

JERSEY / JUDGMENT

AG v Strecker 26-Sept-2025 (Court of Appeal : Appeal (Criminal) : MacRae, Crow, Perry) [2025] JCA 234 (26 September 2025)

[2025] JCA 234

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Court of Appeal 26 September 2025 Before : R. J. MacRae, Esq., Deputy Bailiff; Jonathan Crow, CVO, KC; David Perry, KC. Attorney General -v- Natalie Roselyn Strecker Advocate M. P. Boothman for the Appellant Crown Advocate L. Sette for the Respondent.

JUDGMENT

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INTRODUCTION

1. This is the judgment of the Court to which we have all contributed. It concerns the scope of the offence of inviting support for a proscribed terrorist organisation contrary to Article 13 of the Terrorism (Jersey) Law 2002 ('the 2002 Law'). The background to the appeal can be stated shortly. The Appellant, Natalie Roselyn Strecker, is awaiting trial currently fixed to take place in November 2025 on two charges under Article 13. At a pre-trial preparatory hearing on 11 August 2025 the Appellant argued that the offence of inviting support for a proscribed organisation does not extend to inviting support for the lawful activities of such an organisation. The prosecution argued that the offence was not so limited in its scope. In a reserved ruling given on 15 August 2025, the Commissioner, Sir John Saunders, rejected the Appellant's argument and ruled that the plain wording of Article 13 makes no distinction between a proscribed organisation's lawful and unlawful activities and any invitation to support such an organisation fell within the scope of the offence. The Commissioner granted the Appellant leave to appeal against his ruling and we heard the appeal on 22 September 2025. 2. As will be apparent from this brief introduction we are concerned with a conventional exercise in statutory construction which involves ascertaining the meaning of the words used in Article 13 having regard to their statutory context and purpose.

BACKGROUND

3. The Appellant is currently on conditional bail awaiting trial on a two-count indictment before the Inferior Number of the Royal Court sitting without a jury. The trial is scheduled to begin on 24 November 2025 and has a current time estimate of ten days. Count 1 of the

indictment alleges that the Appellant invited support for a proscribed organisation, namely Hamas Izz al-Din al-Qassam Brigades ('Hamas'), while Count 2 alleges that the Appellant invited support for a proscribed organisation, namely Hizballah or Party of God ('Hezbollah'). The prosecution allegation, which is yet to be the subject of evidence, is that the Appellant invited support for these two proscribed organisations in social media posts in 2024. To these allegations the Appellant pleaded not guilty on 4 April 2025. 4. It is not necessary for us to consider the underlying facts of the case as the issue reduces down to a single point of law. The prosecution and the defence disagree about the ambit of the offence. The Appellant argues that the offence is limited to invitations of support for the unlawful activities of proscribed organisations and that if the invitation of support is limited to lawful activities then the offence is not made out. On this interpretation of the offence, the prosecution would be required to prove that the Appellant invited support for the unlawful activities of the proscribed organisation. The prosecution contend that the offence makes no distinction between a terrorist group's activities and motivations. The whole point of the proscription regime is to send a clear signal of condemnation and that any attempt to distinguish between a group's terrorist and non-terrorist activities would be both unworkable and contrary to the plain wording of the statute. 5. In the lower court (and indeed before us) both parties advanced detailed arguments concerning issues of international law and the learned Commissioner was willing to proceed on the hypothesis that a proscribed organisation was or might be acting lawfully as a matter of international law in some circumstances, but not in others. We consider that the learned Commissioner was entitled to proceed on the basis of this assumption but these arguments of the parties are an unnecessary distraction. Whether or not a proscribed organisation engages in lawful or unlawful activities whether in an overseas territory or domestically is not the issue. The issue for determination is the scope of the offence and this is to be determined by reference to conventional rules of statutory construction. THE TERRORISM (JERSEY) LAW 2002 6. The 2002 Law is a detailed statute divided into 7 Parts and 9 Schedules. It is in large measure, at least in its essential features, similar to the United Kingdom's Terrorism Act 2000. It replaced the Prevention of Terrorism (Jersey) Law 1996 which, like its then United Kingdom counterpart, primarily focused on terrorism connected with the affairs of Northern Ireland. The scheme of proscription has a lengthy history. The 1996 Law, like earlier laws of its type, identified proscribed terrorist organisations, allowed for the exclusion of persons from Jersey and criminalised fundraising and using and possessing money and entering into funding arrangements for proscribed organisations. The innovation of the 2002 Law is that it applies to all forms of terrorism whether Irish, international or domestic. The United Kingdom's Terrorism Act 2000 was itself influenced by proposals in the then Government's consultation document Legislation Against Terrorism (Cm 4178) published in December 1998, which was itself a response to Lord Lloyd of Berwick's Inquiry into Legislation against Terrorism (Cm 3420) published in October 1996. 7. Part 1 of the 2002 Law (Articles 1 to 4) contains the general interpretation provisions which provide the key to understanding the Law as a whole. It defines the important words and phrases found within the legislative scheme (Article 1) and sets out definitions of 'terrorism' (Article 2), 'terrorist

