



Australian Government

Attorney-General's Department

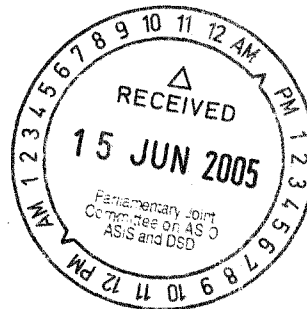
Security and Critical
Infrastructure Division

Submission No: 2
Date Received: 15-6-05
Secretary: *Marg*

05/6292, 05/8454, 05/6302, 05/6301

8 June 2005

Ms Margaret Swieringa
Secretary
Parliamentary Joint Committee on ASIO, ASIS and DSD
Parliament House
CANBERRA ACT 2600



Dear Ms Swieringa

Re-listing of four terrorist organisations

I refer you to the recent re-listing of Hizballah's External Security Organisation (ESO), HAMAS' Izz al-Din al-Qassam Brigades, Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as a Terrorist Organisations on 5 June 2005.

For your information I enclose the processes for re-listing the above terrorist organisations.

Yours sincerely

Geoff McDonald

Geoff McDonald
Assistant Secretary
Security Law Branch

Telephone: (02) 6250 5430
Facsimile: (02) 6250 5985

Process of re-listing HAMAS Izz al-Din al-Qassam Brigades as a terrorist organisation

The following process was undertaken for the purposes of re-listing of HAMAS Izz al-Din al-Qassam Brigades as a terrorist organisation:

1. An unclassified Statement of Reasons was prepared by ASIO detailing the case for re-listing the organisation
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 6 May 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing planning, assisting in or fostering the doing of a terrorist act, whether or not the terrorist act has occurred or will occur.
3. AGD consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the re-listing of the organisation by email on 11 May 2005. DFAT provided the following comment: *"HAMAS has refused to give formal commitment to a Palestinian unilateral cease-fire and, although it has signed on to the Palestinian Authority brokered Cairo Declaration committing militant groups to a 'period of calm', it has declared its continuing right to undertake acts of violence and HAMAS Izz Al-Din Al-Qassam Brigades continues to conduct small scale attacks on Israeli targets"*
4. The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 12 May 2005 outlining the background, training activities, terrorist activities and relevant statements of the organisation.
5. A submission was provided to the Attorney-General on 12 May 2005 including:
 - a. copies of the Statement of Reasons from ASIO for the organisation
 - b. advice from the Chief General Counsel in relation to the organisation
 - c. letter from the Director-General of Security
 - d. the response from DFAT in relation to the proposed re-listing, and
 - e. regulations and Federal Executive Council documentation
6. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an executive council minute.

7. On 17 May 2005 the Attorney-General wrote to the Attorneys-General of the States and Territories advising of the decision to re-list the organisation. These letters were sent by facsimile on 17 May 2005. No comments were received from the Attorneys-General of the States and Territories.
8. The Attorney-General wrote to the Prime Minister on 17 May 2005 advising of his intention to re-list the organisation.
9. The Leader of the Opposition was advised of the proposed re-listing by letter dated 17 May 2005 and was offered a briefing in relation to the re-listing. To date no request for a briefing has been made.
10. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 18 May 2005 advising of his decision to re-list the organisation.
11. The Governor General made the regulation on 25 May 2005.
12. A press release was issued on 25 May 2005 and the Attorney-General's Department National Security website was updated.
13. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 25 May 2005 [FRLI Reference Number: F2005L01202]

8 June 2005

Process of re-listing Hizballah's External Security Organisation (ESO) as a terrorist organisation

The following process was undertaken for the purposes of re-listing of Hizballah's External Security Organisation (ESO) as a terrorist organisation:

1. An unclassified Statement of Reasons was prepared by ASIO detailing the case for re-listing the organisation
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 6 May 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing planning, assisting in or fostering the doing of a terrorist act, whether or not the terrorist act has occurred or will occur.
3. AGD consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the re-listing of the organisation by email on 11 May 2005. DFAT provided the following comment: *"While the political component of Hizballah is undergoing a period of change and is likely to increase its involvement in domestic politics in Lebanon, this does not, in our view, detract from the grounds to relist Hizballah's ESO as established in the Statement of Reasons"*.
4. The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 12 May 2005 outlining the background, training activities, terrorist activities and relevant statements of the organisation.
5. A submission was provided to the Attorney-General on 12 May 2005 including:
 - a. copies of the Statement of Reasons from ASIO for the organisation
 - b. advice from the Chief General Counsel in relation to the organisation
 - c. letter from the Director-General of Security
 - d. the response from DFAT in relation to the proposed re-listing, and
 - e. regulations and Federal Executive Council documentation
6. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an executive council minute.

