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Australian Government
Attorney-General's Department

National Security
Law and Policy Division

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9 April 2009

Mr Robert Little
Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Little

I refer to the Attorney-General's letter to the Chair of the Parliamentary Joint Committee on Intelligence and Security concerning the proposed regulations re-listing Ansar al-Islam, Asbat al-Ansar (AAA), Jaish-e-Mohammad (JeM), Islamic Army of Aden (IAA), Lashkar-e Jhangvi (LeJ) and Islamic Movement of Uzbekistan (IMU) as terrorist organisations under the Criminal Code.

I confirm that the following *Criminal Code Amendment Regulations 2009* were made on 13 March 2009 giving effect to the re-listing of Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations under the Criminal Code.

- *Criminal Code Amendment Regulations 2009 (No. 1)* with respect to the re-listing of Ansar al-Islam
- *Criminal Code Amendment Regulations 2009 (No. 2)* with respect to the re-listing of Asbat al-Ansar (AAA)
- *Criminal Code Amendment Regulations 2009 (No. 3)* with respect to the re-listing of Jaish-e Mohammad (JeM)
- *Criminal Code Amendment Regulations 2009 (No. 4)* with respect to the re-listing of Islamic Army of Aden (IAA)
- *Criminal Code Amendment Regulations 2009 (No. 5)* with respect to the re-listing of Lashkar-e Jhangvi (LeJ), and
- *Criminal Code Amendment Regulations 2009 (No. 6)* with respect to the re-listing of Islamic Movement of Uzbekistan (IMU).

These regulations took effect on 14 March 2009.

I now attach a document outlining the process for re-listing Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations. I understand that this document will be considered as a

submission to the Committee's review into the re-listing of these organisations, and I consent to its publication.

Yours sincerely

Maree Hume
Acting Assistant Secretary
Security Law Branch

Process for the 2009 re-listing of Ansar al-Islam, Asbat al-Ansar (AAA), Jaish-e-Mohammad (JeM), Islamic Army of Aden (IAA), Lashkar-e Jhangvi (LeJ) and Islamic Movement of Uzbekistan (IMU) as terrorist organisations under the Criminal Code

The following processes were undertaken for the purpose of re-listing Ansar al-Islam, Asbat al-Ansar (AAA), Jaish-e-Mohammad (JeM), Islamic Army of Aden (IAA), Lashkar-e Jhangvi (LeJ) and Islamic Movement of Uzbekistan (IMU):

1. The then Director-General of Security, Mr Paul O'Sullivan, wrote to the Attorney-General on 21 January 2009 outlining the background, training activities, terrorist activities, and relevant statements of Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU. This included the provision of unclassified Statements of Reasons prepared by ASIO, in consultation with DFAT and AGS, detailing the case for re-listing Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU.
2. A submission was provided to the Attorney-General on 28 January 2009 providing the following documents:
 - a. copies of the Statements of Reasons received from ASIO with respect to the six organisations
 - b. advice from the Chief General Counsel in relation to the six organisations, and
 - c. regulations and Federal Executive Council documentation.
3. Having considered the information provided in the submission, the Attorney-General signed a separate statement with respect to Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU confirming that he is satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.
4. The Attorney-General also signed the *Criminal Code Amendment Regulations 2009* in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minutes and explanatory statements for each organisation.
5. The Attorney-General wrote to the Prime Minister and the Director-General of Security advising of his intention to list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.
6. On 17 February 2009 the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the decision to list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.

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

Australian Capital Territory – 4 March 2009
New South Wales – dated 6 March 2009
Northern Territory – 12 March 2009
Victoria – 12 March 2009
Western Australia – 12 March 2009
South Australia – 25 March 2009

All responses were supportive of the proposed re-listings.

Note: On 11 March 2009 the Director-General of Queensland's Department of the Premier and Cabinet advised that as an election in Queensland would take place on 21 March 2009, the conventions of a caretaker government applied and it would therefore not be possible to provide a response to the Prime Minister's proposal within the timeframe requested.

7. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security advising of his decision to re-list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.
8. The Attorney-General advised the Leader of the Opposition of the proposed re-listing of Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations by letter, and offered a briefing in relating to these re-listings.
9. On 13 March 2009 the Governor-General made six separate regulations as follows:

Criminal Code Amendment Regulations 2009 (No. 1) with respect to the re-listing of Ansar al-Islam

Criminal Code Amendment Regulations 2009 (No. 2) with respect to the re-listing of Asbat al-Ansar (AAA)

Criminal Code Amendment Regulations 2009 (No. 3) with respect to the re-listing of Jaish-e Mohammad (JeM)

Criminal Code Amendment Regulations 2009 (No. 4) with respect to the re-listing of Islamic Army of Aden (IAA)

Criminal Code Amendment Regulations 2009 (No. 5) with respect to the re-listing of Lashkar-e Jhangvi (LeJ), and

Criminal Code Amendment Regulations 2009 (No. 6) with respect to the re-listing of Islamic Movement of Uzbekistan (IMU).

10. The Regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 13 March 2009 with the following FRLI Reference Numbers:

F2009L00835 - *Criminal Code Amendment Regulations 2009 (No. 1)* with respect to the re-listing of Ansar al-Islam

F2009L00834 - *Criminal Code Amendment Regulations 2009 (No. 2)* with respect to the re-listing of Asbat al-Ansar (AAA)

F2009L00838 - *Criminal Code Amendment Regulations 2009 (No. 3)* with respect to the re-listing of Jaish-e Mohammad (JeM)

F2009L00837 - *Criminal Code Amendment Regulations 2009 (No. 4)* with respect to the re-listing of Islamic Army of Aden (IAA)

F2009L00836 - *Criminal Code Amendment Regulations 2009 (No. 5)* with respect to the re-listing of Lashkar-e Jhangvi (LeJ), and

F2009L00833 - *Criminal Code Amendment Regulations 2009 (No. 6)* with respect to the re-listing of Islamic Movement of Uzbekistan (IMU).

The regulations came into effect on 14 March 2009, the day after they were registered on FRLI.

11. The Attorney-General issued a Media Release on 17 March 2009 announcing the re-listing of the terrorist organisations and attaching copies of the Statements of Reasons for each organisation.

The Attorney-General's Department's National Security website was also updated.