
The Parliament of the Commonwealth of Australia

Review of the re-listing of Ansar al-Islam, AAA, IAA, IMU, JeM and LeJ as terrorist organisations

Parliamentary Joint Committee on Intelligence and Security

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Canberra

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Membership of the Committee

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Members	Senator Gavin Marshall	Mr Mark Dreyfus QC MP
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	Senator the Hon Helen Coonan	Mrs Kay Hull MP
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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

Ansar al-Islam

Criminal Code Amendment Regulations 2009 (No 1)
Registered: 13 March 2009 (FRLI: F2009L00835)

Asbat al-Ansar (AAA)

Criminal Code Amendment Regulations 2009 (No 2)
Registered: 13 March 2009 (FRLI: F2009L00834)

Islamic Army of Aden (IAA)

Criminal Code Amendment Regulations 2009 (No 4)
Registered: 13 March 2009 (FRLI: F2009L00837)

Islamic Movement of Uzbekistan (IMU)

Criminal Code Amendment Regulations 2009 (No 6)

Registered: 13 March 2009 (FRLI: F2009L00833)

Jaish-e-Mohammad (JeM)

Criminal Code Amendment Regulations 2009 (No 3)

Registered: 13 March 2009 (FRLI: F2009L00838)

Lashkar-e Jhangvi (LeJ)

Criminal Code Amendment Regulations 2009 (No 5)

Registered: 13 March 2009 (FRLI: F2009L00836)



List of recommendations

3 The Organisations

Recommendation 1

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Ansar al-Islam as a terrorist organisation.

Recommendation 2

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Asbat al-Ansar (AAA) as a terrorist organisation.

Recommendation 3

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Islamic Army of Aden (IAA) as a terrorist organisation.

Recommendation 4

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Islamic Movement of Uzbekistan (IMU) as a terrorist organisation.

Recommendation 5

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Lashkar-e Jhangvi (LeJ) as a terrorist organisation.

Recommendation 6

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Jaish-e-Mohammad (JeM) as a terrorist organisation.

4 Improving Procedures

Recommendation 7

The Committee recommends that where a decision to de-list an organisation is made, that the Attorney-General provide a statement of reasons to the Committee and a public statement of reasons.

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:
 - Ansar al-Islam (formerly Ansar al-Sunna)
 - Asbat al-Ansar (AAA)
 - Islamic Army of Aden (IAA)
 - Islamic Movement of Uzbekistan
 - Jaish-e-Mohammad (JeM)
 - Lashkar-e Jhangvi (LeJ)
- 1.3 This is a review of the re-listing of these six organisations.
- 1.4 The Committee notes that the Attorney-General recently considered advice from the Director-General of Security with respect to the Egyptian Islamic Jihad (EIJ). This advice noted that there was a lack of contemporaneous information from either classified or open sources to demonstrate that the EIJ continues to meet the legislative criteria under the Criminal Code. He stated he would not be re-listing EIJ as a

terrorist organisation under the Criminal Code after the current listing expired on 30 March 2009.¹

- 1.5 In order to give greater transparency to the listing process, the Committee has requested that the Attorney-General provide the Committee with a statement of reasons as to why the EIJ has been de-listed. This issue will be addressed further in chapter three.
- 1.6 In a letter received by the Committee on 10 March 2009, the Attorney-General advised that he intended to re-list these six organisations prior to the lapsing of their current listing as provided for in section 102.1(3). The Attorney provided statements of reasons for the re-listings. These are accepted as submission number one to this review.
- 1.7 The regulations were signed by the Governor-General on 13 March 2009. They were then tabled in the House of Representatives and the Senate on 17 March 2009. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore the Committee was required to report to the Parliament by Monday 15 June 2009.
- 1.8 The Committee advertised the inquiry in *The Australian* on Wednesday, 18 March 2009 (see appendix H). Notice of the review was placed on the Committee's website. One submission from the general public was received from the Federation of Community Legal Centres, Victoria.
- 1.9 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.
- 1.10 The Committee continues to regard this as a useful approach in the discharge of its responsibilities.

The Government's procedures

- 1.11 In a letter received by the Committee on 14 April 2009, the Attorney-General's Department informed the Committee that it had adhered to the following procedures for the purpose of listing the organisations:
 - The then Director-General of Security, Mr Paul O'Sullivan, wrote to the Attorney-General on 21 January 2009

¹ *Submission 1.*

outlining the background, training activities, terrorist activities, and relevant statements of Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU. This included the provision of unclassified Statements of Reasons prepared by ASIO, in consultation with DFAT and AGS, detailing the case for re-listing Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU.

- A submission was provided to the Attorney-General on 28 January 2009 providing the following documents:
 - ⇒ copies of the Statements of Reasons received from ASIO with respect to the six organisations
 - ⇒ advice from the Chief General Counsel in relation to the six organisations, and
 - ⇒ regulations and Federal Executive Council documentation.
- Having considered the information provided in the submission, the Attorney-General signed a separate statement with respect to Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU confirming that he is satisfied on reasonable grounds that each 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 the *Criminal Code Amendment Regulations 2009* in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minutes and explanatory statements for each organisation.
- The Attorney-General wrote to the Prime Minister and the Director-General of Security advising of his intention to list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.
- On 17 February 2009 the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the decision to list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.
- The following responses were received from the Premiers and Chief Ministers of the States and Territories:
 - ⇒ Australian Capital Territory – 4 March 2009
 - ⇒ New South Wales – dated 6 March 2009
 - ⇒ Northern Territory – 12 March 2009
 - ⇒ Victoria – 12 March 2009
 - ⇒ Western Australia – 12 March 2009
 - ⇒ South Australia – 25 March 2009

- All responses were supportive of the proposed re-listings.
- Note: On 11 March 2009 the Director-General of Queensland's Department of the Premier and Cabinet advised that as an election in Queensland would take place on 21 March 2009, the conventions of a caretaker government applied and it would therefore not be possible to provide a response to the Prime Minister's proposal within the timeframe requested.
- The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security advising of his decision to re-list Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations.
- The Attorney-General advised the Leader of the Opposition of the proposed re-listing of Ansar al-Islam, AAA, JeM, IAA, LeJ, and IMU as terrorist organisations by letter, and offered a briefing in relating to these re-listings.
- On 13 March 2009 the Governor-General made six separate regulations as follows:
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 1)* with respect to the re-listing of Ansar al-Islam
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 2)* with respect to the re-listing of Asbat al-Ansar (AAA)
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 3)* with respect to the re-listing of Jaish-e Mohammad (JeM)
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 4)* with respect to the re-listing of Islamic Army of Aden (IAA)
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 5)* with respect to the re-listing of Lashkar-e Jhangvi (LeJ), and
 - ⇒ *Criminal Code Amendment Regulations 2009 (No. 6)* with respect to the re-listing of Islamic Movement of Uzbekistan (IMU).
- The Regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 13 March 2009 with the following FRLI Reference Numbers:
 - ⇒ F2009L00835 - *Criminal Code Amendment Regulations 2009 (No. 1)* with respect to the re-listing of Ansar al-Islam
 - ⇒ F2009L00834 - *Criminal Code Amendment Regulations 2009 (No. 2)* with respect to the re-listing of Asbat al-Ansar (AAA)
 - ⇒ F2009L00838 - *Criminal Code Amendment Regulations 2009 (No. 3)* with respect to the re-listing of Jaish-e Mohammad (JeM)

- ⇒ F2009L00837 - *Criminal Code Amendment Regulations 2009 (No. 4)* with respect to the re-listing of Islamic Army of Aden (IAA)
- ⇒ F2009L00836 - *Criminal Code Amendment Regulations 2009 (No. 5)* with respect to the re-listing of Lashkar-e Jhangvi (LeJ), and
- ⇒ F2009L00833 - *Criminal Code Amendment Regulations 2009 (No. 6)* with respect to the re-listing of Islamic Movement of Uzbekistan (IMU).

- The regulations came into effect on 14 March 2009, the day after they were registered on FRLI.
- The Attorney-General issued a Media Release on 17 March 2009 announcing the re-listing of the terrorist organisations and attaching copies of the Statements of Reasons for each organisation.
- The Attorney-General's Department's National Security website was also updated.²

1.12 At the hearing, the Committee became aware that the public statement of reasons provided to the Committee were not copies of the unclassified documents received from ASIO by the Attorney-General's Department in respect of the six organisations, as indicated above.

1.13 The Committee was subsequently provided with a non-public version of the statement of reasons which contained the following previously omitted information in respect of the six organisations under review:

- Islamic Movement of Uzbekistan (IMU):

These details have been corroborated by official reporting. ASIO assesses the details set out below are accurate and reliable.

- Jaish-e-Mohammad (JeM):

These details have been corroborated by material from intelligence investigations into the activities of JeM and official reporting.

- Asbat al-Ansar (AAA):

These details have been corroborated by material from intelligence investigations into the activities of AAA and official reporting.

- Islamic Army of Aden (IAA):

These details have been corroborated by classified material. ASIO assesses that the details set out below are accurate and reliable.

■ Ansar al-Islam:

These details have been corroborated by classified material. ASIO assesses that the details set out below are accurate and reliable.

■ Lashkar-e Jhangvi (LeJ):

These details have been corroborated by official reporting. ASIO assesses the details set out below are accurate and reliable.

- 1.14 In addition to the above, the non-public statement of reasons provided to the Committee for each of the six organisations, included a conclusion, which stated that each organisation was directly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, thereby satisfying the statutory criteria contained in section 102.1 of the Criminal Code.

Procedural comments

- 1.15 The Committee is satisfied with the procedures undertaken by the Government and notes the responses of the States and Territories.

The criteria for listing an organisation

The legal criteria

- 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 Act 1995, 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); or

Advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).¹

- 2.2 To provide further clarification of this definition, Section 102.1 (1A) of the Criminal Code Act 1995 states that an organisation advocates the doing of a terrorist act if:

The organisation directly or indirectly counsels or urges the doing of a terrorist act; or

The organisation directly or indirectly provides instruction on the doing of a terrorist act; or

The organisation directly praises the doing of a terrorist act in circumstances where there is risk that such praise might have the effect of leading a person (regardless of his or her age or mental impairment (within the meaning of section 7.3) that the person might suffer) to engage in a terrorist act.²

1 Paragraphs 102.1(2) (a) and (b) of the *Criminal Code Act 1995*.

2 Paragraphs 102.1 (1A) (a) (b) and (c) of the *Criminal Code Act 1995*.

2.3 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.

2.4 This report is a consideration of the re-listing of organisations under the Criminal Code. On past occasions of consideration of a re-listing, the Committee has stated that it is preferable to see information which relates to the activities of the organisation since the last re-listing. This view understated the position, that the Committee believes information on activities since the last re-listing, whilst not in itself conclusive, is a necessary consideration in the process of re-listing. Whilst historical background is important to consider, and will be noted, evidence for a re-listing should focus on what has changed since the last review. The issue of currency of evidence was discussed in the Committee's report, *Review of the re-listing of Al-Qa'ida and Jemaah Islamiyah* (October 2006):

The re-listing of an organisation is a fresh exercise of executive discretion and the Committee believes that there must, therefore, be a sufficient degree of currency in the evidence to warrant the use of the power.³

ASIO's guidelines for consideration of listing

2.5 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 include:

- 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

3 Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of Al-Qa'ida and Jemaah Islamiyah*, October 2004, p. 3.

- engagement in peace/meditation processes.⁴
- 2.6 The Committee notes that these guidelines are indicators only and are not formally set out in the Act. However the Committee has found these to be a useful tool in reviewing the listing of terrorist organisations.
- 2.7 The Committee also notes that, at its hearing into the re-listing of Abu Sayyaf Group, Jamiat ul-Ansar and Al Qaeda in Iraq, in relation to these criteria ASIO noted:
- . . . the six criteria previously presented to the Committee have not been explicitly incorporated into the statements of reasons for re-listing, because ASIO uses these criteria as internal guides for assessment purposes and statements of reasons address the legislative test in the Criminal Code.⁵
- 2.8 The Committee continues to use these guidelines to assist its reviews of all listings.

Links to Australia

- 2.9 The Federation of Community Legal Centres (Vic) Inc has made the point that:

In the case of the six organisations, the Statements of Reasons do not identify that any of the organisations in question have any links to Australia. All of the six organisations are geographically remote from Australia and there is not suggestion that any of the organisations have Australian members, receive financing from Australians or have been supplied by Australian personnel.

This criterion does not seem to have been applied in respect of the six organisations and they do not appear to have any 'links to Australia', as that criterion has been defined by the Committee. In our submission, the listing of organisations with no identifiable links to Australia exceeds the scope of the legislative intent behind the listing provisions and represents a misuse of the power to list organisations.⁶

4 Confidential exhibit, ASIO, tabled 1 February 2005.

5 *Classified transcript*.

