

Investigating and Prosecuting Cases of the Nexus between Organised Crime and Terrorism: Best Practices and Lessons Learned for Practitioners

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ICCT Report

Introduction

In April 2018, the International Centre for Counter-Terrorism – The Hague (ICCT), the Netherlands Ministry of Foreign Affairs (MFA), the Rule of Law and Anti-Corruption Center (ROLACC, Qatar), and the United Nations Office on Drugs and Crime (UNODC) brought together a host of practitioners, including leading investigators and prosecutors from both Middle East and North Africa (MENA) and non-MENA countries, to discuss best practices and lessons learned in combating the nexus between organised crime and terrorism in Doha, Qatar. The combination of practitioners from both MENA and non-MENA countries greatly strengthened the workshop by eliciting real-world examples from a range of countries. The event was held under Chatham House rule to encourage frank discussion, and the workshop yielded rich insights into the challenges and obstacles of investigating and prosecuting cases of the nexus between organised crime and terrorism, as well as strategies to overcome these challenges and critical insights for ways to navigate the way ahead.

This workshop report will focus on the major themes and issues discussed, as well as some potential new ways of thinking about the nexus, resulting from a robust debate about next steps for addressing the nexus. Before discussing recommendations, best practices and lessons learned, the report will cover five major themes addressed throughout the course of the workshop:

There is a stark imbalance between the resources dedicated to countering terrorism and those reserved for dealing with organised crime;

- The dissolution of the so-called Islamic State (IS) caliphate in Iraq and Syria and the return of foreign fighters could stress the judicial systems and security services and lead to a host of new challenges;
- Technology will continue to play an important role in nexus-related issues, for both nations-states and governments, as well as criminals, terrorists and other nexus actors;
- The nexus has both local and transnational dimensions, making it even more difficult to counter;
- Too often, the focus of those attempting to counter the nexus is extremely tactical, at times at the expense of thinking strategically about these issues and failing to prepare for the long-term.

Understanding the Nexus

In attempting to understand the nexus and to what extent it poses a significant threat to global security, it is crucial to recognise its complex and dynamic nature. To be sure, in order to be successful in countering it, the response must be equally as dynamic and timely. To date, there has been a lack of imagination and foresight in dealing with the issue. The international community has been, admittedly, slow to deal with some of the vulnerabilities presented by technology and the convergence in some cases of organised crime and terrorism. Still, some measures, including United Nations Security Council Resolution 2195 (2014) called upon states to “better understand and address the nexus between organised crime and terrorism as a threat to security and development.” Subsequent Security Council statements have reiterated this imperative.¹

¹ United Nations Security Council, “Security Council Statement Calls upon States, International Bodies to Deny Terrorists Benefits of Transnational Organized Crime,” UNSC Meetings Coverage (May 8, 2018).

With the advance of globalisation, there is likely to be a further blurring of the lines between terrorism and organised crime, and the trend toward hybridisation and convergence might only accelerate over the next three to five years. This trend is indeed new, and qualitatively different from historical examples of the nexus, including the Provisional Irish Republican Army (PIRA) and the Revolutionary Armed Forces of Colombia (FARC). Shifting global migratory patterns, displacement from civil war, famine, and climate change, and the disruption caused by emerging technologies are significantly altering the international security landscape.² The phenomenon of the crime-terror nexus is merely one small facet of this shift.

The massive dislocation of individuals from conflict zones all throughout the world has also created new opportunities for transnational organised crime. Millions of people have been forced from their homes, and these are the conditions in which organised crime can thrive. The international community needs to work together to deal with the nexus issues of organised crime and terrorism, including when conditions are exacerbated by violent conflict, civil war, and massive transfers of populations across borders.

One challenge in analysing the nexus itself is that there still is no universally understood or accepted definition of the crime-terror nexus. It is even worth questioning to what extent there is a single nexus—the reality is that there are multiple iterations and various manifestations of a nexus, which may explain, in part, why there is no single, agreed upon definition. Indeed, it is unclear exactly what the “red lines” are between terrorist organisations and organised crime groups, especially with a crossover between individuals and small cells who regroup and regather for different reasons. The very notion of the nexus demonstrates the need to distinguish between transactions and groups, bringing to bear as much evidence as possible to properly identify groups, organisational structures and objectives, or aims. Without this, making progress toward investigation and prosecution will be difficult.

