



How often and how many times has the proscription of the People's Mojahedin Organisation of Iran (PMOI) been reviewed?

What are the dates of the reviews and in particular what is the date of the last periodic review?

The Home Secretary has received applications for the deproscription of the Mojahedin-e Khalq (MeK, also known as the PMOI) on three occasions, and has reviewed its proscription on each occasion. On all three occasions the Home Secretary has decided to not to grant the application. The results of these reviews were communicated to the applicants in August 2001, June 2003 and September 2006. The review in September 2006 was the Home Secretary's most recent review of the MeK's proscription.

Please disclose the information which was considered at the last review.

*In particular what was the decision on the last review and the reasons for it?
Please disclose the memorandum setting out the decision made on the last review and the reasons for it.*

Please disclose any information suggesting that the PMOI has been concerned in terrorism at any time since 2001.

In September 2006 the Home Secretary reviewed the MeK's proscription and decided not to grant the application for deproscription. The reasons for his decision were set out in a letter to the applicants (Annex A). The names of applicants have been removed under Section 40 Freedom of Information as Personal Information of the appellant.

APPLICATION FOR DEPROSCRIPTION: PEOPLE'S MOJAHEDIN ORGANISATION OF IRAN

On 13th June 2006, you (and the additional applicants listed in paragraph 2 of the document referred to in paragraph 2 below) made an application to the Home Secretary for the deproscription of the People's Mojahedin Organisation of Iran ("the PMOI") pursuant to section 4 of the Terrorism Act 2000 ("the 2000 Act"). The PMOI (under the name Mujaheddin e Khalq "MeK") was proscribed by the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001 ("the Order") with effect from 29th March 2001. The organisation is often referred to as the MeK but its supporters prefer to refer to it now as the PMOI. I have used both expressions in this letter; PMOI is used in referring to the application, MeK is used when that is the expression used in the source material.

2. The application is supported by the document setting out the grounds for the application in the file supplied by Bindman and Partners on 23rd June 2006 ("the document in support of the application") and the documents in the annexes in that file. Paragraph 2 of that document lists the members of both Houses of Parliament who have made this application.

3. Paragraph 3 of the document in support of the application records that "the application is based principally on the fact that, whatever the position on 29 March 2001 when the PMOI was proscribed, following substantial and significant changes in the circumstances of the PMOI since the organisation's proscription, it cannot be regarded as an organisation which is concerned in terrorism within the meaning of section 3(5) of the Act". Paragraph 3 also indicates that additional arguments are developed in that document. Paragraph 4 of that document refers to changes that have taken place in Iran since the proscription of PMOI.

4. By way of broad summary, the document in support of the application sets out the following arguments and comments –

- (i) paragraphs 5 to 10 set out an account of the circumstances of the initial proscription (including a complaint about the number of organisations covered by the same Order) and of the earlier abandoned proceedings challenging proscription in the High Court and before the Proscribed Organisations Appeal Commission (POAC);
- (ii) paragraphs 11 to 16 include comments which appear to justify the use of terrorism “as a last resort and in accordance with international law” (paragraph 12) and which assert that the proscription of the PMOI in the United Kingdom and the USA was as “a foreign policy tool” rather than for genuine reasons (paragraphs 13 and 15);
- (iii) paragraphs 17 to 20 describe the applicants’ interests in the application;
- (iv) paragraph 21 seeks to rely on information and documents in the public domain which have been provided to the Home Office or the Foreign and Commonwealth Office by the applicants, the National Council of Resistance of Iran (“NCRI”) or the PMOI, either previously or together with this application;
- (v) paragraph 22 –
 - (a) together with paragraph 55, repeats the principal ground for the application, namely, that PMOI is not an organisation concerned in terrorism;
 - (b) together with paragraph 56, asserts that none of the criteria for proscription which are quoted in paragraph 7 of the document in support of the application are satisfied; and
 - (c) might be read as seeking to rely on arguments raised in the previous proceedings before POAC and the High Court in addition to the arguments set out in the document;
- (vi) paragraph 23 asserts that the proscription of PMOI is not objectively justified within the meanings of Articles 10 and 11 of the European Convention on Human Rights (“ECHR”) and Article 1 of the First Protocol to that Convention; it also asserts that PMOI’s proscription is “unjustifiable discrimination” in breach of Article 14 of the ECHR;
- (vii) paragraphs 24 to 31 include an admission of previous “military” activity by the PMOI (whilst seeking to justify it), but asserts that there is now a permanent cessation of such activity partly as a result of unilateral decisions of the PMOI and partly as a consequence of

