



Attorney-General

Reference: MS24-000553

Mr Peter Khalil MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

By email: picis@aph.gov.au

Dear Mr Khalil

I write to advise that Ansar Allah has been listed as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This listing will ensure that the terrorist organisation offences in Division 102 of the Criminal Code apply to conduct in relation to Ansar Allah.

Under subsection 102.1(2) of the Criminal Code, before an organisation is listed as a terrorist organisation, as the Australian Federal Police (AFP) Minister, I must be satisfied 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.

Following careful consideration of advice provided to me by relevant agencies, and after receiving legal advice from the Australian Government Solicitor, I am satisfied that Ansar Allah meets the legal threshold for listing.

Before the Regulations were made, the Prime Minister, the Hon Anthony Albanese MP, wrote to all state and territory First Ministers advising them of the proposed listing, and provided them with copies of the draft Regulations for their consideration, as required under the *Inter-governmental Agreement on Counter Terrorism Laws*. No jurisdiction objected to the listing.

As required under subsection 102.1(2A) of the Criminal Code, I wrote to the Leader of the Opposition advising him of the proposed listing, and invited him to contact my office if he wished to receive a briefing.

Review by the Parliamentary Joint Committee on Intelligence and Security

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security (the Committee) may review listings regulations at any time, and report the Committee's comments and recommendations to each House of Parliament.

To assist the Committee, I enclosed a copy of the Regulations and the Explanatory Statement. I also enclosed the Statement of Reasons that provides information on the ideology and activities of Ansar Allah, and was the basis upon which I made my decision to list the organisation under Division 102 of the Criminal Code.

I also enclosed a document outlining the process for listing Ansar Allah. I understand that this document may be considered as a submission should the Committee decide to conduct a review into the listing, and I consent to its publication for that purpose.

Yours sincerely



THE HON MARK DREYFUS KC MP

28/5/2024

Encl. *Criminal Code Regulations*
Explanatory Statement
Statement of Reasons
Process of listing

CC. *Senator the Hon Penny Wong, Minister for Foreign Affairs*
The Hon Clare O'Neil MP, Minister for Home Affairs



Criminal Code (Terrorist Organisation—Ansar Allah) Regulations 2024

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 May 2024

David Hurley
Governor-General

By His Excellency's Command

Mark Dreyfus KC
Attorney-General

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Section 1

1 Name

This instrument is the *Criminal Code (Terrorist Organisation—Ansar Allah) Regulations 2024*.

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.	24 May 2024

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 Terrorist organisation—Ansar Allah

- (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 Ansar Allah is specified.
- (2) Ansar Allah is also known by the following names:
- (a) al’anasir al-Huthyia;
 - (b) al-Harala al-Huthiya;
 - (c) al-Huythiyin;
 - (d) Ansar al-Huthi;
 - (e) Ansarallah;
 - (f) Ansarullah;
 - (g) al-Shabab al-Mu’min;
 - (h) Believing Youth Elements;
 - (i) Houthis;
 - (j) the Houthi movement;
 - (k) Houthist elements;
 - (l) Houthi supporters;
 - (m) Huthis;
 - (n) the Huthi movement;

Section 4

- (o) Huthist elements;
- (p) Huthi supporters;
- (q) Partisans of God;
- (r) Supporters of God.

EXPLANATORY STATEMENT

Issued by the authority of the Attorney-General

Criminal Code Act 1995

Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024

The purpose of the Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024 (the Regulations) is to specify the organisation known as Ansar Allah for the purposes of paragraph (b) of the definition of ***terrorist organisation*** in subsection 102.1(1) of the *Criminal Code Act 1995* (the Criminal Code).

Section 5 of the Criminal Code provides that the Governor-General may make regulations prescribing matters required or permitted by the Criminal Code to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to 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 ***AFP 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. Subsection 100.1(1) provides that, for Part 5.3 of the Criminal Code, the ***AFP Minister*** is the Minister administering the *Australian Federal Police Act 1979*. Under the Administrative Arrangements Order made by the Governor-General on 13 October 2022, and which commenced on 14 October 2022, this is the Attorney-General.

The AFP Minister is satisfied on reasonable grounds that the organisation, Ansar Allah, 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. In coming to this position, the AFP Minister has taken into consideration unclassified information provided by the relevant agencies (the Statement of Reasons at [Attachment C](#)).

Effect of the instrument

Division 102 of Part 5.3 of the Criminal Code sets out the following offences relating to terrorist organisations:

- Directing the activities of a terrorist organisation
- 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 enable Ansar Allah to be recognised as a terrorist organisation for the purposes of the offence provisions in Division 102 of Part 5.3 of the Criminal Code.

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

The Regulations commence the day following registration.

A Statement of Compatibility with Human Rights has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Regulations are compatible with human rights. A copy of this Statement is at Attachment A.

Further details of the Regulations are set out in Attachment B.

Consultation

The *Intergovernmental Agreement on Counter-Terrorism Laws* (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 paragraph (b) of the definition of **terrorist organisation** in subsection 102.1(1) of the Criminal Code. The IGA provides that if a majority of States and Territories object to the making of such a regulation within a timeframe nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Prime Minister wrote to the Premiers and Chief Ministers of the States and Territories. A majority of States and Territories did not object to the making of the Regulations within the timeframe nominated by the Prime Minister.

