



# Home Office

**Lord Taylor of Holbeach CBE**  
**LORDS MINISTER AND MINISTER FOR CRIMINAL INFORMATION**

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Lord Rosser  
House of Lords  
London  
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*Dear Richard,*

24<sup>th</sup> July 2014

## **Serious Crime Bill: Preparation or training abroad for terrorism**

During the Committee stage of the Bill on 15 July, you raised a number of questions in respect of the expected impact of clause 65 (now clause 68) of the Bill, which enables prosecution of those who prepare or train for terrorism overseas, contrary to the Terrorism Act 2006 (Hansard, columns 558 to 561). I undertook to write setting out the Government's position in full to these questions.

### Examples of prosecutions it will be possible to pursue under the measure and what clause 68 adds to the legislative armoury

As you will appreciate, decisions about prosecutions of those engaging in terrorist activities, abroad or otherwise, are made in accordance with the intelligence, evidence and laws in place at the time at which an individual of concern is undertaking them, and only when a prosecution for a particular offence is an available option. Prosecution is not currently possible where preparation solely takes place overseas in respect of section 5 and is currently limited in respect of terrorist training under section 6. As such, it is not straightforward to cite with certainty, specific examples of operational cases where the measure would have been used.

However, our law enforcement agencies, including the Crown Prosecution Service (CPS) are satisfied that there are likely to be particular cases of UK-linked individuals travelling abroad, for example to Syria, to prepare and train for terrorism, who will primarily undertake activities while there or in transit countries. Where this is the case, they cannot currently be prosecuted when they return to the UK, because of a lack of (or limited) extra-territorial jurisdiction over these offences in the Terrorism Act 2006.

A recent domestic case points towards the operational significance of these offences. Mashudur Choudhury was recently found guilty of engaging in conduct in preparation of terrorist acts (under section 5) in connection with the conflict in Syria. This conviction was based on activities which took place in the UK. We are clear that if he had solely undertaken the same preparatory activities outside of the UK, it would not have been possible to bring this prosecution. With over 400 UK-linked individuals having travelled to Syria, which is currently recognised as the global magnet for jihadists in the world today, it is vital that our legislation is as robust as it can be.

#### Consultation with the Director of Public Prosecutions

As I confirmed during the debate, key partners, including the CPS, were consulted during the development of this measure. They have indicated that the measure is likely to offer further practical and operational benefits in prosecuting individuals of concern and contributing to wider Government efforts to deal with the threat from foreign fighters, and are fully supportive of the measure.

#### Intercept, evidence and evidence-gathering



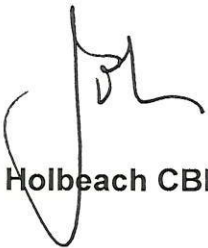
The offences contained at sections 5 and 6 of the Terrorism Act 2006 are not altered by clause 68. This measure extends only the territorial extent of these two offences to ensure that preparation or training for terrorism that takes place outside of the UK is not beyond the reach of the law. We expect that prosecutions under these offences would continue to be brought in accordance with current processes and that any matters relating to evidence gathering or disclosure of evidence would be managed in the usual way.

#### Clause 68 and TPIMs

Finally, you asked whether clause 68 would remove the need for Terrorism Prevention and Investigation Measures (TPIMs). Prosecution is always our preferred route to deal with terrorists. Clause 68 will help to ensure that where there is sufficient evidence to support a prosecution under section 5 or 6 of the Terrorism Act 2006, and it is in the public interest to do so, the CPS will consider bringing proceedings with a view to securing the conviction and imprisonment of the accused. When we can't prosecute or deport, TPIMs remain an important tool available to the police and Security Service to apply for in cases where it is believed necessary and proportionate to do so.

I hope that this clarifies the Government's position.

I am copying this letter to Baroness Smith of Basildon, Baroness Hamwee and Lord Laming. A copy will be sent to all Peers who have spoken during our debates on this Bill, and I will place a copy in the Library of the House.

W.H.      best  
        


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