

第 11/2020 號行政長官公告

按照中央人民政府的命令，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈聯合國安全理事會於二零一七年十二月二十一日通過的關於恐怖主義行為對國際和平與安全造成的威脅的第2396（2017）號決議的中文和英文正式文本。

二零二零年三月二十三日發佈。

行政長官 賀一誠

Aviso do Chefe do Executivo n.º 11/2020

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), por ordem do Governo Popular Central, a Resolução n.º 2396 (2017) relativa às ameaças à paz e segurança internacionais causadas por actos terroristas, adoptada pelo Conselho de Segurança das Nações Unidas em 21 de Dezembro de 2017, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 23 de Março de 2020.

O Chefe do Executivo, *Ho Iat Seng*.

第 2396（2017）號決議

安全理事會 2017 年 12 月 21 日第 8148 次會議通過

安全理事會，

重申安理會第 1267(1999)、1325(2000)、1368(2001)、1373(2001)、1566(2004)、1624(2005)、1894(2009)、2106(2013)、2133(2014)、2150(2014)、2170(2014)、2178(2014)、2195(2014)、2199(2015)、2242(2015)、2249(2015)、2253(2015)、2309(2016)、2322(2016)、2331(2016)、2341(2017)、2347(2017)、2354(2017)、2367(2017)、2368(2017)、2370(2017)、2379(2017) 號決議和各項相關主席聲明，

重申一切形式和表現的恐怖主義是對國際和平與安全的最嚴重威脅之一，任何恐怖主義行為不論動機為何、在何時何地發生、由何人所為，都是不可開脫的犯罪行為，仍決心進一步促進全球為消除這一禍患所作總體努力的效果，

重申恐怖主義對國際和平與安全構成威脅，消除這一威脅要求在尊重國際法和《聯合國憲章》的基礎上，在國家、區域和國際各級做出集體努力，

強調不能、也不應將恐怖主義和助長恐怖主義的暴力極端主義與任何宗教、國籍或文明相聯繫，

重申安理會根據《聯合國憲章》承諾尊重所有國家的主權、領土完整和政治獨立，

強調指出會員國在打擊恐怖主義行為以及助長恐怖主義的暴力極端主義方面負有首要責任，

重申，會員國必須確保任何打擊恐怖主義的措施都符合國際法尤其是國際人權法、難民法和人道主義法為其規定的所有義務，特別指出有效的反恐措施與對人權、基本自由和法治的尊重，是互為補充和相輔相成的，是成功開展反恐工作的一個重要部分，並指出尊重法治以有效防止和打擊恐怖主義的重要性，指出不遵守這些義務和其他國際義務，包括《聯合國憲章》規定的義務，是受激進化影響而走向暴力現象增多的一個助長因素，也助長了有罪可不受懲罰的氛圍，

強調指出只有採取由所有國家、國際組織和區域組織積極參與和配合的持久、全面辦法，遏止、削弱、孤立和化解恐怖主義威脅，才能戰勝恐怖主義，

敦促會員國和聯合國系統根據國際法採取措施，以《聯合國全球反恐戰略》所述均衡方式消除助長恐怖主義的暴力極端主義的所有內部和外部動因，

回顧第 2178 號決議和外國恐怖主義作戰人員的定義，對回返或轉移到原籍國、國籍國或第三國的外國恐怖主義作戰人員，特別是來自衝突區的此類人員構成嚴峻且日益增加的威脅表示嚴重關切，

重申促請會員國依照國際法確保難民身份不被恐怖主義行為的實施、組織或協助者濫用，確保不以聲稱有政治動機為由拒絕引渡疑似恐怖主義分子的請求，

表示繼續關切恐怖主義分子和恐怖主義實體已在原籍國、過境國和目的地國之間建立並加強國際網絡，並通過這些網絡往返運送外國恐怖主義作戰人員及用以支持他們的物資，

知悉回返或轉移的外國恐怖主義作戰人員嘗試、組織、籌劃或參與了在其原籍國、國籍國或第三國的襲擊，包括對“軟”目標的襲擊，特別是伊拉克和黎凡特伊斯蘭國（伊黎伊斯蘭國，又稱達伊沙）呼籲其支持者和附屬者於所在之地就地開展襲擊，

強調指出會員國需要作出、重新審視或修訂國家風險和威脅評估，將“軟”目標納入考慮，以便就恐怖主義襲擊制定適當的意外和突發事件應急計劃，

對加入伊黎伊斯蘭國、努斯拉陣線以及伊黎伊斯蘭國、基地組織或其他恐怖主義團體的基層組織、附屬團體、小分化團體或衍生團體的外國恐怖主義作戰人員可能設法返回原籍國、國籍國或轉移到第三國表示嚴重關切，認識到回返或轉移的外國恐怖主義作戰人員造成的威脅包括他們進一步支持伊黎伊斯蘭國、基地組織及其基層組織、附屬團體、小分化團體和衍生實體的行動或活動，包括為此類實體招募人員或以其他方式持續提供支持，並強調指出迫切需要應對這一具體威脅，

考慮到並重點指出持多重國籍者為實施、籌劃、籌備或參與恐怖主義行為或提供、接受恐怖主義培訓的目的而前往國外，以及此類人員可能設法返回原籍國、國籍國或第三國，敦促各國在遵守國內法和包括國際人權法在內的國際法義務的情況下酌情採取行動，

着重指出必須根據適用的國際法加強國際合作，以應對外國恐怖主義作戰人員構成的威脅，包括在信息共享、邊境安全、調查、司法程序、引渡、加強預防及消除有利於恐怖主義蔓延的條件、預防和制止煽動恐怖主義行為、防止因受激進化而走向恐怖主義、防止招募外國恐怖主義作戰人員、阻止和防止為外國恐怖主義作戰人員提供資金支持、制定並實施外國恐怖主義作戰人員及其家屬回返或轉移風險評估、以及起訴、恢復正常生活和重返社會等方面的合作，

在這方面認識到外國恐怖主義作戰人員可能攜家屬一同前往衝突區，其中有些為原有家庭成員，有些則出生在衝突區，強調會員國需要評估並調查這些人員是否有可能參與犯罪或恐怖主義活動，包括為此開展基於證據的風險評估，並按照有關國內法和國際法採取適當行動，包括考慮適當的起訴、恢復正常生活和重返社會措施，注意到兒童可能特別容易因受激進化而走向暴力，需要得到創傷後輔導等特殊社會支持服務，同時強調需按照適用國際法對待兒童，尊重其權利和尊嚴，

關切地注意到恐怖主義分子編造歪曲的宣傳言論，並利用這些言論來造成社區兩極分化，招募支持者和外國恐怖主義作戰人員，籌集資金，獲取同情者的支持，特別是利用包括因特網和社交媒體在內的信息和通信技術，

鼓勵會員國按照國際法義務，包括國際人權法、國際難民法和國際人道主義法為其規定的義務，協作擬訂有效的反宣傳言論、戰略和舉措，包括針對外國恐怖主義作戰人員和因受激進化而走向暴力者的反宣傳言論、戰略和舉措，

促請會員國根據國際法和國內法，通過適當渠道和安排就外國恐怖主義作戰人員加強及時的信息交流，特別是在執法、情報、反恐和特別事務機構之間，以確定外國恐怖主義作戰人員構成的風險，防止此類人員籌劃、指令、開展恐怖主義襲擊，或招募、煽動他人進行恐怖主義襲擊，

認識到會員國難以從衝突區獲得可採納的證據，包括電子和實物證據，用於起訴外國恐怖主義作戰人員及其支持者並確保將他們定罪，

歡迎成立聯合國反恐怖主義辦公室（反恐辦公室），鼓勵反恐辦公室、反恐怖主義委員會執行局（反恐執行局）、國際民用航空組織（國際民航組織）、聯合國毒品和犯罪問題辦公室（毒品和犯罪問題辦公室）及所有其他相關聯合國機構和國際刑警組織協同其他相關的國際、區域和次區域組織繼續開展反恐、技術援助和能力建設領域合作，以此協助會員國執行《全球反恐戰略》，

歡迎近期國際、區域、次區域各級防止和遏制國際恐怖主義的最新發展和舉措，包括聯合國反恐怖主義委員會的 2015 年“馬德里指導原則”，並注意到全球反恐論壇持續開展的工作，特別是在 2016 年通過了《更有效應對外國恐怖主義作戰人員現象特別是回返的外國恐怖主義作戰人員的良好做法海牙-馬拉喀什備忘錄增編》以及其應對外國恐怖主