6 Federation of Community Legal Centres (Vic) Inc, *Submission 3*, p. 11.

- 2.10 It is a misunderstanding of the statutory scheme to suggest that the listing of an organisation 'with no identifiable links to Australia exceeds the scope of the legislative intent...' or is 'misuse of the power to list'.
- 2.11 The Committee takes the view that, while direct links to Australia are not a statutory prerequisite for listing an organisation, links to Australia are an appropriate consideration in selection of an organisation for proscription.

Threats to Australian Interests

- 2.12 The Committee has previously taken evidence about the threat posed to Australian citizens and Australian interests extending beyond the territorial boundaries of the Commonwealth. In its hearing into the re-listing of Al Qa'ida, Jemaah Islamiah and AQIM the Committee accepted the following statement from ASIO in relation to terrorist organisations being a threat to Australia:

If they attack the United Nations, as they have, that is an attack on Australian interests. If they attack our colleagues in other parts of the international system such as Canadians and the French, and so on, that affects Australian interests. Australia has a big tourist industry. We have people out there in business and there is a whole range of Australians around the world. The idea that we try to protect them in one part of the world but not in other parts of the world when we see an organisation dedicated to causing harm would be a very difficult concept to advocate.⁷

7 *Classified transcript.*

The Organisations

Overview

- 3.1 These six organisations were initially listed as terrorist organisations in 2003 under legislative arrangements which required that organisations to be listed had to be on the United Nations list of terrorist organisations. The six organisations came up for review under new legislative arrangements passed by Parliament in 2004. The Committee, therefore, reviewed the first re-listing of these organisations in August 2005. Following this, the Committee, again reviewed these re-listings in June 2007. This is the third review of the re-listing of the six terrorist organisations

Ansar al-Islam (formerly Ansar al-Sunna)

3.2 The statement of reasons is attached at Appendix B.

Engagement in Terrorism

3.3 Both the statement of reasons and Jane's state that Ansar al-Islam (also known as Ansar al-Sunna) has conducted terrorist attacks against a range of political, religious and foreign targets in Iraq, claiming responsibility for several attacks each week in Iraq.¹ Their targets include Iraqi and Coalition security forces, Kurdish government officials, Western individuals and interests based in Iraq, Iraqi civilians they believe have cooperated with Coalition forces and sectarian Shia targets.² By February 2007, Ansar al-Sunna had claimed responsibility for approximately 1,600 attacks in Iraq.³

3.4 The statement of reasons lists 16 attacks in the period since the last review. Their methods include assassinations and executions against Iraqi security and official personnel and foreign contractors from an array of nations, the use of small arms, IED and mortar attacks against high profile targets and suicide bombings, using both vehicle borne and person borne improvised explosive devices.⁴ The statement of reasons also states that Ansar al-Islam has used sophisticated weapons to attack military targets using rocket-propelled grenades and anti-aircraft weapons. Some of their most recent attacks include:

- 20 July 2008: A roadside bomb on a convoy of Iraqi National Guardsmen travelling through Mosul purportedly killed or injured 15 'apostates';
- 13 August 2008: Ansar al-Islam claimed an attack on a Peshmerga barracks, reportedly killing 19 people and destroying two vehicles.⁵

3.5 In addition, Jane's Terrorism and Insurgency Centre states that on 3 February 2009 Iraqi security forces announced the arrest of an alleged female member of Ansar al-Islam, who authorities suspect was

1 Statement of reasons, *Submission 1*, Appendix B.

2 Statement of reasons, *Submission 1*, Appendix B.

3 Statement of reasons, *Submission 1*, Appendix B.

4 Statement of reasons, *Submission 1*, Appendix B.

5 Statement of reasons, *Submission 1*, Appendix B.

responsible for training around 80 female suicide bombers and sending at least 28 to carry out attacks.⁶

- 3.6 Both the statement of reasons and Jane's state that Ansar al-Islam continues to engage in terrorist attacks of a high lethality and frequency. This organisation clearly meets the definition for the purpose of re-listing.

Ideology and links to other terrorist groups/networks

Ideology

- 3.7 The statement of reasons states that Ansar al-Islam's immediate objective is to overthrow the Iraqi Government, expel Coalition forces from the country and establish a Sunni Islamic state administered under Shariah law.⁷
- 3.8 Jane's states that, due to this ideology, members of Ansar al-Islam are also forbidden to participate in elections, amnesties and truces involving the 'foreign installed "apostate" Iraqi Government'.⁸

Links to other terrorist groups/networks

- 3.9 In the past Ansar al-Islam has openly declared its fealty to Osama bin Laden, whilst also having historical links with Al-Qa'ida in Iraq (AQI). Yet according to the statement of reasons, in October 2006 Ansar al-Islam refused to join AQI's umbrella organisation, the Islamic State of Iraq (ISoI).⁹
- 3.10 In April 2007, the Islamic Army in Iraq (IAI), a nationalist jihadist organisation, openly criticised AQI's unlawful tactics. Following this, in May 2007, the IAI established its own pan-Islamic political organisation, the Reformation and Jihad Front (RJF), incorporating Ansar al-Islam. These events led to signs of a split in Ansar al-Islam. However on 16 May 2007, Ansar al-Islam's leadership issued a number of statements claiming joint operations with AQI and that to date, Ansar al-Islam maintains a close relationship with AQI, as their hardline tactics and targets have converged.¹⁰

6 Jane's Terrorism and Insurgency Centre, *Ansar al-Sunna*, 6 February 2009, www.jtic.janes.com

7 Statement of reasons, *Submission 1*, Appendix B.

8 Jane's Terrorism and Insurgency Centre, *Ansar al-Sunna*, 6 February 2009, www.jtic.janes.com

9 Statement of reasons, *Submission 1*, Appendix B.

10 Statement of reasons, *Submission 1*, Appendix B.

Links to Australia

- 3.11 There is no information on any direct funding or support links with Australia in the statement of reasons.

Threat to Australian interests

- 3.12 Australians are considered a legitimate target by Ansar al-Islam, as indicated by the group's founder and original leader, Mular Krekar's comments in November 2007. In reference to the death of ABC journalist Paul Moran in 2003 in a suicide bombing claimed by Ansar al-Islam, Krekar stated that it was legitimate for Ansar al-Islam 'to kill Australian soldiers in Iraq'.¹¹

Proscription by the UN or like-minded countries

- 3.13 Ansar al-Islam is listed as Ansar al-Islam in the United Nations 1267 Committee's consolidated list. Ansar al-Islam is also listed by the Governments of the United States and Canada. In the United Kingdom, the group is listed separately under the names, Ansar al-Sunna and Ansar al-Islam. It is also listed by the European Union for the purposes of its anti-terrorism measures.

Engagement in Peace and Mediation processes

- 3.14 There is no information in the statement of reasons stating that Ansar al-Islam has engaged in any peace or mediation processes and the Committee has no information to indicate this organisation is engaged in peace or mediation processes. Indeed, as mentioned earlier in the chapter, its members are forbidden to engage in activity of this type.

Recommendation 1

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Ansar al-Islam as a terrorist organisation.

11 Statement of reasons, *Submission 1*, Appendix B.

Asbat al-Ansar (AAA)

3.15 The statement of reasons is attached at Appendix C.

Engagement in Terrorism

3.16 Since the last review of this organisation's listing, the statement of reasons lists three incidences where AAA has been involved in preparing, planning, assisting or fostering the doing of a terrorist act. These include:

- May 2007, AAA announced that one of its members was "martyred" during an attack outside Ayn al-Hilwah against the Lebanese Army in support of the Fatah al-Islam conflict in the Nahr al-Barid refugee camp;
- June 2007, Lebanese authorities detained a cell of AQI extremists in the Bekaa Valley who had trained with the AAA and were possibly planning terrorist attacks throughout Lebanon against United Nations Interim Forces or Western targets;
- 17 June 2007, AAA associates were implicated in a Katyusha rocket attack against northern Israel.¹²

3.17 Originally based in Lebanon, conducting attacks there in the 1990s, AAA has since scaled down its operations in Ayn al-Hilwah, Palestinian refugee camp in Lebanon and now concentrates on recruiting, training and dispatching volunteers to the insurgency in Iraq.¹³

3.18 According to the statement of reasons this is supported by an incident on 3 June 2008, when Jund al-Sham gunmen attacked a Lebanese army position on the edge of Ayn al-Hilweh. AAA distanced itself from this fighting instead joining a united Palestinian group to maintain peace in the camp. The statement of reasons states that this is so it can ensure a continued supply of fighters for Iraq without interference from Lebanese Armed Forces.¹⁴

3.19 Jane's provides more detail stating that this AAA action to maintain peace was due to a Fatah split in Lebanon between two rivals vying for leadership.¹⁵ This split has led to the rise of small Fatah factions in the Ayn

12 Statement of reasons, *Submission 1*, Appendix C.

13 Statement of reasons, *Submission 1*, Appendix C.

14 Statement of reasons, *Submission 1*, Appendix C.

15 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

al-Hilwah camp. Some of these factions have been cooperating with Lebanese military intelligence in a campaign of kidnappings and assassinations targeting Jund al-Sham members wanted by Lebanese authorities. AAA opposes this collaboration and blames Fatah for the current instability in the camp. If this campaign continues, Jane's states that it could compel AAA to take sides with other Jihadist groups against Fatah, stimulating further civil unrest in Lebanon.¹⁶

- 3.20 In their submission to the inquiry, the Federation of Community Legal Centres (Vic) were concerned that the statutory criteria have not been adequately made out in the case of AAA. They stated:

In the case of Asbat al-Ansar (AAA) the most recent engagement in terrorist activities alleged in the Statement of Reasons occurred in mid-2007, almost 2 years ago. There is reference to charges brought in January 2008 against a person 'believed to be associated with AAA' but even those charges pertain to activity that allegedly occurred in 2002 and 2003. The Statement of Reasons refers to an attack on Lebanese armed forces in June 2008 by Jund al-Sham but it indicates that AAA has distanced itself from that kind of activity and there is no suggestion that AAA was involved in that attack in any way. There is, therefore, nothing in the Statement of Reasons to suggest engagement in, preparation for, planning of, assisting in or fostering of a terrorist act on the part of AAA at the present time.

Ideology and links to other terrorist groups/networks

Ideology

- 3.21 AAA is a Sunni extremist group, composed mainly of Palestinians. It is based in the Safsaf neighbourhood of Ayn al-Hilwah, the largest of the 12 Palestinian refugee camps in Lebanon.¹⁷ Ansar al-Asbat translates as League of Partisans. AAA follows an extremist version of Islam that justifies violence against civilians for political ends.¹⁸
- 3.22 Jane's states that AAA's main objective is the establishment of an Islamic state in Lebanon and the rest of the Muslim lands elsewhere. It opposes Christian, secular and Shia institutions in the country, and aims to use Lebanon as a launching pad to defeat and destroy Israel, establish a

16 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

17 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

18 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

radical Islamist Palestinian state and 'liberate' Jerusalem for the Muslim world.¹⁹

Links to other terrorist groups/networks

- 3.23 AAA maintains close links with Al-Qa'ida and openly supports the Sunni insurgencies in Iraq and Afghanistan. However the statement of reasons indicates that AAA does not support Al-Qa'ida's operations in Saudi Arabia, Yemen, Algeria and Syria.²⁰
- 3.24 Jane's states that Asbat al-Ansar appears to have no foreign sponsor, but may have received assistance from Al-Qa'ida in the past. It is thought to have enjoyed tactical cooperation with the Syrian military intelligence, to facilitate the transfer from Lebanon to Iraq of volunteers for the Iraqi insurgency.²¹
- 3.25 Jane's also notes that AAA allies in Lebanon include Jund al-Sham and elements of Fatah al-Islam, a jihadist salafist group. The group's closet ally is the Harakat Islamiyya Mujahidda (the Islamic strugglers Movement) led by Sheikh Jamal Khattab, who is a leading Salafist Jihadist figure in the Ayn al-Hilwah refugee camp.²²

Links to Australia

- 3.26 There is no information on any direct funding or support links with Australia in the statement of reasons.

Threats to Australian Interests

- 3.27 The statement of reasons contains no information on this matter. Australian citizens, including ADF personnel and Australian interests may be threatened as a result of AAA's support for the insurgency in Iraq.

Proscription by the UN or like-minded countries

- 3.28 AAA is listed by the United Nation's 1267 Committee's consolidated list and as a proscribed organisation by the governments of Canada, the United Kingdom, the United States and Russia.

19 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

20 Statement of reasons, *Submission 1*, Appendix C.

21 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

22 Jane's Terrorism and Insurgency Centre, *Ansar al-Asbat*, 11 December 2008, www.jtic.janes.com

Engagement in Peace and Mediation processes

- 3.29 There is no mention in the statement of reasons of this organisation's engagement in peace or mediation processes. The Committee has no information to indicate this organisation is engaged in peace or mediation processes.

Recommendation 2

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Asbat al-Ansar (AAA) as a terrorist organisation.

