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**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON TERRORISM IN AFRICA AND THE AU'S EFFORTS TO ADDRESS THIS SCOURGE**



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I. INTRODUCTION

1. At its 249th meeting held on 22 November 2010, Council, having considered my report on *Measures to Strengthen Cooperation in the Prevention and Combating of Terrorism* [PSC/PR/2(CCXLIX)], requested the Commission, *inter alia*, to pursue and intensify its efforts and to submit to it regular reports on the state of terrorism in Africa and related initiatives [PSC/PR/COMM.(CCXLVIX)].

2. The present report is submitted in follow up to the decision of Council. It provides an update on the terrorism threat and vulnerability in Africa, as well as on the efforts undertaken by the Commission to address this scourge. The report concludes with recommendations on the way forward.

II. OVERVIEW OF THE TERRORISM SITUATION IN AFRICA

3. The terrorist threat in Africa continues to be preeminently shaped by the activities of Al-Qa'ida in the Islamic Maghreb (AQIM), Harakat al-Shabaab al-Mujahideen, Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (Boko Haram), and the Lord Resistance Army (LRA). In addition to the increased level of activity of these groups over the past months, troubling trends have emerged, particularly in relation to growing links between some of them and as well as their involvement in various other forms of crime.

a. Central Africa

4. For over two decades, the LRA has terrorized innocent people across central Africa. The LRA has filled its ranks by abducting tens of thousands of children and forcing them to become child soldiers and sex slaves. In 2005 and 2006, the LRA moved from Uganda into South Sudan, the Central African Republic (CAR) and the Democratic Republic of the Congo (DRC). Since 2008, the LRA killed 2,400 civilians, abducted more than 3,400 and displaced 440,000, shattering communities and causing a severe humanitarian crisis. According to the United Nations, there have been over 250 attacks attributed to the LRA this year alone.

5. At its 299th meeting, held on 22 November 2011, Council authorized the implementation of the AU-led Regional Cooperation Initiative against the LRA (RCI-LRA) and decided, in line with the relevant AU instruments, to declare the LRA a terrorist group and requested the UN Security Council to follow suit. On 23 November 2011, I announced the appointment of Mr. Francisco Caetano José Madeira as my interim



Special Envoy on the LRA Issue, concurrently with his assignment as the Special Representative in charge of Counter-Terrorism Cooperation and Director of the African Center for the Study and Research on Terrorism (ACSRT).

b. East Africa

6. Al-Shabaab remains the principal terrorist threat to peace and security in Somalia and the East Africa region as a whole. Inside Somalia, the concerted efforts by the forces of the Transitional Federal Government (TFG) and the AU Mission in Somalia (AMISOM) forced al-Shabaab to withdraw from Mogadishu in early August 2011. The group has now resorted to asymmetrical warfare, including grenade, Improvised Explosive Devices (IED) and other forms of attacks targeting AMISOM positions and Government installations, as well as the civilian population. In August 2011 alone, over 20 incidents involving grenade and IED attacks were registered in Mogadishu and the surrounding areas. On 4 October 2011, the group struck the TFG ministerial complex in Mogadishu, with a truck bomb killing more than 70 people and wounding 150 others. The group also claimed responsibility for subsequent attacks which claimed more lives.

7. Beyond Somalia, al-Shabaab has stated its resolve and developed operational capacity to carry out significant attacks against countries in East Africa, as demonstrated by the July 2010 bombings in Kampala, which killed 76 civilians and marked the beginning of the widening scope of the group's operations. In October 2011, the group abetted the kidnapping of western tourists from the Kenyan coast, as well as that of aid workers on Kenyan soil. Subsequently, the Kenyan forces undertook a military operation on the basis of IGAD decisions, as well as relevant UN Security Council resolutions [1851 (2008) and 1950 (2010)], to push back al-Shabaab. Since the operation began, the group is believed to be responsible for two grenade attacks in the capital Nairobi and several IED attacks in Northern Kenya.