義作戰人員現象的一整套良好做法，並發佈了其他若干框架文件和良好做法，包括打擊助長恐怖主義的暴力極端主義（包括網上暴力極端主義）、刑事司法、起訴、恢復正常生活和重返社會、軟目標保護、綁架勒索、支持恐怖主義受害者、社區治安等方面的文件和良好做法，以協助有關國家切實執行聯合國反恐法律和政策框架，補充聯合國相關反恐實體在上述領域的工作，

對外國恐怖主義作戰人員可能既將民用航空作為運輸工具又作為目標、既利用貨物來襲擊民航又通過民航運送物資的情況表示關切，並在這方面注意到 1944 年 12 月 7 日在芝加哥締結的國際民用航空組織（國際民航組織）《國際民用航空公約》（“芝加哥公約”）附件 9 和附件 17 中列有發現和預防涉及民用航空恐怖主義威脅的有關標準和建議做法，包括貨物篩查，

在這方面歡迎國際民航組織決定在《附件 9：簡化手續》下設定成員國使用預報旅客資料系統的標準，於 2017 年 10 月 23 日起生效，認識到許多國際民航組織成員國尚未執行這一標準，

關切地注意到恐怖主義分子和恐怖主義團體繼續利用互聯網開展恐怖主義活動，強調指出需要會員國在採取國家措施防止恐怖主義分子利用技術和通信手段開展恐怖主義行為時相互合作，並繼續與私營部門和民間社會開展自願合作，為打擊為恐怖主義目的使用互聯網行為制定和執行更有效的辦法，包括在尊重人權和基本自由、遵守國內法和國際法的同時推出反恐怖主義宣傳言論並採取創新性的技術解決辦法，表示注

意到行業主導的全球互聯網反恐論壇，並呼籲該論壇繼續增進與各國政府和全球技術公司的互動，

認可聯合國反恐執行局提出的“信通技術促和平、技術反恐”倡議，以及為促進與技術行業代表的合作所做的努力，包括與小型技術公司、民間社會、學術界和政府合作，使恐怖主義分子無法利用因特網達到恐怖主義目的，同時尊重人權和基本自由，

讚賞地注意到國際刑警組織努力應對外國恐怖主義作戰人員構成的威脅，包括利用其安全通信網絡、數據庫、諮詢通告系統、失竊及偽造身份證件和旅行證件跟蹤程序、反恐論壇和外國恐怖主義作戰人員方案，在全球範圍內共享執法信息，

確認應在國家機構之間共享有關信息，包括國際刑警組織數據庫中來自會員國的信息，以使執法、司法和邊境安全官員能夠在適當和必要時積極主動、系統性地將這些信息用作調查、起訴和入境點檢查的資料，

確認外國恐怖主義作戰人員構成的威脅全面應對辦法要求消除有利於恐怖主義蔓延的條件，包括防止受激進化而走向恐怖主義，阻止招募活動，切斷對恐怖主義分子的資助，打擊煽動實施恐怖主義行為，促進政治和宗教容忍、善治、經濟發展、社會凝聚力和包容性，結束和解決武裝衝突，以及協助調查、起訴、重返社會和恢復正常生活，

重申安理會第 2379（2017）號決議第 2 段的要求，即設立一個調查小組，由一位特別顧問任組長，以支持伊拉克國內依法懲治伊黎伊斯蘭國（達伊沙）的努力，調查小組將為此在伊拉克收集、保管和儲存關於

恐怖主義團體伊黎伊斯蘭國（達伊沙）在伊拉克犯下可能構成戰爭罪、危害人類罪和滅絕種族罪的罪行證據，並回顧在第 2388（2017）號決議第 29 段中請秘書長確保調查小組在工作中參考打擊人口販運方面的相關研究和專門知識，並確保其收集販運人口罪行證據的工作對性別問題有敏感認識、以受害者為中心、注意心靈創傷問題、以權利為基礎，且不損害受害者的人身安全和保障，

承認監獄可成為受激進化而走向恐怖主義、招募恐怖主義分子的潛在孵化器，對獄中外國恐怖主義作戰人員進行適當評估和監測至關重要，以減少吸引新恐怖主義分子的機會，確認監獄也可適當發揮幫助囚犯恢復正常生活和重返社會的作用，還確認會員國可能需要根據相關國際法在犯罪行為人出獄後繼續與其接觸，以避免累犯現象，並酌情考慮到《聯合國囚犯待遇最低限度標準規則》（“納爾遜·曼德拉規則”），

注意到有些會員國可能在執行本決議時在技術援助和能力建設方面面臨挑戰，鼓勵援助國提供援助，幫助彌補此類不足；

鼓勵包括毒品和犯罪問題辦公室、反恐辦公室在內的聯合國相關實體在與反恐委員會和反恐執行局的密切協商下，進一步加強應請求向各國提供和交付技術援助的工作，以更好地支持會員國執行本決議，

根據《聯合國憲章》第七章採取行動，

1. 回顧其在第 2178 號決議中的決定，即所有會員國應規定與外國恐怖主義作戰人員旅行，以及招募和資助外國恐怖主義作戰人員有關的嚴重刑事犯罪，敦促會員國充分履行在這方面的義務，包括確保國內法

規規定嚴重刑事罪，使其足以有能力在起訴和懲罰有關人員時適當反映罪行的嚴重性，並再次促請會員國相互合作，支持彼此努力打擊助長恐怖主義的暴力極端主義；

邊界安全 and 信息共享

2. 促請會員國通過有效的邊界管制以及在簽發身份證件和旅行證件方面的管制，並通過防止仿造、偽造或冒用身份證件和旅行證件的措施，防止恐怖主義分子的通行；

3. 促請會員國在有合理理由認為是恐怖主義分子包括疑似外國恐怖主義作戰人員的被捕或被拘留者旅行、抵達或將其驅逐時及時通報情況，包括酌情通知來源國、目的地國、任何過境國、這些旅行者持有公民身份的所有國家，包括通報關於這些個人的任何其他相關信息，還促請會員國根據適用的國際法進行合作，快速作出適當回應，並酌情與刑警組織共享此類信息；

4. 還促請會員國根據適用的國內法和國際法，包括國際人權法和國際人道主義法，評估和調查有合理理由認為是恐怖主義分子的個人，包括疑似外國恐怖主義作戰人員，並將他們與可能沒有參與外國恐怖主義作戰人員相關罪行的隨行家屬等其他個人區分開來，包括採用循證風險評估、篩查程序以及收集和分析旅行數據等措施，而不基於國際法禁止的任何歧視性理由進行臉譜化；

5. 促請會員國根據國內法和國際法並通過國家、雙邊和多邊機制，如國際刑警組織，就恐怖主義分子或恐怖主義網絡（包括外國恐怖

主義作戰人員，包括曾前往衝突區或疑曾前往衝突區的外國恐怖主義作戰人員，以及其從衝突區返回來源國或國籍國或前往第三國的家屬)的行動或動向及流動模式，加緊、加速及時交流相關行動信息和財務情報，特別是與其來源國、居住國、國籍國、過境國和目的地國進行信息交流；

6. 敦促會員國通過雙邊或多邊機制並根據國內法和國際法，迅速與外國恐怖主義作戰人員國籍所在會員國交流外國恐怖主義作戰人員的身份信息，其中酌情包括持有一國以上國籍的外國恐怖主義作戰人員的身份信息，並根據適用的國際法和國內法，確保這些會員國可對被拘留的本國國民進行領事探訪；

7. 促請會員國根據國內法和適用的國際法，包括人權法，採取適當行動，確保國內執法、情報、反恐和軍事實體日常能適當獲得疑似恐怖主義分子包括外國恐怖主義作戰人員的相關信息；

8. 敦促會員國酌情考慮把關於外國恐怖主義作戰人員和恐怖主義分子的威脅情報和相關旅行數據降級供官方使用，以便適當把這些信息提供給一線的篩查人員，例如移民、海關和邊界安全機構，並在遵守國際和國內法律和政策的情況下，適當同其他有關國家和相關國際組織分享這些信息，並分享在這方面的良好做法；

9. 歡迎國際民航組織批准新的《全球航空安全計劃》，為國際民航組織、會員國、民用航空業和其他利益攸關方合作實現加強全球航空安全的共同目標並取得五項關鍵優先成果奠定了基礎，這五項優先成果為：加強風險意識和應對措施、培養安全文化和人的能力、改善技術資

源和創新、改善監督和質量保證，以及增加合作和支助，呼籲在全球、區域和國家各級採取行動並呼籲行業和其他利益攸關方採取行動，以提高有效落實全球航空安全的水平，敦促國際民航組織、會員國、民用航空業和其他相關利益攸關方執行《全球航空安全計劃》並履行該計劃附錄 A（全球航空安全計劃路線圖）中為它們規定的具體措施和任務，並鼓勵會員國考慮為支持國際民航組織在航空安全方面的工作而提供捐助；