Islamic Army of Aden (IAA)

3.30 The statement of reasons is attached at Appendix D.

Engagement in terrorism

- 3.31 Based in Yemen, in the southern governates of Aden and Abyan, the IAA has engaged in terrorist attacks against Yemeni and Western interests since its formation in 1996. The statement of reasons states that between 2003 and 2006, counter-terrorism operations by Yemeni authorities have reduced the size of this group and limited its operational effectiveness.²³
- 3.32 The statement of reasons states that the last recorded incidence of terrorist activity was the March/April 2006 arrest of IAA members suspected of travelling to Iraq to fight foreign forces. However this incident appeared in the previous statement of reasons provided to the Committee for its June 2007 review of this organisation.
- 3.33 The statement of reasons contains no new incidences of terrorist activity and no arrests of members since the last re-listing of this organisation. Within the statement of reasons, the only information that the IAA has intent to commit terrorist acts is via statements reported on BBC Monitoring Global News in July²⁴ 2008, which contained a London based independent website, *Al-Quds al-Arabi*, interview with IAA's leader, Khalid Abd al-Nabi. Whilst he made no explicit call for a return to violence, his comments contained nothing to suggest the IAA has departed from their intention to engage in terrorist attacks.²⁵ Other than referring to this interview, the statement of reasons contains no new evidence that this organisation is engaged in preparing, planning, assisting or fostering the doing of a terrorist act.
- 3.34 In its private hearing on 21 April 2009, the Committee heard evidence from the Federation of Community Legal Centres (Vic) Inc that the statutory criteria has not been adequately made out in respect of the Islamic Army of Aden. They provided evidence to the Committee that this concern was due to the fact that the only information provided in the statement of reasons to indicate terrorist activity was information on an arrest of Islamic Army of Aden members in March and April 2006:

23 Statement of reasons, *Submission 1*, Appendix D.

24 The statement of reasons states that this interview took place in June 2008.

25 Statement of reasons, *Submission 1*, Appendix D.

We are concerned, therefore, that some three years after those arrests ASIO are still unable to indicate whether those people were in fact charged subsequent to the arrests and, if so, whether the charges were proven. We raise this concern because apart from those arrests, no terrorist activity by Islamic Army of Aden is alleged to have taken place after October 2003.²⁶

- 3.35 The Committee notes the Federation of Community Legal Centre's concerns that the open source information provided in the public statement of reasons does not contain sufficient evidence of engagement in terrorist activity to satisfy the statutory criteria. At the hearing officers from ASIO assured the Committee that although the IAA has been quiet it is still engaged in terrorist activity:

IAA has been in abeyance and has been fairly quiet for some time, it has not overtly been conducting major terrorist attacks—bombs and so forth—but there is activity that its member are undertaking that [is] terrorist activity, not necessarily with IAA. It is starting to morph into other al-Qa'ida linked groups in the Arabian peninsular. It is still an entity in its own right but increasingly it is being...absorbed by other terrorist organisations in the area.²⁷

- 3.36 It is regrettable that on this occasion the published version of the statement of reasons omitted any advice from the Australian Intelligence Community, corroborating the public source information.
- 3.37 The Committee accepts that whilst in some respects the IAA appears to be disintegrating, with remnants of the group acting as part of other terrorist organisations in the region, some members of the organisation continue to be engaged in terrorist activity in the name of the IAA or similarly aligned groups.

Ideology and links to other terrorist groups/networks

Ideology

- 3.38 The statement of reasons states that the IAA aims to remove Western interests from Yemen and the wider Arabian Peninsula, overthrow the current Yemeni Government and establish an Islamic state. Jane's state that members of the group adhere to Salafi religious beliefs closely related to the extreme Wahhabism theology espoused by Al-Qa'ida.²⁸

26 *Classified Transcript.*

27 *Classified Transcript.*

28 Statement of reasons, *Submission 1*, Appendix D.

Links to other terrorist groups/networks

- 3.39 The statement of reasons states that the IAA has in the past had links with Al-Qa'ida, particularly in reference to their claim of responsibility for the suicide bomb attack on the USS Cole on 12 October 2000 and the MV Limburg on 7 October 2002. Although the statement of reasons confirms that these were Al-Qa'ida operations.²⁹
- 3.40 The statement of reasons notes that the IAA shares the Al-Qa'ida goal of driving Westerners from the region and removing the Yemeni Government so as to establish an Islamic state.³⁰

Links to Australia

- 3.41 There is no information on any direct funding or support links with Australia in the statement of reasons.

Threats to Australian Interests

- 3.42 The statement of reasons lists one incident in 1998, in which the IAA kidnapped 16 Western tourists. Four were killed in the rescue attempt, including an Australian.³¹ The Committee is mindful that this incident occurred 11 years ago.
- 3.43 The statement of reasons contains no other information on this matter. Australian citizens, including ADF personnel and Australian interests may be threatened as a result of IAA's support for the insurgency in Iraq.

Proscription by the UN or like-minded countries

- 3.44 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 European Union and the governments of the United Kingdom, New Zealand and Canada. The United States has designated the IAA as a terrorist organisation on the Terrorist Exclusion List which is for immigration purposes only.

Engagement in Peace and Mediation processes

- 3.45 The statement of reasons does not indicate any specific engagement in peace and mediation processes by the IAA. It does however point out that

29 Statement of reasons, *Submission 1*, Appendix D.

30 Statement of reasons, *Submission 1*, Appendix D.

31 Statement of reasons, *Submission 1*, Appendix D.

IAA leader, Khalid Abd al-Nabi surrendered to the authorities in 2003 and in return for his cooperation received a Presidential pardon that same year.³²

Recommendation 3

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Islamic Army of Aden (IAA) as a terrorist organisation.

Islamic Movement of Uzbekistan (IMU)

3.46 The statement of reasons is attached at Appendix E.

Engagement in terrorism

3.47 The statement of reasons states that the IMU is now fighting in support of the Taliban and other Islamic groups against the Afghan Government and international military forces in Afghanistan. In mid-2007, seven heavily armed militants, connected with the IMU, were arrested while planting a mine on a road used by International Security Assistance Forces (ISAF) patrols in northern Afghanistan. The group admitted to carrying out rocket attacks, suicide missions and recruitment activities.³³

3.48 Following this, the statement of reasons provides detail on an incident in May 2008, when two IMU members in possession of explosives and hand grenades were arrested in Afghanistan. The two admitted to planting mines on a road and providing a base for militant activities.³⁴

3.49 The statement of reasons also reports that IMU leader Tahir Yuldashev has stated his support for the Pakistani Taliban in its conflict with Pakistani security forces. It also highlights the fact that the IMU continues to recruit fighters in this region to fight alongside the Taliban and Al-Qa'ida against coalition and Pakistani forces in Afghanistan and Pakistan.³⁵

Ideology and links to other terrorist groups/networks

Ideology

3.50 The statement of reasons states that IMU's initial objective was to overthrow Uzbekistan President Islam Karimov's regime and replace it with a fundamentalist Islamic state. By 2000 the IMU had broadened its goals to establish an Islamic caliphate in Turkestan, from the Caspian Sea to China's Xinjiang Province and including the current central Asian nations. The statement of reasons also adds that Turkestan was the collective name used by the Russians for the old Central Asian feudal states, including Uzbekistan.³⁶

33 Statement of reasons, *Submission 1*, Appendix E.

34 Statement of reasons, *Submission 1*, Appendix E.

35 Statement of reasons, *Submission 1*, Appendix E.

36 Statement of reasons, *Submission 1*, Appendix E.

Links to other terrorist groups/networks

- 3.51 The statement of reasons states that the IMU has close ties with Al-Qa'ida and the Taliban, with senior IMU leaders holding positions in the Al-Qa'ida hierarchy and IMU members receiving training in camps in Pakistan. Jane's concurs, stating that since IMU leader, Tahir Yuldashev's arrival in Pakistan, he has closely aligned the IMU with Al-Qa'ida and pro-Taliban militants, with reports that he sits on Al-Qa'ida's global shura council.³⁷
- 3.52 According to Jane's, IMU presence has been reported in Pakistan's autonomous tribal areas but this is heavily contingent on forging relationships with local power brokers who could gravely threaten the IMU if interests diverge or conflict arises.³⁸
- 3.53 Jane's also notes that one of the principle functions of the IMU was to act as drug couriers for opium taken from the Taliban controlled areas in Afghanistan and smuggle it northwards. In 2000-2001, this trade expanded between Al-Qa'ida, the IMU and criminal drug syndicates in Tajikistan and Moscow.³⁹
- 3.54 The statement of reasons also states that the IMU has attracted support from a variety of ethnic groups, principally Uzbeks, Kyrgyz, Tajiks, Chechens, and Uighurs from Western China. The strength of the IMU is approximately 500 with members located in South Asia, Central Asia, and Iran.⁴⁰

Links to Australia

- 3.55 There is no information on any direct funding or support links with Australia in the statement of reasons.

Threats to Australian Interests

- 3.56 The statement of reasons contains no information on this matter. Australian citizens, including ADF personnel and Australian interests may be threatened as a result of IMU's support for the insurgencies in Afghanistan and Pakistan.

37 Jane's Terrorism and Insurgency Centre, *Islamic Movement of Uzbekistan*, 10 March 2009, www.jtic.janes.com

38 Jane's Terrorism and Insurgency Centre, *Islamic Movement of Uzbekistan*, 10 March 2009, www.jtic.janes.com

39 Jane's Terrorism and Insurgency Centre, *Islamic Movement of Uzbekistan*, 10 March 2009, www.jtic.janes.com

40 Statement of reasons, *Submission 1*, Appendix E.

Proscription by the UN or like-minded countries

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

Engagement in Peace and Mediation processes

- 3.58 The statement of reasons contains no information on this matter and the Committee has no information to indicate this organisation is engaged in peace or mediation processes.

Recommendation 4

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Islamic Movement of Uzbekistan (IMU) as a terrorist organisation.

Lashkar-e-Jhangvi (LeJ)

3.59 The statement of reasons is attached at Appendix F.

Engagement in terrorism

- 3.60 Janes offers no information on terrorist acts beyond those listed in the statement of reasons.
- 3.61 The statement of reasons indicates that since its establishment in 1996, the LeJ has established a reputation as the most violent Sunni extremist organisation in Pakistan. The group has reportedly killed hundreds of Shia doctors, lawyers, teachers, politicians, lobbyists and scholars and has also targeted Westerners, with the most infamous being the brutal abduction and murder of U.S. journalist Daniel Pearl in 2002.
- 3.62 Since the last re-listing of LeJ, there have been a number of terrorist attacks committed with LeJ involvement and also arrests of many of its members by Pakistani authorities. The most notable attack, in which LeJ involvement was suspected, was the 8 September 2008 suicide bombing of the Marriott hotel in Islamabad. It is clear that LeJ still maintains a commitment to carrying out terrorist acts.

Ideology and links to other terrorist groups/networks

Ideology

- 3.63 Lashkar-e Jhangvi (LeJ) is a Sunni Deobandi Islamic terrorist group based primarily in Pakistan's Punjab region and the city of Karachi. The group was formed in 1996 by Akram Lahori, Malik Ishaque, and Riaz Basra of the radical sectarian organisation, the Sipah-e-Sahaba Pakistan (SSP), who accused the SSP's leadership of deviating from the ideals of its co-founder, Maulana Haq Nawaz Jhangvi.

Links to other terrorist groups/networks

- 3.64 Janes lists no particular alliances that LeJ belong to.⁴¹ The statement of reasons states that LeJ can rely on the assistance of other Pakistani terrorist groups, such as Lashkar-e-Tayyiba, Harakat ul-Mujahideen, Harakat ul-

41 Jane's Terrorism and Insurgency Centre, *Lashkar-e-Jhangvi (LeJ)*, 10 August 2006, www.jtic.janes.com

Jihad al-Islami, Jaish-e-Mohammad, all of which are members of Usama bin Laden's International Islamic Front and that LeJ also has an extremely close relationship with the Afghan Taliban, having fought with them against the Northern Alliance and participated in killings of Shias during the rule of the Taliban in Afghanistan.⁴²

Links to Australia

3.65 The statement of reasons mentions no direct LeJ link to Australia.

Threats to Australian interests

3.66 Whilst the statement of reasons contains no information on this matter, it can be inferred that, through LeJ's support for the insurgency in Afghanistan and Pakistan, Australian citizens, including ADF personnel and Australian interests may be threatened.

Proscription by the UN or like-minded countries

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

Engagement in peace/mediation processes

3.68 The statement of reasons contains no information on this matter. The Committee has no information to indicate this organisation is engaged in peace or mediation processes.

Recommendation 5

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Lashkar-e Jhangvi (LeJ) as a terrorist organisation.

42 Statement of reasons, *Submission 1*, Appendix F.

Jaish-e-Mohammad (JeM)

3.69 The statement of reasons is attached at Appendix G.

Engagement in terrorism

3.70 The statement of reasons indicates that the JeM operates primarily in Indian Administered Kashmir (IAK) and has been responsible for attacking Indian security forces (military and police), government installations, and civilians in the disputed territories of this region.