8. It is reported that indigenous networks are engaged in recruitment, radicalization and resource mobilization on behalf of al-Shabaab. The group is also reported to have established functional linkages with other terrorist entities elsewhere in Africa. Furthermore, it is reported that al-Shabaab is exploiting existing human smuggling networks in the region, to facilitate the entry of individuals travelling from Europe and beyond to join al-Shabaab, as well as the entry of individuals from Somalia seeking into other parts of the world.

9. Al-Shabaab continues to finance its operations through various means, including extortion and sophisticated taxation practices levied on local businesses, including telecommunications, money transfer agencies, general merchandise and food stores, pastoralists and farmers, in addition to support from elements in the diaspora and others. Furthermore, al-Shabaab remains in control of the Kismaayo port, which is the

group's main lifeline. This allows it to benefit from the existing contraband trade carried out by criminal networks, from which it accrues significant financial benefits, through charging more attractive fees and taxes. In yet another alarming development, the group is becoming more tolerant to piracy activities, which it had claimed a few years ago to oppose.

c. Sahelo-Saharan and Northern Africa regions

10. AQIM remains the major terrorist threat in the Sahel and Northern Africa regions, exercising a mixture of criminal and terrorist action. Following a period of relative decline in since 2008, the group resurged by carrying out and attempting a number of terrorist attacks in the region. Among others, in February 2011, the Mauritanian security forces intercepted and destroyed a vehicle laden with explosives which was intended to be used for an attack in the capital, Nouakchott. Another vehicle containing explosive materials was found abandoned in southern Mauritania after the Mauritanian forces succeeded in apprehending the passengers. On 14 August 2011, a suicide car bomber crashed a vehicle packed with explosives into the main entrance of a police station in Tizi Ouzou, east of Algiers, wounding over 30 people, both police and civilians,. On the 26 of the same month, another suicide bomb attack was carried out on a military academy in the town of Cherrhell, west of Algiers, killing 18 people and wounding 20. On 23 October 2011, three European aid workers (two Spanish and one Italian) were kidnapped by AQIM in Rabouni, in the Sahrawi refugee camps in Tindouf.

11. In order to sustain and expand its presence in the region, AQIM engaged over the past few years in various forms of crime. Kidnapping has been the most distinctive feature of its activity, which it uses to gain concessions, including the release of its members and to claim ransom money. Since 2008, AQIM elements have abducted nearly 26 westerners from the different countries of the region. These kidnappings are believed to have been carried out by different elements of AQIM, as well criminal groups, who usually sell the abductees to AQIM. The last kidnapping took place as recently as late last month, when two Frenchmen and a South African were kidnapped from Mali, while another German citizen was killed. Of those abducted, nearly 12 remain in captivity, and 3 were killed during failed rescue attempts.

12. Furthermore, and in an alarming development, various reports are indicating AQIM's growing involvement in the narcotic trade. It is important to note that Africa has been affected by significant shipments of cocaine from South America to Europe, in recent years. The 2011 World Drug Report estimates that around 13% of all cocaine trafficking to Europe is via Africa, notably West Africa. The Report estimates that, in 2009 alone, 35 metric tons of cocaine may have left South America for Africa.

13. The existence of substantial amounts of funds generated from ransoms and other illicit trade poses a great risk for stability in the region. These funds could be used to procure more sophisticated weapons, recruit more operatives and scale-up attacks. There are growing concerns among the countries of the region, and indeed within Africa as a whole, that AQIM is acquiring weapons pillaged from the Libyan military depots, including surface-to-air missiles, RPG-7 anti-tank rocket-propelled grenades, Kalashnikov, heavy machine guns, Kalashnikov rifles, explosives and ammunition.