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 AFP Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation. The Attorney-General wrote to the Leader of the Opposition, enclosing the information upon which he was satisfied that Ansar Allah meets the legislative requirements for listing.

ATTACHMENT A

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Criminal Code (Terrorist Organisation –Ansar Allah) Regulations 2024

This Disallowable Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The *Criminal Code (Terrorist Organisation –Ansar Allah) Regulations 2024* (the Regulations) specify Ansar Allah for the purposes of paragraph (b) of the definition of **terrorist organisation** in subsection 102.1(1) of the *Criminal Code Act 1995* (the Criminal Code).

The object of the Regulations is to identify that Ansar Allah is 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 Ansar Allah.

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. Division 102 offences criminalise conduct including being a member of, associating with, directing the activities of, recruiting for, funding, providing support to, and training with a terrorist organisation.

Terrorist organisations 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 an organisation directly or indirectly engages in, prepares, plans, assists in or fosters the doing of a terrorist act or, in relation to a listed terrorist organisation, that the organisation advocates the doing of a terrorist act.

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 Ansar Allah. 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 Ansar Allah.

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. Given the exemptions, the Regulations are not considered to limit the right to freedom of religion.

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 Ansar Allah, 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
- 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, and the Minister must consider these applications as soon as is practicable, unless a request in relation to the same organisation has been made in the past 12 months
- the Regulations may be reviewed at any time 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 15 sitting days after the Regulations are laid before that House, as provided for in section 42 of the *Legislation Act 2003* and noting that this period may be extended by operation of subsection 102.1A(4) of the Criminal Code if the Parliamentary Joint Committee on Intelligence and Security reviews the Regulations.

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 are for a legitimate purpose and are reasonable, necessary and proportionate.

The Honourable Mark Dreyfus KC MP

Attorney-General

ATTACHMENT B

Details of the proposed *Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024*

Section 1 - Name

This section would provide that the title of the Regulations is the *Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024*.

Section 2 - Commencement

This section would provide for the Regulations to commence the day following registration.

Section 3 - Authority

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

Section 4 – Terrorist organisation – Ansar Allah

Subsection 4(1) would provide that, 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 Ansar Allah is specified.

The effect of specifying Ansar Allah as a terrorist organisation is to ensure that offences in Subdivision B of Division 102 of the Criminal Code that relate to terrorist organisations are able to operate, where the appropriate elements are satisfied, in relation to conduct in connection with Ansar Allah.

Subsection 4(2) provides a list of 18 names that Ansar Allah is also known as:

- a) al'anasir al-Huthyia;
- b) al-Harala al-Huthiya;
- c) al-Huythiyin;
- d) Ansar al-Huthi;
- e) Ansarallah;
- f) Ansarullah;
- g) Al-Shabab al-Mu'min;
- h) Believing Youth Elements;
- i) Houthis;
- j) the Houthi movement;
- k) Houthist elements;
- l) Houthi supporters;
- m) Huthis;
- n) the Huthi movement;
- o) Huthist elements;
- p) Huthi supporters;
- q) Partisans of God;
- r) Supporters of God.

ATTACHMENT C

Statement of Reasons – Ansar Allah

Listing Ansar Allah as a terrorist organisation under Division 102 of the <i>Criminal Code Act 1995</i>
<p>This Statement of Reasons is based on publicly available information about Ansar Allah. To the Australian Government’s knowledge, this information is accurate, reliable and has been corroborated by classified information where available.</p>
<p>Known aliases</p> <p>al’anasir al-Huthyia, al-Harala al-Huthiya, al-Huythiyin, Ansar al-Huthi, Ansarallah, Ansarullah, al-Shabab al-Mu’min, Believing Youth Elements, Houthis, the Houthi movement, Houthist elements, Houthi supporters, Huthis, the Huthi movement, Huthist elements, Huthi supporters, Partisans of God, Supporters of God.</p>
<p>Legislative basis for listing a terrorist organisation</p> <p>Division 102 of the <i>Criminal Code Act 1995</i> (Criminal Code) provides that for an organisation to be listed as a terrorist organisation, the AFP Minister 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, assisting in or fostering the doing of a terrorist act; orb) advocates the doing of a terrorist act. <p>For the purposes of listing a terrorist organisation under the Criminal Code, subsection 102.1(20) of the Criminal Code describes the doing of a terrorist act as including 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>
<p>Background to this listing</p> <p>Ansar Allah has not previously been listed as a terrorist organisation under the Criminal Code.</p>
<p>Details of the organisation</p> <p>Ansar Allah, also frequently referred to as the Huthi or Houthi movement, is a Zaydi Shia violent extremist organisation based in Yemen.</p> <p>Ansar Allah is a multi-faceted organisation, evolving from a grassroots religious organisation to a body with both political and military components. Ansar Allah emerged in the early 1990s as part of a religious revivalism movement aimed at educating youths about Zaydism’s history in Saada Governorate, northern Yemen. Initially operating under the name al-Shabab al-Mu’min (Believing Youth), the organisation was founded by Yemeni religious scholar and politician Hussein Badr al-Din al-Houthi, to resist Western influence, combat</p>

the perceived encroachment of Wahhabism from Saudi Arabia, and promote tribal autonomy in northern Yemen.

