

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

**A review of regulations listing the Islamic State West Africa
Province and re-listing Boko Haram, Islamic State and Islamic
State East Asia as terrorist organisations under the *Criminal
Code Act 1995***

October 2020

Mr Speaker and fellow Members – I rise today to present a statement of the Parliamentary Joint Committee on Intelligence and Security for the review of regulations listing the Islamic State West Africa Province and re-listing Boko Haram, Islamic State and Islamic State East Asia as terrorist organisations under the *Criminal Code Act 1995*.

Regulations that specify an organisation as a terrorist organisation cease to have effect on the third anniversary of the day on which they take effect. Organisations can be re-listed, provided the Minister is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocate the doing of a terrorist act. Boko Haram and Islamic State were last listed in 2017, and the regulations to re-list them and to list Islamic State West Africa Province were tabled in the Parliament on the 24th of August 2020. A regulation to re-list Islamic State East Asia was tabled in Parliament on 6th of October 2020.

Mr Speaker, the Committee's review examines the Minister's decision to list and 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 listing or re-listing these four organisations should be supported, the Committee reviewed the merits of each in accordance with

the Minister for Home Affairs's explanatory statement, ASIO's statement of reasons for each organisation, and other publicly available information.

In its deliberations, the Committee determined that:

- Boko Haram still follows an extreme interpretation of Islam which is anti-western, promotes sectarian violence and targets those who do not agree with its interpretation. Although no Australian citizens have been killed by Boko Haram, the group has issued repeated statements threatening Westerns and Western interests, which includes Australia.
- Islamic State continues to be a Sunni extremist group which adheres to an extreme interpretation of Islam and promotes a global jihadist ideology. Following a loss of territory in Syria and Iraq, Islamic State has reverted to a clandestine insurgency and remains one of the world's deadliest and most active terrorist organisations.
- Islamic State West Africa Province was previously known as an alias for Boko Haram. In March 2015, Boko Haram's leader Abubakar Shekau pledge of allegiance to Islamic State was accepted and the group commenced operations under the name ISWAP. A dispute over the leadership of ISWAP in 2016 resulted in the emergence of two factions of the group. Although Boko Haram has not officially split from ISWAP, the groups are assessed to operate independently. ISWAP follows an extreme interpretation of Islam and continues to achieve their means through violence
- Islamic State East Africa continues to be affiliated with Islamic State and is comprised of members who were previously aligned with other Islamist

extremist groups including the Abu Sayyaf Group. It is probable that Australians could be harmed in the future activities of the group, due to the considerable Australian business interests and the number of Australians in the Philippines.

Mr Speaker, these organisations remain a real threat to Australia. There is strong evidence that each has, and continues to engage in, terrorist activities that are targeted at countries with Western values.

In examining the evidence that has been provided, the Committee is satisfied with the re-listing and listing processes and consider that they have been followed appropriately for these four organisations. The Committee therefore supports the listing of the 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.

Andrew Hastie MP

Chair