3.71 However the statement of reasons also notes that there has been a recent shift in JeM's operational focus to join the Taliban movement in attacks against government and Coalition forces in Afghanistan. Since the last re-listing of this group, and particularly since 2008, the statement of reasons also states that the threat to Coalition forces in Afghanistan is said to have increased, due mainly to the added onslaught of Pakistani jihadist groups such as JeM.

3.72 The statement of reasons also lists six attacks claimed by JeM since the last re-listing and a number of arrests of JeM members.

3.73 Jane's highlights an attack in November 2007, in which a number of bombs were detonated in the Pakistani cities of Faizabad, Kucknow and Varanesi, targeting court buildings and killing 13 people.

3.74 Jane's also concurs with the statement of reasons stating that according to Pakistani military reports, since December 2007, JeM has been linked with an upturn in militant activity in the Swat Valley and that they have been involved in recruiting suicide bombers

Ideology and links to other terrorist groups/networks

Ideology

3.75 Established in 2000, JeM was founded by the radical Islamic scholar and jihadist leader, Maulana Masood Azhar.

3.76 JeM's stated objective is to unite the IAK with Pakistan under a radical interpretation of Islamic law, as well as the eradication of Hindu and other non-Muslim presence on the sub-continent. JeM also actively promotes

Jihad against the U.S. and other nations for perceived violations of Muslim rights.

- 3.77 Jane's also states that JeM aims to radicalise the political agenda in Jammu and Kashmir by terrifying local Hindus into leaving and supporting pro-Pakistani groups in the IAK.⁴³

Links to other terrorist groups/networks

- 3.78 The statement of reasons states JeM receives funding from legitimate business interests, including commodity trading and property and through Islamic charities such as the al-Rashid trust (also known as the al Amin Trust) whose accounts were ordered to be frozen by the UN Security Council for suspected links to Al-Qa'ida.
- 3.79 Jane's states that since these accounts have been frozen by the UN, JeM has subsequently found additional means of funding by channelling resources through other countries, notably Bangladesh and Nepal, as well as making use of the Hawala informal network of money transfer.⁴⁴
- 3.80 The statement of reasons also reports that JeM operates with other Islamic groups in the IAK such as Lashkar-e-Tayyiba (LeT) and has conducted joint operations in Afghanistan and Pakistan with groups such as Hizb-ul-Mujahideen (HM), Harakat-ul-Jihad-i-Islami (HuJI), Lashkar-e-Jhangvi (LeJ) and Sipah-e-Sahaba Pakistan (SSP). The statement of reasons also notes that JeM have close ties with the Taliban and Al-Qaeda.

Links to Australia

- 3.81 The statement of reasons mentions no direct JeM link to Australia.

Threats to Australian interests

- 3.82 The statement of reasons contains no information on this matter. Australian citizens, including ADF personnel and Australian interests may be threatened as a result of JeM's support for the insurgency in Afghanistan and Pakistan.

43 Jane's Terrorism and Insurgency Centre, *Jesh-e-Mohammad (JeM)*, 23 September 2008, www.jtic.janes.com

44 Jane's Terrorism and Insurgency Centre, *Jesh-e-Mohammad (JeM)*, 23 September 2008, www.jtic.janes.com

Proscription by the UN or like-minded countries

- 3.83 JeM is listed in the United Nations 1267 Committee's consolidated list and by the governments of the United States, the United Kingdom, Canada, New Zealand, the European Union, India and Pakistan.

Engagement in peace/mediation processes

- 3.84 The statement of reasons contains no information on this matter and the Committee has no information to indicate this organisation is engaged in peace or mediation processes.

Recommendation 6

The Committee does not recommend the disallowance of the regulation, made under the Criminal Code section 102.1, to list Jaish-e-Mohammad (JeM) as a terrorist organisation.

Improving Procedures

Provision of information on the de-listing of an organisation

- 4.1 The Committee received notice that the Attorney-General recently considered advice from the Director-General of Security and the Australian Government Solicitor that the Egyptian Islamic Jihad (EIJ) did not meet the requirements for listing under the Criminal Code. He stated he would not be re-listing EIJ as a terrorist organisation under the Criminal Code after the current listing expired on 30 March 2009.
- 4.2 The Attorney-General's advice noted that there was a lack of contemporaneous information from either classified or open sources to demonstrate that the EIJ continues to meet the legislative criteria under the Criminal Code.
- 4.3 There is no requirement on the Attorney-General to provide the Committee with a public statement of reasons for de-listing an organisation, as is required when listing or re-listing an organisation., The Committee, however, feels that it would be useful if, where the Attorney-General has decided he will not be re-listing as organisation as a terrorist organisation under the Criminal Code, a statement of reasons is provided to the Committee and a public statement of reasons.
- 4.4 Public listing of a terrorist organisation brings with it serious consequences as the following sections of the Criminal Code show:
- 102.2: Directing the activities of a terrorist organisation - 15- 25years imprisonment
 - 102.3: Membership of a terrorist organisation - 10 years imprisonment

- 102.4: Recruiting for a terrorist organisation – 15- 25 years imprisonment
- 102.5: Training a terrorist organisation or receiving training from a terrorist organisation – 25 years imprisonment
- 102.6: Getting funds to, from or for a terrorist organisation – 15- 25 years imprisonment
- 102.7: Providing support to a terrorist organisation – 15- 25 years imprisonment
- 102.8: Associating with terrorist organisations – 3 years imprisonment

4.5 In addition, those convicted of training with an organisation can be, subjected to a control order under section 104.4 of the Criminal Code.

4.6 These are restrictions not generally applied in Australian law and their application must always be balanced against the principles of liberty and democracy upon which our society is based. It is therefore important to ensure that there is transparency in identifying where the balance lies in determining whether an organisation should be listed.

Recommendation 7

The Committee recommends that where a decision to de-list an organisation is made, that the Attorney-General provide a statement of reasons to the Committee and a public statement of reasons.

Improving the statement of reasons

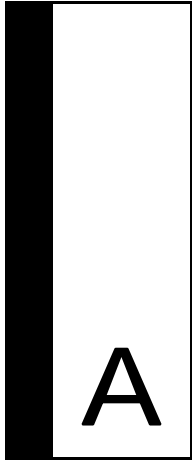
- 4.7 It is the Committee's view that the non-statutory guidelines used by ASIO are useful tools in evaluating the evidence supporting a listing or re-listing. As a result the Committee has requested that the statements of reasons be written in a way that directly links the evidence with ASIO's guidelines.
- 4.8 The Committee reiterates that it understands ASIO's guidelines are used as internal guidelines and are not the legislative test. However, given the broad nature of the legislative test, the Committee finds these guidelines useful and continues to use them.
- 4.9 The Committee believes the format of statements of reasons could be improved. Information in a statement of reasons needs to be as precise, informative and authoritative as possible. For example, statements relying

on BBC coverage of an interview on a small independent website are not, in themselves compelling or convincing.

- 4.10 The Committee has requested that future statements of reasons be drafted, at least in part, in such a way that the information is directly referable to the statutory criteria for listing contained within the Criminal Code.

Hon Arch Bevis, MP

Chairman



Appendix A – List of Submissions

1. The Hon Robert McClelland MP, Attorney-General
2. Attorney-General's Department
3. Federation of Community Legal Centres (Vic) Inc
4. Attorney-General's Department



Appendix B – Statement of Reasons – Ansar al-Islam (formerly Ansar al-Sunna)

Ansar al-Islam

(Also known as Ansar al-Sunna, Partisans of Islam, Protectors of Islam, Kurdistan Supporters of Islam, Supporters of Islam in Kurdistan, Followers of Islam in Kurdistan, Kurdish Taliban, Devotees of Islam, Jaish Ansar al-Islam, Jaish Ansar a-Sunna, Ansar al-Islam Army, Army of Ansar al-Islam, Jund al-Islam, Soldiers of Islam, Soldiers of God, Protectors of the Sunna Faith)

The following information is based on publicly available details about Ansar al-Islam (formerly listed as Ansar al-Sunna). These details have been corroborated by classified material. ASIO assesses that the details set out below are accurate and reliable.

Ansar al-Islam is listed as Ansar al-Islam in the United Nations 1267 Committee's consolidated list and by the governments of Canada and the US. Ansar al-Islam and Ansar al-Sunna, though the same entity, are listed separately by the UK government. It is also listed by the European Union (EU) for the purposes of its anti-terrorism measures.

Current status of Ansar al-Islam

Ansar al-Islam has been through several name changes since its formation in December 2001. Originally established under its present name, Ansar al-Islam emerged from a conglomeration of several smaller Kurdish-based Sunni extremist groups within the Kurdish Autonomous Zone (KAZ) in northern Iraq. At this stage, Ansar al-Islam focused on the defeat of the secular Kurdish leadership to establish an independent Islamic state in the KAZ.

In March 2003, successful joint Patriotic Union of Kurdistan (PUK) and US military operations against Ansar al-Islam strongholds forced many in the group to disperse to other

locations, including Iran. Ansar al-Islam members regrouped shortly thereafter and returned to Iraq, where they sought, in cooperation with other foreign and Iraqi militants, to create a more broad-based and less overtly-Kurdish organisation for the Sunni jihadist resistance to the Coalition presence in Iraq.

As a result, Ansar al-Islam evolved into Ansar al-Sunna. In late 2003, the new group formally announced its existence in an internet statement calling upon all jihadists in Iraq to unite under the name Ansar al-Sunna. Following the release of this statement, attacks conducted by Ansar al-Islam operatives were claimed under the name Ansar al-Sunna.

Because they were one and the same group, Ansar al-Sunna's leadership was similar to that of Ansar al-Islam as was its mainly Arab-Kurdish composition. Further, Ansar al-Sunna focused its attacks on the same enemies as its predecessor – in its first major strikes, Ansar al-Sunna, on 14 October 2003, bombed the Turkish Embassy in Baghdad, killing one bystander, and on 1 February 2004, it claimed responsibility for multiple simultaneous suicide car bombings on PUK offices in Arbil that killed at least 105 civilians and injured 130 others.

Like other Salafist terrorist groups, especially al-Qa'ida, Ansar al-Sunna's ultimate objective was to establish a Sunni-dominated Islamic state in Iraq. For this reason, Ansar al-Sunna, as well as conducting attacks on members of the 'apostate' Iraqi government, banned participation in democratic elections and increasingly targeted state-sponsored 'collaborators', especially Iraqi police and military forces. A series of Ansar al-Sunna bombings on police stations and police recruitment centres in northern Iraq in early-2004 killed at least 20 people.

Ansar al-Sunna, though mainly preoccupied with Iraqi official interests, also promised to 'step up and double' its attacks on the Coalition, a pledge that became reality in December 2004 when Ansar al-Sunna claimed responsibility for a suicide attack at a US military base in Mosul that killed 18 Americans, including 14 soldiers. It also assassinated civilians, including Iraqi and foreign contractors. In August 2004, the group released a video showing 12 Nepalese hostages being executed. As a measure of the group's fundamentalist interpretation of Islam, Ansar al-Sunna announced that they had been killed not merely for 'serving the Jews and the Christians' but also for 'believing in Buddha as their God'.

Over the next few years, Ansar al-Sunna conducted a steady stream of attacks against Iraqi government and security institutions, Coalition forces, civilian contractors, religious groups, diplomatic facilities and Iraqi infrastructure. Its tactical repertoire was already extensive and traversed the full range of insurgent operations for which the group is currently renowned, including suicide attacks, car bombings, emplaced improvised explosive devices (IEDs), hostage-taking, executions, assassinations and conventional military attacks. By February 2007, Ansar al-Sunna had claimed responsibility for approximately 1,600 attacks in Iraq.

Ansar al-Sunna, as well as openly declaring its fealty to Usama bin Laden, had historical links to al-Qa'ida in Iraq (AQI), a proscribed terrorist organisation formerly known as Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR). AQI's founder, Abu Musab al-Zarqawi, operated one of the Ansar al-Islam training camps prior to US and PUK operations against the group in 2003.

However, despite sharing an obvious ideological affinity with AQI as well as personnel, equipment and an almost identical target set and attack methodology, Ansar al-Sunna was determined to maintain its independence. It thus refused to join either of AQI's umbrella organisations, the Mujahideen Shura Council (MSC), established in January 2006, and the Islamic State of Iraq (ISoI), which superseded the MSC in October 2006.

Meanwhile, in April 2007, the Islamic Army in Iraq (IAI), a native nationalist-jihadist group that had always been uncomfortable with AQI's indiscriminate violence against Iraqi Muslims and which felt increasingly threatened by the ISoI's ruthless efforts to monopolise the Sunni insurgency, openly criticised 'the unlawful practices of the brothers from al-Qa'ida'. This was followed, in May 2007, by the IAI's establishment of its own competing pan-Islamic political organisation, the Reformation and Jihad Front, or RJF (also known as the Jihad and Reformation Front), a body that reportedly incorporated the IAI, the Mujahideen Army and Ansar al-Sunna.

