

News story

Islamist terrorist group Hamas banned in the UK

Government proscribes terrorist group Hamas in its entirety

From: [Home Office](#) and [The Rt Hon Priti Patel MP](#)

Published 26 November 2021



The Islamist terrorist group Hamas has today become a proscribed terrorist organisation in the UK in its entirety, following Parliament's approval of an Order which was laid in Parliament on Friday (19 November).

This means that members of Hamas or those who invite support for the group could be jailed for up to 14 years.

The group's listing has been amended in the list of proscribed organisations to reflect this change.

<https://www.gov.uk/government/news/islamist-terrorist-group-hamas-banned-in-the-uk>

Press release

Home Secretary to ban Hamas from UK

This action will support efforts to protect the British public and the international community in the global fight against terrorism.

From: [Home Office](#) and [The Rt Hon Priti Patel MP](#)

Published 19 November 2021



Priti Patel has today (19 November) laid before Parliament an order to outlaw the militant Islamist terrorist movement Hamas in its entirety from the UK.

Hamas is an organisation which calls for the establishment of a Islamic Palestinian state under Sharia law and has repeatedly called for the destruction of Israel. It has long been involved in significant terrorist violence.

The organisation's military wing is already banned in the UK but following a new assessment the Home Secretary has concluded it should be proscribed in its entirety. This action will support efforts to protect the British public and the international community in the global fight against terrorism. Hamas is already listed in its entirety by the United States and European Union.

Proscription makes it a criminal offence to be a member of, or invite support for the group, with those found guilty facing up to 14 years in prison.

Today Home Secretary Priti Patel will give a keynote speech on security and counter terrorism at the Heritage Foundation in Washington DC.

She will say:

Today the UK Government has laid an order in Parliament to proscribe Hamas in its entirety - including its political wing.

Hamas has significant terrorist capability, including access to extensive and sophisticated weaponry as well as terrorist training facilities, and it has long been involved in significant terrorist violence.

Hamas commits, participates, prepares for and promotes and encourages terrorism. If we tolerate extremism, it will erode the rock of security.

Hamas' military wing was proscribed by the UK in March 2001. At the time it was the Government's assessment that there was a distinction between the political and military wings of the group. This distinction is now assessed to be artificial, with Hamas as an organisation involved in committing, participating, preparing for, and encouraging acts of terrorism.

Proscribing organisations in the UK makes it difficult for extremists to operate. As well as criminalising membership and support, it supports the takedown of online content.

Hamas is one of 78 terrorist groups proscribed in the UK and the third proscription order laid by the Home Secretary within the last year.

The Home Secretary's decision to proscribe Hamas follows advice from the Proscription Review Group, which brings together experts from across Government including representatives from operational partners and the intelligence community.

The proscription order laid before Parliament on 19 November will now be debated and, subject to approval, will come into force on 26 November.

<https://www.gov.uk/government/news/home-secretary-to-ban-hamas-from-uk>

Proscribed terrorist groups or organisations

Updated 26 November 2021

Harakat al-Muqawamah al-Islamiyyah (Hamas) – Proscription extended November 2021

Hamas is a militant Islamist movement that was established in 1987, following the first Palestinian intifada. Its ideology is related to that of the Muslim Brotherhood combined with Palestinian nationalism. Its main aims are to liberate Palestine from Israeli occupation, the establishment of an Islamic state under Sharia law and the destruction of Israel (although Hamas no longer demands the destruction of Israel in its Covenant). The group operates in Israel and the Occupied Palestinian Territories. Hamas formally established Hamas IDQ in 1992. Hamas IDQ was proscribed by the UK in March 2001. At the time it was Her Majesty's Government's assessment that there was a sufficient distinction between the so called political and military wings of Hamas, such that they should be treated as different organisations, and that only the military wing was concerned in terrorism. The government now assess that the approach of distinguishing between the various parts of Hamas is artificial. Hamas is a complex but single terrorist organisation.

Hamas commits and participates in terrorism. Hamas has used indiscriminate rocket or mortar attacks, and raids against Israeli targets. During the May 2021 conflict, over 4,000 rockets were fired indiscriminately into Israel. Civilians, including 2 Israeli children, were killed as a result. Palestinian militant groups, including Hamas, frequently use incendiary balloons to launch attacks from Gaza into southern Israel. There was a spate of incendiary balloon attacks from Gaza during June and July 2021, causing fires in communities in southern Israel that resulted in serious damage to property.

Hamas also prepares for acts of terrorism. One incident of preparatory activity is that Hamas recently launched summer camps in Gaza which focus on training groups, including minors, to fight. This is evidence of Hamas being responsible for running terrorist training camps in the region. In a press statement, Hamas described the aim of these camps as to “ignite the embers of Jihad in the liberation generation, cultivate Islamic values and prepare the expected victory army to liberate Palestine”.

<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>

STATUTORY INSTRUMENTS

2021 No. 1318

**PREVENTION AND
SUPPRESSION OF TERRORISM**

**The Terrorism Act 2000 (Proscribed
Organisations) (Amendment) (No. 3) Order 2021**

Made - - - - 25th November 2021

Coming into force - - 26th November 2021

The Secretary of State makes the following Order in exercise of the power conferred by section 3(3) (c) of the Terrorism Act 2000⁽¹⁾.

The Secretary of State believes that Harakat al Muqawama al-Islamiyya (Hamas) is concerned in terrorism⁽²⁾.

In accordance with section 123(4) of that Act, a draft of this Order was laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021 and comes into force on the day after the day on which it is made.

(2) This Order extends to the United Kingdom.

Proscribed organisation

2. In Schedule 2 to the Terrorism Act 2000 (Proscribed Organisations)⁽³⁾, for “ Hamas-Izz al-Din al-Qassem Brigades”, substitute “ Harakat al Muqawama al-Islamiyya (Hamas) ”.

(1) 2000 c.11. Section 3 was amended by sections 21 and 22 of the Terrorism Act 2006 (c. 11).

(2) “ Terrorism ” has the meaning in section 1(1) of the Terrorism Act 2000, as amended by the Terrorism Act 2006 and the Counter-Terrorism Act 2008 (c. 28).

(3) Schedule 2 has been amended by S.I. 2001/1261, 2002/2724, 2005/2892, 2006/2016, 2007/2184, 2008/1645, 2008/1931, 2010/611, 2011/108, 2012/1771, 2012/2937, 2013/1746, 2013/3172, 2014/927, 2014/1624, 2014/3189, 2015/55, 2015/959, 2016/391, 2016/770, 2016/1238, 2017/1325, 2019/406, 2019/1446, 2020/200, 2020/743, 2021/501 and 2021/853.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

25th November 2021

Priti Patel
Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of the Terrorism Act 2000 (c. 11) makes provision for the proscription of organisations (including setting out offences in relation to proscribed organisations in sections 11 to 13). An organisation is proscribed if it is listed in Schedule 2 to the Act or, in most cases, it operates under the same name as an organisation so listed (section 3(1)).

Article 2 substitutes the name of an entire organisation – commonly known as Hamas – for the name of the part of that organisation previously listed, so that the organisation is proscribed in its entirety.

A full impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.

EXPLANATORY MEMORANDUM TO
THE TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT)
(NO. 3) ORDER 2021

2021 No. 1318

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This Order amends the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000 (“the Act”) by amending the listing of “ Hamas Izz al-Din al-Qassem Brigades” to “Harakat al Muqawama al-Islamiyya (Hamas)” to the list of proscribed organisations “concerned in terrorism”.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This Order comes into force on the day after it is made. Although the 21-day convention does not apply to affirmative instruments, an instrument which imposes duties that are significantly more onerous than before should not usually be brought into force earlier than 21 days after it is made. This is such an instrument, as it has the effect of applying the offences in sections 11 to 13 of the Act to the organisations. However, any significant delay between the laying and coming into force of the Order would alert the organisation to its impending proscription and may result in pre-emptive action by the organisation’s members designed to circumvent the provisions of the Act and/or the criminal law.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the whole of the United Kingdom.
- 4.2 Subject to paragraph 4.3, the territorial application of this instrument is the whole of the United Kingdom.
- 4.3 Section 17 of the Terrorism Act 2006 makes provision for extra-territorial jurisdiction and has effect that where a person takes an action outside of the United Kingdom that if done in a part of the United Kingdom would have amounted to an offence under section 11 of the Act, they shall be guilty of that offence. Section 17 similarly applies to the offences under sections 12 and 13 of the Act, but only applies if at the time of committing the offence the person is a United Kingdom national or a United Kingdom resident.

