

The Terrorism Acts in 2024

REPORT OF THE INDEPENDENT REVIEWER
OF TERRORISM LEGISLATION ON THE
OPERATION OF THE TERRORISM ACTS
2000 AND 2006, AND THE TERRORISM
PREVENTION AND INVESTIGATION
MEASURES ACT 2011

By JONATHAN HALL K.C.

**Independent Reviewer of Terrorism
Legislation**

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EXECUTIVE SUMMARY

- Terrorism in 2024 shared many features of 2023: online inspiration, lone-actor plots, conspiracy theories and personal grievances, the role of children and young people, and terrorist violence shading into violence for its own sake.
- The Southport attack on a dance class was not classified as terrorism but shared many of these features.
- The threat split in Great Britain remained roughly 75% Islamist Extremist terrorism, 25% Extreme Right Wing terrorism.
- Two major proscription decisions in 2024—Hizb ut Tahrir and Terrorgram—illustrated the reach of proscription into the world of online propaganda.
- Anticipating the proscription of Palestine Action in 2025, this report considers the criterion of “serious damage to property” within the terrorism definition.
- Examination under Schedule 7 continues to evolve with increased use of detention and heavy reliance on digital device searches, with possible gaps in statistics and oversight.
- Terror prosecutions increased to one of the highest levels on record, dominated by documentary offences and proscription related charges, with consistently high conviction rates.

- However, the pace of terrorism trials in Northern Ireland is very slow, despite being conducted without a jury.

1. INTRODUCTION

General Reflections on 2024

- 1.1. This year, terrorism in the UK shared many of the features of 2023: complex online inspiration, lone-actor plots, conspiracy theories and personal grievances, young people, terrorist violence shading into violence for its own sake, a background of overseas conflict, the growing spectre of State involvement¹, and the shifting role of ideology².

1 In my report to the Home Secretary, 'Legislation to Address State-Based Security Threats to the United Kingdom' (19.5.25) I addressed the legal consequences under terrorism legislation of State involvement in hostile activity.

2 In October 2024, the Director General of MI5, Sir Ken McCallum, referred to a "dizzying" range of beliefs and ideologies encountered by the Security Service and the difficulty of determining whether violence is motivated by ideology "or driven by another factor like mental health" (threat update, 8.10.24). Holbrook, D., 'Sacred violence: The enduring role of ideology in terrorism and radicalisation' (CCE, 2025), is more certain about the role of ideology.

- 1.2. Underneath all this, the threat split in Great Britain remained roughly 75% Islamist Extremist terrorism, 25% Extreme Right Wing terrorism³.
- 1.3. Although comparatively sheltered because of tough restrictions on gun ownership and geographical separation from the European continent, many of the United Kingdom's terrorist travails were shared with other Western democracies⁴.
- 1.4. Axel Rudakubana's murderous outrage on a children's dance class in July did not redefine terrorism.
- 1.5. For the reasons explained in my urgent report on the events at Southport, I consider that terrorism legislation can cope with complexity⁵. This requires both an open mind to novel forms of ideology, the 'glue' that holds disparate actors together

3 MI5 Threat update, supra.

4 See for example, 'Young people and violent extremism: a call for collective action', issued by the law enforcement and security agencies of the UK, US, Australia, Canada and New Zealand (the Five Eyes community) in December 2024; and Europol, 'TE-SAT: European Union Terrorism Situation and Trend Report' (2025) at page 8.

5 'Independent Review on Classification of Extreme Violence Used in Southport Attack on 29 July 2024' (13.3.25). The government subsequently accepted my recommendation against change.

revealing a pattern of threat against *national* not just local security, and a principled approach to the discretionary aspect of terrorism powers.

- 1.6. That said, it seems inevitable the threat presented by “Violence-Fixated Individuals” will attract (non-terrorism) legislative proposals in due course.
- 1.7. 2024, a general election year with a change of government, was not a year for new terrorism legislation. The only primary legislation considered by Parliament was “Martyn’s Law” (subsequently enacted as Terrorism (Protection of Premises) Act 2025).
 - This Act, due to enter into force in 2027, marks a significant burden-shifting departure in terrorism legislation: the burden is shifted from law enforcement and suspected terrorists, the traditional counterparties in counter-terrorism, to the innocent public in the form of occupiers of qualifying premises (with a practical capacity of 200 people or more) or events (800 people).
 - The effect is that legal duties, considerably refined from earlier versions of the legislation, but still carrying cost and time implications, will be placed on these businesses, associations and volunteers to prepare against terrorist attacks. The public may experience a greater encroachment of counter-terrorism on ordinary

living⁶. The Security Industry Agency will be responsible for enforcement. For reasons that I gave in evidence at the time⁷, it is unclear to me that the principle of extending duties to citizens, together with the contents of these duties, can be justified.

- Arguably there is a stronger case for tightening up control over the use of drones⁸. Improving compliance with existing rules, and greater transparency over ownership and use, involves officials from the Department for Transport and the Civil Aviation Authority. Drones as an aspect of future economic growth⁹ are in tension with drones as an aspect of terrorist (and hostile state) threat.

1.8. A different legislative trend is for measures associated with countering terrorism to be repackaged in service of a different goal. The Border Security, Asylum and Immigration

6 Cf. BBC News, 'Residents take action over anti-terror barriers' (2.8.25).

7 Home Affairs Committee pre-legislative scrutiny of the Terrorism (Protection of Premises) Draft Bill, HC 1359 (20.6.23).

8 Hall, J., 'Generative AI, Drones and Terrorism' (Lancaster House, London, 22.10.24).

9 Department for Transport, press release, 'Over £20 million to help drones and flying taxis take to UK skies' (1.4.25).

Bill, before Parliament at the time of writing, repackages certain counter-terrorism measures (such as the offence of possession of material likely to be useful to a terrorist) to tackle organised immigration crime¹⁰.

- 1.9. The effect of terrorist precursor offences ‘escaping the ranch’¹¹ in this way is unpredictable, and there is no equivalent to the Independent Reviewer of Terrorism Legislation in this field. Terrorist precursor offences are unusual and cast the net of liability differently from ordinary crime. This gives pause for thought when legislating against terrorist threats because exceptional measures enacted for serious national security threats may end up being adopted and normalised for general crime¹², as well as becoming irreversibly embedded¹³.

10 See for example, Clause 16.

11 To use the words of my senior special adviser Professor Clive Walker KC.

12 I have not been immune to this. In my Southport report, *supra*, I recommended (and the government accepted) the need for a non-terrorist acts preparatory offence to deal with intended mass casualty attacks.

13 Cf. Heath-Kelly, C., ‘Social defence’ and the resilience of the domestic war on terror: A genealogy of social security, national security, and defence’ (2025) 10 *European Journal of International Security* 9.

- 1.10. I remain impressed by the care with which Counter Terrorism Police and Home Secretary exercise their powers under terrorism legislation. I often use statistics or media reporting (especially of controversial cases or complaints) as jumping off points to probe the exercise of powers. For example, I was satisfied about the single instance of delayed access to a solicitor in 2024 (see Chapter 5) but will push for answers on detention ethnicity statistics under Schedule 7 (see Chapter 9). This approach has provided me with reassurance that individual decisions taken by police and Ministers (supported by officials) are done with due consciousness that these powers are exceptional and could unravel if abused. What is sometimes mocked as a defensive attitude to legal risk does provide an element of restraint and self-questioning that tempers the possibility of enthusiastic overuse.
- 1.11. But however well-exercised or well-intentioned, strong laws require strong oversight in practice as well as anticipation. It is now well-established that courts will only lightly question the factual bases for government assessments of national security risk¹⁴. This self-imposed restraint is relevant to

14 Hall, J. (2024). National Security and Judicial Review. *Judicial Review*, 29(3), 145–150. The position was confirmed in *U3 v Secretary of State for the Home Department* [2025] UKSC 19.

the effectiveness of judicial oversight of all civil measures such as Terrorism Prevention and Investigation Measures, Temporary Exclusion Orders, and Serious Crime Prevention Orders.

- It would be unfair to characterise the current trend as hands-off, but there are, to my mind, outstanding questions about how far it is desirable for government decisions on basic questions, such as whether a person presents a risk to national security, to be insulated from challenge to the underlying factual assumptions.

This Report

1.12. This is my seventh and penultimate annual report as Independent Reviewer of Terrorism Legislation, an appointment I have held since 2019. My international counterparts are Australia's Independent National Security Legislation Monitor¹⁵ and, since 2024, Ireland's Independent Examiner of Security Legislation¹⁶.

1.13. As before, I continue as a barrister in private practice, although my additional role as Independent Reviewer of State Threat Legislation

15 Jake Blight appointed November 2023.

16 Mr. Justice George Birmingham, appointed under the Policing, Security and Community Safety Act 2024.

(since 2024) and the demands of completing three bespoke reports in the first half of 2025¹⁷, has limited my barrister practice. Nevertheless, I work mainly from chambers in London, with office space within the Home Office when needed. I remain in very close contact with officials responsible for counter-terrorism legislation and practice, and in frequent dialogue with Counter Terrorism Police. Outside officialdom I have frequent meetings in person and online with non-government organisations, academics and others.

- 1.14. On the premise that you do not understand something if you cannot explain it, and against the risk of complacency or becoming institutionalised, I have exposed myself very heavily to media questioning on the record, on radio, TV and in newspapers. I have appeared on many phone-ins and taken calls from the public. I think it is important to show my workings; nothing should be taken on trust. There is, rightly, high public interest in terrorism and countering terrorism, and wide understanding that counter-terrorism involves imperfect trade-offs between freedom and security.

17 On the violence used at Southport; on terrorism and State Threat legislation with reference to 'proscription' of state entities; and on Separation Centres in prison (following the recent attack on prison officers by Hashem Abedi, who was responsible for the 2017 Manchester Arena attack).

Hence the need for independent scrutiny by someone with privileged access to information and personnel, the ability to ask awkward questions, and freedom to express views without the need for deference¹⁸.

- 1.15. My practice has been to deliver my annual report in draft to the Home Secretary for security and fact checking in November before publication early the following year. I therefore regret the fact that the publication dates for my last two annual reports were as late as November 2024 (Terrorism Acts in 2022) and July 2025 (Terrorism Acts in 2023). The government's obligation is to lay my reports before Parliament "as soon as" the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings¹⁹.
- 1.16. My term expires in November 2026, leaving time for one final annual report whose theme will be the digital dimensions in terrorism and counter-terrorism. In my view the role of online and frontier

18 All the more so if what Lord (David) Anderson KC describes as the "subtle balance between political power and judicial influence" were to be upset by the UK's withdrawal from the European Convention on Human Rights at some future point: 'The Impact of the European Convention on Human Rights on UK National Security', *European Convention on Human Rights Law Review*, Vol 6 Issue 2 (2025) 150-164.

19 Section 36(5) Terrorism Act 2006.

technologies cannot be understated as slow law lags behind fast tech²⁰.

Statistics

- 1.17. The principal source of statistics on the use of terrorism powers in Great Britain is the Home Office publication, ‘Operation of police powers under the Terrorism Act 2000 and subsequent legislation’.
- 1.18. For this annual report I mainly refer to the annual data tables for the year ending 31 December 2024 published on 13 March 2025 (**‘2024 Annual Data Tables’**) taking account of any subsequent official adjustments to these statistics.
- 1.19. Published statistics are the lifeblood of annual reporting on the operation of terrorism legislation. I am therefore pleased that the government has:
 - Agreed to look at the possibility of publishing statistics on the new powers in section 43B and 43C Terrorism Act 2000²¹.

20 In 2024, the CT Internet Referral Unit secured the removal of 223 pieces of terrorist content: HM Government, ‘Counter-Terrorism Disruptive Powers Report 2024’ (2025). This seems very low given the quantities.

21 Powers of arrest and search used to manage the risk posed by released terrorist offenders.

- Agreed to revive statistics on sentence lengths which were discontinued in 2024.

1.20. I remain keen that some way is found to publish more statistics on arrest and stop-and-search by ideology. Currently, greater detail of the suspected ideological persuasion of people at risk of being drawn into terrorism is published under the Prevent banner²², than is available for the use of counter-terrorism powers.

22 Home Office, 'Individuals referred to and supported through the Prevent Programme' currently has the following 'categories of concern': Islamist, Extreme Right-Wing, Incel, School Massacre, High CT risk but no ideology, Vulnerability present but no CT risk or ideology, No risk, vulnerability or ideology, Conflicted and Other.

2. REVIEW OF 2024

Domestic Terrorism

- 2.1. Leaving aside the alleged attack on Elbit Systems by members of Palestine Action, which is currently before the courts, there was one completed terrorist attack in Great Britain²³ in 2024. This was the attempted murder in April of an Eritrean man at the Pear Tree Inn in Worcester, by a neo-Nazi called **Callum Parslow**. The Pear Tree Inn had previously been used to accommodate asylum seekers, and the victim had returned there to visit a friend, when he was approached by Parslow and was stabbed in the chest²⁴. Parslow, a lone actor, had earlier released a terrorist manifesto about ‘exterminating’ asylum seekers²⁵. The attack attracted comparatively little attention in the media.
- 2.2. Sometimes revealed in prosecutions (see further Chapter 7), and sometimes out of sight²⁶, are the

23 I deal separately with Northern Ireland in Chapter 9.

24 BBC News, ‘White supremacist stabbed asylum seeker in hotel’ (25.10.24).

25 CPS, ‘Neo-Nazi who stabbed victim twice is jailed for life’ (17.1.25).

26 In October 2024, the Director General of MI5 said that the Security Service and Police had disrupted 43 late-stage plots since March 2017 (threat update, 8.10.24).

plots and aspirations that did not achieve violence. As notable examples:

- In February, Neo-Nazis behind a weapons-heavy plot to take a 'race war' to synagogues, mosques, and Islamic education centres were arrested (convicted in 2025)²⁷.
- March saw the arrest of an Islamist Extremist convert who targeted a Salafi cleric critical of violent Islamism (convicted in 2025)²⁸.
- A further weapon-heavy plot, this time involving Islamic State inspired individuals in a plot against Jews in the UK, disrupted in May 2024, led to major convictions after trial in December 2025.
- Another Muslim convert, obsessed with Islamic State, was arrested in December over his plot to attack Jews in the UK (convicted in 2025). He pushed his ideology on Instagram and Snapchat²⁹.

27 BBC News, 'Far-right extremists guilty of planning attacks' (14.5.25).

28 BBC News, 'Muslim convert gets life over mosque terror plot' (11.4.25).

29 CPS, 'Islamic Convert convicted of planning terror attack' (3.11.25).

International Terrorism

- 2.3. There were 52 lone actor attacks in **the West**, up from 32 the previous year, including 8 in Sweden³⁰. 58 terrorist attacks were recorded in the European Union of which 34 were completed and 19 were foiled. 24 were jihadist (most lone actors); 21 were attributed to left-wing and anarchist terrorism, mainly in Italy; the remainder were categorised by Europol as ‘other’, ethno-nationalist and separatist, and Right Wing³¹. A mass casualty plot, involving three alleged teenage Islamist terrorists in Austria supported by another teenager in Germany, led to the cancellation of the Vienna leg of popstar Taylor Swift’s global tour in August.
- 2.4. In March, terrorist gunmen associated with Islamic State killed at least 144 and wounded 551 others in an attack on Crocus City Hall in the Moscow region of **Russia**. Proof that the internet is changing terrorism came in the live-streamed stabbing attack on people at a tea garden in northwestern **Türkiye**: the attacker, an 18-year-old Turkish man, was fully subscribed to the ideology and iconography of Extreme Right Wing Terrorist accelerationism³².

30 Ibid, page 11.

31 TE-SAT, supra, at pages 13 to 14.

32 Bradley, A., “‘Dead society’”: Tracing the Online Dimension of a Militant Accelerationist-Inspired Attack in Turkey’ (16.4.24).

- 2.5. The physical role of terrorist groups in **Africa and the Middle East** results in a very different threat picture there. According to the Global Terrorism Index, the deadliest terrorist groups in 2024 – all Islamist Extremist – are Islamic State, Jamaat Nusrat Al-Islam wal Muslimeen (JNIM), Tahrek-e-Taliban Pakistan (TTP or the Pakistani Taleban), and Al Shabaab, responsible for over 4,000 terrorist deaths out of a global total of just over 7,500³³. The most affected countries were Burkina Faso, Pakistan, Niger, Mali and Syria³⁴.
- 2.6. In December, forces led by the leader of **Hayat Tahrir al-Sham** (HTS), until recently considered by the UK as an alias of Al Qaeda³⁵, conquered Damascus; the new government under Ahmed al-Sharaa has renounced their leader's Islamist terrorist roots and has been increasingly embraced by the international community.

33 Institute for Economics & Peace, 'Global Terrorism Index 2025: Measuring the Impact of Terrorism' (Sydney, March 2025), pages 2, 14.

34 Ibid, page 12.

35 In 2025 the alias order was revoked so that HTS was no longer proscribed.

- 2.7. The threat from Islamic State in Syria and Iraq remained high in 2024³⁶. Although the numbers have reduced, the region continued to host camps and prisons containing tens of thousands of detained Islamic State fighters, supporters and family. The largest contingent of prisoners was from Iraq.
- 2.8. The position of the remaining **British or UK-linked individuals** (estimated in 2024 by the charity Reprieve to number around 70³⁷) is uncertain. There have been some quiet repatriations of women and children but no categorical action to return all families with children without further delay: the government position is to consider every request by British nationals on a ‘case by case basis’, and to seek to repatriate orphans and

36 UN Secretary-General, ‘Nineteenth report on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat’ (S/2024/583).

37 See Loft, P, Mills, C., ‘Syria after Assad: Consequences and interim authorities 2025’, House of Commons Library, Research Briefing (23.7.25) at para 6.2.

unaccompanied minors where feasible and subject to national security risks³⁸.

38 HM Government, 'Accountability for Daesh Crimes: Government Response' (responding to Joint Committee on Human Rights Second Special Report of Session 2024-5) (11.7.25).

3. TERRORIST GROUPS

Introduction

- 3.1. Terrorist organisations are the biggest terrorist killers worldwide (see Chapter 2). In Great Britain their role in recent years, with some exceptions, has been by way of inspiration rather than by way of direct participation in acts of terrorism. Northern Ireland is of course different (see Chapter 9).
- 3.2. Linking inspired individuals to particular groups is increasingly difficult because:
 - Group-generated online material is available for all so that, for example, an Extreme Right Wing attack-planner might well draw assistance from an online Al Qaeda terror manual.
 - For the same reason, an individual might draw inspiration from a range of political, religious, racial or ideological causes without it being clear which group was most inspiring.
 - There is a tradition of 'leaderless resistance' in Extreme Right Wing movements so that affinity for a particular group may be largely irrelevant. One writer has suggested that a new terminology is required to identify the

decentralised roles of ‘Framers, Brokers, Enablers, and Pioneers’³⁹.

- 3.3. To be banned, or proscribed, as a terrorist organisation in the UK it must be ‘concerned in terrorism’⁴⁰. Proscription is discretionary, considered in accordance with five published but non-exhaustive criteria⁴¹, on the recommendation of the Home Office-chaired Proscription Review Group. I have attended almost all meetings of this group since 2019, and I have been impressed by the level of debate and internal challenge both as to whether a group is concerned in terrorism, and whether proscription would be in the public interest.
- 3.4. The definition of terrorism under the Terrorism Act 2000 means that an organisation does not need to be lethal. The question of *how* dangerous, falling short of lethality, came to a head in 2025 with the proscription of Palestine Action. I will consider the detail of this proscription in next year’s report, although I consider below the “serious damage to property” limb of the terrorism definition to which the proscription drew attention.

39 Stabile, J., ‘Beyond “Leaderless Resistance”? Toward a Typology for White Supremacist Extremist Leadership’, (2025) *Studies in Conflict & Terrorism*.

40 Section 3(4) Terrorism Act 2000.

41 Home Office, ‘Proscribed terrorist groups or organisations’ (updated 11.7.25).

Proscription activity in 2024

- 3.5. The global Islamist group **Hizb ut-Tahrir** was proscribed in January⁴². It has had an official presence in the United Kingdom since the 1980s through its UK branch, assessed by the government to be a component of a global coherent whole. It has a long history of praising and celebrating attacks against Israel and Jews more generally⁴³.
- 3.6. The trigger for the proscription of this longstanding group was that its central media website and Middle Eastern branches celebrated and praised the attack on Israel on 7 October 2023, referring to Hamas as ‘heroes’ and encouraging further terrorist activity. The significance of the government’s assessment that Hizb ut-Tahrir was a coherent global entity was that the entire body, including its UK branch, was fixed with responsibility⁴⁴.
- 3.7. Accordingly, the whole organisation including the UK branch was “concerned in terrorism” because it “promotes and encourages terrorism”⁴⁵. It was not

42 Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2024 SI 2024/63.

