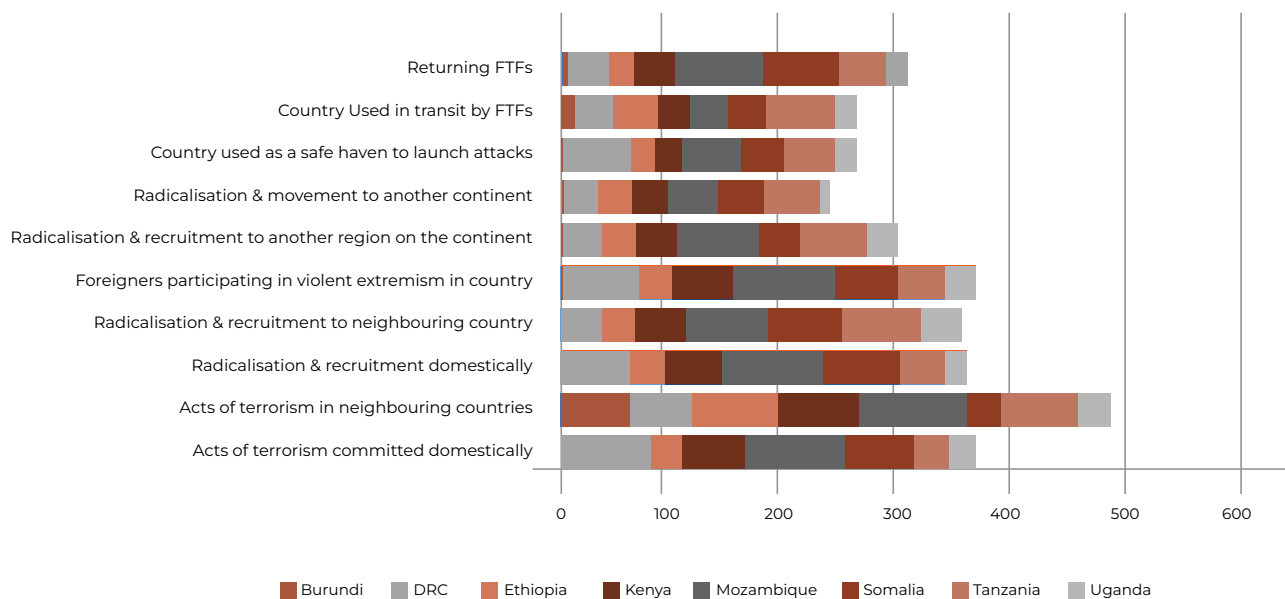
Figure 3: *Threat perception associated with violent extremism and terrorism*

As noted in the introduction, although Al-Qaida and Da'esh-affiliated groups attracted FTFs from non-African nationalities, most FTFs active in Somalia, the DRC, and Mozambique originate from within the continent.

Al-Shabaab has been most successful in attracting non-African foreign fighters, excluding individuals representing the Somali diaspora who left the US, European, and Scandinavian countries in the aftermath of Ethiopian intervention in Somalia in 2006. Foreigners have actively participated in various capacities in the Somali conflict since the 1990s. Although based in Sudan in the early 1990s, Osama bin Laden attracted other high-profile Al-Qaida members to establish the Eastern Africa cell, eventually responsible for the 1998 US Embassy attacks in Kenya and Tanzania.

During this early period, the instability in Somalia was used to radicalize and recruit predominantly Somali, Kenyan, and Tanzanian nationals to Al-Qaida leadership roles. Foreigners also fought alongside Al-Ittihad al-Islamiyah (AIAI) in Somalia and Ethiopia. Subsequently, they influenced and strengthened Al-Shabaab's creation following the defeat of the Islamic Courts Union (ICU) in 2006. According to the Monitoring Group in its report to the UN Security Council in 2012, approximately 300 foreigners were at that stage fighting alongside Al-Shabaab in Somalia. In addition to participation in military operations, their role included technical assistance with weapons systems, operational planning, training, manufacturing of IEDs, IT support, medical aid, and media and public relations.[20] More recently, Jehad Serwan Mostafa, who joined Al-Shabaab in 2008 from the US, was identified as "the highest-ranking United States citizen fighting overseas from the US by the Monitoring Group in 2020.[21]

---

20 United Nations Security Council. Report concerning resolution 751 (1992) Somalia addressed to the President of the Security Council. S/2013/413, 12 July 2013. July http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_413. pdf, p. 68

21 United Nations Security Council. Report concerning resolution 751 (1992) Somalia addressed to the President of the Security Council. S/2020/949, 28 September 2020.
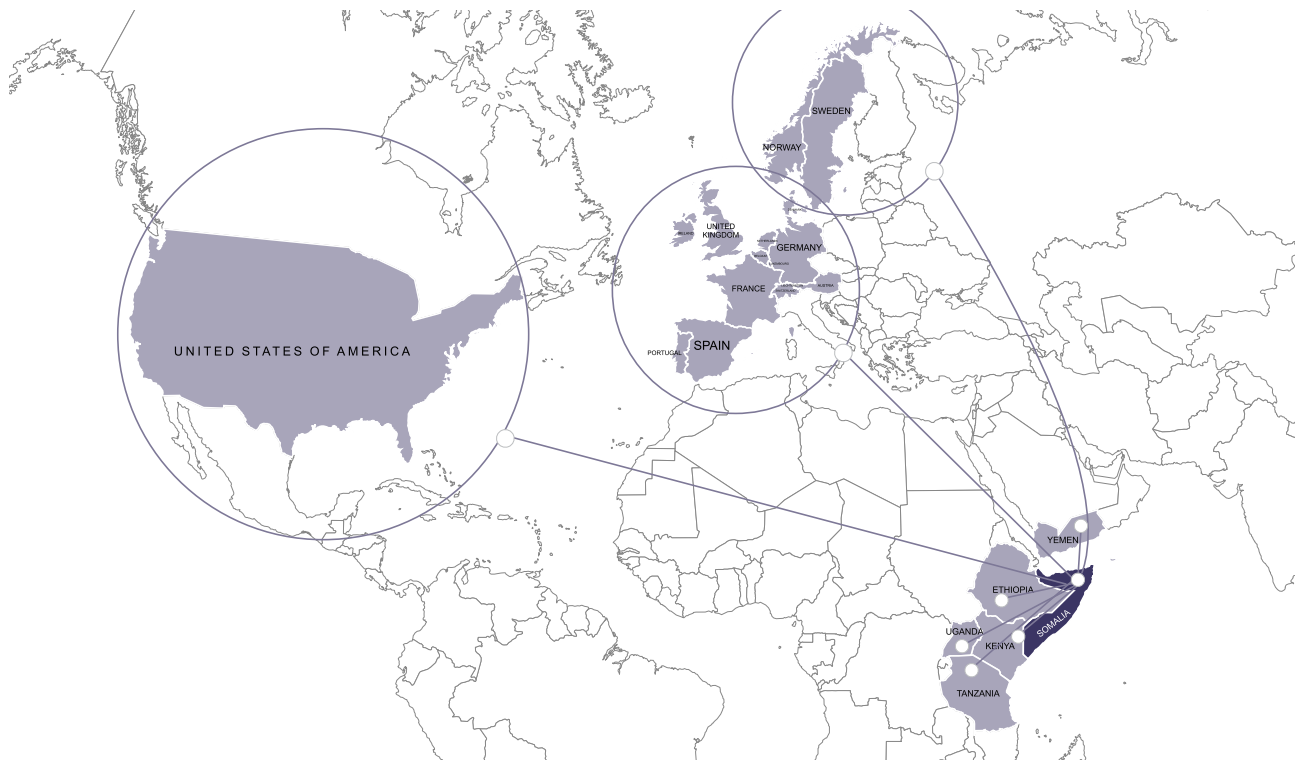
Figure 4: Most recognizable origins of FTFs in Somalia