5. European Convention on Human Rights

- 5.1 The Home Secretary Priti Patel has made the following statement regarding Human Rights:

“In my view the provisions of the Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 Section 3 of the Act provides a power to proscribe, by Order, an organisation which commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism. Section 21 of the Terrorism Act 2006 amended the grounds for proscription in section 3 of the Act to include organisations which unlawfully glorify the commission or preparation of acts of terrorism. Section 3 also allows the Secretary of State, by order, to remove an organisation from the list of proscribed organisations in Schedule 2 to the Act, or amend the Schedule in some other way. Twenty-eight Orders have been laid previously, in 2001, 2002, 2005, 2006, 2007, 2008 (2), 2010, 2011, 2012 (2), 2013 (2), 2014 (3), 2015 (2), 2016 (3), 2017, 2019 (2), 2020 (2) and 2021 (2).
- 6.2 The Secretary of State has regard to several factors in deciding, as a matter of discretion, whether or not to proscribe an organisation. These are:
- the nature and scale of the organisation’s activities;
 - the specific threat that it poses to the UK;
 - the specific threat that it poses to British nationals overseas;
 - the extent of the organisation’s presence in the UK; and
 - the need to support international partners in the fight against terrorism.
- 6.3 An organisation is proscribed in the UK as soon as the Order comes into force. It is a criminal offence for a person to belong to, or invite support for, a proscribed organisation. It is also a criminal offence to arrange a meeting to support a proscribed organisation; or to wear clothing or carry articles in public which rouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.
- 6.4 A proscribed organisation, or any person affected by the proscription of the organisation, may apply to the Secretary of State for deproscription and, if the Secretary of State refuses that application, the applicant may appeal to the Proscribed Organisations Appeal Commission.

7. Policy background

What is being done and why?

- 7.1 The Home Secretary has decided to exercise the proscription power in section 3 of the Act in respect of the following organisation.
- 7.2 Harakat al Muqawama al-Islamiyya (Hamas) is a militant Islamist movement that was established in 1987, following the first Palestinian intifada. Its ideology is related to that of the Muslim Brotherhood combined with Palestinian nationalism. Its main aims are to liberate Palestine from Israeli occupation, the establishment of an Islamic state under Sharia law and the destruction of Israel (although Hamas no longer demands the destruction of Israel in its Covenant). The group operates in Israel and the Occupied Palestinian Territories. Hamas formally established Hamas IDQ in 1992. Hamas IDQ was proscribed by the UK in March 2001. At the time it was Her Majesty’s Government’s assessment that there was a sufficient distinction between the so called political and military wings of Hamas, such that they should be treated as different organisations, and that only the military wing was concerned in terrorism. The

Government now assess that the approach of distinguishing between the various parts of Hamas is artificial. Hamas is a complex but single terrorist organisation.

- 7.3 The Government assess that Hamas commits and participates in terrorism. Two key examples put forward are:
 - 7.3.1 Hamas has used indiscriminate rocket or mortar attacks, and raids against Israeli targets. During the May 2021 conflict, over 4000 rockets were fired indiscriminately into Israel. Civilians, including two Israeli children, were killed as a result.
 - 7.3.2 Palestinian militant groups, including Hamas, frequently use incendiary balloons to launch attacks from Gaza into southern Israel. There was a spate of incendiary balloon attacks from Gaza during June and July 2021, causing fires in communities in southern Israel that resulted in serious damage to property.
- 7.4 The Government assesses that Hamas prepares for acts of terrorism. One incident of preparatory activity is that Hamas recently launched summer camps in Gaza which focus on training groups, including minors, to fight. This is evidence of Hamas being responsible for running terrorist training camps in the region. In a press statement, Hamas described the aim of these camps as to “ignite the embers of Jihad in the liberation generation, cultivate Islamic values and prepare the expected victory army to liberate Palestine”.
- 7.5 The Government also assesses that Hamas promotes and encourages terrorism.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

- 9.1 The Government does not assess that there is any need for consolidation measures.

10. Consultation outcome

- 10.1 No consultation has been undertaken in connection with this instrument.

11. Guidance

- 11.1 No guidance is necessary in connection with this instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 If a proscribed organisation, or any person affected by the proscription of the organisation, applies to the Secretary of State for deproscription, the proscription of the organisation will be reviewed.

15. Contact

- 15.1 The Counter-Terrorism Pursue Unit at the Home Office can answer any queries regarding the instrument and can be contacted at the Home Office, 5th Floor, Peel Building, 2 Marsham Street, London, SW1P 4DF. Telephone (9am-5pm): 020 7035 4848.
- 15.2 The Deputy Director for CT Pursue Unit at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Secretary of State for the Home Department can confirm that this Explanatory Memorandum meets the required standard.

Prevention and Suppression of Terrorism

Volume 704: debated on Wednesday 24 November 2021

NOV
24
2021

3.23pm

[The Minister for Security and Borders
\(Damian Hinds\)](#)

I beg to move,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021, which was laid before this House on 19 November, be approved.

This Government are committed to protecting the people of this country, and tackling terrorism in all its forms is clearly a critical and central part of that mission.

As the House will be aware, following the tragic death of our friend, Sir David Amess, last month, and the explosion outside Liverpool Women's Hospital earlier this month, the independent Joint Terrorism Analysis Centre raised the threat level in the UK from substantial to severe on 15 November. A severe threat level means that an attack is highly likely.

Terrorism poses a persistent and enduring threat to our way of life. Public protection must be our No.1 priority and we continue to work very closely with counter-terrorism, policing and the intelligence and security agencies in pursuit of that vital endeavour. The Government's position towards Hamas is well-documented.

[Crispin Blunt
\(Reigate\) \(Con\)](#)

While my right hon. Friend is on the subject of the assessment of the terrorist threat, will he say whether there is any assessment at all of any threat to the United Kingdom from Hamas?

[Damian Hinds](#)

I will come to the reasoning for the proscription order in this case.

As I was saying, we have a no-contact policy now with the entirety of the group, but we proscribe only the military wing.

[Steve McCabe](#)
[\(Birmingham, Selly Oak\) \(Lab\)](#)

Will the Minister give way?

[Damian Hinds](#)

Will the hon. Gentleman forgive me for a moment? I will give way, if that is all right, a wee bit later.

We mirror the EU sanctions in our own domestic regime against Hamas, also in their entirety. The Government condemn Hamas's indiscriminate and abhorrent rocket attacks and remain resolute in our commitment to Israel's security. We continue to call on Hamas permanently to end its incitement and rocket fire against Israel.

[Steve McCabe](#)

I support the measure. It seems to have cross-party support, which I welcome. It seems to me that it largely closes a few existing loopholes and brings us into line with the position of our allies. None the less, does the right hon. Gentleman agree that it does not close the door on Hamas participating in the political process? Were it to recognise Israel's right to exist and renounce violence and terrorism—in effect, accept the Quartet principles—it would be very welcome.

[Damian Hinds](#)

I am grateful to the hon. Gentleman for his intervention and for the support that he indicates for the measure. Our position on Hamas is clear and it is public. Hamas must renounce violence. It must recognise Israel and accept previously signed agreements. Credible moves must be made towards those conditions. They remain the benchmark against which intention should be judged.

[Tom Hunt](#)
[\(Ipswich\) \(Con\)](#)

rose—

[Damian Hinds](#)

I will take one more intervention and then, Madam Deputy Speaker, I suggest that I make some progress.

[Tom Hunt](#)

I thank the Minister for giving way. Last weekend, an Israeli tour guide was murdered in Jerusalem. My understanding is that the individual who committed that murder was a member of the political wing of Hamas. Surely that goes to prove that this arbitrary distinction between a military wing and a political wing is not accurate, and that, in its entirety, Hamas is a terrorist organisation and deserves to be labelled as such.

Damian Hinds

The incident that my hon. Friend mentions is a timely reminder, and our sympathies are very much with the victims and their families and friends. I will come on, if I may, to the important point that he raises about the distinction, or lack thereof, between the so-called political and military wings.

The threat posed by terrorist organisations varies depending on each group's ideology, membership and ability to train members. Groups such as Hamas train members in terrorism, as well as preparing and committing terrible acts of violence against innocent members of the public. We have a duty to our allies, as well as to our own people, to tackle groups that inspire and co-ordinate terror on the international stage. Although we can sadly never entirely eliminate the threat from terrorism, we must always do all that we can to act against and mitigate the danger it poses, and to seek to keep the public safe.

Some 78 terrorist organisations are proscribed under the Terrorism Act 2000. Thanks to the dedication, courage and skill of counter-terrorism policing, and our security and intelligence services, most of these groups have never carried out a successful attack on British soil. Proscription is a powerful tool for degrading terrorist organisations and I will explain the impact that it can have shortly. We propose to amend the existing listing of "Hamas-Izz al-Din al-Qassem Brigades", or Hamas IDQ, in schedule 2 of the Terrorism Act 2000 to cover Hamas in its entirety.

Under section 3 of TACT 2000, the Home Secretary has the power to proscribe an organisation if she believes that it is currently concerned in terrorism. If the statutory test is met, the Home Secretary may then exercise her discretion to proscribe that organisation. The Home Secretary considers a number of factors in considering whether to exercise her discretion. The relevant discretionary factors for Hamas are: the nature and scale of an organisation's activities; the specific threat posed to British nationals overseas; and the need to support other members of the international community in tackling terrorism.