14. The region faces a number of socio-economic and political problems exacerbated by the presence of AQIM, which has significantly affected the tourism industry. This, in turn, has had a negative impact on the local economies and on those whose livelihoods depend on tourism. Such conditions could provide an opportunity for AQIM and other criminal groups to further consolidate their criminal activities in the region, by providing alternative, albeit illicit, economic opportunities, thereby unleashing a rogue economy in the desert region and undermining state sovereignty.

d. West Africa

15. During the period under review, Boko Haram carried out a number of terrorist attacks against civilians, government and, most recently, international targets. The group claimed responsibility for bombings on Christmas Eve in Jos, central Nigeria, and two attacks on churches in Maiduguri, in the north-east, which left 38 people dead. The bombing sparked violent inter-ethnic reprisals that left a further 80 people dead.

16. During May 2011, the group carried out several bombings, during the presidential inauguration. On 16 June 2011, the police headquarters in Abuja was hit, in the group's first suicide attack in the country. These attacks resulted in numerous casualties and injuries. The bombing of the United Nations Office in Abuja, on 26 August 2011, marked the group's first attack against an international target. On 4 November 2011, Boko Haram carried out coordinated bomb and gun attacks in the north-eastern Nigerian city of Damaturu, which left over sixty people dead and dozens wounded, in one of the bloodiest terrorist acts carried out by the group to date. During the period under review, the group claimed responsibility for the assassination of a number of policemen, clerics and politicians.

III. EFFORTS RELATING TO THE NORMATIVE FRAMEWORK

a. Convention and Protocol on the Prevention and Combating of Terrorism

17. As Council is aware, the July 1999 Convention on the prevention and Combating of Terrorism, entered into force on 6 December 2002. 25 of the 49 signatories have ratified the Convention. In pursuance to Article 21 of the Convention, the Protocol on



the Prevention and Combating of Terrorism was adopted by the 3rd Ordinary Session of the Assembly of the Union, held in Addis Ababa, in July 2004. Its main purpose is to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol Relating to the Establishment of the AU Peace and Security Council, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

18. Throughout the period under review, I have continued to urge Member States to ratify and accede to the Convention and the Protocol. Furthermore, my Special Representative for Counter-Terrorism Cooperation, Francisco Madeira, has also taken initiatives towards the promotion of the ratification of, and accession to, the Protocol. I am pleased to inform the Council that, since my last report, the Republic of Guinea and the Republic of Mozambique have deposited the instruments of ratification of the Protocol on 11 July 2011 and 22 August 2011, respectively, bringing the total number of ratifications to twelve. The Protocol will enter into force thirty days after the deposit of the fifteenth instrument of ratification.

19. The Convention and Protocol will feature in the ongoing workshop organized by the Commission in Midrand, South Africa, to popularize and promote ratification of, and accession to, OAU/AU instruments that are of relevance to this year's January Summit theme on '*Shared Values*'. By including those two instruments under the *Shared Values* theme, the Commission is reaffirming that intolerance, extremism and terrorism stand in stark opposition to African values of freedom from fear, oppression and persecution and all the other cherished values that terrorism and wanton violence seek to erode.

b. African Model Law

20. The AU Plan of Action on the Prevention and Combating of Terrorism, adopted by the High-Level Intergovernmental meeting held in Algiers, from 11 to 14 September 2002, requested the Commission to provide advice on matters pertaining to counter-terrorism action, including the preparation of model legislation and guidelines to assist Member States. Subsequently, decision Assembly/AU/Dec.311 (XV) adopted by the 15th Ordinary Session of the Assembly of the Union, held in Kampala, in July 2010, underscored the need for renewed efforts and increased mobilization to combat the scourge of terrorism.

21. As a follow up, the Commission convened a meeting of Member States' experts, in Algiers, from 15 to 16 December 2010, to review the Model Law. This document aims at assisting Member States in the implementation of various continental and international counter-terrorism instruments. The objective is also to further contribute to the harmonization of Member States' legislation.