10. 還歡迎《全球航空安全計劃》確認加強風險意識和應對措施的重要性，着重指出必須更廣泛地了解民用航空面臨的威脅和風險，促請所有會員國在國際民航組織內部開展努力，確保酌情更新和審查《芝加哥公約》附件 17 規定的國際安全標準和建議做法以及國際民航組織指導材料相關內容，以便有效應對恐怖主義分子對民用航空構成的威脅；

11. 決定為促進第 2178 號決議第 9 段和國際民航組織制定的關於其成員國於 2017 年 10 月 23 日前建立預報旅客資料系統的標準，會員國應根據國內法和國際義務，要求在其境內營運的航空公司將預報旅客資料提供給相關國家主管當局，以便發現外國恐怖主義作戰人員和第 1267（1999）、1989（2011）和 2253（2015）號決議所設委員會指認的個人通過民用飛機從其領土離境、或企圖旅行前往其國境、入境或過境的情況，還促請會員國報告這些人從其領土離境、或企圖入境或過境的任何情況，根據國內法和國際義務酌情與這些人的居住國或國籍國、或返回國、過境國或遷居國以及相關國際組織分享這些信息，確保所有有關當

局在充分尊重人權和基本自由的條件下並出於防止、發現和調查恐怖主義犯罪行為和相關旅行的目的而對預報旅客資料進行分析；

12. 決定會員國為推進國際民航組織的標準與建議措施，應增強收集、處理和分析旅客姓名記錄數據的能力，並確保所有國家主管當局在充分尊重人權和基本自由的條件下並出於防止、發現和調查恐怖主義犯罪行為和相關旅行的目的而使用和分享這些數據，還促請會員國、聯合國和其他國際、區域和次區域實體為會員國落實此類能力提供技術援助、資源和能力建設，並鼓勵會員國酌情與相關或有關切的會員國分享旅客姓名記錄數據，以發現返回來源國或國籍國、或前往或遷往第三國的外國恐怖主義作戰人員，特別是第 1267 (1999)、1989 (2011) 和 2253 (2015) 號決議所設委員會指認的所有個人，並敦促國際民航組織與其成員國合作，制定關於收集、使用、處理和保護旅客姓名記錄數據的標準；

13. 決定會員國應在遵守國內法和國際法，包括人權法的情況下，建立已知和疑似恐怖主義分子包括外國恐怖主義作戰人員的監控名單或數據庫，供執法、邊界安全、海關、軍事和情報機構使用，以便對旅客進行篩查並進行風險評估和調查，鼓勵會員國在遵守國內和國際人權法的情況下，通過雙邊和多邊機制分享這一信息，還鼓勵會員國和其他相關組織協助那些設法履行這項義務的會員國進行能力建設並向它們提供技術援助；

14. 鼓勵國際民航組織與反恐執行局加強合作，與其他相關聯合國實體協調，查明會員國在哪些領域可能需要技術援助和能力建設，以便

履行本決議規定的與旅客姓名記錄、預報旅客資料和監控名單有關的義務，並鼓勵執行《全球航空安全計劃》；

15. 決定會員國應在遵守國內法和國際人權法的情況下，開發和實施用於收集生物特徵數據的系統，包括收集指紋、照片、面部識別和其他相關的身份生物特徵數據，以便負責任地穩妥識別恐怖主義分子，包括外國恐怖主義作戰人員，促請其他會員國以及國際、區域和次區域實體為會員國實施此類系統提供技術援助、資源和能力建設，並鼓勵會員國酌情與相關會員國、國際刑警組織和其他相關國際機構分享這些數據；

16. 促請會員國使用國際刑警組織的數據庫，並為之作出貢獻，確保會員國的執法、邊界安全和海關機構通過各國國家中央部門與這些數據庫相連，定期利用國際刑警組織數據庫在海陸空入境口岸對旅客進行篩查，並加強對回返和遷移的外國恐怖主義作戰人員及其家屬進行調查和風險評估，還促請會員國根據國內法和適用的國際法酌情繼續與國際刑警組織分享所有遺失和被盜旅行證件的信息，以提高國際刑警組織數據庫和通報系統的運行效力；

司法措施和國際合作

17. 回顧其第 1373（2001）號決議決定所有會員國應確保將參與資助、策劃、籌備、實施或支持恐怖主義行為的人繩之以法，還回顧其一項決定，即各國應確保國內法規所規定的嚴重刑事罪足以在起訴和懲罰第 2178 號決議第 6 段所述活動時適當反映罪行的嚴重性；

18. 敦促會員國根據國內及適用的國際人權法和國際人道主義法，就涉嫌實施第 2178 (2014) 號決議第 6 段所述外國恐怖主義作戰人員相關犯罪行為的人，制定並實施適當的調查和起訴戰略；

19. 重申，必須追究那些實施恐怖主義行為並在恐怖主義行為中違反國際人道主義法或侵犯踐踏人權的人或這些行為的其他責任人的責任；

20. 促請會員國通過相關中央當局及毒品和犯罪問題辦公室和其他支持能力建設的相關聯合國實體等途徑，根據國內法以及會員國根據國際法所承擔的義務，非正式以及正式地分享最佳做法和技術知識，以期改進相關信息和證據的收集、處理、保存和分享，其中包括從互聯網或在衝突區獲得的信息，以確保犯下罪行的外國恐怖主義作戰人員，包括返回和遷移至衝突區者以及從衝突區返回者和遷移者，可被起訴；

21. 鼓勵會員國根據適用的法律加強與私營部門的合作，特別是與信息通信技術公司合作，收集恐怖主義和外國恐怖主義作戰人員相關案件中的數字數據和證據；

22. 促請會員國加強且酌情通過雙多邊協定加強國際、區域和次區域合作，以防止外國恐怖主義作戰人員特別是其中的回返者和遷移者在未被發現的情況下從其領土或通過其領土旅行，包括更多地分享用於識別外國恐怖主義作戰人員的信息，分享和採用最佳做法並更好地了解外國恐怖主義作戰人員及其家屬的旅行模式，並促請會員國合作採取國家措施，防止恐怖主義分子利用技術、通信和各種資源來支持恐怖主義行

為，同時尊重人權和基本自由，並遵守國內法及適用的國際法規定的義務；

23. 回顧其第 1373 (2001) 號決議決定會員國應在涉及資助或支持恐怖主義行為的刑事調查或刑事訴訟中互相給予最大程度的協助，包括協助取得本國掌握的為訴訟所必需的證據，還特別指出其中包括實物和數字證據，着重指出必須對涉及外國恐怖主義作戰人員的此類調查或訴訟履行該項義務，同時尊重人權和基本自由，並遵守國內法及適用的國際法規定的義務；並敦促會員國按照國際法規定的義務行事，以便查出任何支持、協助、參與或企圖參與直接或間接為恐怖主義分子或恐怖主義團體開展的活動籌措資金的人，將其繩之以法、引渡或起訴；

24. 特別指出，按照第 2322 號決議所述並鑒於外國恐怖主義作戰人員不斷發展的威脅，會員國需要加強國際司法合作，包括酌情將它們加入的適用國際文書用作在恐怖主義案件中開展司法互助和酌情進行引渡的依據，再次促請會員國考慮加強執行它們自己關於在反恐刑事案件中進行引渡和開展司法互助的雙邊和多邊條約，並酌情審查可否提高這些條約的效果，鼓勵會員國在沒有適用公約或規定的情況下，儘可能在對等或個案的基礎上開展合作，再次促請會員國考慮可否允許在涉及恐怖主義的案件中，酌情通過適當的法律和機制移交刑事訴訟，並確認毒品和犯罪問題辦公室發揮作用，在這方面提供技術援助和專門知識；

25. 促請會員國幫助建設其他會員國的能力，以應對回返和遷移的外國恐怖主義作戰人員及其隨行家屬所構成的威脅，優先幫助受威脅影

響最嚴重的會員國，包括防止和監測外國恐怖主義作戰人員跨越陸地和海上邊界的旅行，並幫助收集和保存在訴訟程序中可採納的證據；

26. 促請會員國改善各自刑事司法系統內的國內信息分享，以便根據國際法更有效地監測回返和遷移的外國恐怖主義作戰人員及其他受激進化影響而走向暴力或受伊黎伊斯蘭國或其他恐怖主義團體指令而實施恐怖主義行為的個人；

27. 促請會員國酌情與公共和私營利益攸關方建立或加強國內、區域和國際夥伴關係，以分享信息和經驗，從而在針對“軟目標”的恐怖主義襲擊所致損害方面開展防止、保護、減輕、調查、反應和恢復工作；

