
The Parliament of the Commonwealth of Australia

Review of the listing of Jabhat al-Nusra and re-listing of six terrorist organisations

Review of the re-listing of Al-Qa'ida in the Arabian Peninsula

Parliamentary Joint Committee on Intelligence and Security

February 2014
Canberra

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Membership of the Committee

Chair Mr Dan Tehan MP

Deputy Chair Hon Anthony Byrne MP

Members Mr Andrew Nikolic MP

Hon Tanya Plibersek MP

Hon Philip Ruddock MP

Hon Bruce Scott MP

Senator Mark Bishop

Senator Alan Eggleston

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Senator David Fawcett

Senator the Hon Joe Ludwig

Committee Secretariat

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Inquiry Secretary Ms Julia Searle

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Terms of reference

This inquiry and report is conducted under the following powers:

Criminal Code Act 1995

Section 102.1A Reviews by Parliamentary Joint Committee on Intelligence and Security

Review of listing regulation

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1, the Parliamentary Joint Committee on Intelligence and Security may:
 - (a) review the regulation as soon as possible after the making of the regulation; and
 - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period.

and

Jabhat al-Nusra: *Criminal Code (Terrorist Organisation – Jabhat al-Nusra) Regulation 2013*, Registered 28 June 2013 (FRLI: F2013L01217)

Abu Sayyaf Group: *Criminal Code (Terrorist Organisation – Abu Sayyaf Group) Regulation 2013*, Registered 11 July 2013 (FRLI: F2013L01353)

Al-Qa'ida: *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013*, Registered 11 July 2013 (FRLI: F2013L01357)

Al-Qa'ida in the Lands of the Islamic Maghreb: *Criminal Code (Terrorist Organisation – Al-Qa'ida in the Lands of the Islamic Maghreb) Regulation 2013*, Registered 11 July 2013 (FRLI: 2013L01354)

Islamic State of Iraq and the Levant: *Criminal Code (Terrorist Organisation – Islamic State of Iraq and the Levant) Regulation 2013*, Registered 13 December 2013 (FRLI: F2013L02097)

Jamiat ul-Ansar: *Criminal Code (Terrorist Organisation – Jamiat ul-Ansar) Regulation 2013*, Registered 11 July 2013 (FRLI: 2013L01356)

Jemaah Islamiyah: *Criminal Code (Terrorist Organisation – Jemaah Islamiyah) Regulation 2013*, Registered 11 July 2013 (FRLI: 2013L01355)

Al-Qa'ida in the Arabian Peninsula: *Criminal Code (Terrorist Organisation – Al-Qa'ida in the Arabian Peninsula) Regulation 2013*, Registered 25 November 2013 (FRLI: F2013L01969)



List of abbreviations

AGS	Australian Government Solicitor
AQ	Al-Qa'ida
AQI	Al-Qa'ida in Iraq
AQAP	Al-Qa'ida in the Arabian Peninsula
AQIM	Al-Qa'ida in the Lands of the Islamic Maghreb
ASG	Abu Sayyaf Group
ASIO	Australian Security Intelligence Organisation
FRLI	Federal Register of Legislative Instruments
IED	Improvised explosive devices
ISIL	Islamic State of Iraq and the Levant
Jl	Jemaah Islamiyah
JuA	Jamiat ul-Ansar
UNSC	United Nations Security Council



List of recommendations

2 The listings

Recommendation 1

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jabhat al-Nursa as a terrorist organisation not be disallowed.

Recommendation 2

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Islamic State of Iraq and the Levant as a terrorist organisation not be disallowed.

Recommendation 3

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list al-Qa'ida as a terrorist organisation not be disallowed.

Recommendation 4

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Abu Sayyaf Group as a terrorist organisation not be disallowed.

Recommendation 5

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list al-Qa'ida in the Lands of the Islamic Maghreb as a terrorist organisation not be disallowed.

Recommendation 6

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jamiat ul-Ansar as a terrorist organisation not be disallowed.

Recommendation 7

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jemaah Islamiyah as a terrorist organisation not be disallowed.

Recommendation 8

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Al-Qa'ida in the Arabian Peninsula as a terrorist organisation not be disallowed.

Introduction

- 1.1 This review is conducted under section 102.1A of the *Criminal Code Act 1995* (the Criminal Code).
- 1.2 Section 102.1A provides that the Parliamentary Joint Committee on Intelligence and Security may review a regulation specifying an organisation as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code and report the Committee's comments to each house of the Parliament before the end of the applicable disallowance period.
- 1.3 The regulations under review have specified the following organisations as terrorist organisations for the purposes of section 102.1 of the Criminal Code:
 - Jabhat al-Nusra
 - Abu Sayyaf Group
 - al-Qa'ida
 - al-Qa'ida in the Lands of the Islamic Maghreb
 - Islamic State of Iraq and the Levant (formerly al-Qa'ida in Iraq)
 - Jamiat ul-Ansar
 - Jemaah Islamiyah, and
 - al-Qa'ida in the Arabian Peninsula.
- 1.4 This is a review of the initial listing of Jabhat al-Nusra and the re-listing of the other groups.

Islamic State of Iraq and the Levant

- 1.5 In the 43rd Parliament, the Committee was advised on the re-listing of al-Qa'ida in Iraq (AQI). Since commencement of the review, the regulation

proscribing AQI has been repealed and replaced with a regulation proscribing the Islamic State of Iraq and the Levant (ISIL).¹

- 1.6 The Federal Executive Council made the regulation listing ISIL on 12 December 2013 and it came into effect on 14 December 2013, the day after it was registered on the Federal Register of Legislative Instruments (FRLI). This regulation also repealed the *Criminal Code (Terrorist Organisation – Al-Qa’ida in Iraq) Regulation 2013*.
- 1.7 The statement of reasons for ISIL provides the following reasons for this action:
- The name AQI has never been used by the group itself, but was devised by Western intelligence services to reflect the group’s al-Qa’ida affiliation.
 - The Arabic name now used by the group, Dawla al-Islamiya fi Iraq wa as-Shams (Islamic State of Iraq and the Levant), is in common use in Western intelligence and open sources, especially concerning the group’s activities in Syria.
 - The use of the name ISIL does not represent a change in the leadership, membership or methods of the group, but reflects the expansion of its operating area to include both Iraq and Syria.²
- 1.8 Announcing the listing, the Attorney-General, Senator the Hon George Brandis QC, stated:
- While ISIL and AQI are the same organisation, the Government has moved to specifically list ISIL under this name reflecting the expansion of the organisation’s operating area to include Syria. It does not represent a change in ISIL’s leadership, membership or methods of operation.³

Jabhat al-Nusra

- 1.9 The Committee of the 43rd Parliament was advised on 18 June 2013 by the then Attorney-General that Jabhat al-Nusra would be listed as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code.

1 Senator the Hon George Brandis QC, Attorney-General, *Media Release, ‘Islamic State of Iraq and the Levant listed as a Terrorist Organisation’*, 18 December 2013, viewed 8 January 2014, <<http://www.attorneygeneral.gov.au/Mediareleases>>.

2 Statement of Reasons, *Islamic State of Iraq and the Levant (ISIL)*, pp. 1-2.

3 Senator the Hon George Brandis QC, Attorney-General, *Media Release, ‘Islamic State of Iraq and the Levant listed as a Terrorist Organisation’*, 18 December 2013, viewed 8 January 2014, <<http://www.attorneygeneral.gov.au/Mediareleases>>.

- 1.10 The Attorney-General also advised that the regulations would commence on the day after registration, which occurred on 28 June 2013. This is contrary to usual practice for new listings and the Committee was briefed on the reason for this decision.⁴
- 1.11 The regulations were tabled in the House of Representatives and the Senate on 12 November 2013. The disallowance period of 15 sitting days for the Committee's review of the listings began from the date of tabling and will expire on 11 February 2014.

Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jamiat ul-Ansar and Jemaah Islamiyah

- 1.12 The regulations for the re-listing of Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jamiat ul-Ansar and Jemaah Islamiyah were made by the Federal Executive Council on 11 July 2013 and came into effect on 12 July 2013, the day after they were registered on the FRLI.
- 1.13 The regulations were then tabled in the House of Representatives and the Senate on 12 November 2013. The disallowance period will expire on 11 February 2014.

Al-Qa'ida in the Arabian Peninsula

- 1.14 The regulation for the re-listing of al-Qa'ida in the Arabian Peninsula was made by the Federal Executive Council on 21 November 2013 and came into effect on 26 November 2013, the day after it was registered on the FRLI. It was then tabled in the House of Representatives and the Senate on 2 December 2013. The disallowance period of 15 sitting days will expire on 27 February 2014.

The Committee's review

- 1.15 Statements of reasons for the listing and re-listing of each organisation were accepted as submissions to the review and can be obtained from the Committee's website.

4 In 2007, the Government agreed in response to a recommendation by the Committee that when an organisation is listed for the first time, commencement of regulations would be delayed under after the Parliamentary disallowance period had expired. Flexibility was maintained, however, so that in circumstances where the Attorney-General considered a listing should commence immediately, this could occur. Parliamentary Joint Committee on Intelligence and Security, *Inquiry into the proscription of 'terrorist organisations' under the Australian Criminal Code*, September 2007, available at: www.apf.gov.au/pjicis.

