



# DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR) & ARMED GROUPS DESIGNATED AS TERRORIST ORGANIZATIONS (AGDTO)

WHITEPAPER

The present document aims to outline common understanding within the DDR Section on the implementation of integrated disarmament, demobilization and reintegration (DDR) processes that target armed groups designated as terrorist organizations (AGDTO). By considering a wide range of international instruments, the paper fosters complementarity across interventions and between judicial and non-judicial efforts. The document should be used as reference when engaging key stakeholders on issues related to DDR and AGDTO.

## INTRODUCTION

Violent extremism as, and when, conducive to **terrorism is neither a new phenomenon, nor exclusive to any region, nationality or system of belief**. “Nevertheless, in recent years, terrorist groups such as Islamic State in Iraq and the Levant (ISIL), Al-Qaida and Boko Haram have shaped our image of violent extremism and the debate on how to address this threat”.<sup>1</sup> **For over 30 years, national authorities and international entities have supported the voluntary disengagement, rehabilitation and reintegration of members of non-state armed groups, including violent extremist groups.**<sup>2</sup> From Colombia to Afghanistan, as well as from Nigeria to the Philippines, the national authorities have promoted individual demobilizations (in the absence of peace agreements) and supported the reintegration of former members of non-state armed groups, into civilian life, including women and children, as part of integrated DDR processes.

From the 1<sup>st</sup> generation DDR, mainly focused on dismantling military structures in post-conflict settings, DDR efforts have increasingly become more sophisticated targeting a wide range of actors across the peace continuum (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> generation DDR).<sup>3</sup> The premise is that **DDR has constantly re-engineered to meet emerging challenges in conflict-affected contexts**, including the regionalization of violence, proliferation of non-state armed groups and the surge of terrorism.<sup>4</sup> A study conducted by UNDP in 2023 highlighted that “for a certain segment of recruits, offering livelihood incentives to disengage as part of a broader disarmament, demobilization and reintegration process can be effective in encouraging them to leave a violent extremist group via amnesty or surrender”.<sup>5</sup>

For years, national and international actors have supported the voluntary disengagement, rehabilitation and reintegration of individuals who voluntarily exit extremist groups. However, to have a systemic impact, such interventions must be part of a comprehensive political strategy, including the prospect of peace negotiations. In fact, “[p]olitical processes are the most common way terrorist

1 United Nations (2015). Report of the Secretary-General on the Plan of Action to Prevent Violent Extremism.

2 ALTIER, Mary Beth (2021). Violent Extremist Disengagement & Reintegration: lessons from over 30 years of DDR.

3 Ibid.

4 World Bank (2019). Contemporary Issues Addressing Armed Actors & Groups. Exploring DDR at the CVE Nexus.

5 UNDP (2023). Journey to Extremism in Africa: Pathways to Recruitment and Disengagement.

groups have historically come to an end: 43 per cent of terrorist groups that existed between 1968 and 2006 ended their campaigns by negotiating an end to the conflict.”<sup>6</sup> In recent years, host governments and third Member State have engaged with designated groups. Concerning the United Nations’ engagement in such peace negotiations, it is important to note that:

*“where national law proscribes a certain group or designates it a terrorist entity, engagement is not ruled out, even when national legislation prohibits contacts with such groups. However, the privileges and immunities enjoyed by UN officials do not guarantee that States may not try to assert contact prohibitions set out by national or regional legal frameworks. A careful analysis of the legal regime and political sensitivities is needed to weigh up the process and benefits of engagement against a national or regional legal framework. It is also advisable to be transparent with the relevant government about contacts with NSAGs, even where formal consent to such a contact is not sought.”<sup>7</sup>*

## **LISTING AS A TERRORIST ORGANIZATION**

**There is no universally agreed upon definition of ‘terrorism’, nor associated terms such as ‘violent extremism’.<sup>8</sup> Furthermore, the designation of an armed group, entity or individual as terrorist and the level of designation are the result of a political decision by the UN Security Council, or one or a group of Member States pursuant to agreed procedures and criteria.<sup>9</sup>** In many cases, the listing/de-listing of an armed group may occur without a clear change in *modus operandi* of a given actor.