The effect of proscription is to outlaw a listed organisation and ensure that it is unable to operate in the UK. Proscription is designed to degrade a group's ability to operate through various means, including: enabling prosecution for the various proscription offences; under- pinning immigration-related disruptions, including the exclusion from the UK of members of groups based overseas; making it possible to seize cash associated with an organisation; and sending a strong signal globally that a group is concerned in terrorism and is without legitimacy.

Mr Mark Harper (Forest of Dean) (Con)

On my right hon. Friend's latter point, is not one of the strongest reasons for proscribing the whole organisation to strengthen the role of moderate Palestinians and the ability of the Palestinian Authority to come to a peace agreement with Israel, and to send a clear message that extremists, who do not accept the existence of Israel and want to use violence, have no place in

this process? Is not that one of the strongest benefits of the proscription that my right hon. Friend is setting out?

[Damian Hinds](#)

The signalling and messaging are important, as are the practical effects of proscription. I will come briefly to the middle east peace process, and our continuing hopes for a peaceful and sustainable future for all.

It is a criminal offence for a person to belong to, support or arrange a meeting in support of a proscribed organisation. It is also a criminal offence to wear clothing or carry articles in public that arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation. The penalties for proscription offences are a maximum of 14 years in prison and/or an unlimited fine. Given the wide-ranging impact, the Home Secretary exercises her power to proscribe only after thoroughly reviewing the available evidence on an organisation. That includes open source material, intelligence material and advice that reflects consultation across Government, including with intelligence and law enforcement agencies. The cross-Government proscription review group supports the Home Secretary in her decision-making process. The Home Secretary's decision to proscribe is only taken after great care and consideration of the particular case, and it is appropriate that it must be approved by both Houses.

Having carefully considered all the evidence, the Home Secretary believes that Hamas in its entirety is concerned in terrorism and the discretionary factors support proscription. Although I am of course unable to comment on specific intelligence, I can provide the House with a summary of the group's activities. Hamas is a militant Islamist movement that was established in 1987. Its ideology is related to that of the Muslim Brotherhood combined with Palestinian nationalism. Its main aims are to liberate Palestine from Israeli occupation, the establishment of an Islamic state under sharia law and the destruction of Israel, although Hamas no longer demands the destruction of Israel in its covenant. The group operates in Israel and the Occupied Palestinian Territories.

[Jonathan Edwards](#)
[\(Carmarthen East and Dinefwr\) \(Ind\)](#)

My intervention is further to that of the right hon. Member for Forest of Dean (Mr Harper), who made the key point: what assessment have the British Government made of the impact of the measure on the internal political dynamics of the Palestinian Territories? Does it weaken Hamas, as the right hon. Member for Forest of Dean said, and help the moderate forces, or is there a danger that it might strengthen Hamas's hand?

Column 405 is located here

[Damian Hinds](#)

We are of course greatly concerned with what happens in-country and in-region. We want to see progress. We want to see the Palestinian Authority extending its governance. But this measure is specifically about the entity of Hamas. It is a proscription of a body because of its involvement in terrorism, and this debate and vote must focus on that specific question.

[Seema Malhotra](#)
[\(Feltham and Heston\) \(Lab/Co-op\)](#)

Will the Minister clarify what assessment has been made of important discussions that may need to go on in relation to humanitarian issues, education and healthcare, and how that will continue in the very important work that has to be done to support people in the Gaza strip?

[Damian Hinds](#)

The hon. Lady makes a very important point. If she will forgive me, I am coming to that a little later in my remarks, and I will cover it then.

Hamas formally established Hamas IDQ in 1992. IDQ was proscribed by the UK in March 2001. At the time, it was determined that there was a distinction between the political and military wings of Hamas, and that the only part of the organisation that was concerned in terrorism, and should therefore be proscribed, was the military wing. Over the past 20 years, as my hon. Friend the Member for Ipswich (Tom Hunt) said, Hamas's so-called military and political wings have grown closer together, with any distinction between them now considered to be artificial. The Government's assessment is that Hamas is a complex but single organisation made up of constituent parts, one of which includes Hamas IDQ. It is clear that these constituent parts are not wholly independent of Hamas's so-called political wing and that they take strategic direction from it. There is also movement of key individuals across the organisation as well as, of course, a shared ideology. It is clear that the current proscription listing of Hamas does not reflect its true structure, and that is why this order has been laid. The Home Secretary has a reasonable belief that Hamas, in its entirety, is concerned in terrorism. It is our assessment that the group prepares for, commits and participates in acts of terrorism. There is also evidence that the group promotes and encourages terrorism.

Indiscriminate rocket or mortar attacks against Israeli targets are key examples of Hamas committing this terrorism. During the May 2021 conflict, over 4,000 rockets were fired indiscriminately into Israel. Civilians, including two children, were killed as a result. The rocket attacks also targeted airports and maritime interests. Hamas also frequently uses incendiary balloons to launch attacks from Gaza into southern Israel. There was a spate of incendiary balloon attacks from Gaza into southern Israel during June and July 2021, causing fires and resulting in serious damage to property. These attacks were likely carried out by both Hamas and by Palestinian Islamic Jihad, which is already proscribed. Only last summer, Hamas launched camps in Gaza that focused on training groups, including minors, to fight. In a press statement Hamas described the aim of these camps as to "ignite the embers of jihad in the liberation generation, cultivate Islamic values, and prepare the expected victory army to liberate Palestine". This vile indoctrination of young people into the organisation's violent ideology shows how diametrically opposed it is to our country's core values.

The action we are taking is not a commentary on the ongoing tensions in Israel and the occupied Palestinian territories, nor is it a departure in any way from the Government's long-standing position on the middle east peace process. We continue to support a negotiated settlement leading to a safe and secure Israel alongside a viable and sovereign Palestinian state. This

decision is based on the Government's assessment that Hamas, in its entirety, is concerned in terrorism and that proscription is a proportionate action to take, and nothing more. Having concluded that the distinction maintained in the list of proscribed organisations is artificial, it is right that this is addressed. Hamas, in its entirety, is a terrorist organisation. We must be clear on this to avoid conferring legitimacy on any element of the organisation.

It goes without saying that this Government do not provide any assistance to Hamas or the Government structure in Gaza that is made up of Hamas members. However, to answer the point made by the hon. Member for Feltham and Heston (Seema Malhotra), this proscription will not prevent aid from reaching civilians in need. In Gaza we have strong controls in place to monitor spending and ensure that aid sent into the region reaches its intended beneficiaries.

To conclude, the enduring and wide-ranging nature of the threat from terrorism demands an agile approach and a comprehensive strategy. That includes confronting groups that participate in and prepare for acts of terrorism or unlawfully glorify horrific terrorist acts. We must use every tool at our disposal to prevent them from stirring up hatred and division in our communities. We will never be cowed by those who hate the values we hold dear. The safety and security of the public is our No. 1 priority, and I commend the order to the House.

3.40pm

[Nick Thomas-Symonds](#)
[\(Torfaen\) \(Lab\)](#)

I thank the Home Secretary for the letter she sent me on Friday, detailing her intention to bring forward this proscription motion and the reasons for its being considered at this time.

I start by outlining that the Opposition agree with the proscription motion and support the decision to proscribe Hamas in its entirety. As the Leader of the Opposition and I have repeatedly said, the first priority of any Government is the safety of its people and the protection of the public. I thank the members of the proscription review group for the vital work they do.

In the past month, this country has yet again faced the horror of two terror attacks. In Liverpool, a bomb was exploded outside the Liverpool Women's Hospital, with the taxi driver, David Perry, fleeing from the car and fortunately surviving that horrific situation. We think of him and all the people of Liverpool. Only yesterday, I and hon. Members across the House attended Westminster Cathedral for Sir David Amess's requiem mass, when he was laid to rest. That callous terrorist attack took the life of a much-loved Member of this House, leaving behind his family and friends. We think also of them today. Those incidents are the most sobering of reminders that any act of terrorism is designed to sow division and hatred. We always stand together against these attempts to drive us apart.

As the Minister set out, the proscription tool is a vital one in the fight against terrorism. We on the Opposition Benches appreciate the difficult balance that must be struck when considering the application of the test in section 3 of the Terrorism Act 2000. The previous Labour Government proscribed Hamas's military wing in 2001 and made the assessment that there was at that time a meaningful distinction between the military and political wings.

Looking at this situation today, 20 years on, the Government have set out that there is now no distinction between the military and political wings. They have said there is an

“interconnectivity (including movement of individuals into different leadership roles across Hamas’ various structures) and cooperation between Hamas’ constituent parts; and that Hamas’ constituent parts are not wholly independent of the so called political wing of the organisation and take strategic direction from it.”

Hamas, the Government have said, is certainly a complex organisation, but it is a “single terrorist organisation”, and the Opposition accept that.

The Minister gave a number of reasons in his opening remarks for why this step has been taken, noting Hamas’s significant terrorist capability, including access to sophisticated weaponry and training facilities. The proscription also affects the ability to raise money and means significant restrictions on any activity here in the UK.