- 1.16 Documents outlining the process of listing undertaken by the Attorney-General's Department were also accepted as submissions. Details of the process of listing for each organisation are outlined below.
- 1.17 Notice of the reviews was placed on the Committee's website and a media release was issued on 19 December 2013. No public submissions were received.
- 1.18 A private hearing with representatives of the Attorney-General's Department and Australian Security Intelligence Organisation (ASIO) was held in Canberra on 30 January 2014.
- 1.19 It is the practice of the Committee to conduct classified hearings with agencies in order that evidence presented can be interrogated in more detail, as required. Some unclassified statements from this hearing are included in the report to support the Committee's findings.
- 1.20 In its first report, *Review of the listing of the Palestinian Islamic Jihad (PIJ)*, the Committee established procedures for reviewing terrorist listings. It also decided that it would test the validity of the listing of a terrorist organisation under the Criminal Code on both the procedures and the merits. The Committee has again adopted this approach in this report.
- 1.21 Where an organisation is to be listed for the first time, the Committee will assess the adequacy and appropriateness of the evidence presented in the statement of reasons and the procedures. Where an organisation is to be relisted, the Committee expects the evidence presented to demonstrate a continuation of activities.
- 1.22 The remainder of this chapter will examine the Government's procedures for the listing of Jabhat al-Nusra and re-listing the other seven organisations.
- 1.23 Chapter two will consider the merits of the listings, based on evidence provided to the Committee.

The Government's procedures

- 1.24 The Attorney-General's Department advised the Committee of the 43rd Parliament in a letter dated 10 July 2013 of the procedures followed by the Attorney-General's Department, with input from other agencies, for listing and re-listing organisations. Similar letters advising procedures were sent to this Committee on 10 December 2013 and 22 January 2014. The procedures are included below.

Jabhat al-Nusra

- 1.25 The Attorney-General's Department informed the Committee that the following processes were undertaken for the purpose of listing Jabhat al-Nusra:
- An unclassified Statement of Reasons was prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, detailing the case for listing Jabhat al-Nusra.
 - The Acting Director-General of Security wrote to the then Attorney-General on 3 May 2013, outlining the background, training activities, terrorist activities, and relevant statements of Jabhat al-Nusra.
 - On 6 May 2013, the Australian Government Solicitor (AGS) provided written advice with respect to the Statements of Reasons for Jabhat al-Nusra, stating that the Attorney-General could, on the basis of the statement, be satisfied on reasonable grounds that matters specified in s102.1(2) of the Criminal Code have been met.
 - A submission was provided to the Attorney-General on 10 May 2013, providing the following documents:
 - ⇒ a copy of the Statement of Reasons received from ASIO with respect to Jabhat al-Nusra; and
 - ⇒ advice from the Chief General Counsel of AGS.
 - Having considered the information provided in the submission, the Attorney-General signed a statement on 13 May 2013 with respect to Jabhat al-Nusra confirming that he is satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act whether or not the act has occurred or will occur.
 - On 13 May 2013, the Attorney-General wrote to the then Prime Minister advising of his intention to list Jabhat al-Nusra as a terrorist organisation.
 - On 13 May 2013, the Attorney-General wrote to the Director-General of Security, in response to the Acting Director-General's letter dated 3 May 2013.
 - On 13 May 2013, the Attorney-General wrote on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to list Jabhat al-Nusra as a terrorist organisation and requesting their comments on the proposed listing. State and Territory officials were also advised on the proposed listing by e-mail dated 14 May 2013.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

Northern Territory – response dated 31 May 2013
Victoria – response dated 2 June 2013
Australian Capital Territory – response dated 6 June 2013
Western Australia – response dated 12 June 2013
South Australia – response dated 12 June 2013
New South Wales – response dated 13 June 2013
Queensland – response dated 17 June 2013
Tasmania – response dated 24 June 2013

All responses were supportive of the proposed listing.

- A submission was provided to the Attorney-General on 17 June 2013, providing the regulation and Federal Executive Council documentation with respect to the listing of Jabhat al-Nusra.
- On 17 June the Attorney-General signed the *Criminal Code (Terrorist Organisation – Jabhat al-Nusra) Regulation 2013* in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statement, in preparation for the Federal Executive Council meeting on 28 June 2013.
- On 18 June 2013, the Attorney-General advised the then Leader of the Opposition of the proposed listing of Jabhat al-Nusra as a terrorist organisation by letter, and offered a briefing in relation to the listing.
- On 18 June 2013, the Attorney-General wrote to the then Chair of the Parliamentary Joint Committee on Intelligence and Security advising of his decision to list Jabhat al-Nusra as a terrorist organisation.
- On 28 June 2013 the Federal Executive Council made the *Criminal Code (Terrorist Organisation – Jabhat al-Nusra) Regulation 2013*. The Regulation was registered with the FRLI on 28 June 2013 with the FRLI Reference Number F2013L01217. The Regulation came into effect on 29 June 2013, the day after it was registered on FRLI.
- The Attorney-General issued a Media Release on 28 June 2013 announcing the listing of Jabhat al-Nusra and attaching a copy of the Statement of Reasons. The Australian Government’s National Security website was also updated.

Islamic State of Iraq and the Levant

1.26 The following processes were undertaken for the listing of ISIL:

- An unclassified Statement of Reasons was prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, detailing the case for listing ISIL.
- The Director-General of Security wrote to the Attorney-General on 29 November 2013, outlining the background, training activities, terrorist activities, and relevant statements of ISIL.
- On 29 November 2013, the Australian Government Solicitor provided written advice with respect to the Statement of Reasons, stating that the Attorney-General could, on the basis of the statement, be satisfied on reasonable grounds that matters specified in s102.1(2) of the Criminal Code have been met.
- A submission was provided to the Attorney-General on 29 November 2013, providing the following documents:
 - ⇒ a copy of the Statement of Reasons received from ASIO with respect to ISIL
 - ⇒ advice from the Australian Government Solicitor
 - ⇒ the regulation and Federal Executive Council documentation for the listing of ISIL.
- Having considered the information provided in the submission, the Attorney-General signed a statement on 4 December 2013 confirming that he is satisfied on reasonable grounds that ISIL is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act whether or not the act has occurred or will occur.
- On 4 December 2013, the Attorney-General wrote to the Prime Minister advising of his intention to list ISIL as a terrorist organisation.
- On 4 December 2013, the Attorney-General wrote on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to list ISIL as a terrorist organisation and requesting their comments on the proposed listing. State and Territory officials were also advised of the proposed listing by e-mail dated 4 December 2013.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

New South Wales - response dated 6 December 2013

South Australia - response dated 6 December 2013

Northern Territory - response dated 7 December 2013

Queensland - response dated 9 December 2013

ACT - response dated 10 December 2013

Tasmania – response dated 11 December 2013

Western Australia – response dated 16 December 2013

Victoria – response dated 18 December 2013

These responses did not object to the proposed listing.

- On 4 December 2013 the Attorney-General signed the *Criminal Code (Terrorist Organisation – Islamic State of Iraq and the Levant) Regulation 2013* and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statement, in preparation for the Federal Executive Council meeting on 12 December 2013.
- On 4 December 2013, the Attorney-General advised the Leader of the Opposition of the proposed listing of ISIL as a terrorist organisation by letter, and offered a briefing in relation to the listing. A copy of the Statement of Reasons was also provided.
- On 12 December 2013 the Federal Executive Council made the *Criminal Code (Terrorist Organisation – Islamic State of Iraq and the Levant) Regulation 2013*. The Regulation was registered with the FRLI on 13 December 2013 with the FRLI Reference Number F2013L02097. The Regulation came into effect on 14 December 2013, the day after it was registered on FRLI.
- The Attorney-General issued a Media Release on 18 December 2013 announcing the listing of ISIL and attaching a copy of the Statement of Reasons. The Australian Government's National Security website was also updated.

Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in Iraq, al-Qa'ida in the Lands of the Islamic Maghreb, Jamiat ul-Ansar and Jemaah Islamiyah

1.27 The following processes were undertaken for the re-listing of Abu Sayyaf Group (ASG), al-Qa'ida (AQ), al-Qa'ida in Iraq (AQI)⁵, al-Qa'ida in the Lands of the Islamic Maghreb (AQIM), Jamiat ul-Ansar (JuA) and Jemaah Islamiyah (JI):

- Unclassified Statements of Reasons were prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, detailing the case for listing ASG, AQ, AQI, AQIM, JuA and JI.
- On 15 May 2013, the Australian Government Solicitor provided written advice with respect to the Statements of Reasons for ASG, AQ, AQI, AQIM, JuA and JI.

5 As noted earlier, the listing of AQI has been replaced by the listing of ISIL. AQI is accordingly no longer part of the Committee's review.

- The Director-General of Security wrote to the then Attorney-General on 23 May 2013, outlining the background, training activities, terrorist activities, and relevant statements of ASG, AQ, AQI, AQIM, JuA and JI.
- A submission was provided to the Attorney-General on 3 June 2013, providing the following documents:
 - ⇒ copies of the Statement of Reasons received from ASIO with respect to the organisations; and
 - ⇒ advice from the Australian Government Solicitor.
- Having considered the information provided in the submissions, the Attorney-General signed a statement on 5 June 2013 with respect to ASG, AQ, AQI, AQIM, JuA and JI confirming that he is satisfied on reasonable grounds that the organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocating the doing of a terrorist act, whether or not the act has occurred or will occur.
- On 5 June 2013, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 23 May 2013.
- On 5 June 2013, the Attorney-General wrote to the then Prime Minister advising of his intention to re-list ASG, AQ, AQI, AQIM, JuA and JI as terrorist organisations.
- On 5 June 2013, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to re-list ASG, AQ, AQI, AQIM, JuA and JI as terrorist organisations and requesting their comments on the proposed re-listings by 1 July 2013. Relevant officials of the States and Territories were also advised of the proposed re-listings by e-mail dated 6 June 2013.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

Victoria – response dated 24 June 2013
Northern Territory – response dated 25 June 2013
Western Australia – response dated 26 June 2013
South Australia – response dated 1 July 2013
New South Wales – response dated 2 July 2013
Australian Capital Territory – response dated 4 July 2013
Queensland – response dated 12 July 2013
Tasmania – response dated 6 August 2013

No States or Territories objected to the making of the regulations proscribing the organisations as terrorist organisations.

