



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

Submission No:..... 1

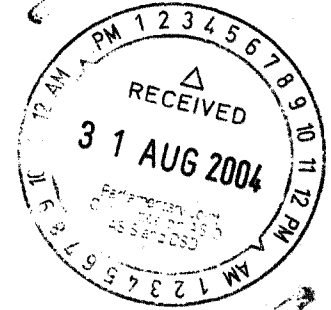
Date Received:

Secretary:

04/9870

30 AUG 2004

The Hon David Jull MP
Committee Chairman
Parliamentary Joint Committee on ASIO, ASIS & DSD
Parliament House
CANBERRA ACT 2600



Dear Mr Jull,

I am writing to advise you that a regulation is scheduled to be considered by the Federal Executive Council on 31 August 2004 specifying Jemaah Islamiyah (JI) as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

JI was specified under the *Criminal Code Regulations 2002* as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 27 October 2002. Pursuant to subsection 102.1(3) of the Criminal Code, the listing of JI will cease to have effect on the second anniversary of the day on which it took effect.

The making of the regulation is in anticipation of the cessation of the listing of JI, and in accordance with paragraph 102.1(3)(c). Paragraph 102.1(3)(c) states that subsection 102.1(3) does not prevent the making of new regulations the same in substance as the regulations ceasing to have effect, whether the new regulations are made or take effect before or after those regulations cease to have effect because of the subsection.

The regulation will be made on the basis that I am satisfied on reasonable grounds that JI is an organisation 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).

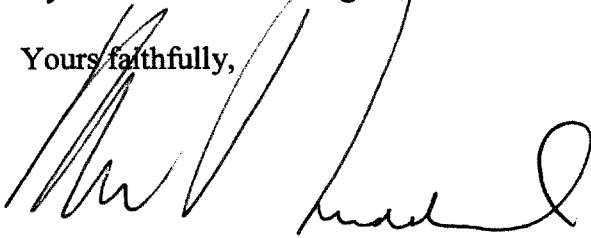
I made the decision to again list JI following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in relation to the organisation, and legal advice provided to me by the Australian Government Solicitor.

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on ASIO, ASIS and DSD may review the regulation as soon as

possible after it has been made, and report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

To assist the Committee, should it decide to review the regulation, I enclose a copy of the Statement of Reasons provided by ASIO in relation to JI, upon which my decision to list the organisation as a terrorist organisation was based.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written in a cursive style.

Philip Ruddock

Jemaah Islamiyah

1. The following information is based on publicly available details about Jemaah Islamiyah (JI). These details have been corroborated by material from intelligence investigations into the activities of JI. ASIO assesses that the details set out below are accurate and reliable.

Background

2. JI evolved from the long-established Indonesian 'Darul Islam' movement which had promoted the establishment of an Islamic state in Indonesia under rule of Sharia law. This movement was subjected to Indonesian Government security clampdowns in the late 1980s and a number of its leaders – notably Indonesian Islamic clerics Abdullah Sungkar and Abu Bakar Ba'asyir - fled to Malaysia where they established JI in the mid-90s. Sungkar died in 1999 and Ba'asyir returned to Solo, Indonesia in 2000 where he established the Majelis Mujahideen Indonesia (MMI), a coalition of radical Islamic groups which may also act as a 'legal front' for JI.

3. JI is divided into regional areas called *mantiqi* (territories), which are in turn divided up into *wakalah* (branches), then *qirdas* (platoons) and *fiah* (squads). Mantiqis I, II and III cover South East Asia, whilst Mantiqi IV covers Australia. Mantiqi leaders meet as members of the *markaziyah* (central command), where operational decisions are made. However, operational cells have demonstrated autonomous decision-making, suggesting the hierarchical structure of JI is not binding.

4. JI's initial impetus and ongoing *modus operandi* stems from its legacy of militant training activities, originally in Afghanistan (for older militants, such as Hambali, Muchlas and others) and more recently in the Southern Philippines. JI operations have been influenced by Osama bin Laden's 1998 fatwa, which called for jihad against the West. Bombings appear to be JI's preferred method of attack.

