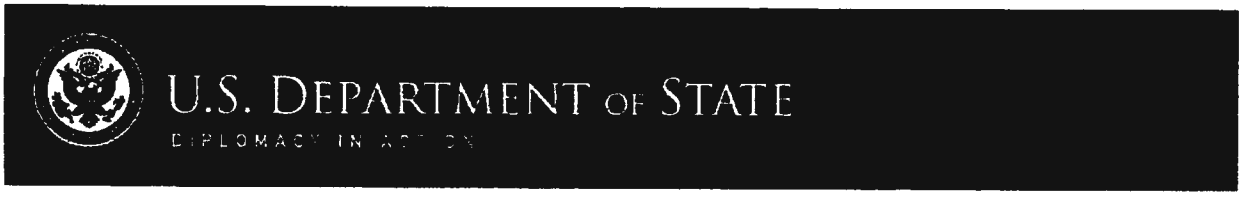
UNITED STATES OF AMERICA	)	**Supplement to Government Addendum to Motion to Take Judicial Notice dated 16 November 2012**
v.	)	
Manning, Bradley E. **PFC, U.S. Army,** **HHC, U.S. Army Garrison,** **Joint Base Myer-Henderson Hall** **Fort Myer, Virginia 22211**	)))))	**<u>Enclosure 16</u>** **11 January 2013**



Foreign Terrorist Organizations

BUREAU OF COUNTERTERRORISM
September 28, 2012

Foreign Terrorist Organizations (FTOs) 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.

Designated Foreign Terrorist Organizations	
Date Designated	**Name**
10/8/1997	Abu Nidal Organization (ANO)
10/8/1997	Abu Sayyaf Group (ASG)
10/8/1997	Aum Shinrikyo (AUM)
10/8/1997	Basque Fatherland and Liberty (ETA)
10/8/1997	Gama'a al-Islamiyya (Islamic Group) (IG)
10/8/1997	HAMAS
10/8/1997	Harakat ul-Mujahidin (HUM)
10/8/1997	Hizballah
10/8/1997	Kahane Chai (Kach)
10/8/1997	Kurdistan Workers Party (PKK) (Kongra-Gel)
10/8/1997	Liberation Tigers of Tamil Eelam (LTTE)
10/8/1997	National Liberation Army (ELN)
10/8/1997	Palestine Liberation Front (PLF)
10/8/1997	Palestinian Islamic Jihad (PIJ)
10/8/1997	Popular Front for the Liberation of Palestine (PFLF)
10/8/1997	PFLP-General Command (PFLP-GC)
10/8/1997	Revolutionary Armed Forces of Colombia (FARC)
10/8/1997	Revolutionary Organization 17 November (17N)

10/8/1997	Revolutionary People's Liberation Party/Front (DHKP/C)
10/8/1997	Shining Path (SL)
10/8/1999	al-Qa'ida (AQ)
9/25/2000	Islamic Movement of Uzbekistan (IMU)
5/16/2001	Real Irish Republican Army (RIRA)
9/10/2001	United Self Defense Forces of Colombia (AUC)
12/26/2001	Jaish-e-Mohammed (JEM)
12/26/2001	Lashkar-e Tayyiba (LeT)
3/27/2002	Al-Aqsa Martyrs Brigade (AAMB)
3/27/2002	Asbat al-Ansar (AAA)
3/27/2002	al-Qaida in the Islamic Maghreb (AQIM)
8/9/2002	Communist Party of the Philippines/New People's Army (CPP/NPA)
10/23/2002	Jemaah Islamiya (JI)
1/30/2003	Lashkar i Jhangvi (LJ)
3/22/2004	Ansar al-Islam (AAI)
7/13/2004	Continuity Irish Republican Army (CIRA)
12/17/2004	Libyan Islamic Fighting Group (LIFG)
12/17/2004	al-Qaida in Iraq (AQI)
6/17/2005	Islamic Jihad Union (IJU)
10/11/2005	Moroccan Islamic Combatant Group (GICM)
3/5/2008	Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B)
3/18/2008	al-Shabaab
5/18/2009	Revolutionary Struggle (RS)
7/2/2009	Kata'ib Hizballah (KH)
1/19/2010	al-Qa'ida in the Arabian Peninsula (AQAP)
8/6/2010	Harakat ul-Jihad-i-Islami (HUJI)
9/1/2010	Tehrik-e Taliban Pakistan (TTP)

11/4/2010	Jundallah
5/23/2011	Army of Islam (AOI)
9/19/2011	Indian Mujahedeen (IM)
3/13/2012	Jemaah Anshorut Tauhid (JAT)
5/30/2012	Abdallah Azzam Brigades (AAB)
9/19/2012	Haqqani Network (HQN)

Delisted Foreign Terrorist Organizations		
Date Removed	**Name**	**Date Orginally Designated**
10/8/1999	Democratic Front for the Liberation of Palestine -Hawatmeh Faction	10/8/1997
10/8/1999	Khmer Rouge	10/8/1997
10/8/1999	Manuel Modriguez Patriotic Front Dissidents	10/8/1997
10/8/2001	Japanese Red Army	10/8/1997
10/8/2001	Tupac Amaru Revolution Movement	10/8/1997
5/18/2009	Revolutionary Nuclei	10/8/1997
10/15/2010	Armed Islamic Group (GIA)	10/8/1997
9/28/2012	Mujahedin-e Khalq Organization (MEK)	10/8/1997

Identification

The Bureau of 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 and in the absence of Congressional action to block the designation, notice of the designation is published in the *Federal Register*, at which point the designation takes effect. By law 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*.

Until recently the INA provided that FTOs must be redesignated every 2 years or the designation would lapse. Under the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), however, the redesignation requirement was replaced by certain review and revocation procedures. IRTPA provides that an FTO may file a petition for revocation 2 years after its designation date (or in the case of redesignated FTOs, its most recent redesignation date) or 2 years after the determination date on its most recent petition for revocation. In order to provide a basis for revocation, the petitioning FTO must provide evidence that the circumstances forming the basis for the designation are sufficiently different as to warrant revocation. If no such review has been conducted during a 5 year period with respect to a designation, then the Secretary of State is required to review the designation to determine whether revocation would be appropriate. In addition, the Secretary of State may at any time revoke a designation upon a finding that the circumstances forming the basis for the designation 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. A designation may be revoked by an Act of Congress, or set aside by a Court order.

Legal Criteria for Designation under Section 219 of the INA as amended

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)(1) as " any property, tangible or intangible, or service, including 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 (1 or more individuals who maybe or include oneself), and transportation, except medicine or religious materials." 18 U.S.C. § 2339A(b)(2) provides that for these purposes "the term 'training' means instruction or teaching designed to impart a specific skill, as opposed to general knowledge." 18 U.S.C. § 2339A(b)(3) further provides that for these purposes the term 'expert advice or assistance' means advice or assistance derived from scientific, technical or other specialized knowledge."
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.

Revocations of Foreign Terrorist Organizations

The Immigration and Nationality Act sets out three possible basis for revoking a Foreign Terrorist Organization designation:

1. The Secretary of State must revoke a designation if the Secretary finds that the circumstances that were the basis of the designation have changed in such a manner as to warrant a revocation;
2. The Secretary of State must revoke a designation if the Secretary finds that the national security of the United States warrants a revocation;
3. The Secretary of State may revoke a designation at any time.

Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified. The revocation of a designation shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.