Recalling that the Allied Democratic Forces (ADF) originated in Uganda before being forced into the DRC, this group, especially since its allegiance with Da'esh and claiming responsibility for attacks in the name of Islamic State in Central African Province (ISCAP), attracted foreign fighters from Tanzania, Kenya, Rwanda, Burundi, Ethiopia, Somalia, Mozambique, and South Africa. Notably, the network in South Africa has been implicated in facilitating violent extremism and acts of terrorism in the DRC, Kenya, and Mozambique through South African nationals and foreigners who attained South African citizenship. More recently, individuals such as Abdella Hussein Abadigga (who led the Da'esh cell in South Africa since 2014), Farhad Hoomer, Patrick Modise, Ahmed Hamoud Hassan, and Swalleh Abubakar contributed to the dynamic. According to the DRC Monitoring Group, in 2023, Swalleh moved funds and recruits for ADF through South Africa, Uganda, Zambia, and the DRC since at least 2017. He lived in Uganda until at least mid-2018 or 2019 and then moved to South Africa before traveling back to the region, most notably the border between Tanzania and Uganda and to Zambia, tasked with moving money and recruits for ADF.[22] The use of South Africa as a safe haven date back to the 1990s as noted by the author in earlier publications.[23]

---

22 United Nations Security Council. Report concerning resolution 1533 (2004) Democratic Republic of the Congo addressed to the President of the Security Council. S/2023/431, 13 June 2023.
23 Preparations for the 2010 FIFA World Cup: Vulnerability and Threat of Terrorism (WP), Elcano Royal Institute, Working Paper 14/2010; South Africa and the 'War Against Terrorism', Centre for International Political Studies (CIPS) No. 29/2007: University of Pretoria.

Figure 5: *Most recognizable origins of FTFs in the DRC*

Respondents from Tanzania (84%), Ethiopia (75%), Kenya (73%), and Burundi (63%) identified "acts of terrorism committed in neighboring countries" as the most pressing threat to its national security. In addition to the humanitarian consequences of human displacement and refugees, cross-border communities sharing similar tribal, or clan affiliations have an immediate ripple effect in these neighboring countries through fluid cross-border movements. Additionally, identity politics and loyalty based on ethnic and/or religious affiliation trumping nationality further facilitates this cross-border threat of instability. The DRC (68%) and Kenya (57%), followed by 40% in Mozambique in Figure 3, also identified the marginalization of border communities as contributing to the perception of national threat.
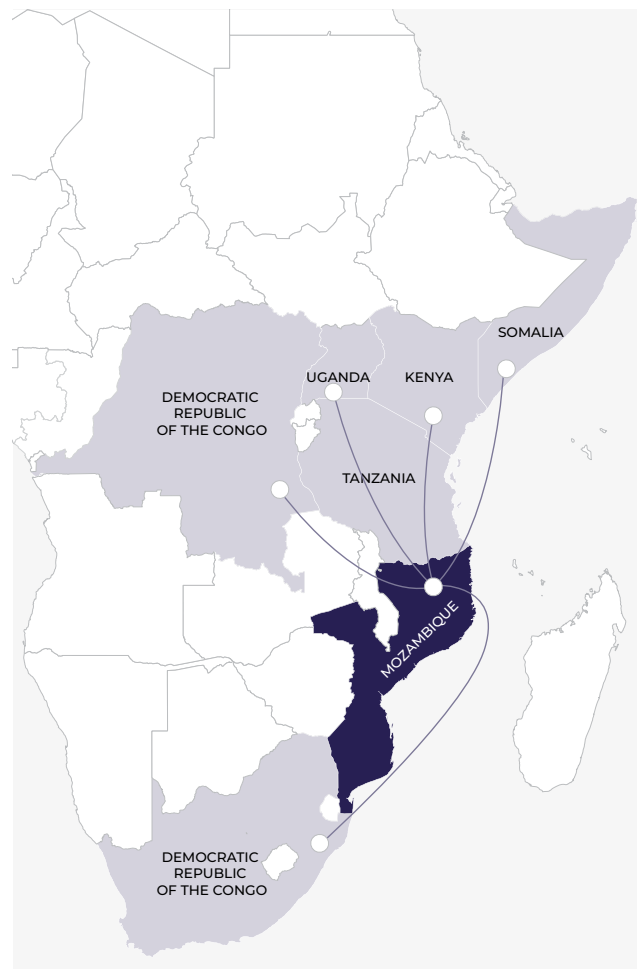
Despite the emphasis placed on FTFs, challenges associated with border security extend beyond the threat of violent extremism and terrorism to facilitating transnational organized crime. Drug trafficking was consequently rated as the second most prominent threat to national security, following "acts of terrorism committed in neighboring countries" by Mozambique (90%), Kenya (62%), Comoros (60%), Seychelles and Tanzania (58%), and the DRC (56%). The trafficking in precious stones was raised in the DRC (92%), followed by Mozambique (90%) and Tanzania (66%), while Seychelles (86%), Mozambique (65%) and Comoros are concerned with its territory being used as a transit point in human trafficking.