- international developments;
- (viii) paragraphs 32 to 53 describe events in Iraq, principally in 2003 and 2004, affecting members of the PMOI, including their relationship with US forces, the rejection of terrorism by individual members of the PMOI (paragraph 32) and the PMOI's disarmament (paragraph 41);
 - (ix) paragraphs 58 to 63, together with various annexes, refer to the views of many prominent jurists who believe that the PMOI should be deproscribed;
 - (x) paragraphs 64 to 75, together with various annexes, refer to the political support for the deproscription of the PMOI, not only in the United Kingdom but also Belgium (paragraph 75);
 - (xi) paragraphs 80 to 99 describe the current Iranian regime, including its alleged involvement in Iraq (paragraphs 88 to 92) and its nuclear programme (paragraphs 93 to 95); paragraphs 96 to 98 describe how "hardliners" are now in control of the Iranian Government;
 - (xii) paragraphs 100 to 111 provide more information about the PMOI and its relationship with the NCRI;
 - (xiii) paragraphs 112 to 124 include a reference to the commitments to keep proscription under continuous review (paragraph 112), as well as to various statements made in the debate in the House of Lords on 9 February 2006.

5. On behalf of the Secretary of State, I have given careful consideration to all of the arguments in the document in support of the application and in the annexes attached to that document. In considering this application, I have also paid careful attention to all other relevant information available to me from my department and other government departments. As you will realise, this includes information that, by reason of the need to protect national security, is not in the public domain.

6. Having regard to all these matters, I have decided to refuse this application to deproscribe the PMOI. I have concluded that the proscription of the PMOI should continue.

7. In reaching this conclusion, I have decided that the PMOI remains an organisation concerned in terrorism for the purposes of the 2000 Act. The

issue is described as the "principal ground of the Application" in paragraph 22 of the document in support of the Application.

8. For the avoidance of any doubt, when considering this application I have paid careful attention to the need to consider the reliability of all the information before me. That said, it must be pointed out that the document in support of the application admits in paragraph 24 to what it describes as "some military activity against the Iranian regime, prior to June 2001". The reference to "some military activity" is an understatement for twenty years of extensive terrorist attacks against the Iranian regime in which many people died (as well as earlier attacks against US personnel). The extent of the MeK's involvement in violence is acknowledged in its own material. For example, a press release issued by the MeK Press Office in Paris on 25 June 2001, which claimed responsibility for four separate rocket attacks in Tehran, claimed that they brought to 96 the number of operations by MeK "operational units in Iran" in the period from 20 March 2001 to 25 June 2001 alone.

9. By its own admissions, the PMOI/MeK had been committing extensive acts of terrorism as recently as June 2001. If I am to be persuaded that such an organisation is no longer "concerned in terrorism" for the purposes of section 3(5) of the 2000 Act, I would expect (at least) a clear, voluntary, renunciation by its leadership of the organisation's involvement in terrorism, together with a voluntary abandonment of its arms by its members. Neither the account of events in the document in support of the application nor the information otherwise available to me indicates that this has happened.

10. In paragraph 27 of the document in support of the application, it is stated that:

"Taking account of domestic and international circumstances, the PMOI decided at an extraordinary Congress held in Iraq in June 2001, to put an end to its military activities in Iran (i.e. to all its military activities). The decision taken by the extraordinary Congress was ratified by the two ordinary congresses organised in early September 2001 and 2003. This policy has been stated publicly and the PMOI's leadership and membership signed statements to this effect."

