

THE SILOS THAT CONTRIBUTE TO THE IMPUNITY OF TERRORISTS FOR
HUMAN TRAFFICKING OFFENCES IN CONFLICT ZONES: THE PHENOMENON,
THE REASONS AND THE NEED FOR A BETTER STRATEGY.

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ABSTRACT

There is a strong belief that international partners struggle to deal with the phenomenon of the crossover between human trafficking and terrorism. Many situational factors will be raised in this paper that will highlight the difficulties of this colossal task of prosecuting terrorists for human trafficking offences; but to an extent, we will conclude that it is possible, when the right people are in the right place and the common goal is the end goal.

This paper examined and in my modest opinion validated the theory that working in silos has greatly hampered the ability for national and international stakeholders to tackle cases where human trafficking was overtly committed by terrorists in conflict zones. Undeniably, human trafficking offences were bluntly ignored in detriment of terrorist offences, which brings an overwhelming sense of impunity for those who committed the offences and an overwhelming sense of injustice to the victims of such cruel actions. Terrorism should not be fought as a single offence, whereas the terror caused under the umbrella of such actions leaves behind far more pain and suffering. Such an approach of seeking or pursuing personal or organizational mandates or objectives, singularly focused, contributes to the impunity of perpetrators and an unfair outcome for those who trust our human-made laws, whether they be national or international. Our siloed approaches do not serve the common purpose of defending and upholding what is human dignity and constitutes our basic human rights; these silos must be flexible or otherwise fall.

KEYWORDS

Human trafficking, terrorist organizations, crimes against humanity, international cooperation, working in silos, impunity.

ABOUT THE AUTHOR

The author has been a practitioner in a variety of law enforcement fields: a federal police investigator in Canada with over 10 years' experience in federal policing, 7 years as director of security and risk management in the private sector, and more than 2 years as military with the Portuguese army, including a mission as Peacekeeper for the United Nations Transitional Administration in East Timor (UNTAET). Additionally, as an academic, he frequented the School of Public Administration of Québec (ENAP) as a student researcher engaged in a Master's in Public Administration with Research, attending courses with a focus on public management, research, international law, and international organizations, culminating in this dissertation.

As a federal police officer in Canada, he was trained in judicial interviews, surveillance techniques, and managing human sources. He also gained experience as a Border Integrity investigator, national security criminal investigator, and counter-terrorism information officer, as well as in Violent Extremism Risk Assessment (VERA-2R) and the Violence Risk Scale (VRS & VRS-Youth Version).

Initially assigned to the Border Integrity program where he developed his knowledge and expertise about Human Trafficking and Human Smuggling, the author has a background in investigation, providing training and capacity building on the subject of human trafficking at national and international levels. In this capacity, he attended various conferences nationally and internationally as a participant, expert, and speaker, providing a perspective on transnational criminal investigations for organized crime implicated in human trafficking offences. Some parts of the training provided by the author were a component of the National Human Trafficking Investigators Course in Canada and ranged from legislative provisions to considerations on conducting interviews with victims of human trafficking, with a focus on victims from foreign countries with various social-demographic characteristics such as culture and religion. He provided training to Canadian and foreign law enforcement on

human trafficking investigations and participated as a Subject Matter Expert (SME) for the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime (UNODC) on projects in South America and the Caribbean which were part of capacity-building initiatives launched by those organizations and sponsored by Canada.

As a police investigator, the author gathered evidence, interviewed witnesses, victims, and suspects, completed and executed Mutual Lateral Agreement Treaties with Crown prosecutors, prepared court briefs, presented evidence in court, and testified in criminal and administrative courts for international human trafficking cases involving sexual and labour exploitation in Canada. In 2014, he received the Québec Police award, for his role in fighting transnational organized crime involved in human trafficking and human smuggling. This award honours police officers who have distinguished themselves during the year.

The author joined the National Security Interventions and Prevention Team, where he gathered knowledge about counterterrorism and radicalization prevention, performed risk assessments for suspected violent extremists from diverse variants of the terrorism realm (religious and political), and participated in multi-stakeholder initiatives, providing training on counterterrorism and awareness, community outreach and youth activities/programs, victims' services, training of law enforcement officers on national security matters, and partnering with government, Non-Governmental Organizations (NGOs) and academia to develop tools and processes to counter radicalization.

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ACKNOWLEDGMENTS

I have chosen to dedicate this research to all the victims of human trafficking at the hands of terrorist organizations, from East to West and North to South, without distinguishing their race, gender, orientation, or beliefs, because whatever justification was used for their exploitation and victimization, it was unwarranted.

To all the experts, practitioners, and academics that have assisted me with this research by providing their own experience of this phenomenon, I sincerely thank you, not only for having granted me your precious time with your busy agendas but as well for the amazing efforts and work that you put into bringing awareness and fighting these crimes.

To the national and international organizations: Royal Canadian Mounted Police (RCMP), Department of Justice, Canada (DOJ), UNODC, Organization for Security and Co-operation in Europe (OSCE), academic researchers and NGOs: don't give up; your engagement in this cause might well be the only hope that the numerous victims of this phenomenon will ever have.

To my dissertation director, Professor Stéphane Roussel, of the University of Quebec – École nationale d'administration publique (ENAP), your advice and continuous assistance in pursuing this so wanted and meaningful task, while keeping me on track has been a very rewarding experience. For a part-time student in his 40s, who had left school when he was only 19 years old and has been a full-time worker with a demanding career and a busy family life, your encouragement and guidance played a key role in this achievement. Thank you.

Last but not least, to my family, my wife and three kids, from whom I took away precious hours of love and dedication, thank you for your understanding and support—this would never have been possible without you. Azar, Sofia, Santiago and Maximus, I hope I have

made you proud and shown you that nothing is impossible when you believe in yourself and feel supported by your entourage, as you have made me feel. Believe in yourselves, never take things for granted, and fight back when you feel that you want to give up. Hold on to what makes you happy in life, as it will rejuvenate you; it worked for me every day as I would think of you all while sometimes struggling to keep up with all my duties as a father, husband, Mountie, and student.

One day, take it upon yourselves to give back to society, to give to those who are in real need; only then you will find true mean and fulfillment.

“Our lives begin to end the day we become silent about things that matter.”

(Martin Luther King, Jr.)

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GLOSSARY

- AL-QAEDA** – Salafist militant extremist organization
- AL-SHABBAB** – Harakat al-Shabbab al-Mujahideen (Organized Islamist Group)
- BOKO HARAM / ISWA** – Salafist jihadist group / Islamic State in West Africa
- CCC** – Canadian Criminal Code
- CIJA** – Commission for International Justice & Accountability
- CTED** – Counter-Terrorism Executive Directorate
- DPKO** – Department of Peace Operations
- EUROJUST** – European Union Agency for Criminal Justice Cooperation
- EUROPOL** – European Union Agency for Law Enforcement Cooperation
- FATF** – Financial Action Task Force
- FTF** – Foreign Terrorist Fighters
- ICCT** – International Centre for Counterterrorism
- ICL** – International Criminal Law
- ICTY** – International Criminal Tribunal for former Yugoslavia
- ICTR** – International Criminal Tribunal for Rwanda
- IHL** – International Humanitarian Law
- IHRL** - International Human Rights Law
- INTERPOL** – International Criminal Police Organization
- ISIS/ISIL/DA’ESH**– Islamic State of Iraq and Syria / Islamic State of Iraq and the Levant
- LEA** – Law Enforcement Agency
- MICT** – Mechanism for International Criminal Tribunals
- MILEX** – Military-to-Law Enforcement data Exchange
- NATO** – North Atlantic Treaty Organization
- NGO(s)** – Non-Governmental Organization(s)
- OHCHR** – Office of the United Nations High Commissioner for Human Rights
- OSCE** – Organization for Security and Co-operation in Europe

DOJ – Department of Justice

RCMP – Royal Canadian Mounted Police

SME – Subject Matter Expert

UN – United Nations

UNITAD – United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh

UNODC – United Nations Office on Drugs and Crime

UNTOC – United Nations Convention against Transnational Organized Crime

INTRODUCTION

There is an undeniable crossover between terrorism and human trafficking that will be emphasised throughout this paper. Where this nexus happens, we have seen that there is considerable difficulty for stakeholders involved in countering terrorism and human trafficking in finding a consensus in how to tackle this phenomenon.

Terrorist organizations such as al-Qaeda, al-Shabaab, Boko Haram, and Islamic State of Iraq and Syria (ISIS) have been using human trafficking as tools of war. However, they seem to have acquired a passport of certitude to impunity, as national and international authorities struggle in applying the rule of law. Although for most people these might look like unfamiliar scenarios, they are nonetheless far from being a new trend for terrorist organizations, for whom human trafficking is increasingly part of their modus operandi.

This dissertation will showcase the phenomenon of human trafficking in conflict zones being committed by terrorist organizations and non-state members. It will demonstrate the lack or neglect of cases where this phenomenon has been brought to justice and will advance that the reason behind it is largely due to the dysfunctionalities and challenges of the rule of law and the application of international law, its conventions and protocols.

Advancing the hypothesis of “working in silos” to explain the problem of the lack of prosecutions where there is a crossover between terrorism and human trafficking offences, we will explore the fact, that most investigative units and organizations working in the fields of human trafficking and counterterrorism focus on their individual expertise, leaving out other offences that do not relate to their mandate. In public administration, this is often referred to as “siloining” or “working in silos” and affects departments and organizations across the boards (Froy, 2016; Leiren & Jacobsen, 2018; Trimble, 2019). This is well put by Scott Pattison, who has said, “Good management in state and local government demands that

people work together in pursuit of important—often cross-cutting—goals, [...]. Surprisingly, despite many state and local officials lamenting the problem of silos in their governments, many still exist” (Pattison, 2006, s.d.).

Throughout the research, we will look into various scenarios where this happens, covering national and international organizations, departments and units, showing that they tend to sequester the information at their level and not share it outside of their boundaries, causing key pieces of information and knowledge to remain inaccessible to stakeholders that would largely benefit from it. This applies often in the law enforcement sphere (RCMP, retrieved 2020-01-21), where we traditionally see the retention of intelligence and expertise within specific groups, and there’s a variety of reasons why this happens, but generally it is implied that it is to protect the integrity and ownership of their respective investigations.

Another aspect of looking at the “siloiing” is to address the disconnect between the different fields of intervention when dealing with cases that have multi-jurisdictional and international components. Law enforcement, justice, and non-governmental organizations (NGOs) have yet to find a way of working together collaboratively to attain their individual mandates while aiming at fulfilling their common objectives (Stigall, 2016).

At the national level, we considered organizations involved in investigating and prosecuting offences relating to human trafficking, terrorism, and crimes against humanity, including war crimes; such organizations were the Royal Canadian Mounted Police (RCMP) and the Department of Justice (DOJ) Canada. Meanwhile, at the international level, we considered organizations at the forefront of the fight against these phenomena, either raising awareness, promoting cooperation, providing training and capacity building, policy and strategic guidance, rule-of-law and victim services: the Organization for Security Co-operation in Europe (OSCE), United Nations Office on Drugs and Crime (UNODC), International Criminal Police Organization (INTERPOL), European Union Agency for Law Enforcement Cooperation (EUROPOL) and NGOs, were our stakeholders.

To explore this component, the research will focus on the hypothesis that by working in “silos,” the application of international law, conventions, and protocols is met with extreme difficulty at state levels when it comes time to put them into practice (Marret, 2018).

Although not all the organizations at national and international levels have the mandate or authority to enforce such provisions, they are, nonetheless, the ones at the forefront of training, awareness, and policy advisory in most cases. This research will demonstrate that “siloining” happens in an array of situations and contributes to the dysfunctionality of national and international cooperation between stakeholders who are, in theory, working toward the same outcome.

Largely, there is not much expertise in this field when terrorism and human trafficking overlap (at least, not at the investigative level): few subject matter experts possess sufficient knowledge to look into these offences from different angles. Often opportunities to prosecute under the umbrella of international laws, conventions, and protocols are overlooked or not considered just because they are not sufficiently known to all the stakeholders, even though they comprehend provisions that allow them to do just that (Kaponyi, 2007).

Individually, this forms a certain limitation to the extent of what this research could reach in terms of data collection, but it is not the only limitation identified. Another major obstacle to data collection in this subject is the restricted access to conflict zones where the phenomenon of human trafficking as committed by terrorist organizations usually occurs.

Although international organizations and experts recognize that human trafficking in its diverse forms is being largely used by terrorists’ groups as warfare; we yet fail in breaking the silos that contribute to its impunity. Terrorists ought to be held accountable for the totality of their actions; the rule of law must not be a “pick-and-choose” commodity. To a more dramatic extent, I say that working in silos advantages terrorists, provides a sense of increased victimization and injustice to those affected by this phenomenon, and discredits the work of law enforcement and justice practitioners both nationally and internationally. We

owe accountability to the victims of these atrocities; we must honour the vows sworn, to protect and to serve the innocent and the vulnerable, who cannot defend themselves from such evil and ruthless practices.

The studying of this “siloining” is necessary for understanding the lack of prosecutions for human trafficking offences when committed in conflict zones; the phenomenon estimated by international organizations and NGOs as occurring in large numbers contrasts with the number of accusations against terrorist and non-state armed actors who commit the same offences.

This is a problem identified by various stakeholders at national and international levels operating in the fields of law enforcement, legal policy, and NGOs aiming at protecting the victims of human trafficking when committed in conflict zones. We will explore the answers provided by these experts regarding what causes the “siloining” effect in their specific fields of operations and in the furtherance of the application of the rule of law when collaborating with external stakeholders.

This research will analyze the elements that constitute the problem, to suggest plausible solutions and frameworks that can enable resolution of the lack of prosecutions when this phenomenon occurs.

With the certitude that national and international laws, conventions, and protocols are sufficient to provide law practitioners and law enforcement with the required tools to battle the problem of lack of prosecutions where terrorism and human trafficking cross paths, we will revert to the difficulty of its translation into practice by analyzing what can be considered as a dysfunctionality or a challenge for the rule of law. Here, too, we will address the concept of “siloining” as having great influence in the application of the rule of law, somewhat overshadowed by the normal bureaucracy that forms the public administration.

The objective of this research is to scrutinize the various aspects of the phenomenon and the impunity associated with terrorist organizations for human trafficking offences, addressing the issue from different perspectives and breaking it down for the reader in sensitized portions that will allow to understand the complexity of this phenomenon and the problem it creates as viewed from experts from different fields, while validating the theory of causality of “working in silos.”

Without focusing on negatively criticizing the hard work put forth by those fighting this phenomenon every day, this paper will look into the possible solutions, suggesting avenues to assist national and international stakeholders in countering impunity of terrorists for human trafficking offences in a section dedicated to recommendations. These recommendations are not only the writers’ but as well those of some of the participants interviewed, who had direct knowledge and are implicated at different levels in attempting to counter this impunity.

We will begin in Chapter 1 by analyzing various reports drafted on behalf of international organizations responsible for countering both terrorism and human trafficking; review academic literature written on this subject and consult media reports, outlining the heartbreaking stories from conflict zones where this phenomenon of human trafficking committed by terrorist organizations is ubiquitous. We will also include an overview of information collected from webinars attended by the writer concerning the subjects discussed in this research.

This chapter will be divided in two distinct categories: The Phenomenon and The Problem. The first portion will focus on collecting information about the current knowledge of the phenomenon of human trafficking when committed by terrorists in conflict zones. The second part will gather information on the current state of the problem, which is identified as the impunity of terrorists for human trafficking offences when committed in conflict settings.

Chapter 2 will begin by exposing the hypothesis that the cause for the lack of collaboration happens in great part as a result of working in silos. Because some of the terms used in this paper are not equally or generically accepted by all states in the same way, we will continue by defining the terminologies that will be used in this research, commencing by defining what forms our hypothesis, “working in silos.”

Defining “terrorism” is yet a great achievement to accomplish for the international community. Several distinct alliances between member states fail to recognize the application of a standard definition for terrorism, geopolitics playing a strong role on this colossal task. Without removing from the importance that the need for a consensus in determining what terrorism means for the international community, for the purposes of this paper, the armed groups identified and discussed have all been internationally recognized as terrorist organizations. Consequently, we will abstain from further examining this element, focusing instead on the international known terrorist groups: al-Qaeda, al-Shabaab, Boko Haram, and ISIS.

Human trafficking, on the other end, seems to have found an international definition as per the United Nations (UN) Protocols and other International Organizations or Inter-Regional Organizations provisions: there is much more consensus to what forms a human trafficking offence. However, here too, it sometimes becomes difficult to determine where national culture or beliefs prevail over international definitions. Despite the adoption of international definitions, each state member must then ratify these changes as per their national laws and regulations. This leads quite often to a change in the language and terminology adopted by member states, creating distinctive dispositions for what constitutes the offence of human trafficking.

For the purposes of this paper, we will say that the interpretation of the UN definition of human trafficking is forced marriage, forced labour, sexual exploitation/sexual slavery, slavery, illegal trafficking of human organs, child soldier recruitment, and forced criminality.

The importance of addressing the issue of the impunity of terrorists for core crimes such as human trafficking is key not only for bringing a sense of justice to the victims, as well as the commensurate support measures that accompany such provisions, but also, and just as important, is to re-establish trust in the rule of law, from law enforcement up to the full scope of the justice system at the national and international level.

Chapter 3 will provide an overview of the methodology used in this research, from the literature review to the interviews with identified experts of different organizations involved in countering this phenomenon at the national and international level. It will identify how the data was collected, provide insight into the background of the interviewed participants from the data collected about their socio-demographic information, and conclude by providing the questionnaire distributed to collect the data later analyzed.

We conversed with Subject Matter Experts (SME) in the fields of counterterrorism, human trafficking, and international policy and cooperation from government and non-government organizations. Chapters 4 and 5 will analyze the interviews with these participants, specifically in the context where terrorists exploit human trafficking as warfare, covering different regions where the phenomenon occurs and discussing the challenges in addressing this phenomenon. The focus is on the process from the moment the phenomenon happens until it becomes an international problem requiring the attention of organizations such as the UN, North Atlantic Treaty Organization (NATO), or other coalition forces. This analysis will be divided into two chapters. Chapter 4 analyzes the participants' perspectives on the phenomenon of human trafficking when committed by terrorist organizations, the lack and scarce number of accusations for the totality of their crimes, and the current status of national and international cooperation between the different stakeholders on both these fields. Chapter 5 will explore our hypothesis by enquiring of the participants if working in silos has an impact in these scenarios, exploring whether the consequences of siloing were warranted and addressing with the participants additional causes that contribute to the problem of impunity.

Although the writer had a proposed theory for the problem being studied, additional elements could be identified that contribute to enrich the study of this under-assessed subject.

A discussion of the results on Chapter 6 will summarize the findings from all previous chapters and put them in correlation to what surfaced from the participants interviews, setting the table for the conclusion and recommendations that will follow.

In the conclusion, an argument will be made that there are enough existent dispositions that allow for such impunity to cease and to bring before the competent judicial institutions cases that can be a detriment to other terrorist organizations attempting to utilize this phenomenon as a tactic to gain advantages under the belief that no consequence will follow as result of their actions. Should the involved stakeholders find a way to break down unnecessary silos and work in a collaborative approach, the impunity of terrorist organizations for human trafficking offences and other international core crimes would be severely impacted in a positive way by holding the perpetrators of such crimes accountable for all their actions.

1. LITERATURE REVIEW

In the first portion of the literature review, we will address the phenomenon of human trafficking when committed by terrorist organizations in conflict settings. We will demonstrate that it exists and that it is widely recognized by distinct groups of practitioners, academia and policymakers. However, even though we can demonstrate the existence of the phenomenon, the lack of data emerging from the conflict zones will not allow to quantify the phenomenon in clear figures.

