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**Letter dated 27 October 2014 from the Chair of the Security Council
Committee pursuant to resolutions 1267 (1999) and 1989 (2011)
concerning Al-Qaida and associated individuals and entities
addressed to the President of the Security Council**

I have the honour to transmit herewith the sixteenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), which was submitted to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, in accordance with paragraph (a) of annex I to resolution 2083 (2012).

I should be grateful if the present letter and the report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Gary **Quinlan**
Chair

Security Council Committee pursuant to resolutions 1267 (1999) and
1989 (2011) concerning Al-Qaida and associated individuals and entities



Letter dated 29 September 2014 from the Analytical Support and Sanctions Monitoring Team in accordance with paragraph (a) of annex I to Security Council resolution 2083 (2012) addressed to the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

I have the honour to transmit to you the sixteenth report of the Analytical Support and Sanctions Monitoring Team, pursuant to resolution 2161 (2014). The Monitoring Team notes that the document of reference is the English original.

I should like to pay tribute to the hard work and dedication of the Monitoring Team in preparing the report. Both the experts and the staff assigned to support the Team worked intensively to prepare the report, which draws extensively on country visits and other information provided by Member States.

(Signed) Alexander **Evans**
Coordinator
Analytical Support and Sanctions Monitoring Team

**Sixteenth report of the Analytical Support and Sanctions
Monitoring Team submitted pursuant to resolution 2161
(2014) concerning Al-Qaida and associated individuals
and entities**

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I. Summary

1. The first nine months of 2014 have seen a rise in the threat from the Al-Qaida (QE.A.4.01) movement as a whole. Al-Qaida and its associates continue to pose a threat to the lives of ordinary people. This toxic movement, anchored in a violent extremist world view, incorporates many associates and core Al-Qaida. These associates include splinter groups such as the Islamic State in Iraq and the Levant (ISIL) (QE.J.115.04),¹ which has gained territorial control over millions of people in parts of Iraq and the Syrian Arab Republic. Al-Qaida continues as a movement that shares key goals, the differences over leadership, tactics and branding notwithstanding. The growing problem of foreign terrorist fighters linked to Al-Qaida from more than 80 Member States continues to generate short-term danger and longer-term risk.

2. The Security Council sanctions against Al-Qaida and associated individuals and entities play an important preventive role. The regime has evolved to be sharper, smarter and better shaped for effective implementation by Member States. The contemporary challenge is to identify further steps that can be taken to strengthen sanctions. Squeezing income for Al-Qaida associates is one area, restricting travel and disrupting arms networks are others. Two increasingly important challenges are tackling foreign terrorist fighters and boosting efforts to counter violent extremism.

3. The present report is written 15 years into the Al-Qaida sanctions regime. It consists of three distinct elements. First, it provides an assessment of how the threat has evolved. Second, it briefly charts the evolution of the sanctions regime. Third, it touches on current work by the Team, including initial findings on foreign terrorist fighters and a case study on kidnap-for-ransom.

II. Threat from Al-Qaida and its associates

A. Current threat

4. The first nine months of 2014 have seen a rise in the threat from the Al-Qaida movement. This is most evident in the fact that a listed splinter group of Al-Qaida, ISIL, controls significant territory and a population of some 5 million to 6 million people. While core Al-Qaida remains weak, it continues to exist, is seeking to deepen its base in South Asia and has continuing transnational capabilities. The presence in the Syrian Arab Republic of an Al-Qaida core cell known as the “Khorasan group”, linked to Muhsin Fadhil Ayed Ashour al-Fadhli (QI.A.184.05), is an example of the organization’s continued interest in planning fresh attacks. There is also evidence of greater activities associated with Al-Qaida in parts of Afghanistan, along with its presence in parts of Pakistan. Although the Pakistani military campaign in the federally administered tribal areas has made significant gains, core Al-Qaida has not been extinguished. The greatest threat continues to emanate from groups towards people either under their control, as with ISIL and Boko Haram (QE.B.138.14),² or close to their operating areas. The vast majority of killings, atrocities and kidnappings are committed in Member States where Al-Qaida-associated groups are active. This means that those who suffer most from

¹ Currently listed as Al-Qaida in Iraq (QE.J.115.04).

² Listed as Jama’atu Ahlis Sunna Lidda’Awati Wal-Jihad (Boko Haram).

this global movement remain ordinary people who happen to live nearby. For example, up to 1.8 million Iraqis have been displaced since January 2014, with some 850,000 of them having sought refuge in the Kurdistan Region of Iraq alone.³ Truly cross-border attacks — or attacks against international targets — remain a minority.

5. The greatest imminent threat is to the people under the temporary control of ISIL and Boko Haram⁴ and nearby security forces. However, various Al-Qaida associates continue to promote and plan terrorist attacks directed at both local and international targets. The threat is diversifying and affects more States than in 2013. While the threat perception is growing, it is important to contrast this with actual capabilities. Although there are an array of threats, many with serious intent, by no means all of them turn into actual attacks. There have also been significant successes in the campaign against Al-Qaida, not least the death of Ahmed Abdi aw-Mohamed, also known as Godane or Abu Zubeyr, the leader of Harakat al-Shabaab al-Mujaahidiin (Al-Shabaab) (not listed),⁵ on 1 September 2014.

6. Meanwhile, in some regions, the capabilities of Al-Qaida associates remain degraded, but serious risks continue, including that fighting in the Syrian Arab Republic and Iraq will reinvigorate listed groups. In South-East Asia, for example, the Abu Sayyaf Group (QE.A.1.01) has splintered into cells, most of which appear to be driven less by ideology than by the pursuit of money, while the Rajah Solaiman Movement (QE.R.128.08) has been largely neutralized. There appear to be renewed concerns about Jemaah Islamiyah (QE.J.92.02) and Mujahidin Indonesia Timur (MIT) (not listed).⁶

7. The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01) has barely communicated over the past nine months⁷ and conducted no major targeted attacks between November 2013 and January 2014. Al Mourabitoun (QE.M.141.14) is also less active, the attack in Almoustarat in July 2014 notwithstanding.⁸

8. The medium-term and long-term risks are growing, in particular owing to the continuing conflicts in the Syrian Arab Republic and Iraq, as well as in Libya, and the presence of unprecedented numbers of foreign terrorist fighters from more than 80 States operating primarily in the Syrian Arab Republic. If radicalization persists among networks of foreign terrorist fighters returning to their States of origin or to third States, the threat could swiftly increase in areas as diverse as Europe, the Maghreb, Asia and Africa. The threat is amplified by the very substantial financial resources now available to ISIL, in addition to the arsenal of modern military

³ According to a statement by the Special Representative of the Secretary-General and Head of the United Nations Assistance Mission for Iraq to the Security Council on 19 September 2014.

⁴ Boko Haram seized the town of Gwoza in August 2014, the first time it has seized control of a substantial urban area and held it. See, for example, Laura Grossman, "Boko Haram's new caliphate", *Long War Journal* (25 August 2014). Available from www.longwarjournal.org/archives/2014/08/boko_harams_new_caliphate.php.

⁵ Listed by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea on 12 April 2010.

⁶ The MIT leader is Santoso (not listed), formerly a member of Jemmah Anshorut Tauhid (JAT) (QE.J.133.12).

⁷ Its media division, Al-Andalus, posted a video statement dated 5 August 2014 on YouTube featuring Iyad Ag Ghali (QI.A.316.13) promoting Ansar Eddine (QE.A.135.13).

⁸ See, for example, "Mort d'un soldat français au Mali", *Le Point*, 15 July 2014. Available from www.lepoint.fr/monde/mort-d-un-soldat-francais-au-mali-15-07-2014-1846123_24.php.

hardware available to ISIL, mainly in Iraq and the Syrian Arab Republic, and to other Al-Qaida associates in or near Libya. It is also augmented by evidence that domestic radicalization is now a reality for many vulnerable individuals worldwide.

9. This growing risk should not be mistaken as a sign of reviving fortunes for Al-Qaida global networks. The conflict in the Syrian Arab Republic has been a touchstone for the Al-Qaida movement and has helped to animate renewed support for and recruitment to Al-Qaida affiliates and splinters. The level of long-term threat to international peace and security posed by the Al-Qaida movement will depend on how swiftly the international community can act to deny terrorists' control of territory and people, how effectively ISIL can be deprived of funding and how purposefully Member States can work to share information and develop effective preventive policies to deal with the problem of foreign terrorist fighters.

B. One core theme, many variations

10. Al-Qaida is based on an extremist, violent ideology and operationalized by networks and individuals that pursue those ideas through terrorist violence. This was true in 1999 when the Security Council sanctions regime was first introduced and remains true 15 years later. If the dominant question following the death of Usama bin Laden in May 2011 was whether or how Al-Qaida core — or indeed the broader movement — would persist after the death of its chief propagandist, one question at the time of writing is whether ISIL is the new Al-Qaida. It is not. It is part of the Al-Qaida movement, even as differences emerge as to who should lead the movement or which goals should be pursued first.

11. The Team believes that a long-term perspective is required alongside operational, short-term analysis. Al-Qaida is a movement anchored in a common ideology and, sometimes confusingly, a separate, core leadership largely hidden in South Asia. The Al-Qaida movement includes Al-Qaida core, assorted affiliated groups and cells, other associated groups and individuals (that may not formally or publicly pledge loyalty to Al-Qaida core) and splinter groups that are directly derived from the movement but sometimes compete for authority, branding, recruits and funding. Al-Qaida is a dynamic movement, shaped by the evolving nature of the groups and individuals underpinning it. It is influenced by the social and political context and tries to take advantage of local conflicts. It is also impacted by social change and counter-terrorism operations.

