



**Centre for the Response to  
Radicalisation and Terrorism**

At The Henry Jackson Society

# Disrupting Extremists: More Effective Use of Existing Legislation

Centre for the Response to Radicalisation and Terrorism  
Policy Paper No. 3 (2014)

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September 2014

## Summary

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- In June 2014, the British government recognised Need4Khilafah, the Shariah Project and the Islamic Dawah Association as official aliases for the extreme Islamist organisation most commonly known as al-Muhajiroun.
- Al-Muhajiroun advocates the establishment of an ‘Islamic’ State in the United Kingdom (UK) and supports jihadist fighters in foreign conflicts, including most recently in Syria and Iraq. The group has an almost 20-year-long history of encouraging terrorism both overseas and at home.
- Approximately one-in-five Islamism-inspired terrorists in the UK have links to the group, with convictions ranging from murder and bomb plot offences to public order offences.
- Al-Muhajiroun’s core membership has repeatedly circumvented proscription via the use of front groups. As such, there are currently 11 legal names for the group and numerous other unrecognised front groups and online platforms.
- Utilising proscribed organisation offences effectively would serve to a) disrupt extremists and b) challenge extremism effectively in civic and public spaces, two priorities identified by the 2013 Prime Minister’s Task Force on Tackling Radicalisation and Extremism.
  - In terrorism-related investigations, where the suspect has known links to al-Muhajiroun or its aliases, the Crown Prosecution Service (CPS) should prosecute membership of a proscribed organisation charges alongside the principal offence;
  - The police should investigate offences in which individuals repeatedly facilitate public/online lectures associated with al-Muhajiroun or engage in public activity to further the group’s activities;
  - The CPS should prosecute owners of online platforms promoting extremist material and suspected to be al-Muhajiroun front groups for a) the unlawful dissemination of terrorist material and b) membership of a proscribed organisation, in order to prove legal aliases in court;
  - Publicly-funded institutions and registered charities should implement localised collaborative risk-assessment procedures in order to refuse public platform to any member or associates of al-Muhajiroun.
- These measures would help disrupt al-Muhajiroun and its aliases. Prosecution for membership would establish a legal precedent; and proving aliases in court would send a strong message that proscription is the result of criminal activity rather than ideas or politically-motivated timing, helping to delegitimise the ideology behind Islamism-inspired terrorism. Convictions would also enable Probation Services to apply licence conditions on offenders released from prison preventing al-Muhajiroun members from re-grouping; and a robust denial of public platforms would limit the group’s public preaching.

# Introduction

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On 26 June 2014, the British government laid a name change order recognising Need4Khilafah, the Shariah Project and the Islamic Dawah Association as official aliases for the organisation proscribed as al-Ghurabaa and Saved Sect, most commonly known as al-Muhajiroun.<sup>1</sup> Security Minister James Brokenshire told Parliament that “terrorist organisations should not be allowed to escape proscription simply by acting under a different name”. The group and its core membership, however, has repeatedly shown itself adept at reincarnation and has a long and demonstrable record of encouraging terrorism overseas and glorifying terrorism in the United Kingdom (UK).

Successfully prosecuting proscription-related offences for Islamism-inspired groups under terrorism legislation has proven challenging. Despite this, the latest name change order is an opportunity for the British authorities to both disrupt and delegitimise extremists, aims which are not only fundamental to the counter-radicalisation strategy ‘Prevent’, but necessary given the propaganda successes recently witnessed by jihadist groups in Syria and Iraq.

## 1. Al-Muhajiroun

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### 1.1 Ideology and Activities

Al-Muhajiroun was founded in the UK in 1996 by radical Lebanese cleric and leader-in-exile Omar Bakri Mouhammed with the aim, according to the Home Office proscribed organisation explanatory memorandum, of “creating a world-wide Islamic state and encouraging Muslims to support the Mujahidin who undertake violent jihad”.<sup>2</sup> In an interview in 2009, current British leader Anjem Choudhury confirmed that the group’s aim was to establish an Islamic State in the UK based on *sharia*, or Islamic law.<sup>3</sup>

In the absence of such a state, al-Muhajiroun believes it necessary to wage “defensive” *jihad* for the protection of Muslims against perceived Western “aggression”,<sup>4</sup> which manifests in support for the *mujahideen*, or jihadist fighters, in global theatres of war including Afghanistan, Bosnia, Chechnya and latterly Syria and Iraq. While al-Muhajiroun has publicly reiterated that a ‘Covenant of Security’ exists between Muslims and non-Muslims in the UK that forbids attacks on home soil,<sup>5</sup> from its inception to date, the group and its members and aliases have repeatedly engaged in both subversive behaviour and terrorist activity detrimental to British national security.

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<sup>1</sup> ‘2014 No. 1612 Prevention and Suppression of Terrorism, the Proscribed Organisations (Name Changes) Order 2014’, HM Government (2014), available at: [www.legislation.gov.uk/ukxi/2014/1612/pdfs/ukxi\\_20141612\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/1612/pdfs/ukxi_20141612_en.pdf), last visited: 26 August 2014.

<sup>2</sup> ‘Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2006 No. 2016’, HM Government (2006), available at: [www.legislation.gov.uk/ukxi/2006/2016/pdfs/ukxiem\\_20062016\\_en.pdf](http://www.legislation.gov.uk/ukxi/2006/2016/pdfs/ukxiem_20062016_en.pdf), last visited: 26 August 2014.

<sup>3</sup> Raymond, C. Z., ‘Al Muhajiroun and Islam4UK: The group behind the ban’, International Centre for the study of Radicalisation and Political Violence (2010), available at: <http://icsr.info/wp-content/uploads/2012/10/1276697989CatherineZaraRaymondICSRpaper.pdf>, last visited: 26 August 2014, p. 8; see also ‘Omar Bakri’s health deteriorating: daughter’, *Daily Star Lebanon*, 06 July 2014, available at: [www.dailystar.com.lb/News/Lebanon-News/2014/Jul-06/262816-omar-bakris-health-deteriorating-daughter.ashx#axzz36s4JwQxM](http://www.dailystar.com.lb/News/Lebanon-News/2014/Jul-06/262816-omar-bakris-health-deteriorating-daughter.ashx#axzz36s4JwQxM), last visited: 26 August 2014.

<sup>4</sup> Taji-Farouki, S., ‘Islamists and the Threat of *Jihad*: Hizb al-Tahrir and al-Muhajiroun on Israel and the Jews’, *Middle Eastern Studies*, 36:4, (October 2000): pp. 21-46, p. 37.

<sup>5</sup> A joint al-Muhajiroun and Islam4UK press release dated 10 January 2010 stated that: “Islam4uk and Al-Muhajiroun do not call for any violent or military activities rather we are an ideological and political movement who have always stated that we live among you under a covenant of security where the life and wealth of those with whom we live is protected in return for our life and wealth being protected”. See ‘Declaration on Wootton Bassett Procession’, *al-Muhajirun [sic] and Islam4UK*, 10 January 2010, archived version available at: <http://archive.today/sCfkG#selection-139.0-233.61>, last visited: 26 August 2014; see also Storm M., *Agent Storm: My Life inside al-Qaeda* (London: Penguin; 2014), pp. 73.

