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The Parliament of the Commonwealth of Australia

# Review of the listing of AQAP and the re-listing of six terrorist organisations

Parliamentary Joint Committee on Intelligence and Security

August 2011  
Canberra

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## Membership of the Committee

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**Deputy Chair** The Hon Philip Ruddock MP

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Mr John Forrest MP (from  
06/07/11)

Mr Daryl Melham MP

Mr Andrew Wilkie MP

Senator Mark Bishop (from 01/07/11)

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Senator the Hon John Faulkner

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Senator Julian McGauran (till 30/06/11)

Senator the Hon Ursula Stephens (from  
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<b>Secretary</b>	Mr Jerome Brown (from 26/07/11)
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## 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 Qa'ida in the Arabian Peninsula (AQAP)**

*Criminal Code Amendment Regulations 2010 (No 1)*  
Registered: 21 July 2010 (FRLI: F2010L02093)

#### **Al-Qa'ida (AQ)**

*Criminal Code Amendment Regulations 2010 (No 2)*  
Registered: 21 July 2010 (FRLI: F2010L02094)

#### **Jemaah Islamiyah (JI)**

*Criminal Code Amendment Regulations 2010 (No 3)*  
Registered: 21 July 2010 (FRLI: F2010L02095)

**Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)**

*Criminal Code Amendment Regulations 2010 (No 4)*

Registered: 21 July 2010 (FRLI: F2010L02096)

**Jamiat ul-Ansar (JuA)**

*Criminal Code Amendment Regulations 2010 (No 5)*

Registered: 28 October 2010 (FRLI: F2010L02825)

**Abu Sayyaf Group (ASG)**

*Criminal Code Amendment Regulations 2010 (No 6)*

Registered: 28 October 2010 (FRLI: F2010L02826)

**Al-Qa'ida in Iraq (AQI)**

*Criminal Code Amendment Regulations 2010 (No 7)*

Registered: 28 October 2010 (FRLI: F2010L02828)



## 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-Qa'ida in the Arabian Peninsula (AQAP)
  - Al-Qa'ida (AQ)
  - Jemaah Islamiyah (JI)
  - Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)
  - Jamiat ul-Ansar (JuA)
  - Abu Sayyaf Group (ASG)
  - Al-Qa'ida in Iraq (AQI)
- 1.3 This is a review of the initial listing of Al-Qa'ida in the Arabian Peninsula and a review of the re-listing of Al-Qa'ida, Jemaah Islamiyah, Al-Qa'ida in the Lands of the Islamic Maghreb, Jamiat ul-Ansar, the Abu Sayyaf Group and Al-Qa'ida in Iraq.
- 1.4 Al-Qa'ida and Jemaah Islamiyah were originally listed in October 2002. Al-Qa'ida in the Lands of the Islamic Maghreb, the Abu Sayyaf Group and Jamiat ul-Ansar were originally listed in November 2002. This is the fourth re-listing of AQ, JI, AQIM, the ASG and JuA. Al-Qa'ida in Iraq was first

listed under its previous name of TQJBR in March 2005. This is the group's third re-listing.

- 1.5 In a letter to the Committee on 16 July 2010, the Attorney-General advised that he intended to list AQAP and re-list AQ, JI and AQIM prior to the lapsing of their current listing as provided for in section 102.1(3). The Attorney-General provided statements of reasons for the listing and the re-listings. These are accepted as *submission number one* to this review.
- 1.6 The regulations were signed by the Governor-General on 19 July 2010 and came into effect on 22 July 2010, the day after they were registered on the Federal Register of Legislative Instruments (FRLI). They were then tabled in the House of Representatives and the Senate on 28 September 2010. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore, to be within the disallowance period, the Committee was required to report to the Parliament by 25 November 2010.
- 1.7 As a new listing, the regulations relating to AQAP came into effect on 26 November 2010, after the expiration of the disallowance period.
- 1.8 In a letter received by the Chair of the Committee on 22 December 2010, the Attorney-General advised that regulations re-listing JuA, ASG and AQI were signed by the Governor-General on 27 October 2010 and came into effect on 29 October 2010, the day after they were registered on FRLI.
- 1.9 The regulations were tabled in the House of Representatives and the Senate on 15 November 2010. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore, to be within the disallowance period, the Committee was required to report to the Parliament by Monday, 28 February 2010.
- 1.10 The Attorney-General provided statements of reasons for the re-listings. These are accepted as *submission number two* to this review.
- 1.11 The Attorney-General's Department noted that advice of the re-listings to the Committee was delayed due to the Parliament's dissolution due to the 2010 Federal election and the subsequent reappointment of the PJCIS. The 43<sup>rd</sup> Parliament sat for its first session on 28 September 2010.
- 1.12 Although neither of the above disallowance periods could be met by the Committee due to short timeframes, the Committee resolved to review the listing of AQAP and the re-listings of AQ, JI, AQIM, JuA, ASG and AQI and report to Parliament outside the disallowance period and notice of the review was placed on the Committee's website.

- 1.13 The listing of AQAP and the re-listing of the six groups are each valid for three years.
- 1.14 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. This chapter will examine the Government's procedures in listing AQAP and re-listing the six organisations and chapter two will consider the merits of the listings.

## The Government's procedures

- 1.15 In a letter sent to the Committee on 23 December 2010 the Attorney-General's Department informed the Committee of the procedures it had followed for the purpose of listing and re-listing all seven organisations.
- 1.16 The Attorney-General's Department advised the Committee that the procedures listed below – accepted as *submission number three* for this review – were followed for the purpose of listing al-Qa'ida in the Arabian Peninsula and re-listing al-Qa'ida, Jemaah Islamiyah and al-Qa'ida in the Islamic Maghreb.

The following processes, were undertaken for the purpose of listing al-Qa'ida in the Arabian Peninsula (AQAP) and re-listing al-Qa'ida (AQ), Jemaah Islamiyah (JI) and al-Qa'ida in the Islamic Maghreb (AQIM):

- Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for listing AQAP and re-listing AQ, JI and AQIM.
- On 18 May 2010, Mr George Witynski, Deputy Chief General Counsel, provided written advice with respect to the Statements of Reasons for AQAP, AQ, JI and AQIM.
- The Director-General of Security wrote to the Attorney-General on 28 May 2010, outlining the background, training activities, terrorist activities, and relevant statements of AQAP, AQ, JI and AQIM.
- A submission was provided to the Attorney-General on 17 June 2010, providing the following documents:
  - ⇒ copies of the Statements of Reasons received from ASIO with respect to the organisations; and
  - ⇒ advice from the Deputy Chief General Counsel.
- Having considered the information provided in the submission, the Attorney-General signed statements with respect to AQAP,

AQ, JI and AQIM confirming that he 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 June 2010, the Attorney-General wrote to the Prime Minister advising of his intention to list AQAP and re-list AQ, JI and AQIM as terrorist organisations.
- On 23 June 2010, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 28 May 2010.
- A submission was provided to the Attorney-General on 13 July 2010, providing regulations and Federal Executive Council documentation with respect to the listing of AQAP and re-listing of AQ, JI and AQIM.
- The Attorney-General signed *Criminal Code Amendment Regulations 2010* in relation to the organisations, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statements, for the Federal Executive Council meeting scheduled for 22 July 2010.
- On 13 July 2010, the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the decision to list AQAP and re-list AQ, JI and AQIM as terrorist organisations.

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

- ⇒ New South Wales - response received 19 July 2010
- ⇒ Victoria - response dated 28 July 2010
- ⇒ Queensland - response dated 16 July 2010
- ⇒ Western Australia - response dated 19 July 2010
- ⇒ South Australia - response dated 19 July 2010
- ⇒ Tasmania - response dated 26 July 2010
- ⇒ Australian Capital Territory - response dated 22 July 2010
- ⇒ Northern Territory - response dated 12 August 2010
- All responses were supportive of the proposed listing and re-listings.
- On 16 July 2010, the Attorney-General advised the Leader of the Opposition of the proposed listing of AQAP and re-listing of AQ, JI and AQIM as terrorist organisations by letter, and offered a briefing in relation to the listing and re-listings.
- On 16 July 2010, the Attorney-General wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security

advising of his decision to list AQAP and re-list AQ, JI and AQIM as terrorist organisations.

- On 18 July 2010, the Attorney-General's Department was advised that the Federal Executive Council meeting of 22 July 2010 was to be brought forward to 19 July 2010 and would be presided over by an Administrator.
- A submission was provided to the Attorney-General on 18 July 2010 providing replacement regulations and Federal Executive Council documentation that referred to the Administrator rather than the Governor-General, with respect to the listing of AQAP and re-listing of AQ, JI and AQIM.
- The Attorney-General signed the replacement *Criminal Code Amendment Regulations 2010* in relation to the organisations, and signed the replacement Federal Executive Council minute, referring to the Administrator.
- On 19 July 2010 the Administrator made the Criminal Code Amendment Regulations 2010 (No. 1), Criminal Code Amendment Regulations 2010 (No. 2), Criminal Code Amendment Regulations 2010 (No. 3) and Criminal Code Amendment Regulations 2010 (No. 4) with respect to the listing of AQAP and re-listing of AQ, JI and AQIM.
- The Regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 21 July 2010 with the following FRLI Reference Numbers:
  - ⇒ F2010L02093 - Criminal Code Amendment Regulations 2010 (No. 1)
  - ⇒ F2010L02094 - Criminal Code Amendment Regulations 2010 (No. 2)
  - ⇒ F2010L02095 - Criminal Code Amendment Regulations 2010 (No. 3)
  - ⇒ F2010L02096 - Criminal Code Amendment Regulations 2010 (No. 4)
- The re-listing Regulations relating to AQ, JI and AQIM came into effect on 22 July 2010, the day after they were registered on FRLI. The regulations relating to the new listing of AQAP came into effect on 26 November 2010, after the expiration of the disallowance period.
- The Attorney-General issued a Media Release on 19 July 2010 announcing the listing and re-listing of the terrorist organisations and attaching copies of the Statements of Reasons.
- The Australian Government's National Security website was also updated.

1.17 The Attorney-General's Department advised the Committee that the procedures listed below – accepted as *submission number four* for this review – were followed for the purpose of listing Jamiat ul-Ansar, Abu Sayyaf Group and Al Qa'ida in Iraq.

The following processes, were undertaken for the purpose of re-listing Jamiat ul-Ansar (JuA), Abu Sayyaf Group (ASG) and Al Qa'ida in Iraq (AQI):

- Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for re-listing JuA, ASG and AQI.
- On 21 September 2010, Mr George Witynski SC, Deputy Chief General Counsel, provided written advice with respect to the Statements of Reasons for JuA, ASG and AQI.
- The Director-General of Security wrote to the Attorney-General on 17 September 2010, outlining the background, training activities, terrorist activities, and relevant statements of JuA, ASG and AQI.
- A submission was provided to the Attorney-General on 23 September 2010, providing the following documents:
  - ⇒ Copies of the Statements of Reasons received from ASIO with respect to the organisations;
  - ⇒ Advice from the Deputy Chief General Counsel; and
  - ⇒ Separate Criminal Code Amendment Regulations 2010 and other Federal Executive Council documentation with respect to JuA, ASG and AQI.
- Having considered the information provided in the submission, on 27 September 2010, the Attorney-General signed statements with respect to JuA, ASG and AQI confirming that he 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.
- The Attorney-General signed *Criminal Code Amendment Regulations 2010* in relation to the organisations, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statements, for the Federal Executive Council meeting scheduled for 27 October 2010.
- On 28 September 2010, the Attorney-General wrote to the Prime Minister advising of his intention to re-list JuA, ASG and AQI as terrorist organisations.

- On 28 September 2010, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 17 September 2010.
- On 6 October 2010, the Acting Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the decision to re-list JuA, ASG and AQI as terrorist organisations.

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

- ⇒ New South Wales – the Department of Prime Minister and Cabinet received telephone advice that NSW agreed to the re-listings
- ⇒ Victoria – response dated 20 October 2010
- ⇒ Queensland – response dated 19 October 2010 from the Premier
- ⇒ Western Australia – the Department of Prime Minister and Cabinet received telephone advice that WA agreed to the re-listings
- ⇒ South Australia – response dated 25 October 2010
- ⇒ Tasmania – response dated 19 October 2010
- ⇒ Australian Capital Territory – response dated 22 October 2010 from the Deputy Chief Minister
- ⇒ Northern Territory – dated 25 October 2010 from the Chief Minister

All responses were supportive of the proposed re-listings.

- On 21 October 2010, the Attorney-General advised the Leader of the Opposition of the proposed re-listing of JuA, ASG and AQI as terrorist organisations by letter, and offered a briefing in relation to the re-listings.
- On 27 October 2010 the Governor-General made the *Criminal Code Amendment Regulations 2010 (No. 5)*, *Criminal Code Amendment Regulations 2010 (No. 6)*, and *Criminal Code Amendment Regulations 2010 (No. 7)* with respect to the re-listing of JuA, ASG and AQI.
- The Regulations were registered with the Federal Register of Legislative Instrument (FLRI) on 28 October 2010 with the following FLRI Reference Numbers:
  - ⇒ F2010L02825 - *Criminal Code Amendment Regulations 2010 (No. 5)* with respect to the re-listing of Jamiat ul-Ansar (JuA) as a terrorist organisation
  - ⇒ F2010L02826 - *Criminal Code Amendment Regulations 2010 (No. 6)* with respect to the re-listing of Abu Sayyaf Group (ASG) as a terrorist organisation

⇒ F2010L02828 - *Criminal Code Amendment Regulations 2010* (No. 7) with respect to the re-listing of Al Qa'ida in Iraq (AQI) as a terrorist organisation.

The re-listing Regulations relating to JuA, ASG and AQI came into effect on 29 October 2010, the day after they were registered on FLRI.

- The Attorney-General issued a Media Release on 28 October 2010 announcing the re-listing of the terrorist organisations and attaching copies of the Statements of Reasons. The Australian Government's National Security website was also updated.
- On 2 November 2010 the Attorney-General's Department advised the Secretary of the Parliamentary Joint Committee on Intelligence and Security by e-mail, of the making of the separate *Criminal Code Amendment Regulations 2010* giving effect to the re-listings of JuA, ASG and AQI as terrorist organisations under the Criminal Code.

## Procedural comments

- 1.18 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 an organisation

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).<sup>1</sup>

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.<sup>2</sup>

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1 Subsection 102.1(2) of Division 102, Subdivision A of the Criminal Code.

2 Confidential exhibit, ASIO, tabled 1 February 2005.

- 2.3 The Committee continues to use these criteria as the basis of its reviews of all listings.

## Overview

- 2.4 The Committee's view is that, given their records and stated purposes, all the organisations reviewed in this report fit the definition of a terrorist organisation under the Act and for the purposes of the proscription power. The Committee would not have recommended disallowance of any of these organisations had it been able to complete its review of these organisations within the disallowance period.
- 2.5 As in previous Committee reports into listings and re-listings of terrorist organisations, this report identifies issues relating to the current nature and reach of each of the organisations, with particular emphasis on developments since the Committee last reviewed the listing of these organisations. As previously stated by the Committee in its report, *Review of the re-listing of Al-Qa'ida and Jemaah Islamiyah* (October 2006):

The Committee believes that it is important that the Parliament seek to establish as accurate a picture as possible of the nature, size, reach, and effectiveness of organisations that are subject to section 102.1 of the Criminal Code and that these reviews should reflect the most current information available about the organisations under review.