28. 敦促有能力的國家協助開展有效、有針對性的能力建設和培訓並提供其他必要的資源，並視需要提供技術援助，使所有國家都能夠發展適當能力，針對“軟”目標受到的襲擊執行意外和突發事件應急計劃；

起訴、恢復正常生活和重返社會戰略

29. 促請會員國評估並調查進入這些會員國境內的、它們有合理理由認為是恐怖主義分子的個人，包括疑似外國恐怖主義作戰人員及其隨行家屬，包括配偶和子女，擬訂並實施針對這些個人的全面風險評估，並採取適當行動，包括考慮適當起訴、恢復正常生活和重返社會措施，並且強調會員國應確保依照國內法和國際法採取所有行動；

30. 強調會員國有義務依照第 1373 號決議確保將任何參與資助、規劃、籌備或實施恐怖主義行為或支持恐怖主義行為的人繩之以法，並促

請會員國根據國際法規定的義務，制定和執行全面且有針對性的起訴、恢復正常生活和重返社會戰略和規程，包括在回返和遷移的外國恐怖主義作戰人員及其隨行配偶和子女、確定他們是否適合恢復正常生活方面，並為此應徵詢當地社區、心理健康和教育專業人士及其他有關民間社會組織和行為體的意見，並請毒品和犯罪問題辦公室及聯合國其他相關機構在其現有任務和資源範圍內以及其他相關行為體，應要求繼續向會員國提供這方面的技術援助；

31. 強調與自或向衝突地區回返或遷移的外國恐怖主義作戰人員有關聯的婦女和兒童可能曾經承擔過許多不同角色，包括作為恐怖主義行為的支持者、協助者、實施者，因此在制定有針對性的起訴、恢復正常生活和重返社會戰略時需要給予他們特殊關注，並強調指出必須援助與外國恐怖主義作戰人員有關聯但可能是恐怖主義受害者的婦女和兒童，援助時應考慮到的性別和年齡敏感問題；

32. 特別指出必須採用整體政府辦法，並確認民間社會組織可以在衛生、社會福利和教育等部門發揮作用，促進回返和遷移的外國恐怖主義作戰人員及其家屬恢復正常生活和重返社會，因為民間社會組織可能最了解當地社區相關情況，最有機會與當地社區進行接觸和聯絡互動，從而能夠正面應對在受招募和激進化而走向暴力現象方面的挑戰，並且鼓勵會員國在制定恢復正常生活和重返社會戰略時主動與民間社會組織聯絡互動；

33. 強調指出需要對伊黎伊斯蘭國、基地組織及關聯個人、團體、企業和實體利用其宣傳言論來煽動和招募他人實施恐怖主義行為的手

段予以有效反擊，在這方面，還回顧第 2354 (2017) 號決議以及載有建議採取的準則及良好做法的“反擊恐怖主義宣傳的綜合性國際框架”(S/2017/375)；

34. 鼓勵會員國依照包括國際人權法、國際難民法和國際人道主義法在內的國際法規定的義務，按第 2354 (2017) 號決議開展協作，以制定和執行有效的反宣傳戰略，包括有關外國恐怖主義作戰人員的反宣傳戰略；

35. 重申各國應考慮酌情與在編制和散播反宣傳言論反擊包括外國恐怖主義作戰人員在內的恐怖主義分子及其支持者所用宣傳言論方面擁有專長的宗教當局、社區領袖和其他民間社會行為體接觸合作；

36. 確認特別重要的是採取整體政府辦法，向與從衝突區回返或遷移的外國恐怖主義作戰人員有關聯的兒童提供及時和適當的重返社會和恢復正常生活援助，包括通過提供醫療保健、心理支持和教育方案，促進兒童福祉和持久和平與安全；

37. 鼓勵會員國制定適當的法律保障措施，以確保所制訂的起訴、恢復正常生活和重返社會戰略完全符合其國際法義務，包括在涉及兒童案件中也是如此；

38. 促請會員國制定實施風險評估工具，用以查明表現出受激進化影響而走向暴力跡象的個人，並酌情在這些人實施恐怖主義行為之前，根據適用的國際法和國內法而非基於國際法所禁任何歧視性理由進行的臉譜化，制定干預方案，包括具有性別平等視角的方案；

39. 鼓勵會員國以及國際、區域和次區域實體確保婦女參與並領導這些戰略的設計、執行、監測和評價工作，以應對回返和遷移的外國恐怖主義作戰人員及其家屬問題；

40. 鼓勵會員國採取一切適當行動，維持安全和人道的監獄環境，開發有助於應對受激進化影響而走向暴力和被恐怖主義招募現象的工具，並制定風險評估，以評估囚犯易受恐怖主義招募和受激進化影響而走向暴力的風險，並制定有針對性、對性別敏感的戰略，以符合適用的國際人道主義法和人權法的方式，依照相關國際法，解決和打擊監獄系統內的恐怖主義宣傳言論，並酌情考慮到《聯合國囚犯待遇最低限度標準規則》，即“納爾遜 曼德拉規則”；

41. 鼓勵會員國採取一切適當行動，在遵守國內法和國際法的情況下，防止已被判定犯有恐怖主義相關罪行的囚犯影響他們可能接觸到的其他囚犯，通過激進化而使後者走向暴力；

聯合國針對回返和遷移的外國恐怖主義作戰人員作出的努力

42. 重申外國恐怖主義作戰人員和那些資助或以其他方式協助他們旅行及隨後各項活動的人若從事下列活動，則可能符合被列入第 1267（1999）、1989（2011）和 2253（2015）號決議所設委員會維持的伊黎伊斯蘭國（達伊沙）和基地組織制裁名單的條件：參與資助、籌劃、協助、籌備或實施由基地組織、伊黎伊斯蘭國或其任何基層組織、下屬機構、小分化團體或衍生團體實施、夥同其實施、以其名義實施、代表其實施或為向其提供支持而實施的行動或活動；向其供應、銷售或轉讓軍火和有關物資；為其招募人員；或以其他方式支持其行動和活動；促請

各國提出此類外國恐怖主義作戰人員和那些協助或資助他們旅行及隨後各項活動之人的姓名，以便視可能將他們列入名單；

43. 指示第 1267 (1999)、1989 (2011) 和 2253 (2015) 號決議所設委員會以及分析支助和制裁監測組與聯合國所有相關的反恐機構密切合作，繼續特別關注外國恐怖主義作戰人員構成的威脅，尤其是與伊黎伊斯蘭國、黎凡特人民支持陣線以及與基地組織有關聯的所有團體、企業和實體有關聯的外國恐怖主義作戰人員所構成的威脅；

44. 請反恐怖主義委員會在其現有任務範圍內，在反恐怖主義委員會執行局（反恐執行局）支持下，審查 2015 年“馬德里指導原則”，為此考慮到外國恐怖主義作戰人員，特別是回返和遷移的恐怖主義分子及其家屬造成的不斷演變的威脅，以及有可能對各國適當發現、制止並在可能情況下起訴、為恢復其正常生活而改造以及為其重返社會而安置回返和遷移的外國恐怖主義作戰人員及其家屬的能力造成阻礙的其他主要差距，並繼續確定新的良好做法，應要求為技術援助提供便利，具體做法是促進能力建設援助的提供者與受援方，尤其是與受影響最嚴重地區的受援方加強聯絡，包括制定全面的反恐戰略，其中包含打擊趨向暴力的激進化、外國恐怖主義作戰人員及其家屬回返和遷移，同時回顧其他有關行為體的作用，例如全球反恐論壇的作用；

45. 還請反恐執行局與毒品和犯罪問題辦公室及聯合國其他相關機構、國際刑警組織和私營部門協調，與會員國協作，酌情通過促進能力建設等方式，在生物特徵數據的系統分類、採集和會員國相互分享方面

繼續收集和發展良好做法，以期改進生物鑒別標準並改進生物特徵數據的採集和使用，以有效識別恐怖主義分子，包括外國恐怖主義作戰人員；

46. 請 1267 (1999)、1989 (2011) 和 2253 (2015) 號決議所設委員會和反恐怖主義委員會向安理會提供最新信息，酌情說明它們各自依照本決議所作的努力；

47. 鼓勵包括毒品和犯罪問題辦公室、反恐辦公室在內的聯合國相關實體在與反恐委員會和反恐執行局的密切協商下，進一步加強應請求向各國提供和交付技術援助的工作，以更好地支持會員國執行本決議；

48. 注意到本決議各個方面，特別是旅客姓名記錄和生物統計數據收集方面的執行工作可能需要大量資源，要經過較長時間才能完善和運作，指示反恐執行局在評估會員國的執行情況時以及在根據第 47 段的要求促進技術援助的提供時考慮到這一點；