Al-Muhajiroun's first public event, for example, 'Rally for Islamic Revival', was scheduled for 8 September 1996 in London to include as speakers the then leader of al-Qaeda, Osama bin Laden; the then spiritual leader of the Lebanese militant group Hezbollah, Muhammad Fadhallah; and Omar Abdel-Rahman (via a filmed speech), convicted in 1995 in relation to the World Trade Centre bombing in New York in 1993. The event was cancelled at the last minute after the Home Office confirmed the speakers would be excluded from the UK because their presence would "not be conducive to national security".<sup>6</sup>

Bakri continued to encourage British Muslims to support armed *jihad* abroad, with the group claiming in 2000 to have recruited up to 600 young British Muslims to fight in Kashmir, Chechnya and Afghanistan.<sup>7</sup> Following the 9/11 terrorist attacks against the United States (US) in 2001, the group increased its recruitment drive targeting universities, mosques and community centres with Bakri justifying *jihad* against coalition forces in Afghanistan and latterly Iraq, calling on followers to "embrace" martyrdom.<sup>8</sup>

Morten Storm, a former Danish convert to radical Islam who spent time with the group in Luton between 2004 and 2005, alleges that Bakri held so-called "VIP lectures [...] in followers' houses" where his understanding of the 'Covenant of Security' was very different:

[...] on one occasion he said he was issuing a fatwa that allowed for the killing of the disbelievers - the *kuffar* - in England because in his view they were part of a larger conflict. Asked by one of the group [...] whether it was permissible to stab *kuffar* on the street, he confirmed that it was.<sup>9</sup>

It was also common for al-Muhajiroun followers to engage in extremism-related street violence, for example, tearing down adverts perceived to be sexually provocative and fighting with men described as "Neo-Nazi skinheads" attending local football matches.<sup>10</sup> Followers' involvement in street violence continues today, most visibly in the violent enforcement of perceived *sharia* values in the east London borough of Tower Hamlets.<sup>11</sup>

The London transport system suicide bombings on 7 July 2005, the first successful Islamism-inspired terrorist attack against the UK, radically affected the group's ability to operate publicly. The then Prime Minister Tony Blair announced new security measures, which included "to proscribe [...] Al Mujahiroun [sic]";<sup>12</sup> and Bakri fled the UK for Lebanon where he continues to reside.<sup>13</sup> According to former jihadist Morten Storm, before his departure Bakri had a message for

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<sup>6</sup> 'Rally for Revival', *British Muslims Monthly Survey*, IV: 8 (August 1996), available at <http://artsweb.bham.ac.uk/bmms/1996/08august96.html#Rally%20for%20Revival>, last visited: 26 August 2014.

<sup>7</sup> 'One in Seven UK Terror-related Convictions Linked to Islamist Group Now Threatening to Relaunch', *Centre for Social Cohesion*, 01 June 2009, archived version available at: [http://web.archive.org/web/20100401013454/http://www.socialcohesion.co.uk/files/1243874438\\_1.pdf](http://web.archive.org/web/20100401013454/http://www.socialcohesion.co.uk/files/1243874438_1.pdf), last visited: 26 August 2014.

<sup>8</sup> Storm M., *Agent Storm*, pp. 70-72; see also Ahmed, H., and Stuart, H., 'Hizb Ut-Tahrir: Ideology and Strategy', Henry Jackson Society (2009), available at: <http://henryjacksonsociety.org/wp-content/uploads/2013/01/HIZB.pdf>, pp. 147-149, last visited 26 August 2014.

<sup>9</sup> Storm M., *Agent Storm*, p. 73.

<sup>10</sup> Storm M., *Agent Storm*, p. 74.

<sup>11</sup> Gilligan, A., 'Syria suicide bomber: When will Britain take jihadis seriously?', *The Daily Telegraph*, 15 February 2014, available at: [www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10638616/Syria-suicide-bomber-When-will-Britain-take-jihadis-seriously.html?mobile=basics](http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10638616/Syria-suicide-bomber-When-will-Britain-take-jihadis-seriously.html?mobile=basics), last visited: 26 August 2014.

<sup>12</sup> Hansard, HC Written Answers, 22 November 2007, c1072W, available at: [www.publications.parliament.uk/pa/cm200708/cmhansrd/cm071122/text/71122w0013.htm#07112251001744](http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm071122/text/71122w0013.htm#07112251001744), last visited: 26 August 2014.

<sup>13</sup> 'Omar Bakri's health deteriorating: daughter', *Daily Star Lebanon*, 06 July 2014.

his followers: “The situation had changed, he said. The ‘Covenant of Security’ [...] was dead. ‘Now’, he told us, ‘jihad has come to the UK. You can do whatever you wish.’”<sup>14</sup>

### 1.2 Links to Terrorism

Members of al-Muhajiroun and its aliases have a 16-year-long history of involvement in Islamism-inspired terrorism in the UK, including bomb plots, murder offences, terrorist fundraising, arson and public order offences. The first Islamism-inspired attack on British soil – an attempted petrol bomb against a London Territorial Army base in 1998 – was perpetrated by a member of al-Muhajiroun.

Almost one in five (18%, n=24/134) of individuals convicted for Islamism-inspired terrorism offences or killed in suicide attacks in the UK between 1999 and 2010 were either members of, or had known links to, the group.<sup>15</sup> Since 2011, at least nine individuals convicted for involvement in three separate and viable bomb plots were involved with al-Muhajiroun;<sup>16</sup> and both of Drummer Lee Rigby’s killers had links to the group.<sup>17</sup>

While some have dismissed al-Muhajiroun as “loudmouth” and “a joke”,<sup>18</sup> the group’s members have demonstrated high levels of recidivism and escalatory behaviour. Three al-Muhajiroun members convicted of terrorism offences before 2010, for example, have already been convicted of further terrorism offences subsequent to their release from prison. Successful charges include encouraging terrorism, disseminating terrorist material and possession of a document or record likely to be useful to a person preparing an act of terrorism.<sup>19</sup>

In addition, there are examples of individuals who engaged in provocative behaviour at al-Muhajiroun rallies later engaging in terrorist activity. For example, Ali Beheshti, convicted in 2008 for an arson attack on the home of the publisher of a book he considered blasphemous, had previously taken part in the group’s Danish Embassy cartoons protest waving a banner bearing the words “Massacre those who insult Islam”.<sup>20</sup> Similarly, Michael Adebolajo, convicted for the murder of Drummer Lee Rigby in 2013, assaulted a police officer during an al-Muhajiroun solidarity rally for a convicted terrorist in 2006.<sup>21</sup>

### 1.3 Syria, Foreign Jihad and Returning Fighters

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<sup>14</sup> Storm M., *Agent Storm*, p. 86.

<sup>15</sup> Profiles of all convictions and attacks, including 24 individuals with links to al-Muhajiroun, are available in: Simcox, R., Stuart, H., Ahmed, H., and Murray, D., ‘Islamist Terrorism: The British Connections’, Henry Jackson Society (2011), 2<sup>nd</sup> ed., available on request.

<sup>16</sup> Richard Dart, convicted for plotting to bomb Royal Wootton Bassett; Zahid Iqbal, Mohammed Sharfaraz Ahmed, Syed Farhan Hussain and Umar Arshad, convicted for plotting to bomb a Territorial Army centre; and Mohammed Chowdhury, Shah Rahman, Gurukanth Desai and Abdul Miah, convicted for their part in a plot against a variety of targets including, the London Stock Exchange, two Rabbis, the US Embassy and the London Mayor.

<sup>17</sup> ‘Lee Rigby murder: How killers Michael Adebolajo and Michael Adebowale became ultra-violent radicals’, *The Independent*, 19 December 2013, available at: [www.independent.co.uk/news/uk/crime/lee-rigby-murder-how-killers-michael-adebolajo-and-michael-adebowale-became-ultraviolent-radicals-9015743.html](http://www.independent.co.uk/news/uk/crime/lee-rigby-murder-how-killers-michael-adebolajo-and-michael-adebowale-became-ultraviolent-radicals-9015743.html), last visited: 26 August 2014; see also ‘Woolwich: How did Michael Adebolajo become a killer?’, *BBC News*, 19 December 2013, available at: [www.bbc.co.uk/news/magazine-25424290](http://www.bbc.co.uk/news/magazine-25424290), last visited: 26 August 2014.

<sup>18</sup> Tapper, J., ‘More chatter from al-Qaida’, *Salon*, 07 March 2003, available at: [www.salon.com/2003/03/07/bakri/](http://www.salon.com/2003/03/07/bakri/), last visited: 26 August 2014; ‘Radical Muslim cleric says he stopped UK violence’, *Reuters*, 15 November 2007, available at: <http://uk.reuters.com/article/2007/11/15/uk-britain-bakri-intv-idUKL1291388820071115>, last visited: 26 August 2014.

<sup>19</sup> Umran Javed pleaded guilty on 31 August 2012 to three counts contrary to section 58 of the Terrorism Act 2000; Ibrahim Hassan, [aka Abu Nusaybah] and Shah Jalal Hussain [aka Abu Muwahhid] pleaded guilty to encouraging terrorism and disseminating terrorist material in March 2014. See ‘Umran Javed sentenced for possession of terrorist material’, *Crown Prosecution Service*, 18 September, 2012, available at:

[www.cps.gov.uk/news/latest\\_news/umran\\_javed\\_sentenced\\_for\\_possession\\_of\\_terrorist\\_material/](http://www.cps.gov.uk/news/latest_news/umran_javed_sentenced_for_possession_of_terrorist_material/), last visited: 26 August 2014; see also ‘Friend of Lee Rigby’s killer jailed over terror charges’, *BBC News*, 06 June 2014, available at: [www.bbc.co.uk/news/uk-england-london-27740612](http://www.bbc.co.uk/news/uk-england-london-27740612), last visited: 26 August 2014; see also Abu Muwahhid, Facebook profile, available at: <https://www.facebook.com/abumuwahhidislami>, last visited: 26 August 2014.

