T.C.

TURKISH- GERMAN UNIVERSITY

INSTITUTE OF SOCIAL SCIENCES

EUROPEAN AND INTERNATIONAL AFFAIRS

THE UK'S COUNTER-TERRORISM POLICIES AND RESTRICTIONS OF CIVIL RIGHTS

MASTER'S THESIS

Mehmet Turabi ÜSTÜN

ADVISOR

Assoc. Prof. Dr. Enes BAYRAKLI

ISTANBUL, January 2022

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178101020

Tezin Enstitüye Teslim Edildiği Tarih: 28.01.2022

Tezin Savunulduğu Tarih : 21.02.2022

Tez Danışmanı :   Doç. Dr. Enes BAYRAKLI   ……………………..

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ISTANBUL, January 2022

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ÖZET

THE UK'S COUNTER-TERRORISM POLICIES AND RESTRICTIONS OF CIVIL RIGHTS

Birleşik Krallık, Avrupa'da en uzun terörle mücadele geçmişi olan devletler arasındadır. Birleşik Krallık'ın terörle mücadelesini 2000 öncesi ve 2000 sonrası olarak ikiye ayırmak mümkündür; 2000 öncesinde Birleşik Krallık İrlanda kökenli etnik terörizmle mücadele etmek durumundayken 2000 sonrasında daha çok dini motivasyonlu terörizmle mücadele etmek durumunda kalmıştır. Son yıllarda ise artan aşırı sağcı ve Neo-Nazi örgütler yeni bir terör tehdidi olarak Birleşik Krallık'ın karşısına çıkmaktadır. Birleşik Krallık'ı hedef alan İrlanda kökenli etnik terörizm 20. yy'in özellikle ikinci yarısında yoğunluğunu artırmıştır. Birleşik Krallık hükümetleri de hem askeri hem de yasal düzenlemeler yapmak yoluna giderek bu saldırıları önlemeye çalışmıştır; ancak bu dönemde çıkarılan yasaların çoğu geçici ve dar bir alanı kapsayıcı yasalardır. İkinci milenyum başlamadan önce, Birleşik Krallık, "Good Friday" anlaşmasıyla İrlanda kökenli terör sorununu büyük oranda çözmüştür ve kapsayıcı bir terörle mücadele yasası olan "Terrorism Act 2000" parlamento tarafından kabul edilmiştir. Ne var ki 11 Eylül 2001'de yaşanan kanlı terör saldırılarının ardından ABD tarafından "Patriot Act" kabul edilmiş ve Birleşik Krallık da 2001'de yeni bir terörle mücadele yasası kabul etmiştir: "Anti-Terrorism, Crime and Security Act 2001". Birleşik Krallık'ın dini motivasyonlu terörizmle mücadelesi asıl olarak bu tarihten sonra başlamıştır. Londra metro saldırıları, Westminster saldırısı, bıçaklı saldırılar, IŞID'in kurulması gibi bir çok unsur Birleşik Krallık'ın terörle mücadelesini etkilemiş ve 20 yıllık bir süreçte yarım düzineden fazla terörle mücadele ve sınır güvenliği yasası çıkarmasına neden olmuştur. Son yıllarda ise, Avrupa ve diğer dünya devletlerinde de görüldüğü gibi, aşırı-sağ hareketlerde/yaklaşımlarda artış görülmüştür. Birleşik Krallık da bu artışın

görüldüğü ülkelerden birisi olarak aşırı-sağ şiddetle mücadelesini artırmıştır. Bu çalışmada Birleşik Krallık'ın terörle mücadele tarihi kısaca incelenmiş, yüzleşmek durumunda kaldığı terör türleri tasnif edilmiştir.

Anahtar Kelimeler: Birleşik Krallık, IRA, Counter-Terrorism, Good Friday, Etnik Terörizm, Dini Motivasyonlu Terörizm

Tarih: 01.01.2022

ABSTRACT

THE UK'S COUNTER-TERRORISM POLICIES AND RESTRICTIONS OF CIVIL RIGHTS

The United Kingdom has the longest experience with terrorism and counter-terrorism in Europe. It is possible to divide the UK's fight against terrorism into pre-2000 and post-2000 era; Before 2000, the United Kingdom had to fight ethnic terrorism of Irish origin, but after 2000 it had to fight religious-motivated terrorism. In recent years, extreme right-wing and neo-Nazi organizations have emerged as a new terrorism threats. Ethnic terrorism targeting the United Kingdom increased its intensity, especially in the second half of the 20th century. The UK tried to prevent these with military means and legal regulations; however, most of the laws enacted during this period were temporary and narrowly encompassing. Before the second millennium, the UK had primarily resolved the Irish terrorism problem with the "Good Friday" agreement; and the "Terrorism Act 2000", an overarching anti-terrorism law, was passed by Parliament. However, after the bloody terrorist attacks on September 11, 2001, "Patriot Act" was accepted in the USA, and a new anti-terrorism law was adopted in the United Kingdom in 2001: "Anti-Terrorism, Crime and Security Act 2001". The UK's fight against religiously motivated terrorism started after this date. Many factors such as the London subway attacks, the Westminster attack, the knife attacks, and the establishment of ISIS have affected the UK's fight against terrorism and have caused more than half a dozen anti-terrorism and border security laws to be enacted within 20 years. As one of the countries where there has been an increase of far-right movements in the recent years, the United Kingdom has also increased its fight against the far-right violence. In this study, the history of the United Kingdom's fight against terrorism is briefly examined, and the types of terrorism it faces are classified.

Key Words: United Kingdom (UK), IRA, Counter-Terrorism, Good Friday, Ethnic Terrorism, Religious Motivated Terrorism

Date: 01.01.2022

LIST OF ABBREVIATIONS

ATCS   **:** Anti-Terror, Crime and Security Act of 2001

AWD   **:** Atomwaffen Division

BNF   **:** British National Front

BNP   **:** British National Party

BPP   **:** British People's Party

CTBSA   **:** Counter-Terrorism and Border Security Act of 2019

CTSA   **:** Counter-Terrorism and Security Act of 2015

ECHR   **:** European Charter of Human Rights

EU   **:** European Union

FKD   **:** Feurerkrieg Division

HC   **:** House of Commons

HL   **:** House of Lords

HRA   **:** Human Rights Act

ICA   **:** Irish Citizen Army

IRA   **:** Irish Republican Army

IRB   **:** Irish Republican Brotherhood

ISIL   **:** Islamic State of Iraq and Levant

ITP   **:** International Third Position

MENA   **:** Middle East and North Africa

MP   **:** Member of Parliament

NATO	**:**	North Atlantic Treaty Organization
NSAP	**:**	National Socialist Action Party
NSO	**:**	National Socialist Order
NSP	**:**	National Socialist Movement
P-IRA	**:**	Provisional IRA
PKK	**:**	Partiye Karkeren Kurdistane
PTA	**:**	Prevention of Terrorism Act 1973
PTA	**:**	Prevention of Terrorism Act of 2005
R-IRA	**:**	Real IRA
RVF	**:**	Racial Volunteer Force
SKD	**:**	Sonnerkrieg Division
SO12	**:**	Special Operations 12
SO13	**:**	Special Operations 13
SO19	**:**	Special Operations 19
SWAT	**:**	Special Weapons and Tactics
TA 2000	**:**	Terrorism Act 2000
UK	**:**	United Kingdom
USA	**:**	United States of America
USSR	**:**	United Soviet Socialist Republics
WNP	**:**	White Nationalist Party
WWI	**:**	World War I
WWII	**:**	World War II
YPG	**:**	Yekineyen Partisana Gel

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1. INTRODUCTION

The United Kingdom (UK) has the longest counter-terrorism history in Europe. The UK administration has fought against terrorism with security forces and anti terrorism bills. The anti-terrorism bills have also brought extensive debates. They received criticism from politicians, journalists, academics, as well as non-governmental organizations. The basis of these criticisms is the restriction of civil rights. This study examines the UK's counter-terrorism history and the evolution of terrorism laws under separate headings. The study's primary purpose is to examine the anti-terrorism acts and reveal how the civil rights are restricted by these acts.

Even though almost everyone has heard about the terms of terrorism and terrorist, this is not an ancient phenomenon. Even concepts such as violence and unrest against authority find their historical roots far from nowadays. According to scholars, terrorism's roots can be found in ancient times; for example, Bible explains some sort of terrorism among the ancient Jewish society.Terrorism, however, is studied as a modern political science phenomenon (Kainz, 1999). In other words, the 20th century terrorism will be analyzed in this thesis. Thus, it can be said that counter-terrorism or anti-terrorism is a newly emerged term in political science and law when thinking of modern terrorism history. Despite the fact that there is no standard definition of terrorism, or there is no single shape of terrorism, in its historical process, both the definitions and the types of terrorism have evolved over time. There are more than 100 definitions of terrorism provided by the U.S. federal law (Perry, 2004).There are several causes of the diversification of definitions and types because every terrorism wave was created in different situations.

In order to get a good grasp of understanding, it is important to first look at the modern state structure. As it is already well-known, the Westphalia peace agreements were signed after the Thirty Years War in 1648, and these agreements have been accepted as the cornerstone of the modern state, or also known as the

"nation state" (Encyclopaedia, 2021). Kings, emperors, lords, and sultans ruled people of the world ever since the ancient times to the modern day Europe. It is hard to say Westphalia Agreements constructed the nation state within one day, but they were the first sparks of the nationalism blaze. Nationalism and nation consciousness found a place in people's minds and hearts on the road of the French Revolution. Approximately 150 years after the Westphalia agreements, nationalism and nation state won the second round in 1789 against the Monarchy. Conventional empires fell one by one after the proliferation of nationalism among nations. There was only one empire in the world system after the First World War (WWI): United Soviet Socialist Republics (USSR). Dozens of new nation states were founded after the war, especially in the European Continent following the dissolution of the Ottoman Empire and the Austro-Hungarian Empire. Expansion of nationalism brought unrest and violence with it because many different nations who were ruled by monarchy were made up by different nationalities. All across Europe, people who did not desire to live under a foreign ruler's order began to revolt.

Notwithstanding, most of the world territory was colonized by the European nations, especially in Asia and Africa and because of this situation nation states could not find a habitat to grow. Later on, the people of the world faced the greatest catastrophe in the history of human beings: the Second World War (WWII). Millions of people died, and hundreds of millions were wounded or exiled from their territories. WWII changed people's lives and changed the power poles of the international system. After the war, conventional and powerful European states were heavily weakened both militarily and economically, even though they had won the war. Decolonization started after WWII in Africa and Asia because European countries were too weak to control these areas. As a result, dozens of newly established nation states were founded on both of these two continents. Thus, the nation state phenomenon won another challenge and reached the victory. "Of course, decolonization did not happen quite so quickly as that. Respectable constitutionalists like the distinguished members of the Coussey Committee were not the only players on the field" (Hargreaves, 1979). However, it happened.

The last challenge of the nation-state was against the USSR. As the Soviet Union collapsed at the beginning of the 1990s, 15 new nation states emerged in

Europe and Central Asia. (Editors of Britannica, 2021). Although these are positive developments to the evolution of the nation state, it cannot be said that the nation state process has an end because it is a continuing process. Unfortunately, not every nation has found its' own state since the French Revolution. This caused several problems both in domestic orders of some states and the international political system. Some nations or ethnic groups have remained a minority in several states; Kurds in Turkey, Iraq, Syria, and Iran; Catalans in Spain and in some parts of France; Irish people in the UK, and examples go on. This type of social structure has caused breaking points in the domestic policies of these countries. Therefore, just as every fault line does not cause earthquakes, not every ethnic group or sub-national group caused clashes, but several of them have done so. These types of uprisings and clashes are referred to as terrorism, and it has been seen as the most widespread type of terrorism. The United Kingdom is one of the states which have suffered from ethnic terrorism for decades in the twentieth century, especially in the second half. Thus, it can be clearly said that the UK has a deeper history of ethnic terrorism when compared to other Western European countries. Briefly, it can be assumed that the very first cause what triggered ethnic terrorism was foundation of nation state.

When analyzing the history of terrorism in the United Kingdom, one organization has been seen as a prominent actor; the Irish Republican Army (IRA). The IRA was founded in 1917 to liberate Northern Ireland. Despite being known as the "old IRA," it was disorganized in 1969, and new organizations have been found since. Such as the Irish Citizens Army, Provisional IRA (P-IRA), or other organizations claimed to be the successors of the IRA. Due to such, the founding year of it could be accepted as 1917 (Enclypoedia, 2021). The organization fought against the UK government in many ways. Its activities had a wide range; ideological publications, bombings, assassinations, killing government officers and police, et cetera. As a result of these violent actions, the UK government took precautions both militarily and legally. The precautions mentioned above formed the basis of the UK's counter-terrorism codes.

It is sometimes seen that governments are eager to sacrifice civil liberties in the name of state security or keep their people safe, even if these states are liberal,

democratic Western European states. The UK had started the fight against terrorism with IRA; but types of terrorism in the UK and the government's strategies and counter-terrorism regulation have changed with time. UK's fight against ethnic terrorism during the second half of the twentieth century and the codes directly aimed at Irelanad and Irish people. This period, the second half of the twentieth century, was the first era of the UK's fight against terrorism. On the other hand, the second era had started with the Terrorism Act of 2000. House of Commons (HC) of the UK adopted the Act as a container bill for the whole country, and it united all legal elements of the UK under one roof. The Act opened the gates of a new era until the 11 September 2001 terrorist attacks on the World Trade Center. After these catastrophic terror attacks, terrorism showed its worst face against the whole world; about 3000 people died, hundreds lost, and thousands injured (Angerer & Images, 2021). These attacks demonstrated that terrorism has been evaluated and gained an international dimension, nobody was safe and nowhere was secure in the world. An attacker thousands of miles away from the USA can kill the people of New York in their own homes, even with their own planes. Terrorists changed their strategies and weapons, and states decided to change their strategies too, especially western states led by the USA within NATO. The UK changed its Act just seven months after these attacks in 2001. Even this development could shows that everything was changing about terrorism, and naturally, the fight against terrorism.

Although these acts took actions against terrorism and terrorists, they opened the door of another debate in the academic world; human rights abuses and anti-terror acts. Plenty of human rights defenders have started to claim that anti-terror acts violate human rights in many ways. So what makes UK's anti-terror acts worthwhile to examine? The UK's counter-terrorism journey dates back to the 1960s. In addition, the very early and important acts of the UK aimed at terrorism were adopted in the 1970s: Prevention of Terrorism Act (Temporary Provisions) also known as the 1973 Act. In 2000, the UK adopted an anti-terror act covering the whole country, and it was not just criminalizing known terror acts, it also created new terrorist offenses and crimes. The Act of 2000 forms the basis of the UK's current act even though it has been amended many times between 2000 and 2019, and it has been criticized since its date of adaptation.

The second type of terrorism that the UK has struggled with is religious motivated terrorism. In some ways, the IRA might be taken as a religiously motivated terrorist organization too. However, religiously motivated terrorism showed itself as a completely different phenomenon. Today, when someone says religious terrorism, primarily *"Islamist motivated terrorism"* emerges in every mind. Islamist motivated terrorism finds its roots before the 2000s, especially in the second half of the 1900s. All this aside, on 11 September 2001 (9/11 attacks), the world's deadliest and most terrifying terrorist attacks hit the most powerful state: the USA, the unrivaled super-power of the world. These attacks have changed many things in the whole world, in every manner. First, Islam was shown to be associated with terrorism and terms such as *"Islamic Terrorism"* or *"Jihadi Terrorism"* were highly accepted in western media and academia. Second, many countries have started to enact anti-terror codes; even states that have never been hit by a terrorist attack before.

2. METHODOLOGY

In this study, qualitative research methods were used. Before starting the study, a literature review was conducted: articles, books, and news related to the study subject were examined. In the first part of the study, a historical background was given and the UK's counter-terrorism history has been studied. The second part examines the types of terrorism that the United Kingdom has struggled with during the last years. In the third section, the UK's counter-terrorism laws and amendments to these laws were examined. It has been argued that civil rights were restricted with the amendments to the anti-terror law. Academic sources and newspaper articles were cited as evidence for the thesis that civil rights were restricted.

The hypothesis of this thesis is; When states prioritize their security, they implement practices that violate civil rights through anti-terrorism laws. Although the United Kingdom is considered the cradle of democracy, it has not been able to avoid being one of the states that restrict civil rights with anti-terrorism laws.

In order to test the aforementioned hypothesis, it is important to determine the compatibility of the UK's anti-terrorism laws with the universal values of human rights. In this context, the UK's anti-terrorism laws and amendments between 2000 and 2020 were subjected to qualitative analysis in the context of these rights. The reason why the United Kingdom was chosen as the case study is as follows: First, it is a state with a democratic culture and history; secondly, it was one of the first major democratic states to become targets of ethnic terrorism; the third is that it made seven legal regulations between 2000 and 2020. The argument of this thesis is that the UK has tightened its terror laws over time. On the other hand, the reason for tightening in terrorism laws is caused that government uses the security problem as an excuse. UK governments have used these laws to restrict and even securitize civil rights.

This study examines the UK's counter-terrorism history and counter-terrorism laws. The Introduction part gives a brief counter-terrorism history of the

United Kingdom, and the thesis is generally outlined. The second part examines the types of terrorism that the United Kingdom has fought so far. The first of these types is classified as ethnic terrorism. The ethnic terrorism that the United Kingdom has to fight with was of Irish origin, and especially in the second half of the 1900s, some acts shed blood in the United Kingdom. The UK enacted and implemented temporary laws to combat terrorism during this period. The second type of terrorism the UK has to contend with is religiously motivated terrorism. Religiously motivated terrorism, on the other hand, has spread all over the world since the 1990s. The United Kingdom has also had its share. Especially after the 9/11 attacks, the United Kingdom showed a sudden reaction and changed its anti-terrorism laws again in 2001. The UK also sided with the USA in the military interventions of the USA in Afghanistan and Iraq. This section also closely examines how religiously motivated Salafist terrorism targeted the United Kingdom and other European states. As an idea, Salafism has been examined under three different headings. According to the distinction made by Quintan Wictorowicz, Salafism is divided into Purist Salafism, Political Salafism, and Jihadist Salafism. (Wictorowicz, A Genealogy of Radical Islam, 2006) Jihadist Salafist organizations cause terrorist attacks targeting the United Kingdom and other Western states. The last type of terrorism the United Kingdom is fighting the extreme right-wing or neo-Nazi terrorism. Extreme right-wing terrorism appears as a phenomenon that has just begun to complete its effect and formation. Although it is not yet taken as seriously as religious-motivated terrorism, it may face the UK as a significant problem in the future.

In the third part of the study, all anti-terrorism bills of the United Kingdom from 2000 to 2020 were examined separately. The United Kingdom adopted anti-terrorism laws prior to the Terrorism Act in 2000; however, these laws were temporary and do not cover the country. The first anti-terrorism law that was considered inclusive and permanent was passed in 2000. Less than a year after adopting the Act in 2000, the United Kingdom changed its anti-terrorism law with the effect of the 9/11 attacks. Then, in 2005/2006, 2008, 2015, and 2019, anti-terrorism laws were amended again. The main reason underlying the frequent changes in anti-terrorism laws was the frequency of terrorist attacks. As the terrorist attacks increased, the UK governments took new measures and changed their anti-

terrorism laws. Changes in anti-terrorism laws have also brought criticism. With each amendment, anti-terrorism laws have become more restrictive of civil rights.

3. FIRST PHASE OF COUNTER TERRORISM HISTORY OF UNITED KINGDOM: ETHNIC TERRORISM

According to David C. Rapaport and Jeffery Kaplan, World has faced four waves of terrorism in the last 150 years: anarchist, anti-colonial, new left, and religious. (Kaplan, 2016) United Kingdom has suffered chiefly from two of them, anarchist and religious; on the other hand, right-wing terrorism might be added these two. The UK struggled with terrorist activities in Ireland during the twentieth century: Irish Republican Army organized many terror attacks against the UK government, especially between the 1960s and 2000s. The IRA attacks aimed at government buildings, police forces, bars, and many other public places both within Ireland and other parts of the UK (Hart, 2000) these attacks naturally brought some extraordinary measures. UK governments took some prevention and legal measures with the aim of stopping the IRA violence. Unfortunately, these laws were enacted temporarily and only implemented in Ireland until the beginning of the 2000s.

