



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

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Secretary:

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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 4 November 2004 specifying the Abu Sayyaf Group as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

The Abu Sayyaf Group 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 14 November 2002. Pursuant to subsection 102.1(3) of the Criminal Code, the listing of the Abu Sayyaf Group 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 the Abu Sayyaf Group 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).

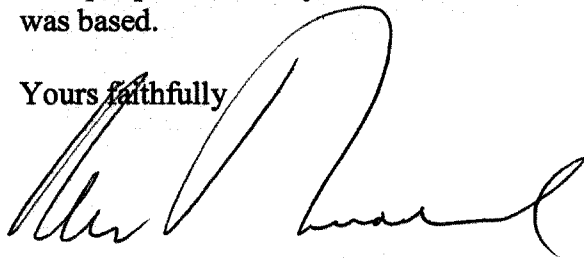
I made the decision to re-list the Abu Sayyaf Group following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in relation to the organisation, and legal advice provided to me by the Australian Government Solicitor.

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 the Abu Sayyaf Group, 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

Abu Sayyaf Group

(Also known as: Al-Harakat Al-Islamiyya (AHAI); Al-Harakat-ul Al-Islamiyya; Al-Harakatul-Islamia; Al-Harakat Al-Aslamiya; Abou Sayaf Armed Band (ASAB); Abu Sayaff Group; Abou Sayyef Group and Mujahideen Commando Freedom Fighters (MCFF))

The following information is based on publicly available details about the Abu Sayyaf Group (ASG). These details have been corroborated by material from intelligence investigations into the activities of the ASG and by official reporting. ASIO assesses that the details set out below are accurate and reliable.

The ASG is listed as a proscribed terrorist organisation by the United Nations and the United States Government.

Background

The ASG was founded in the early 1990s by Abdurajak Janjalani. It was formed from the more militant elements of the Moro National Liberation Front, an established Islamist separatist movement in the southern Philippines. The ASG is based in the southern Philippines, primarily the Sulu archipelago, Tawi Tawi and Basilan but also has elements in Mindanao. Although it proclaims an Islamist separatist agenda, the ASG often resorts to criminal activities including murders, bombings, extortion and kidnap-for-ransom.

Objectives

Since its formation the ASG's stated aim has been to unite Philippine Muslims to fight for an Islamic state encompassing the southern Philippines. ASG amir, Khadaffy Janjalani, gave an indication on 27 September 2002 that the ASG will continue to conduct terrorist attacks in the Philippines against both Philippine and foreign, presumably US, targets:

"We call on all believers in the oneness of Allah and who fear the day of judgment to do their sacred duty to protect the interest of Islam and strike at its enemies, both foreign and local, at their persons and their properties wherever they may be."

Leadership and membership

The ASG's membership, currently estimated at around 400, is drawn almost exclusively from members of ethnic groups from the islands of Basilan and Jolo in the southern Philippine province of Sulu.

The ASG has links to al-Qa'ida and Jemaah Islamiyah, and ASG members have been trained by both organisations in guerrilla warfare, military operations and bomb making. In 1991 Osama bin Laden's brother-in-law, Mohammad Jammal Khalifa, established the Islamic International Relief Organisation in the Philippines and used this organisation to channel funds to the ASG for training and arms.

Despite joint US-Armed Forces of the Philippines military operations in 2002 to diminish the ASG's strength, the ASG continues to plan terrorist attacks in the Philippines, including bombings and attacks against civilians and Western – but predominantly US - interests.

Terrorist activities

The ASG has been involved in a number of terrorist attacks including assassination, bombings of civilian and military establishments and domestic infrastructure including airports and ferries, kidnapping local officials and Western tourists, the beheading of local and Western hostages, and extortion against local and Western businesses.

Terrorist activities ascribed to the ASG, or for which it claims responsibility, include:

- the April 1995 attack on a village in coastal Mindanao which killed 75 civilians;
- the 28 December 1995 kidnapping of 16 people, including 6 Americans from a tourist resort at Lake Sebu, Mindanao. The hostages were released on 31 December in return for new housing and a cemetery for local Muslims in South Cotabato;
- the 14 February 1996 attack using automatic weapons on the Citibank headquarters in Manila. Philippine Police attributed the attack to the ASG;
- the 30 March 1998 assassination of a radio broadcaster in Zamboanga City, Mindanao. The ASG publicly claimed responsibility for his murder;
- the 23 April 2000 kidnapping of 21 people, including 10 foreign tourists, from the Malaysian resort island of Sipadan. This kidnapping was resolved in 2001 when the ASG received a \$15 million ransom from the Philippine Government;
- the 27 May 2001 kidnapping of 20 people from the Philippine tourist resort of Dos Palmos on Palawan Island, in which several victims were subsequently murdered – including a US citizen. Another US citizen was killed during a rescue operation on 7 June 2002;
- the 2 October 2002 bombing of a karaoke bar in Zamboanga City which killed four people, including a US soldier and injured 24 others;
- the 4 March 2003 bombing of the Davao International Airport, Davao City which killed 22 persons;
- the 2 April 2003 bombing of the Sasa Ferry Wharf, Davao City which killed 16 persons; and
- the 27 February 2004 bombing of Superferry 14 in Manila Bay which is estimated to have killed over 100 people.

ASIO assesses that the ASG remains committed to its objective of uniting Philippine Muslims to fight for an Islamic state encompassing the southern Philippines, and to engaging in terrorist acts in pursuit of that objective. ASIO assesses that the ASG continues to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. These assessments are based on information provided by reliable and credible intelligence sources.

Conclusion

In the course of pursuing its objectives, the ASG is known to have engaged in actions that:

Attachment A

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

In view of the above information, the ASG 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 government and people of the Philippines, the United States and other countries. The actions or threatened actions which the ASG are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.