



Australian Government  
Attorney-General's Department

11/27500

19 March 2012

Mr Robert Little  
Committee Secretary  
Parliamentary Joint Committee  
on Intelligence and Security  
Parliament House  
CANBERRA ACT 2600

Dear Mr Little

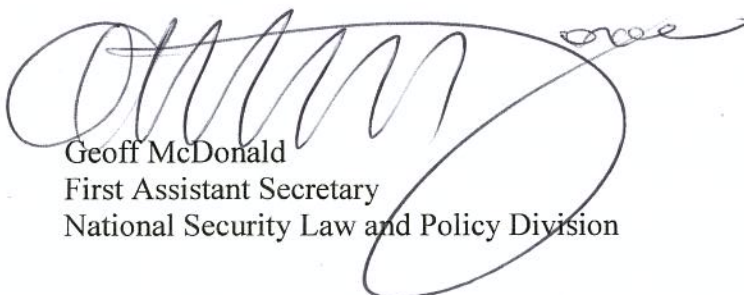
I refer to the Attorney-General's letter of 22 February 2012, to the Chair of the Parliamentary Joint Committee on Intelligence and Security concerning the regulations re-listing Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations under the Criminal Code.

I confirm that the *Criminal Code Amendment Regulations 2012 (No. 1)*, *Criminal Code Amendment Regulations 2012 (No. 2)*, *Criminal Code Amendment Regulations 2012 (No. 3)* and *Criminal Code Amendment Regulations 2012 (No. 4)* were made on 9 March 2012 giving effect to the re-listing of AAI, IMU, JeM and LeJ as terrorist organisations under the Criminal Code.

The regulations relating to the re-listing of AAI, IMU, JeM and LeJ came into effect on 10 March 2012, the day after they were registered on the Federal Register of Legislative Instruments.

I now attach a document outlining the process for re-listing AAI, IMU, JeM and LeJ as terrorist organisations. I understand that this document will be considered as a submission to the Committee's review into the listing and re-listing of these organisations, and I consent to its publication.

Yours sincerely



Geoff McDonald  
First Assistant Secretary  
National Security Law and Policy Division

## **Process for the 2012 proscription of Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) under the Criminal Code**

The Security Law Branch of the Attorney-General's Department facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the Criminal Code. This includes obtaining products from ASIO that assess organisations and seeking the advice of the Chief General Counsel of the Australian Government Solicitor in relation to the assessments. These are included in a package of information that is submitted to the Attorney-General to assist her to make a decision as to whether or not a particular organisation will be listed under the Criminal Code.

The following processes were undertaken for the purpose of listing Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ):

1. Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for re-listing AAI, IMU, JeM and LeJ.
2. On 24 November 2011, Mr Robert Orr QC, Chief General Counsel, provided written advice with respect to the Statements of Reasons for AAI, IMU, JeM and LeJ.
3. The Acting Director-General of Security wrote to the Attorney-General on 22 December 2011, outlining the background, training activities, terrorist activities, and relevant statements of AAI, IMU, JeM and LeJ.
4. A submission was provided to the Attorney-General on 21 December 2011, providing the following documents:
  - a. copies of the Statements of Reasons received from ASIO with respect to the organisations; and
  - b. advice from the Chief General Counsel.
5. Having considered the information provided in the submission, the Attorney-General signed statements on 17 January 2012 with respect to AAI, IMU, JeM and LeJ confirming that she 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.
6. On 17 January 2012, the Attorney-General wrote to the Prime Minister advising of her intention to re-list AAI, IMU, JeM and LeJ as terrorist organisations.
7. On 17 January 2012, the Attorney-General wrote to the Director-General of Security, in response to the Acting Director-General's letter dated 22 December 2011.



8. On 4 February 2012, the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the Attorney-General's decision to re-list AAI, IMU, JeM and LeJ as terrorist organisations and requesting their comments on the proposed re-listing. The States and Territories were also advised of the proposed re-listings by e-mail dated 4 February 2012.

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

New South Wales – response dated 22 February 2012  
Victoria – response dated 22 February 2012  
Western Australia – response dated 15 February 2012  
South Australia – response dated 20 February 2012  
Tasmania – response dated 22 February 2012  
Australian Capital Territory – response dated 22 February 2012  
Northern Territory – response dated 16 February 2012

All responses were supportive of the proposed re-listings.

Note: A response from Queensland has not been received due to the existence of the caretaker government pending the election on 24 March 2012.

9. A submission was provided to the Attorney-General on 14 February 2012, providing regulations and Federal Executive Council documentation with respect to the re-listing of AAI, IMU, JeM and LeJ.
10. The Attorney-General signed *Criminal Code Amendment Regulations 2012* 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 that occurred on 8 March 2012.
11. On 22 February 2012, the Attorney-General advised the Leader of the Opposition of the proposed re-listing of AAI, IMU, JeM and LeJ as terrorist organisations by letter, and offered a briefing in relation to the re-listings.
12. On 22 February 2012, the Attorney-General wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of her decision to re-list AAI, IMU, JeM and LeJ as terrorist organisations.
13. On 8 March 2012 the Governor-General made the following:  
*Criminal Code Amendment Regulations 2012 (No. 1)* – re-listing Ansar al-Islam  
*Criminal Code Amendment Regulations 2012 (No. 2)* – re-listing Islamic Movement of Uzbekistan  
*Criminal Code Amendment Regulations 2012 (No. 3)* – re-listing Jaish-e-Mohammad, and  
*Criminal Code Amendment Regulations 2012 (No. 4)* – re-listing Lashkar-e Jhangvi.

The Regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 9 March 2012 with the following FRLI Reference Numbers:

- F2012L00553 - *Criminal Code Amendment Regulation 2012 (No. 1)*
- F2012L00554 - *Criminal Code Amendment Regulation 2012 (No. 2)*
- F2012L00555 - *Criminal Code Amendment Regulation 2012 (No. 3)*
- F2012L00556 - *Criminal Code Amendment Regulation 2012 (No. 4)*

The re-listing Regulations came into effect on 10 March 2012, the day after they were registered on FRLI.

14. The Attorney-General issued a Media Release on 9 March 2012 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.