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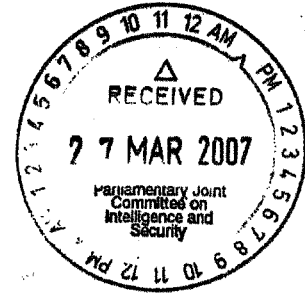
ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP

Submission No:.....**43**.....  
Date Received: **27-3-07**.....  
Secretary:.....

07/2228 07/2236

22 MAR 2007

The Hon David Jull MP  
Chair  
Parliamentary Joint Committee on Intelligence and Security  
Parliament House  
CANBERRA ACT 2600



Dear Mr Jull

I am writing to advise you that I have decided to re-list the Egyptian Islamic Jihad (EIJ) and the Islamic Army of Aden (IAA) as terrorist organisations for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

The EIJ was initially listed as a terrorist organisation under the *Criminal Code Amendment Regulations 2003 (No.3)* which took effect on 11 April 2003 and was re-listed as a terrorist organisation under the *Criminal Code Amendment Regulations 2005 (No.5)* which took effect on 11 April 2005.

The IAA was initially listed as a terrorist organisation under the *Criminal Code Amendment Regulations 2003 (No.5)* which took effect on 11 April 2003 and was re-listed as a terrorist organisation under the *Criminal Code Amendment Regulations 2005 (No.8)* which took effect on 11 April 2005.

Pursuant to subsection 102.1(3) of the Criminal Code, the listing of both of these organisations will cease to have effect on 11 April 2007.

I am satisfied on reasonable grounds that the EIJ and the IAA are organisations that are directly or indirectly assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

The re-listing of the EIJ and the IAA will ensure that the offence provisions under Division 102 of the Criminal Code will apply.

My decision to re-list the EIJ and the IAA was made following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, in relation to these organisations, as well as legal advice provided to me by the Australian Government Solicitor.

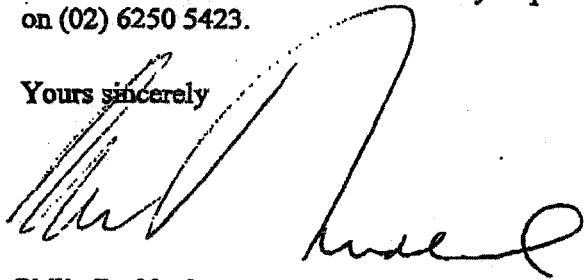
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Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulation as soon as possible after it has been made, and report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

To assist the Committee, should it decide to review the regulations, I enclose a copy of the Statement of Reasons provided by ASIO, in relation to the EIJ and the IAA upon which my decision to re-list these organisations was based. Additional information detailing the procedure followed for the purposes of re-listing the EIJ and the IAA will be provided to you upon the registration of the regulations.

The action officer for this matter in my Department is Annabel Knott who can be contacted on (02) 6250 5423.

Yours sincerely



Philip Ruddock

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**Islamic Army of Aden (IAA)**

**(Also known as: Aden Abyan Islamic Army (AAIA); Islamic Army of Aden Abayan; Aden Islamic Army; Muhammed's Army/Army of Mohammed; Jaish Adan al Islami)**

The following information is based on publicly available details about the Islamic Army of Aden (IAA). These details have been corroborated by material from intelligence investigations into the activities of the IAA. ASIO assesses that the details set out below are accurate and reliable.

The Islamic Army of Aden (IAA) is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom and Canada. The United States has designated the IAA as a terrorist organisation on the Terrorist Exclusion List.

***Current status of the IAA***

The IAA is a Sunni Islamic extremist group and was formed in 1996 as a splinter group of the Yemeni Islamic Jihad. The IAA first came to public prominence in 1998 when it issued statements detailing its intention to overthrow the Yemeni government and implement Sharia law; and called for operations against US and other Western interests in Yemen.

The IAA predominantly operates in the southern governates of Yemen – particularly Aden and Abyan. The IAA has been involved in a number of terrorist attacks against the Yemeni and Western interests. It has used bombings and kidnappings as a means of furthering its goals. In 1998, the IAA kidnapped 16 Western tourists. Four of the tourists, including an Australian, were killed in a rescue attempt. The IAA also claimed responsibility for the suicide bomb attack against the USS Cole on 12 October 2000.

