EXPLANATORY MEMORANDUM TO

THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) (No. 2) ORDER 2014

2014 No. [XXXX]

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1. This Order amends the Terrorism Act 2000 by adding the following groups to the list of proscribed organisations in Schedule 2:

i. Islamic State of Iraq and the Levant;
ii. Turkiye Halk Kurtulus Partisi-Cephesi;
iii. Kateeba al-Kawthar;
iv. Abdallah Azzam Brigades including the Ziyad al-Jarrah Battalions; and
v. Popular Front for the Liberation of Palestine-General Command.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Context**

4.1 Section 3 of the Terrorism Act 2000 provides a power for the Secretary of State to proscribe, by order, any organisation which she believes is "concerned in terrorism" (that is, the organisation commits or participates in, prepares for, promotes or encourages, or is otherwise concerned in, terrorism). Section 21 of the Terrorism Act 2006 amended the grounds for proscription in section 3 of the Terrorism Act 2000 to include organisations which unlawfully glorify the commission or preparation of acts of terrorism. Section 3 also allows the Secretary of State, by order, to remove an organisation from the list of proscribed organisations in Schedule 2 to the Act, or amend the Schedule in some other way. Fourteen orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2) and 2014.

4.2 The Secretary of State has regard to additional factors in deciding, as a matter of discretion, whether to proscribe an organisation. These are:

- the nature and scale of the organisation's activities;
- the specific threat that it poses to the UK;
- the specific threat that it poses to British nationals overseas;
- the extent of the organisation's presence in the UK; and

• the need to support international partners in the fight against terrorism.

4.3 An organisation is proscribed in the UK as soon as the order comes into force. It is a criminal offence for a person to belong to, or invite support for, a proscribed organisation. It is also a criminal offence to arrange a meeting to support a proscribed organisation; or to wear clothing or carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.

4.4 A proscribed organisation, or any person affected by the proscription of the organisation, may apply to the Secretary of State for deproscription and, if the Secretary of State refuses that application, the applicant may appeal to the Proscribed Organisations Appeal Commission.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Immigration and Security Minister, James Brokenshire, has made the following statement regarding Human Rights:

> "In my view the provisions of The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No 2) Order 2014 are compatible with the Convention rights".

7. Policy background

- ***What is being done and why***

7.1 The following organisations have been assessed as being concerned in terrorism such that there is a case for proscribing them under section 3 of the Terrorism Act 2000, in order that it becomes an offence to be a member of, or provide support to, them.

7.2 Islamic State of Iraq and the Levant (ISIL) is an armed Sunni Islamist terrorist group active in Iraq and Syria. The group was established just prior to the commencement of coalition operations in Iraq, and pledged allegiance to Al Qa'ida in 2004. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, which is anti-Western and promotes sectarian violence.

7.3 In October 2006, the group began using the name 'Dawlat al-'Iraq al-Islamiyya' or Islamic State of Iraq (ISI) in a largely unsuccessful attempt to unify various Sunni Jihadist factions. In April 2013, the group changed its name to the

'Islamic State of Iraq and the Levant' to reflect its involvement in the Syrian civil war. The group is also commonly referred to as the Islamic State of Iraq and Syria (ISIS) and Dawlat al Islamiya fi Iraq wa al Sham (DAISh) and the Islamic State in Iraq and Sham.

7.4 In April 2014, ISIL claimed responsibility for a series of blasts targeting a Shia election rally in Baghdad. These attacks are reported to have killed at least 31 people. Thousands of Iraqi civilians lost their lives to sectarian violence in 2013, and attacks carried out by ISIL will have accounted for a large proportion of these deaths.

7.5 ISIL has reportedly detained dozens of foreign journalists and aid workers. In September 2013, members of the group kidnapped and killed the commander of Ahrar ash-Sham after he intervened to protect members of a Malaysian Islamic charity.

7.6 In January 2014, ISIL captured the Al-Anbar cities of Ramadi and Fallujah, and is engaged in ongoing fighting with the Iraqi security forces. The group also claimed responsibility for car bomb attack that killed four people and wounded dozens in the southern Beirut suburb of Haret Hreik. Just last week the group used violence to take control of the Iraqi city of Mosul prompting many thousands of people to leave their homes.

7.7 ISIL has a strong presence in northern and eastern Syria where it has instituted strict Sharia law in the towns under its control. The group is responsible for numerous attacks and a vast amount of deaths. The group is believed to attract a number of foreign fighters, including Westerners, to the region, and has maintained control of various towns on the Syrian/Turkish border. This allows the group to control who crosses, and its presence there has interfered with the free flow of humanitarian aid.

7.8 ISIL was previously proscribed as part of Al Qa'ida (AQ). However on 2 February 2014, AQ senior leadership issued a statement officially severing ties with ISIL, which prompted consideration of the case to proscribe ISIL in its own right. Reports suggest that the group was not dependent on AQ core for resources or direction, its disenfranchisement from AQ will not impact the group's aims, influence, how it operates or its activities.

7.9 ISIL is designated as a terrorist group by both Canada and Australia and as an alias of AQ by the US, New Zealand and the UN.