The history of relations between Ireland and the United Kingdom dates back much earlier than today. The British occupation of the Island of Ireland began in the 12th century, and the King of England, Henry II There, annexed a large part of it, again in the same century, were many reasons for the occupation of the Island. First, it was not possible to talk about political unity on the Island of Ireland in the 12th century. Many local kings ruled the Island; however, they were in a political and military struggle among themselves. In the 1300s, when the British had just begun to occupy the Island, these local kings could not even show unity against the enemy. Let alone forming a union, some kings invited the British to the Island to be successful in the internal political struggle on the Island. *Dermot Mac Murroh*, also known as *Diarmait Mac Murchada* in the Irish language, one of the kings who ruled on the Island in those years, invited the British army to the Island, and the British forces that came the Island without encountering any difficulties began to invade. Murroh, Irish King of Leinster whose appeal to the English for help in

settling an internal dispute led to the Anglo-Norman invasion and conquest of Ireland by England. (T. Editors of Encyclopedia, 2021) The British occupations continued systematically, although, at times, their influence waned. Elisabeth I (Tudor Dynasty) applied a very intense occupation and pressure on the Island, which led to uprisings.

This problematic relationship of the Island with England did not remain only at the national level. England let the Protestants migrate to Ireland and support them; because England's ruling elites thought Catholicism fed the Irish revolutionism and rebellion. That big change has also affected the people living on the Island closely. To put it briefly, the Irish, who were disturbed by the British oppression, did not convert to Protestantism but preferred to remain Catholic. In fact, one of the causes of the civil war that would continue for many years on the Island was built on this distinction. The last Catholic King of England, James wanted to return the Irish lands to them and make arrangements in their favor. However, when William the Orange came to the British throne, the King James fled to Ireland and was thwarted by William. "When William displaced the Catholic King James at the climax of the Glorious Revolution in England, James fled to France. Later, in March 1689, he came to Ireland in the hope of retrieving his position" (Hayes-McCoy, 1969, p. 215). William was known as a staunch Protestant and staunch anti-Catholic. Naturally, William's becoming King did not turn out well for the predominantly Catholic Ireland. By the end of the 17th century, after William's invasion campaign of Ireland, big amount of the Ireland's territory was occupied, and the Protestants were suppressed in every sense. "The outcome of the Williamite revolution in Ireland was destroying the Irish catholic interest as a political force. Although the most catholic property had passed into protestant hands prior to 1685, the defeat of the Jacobite revolution and a further round of confiscations reduced catholic proprietorship to a mere 14 percent of the freehold land in Ireland" (Hayton, 2004, p. 31)

It was inevitable that Ireland's occupation and oppression policy would not turn into conflict and rebellion. The 18th century was crucial for world history and the international system. This century has witnessed national awakenings, revolts, and revolutions worldwide. The French Revolution, which would affect the whole

world, occurred precisely at the end of this century in 1789. The vast majority of the people living in Ireland were already against British rule; however, the French Revolution was a great driving force and motivation source.

Theobald Wolfe Tone, also known as Tone Wolf, one of the pioneers of the Irish rebels, was the leader of those against UK rule in the late 18th century, and he had a significant influence. "Of the many heroes of Irish nationalist tradition Wolfe Tone must surely enjoy the widest appeal." (Elliot, 2012, p. 395) About ten years after the French Revolution, in 1798, Wolfe and his supporters rebelled against British rule; but the result was very different from the French revolution: frustration. British forces suppressed the rebellion forcefully, captured its leader, and executed him. Tone Wolf tried to liberate Ireland and was executed. Of course, this suppressed rebellion was not the last one; the Irish struggle for independence was just beginning. According to Elliot, the most quoted passage of Irish history belongs to Wolfe Tone. He declared in Mlle Boivet's lodgings in August 1796:

"The subvert the tyranny of our execrable government, to break the connection with England, the never-failing source of all our political evils, and to assert the independence of my country – these were my objects. To unite the whole people of Ireland, to abolish the memory of all past dissentions, and to substitute the common name of Irishman, in the place of denominations of Protestant, Catholic and Dissenter – these were my means" (Elliot, 2012, p. 396)

Not long after suppressing the rebellion, the British forces took action to solve the problem radically. Ireland was joined to England by the 'Act of Union' unification law of 1800, and its former status was abolished. The method used by the British to solve the problem, let alone solve the problem, would deepen the separation even more. It is necessary to explain some reasons for this situation. First of all, there were two main groups in Ireland during these years: first, the Catholic separatists, who formed the majority, and the second, the Protestant unionists. While there was such a division on the Island, the British government could not attract the Catholics to their side. Protestants who advocated unification with England became the supported group. The unfair distribution of economic resources and political rights not only fueled the hatred against England but also caused the

two groups living on the Island to be hostile to each other. While the Protestant people got rich, the Catholics were dragged into misery; almost punished by the government. The reaction that emerged under these conditions further increased the support for the militants of the armed struggle and the anti-British sentiment.

Separatist groups began to organize towards the middle of the 19th century; the second phase of the armed struggle started with the rebellion of the organization called 'The Young Ireland' in 1848. "The rebellion of 1848 was doomed from the start. It consisted of O'Brien and other leaders traveling around Co. Wexford, Kilkenny and Tipperary in an effort to raise the people" (Rynne, 2014, pp. 117-118). British forces suppressed the rebellion in a bloody and barbaric way. Many rebels were killed, captured, or forced to flee. The British administration treated the Catholics living on the Island severely after the revolt was suppressed. Their social and political rights have been deprived of them. Whether they supported terrorism or not, almost all Catholics were viewed as enemies and treated very severely. This shows that the British could not understand the situation on the sland because, in addition to the rebellious Catholics, there are also non-violent and even peaceful Catholics. However, these practices also pushed many non-violent people to the rebels' side.

The nineteenth-century passed with significant problems and suffering for the Irish people in every sense. While describing Irish nationalism, one thing cannot be ignored: Great Famine or Irish Potato Famine. Potatoes were the staple food for the Irish people for 18th century, but between 1845 and 1850, a potato famine occurred on the Island for various reasons. This famine reached such grand proportions that people literally could not find food. As a result of this famine that lasted for more than five years, around 1 million Irish people lost their lives, while 1 million people emigrated. The famine proved to be a watershed in the demographic history of Ireland. As a direct consequence of the famine, Ireland's population of almost 8.4 million in 1844 had fallen to 6.6 million by 1851. (Mokyr, 2021) The British government did almost nothing for the Irish people during the famine years. Britain even remained blind and deaf to this disaster on the Island. The Irish people naturally never forgave Britain, which was waiting for the disaster to increase in these difficult days of the Irish. Due to the potato famine,

many Irish people had to migrate from Ireland to USA; between 1841 and 1850, 49 percent of the total emigrants to the United States were Irish. (Mokyr, 2021)

Gladstone, who took office as British prime minister in the late nineteenth century, and his government attempted to resolve the Irish question; however, the Gladstone government, despite the support of the HC, was unable to resolve the issue with the obstructions of the House of Lords (HL). The search for solutions continued at the beginning of the 20th century. With the 'Home Rule Bill', the Liberal Party embarked on a work that envisaged the autonomy of Ireland. The Bill was met with opposition by the House of Lords but was put into effect with the support of the HC, thanks to change of voting requirement. Although the problem close to being resolved, a great misfortune happened for Ireland and Britain: World War I (WWI) broke out. The British government suspended all decisions regarding Ireland, using the war as an excuse. This attitude of the British government was perceived as a betrayal by the Irish separatists, and organizations such as the 'Irish Citizen Army' (ICA) and the 'Irish Republican Brotherhood,' (IRB) which had been organized before, started the armed independence struggle against the UK At the outbreak of war, the British government felt stabbed in the back. Irish volunteers mostly controlled an organization named Irish Republican Brotherhood (IRB) (BBC, The Irish Republican Brotherhood (IRB), 2014). The reaction of the British government was very harsh both with the security perceptions brought by the war and against this betrayal from Ireland. The uprising, which went down in history as the 'Easter Rising', started on the Easter day on April 24, 1916, under the leadership of Patrick Pearse and James Connoly. The rebels captured strategically important buildings in Dublin and declared the independence of the Republic of Ireland.

The British army responded very strongly to the rebellion, and the riot was suppressed after a week of street fighting. UK governing elites were furious; because the UK was fighting against Germany, and they mobilized its full staffing against German forces. "Whilst the fighting was raging in Dublin, the British Government was taking measures for the containment and suppression of the unrest in Ireland. Based in Hertfordshire, the 59th (North Midland) Division was Britain's rapid reaction force: its purpose was to be counter-threat to any German invasion" (Mcnelly & Dennis, 2007, p. 56). While the rebellion was being suppressed,

hundreds of civilians lost their lives because of British artillery fire, as the British army attacked without making any distinction between militant or civilians. "Two 12-pound guns aboard the Royal Navy's 'armed yacht' Helga harassed rebel positions from the River Liffey. The impact of artillery was decisive; it shattered rebel positions as well as morale. (Stover, 2021)

Another critical point to be emphasized is the Irish Protestant elements used to suppress the rebellion. In these conflicts, the fact that the Protestants also fought on the side of the British forces and Protestants' hostile attitude towards Catholic Irish made the conflicts even more critical. The behavior of Protestants brought Protestant hatred among Catholics to its peak. Sixteen opposition leaders captured after the suppression of the rebellion were tried and executed by the British forces. The most significant uprising of Irish separatists since 1798 ended in frustration like the others; however, the armed struggle did not end.

The treatment of the Protestant elements was briefly mentioned above; however, considering the consequences of these treatments, more attention should be paid to it. As stated earlier, it was not possible to portray all Catholic Irish as separatists. There was also a large group of people who wanted the problem to be resolved peacefully, and it can also be mentioned that there was a large audience against the Easter Rising. On the other hand, although the 'Sinn Fein' party, founded by Arthur Griffith on November 28, 1905, supported Irish nationalism, it continued to exist as a political party loyal to the King and advocating peaceful resolution of the problem until the Easter Rising. However, both the approaches of the British forces during and after the Easter Rising and the brutal and highly destructive attitudes of the Protestant groups caused this party to shift to the side of the separatists. The legacy of the Easter Rising is exploited by dissidents to justify the continuation of military action despite the absence of popular support, in addition to delegitimizing Sinn Fein's political position. (Whiting, 2016, p. 545) The gravity of the situation can be better understood if we consider that the Sinn Fein party was the political wing of the Irish Republican Army (IRA), which became the primary defender of the Irish cause in the following years.

The Sinn Fein and IRA became the leading actor of the conflicts, terrorism, kidnappings, and bombings in both British soils and Ireland. The differences made

the Easter Rising more critical than the other uprisings; ordinary people also joined the ranks of the separatists under extreme pressure, and the movement was carried out in a more organized way, both politically and armed. "The leaders of 1916, they were spat on by the people of Dublin as they were marched through the streets with Dublin's people waving Union Jacks in their face ... the IRA is always legitimate as long as there is a British occupation in this country" (Whiting, 2016, p. 145). The people, who were constantly exposed to violence, injustice, oppression, and terror, saw the separatists as saviors and approached them with great sympathy. As a result, the Separatist movement decisively lost the Easter Rising; however, thanks to this uprising, the movement had the chance to achieve two great successes: the undisputed victory in the elections and thousands of new volunteers who were ready to join the ranks of the IRA.

A Protestant-dominated state Northern Ireland is a bi-national state from a sociological standpoint. It is home to a one-million-strong Protestant community as well as a half-million-strong Irish Catholic community, the majority of whom live in the neighboring Republic of Ireland. (James, 1975, p. 51) Until the early twentieth century, the Irish question caused conflicts between the British and the Catholic Irish; however, as mentioned above, Irish Protestant people living on the island became another party to the conflict after the Easter Rising. The enmity and hatred that has arisen have begun to bring these two groups into clash more and more. When the concepts of Ireland and terrorism come together, people usually think of the IRA and Catholic terrorism, but on the other hand, there were a serious Protestant terrorism. The Protestants, who advocated unification with the United Kingdom, received political, administrative, economic, and armed support from the UK administration. They have been involved in terrorist activities against Catholics.

1918 was a critical year for Ireland; while the traces of the Irish Easter Rising and the violence that shook the Island were still fresh in the memories, the elections were held. In the elections held that year, the Sinn Fein party, the representative of the separatist Catholics, won the elections with an overwhelming majority. Sinn Fein members won 73 of the 105 deputies out of Ireland. (Whyte, 2006) After its electoral victory, Sinn Fein refused to send representatives to London and established a parliament in Ireland which representing the entire Island.

"Sinn Féin members of Parliament met in Dublin in January 1919 and declared themselves the parliament of an Irish Republic, setting up a provisional government to rival Ireland's British administration" (Arthur, 2021) While 26 of the 32 independent territories in Ireland recognized this decision, only 6 rejected it. Those six are sometimes called Ulster province, and they continued to be part of the UK. It should not be difficult to guess that these six regions were Protestant regions that support unification with the UK. After this call, the Island of Ireland was de facto divided into North and South between Catholics and Protestants. Although the British government had a tough time accepting this situation, it could not make much noise about this separatist attempt due to the state of war, economic conditions, and social difficulties it was in. The British government officially recognized the situation on the Island with the 'Government of Ireland Act' passed by the Parliament in 1920 and came into force in 1921. However, Protestants did not recognize this assembly proclaimed by Catholics in the South. In the North, they set up a council of their own in Ulster. The British government also tried to legitimize the situation in Northern Ireland with this law. The fact that the Parliament in the South did not recognize this agreement caused the law to be applied only in the North. The final system proposed by the Government was incorporated into what became the Government of Ireland Act 1920. The act provided for:

- the establishment of two parliaments.
- the Council of Ireland.
- legislative powers.
- financial provisions.
- a legal system, and
- Irish representation in the House of Commons. (Tudor, 2020)

When the dates showed March 11, 1921, the Dail (Official name of Ireland Parliament) officially declared war on England. The clashes continued until December of the same year, but on the other hand, peace talks were being held. Negotiations between UK and Sinn Fein were concluded in December 1921, and the Irish Free Republic was established with the 'Anglo-Irish' agreement. "The most explosive date in Irish history is December 6, 1921—the date that Michael Collins signed the Anglo-Irish Treaty that created the modern Irish state" (Mcevoy,

2021). Arthur Griffith, one of the iconic figures of the Irish independence war, said that after the signing of the treaty:

"I have signed a Treaty of peace between Ireland and Great Britain. I believe that treaty will lay foundations of peace and friendship between the two Nations. What I have signed I shall stand by in the belief that the end of the conflict of centuries is at hand" (Malone, 2022)

Within the scope of the agreement, Ireland became a dependent country (Dominion). Although this does not mean complete independence, Britain accepted only symbolic authority over Ireland. One of the most important articles of the agreement was about the situation of Northern Ireland. The contracting parties recognized Northern Ireland's opposition to this treaty. There was only one conclusion of the treaty: Ireland gained its independence but it was divided in two. Thanks to this agreement, the Catholics gained their independence, but this was not enough to end the armed struggle. First, the North's opposition to the agreement was apparent. On the other hand, supporters of fully independence, including many members of the IRA, also opposed the agreement. The supporters of the IRA, who accepted this agreement as submission to the UK and a defeat, started to clash among themselves. As a result of these conflicts, assassinations started against some of the leaders of the IRA who were signed to the agreement. One of the most famous of these assassinations is the Collins assassination. Collins was one of the most influential and well-known figures of the IRA, a commander who played a pivotal role in the Irish cause. However, IRA militants, who were against the agreement, killed him. The problem seems to be far from a solution under the shadow of weapons. As one phase of the Irish question was closing, a new phase, much bloodier and more turbulent, was beginning.

Nationalist groups advocating a union with Northern Ireland, that is, a single united Ireland, concentrated their attacks in the North and ultimately in the mainland of UK after this date. The war was no longer confined to the Island of Ireland; it was not just targeting British soldiers in Ireland; it was starting to target the British people directly. It should be noted that the attitudes of the UK governments were as crucial as the IRA's policy for the island to change the situation. IRA attacks intensified significantly during the reign of Iron Lady

Margaret Thatcher, who was known for her very harsh attitude towards the members of the IRA. In fact, one of these attacks directly targeted Thatcher and her cabinet. The events that took place until the establishment of the Irish Free Republic and the division of Ireland into two are explained above. After this section, the focus of the thesis will be the attacks of the IRA, the measures taken by the British governments against these attacks, and the methods of struggle. Because UK has many practices that annotate human rights violations and freedom of the press. Therefore, before discussing the legality of these violations, another issue that needs to be addressed is the UK's counter-terrorism Bills & Acts. These legal regulations have received significant reactions and have been criticized many times.

4. SECOND PHASE: RELIGIOUS MOTIVATED TERRORISM: HISTORY, ORIGIN, AND ATTACKS AGAINST THE UNITED KINGDOM

As it has been written above, IRA terrorism is only one side of the coin for the UK; religious-dominated terrorism showed itself in the 2000s. This side of the coin is undoubtedly darker than the other side, not only for the UK but also many other sovereign states. The UK has a bloody and long-lasting colonial past in almost every continent of the world. The UK could continue this domination until the beginning of the second half of the twentieth century. This colonial Empire had many regions or countries populated mainly by Muslims; in the Middle East and North Africa (MENA) region and Asia. "Between 1945 and 1960, three dozen new states in Asia and Africa achieved autonomy or outright independence from their European colonial rulers" (HISTORIAN, 2021) British Empire had to give some legal rights to citizens of these lands, for example, citizenship and residency in the mainland of UK. On the other hand, many states were founded after decolonization, but not every attempt was entirely successful. There were internal conflicts, sectarian clashes, corruption, harsh monarchies, economic depressions, and external interventions, especially in MENA countries. People forced to live in these unbearable circumstances tried to find escape routes. Historical bounds and the economic well-being of European countries encouraged these people to go to European countries; the UK was one of the most popular of them. This kind of migrant movements can be seen in the last century. The influx of immigrants from MENA countries to Europe never stopped; the last and immense wave of immigrants seen after the Arab Spring uprisings. (Fargues & Fandrich, 2012)

Muslim people of the region marginalized because of many economic, religious, national, ethnic, social, and external reasons or they were forcedly marginalized. Due to marginalization many armed groups existed before the 2000s. Two of the massive and well-known of them are Al-Qaida and the Taliban; these

two terrorist organizations have emerged in Muslim countries. Taliban has founded in Afghanistan, and it was firstly aimed at the Russian invaders; because of this reason, it did not seen as a terrorist organization by the USA and western countries like UK. For instance, the iconic Hollywood movie Rambo shows them as freedom fighters. However, the communist threat was defeated with the dissolution of the USSR, and the western world saw these marginalized organizations as threats.

At this point, a theory must be mentioned, Clash of Civilizations by Samuel Huntington. It is almost known by every International Relations or Political Science student worldwide. Mr. Huntington compared the civilizations that existed in the world to continents. He assumed that some of these civilizations were similar and some of the rivals. According to him, Islamic civilization and Western civilization rival each other, and they must clash, just like the theory of collision of the continents. (Huntington, 1993) According to another prevalent theory, End of the History by Francis Fukuyama, history ended with the collapse of the USSR. There were two civilizations in the world; Western civilization and Eastern civilization, and the USA represented the western one. The western world won the war, and history ended on this day. The USA was the only superpower globally, and the western world was the winning side. (Fukuyama, 1989)

These theories are crucial to understanding the last and most giant terrorism wave; and the point of view of western countries to MENA and Muslims. Many scholars worldwide thought that these theories were shaped by prejudges and politics of the USA against MENA countries. Indeed, after the Cold War, the perceptions of western states and governments towards the Muslim world began to change. This change was not one-sided; a great desire for revenge and hatred against the Western countries was also sprouting in the many Muslim countries. As said above, there were many varied reasons behind these hostile actions. Taliban and Al Qaida had anti-western agenda, that was true, but it deserves a closer look to understand the origin of the fundamental driving force against the western countries and ideas which feed these organizations.

