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The Parliament of the Commonwealth of Australia

# Review of the Re-Listing of Five Terrorist Organisations

Parliamentary Joint Committee on Intelligence and Security

September 2012  
Canberra

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# Contents

Membership of the Committee .....	vi
Terms of reference .....	viii
List of Recommendations .....	x
<b>1 Introduction .....</b>	<b>1</b>
The Government's procedures .....	2
Procedural comments .....	5
<b>2 The Listings .....</b>	<b>7</b>
The Criteria for listing.....	7
Overview .....	8
<b>Al-Shabaab</b> .....	<b>8</b>
Engagement in Terrorism.....	9
Ideology and links to other terrorist groups/networks .....	10
Links to Australia.....	10
Threat to Australian interests .....	11
Proscription by the UN or like-minded countries .....	11
Engagement in Peace and Mediation processes .....	11
<b>Conclusion</b> .....	<b>11</b>
<b>Hamas' Izz al-Din al-Qassam Brigades</b> .....	<b>12</b>
Engagement in Terrorism.....	12
Ideology and links to other terrorist groups/networks .....	13
Links to Australia.....	13
Threat to Australian interests .....	13

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Proscription by the UN or like-minded countries .....	14
Engagement in Peace and Mediation processes .....	14
<b>Conclusion .....</b>	<b>14</b>
<b>Kurdistan Workers Party .....</b>	<b>14</b>
Engagement in Terrorism.....	15
Ideology and links to other terrorist groups/networks .....	16
Links to Australia.....	16
Threat to Australian interests .....	16
Proscription by the UN or like-minded countries .....	16
Engagement in Peace and Mediation processes .....	17
<b>Conclusion .....</b>	<b>17</b>
<b>Lashkar-e-Tayyiba.....</b>	<b>17</b>
Engagement in Terrorism.....	17
Ideology and links to other terrorist groups/networks .....	18
Links to Australia.....	19
Threat to Australian interests .....	19
Proscription by the UN or like-minded countries .....	19
Engagement in Peace and Mediation processes .....	19
<b>Conclusion .....</b>	<b>19</b>
<b>Palestinian Islamic Jihad.....</b>	<b>20</b>
Engagement in Terrorism.....	20
Ideology and links to other terrorist groups/networks .....	21
Links to Australia.....	21
Threat to Australian interests .....	21
Proscription by the UN or like-minded countries .....	21
Engagement in Peace and Mediation processes .....	22
<b>Conclusion .....</b>	<b>22</b>
 <b>Appendix A – List of Submissions .....</b>	 <b>23</b>
 <b>Appendix B – Witnesses appearing at private hearing .....</b>	 <b>25</b>
Canberra .....	25
 <b>Appendix C – Statement of Reasons – Al-Shabaab.....</b>	 <b>27</b>

Appendix D – Statement of Reasons – Hamas’ Izz al-Din al-Qassam Brigades .....33

Appendix E – Statement of Reasons – Kurdistan Workers Party (PKK) .....37

Appendix F – Statement of Reasons – Lashkar-e-Tayyiba .....43

Appendix G – Statement of Reasons – Palestinian Islamic Jihad.....49



## Membership of the Committee

**Chair**                    The Hon Anthony Byrne MP

**Deputy Chair**        The Hon Philip Ruddock MP

**Members**

Mr Michael Danby MP

Mr John Forrest MP

Mr Daryl Melham MP

(until 14 March 2012)

The Hon Kevin Rudd MP

(from 14 March 2012)

Mr Andrew Wilkie MP

Senator Mark Bishop

Senator the Hon George Brandis SC


Senator the Hon John Faulkner

Senator the Hon David Johnston

Senator the Hon Ursula Stephens

## Committee Secretariat

<b>Secretary</b>	Mr Jerome Brown
<b>Inquiry Secretary</b>	Mr Robert Little
<b>Research Officer</b>	Mr Cameron Gifford
<b>Administrative Officer</b>	Ms Jessica Butler
	Mrs Sonya Gaspar
	Mr Raymond Jackson



## Terms of reference

This inquiry and report is conducted under the following powers:

*Criminal Code Act 1995*

### **Section 102.1A Reviews by Parliamentary Joint Committee on Intelligence and Security**

*Review of listing regulation*

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1, the Parliamentary Joint Committee on Intelligence and Security may:
  - (a) review the regulation as soon as possible after the making of the regulation; and
  - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period.

And

### **Al-Shabaab**

*Criminal Code Amendment Regulation 2012 (No. 7)*

Registered: 17 August 2012 (FRLI: F2012L01693)



**Hamas' Izz al-Din al-Qassam Brigades Statement of Reasons**

*Criminal Code Amendment Regulation 2012 (No. 8)*

Registered: 17 August 2012 (FRLI: F2012L01694)

**Kurdistan Workers Party (PKK) Statement of Reasons**

*Criminal Code Amendment Regulation 2012 (No. 9)*

Registered: 17 August 2012 (FRLI: F2012L01695)

**Lashkar-e-Tayyiba Statement of Reasons**

*Criminal Code Amendment Regulation 2012 (No. 10)*

Registered: 17 August 2012 (FRLI: F2012L01696)

**Palestinian Islamic Jihad Statement of Reasons**

*- Criminal Code Amendment Regulation 2012 (No. 11)*

Registered: 17 August 2012 (FRLI: F2012L01697)



# List of Recommendations

## 2 The Listings

### Recommendation 1

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Al-Shabaab as a terrorist organisation not be disallowed.

### Recommendation 2

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Hamas' Izz al-Din al-Qassam Brigades as a terrorist organisation not be disallowed.

### Recommendation 3

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Kurdistan Workers Party as a terrorist organisation not be disallowed.

### Recommendation 4

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Lashkar-e-Tayyiba as a terrorist organisation not be disallowed.

### Recommendation 5

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Palestinian Islamic Jihad as a terrorist organisation not be disallowed.

## Introduction

- 1.1 This review is conducted under section 102.1A of the *Criminal Code Act 1995* (the Criminal Code). Section 102.1A provides that the Parliamentary Joint Committee on Intelligence and Security (the Committee) may review a regulation specifying an organisation as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code and report the Committee's comments to each House of the Parliament before the end of the applicable disallowance period.
- 1.2 The regulations under review have specified the following organisations as terrorist organisations for the purposes of section 102.1 of the Criminal Code:
  - Al-Shabaab
  - Hamas' Izz al-Din al-Qassam Brigades (Hamas' Brigades)
  - Kurdistan Workers Party (PKK)
  - Lashkar-e-Tayyiba (LeT)
  - Palestinian Islamic Jihad (PIJ)
- 1.3 This is a review of the re-listing of these five organisations.
- 1.4 In a letter to the Committee dated 10 August 2012, the Attorney-General advised that she intended to re-list these five organisations prior to the lapsing of their current listing as provided for in section 102.1(3). The Attorney provided statements of reasons for the re-listings. These were accepted as submission number one to this review.

- 1.5 The regulations were signed by the Governor-General on 16 August 2012. They were then tabled in the House of Representatives and the Senate on 20 August 2012. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore the Committee was required to report to the Parliament by Monday, 15 October 2012.
- 1.6 Notice of the review was placed on the Committee's website and a media release was issued on 17 August 2012. One submission was received from the general public.
- 1.7 In its first report, *Review of the listing on the Palestinian Islamic Jihad (PIJ)*, the Committee decided that it would test the validity of the listing of a terrorist organisation under the Criminal Code on both the procedures and the merits.
- 1.8 The Committee continues to regard this as a useful approach in the discharge of its responsibilities.

## The Government's procedures

- 1.9 In a letter received by the Committee on 29 August 2012 the Attorney-General's Department advised the Committee that the procedures listed below – accepted as submission number two for this review – were followed for the purpose of listing the organisations:

### **Process for the 2012 re-listing of five terrorist organisations under the Criminal Code**

The Security Law Branch of the Attorney-General's Department facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the Criminal Code. This includes obtaining products from the Australian Security Intelligence Organisation (ASIO) that assess organisations and seeking the advice of the Chief General Counsel of the Australian Government Solicitor in relation to the assessments. These are included in a package of information that is submitted to the Attorney-General to assist her to make a decision as to whether or not a particular organisation will be listed under the Criminal Code.

The following processes were undertaken for the purpose of re-listing Al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades (Hamas' Brigades), Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ):

- Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for re-listing Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ.
- On 1 June 2012, Mr Robert Orr QC, Chief General Counsel, provided written advice with respect to the Statements of Reasons for Al-Shabaab, Hamas' Brigades, LeT and PIJ.
- On 28 June 2002, Mr Mark Molloy, Senior General Counsel, provided written advice with respect to the Statements of Reasons for the PKK.
- The Director-General of Security wrote to the Attorney-General on 29 June 2012, outlining the background, training activities, terrorist activities, and relevant statements of Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ.
- A submission was provided to the Attorney-General on 13 July 2012, providing the following documents:
  - copies of the Statements of Reasons received from ASIO with respect to the organisations; and
  - advice from the Chief General Counsel.

Having considered the information provided in the submission, the Attorney-General signed statements on 23 July 2012 with respect to Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ confirming that she is satisfied on reasonable grounds that the organisations are organisations directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocate the doing of a terrorist act, whether or not the act has occurred or will occur.

On 23 July 2012, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 29 June 2012.

On 23 July 2012, the Attorney-General wrote to the Prime Minister advising of her intention to re-list Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations.

On 23 July 2012, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories advising them of her decision to re-list Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations and requesting their comments on the proposed re-listing. The States and Territories were also advised of the

proposed re-listings by e-mail dated 24 July 2012.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

- New South Wales - response dated 10 August 2012
- Victoria - response received 21 August 2012
- Queensland - response dated 7 August 2012
- Western Australia - response dated 9 August 2012
- South Australia - response dated 10 August 2012
- Tasmania - response dated 17 August 2012
- Australian Capital Territory - response dated 13 August 2012
- Northern Territory - response dated 31 July 2012 to the Prime Minister

No State or Territory objected to the making of the Regulations.

A submission was provided to the Attorney-General on 6 August 2012, providing regulations and Federal Executive Council documentation with respect to the re-listing of Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ.