43 Explanatory Memorandum.

44 Hansard (HL) vol.835 col.567 18 January 2024, Lord Sharpe.

45 Section 3(5)(c) Terrorism Act 2000.

said that Hizb ut-Tahrir committed or participated in acts of terrorism or prepares for terrorism⁴⁶. This was a proscription based on propaganda.

- Under section 3 of the Terrorism Act 2000, promotion or encouragement includes “unlawful glorification” by the organisation of acts of terrorism, meaning that a potential audience could reasonably be expected to infer that, in summary, those acts should be emulated⁴⁷.
- There is no express requirement that the organisation itself should be aware that its glorification might be understood in this way. In contrast, the offence of encouraging terrorism through glorification requires at least subjective recklessness than someone may be encouraged⁴⁸.

46 The limbs found in section 3(5)(a) or (b).

47 Section 3(5A) and (5B) inserted by the Terrorism Act 2006.

48 Section 1 Terrorism Act 2006. Subjective recklessness means awareness of the risk but nonetheless taking it. Macdonald, S., and Lorenzo-Dus, N., have argued that encouragement is inherently intentional: *Criminal Law Forum* (2020), Volume 31, Issue 4, pages 473 – 512.

- There is no requirement that the glorification should have had any effect (again, contrasted against the offence of encouragement⁴⁹).
- As a result, in theory, an organisation might be proscribed even if it had no idea that its glorification of terrorism could have that effect on a potential audience, and there was no evidence of anyone in fact being encouraged. It is arguable that this would be an overexpansive basis for propaganda-based proscription.

3.8. There has been little public reaction, positive or negative, to this ban⁵⁰.

3.9. The second group to be proscribed was **Terrorgram** (or formally, in the order for

49 Section 1(5)(b).

50 McNeil-Willson, R., 'The Problems of Banning Hizb ut-Tahrir Britain' (ICCT, 26.1.24) criticizes the use of proscription against what is described in the article as a non-violent group and suggests it will give fresh impetus to the group and risks turning the organisation into a 'public martyr'. So far as non-violent propagandists are concerned, the article overlooks the fact that other groups, such as Al Muhajiroun (originally under the name 'Al Ghubara': see SI 2006/2016, followed by alias order SI 2010/34) had already been banned as pure glorifiers.

proscription, ‘Terrorgram collective’⁵¹). It is assessed to be an entirely online group of Extreme Right Wing terrorists, who seek to encourage acts of terrorism in pursuance of a race war. Terrorgram publications have carried glorification of past attackers (like Brenton Tarrant of the Christchurch New Zealand attack, described as a ‘saint’) and instructional material⁵². In September 2024 the alleged leaders of Terrorgram were criminally charged in California⁵³.

- 3.10. One basis was promoting and encouraging terrorism. Here the government was able to point to the deadly October 2022 attack on a Bratislava gay bar, whose perpetrator credited Terrorgram and its publications in his manifesto⁵⁴. The second basis was that Terrorgram was “preparing for terrorism”⁵⁵ on the footing that the group “is involved in preparing for terrorism through the inclusion of instructional material in their propaganda”⁵⁶.

51 TA 2000 (Proscribed Organisations) (Amendment) (no 2) Order 2024, SI 2024/569.

52 Explanatory memorandum.

53 BBC News, ‘US says leaders of white supremacist group plotted global attacks online’ (9.9.24).

54 Ibid.

55 Section 3(5)(b).

56 Explanatory Memorandum.

3.11. This is not straightforward. Since the allegation concerns propaganda, it seems that the terrorism being prepared for is to be carried out by others, not by Terrorgram itself.

- Although it might be said in common parlance that a person prepares for something he is going to do himself, terrorist preparation is not limited in this way.
- In the case of Husnain Rashid, subsequently heard as a sentencing appeal⁵⁷, the defendant was convicted of acts preparatory⁵⁸ in part because of detailed instructions he had posted on Telegram to assist others to carry out attacks.
- It makes sense that a person can prepare for someone else to do something (go on a journey, eat a meal).
- However, there is a danger that, taken too far, promoting and encouraging terrorism would always amount to preparation.

3.12. The definition of organisation under the Terrorism Act 2000 is also broad⁵⁹. An important aspect of the

57 [2019] EWCA 797.

58 Section 5 Terrorism Act 2006, also known as attack-planning.

59 'Organisation' includes any association or combination of persons: section 121.

government's assessment was that the Terrorgram collective operated as an "organisation" with a core leadership providing direction and coordination for the production and dissemination of propaganda⁶⁰. That said, the government recognised that Terrorgram had an "entirely fluid, online presence", with the use of the proscription power in these circumstances admitted as "novel"⁶¹. Had Terrorgram lacked central leadership, an even more novel approach to 'organisation' would have been required to achieve proscription⁶².

- In principle some tricky decisions might arise about whether a person is a member or supporter of Terrorgram or has invited support for Terrorgram as an organisation. It is quite possible that online users might strongly approve of Terrorgram content without being aware that there is in fact a recognisable organisation behind it.

3.13. Absent a physical presence of the leadership in the UK, the practical effect of proscription was likely limited to supporting allies (such as the United States where the leadership were based)

60 Ibid.

61 House of Lords Secondary Legislation Scrutiny Committee, 22nd Report of Session 2023–24 (2023–24) HL 104.

62 I considered this topic further in *Terrorism Acts in 2021* at 3.38 et seq.

and signalling to tech companies. Tech Against Terrorism’s assessment was that UK proscription was likely to make a ‘material impact’ in improving terrorist content takedown compliance⁶³.

“*Serious damage to property*”

3.14. At time of writing there are ongoing legal proceedings on the substance and procedure of Palestine Action’s proscription in July 2025:

- The Court of Appeal has now ruled that judicial review is available to challenge proscription, despite the possibility of appealing to the Proscribed Organisations Appeals Commission (POAC) against a refusal to de-proscribe⁶⁴. The outcome is important because hitherto POAC had been considered the sole legal mechanism for legal challenge to proscription, and it will be necessary to consider the wider implications of this decision.

63 ‘Tech Against Terrorism Welcomes UK Proscription of Terrorgram’ (Press Release, 22.4.24). In 2024 the European Union designated an Extreme Right Wing terrorist organisation, the Base, which was proscribed by the UK in 2021: ‘Sanctions against terrorism: Council renews the EU Terrorist List and designates a new entity’ (EU Press Release, 26.7.24).

64 R (Huda Ammori) v Secretary of State for the Home Department [2025] EWCA Civ 1311.

- The High Court, at the time of drafting this report, is shortly due to hear a judicial review on proscription dealing with among other things (a) the impact of proscription on lawful freedom of expression and association and (b) whether the Home Secretary should have consulted Palestine Action before proscription. It is likely that this case will consider both the impact on Palestine Action members and on members of the public who, whilst not members, have displayed the placard “I oppose genocide. I support Palestine Action” (or variants) and have been arrested on suspicion of an offence contrary to section 13 Terrorism Act 2000.
- There are a series of criminal prosecutions against alleged members of Palestine Action, most notably in connection with events at Elbit Systems UK, Bristol, in August 2024.

3.15. In these circumstances I think it is sensible to leave consideration of Palestine Action for next year’s report. However, the proscription raises a general point of principle because it has drawn attention to the serious damage to property limb of the terrorism definition.

3.16. Under section 1(2)(b) Terrorism Act 2000, terrorism includes the use or threat of an action which “involves serious damage to property”. The effect is that a group can be proscribed if it is concerned

in action or the threat of action involving serious damage to property only.

- 3.17. There is no legal authority on the meaning of the “serious damage to property” limb. There are three aspects to resolve:
- What it means.
 - Whether it should exist at all.
 - Whether, if it remains, it requires qualification.

Meaning

- 3.18. Prior terrorism legislation referred to the use of violence for political ends without distinguishing between violence to people and violence to property⁶⁵.
- 3.19. Lord Lloyd in his 1996 review on reforming terrorism legislation had been concerned among other things with serious damage caused by animal rights extremists⁶⁶. In its subsequent consultation on terrorism legislation in 1998, the government considered that “serious violence” was still at the heart of terrorism, but that legislation needed to take account of novel types of harm

65 E.g. Prevention of Terrorism (Temporary Provisions) Act 1989.

66 Cm 3420 para 119.

such as hacking and threats to health through, for example, water contamination⁶⁷.

- 3.20. The Terrorism Act 2000 does not define what is meant by serious damage to property. This results in what one member of the House of Lords described, during the passage of the Terrorism Bill, as an ‘unfair burden’ on the courts to interpret what it means⁶⁸.
- 3.21. “Damage” to property has been interpreted widely in the Criminal Damage Act 1971 to include not only permanent or temporary physical harm, but also permanent or temporary impairment of value or usefulness, and intangible damage so long as the thing damaged is itself tangible. It has therefore been held to include flooding a police cell and applying water-soluble paint to a pavement⁶⁹.
- 3.22. Even wider is the concept of “damage” to an “asset” when considering sabotage under the new National Security Act⁷⁰. The 2023 Act would appear to cover a group of people blocking a motorway (a national asset) by interfering with its function

67 Cm 4178 at paras 3.16-7.

68 Hansard (HL) Vol 614 Col 165 (20.6.00).

69 Archbold Criminal Pleading (2025) at 23-6, 23-7.

70 Section 12. Asset under the 2023 Act includes information.

or utility, whereas the 1971 Act would not⁷¹. It can be reasonably assumed that damage to property under the Terrorism Act 2000 would, likewise, exclude blocking a motorway or otherwise causing disruption where no tangible object is modified; and hence the need to include serious interference with electronic systems under section 1(2)(e) as a separate limb from serious damage to property.

- 3.23. Even so, the notion of damage under the 1971 Act is clearly very wide. If the same interpretation should be given to “damage” under the Terrorism Act 2000 then it raises squarely (for example, the application of paint to a bridge), and subject only to need for damage to be “serious”, the question of whether traditional disruption or slogan-writing tactics of the sort used by Just Stop Oil could qualify such a group as terrorist. And since the Terrorism Act 2000 definition excludes, unlike its predecessor, any reference to violence, it opens the door to any way of causing damage such as pouring a can of paint very slowly over an artwork.
- 3.24. “Serious” clearly excludes ‘mere’ or ‘minor’ criminal damage, but there are various ways for measuring severity:
- By quantifying the intrinsic nature of damage compared to other instances of damage. In a

71 See for example, *Drake v DPP* [1994] RTR 411 cited at Archbold 23-7.

different statutory context ('serious disruption' under the Public Order Act 1986), the High Court has held that serious means something 'towards the top end of the scale'⁷². This is itself begs the question of whether the measurement on the scale includes:

- the financial cost of rectification or replacement only.
 - business disruption resulting in lost profits.
 - aggregation of separate incidents of damage (for example, attacks on different bank branches).
- Qualitatively: for example, by considering whether it involves risk to life or limb such as occupants, rescuers or first responders (even if this was neither intended nor foreseen⁷³) or relate in some way to national security (such as damaging fighter jets).

72 R (on the application of the National Council for Civil Liberties) v Secretary of State for the Home Department [2024] EWHC 1181 at para 50, endorsed by the Court of Appeal [2025] EWCA Civ 571 at para 25.

73 If it was intended or foreseen, then section 1(2)(d) ('endangers a person's life' or (e) ('creates a serious risk to...a section of the public') might also be satisfied.

3.25. A mechanism used in the Counter-Terrorism and Security Act 2019, Schedule 3 (ports powers), not applicable to the Terrorism Act, is to identify a ‘serious crime’ as one where a person without previous convictions could reasonably be expected to be sentenced to 3 or more years’ imprisonment⁷⁴. This involves looking at a combination of culpability and harm and considering any applicable sentencing guidelines⁷⁵.

Whether it should be removed all together

3.26. In his comprehensive 2007 review of the domestic definition, Lord Carlile KC had no doubt that damage to property should remain on the basis that this type of terrorism can ‘induce a real sense of terror for the future’, through threats to bomb schools at the weekend (when unoccupied) or major disruptions by damage to gas or electricity

74 Para 1(7)(d).

75 The current guidelines issued by the Sentencing Council on criminal damage (other than arson) indicate a range of 1-4 years (although the maximum is 10 years) for the highest offence category. This suggests that 3+ years is reserved for highly harmful and culpable criminal damage falling short of arson. For arson the range for the top offence category is 2-8 years, because the use of fire is generally considered more serious.

mains which could result in widespread economic damage to the nation⁷⁶. It is possible to spin out certain factors from these suggestive examples:

- Certain methodologies, such as bombing, are intrinsically terrifying. Even if carefully targeted at property only, there is the intimidatory prospect either that a person will be harmed by accident, or that the campaign may be later extended to persons.
- Some damage is genuinely an ‘attack on the collective’⁷⁷, such as on the electricity supply of a town or city and could be used as a tactic undemocratically to advance political, religious, racial or ideological change.
- Inclusion of serious damage to property is consistent with the inclusion (under section 1(2)(e)) of action that “is designed seriously to interfere with or seriously to disrupt an electronic system” such as air traffic control.

3.27. It is correct, as the UN Rapporteur on Terrorism recently observed, that whilst there is no internationally agreed definition, criminal damage (or indeed interference with electronic systems) is not included within what are referred to as “best

76 Cm 7052 at para 50.

77 A phrase used by Professor Clive Walker KC in his Blackstone’s Guide to the Anti-Terrorism Legislation (3rd ed.) at para 1.32.

practice” international definitions of terrorism⁷⁸. But it is hard to see why damage to property should *never* count as terrorism.

- 3.28. As Lord Carlile KC observed, threats or use of serious damage to property could have huge impact on the government and population, and result in extreme but undemocratic pressure to adopt political, religious, racial or ideological causes being advanced by the perpetrators; if bombs were used or threatened, this would satisfy what most people would consider intuitively as terrorism.
- 3.29. In addition, a campaign of serious violence to property can be seriously intimidating. It is not a giant step to see why such a campaign should

78 Letter to HM Government from UN Rapporteurs including Professor Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, dated 21.11.24. In their press release ‘UN experts urge United Kingdom not to misuse terrorism laws against protest group Palestine Action’ (1.7.25), the UN experts state that the UK agreed to this ‘best practice’ approach in signing up to UNSCR 1566 (2004). I query this (see the terms of clause 3), although it is right that attempts to reach international agreement have historically foundered on different issues (freedom fighters and state terrorism).

not cause fear on the part of humans. It would be unwise to exclude consideration for those who are posted to guard property (security guards or volunteers), for responders (security guards, police), and for property owners who might intervene to defend their property from attack. The notion of ‘pure’ property damage, without any risk to human life or limb, may often be an oversimplification.

- 3.30. Whilst accepting that there are real uncertainties in the meaning of ‘serious damage to property’, it is unthinkable in my view to exclude all serious damage to property as a category from the definition of terrorism.

Qualification

- 3.31. If Parliament did wish to revisit the “serious damage to property” limb, consideration might be given to narrowing the circumstances in which serious damage to property qualified. Potential options are:

- A requirement that the serious damage to property should at least put human life or limb

at risk⁷⁹. This might include foreseeable risk to responders such as the police or property owners who intervene.

- A value threshold, or a requirement that the damage would ordinarily carry a high sentence (for example, 3 years imprisonment if prosecuted under the Criminal Damage Act 1971).
- A methodology requirement – for example, that the damage should be caused by explosion, or more generally that it should involve violence.
- A national security requirement, meaning that the property damage should be in some way connected to national security (such as a military base).
- An exclusion for protest activity where the serious damage to property does not involve risk to human life or limb⁸⁰. Important but

79 As in Canada – see Canadian Criminal Code Section 83.01(b)(2)(D) – and New Zealand – see Terrorism Suppression Act 2002, §5(3)(c): an excellent comparative article freely available online is, Hardy, K., Williams, G., ‘What is Terrorism? Assessing Domestic Legal Definitions’ (February 2013). University of New South Wales Faculty of Law Research Series 2013. Working paper 16.

80 As in Australia – see Criminal Code Act 1995 (Cth), s 100.1(3).

often swerved questions then arise about the meaning of protest. A distinction might tentatively be drawn between what might be called expressive property damage that draws public attention to a cause (for example, painting a bridge); and ‘direct action’ which aims to dissuade or disrupt and goes beyond protected speech⁸¹.

- There is then the question of how terrorism legislation operates in this field. Coming legal cases will I hope throw more light on whether and how the use of terrorism powers has or might have a chilling impact on legitimate activity⁸².

3.32. A final observation concerns the role of juries. Where a general (non-terrorism) offence such as criminal damage has been charged and proven, it is open to the prosecution to argue that the offence is ‘connected to terrorism’, attracting an aggravated penalty, and with significantly different consequences for release and post-release offender management. In England and Wales and Northern Ireland, although not in Scotland, the decision is reserved to the judge at the sentencing

81 See the domestic and Strasbourg (ECHR) caselaw considered in Attorney General’s Reference on a Point of Law No 1 of 2022 [2022] EWCA Crim 1259.

82 As suggested by Professor Ben Saul and others, letter (21.11.14), supra.

stage⁸³. It is arguable, depending on one's view of the role of juries, that where the connection to terrorism is based on serious damage to property only, that this question is too important to be left for a judge alone.

Offences

- 3.33. Proscription unlocks offences not otherwise available under the Terrorism Act 2000. It is an offence to be a member or supporter (section 11); to invite support, or express supportive opinions being reckless as to securing support from others (section 12); to display supportive articles such as flags or banners (section 13); and the assets of or contributions to a proscribed organisation are deemed 'terrorist property' (section 14) and therefore subject to the terrorism money laundering offence (section 18) and forfeiture under the Anti-Terrorism Crime and Security Act 2001 (see Chapter 8).
- 3.34. Other terrorism offences are made easier to prosecute because of the deeming provision (section 1(5)) that "...a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation."

83 In England and Wales, under section 69 Sentencing Code; in Northern Ireland and Scotland under sections 30 and 31 Counter-Terrorism Act 2008.

- 3.35. The goal of these offences is to allow the police to dismantle proscribed organisations through executive action such as arrest and prosecution; the existence of these offences is also intended to have a deterrent effect on individuals who are currently members, who must cease to be members to avoid committing an offence, or future members⁸⁴. I have previously warned about the risks of extending the proscription offences: they are already very strong⁸⁵.
- 3.36. In the calendar year 2024, the following proscription-related offences were charged as the ‘principal’ offence: 6 offences of membership; 9 of inviting support; and 2 of displaying articles such as flags⁸⁶. These numbers will be very different in 2025 following the proscription of Palestine Action. 2024 saw convictions for professing to

84 Although the willingness of individuals to be arrested for displaying support for Palestine Action shows that offences will not always be deterrent in effect.

85 ‘Report on Terrorism Legislation and Protests’ (23.11.23).

86 2024 Annual Data Tables, table A.05a, for the year ending December 2024.

be a member of the proscribed Wagner Group⁸⁷, membership of Islamic State⁸⁸, inviting support for now-defunct National Action⁸⁹ and, of a 15-year old boy from Nottingham, inviting support for Islamic State⁹⁰.

- 3.37. In next year's report I will consider the arrests and prosecutions for showing support for Palestine Action. However, it is possible to consider one matter at a level of principle concerning the current wording of section 13 Terrorism Act 2000.
- 3.38. Imagine that a placard reads, 'I oppose genocide. *I oppose the proscription of Palestine Action*'.

87 R v Piotr Kurcharski (23.8.24). Lord Bingham in *Sheldrake v Director of Public Prosecutions; Attorney General's Reference (No 4 of 2002)* [2004] UKHL 43 observed, at para 48, that this offence was not designed to catch 'Walter Mitty' characters. It appears from sentencing remarks (HHJ Lucraft KC, 1.11.24) that the defendant's 'profession' of membership was sustained, involved wearing of badges, and with some knowledge of the group: described by the judge as having the hallmarks of 'a committed and relatively sophisticated attempt' to convince people that he was indeed a Wagner member.

88 R v Kyle Marcano and Muhammed Maroof (2.8.24).

89 HMA v Alan Edward (19.12.24).

90 Sentenced on 13.9.24.

3.39. Section 13 prohibits displaying an article:

“...in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.”

3.40. Because of the low threshold (“reasonable suspicion”) and the fact that this is an offence of strict liability requiring no intent on the part of the defendant⁹¹, it could be argued that *any* objection to proscription, even if it was done without personal support for the organisation, might arouse reasonable suspicion (a low bar) that the individual concerned was a supporter. This is troubling because it must be lawful to express public disagreement with the decision of the Home Secretary.