The United Kingdom has been struggling with religiously motivated terrorism since the beginning of the 2000s. It is also said above that there were some

reasons behind these attacks. Before studying the UK's anti-terror bills and examining them regarding the securitization of fundamental rights, the roots of these terrorist organizations and the fight against terrorism history must be explained closely. Some terms, authors, and organizations will be examined in this chapter to make necessary explanations about the religious terrorism the UK faced. First, to understand the driving force of these terrorist organizations and their intellectual origin, one term must be explained: **Salafism.**

4.1. ORIGIN OF SALAFISM AND WAHHABISM

Salafism, also known as Wahhabism, is an Islamic thought that emerged in Saudi Arabia in 18. Century. Scholars or mass media to describe the same groups use the terms Salafism and Wahhabism: The Sunni-oriented violent Jihadi groups. On the other hand, there are some differences between these two terms, although they share many similar ideas. "The word 'Wahhabi' is derived from the name of a Muslim Scholar, Muhammad bin Abd al Wahhab, who lived in the Arabian Peninsula in the eighteenth century (1703-1791)" (Blanchard, 2008, p. 2) Abd al Wahhab claimed that Muslims must take references to the first years of Islam; this means that Wahhab was a defender of purification of religion. There are only two sources of Islam that Muslims should follow: to Words of Allah (Quran) and the path of Prophet Muhammad (Sunnah). This purification idea accepted the Saud dynasty as a state religion, and they supported its' expantion among the people. The idea of Wahhabism had a unification role among Arabs. The Arab nationalists united and rebelled against the Ottoman Empire. Middle East region was officially part of the Empire in the eighteenth century, but Ottoman forces crushed the rebellion. The First Arabic state initiative failed because of this suppressed riot. (Blanchard, 2008, p. 2) Although wahhabist rebels failed, Wahhabism continued unified Arabs with the aim of nationalism. This point is important because, after the 1800s to present, Wahhabism has seen as the official state religion of Saudi Arabia. It has been spreading to other Muslim countries, but it has gained no power out of the borders of Saudi Arabia. On the other hand, Salafism has a broader hinterland; it cannot be restricted within the borders of only one country. It is basic Wahhabi ideas spreading among Muslims, but it has never found a broad way to go compared

with Salafism. The wideness of influence is making Salafism a global movement and threat. Another difference is that many Salafist thinkers tend not to accept themselves as Wahhabists since the word's meaning. According to Salafists, the "Wahhabist word" refers to people who watch the path of Abd al Wahhab; for those thinkers, there is only one way that must be followed: Allah's path. Islam banned polytheism, and there is only one God: Allah. There is only one path: Sharia, the path of Allah. When someone calls them Wahhabi, Salafi thinkers thought this was an enormous sin. Insomuch as "some Muslims believe the Western usage of the term 'Wahhabism' unfairly carries negative and derogative connotations" (Blanchard, 2008, p. 2). Another difference comes from nationality. Wahhabism was born in Saudi Arabia, and Wahhabi thinkers mostly come from Saudi Ecol. However, Salafi thinkers mostly come from Egyptian Ecol. The Egyptian Salafis had to migrate to Saudi Arabia because of internal conflicts with the Egyptian government during the 1960s. They shared many common ideas, and these points gave a big chance for Salafi thinkers to tell their thoughts freely in Saudi Arabia until things went badly with the Saudi government. This part will be explained in more detail in coming chapters. Use of violence, understanding of Jihad and its' scale can be taken as the last significant difference between them. These differences are complicated; there are many sects in Salafism, and every sect has different ideas about violence and the scale of Jihad. Nevertheless, contemporary Salafist understanding certainly does not share the same views as Wahhabi thinkers, especially on Jihad.

Salafism is a word that means succession in Arabic. "The term 'Salafi' is used to denote to those who followed the example of the companions (Salaf) of the Prophet Mohammed" (Wictorowicz, A Genealogy of Radical Islam, 2006, p. 75) According to Salafist, Salafs learned Islam directly from the prophet and implemented it, and all Muslims must take this understanding. They also share the same views with the Wahhabists regarding the purification of Islam. After the prophet's death, his successors ruled the Muslims with basic and first principles of Islam; thanks to this pure Islamic view, they were successful in every manner. However, after fair purist Sultans and Khalifahs, the sucessor head of states and their management understanding deteriorated. The determination of tribalism, self-

interest, nationalism, and western-style government understanding caused this degeneration. The degeneration was the reason for the plight of the Islamic world. If the understanding of prophet's and his caliphs in the first years of Islam are adopted, the Islamic world will also be liberated again. That purist thought, which is the basis of Salafism, found space for itself and developed in Saudi Arabia. On the other hand, it is not very possible to examine Salafism under one roof; the understanding of Salafists has changed over time. The views of the Salafists, who can be called Jihadi Salafists, are quite different from the ideas of the purist group, which can be considered as their early predecessors. This difference can be seen in a broad spectrum from the understanding of Jihad to violence, from economic understanding to relations with the government. For example, jihadist Salafists argue that it is necessary and proper to use violence to establish the Islamic state and defeat the United States and its allies, while non-violent Salafist groups argue that violence is wrong and that things should be resolved through more indoctrination. Wictorowicz studied Salafism with three branches: purists, politics and jihadis. In this section this distinction will be used.

4.2. FIRST PHASE OF SALAFISM: PURIST SALAFISM

"To a large extent, this is a generational struggle between the senior purists and the younger politico and jihadi scholars, on the other" (Wictorowicz, A Genealogy of Radical Islam, 2006, p. 77). **Purists** can be accepted pioneers of Salafism. They support a return to essence and purity in mainstream Sunni Islamic thought. This purity represents the Islamic understanding of the Prophet and his first Companions. They argue that the Islamic interpretation experienced in this period was the proper period, and thanks to this correctness, Muslims were victorious in every field during this period. The lower situation of Muslims in today due to their departure from pure Islamic understanding and abandoning basic Islamic teachings. If Muslims re-adopt the early Islamic thoughts, they will be successful again; otherwise, their failures will continue. The understanding is a standard view shared by all Salafi groups. According to Salafi purists' Tawhid, Sunnah, and doctrine of Quran must be followed, and non-Islamic implementations,

innovations, political systems must be abandoned. Although many common ideas, Purists think differently from other Salafi groups in many Islamic debates.

First, the Purists never define themselves as a movement or a political formation. They see themselves as the new pioneers of returning to the early years of Islam, so they are the clergy who invited Muslims to return to essence of Islam. Their duty only notification, and they do not have a mission to influence people in any other way. They do not see violence as a tool to achieve their goals. Since in the first years of Islam, Muslims were subjected to violence, oppressed, and exiled; "based on a ḥadīth, the Prophet is said to have stated that "Islam began as a stranger (gharīban) and it will return as it began, a stranger" and added "so good tidings (ṭūbá) to the strangers" (Wagemakers, 2021). The Meccan political elites living at that time believed in polytheistic religions, and they did not accept Islam, which is a monotheistic religion, and exerted tremendous pressure on those who converted it. Even in this period, the prophets and his first followers did not choose the path of violence. They chose to spread their views and religion of Islam through preaching and propaganda. They continued their propaganda until the oppression of the multi-politician elites of Mecca became unbearable; as a result, they chose migration, not violence. That is why purists chose propaganda, not violence. (Wictorowicz, Anatomy of the Salafi Movement, 2006, p. 217)

The purist group, which sees itself as the guardians of Tawhid (the unity of Allah) and pure Islam, rejects any external influence to protect this purity. In particular, they define Europe and USA as the external enemies of Islam. They cite some verses in the Qur'an as evidence for this situation. They determined how to combat these enemies; being loyal to the practice and understanding of the first (prophet and his successors') period of Islam. They rejected any influence or innovation from the West. According to them it is dangerous to speak, dress like Westerners, using their political systems, and even use their terms about political or social life. They have adopted an isolationist understanding not to look like the enemy. Combating external enemies should be by opposing and resisting their understanding, lifestyle, political systems, and developments, not violence and war. For them, it is not just ideas and systems that are rejected; they even oppose the technological development which innovated by Westerners. The purists claimed

that Prophet and his companions did not use these technological achievements when they rejected the technological innovations of western oriented. "For the purists, Christians, Jews, and the West more generally are seen as eternal enemies determined to destroy Islam by polluting it with their concepts and values" (Wictorowicz, Anatomy of the Salafi Movement, 2006, p. 218)

Purists also entirely oppose interfaith dialogue. According to them, the only true religion is Islam, and this situation is not open to negotiation. Such dialogue grounds are for deceiving Muslims and distracting from the purity of Islam by confusing them. The purists think that Muslims living in the non-Muslim part of the world should create their environment and live in this same environment, they should not meet with non-Muslims unless it is necessary, and they should try not to resemble them. This advice might affect Muslims living in the Europe and USA, who were influenced by Salafi views, to establish their neighborhoods and be confined to this narrow framework. Failure to establish the necessary relations for integration has led to the sprouting of extreme views in ghettos and creating a suitable environment for the spread of non-peaceful Salafist views that will emerge later.

Purists reject not only violent dissident methods but also other peaceful dissident movements. For example, they also reject peaceful movements such as meetings, sit-ins, and protests. According to them, the Prophet did not use any of these ways. These are not encountered in the early Islamic understanding and applied methods. That is why peaceful actions against authority are classified as far from Islamic, too. The Prophet and his predecessors tried to overcome the problems by advising the rulers in such situations. Therefore, protests and other methods are not required. In non-Muslim countries, they think that the government will not be opposed; because such acts may provoke the government and resorting to violence may further complicate the situation of Muslims living in non-Muslim countries.

As can be expected, purists oppose views on democracy and political parties, too. According to them, power belongs to Allah, and political parties are against the Kingdom of God. On the other hand, these democratic concepts, parties, and political orders are systems which invented and used by Westerners, so they

are not suitable for Islamic understanding. In the early years of Islam, there were no partisanship and democracy, so today's Muslims should not fall into these traps invented by westerners. Muslims will resemble their enemies and break away from pure Islamic understanding by these means. For example, the Egyptian school, also known as the Muslim Brotherhood movement, opted for a political party and faced great disappointment. As a result of these experiences, they even had to leave the country. For Purists, this situation was shown that God did not favour of political parties and punished them.

Moreover, political party formation also leads to factions among Muslims. However, there is only one way for Muslims: Islam. They also think differently about Jihad than other Salafi groups. These differences even led to major fissures and conflicts with other Salafi groups. However, this situation will be examined in detail in the section on Jihadist Salafism.

The views of the purists, who were the early thinkers of Salafism, were briefly explained above. As can be seen from their views, the understanding of this group can be summarized as rejecting Western values, living isolated from the non-Muslim world, not getting involved in political life, and fighting in the field of ideas. There are some problems with these factors. First, purists' understanding is highly pacifist. Purists reject all the ideas and innovations of the West, but they do not foresee a struggle against this situation. They are against democracy and political parties; they think people should not oppose the government that governs them, and political will should have consented. The emergence of this pacifist view in a country ruled by a monarchy like Saudi Arabia does not seem like a coincidence. It gives people the impression that Salafism is a state religion and is trying to guarantee the Saudi dynasty's ruling power. However, it should be said that this situation has a positive externality: this understanding does not support violence, rebellion, or terrorist acts. It may cause people to be intellectually isolated and withdrawn, but it also opposed their involvement in violent acts in Western countries.

As mentioned many times above, these views shared by the first representatives of Salafism. They share the same basic ideas with other Salafi

groups but, they are at odds with other groups, especially on two crucial issues: Jihad and Partyization (Democracy). This opposition can be explained by the emergence of this branch of Salafism in a monarchic state; Salafism might be accepted as the official ideology of the Kingdom of Saudi Arabia because of that Salafi cleric funding by the Kingdom. These two distinctions have revealed the other two major groups of Salafism.

4.3. SECOND PHASE OF SALAFISM: POLITICAL MOTIVATED SALAFISM

Political Salafists created the second group of the Salafi movement. It would not be wrong to say that this group is a bridge between purists and jihadist Salafists. The purists introduced the early Salafist understanding, while the political Salafists shared the same views in many ways, although they thought differently from the purists. Even though there is no complete homogeneity between purists and politics, these two groups have come together in extraordinary harmony until 1990. In the new period that started with the invasion of Kuwait by Iraq, there have been significant differences of opinion between these two groups for war. The jihad started because of the Soviet invasion of Afghanistan in 1979 also planted the seeds of another way for Salafism. The views of the younger political Salafists have gradually come closer to that of the jihadist Salafists. Although Politic Salafists did not share the same thoughts with Jihadi Salafists about Jihad and the use of violence, they thought more differently and were more active than Purists'.

Alexander Wictorowicz mentioned that, "The clashes between purists and politics were a generation conflict." When purist creeds who represented the first period of Salafism compared with Politic ones, they were old, so they created their thoughts and doctrine in a very different world. In addition, since Salafism is a state-sponsored ideology, this group also dominated the Ulama and had a monopoly on religious issues. This situation continued largely until the 1980s and 1990s. However, after this period, politics started to shake the views of purists and gain ground for themselves.

Second-generation Salafists, the Politic Salafis, have not share same political culture with Saudi Arabian purist clerics. However, it would not be wrong

to say the Egyptian school of Salafism substantially created this group. The Muslim Brotherhood, also known as the Ikhwan movement, emerged in Egypt after the 1920s, and they began to find ground in following years. (Arı & Koç Engin, 2014) The Ikhwan movement led by Hasan al Banna was in favor of establishing an administration under the Islamic understanding in Egypt. That understanding contains the same elements as the Salafist ideology: preserving the purity of Islam, taking the Qur'an and Sunnah as a guide, and following the path of the Prophet's predecessors. However, the Brotherhood thinkers dreamed of establishing an Islamic order in the Muslim geography beyond what they planned to establish in Egypt. Because of this goal, they also made efforts to spread their ideas in other Muslim countries. Although they wanted to open information offices in the 1930s in Saudi Arabia, these requests were rejected by the Kingdom.

At the beginning of the 1920s, Ikhwan started to gain public support and assistance from some Egyptian elites. The movement included clerics, thinkers, soldiers, and bureaucrats who had supported them. In Egypt, a group of soldiers in the army who defined themselves as "Free Officers" (Arı & Koç Engin, 2014, p. 225) staged a coup and changed the administration. The power passed to Muhammed Nasser, a name frequently mentioned among Arabs for many years. After the coup, good relations between the Brotherhood and the new administration were established. On the other hand, Nasir and Ikhwan did not share the same opinion on some fundamental issues. First, Nasser had nationalist and socialist tendencies, but the ideas of the Brotherhood movement were vastly different. The Brotherhood desired a Muslim order to be established first in Egypt, then in the Muslim geography, and even in the world. Secondly, as Nasser grew stronger in Egypt, he tried to intimidate those who opposed him. He began to put pressure on groups he saw as a threat to his rule, and the Brotherhood movement, which had tremendous public support and power in all areas of the country, was naturally on Nasser's radar. When the calendars showed 1954, an assassination attempt was held against Nasser by some officers known to be members of the Muslim Brotherhood. The assassination failed, Nasser survived; but the message was clear; the Brotherhood did not want Nasser and would continue to target him and his administration at every opportunity. Thr failed assassination attempt gave Nasser a

great chance to suppress the members of Brotherhood, for the Brotherhood members a painful era just began in Egypt. Nasser started a manhunt to the Brotherhood movement, and many members were imprisoned, executed, exiled, or forced to flee from the country. (Arı & Koç Engin, 2014, p. 229) The good relations between the Ikhwan and Saudi Arabia thus began; because many Ikhwan thinkers were forced to escape from Egypt to Saudi Arabia, and King Faisal welcomed them. This situation can be cited as the King's discomfort with Nasser's socialist views and the leadership role of the Islamic world; because Nasser emerged a charismatic figure in Arab people all over the world.

The arrival of Ikhwan thinkers to Saudi Arabia was indeed a turning point for Salafism. The Ikhwan members who took refuge in the Kingdom were well-educated and influential thinkers. During Nasser's huge crackdown in Egypt in the 1960s, many of Sayyid Qutb's pupils immigrated to Saudi Arabia, and a few notable thinkers accepted as university professors in Saudi universities. The Saudi regime recruited these members at universities and gave them a chance to teach their thoughts. In the first years, they agreed with the Purist Wahhabi ulama, but Politic Salafis were a more political and combative school in every sense compared to purists. Members of the Brotherhood had the opportunity to spread their views in universities, publish their works and reach a wider audience. Thus, they raised the next generation of political Salafists. (Wictorowicz, A Genealogy of Radical Islam, 2006, p. 81)

Muhammed Qutb, brother of Sayyid Qutb, the second influential thinker after the Hasan al Benna, the founding father of the Ikhwan movement, was among the Ikhwan scholars employed in Saudi universities. Although Muhammad Qutb and other Ikhwan thinkers shared the same views with the early Salafi thinkers on the teachings of Tawhid, circumcision, and the Qur'an, they were much more politicized than pursits. Members of Egyptian school of Salafism thought that the modern world had its modern problems, and those new solutions were needed. Early thinkers lived in a different world and spread their thoughts in a closed environment. However, this period was different from the other one. Political Salafists claimed that they understood the problems of the age and they had better solutions. Muslims were persecuted in every part of the world, but the Ulema

watched this persecution with their eyes closed. For example the purist ulama said that the Palestinian lands were occupied and no longer should an Islamic land, so Palestinians migrate to Muslim countries. (Wictorowicz & Kaltenthaler, The Rationality of Radical Islam, 2006, p. 314) This approach was unacceptable to Political Salafists. On the other hand, although there were differences of opinion, these two groups managed the relationships to come until 1990 without any significant conflict.

The invasion of Kuwait by Iraq under Saddam Hussein regime in 1990 opened the door to a new era in both Middle East and World politics. (History.com Editors, 2021) The Saudi Arabian regime met this invasion with great fear and anger. Iraq followed an expansionist policy and started to attack its neighbor, and the second target could be Saudi Arabia. The Kingdom called for help from its Western allies and invited 500,000 American soldiers to its country as the first step. This number later increased to 800,000 with the contribution of other Western and Muslim allies. (Kelliher, 1990) The arrival of non-Muslim Americans, British, and other soldiers on the holy land of Muslims caused a shock among the Brotherhood members and even the ulama. The Political Salafist group firmly oadamantly opposed. There were cracked voices from the ulama too, but the regime used its power to suppress these cracks. The ties between the two groups were broken entirely when the regime-controlled Ulema issued a fatwa for non-Muslim soldiers who set foot in the country for help. (Wictorowicz & Kaltenthaler, The Rationality of Radical Islam, 2006)

After this fatwa, members of the Political Salafist group criticized the ulama and the regime very openly and harshly. They saw the aid from the non-Muslim world as a betrayal of Islam; because an army of Christian alliances entered the holy land and officially supported by the Saudi Kingdom for their fight against a Muslim state. The presence of an uncomfortable mass among the public also strengthened the hands of political thinkers. They accused the ulama of being blind to Muslims and deaf to the realities of the world. According to Politic Salafist, in a world where oppression of Muslims, the ulama was recommended only for prayers, so they clearly detached from international Muslim society.

One name is critical among young politicians: Safar al Hawali; he was educated by Ikhwan thinkers and was a trendy name among other Salafi groups. In his book, Hawali has shown America's deployment of troops to the Holy Land as the first step to occupy the Muslim geography. (Radwan, 2019) According to him USA's primary purpose was to manage and exploit Islamic geography. The main reason for the invasion was to ensure Israel's interests and security. The purist ulama and the regime could not read these thoughts well, and it almost made the enemy's job easier. According to the Political Salafi group, preserving the purity of Islam was necessary, but the conditions of glorious times of Islam and the present was not the same.

In line with Politic Salafist, for the reasons mentioned above, it cannot be ignored against what was happening in the world and the international system. Political solutions were required to overcome the political and security problems. Unfortunately, the ulama could not show the necessary breakthrough and preferred to remain silent. For these reasons, the relations between the two groups have been severed. Even the regime put pressure on the opposition groups, arrests and exiles were experienced by Ikhwan scholars again. The Saudi regime saw the Ikhwan movement as a threat to its existence; because the political Salafists have started to claim that the corrupt Islamic regimes themselves pose a threat to the understanding of Tawhid and the purity of Islam.