property' (Article 3) and 'terrorist entity' (Article 4). The 2002 Law (like its United Kingdom counterpart) recognises that terrorism is not necessarily linked to the use of violence for political ends and may extend to religious, racial, ideological or political causes and actions which might be non-violent in themselves but which can nevertheless have a devastating effect, for example by interfering with the supply of water or power where life, health or safety may be put at risk. Save where the terrorist action involves the use of firearms or explosives, or amounts to an offence listed in Schedule 10 to the 2002 Law [i] , the action has to be designed to influence the government or to intimidate the public or a section of the public to be included in the definition. The statutory concept of 'terrorism' is broader than what might ordinarily be understood by the term and seeks to address terrorist activity in all its manifestations. 8. Part 2 of the 2002 Law (Articles 6 to 14) governs proscribed organisations. Article 6 provides a power for the Minister for Justice and Home Affairs to proscribe organisations if the Minister believes that the organisation is concerned in terrorism. An organisation is also proscribed if it is listed in Schedule 1 of the Law, operates under the same name as an organisation listed in that Schedule, or is proscribed under the Terrorism Act 2000 of the United Kingdom. It is relevant to note that under the Terrorism Act 2000 the Secretary of State may only exercise the power to add an organisation to the list of proscribed organisations if the Secretary of State believes that it is concerned in terrorism. For the purposes of Article 6 of the 2002 Law and section 3(4) of the Terrorism Act 2000, an organisation is concerned in terrorism if it (a) commits or participates in acts of terrorism, (b) prepares for terrorism, (c) promotes or encourages terrorism, or (d) is otherwise concerned in terrorism. What this means in simple terms is that the scheme of proscription in Jersey is virtually identical and serves the same purpose as the scheme of proscription in the United Kingdom. 9. Articles 7 to 11 set out the mechanism by which an organisation or any person affected by the organisation's proscription may apply to remove an organisation from Schedule 1, and sets out the function of the Proscribed Organisations Appeal Commission and the effect of de-proscription. In summary, an application may be made by the organisation or an individual affected by the organisation's proscription to the Minister to remove the organisation from Schedule 1. If the Minister refuses the application, then the organisation or individual may appeal to the Proscribed Organisations Appeal Commission (with a further appeal to the Court of Appeal). Where an appeal to the Proscribed Organisation Appeal Commission is successful, a person convicted of an offence in respect of the organisation under Articles 12 to 16, 20 and 52 may appeal against conviction to the Court of Appeal or the Royal Court (depending on the court in which the conviction was recorded) and the appeal will be allowed. 10. Articles 12, 13 and 14 are offence-creating provisions to do with membership of proscribed organisations (Article 12), inviting support for a proscribed organisation (Article 13) and wearing the uniform of a proscribed organisation (Article 14). The effect of these provisions is that once an organisation has been proscribed, and for so long as it remains proscribed, it is an offence for a person to belong or profess to belong to the organisation, to invite support for the organisation (if the support is not restricted to the provision of money or other property), to arrange, manage or assist in arranging or managing a meeting which supports the organisation or which is to be

addressed by a person who belongs to or professes to belong to the organisation, or to address a meeting with the purpose of encouraging support for the organisation or furthering its activities. We address these offences in more detail below.

11. Part 3 of the 2002 Law (Articles 15 to 27) contains provisions relating to terrorist financing. It is an offence for a person to use property for the purposes of terrorism (which purposes include the support of a terrorist entity) (Article 15). It is also an offence to deal with terrorist property (Article 16) or insure against payments made in response to terrorist demands (Article 16A). These offences have extraterritorial effect (Article 17). There are also provisions which permit cooperation with the Financial Intelligence Unit or the police which are designed to enable businesses to disclose information without fear of breaching legal restrictions (Article 18) and which impose duties of disclosure in certain circumstances (Articles 19 and 21). Other provisions within Part 3 govern the forfeiture of property used for the purposes of terrorism (Article 27).