12. Notwithstanding the rapid rise of ISIL in 2014 and the formal announcement by Aiman Muhammed Rabi al-Zawahiri (QI.A.6.01) on 3 February 2014 that Al-Qaida had no connection with it,⁹ ISIL remains wedded to the ideology of Al-Qaida. It is an Al-Qaida splinter group. The evident personal differences between Abu Bakr al-Baghdadi (QI.A.299.11)¹⁰ and Al-Zawahiri should not be misinterpreted as a signal that ISIL repudiates the ideology of Al-Qaida. Al-Qaida core and ISIL pursue similar strategic goals, albeit with tactical differences regarding sequencing and substantive differences about personal leadership. Al-Baghdadi's announcement of a

⁹ See "Al-Qaeda disowns ISIL rebels in Syria", Al Jazeera, 3 February 2014. Available from www.aljazeera.com/news/middleeast/2014/02/al-qaeda-disowns-isil-rebels-syria-20142385858351969.html.

¹⁰ Currently listed as Ibrahim Awwad Ibrahim Ali al-Badri al-Samarrai.

“caliphate” on 29 June 2014¹¹ and his public speech on 4 July 2014¹² demonstrate a move to take advantage of ISIL territorial gains. His claim to have established an Islamic State is to seek to legitimize his barbaric acts and carries religious, historical and ideological meaning. By using the term “caliphate”, ISIL intends to exploit the religious, historical and ideological connotations of the word, reaching back to the historical caliphate in the early years of Islam. This is also in line with what Usama bin Laden always considered to be the final stage of the Al-Qaida terror campaign: the establishment of a political structure based on his misconception of religion. It is designed to encourage further international volunteers to join the movement. Extreme public violence has been a recurring theme of the Al-Qaida movement. The use of violence by ISIL echoes the long-standing track record of brutality by Al-Qaida in Iraq.

13. This report deliberately takes a longer view of the evolution of Al-Qaida as a set of toxic ideas held and spread through an increasingly diverse set of groups and social networks. The enduring threat to international peace and security posed by the Al-Qaida movement comes from its relentless promotion of terrorist violence. A recurring threat from Al-Qaida core and some associated groups in the 1990s and ISIL today is the financial and logistical capability to plan, fund, facilitate or execute terrorist attacks. The primary medium-term and long-term concern is the current scale of foreign terrorist fighters associated with the Al-Qaida movement. The original diasporas from Al-Qaida core and associates such as Al-Qaida in the Arabian Peninsula (AQAP) (QE.A.129.10) and Al-Shabaab in turn helped to establish, strengthen or extend other Al-Qaida-associated groups. Many senior operational figures within Al-Qaida associates are veterans, bringing a range of skills, capabilities and social networks that enhance the terrorist threat. Meanwhile, a growing public understanding of government capabilities in recent years has, according to a number of Member States, inhibited the full degree of preventive and investigative surveillance that remains essential to countering terrorism.

14. Part of the evolving threat rests with some 15,000 foreign terrorist fighters¹³ who have worked with Al-Qaida associates in the Syrian Arab Republic and Iraq. They come from more than 80 countries and form the core of a new diaspora that may seed the threat for years to come. The diverse social and sometimes tribal base of many networks present with the Al-Qaida movement in Iraq and the Syrian Arab Republic is generating shared training and operational experience. In 2014, there are networks that include individuals from Chechnya, Russian Federation, alongside a range of ethnic Chechen diaspora members who are residents of European States. There are instances of foreign terrorist fighters from France, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland operating together. The presence of the Al-Qaida core “Khorasan group” in the Syrian Arab Republic, given that so many foreign terrorist fighters are in the area, is a sign of how dangerous the threat of previously concealed cells can be.

¹¹ See, for example, “ISIS jihadists declare ‘Islamic caliphate’”, Al Arabiya News, 29 June 2014. Available from <http://english.alarabiya.net/en/News/2014/06/29/ISIS-jihadists-declare-caliphate-.html>.

¹² See, for example, Martin Chulov, “Abu Bakr al-Baghdadi emerges from shadows to rally Islamist followers”, *Guardian*, 6 July 2014. Available from www.theguardian.com/world/2014/jul/06/abu-bakr-al-baghdadi-isis.

¹³ Estimates of foreign terrorist fighters associated with Al-Qaida vary. Precise numbers are elusive. Information from Member States suggests that the number is in the region of 15,000.

15. The intermingling of individuals of various nationalities, and sometimes from different organizations, has helped to shape the evolution of Al-Qaida. In the 1980s and 1990s, many individuals who would later forge the core of Al-Qaida and other associates gathered in Afghanistan. Social ties were established and later developed into an intricate network of Al-Qaida activists and sympathizers in a number of countries. In 2014, there are four particular centres for continuing intense social interaction: the Syrian Arab Republic, Iraq, Libya and Yemen. In addition, the lack of effective governance in some areas has led to a significant strengthening of foreign terrorist fighter networks with easy access to extensive supplies of military-grade munitions.

16. Al-Qaida and its associates remain active in Afghanistan.¹⁴ During the fighting season in 2014, the Afghan national security forces regularly encountered non-Afghan terrorist fighters throughout the country, in particular in the north-east, east and south. In large part, the fighters appear to belong to Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11). Harakat ul-Mujahidin/HUM (QE.H.8.01) maintains training camps in eastern provinces. The attack on the Indian consulate in Herat on 23 May 2014 was planned and conducted by Lashkar-e-Tayyiba (QE.L.118.05).¹⁵ In January 2014, the Afghan national security forces seized propaganda material originating from an Iraq-based Al-Qaida affiliate in north-east Afghanistan. The Islamic Movement of Uzbekistan (QE.I.10.01) remains active in a belt from Faryab to Badakhshan. Its fighters were involved in the attack on Jinnah International Airport in Karachi, Pakistan, on 8 June 2014. The attack, in which at least 10 fighters participated, represents the largest terrorist operation outside Afghanistan in which the Islamic Movement of Uzbekistan has been directly involved and signals the continuing threat that it poses beyond the borders of Afghanistan. In Baghlan Province, a group of fighters previously under the command of Gulbuddin Hekmatyar (QI.H.88.03) declared their loyalty to ISIL. ISIL is also attractive to radical factions within the Taliban movement, such as the “Da Fidayano Mahaz”, the “Tora Bora Mahaz” and the “Zarqawi Group”. Some Arab nationals affiliated with Al-Qaida remain in touch with those who left for the Syrian Arab Republic and Iraq. In July, when six individuals affiliated with Al-Qaida were killed by a drone strike in North Waziristan, Abdul Mohsen Abdallah Ibrahim al Charekh (QI.A.324.14) — currently serving with the Al-Nusrah Front for the People of the Levant (QE.A.137.14) — expressed his grief at the loss of his friends.

C. One core message, variously delivered

17. The extremist, violent ideology of the Al-Qaida movement relies on propaganda. The communications environment has changed dramatically since 1999. Internet penetration rates have rocketed¹⁶ and social media has gained a global footprint.¹⁷ It is notable that, while the Al-Qaida movement is responding to

¹⁴ See also S/2014/402, in particular paras. 26 and 27, and A/68/910-S/2014/420, para. 21.

¹⁵ Information reported by the Department of State of the United States of America (see www.state.gov/r/pa/prs/ps/2014/06/228431.htm).

¹⁶ For example, the Internet penetration rate in Arab States soared from 19.1 per cent in 2009 to 40.6 per cent in 2014, while in Africa it increased from 7.3 to 19 per cent (see www.statista.com/statistics/265149/internet-penetration-rate-by-region/).

¹⁷ As at 30 June 2014, Facebook had 1.32 billion monthly active users and Twitter 271 million (source: Facebook and Twitter websites, September 2014).

this new environment, Al-Zawahiri is not. While ISIL social media feeds include material designed to reach a general audience¹⁸ alongside ghastly imagery of torture and murder, Al-Qaida core continues to produce long and turgid messaging from Al-Zawahiri. His latest video message was 55 minutes long. Tweeting terrorists with ISIL use 140 characters or less.

18. A digital age presents the Al-Qaida movement with many more opportunities to promote its misleading propaganda. It also opens up means of networking over great distances, allowing connections to be sustained over space and time. Video posts, along with increasingly professional online publications, are available in a growing number of languages. The movement can also take advantage of younger supporters or sympathizers to generate, edit or distribute propaganda. The Team's discussions with Member States indicate that some networks are stepping up efforts to conceal communications from the authorities. In addition to the long-standing use of aliases,¹⁹ some networks are misusing regular services, including encrypted messaging systems (e.g. Fastmail), proxy servers, messaging systems that do not keep correspondence (such as Crumble, Snapchat and Confide) and voice over Internet protocol applications (such as Skype, Viber and Paltalk).

19. There is growing evidence of sharing of instructional videos or materials, such as those linked to the planning and execution of attacks or the construction of improvised explosive devices. Al-Qaida in the Arabian Peninsula has been the most technologically innovative Al-Qaida associate and consistently the first to disseminate manuals in such areas. ISIL demonstrates a broader and more decentralized communications campaign. While its campaign follows on from the efforts of Al-Qaida in the Arabian Peninsula, its lack of social media message discipline reflects either an inability to police communication or, more tellingly, demonstrates a leadership that recognizes the terror and recruitment value of multichannel, multi-language social and other media messaging. ISIL can also appear more "cosmopolitan" because it has a younger and more international membership.

20. The innovative ways in which foreign terrorist fighters and groups associated with Al-Qaida in the Syrian Arab Republic and Iraq are leveraging social media and mobile applications such as Ask.fm and Kik to recruit aspirational supporters reveal a shift away from the organization-centric model advanced by Al-Qaida to an approach to network communications unhindered by organizational structures. The apparent lack of structure does not mean a lack of planning or investment. ISIL has created the Al-Hayat Media Centre, dedicated to propaganda in European languages, mainly in English. It regularly releases video profiles of terrorist fighters calling for all Muslims to join Al-Qaida efforts in the Syrian Arab Republic and Iraq. In the past two months alone, ISIL media groups have held accounts on Twitter, Facebook, VK, Friendica, Qwitter and Diaspora.

