



Criminal Code (Terrorist Organisation— Jemaah Islamiyah) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
5	Terrorist organisation—Jemaah Islamiyah	1
	Schedule 1—Repeals	3
	<i>Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016</i>	<i>3</i>

1 Name

This instrument is the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	9 April 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Criminal Code Act 1995*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Terrorist organisation—Jemaah Islamiyah

- (1) For the purposes of paragraph (b) of the definition of **terrorist organisation** in subsection 102.1(1) of the *Criminal Code*, the organisation known as Jemaah Islamiyah is specified.
- (2) Jemaah Islamiyah is also known by the following names:
- (a) Al-Jama'ah Al-Islamiyah;
 - (b) Jamaah Islamiyah;
 - (c) Jama'ah Islamiyah;
 - (d) Jeemah Islamiyah;
 - (e) Jemaa Islamiya;
 - (f) Jema'a Islamiya;
 - (g) Jemaa Islamiyah;
 - (h) Jemaa Islamiyya;

Section 5

- (i) Jema'a Islamiyya;
- (j) Jemaa Islamiyyah;
- (k) Jemaah Islamiah;
- (l) Jemaah Islamiya;
- (m) Jema'ah Islamiyah;
- (n) Jemaah Islamiyyah;
- (o) Jema'ah Islamiyyah;
- (p) JI.

Schedule 1—Repeals

Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Home Affairs

Criminal Code Act 1995

Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019

The purpose of the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019* (the Regulations) is to specify Jemaah Islamiyah for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*.¹

Jemaah Islamiyah is currently specified for this purpose by the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016*, which is repealed by the Regulations. Details of the Regulations are set out in [Attachment A](#).

Section 5 of the *Criminal Code Act 1995* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The Schedule to the Act sets out the *Criminal Code*.

Paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code* provides that regulations can specify organisations for the purposes of the definition of ‘terrorist organisation’.

Subsection 102.1(2) of the *Criminal Code* provides that before the Governor-General makes regulations specifying an organisation for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1), 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 or advocates the doing of a terrorist act.

The Minister for Home Affairs is satisfied on reasonable grounds that Jemaah Islamiyah is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. In coming to this position, the Minister for Home Affairs has taken into consideration an unclassified Statement of Reasons provided by the Director-General of Security, as well as advice from the Australian Government Solicitor (AGS). The Statement of Reasons is at [Attachment B](#).

Effect of the instrument

Division 102 of the *Criminal Code* sets out the following offences relating to terrorist organisations

- directing the activities of a terrorist organisation

¹ A ‘terrorist organisation’ is defined in subsection 102.1(1) of the *Criminal Code* as:

- (a) an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) an organisation that is specified by the regulations for the purposes of this paragraph.

- being a member of a terrorist organisation
- recruiting persons to a terrorist organisation
- receiving training from, providing training to or participating in training with a terrorist organisation
- getting funds to, from or for a terrorist organisation
- providing support to a terrorist organisation, and
- associating with a terrorist organisation.

The Regulations ensure that the offences in Division 102 of the *Criminal Code* continue to apply to conduct relating to Jemaah Islamiyah. Regulations specifying Jemaah Islamiyah as a terrorist organisation have been in effect since 2002.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on the day after it is registered. Subsection 102.1(3) of the *Criminal Code* provides that regulations for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ cease to have effect on the third anniversary of the day on which they take effect.

Consultation

The unclassified Statement of Reasons was prepared by the National Threat Assessment Centre in the Australian Security Intelligence Organisation, in consultation with the Department of Foreign Affairs and Trade and the Department of Home Affairs (Home Affairs). Home Affairs also sought the advice of the AGS to inform the decision of the Minister for Home Affairs.

Subsection 102.1(2A) of the *Criminal Code* provides that before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation. The Minister for Home Affairs wrote to the Leader of the Opposition enclosing the information upon which he was satisfied that Jemaah Islamiyah met the legislative criteria for listing.

The *Intergovernmental Agreement on Counter-Terrorism Laws* (June 2004) (the IGA) requires that the Commonwealth Government consult with the governments of the states and territories prior to making regulations specifying an organisation for the purposes of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*. The IGA provides that if a majority of the states and territories object to the making of such a regulation within a time frame nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Minister for Home Affairs wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the states and territories. A majority of the states and territories did not object to the making of the Regulations within the time frame nominated by the Minister.