The second portion of the literature review will cover the lack or scarce accusations for this type of crime when committed by terrorist organizations, thus representing the problem addressed in this research and, as such, the impact of the phenomenon: that the problem of impunity impacts organizations and individuals in a vast array of ways.

To set the table for the upcoming chapters, the writer consulted various articles, reports, and books and attended webinars on human trafficking in conflict zones, terrorist activities in conflict settings, international cooperation, evidence collection, policy, and law. Once the status of the current knowledge of the subject has been established, we will focus on the validation of the hypothesis of working in silos as a key factor contributing to the problem of impunity.

1.1 The Phenomenon

Even though the topic of the correlation between terrorism and human trafficking is fairly understudied or, at least, could benefit from much more attention, one had no difficulty in finding sufficient data to determine that it exists, it is complex, it requires a substantial level of knowledge in two or more distinct disciplines and often, one discipline is neglected to the

detriment of the other. Nonetheless, the phenomenon is here to stay and has been widely and openly publicized by those committing these atrocities.

Consultation of a considerable number of scientific papers, books, official reports by international organizations, UN special rapporteurs' submissions, academic works, journalistic investigations, and media reports provides sufficient elements to refute that human trafficking has become a "tool" of predilection to terrorist organizations.

In some cases, human trafficking is utilized at such an exponential level that it amounts to crimes against humanity and genocide, leading to the creation of special tribunals and commissions by international organizations as a reactive measure to deal with such phenomena. Examples can be taken from the recent created United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD, 2018).

In a recent book from Trilateral Research with contributions from practitioners and academia (Muraszkiewicz et al., 2020), the historic correlation between conflict and human trafficking surfaces, avouching slavery and sexual exploitation as previously used as a "spoil of war." Nonetheless, the expectation that societies evolve and that such behaviour is highly shocking ends only with the evidentiary argument that "it still continues." A variety of efforts are therein named for actions in fighting human trafficking, referring to reports and awareness raising by international organizations and institutions such as the International Criminal Court (ICC), North Atlantic Treaty Organization (NATO), United Nations (UN), European Union (EU), Organization for Security Co-operation in Europe (OSCE), United Nations Office on Drugs and Crime (UNODC), Non-Governmental Organizations (NGOs) and the media, as well, some countries being individually named as collaborators. The introduction leaves no question on what to expect from this book's findings: "[...] there is significant work that remains to be done on a global level. A key part of this is the need to communicate better across borders, jurisdictions, disciplines, and legal and political structures" (p. viii)

For example, collecting empirical data through interviews with accounts of the experiences of victims fleeing conflict zones where this phenomenon has predominantly been carried out, has been mostly done by NGOs and media sources. Such have been the cases widely mediatized of the Boko Haram abductions of girls and boys from schools in Nigeria, as well as of the ISIS atrocities committed against the Yazidi population. One of the great lacunae has been the establishment of the links between human trafficking and terrorism financing, where we find the data used to be less empirical. Since the intent of the research is not to determine which type of advantage human trafficking in conflict is generating for terrorists and terrorist organizations, we will not look in-depth into this element, but will argue that undoubtedly human trafficking is advantaging terrorists.

The various authors contributing to the book *Human Trafficking in Conflict: Context, Causes and the Military* (Muraszkiewicz et al., 2020) have provided different perspectives about the phenomenon of human trafficking in conflict zones and made correlations to terrorist organizations such as ISIS, Boko Haram, Al-Shabaab and The Taliban, just to name a few. Conflict areas such as Syria, Iraq, Colombia, Democratic Republic of the Congo (DRC), Libya, and Nigeria, among others, are widely mentioned in the book in correlation to human trafficking and terrorism. The complexity of dealing with this issue and the need for multi-stakeholder cooperation is highlighted throughout the different chapters, and additional comments will be provided as we move along in the text.

It was in this realm of multi-stakeholder cooperation that I found a few interesting chapters that mentioned the difficulty in accessing data resulting mostly from the conflict setting. Another observation was the substantial reliance on the military as a resource, not only in terms of intelligence collection, but in association with the concept of human security. The authors analyze the role of the military and the obligations imposed by international humanitarian law and international human rights law, as some make a correlation between crimes against humanity and human trafficking when the latest is committed in conflict zones.

Some publications include empirical data, like evidence recovered post-conflict such as the bookkeeping used by ISIS to document their slave market (Mamoun, 2014). There was as well their own online publication, *Dabiq* (Ingram, 2018) where they provided insight to their fighters on the parameters of slave taking and trading, justifying it based on their religious interpretations and practices.

Smith (2020) provided a good review point about the data being used by international organizations to describe the nexus between terrorism financing and human trafficking. Although we will not be focusing on the specifics of advancing that terrorist organizations utilize human trafficking as a financing source, we will argue that terrorist organizations reap material benefit from human trafficking, and this can be interpreted in different forms.

In point of this are the documented cases of ISIS and Boko Haram selling human beings as slaves. This is the same view that Stergiou (2016) outlines in his paper while referring to the data obtained by the Financial Action Task Force (FATF) when discussing the ISIS phenomenon. Although, to what extent it qualifies as terrorist financing cannot be substantiated by empirical data because of the lack of research on this field; there is no doubt in my view that it does qualify nonetheless as human trafficking by terrorist organizations, which is the argument I am advancing in my research. Another interesting point raised by Smith (2020) was about the perception of the experts he interviewed in the usage of military tactics to fight human trafficking:

With the exception of one Nigerian security official, each of my respondents cautioned against using the kinds of militarized tactics associated with counterterrorism policy. Several worried that treating traffic as a hard security issue risked creating unintended, adverse results for international security and trafficking victims alike. (Smith, 2020, p. 59)

This is particularly of note as it will be addressed during the conducted interviews.

No fewer than 16 authors contributing to the book *Human Trafficking in Conflict: Context, Causes and the Military* (Muraszkiewicz et al., 2020) believed that the subject of using the military in this setting was such an important component affecting the phenomenon of human trafficking in conflict that they dedicated seven chapters of the book to analyzing the responsibility, the obligation, the training, and the contribution of the military in fighting human trafficking in conflict. There are instances where authors analyzed specific conflicts to address the role of the military pertaining to the combat against human trafficking. When looking into the probable roles of the military in combating human trafficking, the author Olivia Iannelli was confronted with the same observations that “[...] to truly combat the trafficking of children, a transborder, multi-agency and multidisciplinary response is required” (Muraszkiewicz et al., 2020, p. 249).

Local military forces do not give human trafficking in conflict zones the importance that it requires; they could contribute to reducing impunity by collecting evidence that could later assist in prosecuting the perpetrators. However, to collect evidence and know the impact that human trafficking can have from a societal point of view, there is a need to first understand the phenomenon and its causality. This is where the international community must play a determinant role, where national infrastructures are dysfunctional in that they rely on third parties to provide guidance and assistance. As a complex issue, human trafficking requires a special set of skills; when crossed with other issues that might have a major political implication, such as the fight against terrorism, the influence of external stakeholders can determine how efficiently (if at all) the problem is assessed. Not all is bad news, however: NATO, OSCE, UNODC, EU, and other regional and international organizations have largely contributed to filling this knowledge void in certain conflict zones, by raising awareness and promoting capacity building.

In identifying several types of human trafficking offences, the international community cannot ignore the contribution of non-political organizations that need not balance political orientations or considerations, such as the media (Ahlert, 2015), who have provided considerable work that

have enabled such trends to be identified. A free-speech approach by investigative journalism has greatly contributed to denouncing human trafficking offences committed in conflict zones by terrorist organizations and non-state actors (Obaji, 2018). To a certain extent, they have identified not only the perpetrators but the offences they are committing and the purpose they fulfill (Shelley, 2014). Such reports, created by the privileged access the media has in conflict zones where military, law enforcement, and justice personnel typically have no access, has forced the hand of state members and international organizations to recognize the problem while attempting a solution-based approach (Bacchi, 2018).

One of the most fascinating findings in the context of this research is the link between human trafficking in conflict and the concept of human security through the lens of the military. The correlation made between these two issues provides an eye-opener for those who do not see civil–military cooperation as necessary; from the military’s human security perspective, it has a direct impact on their mandate and actions on the ground. There is no doubt that as human trafficking in conflict continues to flourish and the lack of data collection from conflict zones prevails, Haley Watson on Chapter 15 (Muraszkiewicz et al., 2020) saw the need for cooperation and collaboration as a key part of the solution: “[...] partnerships between the military, civil society, private sector and the research arena is essential in developing appropriate means to inform and support decision-making” (p. 313).

If questions arise linking the fight against human trafficking in conflict to the role of the military, if assessed from a human security perspective, especially when committed by terrorists or terrorist organizations, it is the writer’s opinion that this question no longer bears resonance, it is an established fact that we must implicate the military in this fight to succeed.

Without using the term “siloining” or “working in silos,” what Haley Watson suggests is nothing more than the breaking down of silos by promoting multi-stakeholder cooperation, although reference is made to the complexity and risks associated with this type of offences as well as the need for specialized personnel. Understanding human trafficking in a normal setting is complex; understanding human trafficking in conflict becomes more complicated;

understanding human trafficking in conflict when committed by a terrorist organization requires a very broad understanding of this phenomenon and a quasi-case-by-case analysis. I argue in this paper that the problem is the impunity of terrorists or terrorist organizations for human trafficking offences in conflict zones. The curveball comes when it is time to address the “principle of non-punishment” comprehended in anti-human trafficking legislation. The principle of non-punishment simply states that a victim of human trafficking who was coerced or forced (as part of being trafficked) to commit an offence that normally would be punishable under a criminal act/code shall not be criminalized in such circumstances, as it forms part of the exploitation or occurs under the care and control of the trafficker (e.g., child soldiers committing rape and murder).

Using a distinct approach emerging from philosophy rather than from sociology, not giving *carte blanche* to terrorists, rather carefully analyzing the actions carried by them and under which circumstances they were committed Julia Muraszkievicz says on Chapter 11 that

[...] because in this instance we are dealing with the heavily politicized arena of terrorism in conflict, where a desperation for deterrence and a blindness to see many of the returnees as victims of human trafficking compelled to commit crimes reigns. In this instance, the consequentialist line of thinking may be turned to argue that we need to punish returnees, because it will in fact deter others and therefore it is better for society. (Muraszkiewicz et al., 2020, p. 226)

Where the lines become intensively blurred is where the phenomenon of human trafficking crosses with terrorism, becoming a political agenda matter above anything else.

During the review of the literature and the legislation covering this phenomenon, various authors have referred to international protocols, statutes and laws to back up their claims. Such references were even more noticeable in the review of the works completed by the UN Special Rapporteurs on Trafficking in Persons, especially those reporting on the trafficking of women and children. In their various reports (UN GA, 2016a; UN GA, 2016b) submitted to the UN General Assembly, as well as the different UN resolutions on the subject (UN SC,

2016b; UN SC, 2017b) the phenomenon of human trafficking in conflict is widely mentioned with certain reports clearly pointing toward specific terrorist groups such as ISIS, Boko Haram, and al-Shabaab, just to name a few. One observation made by the special rapporteur is that the UN Security Council specifically addresses trafficking in persons as part of its mandate for international peace and security, “with a special focus on terrorism” (UN, 2017a). Another correlation made by different entities within the UN pertains to the gender dimension of human trafficking in conflict (UN, 2019; UN, 2017b). Although I acknowledged it to be a valid and substantial point for the UN to consider gender analysis, making this differentiation in the present research would not have an impact on its intended objective. As I am looking into the offences of human trafficking when committed by terrorists in conflict zones regardless of the gender of the victims, I will not differentiate it for the purposes of this paper. The phenomenon, as explained throughout the research, demonstrates that women, men, and children have suffered human trafficking at the hands of terrorist organizations in conflict zones (UN, 2018a).

The *UNODC Global Report on Trafficking in Persons* (UN, 2018b) provides a reference to the UN Security Council resolution that acknowledges that the UN is aware of this phenomenon: “[...] the Security Council reiterated its condemnation of all acts of trafficking undertaken by the Islamic State of Iraq and the Levant (ISIL), Boko Haram, Al-Shabaab, the Lord’s Resistance Army and other terrorist or armed groups for the purpose of sexual slavery, sexual exploitation and forced labour in Resolution 2331 of December 2016” (UN, 2016c); yet this acknowledgment also breaks down the different forms of human trafficking, which in my opinion contributes to blurring even more the lines on understanding this phenomenon. When a term defines the overall of the offences therein stated, one must question the need for such a distinction: are we to leave out the other forms of human trafficking committed by terrorists? This observation is important not as a negative criticism but rather as an indication of what the writer will advance later on, pertaining to the fact that there are too many new terms being created to define what has already been largely defined in human trafficking. Changing its name does not fix the problem.

Finally, and with the belief that the phenomenon of human trafficking when committed by terrorist organizations is self-explanatory and omnipresent in various conflict settings, I will end this section by adding various additional works and contributions from other actors not part of the UN nor affiliated sections of the UN that provide an overview of the phenomenon:

Terrorist networks including ISIS have entered the human trafficking market with their own brutal ideology of subjugation, fear, and profit. The human rights abuses are self-evident: kidnapping, rape, forced labour, and torture number amongst the atrocities committed against trafficking victims. (Welch, 2017, p. 166)

These reports, from the fields of policy, strategy and politics and addressing the phenomenon from areas such as prevention and prosecution, reference different conflict areas such as Nigeria (Zenn, 2018) and make specific correlations between human trafficking and terrorism or terrorist groups. Some focus only on a specific type of human trafficking offence; however, the concepts are applicable to human trafficking generally and, for the purposes of this paper, they give insight to the phenomenon of human trafficking when committed by terrorists in conflict (Scheper-Hughes, 2016).

During the webinar¹ “The importance of a label: understanding the impunity gap for conflict-related sexual violence crimes associated with slavery and trafficking,” administered by the UN Team of Experts-Rule of Law/Sexual Violence in Conflict on Jan 25, 2021, various speakers discussed the phenomenon and problem I address in this research from different perspectives, much in line with the writer’s approach. There was consensus throughout their contributions that human trafficking is traditionally used by terrorist organizations, as highlighted by Professor Patricia Sellers, the webinar’s moderator.

¹ “The importance of a label: understanding the impunity gap for conflict-related sexual violence crimes associated with slavery and trafficking,” administered by the UN Team of Experts-Rule of Law/Sexual Violence in Conflict. Webinar attended on 2021, January 25.

From a victim perspective, Yazidi lobbyist Ameena Saeed provided a gruesome recounting of the atrocities lived by and the stories collected from the Yazidi population, while asking for the prosecution of the terrorist who committed those crimes as a key element in bringing a sense of justice to the victims (UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, 2021), this being what constitutes the problem I have researched in the next portion of this paper.

1.2 The Problem

The literature concerning the non-adjudication of cases of human trafficking committed by terrorists in conflict zones is a scarce resource; so is the prosecution of such cases, which in part justifies one another and is the fundamental problem we are analyzing. In essence, it provides me with a certain level of assurance that this problem is (as mentioned previously) an under-researched issue. Although some may ascertain that impunity is not only present in conflict zones when discussing the nexus between human trafficking and terrorism, I argue that it is so flagrant in such cases that it deserves to be more researched and analyzed.

The United States (US) Department of State annually releases the *Trafficking in Persons Report*, known to practitioners as the TIP report. These reports analyze the number of human trafficking accusations globally while providing ratings to the countries based on their reported cases. Although the reports are a good source of information, they only work if the states cooperate in providing data for them. One point that needs considering in analyzing this data is the writers' observation that there is a problem of "siloed" data. According to the 2019 TIP report, "[...] most data are accessible only to the collecting organization and, in some cases, their funders, and not to other researchers, academics, practitioners, and policymakers" (US State Department, 2019, p. 16). This affirmation raises questions regarding the accuracy of the information provided in the TIP reports; nonetheless, it remains one of the few sources that can quantify the problem of human trafficking globally. I will

touch on this in the next paragraph, I caution against relying absolutely on the figures provided in the report.

The report does confirm, by way of its “tier” rating formula, that where a conflict has been identified, the state struggles in applying human trafficking legislation, which is in line with the previous findings of the research in this paper. The conflict areas have a Tier 2 attribution (including a watch list), Tier 3, or special cases gradings. If we advance further into both TIP reports (2019–2020, to remain contemporary), and more specifically in what concerns Canada, to analyze it from a national perspective, Canada is in a Tier 1 group, meaning that it is compliant with the requirements on combating human trafficking. However, one must question the source and accuracy of this information, as both reports mention that “[...] although the government meets the minimum standards, it did not provide comprehensive data on investigations, prosecutions, and convictions from all jurisdictions or on victims provided with services nationwide [...] federal government did not maintain a national database [...]” (US, 2020, p. 143–144). Once more the data, or lack thereof, raise questions as to the credibility and rigour of these reports. However, the reports confirm qualitatively the extent of human trafficking offences in different forms while it cannot, in my opinion, be seen as a quantitative source of information due to the data loopholes.

When looking into the specificity of the problem, the impunity of terrorists to human trafficking offences in conflict zones, analyzed by country (Iraq, Syria, Nigeria...), the reports provide a correlation between both offences and clearly explore their nexus with examples of types of offences committed; and we conclude that the investigation and adjudication of such cases are nonexistent or negligible.

OSCE personnel consulted during this research mentioned that the organization was soon to launch a report aiming at covering an in-depth legal analysis of human trafficking from the terrorism perspective. Until then, other international organizations such as UNODC have looked in part at this problem. In Chapter 12 of *Human Trafficking in Conflict: Context,*

Causes and the Military, Olivia Iannelli mentions that “[...] conflicts also lead to a weakening rule of law, the reduction in the accessibility to social services and the breaking down of support systems and communities, thus laying the foundation for a culture of impunity, in which traffickers are able to operate easily without being prosecuted.” (Muraszkiewicz et al., 2020, p. 236).

These organizations recognize that impunity is an ongoing problem in conflict zones for reasons such as the lack of rule of law, broken legal systems, untrained law enforcement or military personnel in the area, and political will. The same report finishes by confirming the writer’s findings and validating the need for this research to look into this problem: “[...] human trafficking in conflict remains largely unnoticed by the military and other organizations, who do not consider it a priority in conflict areas. This is in part due to few cases being reported [...]” (Muraszkiewicz et al., 2020, p.238).

Another important issue raised is the human security correlation to human trafficking in conflict, the lack of understanding by state and military forces in conflict zones, which hampers their ability to establish a peaceful environment. Rather, it fuels the conflict in that it disregards the conditions in which local populations are being submitted to cruel and inhumane treatment.

The UN has come to the realization that the deterioration of the capacity of state institutions to resolve conflict is a major issue to be addressed in dealing with impunity. One must first know what crime is being committed before considering punitive measures. Observations made by the special rapporteur on human trafficking refer to the outcome of the problem this research addresses, the impunity of terrorists to human trafficking offences:

The work of the mandate holders has confirmed that the problem of human trafficking continues to be endemic in all parts of the world. While awareness of trafficking and of relevant rights and obligations has improved significantly, it has not resulted in substantial improvements on the ground. Large numbers of women, men and children continue to be exploited; very few receive support, protection or redress; few of the

perpetrators are apprehended; and in every country the number of prosecutions remains stubbornly low. (UN, 2014).