22. In decision Assembly/AU/Dec.369 (XVII) adopted at its 17th Ordinary Session held in Malabo, in July 2011, the Assembly of the Union welcomed the steps taken by the Commission towards the elaboration of the African Model Law on Counter-Terrorism, and encouraged Member States to take full advantage of it to strengthen and update their national legislation. It further requested the Commission to avail the technical expertise that may be required by Member States. The Commission has disseminated the Model Law among Member States, and is currently putting together a team of experts to provide them, upon request, with the required technical support.

c. African Arrest Warrant

23. The 249th meeting of the of Council encouraged the Commission, inter alia, to elaborate an African arrest warrant for persons charged with or convicted of any terrorist act. In this respect, the Commission is currently engaged with the UN and other partners to develop the framework and procedures for an African Arrest Warrant.

d. Peace and Security Council Sub-Committee on Counter-Terrorism

24. As Council would recall, at its 249th meeting, it decided, in accordance with Article 8(5) of its Protocol, to establish, as a subsidiary organ, a Sub-Committee on Counter-Terrorism to *'ensure the implementation of relevant AU and international instruments, prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts, in line with the 2002 Plan of Action on the Prevention and Combating of Terrorism, and undertake other related tasks'*. On 30 November 2011, the Commission circulated to the members of Council a proposal on the establishment of the said Sub-Committee. I look forward to the early consideration of the proposal by Council to enable the Commission finalize the document and pave the way for the operationalization of the Sub-Committee.

IV. ACTIVITIES OF THE AFRICAN CENTRE FOR THE STUDY AND RESEARCH ON TERRORISM

a. Engagement with Focal Points

25. The Focal Points were established pursuant to the relevant provisions of the 2002 AU Plan of Action and the 2004 Protocol, under which the Regional Economic Communities (RECs) and Member States are required to establish contact points to, *inter alia*, follow-up and liaise on matters relating to implementation of the Plan of Action and facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels. At their 4th annual meeting, held in Algiers, from 17 to 19 June 2010, the national and regional Focal Points



adopted the Strategic Plan of Activity of the ACSRT for the period 2010-2013, which focuses on three pillars: enhancing information sharing and dissemination through the operationalization of a counter-terrorism early warning system; launching of publications; and capacity building.

26. The progress made in the implementation of the Strategic Plan of Activity was reviewed by the Focal Points at their 5th meeting held in Algiers, from 30 October to 1 November 2011. The meeting welcomed the progress made by the ACSRT in implementing the three pillars, in particular the ongoing cooperation with the AU Continental Early Warning System (CEWS), within the framework of the implementation of the ACSRT Counter-Terrorism CEWS (CT-CEWS). I am pleased to note that this cooperation has made it possible to establish, at the level of the ACSRT, some key early warning tools, enabling the Centre to commence the dissemination of an improved and user-friendly version of its *Terrorism Daily News Highlight* and to launch the *Terrorism Bi-Weekly Press Review*, which compiles articles on terrorist incidents that took place every fortnight. In addition, the ACSRT launched the *Terrorism Incident Preliminary Analysis Report*. Furthermore, the ACSRT has completed the establishment of the CT Database and is in the process of finalizing the information exchange templates and the development of its secured information exchange portal.

b. Capacity building

27. As part of the capacity building component of the Strategic Plan of Activity, the ACSRT organized a number of workshops, training activities and seminars. These activities, which were implemented in collaboration with Member States, RECs, United Nations agencies and partner countries, covered various relevant topics, including judicial responses to terrorism and transnational organized crime, intelligence gathering and analysis, police cooperation, border management, protection of strategic infrastructure, sensitive sites and VIPs, as well as other region specific capacity building activities. In carrying out these activities, the Commission placed particular emphasis on the need to build local expertise and facilitate the sharing of resources and experiences among Member States and RECs, to ensure sustainability and ownership.

28. The ACSRT has worked toward filling the gaps in communications equipment necessary for the Focal Points to access the messages service in order to exchange information and, whenever necessary, the ACSRT database, in a secured manner. It is worth mentioning that the ACSRT had equipped four national Focal Points with computers, printers, faxes and other accessories.

c. Evaluation missions to Member States

29. During the period under review, the ACSRT undertook evaluation visits to six Member States. These are: the Republic of Niger, from 6 to 10 December 2010; the Republic of Guinea, from 21 to 25 February 2011; the Republic of Guinea Bissau, from 28 February to 4 March 2011; the Republic of Mali, from 26 April to 3 May 2011; the Islamic Republic of Mauritania, from 9 to 13 May 2011; and the Republic of The Sudan, from 28 May to 2 June 2011.