## Al-Qa'ida in the Arabian Peninsula

- 2.6 This is the initial listing of Al-Qa'ida in the Arabian Peninsula (AQAP).
- 2.7 The Attorney-General's statement of reasons for listing AQAP can be found at Appendix B.
- 2.8 On the basis of the Attorney-General's statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQAP has been measured against ASIO's stated evaluation process as follows:

## Engagement in terrorism

- 2.9 The statement of reasons states that 'AQAP has been involved in a number of terrorist attacks, continues to plan and conduct attacks in Yemen and has claimed responsibility for terrorist attacks outside Yemen.'
- 2.10 Jane's Terrorism and Insurgency Centre (Jane's) lists a number of other attacks not listed in the statement of reasons, carried out by AQAP in 2010:
- On 26 April, an AQAP suicide bomber targeted the convoy of the British ambassador to Yemen in the capital Sanaa. Two security officials and a civilian were wounded in the attack but the ambassador was unhurt.
  - On 19 June, at least 11 people - seven security officers and four civilians - were killed and six others were injured when alleged AQAP militants assaulted a building utilised by intelligence officials in the al-Tawahi district of Aden in Aden governorate. Several suspected militants were freed from custody during the attack.
  - On 14 July, AQAP militants on motorcycles stormed a security and intelligence office in Zinjibar, Abyan province, killing four people. In a subsequent statement, the AQAP's Jamil al-Ambari Martyr Brigades claimed that the attack was conducted in response to the killing of one of its members in Abyan.
  - On 23 July, AQAP militants ambushed a military patrol in Shabwah province, killing six soldiers.
  - On 29 October, two IEDs, sent from Yemen using international courier companies, were intercepted in the in the UK and the United Arab Emirates. The devices were disguised as packages and addressed to synagogues in Chicago. The packages were discovered at East Midlands airport near the city of Nottingham in the UK, and at a FedEx sorting facility in Dubai in the UAE. Both of the packages contained computer printer equipment packed with explosive powder and attached to wires. US officials stated that information provided by Saudi Arabian intelligence services helped to identify the threat. In claiming responsibility for the attempted attacks, AQAP further claimed to have been responsible for the downing of a UPS cargo plane in Dubai in early September in which two crew members were killed. However, this final claim could not be independently verified.<sup>3</sup>

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3 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtlic.janes.com>> viewed on 22 November 2010.

- 2.11 Jane's reports the following attack carried out by AQAP in 2011:
- Twelve soldiers were killed when AQAP militants attacked three military vehicles in the city of Lawdar in Yemen's Abyan governorate on 7 January, Al-Jazeera and Saba News Agency reported. Two of the vehicles were completely destroyed in the attack. A civilian passer-by was also wounded.<sup>4</sup>
- 2.12 In addition to the above attacks Jane's reports the following attack carried out by 'suspected AQAP militants' in 2011:
- A bodyguard was killed and three others were wounded when suspected AQAP militants attacked the convoy of a local government official in the Lawdar area of Yemen's Abyan governorate on 7 January, Saba News Agency reported. The official, who was not harmed in the attack, had been visiting the site of an earlier ambush in Lawdar where 12 soldiers were killed.<sup>5</sup>

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.13 AQAP is a Sunni militant Islamist organisation which aims to:
- ... cleanse the Arabian Peninsula of foreign influence, particularly Western military personnel and civilian contractors; and to establish a single Islamic caliphate in place of the existing regimes in Yemen and Saudi Arabia.<sup>6</sup>

### Links to other terrorist groups/networks

- 2.14 The statement of reasons does not point to any significant links to other terrorist groups/networks.
- 2.15 Somali Government Officials have suggested that AQAP has links to Hizbul Islam<sup>7</sup> however Jane's states that '...there is currently no evidence to suggest any tangible operational co-operation between the groups.'<sup>8</sup>

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4 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 15 February 2011.

5 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 15 February 2011.

6 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 22 November 2010.

7 Hizbul Islam was founded as a formal grouping of four militant Islamist groups whose leaders had previously participated in the Union of Islamic Courts (UIC) administration of Somalia in 2006.

## Links to Australia

- 2.16 The statement of reasons gave no information on any specific link to Australia. However, in February 2011 it was claimed on the ABC's *Foreign Correspondent* television programme that Yemen is 'Al-Qaeda's new frontier and a launching pad for Jihadi-inspired terrorism' and that the leader of AQAP, Anwar Al-Awlaki, is drawing recruits 'from many nations around the world, including Australia'.<sup>9</sup> The International Centre for the Study of Radicalisation and Political Violence (ICSR) has confirmed this.<sup>10</sup>
- 2.17 ASIO told the Committee at a private hearing that:
- AQAP has released four editions of the quarterly English-language magazine *Inspire*, aimed at radicalising and mobilising Muslim youth in the West. Australia was mentioned twice in the second edition, once as a suitable country for attacks.<sup>11</sup>

## Threat to Australian interests

- 2.18 The statement of reasons gave no information on any specific threats to Australia. However, the role played by AQAP in the failed 25 December 2009 attempt to blow up Northwest Airlines flight 253 over Detroit in the United States indicates that the group now poses a tangible threat beyond the Arabian Peninsula and are a general threat to Australians who may be travelling internationally and become caught up in attacks elsewhere.

## Proscription by the UN or like-minded countries

- 2.19 The statement of reasons notes that AQAP is listed by the United States as a Foreign Terrorist Organisation under Section 219 of the Immigration and Nationality Act.
- 2.20 At the private hearing the Committee heard that AQAP was proscribed by the United Nations on 19 January 2010 and that it has also been listed in

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8 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 22 November 2010.

9 'The Pied Piper of Jihad', Foreign Correspondent, ABC1, February 1, 2011.

<sup>10</sup> ICSR Insights

<http://icsr.info/news/attachments/1295277887InsightAlQaedaintheArabianPeninsulareleasesnewcopyofInspireMagazine.pdf> viewed on 15 June 2011, see also 'Manual for lone-wolf jihadists', Paul Maley, *The Australian*, <http://www.theaustralian.com.au/news/features/manual-for-lone-wolf-jihadists/story-e6frg6z6-1225943916317> viewed on 15 June 2011.

<sup>11</sup> *Classified Transcript*.

the United Kingdom and Canada. New Zealand has also listed AQAP as a terrorist organisation.

### Engagement in peace/mediation processes

2.21 The statement of reasons provides no information on this matter.

## Al-Qa'ida

- 2.22 Al-Qa'ida (AQ) was initially listed as a terrorist organisation under the Criminal Code on 21 October 2002. This is the fourth re-listing of the organisation.
- 2.23 The Attorney-General's statement of reasons for re-listing AQ can be found at Appendix C.
- 2.24 On the basis of the Attorney-General's statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQ has been measured against ASIO's stated evaluation process as follows:

### Engagement in terrorism

- 2.25 The statement of reasons states that 'Al-Qa'ida has directly or indirectly engaged in a number of terrorist attacks, including assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices (IEDs) including vehicle-borne and vessel borne'. Specific evidence related to these categories is listed in a series of dot points. The Committee notes that these end on 20 September 2008.
- 2.26 In addition to these attacks, AQ 'franchises' such as AQAP and AQIM also carry out terrorist attacks.
- 2.27 Jane's states that:
- ... Al-Qaeda currently has four major theatres of operation: Afghanistan-Pakistan, the Middle East, North Africa and Europe. There is also a small Al-Qaeda presence in East Africa, primarily operating alongside Somali insurgents, and the group has expressed support for Uighur separatists in China, although there has been no indication of any Al-Qaeda presence on the ground in China.<sup>12</sup>
- 2.28 Jane's gives a striking description of the methodology favoured by AQ:
- Trademark Al-Qaeda attacks involve multiple, simultaneous or near-simultaneous suicide bombings using conventional explosives. Al-Qaeda took the concept of suicide attackers driving

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12 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

vehicles rigged with explosives and adapted it for air and maritime operations. In October 2002, Al-Qaeda attacked the USS Cole using an explosive laden boat and has planned similar maritime attacks. No explosives were needed when Al-Qaeda operatives hijacked four airliners on 11 September 2001 and crashed them into the World Trade Centre and the Pentagon.<sup>13</sup>

2.29 There is some evidence to suggest that Al-Qaeda planners continue to develop new ways to circumvent the security measures introduced since 11 September 2001, but suicide bombers, whether on foot or driving vehicles, remain the simplest and therefore most likely form of attack.<sup>14</sup>

2.30 ASIO gave evidence that:

Despite a reduction in attacks in recent times, AQ has made numerous statements calling on supporters to undertake acts of terrorism and continues to provide encouragement to affiliated and line groups around the world.<sup>15</sup>

## Ideology and links to other terrorist groups/networks

### Ideology

2.31 Founded in 1988, AQ is a radical Sunni Muslim group which subscribes to Salafist ideology.<sup>16</sup> Jane's illustrates Al-Qa'ida's ideology in further detail:

Al-Qaeda's long-term aim is the creation of a pan-Islamic global Khalifa (Caliphate) based on its interpretation of the Quran. The organisation's initial focus was on attacking US interests, ostensibly in an effort to force it to withdraw its military forces from Muslim countries. It now supports the establishment of an 'Islamic State of Iraq' and an 'Islamic Emirate of Afghanistan' that can operate as bases for an ongoing jihad against its infidel and apostate enemies. The overthrow of Arab regimes, especially the Saudi royal family, remains a stated priority, as does the destruction of Israel. It also continues to plot attacks against

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13 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

14 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

15 *Classified Transcript*.

16 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.



Western countries to force them to withdraw their troops from Iraq and Afghanistan, and to withdraw their support from Arab regimes targeted by Al-Qaeda and its allies. In an audio message released by the group in January 2010, the speaker - purported to be Osama bin Laden - highlighted the liberation of Palestine and the ending of US support for Israel as a key objective. Al-Qaeda also serves as an inspirational model for others seeking to protect Muslims, retaliate against perceived oppression and to eject non-Muslim influences from Islamic societies.<sup>17</sup>

### Links to other terrorist groups/networks

2.32 The statement of reasons notes that AQ provides international inspiration and influence to a large number of affiliated and aligned groups around the world, two of which, JI and AQIM, will be reviewed later in this report.

2.33 Jane's states that:

Al-Qaeda has been linked to nearly every Sunni Islamist group over the years and it is often difficult to assess the strength of these ties. However, the group's closest and most important alliances are with the Afghan Taliban and like-minded Pakistani groups. These groups effectively provide the Al-Qaeda leadership with its primary basing area. Al-Qaeda operatives are also operating in support of Shabab insurgents in Somalia.<sup>18</sup>

2.34 These links to affiliated terrorist organisations are also reinforced by AQ's propaganda statements:

....the main way the [Al-Qaeda] leadership imposes some control and uniformity of purpose is through its broadcasts and web postings. These have attained increasing sophistication and follow a clear pattern, promoting recruitment, keeping local groups motivated and providing overall protection.<sup>19</sup>

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17 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

18 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

19 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

## Links to Australia

- 2.35 The statement of reasons gives no information on any specific link to Australia.

## Threat to Australian interests

- 2.36 The likelihood that AQ has shifted some of its focus from Iraq to Afghanistan makes it probable that Australian troops in Afghanistan confront armed forces linked to AQ.
- 2.37 ASIO gave evidence that AQ does pose a direct threat to Australia and Australian interests worldwide:

The interest of AQ in undertaking attacks against Australian interests is clearly indicated by Osama bin Laden and other Islamist extremists and through the circulation of press articles regarding Australia's activities in areas of militant jihad.<sup>20</sup>

## Proscription by the UN or like-minded countries

- 2.38 The statement of reasons states that AQ is proscribed by the United Nations and by the governments of Canada, New Zealand, the United Kingdom, the United States and is also listed by the European Union for the purposes of its anti-terrorism measures.

## Engagement in peace/mediation processes

- 2.39 The statement of reasons provides no information on this matter.

## Jemaah Islamiyah

- 2.40 Jemaah Islamiyah (JI) was originally specified as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 27 October 2002. This is the fourth re-listing of this organisation.
- 2.41 The Attorney-General's statement of reasons for re-listing JI can be found at Appendix D.
- 2.42 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a

private hearing, JI has been measured against ASIO's stated evaluation process as follows:

### Engagement in terrorism

2.43 The statement of reasons lists one anti-Western attack committed by JI in South-East Asia since the last re-listing. Bombing attacks against the Marriott and the Ritz Carlton on 17 July 2009 killed seven civilians including three Australians.

2.44 The statement of reasons also point out that:

[I]nformation and materiel seized in operations against JI linked individuals since 2008 demonstrate JI retains the capability and intent to use violence to achieve its goals – and networks linked to JI continue to plan to conduct terrorist attacks in Southeast Asia.

2.45 Jane's states that JI remains a threat although more and more splits have appeared as it struggles to cope with arrests of senior figures and widespread infiltration by Indonesian security forces:

The JI 'mainstream' continues to focus on consolidation and rebuilding; a small group of more militant younger members appears to be under government surveillance. The head of a JI splinter faction, Noordin Mohammad Top, suspected by Indonesian security forces of responsibility for the 17 July 2009 Jakarta hotel bombings, was killed by police during a raid in September. To the extent that any mainstream JI members are committed to ongoing jihad in Indonesia, they are more focused on local targets - 'apostate' officials and non-Muslims in conflict areas. There is a general consensus in the group that attacks on foreigners have been counter-productive. JI remains committed to providing military training for members and amassing weapons for a future jihad but finds itself hard-pressed to do either. A new organisation formed by former JI leader Abu Bakar Baasyir in September 2008, Jama'ah Ansharut Tauhid, may eat into JI's membership.<sup>21</sup>

2.46 Australian Strategic Policy Institute (ASPI) states that JI has continued to evolve since the first Bali bombings catapulted the group to international prominence in 2002:

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21 Jane's Terrorism and Insurgency Centre, Jemaah Islamiyah, <<http://jtic.janes.com>> viewed on 10 March 2010.

As several studies have shown, the main JI faction has in recent years limited its direct support for violent activities and has also suffered from a loss of supporters following years of arrests and internal discord.

However, the emergence of hardened, experienced militants from the conflict in the southern Philippines and the recent release of JI cadres from prisons in Indonesia, who have become ostracised by the mainstream JI group, are breeding a new generation of radicalised fringe groups. Together with regional countries such as Australia, the Indonesian Government, religious and community leaders will need to take effective action in order to stem the emergence of these radical movements.<sup>22</sup>

## Ideology and links to other terrorist groups/networks

### Ideology

2.47 The statement of reasons states that the primary objective of JI is the establishment, through armed struggle, of an Islamic state in Indonesia and a regional Islamic caliphate.

2.48 ASPI asserts that:

JI's immediate goal is the Islamisation of Indonesia, a vision that dates back to DI [Darul Islam] and its assertion that the only legitimate basis for the state was one that fully embodied the Muslim faith as its sole foundation. JI took this original conception and enshrined it as a fundamental component of a broader ideological vision that viewed *Daulah Islamiyah* as the necessary catalyst for the restoration of Islamic governance across Southeast Asia.<sup>23</sup>

2.49 This ideological view must be understood in the context of JI's enduring intent to restore Islamic governance through force of arms. ASPI states:

An enduring theme highlighted throughout PUPJI [Pedoman Umum Perjuangan Al-Jama'ah or General Guide for the Struggle of JI] is the idea of acting as a distinctly 'military outfit'.....the frequent use of the terms intelligence and recruitment (tajnid) and the detailed exposition of how to execute armed operations are prominent throughout the manifesto. Those elements together

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22 Australian Strategic Policy Institute, *Jemaah Islamiyah: A renewed struggle?* 16 July 2009, p. 4.

23 Australian Strategic Policy Institute, *Neighbourhood Watch, The evolving Terrorist Threat in Southeast Asia*, June 2008, p. 10.

with an increasing orientation towards martyrdom—which is vindicated as a force equaliser and the most visible means of establishing a true pioneering vanguard to champion the Islamic faith—are strong indicators that JI’s conception of jihad is one that is explicitly aimed at combat (qital), as opposed to diplomacy or dialogue.<sup>24</sup>

### Links to other terrorist groups/networks

2.50 Jane’s lists Al-Qa’ida and the MILF<sup>25</sup> as organisations with which JI has alliances. Jane’s asserts:

Within Indonesia, JI has close communication with other jihadist groups such as Mujahidin KOMPAK, and Ring Banten (a West Java-based Darul Islam faction that co-operated with JI on the first Bali bombing and with Noordin on the Australian embassy bombing).