These events led to the first signs of a split within Ansar al-Sunna. The group's Shariah Council, or Legal Committee, which had already criticised AQI in January 2007 for allegedly killing Ansar al-Sunna members, began promoting the idea of a partnership with an unspecified group – presumably the IAI – that other members, including Ansar al-Sunna's Emir, Abu Abdullah al-Hassan bin Mahmud, claimed was 'deviating from the principles of Shariah'. Two Shariah Council members in particular, Abu Sajjad and Shaykh Abu Hind, who subsequently resigned from or were asked to leave Ansar al-Sunna, then helped form the RJF.

Continuing claims by the RJF that pro-AQI Ansar al-Sunna had joined forces with a front group led by AQI's enemy were denied by the group's leaders, who criticised the Reformation and Jihad Front for perpetrating 'false allegations'. There was no split, Ansar al-Sunna announced, despite subsequent claims by the Shariah Council that 'most of the group's cadres had joined the breakaway faction' – an unlikely claim given the consistently higher profile of the original group over its erstwhile Shariah Council.

On 16 May 2007, moreover, Ansar al-Sunna's leadership issued a statement of support for 'our brothers' in the ISoI as well as a number of subsequent statements claiming joint operations with AQI. These included an attack on a US military convoy that reportedly killed six American soldiers and an operation against US forces and 'their quislings from the [Kurdish] Peshmerga' in Mosul on 28 January 2008, allegedly resulting in 'great losses' for the Coalition.

To distance itself from the high-profile defection of its Shariah Council earlier in the year, Ansar al-Sunna, on 28 November 2007, issued a formal statement to ‘all Muslims’ announcing that its leadership had ‘mutually agreed’ to revert to the group’s original name of Ansar al-Islam. The statement, which implored its members to ‘stand united behind our banner’ and ‘avoid unnecessary internal battles’, stipulated that Ansar al-Islam would be the group’s official name in all future communiqués and statements.

Though continuing to resist overtures to join the ISOI, Ansar al-Islam maintains a continuing close relationship with AQI. These ties are perhaps stronger now than at any other time, due mainly to the numerous ‘Awakening’ movements – variously comprised of Sunni tribal, religious and insurgent elements – pushing AQI into Ansar al-Islam’s geographical areas of operation in northern Iraq. Ansar al-Islam has also shown a continuing loyalty to AQI by not only recognising the ISOI as the base of a legitimate Islamic caliphate but also criticising the Reformation and Jihad Front, which, in July 2008, it accused of colluding with the US to undermine the jihad in Iraq.

Ansar al-Islam, though already sharing the same fundamentalist ideology as AQI, has increasingly adopted that group’s hardline attitude to fellow insurgents and Sunnis who participate in the political process. On 23 July 2008, in the first sign of its willingness to target its own constituency, Ansar al-Islam warned the ‘Sunni brothers’ that ‘joining the dangerous infidels’ was an act of ‘apostasy’. Those thus seeking to extinguish ‘the firebrand of jihad’ would be ‘killed without trial’.

Objectives

Ansar al-Islam’s immediate objectives are to overthrow the Iraqi Government, expel Coalition forces from the country and establish a Sunni Islamic state administered under Shariah law.

In the long-term, Ansar al-Islam supports the global militant Sunni jihadist ideology espoused by al-Qa’ida and its affiliates, including the re-establishment of the historical Islamic caliphate.

Leadership and membership

The identity of Ansar al-Islam’s current leader is unknown, although Abu Abdullah al Hasan bin Mahmud was the last national-level Emir identified by the group – a position he was still occupying as late as November 2007, when he announced that Ansar al-Sunna had reverted to its original name of Ansar al-Islam.

Ansar al-Islam is comprised of a mix of Sunni Arabs, including former Baathist regime elements, and Kurdish Islamist fighters, a condition that stems partly from its Kurdish origins but also from its base of recruitment in Iraq’s more heterogeneous areas – especially Mosul, Kirkuk and Salah al-Din. In marked contrast to AQI, which is controlled by foreigners, Ansar al-Islam’s leadership is Iraqi.

Ansar al-Islam is believed to be divided into six divisions including a military and information division. The precise size of the group is unknown but estimates indicate numbers to be between 500-1000 members.

Targets, Methodology and Funding

Ansar al-Islam, and before it Ansar al-Sunna, have conducted terrorist attacks against a range of political, religious and foreign targets in Iraq, most notably Iraqi and Coalition security forces, Kurdish government officials, Western individuals and interests based in Iraq, Iraqi civilians believed to be cooperating with Coalition forces and sectarian Shia targets.

Ansar al-Islam has historically employed assassinations and executions against Iraqi security and official personnel in particular but also foreign contractors from almost all countries, including the US, Great Britain, Canada, Japan, Jordan and Sudan. At the same time, Ansar al-Islam is known to execute individuals whom its leaders view as an affront to Islam. On 18 June 2006, for instance, the group decapitated several 'homosexual transvestites' for flouting 'the Prophet Muhammad's teachings'.

Small arms, IED and mortar attacks are frequent and mainly employed by Ansar al-Islam against high-profile targets, especially Iraq's political and security institutions, Coalition forces and Shia religious communities. The group has proven especially adept at suicide bombings, having conducted attacks using vehicle-borne improvised explosive devices (VBIEDs) and person-borne improvised explosive devices (PBIEDs). In accordance with the group's tactical range and weapons sophistication, Ansar al-Islam has also attacked military targets using rocket-propelled grenades (RPGs) and anti-aircraft weapons including man portable air defence systems (MANPADS).

Australians are considered a legitimate target by Ansar al-Islam, which was responsible for a suicide car bombing in March 2003 that killed ABC journalist Paul Moran and five Kurdish soldiers. The group's founder and original leader, Mular Krekar, reiterated these sentiments recently, claiming in November 2007 that not only was Moran's death justified but also that it was legitimate for Ansar al-Islam 'to kill Australian soldiers in Iraq ..., to kill his translator, to kill the people which [sic] give him food and water'.

Ansar al-Islam is predominantly based in Iraq. However, it has also been involved in plans to conduct attacks overseas, most notably in Germany in December 2004 when three Ansar al-Islam operatives were arrested for planning to assassinate the then-Iraqi Prime Minister, Ayad Allawi, during a Deutsche Bank reception in Berlin. All three were convicted of terrorism offences by a German court in July 2008.

The group receives funding from a variety of sources, including expatriate remittances from Diaspora communities in Jordan, Turkey and Europe, donations from local Sunni sheikhs and former Baathist officials, and criminal activities. Ansar al-Islam also benefits

financially from its association with al Qa'ida, which has provided money as well as training, equipment and combat support to the group.

Ansar al-Islam's engagement in terrorist attacks

Ansar al-Islam currently claims responsibility for several attacks each week in Iraq against a variety of sectarian, Iraqi government and Coalition targets. Recent significant terrorist attacks for which responsibility has been claimed by, or reliably attributed to, Ansar al-Islam include:

- 23 July 2006: Ansar al-Sunna claimed responsibility for multiple attacks, including the assassination of a Shia political figure in Diyali, shooting two US soldiers in Heet and detonating an IED in al-Miqdadiya;
- 30 October 2006: A suicide bombing killed the Director of Police in Kirkuk as well as several others, including a three year-old girl;
- 5 December 2006: The group claimed responsibility for an ambush that killed several US service personnel on foot patrol in the al-Haqlaniyah market, west of Baghdad;
- 25 January 2007: Ansar al-Sunna claimed responsibility for killing five American Blackwater members, four of whom were shot execution-style in the back of the head;
- 8 May 2007: A suicide truck bombing outside the Interior Ministry in Irbil, a mostly Kurdish city in northern Iraq, killed at least 15 people and wounded 65;
- 13 May 2007: A suicide car bomb against the headquarters of the Kurdish Democratic Party (KDP) killed at least 30 people and injured 115 others;
- 16 July 2007: Seven Peshmerga border guards and a civilian were killed in an ambush on the Iranian frontier near Penjwin, in the autonomous Kurdistan region.
- 18 September 2007: Two Iraqi 'apostates' accused of working for the Iraqi government were executed by Ansar al-Sunna militants;
- November 2007: In Tikrit, in northern Iraq, Ansar al-Sunna claimed responsibility for a roadside bombing that killed one policeman and two Iraqi military personnel;
- 28 January 2008: Five US soldiers were killed in Mosul in a joint operation by Ansar al-Islam and AQI;
- February 2008: Ansar al-Islam claimed responsibility for a series of attacks that included bombing a Coalition tank in Mosul, wounding a member of the Iraqi police force and capturing, interrogating and executing a number of Iraqi 'apostates';
- April 2008: The group was responsible for a series of attacks in Baqubah, the regional capital of Diyala, including the bombing of an al-Mahdi Army checkpoint

that killed six, the assassination of an Iraqi policeman and an explosion in a 'booby-trapped' house that killed two 'soldiers of the Cross';

- 13 April 2008: Ansar al-Islam bombed an Awakening Council member, who was taken to hospital but died an hour later;
- 12 May 2008: Ansar al-Islam reportedly shelled US military headquarters based at Al-Lahum, in southern Iraq;
- 20 July 2008: A roadside bombing on a convoy of Iraqi National Guardsmen travelling through Mosul purportedly killed or injured 15 'apostates';
- 13 August 2008: Ansar al-Islam claimed an attack on a Peshmerga barracks, reportedly killing 19 people and destroying two vehicles.

Conclusion

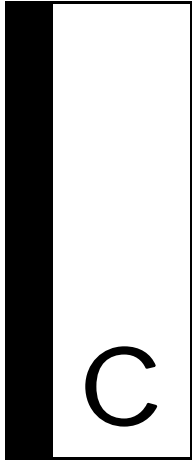
The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

- (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 that Ansar al-Islam is directly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to Ansar al-Islam are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, creating an Islamic caliphate in Iraq;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Iraq and Coalition countries, and/or intimidate a 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.



Appendix C – Statement of Reasons – Asbat al-Ansar (AAA)

Asbat al-Ansar (AAA)

(Also known as: League of Partisans; Band of Partisans, Band of Helpers, League of the Followers, Partisans' League, Usbat al-Ansar, Usbat ul-Ansar, Osbat al-Ansar, Isbat al-Ansar, Esbat al-Ansar).

The following information is based on publicly available details about Asbat al-Ansar (AAA). These details have been corroborated by material from intelligence investigations into the activities of AAA and by official reporting. ASIO assesses the details set out below are accurate and reliable.

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

AAA adheres to an extremist jihadist ideology akin to that of al-Qa'ida (AQ). AAA's objectives are to establish a Sunni Islamic state in Lebanon by overthrowing the Lebanese government, eliminating Israel and impeding anti-Islamic and pro-Western influences in Lebanon. The group believes its struggle justifies violence against civilians and the group's strategy in seeking its objective includes the use of terrorist tactics.

AAA is a Sunni Muslim extremist group, largely based in the Ayn al-Hilwah Palestinian refugee camp near Sidon in southern Lebanon. The group was established by Hisham al-Shraidi after Lebanon's Al-Gamaa al-Islamiyya group removed him in 1986. Shraidi was assassinated in 1991, apparently on the orders of Amin Khayid, a Fatah member also based in the Ayn al-Hilwah camp. He was succeeded by Ahmed Abd al-Karim al-Saadi, who is also known as Abu Muhjin.

Current status of AAA

In the 1990's, AAA limited its operations to Lebanon and engaged in a number of low-level attacks against 'un-Islamic' targets. These included attacks against religious institutions, bars, and theatres, as well as Lebanese forces, elements of the Lebanese government and foreign nationals. The group became more widely known following a series of attacks on nightclubs, theatres and liquor stores. AAA widened its operations to conduct attacks against foreign interests in Lebanon and assassinations of significant religious leaders. AAA's attack methods included rocket-propelled grenades, explosive charges, rockets and car bombs. Since 2004 there is no record of AAA conducting any violent operations in Lebanon. However, there is evidence of AAA members being involved in violent incidents, including fighting Coalition forces in Iraq.

AAA has recently been reluctant to involve itself in operations in Lebanon as it fears it will attract the attention of the Lebanese Armed Forces and threaten its uninterrupted operations in Ayn al-Hilwah. Various extremist web forums criticized AAA for its failure to support fellow Sunni extremist group Fatah al-Islam (FAI) during the Lebanese Armed Forces campaign in summer 2007 that forced FAI out of Nahr al-Barid refugee camp in northern Lebanon, which had a significant impact on the operations of the group. AAA now concentrates on recruiting, training and dispatching volunteers to the insurgency in Iraq. On 3 June 2008, Jund al-Sham gunmen attacked a Lebanese army position on the edge of Ayn al-Hilweh but AAA appears to have distanced itself from the fighting and joined a united Palestinian group to maintain peace in the camp. AAA is likely to actively urge for peace in the camp to ensure it can continue to provide fighters for Iraq without interference from the Lebanese Armed Forces..