3.41. One potential answer, possibly descending to semantics, requires careful focus on the precise words of the section.

3.42. The focus of section 13 is the *person* and the question of whether that *person* is a member or supporter. It is insufficient that the flag or placard might, objectively, be seen as supportive of the organisation. The focus is the person and whether there are reasonable grounds to suspect that the *person* is supporter *of the organisation* in those circumstances.

91 As confirmed by the Supreme Court in *Pwr v Director of Public Prosecutions* [2022] UKSC 2.

- 3.43. That will not necessarily be the case where there is widespread objection to a proscription decision; it might be different where individuals marched through a town centre saying, “I oppose the proscription of Islamic State”. I will revisit this topic on the facts of the Palestine Action arrests, next year.
- 3.44. During 2024 the Court of Appeal held that section 12(1A), which penalises expressions of supportive expressions or belief, being reckless as to whether another person will be thereby encouraged to support a proscribed organisation, was justifiable in the case of a Hamas supporter⁹². This is now subject to an appeal to the Supreme Court, on the grounds of excessive interference with free expression.
- 3.45. The offence was introduced in 2019 because of a perceived gap exposed in previous caselaw⁹³ – essentially to deal with ‘nudge, nudge, wink, wink’ radicalisers who extol the virtues of proscribed organisations without directly inviting support. A post-legislative review published in early 2025 concluded that section 12(1A) had been found useful by the Police Service of Northern Ireland in cases of “oration or public statements”. In the same review the Crown Prosecution Service for England and Wales gave an example of

92 R v ABJ [2024] EWCA Crim 1597.

93 R v Choudary and another [2016] EWCA Crim 61.

an individual convicted in relation to making available Daesh/ Islamic State-related material⁹⁴. According to a Freedom of Information Request, the Crown Prosecution Service has commenced 11 prosecutions under this section in the calendar year from 7 October 2024 (the date of Hamas' attack on Israel)⁹⁵.

3.46. A very rare offence connected with proscribed organisations was prosecuted in 2024⁹⁶. This is the offence of directing a terrorist organisation (section 56) which requires proof of direction “at any level” while the organisation is in fact concerned in the commission of acts of terrorism⁹⁷. Notorious radicaliser, Anjem Choudary, previously convicted of inviting support for Islamic State, was found to have directed Al Muhajiroun with much of the evidence relating to Choudary's leadership of Al

94 Home Office, 'Post-legislative scrutiny of the Counter-Terrorism and Border Security Act 2019' (22.1.25).

95 FOI Release, Terrorism (1.6.25).

96 I am only aware of two previous convictions: Jonny Adair, for directing the Ulster Freedom Fighters, and Rangzieb Ahmed, for directing Al Qaeda. A charge of directing was also laid in Northern Ireland in 2024 (see Chapter 9).

97 Directing a terrorist organisation that is merely involved in promoting terrorism would not fall within section 56.

Muhajiroun under the guise of US-based ‘Islamic Thinkers Society’.

- 3.47. The sentence for Choudary was imprisonment for life with a minimum of 28 years.
- 3.48. It is arguable that the section 56 offence is too loosely drafted for such a serious offence carrying life imprisonment, since no connection is technically required between the defendant’s role in directing the organisation, and the organisation’s concern in the commission of acts of terrorism (which could be carried out by foot soldiers not under the defendant’s direction). As it happens, the judge found that Choudary “knew and intended” that members of his organisation would carry out terrorist acts, whether or not he was involved in planning them⁹⁸.

Aid Agencies

- 3.49. Aid agencies delivering humanitarian relief such as food, or peace-building agencies trying to broker ceasefires between armed factions, necessarily operate in conflict zones. Because terrorists operate in, and may even occupy or control access to civilians in these conflict zones, aid agencies

98 Sentencing Remarks, R v Choudary and Hussein (23.7.24).

must think carefully about minimising any risk that aid is diverted into terrorist funding⁹⁹.

3.50. As those who have followed my previous annual reports (plus my reports on counter-terrorism sanctions¹⁰⁰) will know, there is a debilitating tension between the demands of the Terrorism Act 2000, and imperatives of international aid and peace-building.

- It remains the case that no genuine humanitarian organisation has faced prosecution because of aid diversion, and there is now bespoke prosecutorial guidance which recognises the delicate position of aid agencies abroad¹⁰¹.
- At the same time aid agencies and the banks on which they rely for international transfers spend time and therefore money on calculating the risks.

99 Cf. ‘The Unintended Consequences of Financial Sanctions Regimes on Humanitarian Organisations: What are the gaps that need to be filled?’ (Human Security Collective, 2024).

100 For HM Treasury (domestic, 2022) and the Foreign Commonwealth and Development Office (international, 2024).

101 Crown Prosecution Service legal guidance, ‘Humanitarian, Development and Peacebuilding Work Overseas’ (3.10.22).

- There is no effective mechanism which allows humanitarian organisations to get permission or a waiver from possible criminal liability where those risks are found to exist. Section 21ZA Terrorism Act – which allows constables to give consent to transactions that would or might otherwise amount to terrorist financing offences under sections 15 to 18 – is barely used, and is in my view unsuitable to the task¹⁰².

3.51. The right approach, which has the attraction of consistency with the UK's counter-terrorist sanctions regime, is to legislate for general licences under the Terrorism Act 2000. I am pleased that the government has accepted my recommendation that the Chancellor, Foreign Secretary and Home Secretary should meet to discuss the balance of humanitarian aid and security in relation to terrorism legislation. The aim is to avoid shadow-boxing between officials of different departments: without a steer from the very top, officials from the Treasury, Foreign Office and Home Office will each put different emphasis on enforcement, counter-terrorism, and aid. The role of sanctions should be included in these discussions to ensure that no policy dissonances

102 Terrorism Acts in 2023 at 3.23-24. I understand that since January 2022, there have been only 2 applications from the non-profit sector under this provision.

arise between terrorism legislation and counter-terrorism sanctions.

- 3.52. I am also pleased that my recommendation for the government to consult the Tri-Sector Group on potential reforms to the Terrorism Act 2000 has been accepted. The Tri-Sector Group, a grouping of government officials, financiers and humanitarian organisations, were heavily consulted on the new National Risk Assessment¹⁰³.
- 3.53. Anything that increases capacity and imports expertise is to be welcomed. I would encourage think tanks, universities or other civil society bodies to pitch in with formulating policy and legislation for how a general licence might look under the Terrorism Act.
- 3.54. General licences are well established under sanctions legislation¹⁰⁴, and can be updated

103 National Risk Assessment of Money Laundering and Terrorist Financing (Home Office, HM Treasury, July 2005).

104 See for example, HM Treasury, General Licence: Syria Humanitarian Activity, INT/2025/5810196, covering UN organisations and those funded by it plus UK Government funded groups.

as circumstances change¹⁰⁵. This might have been especially relevant following the sudden 2024 fall of Syria's Assad to a new government led by members of the Hay'at Tahrir al-Sham, until recently a proscribed organisation under the Terrorism Act. At root, general licences allow a reasonable degree of risk transfer from humanitarian organisations to ministers who, in issuing public licences, strike a balance between humanitarian aid and national security. General licences can be made subject to limitations (such as applying only to specified eligible bodies) and conditions (such as reporting, if a proper business case can be made out for such a condition¹⁰⁶).

3.55. The alternative is a carve-out or exception from criminal liability under the Terrorism Act for humanitarian work, similar to the carve-out for liability from UN sanctions contained in UNSCR 2664 and mirrored in domestic law implementing

105 See for example, General Licence: Israel, The Occupied Palestinian Territories Humanitarian Activity, INT/2023/3749168, amended 9.10.24 to include Lebanon.

106 I detect that the Tri Sector Group will have useful views on when and whether conditions (such as reporting) become so onerous that a General Licence ceases to offer any benefit. Consideration of whether reporting is required in other jurisdictions is also relevant.

UN sanctions, including those against Al Qaeda and Islamic State¹⁰⁷. The government has a long-outstanding commitment to bring forward an equivalent for its two autonomous counter-terrorism sanctions regimes and its autonomous geographic sanctions¹⁰⁸. I fear that the government's failure to effect this relatively modest reform to domestic sanctions could signal a lack of resolve; but hope that the meeting of Chancellor, Foreign Secretary and Home Secretary will unblock progress.

- 3.56. The government's latest National Risk Assessment records that the non-profit sector *as a whole* is low-risk for terrorist financing; that it has demonstrated the capacity to effectively identify and mitigate risks internally; and that many charities delivering aid overseas have robust financial controls, due

107 The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019. UNSCR 2664's application to ISIL and AQ was extended indefinitely in December 2024 by UNSCR 2761. Cf Canada's amendments to subsection 83.03 Criminal Code (June 2023) which created a statutory exception for humanitarian assistance.

108 Foreign Commonwealth and Development Office, 'International development in a contested world: ending extreme poverty and tackling climate change: A White Paper on International Development' (Nov 2023) at para 7.66.

diligence and screening systems to counter the risk¹⁰⁹. Some of them will be delivering aid where the donor has itself carried out due diligence. This is surely something to build on¹¹⁰.

3.57. Pending legislative change, there is also an opportunity for the government to build on the guidance by the Crown Prosecution Service¹¹¹ and address through guidance the ordinary and incidental taxes, or fees and other payments necessary for the conduct of humanitarian operations, that are sometimes demanded (or required under local laws) in conflict zones:

109 National Risk Assessment, *supra*, at para 187.

However, I deprecate the use of the example given at Box 5.1 ('Case Study: Tarek Namouz'). Namouz was a barber, previously convicted of rape, who sent Covid loans to Islamic State fighters; it was only on arrest that he claimed to be sending money to the poor and needy in Syria (BBC News, 'Barber shop owner jailed for using Covid grants to fund terrorists' (5.1.23)). In no way is this a good illustration of risk, as implied, in the non-profit sector.

110 See also Financial Action Task Force amendments to Recommendation 8 and its Interpretative Note (November 2023).

111 CPS Legal Guidance (3.10.22), *supra*.

these ought not to be a focus of enforcement.¹¹²

I **recommend** that the government should consider updating its guidance on proscribed organisations¹¹³ to reflect these points.

- 3.58. The government has rightly noted that if the screw is tightened then established and responsible banks will offload their customers, meaning greater use of less well-regulated money service bureaux and informal financial networks. The point can also be made that if well-established charities with “robust financial controls”, “extensive due diligence systems” and “sophisticated security systems”¹¹⁴ are unable to operate because of the law, then less well-regulated charities will step in.

112 Guidance from the US Treasury’s Office of Foreign Assets Control (‘Guidance Related to the Provision of Humanitarian Assistance by Not-For-Profit Non-Governmental Organizations’, 2014, updated on 27.2.23) explicitly states that “Such incidental benefits are not a focus for OFAC sanctions enforcement”. This guidance provides a very useful template for updated UK guidance in a domain where consistency with other aid-providing allies is a virtue.

113 Home Office, ‘Policy paper: Proscribed terrorist groups or organisations’ (updated 11 July 2025).

114 National Risk Assessment, *supra*, at para 5.187.

4. INVESTIGATING **TERRORISM**

Introduction

4.1. This Chapter reviews the special investigatory powers exercised by the police, principally under the Terrorism Act 2000.

Stop and Search

4.2. Section 43 is the bespoke terrorist stop and search power, available on reasonable suspicion that a person is a “terrorist”, for the purpose of discovering anything on him which may “constitute evidence that he is a terrorist”.

4.3. Because of the broad definition of “terrorist” in section 40 Terrorism Act 2000, this power is wider than the general stop and search power available to police in the different parts of the United Kingdom (for example, under section 1 Police and Criminal Evidence Act 1984 (PACE) in England and Wales).

- In a world of low sophistication attacks, for example using knives, the PACE power may be sufficient; a terrorist reasonably suspected of having a knife is still a person with a knife and may be stopped and searched like anyone else.

- But sometimes only section 43 will do: for example, where a person is suspected of carrying out hostile reconnaissance, section 43 would allow a constable to search them for mobile phones with surveillance footage of a possible target¹¹⁵.
- 4.4. Regrettably, although the government promised over a year ago to rectify this absence¹¹⁶, statistics on section 43 usage are still only available for the Metropolitan Police.
- 4.5. These show that the Metropolitan Police used the section 43 power on 71 occasions, resulting in 10 arrests (not necessarily for terrorism). This is a major drop on any view from 204 in 2023, accelerating a decline set in during the COVID years (2020-2022) when the figures fell from 524 (2020) to 450 (2021) to 335 (2022)¹¹⁷. However, the overall *rate* of arrest following a stop and search is higher in 2024 than ever before (14%).

115 On the basis that they are a suspected terrorist either under section 40(1)(a) (has committed an offence under section 58 Terrorism Act) or 40(1)(b) (is concerned in the preparation of terrorist acts).

116 HM Government, 'Response to the 2021 annual report on the operation of the terrorism acts by the Independent Reviewer of Terrorism Legislation' (27.2.24).

117 2024 Annual Data Tables, Table A.S01.

- 4.6. I have enquired about this decline in the use of section 43. In principle it is a good thing if fewer coercive powers are used on members of the public, and desirable that general policing powers should be used in preference to special counter-terrorism powers. It was suggested to me that this decline in section 43 should be seen in the context of a wider drop off in stop and search by the Metropolitan Police¹¹⁸ and a current lack of confidence in its officers using stop and search powers¹¹⁹.
- 4.7. The ethnicity of the 71 people is hard to determine with any clarity because the largest grouping is ‘not stated’ (24) with all other ethnicity categories in the single digits¹²⁰.

Cordons

- 4.8. Terrorism cordons (section 33 Terrorism Act 2000) allow the police to block public entry to cordoned areas during terrorism investigations, and, in

118 Home Office, *Police powers and procedures: Stop and search, arrests and mental health detentions, England and Wales, year ending 31 March 2024* (updated 30.7.25) at para 2.3.1.

119 HM Inspectorate, ‘*PEEL 2023–25 Police effectiveness, efficiency and legitimacy: An inspection of the Metropolitan Police Service*’ (August 2024), at page 12.

120 2024 Annual Data Tables, *supra*, table A.S02b.

urgent circumstances, allow police to search premises without the need for a judicial warrant.

- 4.9. Most police cordons (10, out of 12 in Great Britain) were erected by the Greater Manchester Police¹²¹. I do not know why.

Phone PINs

- 4.10. Information on phones is often crucial to counter-terrorism investigations. There is a cumbersome procedure to compel suspects to provide their PIN codes (section 49 Regulation of Investigatory Powers Act 2000), which I considered in detail some years ago¹²². The then government agreed to consider whether improvements were needed¹²³, but there has been no progress towards legislation.
- 4.11. As part of my role, I remain in regular contact with counter-terrorism police and discuss their investigations. In my view the absence of a simple power to require PIN codes at risk of committing an offence (as is currently the case for ports examinations under Schedule 7) is a gap in the police armoury which (a) greatly increases the cost of investigations and (b) risks lengthening time in

121 2024 Annual Data Tables, *supra*, Table A.S06.

122 Terrorism Acts in 2019 at 4.22 et seq.

123 HM Government, Response to the annual report on the operation of the terrorism acts in 2019 (24.2.22).

pre-charge detention. I understand that policy is still in a state of early development.

Financial Investigations

- 4.12. A new Code of Practice was brought into force in 2024 in relation to information orders under section 22B(1A) Terrorism Act 2000¹²⁴. These measures, obtainable in the magistrates' court (or in Scotland, before a sheriff), are designed to allow access to financial information which may be relevant at a *strategic* level for countering terrorist financing. This gives rise to a risk of fishing expeditions and collateral intrusion which the Code is designed to address; even so, there is a heavy burden on applicants and courts to ensure that orders are only granted where they can be properly justified. No such orders have been made at the time of drafting (October 2025).
- 4.13. The following statistics were provided to me by National Counter Terrorism Policing Headquarters.
- 4.14. Counter-terrorism investigators obtained 60 disclosure orders under Schedule 5A Terrorism Act 2000 in 2024, giving rise to 250 disclosure notices (a significant increase from 12 orders and

124 Proceeds of Crime Act 2002 and Terrorism Act 2000 (Certain Information Orders: Code of Practice) Regulations 2024, SI 2024/552.

62 notices in 2023)¹²⁵. 2 disclosure orders were obtained under the Proceeds of Crime Act 2002 giving rise to 15 disclosure notices (compared to 14/68 in 2023).

- 4.15. There were no Customer Information Orders or Explanation Orders.
- 4.16. 169 standalone production orders were granted under Schedule 5 Terrorism Act 2000 in relation to financial investigations. There were an additional 17 which included an Account Monitoring Order. There were 136 standalone Account Monitoring Orders.
- 4.17. The Counter Terrorism Policing were concerned in 2023-24 with the following Suspicious Activity Reports (SARs)¹²⁶:
 - 1,479 Terrorism Act 2000 or Proceeds of Crime Act 2002 SARs were sent to them for review.
 - 406 SARs were received that contained a request for a defence against terrorist financing under sections 21ZA or 21ZB Terrorism Act 2000.
 - 51 of these were refused.

125 Figures provided to me by National Counter Terrorism Policing Headquarters.

126 Source: NCA's Financial Intelligence Unit are in its annual report April 2023-March 2024 (published 28.3.25).

5. ARRESTING AND DETAINING

- 5.1. Terrorism-related arrests are made either under section 41 Terrorism Act 2000 or under general arrest powers that apply to all criminal offences such as the Police and Criminal Evidence Act 1984 (PACE)¹²⁷. Section 41 is exceptional because it permits up to 14 days' pre-charge detention, whereas PACE detention is capped at 96 hours. Section 41 is governed by its own Code of Practice¹²⁸.
- 5.2. The basis for arresting under section 41 is that a constable reasonably suspects that the individual is a terrorist as defined by section 40. There is no need to suspect any specific terrorism offence: this is useful both in cases of uncertainty, and where the police have very clear suspicions (for example, the building of an improvised explosive device) but they do not want to show their hand because their suspicions are based on sensitive intelligence.
- 5.3. From time to time, I speak to investigators about their decision-making and ask why they used section 41 as opposed to PACE, or vice versa.

127 In Northern Ireland, the Police and Criminal Evidence (Northern Ireland) Order 1989; in Scotland, the Criminal Justice (Scotland) Act 2016.

128 Code H.

Considerations for using section 41 include complexity and public safety. Where there are multiple suspects, large numbers of devices to download, and potential risks to the public if a suspect is released on bail before charge, section 41 allows the counter-terrorism system to marshal all its resources to try and obtain sufficient evidence to charge within the maximum 14-day period. I do not detect that police are misusing their section 41 power.

- 5.4. I receive and read all reports from the Independent Custody Visitors who visit the special locations known as TACT Suites used for arrested terrorism suspects¹²⁹. These reports allow me to oversee the conditions of detention noted by the Visitors¹³⁰. I also visit TACT Suites from time to time. I am satisfied that the treatment of terrorist suspects is good and humane within a regime that, almost inevitably¹³¹, is stressful for detainees. TACT Suites are however uncannily quiet and isolating.

129 During 2024 a juvenile arrested under PACE was taken to a non-TACT Suite to avoid a long drive. This is good practice.

130 For example, Visitors noticed damp in a cell in 2024 in the West Midlands TACT Suite.

131 But not exclusively. I was informed of a child detainee who did not want to leave.

- 5.5. TACT suites are well-resourced with specialist manpower, access to a special budget¹³², and an ability to secure the attendance of doctors and translators that must be the envy of ordinary police facilities. As well as the excellent oversight of the visitors, there is a healthy element of self-interest: the police do not want interviews excluded at trial on grounds of ill-treatment. However, there has been undue delay in amending the Independent Custody Visitors Code of Practice to ensure that terrorism-related arrests under PACE are always notified by the police¹³³.
- 5.6. Detention beyond 48 hours under section 41 can only be authorised if a Warrant of Further Detention is issued by a judicial officer (in England and Wales, a designated District Judge). In practice, applications for first Warrants are made by police Superintendents who are not directly involved in the investigation; further Warrants are applied for by Crown Prosecution Service lawyers.
- 5.7. During 2024 I attended the hearing of an application for Warrants of Further Detention against three terrorist suspects. Each of them had legal representation. The (in my view, correct) questions were squarely raised during the hearing namely (a) whether further detention was

132 Often used to buy food or books desired by the detainee.

133 See Terrorism Acts in 2022 at 5.5.

necessary and proportionate judging the police's case by the criteria applicable to section 41¹³⁴ and (b) whether section 41 was the right power at all, or whether general arrest powers (including release on bail) ought to have been used.