21. The Internet is an important tool for the Al-Qaida movement. The Al-Nusra Front and Al-Qaida in the Arabian Peninsula have invested much of their energy in specialized media groups dedicated to creating propaganda. Internet propaganda may contribute to swifter radicalization processes and facilitate (growing) domestic radicalization. The sheer volume of material available linked to the conflict in the

¹⁸ One example of this includes idealized and normalized representations of life under ISIL control, as when extremists post kitten photographs.

¹⁹ According to officials from a number of Member States, the use of aliases remains widespread.

Syrian Arab Republic and Iraq and the vigorous posting of promotional and instructional material on the Internet present the international community with a strategic challenge. There continue to be significant differences of national law and culture when it comes to generating a multilateral response to the use of the Internet by terrorists or those propagandizing on their behalf. Different national frameworks relating to freedom of expression, different regulatory models and the additional challenge that many social media providers operate across borders complicate a coherent collective response.

22. Where prosecutions for incitement are possible, they can have a useful deterrent effect. For example, Germany has the capacity to prosecute the authors of extremist messages under the Penal Code.²⁰ A German court has already convicted members of the Islamic Movement of Uzbekistan and Al-Qaida in Iraq who circulated pictures and films on the Internet as an incitement to terrorism.²¹ The problem goes well beyond what may constitute a breach of criminal law in many jurisdictions, however. The Team is aware that a number of Member States and at least one regional organization, the European Union, have been discussing the issue with relevant Internet companies, including hosting, search and social media firms. Much of the effort has been focused on encouraging companies to take action against sites or individual users who violate commercial terms of service by engaging in criminal or offensive behaviour. Effective action by companies depends on having robust terms and conditions that are effectively implemented.

D. One goal, different tactics

23. The Al-Qaida movement shares the strategic goal of creating a State based upon extremist ideology, albeit a perverted interpretation of what would constitute such an Islamist polity. The original formation of Al-Qaida reflected its leaders' own roots: the call to attack the United States of America as the "far enemy" was designed, among other things, to weaken the "near enemy" in States such as Saudi Arabia and Egypt. For all the global rhetoric that has emanated from the Al-Qaida movement, different associates are animated most by the conflicts in which they involve themselves, while mostly committing themselves to global goals as well. Some groups associated with Al-Qaida have pursued their campaign primarily in the local space in which they operate (as with the Abu Sayyaf Group or Boko Haram, notwithstanding selected attacks on international targets). Al-Qaida core under Usama bin Laden and Al-Zawahiri retained a focus on encouraging and supporting attacks against the far enemy, while increasingly fostering and encouraging local affiliates. Al-Qaida core has paid particular attention to cultivating ties within its operating zone in South Asia, first developing links with a range of Afghan, Pakistani and Uzbek terrorist groups, and continuing to pledge "bayat" (loyalty) to Mullah Omar.²² Al-Zawahiri's message released on 3 September 2014, in which he

²⁰ According to section 129 a-b, in conjunction with section 131.

²¹ See, for example, "Schleswig-Holstein: Gericht verurteilt Terrorwerber zu mehr als drei Jahren Haft", *Spiegel Online*, 27 March 2012. Available from www.spiegel.de/forum/politik/schleswig-holstein-gericht-verurteilt-terrorwerber-zu-mehr-als-drei-jahren-haft-thread-57490-1.html. See also "Islamic extremist convicted in Germany", Associated Press, 13 May 2014. Available from <http://news.yahoo.com/islamic-extremist-convicted-germany-163834680.html>.

²² Listed as Mohammed Omar Ghulam Nabi (T.I.O.4.01) on the List of individuals and entities established pursuant to Security Council resolution 1988 (2011).

announced the establishment of Jama'at Qa'idat al-Jihad fi Shihb al-Qarra al-Hindiyah (Organization of the Base of Jihad in the Indian Subcontinent or simply Al-Qaida in the Indian Subcontinent) (not listed), is the latest example of a similar strategy of pursuing local support. Other networks, such as the significant (and worrying) number of Russian Chechen terrorists fighting in nine separate groups in the Syrian Arab Republic and Iraq,²³ appear to be deliberately using operational experience acquired in the fighting to build capability for later actions in the Russian Federation or Europe.

24. It is perhaps unsurprising that local associates in the Middle East have proved most responsive to the aftermath of what is referred to as the “Arab Spring”. In Yemen, Al-Qaida in the Arabian Peninsula has sought to capitalize on the Government’s preoccupation with multiple political crises. Ansar al-Shari’a in Tunisia (QE.A.143.14) has been strengthened during a period of political change. In the Sinai, Egypt, Ansar Bayt-al-Maqdis (not listed) has benefitted from the flow of arms emanating from Libya. In the Syrian Arab Republic and Iraq, the Al-Nusrah Front and ISIL have been at the forefront of an Al-Qaida exploitation of the Syrian crisis and internal divisions within Iraq. As they have gained territory, they have used urban and conventional combat techniques alongside terrorist tactics. With access to heavy weapons and armoured vehicles, the groups are acquiring and using developed combat techniques.

25. Groups adapt to changing circumstances in other areas too, reflecting local and global imperatives. In northern Nigeria, Boko Haram has made gains over the past 15 months and seeks to capitalize on local political grievances. It now controls a major town and more than 50,000 people. In the first half of 2014, more than 2,000 Nigerians were killed in the campaign, while 650,000 people remain displaced.²⁴ Boko Haram has followed ISIL in declaring a “caliphate”, although it should be noted that the term has a specific historical resonance in northern Nigeria that is different to the meaning in Iraq. In September 2014, a few days after declaring allegiance to ISIL, Jund al-Khilafah (Soldiers of the Caliphate) (not listed), kidnapped and executed a French national in Algeria.²⁵

26. Al-Qaida associates are willing to use various degrees of violence. Violence is often purposeful — however horrific — and designed to generate fear or to force particular communities or Member States to leave an area or make concessions. It can also be designed to attract like-minded recruits. Limitations on the degree of violence used sometimes reflect the need to maintain some support among a host community or key partners. The use of extreme sadistic violence can be a product of direction by leaders (politics may be involved in how ISIL selects captives to release or murder), the local environment (harrowing violence often accompanies long-lasting and intense conflicts) or sociopaths within a group.

27. In 2014, there has been an increase in acts of terrorist violence and extremism: to seize territory and evict others (as with ISIL actions against minorities in Iraq and the Syrian Arab Republic), to send messages (as with the murders of hostages by

²³ One of the groups is affiliated with ISIL. The others are more autonomous, focusing their efforts against the Syrian regime and working with the Al-Nusrah Front.

²⁴ See www.unocha.org/cap/appeals/revision-strategic-response-plan-nigeria-2014-2016-august-2014.

²⁵ A video reportedly by the group, entitled “A message with blood to the French Government”, was released on 24 September 2014.

ISIL and the Al-Nusrah Front), to gain leverage (as with the mass abduction of schoolchildren by Boko Haram), to pressure (as with the attack by Lashkar-e-Tayyiba on the Indian consulate in Herat in May 2014) and — as always — to terrorize.

28. The divisions within the Al-Qaida movement — notwithstanding the lodestone issue of the Syrian crisis and the way in which it has acted as a recruitment magnet for foreign terrorist fighters — may also prove to be a strategic weakness. Al-Baghdadi's carefully stage-managed and filmed speech may prove a high-water mark for ISIL: his self-anointment as “caliph” may rally a slender minority of extremists, but will also alienate many more. The extensive use of extreme violence by ISIL may not appear exceptional against the backdrop of brutal and often sectarian conflict in both Iraq and the Syrian Arab Republic in recent years, but it is unclear whether ISIL can effectively claim the global leadership of the Al-Qaida movement. Al-Qaida continues to have multiple networks, and it remains a question as to whether many of them are truly open to centralized command and control from a single global leader. Al-Baghdadi is taking advantage of being involved in the primary conflict that gains Muslim attention today, whereas Al-Zawahiri appears to be manoeuvring for relevance. The future shape of the strategy and agenda of Al-Qaida is unlikely to be defined by a single individual, making a unified terrorist strategy across different groups difficult to achieve.

29. One important wildcard is money. Bin Laden could build Al-Qaida in the 1990s in part because he had access to substantial financial resources. With money, he could cultivate allies, fund followers and finance attacks. The importance of the significant financial assets — and the potential for continuing revenue — of ISIL should not be underestimated. Should the leader of ISIL, or individuals within the network with access to funds, choose to fund Al-Qaida core or other parts of the Al-Qaida movement, the potential for a revived (and well-funded) transnational terrorist architecture will grow.

Case study: foreign terrorist fighter problem²⁶

30. The problem of foreign terrorist fighters is not new. Previously, they have travelled to join Al-Qaida or its associates in Afghanistan, Algeria, Bosnia and Herzegovina, Egypt, Iraq, Pakistan and Somalia. Veteran terrorist fighters pose particular challenges. They have real-world skills gained in the field and have often witnessed or learned from mistakes. They have cumulative experience, even more so if it has been gained in multiple environments. They have forms of social capital — connections and trust — that can be leveraged by terrorist groups. When they return home — or go to a third country — some have continued their activities. Such individuals can become leading commanders, recruit new fighters and direct attacks or facilitate their planning.