I turn, however, to a wider discussion on the use of proscription. I would be grateful if, when the Minister responds to the debate, he addressed these points in his further remarks. First, public confidence in the process is important. While of course matters must often remain confidential for reasons of national security, to the extent that it is possible, transparency is crucial. Can the Minister reassure hon. Members how often the cross-Government proscription review group considers these matters, and that the decisions are always under review?

Secondly, proscription is only one of the measures available in our armoury to tackle terrorism. At whatever level and wherever it comes from, it depends on the proper resourcing of our counter-terrorist and mainstream policing. When terrible major incidents happen, it is not only the counter-terror budget that is affected; resources are inevitably drawn in from mainstream policing. In addition, I commend neighbourhood policing that provides not only reassurance in our communities but vital local intelligence in the fight against terrorism. Appropriate funding for all those areas of our policing is crucial.

In relation to this proscription, Members on both sides of the House remain committed to a negotiated settlement to the Israeli-Palestinian conflict that delivers a safe and secure Israel alongside a viable and sovereign Palestinian state. We know that meaningful dialogue that brings together those from both sides of the conflict to find a resolution offers the only prospect of a meaningful and lasting peace in the middle east.

Earlier this year, the conflict between Israel and Palestine erupted once again, with lives lost on both sides. Given our country’s important role in supporting peace talks, I ask the Minister to give his assessment of and reassurance on the impact that today’s decision will have on the prospect of securing a peaceful resolution to the conflict, and what he understands the implications are for future engagement with bodies including the Palestinian Legislative Council and the Palestinian Authority.

Similarly, as my hon. Friend the Member for Feltham and Heston (Seema Malhotra) said, could the Minister outline the impact that he foresees on non-governmental organisations supporting Palestinian civilians in Gaza and on British people who are there at the moment and their safety?

He gave a reassurance in his opening remarks about humanitarian aid still getting to where it is needed, but if he could expand on that and set out how he sees that happening in future, that would be helpful for Members on both sides of the House.

[Seema Malhotra](#)

My right hon. Friend is making an important speech. Does he agree that that must include giving guidance to the British consul general? Important visits happen that have an impact on many areas of policy and supporting NGOs on the ground. It is important to have that guidance to make sure that they can continue as they have been.

[Nick Thomas-Symonds](#)

I agree with my hon. Friend that guidance is vital and I hope that the Minister will address that point when he winds up.

As the Minister stated, the decision brings the United Kingdom into line with our allies the United States, Canada and the European Union, all of which have already proscribed Hamas in its entirety. I end by thanking our policing, especially counter-terror policing and our emergency services that, sadly and tragically, have been called into action many times in recent years. In the last few years, there have been several appalling attacks from the Manchester Arena bombing to the attacks on our democracy here in Parliament. Our world-leading security services have prevented 31 attacks since 2017; we thank them for their dangerous, careful and painstaking work.

Let us, too, mark the resolve and strength that our communities have shown in the face of such threats, which should give us cause for optimism. We continue to fight terrorism in all its forms and we support the motion.

3.48pm

[Robert Jenrick](#)
[\(Newark\) \(Con\)](#)

I take this opportunity—my first—to congratulate my right hon. Friend the Minister on his appointment to the role, which I can see that he is already performing exceptionally well, as I would expect. I thank him and my right hon. Friend the Home Secretary for their decision to proscribe Hamas in its entirety, which I strongly support. I also thank the shadow Home Secretary, the right hon. Member for Torfaen (Nick Thomas-Symonds); the shadow Foreign Secretary, the hon. Member for Wigan (Lisa Nandy); and the Leader of the Opposition for their important decision to support the Home Secretary's decision, which is to be welcomed wholeheartedly.

Last week, a young man, as we heard earlier—Eli Kay, a 26-year-old tour guide—was murdered as he was doing his business, walking around the old city in Jerusalem. His grandparents are well-respected members of the West Hampstead Jewish community, and he had deep links here in the United Kingdom. I think all of us would send our best wishes and our deepest condolences

to his grandparents and all those who knew him here in the UK. He was murdered by a Hamas terrorist—a Hamas terrorist who purported to be from the political wing of that organisation. That one young man’s brutal, unexpected and unexplainable death goes some way to explain why we as a country need to be proscribing the whole of the organisation that that murderer, that terrorist belonged to cannot reach into the heart of that individual and explain what motivated him to take the life of Eli Kay. I do not think any of us here can. That is terrorism—that is the unexplainable impact of terrorism. It is pure evil. We cannot accommodate terrorism. When someone uses the slaughter of innocent people to advance a political cause or a supposed political cause, at that point that cause becomes immoral and unjust, and they and the organisation that they stand for have to be eliminated from serious debate and serious discussion.

We have to take this issue seriously, and I am afraid at times in this country we do not. We have seen, just in the last few weeks, two very serious terrorist incidents. Most deeply we felt, of course, the loss of our friend and former colleague Sir David Amess, and of course we have seen a very serious incident—albeit one that could have been all the more serious—in Liverpool. We do not know, and it is not our role right now to speculate on, the true causes and motivations of either of those incidents, but we know enough to say that they were motivated by extremist individuals. That, again, should give us cause to redouble our efforts here to tackle extremism in all its forms, and that is why I think this effort, this move is so important.

As my right hon. Friend the Minister has said, the distinction between the political and the military wing of this organisation has for a very long time been entirely artificial, just as it was with Hezbollah, which we took similar action to proscribe in its entirety just a couple of years ago. It was an absurdity that, during the al-Quds Day rally, an individual could march through the streets of London shouting antisemitic remarks and waving the flag of Hezbollah, but get away with it because it was the flag of the political wing of Hezbollah, not the military wing. For exactly the same reasons as the former Home Secretary took action against Hezbollah, it is absolutely right that the current one does the same with respect to Hamas.

This action will be welcomed in the United Kingdom and by our friends and allies around the world, not just in the west—where the European Union, the United States, Australia and other countries have already done this—but in a number of Gulf states. I was in Bahrain at the weekend, and I can assure my right hon. Friend and Members of this House that the Government there support this action. It is entirely in line with what is happening in the middle east today. When I was in Bahrain on Saturday, I visited a synagogue with the former Bahraini ambassador to the United States who is both a woman and a Jew, and is now a senior member of the Government in Bahrain. Thanks to the Abraham accords, the whole atmosphere in much of the middle east is beginning to change.

This hatred between Muslims and Jews is a product of history, which we must consign to history. Organisations such as Hamas that stand for that hatred must be treated as the terrorist organisations they are. We only need to look at its charter to see that. Its preamble has a promise that Islam will “obliterate” Israel. Article 32 reads:

“Leaving the circle of struggle against Zionism is high treason”.

Article 15 reads:

“In the face of the Jews’ usurpation, it is compulsory that the banner of Jihad be raised.”

Article 7 reads:

“The Day of Judgment will not come about until Muslims fight Jews and kill them.”

This is an organisation that in its entirety deserves to be proscribed in the United Kingdom. By doing so, we will help to further isolate Hamas, we will hinder its ability to raise funds and spread its extremist ideologies, and we will bolster more moderate forces in Palestine and elsewhere in the middle east. I strongly support the Government’s action today, and it is extremely heartening that it is being conducted in a broadly cross-party approach.

Several hon. Members rose—

[Madam Deputy Speaker](#)
[\(Dame Rosie Winterton\)](#)

Order. Mr Percy, were you indicating that you might want to speak earlier—is that right?

[Andrew Percy](#)
[\(Brigg and Goole\) \(Con\)](#)

indicated assent.

[Madam Deputy Speaker](#)

Okay. The debate has to finish at 4.53 pm and I want to bring the Minister in with adequate time to respond, so I just warn Members that after the SNP spokesperson, I am likely to introduce a time limit of perhaps eight or nine minutes to give us a chance to get everybody in. I call Alyn Smith.

3.55pm

[Alyn Smith](#)
[\(Stirling\) \(SNP\)](#)

Thank you, Madam Deputy Speaker. I will endeavour to be brief too.

I think that across the House we all have a common endeavour: we all support a just peace in the middle east. That just peace will need to be based on dialogue, the rule of law and peaceful respect. Israel has a right to exist and a right to peace and security within its borders, but we also recognise that a deep injustice has been done to the Palestinian people, and that injustice is continuing. Everything in the middle east is connected to everything else, and it is important for all of us, as outsiders, to view it in totality rather than through a particular prism.

We believe that international law should be applied to all sides, and there are more than two sides to this dispute. Peace is made not among friends but among enemies, and difficult conversations with difficult people need to be taken forward to create the conditions for peace to happen. Dialogue is not supported by declaring stakeholders, however unpalatable, to be *persona non grata* or illegal. That said, we recognise, of course, the odious nature of Hamas. As a gay man, I need no reminder of the reality of that obnoxious organisation.

Proscribing all of Hamas will bring the UK in line with the US, all EU states, Japan and Canada, and Australia is in the process of adopting similar measures. We recognise the wider construct. However, we have unease at this proposal, and that unease boils down under three heads: the timing, the process, and the implications of this proposal in the real world.

