



BRIEFING PAPER

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Terrorism in Great Britain: the statistics

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2. Stop and Search
3. Arrests
4. Pre-charge Detention
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6. Terrorist and Extremist Prisoners
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Summary

The beginning of the millennium saw an increased political focus on the threat of international terrorism, heightened by the attack on the Twin Towers on 11 September 2001. Only one year previous to 9/11, new counter-terrorism legislation had been passed in the UK. Designed to reform and extend state powers found in previous counter-terrorism legislation, the *Terrorism Act 2000* gave increased powers to the Home Secretary and the police to combat terrorism and moved the focus of counter-terrorist activities away from Northern Ireland to all forms of domestic and international terrorism throughout the UK.

In 2003, the Government introduced its counter-terrorism strategy, CONTEST. Now in its third iteration, CONTEST aims to reduce the risk to the UK from terrorism with four objectives:

- Pursue: to stop terrorist attacks
- Prevent: to stop people becoming terrorists or supporting terrorism
- Protect: to strengthen protection against a terrorist attack
- Prepare: to mitigate the impact of a terrorist attack

Statistics relating to terrorism and the use of counter-terrorist legislation have been collected by the Home Office since the 1970s. However, the publication and consistent collection of data was halted in 2001. Home Office statistical bulletins on terrorism statistics resumed in 2008, however there was a break in comparative data collation meaning the start date for the majority of data relating to the counter-terrorism legislation passed since the millennium is 11 September 2001, despite the *Terrorism Act* coming into force earlier that year.

This briefing examines the available statistics on terrorism since 2001 in Great Britain including:

- Deaths due to terrorism
- The use of stop and search legislation
- Terrorism arrests
- Pre-charge detention periods
- Prosecutions and convictions for terrorism
- Terrorist prisoners
- The use of Control Orders and TPIMs
- The number of foreign fighters fighting in Syria

The main source of data on terrorism in Great Britain is the Home Office statistical release, [Operation of police powers under the Terrorism Act 2000](#), which is a quarterly bulletin. This is the source of data used in this briefing, except where specified. The data in this paper generally covers the period until 31 December 2015, unless otherwise given. The next statistical release by the Home Office is expected at the end of June 2016, and will cover the full 2015/16 financial year.

With the exception of the number of deaths due to terrorism, data in this paper relates solely to Great Britain, i.e. England, Wales and Scotland. This is largely due to the application of different and more varied counter-terrorist legislation in Northern Ireland, and the different counting rules used in Northern Ireland's terrorism statistics, making it difficult to compare with the rest of the country. Terrorism statistics for Northern Ireland are available from the [Northern Ireland Office](#) and the [Police Service of Northern Ireland](#).

1. Deaths

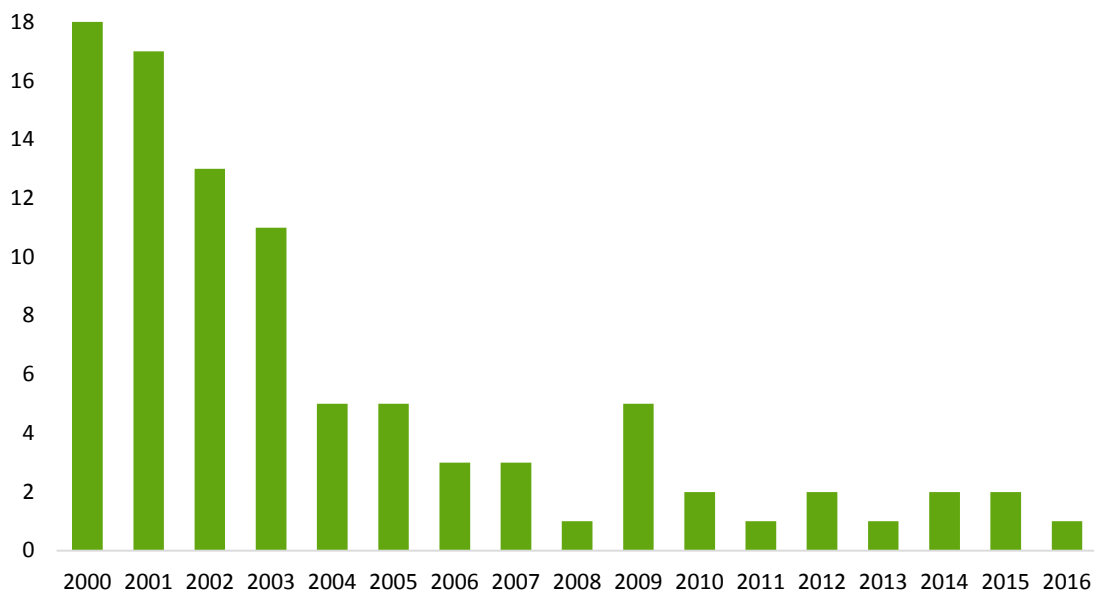
1.1 Great Britain

Since 11 September 2001 to date, there have been 53 deaths in Great Britain as a direct result of terrorist acts (excluding the perpetrators).¹ These were the 52 people killed as a result of the bombing in London on 7 July 2005, and the murder of Fusilier Lee Rigby on 22 May 2013.²

1.2 Northern Ireland

In Northern Ireland there have been 92 deaths due to the security situation since the turn of the millennium. The annual numbers have fallen significantly over the course of the peace process.

Chart 1: Deaths in Northern Ireland due to the security situation, by calendar year 2000 to 2015



Source: Police Service of Northern Ireland, [Security Situation Statistics 2014/15](#)

Box 1: Worldwide Acts of Terrorism

The [Global Terrorism Database](#) (GTD) is an open-source database run by the National Consortium for the Study of Terrorism and Responses (START) at the University of Maryland, contracted by the US Department of State to collate statistical data and information on terrorist events around the world. The Institute of Economics and Peace uses data from the GTD to produce the [Global Terrorism Index](#) (GTI) which measures the impact of terrorism in 162 countries and ranks them according to the index score. It should be noted that the GTD and GTI use a definition of terrorism which is different from that used by the security forces in the UK. As a result GTD and Home Office statistics are not comparable.

The US Department of State produces annual [Country Reports on Terrorism](#) as required under US law. These reports are quite detailed and consider a country's contribution to combating or encouraging worldwide terrorism as well as detailing recent operations, legislative changes and policy on terrorism in the country.

¹ The majority of data used in this paper has been collated from 11 September 2001 onwards. Limited data is available before this date.

² Office for National Statistics, [Focus on Violent Crime and Sexual Offences 2014/15](#), 2016, Appendix Table 2.08

2. Stop and Search

The *Terrorism Act 2000* introduced three new stop and search powers to assist police in the prevention, disruption and detection of terrorism.

2.1 Section 44 & 47A

Section 44 of the *Terrorism Act 2000* provided the power for a constable in uniform to stop and search any vehicle and its occupants, or any pedestrian, within an authorised area. Authorisation was to be given by a senior police officer of ACPO rank, and could be over any geographical area for up to 28 days, after which the authorisation could be renewed.³ Whilst the search was only to be, 'for the purpose of searching for articles of a kind which could be used in connection with terrorism', there was no requirement under section 44 for the police officer conducting the search to have grounds for reasonable suspicion that the person being searched may be involved in terrorism.⁴

Under section 44 there was no requirement for a police officer to have reasonable suspicion that a person was a terrorist.

Whilst the Act was amended to extend section 44 powers to the British Transport Police (BTP) and non-Home Office forces such as the Civil Nuclear Constabulary, thereby covering most of Great Britain, the use of this power remained overwhelmingly concentrated in London where a continuous rolling authorisation under section 44 remained in place from 2001 to 2009.⁵

The use of these wide ranging powers was highly controversial and in 2007 a challenge was brought before the European Court of Human Rights on the basis that these powers were contrary to Articles 5, 8, 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Delivering a final verdict in January 2010, the court ruled that, in *Gillan v United Kingdom*, the powers under section 44 were contrary to Article 8 – the right to a private and family right – but did not rule on whether the powers violated Articles 5, 10 and 11.⁶

Following the court's ruling, the powers under sections 44-47 were suspended by the Home Secretary on 8 July 2010, and after a Home Office review, repealed by the *Protection of Freedoms Act 2012*, s.59.

The *Terrorism Act 2000* was subsequently amended to include a new power under section 47A, allowing a constable in uniform to stop and search any vehicle, its occupants or any pedestrian in an authorised area, again without the need for reasonable suspicion. However, the authorisation required from a senior police officer under section 47A now has a significantly higher threshold than under section 44 powers: an authorising officer must now reasonably suspect that an act of

³ An ACPO rank is a rank of at least Assistant Chief Constable, or that of Commander in the City of London or Metropolitan Police. ACPO, the Association of Chief Police Officers, was replaced by the National Police Chiefs' Council on 1 April 2015.

⁴ [Section 45\(1\)\(a\) & \(b\) as enacted](#)

⁵ Lord Carlile of Berriew Q.C., *Report on the Operation in 2008 of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006*, 2009, paras 145-151. Also C. Walker, *Blackstone's Guide to the Anti-Terrorism Legislation*, 3rd Ed. 2014, 5.109.

⁶ *Gillan v United Kingdom* (4158/05) [\[2010\] ECHR 28](#)

terrorism will take place and consider that the authorisation is necessary to prevent any such act from occurring.⁷

To date nobody has been searched under the new section 47A stop and search powers.

Statistics

Between 2007/08 and its repeal, over 550,000 stop and searches were carried out under section 44 powers. Just over 3,000 searches (0.6%) led to an arrest being made.

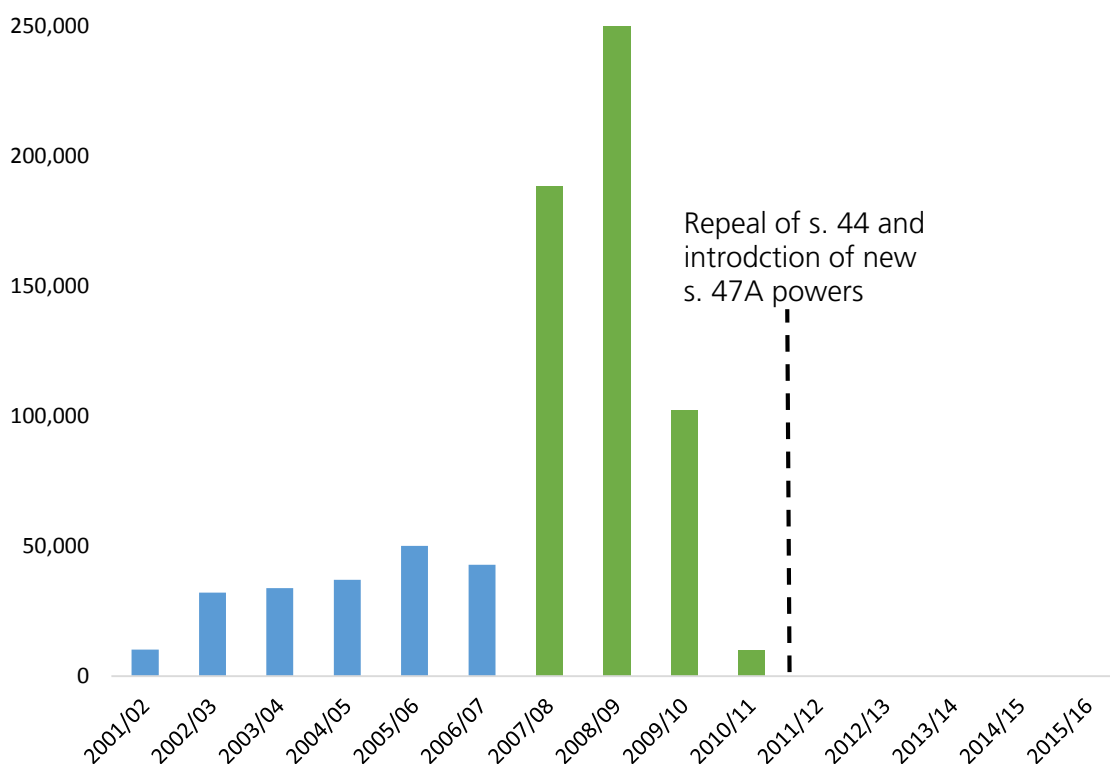
Of the 102,504 people stopped and searched in 2009/10, only 509 were arrested (0.5%), and only two arrests were terrorism related.