The IAA is associated with al-Qa'ida and has made public statements in support of Usama bin Laden, al-Qa'ida and its terrorist activities.

Although current specific funding arrangements for the group are unknown, the IAA is believed to conduct criminal activities such as kidnapping as a means of raising money through ransom and to apply pressure to the Yemeni government. It may also have received some funding through al-Qa'ida.

Counter-terrorism operations by Yemeni authorities over the last few years have reduced the size of the group and limited its operational effectiveness. However, the IAA has not been deterred and there is no indication the intent of the IAA has changed. IAA members have continued to be arrested, including the reported arrest of IAA members suspected of involvement in terrorist activities in Iraq. The involvement of the IAA in Iraq, and the possible return of IAA operatives to Yemen, as well as the group's association with al-Qa'ida from which the IAA could draw on significant resources for future activities means that IAA could undertake terrorist activities if and when the opportunity arises.

***Objectives***

The IAA aims to overthrow the current Yemeni government and establish an Islamic state. More broadly, the IAA is committed to support al-Qa'ida's global jihad.

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***Leadership and membership***

The IAA's founder and former leader Zain al-Abidin al-Mihdar (aka Abu al-Hassan) was executed in 1999 for his role in the 1998 kidnappings of 16 Western tourists in Yemen. Al-Mihdar and other founding members were veterans of the struggle in Afghanistan against the Soviets. Khaled Abdennabi assumed leadership of the IAA before surrendering to authorities in June 2003. In return for his cooperation Abdennabi received a Presidential pardon that same year. Abdennabi has since made statements on behalf of the group but it is unclear whether he is the current leader.

The current strength of the IAA is unknown, but is likely to be between 30 to 100 core members divided into a number of small groups or cells.

***IAA engagement in terrorist activities***

Security operations by the Yemeni authorities have restricted the IAA's capabilities within Yemen. However, on the basis of available information, it is assessed that IAA operatives still exist in Yemen. It is assessed that the IAA will undertake terrorist activities if and when the opportunity arises. The group's association with al-Qa'ida means the IAA could draw on significant resources for future activities.

Terrorist attacks and plans for terrorist attacks for which responsibility has been claimed by, or reliably attributed to, the IAA, have included:

- Aug 2002: three Yemenis belonging to the IAA were convicted of carrying out bombing attacks in the southern port of Aden on 1 January 2001;
- 21 Jun 2002: attack on a military medical convoy, injuring 7 soldiers;
- Jun 2003: arrest of four alleged IAA members and seizure of a car packed with hand grenades, explosives and rocket-propelled grenades that had been used in the attack on a military medical convoy on 21 June 2003;
- 25 Jun 2003: clash between IAA members and government troops at the group's hideout in Harat -- captured IAA members revealed they were waiting for orders to carry out terrorist operations;
- Oct 2003: a planned car bomb attack against the US, UK and German embassies in Sana'a allegedly involving the IAA was disrupted;
- Mar/Apr 2006: arrest of IAA members suspected of planning to travel to Iraq to fight foreign forces.

***Conclusion***

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

- (i) 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
- (ii) the organisation advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

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On the basis of the above information, ASIO assesses that the incidence of terrorist activity by the IAA has declined since 2003. However, ASIO assess that members of the IAA remain active and are directly or indirectly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to the IAA are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the replacement of the Yemeni government with an Islamic state;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Yemen, and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.

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**Statement of Reasons  
Egyptian Islamic Jihad (EIJ)**

**(Also known as: El-Gihad; al-Jihad; Jihad Group; Islamic Jihad; Al-Jihad al-Islami; New Jihad Group; Qaeda al-Jihad; Talaa'al al-Fateh; Vanguard of Conquest; al-Takfir; World Justice Group; International Justice Group, Islamic Group).**

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

The EIJ is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, the United Kingdom, and the United States.

***Current status of EIJ***

The EIJ emerged as a coalition of Sunni Islamic radical groups that split from the Muslim Brotherhood, an Egyptian Islamic political movement, in the late 1970s. Following the EIJ's assassination of Egyptian President Anwar Sadat in 1981, actions by the Egyptian authorities constrained its capability within Egypt.