Major Themes

Stark Imbalance Between Resources Dedicated to Terrorism over Organised Crime

One issue that plagued representatives from an array of countries, both MENA and non-MENA, was the overwhelming focus on one side of the ledger—terrorism, sometimes in lieu of and often at the expense of, organised crime. Several implications follow.

First, it should be recognised that there is often a paucity of evidence available to prosecute individuals involved in organised crime. Unlike terrorism, criminals do not produce and disseminate propaganda, preferring instead to operate surreptitiously in order to maximise profits. Terrorists seek to confront the state, while criminals hope to keep it at arm’s length. This is reflected in the different ways in which criminals and terrorists utilise violence. For the former, it is typically bad for business but is used against rivals and occasionally against the state in order to consolidate control over illicit markets. For terrorists, there are symbolic acts of violence and violence to control territory, sometimes irrespective of the markets related to that territory. Terrorism has

² Colin P. Clarke, “After the Fall of the Caliphate: The Islamic State and the Deviant Diaspora,” *SAIS Review of International Affairs* 37, no.2 (2017): 49-56.

very obvious political and social consequences, but the damage inflicted by organised crime is less apparent—its negative impact is corrosive and permeates myriad sectors of society.

Another reason for the seeming imbalance between resources allocated for the investigation and prosecution of terrorism instead of organised crime cases, and by extension nexus cases themselves, has to do with the length of prison sentences, which is almost always longer in terrorism cases, and the higher profile and media attention generated by terrorism cases. Moreover, and especially in the West, there is a preoccupation with a specific kind of terrorism—jihadist terrorism. The problem is that all too often policymakers fail to see beyond the horizon, suffering from the myopic predilection to only deal with the immediate, rendering them unable to identify, anticipate, or formulate a response to trends. To this end, it should be recognised that the return of foreign fighters to their countries of origin, in both MENA and non-MENA countries, is the prototype of nexus cases, with many of these individuals having close links to both crime and terrorism.³

Dissolution of the Caliphate and the Return of Foreign Fighters Could Stress the System and Will Present a Host of New Challenges

With IS under siege in Iraq and Syria, the so-called “caliphate” has collapsed, prompting concerns that foreign terrorist fighters will return *en masse* to their countries of origin or travel to third countries. Even as the return has not been the deluge many expected, there are still hundreds of individuals and families seeking to make their way back home to both MENA and non-MENA countries. There is no uniform, one-size-fits all approach to dealing with returnees. Those who return home from fighting in Iraq or Syria, at least those known to authorities and not returning surreptitiously, will either be met by the security and law enforcement services, and/or dealt with by a national (returnee) coordinator. The former could seek to make an arrest or open an investigation while the latter would conduct a risk and needs assessment to provide immediate support and care depending on whether they are a child, elderly, or need a specific mental or physical intervention.⁴ The challenge will be unprecedented in its complexity and some nation-states are more prepared to deal with capacity challenges than others.

Reintegration into society and the decision to pursue rehabilitation over more punitive measures will be a decision made by the nation to which an individual returns/ comes home to. Individuals who left a life of crime to travel to Iraq or Syria will return home facing extremely difficult prospects for integration into normal society. What kind of *curriculum vitae*, so to speak, will this person have? How can someone with a nexus background gain a legitimate opportunity for success in the licit economy? Without one, they may very well return to a life of crime, except now they will have enhanced skills acquired from potential jihadi activities.⁵ So the question becomes how to prepare for the return of individuals whose skillsets lend themselves to organised crime. Even successful de-radicalisation programmes will not be equipped to take away their connection to criminal networks.

³ Tuesday Reitano et al., “Examining the Nexus Between Organised Crime and Terrorism and Its Implications for EU Programming,” International Centre for Counter-Terrorism–The Hague (April 2017).

⁴ Bart Schuurman and Liesbeth van der Heide, “Foreign Fighter Returnees and the Reintegration Challenge,” Radicalisation Awareness Network (RAN) Issue Paper (November 2016).

⁵ Colin P. Clarke, “Round Trip Tickets: How Will Authorities Know When Foreign Fighters Have Returned?” *Lawfare* (September 24, 2017).