49. 敦促反恐辦公室依照其任務規定以及反恐執行局的任務規定，在安排和落實其工作時納入反恐執行局的評估以及查明與外國恐怖主義作戰人員有關的正在出現的問題、趨勢和事態發展，並加強與反恐執行局、毒品和犯罪問題辦公室、分析支助和制裁監測組等聯合國相關反恐實體以及際刑警組織的合作；

50. 請反恐辦公室與反恐執行局密切合作，包括利用反恐執行局的國家評估，按照 S/PRST/2015/11 的要求，審查打擊外國恐怖主義作戰人員流動的聯合國能力建設執行計劃，確保該計劃支持會員國努力執行本決議規定的優先事項，建立有效的預報旅客資料系統，發展旅客姓名記錄能力，開發有效的生物特徵數據系統，改進司法程序，並制定全面、有針對性的起訴、恢復正常生活和重返社會戰略，還請反恐辦公室不遲於 2018 年 6 月底向所有會員國和有關係的國際、區域和次區域機構通報這些項目的優先次序和對計劃的任何更新，並作為例行做法繼續把反恐執行局的國家評估納入其計劃，還請反恐辦公室制定衡量這些項目效果的方法，並促請會員國酌情提供執行這些項目所需的資源；

51. 決定繼續處理此案。

Resolution 2396 (2017)

**Adopted by the Security Council at its 8148th meeting, on
21 December 2017**

The Security Council,

Reaffirming its resolutions 1267 (1999), 1325 (2000), 1368 (2001), 1373 (2001), 1566 (2004) 1624 (2005), 1894 (2009), 2106 (2013), 2133 (2014), 2150 (2014), 2170 (2014), 2178 (2014), 2195 (2014) 2199 (2015), 2242 (2015), 2249 (2015), 2253 (2015), 2309 (2016) 2322 (2016), 2331 (2016), 2341 (2017), 2347 (2017), 2354 (2017), 2367 (2017), 2368 (2017), 2370 (2017) 2379 (2017) and its relevant presidential statements,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level,

Reaffirming that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations,

Emphasizing that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, or civilization,

Reaffirming its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

Stressing that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism,

Reaffirming that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, *underscoring* that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and *noting* that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of

the factors contributing to increased radicalization to violence and fosters a sense of impunity,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

Urging Member States and the United Nations system to take measures, pursuant to international law, to address all drivers of violent extremism conducive to terrorism, both internal and external, in a balanced manner as set out in the United Nations Global Counter-Terrorism Strategy,

Recalling Resolution 2178 and the definition of foreign terrorist fighters, and *expressing grave concern* over the acute and growing threat posed by foreign terrorist fighters returning or relocating, particularly from conflict zones, to their countries of origin or nationality, or to third countries,

Reaffirming its call on Member States to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists,

Expressing continued concern that international networks have been established and strengthened by terrorists and terrorist entities among states of origin, transit, and destination, through which foreign terrorist fighters and the resources to support them have been channelled back and forth,

Acknowledging that returning and relocating foreign terrorist fighters have attempted, organized, planned, or participated in attacks in their countries of origin or nationality, or third countries, including against “soft” targets, and that the Islamic State in Iraq and the Levant (ISIL) also known as Da’esh, in particular has called on its supporters and affiliates to carry out attacks wherever they are located,

Stressing the need for Member States to develop, review, or amend national risk and threat assessments to take into account “soft” targets in order to develop appropriate contingency and emergency response plans for terrorist attacks,

Expressing grave concern that foreign terrorist fighters who have joined entities such as (ISIL), the Al-Nusrah Front (ANF) and other cells, affiliates, splinter groups or derivatives of ISIL, Al-Qaida or other terrorist groups, may be seeking to return to their countries of origin or nationality, or to relocate to third countries, and *recognizing* that the threat of returning or relocating foreign terrorist fighters includes, among others, such individuals further supporting acts or activities of ISIL, Al-Qaida and their cells, affiliates, splinter groups, and derivative entities, including by recruiting for or otherwise providing continued support for such entities, and *stressing* the urgent need to address this particular threat,

Having regard to and highlighting the situation of individuals of more than one nationality who travel abroad for the purpose of the perpetration, planning, preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, and may seek to return to their state of origin or nationality, or to travel to a third state, and *urging* States to take action, as appropriate, in compliance with their obligations under their domestic law and international law, including international human rights law,

Underlining the importance of strengthening international cooperation to address the threat posed by foreign terrorist fighters, including on information sharing, border security, investigations, judicial processes, extradition, improving prevention and addressing conditions conducive to the spread of terrorism, preventing

and countering incitement to commit terrorist acts, preventing radicalization to terrorism and recruitment of foreign terrorist fighters, disrupting, preventing financial support to foreign terrorist fighters, developing and implementing risks assessments on returning and relocating foreign terrorist fighters and their families, and prosecution, rehabilitation and reintegration efforts, consistent with applicable international law,

Recognizing, in this regard, that foreign terrorist fighters may be travelling with family members they brought with them to conflict zones, with families they have formed or family members who were born while in conflict zones, *underscoring* the need for Member States to assess and investigate these individuals for any potential involvement in criminal or terrorist activities, including by employing evidence-based risk assessments, and to take appropriate action in compliance with relevant domestic and international law, including by considering appropriate prosecution, rehabilitation, and reintegration measures, and *noting* that children may be especially vulnerable to radicalization to violence and in need of particular social support, such as post-trauma counselling, while *stressing* that children need to be treated in a manner that observes their rights and respects their dignity, in accordance with applicable international law,

Noting with concern that terrorists craft distorted narratives, which are utilized to polarize communities, recruit supporters and foreign terrorist fighters, mobilize resources and garner support from sympathizers, in particular by exploiting information and communications technologies, including through the Internet and social media,

Encouraging Member States to collaborate in the pursuit of effective counter-narrative strategies and initiatives, including those relating to foreign terrorist fighters and individuals radicalized to violence, in a manner compliant with their obligations under international law, including international human rights law, international refugee law and international humanitarian law,

Calling upon Member States to improve timely information sharing, through appropriate channels and arrangements, and consistent with international and domestic law, on foreign terrorist fighters, especially among law enforcement, intelligence, counterterrorism, and special services agencies, to aid in determining the risk foreign terrorist fighters pose, and preventing them from planning, directing, conducting, or recruiting for or inspiring others to commit terrorist attacks,

Recognizing that Member States face challenges in obtaining admissible evidence, including digital and physical evidence, from conflict zones that can be used to help prosecute and secure the conviction of foreign terrorist fighters and those supporting foreign terrorist fighters,

Welcoming the establishment of the UN Office on Counterterrorism (UNOCT), and encouraging continued cooperation on counterterrorism efforts between UNOCT, the Counter Terrorism Committee Executive Directorate (CTED), International Civil Aviation Organization (ICAO), and United Nations Office of Drugs and Crime (UNODC), and all other relevant UN bodies, and INTERPOL, on technical assistance and capacity building, in coordination with other relevant international, regional and subregional organizations, to assist Member States in implementing the Global Counter Terrorism Strategy,

Welcoming recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including the UN Counter-terrorism Committee's 2015 Madrid Guiding Principles, and noting the ongoing work of the Global Counterterrorism Forum (GCTF), in particular its 2016 adoption of the Hague-Marrakech Memorandum Addendum on Good Practices for a

More Effective Response to the FTF Phenomenon with a focus on Returning FTFs and its comprehensive set of good practices to address the foreign terrorist fighter phenomenon, and its publication of several other framework documents and good practices, including in the areas of countering violent extremism conducive to terrorism, including online, criminal justice, prosecution, rehabilitation and reintegration, soft target protection, kidnapping for ransom, providing support to victims of terrorism, and community-oriented policing to assist interested States with the practical implementation of the United Nations counter-terrorism legal and policy framework and to complement the work of the relevant United Nations counter-terrorism entities in these areas,

Expressing concern that Foreign Terrorist Fighters may use civil aviation both as a means of transportation and as a target, and may use cargo both to target civil aviation and as a means of shipment of materiel, and *noting* in this regard that International Civil Aviation Organization (ICAO) Annex 9 and Annex 17 to the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the “Chicago Convention”), contain standards and recommended practices relevant to the detection and prevention of terrorist threats involving civil aviation, including cargo screening,

Welcoming, in this regard, ICAO’s decision to establish a standard under Annex 9 — Facilitation, regarding the use of Advance Passenger Information (API) systems by its Member States with effect from October 23, 2017, and *recognizing* that many ICAO Member States have yet to implement this standard,