During the 1990s, the domestic EIJ faction continued to carry out attacks against targets in Egypt. Meanwhile, senior EIJ member (now al-Qa'ida deputy) Dr Ayman al-Zawahiri and the international faction of EIJ forged links with al-Qa'ida and affiliated groups. In February 1998 the EIJ joined al-Qa'ida and other extremist organisations in issuing a declaration under the banner of the 'World Islamic Front' announcing a jihad against 'Jews' and 'Crusaders' and stating the US and its allies need to be expelled from the Middle East.

The EIJ exists as two factions - the international and the domestic. The international faction, led by al-Qa'ida deputy Ayman al-Zawahiri, is largely subsumed within al-Qa'ida and has the same goals as that group. Terrorist activities by the EIJ international faction are likely credited to al-Qa'ida rather than the EIJ. The domestic faction is mostly inactive due to successful, sustained actions by Egyptian authorities. There is no evidence that this has led to the creation of two separate organisations.

***Objectives***

The EIJ aims to overthrow of the Egyptian Government and the establishment of an Islamic state. More broadly, the international branch has adopted the global jihadist goals of al-Qa'ida.

***Leadership and Membership***

The leader of the domestic faction of EIJ is Abbud al-Zumar. Al-Zumar is currently in prison in Egypt.

EIJ's spiritual leader is Omar Ahmed Abdul Rahman, an Egyptian cleric currently in prison in the US for his role in the 1993 World Trade Centre bombing.

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Estimates of the size of the EIJ membership vary. It is estimated to have a core membership of several hundred, with several thousand supporters.

***EIJ engagement in terrorist activities***

Consistent with its primary goals, the EIJ initially conducted armed attacks against high-level Egyptian government personnel and Egyptian facilities. As the EIJ's goals became intertwined with those of al-Qa'ida and the EIJ became frustrated with its inability to overthrow the Egyptian Government, the EIJ concentrated on attacks against Egyptian targets outside Egypt and US interests.

The Egyptian security and police services have been effective in reducing the operational capability of the EIJ in Egypt and attacks that can be reliably attributed to the group have declined. However, despite the reported merger of EIJ with al-Qa'ida, there is no indication the EIJ has retreated from its objectives or has ceased terrorist activities. In October 2005 the US Government identified a several Egyptian nationals as EIJ members who had provided training and material support to al-Qa'ida. A statement in March 2006 attributed to the EIJ's spiritual leader, Omar Ahmed Abdul Rahman expressed the anti-Egypt sentiment of the EIJ and called for jihad in seeking his release from US custody. Ayman al-Zawahiri remains a significant symbol and leader of global jihad and is still considered the leader of the international EIJ faction. On 27 July 2006, al-Zawahiri issued a video statement calling on Muslims to target the interests of "all the countries" who participated in the "assault against the Muslims" in countries including Afghanistan and Iraq, a reference taken to include Australia. In June 2006, EIJ member Abu Hamza al-Muhajir (also known as Abu Ayyub al-Masri), who had a senior position in al-Qa'ida, was appointed as leader of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (commonly known as al-Qa'ida in Iraq), following the death of Abu Musab al-Zarqawi.

Based on this information, it is reasonable to conclude that the EIJ, including EIJ members active in the al-Qa'ida network, continue to have the capability and intent to conduct further terrorist attacks. It is assessed the EIJ is active internationally and it is likely EIJ will undertake attacks if and when the opportunity arises. The group's close association with al-Qa'ida means it could draw on significant resources for future activities.

Terrorist attacks and activities which have been claimed by or reliably attributed to EIJ include:

- Oct 1981: assassination of Egyptian President Anwar Sadat;
- Aug 1993: attempted assassination of the Egyptian Interior Minister Hassan al-Alfi using a VBIED;
- Nov 1993: attempted assassination of the Egyptian Prime Minister Atef Sikdi by vehicle borne improvised explosive device (VBIED);
- Nov 1995: assassination of an Egyptian diplomat in Geneva;
- Nov 1995: suicide truck-bomb attack against the Egyptian embassy in Pakistan, killing 17 people; and
- 1998: an attack against the US Embassy in Albania was disrupted.

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**Conclusion**

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

- (i) 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
- (ii) 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 that members of the EIJ remain active and are directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to EIJ are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the establishment of a radical Sunni Islamic state in Egypt;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Egypt, and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.

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