Objectives

5. JI is a Sunni Islamic extremist organisation, the stated goal of which is to create an Islamic state encompassing Indonesia, Malaysia, Singapore, Thailand and Mindanao in the southern Philippines. JI resorts to violence to overthrow the Indonesian government and expel Western interests, so that an Islamic state can be achieved in Indonesia.

Leadership and membership

6. After the death of Abdullah Sungkar in 1999, Abu Bakar Ba'asyir became the *amir* (spiritual leader) of JI up until mid-2002, when he was replaced by Thoriquddin, aka Abu Rusdan, who has since been arrested in connection with the Bali bombing. Ba'asyir was arrested in October 2002 and is due to face trial on terror charges for his role as

leader of JI. Former mantiqi leaders (now in detention) have included Hambali (Mantiqi I), Bali-bomber Muchlas (Mantiqi I) and Nasir Abbas (Mantiqi III).

7. JI employs a broad network of radical *pesantren* (Islamic boarding schools) to garner support, membership and to facilitate communication. The most prominent *pesantren* in this network includes Ba'asyir's Al-Mukmin *pesantren* (also known as Ngruki) in Solo, Central Java and the Dar us-Syahadah *pesantren* in Boyolali, Central Java. The Hidayatullah *pesantren* in East Kalimantan also forms part of this network.

8. JI is known to receive significant shelter and support from the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) in the Southern Philippines. In return for shelter and facilitation of its training activities, JI provides expert training in bomb-making to MILF members. JI members undertaking training in the Southern Philippines typically travel via Sulawesi and the Maluku, where JI enjoys support from local militant Islamic groups, including Laskar Jundullah, Kompak and Laskar Jihad. JI members are also suspected of having undertaken training in Java.

9. JI has established internal funding via contributions from its members, siphoning of charity monies and donations from corporate entities and patrons. Financing for the Bali attacks was facilitated through robbery and direct transfers via Hambali, who had links to al-Qa'ida. Continuing trials regarding the Marriott attack suggest funding came from Hambali and his younger brother Gunawan, who was a member of JI's al-Ghuraba cell in Pakistan. Al-Qa'ida funding of extremist groups in South East Asia is in large part facilitated through Saudi-controlled institutions, such as al-Haramain.

Terrorist activities

10. JI has been involved in a number of terrorist attacks, including suicide attacks and car bombs, targeting Western interests in Indonesia and the Indonesian government. The Bali and Marriott attacks involved Dr. Husin bin Azahari, a leading JI member and an expert in bomb-making, and Noordin Mohamad Top, a senior field operative, both of whom are still at large and pose a significant threat.

11. Recent terrorist attacks for which responsibility has been claimed by, or reliably attributed to JI, have included:

- an attempted assassination of the Filipino Ambassador to Indonesia on 1 August 2000, which killed two people and seriously injured the Ambassador;
- the series of bomb attacks on churches in Jakarta, Sumatra, Lombok, Java and Batam Island on 24 December 2000. At least 14 people were killed in these attacks and as many as 100 injured;
- the Bali bombing attacks on 12 October 2002 which killed 202 people, including 88 Australians;

- the bombings of the Davao International Airport on 4 March 2003, and of the Sasa ferry wharf in the southern Philippine city of Davao on 2 April 2003, involving JI and MILF operatives.
- the suicide car-bomb attack upon the J.W. Marriott Hotel in Jakarta on 5 August 2003, which killed 11.

Conclusion

12. ASIO assesses that JI is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is based on information provided by reliable and credible intelligence sources.

13. In the course of pursuing its objective of creating an Islamic state in Indonesia and a pan-Islamic caliphate in South East Asia, JI is known to have engaged in actions that:

- are aimed at advancing JI's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in Indonesia, the Philippines, Singapore, Australia and other persons visiting areas in which it operates.

14. In view of the above information, JI is assessed to be directly or indirectly engaged in preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the Government and people of Indonesia. The actions or threatened actions which JI are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.