There should be clear guidelines for the threshold below which age an individual should be considered a child. In keeping with Article III of the United Nations Convention on the Rights of the Child, the best interests of the child should be the primary consideration.⁶ Moreover, “States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular: (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.”⁷ Determining how to deal with returning families of foreign terrorist fighters is already underway, but the phenomenon is still in its nascent stages and will continue to present a major challenge to nations and policymakers for the foreseeable future, perhaps well beyond a time when it is current in the daily news cycle. Social support will be a critical factor in assisting the families of returnees,⁸ especially those with a nexus background, who may have a wider network connected to organised crime that could attempt to recruit children into joining criminal groups, or manipulate them by introducing extremist ideologies.

The generation of foreign terrorist fighters who travelled to Iraq and Syria had a disproportionately higher rate of involvement in organised crime and links to criminality, especially drugs, than previous waves. Some criminals who were radicalised travelled abroad to fight but quickly became disillusioned with IS. When they departed the group, they followed one of several paths: disengagement; re-integrating back into their criminal lives, except now with an advanced criminal skillset and possible propensity for violence; or prison.

But just sending a nexus returnee to prison will not solve the problem and in fact may only create further issues down the line, given that some prisons have become hotbeds for further recruitment and radicalisation. Another aspect of this issue is that, due to a lack of evidence, prosecutors may have a difficult time convicting an individual for terrorism-related offences. As a method of still working to secure a conviction, prosecutors could seek to rely on “the Al Capone approach” of charging this person with lesser crimes.⁹ While understandable, one potential unintended consequence could be that a hardened terrorist ends up in detention without any counter-terrorism specific regime, which could inadvertently provide the terrorist the operating space necessary to influence other inmates. From a prosecutorial standpoint, as well, the length of prison sentences have varied significantly across different regions, the same way that formal plans to reintegrate these individuals once they are released.

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⁶ Convention on the Rights of the Child, United Nations Human Rights Office of the High Commissioner, entry into force 2 September 1990, in accordance with article 49.

⁷ Ibid. There is also United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) Adopted by General Assembly resolution 40/33 of 29 November 1985, specifically the commentary on Rule 2.2: “It should be noted that age limits will depend on, and are explicitly made dependent on, each respective legal system, thus fully respecting the economic, social, political, cultural and legal systems of Member States. This makes for a wide variety of ages coming under the definition of “juvenile”, ranging from 7 years to 18 years or above. Such a variety seems inevitable in view of the different national legal systems and does not diminish the impact of these Standard Minimum Rules, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), adopted by General Assembly resolution 40/33 of 29 November 1985.

⁸ Amarnath Amarasingam and Lorne L. Dawson, “I Left to Be Closer to Allah: Learning About Foreign Fighters from Family and Friends,” Institute for Strategic Dialogue (2018).

⁹ Al Capone was a gang leader involved in numerous crimes and rackets, but was ultimately arrested, convicted, and imprisoned for tax evasion.

There are a bevy of other issues related to dealing with the crime-terror nexus that remain unresolved, including issues such as trials in absentia, “*de facto* stateless persons” and citizenship deprivation.

As regards trials in absentia, it was made clear that even if possible under international law taking into account certain conditions, this was not the preferred option, as it can affect the fairness of the trial. Moreover, suspects are entitled to a re-trial once apprehended, which may lead to even further delay.

On the other hand, while trial in absentia is a controversial policy, it could very well send a strong message to those associated with terrorism, as well as to the victims, and at the same time, would help mitigate the “nightmare scenario” of hundreds of foreign terrorist fighters returning at once. The principle of ‘aut dedere aut judicare,’ or ‘extradite or prosecute,’ is designed to prevent impunity and prevent certain individuals from being tried in local courts that eschew certain principles of fair trials. According to the International Covenant on Civil and Political Rights, under Article 14 (7), “No one shall be liable to be tried or punished again for an offence for which has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.”¹⁰

There has also been a rise in what one could call “*de facto* stateless persons”. Conflict, poverty, famine, and natural disasters are just a few of the factors driving people from their homes and across borders, where they may not be recognised or simply taken care of by that state. These people could become vulnerable to exploitation by elements of the nexus and their precarious situation, including the fact they may no longer have in their possession legal documents proving their status. This would likely lead to issues in helping them stay safe.