12. Part 4 of the 2002 Law (Articles 28 to 35) deals with terrorist investigations, while Part 5 (Articles 36 to 49) contains a range of counter-terrorist powers to stop, search, arrest and detain terrorist suspects. Part 6 (Articles 50 to 55) contains a number of the offence-creating provisions dealing with such things as weapons training and inciting terrorism overseas, and Part 7 (Articles 56 to 68) contains a number of general provisions.

13. As is apparent from this brief summary, the 2002 Law is a detailed code with measures designed to prevent terrorism in all its various guises and to facilitate the investigation of terrorist crime. The measures include a power for the Minister to proscribe terrorist organisations (and to accept or recognise those proscribed in the United Kingdom). This is reinforced by a series of offences in relation to these proscribed organisations (membership, support, wearing of uniforms or insignia), other specific offences connected with terrorism (such as fundraising for terrorist purposes and terrorist training) and a range of enhanced police powers to investigate terrorists. This is the context for our consideration of the scope of the Article 13 offence.

14. Article 13 of the 2002 Law creates three offences committed in circumstances where a proscribed organisation listed in Schedule 1 to the Law receives support of one form or another (not restricted to the provision of property, which is dealt with in Article 15). The three offences are committed where a person - (a) invites support for a proscribed organisation (Article 13(1)); (b) arranges or manages or assists in arranging or managing a meeting to support or further the activities of a proscribed organisation (Article 13(2)); (c) addresses a meeting to encourage support for a proscribed organisation or to further its activities (Article 13(3)).

15. For present purposes the offence created by Article 13(1) is of most immediate relevance. This provides as follows: "A person commits an offence if (a) he or she invites support for a proscribed organisation; and (b) the support is not, or is not restricted to the provision of property (within the meaning of Article 15)." 16. The two other offences are relevant to any consideration of the scope of the Article 13(1) offence and whether support extends only to support for the unlawful activities of the proscribed organisation in question. Article 13(2) deals with support provided by way of meetings at which 3 or more persons are present, whether or not the public are admitted. It provides: "A person commits an offence if he or she arranges, manages or assist in arranging or managing a meeting which he or she knows is (a) to

support a proscribed organisation; (b) to further the activities of a proscribed organisation; or (c) to be addressed by a person who belongs or professes to belong to a proscribed organisation." 17. The third and final offence is created by Article 13(3) which provides: "A person commits an offence if he or she addresses a meeting and the purpose of his or her address is to encourage support for a proscribed organisation or to further its activities." 18. It is also relevant to note Article 13(4) which provides that where a person is charged with an offence under paragraph (2)(c) in respect of a private meeting (viz. a meeting to which the public are not admitted), it is a defence for the person to prove that he or she had no reasonable cause to believe that the address mentioned in paragraph (2)(c) would support a proscribed organisation or further its activities. Neither the offences nor the defence contain any words of limitation to distinguish between the particular activities of the proscribed organisation in question. 19. A person guilty of an offence under Article 13 is liable to imprisonment for a term not exceeding 10 years or to a fine, or both. Other Relevant Provisions 20. While the issue with which we are most directly concerned is the construction of Article 13(1) of the 2002 Law, it is also relevant to note Articles 3 and 15 both of which cast light on what support for a proscribed organisation involves. 21. Article 3 defines 'terrorist property' as property which is intended to be used or likely to be used in whole or in part, directly or indirectly for the purposes of terrorism or for the support of a terrorist entity (which includes a proscribed organisation) and includes but is not limited to the resources of a terrorist entity. In other words, all the resources of a terrorist entity amount to terrorist property and no distinction is drawn in respect of the purpose for which the property is held. 22. Article 15 creates numerous offences in relation to the use or possession of property for the purposes of terrorism, which purposes "for the avoidance of doubt" include the support of a terrorist entity (which includes a proscribed organisation). Article 15(3)(c) makes clear that 'support of a terrorist entity' includes, but is not limited to, support by way of providing or subsidising educational or other day-to-day living expenses. This makes clear that the offences in Article 15 extend to all financial support for a proscribed organisation irrespective of the purpose for which it was provided. DISCUSSION The Issue 23. The issue in this appeal is captured in paragraph (iii) of the Application for a Preparatory Hearing: "Does inviting support for the lawful activities of a proscribed organisation constitute sufficient to found a charge of inviting support for a proscribed organisation?" In our judgment, both the question and the parties' respective answers proceed on an erroneous footing. 24. The question proceeds on an erroneous footing, because the statutory wording is clear: the offence under Article 13(1)(a) is committed if a person "invites support for a proscribed organization " (emphasis added). That wording means what it says. The offence is not defined as inviting support for an organisation "in relation to its unlawful activities": it is committed by inviting support for the organisation. That is the beginning and the end of it. 25. The Appellant's response proceeds on an erroneous footing in that it seeks to persuade the court that resistance in Gaza is lawful as a matter of international law, and hence as a matter of Jersey domestic law. In our judgment, that is not a relevant issue for the purpose of this appeal, for the reasons we have already given. It would only arise for determination if, as a matter of law, we were to hold that the