Two suspected JI militants were killed in Jakarta on 9 March 2010. Security officials alleged that the suspects had links to an organisation identifying itself as Al-Qaeda in Indonesia, against whom security officials had launched a series of operations in Aceh province in the preceding week. However, the extent to which this newly identified group exists as a distinct, operational outfit is uncertain.<sup>26</sup>

2.51 The International Crisis Group (ICG) frames JI as part of a broader South Asia jihadi movement that is influenced by global Islamic extremist trends:

...jihadi ideology has taken root and has spread beyond the groups known to have used violence in the past. Some thirty JI-affiliated schools continue to educate the children and younger siblings of JI members and recruit new leaders for the organisation. Contacts with South Asia continue, particularly in Pakistan and Bangladesh...the Taliban resurgence on the Pakistan-Afghan border eventually could draw in Southeast Asians.

....Above all, it is important to underscore that the jihadi movement is dynamic, always adapting, and mutating....the

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24 Australian Strategic Policy Institute, *Neighbourhood Watch, The evolving Terrorist Threat in Southeast Asia*, June 2008, p. 11.

25 Moro Islamic Liberation Front; active in the Philippines.

26 Jane’s Terrorism and Insurgency Centre, Jemaah Islamiyah, <<http://jtic.janes.com>> viewed on 10 March 2010.

greater danger may lie in groups or individuals...that may emerge and be able to draw on dissatisfied members of JI and other organisations.<sup>27</sup>

### Links to Australia

2.52 No reference is made in the statement of reasons to any links to Australia.

### Threat to Australian interests

2.53 The threat to Australians travelling in Indonesia is still present. Australia continues to issue travel warnings to Australians travelling to Indonesia.

2.54 At the private hearing ASIO gave evidence that 'JI represents an enduring threat to Australian interests in South-East Asia, particularly Indonesia.'<sup>28</sup>

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

2.55 JI is proscribed as a terrorist organisation by the United Nations and by the governments of Canada, New Zealand, the United Kingdom and the United States.

### Engagement in peace/mediation processes

2.56 The Statement of reasons contains no information on this.

## **Al-Qa'ida in the Lands of the Islamic Maghreb**

2.57 Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM), formerly known at the Salafist Group for Call and Combat (GSPC), was initially listed under the Criminal Code as a terrorist organisation, in 2002 following their listing by the United Nations Security Council. The Committee first considered the listing of the GSPC in 2004 after the Committee's role in the Criminal procedure had been established. This is the fourth re-listing of GSPC/AQIM.

2.58 The Attorney-General's statement of reasons for re-listing AQIM can be found at Appendix E.

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27 International Crisis Group, *Briefing for the New President: The Terrorist Threat in Indonesia and Southeast Asia* Sidney Jones in the *Annals of the American Academy of Political and Social Science*, 25 June 2008, pp. 1-2.

28 *Classified Transcript*.

- 2.59 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQIM has been measured against ASIO's stated evaluation process as follows:

### Engagement in terrorism

- 2.60 Jane's states that AQIM has maintained a high operational tempo since its emergence under this name in January 2007:

... targeting the Algerian military and security services in non-suicidal ambushes, kidnappings, and bomb attacks. In addition, the group has claimed responsibility for carrying out a handful of suicide attacks. In August 2008, it was reportedly involved in nine separate attacks on a range of targets which resulted in nearly 80 people being killed and many hundreds injured.<sup>29</sup>

- 2.61 The statement of reasons' comprehensive list of terrorist attacks provides substantial evidence of recent engagement in terrorist activity by AQIM. These attacks are independently verified by Jane's.<sup>30</sup>

### Ideology and links to other terrorist groups/networks

#### Ideology

- 2.62 The GSPC was founded in 1998 and was re-named AQIM in January 2007. Its immediate objectives are:

... to overthrow the Algerian regime and to replace it with an Islamic state under *sharia* (Islamic law). It seeks to achieve this by attacking regime targets including the military, police and security services.<sup>31</sup>

- 2.63 The statement of reasons concludes that since:

... GSPC's merger with al-Qa'ida in late 2006 and name change to AQIM in early 2007, the group increasingly has adhered to al-Qa'ida's extremist ideology and has declared war against foreigners and foreign interests.

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29 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

30 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

31 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

### Links to other terrorist groups/networks

2.64 In relation to its name change Jane's says of AQIM that;

The name change is indicative of the group's desire to transform itself into an Al-Qaeda regional affiliate, expand its aims beyond Algeria to create a regional caliphate and adopt a pan-Islamic, as opposed to nationalistic, jihadist ideology.<sup>32</sup>

2.65 The above statement shows that AQIM is concerned with forging links with other terrorist organisations.

2.66 Jane's states that:

It is possible that AQIM's Al-Qaeda branding could help it attract support from across the North Africa region and even co-opt other national groups such as the Groupe Islamique Combattant Marocain (GICM) and the Libyan Islamic Fighting Group (LIFG), thereby extending the group's operational reach. Similarly, AQIM is likely to seek to transform North African Islamist cells in Europe into attack cells capable of perpetrating an attack similar to the Madrid train bombings of March 2004.<sup>33</sup>

### Links to Australia and threats to Australian interests

2.67 The statement of reasons lists no links to Australia and no specific threats to Australian interests, however, at the private hearing ASIO stated that:

AQIM has not specifically threatened Australia or Australian interests in the Sahel or the Magreb, but AQIM openly states its desire to attack Western interests, and Australia, as a Western country and ally of the United States, is therefore a legitimate target.<sup>34</sup>

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

2.68 AQIM is proscribed by the United Nations and by the United States. Canada and the UK still list the AQIM as the Salafist Group for Call and Combat (GSPC).

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32 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

33 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

34 *Classified Transcript*.



## Engagement in peace/mediation processes

- 2.69 The statement of reasons lists no engagement in any peace/processes by AQIM.

## Jamiat ul-Ansar

- 2.70 Jamiat ul-Ansar (JuA) was originally listed in 2002 under the Criminal Code as a terrorist organisation following its listing by the United Nations Security Council. This is the fourth re-listing of JuA.
- 2.71 JuA is also known as Harakat-ul-Mujahideen (HuM), having changed its name to Jamiat ul-Ansar in 2003. The United States, the United Nations, Canada and the United Kingdom all list it as HuM. Jane's also refers to the organisation as HuM.
- 2.72 The Attorney-General's statement of reasons for re-listing JuA can be found at Appendix F.
- 2.73 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, JuA has been measured against ASIO's stated evaluation process as follows:

## Engagement in terrorism

- 2.74 The statement of reasons states that JuA has been involved in a number of terrorist activities over the past eleven years, including hijacking, bombings, abductions and training. In 2002 JuA member Ahmed Omar Sheikh was convicted of the abduction and beheading of US journalist Daniel Pearl. In February 2009, members of a terrorist cell with links to JuA and reportedly responsible for six attacks in Kabul, Afghanistan, were arrested. In February 2010, two JuA members were among five militants killed by Indian security forces in Sopore, Kashmir. The militants blew up two houses in the battle with security forces.
- 2.75 Jane's provides the following assessment of JuA's engagement in terrorist activities:
- HuM has conducted raids on Indian security positions and terrorised Muslim and Hindu communities in the IAK [Indian Administered Kashmir]. It has murdered Kashmiri Muslims accused of not supporting union with Pakistan, as well as targeted Hindus in a bid to force them from the territory. The HuM,

sometimes under the name of al-Faran, has also conducted a number of kidnaps of foreigners (some have been murdered) in a bid to free imprisoned leaders of the organisation.<sup>35</sup>

- 2.76 In the Committee's previous inquiry into the re-listing of JuA, the Committee found that JuA's involvement in terrorist activity might have decreased since 2002. However, Jane's noted at the time that some of JuA's former members had joined other groups, such as the Pakistani Taliban, or they were operating under various guises which allowed them to remain highly dangerous, especially in Pakistan. Jane's also noted that during 2008 unconfirmed reports suggested that the JuA was regrouping.<sup>36</sup>
- 2.77 The Indian press reported in April 2008 that the group, along with Hizb-ul-Mujahideen and Al-Badar, had set up new offices, with JuA planning to change its name to Ansar-ul-Umma. Another separate media report suggested that the JuA had resurfaced as the Al Hilal Trust in Pakistan's port city, Karachi. More recently Jane's has advised that:
- In recent times ... the group's support base has grown steadily and it is now believed to have several thousand fighters in Pakistan-administered Kashmir (PAK) as well as India's southern Kashmir and Doda regions.<sup>37</sup>
- 2.78 In March 2010 an Indian official claimed that there were 45 JuA cadres operating in Assam.<sup>38</sup>
- 2.79 At the private hearing ASIO noted that JuA has redirected its main efforts from Kashmir to supporting the Afghan insurgency 'including recruiting and training volunteers from JuA-run madrasahs to suicide operations against coalition forces.'<sup>39</sup>
- 2.80 The Committee is satisfied that JuA continues to be a an organisation that is actively and directly preparing, planning, assisting in or fostering the doing of terrorist acts.

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35 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

36 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 23 September 2008.

37 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

38 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

39 *Classified Transcript*.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.81 The JuA began in 1985 as a militant group intent on ridding Afghanistan of the Soviet invader, and later turned its attention to attacking what it and other groups of religious extremists regard as Hindu domination of IAK. JuA supports radical Islamist organisations across the world but, according to Jane's, its effectiveness in this regard is minimal. The JuA rejects democracy of even the most Islamic-oriented style, and wants to establish a caliphate based on sharia (Islamic law), in addition to achieving accession of all Kashmir to Pakistan.<sup>40</sup>
- 2.82 The JuA espouses transfer of Pakistan's nuclear and weapons technology to other Muslim states (although its stance on such proposed action concerning Shia Iran is not clear), and advocates the use of Pakistan's nuclear weapons against India. It opposes efforts to normalise relations between Pakistan and India claiming that the differences between the two countries are territorial, religious and ideological.<sup>41</sup>
- 2.83 The statement of reasons notes that JuA has pledged support for Afghan militants fighting Coalition forces in Afghanistan. Additionally, some elements within JuA have wanted to re-focus their activities and bring them more into line with Osama bin Laden's global jihad against the US and Israel and their allies.

### Links to other terrorist groups/networks

- 2.84 The statement of reasons states that JuA has cooperated with other militant groups operating in Afghanistan, Kashmir and Pakistan such as Hizb-ul-Mujahideen, Lashkar-e-Tayyiba, Jaish-e Muhammad, and Sipah-e-Sahaba Pakistan. Furthermore, JuA leader Khalil has strong ties to the Taliban and al-Qa'ida and in 1998 signed Usama bin Laden's fatwa calling for attacks on the US and its allies.
- 2.85 It is clear to the Committee that JuA is deeply entrenched within the global Jihadi movement. JuA has also been closely linked with the Al-Qaeda network and has provided training and religious instruction to other associated terrorist organisations and individual Jihadists from around the world.

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40 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

41 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

## Links to Australia

2.86 The statement of reasons mentions no direct links to Australia.

### Threats to Australian interests

2.87 As mentioned above, the statement of reasons notes that JuA has pledged support for Afghan militants fighting Coalition forces in Afghanistan. As part of the Coalition forces in Afghanistan, JuA poses a direct threat to Australian Defence personnel and other Australians in Afghanistan.

2.88 The statement of reasons makes no reference to any direct threat to Australia. However JuA's close links with and support of Al-Qaeda indicates that JuA and associated groups within Pakistan pose a threat to Australians in Pakistan.

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

2.89 The JuA is listed under the name Harakat ul-Mujahideen (HuM) by the United Nations and is also listed by the governments of Canada, the United Kingdom, the United States and Pakistan.

### Engagement in peace/mediation processes

2.90 The statement of reasons provides no information on this matter.

## Abu Sayyaf Group

2.91 The Abu Sayyaf Group (ASG) was initially listed under the Criminal Code as a terrorist organisation in 2002 following listing by the United Nations Security Council. This is the ASG's fourth re-listing.

2.92 The Attorney-General's statement of reasons for re-listing the ASG can be found at Appendix G.

2.93 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, the ASG has been measured against ASIO's stated evaluation process as follows:

### Engagement in terrorism

2.94 According to the statement of reasons the ASG has been responsible for the planning and conduct of terrorist attacks against a wide range of

targets, but particularly the Philippine government, and Christian and Western interests. The statement of reasons notes that ASG attacks in the past few years have to a large degree been motivated by financial gain rather than purely political, religious or ideological purposes – but the proceeds of these attacks are used to support the ASG’s operations.

- 2.95 In February 2010, ‘a group of approximately 70 ASG militants led by Commander Puriji Indama attacked the village of Tubigan on the island province of Basilan. At least 12 civilians were killed and 17 others were wounded in what was reported as the worst attack on civilians in nine years.’<sup>42</sup> The statement of reasons says that these were revenge attacks following the death of ASG sub-commander Parad who was killed during a Philippine military operation a week earlier.
- 2.96 In April 2010, the ASG further demonstrated their capacity to carry out mass casualty operations when the group carried out an attack involving a series of bomb explosions in the city of Isabela in Basilan province, in which 15 people - six civilians, four security force personnel, and five alleged ASG militants - were killed and 17 others, 13 civilians, two soldiers and two police officers, were wounded:
- The attackers, reportedly wearing military uniforms, detonated the first device apparently targeting a government building, which left six civilians dead, followed by a second device targeting a Catholic church, which wounded 13 civilians, while a third device was destroyed, with no casualties, in a controlled explosion at a bus terminal. An armed clash between suspected militants and local police then ensued at a security checkpoint in the city during which the remaining casualties were sustained. Security officials alleged that one of the militants killed was Benzar Indama, the brother of a suspected senior ASG leader in Basilan.<sup>43</sup>
- 2.97 Jane’s states that these attacks prove that the ASG is still a viable force.
- 2.98 In September 2009, when two US soldiers and one Filipino marine were killed in the southern Philippine island of Jolo when their vehicle rolled over a land mine, analysts immediately blamed the ASG for the attack.<sup>44</sup>

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42 Jane’s Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

43 Jane’s Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

44 Christopher Shay, ‘A brief history of Abu Sayyaf’, *Time*, <<http://www.time.com/time/printout/0,8816,1927124,00.html>> viewed on 12 January 2011.

- 2.99 The ASG has been involved in a number of kidnap for ransom operations. ASPI reported that in 2000 the kidnapping of western tourists for ransom is believed to have earned the ASG an estimated \$20 million in ransom payments.<sup>45</sup>
- 2.100 On 8 June 2008, a senior ABS-CBN reporter was kidnapped with a ransom demanded for her release. Prior to this, a brutal incident in April 2007 occurred when the ASG kidnapped seven local workers on the southern Philippine island of Jolo, beheading them when ransom demands were not met.
- 2.101 The statement of reasons states that the ASG views kidnap-for-ransom ventures as a profitable operational tactic – along with extortion and related activity – and these attacks have been a trademark of ASG since its creation and represent the main funding mechanism for the ASG and subordinate groups.
- 2.102 Since the expulsion of the ASG from Mindanao and the subsequent death of senior leaders, the ASG has continued to fragment, leaving the ASG clan groups largely confined to their home islands in the Sulu archipelago and under significant operational constraints compared to its first decade of existence, according to the statement of reasons.
- 2.103 The Armed Forces of the Philippines (AFP), with US military logistical support, has continued to mount operations against ASG groups in the Sulu archipelago and still consider the group to be a significant threat, particularly when acting in concert with other Philippines-based militant groups, including the MILF.
- 2.104 Jane's reports that a series of joint US/Philippine military and political actions - particularly Operation 'Ultimatum' in 2006-2007 - substantially degraded the ASG's capabilities and reduced its area of operations. However since the start of 2008, the ASG has increased its kidnap for ransom operations and is increasingly emerging as a resurgent force:

The group is therefore likely to continue posing a limited threat to civilians, and to security forces deployed in the area, for the foreseeable future, but is unlikely to emerge as a significant threat to the state itself.<sup>46</sup>

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45 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch: The Evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 21.