30. These missions, which were conducted pursuant to the Strategic Plan of Activity of the ACSRT for the period 2010-2013, had the following objectives : (i) to assess and analyze the capacity of Member States to fulfill their commitments under the 2002 AU Plan of Action and the relevant AU decisions and instruments; (ii) to evaluate the capacity of the respective National Focal Points in implementing the tasks set out in the AU Plan of Action and the Code of Conduct regulating the relationship between the ACSRT and the Focal Points; (iii) to develop recommendations on measures to be taken by the visited Member States and identify areas in which they may require technical assistance to enable them fully comply with their obligations. The mission also addressed the issue of human rights safeguards in the context of efforts undertaken to combat terrorism.

31. Extensive technical level meetings and consultations were held on the different counter-terrorism related areas, including judicial cooperation in criminal matters, terrorism financing, law enforcement and border control. The ACSRT delegations met with various government agencies in charge of the prevention and combating of terrorism and other relevant administrative entities, in addition to representatives of the civil society. The ACSRT delegations also undertook on-site visits to border posts, airports, and other relevant facilities, to assess the implementation on the ground.

d. Engagement with Regional Mechanisms, AU bodies and International Organizations

32. The ACSRT continued active engagement with the RECs and the relevant AU bodies. During the period under review, consultations were held with the Executive Secretariat of the Committee of Intelligence and Security Services of Africa (CISSA) to discuss collaboration and joint action in the framework of AU efforts towards addressing the threat of terrorism on the continent. The ACSRT took part in the CISSA 8th Ordinary Conference, held in Khartoum, from 5 to 8 June 2011. The ACSRT has further engaged with the Interpol Regional Bureaus and the International Civil Aviation Organization Regional Bureaus.

33. As part of the efforts to strengthen relations with the RECs, the ACSRT is currently in the process of concluding a Memorandum of Understanding (MoU) with SADC on mutual cooperation. It is also working closely with IGAD through its Security Sector Program (ISSP), formerly known as the IGAD Capacity Building Programme against Terrorism (ICPAT). The ACSRT is providing technical advice in the operationalization of the Intelligence Fusion and Liaison Unit (IFLU) Situation Room, established by the Joint Operational Chiefs of Staff Committee (JOCSC/CEMOC), which comprises Algeria, Mali, Mauritania and Niger. The ACSRT has also assisted the IFLU through organizing a training course on crisis and emergency management for its staff. The Commission and the ACSRT have actively participated in the processes leading to the finalization of the ECOWAS Counter Terrorism Strategy, including the international experts meeting as well as the member states' experts meeting convened to review and enhance the Strategy.

34. The AU has actively participated in the various activities organized by the relevant United Nations agencies and bodies, including the UN Counter-Terrorism Committee (CTC), its Counter Terrorism Executive Directorate (CTED), the UN Counter-Terrorism Implementation Task Force (CTITF) and the Terrorism Prevention Branch of the UN Office on Drugs and Crime (UNODC/TPB). These activities include forums to review the implementation, in the different regions, of relevant United Nations resolutions, including 1373 (2001) and 1625(2005), as well as the Global Counter Terrorism Strategy, adopted by the UN General Assembly in 2006.

V. ACTIVITIES OF THE SPECIAL REPRESENTATIVE ON COUNTER-TERRORISM COOPERATION

35. Since his appointment, my Special Representative for Counter-Terrorism Cooperation, Francisco Madeira, has undertaken consultations with various Member States, within the context of the evaluation missions overviewed above, international organizations, regional bodies and partner countries. These consultations provided an opportunity to discuss ways to enhance African counter-terrorism capacity building.