The United States' invasion of Iraq in 2003 proved a tipping point for Hussein al-Houthi's organisation. Hussein al-Houthi strongly opposed the war in Iraq and was critical of Yemeni President Ali Abdullah Saleh's support for the United States. Following the invasion, the Houthi movement became increasingly radicalised, leading it to adopt the slogan: God is great, death to America, death to Israel, a curse upon the Jews, victory to Islam.

The Houthi movement's opposition to Saleh, particularly over the government's counter-terrorism cooperation with the United States, led to the Yemeni Government's failed attempt to arrest Hussein al-Houthi in 2004. Hussein al-Houthi's response to the Government's actions was to initiate an insurgency campaign, resulting in six wars between members of the Houthi movement and the Saleh-led Yemeni Government between June 2004 and February 2010. By the end of the sixth war, the Houthi movement had gained control of parts of the city of Saada, and conducted raids into Saudi Arabia.

In 2011, the Houthi movement changed its official name to Ansar Allah (Partisans of God). Bolstered by Arab Spring protests and the subsequent ousting of President Saleh in November 2011, Ansar Allah continued to extend its reach over northern Yemen, gaining control over most of Saada Governorate by the end of 2012.

By 2014, Ansar Allah continued to make significant territorial gains, with the organisation bolstered by a newly-formed alliance with the ousted Saleh as part of a 'marriage of convenience' in opposition to Saleh's successor, Abdrabbuh Mansur Hadi. Supported by Yemeni military units still loyal to Saleh, Ansar Allah captured Yemen's capital Sanaa in September 2014, later announcing the dissolution of Hadi's parliament in February 2015.

Ansar Allah's takeover of Sanaa prompted Saudi Arabia to lead a coalition of Gulf and other states in a military intervention in March 2015. Despite numerous battlefield successes by Ansar Allah, the conflict has often been mired by stalemate. The protracted conflict has had a devastating effect on Yemen, with the humanitarian situation being labelled by the United Nations (UN) as the world's 'worst humanitarian crisis.'

A UN Development Program report from 2021 attributed an estimated 60% of the 377,000 deaths in Yemen between 2015 and the beginning of 2022 to food insecurity and lack of health services stemming from the conflict.

In recent years, Saudi Arabia and the United Nations have been seeking to make progress on a resolution to the Yemeni civil war. On 23 December 2023, the UN Special Envoy of the Secretary-General for Yemen announced that the Yemeni Presidential Leadership Council and Ansar Allah had agreed to implement a nation-wide ceasefire, improve living conditions in Yemen and engage in preparations for the resumption of negotiations of a UN roadmap to a lasting political solution. Saudi Arabia and Oman played key roles in supporting the negotiations and were careful to keep these 'quarantined' from discussions regarding the Red Sea attacks, not wanting to lose the progress that had been made and the opportunity to bring the decade-old conflict to a close.

While Ansar Allah rejects characterisations of its organisation as a formal political body, it operates as a pseudo-government within areas under its control, having taken over both formal and informal institutions of governance throughout northern Yemen. Ansar Allah

plays a direct role in the appointment of senior officials in governorates, packing ministries with its own civil servant supporters. In addition, Ansar Allah has adopted a 'divide and rule' approach to tribal institutions, which make up much of the informal governance structure in northern Yemen. Ansar Allah has actively fostered competition among rival tribes, rewarding support and recruits for its war effort against Ansar Allah's enemies.

To manage this overall approach, Ansar Allah operates a network of 'supervisors', who operate next to 'formal' managers and executive officers, particularly those in security and military services, and provide a direct connection between Ansar Allah leadership and local governance systems. Despite not holding formal positions, supervisors hold the power to relieve existing authorities of their duties if they act in a way that is misaligned with Ansar Allah's wider aims.

Leadership

Founder: Hussein Badr al-Din al-Houthi

Born in the Marran district of Saada Governorate, Yemen, Hussein al-Houthi served in the Yemen Parliament from 1993-1997 as a member of the pro-monarchy al-Huqq Islamic Party. During this time he helped establish al-Shabab al-Mu'min, a youth group aimed at reviving Zaydi activism through proselytising and education.

Following Hussein al-Houthi's term in parliament, his frequent criticism of Ali Abdullah Saleh, especially his government's perceived close ties to the United States after its invasion of Iraq in 2003, brought Hussein al-Houthi into open conflict with the Yemeni government, which accused Hussein al-Houthi of receiving support from Iran and modelling itself after Hizballah.

Following the arrest of 640 of Hussein al-Houthi's followers in June 2004, Yemeni security forces launched an operation to arrest Hussein al-Houthi, and offered a \$75,000 reward for his capture. On 9 September 2004, the Yemeni defence ministry announced that Hussein al-Houthi was killed, alongside a number of his supporters, in the mountains of Saada Governorate.