- Listing as a terrorist organization by the United Nations Security Council. **The only committee that lists individuals and groups for their association with terrorism** is the Sanctions Committee concerning ISIL (Da’esh), Al-Qaida and associated individuals, groups, undertakings, and entities established pursuant to Resolution 1267 (1999), 1989 (2011) and 2253 (2015).
- Listing as a terrorist organization by a regional organization, the host State and/or a third-party State (but not by the UN Security Council).

In key contexts, national organizations and UN entities are asked by the Security Council to support DDR processes targeting AGDTOs. See examples below.

- **Boko Haram:** Although the group is formally listed by Security Council Sanctions Committee 1267 since 2014, the same governing body adopted a resolution in 2017 encouraging Governments and the United Nations to develop and implement disarmament, demobilisation, rehabilitation and reintegration strategies and policies (operative clauses 29-32).<sup>10</sup>
- **AUC/FARC/ELN:** Historically, various armed groups in Colombia have been designated as terrorist organizations by third parties and regional organizations (e.g. United States and the European Union) without creating obstacles for the implementation of DDR processes (collective and individual demobilizations). From 2002 to 2016, over 20,000 FARC voluntarily disengaged and received reintegration support. The United Nations supported the peace agreement signed in 2016, even though FARC remained listed as a terrorist organization by the United States and the EU.

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6 UNIDIR & ISS (2024). Prospects for Dialogue and Negotiation to address the conflict in the Lake Chad Basin.

7 United Nations (2017) Aide Memoire. Engaging Non-State Armed Groups for political purposes: Considerations for UN mediators and missions.

8 United Nations Integrated DDR Standards (IDDRS 2.10 The UN Approach to DDR)

9 United Nations Integrated DDR Standards (draft IDDRS 6.50 DDR and Armed Groups Designated as Terrorist Organizations).

10 United Nations Security Council resolution 2349 (2017), operative clauses 29 to 32.

Currently, ELN is listed by the US, but the designation has not prevented the Security Council to mandate the UN to support mediation efforts, including DDR aspects.<sup>11</sup>

While ensuring complementarity among interventions, notably accountability mechanisms, **the above examples illustrate that the listing by the Security Council, host governments, regional organizations and third parties does not prevent the implementation of DDR processes.**

## **LEGAL FRAMEWORKS, INCLUDING INTERLINKAGE WITH ACCOUNTABILITY MECHANISMS**

DDR in contexts where AGDTO operate shall be undertaken in compliance with international legal and policy frameworks which include, first and foremost, **international human rights law (IHRL), including the rights of children, and, where applicable, international humanitarian law (IHL) and international criminal law (ICL), as well as General Assembly and Security Council resolutions, the international counterterrorism framework and relevant arms control frameworks.** Under this premise, the full spectrum of international instruments must be considered, including international principles, norms and standards, conventions, treaties and decisions of the Security Council and General Assembly. The reference of a narrow number of international instruments, ignoring key sources of international law, can create misperceptions concerning obligations and/or limitations in advancing DDR processes.

**States are sovereign in translating a wide range of international instruments into domestic legislation, thus establishing the legal, institutional and policy frameworks, including DDR, for dealing with AGDTO.**

National governments have the prerogative to legislate and define the applicable sanctions and alternative measures.