AAA maintains close ties with al-Qa'ida. They share the same doctrine and AAA openly supports the insurgencies in Iraq and Afghanistan. However, AAA does not support al-Qa'ida's operations in Saudi Arabia, Yemen, Algeria and Syria.

AAA remains active and has shifted its focus to Iraq, sending fighters in support of the insurgency in collaboration with al-Qa'ida. AAA continues to announce the death or martyrdom of AAA members fighting the 'crusader' forces in Iraq

AAA's leaders continue to make statements supporting attacks conducted by other groups and advocates violent acts against the West, such as the February 2006 statement praising attacks by angry mobs against the Danish consulates in Beirut and Damascus in response to the Danish cartoons controversy, and the April 2004 announcement urging Iraqi insurgents to kill Western hostages to avenge the death of Hamas leaders Abdul Aziz Rantisi and Sheikh Ahmed Yassin.

AAA primarily receives funding from other extremist Sunni terrorist organisations, such as al-Qa'ida. AAA is one of a number of Sunni Salafist groups located in Lebanon to receive funds from Saudi Arabia. Financial assistance is also received by AAA from Muslims living abroad and repatriated to AAA in Lebanon and also from people of Lebanese origin visiting Lebanon from abroad.

Objectives

AAA is a Lebanon based, Sunni extremist group, composed primarily of Palestinians and associated with al-Qa'ida. The group follows an extremist interpretation of Islam that justifies violence against civilians to achieve political ends. Some of those goals include

overthrowing the Lebanese Government and impeding perceived anti-Islamic and pro-Western influences . It also supports the insurgencies in Iraq and Afghanistan and the activities of violent extremists in the Palestinian Territories. .

Leadership and Membership

AAA was formerly led by Ahmed Abd al-Karim al-Saadi (aka Abu Muhjin). Abu Muhjin has continued his activities in secret after being sentenced to death by the Lebanese Government *in absentia* for the 1994 assassination of Sheikh Nizar al-Halabi, the leader of a rival Islamic extremist group. In his absence, Abu Muhjin's brother, Haytham 'Abd Al-Karim Al Sa'di (aka Abu Tariq), had been nominally leading the group

AAA is primarily Palestinian and its membership is estimated to be 100-300 members. AAA operatives have previously fought in Afghanistan, Chechnya, Kashmir, the Balkans and Iraq.

AAA engagement in terrorist activities

On 8 January 2008 the Lebanese military judiciary security forces charged Mu'ammr Al-Awami (aka Ibn al-Shahid), who is believed to be associated with AAA, and charged him with planning attacks against American fast food outlets in Beirut in 2002 and 2003. AAA members were involved in other violence in Lebanon in 2003, including a June 2003 rocket attack on the Hariri affiliated Future TV building in Beirut.

Around 2003, AAA gave priority to supporting the insurgency in Iraq with a corresponding reduction in its activities in Lebanon. AAA operatives have been involved in fighting Coalition Forces in Iraq since at least 2005 and several members of the group have been killed in anti-Coalition operations.

In September 2004 AAA linked operatives were believed to be involved in a plan to target foreign embassies and Lebanese Government offices for terrorist attacks. In October 2004, Mahir al-Sa'idi, a member of AAA, was sentenced *in absentia* to life imprisonment for plotting to assassinate former US Ambassador to Lebanon David Satterfield in 2000. Al-Sa'idi was working in cooperation with Abu Muhammad al-Masri, the head of al-Qa'ida at the Ayn al-Hilwah refugee camp, where fighting has occurred between Asbat al-Ansar and Fatah elements.

Members of AAA were believed responsible for a Katyusha rocket attack on the Galilee region of Israel in December 2005 and most likely sought refuge in southern Lebanon in AAA controlled neighbourhoods

In May 2007 AAA announced one of its members was "martyred" during an attack outside Ayn al-Hilwah against the Lebanese Army in support of the Fatah al-Islam conflict in Nahr al-Barid refugee camp.

Lebanese authorities detained a cell of al-Qa'ida in Iraq (AQI) extremists in June 2007 in the Bekaa Valley that had trained with AAA and was possibly planning terrorist attacks throughout Lebanon against United Nations Interim Forces in Lebanon (UNIFIL) or Western targets.

In 2007, AAA remained focused on supporting jihad in Iraq and planning attacks against UNIFIL, Lebanese security forces, and Western interests. AAA associates were implicated in the 17 June 2007 Katyusha rocket attack against northern Israel.

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 that AAA is directly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to AAA are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the direct provision of terrorist fighters for the anti-Coalition insurgency in Iraq;
- (ii) are intended to coerce or influence by intimidation the governments of a foreign countries, including Lebanon, 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.



Appendix D – Statement of Reasons – Islamic Army of Aden (IAA)

Islamic Army of Aden (IAA)

(Also known as: Aden Abyan Islamic Army (AAIA); Islamic Army of Aden Abyan; 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 classified material. 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 European Union and the governments of the UK, New Zealand and Canada. The US 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 Western interests in Yemen.

The IAA predominantly operates in the southern governorates of Yemen – particularly Aden and Abyan. The IAA has been involved in a number of terrorist attacks against Yemeni and Western interests. It has used bombings and hostage-taking as a means of furthering its goals. In 1998, the IAA abducted 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 and

the MV Limburg on 7 October 2002. However, these operations are generally believed to have been al-Qa'ida operations.

The IAA is associated with al-Qa'ida and shares similar goals of driving Westerners from the region and removing the Yemeni government in order to establish an Islamic state.

Although current specific funding arrangements for the group are unknown, the IAA has traditionally conducted criminal activities as a means of raising money.

Between 2003 and 2006, counter-terrorism operations by Yemeni authorities reduced the size of the group and limited its operational effectiveness. However, the IAA has not been completely eradicated and there is no indication the intent of the IAA has changed. IAA members were last arrested in 2006, including the reported arrest of individuals suspected of involvement in terrorist activities in Iraq. In June 2008, IAA's leader, Khalid Abd al-Nabi, gave an interview which suggested he retained similar goals and ideology. He also stated the Abyan Governorate is ready for the emergence of IAA. While the interview does not explicitly call for a return to violence, it contains nothing to suggest that IAA has departed from its previous intentions to engage in terrorist acts.

Objectives

The IAA aims to remove Western interests from Yemen and wider Arabian Peninsula, overthrow the current Yemeni government and establish an Islamic state.

Leadership and membership

The IAA's founder and former leader Zain al-Abidin al-Mihdar (aka Abu Hassan) was executed in 1999 for his role in the 1998 hostage-taking of 16 Western tourists in Yemen. Founding members were veterans of the struggle in Afghanistan against the Soviets. Khalid Abd al-Nabi assumed leadership of the IAA before surrendering to authorities in October 2003. In return for his cooperation Abd al-Nabi received a Presidential pardon that same year. Abd al-Nabi continues to appear in, and make statements to, the media, usually in relation to IAA.

Although the current strength of the IAA is unknown, previous estimates of the group's size were between 30 to 100 core members divided into a number of small groups or cells. The group is likely to now have no more than 30 core members.

IAA engagement in terrorist activities

Security operations by the Yemeni authorities have restricted the IAA's capabilities within Yemen. However, IAA operatives still exist in Yemen and could undertake terrorist activities if and when the opportunity arises.

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

- August 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 June 2003: attack on a military medical convoy, injuring 7 soldiers;
- June 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 June 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;
- October 2003: a planned car bomb attack against the US, UK and German embassies in Sana'a allegedly involving the IAA was disrupted;
- March/April 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).

On the basis of the above information, ASIO assesses that the incidence of terrorist activity by the IAA has declined since 2003. However, ASIO assesses that the IAA remains active and is 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.



Appendix E – Statement of Reasons – Islamic Movement of Uzbekistan (IMU)

Islamic Movement of Uzbekistan

(Also known as: IMU, Islamic party of Turkestan, Islamic Movement of Turkestan)

The following background information is based on publicly available details about the Islamic Movement of Uzbekistan (IMU). These details have been corroborated by official reporting. ASIO assess the details set out below are accurate and reliable.

The IMU has been listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the UK, US, and Canada.

Current Status of the IMU

The origins of the IMU date from the early 1990s, when Juma Namangani, a former Soviet soldier who fought in Afghanistan, and Tahir Yuldosh (variant of name, spelled Yuldashev in most reporting), an unofficial mullah and head of the Adolat (Justice) Party, joined forces to implement sharia law in the city of Namangan in Uzbekistan's part of the Ferghana Valley. Alarmed by Adolat's demands to transform Uzbekistan into an Islamic state, the government banned Adolat in March 1992. A period of repression followed, forcing many Islamic militants to flee the Ferghana Valley.

Namangani fled to Tajikistan, where he participated in the Tajik Civil War and established a base for his fighters in that country. Yuldashev escaped to Afghanistan, Pakistan, and Saudi Arabia, where he established links to other Islamic militants. He also made clandestine trips to Uzbekistan, maintaining contact with his supporters and setting up underground cells. By the late 1990s, the IMU was officially formed. Its stated goal, as

posted on the internet in August 1999, was the “establishment of an Islamic state with the application of the Shariah” in Uzbekistan.

The IMU’s reach into Central Asia peaked from 1999 to 2001, when it conducted a series of attacks in Uzbekistan and Tajikistan and made incursions into Kyrgyzstan and Uzbekistan, from bases in Tajikistan and Kyrgyzstan.

The IMU’s goal of an Islamic state was expanded in 2001 to encompass an area stretching from the Caucasus to China’s western province of Xinjiang, under the new banners of the Islamic Party of Turkestan in April 2001 and the Islamic Movement of Turkestan in May 2001. However, the group has always been and continues to be known as the IMU, and that is the name under which it is listed by the US Office of the Coordinator for Counterterrorism as a foreign terrorist organisation.

By the end of the 1990s, the IMU had relocated to Afghanistan, due to the lack of support for the movement in Uzbekistan and the measures taken against it by the government. The IMU suffered heavy losses in the fighting that followed the US invasion of Afghanistan in October 2001, including the death of Namangani.

The remnants of the IMU fled to the tribal areas of neighbouring Pakistan, where their behaviour in some areas brought them into conflict with the local tribesmen and the Pakistani military. However, many IMU fighters have successfully integrated into the local community, where they have enjoyed the hospitality and sanctuary provided by the tribes.

The IMU continues to recruit fighters, and IMU members fight alongside the Taliban and al-Qa’ida against coalition and Pakistani forces in Afghanistan and Pakistan. The Ferghana Valley, where the Uzbek, Kyrgyz, and Tajik borders converge, is a fertile recruiting ground for the IMU, which has successfully exploited the widespread poverty in the region in its recruitment strategy.

IMU members have received training in camps in Afghanistan, some controlled by al-Qa’ida or the Taliban. The IMU also trains in camps in Pakistan and maintains bases there. Typical IMU tactics have included hostage-taking, raids on government security force outposts, and bombings.

The IMU has close ties with al-Qa’ida and the Taliban. Senior IMU leaders have held positions in the al-Qa’ida hierarchy. Sources of funding for the IMU have included criminal activities such as drug trafficking, as well as donations from sympathisers and al-Qa’ida.

On 11 September 2006, the IMU leadership renewed its commitment to attack the governments of Central Asia and issued personal threats against the Uzbek, Kyrgyz, and Tajik Presidents. This statement reinforced the IMU leadership’s commitment to al-Qa’ida’s ideology of global jihad and continued anti-Western and anti-Israeli rhetoric.

The IMU's losses in Afghanistan and Pakistan, as well as the defection of fighters to a splinter group, the Islamic Jihad Union, have not diminished the group's capability and intent to conduct terrorist attacks.

Objectives

The IMU's initial objective was to overthrow the Uzbek regime and replace it with an Islamic state. Uzbekistan is part of what its Russian conquerors called Turkestan, a collective name for the old Central Asian feudal states. The IMU's stated goal now is to establish an Islamic caliphate in Turkestan, stretching from the Caspian Sea to China's Xinjiang Province and encompassing the current Central Asian nations.

Leadership and membership

Tahir Yuldashev is the leader of the IMU. His co-founder, Juma Namamgani, was killed in Afghanistan following the US invasion.

The IMU has attracted support from a variety of ethnic backgrounds, principally Uzbeks, Kyrgyz, Tajiks, Chechens, and Uighurs from western China. The strength of the IMU is approximately 500, with members located in South Asia, Central Asia, and Iran. Among the IMU's supporters in the Middle East, Central Asia, and South Asia are a large Uzbek diaspora and several Islamic extremist groups.