Of the 9,744 people searched under section 44 in 2010/11, 77 (0.8%) were arrested, only one of which was for a terrorism related offence.

To date no section 47A authorisations have been given and nobody has been searched under section 47A powers.

To date no section 47A authorisations have been given and nobody has been searched under section 47A powers.

Chart 2: The number of searches carried out under ss. 44 & 47A of the *Terrorism Act 2000* in Great Britain



Sources: Home Office & [PQ142003](#) [Terrorism Act 2000], 13 February 2013

Stop and search data prior to 2007/08 (coloured blue in the graph above) are less reliable and includes only forces in England and Wales (excluding the BTP). The data for 2007/08 onwards (coloured green) is for Great Britain and includes the BTP.

⁷ Section 47A(1)

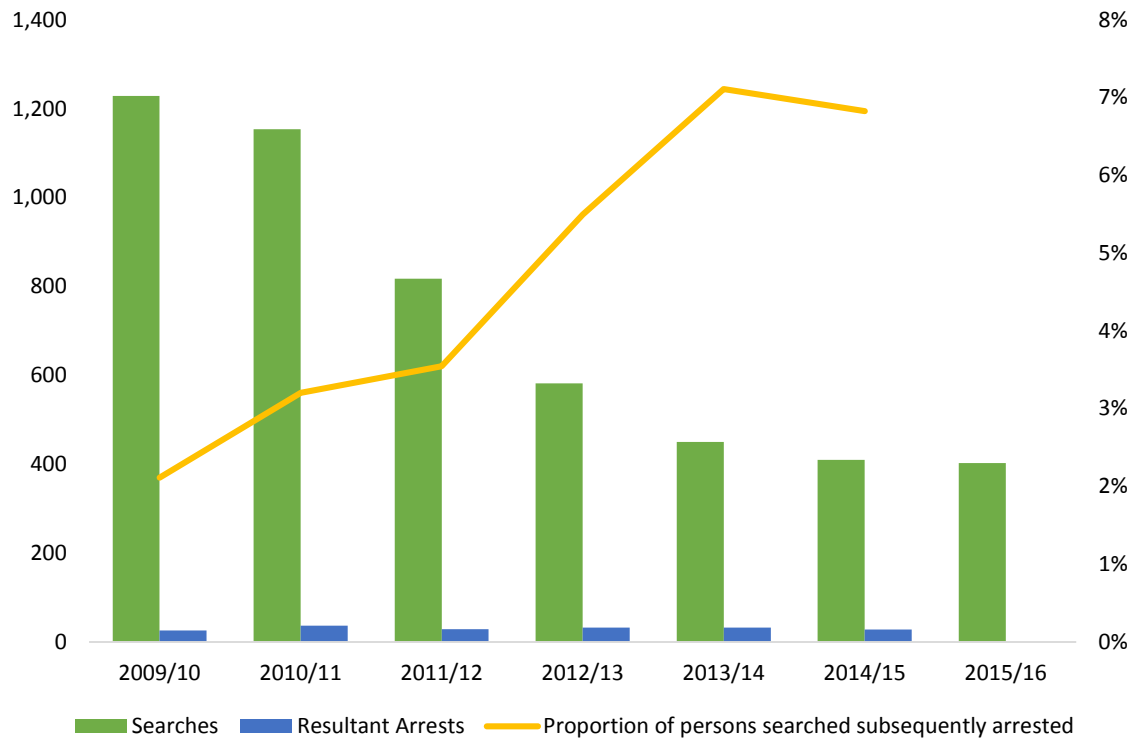
2.2 Section 43

Sections 43 and 43A of the *Terrorism Act 2000* authorise a constable to stop and search any person whom they reasonably suspect to be a terrorist, or any vehicle they reasonably believe is being used for terrorist purposes and its occupants.

Data on the use of these powers is only available for the Metropolitan Police Force and only from 1 April 2009 onwards.

Since 1 April 2009, there have been 5,046 stop and searches in London under section 43 powers.⁸ Approximately 4% of these (184) have resulted in a subsequent arrest.

Chart 3: Number of searches under s. 43 of the *Terrorism Act 2000* by the Metropolitan Police in London, number of resultant arrests and the proportion of those searched who were arrested



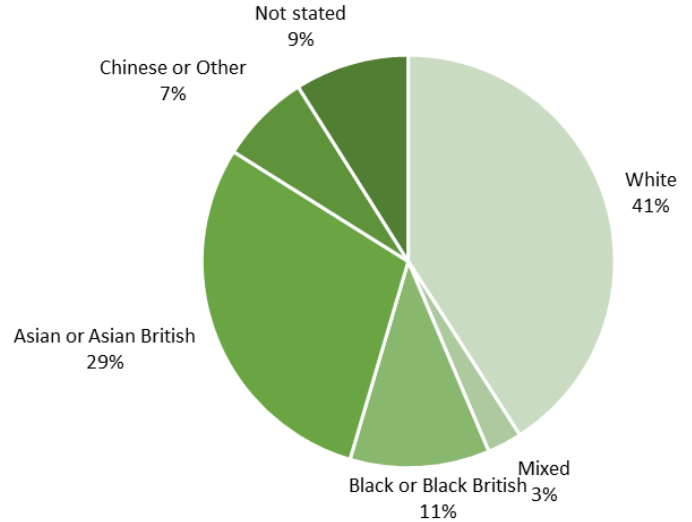
Note: 2015/16 is a part year to 31 December 2015. A figure for resultant arrests in 2015/16 is not yet available.

⁸ This figure excludes 'vehicle only' searches.

Ethnicity

When a person is stopped and searched under section 43, the searching officer notes details which includes asking the person their ethnicity.

Chart 4: Self-defined ethnicity of all people stopped and searched under s.43 powers by the Metropolitan Police since 1 April 2009

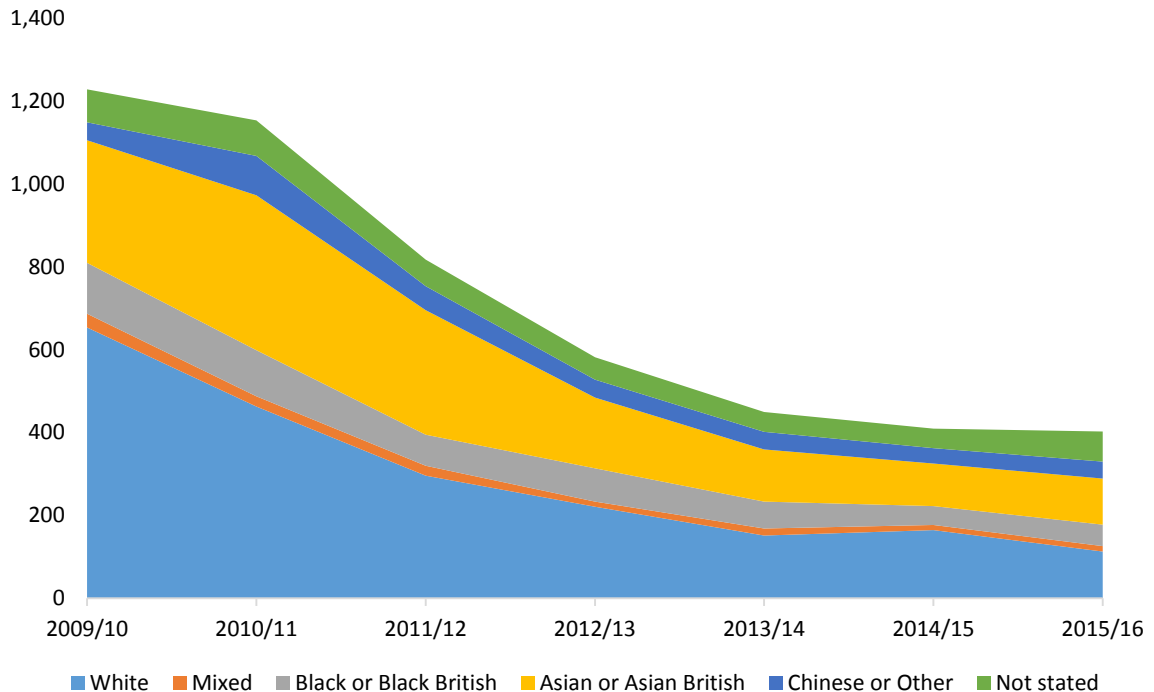


Of all the people stopped and searched in London under section 43 powers since 1 April 2009:

- 41% self-defined as White.
- 29% self-defined as Asian or Asian British
- 11% self-defined as Black or Black British

Whilst the overall number of searches conducted under section 43 powers has fallen dramatically in recent years, these proportions have remained relatively consistent:

Chart 5: Number of stop and searches carried out under s.43 by the Metropolitan Police since 1 April 2009, by ethnicity

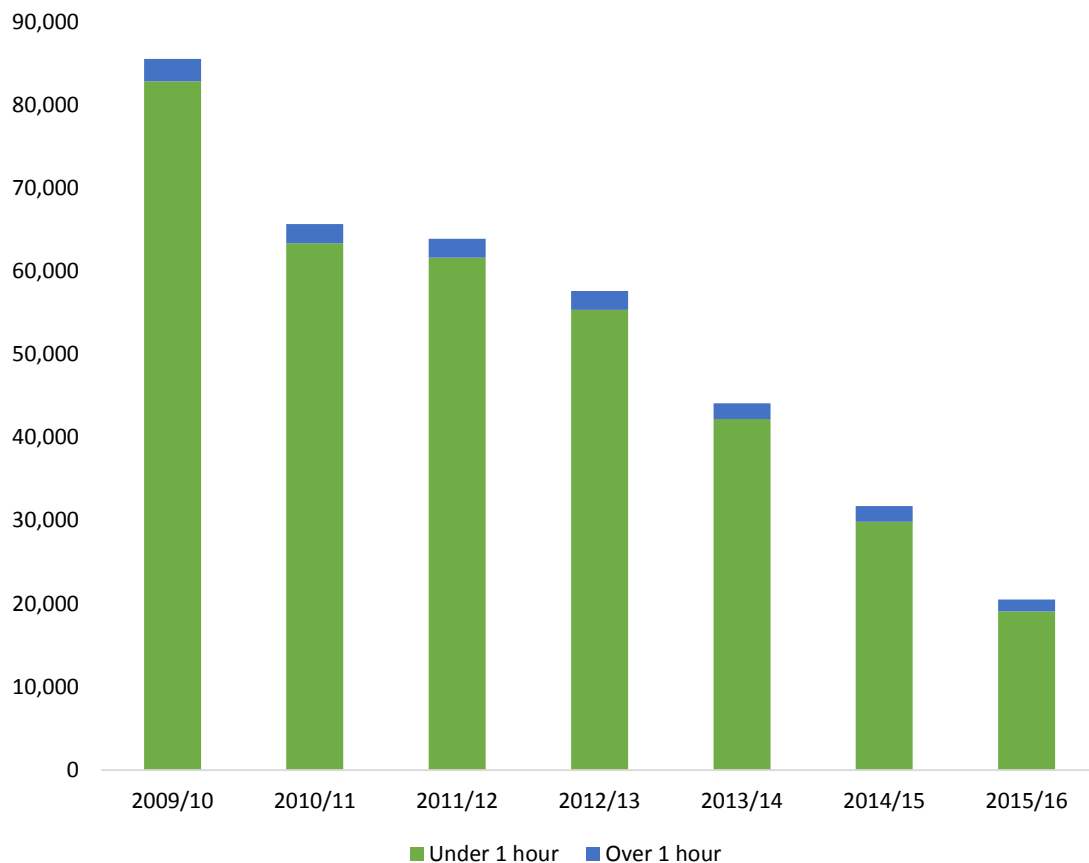


2.3 Port and Border Controls

Under Schedule 7 of the *Terrorism Act 2000*, an examining officer (meaning a constable, immigration officer or customs officer) may stop any person at a port who is entering or leaving Great Britain, or any person travelling by aircraft within, for the purpose of finding out if they are involved in terrorism. Examination allows the officer to question an individual and inspect their documents, search them or any vehicle (including ship or aircraft) and if necessary detain a person for up to nine hours.