Noting with concern that terrorists and terrorist groups continue to use the Internet for terrorist purposes, and *stressing* the need for Member States to act cooperatively when taking national measures to prevent terrorists from exploiting technology and communications for terrorist acts, as well as to continue voluntary cooperation with private sector and civil society to develop and implement more effective means to counter the use of the Internet for terrorist purposes, including by developing counter-terrorist narratives and through innovative technological solutions, all while respecting human rights and fundamental freedoms and in compliance with domestic and international law, and *taking note* of the industry led Global Internet Forum to Counter Terrorism (GIFCT) and calling for the GIFCT to continue to increase engagement with governments and technology companies globally,

Recognizing the development of the UN CTED-ICT4 Peace Tech Against Terrorism initiative and its efforts to foster collaboration with representatives from the technology industry, including smaller technology companies, civil society, academia, and government to disrupt terrorists’ ability to use the Internet in furtherance of terrorist purposes, while also respecting human rights and fundamental freedoms,

Noting with appreciation the efforts of INTERPOL, to address the threat posed by foreign terrorist fighters, including through global law enforcement information sharing enabled by the use of its secure communications network, databases, and system of advisory notices and procedures to track stolen, forged identity papers and travel documents, and INTERPOL’s counter-terrorism fora and foreign terrorist fighter programme,

Recognizing that relevant information, including information included in INTERPOL databases from Member States, should be shared among national agencies, such that law enforcement, judicial and border security officers can proactively and systematically use that information as a resource, where appropriate and necessary, for investigations, prosecutions and screening at points of entry,

Recognizing that a comprehensive approach to the threat posed by foreign terrorist fighters requires addressing the conditions conducive to the spread of terrorism, including by preventing radicalization to terrorism, stemming recruitment, disrupting financial support to terrorists, countering incitement to commit terrorist acts, and promoting political and religious tolerance, good governance, economic development, social cohesion and inclusiveness, ending and resolving armed conflicts, and facilitating investigation, prosecution, reintegration and rehabilitation,

Reaffirming its request in paragraph 2 of resolution 2379 (2017), to establish an investigative team, to be headed by a Special Adviser, to support domestic efforts to hold ISIL (Da'esh) accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group ISIL (Daesh) in Iraq, and recalling its invitation in paragraph 29 of resolution 2388 to the Secretary-General to ensure that the work of the Investigative Team is informed by relevant anti-trafficking research and expertise and that its efforts to collect evidence on trafficking in persons offences are gender-sensitive, victim centred, trauma-informed, rights-based and not prejudicial to the safety and security of victims,

Acknowledging that prisons can serve as potential incubators for radicalization to terrorism and terrorist recruitment, and that proper assessment and monitoring of imprisoned foreign terrorist fighters is critical to mitigate opportunities for terrorists to attract new recruits, *recognizing* that prisons can also serve to rehabilitate and reintegrate prisoners, where appropriate, and *also recognizing* that Member States may need to continue to engage with offenders after release from prison to avoid recidivism, in accordance with relevant international law and *taking into consideration*, where appropriate, the United Nations Standard Minimum Rules for the Treatment of Prisoners, or “Nelson Mandela Rules”,

Noting that some member states may face technical assistance and capacity building challenges when implementing this resolution, and *encouraging* the provision of assistance from donor states to help address such gaps,

Encouraging relevant UN entities, including UNODC and UNOCT, to further enhance, in close consultation with the Counter-Terrorism Committee and CTED, the provision and delivery of technical assistance to States, upon request, to better support Member State efforts to implement this resolution,

Acting under Chapter VII of the Charter of the United Nations

1. *Recalls* its decision in resolution 2178 that all Member States shall establish serious criminal offenses regarding the travel, recruitment, and financing of foreign terrorist fighters, *urges* Member States to fully implement their obligations in this regard, including to ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of the offense, and *reiterates* its call on Member States to cooperate and support each other's efforts to counter violent extremism conducive to terrorism;

Border Security and Information Sharing

2. *Calls upon* Member States to prevent the movement of terrorists by effective national border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls upon* Member States to notify, in a timely manner, upon travel, arrival, or deportation of captured or detained individuals whom they have reasonable

grounds to believe are terrorists, including suspected foreign terrorist fighters, including, as appropriate, the source country, destination country, any transit countries, all countries where the travelers hold citizenship, and including any additional relevant information about the individuals, and further calls upon Member States to cooperate and respond expeditiously and appropriately, and consistent with applicable international law, and to share such information with INTERPOL, as appropriate;

4. *Further calls upon* Member States to assess and investigate individuals whom they have reasonable grounds to believe are terrorists, including suspected foreign terrorist fighters, and distinguish them from other individuals, including their accompanying family members who may not have been engaged in foreign terrorist fighter-related offenses, including by employing evidence-based risk assessments, screening procedures, and the collection and analysis of travel data, in accordance with domestic and international law, including international human rights and humanitarian law, as applicable, without resorting to profiling based on any discriminatory ground prohibited by international law;

5. *Calls upon* Member States, in accordance with domestic and international law, to intensify and accelerate the timely exchange of relevant operational information and financial intelligence regarding actions or movements, and patterns of movements, of terrorists or terrorist networks, including foreign terrorist fighters, including those who have travelled to the conflict zones or are suspected to have travelled to the conflict zones, and their families travelling back to their countries of origin or nationality, or to third countries, from conflict zones, especially the exchange of information with their countries of origin, residence or nationality, transit, as well as their destination country, through national, bilateral and multilateral mechanisms, such as INTERPOL;

6. *Urges* Member States to expeditiously exchange information, through bilateral or multilateral mechanisms and in accordance with domestic and international law, concerning the identity of foreign terrorist fighters, including, as appropriate, foreign terrorist fighters of more than one nationality with Member States whose nationality the foreign terrorist fighter holds, as well as to ensure consular access by those Member States to their own detained nationals, in accordance with applicable international and domestic law;

7. *Calls upon* Member States to take appropriate action, consistent with domestic law and applicable international law, including human rights law, to ensure that their domestic law enforcement, intelligence, counterterrorism, and military entities routinely have access to relevant information, as appropriate, about suspected terrorists, including foreign terrorist fighters;

8. *Urges* that Member States consider, where appropriate, downgrading for official use intelligence threat and related travel data related to foreign terrorist fighters and individual terrorists, to appropriately provide such information domestically to front-line screeners, such as immigration, customs and border security agencies, and to appropriately share such information with other concerned States and relevant international organizations in compliance with international and domestic national law and policy; and to share good practices in this regard;

9. *Welcomes* the approval by ICAO of the new Global Aviation Security Plan (GASeP) that provides the foundation for ICAO, Member States, the civil aviation industry, and other stakeholders to work together with the shared and common goal of enhancing aviation security worldwide and to achieve five key priority outcomes, namely to enhance risk awareness and response, to develop security culture and human capability, to improve technological resources and innovation, to improve oversight and quality assurance, and to increase cooperation and support, and calls

for action at the global, regional, and national levels, as well as by industry and other stakeholders, in raising the level of effective implementation of global aviation security, *urges* ICAO, Member States, the civil aviation industry, and other relevant stakeholders to implement the GAsEP and to fulfil the specific measures and tasks assigned to them in Appendix A to the GAsEP, the Global Aviation Security Plan Roadmap, and *encourages* Member States to consider contributions to support ICAO's work on aviation security;

10. *Further welcomes* the recognition in the GAsEP of the importance of enhancing risk awareness and response, *underlines* the importance of a wider understanding of the threats and risks facing civil aviation, and *calls upon* all Member States to work within ICAO to ensure that its international security standards and recommended practices as set out in Annex 17 of the Chicago Convention and related to ICAO guidance material, are updated and reviewed, as appropriate, to effectively address the threat posed by terrorists targeting civil aviation;

11. *Decides* that, in furtherance of paragraph 9 of resolution 2178 and the standard established by ICAO that its Member States establish advance passenger information (API) systems as of October 23, 2017, that Member States shall require airlines operating in their territories to provide API to the appropriate national authorities, in accordance with domestic law and international obligations, in order to detect the departure from their territories, or attempted travel to, entry into or transit through their territories, by means of civil aircraft, of foreign terrorist fighters and individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), and *further calls upon* Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, by sharing this information with the State of residence or nationality, or the countries of return, transit or relocation, and relevant international organizations as appropriate and in accordance with domestic law and international obligations, and to ensure API is analysed by all relevant authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting, and investigating terrorist offenses and travel;

12. *Decides* that Member States shall develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, passenger name record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel, *further calls upon* Member States, the UN, and other international, regional, and subregional entities to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities, and, where appropriate, *encourages* Member States to share PNR data with relevant or concerned Member States to detect foreign terrorist fighters returning to their countries of origin or nationality, or traveling or relocating to a third country, with particular regard for all individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015), and also *urges* ICAO to work with its Member States to establish a standard for the collection, use, processing and protection of PNR data;