Terrorist activities

Terrorist attacks and activities inside Central Asia for which the IMU has claimed responsibility or for which responsibility has been reliably attributed include:

- 16 February 1999: five car bombings in Tashkent, Uzbekistan, that killed at least 16 people and wounded over 130, in an apparent attempt to assassinate President Karimov
- 21 August 1999: taking hostage four Japanese geologists, their interpreter, and the head of the Kyrgyz Ministry of Interior troops
- 12 August 2000: taking hostage four US mountain climbers
- 27 December 2002: a bombing in a market in Bishkek, Kyrgyzstan, that killed six people and wounded 40
- 8 May 2003: a bombing in a currency exchange office in Osh, Kyrgyzstan, that killed one person
- 31 January and 13 June 2005: bombings outside the Ministry of Emergency Situations in Dushanbe, Tajikistan, that killed one person and wounded at least 12
- 25 January 2006: an armed attack on a pre-trial detention centre in Kairakum, Tajikistan, that killed the centre's chief
- 12 May 2006: armed attacks on border and customs posts in Kyrgyzstan and Tajikistan

The IMU is now fighting in support of the Taliban and other Islamic groups against the Afghan government and international military forces in Afghanistan.

- In mid-2007, seven heavily armed militants connected to the IMU were arrested while planting a mine on a road used by International Security Assistance Forces (ISAF) patrols in northern Afghanistan. The group admitted to carrying out rocket attacks, suicide missions and recruitment activities.
- In May 2008, two IMU members in possession of explosives and hand grenades were arrested in Afghanistan. The two admitted to planting mines on a road and providing a base for militant activities.

IMU leader Tahir Yuldashev has also stated his support for the Pakistani Taliban in its conflict with the Pakistani security forces, and Pakistan claims to have killed at least 150 Uzbek militants in 2007.

Conclusion

ASIO assesses the IMU is continuing to prepare, plan, and foster the commission of acts involving threats to human life and serious damage to property. Although the organisation has suffered significant losses while fighting in Afghanistan and Pakistan, it continues to attract recruits from a variety of countries within the region, and has a history of working with other international terrorist organisations from which it draws support.

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 IMU remains active, and is directly preparing, planning, assisting in, or fostering the doing of terrorist acts. It is submitted that the acts attributable to the IMU are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the objective of establishing a radical Islamist caliphate in Turkestan;
- (ii) are intended to coerce or influence by intimidation the government of a foreign country, namely the states of Central Asia and/or intimidate a section(s) of their 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.



Appendix F – Statement of Reasons – Lashkar-e Jhangvi (LeJ)

Lashkar-e Jhangvi (LeJ)

(Also known as: Lashkar-i-Jhangvi, Lashkar-e-Jhangvie, Laskar-e-Jhangvi, Lashkare Jhangvi, Lashkar-e-Jhangwi, Lashkar-i-Jhangwi, Jhangvi Army, Lashkar-e Jhangvi, Lashkar Jhangvi, Lashkar-e-Jhanvi, Lashkar-i-Jangvi, Lashkar e Jhangvi, Lashkar Jangvi, Laskar e Jahangvi).

The following information is based on publicly available details about Lashkar-e Jhangvi (LeJ). These details have been corroborated by official reporting. ASIO assesses the details set out below are accurate and reliable.

The LeJ is listed in the UN 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the UK, the US, Canada and Pakistan.

Current status of the LeJ

Lashkar-e Jhangvi (LeJ) is a Sunni Deobandi Islamic terrorist group based primarily in Pakistan's Punjab region and the city of Karachi. The group was formed in 1996 by Akram Lahori, Malik Ishaque, and Riaz Basra of the radical sectarian organisation, the Sipah-e-Sahaba Pakistan (SSP), who accused the SSP's leadership of deviating from the ideals of its co-founder, Maulana Haq Nawaz Jhangvi.

Sectarian terrorist groups have been responsible for over 4,000 deaths in Pakistan since the late 1980s, and LeJ has established a reputation as the most violent Sunni extremist organisation in the country, killing hundreds of Shias since its formation. Among the Shias LeJ has targeted for killing have been doctors, lawyers, teachers, politicians, lobbyists, and scholars. LeJ attacks have also targeted Christians, including attacks on a Christian church

and a Christian school in Islamabad in 2002, and Iranian nationals in Pakistan, accusing the latter of funding groups in Pakistan perceived as trying to establish Shia dominance.

While sectarian attacks remain LeJ's primary driving force, it has broadened its focus to target the Western presence in Pakistan, such as the abduction and murder of US journalist Daniel Pearl in Karachi in 2002, the car bomb attack on French nationals in Karachi in May 2002, and car bombings outside the US Consulate in Karachi in June 2002 and March 2006.

LeJ has also been involved in attacks on Pakistani government targets, including two failed assassination attempts against President Musharaff in 2003, and the failed assassination attempt against former Prime Minister Benazir Bhutto in 2007. LeJ chief Qari Zafar is suspected of involvement in the September 2008 truck bombing of the Marriot Hotel in Islamabad.

A large portion of LeJ's funding comes from wealthy supporters in Karachi. Additional funding is derived from sources in Saudi Arabia, as well as from criminal activities, such as protection rackets and extortion from both Shia and Sunni banks and businesses.

Pakistani government security crackdowns on sectarian groups have been only partially successful, as fear of retaliation means that some judges are reluctant to hear sectarian cases, and police officers investigating sectarian murders have been killed. The large increase in the number of Deobandi madrassas (religious schools) in Pakistan provides a pool of manpower from which LeJ can recruit.

LeJ operated major training camps in Muridke and Kabirwal, Pakistan, and in Sarobi, Afghanistan. However, the camp in Afghanistan was destroyed during the US invasion in 2001, and the camps in Pakistan have reportedly been closed due to pressure from the police. LeJ has reportedly been one of several terrorists groups that have set up eight training camps in the Darra Adam Khel area of Pakistan's North West Frontier Province, and LeJ was described as the most active group in the area.

As part of the Sunni militant community, LeJ can rely on the assistance of other Pakistani terrorist groups, such as Lashkar-e-Tayyiba, Harakat ul-Mujahideen, Harakat ul-Jihad al-Islami, Jaish-e-Mohammad, all of which are members of Usama bin Laden's International Islamic Front.

LeJ also has an extremely close relationship with the Afghan Taliban, having fought with them against the Northern Alliance and participated in killings of Shias during the rule of the Taliban in Afghanistan.

Objectives

LeJ's goals are to establish an Islamic Sunni state in Pakistan based on Sharia law, through the use of violence if necessary; to have all Shias declared non-believers; and to eliminate followers of other faiths, especially Jews, Christians, and Hindus.

Leadership and membership

The current leader of LeJ is reportedly Qari Zafar of Karachi, who also has links to al-Qa'ida. He probably assumed the role in early 2007, following the 4 February 2007 arrest of former leader Rizwan Ahmad in Lahore on suspicion of planning suicide attacks.

LeJ is estimated to have around 300 active members. It maintains a multi-cellular structure, made up of loosely co-ordinated regional sub-units, further divided into several small cells of five to eight members each that operate independently of one another.

Terrorist activities

Recent events confirm LeJ's continued existence and involvement in terrorist attacks and planning for future attacks:

- 26 September 2008: three LeJ-trained terrorists were killed in a police raid. The police also found bomb-making material and LeJ literature, as well as the body of a Pakistani businessman who had been kidnapped and killed by the terrorists.
- 26 September 2008: LeJ member Raheemullah was arrested. He had been involved in past attacks and had been planning attacks against police officers and Shias.
- 20 September 2008: suicide bombing of the Marriott hotel in Islamabad; LeJ leader Qari Zafar is suspected of involvement in the attack.
- 8 September 2008: LeJ member Zeeshan was arrested again. He had previously been arrested for a 7 July 2008 bombing in Karachi, and is also suspected of involvement in the Nishtar Park bombing in Karachi on 11 April 2006.
- 27 July 2008: senior LeJ member Shafiqur Rehman was arrested in Quetta. He confessed to seven assassinations in Quetta, and is suspected of involvement in over 100 cases of sectarian terrorism.
- 20 June 2008: two LeJ members were among five men arrested in Lahore who confessed to planning suicide attacks in Lahore and other cities.
- 27 February 2008: three LeJ members were arrested for planning attacks on several important political leaders in the district of Jhang.
- 26 February 2008: four LeJ members were arrested for planning attacks on political and religious leaders and senior police officers in Lahore.
- 5 February 2008: LeJ member Fida Hussain, believed to have been involved in the suicide bombing of a Pakistan Air Force bus in October 2007, was arrested in Lahore.
- 27 January 2008: a bombing near a mosque in Peshawar that killed a police chief and 14 others was attributed to LeJ.
- 17 January 2008: a suicide attack on a Shia mosque in Peshawar that killed 10 people was attributed to the LeJ.
- 10 January 2008: 40 LeJ members were arrested in Lahore with several weapons recovered.

- 18 October 2007: attempted assassination of former Prime Minister Benazir Bhutto; the Mati-ur-Rehman group, which includes LeJ members, was suspected of involvement in the attack.
- 16 June 2007: Karachi police announced the arrest of two LeJ members suspected of involvement in the Nishtar Park bombing on 11 April 2006.
- 24 February 2007: three would-be suicide bombers, travelling by bicycle, were killed when a speed bump set off the explosives they were carrying. The bombers were LeJ members attempting to attack a prayer meeting in Chechawatni, where a large number of police officers were expected to be in attendance.
- 13 February 2007: two LeJ members were arrested in connection with several attacks, including a raid on a Shia community centre in Rawalpindi in 2002 that killed 15 people.

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).

ASIO assesses LeJ is continuing to prepare, plan, and foster the commission of acts involving threats to human life and serious damage to property. Although the Pakistani government has conducted periodic crackdowns on domestic terrorist groups, successfully degrading LeJ's strength and reducing its ability to conduct major terrorist attacks, it has proven to be very resilient, creative, and adaptable. It has taken advantage of the links formed with other militant groups for operational and logistical support, adopted new tactics, and expanded its range of targets.

On the basis of the above information, ASIO assesses that LeJ remains active, and is directly preparing, planning, assisting in, or fostering the doing of terrorist acts. It is submitted that the acts attributable to LeJ are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the establishment of a Sunni Islamic state in Pakistan under Sharia law;
- (ii) are intended to coerce or influence by intimidation the government of a foreign country, namely Pakistan and/or intimidate a section(s) of its 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.



Appendix G – Statement of Reasons – Jaish-e-Mohammad (JeM)

Jaish-e-Mohammad (JeM)

(Also known as Jaish-e-Mohammed; Jaish-e-Muhammed Jaish-i-Mohammed; Jaish-i-Mohammad; Jaish-i-Muhammad; Jaish-i-Muhammed; Jeish-e-Mahammed; Jaish-e-Mohammad Mujahideen E-Tanzeem; Tehrik Ul-Furqaan; Army of Mohammed; Mohammed’s Army; Army of the Prophet; National Movement for the Restoration of Pakistani Sovereignty and Army of the Prophet; Khuddam ul-Islam (KuI); Khudamul Islam; Kuddam e Islami; Jamaat ul-Furqan (JuF); Jesh-e-Mohammadi.)

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

JeM is listed in the United Nations 1267 Committee’s consolidated list and by the governments of the US, the UK, Canada, New Zealand, the European Union, India and Pakistan.

Current status of JeM

JeM is a Sunni Islamic extremist organisation based in Pakistan which operates primarily in Indian Administered Kashmir (IAK). Recently, however, there are indications that JeM’s operational focus has turned towards attacks in Pakistan proper, Afghanistan and wider India.

Established in 2000, JeM was founded by the radical Islamic scholar and jihadist leader, Maulana Masood Azhar, following his release from an Indian jail in exchange for 155 hostages hijacked aboard an Indian Airlines aircraft on New Years Eve 1999. With support

from Usama bin Laden, the Taliban, and several other Sunni extremist organisations in Pakistan, Azhar did not return to his former group, the Islamic militant group Harakat ul-Mujahideen (HuM), but formed JeM as a new group. JeM is aligned politically with prominent Islamic Pakistani party, Jamiat-i-Ulema-i-Islam, Fazlur Rehman faction (JUI-F).

Funding for JeM is derived from both legitimate business interests, including commodity trading and property, and through Islamic charitable foundations including the al-Rashid Trust (also known as the al Amin Trust) whose accounts were ordered to be frozen by the UN Security Council for suspected links to al-Qa'ida.

JeM operates with other Islamic militant groups in IAK, such as Lashkar-e-Tayyiba (LeT), as well as conducting joint operations in Afghanistan and Pakistan with groups such as Hizb-ul-Mujahideen (HM), Harakat-ul-Jihad-i-Islami (HuJI), Lashkar e-Jhangvi (LeJ) and Sipah-e-Sahaba Pakistan (SSP). Furthermore, JeM remains closely associated with al-Qa'ida and the Taliban.

JeM was banned by the Pakistan government in January 2002. Following the ban, JeM split into two factions, Khuddam ul-Islam (KuI) headed by Azhar and Jamaat ul-Furqan (JuF) headed by Maulana Abdul Jabbar. Jabbar was detained for two years, until 2004, on charges relating to the assassination attempt on the President of Pakistan, Pervez Musharraf.