As I proceeded in looking into the literature covering the impunity of terrorists to human trafficking in conflict, one of the points that caught my attention was that not only did all the literature reviewed confirm this impunity, but the vast majority provided possible solutions to counter this problem. Researchers and practitioners, both mentioned provisions available to tackle these types of cases where there is a crossover between both offences and even when it occurs in conflict. Some authors highlighted the need for better understanding of the phenomenon (Gonzalez, 2013) as cause of the impunity, whereas others were categorical in pointing out that “[...] conflict fuels the impunity, the breakdown of law and order, the destruction of institutions and communities that foster the conditions within which trafficking will flourish [...]” (Gallagher, 2015)

Prosecuting such cases has not been a prominent avenue for law enforcement and prosecutors. Given that there are possible dispositions (EUROJUST, 2020; Gallagher & Karlebach, 2011) in the various laws, some states have started to look into this dual offence possibility and attempt to create precedent. Meanwhile, the international community of law enforcement and justice is impatiently monitoring the daring of some few in bringing such cases before the courts, mostly in Europe (El-Hitami, 2020; Cuyckens & Paulussen, 2019; Bell, 2019).

From the legal framework angle, in highlighting the complexity of the international community in dealing with these cases, Malik & Benotman (2016, p. 12) mention that “[...] a dilemma within international law centers on how to prescribe universal principles of human rights issues while continuing to respect a diverse array of cultures and national interests.” Malik, has extensively researched and published various papers on the subject of human trafficking. In one of her co-authored works, she makes the correlation between international law and a state political/military will, which contrasts with the data collection to investigate and adjudicate such cases:

Crucial to any prosecution is the quality of the investigation supporting it. Investigating international crimes entails various challenges. If occurring within the context of ongoing conflict, investigations are likely to face noncooperation from authorities in the territory in which the crimes occurred. As the ICC has no enforcement arm, it is, therefore, at the mercy of national cooperation. (Kenny & Malik, 2019)

The lack of data does not represent their nonexistence, it means only that collecting such data has not been successful. In analyzing Canada's particular role in pursuing the fight against impunity, we can undoubtedly say that it has not been the greatest, in part maybe warranted, because we are not affected by this phenomenon as much as other western countries (such as most of Europe). However, in the cases that we had in Canada until very recently, it is no secret that the way we dealt with such issues left much to desire, so much that the Prime Minister had to come up with a new strategy aiming to "[...] coordinate efforts to prosecute terror suspects to the fullest extent of the law." (Gurski, 2020, s.d.). A question arises: what is the understanding of Canadian institutions about where the line shall be drawn to meet this goal?

The themes of evidence collection in conflict, successful investigational models, international cooperation, and enforcement of international laws and provisions to fight impunity of terrorists for human trafficking and other core international crimes in conflict were discussed by the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict in a recent webinar. Experts from the UNODC, OSCE, Commission for International Justice & Accountability (CIJA), Rule of Law and Policy researchers debated the specificities of evidence gathering in conflict, the dangerous and volatile working environment, the psychological burden affecting the victims, and the inability for national or local law enforcement and justice system to process these cases. They identified laws and provisions at international and national levels that could be used to prosecute cases where terrorists commit other core offences, if following a model of evidence collection that meets or exceeds the standards of international criminal courts. Although the recognition that the Palermo

protocol and other international laws include provisions was mentioned, to a greater extent the missed opportunities to bring cases forward was strongly acknowledged and discussed; it not being used, led to impunity. Because none of the organizations present was an investigative body, providing support in capacity building, training, and fostering partnership was the only contribution they could provide. Undoubtedly, international policy plays a leading role; however, without the political will to drive these efforts, they become shortcomings in closing the impunity gap. The great challenges of working in restricted and dangerous territories where conflict is ongoing is amplified by the complexity of these cases as well as the human and financial support and resources that they inevitably require (UN Team of Experts-Rule of Law/Sexual Violence in Conflict, 2021).

William Wiley, founder of the Commission for International Justice and Accountability (CIJA), in a webinar ² entitled “Operations in Syria and Iraq vis-à-vis the Assad Regime and Da’esh,” provided a glimpse of how the access to the field (conflict zones) is complicated, discussed the various security issues in accessing very high-risk areas, sometimes via other NGOs. As a criminal investigative body using sources, associating with armed groups in conflict so they can collect evidence (but will not do so with terrorist organizations) and based on public-private partnerships, CIJA’s approach follows that of the international tribunals, using similar parameters for evidence collection for this one to be admissible. In the case of the Syrian/Iraq ISIS scenario, they collected over 1.4 million pages of documents/paper evidence. The evidence collected in Syria relating to Da’esh organizational structure and directives to their ranks/members, is being digitalized in a King’s College depository for documentation. Additionally, CIJA interviewed over 4 000 people in conflict zones and recently provided information to the federal German authorities/police on a criminal case, testifying in Court about the structure of Da’esh.

² Commission for International Justice and Accountability - Operations in Syria and Iraq vis-à-vis the Assad Regime and Da’esh.” Webinar attended on 2021, February 24.

During the webinar, I inquired with Willey if, in his experience, “working in silos” for law enforcement and prosecutors was contributing to the impunity of terrorists for other core international crimes such as human trafficking. In his reply (“yes and no”), he mentioned that the problem was not on the prosecution side but rather on the law enforcement side and that it occurs as soon as counterterrorism units are implicated in the process, mostly because of the way they operate (Commission for International Justice and Accountability, 2021).

Other authors mentioned that instead of using special provisions to address human trafficking when committed by terrorist organizations or when advantaging terrorist activities, they should be considered an extension of terrorism. Malik (2017, p. 53), mentions that “Human trafficking connected to terrorist groups should be treated as aiding and abetting terrorism”.

If we consider that a combination of both propositions could most likely resolve a great part of the issues resulting in the impunity of terrorists for human trafficking, it is the application of any proposed framework that may cause it to be dysfunctional if we do not break down the silos that raise barriers to national and international joint or multidisciplinary investigations, evidence collection, and cooperation.

After making such observations, we attempt to better understand what is creating the difficulties in international cooperation. The webinar ³ “The future of international policing: increasing effectiveness & impact through global partnership” provided an overall idea of what those difficulties could be. Experts and practitioners from INTERPOL, UN, United Nations Police (UNPOL), and the EU provided field experiences and new strategic goals for the upcoming years based on lessons learned. The limited resources, the diversity of conflicts, different realities, and Modus Operandis (MO) were some of the factors discussed, UNPOL

³ “The future of international policing: increasing effectiveness & impact through global partnership.” Police Division of the Office of Rule of Law and Security Institutions in the Department of Peace Operations, together with the African Union, EU and INTERPOL. Webinar attended on 2021, February 24.

acknowledging their roles in providing training, capacity building, strategic direction, and operational support to the states where they operate, sometimes as lone actors operating in conflict areas. Referring specifically to transnational criminal organizations and terrorist organizations, Alexandre Zouev (Assistant Secretary-General for Rule of Law and Security Institutions) touched on a subject that demonstrates how perpetrators tend to find ways to resolve their problems with simple solutions: they “[...] have much better global connections, global alliances and flexibility.” The experts invoked the need for specialized policing services with diverse knowledge, as well as cooperation between national and international stakeholders. Often in such conflict settings, trust must be established before engaging with local law enforcement, considering that they can be militarized, politicized, and corrupted, affecting the success of international cooperation efforts. The UN members mentioned the need to focus on the geo-politico-social-demographic needs of the area where they are intervening, leaving more space to the state authorities, and bringing partnerships down to local levels to have an impact, all while ensuring a transition plan after the UN withdrawal.

In terms of international cooperation, the experts mentioned the need for civil–military cooperation, with mobilization and integration of operational capacity while developing additional partnerships, integrating the fight against the internationalization of criminality. Partnerships between organizations should look into how to better complement each other and cover the gaps left in fighting international criminal organizations operating in states where the rule of law and capacity is not comprehensive. (Police Division of the Office of Rule of Law and Security Institutions in the Department of Peace Operations, together with the African Union, EU and INTERPOL, 2021).

To conclude, we can clearly identify the phenomenon of human trafficking by terrorist organizations as omnipresent in conflict settings, that internationally, organizations, experts and practitioners recognize the existence of the phenomenon and confirm that addressing the problem of impunity of such crimes is complex and requires cooperation between multiple

stakeholders. The reasons for the nexus between terrorism and human trafficking are countless; so are the difficulties in countering this phenomenon.

In the next chapter, we will explore the hypothesis of our research that advances that working in silos reduces the capability to counter the problem of impunity, as it hampers stakeholder cooperation, knowledge, and expertise sharing, as well as resource efficiency. We continue by defining the elements that frame the phenomenon and the problem and that contribute to proposing viable solutions to counter the impunity of terrorists to charges of human trafficking and other core international crimes.

2. HYPOTHESIS AND CONCEPTS

This chapter is composed of two subsections. The first presents the hypothesis advanced, that working in silos hampers international cooperation and contributes to the impunity of terrorists and terrorist organizations for human trafficking offences when committed in conflict zones. This siloing is not only applicable from the law enforcement and the rule-of-law perspectives, but it also contains areas such as awareness, training, and capacity building.

To better understand the phenomenon and the problem that we will be analyzing in this research paper, we first must define the elements that compose it. Moreover, to understand the problem and the issues that contribute to it, we must provide a synopsis of the definitions considered throughout this research, which constitutes the second part of this chapter. Some of the terminology requires clarification before we continue; this chapter will demonstrate that not all definitions are globally accepted nor are all terminologies defined.

2.1 Hypothesis

Working in silos has long been applied in the field of public administration, with very specific sets of rules and standard operating procedures that aim at providing a certain framework for organizations to operate, establishing guidelines that become the boundaries in which their members operate. This practice is often translated into the structure of governmental and inter-governmental organizations composition. Authors such as Urban (2018) have focused on suggesting avenues for public servants to break down those silos; his approach is engaging in problem solving by working in an “horizontal” way, which contrasts with the obvious top-down management (vertical) approach often seen in public administration. Equally interestingly in his remarks was his acknowledgment to the effect that although “Governments around the world are struggling to solve urgent problems [...], [t]he fact that governments’ traditional structures align poorly with some of the problems they need to address cannot be an excuse for inaction” (Urban, 2018, s.d.). This is particularly important

as we address an issue that is both complex and urgent and through which the consequences of inaction are tangible impacts on human beings.

One will argue that a certain level of bureaucracy and siloing is necessary to ensure that organizations operate within the mandates delivered to them and for which they were initially created. It is thus understandable that, in the instances we will be analysing, the roles of judges, when compared with the roles of prosecutors or even of law enforcement officers, are distinct from one another and framed within certain silos that are nothing short than necessary. The same applies when analysing the roles of international organizations, within their specific mandates, create operating silos that inarguably are necessary in certain contexts. Rather, I argue that where mandates cross each other, such as in the case subject of this research (human trafficking offences committed by terrorist organizations), the effect of working in silos at national and international levels creates negative impacts such as impunity of terrorists to human trafficking and other core international crimes.

The research will examine the negative impacts of working in silos in this specific set of circumstances, where competition for resources, turf wars, lack of team cooperation, and disregard of organizational end goals can be detrimental to success.

2.2 Legal Dispositions, Definitions, And Terminologies

A few key elements require specific attention and definition. For the purpose of this research paper, human trafficking is defined as “trafficking in persons” as determined by the United Nations Convention Against Transnational Organized Crime – Palermo Protocol:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the

consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (UN, 2001, p. 32)

In Canada, the Criminal Code of Canada (CCC) defines “trafficking in persons” in Section 279.01 (1) as following:

Every person who recruits, transports, transfers, receives, hold, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable. (Government of Canada, 2019a, s.d.)

To understand this definition, we must then look further into the meaning of “exploitation,” which is provided to us in Section 279.04 (1) of the Criminal Code of Canada:

For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. (Government of Canada, 2019a, s.d.)

Considering that in the great majority, the offences relating to human trafficking when committed by terrorist organizations and non-state actors are committed in armed conflict zones, we must then de-conflict or, in my opinion, at least consider other provisions that can be useful in understanding this phenomenon. Therefore, other key elements that must be considered are the extraterritorial provisions as per the Canadian Criminal Code and the concept of crimes against humanity.

To this effect, section 7 (4.11) of CCC allows for the prosecution of perpetrators of human trafficking offences when committed outside Canada according to the dispositions of our national laws, as if they were committed in Canada:

Offence in relation to trafficking in persons - (4.11) Notwithstanding anything in this Act or any other Act, everyone who, outside Canada, commits an act or omission that if committed in Canada would be an offence against section 279.01, 279.011, 279.02 or 279.03 shall be deemed to commit that act or omission in Canada if the person who commits the act or omission is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the [Immigration and Refugee Protection Act](#). (Government of Canada, 2019a, s.d.)

I will refrain from using the term “modern slavery” in this research as I strongly believe that what it describes is no less than human trafficking, although in a different setting and scenario, bringing obligations on companies to report such practices in their supply chain. Canada recently introduced Bill S-216, intended to enact the Modern Slavery Act and to amend the Customs Tariff, which creates somewhat more difficulties in describing human trafficking and complexes to those who are not familiar with or do not have a working understanding of human trafficking elements, what this offence really amounts to in a normal setting (Government of Canada, 2020). In analyzing human trafficking committed under the umbrella of terrorism and terrorist organizations in conflict zones, one can argue that advancing with a definition of “modern slavery” per se would be pointless. Although I am forced by association to raise readers’ awareness of this newly emerged term to refer to human trafficking as previously herein defined, I will not refer to it further in the research for the reasons briefly mentioned above as well as other views that will be mentioned in my conclusion section.

The definition of “crimes against humanity” in Canada takes its provisions from the Rome Statute and is defined in Section 7 of the Crimes Against Humanity and War Crimes Act as follows:

Crime against humanity means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against

humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. (crime contre l'humanité). (Government of Canada, 2019b, s.d.)

The phenomenon of human trafficking in conflict zones has gained substantial ground in past years, resulting in several international organizations and research efforts to study the cause and effect of this situation (Gallagher & Karlebach, 2011; Gallagher, 2015; Muraszkievicz & Anning, 2018).

We are left with attempting to find a definition for “terrorism,” a much less generic or agreed-upon term amongst the international community. Several attempts by international bodies to define “terrorism” have failed to successfully obtain state members' approval or consensus, thus creating a great *in limbo* situation for the international community. According to Young (2006), in 1935 the Sixth Conference in Copenhagen adopted the following definition:

International acts directed against the life, physical integrity, health or freedom of a head of state or his spouse, or any person holding the prerogatives of a head of state, as well as crown princes, members of governments, people enjoying diplomatic immunity, and members of the constitutional, legislative or judicial bodies [if the perpetrator creates] a common danger, or a state of terror that might incite a change or raise an obstacle to the functioning of public bodies or a disturbance to international relations. (p. 35)

The UN in 1994, another effort was made to attempt to define “Terrorism”, the General Assembly’s Declaration on Measures to Eliminate International Terrorism provided the following guidelines:

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal “sectoral” treaties relating to specific aspects

of it define certain acts and core elements. In 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60, stated that terrorism includes "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and that such acts "are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them. (UN, 2008, p.5).

More in-depth research allows us to conclude that state members have failed to agree about a universal declaration or definition of "terrorism," with several creating their national definition based on a global idea of what terrorism can be at its base while adding certain particularities in accordance with their own geopolitical context (Menon, 2014). Despite this initiative by various state members, the need to define "Terrorism" internationally remains a key preoccupation with the UN, as the difficulties in prosecuting international cases of terrorism remain a haunting task for state members.

The latest efforts by the UN (2018) are a loop back to previous attempts to define terrorism and are merely reminders of the need for state members to agree to a common definition while recalling the importance of international cooperation:

Calls upon States that have not done so to consider becoming parties in a timely manner to the existing international conventions and protocols against terrorism, and upon all States to make every effort to conclude a comprehensive convention on international terrorism and recalls the commitments of member states with regard to the implementation of the General Assembly and Security Council resolutions relating to international terrorism. (UN G.A, 2018a, p.5).

In Canada, defining terrorism is a lengthy matter. The Criminal Code of Canada refers to a multitude of international protocols, treaties, and conventions ratified by Parliament, setting out the complexity of such task. It is better suited to look at this issue from the angle of defining what a terrorist organization or group is than to attempt to define "Terrorism." In this perspective, and according to our Criminal Code, a "terrorist group" means "(a) an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity,

or (b) a listed entity, and includes an association of such entities.” (Government of Canada, 2019b, s.d.). The Ministry of Public Safety provides the list of current entities designated by Canada as “terrorist groups” and how they become to be designated as such, as well as the frequency of the reviews process. Currently, Canada has 73 designated entities as per the Public Safety Webpage on Listed Entities (Government of Canada, 2021).

International humanitarian law is a provision deriving mostly from the Geneva Conventions of 1949 and its additional protocols; it aims at governing human rights in conflict zones, be it international or non-international conflicts. It comprises two areas: “[...] the protection of those who are not, or no longer, taking part in fighting and restrictions on the means of warfare – in particular weapons – and the methods of warfare, such as military tactics” (ICRC, 2004, s.d.).

International human rights law, as defined by the Office of the United Nations High Commissioner for Human Rights (OHCHR), is “[...] a system of international norms designed to protect and promote the human rights of all persons. These rights, which are inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, are interrelated, interdependent, and indivisible. They are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles, and soft law. Human rights entail both rights and obligations.” (UN, 2011, p.5)

International criminal law is a more difficult term to define, and I will refrain from attempting such definition, as the paper does not aim at exploring such a complex issue. Rather, I will advance the common acceptance as outlined by the Rome Statute (ICC, 1998) that led to the creation of the International Criminal Court (Partin, 2015; Bergsmo & Dittrich, 2020), highlighting its pertinence to this research, as it covers crimes such as genocide, war crimes, crimes against humanity, and the crime of aggression; as well as the procedures to be applied before international courts and tribunals. “These crimes often take place in the course of

conflict, and hence relate directly to humanitarian crisis. In contrast to international law, ICL does not focus on the conduct of states – it establishes individual criminal responsibility.” (PHAP, 2021, s.d.)

The terrorist organizations that will be mentioned throughout this research paper, al-Qaeda, al-Shabab, Boko Haram and ISIS, are all named in the list of designated entities published by the Ministry of Public Safety of Canada and will be referred to as terrorist organizations, given that they have also been internationally recognized as such by the international community. Furthermore, every person who has openly pledged to serve or has joined, fought on behalf of, or abetted through any actions (recruiting, financing, sustaining) any of these terrorist organizations will be considered as being part of them.

We will use the term human trafficking to define trafficking in persons as per the UN and the Canadian Criminal Code. To this effect, we will consider the following as types of human trafficking: slavery, forced labour, child soldiers, forced marriage, sexual exploitation, organ removal, and forced servitude (Plouffe-Malette, 2018; Besenyö, 2016; Scheper-Hughes, 2016; Blair et al., 2016). We will point out that they have been identified in most of the conflict zones as warfare by terrorist organizations.

The definition of crimes against humanity will focus only on the types of offences that, when committed outside a conflict zone, would fall into what can be considered human trafficking; such offences fall into the concept of Sexual Violence and Enslavement. To individually address and define what will be considered part of each of these offences, I used the Canadian guide, “Elements of an international crime – Reference sheet” (s.d.):

- Sexual violence: rape; sexual slavery; enforced prostitution; illegal/forced pregnancy; enforced sterilization
- Enslavement: control of movement of the person(s); control of physical environment; psychological control; measure to prevent or deter to escape; use of force or threat of

force; coercion; inhumane, cruel treatment and abuse; control of sexuality; forced labour and indenture servitude.