46 Jane's Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

- 2.105 The threat that the ASG poses stems from its ability to de-stabilise the southern Philippines and the fragile peace process there. This may pose a threat to Australian interests in the Philippines and overall regional stability.
- 2.106 The Committee is satisfied that the ASG is currently engaged in terrorist acts and/or in supporting terrorist acts.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.107 ASPI reports that the ASG, which means 'Bearer of the Sword', was established on Basilan Island in the Sulu Archipelago, southern Philippines in 1991 under the leadership of Ustadz Abdurajak Janjalani. Janjalani was a young preacher in the mosques and madrasas of Basilan and Zamboanga who opposed peace talks between the Philippine Government and the Muslim residents of the south.
- 2.108 The ASG's traditional strongholds have been the Mindanao, Basilan, Jolo and Tawi-Tawi Islands in the Sulu Archipelago in the southern Philippines. It consists primarily of young Tausug Filipino Muslims from the Sulu archipelago, but it also attracts poverty-stricken unemployed young Muslims from across the southern Philippines.
- 2.109 Influenced by radical Wahhabi thought, the ASG's objective is the creation of an Islamic state in Mindanao and the eradication of all Christian influence in the southern Philippines. Despite this goal, and unlike other regional terrorist groups such as Jemaah Islamiyah, the ASG has never espoused a clear strategic plan as to how it would establish this 'pure' Islamic state.<sup>47</sup>
- 2.110 According to the ICG, the ASG is best understood not as an insurgency in the same sense as the MILF or Moro National Liberation Front (MNLF), or even a clearly delineated organisation:

It is best understood as a network of networks, an alliance of smaller groups around individual charismatic leaders who compete and cooperate to maximise their reputation for violence.<sup>48</sup>

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47 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch, the evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 21.

48 International Crisis Group, 'The Philippines: Counter-Insurgency vs. Counter-terrorism in Mindanao', *Asia Report No. 152*, 14 May 2008, p. 7.

2.111 The statement of reasons states that the ASG's activities – including the targets chosen for kidnapping and extortion operations – remain heavily influenced by the religious, political and ideological considerations as originally dictated by Janjalani. Westerners and other wealthy foreign nationals, as well as local politicians and business people feature among the targets.

#### Links to other terrorist groups/networks

2.112 The statement of reasons notes that according to the Philippine authorities 'the ASG has links to al-Qa'ida and Indonesia-based terrorist networks including JI and they attribute bombings in key areas in Mindanao and in Manila to ASG.'

2.113 Indonesian extremists, under the protection of the ASG, continue to support terrorist operations by the ASG and the MILF in the Philippines and also provide bomb-making training to Philippines-based militant networks.

2.114 The statement of reasons has found that the current primary association between the ASG and other anti-Western terrorists is its provision of safe haven to JI-linked fugitives, 'which was first seen in 2003 and occurs to this day.'

2.115 These links with JI position the ASG as a credible terrorist threat. JI is a proscribed organisation and has targeted Australian interests and people in the past.

#### Links to Australia

2.116 The statement of reasons mentions no direct ASG links to Australia but ASIO told Members at a private hearing that 'its indiscriminate method of terrorism operations results in a high level of incidental collateral harm.'<sup>49</sup>

#### Threats to Australian interests

2.117 As stated previously, the ASG engages in kidnapping of foreigners, demanding millions of dollars in ransom. These kidnappings have occurred at resorts, including those off the coast of Malaysia. DFAT has issued a travel warning advising Australians not to travel to the southern Philippines. It also advises that kidnapping is a significant threat for foreigners throughout the Philippines not just in the south.



## Proscription by the UN or like-minded countries

- 2.118 The ASG is proscribed by the United Nations and by the governments of Canada, New Zealand, the United Kingdom and the United States.

## Engagement in peace/mediation processes

- 2.119 In 2009, the Philippine presidential spokesman said the ASG is a criminal organisation rather than an insurgent group and could therefore not be offered any kind of amnesty deal:

... while the government has been prepared to deal with separatist organisations such as the Moro Islamic Liberation Front, the idea of dealing with the ASG has become anathema to Filipino ministers.<sup>50</sup>

- 2.120 The statement of reasons provides no information on this matter.

## Al-Qa'ida in Iraq

- 2.121 Al-Qa'ida in Iraq (AQI) was first listed in 2005 under the name Tanzim Qa'idat al-Jihad fi Biiad al-Rafidayn (TQJBR). This is the third re-listing of the group since the initial listing.
- 2.122 The Attorney-General's statement of reasons for re-listing AQI can be found in Appendix H.
- 2.123 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQI has been measured against ASIO's stated evaluation process as follows:

## Engagement in terrorism

- 2.124 The statement of reasons contains a comprehensive list of significant attacks for which responsibility has been claimed by, or reliably attributed to AQI. Since the Committee last reviewed the AQI in November 2008, the group has been involved in at least seven more large-scale terrorist attacks. These attacks are independently verified by Jane's.<sup>51</sup>

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50 Trefor Moss, *Jane's Defence Weekly*, 17 July 2009.

51 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

2.125 In its last report on this group, the Committee noted that the AQI gained a significant foothold in Iraq after the 2003 invasion, but then its appeal diminished due to the level of violence and massacres it carried out against ordinary Iraqi people. Jane's writes of AQI:

... through their actions they marginalised themselves from the population and became alienated to the point where they are increasingly irrelevant.<sup>52</sup>

2.126 However, despite experiencing some setbacks, including consequences resulting from the 'US surge', Jane's notes that the group remains dangerous and active:

The renewed series of mass-casualty attacks perpetrated by the group demonstrates its continued ability to exploit weaknesses in the Iraqi national security apparatus.<sup>53</sup>

2.127 When the US military withdrew from Iraq's urban areas under the Status of Forces Agreement in June 2009, Jane's found that AQI managed to seize back operational momentum, in part due to the withdrawal but also because the group has exploited increasing ethnic and religious tension in the country to its advantage.<sup>54</sup>

2.128 The *Washington Post* reported recently that AQI activity has 'been strangled in Baghdad' but it has moved its attention to the northern city of Mosul where multiple suicide bombers and gunmen have carried out attacks, demonstrating '... the renewed determination of al-Qaeda in Iraq to operate in Mosul.'<sup>55</sup>

2.129 The statement of reasons notes that AQI has recently been engaged in several campaigns which involved small attacks aimed at inciting sectarian violence and it also disrupted democratic processes during the March 2010 election period.

2.130 The Committee is satisfied that AQI is currently engaged in terrorist acts.

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52 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

53 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

54 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

55 Aaron C Davis, 'Blast kills top police officer in Mosul' *Washington Post*, December 30, 2010, <<http://pqasb.pqarchiver.com/washingtonpost/access/2224703591.html>> viewed on 15 February 2011.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.131 AQI is a Sunni Islamic extremist group that operates within Iraq. The statement of reasons states that AQI networks are based primarily in Sunni areas and regions where other groups engaged in sectarian violence are located.
- 2.132 Jane's states that AQI is 'difficult to categorise' and that the:
- . . . Salafist jihadist focus on the ethical duty of fighting jihad makes it difficult to categorise alongside ethno-nationalists and other types of insurgents. This is because it is not a purely political-military organisation.<sup>56</sup>
- 2.133 Jane's goes on to note that since October 2004:
- AQI has been a recognised affiliate of the Al-Qaeda movement, owing fealty to Osama bin Laden and, less directly, to Ayman al-Zawahiri. The connection between AQI and the Al-Qaeda board of governors is difficult to characterise definitively and the subject of contentious debate.<sup>57</sup>
- 2.134 The statement of reasons notes that whereas AQI's key religious, political and ideological aims were originally to expel foreign forces from Iraq and to establish an Islamic caliphate under strict Sharia law in Iraq, the withdrawal of US troops from urban centres in mid-2009 has reduced the reasons for targeting, and opportunity to target, foreign forces and hence AQI recently has been focused more on targeting the Iraqi government.
- 2.135 By importing Jihadist elements into Iraq, AQI poses a direct threat to the stability of the fledgling Iraqi democracy and to the coalition forces and foreign citizens, including Australians, in Iraq.

### Links to other terrorist groups/networks

- 2.136 AQI has 'formed a series of umbrella organisations in an apparent attempt to assimilate other Sunni jihadist groups, while distancing itself from its image of being an organisation dominated by foreigners, rather than Iraqis.'<sup>58</sup>

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56 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

57 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

58 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

2.137 The statement of reasons indicates that AQI receives ideological support from, or has promoted ideological support for, several other terrorist organisations, including:

- Al-Qa'ida (AQ),
- Al-Qa'ida in the Arabian Peninsula (AQAP),
- Salafists in Gaza, and
- Al-Shabaab.

### Links to Australia

2.138 The statement of reasons lists no links to Australia.

### Threats to Australian interests

2.139 At the private hearing ASIO told the Committee that AQI considers Australia 'a legitimate target for attack, as demonstrated by its claim of responsibility for an attack on an Australian Defence Force convoy in Baghdad in October 2004. AQI also claimed an attack near the Australian Embassy in Baghdad in January 2005.'<sup>59</sup> ASIO asserts that Australians in Iraq continue to be in danger of attack by elements of AQI.

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

2.140 AQI, under its various aliases, is proscribed as a terrorist organisation by the United Nations and by the governments of New Zealand and the United States.

### Engagement in peace/mediation processes

2.141 The statement of reasons provides no information on this matter.

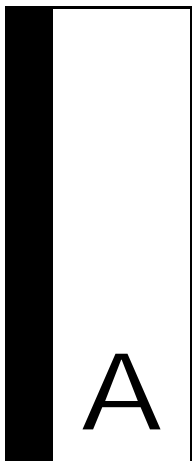
## **Conclusion**

2.142 The Committee is satisfied that the one organisation listed and the six organisations which have been re-listed continue to engage in activities that satisfy section 102.1 of the Criminal Code. The Committee would not have recommended disallowance of the regulations if it had reported within the disallowance period.

**Hon Anthony Byrne MP**

Chairman





## Appendix A – List of Submissions

1. Attorney-General's Statement of Reasons: AQAP, AQ, JI and AQIM
2. Attorney-General's Statement of Reasons: JuA, ASG and AQI
3. Attorney-General's Department: Process for listing AQAP and re-listing AQ, JI and AQIM
4. Attorney-General's Department: Process for re-listing JuA, ASG and AQI







## Appendix B – Statement of Reasons – Al-Qa’ida in the Arabian Peninsula (AQAP)

**(Also known as: Al-Qa’ida in Yemen (AQY) prior to January 2009)**

The following information is based on publicly available details about Al-Qa’ida in the Arabian Peninsula (AQAP). 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, 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*

Al-Qa’ida in the Arabian Peninsula (AQAP) is the recognised affiliate of al-Qa’ida operating in Saudi Arabia and Yemen. It is led by Nasir al-Wahishi, a Yemeni extremist who was once a close aide and bodyguard to Usama bin Laden (UBL). Al-Wahishi, whose appointment as AQAP leader was confirmed by Ayman Al-Zawahiri, the deputy al-Qa’ida leader, is featured on Saudi Arabia’s most wanted terrorist list.

Yemen has become the third-largest haven for al-Qa’ida in the world with the group there experiencing greater stability and freedom of movement than counterparts located in Iraq, North Africa, Afghanistan and Pakistan. AQAP claimed responsibility for the attempted attack on Northwest Flight 253 on 25 December 2009. In a statement issued by the AQAP following the attempted attack, the group’s leaders said: ‘we tell the American people that

since you support the leaders who kill our women and children ... we have come to slaughter you [and] will strike you with no previous [warning], our vengeance is near.’ The statement continued: ‘we call on all Muslims ... to throw out all unbelievers from the Arabian Peninsula by killing crusaders who work in embassies or elsewhere ... [in] a total war on all crusaders in the Peninsula of [Prophet] Muhammad.’

AQAP was known previously as al-Qa’ida in Yemen (AQY). The group was founded after the escape of 23 extremist detainees from a high-security government correctional facility in Sana’a in February 2006.

In a statement in January 2009, al-Qa’ida in Yemen announced a change of name to al-Qa’ida in the Arabian Peninsula AQAP, the name of the previous al-Qa’ida network in Saudi Arabia which was dismantled by Saudi authorities in 2006. In the same statement, AQAP announced two Saudi former Guantanamo Bay detainees had joined the group as senior members. One of those has since surrendered to Saudi authorities.

The aim of AQAP is to remove all Western influences and interests from the Arabian Peninsula. On 15 May 2008, AQAP released an online statement threatening attacks in the Arabian Peninsula against non-Muslim foreigners. The group warned that they ‘stand absolved from [the rights] of any infidel who has entered the Arabian Peninsula.’

#### *Leadership*

AQAP’s leader, or emir, is Nasir al-Wahishi (aka Abu Basir) – a Yemeni national who was amongst the group of 23 veteran extremist leaders who escaped from a Yemeni government correctional facility in February 2006. This group went on to form the leadership elements of the current AQAP organisation. Al-Wahishi is reported to have served as an aide and a bodyguard to Usama bin Ladin in Afghanistan.

Public statements by Ayman al-Zawahiri in late 2008 and early 2009 praised AQAP’s activities and referred to Nasir al-Wahishi as the emir of the group.

AQAP’s deputy leader is Sa’id al-Shihri (aka Abu Sayyaf, aka Abu Sufyan) – a Saudi national and former Guantanamo detainee. Al-Shihri was returned to Saudi Arabia in 2007 and underwent a rehabilitation program but fled to Yemen upon his release. AQAP’s operational commander is Qasim al-Rimi (aka Abu-Hurayrah al-San’ani).

#### *Membership*

AQAP comprises several hundred fighters and has found sanctuary among a number of Yemeni tribes, particularly in the eastern provinces.

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

AQAP has been involved in a number of terrorist attacks, continues to plan and conduct attacks in Yemen and has claimed responsibility for terrorist attacks outside Yemen. The group employs suicide attacks, person and vehicle-borne improvised explosive devices,

small arms and rocket-propelled grenades, targeting Yemeni and foreign government, as well as foreign officials and tourists.

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

AQY, as it was then known, first emerged when it claimed responsibility for the 15 September 2006 suicide vehicle bomb attacks against oil facilities in the provinces of Marib and Hadramawt.

*Directly or indirectly preparing, planning or assisting in the doing of terrorist acts*

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

- 2 July 2007 – AQY again used a suicide vehicle bomb in Marib Province. This attack was at the Queen of Sheba temple and killed eight people, mostly Spanish tourists.
- 6 April 2008 – AQY was responsible for a mortar attack against the Haddah apartment complex in Sana’a which housed a number of US embassy employees.
- 18 January 2008 – AQY members were involved in the attack on a tourist convoy in Hadramawt, which killed two Belgian tourists and two Yemeni drivers.
- 17 September 2008 – AQAP attacked the US Embassy in Sana’a, killing at least 18, including one American. Reporting indicates vehicles, explosives, small arms, and suicide bombers were used in the attack and the suicide bombers were disguised in local Yemeni security force uniforms.
- 15 March 2009 – four South Korean tourists were killed and four wounded by an explosion in the historic city of Shibam in southeast Yemen. On 26 March 2009 AQAP issued a statement claiming responsibility for the 15 March suicide bombing in Shibam.
- 18 March 2009 – a suicide bomber targeted a delegation of South Korean officials en route to the airport in Sana’a to investigate the Shibam terrorist attack. The bomber walked between the two vehicles and detonated his vest but caused no injury to the officials. AQAP claimed responsibility for the attack.
- 27 August 2009 – a suicide bomber attempted to assassinate Saudi Deputy Interior Minister Prince Muhammad bin Nayif in Jeddah, Saudi Arabia. AQAP claimed responsibility for the attack.
- 25 December 2009 – Nigerian Umar Farouk Abdulmutallab attempted to detonate an IED aboard Northwest flight 253 en route from Amsterdam to Detroit. On 28 December AQAP released a statement on a jihadist Internet forum claiming responsibility for the attack.

