



Context and objectives

The conduct of terrorist groups often overlaps in scope with crimes under international law, including serious violations of international humanitarian law amounting to war crimes, as well as crimes against humanity and genocide. Groups such as the Islamic State in Iraq and the Levant (ISIL), also known as Daesh; Al-Qaida; Boko Haram; and others have perpetrated mass executions and summary killings, indiscriminate and deliberate targeting of civilians, kidnappings and arbitrary detention, recruitment and use of children in hostilities, rape and other forms of sexual violence, as well as attacks on, and destruction of, protected objects such as schools and hospitals, and cultural and religious sites.

The United Nations has consistently denounced systematic and widespread abuses of human rights and violations of international humanitarian law committed by terrorist actors, including in armed conflict contexts. In its relevant resolutions, the Security Council has repeatedly reaffirmed that those responsible for terrorist acts, and violations of international humanitarian law or violations or abuses of human rights, must be held accountable.

Security Council resolution 2396 (2017) urges States to develop and implement, in accordance with international human rights and humanitarian law, appropriate investigative and prosecutorial

strategies regarding foreign terrorist fighters (FTFs). Council resolution 2379 (2017) requests the establishment of an investigative team (United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)) to support domestic efforts to hold ISIL/ Da'esh accountable by collecting evidence of their acts in Iraq that may amount to war crimes, crimes against humanity and genocide, in cooperation with Iraqi authorities.

As reflected in the emerging practice in a number of Member States, addressing the acts of terrorist groups through the prism of international humanitarian and international criminal law can support a more comprehensive approach to accountability, deliver sentences that are commensurate to the criminal conduct perpetrated, and more effectively address the expressed wishes of survivor groups and impacted communities.

However, in the context of the FTF phenomenon, Member States have faced considerable challenges in ensuring that terrorist acts and related serious violations of international humanitarian law are duly investigated and prosecuted in national courts. In particular, criminal justice systems across the world have been confronted with significant hurdles Ser3 40 g0 (e)7(s)-6()-62s ha i