<sup>20</sup> Simcox, R. et al, *Islamist Terrorism*, p. 201.

<sup>21</sup> ‘Woolwich: How did Michael Adebolajo become a killer?’, *BBC News*, 19 December 2013.

As the jihadist group Islamic State (IS)<sup>22</sup> continues to hold territory across northern Syria and Iraq, the single biggest threat to British national security comes from returning fighters.<sup>23</sup> Currently it is estimated that 500 British Muslims have travelled to join Syria's on-going civil war,<sup>24</sup> with allegations that up to 80 of them were sent by al-Muhajiroun.<sup>25</sup> Most recently, there are unconfirmed allegations that Anjem Choudhury was involved in the radicalisation of one of the main suspects in the murder of US journalist James Foley, whose beheading was revealed in an IS video released online on 19 August 2014. Choudhury denies the claims.<sup>26</sup>

While some analysts believe al-Muhajiroun's connections to the Syria conflict are limited and that social media is a more prominent facilitator,<sup>27</sup> the group actively supports *mujahideen* abroad and has previously been connected to a number of British-based individuals who have gone on to fight *jihad* or die abroad, including the two British Muslims responsible for a suicide attack in Tel Aviv, Israel, which killed three and wounded over 50 people in 2003.<sup>28</sup>

Between 2002 and 2004, for example, convicted terrorist Mohammed Junaid Babar used al-Muhajiroun's offices in Lahore, Pakistan and later his own flat as a stopping point for British Muslims who wanted to fight *jihad*, often training at the al-Qaeda-linked Malakand training camp. This includes two who returned specifically to attack the UK: Mohammad Sidique Khan, ringleader of the 7/7 London bombings; and Omar Khyam, ringleader of the 2004 'fertiliser bomb' plot.<sup>29</sup> The group's Pakistan branch had also previously smuggled 10 Muslims from the UK into Afghanistan in October 2001,<sup>30</sup> six of whom were either injured or killed in US drone strikes that month.<sup>31</sup> Al-Muhajiroun was also linked to Mobeen Muneef, the first British citizen convicted in an Iraqi court after the overthrow of Saddam Hussein, for entering Iraq illegally and violating passport laws allegedly with the intent to fight coalition forces.<sup>32</sup>

Due to the relative ease of travel to Syria, however, ideological inspiration provided by groups like al-Muhajiroun is arguably more significant than any practical facilitation the group allegedly offers. Moreover, while fighters returning with the specific intent to attack the UK are unlikely to associate with the group,<sup>33</sup> those returning radicalised who are attracted to the group's extremism will find themselves in an atmosphere demonstrably permissive of and conducive to terrorism offences and extremism-related street violence.

## 2. Proscription

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<sup>22</sup> Formerly (or also) known as Islamic State of Iraq and the Levant (ISIL); Islamic State of Iraq and al-Sham (ISIS); the Islamic State of Iraq (ISI); the Mujahideen Shura Council (MSC); and, al-Qaeda in Iraq (AQI).

<sup>23</sup> 'Syria extremism is unlike any threat UK has seen since 9/11, security chief warns', *Evening Standard*, 25 February 2014, available at [www.standard.co.uk/news/uk/exclusive-syria-extremism-is-unlike-any-threat-uk-has-seen-since-911-security-chief-warns-9151894.html](http://www.standard.co.uk/news/uk/exclusive-syria-extremism-is-unlike-any-threat-uk-has-seen-since-911-security-chief-warns-9151894.html), last visited: 26 August 2014.

<sup>24</sup> 'Counter-terror cop: 500 Brits fighting in Syria and Iraq', *ITV News*, 21 June 2014, available at [www.itv.com/news/update/2014-06-21/counter-terror-cop-500-brits-fighting-in-syria-and-iraq/](http://www.itv.com/news/update/2014-06-21/counter-terror-cop-500-brits-fighting-in-syria-and-iraq/), last visited: 26 August 2014.

<sup>25</sup> Gilligan, A., 'Syria suicide bomber', *The Daily Telegraph*, 15 February 2014.

<sup>26</sup> Anjem Choudhury, Twitter, 24 August 2014, available at: <https://twitter.com/anjemchoudary/status/503501561323331584>, last visited: 26 August 2014.

<sup>27</sup> Gilligan, A., 'Syria suicide bomber', *The Daily Telegraph*, 15 February 2014.

<sup>28</sup> Simcox, R. et al, *Islamist Terrorism*, pp. 412-414.

<sup>29</sup> *ibid.*, p. 378.

<sup>30</sup> Five from Luton; two from Scotland; two from Leicester; and one from Birmingham.

<sup>31</sup> Simcox, R. et al, *Islamist Terrorism*, p. 405-411.

<sup>32</sup> *ibid.*, p. 341.

<sup>33</sup> Due to the suspicion such association would likely engender.

## 2.1 Aims of Proscription

The stated objectives of proscription are: “to deter international terrorist organisations from coming to the UK in the first place, and to disrupt the ability of any terrorist organisations to operate here”; as well as “to support foreign governments in disrupting terrorist activity and send out a strong signal across the world that we reject such organisations and their claims to legitimacy”.<sup>34</sup> During the House of Commons debate over the 2000 Terrorism Act, the then Home Secretary, Charles Clarke, also outlined three reasons why proscription is “important” for domestic security:

First, it has been, and remains, a powerful deterrent to people to engage in terrorist activity. Secondly, related offences are a way of tackling some of the lower-level support for terrorist organisations [...] Thirdly, proscription acts as a powerful signal of rejection by Government – and indeed by society as a whole – of organisations’ claims to legitimacy.<sup>35</sup>

While the former independent reviewer of terrorism legislation Lord Carlile stated in 2010 that proscription “is at best a fairly blunt instrument,” it is nevertheless widely considered a useful, if “limited”, tool for deterring terrorism; disrupting those showing signs of involvement in terrorism; and delegitimising the ideology and organisations behind it.<sup>36</sup>

## 2.2 Process of Proscription

The Terrorism Act 2000 (sec. 3), which came into force on 19 February 2001,<sup>37</sup> allows for the proscription of an organisation which “commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism”.<sup>38</sup> The Terrorism Act 2006 (sec. 21) added as a criterion organisations which “unlawfully glorify the commission or preparation of acts of terrorism”.<sup>39</sup> As of June 2014, 60 international terrorist groups are proscribed under the Terrorism Act 2000; and 14 organisations in Northern Ireland are proscribed under previous legislation.<sup>40</sup>

In deciding whether to add or remove an organisation to the proscribed list contained in Schedule 2 of the Terrorism Act 2000, the Home Secretary can consider additional factors, as a matter of discretion, namely: 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

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<sup>34</sup> Lord Carlile of Berriew Q.C., ‘Report on the Operation in 2009 of the Terrorism Act 2000 and of part 1 of the Terrorism Act 2006’, HM Government (2010), available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243589/9780108509278.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243589/9780108509278.pdf), last visited: 26 August 2014, pp. 14-15

<sup>35</sup> Hansard HC Deb, Standing Committee D, 18 January 2000, c56, available at: [www.publications.parliament.uk/pa/cm199900/cmstand/d/st000120/am/00120s06.htm](http://www.publications.parliament.uk/pa/cm199900/cmstand/d/st000120/am/00120s06.htm), last visited: 26 August 2014.

<sup>36</sup> Lord Carlile of Berriew Q.C., ‘Report on the Operation in 2009 of the Terrorism Act 2000’, p. 16; see also David Anderson Q.C., ‘Report on the Operation in 2010 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006’, HM Government (2011), available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243552/9780108510885.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243552/9780108510885.pdf), last visited: 26 August 2014, p. 37.

<sup>37</sup> Lipscombe, S., ‘The Terrorism Act 2000: Proscribed Organisations’, House of Commons Library (2014), available at: [www.parliament.uk/briefing-papers/sn00815.pdf](http://www.parliament.uk/briefing-papers/sn00815.pdf), last visited: 26 August 2014, p. 4.