*Directly or indirectly fostering the doing of terrorist acts or advocating the doing of terrorist acts*

AQAP actively fosters and advocates the doing of terrorist acts. In January 2008 the group launched its online magazine *Sada al-Malahim* (*‘Echoes of the Epics’*). The 11th issue of *Sada al-Malahim*, published on 29 October 2009, contained an editorial urging Muslims in the Arabian Peninsula to assassinate the Saudi Arabian ruling family.

The 11th issue was 73-pages in length and focused primarily on the assassination attempt on Saudi Deputy Interior Minister Muhammad bin Nayef. Several of the 31 articles in the magazine provided information about the bomber, Abdullah Hassan Taleh al-'Asiri (AKA Abu al-Kheir), and gave justification for the attack. Some articles were reprints of speeches and texts from Usama bin Laden, Abdullah Azzam and Yusuf al-'Ayiri, and the AQAP communiqué on the Marib clash with Yemeni forces that occurred on July 30. Three articles were featured from AQAP leader Nasir al-Wahishi, including a piece that praises Khalid Sheikh Muhammad, a piece describing the deception of Nayef by al-'Asiri, and a brief eulogy for slain Shabaab al-Mujahideen Movement commander, Saleh al Nabhani.

On 19 February 2009, AQAP leader Nasir al-Wahishi issued an audio statement urging the people of Yemen to rise up against their government. Al-Wahishi portrayed Yemen as being exploited by the Western powers, which he described as "crusaders".

### **Conclusion**

On the basis of the above information, ASIO assesses that Al-Qa'ida in the Arabian Peninsula is directly and indirectly engaged in, preparing, planning, assisting in, fostering and advocating the doing of terrorist acts. It is submitted that the acts attributable to Al-Qa'ida in the Arabian Peninsula are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, removing western influences and interests from the Arabian Peninsula;
- (ii) are intended to coerce or influence by intimidation, the governments of foreign countries, namely Yemen and Saudi Arabia; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

### **Other relevant information**

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

In January 2010, the United States designated AQAP as a Foreign Terrorist Organisation under Section 219 of the Immigration and Nationality Act.



## Appendix C – Statement of Reasons – Al-Qa’ida (AQ)

(Also known as: **Al-Jihad Al-Qaeda, Al-Qaida, The Base, Egyptian al-Jihad, Egyptian Islamic Jihad, The Group for the Preservation of the Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of the Holy Places, Islamic Army for the Liberation of Holy Sites, Islamic Salvation Foundation, The Jihad Group, New Jihad, Usama Bin Laden Network, Usama Bin Laden Organisation, The World Islamic Front for Jihad against Jews and Crusaders**)

The following information is based on publicly available details about al-Qa’ida. 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, 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*

In 1988, al-Qa’ida emerged from the Maktab al-Khidamat, a recruitment and fundraising network for the Afghan resistance to the Soviet Union’s occupation of Afghanistan. The impetus for establishing al-Qa’ida was to retain a common purpose for Islamic extremists following the end of the conflict with the Soviets. During the late 1990s, al-Qa’ida was

transformed from providing a unifying function for extremist elements into a global network of cells and affiliated groups.

Al-Qa'ida seeks to remove governments in Muslim countries that it deems are "un-Islamic" in order to establish an Islamic Caliphate. The United States and its allies are believed by al-Qa'ida to represent the greatest obstacle to this objective, given their perceived support for these governments.

#### *Leadership*

Al-Qa'ida is a Sunni Islamic extremist organisation whose core leadership is located in the border regions between Afghanistan and Pakistan. Usama bin Laden co-founded al-Qa'ida with Dr Abdullah Azzam and gained full control after the assassination of Azzam in 1989. Usama bin Laden and his deputy, Ayman al-Zawahiri continue to lead al-Qa'ida.

Al-Qa'ida maintains core support networks and operations in the Afghanistan and Pakistan border region. This region has served as a sanctuary for the leadership since the loss of the group's facilities in Afghanistan in late 2001, and where it continues to be well protected by local tribes and other sympathisers.

However, due to counter-terrorism measures against it, the al-Qa'ida core has become increasingly isolated, short of funds and is having more trouble recruiting and equipping fighters. While bin Laden and al-Zawahiri remain at large, unmanned drone attacks continue to kill other senior al-Qa'ida leaders, making it more difficult to raise funds, recruit and plan operations.

#### *Membership*

The exact size of the organisation is unknown, although some estimates have suggested a strength of approximately several thousand fighters. Originally, al-Qa'ida recruited veterans of the Soviet-Afghan conflict of 1979-89 and from campaigns in places such as Bosnia-Herzegovina, Kashmir, Mindanao, Chechnya, Lebanon, Algeria and Egypt.

More recent recruits include fighters who have gained experience in the conflicts in Afghanistan and Iraq. While al-Qa'ida has inspired a new generation of extremists, not all of those who travel to Afghanistan/Pakistan actually join al-Qa'ida. For some it is easier to join a local extremist group.

#### *Recruitment and funding*

Funding is often obtained through donations from Muslim charities and individuals. The US 9/11 Commission report attributed much of al-Qa'ida's funding to money diverted from charities. In addition, funds are also probably raised through criminal means, such as credit card fraud and the use of assumed identities. It is believed al-Qa'ida stopped using legitimate banking institutions for moving funds by mid-2002, turning instead to alternative systems such as the hawala system, couriers and precious stones.

Arabs dominate al-Qa'ida's senior leadership. Less is known about the group's recruitment methods since the loss of its training camp infrastructure in Afghanistan in late 2001. It is

likely a similar system has been established in the tribal areas of Pakistan, but on a smaller scale, using covert training camps and safe houses.

However, US drone attacks have made it more difficult for al-Qa’ida’s efforts in fundraising and recruiting. Reports suggest al-Qa’ida is struggling to raise funds and is having more trouble recruiting and equipping fighters.

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

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

Al-Qa’ida has directly or indirectly engaged in a number of terrorist attacks, including assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices (IEDs), including vehicle-borne and vessel-borne. Significant attacks which al-Qa’ida has claimed responsibility for, or that can be reliably attributed to individuals affiliated with al-Qa’ida, include:

- 7 August 1998: the bombing of the US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing over 200 people;
- 12 October 2000: the bombing of the USS Cole in the port of Aden, Yemen, killing 17 sailors;
- 9 September 2001: the assassination of Northern Alliance leader Ahmad Shah Masood in Afghanistan;
- 11 September 2001: the hijacking of four US passenger planes and crashing them into the World Trade Center buildings in New York, the Pentagon in Washington, and a field in Pennsylvania, killing approximately 3,000 people, including ten Australians;
- 11 April 2002: the bombing of a synagogue on the Tunisian island of Djerba, killing 20 people;
- 14 June 2002: the car bombing outside the US Consulate in Karachi, Pakistan, killing 12 people;
- 6 October 2002: the bombing of the French oil tanker MV Limburg off the coast of Yemen, killing one sailor;
- 28 November 2002: in Mombasa, Kenya, the car bombing of a hotel, killing 15 people, and the firing of two surface-to-air-missiles that missed an Israeli passenger plane after takeoff from Mombasa airport;
- 24 February 2006: the attack on the Abqaiq oil refinery in Saudi Arabia, killing two security guards;
- 2 June 2008: the bombing of the Danish Embassy in Islamabad, Pakistan, killing 6 people; and
- 20 September 2008: the bombing of the Marriott Hotel in Islamabad, Pakistan, killing 60 people.

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

Al-Qa'ida lost its primary base for training, planning and preparing for terrorist operations following the US intervention in Afghanistan in late 2001. Since then, al-Qa'ida has sought alternative locations in which to train and regroup, and members continue to gain combat experience in the ongoing conflicts in Iraq and Afghanistan.

Despite sanctions against al-Qa'ida's extensive financial networks, al-Qa'ida continues to find means of raising and transferring money for terrorist attacks, including through donations, criminal activity and via couriers.

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

Reporting indicates al-Qa'ida has encouraged, inspired and assisted like-minded individuals, as seen in the 7 July 2005 attacks on the London transport system. While there has been no confirmation of al-Qa'ida command and control over these attacks, there have been indications of al-Qa'ida involvement in training and influencing those involved. Two of the perpetrators of the London attacks, Mohammed Siddique Khan and Shehzad Tanweer, had travelled to Pakistan and, according to a statement by al-Zawahiri, had been trained by al-Qa'ida operatives.

Al-Qa'ida has also provided financial and material assistance in support of terrorist acts by other groups. These include:

- 12 October 2002: assisting in funding attacks on night clubs and the US Consulate in Bali, Indonesia, killing 202 people, including 88 Australians;
- 15 November 2003: assisting in planning and preparing car bomb attacks on two synagogues in Istanbul, killing 20 people;
- 20 November 2003: assisting in planning and preparing car bomb attacks on the HSBC Bank headquarters and the British Consulate in Istanbul, killing 30 people;
- 7 July 2005: assisting in training those involved in IED attacks on London's transport system, killing 56 people, including one Australian; and
- 2 March 2006: assisting in bombing a diplomatic vehicle outside the US Consulate in Karachi, Pakistan, killing three people.

*Directly or indirectly fostering the doing of terrorist acts or advocating the doing of terrorist acts*

Senior members of al-Qa'ida have made numerous statements advocating the conduct of terrorist attacks against the US and countries perceived to have allied themselves with the US and Israel. The February 1998 statement issued under the banner of the "World Islamic Front for Jihad against Jews and Crusaders" decreed that civilians in these countries were legitimate targets for terrorist attack.

Al-Qa'ida continues to provide inspiration, encouragement and influence to other Sunni extremist groups around the world. Moreover, al-Qa'ida leadership relies on its franchise organisations to plan and execute attacks. This relationship is best demonstrated by the decisions of the Salafist Group for Call and Combat in Algeria and the Jamaat Tawhid wa'al-Jihad group in Iraq to merge with al-Qa'ida. Now known as al-Qa'ida in the Lands



of the Islamic Maghreb and al-Qa’ida in Iraq respectively, both groups accept strategic direction and at times receive funding from al-Qa’ida.

Al-Qa’ida has recently expressed support for Uighur separatists in China. In an October 2009 statement, senior al-Qa’ida member Abu Yahya al-Libi declared “It is the duty of Muslims today to stand by the side of their wounded and wronged brothers in East Turkestan ... there is no way to lift oppression and injustice but with truthful return to their faith and ... to seriously prepare for jihad.”

Al-Qa’ida also encouraged extremism in Somalia in 2009. A statement by al-Zawahiri in February and another one by bin Laden in March called on the mujahideen of Somalia to reject the government and fight for an Islamic state.

Senior al-Qa’ida leaders continue to make public statements promoting al-Qa’ida’s ideology, supporting attacks undertaken by other groups and advocating violent jihad against the West. According to the UN Monitoring Team on al-Qa’ida and the Taliban, “the main way the (al-Qa’ida) leadership imposes some control and uniformity of purpose is through its broadcasts and web postings. These have attained increasing sophistication and follow a clear pattern, promoting recruitment, keeping local groups motivated, suggesting targets, and providing overall direction.”

As-Sahab, al-Qa’ida’s media wing, has continued to produce high-quality videos that reinforce al-Qa’ida’s ideology, defend its actions, recruit new members and inspire others to conduct terrorist attacks. From 2002 to 2009, as-Sahab produced 250 videos, peaking at 97 in 2008. The drop in production in 2009 may be attributed to a lack of funding and/or increased counter-terrorism measures against al-Qa’ida. However, there is no indication the decline in the numbers of productions has degraded the effectiveness of al-Qa’ida’s message to like-minded individuals.

Al-Qa’ida also exploits the terrorist attacks conducted by individuals and groups not linked with it to further spread its message. Following the suicide bombing on the CIA base at Khost, Afghanistan, on 30 December 2009, the chief of al-Qa’ida in Afghanistan released a statement on 6 January 2010 in which he praised the bomber, stating “Your brothers will continue the march on your path and they will not rest and their populace will not part with the populace of the Americans till they inflict upon them the greatest and most astonishing deaths and wounds...”

In a 29 January 2010 statement attributed to bin Laden, the people of the world are urged to wage economic terrorism on the US by boycotting American products and disposing of the US dollar. Bin Laden also called on the “mujahideen” to “continue their fight against the unjust in Iraq and Afghanistan.”

## **Conclusion**

ASIO assesses al-Qa’ida is continuing to directly and indirectly engage in, preparing, planning, assisting in and fostering the doing of acts involving threats to human life and serious damage to property. ASIO also assesses that al-Qa’ida advocates the doing of terrorist acts. This assessment is corroborated by information provided by reliable and

credible intelligence sources, as well as by the terrorist acts conducted by al-Qa'ida in the past.

In the course of pursuing its objective of creating an Islamic Caliphate, al-Qa'ida is known to have committed or threatened action:

- with the intention of advancing al-Qa'ida's political, religious or ideological causes;
- that causes, or could cause, serious damage to property, the death of persons or endangers a person's life; and
- with the intention of creating a serious risk to the safety of sections of the public globally.

In view of the above information, al-Qa'ida is assessed to be directly and indirectly engaged in, preparing, planning, assisting in and fostering the doing of terrorist acts and advocating the doing of terrorist acts. Such acts include actions which have been done or threatened with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation, governments and individuals globally. The actions or threatened actions which al-Qa'ida is assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

### **Other relevant information**

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

In 1998, key figures of five terrorist groups, including Usama bin Laden, issued a declaration under the banner of the "World Islamic Front for Jihad against Jews and Crusaders," announcing a jihad and stating the US and its allies should be expelled from the Middle East.

In addition to the groups al-Qa'ida has incorporated "officially" under its banner, al-Qa'ida also has provided encouragement and inspiration to other Islamic terrorist groups. Among such groups are: Al-Shabaab, Abu Sayyaf Group, Islamic Movement of Uzbekistan, Islamic Army of Aden, Asbat al-Ansar, Jemaah Islamiyah, Jamiat ul-Ansar/Harakat ul-Mujahideen, Lashkar-e-Tayyiba, Lashkar-e-Jhangvi, Jaish-e-Mohammad and Ansar al-Islam.

#### *Threats to Australian interests*

Since 2004, a number of statements have been made by bin Laden and al-Zawahiri calling for attacks against the US and its allies, including Australia. The most recent al-Qa'ida reference to Australia was on 2 April 2008, when as-Sahab posted to extremist internet

forums an audio file of al-Zawahiri responding to questions from forum participants. Al-Zawahiri referred to Australia when responding to a question criticising al-Qa'ida for killing Muslims in Muslim lands and not conducting attacks in Israel. Al-Zawahiri responded by citing attacks against the US and its allies, including Australia, in various locations and that these countries supported Israel.

*Proscription by the UN and other countries*

Al-Qa'ida is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the United States. Al-Qa'ida also is listed by the European Union for the purposes of its anti-terrorism measures.





## Appendix D – Statement of Reasons – Jemaah Islamiyah (JI)

**(Also known as: Al-Jama'ah Al-Islamiyah, Jamaah Islamiyah, Jama'ah Islamiyah, Jemaa Islamiya, Jema'a Islamiya, Jemaa Islamiyah, Jema'a Islamiyya, Jemaa Islamiyya, Jemaa Islamiyyah, Jemaah Islamiah, Jemaah Islamiya, Jeemah Islamiyah, Jema'ah Islamiyah, Jemaah Islamiyyah, Jema'ah Islamiyyah)**

The following information is based on publicly available details about Jemaah Islamiyah (JI). To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by reliable and credible 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, 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*

Jemaah Islamiyah is a Salafi jihadist group, inspired by the same ideology as al-Qa'ida (AQ), which regards the Indonesian government, along with other nations in the region, to be illegitimate. JI seeks to revive a pure form of Islam and establish a pan-Islamic state in Southeast Asia, governed by the tenets of *Sharia* (Islamic law).