Arrests and Detention in Great Britain in 2024

- 5.8. A total of 248 **terrorism-related arrests** were effected in 2024, slightly up from 223 in 2023. The 2024 figure is consistent with the general level of arrests since the high-threat peak of 2017¹³⁵.
- 5.9. Of these, 48 arrests were carried out under section 41. This was the highest number of section 41 arrests since 2017, and is broadly at the post-2017 level. In hindsight 2023 (only 18 section 41 arrests) appears to have been the outlier. There were 200 terrorism-related arrests in 2024 using other powers.
- 5.10. Exceptionally, police may delay access to a solicitor for a section 41 detainee¹³⁶. This power was exercised once in 2024¹³⁷. I enquired into the circumstances and consider, from what I was told, that the power was reasonably exercised.

134 The criteria are in para 32 of Schedule 8.

135 Table A.01.

136 Under para 8 of Schedule 8.

137 Table A.13b.

- 5.11. Until recently the data on detention lengths under section 41 was only available to September 2024 and also recorded 13 unknown detention lengths. This situation persisted into 2025 but has now been resolved. It was important to resolve this statistical issue because long pre-trial detention requires especial scrutiny. The complete 2024 statistics show that, of the 48 people detained, 47 were detained for more than 3 days. Of these, 8 were detained for more than 7 days, including 7 who were detained for more than 10 days¹³⁸.
- 5.12. There were 50 Warrants of Further Detention in connection with the 48 arrests¹³⁹ (noting that not all detainees will be held beyond 48 hours, and that some detainees will have been subject to two Warrants).
- 5.13. By 7 January 2025, 84 of those 248 arrested had been charged. 117 people out of 248 had been bailed to return, or released under investigation, and 43 released without charge¹⁴⁰.

138 Home Office, Operation of Police Powers under the Terrorism Act 2000, Quarterly Update to December 2025, Table A_A_02

139 Table A.13a.

140 Table A.03.

Types of charges after arrest

- 5.14. On the *types* of charges following terrorism-related arrest, the general trend up to 2019 had been for approximately one half to one third of arrested people to be charged with a non-terrorism related offence. For example, a person arrested on suspicion of a terrorist plot might be charged with having child sex abuse images on his computer. The same is true of 2024¹⁴¹, whereas for the years 2020-2023 a charge following arrest was much more likely to be under terrorism legislation.
- 5.15. The most striking feature of terrorism charges in 2024 is the number of attack-planning charges (section 5 Terrorism Act 2006): 12 in 2024 is considerably more than in the previous years (3 (2020), 2 (2021), 6 (2022), 5 (2023))¹⁴². Attack-planning conduct can range from very early-stage planning before any weapons have been obtained, through to plots that are disrupted by police at the last minute. Charges require evidence: whilst the 2024 figure could be explained by an increase in disrupted plots on previous years, it could simply reflect an increase in *provable* plots.
- 5.16. The figures for terrorism charges next year are likely to be dominated by charges in connection

141 Table A.04. The rate dropped somewhat between 2020 and 2023.

142 Table A.05a.

with Palestine Action, whose proscription in July 2025 led to many displays of support in defiance of the ban: I expect statistics to show numerous charges under section 12 and (in particular) section 13 Terrorism Act 2000.

- 5.17. Away from terrorism legislation, 2024 saw many charges brought under the Theft Acts (17 out of all 29 charges considered non-terrorism related). It is possible that these reflect disruptive tactics, meaning the use of non-terrorism charges to disrupt terrorist activity¹⁴³. Interestingly, there have been few *convictions* under the Theft Acts for charges brought after a terrorism-related arrest in recent years¹⁴⁴.
- 5.18. In 2024, 87.5% of those arrested under section 41 were subsequently charged under either terrorism or non-terrorism legislation. Knowing whether arrested individuals are subsequently charged is one indicator of whether the section 41 power is being used wisely, or not.
- 5.19. But it is only one indicator. There will occasionally be cases where counter-terrorism police are in possession of intelligence about a possible terrorist attack, but when they carry out the arrest, there is insufficient evidence to charge. This could be because the intelligence is later proved to be

143 A.05c.

144 A.08b.

inaccurate, or because evidence of offending does exist but has been effectively hidden, or because a plot is not sufficiently advanced at the point of disruption to have generated enough evidence to charge.

Profile of those arrested

- 5.20. Figures for 2024 show a marked increase in the **proportion of women** subject to terrorism-related arrest: 48 out of 248 arrestees were women, amounting to 19%. Since 2017 the average figure has been 11% (of those whose sex is known)¹⁴⁵. Some of this is likely to reflect arrest for protest-related terrorist offending during the current Israel-Gaza conflict.
- 5.21. Of abiding interest to observers of counter-terrorism legislation must be the continuing **high proportion of children** subject to terrorism-related arrest. The total of 39 out of 248 arrestees, 16% of the total, is slightly down on the record year of 2023 (43 out of 223, 19%), but remains at an extraordinarily high level when compared to only a decade ago: for example, only 10 children were arrested in 2014¹⁴⁶.
- 5.22. Analysis of the categories of those under 30 (17 and under; 18-20; 21-24; 25-29) shows that

145 Table A.09.

146 Table A.10.

the largest part in 2024 (as in 2022 and 2023) is comprised of children¹⁴⁷. It seems there is no process of ageing into terrorism: possible terrorist conduct is increasingly exhibited only a few years after the age of criminal responsibility¹⁴⁸.

5.23. At the time of writing, legislation for Youth Diversion Orders is before Parliament (Crime and Policing Bill). Viable alternatives to arrest and prosecute cannot come soon enough. The problem is not confined to the United Kingdom – in the European Union countries it is reported that 29% of arrested terrorist suspects were under 20¹⁴⁹, and an unprecedented alert was issued in 2024 by the intelligence and law enforcement agencies of the United States, United Kingdom, Australia, New Zealand and Canada on the same topic¹⁵⁰. It would be interesting to know whether the phenomenon also exists in non-Western nations.

5.24. The suspected ideologies of these children are not recorded in official statistics, but I understand from my conversations with Counter Terrorism Policing that the most common profile for arrested

147 Ibid.

148 The age of criminal responsibility is 10 in England and Wales and Northern Ireland, 12 in Scotland.

149 Europol, European Union Terrorism Situation and Trend Report (2025) (TE-SAT), at page 10.

150 Five Eyes, 'Young people and violent extremism: a call for collective action' (2024).

children in the UK is internet-based Extreme Right Wing. The position appears to be different in the European Union where most under 20s arrested were linked to jihadist terrorism¹⁵¹, but (like their counterparts in the United Kingdom) were generally radicalised online and not part of any formal terrorist organisation¹⁵².

5.25. As in previous years, roughly half of those arrested for terrorism were adults over 30 (121 out of 248; 49%)¹⁵³.

5.26. On **ethnicity**, exactly half of those arrested were White people, followed by 64 Asian people, 17 Arab people, and 5 Black people. There were 14 people recorded as “other” and 15 whose ethnicity was not recorded¹⁵⁴. 172 held sole British **nationality** (self-defined) and all other nationalities were in single digits¹⁵⁵.

151 TE-SAT, supra.

152 See further, Hacker, E., ‘Generation Jihad: The Profile and Modus Operandi of Minors Involved in Recent Islamist Terror Plots’, CTC Sentinel (June 2025).

153 Table A.10.

154 Table A.11b.

155 Table A.12a.

6. STOPPING THE TRAVELLING PUBLIC

Examining Persons

- 6.1. The ability to examine and detain members of the travelling public under Schedule 7 to the Terrorism Act 2000 is the UK counter-terrorism power with the greatest numerical impact on individuals:
- In 2024, 2,401 persons were examined by police at ports in Great Britain¹⁵⁶.
 - This means that their travel was interrupted by a compulsory face-to-face interview with no right to silence. On occasions this will have led to a person's travel being disrupted (e.g. missed flights).
 - There was no requirement to have or explain any reasonable suspicion as the basis for the stop.
 - More than half of those stopped (1,516) were detained for the purposes of examination¹⁵⁷.
 - Almost all will have been required to hand over their phones and PINs for digital search, and

156 Table A.S03a.

157 Ibid.

some will have had their phones seized after they were allowed to continue.

6.2. For the first time I have been provided with publishable figures on examination lengths in the United Kingdom¹⁵⁸:

Duration	23/24 Q4 Jan – Mar		24/25 Q1 Apr – Jun		24/25 Q2 Jul – Sep		24/25 Q3 Oct – Dec		2024 Totals*	
	Less than 59 mins	231	37%	200	34%	264	38%	223	37%	918
1 hr to 1 hr 59 mins	59	10%	62	11%	74	11%	64	11%	259	11%
2 hrs to 2 hrs 59 mins	100	16%	91	16%	112	16%	91	15%	394	16%
3 hrs to 3 hrs 59 mins	121	19%	100	17%	113	16%	94	16%	428	17%
4 hrs to 4 hrs 59 mins	59	10%	69	12%	74	11%	60	10%	262	11%
5 hrs to 6 hrs	40	6%	49	8%	37	5%	42	7%	168	7%
Data Entry Errors**	11	2%	13	2%	27	4%	21	4%	72	3%
Total Schedule 7 person examinations	621	100%	584	100%	701	100%	595	100%	2501	100%

158 By National Counter Terrorism Policing Headquarters. * Percentages rounded up/down to the nearest whole number. ** Data entry errors include where an examination start/finish time has been entered incorrectly, and it is not possible to categorise in the above time durations. In 2024, one entry was deliberately shown as over 6 hours where it involved a hospital visit as there is no ability to show a pause to the detention clock on the system used to extract this data.

- 6.3. A decade ago, the Supreme Court accepted that this striking power was justified for an island nation because seaports and airports are natural points at which to identify and deter terrorists¹⁵⁹.
- Powers to demand that people account for themselves do not exist inland, other than, since 2022, in connection with clandestine and small-boat migrants who have recently arrived¹⁶⁰.
- 6.4. In my view the Schedule 7 power remains justified. The interference with the freedoms of that very small percentage of national and international travellers who are subject to examination¹⁶¹ does not demonstrate an excessive tilt towards security

159 *Beghal v Director of Public Prosecutions* [2015] UKSC 49.

160 Nationality and Borders Act 2022, section 78. At the moment all small-boat migrants are picked up by official vessel and taken to at Western Jet Foil, Dover, and then taken to the former airbase at RAF Manston. Depending on the success of the new one-in-one-out arrangement with France, it is possible that people smugglers may try and use larger boats to reach other parts of the British coast.

161 Over 56 million domestic and international sea passengers in 2024: Department for Transport, 'Sea passenger statistics: overview 2024' (30.7.25) and 295 air passengers: Civil Aviation Authority, Aviation Trends report (2025).

over liberty, when judged against the utility of the power. Nonetheless, the *operation* of Schedule 7 is changing, and fresh questions, which I examine in this chapter, are being raised.

6.5. I routinely visit airports and seaports (most recently, Portsmouth Harbour) to understand how the power is exercised and whether there is any way of mitigating the impact on passengers. In discussions with counter-terrorism police and MI5 I keep an ear out for cases in which an examination of Schedule 7 provided a new lead, or firmed up existing information, or led to arrest or criminal proceedings.

6.6. During 2024:

- Islamist extremist terrorism material was found on a 17-year old's phone during a Schedule 7 examination at Gatwick airport, leading to his arrest¹⁶².
- Zaheed Hossen was convicted of disseminating terrorist publications found on his phone when he was examined at Stansted airport in 2020 en route to Türkiye¹⁶³.

162 BBC News, 'Teen arrested at Gatwick by counter-terror police' (4.6.24).

163 Counter Terrorism Policing news, 'Schedule 7 stop leads to man being jailed for seven years for sharing terrorist material' (10.12.24).

- Abdiwahid Mohamed was convicted of possessing documents likely to be useful to a terrorist (3D-printed firearms manuals). Police were able to trace these documents to hidden social media channels found on his phone at Heathrow airport in 2022 on his return from Kenya¹⁶⁴.
- Al-Arfat Hassan was convicted of possessing instructions for carrying out a knife attack and how to build a bomb, and of possessing chemicals for explosives. Evidence was found on Hassan's phone after it was examined at Heathrow airport in 2022¹⁶⁵.
- Farhad Mohammad was convicted of terrorist financing, for sending money in 2017-8 to his nephew who was fighting with an Islamist terrorist group in Syria¹⁶⁶. Evidence was found on his phone at Stansted airport in 2018.

164 CT Insight, '33-Year-Old Man sentenced to Seven Years for Terrorism Offences Following Counter Terrorism Investigation' (23.1.25).

165 Homeland Security Today, 'Convictions Secured as Authorities Uncover Terrorism Plot Through Extensive Digital Investigation' (3.2.24).

166 Hay'at Tahrir al-Sham: no longer a proscribed group at the time of writing, in control of Syria and in the process of building diplomatic relations with the West.

- 6.7. Non-terrorist but criminal material, such as child sex abuse material, may also come to light. Findings like this allow the police to disrupt suspected terrorists by arresting and prosecuting them, albeit for non-terrorism offences, or referring cases to Border Force to consider using their immigration powers (for example, to refuse entry). I have also been confidentially briefed on how Schedule 7 examinations are used to support decisions of the Home Secretary to exclude suspected terrorists, including suspected Extreme Right Wing Terrorists, from the United Kingdom.
- 6.8. It will be apparent that a very tangible counter-terrorism benefit comes from access to digital devices. However, among other things,
- Face-to-face examination allows officers to make informed decisions about whether to exercise their additional powers, including whether to examine or retain a digital device. Human reactions matter.
 - In some circumstances, such as small boat arrivals, the individual may not have a mobile phone. In these circumstances the power to examine¹⁶⁷, and take photographs, fingerprints and DNA is highly important for the purpose of identifying those who may be present on a

167 Under amendments to Schedule 7 made by the Nationality and Borders Act 2022.

watchlist. However, there is a risk that the time allocated to such processes may be insufficient to conduct checks thoroughly, resulting in some cases of people being released from holding or processing centres without checks being completed.

The Discretion to Examine

- 6.9. The test is purposive: an examining officer (in practice, officers from Counter Terrorism Borders Policing) may question a person “for the purpose of determining whether he appears to be” a person who is or has been concerned in the commission, preparation or instigation in acts of terrorism¹⁶⁸. There is no requirement for prior suspicion, reasonable or otherwise. Persons being examined may also be detained¹⁶⁹: detention means police

168 Para 2(1) Schedule 7 read with section 40(1)(b) Terrorism Act 2000.

169 The question of oversight of detained persons remains outstanding with reference to the UK’s obligations under the Optional Protocol to the Convention Against Torture. Scoping work is now being done in one of the regions. Making audio recording equipment available wherever examinations take place (if recording facilities are available, all examinations must be audio recorded under the Code of Practice at paras 133-136) would be a useful start.

can take photos, fingerprints and DNA: 1,450 of those detained at ports in the UK (1568) had at least one “biometric identifier” taken in 2024¹⁷⁰.

170 Table A.S05. Where fingerprints and DNA are taken during an examination from passengers who have no previous convictions, as will usually be the case, they may be retained longer than 5 years only if a National Security Determination (NSD) is made under the Protection of Freedoms Act 2012. The NSD regime is overseen by a Biometrics Commissioner. This position was occupied by Tony Easthaugh CBE until his resignation in August 2024, after which the position remained unfilled for the rest of the year. It was only filled in July 2025 by the appointment of Francesca Whitelaw KC as Interim Commissioner. Under the last government the plan was to transfer this role to the Information Commissioner; the Investigatory Powers Commissioner was then identified as more suitable for this quasi-judicial role, and transfer was intended under the Data Protection and Digital Information Bill as originally drafted. After the General Election, the Bill was amended, and the long-term future of this position is currently unclear. Whilst there may be room for debate about the benefit of supervisory roles like these, and who should carry them out, there is no point in having roles but leaving them unfilled.

Two people were strip-searched in detention in Great Britain¹⁷¹.

- 6.10. Two questions arise: firstly, with such a broad test, how can overuse be avoided? Secondly, with such a broad test, how can irrational prejudice be kept at bay?
- 6.11. The possibility of overuse is mainly mitigated by capacity: the number of counter-terrorism officers at sea and airports is necessarily limited.
- 6.12. There are further suppressors against enthusiastic overuse:
- A legislative change in 2014 which means that persons examined for over one hour must be formally detained and provided with additional rights which means additional administration¹⁷².
 - The increased storage of phones which result in prolonged examinations whilst phones are downloaded and analysed, meaning that more individuals will end up being detained with the associated paperwork.

171 Ibid.

172 Anti-social Behaviour, Crime and Policing Act 2014. Rights include access to a solicitor; 5 people had their access to a solicitor delayed in 2024: Table S.03a.

- Better targeting. The numbers of examinations are hugely down on a decade ago: in 2014 there had been 35,004 examinations¹⁷³.
 - That said, the persistently poor quality and timing of maritime passenger information mean that targeting teams must act quickly with relatively little information, to identify ferry passengers who might merit examination. Paragraph 17 of Schedule 7, which could be used to require better routine data from ferry operators, has never been used to require better information. I was informed of other systems where Counter Terrorism Borders Policing were uncertain of gaining or retaining access. This is regrettable: better information means better targeting means more informed decision-making with less prospect of irrational exercise of powers¹⁷⁴.
- Sensitivity on the part of examining officers that the power is extraordinary and liable to attract criticism if misused. For example, all Counter

173 Table S.03.

174 Following my recommendation about facial recognition technology for triaging small boat arrivals, I have been briefed by the Home Office on a proposed pilot scheme, and on other measures to prioritise how individuals for examination at Western Jet Foil and Manston.

Terrorism Borders Policing officers I spoke to were familiar with my report on the Moret affair in which I had been critical of one use of Schedule 7¹⁷⁵.

6.13. The main legal safeguard against irrational prejudice is the legally binding Code of Practice¹⁷⁶ which states that "...[i]t is not appropriate for race, ethnic background, religion and/or other 'protected characteristics' (whether separately or together) to be used as criteria for selection", except when these are used in association with factors relevant to the current threat such as "the origins and/or location of terrorist groups", travel patterns, and behavioural observations¹⁷⁷.

6.14. This is not a ban on taking account of the race, ethnicity or religion of passengers when deciding who to select, if (but only if) done in conjunction with other factors.

- Ethnicity might be one of a number of factors for selection where a passenger entered the UK on a known terrorist travel route from a conflict

175 Report On Use of Schedule 7 Powers Against Ernest Moret (21.7.23).

176 During 2024/5 the government consulted on changes to the Code of Practice. I will report on these in next year's annual report.

177 July 2022, paras 29-30.

zone and behaved in a manner suggesting concealment of something about their travel.

- If a passenger on such a route behaved in this way, the fact that they also of the same ethnic appearance as, say, most members of a particular terrorist group, that would be a reasonable factor in deciding to examine him as opposed to another passenger.
- In practice, this type of untasked examination is likely to be preceded by a conversation initiated by the officer using their common law powers to speak to members of the public: how the person then reacts may result in a formal decision to examine.

6.15. I recognise that this analysis is cold comfort to a young Asian man who feels he is being selected on grounds of race or religion. One of the matters correctly identified by the European Court of Human Rights in 2019 is that, by not requiring any suspicion, Schedule 7 makes it harder to hold police accountable for their actions¹⁷⁸.

6.16. I can only report that Counter Terrorism Police appear to be highly sensitive about race and ethnicity; it is possible, as I have reported in Chapter 4 in connection with stop and search powers under section 43 Terrorism Act 2000, that

178 *Beghal v United Kingdom*, app.no. 4755/16 (28.2.19) at para 105.

this sensitivity is itself driving down the overall usage of Schedule 7.

6.17. A statistical breakdown for Great Britain in 2024 on self-defined ethnicity shows¹⁷⁹:

Ethnicity	Number examined	% of total examined	Number detained	% of total detained
Asian	618	25	404	27
Black and Mixed Race	256	10	174	11
Chinese	5	< 1	1	< 1
Arab	465	19	304	20
White	523	21	346	23
Other	400	16	247	16
Not Stated	134	5	40	3

6.18. These statistics say nothing about the likelihood of any given passenger being examined – for this, one would need to know the ethnic breakdown of travellers through Great Britain’s ports and airports. If one was to *assume* that the White passengers made up the largest part the total number of passengers, then there *would* be a higher tendency for Asian people to be examined, although this could be explained by factors other than racism: for example, some difference might be explained by Asian passengers travelling to parts of the world with known terrorist threats such as Afghanistan.