In contexts where AGDTO are present, DDR practitioners shall be aware that UNSCR 2396 “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.”<sup>12</sup>

States have an obligation to investigate and prosecute genocide, war crimes, crimes against humanity and gross violations of human rights, including conflict-related sexual violence (CRSV) and terrorist acts.<sup>13</sup> “While amnesty for genocide, crimes against humanity, war crimes and gross human rights violations is impermissible, a range of options to combine DDR with criminal prosecutions, amnesties and other transitional justice measures is available within the framework of international law and should be considered to mutually reinforce DDR and transitional justice.”<sup>14</sup> While considering these aspects, including State obligations, it is important to note that **DDR does not constitute an accountability mechanism and participation in a DDR process does not exclude the possibility of prosecuting an individual. If, at any stage, there are reasonable grounds to believe that a person participated in the financing, planning, preparation, or perpetration of terrorist acts or in supporting terrorist acts, the**

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<sup>11</sup> For a comprehensive list of groups listed as terrorist organizations by the United States, refer to U.S State Department website. <https://www.state.gov/foreign-terrorist-organizations/>. Despite bilateral designation as a terrorist organization, the Security Council mandated UNVMC to “monitor and verify the implementation of the ceasefire as outlined in the Second Cuba Agreement between the Government of Colombia and the ELN.” (S/RES2694 of 2 August 2023).

<sup>12</sup> United Nations Security Council resolution 2396 (2017), operative clause 29.

<sup>13</sup> United Nations (2019). Integrated DDR Standards: IDDRS 6.10 on DDR and Transitional Justice.

<sup>14</sup> Idem.

**competent authorities can refer the case for further investigation and possible prosecution by judicial entities.**

Respecting the division of roles and responsibilities as well as checks and balances among branches of Government, administrative authorities such as National DDR Commissions/bodies lead the implementation of DDR processes. In parallel, the judiciary branch through competent bodies is independent in investigating - where appropriate -, requesting the exclusion of an individual from a DDR process based on a well-defined standard of proof, and prosecuting said individual deemed responsible for grave human rights violations, including terrorist acts.

Irrespective of the armed group's designation, **children associated with armed forces or groups (CAAFAG) must always be considered primarily as victims of the six grave violations** under international human rights law (IHRL) and international humanitarian law (IHL).<sup>15</sup> In accordance with international law, **“the unconditional and immediate protection, release, and (re)integration of CAAFAG with their family and community should be planned for and prioritized at all times”**.<sup>16</sup> “Children at the age of criminal responsibility, and who are suspected of having committed a serious crime, shall be handed over to civilian actors, and justice should be provided within juvenile justice frameworks. **Children should not be detained solely based on their association with armed groups.**”<sup>17</sup>

It is essential to dismantle misperceptions that DDR processes are related to blank amnesties. As a peacebuilding approach, **DDR is an integral part of Transitional Justice frameworks**.<sup>18</sup> This enables the complementary between DDR interventions and accountability mechanisms. Such a misunderstanding is often generated as a result of advancement of DDR activities without a comparable investment in strengthening judicial systems (e.g. construction of court houses and prisons, development of investigation and prosecutorial capacities).



While investigation and prosecutorial capacities need to be strengthened to effectively deal with contexts where individuals leave AGDTO, it is important to note that the employment of rigid prosecution policies and practices against members of armed groups designated as terrorist organizations can be counterproductive to the implementation of comprehensive strategies to combat such fighters and violent extremism.<sup>19</sup> In accordance with the Madrid Guiding Principles, **“Member States should also consider alternatives to incarceration, as well as the reintegration and possible rehabilitation of returnees, prisoners and detainees. The adoption of a comprehensive, multidisciplinary approach that involves all branches of Government, as well as community and civil**

<sup>15</sup> European Union (2024) Eu Guidelines on Children and Armed Conflict.

<sup>16</sup> Idem.

<sup>17</sup> Idem.

<sup>18</sup> United Nations (2019). Integrated DDR Standards: IDDRS 6.10 on DDR and Transitional Justice.

<sup>19</sup> Madrid Guiding Principles (S/2015/939).

**society stakeholders, can be a more effective way to bring terrorists to justice and can represent an effective long-term response to the risks posed by foreign terrorist fighters.”**<sup>20</sup>The previous statement reiterates the flexibility across countries to adopt a wide range of measures while observing international norms.