On 6 August 2012 the Attorney-General signed *Criminal Code Amendment Regulations 2012* in relation to the organisations, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statements, in preparation for the Federal Executive Council meeting on 16 August 2012.

On 10 August 2012, the Attorney-General advised the Leader of the Opposition of the proposed re-listing of Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations by letter, and offered a briefing in relation to the re-listings.

On 10 August 2012, the Attorney-General wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of her decision to re-list Al-Shabaab, Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations.

On 16 August 2012 the Governor-General signed the following Criminal Code Amendment Regulations:

- *Criminal Code Amendment Regulations 2012 (No.7)* - re-listing Hamas' Izz al-Din al-Qassam Brigades

- *Criminal Code Amendment Regulations 2012 (No. 8)* – re-listing Lashkar-e-Tayyiba
- *Criminal Code Amendment Regulations 2012 (No. 9)* – re-listing Al-Shabaab
- *Criminal Code Amendment Regulations 2012 (No. 10)* – re-listing Palestinian Islamic Jihad, and
- *Criminal Code Amendment Regulations 2012 (No. 11)* – re-listing Kurdistan Workers Party (PKK).

The Regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 17 August 2012 with the following FRLI Reference Numbers:

F2012L01693 – *Criminal Code Amendment Regulation 2012 (No. 7)*  
F2012L01694 – *Criminal Code Amendment Regulation 2012 (No. 8)*  
F2012L01695 – *Criminal Code Amendment Regulation 2012 (No. 9)*  
F2012L01696 – *Criminal Code Amendment Regulation 2012 (No. 10)*  
F2012L01697 – *Criminal Code Amendment Regulation 2012 (No. 11)*

The re-listing Regulations came into effect on 18 August 2012, the day after they were registered on FRLI.

The Attorney-General issued a Media Release on 17 August 2012 announcing the re-listing of the five terrorist organisations.

The Australian Government’s National Security website was also updated.

## **Procedural comments**

- 1.10 The Committee is satisfied with the procedures undertaken by the Government and notes the responses of the States and Territories.





## The Listings

### **The Criteria for listing**

- 2.1 To be specified as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, 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 (whether or not the terrorist act has occurred or will occur).
- 2.2 At the hearing on 1 February 2005 for the Review of the listing of six terrorist organisations, the Director-General of ASIO advised the Committee of ASIO's evaluation process in selecting entities for proscription under the Criminal Code. Some of the factors included:
- engagement in terrorism;
  - ideology and links to other terrorist groups or networks;
  - links to Australia;
  - threat to Australian interests;
  - proscription by the UN or like-minded countries; and
  - engagement in peace/mediation processes.
- 2.3 The Committee continues to use these criteria as the basis of its reviews of all listings.

## Overview

- 2.4 This report is a consideration of the re-listing of Al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Kurdistan Workers Party, Lashkar-e-Tayyiba and Palestinian Islamic Jihad under the Criminal Code.
- 2.5 In past reviews of re-listings the Committee has stated its preference to see information which relates to the activities of the organisation since the last re-listing. Receiving information on activities since the last re-listing, whilst not in itself conclusive, is an appropriate consideration in the process of re-listing. Whilst historical background is important to consider, and will be noted, evidence for a re-listing should focus on what has changed since the last review. The issue of currency of evidence was raised in the Committee's report, *Review of the re-listing of Al-Qa'ida and Jemaah Islamiyah* (October 2006):

The re-listing of an organisation is a fresh exercise of executive discretion and the Committee believes that there must, therefore, be a sufficient degree of currency in the evidence to warrant the use of the power.<sup>1</sup>

## Al-Shabaab

- 2.6 The Attorney-General's Statement of Reasons for re-listing Al-Shabaab is at Appendix C.
- 2.7 This organisation was initially listed on 21 August 2009.
- 2.8 Al-Shabaab, or 'the youth', is the name generally applied to the Somali militant group which was formerly the most prominent of the militia groups comprising the militant wing of the Council of Islamic Courts (CIC). The Somali Transitional Federal Government (TFG) and Ethiopian forces ousted the CIC in December 2006.
- 2.9 Al-Shabaab's objective is the establishment of an Islamic state in Somalia, based on Islamic law and the elimination of foreign 'infidel' influence. In pursuance of this objective, Al-Shabaab has conducted a violent insurgency against the TFG, and foreign forces supporting the TFG.
- 2.10 Al-Shabaab encompasses a number of elements, ranging from those focused solely on the domestic insurgency in Somalia to elements that support al-Qa'ida's global jihadist ideology. Estimates of Al-Shabaab fighters vary from 3 000 to as high as 7 000, with most members being
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1 Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of Al-Qa'ida and Jemaah Islamiyah*, October 2004, p. 3

ethnic Somalis. Al-Shabaab has long recruited members from Kenya. However, a small number of Al-Shabaab fighters are from other countries including the US and Canada.

## Engagement in Terrorism

- 2.11 The statement of reasons lists numerous attacks which are attributed to Al-Shabaab, or for which Al-Shabaab claims responsibility. Attacks which have occurred since the initial listing of the organisation include:
- 29 October 2011: at least three African Union (AU) mission in Somalia (AMISOM) peacekeepers were killed and an unknown number of others wounded when two Al-Shabaab suicide bombers, including a United States (US) national, detonated explosives at an AMISOM base in the Warshadaha Road area of Mogadishu.
  - 4 October 2011: more than 100 civilians were killed and dozens wounded when an Al-Shabaab militant detonated a suicide vehicle-borne improvised explosive devices (VBIED) targeting a building housing several government ministries in the K4 area of Mogadishu. Al Shabaab spokesman Ali Muhammad Rage subsequently claimed responsibility for the attack and stated: “We are promising that attacks against the enemy will be routine, more in number, and will increase day by day”.
  - 1 October 2011: French national Marie Dedieu, was kidnapped by suspected Al-Shabaab militants from the island of Manda in Kenya's Lamu Archipelago, near the Somalia border was then taken to Somalia. In mid-October, French intelligence and Ministry of Foreign Affairs officials announced she had died in captivity in Somalia, likely due to illness.
  - 10 June 2011: TFG Minister of the Interior, Abdishakur Sheikh Hassan, was killed in Mogadishu when a female Al-Shabaab suicide bomber detonated her explosive vest inside his residence.
  - 9 September 2010: at least 14 people-including at least five militants-were killed during a sophisticated multi-mode attack on Mogadishu airport utilising VBIEDs, suicide vests and small arms. Among the victims were four Somali police officers, two Ugandan peacekeepers, and three civilians. An Al-Shabaab statement the following day claimed the attack had targeted a high-level meeting of UN, AU and Somali representatives.
- 2.12 Further examples are provided within the statement of reasons and confirmed in the research documents consulted by the Committee.
- 2.13 The Committee is satisfied Al-Shabaab continues to be engaged in terrorist activity.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.14 Al-Shabaab's primary objective remains the creation of an Islamic state in Somalia, administered according to its own radical interpretation of sharia (Islamic law). In pursuit of this objective, it is committed to expelling all foreign forces, overthrowing President Sheikh Sharif Sheikh Ahmed's Transitional Federal Government (TFG), and purging the country if any practices it considers un-Islamic.<sup>2</sup>
- 2.15 Although primarily focused on Somalia, Al-Shabaab is increasingly presenting its Somalia campaign as a front in the global jihad. In October 2009, Al-Shabaab's spokesman Sheikh Ali Muhammad Rage stated:
- Geographical boundaries between peoples are just artificial fabrications. Our ultimate goal is to have the land of Allah ruled by means of strict Islamic laws.

### Links to other terrorist groups/networks

- 2.16 Al-Shabaab remains linked with al-Qa'ida through leadership and training. The Committee notes the advice from the statement of reasons that:
- On 9 February 2012 a public statement by Al-Shabaab leader Mukhtar Abu al-Zubair included a pledge of allegiance to al-Qa'ida and in a reciprocal message al-Qa'ida leader Ayman al-Zawahiri announced that Al-Shabaab had joined al-Qa'ida.

### Links to Australia

- 2.17 Since the initial listing of Al-Shabaab, three Australian citizens affiliated with Al-Shabaab have been charged and convicted with terrorist related activities. The statement of reasons note:
- In late 2011 Al-Shabaab-linked Australian citizens Saney Edow Aweys and Nayef El Sayed were convicted of conspiring to plan a terrorist attack in Australia. Aweys was also convicted of aiding and abetting another person to engage in hostile activities in Somalia under s6 of the Commonwealth *Crimes (Foreign Incursions and Recruitment) Act 1978* in December 2010. Australian citizen Hussein Hashi Farah was also implicated in terrorist activity associated with Al-Shabaab.

## Threat to Australian interests

- 2.18 The statement of reasons does not specifically address this matter, but does note the following statement which includes reference to Australia as a possible country for Al-Shabaab activities:

Abdisalam Ali – an Al-Shabaab suicide bomber – published a martyrdom video prior to killing himself on 29 October 2011 in Mogadishu stating "my brothers and sisters, do Jihad in America, do Jihad in Canada, do Jihad in England [and] anywhere in Europe, in Asia, in Africa, in China, in Australia – anywhere you find kuffar [infidels]. Fight them and be firm against them.

## Proscription by the UN or like-minded countries

- 2.19 The statement of reasons advises that since the initial listing Al-Shabaab has been listed in New Zealand in February 2010, Canada in March 2010, the United Kingdom in May 2010, and by the European Union in April 2010. As noted in the Committee's consideration of the initial listing, the group was listed as a proscribed terrorist organisation by the United States in March 2008.

## Engagement in Peace and Mediation processes

- 2.20 The statement of reasons notes Al-Shabaab does not participate in the Somali political system, despite AMISOM appeals to the group to lay down their arms and join the Somali peace process.

## Conclusion

- 2.21 The Committee found that Al-Shabaab engages in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

### **Recommendation 1**

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Al-Shabaab as a terrorist organisation not be disallowed.**

## **Hamas' Izz al-Din al-Qassam Brigades**

- 2.22 The Attorney-General's Statement of Reasons for re-listing Hamas' Izz al-Din al-Qassam Brigades is at Appendix D.
- 2.23 This organisation was initially listed on 9 November 2003, re-listed 5 June 2005, 7 October 2005, 10 September 2007 and 8 September 2009.

