

ICCT contribution to CTC summit, Madrid, 28 July 2015

Thank you Chair,

Your excellencies, Members of the Committee, distinguished ladies and gentlemen,

thank you for the opportunity to highlight some of the points that were discussed yesterday and are very much related to the vision and experience of the International Centre for Counter-Terrorism (ICCT).

When talking about the design and implementation of comprehensive CVE strategies, unfortunately many states still tend to overlook or even look suspiciously on the role that civil society organization can play. Yesterday, during the technical session, however, various good practices of civil society actors were shared, and showed how these organisations can be valuable partners in a comprehensive and multi-stakeholder CVE policy approach.

What is clearly needed are effective policies to address the threats we are facing. These policies not only need to be effective today, but should also be effective tomorrow and beyond. This means that negative unintended consequences of policies, that for instance on many occasions have limited the political space of civil society actors to conduct their prevention work, or at worst even turns into a push factor for radicalization, should be avoided.

Civil society actors can be valuable partners for governments to work on sustainable and effective policies. Rooted in communities, they might be the first to recognize the grievances that might potentially develop into push factors for radicalization. In that sense, they can be part of the necessary analysis phase of any policy circle. They can add to the intelligence analysis governments make, and point out where there is need for further evidence-based research to better understand the drivers of radicalization. But they also are very well placed to intervene on these grievances and contribute to prevention, or to play a role in awareness raising within communities, in empowerment programs for youth, for women, for religious leaders, and in reintegration and rehabilitation programs of former fighters. Not the limitation of the freedom of speech, or the use of social media, but the outreach activities and narratives communicated by credible voices can be effective to contradict the propaganda spread by extremist organisations.

Their unique position within communities makes them at times not only the best but on occasions the only actor with street credibility to work on that particular aspect of a comprehensive strategy. Governments can for instance be responsible for revision of education curricula, but community-based organisations and families, especially women, play a vital role in the monitoring and mentoring of young people outside of the schools.

In other words, states will need to allow civil society the space to work on certain aspects of the implementation of a comprehensive strategy. For that mutual trust is needed, and the willingness to let go of complete control over everything.

While one talks a lot about comprehensive strategies for CVE, it is only rarely that a genuine 'whole of society' approach, which is multi-stakeholder and multi-dimensional, and which builds on a human security approach, is adopted. Far more often, activities are ad hoc, short-term, supply-driven, narrowly defined, and poorly prepared, uninformed and overlooking the bigger picture, leading to competition between the various actors, lack of coordination and information sharing, and ineffective use of financial resources.

From our experience, we would stress the importance of including civil society actors in all of the various phases of the policy circle. That is: problem analysis, policy design, policy implementation, monitoring and evaluation, and back to problem analysis and redesign of policies if necessary.

ICCT and UNCTED have successfully been able to bring both government and civil society actors together to discuss the design of such a strategy in for instance in Kenya. Once such a national steering committee is set up it can take the lead in identifying where further research is needed, as well as technical assistance and capacity building.

These efforts can build the foundations for national steering committees to be established that are multi-stakeholder and who take the lead in the design and implementation of CVE Strategies. ICCT stands ready to contribute to this further evidence-based research and capacity building activities, as are many others.

But what is most important, is that there is ownership and leadership with the stakeholders that are most concerned with the problems in a specific region. All these stakeholders need to invest in trust building, which is the key ingredient for an effective partnership. And that is what the international community should first and foremost, sponsor and support.

Thank you.

**ICCT contribution to Session I, Panel I of CTC technical meetings,
Madrid, 27 July 2015**

Thank you Chair, your Excellencies, distinguished ladies and gentlemen

It is my great pleasure to share with you some of ICCT's experiences in working with multiple stakeholders on issues of combating incitement of terrorism, prevention of radicalization, and building a trust relationship between government and civil society actors in order to come to a common and shared understanding of the security issues in a specific context, which lays the foundations for identifying the various ingredients that need to be included in the design of truly comprehensive CVE strategies.

Over the last decade, we noticed the growing attention given by the international community, and donors to the need for comprehensive approaches, and many resources have been invested in capacity building programs to support governments in the security and justice sector, or in empowerment programs of for instance youth at risk or women. Every organization or state might identify priority areas in which they like to invest, which has led to a proliferation of CVE activities and has resulted in a patchwork quilt of sometimes overlapping programs.

This shows that talking about comprehensive approaches is not enough, and just adding up the various programs also hardly ever turns out to cover all elements needed for a comprehensive approach, which is not leaving lacunae, provides for proper information exchange, and is inclusive, multi-dimensional, and multistakeholder.

I must be honest with you, as ICCT has also contributed to this industry by offering specific capacity building programs on the role of victims, on rehabilitation and reintegration of former fighters, on strengthening the justice sector etc.