31. The Team has previously reported on and flagged this as a strategic issue. The challenge in 2014 is the following. First, the flow of fighters strengthens Al-Qaida associates (as with ISIL in the Syrian Arab Republic and Iraq), enabling them to have a greater negative effect. Second, the scale of the foreign terrorist fighter flow

²⁶ In its resolution 2178 (2014), the Security Council defines a foreign terrorist fighter as an individual who travels to a State other than his or her State 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.

is vast: some 15,000 people have gone to fight with listed groups associated with Al-Qaida in the Syrian Arab Republic and Iraq. Even discounting those who have been killed and those who have returned, this is a problem on an unprecedented scale. Those involved in the Syrian Arab Republic mainly come from the Middle East, Western Europe and North Africa, although there are also a number of Asians and a smaller number of United States citizens. Numbers since 2010 are now many times the size of the cumulative numbers of foreign terrorist fighters between 1990 and 2010 — and are growing. Third, the horizontal reach of the fighters is far broader than seen before. More than 80 countries have nationals or residents involved in the problem, including a tail of countries that have not previously faced challenges relating to Al-Qaida. The number of small and medium-sized States in this category is important, given that some of the future frontier of risk relating to Al-Qaida may lie with some of these individuals. Picking fresh targets in new countries may be one way for terrorist networks under pressure to reconfigure.

32. Generating relevant data is challenging. Member States lack a consistent methodology or metrics. Intelligence service, police and government ministry data may vary (often understandably, given that security investigations may not translate into formal prosecutions). Some States are sensitive about numbers. All States know that their data include only those who are known about, whether as confirmed or suspected foreign terrorist fighters. Given the numbers who were not previously known to the authorities, there are good reasons to assume that formal estimates continue to undercount. Set against this is the problem of whether to look at an overall total or to discount those who have since been killed or who have returned home.

33. The Security Council directly addressed the challenge in its resolution 2178 (2014), adopted in September, and the Team will be reporting in more detail on foreign terrorist fighters as a result of its new mandate. Significantly, that mandate deals directly with the problem of cross-border travel for the purpose of becoming or facilitating foreign terrorist fighters.

34. If the short-term challenge is what the terrorists are doing in the field, which may include killings, attacks and abuses, the medium-term and long-term challenge is mitigating the consequential risk to countries of origin or residence and third countries. The significant increase in returnees remains a risk for new domestic terrorism. An increase was observed in 2014, but it is not yet clear whether such individuals prefer to return to their home country or elsewhere. Many can move easily using irregular or illegal migration or human-smuggling networks.

35. The risk of future terrorist attacks by returnees exists and may increase in the near future as greater numbers of disillusioned fighters return. One national concern is the spectre of traumatized, trained veterans with a grudge returning from a conflict zone. Another is the concern that trained individuals with no background likely to be known to the security services may be deliberately tasked by attack cells with executing a plan.

36. Such attacks have happened in the past. One example is the attack near In Amenas, Algeria, involving 32 terrorist fighters of eight nationalities in January 2013.²⁷ Another is the shootings of French army personnel and Jewish citizens by Mohammed Merah in France in 2012, while a third is the terrorist attack in

²⁷ See www.algerie1.com/actualite/in-amenas-conference-de-presse-de-sellal/.

Pyatigorsk, Russian Federation, in December 2013. The last-mentioned incident involved an individual who had developed bomb-making skills when fighting in the Syrian Arab Republic and another who had received terrorist training in Afghanistan. The murders in May 2014 of four individuals at a Jewish museum in Belgium are yet another example.

37. One example of a deterrent is the use of prosecutions. Germany, for example, began prosecuting the first returnees from the Syrian Arab Republic and Iraq in September 2014. In addition, relying on existing criminal laws, in particular the statute prohibiting knowingly providing material support to a foreign terrorist organization, federal prosecutors in the United States have brought about a dozen cases, often apprehending would-be fighters before they are able to leave the country, and have to date obtained a number of guilty pleas. When the national legal framework is not fully equipped to tackle the problem, legislative change is possible. France has led the way on this.

III. Fifteen years of sanctions

38. On 15 October 1999, the Security Council adopted resolution 1267 (1999), by which it established a sanctions regime against the Taliban designed to pressure the Taliban to turn over Usama bin Laden without further delay to the appropriate authorities. The context for the decision was growing concern about Al-Qaida, following on from bombings in Nairobi and Dar-es-Salaam, United Republic of Tanzania, in 1998 that had killed more than 200 people and left some 5,000 injured. In February 1998, Usama bin Laden and Al-Zawahiri issued a statement that they claimed was a fatwa, or interpretation of Islamic law, but neither they nor the others who signed it were Islamic scholars. They claimed that it was a religious duty for Muslims to murder United States nationals and called upon them to do so. Although not the first statement or action by those associated with Al-Qaida, a deepening concern about the threat posed by Al-Qaida to international peace and security drove the establishment of a new sanctions regime under Chapter VII of the Charter of the United Nations. This was not the first use of sanctions by the Council, but it was the first introduction of a sanctions regime specifically directed against a non-State actor (although the immediate pressure in 1999 was directed at the Taliban and individuals associated with it).

39. The initial sanctions measures were related to aviation and finance. The former restricted aircraft owned, leased or operated by or on behalf of the Taliban from taking off or landing in any territory controlled by a Member State. The latter imposed a freeze on assets owned and controlled by the Taliban, without first spelling out the legal holder of the assets themselves. An arms embargo was added in December 2000 under resolution 1333 (2000), which also created a list of individuals. Following the attacks of 11 September 2001 in the United States, the regime was revised in January 2002 so that the focus was global rather than as it had previously been on Afghanistan.

40. Over the past 15 years, the sanctions regime has evolved significantly over 21 successive Security Council resolutions (as at 30 September 2014), reflecting a range of drivers, including due process reforms, changes designed to better target disruptive and preventive effects, clarifications to language to better clarify Member State obligations and successive mandates establishing support mechanisms for the

committee (and later two committees) tasked with managing the sanctions. The changes are manifest on many fronts, from the specificity of language in successive Council resolutions to the increasing professionalism of Secretariat and expert group support to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. The Al-Qaida Sanctions List, one of two sanctions lists resulting from the split of the sanctions regime in 2011, has itself gained volume, specificity and functionality.

41. The Sanctions List also developed in response to the growing technical sophistication of border controls of Member States. It also reflected the growing role of the private sector, especially the financial sector, in the implementation of sanctions measures. With the development of INTERPOL-United Nations Security Council Special Notices, sanctions information is now fed directly into the systems of police forces on a global scale, using a platform that is recognized, secure and internationally compatible. The efficiency of the system is also demonstrated by the fact that most other United Nations sanctions regimes have since adopted this instrument.

42. In addition, the List itself is now available in extensible mark-up language and hypertext mark-up language data streams, providing structured and detailed information on the identity of listed individuals and entities. The Secretariat aims to provide this same standardized system of data provision to all Security Council sanctions regimes by the end of 2014.²⁸ At the same time, the Secretariat aims to implement incremental format updates decided upon by the Committee in 2008 and 2009.²⁹ Lastly, in resolution 2161 (2014), the Secretariat is encouraged, with the assistance of the Team, to continue its work to implement the data model approved by the Committee in 2011.

43. There is a small scholarly and generalist literature on the Al-Qaida sanctions regime. Much of it has focused on the associated legal, procedural and ethical issues. Some commentary has been critical, arguing that the Security Council introduced a global targeted sanctions regime without providing sufficient safeguards to ensure that the underpinning evidence was robust or enabling those listed to challenge the basis for their listing.

44. This report will not cover this debate in detail, but it is worth noting that even critics acknowledge the significant changes brought about by the Security Council over the years. As one scholar, William Diaz, notes, there appears to have been a “trend toward greater transparency, availability of information, and ease of communication”.³⁰ Christopher Michaelsen points to progress that has led to the notification of sanctioned individuals and entities, the posting of narrative summaries of reasons for listing on the Committee website in 2008 and the

²⁸ The Security Council, in paragraph (y) of annex I to resolution 2083 (2012), mandated the Team to work with the Secretariat to discuss measures to standardize the format of all United Nations sanctions lists so as to facilitate implementation by national authorities.

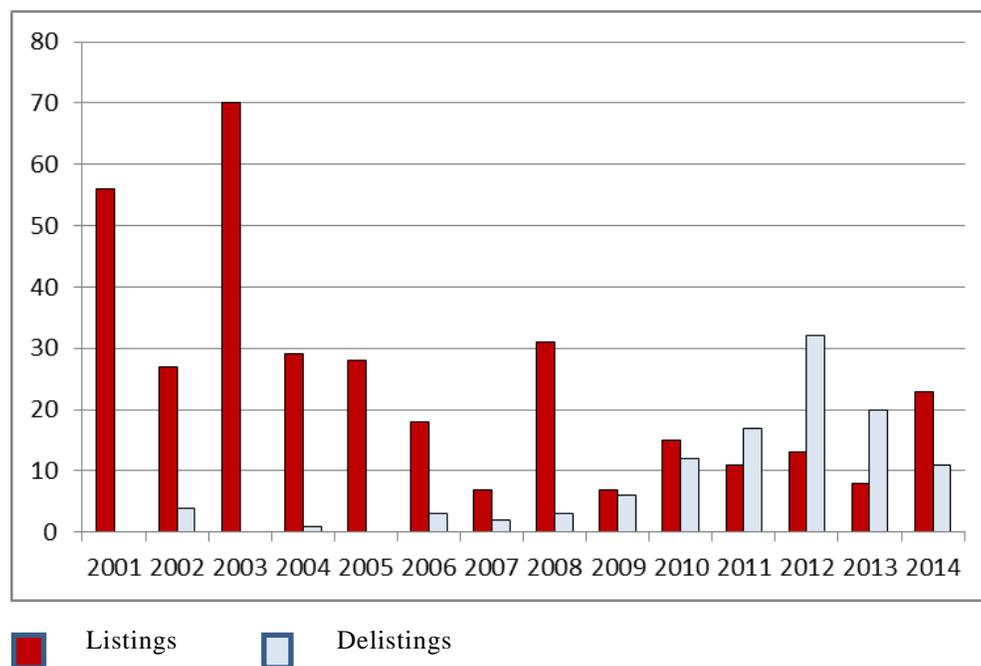
²⁹ The updates include removing the alphabetic identifier from the permanent reference number, sorting the list entries by permanent reference numbers (order of listing) and adding crucial new data fields such as links to narrative summaries and INTERPOL-United Nations Security Council Special Notices. In addition, the Committee decided in 2008 to offer a complementary version of the List in a line-separated table format with an index on the cover page.