Statement of Compatibility with Human Rights

Overview

The *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019* (the Regulations) specifies Jemaah Islamiyah for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*.

The object of the Regulations is to identify Jemaah Islamiyah as a terrorist organisation under Australian law, and put the organisation and members of the public on notice of that fact. Notification is important to help people avoid engaging in activities which might constitute an offence under Division 102 of the *Criminal Code* in relation to Jemaah Islamiyah.

The Regulations, which are part of Australia’s terrorist organisation listing regime, support the application of the offences in Division 102 of the *Criminal Code*, the object of which is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. In particular, the Regulations provide that the offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* applies in relation to associating with Jemaah Islamiyah.

Terrorist organisations, including Jemaah Islamiyah, present a threat to the security of Australia and often seek to harm Australians and our democratic institutions. The statutory definition of a ‘terrorist organisation’ requires that these bodies directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act which includes the causing of serious harm to persons or death and serious damage to property (refer to [Attachment B](#) for details).

Human rights implications

The Regulations promote the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6.

The Regulations limit the following human rights contained in the ICCPR:

- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.

The inherent right to life in Article 6

Article 6 of the ICCPR provides that countries have a duty to take appropriate steps to protect the right to life and to investigate arbitrary or unlawful killings and punish offenders. The Regulations, and the terrorist organisation listing regime more broadly, ensure that the offence provisions in Division 102 of the *Criminal Code* apply to certain conduct in relation to listed terrorist organisations. These offence provisions operate to penalise conduct that presents a significant risk to life, both in Australia and overseas, and, in conjunction with the terrorist organisation listing regime, also act as a deterrent to that conduct. Deterring the conduct, and thereby preventing the risk to life, promotes the inherent right to life expressed in Article 6 of the ICCPR.

The right to freedom of expression in Article 19

Article 19(2) of the ICCPR provides that everyone shall have the right to freedom of expression. However, Article 19(3) provides that freedom of expression may be limited if it is necessary to achieve a legitimate purpose, including for the protection of national security. The Regulations, and the terrorist organisation listing regime more broadly, limit the right to freedom of expression to the extent that persons are prohibited from directing the activities of, recruiting for, providing support to or associating with terrorist organisations, including Jemaah Islamiyah. The restrictions on freedom of expression are justified on the basis that such conduct could jeopardise the security of Australia, the personal safety of its population and its national interests and the restrictions are reasonable, necessary and proportionate to the objective of protecting Australia's national security.

The right to freedom of association in Article 22

Article 22 of the ICCPR protects the right of all persons to group together voluntarily for a common goal and to form and join an organisation. Article 22(2) provides that this right may be limited for the purpose of national security. The Regulations, and the terrorist organisation listing regime more broadly, limit the right of freedom of association to prevent people engaging with and participating in terrorist organisations, in this instance Jemaah Islamiyah.

The offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* is limited in its application to an organisation that is a listed terrorist organisation under the definition of 'terrorist organisation' in paragraph 102.1(1)(b) of the *Criminal Code*. The offence does not apply if the association is with a close family member and relates to a matter of family or domestic concern, or takes place in the course of practicing a religion in a place used for public religious worship, or the association is only for the purpose of providing humanitarian aid or only for the purpose of providing legal advice or legal representation.

Due to the severity of the danger posed by terrorist organisations, it is reasonable, necessary and proportionate to limit the right of individuals who, by their association with a terrorist organisation, pose a threat to Australians.

General safeguards and accountability mechanisms

Whilst the Regulations may limit the right to freedom of expression and the right to freedom of association with Jemaah Islamiyah, the Regulations are subject to the safeguards outlined below. The limits on these rights are reasonable, necessary and proportionate, and are in the interests of public safety and national security, after taking into consideration the direct and indirect terrorist activities of the organisation, which threaten human life.