Finally, for the purposes of this research, I will consider a “conflict zone” to be any area where terrorist organizations and non-state members are predominantly present or play a considerable role in the geopolitics of that area. The following examples provide some indicators of these areas: Syria, Iraq, Libya, most of the Sahel, and more recently Mozambique, as demonstrated in Figure 1.1 below.

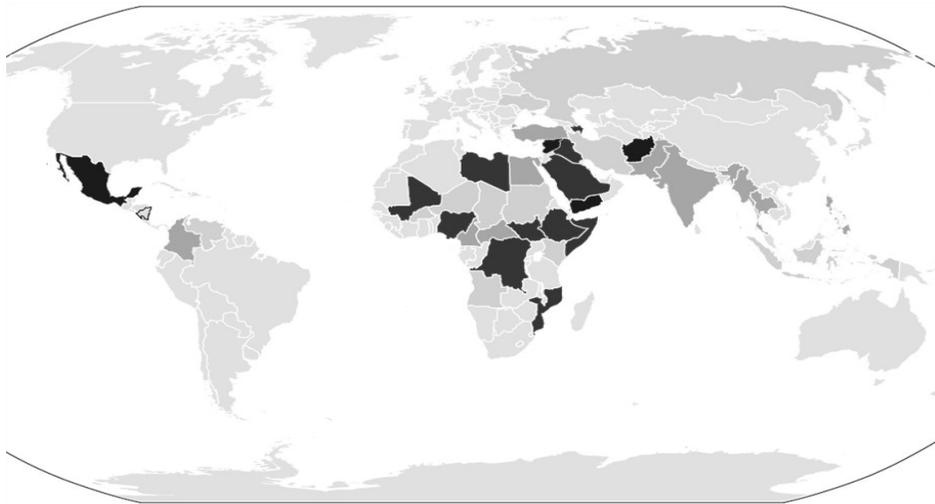


Figure 1.1 - Ongoing conflicts around the world

https://upload.wikimedia.org/wikipedia/commons/d/d9/Ongoing_conflicts_around_the_world.svg

Now that some of the complex concepts of this research paper have been defined, I will look into the phenomenon originating from the nexus between these three offences: terrorism; human trafficking; and crimes against humanity, war crimes, and genocide. I will follow with the causes that form the problem of this research: the impunity of terrorists to human trafficking offences when committed in armed conflict zones. The offences of crimes against humanity, war crimes, and genocide form part of the equation; in some instances, human trafficking in conflict zones can amount to these other but related international core crimes. We will refrain from exploring in detail the nexus between human trafficking related offences, deeming that it would complicate the process and distance our focus from the

objective of this research. The research will focus only on the various types of human trafficking offences when committed by terrorist organizations and the impunity caused by this phenomenon.

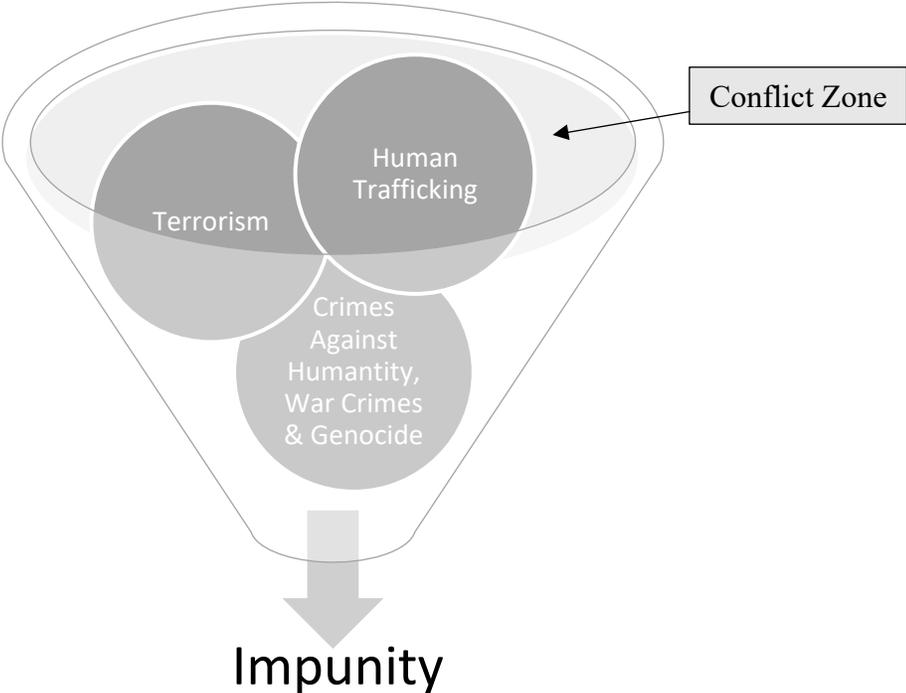


Figure 2.1 - The intersectionality between terrorism; human trafficking; and crimes against humanity, war crimes and Genocide*

3. METHODOLOGY

This chapter provides an overview of how the information was gathered and collated, the strategy used to verify our hypothesis, and the tools used to accomplish this work. It identifies the challenges and limitations that we encountered and how we managed to bypass certain of these restrictions.

We will describe the background of the participants selected for the interviews conducted during the research, provide socio-demographic data for the participants interviewed, and list the questionnaire submitted to each participant to collect the required elements, not only to sustain our hypotheses but also to identify additional causes that could contribute to the phenomenon and problem under study.

3.1 Data Collection

An initial message was sent to 39 potential participants, and a recruitment letter was subsequently sent to 37 participants following their replies. Out of those 37 potential participants, 24 participants answered the invitation, with a positive or negative reply, to participate in a semi-structured interview. Various people could not commit to the interview; reasons cited were mostly lack of time for the interview because of workload and constant travel to field locations. Some delegated the matter to other members of their teams, others had no authorization from their organization to participate in the interview, and some provided referrals to papers and reports they had personally drafted and where they had included all information they knew on the subject of the research. Twelve voluntary interviews were conducted with experts: academics and practitioners from law enforcement, justice, and civil society, from national and international organizations, governmental, intergovernmental and non-governmental organizations in the fields of counterterrorism, human trafficking, law, policy, research, and victim services.

Because of the confidentiality and level of security involved with the roles performed by the participants, as well as the subject of the research, there was some expectation that it could be an issue to collect the required data, despite the assurances provided in the recruitment letter. Indication was given on how the information would be securely stored and destroyed or erased once the research was completed; however, the sole nature of terrorism investigations somehow is represented in the number of participants in the interviews. Other issues in collecting data involved limited access to conflict zones for obvious reasons linked to safety and security; these same reasons are implied throughout the research paper by the participants to justify part of the lack of data available to quantify this phenomenon.

The recent world pandemic (COVID) imposed restrictions that did not permit for face-to-face interviews or for engaging in group consultations based on expertise subjects or type of organizations, which could have contributed for further discussions. However, the writer deems that the interviews, although not large in number, are rich in content and provide sufficient level of credibility to the research. The interviews were completed in virtual mode.

An Ethics Certificate was obtained from the University Ethics Commission of the ENAP to proceed with the interviews of the participants. The instructions and preliminary questions reinforced the voluntary participation in the interviews as well as the possibility to withdraw from the interview at any moment or the choice not to answer a particular question, should it make the participant feel uncomfortable or uneasy about it.

We collected some social-demographic data to qualify the participants by groups based on type of organization, gender, academic and work experience. Table 4.1 provides an overview of the backgrounds of the participants interviewed:

Organization	Type	Gender	Academic Degree	Years of experience
National	Governmental	Male	University Diploma or Certification	20+
International	Non-Governmental	Female	PhD	10 to 15
International	Non-Governmental	Male	PhD	10 to 15
International	Inter-Governmental	Female	University Diploma or Certification	15 to 20
International	Inter-Governmental	Female	University Diploma or Certification	10 to 15
International	Governmental	Female	Master's	15 to 20
National	Governmental	Male	University Diploma or Certification	20+
National	Non-Governmental	Female	PhD	20+
National	Governmental	Male	University Diploma or Certification	15 to 20
National	Non-Governmental	Female	University Diploma or Certification	20+
International	Governmental	Male	Master's	15 to 20
International	Governmental	Male	Master's	15 to 20

Table 4.1 – Participants socio-demographic data

The following programs were used by the researcher during the different phases of data collection and paper drafting:

- Zotero was used for archiving, categorizing and create a reference list and the bibliography of the works consulted in the present paper.
- Skype, Zoom and Microsoft Teams, were the multimedia applications used to conduct and record the interviews, as per the participants preference.
- Otter.ai was the program used to transcribe the interviews conducted in this research and to extract the keywords from the interviews.

The questions asked of the participants were always the same and evolved around the knowledge of the phenomenon of human trafficking when committed by terrorists in conflict zones, followed by the identified problem of the impunity of such offences. The final questions served to probe the hypothesis that working in silos is an important component of the problem, contributing to the impunity of terrorist actors from human trafficking offences committed in conflicts zones.

The principles of data collection were entered into an evaluation grid to establish the quality of the research by following the model of Tracy (2010) while reviewing the eight key

points that determine a good research: “(a) worthy topic (b) rich rigour, (c) sincerity (d) credibility (e) resonance (f) significant contribution (g) ethics, and (h) meaningful coherence” (pp. 840). This principle allows to evaluate if the research meets the quality criteria established by the academic and scientific communities, by validating if it genuinely contributes to solving the problem identified.

3.2 Literature Review

The documentation consulted contained various official documents drafted by UN rapporteurs, international and regional organizations, academic researchers, investigative and journalistic media reports, and NGOs, all working in the field of counterterrorism and human trafficking. It counts as well with information obtained from consulted books, written on these two subjects and containing in most cases data obtained from sources, victims, witnesses, and staff providing assistance and services in conflict zones, refugee camps, and displaced populations who suffered from this phenomenon at the hands of terrorists.

The extended list of the works consulted since the early stages of this research are mentioned in the Bibliography and contain primary and secondary sources as well as case studies, the quoted and cited articles were included in-text and some more detailed in the footnotes as references, such as the webinars.

I participated in the following webinars concerning the topics explored in this research as they were identified as potential sources of information that could contribute to research the phenomenon, the problem, and the potential causes, like the one proposed by our hypothesis:

1. “The importance of a label: understanding the impunity gap for conflict-related sexual violence crimes associated with slavery and trafficking.” administered by the UN Team of Experts-Rule of Law/Sexual Violence in Conflict (2021, Jan 25)
2. “The future of international policing: increasing effectiveness & impact through global partnership,” administered by the Police Division of the Office of Rule of Law and

Security Institutions in the Department of Peace Operations, together with the African Union, EU and INTERPOL (2021, Feb 24)

3. “Commission for International Justice and Accountability - Operations in Syria and Iraq vis-à-vis the Assad Regime and Da’esh” (2021, Feb 24)

3.3 Interviews

I conducted 12 voluntary interviews with experts working in the fields of counterterrorism and human trafficking, regardless of their roles. The participants were from fields such as law enforcement, justice, policy, academia, and victim support; from Governmental, Inter-Governmental and NGO as well as the private sector.

The questions asked were semi-structured, conceived to explore the participants’ knowledge of the intersectionality between terrorism and human trafficking, international cooperation and best practices to end impunity of terrorists for human trafficking offences committed in conflict zones. On five occasions, participants asked to obtain the questionnaire in advance to prepare for the interview; this was seen as a positive outcome, as it allowed the participants the time to think about the question and relate to their personal experiences without time constraints, enabling them to arrive at the interviews more familiar with the subject. This did not have an impact on the value of the information collected, as the interviewer relaunched the participants in their answers to obtain more details and to place them in context, sometime in comparison with other information already collected from other participants or obtained through the literature review.

The effect of siloing, or “working in silos,” was discussed as a cause contributing to that impunity but was nevertheless far from the sole factor. The discussions led to the identification of interesting and additional factors leading to impunity and best practices that could contribute to end the impunity of terrorists for human trafficking offences, and these will be discussed as we move along in the paper. Nonetheless, when asked specifically about

the effect of “working in silos,” there was no ambiguity in stating that this was indeed a reason for impunity.

These elements will be analyzed in detail in the upcoming chapters of this research paper by summarizing, paraphrasing, and quoting relevant information provided by the participants in the interviews. Some information and examples provided during the interviews were withdrawn as they were provided by the participants in confidentiality; some came straight from field case studies/examples, and others came from victims’ testimonies. Where it was possible, I generalized the information without compromising the source. However quite a few concrete examples did not meet the criteria of source protection and were consequently excluded from this paper. This is relevant not only from the information classification perspective but also, where applicable, from that of victim protection and prosecution safeguarding.

3.4 The Questions

- Q1. What can you tell me about the phenomenon of human trafficking when committed by terrorist organizations in conflict zones and the lack or scarce number of accusations?

- Q2. How do you perceive the collaboration between the different stakeholders involved in the process of investigation and judicialization (adjudication) for these cases: law enforcement, international organizations, DOJ, and NGOs?

- Q3. What would be best practices to prevent the rule of law from becoming dysfunctional when dealing with transnational criminality, investigations, and prosecutions, considering that there could be overlap between different offences and organizational mandates?

Q4. Is “working in silos” hampering the ability for international partners and stakeholders to successfully tackle cases where distinct offences overlap? Please explain.

Q5. What are the effects of “siloing” (working in silos) in the administration of the rule of law?

Q6. Is there anything you would like to add on these subjects?

4. ANALYSIS OF THE PHENOMENON

In this chapter, we analyze the content extracted from the interviews of the participants that contributed to this research. The participants provided input from various fields of intervention, which culminated in a more enriched perspective of the phenomenon as viewed from different lenses, highlighting the need to further study this phenomenon to better understand how and why it happens while raising awareness about it.

4.1 The Intersection Of Human Trafficking And Terrorism

All 12 participants interviewed recognized that terrorists commit other types of offences in conflict zones, such as human trafficking, crimes against humanity, and war crimes: “It's one of those issues where we know it's happening, but it's very difficult to provide a real comprehensive assessment of the extent of it and the impacts of it” (P36, 2021-01), but “[...] we can pretty much rest assured that definitely happen.” (P12, 2020-11).

An interesting remark from our national participants was that they became aware of the phenomenon through their cooperation with international organizations and partners and through open-source information, and not necessarily based on Canadian cases experienced, although, where warranted, they were monitoring the international cases currently ongoing.

Our national participants highlighted that much effort is given to training or raising awareness about the link between terrorism and human trafficking, although the challenge, in terms of understanding and quantifying it, is that the activity seems to occur in environments where the rule of law is threatened, where it may be difficult to accurately capture the information, where police investigations may be difficult, and where there is not a robust system in place to identify and respond to it.

Ranging from different personal experiences, from both field observation and victim recollection of events lived in conflict settings, the terrorist groups referred to were mostly Boko Haram, al-Shabaab, ISIS, al-Qaeda, and al-Qaeda splinter cells, although ISIS was the common reference for describing the phenomenon of human trafficking as committed by terrorist organization, almost as if it was a textbook example. To a lesser extent, other groups were mentioned as well: “[...] in a smaller scale and which include the Taliban, Guerrilla groups in Colombia, rebel groups in Nepal, Hezbollah militias in the Congo, Ivory Coast and Sri Lanka” (P12, 2020-11). Along the same lines of categorizing the information collected, the predominant countries the participants mentioned in referring to this phenomenon were Libya, Nigeria, Syria, Iraq (region), and Somalia. At least two participants were more cautious in mentioning specific countries, while geographically placing the phenomenon as predominant in various areas of Africa and Asia.

Some of the most common forms of human trafficking at the hands of terrorist organizations were discussed, such as, interestingly, how the same forms are perpetrated differently in different conflict areas. As such, child soldiers, for instance, are exploited differently depending on whether they are in Colombia or in Syria. Cases of slavery committed by Boko Haram include forced labour, forcing people to mine for various resources or work in agriculture, but also as forced combatants: the recruitment of individuals as active troops or in support roles, as vehicle drivers, or as suicide bombers. Other forms of human trafficking as per the UN Palermo Protocol were referred to; organ trafficking was mentioned as an “obviously quite prominent” source of income, sold on the “black market” and used as a resource for terrorist fighters. Kidnapping for torture and ransom was seen as another source of financing for terrorists, which can be an offence related to human trafficking in its process: “Human trafficking for the purposes of the terrorist organizations [...] it's really just limited by their creativity” (P12, 2020-11).

Participants 23 and 38 listed the following forms of exploitation: sexual exploitation, labour exploitation, servitude, slavery or services similar to slavery, removal of organs, begging, as

usually seen and referred by the Palermo protocol, but also “forced criminal acts”, which was not mentioned by the same protocol but was covered in the European Union directive and within the OSCE area (P23, 2020-10; P38, 2021-01). This latest point of forced criminality was reiterated by Participant 34 when mentioning specific cases where “Boko Haram has abducted and used children in suicide bombings in Nigeria and Cameroon and that ISIS has used young Yazidi boys in attacks in Syria.” (P34, 2020-10).

According to the participants, the main reasons why terrorist organizations were using human trafficking were: profit, capabilities and capacity, ideology, means to generate income and as a military strategy or tactic of war. Some participants provided more specific and situational examples for the forms of human trafficking offences being committed by terrorist groups, making a correlation between a named group and the forms of human trafficking. Although all participants provided great knowledge of the exploitation forms used by terrorist organizations, only three engaged in referring and differentiating the phenomenon in its different phases as usually seen from a human trafficking perspective as starting in the recruitment phase all the way up to the end result, which is the exploitation phase. From an analytical point of view, this was not a cause of not knowing about the different phases, but rather because, in the context of terrorism, when terrorist organizations commit human trafficking offences in conflict, rarely is a recruitment portion involved. Most victims are forced or threatened into trafficking and not recruited per se. However, as the three participants pointed out, there have been cases where terrorist organizations, namely ISIS and Boko Haram, have used different techniques of deception and abuse of position of vulnerability to lure victims and attract individuals into their ranks with different kinds of profiles, by false promises of employment, successful marriages, or other needs, such as where the recruits were just looking for their own identities (P20, 2020-11; P23, 2020-10; P39, 2021-01). In particular, Boko Haram exploits, from a cultural and religious basis, the fact that parents give away their children for Islamic education schools to fuel a recruitment option that trafficks these children into its own terrorist organization while legitimizing types

of enslavement or sexual violence by using religious or ideological interpretations that can justify their causes (P20, 2020-11; P34, 2020-10).

In another specific correlation, ISIS recruited, in what came to be widely known as the foreign terrorist fighter's phenomenon, various vulnerable individuals into their territory to occupy a diversity of roles, based on more subtle methods of non-violent recruitment, with some recruited people becoming involved in terrorist activity (terrorist fighters) and others delegated to secondary roles (porters, lookouts, cooks) (P39, 2021-01). The roles of the female members who joined the ("*Caliphate*"), is another complex portion where there is no consensus, whether or not women who did domestic work, some being part of ISIS moral police ("*Hisbah*"); some, married to ISIS fighters, were lured into it: "[...] because of their mere existence of supported terrorist groups, unfortunately, this kind of allegations make it difficult to consider trafficking patterns." (P23, 2020-10).

Progressing in the recruitment portion of the human trafficking continuum process, we begin to make the correlation between the phases of human trafficking toward the purpose of the exploitation. In this optic, various participants mentioned that terrorist organizations such as al-Shabbab, ISIS and Boko Haram forced children, youth, and migrants into their ranks by conducting kidnappings and increasing the terrorist groups' capacity, which some have seen as a forced recruitment, as they become an extension of the terrorist groups by the way they are exploited and which we will discuss in the next paragraphs (P20, 2020-11; P34, 2020-10; P37, 2021-01). The reason for distinguishing between these two types of recruitment, a sort of "volunteering" to join the terrorist groups by means of deception, false promises, or search for purpose in life, in comparison with the forced recruitment as described above, is, in my opinion, a much-needed distinction, as the alternative to the forced recruitment portion is often torture or death.