³⁰ William Diaz, “Dualist, but not divergent: evaluating United States implementation of the 1267 sanctions regime”, *Liberty University Law Review*, vol. 5, No. 3 (summer 2011), pp. 333-378.

introduction of a review process of all names.³¹ Meanwhile, the establishment of an ombudsperson mechanism in 2009 provides a crucial independent review through which listed individuals and entities can petition the Committee for delisting without going through a Member State.

45. Even so, the listing and delisting procedures continue to generate debate. Some critics continue to press for further fundamental change, either introducing a formal burden of proof that would be binding on Security Council decision-making (which is unlikely to gain support) or to place the sanctioning recommendation in the hands of a judicial or quasi-judicial process rather than an intergovernmental committee of 15 States in the Council. Meanwhile, a series of legal challenges to the implementation of sanctions listings have been heard by regional and national courts.³² The legal risk may grow in proportion to implementation actions. The growing volume of delistings over the past five years demonstrates the Committee's work to ensure that the List reflects the threat and is properly reviewed. Figures I and II provide information on the listings and delistings of individuals and entities.

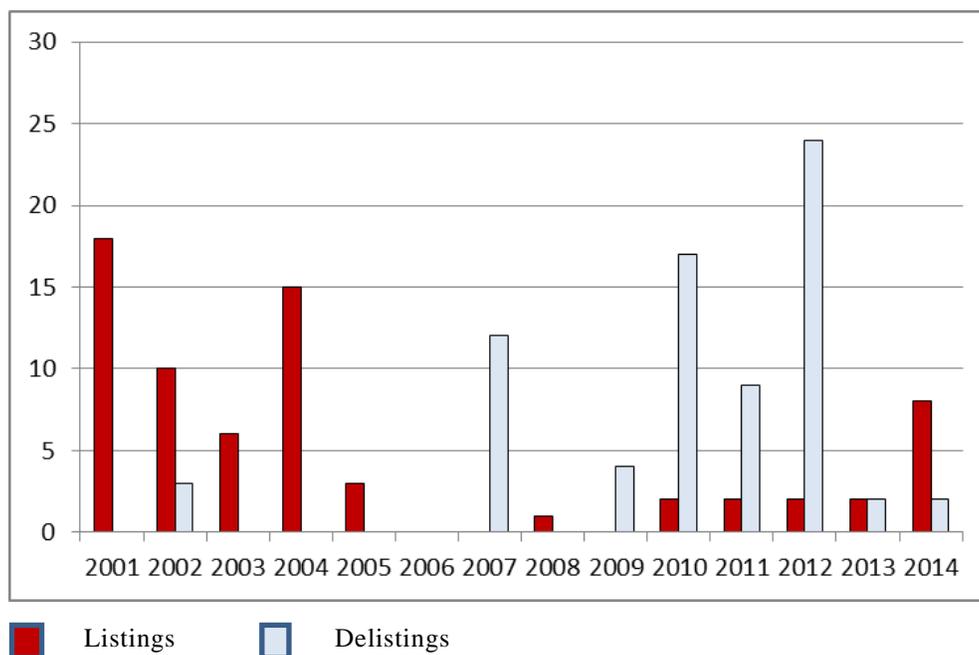
Figure I
Listings and delistings of individuals



³¹ Christopher Michaelsen, "The Security Council's Al Qaeda and Taliban sanctions regime: 'essential tool' or increasing liability for the UN's counterterrorism efforts?", *Studies in Conflict and Terrorism*, vol. 33, No. 5 (May 2010), pp. 448-463.

³² Over the years, the Team has mentioned litigation in the European Union, the European Court of Human Rights, Belgium, Canada, Italy, the Netherlands, Pakistan, Switzerland, Turkey, the United Kingdom and the United States.

Figure II
Listings and delistings of entities



46. Since 2013, the Team has intensified its efforts to improve implementation, while promoting awareness of the sanctions regime so that it can be more widely understood, properly implemented and deliver on its preventive intent. This does not come at the expense of due process, given that a sanctions regime that is better communicated and properly targeted will also be a fairer one. Many of the most recent implementation efforts have the added benefit of enhancing the fairness of the regime. For example, working to introduce biometrics into listings through INTERPOL-United Nations Security Council Special Notices³³ should significantly reduce the problem of what are known as “false positives” at border crossings where individuals not linked to Al-Qaida may be mistaken for listed individuals on the basis of name or other identifier matching. Meanwhile, intensive discussions with law enforcement, security and intelligence agencies on the value of disruptive listings have increased Member State interest in proposing listings that are most central to disrupting the activities of Al-Qaida or its associates.

47. Targeted sanctions can be only one part of a more comprehensive set of preventive and disruptive measures against Al-Qaida and its associates. Under some circumstances, they can prove more effective than others. Where the sanctions target financing networks or key facilitators, the effect can be significant. One terrorist incident in 2014 and several statements by Al-Qaida associates show that sanctions matter. In August 2014, the Al-Nusrah Front seized 45 United Nations Disengagement Observer Force peacekeepers in the Golan Heights (S/2014/665, para. 2). One of the initial demands, later denied, was the removal of Security

³³ The Team recommended addressing Member States in its fifteenth report (S/2014/41, para. 42). A number of Member States have responded in the meantime with fingerprints and pictures of listed individuals.

Council sanctions listings against it, which it had already condemned.³⁴ Meanwhile, in August 2014 Al-Qaida in the Islamic Maghreb condemned the Council for listing associates in the Syrian Arab Republic.³⁵

IV. Sanctions measures

A. Assets freeze

48. Over the past 15 years, the assets freeze has been developed further, not least through a clearer definition of Member State obligations (and work on various implementation issues). The challenge of terrorist financing continues to evolve, however, and the machinery of counter-terrorism is not always fluent in finance (given that it is a field of many specialisms). The Team has been deepening engagement with the private sector, in particular airlines and energy and insurance companies, in addition to its long-standing engagement with the banking sector and financial regulators. Complementing efforts by the United Nations, a Member State identified a number of money handlers, showing the professionalization and depth of an international financial infrastructure on which Al-Qaida and its associates can rely.³⁶

Case study: ransom payments to listed groups

49. In its fifteenth report,³⁷ the Team highlighted the vast sums that listed terrorist groups have raised through an essential fundraising tactic for Al-Qaida and its associates: kidnapping for ransom. Since then, in its resolution 2133 (2014), the Security Council has condemned kidnapping by terrorist groups for any purpose, including raising funds or gaining political concessions. Several months later, the Council of the European Union adopted conclusions in which it also condemned kidnapping for ransom by terrorist groups and rejected the payment of ransoms to such groups.³⁸ More than 90 per cent of global terrorist kidnapping cases involve kidnappings of nationals of the same country as the kidnappers, yet they tend to attract less attention than high-profile international cases. While international hostages may generate multi-million-dollar ransoms — one Member State estimates a current average of \$2.7 million per hostage — ransoms are also being paid for non-international hostages. For hostages and their families, the experience of being kidnapped is highly stressful, frightening and difficult to handle.

³⁴ See “Syrian rebels demand to be removed from UN terrorist list”, *The National* (United Arab Emirates), 2 September 2014. Available from www.thenational.ae/world/middle-east/syrian-rebels-demand-to-be-removed-from-un-terrorist-list.

³⁵ See “AQIM condemns UN sanctions against fighters in Iraq, Syria”, 18 August 2014. Available from <http://ent.siteintelgroup.com/Statements/aqim-condemns-un-sanctions-against-fighters-in-iraq-syria.html> (accessed 16 September 2014).

³⁶ The United States Department of the Treasury lists money handlers linked to Al-Qaida, Al-Qaida in the Arabian Peninsula, Jemaah Islamiyah, ISIL and the Al-Nusra Front, among others. See “Treasury designates twelve foreign terrorist fighter facilitators”, 24 September 2014. Available from www.treasury.gov/press-center/press-releases/Pages/j12651.aspx.

³⁷ The Team identified the issue in its twelfth report (S/2012/729, para. 57) and gave an overview in its fifteenth report (S/2014/41, paras. 10, 20 and 35-38).

³⁸ Available from www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/143318.pdf.

50. International efforts notwithstanding, the use of kidnapping for ransom as a tactic continues to grow, as does the revenue generated therefrom by groups associated with Al-Qaida. A Member State has informed the Team that Al-Qaida in the Islamic Maghreb has received \$75 million from ransoms over the past four years. According to another Member State, Al-Qaida in the Arabian Peninsula, Al-Qaida in the Islamic Maghreb, Boko Haram and Al-Shabaab “have collected tens of millions of dollars in ransoms in the past several years”.³⁹ Furthermore, one Member State estimates that, between 2008 and August 2014, the Abu Sayyaf Group participated in kidnappings where about \$1.5 million in ransoms was collected, with approximately half that amount collected in 2012 and 2013.⁴⁰ A substantial proportion of the income was reportedly taken by intermediaries, who play a significant role in such cases.

51. Boko Haram, Ansarul Muslimina Fi Biladis Sudan (Ansaru) (QE.A.142.14), ISIL, the Al-Nusrah Front and Tehrik-e Taliban Pakistan, among other groups, have also employed this lucrative tactic. One Member State estimates that ISIL alone has received between \$35 million and \$45 million in the past year, a substantial yield. The volume of ISIL-related cases (with tragic outcomes in some instances) demonstrates the enduring appeal to groups of kidnapping as a tactic, both to raise funds and to make political demands. Iraq led the world in terrorist kidnapping for ransom incidents from 2004 to 2007, so the particular use of the method by ISIL and (to a lesser extent) the Al-Nusrah Front should not be too surprising.