When defining target groups and potential measures it is critical to refer to well-established concepts and terminologies, drawing from existing principles, norms and standards. According to the IDDRS, **individuals who perform support roles to non-state armed groups are often referred to as being associated with armed forces and groups.**<sup>21</sup> Moreover, “[c]riminal responsibility is individual. Nobody should be detained or prosecuted for crimes committed by family members. Many women and children come into contact with United Nations listed terrorist groups through family links and should be treated in accordance with the principle of the presumption of innocence.”<sup>22</sup> In compliance with International Humanitarian Law, the Organization should avoid broad interpretation of the language of “association with terrorist organizations” which leads to the stigmatization of entire communities and cycles of revictimization, undermines the presumption of innocence and limits individual criminal responsibility.<sup>23</sup>

## **KEY MESSAGES**

- **Implementation of DDR processes targeting AGDTO:** For over 30 years, national authorities have established legal, policy and institutional frameworks for implementation of DDR processes, targeting former AGDTO members, both listed by the Security Council (e.g. Taliban and Boko Haram) as well as member states (e.g. FARC, ADF and Al-Shabaab). DDR activities targeting AGDTOs are directly supported by international actors and funded by key donors, including permanent Security Council members.<sup>24</sup> Beyond political and financial support, other members states are also engaged in negotiations, and peace dialogues with extremist groups, aiming to mitigate the threat posed by the group (e.g. Taliban and FARC). At the local level, similar efforts have been promoted, for example, the political engagement in Nigeria vis a vis Boko Haram.
- **No one-size-fits-all approach: Member States can design and implement a variety of interventions, including DDR, to address the threat posed by AGDTO.** Ultimately, States are sovereign in translating a wide range of international instruments into domestic legislation, thus establishing the legal, institutional and policy frameworks, according to conflict dynamics, public interest, and national capacities. The premise of one single framework/strategy as a “requirement” or “obligation” deviates from existing interventions led by host governments. In addition to international principles encouraging flexible approaches and enabling DDR, UN entities have conducted research and developed policies based on field evidence. “A careful review of the relevant international resolutions and treaties offers a more nuanced picture that provides room

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<sup>20</sup> Idem.

<sup>21</sup> United Nations (2019). Integrated DDR Standards: IDDRS 2.10 on the UN Approach to DDR.

<sup>22</sup> United Nations (2019). Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to United Nations Listed Terrorist Groups.

<sup>23</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Impact of counterterrorism on peacemaking, peacebuilding, sustaining peace, conflict prevention and resolution.

<sup>24</sup> UK Stabilization Unit & State Department Bureau of Conflict and Stabilization Operations (2020). A Pathway To Defections: An Assessment Framework for Processing Defectors and Disengaged Fighters.

for a broader range of policy options and alternative accountability mechanisms than most assume.”<sup>25</sup>

