**EXPLANATORY MEMORANDUM TO**

**THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) (No. 2) ORDER 2016**

**2016 No. [XXXX]**

## 1. Introduction

1.1 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 Schedule 2 to the Terrorism Act 2000 ("the Act") by adding "Global Islamic Media Front (including GIMF Bangla Team (Ansarullah Bangla Team) (Ansar-alIslam)), "Mujahedeen Indonesia Timur (East Indonesia Mujahedeen)", "Turkestan Islamic Party (East Turkestan Islamic Party) (East Turkestan Islamic Movement) (East Turkestan Jihadist Movement) (Hizb al-Islami al-Turkistani)" and "Jamaah Anshorut Daulah" to the list of proscribed organisations "concerned in terrorism".

## 3. Matters of special interest to Parliament

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

3.1 None.

***Other matters of interest to the House of Commons***

3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Scotland and Northern Ireland.

## 4. Legislative Context

4.1 Section 3 of the Act provides a power to proscribe, by order, an organisation which commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism. Section 21 of the Terrorism Act 2006 amended the grounds for proscription in section 3 of the Act 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. Nineteen Orders have been laid previously, in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2), 2014 (3), 2015 (2) and 2016 (1).

4.2 The Secretary of State has regard to several factors in deciding, as a matter of discretion, whether or not 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. Extent and Territorial Application

5.1 The extent of this instrument is the whole of the United Kingdom.

5.2 The territorial application of this instrument is the whole of the United Kingdom.

## 6. European Convention on Human Rights

6.1 The Home Secretary, Theresa May, has made the following statement regarding Human Rights:

"In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2016 are compatible with the Convention rights."

## 7. Policy background

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

7.1 The Home Secretary has decided to exercise the proscription power in section 3 of the Act in respect of the following organisations.

7.2 Global Islamic Media Front ("GIMF") is an Islamist extremist propaganda organisation associated with Al Qa'ida ("AQ") and other extremist groups around the world. Its activities include propagating a jihadist ideology, producing and disseminating training manuals to guide terror attacks and publishing jihadi news casts. GIMF releases products in a number of languages including Arabic, Urdu, Bengali, English, German and French.

7.3 On 31 December 2015, GIMF announced a merger with Ansarullah Bangla Team ("ABT"), subsuming ABT into GIMF's ranks and renaming it "GIMF Bangla Team". Prior to the merger a group using the names ABT and "Ansar-al Islam" claimed responsibility for the prominent murders and attacks of secular bloggers from 2013 to 2015: including Bangladeshi-American Avijit Roy; Niladri Chatterji Niloy; Ahmed Rajib Haider; Asif Mohiuddin; Avijit Roy; Oyasiqur Rahman; Ananta Bijoy; Das and AKM Shafiul Islam. The group have been linked to a number of hit lists of bloggers, writers and activists around the world (including nine individuals based in Britain, seven in Germany and two in America, one in Canada and one in Sweden) in 2015.

7.4 On 7 January 2016 GMIF Bangla Team published an infographic chronicling attacks carried out against "blasphemers in Bangladesh" from January 2013 to October 2015. The graphic contained names and locations of 13 attacks, eight of which were described as successful assassinations. Bangladesh banned ABT in May 2015.

7.5 Mujahedeen Indonesia Timur ("MIT", also known as "East Indonesia Mujahedeen") is Indonesia's most active terrorist group based in the mountainous jungle of Poso, in

Central Sulawesi. Its leader, Abu Warda Santoso, is Indonesia's most wanted terrorist. The group's modus operandi is to attack the police and the army which includes the use of explosives (including the use of IEDs), and shootings. MIT have been responsible for deaths of more than a dozen police officers in Poso in the last three years. They have also used kidnappings and beheadings of Christian farmers in Poso to dissuade the local populace from assisting the police.

7.6 MIT pledged its allegiance to Daesh in July 2014 and are assessed to have links to other Daesh affiliated terrorist groups in the region. MIT has claimed responsibility for a number of recent attacks and has threatened attacks on targets across the country including the capital; the Jakarta police headquarters and the presidential palace in a video uploaded on 22 November 2015. In September 2015 MIT was banned as a terrorist group by the USA and the UN.

7.7 Turkestan Islamic Party ("TIP", also known as "East Turkestan Islamic Party", "East Turkestan Islamic Movement", "East Turkestan Jihadist Movement" and "Hizb al-Islami al-Turkistani") is an Islamic terrorist and separatist organisation founded in 1989 by Uighur militants in western China. It aims to establish an independent caliphate in the Uighur state of Xinjiang Uighur Autonomous Region of North-western China and to name it East Turkestan. TIP is based in the Federally Administered Tribal Areas of Pakistan, and operates in China, Central and South Asia and Syria. The group has claimed responsibility for a number of attacks in China, the latest of these being in April 2014. TIP has links to a number of terrorist groups including AQ.

7.8 In November 2015, TIP released the 18th issue of its magazine 'Islamic Turkestan' through GIMF, detailing TIP's jihad against the Chinese authorities. Video footage from September 2015 shows TIP hosting training camps in areas controlled by the Pakistani Taliban in North Waziristan.

7.9 More recently TIP has maintained an active and visible presence in the Syrian war and has published a number of video clips of its activities. Examples of this from March to April 2016 include:

- TIP claiming a joint attack with Jund al Aqsa in Sahl al Ghab and published a video of a suicide bomb attack in April 2016;
- a video published in March 2016 which promotes the victories of TIP in Syria and calls for Muslims to join jihad; and
- a video slide show published in April 2016 which shows fighters and children in training.

7.10 TIP has been has been banned as a terrorist group by Australia, the USA, the UN, Uzbekistan, Kazakhstan, Russia, Kyrgyzstan, United Arab Emirates, China, Afghanistan and Pakistan.

7.11 Jamaah Anshorout Daulah ("JAD") was established in March 2015 following the merger of several Indonesian extremist and terrorist groups aligned to Daesh. JAD has extensive links to Daesh and actively recruits fighters in Syria. The group is led by the imprisoned extremist cleric Aman Abdurrahman and has close ties to other terrorist groups including Daesh. Its membership includes several former members of Jemaah Islamiyah ("JI"). JI were responsible for the 2002 and 2005 Bali attacks.

7.12 JAD was responsible for the attack near Sarinah Mall in Jakarta in January 2016, which was claimed by Daesh and resulted in the deaths of seven people (including the five attackers) and 20 people (including five police officers) being injured.

***Consolidation***

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

## 8. Consultation outcome

8.1 No consultation has been undertaken in connection with this instrument.

## 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 activities that are undertaken by small businesses.

## 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 The CT Pursue Unit at the Home Office can answer any queries regarding the instrument and can be contacted at the Home Office, 5th Floor, Peel Building, 2 Marsham Street, London, SW1P 4DF, telephone: 020 7035 4848.