52. As undertaken in its fifteenth report (S/2014/41, para. 38), the Team has conducted extensive outreach to relevant players in the private sector that deal with kidnapping for ransom, including the insurance industry and response consultancies. The Team has presented on this issue to a group of international financiers, insurance specialists and financial media in the City of London, to London-based insurance brokers and at a meeting of the Financial Crime Task Force of the International Association of Insurance Supervisors.⁴¹ During its outreach, the Team raised awareness of the obligations under the sanctions regime not to pay ransoms to anyone listed on the Al-Qaida Sanctions List, regardless of the means of payment or the person making the payment. Although most people in the industry with whom the Team engaged were generally aware of the sanctions obligations, at least one person was under the impression that indirect ransom payments through layers of intermediaries would not breach sanctions. It is clear that even indirect payments through multiple intermediaries breach sanctions if they are for the benefit of a group or individual on the Al-Qaida Sanctions List.

53. Kidnap and ransom insurance is a broker-driven, specialty insurance led by a handful of underwriters. Major kidnap and ransom insurers generally partner with a response consultancy that provides advice in the event of a kidnapping (such as to the victim’s family), and the relationship between the insurer and the response consultancy appears to be symbiotic in nature. One industry figure told the Team that the success of the response consultancy is driven by the insurance company

³⁹ Remarks by the Under-Secretary of the United States Department of the Treasury, David Cohen, on 2 June 2014 (see www.treasury.gov/press-center/press-releases/Pages/jl2415.aspx).

⁴⁰ Using the exchange rate of September 2014.

⁴¹ The International Association of Insurance Supervisors is a standard-setting organization comprising insurance supervisors and regulators from more than 200 jurisdictions (see www.iaisweb.org/About-the-IAIS-28).

with which it is associated. On the other hand, the insurer relies on the response consultancy to be its eyes and ears during a kidnapping event, including by providing confirmation that a ransom has been paid. In fact, although the reimbursement of a ransom payment is subject to the policy limit, the kidnap and ransom insurers to which the Team spoke do not cap the kidnapping event-related fees paid to the response consultancy.

54. Industry figures maintained that most, if not all, of their business was focused on criminal kidnapping for ransom, as opposed to terrorism-related kidnappings, and that ransoms paid in the criminal context were significantly lower than those reportedly paid to terrorist groups. One example given was a reported average demand of \$800,000 per international hostage in a West African State, with an actual pay-out of some \$80,000. This stands in stark contrast to the average of \$5.4 million received per hostage by Al-Qaida in the Islamic Maghreb in 2012, as reported in the Team's fifteenth report (S/2014/41, para. 36). According to industry sources, a ransom is paid in approximately 70 per cent of kidnap cases; usually cash is demanded and paid, but ransom payments have also taken other forms, such as diamonds and jewellery.

55. Even in terrorist kidnapping for ransom cases, terrorists often subcontract the actual abduction to criminal gangs that deliver the victims to the terrorists for a fee. According to one Member State, there are criminal gangs in the southern Philippines that conduct the abduction and then transfer the victims to areas where the Abu Sayyaf Group operates. Similarly, according to a Member State, there is a high risk that armed tribes and criminal groups that carry out kidnappings in Yemen will go on to sell the victims to Al-Qaida in the Arabian Peninsula.⁴² Tehrik-e Taliban Pakistan has also been reported to buy hostages from criminal groups.⁴³ Outsourcing the abductions to criminals naturally lowers the risks for the terrorists.

56. While terrorist tactics are continually evolving, so too is kidnapping for ransom. Some groups have resorted to "express kidnapping", a tactic mainly associated with criminal kidnaps.⁴⁴ For example, according to a Member State, the Abu Sayyaf Group has been behind some such kidnappings in the Philippines.

57. As long as kidnapping for ransom remains a rather low-cost, high-reward enterprise, terrorists are likely to continue to employ the tactic. Recent high-profile kidnappings by ISIL and the Al-Nusrah Front have brought the issue of kidnapping for ransom by terrorists to the forefront of public discourse and have highlighted the collective action problem of varying approaches to ransom payments. Moreover, allegations, which have been met with denials, that Governments have paid ransoms or facilitated ransom payments to listed terrorist groups continue.⁴⁵ The Team recognizes that kidnapping for ransom by terrorists is an extremely challenging

⁴² Travel advice from the Foreign and Commonwealth Office of the United Kingdom. Available from www.gov.uk/foreign-travel-advice/yemen/terrorism (accessed 29 September 2014).

⁴³ See, for example, "Kidnappings rise in Pakistan to fund splintering Taliban", *Wall Street Journal*, 31 July 2014.

⁴⁴ "Express kidnapping", as its name implies, is a kidnapping of shorter duration (and usually smaller pay-off) than a traditional kidnapping. For example, the hostage is taken to an automated teller machine (ATM), forced to withdraw funds for the kidnappers and subsequently released or held overnight to circumvent ATM withdrawal limits.

⁴⁵ See, for example, Rukmini Callimachi, "Paying ransoms", *New York Times*, 29 July 2014. Available from www.nytimes.com/2014/07/30/world/africa/ransoming-citizens-europe-becomes-al-qaedas-patron.html.

issue, given the overarching consideration of protecting the life of the hostage, and will continue to follow this issue.

58. The Team has learned that some kidnap and ransom insurers include a sanctions exclusion clause in their policies. Such clauses are generally worded very broadly and provide that the insurer is not liable for paying any claim that would expose the insurer to a breach of relevant sanctions obligations, including United Nations sanctions. Employing such a clause is not standard practice for all kidnap and ransom insurers, however, and one insurer told the Team that it had lost business to competitors not using such a clause. The Team views the use of such clauses as a responsible practice that advances the implementation of the sanctions regime in ensuring that kidnap and ransom insurance policies properly include specific language ruling out reimbursement of ransom payments made in breach of the Al-Qaida (and other) sanctions regimes and by drawing attention to the limitations in the insured's coverage.

59. The Team recommends that the Committee write to Member States and issue a press release in November 2014 explaining the value of sanctions exclusion clauses in kidnap and ransom insurance policies and suggest that Member States encourage insurance companies in their jurisdictions to incorporate such clauses into kidnap and ransom insurance policies in accordance with national legislation.

B. Travel ban

60. The travel ban is a vital preventive tool in disrupting the international movement of listed individuals. The Committee has, upon a recommendation from the Team (S/2014/41, para. 42), written to Member States requesting them to submit biometric data sets of listed individuals to INTERPOL for inclusion in INTERPOL-United Nations Security Council Special Notices. These letters have resulted in positive responses from several Member States and increased the number of Special Notices that include biometric data. This enables national authorities to identify some listed individuals independent of the particular identity that they use to travel. The Team will continue to engage with Member States to increase the number of data sets for listed individuals.

61. The World Customs Organization has also agreed to discuss amending the guidelines for advanced passenger information systems, which it authors in cooperation with the International Civil Aviation Organization and the International Air Transport Association. The amendment would highlight to Member States how advanced passenger information can be used to better implement the travel ban.

62. The Security Council has already taken a major step linked to advanced passenger information. In paragraph 9 of its resolution 2178 (2014), it called upon Member States to use advance passenger information provided by airlines in order to detect the departure, entry or transit of individuals listed on the Al-Qaida Sanctions List.

63. To facilitate this and enable automated checking by Member States, the identification data of listed individuals should be provided in a format compatible with advanced passenger information. The Sanctions List already contains such data, but the current formats do not match the format for advanced passenger

information systems.⁴⁶ For example, the names of listed individuals are not technically connected to the respective dates and places of birth. INTERPOL has also similar technical data requirements for its databases.

64. The Team recommends that the Committee request that the Secretariat, following a technical paper from the Team by the end of December 2014, publish a version of the List that structures identification data in a manner compatible with current advanced passenger information systems by June 2015.⁴⁷

C. Arms embargo

65. Following its previous work on the issue (S/2014/41, paras. 44-50), the Team has initiated an assessment of the use of improvised explosive devices, components for such devices and potential supply networks for a range of Al-Qaida associates. The Team has participated in and given presentations at technical seminars in 2014 and continued contacts with the Group of Experts established under the amended version of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the North Atlantic Treaty Organization, INTERPOL, the European Police Office and the World Customs Organization. In addition, the Team wrote to four organizations and 20 relevant Member States to obtain information in April 2014. In the current List, more than 40 individuals are noted as being involved in the design, supply or manufacture of improvised explosive devices for Al-Qaida associates (e.g. handling explosives or bombs or organizing suicide attacks).

66. Improvised explosive devices remain the terror weapon of choice. They are inexpensive and efficient, causing considerable casualties and damage to infrastructure. Moreover, terrorist groups continue to acquire more sophisticated skills with such devices. Since its previous report, the Team has observed growing professionalism, fast adaptation and evolution in design and technology. Even if many of the devices used continue to be home-made (as in the Sahel), they are frequently combined with complex, multi-strike attacks.⁴⁸ According to a Member State, analysis of suicide belts seized in the Sahel in 2014 revealed sophistication in the manufacturing process and improved technical expertise.

67. The use of improvised explosive devices is also adaptable. In the Syrian Arab Republic and Iraq, the wide availability of military explosives and other munitions has meant that Al-Qaida associates have not had to depend on high volumes of home-made explosives. In terms of battlefield innovation, there is widespread use of explosively formed projectiles and use of tunnelling to plant improvised explosive devices under high-value buildings. In the Sahel, however, the French-led military operation degraded the ability of bomb makers to manufacture complex improvised explosive devices, yet the terrorists swiftly reverted to simpler designs that were less

⁴⁶ The Sanctions List is currently provided in three formats: portable document format, hypertext mark-up language and extensible mark-up language.