<sup>38</sup> Terrorism Act 2000 (sec. 3), available at: [www.legislation.gov.uk/ukpga/2000/11/section/3](http://www.legislation.gov.uk/ukpga/2000/11/section/3), last visited: 26 August 2014.

<sup>39</sup> ‘Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No.2) Order 2013 No. 3172’, HM Government (2013), available at: [www.legislation.gov.uk/uksi/2013/3172/pdfs/ukxiem\\_20133172\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/3172/pdfs/ukxiem_20133172_en.pdf), last visited: 26 August 2014.

<sup>40</sup> ‘Proscribed Terrorist Organisations’, Home Office (2014), available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324603/20140627-List\\_of\\_Proscribed\\_organisations\\_WEBSITE\\_final.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324603/20140627-List_of_Proscribed_organisations_WEBSITE_final.pdf), last visited: 26 August 2014, p. 3.

against terrorism.<sup>41</sup> All amendments are subject to affirmative procedure,<sup>42</sup> namely the approval of both Houses of Parliament to become law.<sup>43</sup>

### **2.3 Name Change Orders**

It has long been recognised that some proscribed organisations will seek to reform and continue under a different name. As such, the Terrorism Act 2000 (sec. 3.6) allowed the Home Secretary to specify by order that an alternative name or alias should be treated as another name for a proscribed organisation subject to affirmative procedure.<sup>44</sup> The introduction of the Terrorism Act 2006 (sec. 22) on 13 April 2006, however, provided that that name change orders are subject to negative procedure and automatically become law unless there is an objection from either House.<sup>45</sup> Between 2006 and 2014, there have been seven name change orders, three of which relate to the organisation known most commonly as al-Muhajiroun.<sup>46</sup>

### **2.4 Prosecution of proscribed organisation offences**

According to the Explanatory Memorandum to the Terrorism Act 2000, it is a criminal offence “to belong to or invite support for a proscribed organisation”; “to arrange a meeting to support a proscribed organisation”; or “to wear clothing or to carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation”. Proscription also has the effect that “the financial assets of the organisation become terrorist property and can be subject to freezing and seizure”.<sup>47</sup>

Prosecution of proscribed organisation offences under the Terrorism Acts is relatively common in Great Britain. According to the latest Home Office figures, between the 9/11 attacks in 2001 and 31 December 2013 proscription-related offences were charged as the principal offence in 32 cases,<sup>48</sup> making proscription the fifth most common category of offence prosecuted under terrorism legislation, after various possession, preparation for terrorism and fundraising offences.<sup>49</sup>

During this 12-year period, however, the CPS secured 16 convictions for proscribed organisation offences, a success rate of 50%. This figure includes international terrorism (primarily that inspired by al-Qaeda);<sup>50</sup> domestic extremism (primarily from members or associates of extremist

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<sup>41</sup> ‘Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment Order) 2011’, HM Government (2011), available at: [www.legislation.gov.uk/ukxi/2011/108/pdfs/ukxiem\\_20110108\\_en.pdf](http://www.legislation.gov.uk/ukxi/2011/108/pdfs/ukxiem_20110108_en.pdf), last visited: 26 August 2014, p. 2.

<sup>42</sup> Lipscombe, S., ‘The Terrorism Act 2000: Proscribed Organisations’, p. 4.

<sup>43</sup> ‘Affirmative procedure’, *Parliament*, undated, available at: [www.parliament.uk/site-information/glossary/affirmative-procedure/](http://www.parliament.uk/site-information/glossary/affirmative-procedure/), last visited: 26 August 2014.

<sup>44</sup> ‘Proscribed Terrorist Organisations’, Home Office (2014), pp. 1-2.

<sup>45</sup> ‘Affirmative procedure’, *Parliament*.

<sup>46</sup> The seven name change orders can be accessed at:

[www.legislation.gov.uk/all?title=Proscribed%20Organisations%20%28Name%20Changes%29%20Order%20](http://www.legislation.gov.uk/all?title=Proscribed%20Organisations%20%28Name%20Changes%29%20Order%20), last visited: 26 August 2014.

<sup>47</sup> ‘Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment Order) 2011’, p. 2.

<sup>48</sup> Additional prosecutions as subsidiary charges are likely but not documented. See David Anderson Q.C., ‘Report on the Operation in 2010 of the Terrorism Act 2000’, p. 35.

<sup>49</sup> The four most commonly prosecuted charges were: Possession of an article for terrorist purposes (s57 TACT 2000); Preparation for terrorist acts (s5 TACT 2006); Collection of information useful for an act of terrorism (s58 TACT 2000); and Fundraising (ss15-19 TACT 2000). See Tables for ‘Operation of police powers under the Terrorism Act 2000, quarterly update to December 2013’, Home Office Counter-terrorism Statistics, 5 June 2014, tables A.05a & A08a, available at: [www.gov.uk/government/publications/tables-for-operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-december-2013](http://www.gov.uk/government/publications/tables-for-operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-december-2013), last visited: 26 August 2014.

<sup>50</sup> Refers to activity by an individual or a group of individuals (regardless of nationality) linked to or motivated by any terrorist group that is based outside the UK which operates in and from third countries. See ‘User guide to operation of police powers under the Terrorism Act 2000 and subsequent legislation’, Home Office (2014), available at: [www.gov.uk/government/publications/user-guide-to-operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation](http://www.gov.uk/government/publications/user-guide-to-operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation), last visited: 26 August 2014, p. 13.

animal rights or far-right groups);<sup>51</sup> and Northern-Ireland related terrorism (where the conviction occurs in Great Britain).<sup>52</sup>

Successful prosecutions for Islamism-inspired proscribed organisation offences, however, are much less common. Between 1999 and 2010, for example, 16 individuals with known links to al-Qaeda were convicted of Islamism-inspired terrorism-related offences, yet only two were convicted of al-Qaeda membership.<sup>53</sup> In addition, one individual was convicted for inviting support for a fabricated UK al-Qaeda branch in 2010.<sup>54</sup> Of the 16 successful prosecutions for proscribed organisation offences since 9/11, therefore, only three relate to Islamism-inspired organisations.

There are many obstacles to successful prosecution. As the current independent reviewer of terrorism legislation David Anderson Q. C. states: “laws designed in an age of membership cards and uniforms [...] are difficult to apply to the flexible networks of al-Qaeda inspired terrorism in the 21st century, let alone to the ‘lone wolf’ who is part of no network at all”.<sup>55</sup> Furthermore, the long-standing difficulties faced by the British authorities in convicting senior IRA figures of membership, namely the lack of forensic evidence or witness testimony, also apply to al-Qaeda-inspired cases. In addition, charges are not always proceeded with if there is not a realistic expectation of success. In 2003, for example, Leicestershire Police dropped al-Qaeda membership charges against two men who, in the same trial, were convicted for terrorism offences including fundraising for al-Qaeda.<sup>56</sup>

## 3. Al-Muhajiroun and Proscription

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### 3.1 *Timeline of Proscription*

Al-Muhajiroun was the first of two UK-based Islamism-inspired organisations to be proscribed under the Terrorism Act 2006 for glorifying terrorism.<sup>57</sup> Proscribed in July 2006 under the names Al-Ghurabaa and Saved Sect, the accompanying explanatory memorandum recognised both groups as “splinter groups of Al-Muhajiroon [sic]”, which it considered “dissolved”. The memorandum specified that the groups’ website and telephone contact details were the same as “that used by Al-Muhajiroon [sic]”; and that the material (including online material) produced and disseminated by both groups “falls within section 21 of the Terrorism Act 2006”, namely the glorification of terrorism.<sup>58</sup>

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<sup>51</sup> Refers to terrorism-related activity where there are no links to either Northern Ireland related or international terrorism; see *ibid.*

<sup>52</sup> For example, Roy Barwise and John Irwin, from Merseyside were convicted in Manchester Crown Court in July 2006 for membership of the Ulster Volunteer Force (UVF); see ‘MP calls for ban on jailed Liverpool Orangemen’, *Guardian*, 09 July 2006, available at: [www.theguardian.com/politics/2006/jul/09/uk.northernireland](http://www.theguardian.com/politics/2006/jul/09/uk.northernireland), last visited: 26 August 2014.