7. On 17 May 2005 the Attorney-General wrote to the Attorneys-General of the States and Territories advising of the decision to re-list the organisation. These letters were sent by facsimile on 17 May 2005. No comments were received from the Attorneys-General of the States and Territories.
8. The Attorney-General wrote to the Prime Minister on 17 May 2005 advising of his intention to re-list the organisation.
9. The Leader of the Opposition was advised of the proposed re-listing by letter dated 17 May 2005 and was offered a briefing in relation to the re-listing. To date no request for a briefing has been made.
10. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 18 May 2005 advising of his decision to re-list the organisation.
11. The Governor General made the regulation on 25 May 2005.
12. A press release was issued on 25 May 2005 and the Attorney-General's Department National Security website was updated.
13. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 25 May 2005 [FRLI Reference Number: F2005L01201]

8 June 2005

Process of re-listing Lashkar-e-Tayyiba (LeT) as a terrorist organisation

The following process was undertaken for the purposes of re-listing of Lashkar-e-Tayyiba (LeT) as a terrorist organisation:

1. An unclassified Statement of Reasons was prepared by ASIO detailing the case for re-listing the organisation
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 6 May 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing planning, assisting in or fostering the doing of a terrorist act, whether or not the terrorist act has occurred or will occur.
3. AGD consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the re-listing of the organisation by email on 11 May 2005. DFAT had no additional comment.
4. The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 12 May 2005 outlining the background, training activities, terrorist activities and relevant statements of the organisation.
5. A submission was provided to the Attorney-General on 12 May 2005 including:
 - a. copies of the Statement of Reasons from ASIO for the organisation
 - b. advice from the Chief General Counsel in relation to the organisation
 - c. letter from the Director-General of Security
 - d. the response from DFAT in relation to the proposed re-listing, and
 - e. regulations and Federal Executive Council documentation
6. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an executive council minute.
7. On 17 May 2005 the Attorney-General wrote to the Attorneys-General of the States and Territories advising of the decision to re-list the organisation. These letters were sent by facsimile on 17 May 2005.

8. The Attorney-General wrote to the Prime Minister on 17 May 2005 advising of his intention to re-list the organisation.
9. The Leader of the Opposition was advised of the proposed re-listing by letter dated 17 May 2005 and was offered a briefing in relation to the re-listing. To date no request for a briefing has been made.
10. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 18 May 2005 advising of his decision to re-list the organisation.
11. The Administrator made the regulation on 25 May 2005.
12. A press release was issued on 25 May 2005 and the Attorney-General's Department National Security website was updated.
13. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 25 May 2005 [FRLI Reference Number: F2005L01203]

8 June 2005

Process of re-listing the Palestinian Islamic Jihad (PIJ) as a terrorist organisation

The following process was undertaken for the purposes of re-listing of Palestinian Islamic Jihad (PIJ) as a terrorist organisation:

1. An unclassified Statement of Reasons was prepared by ASIO detailing the case for re-listing the organisation
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 6 May 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing planning, assisting in or fostering the doing of a terrorist act, whether or not the terrorist act has occurred or will occur.
3. AGD consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the re-listing of the organisation by email on 11 May 2005. DFAT made the following comments: *"PIJ has refused to give a formal commitment to a Palestinian unilateral cease-fire and, although it has signed on to the Palestinian Authority brokered Cairo Declaration committing militant groups to a 'period of calm', it has declared its continuing right to undertake acts of violence."*
4. The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 12 May 2005 outlining the background, training activities, terrorist activities and relevant statements of the organisation.
5. A submission was provided to the Attorney-General on 12 May 2005 including:
 - a. copies of the Statement of Reasons from ASIO for the organisation
 - b. advice from the Chief General Counsel in relation to the organisation
 - c. letter from the Director-General of Security
 - d. the response from DFAT in relation to the proposed re-listing, and
 - e. regulations and Federal Executive Council documentation
6. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an executive council minute.

7. On 17 May 2005 the Attorney-General wrote to the Attorneys-General of the States and Territories advising of the decision to re-list the organisation. These letters were sent by facsimile on 17 May 2005.
8. The Attorney-General wrote to the Prime Minister on 17 May 2005 advising of his intention to re-list the organisation.
9. The Leader of the Opposition was advised of the proposed re-listing by letter dated 17 May 2005 and was offered a briefing in relation to the re-listing. To date no request for a briefing has been made.
10. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 18 May 2005 advising of his decision to re-list the organisation.
11. The Administrator made the regulation on 25 May 2005.
12. A press release was issued on 25 May 2005 and the Attorney-General's Department National Security website was updated.
13. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 25 May 2005 [FRLI Reference Number: F2005L01204]

8 June 2005