

Submission to PJCIS Committee inquiry: Review of the listing of Ansar Allah as a terrorist organisation under the Criminal Code

Dear Committee,

I am writing to point out two problems in the 'Statement of Reason'. The first is regarding two missing aliases used by Ansar-Allah or their regional allies. The second is about the leadership of the organisation, where the 'Statement for Reasons' has missed the highest commander of the organisation.

Listing Ansar-Allah without a reference to its ultimate leader is akin to listing of 'Islamic State – South Asia' without mentioning its allegiance to the Caliphate, and instead, linking it to "Iraq" (the current 'Statement of Reason' exactly does that; references "Iran" over 20 times but fails to mention where the allegiance of Ansar-Allah truly lies).

Ignoring these points renders the 'Statement of Reason' incorrect and thus vulnerable. It also significantly diminishes the impact of the listing. I urge the committee to address these issues.

1 Known aliases

Two important aliases are missing:

1.1 *al-Thawra al-Yamaniya (Yemeni Revolution)*

[original script: الثورة اليمنية]

This alias is often used when referencing the local leadership of the organisation as 'Leader of the Yemeni Revolution'¹ (قائد الثورة اليمنية). Abdul-Malik al-Houthi is often referred to in this term within Ansar-Allah's own media circles and by many of the key members of the organisation, demonstrating that the group identifies as 'the Yemeni Revolution' along with some other names.

1.2 *Yemen's "Resistance Front" or "Axis of Resistance"*

[original script: محور المقاومة, جبهه المقاومة]

This alias is commonly used by Ali Khamenei and the leaders of Hizballah, Guard Corps of the Islamic Revolution (IRGC), Iraqi Islamic Resistance, Syrian regime, Palestinian Islamic Jihad and other affiliates to refer to the overarching entity under the sovereignty (Wilayat) of Ali Khamenei. Ansar-Allah is commonly known as the Yemeni branch of the "Resistance Front (axis)".

2 Leadership

Ansar-Allah are led both ideologically and operationally by the office of Wilayat al-Faqih, held by Sayyed Ali Khamenei. This is demonstrable from multiple viewpoints:

¹ For instance see below:

abna24.com) قائد الثورة اليمنية يدعو الشعب للخروج المليوني لنصرة فلسطين

Various X posts of Mohammad Ali al-Houthi (@Moh_Alhouthi)

- a. Ansar-Allah's declared ideology is based upon obedience to true successors of the prophet of Islam, which they recognise as Wali al-Faqih, Ali Khamenei.
- b. Ansar-Allah's top commanders and officials have visited Ali Khamenei and pledged their allegiance to his leadership as continuation of that of the prophet of Islam².
- c. Ansar-Allah clearly refer to Khamenei as "the Leader" in their media³.
- d. Reported by Yemeni government, Abdul-Malik al-Houthi has pledged allegiance to Ali Khamenei in a broadcast speech in 2019, followed by introduction of "Wilayat al-Faqih oath" ceremonies at schools under their rule⁴.
- e. Ali Khamenei confirms through his media as well as in speeches and messages, that he views himself as the leader and speaker of the entire Resistance Front, which includes Yemen's Resistance, a.k.a. Ansar-Allah.
- f. Ali Khamenei's staunch followers, including top commanders of the Guards Corps of the Islamic Revolution, have repeatedly named Khamenei as the "Leader of Islamic territories"⁵, "World Leader of Resistance"⁶ and alike, commanding over a number of local governorates including Ansar-Allah.

2.1 *Wali al-Faqih's status in the IRI*

The position of Ali Khamenei is not a branch of the IRI, for the following reasons:

A study⁷ of over 50 Australian case laws has shown that to be a 'state', 'state entity', 'government entity' or an 'emanation of state', following criteria must be satisfied⁸:

- The entity must be in full control and ownership of the state.
- Membership of the entity must be limited to citizens of the state.
- The entity must be obliged to solely pursue the interests of the state.

Ali Khamenei invariably self-identifies as 'Leader of the Islamic Revolution' or the 'Leader of Ummah'.

Ali Khamenei's job titles, as per the Constitution of the IRI, are:

- Great Leader of the global revolution of Islam (article 107)
- Leader of the Revolution (article 108)
- Sovereign of all affairs and leader of Ummah (articles 5, 57, 77 and 109)
- Wali-e-Faqih (in Arabic: Wali al-Faqih) (articles 5 and 57)

The IRI Constitution, while subscribing to Wali al-Faqih's global leadership, does not limit the sphere of influence and authority of this office to the IRI regime, the country of Iran, or any other country.

² [meeting with Mohammed Abdessalam, the spokesman for Yemen's Ansarallah :: Leader.ir](#)

³ [Sayyed Ali Khamenei: Injecting despair and frustration into society is what the enemy is doing – Ansar al-Allah \(ansarollah.com.ye\)](#)

⁴ [Yemeni Government Denounces Houthis' Allegiance Oath at Schools \(aawsat.com\)](#)

⁵ [مقام معظم رهبری فرمانده دفاع از بلاد اسلامی هستند \(rasekhoon.net\)](#)

⁶ [The philosophical letter of the world Leader of resistance - IRNA English](#)

⁷ See [Commissioner's Interpretation Statement: Meaning of 'Government Entity' | ACNC](#).

Many of the legal arguments and conclusions of this elaborate interpretation statement can be readily adjusted to allow assessment of entities in other contexts, including foreign entities.

⁸ *SGH Ltd v Federal Commissioner of Taxation* [2002] HCA 18; 210 CLR 51 [22].

With regards to membership, Ali Khamenei's position has no restriction to Iranian citizens, according to Article 107 of the IRI Constitution. No other legislation or constitution is identified that imposes such a restriction.

In summary:

'Wali al-Faqih' and 'Leader of Ummah' is a non-state entity because:

- The control and ownership of the office rests solely upon the person of Wali al-Faqih, hence cannot confirm or deny itself being a state-entity.
- As "Leader of Ummah", Wali al-Faqih cannot solely pursue the interests of a specific state or nation.
- The office enjoys a global membership; not limited to Iranians.

3 Conclusion

As admitted by Khamenei, his followers and specially heads of Ansar-Allah, Khamenei is the leader of Ansar-Allah and must be named as such in the 'Leadership' section of Statement of Reasons. The fact that his office is not a state entity should make it easier for the Attorney-General to formally include this information in the listing documentation.

Addition of missing aliases "al-Thawra al-Yamania" and "Yemen Resistance Front" would greatly help the community, businesses, and law enforcement in identification of Ansar-Allah affiliates.

Yours faithfully,

Reza Parsaee
8 July 2024