- A submission was provided to the Attorney-General on 28 June 2013, providing the regulation and Federal Executive Council documentation with respect to the re-listing of ASG, AQ, AQI, AQIM, JuA and JI.
- The Attorney-General signed the separate regulations in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, an Executive Council minute and explanatory statements, in preparation for the Federal Executive Council meeting that occurred on 11 July 2013.
- On 2 July 2013, the Attorney-General advised the then Leader of the Opposition of the proposed re-listing of ASG, AQ, AQI, AQIM, JuA and JI as terrorist organisations by letter, and offered a briefing in relation to the re-listings.
- On 2 July 2013, the Attorney-General wrote to the then Chair of the Parliamentary Joint Committee on Intelligence and Security advising of his decision to re-list ASG, AQ, AQI, AQIM, JuA and JI as terrorist organisations.
- On 11 July 2013, the Federal Executive Council made the following regulations:

Criminal Code (Terrorist Organisation-Abu Sayyaf Group) Regulation 2013

Criminal Code (Terrorist Organisation-Al-Qa'ida) Regulation 2013

Criminal Code (Terrorist Organisation-Al'Qa'ida in Iraq) Regulation 2013

Criminal Code (Terrorist Organisation-Al-Qa'ida in the Lands of the Islamic Maghreb) Regulation 2013

Criminal Code (Terrorist Organisation-Jamiat ul-Ansar) Regulation 2013

Criminal Code (Terrorist Organisation-Jemaah Islamiyah) Regulation 2013

The Regulations were registered with the FRLI on 11 July 2013 with the FRLI Reference Numbers:

F2013L01353, Criminal Code (Terrorist Organisation-Abu Sayyaf Group) Regulation 2013

F2013L01357, Criminal Code (Terrorist Organisation-Al-Qa'ida) Regulation 2013

F2013L01358, Criminal Code (Terrorist Organisation-Al-Qa'ida in Iraq) Regulation 2013

F2013L01354, Criminal Code (Terrorist Organisation-Al-Qa'ida in the Lands of the Islamic Maghreb) Regulation 2013

F2013L01356, Criminal Code (Terrorist Organisation-Jamiat ul-Ansar) Regulation 2013

F2013L01355, Criminal Code (Terrorist Organisation-Jemaah Islamiyah) Regulation 2013

The re-listing regulations came into effect on 12 July 2013, the day after they were registered on the FRLI.

- The Attorney-General issued a Media Release on 12 July 2013 announcing the re-listing of ASG, AQ, AQL, AQIM, JuA and JI and attaching copies of the Statements of Reasons with respect to each organisation. The Australian Government's National Security website was also updated.

Al-Qa'ida in the Arabian Peninsula

1.28 In relation to al-Qa'ida in the Arabian Peninsula (AQAP), the following processes were undertaken:

- An unclassified Statement of Reasons was prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, detailing the case for listing AQAP.
- The Director-General of Security wrote to the Attorney-General on 26 September 2013, outlining the background, training activities, terrorist activities, and relevant statements of AQAP.
- On 12 September 2013, the Australian Government Solicitor provided written advice with respect to the Statement of Reasons for AQAP, stating that the Attorney-General could, on the basis of the statement, be satisfied on reasonable grounds that matters specified in s102.1(2) of the Criminal Code have been met.
- A submission was provided to the Attorney-General on 2 October 2013, providing the following documents:
 - ⇒ a copy of the Statement of Reasons received from ASIO with respect to AQAP; and
 - ⇒ advice from the Australian Government Solicitor.
- Having considered the information provided in the submission, the Attorney-General signed a statement on 4 October 2013 with respect to AQAP confirming that he is satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act whether or not the act has occurred or will occur.
- On 4 October 2013, the Attorney-General wrote to the Prime Minister advising of his intention to list AQAP as a terrorist organisation.

- On 4 October 2013, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 26 September 2013.
- On 4 October 2013, the Attorney-General wrote on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to list AQAP as a terrorist organisation and requesting their comments on the proposed listing. State and Territory officials were also advised of the proposed listing by e-mail dated 8 October 2013.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

Tasmania – response dated 14 October 2013
Queensland – response dated 25 October 2013
Western Australia – response dated 29 October 2013
Australian Capital Territory – response dated 1 November 2013
Northern Territory – response dated 3 November 2013
Victoria – response dated 5 November 2013
South Australia – response dated 6 November 2013
New South Wales – response dated 27 November 2013

These responses did not object to the proposed listing.

- A submission was provided to the Attorney-General on 6 November 2013, providing the regulation and Federal Executive Council documentation with respect to the listing of AQAP.
- On 13 November 2013 the Attorney-General signed the *Criminal Code (Terrorist Organisation – Al-Qa'ida in the Arabian Peninsula) Regulation 2013* and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statement, in preparation for the Federal Executive Council meeting on 21 November 2013.
- On 13 November 2013, the Attorney-General advised the Leader of the Opposition of the proposed listing of AQAP as a terrorist organisation by letter, and offered a briefing in relation to the listing. A copy of the Statement of Reasons was also provided.
- On 21 November 2013 the Federal Executive Council made the *Criminal Code (Terrorist Organisation – Al-Qa'ida in the Arabian Peninsula) Regulation 2013*. The Regulation was registered with the FRLI on 25 November 2013 with the FRLI Reference Number F2013L01969. The

Regulation came into effect on 26 November 2013, the day after it was registered on FRLI.

- The Attorney-General issued a Media Release on 26 November 2013 announcing the listing of AQAP and attaching a copy of the Statement of Reasons. The Australian Government's National Security website was also updated.

Committee comment

- 1.29 The Committee has reviewed the process of listing for each organisation and is satisfied with the appropriateness and adequacy of the procedures undertaken by the Government. The Committee notes that responses were received from all States and Territories, none of which objected to the listings.

The listings

The criteria for listing an organisation

- 2.1 To be specified as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, the Minister must be satisfied on reasonable grounds that the organisation:
- is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
 - advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).¹
- 2.2 In addition to these legislative criteria, ASIO may also have regard to non-legislative factors, including:
- engagement in terrorism
 - ideology and links to other terrorist groups or networks
 - links to Australia
 - threats to Australian interests
 - proscription by the UN or like-minded countries, and
 - engagement in peace/mediation processes.
- 2.3 The Committee was first advised of ASIO's evaluation process, including its use of these non-legislative factors, at a private hearing in 2005. Since

¹ Subsection 102.1(2) of Division 102, Subdivision A of the Criminal Code. A full list of proscribed terrorist organisations is available at the Australian Government's National Security website at:
<www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/95FB057CA3DECF30CA256FAB001F7FBD?OpenDocument>.

then, the Committee has used these criteria as the basis for its reviews of listings of terrorist organisations under the Criminal Code.

- 2.4 The Committee has again used these criteria to assess the appropriateness and adequacy of evidence provided to it in this review.

The Committee's review

- 2.5 As in previous Committee reports, this report identifies issues relating to the current nature and reach of each organisation, with particular emphasis, in the case of re-listings, on developments since the previous review. The Committee has previously stated that:

The Committee believes that it is important that the Parliament seek to establish as accurate a picture as possible of the nature, size, reach, and effectiveness of organisations that are subject to section 102.1 of the Criminal Code and that these reviews should reflect the most current information available about the organisations under review.²

- 2.6 For each listing, the Committee has taken into account the Attorney-General's statement of reasons, evidence provided at a private hearing, and other publicly available information. The Committee's evaluation of the appropriateness and adequacy of the evidence it has received is then presented against the criteria listed in paragraph 2.2.

Jabhat al-Nusra

Background

- 2.7 This is the initial listing of Jabhat al-Nusra³, a Syria-based Sunni extremist group that adheres to the global jihadist ideology of al-Qa'ida.
- 2.8 Jabhat al-Nusra was established to fight the regime of President Bashar al-Assad in late 2011 by al-Qa'ida in Iraq (AQI) operatives sent to Syria, and publicly announced its existence in a video statement in January 2012.⁴

2 Parliamentary Joint Committee on Intelligence and Security, *Review of the re-listing of Al-Qa'ida and Jemaah Islamiyah as terrorist organisations under the Criminal Code Act 1995*, Canberra, October 2006, p. 10.

3 Also known as Al-Nusra Front; Al-Nusrah Front; Al-Nusrah Front for the People of the Levant; Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad; Jabhat al-Nusrah; Jabhet al-Nusra; Support Front for the People of Syria from the Mujahideen of Syria in the Places of Jihad; and The Victory Front.

4 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 1.