On the timing, why is this being done now? I listened with great attention to the Minister. I did not find much I disagreed with, but I also did not find much that we could not have heard two or three years ago. Hamas was an odious organisation as the EU proscribed it; the UK took a different path. That that line is being changed now begs more questions than we have had answers today.

As recently as 18 months ago, in response to a written parliamentary question in June 2020, Minister Brokenshire set out the UK Government's position as follows:

“The political wing of Hamas is not proscribed as it is considered that there is a clear distinction between Hamas's military and political wings.”

That was the position very recently. I have not heard much today to suggest that much has changed. I would hate to think that this measure has been brought forward for domestic or, indeed, party political purposes, playing fast and loose with peace in the middle east—an issue that we must all take gravely seriously.

On the process, the Australian Parliament has just concluded a thoroughgoing review of this very question. Where was the UK Parliament's similar review? Where was the engagement of Parliament in these processes? I do not doubt that there has been a process, but this House has not heard much of it. The House needs far greater opportunity to scrutinise how we got to this proposal, rather than just the opportunity to nod it through. The Australian Parliament has reached broadly the same conclusion, so I am not necessarily disagreeing with the proposal; I am, however, querying how we got here.

As Members on both sides of the House have already asked, what consultation has there been with allies—especially countries, such as Qatar and Saudi Arabia, that do not proscribe Hamas but have back-channel dealings with it, on both finance and other matters? Crucially, what consultation has there been with the humanitarian non-governmental organisation community?

[Dr Philippa Whitford](#)
[\(Central Ayrshire\) \(SNP\)](#)

My hon. Friend will know that my husband and I spent 18 months as volunteers in Gaza in the early '90s and have been running a breast cancer project between Scotland and Gaza for the last five years. My concern—I apologise for being late due to the change of time and my slow speed of running—is this. Do we not need clarity on the position of small education and healthcare NGOs in Gaza supporting the 2 million people there? The work that I and my volunteers do inevitably involves the Ministry of Health because that is who runs the hospitals. It is simply unavoidable. I am afraid this will send a chill when I am trying to recruit breast cancer specialists in Scotland to keep supporting this wonderful project.

[Alyn Smith](#)

I am grateful to my hon. Friend for her intervention and I pay tribute to the work she has done over a long period and her humanitarian efforts in Gaza in particular.

I refer to the explanatory notes to this statutory instrument. The final sentence states:

“A full impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.”

I am glad to hear that, but I have to say that I find it quite unbelievable. I think it fits into a pattern of behaviour we have seen on the ground. The Minister will be aware of the Israeli Government banning six Palestinian humanitarian NGOs on deeply spurious grounds. I am concerned about anything that shuts down the space for dialogue and civil society in this conflict.

That is our final unease on this matter: the implications. What will be the effect—I would be grateful to the Minister if he could reassure me and I am open to that reassurance today—of this listing on NGOs, big and small, and on civil society? The reality in Gaza especially is that Hamas is a fact of life. You cannot get anything done—you cannot get aid delivered, you cannot have a medical project, you cannot have a civil society dialogue—without Hamas's active involvement one way or another. I do not say that as a matter of anything to be glad about, but it is the reality. How will this listing impact on the NGOs trying to promote dialogue and civil society, and trying to deliver humanitarian aid? Anything that would limit their activities or curtail their active involvement is surely a retrograde step. I would be grateful to the Minister if he could reassure us on the specific point that nothing in this measure or in the future will limit pragmatic humanitarian engagement within Gaza, and within Israel and Palestine. There is already a chill under way. Palestinian reconciliation between Hamas and Fatah has never been more important. I would hate to see anything done by this House that would limit the scope for that dialogue and engagement.

We all have a common aim in this process. I think everyone on all sides of the House today has indicated our clear support for justice and peace in the middle east, but surely the way to that peace is dialogue, and anything that limits that dialogue must be properly ventilated and properly scrutinised. From the SNP's perspective, we will not stand in the way of the proposal, but we

believe it needs far better scrutiny than we have been able to do today and will need far more scrutiny in future.

[Madam Deputy Speaker](#)
[\(Dame Rosie Winterton\)](#)

We will start with an eight-minute time limit. I may have to take that down, but we will start with that.

4.02pm

[Crispin Blunt](#)
[\(Reigate\) \(Con\)](#)

I draw the attention of the House to my entry in the Register of Members' Financial Interests, which I will return to at the end of my remarks if I do not run out of time.

First, we need to put the measure in context. The nearest parallel is the proscription of both wings of Hezbollah. In terms of practicality, our engagement with Lebanon is very much less than it is with Palestine and Israel. We are unable to talk to the four Ministries that have Hezbollah Ministers and the French are then seen as the lead western European nation in that space. Our relative position in the very troubled country of Lebanon—we have made difficulties for ourselves because of the extent of the popular support for Hezbollah in Lebanon—is significantly reduced from that.

Of course, Hezbollah is only part of the Government of Lebanon. The difficulty we are giving ourselves here is that the jurisdiction of Gaza is run by Hamas. Nearly 2 million people are administered by the local Administration, who, strangely enough, have their own security forces. If you were responsible for administering Gaza, you might rather need them in one form or another, otherwise you would find organisations such as Islamic Jihad or Islamic State providing security instead. This, therefore, is a complex and difficult question that we have to address. We have already taken a position on what is plainly the stupid, illegitimate and immoral mortaring of people where you cannot tell where the targets are, simply flying weapons over the wall, because you do not have the capacity to engage in that targeting of what would be legitimate targets under international law as resistance. Of course those acts are illegitimate. That is why they have been proscribed.

However, we need to be careful because people do have a right to resist, and we must understand that we are talking about an occupied people. The history is very long, going back to the Balfour declaration in 1917. We delivered half of the Balfour declaration, perhaps one of the great moral projects of the 20th century, where we gave the Jewish people, who had suffered the most appalling, the greatest crime in human history in the holocaust, as well as the pogroms and all the other oppression in European history and elsewhere, a safe place in the state of Israel. Obviously half of that declaration is undelivered—the bit that said it would not be done at the cost of the rights of the people already there. Of course it has been. That is undone. That is why we have the Balfour project, led by our former consul-general in Jerusalem, Sir Vincent Feen, who is working away to draw attention to the fact that the work is half done and the United Kingdom

still has to deliver the Balfour declaration. There is a duty on all of us to try to ensure that we assist—perhaps for the 21st century—a great process of reconciliation between the Palestinian and Jewish Israeli people to enable it to be an example of a great moral project where people come together to forge a future together. That is my hope.

My personal position is that the two-state solution is long gone. In the end, this will be resolved only by the peoples coming together, with us enabling and helping that to happen. I fear that the order does precisely the opposite.

Mr Harper

I do not want to misunderstand my hon. Friend. I have listened to him carefully. I agree with his last point about Britain wanting to encourage the Palestinian and the Israeli people to come together and live in harmony. When he was talking about the indiscriminate attacks that Hamas sends into Israel, he seemed to say that the only problem with them was that they were not more accurately targeted to kill certain Israelis, that they indiscriminately killed other Israelis, and that, if they targeted the weapons more accurately, that would be sort of okay. Did I hear him correctly? I fear that I may have misunderstood him but can he put me right? If that is so, I find that an offensive and extraordinary thing to say.

Crispin Blunt

Let us be careful what we are addressing on that narrow point. Under international law, you have a legal right to resist. Not only is the use of those weapons unlawful because they are untargeted and indiscriminate; it is also fantastically stupid because it gives the Israelis' argument about the threat they face from the Palestinian people its *raison d'être*. I deplore violence of any kind from the Palestinians because they are going to get smashed if they try to resist under international law. It is completely the wrong thing to do. That is why I want to work to give Palestinians assistance in finding a route to justice through using the law and the moral and legal authority that the Palestinian position has. Violence is a road to nowhere. That is why it ought to be condemned in terms of practicality as well as under the law where use of it is indiscriminate. But there is a position where resistance is allowed. For me, that "but" is wholly qualified by its stupidity, its inappropriateness and its uselessness in furthering the Palestinian cause. However, let us get back to the balance between the two sides.

The Israelis have been in gross breach of the fourth Geneva convention ever since the occupation of the territories in 1967, and the ensuing settlements are a grievous breach of international law. What has the United Kingdom done about it? What is the United Kingdom going to do about it? This is building the two-state solution out of existence; it is also taking territory that does not belong to Israel in a way that is proscribed by the Geneva conventions that came into force after the second world war.

Let us look at the contemporary position. Six non-governmental organisations have been proscribed by Israel. As I understand it, no evidence has yet been given to the British Government as to why that has happened. Why not? United Nations Relief and Works Agency funding from the United Kingdom is going from £70 million to £20 million, which puts a huge responsibility on civil society to try to make up the difference because of the desperate, desperate

situation in Gaza. What will the motion do? It will have a terrible, chilling effect on putting anything into Gaza, because Gaza is administered by the organisation that we are about to proscribe.