The political group, which can be described as second-trend Salafists, was an important subject for the Muslim world and international relations. The Islamic awakening and the Muslim Brotherhood movement found a sphere in many parts of the world during years. The teachings of the group of thinkers have profoundly influenced the jihadist Salafists, which will be examined in the next section. In particular, UK, which has a colonial past with its Muslim geography, and the USA, which has intervened in the region many times, will be the states most affected by those thoughts. Although the Brotherhood movement cannot be directly associated with jihadist groups, it cannot be denied that it deeply shakes the understanding of purists who have a pacifist view; because they offered a more active, aggressive, and protest understanding. Al-Qaeda leader Osama Bin Laden and al Hawali

praised the approach of the politics'; they expressed their support to the Politic Salafists' wievs in a speech.

Many Muslims live in UK because of their historical ties with Muslim geography and economic and political reasons. These Muslims find themselves widely placed, from ghettos to the most important governing bodies. Salafist views feeding anti-Westernism. On the other hand, UK support to USA almost every operation against the Middle East and this support made it an open target for extremist Muslim groups. Significantly the "jihadi terrorism," which sprouted after the cold war, determined external enemies for itself and made it clear that it would choose the path of struggle. UK was one of the leading countries among these enemies. The emergence of Salafist views in UK and their targeting of this state will be examined in more detail in the following chapters. However, first, it is worth examining why the aggressive Salafism that started with the Afghan Jihad and put UK on the target list.

4.4. LAST PHASE: THE JIHADIST SALAFIST FACTION

The jihadist Salafist faction is the third and the last branch of Salafism that continues its existence strongly today. That group is incomparably more effective than the other two groups regarding scale and its impact on international relations. It might be said that this group caused the emergence of concepts such as *"global terrorism"* and *"Islamic terrorism"*. There is no exact date that this group emerged. However, it would not be wrong to say that they completed their formation under the influence of the political group explained in the previous section because all the names that can be counted the pioneers of the group were either from this school or have been trained by from them. Unlike other groups, they emerged in a much different environment and under different conditions. First and second generations' Salafists completed their formation in an environment free from physical conflict. However, the emergence of the Jihadist Salafi group has been through a real war: the Afghan Jihad.

Soviet Union occupied Afghanistan in 1979. This occupation aimed to establish a base for itself in the region, to reach Pakistan and further to enlarge its'

influence area to the Atlantic region. As can be expected, this plan targets the USA policy and influence area, not Afghanistan or Muslims directly. The Soviet invasion of Afghanistan deeply worried both the US and other Western allies and regional states such as Pakistan and Saudi Arabia. On the other hand, it caused great anger among the Muslim people. This anger and fear had turned into a jihad movement supported by America and the West, also the Jihad financed by the Saudi Arabian regime. (Schaer, 2021) Many mujahids from all parts of the world, especially from the Arab geography, wanted to go to Afghanistan to fight against the Soviets. Third-party states disturbed by this occupation found it more appropriate to fight with local elements and volunteer mujahids rather than a direct war with the Soviets. The disturbance caused other opposition parties, especially the Kingdom of Saudi Arabia, to support and even finance the Afghan Jihad. However, this was a dangerous game, and it was close to a small fire that was started in a controlled manner to finally affect the whole region and even the world.

Universities and madrasahs have been the field of struggle for the first and second groups of Salafists' understanding. Nevertheless, for the elite of the Jihadi group, the battlefield has turned into a school. The roots of Al Qaeda, the terrorist organization that would terrorize the world in the following years, were laid on this battlefield. However, it should be noted that the Jihadi Salafists did not come up with an opinion from scratch because they adopted the thoughts of political Salafists' and the Qutubist branch of the Muslim Brotherhood. The Jihadis positioned themselves on the side of the political group in conflicts between purists and politics. Aproach of jihadi salafis proves that they oppose the classical and passive purist understanding of the official ideology of the Saudi regime. Differences of attitude between the jihadist group and the other Salafi group plot emerged just as the Afghan Jihad was going on. Osama Bin Laden took lessons from Abdullah Azzam and was affected by him. At the beginning of the Jihad, there were no significant differences of opinion between Abdullah Azzam and Laden. Laden even joined the Jihad, with the encouragement of the Saudi Regime, with the help of an organization established by Azzam himself: Mektep Al- Hadavat organization, also supported by the Kingdom. (Wictorowicz, Anatomy of the Salafi Movement, 2006) This organization was established to recruit mujahids from all

over Arab geography, bring them to Afghanistan, train them and make them fight against the Soviets. Following the withdrawal of the Red Army from Afghanistan, many Afghan Arabs returned to their homelands, where they joined local jihads against entrenched governments in Egypt, Jordan, and Saudi Arabia. Others went to third nations, some of which were in Western Europe. Many of these Afghan Arabs, realizing Azzam's ambition, radicalized and mobilized Muslims in their countires (Moghadam, 2008)

The elements that fight in the Afghan Jihad can be studied in two groups. The first group is the local mujahideen group consisting of Pashtun, Tajik, and other peoples from the other parts of the Central Asia region. The second group consisted of volunteers from Arab countries. It is not easy to talk about a complete harmony between these two groups. While Azzam favored waging this struggle under the leadership of local mujahideen, Ladin did not want Arab volunteers to be trained in the same camps as mujahids who came from other nations, and he did not want any interaction between Arabs and other Mujahids. This difference of opinion was about the one question: who will lead the Jihad? In the Arab volunteers, the main two groups could be mentioned—the Egyptian school, the Qutubist branch of the Muslim Brothers, and the Salafist Saudi Arabian group. The second group's leader was Ladin, and the leader of the Egyptian school was Ayman Al Zawahiri. Zawahiri was a crucial figure for the jihadist group. (BBC, Profile: Ayman al-Zawahiri , 2015) The central vein that feeds the group's idea is the Egyptian school led by Zawahiri. Azzam continued to be the most influential figure for most of the war, even as Zawahiri and Laden gained popularity among the mujahids. He gained great sympathy among the Salafist groups with his great ideas. However, it should be noted that the Saudi Kingdom strongly supported Azzam, and therefore his views were also in line with the official ideology of the Kingdom. The relationship of Azzam with the Kingdom would emerge as the main problem in deteriorating relations with other jihadist groups.

The Afghan Jihad continued until 1989, and the Soviets were deeply disappointed. Eventually, they had to withdraw from Afghanistan without any significant success because of the ten-year war, and the Union soon dissolved very shortly after the Afghan war. As a result, the United States, Saudi Arabia, and the

mujahideen got what they wanted. However, this struggle caused an excellent break for the Salafist groups, even worldwide. Afghan Jihad was over, but was Jihad over, too? Saudi Arabia and Azzam thought that Jihad should be limited to Afghanistan. However, the Ladin & Zawahiri duo, who represented the other side of the Jihad, insisted that Jihad was not over; because the secular dictatorships and monarchies which ruling the Arab states should also adopt an Islamic order through Jihad. This new jihad formation threatened the Kingdom of Saudi Arabia. Especially Egyptian mujahids were deeply impressed by Sayyid Qutb's views. According to Qutb, apostate Muslim governments could be changed using counter-armed struggle and violence. (Shepard, 2003, p. 536) According to leaders of the Afghan Jihad the experience and human resources gained by Mujahids in the decade-long Afghan Jihad should not have been wasted. Jihad had to continue.

This difference of opinion was about to give way to a conflict. The Ulema, supported by the Kingdom of Saudi Arabia, strongly opposed this view. After the Afghan war ended, another shock wave happened in the Middle East. Saddam Hussein invaded Kuwait by following expansionist policies and announced annexing its' lands. Saudi Arabia and other Gulf countries met this expected invasion with concern. Saddam's invasion was not a big mystery; he did it for the rich oil fields of Kuwait. Most worried about this invasion was the Saudi Kingdom, which held the largest oil fields in the Middle East and North Africa (MENA) region. (Gornall, 2021) If Saddam was not stopped, he could attack the Saudi Kingdom in the future. The Saudi King took immediate action and asked USA's help to stop Saddam. USA accepted his request for help and sent its 500,000 Troops to the Kingdom in the first place. The number of soldiers increased to 800,000 after the other Muslim and Western countries joined the alliance. This invitation caused great ruptures among the Salafist groups. Until this year, the Saudi Kingdom had come without a clash with the other Salafist groups, albeit disruptively. However, the deployment of non-Muslim soldiers in the holy lands was protested by different Islamic circles. The Ladin-Zawahiri school of Jihad was also the group that made the harshest criticism. Even Laden threatened Saudi Arabia, and he was stated that he would be fought against the Kingdom, which was declared as apostate by Mujahids. After Laden's thretas, ties between the Kingdom and opponent Salafi

groups were utterly broken. Not only jihadist groups but also political Salafists were oppressed. The Muslim Brotherhood was banned and forced to leave the Kingdom. Even today Saudi scholars and ruling elite see the Muslim Brotherhood as terrorists. (Editors of ARAB NEWS, 2020) Many thinkers and scholars have been imprisoned. The two groups, Saudi Arabia and Laden-Zawahiri duo, that started Afghan Jihad together were new enemies to each other.

Laden and Zawahiri were determined to spread Jihad around the world. In particular, the Saudi regime and other Muslim states that joined the anti-Iraq American alliance were described as close enemies. The real power that supported the Saudi Arabia was the USA itself, and it aimed to control the Muslim world. The USA desired to achieve this goal by using the Muslim countries in the region. It was necessary to fight the close enemy, but there was an easier way to solve this problem radically: fighting against the great enemy. When USA fell weak and withdrew from the Middle East, the cooperated regimes would disappear one by one. Laden, under his influence, adopted these views and made supportive statements. He showed the collapse of the Soviets as proof of this. In the aftermath of the Afghan Jihad, the Soviets were defeated, forced to withdraw from Afghanistan, and eventually dissolved. Laden and his followers believed in this idea and couraged by the dissolution and declared war against the USA and its allies. They published two papers in 1996 and the second in 1998; the first was the declaration of Jihad against a close enemy. However, the second was against the great enemy, the USA, and Israel, which they saw as its extension in the Middle East. (Wictorowicz, Anatomy of the Salafi Movement, 2006, p. 226) The conclusion to be drawn from this paper was that the global Jihad had begun. Global Jihad brought global terror with it; in 1998, attacks on Al Qaeda were carried out on the US embassies in Tanzania and Kenya; unfortunately, dozens of people lost their lives. (FBI, East African Embassy Bombings, 2022) Again, in 2000, an American warship was attacked by Al Qaeda in Aden, and dozens of American soldiers lost their lives. (FBI, USS Cole Bombing, 2022) The giant wave of attacks occurred in 2001. September 11 attacks were carried out that changed world politics and even world history. Passenger planes hijacked by al-Qaeda militants and attacked the World Trade Center and the Pentagon. These attacks, the most

significant terrorist act in American history, created a remarkable effect of fear, hatred, and shock. After these series of events, global terrorism reached its peak, and a new page was opened in the fight against terrorism around the world.

Hundreds of British citizens were also killed in these attacks. George W. Bush published the global counter-terrorism action plan, the American president of the era. In this declaration, also known as the Bush Doctrine, President Bush gave a message to the whole world by saying, "either you will be with us, or you are with terrorists," without any further ado. British Prime Minister Tony Blair and his government supported this doctrine. The fight against global terrorism had begun. First, Bush launched an operation to destroy al-Qaeda and Bin Laden, whom he saw as the chief responsibility of the attacks. He asked the Taliban regime in Afghanistan to surrender Laden, but the Taliban refused to do so, so an anti-terrorist coalition began invading Afghanistan. Then, in 2003, USA claimed that Saadam regime had chemical weapons, and the USA invaded the Iraq. The most prominent supporter of the USA in both these wars was the United Kingdom. After the USA, UK sent the second largest troops to the 2003 war, also known as the Second Gulf War. The tremendous humanitarian tragedies and war crimes in Afghanistan and Iraq provoked marginalized Salafi groups. These groups were angry at the western world, especially the USA and UK.

As mentioned above, a sizeable Muslim population lives in UK due to colonial ties and economic reasons. In addition to these, Ikhwan thinkers, who were under pressure from the Egyptian government and the Saudi regime, fled to UK. These thinkers had the opportunity to quickly spread their revolutionary and combative views among the Muslims in UK For these reasons, war was no longer just a threat to the US; UK was also on the target board. Al-Qaeda-affiliated terrorists would carry out terrorist acts in UK, which they saw as the biggest partner of the great enemy in the coming years. After the UK ended the IRA terror in the late 1990s with the Good Friday deal, it would face a new wave of terrorism by the early 2000s: Islamic-rooted global terrorism. In this section of the thesis, Salafism was studied with its dimensions because to answer the question "why jihadi fractions marginalized and aimed at western states, especially UK and USA?"

5. THIRD PHASE: FAR-RIGHT IN UK

As mentioned above, the real problem that UK, Europe, and even the world must contend with is religiously motivated terrorism in the last 20 years. On the other hand, it is seen that far-right formations of terrorism have emerged, especially in European states in last years. In fact, right-wing extremism and racism are not new phenomenon for European states. Especially before World War I, far-right ideologies found a place in Europe, and far-right governments came to power. Two of the most significant examples of these are Hitler's Germany and Mussolini's Italy. Especially in Germany, the traces of the biggest and cruel genocide the world has ever seen are still in people's minds with bitter memories. However, with the end of the war, racists, Nazis, and anti-Semitism supporters were heavily punished. European states fought hard to prevent racism in this process, and to put it bluntly, and they were highly successful in these wars. They contributed to establishing a long period of peace, stability, and tranquility in Europe.

On the other hand, the 9/11 attacks, the London and Madrid subway attacks, the increase in the effectiveness of the terrorist organization Al Qaeda, etc. caused the sleeping snake in Europe has wake up. In Germany, Austria, France, UK, and the Netherlands, far-right and anti-immigrant organizations increased, and political formations became stronger. Since the subject of this study is England-oriented, only the far-right structures in UK will be examined in this section. (Aguilera, 2014)

Before examining the far-right in UK, it is necessary to discuss the situation conceptually, because far-right movements are called extremist movements in general in the West. Although a section describes these extreme right-wing formations as terrorist organizations and terrorist acts, the dominant view and media language, try to describe them as "lone wolf" acts or "extremist formations." However, as seen in the "Christchurch Mosque Massacre" the white supremacist terrorist attacks aimed at Muslims, (Perrigo, 2019) these action were far from extremist or lone wolf action. As a matter of fact, New Zealand Prime Minister

Jacinda Ardern described it as a terrorist act right after the incident. (BBC, New Zealand PM Jacinda Ardern: 'This can only be described as a terrorist attack', 2019) On the other hand, it is challenging to characterize most unarmed acts as terrorist acts. Because of only verbal attacks and insults on Muslim mosques are more seen as hate crimes than terrorist acts. However, it should be noted that it is not difficult for these attacks, which can be considered hate crimes, to evolve into far-right terrorist acts. Herek, Cogan, & Gillis (2002) go a step further, arguing that both hate crime and hate speech are essentially forms of terrorism. Some authors, on the other hand, see hate crime and terrorism as close cousins. "The target of an offense is selected because of his or her group identity, not because of his or her individual behavior, and because the effect of both is to wreak terror on a greater number of people than those directly affected by violence." (Deloughery, King, & Asal , 2012) Although opinions differ, the developments in recent years clearly show that the far-right is on the rise in Europe and its outputs have turning into acts of violence.

Recent years have seen a rise in cases of extreme right-wing terrorism in the UK. Extreme right-wing terrorists promote messages of hate-filled prejudice, which can encourage radicalization among people motivated by race hate. (CPS, 2021) There are many reasons for the rise of the far-right in UK. Among these, rising of religious-motivated terrorism in recent years, immigration from EU member countries seeking better living conditions and economic welfare as a result of the EU's enlargement wave, the new wave of immigration that emerged after the Arab Spring, the emergence of ISIL and the homegrown terrorism might be counted.. With the beginning of the second millennium, although far-right organizations were observed in UK before 2000, this increase became more visible after the 2010s. Hate crimes began to be committed against Muslims and Polish immigrants; however, Muslims still maintain their first place on the target board. Bartosz Milewski, a 21-year-old student was stabbed in the neck with a broken bottle because his perpetrators heard him speaking Polish with his friend in Donnington (Rzepnikowska, 2018, p. 61)

In the UK, currently (December 2021) 78 terrorist organizations are proscribed under the Terrorism Act 2000. Fourteen organizations in Northern

Ireland were proscribed under previous legislation; on the other hand, most of the other organizations are Muslim oriented ones. Recently, far-right organizations have also included in banned organizations list. These organizations will be listed below, brief information will be given about them, and their actions will be examined. After this examination, the point reached by the far-right in UK will be seen much more clearly.

- Atomwaffen Division (AWD), also known as National Socialist Order (NSO) – Proscribed April 2021
- Feuerkrieg Division (FKD) - Proscribed July 2020
- National Action - Proscribed December 2016
- Sonnenkrieg Division (SKD) - Proscribed February 2020
- The Base – Proscribed July 2021

As can be seen above, only 5 of the banned organizations in UK are organizations with far-right ideals. Far-right organizations operating in UK are not limited to these. According to the data on Wikipedia, this number is much higher. On the other hand, "Across Europe there are significantly higher levels of support for far-right political parties than in the UK, even though the UK is perhaps the country most at risk from Islamist extremist attacks" (Bartlet & Birdwell, 2013)

- British National Front (BNF)
- British People's Party (BPP)
- Column 88
- Combat 18
- International Third Position (ITP)
- League of St. George
- Northern League
- November 9th Society (also known as the British First Party)
- National Action (2014)
- National Socialist Action Party (NSAP)
- National Socialist Movement (the 1960s) (NSM)
- National Socialist Movement

- <u>Order of Nine Angles</u>
- <u>NF Flag Group</u>
- <u>Racial Volunteer Force (RVF)</u>
- <u>White Nationalist Party (WNP)</u>
- <u>White wolves</u>

It's clearly seen the list given above, the number of these organizations is much higher than proscribed organizations by UK government. The majority of the banned organizations' published by the United Kingdom consists of religious-motivated organizations, as it has been said before, followed by Irish-based terrorist organizations, and extreme right-wing organizations come after these two groups. Five far-right organizations are seen minority in the list of banned organizations, but the point is that these organizations entered the list after 2014. Northern Ireland-related terrorism has historically posed the biggest threat; following 9/11, Islamic terrorism emerged, followed by espionage and heightened tensions with Russia. White supremacist groups' actions have now been included to the list. (Ghilès, 2018, p. 2) This situation strengthens the suspicions that the rising far-right in UK will emerge as an even greater threat in the future. In the Counter-Terrorism Statistics table published by the UK Government, the proportions of those convicted of terrorism crimes in the third quarter of 2021 are given. "Of those in custody, 154 (71%) were categorized as holding Islamist-extremist views, the same as the previous year. A further 49 (22%) were categorized as holding Extreme Right-Wing ideologies, compared to 45 in the previous year, with the remaining 15 prisoners (7%) holding beliefs related to other ideologies." (Hargreaves J. , 2021) Among those convicted of terrorist crimes, those convicted of far-right crimes are among those convicted of religious-motivated terrorism. It comes in second place and has been increasing in recent years. In addition, far-right extremism have spread among children, not only adults; the lower aged far-right members show the seriousness of the problem, because it is a warning for the future of extremism in the UK. "An example of the type of far-right offending that results in a prison sentence can be seen in the recent case of a 16-year-old boy from Durham, who was a self-described neo-Nazi" (Blackbourn, 2021, p. 80) Again, according to the data published by the UK Government, far-right terrorist criminals were not found

among the terrorist criminals convicted between 2010-2013, but since 2013, far-right terrorist criminals have started to be convicted. The distribution of those convicted of terrorism crimes in the UK between 2010 and 2021 is given below, using the data of the UK Government, according to their ideologies.

