

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

A review of regulations re-listing Jama'at Nusrat al-Islam wal-Muslimin and Islamic State Khorasan Province as terrorist organisations under the *Criminal Code Act 1995*

November 2023

Mr Speaker— I rise today to present a statement of the Parliamentary Joint Committee on Intelligence and Security for the review of regulations re-listing Jama'at Nusrat al-Islam wal-Muslimin and Islamic State Khorasan Province as terrorist organisations under the *Criminal Code Act 1995*.

Under the Criminal Code, regulations may be made specifying an organisation as a terrorist organisation for a three-year period. Organisations can be re-listed, provided the Minister for the Australian Federal Police, currently the Attorney-General is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocates the doing of a terrorist act.

The effect of being listed as a terrorist organisation under the Criminal Code is to trigger the application of offences for supporting or associating with the organisation in specified ways, such as being a member of, recruiting for or providing funding to it.

Mr Speaker, the Committee's review examined the Attorney-General's decision to re-list these organisations. Section 102.1A of the *Criminal Code* provides that the Committee may review a regulation which lists or re-lists an organisation as a terrorist organisation and report its comments and recommendations to each House of the Parliament before the end of the applicable 15 sitting day disallowance period. This statement serves this purpose and is being presented within the required period.

In determining whether the regulations for the re-listing of these organisations should be supported, the Committee reviewed the merits in accordance with the Attorney-General's explanatory statement and statement of reasons for the organisations, and other publicly available information. The Committee also invited public submissions on the listings. No submissions were received.

The Committee noted the following information about the two organisations.

Jama'at Nusrat al-Islam wal-Muslimin is a religiously motivated organisation whose primary goal is to build a Salafi-Islamist state in West Africa.

The organisation is primarily based in Mali but is active across much of West Africa, including Burkina Faso, Niger and Togo.

JNIM's activities has brought the organisation into conflict with the United Nations Multidimensional Integrated Stabilization Mission in Mali. Over the past decade, more than 300 peacekeepers associated with MINUSMA have been killed as a result of targeted insurgent attacks.

JNIM has been listed as a foreign terrorist organisation by the United States, United Kingdom and Canada.

Islamic State Khorasan Province is a religiously motivated violent extremist group that adheres to extreme Salafi jihadist ideology promoted by the Islamic State.

IS-KP are primarily based in Afghanistan however the group also operates in parts of Pakistan, Turkmenistan, Tajikistan, Uzbekistan Iran and Bangladesh.

IS-KP has been listed as a terrorist organisation since November 2017. Since the group was last relisted in 2020, they have re-shifted their operational focus towards urban warfare in Afghanistan and parts of north-western Pakistan, which has resulted in an escalation of IS-KP's operations, particularly in Afghanistan.

IS-KP is subject to sanctions by the United Nations Security Council and IS-KP has been listed as a foreign terrorist organisation by the United States, Canada and New Zealand.

There is evidence that these groups continue to be engaging in, preparing, assisting with or fostering terrorist activities that could potentially and profoundly impact the Australian people.

After examining the evidence that has been provided, the Committee is satisfied with the re-listing processes and considers that they have been followed appropriately for these organisations. The Committee therefore supports the re-listing Jama'at Nusrat al-Islam wal-Muslimin and Islamic State Khorasan Province as terrorist organisations under Division 102 of the *Criminal Code* in order to protect Australians and Australia's interests and finds no reason to disallow the regulations.

I commend this report to the Parliament.

Mr Peter Khalil MP

Chair