Figure 6: *Most recognizable origins of FTFs in the Mozambique*
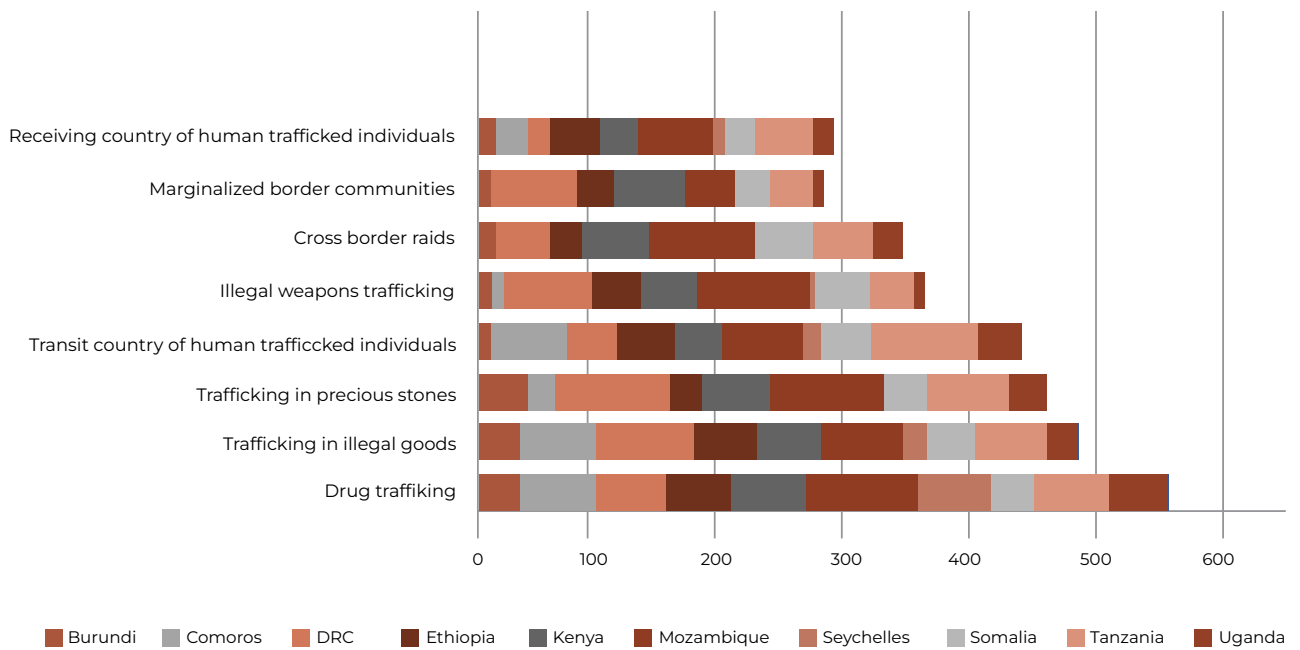
Figure 7: *Threat perception associated with transnational organized crime*

Before attaining a better understanding of the circumstances and challenges member states are confronted with preventing and countering the entry of FTFs and transnational criminal elements, respondents were asked to assess their respective country's attention to FTFs. On average (62%), most attention is directed towards detecting forged travel documents, while on average, 49% is being diverted to FTFs leaving and entering. In addition to Burundi, Ethiopia, and Mozambique, which grade awareness equally, according to officials in Eritrea, Kenya, Somalia, and Tanzania, more emphasis is placed on FTFs leaving the country than entering. In contrast, Comoros, the DRC, Seychelles, and Uganda place slightly more attention on FTFs potentially entering their territory.

Figure 8: *National attention diverted to FTFs*

04
IDENTIFYING AND ASSESSING CHALLENGES ASSOCIATED WITH FTFs

Respondents were asked to rate a series of variables to understand better the circumstances that may contribute to the potential vulnerability to FTFs. It is important to remember that this assessment is based on respondents' perceptions that may not reflect the actual situation. Perception analysis, however, is particularly valuable in this regard, as opinions and attitudes directly impact action. It also serves as a reflection of the level of understanding of a particular situation. In other words, recognizing a problem may lead to action to rectify it, while a lack of awareness will lead to inaction.

One of these variables focuses on the relationship between security forces and border communities as a force multiplier in creating a positive relationship that will enable members of border communities to come forward with information. As presented in Figure 9, respondents from Kenya, Ethiopia, and Eritrea were under the impression that the level of cooperation between security forces and border communities shows room for improvement.

Many governments on the continent struggle with establishing, attaining, and maintaining the required level of governance over remote parts of the country. In other words, while the government's presence is well established in the capital and/or more populated areas of the country, its capacity to exercise effective control (measured by the provision of safety and justice, education, healthcare, infrastructure, etc.) diminishes the further one moves from the capital and more populated areas. Thus, the most vulnerable areas are also often the country's most remote areas. These circumstances have an impact on identity politics and loyalty to the country. Establishing and maintaining a positive relationship between law enforcement and criminal justice agencies and border communities is crucial, especially when these communities are experiencing some form of marginalization, often expressed as feelings of exclusion.
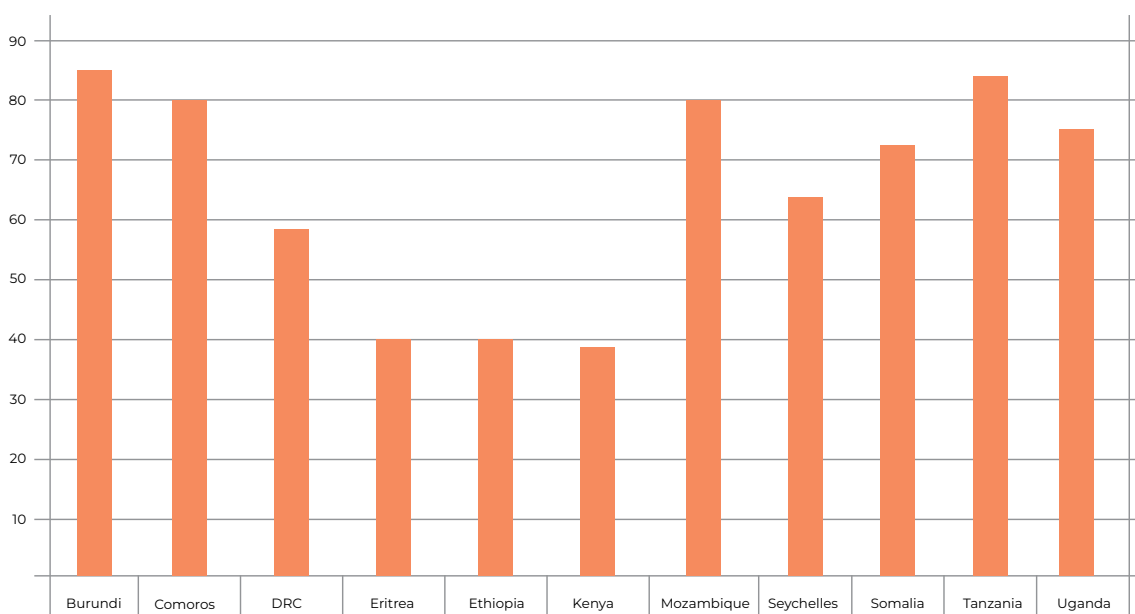

Figure 9: Strength of cooperation between security forces and border communities

Further contributing to challenges associated with remote areas is the lack of roads and the inability of security personnel to patrol vast territories, especially within national parks. These porous areas continue to facilitate unmonitored movements. Identifying limited capabilities to monitor borders physically, respondents provided an estimate of access to vehicles with off-road capabilities to facilitate patrolling remote areas.
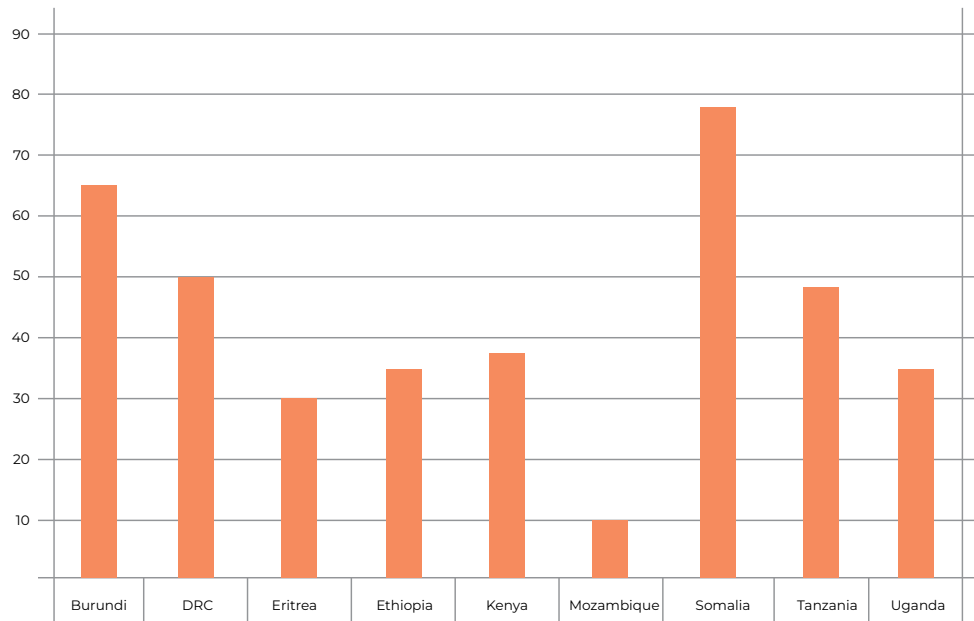
Figure 10: *Availability of vehicles with off-road capabilities*

