

EXPLANATORY MEMORANDUM TO
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT)
(No. 3) 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 al-Sharia-Benghazi (Partisans of Islamic Law)’, ‘Ajnad Misr (Soldiers of Egypt)’ and ‘Jaysh al Khalifatu Islamiya (Army of the Islamic Caliphate) (Majahideen of the Caucasus and the Levant)’ 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. Fifteen Orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2) and 2014 (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 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. 3) 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 invite support for, them.

7.2 Ansar al-Sharia-Benghazi (AAS-B) (Partisans of Islamic Law) is a Sunni Islamist militia group that has an anti-Western rhetoric and advocates the implementation of strict Sharia law. AAS-B came into being in 2011, after the fall of the Gaddafi regime. The group is led by Mohammed Ali al-Zahawi and Ahmed Abu Khattalah is an AAS-B senior leader.

7.3 AAS-B is involved in terrorist attacks against civilian targets, and frequent assassinations and attempted assassinations of security officials and political actors in eastern Libya.

7.4 On 11 September 2012 members of AAS-B took part in the attack against the U.S. Special Mission and Annex in Benghazi, Libya, killing the US ambassador and three other Americans.

7.5 In September 2012, Mohammed Ali al-Zahawi, in an interview openly stated his support for Al Qa'ida's strategy but denied any links to the organisation. He also confirmed AAS-B had demolished and desecrated sufi shrines in Benghazi, which the group regard as idolatrous.

7.6 AAS-B also used its online presence to denounce the 2013 capture and removal from Libya of al-Qa'ida operative Abu Anas al-Libi, by American military forces.

7.7 In August 2013, the US filed charges against Ahmed Abu Khattalawas for playing a significant role in the previous year's attack on the U.S. diplomatic compound in Benghazi.

7.8 AAS-B continues to pose a threat to Libya and Western interests and is alleged to have links to proscribed organisation Ansar al-Sharia-Tunisia and Al Qa'ida.

7.9 The US designated AAS-B as a terrorist organisation in January 2014.

7.10 Ajnad Misr (Soldiers of Egypt) is a jihadi group based in Egypt. The group is believed to be a splinter group of Ansar Bayt al Maqdis (ABM) which was proscribed on 4 April. ABM has pledged allegiance to the Islamic State of Iraq and the Levant and has links to Al Qa'ida. Ajnad Misr has stated that it seeks to protect Egyptian Muslims and avenge alleged abuse against them by the Egyptian security services.

7.11 Ajnad Misr is believed to have been active since at least 20 November 2013, when it attacked an Egyptian checkpoint. The group announced its establishment on 23 January 2014 and in communiqués posted on its Facebook and Twitter accounts and on the jihadi forum al-Fida', the group claimed responsibility for a number of attacks on Egyptian security forces, including:

- 20 November 2013 - grenade attack on police in the Abboud tunnel towards Cairo airport;
- 25 November 2013 - grenade attack on police in Sawah Street, Cairo;
- 07 January 2014 - attack on a checkpoint in Mihawar;
- 24 January 2014 - attack on central security forces near the al Bohouth post in Cairo;
- 24 January 2014 - attack on a police building in Al Talabiya in al Haram St, Cairo;
- 31 January 2014 - attacks against the Special Operations General Directorate, Cairo;
- 7 February 2014 - two attacks in the Giza area of Cairo;
- 2 April 2014 - bomb attack at the Cairo University that resulted in the death of a policeman and injured three others; and
- 20 September 2014 – bomb attack near the Foreign Ministry in Cairo killing three police officers.

7.12 In a communiqué issued on 28 January 2014, ABM expressed support for Ajnad Misr and attributed two attacks in Greater Cairo in January to Ajnad Misr.

7.13 The Egyptian authorities banned Ajnad Misr in May 2014.

7.14 Jaysh al Khalifatu Islamiya (Army of the Islamic Caliphate) is an Islamist jihadist group, consisting predominately of Chechen fighters. JKI is an opposition group active in Syria.

7.15 JKI splintered from Jaysh al-Muhajireen wal Ansar (JAMWA) in 2013. At that point a number of members went with Umar Shishani (also known as Umar the Chechen) to join the Islamic State of Iraq and the Levant (ISIL) and, the rest of the group stayed distinct and renamed itself Majahideen of the Caucasus and the Levant (MCL), a name it still uses, and more recently renamed itself JKI.

7.16 Before his death in 2014, JKI was led by Seyfullah Shishani, who had pledged allegiance to the leader of the Al Nusra Front, Mohammed Al-Jawlani. JKI has assisted the Al Nusra Front (recognised in July 2013 as an alternative name for the organisation proscribed as Al Qa'ida) and Islamic State of Iraq and the Levant (proscribed in June 2014) to conducted attacks.

7.17 Abdual Waheed Majeed, a British individual, was linked to JKI. In February 2014, Majeed carried out a suicide attack on a prison in Aleppo, resulting in prisoner escapes.

- *Consolidation*

7.18 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 Unit, Home Office, 5th Floor, Peel Building, 2 Marsham Street, London, SW1P 4DF, telephone: 020 7035 4848.