[Robert Jenrick](#)

As I understand it, my hon. Friend's central argument is that by enacting this measure we will make it more difficult for the United Kingdom to interact with Hamas or other organisations to pursue the peace process, or for NGOs from the United Kingdom to provide humanitarian support within Gaza. Is that argument not undermined by the fact that this measure has already been in place in the whole European Union, in the United States and among a number of other significant players in the middle east conflict for several years?

[Crispin Blunt](#)

No, because the motion goes further: it leaves "support" undefined, so it will be up to the courts to define what support means. The European Union's measures are very specific about finance and the movement of money, which can be traced and followed. This measure is much more far-reaching. We do not know exactly how far-reaching it will be or what its effect will be.

In the forthcoming vote of the UN General Assembly on the status of Jerusalem—a resolution sponsored by the Palestinians and the Jordanians—we appear to be about to change the long-standing British position of supporting the status quo in Jerusalem. The United Kingdom is apparently going to abstain; according to reports made to me, it is also actively working to get other countries to abstain and change their position.

Why is all that happening? Let us look at the statement that the Israeli Minister of Foreign Affairs put out on 19 November:

"The announcement anticipated today is the conclusion of an intimate and successful dialogue between Israel and the United Kingdom led by the Ministry of Foreign Affairs" and "the security services".

This will have a chilling effect on effective assistance to Gaza. The double standards of the west's position will be even more visible around the world. I say to my right hon. Friend the Member for Forest of Dean (Mr Harper), who spoke about supporting the moderates: given who had the majority on the Palestinian Legislative Council when it was last elected in 2006, how many of the Palestinians does he want to identify as extremist? If the purpose of our policy should be to undermine and remove the reasons for turning to violence, give Palestinians a route to justice that is legal and moral, and lead towards a negotiated settlement, what will be the effect of applying today's measure to the organisation that received most support the last time there was an election in Palestine?

Do I support Hamas? That is a little unlikely, speaking as the gay chair of the all-party parliamentary humanist group. But have I taken the trouble to try to understand political Islam? Yes, I have. When I was Chair of the Select Committee on Foreign Affairs, we completed an inquiry on it; our report is called "'Political Islam', and the Muslim Brotherhood Review". I

spent 20 years getting to know and trying to understand these people. My right hon. Friend the Member for Newark (Robert Jenrick) said:

“I cannot reach into the heart of that individual”.

I say to him: no, but you deserve to make every effort to understand the movement around that individual and whether it relates to why he came to that perspective.

We owe it to ourselves to understand the perspective of political Islamists in order that we can try to draw them in and draw them away from violence. I fear that the motion will do precisely the opposite.

4.14pm

[Wayne David](#)
[\(Caerphilly\) \(Lab\)](#)

I support the proscription of Hamas in its entirety as a terrorist organisation. Every protection and reassurance must be given to the Jewish community in this country, and antisemitism has no place in our society. I also appreciate that since we have left the European Union, the EU’s ban on Hamas in its entirety is no longer in place, and we must have an alternative measure in this country. However, I want to ask the Minister a number of questions. First, what advice did the Home Office receive from the Proscription Review Group? Was it comprehensive advice, or was there simply a feeling—which was judged by other means—that action of this kind was necessary?

I am also concerned about the fact that there appears to have been very little consultation, if any, with organisations and bodies that are engaged in conflict resolution efforts and humanitarian work in the occupied Palestinian territories and in Gaza in particular. Aid agencies such as Oxfam, Medical Aid for Palestinians and Save the Children do excellent work in Gaza, and the nature of their humanitarian work means that they have no choice but to engage with civilian agencies in Gaza which are under the control of Hamas. Indeed, it is impossible to enter Gaza without contact with Hamas agencies. In this context, I want to refer particularly to a non-governmental organisation, based in Britain, called IDEALS.

Since 2012, IDEALS has been supporting the development of a local limb reconstruction service in Gaza. Training fellowships at King’s College Hospital here in London have been provided for three orthopaedic surgeons, and there have been training fellowships for nurses and physiotherapists, helping to establish the multidisciplinary team that is required to provide such complex, long-term care in Gaza. Specialists from the hospital have also visited Gaza on many occasions to work alongside local colleagues, continue the training process, and provide clinical care for patients. That good work must continue. I am sure we are all united in supporting it, and I think it would be quite wrong if anything were done here that might impede its continuation.

I know that the Home Secretary and the Minister have no wish to obstruct the work of respected, effective charitable organisations such as IDEALS, Oxfam and Save the Children, so will the Minister now give a commitment that such agencies will not be inadvertently impacted by this

designation? I heard what he said earlier about governmental support for aid programmes in Gaza, but I am particularly concerned about non-governmental organisations, particularly smaller ones.

[Dr Whitford](#)

Does the hon. Gentleman share my concern that if there had to be an individual process rather than a general exemption for humanitarian work, that might be beyond some of the projects that are running in Gaza, and they would simply be lost?

[Wayne David](#)

These issues clearly need to be examined, and that is why I regret the lack of prior consultation and discussion. I ask the Minister to give a commitment that they will be looked into in great detail, and that that will be done in partnership with the organisations that could be impacted. I also ask him to give a cast-iron commitment to ensure that the good work to which a number of Members have referred will indeed be continued, and that there exists no impediment of any kind that will cause a material obstruction.

4.18pm

[Andrew Percy](#)
[\(Brigg and Goole\) \(Con\)](#)

I obviously support the Government on this important matter. I also pay tribute to the Opposition for the sensible approach that they have taken. Some important points have been made. The leader of the Scottish National party—or rather the Scottish National party spokesman, the hon. Member for Stirling (Alyn Smith)—[*Laughter.*] Well, perhaps he will be the next leader; we will see! Anyway, I think that he may have been trying a little too hard to disagree while agreeing, but he made some important points. However, I think the Minister went some considerable way to addressing those points in his opening remarks, and I also point to the decisions of other Governments around the world that broadly mirror what we have done and their continued and much needed humanitarian support and aid for the people of Gaza, and indeed more generally in the region. We all would absolutely—100%—want to see that continue, but of course this measure is incredibly important.

I was somewhat disappointed by the speech of my hon. Friend the Member for Reigate (Crispin Blunt). He seemed as blind as a flittermoose to the facts on the ground. He talked about occupation, which of course ended in Gaza in 2005; there is a debate to be had about the continuing restrictions but, on the actual occupation, Israel left Gaza in 2005. He talked about how we had created and made good on Balfour, but seemed to forget the other part of the story as to why the other elements of it had not been made good on and the culpability of Israel's neighbours in preventing the creation of a viable Arab state at the time of the creation of the state of Israel, so there was something lacking there. I was also slightly confused, as was my right hon. Friend the Member for Forest of Dean (Mr Harper), about his comments around weapons not being targeted enough and making them therefore legitimate to use against targets in Israel. I am sure he did not mean that, and I tried to decipher his response to my right hon. Friend but am still a bit confused about what he was saying.

Then of course there was a bit of an attack on the Ministry of Foreign Affairs in Israel, or so it seemed, which again is what too often happens in this debate: instead of having a conversation about what is a despotic antisemitic terror organisation, we again get back to talking about the activities of the Israeli Government, in this case a press release from the MFA. I think more important are comments by senior Hamas officials who say they want to cross the border and reach into the hearts of Jews and Israelis and rip them out. Those are the comments I am more interested in, rather than some press release from the MFA.

[Crispin Blunt](#)

First, I of course absolutely condemn violence—that is the only point I make on that. Secondly, it is hardly an attack on the Israeli Ministry of Foreign Affairs to read out a tweet by the Israeli Foreign Minister.

[Andrew Percy](#)

I was commenting on the application of that in the context of why we have reached this decision in the UK today; that was my criticism. But I will not focus my comments on the Ministry of Foreign Affairs of Israel, because we are here to talk about the terror organisation Hamas.

Comments have been made today about the targeting of British nationals and the threat to Brits, and we saw with the murder of Eli Kay this weekend how attacks from Hamas are targeted indiscriminately not just at Israelis but Brits in the country. I myself have spent time in Israel in bomb shelters as rockets have rained over from Gaza; it is not a pleasant experience, but Israelis are at least to a great degree protected from that.

[Stephen Hammond](#)
[\(Wimbledon\) \(Con\)](#)

I have been listening carefully to the debate and this is an extremely complex issue, but does my hon. Friend agree that, in essence, those who incite terror are as culpable as those who implement terror, and that is really what we are discussing this afternoon?

[Andrew Percy](#)

rose—

[Madam Deputy Speaker](#)
[\(Dame Rosie Winterton\)](#)

Order. Before the hon. Gentleman responds, let me say that I hope that even if such important interventions

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are taken, hon. Members will stick to the eight-minute limit, or else I will not be able to give a fair allocation to everybody.

[Andrew Percy](#)

As my constituency near-neighbour, Madam Deputy Speaker, you know how much I like the sound of my own voice—I am not alone in this place in that to be fair—but I will try to limit myself. My hon. Friend's comment is absolutely right. The crux is that this is an antisemitic, despotic terrorist dictatorship, effectively, in Gaza, guilty of war crimes, targeting civilians and hiding behind its own civilians. That is why I entirely support this measure, which the Minister put across in a very measured and thoughtful way, and I appreciate that.

