**EXPLANATORY MEMORANDUM TO**

**THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) ORDER 2014**

**2014 [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 Ansar Bayt al-Maqdis, Al Murabitun and Ansar al Sharia-Tunisia to the list of proscribed organisations in Schedule 2.

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 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 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. Thirteen orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2) and 2013 (2).

4.2 The Secretary of State has regard to additional 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. **Territorial Extent and Application**

5.1 This instrument applies to all 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) Order 2014 are compatible with the Convention rights".

7. **Policy background**

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

7.1 Three 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 Ansar Bayt al-Maqdis (ABM) which is also known as Ansar Jerusalem, is an Al Qa'ida inspired militant Islamist group based in the northern Sinai region of Egypt. The group is said to recruit within Egypt and abroad. The group aims to create an Egyptian state ruled by Sharia law.

7.3 ABM is assessed to be responsible for a number of attacks on security forces in Egypt since 2011. The attacks appear to have increased since the overthrow of the Morsi government in July 2013. The group's reach goes beyond the Sinai, with the group claiming responsibility for a number of attacks in Cairo and cross-border attacks against Israel. ABM has undertaken attacks using vehicle borne improvised explosive devices and surface-to-air missiles. Examples of attacks that the group has claimed responsibility for include:

- in September 2013 on the Egyptian Interior Minister in which a UK national was seriously injured;
- the attack on a police compound in Mansoura on 24 December 2013, killing at least 16 people, including 14 police officers;
- the attack on an Egyptian police helicopter in the northern Sinai on 25 January 2014;
- the assassination of General Mohammed Saeed, an official in the Interior Ministry. on 28 January 2014; and
- an attack on a tourist bus in which three South Koreans and their Egyptian driver died on 16 January 2014.

7.4 Al Murabitun resulted from a merger of two Al Qa'ida in the Maghreb (AQM) splinter groups that are active in Mali and Algeria, the Movement for the Unity and Jihad in West Africa (MUJWA) and Mokhtar Belmokhtar's group, the Al Mulathamine Battalion which included the commando element 'Those Who Sign in Blood'. The merger was announced in a public statement in August 2013. The group aspires to unite Muslims from "the Nile to the Atlantic" and has affirmed its loyalty to al-Qaida leader Ayman al-Zawahiri and the emir of the Afghan Taleban, Mullah Omar. Al Murabitun's

first statement threatened France and its allies in the region and called upon Muslims to target French interests everywhere.

7.5 Belmokhtar has announced that he will not continue to lead the group to allow a new generation of jihadist leaders to come to the fore. Reports indicate that the new commander has fought against the Soviet Union in Afghanistan in the 1980s and the US-led invasion of Afghanistan in the 2000s.

7.6 Although the group has not claimed responsibility for any terrorist attacks since the merger, both precursor groups participated in a number of terrorist attacks and kidnapping for ransom in the past 13 months. Belmokhtar's group was responsible for the attack against the In Amenas gas facility in January 2013 that resulted in the death of over thirty people including Britons and Americans. In May 2013 the two groups targeted a military barracks in Agadez, Niger and a uranium mine in Arlit which supplies French nuclear reactors. The suicide attack in Agadez resulted in the deaths of at least twenty people. Shortly after the attacks, Belmokhtar indicated that they had been carried out as a form of revenge for the death of Abdelhamid Abou Zeid, an AQ-M commander who was killed by French forces in northern Mali earlier in 2013.

7.7 Despite previously separating themselves from Al Qa'ida in the Maghreb, citing leadership issues and the desire to expand their control, both precursor groups continued to cooperate and fight alongside AQM fighters in Mali and other regions of West Africa. This activity has continued since the merger.

7.8 The Sahel region continues to see high threats of kidnap and terrorist attacks, which were further heightened following the French military intervention in Mali. Hostages are currently held in the Sahel and surrounding regions, which, includes Algeria, Cameroon, Libya and Nigeria.

7.9 The Canadians designated Belmokhtar's group in November 2013 and the US designated it in December 2013, specifying Al Murabitun as an alias.

7.10 Ansar Al Sharia-Tunisia (AAS-T) is a radical Islamist group founded in April 2011. The group aims to establish Sharia law in Tunisia and eliminate Western influence. Between 5,000 and 10,000 individuals may be attracted to rallies organised by the movement. The group is ideologically aligned to Al Qa'ida (AQ) and has links to AQ affiliated groups. It is reported that the group announced its loyalty to Al Qa'ida in the Islamic Maghreb (AQ-M) in September 2013.

7.11 AAS-T's leader, Seif Allah Ibn Hussein also known as Abu Ayadh al-Tunis, is a former AQ veteran combatant in Afghanistan. He is in hiding following issue of a warrant for his arrest in relation to the allegation that he incited the attack on the US Embassy in Tunis that killed four people in September 2012.

7.12 Salafists believed to have links with AAS-T are assessed to be responsible for the attacks in October 2011 to on a television station and, in June 2012, an attack on an art exhibit. AAS-T is assessed to be responsible for the attacks on the US Embassy and American school in Tunis in September 2012. The Tunisian government believe AAS-T was responsible for the assassination of two National Coalition Assembly members; Chokri Belaid in February 2013 and Mohamed Brahmi in July 2013.

7.13 Additionally, elements of the group are believed to have been involved in the attempted suicide attack, in October 2013, at a hotel in a tourist resort in Sousse where a significant number of British tourists were staying. More than 400,000 British tourists visited Tunisia last year.

7.14 The Tunisian government listed AAS-T as a terrorist group in 2013 and the US did so in January 2014.

- ***Consolidation***

7.15 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.