As previously indicated, terrorist groups have used various forms of human trafficking in their ranks, such as children's coercion into becoming child soldiers, particularly used by al-

Shabaab and Boko Haram, the latter abducting and using children in suicide bombings in Nigeria and Cameroon. In some cases, these children could be subject to a double form of exploitation, not only as a source of recruits but also as a source of income, as terrorist organizations traded the children amongst them as a commodity in exchange for money or services. Similarly, ISIS has used young Yazidi boys in attacks in Syria, intimidating and generating fear amongst the population where ethnic or religious backgrounds play a role (P20, 2020-11; P34, 2020-10).

As we get into the diverse forms of exploitation used by terrorists, the accounts of the atrocities committed by the principal terrorist organizations became a common theme among participants. All participants mentioned the Yazidi situation in Syria and Iraq at different stages of the interviews. Participant 29 referred to the cases where women and children were taken as slaves, sold, and abused, then sold again in slave markets as “contextual factors” (P29, 2020-10). Participant 26 and 34 referred to the overtly circulated videos, information on open sources and seized documents now released, that show that the selling of Yazidi women and girls into sexual slavery supposedly ranged from 20 to 25,000\$ US dollars, while adding that Boko Haram was referred to as having used similar tactics in different conflict areas (P34, 2020-10). “The whole system of documenting the trades, how much people were worth, grading women, their ages, how long they were married, how many kids they had; documented tariffs [...]” (P26, 2020-11).

Participant 37 added an extra layer by mentioning that because ISIS wanted to take control of the area, they eliminated the men by execution while at the same time using and abusing the women sexually as well as for labour, also taking some children who were also abused sexually and for labour. The older boys were taken to the fight zone with terrorists to be used in war (P37, 2021-01).

Participants strongly debated the ideological propaganda from ISIS, specifically in the Syria-Iraq conflict involving the Yazidi, mentioning the ISIS-published pamphlets on “[...] why is

good to have a slave, why it's alright" (P12, 2020-11), referring to it as "[...] almost like that old school slavery, really horrific, when people were captured and taken, markets were created and they documented it." (P26, 2020-11).

In some instances, we were able to discuss with participants the circumstances surrounding the data available to refute this phenomenon from a financial advantage perspective, arguing cases where terrorist financing experts could not evidentially prove that human trafficking was being used to finance terrorism: "[...] FATF did not find evidentiary data, so they advance that trafficking is not being used to fund terrorism, it is only used to sustain the groups morale" (P23, 2020-10). The interesting factor in this prerogative is that, according to the same participant, FATF looked into the Court cases (in absence of proper financial investigations) and not at the phenomenon as running in Syria and Iraq, which was hard to access to collect evidence for both terrorism and human trafficking or any other core crime; however, court cases could not reflect that link, as we will see in the following section. Nonetheless, Participant 38 mentioned that some colleagues from other international organizations were dogmatic in advancing in cases within the European Unit in relation to foreign fighter trials, that "[...] because they were kind of supporting the whole enterprise by going there [...] actively sending people there, luring them into something, that terrorist organization benefits financially" (P38, 2021-01).

Worth mentioning is that various participants had knowledge that regardless of the above-mentioned phenomenon recollection, the aspects surrounding the legal frameworks resulted in hard-to-find cases where terrorist were being indicted and prosecuted for human trafficking. Rather, some participants shared their knowledge of situations where, for instance, in the Syria–Iraq conflict, the UN was looking into special provisions by creating a UN Commission (UNITAD) to investigate war crimes and crimes against humanity in matters relating to the Yazidi. From a legal angle, it is interesting when the same facts can be approached in different ways: war crimes, crimes against humanity, and terrorism (P26, 2020-11). Although, when dealing with investigations that, by necessity, identify human

trafficking, the lens taken is a war crime lens, using the frame of international offences such as war crimes, crimes against humanity or genocide but also using the underlying facts of what would probably constitute human trafficking (P29, 2020-10).

In a remarkable note, Participant 37 hinted at the fact that in the specific case of the Yazidi, from having dealt with many victims, the feeling is that they are being used more for war or political situations rather than as human trafficking, as when it is happening in other places, involving more of a financial interest. “They feel persecuted because of their religion and [for] political reasons[...],” having been abused that way for centuries (P37, 2021-01).

Europe is leading the way in this fight where the phenomenon of human trafficking by terrorist organizations is being brought before the courts for adjudication; that is the view of some participants from national and international organizations. The Dutch are leading the way, with some cases currently ongoing (P26, 2020-11) whereas Canada is watching for best practices and prosecution avenues.

The legal frameworks and the national and international cooperation will be further discussed in the upcoming sections, as we explore deeper the lack or scarce number of accusations; however, most agree that the lack of data caused by restricted access to conflict zones plays a role.

In conclusion, an overall analysis of this phenomenon is that “these crimes are motivated [by...] low-risk high gain, profit, ideological, social or just because they actually think they’re not committing a crime” while placing this phenomenon as being “an established fact,” as mapped by Kevin Bales in his “[...] big database kind of mapping human trafficking in conflict.” (P12, 2020-11). In light of this remark, I consulted and included the work of Bales (2016) in the research as pertinent to demonstrate that the phenomenon is widespread although not quantifiable in terms of number of cases.

4.2 Lack Or Scarce Accusations, Impunity Or Dysfunctionality Of The Rule Of Law

To address the lack or scarce number of accusations, many participants referred to the lack of data as a main cause: “Under-reporting is probably the biggest cause,” (P12, 2020-11); “[...] is a result of a lack of evidence that is being looked for or found by the state.” (P23, 2020-10); [...] lack of evidence or possibility of easier charges, like membership to a terrorist organization.” (P34, 2020-10); “There is a significant lack of data and that's connected to the [...] lack of scarce number of accusations” (P38, 2021-01). However, there was also the indication that the scarce accusations of terrorists for human trafficking was not something exclusive to terrorist organizations involved in trafficking but was also more general: “[...] everybody more or less agrees that the number of prosecutions is quite lower than what it should be, given the extent of the phenomenon.” (P39, 2021-01).

I was conscious that this question could have been assessed as a composite question with various elements and causes affecting how it was addressed. This factor provided for diversified answers that enriched the results of the research, although in certain circumstances it regrouped various participants who had the same view and knowledge of the phenomenon and problem. If we can determine from analyzing the above noted comments that the lack of data played an important role, another factor mentioned by several participants was in correlation with the lack of data, while specifying that behind it was the lack or restriction of access to conflict to collect such data. To this effect, Participant 12 mentioned that because the phenomenon happens in conflict zones “[...] where often there are not enough ears and eyes on the ground” (P12, 2020-11) without witnesses and without data, there is no court case. Addressing this phenomenon in conflict zones comes down to not having data and, as result, not having accusations: “It's not something unique to human trafficking... it is not the only issue which gets, quote unquote, lost in the international community” when there's a cross over with terrorism (P38, 2021-01). Terrorist organizations often operate in areas where rule of law is not exactly the strongest ever; there's not a “legitimate legal sector”; the reach of the governmental authorities is lacking and unable to bring such accusations forth;

sometimes the military are the only boots on the ground without necessarily having a comprehensive knowledge or understanding of what human trafficking amounts to. The lack or scarcity of the number of accusations has to do with where it is happening, in those countries where infrastructure and capacity are perhaps not as robust, creating a situation of a “kind of impunity” for these individuals, because there is not an infrastructure in place to effectively respond to it (P12, 2020-11; P34, 2020-10; P36, 2021-01; P39, 2021-01). “In conflict, the rule of law being absent feeds into impunity, making human trafficking a crime that is often heard as high gain low risk.” (P12, 2020-11).

Participant 30 raised a good point that brought to light the fact that there have been documentaries and much written by news organizations, journals, and NGOs where victims of this phenomenon are identified or cases are reported but that “[...] it's how they are treated, the bigger issue to be candid, is whether the efforts and resources are being put into to dealing with those.” (P30, 2020-11). In the same line of thought, Participant 30 added that there have not been many prosecutions, with the few that made it to Courts happening mostly in Europe, where individuals who committed terrorist activities were also charged and investigated for human trafficking or activities relating to it: “[...] very few charges have been laid against terrorists for their human trafficking activities.” (P30, 2020-11).

Before we engage in the analysis of the reasons why this happens, we must address the fact that we are not dealing with common criminals when addressing terrorism in conflict zones: as some participants highlighted, they are non-state groups, clandestine and faceless organizations, with a lack of role and disregard for the law in conflict, be it national or international. Such are the very clear cases of terrorist groups like Boko Haram and ISIS, where the usual official negotiation channel is not present, becoming another challenge (P12, 2020-11; P20, 2020-11).

We will now address the reasons contributing to the lack or scarce number of accusations of terrorists for human trafficking offences, also described as impunity; not so much putting the

emphasis on its validation, which in the writer's opinion has been achieved, but in analyzing the reasons why it happens this way. In what we referred to as the *dysfunctionality of the rule of law*, we will depart from the principle that where these offences interact, there are sufficient legal provisions that allow for their prosecution. This was also the conclusion to which most participants interviewed came; however, the angles adopted to address this issue varied depending on the participants' backgrounds. Participants placed the emphasis in the provisions found within international law, mentioning the ICC as well as special courts such as the International Criminal Tribunal for former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to justify the fact that provisions exist where domestic legal frameworks are not comprehensive or robust to address the issue of intersectionality between offences. Our national participants were as well knowledgeable in advancing that Canada internationally signed and ratified protocols, in complementation with our domestic laws, that carry extraterritorial provisions, such as human trafficking and crimes against humanity, forming a solid framework to operate in countering this impunity (P29, 2020-10; P36, 2021-01).

Participant 20 was convinced that for terrorist groups operating in conflict settings, impunity is a straightforward belief that they (terrorists) are not being looked at for human trafficking but for what they call the original crime, terrorism: "The rule of law is somehow very selective when it comes to the nexus between human trafficking and terrorism, because terrorism is seen as the elephant in the room and human trafficking as the mouse: if the elephant sits down, nobody will find out that there is a mouse there" (P20, 2020-11). The latest supported his observations by enforcing the factual example that when Boko Haram kidnaps children in Nigeria, no one will go after them because they are committing human trafficking; rather, in the eyes of the international community, they are a terrorist organization, and local authorities will want to demonstrate that they are fighting terrorism.

From a legal perspective, it is this last assumption that opens the door to explore the various comments inclining toward the same commentary. Throughout the analysis, we came to the

realization that most, if not all, of the participants believed that terrorism “[...] usually trumps it all, it’s a trump card, the top secret/national security feeling that people can just do whatever they want.” (P26, 2020-11). If terrorism prevails to the detriment of any other crimes because “the moment you mentioned terrorism, for right or wrong reasons, people think this is an important issue.”(P30, 2020-11), then it is not surprising when international organizations providing training, awareness, and policy advisory, mention that where there’s an overlap, member states are primarily and significantly interested in terrorism-related issues: “Human trafficking is countless [...] there's no interest from the member states” (P38, 2021-01). States primarily affected by ongoing activities of terrorist groups tend to look at the conduct of these groups through the terrorist mark, through terrorism legislation rather than the trafficking legislation, “In the countries where terrorist groups are operating, there are many units or cells amongst prosecutors and law enforcement, dealing specially with terrorist offences that would arguably look first at those types of criminalization” (P39, 2021-01).

There was a certain level of frustration that could be sensed in the comments of some of the participants, where this lack of interest by states in the phenomenon of human trafficking when committed by terrorist organizations led to impunity and working to the advantage of perpetrators rather than the victims. Participant 12 emphasized the need to listen and believe the victims of human trafficking at the hands of terrorists. In the case of Participant 23, in order to avoid that the rule of law becomes dysfunctional, cases where offences overlap, must be looked at from different angles. The interest of justice should prevail and guide each case, analyzing it in all fronts, cannot be all about terrorism, “[...] it shouldn't be a hierarchy of legal frameworks or regimes.” (P26, 2020-11).

Participants 29, 36, and 39 addressed the issue from a national perspective, accounting for Canada’s interests in this phenomenon, if we consider it as not being a country primarily affected by it, mentioning that in these types of cases Canada would be operating on the basis of exception, but realizing and taking the time to observe what other countries, mostly European, are doing to address these cases. The “[...]basic fundamental international law

precept is that the country where the offences take place, have the first responsibility to prosecute” (P29, 2020-10); any third-party interest comes to be based on the laws of exception; the sovereignty of the state where it occurs plays a role too. When addressing the reasons why Canada has thus far chosen to take what is considered primarily as a counterterrorism approach, this is justified by more than one factor but, mostly, is justified because “[...] it falls nicely into the long Canadian law enforcement paradigm, because these people present an immediate threat to Canada. This allows for extra resources toward counterterrorism, fits into the paradigm, we've got an interest, it's a threat, a clear and present danger to Canada.” (P29, 2020-10).

It is the resources part that brings various participants back together in the same line of thought. For the Canadian participants, the resources (both human and financial) are directly linked to why we do not prosecute for dual offences, as it is the case of the phenomenon we're studying: “It's not a legal framework or legal infrastructure problem, it's more of an operational problem in terms of determining resources, spend[ing] those resources, the practicality of evidence collection, the length of the charge, and the prosecution.” (P36, 2021-01).

On the other hand, the practical difficulties of conducting these investigations could be easily arguable, as investigating two offences that are correlated when we are already involved in actively investigating one of them does not alone justify privileging one offence over the other. It was in exploring this paradigm that Participant 30 considered the possibility that in Canada we might be working the wrong way: “[...] we must look at the activities being carried before determining the elements of the offence, then identify what are the potential criminal offences those activities are violating.” (P30, 2020-11). By doing so, in the participant's experience, it opens up a broader range of acts or offences at which to look, providing a bigger picture, as opposed to working the other way around by picking a particular offence and attempting to prove it while potentially ignoring evidence of other offenses. This is a risk

identified as well by Participant 39, who added that it is necessary to make “[...] an assessment of the case at hand and make sure that the choice that is made, whether to go for terrorism or traffic prosecution are informed, taking into consideration all the elements.” (P39, 2021-01).

In conclusion, a great number of the participants believe that “there’s a lack of training, awareness and a need to have more experts from law enforcement, experienced practitioners, specialized units, prosecutors, judges” (P23, 2020-10). There is not enough knowledge of how terrorism intersects with human trafficking; when human trafficking is part in a terrorism case, investigators should bring those charges forward to really represent the crime; “in most cases it [is] not being done.” Cooperation between different units, both anti-terrorism and human trafficking units, is necessary (P26, 2020-11). Canada is monitoring the European cases, and, over time, maybe there is a reason to consider a hybrid case that fits into the practical imperative (P29, 2020-10). Law enforcement officers responsible for investigating these crimes must understand the full scope of criminal liability that might exist in a particular set of circumstances. At a higher level, there should be clear policies that help the public and organizations understand why decisions are taken to move forward with charges and prosecutions, having clear frameworks. This would assist in resolving law enforcement prosecutors’ frustrations that sometimes emerge in addressing these issues. Factors such as case overload, lack of knowledge in a discipline, or lack of time to learn a new doctrine may lead to settling for lower or easier charges (P36, 2021-01). Starting off by looking at offences, investigators and prosecutors may focus on offences of which they are aware and get tunnel vision. Broadening this cooperation and knowledge sharing allows also for organizations to bring in experts from the other departments or organizations (P30, 2020-11). We need people who have awareness, on terrorism-related matters there’s sufficient awareness, but for human trafficking on the other end, not only is there a need to raise awareness but there is also a need for both technical advice on how to investigate and prosecute these cases (P38, 2021-01). This goes in part against one of the participant’s views revolving around the idea that awareness is not so much the issue as the fact that in some places from which the victims are

coming (conflict zones), they have their own community structures that support and benefit only certain people, which makes a “big difference in terms of equality” when compared with Canada (P37, 2021-01).

As a final argument, much more needs to be done to investigate these crimes properly. Even though they are in part rooted in the lack of evidence or the ability therein to collect such evidence, determine whose role it is to do so is challenging when these crimes overlap (P12, 2020-11).

4.3 Military, Law Enforcement, Prosecution And NGOs Cooperation

As we analyzed the overall information provided by the participants, their perception of cooperation when dealing with this phenomenon in conflict settings was that it is just not working and that a lot is still to be done, with some participants classifying it as “very poor,” “disjointed,” “fragmented,” or “requiring much more attention.” Although this was the generic observation, we will break it down to better understand where such perception could derive (P12, 2020-11; P23, 2020-10; P34, 2020-10).

4.3.1 Civil-military cooperation

If we mentioned in the previous sections that the military were often the sole actors in conflict zones where the phenomenon of human trafficking as committed by terrorist organizations often arises, when it comes to civil–military cooperation in this subject, the lack of training and notion of their mandate hinders collaboration and is filled with many difficulties. Policies have been implemented, namely by NATO (2004), where training is being provided in what concerns NATO personnel duty to report when deployed to conflict zones. However, ones’ duty to report must be accompanied by training that will allow personnel to know what human trafficking is, how to recognize it, and ultimately to report it. The UN has chosen to

train some police personnel being deployed with military contingents to deal with human trafficking; the UK has engaged in training their military as well (P04, 2020-10; P12, 2020-11; P26, 2020-11; P34, 2020-10). Within the usual top-down military structure, high-level personnel must be briefed in this phenomenon and know what to look for (P34, 2020-10).

Two participants linked the role of military cooperation in conflict specifically to the evidence collection portion. To this effect, Participant 38 mentioned that the US military are training their military personnel in evidence collection although it is unclear to what extent that can actually be efficient, while reiterating that, at least on paper, it is happening. In his organization's experience, as well as that of other organizations of which he is aware, they realized that the use of evidence collected in conflict by the military could be tainted. This was mostly due to the level of training by the military, which is seen as far more basic, like generic evidence collection for any type of criminal offence; meanwhile, the military does not have "the time or the luxury to say, oh by the way, also look at human trafficking" (P38, 2021-01). The other participant (39) reiterated that the collection of evidence by the military is an interesting feature and should benefit from more attention. Although he covered the same concerns previously mentioned that address the need for more specialized training in cases involving victims of human trafficking, described as "[...] more technical aspects of evidence collection that the military might not possess" (P39, 2021-01), he recognizes that the military has very rarely been approached. He ended by reiterating that if there is a possibility to make use of evidence collected by the military in conflict zones, it would have a positive outcome, similar to what the UN commission UNITAD is currently doing in Iraq, where the investigative team is collecting evidence for the crimes committed by ISIS, while cooperating with all the local authorities and the military.

For Participant 26, his organization cooperation with the military is not happening; various stakeholders are implicated with their organization; however, there's sort of a "blind spot" when dealing with the military: "[...] the military are not a stakeholder that's normally being reached out with anti-trafficking progressivism" (P26, 2020-11). Nonetheless, the same

participant acknowledged that the military are important stakeholders, especially in conflict zones where the link between human trafficking and terrorism is observable. In contrast, not all are advocates for positivism in this civil-military cooperation vision: for Participant 12, the fact that sometimes in conflict some of these crimes may be committed or abetted by Western forces (UN peacekeepers engaging in sexual exploitation) may contribute to the lack of cooperation with the military (P12, 2020-11), whereas for Participant 34, many international organizations choose to distance themselves from the roles of the military in conflict zones, preserving “their advocacy mandate,” scared sometimes to be seen or perceived as an extension of military or law enforcement in conflict (P34, 2020-10), which could be risky.