<sup>53</sup> Rangzieb Ahmed and Habib Ahmed were convicted in October and December 2008 respectively of terrorism-related offences, including membership of al-Qaeda and Harakat ul-Mujahideen (HuM), a Pakistan-based terrorist organisation. Both men were sentenced to nine years for membership of al-Qaeda and six and two years respectively for HuM. See ‘Briton guilty of directing terror’, *BBC News*, 18 December 2008, available at: <http://news.bbc.co.uk/1/hi/uk/7789773.stm>, last visited: 26 August 2014.

<sup>54</sup> In 2010, Ishaq Kanmi received a five year sentence for ‘invit[ing] support for a proscribed organisation by posting a message on a website calling for Muslims to join with Al Qaeda in Britain [AQ-GB] and prepare themselves for ‘martyrdom operations’; see Ishaq Kanmi, Forfeiture Order, Case No. T20090946, available on request; see also ‘Cases concluded in 2010’, Crown Prosecution Service Counter-Terrorism Division, undated, available at: [www.cps.gov.uk/publications/prosecution/ctd\\_2010.html](http://www.cps.gov.uk/publications/prosecution/ctd_2010.html), last visited: 26 August 2014.

<sup>55</sup> David Anderson Q.C., ‘Report on the Operation in 2010 of the Terrorism Act 2000’, p. 36.

<sup>56</sup> ‘Terror-link pair jailed’, *BBC News*, 01 April 2003, available at: <http://news.bbc.co.uk/1/hi/england/2907427.stm>, last visited: 26 August 2014.

<sup>57</sup> The other, Minbar Ansar Deen (also known as Ansar al-Sharia UK), was proscribed July 2013 for promoting terrorism, “by encouraging individuals to travel overseas to engage in extremist activity, specifically fighting”. See ‘Proscribed Terrorist Organisations’, Home Office (2014), p. 11.

<sup>58</sup> ‘Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2006 No. 2016’.

To avoid proscription, Bakri had officially disbanded al-Muhajiroun in October 2004. Former jihadist Morten Storm, however, alleged in 2014 that “in practice the disbandment was a ruse to confuse those investigating his activities” and that “the group’s operations continued and have done ever since”.<sup>59</sup> In May 2009, al-Muhajiroun announced plans to re-launch in the UK via a statement on the website [www.Islam4UK.com](http://www.Islam4UK.com),<sup>60</sup> following the early release from prison of two of its leading members, Abu Izzadeen (aka Omar Brooks) and Simon Keeler, one year after they were convicted of terrorist fundraising and inciting terrorism overseas.<sup>61</sup>

The government subsequently laid an order on 11 January 2010 asserting that al-Muhajiroun was to be considered an alternative name for the already proscribed al-Ghurabaa and Saved Sect. Additional alternative names at that time included: Call to Submission; Islam4UK; Islamic Path; and the London School of Sharia.<sup>62</sup> On 10 November 2011, the Home Secretary laid a further order providing that Muslims Against Crusades should be treated as an alternative name.<sup>63</sup> The latest name change order, listing Need4Khilafah, the Shariah Project and the Islamic Dawah Association as official aliases,<sup>64</sup> brings the total number of legally recognised names for the group to 11.

### **3.2 Limitations of Proscription**

Proscription has served to limit al-Muhajiroun’s activity to a small extent, by forcing members to re-group and adapt. In a practical sense, the various front groups have been forced to change names and website domains repeatedly; as well as call off public rallies in response to proscription.<sup>65</sup> Al-Muhajiroun can also no longer assert itself as a legal organisation, whereas in 2009, for example, the re-launch announcement specifically stated: “We would also like to stress particularly to the British public that Al-Muhajiroun is a completely legal organisation”.<sup>66</sup> Moreover, repeated name change orders and subsequent media coverage has also heightened public awareness as to the nature of the group, helping in part to delegitimise both its aims and tactics publicly.

Al-Muhajiroun, however, has proven adept at reincarnation, prompting some to claim that proscription is ineffective.<sup>67</sup> By 2005, for example, one analyst had identified “at least 50” front groups and platforms;<sup>68</sup> from 2006 to 2009 the group operated primarily as Ahl us-Sunnah wal Jammaah, which was not listed as an alternative name in 2010; and since 2011 has also used the names Izhar Ud-Deen-il-Haq and Supporters of Tawheed, neither of which were listed in the

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<sup>59</sup> Storm, M., *Agent Storm*, pp. 80-81

<sup>60</sup> ‘AL-MUHAJIROUN: TO BE RE-LAUNCHED!’, *Islam4UK*, archived version available at: <http://web.archive.org/web/20090608234522/http://www.islam4uk.com/current-affairs/uk-news/46-uk/298--newflash-al-muhajiroun-to-be-re-launched>, last visited: 26 August 2014.

<sup>61</sup> ‘One in Seven UK Terror-related Convictions Linked to Islamist Group Now Threatening to Relaunch’, *Centre for Social Cohesion*, 01 June 2009.

<sup>62</sup> ‘2010 No. 34 Prevention And Suppression Of Terrorism, The Proscribed Organisations (Name Changes) Order 2010’, HM Government (2010), available at: [www.legislation.gov.uk/uksi/2010/34/pdfs/ukxi\\_20100034\\_en.pdf](http://www.legislation.gov.uk/uksi/2010/34/pdfs/ukxi_20100034_en.pdf), last visited 26 August 2014; see also ‘Proscribed Terrorist Organisations’, Home Office (2014), p. 4.

<sup>63</sup> ‘2011 No. 2688 Prevention and Suppression of Terrorism, The Proscribed Organisations (Name Changes) Order 2011’, HM Government (2011), available at: [www.legislation.gov.uk/uksi/2011/2688/pdfs/ukxi\\_20112688\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/2688/pdfs/ukxi_20112688_en.pdf), last visited: 26 August 2014.

<sup>64</sup> ‘Ministers ban suspected aliases of banned extremist group’, *BBC News*, 26 June 2014, available at: [www.bbc.co.uk/news/uk-politics-28049374](http://www.bbc.co.uk/news/uk-politics-28049374), last visited: 26 August 2014.

<sup>65</sup> ‘Islamist group cancels plan to march through Wootton Bassett’, *Guardian*, 11 January 2011, available at: [www.theguardian.com/uk/2010/jan/11/islam4uk-cancels-march-wootton-bassett](http://www.theguardian.com/uk/2010/jan/11/islam4uk-cancels-march-wootton-bassett), last visited: 26 August 2014.

<sup>66</sup> ‘AL-MUHAJIROUN: TO BE RE-LAUNCHED!’, op. cit. *Islam4UK* fn. 59.

<sup>67</sup> See, for example, Bunglawala, I., ‘Let the odious al-Muhajiroun speak’, *Guardian Comment is Free*, 01 June 2009, available at [www.theguardian.com/commentisfree/2009/jun/01/al-muhajiroun-muslim-extremist](http://www.theguardian.com/commentisfree/2009/jun/01/al-muhajiroun-muslim-extremist), last visited: 26 August 2014.

<sup>68</sup> Raymond, C. Z., ‘Al Muhajiroun and Islam4UK’, p. 13.

June 2014 name change order. Similarly, the online platform Salafimedia,<sup>69</sup> which current leader Anjem Choudhury confirmed in 2009 belonged to the group,<sup>70</sup> is not listed despite its history of distributing extremist material, including messages from the deceased al-Qaeda cleric Anwar al-Awlaki and convicted terrorist and prominent jihadist ideologue Abu Hamza al-Masri.<sup>71</sup> Al-Muhajiroun has no intention of ceasing activities: in response to imminent proscription in January 2010, for example, Choudhury asserted publicly that “even if [we are] proscribed another platform with a new name will arise to continue to fulfil these divine obligations until the Shariah has been implemented”.<sup>72</sup>

Two of the three name change orders have also come as the group has announced plans to engage in public rallies widely seen as provocative. The 2010 name change order followed the group’s plan to march through Wootton Bassett, the town which for many symbolised the fatalities incurred by the British armed forces in Afghanistan and Iraq;<sup>73</sup> and the 2011 name change order followed reports that the group was planning to disrupt Armistice Day ceremonies.<sup>74</sup> In both cases, while there was no doubt that the names listed were front groups for al-Muhajiroun, the resultant public debate focussed more on whether the timing was politically motivated in order to prevent legitimate, if distasteful, demonstration.<sup>75</sup> Furthermore, Choudhury deliberately courts publicity;<sup>76</sup> and manipulates resultant negative coverage as part of his insistence that there is a Western war against Islam in order to recruit disenfranchised young Muslims.<sup>77</sup>

Finally, criminal offences arising from the proscription of al-Muhajiroun have not been prosecuted. There has not been a single conviction for proscribed organisation offences relating to al-Muhajiroun or any of its aliases to date. This is despite the group’s extensive connections to Islamism-inspired terrorism in the UK and its high public profile. Al-Muhajiroun members continue to meet privately and in civic venues; disseminate material online; hold public protests; and engage in public preaching.