Founded in Malaysia on 1 January 1993 by Indonesian Islamic clerics Abdullah Sungkar and Abu Bakar Ba'asyir, JI represents an evolutionary development of the Indonesian Islamic movement, Darul Islam (DI), which fought a violent insurgency to establish an

Islamic state in Indonesia in the 1950s and 1960s. JI's goals are essentially those of DI, but with a regional perspective.

JJ's charter and operating manual, the "*General Guide for the Struggle of Al-Jama'ah Al-Islamiyah*" (PUPJI), outlines the religious principles and administrative aspects underlining JJ's primary objectives. These entail establishing a solid support base of followers and then through armed struggle – first creating an Islamic state in Indonesia followed by a pan-Islamic Caliphate incorporating Malaysia, Singapore, Brunei and southern Philippines and ultimately creating a global theocratic Islamic state.

### *Leadership*

The current JJ leadership remains anti-Western in orientation, refusing to denounce violent jihad as a means of achieving its desired objectives and willing to conduct attacks against local sectarian targets. JJ has no publicly acknowledged leader, but has a well-ordered succession plan, in the event of the arrest of the incumbent Emir. Since the arrest of JJ Emir Zarkasih in June 2007, no new Emir has been identified publicly. However, two possible candidates have emerged: Para Wijayanto and Hadi Surya.

JJ remains operationally and organisationally distinct from other regional extremist groups. Despite counter terrorism efforts by regional authorities, JJ remains a functional paramilitary organisation, supportive of the use of violence whenever strategically opportune.

JJ currently embodies two opposing factions – a group which advocates fast tracking the Islamic Caliphate through sustained violence and a 'traditionalist' faction that temporarily eschews attacks, preferring to focus on the long term grass roots consolidation and rebuilding of its support networks.

### *Membership*

JJ's membership is not known publicly and is estimated to range between 900 and several thousand members, mostly concentrated in Java but spread throughout Indonesia and neighbouring Southeast Asian countries, including Malaysia, Philippines, Thailand, Cambodia and Myanmar.

### *Recruitment and funding*

Recent JJ activity has an emphasis on *Dakwah* (Islamic outreach) and publishing – in order to prepare a *mujahidin* support base for future extremist activity. JJ's 35 or so schools continue to produce a new generation of potential mujahideen who will intermarry, set up businesses together and be indoctrinated in ideology sympathetic to JJ's long-term Islamist goals.

Most of JJ's funding is derived from member contributions, Islamic publishing, affiliated charity and legitimate business activities, robbery and direct transfers from Middle-East based terrorist financiers in Saudi Arabia and Yemen.

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

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

Elements of JI have conducted numerous attacks targeting sectarian and foreign interests in Indonesia, particularly anti-Christian violence in Sulawesi, Maluku and Sumatra. JI targeted the Philippines Ambassador in Jakarta in 2000 and also conducted sectarian attacks across Indonesia over the 2000/2001 Christmas and New Year period. JI's first successful anti-Western attack was the Bali bombings of October 2002 which killed 202 people, including 88 Australians. This was followed by the 2003 JW Marriot Hotel bombing and the 2004 bombing of the Australian Embassy in Jakarta. The second Bali bombing, which took place in 2005, killed four Australians.

*Directly or indirectly preparing, planning or assisting in the doing of terrorist acts*

JI has been responsible for preparing, planning or assisting in the doing of terrorist attacks against a range of targets, but particularly Christian, Western and Indonesian government interests. Those previously subjected to JI attacks include hotels, bars, diplomatic premises, transport and military facilities and churches.

Since its re-listing by the Australia Government as a terrorist organisation on 9 August 2008, networks with familial and social links to JI have conducted attacks specifically targeting Western interests. Information and materiel seized in operations against JI linked individuals since 2008 demonstrate JI retains the capability and intent to use violence to achieve its goals - and networks linked to JI continue to plan to conduct terrorist attacks in Southeast Asia.

- 17 July 2009: The Noordin Top network – involved in previous anti-Western attacks attributed to JI – conducted bombings against two hotels in Jakarta, the Marriott and the Ritz-Carlton. Seven civilians were killed including three Australians. Funding for the hotel bombings likely came from overseas, via links between JI associates and foreign extremists.
- 1 April 2009: JI fugitive, Mas Selamat Kastari, former head of the Singapore branch of JI, was arrested by Malaysian authorities in Johor while plotting further attacks against Singapore.
- 28 June 2008 – 1 July 2008: a JI-linked cell in Palembang, Sumatra, was arrested for plotting to bomb a tourist café. Al-Furqon, a JI-linked pesantren, provided the venue for the radicalisation of the cell members; Fajar Taslim, a member of JI's 'Afghan Alumni' provided the group leadership and ideology to undertake acts of violence; and another member of the Afghan alumni, Saifuddin Zuhri, provided weapons and bomb making materiel and expertise to the Palembang cell.
- JI operatives continue to provide terrorist training to local extremist groups in the Philippines, such as the MILF and the ASG – these JI elements were co-located with the groups in southern Philippines, and contributed to the surge of violence against domestic Philippines and foreign interests in the Sulu Archipelago since 2008.
- Intelligence from the arrest of senior JI operatives, Abu Husna and Agus Purwantoro in Malaysia in 2008 detailed JI's links and desire to renew its international terrorist links.

*Directly or indirectly fostering the doing of terrorist acts or advocating the doing of terrorist acts*

JI remains focussed on Dakwah (Islamic outreach) and its publishing operations to promote an extreme interpretation of Islam. JI's network of 35 or so religious schools continually works to inculcate future generations of Indonesian youths in this extreme form of Islam designed to develop a support base in Indonesia for an Islamic State under Islamic Law, and legitimatise the use of violence to achieve their objectives.

### **Conclusion**

On the basis of the above information, ASIO assesses that JI is continuing to directly and indirectly engage in, preparing, planning, assisting in, fostering and advocating the doing of terrorist acts involving threats to human life and serious damage to property.

In the course of pursuing its objective of creating an Islamic state under *Sharia* (Islamic law) in Indonesia and a pan-Islamic Caliphate in South East Asia, JI is known to have engaged in acts that:

- are done with the intention of advancing JI's political, and religious and ideological causes;
- cause serious damage to property, the death of persons or endanger a person's life; and
- create a serious risk to the safety of sections of the public of Indonesia, Malaysia, the Philippines, Singapore, Australia and other persons visiting areas in which it operates.

The above acts include actions which have been done or threatened with the intention of advancing a political, religious or ideological cause and with the intention of coercing or influencing by intimidation, the Government and people of Indonesia which they consider apostate. The actions or threatened actions which JI are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.



## **Other relevant information**

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

Having a common heritage in DI has facilitated close links between JI and other violent extremist groups in Indonesia. These groups, including DI remnants, Front Pembela Islam (FPI), Majelis Mujahidin Indonesia (MMI), KOMPAK (Crisis Action Committee), and Laskar Jundullah, provide recruits and support networks for JI activity. JI continues to recruit covertly from its network of *pesantren* (Islamic boarding schools), religious study groups and through personal contacts.

JI's domestic and regional extremist links were reinforced by the simultaneous presence of JI and non-JI Southeast Asian militants in al-Qa'ida training camps in the late 1980s and early 1990s. JI's 'Afghan Alumni' cultivated organisational and personal relationships with foreign extremist groups, such as al-Qaida, while training and fighting in Afghanistan. Links were also forged with Southeast Asian extremist groups, laying the foundation for the current JI collaboration with militant groups in the Philippines. JI has linkages to the Abu Sayyaf Group – particularly through fugitive JI operative Umar Patek and Dulmatin, who was recently killed by Indonesian Security forces – and the Moro Islamic Liberation Front (MILF), who still provide refuge to JI personnel despite ongoing MILF/Philippines Government peace negotiations.

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

JI is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, New Zealand, the UK and the US.





## Appendix E – Statement of Reasons – Al-Qa’ida in the lands of the Islamic Maghreb (AQIM)

**Also known as: Al-Qa’ida in the Lands of the Islamic Maghreb (AQLIM); Le Groupe Salafiste Pour La Predication et le Combat; Salafist Group for Call and Combat; Salafist Group for Preaching and Combat (GSPC); Tanzim al-Qa’ida fi bilad al-Maghreb al-Islamiya**

The following information is based on publicly available details about al-Qa’ida in the Islamic Maghreb. 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, 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 al-Qa’ida in the Islamic Maghreb**

#### *Objectives*

Formerly known as the Salafist Group for Preaching and Combat (GSPC), al-Qa’ida in the Islamic Maghreb (AQIM) is a Sunni Islamic extremist group with its headquarters in northern Algeria. The group operates mainly in Algeria and the Sahel region of northern Mali. From its bases in northern Mali, AQIM also conducts regular attacks in Mauritania with some forays into Niger. AQIM does not appear to have established a strong foothold in the Maghreb countries of Morocco, Tunisia or Libya at this stage but aspires to expand

its influence throughout North Africa and the Sahel/Sahara region and to conduct attacks in Europe.

As the GSPC, the group's main goal was to overthrow the Algerian Government and replace it with an Islamic government to rule Algeria under Sharia law. This remains one of AQIM's key aims. However, following the GSPC's merger with al-Qa'ida in late 2006 and name change to AQIM in early 2007, the group increasingly has adhered to al-Qa'ida's extremist ideology and has declared war against foreigners and foreign interests.

AQIM has called for the freeing of the Maghreb countries of North Africa from Spanish and French influences and for the regaining of the lost Islamic regions of southern Spain, known as al-Andalus. AQIM also has stated its support for the Palestinians and called on Muslims across North Africa to target Jewish and Christian interests. Since 2000, Algerians believed to be GSPC/AQIM members have been arrested in France, Italy, Spain, the Netherlands, the UK and Pakistan. Security forces also have dismantled AQIM support cells in several European countries. While an AQIM attack in Europe is possible; the threat appears to have receded in the past few years.

Concerted counter-terrorism campaigns by Algerian security forces have put AQIM on the defensive in northern Algeria. Algerian authorities reportedly neutralised hundreds of AQIM militants in 2009 and believe that the group's national emir, Abdelmalek Droukdal, is losing control of the organisation. As a result of these pressures, the group's focus appears to be moving southwards into the Sahel region, boosting the relevance of the group's Mali-based battalions for training and recruitment and fundraising operations. These battalions are currently able to operate in relative safety in the vast, ungoverned north of the country and AQIM is launching an increasing number of attacks in Mali and Mauritania, including against Westerners, with some forays into Niger. As a result, international and regional calls for the Malian Government to drive AQIM out of Mali are becoming louder.

The GSPC was formed in 1998 as a splinter group of the Algerian Armed Islamic Group (GIA) to protest against the GIA's indiscriminate killing of civilians. The GSPC quickly became Algeria's largest and most dangerous terrorist group and by 2000, the external networks of the GIA across Europe and North Africa had been absorbed by the GSPC.

In June 2004, the GSPC released statements claiming that its jihad in Algeria was part of the international jihad led by Usama bin Laden and declaring war on all foreigners and foreign interests in Algeria. The culmination of this increasingly pro-al-Qa'ida stance was the GSPC's official merger with al-Qa'ida and its subsequent name change.

- On 11 September 2006, al-Qa'ida announced a merger between the GSPC and al-Qa'ida.
- On 26 January 2007, the GSPC announced it had changed its name to Al-Qa'ida in the Islamic Maghreb (AQIM).

Following the 2006 merger, AQIM media statements took an increasingly anti-Western position and the group conducted its first attacks specifically targeting Western interests.

### *Leadership*

Since 2004, the group has been led by Abdelmalek Droukdal (aka Abu Musab Abdel Wadoud). Other central figures include the leaders of two semi-autonomous and increasingly active AQIM battalions based in Northern Mali - Abdal Hamid Abu Zayd aka Abid Hamadou (Tariq Ibn Ziyad Battalion) and Mokhtar Belmokhtar (Al Moulathamine Battalion). The group’s 2006 merger with al-Qa’ida has proved to be largely ideological and AQIM appears to operate autonomously with limited contact and direction from its parent organisation.

### *Membership*

AQIM’s membership currently is estimated at between 500 and 800 members, about a third of whom operate in the Sahel regions of northern Mali and Mauritania. AQIM members are recruited from the Maghreb countries (Algeria, Libya, Mauritania, Morocco and Tunisia), the Sahel region (extending across northern Mali, southern Mauritania, northern Senegal, southern and central Niger central Chad, central Sudan and Eritrea) and from other West African countries.

### *Recruitment and funding*

Following substantial losses in its northern Algerian strongholds in the past two years, AQIM has stepped up its efforts to recruit new members. The group released a video entitled ‘Join the Caravan’ on 1 January 2010, maintains web-based propaganda and issues on-line updates of its activities under the title ‘Series of the Swords’ Shadows’, disseminated by the Al-Fajr Media Centre website. In October 2009, the website announced that AQIM had formed a new media outlet called ‘Al Andalus Media Productions’, in reference to an area of Spain regarded by AQIM as occupied Islamic territory.

AQIM funds itself primarily through criminal activities, including the kidnapping of Westerners for ransom payments. Kidnapping operations in the Sahel/Sahara region of North Africa have been a key source of funding in the past two years and have netted the group millions of Euros in ransoms since February 2008. Other funding sources include protection rackets, people and arms trafficking, money laundering and muggings and increasingly, the facilitation of drug trafficking from South America into Europe.

## **Terrorist activity of al-Qa’ida in the Islamic Maghreb**

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

AQIM conducts attacks against Western interests in northern Algeria and increasingly in Mali, Mauritania and Niger. Its methods include suicide bomb attacks, remotely detonated roadside bombings, small arms attacks, kidnappings for ransoms and assassinations.

- AQIM’s most significant attack on Western interests in Algeria was the 11 December 2007 suicide bombing attack on the UN Office in Algiers which killed 17 people.

- AQIM's most significant attack on Western interests in Mali was the assassination of a British tourist in northern Mali on 31 May 2009 following the UK Government's failure to meet AQIM's political demands.
- In Mauritania, AQIM was behind the kidnap of four Westerners in November and December 2009, the killing of a US citizen in the capital Nouakchott on 23 June 2009 and a suicide attack on the French Embassy in Nouakchott on 8 August 2009.
- In Niger, AQIM associates kidnapped two Canadian diplomats in December 2008 and held them in northern Mali until April 2009 when they were freed following the release of four AQIM prisoners held in Mali. Four European tourists were also taken hostage in Niger in January 2009 and held in northern Mali. Three were released after ransom payment while the fourth was killed.
- A further seven Westerners were kidnapped in four separate incidents in Mauritania, Mali and Niger between November 2009 and April 2010.
- As of May 2010, AQIM was holding three Western nationals hostage in northern Mali.

In addition to targeting Western interests, AQIM routinely attacks Algerian military, police and government interests. Common tactics include ambushes, attacks at false roadblocks, raids on military, police and government convoys, armed assaults and vehicle-borne suicide bombings.

#### *List of attacks*

AQIM can also be reliably attributed to, or has claimed responsibility for numerous attacks including:

- 10 December 2006 – AQIM claimed responsibility for a roadside bomb attack on a bus carrying Western oil workers near Algiers. One Algerian died and nine others were injured in the attack, including four Britons, one American, one Canadian and one Algerian.
- 3 March 2007- AQIM claimed responsibility for a roadside bomb attack on a bus carrying Russian gas workers, south-west of Algiers. Three Algerians and one Russian died in the attack.
- 29 August 2007 – AQIM placed a homemade bomb between two railway tracks, derailing a freight train near Algiers and injuring three people
- 6 September 2007 – an AQIM suicide bomber blew himself up shortly before a scheduled visit by the Algerian President in the town of Batna, killing 11 people
- 13 September 2007 – authorities defused a bomb placed by AQIM in a market in the city of Chemora (440km southeast of Algiers). The bomb was intended to explode in the midst of the crowd on the first day of Ramadan 2007.
- 14 September 2007 - Three people were killed and five wounded when a homemade bomb exploded outside a police residence east of Algiers. AQIM later claimed responsibility for the attack.
- 24 September 2007 - three municipal guards were the target of a lethal ambush perpetrated by an armed group of AQIM militants in Stah, 360km east of Algiers.