36. High-level consultations were held with a number of UN bodies and international organizations, including UN CTC, CTED, CTITF and UNODC/TPB. My Special Representative also had consultations with the International Civil Aviation Organization (ICAO) during its Machine Readable Travel Document (MRTD) Symposium, held in Montreal, from 12 to 15 September. He also participated, on my behalf, in the United Nations Symposium on International Counter-Terrorism Cooperation, held in New York, on 19 September. Furthermore, he held meetings with representatives of partner institutions and countries, including the European Union's Counter-Terrorism Coordinator, the UK Prime Minister's Advisor on Counter-Terrorism, the Office of the

Coordinator for Counter-Terrorism of the US State Department, as well as officials from the Governments of Australia, Indonesia and Japan.

37. In all these meetings and consultations, the Special Representative stressed the importance of effective international cooperation and coordination. He urged the partners to extend full support to the efforts towards the implementation of the AU decisions and instruments and to join efforts towards the adoption, by the UN Security Council, a binding resolution against the payment of ransom to terrorist groups, as well as the initiation of negotiations, at the UN General Assembly, with the view to elaborating a Supplementary Protocol to the 1979 Convention Against the Taking of Hostages or the 1999 Convention for the Suppression of the Financing of Terrorism.

VI. OBSERVATIONS

38. I remain deeply concerned by the threat posed by terrorist groups in the continent, which is becoming increasingly complex. The boundaries between political, religious and ideological extremism and crime are blurring. Terrorist groups are becoming increasingly bold in their activities and attacks. AQIM's engagement in transnational organized crime, Boko Haram's use of suicide bombers and targeting of international bodies, al-Shabaab's widening scope of activity, and the LRA's continuing atrocities and destabilization of the region are all alarming signals of the level of threat facing the continent.

39. Despite the significant efforts exerted by Member States and RECs, a number of challenges need to be addressed. In this respect, it is critical that Member States that have not yet done so urgently take the required steps to become parties to the Convention and Protocol on the Prevention and Combating of Terrorism, as well as to relevant international instruments. I would like, in particular, to highlight the importance of the Protocol, which stems from the fact that this instrument strengthens coherence and coordination by clearly outlining the role of the RECs, the Commission and Council. It provides Council with the necessary tools to coordinate and harmonize counter-terrorism efforts in all its aspects, in line with the mandate entrusted to it.

40. Further operational efforts are also required to enhance the effectiveness of the fight against terrorism. Weaknesses in border management and control are evident in most of the countries facing the threat of terrorism. Efforts need to be redoubled with the view to strengthening Member States' capacity to effectively police and control their borders, curb illegal crossing of terrorist elements, illicit arms and goods and deny terrorist safe-havens. In this regard, special attention should be directed to providing the institutions involved in border control and management with requisite human resources, training and equipment.

41. There remains insufficient coordination among the relevant institutions within and between Member States. Effective coordination is required to make the work of these institutions more effective and allow for real time sharing of critical information. In addition, and while acknowledging the dynamism of designated national Focal Points, it appears that Focal Points do not yet enjoy a mandate that enables them to play the coordinating role that is expected of them. Member States must be encouraged to appoint in this position senior level individuals with access to decision-makers, so as to be able to directly convey messages to the right levels of decision making and ensure adequate and timely engagement. In addition, better institutional interaction can be achieved through supporting the establishment of national and regional coordinating structures for terrorism and organized crime in the form of Fusion Centers which encompass the different countries in each region. This mechanism will enable the timely exchange of information, the creation of synergies, the sharing of resource among different institutions involved and the conduct of joint operations.

42. Equally important is the need for Member States devote resources and establish institutions that address conditions conducive to terrorism, as well as the imperative of upholding the rule of law and protecting human rights in the fight against terrorism. These are aspects that cannot be overemphasized, and the importance of which is becoming increasingly evident.

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Report of the Chairperson of the Commission on Terrorism in Africa and the AU'S Efforts to address this Scourge

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