Citizenship deprivation, or revocation,¹¹ includes stripping (convicted) terrorists of their nationality, which is only possible in case of dual nationals, to avoid statelessness.¹² This means individuals in possession of dual nationality, after being deprived of one nationality, could be ushered to specific countries that may not have the capacity to help integrate (or in some cases reintegrate) them, making opportunities to participate in the illicit economy (by extension, increasing the likelihood of contact with nexus elements) more likely in order for them to survive.

Technology Will Continue to Play an Important Role in the Future of the Nexus

Technology will continue to serve as a driver of both terrorism and organised crime, and by extension, the nexus between them. The low-tech, low cost nature of terrorist attacks and the speed with which both terrorists and criminals can access commercial off the shelf technology — like additive manufacturing and drones — presents a significant

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¹⁰ International Covenant on Civil and Political Rights, Article 14(7), Adopted and opened for signature, ratification, and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

¹¹ Bérénice Boutin, “Administrative Measures Against Foreign Fighters,” International Centre for Counter-Terrorism—The Hague (December 2016).

¹² Under administrative law, it is also possible to strip citizenship without a criminal conviction (political decision by the Minister of Justice).

challenge to states.¹³ The intersection of the nexus with emerging technology will provide opportunities — to both criminals and law enforcement.

For criminals, who currently use mobile phone fraud to finance organised crime and terrorism in the Horn of Africa and elsewhere, this provides a bevy of new opportunities. Many countries in the developing world have money transfer services on their phones, and regions like sub-Saharan Africa have skyrocketing rates of phone usage.

Just as the emergence of new technologies in the future will impact the nexus, it will also have the potential to assist law enforcement, investigators, prosecutors, and other practitioners. For example, social media can provide evidence that certain crimes have been committed, as suspected criminals and terrorists, although most often the latter, post their intent and actions online. Countries like Australia have successfully used evidence from social media, including videos of citizens who have filmed executions and posted them online, to assist in prosecuting terrorists.¹⁴ For the nexus specifically, social media postings may provide clues to the relationships between criminals and terrorists that might help authorities map out their networks.

The Nexus Has Both Local and Transnational Dimensions, Which Makes it Difficult to Combat

One of the most difficult aspects of combating the nexus between organised crime and terrorism is that it has both local and transnational dimensions, making it both somewhat amorphous, yet ubiquitous. There are also multiple forms the nexus can assume, from crimes used to finance terrorist organisations to the use of organised criminal networks to facilitate terrorist offenses and several other derivations from those.

One area where the nexus seems especially active is in the boundary or seams between the licit and illicit economy. In certain countries, supporters of terrorist groups abroad use the financial support systems of their home countries, including the banking system and financial transfer mechanisms, but also charities, front companies, and informal value transfer systems like *hawalas*. In many cases, aspiring terrorists have relied on various forms of fraud, a criminal activity, to fund their trips to the war zone or the logistics of an attack.¹⁵ So what may seem like simple mortgage fraud in Europe may turn out to be connected to a jihadist group in the Middle East. It was once said by former speaker of the U.S. House of Representatives Thomas “Tip” O’Neill, Jr. that “all politics are local.” Well, if that’s the case, then in 2018 it can be said that “all conflicts are global.” A growing area of concern regarding the nexus is the importance of diaspora communities. For law enforcement, diaspora communities can be difficult areas to interact with, especially when seeking information or intelligence to help gather evidence or solve a crime. These communities can be insular and in general, difficult places to detect radicalisation. This was apparent in the flood of foreigners to the conflict zone in Iraq and Syria. In many cases, the friends, families, and neighbours of these individuals had little knowledge of their plans. In some cases, even when they did, they would be extremely reluctant to inform the authorities for a number of reasons. Furthermore, a heavy-handed or draconian response by law enforcement and the

¹³ Peter Harrell, “The Threat of Small Dollar Terrorism,” *Politico* (August 29, 2017).

¹⁴ Christophe Paulussen and Kate Pitcher, “Prosecuting (Potential) Foreign Fighters: Legislative and Practical Challenges, International Centre for Counter-Terrorism—The Hague, (January 2018): 26-29.

¹⁵ Magnus Ranstorp, “Micro-Financing the Caliphate: How the Islamic State is Unlocking the Assets of European Recruits,” *CTC Sentinel* 9, no.5 (May 2016).

security services could lead to backlash and a feeling of alienation, being singled out, targeted, treated unfairly, or marginalised. This is a delicate issue which can lead to further problems in the future between authorities and specific communities.