⁴⁷ This includes compatibility with PNRGOV and UN/EDIFACT PAXLST data structures used for advanced passenger information.

⁴⁸ A grenade attack was followed by suicide bombings in the attack against La Chaumière restaurant in Djibouti on 24 May 2014.

dependent on difficult-to-source components. Meanwhile, vehicle-borne improvised explosive devices⁴⁹ continue to be widely used by most groups.

68. The Team continues to analyse the supply chains for components of improvised explosive devices for a range of Al-Qaida associates. Given that terrorist groups need a regular and sufficient supply of components, bomb makers primarily use materials that are locally available and/or with which they are familiar. From the perspective of a maker of improvised explosive devices, the easiest components are military ordnance and explosives. In the Sahel, the manufacturing of such devices is facilitated by the availability of shells, military ammunition and conventional explosives (such as explosive remnants of war and scattered old mines). According to a Member State, many improvised explosive devices used in the Sahel are manufactured with military components, originating mainly from ammunition depots in Libya and Mali, but also acquired through theft and smuggling. The use of criminally sourced components is a real concern. For vehicle-borne improvised explosive devices and homemade explosives, ammonium nitrate and other nitrate-based fertilizers continue to be the most frequently used commercial components. Given their availability in the local market and their use in improvised explosive devices by other terror groups, potassium chlorate and urea nitrate could be alternatives.

69. Some countries have established and enforced regulations or voluntary best practices for industry to closely monitor and control chemicals containing a certain percentage of ammonium nitrate. One challenge in this regard is how to track down lost or stolen military materials.

70. The risk from improvised explosive devices continues to evolve, with the potential for growing numbers of victims. There is already evidence of innovation, with mobile technologies having been adapted for use as triggers. Radio-controlled improvised explosive devices are regularly used in Somalia⁵⁰ and in many other conflict zones. The use of other expanding technologies such as drones should not be ruled out. The second major challenge is the threat of creative construction of waterproof,⁵¹ non-metallic or low-metal-content improvised explosive devices by Al-Qaida associates. Lastly, the use of chemical components to increase the lethality of such devices remains a risk. For example, the products have already been used in Iraq in 2006 and 2007 (chlorine)⁵² and in Afghanistan (potassium permanganate and liquid glycerine). Meanwhile, groups continue to share methodologies for manufacturing. The “spider system” is a typical Afghan-inspired method of manufacturing now also seen in other regions.

71. Although some individuals receive specialized training abroad, there are also foreigners or veterans who conduct domestic training. The presence of training camps has been highlighted in Libya, in particular as an intermediate location before deployment to the Syrian Arab Republic. The Team was also able to confirm with Member States that some smaller, mobile and clandestine training camps exist in neighbouring countries. Recent cases confirm information received in 2013 by the

⁴⁹ See “Libye: double attentat-suicide contre une base militaire à Benghazi”, *Le Monde*, 22 July 2014. Available from www.lemonde.fr/libye/article/2014/07/22/libye-double-attentat-suicide-contre-une-base-militaire-a-benghazi_4461363_1496980.html.

⁵⁰ Andrew Brady, “Countering the IED: an EUTM Somalia perspective”, *Counter-IED Report* (spring 2014), p. 49.

⁵¹ Meeting with a Member State, September 2014.

⁵² Prashant Yajnik, “IEDs and toxic chemicals”, *Counter-IED Report* (spring 2014), p. 74.

Team on the recruitment of minors and women (see A/69/212, para. 8, and S/2014/525, para. 16). This followed short-term indoctrination and brainwashing. Some Member States confirmed that less than five months could be sufficient to train a fighter to become a suicide bomber. This highlights the important role of camps in training and indoctrination. Foreign terrorist fighters in particular and conflict veterans in general help to create a cadre of technical experts to service multiple clients. Particular styles of construction emerge that often have distinctive signatures.

72. Understanding, tracing and disrupting the manufacture and networks of improvised explosive devices is vital. Forensic capabilities are an essential tool for the investigation and long-term interdiction of weapons, ammunition and component supply chains for Al-Qaida associates. Enhanced sharing of information between Member States can significantly increase the ability to counter the threat.⁵³ INTERPOL orange notices are an established tool that could be further drawn on by Member States.

73. The Team recommends that the Committee, by the end of December 2014, through a note verbale to Member States, highlight the importance of keeping records of lost and stolen military materials to counter the threat of improvised explosive devices by Al-Qaida associates and encourage Member States that have not yet done so to establish a database to this effect in accordance with their national legislation.⁵⁴

V. Challenges to the sanctions regime

74. Despite substantial improvements to the Al-Qaida sanctions regime to ensure that procedures are fair and clear, legal challenges by individuals or entities on the Al-Qaida Sanctions List continue. In its fifteenth report, the Team discussed the significant judgement of the Court of Justice of the European Union in the *Kadi II* case.⁵⁵ In that judgement, the Court made clear that it would undertake its own careful review of restrictive measures imposed by the European Union to implement United Nations listing decisions and that the European Union authorities needed to provide it with substantiating information or evidence for at least one allegation relied on for the listing, which in itself is sufficient to support the listing.⁵⁶ What the case left open is the quantum of evidence or information that European Union authorities would need to present to satisfy the Court. The challenges brought by Hani al-Sayyid al-Sebai Yusif (QI.A.198.05) and Mohammed al Ghabra

⁵³ Previously, the Committee saw merit in the recommendation to encourage States to use mechanisms developed by other relevant international organizations in areas relating to the arms embargo (S/2008/16, para. 26).

⁵⁴ This builds on previous recommendations (e.g. S/2006/154, para. 112), on the basis of which the Committee requested the Team to provide further information on the matter.

⁵⁵ Judgement of the Court of Justice of the European Union (Grand Chamber), Joined Cases C-584/10 P, C-593/10 P and C-595/10 P, Commission, Council, *United Kingdom v. Kadi*, 18 July 2013.

⁵⁶ *Ibid.*, paras. 119-120.

(QI.A.228.06) to the implementation of United Nations listings by the European Union are worth following closely because they could shed light on the issue.⁵⁷

75. Although in its decision of 21 March 2014 the General Court of the European Union did not at that juncture order the removal of Mr. Yusif's name from the European Union sanctions list, it did find that the European Commission had failed to fulfil its procedural obligations to Mr. Yusif by delaying the administrative review of his listing.⁵⁸ The General Court's ruling required the Commission to immediately proceed to examine Mr. Yusif's case, in effective collaboration with the Committee where appropriate.⁵⁹ If the Commission ultimately decides to retain the listing, he will be able to petition the General Court for annulment. Mr. Al Ghabra is currently seeking the annulment of the restrictive measures adopted against him by the European Union authorities and contends in his application, among other things, that none of the allegations against him as contained in the statement of reasons relied on by the Commission are supported by evidence.

76. Another development in the European Union that could have significant consequences for the implementation of sanctions relates to proposed revisions to the rules of procedure of the General Court of the European Union. The revised rules of procedure, if approved by the Council of the European Union, would put in place a mechanism allowing the General Court, in some limited circumstances where "the security of the [European] Union or of its Member States or the conduct of their international relations" is at stake, to consider confidential evidence submitted by the European Union authorities without communicating that evidence to the party seeking annulment.⁶⁰ The adoption of the new rules would be a positive development for sanctions implementation, given that the absence of a procedure allowing the Court to take into account confidential information, such as intelligence-derived information, which has not been revealed to the party seeking annulment, has been a substantial impediment to the defence by the European Union of listing challenges. Even if these new procedures are approved, it remains to be seen whether Member States outside the European Union will be willing to share confidential information with the Court.

VI. Monitoring Team activities

77. The Team continues to actively support the Committee in working on all its mandated activities. Since 2004, the Team has made close to 500 recommendations, of which some 80 per cent were acted upon by the Committee or the Security Council. One key element of this work has been supporting listings and delistings and working on amendments (see figures III and IV).

⁵⁷ Case T-306/10, *Yusef v. Commission*, and case T-248/13, *Al-Ghabra v. Commission*. Although the two individuals are not the only individuals or entities challenging the implementation by the European Union of their listings on the Al-Qaida Sanctions List (see annex), these two cases are notable because these individuals, unlike the others, have not been delisted by the Committee.

⁵⁸ *Yusef v. Commission*, paras. 99-109.

⁵⁹ *Ibid.*

⁶⁰ Title III, chap. 7, paras. 5-7. Available from <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%207795%202014%20INIT>. When considering information that has not been communicated to the applicant, the General Court will have to bear in mind that the applicant had not had the opportunity to rebut it.