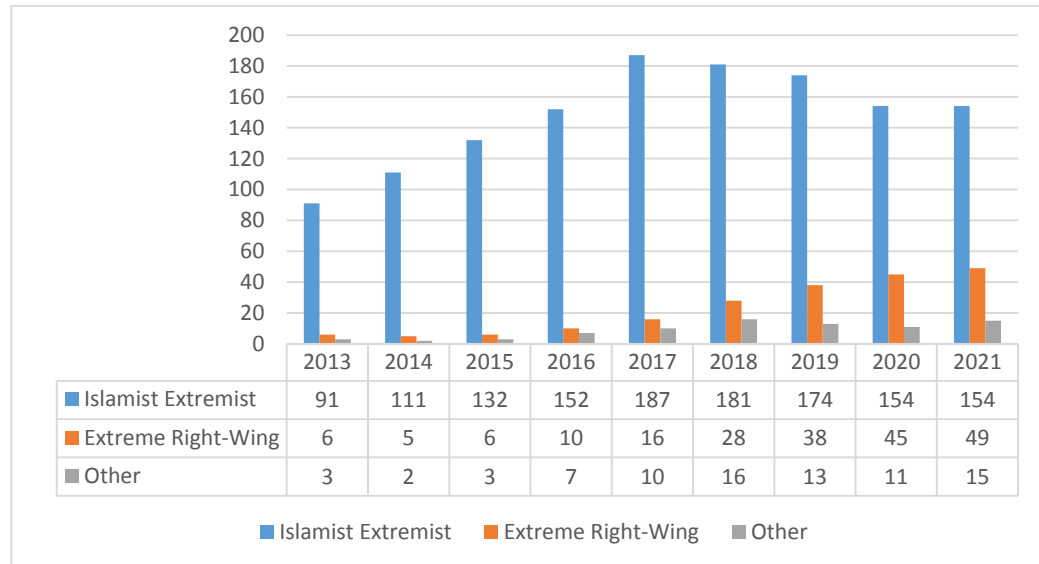|	2013	2014	2015	2016	2017	2018	2019	2020	2021
Islamist Extremist	91	111	132	152	187	181	174	154	154
Extreme Right-Wing	6	5	6	10	16	28	38	45	49
Other	3	2	3	7	10	16	13	11	15

Table 1: Number of terrorism convictions in UK per ideology

(Hargreaves J. , 2021)

As shown in the table above, the number of those convicted of terrorism has increased in all three categories; however, the increases did not occur at the same rates for each category. Although the rate of Islamist extremists has increased 1.69 times over the nine years, the increase in the other two categories is much higher. For example, the number of extreme right-wing terrorist prisoners increased 8.16 times in the same period, while the increase in the other category was five times. The most important conclusion drawn from this is the increase in far-right terrorist acts in the last ten years. If this upward trend continues, there is a more substantial possibility that more dire consequences will occur in the future. (Hargreaves J. , 2021)

Rise of Far-right in UK and Attacks

The terrorist attacks that the United Kingdom has faced consist of attacks originating from the Irish issue until the early 2000s. After the 9/11 attacks in the USA, the terrorist organization Al Qaeda increased its attacks in other European

countries. One of the countries most affected by these attacks was UK. However, in parallel with the spread of far-right views, right-wing terrorist attacks began to be seen in the United Kingdom. Terrorist attacks in the United Kingdom since 1999 are analyzed below.

- Nail Attacks-1999: In April 1999, Neo-Nazi David Copeland carried out nail bomb attacks targeting Bangladeshis, Gays, and Blacks in many parts of the UK. Three people died as a result of the attacks, and more than 100 people were injured. A later police investigation revealed that Copeland was a far-right British National Party and the National Socialist Movement member. Copeland stated in his statement that he wanted to cause a racial war in the country and his aim was political. The attack greatly impacted the country and was met with hatred. (Buncombe, Judd, & Bennetto, 2000)

- In July 2007, British police found the largest stockpile of chemical weapons in the UK in the home of Robert Cottage, a former British National Party (BNP) member. The police chief stated that this arrest was not related to terrorism, that Cottage's house was not a bomb-making factory, and that the arrest was for possession of explosives. However, finding this level of explosives-making chemicals in the home of a former BNP member raises questions. (Bradshaw, 2006)

- In June 2008, British Nazi sympathizer Martyn Gilleard was arrested after finding homemade nail bombs, swords, axes, knives, and bullets in his apartment. In one of his articles, Martyn said that he aimed to rid England of multiracialism. When he was caught, he was preparing to carry out a terrorist attack and collect information about the nail attacks from the Internet. He also admitted to being a Nazi sympathizer. "During the trial, he admitted having a collection of Nazi memorabilia, saying Nazism appealed to him because of the way the Nazis had "rebuilt" Germany" (BBC, Man guilty over nail bombs plot, 2008)

- Nathan Worrel was sentenced to 7 years in 2008 for possession of substances that could be used for terrorist purposes and gross racial harassment. Worrel kept hand-made nail bombs and gathered information on how they could be used for terrorist purposes. He was also involved in racial abuse. In his testimony in court, he admitted that he is a white supremacist. (Press Association, 2008)

- Neil Lewington is a racist who makes bombs with tennis balls in his family's home and targets non-British people. "A racist arrested by chance at a railway station was "on the cusp" of waging a terror campaign using tennis balls and weedkiller, a jury has heard" (BBC, Man 'on cusp' of bombing campaign, 2009) Later searches of Lewington's home found a handbook containing recipes for electronic and chemical mixtures. In addition, police officials found evidence that the accused held and firmly adhered to white supremacist and racist views.

- In 2016, Labor Party Member of Parliament (MP) Jo Cox was brutally murdered in her constituency Bristol, she had attacked by first with a knife and then with a gun. Before Cox was murdered, she worked on the Brexit referendum that caused the UK to leave the EU. Cox was in favor of the UK not leaving the Union and advocated the inclusion of more Syrian refugees. These thoughts put him at the target of the extreme rightists. "Thomas Mair repeatedly shot and stabbed Cox in an attack during the EU referendum campaign in June. While attacking her, he was saying: "This is for Britain," "keep Britain independent," and "Britain first," the court heard " (Cobain & Taylor , 2016)

- Jack Renshaw, a member of the banned Neo-Nazi organization, was arrested for planning to murder a labor party deputy and threatening the police officer with death. " Jack Renshaw, 23, of Skelmersdale, Lancashire, bought a 48cm (19 inch) gladius machete to kill the West Lancashire Labor MP Rosie Cooper last summer" (Khomani, 2018) In 2017, Darren Obsorne carried out a terrorist attack by driving a truck on Muslims leaving Friday prayers in Finsbury Park. One person lost his life in the attack, and 12 people were injured. Newspapers said that,, Obsorne was persuaded to commit a terrorist attack after a 3-week brainwashing operation. However, the action has been recognized as a terrorist attack. "The case was prosecuted as a terrorist offense because Osborne's actions were taken to advance a political purpose, a factor that was taken into account in the sentencing" (Dodd & Rawlinson, 2018)

Some terrorist attacks in the United Kingdom are given above. These attacks and banned organizations clearly show that the threat of far-right terrorism in the UK is increasing day by day. Police Chief Mark Rowley, in his statement in March 2018, stated that after the Westminster attack in England, four far-right terrorist

organizations were blocked, and far-right terrorism emerged as a significant threat to the United Kingdom. (Dearden, Four far-right UK terrorist plots foiled since Westminster attack, police reveal, 2018)

6. EVOLUTION OF BRITISH COUNTERING TERRORISM AND TERROR LAWS

As mentioned before, the UK has met with terrorism long before compared to many countries. For this reason, the measures taken against terrorism date back to before 2000. It is known that the UK counter against IRA terrorism before the religiously motivated counter-terrorism phase; and has faced far-right terrorism last years, although far-right terrorist attacks seen slightly compared other ones. In this context, the UK's fight against terrorism consisted of two main spheres: the fight against the IRA before 2000 and the fight against Salafi terrorism after 2001. It is impossible to talk about a single and unified counter-terror law in the pre-2000 period. There were different counter-terror acts created for different purposes and different regions. Also, the vast majority of these acts were to combat domestic terrorism, so it was too early to talk about religion-motivated terrorism. The well-known and most notable one of the laws enacted before 2000 was the "Prevention of Terrorism Acts," adapted by the UK Parliament between 1974 and 1989. These acts originated from the "Prevention of Violence Act of 1939," which was enacted for Ireland, and their scale was limited to Ireland. On the other hand, "The Prevention of Violence Act was allowed to expire in 1953 and was repealed in 1973 to be reintroduced under the Prevention of Terrorism (Temporary Provisions) Act 1973" (Editors of Wikipedia, 2008) They did not contain measures against international terrorism; they were only issued to prevent IRA terrorism.

One of the most remarkable aspects of the Prevention of Terrorism Act of 1989 was it made a definition for terrorism. According to the Act, terrorism is "the use of violence for political ends and includes any use of violence to put the public or any section of the public in fear." (Prevention of Terrorism (Temporary Provisions) Act 1989 (repealed), 1989: 20/3) Besides this definition, another vital aspect of this Bill was implementing a fight against terrorism. The 1989 Act was a law designed to prevent terrorism as it happens, and its scale was limited to Ireland.

This limitation was the most extraordinary proof that the UK saw Ireland as a nest of Terrorism and threat. This law, enacted in 1989, was the primary anti-terrorism law for the British forces until 2000. In addition, many applications of this act were controversial elements both for the European Union and for human rights.

6.1. TERRORISM ACT 2000 (2000 ACT OR TA 2000)

One of the most fundamental issues of pre-2000 UK counter-terror policies is polci services and police power.. There were many police services set up for different purposes, and their structure and mode of operation are worthy of careful study because these police services constitute the mainstay of the fight against terrorism. Scholars and E.U. Institutions heavily criticized the power to be given to the police by-laws. In the United Kingdom, fifty-two different police agencies had a "special section" dedicated to counterterrorism by 1995. "Specialist Operations Twelve" (or SO 12) was the umbrella organizational structure for all "special ops" personnel across the country, and "special branch" was synonymous with "specialist operations." Additionally, there were two additional special branches worth mentioning within the local police forces; notably Specialist Operations 13 (SO 13) and Specialist Operations 19 (SO 19). SO 19 was a special operation agent with anti-terrorism responsibilities, similar to a city's local SWAT or hostage rescue squad. SO 13 is a special operation agent with anti-terrorism responsibilities. (Beckman, 2007, p. 56) It is stated that the 2000 Act was also enacted to bring British anti-terrorism measures closer to the ECHR and the Declaration of Human Rights; however, it should be clearly stated that the Bill certainly did not detract from the powers given to the police. In addition, the TA 2000 has made an expansive definition of terrorism and expanded the scale of crimes to be examined within the scope of terrorist crimes. This expansiveness has also been extensively covered by Beckman in his book *Comparative Legal Approaches to Homeland Security and Anti-Terrorism.* According to Beckman, "Terrorism charges were only available under the 1989 law for people involved in Northern Ireland-related activities or international terrorism, but not for acts of domestic terrorism" (Beckman, 2007, p. 63) It may be considered that domestic terrorism cannot be examined within the scope of TA 2000; but this is not the case. Countering

terrorism was limited to Northern Ireland only before 2000. However TA 2000 profoundly expanded the definition and scale of the crime of terrorism. The crime of terrorism has moved beyond being just a participant in the action. The way has been opened for those who aid and abet those involved in terrorist acts to be prosecuted within the scope of terrorist crimes.

The Terrorism Act 2000 expanded some existed definitions of crime and produced new crimes that did not exist in previous counter-terrorism acts; incitement crime, terrorist training, and financial crimes against terrorist groups may be given as examples. The TA 2000 introduced smooth amendments in many ways; however, as mentioned above, the most rooted of these were terrorist financing and measures in the economic field. Chapters 15, 16, 18, and 19 of the Act contain provisions to cut off the financing and economic support of terrorism. According to Article 15 of the TA 2000, *if a person encourages someone else to provide money or goods, knows or has reasonable suspicions that this money will be used for terrorist purposes, provides money or goods to a terrorist organization, and knows or reasonably believes that they will be used for terrorist purposes or if he suspected, he has committed a terrorist crime.* (Terrorism Act 2000, 2000: 15) Again, following Article 16 of the same Act, *if a person has the money that has been used for terrorist purposes or is strongly suspected of being used or using these funds, he will be tried within the scope of terrorism crime* (Terrorism Act 2000, 2000: 16). Under Article 18, *a person may accept as guilty if they make an arrangement to use money or other property when they know or reasonably suspect that it will be used for terrorist purposes.* (Terrorism Act 2000, 2000: 18) Article 19 is about the disclosure of information. *If a person knows or reasonably suspects that another person has committed any of the offenses listed in Articles 15 to 18, he or she must report such acts to a police officer as soon as possible. Otherwise, it will be considered a crime. Crime and exemptions are further detailed in the subsections of the article.* (Terrorism Act 2000, 2000: 19)

In the above, crimes related to the financing of terrorism introduced by the 2000 Act was briefly explained. It would have been more reasonable to explain these articles in the Terrorism Act 2000; however, it is examined in this section to show the difference before and after the 2000 Act. As can be seen, the laws before

2000 generally concerned a part of the country. However, with the 2000 Act, the UK Government enlarged the law to cover the whole country and expanded the scope of terrorist crimes. Moreover, as mentioned before, the 2000 Act was a text that aimed to bring British anti-terrorism laws closer to the ECHR.

On the one hand, the Act either abrogated or softened some of the previously implemented and controversial regulations; however, some definitions have been expanded to include much more crimes and have created new terrorist crimes. It is obvious how important it is to cut the financing of terrorism in terms of the fight against terrorism. On the other hand, the TA 2000 brought with it new crimes. For example, under Article 19, not sharing information is considered a crime. Withholding information to aid terrorism was considered a crime. However, it should be taken into account that in some cases, people may not be able to share information with different motives, even if they did not support terrorism or even against it. This article paved the way for the criminal investigation of hiding information, even when worried about their safety, property, or even their lives. One of the most essential and controversial concerns brought with the TA 2000 was related to the powers of the police. According to Article 41 of TA 2000, a constable may arrest without warrant a person whom he reasonably suspects to be a terrorist. (Terrorism Act 2000, 2000: 41) The authority given to the police according to this article of the 2000 Act was open to discussion. Parliament consciously enlarged the scale of the article. However, where do the limits of reasonable doubt begin and the end was not clear? When a police officer likens an ordinary person to a terrorist, he could arrest him as a possible terrorist suspect without the need for any orders. One of the questions that may come to mind here is: On what grounds would a person be considered reasonably suspected unless he/she exhibits excessive behavior or does not blatantly pose a threat (seeming to be carrying a gun, etc.) When the constable put people on the scale of a possible terror suspect just by their appearance, the first thing that will come to mind is the people who attract attention with their Islamic clothing style. Although, in 2000, when this Act was enacted (6-7 months before the September 11 attacks)*, "Islamic terrorism"* was not a very popular phenomenon. Nevertheless, this splendid power given to the police seems far from reasonable. Moreover, it also has a provocative aspect. Suppose the police

constantly harass Muslim women wearing burqas and Muslim men with long beards as reasonable suspects; what will the result of this situation be? Wouldn't it radicalize people to make reasonable Muslims potential terrorists by police officers thanks to TA 2000? It has been mentioned before that with the new Act, the definition of terrorism has expanded considerably and created new terrorist crimes. Previous laws aimed to punish those who directly committed and participated in the crime of terrorism, but the TA 2000 created "accomplice activities" as complicity and included other activities within the scope of terrorist crimes. For example, being a member of an organization that supports terrorism or providing financial support to terrorist groups has also to be examined as a terrorist crime. Supporting terrorist groups financially or being a member of a group that commits terrorist acts, of course, be considered as criminal offenses; however, compared to members who among the perpetrators of acts of terrorism, and members who has never participated in terrorist acts, is not the same thing; two crimes havedifferent intensity. From another point of view, a person may support or even be a member of an extremist group, but this membership cannot be considered proof that the person is directly involved in terrorist acts or even knowing about it. Even if people are members, it does not mean that a low-level member will be aware of a sensational terrorist attack; even in many cases, it would be a far-fetched approach to assume that these low members were aware of the actions. It is not difficult to guess that organizations that create violence give importance to confidentiality and do not share attack information with all their members. So, in the cases like this, how fair is it to prosecute a member of an organization as being a terrorist who did not even know about the terrorist acts?

The fact that the Terrorism Act of 2000 is a controversial law because it broadens the definition of terrorism and produces new crimes. So much so that some substances were problematic enough to be considered arbitrary; the best example is the 2nd Subsection of Chapter 11 of the 2000 Act. In this section, legislators considered transferring the burden of proof from the Government to the defendant in terrorism trials. It may come as a shock when first heard, and the audience can read it repeatedly to see if it is misunderstood, but the result will not change. Legislators will expect a person charged with terrorism under this article to

prove that he is not a terrorist. "To put it another way, if someone is accused of belonging to a banned terrorist organization, the burden of proof would be placed on the individual to prove that they are not a terrorist, and the government would not be required to prove such membership. (Beckman, 2007, p. 61). Main purpose of the legislator was to transfer the burden of proof from the court to the person on trial. Let us start the discussion of this article by asking two questions; Is the transferring the burden of proof from court to suspicious against ECHR and violate the presumption of innocence or not? According to article six (subsection two) of ECHR, "everyone charged with a criminal offense shall be presumed innocent until proved guilty according to law"(European Convention of Human Rights, 1950: 6) Now, let us compare the two items: According to the TA 2000, when a person goes to court to trial for a terrorist crime, he has to prove in court that he is not a terrorist or that the organization he is a member of is not a terrorist organization. Isn't this the main indication that the person was considered guilty before the trial began?

Describing the situation through an example might be useful; suppose someone's (Mr. X) neighbor has a plum tree with delicious fruits in his garden. One day he was out for a stroll with his friends, the owner of the plum tree suddenly accused him and his friends of stealing his plums. Mr. X was unaware of what was happening, and his only fault was to be there at that moment. Let us add some more details to the scenario to deepen the case; a couple of Mr. X group of friends may have stolen the plums, and he may not know about it. In that case, would he be guilty too, just because his friends stole plums from their neighbor's garden when he was not there? Moreover, the tree owner forcibly "guests" him in his garden and wants to prove to him that he did not steal the plums. He knew for sure that he did not steal the plums, and he naturally denies it, but there was a possibility that his friends stole the plums when he was not. Rationally, what he would do say that he did not steal the plums and at least say that his friends did not steal them while they were together. However, the point to be noted was that Mr. X was trying to leave the garden trial innocently, which he started as a criminal from the beginning, only because of the claim of the owner of the plum tree. Let us take the example one step further; he does not know his friends very well. Indeed, a smaller ingroup in his group of friends and members of this ingroup stole fruit from the orchards, and they

did not tell him because they did not fully trust him or for other reasons. In the last case, they got caught, but the tree owner accuses him, along with them, because the owner does not know how many of the thieves there were, and the owner wants him to prove that he did not steal the fruit. Let us consider the last and most advanced step; he knows his friends steal fruit from neighbors' gardens at night. However, for some reason, he has never been involved in these acts of theft, and he continues to be with them in social life. Does even this worst-case scenario require him to start a trial as a criminal and try to justify himself? Of course, opinions vary, and this can lead to objective judgments. Laws exist precisely to prevent these objective judgments; it is not difficult to guess those objective judgments can also escape arbitrariness. If we go through the same sample, let us assume that some people in the friend group are the close friends of the owner of the tree and even the children of their relatives, while others have enmity with their families; In this case, will the owner of the tree treat all children equally? Undoubtedly, he will be able to convince more easily that some of them are not thieves, while he will be more insistent that some are thieves. For this reason, laws should be equal for all. Otherwise, we will create an arbitrary order where everyone can easily blame everyone.

After the increasing number of Middle Eastern oriented terrorist attacks, it is necessary to think about which group of people can be considered more likely terrorists. Will the efforts of a Muslim of Middle Eastern origin and Irish freedom advocate to persuade the English courts with the same sympathy as the efforts of a white American citizen? Undoubtedly, the sample mentioned above is just an assumption, and the crime in question goes far beyond stealing fruit. States must ensure the security of their assets and peoples, and to do so, they seem willing to take every possible measure; however, this does not give governments the right to ignore the presumption of innocence, one of the most fundamental principles ECHR.