- 2.9 In April 2013, the group pledged allegiance to al-Qa'ida leader Ayman al-Zawahiri. Jabhat al-Nusra has received funding and operatives from AQI and direct endorsement from online extremist forums aligned with al-Qa'ida and leading salafist/jihadist figures. Prior to April 2013, Jabhat al-Nusra had attempted to downplay its extremist ideology and conceal its links to AQI to avoid alienating the Syrian population.⁵
- 2.10 Jabhat al-Nusra is led by Abu-Muhammad al-Jawlani (an alias) and has a presence throughout Syria, where regional leaders are responsible for controlling their respective cells. It is estimated that membership of the group is between 6 000 and 10 000 members, primarily Syrian nationals but also foreign fighters. The group is well funded and a number of its leaders and operatives have previous experience as AQI operatives in Iraq.⁶

Engagement in terrorism

- 2.11 The statement of reasons lists numerous significant attacks either claimed by, or reliably attributed to, Jabhat al-Nusra since its first attack on 6 January 2012.⁷
- 2.12 Jabhat al-Nusra undertakes improvised explosive device (IED) (including suicide), sniper and small-arms attacks, as well as kidnapping and executions, against regime security and military targets. It also attacks individuals and groups perceived to be supporting the regime of President Bashar al-Assad.⁸ It targets urban areas, resulting in indiscriminate civilian attacks.⁹
- 2.13 According to Jane's Terrorism and Insurgency Intelligence Centre (Jane's), since the latter half of 2012, Jabhat al-Nusra has been increasingly involved in large-scale coordinated assaults on significant provincial or regional military bases and government buildings. The group has also frequently engaged in close-quarters small-arms clashes with security forces and pro-government militiamen in contested areas of the country and carried out raids on targets incapable of offering armed resistance, such as local television station offices deemed supportive of the existing government.¹⁰

5 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 1.

6 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, pp. 2-3.

7 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, pp. 3-4.

8 Jane's Terrorism and Insurgency Centre, Jabhat al-Nusra, viewed 8 January 2014, <janes.ihs.com>.

9 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 2.

10 Jane's Terrorism and Insurgency Centre, Jabhat al-Nusra, viewed 8 January 2014, <janes.ihs.com>.

- 2.14 The group uses its own media outlet, al-Manara al-Bayda (the White Minaret) through which it disseminates its message, including documentary-style propaganda videos and media statements.¹¹

Ideology and links to other terrorist groups/networks

- 2.15 Jabhat al-Nusra's stated objectives are removal of the regime of President Bashar al-Assad and, once this is achieved, creation of a salafist-oriented Sunni Islamist state in Syria.¹²
- 2.16 The organisation also intends to create an Islamist caliphate across the Levant, and to expel the minority Alawite and Christian communities from Syria.¹³
- 2.17 As noted above, leader Abu-Muhammad al-Jawlani pledged allegiance on behalf of Jabhat al-Nusra to al-Qa'ida leader Ayman al-Zawahiri in April 2013. Al-Jawlani confirmed in the same statement that Jabhat al-Nusra had received funding and operatives to conduct operations in Syria from AQI.¹⁴

Links to Australia / Threats to Australian interests

- 2.18 Reported links to Australia include the recruitment of young Australians to go overseas to fight in Syria. The Committee notes that this is a matter that has attracted recent media attention, including claims that as many as 200 Australians have travelled to Syria and, of those, a few dozen are actively engaged in combat.¹⁵ Evidence before the Committee confirmed the engagement of Australians with all participants in the Syrian conflict.¹⁶

Proscription by the UN or like-minded countries

- 2.19 The United States amended the Foreign Terrorist Organisation and Executive Order 13224 designations of AQI on 11 December 2012 to include Jabhat al-Nusra as an alias.¹⁷
- 2.20 On 31 May 2013, the UN Security Council added Jabhat al-Nusra to its al-Qa'ida Sanctions List as an alias of AQI.¹⁸

11 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 4.

12 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 1.

13 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 1.

14 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 1.

15 See, for example, T. Allard, 'Al-Qaeda terrorist threat to Australia', *Sydney Morning Herald*, 1 February 2014, p. 1.

16 *Classified transcript*, 30 January 2014, pp. 3-4.

17 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 5.

18 Jane's Terrorism and Insurgency Centre, Jabhat al-Nusra, viewed 8 January 2014, <janes.ihs.com>.

- 2.21 Australia listed Al-Nusrah Front (Jabhat al-Nusra) as a terrorist entity under the *Charter of the United Nations Act 1945* on 15 March 2013.¹⁹

Engagement in peace/mediation processes

- 2.22 Jabhat al-Nusra is not engaged in any peace or mediation processes.²⁰

Committee comment

- 2.23 The Committee has used ASIO's criteria to assess the information provided to support the listing of Jabhat al-Nusra as a terrorist organisation. The Committee is satisfied that Jabhat al-Nusra is engaged in terrorist activities.

- 2.24 The Committee considers the links to Australia are a significant additional factor in the proscription of Jabhat al-Nusra. The reported recruitment of Australians to fight in Syria is particularly concerning, as is the suggestion that Jabhat al-Nusra is deliberately recruiting and training foreigners to go back to conduct terrorist attacks in their own countries. The Attorney-General, Senator the Hon George Brandis QC, stated in a recent speech:

In Australia, like many other countries, we are witnessing a growing trend of citizens travelling offshore to engage in, or support terrorist activities or conflict. These individuals not only potentially breach Australian laws and commit offences offshore, but upon their return to Australia they pose a significant national security risk.

Those who actively participate in combat or assist in the planning and facilitation of such activity can become radicalised and obtain new skills- including the ability to conduct an attack on Australian soil, radicalise others and impart knowledge and skills gained offshore.²¹

- 2.25 The Committee notes that Jabhat al-Nusra is not engaged in any peace negotiations and has been listed by the UN as an alias of AQI.
- 2.26 The Committee asked about commencement of the regulation immediately following registration and, based on the evidence given, was satisfied that the registration was a necessary and warranted action in this instance.

19 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 5.

20 Statement of Reasons, Jabhat al-Nusra, *Submission 1*, p. 5.

21 Senator the Hon George Brandis QC, Attorney-General, 'Address at the Opening of the INTERPOL Global Security and Counter Terrorism Convention', viewed 3 February 2014, <www.attorneygeneral.gov.au/Speeches/Pages/2014/28January2014-InterpolGlobalSecurityAndCounterTerrorismConvention.aspx>.

- 2.27 The Committee supports the listing of Jabhat al-Nusra under section 102.1 of the Criminal Code.

Recommendation 1

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jabhat al-Nusra as a terrorist organisation not be disallowed.

Islamic State of Iraq and the Levant

Background

- 2.28 The Islamic State of Iraq and the Levant²² (ISIL) was first listed in 2005 under the name Tanzim Qa'ida al'Jihad fi Biiad al'Rafidayn and re-listed in 2007 under the same name. Subsequent listings used al-Qa'ida in Iraq as the most commonly recognised name for the group. As noted previously, the Attorney-General re-listed the group under the name Islamic State of Iraq and the Levant on 14 December 2013.
- 2.29 ISIL is an Iraq and Syria-based Sunni extremist group affiliated with al-Qa'ida. The group adheres to the global jihadist ideology, following an extreme interpretation of Islam which is anti-Western, promotes sectarian violence and 'targets those that do not agree with its interpretations as infidels and apostates'. ISIL seeks to overthrow the Iraq Government and the regime of President Bashar al-Assad, and establish a Salafist-oriented Islamist state. Its membership numbers around 2500 in Iraq and 5000 in Syria.²³
- 2.30 The group has been affiliated to al-Qa'ida since 2004 and established operations in Syria in 2011 through its former subordinate organisation, Jabhat al-Nusra.
- 2.31 ISIL attracts a large number of foreign fighters, including Westerners.²⁴

22 Also known as Al-Qa'ida in Iraq, Al-Qa'ida in Iraq-Zarqawi, Al-Qa'ida of Jihad in the Land of the Two Rivers, Al-Qa'ida of Jihad Organization in the Land of the Two Rivers, Al-Tawhid, Al-Tawhid and al-Jihad, Brigades of Tawhid, Islamic State of Iraq, Dawla al-Islamiya fi Iraq wa as-Shams, Islamic State of Iraq and al-Sham, Jama'at al-Tawhid wa'al-Jihad, Kateab al-Tawhid, Mujahidin Shura Council, Qaida of the Jihad in the Land of the Two Rivers, Tanzeem Qa-ida al-Hihad/Bilad al Raafidaini, Tanzim Qa'ida al-Jihad fi Bilad al-Rafidayn, The al-Zarqaqi network, The Monotheism and Jihad Group, The Organisation Base of Jihad/Mesopotamia, The Organisation of Jihad's Base in the Country of the Two Rivers, Unity and Holy Struggle, Unity and Holy War, Unity and Jihad Group.