offence is only committed by inviting support for an organisation in relation to its unlawful activities - which, for the reasons explained below, it is not. 26. This is closely related to the error in the Attorney-General's response. He sought to argue that, when an organisation is proscribed under the 2002 Law, all of its activities are necessarily unlawful. In our judgment, Article 13(1) does not purport to criminalise the activities of a proscribed organisation: rather, it creates an offence which is committed by a person inviting support for a proscribed organisation. The question whether some of the organisation's activities might be lawful as a matter of domestic law, or international law, or both, is neither here nor there. 27. We can now turn to answer the issue in the appeal in more detail. The Ordinary Linguistic Meaning 28. As an exercise in statutory construction, the starting point is to consider the ordinary linguistic meaning of the words used irrespective of any legal considerations, that is the meaning of the words as a piece of ordinary English prose. Taken at face value, the words of Article 13(1) are straightforward and clear. A person commits an offence if he or she invites support for a proscribed organisation and the support is not restricted to the provision of property. 'Support' is an ordinary English word and the support in question is capable of being provided in a variety of forms including encouragement and the action of writing or speaking in favour of the proscribed organisation. 29. The Appellant's argument that the Article 13(1) offence extends only to support for the unlawful activities of the proscribed organisation finds no support in the statutory text. Article 13 contains no such words of limitation. This is unsurprising; to make such a distinction would be inconsistent with the scheme of the legislation. This is apparent from Article 3 and its definition of 'terrorist property' which draws no distinction between property which is intended to be used or is likely to be used in whole or in part, directly or indirectly for the purposes of terrorism and property which is to be used for the support of a terrorist entity. It is also significant that Article 13(2) and (3) makes criminal certain activities in connection with meetings which support, encourage support or further the activities of a proscribed organisation. As in the case of Article 13(1), there are no words of limitation; action that furthers the activities of the proscribed organisation falls within the scope of Article 13. We also consider that the Appellant's argument is at odds with the scheme contained in Part 3 of the 2002 Act (the offences relating to terrorist financing and in particular Article 15 which extends to subsidising educational and day-to-day living expenses). Statutory Purpose 30. Quite apart from these linguistic considerations we consider that the legal meaning of Article 13(1) is clear having regard to its statutory setting and overall purpose. 31. The regime of proscription is a mechanism designed to identify and condemn terrorist organisations whatever their origin and whatever their motivation. Proscription is only available in respect of organisations which are believed to be concerned in terrorism: that is, where the organisation commits or participates in acts of terrorism, prepares for terrorism, promotes or encourages terrorism, or is otherwise concerned in terrorism (Article 6(5)). The purpose of the measures is to deny the proscribed organisation the ability to receive encouragement, to solicit support and to raise funds. The statutory scheme is designed to ensure that any claim the organisation may make to legitimacy is irrelevant. Any argument that a terrorist organisation may be engaged in activities which may lawfully be funded or

supported has been foreclosed by the executive act of proscription. This is further reinforced by the mechanism provided for applications for de-proscription and the careful and elaborate scheme in Articles 6 to 10. The overall legislative objective is to undermine terrorist organisations in the hope that they will lose support, become less effective and ultimately wither. 32. In summary, to draw a distinction between the activities of the proscribed organisation, as the Appellant contends, would undermine the statutory purpose of condemning the organisation in all its manifestations. It would, moreover, bring practical difficulties in its wake. For example, it would be difficult to prove that support or funds were being directed to 'unlawful' terrorist purposes. These difficulties would be all the more acute if they required examination of factual issues in an overseas territory. We are satisfied that the plain wording of Article 13 is consistent with the intention of the legislature to provide a workable and straightforward mechanism to signal clear condemnation of those organisations concerned in terrorism. There is no scope within the statutory scheme for evaluating the activities of a proscribed organisation and deciding if they are lawful or unlawful (whether as a matter of domestic or international law). The Position in England and Wales 33. As the Commissioner noted in his ruling, the terms of Article 13 are virtually identical to section 12(1) of the Terrorism Act 2000, which provides that: "A person commits an offence if - (a) He invites support for a proscribed organisation, and (b) The support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15)." 34. This provision was the subject of detailed consideration by the English Court of Appeal (Sharp LJ, William Davis J, Judge Stockdale QC) in *R v Choudary*