Data on Schedule 7 examinations is only available from 1 April 2009. Since this date, there have been 369,163 examinations conducted, of which 4% lasted for over one hour. 5,515 people were detained under Schedule 7 powers for up to nine hours to allow for further investigation.

Chart 6: Number of examinations made under Schedule 7 of the *Terrorism Act 2000* since 1 April 2009, by length of examination

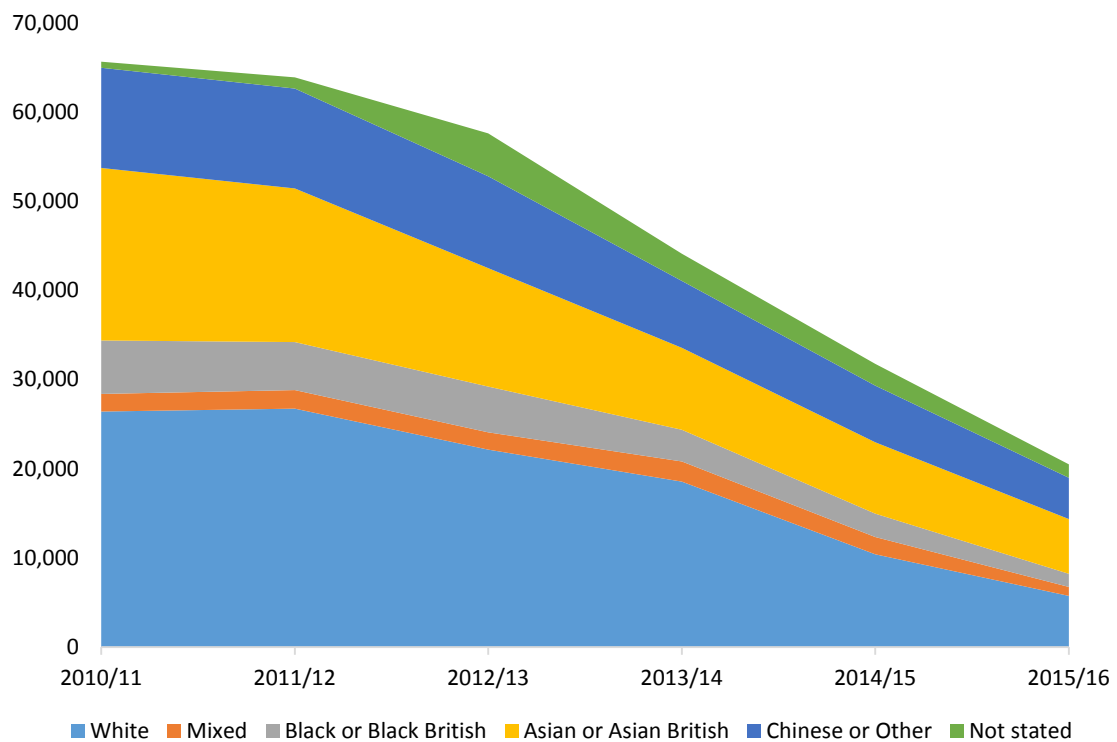


Ethnicity

Data on the ethnicity of those stopped under Schedule 7 powers is available from 1 April 2010. Of those stopped:

- 39% were of White ethnicity.
- 26% were Asian or Asian British.
- 8% were Black or Black British, and 18% were Chinese or other.
- 5% did not provide an ethnicity.

Chart 7: Number of examinations made under Schedule 7 of the Terrorism Act 2000 since 1 April 2010, by ethnicity of subject



Despite the decreasing number of examinations carried out under Schedule 7 powers, the above chart shows that these proportions have remained roughly consistent.

3. Arrests

3.1 Terrorism Related Arrests

An arrest is terrorism related if either at the time of arrest, or during any subsequent investigation, a constable suspects the arrested person to be involved in terrorism.⁹ A link to terrorism, whilst suspected, is not always substantiated (as can be seen in the outcomes data).

Section 41 of the *Terrorism Act 2000* gives a police constable the power to arrest a person whom they reasonably suspected to be a terrorist (see Box 2). Any person arrested under section 41 is then subject to the provisions within Schedule 8 which allow for the extension of that person's detention, prior to release or charge, beyond the normal limits (see section 4 below).

However, as a suspect's involvement in terrorism may only come to light following investigation, a person suspected of terrorism may initially be arrested under other powers: either the general powers of a constable (*Police and Criminal Evidence Act 1984*, s. 24, or Common Law in Scotland), or powers of arrest contained within other legislation.

Since 11 September 2001, there have been 3,157 terrorism related arrests, 1,792 (57%) of which were made under section 41 of the *Terrorism Act 2000*.

Section 41 of the Act came into force on 19 February 2001. Between then and 11 September that year, there were 38 arrests made under this Act.

Box 2: Definition of a Terrorist

A terrorist is defined under section 40 of the *Terrorism Act 2000* as any person who:

- Is a member of a proscribed terrorist organisation or incites support for such an organisation;
- Is involved with fundraising or money laundering for terrorism;
- Participates in or arranges weapons training;
- Directs a terrorist organisation;
- Possesses any article or collects any information for use in a terrorist act;
- Or incites terrorism overseas.

The definition also includes any person who is, or has been concerned in the commission, preparation or instigation of an act of terrorism.

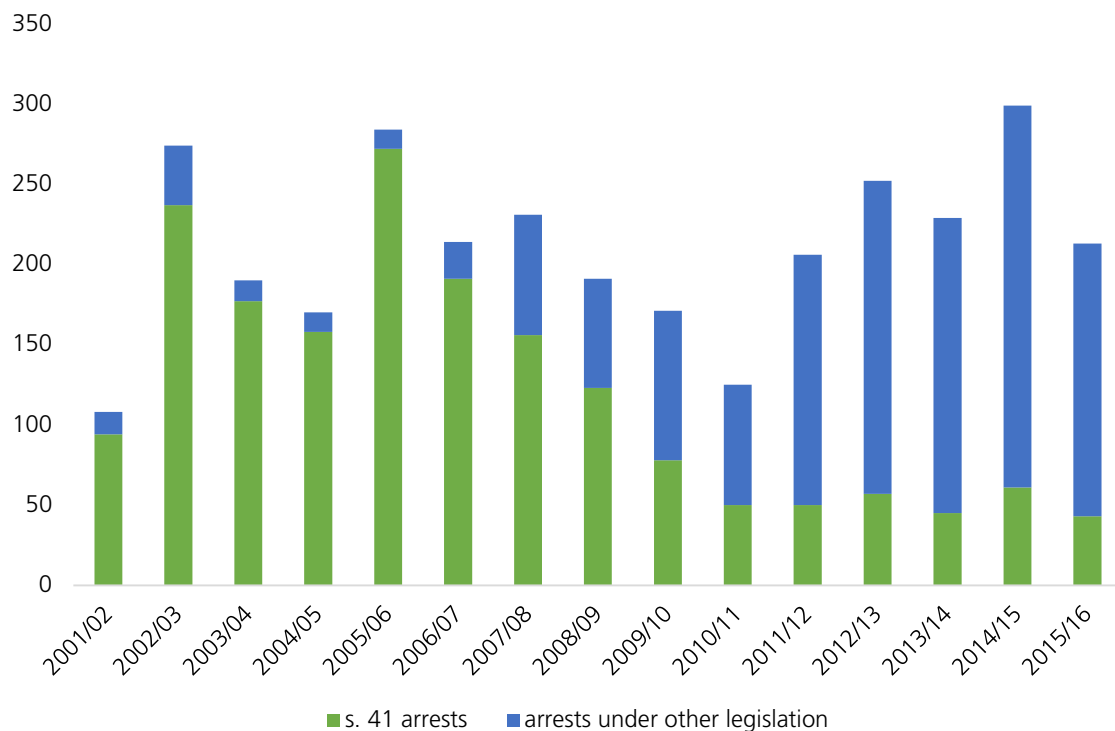
⁹ Home Office, [User guide to the operation of police powers under the Terrorism Act 2000 and subsequent legislation](#), 2015, p12

The following chart shows that in the six years after the introduction of the *Terrorism Act 2000*, there were a large number of arrests made under section 41, with an approximate average of 200 arrests made under this legislation each year. This compares with an average of 20 terrorism related arrests made under other legislation over the same period.

In contrast, over the six most recent years, the number of arrests made under section 41 of the *Terrorism Act* has dropped significantly to an average of about 50 per year, whilst terrorism related arrests made under other legislation have increased to about 170 per year.

The number of terrorism related arrests made in Great Britain since 2001 reached a peak in 2014/15 with 299 arrests made. The previous peak was in 2005/06 (the year of the 7 July London bombing and subsequent failed attack on London on 21 July).

Chart 8: Terrorism related arrests by reporting year, 11 September 2001 to 31 December 2015



What is notable about this data is not just the increasing number of terrorism related arrests being made over recent years, but the increasingly large proportion which are being made under non-terrorism legislation. There is no clear reason for this apparent change in preference of the police for arrests under PACE or common law powers over the specific power of arrest contained in the *Terrorism Act*.¹⁰ It could simply be due to practical reasons, or a more subconscious reaction by the arresting officers to the negative public opinions expressed over the years to many of the provisions of the *Terrorism Act*.

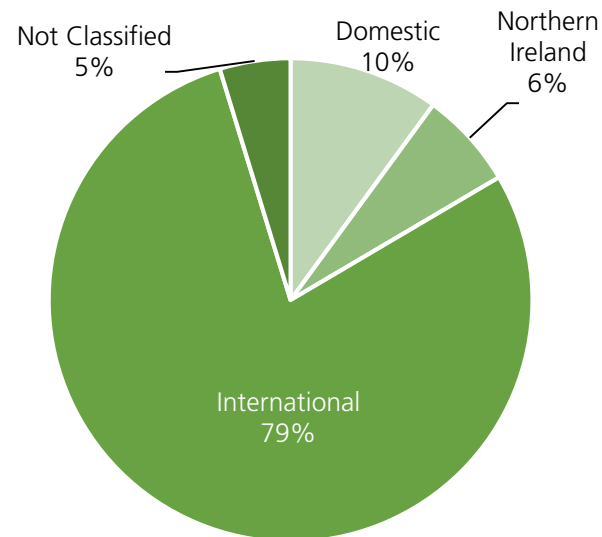
¹⁰ This is noted in D. Anderson Q.C., *The Terrorism Acts in 2014, 2015*, para 7.6 who recommends a detailed study of this recent phenomenon.

3.2 Categorisation of the Terrorist Link

When an arrested person is suspected of a terrorism related offence, the terrorist threat they are suspected to pose is categorised by ACPO's Counter Terrorism Coordination Centre (ACTCC). The categories are not mutually exclusive and may be amended during the course of an investigation. The possible categories are:

- **International** – activity linked to or motivated by a terrorist organisation based outwith the UK (this does not relate to the nationality of the suspect).
- **Northern Ireland** – activity supporting the actions or ideology of any Northern Ireland terrorist organisation.
- **Domestic** – terrorism other than International or Northern Ireland related.
- **Not Classified** – other suspected offences under terrorism legislation by individuals who are not thought to have any links to a terrorist group, e.g. failing to comply with border controls.

Chart 9: Categorisation of terrorism related arrests since 11 September 2001



The majority (79%) of terrorism related arrests made since 11 September 2001 have been classified by ACTCC as being related to international terrorism.

According to Assistant Commissioner Mark Rowley, the national police lead on counter terrorism, 46% of the terrorism related arrests made in 2014/15 were linked to Syria.¹¹ In contrast, in 2013/14, only 27% were linked to Syria.

¹¹ Figures provided to the House of Commons Library by the Metropolitan Police suggest 157 of 338 terrorism arrests made in 2014/15 were linked to Syria compared with 67 of 254 in 2013/14. Metropolitan Police, [Latest counter terrorism statistics announced](#), 14 May 2015, [accessed 1 September 2015].

3.3 Gender and Age

Overwhelmingly, the majority of people arrested for terrorism related offences are male: of the 3,157 people arrested between 11 September 2001 and 31 December 2015, 92% were male.