These activities, as they are also offered by various other organisations working on these issues, will remain vital instruments for improving the effectiveness of CT, CVE and PVE programs, and so we will continue to do that, but the key question is whether they clearly fit in an overall strategy, which is implemented and monitored by local actors, and whether the timing of these activities is right.

Get this right, and it will add enormously to the overall effectiveness of strategies and individual programs. I understand that 'time' is of the essence, when societies are under direct security threats, but that should not prevent us, but rather motivate us to make the right decisions and invest in the right things, avoiding negative unintended consequences that might overlook the importance of inclusion and local ownership for the sustainability of solutions, or at worst consequences that might turn into push factors for radicalization.

I would like to share two experiences of ICCT together with Human Security Collective of trajectories of trust building between government and civil society representatives that laid the foundations for a shared debate on the analysis of the security situation, the underlying factors, and the identification of the pathways to travel in order to come to a comprehensive CVE strategy. These examples concerns Nigeria and Kenya, where we were respectively sponsored by first UN CTITF and later the EU, and in the other situation worked together with UNCTED.

The process starts with our own problem analysis of context specific security threats and risks of violent extremism. What is important to stress is that although we do conduct some of that research ourselves, as well as learn from the research done by others, in many situations good evidence-based research is lacking, as well as the financial resources to conduct these in-depth studies to fully comprehend driving forces behind radicalization.

Once a first analysis of the security situation in the specific context is made by the project team, the next phase entails the identification of relevant stakeholders in government and civil society for this exercise. The project team ideally first meets with the various different stakeholders to discuss the problem analysis and to make a first needs assessment.

Many times, government make the mistake to think that they have the prerogative on security analysis, but we must not forget that citizens and civil society representatives on their behalf often live and breathe the human insecurity in their country, and are therefore very well placed to offer their security analysis to complement the one made by governments or researchers.

As a next step, the project team would meet with the various stakeholders for a second time or even a third time if necessary, to create sensitiveness vis-à-vis the position of other stakeholders. Some mediation might be necessary, but mostly this deals with trust building.

The next phase brings together for the first time the various stakeholders from government authorities and civil society organization. The purpose of such a meeting is to reach a common problem analysis. On one occasion we used the showing of a documentary on the recruitment and radicalization of youth as a starting point for the discussion, asking all participants of our workshop to reflect on the documentary, sharing whether they recognized the underlying problems and what they thought needed to be done to prevent that from happening. To their own surprise both government and civil society representatives were in full agreement on the analysis of the problem and even identified similar pathways and issues that needed to be addressed in order to prevent the problem.

Once a common problem analysis can be agreed upon, all stakeholders will discuss the theory of change necessary to address the problem. What is the end stage that they are aiming for? What intermediate steps need to be taken, what

are the sub goals, what is needed for that, who should be involved and what challenges will they expect to encounter, and what coping systems are there in place to address those.

You might have noticed that in our approach we do not dictate, but let us be guided in the process by the participants of these trajectories itself.

At this time, we might have reached the stage of a rough sketch of a comprehensive CVE strategy. From this stage onwards, specific topics for technical assistance and capacity building can be identified, matching them with donors and implementing partners, but most importantly a model needs to be developed to continue the exchange between the various stakeholders and to ensure good cooperation mechanisms can be set up.

This could lead to the setting up of national steering committees, who can be involved in the further design of the strategies, and who take part in the implementation and evaluation and monitoring. These steering boards could also be well placed to identify issues that need to be further researched, and coordinate the financial resources needed for that by setting up models after the example of the EU Radicalisation Awareness Network (RAN), which brings together practitioners and academics to research and discuss developments on various themes, and translating their findings in concrete policy advice.

As a result of this approach, we know that in Kenya for instance the education curriculum reform that was taking place, has reconsidered their approach and has now set up a task force which also includes civil society organisations that provide necessary advice to this process. In the meantime, the participants of the workshops we organized with CTED, decided that it was necessary to set up a national steering committee to coordinate the activities that would lead to the adoption of a CVE strategy. Even though, this has not materialized yet, and the process is still ongoing, it is an important step taken by the relevant stakeholders in Kenya.

In Nigeria, PAVE, the Platform against Violent Extremism has been officially established now, which brings together many civil society organisations working on CVE, and which provides for a platform of exchange with the government.

To conclude, the security issues we are facing concern us all. Men, women, children all fall victim to the threats of terrorist organisations, and so they all have a direct interest in protecting human dignity. It is by joining hands that we can build resilient societies that embrace diversity, and live by the principles of human security and human dignity. By investing in this inclusiveness and ownership, we will contribute to trust, which will create leadership and effectiveness for sustainable solutions.

Thank you.

ICCT contribution to Session III, Panel III (?) of the CTC Technical Session, Madrid, 27 July 2015

Thank you mr Chair,

Your Excellencies, Members of the CTC, distinguished ladies and gentlemen,

It is a great pleasure for me to share some insights with you that flow from a research project that the International Centre for Counter-Terrorism is involved in. As we are talking in this session about the judicial strategies to address the problem of foreign terrorist fighters, by adopting proper legislation, make use of new techniques of investigations etc, I would like to draw your attention to an area that might have been overlooked so far, but which offers great opportunities for improving effective prosecution of terrorist suspects.