### **Engagement in Terrorism**

- 2.24 While the Brigades are reported to have killed more than 500 people in more than 350 separate terrorist attacks since 1993, the statement of reasons notes that since 2005:
- the majority of the terrorist activity conducted by the Brigades has consisted of small-arms fire and rocket and mortar fire directed at Israeli military assets and communities in the vicinity of Gaza.
- 2.25 Recent attacks attributed to the Brigades include:
- 7 April 2011: an anti-tank missile struck a school bus near the Gaza strip, destroying the bus and resulting in the death of an Israeli teenager. The Brigades took responsibility for the attack, although they claimed they had not intended to target Israeli schoolchildren, and had mistaken the bus for one carrying Israeli military personnel.
  - 1 September 2010: a group of Brigades members wounded two Israeli settlers near Ramallah. A subsequent statement by the Brigades threatened a wave of attacks against Israelis.
  - 31 August 2010: four Israeli settlers were shot dead by the same members of the Brigades near the West Bank city of Hebron.
- 2.26 The statement of reasons further advises the Brigades control supply lines to Iran, where it sends fighters for military training. These same supply lines are used by Palestinian Islamic Jihad for procurement and training. With this arrangement the Brigades are indirectly assisting Palestinian Islamic Jihad in committing terrorist acts.
- 2.27 The Committee is satisfied the Brigades continues to be engaged in terrorist activity.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.28 While much of the Hamas movements popular mandate stems from its widespread political and social activities, its armed wing – the Brigades – is arguably the most organised and effective militia in the Palestinian Territories.
- 2.29 Politically, Hamas aims to apply the rule of Islam throughout Palestine, from the Jordan River to the Mediterranean. Its charter, published in August 1988, defined this land as an eternal Islamic endowment that could not be compromised under any circumstances. The Brigades engage in military activity in support of these political objectives.
- 2.30 The statement of reasons notes of the Brigades:  
Their essential aim is the unification of Israel and the Palestinian Territories under Islamic rule – a goal which entails the destruction of Israel as a political entity. Due to the disparity between Israel and Hamas’ respective military resources, the Brigades have adopted terrorist tactics in their bid to defeat Israel. Most famously, they adopted the use of suicide bombings, describing them as the “F-16” of the Palestinian people

### Links to other terrorist groups/networks

- 2.31 The statement of reasons does not address this matter. As Jane’s notes:  
In principle, Hamas has always favoured co-operation with other Palestinian and Islamic factions, based on the common goal of jihad for the liberation of Palestine. However in reality, relations with other Palestinian factions have been determined by a number of calculations, primarily the struggle for power within Palestinian society.<sup>3</sup>

### Links to Australia

- 2.32 The statement of reasons notes there are no known links to Australia. The Committee has no information to indicate this organisation has any links to Australia.

### Threat to Australian interests

- 2.33 The modus operandi of the Brigades’ attacks shows disregard for the potential harm to civilians of any nationality. The Brigades therefore pose

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3 Jane’s Terrorism and Insurgency Centre, *Hamas*, 25 June 2012, <http://jtic.janes.com>

a potential threat to Australian interests and Australians present in the vicinity of the Brigades' field of operations.

## Proscription by the UN or like-minded countries

2.34 The Brigades are proscribed as a terrorist organisation by the governments of the United Kingdom and New Zealand. Hamas (including the Brigades) has been proscribed as a terrorist organisation by the governments of the United States and Canada. Hamas is also listed by the European Union for the purposes of its anti-terrorism financing measures.

## Engagement in Peace and Mediation processes

2.35 The statement of reasons advises there are no current peace negotiations being conducted including the Brigades.

## Conclusion

2.36 The Committee found that Hamas' Izz al-Din al-Qassam Brigades engages in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

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### Recommendation 2

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Hamas' Izz al-Din al-Qassam Brigades as a terrorist organisation not be disallowed.**

## Kurdistan Workers Party

2.37 The Attorney-General's Statement of Reasons for re-listing the Kurdistan Workers Party is at Appendix E.

2.38 The PKK, also known as Kongra Gel, was initially listed on 17 December 2005, and re-listed 27 September 2007 and 8 September 2009.



## Engagement in Terrorism

- 2.39 The statement of reasons notes that the PKK has continued to have extensive, direct involvement in most terrorist acts occurring in Turkey since the group was last listed in 2009.

The group has been particularly active since February 2011 when it ended a unilateral ceasefire in place since April 2009. Most attacks appear to be very specifically targeted, for example, armed assaults against Turkish military forces using small-arms fire. However, there also have been several indiscriminate, mass-casualty attacks employing both suicide bombings and vehicle-borne improvised explosive devices (IED). While most attacks have targeted Turkish security forces in the southeast, a number have targeted places frequented by civilians or tourists, including a shopping area in Ankara and a major shopping, tourist and leisure district in Istanbul. The PKK also was responsible for a ferry hijacking in the Marmara Sea, near Istanbul.

- 2.40 The statement of reasons provides an extensive list of significant recent attacks for which responsibility has been claimed by or reliably attributed to the PKK. Such incidents include:

- 1 March 2012: Fifteen police officers and a civilian were wounded in a remotely controlled IED attack by suspected PKK militants targeting a police bus in the Imrahor Street area of Istanbul. The explosion reportedly occurred as the bus passed the headquarters of the ruling Justice and Development Party.
- 24 November 2011: Three Turkish employees of a Canada-based energy company were killed by PKK militants in an attack targeting the Selmo oil field at Kozluk, Batman province.
- 11 November 2011: A PKK militant carrying a suspected explosive device hijacked a passenger ferry and took hostage 18 passengers and six crew members in the Marmara Sea, near Istanbul.
- 29 October 2011: At least two people were killed and as many as 20 others wounded when a suspected PKK suicide bomber detonated her explosives outside a teahouse near the office of the Justice and Development Party in the town of Bingol in Bingol province.
- 27 September 2011: PKK militants kidnapped a total of eight teachers and a village guard in five armed attacks in the Pulumur district of Tunceli province; in the village of Gundogdu in Elazig province; and in the villages of Ciftlibahce, Dolunay and Cavundur in Diyarbakir province.

- 2.41 The Committee is satisfied the PKK continues to be engaged in terrorist activity.

## Ideology and links to other terrorist groups/networks

### Ideology

2.42 The Committee notes that in February 2005, the organisation redefined its theoretical objectives and announced that it was fighting to establish a Kurdish Democratic Federation. In practice, however, Jane's notes:

... the PKK's immediate objectives are greater cultural and political rights for Turkey's Kurdish minority, including the amendment of the Turkish constitution to include an explicit recognition of a Kurdish identity, a comprehensive amnesty for PKK militants, including allowing the organisation's leadership to participate in political activities in Turkey, and an easing of the conditions of imprisoned PKK leader Abdullah Ocalan leading eventually to his release.<sup>4</sup>

### Links to other terrorist groups/networks

2.43 The statement of reasons notes:

The PKK maintains close links with its Iranian affiliate, the Kurdistan Free Life Party (PJAK). Like the PKK, PJAK has training camps in northern Iraq. Iran has designated the PKK as a terrorist organisation and both Iran and Turkey are reported to have conducted probable coordinated military operations against both groups in their shared border areas.

### Links to Australia

2.44 The statement of reasons records no known PKK links to Australia, but notes it is likely that elements of Australia's Kurdish community remain sympathetic to the Kurdish nationalist cause.

### Threat to Australian interests

2.45 The statement of reasons advises there are no known direct threats from the PKK to Australian interests. The Committee notes, however, that the indiscriminate targeting of tourist locations is a threat to civilians of any nationality.

### Proscription by the UN or like-minded countries

2.46 The Committee notes the PKK is listed as a proscribed terrorist organisation by many governments, including the United Kingdom,

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4 Jane's Terrorism and Insurgency Centre, *Partiya Karkaren Kurdistan (PKK)*, viewed 16 August 2012, <http://jtict.janes.com>

Canada and New Zealand, and is proscribed by the United States government under the name of Kongra Gel. The PKK is listed by the European Union for the purposes of its anti-terrorism measures.

## Engagement in Peace and Mediation processes

2.47 The statement of reasons advises the PKK is not known to be engaged in any peace or mediation processes.

## Conclusion

2.48 The Committee found that the Kurdistan Workers Party engages in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

### Recommendation 3

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Kurdistan Workers Party as a terrorist organisation not be disallowed.**

## Lashkar-e-Tayyiba

2.49 The Attorney-General's Statement of Reasons for re-listing Lashkar-e-Tayyiba is at Appendix F.

2.50 This organisation was initially listed on 9 November 2003, re-listed 5 June 2005, 7 October 2005, 10 September 2007, and 8 August 2009.

2.51 Lashkar-e-Tayyiba (LeT) is a Pakistani militant Islamist group based in Pakistan and operating in India, and is one of the most capable and high-profile militant groups currently active in South Asia. It was formed in 1990 with the specific objective of waging irregular warfare in the disputed territory of India-administered Kashmir (IAK).<sup>5</sup>

## Engagement in Terrorism

2.52 The statement of reasons notes the LeT is one of the most active of the Pakistan-based Kashmir-focused militant groups, directly engaging in,

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5 Jane's Terrorism and Insurgency Centre, *Lashkar-e-Tayyiba*, viewed 20 January 2012, <http://jtic.janes.com>

preparing and planning numerous terrorist attacks, including bombings, assassinations and kidnappings against Indian security forces (military and police), government assets, transport and civilians in the disputed territory as well as in India.

2.53 Recent activities attributed to or claimed by the LeT include:

- October 2011: An LeT militant killed a policeman in Srinagar. Police arrested the gunman, who claimed during his interrogation that LeT had revived plans to assassinate police officers;
- January 2011: Suspected LeT militants kidnapped two girls from their home and then killed them in Sopore, IAK; and
- August 2010: An Indian soldier and three suspected LeT militants were killed in a two-day gun battle in IAK.