Second Leader: Badr al-Din al-Houthi

Following the death of Hussein al-Houthi, his father, Badr al-Din al-Houthi, took control of the Houthi movement. During his tenure as leader, Badr al-Houthi served primarily as the movement's spiritual guide, leaving leadership of military operations to his son, Abdul-Malik Badr al-Din al-Houthi.

Badr al-Houthi died in 2010, aged 84.

Current Leader: Abdul-Malik Badr al-Din al-Houthi

Serving as the Houthi movement's military leader from 2004, including as commander in charge of negotiations with the Yemeni government in 2007, Abdul-Malik al-Houthi became overall leader of the organisation following the death of his father.

On 14 April 2015, Abdul-Malik al-Houthi was included on the UN's sanctions list.

On 19 January 2021, the United States State Department designated Abdul-Malik al-Houthi as a Specially Designated Global Terrorist. This was revoked on 12 February 2021 by President Biden in recognition of the ‘dire humanitarian situation in Yemen.’

Membership

Although Ansar Allah’s organisational structure is largely opaque, in 2021 its armed forces were reported to number approximately 200,000, consisting of an assortment of militants and professional soldiers.

Recruitment

Ansar Allah’s primary area of recruitment is the northern provinces of Yemen, although the organisation has reportedly conducted enforced recruiting campaigns across all areas under its control. These enforced recruitment campaigns have been widely reported to extend to children, which are frequently coerced into Ansar Allah’s armed forces through financial inducements or intimidation.

In April 2022, Ansar Allah signed a UN-backed ‘action plan’ to end the practice of child recruitment. Rather than address the issue, recent reporting indicates that Ansar Allah’s efforts to recruit children has intensified as the Houthi movement’s ranks have been thinned following battlefield losses, particularly as a result of the multi-year battle between Ansar Allah and the Yemeni government over the city of Marib.

Videos released by high-ranking Ansar Allah members since the signing of the UN agreement frequently show vision of children in uniforms, declaring allegiance to Ansar Allah leadership.

Ansar Allah’s recruitment efforts are assisted by the organisation’s active media engagement. Ansar Allah operates the TV channel Al Masirah, and is active through social media, disseminating pro-Houthi news, videos and songs. A signature form of Houthi propaganda is war poems and anthems, which frequently include threats to the United States, United Kingdom, Saudi Arabia and Israel, intended to inspire potential followers.

Funding

Although Iran has repeatedly denied arming the Houthi movement, substantial evidence indicates it provides Ansar Allah direct support in the form of logistics, intelligence, weapons and financing. In July 2018, a UN report found that Houthi militants had armed themselves with ballistic missiles and drones that “show characteristics similar” to Iranian-made weapons, and noted that there was a “high probability” that the missiles were manufactured outside of Yemen, shipped in, and re-assembled by members of the Houthi movement. The same report also announced that the UN was investigating the provision of approximately \$30 million per month of fuel to Ansar Allah by Iranian shell companies.

A number of Iranian vessels have been intercepted carrying weapons and ammunition reportedly intended for the Houthi movement. On 15 January 2023, the French Navy intercepted an Iranian vessel carrying thousands of assault rifles, machine guns and anti-tank missiles in the Gulf of Oman. A month later, on 23 February 2023, another Iranian vessel heading to Yemen was intercepted, this time by a British warship. On inspection the Iranian vessel was found to be transporting small arms, ballistic missile components, and anti-tank

weapons. A further interception was made on 11 January 2024, where the United States Navy undertook an operation to seize Iranian weapons on an illicit dhow bound for Yemen. This was the first seizure of lethal, Iranian-supplied advanced conventional weapons to Ansar Allah since the beginning of their attacks against merchant ships in November 2023.

Ansar Allah also derives revenue from taxation. A 2023 UN report estimated that revenue from taxes on mobile and landline services, oil, banks, hospitals, pharmacies, and zakat amassed to 45 billion Yemeni riyals per year (approximately \$180 million USD). The same report found that leaders of Ansar Allah have accumulated vast fortunes by diverting to personal accounts revenue generated from import taxes on oil transitioning through the port of Hodeidah. Under the UN-brokered Stockholm Agreement, which is an accord between the parties to the conflict in Yemen, the Houthi movement were to collect customs duties on the import of oil on the condition that they would pay public service salaries. At the time of the report being published, no salaries had been paid.

Links to other terrorist organisations

Hizballah

Hizballah is an active supporter Ansar Allah. Throughout most of Ansar Allah's existence, Hizballah has played the role of mentor, particularly with regards to military training. Many of the 'harassment-style' tactics adopted by Ansar Allah against Saudi Arabia mirror those employed by Hizballah against Israel, while a number of reports suggest Hizballah has maintained military and technical advisory missions in Yemen since 2014. Ansar Allah is listed as an alias of Hizballah in Part 4 COTUNA sanctions.

Hamas

While Ansar Allah has been a vocal supporter of Hamas following the latter's 7 October 2023 attack on Israel, formal ties between the two organisations are not strong, with relations rarely extending beyond passive support. Hamas representatives have previously expressed appreciation of Ansar Allah's support for the Palestinian cause, with Ansar Allah having previously attempted to exchange two captured Saudi airmen for 60 Palestinians detained in Saudi prisons, including Hamas' members.