7.10 Turkiye Halk Kurtulus Partisi-Cephesi (THKP-C) is also known as the Peoples' Liberation Party/Front of Turkey, THKP-C Acilciler and the Hasty Ones. THKP-C is a Turkish left wing organisation formed in 1994 after Dev Sol splintered. The group grew out of the Turkish extreme left Revolutionary Youth Movements which formed in the 1960s and 70s.

7.11 THKP-C is a pro-Assad militia group fighting in Syria and has developed increased capability since the Syrian insurgency.

7.12 THKP-C is assessed to have been involved in an attack in Reyhanli (Turkey) in May 2013, killing over 50 people and injuring over 100.

7.13 The leader of the group, Mihrac Ural, holds Syrian citizenship and was born in the southern province of Hatay where the organisation has always been most prominent. Ural has formed a number of other groups under the THKP-C umbrella including 'Mukavament Suriye' (Syrian Resistance), which is reported to have been responsible for the recent Banias Massacre killing at least 145 people.

7.14 The group has links to other terrorist groups in the region, including DHKP-C.

7.15 Kateeba al-Kawthar (KaK) also known as 'Ajnad al-sham' and 'Junud ar-Rahman al Muhajireen', describes itself as a group of mujahideen from more than 20 countries seeking a 'just' Islamic nation.

7.16 KaK is an armed terrorist group fighting to establish an Islamic state in Syria. The group is aligned to the most extreme groups operating in Syria and has links to Al Qa'ida.

7.17 Abu Musab (also known as Rabah Tahari), a Western Mujaadid commander is the group's leader. Musab posts updates and addresses his followers via Facebook, Twitter and YouTube. KaK is believed to attract a number of Western foreign fighters and has released YouTube footage encouraging travel to Syria and asking Muslims to support the fighters.

7.18 Abdallah Azzam Brigades including the Ziyad al-Jarrah Battalions is an Islamist militant group aligned with Al Qa'ida and the global jihad movement, currently fighting in Syria and Lebanon. The group, which began operating in Pakistan in 2009, was founded by Saudi Saleh Al-Qaraawi. The Lebanese branch uses the name the Ziyad al- Jarrah Battalions, and is named after Lebanese 9/11 hijacker Ziyad al Jarrah who participated in the hijacking and crash of United Flight 93.

7.19 AAB has increased its operational pace since the onset of the Syrian insurgency, claiming responsibility for a rocket attack launched from Lebanon into northern Israel in August 2013. On 19 November 2013, the Brigade claimed responsibility for a double suicide bombing outside the Iranian embassy in Beirut, which killed at least 22 people and wounded over 140.

7.20 On 19 February 2014, the group's recently established media wing, the Al-Awzaey Media Foundation, announced on Twitter and YouTube that the group claimed responsibility for the two suicide bombings near the Iranian cultural centre in

Beirut killing 11 and wounding 130, in revenge for actions by Iran and Hizballah in Lebanon and Syria.

7.21 The group has threatened to launch further terrorist attacks and has demanded that the Lebanese Government free imprisoned jihadists. It has also threatened attacks on Western targets in the Middle East.

7.22 Senior leaders of the group Al-Qaraawi and Majid al-Majid were on Saudi Arabia's 2009 most wanted terrorist list and the US's 2011 terrorist list. Al-Qaraawi was arrested and detained in Saudi Arabia and Majid al-Majid died in Lebanese custody in January 2014. In addition the group was listed as a terrorist group by the US in May 2012.

7.23 Popular Front for the Liberation of Palestine General Command (PFLP-GC) is a left wing nationalist Palestinian militant organisation formed in 1968. The group's aim is the destruction of Israel and is opposed to any negotiation with Israel and believes solely in a military solution to the Israeli-Palestinian conflict. It is based in Syria and was involved in the Palestine insurgency during the 70s and 80s. It was the first Palestinian group to use suicide squads. The group has used barometric bombs to blow up aircraft and has sent parcel bombs.

7.24 From its outset the group has been a Syrian proxy. Since the late 80s the group has been largely inactive and during the 1990s, the PFLP-GC limited its activities to training and equipping other terrorist groups, such as Hamas and the Palestinian Islamic Jihad. However PFLP-GC has been fighting in the Syrian war, including in Yarmouk Refugee Camp in July 2013. The group also issued statements in support of the Syrian government, Hizballah, and Iran.

7.25 The group has been designated as a terrorist group by the USA, Canada Israel and the European Union. The group is also subject to a domestic asset freeze. The group is not the same as Popular Front for the Liberation of Palestine.

- ***Consolidation***

7.26 The Department does not assess that there is any need for consolidation measures.

8. **Consultation outcome**

8.1 No consultation was conducted.

9. **Guidance**

9.1 No guidance is necessary in connection with this instrument.

10. **Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. **Regulating small business**

11.1 The legislation does not apply to small business.

12. **Monitoring & review**

12. 1 If a proscribed organisation, or any person affected by the proscription of the organisation, applies to the Secretary of State for deproscription, the proscription of the organisation will be reviewed.

13. **Contact**

13.1 Any enquiries about the contents of this memorandum should be addressed to: Pursue Disruptions Unit, Home Office, 5th Floor, Peel Building, 2 Marsham Street, London, SW1P 4DF, telephone: 020 7035 4848.