2.54 The Committee is satisfied the LeT continues to be engaged in terrorist activity.

## Ideology and links to other terrorist groups/networks

### Ideology

2.55 The statement of reasons advises that the LeT's stated objective is to:

[unite] Indian administered Kashmir (IAK) with Pakistan under a radical interpretation of Islamic law. LeT's broader objectives include to establish an Islamic Caliphate across the Indian subcontinent, and to reclaim all 'occupied Muslim lands' in southern Spain and the Balkans. To this end, LeT intends to pursue the 'liberation', not only of Muslim-majority Kashmir, but of all India's Muslim population, even in areas where they do not form a majority. LeT has declared that democracy is antithetical to Islamic law and that LeT's jihad requires it to work toward turning Pakistan itself into a purely Islamic state.

### Links to other terrorist groups/networks

2.56 The statement of reasons notes:

LeT maintains links to the Afghan Taliban and several Pakistani Islamist extremist groups, including the Kashmir-focused terrorist group Jaish-e-Mohammed and the Sunni sectarian group Lashkar-e-Jhangvi. LeT is reported to have been involved with militant Islamists in other places where conflict involving Muslims have arisen, including Bosnia, Chechnya, Kosovo and Afghanistan.

## Links to Australia

- 2.57 The Committee notes the statement of reasons advice that:
- Several individuals with links to LeT have been arrested in Australia, the US, and Canada since 2003 for allegedly planning terrorist activities. In March 2007, a French court convicted a French national, Willie Brigitte, for planning terrorist attacks in Australia in 2003 in conjunction with suspected LeT chief for external operations, Sajid Mir. Brigitte's Australian associate, Faheem Khalid Lodhi, was also convicted of planning acts of terrorism by a New South Wales Supreme Court jury in June 2006; in June 2008, Lodhi lost an appeal to the High Court of Australia to have his case overturned.

## Threat to Australian interests

- 2.58 LeT's attacks show a reckless disregard for civilians of any nationality as evidenced by the November 2008 attack on the Indian financial hub, Mumbai, in which LeT members killed more than 170 people (including two Australians).
- 2.59 The Committee concludes the LeT therefore pose a threat to Australian interests and Australians who may be unwittingly caught in a LeT attack.

## Proscription by the UN or like-minded countries

- 2.60 The statement of reasons notes the LeT is listed in the UN 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, the United Kingdom, the United States, Pakistan and India.

## Engagement in Peace and Mediation processes

- 2.61 The statement of reasons advises the LeT is not engaged in any peace or mediation process.

## Conclusion

- 2.62 The Committee found that Lashkar-e-Tayyiba engages in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

## Recommendation 4

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Lashkar-e-Tayyiba as a terrorist organisation not be disallowed**

## Palestinian Islamic Jihad

- 2.63 The Attorney-General's Statement of Reasons for re-listing Palestinian Islamic Jihad is at Appendix G.
- 2.64 This organisation was initially listed on 3 May 2004, re-listed 5 June 2005, 7 October 2005, 10 September 2007 and 8 August 2009.
- 2.65 PIJ is a Sunni Islamist Palestinian militant organisation committed to the destruction of the state of Israel.

## Engagement in Terrorism

- 2.66 The statement of reasons notes PIJ claimed responsibility for more than 30 suicide bombings between 1987 and 2006 but since that time the majority of its attacks have consisted of indiscriminate rocket and mortar fire into southern Israel from Gaza.

Its attacks are generally indiscriminate in nature, seeking to maximize casualties. Some recent examples include:

- 29 October 2011: PIJ launched a number of rockets into several areas of Israel's Southern District, killing one Israeli civilian and wounding two.
- 20 August 2011: PIJ militants launched a series of rockets into Israel's southern district, killing one Israeli civilian and injuring seven.
- 8 January 2011: suspected PIJ militants fired two mortar rounds into an area of Israel's Southern District, wounding two Thai nationals.

- 2.67 Jane's further notes that:

On 2 March, the Al-Quds Brigades, the armed wing of Palestinian Islamic Jihad (PIJ), issued a statement in which it claimed that the group's militants had fired at least 41 Grad missiles, 20 home-

made projectiles, six mortar rounds, and three 107 mm rockets towards Israeli targets so far in 2012.<sup>6</sup>

- 2.68 The Committee is satisfied the PIJ continues to be engaged in terrorist activity.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.69 The statement of reasons notes PIJ's goal is the establishment of a sovereign Islamic state within the geographic borders of the pre-1948 British mandated Palestine. PIJ promotes the military destruction of Israel as the only viable means to attain this goal. Accordingly, PIJ refuses to participate in the political process and rejects the possibility of a negotiated settlement to the Israel/Palestine problem.

### Links to other terrorist groups/networks

- 2.70 The statement of reasons notes PIJ was inspired by and remains ideologically supportive of Iran's Islamic Revolution and maintains close ties with the Iranian Revolutionary Guards Corps and Hizballah.
- 2.71 This is corroborated by Jane's analysis that "the PIJ's most stable alliances are with Hizballah and Iran, with whom it shares an ideological and in the former case organisational affinity as well."<sup>7</sup>

### Links to Australia

- 2.72 The statement of reasons notes there are no known links between PIJ and Australia. The Committee is unaware of any such links.

### Threat to Australian interests

- 2.73 While the statement of reasons advises PIJ has confined its attacks to the Levant and has not deliberately targeted Western interests, the Committee notes the potential threat to Australians which arises from the indiscriminate nature of the rocket attacks undertaken by the PIJ.

### Proscription by the UN or like-minded countries

- 2.74 The statement of reasons advises the PIJ is proscribed as a terrorist organisation by the governments of Canada, New Zealand, the United

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6 Jane's Terrorism and Insurgency Centre, Palestinian Islamic Jihad, viewed 5 September 2012, <http://jtic.janes.com>

7 Ibid.

Kingdom and the United States. PIJ is also listed by the European Union for the purposes of its anti-terrorism financing measures.

## Engagement in Peace and Mediation processes

2.75 As noted above, PIJ promotes the military destruction of Israel as the only viable means to attain this goal and accordingly rejects the possibility of a negotiated settlement to the Israel/Palestine problem.

## Conclusion

2.76 The Committee found that Palestinian Islamic Jihad engages in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

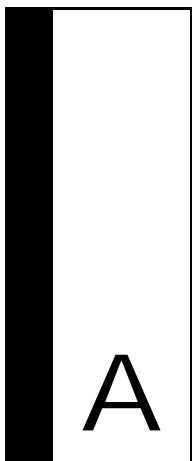
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### **Recommendation 5**

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Palestinian Islamic Jihad as a terrorist organisation not be disallowed.**

**The Hon Anthony Byrne MP  
Chairman**





## Appendix A – List of Submissions

1. Attorney-General's Statement of Reasons
2. Attorney-General's Department: Process for re-listing
3. Mr Assem Judeh





## Appendix B – Witnesses appearing at private hearing

### Canberra

Monday, 10 September 2012

#### **Australian Security Intelligence Organisation**

Mr David Irvine, Director-General

Assistant Director-General, National Threat Assessment Centre

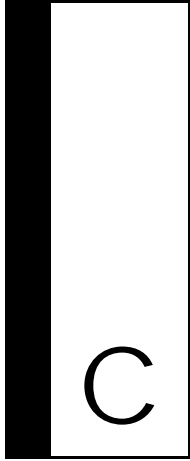
Coordinator, National Threat Assessment Centre

#### **Attorney-General's Department**

Ms Jamie Lowe – Acting First Assistant Secretary, National Security Law and Policy Division, Attorney-General's Department.

Ms Laura Munsie – Acting Assistant Secretary, Security Law Branch, Attorney-General's Department.





## Appendix C – Statement of Reasons – Al-Shabaab

**(Also known as: Al-Shabaab Al-Islam; Al-Shabaab al-Islamiya; Al-Shabaab Al-Jihaad; Al-Shabab; Ash-shabaab; Harakat Al-Shabaab al-Mujahideen; Harakat Shabab Al-Mujahidin; Harakatul Shabaab al-Mujaahidiin; Hizbul Shabaab; Hisb'ul Shabaab; HSM; Mujahideen Youth Movement; Mujahidin Al-Shabaab Movement; Mujaahidiin Youth Movement; Mujahidin Youth Movement; Shabaab; MYM; The Popular Resistance Movement in the Land of the Two Migrations; The Unity of Islamic Youth; The Youth; Young Mujahideen Movement; Young Mujahideen Movement in Somalia, Youth Wing)**

The following information is based on publicly available details about Al-Shabaab. To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by classified information.

### **Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

### **Details of the organisation**

Al-Shabaab, or 'the youth', is the name generally applied to the Somali militant group which was formerly the most prominent of the militia groups comprising the militant wing of the Council of Islamic Courts (CIC). The Somali Transitional Federal Government (TFG) and Ethiopian forces ousted the CIC in December 2006. The TFG has governed Somalia since the withdrawal of Ethiopian forces in January 2009 and in June 2011 unilaterally extended its mandate to govern until August 2012 when elections are scheduled.

### *Objectives*

Al-Shabaab's objective is the establishment of an Islamic state in Somalia, based on Islamic law and the elimination of foreign 'infidel' influence. In pursuance of this objective, Al-Shabaab has conducted a violent insurgency against the TFG, and foreign forces supporting the TFG. Al-Shabaab seeks the creation of an 'Islamic Emirate of Somalia', to include Somalia, Somaliland, Puntland, north-eastern Kenya, the Ogaden region of Ethiopia and Djibouti.

### *Leadership and membership*

Al-Shabaab has an increasingly loose leadership structure with a number of regional factions and commanders. Factional disputes have been reported between Al-Shabaab's senior commanders over strategy and ideology.

- Omar Hammami, a senior foreign fighter, released a video on the weekend of 17 March 2012 stating he felt his "life may be endangered by Harakat Al-Shabaab al-Mujahadeen due to some differences that occurred between us regarding matters of Shariah and matters of strategy".
- Spokesman Sheikh Mukhtar Robow, aka Abu Mansur, was replaced by Sheikh Ali Muhammad Rage in May 2009.

Al-Shabaab encompasses a number of elements, ranging from those focused solely on the domestic insurgency in Somalia to elements that support al-Qa'ida's global jihadist ideology. Estimates of Al-Shabaab fighters vary from 3 000 to as high as 7 000, with most members being ethnic Somalis. Al-Shabaab has long recruited members from Kenya. However, a small number of Al-Shabaab fighters are from other countries including the US and Canada.