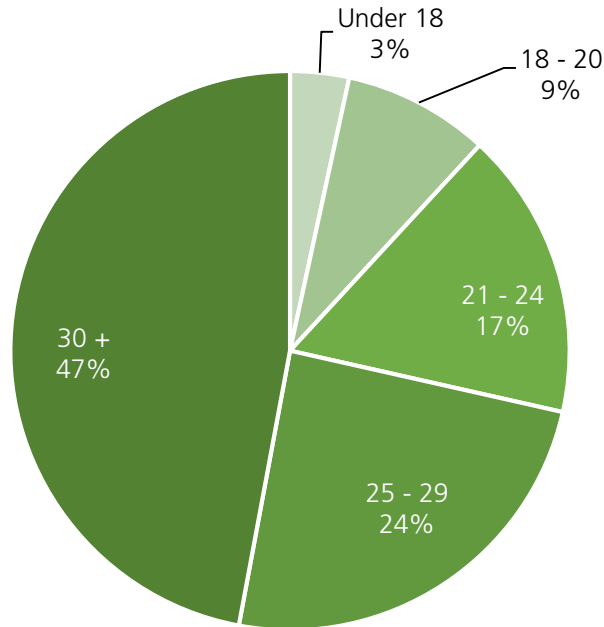
This proportion is maintained for the numbers of people charged, and again among those subsequently convicted of terrorism offences, with 93% of those convicted of terrorism related offences being male.

Terrorism related arrests since 11 September 2001 by gender of suspect, Great Britain

Year	Male	Female	Total Arrests
2001/02	105	3	108
2002/03	255	19	274
2003/04	175	15	190
2004/05	156	14	170
2005/06	269	15	284
2006/07	197	17	214
2007/08	217	14	231
2008/09	181	10	191
2009/10	160	11	171
2010/11	115	10	125
2011/12	183	23	206
2012/13	233	19	252
2013/14	202	27	229
2014/15	264	35	299
2015/16	181	32	213
	2,893	264	3,157
<i>As percentage</i>	<i>92%</i>	<i>8%</i>	

53% of people arrested for terrorism related offences were under the age of 30. 108 people (3%) were under the age of 18 at the time of arrest:

Chart 10: Age of persons arrested for terrorism related offences since 11 September 2001



Again, this proportion is broadly maintained through those who have been charged with terrorism related offences and subsequently convicted, with 60% of people convicted of terrorism related offences being under 30.

3.4 Ethnicity and Nationality

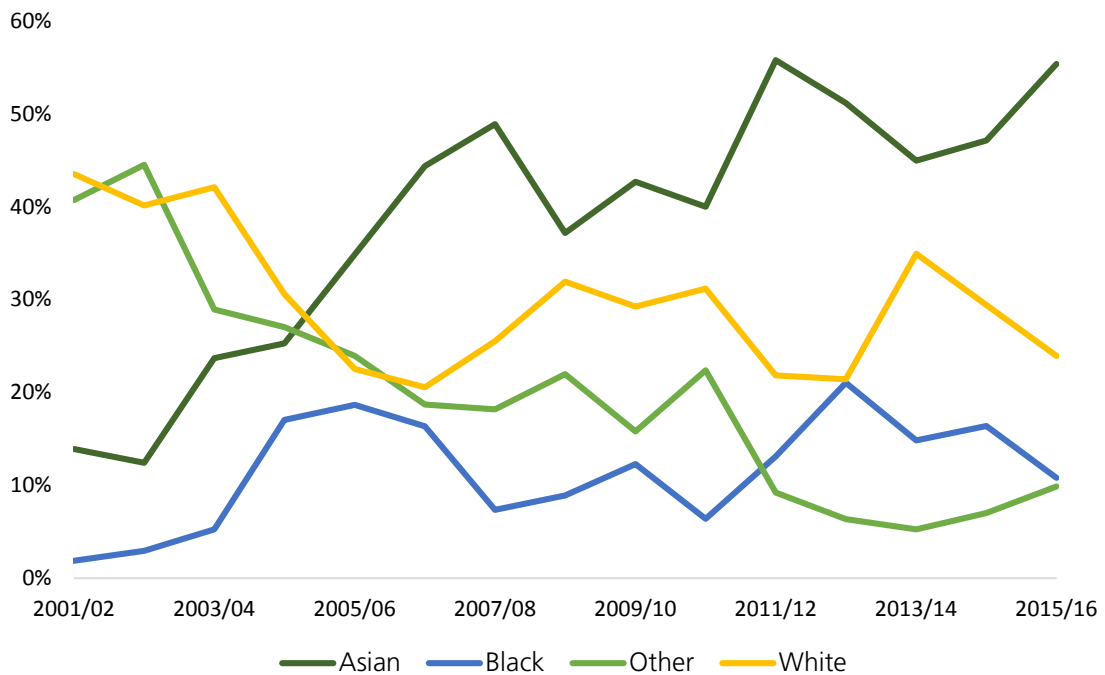
Ethnic Appearance

The ethnicity of a suspect is based upon the observation of a police officer at the time of arrest or charge.

Of those arrested for terrorism related offences since 11 September 2001, 39% were Asian, 29% White, 12% Black, and 19% Other or Not Known.

As shown by the graph below, data suggests that increasingly over the years, those arrested for terrorism related offences are of Asian ethnic appearance, whereas the proportion of those who are White or Other has declined.

Chart 11: Ethnic appearance of arrested persons as a percentage of all arrests, 11 September 2001 to 31 December 2015, by reporting year



Nationality

The majority of people arrested for terrorism related offences in Great Britain since 11 September 2001 have been British: 55% of people arrested for a terrorism related offence declared they were British nationals at the time of arrest.

Excluding those who are from the UK, most of those arrested are from Africa (26%), Asia (26%), Europe (23%) and the Middle East (20%).

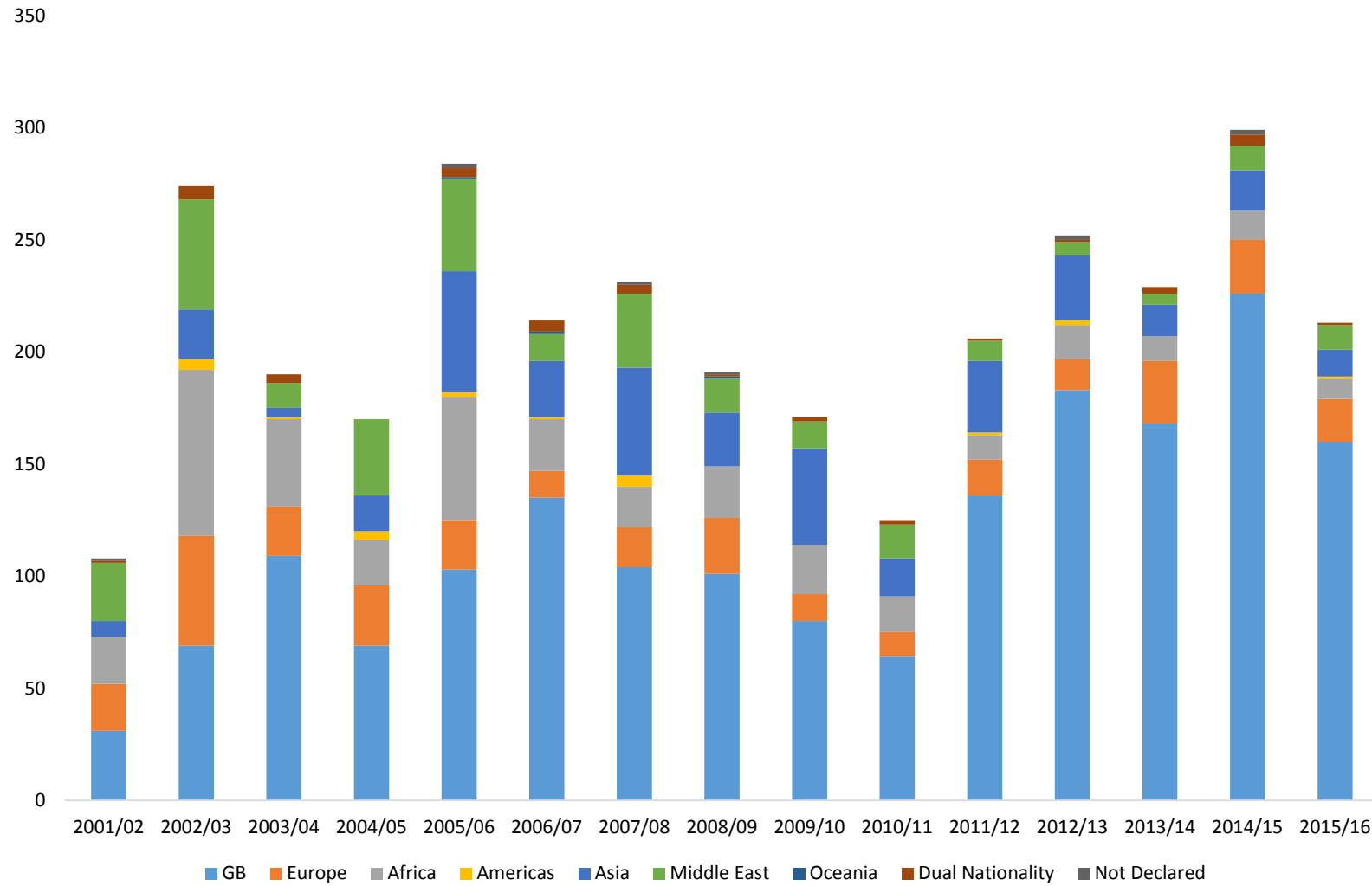
The top 10 non-British nationalities of persons arrested for terrorism related offences since 11 September 2001 are:

1. Algeria (158)
2. Pakistan (148)
3. Iraq (126)
4. Afghanistan (77)
5. Iran (65)
6. India (60)
7. Somalia (59)
8. Turkey (55)
9. Ireland (41)
10. Sri Lanka (33) & Bangladesh (33)

An increasingly large proportion of those arrested for terrorism offences are British nationals, with 75% of those arrested in 2015/16 being British. This is a fact that Met Assistant Commissioner, Mark Rowley, says indicates increased radicalisation and impact of Isil propaganda.¹²

¹² [Guardian, *Isis planning 'enormous and spectacular attacks', anti-terror chief warns*, 7 March 2016](#)

Chart 12: Self-defined nationality of people arrested for terrorism related offences by continent, 11 September 2001 to 31 December 2015, by reporting year



3.5 Religion

In September 2013, the Home Office published an additional briefing alongside the regular counter terrorism statistics release to include an analysis by religion.¹³ This was as part of the Government's response to the Independent Reviewer of Terrorism Legislation, David Anderson's 2011 review of the terrorism legislation, in which he noted that some Muslims perceived an automatic bias in the characterisation of attacks by Muslims as 'terrorism' by law enforcement, politicians and the press in contrast to other extremist groups.¹⁴

This, they say, results in discriminatory sentencing and cements popular perceptions of terrorism, at least in Great Britain, as crime perpetuated overwhelmingly by Muslims.¹⁵

Anderson said that he had found no evidence indicating discrimination along these lines.¹⁶ Likewise the Home Office analysis found no statistically significant differences between Muslim and non-Muslim offenders in the proportions charged, sentence length or seriousness of offence.¹⁷

When a person is arrested, charged or convicted, there is the option for them to self-report their religious beliefs, however there is no legal requirement for a person's religion to be recorded. In the Home Office statistical release, which considers people arrested for a terrorism related offence between 1 September 2001 and 31 August 2012, the religion was marked as unknown in 47% of cases.

Given the lack of a legal requirement for an individual's religion to be recorded when they are in custody, it is likely that some religions are over-recorded simply due to practical reasons (considerations such as dietary requirements for example). This means that it is potentially more likely Muslim religion will be recorded as opposed to somebody of Christian faith for example which may go unrecorded.

Between 1 September 2001 and 31 August 2012, there were 2,297 people arrested for terrorism related offences, of which 1,066 (46%) self-declared to be Muslim. 149 others reported being of a different religion or of no religion.