23 Statement of Reasons, ISIL, *Submission 3*, p. 2.

24 Statement of Reasons, ISIL, *Submission 3*, p. 3.

Engagement in terrorism

- 2.32 The statement of reasons describes ISIL as:
- one of the world's deadliest and most active terrorist organisations and conducts daily, often indiscriminate attacks. ISIL targets crowds and public gatherings during holidays and religious festivals to maximise casualties and publicity.²⁵
- 2.33 ISIL's primary targets in Iraq are the security forces, Shia civilians in public areas, political figures, community and tribal leaders who condemn ISIL, and anti-ISIL militias. It conducts daily attacks in Iraq – mostly in central Iraq and provinces to the north and west of the capital.²⁶
- 2.34 In Syria, the group attacks the regime of Bashar al-Assad, the Syrian armed opposition and Turkish militants through suicide, sniping and small arms attacks.²⁷
- 2.35 The statement of reasons lists eight significant attacks by ISIL since the group was last proscribed under the name AQI in July 2013, including executions, bombings, and attacks on prisons that freed hundreds of prisoners, mostly ISIL senior leaders and operatives.²⁸

Ideology and links to other terrorist groups/networks

- 2.36 The statement of reasons notes that a number of terrorist organisations have conducted terrorist acts or issued statements in support of ISIL, including al-Qa'ida, al-Qa'ida in the Arabian Peninsula (AQAP), Jabhat al-Nusra, salafists in Gaza and al-Shabaab.²⁹
- 2.37 More recently, however, it has been reported that al-Qa'ida has severed ties with the group.³⁰

Links to Australia / Threats to Australian interests

- 2.38 Reported links to Australia include the recruitment of young Australians that have travelled to fight in Syria.³¹

25 Statement of Reasons, ISIL, *Submission 3*, p. 3.

26 Statement of Reasons, ISIL, *Submission 3*, p. 3.

27 Statement of Reasons, ISIL, *Submission 3*, p. 3.

28 Statement of Reasons, ISIL, *Submission 3*, pp. 3-4.

29 Statement of Reasons, ISIL, *Submission 3*, p. 5.

30 Jane's Terrorism and Security Monitor, 'OSINT Summary: Al-Qaeda disavows ISIL following key attacks on rival Syrian militants', 3 February 2014, viewed 4 February 2014, <janes.ihs.com>.

31 See, for example, T. Allard, 'Al-Qaeda terrorist threat to Australia', *Sydney Morning Herald*, 1 February 2014, p. 1.

Proscription by the UN or like-minded countries

- 2.39 ISIL is listed on the United Nations Security Council 1267 (al-Qa'ida) Sanctions Committee's consolidated list (as an alias) and as a proscribed terrorist organisation by Canada (AQI entry last updated in August 2012), New Zealand (as an alias) and the United States (which recognises AQI and ISIL as the same organisation).³²

Engagement in peace/mediation processes

- 2.40 ISIL is not engaged in any peace or mediation processes.³³

Committee comment

- 2.41 The Committee has used ASIO's criteria to assess the information provided to support the listing of ISIL as a terrorist organisation and is satisfied that ISIL continues to engage in terrorist activities. The evidence received by the Committee demonstrates that the group is particularly active. ISIL has been linked with a number of other groups, including al-Qa'ida, and has been listed by the UN and proscribed by other governments. It is not engaged in any peace discussions.
- 2.42 While not a requirement for proscription, the Committee considers the strong links to Australia are a significant additional factor in the proscription of ISIL. The Committee supports the listing of ISIL as a terrorist organisation under section 102.1 of the Criminal Code.

Recommendation 2

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Islamic State of Iraq and the Levant as a terrorist organisation not be disallowed.

Al-Qa'ida

Background

- 2.43 Al-Qa'ida³⁴ was initially listed as a terrorist organisation under the Criminal Code on 21 October 2002. This is the fifth re-listing of the organisation.

32 Statement of Reasons, ISIL, *Submission 3*, p. 5.

33 Statement of Reasons, ISIL, *Submission 3*, p. 5.

34 Also known as Al-Jihad al-Qaeda, Al Qaeda, Al-Qaida, Al-Qaida, The Base, The Group for the Preservation of Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of Holy Places; Islamic Army for the Liberation of Holy

- 2.44 A Sunni Islamic extremist organisation founded by Usama bin Laden and Dr Abdullah Azzam, al-Qa'ida's core support networks and operations are located in the border regions of Afghanistan and Pakistan. The group has been led by Dr Ayman al-Zawahiri since bin Laden's death in May 2011.³⁵ The exact size of al-Qa'ida is unknown, although its membership is estimated to be less than a thousand.³⁶

Engagement in terrorism

- 2.45 Numerous attacks by, or reliably attributed to, al-Qa'ida between August 1998 and August 2011 are included in the statement of reasons. Al-Qa'ida's attacks have included assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices, both vehicle-borne and air-borne.³⁷ Al-Qa'ida has also assisted in, fostered or advocated numerous other attacks.³⁸
- 2.46 The statement of reasons notes that due to counter-terrorism measures in the Afghanistan-Pakistan border region, including unmanned drone attacks targeting senior al-Qa'ida leaders and operatives, al-Qa'ida's core leadership has become increasingly isolated, short of funds and is having more trouble recruiting and equipping fighters. Further:

Continued successful operations by the US and other forces over the past 18 months appears to have seriously degraded al-Qa'ida's capacity for planning and conducting large-scale terrorist operations.³⁹

Ideology and links to other terrorist groups/networks

- 2.47 Al-Qa'ida's objective is to remove governments, through violent means if necessary, in Muslim countries that it deems are 'un-Islamic' in order to establish an Islamic Caliphate. According to the statement of reasons, the United States and its allies, including Australia, are believed by al-Qa'ida to represent the greatest obstacle to achieving this objective, given their perceived support for these governments.⁴⁰

Sites; Islamic Salvation Foundation; The Jihad Group; New Jihad; Usama bin Laden Network; Usama Bin Laden Organisation; and The World Islamic Front for Jihad against Jews and Crusaders.

35 Statement of Reasons, al-Qa'ida, *Submission 1*, pp. 1-2.

36 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 2.

37 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 3.

38 Statement of Reasons, al-Qa'ida, *Submission 1*, pp. 3-4.

39 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 2.

40 Statement of reasons, al-Qa'ida, *Submission 1*, p. 1.

- 2.48 Jane's states that the overthrow of Arab regimes, especially the Saudi royal family, remains a stated priority as does the destruction of Israel. Al-Qa'ida continues to plot attacks against Western countries with the aim of forcing those countries to withdraw troops from Iraq and Afghanistan and withdraw support from the Arab regimes targeted by al-Qa'ida and its allies.⁴¹
- 2.49 Despite al-Qa'ida's declining membership, the group is considered to have significant reach and influence over the activities (and members) of other groups. In particular, '[w]hile al-Qa'ida does not directly affiliate activity, it broadly shapes global jihad and is still respected for its views on affiliates' operations.'⁴²
- 2.50 Jane's states that:
- While Al-Qaeda's recruitment has been constrained since 11 September 2001, the number of people ostensibly operating under its banner has been swelled by alliances with Abu Musab al-Zarqawi's Tawhid wa al-Jihad group in Iraq and the Groupe Salafiste pour la Predication et le Combat (GSPC) in Algeria. These groups are now referred to as Al-Qaeda in Iraq (AQI) and Al-Qaeda Organisation in the Islamic Maghreb (AQIM) respectively. Al-Qaeda operatives have also set up franchise groups in Saudi Arabia and Yemen, which, like the Iraqi and North African branches, recruit new members independently of the Al-Qaeda leadership.⁴³
- 2.51 Other groups that have received 'encouragement and support' from al-Qa'ida include Abu Sayyaf Group, Islamic Movement of Uzbekistan, Islamic Army of Aden, Asbat al-Ansar, Jemaah Islamiyah (JI), Jamiat ul-Ansar (JuA), Lashkar-e-Tayyiba, Lashkar-e-Jhangvi, Jaish-e-Mohammad and Ansar al-Islam.⁴⁴
- 2.52 While al-Qa'ida has been weakened in Pakistan and Afghanistan, it was pointed out to the Committee that 'we are dealing with an ideology and not an individual set of political goals.'⁴⁵

Links to Australia / Threats to Australian interests

- 2.53 Al-Qa'ida's leaders have, since 2004, made a number of statements calling for attacks against the United States and its allies, including Australia. The

41 Jane's Terrorism and Insurgency Centre, Al-Qaeda, viewed 8 January 2014 <janes.ihs.com>.

42 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 2.

43 Jane's Terrorism and Insurgency Centre, Al-Qaeda, viewed 8 January 2014 <janes.ihs.com>.

44 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 4.

45 *Classified transcript*, 30 January 2014, p. 19.

most recent reference to Australia by al-Qa'ida's senior leadership was on 2 April 2008. The most recent reference to Australia by al-Qa'ida more generally was in a video release posted on jihadist forums on 11 September 2012.⁴⁶

Proscription by the UN or like-minded countries

2.54 Al-Qa'ida is listed by the United Nations Security Council 1267 (al-Qa'ida) Sanctions Committee and as a proscribed terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the United States. It is also listed by the European Union for the purposes of its antiterrorism measures.⁴⁷

Engagement in peace/mediation processes

2.55 Al-Qa'ida is not engaged in any peace or mediation process.⁴⁸

Committee comment

2.56 The Committee has used ASIO's criteria to assess the information provided to support the listing of al-Qa'ida as a terrorist organisation. The Committee is satisfied that al-Qa'ida continues to engage in, foster and advocate terrorist acts. Further, the Committee notes that a number of organisations currently under review are clearly associated with the al-Qa'ida ideology.

2.57 In support of its objectives, al-Qa'ida has specifically called for attacks on Australia as an ally of the United States. The organisation is listed by the UN and proscribed by a number of other governments. It is not engaged in any peace or mediation processes.

2.58 The Committee therefore supports the listing of al-Qa'ida under section 102.1 of the Criminal Code.

46 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 6.

47 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 7.