Terrorist activity

Violent activity by Ansar Allah is primarily directed at Yemeni government forces, but the organisation has also deliberately conducted attacks against civilian targets and foreign states. Ansar Allah utilises an array of weaponry, including small arms, rocket-propelled grenades and mines, in addition to advanced weapons systems such as ballistic missiles, surface-to-air missiles, and unmanned aerial and maritime vehicles.

Ansar Allah has conducted numerous attacks against foreign-owned commercial vessels passing through the Bab el-Mandeb Strait, a narrow body of water separating Yemen from the northeast coast of Africa. Ansar Allah has stated that these attacks are in support of the Palestinian people and their intention is to target any ship travelling through the Red Sea, and they will not stop their attacks until there is a ceasefire agreed in Gaza.

While many of the attacks conducted by Ansar Allah against commercial vessels passing through the Bab el-Mandeb Strait have resulted in only minimal damage to the vessels and

have not resulted in the loss of life, the Australian Government assesses that each of these attacks have been conducted for the purposes of taking lives and/or causing serious damage to property. This indicates that these attacks are at least evidence of preparing and planning terrorist acts, even where the attacks themselves may not have been successful.

Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act

The following acts can be reliably attributed to the Ansar Allah:

- 17 January 2024 – Ansar Allah conducted a drone strike against the M/V Genco Picardy, a US-owned bulk carrier. Minor damage was reported, including a fire which was extinguished.
- 16 January 2024 – Ansar Allah conducted a missile strike against the M/V Zografia, a Maltese-flagged and Greek-owned bulk carrier. It is reported to have suffered minor damage.
- 15 January 2024 – Ansar Allah conducted a missile strike against the M/V Gibraltar Eagle, a Marshall Islands-flagged, US owned bulk carrier in the Gulf of Aden. No casualties were reported.
- 26 December 2023 – Ansar Allah conducted a drone strike against the M/V MSC United, a Liberian-flagged container ship. No casualties were reported.
- 23 December 2023 – Ansar Allah conducted an attack against the M/V Saibaba, an Indian-flagged and Gabon-owned crude oil tanker. No casualties reported.
- 18 December 2023 – Ansar Allah conducted drone strikes against two commercial ships, the Panama-flagged MSC Clara and the Norwegian-owned Swan Atlantic, in the Bab el-Mandeb Strait. The Swan Atlantic reported minor damage including a small fire, which was controlled by the crew.
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Other considerations

Links to Australia and threats to Australian interests

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To mitigate the risk of attack, a number of companies have rerouted commercial shipping around Africa and the Cape of Good Hope, increasing transport costs and delaying trade. The disruption is likely to contribute to inflation and pressure on the rising cost of living.

Since 1990, Australia has conducted maritime security operations in the Middle East. Under Operation Manitou, approximately ten Australian Defence Force personnel are currently embedded with the Combined Maritime Forces (CMF). At the request of the United States, Australia will increase its contribution to the CMF by providing up to six staff officers as part of Operation Prosperity Guardian. Australia, alongside the Netherlands, Canada and Bahrain, has also provided non-operational support to the United Kingdom and the United States in defensive strikes against Houthi targets in Yemen since 12 January 2024.

In public statements, Ansar Allah has mainly vowed retribution for the strikes against the United States and the United Kingdom. However, Australia's public support for Operation Prosperity Guardian and the strikes could potentially lead to the threat of reprisals by Ansar Allah against Australian interests in the Middle East.

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Conclusion

On the basis of the information above, the Australian Government assesses that the organisation known as Ansar Allah is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts.

Process for the 2024 listing of Ansar Allah as a terrorist organisation under the *Criminal Code Act 1995*

1. 17 January 2024: The Department of Home Affairs (Home Affairs) formally raised the listing of Ansar Allah with relevant agencies and sought whole-of-government input to inform the Statement of Reasons.
2. 23 January 2024: Home Affairs provided the Australian Government Solicitor (AGS) with the consolidated Statement of Reasons, seeking advice as to whether, based on the information contained within the Statement of Reasons provided, the Attorney-General could be satisfied that Ansar Allah met the legislative threshold to be listed as a terrorist organisation.
3. 30 January 2024: AGS provided finalised legal advice to Home Affairs.
4. 31 January 2024: Home Affairs provided a submission to the Minister for Home Affairs seeking her consideration of the Statement of Reasons.
5. 13 March 2024: The Minister for Home Affairs wrote to the Attorney-General, formally providing the Statement of Reasons and accompanying AGS advice and endorsing the proposed listing.
6. 19 March 2024: The Attorney-General's Department provided a submission to the Attorney-General recommending that he agree to the listing.
7. 20 March 2024: The Attorney-General agreed to the listing, having been satisfied that Ansar Allah met the statutory criteria and approved the Regulations, and:
 - a. The Attorney-General wrote to the Prime Minister advising of his decision to list Ansar Allah, and requested that the Prime Minister write to the First Ministers of each state and territory regarding the proposed listing.
 - b. The Attorney-General wrote to the Leader of the Opposition advising of his decision to list Ansar Allah, attaching the Statement of Reasons and offering a briefing.
8. 18 April 2024: The Prime Minister wrote to First Ministers advising of the decision to list Ansar Allah, and attached copies of the draft Regulations and Statement of Reasons. The letters requested that a response be provided by 13 May 2023, advising whether the First Minister objected to the listing, and reasons for any objection.
9. The following responses were received from the First Ministers of the following jurisdictions:
 - a. Northern Territory – received 1 May
 - b. Western Australia – received 6 May
 - c. Queensland – received 7 May
 - d. New South Wales – received 8 May
 - e. Tasmania – received 9 May
 - f. Australian Capital Territory – received 13 May
 - g. Victoria – received 20 May
 - h. South Australia – received 20 May

No objections were made to the listing.