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## Policy Recommendations

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The murder of Drummer Lee Rigby in Woolwich in May 2013 was the first death on British soil as the result of an Islamism-inspired terrorist attack since the 7 July 2005 London bombings. The subsequent Prime Minister’s Taskforce on Tackling Radicalisation and Extremism was set up to “look closely at whether the government was doing all it could to confront extremism and

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<sup>69</sup> Previously [www.salafimedia.com](http://www.salafimedia.com) and [www.salafimedia.net](http://www.salafimedia.net), this platform currently uses [www.youtube.com/user/salafimediaHD/about](http://www.youtube.com/user/salafimediaHD/about) and <https://twitter.com/SALAFIMEDIAUK>, last visited: 26 August 2014.

<sup>70</sup> Raymond, C. Z., ‘Al Muhajiroun and Islam4UK’, p. 13.

<sup>71</sup> For example, an archived webpage from 7 January 2010 shows that at the time of the first name change order Salafimedia.com ran an online poll asking, ‘Which Talks you want more of?’ The four options were: Anwar Al-Awlaki; Abu Hamza Al-Masri; Omar Bakri Muhammad; and Feiz Muhammad. Moreover, sermons by all four were regularly hosted by the site; and all, at that time, had demonstrable connections to al-Qaeda or al-Qaeda-inspired organisations and/or terrorist activity globally. See <http://web.archive.org/web/20100107084404/http://www.salafimedia.com/>, last visited 26 August 2014.

<sup>72</sup> ‘Declaration on Wootton Bassett Procession’, *al-Muhajirun* [sic] and *Islam4UK*, 10 January 2010.

<sup>73</sup> ‘Wootton Bassett protest group Islam4UK to be banned’, *The Daily Telegraph*, 12 January 2010, available at: [www.telegraph.co.uk/news/politics/6972109/Wootton-Bassett-protest-group-Islam4UK-to-be-banned.html](http://www.telegraph.co.uk/news/politics/6972109/Wootton-Bassett-protest-group-Islam4UK-to-be-banned.html), last visited: 26 August 2014.

<sup>74</sup> ‘Muslims Against Crusades to be banned from midnight’, *Guardian*, 10 November 2011, available at: [www.theguardian.com/uk/2011/nov/10/muslims-against-crusades-banned](http://www.theguardian.com/uk/2011/nov/10/muslims-against-crusades-banned), last visited: 26 August 2014.

<sup>75</sup> Raymond, C. Z., ‘Al Muhajiroun and Islam4UK’, p. 22.

<sup>76</sup> Choudhury gave interviews with BBC Radio 4, for example, both in advance of the planned Wootton Bassett demonstration and later in response to the 2010 name change order. See ‘Anjem Choudary admits Wootton Bassett march is publicity stunt’, *The Daily Telegraph*, 04 January 2010, available at: [www.telegraph.co.uk/news/uknews/defence/6931768/Anjem-Choudary-admits-Wootton-Bassett-march-is-publicity-stunt.html](http://www.telegraph.co.uk/news/uknews/defence/6931768/Anjem-Choudary-admits-Wootton-Bassett-march-is-publicity-stunt.html), last visited: 26 August 2014; see also ‘Islam4UK Islamist group banned under terror laws’, *BBC News*, 12 January 2010, available at: <http://news.bbc.co.uk/1/mobile/uk/8453560.stm>, last visited: 26 August 2014.

<sup>77</sup> ‘Declaration on Wootton Bassett Procession’, *al-Muhajirun* [sic] and *Islam4UK*, 10 January 2010.

radicalisation”.<sup>78</sup> Two policy priorities identified by the subsequent Task Force report – a) disrupting extremists and b) challenging extremism effectively in civic and public spaces – could be addressed through greater utilisation of proscription and name change orders by the police and the CPS as well as by local authorities, universities and registered charities.

### *Disrupting Extremists*

The Task Force prioritised “disrupting extremists”, stating: “It is often too easy for extremist preachers and groups to spread extremist views which can lead people into terrorism, while at the same time being careful not to contravene existing laws on incitement to violence or glorifying terrorism”.<sup>79</sup> It further committed the government to “making sure organisations have the support and advice they need to confront and exclude extremists” and to “consider” new types of orders or civil powers to either ban groups which “undermine democracy or use hate speech” or to “target the behaviours extremists use to radicalise others”.<sup>80</sup>

In addition, however, the following criminal offences resulting from proscription and name change orders could be more thoroughly utilised by the police and the CPS to disrupt extremists connected to al-Muhajiroun and any of its aliases:

- Membership or professed membership of al-Muhajiroun (sec. 11, Terrorism Act 2000), or any of its listed alternative names, is a prosecutable offence which carries a maximum sentence of ten years, or six months on summary conviction or a fine.
- Inviting support (not restricted to money or property) (sec. 12.1-2) for a proscribed organisation and engaging in public activity (sec. 12.3) with the intention of encouraging support for a proscribed organisation or to further its activities also carries a maximum sentence of ten years, or six months on summary conviction or a fine.

It is therefore an offence to hold or proclaim membership of al-Muhajiroun. It is also an offence to arrange or attend a private meeting with the intention to support al-Muhajiroun; to further the group’s activities; and to be addressed by a person who belongs or professes to belong to al-Muhajiroun. Al-Muhajiroun public meetings (conferences, rallies and protests) are therefore illegal and the organisers liable for prosecution;<sup>81</sup>

The following recommendations are premised on the limited legal precedent that exists for cases concerning proscribed Islamism-inspired organisations; and acknowledge the need to weigh up the viability of a successful prosecution with the government’s stated policy objective of disrupting extremists.

### **1. Prosecute Membership of al-Muhajiroun as a Secondary Offence**

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<sup>78</sup> ‘Tackling extremism in the UK: Report from the Prime Minister’s Task Force on Tackling Radicalisation and Extremism’, HM Government (2013), available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/263181/ETF\\_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf), last visited: 26 August 2014, p. 5.

<sup>79</sup> ‘Tackling extremism in the UK’, p. 5.

<sup>80</sup> *ibid.*, pp. 4-5.

<sup>81</sup> The third offence, support i.e. wearing an item of clothing, or wearing, carrying or displaying an article in a public place that demonstrates membership or support for a proscribed organisation, contrary to section 13 of the Terrorism Act 2002 carries a maximum sentence of 6 months imprisonment or a fine. As such, the carrying, for example, of protest placards containing the group’s name(s) is illegal and the individuals involved liable for prosecution. This offence, however, is more suited to, as David Anderson Q.C. stated “an age of membership cards and uniforms” and is unlikely to generate any successful prosecutions.

- In terrorism-related investigations where the suspect has known links to al-Muhajiroun or any of its aliases, the CPS should seek to prosecute membership or professed membership of a proscribed organisation alongside the principal offence.

The limited convictions for membership of an Islamism-inspired proscribed organisation demonstrate the difficulties in pursuing prosecution. Despite this, there are prominent examples of opportunities missed by the CPS. In 2008, six men were convicted for terrorism offences on the basis of inflammatory speeches made both in and outside Regent's Park Mosque in November 2004. There was significant evidence of links to al-Muhajiroun: the CPS described the men as "members or associated with an extremist Islamic group called Al-Muhajiroun";<sup>82</sup> many were acting openly as leaders of either al-Ghurabaa or Saved Sect at the time of their arrest in 2006;<sup>83</sup> and the prosecution came about after a recording of some of the speeches was found at the former address of Omar Bakri during an investigation into the Danish Cartoon protest in 2006.<sup>84</sup> Despite this, membership charges were not brought against any of the defendants. As recently as August 2014, London-based extremist Afsor Ali and spokesperson for al-Muhajiroun (under the alias Muslims Against Crusades)<sup>85</sup> was convicted of three counts of possessing material likely to be used for committing or preparing an act of terrorism. In this case, as in others, there is a strong argument that the CPS should also prosecute membership as a secondary offence.