In addition to being able to monitor borders physically, member states were also asked to assess the availability of electricity at border posts, without which access to an interconnected network system will not be able to function, to which Ethiopia and Eritrea expressed particular concern (see Figure 9). Irregular access to electricity furthermore requires that many border areas rely on generators to ensure that equipment can operate where available and in a functional working condition.
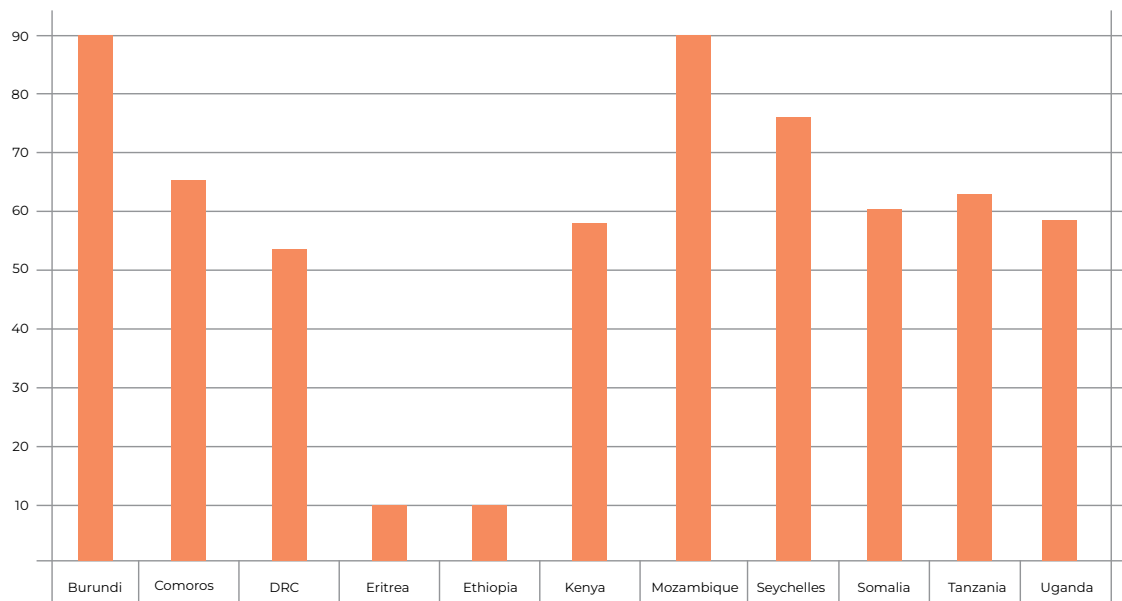

Figure 11: *Availability of electricity at border posts*

Access and sharing of information are key in identifying and pursuing FTFs while leaving, transiting, and entering countries within the region and beyond. Recalling that Figure 10 is based on a self-assessment, overall Comoros (73%), Somalia (73%) and Tanzania (70%), followed by Uganda (59%) and Seychelles (58%) expressed being in a better position than Burundi (48%), DRC (46%), Kenya (44%), Ethiopia (31%), Mozambique (30%) and Eritrea (10%) when it comes to having access to systems and subsequently information to facilitate the sharing of information.

Access to Interpol's I24/7 and its respective notices – including Red Notices on wanted individuals and Green Notices providing warning and intelligence on individuals who previously committed criminal offenses – beyond more prominent border posts was assessed to be available, while API information was the least accessible. There equally exists limited appreciation amongst the broader public and security officials on the need to report the theft and loss of passports to be included in Interpol's database created for this purpose.
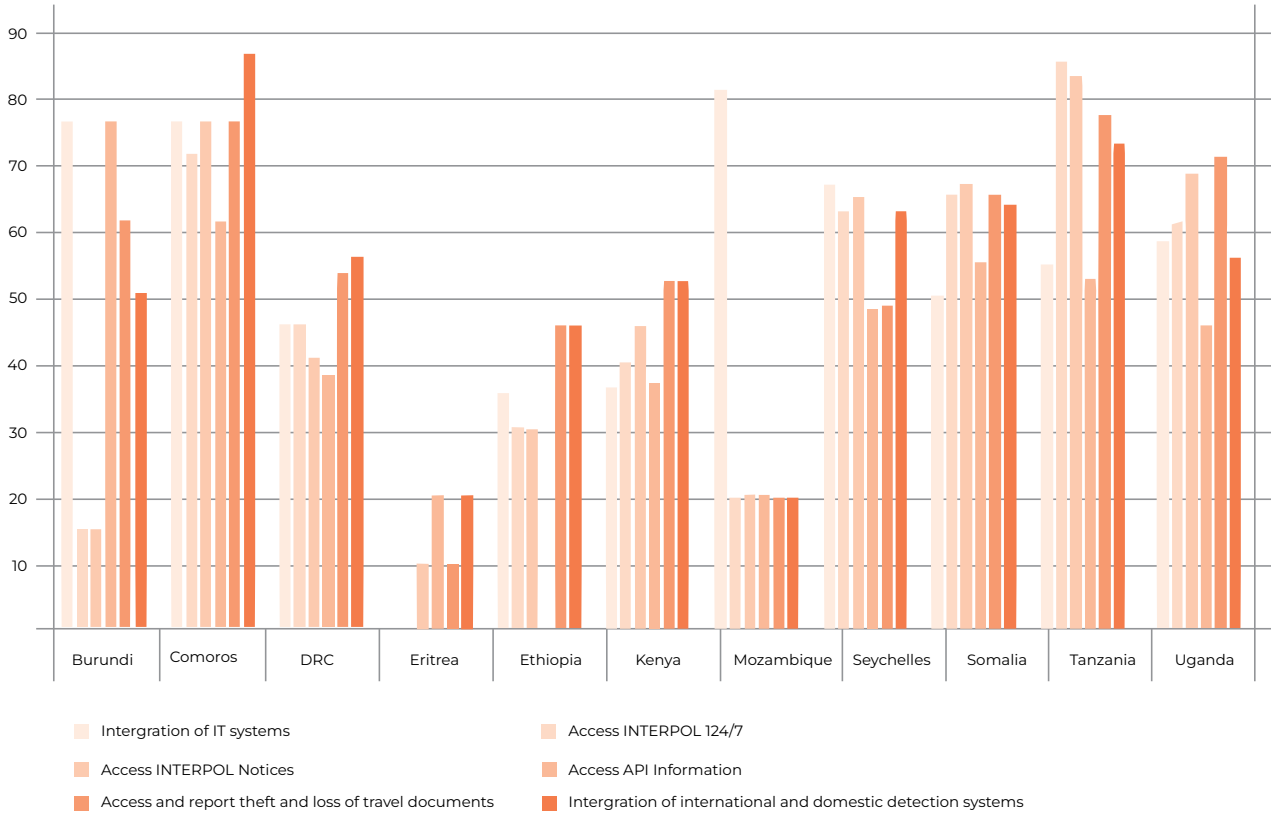