10. 7 May 2024: The Attorney-General's Department provided a submission to the Attorney-General, requesting his approval and signature of the Regulations and supporting documents for Federal Executive Council.
11. 14 May 2024: The Attorney-General approved the documents for Federal Executive Council.
12. 23 May 2024: The Governor-General made the Regulations.
13. 23 May 2024: The *Criminal Code (Terrorist Organisation – Ansar Allah) Regulations 2024* was lodged on the Federal Register of Legislation [reference: F2024L00572].



Australian Government
Department of Home Affairs

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Statement of Reasons

Listing Ansar Allah as a terrorist organisation under Division 102 of the *Criminal Code Act 1995*

This Statement of Reasons is based on publicly available information about Ansar Allah. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information where available.

Name of the organisation

Ansar Allah

Known aliases

al'anasir al-Huthiya, al-Harala al-Huthiya, al-Huythiyin, Ansar al-Huthi, Ansarallah, Ansarullah, al-Shabab al-Mu'min, Believing Youth Elements, Houthis, the Houthi movement, Houthist elements, Houthi supporters, Huthis, the Huthi movement, Huthist elements, Huthi supporters, Partisans of God, Supporters of God.

Legislative basis for listing a terrorist organisation

Division 102 of the *Criminal Code Act 1995* (Criminal Code) provides that for an organisation to be listed as a terrorist organisation, the AFP Minister must be satisfied on reasonable grounds that the organisation:

- a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- b) advocates the doing of a terrorist act.

For the purposes of listing a terrorist organisation under the Criminal Code, subsection 102.1(2) of the Criminal Code describes the doing of a terrorist act as including 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.

Background to this listing

Ansar Allah has not previously been listed as a terrorist organisation under the Criminal Code.

Ansar Allah are subject to sanctions under United Nations Security Council Resolution 2624 (2022) implemented through Part 3 of the *Charter of the United Nations Act 1945* (COTUNA), which imposes an arms embargo. In support of United Nations Security Council Resolution 2140, key leaders of Ansar Allah are also subject to asset freezes and travel bans.

Details of the organisation

Ansar Allah, also frequently referred to as the Huthi or Houthi movement, is a Zaydi Shia violent extremist organisation based in Yemen.

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Ansar Allah is a multi-faceted organisation, evolving from a grassroots religious organisation to a body with both political and military components. Ansar Allah emerged in the early 1990s as part of a religious revivalism movement aimed at educating youths about Zaydism's history in Saada Governorate, northern Yemen. Initially operating under the name al-Shabab al-Mu'min (Believing Youth), the organisation was founded by Yemeni religious scholar and politician Hussein Badr al-Din al-Houthi, to resist Western influence, combat the perceived encroachment of Wahhabism from Saudi Arabia, and promote tribal autonomy in northern Yemen.

The United States' invasion of Iraq in 2003 proved a tipping point for Hussein al-Houthi's organisation. Hussein al-Houthi strongly opposed the war in Iraq and was critical of Yemeni President Ali Abdullah Saleh's support for the United States. Following the invasion, the Houthi movement became increasingly radicalised, leading it to adopt the slogan: God is great, death to America, death to Israel, a curse upon the Jews, victory to Islam".

The Houthi movement's opposition to Saleh, particularly over the government's counter-terrorism cooperation with the United States, led to the Yemeni Government's failed attempt to arrest Hussein al-Houthi in 2004. Hussein al-Houthi's response to the Government's actions was to initiate an insurgency campaign, resulting in six wars between members of the Houthi movement and the Saleh-led Yemeni Government between June 2004 and February 2010. By the end of the sixth war, the Houthi movement had gained control of parts of the city of Saada, and conducted raids into Saudi Arabia.

In 2011, the Houthi movement changed its official name to Ansar Allah (Partisans of God). Bolstered by Arab Spring protests and the subsequent ousting of President Saleh in November 2011, Ansar Allah continued to extend its reach over northern Yemen, gaining control over most of Saada Governorate by the end of 2012.

By 2014, Ansar Allah continued to make significant territorial gains, with the organisation bolstered by a newly-formed alliance with the ousted Saleh as part of a 'marriage of convenience' in opposition to Saleh's successor, Abdrabbuh Mansur Hadi. Supported by Yemeni military units still loyal to Saleh, Ansar Allah captured Yemen's capital Sanaa in September 2014, later announcing the dissolution of Hadi's parliament in February 2015.

