



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP



02 MAY 2007

MC07/9027 MC07/9026 07/5681

Submission No:.....	7
Date Received:.....	3 May 07
Secretary:.....	

Ms Margaret Swieringa
Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Ms Swieringa

I refer to your letters of 28 March 2007 in relation to the Committee's review of the re-listing of Egyptian Islamic Jihad (EIJ) and the Islamic Army of Aden (IAA) and the Committee's review of the re-listing of Asbat al Ansar (AAA) and the Islamic Movement of Uzbekistan (IMU).

I confirm I do not have any concerns regarding the publication of my letters dated 22 March 2007. Further, please find attached two documents detailing the process employed for listing EIJ and the IAA and AAA and the IMU. I also consent to the publication by the Committee of these documents.

The action officer for this matter in my Department is Annabel Knott who can be contacted on (02) 6250 5423.

Yours sincerely

Philip Ruddock

Process for the 2007 re-listing of Egyptian Islamic Jihad (EIJ) and the Islamic Army of Aden (the IAA) as terrorist organisations under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing EIJ and the IAA as terrorist organisations:

1. Separate unclassified Statement of Reasons for EIJ and the IAA were prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing both EIJ and the IAA.
2. Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor provided advice on the re-listing of EIJ and the IAA dated 12 and 15 March 2007, that the Attorney-General could be satisfied that the Statement of Reasons prepared by ASIO were sufficient for the Attorney-General to consider and be satisfied on reasonable grounds of the matters referred to in section 102.1(2) for the re-listing by regulations of EIJ and the IAA as terrorist organisations under the *Criminal Code Act 1995* (the Criminal Code).
3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 15 March 2007 outlining the background, training activities, terrorist activities, leadership and membership of EIJ and the IAA and attached Statement of Reasons in respect of both organisations.
4. A submission was provided to the Attorney-General on 20 March 2007 attaching:
 - a. Copies of the Statement of Reasons prepared by ASIO for EIJ and the IAA
 - b. Advice from Chief General Counsel in relation to EIJ and the IAA
 - c. Regulations and Federal Executive Council documentation for EIJ and the IAA
5. Having considered the information provided in the submission, the Attorney-General signed statements confirming that he is satisfied on reasonable grounds that EIJ and the IAA are directly or indirectly assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.

The Attorney-General also signed regulations with respect to EIJ and the IAA and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minutes and Explanatory Statements.

6. A letter dated 22 March 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list EIJ and the IAA as terrorist organisations under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 22 March 2007 of the proposed listing of EIJ and the IAA as terrorist organisations under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisation. However he has not taken up the offer of a briefing.

8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 22 March 2007 advising them of the decision to re-list EIJ and the IAA as terrorist organisations under the Criminal Code. A copy of the Statement of Reasons and regulations re-listing EIJ and the IAA as terrorist organisations were attached to the letters. To date, no correspondence from the States or Territories has been received in relation to the listing of EIJ and the IAA.
9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 22 March 2007 advising of his decision to re-list EIJ and the IAA as terrorist organisations under the Criminal Code.
10. The Governor-General made the regulations on 29 March 2007.
11. The regulations for EIJ and the IAA were registered with the Federal Register of Legislative Instruments (FRLI) on 30 March 2007 (FRLI Ref Number for EIJ: F2007L00851 and FRLI Reference Number for the IAA: F2007L00848).
12. A press release was issued on 2 April 2007 and the Attorney-General's Department's National Security web site has been updated.

Process for the 2007 re-listing of Asbat al Ansar (AAA) and the Islamic Movement of Uzbekistan (the IMU) as terrorist organisations under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing AAA and the IMU as terrorist organisations:

1. Separate unclassified Statement of Reasons for AAA and the IMU were prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing both AAA and the IMU.
2. Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor provided advice on the re-listing of AAA on 7 March 2007 stating that the Attorney-General could be satisfied that the Statement of Reasons prepared by ASIO were sufficient for the Attorney-General on reasonable grounds of the matters referred to in section 102.1(2) for the re-listing by regulation of AAA as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code).

Mr Henry Burmester QC, also provided advice on the re-listing of the IMU on 22 February 2007 stating that the Statement of Reasons prepared by ASIO were sufficient for the Attorney-General to be satisfied on reasonable grounds of the matters referred to in section 102.1(2) for the re-listing by regulation of the IMU as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code).

3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 13 March 2007 outlining the background, training activities, terrorist activities, leadership and membership of AAA and the IMU and attached Statement of Reasons in respect of both organisations.
4. A submission was provided to the Attorney-General on 20 March 2007 attaching:
 - a. Copies of the Statement of Reasons prepared by ASIO for AAA and the IMU
 - b. Advice from Chief General Counsel in relation to AAA and the IMU
 - c. Regulations and Federal Executive Council documentation for AAA and the IMU
5. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that AAA is directly or indirectly assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.

Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the IMU is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.

The Attorney-General also signed regulations with respect to AAA and the IMU and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minutes and Explanatory Statements.

6. A letter dated 22 March 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list AAA and the IMU as terrorist organisations under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 22 March 2007 of the proposed listing of AAA and the IMU as terrorist organisations under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisations. However he has not taken up the offer of a briefing.
8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 22 March 2007 advising them of the decision to re-list AAA and the IMU as terrorist organisations under the Criminal Code. A copy of the Statement of Reasons and regulations re-listing AAA and the IMU as terrorist organisations were attached to the letters. To date, no correspondence from the States or Territories has been received in relation to the listing of AAA and the IMU.
9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 22 March 2007 advising of his decision to re-list AAA and the IMU as terrorist organisations under the Criminal Code.
10. The Governor-General made the regulations on 29 March 2007.
11. The regulations for AAA and the IMU were registered with the Federal Register of Legislative Instruments (FRLI) on 30 March 2007 (FRLI Ref Number for AAA: F2007L00847 and FRLI Reference Number for the IMU: F2007L00850).
12. A press release was issued on 2 April 2007 and the Attorney-General's Department's National Security web site has been updated.