179 Table A.S03b.

6.19. They also do not show that once an examination starts, any ethnicity is more likely than any other to be detained. It is possible to express the likelihood of an examined person being detained in terms of a *conversion* rate (conversion from selection for examination to examination under detention). The conversion rates are as follows: Asian – 65%; White – 66%; Arab – 65%; Any Other – 62%; Black & Mixed – 68%; Not Stated – 30%; Chinese – 20%¹⁸⁰.

The net effect of these statistics is that, although people who are White (23%) are significantly less likely to be detained than people who are not White (74%), this is explained by the profile of those who are examined rather than being evidence of discriminatory detention

6.20. It has been suggested to me that statistics could also usefully be collected on perceived or self-declared religion. Experience of ‘community monitoring’ of the exercise of stop and search powers by police in Northern Ireland gives pause for thought¹⁸¹.

180 The figures for Chinese people (1 person detained out of 5 examined) are too low to draw any conclusion about there being a lower conversion rate for Chinese people.

181 See further Chapter 9.

- When the greatest terrorist threat to the UK is from Islamist Extremist Terrorism, one would expect proportionately more Muslim passengers to be examined to determine whether they are terrorists.
- Perhaps of greater utility would be details of repeated examinations. If it is the case that certain passengers are being examined repeatedly in a calendar year, as I am often informed by civil society organisations, this would allow targeted questions to Counter Terrorism Borders Policing. I **recommend** that consideration is given to whether it would be feasible to collect and publish statistics on repeated examinations¹⁸².

6.21. At my request, Counter Terrorism Policing Headquarters analysed registered complaints from ports stops (including stops under Schedule 3 to the Counter-Terrorism and Border Security Act 2019) between 2022 and 2025. Registered complaints include all misconduct allegations, but do not include complaints or enquiries that are resolved locally. I am told that because of the difficulty in achieving consistency across all the 43 force areas across the UK whose officers exercise

182 This is something the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 has achieved with respect to repeat stops under that Act, as discussed in Chapter 9.

ports powers, there are no statistics suitable for publication. However, they show fewer than 20 complaints for the years 2022 and 2024 and fewer than 10 for the years 2023 and 2025. The most frequent subjects of complaint between 2022 and 2025 related to perceptions of disproportionate targeting based on nationality, religious background, protected characteristics or that the officer lacked grounds for detention. I **recommend** that Counter Terrorism Policing Headquarters continue to produce this analysis, with a view to creating publishable data in due course.

Digital Devices

- 6.22. Depending on the make and capacity of the device, it will sometimes be possible to complete a download and adequate analysis during the 6 hours maximum examination period. In practice, this might mean questions being asked, a phone being examined whilst the person waits, and then further questions being put in light of the download, or a decision being made to terminate the examination (for example, where the contents of the phone dispel any suspicions that have arisen).
- 6.23. As download times increase, this could therefore lead to longer and longer examination periods and greater use of detention (compulsory after one hour). I have already noted that the majority of persons examined are now detained (1568 out

of 2501 in Great Britain)¹⁸³. By contrast, prior to 2020, detention was comparatively infrequent (for example, only 1,836 were detained in 2018 out of 11,876 examined)¹⁸⁴.

- 6.24. In addition, the data on examination lengths from Counter Terrorism Borders Policing at paragraph 6.2 above demonstrate that the most common examination period is now 3-4 hours. There is no such data for earlier years.
- 6.25. Sometimes the nature of the device or the level of analysis required means a device cannot be fully examined during the examination period. In these circumstances, police have a power to seize it for up to 7 days¹⁸⁵. Increasing phone capacity could see greater use of this seizure power, with all its associated impact. Phone seizure may well mean a passenger loses access to boarding passes,

183 Table A.S03a.

184 Ibid.

185 Para 11(1). Longer is permitted if kept for use as evidence in criminal proceedings or where needed in connection with a deportation decision. Many travellers also carry multiple devices; it is not always clear to counter-terrorism police which device they should focus on.

travel information, phone contacts, and stored emails, as well as communication¹⁸⁶.

- 6.26. It is arguable that the importance and capacity of digital devices is leading to a distortion of the original concept of port examination, with ever greater focus on access to digital information, and less on oral questioning in the examination room. The counter-argument is that nothing has changed except that police are making best use of their examination powers in the digital era. But however it is justified, the typical Schedule 7 experience today is markedly different from the experience 20 years ago.
- 6.27. Moreover, the government is proposing a significant change to Schedule 7 that could increase the pain of device seizure: clauses in the Crime and Policing Bill, currently before Parliament, propose extending the maximum period of detention from 7 to 14 days.
- 6.28. What safeguards may be required in this new world? One option is raised thresholds, for example a requirement for reasonable

186 A different sort of inconvenience concerns the conditions in which counter-terrorism police must operate. At Portsmouth Harbour officers involved in downloading and triaging devices have to operate for hours at a time in a small windowless room off a public corridor.

suspicion that a phone contains terrorism-related information¹⁸⁷ before it is held for the longer period. This carries drawbacks where suspicion is based on highly sensitive information. Another is additional layers of authorisation, for example by police inspectors, superintendents or judicial officers.

- If phone examination could be incremental –initial access to certain data (for example, photographs or contacts), followed by a series of rational staged decisions on further data extraction, this might strongly favour the second option options; the problem, I am told, is that an increasing number of devices must be downloaded in full before any meaningful examination.

6.29. A further innovation to Schedule 7, also proposed in the Crime and Policing Bill, is for police to have the power to extract cloud data¹⁸⁸ which is linked to the device. This innovation is both an anti-circumvention measure and a recognition of how modern devices work. Once again, there is the need for safeguards against overzealous data-

187 Or merely ‘suspicion’ as previously recommended by Lord Anderson KC when he was Reviewer.

188 Known as ‘remotely stored data’.

grabbing¹⁸⁹. I will report further on the proposals, and necessary amendments to the Code of Practice, when the proposals are finalised.

- 6.30. If not already there, it is clear to me that Schedule 7 is entering a new era. Statistical monitoring of counter-terrorism police's interactions with digital devices is crucial if overuse and unintended consequences are to be identified. I have in mind the prospect of digital examinations leading to longer examination and personal detention, and more instances of device seizure, without effective means of redress. The absence of published statistics on downloads and seizures is a gap considering that statistics *are* published on the taking of biometrics¹⁹⁰: it could plausibly be argued that modern digital data is far more revealing about our private lives than fingerprints or DNA.
- 6.31. I therefore **recommend** that counter-terrorism police should assemble data on the incidence of device downloads and device retention (and access to remotely stored data in future if permitted under new legislation), that can in due course be published in official statistics.

189 See further my 'Note on Crime and Policing Bill: Access to Remotely Stored Data Under National Security Ports Powers' (13.10.25).

190 Table A.S05.

- 6.32. The other aspect is the retention, review and deletion of extracted data.
- 6.33. Subject to arguments about the inherently intrusive nature of data retention by the authorities, digital data stored in secure counter-terrorism systems is at least reasonably secure against third party hacks, with standardised access for lawful purposes.
- 6.34. The problem comes with the menagerie of systems to which data is inevitably transferred – local, regional, national bodies with discrete functions (such as the Border Threat Assessment Centre), with their own systems and rules. I remain entirely sceptical that it is possible to implement a consistent rule which requires such data to be reviewed, and either retained with justification or deleted, every 10 years¹⁹¹, across all these systems.
- 6.35. In previous annual reports I have criticized the lack of accuracy and transparency in published policies. If a passenger asks, “What is going to happen to my personal information when you no longer need it?”, counter-terrorism police should be able to

191 College of Policing, ‘Code of Practice on police information and records management’ (July 2023) and College of Policing Guidance, ‘Review, Retention and Disposal’ (last updated Aug 2025).

respond, or point to a published policy, which sets this out with honesty and clarity.

- 6.36. I therefore **recommend** that the government and Counter Terrorism Police provide an explanation of how policies on retention, review and disposal apply in practice, where digital data obtained from Schedule 7 powers is dispersed across numerous systems.

Examining Freight

- 6.37. In 2024, examination under Schedule 7 was conducted 639 times in relation to air freight and 172 times in relation to sea freight¹⁹².
- 6.38. The question of whether an x-ray amounts to an examination has proven difficult to resolve. The Home Office is trying to identify the circumstances in which freight is x-rayed and by whom, as a preliminary to reviewing whether x-rays amount to examinations under Schedule 7.

192 Table A.S03a.

7. TERRORISM TRIALS AND SENTENCING

Terrorism Legislation and non-terror cases

7.1. The role of terrorism legislation was prominent in 2024 in cases which were not fundamentally about terrorism.

- Axel Rudakubana, who murdered three children at a dance class in Southport in July 2024 and attempted to murder 10 others, was also convicted of having an Al Qaeda training manual under section 58 Terrorism Act 2000¹⁹³. But his shocking attack was not a terrorist attack.
- Daniel Khalife was convicted in December 2024 of an offence under section 58A Terrorism Act 2000 for collecting information on UK special forces soldiers which might be useful to a terrorist, but he was really a spy for Iran, not a terrorist¹⁹⁴.

193 CPS News, 'CPS authorises two further charges against Axel Rudakubana' (29.10.24).

194 Sentencing remarks (3.2.25). He was also convicted of spying under the Official Secrets Act 1911.

- 7.2. The fact that certain terrorist offences can be committed without terrorist motivation explains why – as with the conviction of Iran spy Magomed-Husejn Dovtaev in December 2023¹⁹⁵ – terrorism legislation is used where terror manuals are found, information on sensitive personnel is collected, or hostile reconnaissance is carried out, irrespective of an individual’s motivation.
- This remains likely in State Threat cases¹⁹⁶, cases concerning what the government refers to as Violence-Fixated Individuals (such as Rudakubana), and attacks motivated by hatred but not terrorism. But it carries with it the risk of cognitive dissonance: if this person is not really a terrorist, why are they being prosecuted under terrorism legislation?
- 7.3. Where offences such as encouraging terrorism or attack-planning¹⁹⁷ do require a terrorist motivation

195 Independent, ‘Terror scout guilty of spying on UK-based dissident Iranian broadcaster’ (20.12.23).

196 See also the case of Benjamin Stimson, convicted in 2017 of section 5 attack-planning for going to fight with a pro-Russia militia: BBC News, ‘Oldham man jailed for Ukraine terror offence’ (14.7.17). In 2024 it was reported that he had returned to fight against Ukraine with Russia: BBC News, ‘Oldham father’s ‘horror’ as son fights for Putin a second time’ (27.3.24).

197 Section 1, 5 Terrorism Act 2006.

(“for the purpose of advancing a political, religious, racial or ideological cause”¹⁹⁸) this requires proof by evidence. Route one is the presence of “mindset material”, often found on digital devices and used by prosecutors to insinuate that such external material reflects the defendant’s internal persuasions. There is a bluntness to this because downloading and hoarding violent and transgressive material which contains terrorist subject matter¹⁹⁹ might be indicative of a violence obsessive mindset or be explained, to some degree, by different psychological wiring such as autism²⁰⁰.

7.4. Whether expressions by entities that are not even human, let alone terrorists, can be captured by terrorism legislation was considered in my

198 Section 1(1)(c) Terrorism Act 2000. Mere hatred is not enough. For example, Nicholas Rees contemplated a firearms attack on students based on extreme misogyny but was not prosecuted under terrorism legislation (Metro, ‘Student arrested lying next to rifle wanted to shoot up university ‘for the lols’ (12.2.24)).

199 For example, beheadings carried out by Islamic State.

200 See the excellent article by Dinneson, K., ‘A terrorist mindset: findings from an empirical enquiry into prosecutions, evidence, and mindset material’, *Legal Studies* (2024), 1–17.

last annual report on chatbots and Generative AI²⁰¹. The government has accepted my recommendation to look at whether new legislation against stirring up racial hatred should be considered for those who create and disseminate specially trained terrorist chatbots.

Terror prosecutions in 2024

- 7.5. In 2024, 86 people were proceeded against in England and Wales for terrorism-related offences²⁰². With 2017 (the year of deadly mass casualty attacks on London and Manchester) this is the joint highest total, followed by 84 in 2018. Continuing the Crown Prosecution Service's high conviction rate, there were only two acquittals²⁰³. There was an equal split between trials and guilty pleas²⁰⁴.
- 7.6. For 76 of the 86 people proceeded against, the principal offence was under terrorism legislation²⁰⁵. The most common class of offences was 'documentary offences' (29, made up of terrorist manuals (8), encouragement (7), terrorist

201 Terrorism Acts in 2023, Annex to Chapter 7.

202 I.e., charges were brought in 2024, although without the criminal proceedings necessarily being concluded in 2024.

203 Table A.C01.

204 Table A.C03.

205 Table A.C02.

publications (14)²⁰⁶), followed by proscribed organisation offences (17, made up of membership (3), inviting support (4), flags or articles (9), and directing (1)²⁰⁷).

- 7.7. The hefty increase of proscribed organisation offences (from 5 in 2023 to 17 in 2024) substantially accounts, along with an increase in fundraising offences (6), for the overall increase in changes under terrorism legislation (76, up from 55 in 2023). It is reasonable to assume that the relevant proscribed organisation in many of these offences was Hamas, in connection with anti-Israel activity after 7 October 2023. Next year, the most relevant proscribed organisation is likely to be Palestine Action.
- 7.8. There were 4 charges brought (down from 11 in 2023) for attack-planning²⁰⁸ which, alongside directing terrorism, is generally the most serious offence under terrorism legislation.

206 Section 58 Terrorism Act 2000, sections 1, 2 Terrorism Act 2006. I refer to them as ‘documentary offences’ because these almost always relate to digital documentation.

207 Sections 11, 12, 13, and 56 Terrorism Act 2000. It is not clear from the statistics if the fundraising related to proscribed organisations, so I have excluded them from the total.

208 Section 5 Terrorism Act 2006.

- 7.9. Although I have been unable to identify the precise case, one person was proceeded against for a terrorism-related offence under the Protection of Children Act 1978 (indecent images of children)²⁰⁹. Non-terrorism charges were brought in 2024 in respect of a Palestine Action attack on Elbit's premises in Bristol (due for trial from late 2025), but the CPS has said that it will submit that these offences had a connection to terrorism²¹⁰.
- 7.10. Notable attack-planning cases that were dealt with in the criminal courts in 2024²¹¹ included:
- Jacob Graham, who intended to assist others to carry out bomb attacks in pursuit of an anti-government and ecological cause²¹².
 - Cavan Medlock, a neo-Nazi who carried out a terrorist attack against immigration lawyers²¹³.

209 Table A.C02.

210 Under section 69 Sentencing Code. BristolLive, 'Three more charged over ram raid attack on Elbit Systems in Bristol' (16.8.24).

211 Which will include cases of defendants first proceeded against in 2023.

212 BBC News, 'Liverpool student who shared guide on bombs and guns detained' (18.3.24).

213 BBC News, 'Court finds neo-Nazi planned attack at law firm' (11.12.24).

- An unnamed teenager, convicted of plotting an attack on an Isle of Wight festival after developing a “Islamic Extremist mindset”²¹⁴.
- Mohammed Farooq who planned to detonate a bomb at St James’ Hospital for a combination of personal and Islamist Extremist reasons²¹⁵.

7.11. Two other preparatory cases concerned travel to Syria in the last decade: the Court of Appeal upheld a 9-and-a-half-year sentence against Shabazz Suleman who had joined Islamic State in 2014 and returned in 2023²¹⁶; and Isa Giga was charged in 2024 (convicted in 2025) on his return from Turkey, having travelled to fight with the Islamist Jaysh Al Fath group in 2015²¹⁷. Farhad Mohammad was convicted of making payments to his nephew who fought with Hay’at Tahrir al-Sham in Syria in 2017²¹⁸.

214 BBC News, ‘Teenager found guilty of Isle of Wight Festival terror plot’ (5.2.24).

215 BBC News, ‘Man who planned hospital terror attack jailed’ (21.3.25).

216 R v Suleman [2024] EWCA Crim 804.

217 BBC News, ‘Man charged with terrorism offences after Syria trip’ (25.5.24). He was convicted in 2025: Metropolitan Police News, ‘Man who travelled to Syria convicted of terrorism offence’ (18.7.25).

218 BBC News, ‘Man who funded nephew’s terrorism sentenced’ (23.10.24).

- 7.12. In the case of Mason Reynolds, the article he possessed in connection with preparing an act of terrorism (section 57 Terrorism Act 2000) was a detailed attack plan on a synagogue. This individual promoted neo-Nazi ideology and had a weapons library²¹⁹.
- 7.13. Two women were convicted of not telling the authorities about attack plans (section 38B Terrorism Act 2000). Nabeela Anjum failed to tell police of a suicide attack plan by a drill rapper²²⁰, which she had learnt about through her son (a member of the 'Kuff Slayers Chat Group' on WhatsApp)²²¹. The rapper's girlfriend was convicted of the same offence, as was one of his young male fans²²². Section 38B is a unique

219 BBC News, 'Neo-Nazi Brighton teenager jailed over synagogue bomb plan' (14.6.24).

220 The intended attacker, rapper Al-Arfat Hassan, had earlier pleaded guilty at a retrial of possession of chemicals with intent and possession of a terror manual: BBC News, 'Official TS: Drill rapper admits terrorism chemical offence' (10.11.23).

221 BBC News, 'Mother jailed for hiding son's terror chats' (16.7.24); the sentence of 2 years plus one year extension was held not to be unduly lenient: [2024] EWCA Crim 1373.

222 CPS News, 'Girlfriend and mother convicted over failure to disclose Islamist terror plans' (14.5.24).

offence which punishes passivity and requires no element of tacit approval.

7.14. Prosecutions in 2024 for ‘Documentary offences’ involving terrorist instructions and propaganda (section 58 Terrorism Act 2000, sections 1, 2 Terrorism Act 2006) spanned material relating to Brenton Tarrant/ the Christchurch attack²²³, anti-Semitic and Islamic State TikTok content²²⁴, neo-Nazi Satanism²²⁵, neo-Nazi anti-Semitism²²⁶, graphic violent Islamic State videos²²⁷, Islamic State execution footage set to music and Al Qaeda material²²⁸, Islamic State suicide bombings (by a repeat terrorist offender)²²⁹, white supremacy and mass shooting videos (by an individual running a social network and video site)²³⁰, a bomb-making and 3D-printed firearm manuals (possessed by

223 R v Edward Griffiths; R v Gabriel Budasz (also found with 3D-printed firearm).

224 R v Hamza Alam.

225 R v Vincent Charlton.

226 R v anonymous Stockton-on-Tees teenager; R v Harry Parris.

227 R v anonymous Nottingham teenager.

228 R v Faseh Sajid.

229 R v Shafi Saleem.

230 R v Colin McNeil

Extreme Right Wing and Islamist terrorists)²³¹, Fascist material (held by an individual who attacked a trans woman motivated by hatred of trans people)²³², Islamic State terror manuals²³³, audio from an Islamic State leader²³⁴, and anti-Covid conspiracies²³⁵.

- 7.15. A significant number of offenders, especially Extreme Right Wing terrorist offenders, are also convicted of downloading child sex abuse material²³⁶. As a 2024 article from Derbyshire shows, terrorism has ceased to be confined to the big cities²³⁷. Autism and poor mental health are remarkably widespread amongst offenders.
- 7.16. The most significant prosecutions under non-terrorism legislation were the terrorist murder of Terence Carney and attempted murder of another

231 R v Daniel Niinemae; R v Jack Robinson; R v Abdiwahid Abdulkadir Mohamed; R v Robert Taylor (Extreme Right Wing ‘Goyim Defence League’).

232 R v Alex Hutton.

233 R v Ayoub Nacir.

234 R v Mohammed Jaza Hamasaleh.

235 R v Patrick Ruance.

236 HopeNotHate, ‘State of Hate 2025’ at page 69, finds that child sex offending featured in 22% of cases analysed.

237 DerbyshireLive, ‘The five Derbyshire cases that show how terrorism is changing in the UK’ (26.9.24).

member of the public by Islamist Extremist Ahmed Ali Alid in Hartlepool²³⁸, and the attempted terrorist murder of a migrant in Worcester by the neo-Nazi Callum Parslow²³⁹.

Sentencing, Imprisonment and Release

- 7.17. Noting that statistics on sentence lengths were discontinued in March 2024 (although, see Chapter 1, the government has now agreed that these must be reinstated), the picture is interesting. 22 non-custodial sentences in the year to March 2024 is a new record, and no doubt reflects the presence of children in the terrorism caseload. Conversely, there was also a high number of heavy sentences (4 life, and 6 between 10 and 20 years). The majority are nonetheless between 12 months and 4 years (17) and 4 years and 10 years (16).
- 7.18. Serious Terrorism Sentences have been available for the most serious offences since the Counter-Terrorism and Sentencing Act 2021. In the case of attack-planner Jacob Graham²⁴⁰, the judge held that whilst he was dangerous the ‘multiple deaths’ condition was not satisfied because the risk of

238 BBC News, ‘Extremist Ahmed Alid guilty of Hartlepool knife murder’ (25.4.24).

239 See Chapter 2.

240 See above.

multiple deaths from his planning was not “very likely”²⁴¹.