Figure 12: Assessing integration and access to international information systems

05

ASSESSMENT OF CURRENT PROCEDURES AND CAPABILITIES

Following the above discussion to identify the threat/risk perception and most prevailing challenges, this section seeks to better understand current procedures for dealing with FTFs.

According to respondents from Burundi and Mozambique, suspected FTFs are always arrested upon return. In contrast, respondents from Kenya (73%) and Tanzania (72%), followed by Somalia (64%), Ethiopia (60%), and Uganda (60%), considered a process being followed to determine if an arrest will be the best course of action.

Most respondents in this assessment expressed uncertainty on how to classify FTFs following a screening process. In contrast, Kenya, Uganda, and Somalia expressed more clarity. Unlike the situation in Europe since Da'esh lost territory in Syria and Iraq and a larger influx of the returning

wives and children of Da'esh members who died, most returning FTFs from Somalia are men. On the other hand, the practice of marrying women captured during raids in villages is more prevalent among ADF and ASWJ (both aligned to Da'esh), explaining the existence of specific procedures, facilities, and programmes for women and children.

The presence of children within ADF and ASWJ camps who are either the children of fighters, have been abducted (as in the case of ASWJ), and have experienced considerable trauma and indoctrination requires specific attention. Despite women and children being unwillingly integrated into some of these groups, women were also radicalized and recruited into terrorist organizations to serve a multitude of roles, calling for an open mind when assessing and classifying female FTFs and returnees.
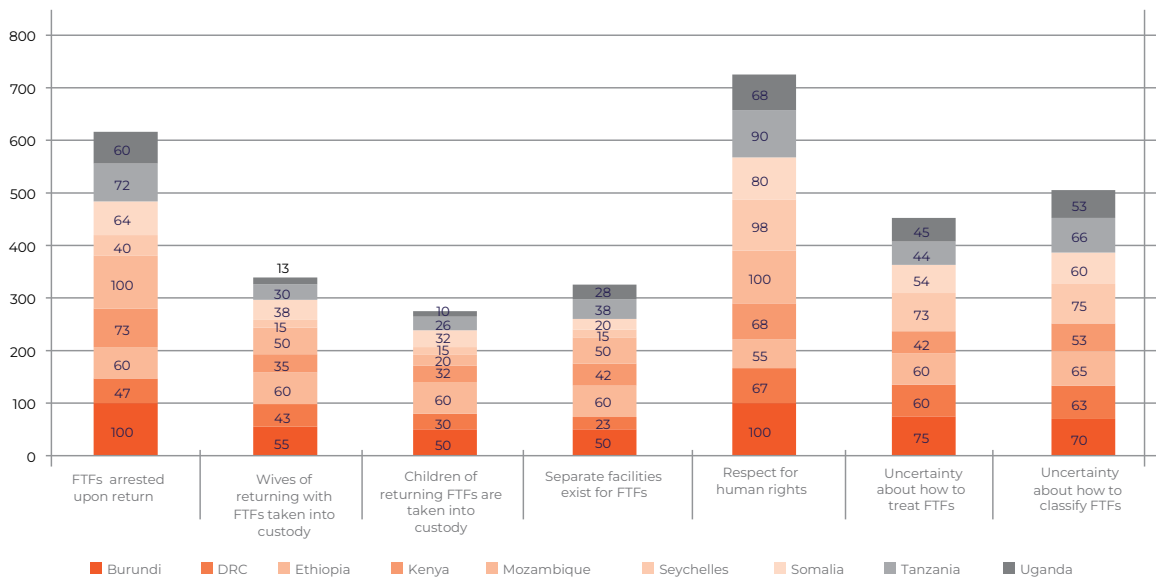

Figure 13: *Procedures in the treatment of FTFs*

Procedures are, however, guided by legislation, starting with the criminalization of traveling to join and actively participate in hostilities. In the aftermath of the success of Da'esh in radicalizing and recruiting FTFs, many countries had to re-evaluate existing legislation to ensure that its legal framework would effectively criminalize FTF-related activities.

Respondents from Somalia, DRC, and Ethiopia, followed by Burundi, believed its legislation still requires additional revision to criminalize travel to other countries to participate as FTFs. Officers from Kenya, Uganda, and Ethiopia specifically recognized the need to establish jurisdiction over crimes committed in another country to facilitate the prosecution of FTF-related activities within its courts.

Since mutual legal assistance (MLA) requires the involvement of prosecution authorities, respondents from Somalia (92%), followed by Ethiopia (70%) and the DRC (67%), indicated that they had received limited assistance from the prosecution authority to assist in this process. Another potential concern is that other countries may be reluctant to provide MLA and facilitate extradition, fearing that the information being provided will infringe on human rights when counterterrorism cases are adjudicated in military courts, as in Somalia and the DRC.

Furthermore, Somalia, the DRC, and Mozambique indicated limited investigation capabilities – another hindrance to facilitating information sharing between investigators. While it is impossible to identify a single reason for challenges associated with MLA, concerns over human rights cannot be excluded. In other words, having similar procedures and legislation will facilitate easier and faster cooperation, calling for a greater regional harmonization of legal provisions.
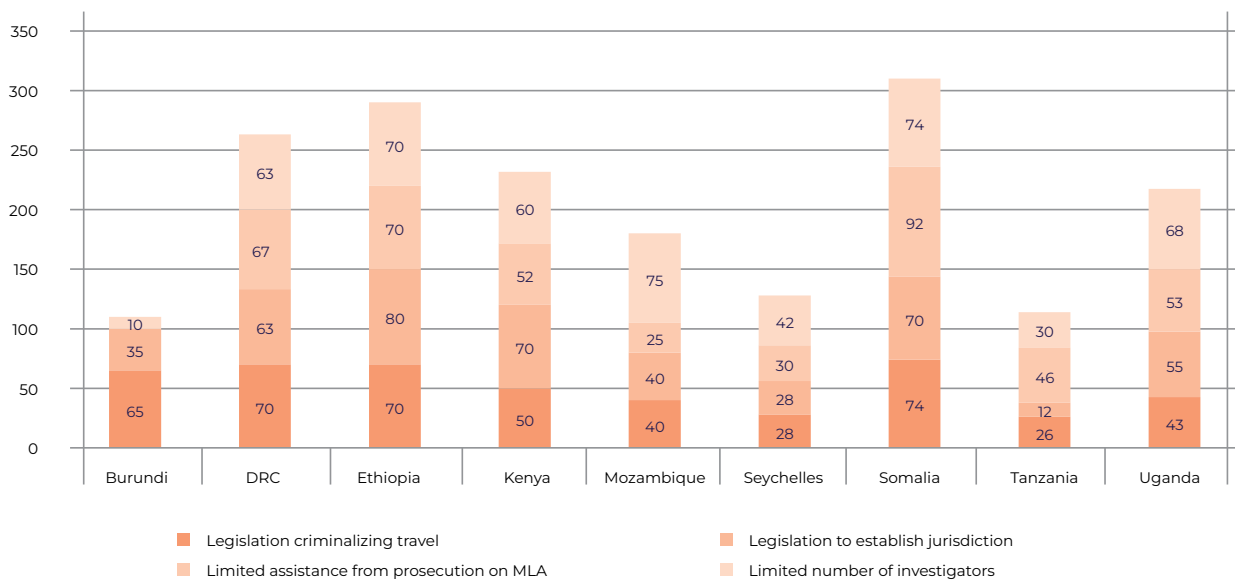

