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Fact Sheet
Office of Counterterrorism
Washington, DC
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Foreign Terrorist Organizations

Foreign Terrorist Organizations are foreign organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (INA), as amended. FTO designations play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.

Identification

The Office of the Coordinator for Counterterrorism in the State Department (S/CT) continually monitors the activities of terrorist groups active around the world to identify potential targets for designation. When reviewing potential targets, S/CT looks not only at the actual terrorist attacks that a group has carried out, but also at whether the group has engaged in planning and preparations for possible future acts of terrorism or retains the capability and intent to carry out such acts.

Designation

Once a target is identified, S/CT prepares a detailed "administrative record," which is a compilation of information, typically including both classified and open sources information, demonstrating that the statutory criteria for designation have been satisfied. If the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, decides to make the designation, Congress is notified of the Secretary's intent to designate the organization and given seven days to review the designation, as the INA requires. Upon the expiration of the seven-day waiting period, notice of the designation is published in the *Federal Register*, at which point the designation takes effect. An organization designated as an FTO may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit not later than 30 days after the designation is published in the *Federal Register*.

FTO designations expire automatically after two years, but the Secretary of State may redesignate an organization for additional two-year period(s), upon a finding that the statutory criteria continue to be met. The procedural requirements for designating an organization as an FTO also apply to any redesignation of that organization. The Secretary of State may revoke a designation or redesignation at any time upon a finding that the circumstances that were the basis for the designation or redesignation have changed in such a manner as to warrant revocation, or that the national security of the United States warrants a revocation. The same procedural requirements apply to revocations made by the Secretary of State as apply to designations or redesignations. A designation may also be revoked by an Act of Congress, or set aside by a Court order.

Legal Criteria for Designation

(Reflecting Amendments to Section 219 of the INA in the USA PATRIOT Act of 2001)

1. It must be a *foreign organization*.
2. The organization must *engage in terrorist activity*, as defined in section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B)),* or *terrorism*, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. § 2656f(d)(2)),** or *retain the capability*

and intent to engage in terrorist activity or terrorism.

3. The organization's terrorist activity or terrorism must threaten the security of U.S. nationals *or* the national security (national defense, foreign relations, *or* the economic interests) of the United States.

Legal Ramifications of Designation

1. It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide "material support or resources" to a designated FTO. (The term "material support or resources" is defined in 18 U.S.C. § 2339A(b) as "currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.")
2. Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances, removable from the United States (see 8 U.S.C. §§ 1182 (a)(3)(B)(i)(IV)-(V), 1227 (a)(1)(A)).
3. Any U.S. financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report the funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury.

Other Effects of Designation

1. Supports our efforts to curb terrorism financing and to encourage other nations to do the same.
2. Stigmatizes and isolates designated terrorist organizations internationally.
3. Deters donations or contributions to and economic transactions with named organizations.
4. Heightens public awareness and knowledge of terrorist organizations.
5. Signals to other governments our concern about named organizations.

Background

- In October 1997, then-Secretary of State Madeleine K. Albright approved the designation of the first 30 groups as FTOs.
- In October 1999, Secretary Albright redesignated 27 of these groups as FTOs but determined that three organizations should not be redesignated.
- Secretary Albright designated one additional FTO in 1999 (al-Qa'ida) and another in 2000 (Islamic Movement of Uzbekistan).
- Secretary of State Colin L. Powell designated two additional FTOs (Real IRA and United Self-Defense Forces of Colombia) in 2001.
- In October 2001, Secretary Powell redesignated 25 of the 28 FTOs whose designations were due to expire, combining two previously designated groups (Kahane Chai and Kach) into one.
- Secretary Powell has designated five additional FTOs (Al-Aqsa Martyrs Brigade, Asbat al-Ansar, Jaish-e-Mohammed, Lashkar-e Tayyiba and Salafist Group for Call and Combat) between October 2001 and July 2002.

Current List of Designated Foreign Terrorist Organizations (as of August 2002)

1. Abu Nidal Organization (ANO)
2. Abu Sayyaf Group
3. Al-Aqsa Martyrs Brigade
4. Armed Islamic Group (GIA)
5. Asbat al-Ansar
6. Aum Shinrikyo
7. Basque Fatherland and Liberty (ETA)
8. Gama'a al-Islamiyya (Islamic Group)
9. HAMAS (Islamic Resistance Movement)
10. Harakat ul-Mujahidin (HUM)
11. Hizballah (Party of God)
12. Islamic Movement of Uzbekistan (IMU)

13. Jaish-e-Mohammed (JEM) (Army of Mohammed)
14. al-Jihad (Egyptian Islamic Jihad)
15. Kahane Chai (Kach)
16. Kurdistan Workers' Party (PKK)
17. Lashkar-e Tayyiba (LT) (Army of the Righteous)
18. Liberation Tigers of Tamil Eelam (LTTE)
19. Mujahedin-e Khalq Organization (MEK)
20. National Liberation Army (ELN)
21. Palestinian Islamic Jihad (PIJ)
22. Palestine Liberation Front (PLF)
23. Popular Front for the Liberation of Palestine (PFLP)
24. PFLP-General Command (PFLP-GC)
25. al-Qa'ida
26. Real IRA
27. Revolutionary Armed Forces of Colombia (FARC)
28. Revolutionary Nuclei (formerly ELA)
29. Revolutionary Organization 17 November
30. Revolutionary People's Liberation Army/Front (DHKP/C)
31. Salafist Group for Call and Combat (GSPC)
32. Shining Path (Sendero Luminoso, SL)
33. United Self-Defense Forces of Colombia (AUC)
34. Communist Party of the Philippines/New People's Army (CPP/NPA)

* Section 212(a)(3)(B) of the INA defines "terrorist activity" to mean: "any activity which is unlawful under the laws of the place where it is committed (or which, if committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:

(I) The highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.

(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.

(IV) An assassination.

(V) The use of any--

(a) biological agent, chemical agent, or nuclear weapon or device, or

(b) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

(VI) A threat, attempt, or conspiracy to do any of the foregoing."

Other pertinent portions of section 212(a)(3)(B) are set forth below:

(iv) Engage in Terrorist Activity Defined

As used in this chapter [chapter 8 of the INA], the term "engage in terrorist activity" means in an individual capacity or as a member of an organization-

1. to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
2. to prepare or plan a terrorist activity;

- 3. to gather information on potential targets for terrorist activity;
 - 4. to solicit funds or other things of value for-
 - (aa) a terrorist activity;
 - (bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or
 - (cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;
- I. to solicit any individual-
 - (aa) to engage in conduct otherwise described in this clause;
 - (bb) for membership in terrorist organization described in clause (vi)(I) or (vi)(II); or
 - (cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or
 - II. to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training-
 - (aa) for the commission of a terrorist activity;
 - (bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;
 - (cc) to a terrorist organization described in clause (vi)(I) or (vi)(II); or
 - (dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that that this clause should not apply."

"(v) Representative Defined

As used in this paragraph, the term "representative" includes an officer, official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.

i. Terrorist Organization Defined

As used in clause (i)(VI) and clause (iv), the term "terrorist organization" means an organization--

- I. designated under section 219 [8 U.S.C. § 1189];
- II. otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that the organization engages in the activities described in

- subclause (I), (II), or (III) of clause (iv), or that the organization provides material support to further terrorist activity; or
- III. that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv).

** Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 defines "terrorism" as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."

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