7.19. By the end of 2024, the terrorist prison population (which excludes those who enter as non-terrorists but adopt a terrorist persona in prison) in Great Britain amounted to:

- 257 prisoners (10 in Scotland)
- 157 Islamist terrorist prisoners (1 in Scotland)
- 78 Extreme Right Wing terrorist prisoners (7 in Scotland)
- 22 other or unknown types of terrorist prisoner (2 in Scotland)²⁴².

7.20. The increase to 257 terrorist prisoners (up from 244 in 2023) was entirely explained by an increase in detained Extreme Right Wing terrorist prisoners (78, up from 64 in 2023)²⁴³.

7.21. The largest ethnic group in Great Britain was made up of White terrorist prisoners (104), with 87 Asian prisoners, 18 Black prisoners, 13 prisoners of Mixed Race, with 35 other/unrecorded²⁴⁴. The vast majority were British (208), with 24 from Asia and 9

241 Sentencing Remarks (18.3.24).

242 Table P.01.

243 Ibid.

244 Table P.02.

from Africa²⁴⁵. 161 terrorist prisoners were recorded on entry to prison as Muslim, 47 as Christian, and 38 as of no religion²⁴⁶.

7.22. 50 terrorist prisoners were released in the year to December 2024, of whom exactly half had been sentenced to 4 years' or more imprisonment. The next most common category for released offenders in 2024 were those sentenced to 12 months to 4 years. One life prisoner was released. 50 releases is just under the average (51) released annually in the 11 years since 2014²⁴⁷.

7.23. Virtually all released terrorist prisoners are subject to notification obligations under the Counter-Terrorism Act 2008 concerning home address, vehicle ownership, phone number and banking details²⁴⁸. One of the most frequently prosecuted terrorism offences is failure to comply with a notification obligation: 2024 saw 10 such prosecutions (the highest ever)²⁴⁹, evidence that

245 Table P.03.

246 Table P.04.

247 Because of a reporting lag, figures to December 2024 are only available in the release dated 12.6.25, Table A.P.05.

248 Section 47 Counter-Terrorism Act 2008. The obligation applies to those imprisoned for 12 months or more: section 45.

249 Table C.02.

counter-terrorism offender management does not stop at the prison gate. Prosecutions included Adeel Ulhaaq (failure to disclose an email account, a telephone and bank account)²⁵⁰, Iftika Ali (who failed to notify a cryptocurrency account and two email accounts)²⁵¹, Nicholas Roddis (mobile phones and bank card)²⁵² resulting in sentences from 2 years 9 months to 3 years' imprisonment. These are not insignificant sentences, but compliance has been held by the Courts to be "vital in the interests of public safety"²⁵³.

7.24. Since the Counter-Terrorism and Sentencing Act 2021, terrorist prisoners²⁵⁴ are also eligible for polygraph measures as a licence condition.

7.25. Proposals in the Crime and Policing Bill will import a degree of complexity in the case of historic offenders. These measures are principally aimed at those convicted during the Al Qaeda years of the early 2000s, when offenders were convicted of non-terrorism offences such as murder, attempted murder, or Explosives Act offences, and before a

250 Nottingham Crown Court (31.5.24).

251 Central Criminal Court (6.3.24).

252 Roddis [2024] EWCA Crim 35, appeal against sentence dismissed.

253 Ibid.

254 Including those whose offence has been found to be terrorist-connected.

court had power to designate them as ‘terrorism-connected’ under the Counter-Terrorism Act 2008. The proposals are:

- a *judicial* process to recognise old offences as terrorism-connected, so that notification obligations will apply on release.
- a *Secretary of State* decision to recognise old offences as terrorism-connected so that the offender will be eligible for polygraphing. My recommendation that *both* these processes should be judicial²⁵⁵ was rejected by the government.

7.26. As a result of legislative innovations following the Fishmongers’ Hall attack in 2019²⁵⁶, release prior to sentence expiry depends on an assessment by the Parole Board, as does release following recall to prison. The Board’s decision in September 2024 to refuse to release Abdalraouf Abdallah, an attack-planner who helped jihadis travel to Syria at the height of Islamic State in 2014, and associate of Manchester Arena bomber Salman Abedi, is explained in a very welcome public summary²⁵⁷.

7.27. This decision also illustrates the ‘cliff-edge’ that arises in cases where automatic release is only

255 Terrorism Acts in 2023 at 7.34-7.42.

256 Terrorist Offenders (Restriction of Early Release) Act 2000.

257 Parole Board Decision Summary (30.9.24).

available at the sentence end date: the net effect of refusing to release on licence in September was that he was released without any licence in November. The immediate post-Fishmongers' Hall reforms carried this trade-off: it was possible to keep terrorists in prison until their sentence expiry (public protection through imprisonment), but at the expense of releasing them on strict licence (public protection through offender management). The position was later modified for terrorist offenders sentenced under the Counter-Terrorism Sentencing Act 2021 – at the very least they will have one year on licence after release²⁵⁸.

7.28. Regrettably, there are still no published statistics on the use of special arrest and search powers for released terrorist offenders under sections 43B-D Terrorism Act 2000, despite the government's commitment to provide them.

7.29. In England and Wales 12 Serious Crime Prevention Orders were imposed by the Crown Court in relation to cases involving terrorism as part of the sentencing exercise²⁵⁹.

258 Where not sentence to life, or an extended sentence, they must receive a Sentence for Offender of Particular Concern.

259 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

8. SPECIAL CIVIL POWERS

Terrorism Prevention and Investigation Measures (TPIMs) in 2024

8.1. As disclosed in the government's quarterly statements to Parliament, between 1 December 2023 and 1 March 2025 there were 4 TPIMs in force at one stage or another against the following anonymised individuals: TPD, BYK, ABY, KIB²⁶⁰. Three of these (TPD, ABY and KIB) were new in this period²⁶¹, and one was revoked (BYK)²⁶².

- TPD, a British male, was relocated from his home address. He had previously been sentenced to 5 years imprisonment in a Young Offenders' Institute (with a one year extended licence) for Islamist Extremist attack-planning

260 1.12.23 – 29.2.24: HCWS375 (25.3.24); 1.3.24-31.5.24 HCWS233 (20.11.24); 1.6.24-31.8.24 HCWS234 (also 20.11.24); 1.9.24- 30.11.24 HCWS460 (24.2.25); 1.12.24 – 28.2.25 HSWS604 (25.4.25).

261 In the calendar year there were in fact 2 new TPIMS: HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

262 In addition, TPD's TPIM, made in December 2023, was extended in December 2024.

and other terrorism offences. The TPIM was imposed immediately on his release in December 2023. In 2025 he was sentenced for breaching the requirements of his TPIM, by associating without permission with Syrian asylum seekers who have since been arrested for supporting Islamic State²⁶³. In addition to a custodial sentence the judge imposed a Serious Crime Prevention Order, in effect piggy-backing on the breach of the TPIM to impose a new set of restrictions under criminal, rather than civil, law.

- BYK, a non-national and Islamist Extremist, was allowed to leave the United Kingdom whereupon his TPIM was revoked. This is the second occasion on which a TPIM has been revoked before its maximum period other than because of breach proceedings or legal challenge.
- ABY, a British male, was also relocated and was, like TPD, a released prisoner on licence and an Islamist Extremist. The Home Secretary agreed, following legal challenge, to the quashing of the original order because the Home Office had failed to inform the Home Secretary, in breach of its duty of candour,

263 Sentencing Remarks, HHJ Trowler KC (2.10.25) provide detail of TPD's background.

of salient facts²⁶⁴. A second TPIM was made, (unusually) on prior notice to ABY.

- KIB, a British male and Islamist Extremist, became the second person to have a TPIM made with prior notice. The Home Secretary wanted, because of KIB's unusual personal circumstances, to allow him to make representations before one was made, but her application for a pre-emptive anonymity order, which would have stopped KIB communicating about the proposed TPIM, was refused by the High Court²⁶⁵. Like TPD and ABY, he was a recently released prisoner.

8.2. As this narrative reveals, TPIMs, whilst still infrequent, are increasingly being used to manage the risk posed by released terrorist offenders:

- There is nothing in the Terrorism Prevention and Investigation Measures Act 2011 to stop an individual being prosecuted for terrorist conduct under the criminal law and then made subject to a TPIM on the back of that criminal conduct, re-badged as “involvement in terrorism-related

264 That relocation would prevent ABY from taking up an employment opportunity, permitted under the terms of his prison licence.

265 *SSHD v KIB* [2024] EWHC 2812 (Admin).

activity” for the purposes of satisfying the criteria in the 2011 Act²⁶⁶.

- Such a stark scenario could point to inadequacies in criminal justice methods of managing risk, but also unfairness to criminal defendants who might perceive that they were being punished twice for the same conduct²⁶⁷. This might in turn suggest the need for amendment to the 2011 Act so that, rather as a second TPIM can only be made in respect of “new” terrorism-related activity²⁶⁸, a TPIM could only be made after conviction for a terrorism offence if there was either new or at least separate terrorism-related conduct that was not the subject of the criminal sentence.
- In practice, there may well be something more than the evidence adduced in criminal proceedings, indicative of a continuing threat despite imprisonment. Failure to provide evidence that a released prisoner positively presented an ongoing risk even after release would undermine the case for a TPIM.

266 Involvement in terrorism-related activity: see section 3. Terrorism-related activity is defined in section 4.

267 Although TPIMs are not determinations of criminal charges, the distinction between prevention and punishment is not watertight: *SSHD v MB* [2008] 1 AC 440, per Lord Bingham at para 23.

268 Section 3(1) and (6).

- Evidence of ongoing risk could amount to additional “terrorism-related activity”, such as plotting after release, but risk-revealing conduct would not necessarily have that status in law. For example, if a prisoner convicted of Islamist Extremist terrorist offences was found with a home-made Islamic State flag hidden in his cell, this could well demonstrate an undiminished risk. However, possession of the flag would not necessarily amount to “terrorism-related activity” as defined by the TPIM Act 2011²⁶⁹.
- A separate consideration relating to released prisoners is that they will often be subject to other post-release measures such as licence conditions, or Serious Crime Prevention Orders. It is vital that when the Home Secretary considers the necessity and proportionality of a TPIM, or any proposed measure in the TPIM, she is fully aware of existing measures – both

269 Mere possession of an extremist mindset does not qualify as terrorism-related activity under section 4(1): *Secretary of State for the Home Department v EB* [2016] EWHC 1970 (Admin). Indeed, it is questionable whether support for proscribed organisations contrary to sections 12 and 13 (assuming a prison cell is public for these purposes) amounts to terrorism-related activity, since section 4 refers to encouragement for acts of terrorism rather than mere support for organisation.

as to their impact on the individual, and the possibility that they may already be sufficient to manage terrorist risk.

- A final observation is that a TPIM on a released prisoner can encourage a harmful passivity. Relocation, if imposed, means the Home Office arranges new accommodation for the individual. Reporting obligations and restrictions which directly or indirectly affect their ability to find work can make it even harder for the released prisoner who is now on a TPIM to stand on their own feet. Now that TPIMs can last for up to 5 years²⁷⁰, the possibility of freed, but never-fully-released, prisoners spending years without meaningful integration with ordinary society must be recognised and, so far as possible, avoided.

8.3. The TPIM Act 2011 contemplates that these unusual orders will be subject to independent court review. I understand that 3 cases since 2011 have been refused funding because the TPIM conditions were not thought sufficiently serious to warrant solicitors and counsel at a review hearing. The government has rejected my recommendation that no new TPIMs should be made until this flaw in legal aid funding has been remedied²⁷¹. Although

270 Since amendment made by the Counter-Terrorism and Sentencing Act 2021.

271 Terrorism Acts in 2023 at 8.28.

the Legal Aid Agency is an executive agency of the Ministry of Justice, not the Home Office, the levers of power are in the government's hands if it has the will to fix it.

- 8.4. Where court reviews do take place, it remains to be seen how the current judicial approach to factual assessments of national security risk will play out in TPIM cases²⁷². As a general principle, strong powers deserve strong reviews for their legitimacy. Officials and their national security assessments are not immune from error, and individuals are at risk of unjust treatment if court reviews cannot expose error.
- 8.5. Polygraphs, made available for TPIM subjects in 2021²⁷³, have yet to be used. The evidential value of a 'significant response' to polygraphing is therefore yet to be determined by a court. It is conceivable that the mere possibility may encourage compliance. Actual use brings the risk of complicated prosecutions (if, say, a breach of a TPIM is disclosed), and could disturb cordial relations between TPIM subjects and

272 See para 1.11 above. In 2024 I drew attention to this in a paper to the Administrative Law Bar Association, 'National Security and Judicial Review' (13.7.24). The Supreme Court in *U3 v Secretary of State for the Home Department* [2025] UKSC 19 signalled little change.

273 Counter-Terrorism and Sentencing Act 2021.

police officers responsible for their day to day management.

- 8.6. During 2024 LXB, a TPIM subject from 2022, the first Extreme Right Wing Terrorist to be subject to a TPIM, was sentenced to 2 years imprisonment for multiple breaches concerning access and use of electronic items²⁷⁴.

Temporary Exclusion Orders

- 8.7. Temporary Exclusion Orders (TEOs) allow the Home Secretary to impose conditions on *how* British nationals return from overseas to the UK and a limited number of restrictions once they have returned (reporting to police, attendance at mentoring sessions, and notifying their place of residence)²⁷⁵. During 2024, two new TEOs were imposed²⁷⁶.

274 BBC News, 'Far-right extremist faces jail for terror breach' (8.7.24).

275 Section 9 Counter-Terrorism and Security Act 2015. In 2024, the Supreme Court held (unsurprisingly) that court reviews of TEOs attract the fair trial guarantees of Article 6(1) of the European Convention on Human Rights: *Secretary of State for the Home Department v QX* [2024] UKSC 26.

276 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

- 8.8. I observed two Temporary Exclusion Order (TEO) Quarterly Management Groups meetings in 2024. These meetings distinguish between out-of-country TEOs that have been imposed where the individual has not returned; and in-country TEOs where the individual has now returned to the UK.
- 8.9. During 2024 there were two in-country TEO subjects who had both returned after fighting in Syria and having been detained abroad.
- 8.10. Because they operate at the level of reasonable suspicion of involvement in terrorism-related activity²⁷⁷ (unlike TPIMs, which require reasonable belief) they are, in principle, well-suited to provide reassurance in respect of women repatriated from Kurdish detention camps in Syria.
- 8.11. As with TPIMs, there is the risk of demotivation, where TEO subjects rely excessively on their mentors for the task of reintegration. Whether reintegration is achieved or not, I am satisfied that TEOs can have a suppressive effect on reengagement in terrorism by returning British nationals.
- 8.12. Out-of-country TEOs refer to TEOs made on individuals who have yet to return. The problem, identified in many previous reports, is that subjects can run down the clock. The government has accepted the need to reform TEOs, so that the

277 Section 2 Counter-Terrorism and Security Act 2015.

clock only starts to run on return but has still not brought forward legislative proposals for change.

Passport Seizure

8.13. The power to seize and detain passports under Schedule 1 to the Counter-Terrorism and Security Act 2021 allows police at ports to seize passports from suspected terrorists who are about to leave the UK, with a view to the Home Secretary cancelling their passport, them being charged with an offence, or some other preventing measure being imposed²⁷⁸. The power was not used in 2024²⁷⁹.

278 Para 5.

279 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

Money Measures

- 8.14. Financial investigation is directed at disrupting terrorist financing in its own right²⁸⁰, and investigating terrorism generally²⁸¹.
- 8.15. Cryptocurrency has inherent transparency and risks being traced²⁸²; in 2023, Hamas announced it would no longer accept donations in Bitcoin²⁸³.
- 8.16. Forfeiture of “terrorist property” is enabled by the Anti-Terrorism, Crime and Security Act 2001 (‘ATCSA’)²⁸⁴, whilst the general forfeiture powers

280 Serious funding can transform a loosely-based militia into a significant force structured along conventional military lines like Hamas: Ware, J., ‘Hamas’s Secret Financial Empire’ (BBC Panorama, 2024).

281 According to Schmidt, A., ‘Impacts of money laundering and terrorism financing: Final report’ (AIC, Canberra, 2024), financial intelligence work in Australia likely contributes more to preventing attacks than to preventing the financing of terror groups.

282 Chainalysis, ‘Assessing Terrorism Financing On-chain is Crucial and Complex’ (2024).

283 US Congress, ‘Terrorism Financing: Hamas and Cryptocurrency Fundraising’ (updated 9.12.24).

284 “Terrorist property” is broadly defined in section 1 and Schedule 1 to include, for example, the resources of a proscribed organisation.

under Proceeds of Crime Act 2002 ('POCA') are used by counter-terrorism investigators in relation to property obtained through or intended for use in terrorist offending, or any other offending, where removing property from circulation helps disrupt terrorist activity.

8.17. In 2024, for forces in England and Wales²⁸⁵:

- New ATCSA cash seizures (not including ports) were valued at £103,639. Terrorism-related seizures under POCA were valued at £804,752.26.
- There were 3 ongoing ACTSA cash detentions in December 2024 worth £106,229, and 37 under POCA worth £1,077,089.33.
- £12,422 cash was forfeited under ACTSA, with £292,412 under POCA²⁸⁶.
- 2 account freezing orders were granted under ACTSA worth £7,804.61. As of December 2024, 40 such orders were active including orders made in previous years. There were 20 account freezing orders valued at £338,103.73 under POCA.

285 Figures supplied to me by National Counter Terrorism Policing Headquarters.

286 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

- 1 ACTSA final account forfeiture order was made worth £1,849.36, whilst 14 were made under POCA worth £362,636²⁸⁷.

8.18. Regulations under the Sanctions and Anti-Money Laundering Act 2018 permit HM Treasury to impose unilateral sanctions for counter-terrorism purposes²⁸⁸. Although outside the scope of terrorism legislation, HM Treasury works closely with Home Office on identifying targets. Domestic counter-terrorism sanctions were imposed against a Hezbollah funder in April 2023²⁸⁹, against Hamas funders and promoters in March 2024²⁹⁰, and in December 2024 against a New IRA financier²⁹¹.

High Court Serious Crime Prevention Orders

8.19. High Court SCPOs were first made in 2023. Two High Court applications for SCPOs were made

287 The figures at para 3.4 of the Disruptive Powers Report, supra, are incorrect.

288 The Counter Terrorism (Sanctions) (EU Exit) Regulations 2019

289 Nazem Ahmad sanctioned on 18.4.23.

290 Mustafa Ayash and Aozma Sultana sanctioned on 27.3.24. One notice refers to 10 crypto wallets.

291 Brian Sheridan sanctioned on 3.12.24.

in 2024 by Counter Terrorism Policing²⁹². Post-legislative review of the power for police to apply in terrorism-related cases, introduced by the Counter-Terrorism and Sentencing Act 2021, was positive, although some forces may have been put off by unfamiliar High Court procedures²⁹³.

292 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

293 Home Office, 'Statutory review of police powers to apply for Serious Crime Prevention Orders in terrorism cases' (28.11.24).

9. NORTHERN IRELAND

Introduction

- 9.1. The Terrorism Acts apply UK-wide, and so the same powers of stop and search, arrest and examination at ports are available in Northern Ireland as in Great Britain, as are the same terrorism offences. In practice, the legislation operates differently because the threats are different in Northern Ireland²⁹⁴, with a higher per capita rate use of counter-terrorism powers; because the criminal justice system is different, with non-jury trials for almost all terrorism cases in the Crown Court, and different procedural rules; and because some of the legislation on the sentencing and release of terrorists has been implemented differently in Northern Ireland.
- 9.2. The statistics are different too. The Northern Ireland Office publishes statistics on the 'Security Situation' which include activities (such as punishment beatings by members of paramilitary groups) which are not considered matters of terrorism or national security. Nonetheless, they are an important context within which to consider the operation of the Terrorism Acts in Northern Ireland.

