

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

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

December 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 Jama'at Nusrat al-Islam wal-Muslimin (I will refer to this terrorist organisation as JNIM) and re-listing Islamic State Khorasan Province 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.

Jama'at Nusrat al-Islam wal-Muslimin has not previously been listed as a terrorist organisation by the Australian Government. This new listing is due to a previously listed organisation, al-Murabitun, merging into JNIM. Al-Murabitun and Islamic State Khorasan Province were both previously listed on 3rd November 2017.

The regulations to re-list Islamic State Khorasan Province and to list JNIM were tabled in the Parliament on the 9th of November 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 two organisations should be supported, the Committee reviewed the merits of each in accordance with the Minister for Home Affairs' explanatory statement, ASIO's statement of reasons for each organisation, and other publicly available information.

In its deliberations, the Committee determined that:

- JNIM was formed when three al-Qa'ida-aligned groups, Ansar al-Din, al-Murabitun, and a sub-group of al-Qa'ida in the Lands of the Islamic Maghreb, merged into one entity. The organisation continues to be a Sunni Islamist extremist organisation based in Mali and active in West Africa. The group's leader has identified France and Western countries assisting France as adversaries and has attacked locations known to be frequented by Westerners in Mali and surrounding countries. Although it has not made specific threats against Australians or Australian interests, JNIM is unlikely to differentiate Australians from the citizens of other Western countries.
- Islamic State Khorasan Province continues to be an officially-recognised Islamic State affiliate that directly engages in terrorist attacks in and outside of Afghanistan. Although no Australian citizens have been killed by an Islamic State Khorasan Province attack, this organisation is a close ally of Islamic State which has called for attacks against Australia and Australian interests.

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 considers that they have been followed appropriately for these two 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