



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

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Secretary:

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30 AUG 2004

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



Dear Mr Jull,

I am writing to advise you that a regulation is scheduled to be considered by the Federal Executive Council on 2 September 2004 specifying Al Qa'ida as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

Al Qa'ida was specified under the *Criminal Code Regulations 2002* as a terrorist organisation for the purposes of section 102.1 of the Criminal Code with effect from 21 October 2002. Pursuant to subsection 102.1(3) of the Criminal Code, the listing of Al Qa'ida will cease to have effect on the second anniversary of the day on which it took effect.

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

The regulation will be made on the basis that I am satisfied on reasonable grounds that Al Qa'ida is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the act has occurred or will occur).

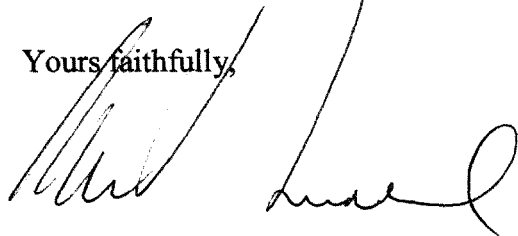
I made the decision to re-list Al Qa'ida following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in relation to the organisation, and legal advice provided to me by the Australian Government Solicitor.

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

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

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

Yours faithfully,

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

Philip Ruddock

Al-Qa'ida

The following information is based on publicly available details about al-Qa'ida. These details have been corroborated by material from intelligence investigations into the activities of al-Qa'ida. ASIO assesses that the details set out below are accurate and reliable.

Background

Al-Qa'ida ('The Base') is a loose-knit grouping of individuals and organisations that espouses a violent Islamic extremist ideology. It was founded, and has been led at all times, by Usama Bin Laden.

Al-Qa'ida emerged in 1989 from the Makhtab al Khidemat (the 'Services Office'), a body established to finance and facilitate volunteers for the mujahideen (Islamic warriors) war against the Soviet Union in Afghanistan during the 1980s. It drew together individuals from a number of pre-existing Islamic extremist groups, and has formed affiliations with many other Islamic extremist organisations.

Objectives

The initial focus of al-Qa'ida was a general opposition to non-Islamic regimes, particularly those seen as oppressing or attempting to oppress Islamic peoples or states. After Iraq invaded Kuwait in 1990, and Saudi Arabia permitted US forces to be based in the Kingdom, the major focus of al-Qa'ida became the desire to rid the Islamic Holy Land (Saudi Arabia) of the infidel (US forces).

Since then the objective of al-Qa'ida has been extended to encompass the ejection from the entire Muslim world of US and Western influence and the recovery of Muslim lands 'lost' at any point in history.

In furthering its international objectives, Australia is seen as a legitimate target by al-Qa'ida and associated groups. Since 11 September 2001, Australia has been named as a target in five public statements by Usama bin Laden and one by his deputy Ayman al Zawahiri. Australia has also figured in media and internet statements by al-Qa'ida and other Islamist extremist sources.

In his most recent mention of Australia, on 18 October 2003, bin Laden stated in a message broadcast by al-Jazeera television in relation to the war in Iraq that:

'we maintain our right to reply, at the appropriate time and place, to all the states that are taking part in this unjust war, particularly Britain, Spain, Australia, Poland, Japan and Italy.'

Leadership and membership

Usama bin Laden and his deputy, Ayman al-Zawahiri, continue to lead al-Qa'ida. While al-Qa'ida has suffered major losses in leaders and personnel in the US-led War on Terrorism, al-Qa'ida continues to recruit new members and has replaced captured and killed leaders.

Prior to the September 11 attacks on the United States, Afghanistan provided a safe haven for 'training camps' that provided training to al-Qa'ida recruits in a range of disciplines from Islamic doctrine to terrorist techniques. ASIO has confirmed that a small number of Australians have trained in such camps in Afghanistan. The training at such camps has included training in manufacture, use, and smuggling of explosives, assassinations, and military operations.

Training was arranged for members of radical Islamic groups, including al-Qa'ida, from around the world – reliable estimates of the figures range from 15,000 to 20,000 individuals trained in such camps. As a consequence, groups and cells, other than member groups of al-Qa'ida, have formed a network of Islamic extremists on which bin Laden has drawn or inspired to act in support of his objectives. Many of these groups and cells remain in existence in a large number of countries.

While al-Qa'ida has lost Afghanistan as a safe haven, it has re-grouped and recruited new members in many parts of the world, including the Middle East, South and South East Asia and East Africa. Al-Qa'ida also successfully exploits the Internet and other technology to propagandise and proselytise.

Terrorist activities

Al-Qa'ida continues to organise and engage in acts of terrorism and also acts as a coordinator and facilitator of such acts by associated groups. Bin Laden defined the al-Qa'ida terrorism agenda by statements (fatwas) directing his followers to look widely for targets. In 1998, he issued a fatwa decreeing that US civilians were legitimate targets for terrorist attack. The fatwa stated: *"the killing of Americans and their civilian and military allies is a religious duty for each and every Muslim to be carried out in whichever country they are until Al Aqsa mosque has been liberated from their grasp and until their armies have left Muslim lands"*.

Bin Laden is widely regarded as being responsible for ordering the 11 September 2001 attacks on the World Trade Centre and the Pentagon in the United States. He has not made any attempt to deny such responsibility and, following those attacks, he made a number of self-incriminatory statements. In a video made on 20 October 2001, which was circulated to supporters of the al-Qa'ida network, he referred to the attacks on US buildings, and stated: *"It is what we instigated for a while, in self-defence... So if avenging the killing of our people is terrorism, let history be a witness that we are terrorists."* He also indicated an intention to continue al-Qa'ida's terrorist activities, stating that *"The battle has been moved inside America, and we shall continue until we win this battle, or die in the cause and meet our maker."*

Since the 11 September 2001 attacks on New York and Washington, attacks for which responsibility has been claimed by, or reliably attributed to, al-Qa'ida have included:

- an explosive-laden boat attack on a French oil tanker (the *MV Limburg*) off Yemen in October 2002
- an attack using shoulder launched missiles in November 2002 against an Air Arkia 737 near Mombasa airport — both of which missed. This attack occurred simultaneously with a suicide car bomb attack on an Israeli-owned holiday resort in Mombasa which killed 12 people

- a car bomb suicide attack in a residential complex in Riyadh, Saudi Arabia, on 12 May 2003 which killed approximately 40, including an Australian
- bomb attacks against several Western targets in Morocco on 16 May 2003 which killed 41 people
- the bombing of a housing compound in Riyadh on 8 November 2003
- car bomb attacks on the Neve Shalom and Beth Israel Synagogues in Istanbul on 15 November 2003, which killed 25 and injured over 300
- two near simultaneous truck bombs attacks against the British Consulate and the British owned HSBC bank in Istanbul on 20 November 2003, killing at least 27 people, including an Australian woman who was working at the Consulate, and injuring approximately 450.
- multiple bomb attacks on the Madrid rail system in March 2004 which killed 191 people and injured 1500
- attacks on office buildings and residential compounds in al-Khobar in May 2004 in which 22 people were killed.

The US Government assesses that al-Qa'ida is currently engaged in preparing to undertake an attack in the United States, probably to affect and / or coincide with the Presidential and Congressional elections in November 2004.

Conclusion

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

In the course of pursuing its objectives, al-Qa'ida is known to have engaged in actions that:

- are aimed at advancing al-Qa'ida's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in countries around the world and persons visiting these countries.

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