The *Criminal Code* provides safeguards and accountability mechanisms requiring prior consultation and enabling review of the Regulations, including the following:

- the Commonwealth must consult with the states and territories in accordance with the *Intergovernmental Agreement on Counter-Terrorism Laws* of 25 June 2004, and the Regulations may only be made if a majority of the states and territories do not object to the Regulations within a reasonable time specified by the Commonwealth
- under subsection 102.1(2A) of the *Criminal Code* the Minister must arrange for the Leader of the Opposition to be briefed in relation to the proposed Regulations
- under subsection 102.1(3) of the *Criminal Code*, the Regulations will cease to have effect on the third anniversary of the day on which it takes effect
- subsection 102.1(4) of the *Criminal Code* provides that if the Minister ceases to be satisfied of the criteria necessary for listing an organisation under subsection 102.1(2) of the *Criminal Code*, the Minister must make a declaration to that effect by written notice published in the Gazette, with the effect of the Minister's declaration that the Regulations listing the organisation cease to have effect and the organisation is de-listed as a terrorist organisation under Division 102 of the *Criminal Code*
- subsection 102.1(17) of the *Criminal Code* provides that an individual or an organisation may make a de-listing application to the Minister
- the Regulations may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the *Criminal Code*, and
- both Houses of Parliament may disallow the Regulations within the applicable disallowance period, which is 15 sitting days after the Regulations are laid before that House, as provided for in subsection 102.1A(4) of the *Criminal Code*.

Conclusion

The Regulations are compatible with human rights because they promote the protection of human rights. To the extent that the terrorist organisation listing regime, of which the Regulations are part, may also limit human rights, those limitations achieve a legitimate purpose and are reasonable, necessary and proportionate.

ATTACHMENT A

Details of the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019*

Section 1 – Name

This section would provide that the title of the Regulations is the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019*.

Section 2 – Commencement

This section would provide for the commencement of each paragraph in the instrument, as set out in the table.

Subsection (1) would provide that each provision in the instrument specified in column 1 of the table commences in accordance with column 2 of the table, and that any other statement in column 2 has effect according to its terms. Columns 1 and 2 would provide that the Regulations commence the day after the instrument is registered.

The note to subsection (1) would clarify that the table only relates to the provisions of this instrument as originally made, and that it will not be amended to deal with any later amendments to the instrument.

Subsection (2) would provide that information in column 3 of the table is not part of the instrument. It is designed to assist readers, and may be updated or changed in any published version of these Regulations. Column 3 is empty at the time of making the instrument.

Section 3 – Authority

This section would provide that the Regulations are made under the *Criminal Code Act 1995*.

Section 4 – Schedules

This section would provide each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned and that any other item in a Schedule has effect according to its terms. Schedule 1 to the instrument would repeal the whole of the *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulations 2019*.

Section 5 – Terrorist organisation—Jemaah Islamiyah

Subsection (1) would provide that for paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*, the organisation known as Jemaah Islamiyah is specified.

Subsection (2) would provide that Jemaah Islamiyah is also known by the following names:

- a) Al-Jama’ah Al-Islamiyah
- b) Jamaah Islamiyah

- c) Jama'ah Islamiyah
- d) Jemaa Islamiya
- e) Jema'a Islamiya
- f) Jemaa Islamiyah
- g) Jema'a Islamiyya
- h) Jemaa Islamiyya
- i) Jemaa Islamiyyah
- j) Jemaah Islamiyah
- k) Jemaah Islamiya
- l) Jeemah Islamiyah
- m) Jema'ah Islamiyah
- n) Jemaah Islamiyyah
- o) Jema'ah Islamiyyah
- p) JI

Schedule 1—Repeals

Schedule 1 would provide that *Criminal Code (Terrorist Organisation— Jemaah Islamiyah) Regulation 2016* is repealed.

The *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016* specifies Jemaah Islamiyah as a terrorist organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*. The proposed clause would ensure there is no duplication where the new Regulations are made before the current Regulation ceases to have effect.