¹³ Home Office, [Terrorism arrests – analysis of charging and sentencing outcomes by religion](#), 2013

¹⁴ D. Anderson Q.C., [The Terrorism Acts in 2011](#), 2012

¹⁵ *Ibid.* p26

¹⁶ D. Anderson Q.C., [The Terrorism Acts in 2012](#), 2013, p129

¹⁷ D. Anderson Q.C., [The Terrorism Acts in 2013](#), 2014, pp68-9 and Home Office, [Terrorism arrests – analysis of charging and sentencing outcomes by religion](#), 2013

Number and proportion of people arrested for terrorism related offences, 1 September 2001 to 31 August 2012, by religion

Religion	Number Arrested	%
Muslim	1,066	46%
Other or no religion	149	6%
Unknown	1,082	47%
Total	2,297	100%

Of those arrested, 838 (36%) were subsequently charged, 61% (512) with a terrorism-related offence, 39% (326) with a non-terrorism related offence.

Number and proportion of people charged following a terrorism related arrest between 1 September 2001 and 31 August 2012

Religion	Terrorism Charge	%	Non-Terrorism Charge	%	All charged	%
Muslim	290	57%	146	45%	436	52%
Other or no religion	41	8%	14	4%	55	7%
Unknown	181	35%	166	51%	347	41%
Total	512	100%	326	100%	838	100%

The table below shows that following arrest, 41% of Muslims were subsequently charged compared with 37% of those of another or no religion: these differences are not statistically different and may be down to chance. However, a statistically significant difference was found between Muslims charged and those of an unknown religion.¹⁸

Number and proportion of people arrested and charged with a terrorism offence, 1 September 2001 and 31 August 2012

Religion	Arrested	Charged	% of those arrested	Charged with Terrorism Offence	% of those charged
Muslim	1,066	436	41%	290	67%
Other or no religion	149	55	37%	41	75%
Unknown	1,082	347	32%	181	52%
Total	2,297	838	36%	512	61%

The difference in proportions of Muslims and non-Muslims charged with a terrorism offence of those charged was also not statistically significant and could be explained by chance.

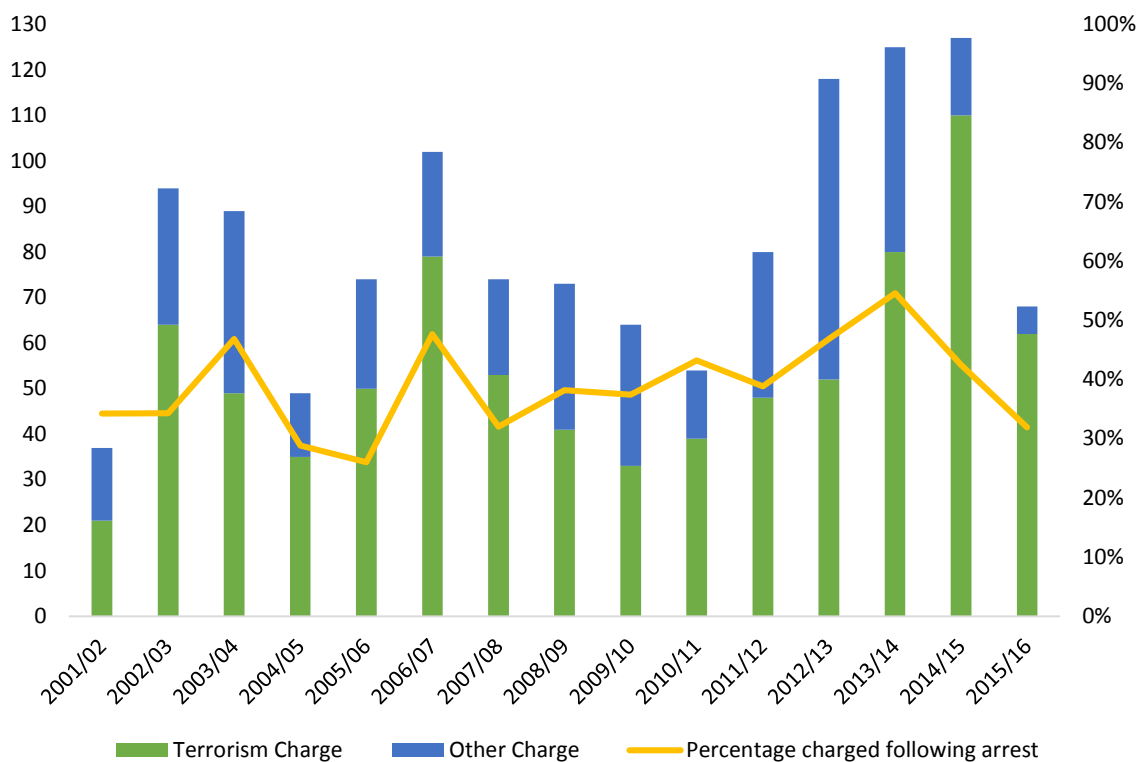
¹⁸ Home Office, [Terrorism arrests – analysis of charging and sentencing outcomes by religion](#), 2013, section 3

3.6 Charging Outcomes

Charges following terrorism related arrests are not limited to offences under terrorism legislation, nor does an initial arrest categorised as 'terrorism related' mean that the resulting outcome of any investigation need be classed as terrorism.

In total 39% of those arrested for terrorism related offences since 9/11 have been charged: 66% of charges labelled have been terrorism related.

Chart 13: Number and proportion of people charged with either a terrorism or non-terrorism related charge following a terrorism related arrest, 11 September 2001 – 31 December 2015



Note: suspects arrested in recent years are still potentially under investigation or released on bail pending further enquiries, meaning a proportion of cases are not complete. This could explain the drop in the percentage of those charged following arrest in 2014/15 and the part year 2015/16 to 31 December. These figures are likely to be revised up in future statistical releases from the Home Office.

The relatively low ratio of arrests to charges suggests that alongside the aim of investigating and prosecuting terrorists, key objectives of terrorism related arrests include opportunities for intelligence gathering as part of the Pursue strategy and deterrence and disruption under Protect.¹⁹

¹⁹ C. Walker, *Blackstone's Guide to the Anti-Terrorism Legislation*, 3rd Ed. 2014, 5.74

4. Pre-charge Detention

Section 41 of the *Terrorism Act 2000* gives a police constable the power to arrest a person, without warrant, if they reasonably suspect them to be a terrorist. Arrest under section 41 also provides the police with wider powers of investigation by extending the time limit for which a person may be detained without charge beyond the normal limits allowed under the *Police and Criminal Evidence Act 1984* in England and Wales, and the more restrictive *Criminal Procedure (Scotland) Act 1995*. These provisions extending the limit on pre-charge detention are contained within Schedule 8 of the *Terrorism Act 2000*.

The maximum period of detention allowed under section 41, currently 14 days, has been subject to considerable variation since 2001:

- 2001 to 2003: 7 days
- 2003 to 2006: 14 days
- 2006 to 2011: 28 days

Following a Home Office review in 2011, it was concluded that there was no routine requirement for 28 days detention, and a maximum of 14 days would suffice.²⁰ A limit of 14 days pre-charge detention, with an emergency power allowing for temporary extension to 28 days, was set from 25 January 2011 and this remains the current maximum.²¹

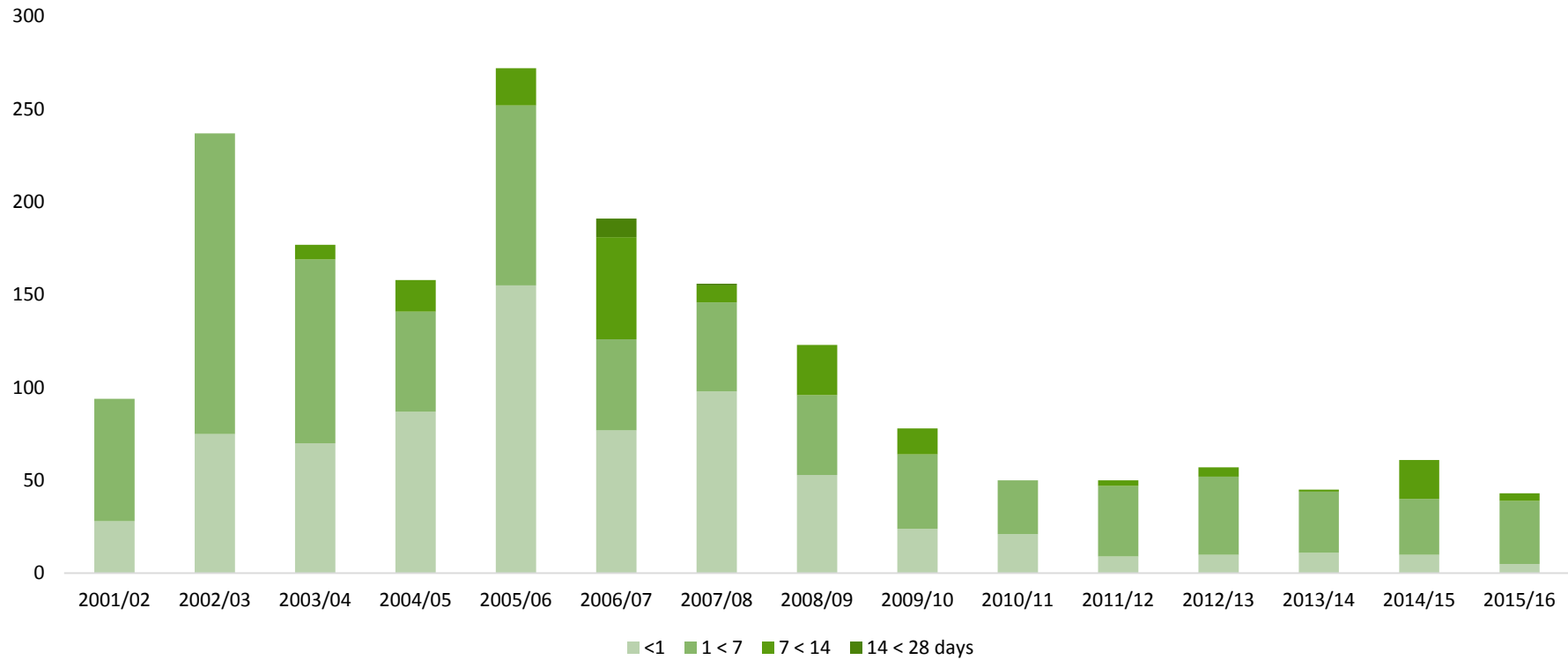
Of the 1,792 people arrested under section 41 of the *Terrorism Act 2000* since 11 September 2001, the majority (89%) have been held for fewer than 7 days; 733 people (41%) have been held for less than one day, and 864 (48%) for between two and seven days. Only 11 people have ever been detained for longer than 14 days, 10 in 2006/07 and one in 2007/08. Six people were detained for the 28 day maximum period in 2006/07.

Chart 14 on the following page shows the number of people detained under section 41 powers by reporting year. The darker colour indicates a longer period of detention, from <1 to 28 days. The maximum detention period in force for that time is plotted as a solid line.