## 2. Investigate Support and Public Activity offences related to al-Muhajiroun

- The police should investigate support and public activity offences when individuals repeatedly facilitate public lectures by persons currently or formerly associated with al-Muhajiroun or any of its aliases or engage in public activity (i.e. distribution of terrorist material, recruitment) with the intention of furthering the group's activities.

There is limited precedent for prosecutions for inviting support for a proscribed Islamism-inspired organisation; and no precedent for public activity offences. The one individual convicted for inviting support, by advertising a fabricated UK al-Qaeda branch online, was told by the sentencing judge that the "mere assertion" that a UK al-Qaeda branch had been set up, even if it was bogus, would have caused alarm to the public and was intended to do so.<sup>86</sup> As such, convictions could be secured on the basis of online activity in support of al-Muhajiroun.

Despite this, there are examples of missed opportunities relating to al-Muhajiroun-linked websites which advertise online sermons by Omar Bakri. An archived Salafimedia.com homepage, for example, shows that on 28 January 2010, the administrator stated that "we shall be releasing new Paltalk sessions by Sheikh Omar Bakri Muhammad".<sup>87</sup> At this time, Bakri had been listed as the leader of al-Muhajiroun in Schedule 2 of the Terrorism Act 2000 for four years;<sup>88</sup> and al-

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<sup>82</sup> 'Saleem and Others - cases concluded in 2008', Crown Prosecution Service Counter-Terrorism Division, undated, available at: [www.cps.gov.uk/publications/prosecution/ctd\\_2008.html#a10](http://www.cps.gov.uk/publications/prosecution/ctd_2008.html#a10), last visited: 26 August 2014.

<sup>83</sup> Abu Izadeen, for example, was previously the spokesperson for al-Ghuraaba, and "would willingly give interviews". See 'Profile: Abu Izzadeen', *BBC News*, 17 April 2008, available at: <http://news.bbc.co.uk/1/hi/uk/7353136.stm>, last visited: 26 August 2014.

<sup>84</sup> 'Saleem and Others - cases concluded in 2008', Crown Prosecution Service Counter-Terrorism Division.

<sup>85</sup> Afsor Ali used the alias Asad Ullah for media interviews during Muslim Against Crusades' Armistice Day protest in 2010; and can be identified in a Muslim Against Crusades' promotional video. See 'Armistice Day: protesters burn poppy', *The Daily Telegraph*, 11 November 2010, available at: [www.telegraph.co.uk/news/uknews/8125674/Armistice-Day-protesters-burn-poppy.html](http://www.telegraph.co.uk/news/uknews/8125674/Armistice-Day-protesters-burn-poppy.html), last visited: 26 August 2014; see also 'Interview with Asadullah regarding 9/11 Demonstration: "You Lost the War"', *Muslims Against Crusades*, uploaded 06 September 2011, available at: [www.youtube.com/watch?v=4RaK8bHnYoo](http://www.youtube.com/watch?v=4RaK8bHnYoo), last visited: 26 August 2014.

<sup>86</sup> Ishaq Kanmi, Forfeiture Order, Case No. T20090946; see also 'Cases concluded in 2010', Crown Prosecution Service Counter-Terrorism Division.

<sup>87</sup> Salafimedia.com homepage, 13 February 2010, archived version available at: <http://web.archive.org/web/20100213182820/http://salafimedia.com/>, last visited: 26 August 2014.

<sup>88</sup> Omar Bakri Mohammed is specifically listed as the leader of al-Muhajiroun in the July 2006 order laid to proscribe al-Ghuraaba and the Saved Sect; see 'Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2006 No. 2016'

Muhajiroun had been listed as an official alias two weeks previously. As such, there is a legal case that on 28 January 2010 Salafimedia invited support for a proscribed organisation by posting an online message inviting individuals to be addressed by the leader-in-exile of al-Muhajiroun Omar Bakri Mohammed.

### 3. Prosecute Terrorism Offences by al-Muhajiroun Platforms and Establish Aliases in Court

- The CPS should seek, where applicable, to prosecute the owners of online platforms promoting extremist material and suspected to be front groups for the unlawful dissemination of terrorist material, contrary to section 21 of the Terrorism Act 2006, and for membership of a proscribed organisation as a secondary offence.

According to the Home Office, “the use of an alternative name which has not been formally recognised in an order does not prevent the police and Crown Prosecution Service from taking action against an individual for proscription offences”,<sup>89</sup> meaning that an individual can be charged with proscribed organisation offences when acting to further the activities of a group suspected to be a front group for al-Muhajiroun. For a successful prosecution, however, the CPS must demonstrate in court that the proscribed organisation “is genuinely operating under that alias”.<sup>90</sup>

While the difficulties of securing prosecutions for membership would apply in such cases, there is a legal case to be made that the aforementioned Salafimedia is an alias for al-Muhajiroun and that its administrators are members of a proscribed organisation. On 31 July 2010, for example, regular Salafimedia contributor Abu Waleed<sup>91</sup> spoke alongside and promoted through Salafimedia both Omar Bakri Muhammad and Anjem Choudhury as well as convicted terrorist Abdullah el-Faisal.<sup>92</sup> Similarly, two of the six men previously convicted for their speeches at Regent's Park mosque, Ibrahim Hassan and Shah Jalal Hussain, were further convicted in March 2014 for encouraging terrorism and disseminating terrorist material on the basis of audio and video files they recorded and/or promoted online.<sup>93</sup> One of the relevant videos, an online lecture by Hussain called ‘Signs of a Good Death in Islam’, is a Salafimedia production.<sup>94</sup>

### *Challenging Extremism in Civic and Public Spaces*

The Prime Minister’s Task Force also committed the government to doing “more to address extremism in locations where it can exert control”, including schools, universities and prisons.<sup>95</sup> The repeated use of aliases and front groups by extremist organisations in general, and al-Muhajiroun in particular, is not only well documented,<sup>96</sup> but has also proven demonstrably

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<sup>89</sup> ‘Proscribed Terrorist Organisations’, Home Office (2014), pp. 1-2.

<sup>90</sup> *ibid.*

<sup>91</sup> See, for example, his YouTube account, available at: [www.youtube.com/user/AbuWaleedUK1](http://www.youtube.com/user/AbuWaleedUK1), last visited: 26 August 2014; see also ‘A Warning against the website “Salafimedia.com”’, *SalafiMinhaj*, November 2013, available at: [www.salafimanhaj.com/?p=59](http://www.salafimanhaj.com/?p=59), last visited 26 August 2014.

<sup>92</sup> ‘Online Conference of Global Terrorists this Weekend’, *Centre for Social Cohesion*, 28 July 2010, archived version available at: [http://web.archive.org/web/20110708215234/http://www.socialcohesion.co.uk/files/1280397283\\_1.pdf](http://web.archive.org/web/20110708215234/http://www.socialcohesion.co.uk/files/1280397283_1.pdf), last visited: 26 August 2014.

<sup>93</sup> ‘Ibrahim Hassan and Shah Hussain plead guilty to terror charges’, *BBC News*, 24 March 2014, available at: [www.bbc.co.uk/news/uk-england-26716152](http://www.bbc.co.uk/news/uk-england-26716152), last visited: 26 August 2014.

<sup>94</sup> Hussain, S. J., ‘Signs of a Good Death in Islam’, SalafaiMedia, video available at: [www.youtube.com/watch?v=ccG0NFaMvsc](http://www.youtube.com/watch?v=ccG0NFaMvsc), last visited: 26 August 2014.

<sup>95</sup> ‘Tackling extremism in the UK’, p. 9.

<sup>96</sup> Hansard, HC Deb, 20 July 2006 c490, available at: [www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060720/debtext/60720-1035.htm](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060720/debtext/60720-1035.htm), last visited: 26 August 2014.

challenging for public institutions concerned with balancing the right to freedom of expression with their duty of care and responsibility towards service users.<sup>97</sup>

The Task Force report, however, acknowledged that some local authorities have not fully supported those working to tackle radicalisation and extremism and promised to “take steps to intervene where local authorities are not taking the problem seriously” and “make delivery of ‘Prevent’ a legal requirement in those areas of the country where extremism is of particular concern”.<sup>98</sup> This commitment should help equip all local authorities in at-risk areas with the expertise and resources to better identify emerging front groups and/or individuals connected to known aliases.