[2018] 1 WLR 695 , where it was held that the criminality of the section 12 offence lies in inviting support (from third parties) for the proscribed organisation and that the 'support' in question need not be practical or tangible. The Court of Appeal agreed with the analysis of the trial judge in the Crown Court (Holroyde J), who had approached the issue of construction on the basis that the words used in the section were ordinary English words with a clear meaning and that Parliament in legislating to give effect to the proscription of a terrorist organisation has prohibited the invitation of support for that proscribed organisation without placing any restriction upon the meaning of the word 'support', other than to exclude conduct caught in any event by a separate provision of the Act (section 15, which is the analogue of Article 15 in the 2002 Law). The Court of Appeal identified what must be proved to satisfy the ingredients of the section 12 offence: (i) That the organisation is a proscribed organisation; (ii) That the defendant used words (or conduct) which in fact invited support for that proscribed organisation; and (iii) That the defendant knew at the time he or she did so that he or she was inviting support for that organisation. 35. It was common ground between the parties in *Choudary* that there is no requirement to prove knowledge that the organisation was proscribed and this was later confirmed by the Supreme Court in *Pwr v Director of Public Prosecutions*

[2022] UKSC 2 ;

[2022] 1 WLR 789 . 36. In the later decision of *R v ABJ*

[2024] EWCA Crim 1597, the English Court of Appeal (Baroness Carr LCJ, Edis LJ and Murray J) noted that in both Choudary and Pwr the courts had ruled that the ingredients of the proscription offences themselves struck the proportionality balance for the purposes of Article 10 of the European Convention on Human Rights. 37. We respectfully agree with the analysis contained in these English authorities and the reasoning accords with our own views so far as it touches upon the issue of construction. We also agree with the Commissioner's reliance on the decision in Choudary as "highly persuasive". The Learned Judge's Ruling 38. The decision of the learned Commissioner is encapsulated in the following part of his ruling (at paragraph 24): "There is nothing in the wording of the Jersey Law, the law in England and Wales or in the decision of the Court of Appeal in England and Wales that support the submission that an invitation to support the lawful activities of a proscribed organisation is not covered by Article 13. The words of the Article make no distinction between lawful and unlawful activities." 39. We agree with the learned Commissioner and, like him, we consider it unnecessary to consider the various arguments that have been advanced in relation to issues of international law and the legality or illegality of conduct overseas. They are irrelevant. There are over 90 organisations listed in Schedule 1 to the 2002 Law. The vast majority are international terrorist groups. It would be an impossible task to investigate each of these organisations and determine the extent to which their activities are unlawful. This is not the effect of the 2002 Law. Article 13 is a domestic offence-creating provision and determining its scope and effect is a straightforward issue of Jersey law.

CONCLUSION

40. In our view the wording of Article 13 is clear. Under Article 13(1) a person commits an offence if he or she invites support for a proscribed organisation and the support is not, or is not restricted to, the provision of property. The offence is not limited in its application to inviting support for the unlawful activities of the proscribed organisation in question and the learned Commissioner was correct so to decide. 41. It will be apparent from our judgment that we have not addressed the facts of the Appellant's case and nor have we addressed the rationale for proscribing Hamas or Hezbollah. The issue before us was a question of law concerning the ambit of the Article 13 offence. It is not necessary for us to consider the facts of the Appellant's case (which have yet to be established). Nor is it necessary for us to consider the circumstances surrounding the proscription of any particular organisation. The scope of the offence remains as we have explained irrespective of the identity of the organisation. The only issue for decision in any particular case is whether the ingredients of the offence have been satisfied. That will be a matter for the trial court to determine at the Appellant's trial. 42. The appeal is dismissed. Authorities Terrorism (Jersey) Law 2002. Prevention of Terrorism (Jersey) Law 1996. R v Choudary

[2018] 1 WLR 695. Pwr v Director of Public Prosecutions

[2022] UKSC 2;

[2022] 1 WLR 789 . R v ABJ

[2024] EWCA Crim 1597 . [i] The offences in Schedule 10 are offences under the Aviation Security (Jersey) Order 1993, the Internationally Protected Persons Act 1978 (Jersey) Order 1979, the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991, the Maritime Security (Jersey) Order 2014 and the Taking of Hostages (Jersey) Order 1982. These are all terrorism offences. Page Last Updated: 29 Sep 2025 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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