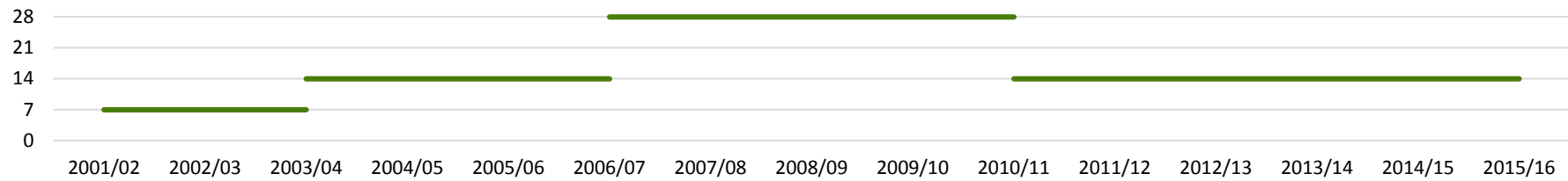
²⁰ Home Office, [Review of counter-terrorism and security powers](#), 2011

²¹ *Protection of Freedoms Act 2012*, ss37 & 38

Chart 14: Number of people detained under s.41 Terrorism Act 2000 by length of pre-charge detention



Maximum detention period (days) under s.41



5. Prosecutions and Convictions

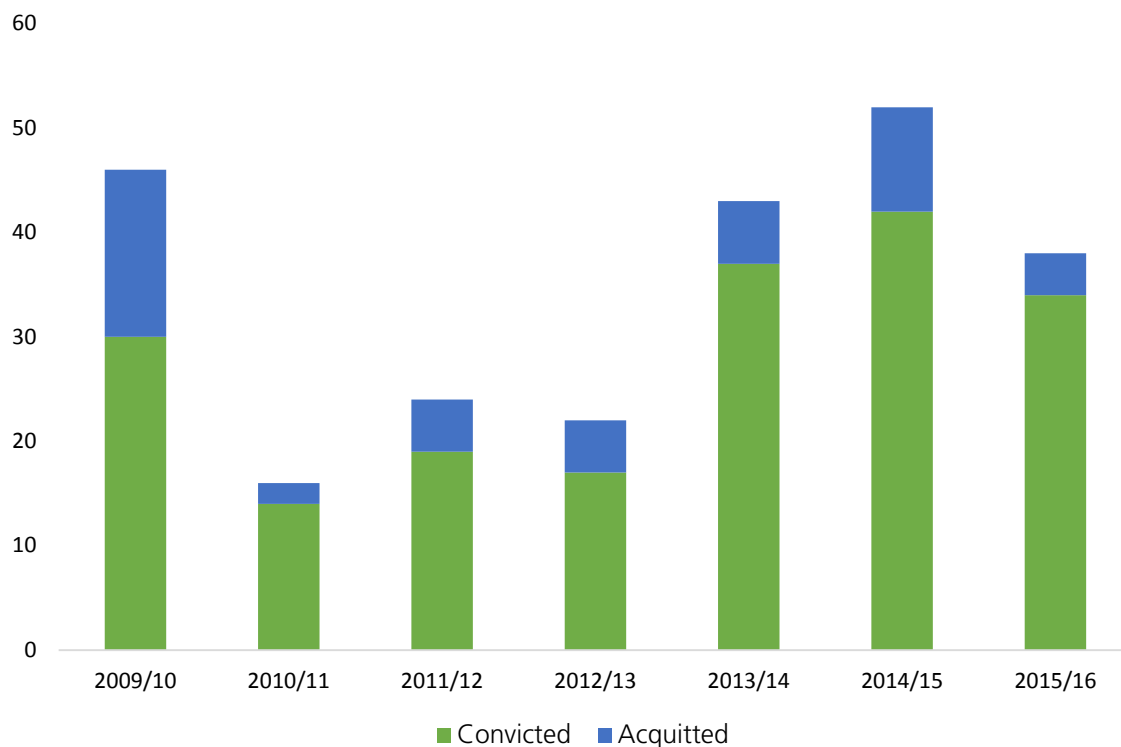
5.1 England and Wales

Prosecutions for terrorism offences in England and Wales are undertaken by the [Counter-Terrorism Division](#) of the Crown Prosecution Service (CPS).²²

Data on the number of people proceeded against for terrorism related offences in England and Wales is provided by the CPS from 2009/10.

The CPS data shows that between 1 April 2009 and 31 December 2015, 242 people have been prosecuted by the CPS with 193 convicted; a conviction rate of 80%.

Chart 15: Number of terrorist suspects proceeded against and outcome by year of trial completion, 2009/10 to 2015/16



²² Information on the work of the Counter-Terrorism Division is available on the CPS website, as is detailed information on [successful prosecutions since 2006](#).

5.2 Scotland

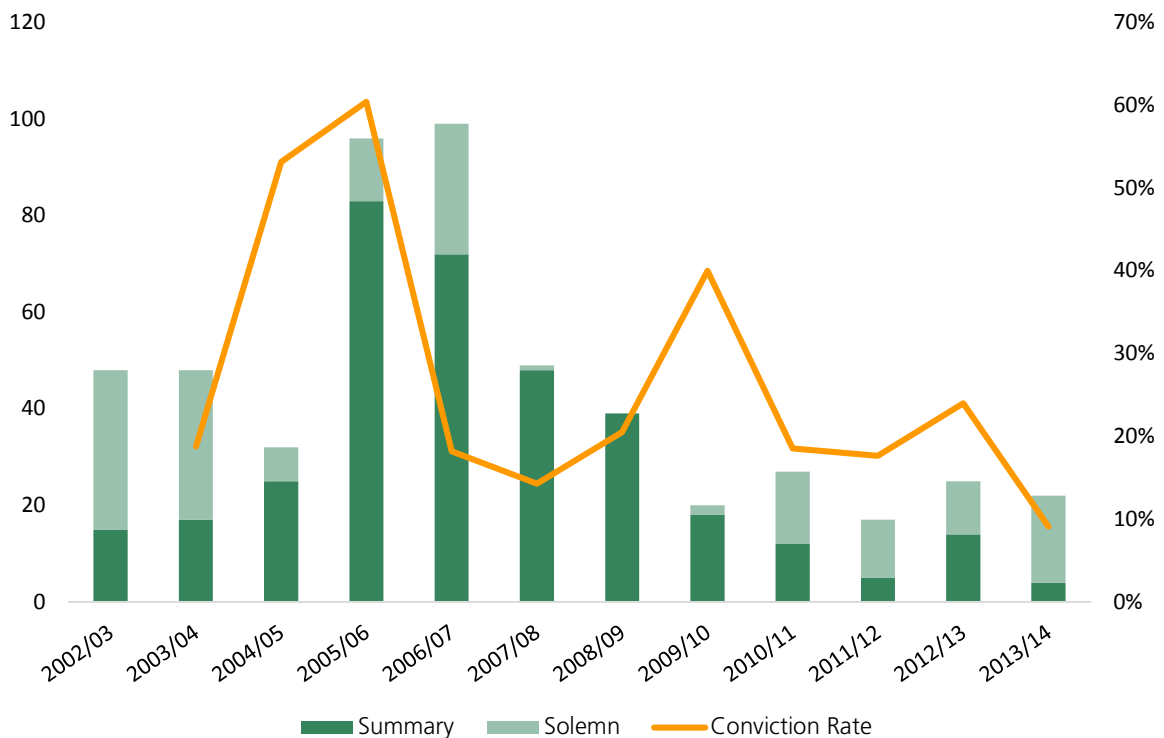
Public prosecutions in Scotland are undertaken by the Crown Office and Procurator Fiscal Service (COPFS).

According to data released by COPFS in response to a Freedom of Information request, between 1 April 2002 and 31 January 2014, there were 522 court proceedings with terrorism related charges.²³ One third of these cases were solemn proceedings (i.e. conducted in the High Court or Sheriff Court with a jury), and two thirds summary proceedings.

A second FOI release by COPFS suggests that between 1 April 2003 and 31 January 2014, there were 141 convictions for offences under the *Terrorism Act 2000*, the *Anti-Terrorism Crime and Security Act 2006* and the *Terrorism Act 2006*.²⁴ Further breakdown of this data shows that 112 of those convictions were prosecuted in Stranraer and were offences relating to port and border controls under s.53 and Schedule 7 *Terrorism Act 2000*.

Combining the data on proceedings and convictions allows a calculation of the conviction rate for terrorism cases in Scotland:

Chart 16: Terrorism related cases brought by COPFS by type of proceeding and corresponding conviction rate



Sources: COPFS FOI Response, [Cases relating to Terrorism](#)
COPFS FOI Response, [Terrorism-related cases](#)

²³ COPFS FOI Response, [Charges relating to Terrorism](#), [accessed 15 March 2016]. In this instance COPFS have taken terrorism related charges to mean any charges prosecuted under the *Terrorism Act 2000*, the *Anti-Terrorism Crime and Security Act 2001*, and the *Terrorism Act 2006*.

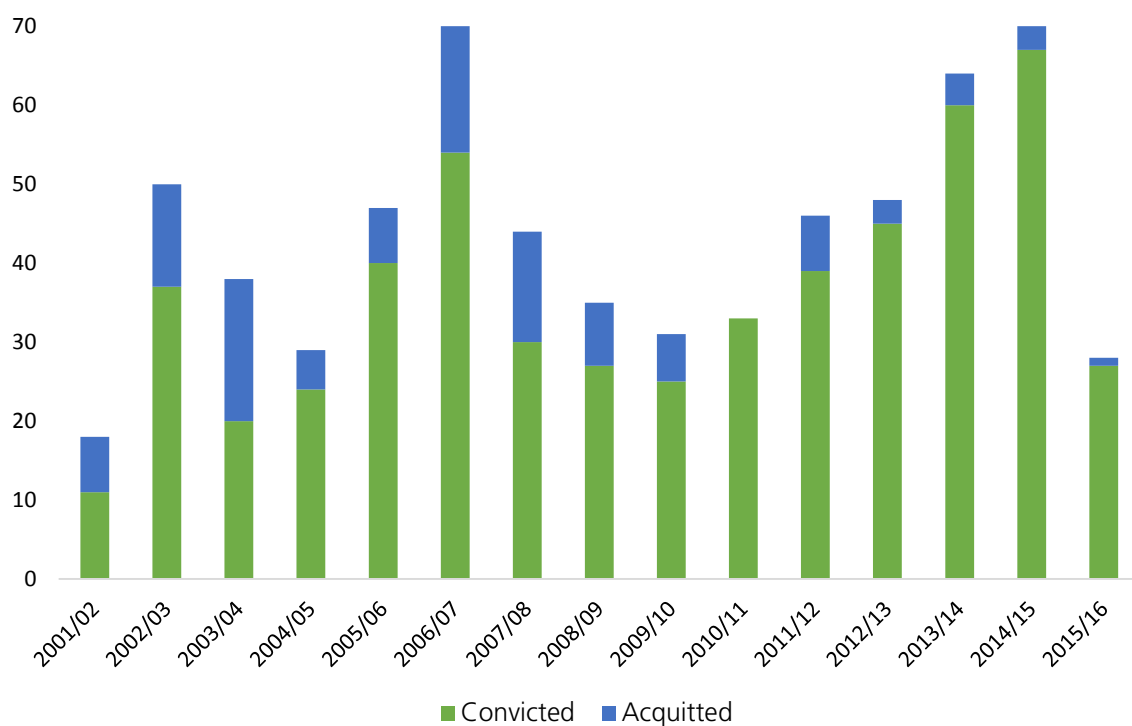
²⁴ COPFS FOI Response, [Terrorism-related cases](#), [accessed 15 March 2016]

5.3 Great Britain

ACPO's Counter Terrorism Coordination Centre (ACTCC) also collate data on prosecutions and convictions. ACTCC data provides information on the number of prosecutions and convictions for terrorism related offences since 11 September 2001 in Great Britain (i.e. England, Scotland and Wales), by year of the suspect's arrest.

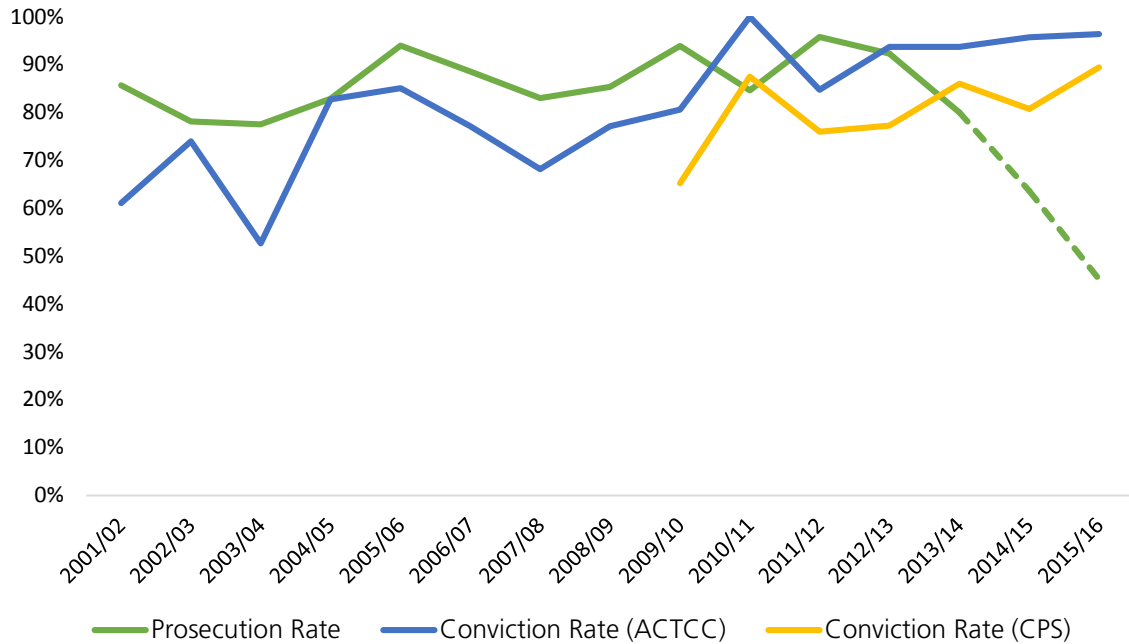
ACTCC data shows that between 11 September 2001 and 31 December 2015, 656 individuals were prosecuted, 542 of whom were convicted; a conviction rate of 83%.