Since the January 2009 Ethiopian withdrawal, Al-Shabaab has established itself as the pre-eminent terrorist actor in Somalia and demonstrated its intent and capability to conduct terrorist attacks within and outside Somalia.

- On 11 July 2010 Al-Shabaab conducted a mass casualty coordinated suicide bomb attack in Uganda's capital Kampala, killing 76 people.
- On 4 October 2011 more than 100 civilians were killed when an Al-Shabaab suicide bomber attacked a government building in Mogadishu.

Al-Shabaab has continued its violent insurgency against TFG, Ethiopian and more recently, Kenyan forces inside Somalia and the border regions of Kenya. It has also carried out attacks against peacekeeping forces from Uganda and Burundi, who are in Somalia under the aegis of the AMISOM. The group's senior leadership has said Al-Shabaab will continue to fight foreign forces in Somalia, and the TFG. Although Al-Shabaab suffered personnel and territorial losses to African Union (AU) mission in Somalia (AMISOM) forces in the first six months of 2011, the group continues to present an enduring threat to East Africa—and to AMISOM and the TFG in particular.

Al-Shabaab's propaganda has also continued to develop, with the group's media campaign increasing in sophistication, including starting a Twitter account and continuing to spread its message through Radio al-Analus.

## **Terrorist activity of the organisation**

*Directly or indirectly engaged in the doing of terrorist acts; and directly or indirectly preparing and/or planning terrorist acts*

Al-Shabaab has prepared, planned and conducted frequent attacks since the beginning of 2007 against Ethiopian and TFG forces using mortar attacks, rocket-propelled grenades and firearms in these attacks. During 2007, elements of Al-Shabaab adopted tactics used by Islamist militants in Afghanistan and Iraq including the employment of vehicle-borne improvised explosive devices (VBIEDs), roadside bombs, suicide attacks and beheadings. Suicide-vehicle bombings in October 2008 in Hargeysa and Boosaaso, northern Somalia, were also widely attributed to Al-Shabaab.

Al-Shabaab claims of attacks sometimes appear in internet statements in the name of the Young Mujahideen Movement in Somalia (YMMS), an Al-Shabaab alias. There have been numerous statements claiming attacks including attempted assassinations of TFG officials, and against TFG security forces and Ethiopian forces in Mogadishu and surrounding areas.

Significant attacks for which responsibility has been claimed by or reliably attributed to Al-Shabaab, include:

- 29 October 2011: at least three AMISOM peacekeepers were killed and an unknown number of others wounded when two Al-Shabaab suicide bombers, including a United States (US) national, detonated explosives at an AMISOM base in the Warshadaha Road area of Mogadishu.
- 4 October 2011: more than 100 civilians were killed and dozens wounded when an Al-Shabaab militant detonated a suicide VBIED targeting a building housing several government ministries in the K4 area of Mogadishu. Al-Shabaab spokesman Ali Muhammad Rage subsequently claimed responsibility for the attack and stated: "We are promising that attacks against the enemy will be routine, more in number, and will increase day by day".
- 1 October 2011: French national Marie Dedieu, was kidnapped by suspected Al-Shabaab militants from the island of Manda in Kenya's Lamu Archipelago, near the Somalia border and then taken to Somalia. In mid-October, French intelligence and Ministry of Foreign Affairs officials announced she had died in captivity in Somalia, likely due to illness.
- 10 June 2011: TFG Minister of the Interior, Abdishakur Sheikh Hassan, was killed in Mogadishu when a female Al-Shabaab suicide bomber detonated her explosive vest inside his residence.
- 9 September 2010: at least 14 people—including at least five militants—were killed during a sophisticated multi-mode attack on Mogadishu airport utilising VBIEDs, suicide vests and small arms. Among the victims were four Somali police officers, two Ugandan peacekeepers, and three civilians. An Al-Shabaab statement the following day claimed the attack had targeted a high-level meeting of UN, AU and Somali representatives.

- 24 August 2010: two Al-Shabaab suicide bombers dressed in army uniforms carried out a small-arms assault on the Muna Hotel near the Presidential Palace in Mogadishu, before detonating their devices. A total of 31 people were reportedly killed, including six members of parliament and five TFG security personnel.
- 11 July 2010: Al-Shabaab carried out a co-ordinated twin suicide bomb attack in the Ugandan capital Kampala. A total of 76 people were killed when the devices were detonated at a rugby club and an Ethiopian restaurant, both of which were crowded with people watching the FIFA World Cup final.
- 2 January 2010: an Al-Shabaab-linked individual attempted to kill Danish cartoonist Kurt Westergaard at his home in Denmark in retaliation to publication of cartoons of the Prophet Mohamed. Westergaard was not hurt and the assailant was shot, wounded, and arrested.
- 3 December 2009: an Al-Shabaab suicide bomber killed 21 people—including four TFG ministers—in an attack on a medical school graduation ceremony being held at the Shamo Hotel in Mogadishu.
- 17 September 2009: 21 people—including 17 AMISOM peacekeepers—were killed and 40 others injured when Al-Shabaab militants detonated two SVBIEDs at the AMISOM headquarters in Mogadishu. The deputy commander of the base was among those killed and the base commander was injured.

### *Advocating the doing of terrorist acts*

Al-Shabaab members have publicly advocated terrorist attacks in order to further the group's objectives:

- On 29 December 2011 an Al-Shabaab spokesperson vowed that the terror group would launch retaliatory attacks in Kenya if authorities did not withdraw troops from Somalia. "Kenya has peace, its cities have tall buildings and business is flourishing there. If your government ignores our calls to stop its aggression on Somali soil, we will strike at the heart of your interests".
- On 16 November 2011 Sheikh Ali Mohamud Rage warned "We are telling Kenya that they still have the opportunity to back away from the hellfire it was dragged into and leave our soil, otherwise they will continue suffering".
- Abdisalam Ali—an Al-Shabaab suicide bomber—published a martyrdom video prior to killing himself on 29 October 2011 in Mogadishu stating "my brothers and sisters, do Jihad in America, do Jihad in Canada, do Jihad in England [and] anywhere in Europe, in Asia, in Africa, in China, in Australia — anywhere you find kuffar [infidels]. Fight them and be firm against them".

### *Conclusion*



On the basis of the above information, ASIO assesses Al-Shabaab continues to directly and/or indirectly engage in conducting, preparing, planning, assisting, advocating or fostering the doing of terrorist acts involving threats to human life and serious damage to property. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, Al-Shabaab is known to have committed or threatened action:

- with the intention of advancing Al-Shabaab’s political, religious or ideological causes;
- that causes, or could cause, serious damage to property, the death of persons or endanger a person’s life; and
- with the intention of creating a serious risk to the safety of sections of the public globally.

### **Other relevant information**

#### *Links with other groups -*

Al-Shabaab primarily is linked to al-Qa’ida through leadership contacts and training. While Al-Shabaab likely still largely operates independently, al-Qa’ida senior leadership previously has endorsed some Al-Shabaab activities. On 9 February 2012 a public statement by Al-Shabaab leader Mukhtar Abu al-Zubair included a pledge of allegiance to al-Qa’ida and in a reciprocal message al-Qa’ida leader Ayman al-Zawahiri announced that Al-Shabaab had joined al-Qa’ida.

#### *Links to Australia -*

In late 2011 Al-Shabaab-linked Australian citizens Saney Edow Aweys and Nayef El Sayed were convicted of conspiring to plan a terrorist attack in Australia. Aweys was also convicted of aiding and abetting another person to engage in hostile activities in Somalia under s6 of the Commonwealth *Crimes (Foreign Incursions and Recruitment) Act 1978* in December 2010. Australian citizen Hussein Hashi Farah was also implicated in terrorist activity associated with Al-Shabaab.

#### *Level of participation in peace negotiations/political dialogue -*

Al-Shabaab does not participate in the Somali political system, despite AMISOM appeals to the group to lay down their arms and join the Somali peace process.

#### *Other designations -*

The group was listed as a proscribed terrorist organisation by the governments of the United States in March 2008, New Zealand in February 2010, Canada in March 2010, the United Kingdom in May 2010, and by the European Union in April 2010.

Al-Shabaab is also included in the DFAT Consolidated List that refers to United Nations Security Council Resolution 1373 and in the Consolidated List UN751(Somalia and Eritria).



## Appendix D – Statement of Reasons – Hamas’ Izz al-Din al-Qassam Brigades

**(Also known as: Ezzedeen Al-Qassam Brigades; and Izz al-Din Al-Qassem Brigades)**

The following information is based on publicly available details about Hamas’ Izz al-Din al-Qassam Brigades. To the Australian Government’s knowledge, these details are accurate and reliable and have been corroborated by classified information.

### **Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

### **Details of the organisation**

Hamas is a militant Sunni Islamist organisation and political party founded in 1987 in the Palestinian Territories during the first Intifada uprising. Hamas began as a branch of, and retains an ideological affinity with, the Muslim Brotherhood. Like its parent, Hamas is a multifaceted, well organised and relatively moderate organisation renowned for its extensive social service networks in the Palestinian Territories. Since winning a majority of seats in the Palestinian general legislative elections in 2006, and gaining control of Gaza by force in 2007, Hamas has been responsible for the administration and provision of government services including health, education and security to Gaza’s inhabitants.

The Izz al-Din al-Qassam Brigades were officially established in 1991 to provide Hamas with a military capability. Originally, the Brigades were organized secretly, comprising compartmentalized cells that specialized in terrorist attacks, assassinations and kidnappings inside Israel. Since Hamas gained control of Gaza in 2007 and took up a governing role,

the Brigades have been forced to develop, at least partially, into a more traditional military force. The Brigades operate predominantly in Gaza, with limited representation in the West Bank.

### **Objectives**

As Hamas' military wing, the Brigades' objectives are subordinate to Hamas' broad political goals. Their essential aim is the unification of Israel and the Palestinian Territories under Islamic rule – a goal which entails the destruction of Israel as a political entity. Due to the disparity between Israel and Hamas' respective military resources, the Brigades have adopted terrorist tactics in their bid to defeat Israel. Most famously, they adopted the use of suicide bombings, describing them as the "F-16" of the Palestinian people.