11. I note that, in spite of the assertion in paragraph 27 that "this policy has been stated publicly", no documents are annexed to the application recording publicity being given to the new policy. As I have already stated, I am not otherwise aware of any such new policy on the part of the PMOI/MeK. An Agence France Presse report of 29 July 2001 reporting a three-day congress of "the coalition of Iranian opposition, dominated by the armed People's Mujadeen movement" made no reference to a decision to end the armed struggle, but did report a statement claiming that 261 attacks had been carried out in the previous year and that "military operations exacerbated the mullahs' factional strife and deepened its internal crisis".

12. In assessing the weight that can properly be attached to what is now said to have taken place at the "extraordinary Congress held in Iraq in 2001" I have also had regard to the fact that, when in 2001 the PMOI/MeK sought to challenge the refusal by the then Home Secretary to deproscribe the organisation, no mention appears to have been made of this Congress or of any decision taken (either then or at any other time) to end "military activities" in Iran. The evidence relied on by PMOI/MeK at that time appeared to be to the contrary: for example in a signed statement dated 20th February 2002, on behalf of PMOI/MeK, Mohammed Mohadessin stated "... the PMOI has a military wing and a social network in Iran and representative offices throughout the world. It is not the only member of the NCRI which resorts to armed resistance.". The language used there is clearly inconsistent with the suggestion that with effect from June 2001 the PMOI/MeK had formally abandoned its commitment to the use of terrorist methods.

13. Looking at the matter as a whole, and even though I accept that during the period between Summer 2001 and Spring 2003, the number of attacks claimed by the MeK declined substantially, I do not accept the contention that PMOI/MeK has voluntarily or unequivocally renounced the use of terrorism. As I have stated above, your application provides no evidence in support of the contention that any such statement or definitive statement has been made, there is no such information available to me, and the statements made on behalf of the PMOI/MeK both in 2001 and in 2002 would appear to be contrary to the contention advanced in your application.

14. Further, in order to be satisfied that an organisation that had been concerned in terrorism is no longer so concerned, I would also expect the organisation and its members to abandon arms voluntarily such that it was clear that the organisation had in fact renounced further terrorist activity.

15. It is clear from the document in support of the application that the PMOI in Iraq at the beginning of 2003 had retained their arms. Paragraph 39 of that document refers to the signing of a further agreement between the PMOI and the Coalition forces whereby the PMOI would "disarm and consolidate". Paragraph 40 states that under this agreement the PMOI personnel would gather in one base "while their equipment would be consolidated at another base". It also stated that the Coalition would provide security to both bases. It is clear from the wording of paragraph 39 and related references to "disarmament" in paragraphs 40 and 41 that the reference to "equipment" in paragraph 40 includes arms. Although paragraph 40 states that various Coalition documents are attached as Annex 8, no documents were annexed.

16. What is clear from paragraphs 32 to 53 of the document in support of the application is that in 2003 (and over 18 months after the alleged announcement of the cessation of terrorist activity), members of the PMOI in Iraq were still armed (those arms included a substantial number of tanks and artillery pieces). They only surrendered their arms when required to do so by US forces.

17. The other allegations in those paragraphs include a denial that PMOI took action against Coalition forces (paragraph 38), the view that a particular commander took as a result of the PMOI members giving up equipment to the Coalition (paragraphs 41 and 42), the granting of "protected person status" under the Fourth Geneva Convention and details of co-operation by the PMOI members with the Coalition (paragraph 51). While these matters may be relevant to the status of those members of PMOI who were present in Camp Ashraf in Iraq, they are not decisive of the question whether PMOI as an organisation should be deproscribed in the United Kingdom.

18. I do not, in this letter, address all the issues raised in paragraphs

32 to 53 of the document in support of the application in detail and make no admissions as to the accuracy of what is said in them. This is because I do not consider the issues raised to be relevant to the application (other than to show that members of the PMOI remained armed in 2003 in spite of the purported renunciation of violence by the PMOI in June 2001). I am fully prepared to accept for present purposes that the members of the PMOI who were detained by US forces in Camp Ashraf co-operated fully with those forces. Such expediency does not of itself indicate that the organisation as a whole is no longer "concerned in terrorism" for the purposes of the 2000 Act.