- **Complementarity between DDR and accountability mechanisms:** As part of a holistic approach (e.g. Transitional Justice framework), DDR processes should be implemented with a wide range of interventions. Nonetheless, **DDR does not constitute an accountability mechanism, neither participation in DDR process precludes future prosecution.** Expectations concerning criminal investigation and prosecution of former members go beyond interventions led by national DDR bodies or UN entities. State institutions are responsible for advancing judicial measures, as appropriate and in compliance with international law. When dealing with armed groups designated as terrorist organizations, **“Member States should consider appropriate administrative measures and/or rehabilitation and reintegration programmes as alternatives to prosecution in appropriate cases.”** (Madrid Guiding Principle 31)
- **Broad interpretation of association:** According to the IDDRS, **individuals who perform support roles to non-state armed groups are often referred to as being associated with armed forces and groups.**<sup>26</sup> In compliance with IHL, a clear distinction should be made between members of armed groups and the civilian population. The Organization should **“avoid broad interpretation of the language of “association with terrorist organizations”, which leads to the stigmatization of entire communities and cycles of revictimization, undermines the presumption of innocence and limits individual criminal responsibility”**<sup>27</sup>.
- **Protection of children:** Irrespective of the designation of an armed group, **children associated with armed forces or groups (CAAFAG) must be always considered primarily as victims in line with IHL and IHRL.**
- **Screening processes: Irrespective of whether AGDTO are present or not, all DDR processes screen potential DDR participants to determine eligibility and whether certain individuals should be excluded.** Individuals may be excluded from DDR processes for at least two reasons: 1) they do not meet the required eligibility criteria (for e.g., they are not a member of an eligible armed group), or 2) there are reasonable grounds to indicate that they knowingly committed war crimes, crimes against humanity, genocide or gross violations of human rights.<sup>28</sup> In accordance with IDDRS 6.20 on Transitional Justice, “the standard of proof required to screen an individual out of a DDR process needs to be clearly established. While there is considerable room for country-specific considerations in this respect, excluding an individual from a DDR process should, at a minimum, require more than mere allegations, and meet at least a basic level of plausibility or credibility. This is important to bear in mind when a screening policy is developed, given that in conflict and post-conflict settings, reliable information is scarce and scattered among various actors.” Thus, screening procedures are complex undertakings that require time and resources. **Advising national counterparts on a screening mechanism as part of a**

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<sup>25</sup> Ibid.

<sup>26</sup> United Nations (2019). Integrated DDR Standards: IDDRS 2.10 on the UN Approach to DDR.

<sup>27</sup> United Nations (2022). Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin

<sup>28</sup> United Nations. Integrated DDR Standards.

**DDR process and its design should therefore be informed by an assessment of the operational and procedural complexities in the country concerned.**<sup>29</sup>

For instance, such assessments should consider, among others, the following factors:<sup>30</sup>

**Number of potential participants:** In context characterized by large caseloads, “comprehensive background screening during the intake phase of a DDR process may be unrealistic. If legally permissible, mitigation measures to meet this challenge may include an initial screening at intake, but also screening conducted throughout the DDR process, whereby certain participants may be subsequently excluded from the DDR process if new information arises as to their inadmissibility in the DDR process, or the inclusion in the screening procedure of some form of prioritization strategy (e.g., focusing first on commanders and superiors, or those units and individuals against whom there are particularly egregious allegations).”<sup>31</sup>

**Determining authority:** “The entity making determinations regarding whether the criteria for exclusion are met should be capable of making such determinations (i.e., with the mandate and authority to access relevant information and the appropriate expertise and resources to evaluate it).”<sup>32</sup> In the absence of such capacity, expectations on a comprehensive screening may subject individual to prolonged detention and deprivation of liberty.

**Standard of proof and availability of information:**<sup>33</sup> Host governments have flexibility in determining the standard of proof, nonetheless, these should be more than mere allegations and be based on evidence. “Collecting and substantiating information on perpetrators takes time and may involve security risks. The availability and quality of information on perpetrators, and the time and resources needed to obtain such information, need to be evaluated before a screening procedure can be set up.”<sup>34</sup>

**Procedural fairness:** “The screening procedures should be clearly defined and not be discriminatory. (...) Further investigations may be needed to substantiate an allegation.”

**Consequences:** “The operational consequences of a screening mechanism as part of the DDR process need to be carefully examined.” “For example, if a participant in a DDR process is excluded on the ground of being a suspected perpetrator, it is important that this determination does not lead to their “release” (e.g., if the prosecutorial or judicial authorities are unavailable, uninformed or deem the existing information insufficient to warrant pre-trial detention) and potential rejoining of an armed group, risking undermining the public’s sense of security and support for the peace process.”<sup>35</sup>

When dealing with AGDTOs, screening could entail a series of processes undertaken by a variety of actors with a view of providing a comprehensive assessment of an individual. The type of administrative screening conducted by DDR bodies or their equivalent with the support of the United Nations should not be confused with the criminal screening, which constitutes a judicial investigation and is conducted by competent authorities. While the former can be conducted by UN actors in a short period of time (e.g. Information, Counselling and Referral Services – ICRS<sup>36</sup>), the latter is the responsibility of judicial, intelligence and military state actors, and its completion can take months or years. A criminal investigation can occur in parallel to DDR processes.