Figure 14: *Domestic challenges to facilitate cooperation*

In addition to the above domestic challenges, Figure 15 identifies limitations that will directly impact the course of the investigation. These include limited access to evidence that needs to be obtained in another country, often through MLA. Mozambique, followed by Uganda, Somalia, Kenya, and the DRC, placed limited access to evidence above 70%. Uganda rated the limited investigation capabilities of a counterpart at 90%, while according to the DRC, the most concerning challenge was the inability

of officers to contact their counterparts directly. Recalling the nationalities of individuals becoming FTFs in the DRC may reflect language differences with Anglophone countries in the region, equally explaining that 83% of Ugandan officers identified this limitation. Following a similar argument, 80% of Mozambican respondents, being Lusophone, experienced similar challenges.
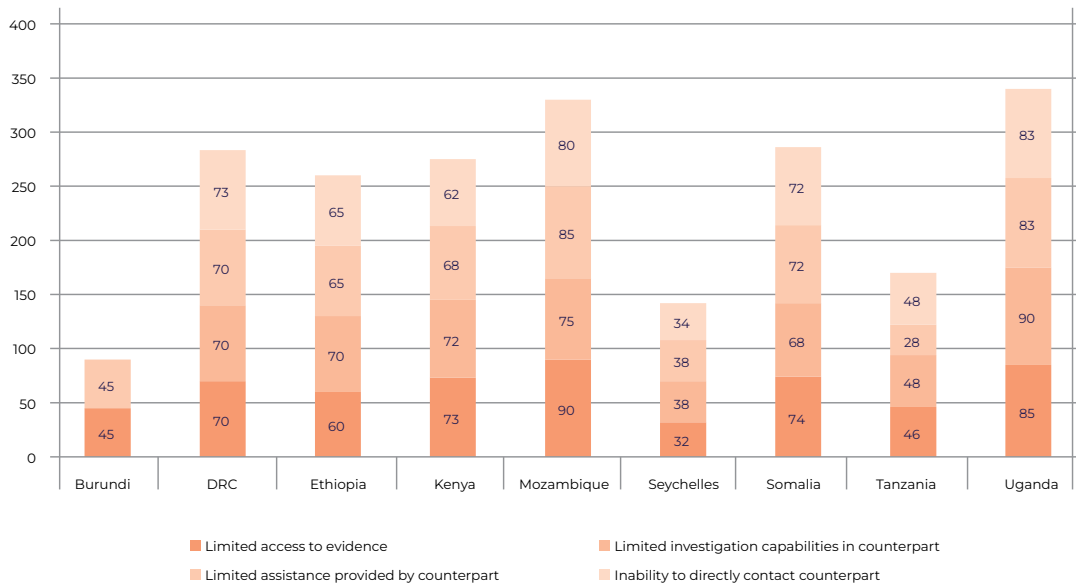
Figure 15: Challenges to facilitate cooperation on FTF in another country

Categorized as 'limited assistance being provided by the counterpart,' several reasons may explain the experiences of respondents – as referred to above – that can be addressed by revising legislation to recruit more specialized counterterrorism police officers to satisfy a growing demand for more investigators, increasing capacity building to equip new members, as well as facilitate the sharing of experiences amongst seasoned investigators in new tailored investigation techniques.

In addition to the above suggestions, respondents were asked to indicate the level of support they would relay to the following potential national, cross-border, and regional initiatives to strengthen border security and prevent FTFs. Starting with national initiatives, and while individual countries identified their own priorities, overall, **68% of respondents supported increased cooperation with and between immigration and customs officials with law enforcement, followed by enhanced police-military cooperation (66%) and between the different law enforcement structures at borders to include community policing structures, private security where operational, etc., and finally, the establishment of special coordinating working groups inclusive of all the respective agencies at border management areas and airports.**
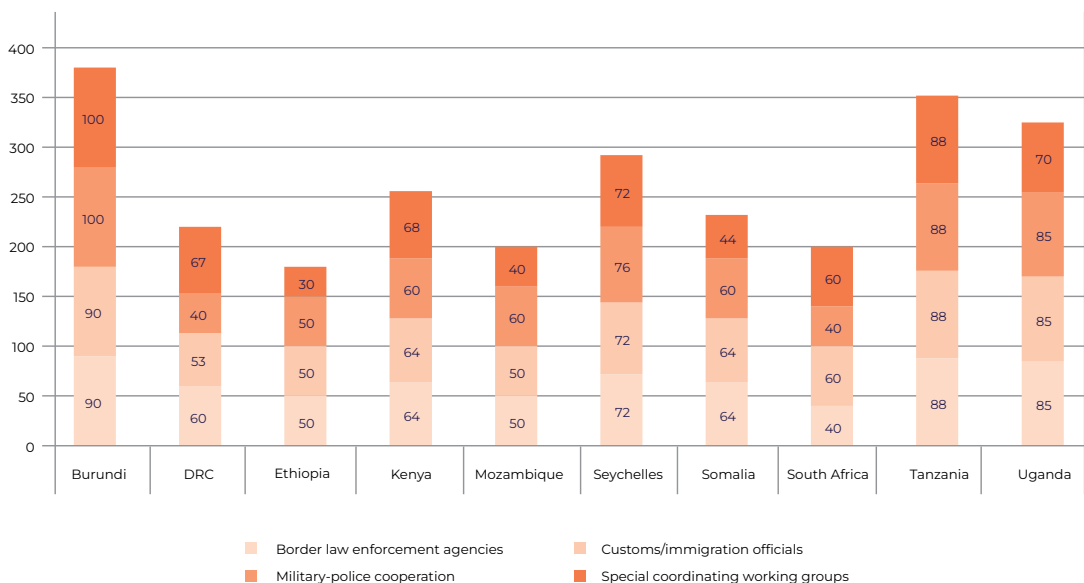