- 25 September 2007 – AQIM militants killed two police officers in a roadside bomb attack on a police patrol in Les Issers.
- 27 September 2007 - AQIM was responsible for the deaths of two soldiers in a bomb attack in Sidi Ali Bounab, in the Bourmedes Province, 135km east of Algiers.
- 9 October 2007 – three Algerian military personnel died when two roadside bombs placed by AQIM targeted an army convoy in Boumerdes.
- 8 November 2007 – AQIM claimed responsibility for an attack on an aircraft, possibly an Algerian Air Force cargo or transport jet, which was the target of an RPG attack at Djanet airport in the south of Algeria.
- 11 December 2007 - two car bombs exploded in Algiers, killing at least 62 people. The attacks targeted the Constitutional Court building and a UN office. AQIM later claimed responsibility for the attacks.
- 3 January 2008 – an AQIM militant carried out a suicide truck bomb attack in Naciria, 70km east of Algiers, killing four people and injuring 20.
- 1 February 2008 – AQIM associates launched a firearm and grenade attack on the Israeli Embassy in Nouakchott, Mauritania.

**Attacks in the past two years include:**

- 29 January 2008 – a lorry laden with 635 kg of explosives and driven by an AQIM supporter was detonated outside a police barracks in the town of Thenia, east of Algiers, killing four people and injuring 23 others.
- 10 March 2008 – AQIM issued a statement claiming responsibility for the abduction of two Austrian tourists in Tunisia.
- 6 August 2008 – AQIM claimed responsibility for a suicide bombing in Tizi Ouzou province, east of Algiers, on 3 August that reportedly injured 24 people.
- 9 August 2008 – an AQIM suicide bomber driving a vehicle laden with up to 300 kg of explosives attacked the Coast Guard barracks and the gendarmerie in Zemmouri el-Bahri in Boumerdes province, east of Algiers, reportedly killing six and injuring 18.
- 17 August 2008 – AQIM militants ambushed a military convoy between the provinces of Skikda and Jijel, east of Algiers, killing 11 soldiers with roadside bombs and small arms fire.
- 19 August 2008 – AQIM claimed responsibility for a large car bomb explosion outside a police training school in Issers near Boumerdes province, east of Algiers, killing 48 and injuring 45.
- 20 August 2008 – AQIM militants carried out attacks against a hotel and a police barracks in Bouira, south-east of Algiers, killing 11 and injuring 38.
- 17 February 2009 – AQIM claimed responsibility for the 14 December 2008 kidnappings of Canadian UN envoy Robert Fowler and his aide in Niger as well as the 23 January 2009 kidnappings of four European tourists – two Swiss, one German and one British – in Mali.

- 26 May 2009 – 10 Algerian soldiers were killed and six other injured when their patrol was ambushed by AQIM militants in Biskra province south-east of Algiers.
- 3 June 2009 – AQIM released an internet statement claiming to have killed British hostage Edwin Dyer, one of four European tourists kidnapped by the group in late January 2009. It was later confirmed that Dyer had been beheaded by the group in May 2009.
- 17 June 2009 – 20 police officers and a civilian were killed by AQIM militants during an attack on a security convoy in the Mansourah area of northern Algeria's Bordj Bou Arreridj province.
- 23 June 2009 – AQIM militants shot dead a US national in the Mauritanian capital Nouakchott.
- 29 July 2009 – 20 Algerian soldiers were killed when AQIM militants ambushed their convoy with IEDs and small arms in Tipaza province west of Algiers.
- 8 August 2009 – two security guards were wounded when a suicide bomber detonated himself outside the French embassy in the Mauritanian capital Nouakchott. Local authorities attributed the attack to AQIM.
- 9 November 2009 – a senior army officer was killed and two soldiers were wounded when AQIM militants detonated an IED in the Cap Djenet area of Boumerdes province, east of Algiers.
- 18 December 2009 - kidnapping of two Italian citizens by suspected AQIM militants in the Mneyssiratt area of Mauritania.
- 25 November 2009 – AQIM associates kidnapped a French civilian from the town of Menaka in Mali, near the border with Niger.
- 29 November 2009 – AQIM associates kidnapped three Spanish aid workers 170km north of Nouakchott in Mauritania.
- 20 April 2010 – AQIM members kidnapped a French tourist and his Algerian driver in northern Niger.

#### *Advocating the doing of terrorist acts*

AQIM leaders and senior al-Qa'ida members including Ayman al-Zawahiri, have stated publicly that AQIM should target US, French and other Western interests in Algeria, across North Africa and into Western Europe.

#### **Conclusion**

On the basis of the above information, ASIO assesses that AQIM is directly and indirectly engaged in, preparing, planning, assisting in and fostering the doing of terrorist acts and advocating the doing of terrorist acts. It is submitted the acts attributable to the AQIM are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely the overthrow of the Algerian Government and the establishment of an Islamic state ruled by Sharia law; and advancement of al-Qa'ida's political and religious causes.



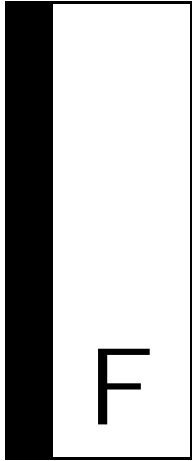
- (ii) are intended to coerce or influence by intimidation, the governments of foreign countries including Mauritania, Morocco, Tunisia and Libya.
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

**Other relevant information**

*Proscription by the UN and other countries*

AQIM is listed on the United Nations 1267 Committee's consolidated list as an entity associated with al-Qa'ida. AQIM has been also listed as a terrorist organisation by the US. Canada and the UK still list the group as the Salafist Group for Call and Combat (GSPC).





## Appendix F – Statement of Reasons – Jamiat ul-Ansar (JuA)

**(Also known as: Al-Faran, Al-Hadid, Al-Hadith, Harakat ul-Ansar,  
Harakat ul-Mujahideen, Harakat ul-Mujahidin, HuA, HuM)**

The following information is based on publicly available details about Jamiat ul-Ansar (JuA), formerly known as Harakat ul-Mujahideen (HuM), the name that is still commonly used for the group. 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, 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*

JuA wants to unite all of Kashmir with Pakistan and establish a caliphate based on Sharia law. JuA has advocated the use of Pakistan's nuclear weapons against India, and opposes efforts to normalise relations between the two countries.

JuA also has pledged support for Afghan militants fighting Coalition forces in Afghanistan. Some elements within JuA have wanted to re-focus their activities and bring them more into line with Usama bin Laden's global jihad against the US and Israel and their allies.

### *Leadership*

The leader of JuA is Fazlur Rehman (sometimes Rahman) Khalil (also known as Maulana Farzul Ahmed Khalil and Maulana Ahmed Khalil).

In 1991, Khalil and his followers split from Harakat ul-Jihad Islami (HuJI), a group that fought the Soviets in Afghanistan and later turned its attention to Indian-administered Kashmir to form Harakat ul-Mujahideen (HuM). In 1993, HuM reunited with HuJI under the name Harakat ul-Ansar (HuA).

As a consequence of reports that link the group to al-Qa'ida, HuA was proscribed as a terrorist organisation by the United States in 1997. The group re-adopted the name HuM to escape the ramifications of proscription.

HuM was banned by both the US and Pakistan following the 11 September 2001 terrorist attacks and adopted the name Jamiat ul-Ansar (JuA). JuA also was subsequently banned by Pakistan in November 2003.

### *Membership*

JuA has been reported to have strength of no more than a few hundred but exact membership numbers cannot be determined with accuracy. The majority of JuA's membership is drawn from Pakistan, Afghanistan and the Indian State of Jammu and Kashmir.

JuA also has attracted recruits and provided training to Islamist militants from around the world, including Bangladesh, South-East Asia, the United Kingdom and the United States.

## **Terrorist activity of the organisation**

### *Directly or indirectly engaged in terrorist acts*

- December 1999: an Indian airliner was hijacked en route from Nepal to India; one passenger was stabbed to death.
- 23 January 2002: US journalist Daniel Pearl was abducted and subsequently murdered on this date. Four people, including JuA member Ahmed Omar Sheikh, were convicted of Pearl's murder.
- 26 May 2004: JuA trained members were among a number of militants drawn from several Pakistani extremist groups responsible for the twin car bomb attack near the US Consulate in Karachi.
- 9 June 2004: the same terrorist cell was involved in an attack against a convoy carrying Karachi's military commander and resulted in seven deaths.
- February 2007: the kidnapping and subsequent beheading of a Hindu businessman in Pakistan's Sindh Province.
- February 2009: members of a terrorist cell with links to JuA and reportedly responsible for six attacks in Kabul, Afghanistan, were arrested.
- 23 February 2010: two JuA members were among five militants killed by Indian security forces in Sopore, Kashmir; the militants blew up two houses in the battle with security forces.

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

- 19 June 2005: several JuA trained individuals were arrested in Afghanistan as they were preparing to carry out acts of terrorism.
- June 2005: two American citizens were arrested for suspected participation in an al-Qa'ida plot to attack the US. Both claimed to have attended a terrorist training camp run by JuA leader Khalil.
- December 2008: UK national Rangzieb Ahmed, who had confessed to membership in JuA, was convicted on terrorism charges.

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

- JuA operated terrorist training camps in eastern Afghanistan prior to their destruction by Coalition air strikes in 2001.
- JuA camps in Pakistan have provided both religious instruction and military training and support to terrorist organisations and individuals from around the world.
- In 2004, individuals trained by JuA were arrested for their involvement in separate suicide car bomb attacks outside the US Consulate and the Sheraton Hotel in Karachi in May and June 2002, respectively.

- Also in 2004, individuals trained by JuA were arrested for a failed attempt to assassinate Pakistani President Pervez Musharraf with a remote-controlled car bomb in April 2002.
- Individuals trained at JuA facilities have engaged in terrorist operations in Tajikistan and Bosnia and Herzegovina in the 1990s.
- JuA reportedly helped facilitate training by members of the Pakistani diaspora in the UK in June 2003, some of whom may have intended to return home to conduct terrorism related activities.

*Directly or indirectly fostering and/or advocating the doing of terrorist acts*

- Following his release from Pakistani detention in 2006, JuA leader Khalil reportedly visited JuA-linked mosques and madrassas in Pakistan where he advocated jihad against Coalition forces in Afghanistan.
- On 16 December 2006, leaders of JuA and Pakistani sectarian terrorist group Lashkar-e-Jhangvi (LeJ) called for a joint strategy and pledged to cooperate with Afghan insurgents to target Coalition forces in Afghanistan.
- On 4 February 2009, a death threat reportedly attributed to JuA was posted on the website of India's leader of the opposition and prime ministerial candidate L K Advani.

## **Conclusion**

In view of the above information, ASIO assesses JuA is continuing to directly and indirectly engage in, prepare, plan, assist in and foster the doing of terrorist acts, and advocates the doing of, terrorist acts. This assessment is corroborated by information provided by reliable and credible intelligence sources, as well as by the terrorist acts conducted by JuA in the past.

In the course of pursuing its objective of uniting Jammu and Kashmir with Pakistan under a radical interpretation of Islamic law, JuA is known to have engaged in or advocated actions that:

- are aimed at advancing JuA's political and religious causes;
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life; and
- are intended to cause, or have caused, serious risk to the safety of sections of the public globally.

## **Other relevant information**

*Links to other terrorist groups or networks*

JuA has cooperated with other militant groups operating in Afghanistan, Kashmir and Pakistan such as Hizb-ul-Mujahideen, Lashkar-e-Tayyiba, Jaish-e-Muhammad, and Sipah-e-Sahaba Pakistan.

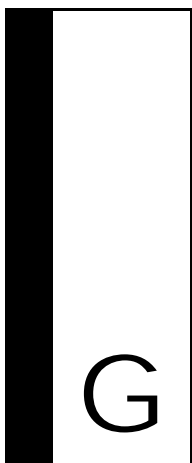
JuA leader Khalil has strong ties to the Taliban and al-Qa'ida and in 1998 signed Usama bin Laden's fatwa calling for attacks on the US and its allies.

*Proscription by the UN and other countries*

JuA is listed in the United Nations 1267 Committee's consolidated list and by the governments of Canada, the United Kingdom, the United States and Pakistan.







## Appendix G – Statement of Reasons – Abu Sayyaf Group (ASG)

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

The following information is based on publicly available details about the ASG. To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by reliable and credible 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, 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 ASG's founding objective is to create an autonomous Islamic state encompassing the southern Philippines islands of Mindanao and surrounding islands and the Sulu Archipelago, whose main islands are Basilan, Jolo and Tawi Tawi. The ASG was founded in 1991 as a militant Islamic movement by Abdurajak Janjalani, who fought in Afghanistan in the 1980s where he was influenced by radical Wahhabi thought. Janjalani's original intent was to fuse Salafi Wahhabist ideology with a southern Philippines separatist agenda.

The ASG is a fundamentally clan-centric terrorist network with a fluid peripheral membership which includes foreign jihadists and enjoys support from a portion of the local population in Jolo and Basilan. The ASG's sub-groups also undertake criminal activities in order to sustain its leaders and membership and to provide resources for its terrorist activities, including its capacity to oppose military operations of the Armed Forces of the Philippines (AFP).

The ASG views kidnap-for-ransom ventures as a profitable operational tactic – along with extortion and related activity – and these attacks have been a trademark of ASG since its creation and represent the main funding mechanism for the ASG and subordinate groups. Aside from the financial gains for ASG in conducting the above activities, ASG's activities – including the targets chosen for kidnapping and extortion operations – remain heavily influenced by the religious, political and ideological considerations as originally dictated by Janjalani. Westerners and other wealthy foreign nationals, as well as local politicians and business people feature among the targets.

### *Leadership*

It is currently unclear whether a single leader of the ASG has emerged since former Emir, Khadaffy Janjalani, was killed in an AFP operation in September 2006. There are a number of key leadership figures with extensive operational experience, such as Radullan Sahiron, Gumbahli Jumdail (aka Dr Abu), Isnilon Hapilon and Yasir Igasan, all of whom maintain contact and retain the ability and personnel to conduct their own independent operations.

### *Membership*

The ASG membership consists primarily of young Tausug Filipino Muslims from the Sulu archipelago, but the ASG attracts poverty-stricken unemployed young Muslims from across the southern Philippines. The ASG originally consisted of jihadi volunteers who had fought in Afghanistan. Janjalani was eventually able to attract hundreds of recruits who were mostly derived from the Moro National Liberation Front (MNLF). ASG rank-and-file numbers fluctuate in response to successful terrorist operations and pressure from the

Philippines military, which dictate the available resources and relative incentives for membership.

Since its inception, the ASG has consisted of loosely affiliated groups, mostly organised along traditional clan and familial lines, with as many as 26 clan groupings of security interest to the Philippines authorities. These sub-groups are based mainly in the Sulu archipelago in the southern Philippines – primarily on the Islands of Jolo and Basilan. The commanders of each sub-group are largely autonomous clan leaders. Despite its relatively small core numbers, the ASG draws its strength from a large local support base.

### *Current Status of the ASG*

Since the expulsion of the ASG from Mindanao and the subsequent death of senior leaders, the ASG has continued to fragment, leaving the ASG clan groups largely confined to their home islands in the Sulu archipelago and under significant operational constraints compared to its first decade of existence. The AFP, with US military logistical support, has continued to mount operations against ASG groups in the Sulu archipelago and still consider the group to be a significant threat, particularly when acting in concert with other Philippines-based militant groups, including the Moro Islamic Liberation Front (MILF).

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

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

The ASG has been responsible for the planning and conduct of terrorist attacks against a wide range of targets, but particularly Philippine government, Christian and Western interests. ASG attacks in the past few years (2008 to 2010) have to a large degree been motivated by financial gain rather than purely political, religious or ideological purposes – but the proceeds of these attacks are used to support the ASG's operations. Funding is especially important for sustaining ASG's capacity to resist pressure from the AFP counter-insurgency operations – including its interaction with other terrorist groups (MILF, MNLF, Indonesia-based networks).