"When a person is charged with a crime or involved in some other legal dispute, they have the **right to a fair trial**. This means a fair and public hearing, within a reasonable time, by an independent and impartial court." (Council of Europe, 2021) These sentences are taken literally from the Council of Europe

website. Above, the decision of the British Parliament was examined in terms of the presumption of innocence. There are some decisions made by the English courts on this subject and will be examined in detail below, but it is essential to examine this article in terms of another fundamental right before examining the court decisions: fair trial right. As it has been clearly stated above, the person facing an accusation has the right to a fair trial, and one of the most basic conditions for a fair trial is counted as independent courts. Would someone believe that a tribunal where he/she is found guilty in advance and requires someone to prove that he/she is not a terrorist as an independent court?

"The House of Lords may have pondered the proper limits of the criminal law when hearing Attorney General's Reference No. 4 of 2002; Sheldrake v. DPP [2004]" (Padfield, 2005, p. 17) In that case, the legislators decided that the Terrorism Act of 2000 did not violate Article 6 of the ECHR. According to legislators, Article 11 of the Act was only applicable to "evidentiary rules" The legislator has done here to reevaluate the article and dilute its meaning. The legislators also stated that this article was not a binding article that exempts the Government from the burden of proof and places all the burden of proof on the accused. This attitude is relatively mild because it has somewhat spared the defendant from proving something that he is not.

Another problem with the TA 2000 was concerns about the lproscribed terrorist organizations list. According to the Act, being a member of an organization on the list of proscribed organizations shared by government every year enough to be judged as terrorist crimes The organizations counted with the proscribed organizations listare very diverse and include terrorist organizations directly targeting the UK and international terrorist organizations. Al Qaeda, Islamic Jihad, Hezbollah, IRA, and PKK etc. many organizations are on this list of banned organizations. "In the R&Z case, 3 defendants were tried, among other crimes, as per Article 11 of the 2000 law, that is, being a member of a terrorist organization, but these 3 people were members of the organization called Real IRA. While the IRA was on the list of banned organizations, the Real IRA was not on the Government's list by name; the royal judge acknowledged this in Belfast." (Beckman, 2007) The lawyers claimed that the defendants could not be tried and

convicted for terrorist crime because the Real IRA was not an explicitly proscribed organization. Before the trial began, they argued that belonging to an organization not prohibited by law violated the ECHR. According to article seven of *ECHR, "No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense under national or international law at the time when it was committed. Nor shall a weight penalty be imposed than the one that was applicable at the time the criminal offense was committed".* (European Convention of Human Rights, 1950: 7) As might be understood from the article, no one can be found guilty of committing an activity that is not defined as a crime by law or of being a member of an organization that is not prohibited in this case. There appears to be a violation from the lawyers' perspective because the mentioned organization was not on the proscribed organizations list. However, British legislators did not see absence of the Ral IRA on the proscribed organizations list as a violation of the relevant article of ECHR. The reason was that the IRA had been historically recognized as a terrorist organization by UK. In this case, every organization affiliated with the IRA or acting on the same level is also considered a terrorist organization. According to judges IRA and and other organization which same ideals and goals with IRA is the same. The important point is their aim; because of the common purpose of two organizations any person can be judged as a member of proscribed organization. One of the legislators even explained this situation with these words: "We have concluded that the legislature intended to include the "Real" IRA as a proscribed organization under section 3 and Schedule 2." (Beckman, 2007, p. 63) British judges have ruled that the IRA's affiliates or subsidiaries are also terrorist organizations, even if they were not explicitly counted, and that this decision did not violate Article 7 of the ECHR. The judges' comments were convincing to a broad audience. It is not surprising that the IRA and Real IRA (R-IRA), which have the same fundamental motivation, are examined under the same title as terrorist organizations; however, the unity of purpose of these two organizations also raises some questions. First, these concerns that comment width may be abused. For example, suppose that there is a marginal Islamic organization in UK, but this organization is not included in the list of proscribed organizations published by the British Government; however, its members may be involved in

some acts of violence that cannot be considered terrorist crimes. Can a judge, regarding this case, see this hypothetical organization as an extension of Al Qaeda and convict its members for terrorism offenses by setting a precedent? Wouldn't the proliferation of such case studies violate Article 7 of the ECHR? Another question about positive discrimination is to be applied to some organizations. As it is known, the PKK is recognized as a terrorist organization by the UK, and as it is known, PKK members are not subjected to the same pressure and trial as members of Islamic oriented Salafi terror groups and members of the IRA in the UK, as in most European states. Even the members of an organization that is listed as a terrorist organization, let alone being prosecuted and pressured, can act very comfortably in the UK. What about the members of other organizations, which were founded under different names, but act with the same motivation as the PKK and even act as an affiliate of the PKK, will they be approached as in this case?

As it is known, Kurdish terrorist organizations with different names have been established in recent years. Especially after the beginning of the Syrian civil war and the subsequent weakening of the central authority, the Syrian Kurds, who became more active in northern Syria, united under the umbrella of the YPG. Turkey openly recognized this organization as a terrorist organization and has justifiable grounds. Above all, the YPG acts with the dream of an independent Kurdistan like the PKK, and its area of influence is parallel to the South of Turkey. It intends to establish Syrian Kurdistan in this region and complete another cornerstone on the road to the imaginary Greater Kurdistan after the Autonome Region Kurdistan in the northern part of the Iraq. In addition to these, there is strong evidence that its establishment is in the knowledge of the PKK and even under its control. They see Abdullah Öcalan, the founding leader of the PKK, as their leader, too. They used Öcalan posters in many demonstrations, and the PKK background of the ruling class led the organization; these shreds of evidence support Turkey's theses, too. If we go back to the question asked at the beginning, in the light of this information, can YPG members, who are members of an organization which is extension of the PKK, or at least share the same basic ideas and goals with PKK, can be prosecuted as members of a terrorist organizationThe outcome that we will obtain from an evaluation we will make on these two examples is that not every

organization will be approached in the same way. This result clearly shows that the TA 2000 cannot be applied to every terrorist in the same way. A lawyer would naturally be able to claim that his/her clients were tried for terrorism offenses under almost the same conditions, but that YPG members were not, and he would be able to argue with confidence that his clients are at least as innocent as YPG members. From another point of view, Turkish Government officials will also claim that YPG elements are as many terrorist criminals as the Real IRA. The TA 2000 will be criticized that counter-terrorism laws are applied differently according to individuals, groups, and organizations and accusations that the law and the judicial system are not fair. It would be appropriate to share a point that is thought to be appropriate to underline here.

Another criticism of the Terrorism Act of 2000 is the detention periods of terrorist suspects and the powers given to the police. First of all, it should be noted that the authority of the police in crimes other than terrorism is very different from the authority of the police in the context of terrorist crimes. Thanks to article 41, the police can arrest a person as part of a counter-terrorism investigation without any warrant. (Terrorism Act 2000, 2000; 41) The TA 2000 has given the police this large-scale power. Also, thanks to authority given to the police, the constable does not have to tell the person why he/she is being detained/arrested. The police did not have to declare a person detained or arrested under Article 41 of the 2000 Act for what crime he or she has been detained.

Moreover, this also applies to the two days following the arrest. A person may not find out what charge he was detained for two days until he appears before a judge. Again, it was impossible to talk about the same practice in ordinary crimes. A person arrested on suspicion of terrorism may be detained for two days before appearing before a judge, and this period may be extended for another five days if deemed necessary. The intention here is actually to detain a person for a whole week without ever bringing him before a judge. It should also be noted that the person may not be allowed to see his lawyer during the first 48 hours of detention. If the police authorities deem it necessary, they can question the person for two days without meeting with his lawyer. (Terrorism Act 2000)

Another point that should be mentioned, in the negotiations between the client and the lawyer the participation of a police officer in these meetings. According to the Terrorism Act of 2000, police authority can also be involved in meetings with a lawyer of a person detained on suspicion of terrorism; moreover, new evidence reached in these interviews can be used against the person in court. These practices are criticized as violating a person's right to a fair trial.

Chapter V of the Terrorism Act of 2000 is devoted to counter-terrorism forces, and this chapter contains the powers of the police in the fight against terrorism. One of the main criticisms of this section is that, as mentioned before, it gives the police vast arbitrary powers. According to article 41 (subsection 1) of the Terrorism Act of 2000 "A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist"(Terrorism Act 2000, 2000; 41/1) reasonable suspect term is highly important because the article did not specify what are the criteria are defined as reasonable doubt. In this situation, the question that comes to mind is, who is the reasonable suspect? The legislator has given the ordinary police officer a great deal of power. The police officer will profile the usual suspect in his head. So, can this cause arbitrary detention? Of course, with such broad powers, any policeman may act arbitrarily at any time. This arbitrariness is not just about detaining someone as a terrorist suspect, but it also has a physical counterpart. As stated above, a person detained on reasonable suspicion may be detained for two days, which can be extended by another five days, spread over the whole week. The duration is the critical part of the article. The police officer has been given such a broad authority that perhaps a person who has nothing to do with terrorism may be deprived of his liberty for a week and suffer spiritually and physically just a police officer only considers him as a suspect.

Article 42 of the TA 2000 regulates the search of buildings and houses by the police. According to the article, if a police officer suspects that a person meets the conditions listed in article 40 (1) in a building or house, he can search that building and house with the authorization of an "A justice of the peace."(Terrorism Act 2000, 2000; 42/3) The point to be emphasized here is the low quality of evidence. As mentioned before, ordinary suspicion is sufficient in this article as well. In other words, if a police officer suspects that there is a terrorist suspect in a

particular building, it is sufficient reason to search that building. This breadth of authority is open to arbitrary use in certain situations and harassing people.

Articles 44, 45, 46, and 47 of the act are examined under "power to stop and search." In this section, the power of the police to stop and search people and vehicles is given. As in other articles, the police are equipped with broad powers in these articles. Article 44; on condition that it has been announced beforehand, means every vehicle, driver of the vehicle, and a passenger in the vehicle may be investigated by a police officer wearing his uniform; It gives the authority to stop and search everything carried in the vehicle, as well as the things carried by the driver and passengers of the vehicle. In addition, sub-clause 2 of the same article authorizes a uniformed police officer to stop and search pedestrians and their vehicles under the same conditions. The most important restriction here is that the region must be declared a search region before searching. In the 4th sub-clause of the same article, the methods of making these restrictions are given. According to article 44 (subsection 4), *"An authorization may be given where the specified area or place is the whole or part of a police area outside the Northern Ireland, by a police officer for the area who is of at least the rank of assistant chief constable; the whole part of the metropolitan police district, by a police officer who is of at least the rank of commander of the metropolitan police; whole or part of the City of London, by a police officer who is of at least rank of commander in the City of London police force; whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of the assistant chief constable.*(Terrorism Act 2000, 2000; 44/4) In the regions listed above, these powers are generally given in writing by the police who meet the conditions, but with a sentence added to the end of the article, it is also allowed to be given orally (provided that the person giving the verbal order puts this order into a written order in the most reasonable time). Under the article described in detail above, the police can declare an entire area as a search area and may search pedestrians, vehicles, drivers, and passengers in the vehicles down to the smallest detail during this period. This authority to given the police, which seems to be very useful in cases such as the police dwelling on the possibility of a possible bombing attack or receiving intelligence that a bloody terrorist attack might take place, may also make

it possible to complicate people's lives with misuse and to be used for the benefit of the Government when appropriate. On March 22, 2003, police used the stop and search power under section 44 of the law by calling protesters taking buses to join a protest near the Royal Air Force Fairford base in Gloucestershire. "According to protest organizers, the searches took an enormous amount of time, and many protesters were unable to attend actual protests given the delays- and the searches, if the protest organizers are to be believed, were mainly done to have this detrimental effect upon the protest." (Beckman, 2007) As can be seen, the broad powers given to the police may not always be used for the fight against terrorism. For the example, in the case above,, the protesters allege that the Government arbitrarily used the counter terrorism law to reduce participation and influence of the protest meeting.

The above-examined law articles criticize those civil rights can be arbitrarily restricted; however, article 45 gives the police a very different power. This article regulates the physical search powers of the police. *According to Article 45 (subsection 3), "A constable exercising power conferred by an Authorization may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves."* The language of this article draws the boundaries of the physical search of the police but also clearly states what clothes people can be asked to remove in public. With authority obtained from this article, the police have the authority to demand that a person whom they deem as the usual suspect take off their clothes, which are listed in the act, in the middle of the street(Terrorism Act 2000, 2000; 44) There may be some people who think that it is not a problem for the police to ask for the removal of clothes on suspicion of terrorism that will not be considered very important; there may also be those who do not like to be searched in front of people in the middle of the street by removing their shoes and jackets; however, asking a Muslim woman to take off her hijab in the middle of the street is harassing in every way. Muslim women wear hijab because to not cover the body is haram (forbidden by the god) due to their religious beliefs.

Furthermore, due to their belief, they do not want their hair to be seen by men, and this is their natural right because this is freedom of belief. However,

counted under this Act,"headgear" is targeted to a prominent Muslim woman, contrary to freedom of belief. In 2000, when this Act was passed, the September 11 attacks had not yet occurred, and Islamophobia was not yet widespread in the West compared to today.

On the other hand, as is known, Islamophobia started to spread in Europe and the USA after the 9/11 attacks. The presence of such authority could be used arbitrarily in the hands of the police in such an environment. Was it indispensable or did the UK Government publicly view Muslims as terrorist suspects? This authorization is problematic in two respects; the first is that it marginalizes and labels Muslims and violates the freedom of belief; the second is that it allows the police to unnecessarily humiliate and cause difficulties to innocent people with the usual suspect profile they have determined in their minds, which they can use arbitrarily. Lastly, these implementations help the creating a suspect community in the UK

The 2000 Act, enacted to combat terrorism, and is vital in many ways. As mentioned before, it brought together all the scattered anti-terrorism laws of UK and was prepared in a peaceful environment where IRA terrorism was resolved. This act also aimed to harmonize British anti-terrorism laws with the ECHR. As a result, some applications of prior counter-terrorism acts have been removed or softened. Nevertheless, on the other hand, it is difficult to claim that it was a very soft law even though it was an act made in peacetime.

For this reason, the cTA 2000 has been subject to criticism, and some of these criticisms have also been examined in this thesis. In addition, some improvements and updates held in the following years on this Act.

6.2. UK ANTI-TERRORISM, CRIME AND SECURITY ACT OF 2001

Although the Terrorism Act of 2000 was planned as a comprehensive and long-term act, it was updated in 2001, less than a year after its adoption. As can be expected, this adoption was caused by the biggest, bloodiest, and most shocking terrorist attacks in history, the September 11, 2001 attacks that shocked the whole world. Almost three months after the Terrorism Act of 2000, the British

Government's making a new change was directly proportional to the size of the al-Qaeda terrorist organization's action force. Another factor was that, as mentioned before, hundreds of British citizens lost their lives in the attacks. The British Government also showed a sudden reaction and updated the counter-terror laws shortly after the attacks. With these changes, the power of the police was increased again, new articles were added the act which were absent TA 2000, and some practices that were abolished with the changes made in 2000 were brought back. These issues have also brought criticism too. In a note published by Human Rights Watch said that "The government of the United Kingdom is keeping foreign terrorism suspects indefinitely, which is a major breach of its international human rights duties. Rather than devising counter-terrorism measures that are compliant with domestic and international human rights law, the government declared a state of emergency and suspended (or "derogated") essential human rights protections." (Human Rights Watch, 2004) These changes made after the September 11 attacks have not been as extensive as those made in the previous year. Primary intention of the British Parliament was to "restrict terrorist financing and funds, improve communication between relevant government agencies on internal security and counter-terrorism, re-evaluate immigration policy, assure nuclear industry and airline security, and be targeted by terrorists increase the security of the substances that can be purchased and used, as well as the police's counter-terrorism authorities and the fight against bribery and corruption, in conformity with EU legislation. (Beckman, 2007)

In line with the goals that the British government wants to achieve, the authority of the police has been increased with the new Act. By declaring an area given to the police in the previous Act as a search zone, the authority to search was extended up to 28 days. (Anti-Terrorism, Crime and Security Act 2001, 2001) The fact that the duration of the "blanket search" authorization, detailed in the previous section, can be extended to this extent is fundamental in terms of demonstrating the power of the police. With this power, the police will search the region with almost unlimited authority for 28 days. Perhaps the most controversial topic of the ATCSA is Article 117; the article regulates the conditions of cooperation of witnesses. The obligation to cooperate with witnesses already existed before 2000; however, it was

deemed appropriate to abolish the 2000 law in an environment of relative peace. This arrangement was brought back with the ATCSA. According to article 117 (2) of ATCSA, *"The person commits an offense if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3)"*. (Anti-Terrorism, Crime and Security Act 2001, 2001; 117) The point to be noted in this article is as follows; it was stated that witnesses would be guilty if they did not cooperate with the police, with no exceptions declared in the article. The witness was forced to cooperate with the police about their friend, relative, family member, or even their lovers. The powers given to the police allowed them to take photographs of suspects, and DNA samples, fingerprints, photographs of birthmarks, and tattoos. The police also obtained the authority to require suspects to remove their clothes when they believed evidence of terrorist material. According to article subsection of Article 94 of ATCSA confers power on any constable in uniform "to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly to conceal his identity; to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose." (Anti-Terrorism, Crime and Security Act 2001, 2001; 94) The power to require people to remove their clothes, as stated earlier, although not explicitly, targets especially Muslim women. Because of the related article and police's attitudes, every Muslim woman who wore a hijab and covered her body was almost turned into a potential terrorist suspect. Muslim women wear clothes that cover their bodies due to their beliefs, and this authority violates the freedom of belief of Muslim women; because, as Scheppele put it, "Islamic scarves, the hijab, or the other forms of dress that devout Muslim women wear and that would cause enormous embarrassment and sense of being disrespected if removed" (Scheleppele, 2004, p. 32)

One of the most criticized and controversial regulations of ATCSA is the section on immigration, immigrants, and refoulement. According to article 21 (1) of ATCSA, *"The Secretary of State may issue a certificate under this section in respect of a person if the Secretary of State reasonably; (a)believes that the person's presence in the United Kingdom is a risk to national security, and (b)suspects that the person is a terrorist."*(ATCSA, 2021; 21) As it can be understood from this

article, if the secretary of state believes that a person is harmful to the country or suspects that he is a terrorist, he may have the right to expel the person from the country. So, is it clear what the criteria are? The second paragraph of the same article tried to define who the terrorist was, but it was not precisely what the secretary of state would deport the person. The deportation authority existed before the TA 2000; however, it was abolished with the TA 2000; but with the ATCSA, this authority found its place again in the UK's counter-terrorism law again. This brought with it many debates and was criticized by British lawmakers. As will be mentioned later, the deportation authority was again abolished. The vagueness and arbitrariness of the deportation power was not the only problem with the Act.

With the undermentioned article, the authorities also retained the right to unrestricted detention of a person detained for deportation, contrary to customary criminal laws. These articles allow for the arbitrary deprivation of a person's liberty without an expiry date. The British overnment claimed that these powers were exercised based on the emergency exemptions contained in Article 15 of the ECHR. According to Article 15 of ECHR, "In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under [the] Convention" (ECHR, 1950; 15).Although the British Government based these restrictions on the ECHR, it could not escape criticism at the national and international levels. The British authorities exercised these powers until 2004. However, in 2004, 9 legislators argued that the "detention provisions" should be repealed because they are incompatible with the ECHR. According to legislators, article 23, in particular, was an overly broad and disproportionate reaction. Does the situation that ECHR recognizes as an emergency threatening the nation's very existence exists in the UK? The legislators, who answered no to this question, argued that this arbitrary and disproportionate authority should also be abolished. The majority of legislators agreed that this authority was too broad and disproportionate, and the "detention provisions" were abolished with a decision taken in 2004. Article 14 of the ECHR does not define race, religion, sex, color, language, political opinion, social or national origin, etc., explicitly prohibits discrimination based on status. Most legislators agreed that the article in question also violates Article 14 of the ECHR. Taking this decision and

cancelling the regulation was a big step; however, it should not be forgotten that the courts make decisions following this act for three years. In addition, another issue that needs to be emphasized is how far the decisions taken by the states with the perception of security can go further. As can be seen in this example, even a state like the UK, which initiated the development of civil rights and democratization process many years ago, can make decisions that will violate even ECHR when it perceives a security threat. These excesses may be given as an example of the UK's securitization of civil and human rights.