The Brigades have never demonstrated any intent to conduct attacks outside of Israel and the Palestinian Territories or to target interests of countries other than Israel.

### **Leadership and Membership**

The size of the Brigades is difficult to determine. International Crisis Group in 2009 described its estimated strength as 7000 – 10 000 full time members, with around 20 000 reserves. The proportion of members assigned to more standard military and security duties, and those assigned to planning terrorist attacks is not known.

Despite being Hamas' military wing and subordinate to Hamas' ideological objectives, the Brigades are structured as a distinct and discrete organisation which can survive the dissolution of Hamas' political structures. Accordingly, the Brigades operate with a significant degree of independence in their decision making.

The leader of the Brigades is Mohammed Deif, who has held the position since 2002.

The Brigades maintain their own website, including an English language version, which publicizes their aims and activities. It is used to claim responsibility for terrorist attacks and to announce the deaths of its members as a result of Israeli airstrikes.

Hamas' funding comes from a range of both official and private sources. Saudi Arabia and Iran have traditionally been the largest sources of financial aid. Hamas collects taxes within Gaza and has limited access to Palestinian Authority funds. The amount of money earmarked specifically for the Brigades is difficult to ascertain.

### **Terrorist activity of the organisation**

*Directly or indirectly engaged in the doing of terrorist acts / Directly or indirectly preparing and/or planning terrorist acts*

Since their first suicide bombing in 1993, the Brigades are reported to have killed more than 500 people in more than 350 separate terrorist attacks. Since 2005, however, the majority of the terrorist activity conducted by the Brigades has consisted of small-arms fire and rocket and mortar fire directed at Israeli military assets and communities in the vicinity of Gaza. These attacks, sometimes indiscriminate in nature, have caused significant property damage as well as deaths and injuries to military personnel and civilians. Recent terrorist attacks for which responsibility has been claimed by, or is reliably attributed to, the Brigades have included:

- 7 April 2011: an anti-tank missile struck a school bus near the Gaza strip, destroying the bus and resulting in the death of an Israeli teenager. The Brigades took responsibility for the attack, although they claimed they had not intended to target Israeli schoolchildren, and had mistaken the bus for one carrying Israeli military personnel.
- 1 September 2010: a group of Brigades members wounded two Israeli settlers near Ramallah. A subsequent statement by the Brigades threatened a wave of attacks against Israelis.
- 31 August 2010: four Israeli settlers were shot dead by the same members of the Brigades near the West Bank city of Hebron.

*Directly or indirectly assisting in the doing of terrorist acts*

The Brigades control supply lines to Iran, where it sends fighters for military training. These same supply lines are used by Palestinian Islamic Jihad for procurement and training. With this arrangement the Brigades are indirectly assisting Palestinian Islamic Jihad in committing terrorist acts.

### **Conclusion**

On the basis of the above information, ASIO assesses Hamas’ Izz al-Din al-Qassam Brigades continue to directly and/or indirectly engage in, prepare, plan, assist, advocate or foster the doing of terrorist acts involving threats to life and serious property damage. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives Hamas’ Izz al-Din al-Qassam Brigades are known to have committed or threatened action:

- that causes, or could cause, serious damage to property, the death of persons or endanger a person’s life; and
- with the intention of advancing Hamas’ Izz al-Din al-qassam Brigades’ political, religious or ideological causes; and
- with the intention of intimidating the public and sections of the public.

**Other Relevant Information***Links to Australia*

There are no known links to Australia.

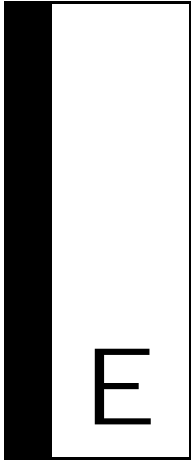
*Level of participation in peace negotiations*

There are no current peace negotiations being conducted including the Brigades.

*Other designations -*

Hamas' Izz al-Din al-Qassam Brigades (the Brigades) are proscribed as a terrorist organisation by the governments of the United Kingdom and New Zealand. Hamas (including the Brigades) has been proscribed as a terrorist organisation by the governments of the United States and Canada. Hamas is also listed by the European Union for the purposes of its anti-terrorism financing measures.

Hamas is also included in the DFAT Consolidated List that refers to United Nations Council Resolution 1373 in relation to countering financing of terrorism.



## Appendix E – Statement of Reasons – Kurdistan Workers Party (PKK)

**(Also known as: Freedom and Democratic Congress of Kurdistan, Hezan Parastina Gel (HPG), KADEK, KG, KHK, Kongra Gel, Kongra Gele Kurdistan, Kurdish Freedom Falcons,**

**Kurdish Liberation Hawks, Kurdistan Freedom and Democracy Congress, Kurdistan Freedom Brigade, Kurdistan Freedom Hawks, Kurdistan Halk Kongresi, Kurdistan Labor Party, Kurdistan Ozgurluk Sahinleri, Kurdistan People’s Congress, New PKK, Partiya Karkeren Kurdistan, People’s Congress of Kurdistan, People’s Defence Force, PKK, TAK, Teyrbazên Azadiya Kurdistan)**

The following information is based on publicly available details about the PKK. To the Australian Government’s knowledge, these details are accurate and reliable and have been corroborated by classified information.

### **Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

## **Details of the organisation**

### *Objectives*

The PKK was formally established by Abdullah Ocalan in 1978. The organisation adopted a communist ideology but from its inception was primarily committed to the creation of an independent Kurdish state in south-eastern Turkey, Syria, Iraq and Turkey. After the end of Cold War, the PKK increasingly emphasised its role as a Kurdish nationalist movement. The group periodically has sought to increase its popularity by exploiting the religious sentiment of the Kurdish community, but the organisation remains predominantly secular.

The PKK's objectives have changed over time, in line with Turkey's evolving political environment. The organisation now calls for autonomy for Kurds within Turkey and seeks to promote and advance the rights of Kurds living in Turkey, specifically the right to maintain ethnic identity. The PKK has consistently demonstrated a willingness to use violence in order to achieve these objectives.

### *Leadership and Membership*

Abdullah Ocalan, currently serving life imprisonment in Turkey, is still considered the leader and figurehead of the PKK; however, in practice, the group's day-to-day affairs are run by Murat Karayilan. Other key leaders include Cemil Bayik, Duran Kalkan, Fehman Huseyin and Riza Altun.

The precise strength of the PKK is not known; however, it is widely believed the group numbers approximately four to five thousand militants, the majority of whom are based in northern Iraq. Additionally, the group draws on considerable logistical support from a large number of sympathisers among the Kurdish community, particularly in south-east Turkey, but also in Syria and Iran.

### *Funding and recruitment*

The PKK derives most of its financial resources from drug trafficking, which is reported to generate hundreds of millions of US dollars for the group. At different times, the PKK is assessed to have controlled up to 80 per cent of the European illicit drug market.

In January 2012, under the US State Department's Foreign Narcotics Kingpin Designation Act, the US Department of Treasury's Office of Foreign Assets Control designated three Moldavia-based individuals as Specially Designated Narcotics Traffickers for acting for or on behalf of the PKK. One individual was identified as a high-ranking PKK member.

The PKK also generates income through extortion, illegal immigration, human trafficking, money laundering and prostitution rackets. Revenue is also raised by collecting 'taxes', through voluntary means or coercion, from Kurdish diaspora communities around the world. PKK-related criminal activity is especially prevalent in Europe. The European Police Office warned in its European Union Terrorism Situation and Trend Report 2012 that the PKK remains committed to using Europe as a logistical support base for funding, as well as for recruitment, training and propaganda. Funds are also raised through



publication sales, grants, aid campaigns and fundraising activities organised by PKK branches in Europe.

Most PKK members are recruited from the main Kurdish areas in south-east Turkey; however, some are drawn also from cities in the country's west. In addition, the group recruits from the Kurdish population in Iran and Syria and from the Kurdish diaspora in Europe. Most recruitment in rural areas of Turkey occurs through personal acquaintance. In urban areas and in Europe, a network of PKK members and sympathisers working in non-governmental organisations and predominantly Kurdish political parties manage the recruitment process. The group's external recruitment practices were highlighted in February 2010 when police in France and Italy detained at least 20 people for alleged involvement in training and recruitment for the PKK.

### **Terrorist activity of the organisation**

#### *Directly or indirectly engaged in the doing of terrorist acts*

The PKK has continued to have extensive, direct involvement in most terrorist acts occurring in Turkey since the group was last listed in 2009. The group has been particularly active since February 2011 when it ended a unilateral ceasefire in place since April 2009. Most attacks appear to be very specifically targeted, for example, armed assaults against Turkish military forces using small-arms fire. However, there also have been several indiscriminate, mass-casualty attacks employing both suicide bombings and vehicle-borne improvised explosive devices (IED). While most attacks have targeted Turkish security forces in the southeast, a number have targeted places frequented by civilians or tourists, including a shopping area in Ankara and a major shopping, tourist and leisure district in Istanbul. The PKK also was responsible for a ferry hijacking in the Marmara Sea, near Istanbul.

The PKK has also conducted kidnappings, including of Westerners. In the latest incident on 2 June 2012, a British tourist reportedly was kidnapped but was released the following day.

Significant recent attacks for which responsibility has been claimed by or reliably attributed to the PKK include:

- 1 March 2012: Fifteen police officers and a civilian were wounded in a remotely controlled IED attack by suspected PKK militants targeting a police bus in the Imrahor Street area of Istanbul. The explosion reportedly occurred as the bus passed the headquarters of the ruling Justice and Development Party.
- 24 November 2011: Three Turkish employees of a Canada-based energy company were killed by PKK militants in an attack targeting the Selmo oil field at Kozluk, Batman province.