13. *Decides* that Member States shall develop watch lists or databases of known and suspected terrorists, including foreign terrorist fighters, for use by law enforcement, border security, customs, military, and intelligence agencies to screen travelers and conduct risk assessments and investigations, in compliance with domestic and international law, including human rights law, and *encourages* Member States to share this information through bilateral and multilateral mechanisms, in compliance with domestic and international human rights law, and further *encourages* the facilitation of capacity building and technical assistance by Member States and

other relevant Organizations to Member States as they seek to implement this obligation;

14. *Encourages* improved cooperation between ICAO and CTED, in coordination with other relevant UN entities, in identifying areas where Member States may need technical assistance and capacity-building to implement the obligations of this resolution related to PNR and API and watch lists, as well as implementation of the GaSEP;

15. *Decides that* Member States shall develop and implement systems to collect biometric data, which could include fingerprints, photographs, facial recognition, and other relevant identifying biometric data, in order to responsibly and properly identify terrorists, including foreign terrorist fighters, in compliance with domestic law and international human rights law, *calls upon* other Member States, international, regional, and subregional entities to provide technical assistance, resources, and capacity building to Member States in order to implement such systems and *encourages* Member States to share this data responsibly among relevant Member States, as appropriate, and with INTERPOL and other relevant international bodies;

16. *Calls upon* Member States to contribute to and make use of INTERPOL's databases and ensure that Member States' law enforcement, border security and customs agencies are connected to these databases through their National Central Bureaus, and make regular use of INTERPOL databases for use in screening travelers at air, land and sea ports of entry and to strengthen investigations and risk assessments of returning and relocating foreign terrorist fighters and their families, and *further calls upon* Member States to continue sharing information regarding all lost and stolen travel documents with INTERPOL, as appropriate and consistent with domestic law and applicable international law to enhance the operational effectiveness of INTERPOL databases and notices;

Judicial Measures and International Cooperation

17. *Recalls* its decision, in resolution 1373 (2001), that all Member States shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, and further *recalls* its decision that all States shall ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize the activities described in paragraph 6 of resolution 2178 in a manner duly reflecting the seriousness of the offense;

18. *Urges* Member States, in accordance with domestic and applicable international human rights law and international humanitarian law, to develop and implement appropriate investigative and prosecutorial strategies, regarding those suspected of the foreign terrorist fighter-related offenses described in paragraph 6 of resolution 2178 (2014);

19. *Reaffirms* that those responsible for committing or otherwise responsible for terrorist acts, and violations of international humanitarian law or violations or abuses of human rights in this context, must be held accountable;

20. *Calls upon* Member States, including through relevant Central Authorities, as well as UNODC and other relevant UN entities that support capacity building, to share best practices and technical expertise, informally and formally, with a view to improving the collection, handling, preservation and sharing of relevant information and evidence, in accordance with domestic law and the obligations Member States have undertaken under international law, including information obtained from the internet, or in conflict zones, in order to ensure foreign terrorist fighters who have

committed crimes, including those returning and relocating to and from the conflict zone, may be prosecuted;

21. *Encourages* enhancing Member State cooperation with the private sector, in accordance with applicable law, especially with information communication technology companies, in gathering digital data and evidence in cases related to terrorism and foreign terrorist fighters;

22. *Calls upon* Member States to improve international, regional, and sub regional cooperation, if appropriate through multilateral and bilateral agreements, to prevent the undetected travel of foreign terrorist fighters from or through their territories, especially returning and relocating foreign terrorist fighters, including through increased sharing of information for the purpose of identifying foreign terrorist fighters, the sharing and adoption of best practices, and improved understanding of the patterns of travel by foreign terrorist fighters and their families, and for Member States to act cooperatively when taking national measures to prevent terrorists from exploiting technology, communications and resources to support terrorist acts, while respecting human rights and fundamental freedoms and consistent with their obligations under domestic and applicable international law;

23. *Recalls* its decision in resolution 1373 (2001) that Member States shall afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, and further underscores that this includes physical and digital evidence, *underlines* the importance of fulfilling this obligation with respect to such investigations or proceedings involving foreign terrorist fighters, while respecting human rights and fundamental freedoms and consistent with obligations under domestic and applicable international law; and *urges* Member States to act in accordance with their obligations under international law in order to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of activities conducted by terrorists or terrorist groups;

24. *Underscores* the need for Member States to strengthen international judicial cooperation, as outlined in Resolution 2322 and in light of the evolving threat of foreign terrorist fighters, including, as appropriate, to use applicable international instruments to which they are parties as a basis for mutual legal assistance and, as appropriate, for extradition in terrorism cases, *reiterates* its call on Member States to consider strengthening the implementation of, and where appropriate, to review possibilities for enhancing the effectiveness of, their respective bilateral and multilateral treaties concerning extradition and Mutual Legal Assistance in criminal matters related to counterterrorism, and *encourages* Member States, in the absence of applicable conventions or provisions, to cooperate when possible on the basis of reciprocity or on a case by case basis, and *reiterates* its call upon Member States to consider the possibility of allowing, through appropriate laws and mechanisms, the transfer of criminal proceedings, as appropriate, in terrorism-related cases and *recognizing* the role of UNODC in providing technical assistance and expertise in this regard;

25. *Calls upon* Member States to help build the capacity of other Member States to address the threat posed by foreign terrorist fighter returnees and relocators and their accompanying family members, prioritizing those Member States most affected by the threat, including to prevent and monitor foreign terrorist fighter travel across land and maritime borders, and to help collect and preserve evidence admissible in judicial proceedings;

26. *Calls upon* Member States to improve domestic information sharing within their respective criminal justice systems in order to more effectively monitor returning and relocating foreign terrorist fighters and other individuals radicalized to violence or directed by ISIL or other terrorist groups to commit terrorist acts, in accordance with international law;

27. *Calls upon* Member States to establish or strengthen national, regional and international partnerships with stakeholders, both public and private, as appropriate, to share information and experience in order to prevent, protect, mitigate, investigate, respond to and recover from damage from terrorist attacks against “soft” targets;

28. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, and technical assistance, where it is needed to enable all States to develop appropriate capacity to implement contingency and response plans with regard to attacks on “soft” targets;

Prosecution, Rehabilitation and Reintegration Strategies

29. *Calls upon* Member States to assess and investigate suspected individuals whom they have reasonable grounds to believe are terrorists, including suspected foreign terrorist fighters and their accompanying family members, including spouses and children, entering those Member States’ territories, to develop and implement comprehensive risk assessments for those individuals, and to take appropriate action, including by considering appropriate prosecution, rehabilitation, and reintegration measures and *emphasizes* that Member States should ensure that they take all such action in compliance with domestic and international law;

30. *Calls upon* Member States, *emphasizing* that they are obliged, in accordance with resolution 1373, to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, to develop and implement comprehensive and tailored prosecution, rehabilitation, and reintegration strategies and protocols, in accordance with their obligations under international law, including with respect to foreign terrorist fighters and spouses and children accompanying returning and relocating foreign terrorist fighters, as well as their suitability for rehabilitation, and to do so in consultation, as appropriate, with local communities, mental health and education practitioners and other relevant civil society organizations and actors, and *requests* UNODC and other relevant UN agencies, consistent with their existing mandates and resources, and other relevant actors to continue providing technical assistance to Member States, upon request, in this regard;

31. *Emphasizes* that women and children associated with foreign terrorist fighters returning or relocating to and from conflict may have served in many different roles, including as supporters, facilitators, or perpetrators of terrorist acts, and require special focus when developing tailored prosecution, rehabilitation and reintegration strategies, and *stresses* the importance of assisting women and children associated with foreign terrorist fighters who may be victims of terrorism, and to do so taking into account gender and age sensitivities;

32. *Underscores* the importance of a whole of government approach and *recognizes* the role civil society organizations can play, including in the health, social welfare and education sectors in contributing to the rehabilitation and reintegration of returning and relocating foreign terrorist fighters and their families, as civil society organizations may have relevant knowledge of, access to and engagement with local communities to be able to confront the challenges of recruitment and radicalization to violence, and *encourages* Member States to engage with them proactively when developing rehabilitation and reintegration strategies;

33. *Stresses* the need to effectively counter the ways that ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities use their narratives to incite and recruit others to commit terrorist acts, and further recalls in this regard resolution 2354 (2017) and the “Comprehensive International Framework to Counter Terrorist Narratives” (S/2017/375) with recommended guidelines and good practices;