Figure III
Listings and delistings of individuals and entities from 1 January to 30 September 2014

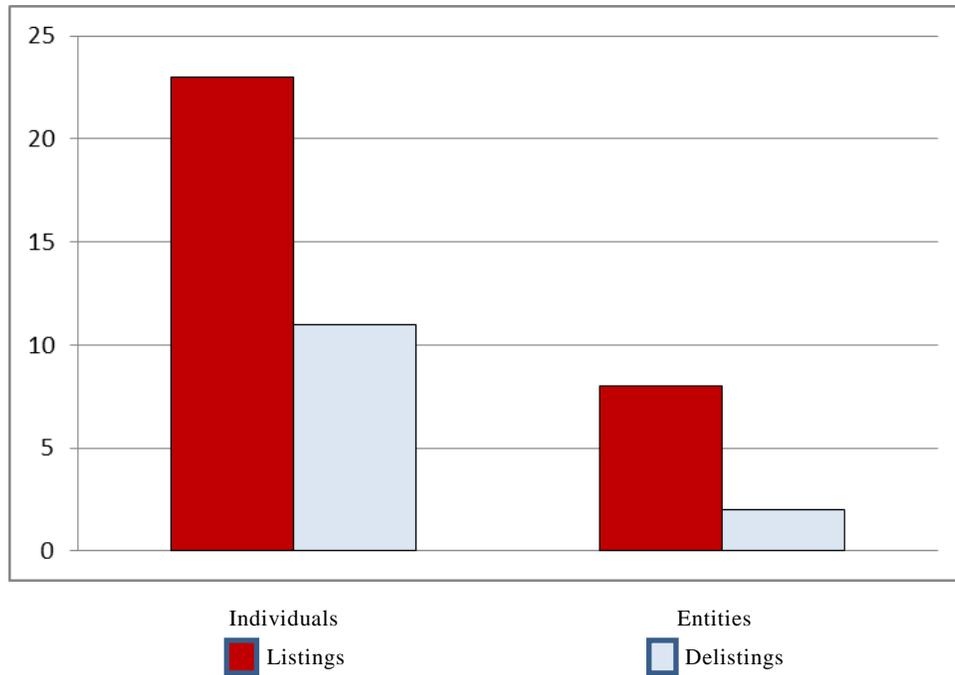
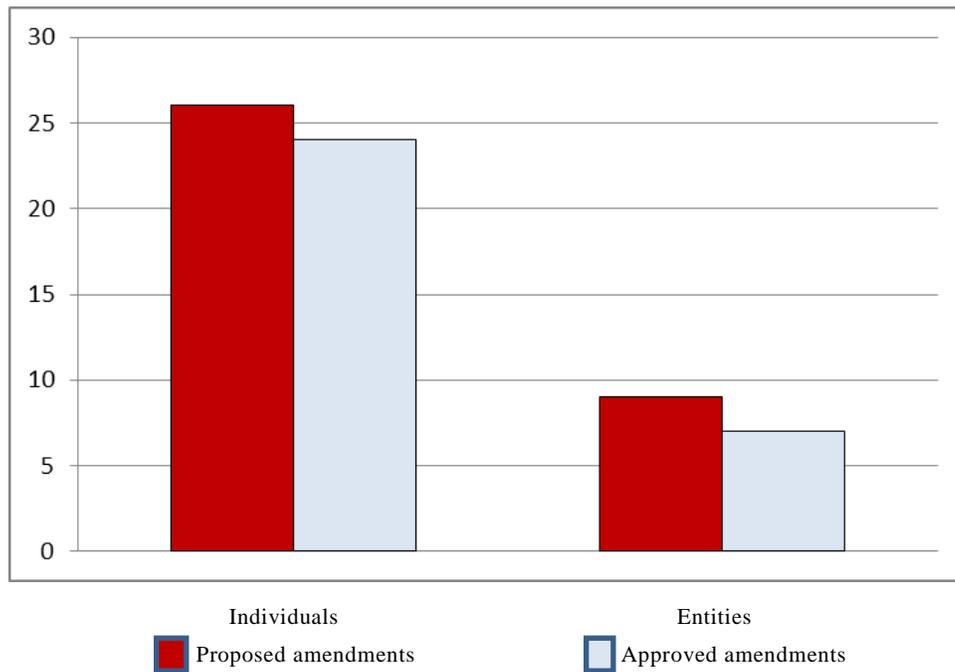


Figure IV
Amendments to List entries proposed by the Team from 1 January to 30 September 2014



78. The Team consists of eight experts and is supported by nine United Nations staff members, costing around \$4.4 million per year. It continues to aggressively pursue cost-effective means of delivering on its mandate and has flexed to respond to two major new mandates, one on ISIL and the Al-Nusrah Front in Security Council resolution 2170 (2014) and the other on foreign terrorist fighters in resolution 2178 (2014). A new mandate in resolution 2161 (2014) to deepen engagement with academic experts is being carried out within existing resources. The Team plans to host an expert workshop early in 2015.

79. It remains crucial to engage directly with Member States, both in New York and in capitals. The Team has made over 229 country visits over the past 10 years, building relationships with national officials, learning about implementation challenges, sharing analysis and promoting the regime. The Team has to date in 2014 officially visited 15 Member States and conducted various training sessions and public diplomacy engagements at multilateral and academic forums. It has also conducted meetings by videoconference and teleconference that would have previously been carried out in person. In 2014, the Team conducted its first remote training of Member State officials via video link. To date in 2014, the Team has also saved the cost of 11 return flights to New York by combining multiple trips into shorter and more cost-efficient consolidated deployments.

80. Since 2004, the Team has organized regional meetings of intelligence and security services. There have been 22 such meetings to date, involving 38 Member States.⁶¹ They remain a vital tool for sharing analysis, gathering information relevant to the Sanctions List (including identifiers, biometrics and confidential assessments of key operational figures, financiers and facilitators) and encouraging intelligence and security services to consider how sanctions can contribute to disrupting terrorist networks. In 2014, the Team held the twelfth regional meeting on the Middle East, attended by representatives of eight States. The Coordinator also attended the thirteenth Meeting of Heads of Special Services, Security Agencies and Law-Enforcement Organizations, hosted by the Federal Security Service and held in Sochi, Russian Federation, in April 2014.

81. The Team continues to work closely with other sanctions panels, and has to date in 2014 had bilateral meetings with the panels of experts on the Democratic People's Republic of Korea, the Islamic Republic of Iran, Liberia, Libya, the Sudan and Yemen, in addition to the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the proliferation of weapons of mass destruction and the Monitoring Group on Somalia and Eritrea. There has also been close engagement with United Nations field missions, including the United Nations Assistance Mission in Afghanistan, the United Nations Assistance Mission for Iraq and the United Nations Multidimensional Integrated Stabilization Mission in Mali. There are opportunities to foster mutual learning among the various expert panels and the Team has been actively promoting such links. Where there is scope for a concerted approach — and subject to the agreement and direction of the relevant committees — there is benefit to be had from closer

⁶¹ Algeria, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Ghana, Indonesia, Jordan, Kenya, Libya, Malaysia, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam and Yemen.

ties. In some instances, the varying mandates and lack of overlap continue to support the logic of separate (but well-connected) panels.

82. In 2014, the Team has continued to maintain close relations with the Counter-Terrorism Committee Executive Directorate, the Counter-Terrorism Implementation Task Force and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime. Here too, there are direct and obvious benefits from closer working, especially given the clear and distinct mandate of each entity. The Team is a member of six Counter-Terrorism Implementation Task Force working groups. In 2014, the Team has also intensified its contacts with regional divisions within the Department of Political Affairs of the Secretariat and initiated dialogue on humanitarian access with relevant United Nations stakeholders.

83. The Team would welcome feedback regarding the analysis and recommendations contained herein. Such feedback can be e-mailed to 1267mt@un.org.

Annex

Litigation relating to individuals and entities on the Al-Qaida Sanctions List

1. The legal challenges involving individuals and entities on the Al-Qaida Sanctions List, or whose names the Committee has removed therefrom, known to the Team to be pending or to have been recently concluded are described below.

European Union

2. On 21 March 2014, the General Court of the European Union decided partially in favour of Hani al-Sayyid al-Sebai Yusif (QI.A.198.05) by holding that the European Commission had failed to remedy procedural deficiencies in its administrative review of the inclusion of his name on the list of persons, groups and entities subject to restrictive measures.^a

3. The action brought by Mohammed al Ghabra (QI.A.228.06) against the European Commission seeking annulment of the restrictive measures adopted against him remains pending before the General Court.^b

4. The action brought by Sanabel Relief Agency Limited (delisted), among others, against the European Commission remains pending before the General Court.^c

5. The actions brought by Abdulbasit Abdulrahim and Shafiq ben Mohamed ben Mohamed al-Ayadi (both delisted) are also pending before the General Court after they were referred back by the Court of Justice on appeal.^d In both instances, the Court of Justice found that, despite being delisted, the respective applicant retained an interest in having European courts recognize that he should have never been included on the list in the first place.^e

Pakistan

6. The action brought by the Al Rashid Trust (QE.A.5.01) against the application of the sanctions measures against it remains pending in the Supreme Court of Pakistan on appeal by the Government from an adverse decision of 2003. The similar challenge brought by Al-Akhtar Trust International (QE.A.121.05) remains pending before a lower court.^f

^a Judgement of the General Court of the European Union, case T-306/10, *Yusef v. Commission*, 21 March 2014.

^b Case T-248/13, *Al-Ghabra v. Commission*.

^c Case T-134/11, *Al-Faqih and Others v. Commission*.

^d Case T-127/09 RENV, *Abdulrahim v. Council and Commission*; case T-527/09 RENV, *Ayadi v. Commission*.

^e Judgement of the Court of Justice of the European Union (Grand Chamber), case C-239/12 P, *Abdulrahim v. Council and Commission*, 28 May 2013; judgement of the Court of Justice of the European Union (Tenth Chamber), case C-183/12 P, *Ayadi v. Commission*, 6 June 2013.

^f Information provided by Pakistan.

United Kingdom of Great Britain and Northern Ireland

7. The United Kingdom is currently defending a judicial review challenge to its decision-making with regard to the designation under the Al-Qaida sanctions regime of Hani al-Sayyid al-Sebai Yusif (QI.A.198.05), who resides in the United Kingdom. The decision of the Foreign Secretary to allow the claimant's name to be added to the list of persons subject to the Al-Qaida sanctions regime was upheld by the Court of Appeal on 29 October 2013. The Supreme Court has given leave to appeal, which is listed for hearing on 11 May 2015.^g

8. The United Kingdom is also defending judicial review challenges to its decision-making with regard to the designations under the Al-Qaida sanctions regime of Abdulbasit Abdulrahim, Abdulbaqi Mohammed Khaled and Maftah Mohamed Elmabruk (all delisted). The cases were stayed pending the outcome of the *Yusif* case discussed above.^g

^g Information provided by the United Kingdom.