Both KuI and JuF were also subsequently banned by Pakistan in November 2003. Despite these factions, the group is commonly regarded as a single entity and referred to as JeM.

The organisation continues to concentrate its efforts against Indian security forces (military and police), government installations, and civilians in the disputed territories of IAK. While the India-Pakistan peace initiatives to resolve the Kashmir issue have led to an overall reduction in the level of infiltration and insurgent activity in IAK, JeM maintains an active presence in the region.

There has been a recent shift in JeM's operational focus, in particular, to join the Taliban movement in attacks against government and Coalition forces in Afghanistan. A large meeting of various extremist groups in Pakistan, in early June 2008, included members of JeM. The gathering reportedly resolved to co-operate and combine forces to concentrate on the Afghan conflict, while continuing the Kashmir struggle as a lesser imperative. The threat to Coalition forces in Afghanistan is said to have increased in 2008, resulting in increased levels of casualties, due mainly to this added onslaught from Pakistani jihadist groups such as JeM. Their complicity in the Afghan Taliban movement was evidenced by the late June 2008 public beheading by JeM members of two Afghans in Pakistan, accused of passing information to international forces in Afghanistan.

JeM operates a number of camps in Pakistan which provide both religious instruction and military style guerrilla training and support. Training and support is provided, not only to JeM members from Kashmir and Pakistan, but also to individual jihadists from other parts of the world. Reporting also indicates JeM may be helping to facilitate the activities of international jihadists intending to conduct terrorist operations outside Kashmir or India, including the UK and US. The British national, Rashid Rauf, arrested in Pakistan as one of the main coordinating figures allegedly responsible for the disrupted British trans-Atlantic

plane bombing plot in August 2006, is strongly suspected of having links with JeM. Investigators have also uncovered possible connections between JeM and the British-born suicide bombers responsible for the 7 July 2005 London subway attacks.

Objectives

JeM is a group that uses violence in pursuit of its stated objective of uniting IAK with Pakistan under a radical interpretation of Islamic law, as well as the eradication of Hindu and other non-Muslim presence on the sub-continent. JeM actively promotes jihad against the US and other nations for perceived violations of Muslim rights.

Leadership and membership

JeM's founder, Maulana Masood Azhar, remains the group's Amir, despite maintaining a low profile following JeM's implication in the 2003 assassination attempts on President Musharraf.

JeM is organised into military and missionary bands, administered through six or seven departments. Although exact numbers cannot be accurately determined, it is estimated that JeM has several hundred active fighters and thousands of followers. The majority of JeM's membership consists of jihadists from Pakistan and Kashmir, but also includes some Arabs and Afghans.

JeM engagement in terrorist activities

Few attacks have been openly claimed by JeM since it was last re-listed for proscription. However, recent instances where JeM militants have publicly acknowledged acts, or plans to conduct acts, of terrorism are listed:

- Three separate grenade attacks on police targets in Srinagar in May 2006, injuring a total of 34 people; were claimed by JeM.
- In May 2006 another grenade attack on police vehicle escorting a Human Rights Commission vehicle through the Iqbal Park area of Srinagar killed one policeman and injured ten other people.
- Three separate firearm attacks on police targets in Srinagar, attributed to a new JeM module, killed two police and injuring one other in July 2006.
- In August 2006, three separate firearm attacks on police officials resulted in four dead and three injured.
- In October 2006 two firearm attacks on police officials were claimed by JeM militants.
- Indian police arrested two reported JeM members in Delhi in November 2006 and recovered 2 kilograms of explosives and a sum of money.
- Three JeM extremists arrested in November 2007 in Lucknow, India, with a large amount of arms, ammunition and explosives, admitted on camera that they had been planning to kidnap Congress leader Rahul Gandhi to secure the release of 42 Pakistani prisoners.
- A public beheading by JeM members of two Afghans who were accused of passing information to international forces in Afghanistan occurred late June 2008.
- According to a report on a Jihadist website in Pakistan, JeM claimed the July 2008 killing of a total of 47 Indian troops in Kashmir.
- Jailed JeM militant threatens former Pakistani president with assassination

- Pakistani interior ministry sources stated on 17 December that the jailed Jaish-e-Mohammad (JeM) militant Ahmed Omar Sheikh had made a telephoned assassination threat to former president Pervez Musharraf in the middle of November 2008,

While arrests and disruptions have been moderately successful, and despite their lack of visibility, reporting continues to suggest that JeM remains operational and is continuing to recruit and train new members as well as plan attacks.

Conclusion

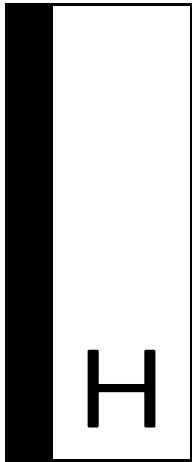
The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

- (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 JeM is directly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to JeM are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, creating a radical Islamic state in Pakistan and uniting Indian-controlled Kashmir with Pakistan.
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Afghanistan, Pakistan and India, as well as member countries of the Coalition forces in Afghanistan, and/or intimidate sections of the public.
- (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.



Appendix H – Newspaper Advertisement

Text of the advertisement placed in “The Australian” newspaper on Wednesday, 18 March 2009.

New Inquiry

Review of listing of Ansar al-Islam (formerly Ansar al-Sunna), Asbat al-Ansar (AAA), Islamic Army of Aden (IAA), Islamic Movement of Uzbekistan, Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ)

Under section 102.1A of the *Criminal Code Act* the Parliamentary Joint Committee on Intelligence and Security is to review the regulations specifying the above organisations as terrorist organisations.

Submissions from individuals and organisations are due by **Thursday April 30 2009**.

For further details, visit www.apf.gov.au/pjcis or email pjcis@apf.gov.au or phone **(02) 6277 2360**

A copy of the ad as it appeared follows.

About the House

www.aph.gov.au/ath

Free trade with ASEAN

Several new international agreements are being examined by federal parliament's Treaties Committee, including Australia agreeing to establish the ASEAN-Australia-New Zealand Free Trade Area. The Treaties Committee is seeking submissions on the implications for Australia of ratifying these treaties. The other agreements being examined are the Convention on Cluster Munitions and two taxation agreements with the Isle of Man. For more information visit www.aph.gov.au/jstc or email jstc@aph.gov.au or phone (02) 6277 4002.

Pay equity hearings in Brisbane

Potential disadvantages to women's participation in the workforce are being explored by the House of Representatives Employment and Workplace Relations Committee. The committee will hold public hearings in Brisbane on Tuesday 31 March, in Sydney on 1 April and in Melbourne on 2 and 3 April and also welcomes further public submissions to the inquiry. For more information visit www.aph.gov.au/ewr or email ewr.reps@aph.gov.au or phone (02) 6277 4162.

Community stores in Torres Strait

The House of Representatives Aboriginal and Torres Strait Islander Affairs Committee will hold public meetings in the Torres Strait and Cape York from 30 March to 2 April for its inquiry into community stores in remote Aboriginal and Torres Strait communities. For more information visit www.aph.gov.au/atia or email atia.reps@aph.gov.au or phone (02) 6277 4559.

Defence report under scrutiny

The Department of Defence Annual Report 2007-2008 is being reviewed by federal parliament's Defence Sub-Committee (part of the Joint Committee on Foreign Affairs, Defence and Trade). Submissions are due by Friday 10 April 2009. A public hearing for this inquiry will be held in Canberra on Thursday 16 April. For more information visit www.aph.gov.au/fdatd or email fdatd@aph.gov.au or phone (02) 6277 2313.

Review of terrorist listings

The listing of Ansar al-Islam (formerly Ansar al-Sunnah), Ashab al-Ansar (AAA), Islamic Army of Aden (IAA), Islamic Movement of Uzbekistan, Jaish-e-Mohammad (JeM) and Lashkar-e-Taiba (LeT) will be reviewed by the Parliamentary Joint Committee on Intelligence and Security. Under section 102.1A of the Criminal Code Act the committee reviews the regulations specifying the above organisations as terrorist organisations. Submissions are due by Thursday April 30 2009. For more information visit www.aph.gov.au/pjics or email pjics@aph.gov.au or phone (02) 6277 2360.

Submissions sought on Edinburgh RAAF base

Proposed improvements to the RAAF Base Edinburgh, Adelaide, worth \$99 million will be reviewed by the Public Works Committee. Public submissions are due by Thursday 16 April 2009. For detailed plans and further information visit www.aph.gov.au/pwc or email pwc@aph.gov.au or phone (02) 6277 4656.

Impact of F-111 fuel tank cleaning

Issues surrounding former Royal Australian Air Force personnel and their families affected by the desal/refresh cleaning process of F-111 fuel tanks will be investigated at a public hearing in Canberra on 17 April. For more information on this inquiry by federal parliament's Defence Sub-Committee (part of the Joint Committee on Foreign Affairs, Defence and Trade) visit www.aph.gov.au/fdatd or email fdatd@aph.gov.au or phone (02) 6277 2313.

Making buildings more accessible

Public hearings will begin this month for the inquiry into the draft Disability (Access to Premises - Buildings) Standards by the House of Representatives Legal and Constitutional Affairs Committee. Hearings will be held in Sydney on Wednesday 25 March, Melbourne on Monday 30 March and Brisbane on Friday 3 April. The draft standards are intended to make public buildings more accessible for people with mobility, vision and hearing impairments. For more information visit www.aph.gov.au/laca or email laca.reps@aph.gov.au or phone (02) 6277 2358.

Review of audits on government services

Today the Public Accounts and Audit Committee will hold a public hearing from 11.00am in Committee Room 2B1, Parliament House, Canberra to examine two Auditor-General reports: disability employment services and the administration of the job network outcome payments. For more information visit www.aph.gov.au/jpa or email jpa.reps@aph.gov.au or phone (02) 6277 4615.

Hearing on Defence acquisitions report

The Public Accounts and Audit Committee is holding a public hearing on Thursday 19 March with the Auditor-General and the Chief Executive Officer of the Defence Materiel Organisation to scrutinise the first "Major Projects Report". This is the first in a series of annual reports examining progress in major Defence acquisitions while they are still in progress. The hearing is from 9.30am in Committee Room 2B1, Parliament House, Canberra. For more information visit www.aph.gov.au/jpa or email jpa.reps@aph.gov.au or phone (02) 6277 4615.

Tax Commissioner at March hearing

Twice a year the Public Accounts and Audit Committee holds a public hearing with the Commissioner of Taxation Michael D'Ascenzo. The hearings are one of the few occasions when the Commissioner is obliged to answer questions in public about administration of the tax system. The next hearing will be held on Monday 30 March from 10am to 1pm in the Dandilaroom Level 5 Parliamentary Annex of Queensland's state parliament, Brisbane. For more information visit www.aph.gov.au/jpa or email jpa.reps@aph.gov.au or phone (02) 6277 4615.

Are the powers of the Auditor-General adequate

Do the powers of the Commonwealth Auditor-General and the Australian National Audit Office suit the modern public sector environment? The Public Accounts and Audit Committee has launched a new inquiry into the provisions of the Auditor-General Act 1997. Submissions are due by Thursday 9 April 2009. For more information visit www.aph.gov.au/jpa or email jpa.reps@aph.gov.au or phone (02) 6277 4615.

Students have their say on study and work

The House of Representatives Education and Training Committee is inviting Year 10-12 students to complete an online survey on combining work and study as part of its public inquiry into supporting successful youth transitions from school to work. The online survey is at: www.aph.gov.au/studentsurvey

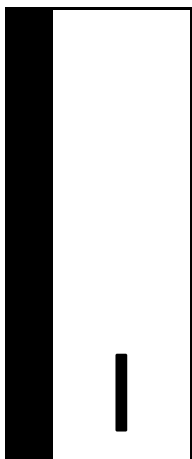
Organisations and individuals wishing to contribute to the inquiry can still send in submissions. For more information visit www.aph.gov.au/edt or email edt.reps@aph.gov.au or phone (02) 6277 4573.

Free magazine

Get your free copy of the About the House magazine by emailing lisa.reps@aph.gov.au or phone freecall 1800 139 299. The March edition includes features on how Year 10 to 12 students are combining study with work, stopping the spread of nuclear weapons, trade relations with ASEAN and a looming global food crisis. For the latest news from the House of Representatives and its committees visit www.aph.gov.au/ath where you can now find video news items and audio clips on the latest public inquiries, as well as replays of Question Time.



New website opens the doors to your House: www.aph.gov.au/ath



Appendix I – Witnesses appearing at Private Hearing

Canberra

Thursday, 14 May 2009

Federation of Community Legal Centres (Vic) Inc

Ms Marika Dias – Lawyer and Member, Anti-Terrorism Laws Working Group

Attorney-General's Department

Mr Geoff McDonald – First Assistant Secretary,
Security Law and Infrastructure Division

Ms Maree Hume – Principal Legal Officer, Security Law Branch

Australian Security Intelligence Organisation

Mr David Irvine – Director-General

Assistant Director-General – National Threat Assessment Centre