To end the military cooperation analysis portion, we add that the military must understand the traumatic events that human trafficking may involve and the potential mistrust by victims, and know what referral mechanisms are available to provide services to the victims so they can be heard properly (NGOs or international organizations) and that information needs to be passed along (P04, 2020-10). Military personnel can always contribute with tasks that do not involve the human factor component (such as dealing with victims) by providing intelligence and reporting observations that could assist law enforcement in further investigating this phenomenon in conflict settings (P39, 2021-01).

4.3.2 NGO cooperation

We enter now into the analysis of the cooperation between the various stakeholders and the NGOs, seen by some participants as being those working the hardest and the longest at countering this phenomenon in conflict as well as being the better equipped in dealing with the victim’s needs from a human perspective, complementing other stakeholders where they are less knowledgeable. This cooperation has greatly improved with guidelines being discussed and implemented on where they can and cannot intervene in a particular set of

circumstances, especially in the investigation and adjudication components involving huge risks, but there must be consideration toward more inclusive approaches (P12, 2020-11; P23, 2020-10; P29, 2020-10; P30, 2020-11; P39, 2021-01). It was the issue of the interaction between NGOs and investigative or prosecution stakeholders that generated more controversy. Although in the field of human trafficking this cooperation was per se acceptable and existent in some cases, as soon as it involved a terrorism component, the participants did not hold back to affirm that it was not happening in that field (P38, 2021-01): “[...] forget about terrorism, even in genuine trafficking cases, unfortunately NGOs are being excluded from the discussions” (P23, 2020-10). Participant 26 mentioned that such cooperation between NGOs and law enforcement is still very controversial in many countries and there is no way it will move forward, yet good models are being enforced, for instance, in Belgium, where that cooperation is seen as a best practice (P26, 2020-11). The mistrust between NGOs, law enforcement, and prosecuting authorities is a real challenge particularly because of legitimate or illegitimate concerns “[...] about the police not appropriately responding to the particular needs or the case that has been identified by the NGO” (P36, 2021-01). There is not enough discussion between all these departments; cooperation is hindered by lack of understanding and lack of ability to share data between the different stakeholders. Data sharing is directly related to issues of trust or breach in policy or privacy laws; at the “[...] individual level, people want to help, and they want to learn more” (P12, 2020-11), but when the problem surfaces, there is no translation of this will to cooperation at the institutional levels. This adds to other issues such as NGOs having capacity to contribute to finding and collect the facts in a way that enables them to be utilized legally by law enforcement, prosecution, and the justice system. There are situations where NGOs (such as CIJA) are capable and have been providing evidence from conflict settings because they are trained on it because in the past they have worked with international courts or tribunals and have been exposed to the requirements of evidence collection. However, “NGOs that can really collect information in such a way that they can preserve, collect, analyze, archive, store, and make it searchable, up to the level that is needed for criminal cases, is still limited” (P34, 2020-10).

From a national perspective concerning Canada's engagement with national and international NGOs as well as academic communities, acceptable protocols and universal principles that NGOs could follow have been adopted, but "[...] smaller NGOs may have an interest in a philosophy that gets in the way of their cooperation and is too narrowly focused." (P29, 2020-10). Nonetheless, this cooperation has been happening at various levels between NGOs and Canadian entities, both in Canada and abroad. (P30, 2020-11).

4.3.3 Law enforcement, prosecution, and international organizations cooperation

We will close the loop on this chapter by analysing the last aspects of the cooperation in this phenomenon, by looking into the cooperation between law enforcement and prosecutors but also that with the international organizations that not necessarily have an enforcement role but contribute greatly to raising awareness, facilitating cooperation, providing training and capacity building, sharing good practices, and acting mostly in supporting roles. Some of these organizations may also have in their ranks law enforcement officers and prosecutors; however, states have the primary responsibility of dealing with those issues (P39, 2021-01).

At its base, from the initial stages, cooperation within law enforcement organizations when involving counterterrorism units, be it with human trafficking units or any other international core crimes units (crimes against humanity, war crimes), is lacking. Counterterrorism units, intelligence, and law enforcement officers investigating terrorism need to sit down and discuss these issues with human trafficking experts. Although these two disciplines are still treated separately when there is a correlation, this cooperation is essential (P23, 2020-10).

Investigating overlaps takes a lot of infrastructure work; war crimes investigators are not counterterrorism investigators and are trapped within security walls that must be broken down. According to Participant 29, there is a need to incorporate the European approach into Canada, where anti-terrorism prosecution cases for what subjects did in conflict zones can

be seen through the lenses of war crimes, crimes against humanity, sexual slavery, and maybe even human trafficking, all departing from the same facts: “There’s a great need to sensitize investigators and the legal beagles looking at terrorists to look for crimes that superimpose, wherever they’re existent” (P29, 2020-10). This is also the view expressed by Participant 30, who mentioned that Canadian investigators tend to be narrowly focused when working within a terrorism, counterterrorism, or a national security unit: “[...] they tend to be focused on what we call here in Canada Section 83 terrorism offences” (P30, 2020-11), looking into the evidence required to prove terrorism offences solely. Each state has its own definition for terrorism in their criminal law; there is no global definition, and information usually is not gathered beyond the association or membership to a terrorist organization, the last being more easily proven. (P34, 2020-10). With a recognition that terrorist organizations more and more commit human trafficking and other offences, including core international crimes, discussions and some actions toward collaborating with other units have started to take place. Other units have begun to collaborate with counterterrorism investigators, looking at the facts toward the goal of identifying charges, both under terrorism and under other offences, including human trafficking (P30, 2020-11).

Internationally, friendly nations are also taking a very collaborative approach in Europe and the US, focusing on the actions of these terrorist offenders and not single-mindedly on what the crime is, looking at the actions and then describing what crime fits those actions: “[...] they are collaborating more, trying to work outside of their silos.” (P30, 2020-11).

Addressing the cooperation between law enforcement and prosecution does not provide a different conclusion; where there is interception of different crimes, the legal system does not deal very well with it. There are very few countries or contexts in which it works well, but where it does work well, it can be really successful. Prosecutors need a better understanding and should also be working the case, having specialized judges and specialized police units (P26, 2020-11). Participant 36 revisited not only the notion of the need for awareness raising and collaboration between law enforcement and prosecution but also the

need for prosecutors from different fields of expertise to communicate: “We’ve done a job at educating the prosecution agencies that this is something that they need to be aware of as well, because under both sets of offences, there's charge approval.” (P36, 2021-01). Generically speaking, law enforcement and prosecuting authorities in Canada generally have a very good level of cooperation, but sometimes there are frustrations, mostly disagreement on the evidence to support charges. It is really important to encourage early and ongoing collaboration as a best practice, developing strong relationships between prosecutors, specialized prosecutors, and law enforcement. (P36, 2021-01).

From an international perspective, Participant 29 mentioned that there is “excellent cooperation with International tribunals” and that it is working both ways. Canada’s cooperation with other states works well on a one-to-one basis and is better with those that have similar interest in investigating similar crimes exercising universal jurisdiction: countries who have adopted similar policies, the core traditional partners. Canada’s cooperation with other states changes depending on the development of the state, the type of state it is, whether atrocities occurred on their territory, their national interests, their desire, ability, and the political climate necessary to have cooperation. Some regimes may not be stable and still have the remnants of political divisions, with less developed infrastructure or goodwill. Cultural matters—understanding the mentality of the country—also plays a role in dealing with governments (P29, 2020-10).

International cooperation between organizations varies greatly depending on who is cooperating together. INTERPOL has a higher level of collaboration with local police forces and other justice system players; the UN or the different UN agencies will play an active role in helping alert law enforcement to possible cases when on the ground and operating in the absence of an established national infrastructure (P36, 2021-01).

It was from the participants from international organizations that we collected information concerning the level of complexity that comes with addressing the phenomenon of human

trafficking when committed by terrorist organizations; where training, awareness and legal frameworks are not robust, “[...]cases are being dismissed at [the] prosecutorial level and definitely by judges” (P36, 2021-01) because they are misunderstood. To close these gaps, UN agencies are discussing “defining trafficking victims and victims of terrorism” along with dialogues about the provisions of each of these offences (P23, 2020-10). Despite all the international efforts, there are still “huge stereotypes” about what human trafficking is, sometimes seen as a situation of extreme conditions (i.e., the Yazidi) when the forms that exploitation takes are actually more subtle (P26, 2020-11; P36, 2021-01)

In conclusion, the coordination of multidisciplinary teams to ensure the adoption of a broader perspective would help the victims and ultimately the administration of justice (P39, 2021-01). Cooperation from all those organizations is needed, and it cannot be done without them; however, “one bad player can scuttle a case.” (P29, 2020-10). Successful relationships are those where people understand the issues and different perspectives and try to work on the things that they have in common. (P36, 2021-01).

5. ANALYSIS OF THE PROBLEM

Upon establishing the underpinnings of the phenomenon addressing what contributes to it and the difficulties in dealing with it as viewed from different lenses, in this chapter we will engage in attempting to determine what constitutes the problem not by addressing this phenomenon but by aiming at validating our hypothesis that working in silos hampers its resolution and leads to impunity of terrorists for human trafficking offences.

5.1 Working In Silos Hampering International Cooperation To Tackle Overlapping Crimes

All participants affirmed that working in silos is a problem and a challenge that hampers cooperation at all levels, from national to international settings. They stated that working in silos is one of the reasons problems arise from the intersectionality between different offences: in the case of this research, the phenomenon of human trafficking when committed by terrorist organizations. Participant 04 mentioned, “Working in silos is a problem, it’s a problem in law enforcement in general” (P04, 2020-10) that originates at national level where there’s a lack of cooperation between counterterrorism units and organized crime units in working together and talking to each other. This was also the perception of Participant 29, who advanced that the issue of working in silos is a challenge and is the very nature of government; but even before discussing breaking down the silos when working with international partners, if we could break down “[...] the silos within which we operate now (nationally), would go a long way” (P29, 2020-10). He concluded by saying that this restrictive perspective may be due to “culture and education” but that proper motivation and direction could break down those silos.

Participant 30 framed his answer based on investigational components, mentioning that he agreed that “absolutely working in silos hampers the ability” (P30, 2020-11) to cooperate together with others when there’s an overlap between different offences or mandates. He

provided the example of several instances where his organization and unit are looking at a target individual for potential offences and activities while dealing with other national or international partners who have also looked at that target and trying to gather evidence toward the offences at which their mandate requires them to look. He added, “It hampers our ability to tackle these cases, impacts our credibility and impacts our abilities to successfully investigate these cases, these individuals” (P30, 2020-11). The same concluded that working together, gathering and sharing evidence, would be much easier. He was joined in his statement by other participants who mentioned that “information and intelligence sharing are essential for the work of law enforcement, when one is working in silos this cannot happen.” (P39, 2021-01). Certain states are not willing to collect data when the trafficking element intersects with terrorism and that, even when collecting data, unfortunately they will not necessarily share it with the international organizations: “[...] it hampers the ability of international organizations to develop guidance to help those states to tackle the issue” (P23, 2020-10).

Diving in deeper into the international cooperation component, Participant 12 said that working in silos, not only when two different crimes overlap but individually as well, is “100% hampering any ability” (P12, 2020-11) for international cooperation; with those silos, NGOs, military, police, each single one working on their own. Although at the individual level there is a will to work together, to cooperate, “there are bottlenecks.” In the participants’ view, one of the main issues hampering international cooperation is the sharing of information. Military personnel are concerned about “top secret” information being leaked; for NGOs it is a question of not wanting to lose credibility. Academics often repeat that more needs to be done, which might even happen in those “ivory towers,” but on the ground something just falls apart and it does not work. For Participant 23, it has to do with the very nature of the terrorism investigations, a confidential, sensitive area of offence where information sharing is harder, such that the data in the reports drafted by its organization is collected mostly from open media research, NGOs, and individual experts, in what she described as “non-official data.” (P23, 2020-10).

For Participant 34, “the problems arise when we talk about that intersectionality between human trafficking and terrorism; then there’s the need to look into the other types of conduct in which members of terrorist organizations have been involved, what other types of human behaviour, that’s sort of the siloed approach that does not look into the human trafficking perspective in which they’ve also been involved” (P34, 2020-10), in what he considers being part of larger issues in transnational criminal investigations and cooperation. Participant 38 indicated that this is a general problem and that it is sometimes due to the structure of organizations or law enforcement, leading to lack of trust amongst them, disorganization, political divergency or jealousy, which does not lead to good prosecutions. Nonetheless, it is not a problem particular to human trafficking and terrorism, the same problem is happening with organized crime and terrorism (P38, 2021-01).

Having established that there is an issue with the international cooperation greatly impacted by the fact that the various stakeholders are working in silos, Participant 04 suggested that international organizations must understand and get acquainted with other bodies of law, understanding how they play together, even though, if certain laws were not drafted to work together, there is a need to make them work together: “We need people that can connect the dots, see the bigger picture” (P04, 2020-10). Various other participants supported his position, shedding light on the silos created by organizational mandates. Participant 26, mentioned that working in silos is definitely hampering effective and just response, mentioning issues of “[...] mainly competition or funding between different partners, different sectors” (P26, 2020-11), creating little turf wars even within their own organization, as in the Iraq scenario with the ISIS/Yazidi issue, between terrorism and human trafficking sections. In the case of Participant 20, working in silos is one of the biggest loopholes, as organizations have different objectives. In his view, where terrorism and human trafficking overlap, that common goal does not exist; the ball is always moving from one goal to another. He provides various examples where he mentions that the International Organization for Migration (IOM) would sponsor a project because it wants to fight human trafficking, but the people who would receive it do so because they want to tackle Boko Haram; the UN will

intervene because it is a form of humanitarian disaster; and the EU wants to intervene because it sees these people coming toward their borders. He concluded, "... Different interests matter differently to different people or different stakeholders." (P20, 2020-11). While stating that working in silos "absolutely" hampers international cooperation, especially with the terrorism and human trafficking communities dealing with practical realities, Participant 36 breaks it down in examples similar to what the previous participant (20) had mentioned. To this effect, he mentions that international organizations at the frontlines doing capacity building or work tend to focus on specific mandates: the International Labor Organization (ILO) focuses on labour rights; the IOM focuses on migration issues; and the UNODC has terrorism people and trafficking people. He indicates that all these different mandates, responsibilities, and funding sources must be accounted for, which "[...] causes challenges and creates barriers, some of which are grounded in." (P36, 2021-01), but although accountability to sponsor state members and competition for funding is sort of natural, it is important to break down those silos to the extent possible.

Participant 23 framed the international cooperation in different stages ranging from global to regional, placing their limitations as imposed by the scope of their constituent states while focusing on the law enforcement–prosecution relationship. When correlating the phenomenon of human trafficking in the scope of terrorism, this becomes particularly important because there are two different offences requiring early engagement from both fields. Because every state will have different criminal justice systems, "law enforcement agencies receiving the information should regroup with investigators and prosecutors to look at the case together; this will contribute to cases not being dismissed at the prosecutorial level or diminished in court to the point of not having enough credible offences" (P23, 2020-10).

In conclusion, as far as international partners are concerned, the problem of working in silos is a very big issue, when even within one's own organization people manage to work in silos, as Participant 39 mentioned. With a role of organizing work in a way that allows members a greater and more adequate amount of interaction amongst themselves but also internationally, he recognized that "[...] this is not always possible, for various reasons, lack of resources,

lack of knowledge or infrastructure in certain countries” (P39, 2021-01). Nonetheless, “... some UN civil-military cooperation units have managed to do really good work; there are good examples where this cooperation worked well” (P12, 2020-11). There is a need to tackle the problem, the root, especially in conflict; the crossover between human trafficking and terrorism differs from one state to another, but this should not prevent perpetrators from being held accountable for all of their behaviour (P04, 2020-10; P12, 2020-11; P34, 2020-10).

From an humanitarian and victim service perspective, the overlap of offences is not seen separately when providing assistance to the victims of these crimes: “... when working with human beings, it's really hard to see them separately; being able to have also these organizations interlocking and working together would be important, working isolated does not help” (P37, 2021-01)

5.2 Consequences Of Working In Silos

Regarding the rule of law, working in silos entails dealing with the process of crime, not addressing the source but rather the effect. Consequently, these crimes continue to exist for as long as they are not correlated to the source (P20, 2020-11). If working together enables the construction of better strategies for cases where terrorism and human trafficking overlap, considering the rights of potential victims of trafficking in the context of terrorism, then working in silos represents missed opportunities to recognize victims or survivors, not capturing the full story of what happened (P04, 2020-10; P26, 2020-11). Participant 26 added that victim status carries specific rights and obligations that a state has toward them (rehabilitation, recovery, giving testimony); missing out on all those by looking only at trafficking in terms of terrorism brings up the impunity for the full specter of the crime. The same participant, referred to one of ICC’s first cases of child soldiering, where the charges of sexual violence were not introduced, creating community outrage because the ICC had not done justice to the crime. Participant 20 added to this concept, mentioning that terrorists

perpetrate human trafficking because they are free from official risk or response, which he sees as “[...] really dangerous because a crime is being committed by a criminal organization that doesn’t have any responsibility” (P20, 2020-11). It was also the view of Participants 30, 34, and 38, who indicated that the greatest significant effects of working in silos are overlooking crimes, overlooking evidence to support those crimes, not fulfilling greater mandates in terms of identifying and investigating crime, serving and protecting victims, and “not taking a comprehensive perspective of all the crimes and the full extent of the behaviour involved in committing an offence” (P34, 2020-10), leading to less or lack of coordination between agencies or between member states.

Terrorists are certainly getting a free pass for the other crimes they have committed, in many instances because those crimes are just being overlooked, “They are getting away with it,” “[...] it’s causing impunity” (P30, 2020-11). That narrow view means not being able to gather enough evidence to build strong cases, no information sharing, not being able to get a successful conviction, ineffective or inefficient investigations, but, above all, that perpetrators walk free (P12, 2020-11). Whether at the national or the international level, it contributes to “[...] people benefiting from the gaps in the system, impunity of offenders” (P39, 2021-01).

Addressing it from a general assumption of law, Participant 34 indicated that there must have an effect in terms of deterrence and prevention efforts “[...] if one knows that will be accountable for terrorism association solely and not for the real conduct, then a degree of lawlessness and impunity must follow from that.” (P34, 2020-10). Participant 38 adds that it has to have an effect in terms of prevention, not only in preventing the crime from occurring, but also, to have a lasting effect when prosecutions are successful (P38, 2021-01).

When dealing with terrorist organizations and human trafficking, because of the nature of the terrorism offence, countries will want to focus on terrorism laws rather than human trafficking. That is where the resources are going; human trafficking is seen as a smaller part

of the whole (P20, 2020-11). According to Participant 23, it's important to have a coordination strategy for every aspect of terrorism, and human trafficking should be an important component of counterterrorism. Working in silos from an investigation/prosecution efficiency perspective, in his organization's experience, after investigations are completed by law enforcement and a package is sent to prosecution, prosecutors are finding that there is no sufficient or credible evidence; consequently, cases are being dismissed and never reaching the courts. (P23, 2020-10).

Some, like Participants 29 and 36, indicated that there are reasons and needs for some silos, such as meeting policy objectives, having specialized units that can act quickly in specific sets of circumstances; as well as from the rule of law, different institutions have different mandates and different roles. The roles of judges, prosecutors, and police officers, by comparison, are very different; those are important distinctions and important silos to a certain extent. (P29, 2020-10; P36, 2021-01). However, both participants acknowledged that working in silos has negative impacts overall, especially when they are too narrow, creating sort of a siloed or tunnel vision. The more significant repercussions of the negative impacts were that "...if you're only looking for something that's what you're going to find, you're not going to find anything else, because you're not looking for it" (P29, 2020-10); be it on the offence or the individual side, focusing only on the event could jeopardize a case. Working in silos contributes to missed opportunities to hold offenders accountable, to help promote capacity within different institutions with one another, to coordinate resources; it can be described as an "administration of law efficiency problems" (P36, 2021-01), a reputational risk in terms of the public or victims' expectations about those responsible for the justice system: they expect that the justice system is going to work.