294 For example, pipe bombs in Northern Ireland are a fact of life but not elsewhere in the United Kingdom.

- 9.3. There was one security-related death in Northern Ireland in 2024 (none in 2023)²⁹⁵. This was the shooting of Kevin Conway in West Belfast in January. The Police Service of Northern Ireland (PSNI) categorised this organised killing of an alleged gangland figure as ‘security-related’. Two men have been charged with Kevin Conway’s murder²⁹⁶.
- 9.4. Despite this death, the security situation in Northern Ireland is on a calming trajectory. The threat from Dissident Republicans is smaller after successful disruptions through arrest, bail conditions and prosecution. The Threat Level was reduced to ‘SUBSTANTIAL’ in March 2024.
- 9.5. During the year under review²⁹⁷:
- There were 17 security-related shooting incidents (16 fewer than last year, and the lowest ever recorded) and 6 bombing incidents (down from 8 last year) in which 7 bombing devices were used.

295 Police Recorded Security Situation Statistics (1 April 2023 to 31 March 2024 and 1 March 2024 to 28 February 2025).

296 BBC News, ‘Kevin Conway killing: Two men charged with murder’ (28.1.24).

297 PSNI, ‘Security Situation Statistics, information up to and including March 2024’, unless otherwise stated.

- There were 28 casualties from “paramilitary-style attacks” (22 fewer than last year).
- These paramilitary attacks were made up of 5 “paramilitary style shootings” (4 committed by loyalist groups and 1 by republican groups) and 23 “paramilitary style assaults” (20 committed by loyalist groups and 3 by republican groups).
- The PSNI recovered 11 firearms (9 fewer than last year), 191 rounds of ammunition (down from 1,013), and 0.52 kg of explosives (down from 3.22kg). The figures for firearms and ammunition recovery are the lowest on record.

9.6. Notable Dissident Republican activity in 2024 was as follows:

- Arm na Poblachta (ANP), which is not a proscribed organisation under the Terrorism Act, claimed to have targeted PSNI vehicles at two locations near Dungiven in February. One viable pipe bomb type device was found²⁹⁸.
- Two men were arrested in connection with the movement of an armour-piercing improvised explosive device on behalf of the New IRA in the Enniskillen area²⁹⁹.

298 The Irish News, ‘Dissident Arm na Poblachta claim two PSNI vehicles targeted in Co Derry’ (26.2.24).

299 The Irish News, ‘Man accused of having armoured piercing explosive device refused bail’ (10.9.24).

9.7. Dr Jonny Byrne, Independent Reviewer of Justice and Security (Northern Ireland) Act 2007, notes that the number of attacks, prevented attacks and disrupted activities have diminished significantly over the last decade³⁰⁰. Dissident Republicanism in the guise of the New IRA and Continuity IRA³⁰¹ still has its aspirations to attack ‘the Crown’ (police office, prison officers, members of the armed forces) but the appetite or capability for security attacks appear to be waning.

National Security in Northern Ireland

9.8. Another sign of normalisation, not yet achieved, would be full cross-community support for that rump of security force activity that is unavoidable to protect national security:

300 Seventeenth Report, for period 1.8.23-31.7.24 (laid before Parliament, 2025).

301 Considered to be emanations, though dissenting from the ceasefire decision of, the IRA, and therefore proscribed under the Terrorism Act 2000 on that basis.

- To continue to bear down on Dissident Republicanism (and Loyalism if it emerges as a national security threat)³⁰².
- To counter threats other than from Northern Ireland-Related Terrorism. Northern Ireland is no more immune to Islamist Extremism³⁰³ and Extreme Right Wing Terrorism than any other internet-connected part of the United Kingdom. Indeed, PSNI are rightly taking steps to learn from experiences in Great Britain; and recognise that authorities not just in the UK but worldwide are grappling with violent attacks whose motivations are unclear or different from conventional terrorism³⁰⁴.

302 Using the full suite of counter-terrorism measures. As already mentioned in Chapter 8, in December, the UK government took the novel step of using its domestic counter terrorism sanctions regime to sanction an individual involved in terrorist funding and associated with the New IRA: Notice under the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (6.12.24).

303 There is currently an Islamist Extremist terrorism trial before the Northern Ireland courts.

304 With the added twist that in Northern Ireland some individuals may have capabilities inherited from their connection with traditional Northern Ireland-related Terrorism.

- As in Great Britain, there is a strong desire to divert individuals who come across the counter-terrorism radar away from the path of violence and without recourse to criminal justice.
 - Diversion requires the widest range of bodies, such as Youth Justice agencies, who are willing to work with security partners despite historical connotations³⁰⁵. In principle Northern Ireland should be well-placed because of its post-Good Friday Agreement experience of diverting young people from involvement with terrorism.
 - The online and juvenile version of ERWT terrorism requires a particular degree of joint working between police, MI5, local government, schools and health authorities.

305 Since the General Election, and the government's stated intention to abandon much of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, the future treatment of legacy criminal proceedings, inquests, inquiries, and damages claims is uncertain. In 2024 Jon Boucher QPM (now Chief Constable of the PSNI) published his interim report on Operation Kenova/ agent Stakeknife. Shortly after publication, his successor, Sir Ian Livingstone QPM announced that MI5 had found further files.

- Local bodies may have to hold their nose and deal with security matters more readily than some do at present. The same is true of lawyers whose clients’ best interests may be served by cooperating with diversion measures proffered by the authorities.
- To respond to State Threat activity from adversaries such as Russia.

9.9. This begs the question of what “national security” means in Northern Ireland, and whether it should encompass the harm from the vestiges of proscribed groups that have moved into drug-dealing and general criminality without necessarily dispensing with their previous methodologies, and who still exercise a powerful control on many communities³⁰⁶.

9.10. In February 2024 the Northern Ireland Affairs Committee recommended that the government, “undertake an updated analysis of paramilitary activity and organised crime in Northern Ireland when determining the scope of national security for its next national security strategy to ensure that all

306 In September 2025 the UK and Irish governments jointly appointed Fleur Ravensbergen to the role of Independent Expert on “paramilitary group transition to disbandment”, as recommended by the Independent Reporting Commission (most recently in their Seventh Report (2024-25 HC 704).

relevant groups and activities are caught within its ambit”³⁰⁷.

- There is force in this recommendation. At the moment there is a division between terrorism groups of national security concern (investigated by the PSNI Terrorism Investigation Unit³⁰⁸) and terrorism groups of paramilitary concern (investigated by the Paramilitary Crime Task Force³⁰⁹).
- This can result in the same terrorism offence being investigated by different aspects of law enforcement depending on whether it is

307 ‘The effect of paramilitary activity and organised crime on society in Northern Ireland’ (HC 43, published 1.2.24).

308 Although the Terrorism Investigation Unit were responsible for the arrest of an alleged Loyalist terrorist concerned in a bomb hoax at a cross-community event attended by the Irish Foreign Affairs Minister: BelfastDaily.co.uk, ‘Winkie Irvine charged with firearm and ammo offences’ (11.6.22).

309 Made up of officers from the PSNI, the National Crime Agency and HM Revenue and Customs.

for example the New IRA (national security threat)³¹⁰ or INLA (paramilitary threat)³¹¹.

9.11. In response, the government recognised that the “...threat and harm from Northern Ireland-related terrorism is inextricably linked to the enduring problem of paramilitarism in a wider context of organised crime” and that “the lines are often blurred between those involved in terrorist activity and in other forms of paramilitary activity and organised crime”³¹², but did not directly address the Committee’s recommendation.

9.12. In effect the government discouraged reassessment of national security on a steady-as-she-goes basis: the roles and responsibilities held by the UK government, devolved government, law enforcement and security partners were “well understood” and mechanisms and powers were kept under ongoing review³¹³.

310 R v Devine and McDonnell (Londonderry MC, 1 August 2023), a section 11 Terrorism Act 2000 case investigated by the Terrorism Investigation Unit.

311 PSNI News, ‘Two sentenced following INLA commemoration’, section 11 Terrorism Act 2000, a case investigated by the Paramilitary Crime Task Force.

312 Letter to Committee from Rt Hon. Chris Heaton-Harris MP, Secretary of State for Northern Ireland (17.5.24)

313 HC 809 (23.5.24).

- 9.13. It is understandable that the government is averse to redefining national security problems in a way that might inflate their scale (by including the activities of Loyalist groups and the INLA). Even if Terrorism Act and Justice and Security Act powers could be used more freely against paramilitaries, there is considerable wisdom in restraint, noting too that exceptional powers can encourage use through complacency or habit³¹⁴.
- 9.14. But it is also open to question whether paramilitarism can be siloed off from national security when comparison is made to other threats that are within scope³¹⁵ but, like Extreme Right Wing Terrorism and Islamist Extremism, occasion much less harm in Northern Ireland.

Stop and Search

- 9.15. The frequency of stop and search in Northern Ireland is different from the rest of the United Kingdom because of powers widely used by PSNI under the Justice and Security (Northern Ireland) Act 2007 ('JSA')³¹⁶. Although the overall use of these powers is on a decade-long downward trend, their use far outweighs the use of stop and

314 Byrne, J., *supra*, at para 3.51.

315 And therefore matters for MI5.

316 Although strictly speaking these powers are not directed against 'terrorists', the powers used to be contained in Part VII Terrorism Act 2000.

search powers under section 43 (persons) and 43A (vehicles) Terrorism Act 2000 ('TACT')³¹⁷.

9.16. PSNI have provided me with the following statistics for 2024:

- 283 persons were stopped under TACT section 43 only. By comparison, section 43 was used by the Metropolitan Police on 71 occasions in 2024 (see Chapter 4).
- 17 persons were stopped under TACT section 43A only.
- 46 persons were stopped under TACT section 43 and TACT section 43A only.
- 21 persons were stopped and searched under TACT section 43/43A in conjunction with JSA powers.
- 336 persons were stopped under section 21 JSA (stop and question only)
- 2,275 persons were stopped under section 24 JSA (stop and search for munitions and transmitters) only.
- 31 persons were stopped under JSA sections 21 and 24 only.

9.17. Following a stop under TACT section 43, the arrest rate was 1% (i.e. 4 arrests following 283 stops). Following any stop under TACT section 43, either

317 Byrne J., *supra*, Table 3.

alone or in conjunction with other powers, the arrest rate was also 1% (i.e. 4 arrests following 349 stops).

- 9.18. The Independent Reviewer of the JSA has carried out a detailed analysis of the use of JSA stop and search powers by area, officer frequency and individual frequency. The latter shows that over 300 hundred people were subject to more than one stop, 36 more than 10 stops, and one individual more than 50 stops between August 2023 and July 2024³¹⁸. There is no equivalent analysis for the use of section 43 and 43A Terrorism Act 2000.
- 9.19. Since individual officers are free to choose between stop and search regimes (JSA and Terrorism Act) there must be a theoretical risk of perverse incentives to use one rather than the other. I should stress that I have seen absolutely no indication of this, but the existence of overlapping powers, occupying in many respects the same domain of countering terrorism and the methods of terrorism, is not ideal. The relevant Code of Practice does not address the overlap.
- For example, if the Independent Reviewer of the JSA was to warn of excess JSA use, that might lead to higher incidents of section 43/43A Terrorism Act 2000.

318 Byrne, J., *supra*, at Table 12.

- Conversely, officers might be incentivised to use JSA powers over Terrorism Act powers if they thought there was a risk of JSA being repealed.

- 9.20. It is to be hoped that the Terrorism Act 2000 will, at some point in the future, be the only source of counter-terrorism powers for use in Northern Ireland. There is however no visible path towards repeal of the Justice and Security (Northern Ireland) Act 2007, and no national security strategy sets out the criteria for major reassessment such as the number of remaining Dissident Republicans engaged in terrorism, or the point at which PSNI officers feel able to go out on single patrol.
- 9.21. There is an additional risk which I have discussed with current Independent Reviewer of the JSA, Dr Jonny Byrne. As proscribed organisations move into organised crime, some of it very serious, there must be a temptation to use JSA powers to counter this evolving threat. But JSA powers were not conferred for counter-narcotic purposes. Having discussed this, we can see merit in tightening the legislation or the Code to ensure that JSA powers are only used for counter-terrorism purposes.
- 9.22. The community monitoring of stop and search powers has been a long-running issue since it was found to be a legal requirement in 2020³¹⁹. PSNI

319 Re Ramsey [2020] NICA 14.

are attempting to apply monitoring to JSA and Terrorism Act powers. During the first 3 months of a recent pilot 753 people were stopped, but 66% of individuals refused to give their community background, 18% stated they were Catholic/Nationalist/Republican and 7% Protestant/Unionist/Loyalist, although the Independent Reviewer of the JSA has doubts about the question being asked³²⁰.

9.23. The Human Rights Reviewer to the Policing Board of Northern Ireland was similarly pessimistic about the collection of community background information³²¹. Human nature suggests that individuals subject to policing powers may be reluctant to volunteer self-categorising information, especially if it seems to them that their community background must be obvious.

9.24. I discussed these matters with the PSNI. Those responsible at PSNI are making the best they can of the task. I detected no back-sliding in fulfilling the monitoring obligation.

- For simplicity, the monitoring question has been changed (Catholic rather than Catholic Republican or Nationalist; Protestant rather than Protestant Unionist Loyalist).

320 Byrne J., *supra*, at para 3.36.

321 Human Rights Annual Report (4.9.25) at page 29 et seq.

- Body worn video is being monitored to try and ensure the question is being asked correctly, and thought has been given to identifying officers who decline to ask the question (although a public/officer safety exemption exists).
- PSNI remain adamant that ‘officer perception’, where officers record their own evaluation rather than asking for self-description, is a non-runner. The question of community background may be obvious to many but not to officers with a non-Northern Ireland background, and it is difficult to see how local ‘intuition’ could be trained.

9.25. There is no exit strategy from community monitoring, no point at which the PSNI can say that community monitoring is no longer needed, whether because the results are not statistically significant (given the high number of non-returns) or for some other reason. Community monitoring may achieve nothing more than heightening alertness on the part of officers against the risk of unconscious bias when deciding who to stop and search.

Investigations

9.26. 60 premises were searched under warrants issued under Schedule 5 to Terrorism Act 2000 (down

from 130 last year)³²². No information is available for cordons erected in this period under section 33 because the process of recording information is under review³²³.

- 9.27. Journalistic information continues to tempt terrorism investigators, who may argue that they are obliged to pursue all reasonable lines of enquiry wherever it takes them. PSNI's application against Channel 4 and others for unpublished footage relating to a Republican Easter commemoration at Derry City Cemetery was dismissed because it was not shown as likely to be of substantial value³²⁴.
- 9.28. Less excusable was the unlawful spying by police on the makers of Troubles documentary 'No Stone Unturned' that was exposed by the Investigatory Powers Tribunal in 2024³²⁵. A broader investigation on PSNI covert surveillance of journalists and lawyers by Angus McCullough KC, commissioned

322 Northern Ireland Office, 'Northern Ireland Terrorism Legislation: Annual Statistics 2024' (Sep 2025), Table 2.2.

323 Ibid, page 22.

324 PSNI v Channel 4 and others, Judge Gordon Kerr KC, Crown Court. I considered the topic of journalistic material in detail in Terrorism Acts in 2019.

325 McCaffrey and Birney v PSNI and others, IPT/19/84/CH and IPT/22/122/CH (17.12.24).

by the Chief Constable, reported in 2025. It found that despite some egregious failings there was no routine abuse by PSNI of its powers³²⁶.

9.29. The government has accepted my previous recommendation to bring forward legislation to make it easier for PSNI to remove the flags or other insignia of proscribed organisations that are displayed in public. Amendments to section 13 Terrorism Act are proposed in the Crime and Policing Bill currently before Parliament.

Arrest and Detention

9.30. In the year under review, there were 68 arrests and detentions under section 41 Terrorism Act 2000 (down from 104 in 2023)³²⁷. Comparing Northern Ireland Office statistics with PSNI statistics, which only cover arrests relating to the ‘security situation’, it appears that one of the 68 arrests was on suspicion of non-Northern Ireland-related Terrorism (whether Islamist Extremist, or Extreme Right Wing Terrorism, or other, is not stated)³²⁸.

326 ‘An independent review of the conduct of the PSNI relating to covert measures against journalists, lawyers and others of “special status” between 1.1.11 and 1.11.24’ (24.9.25), page 18.

327 Annual Statistics, *supra*, Tables 3.1.

328 PSNI, ‘Security Situation Statistics’ (5.9.25), spreadsheet ‘Terrorism Act arrests and charges’ shows 67 arrests under section 41.

- 9.31. There were no applications for warrants of further detention and so no one was held pre-charge for more than 48 hours. 10 people were charged within 48 hours and 58 were released³²⁹.
- 9.32. This compares to 48 section 41 arrests in Great Britain in 2024. Per capita, section 41 arrests are therefore significantly more common in Northern Ireland than the rest of the United Kingdom.
- 9.33. In previous reports I have raised the question of why PSNI cannot use ordinary arrest powers³³⁰ in terrorism cases. In England, Wales and Scotland, section 41 powers are used in a minority of terrorism cases whereas in Northern Ireland the general rule is that section 41 is used in terrorism cases³³¹. I have been jointly working on this issue with the Human Rights Adviser to the Northern Ireland Policing Board, John Wadham.
- 9.34. I have now been shown draft guidance under consideration by the PSNI and am pleased to report that PSNI now recognises that the least severe arrest powers should always be used

329 Ibid, 4.1.

330 For example, under the PACE (Northern Ireland) Order 1989.

331 Save in cases of children and vulnerable people suspected of terrorism: Northern Ireland Policing Board, 'Human Rights Review of Children and Young People and Policing' (3.12.24) at page 47.

where possible. This will be reflected in published guidance, and in time will, I hope, lead to greater use of PACE powers in Northern Ireland, as in the rest of the United Kingdom.

- 9.35. All requests in Northern Ireland to have someone notified (17), and for access to a solicitor (67), were allowed without delay³³². In 2024 there were 53 valid visits to 49 detainees in terrorist custody by Independent Custody Volunteers, at which 12 detainees were spoken to by visitors³³³. The Human Rights Adviser to the Policing Board of Northern Ireland is actively promoting an amendment to Police (Northern Ireland) Act 2000 which currently stands in the way of visitors getting access to custody records, an important feature of independent oversight of persons in police detention³³⁴.
- 9.36. Data for 12 months to March 25 indicates that most section 41 arrests were in Belfast City (21) followed by Derry City and Strabane (14)³³⁵.
- 9.37. The 10 persons charged after section 41 arrest in 2024 were subject to the following 28 charges:
- Attempted murder (1 charge).

332 Ibid, Tables 4.3, 4.4.

333 Figures provided to me by the Policing Board of Northern Ireland.

334 Human Rights Annual Report (4.9.25) at page 94.

335 PSNI Security Situation Statistics (15.5.25).

- Explosives offences (6).
- Firearms offences (7).
- Membership under section 11 Terrorism Act 2000 (3).
- Directing a terrorist organisation under section 56 (1).
- Possession of articles of use to a terrorism under section 57 (1).
- Possession of useful information under section 58 (1).
- Acts preparatory under section 5 Terrorism Act 2006 (5).
- Possession of an offensive weapon (3).

9.38. It is notable that, unlike in Great Britain, there were no offences charged contrary to sections 12 Terrorism Act 2000, section 1 (encouragement) or section 2 (terrorist publications) Terrorism Act 2006. Recent observations by PSNI suggest there may be latent enthusiasm for these offences after amendments in 2019:

- The addition of a recklessness-based limb to section 12 Terrorism Act 2000 (inviting support for a proscribed organisation, now section 12(1A)) was welcomed by PSNI in relation to “orations made by Republican dissidents”, enabling charging decisions when,

by implication, prosecution might otherwise have been in doubt. This section is due to be tested in the Supreme Court in 2025 for its compatibility with freedom of expression.

- The introduction of a reasonable person test into section 1 Terrorism Act 2006 (encouragement) means that a wider range of conduct could be prosecuted. It was said that in Northern Ireland, “encouraging a crowd to raise their umbrellas to allow some of those participating in a public parade to change clothes and burn their clothing” had resulted in a charge under section 1. This does not appear to make any sense.

Unlawful Assembly

9.39. I have been asked by the Policing Board of Northern Ireland to consider the use of the non-terrorism offence of unlawful assembly. This is a common law offence, therefore attracting an unlimited fine or a maximum of life imprisonment, which was abolished in England and Wales by the Public Order Act 1986³³⁶. Abolition in Northern Ireland would require primary legislation by the Northern Ireland Assembly.

- A typical use case, I am informed, is against groups of balaclava-ed men who congregate

336 Following the report by the Law Commission No.123 (1983) Offences Relating to Public Order.

in menacing fashion, suggestive of a show of force by a proscribed organisation, who have not yet used violence or made threats.