Ansar Allah's takeover of Sanaa prompted Saudi Arabia to lead a coalition of Gulf and other states in a military intervention in March 2015. Despite numerous battlefield successes by Ansar Allah, the conflict has often been mired by stalemate. The protracted conflict has had a devastating effect on Yemen, with the humanitarian situation being labelled by the United Nations (UN) as the world's 'worst humanitarian crisis.'

A UN Development Program report from 2021 attributed an estimated 60% of the 377,000 deaths in Yemen between 2015 and the beginning of 2022 to food insecurity and lack of health services stemming from the conflict.

In recent years, Saudi Arabia and the United Nations have been seeking to make progress on a resolution to the Yemeni civil war. On 23 December 2023, the UN Special Envoy of the Secretary-General for Yemen announced that the Yemeni Presidential Leadership Council and Ansar Allah had agreed to implement a nation-wide ceasefire, improve living conditions in Yemen and engage in preparations for the resumption of negotiations of a UN roadmap to a lasting political solution. Saudi Arabia and Oman played key roles in supporting the negotiations and were careful to keep these 'quarantined' from discussions regarding the Red Sea attacks, not wanting to lose the progress that had been made and the opportunity to bring the decade-old conflict to a close.

While Ansar Allah rejects characterisations of its organisation as a formal political body, it operates as a pseudo-government within areas under its control, having taken over both formal and informal institutions of governance throughout northern Yemen. Ansar Allah plays a direct role in the appointment of senior officials in governorates, packing ministries with its own civil servant supporters. In addition, Ansar Allah has adopted a 'divide and rule' approach to tribal institutions, which make up much of the informal governance structure in northern Yemen. Ansar Allah has actively fostered competition among rival tribes, rewarding support and recruits for its war effort against Ansar Allah's enemies.

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To manage this overall approach, Ansar Allah operates a network of 'supervisors', who operate next to 'formal' managers and executive officers, particularly those in security and military services, and provide a direct connection between Ansar Allah leadership and local governance systems. Despite not holding formal positions, supervisors hold the power to relieve existing authorities of their duties if they act in a way that is misaligned with Ansar Allah's wider aims.

Leadership

Founder: Hussein Badr al-Din al-Houthi

Born in the Marran district of Saada Governorate, Yemen, Hussein al-Houthi served in the Yemeni Parliament from 1993-1997 as a member of the pro-monarchy al-Huqq Islamic Party. During this time he helped establish al-Shabab al-Mu'min, a youth group aimed at reviving Zaydi activism through proselytising and education.

Following Hussein al-Houthi's term in parliament, his frequent criticism of Ali Abdullah Saleh, especially his government's perceived close ties to the United States after its invasion of Iraq in 2003, brought Hussein al-Houthi into open conflict with the Yemeni government, which accused Hussein al-Houthi of receiving support from Iran and modelling itself after Hizballah.

Following the arrest of 640 of Hussein al-Houthi's followers in June 2004, Yemeni security forces launched an operation to arrest Hussein al-Houthi, and offered a \$75,000 reward for his capture. On 9 September 2004, the Yemeni defence ministry announced that Hussein al-Houthi was killed, alongside a number of his supporters, in the mountains of Saada Governorate.

Second Leader: Badr al-Din al-Houthi

Following the death of Hussein al-Houthi, his father, Badr al-Din al-Houthi, took control of the Houthi movement. During his tenure as leader, Badr al-Houthi served primarily as the movement's spiritual guide, leaving leadership of military operations to his son, Abdul-Malik Badr al-Din al-Houthi.

Badr al-Houthi died in 2010, aged 84.

Current Leader: Abdul-Malik Badr al-Din al-Houthi

Serving as the Houthi movement's military leader from 2004, including as commander in charge of negotiations with the Yemeni government in 2007, Abdul-Malik al-Houthi became overall leader of the organisation following the death of his father.

On 14 April 2015, Abdul-Malik al-Houthi was included on the UN's sanctions list.

On 19 January 2021, The United States State Department designated Abdul-Malik al-Houthi as a Specially Designated Global Terrorist. This was revoked on 12 February 2021 by President Biden in recognition of the 'dire humanitarian situation in Yemen.'

Membership

Although Ansar Allah's organisational structure is largely opaque, in 2021 its armed forces were reported to number approximately 200,000, consisting of an assortment of militants and professional soldiers.

Recruitment

Ansar Allah's primary area of recruitment is the northern provinces of Yemen, although the organisation has reportedly conducted enforced recruiting campaigns across all areas under its control. These enforced recruitment campaigns have been widely reported to extend to children, which are frequently coerced into Ansar Allah's armed forces through financial inducements or intimidation.

In April 2022, Ansar Allah signed a UN-backed 'action plan' to end the practice of child recruitment. Rather than address the issue, recent reporting indicates that Ansar Allah's efforts to recruit children has intensified as the Houthi movement's ranks have been thinned following battlefield losses, particularly as a result of the multi-year battle between Ansar Allah and the Yemeni government over the city of Marib.

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Videos released by high-ranking Ansar Allah members since the signing of the UN agreement frequently show vision of children in uniforms, declaring allegiance to Ansar Allah leadership.