The only sadness, when we get to the conclusion, is that life for Gazans will continue to be pretty horrendous. We must all work and strive towards a resolution that improves the lot of everyone in the region, especially those in Gaza who have to live under this regime and under the other restrictions that are placed on the people of Gaza. We have heard about the summary executions and the treatment of women and homosexuals. I recently read about the experience of a young gay man called Hamza, who described what had happened to him at the hands of Hamas:

“They arrested me, hanged me from the ceiling, beat me up and interrogated me for five days”.

They then made him sign confessions saying that he had had sexual relations with other Gazans who happened to be supporters of Fatah. Sadly, all of that will continue, as will the brutalisation of women, the summary executions and the trumped-up allegations of collaboration with the state of Israel. I welcome this measure today, but I do so with a great degree of sadness that life will continue in such a way for Gazans. I hope that all of us in this place will do everything we can to strive towards a peaceful resolution of the conflict in that part of the world.

4.25pm

[Hilary Benn](#)
[\(Leeds Central\) \(Lab\)](#)

I support this measure for the reason set out by the shadow Home Secretary, my right hon. Friend the Member for Torfaen (Nick Thomas-Symonds)—namely, that there is no doubt that the political wing of Hamas supports its military operations. As we have heard, these operations include attacks on Israeli civilians that are completely unacceptable.

We are all opposed to any use of indiscriminate violence in the middle east, but there has been a lot of it, with a terrible loss of life as a result. If we are honest, however, these repeated outbreaks of violence are the consequence of the absence of a political process. We all support a two-state solution—a safe and secure Israel living alongside a Palestinian state—but the shape of that state, which is needed to bring an end to the terrible suffering of the Palestinian people to which the hon. Member for Brigg and Goole (Andrew Percy) referred, is becoming less and less clear. Some argue that it has disappeared because of the growth of settlement building and annexation. The truth is that there is no peace process at the moment. In my view, that is because of an absence of courageous political leadership on both sides of the conflict.

I have always been greatly struck by the parallels between the middle east and Northern Ireland. Progress was eventually made to bring the Northern Ireland conflict to an end when the leaders realised that courage was required to find a different way forward. In the case of the Provisional IRA, its leaders eventually said to their troops, “We are not going to bomb Northern Ireland out of the United Kingdom; we have to lay down our bombs and bullets and engage in a political process.” Similarly, the Unionists took the step to sit side by side with their former sworn enemies. That took courage and a lot of quiet, patient and at times secret diplomacy. The Minister said that the Government’s policy was not to talk to Hamas. That was the Government’s stated policy in 1972 in respect of the IRA, but we now know that the Home Secretary met Gerry Adams and Martin McGuinness in secret to see whether a way forward could be found.

I am mentioning this because it is relevant to second of the two issues that I want to raise with the Minister, about the consequences of the order and how it will be applied in specific circumstances to specific organisations. The first issue relates to medical and humanitarian work; the second relates to the activities of groups such as Forward Thinking, a widely respected organisation that is trying to bring people together to find a peaceful way forward.

My hon. Friend the Member for Caerphilly (Wayne David) talked about the work of IDEALS, and other organisations have been referred to in the course of the debate. We know that in the case of IDEALS, NHS volunteers from all over the country have gone repeatedly to Gaza to advise very capable Palestinian surgeons—I have visited the main hospital in Gaza—on the management of the most complex injuries that arise from bombs, bullets and blasts. There is now more capacity than previously existed, precisely because of that work. The question that I want to put to the Minister is: will NHS staff be able to carry on doing that work without fear of prosecution? It has been pointed out that they have to talk to the authorities there in order to be able to do that work.

[Dr Whitford](#)

Does the right hon. Gentleman also recognise that because of the blockade it is impossible for doctors in Gaza to get out and train, and that we therefore have to bring the training to them?

[Hilary Benn](#)

I recognise that, and it is one of the consequences of the blockade that has affected the people of Gaza for a very long time.

Secondly, what about peacebuilding organisations such as Forward Thinking? Over the years, as the Minister may be aware, Forward Thinking has brought leaders of the parties to the conflict, from Israel and from the Palestinian side, to Britain and Northern Ireland to meet former foes who talk them through the journey they made that led from armed conflict to the Good Friday agreement. That has included leaders from Hamas. I have seen the work of Forward Thinking at first hand, and I have participated in some of it. It is deeply impressive and, in my view, very important.

The Home Office document, “Proscribed terrorist groups or organisations”, published in 2015, sets out the offence and draws attention to section 12(4), which “provides a defence, in the case

of a private meeting addressed by a member of a proscribed organisation, if a person can prove that they had no reasonable cause to believe that the address would support the proscribed organisation or advance its terrorist activities.

Further, the explanatory notes to the Terrorism Act 2000”— the explanatory notes are designed to help the courts and prosecutors in deciding whether it is in the public interest to prosecute—

“explain that the defence in section 12(4) is intended to permit the arrangement of ‘genuinely benign’ meetings...designed to encourage a designated group to engage in a peace process or facilitate delivery of humanitarian aid where this does not involve knowingly transferring assets to a designated organisation.”

There is also the question of journalists. On reading the guidance, it seems to me that the activities I have highlighted would not be caught by this order, but I look to the Minister for reassurance.

None of the individuals involved will want to fall foul of the law. I recognise what is said in the Home Office document but, for the kinds of organisations that a number of Members have raised, it is not a satisfactory answer to leave people in the following position: “Well, there is a defence. Hey, if you are prosecuted, you can go to court and advance the defence. You may win, you may not. You may be found guilty.”

Will the Crown Prosecution Service now produce guidelines on the implications of this kind of order for the activities to which I have drawn attention? I am aware that the independent reviewer of terrorism legislation suggested such guidance in 2018, and I understand that in October 2020 the Home Secretary said she had written to the Attorney General to ask her to discuss the question of such guidance with the Director of Public Prosecutions.

Can the Minister tell us how those discussions are going? That would help to reassure Members who want the good work of Forward Thinking to continue while supporting the order today. We have an obligation to the staff who do the work and to the trustees of the organisation, because what they are doing is self-evidently good and important work, and I hope it will be able to continue.

[Sarah Olney](#)
[\(Richmond Park\) \(LD\)](#)

rose—

[Jim Shannon](#)
[\(Strangford\) \(DUP\)](#)

rose—

[Madam Deputy Speaker](#)
[\(Dame Rosie Winterton\)](#)

I would like to call the Minister at 4.45 pm, so I ask the two remaining speakers to divide the time between themselves. It is about five minutes each.

4.33pm

[Sarah Olney](#)

Thank you, Madam Deputy Speaker. I will keep my remarks short.

The Government should undoubtedly be doing all they possibly can to combat terrorism and stamp out antisemitism wherever they find it. Within Gaza, Hamas's persecution of and discrimination against marginalised groups—including Jews, the LGBT+ community and women—civil society organisations and democratic opposition is abhorrent, and it is certainly true that Hamas's attitude to the conflict in Israel and Palestine, including its entrenched and extremist rhetoric, its antisemitic incitement and its refusal to recognise the state of Israel, is a significant barrier to peace.

That was only too apparent in the dreadful terrorist attack carried out by a Hamas operative in Jerusalem on Sunday, in which an Israeli citizen tragically lost their life, with others wounded. I hope that Members on both sides of the House will join me in paying tribute to those victims and their families. Those awful scenes underline the fact that this is a conflict, in which peace is desperately needed. It is needed for Israeli citizens and for Palestinians.

The military wing of Hamas is currently proscribed by the Government and has been for nearly 20 years, and rightly so. However, we have some concerns about the legislation before us today. Under the Counter-Terrorism and Border Security Act 2019, jurisdiction for offences relating to proscribed organisations was extended on an extra-territorial basis. Offences such as these carry a maximum sentence of 14 years in prison. We are seriously concerned that someone who meets the political wing of Hamas for the purposes of advancing peace, in the UK or even in a country where the political wing of Hamas is not proscribed, such as Palestine, could still be prosecuted for it in the UK. We must not risk criminalising those who work towards peace building and dialogue. There is a concern among UK charities who play an important role in working towards peace that this measure may impact them. There is genuine confusion about what this means for their work.

Worryingly, we have heard from such charities that the Home Office did not conduct a consultation regarding this step. If that is true, it is remarkably irresponsible. Those charities may find that overnight they are criminalised, with a risk of significant prison sentences, for work that they are currently undertaking, and have undertaken for years. Will the Minister commit to meeting charities such as Forward Thinking to discuss how this may impact them? Will the Government consider exemptions for British-based charities working on peace building and dialogue? I hope that Members in all parts of the House agree that it is vital that greater reassurance is provided to these charities, so does the Minister agree that the Crown Prosecution

Service should urgently bring forward prosecutorial guidance in England, to provide that certainty?