Even as lower-level crimes like fraud have been popular in some settings, the types of crimes connected to the nexus can vary, and include various types of smuggling, trafficking, and extortion. There have already been several cases of links between human trafficking and terrorism and as the nexus evolves, terrorists are using crime in increasingly creative ways.¹⁶ For example, in Libya, there have been situations where terrorist groups were not actually involved in trafficking, per se, but would use violence selectively and strategically to force populations to move. In turn, the terrorists profited from the flow of people by taxing their passage from one point to another. This is an example of the opportunistic nature of nexus actors; in this case, they have taken advantage of the intersection of several developments—porous borders, increased mobility, high levels of corruption, state fragility, and weak governance.

The importance of personal relationships and local networks is another feature of the nexus. In many parts of the world, including in the West, terrorists and organised criminal groups attempt to recruit from the same milieu.¹⁷ In Belgium, for example, a radical IS supporter named Khaled Zerkani, also known as “Papa Noel,” encouraged potential recruits to commit crimes, including theft and armed robbery, to fund their trips to wage jihad in Iraq and Syria.¹⁸ This local network consisted of individuals who grew up together in the same communities and were able to trust each other, which has a significant impact on the power of nexus groups and so-called ‘black hole’ organisations, where terrorism and crime for profit converge.¹⁹

In some countries and regions, there is not as much of a convergence or crossover between crime and terrorism as there are associations and acquaintances based on demographics, social groups, and communities. Where there is a criminal-terrorist overlap it is less evident as a nexus and more transactional in nature, centred mostly on the sale and procurement of firearms.²⁰ In those cases where a strong nexus-type relationship does not exist, the links between crime and terrorism tend to be for a specific purpose, rather than a more general and lasting collaboration.

There are many critical variables that factor into a group’s decision to collaborate or begin a relationship with another group or organisation. One area that has been neglected in this analysis, to date, is the importance of reputation, especially for organised criminal groups. For these groups, it is about more than just profit—reputation matters. In particular, organised criminals can burnish their reputations and “achieve a fear factor” by associating with known terrorist groups. With illicit organisations, there are no written rules on how to operate, so intimidation and reputation enhancement are paramount.

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¹⁶ “Second Expert Meeting on Trafficking in Human Beings for Terrorist Activities Concludes in London,” Press release from Organization for Security and Co-operation in Europe (OSCE) (February 20, 2018).

¹⁷ Colin P. Clarke, “Crime and Terror in Europe: Where the Nexus is Alive and Well,” International Centre for Counter-Terrorism–The Hague (December 12, 2016).

¹⁸ Rajan Basra et al., “Criminal Pasts, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus,” The International Centre for the Study of Radicalisation and Political Violence (October 2016): 26; see also, Rajan Basra and Peter R. Neumann, “Crime as Jihad: Developments in the Crime-Terror Nexus in Europe,” *CTC Sentinel* 10, no. 9 (October 2017).

¹⁹ Tamara Makarenko, “The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism,” *Global Crime* 6, no.1 (February 2004): 138.

²⁰ Nils Duquet, ed., “Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe,” Project SAFTE (2018).

The dual local-global nature of the nexus presents a formidable challenge to nation-states. Criminals and terrorists seek to operate with impunity and are less encumbered than states are by borders, laws, and regulations. States stress the importance of information sharing, but often fall short of peak efficiency in this area due to domestic legislation, a lack of international cooperation, and other barriers that exist. This frequently results from a dearth of trust.²¹ In countries under a high level of threat, it is difficult to appreciate the significance of exogenous events that may have a broader impact domestically, especially for law enforcement. Often times, those agencies tasked with investigating and prosecuting the nexus are focused on the threats within their country, and are inevitably limited in how to respond to some of the drivers of terrorism, e.g. the Syrian civil war.

A Tactical Focus Hampers Longer-Term Strategic Planning in Combating the Nexus

Finally, a tactical focus by nation-states and their respective agencies and departments is necessary to make progress against the nexus, but a tactical focus *alone* can hamper the longer-term strategic planning necessary to make *sustained* and lasting progress against the nexus.

