

How Hayat Tahrir al-Sham Landed on U.S. Terrorist Lists—and Why It Should Stay There for Now

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Brief Analysis

Although some near-term waivers should be issued to help untangle the complicated web of designations and facilitate humanitarian aid, any broader delisting of HTS, Jolani, and others needs to be earned, not gifted.

Now that an alliance of rebel factions led by Hayat Tahrir al-Sham (HTS) controls most of Syria, there is a “huge scramble (<https://www.politico.com/news/2024/12/09/us-debates-lifting-terror-designation-for-main-syrian-rebel-group-00193367>)” to determine whether and how the group and its top officials should be removed from U.S. and international terrorist lists. Under U.S. law, American officials are permitted to have contact with the group despite the designation, but many are seeking clarity about the dense web of past designations surrounding it. On December 15, UN Special Envoy for Syria Geir Pedersen called for “[a quick end to sanctions \(https://www.cbsnews.com/news/syria-sanctions-united-nations-envoy/\)](https://www.cbsnews.com/news/syria-sanctions-united-nations-envoy/),” though it was unclear if his comment included the specific sanctions related to HTS. Previously, he [stated \(https://www.theguardian.com/world/2024/dec/10/un-may-remove-syrian-rebel-group-hts-from-terror-list-if-conditions-met\)](https://www.theguardian.com/world/2024/dec/10/un-may-remove-syrian-rebel-group-hts-from-terror-list-if-conditions-met) that the group cannot run Syria like it ran its former enclave in Idlib, while noting that “there have been some reassuring things on the ground.”

As officials consider their options, they should look back at the group’s convoluted presence on various terrorism lists, and why it has appeared on so many of them. In fact, HTS itself was never designated—the group is the latest incarnation of entities previously designated for their connections to al-Qaeda and the Islamic State.

From al-Qaeda in Iraq to Jabhat al-Nusra

Hayat Tahrir al-Sham’s role in Assad’s eventual fall essentially began in July 2011, when Abu Bakr al-Baghdadi—then the leader of the Islamic State in Iraq (ISI), previously known as al-Qaeda in Iraq (AQI)—sent Abu Mohammed al-Jolani to spearhead his group’s entry into Syria. This was the same Jolani who would later become

the head of HTS, spearhead the offensive that toppled Assad, and adopt the name Ahmed al-Sharaa, thereby casting himself as Syria's next leader and putting himself at the top of the current delisting conversation.

Back in 2011, however, ISI had nearly been destroyed in Iraq, and Baghdadi saw the outbreak of civil war next door as an opportunity to reconstitute the group. Jolani was named the leader of ISI's new Syrian offshoot Jabhat al-Nusra (JN), which formally **announced** (<https://www.washingtoninstitute.org/policy-analysis/al-qaeda-syria-closer-look-isis-part-i>) its existence in January 2012. (Many U.S. and international documents have also referred to the group as simply "al-Nusra Front.") By December of that year, the U.S. State Department had added JN (under various aliases) to the existing terrorist designation of AQI, confirming JN's role as the Iraqi group's Syrian arm. According to the **updated designation** (<https://2009-2017.state.gov/r/pa/prs/ps/2012/12/201759.htm>), JN had "claimed nearly 600 attacks" in Syria in its first year of operations, "ranging from more than 40 suicide attacks to small arms and improvised explosive device operations." In doing so, it "sought to portray itself as part of the legitimate Syrian opposition" despite being "an attempt by AQI to hijack the struggles of the Syrian people for its own malign purposes."

As JN increasingly partnered with local Syrian jihadist groups (e.g., Ahrar al-Sham), it began to be seen less as an outsider organization and more as an integral part of the revolutionary ecosystem. This shift prompted ISI leaders to worry that their Syrian subordinate was becoming an independent group no longer fully under their command.

ISIS and the Jihadist "Civil War"

On April 8, 2013, Baghdadi released an audio statement reaffirming that JN was part of ISI and announcing that the two would henceforth be collectively known as the Islamic State of Iraq and al-Sham (ISIS). Within days, however, Jolani rejected the move and pledged continued allegiance to al-Qaeda leader Ayman al-Zawahiri. Thus began an internecine battle for preeminence between Sunni jihadist groups in Syria.

In February 2014, al-Qaeda **formally disassociated** (https://www.washingtonpost.com/world/middle_east/al-qaeda-disavows-any-ties-with-radical-islamist-isis-group-in-syria-iraq/2014/02/03/2c9afc3a-8cef-11e3-98ab-fe5228217bd1_story.html) itself from ISIS. Just a few months later, ISIS stormed into Mosul, and Baghdadi **announced** (<https://www.reuters.com/article/us-mideast-crisis-baghdadi-leader-newsma-idUSKBN1X60AQ/>) the supposed restoration of the Islamic caliphate under his leadership.

The frequent name changes highlight the complicated, intertwined trajectories of JN and ISIS, made more confusing by the fact that both of them evolved out of AQI before breaking with each other and becoming fierce enemies. Further complicating matters, individual jihadists affiliated with each group have sometimes overlooked their differences to **cooperate on** (<https://www.politico.com/magazine/story/2015/01/isil-terrorist-frenemies-114342/>) terrorist attacks abroad.