- 11 November 2011: A PKK militant carrying a suspected explosive device hijacked a passenger ferry and took hostage 18 passengers and six crew members in the Marmara Sea, near Istanbul.
- 29 October 2011: At least two people were killed and as many as 20 others wounded when a suspected PKK suicide bomber detonated her explosives outside a teahouse near the office of the Justice and Development Party in the town of Bingol in Bingol province.
- 27 September 2011: PKK militants kidnapped a total of eight teachers and a village guard in five armed attacks in the Pulumur district of Tunceli province; in the village of Gundogdu in Elazig province; and in the villages of Ciftlibahce, Dolunay and Cavundur in Diyarbakir province.
- 17 August 2011: Eight soldiers and a village guard were killed and a further 14 soldiers wounded when suspected PKK militants detonated four IEDs consecutively against a military convoy on the Hakkari-Cukurca highway in the Cukurca district of Hakkari province.
- 14 July 2011: Thirteen soldiers were killed and seven others wounded when PKK militants ambushed a security patrol with small-arms and grenades in Silvan district, Diyarbakir province.
- 26 May 2011: A police officer and seven civilians were wounded when suspected PKK militants detonated an IED at a bus stop near the Akmerkez shopping centre in the Etiler district of Istanbul.
- 4 May 2011: At least one police officer was killed and two others wounded in a combined small-arms and IED attack by suspected PKK militants targeting a bus transporting security force personnel on the outskirts of the city of Kastamonu in Kastamonu province. The attack occurred shortly after Prime Minister Recep Tayyip Erdogan held an election rally in the city.
- 31 October 2010: Thirty-two people were wounded – including 15 police officers – when a suicide bomber attacked a bus carrying police officers in Taksim Square, Istanbul. An IED planted nearby failed to explode.
- 19 June 2010: Nine soldiers were killed and 14 others wounded when PKK militants attacked an army border unit in the Semdinli area of Hakkari province. A further two soldiers were killed in a separate IED incident in Hakkari on the same day.

*Directly or indirectly preparing or planning the doing of terrorist acts*

Under the HPG alias, the group issued a statement in January 2012 declaring that “2012 will be the year of a struggle to ensure a free Leader and Free Kurdistan through an effective resistance and a Popular Revolutionary War”. A military intelligence report, which was made public in mid-February 2012, warned also of a PKK plan to escalate its

terrorist campaign. PKK leaders had reportedly discussed their intentions to conduct large-scale attacks throughout the south-east, with the aim of inflicting major losses on the Turkish military. The group also planned to attack police and civilians in urban areas using homemade explosives.

### **Conclusion**

On the basis of the above information, ASIO assesses the PKK continues to directly and/or indirectly engage in, prepare, plan, assist, advocate or foster the doing of terrorist acts involving threats to life and serious property damage. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, the PKK is known to have committed or threatened action:

- that causes, or could cause, serious damage to property, the death of persons or endangers a person's life; and
- with the intention of advancing the PKK's political, religious or ideological causes; and
- with the intention of intimidating the public and sections of the public.

### **Other relevant information**

#### *Links to other terrorist groups or networks*

The PKK maintains close links with its Iranian affiliate, the Kurdistan Free Life Party (PJAK). Like the PKK, PJAK has training camps in northern Iraq. Iran has designated the PKK as a terrorist organisation and both Iran and Turkey are reported to have conducted probable coordinated military operations against both groups in their shared border areas.

#### *Links to Australia*

There are no known PKK links to Australia; however, it is likely elements of Australia's Kurdish community remain sympathetic to the Kurdish nationalist cause.

#### *Threats to Australian interests*

There are no known direct threats from the PKK to Australian interests. The PKK is not known to be engaged in any peace or mediation processes.

#### *Proscription by the UN and other countries*

The PKK is listed as a proscribed terrorist organisation by many governments, including the United Kingdom, Canada and New Zealand. The organisation is proscribed by the United States government under the name of Kongra Gel. The PKK is listed by the European Union for the purposes of its anti-terrorism measures.





## Appendix F – Statement of Reasons – Lashkar-e-Tayyiba

**Also known as: al Mansooreen; al Mansoorian; Army of Medina;  
Army of the Pure; Army of the Pure and Righteous; Army of the Righteous;  
Falah-e-Insaniyat Foundation; Idara Khidmat-e-Khalq; Jama'at al-Dawa;  
Jama'at-i-Dawat; Jamaati-ud-Dawa; Jamaat ud-Daawa; Jama'at-ud-Da'awa;  
Jama'at-ud-Da'awah; Jamaat-ud-Dawa; Jama'at ul-Da'awa;  
Jamaat-ul-Dawa; Jamaat ul-Dawah; Jamaat-ud-Dawa; JuD; JUD;  
Lashkar-e-Taiba; Lashkar-e-Tayyaba; Lashkar-e-Toiba; Lashkar-i-Tayyaba;  
Lashkar-i-Toiba; Lashkar-Tayyiba; LeT; LT; Paasban-e-Ahle-Hadis;  
Paasban-e-Kashmir; Paasban-i-Ahle-Hadith; Party of the Calling;  
Party of Preachers; Pasban-e-Ahle-Hadith; Pasban-e-Kashmir;  
Soldiers of the Pure; and Tehreek-e-Tahafuz Qibla Awal.**

The following information is based on publicly available details about Lashkar-e-Tayyiba (LeT). To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by classified information.

### **Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur);  
or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

## **Details of the organisation**

### *Objectives*

LeT is a Sunni Islamic extremist organisation based in Pakistan that uses violence in pursuit of its stated objective of uniting Indian administered Kashmir (IAK) with Pakistan under a radical interpretation of Islamic law. LeT's broader objectives include to establish an Islamic Caliphate across the Indian subcontinent, and to reclaim all 'occupied Muslim lands' in southern Spain and the Balkans. To this end, LeT intends to pursue the 'liberation', not only of Muslim-majority Kashmir, but of all India's Muslim population, even in areas where they do not form a majority. LeT has declared that democracy is antithetical to Islamic law and that LeT's jihad requires it to work toward turning Pakistan itself into a purely Islamic state.

LeT was formed circa 1989 as the military wing of the Pakistan-based Islamist fundamentalist movement Markaz al-Dawa wal Irshad (MDI – meaning Centre for Religious Learning and Propagation) and also known as the Jamaat al-Daawa). Originally formed to wage militant jihad against the occupation of Afghanistan by the Soviet Union, LeT shifted its focus to the insurgency in IAK in the 1990s, after Soviet troops withdrew from Afghanistan.

In 2002, LeT was banned by the Pakistani government but the group continues to operate in Pakistan under the alias Jamaat ud-Dawa (JuD). Ostensibly created as a charitable organisation by LeT founder Hafiz Muhammad Saeed immediately prior to LeT being banned, JuD functions as a front organisation for LeT in order to mask its activities and to continue to solicit funds. The United Nations (UN) Security Council listed JuD as an LeT alias on 10 December 2008.

While IAK and broader Indian interests remain LeT's primary focus, there is always a potential for splinter groups to emerge who want to re-focus their activities and bring them more into line with al-Qa'ida's 'global jihad' against the US and Israel and their allies. However, LeT's primary objective remains the 'liberation' of Muslims in IAK.

### *Leadership*

The recognised leader of LeT, Hafiz Muhammad Saeed was arrested in February 2006 for leading violent protests in response to a Danish newspaper publishing cartoons depicting the Prophet Muhammad. Many Muslims worldwide considered the cartoons blasphemous.

He was arrested again in August 2006 in the wake of British police disrupting a plot by British citizens to detonate explosives on multiple airplanes mid-flight en route from London to the United States. He has since been detained and subsequently released by Pakistani authorities on several occasions.

On 10 December 2008, the United Nations (UN) Security Council 1267 Committee approved the addition of Hafiz Muhammad Saeed to its consolidated list of individuals and entities subject to assets freeze, travel bans and arms embargo measures. Also in December 2008, the then US Secretary of State, Condoleezza Rice, identified Saeed as responsible for the November 2008 attacks in Mumbai which killed more than 170 people. Rice sought Pakistan's support to apprehend Saeed in relation to his and LeT's links to the attack. Saeed was detained again, under house arrest, but was released in June 2009 as the Lahore High Court ruled his detention unconstitutional. Saeed is still considered LeT's leader.

In April 2012, the US State Department announced a US\$10 million reward for the capture or information leading to the arrest and conviction of Saeed. As of October 2011, LeT chief of operations Zaki-ur Rehman Lakhvi continues to communicate with LeT members and co-ordinate LeT activities despite being detained in Central Jail Rawalpindi (commonly known as Adiala Jail) for his leading role in the 2008 Mumbai attacks. Lakhvi was arrested along with several other LeT members on 7 December 2009 and is yet to stand trial. Lakhvi's orders from the jail have included directing LeT fighters to step up violence in the Kashmir Valley.

### *Membership*

LeT's estimated strength is reported to include several hundred trained militants. The majority of LeT's membership consists of jihadists from Pakistan and Afghanistan.

### *Recruitment and funding*

LeT receives funding from donors in the Middle East, mainly Saudi Arabia, and through charitable donations collected from sympathisers in Pakistan, Kashmir, the United Kingdom and Persian Gulf states.

## **Terrorist activity of the organisation**

### *Directly or indirectly engaged in the doing of terrorist acts*

LeT is one of the most active of the Pakistan-based Kashmir-focused militant groups. LeT has directly engaged in, prepared and planned numerous terrorist attacks, including bombings, assassinations and kidnappings against Indian security forces (military and police), government assets, transport and civilians in the disputed territory as well as in India.

Indian and Pakistani initiatives to resolve the Kashmir situation have led to an overall reduction in the level of infiltration and insurgent activity since 2002. However, LeT continues to engage militarily with Indian security forces on a regular basis. Several attacks in IAK have been attributed to the group by Indian authorities, including the massacre of over thirty Hindus in two separate attacks in the Doda and Udhampur districts on 1 May 2006. The attacks occurred two days prior to peace talks between the Indian government and Kashmiri separatist groups, and were condemned by India as an attempt by LeT to sabotage the Kashmir peace process. At least 19 LeT insurgents and ten Indian soldiers died during running clashes in Kupwara district in March-April 2009. Smaller scale engagements occur on a regular basis, primarily targeting Indian security forces, but also directed against non-Muslim civilians.