We also have concerns regarding the delivery of aid to Gaza; again, it is vital that this step does not obstruct or criminalise charities that are trying to improve the situation on the ground in Gaza. Have the UK Government carried out any assessment of how this might, for instance, impact the work of the United Nations Relief and Works Agency, which helps to assist the 1.4 million refugees in Palestine by delivering education, healthcare, and relief assistance? As we work towards peace in the region and a two-state solution, I urge the Government to take an approach that actively supports humanitarian and civil society efforts within Israel and Palestine to support peace. I hope that the Minister will consider this proposal, and I hope that the Government will address the concerns I have raised, and centre peace building and dialogue at the heart of their approach to this conflict.

4.36pm

[Jim Shannon](#)
[\(Strangford\) \(DUP\)](#)

First, let me welcome the Home Secretary's decision fully to proscribe Hamas. Many, including myself, will argue, "Better late than never. It is long overdue." Hamas's charter is unequivocal in setting out its objective of wiping the state of Israel off the map. Israel has a right to exist and its citizens have a right to normal life. I am unashamedly a friend and supporter of Israel. I supported it when I was in the Northern Ireland Assembly, in my previous job, and I have been on the same page on the issue in Westminster. Anyone who suggests that Hamas's objective is benign should take a look at its record. Since taking over Gaza in 2006, Hamas has been responsible for four major conflicts, the deaths of more than 6,000 civilians and countless war crimes, not least of which is firing thousands of rockets from Gaza into civilian areas in Israel. Hamas has also sent incendiary balloons from Palestine into Israel, and it has training camps where people are trained to kill, and that is what they do.

I do not quite understand some of the comments that have been made, but I do understand this: attacking civilian posts or civilians is wrong. If terrorists attack military bases, that is also wrong, and terrorists who do that deserve to have the full weight of the law taken against them. I am the MP representing Strangford in Northern Ireland, so obviously I understand only too well the murdering devilment, wickedness and evilness of the IRA; we are talking about the same wickedness and bloodthirsty terrorists that Hamas are as well. They deserve to be proscribed, and that is what I wish to see today.

I wish to place on record my thanks to the Israel Britain Alliance for its tireless campaigning on this issue. This decision will ensure that there is no longer any ambiguity about what Hamas is or about the consequences of supporting terrorism. Hamas glorifies atrocities and the murder of innocents—women, children and civilians. Those in Hamas deserve no mercy for what they have been doing over the years. This order will rightly categorise Hamas as a terrorist organisation, without caveat. It will force the media to properly record its designation as a terror organisation when it is referenced. I commend the right hon. Member for Newark (Robert Jenrick) for his comments and what he put forward, and I wholeheartedly support him in what he said. Perhaps

most significantly, the order destroys the argument used by Hamas and some in this place to pull their punches on and mitigate Hamas's nefarious and deadly activities.

We must protect the democratic countries and their democratic processes; terrorist organisations deserve to feel the full weight of the law. They are not the same; they are two different things—there is democracy and there is terrorism. Terrorism always needs to be put down and Hamas needs put down. It is not difficult for me to understand how Hamas's military and Hamas's politics are one and the same. I believe they are.

Will the Minister confirm to the House whether the proscription in this order will automatically cover Hamas's offshoot organisations—many suppression of terrorism orders come forward and another organisation always comes forward—or will we need to follow this process each time there is a name change and so on? I welcome what the Minister has said and look forward to the proscription of Hamas and every organisation like it.

4.40pm

[Damian Hinds](#)

The Home Secretary and I strongly believe that the proscription of Hamas IDQ should be extended to cover the entire organisation. Subject to the agreement of this House and the other place, the order will come into force on Friday 26 November.

Before continuing, I extend my thanks and pay tribute to the shadow Home Secretary, the right hon. Member for Torfaen (Nick Thomas-Symonds), for the tone and content of what he said, and for his support and that of his right hon. and hon. colleagues for the order. I join in the praise that he rightly gave to our counter-terrorism police, the rest of the policing family, the agencies and everybody who works so hard to keep us safe.

I shall try to address what the shadow Home Secretary said, starting specifically with the proscription review group. As he will know, it is a cross-Government group, chaired by the Home Office, that supports the Home Secretary in her decision making on proscription issues and remains active.

I absolutely reassure the hon. Member for Caerphilly (Wayne David) of the rigour of the process on this and every occasion. We constantly keep the list of proscribed organisations under review. The evidence for that is that over the past two years we have proscribed the extreme right-wing terrorist groups Sonnenkrieg Division, Feuerkrieg Division and Atomwaffen Division, as well as the militant white-supremacist group called the Base. We have also added four aliases to the list of proscribed organisations, as well as this order to extend the proscription of Hamas.

There was a question about whether there should be more consultation in respect of a proscription. Proscription is an Executive tool based on assessment from security departments and across Government. The proscription regime itself is scrutinised by the independent reviewer of terrorism legislation, who makes annual reports on how the Government use their counter-terrorism powers. Of course, in debating this order today, we have an opportunity to consider it specifically.

Jonathan Edwards

Successive incumbent independent reviewers of terrorism legislation have all argued for the introduction of timeliness in respect of proscription orders; are the British Government considering that?

Damian Hinds

We keep proscription—including not only whether organisations that are not proscribed should be but whether the proscription of those that are remains the correct and proportionate approach—under constant review.

The shadow Home Secretary and others asked implicitly—in fact, the hon. Member for Stirling (Alyn Smith), who spoke for the SNP, asked explicitly—why now? It is because we keep the response to terrorism under continual review. It is entirely appropriate that we take all available opportunities to strengthen the UK's response to domestic and international threats. The extension of the proscription of Hamas is part of that response. As I have said, the group in its entirety is assessed to be concerned with terrorism, with the lines that the Government had previously drawn between its constituent parts now being assessed as artificial.

My right hon. Friend the Member for Newark (Robert Jenrick) spoke movingly and with great passion about the terrible case of 26-year-old Eli Kay. Ultimately, it is a reminder of what we are discussing here—the end result of terror and why it is essential that our Government and Governments around the world be constantly attentive to the threat of terrorism and do what is required to mitigate that threat.

A number of colleagues across the House spoke about the position of NGOs and related matters. Implicitly, the question is, would this stop the work of UK NGOs or others in location? The shadow Home Secretary asked about that, as did the hon. Member for Caerphilly (Wayne David), the right hon. Member for Leeds Central (Hilary Benn) and others. The Government recently published guidance to support our NGOs to operate overseas in high-risk jurisdictions while complying with the counter-terrorism legislative framework and sanctions regime. A specific section refers to proscription, including how to operate around what are known as sections 11 to 13 offences. That is guidance, and we encourage our NGOs to seek legal advice in relation to specific activities and ensure compliance with terrorism legislation.

The UK will continue to work with international partners and NGOs to support the people of Gaza, including through our long-standing support of the United Nations—

Crispin Blunt

I think we would all be grateful for clarity on one specific issue. If those of us who want to continue to engage with people whom we know are members of Hamas and who are in leadership positions—in order to try to draw them into peace negotiations, the unification of the

Palestinian position and all the other things that we should be trying to do as parliamentarians engaged in that process—have made it clear that we have no support for Hamas as a movement, will we be at risk of prosecution?

[Damian Hinds](#)

I think my hon. Friend will appreciate that I am not in a position, standing at the Dispatch Box, to give guarantees about unspecified activities in which he or others may or may not be involved in the future. This is an order specifically to proscribe this organisation in its entirety. The legislation is clear about the activities that that covers, including support for the organisation, and particular ways of using emblems and so on in support of it, or in ways that would reasonably be considered to be in support of it, and I direct him to that guidance.

Let me come back to what I was saying about NGOs. We will continue to work with international partners and NGOs to support the people in Gaza. It is important to stress that a number of donor partners already list Hamas in its entirety and still continue to deliver significant humanitarian development programmes in the region. Specifically on the point raised—not with me, but with her colleague, the hon. Member for Stirling (Alyn Smith)—by the hon. Member for Central Ayrshire (Dr Whitford) about her charity work on breast cancer, for which I commend her, and more widely on the position of smaller NGOs, I am happy to follow that up with her separately if that is helpful.

Finally, a number of colleagues raised the overall position of the middle east peace process. The UK's long-standing position on that has not changed. We support a negotiated settlement leading to a safe and secure Israel living alongside a viable and sovereign Palestinian state, based on the 1967 borders, with agreed land swaps, Jerusalem as the shared capital of both states, and on a just, fair, agreed and realistic settlement for refugees. Proscription is not targeted at any particular faith, social grouping or ideological motivation. It is based on clear evidence that an organisation is concerned with terrorism as assessed by the Joint Terrorism Analysis Centre. We are clear that, based on the available evidence, it is appropriate for the Home Secretary to exercise her discretion to proscribe Hamas in its entirety. It is our duty to support the order to protect the public from the noxious ideologies that Hamas holds. That being the case, I urge hon. and right hon. Members across the House to support the order.

Question put and agreed to.

Resolved,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021, which was laid before this House on 19 November, be approved.

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<https://hansard.parliament.uk/commons/2021-11-24/debates/575EBB10-93BA-4D8C-8806-7504B5200AF2/PreventionAndSuppressionOfTerrorism>