Chart 17: Number of terrorist suspects proceeded against and outcome at trial, by year of arrest, since 11 September 2001



Not all individuals charged are subsequently prosecuted. For a prosecution to go ahead, the prosecutor's office must be satisfied that there is a sufficiency of evidence and that it is within the public interest to pursue a case. Combining the ACTCC data on individuals charged, proceeded against and convicted, gives a prosecution rate and conviction rate. Of all 817 individuals charged with a terrorism related charge since 11 September 2001, 80% were proceeded against, and of those 83% have been convicted.

Chart 18: Prosecution and conviction rates of terrorist suspects since 11 September 2001



Notes: ACTCC data is for Great Britain and is done by year of arrest; CPS data is by year of trial and for England and Wales only. For this reason CPS and ACTCC data is not directly comparable. Nor is this data comparable with that from COPFS in section 5.2 above.

It may take some time, following a suspect's arrest, for an individual to be charged and for any trial to begin. For this reason the prosecution rate for the most recent years (shown as a broken line in the chart above) will be lower, but is likely to be revised upwards as an increasing number if investigations are completed.

6. Terrorist and Extremist Prisoners

The number of people in custody either convicted and sentenced for a terrorism related offence, or on remand pending trial, is provided by the National Offender Management Service (NOMS) and the Scottish Prison Service (SPS). Data on terrorist and extremist prisoners is provided on a quarterly basis and provides a point in time indication of the number of individuals in custody; it does not necessarily indicate a flow.

The prison service identifies and classifies terrorist and extremist prisoners according to different definitions:

- **Terrorism legislation or terrorism related** – individuals who have been convicted and sentenced for offences under terrorism legislation or terrorism-related offences under other legislation.
- **Domestic extremists or separatists** – members of groups that originate in the UK, often associated with ‘single issue’ protestors who seek to further their cause by committing criminal acts. This can include extreme left or right wing groups, animal rights extremists and lone-actor extremists. Currently the majority of prisoners in custody identified as domestic extremists belong to animal rights groups or far-right groups.²⁵

On 31 December 2015, there were 168 individuals in prison classed as terrorist or extremist prisoners: 143 were being held having been convicted of, or on remand for, terrorism related offences; 25 were classed as domestic extremists or separatists.

Number of terrorist and extremist prisoners in custody on 31 December each year 2011-2015

<i>As at...</i>	Terrorist	Extremist	Total
31-Dec-11	102	17	119
31-Dec-12	99	22	121
31-Dec-13	100	47	147
31-Dec-14	127	59	186
31-Dec-15	143	25	168

6.1 Ethnicity and Religion

Prisoners are asked to self-define their ethnicity and religion when entering custody, with this information recorded on the prisoner management system PNOMS.

On 31 December 2015, 82 (57%) of the prisoners in custody for terrorism related offences self-defined as Asian or Asian British, and only 14 (10%) as White. In contrast, 23 (92%) of those in prison classed as extremists self-defined as White ethnicity; 1 as Asian or Asian British, and 1 as Chinese or Other.

²⁵ Home Office, [User guide to the operation of police powers under the Terrorism Act 2000 and subsequent legislation](#), 2015, p16

Chart 19: Number of terrorism-related prisoners in custody on 31 December 2015 by self-defined ethnicity

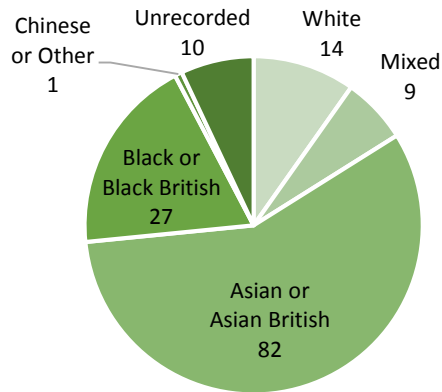
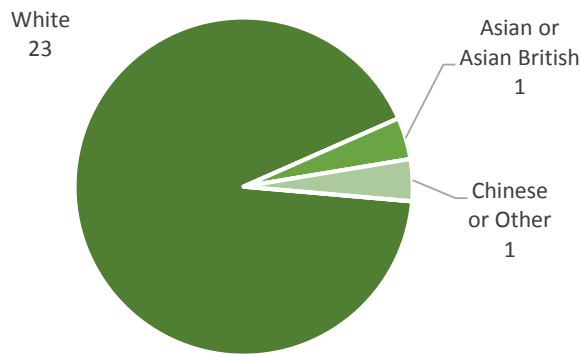


Chart 20: Number of extremist prisoners in custody on 31 December 2015 by self-defined ethnicity



The overwhelming majority (97%) of prisoners in custody for terrorism-related offences on 31 December 2015 declared they were Muslim. 10 prisoners who were considered extremists said they were of no religion, and 10 were of various Christian denominations.

Number and proportion of terrorist and extremist prisoners in custody on 31 December 2015 by declared religion

Religion	Terrorist	As %	Extremist	As %
Anglican	1	1%	4	16%
Free Church	0	0%	1	4%
Roman Catholic	2	1%	1	4%
Other Christian	0	0%	4	16%
Muslim	139	97%	1	4%
Sikh	0	0%	1	4%
No religion	1	1%	10	40%
Other religious groups	0	0%	3	12%
Total	143	100%	25	100%

6.2 Radicalisation in Prison

There is increasing concern regarding the radicalisation of individuals within the prison system. The Government estimates that there are around 1,000 prisoners in custody who are extremists or considered vulnerable to extremism, both neo-Nazi and Islamist:

As of the end of June 2015, there were 182 offenders convicted of, or on remand for, offences linked to terrorism and extremism in prisons in England and Wales. They include people who hold neo-Nazi views and Islamist extremists. A wider group of prisoners hold extremist views but have been convicted for offences other than terrorism. And a much wider group of offenders are vulnerable to those promoting extremist ideologies while in prison. Peer-to-peer radicalisation is a particular concern, as is the activity of groups such as Al-Muhajiroun which has specifically targeted prisoners and those on probation. There are approximately 1,000 prisoners whose behaviour in custody gives cause for concern around extremism.

Whilst the growth of violent Islamist extremism and the terrorist threat it poses is the greatest risk our country faces from extremism, the evidence above demonstrates the breadth of the challenge we face. Neo-Nazi extremism promotes violence beyond terrorism, with appalling levels of hate crime carried out against minority communities. Extremists who are careful to avoid directly supporting violence, nevertheless create an environment in which division and hatred is propagated.²⁶

In February 2016, the Prime Minister highlighted the problem this posed for prison management and the potential risk to public safety as, 'we know, through intimidation, violence and grooming, some of these individuals are preying on the weak, forcing conversions to Islam and spreading their warped view of the world.'²⁷ Announcing a review into extremism in prison, the PM said he was prepared to consider major changes, and promised that there would be mandatory de-radicalisation and counter extremism programmes introduced in prisons.²⁸

²⁶ Home Office policy paper, [Counter-Extremism Strategy](#), 19 October 2015

²⁷ Prime Minister's Office, [Speech: Prison Reform](#), 8 February 2016

²⁸ *Ibid.* More information is available from the House of Commons Library briefings, [Counter-extremism policy: an overview](#), CBP7238 and [Commons Library analysis: Radicalisation in prisons in England and Wales](#), CBP7487.

7. Control Orders and TPIMs

The historical basis for executive measures against individuals suspected of terrorism is rooted in legislation passed to deal with the troubles in Northern Ireland. Legislation such as *the Civil Authorities (Special Powers) Act (Northern Ireland) 1922* and the *Prevention of Terrorism Acts 1974, 1976 and 1989* brought in wide ranging emergency and special powers, including 'internment' (i.e. detention without trial), exclusion orders and detention orders.²⁹ These powers of internment and ministerial detention orders, which only applied in Northern Ireland, were eventually ended under the *Northern Ireland (Emergency Provisions) Act 1998*.

Anti-Terrorism, Crime and Security Act 2001

The Government at the time reacted quickly to the attacks on the Twin Towers on 11 September 2001, with the passage of the *Anti-terrorism, Crime and Security Act 2001* just three months later.³⁰ Part IV of this Act allowed for the deportation of non-UK nationals who had been certified by the Secretary of State as suspected international terrorists under the *Immigration Act 1971*, or if deportation was not possible, their indefinite detention. The incompatibility of this legislation with Article 5 of the European Convention on Human Rights (the right to liberty) led to the Government making highly a controversial derogation order, just two years after the Convention had been incorporated into UK law.³¹

As explained by the Home Secretary, a total of 17 people were certified under the Act, 16 of them detained:

Eight were detained in December 2001, one in February 2002, two in April 2002, one in October 2002, one in November 2002, two in January 2002 and one in October 2003. One further individual has been certified under Part IV of the ATCS Act in August 2003 but is detained under other powers.

Of the total detained, two have voluntarily left the United Kingdom. The other fourteen remain in detention.³²

Eventually six of the individuals detained under this legislation left the UK. The other 11 individuals remained in detention and certified under the Act until Part IV was replaced by Control Orders in 2005.

In total, 17 people were certified under Part IV of ATCS, 16 of them detained under these powers.

Six eventually left the UK, the others were moved to the replacement Control Orders in 2005.

²⁹ B. Brandon, 'Terrorism, human rights and the rule of law: 120 years of the UK's legal response to terrorism', [2004] Crim. L.R. 981

³⁰ S. Chakrabarti and J. Welch, 'The War on Terror without the Human Rights Act – what difference has it made?', [2010] EHRLR 594

³¹ A. Tomkins, 'Legislating against terror: the Anti-terrorism, Crime and Security Act 2001', [2002] P.L. 205. See also Privy Counsellor Review Committee, [Anti-terrorism, Crime and Security Act 2001 Review: Report](#), 18 December 2003, Foreword.

³² [HC Deb 18 November 2003 vol 413 c27WS](#)

Control Orders

In 2004, a House of Lords ruling quashed the derogation order in relation to Part IV of the *Anti-Terrorism, Crime and Security Act 2001*, declaring Part IV incompatible with articles 5 and 14 of the ECHR.³³ The Government did not seek to renew the Part IV powers, and instead introduced the system of Control Orders under the *Prevention of Terrorism Act 2005*.

Control Orders were executive measures which imposed certain obligations upon an individual considered 'necessary for purposes connected with preventing or restricting involvement by that individual in terrorism-related activity.'³⁴ Examples of such obligations included curfews, restrictions on a person's place of residence, restrictions on movement (either within or outwith the UK), restrictions on the possession of certain substances, and a requirement to surrender passports.

Non-derogating Control Orders (i.e. those which were deemed not to impact on an individual's rights under ECHR) were issued by the Home Secretary. Derogating Control Orders could only be issued on application to a court, but no such Orders were ever made.³⁵

In total, 52 individuals were subject to Control Orders; all were men who were suspected of involvement in Islamist terrorism.³⁶ As can be seen from chart 21, when Control Orders were introduced in 2005, all the individuals subject to an Order were foreign nationals. By the time they were replaced by TPIMs in 2011, all were British Citizens.

TPIMs

Terrorism Prevention and Investigation Measures (TPIMs) were introduced by the Coalition Government in 2011 as a replacement for Control Orders.³⁷

Like Control Orders, TPIMs are issued by the Home Secretary. They also may place certain obligations on an individual, but are restricted to 12 measures listed in Schedule 1 of the 2011 Act.