ATTACHMENT B

STATEMENT OF REASONS FOR JEMAAH ISLAMIYAH	
<p>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; Jemaah Islamiya; Jeemah Islamiyah; Jema'ah Islamiyah; Jemaah Islamiyyah; Jema'ah Islamiyyah; JI</p>	
<p>This statement is based on publicly available information about Jemaah Islamiyah. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.</p>	
1.	<p>Basis for listing a terrorist organisation</p> <p>Division 102 of the <i>Criminal Code</i> provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:</p> <ul style="list-style-type: none"> a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act; or b) advocates the doing of a terrorist act. <p>For the purposes of listing a terrorist organisation under the Criminal Code, the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.</p>
2.	<p>Background to this listing</p> <p>The Australian Government first proscribed Jemaah Islamiyah as a terrorist organisation on 27 October 2002, and relisted it on 1 September 2004, 26 August 2006, 9 August 2008, 22 July 2010, 12 July 2013 and 28 June 2016.</p>
3.	<p>Terrorist activity of the organisation</p> <p><u>Objectives</u></p> <p>Jemaah Islamiyah (JI) is a Salafi jihadist group that intends to use, and has previously used, violence to advance its political objectives, and is inspired by the same ideology as al-Qa'ida. JI regards the Indonesian Government, along with other governments in the region, to be illegitimate. JI seeks to revive a pure form of Islam, governed by the tenets of <i>Sharia</i> (Islamic law), and represents an evolutionary development of the Indonesian Islamist movement, Darul Islam (DI), which fought a violent insurgency to establish an Islamist state in Indonesia in the 1950s and 1960s. JI's goals are essentially those of DI, but with a regional perspective.</p> <p>JI's charter and operating manual, the "<i>General Guide for the Struggle of Al-Jama'ah Al-Islamiyah</i>" (PUPJI), outlines the religious principles and administrative aspects underlining JI's primary objectives. These entail 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</p>

state.

Jl has undertaken the following to advance its ideology and pursue its objectives:

Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocating the doing of terrorist acts.

While Jl outwardly and publicly remains focused on *dawah* (Islamic outreach); inwardly it continues to promote an extreme interpretation of Islam, continues to recruit new members and continues publishing hard-line material. In 2010, Jl revived its 'military wing' to secretly promote and build up Jl's military capability, including through the acquisition of firearms and explosives - likely for future attacks to aid it in establishing an Islamic state. Jl's network of affiliated religious schools (*pesantren*) continually inculcate future generations of Indonesian youths with their extreme interpretation of Islam and act as incubators for militant recruits. Jl's recruitment and outreach activities are designed to establish a support base in Indonesia for an Islamist State under Islamic Law; Jl's propaganda/ideology legitimises the use of violence against property and individuals to achieve its objectives. Past terrorist attacks attributed to Jl remain a source of inspiration for a new generation of potential jihadists and may encourage more extremists to join or provide support to Jl.

While Jl has not undertaken a terrorist attack in recent years, it continues to prepare, plan, foster and advocate the doing of terrorist acts and retains the intent and willingness to use violence in support of its long term political and ideological objectives. The use of violence is outlined in the PUPJI, issued by the Central Leadership Council within Jl on 30 May 1996. In line with this doctrine, Jl promotes the use of terrorist acts in support of its goals, and continues to undertake militant training in preparation for these activities.

- As of 2016, Jl confirmed it was recruiting new members and supporters, raising funds and sending men to train in Syria; noting that it was preparing itself for the future – a likely reference to returning to politically motivated violence.
- In 2016, Indonesian police assessed that Jl's sophisticated training, organisation and funding could pose a bigger terrorist threat to Indonesia than ISIL.
- In 2014, Jl members were arrested for planning to procure arms caches to likely assist them in conducting future terrorist acts in support of their goal of establishing an Islamic state in Indonesia.
- In 2014, a Jl training course focused on assembling and disassembling M-16 assault rifles.
- In 2014, Jl members arrested by authorities were reported to have been making preparations to launch terrorist attacks.
- In 2013, Jl sent men to Syria for one month to acquire combat experience and in-depth military training, likely to increase their capability to conduct future terrorist acts.
- In 2012, Jl was allegedly trying to build its military strength through purchasing and producing firearms as well as collecting a supply of explosives.

