

EXPLANATORY MEMORANDUM TO
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS)
(AMENDMENT) ORDER 2015

2015 No. 55

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 “Jund al-Aqsa (Soldiers of Al-Aqsa)” and “Jund al Khalifah-Algeria (Soldiers of the Caliphate)” 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. Sixteen Orders have been laid previously in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2) and 2014 (3).

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) Order 2015 are compatible with the Convention rights”.

7. Policy background

- *What is being done and why*

7.1 Two 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 Jund al Khalifa-Algeria (JaK-A) translates as Soldiers of the Caliphate in Algeria. JaK-A is an Islamist militant group believed to be made up of members of dormant Al Qaeda (AQ) cells. JaK-A announced its allegiance to the Islamic State of Iraq and Levant (ISIL) in a communiqué released on 13 September 2014. The leader of the group, Abdelmalek Gouri, also known as Khaled Abu Suleiman, said he had broken away from AQ because the AQ branch had “deviated from the true path”.

7.3 In April 2014, JaK-A claimed responsibility for an ambush on a convoy that resulted in the death of eleven members of the Algerian army. On 24 September 2014, the group beheaded a mountaineering guide, Hervé Gourdel, a French national. Gourdel’s abduction was announced on the same day that a spokesman for ISIL warned that ISIL would target Americans and other Western citizens, especially the French, after French jets joined the US in carrying out strikes in Iraq on ISIL targets.

7.4 Jund al-Aqsa (JAA) translates as Soldiers of al-Aqsa and is a splinter group of the Al Nusrah Front (ANF). JAA has been active in Syria against the Syrian Government since September 2013 and is primarily operating in Idlib and Hama. JAA is a battalion that includes a native Syrian contingent as well as foreign fighters of a variety of nationalities.

7.5 JAA is believed to be responsible for the attack on 9 February 2014 in Maan village killing 40 people including 21 civilians. JAA and Ahrar al-Sham are reported to have uploaded YouTube footage of their joint offensive against the village, although neither group has claimed responsibility.

7.6 During July 2014, JAA supported the Islamic Front in an operation to seize Hama military airport. ANF released a document summarising its operations in August 2014,

which included details of an attack that targeted a resort hotel conducted in collaboration with JAA.

- ***Consolidation***

7.7 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.