Name change orders provide publicly-funded institutions and civic spaces, such as university campuses and community centres, with greater recourse to limit the activities of extremists operating or attempting to operate within their space.

#### **4. Deny Public Platform to al-Muhajiroun and its Aliases**

- Publicly-funded institutions and registered charities should implement localised collaborative risk assessment procedures in order to refuse public platform to any member or associate of al-Muhajiroun or its aliases.

Public service providers and/or charities – including universities, community centres and other local authority venues, as well as many mosques and student unions – have legal duties to protect against extremism, notably a responsibility under the Equality Act 2010 to provide environments free from discrimination and a requirement under charity law to protect the organisation from reputational damage.<sup>99</sup> There is evidence, however, of members or associates of al-Muhajiroun and its aliases repeatedly targeting public institutions, with mixed responses to this demonstrating the current lack of localised co-ordinated knowledge and good practice. As such, name change orders should be seen as an opportunity to more effectively challenge extremist preachers who utilise civic spaces and/or universities without undermining freedom of speech or targeting Muslim communities disproportionately.

Videos uploaded to the Need4Khilafah YouTube website, for example, show that individuals acting on behalf of the group were targeting students at both Queen Mary University and the London School of Economics (LSE) earlier this year. One video, uploaded in January 2014, shows individuals criticising democracy and approaching Queen Mary students outside their campus, asking for example: “If God had already sent down a law for man, why does man need to make up a new law? Is the law God sent down not good enough for man?” A later video, uploaded in March 2014, shows Abdul Muhid, jailed for soliciting to murder in 2007 for his role

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<sup>97</sup> For example, the 2011 Prevent Review stated that a Universities UK report had “noted that managing potentially controversial speakers is a challenge for universities”; and in 2010 the Caldicott Enquiry into University College London (UCL) and the failed Christmas Day bomb attacks discovered that the UCL union’s revised procedure for external speakers consisted “looking at the first page of results found” on Google. See ‘Prevent Strategy’, Home Office (2011), available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97976/prevent-strategy-review.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf), last visited: 26 August 2014, p. 73; see also ‘Umar Farouk Abdulmutallab’, UCL Council of independent inquiry panel (2010), available at: <http://www.ucl.ac.uk/caldicott-enquiry/caldicottreport.pdf>, last visited: 26 August 2014, pp. 13-14.

<sup>98</sup> ‘Tackling extremism in the UK’, p. 6.

<sup>99</sup> For more information see Sutton, R. and Stuart, H., ‘Challenging Extremists: Practical Frameworks for our Universities’, Henry Jackson Society (2012), available at: <http://henryjacksonsociety.org/2012/05/28/challenging-extremists-practical-frame-works-for-our-universities/>, last visited: 26 August 2014, pp. 57-77.

in the al-Muhajiroun Danish cartoons protest, at LSE.<sup>100</sup> In response, a spokesperson for Queen Mary University told a local newspaper: “We believe that our students have the intelligence and powers of discrimination to judge for themselves the merits or otherwise of opinions put forward and views debated, whether on or off campus”.<sup>101</sup>

Investigations into the backgrounds of Michael Adebolajo and Michael Adebowale, convicted for the murder of Drummer Lee Rigby in 2013, revealed that extremists in Woolwich connected to al-Muhajiroun used the Glyndon Community Centre, which is managed by the publicly-funded and registered charity the Glyndon Community Group, to hold ‘Woolwich Dawah Network’ meetings. It was further revealed that the men, led by al-Muhajiroun figure Usman Ali, had been excluded from the nearby Greenwich Islamic Centre, after the centre demonstrated in court that Ali was using its premises to show children videos of the 9/11 attacks.<sup>102</sup>

These cases highlight the need for collaborative risk assessment procedures shared by all local authority service providers and the relevant regional Prevent Coordinator in order to a) identify extremist individuals known to seek or abuse public platform and b) share information, experiences and best practice. While recognising their legal duty to protect freedom of speech, publicly-funded institutions and charities should feel confident in excluding known members or associates of al-Muhajiroun and its aliases from their premises.

### ***Impact***

It is in the government and public interest that public preaching and online activity by al-Muhajiroun members and supporters is seen to be challenged. Pursuing proscribed organisation offences meets two public interest factors in favour of prosecution as laid down by the Code for Crown Prosecutors, namely: if the offence was committed in order to facilitate more serious offending; or if a prosecution would have a significant positive impact on maintaining community confidence.<sup>103</sup> Successful prosecutions would also establish a precedent, likely enabling future investigations.

Successful prosecutions would also enable Probation Services to apply additional licence conditions on offenders recently released from prison, preventing them from having contact with any person currently or formerly associated with al-Muhajiroun and/or aliases without the prior approval of the supervising officer. Licence conditions could also be placed on those convicted of al-Muhajiroun membership, preventing them from engaging in the delivery of any public lecture, talk, or sermon for the duration of their probation. Given that prominent members have repeatedly given public talks on release from prison, there is reason to believe that such conditions would disrupt the group’s public activity.

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<sup>100</sup> ‘Al-Muhajiroun-linked extremists on campus in London’, *Student Rights*, 14 March 2014, available at: [www.studentrights.org.uk/article/2189/al\\_muhajiroun\\_linked\\_extremists\\_on\\_campus\\_in\\_london\\_update\\_statement\\_released\\_by\\_queen\\_mary\\_](http://www.studentrights.org.uk/article/2189/al_muhajiroun_linked_extremists_on_campus_in_london_update_statement_released_by_queen_mary_), last visited: 26 August 2014.

<sup>101</sup> ‘Men with links to banned Islamist group “targeting students” outside Queen Mary University’, *East London Advertiser*, 19 March 2014, available at: [www.eastlondonadvertiser.co.uk/news/men\\_with\\_links\\_to\\_banned\\_islamist\\_group\\_targeting\\_students\\_outside\\_queen\\_mary\\_university\\_1\\_3454340](http://www.eastlondonadvertiser.co.uk/news/men_with_links_to_banned_islamist_group_targeting_students_outside_queen_mary_university_1_3454340), last visited: 26 August 2014.

<sup>102</sup> ‘Woolwich attack: “Lone Wolves” who run with the pack’, *The Daily Telegraph*, 25 May 2013, available at: [www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10080864/Woolwich-attack-Lone-wolves-who-run-with-the-pack.html](http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10080864/Woolwich-attack-Lone-wolves-who-run-with-the-pack.html), last visited: 26 August 2014.

<sup>103</sup> ‘Code for Crown Prosecutors’, Director of Public Prosecutions (2010), available at: [www.cps.gov.uk/publications/docs/code\\_2013\\_accessible\\_english.pdf](http://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf), last visited: 26 August 2014, pp. 7-10.

Seeking to establish official aliases in open court rather than through name change orders, which are subject only to negative parliamentary procedure, would engender a higher level of public scrutiny, and therefore confidence in the basis of proscription. Establishing an additional alias through prosecution would send a strong message to the public that proscription is the result of criminal activity, rather than being politically motivated or, as Choudhury stated in January 2010 punishment for “expos[ing] [the government’s] foreign policy”.<sup>104</sup>

Finally, al-Muhajiroun has an almost 20-year history of targeting Muslims via public institutions, notably universities, mosques and community centres. As such, it is unlikely that name change orders will eliminate such activity, particular in areas known to be repeatedly targeted by members of the group such as Luton and Crawley.<sup>105</sup> Localised information sharing and a robust denial of public platform across all local authority linked institutions for any individual associated with al-Muhajiroun and its aliases, will serve to limit the group’s public activity by making it harder for members to consistently re-group in different settings.

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<sup>104</sup> ‘Islam4UK Islamist group banned under terror laws’, *BBC News*, 12 January 2010, available at: <http://news.bbc.co.uk/1/hi/uk/8453560.stm>, last visited: 26 August 2014.

<sup>105</sup> Storm, M., *Agent Storm*, pp.70-74.

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The Centre for the Response to Radicalisation and Terrorism (CRT) at The Henry Jackson Society provides top-quality, in-depth research and delivers targeted, tangible and impactful activities to combat the threats from radical ideologies and terrorism at home and abroad.



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