19. However, it is necessary to address the assertions in paragraphs 45 and 46 of the document in support of the application because a similar assertion is made in the statement by certain peers who are also QCs which is quoted in paragraph 62 of that document. That statement asserted "Members [of the PMOI], including the entire Leadership Council, were investigated by the United States Government, which determined that none of them had any links to terrorism". In paragraph 45 it is stated that "By mid July 2004, Coalition forces had also completed their extensive 16-month investigations into the activities of the PMOI, as well as the screening of all PMOI personnel the investigation "found no basis to charge [PMOI] members with violations of American law"". Paragraph 46 opens with a reference to "That clean bill of health".

20. The screening exercise by the US personnel at Camp Ashraf in 2004 did not give the PMOI/MeK a "clean bill of health" as the document in support of the application asserts. In this context, the MeK remains on the US list of Foreign Terrorist Organisations. Following a process of interviews and checks at Camp Ashraf, the US personnel identified a number of individuals who were the subject of US or international warrants. Other individuals at Camp Ashraf were approved for release if they met a number of conditions. In any event, the fact that a particular individual was not the subject of a US or international warrant does not establish that he or she has not committed terrorist acts. Nor does it establish that the PMOI/MeK, as an organisation, was not concerned in terrorism.

21. Paragraph 32 of the document in support of the organisation refers to Annex 5 by which some of those detained at Camp Ashraf were offered "release from control and protection in exchange for your promise to comply with certain conditions". These conditions included a rejection of terrorism and violence. However, an undertaking by individual members "in exchange for" release does not amount to a renunciation of terrorism by the organisation as a whole.

22. In these circumstances, the events in Iraq do not lead me to conclude that the PMOI has ceased to be an organization concerned in terrorism. As indicated in paragraph 8 above, the PMOI/MeK has a long history of committing terrorist acts. There has been neither a properly published renunciation of the organisation's use of terrorism nor voluntary disarmament by its members. The events in Iraq indicate that its members had, for a significant period after June 2001 (the date your application indicates as the material date), retained their arms. Accordingly, even though there has been a temporary cessation of terrorist acts, I am not satisfied that the organisation and its members have permanently renounced terrorism. In those circumstances, I do not believe that the organisation should be entitled to seek the support (whether at meetings or financial support) in the United Kingdom of the sort described in paragraph 19 of the document in support of the application. It would be especially objectionable if financial support raised in the United Kingdom was used to finance acts of terrorism in the future.

23. My comments above relate to those members of the PMOI who are members of the National Liberation Army based in Iraq. Those members based in Iran are referred to in paragraph 28 of the document in support of the application. I note from that paragraph that what it describes as the "PMOI's military activities" within Iran were "organised by the organisation's internal branch there". I also note the assertion that this branch was "independent in its activities", but nevertheless halted its operations in response to the decisions of the extraordinary Congress and subsequently "was definitively dissolved". No evidence in support of these assertions is provided in the annexes to the application and I have no evidence from other sources to support these assertions. I am not in a position to assess whether any cessation of terrorist

acts in Iran was in response to the alleged decisions of the extraordinary Congress or dictated by other reasons. Mere cessation of terrorist acts do not amount to a renunciation of terrorism. Without a clear and publicly available renunciation of terrorism by the PMOI, I am entitled to fear that terrorist activity that has been suspended for pragmatic reasons might be resumed in the future.

24. In the preceding paragraphs, I have set out my views on what paragraph 22 of the document in support of the application describes as the "principal ground" for it – namely, that PMOI is not an organisation concerned in terrorism. That paragraph goes on to assert that the PMOI fulfils none of the criteria laid down by the Secretary of State for the exercise of his discretion. These criteria are set out in paragraph 7 of the document in support of the application. This assertion is repeated in paragraph 56 of that document.

25. These criteria were set out by Home Office Ministers in the House of Commons and the House of Lords during the parliamentary passage of the Bill that was enacted as the 2000 Act. They have also been set out subsequently in letters and statements relating to proscription. However, the criteria were provided as guidance as to the way in which the proscription powers conferred by the 2000 Act would be exercised. They are not intended as exhaustive criteria. As such, they differ from the statutory test in section 3(5) of the 2000 Act that the Secretary of State must believe that the organisation is concerned in terrorism. That test must be satisfied in every case where the decision to proscribe is made.