In conclusion, not having organizations look into the full extent of the behaviour involved is the most problematic aspect of siloing; it hampers that ability for everyone to work together (P34, 2020-10): "[...] siloing has a negative impact on the ability to seek justice." (P36, 2021-01).

5.3 Additional Relevant Elements Identified By Participants

Some participants provided additional interesting points that can help clarify the reasons for the problem addressed in this research. If working in silos was seen as one of the causes for the problem, it was far from the only one; we regrouped the other identified causes in the sub-categories below.

5.3.1 Partnerships

One cause identified as problematic was partnerships at both the national and international levels. Participant 04 began by saying, “Partnerships are always hard, it’s a challenge” (P04, 2020-10). There is a lack of coordinated structure; every country or entity “is trying to play God”, there is no coordination between entities. There are gaps in communication between stakeholders, with international organizations coordinating at the national level but states not cooperating within with their local entities: “When there’s no structure bottom–top, how do you get information from local communities?” (P20, 2020-11). A good practice must fit into the local dynamics of the state, understand the actors within the state, build resilience, and create awareness; only then can it be an inter-agency approach, whether from law enforcement, criminal justice systems, or the courts. Once those dynamics are understood, then developing a collaboration and coordination strategy becomes possible, by enabling other countries involved in cross-border crimes to connect and rely on that system. Looking at INTERPOL and “[...] a global counterterrorism strategy; there is no international counterterrorism strategy, there is a national strategy, a local strategy” (P20, 2020-11). Each conflict zone specificity must be looked at individually to access the proper channels and stakeholders to implicate, understanding those cultural, social, environmental, and structural capabilities.

Participants 04, 20, 23, and 36 provided examples of good partnerships happening, “[...] yet there is really a lot of room for progress, specifically from the lack of communication between anti-terrorism units and other units, including foreign forces” (P04, 2020-10). Different international operations are ongoing concerning the Global War on Terror, including Operation Barkhane in the Sahel, Operation Takuba (G5-Sahel), and others, but mostly they focus on counterterrorism: “Governments always prioritize and focus on counterterrorism from a kinetic point of view, almost a military point of view; rather than considering these softer aspects such as human trafficking, drug trafficking, smuggling, these areas need to be articulated in order to be taken seriously” (P20, 2020-11). The UN is providing support in Iraq under the framework of GloAct, one of the unit’s flagship projects on trafficking and smuggling, funded by the EU. The objective covers five pillars: strategy policy, legislation, capacity building, international cooperation, and victim protection and assistance. However, working with law enforcement versus the military, it is a whole other ballgame; the level of training on investigative interviewing techniques or evidence collection is nonexistent (P36, 2020-11). EUROPOL has created a repository for information on both international crimes and terrorism “[...] so a greater instance to where rather than charging for terrorist allegations, there’s an understanding of bringing the actual conduct that underlines many of the terrorist activities to also being charged” (P34, 2020-10).

Concerning human trafficking in all its forms of exploitation, NGOs, academia, and researchers have had a major role in raising awareness for governments. There is a need for experts from both human trafficking and terrorism fields to be involved together, but because these disciplines have always been treated separately, finding an organization that can deal with both is “very small if [it] at all exists”; it is very rare to find a person who knows both terrorism and human trafficking. NGOs are bringing up issues of people being forced to commit crimes, such as drug muling, robberies, or petty crimes, some of which may occur even in the course of a terrorist act. Most times, in these scenarios, law enforcement is mistrusted or feared, and it is the NGOs whom the victims find trustworthy. (P23, 2020-10).

In the context of conflict, the confidentiality and protection of victims are important. NGO cooperation with law enforcement and the DOJ is already difficult in normal times but is very important in conflict settings and in understanding the customs and being knowledgeable of what constitutes the DOJ and LEA practices, which can be both embarrassing and hurrying. NGOs have better access to conflict zones; the issue evolves based on how to securely communicate information between NGOs, international organizations, DOJ, and LEA locally and internationally (P04, 2020-10). The private sector should also be involved, including financial intelligence units and reporting agencies like banks, because regarding trafficking for terrorism purposes, that is immediate information, and they are a must-have stakeholder. Using the FATF as per the UN resolutions, “[...] they have a mandate to look at the financing of terrorism, and one of the elements of financing of terrorism should be looked at as a predicate offence; trafficking should be included within their mandate.” (P23, 2020-10). It is the same approach taken by Participant 34, who mentioned utilizing domestic anti-money laundering and counterterrorism financing strategies, apparently one of the most promising avenues, adding that “[...] contextual and behavioural information available at financial institutions, ranging from client information, passport, and places of residence, up to open-source investigations used to submit suspicious transaction reports, can be utilized to determine the intersection or the generating of income from human trafficking” (P34, 2020-10).

In conclusion, the need to build partnerships at the national and international levels that include multi-jurisdictional teams of experts from different fields is seen as a best practice.

5.3.2 Little awareness of human trafficking in conflict zones, context specific

Five participants saw awareness of human trafficking in conflict as playing an important role in the causes of the problem our research addressed: “there’s very little awareness of trafficking in conflict zones for those who aren’t intervening in conflict.” (P04, 2020-10).

This includes awareness about bringing the information to the right people at the right place, not only informing them of the steps they need to take but as well to remind them of the obligations they have to act or report, which is the case in peace-keeping operations. “It is a question of understanding it better from a different perspective, from a criminology perspective, from a victimology perspective, from a conflict perspective, gender perspective; all those angles, everyone needs to come together to understand it better.” (P04, 2020-10; P12, 2020-11). Policies are needed for dealing with situations like these, where conflicting different legal frameworks meet. For recognized victims of trafficking, there are recognized legal principles that apply (P26, 2020-11). There is not enough knowledge in terms of what human trafficking is in conflict zones, where it’s happening more aggressively; that education component should be there. People were moved across borders (Syria/Iraq): “[...] they were in contact with different authorities, but no one recognized them as victims of human trafficking” (P37, 2021-01).

According to Participant 20, the biggest issue is understanding what human trafficking amounts to in different countries; it comes down to bringing all the stakeholders together, applying regional strategies based on what each country is experiencing, where, often, terrorist organizations justify human trafficking as a necessity (P20, 2020-10). Context-specifically, Participant 37 reiterates this principle when mentioning that, for some victims, such as the Yazidi, “[...]they don’t necessarily understand the term human trafficking or what it means”; they were sold individually and in masses, sold as a wife to be used or for sexual exploitation, and their assessment of why it happened is related to their immediate environment, geographic situation, culture, and religion (P37, 2021-01).

5.3.3 Restricted access by LEA to conflict zones for evidence collection

Four participants identified lack of or restricted access by law enforcement to conflict zones, as another cause leading to the problem of impunity of terrorists for human trafficking offences, linked to the collection of evidence. However, some participants did not take that

as an absolute premise that, because of this factor, evidence from conflict is not available and terrorists should not be accountable for it, but rather putting emphasis on alternative measures of collecting such evidence. That was the view of Participants 26 and 29, who mentioned that what happened with ISIS is well documented by a lot of investigative journalism and a lot of witness testimonies that have been shared publicly. CIJA are looking into supporting international collection of evidence for international crimes; they obtained evidence from conflict zones and provided it to the Germans and have developed a very good chronology of what happened (P26, 2020-11). Organizations such as Bellingcat⁴ have produced and helped investigators with live videos of terrorist activities: as a social media company, “they’re one of these new resources” focusing on these atrocities (P29, 2020-10).

For Participant 04, it was important to acknowledge and ensure that those collecting evidence in conflict have the capacity to collect it and understand what they are seeing. In the same vein, he mentioned that the fact that LEAs do not have access to the conflict zones (at least not in the early stages) does not preclude others better placed and better equipped to conduct this type of investigation in the specific context to be there and collect it. In his view, “[...] the late reply and access to the conflict zones, in certain cases 10 years later, how to collect the picture of what happened that much time after, not much evidence will be left” (P04, 2020-10). Participant 34 shared these concerns about the evidence collection capabilities of those with access to conflict zones (other than LEAs)—for the most part, NGOs ranging from journalists to international NGOs but also multinational corporations, and that have that access: “[...] well-intentioned NGOs, but that lack training on how to, corrupting or damaging

⁴ Bellingcat. (n.d.). *Bellingcat—The home of online investigations*. <https://www.bellingcat.com/> From the website: “Bellingcat is an independent international collective of researchers, investigators and citizen journalists using open source and social media investigation to probe a variety of subjects – from Mexican drug lords and crimes against humanity, to tracking the use of chemical weapons and conflicts worldwide. With staff and contributors in more than 20 countries. around the world, we operate in a unique field where advanced technology, forensic research, journalism, investigations, transparency, and accountability come together.”

information to the point that it cannot be used because it was not properly collected, causing irreparable damage” (P34, 2020-10).

In conclusion, as the phenomenon happens in conflict zones where a legitimate legal sector capable of bringing such accusations forth does not exist, or where there is a lack of evidence, sometimes easier charges to substantiate are used, such as membership of a terrorist organization (P34, 2020-10).

5.3.4 Revictimization, stigmatization or prosecution

Out of 12 participants, seven determined that there was an important victim component associated with this phenomenon, representing another cause of the problem. Participant 39 provided great insight into this dialectic (terrorism/human trafficking) in what relates to the principle of the non-punishment of victims of trafficking, a very sensitive and, for many, controversial issue. The same participant mentioned the challenges and difficulties that unfold when people who have been trafficked by terrorist groups are forced to participate in one way or another in the activities of those groups. Although some are completely indoctrinated, and committed violent acts may be excluded, in certain countries, merely holding a broom and cleaning the terrorists’ camp could result in a life sentence, a sort of paradox.

On the one hand, we pity the victims of trafficking, and everybody admits and advocates in favor of a humane treatment, rescuing the victims and helping them, but at the same time, when these victims are forced to be associated to really divide and conquer conduct, then it’s a bit difficult to admit that they should be seen as victims rather than perpetrators.” (P39, 2021-01).

It is the same view as that of Participant 04, who mentioned that we must “stop impeaching victims,” linking it as well to the principle of “non-punishment.” (P04, 2020-10). Participants 20 and 37 added that some communities do not see human trafficking as a crime because it

is locally and culturally accepted as practice, with local government not taking action (P20, 2020-11; P37, 2021-01). This contrasted with Participant 34's experience, in which, in some cultures and conflict settings, victims of human trafficking are seen as perpetrators, bringing to the surface the element of stigmatization. When local authorities find out that these victims were sexually exploited, they are no longer accepted in their communities and, if pregnant as result, their children also will not be accepted, ending by being charged for adultery, with the prospect of the death penalty: "In Islamic countries, fornication or promiscuity outside of marriage is a serious crime, so where there's a potential case of human trafficking, it's kind of just very easy to prosecute the victim, case closed, really shocking" (P34, 2020-10).

Participant 23 used the recent cases by German authorities that looked at the trafficking patterns against a foreign fighter accused of terrorism (joining ISIS) as per the EU provisions, while making a correlation with the Central Asian countries who have shown more susceptibility and willingness to look at those cases from the trafficking perspective. In her view, the Central Asian approach has become sort of alarming for international organizations because in some cases women have been pardoned a lot, raising questions to whether or not the role of women is being examined properly in these scenarios (being qualified as victims in whole). Where these two offences intersect, reports indicate the role of women in terms of sustaining and mobilizing for terrorist groups as well. Close attention must be paid to analyzing these cases rather than simply assuming that they were all forced or pressured to join terrorist activities and engage in terrorist conduct: "[...] pardoning those people because they think they didn't join the terrorist groups voluntarily" (P23, 2020-10). In patriarchal societies, where the consent of a woman does not count, and especially in cases of children, it is definitely easier to perhaps find those patterns, because "[...] by virtue of the age, children cannot consent to exploitation" (P23, 2020-10). However, the criteria for the criminal liability relating to age differs by state. Participant 34 added to the last elements by indicating cases where people detained on terrorism charges could potentially be victims of human trafficking, implying the principle of non-punishment. The same mentioned the case of Niger,

where Boko Haram is a big force in the region, applying a lot of pressure to crack down on terrorism (P34, 2020-10).

Another important situation develops in refugee camps harbouring some of these children, who technically would fall under the victim category as per the human trafficking provisions (borne by women who were forcefully impregnated and gave birth there, to be taken by their families at an age when they cannot say anything), but European countries are not necessarily looking at it from that angle; their presence in ad hoc camps is outside of their control: “A child cannot give a voluntary consent to anything, a child first and foremost should be looked at from the victim perspective first, before they label it as a criminal.” (P23, 2020-10).

For Participant 12, it becomes confusing for the victims to have to work with different entities to tell their stories, bringing a whole new set of traumatization, repeating their story over and over again: “it’s a heavy burden on the victims themselves” (P12, 2020-11). Some NGOs might assume that they are capable of assisting victims by collecting information while engaging in promises that their information will be used in criminal prosecutions. However, they do so in such a way that the information cannot be used, doing quite a bit of damage and causing a revictimization (P34, 2020-10).

In conclusion, how this crime affects individuals psychologically or individually must be understood, that a person can commit a crime under the force of coercion or deception or to protect themselves. Recognizing and applying the principle of non-punishment, which already exists within the trafficking statute, should also be considered when victims of human trafficking are found in a context of terrorism, but “[...] not every state is ready to accept that non-punishment is applied for all crimes” (P34, 2020-10).

5.3.5 Complex investigations and hard to prove

If we had already indicated that the phenomenon of human trafficking as committed by terrorist organizations was a complex and hard issue to deal with, the vast majority of the participants thought so as well. Framing it from different perspectives, eight participants provided input to describe the complexity and hardship of dealing with this phenomenon, seen as another cause for the problem of impunity by terrorists for human trafficking offences. Participant 12 began by saying that more work needs to be done at national levels, teaching local authorities and police: “[...] it’s all about training and being able to collect the evidence.” (P12, 2020-11). With transnational cases and crime, there are additional layers of complexity around investigating, collecting evidence, and knowing where to lay the charges (P36, 2021-01). There is a need for specialized multidisciplinary teams that can understand the different phenomena, applying an organized crime lens: terrorist organizations are a form of organized crime, but this is still being debated by many national legislations (P04, 2020-10). The same participant expressed that when these two crimes intersect, the lines are very blurred and it becomes complicated. For the members of the public, it is almost impossible to understand, and for investigators, trafficking might be too complex to handle at the same time as terrorism. However, he mentioned that “the moment charges against terrorism include some forms of exploitation, slavery, enslavement or trafficking, criminal experts need to come into play as well for the complexity of trafficking” (P04, 2020-10). One of the major issues identified by Participant 23 is to understand how terrorist organizations use human trafficking in its different stages and forms: “[...] [it] has [been] revealed [as] extremely difficult [to] mak[e] it [in]to UN resolutions and CTED reports.” (P23, 2020-10). There are increased discussions about how traffic can be pursued and committed by terrorists and violent extremist groups, such as ISIS, Boko Haram and Al-Shabaab, the three major groups that are allegedly trafficking a lot of people.

For Participant 39, even when human trafficking is committed outside of conflict zones, (amongst civilian population), it is still very difficult to talk about, to understand, and of

course, also to substantiate and prove. It requires a lot of resources because of its clandestine nature, so very often prosecutorial or law enforcement authorities choose other avenues, a different qualification, a different offence. “Through our technical cooperation and support work, we’ve seen that sometimes, investigators, prosecutors and judges that adjudicate these cases, all have a very different understanding of what trafficking is, which is equally flawed for everyone” (P39, 2021-01). Participant 20 indicated that where these offences overlap, moving from prevention to investigation and adjudication for cross-border cases, a new strategy altogether is required. The practical aspect, when human trafficking is committed by a criminal organization, is that the state is likely to respond by using law enforcement; when human trafficking is reported as being committed by a terrorist organization, nobody investigates because there’s no one to investigate it, “It is assumed that when a terrorist commits an act, you can investigate why it happened but wouldn’t investigate who did it. Terrorist organizations will just claim they carried out the attack, they took those people, and the investigation stops there” (P20, 2020-11). In his experience, some organizations are now carrying out acts in the name of terrorism when they are just criminals.

Participant 36 indicated that “there seems to be a tendency internationally to want to really kind of overanalyze, there’s a lot of emphasis placed on the complexity of things.” (P36, 2021-01). Because these links exist (“no question about it”), the important thing is not to get too lost in the complexities. Crimes are occurring; if trafficking might be connected to a terrorist group, “[...] let’s strip it down to its constituent elements and just figure it out” (P36, 2021-01), and none of this need be so complicated. If we have the tools, experiences, best practices and other areas of crime from which to draw, it is important to not reinvent the wheel, augmenting rather than starting all over again. Participant 23 revisited the victim notion in the context of terrorism, going so far as to ask, “what’s a victim of terrorism?” If there are ongoing discussions led by the UN to determine whether those atrocities, sexual abuses, or trafficking can be qualified as a definition of “victim of terrorism” as they stand, “[...] [a] victim of terrorism in itself is very innocent and is poorly defined within the terrorism perspective” (P23, 2020-10). The lines are blurred for determining how to

categorize these victims: do we create different categories or new terminologies, or do we use existing terms?

Human trafficking is being addressed more by law enforcement as a human-centred/human-focused investigation, where because of various restrictions such as lack of access, they end up relying on information passed on by NGOs, such as victim statements, often taken by personnel not trained to do so, resulting in bad collection of evidence and leading to inadmissible, unreliable, or not credible evidence and opening doors to challenge by defence. (P34, 2020-10). Participants 23 and 26 believe that law enforcement should rely more on hard evidence, real evidence, documentary evidence such as financial information. Law enforcement are collecting evidence in a very short amount of time for human trafficking cases, ending by tackling low-level guys rather than engaging in proactive long-term intelligence-based investigations: “[...] we’re not seeing people investing the time.” (P26, 2020-11).

In conclusion, Participants 23 and 34 addressed the complexity in dealing with human trafficking by terrorist organizations, which, with the exception of the Yazidi case by ISIS, has been under a lot of scrutiny, especially if the person involved has committed a crime or been forced to commit a crime (P23, 2020-10). This was the observation of Participant 34 as well, who mentioned that “to date, there hasn’t been an international criminal court or tribunal dealing with human trafficking in all its forms” (P34, 2020-10). This adds to the complexity of things when addressing issues such as “consent” in the interaction of a serious crime such as terrorism with human trafficking. If in genuine trafficking cases this has been very problematic, where this phenomenon happens it becomes much more complex, with a need to address the intent of exploitation and the vulnerability of the consent provided. (P23, 2020-10).

5.3.6 Political context, Political will, and Resources

One last cause identified was the influence of the political context and political will, which have an impact on the resources available to fight this phenomenon and solve the problem. Of all participants, eight were of the opinion that politics influenced how the problem could be addressed. For Participant 04, it was as simple as associating organized crime with corruption, indicating its far reach within the political sphere (P04, 2020-10). If this seems shocking from the start, Participant 12 met it with the same indicators while mentioning that political will or the lack thereof is everything, as it gives weight and has impacts lower down; the impunity is also linked to “[...] issues of corruption, lack of willingness, lack of seeing it as a prominent issue” (P12, 2020-11).