6.3. UK PREVENTION OF TERRORISM ACT OF 2005

PTA 2005, which came into force in March 2005, has brought many discussions with it, too. To begin with, PTA 2005 caused prolonged debate in the House of Commons and the House of Lords before it was enacted. Prime Minister Tony Blair, showed a great effort to pass the act; however, he had difficulty explaining the necessity of the act even to the representatives of his party. As a matter of fact, these doubts was also reflected in the voting, and in the voting held in the House of Commons, 15 Labor Party representatives voted against the act. It was argued that the 2001 Act regulating the detention of immigrants needed to be changed; here, the most basic disagreement was that this regulation contains clauses that violate ECHR and HRA. The main argument of the Labor Party government was to solve the problems that emerged with this regulation. However, there were several reasons why this ostensibly solving regulation created great upheavals; first, under the newly introduced Control Orders regulation lowering the burden of proof. This was the biggest problem; on the other hand, the reason for the opposition coming from within the ruling party was that the police powers; because it had continuously increased from 2001 to 2005, have become harmful to civil liberties. For these reasons, the 2005 regulation met with significant opposition.

Despite all this criticism and internal opposition from the Labor Party, the bill passed in the House of Commons by more than 100 margins. When the regulation came to the House of Lords, the new regulation made by the Government was not accepted: it was stated that there were some practical issues to be changed, and it was sent back to the House of Commons for the mentioned changes to be

made. The changes that the House of Lords wanted to be made focused on two points: "control orders" and "burden of proof." The House of Commons sent the proposal back to the House of Lords without making substantial changes to the draft bill, but the Lords also sent it back again to the House of Commons. Each side was not willing to compromise. Typically, the House of Commons had the authority to bypass the House of Lords after one year; however, the 2001 law would expire only 4-5 days before the voting. In this case, the way of releasing some prisoners would be opened. Under these circumstances, both sides had to make concessions, and the problem was resolved. Opponents agreed to pass the bill as it came from the House of Commons, while those in the majority promised that the bill would be reviewed annually. After mutual concessions, the "Prevention of Terrorism Act (PTA)" was adopted on March 11, 2005. (Editors of Mailonline, 2005)

As mentioned above, the most controversial issue of the PTA 2005 was about the "Control Orders" powers given to the Government. The definition of Control Orders, in which situations and to whom it can be applied, is specified in the first part of PTA 2005. In PTA 2005, "control order" means an order against an individual that imposes obligations on him for purposes connected with protecting members of the public from risk of terrorism" (Prevention of Terrorism Act 2005, 2005; 1) The second clause of the same section was as follows:

The power to make a control order against an individual shall be exercisable…

(a) except in the case of an order imposing obligations that are incompatible with the individual's right to liberty under article 5 of the Human Rights Convention, by the secretary of state; and (Prevention of Terrorism Act 2005, 2005; 2/b)

(b) In case of an order imposing obligations that are or include derogating obligations, by the court an application by the secretary of state. (Prevention of Terrorism Act 2005, 2005; 2/b)

The Act divides control orders into two: "derogating control orders", which can be issued by the courts, and "non derogating control orders", which can only be issued by the Foreign Minister. "The key distinction between the two types of orders

is that a derogating order might include obligations that are incompatible with a person's liberty under article 5 of the ECHR, and it must be renewed every six months rather than annually if it is to remain in effect."(Prevention of Terrorism Act 2005. 2005; 10/a; 10/b) As can be understood from the definition given above, "control orders" give to the government a right to restrict the ordinary course of people's lives. Again, in the following articles of the same act, which rights can be restricted; restricting the possession and use of certain goods or substances, prohibiting the use of specific services and facilities, restricting him from doing his job, prohibiting him from establishing relationships and communicating with people, restrictions on his possessions, prohibiting him from being in designated places, having to accept an electronic tracking system that will allow him to monitor his movements, having to report on what he is doing at certain times; internet, phone, etc. Examples of these restrictions are using communication tools and being able to go out of the house only at certain hours. These examples, which were counted to show how broad the scope was, are criticized for allegedly violating human rights because they restrict many rights of the person. For example, an individual "wears an electronic tag around his left ankle and is allowed to leave his house just four hours a day who's detained in London" (Bennhold, 2009)

According to the Terrorism Act of 2001, detention provisions were only applicable to resident aliens in the U.K, and this discrimination by some P.M.s because of the implementation of this process was a violation of ECHR; however, PTA 2005 brought a new arrangement

On the other hand, control orders brought along many problems. Questions began to be asked when it would end, who would decide, and who would set the standards; because usual standards of evidence do not apply, even evidence obtained through methods such as torture is acceptable.

On the other hand, there was a positive difference with the 2001 regulation. According to PTA 2005, a "non-derogating" order is subject to court review. The court is authorized to check whether there is a suitable ground for making the decision and whether it is a measure taken to protect society from the threat of terrorism.

As mentioned above, the proof standard used when creating "control orders" had some controversies and criticized by a very large group of people. Guardian explained it as follows.

To clarify, the burden of proof is the obligation, which usually rests with the prosecution, the government, to provide evidence that can convince a court or jury of the truth of an allegation. Standard of proof concerns the requirement in criminal cases of being "beyond reasonable doubt", and that in civil cases, which rests on a "balance of probabilities", and the lesser standard proposed for some parts of the bill of "reasonable suspicion" (Control orders and PTA 2005 page 7) with the aim of solving this violation, PTA 2005 was applicable for not only resident aliens but also British citizens and nationals. The Joint Committee on Human Rights published a series of views on the standard of evidence in its 2006 report. The Committee commented in its report that "We regard the standard of proof for the making of control orders to be a vital feature of the Act " because, according to the PTA 2005, the standard of proof that the Secretary of State must comply with when issuing a control order against an individual is set by a shallow standard in the law. The Minister only needs reasonable grounds for suspicion. It has been criticized as unfair to associate an individual with terrorism with such a low threshold of evidence. But, again, in the Committee's view, "reasonable suspicion" is a shallow threshold, even lower than the "balance of probabilities" standard in civil cases and far below the "beyond reasonable doubt" standard applied in determining criminal charges.

6.4. UK TERRORISM ACT OF 2005/2006

As with the Patriot Act in the United States, the terrorist actions on July 7, 2005, and the attempted bombings on July 21, 2005, in the UK have prompted another round of legislation pertaining to anti-terrorism laws and protecting the homeland. (Beckman, 2007, p. 76) As examined in the section above, the Blair government had enacted a new anti-terrorism act a year ago, and this act also caused great controversy among represantatives and media. However, in July 2005, just months after the PTA 2005, bloody and grim terrorist attacks occurred on the London Underground system. These terrorist attacks, carried out with murderous

feelings, undoubtedly profoundly affected and saddened British society. It was unthinkable for the British government to remain unresponsive to these actions; as a matter of fact, 52 innocent British citizens died in the attacks, nearly 700 people were injured, and society was horrified.

After the attacks, then-Prime Minister Tony Blair made very harsh statements and made it clear that they would do everything to ensure the safety of the British people. On August 5, 2005, Blair announced a 12-point counter-terrorism action plan; in summary, the elements included in that plan: "New grounds for deportation: affiliation with extremist websites, books or publications is enough for the secretary of the interior to request the deportation of a foreigner. So it will be; in case of legal obstacles to the interpretation of Article 3 of the European Convention on Human Rights, the opportunity to amend the Human Rights Law will be provided; a new counter-terrorism act will be enacted, which will include offenses of condoning or supporting terrorism within the UK or abroad; Asylum applications of anyone who has participated in or had an interest in terrorism will be automatically rejected; arrangements will be made on the maximum time period for extradition in terrorism-related cases; arranging a new court process and pre-trial detention period that will allow pre-trial process" (Guardian, 2005)

A new anti-terrorism act highlighted in the 12-point plan mentioned above was the topics examined in this section. This act increased the length of conviction for pre-existing terrorist crimes and stipulated new crimes. In addition, section 6 of the Act creates new offenses on terrorism training and section 8 on being in places where terrorist training is given.

Section 1 of the act deals with glorifying terrorism. "This section applies to a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Conventions."(Terrorism Act 2006, 2006; Part 1, 1/1) details of the glorification of terrorism were given following the explanation; however, as it can be understood from the definition of sublimation, the definition was made very

broadly. It is naturally not normal to expect glorification of terrorism to be welcome; however, on the other hand, adding a clause that may restrict freedom of expression to the anti-terror law may cause uproars. Terror praised to the person acting, called them "martyrs," were the criminalization find the proper means or ideological as they do. Here there was an apparent disproportion between action and reaction to action; because, according to article 7 of Chapter 1, a person could be imprisoned for up to 7 years for this offense. In this case, the freedom of expression of a section of social critics has been criticized as restrictive penalties. The second part of the act was devoted to spreading terrorist broadcasts. According to this section, for the subject to constitute a crime, the publications must be strictly terrorist. In the definition made in this part of the act, how to understand that a broadcast is a terrorist broadcast has been made. "It is likely to be understood by some or all of the persons to whom it is or may be disseminated as a direct or indirect encouragement or other inducement to commit, prepare or can instigate acts of terrorism " (Terrorism Act 2006, 2006; Section 2) As can be seen, the definition is again comprehensive. For example, the concepts of Jihad, Gaza, and Martyr have preserved their existence since the establishment of Islamic culture. Terrorist organizations may be using these concepts ideologically just like the other non-marginalized Muslims, and Western sources may label terrorist organizations as "*jihadist terrorist organizations*"; however, this does not mean that the concepts mentioned belong only to Muslim individuals and organizations that carry out terrorist acts. Let us suppose that an author not related to any terrorist organization writes a book describing the concepts of "martyrdom" and "jihad"; such a book may be perceived as a text glorifying terrorism by a part of a society that lacks Islamic ideology and knowledge. When we consider the dimensions that Islamophobia has reached, this possibility is not weak at all. Would a Muslim bookstore selling the book as mentioned earlier be considered a criminal in such a case?

On the other hand, Muslims have been already labeled with these words. "The words jihad and terrorism have often been used in the same anecdote to describe Muslims less a problem group" (Awan , Spiller, & Whiting, 2019) these provisions of the act might be cause the restriction of abuse, freedom of expression and unfair penalties. Section 8 of the act regulates crimes related to being in a place

where terrorist training is provided and creates crimes that did not exist before, as mentioned above. Article 1 of this section are as follows:

(1) A person commits an offense if—

(a) he attends at any place, whether in the United Kingdom or elsewhere;

(b) while he is at that place, instruction or training of the type mentioned in section 6(1) of this Act or section 54(1) of the Terrorism Act 2000 (c. 11) (weapons training) is provided there;

(c) that instruction or training is provided there wholly or partially for purposes connected with the commission or preparation of acts of terrorism or Convention offenses; and

(d) the requirements of subsection (2) are satisfied in relation to that person.

This section of the act seems to prohibit and punish terror education; however, it envisages punishing not only those who receive training, but also those who are in the place where training is given but do not receive training. Considering the practices in other countries, it is a shallow threshold for punishment. For example, according to US law, it is not sufficient to punish a person for being in a place where terror training is given. There must also be other criminal elements, such as training and involvement in terrorist acts. However, the articles given above states that persons in places providing terror training can be punished for up to 10 years, without the need for other supporting evidences to impose punishment. This low threshold to punish someone caused a massive disproportion between action and punishment.

TheTA 2005/2006, enacted right after the grim terrorist acts in London, introduces regulations on many other issues, creates new crimes, and increases the penalties for existing crimes. The disproportionateness of the penalties, the easing of punishment, and the passage of this act, which could result in the restriction of some civil rights, led to intense criticism of the Blair government; Blair has even been accused of building a police state, including M.P.s from his party. Blair did not openly oppose these criticisms and made challenging statements; Blair defined

his responsibility as "protect people in this country and to make sure their safety and liberty to come first" (BBC, Anti-terror laws face opposition, 2005)

The last important point to be mentioned about the Terrorism Act 2006 is the period of pre-trial detention. Pre-trial detention, like British terrorism laws, has continually evolved. Pre-trial detention, which was a maximum of 48 hours in the 1980s and 1990s, increased in the 2000s with changes to terrorism laws; it was increased from 48 hours to 7 days and then to 14 days. The Labor Party's Blair government proposed in 2006 to increase this period from 14 days to 90 days. Although this proposal received support from some sections of the British public and the media, who became sensitive after the London attacks, it received intense criticism from a large group of people, politicians, and scholars, especially conservative party representatives. Although Blair stated that the rising the pre-charge detention period was essential for Britain's security and should be adopted; but he faced opposition from representatives of his party. Ultimately, in the vote held in the House of Commons, the article providing for 90 days of pre-trial detention was rejected. This voting went down in history as Blair's first big voting defeat. Although the ninety-day detention period was rejected, this period was later accepted as 28 days, which is twice the time stipulated in the previous law. The accepted 28-day pre-trial period far exceeds that found in the counter-terrorism laws of other European states.

6.5. COUNTER-TERRORISM ACT 2008

With the 2000s, the UK's anti-terrorism acts have become almost the most crucial issue on the governments' agenda. The international, religious-motivated terrorism that the UK has faced had a significant impact on the emergence of these agendas. When Britain was going to support the USA in the Iraq war, some British experts warned that the support could make the United Kingdom a target of terrorist attacks."In itself, counter-terrorism legislation has always appeared in a piecemeal manner and is often reactive towards terrorist attacks" (Awan , Spiller, & Whiting, 2019, p. 35) The British government overreacts after the attacks and alienates the Muslim community, was taking precautionary measures. Terror laws had already

been amended and aggravated in 2005 and 2006. After these two changes, the Labor Party government began preparing a new anti-terrorism Act in 2008.

The new Act did not introduce an entirely new regulation like the previous ones; it updated some articles of the previous act and increased the penalties for some crimes. The issues regulated in this draft were increasing the pre-trial detention period from 28 days to 42 days, secret investigation, post-trial interrogation, longer prison sentences for terrorist crimes, terrorism registering and monitoring, asset seizing, evidence gathering, and increasing the police force. Some points in the draft caused great debate in media and legislatures.

First of all, there were some regulations in the draft that significantly increased the power of the police. Taking and publishing photographs that the security forces thought would be "problematic" were included in the scope of terrorism. "In a nutshell, you could be arrested for taking and publishing a picture of a police officer if the police think it is " likely to be useful to a person committing or preparing an act of terrorism" (Vallee, 2009) This restriction has received great criticism that the draft was beyond already existed broad police powers. Police officers already had great power with the "stop and search" authority since 2000. With this article, it will become almost impossible for the press and photojournalists to do their jobs. Again, in a section in the Guardian news, the views of a freelance reporter, Justin Tallis, were included. "Although the bill does not directly say photographers, Tallis states that photographers are already on target and adds; It has been six months since I moved to London, but I've already encountered this situation a few times" (Adetunji, 2009) The moments of police violence in a demonstration are under the photograph reporters who receive a license may face up to 10 years in prison due to the article as mentioned above. Fortunately, this article was removed from the draft, and events that would harm the freedom of the press were prevented.

Another significant point that caused controversy in the draft was the pre-trial detention process. This issue comes up again with every change, and as it was examined in detail in the previous section, the Labor Party government tried to increase this period from 14 days to 90 days, and this period was not accepted in

the voting; however, it was later extended to 28 days by a vote. The government may not have been able to digest the defeat in 2006, bringing this issue to the agenda again. This time the recommended duration was 42 days. Britain's Prime Minister was no longer Blair, yet another Labor Party Prime Minister was Gordon Brown. Brown, like Blair, saw the issue of detention time as the most critical element in the fight against terrorism. He tried every way to avoid Blair's defeat, and this article, which even some Labor Party representatives voted against, was accepted in the House of Commons. After the act passed, great controversy arose, and allegations were made that Brown bribed Irish Unionists to pass the bill. "Labour rebels claimed the DUP had obtained guarantees that the government would block efforts to use the Human Embryology and Fertility bill, currently going through Parliament, loosen abortion rules" (BBC, 2008) In the same newspaper article, it is stated that some Conservative M.P.s shouted at DUP attorneys that the government bought them. Although Brown was able to approve the draft in the House of Commons, the draft was rejected by the vote in the House of Lords, and then the 42-day clause was removed from the draft by the government.

Another essential draft article, which was later removed from the draft, concerns the secret investigation. Under this article, the government requested the interior minister the authority to conduct investigations in secret, without notifying the court, in cases where it felt that national security might be endangered. This article of the draft also caused significant reactions. The secret investigation law, one of the most critical and primary articles of the bill prepared by the government, was removed from the draft without being put to the vote by the government. A Ministry of Justice spokesperson declared that "we will therefore be removing the proposals from the counter-terrorism bill and bringing them forward again in legislation to reform the coroner system more widely" (Watt, 2008) another criticized article of this bill was the post-trial questioning article. According to this article, the police have the right to question a person who has been tried for terrorism even after the trial is over.

6.6. COUNTER-TERRORISM AND SECURITY ACT (CTSA) 2015

It ha been observed that the British counter-terror laws are often amended after a bloody terror attacks.. For example, we can show the amendments introduced after the 9/11 and 7/7 attacks. It can be said that the change made in 2008 was related to the 7/7 London attacks. However, the arrangement in 2015 did not materialize directly due to a terrorist attack in the UK. Its trigger was more of an issue of international security. ISIL, Caliphate, DEASH, or DAESH. No matter what name is used, only one terrorist organization will come to mind; a Salafi, destructive, and so-called jihadist terrorist organization that has established activities in Syria and Iraq. Although the emergence of ISIL is accepted as 1999 (Wikipedia, 2020), it showed its principal effectiveness by seizing extensive lands in Syria after 2013, weakened by civil war after the Arab Spring, and Iraq, which could not put internal order right after the 2003 invasion. It has reached opportunities that perhaps no terrorist organization has ever had; it captured cities with its people, collected taxes, and sold oil, appointed governors and judges. In doing so, it brutally murdered thousands of women, children, and men; destroyed cultural heritage sites, committed acts that amounted to genocide against Yazidi people; it horrified the whole world with its methods of execution. The organization declared a so-called caliphate over the lands it controlled. The same question sought an answer in people's minds from all over the world; who were they? They were not an ethnic group or ordinary citizens of one country. ISIL was acting like an international terrorist company with participants from all over the world. These people who went to Syria and Iraq to join ISIL were described as "foreign terrorist fighters" (UNODC, 2019) Here, these foreign fighters were the main driving force of the arrangement that the UK went to in 2015; because the UK was home to a dense Muslim population, and as early as 2015, it was recorded that hundreds of Britons traveled to Iraq and Syria to join ISIL. (Dearden & Hall, The Britons who went to join Isis: Where are they now?, 2019) One of them was very popular Shamima Begum also known as ISIL Bride. (Chowdhury, 2021) In this horrific times, the United Kingdom and many other states took measures to prevent their citizens from joining the terrorist organization. States changed their laws, took the

border crossings under tighter control, made agreements with other states, and demanded extradition those deemed dangerous.

CTSA 2015 brought regulations on many issues and increased the police's control powers at borders and airports. Edited topics; establishing a temporary exclusion order when a British citizen is suspected of participating in a terrorist act abroad, imposing solid restrictions on where individuals can go, providing law enforcement access to internet communication systems; more effective control of air, sea, and land borders with passenger data, no-fly list, and security screening measures; assign missions to several organizations to expand the mandate to search for goods in or near UK ports and prevent people from being driven to terrorism. (Home Office, Counter-Terrorism and Security Act, 2015) Two of the items listed above received criticism. The first of these was the intense control authority on the Internet, and the other was the prevention duty given to all public employees to prevent people from being dragged into terrorism. Universities were included in the institutions where the duty of prevention is given. To understand why CTSA 2015 endangered academic freedom, it was necessary to look at the government's CONTEST strategy launched after the London attack. (HM Government, 2018)

The PREVENT program was launched in 2006 as part of CONTEST, a cross-government counter-terrorism strategy developed in response to a rising domestic (and foreign) terrorist threat in the aftermath of the 2005 London bombings. The most crucial goal of CTSA 2015 was to prevent people from being dragged into terrorism. In this context, "rescuing" the youth, who were seen as the most vulnerable to the terrorist threat, from the terror trap has been one of the top priorities of the government. According to the 2011 PREVENT strategy, universities were already under duty within the scope of this strategy. Theresa May, who was the interior minister, recalled this duty of universities and said that they acted "complacent." Universities and colleges were expected to take more responsibility and help the government. "The notion that academic staff and lecturers might possibly act as intelligence sources to gather and disseminate evidence concern students risks loss teacher-student trust" (Awan , Spiller, & Whiting, 2019) The government has revealed the problem of trust between only students and teachers, but at the same time, it put academic freedom in great danger.