26. The first of the additional criteria which was relied on for the proscription of the PMOI in 2001 was the nature and scale of the organisation's activities. Even if the nature and scale of those activities are not currently as extensive as when the organisation was proscribed, I believe that I continue to be entitled to have regard to what the nature and scale of activities was relatively recently in determining this application. This issue would not, of course, arise if the organisation has clearly ceased to be "concerned in terrorism". However, as it has not (in my belief) ceased to be so concerned, I believe that I can consider the nature and scale of the activities which were demonstrated only five years ago.

27. The second of the additional criteria which was relied on for the proscription of the PMOI was the need to support other members of the international community in the global fight against terrorism. However, I do not accept the proposition that is inherent in the final sentence of paragraph 57 of the document in support of the application that the criteria is not available if proscription benefits directly one country only. Furthermore, this criterion may be satisfied even though the regime in question attracts the sort of disapproval registered in paragraphs 80 to 99 of the document in support of the application. I do not believe that terrorism is acceptable even when it is directed at a regime which attracts widespread disapproval. In this context, I disagree with the attempt to legitimise terrorism in paragraph 12 and other paragraphs in the document in support of the application.

28. Furthermore, having concluded that the PMOI remains an organisation concerned in terrorism, I believe that it would be contrary to the fifth criterion (the need to support other members of the International Community in the global fight against terrorism) to deproscribe it. The United Kingdom is perceived as a major proponent of the global fight against terrorism and it would weaken our standing as such to deproscribe a terrorist organisation. In this context, the PMOI/MeK remains on the European Union's asset freeze list pursuant to Council Regulation 2580/2001 which implements in the EU the obligation imposed by UN Security Council Resolution 1373(2001) on all States to freeze the funds of persons who participate in or facilitate the commission of terrorist acts. In addition, the PMOI/MeK is designated as a Foreign Terrorist Organisation in the USA.

29. As mentioned in paragraph 56 of the document in support of the application, the criterion of an organisation's presence in the United Kingdom was not relied on in the context of the decision to proscribe the MeK/PMOI in 2001 ("It is also accepted that the PMOI had no presence in the UK"). Having read the reference in paragraph 19 of that document to PMOI officials attending the annual party political conferences of the Labour Party "whilst in opposition and up and until 1997", I wonder whether that conclusion was correct. In any event, I note that the four ways in which the applicants claim that their rights

have been restricted include an inability to invite support for the PMOI and to "invite others to provide money and property to further the political activities of the PMOI". It would seem that the current proscription of the PMOI does inhibit its presence in the United Kingdom and is therefore a reason for the proscription in view of my conclusion that the PMOI is an organisation concerned in terrorism.

30. In addition to the principal ground of the application set out in paragraph 22 of the document in support of the application, paragraph 23 asserts that the proscription of the PMOI is not objectively justified within Articles 10 and 11 of the ECHR and Article 1 of the First Protocol to the ECHR. Paragraph 23 of that document also refers to Article 14 (as to which, see paragraph 36 below).

31. Paragraph 23 does not expand on the reasons for the assertions of incompatibility with Articles 10 and 11 of the ECHR and Article 1 of the First Protocol. However, it is assumed that these assertions need to be read with paragraphs 18 and 19 of the document in support of the application which set out briefly how the freedoms of supporters of the PMOI in general and, the Applicants in particular, are interfered with. Paragraph 18 refers to the offences in the 2000 Act in respect of meetings involving a proscribed organisation and to the offence about giving money to such an organisation. Paragraph 19 states that the Applicants should be entitled to invite support for the PMOI, arrange meetings for its political activities, address meetings so as to encourage support for the PMOI and invite others to provide money and property to further its political activities.