Under both the Control Orders regime and TPIMs, the Home Secretary is required to make a statement to Parliament every three months listing the number of measures in force. Data has been collated from these statements as recorded in Hansard and used to create the chart on the following page which shows the number of measures in force.

There are currently only 2 TPIMs in force; considerably fewer than at the peak when 20 Control Orders were in force in June 2009. One notable trend is the reduction in the number of measures issued against foreign nationals over the years with a contrasting increase in those issued against British Citizens.

³³ [A and others v Secretary of State for the Home Department \[2004\] UKHL 56](#)

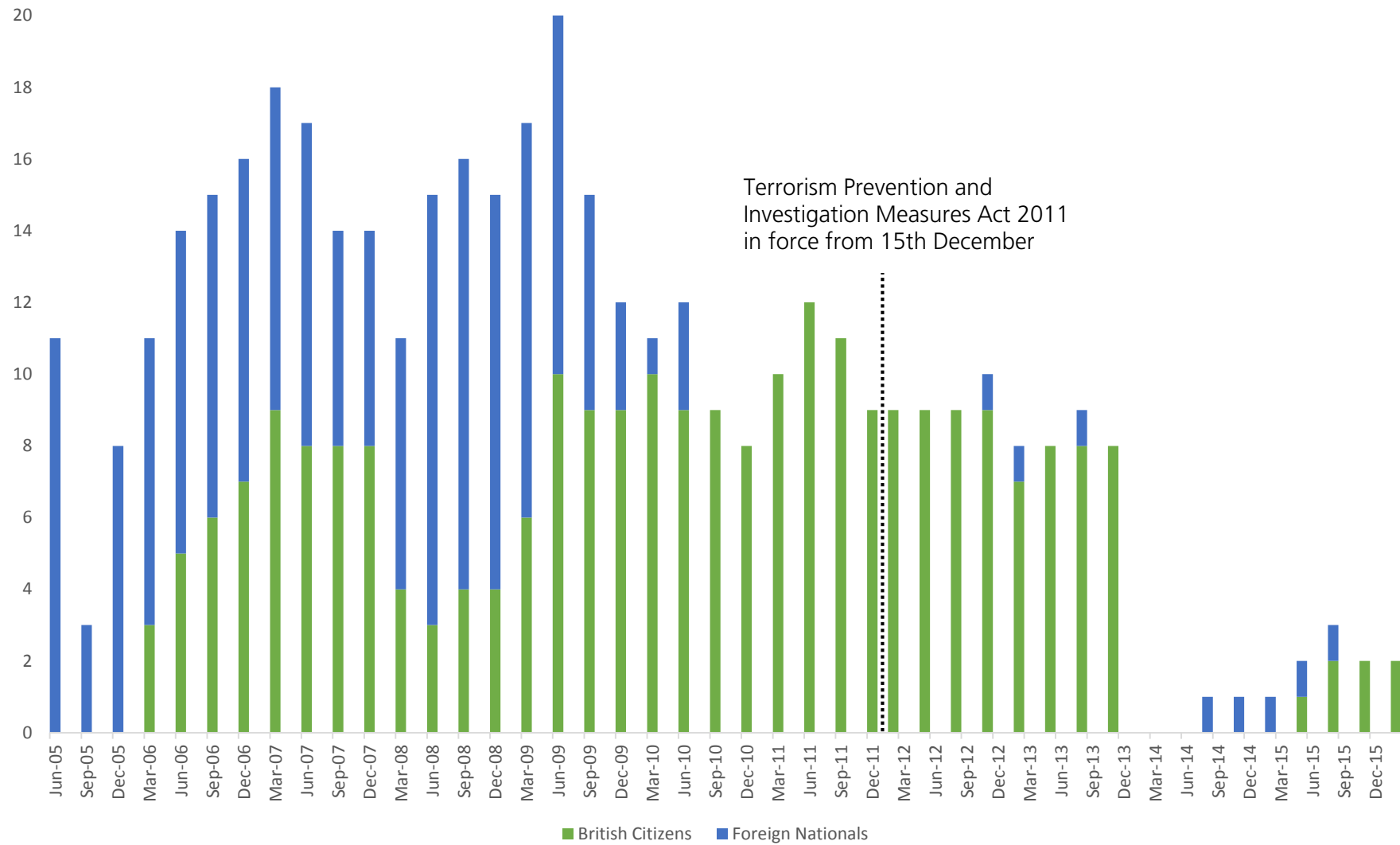
³⁴ Section 1(3) *Prevention of Terrorism Act 2005*

³⁵ C. Walker, *Blackstone's Guide to the Anti-Terrorism Legislation*, 3rd Ed., 2014, 7.06

³⁶ D. Anderson Q.C., [Control Orders in 2011](#), 2012, p4

³⁷ The *Prevention of Terrorism Act 2005* was repealed by the *Terrorism Prevention and Investigation Measures Act 2011*.

Chart 21: The number of Control Orders and TPIMs in force, by three month reporting period, since June 2005



Source: Figures collated from Hansard by the House of Commons Library

8. Extremists Abroad

In his statement to the House on 1 September 2014, the Prime Minister highlighted the concern of the European Council over the, 'creation of an Islamic Caliphate in Iraq and Syria, and the Islamist-extremist export of terrorism on which it is based.'³⁸ The Prime Minister went on to emphasise the potential threat posed by Britons travelling abroad to take part in extremist activity, subsequently returning to the UK and posing a threat to national security.

It is difficult to accurately estimate the number of foreign fighters who have travelled abroad to join Sunni militant organisations such as ISIL. In September 2014, the security services estimated that 500 Britons were fighting in Syria, many of whom were affiliated with ISIL. This was in addition to 700 from France, 400 from Germany and, 'hundreds more from countries including America, Canada, Austria, Denmark, Spain, Sweden, Belgium, the Netherlands and Australia.'³⁹

In November 2014, in answer to a written Parliamentary Question, the Minister of State for Security and Immigration, said:

We believe that more than 500 individuals from the UK have travelled to Syria since the start of the conflict. It is estimated half of these have returned. We judge that a significant minority of UK extremists currently fighting in Syria are affiliated with ISIL. British citizens fighting with proscribed terrorist organisations would clearly pose a threat to the UK should they return. Such individuals are among our primary counter-terrorism concerns.⁴⁰

Data supplied to the House of Commons Library by the Metropolitan Police suggests that by May 2015 this figure had increased, with the Met estimating that approximately 700 Britons had travelled to Syria to join extremist groups, a significant number joining ISIL.

The latest Government estimate of the number of British nationals who have travelled to Syria and Iraq to take part in the conflict is 800, with around half of those known to have travelled since returned.⁴¹

Chart 22 on the following page shows the estimated number of foreign fighters in Iraq and Syria by country of origin. This is based on data compiled by the [International Centre for the Study of Radicalisation](#) at Kings College London at the start of 2015.⁴² The UK is shown in blue with the error bar representing the range of official estimates available for this figure from 500 to 800 fighters. ICSR estimate that 5 to 10 percent of the fighters have died, and between 10 to 30 percent have returned home or are stuck in transit countries. They have also identified 50 Britons who have been killed fighting in Iraq and Syria since the start of the conflict.⁴³

British citizens fighting abroad with proscribed terrorist organisations and returning to the UK are one of the Government's, 'primary counter-terrorism concerns'.

Around 800 Britons are thought to have travelled to Iraq and Syria to take part in the conflict; half are believed to have returned to the UK.

³⁸ [HC Deb 1 September 2014 c23](#)

³⁹ HC Deb 1 September 2014 c24

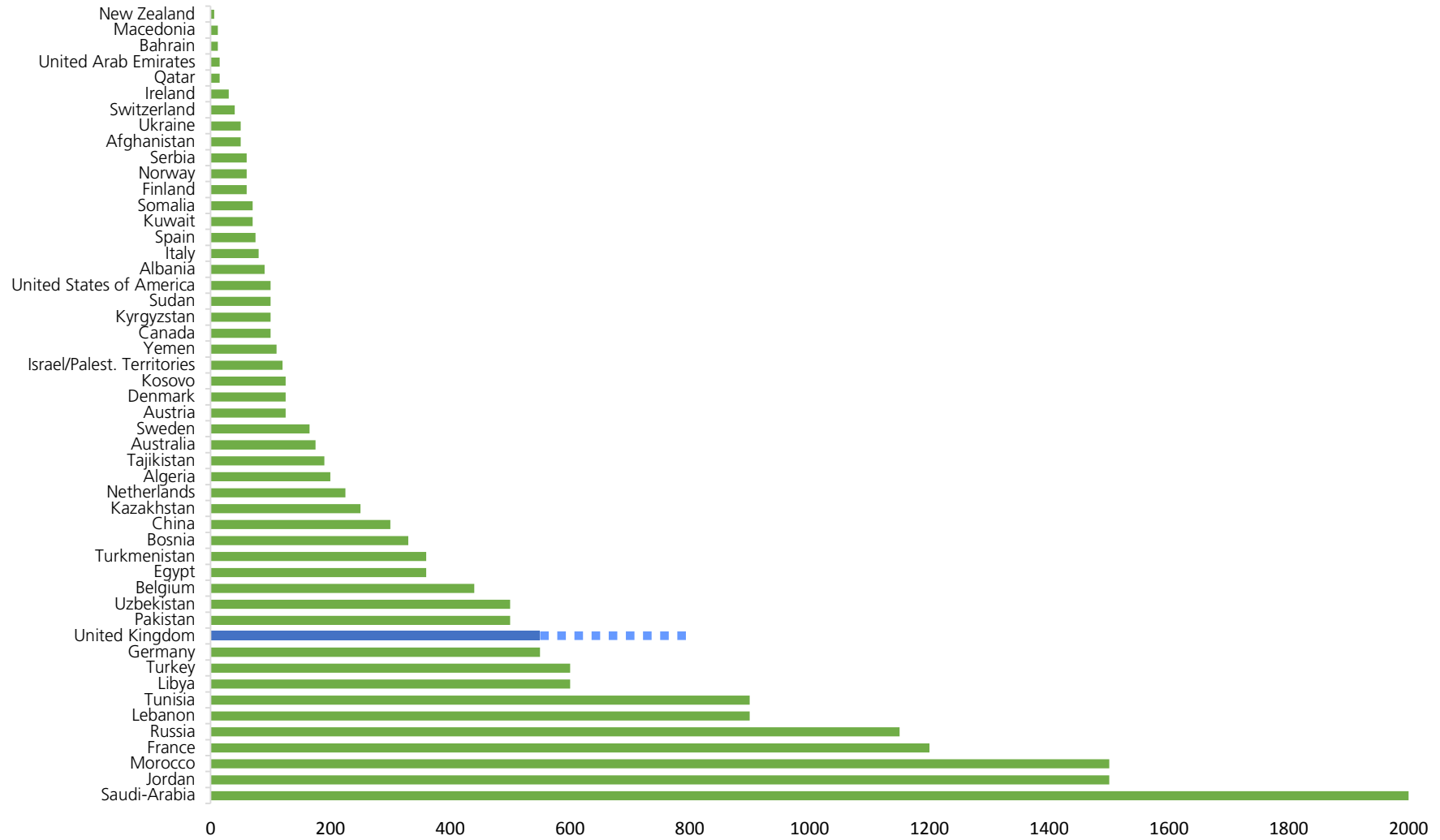
⁴⁰ [PO 207355](#) [Middle East] 20 November 2014

⁴¹ [PO HL3775](#) [British Nationals Abroad: Syria], 20 November 2015; [HC Deb 5 January 2016 c56](#); [PO HL5917](#) [Terrorism: British Nationals Abroad] 17 February 2016

⁴² ICSR, [Foreign fighter total in Syria/Iraq now exceeds 20,000](#), 26 January 2015

⁴³ [Guardian, The British jihadis killed in Iraq and Syria](#), 29 July 2015

Chart 22: Estimated number of foreign fighters in Iraq and Syria with extremist groups, by country of origin



Sources: Data from [ICSR](#), used with the kind permission of Prof. Peter Neumann; other data obtained by House of Commons Library from Hansard

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