48 Statement of Reasons, al-Qa'ida, *Submission 1*, p. 7.

Recommendation 3

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list al-Qa'ida as a terrorist organisation not be disallowed.

Abu Sayyaf Group

Background

- 2.59 The Abu Sayyaf Group⁴⁹ (ASG) was initially listed as a terrorist organisation under the Criminal Code in 2002 following listing by the United Nations Security Council. This is the fifth re-listing of the organisation.
- 2.60 ASG was founded in 1991 as a separatist militant Islamist movement by Filipino national Abdurajak Janjalani, and despite the death of a number of its key senior leaders over the last decade, remains influenced by its founding objective of creating an independent Islamic state in the southern Philippines areas of Mindanao and the Sulu Archipelago. The group is composed of loosely-affiliated sub-groups, mostly organised along traditional clan and familial lines, and has about 400 members.⁵⁰

Engagement in terrorism

- 2.61 Kidnap-for-ransom and extortion measures have been a key part of the ASG's activities since its establishment and are its main funding mechanism.⁵¹
- 2.62 ASG has been responsible for planning and conducting terrorist attacks and kidnappings against a wide range of targets, including Philippine security forces and foreign interests in Western Mindanao, the Sulu Archipelago, and Malaysia's Sabah State. While recent attacks have been largely motivated by financial gain rather than political, religious or ideological purposes, the statement of reasons indicates that some of the proceeds are used to support ASG's operations in pursuit of an independent Islamic state. Further, the choice of victims remains influenced by this objective.⁵²

49 Also known as Abou Sayaf Armed Band; Abou Sayyef Group; Abu Sayaff Group; Al-Harakat Al-Aslamiya; Al-Harakat Al-Islamiyya; Al-Harakat-ul Al-Islamiyya; Al-Harakatul-Islamia; and Mujahideen Commando Freedom Fighters.

50 Statement of Reasons, ASG, *Submission 1*, pp. 1-2.

51 Statement of Reasons, ASG, *Submission 1*, p. 2.

52 Statement of Reasons, ASG, *Submission 1*, p. 2.

- 2.63 Since its most recent re-listing in October 2010, three kidnappings, including that of Australian national Warren Rodwell, have been attributed to ASG.⁵³
- 2.64 ASG has also been involved in numerous large-scale attacks over the past decade, including four attacks in 2011 and 2012.⁵⁴

Ideology and links to other terrorist groups/networks

- 2.65 Since its founding, ASG has been associated with other terrorist organisations, including al-Qa'ida and Jemaah Islamiyah (JI). The group has provided sanctuary to foreign militant jihadists, including JI-linked fugitives from the South-East Asia region, which has continued since its last re-listing.
- 2.66 ASG also maintains operational and logistical links with other Philippines-based networks that are actively engaged in terrorist activity, including elements of the Moro Islamic Liberation Front and the Moro National Liberation Front.⁵⁵

Links to Australia / Threats to Australian interests

- 2.67 One of the main threats posed to Australian interests by ASG is that its principal tactic is kidnapping tourists in an area frequently visited by Australian tourists. Compared with other groups, ASG also more actively targets westerners for kidnapping.⁵⁶

Proscription by the UN or like-minded countries

- 2.68 ASG is listed in the United Nations 1267 (al-Qa'ida) Committee's Consolidated List and as a proscribed organisation by the governments of Canada, New Zealand, the United Kingdom and the United States.⁵⁷

Engagement in peace/mediation processes

- 2.69 ASG has not been party to any peace discussions with the Philippine Government.⁵⁸

Committee comment

- 2.70 The Committee has used ASIO's criteria to assess the information provided to support the listing of ASG as a terrorist organisation. The

53 Statement of Reasons, ASG, *Submission 1*, p. 2.

54 Statement of Reasons, ASG, *Submission 1*, p. 3.

55 Statement of Reasons, ASG, *Submission 1*, p. 3.

56 *Classified transcript*, 30 January 2014, p. 14.

57 Statement of Reasons, ASG, *Submission 1*, p. 4.

58 Statement of Reasons, ASG, *Submission 1*, p. 4.

ASG has links with other proscribed terrorist organisations, including al-Qa'ida and JI, and has engaged in terrorist activities. Since its last listing it has continued to kidnap foreign nationals, including an Australian. The group is listed by the UN and proscribed by other governments as a terrorist organisation. On this basis, the Committee supports the listing of Abu Sayyaf Group under section 102.1 of the Criminal Code.

Recommendation 4

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Abu Sayyaf Group as a terrorist organisation not be disallowed.

Al-Qa'ida in the Lands of the Islamic Maghreb

Background

- 2.71 Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)⁵⁹, was initially listed as a terrorist organisation under the Criminal Code in 2002 following its listing by the United Nations Security Council. This is its fifth re-listing.
- 2.72 Formerly known as the Salafist Group for Preaching and Combat, AQIM is a Sunni Islamic extremist group with its senior leadership based in northern Algeria. The group was formed in 1998 as a splinter group of the Algerian Armed Islamic Group and quickly became Algeria's largest and most dangerous terrorist group with an increasingly pro-al-Qa'ida stance. AQIM announced an alliance with al-Qa'ida on 11 September 2006 and its change of name to AQIM on 26 January 2007.⁶⁰
- 2.73 It is estimated that AQIM's membership is several hundred, primarily from Algeria, Mali, Mauritania and other North and West African countries.⁶¹

Engagement in terrorism

- 2.74 Following the group's 2006 alliance with al-Qa'ida, AQIM adopted an increasingly anti-Western position and conducted its first attacks

59 Also known as Al Qaida au Maghreb Islamique, Al-Qa'ida in the Islamic Maghreb, Al-Qa'ida Organisation in the Lands of the Islamic Maghreb, AQIM, Le Groupe Salafiste Pour La Predication et Le Combat, Salafist Group for Call and Combat, Salafist Group for Preaching and Combat, Tanzim al-Qa'ida fi bilad al-Maghreb al-Islamiya.

60 Statement of Reasons, AQIM, *Submission 1*, p. 1.

61 Statement of Reasons, AQIM, *Submission 1*, p. 2.

- specifically targeting Western interests. It conducts attacks in northern Algeria and increasingly in Mali, Mauritania and Niger.⁶²
- 2.75 AQIM targets Western interests, and also routinely attacks military police and government interests in North and West African nations. The statement of reasons lists ten attacks against Western interests since the group was last re-listed, with nine Western nationals being held hostage as of May 2013. Sixteen attacks against North and West African government interests are also listed in the period July 2010 to July 2012.⁶³
- 2.76 Jane's notes that AQIM focused its operations in Mali in 2012.⁶⁴ In March 2012, AQIM, with Ansar al-Din, an Islamist ally, established authority over northern Mali following a rebellion by Tuareg insurgents against the Government. The groups implemented Islamic law and established camps to train recruits.⁶⁵
- 2.77 The United Nations Security Council (UNSC) condemned AQIM in a resolution in December 2012 as one of the terrorist groups that do not recognise the territorial integrity of Mali. The UNSC also sanctioned deployment of the African-led International Support Mission in Mali against the Islamic occupation. In January 2013, at the request of the Government of Mali, the French Government initiated military intervention against AQIM and the other rebel groups occupying northern Mali.⁶⁶
- 2.78 In response, AQIM increased its recruitment of new members.⁶⁷
- 2.79 Since 2000, AQIM members have been arrested in France, Italy, Spain, the Netherlands, the United Kingdom and Pakistan. AQIM cells in several European countries have also been dismantled.⁶⁸
- 2.80 The group primarily funds itself through criminal activities, including kidnapping, protection rackets, robbery, people and arms trafficking, money laundering, smuggling, and increasingly, facilitating drug trafficking. The group is particularly known for kidnapping westerners for ransom.⁶⁹

62 Statement of Reasons, AQIM, *Submission 1*, p. 2.

63 Statement of Reasons, AQIM, *Submission 1*, pp. 3-5.

64 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Lands of the Islamic Maghreb, viewed 13 January 2014, <janes.ihs.com>.

65 Statement of Reasons, AQIM, *Submission 1*, p. 2.

66 Statement of Reasons, AQIM, *Submission 1*, p. 2.

67 Statement of Reasons, AQIM, *Submission 1*, p. 3.

68 Statement of Reasons, AQIM, *Submission 1*, p. 3.

69 Statement of Reasons, AQIM, *Submission 1*, p. 3.

Ideology and links to other terrorist groups/networks

- 2.81 AQIM's objective is to create an Islamist state based on Islamic law, with one of its key aims to overthrow the Algerian Government. AQIM also aspires to expand its influence throughout North Africa and the Sahel/Sahara region and to conduct attacks in Europe. As noted earlier, AQIM has increasingly adhered to al-Qa'ida's extremist ideology.⁷⁰
- 2.82 According to the statement of reasons, AQIM has called for the freeing of the Maghreb countries of North Africa from Spanish and French influences and for the regaining of the lost Islamic regions of southern Spain, known as al-Andalus. AQIM has also stated its support for Islamist extremist violence in Afghanistan and Pakistan, Iraq, Yemen, Somalia, Chechnya, and Palestine, and called on Muslims across north Africa to target Western interests.⁷¹
- 2.83 The statement of reasons notes that AQIM's 2006 alliance with al-Qa'ida has been largely ideological, with AQIM appearing to operate autonomously with limited contact and direction from al-Qa'ida senior leadership.⁷²

Links to Australia / Threats to Australian interests

- 2.84 While AQIM has not made any statements specifically threatening Australians or Australian interests, AQIM has threatened Westerners and Western interests in general.⁷³
- 2.85 The Committee was informed that compared with other countries, there are few links between Australia and AQIM's area of operations.⁷⁴

Proscription by the UN or like-minded countries

- 2.86 AQIM is listed on the United Nations Security Council 1267 (al-Qa'ida) Sanctions Committee's consolidated list as an entity associated with al-Qa'ida. AQIM has also been listed as a terrorist organisation by Canada, the US and New Zealand. The group is listed by the UK as the Salafist Group for Call and Combat (GSPC).⁷⁵

70 Statement of Reasons, AQIM, *Submission 1*, p. 2.

71 Statement of Reasons, AQIM, *Submission 1*, p. 2.

72 Statement of Reasons, AQIM, *Submission 1*, p. 2.

73 Statement of Reasons, AQIM, *Submission 1*, p. 6.

74 *Classified transcript*, 30 January 2014, p. 14.