<sup>29</sup> United Nations (2023). Integrated DDR Standards: IDDRS 6.20 on DDR and Transitional Justice.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> IOM (2021). Disengagement, Disassociation, Reintegration and Reconciliation (DDRR) Transitional Rehabilitation.

## **ANNEX A**

### **SYSTEM-WIDE GUIDANCE ON ARMED GROUPS DESIGNATED AS TERRORIST ORGANIZATIONS**

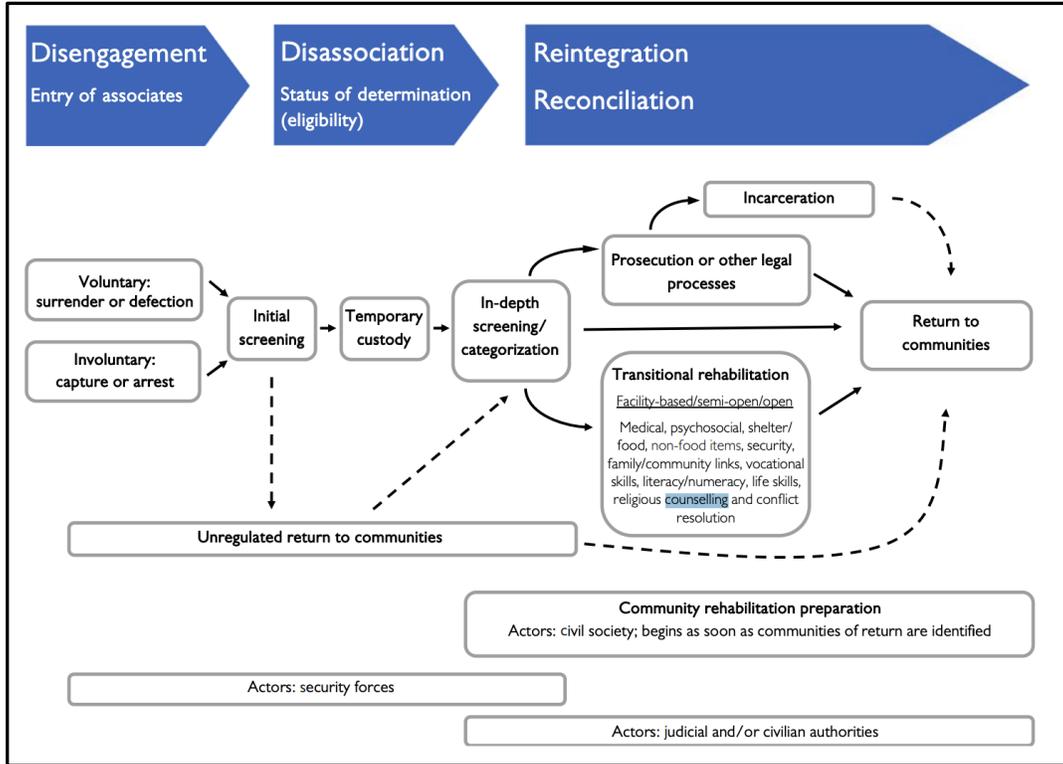
Since 2018, the IAWG-DDR advanced efforts to consolidate a common vision on the implementation of DDR processes, targeting former members of AGDTO. Given conceptual and operational sensitivities, the IAWG-DDR has taken concrete actions, aimed at factoring institutional mandates, and gradually building consensus.

For easy reference, the table outlines steps taken to develop IDDRS 6.50 on DDR and AGDTO, based on extensive consultations, full transparency, and evidence-based analysis.