Since 2016 we seen have no current reporting which indicates that Jl has been directly or indirectly involved in terrorist acts; however, Jl's first successful anti-Western attack was the Bali bombings of October 2002 which killed 202 people, including 88 Australians. This was followed by the 2003

JW Marriot Hotel bombing and the 2004 bombing of the Australian Embassy in Jakarta. The second Bali bombing, which took place in 2005, killed four Australians. The second JW Marriot Hotel bombing took place in 2009, along with the simultaneous Ritz-Carlton bombing, which together killed seven civilians, including three Australians.

Elements of JI have conducted numerous attacks targeting sectarian and foreign interests in Indonesia, particularly anti-Christian violence in Sulawesi, Maluku and Sumatra. JI targeted the Philippines Ambassador in Jakarta in 2000 and also conducted sectarian attacks across Indonesia over the 2000/2001 Christmas and New Year period.

JI has been responsible for preparing, planning or assisting in the doing of terrorist attacks against a range of targets, but particularly targets Christian, Western and regional governments' interests in South-East Asia. Those previously subjected to JI attacks include hotels, bars, diplomatic premises, transport and military facilities and churches.

- Regional JI operatives undertook planning and preparatory activities in support of a second unrealised al-Qa'ida-backed aviation plot that was intended to follow the initial aviation attacks on the United States (US) on 11 September 2001.
- In December 2001, Singaporean authorities detained 11 suspects under the country's Internal Security Act (ISA) over a JI-linked plot to attack Australian, British, Israeli and US interests, and a mass rail transport (MRT) station in Singapore.

Information and materiel seized in operations against JI-linked individuals since 2010 demonstrates JI retains the capability and intent to use violence to achieve its goals

- In February 2015, JI member Zulkifli bin Hir (aka Marwan) was killed in the southern Philippines. Zulkifli was linked to an attack plan around the time of Pope Francis' visit to Manila in January 2015.
- On 22 November 2012, Philippines-based Indonesian senior JI member Ustadz Sanusi was killed during a Philippines police and military arrest operation in Marawi. Sanusi fled to the southern Philippines following his involvement in the beheading of three Christian schoolgirls by JI members in Poso, Indonesia in 2005.
- On 25 January 2011, senior Indonesian extremist and then JI member, Umar Patek, was arrested by Pakistani authorities in Abbottabad, Pakistan and was extradited to Indonesia on 11 August 2011. On 22 June 2012, Patek received a 20-year prison sentence for his role in the 2002 Bali bombings. Patek took refuge in the southern Philippines between 2003 and 2010, where he provided training to Philippine militants, including members of the Abu Sayyaf Group (ASG).
- On 9 August 2010, former JI co-founder and Emir, Abu Bakar Ba'aysir was rearrested by Indonesian authorities. On 16 June 2011, Ba'aysir was sentenced to 15 years prison over his involvement in a militant training camp in Aceh which was disrupted in February 2010. Ba'aysir previously served two prison sentences from September 2003 to April 2004 and March 2005 to June 2006 for conspiracy in relation to the 2002 Bali bombings.

4. Details of the organisation

Jl was founded in Malaysia on 1 January 1993 by Indonesian Islamist clerics Abdullah Sungkar and Abu Bakar Ba'asyir. Despite disruption efforts by Indonesian authorities and their regional counterparts, Jl remains a threat to the region. Jl continues to exist as a functional terrorist organisation and 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.

Leadership

The current Jl leadership remains anti-Western in orientation, refusing to denounce violent jihad as a means of achieving its desired objectives.

Jl remains operationally and organisationally distinct from other regional extremist groups. Despite counter-terrorism efforts by regional authorities, Jl remains a functional paramilitary organisation and has the capacity to use violence whenever strategically opportune to advance the group's political objectives. However, Jl's leadership currently eschews attacks, preferring to focus on the consolidation of its membership and rebuilding of its support networks, in support of PUPJI, which extends to 2025.

Jl has not publicly announced the identity of its emir since a previous emir was arrested in June 2007.

Membership

Counter-terrorism operations by Indonesian authorities in the period since the first Bali bombing resulted in the death, arrest and incarceration of a number of Jl members, including senior leaders. Additionally, in recent years a number of splits have occurred within extremist groups in Indonesia, further reducing numbers. We estimate the size of Jl's current membership to be several hundred active members, mostly concentrated in Java but spread throughout Indonesia, with a small contingent of members located in the Philippines and Malaysia. We assess that with the downfall of the ISIL caliphate in the Middle East, some Indonesian ISIL-affiliated members may switch allegiances and return to Jl.