LeT is also widely held to have directly engaged in a number of significant attacks in India in recent years. In November 2008, LeT members killed more than 170 people, including two Australians, in an attack on the Indian financial hub, Mumbai. Other attacks include the 11 July 2006 serial bombings on trains in Mumbai and the 29 October 2005 serial explosions at marketplaces in New Delhi, which together killed more than 260 people. While two little-known groups claimed responsibility for the Mumbai and New Delhi attacks, subsequent investigations have led Indian authorities to conclude LeT was behind both attacks.

Significant attacks for which responsibility has been claimed by or reliably attributed to the LeT include:

- October 2011: An LeT militant killed a policeman in Srinagar. Police arrested the gunman, who claimed during his interrogation that LeT had revived plans to assassinate police officers;
- January 2011: Suspected LeT militants kidnapped two girls from their home and then killed them in Sopore, IAK;
- August 2010: An Indian soldier and three suspected LeT militants were killed in a two-day gun battle in IAK;
- April 2009: LeT claimed responsibility for a bomb which killed five people and wounded eight others in Poonch, IAK;
- November 2008: LeT members conducted an attack on the Indian financial hub, Mumbai. More than 170 people were killed in this attack, including two Australians. The attack was aimed at important infrastructure and public places. The attackers used sophisticated insertion techniques and conducted their coordinated attack with small arms and explosives;
- September 2008: A number of LeT militants crossed into India and engaged Indian border forces along the Line of Control in the Poonch district. Several militants and border troopers were killed;
- February 2007: Attack on a Central Reserve Police Forces (CRPF) patrol party, which killed two CRPF officers;
- July 2006: Serial bombings on trains in Mumbai, which killed more than 200 people;
- June 2006: Joint responsibility with Hizb-ul-Mujahideen for the kidnap and killing of seven Nepalese civilians and one Indian civilian in Kulgam, IAK;
- May 2006: Attack on a Youth Congress rally at Sher-e-Kashmir Park in Srinagar, which killed three political activists and two police officers;
- May 2006: Killing of 34 Hindu civilians in Doda and Udhampur districts, IAK;
- November 2005: Car bomb attack near the main entrance of the IAK Bank Corporate Headquarters in Srinagar, which killed four civilians and injured 72 others; and
- October 2005: Coordinated bomb attacks at marketplaces and on a bus in New Delhi, which killed over 60 people.

*Directly or indirectly preparing and/or planning terrorist acts*

LeT operates a number of camps in Pakistan which provide both religious instruction and military style guerrilla training and support. Since proscribing LeT as a terrorist organisation in 2002, the Pakistani authorities have acted to close some LeT and JuD camps. A number of LeT training facilities are now smaller in scale, with some being mobile, and are focused on preparing jihadists for low-intensity, hit-and-run type operations, in which the attackers are not expected to survive.



In February 2012, Indian authorities arrested three men - two in South Delhi and one in Jharkhand - for their role in planning attacks against targets in the Chandni Chowk market in New Delhi and in Srinagar, IAK. According to Indian authorities, a genuine and imminent LeT operation was disrupted. The plan was to use explosives and incendiary components to start a fire and inflict maximum casualties.

*Directly or indirectly assisting in or fostering the doing of terrorist acts*

LeT is known to have trained foreigners to conduct terrorist operations. British citizens trained by LeT include Richard Reid, who tried to blow up a trans-Atlantic flight in 2001, and Dhiren Barot, who was convicted in 2006 of planning a bombing in London. Investigations indicate one of the British-born suicide bombers responsible for the 7 July 2005 attacks in London, Shehzad Tanweer, may have received training at a LeT camp in Pakistan. LeT is also suspected of providing some funding and logistical support to the disrupted British trans-Atlantic plane bombing plot in August 2006 using JuD as a cover.

Several individuals with links to LeT have been arrested in Australia, the US, and Canada since 2003 for allegedly planning terrorist activities. In March 2007, a French court convicted a French national, Willie Brigitte, for planning terrorist attacks in Australia in 2003 in conjunction with suspected LeT chief for external operations, Sajid Mir. Brigitte's Australian associate, Faheem Khalid Lodhi, was also convicted of planning acts of terrorism by a New South Wales Supreme Court jury in June 2006; in June 2008, Lodhi lost an appeal to the High Court of Australia to have his case overturned.

In 2009, Sajid Mir worked with now-detained US extremist David Headley on an aborted plot to attack a newspaper office in Copenhagen, Denmark.

Australian citizen David Hicks has admitted to attending an LeT training camp in Kashmir in and around 2000. Aside from facilitating training, it is not clear whether LeT sanctioned the terrorist activities of any of these foreign-born individuals.

*Advocating the doing of terrorist acts*

In October 2006, LeT issued a fatwa asking the Muslim community to kill Pope Benedict XVI, in response to a speech delivered by the Pope on 12 September 2006.

In December 2011, Hafiz Saeed vowed that the jihad to oust Indian forces from Kashmir would continue.

**Conclusion**

On the basis of the above information, ASIO assesses LeT continues to directly and/or indirectly engage in, prepare, plan, assist, advocate or foster the doing of terrorist acts involving threats to life and serious property damage. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, LeT is known to have committed or threatened action:

- that causes, or could cause, serious damage to property, the death of persons or endanger a person's life; and
- with the intention of advancing LeT's political, religious or ideological causes; and

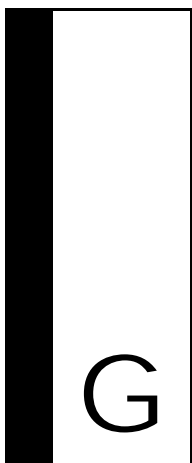
- with the intention of intimidating the public and sections of the public.

**Other relevant information**

LeT maintains links to the Afghan Taliban and several Pakistani Islamist extremist groups, including the Kashmir-focused terrorist group Jaish-e-Mohammed and the Sunni sectarian group Lashkar-e-Jhangvi. LeT is reported to have been involved with militant Islamists in other places where conflict involving Muslims have arisen, including Bosnia, Chechnya, Kosovo and Afghanistan. In 2004, several LeT operatives were captured by British forces in Iraq.

LeT is not engaged in any peace or mediation process.

LeT is listed in the UN 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, the United Kingdom, the United States, Pakistan and India.



## Appendix G – Statement of Reasons – Palestinian Islamic Jihad

**(Also known as: PIJ; al-Quds Brigades; Harakat al-Jihad al-Islami fi Filistin; Islamic Jihad; Islamic Jihad Palestine; Islamic Jihad – Palestine Faction and Islamic Holy War)**

The following information is based on publicly available details about Palestinian Islamic Jihad. To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by classified information.

### **Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

### **Details of the organisation**

PIJ is a Sunni Islamist Palestinian militant organisation committed to the destruction of the state of Israel. The group was founded in 1981 in Gaza by Dr Fathi abd al-Aziz Shaqaqi and Shayk Abd al-Aziz Awda, both of whom were originally members of the Egyptian Muslim Brotherhood. Believing the Muslim Brotherhood to be too moderate, the two created PIJ as a radical militant alternative focused on the liberation of Palestine.

PIJ consists of a leadership council and a military wing, called the al-Quds Brigades. Responsibility for PIJ attacks is claimed by the al-Quds Brigades. Unlike groups such as Hamas and Hizballah, which maintain extensive political and social apparatuses alongside their terrorist wings, PIJ focuses exclusively on militant activity. It is therefore unnecessary to distinguish the al-Quds Brigades from the PIJ as a whole.

Despite being a Sunni group, PIJ was inspired by and remains ideologically supportive of Iran's Islamic Revolution and maintains close ties with the Iranian Revolutionary Guards Corps and Hizballah.

PIJ's main source of funding is Iran. PIJ also receives donations from Syria and the Palestinian community.

### **Objectives**

PIJ's goal is the establishment of a sovereign Islamic state within the geographic borders of the pre-1948 British mandated Palestine. It promotes the military destruction of Israel as the only viable means to attain this goal. Accordingly, PIJ refuses to participate in the political process and rejects the possibility of a negotiated settlement to the Israel/Palestine problem.

### **Leadership and Membership**

The current leader of PIJ is Dr Ramadan Abdullah Shallah, who took over from Fathi abd al-Aziz Shaqaqi in 1995 after Shaqaqi's death. Shallah is based in Damascus, from where he and his leadership council coordinate fundraising and procurement for the al-Quds Brigades in Gaza, Lebanon and the West Bank.

PIJ recruits the majority of its militants from Palestinian refugee communities in Gaza and the West Bank. It is a secretive organisation and the exact size of its membership is not known, although the total size of PIJ, including its political leadership in Damascus and militant activists in the Palestinian Territories, is likely to be less than 1000 members.

### **Terrorist activity of the organisation**

*Directly or indirectly engaged in the doing of terrorist acts / Directly or indirectly preparing and/or planning terrorist acts*

PIJ claimed responsibility for more than 30 suicide bombings between 1987 and 2006. Since that time, the majority of its attacks have consisted of indiscriminate rocket and mortar fire into southern Israel from Gaza. Its attacks are generally indiscriminate in nature, seeking to maximize casualties.

Some recent examples include:

- 29 October 2011: PIJ launched a number of rockets into several areas of Israel's Southern District, killing one Israeli civilian and wounding two.
- 20 August 2011: PIJ militants launched a series of rockets into Israel's southern district, killing one Israeli civilian and injuring seven.
- 8 January 2011: suspected PIJ militants fired two mortar rounds into an area of Israel's Southern District, wounding two Thai nationals.

PIJ has confined its attacks to the Levant and has not deliberately targeted Western interests.

### **Conclusion**

On the basis of the above information, ASIO assesses PIJ continues to directly and/or indirectly engage in, preparing, planning, assisting, advocating or fostering the doing of

terrorist acts, involving threats to life and serious property damage. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives PIJ is known to have committed or threatened action:

- that causes, or could cause, serious damage to property, the death of persons or endanger a person's life; and
- with the intention of advancing PIJ's political, religious or ideological causes; and
- with the intention of intimidating the public and sections of the public.

### **Other Relevant Information**

#### *Links to Australia*

There are no known links to Australia.

#### *Other designations*

PIJ is proscribed as a terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the United States. PIJ is also listed by the European Union for the purposes of its anti-terrorism financing measures.

PIJ is also included in the DFAT Consolidated List that refers to United Nations Council Resolution 1373 in relation to countering financing of terrorism.