The government insisted on a more significant role for universities, citing some published reports on universities that indicate 40 UK universities are under significant terrorist threat (Awan , Spiller, & Whiting, 2019); some schools could face severe budget cuts if they did not take these demands seriously. As mentioned above, the pressure over the universities also has a restrictive effect on academic freedom. On May 14, 2008, two people were arrested at Nottingham University under the terrorism law. These people were released without trial after being detained for a week. The reason for his detention was an Al Qaeda training manual that a 22-year-old student named Rizvaan Sabir had downloaded from the Internet as part of his research. The students were released, but arresting a student without any persuasive proofs caused significant reactions. Critics openly said that academic freedom was under threat. "University of Nottingham staff have said the right to study freely is being upheld after a politics student was arrested under terrorism" (BBC, Student was 'studying terrorism', 2008) CTSA 2015 was enacted to develop its "prevent" strategy further and prevent individuals from joining terrorist organizations, and it was asked to cooperate more with other public institutions and universities in their universities. Theresa May used the following expressions in a speech she gave in 2014:

From July 1, the new Prevent duty for specified authorities will commence… Once this has been fully implemented, it will require local authorities, the police, prisons, probation services, schools, colleges – and universities too – to have due regard to the need to prevent people from being drawn into terrorism… This will ensure that Prevent activity is consistent across the country and in all those bodies that work with those who may be vulnerable. (Home Office, Theresa May on Counterterrorism , 2014)

With the Prevent strategy and CTSA 2015, the British government tried to create a journal order. All public employees were taken responsibility to help the government and forced to act as intelligence agents to collect and share the information about terrorism suspects around them. This approach of government has contributed to the alienation of the Muslim community, which has been going on for many years. In particular, the co-operation of universities has caused the eyes to be constantly on Muslim students. It damaged academic freedom, the relationship

between teacher and student and created a new suspected group, Muslim university students.

6.7. COUNTER-TERRORISM AND BORDER SECURITY ACT 2019

Counter-Terrorism and Border Security Act 2019 aims to update terrorist crimes according to the digital age and reflects current radicalization patterns, fails terrorism by enabling the police to intervene in investigations at an earlier stage, ensures that the severity of terrorist crime sentences is appropriately reflected, allows the police to manage the process after terrorist offenders are released, the country against hostile state activities strengthens its frontier defense. (Home Office, Counter-Terrorism and Border Security Act 2019: Overarching Fact Sheet, 2019) These statements are taken from the first page of the Factsheet prepared by the Home Office for CTBSA 2019. The government briefly summarized the aims of the draft law as follows. As stated in previous law amendments, updates and changes in terror laws usually appear after terrorist attacks. Unfortunately, this amendments came to the fore after the bloody attacks too. The Counter-terrorism and Border Security Act of 2019 came into force after the UK faced four bloody terrorist attacks in 2017. (Sky News, 2017) CTBSA changed, updated, or created new offenses in some articles in the 2000 Act and other anti-terrorism laws. In the Factsheet mentioned above, the changes were listed below..

- Gathering information that may aid terrorism (Section 58 of Terrorism Act (TA) 2000)

- The scope of the crime of invitation to banned organizations has been expanded (Section 12 of TA 2000)

- The scope of the offense of sharing a photograph with the flag, emblem, or other symbols of a banned organization has been expanded (Section 13 of TA 2000)

- Outside the United Kingdom, the crime of being in a place on the list of designated places without a necessary excuse has been created.

- The scope of the offense of promoting terrorism and spreading terrorist publications has been changed.

- The scope of extra-territorial jurisdiction has been increased.

- The maximum penalty period for the crimes listed below has been increased to 15 years.

o Terrorist information gathering crime

o The crime of publishing the information and photographs of people such as police, military, intelligence officers that can be used for terrorism purposes.

o crime of promoting terrorism

o The crime of spreading terrorist broadcasts (Home Office, Counter-Terrorism and Border Security Act 2019: Overarching Fact Sheet, 2019)

CTBSA has changed and updated many other article; however, this study only mentions only some of them. The Counter-Terrorism and Border Security Act 2019 "Overarching Fact Sheet" can be viewed for more detailed information. As with the previous amendments and acts, this act was also criticized, and it criticised based on the violation of civil rights. "The Act, for one, effectively curtails citizens' ability to view information online, as well as their right to freedom of expression, on the misguided basis that national security concerns necessitate limitation" (Albader, 2020) The Guardian article published by Jamie Grierson in "New counter-terror powers designed to tackle the "vaguely defined" crime of hostile state activity threaten the protection of journalistic sources, campaigners for freedom of expression and the press have warned" (Grierson, 2018) Then concerns are expressed that the new regulation will hit the freedom of the press. Indeed, looking at the draft, there is a breadth that the police and other security forces can abuse at any time. Has this legal expanse been deliberately left out? Here was the crucial point: If this width was left deliberately, it could be interpreted that the government has sacrificed the freedom of the press to avoid public reaction while fighting terrorism.

On the other hand, as stated in the act, if a person uses expressions that can be understood as promoting and praising terrorism, a person may be punished even for speaking recklessly and carelessly. Having no intention of praising or promoting terrorism will not change anything. This proves that there is a great disproportion

between action and punishment. Criminalizing even verbal expressions can be considered a violation of freedom of expression and contribute to the radicalization of some marginal groups. CTBSA aims to prevent support for terrorism on the Internet and fight terrorism in the cyber field. Theseis purposes also envisages exaggerated penalties. According to the rule known as "double click" in public, clicking a terrorist post twice and opening it was seen as an enough to be taken into custody, and this clause was mitigated after subsequent reactions. CBTSA aims to close the gaps on the Internet and cyber fields in the previous law, but this situation may make innocent internet users criminal. (BBC, New terror bill 'risks criminalising foolish internet users', 2018)

Another criticism for the government that the CBTSA created new crimes. It might be seen that almost every counter-terrorism acts created new crimes; and this situation caused controversy because government restrict the civil area more and more with every new act.. The act criminalizes being in designated areas outside the UK. According to the government's stance on this issue and the opinion of those who defend the law, this article; is to take measures to ensure that people who go abroad to join terrorist organizations, receive training, and participate in terrorist acts do not threaten national security when they return to the United Kingdom. There are some exceptions to this crime; Persons who provide reasonable reasons, such as being in these places for journalistic purposes and visiting family, are not seen a terrorist crime. On the other hand, critics claim that this article violates the freedom of movement. They even take their claims one step further and claim that they violate the presumption of innocence; because it is expected that the person who has been in these places will be proven innocent. "THUS, this provision assumes that a person has guilty motivations, thereby suggesting that the National Security Legislation is headed toward a system of guilty until proven innocent" (Albader, 2020, p. 26) Whereas it should be the opposite, people's presumption should be presumed innocent until proven guilty.

CONCLUSION

The United Kingdom is among the European states that first met with terrorism and the fight against terrorism. This means that the United Kingdom met anti-terrorism laws much earlier than other states. Throughout its history, the United Kingdom has had to deal with basically two types of terrorism: ethnic terrorism and religiously motivated terrorism. In recent years, an extreme-right has been added to these. Ethnic terrorism, the oldest and the fundamental type that the UK has had to fight with, which is of Irish origin. The United Kingdom has been on the island of Ireland for hundreds of years. The occupation of the island of Ireland dates back to the 1100s. In this process, the Normans first started to occupy the island, and then the King of England, Henry II, continued the occupation. This intense occupation policy of England continued in the following monarchs. The local kings who ruled in Ireland influenced the success of these invasion attempts. The local kings of Ireland, who seemed far from political unity, often fought for supremacy over each other. The invasion of the island of Ireland by the British forces became easier when some local kings sought help from England to gain an edge over their rivals in these struggles. The opposition that emerged from these occupations began to rise with the influence of the nationalism movement that emerged in the 19th and 20th centuries. Another reason for the opposition to the British rule in Ireland is that most of the island's people are Catholic, while the British are Protestant.

Attempts to rebel against the United Kingdom in Ireland intensified in the 20th century, when the United Kingdom was in World War I. In 1916, an uprising started on the island. The United Kingdom saw this uprising as a betrayal and tried to suppress it violently. This suppressed revolution was not the last and was repeated in the following years. The organization that managed and led these revolutions was the Irish Republican Army (IRA). The IRA derives its foundations from the Irish Republican Brotherhood (IRB), founded in 1914. Although the IRB disintegrated, subsequent Republicans inherited its ideas and idea of independence.

After the IRB, the intellectual and political aspect of the Irish case was led by the Sinn Fein political party, while the IRA led the armed struggle. In this period, this two-pronged struggle was described as 'a gun in one hand and a ballot in the other'. The IRA resorted to all kinds of bombings, kidnappings, political murders for the independence of Ireland. While attacks were carried out against the UK security forces in Ireland at first, both the scope and target group of attacks changed later on. Especially in the second half of the 1900s, the attacks spread to the island of UK, and civilians began to become targets. The UK has made both military and legal arrangements to overcome the ethnic terrorism which it was facing. It enacted anti-terrorism laws and sought to eradicate IRA terrorism. The Republic of Ireland was established with the division of Ireland in two, but some of the Northern provinces, predominantly Protestant Irish, who were in favor of union with the United Kingdom, refused to join the Republic of Ireland. The UK and Irish authorities have tacitly acknowledged North's position. Although some of the Irish people and rulers accepted this agreement as a success, those who defended the island's unity saw the agreement as a betrayal of the Irish Course and continued the struggle. The IRA split among the defendants of the agreement and those who opposed to the agreement. Opposition party assassinated Collins, who was the IRA commander that signed the treaty with the United Kingdom, and killed him. The Provisional IRA (P-IRA) established after this crack and it fought for the independence of Northern Ireland and concentrated its terrorist activities in the North and the main island of the United Kingdom. The attacks increased their impact day by day, costing thousands of deaths and injuries until the Good Friday agreement. The effects of IRA terror continued until the end of the 1990s, but with the 'Good Friday' agreement, the IRA laid down its arms and a new history page was opened for both sides.

After the IRA issue was largely resolved, the United Kingdom adopted a counter-terrorism Act in 2000 and brought together all the fragmented anti-terrorism laws under one roof. One of the main reasons behind the adoption of this act was to ensure that UK anti-terrorism laws are aligned with the European Charter of Human Rights (ECHR). The UK government, motivated by the fact that the IRA problem was resolved, thought it was the right time to change the anti-terrorism

laws, and the 'Terrorism Act 2000' (TA 2000) was passed by the Parliament. However, less than a year after TA 2000, the 9/11 attacks took place in the USA. The bloodiest terrorist attack of history, nearly 3000 people lost their lives, and thousands more were injured. The psychological effects of the attacks were beyond the limits of estimation. Hundreds of UK citizens were also killed and injured in these attacks.

Immediately after these attacks, the USA changed its anti-terrorism laws and passed the Patriot Act. Although the United Kingdom has just changed its anti-terrorism law, it has followed the United States and amended its anti-terrorism laws in 2001 as well. September 11, 2001 was a turning point for the United Kingdom and many other countries. After this date, the world began to hear a term more often: religious-motivated terrorism. Western sources have used this term as *'Islamic Terrorism, Jihadist Terrorism or Salafi-Jihadi Terrorism.'* The main reason behind that the Al-Qaida organization and its' terrorist attacks. The United Kingdom has been one of the states that was heavily targeted by religious-motivated terrorism.

Religiously motivated terrorism, the second type of terrorist threat faced by the United Kingdom, has outstripped the IRA threat after 2001. There are several reasons why religiously-motivated terrorist attacks targeted the UK. The first is that the United Kingdom is the most significant supporter of the United States, which waged war on Afghanistan and Iraq after the 9/11 attacks. The second is the UK's historical ties to the Middle East region due to its colonial past. Third, there are large numbers of Muslims living in the UK, and these people have been marginalized over the years. People were marginalized throgh Islamophobia, racism, and xenophobia, as well as the extremism of Salafist ideologies originating from the Middle East. The fourth and most crucial factor was the change in the understanding of the concept of *jihad* by the terrorist organizations sharing the Salafi ideologies, which Al-Qaeda and the Taliban belonged to. After the end of the Afghan war with USSR, Al-Qaeda and the Taliban leaders Osama Bin Laden and Ayman Al Zawahiri decided to export the idea of jihad from the Middle East to Europe and the USA. To understand the cause of religiously motivated terrorist attacks targeting the United Kingdom, it is necessary to understand the Salafist ideology well.

Salafism is a religious movement that emerged in the 19th century in the Middle East, also known as Wahhabism, and Salafism and Wahhabism are often used to replace each other. Although the two terms are close in meaning; on the other hand they have different connotations. Wahhabism is a movement founded by Abu Wahhab in Saudi Arabia in the 19th century and can still be seen as the state religion of Saudi Arabia today. As the basic philosophy, it is argued, is that the first years of Islam should be referred today. In this respect, it is in harmony with the Salafist ideology because Salafis also share the same views.

On the other hand, Salafis from the Egyptian school do not consider themselves Wahhabists. To them, the meaning of the word Wahhabist refers to those who follow the path of Wahhab. However, they state that they follow the path of Allah, not Wahhab. As mentioned in the sections above, Quintan Wictorowicz has analyzed the Salafists under three factions: Purist Salafists, Political Salafists, and Jihadist Salafists. The first group, the purist Salafists, are the pioneers of the Salafist movement. They argue that the understanding and way of life in the first years of Islam should be returned to in social life and state administration. Their understanding of state administration is far from opposing the Saudi monarchy. They argue that non-Muslims should be avoided as much as possible and Muslims should not interact with them. Compared to other movements of Salafism, it is a much more pacifist and isolationist movement.

The second branch of Salafism consists of Political Salafis. These are the representatives of the Salafist who are came from Egyptian school of Salafism in general. The Muslim Brotherhood, or Ikhwan Movement, a Salafi organization, founded by Hasan al-Banna in Egypt in 1928, constitutes both the intellectual and human resources of this movement. The Muslim Brotherhood organization was founded in Egypt, and like the purist Salafists, they argue that Muslim states and societies should return to the understanding of the early years of Islam. They aim to first establish an administration according to the Salafist understanding in Egypt and then export this understanding to other Muslim states. After the coup in Egypt in 1952, Jamal Abdul Nasser took over the administration with the help of an organization in Egyptian Army, Free Officers. Nasser also established good relations with the 'Free Officers' organization, which helped in carrying out the

coup. It is an organization of Muslim Brotherhood origin. Although Nasser and the Muslim brothers established good relations, after the coup their relationship deteriorated in the following years. After the unsuccessful assassination attempt against Jamal Abdul Nasser in 1954, some of Brotherhood's rulers, including one of the most influential of the movement Sayyid Qutb, were executed, imprisoned, or forced to exile. Muslim brothers, whose requests to open an information office in Saudi Arabia were rejected before, could immigrate to Saudi Arabia after the coup attempt with the contribution of the rivalry between Egypt and Saudi Arabia. The Muslim Brotherhood members who went to Saudi Arabia were welcomed with tolerance, and their well-trained scholars started to teach at Saudi universities. While the Purists acted in harmony with political salafists, they were separated during the gulf war. Due to the Gulf War, Saudi Arabia allowed hundreds of thousands of US soldiers to base in the holy lands. Brotherhood members started an intense opposition to this situation; however, Saudi clerics, who are under Saudi Dynasty control and represent the purist tradition, issued a positive fatwa on foreign soldiers. The conflict flared up at this point, and the Saudi administration forced the members of the Brotherhood into exile from the country. Jihadist Salafists, the third and last branch of Salafism, emerged differently from these two groups. The Soviet Union began invading Afghanistan in 1989. This occupation was met with the reaction by both western states and Muslim peoples. As a result of the reactions, many Muslim Organizations tried the save Afghanistan from the Russian occupation, and Muslims from many parts of the world participated in the war. Laden and Zawahiri, the leaders of the two primary group that led the Afghan Jihad, were influenced by Salafist ideologies. On the other hand, Abdullah Azzam, whom Saudi Arabia supported to organize the Jihad, had a significant influence on these two views. Ladin and Zawahiri duo, who did not want to disband the armed forces after the Afghan Jihad, created the Salafi-jihadist faction. The jihadist faction sided with its political predecessors regarding the foreign soldiers who settled in the holy lands due to the gulf war. They explained that Jihad would target the anti-Muslim western countries and corrupt Muslim countries.

The emergence of Salafist terrorism is briefly summarized above. With the end of the war in Afghanistan, violence began to be exported to Western states. The

USA comes first among the countries that have been affected by these acts of violence, because their embassies in East Africa and warships in Aden were attacked. The United Kingdom is another clear target country. Muslim clergy with Salafist beliefs and the exiled Muslim Brotherhood members marginalize the Muslim community in the UK.

There has been an increase of far-right organizations globally, especially in Europe, mainly since the beginning of the 2000s. The far-right is far from a new phenomenon for Europe; Especially during the between WWI and WWII, extremist views rose and even came to power in Europe. Hitler's Germany and Mussolini's Italy were the best examples. The Holocaust, one of the most painful genocides that history has ever seen, took place in Germany during this period. After the end of the Second World War, European states had an intense struggle against extreme right and racism, and they were largely successful in this struggle. However, an increase has been observed in far-right movements and organizations since the beginning of the 2000s. The United Kingdom is one of the states where the far-right has risen. Far-right and neo-Nazi organizations target gays, Muslims, Polish immigrants and even anti-Brexit MPs in the UK. A far-right terrorist murdered labor Party representative Jo Cox in June 2016. In this process, organizations such as BNP and Atomwaffen were included in the list of banned organizations by the UK government. However, it should be noted that far-right movements are not seen as a threat as much as the religious-motivated terrorism. On the other hand, the increase in far-right organizations and the spread of far-right ideologies among young people are worrisome for the future.

The terror types that the United Kingdom had to fight and the main motivations and historical roots of these terrorist organizations were examined above. The United Kingdom has followed a two-stage path in its fight against terrorism. The first was military interventions, and the second was the counter-terrorism acts. It is impossible to talk about a holistic and comprehensive anti-terrorism law until the early 2000s, but a comprehensive terrorism law was adopted in 2000. It reacted abruptly after the 9/11 attacks and passed a new anti-terrorism act less than a year later. With this newly adopted law, some removed applications were brought back and met with anger and reaction. In the following years, new

anti-terrorism acts were adopted in 2005 and 2006. Not long after these laws passed, a new attack targeting the subway line in London was carried out on July 7, 2007, and more than 50 British citizens lost their lives. A new anti-terrorism act was adopted as a reaction to this attack. In the following years, with the increase of terrorist attacks with knives and bombs, with the establishment of ISIS and the joining of many British citizens to this organization, new anti-terrorism laws were adopted in 2015 and 2019. Each new regulation brought its own criticism. With each new change, civil rights have been restricted a little more, and the powers of the police have been increased disproportionately. The police were given the right to declare a search area for 28 days, which was said to be open to arbitrary use by the government. Search rules targeting Muslims were introduced. The police were given the authority to have Muslim women remove their hijabs in public.

On the other hand, the definition of terrorist crime has been expanded with the amended terror laws, and new terrorist crimes have been created. Within the scope of the crime of glorifying terrorism, the freedom of education and press publication has been threatened. Within the scope of these crimes, Muslim university students studying terrorism were detained for 'terrorism resources' they used for academic studies. Photo-journalists and journalists have been subjected to pressure, as sharing photos of security forces fighting against terrorism is considered a crime. Careless internet users faced the possibility of being prosecuted, as accessing terrorist materials was considered a crime. These examples could be continued further. However, in conclusion, it can be said that the counter-terrorism laws adopted by the United Kingdom, in some respects, restrict civil rights, freedom of religion and belief, and freedom of press and expression. The UK has securitized some of the fundamental rights with its anti-terrorism laws.

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