Although, we are of the position that investigation and prosecution of terrorist crimes should best be fully dealt with by civil authorities, realities on the ground might on occasion render this very difficult or hardly impossible. Realities on the ground might make it very hard for civil authorities to conduct investigations, secure evidence or even arrest suspects, in case of conflict situations or situations in which the security risks are too high for civilian authorities to operate in, or even in situations where there is a lack of local civil capacity to conduct these tasks.

In these situations, the military might play a role as they are engaged in a conflict, or because they are the ones best positioned to deal with the insecure situations at hand.

While we talk these days about the problem of foreign terrorist fighters, the issues at hand concern individuals that commit criminal acts by travelling to conflict regions, by joining terrorist organisations, committing terrorist acts themselves or facilitating these kind of activities. We discuss here the challenges for prosecutors in collecting evidence to build their case, and the fact that hardly any arrests have been made in the regions of those FTFs who travelled to these regions, and against whom investigations might be on going in their countries of origin.

For this research project, we looked into the practical and legal challenges that might occur if military would play a role in the investigation of terrorist crimes, the collection of evidence, and possibly even the arrest and detention of suspects, before both evidence and suspects are handled over to civil authorities for prosecution before a criminal court under civil jurisdiction. I need to stress this point, as we are here not talking about military tribunals.

Due to time restraints, I will not go into the various scenarios in which military can find themselves in the position to collect evidence or arrest suspects, but will focus on the various questions that can be raised with respect to the role of the military when performing investigative and prosecutorial acts. These include:

- Are the mandates under which the military are operating adequate for prosecutorial tasks?
- Is there a need to standardize proceedings?
- How can one preserve the integrity of the civilian prosecution/the integrity of the judicial proceedings if military evidence is brought into the court?
- How can one avoid the tendency to over-classify intelligence?
- How to deal with intelligence in court, while at the same time respecting the rights of the suspect?
- How to deal with the credibility and the security of the witnesses?
- How can one secure the chain of evidence, and the investigation of evidence?

In our research we address the complicated questions as to what legal regime might apply to these kind of activities of military. Would that be International human rights law or international humanitarian law in addition to the application of national legal regimes? What happens if irregularities have occurred during the arrest or the detention? Would that render the case void? But also practical challenges stem from the insecure environment in which military operate, such as difficulties in sealing of the area, recovering bodies, immediate hearing of witnesses and so forth.

Depending on the intensity of the conflict or the level of insecurity, as well as the operational goals of the military, the order of priorities might differ. In traditional theatre of active combat, military objectives prevail over prosecutorial objectives. In counter-insurgency operation, it is not always decided from the outset of the operation whether the operation objective or the prosecutorial objective has primacy. In military operation where the aim is to capture and prosecute (as opposed to capture or kill), the law enforcement goals will probably have primacy.

Although, I would like to stress once more that the rule of thumb should be 'as civilian as possible, and only as military as needed', we pointed out in our research that various situation might for lack of other options, call for a role of the military to play in investigation and prosecution. To make sure that this can be done effectively and in full respect of the rule of law, I would like to make a couple of recommendations (which are more fully elaborated upon in the research paper that is available on our website):

1. Clear definitions and specification of instructions in the mandates is necessary. Adding law enforcement activities to the mandate of the military in certain situation that it is called for will render it easier to cooperate with civil law enforcement authorities or even prosecutors from international criminal tribunals.

2. Military need to be offered adequate training to perform investigative and prosecutorial tasks, and this should also be reflected in standard operating procedures
3. Set up effective communication lines and cooperation mechanisms between the different relevant actors during the operation and for future operations.
4. Draft specialized manuals and training programmes for the military to help raise basic knowledge of evidence collection, witness questioning and respect for human rights when arresting and detaining suspects.
5. Set up international and regional inter-agency and inter-institutional cooperation and consultation mechanisms to improve the effectiveness and success of the cooperation between multiple stakeholders. This will also foster the sharing of good practices and could improve regional judicial cooperation through mutual legal assistance mechanisms.

To conclude, mr Chair, I wanted to share that after this first mapping exercise of the various practical and legal challenges that exist in situations where military play a role in collection of evidence and arrest of suspects, ICCT is now moving to the next phase in this project, in which we will conduct case studies to learn more about the experiences so far of the military, even though on many occasions ad hoc, with these kind of challenges. We look forward to working with countries to identify good practices, which will be instrumental for awareness raising and the development of training modules and instruction manuals. And hopefully, as we move forward, these insights contribute to enhancing the effectiveness and successfulness of the legal approach to addressing the problem of FTFs.

Thank you.