While detention limits their participation in Jl's ongoing clandestine activities, some detained Jl members maintain their allegiance to the group and plan their re-engagement from within prison. Several detained Jl members, or former members, have been released from prison in recent years and further detainees will likely be released in the coming years.

Recruitment and funding

Jl activity has an emphasis on *dawah*, recruitment and fundraising— in order to prepare a mujahideen support base for future extremist activity. Jl continues to recruit covertly through personal contacts, religious study groups, targeted recruitment on university campuses and from its network of 50 or more *pesantren*. Jl's affiliated schools continue to produce a new generation of potential mujahideen indoctrinated in an ideology sympathetic to Jl's long-term Islamist goals. Prisons provide a further avenue for recruitment, as some detained Jl members proselytise to

fellow prisoners and visitors in efforts to recruit new members to the group.

Most of JI's funding is derived from member contributions, Islamic publishing, affiliated charity and legitimate business activities. JI has also received funding from robberies and Middle East-based terrorist financiers in Saudi Arabia and Yemen.

Links to other terrorist organisations

Having a common heritage in DI has facilitated close links between JI and other violent extremist groups in Indonesia. These groups, including DI remnants, Jamaah Anshurat Tauhid (JAT) remnants, Front Pembela Islam (FPI), Majelis Mujahidin Indonesia (MMI), KOMPAK (Crisis Action Committee), Laskar Jundullah, Majelis Dakwah Umat Indonesia (MDUI) and Jamaah Anshorusy Syariah (JAS), provide recruits and support networks for JI activity. JI continues to recruit covertly through personal contacts, religious study groups and from its network of *pesantren*, some of which share links with other extremist groups, including Jamaah Anshorut Daulah (JAD) and KOMPAK.

JI's domestic and regional extremist links were reinforced by the simultaneous presence of JI and non-JI South-East Asian militants in al-Qa'ida training camps in the late 1980s and early 1990s. JI's 'Afghan Alumni' cultivated organisational and personal relationships with foreign extremist groups, such as al-Qa'ida, while training and fighting in Afghanistan.

The conflict in Syria and Iraq has resonated strongly with Indonesian extremists, including members of JI, and some have travelled to Syria and Iraq to participate in the conflict. JI members travelling to Syria and Iraq have developed relationships with several extremist networks active in the region, with fostering a long term relationship with al-Qa'ida being the primary focus.

Links were also forged with South-East Asian extremist groups, laying the foundation for the JI collaboration with militant groups in the Philippines. JI has linkages to the ASG and the Moro Islamic Liberation Front (MILF), who have provided refuge to JI-linked personnel despite the MILF and the Philippines Government having signed a peace framework agreement in October 2012.

Links to Australia

Australians are not currently involved with the activities of JI. However, historically JI had a presence in Australia under the name Mantiqi IV (one of the four Mantiqis JI established). Individuals involved with Mantiqi IV had considered undertaking an attack against Jewish interests in Australia; which did not eventuate.

Listed by the United Nations or like-minded countries

The United Nations Security Council ISIL (Da'esh) and al-Qaida Sanctions Committee (formerly the United Nations Security Council Al-Qaida Sanctions Committee) has designated JI for targeted financial sanctions and an arms embargo since 25 October 2002. JI is listed as a proscribed terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the US.

Engagement in peace or mediation processes

	Jl is not engaged in peace or mediation processes.
5.	<p>Conclusion</p> <p>On the basis of the above information, ASIO assesses that Jl continues to be directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocates the doing of terrorist acts.</p> <p>In the course of pursuing its objectives, Jl is known to have committed or threatened actions that:</p> <ul style="list-style-type: none">a. cause, or could cause, death, serious harm to persons, serious damage to property, endangered life (other than the life of the person taking the action), or create a serious risk to the health or safety of the public or a section of the public;b. are intended to have those effects;c. are done with the intention of advancing Jl's political, religious or ideological causes;d. are done with the intention of intimidating, the government of one or more foreign countries; ande. are done with the intention of intimidating the public or sections of the public.