Figure 16: National initiatives to enhance border security

Burundi, Tanzania, Kenya, and Uganda especially supported initiatives to facilitate cooperation between immediate neighboring countries. In practical terms, these initiatives, ranked by the priority level, can comprise increased **cross-border information and intelligence sharing** (63%), followed by **cross-border investigation teams** (61%), **cross-border border patrols** (56%) and **allowing security forces to pursue suspects 50km into the neighboring country** (51%).
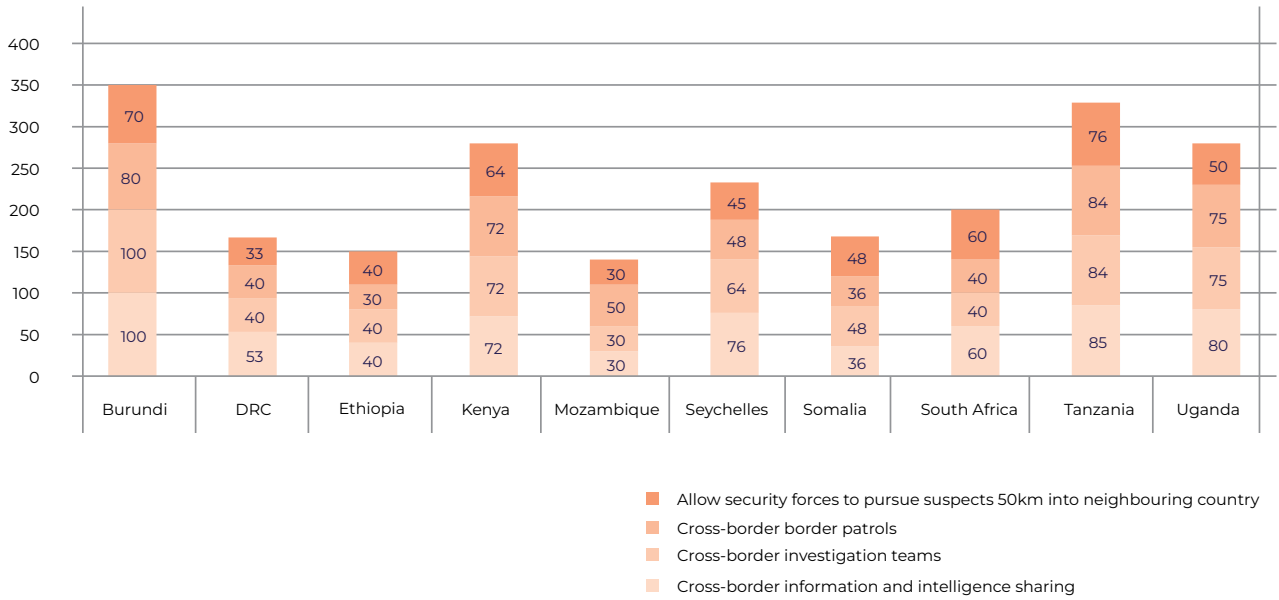
Figure 17: *Initiatives between neighboring countries to enhance border security*

Joint regional training for law enforcement to be expanded to other agencies at border posts facilitates cooperation to be duplicated on a national level. Recognizing existing complexities between neighboring countries that will require the political commitment needed to promote cooperation between practitioners is essential.

Figure 18: *Regional initiatives to enhance border security*

06

RECOMMENDATIONS

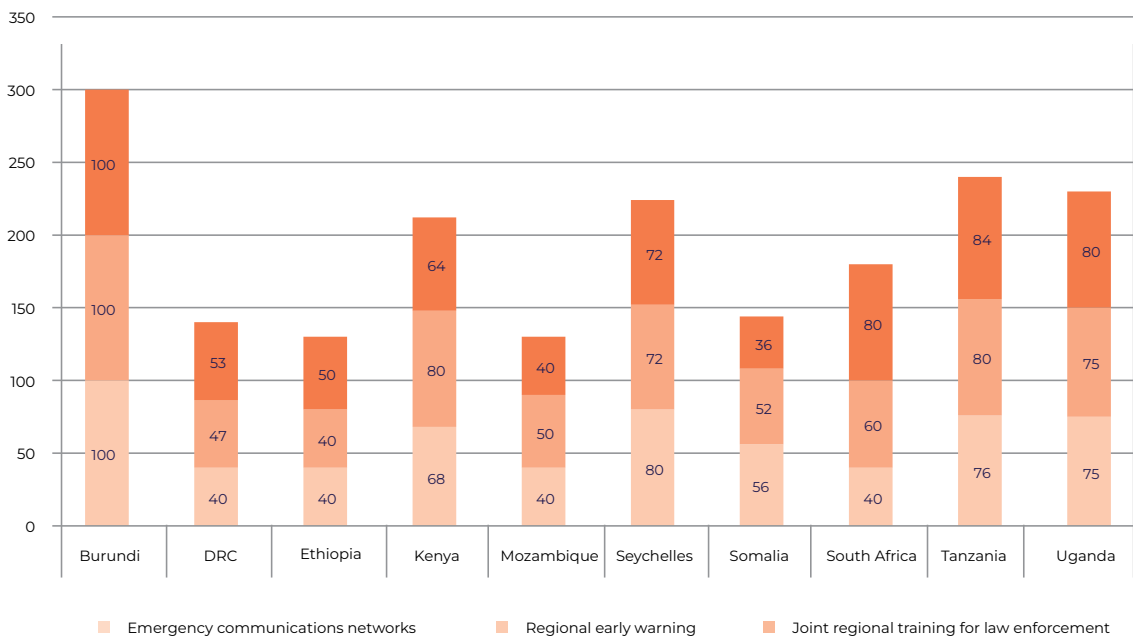**1** **Raise awareness to increase reporting on national and international accessible databases.**

Information not shared is information others could not use to identify, act on, or monitor FTFs. Understandably, only some things can be shared, especially during an ongoing investigation where information ending up in the wrong hands can hamper an investigation. Instead, other avenues, most notably cross-border investigation teams, mutual legal assistance (MLA), and other cross-border operational coordination mechanisms, would be a better choice.

Raising awareness amongst the public, police stations, home affairs officials, and other relevant stakeholders on the need to report and capture information pertaining to the loss and theft of travel documents onto Interpol's database created for this purpose will assist border security officials to be on the lookout for individuals that may be in possession of these documents.

The capacity of border management to access information is critical. In other words, if officers stationed at all entry and exit points do not have access to information shared on inter-agency and international coordination systems, these officers will not be able to detect and prevent the movements of FTFs effectively. Consequently, border posts without the same level of access and other human and technological countermeasures are known to become a target of individuals wanting to enter or exit a country illegally.

2 **Criminalization of FTF-related acts**

The first requirement under UNSC Resolution 2178 establishes an obligation for countries to criminalize acts associated with FTF-related crimes. Like terrorism-related crimes, countries had to decide whether existing legislation is sufficient or if there is a need to criminalize specific FTF-related crimes. Incorporating lessons from the terrorism debate, adopting

specific legislation criminalizing all offenses associated with foreign fighters is the best strategy for facilitating international cooperation. The United Nations therefore called on countries to conduct the necessary steps to ensure that existing terrorism legislation can prevent radicalization, recruitment, and travel as the first step to combat FTFs to establish dual criminality needed to facilitate MLA and extradition.