32. In many respects, there is an air of unreality to the suggestion that the continued proscription of PMOI amounts to an unlawful interference with rights of free speech or free assembly. The PMOI is affiliated to the NCRI, an organisation that claims to be a form of "government in waiting" for Iran, ready to assume control once the present regime has been removed. The NCRI is not a proscribed organisation. To the extent that PMOI has any legitimate "political point of view" it appears to be difficult to distinguish that opinion from the opinions vociferously and regularly advanced by the NCRI. Accordingly,

the effect of proscription has been to distinguish between the publication of legitimate political opinion (through the NCRI) and the illegitimate advancement of such views through terrorism (via the PMOI, on the basis that the PMOI is a, if not the, military wing of the general Iranian "resistance" movement). On this basis, proscription of the PMOI is a proportionate and measured step.

33. The contention that such a legitimate and lawful distinction has been drawn may also be supported by the activities of the organisation variously described as "The British Committee for Iran Freedom (Parliamentary Group)" and "The British Parliamentary Committee for Iran Freedom". This organisation appears to be the one responsible for both the organisation and expression of political/professional support for the NCRI in the United Kingdom, and the publication of some of the booklets attached as annexes to the application. It is unclear to me precisely what this organisation is, and what – if any – formal connection it has to the NCRI, or for that matter, PMOI itself. Nevertheless, the nature and scope of its activities do appear to undermine the contention that proscription of the PMOI amounts to an unlawful interference with rights of free speech or freedom of assembly.

34. The same points also apply in relation to the suggestion that proscription of PMOI amounts to an interference of the rights of the applicants under Article 1 of Protocol 1 to the ECHR (presumably on the basis that each is prevented using his own money/property to support PMOI).

35. In any event, I consider that, to the extent that the consequences of proscription under the 2000 Act infringe the rights that exist pursuant to Articles 10 and 11 of the ECHR and Article 1 of the First Protocol to the ECHR, such infringement is justified. Fighting terrorism is a legitimate interest of every state, and this includes measures taken to restrict and prevent the activities in the United Kingdom of an organisation that is concerned in terrorism because it has perpetrated acts of terrorism overseas. The measures taken in the United Kingdom (under the 2000 Act) serve to prevent the United Kingdom being used as a place where membership of such an organisation can thrive, and where further support for it can be obtained. I remain of the opinion that on the facts of the present situation there is a reasonable relationship of proportionality

between the restrictions imposed and the legitimate objectives that are being pursued.

36. Although paragraph 23 of the document in support of the application also refers to Article 14 of the ECHR, the document does not specify how the PMOI and its members suffer unjustifiable discrimination. Accordingly, I have not addressed that specific issue further in this letter.

37. I believe that my comments above address the grounds on which the application is based. However, the document in support of the application makes some other assertions which it may be convenient to address in this letter.

38. It is asserted in paragraph 9 of that document that "there is every reason to believe that Parliament would not have approved an Order proscribing the PMOI alone had it been given an opportunity to vote on such an Order". This claim is necessarily speculative. The Order was approved by both Houses of Parliament in accordance with the procedures laid down by the 2000 Act.

39. I note the contents of paragraphs 58 to 63 of the document in support of the application and of the relevant annexes which indicate support for the deproscription of the PMOI from various noted jurists. I also note paragraphs 64 to 75 and the relevant annexes recording political support for deproscription. However, whilst I respect the views of those who are of such opinion, I am not persuaded by the facts available to me that deproscription would be appropriate. I also do not agree with some of the opinions set out in those paragraphs and annexes.

40. I note the assertions in paragraphs 80 to 99 of the document in support of the application about the current Iranian regime. However, I do not accept that there is a right to resort to terrorism, whatever the motivation. In any event, the PMOI/MeK had been conducting terrorist campaigns against the Iranian government long before the current regime came into power.

41. For the reasons set out above, I remain of the view that it is

necessary in the public interest for the PMOI to remain proscribed pursuant to the 2000 Act.

42. In accordance with regulation 9 of the Proscribed Organisations (Applications for Deproscription) Regulations 2001, I notify you of the procedures for appealing to the Proscribed Organisations Appeals Commission against my refusal to grant your application. Accordingly, I enclose for your information a copy of the Proscribed Organisations Appeals Commission (Procedure) Rules 2001 and would wish to draw your attention in particular to rules 5 (Notices etc), 7 (Time limit for appealing) and 8 (Notice of appeal) which give information on the appeals process.