<b>Timeline</b>	<b>Milestone</b>
June 2018	Decision to advance the development of AGDTO guidance
Dec 2018 - Feb 2019	Establishment of IAWG sub-working group on violent extremism, including IAWG focal points as well as PVE/CVE/CT experts across entities
2019:	Inclusion of AGDTO references in the IDDRS 2.10 on the UN Approach to DDR
Feb - Aug 2019	Development of ToR for the development of IDDRS 6.5 DDR and AGDTO, following extensive consultations (6 months) across IAWG entities
Dec 2019 - Nov 2020	Development of the draft module, funded by the European Union with FBA support. Documents produced include: <ul style="list-style-type: none"><li>➤ Inception report</li><li>➤ Literature review/summary</li><li>➤ Summary of semi-structured interviews (DDR and PVE/CT experts)</li><li>➤ Field missions: Mali, Somalia, and Nigeria</li><li>➤ Issues paper</li><li>➤ Annotated outline</li><li>➤ Guidance development (3 drafts shared for consultations)</li><li>➤ Workshops (28 Sept, 30 Sept and 07 Oct 2020)</li><li>➤ Final draft and handover of tasks by the consultant</li></ul>
March 2020	Presentation of issues paper to Group of Friends of DDR
<b>Jan - July 2021</b>	<b>Conditional validation by IAWG</b>
Aug 2021 - Oct 2022	Regular thematic workshop and bilateral/group consultations, including revisions
<b>Dec 2022</b>	<b>Revised module, pending Section 6.3 on screening</b>
2023 to date	Bilateral consultations to address concerns. Some aspects were linked to the validation of IDDRS 6.20 on DDR and Transitional Justice

# ANNEX B

## PATHWAYS FOR DISENGAGEMENT



Source: IOM. Disengagement, Disassociation, Reintegration, and Reconciliation (DDRR) Transitional Rehabilitation.

## **ANNEX C**

### **APPROPRIATE USE OF NON-CUSTODIAL MEASURES FOR TERRORISM RELATED OFFENSES (UNODC 2021)**

*“Whilst the prosecution and detention of terrorists has unquestionable benefits and more than a superficial attractiveness, an approach that is based exclusively on prosecutions and detention is unlikely to address the full range of challenges associated with terrorism. It might also create additional difficulties for the state concerned (from prison overcrowding to communal resentment). First, the ‘all-detention/prosecution’ approach will clog the judicial system and fill prisons to a point where judicial and prison institutions face serious challenges to function effectively. An all prosecution-detention approach to combatting terrorism would in turn have number of associated potential negative consequences:”<sup>37</sup>*

- It is likely to engender important financial costs for the State (including in respect of the cost of running prisons and running complex prosecutions);
- Under such an approach, with a long backlog of cases pending, pre-trial detention could become exceedingly long so that prisons would remain filled with individuals awaiting prosecutions, including many who might present little or no danger to their community and no risk of flight;
- Investigative and prosecutorial authorities could be overwhelmed by the number of cases, which reduces their ability to conduct full and thorough investigations of individual cases and will drain the state's resources and limit its ability to address the most dangerous offenders;
- This, in turn, could contribute to the need to obtain and rely upon ‘confessions,’ which in some cases might have been obtained through coercion or violence;
- Having to deal with a large number of cases, judicial authorities have sometimes proceeded with unnecessary haste when a more thorough consideration of the evidence might have provided greater safeguards for the defendants and for the credible reliability of the fact-finding process;
- Instead of generating a sense of individual and individualized criminal responsibility, such a state of affair could help nurture a sense in some communities that criminal responsibility is being treated as collective, i.e., as communal, in character rather than individual (i.e., guilt by association).

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<sup>37</sup> UNODC (2021). Technical Assistance Handbook on Appropriate Use of Non-Custodial Measures for Terrorism related Offenses.