75 Statement of Reasons, JuA, *Submission 1*, p. 6.

Engagement in peace/mediation processes

- 2.87 AQIM has not engaged in peace talks with the Algerian Government or negotiations with the Mali Government over the Islamist occupation of Northern Mali.⁷⁶

Committee comment

- 2.88 The Committee has used ASIO's criteria to assess the information provided to support the listing of AQIM as a terrorist organisation. AQIM continues to engage in and foster terrorist activities and, although direct links with al-Qa'ida may be limited, adheres to the al-Qa'ida ideology. The group is listed by the UN and proscribed by a number of governments. It is not engaged in peace negotiations. The Committee, on the basis of this information, supports the listing of AQIM under section 102.1 of the Criminal Code.

Recommendation 5

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list al-Qa'ida in the Lands of the Islamic Maghreb as a terrorist organisation not be disallowed.

Jamiat ul-Ansar

Background

- 2.89 Jamiat ul-Ansar⁷⁷ (JuA), also known as the Harakat ul-Mujahideen, was first listed as a terrorist organisation under the Criminal Code in 2002 following its listing by the United Nations Security Council. This is the fifth re-listing of the organisation.
- 2.90 Led by Fazlur Rehman Khalil, JuA has changed its name several times to escape the ramifications of proscription. Although reported to have no more than a few hundred members, mostly from Pakistan, Afghanistan, the Indian State of Jammu and Kashmir, the group's membership is unknown.⁷⁸
- 2.91 Over time, the aims of JuA have changed. Although initially focussed on the anti-Soviet insurgency in Afghanistan, from 1989 its focus moved to

⁷⁶ Statement of Reasons, AQIM, *Submission 1*, p. 5.

⁷⁷ Also known as Al-Faran, Al-Hadid, Al-Hadith, Harakat ul-Ansar, Harakat ul-Mujahideen, Harakat ul-Mujahidin.

⁷⁸ Statement of Reasons, JuA, *Submission 1*, p. 1.

the disputed region of Kashmir, where it established itself as one of the most prominent militant groups in Indian-administered Kashmir.⁷⁹

Engagement in terrorism

- 2.92 The statement of reasons lists a number of incidents reliably attributed to JuA between 1999 and 2010, as well as incidents linked to JuA trained individuals. This includes the 1999 highjacking of an Indian Airlines flight from Nepal to India.⁸⁰
- 2.93 Considered to be the largest and most dangerous Pakistan-based militant Islamist group fighting in Indian-administered Kashmir until the late 1990s, the threat posed by the JuA has diminished, although Jane's argues that the group continues to represent a threat to security and stability in the territory.⁸¹

Ideology and links to other terrorist groups/networks

- 2.94 The objective of JuA is to unite all of Kashmir with Pakistan and establish a caliphate based on Islamic law. JuA has advocated the use of Pakistan's nuclear weapons against India, and opposes efforts to normalise relations between the two countries.
- 2.95 JuA has also pledged its support for Afghan militants fighting coalition forces in Afghanistan.⁸²
- 2.96 JuA's leader has strong ties to the Taliban and al-Qa'ida, and the statement of reasons indicates that some of JuA's members have sought to align the group's activities more closely with the global jihad inspired by al-Qa'ida.⁸³ Jane's also identifies numerous connections between al-Qa'ida and JuA.⁸⁴
- 2.97 JuA has cooperated with other militant groups operating in Afghanistan, Kashmir and Pakistan.⁸⁵

79 Jane's Terrorism and Insurgency Centre, *Harakat-ul-Mujahideen*, viewed 3 February 2014, <janes.ihs.com>.

80 Statement of Reasons, JuA, *Submission 1*, p. 2.

81 Jane's Terrorism and Insurgency Centre, *Harakat-ul-Mujahideen*, viewed 3 February 2014, <janes.ihs.com>.

82 Statement of Reasons, JuA, *Submission 1*, p. 1.

83 Statement of Reasons, JuA, *Submission 1*, pp. 1, 4.

84 Jane's Terrorism and Insurgency Centre, *Harakat-ul-Mujahideen*, viewed 3 February 2014, <janes.ihs.com>.

85 Statement of Reasons, JuA, *Submission 1*, p. 4.

Links to Australia / Threats to Australian interests

- 2.98 No information was received as to links to Australia or threats to Australian interests.

Proscription by the UN or like-minded countries

- 2.99 JuA is listed in the United Nations Security Council 1267 (al-Qa'ida Sanctions Committee's consolidated list and by the Canadian, UK, US and Pakistan Governments.⁸⁶

Engagement in peace/mediation processes

- 2.100 JuA has not been party to any peace discussions with the Indian Government.⁸⁷

Committee comment

- 2.101 The Committee has used ASIO's criteria to assess the information provided to support the listing of JuA as a terrorist organisation and is satisfied that JuA has engaged in and continues to foster terrorist acts. The group has links with al-Qa'ida and has been listed by the UN and proscribed by a number of Governments. It is not engaged in any peace negotiations. The Committee supports the listing of JuA under section 102.1 of the Criminal Code.

Recommendation 6

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jamiat ul-Ansar as a terrorist organisation not be disallowed.

Jemaah Islamiyah

Background

- 2.102 Jamaah Islamiyah⁸⁸ (JI) was originally specified as a terrorist organisation under the Criminal Code in 2002. This is the fifth re-listing of the organisation.

⁸⁶ Statement of Reasons, JuA, *Submission 1*, p. 4.

⁸⁷ Statement of Reasons, JuA, *Submission 1*, p. 4.

⁸⁸ Also known as Al-Jama'ah Al-Islamiyah, Jamaah Islamiyah, Jama'ah Islamiyah, Jemaa Islamiya, Jema'a Islamiya, Jemaa Islamiyah, Jema'a Islamiyya, Jemaa Islamiyya, Jemaa Islamiyyah, Jemaah Islamiah, Jamaah Islamiya, Jemah Islamiyah, Jema'ah Islamiyah, Jemaah Islamiyyah, Jema'ah Islamiyyah.

- 2.103 Founded in Malaysia in 1993, JI is a Salafi jihadist group, inspired by the same ideology as al-Qa'ida. The group evolved from the Indonesian Islamist movement, Darul Islam, which fought a violent insurgency to establish an Islamist state in Indonesia in the 1950s and 1960s. The extent of its current membership is unknown, but was estimated in 2007 to be between 900 and several thousand members.⁸⁹

Engagement in terrorism

- 2.104 The statement of reasons makes the following comment in relation to JI:
- Despite disruption efforts by Indonesian authorities and their regional counterparts, Jemaah Islamiyah (JI) continues to exist as a functional terrorist organisation. While no confirmed JI-linked terrorist attack has occurred since 2009, JI remains committed to its long-term strategy to overthrow the Indonesian Government and establish a pan-Islamic state in South-East Asia – through violence if necessary.⁹⁰
- 2.105 Currently eschewing attacks, JI's leadership is focussed on consolidating its membership and rebuilding its support networks, including through its network of Islamic boarding schools, which promote an extreme interpretation of Islam.⁹¹ The Committee was informed that while this may 'give the impression they are not doing anything', JI has not renounced the use of violence or its objectives.⁹² JI's current leadership remains anti-Western and has indicated a willingness to conduct attacks against local sectarian targets.⁹³
- 2.106 Networks linked to JI have been involved in attacks in Indonesia and the Philippines since the group's last re-listing. According to the statement of reasons, information seized since 2010 demonstrates that JI retains both the capability and intent to conduct attacks.⁹⁴
- 2.107 A number of JI members currently detained will be paroled in 2014. Many have maintained their allegiance to JI and it is expected they will re-engage with the organisation on release.⁹⁵

89 Statement of Reasons, JI, *Submission 1*, p. 2.

90 Statement of Reasons, JI, *Submission 1*, p. 1.

91 Statement of Reasons, JI, *Submission 1*, p. 2.

92 *Classified transcript*, 30 January 2014, p. 12.