Regarding activities that need to be criminalized, Resolution 2178 specifically requires countries to prevent and suppress the recruiting, organizing, transporting, and equipping of FTFs and financing FTF travel and activities. It requires countries to have laws that permit the prosecution of:

■ Their nationals and others departing their territories who travel or attempt to travel for terrorism purposes;

■ The willful provision or collection of funds by their nationals or in their territories with the intent or knowledge that they will be used to finance the travel of FTFs;

■ The willful organization or facilitation by their nationals or in their territories of such travel.

■ Prevent the entry or transit of individuals believed to be traveling for terrorism-related purposes.

While often not an easy balance to strike, the international legal framework establishes an absolute requirement to respect fundamental rights, especially rights to freedom of movement and conscience, when criminalizing preparatory acts and defining criminal offenses.

3 Investigation of criminal offences

A legal framework is only the first step in adopting a criminal justice response to FTFs. One of the main challenges faced in bringing FTFs to justice is the difficulty of generating admissible evidence from social media, from travel facilitators (rarely formal operators), or other states, irrespective of whether the specific case involved individuals prosecuted in their country of origin, transit country, or destination.

Furthermore, countries are required to investigate crimes committed prior to travel. These preparatory acts and offenses include, for example, giving or receiving training; incitement and glorification of terrorist acts versus freedom of expression; terrorist propaganda; financial assistance from abroad; use of social media for terrorist purposes; and radicalization and recruitment of family members. Each of the above brings with it legal, but especially investigatory challenges, in the manner the legal framework will be interpreted, investigations conducted, and the checks and balances against its possible abuse respected.

A critical component is to develop specialized units and investigation techniques to specifically deal with terrorists and FTFs in especially countries not yet confronted by the immediate manifestation of acts of terrorism, most notably countries in Southern Africa. A starting point for these units may be to follow up and partner with investigation teams in other countries who identified the involvement of nationals and the use of their territory in the facilitation of acts of terrorism in other countries. Equally, involving financial authorities– seconded to the specialized unit – in the early investigation of relevant tax, customs, and suspicious financial activities through forensic accounting helps pre-emptively address and counter many of the preparatory acts and offenses.

Regular risk and vulnerability assessments are equally important to respond to the threat proactively. Monitoring the movement – legal and illegal – across borders to identify changing trends to tracking lost/stolen passports to expose movements of FTFs (utilizing Interpol's lost and stolen passport database) will further assist in creating a better understanding of the current and future threat of FTFs.

None of the strategies will be successful without a solid partnership between intelligence and investigation units, and between intelligence and investigation and dedicated prosecution units, including in online surveillance and undercover investigations. As part of the strategy to prosecute the person involved as an active FTF, more emphasis should be placed on prosecuting individuals associated with networks that facilitate travel. Cooperation between intelligence, investigation, and prosecution will also ensure that information presented in court will be admissible (converting intelligence into evidence). Including prosecution authority at an early stage also ensures greater conformity with procedural norms and guarantees (for example, proper request and execution of surveillance and search warrants) and less potential for human rights abuse, which at a later stage can negate investigative achievements and derail a case.

4 Prosecution of criminal offenses

Bringing FTFs to justice poses significant practical challenges. Due to the FTF threat's global nature, prosecutors must find innovative ways to bring suspects to justice effectively while respecting due process, the rule of law, and human rights. Prosecuting transnational crimes presents its own unique challenges that are not limited to countering FTFs. Prosecuting FTF cases is more challenging because evidence is seldom collected and secured by recognized security agencies guided by a legal framework that meets the basic evidential standards. In summary, two factors require particular attention: the type of suspects and the jurisdiction and type of crime committed.

The type of suspects is diverse. Considering that in addition to young men participating in conflicts as FTFs, suspects increasingly include women and juveniles, and other family members, courts increasingly have to consider the proportionality in penalties. Ultimately, prosecution and judiciary authorities need to

consider the unique circumstances of every case. In other words, a prosecutor needs to accept that only some cases can be prosecuted successfully. Instead, it might be more beneficial to use some FTFs as witnesses in the prosecution of others, especially facilitators. Expert witnesses also bring added value to the prosecution of FTF offenses.

The second category of crimes relates to the type of crimes being committed, including incitement, recruitment, and the facilitation of travel and other support activities.

The specific issues that countries need to take into consideration include the following:

1. Difficulty investigating cases prior to travel. Especially when administrative measures are being introduced to prevent individuals from traveling (imposition of a travel ban) versus freedom of movement. Offenses related to incitement, recruitment, and conspiracy would form the majority of cases that will be prosecuted.

2. Difficulties obtaining evidence from within conflict zones also referred to as battlefield evidence. To prosecute FTFs, investigations extend to the battlefield, implying that the prosecution must ensure evidence is permissible in court.

3. Electronic evidence is challenging to obtain and requires dedicated procedures to be admissible in court. At the other end of the spectrum, electronic evidence is crucial for prosecuting incitement and recruitment. Training videos and manuals are also included in this category of digital evidence. It equally introduces another risk, namely that safeguards need to be in place to prevent undercover agents of being guilty of entrapment by posing as facilitators and recruiters.

There needs to be a balance between prevention and prosecution, between prosecution and rehabilitation, and finding a way to convince returning FTFs to serve as cooperating witnesses. Instead of arresting an FTF upon return, placing the person under surveillance is often more valuable to collecting additional evidence. Completing the cycle, the prosecutor equally has a role in relation to rehabilitation programmes while considering incentives to secure successful reintegration.

5 International judicial cooperation

Paragraphs 11 to 14 of resolution 2178 (2014) require Member States to improve international, regional, and subregional cooperation to stem the flow of FTFs. Critical to honoring this requirement will be to focus on the following:

- The capacity of central authorities and development of informal and formal cooperation: extradition mechanisms; reliance on different offenses to prosecute FTFs; use of international conventions and treaties as a basis for international cooperation.

- Cooperation in evidence collected from the Internet and social media: expediting cooperation, including through 24/7 networks, for cooperation on FTFs.

6 Strengthening investigative capabilities at all stages

While most of the focus is directed toward countries where FTFs are active, more proactive attention should be diverted to countries from where FTFs are being radicalized and recruited, in addition to countries being used from where attacks are being planned and directed. South Africa is possibly the best example to illustrate the role a country categorized as 'low' risk of being a target of terrorism is being used to influence and direct acts of terrorism across Eastern Africa and Mozambique.

The effective investigation and prosecution of foreign fighters include four distinctive yet interrelated periods:

1. Before an individual becomes an FTF. During this radicalization process, investigations need to be directed at identifying and prosecuting the respective

facilitating agendas. For example, this period will include online and financial-related evidence, often through informal banking systems, including mobile money.

2. During the travel process. This period includes measures to prevent traveling from the individual's country of origin and transit countries to their final destination where the conflict occurs.

3. Illegal activities while in the conflict area. The most challenging part of this phase will be to secure witnesses and collect admissible evidence.

4. Upon return in collecting and presenting sufficient evidence to secure a conviction.

Developing investigative and prosecution strategies adapted to the specific circumstances of the Eastern and, by extension, Southern African countries will assist national authorities in effectively countering the threat of FTFs.