An interesting concept to consider is that of “strategic prosecution,” or in other words, prosecuting a high-profile case of the nexus between terrorism and organised crime in order to send a message to other similar actors that incidents of this nature will be investigated and prosecuted to the fullest extent which the law allows, including lengthy prison sentences. But there was some doubt that “strategic prosecution” could be effective, and states must be prepared to deal with unintended consequences, including “legend building instead of stigma producing,” especially for organised crime groups. Since investigations and prosecutions are such a laborious undertaking, often consuming serious amounts of finite resources, an extremely high-level trial could serve as a warning to others, even as some nexus actors remained undeterred.

For states, it is important to reach out to multiple stakeholders given the inherent disadvantage of operating against a network of non-state actors. Nexus actors can be agile, while nation-states tend to be compartmentalised, stove-piped, protective of so-called rice bowls, and at the mercy of budget shortfalls and politicians’ electoral cycles. Since nation-states face the uphill battle of making a bureaucracy nimble and proactive, it is essential to forge closer cooperation between the public and private sector, an alliance that has the potential to enhance policy and programmatic responses to a range of nexus-related issues. The governments of those nations seeking to combat the nexus need to view the private sector as allies, not adversaries, and vice versa.²²

Kidnapping for ransom (KFR) is intended both to raise revenue and to terrorise. Taxation and extortion occur where the state is weak and at the local level, to control civilian populations. Some have suggested that states need to be more forward looking and strategic in their response, perhaps countering the crime-terror nexus with a security-development nexus, or working to dismantle existing criminal infrastructure that can be

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²¹ Christophe Paulussen, “Repressing the Foreign Fighters Phenomenon and Terrorism in Western Europe. Towards an Effective Response Based on Human Rights,” International Centre for Counter-Terrorism–The Hague (November 2016): 28.

²² Colin P. Clarke, *Terrorism, Inc.: The Financing of Terrorism, Insurgency, and Irregular Warfare* (Santa Barbara: ABC-CLIO, 2015).

used by terrorists seeking to adopt criminal means of achieving their objectives. The security-development nexus is a term used to describe the important relationship between these two concepts, especially with respect to enhancing collaboration across the humanitarian, development, peace and security sectors to deliver aid and services more efficiently and effectively in fragile and conflict-affected settings.

A related issue is that nexus groups often use violence strategically and where possible, seize the opportunity to develop transactional relationships into longer-term, mutually beneficial partnerships. So, since nexus groups operate strategically, it is imperative that nation-states do too.

Recommendations/Best Practices/Lessons Learned

Five critical recommendations based on best practices and lessons learned on investigating and prosecuting cases of the nexus between organised crime and terrorism are listed below.

Prevention is key: More attention and resources should be allocated to preventing individuals from becoming involved in terrorism and crime in the first place. Some countries focus on combating the nexus through what have been labelled “the Four P’s:” prevention, protection, prosecution, and partnership. Notably, prevention is the first of these “P’s.” Some cities focus on policies aimed to promote mixed income neighbourhoods as a way of mitigating marginalisation. Another aspect of prevention includes providing alternative livelihoods to at-risk individuals, especially marginalised youth.²³

If individuals feel as if they have a place in society and the licit economy, they might be less likely to depart for jihad or to become involved in criminal activity. This reinforces the necessity of programmes that are targeted at marginalised communities, including first and second-generation immigrants who may feel socially and politically excluded as members of a minority group. This includes training programmes aimed at reintegrating individuals who may have previously been involved in the nexus, and not only teaching them (or in some case re-teaching them) the skills needed to succeed in the formal economy, but also leveraging their credentials in their former lives to speak to others in order to prevent them from following a similar path.

Tailor-made gives you the best suit: Interventions should be tailored, aimed at specific individuals or groups based on unique circumstances and characteristics, not as generic, one-size-fits-all policy solutions. As countries prepare for the return of foreign terrorist fighters, there should be a focus on tailored interventions specific to nexus returnees. This would include, as mentioned above, how to break free from the criminal underworld, even if that means relocating, learning a battery of vocational skills, and identifying a broader support network. These relate to several programmatic responses focused on disengagement, rehabilitation and reintegration.²⁴

Building trust for effective countermeasures: Information sharing and intelligence cooperation are critical enablers that must be enhanced and improved through training,

²³ Tuesday Reitano et al., “Examining the Nexus Between Organised Crime and Terrorism and Its Implications for EU Programming,” International Centre for Counter-Terrorism–The Hague (April 2017).