HTS Rebranding with a Governance Focus

In January 2017, JN adopted the new name HTS "as a vehicle to advance its position in the Syrian insurgency and further its own goals as [al-Qaeda's] affiliate in Syria"—an apt description that was included in the group's **UN designation** (https://main.un.org/securitycouncil/en/sanctions/1267/aq_sanctions_list/summaries/entity/al-nusrah-front-for-the-people-of-the-levant). HTS incorporated elements from various Syrian groups but was clearly led by Jolani and JN, which "continued to dominate and operate through" the new organization.

Unlike most other jihadist organizations, however, HTS also has a **(mixed) track record** (<https://www.washingtoninstitute.org/policy-analysis/jihadist-governance-and-statecraft>) of governing the areas under its control for several years, during which it did not call for or carry out attacks abroad. It also stopped using common terrorist tactics (e.g., suicide bombings) against the Syrian regime. And it periodically fought both

ISIS and the local al-Qaeda affiliate Huras al-Din. At the same time, a significant number of foreign fighters in Syria remain affiliated with HTS, and some of its members appear more inclined toward jihadist militancy than others.

U.S. Designations and the Delisting Conundrum

Fundamentally, the group that is now HTS was first designated as a terrorist entity in October 2004, when the State Department **designated** (<https://2001-2009.state.gov/r/pa/prs/ps/2004/37130.htm>) Jamaat al-Tawhid wal-Jihad (AQI's forerunner) as a Foreign Terrorist Organization and a Specially Designated Global Terrorist entity. That same month, the UN **added** (https://main.un.org/securitycouncil/en/sanctions/1267/aq_sanctions_list/summaries/entity/al-qaida-in-iraq) AQI/Jamaat al-Tawhid wal-Jihad to its consolidated list of terrorist organizations. In December 2012, the U.S. government formally added JN as an alias for AQI: the State Department **amended** (<https://2009-2017.state.gov/r/pa/prs/ps/2012/12/201759.htm>) the relevant FTO listing, while the Treasury Department **amended** (<https://ofac.treasury.gov/recent-actions/20121211>) the SDGT listing.

Meanwhile, the State Department **designated** (<https://2009-2017.state.gov/r/pa/prs/ps/2013/05/209499.htm>) Jolani (often spelled "Jawlani" in U.S. documents) as an SDGT in May 2013. Through its Rewards for Justice program, the department **offered** (<https://rewardsforjustice.net/rewards/muhammad-al-jawlani/>) up to \$10 million for information on him, noting that "he remains the leader of [the al-Qaeda-affiliated JN], which is at the core of HTS."

The same month as Jolani's U.S. designation, the UN **added** (<https://press.un.org/en/2013/sc11019.doc.htm>) "al-Nusra Front" as an alias to its listing for AQI. Moreover, on the **webpage** (https://main.un.org/securitycouncil/en/sanctions/1267/aq_sanctions_list/summaries/entity/al-nusrah-front-for-the-people-of-the-levant) for its listing of HTS (last updated March 2022), the UN underscored the group's founding ties to al-Qaeda. And in 2021, the State Department **added** (<https://www.federalregister.gov/documents/2024/01/22/2024-01084/secretary-of-states-determinations-under-the-international-religious-freedom-act-of-1998-and-frank-r>) HTS to its list of "Entities of Particular Concern (<https://www.washingtoninstitute.org/policy-analysis/addressing-entities-particular-concern-non-state-actors-and-egregious-violations>)" under the International Religious Freedom Act of 1998 and the Frank R. Wolf International Religious Freedom Act of 2016, accusing it of "having engaged in particularly severe violations of religious freedom."

This long rap sheet is hardly an outlier in Syria, which is one of the world's most thoroughly sanctioned countries, and whose previous regime was listed as a state sponsor of terrorism. Today, HTS remains designated by the United States and UN, among others, while Jolani is still designated as a terrorist and technically subject to a \$10 million bounty.

In the United States, removing a group from the FTO list is relatively easy, as outlined on the main **State Department webpage** (<https://www.state.gov/foreign-terrorist-organizations/>) associated with the FTO program. Twenty groups have been removed since the list's inception, including several that transitioned toward governance (e.g., the FARC in Colombia). A group can be delisted if the secretary of state determines that either (1) the original circumstances behind the designation have changed enough to warrant revocation, or (2) U.S. national security interests warrant a revocation. Even more simply, the secretary has latitude to "revoke a designation at any time." SDGT listings made under Executive Order 13224 can likewise be **revoked** (<https://www.state.gov/executive-order-13224/>).

Some observers argue that unwinding these sanctions is key to giving Syria's post-Assad leadership a chance to build a different kind of government and country. And no one could reasonably oppose some near-term waivers and similar measures to allow for humanitarian aid. Yet broader delisting—at the state, group, or personal levels—should

be earned, not gifted. The end of the Assad regime is very welcome news, most immediately for the Syrian people, and also in terms of eroding a key pillar of Iran’s “axis of resistance.” But the nascent HTS-led government has much to prove to the country’s citizenry, to Syria’s neighbors, and to the international community.

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