93 Statement of Reasons, JI, *Submission 1*, p. 2.

94 Statement of Reasons, JI, *Submission 1*, p. 3.

95 Statement of Reasons, JI, *Submission 1*, p. 2.

Ideology and links to other terrorist groups/networks

- 2.108 JI considers the Indonesian Government, and other governments in the region, to be illegitimate. JI seeks to revive a pure form of Islam, governed by the tenets of Islamic law. Its charter and operating manual outlines JI's primary objectives of establishing a solid support base of followers and then, through armed struggle, creating an Islamist state in Indonesia followed by a pan-Islamic Caliphate incorporating Malaysia, Singapore, Brunei and the southern Philippines, and ultimately a global theocratic Islamic state.⁹⁶
- 2.109 While JI is operationally and organisationally distinct from other regional extremist groups⁹⁷, it has close links with other groups in Indonesia, including Jamaah Anshurat Tauhid, Front Pembela Islam, Majelis Mujahidin Indonesia, KOMPAK, Laskar Jundullah and Majelis Dakwah Umat Indonesia.⁹⁸ It also has links with other South-East Asian extremist groups, including ASG and the Moro Islamic Liberation Front.⁹⁹

Links to Australia / Threats to Australian interests

- 2.110 The Committee notes there have been links between Australia and JI over a long period of time.¹⁰⁰ In its 2005 review of the listing of JI, the Committee noted JI cells existing in Australia.¹⁰¹ In 2008, the Committee noted that JI had scaled down its previous organisational structure from four *Mantiqi* territorial areas of responsibility, which originally encompassed part of Australia, to a single *Mantiqi* covering Indonesia.¹⁰²

Proscription by the UN or like-minded countries

- 2.111 JI is listed in the United Nations Security Council 1267 (al-Qa'ida) Sanctions Committee's consolidated list and as a proscribed terrorist organisation by the Governments of Canada, New Zealand, the United Kingdom and the United States.¹⁰³

96 Statement of Reasons, JI, *Submission 1*, p. 1.

97 Statement of Reasons, JI, *Submission 1*, p. 2.

98 Statement of Reasons, JI, *Submission 1*, p. 5.

99 Statement of Reasons, JI, *Submission 1*, p. 5.

100 *Classified transcript*, 30 January 2014, p. 13.

101 Parliamentary Joint Committee on Intelligence and Security, *Review of the Listing of six terrorist organisations*, Canberra, March 2005, p. 33.

102 Parliamentary Joint Committee on Intelligence and Security, *Review of the re-listing of Al-Qa'ida, Jemaah Islamiyah and Al-Qa'ida in the Lands of the Islamic Maghreb*, Canberra, October 2008, p. 29.

103 Statement of Reasons, JI, *Submission 1*, p. 5.

Engagement in peace/mediation processes

- 2.112 JI has not been party to any peace discussions with the Indonesian Government.¹⁰⁴

Committee comment

- 2.113 The Committee has used ASIO's criteria to assess the information provided to support the listing of JI as a terrorist organisation. While noting that JI is currently engaged in a process of consolidation and re-building, the group retains the capacity and willingness to engage in terrorist acts to support its objectives. JI is listed by the UN and proscribed by a number of governments, and is not engaged in any peace negotiations. The Committee supports the re-listing of JI under section 102.1 of the Criminal Code.

Recommendation 7

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jemaah Islamiyah as a terrorist organisation not be disallowed.

Al-Qa'ida in the Arabian Peninsula

Background

- 2.114 Al-Qa'ida in the Arabian Peninsula¹⁰⁵ (AQAP) was listed as a terrorist organisation under the Criminal Code in 2011. This is the first re-listing of the organisation.
- 2.115 AQAP was founded in 2006 following the escape of 23 extremist detainees from a high-security government correctional facility in Sana'a. Known initially as al-Qa'ida in Yemen, the group announced a change of name to AQAP in January 2009. Its leader, Nasir al-Wahishi (aka Abu Basir) was one of the 23 escapees.¹⁰⁶
- 2.116 The group mainly operates inside Yemen and has conducted attacks in Saudi Arabia. It has also attempted to conduct attacks within the United

104 Statement of Reasons, JI, *Submission 1*, p. 5.

105 Also known as Al-Qa'ida in Yemen, Ansar al-Sharia; AQAP, AQY.

106 Statement of Reasons, AQAP, *Submission 1*, p. 1.

States.¹⁰⁷ Membership of the group is 'at least several hundred fighters', mostly Yemenis and Saudis.¹⁰⁸

Engagement in terrorism

- 2.117 The statement of reasons lists numerous attacks by AQAP since its initial listing as a terrorist organisation. AQAP uses person and vehicle-borne IEDs (including suicide attacks), small arms and rocket-propelled grenades against Yemeni and foreign government interests. It also kidnaps foreign nationals.¹⁰⁹
- 2.118 The statement of reasons indicates that terrorist attacks by AQAP continue to be a major concern of Western Governments, with the United States closing diplomatic missions in the Middle East and Africa in response to intercepted messages.¹¹⁰
- 2.119 AQAP also incites terrorism through its online magazine *Inspire*, which provides ideological justification and practical guidance for attacks in an individual's own country. Its companion document, *Lone Mujahid Pocketbook*, is largely based on articles published in *Inspire* but with an emphasis on tactics for carrying out lone attacks in Western countries.¹¹¹ *Inspire* is notable as it is written in English, rather than Arabic, making it more accessible to non-Arabic speaking individuals, including in Australia.¹¹²

Ideology and links to other terrorist groups/networks

- 2.120 AQAP's objectives, outlined in a statement in 2010, include 'the expulsion of Jews and crusaders from the Arabian Peninsula', reestablishment of the Islamic caliphate and the introduction of sharia, and the liberation of Muslim lands.¹¹³
- 2.121 AQAP is a recognised affiliate of al-Qa'ida and has developed links with other extremist and terrorist groups, including al-Shabaab in Somalia.¹¹⁴

Links to Australia / Threats to Australian interests

- 2.122 Australia has featured on the cover of *Inspire*, which has also espoused bushfire arson as a terrorist tactic in Australia.¹¹⁵ No additional

107 Statement of Reasons, AQAP, *Submission 1*, p. 1.

108 Statement of Reasons, AQAP, *Submission 1*, p. 2.

109 Statement of Reasons, AQAP, *Submission 1*, pp. 2-3.

110 Statement of Reasons, AQAP, *Submission 1*, p. 2.

111 Statement of Reasons, AQAP, *Submission 1*, p. 3.

112 *Classified transcript*, 30 January 2014, p. 8.

113 Statement of Reasons, AQAP, *Submission 1*, p. 1.

114 Statement of Reasons, AQAP, *Submission 1*, p. 4.

information was received regarding links with Australia or possible threats to Australian interests.

Proscription by the UN or like-minded countries

- 2.123 The United Nations listed AQAP as being 'associated with Al-Qaida, Usama bin Laden or the Taliban', pursuant to paragraph 2 of the resolution 1904 (2009) on 19 January 2010.¹¹⁶
- 2.124 Also in January 2010, AQAP was designated as a Foreign Terrorist Organisation under section 219 of the United States Immigration and Nationality Act. On 23 December 2010, Canada designated AQAP as a terrorist entity under Canadian Criminal Code article 83.05.¹¹⁷

Engagement in peace/mediation processes

- 2.125 AQAP was involved in peace talks with the Yemeni Government in 2013, but no agreement has been reached. According to the statement of reasons, AQAP senior official Ibrahim al-Rubeish said that AQAP's conditions for the truce included amending the Yemeni constitution to accept sharia laws, monitoring non-Muslim based organisations in Yemen and removing all 'apparent evils' such as interest-based banks.¹¹⁸

Committee comment

- 2.126 The Committee has used ASIO's criteria to assess the information provided to support the listing of AQAP as a terrorist organisation. The Committee is satisfied, on the basis of this information, that AQAP continues to engage in and advocate terrorist acts. The group is affiliated with al-Qa'ida and has been listed by the UN and proscribed by other governments. The Committee supports the listing of AQAP as a terrorist organisation under section 102.1 of the Criminal Code.

115 *Classified transcript*, 30 January 2014, p. 2.

116 *Statement of Reasons, AQAP, Submission 1*, p. 4.

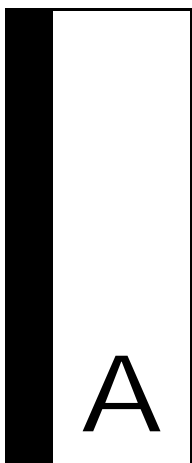
117 *Statement of Reasons, AQAP, Submission 1*, p. 4.

118 *Statement of Reasons, AQAP, Submission 1*, p. 4.

Recommendation 8

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Al-Qa'ida in the Arabian Peninsula as a terrorist organisation not be disallowed.

Mr Dan Tehan MP
Chair
February 2014



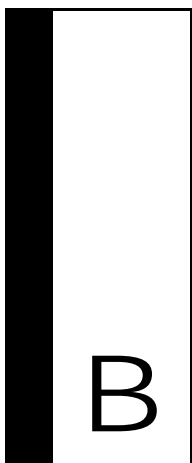
Appendix A—List of Submissions

Review of the listing of Jabhat al-Nusra and the re-listing of six terrorist organisations

1. Attorney-General: Statement of Reasons
2. Attorney-General's Department: Process for listing
3. Attorney-General: Statement of Reasons
4. Attorney-General: Process for listing

Review of the re-listing of Al-Qa'ida in the Arabian Peninsula

1. Attorney-General: Statement of Reasons
2. Attorney-General: Process for listing



Appendix B—Witnesses appearing at private hearing

Canberra

Thursday, 30 January 2014

Attorney-General's Department

Mr Tony Sheehan, Deputy Secretary

Ms Catherine Smith, Acting First Assistant Secretary, National Security Law and Policy Division

Australian Security Intelligence Organisation

Mr David Irvine, Director-General of Security

Assistant Director-General, National Threat Assessment Centre