The history of target locations also highlight the ongoing operational interest and reach of ASG into areas frequented by tourists, including in Malaysia's Sabah State located southeast of the Sulu archipelago. Attacks attributed to the ASG have included:

- 23 April 2000: 21 people, including 10 foreign tourists, were kidnapped from the Malaysian resort island of Sipadan. This kidnapping was resolved in 2001 when the ASG received a \$15 million ransom.
- 28 August 2000: US national Jeffrey Schilling was kidnapped in Zamboanga City; the ASG reportedly believed he was a CIA spy. Schilling was rescued in April 2001.

- 27 May 2001: 20 people were kidnapped from the Philippine tourist resort of Dos Palmas on Palawan Island, in the course of which several victims were murdered – including a US citizen. Another US citizen was killed during the rescue operation.
- 2 October 2002: a karaoke bar in Zamboanga City was bombed, killing four people, including a US soldier and injuring 24 others.
- 27 February 2004: *Superferry 14* was bombed, killing over 100 people.
- 14 February 2005: a coordinated series of bombings in Philippines cities of Makati, Davao and General Santos, killed at least seven people and left approximately 150 injured.
- 10 August 2005: two bombings in Zamboanga City wounded eight people.
- 27 March 2006: a convenience store in Jolo was bombed, killing nine and wounding 24 people after extortion demands were not met.
- April 2007: ASG clansmen led by Albader Parad kidnapped seven local workers on Jolo. When ransom money was not paid by the local employer all of the hostages were beheaded.
- 10 June 2007: an Italian priest was kidnapped in Zamboanga and subsequently released on 20 July 2007.
- 11 October 2009: an Irish priest was kidnapped in Mindanao and subsequently released on 12 November 2009.
- January 2009: three ICRC representatives were kidnapped on Jolo and subsequently released.
- September 29 2009: two US servicemen were killed after an IED struck their vehicle in Jolo.
- 8 February 2010: two Chinese-Malay workers were kidnapped from a seaweed farm in Semporna, Sabah, Malaysia by suspected ASG members.
- 27 February 2010: suspected ASG gunmen attacked the village of Tubigan, Basalan, killing 11 people and wounding 10. These revenge attacks followed the death of ASG sub-commander Parad who was killed during a Philippine military operation a week earlier; and
- 3 March 2010: three ASG members were arrested due to their involvement in a plot to launch bomb attacks in retaliation to the killing of ASG commander Albader Parad. Philippines authorities confirmed that the men arrested were ASG members and that they had been trained in bomb-making skills by Jemaah Islamiyah (JI).

*Directly or indirectly fostering the doing of terrorist acts*

The ASG has been linked to dozens of kidnappings over the past decade in Basilan, Sulu, Tawi-Tawi, Zamboanga City and other areas in Western Mindanao. According to the Philippine authorities, the ASG has links to al-Qa'ida and Indonesia-based *terrorist* networks including JI and they attribute bombings in key areas in Mindanao and in Manila to ASG.

ASG has a history of association with other terrorist organisations since its founding – most notably with al-Qa’ida, JI and other Indonesia-based extremist networks. The current primary association between ASG and other anti-Western terrorists is its provision of safe haven to JI-linked fugitives, which was first seen in 2003 and occurs to this day.

Indonesian extremists, under the protection of the ASG, continue to support terrorist operations by ASG and MILF in the Philippines and also provide bomb-making training to Philippines-based militant networks.

- Information from March 2009, recovered from ASG training camps, documented the collusion between MILF, ASG, and JI in effecting 'technology transfer' and the provision of safe haven in exchange for weapons.
- ASG clansmen on Jolo have harboured Indonesian JI members Umar Patek and Dulmatin (deceased), both of whom fled to the southern Philippines in 2003 to avoid arrest after their involvement in the October 2002 Bali bombings was exposed.
- As of January 2010, Jolo-based ASG groups also harboured Marwan – a JI fugitive and US-trained engineer and explosives trainer – who had been in the Philippines since mid 2007. Patek and Marwan currently have a combined total of US\$6 million in reward money posted for their capture by the United States.

ASG also maintains operational and logistical links with other Philippines-based networks that are actively engaged in terrorist activity, including MILF and MNLF, all of which benefit from the proceeds of kidnapping operations and fundraising activities.

## **Conclusion**

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

On the basis of the above information, ASIO assesses the ASG is indirectly preparing, planning, assisting in or fostering the doing of terrorist acts. As well as conducting its own terrorist activity, ASG is providing assistance to terrorist fugitives, who retain the intent to conduct, and continue to plan, terrorist actions in the Philippines.

ASIO further assesses that elements of the ASG remain active, retain a capability to conduct attacks, and an enduring intent to directly prepare, plan, assist in, or foster the doing of terrorist acts. It is submitted that the acts attributable to the ASG are terrorist acts as they:

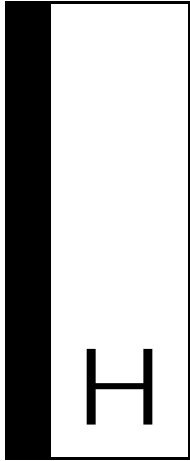
- (i) Are done with the intention of advancing a political cause, namely, the establishment of an Islamic state encompassing the southern Philippines;
- (ii) Are intended to coerce or influence by intimidation the government of a foreign country, namely the Philippines, and/or intimidate a section of the Filipino public; and
- (iii) Constitute acts which cause serious physical harm to persons, including deaths, as well as serious damage to property.

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

This assessment is corroborated by information from reliable and credible intelligence sources

#### **Other relevant information**

ASG is listed in the United Nations' 1267 Committee's Consolidated List as an entity associated with al-Qa'ida and as a proscribed organisation by the governments of Canada, New Zealand, the United Kingdom and the United States of America. ASG was last proscribed in Australia on 3 November 2008.



## Appendix H – Statement of Reasons – Al-Qa’ida in Iraq (AQI)

(Also known as: Al-Qa’ida of Jihad in the Land of the Two Rivers; Al-Qa’ida of Jihad Organization in the Land of the Two Rivers; Al-Tawhid; Al-Tawhid and al-Jihad; AQI – Zarqawi; Brigades of Tawhid; Islamic State in Iraq; Jama’at al-Tawhid wa’al-Jihad; Kateab al-Tawhid; Mujahidin Shura Council; Qaida of the Jihad in the Land of the Two Rivers; Tanzeem Qa’idat al-Jihad/Bilad al Raafidaini; Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn; The al-Zarqawi network; The Monotheism and Jihad Group; The Organisation Base of Jihad/Mesopotamia; The Organisation of Jihad’s Base in the Country of the Two Rivers; Unity and Holy Struggle; Unity and Holy War; Unity and Jihad Group)

The following information is based on publicly available details about al-Qa’ida in Iraq, formerly listed as Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn (TQJBR). 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, 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-Qa'ida in Iraq (AQI) is a Sunni extremist group that operates within Iraq. The group operates mainly in central and northern Iraq but maintains a presence throughout the entire country. AQI networks are based primarily in Sunni areas and regions where other groups engaged in sectarian violence are located. Currently, AQI largely is funded and equipped through criminal activities and intimidation tactics within Iraq, as well as from neighbouring countries who buy goods extorted by AQI.

#### *Objectives*

AQI's key religious, political and ideological aims are to expel foreign forces from Iraq and to establish an Islamic caliphate under strict Sharia law in Iraq. However, the withdrawal of US troops from urban centres in mid-2009 has reduced the reasons for targeting, and opportunity to target, foreign forces and hence AQI recently has been focused more on targeting the Iraqi government in large-scale attacks with several occurring since August 2009. These attacks are aimed at undermining the government and the remaining foreign forces and Iraqi security forces (ISF) as well as disrupting democratic processes. AQI continues to lead a sectarian battle in Iraq which has targeted the Shia majority, the Kurdish and other minority groups, as well as Sunnis who are supportive of the Iraqi Government.

#### *Leadership*

AQI was led most recently by Abu Ayuub al-Masri (aka: Abu Hamza al-Mujahir, or 'the immigrant'); however, al-Masri died in a US air strike on 18 April 2010. Al-Masri was an Egyptian who formerly was responsible for AQI's intelligence operations and the solicitation of new recruits. Al-Masri led AQI since the death of former AQI leader, Abu Musab al-Zarqawi, in 2006.

Al-Zarqawi pledged allegiance to al-Qa'ida (AQ) on 17 October 2004 via an internet posting. A statement by Usama bin Laden, broadcast on 27 December 2005, welcomed the union and exhorted mujahedeen in Iraq to obey al-Zarqawi. Al-Zarqawi led AQI until June 2006 when he was killed by US forces. While leading AQI, al-Zarqawi maintained a campaign to establish an Islamic caliphate and expel Coalition forces from Iraq. In addition, al-Zarqawi remained focused on inciting Sunni-Shia sectarian violence. These remain AQI's priorities.



The Islamic State of Iraq (ISI) which formed in December 2006 is a Sunni umbrella group, largely comprised of AQI members and is responsible for conducting many of AQI's large-scale attacks. The leader of the ISI was Abu Abdullah al-Rashid al-Baghdadi - until his death on 19 April 2010. The ISI announced on 16 May 2010 that Abu Bakr al-Baghdadi al-Huayni al-Qurashi has replaced al-Baghdadi as leader of the ISI and that Abu Abdullah al-Husseini al-Qurashi will be deputy leader and Prime Minister to replace al-Masri. The deceased Al-Masri also was referred to as the ISI's Minister of War. The ISI announced on 16 May that Al-Nasir Lidin Allah Abu-Sulayman is now the ISI's Minister of War. Despite al-Baghdadi being named the Leader of the ISI, al-Masri is considered to have held the most power and operational leadership in AQI. It is evident from recent statements produced by the ISI that AQI continued to maintain a cabinet-structure and regional emirs within its leadership. However, in June 2010 the US announced that 42 of the 50 chiefs of AQI had been captured or killed in the preceding three months.

The death of al-Masri and al-Baghdadi will impact the effectiveness of AQI, particularly in the short to medium term; however, AQI has recovered previously from the death of a leader (al-Zarqawi) and could do so again.

### *Membership*

The exact number of individuals associated directly with AQI is unknown. Iraqis are now the dominant group within AQI whereas previously foreign extremists comprised the majority of members. Local Iraqi Sunni support for AQI was affected adversely by earlier indiscriminate attacks and the resulting backlash from Coalition forces, Iraqi forces and the wider community.

## **Terrorist activity of the organisation**

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

Since AQI's proscription on 3 November 2008, it has been involved in the following large-scale terrorist attacks:

- 4 April 2010: the Iranian, German and Egyptian missions were targeted in bombings that killed around 35 people and wounded approximately 200.

- 3 March 2010: three suicide bombings in Baquba targeted two military and police buildings and a hospital, killing around 30 people. The ISI later claimed this attack.
- 26 January 2010: a suicide bomber targeted a forensic laboratory in the Interior Ministry in Baghdad, killing around 20 individuals. This attack and the attacks occurring since 19 August 2009 in Baghdad were all declared to be part of the 'Invasion of the Captive' campaign.
- 25 January 2010: 37 people were killed when co-ordinated suicide bombers struck three Baghdad hotels.
- 8 December 2009: five explosions targeting government buildings around Baghdad killed around 130 individuals and wounded 400.
- 25 October 2009: two explosions targeting Iraqi government buildings killed over 150 individuals and injured around 500. This attack was the largest attack in Iraq since 2007.
- 19 August 2009: around 100 civilians were killed and almost 600 injured when two near-simultaneous explosions detonated near government buildings in Baghdad.

AQI also continue to be engaged in several campaigns which involve smaller attacks aimed at inciting sectarian violence and more recently disrupted democratic processes during the March 2010 election period.

- The ISI has claimed a spate of attacks which occurred in the lead up and during the March 2010 elections. Attacks included IEDs, armed clashes and rocket strikes and are claimed to be part of the 'Axe of al-Khalil Campaign' which is aimed at disrupting democratic processes.
- The ISI claimed two October 2009 suicide bombings in Mosul which targeted Iraqi soldiers and a Kurdish Peshmerga convoy.

*Directly or indirectly fostering and/or advocating the doing of terrorist acts*

AQI has released a number of media statements which advocate terrorist acts and call for violence against numerous targets. Some of these statements are listed below:

- 14 May 2010: the new War Minister of the ISI, Abu Suleiman, announced a new campaign stating that the ISI would continue to wage violent jihad.
- 9 March 2010: al-Furqan, the media arm of the ISI, released a video of three fighters who incite Muslims to participate in violent jihad.
- 7 March 2010: al-Baghdadi said that AQI's fight against Coalition Forces continues and encouraged Muslims and Somalis to join al-Shabaab.
- 5 March 2010: the ISI declared a curfew on Election Day saying that those who defy the curfew will 'unfortunately expose himself to the anger of Allah and then to all kinds of weapons of the Mujahideen'. This follows a statement released on 12 February 2010 in which al-Baghdadi threatened a military response to the Iraqi parliamentary elections.

- 22 February 2010: the ISI issued a video which states that there are dozens of young jihadists who await the day when they can shed the blood of American ‘Crusaders’ and those who support them. In the same recording a jihadist names heretics, the Peshmerga, the Americans and the ‘pagan’ Iraqi forces as possible targets for his ‘martyrdom-seeking operation’.
- 11 January 2010: the ISI released a video that documents a suicide bomber in his quest to conduct a bombing against a Peshmerga base.
- 23 October 2008: al-Masri threatened attacks against the US, Australia and Britain when asked in an interview if he has any intention of striking Western interests.
- 22 September 2008: al-Masri and al-Baghdadi encourage the mujahedeen to kill and raid ‘the enemies’.
- 28 July 2008: the ISI declares a new military campaign called ‘Invasion of Revenge for the Martyr Brother, Abu Khalef’, avenging deaths caused by Coalition and Iraqi forces.
- 14 April 2008: al-Baghdadi calls for Sunni unity and encourages all Sunnis (including those working for the Iraqi government to turn their guns towards the ‘Crusader’ enemy. Al-Baghdadi says the ISI will punish anyone who aids the ‘occupying Crusaders’.
- 10 February 2008: the ISI renews their resolve to continue to fight against the ‘aggressor’.

## **Conclusion**

In view of the above information, ASIO assesses AQI is continuing to directly and indirectly engage in, preparing, planning, assisting in and fostering the doing of acts, and advocates the doing of terrorist acts. This assessment is corroborated by information provided by reliable and credible intelligence sources, as well as by the terrorist acts conducted by AQI in the past.

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

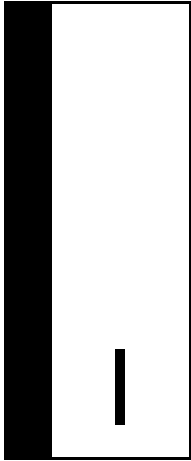
- with the intention of advancing AQI’s political, religious or ideological causes;
- that causes, or could cause, serious damage to property, the death of persons or endangers a person’s life; and
- with the intention of creating a serious risk to the safety of sections of the public globally.

## **Other relevant information**

- AQI receives ideological support from, or has promoted ideological support for, several other terrorist organisations, including Al-Qa’ida (AQ),

Al-Qa'ida in the Arabian Peninsula (AQAP), Salafists in Gaza and Al-Shabaab.

- On 26 March 2010, the ISI released a statement urging Muslims to support the family of Usama bin Laden, some of whom are currently imprisoned in Iran.
- AQI is listed on the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of New Zealand and the United States.
- AQI was listed as a proscribed terrorist organisation on 2 March 2005, and relisted on 17 February 2007 and 3 November 2008.



## Appendix I – Witnesses appearing at Private Hearing

Canberra

Thursday, 3 March 2011

*Attorney-General's Department*

Mr Geoff McDonald – First Assistant Secretary

Ms Annette Willing – Assistant Secretary, Security Law Branch

*Australian Security Intelligence Organisation*

Deputy Director-General

Assistant Director-General – National Threat Assessment Centre