34. *Encourages* Member States to collaborate in the pursuit of developing and implementing effective counter-narrative strategies in accordance with resolution 2354 (2017), including those relating to foreign terrorist fighters, in a manner compliant with their obligations under international law, including international human rights law, international refugee law and international humanitarian law, as applicable;

35. *Reiterates* that States should consider engaging, where appropriate, with religious authorities, community leaders and other civil society actors, who have relevant expertise in crafting and delivering effective counter-narratives, in countering narratives used by terrorists, including foreign terrorist fighters, and their supporters;

36. *Recognizes* the particular importance of providing, through a whole of government approach, timely and appropriate reintegration and rehabilitation assistance to children associated with foreign terrorist fighters returning or relocating from conflict zones, including through access to health care, psychosocial support and education programs that contribute to the well-being of children and to sustainable peace and security;

37. *Encourages* Member States to develop appropriate legal safeguards to ensure that prosecution, rehabilitation and reintegration strategies developed are in full compliance with their international law obligations, including in cases involving children;

38. *Calls upon* Member States to develop and implement risk assessment tools to identify individuals who demonstrate signs of radicalization to violence and develop intervention programs, including with a gender perspective, as appropriate, before such individuals commit acts of terrorism, in compliance with applicable international and domestic law and without resorting to profiling based on any discriminatory grounds prohibited by international law;

39. *Encourages* Member States, as well as international, regional, and sub-regional entities to ensure participation and leadership of women in the design, implementation, monitoring, and evaluation of these strategies for addressing returning and relocating foreign terrorist fighters and their families;

40. *Encourages* Member States to take all appropriate actions to maintain a safe and humane environment in prisons, develop tools that can help address radicalization to violence and terrorist recruitment, and to develop risk assessments to assess the risks of prison inmates’ susceptibility to terrorist recruitment and radicalization to violence, and develop tailored and gender-sensitive strategies to address and counter terrorist narratives within the prison system, consistent with international humanitarian law and human rights law, as applicable and in accordance with relevant international law and *taking into consideration, as appropriate*, the United Nations Standard Minimum Rules for the Treatment of Prisoners, or “Nelson Mandela Rules”;

41. *Encourages* Member States to take all appropriate actions to prevent inmates who have been convicted of terrorism-related offenses from radicalizing other prisoners to violence, with whom they may come into contact, in compliance with domestic and international law;

United Nations Efforts on Returning and Relocating Foreign Terrorist Fighters

42. *Reaffirms* that foreign terrorist fighters and those who finance or otherwise facilitate their travel and subsequent activities may be eligible for inclusion on the ISIL (Da'esh) & Al-Qaida Sanctions List maintained by the Committee pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015) where they participate in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, supplying, selling or transferring arms and related materiel to, or recruiting for, or otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof, and *calls upon* States to propose such foreign terrorist fighters and those who facilitate or finance their travel and subsequent activities for possible designation;

43. *Directs* the Committee established pursuant to resolution 1267 (1999), 1989 (2011) and 2253 (2015) and the Analytical Support and Sanctions Monitoring Team, in close cooperation with all relevant United Nations counter-terrorism bodies, to continue to devote special focus to the threat posed by foreign terrorist fighters, specifically those associated with ISIL, ANF and all groups, undertakings and entities associated with Al-Qaida;

44. *Requests* the Counter-Terrorism Committee, within its existing mandate and with the support of Counter-Terrorism Committee Executive Directorate (CTED), to review the 2015 Madrid Guiding Principles in light of the evolving threat of foreign terrorist fighters, particularly returnees, relocators and their families, and other principal gaps that may hinder States' abilities to appropriately detect, interdict, and where possible, prosecute, rehabilitate and reintegrate foreign terrorist fighter returnees and relocators and their families, as well as to continue to identify new good practices and to facilitate technical assistance, upon their request, specifically by promoting engagement between providers of capacity-building assistance and recipients, especially those in the most affected regions, including through the development of comprehensive counter-terrorism strategies that encompass countering radicalization to violence and the return and relocation of foreign terrorist fighters and their families, recalling the roles of other relevant actors, for example the Global Counterterrorism Forum;

45. *Further requests* CTED, in coordination with UNODC and other relevant UN bodies, INTERPOL, and the private sector, and in collaboration with Member States, to continue to collect and develop best practices on the systematic categorization, collection and sharing among Member States of biometric data, with a view to improving biometric standards and improving the collection and use of biometric data to effectively identify terrorists, including foreign terrorist fighters, including through the facilitation of capacity building, as appropriate;

46. *Requests* the Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) and the Counter-Terrorism Committee to update the Security Council on their respective efforts pursuant to this resolution, as appropriate;

47. *Encourages* relevant UN entities, including UNODC and UNOCT, to further enhance, in close consultation with the Counter-Terrorism Committee and CTED, the provision and delivery of technical assistance to States, upon request, to better support Member State efforts to implement this resolution;

48. *Notes* that the implementation of aspects of this resolution, especially PNR and biometric data collection, can be resource-intensive and take an extended period of time to develop and make operational, *directs* CTED to take this into consideration when assessing Member States' implementation of relevant resolutions, and in its furtherance of facilitating technical assistance as requested in paragraph 47;

49. *Urges* the Office of Counterterrorism to incorporate CTED assessments and identification of emerging issues, trends and developments as related to foreign terrorist fighters into the design and implementation of their work, in accordance with their respective mandates, as well as to enhance cooperation with relevant UN counter-terrorism entities such as CTED, UNODC, the Analytical Support and Sanctions Monitoring Team, and INTERPOL;

50. *Requests* the Office of Counterterrorism, in close cooperation with CTED, including through use of CTED country assessments, to review the UN Capacity Building Implementation Plan to counter the Flow of FTFs, as called for under S/PRST/2015/11, to ensure that the Plan supports Member States in their efforts to implement the priorities of this resolution, the establishment of effective API systems, the development of PNR capability, the development of effective biometric data systems, the improvement of judicial procedures, and the development of comprehensive and tailored prosecution, rehabilitation, and reintegration strategies, *further requests* OCT to communicate the prioritization of these projects and any updates to the plan to all Member States and relevant international, regional, and sub-regional bodies by June 2018, and to continue incorporating CTED country assessments in its Plan on a routine basis, *further requests* OCT to develop ways to measure the effectiveness of these projects, and *calls upon* Member States, as appropriate, to provide the resources needed to implement these projects;

51. *Decides* to remain seized of the matter.

二零二零年三月二十三日於行政長官辦公室

辦公室主任 許麗芳

Gabinete do Chefe do Executivo, aos 23 de Março de 2020.
— A Chefe do Gabinete, *Hoi Lai Fong*.

政府總部輔助部門

批示摘錄

透過行政長官二零二零年二月二十八日批示：

根據第12/2015號法律《公共部門勞動合同制度》第六條第二款(一)項、第三款、第二十四條第三款(一)項及第四款的規定，政府總部輔助部門下列行政任用合同人員修改為長期行政任用合同，為期三年，下述日期起生效：

——第一職階一等行政技術助理員朱珮珊，二零二零年二月十八日；

——第三職階輕型車輛司機歐陽國生，二零二零年一月三十一日；

——第四職階勤雜人員陸壽嫻，二零二零年二月三日；

——第三職階勤雜人員陳耀培，二零二零年一月三十一日。

根據第12/2015號法律《公共部門勞動合同制度》二十四條第三款(二)項及第四款的規定，政府總部輔助部門下列長期行

SERVIÇOS DE APOIO DA SEDE DO GOVERNO

Extractos de despachos

Por despachos de S. Ex.^a o Chefe do Executivo, de 28 de Fevereiro de 2020:

O seguinte pessoal dos Serviços de Apoio da Sede do Governo, em regime de contrato administrativo de provimento — alterados os respectivos contratos para contratos administrativos de provimento de longa duração, pelo período de três anos, nos termos da alínea I) do n.º 2, do n.º 3 do artigo 6.º, da alínea I) do n.º 3 e do n.º 4 do artigo 24.º da Lei n.º 12/2015 (Regime do Contrato de Trabalho nos Serviços Públicos), a partir das datas a seguir indicadas:

— Chu Pui San, assistente técnica administrativa de 1.ª classe, 1.º escalão, a partir de 18 de Fevereiro de 2020;

— Ao Ieong Kuok Sang, motorista de ligeiros, 3.º escalão, a partir de 31 de Janeiro de 2020;

— Lok Sao Han, auxiliar, 4.º escalão, a partir de 3 de Fevereiro de 2020;

— Chan Io Pui, auxiliar, 3.º escalão, a partir de 31 de Janeiro de 2020.

O seguinte pessoal dos Serviços de Apoio da Sede do Governo, em regime de contrato administrativo de provimento de longa duração — alterados os respectivos contratos para