- 9.40. The retention of unlawful assembly in Northern Ireland was said to be justified in 1987 by reference to the unique public order situation³³⁷. Even today, there is a prospect of such assemblies, and a special fear deriving from them, that is not a feature of life in the rest of the United Kingdom. These could be paramilitary-flavour groupings (albeit without any display of insignia³³⁸) or even vigilante groups seeking to establish turf control.
- 9.41. On this basis, it can be argued that there is a recognisable harm which unlawful assembly is designed to address by permitting disruption through arrest and deterrence through prosecution before any overt violence or intimidation has taken place.
- 9.42. Any offence directed at latent harm requires careful handling, with proper analysis of the type of conduct within scope, and the mental element necessary to secure a conviction. This is a familiar

337 HL Deb 10 March 1987 vol 485 cc1017, Lord Llyell, Northern Ireland minister, in debate on the Public Order (Northern Ireland) Order 1987.

338 Potentially chargeable under section 13 Terrorism Act 2000.

issue in terrorism legislation which often deals with pre-cursor conduct³³⁹.

9.43. Here is the problem. It is very difficult to understand what the elements of the offence are:

- In a recent judicial review, the Public Prosecution Service told the High court that, “There is no definitive wording for the offence of unlawful assembly and various definitions can be found from previous cases. However, the most common characteristics that could be identified are that the offence required three or more persons who, by being or coming together, caused an actual breach of the peace or caused a firm and courageous person in the vicinity to apprehend a breach of the peace”³⁴⁰.
- However, in a criminal case the following month, the Judge applied the following definition: “An unlawful assembly of 3 or more persons with intent to commit an offence by open force, or to carry out any common

339 Such as possessing articles with intent, or carrying out preparatory acts, under sections 57 Terrorism Act 2000 and section 5 Terrorism Act 2006 respectively.

340 In *The Matter of an Application by Graham Skinner for Leave to Apply for Judicial Review of a Decision of Newtownards Magistrates’ Court* [2025] NIDiv 1, at para 15.

purpose whether lawful or unlawful, in such a manner as to cause reasonable people to fear a breach of the peace.”³⁴¹

- The second definition at least addresses the mental element (*intent* to commit an offence by open force, or to carry out any common purpose in such a manner to cause fear of breach of the peace), but the reference to a potentially *lawful* common purpose is confusing.
- Leaving aside the legal question of whether the offence is sufficiently certain for the purposes of Article 7 of the European Convention on Human Rights, it is undesirable if even lawyers cannot work out whether conduct is against the law. If the offence is just too difficult to handle, it will no longer be a useful tool for police and prosecutors.
- However, I am unwilling to suggest that the offence of unlawful assembly should be abolished.
 - First, Northern Ireland does not have the full range of statutory public order offences that apply in England and Wales. This rules out simple abolition.

341 The King v Lammey and Matthews [2025] NICC 21, at para 92, applying the definition stated in Gilmore v Secretary of State for Northern Ireland [1995] NI 46. The defendants were acquitted on the facts.

- Secondly, there appears to be a recognisable harm in the Northern Ireland context from certain mass gatherings to which unlawful assembly appears apt.
- Thirdly, because the offence is creation of common law, it remains open to the courts of Northern Ireland to define it more clearly³⁴².

Stopping the Travelling Public

9.44. The role of Schedule 7 is both local, providing an opportunity to identify information on Northern Ireland Related Terrorism, and national, because Northern Ireland provides a ‘soft’ route into Great Britain via the Common Travel Area for terrorists of every stripe, on boats whose passenger manifests provide weaker advance information than for air travel.

9.45. As in Great Britain, the number of Schedule 7 examinations at ports (115 of persons, 6 of freight) has continued to drop (down from 147 in 2023, itself down from 188 in 2022). Conversely, as in Great Britain, the rate of resultant detentions has increased, so that the prospect of detention is much higher than it once was (in 2024, 61, over

342 For example, it would be interesting to know whether “open force”, if it is an element of the offence, is intended to refer to the open display of weapons, which is a more concrete matter to prove in criminal proceedings.

half of those examined, were detained)³⁴³. I see no reason to doubt that the same factors at work in Great Britain are also at work in Northern Ireland (see further, Chapter 6).

9.46. PSNI have provided me with the following information on the self-defined ethnicity of persons examined and detained under Schedule 7 in Northern Ireland:

Ethnicity	Number of persons examined	Number of persons subsequently detained
White	50 (43%)	13 (21%)
Asian	7 (6%)	3 (5%)
Other	27 (23%)	26 (43%)
Mixed	0 (0%)	0 (0%)
Black	5 (4%)	2 (3%)
Not available	26 (23%)	17 (28%)
Total	115 (100%)	61 (100%)

9.47. ‘Not available’ includes those who are not asked or refuse to define themselves. Nonetheless, persons in the ‘Other’ category are twice as likely to be detained as those who self-describe as White. I **recommend** that PSNI should provide me a

343 NIO Annual Statistics, supra, Table 8.1. I am unable to tally the figure of 115 with the Home Office statistics, which given an annual figure of 2,501 for UK examinations [Table A.S04] and 2,401 for Great Britain examinations [Table A.S03b], suggesting that there were only 100 Northern Ireland examinations.

confidential reasoned basis as to why a rational exercise of Schedule 7 might result in higher rates of detention for people who are not White. I will then consider what I can make public in my final annual report.

- 9.48. Independent supervision of detention, including for the purposes of Schedule 7 examination, is a UK treaty commitment that is providing difficult to honour³⁴⁴, although I am pleased to report that some steps are now being taken to identify potential monitoring³⁴⁵ which if feasible should apply to Northern Ireland as much as to the rest of the United Kingdom.
- 9.49. A recent case has exposed a lack of audio and visual recording facilities in connection with detainees³⁴⁶ at ports in Northern Ireland, and I understand that the PSNI has made a qualified commitment in those proceedings (qualified, because subject to cost effectiveness) to find a solution to this absence. Even retrospective consideration of audio or visual recordings might provide a route to independent oversight.

344 See *Terrorism Acts in 2020* at 6.23.

345 See Chapter 6, *supra*.

346 *Re Jacqueline McClafferty* (24/005339/01).

Terrorist Trials and Sentencing

9.50. The pace of terrorism trials within the criminal justice system is feeble³⁴⁷. Out of 20 persons charged after section 41 arrest in 20/21, 4 were still awaiting prosecution in May 2025, 7 out of 16 arrested in 2021, 9 out of 13 arrested in 2022, and 16 out of 21 arrested in 2023. All 2024 cases were outstanding³⁴⁸. Delay means extended periods of pre-charge detention, or, to avoid excessive periods, release on bail of individuals charged with serious offences³⁴⁹.

347 As to delays in the criminal justice system generally, see 7th Report of the Independent Reporting Commission. HC 704 (25.2.25) at 1.74-77.

348 NIO, Annual Statistics, *supra*, Table 5.2.

349 Defendants charged with the gun attack on DCI John Caldwell were granted bail in July 2024: Irish News, ‘John Caldwell: Four linked to plot to put detective ‘into his grave’ to be granted bail’ (3.7.24). But lengthy periods of pre-charge detention remain. Belfast Crown Court was informed that Shea Reynolds spent 6 years on remand for two sets of offences: Armaghi, ‘Judgement reserved on Co Armagh man’s bail application – NI’s ‘longest serving remand prisoner’ (7.2.25). Shea was convicted in July 2025 of acts preparatory and other offences: R v Duffy and Shea [2025] NICC 17.

- 9.51. The Department of Justice has accepted my recommendation in last year's report to promote the use of special case management forms in terrorism cases³⁵⁰. Committal reform is slowly working its way through the legislative agenda.
- 9.52. During 2024, 13 people were convicted under terrorism legislation: 2 at the Crown Court and 11 at the Magistrates' Court³⁵¹. No further information is given about offence types. I **recommend** that the Northern Ireland Office's annual statistics should record the precise offences of which individuals have been convicted under terrorism legislation and the offences under non-terrorism legislation which have been found to be connected to terrorism under the Counter-Terrorism Act 2008, as in England and Wales.
- 9.53. There were 24 defendants whose cases were disposed of by means of a non-jury trial. The criteria for non-jury trials³⁵² are wider than the presence of charges under terrorism legislation, so it is not possible to identify how many of these were terrorism trials, or whether all the 3 individuals found not guilty of all charges were charged with terrorism³⁵³.

350 Terrorism Acts in 2023 at 9.49.

351 Ibid, Table 7.1.

352 Under section 1 Justice and Security (Northern Ireland) Act 2007.

353 NIO, *ibid*, spreadsheet Table 5.1.

- However, one of the acquittals did concern a defendant charged under section 58 Terrorism Act 2000 (possession of information likely to be useful to a terrorist), as well as with explosives and firearms offences.
- At issue were two documents entitled ‘Expedient Homemade Firearms BSP Semi-Auto SMG’ and ‘Expedient Homemade Firearms – the ZIP gun’. The judge held that the limited level of detail in these documents meant that that these had not been shown to be likely to be useful to a terrorist³⁵⁴.

9.54. Terrorism-related convictions continue to attract sentences which, at first blush, are very low by the standards of Great Britain: in 2024, a woman was sentenced to 11 months for possessing articles for use in terrorism (section 57 Terrorism Act 2000)³⁵⁵; in another 2024 case the Court of Appeal dealt with a man found with firearms and ammunition and targeting information against a PSNI office, who was sentenced at first instance to 9 months imprisonment³⁵⁶.

9.55. Since 2019, Northern Ireland judges have been empowered to find that an offence was connected

354 The King v Darren Gleeson [2024] NICC 13.

355 PSNI News, ‘Ballymoney woman, 54, sentenced for terrorism-related offences’ (23.2.24).

356 The King V Paul Martin McKerr [2024] NICA 8.

to terrorism, meaning that notification requirements apply after release³⁵⁷, and to impose extended custodial sentences for a wider range of terrorist offences than had previously been the case. During 2024, 3 people were made subject to notification requirements³⁵⁸, although sentences for breach are often at the very low end of the spectrum³⁵⁹. A Serious Crime Prevention Order, now available in a wider set of cases than

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- 357 That power was made available to judges in England and Wales in 2008 and was extended to Northern Ireland by the Counter-Terrorism and Border Security Act 2019. The new power to obtain a search warrant for the home of a registered terrorism offender had not been used in Northern Ireland (Memorandum, para 107).
- 358 Annual Statistics, supra, Table 13.1. Amongst these were *The King v Bond* [2024] NICC 2, a UDA case, and *The King v Patrick Mccan* [2024] NICC 1, a Dissident Republican case (group not specified in judgment).
- 359 For example, discharges in the case of Thomas Ashe Mellon (DerryNow, 'Leading Derry dissident republican Thomas Ashe Mellon convicted of breaches of counter terrorism legislation' (22.7.25). The nature of penalties imposed for breach could also be relevant to the utility of sanctions measures imposed under the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019.

previously, was obtained against a New IRA member³⁶⁰.

- 9.56. The continuation of non-jury trials³⁶¹ raises a similar issue to the continuation of extraordinary JSA stop and search powers, considered above. The issue is how to identify the point at which these special Northern-Ireland specific provisions can be abolished so that terrorism trials can proceed, as they do in Great Britain, before a jury. As Dr Jonny Byrne has in substance observed, there comes a point where the past must be replaced by the present³⁶².
- 9.57. The government dealt shortly with my consultation observation³⁶³ that judge-only trials may encourage delays that would not be tolerated in jury trials – the government merely said that that management of the criminal justice system is a devolved matter for the Department of Justice³⁶⁴.
- 9.58. I do not believe that is a direct answer to the point made. The non-jury provisions of the JSA are matters for the Secretary of State for Northern

360 Post-legislative Memorandum, *supra*, at paras 69, 87, 113.

361 See most recently, Northern Ireland Office, Consultation Response (May 2025).

362 17th Report, *supra*.

363 Dated 17.12.24.

364 NIO Response (May 2025), at para 47.

Ireland, and under those provisions there appears to be a specific risk of delay. If there are no jurors taken out of their day-to-day lives to sit in judgment, but only professional judges and professional lawyers, there may be less resistance to adjourning a case for further preparation, the drafting of a judgment, or because one of the busy professionals has a commitment in another case. I have reason to believe that judge-only terrorism trials have a disproportionate number of non-sitting days between their commencement and the delivery of verdict. So that an evidence-based approach can be taken, I **recommend** that the Northern Ireland Office should obtain figures for non-sitting days between the start of non-jury terrorism trials and their conclusion.

Other

- 9.59. No Terrorism Prevention and Investigation Measure (TPIM) has ever been ordered against a resident of Northern Ireland.
- 9.60. How the relevant law³⁶⁵ would operate in practice is open to question because of a continuing failure to arrange adequate facilities for Special Advocates.

365 Terrorism Prevention and Investigation Measures Act 2011, and Order 116C of the Rules of the Court of Judicature of Northern Ireland.

- 9.61. The principal source of the failure is the ongoing lack of a central accredited premises where sensitive material can be stored and worked on.
- 9.62. There are also practical questions which might appear matters of mere convenience to lawyers, but in reality, will dictate the length and cost of closed proceedings. These include transportation of sensitive materials to and from court, and access to materials before and after the court day, and at weekends.
- 9.63. The adequacy of current arrangements has already been raised in at least one civil damages claim concerning the Troubles³⁶⁶.

366 Permission to bring judicial review proceedings was refused in Desmond McCabe's application for judicial review [2025] NIKB 46, but the question of adequacy has now been raised as an issue in the underlying civil damages claim.

10. SCOTLAND

Arrests, Reports, and Prosecutions

- 10.1. There were 26 arrests for terrorism offences in Scotland in 2024 using both specialist arrest powers under both the Terrorism Act 2000 and general arrest powers under the Criminal Justice (Scotland) Act 2016: these related to, in order of frequency, suspicions of Extreme Right Wing Terrorism, Islamist Extremist Terrorism, and involvement in proscribed terrorist organisations, with various cases where the suspected ideological or other cause was unclear³⁶⁷.
- 10.2. During 2024, Police Scotland reported 37 (up from 34 in 2023) terrorism charges to prosecutors in the Crown Office and Procurator Fiscal's Service (COPFS) for consideration, in relation to 12 individuals (down from 15 in 2023)³⁶⁸.
- 10.3. Of cases reported in 2023, 2 cases have now been indicted to the High Court in relation to allegations under sections 57 and 58 Terrorism Act, and

367 Source: Police Scotland.

368 As of 23.9.25, 28 of these charges are currently active within 6 cases. No action was the marking for 6 charges within 3 cases. Other charges have been subject to conviction (1), or subject to some other action, or no decision has yet been made.

the Explosives Act 1875. Various cases are still under consideration by COPFS involving potential proceedings under sections 1, 2 Terrorism Act 2006, and sections 12(1A) and 58 Terrorism Act 2000³⁶⁹.

10.4. During 2024:

- Axl Scott was convicted and imprisoned for 18 months in respect of 4 charges under section 58 Terrorism Act 2000 (Extreme Right Wing Terrorism)³⁷⁰. He was separately convicted of child sex offences.

369 The nature of the Scottish system is that the police charge what they consider can be proved in terms of their investigation and guidance. There is no requirement for prior consultation with COPFS, although there is significant liaison in terrorism cases. COPFS are not bound by the changes reported by the police. Their role is to assess the case submitted, including directing further enquiries, to then consider the evidential and legal position and assess on that basis what charges COPFS think can be supported and against what accused. Thereafter they consider the public interest in deciding what prosecutorial option to take in relation to said charges/individuals. Even after proceedings have started the charges 'libelled' may evolve as the case progresses.

370 Police Scotland, News, 'Man imprisoned for terror charges' (July 2024).

- Alan Edward was convicted and imprisoned for 10 years (with a 5 year extension period) for offences contrary to section 57 Terrorism Act 2000, and sections 1 and 2 Terrorism Act 2006 (neo-Nazi)³⁷¹.
- 4 terrorism cases against minors were discontinued (in some cases based on successful diversion away from the criminal justice system).

10.5. In Scotland, one SCPO was imposed by the High Court of Justiciary in Scotland in relation to a terrorism offence following application by the Lord Advocate³⁷².

Ports Powers

10.6. Police Scotland's quarterly statistics on use of Schedule 7 Terrorism Act 2000 are available up to the end of June 2024³⁷³. The figure for the calendar year 2023 is 180, compared to 236 in 2022.

10.7. In the first two quarters of 2024 during which 92 people were examined (98 in the equivalent period in 2023), the most frequently examined were White

371 Police Scotland, News, 'Man sentenced for terrorism and firearms offences in Falkirk' (December 2024).

372 HM Government, 'Counter-Terrorism Disruptive Powers Report 2024' (2025).

373 Police Scotland, 'Police Scotland Examination Data' (available on their website).

people (24) followed by 'Any Other' (23), Arab people (13) and 'Any Other Asian Background' (13). Of those whose ethnicity was recorded (85), 29 were White people and 66 were not. Detention statistics are not separately published as they are the rest of Great Britain (see Chapter 6). I **recommend** that these statistics should include statistics on detention so that this important power can be properly monitored in Scotland.

Annex: RECOMMENDATIONS **AND RESPONSES** **TO PREVIOUS** **RECOMMENDATIONS**

In this year's report I make 9 recommendations:

Chapter 3:

- The government should consider updating its guidance on proscribed organisations by specifying that the ordinary and incidental taxes, or fees and other payments necessary for the conduct of humanitarian operations, that are sometimes demanded (or required under local laws) in conflict zones are not a priority for enforcement under the Terrorism Act 2000 [3.57].

Chapter 6:

- Consideration should be given to collecting and publishing official statistics on how often individuals are subject to more than one Schedule 7 examination within a single calendar year [6.20].
- Counter Terrorism Policing Headquarters should analyse registered complaints from Schedule 7 examinations on an annual basis, for discussion with the Independent Reviewer of Terrorism Legislation and possible future publication [6.21].

- Counter-terrorism police should assemble data on the incidence of device downloads and device retention (and access to remotely stored data in future if permitted under new legislation), that can in due course be published in official statistics [6.31].
- The Government and Counter Terrorism Police should provide an explanation of how policies on retention, review and disposal apply in practice where digital data obtained from Schedule 7 powers is dispersed across numerous systems [6.36].

Chapter 9:

- I recommend that PSNI should provide me a confidential reasoned basis as to why a rational exercise of Schedule 7 might result in higher rates of detention for people who are not White [9.47].
- I recommend that the Northern Ireland Office's annual statistics should record the precise offences of which individuals have been convicted under terrorism legislation and the offences under non-terrorism legislation which have been found to be connected to terrorism under the Counter-Terrorism Act 2008 [9.52].
- I recommend that the Northern Ireland Office should obtain figures for non-sitting days between the start of non-jury terrorism trials and their conclusion [9.58].

Chapter 10:

- I recommend that these statistics should include statistics on detention under Schedule 7 so that

this important power can be properly monitored in Scotland [10.7].

In last year's report Terrorism Acts in 2023 I made 10 recommendations. The Home Secretary formally responded to these recommendations in a response laid before Parliament on 11 December 2025.

- the Chancellor, Home Secretary and Foreign Secretary should meet to discuss the balance of humanitarian aid and security in relation to terrorism legislation [3.27]. ACCEPTED
- the government should consult the Tri-Sector Group on potential reforms to the Terrorism Act 2000 [3.29]. ACCEPTED
- Official statistics should be collected and published on the use of sections 43B and 43C Terrorism Act 2000 (arrest and personal search of released terrorist offenders) [5.17]. PARTIALLY ACCEPTED
- the Code of Practice should be amended to address the x-raying of freight, and in particular the circumstances when notices should be left (where the x-raying amounts to an examination) and where they should not be left (when the x-raying is preliminary to an examination) [6.24]. ACCEPTED
- the Secretary of State should consider how Schedule 7 is intended to operate in an era of high-memory phones, to avoid phone seizure becoming routine [6.33]. ACCEPTED

- The government should recommence collecting official statistics on sentence lengths for terrorism offending [7.32] ACCEPTED
- if legislation is brought forward to allow individuals convicted before 2009 of non-terrorism offences to be treated as terrorists, post release, then this should allow for judicial (as opposed to purely ministerial) determination of any terrorism connection [7.41]. PARTIALLY ACCEPTED
- To deal with potential terrorist abuse of Generative AI, the government should consider legislating against the creation or possession of computer programmes designed to stir up racial or religious hatred [Annex to Chapter 7]. ACCEPTED
- No further TPIMs should be made until it can be confirmed that all TPIMs subjects without private means will be provided with legal funding for the purpose of reviews [8.28]. REJECTED
- Consideration should be given to using special case management forms in terrorism cases in Northern Ireland, as they are used in England and Wales [9.49]. ACCEPTED

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