For Participant 29, when working on legal exceptional circumstances, funding is also exceptional: carving out funding and resources to do exceptional work requires kind of a political imperative, especially when dealing with terrorism (P29, 2020-10). He was joined by Participant 39, who pointed out that because of the way the organization works, 90% of their projects must be extra-budgetary because they are at mercy of state member contributions (P39, 2021-01). Participant 20 advanced that “[...] politicians look at practicalities, there is a psychological barrier of intervention” (P20, 2020-11). Governments want to show that they are doing something, but very few governments are held accountable on how much human trafficking they are able to resolve. On the other hand, politicians want to show the local populations or the international community that they are dealing with terrorism, it is so much of a trademark: “Governments will not want to show that they are fighting terrorism through [prosecuting] human trafficking; they would rather fight terrorism to defeat human trafficking” (P20, 2020-11).

How politics has been run locally affects the rule of law for everyone. From an international point of view, when coming in support, they must consider the number of resources that will allow the organizations to really address all the issues. (P37, 2021-01).

Politically, from the head of the department of police or Ministry of Interior (MOI), there must be an understanding of and commitment to investing in more advanced techniques, better resources, and technology to successfully tackle these cases: “it creates a very reactive policing in a lot of countries.” (P26, 2020-11). For Participant 39, when issues relate to conflict, war, or threats to peace or stability, it becomes more politically sensitive. States are more reluctant in seeing the jurisdiction or the power of the Security Council overly expanding: “Like too many issues, trafficking in persons or crime in general being associated with the threat of peace or to Chapter 7 [Crimes against humanity] would open the door to a more active involvement of the Security Council in some issues that some states may want to keep outside of the international sphere as part of their internal affairs that, according to the charter, are beyond the reach of the United Nations organization.” (P39, 2021-01). When human trafficking is disconnected from conflict settings, the consensus amongst countries in the world is that it is something that needs to be eradicated, the issue arises when it intersects with terrorism. Participant 23 added that there is considerable influence from the politicization of the international organizations implicated in looking at this phenomenon and problem. State members of each organization will determine how the terminology is used, resulting in a disparity between the terms used by the UN and the OSCE; the UN will refer to “armed conflict in a conflict zone,” whereas OSCE will mention “terrorist groups” or “violent extremists” but refrain from mentioning that it is a conflict setting because of their personal interest. One can conclude that certain international organizations are “[...] a bit political, too political to use in conflict settings.” (P23, 2020-10). States must acknowledge that amongst the victims of these terrorist organizations there will be many women and children who were exploited in the different forms of human trafficking and for various purposes. Discussion is ongoing to find a definition to qualify these victims: are they victims of terrorism or victims of human trafficking by terrorist organizations, and this regardless of the form by which their exploitation occurred. States must review their definitions of human trafficking to cover all forms of human trafficking (not only sexual and labour exploitation) and consider looking at it from different perspectives, as when it is committed by terrorist groups.

In conclusion, Participants 23 and 39 provide good insight into the influence of politics in dealing with this phenomenon and problem; if one says that “[p]olitical will is necessary to understand that once you say that these persons, these groups actually committed trafficking, you have to identify who are these victims” (P23, 2020-10). However, it becomes more complex when dealing with terrorist groups because “[...] there is also the political dimension of terrorism: Who is a terrorist? The terrorist for one state is a hero for another state” (P39, 2021-01), and something that has not achieved consensus at international level.

6. DISCUSSION OF THE RESULTS

In a blunt statement, the UN Security Council acknowledges what many experts have already mentioned: “Armed, terrorist, and transnational criminal groups directly profit from trafficking...” (UN, S. C., 2018); this is nonetheless the same conclusion our research and the findings therein expose. What is new is the fact that national and international community have failed, despite all these reports and recommendations by experts and special designated personnel, to find a way to tackle and end the impunity that comes with the commission of such offences by terrorists. The fact is that regardless of all the difficulties that investigating and adjudicating these cases can entail, we must first start by attempting to do so to be able to state that it is not practicable. The provisions are there, be it from national laws, international laws, protocols, or resolutions that allow for transnational criminal investigations, human rights-based or extraterritorial investigations, bilateral or multilateral agreements and partnerships; until there is cooperation from different stakeholders at different levels and states, these provisions are merely a useless effort to name and define something with which they do not want to deal.

Some innovative approaches have surfaced, breaking the traditional way of looking into these types of groups and the offences they have committed. Having a broader view of what a terrorist organization really represents by considering the geopolitics of the conflict zone where it occurs opens the door to additional investigative and prosecution tools. In this line of thought, considering terrorist groups such as ISIS as a non-state armed group or even through an organized crime lens allows us to explore alternatives to “simple” terrorism charges or participation in terrorist activities. Those remain part of the portrait but can and must be complemented by additional charges that showcase the totality of their actions and the events that took place.

The complexity of this phenomenon and the problem it generates sometimes makes it hard to fully see the big picture; the factors that influence it are so many that they call for some sort of visual diagram so to better assess them from different angles. In Figure 6.1 below, we attempt to the phenomenon and the problem in correlation with the identified factors that, based on the findings of this research, affect its efficiency:

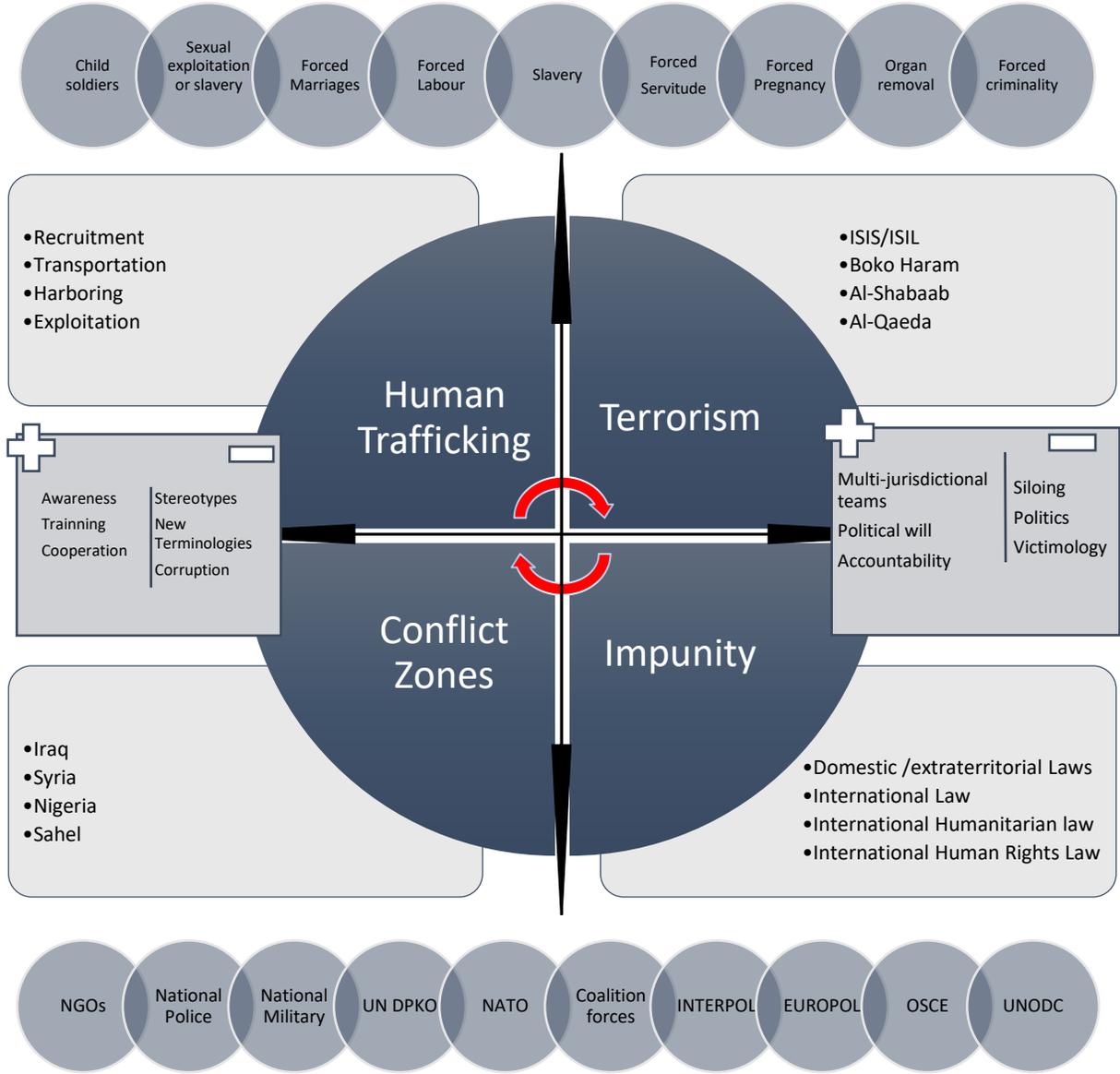


Figure 1.1 - Ongoing conflicts around the world (factors, causes, solutions)

Although Figure 6.1 might seem overwhelmingly complicated, it is in fact easy to draw an argument to explain each of the relations established in the diagram; the text below provides that explanation:

- Human trafficking is not a single action but a continuous process in which any person involved in it can be criminally liable. The continuum involves recruitment, transportation, harbouring, and exploitation.
- Terrorist organizations directly linked and implicated in human trafficking in conflict which were often mentioned in this research are (but not limited to) ISIS, Boko Haram, Al-Shabaab, and al-Qaeda.

Upon analysis, it can be determined that the terrorist organizations mentioned above have perpetrated the full or part of the continuum of the human trafficking process in the different conflict settings. During this research we were able to determine that they used types of human trafficking offences such as child soldiers, sexual exploitation, or slavery, forced marriages, forced labour, slavery, forced servitude, forced pregnancies, organ removal, and forced criminality.

- Impunity of terrorists for human trafficking in conflict zones is the problem that formed the objective of our research. The various sources of information allow us to determine that the provisions to avoid such impunity are many: domestic extraterritorial laws, international law, international humanitarian law, and international human rights law, these are just some of the legal dispositions that allow us to counter impunity.
- Conflict zones around the world are so for various reasons and are not all necessarily because of terrorism activity or the presence of terrorist organizations. The zones discussed and identified in this research are the ones directly associated with the phenomenon and problem studied: Iraq, Syria, Nigeria, and most of the Sahel.

When placed in the context of conflict zones, international cooperation is hindered by the ability of the various stakeholders to successfully work together. To this extent, stakeholders

usually present in conflict settings or those with the capacity to do so, like NGOs, national police and military personnel in the conflict zone, UN peacekeeping operations, NATO deployments/missions, coalition forces formed by allies in different geographic areas, international or inter-regional law enforcement organizations such as INTERPOL and EUROPOL, or other types of organizations like OSCE and UNODC, all of which have a role in contributing to fight impunity for these type of offences, fail in accomplishing the intended end result.

Looking into the correlation between the international cooperation and the impunity of terrorists for human trafficking offences in conflict, one can clearly identify various avenues for improvement and reasons that cause the dysfunctionality of the rule of law, in the sense that it is not being applied to its full extent, arguably causing sufficient doubts that raise the question of whom they are serving: the victims or the perpetrators? To avoid this suggestion becoming a statement of facts, national and international partners should consider some of the following in these particular settings: raise awareness about this phenomenon and the problem of impunity when/where it happens; provide adequate training to or ensure that all the involved stakeholders have received appropriate training on this phenomenon, based on the level of each one's implication; and promote and foster cooperation amongst different stakeholders having as an objective the end result rather than personal mandates.

Multi-jurisdictional teams, incorporating experts from different fields of law enforcement and prosecutions at the forefront of investigations, allow for better, more effective, and more efficient outcome of legal proceedings. The international community must be accountable for this void, which so much condemns. However, this cannot be done without political will, commitment, and resources; this phenomenon and this problem are not a flavour-of-the-month rhetoric that will dissipate on its own. There has been a continuous documentation of the repetition of these issues; the present research names a few, but many more are available.

When discussing issues of resources, whether financial or human, national and international organizations can work on joint projects at various levels, integrating and sharing not only their resources but their knowledge and best practices.

This is a serious violation of human rights; these atrocities committed against innocent and vulnerable populations, mostly women and children victimize millions of people around the world. To prevent and suppress these issues, there needs to be a concerted action from all the stakeholders involved.

To succeed, stakeholders must consider obstacles, predict, and prepare for pushbacks driven by political interests, corruption, or additional factors hampering cooperation. They must consult with other stakeholders, learning their struggles in comprehending and applying the already existent provisions so that they can be better understood, rather than reinventing the wheel and complicating what already is extremely complex. Organizations involved in these fields of investigation need to break down the silos that hamper cooperation; the bureaucracy of organizational mandates only serves the purpose of a single institution, not the end goals. Considering a victim approach in such cases is the most humane action that can be taken and accounts for due diligence or duty of care, hopefully restoring the credibility of the rule of law from a victim and public perspective.

CONCLUSION

The complexity of this phenomenon is reflected in the problem analyzed in this research: amongst our findings were the lack of understanding of the offences when there is a nexus between them, limited or inexistent training, no or restricted access to conflict zones, paucity of data, uncoordinated national and international efforts, and political will, were amongst our findings.

Breaking the silos that hamper multi-stakeholder cooperation can most definitely help in solving many of the issues identified above. A broader approach to fighting terrorism is required; all underlying offences committed under the umbrella of terrorism must be brought into consideration when looking into potential charges for perpetrators. In an attempt to avoid siloing myself into the correlation between terrorism and human trafficking, I do agree, like some of the participants interviewed, as well as some authors mentioned in the literature review, that human trafficking is not the only crime going unpunished and being committed by terrorists, other than the terrorism offences. To another extent, terrorist organizations can arguably be seen as a form of organized crime, with the exception of so-called “lone wolf” attacks (where individuals perpetrate terrorist acts in the name of a terrorist organization, pleading allegiance to it). One can say as well that terrorism financing, money laundering, and drug trafficking, amongst others, are also perpetrated by terrorist organizations. Based on the recent past, I can affirm that it is undeniable that human trafficking in its different forms has been chosen by terrorist organizations as a predilect means to further their activities.

It is my opinion and personal conclusion that creating new terms such as “sexual terrorism” (Paulussen, 2021) removes the focus from this problem and contributes to blurring the understanding by law enforcement and legal practitioners of human trafficking and the actions being carried out by terrorist organizations. There is, in my view, no such thing as “sexual terrorism”; there is sexual exploitation that amounts to human trafficking when it is

proven to be committed by force or coercion, and there are crimes against humanity where certain aggravating factors occur. Descending into such paths will open the door to more complicated discussions: would we then consider adding terms such as “terrorism marriage,” “terrorism slavery,” or “terrorism labour” to define what already is comprehended in the human trafficking and terrorism definitions in national or even international laws? Adding new terms does not advantage the rule of law; rather, it contributes to the impunity of perpetrators who will carry on their activities against innocent and vulnerable populations while the international community attempts to redefine what has already been defined on multiple occasions and is already prosecutable under existing legislations, whether nationally or internationally, under distinct laws and provisions.

Then, of course, as for everything that is new, there must be a period of learning and adaptation: whose mandate does it fall under? How do you apply it in practice? Who can answer to how it is being brought forth? Inevitably, as with every change, but especially in bureaucratic public/governmental organizations, there is a long process of assimilation and *mise-en-oeuvre*; no one wants to take the first step in uncharted territory. Terrorist organizations do not follow or abide by national or international laws, they have no consideration for human life or conditions; this is time they will use to further their inhumane actions which, until now, have gone unpunished.

As some participants have mentioned, and as my personal view, this problem requires a bottom-up solution that considers the various social-demographic factors involved in each conflict zone. There must be a concerted action between international and national stakeholders to solve issues of this complexity.

Platforms such as INTERPOL, EUROPOL, and UNPOL must engage in concerted actions, bring down silos that stop them from cooperating, and begin working together. To do so, there must be an operationalization of certain positions within these organizations; drafting policies, reports, regulations, briefing notes, and other similar administrative documents does

not preclude terrorist organizations from continuing to commit human trafficking or human rights violations, but acting on it does.

Operations by INTERPOL and EUROPOL have shown that they are able to resource from member countries and work in collaboration to tackle transnational criminal activity by performing joint operations across borders. This is such a case where this cooperation is required, implicating specialized personnel to work together in the application of the law, in settings that may require civil–military cooperation or military-law enforcement cooperation as key concepts. Known as MILEX, this exchange of data between military and law enforcement organizations has proven a resourceful feature; some of its successes have been highlighted in the *Guidelines on Battlefield Evidence* launched by the UN, CTED (2019b).

I initially mentioned in the research statement that the rule of law should not be a pick-and-choose commodity; one must look at the extent of the actions being committed to then determine the scope of the investigation to be carried. Using tunnel vision in the administration and application of the rule of law does not grant the victims of these crimes the justice they require; rather, it discredits the legal system and creates mistrust from victims toward those who are sworn to serve and protect them. Accountability is a must to bring the perpetrators of such atrocities to justice for a full judgment of their actions.

Academia/researchers, policymakers, international and inter-regional organizations, NGOs, law enforcement, and prosecutors should find common ground to discuss solutions to work collaboratively in achieving common goals. They should establish agendas on specific methodologies while considering the demographics, culture, and capacity of the stakeholders involved and the objective of the deliverables in the conflict zone. Consultations must consider the bottom-top approach to be successfully implemented, as each context differs depending on the nature of the conflict and the social and cultural aspects that affect it.

RECOMMENDATIONS

As we conclude this research paper, it is important, in my view, to be part of the solution that could resolve the problem analyzed by providing a valid contribution to stakeholders and communities involved in the fight against both human trafficking and terrorism. While recognizing the complexities involved when this phenomenon occurs, working collaboratively between both fields of investigation provides tools and provision for more successful investigations and prosecutions. As Participant 20 indicated in his interview, “To solve the problem right, you have to solve the right problem” (P20, 2020-11).

The interviews and interaction with the various participants, as well as the literature review conducted during this research, not only enriched my knowledge on these subjects but allowed me as well to view the phenomenon and the problem from different lenses not necessarily considered before. Some of the recommendations herein are fruit of discussions with participants that culminated in innovative and creative thinking approaches.

Raising awareness on the impacts of siloing in the administration of the rule of law is something that needs great attention. This realization surfaced during discussion with Participant 04, who indicated that “[...] unless instructed to do so, one might not even see it” (P04, 2020-10).

There is a need for leadership and management, to bring the right people to the table to ultimately be more successful through different perspectives, different experiences, different expertise, different knowledge, and so forth, breaking down the silos to better attack and deal with crime (P26, 2020-11; P30, 2020-11). This problem must be assessed as part of a long-term strategy, creating interdisciplinary teams that from the outset would be capable of looking into both crimes from a different perspective. (P34, 2020-10); when we just have people with one area of knowledge, the result is too much groupthink (P30, 2020-11). Public–

private partnerships can help in gathering information that is not available to the public sector, a best practice in providing efficient results. Working with the people closest to the ground, breaking down the silos of information, means that, by necessity, people who are sufficiently informed will have to have a broader view.

Any kind of work to address this issue must be at the grassroots level, involve local communities, hear their voices first and make sure that it works in the context where the phenomenon is happening, designing problem solving from ground up rather than top down.

International organizations must reach out to their state members and emphasize creating task forces and working groups that will comprise not only just trafficking and terrorism people but different disciplines as well, assessing the evidence in a proper way, developing inter-agency discussions or dialogues, raising awareness of the links between the different disciplines, and, where applicable, providing guidance, training, and capacity building.

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