



Appendix A – Statement of reasons

Source: Minister for Foreign Affairs, *Submission 1*

Declaration of an area where the Islamic State of Iraq and the Levant is engaged in hostile activity under the Criminal Code

Al-Raqqa Province, Syria

This statement is based on publicly available information about the areas where the proscribed terrorists group—the Islamic State of Iraq and the Levant (ISIL)—is engaged in hostile activity. To the Australian Government’s knowledge, this information is accurate, reliable and has been corroborated by classified information.

Basis for declaring an area in a foreign country where a listed terrorist organisation is engaging in hostile activity

Under section 119.3 of the *Criminal Code*, the Foreign Affairs Minister may, by legislative instrument, declare an area in a foreign country for the purposes of section 119.2. Before declaring an area in a foreign country for the purposes of section 119.2, the Foreign Affairs Minister must be satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.

Section 119.2 makes it an offence for a person to enter, or remain in, an area in a foreign country if the area is an area declared by the Foreign Affairs Minister under section 119.3.

Background to this declaration

Proscription of the group engaged in hostile activity

The group currently referred to as the Islamic State of Iraq and the Levant (ISIL) has been operating in Iraq under various names since 2003. It was first listed as a proscribed terrorist organisation under the Arabic name *Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn* in 2005. It was then re-listed under the names al-Qa’ida in Iraq and ISIL.

ISIL has been active in the Syria conflict since late 2011, when it established operations in Syria through its former subordinate organisation, Jabhat al-Nusra. On 29 June 2014, the group proclaimed an Islamic caliphate in areas it controls in Iraq and Syria and changed its name to *Dawla al-Islamiya*, or the Islamic State. The most recent re-listing of the group was under the name Islamic State on 12 July 2014.

Geographic basis of the group’s activities

Since January 2014, ISIL has focussed on capturing and consolidating control over large areas of Iraq and Syria. It operates across much of Iraq and Syria, but is based in the Iraqi provinces of Ninewa and al-Anbar and the Syrian province of al-Raqqa, which serves as its de facto capital. Al-Raqqa Province is east of the Syrian province of Aleppo and shares its northern border with Turkey.

ISIL's activities in these areas of Iraq and Syria, and calls by ISIL's leadership, have attracted thousands of foreign fighters, including Australians, who have travelled to Iraq and Syria to join ISIL and engage in hostile activity.

Group's engagement in hostile activities within or from the declared area

The overthrow by force or violence of the government of that or any other foreign country, or of a part of that or any other foreign country

ISIL has sought to replace the Iraqi and Syrian governments through the conquest of territory and the declaration of a caliphate spanning the established Iraq/Syria border. It governs territory by applying its rule over the population by force. It also uses this territory to launch attacks on other areas of Iraq and Syria through bombings, indirect fire and ground assaults, including with military equipment captured from the Iraqi and Syrian militaries.

- 24 August 2014: ISIL captured Tabqa air base in al-Raqqa Province, Syria, after several days of fighting in which over 500 militants and Syrian soldiers were reportedly killed.
- 6 March 2013: ISIL and other Syrian rebel groups, including al-Qa'ida affiliate Jabhat al-Nusra, took control of Raqqa city.

In areas under its control, ISIL seeks to supplant government control over all official functions. This includes setting up courts and applying punishments for infractions against its own rules and controlling access to cities using checkpoints. ISIL has also announced that it will begin minting its own currency.

The engagement, by that or any other group, in action that:

- Falls within subsection 100.1(2) but does not fall within subsection 100.1(3); and
- If engaged in Australia, would constitute a serious offence

ISIL has proven resilient, having survived its earlier near-extinction at the hands of an international coalition that fought it for eight years. Despite recent military operations against it in both Iraq and Syria, it remains an ongoing threat and conducts daily attacks throughout its areas of operation in Iraq and Syria.

- 17 November 2014: ISIL publicly executed 18 Syrian soldiers in Raqqa, Syria.
- 29 August 2014: a video posted online shows ISIL forces executing hundreds of Syrian soldiers in al-Raqqa province following their capture of Tabqa Air Force Base.

Intimidating the public or a section of the public of that or any other foreign country

ISIL uses terrorist attacks extensively against civilians in Iraq and Syria. This includes frequent mass casualty attacks in public places including marketplaces and cafes. It also conducts mass executions, including beheadings, and publicises these activities, including through the dissemination of videos and magazines depicting these violent acts.

UNCLASSIFIED

ISIL has made multiple statements threatening civilians in Iraq and Syria. It focuses its campaign of intimidation against Shia Muslims and religious and ethnic minorities, including Yazidis and Shabaks in Iraq. ISIL has carried out mass executions and enslavement of these and other minorities.

ISIL has also produced numerous videos of beheadings featuring threatening statements. Five have featured American or British citizens, and have included statements intended to threaten or intimidate Western audiences.

- 16 November 2014: ISIL released a video claiming responsibility for the beheading of United States (US) aid worker Peter Kassig. The video also featured threatening statements against Western governments.
- 3 November 2014: Over a ten-day period in late November, ISIL executed over 200 members of the Albu Nimr tribe in al Anbar Province, Iraq, including women and children. ISIL targeted the tribe for fighting against ISIL.
- 3 October 2014: ISIL released a video claiming responsibility for the beheading of British citizen Alan Henning.
- 13 September 2014: ISIL released a video claiming responsibility for the beheading of British aid worker David Haines.
- 9 September 2014: ISIL released a video claiming responsibility for the beheading of US journalist Steven Sotloff.
- 19 August 2014: ISIL released a video claiming responsibility for the beheading of US journalist James Foley.

While the location of these incidents cannot be identified, al-Raqqa is the de facto capital of ISIL and provides a base from which much of its operations are directed.

Causing the death of, or bodily injury to, a person who:

- *Is the head of state of that or any other foreign country; or*
- *Holds, or performs any of the duties of, a public office of that or any other foreign country (or of a part of that or any other foreign country)*

ISIL regularly conducts assassinations, executions and attacks targeting Iraqi and Syrian government officials, politicians, soldiers and police.

- 29 August 2014: ISIL released a video depicting the mass execution of 300 Syrian soldiers, followed hours later by a video of the group beheading a Kurdish soldier in Mosul, Ninewa Province, Iraq.
- 30 June 2014: ISIL published photos of the group beheading a group of Syrian soldiers at a government base near Raqqa, al-Raqqa Province, Syria.

Unlawfully destroying or damaging any real or personal property belonging to the government of that or any other foreign country (or of a part of that or any other foreign country)

UNCLASSIFIED

ISIL regularly destroys government property, both through its military campaign and the imposition of its religious and ideological beliefs on the populations that fall under its control.

- 8 August 2014: ISIL captured the Brigade 93 Syrian Army base in al-Raqqa Province, Syria. The attack on the base included a triple suicide bomb attack.

Conclusion

On the basis of the above information, ASIO assesses that ISIL is engaged in hostile activities in al-Raqqa Province, Syria.

This assessment is corroborated by information from reliable and credible intelligence sources.



