

The listings

- 2.1 To be specified as a terrorist organisation for the purposes 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).¹

- 2.2 This chapter will examine the current nature and reach of the three organisations, with particular emphasis on what might have changed since the Committee last reviewed the listing of these organisations. The Committee believes the evidence in support of a re-listing should reflect the most current information available about the organisations under review.

Palestinian Islamic Jihad

- 2.3 The Palestinian Islamic Jihad (PIJ) was initially listed as a terrorist organisation under the Criminal Code on 3 May 2004 and it was re-listed as a terrorist organisation under the Criminal Code with effect from 7 October 2005. A subsequent regulation was made re-listing

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

the organisation as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 6 September 2007. The regulation commenced on 8 September 2007.

- 2.4 ASIO's Statement of Reasons advises that the PIJ's stated objective is the establishment of an Islamic Palestinian state and the destruction of the state of Israel. Funding for the PIJ is primarily from Iran and Syria. PIJ headquarters is located in Damascus. The PIJ has a small membership of approximately 50-200.
- 2.5 In considering the evidence given in ASIO's Statement of Reasons in support of the re-listing of the PIJ, the Committee notes the following:
- Despite Israeli military action against the PIJ over the past six to seven years, the PIJ 'remains active and has claimed responsibility for suicide bombings and rocket attacks in 2006 and 2007'².
 - A member of the PIJ leadership stated in April 2007 that the group continuously makes plans to carry out 'martyrdom operations'.
 - ASIO lists fifteen terrorist attacks for which responsibility has been claimed by or reliably attributed to the PIJ since it was previously re-listed, including four suicide bombings killing at least 20 people and injuring many others.
 - The PIJ has confined its activities to the Middle East and has not deliberately targeted Western interests, although it has previously threatened to target the US Embassy and its personnel if it moves from Tel Aviv to Jerusalem.
- 2.6 The Committee is satisfied that the Attorney-General has provided evidence demonstrating that the PIJ is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts (whether or not a terrorist act has occurred or will occur). The Committee notes that ASIO's assessment of the PIJ is corroborated by information provided by reliable and credible intelligence sources.

Lashkar-e-Tayibba

- 2.7 Lashkar-e-Tayibba (LeT) was initially listed as a terrorist organisation under the Criminal Code by way of special legislation on 9 November 2003 and it was re-listed as a terrorist organisation under the Criminal

2 ASIO Statement of Reasons.

Code with effect from 7 October 2005. A subsequent regulation was made re-listing the organisation as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 6 September 2007. The regulation commenced on 8 September 2007.

- 2.8 ASIO's Statement of Reasons advises that 'LeT is one of the largest and most brutal of the Pakistan-based militant groups active in Kashmir'³. Its stated objective is to unite Indian administered Kashmir with Pakistan under a radical interpretation of Islamic law.
- 2.9 In considering the evidence given in ASIO's Statement of Reasons in support of the re-listing of the LeT, the Committee notes the following:
- The group is credited with introducing the use of suicide squads to the conflict in Indian administered Kashmir.
 - LeT has conducted numerous attacks, including bombings, assassinations and kidnappings against Indian security forces (Military and police), government, transport and civilians in Indian administered Kashmir.
 - Reporting indicates LeT may be helping to facilitate training of foreigners who are possibly intending to conduct terrorism related activities in their countries of origin.
 - ASIO lists seven terrorist attacks killing over 300 people for which responsibility has been claimed by or reliably attributed to LeT since it was previously re-listed.
- 2.10 The Committee is satisfied that the Attorney-General has provided evidence demonstrating that LeT is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts (whether or not a terrorist act has occurred or will occur). The Committee notes that ASIO's assessment of LeT is corroborated by information provided by reliable and credible intelligence sources.

Hamas' Izz al-Din al-Qassam Brigades

- 2.11 Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades) was initially listed as a terrorist organisation under the Criminal Code by way of special legislation on 9 November 2003 and it was re-listed as a

3 ASIO Statement of Reasons.

terrorist organisation under the Criminal Code with effect from 7 October 2005. A subsequent regulation was made re-listing the organisation as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 6 September 2007. The regulation commenced on 8 September 2007.

- 2.12 ASIO's Statement of Reasons states that ' Hamas aims to establish an Islamic Palestinian state which would include the territory of the current state of Israel. The Brigades engages in terrorist acts in support of Hamas' political objectives'⁴.
- 2.13 Hamas Brigades constitutes a 'wing' of Hamas but operates independently and against the publicly stated aims of Hamas. ASIO notes that 'continued attacks by the Brigades during ceasefire periods in 2005 and 2006 indicate that peace initiatives announced by its parent organisation, Hamas, are not observed or binding on the Brigades'⁵. ASIO notes two examples where Hamas Brigades claimed credit for two separate rocket attacks during a ceasefire period.
- 2.14 In considering the evidence given in ASIO's Statement of Reasons in support of the re-listing of Hamas Brigades, the Committee notes the following:
- ASIO lists six terrorist attacks for which responsibility has been claimed by or reliably attributed to Hamas Brigades since it was previously re-listed, although the Statement of Reasons attributes no deaths to these attacks.
 - ASIO notes there was a decline in attacks attributed to Hamas Brigades from late 2005 to mid-2006, although the Brigades 'claimed the launch of hundreds of rockets, missiles and mortar shells in 2006'⁶.
 - In April this year a spokesman for Hamas Brigades warned that the group remains 'fully prepared' for action.
- 2.15 The Committee is satisfied that the Attorney-General has provided evidence demonstrating that Hamas Brigades is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts (whether or not a terrorist act has occurred or will occur). The Committee notes that ASIO's assessment of the Hamas

4 ASIO Statement of Reasons.

5 ASIO Statement of Reasons.

6 ASIO Statement of Reasons.

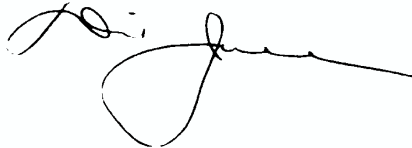
Brigades is corroborated by information provided by reliable and credible intelligence sources.

Conclusion

- 2.16 The Committee's view is that the three organisations under review: Palestinian Islamic Jihad, Lashkar-e-Tayibba and the Hamas' Izz al-Din al-Qassam Brigades, fit the definition of terrorist organisations under the Act and for the purposes of the proscription power. The Committee will not recommend disallowance.

Recommendation 1

The Committee does not recommend the disallowance of the regulations.



Hon David Jull, MP

Chairman

20 September 2007