Ansar Allah's recruitment efforts are assisted by the organisation's active media engagement. Ansar Allah operates the TV channel Al Masirah, and is active through social media, disseminating pro-Houthi news, videos and songs. A signature form of Houthi propaganda is war poems and anthems, which frequently include threats to the United States, United Kingdom, Saudi Arabia and Israel, intended to inspire potential followers.

Funding

Although Iran has repeatedly denied arming the Houthi movement, substantial evidence indicates it provides Ansar Allah direct support in the form of logistics, intelligence, weapons and financing. In July 2018, a UN report found that Houthi militants had armed themselves with ballistic missiles and drones that "show characteristics similar" to Iranian-made weapons, and noted that there was a "high probability" that the missiles were manufactured outside of Yemen, shipped in, and re-assembled by members of the Houthi movement. The same report also announced that the UN was investigating the provision of approximately \$30 million per month of fuel to Ansar Allah by Iranian shell companies.

A number of Iranian vessels have been intercepted carrying weapons and ammunition reportedly intended for the Houthi movement. On 15 January 2023, the French Navy intercepted an Iranian vessel carrying thousands of assault rifles, machine guns and anti-tank missiles in the Gulf of Oman. A month later, on 23 February 2023, another Iranian vessel heading to Yemen was intercepted, this time by a British warship. On inspection the Iranian vessel was found to be transporting small arms, ballistic missile components, and anti-tank weapons. A further interception was made on 11 January 2024, where the United States Navy undertook an operation to seize Iranian weapons on an illicit dhow bound for Yemen. This was the first seizure of lethal, Iranian-supplied advanced conventional weapons to Ansar Allah since the beginning of their attacks against merchant ships in November 2023.

Ansar Allah also derives revenue from taxation. A 2023 UN report estimated that revenue from taxes on mobile and landline services, oil, banks, hospitals, pharmacies, and zakat amassed to 45 billion Yemeni riyals per year (approximately \$180 million USD). The same report found that leaders of Ansar Allah have accumulated vast fortunes by diverting to personal accounts revenue generated from import taxes on oil transitioning through the port of Hodeidah. Under the UN-brokered Stockholm Agreement, which is an accord between the parties to the conflict in Yemen, the Houthi movement were to collect customs duties on the import of oil on the condition that they would pay public service salaries. At the time of the report being published, no salaries had been paid.

Links to other terrorist organisations

Hizballah

Hizballah is an active supporter Ansar Allah. Throughout most of Ansar Allah's existence, Hizballah has played the role of mentor, particularly with regards to military training. Many of the 'harassment-style' tactics adopted by Ansar Allah against Saudi Arabia mirror those employed by Hizballah against Israel, while a number of reports suggest Hizballah has maintained military and technical advisory missions in Yemen since 2014. Ansar Allah is listed as an alias of Hizballah in Part 4 COTUNA sanctions.

Hamas

While Ansar Allah has been a vocal supporter of Hamas following the latter's 7 October 2023 attack on Israel, formal ties between the two organisations are not strong, with relations rarely extending beyond passive support. Hamas representatives have previously expressed appreciation of Ansar Allah's support for the Palestinian cause, with Ansar Allah having previously attempted to exchange two captured Saudi airmen for 60 Palestinians detained in Saudi prisons, including Hamas' members.

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Terrorist activity

Violent activity by Ansar Allah is primarily directed at Yemeni government forces, but the organisation has also deliberately conducted attacks against civilian targets and foreign states. Ansar Allah utilises an array of weaponry, including small arms, rocket-propelled grenades and mines, in addition to advanced weapons systems such as ballistic missiles, surface-to-air missiles, and unmanned aerial and maritime vehicles.

Ansar Allah has conducted numerous attacks against foreign-owned commercial vessels passing through the Bab el-Mandeb Strait, a narrow body of water separating Yemen from the northeast coast of Africa. Ansar Allah has stated that these attacks are in support of the Palestinian people and their intention is to target any ship travelling through the Red Sea, and they will not stop their attacks until there is a ceasefire agreed in Gaza.

While many of the attacks conducted by Ansar Allah against commercial vessels passing through the Bab el-Mandeb Strait have resulted in only minimal damage to the vessels and have not resulted in the loss of life, the Australian Government assesses that each of these attacks have been conducted for the purposes of taking lives and/or causing serious damage to property. This indicates that these attacks are at least evidence of preparing and planning terrorist acts, even where the attacks themselves may not have been successful.

Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act

The following acts can be reliably attributed to the Ansar Allah:

- **17 January 2024** – Ansar Allah conducted a drone strike against the M/V Genco Picardy, a US-owned bulk carrier. Minor damage was reported, including a fire which was extinguished.
- **16 January 2024** – Ansar Allah conducted a missile strike against the M/V Zografia, a Maltese-flagged and Greek-owned bulk carrier. It is reported to have suffered minor damage.
- **15 January 2024** – Ansar Allah conducted a missile strike against the M/V Gibraltar Eagle, a Marshall Islands-flagged, US owned bulk carrier in the Gulf of Aden. No casualties were reported.
- **26 December 2023** – Ansar Allah conducted a drone strike against the M/V MSC United, a Liberian-flagged container ship. No casualties were reported.
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