²⁴ See Tinka Veldhuis, “Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach,” International Centre for Counter-Terrorism–The Hague (March 2012).

capacity building, and the provision of equipment and technical assistance. There is a constant tension amongst intelligence agencies and law enforcement services with respect to the ‘need to know’ versus the ‘need to share’ which must be overcome for progress to be made. Best practices also need to reflect advances in research on important factors related to the nexus, including links between prison, radicalisation, recidivism, and re-entry into crime and terrorism. And as mentioned above, it is critical to work on trust building across agencies while also fostering closer ties between the public and private sector. This could act as a “force multiplier” for states.

Transnational learning: There needs to be a greater focus on data collection, analysis, and the timely development of evidence-based responses. This includes holding more workshops like the one held in Doha to share best practices and lessons learned. By dissolving the artificial firewalls that can sometimes exist, and bringing together communities of interest and holding regularly occurring workshops, it will help foster a transnational network of experts and perhaps a global common operating system to share information.²⁵ Accordingly, sharing tactics, techniques, and procedures (TTPs) amongst practitioners could make it more likely that these lessons will be studied and implemented, where appropriate. Given the lack of evidence in the organised crime portion of nexus cases, it is critical to look at resources and resource flows.²⁶ In some cases, intelligence is focused closely enough on the operational level to provide enough data to identify trends, which can be circulated amongst practitioners more broadly.

It takes a nexus to combat a nexus: This means that joint task forces and fusion centres should be organised that bring together experts from across the spectrum, from law enforcement to community affairs to academics and policymakers. Here, information can be shared in a “black box,” without – at that point – any fear of jurisdictional, legal, or authority issues. Of course, if such information will ultimately be used as evidence in court, it will still need to pass all the necessary legal conditions, but a more informal manner of sharing upfront will help in building trust and fostering cooperation, which, in the end, will also lead to more trust and cooperation via the regular, formal channels. Some countries have already moved in this direction as they seek to attack the nexus directly. Further, it is critical to organise task forces early to deal with immediate, short-range threats, while also building capacity to share intelligence with joint, multinational, multilateral, and intergovernmental partners to assist with longer-term challenges. The challenge is transnational and thus, the solution needs to be transnational as well. Lastly, issues related to the nexus are just in their nascent stages, and will linger for years to come. That means that states should eschew the temptation to accumulate short term gains at the expense of a longer-term strategic vision of investigating and prosecuting the nexus between organised crime and terrorism.

In addition to these five specific recommendations, it should be highlighted that the overarching recommendation which connects to each of these points is that a strategic approach is essential. When confronting cases of the nexus, the entire process— investigation, prosecution, detention and rehabilitation—is complex and must involve a cross-section of experts, organisations, and institutions to be effective. And while the approach is strategic in nature, it is also scoped so that it can be tailored to each individual case.

²⁵ Wim Wensink et al., “The European Union’s Policies on Counter-Terrorism: Relevance, Coherence, and Effectiveness,” Study for the Libe Committee, Policy Department for Citizens’ Rights and Constitutional Affairs, European Parliament Committee on Civil Liberties, Justice and Home Affairs (2017): 82.

²⁶ OECD, *Illicit Trade: Converging Criminal Networks*, OECD Reviews of Risk Management Policies (Paris: OECD Publishing, 2016).

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About ICCT

The International Centre for Counter-Terrorism – The Hague (ICCT) is an independent think and do tank providing multidisciplinary policy advice and practical, solution-oriented implementation support on prevention and the rule of law, two vital pillars of effective counter-terrorism.

ICCT's work focuses on themes at the intersection of countering violent extremism and criminal justice sector responses, as well as human rights-related aspects of counterterrorism. The major project areas concern countering violent extremism, rule of law, foreign fighters, country and regional analysis, rehabilitation, civil society engagement and victims' voices.

Functioning as a nucleus within the international counter-terrorism network, ICCT connects experts, policymakers, civil society actors and practitioners from different fields by providing a platform for productive collaboration, practical analysis, and exchange of experiences and expertise, with the ultimate aim of identifying innovative and comprehensive approaches to preventing and countering terrorism.

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