

The Listings

The Criteria for listing an organisation

2.1 To be specified as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, the Minister:

.. must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur).¹

2.2 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 included:

- 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
- engagement in peace/mediation processes.²

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

2 Confidential exhibit, ASIO, tabled 1 February 2005.

- 2.3 The Committee continues to use these criteria as the basis of its reviews of all listings.

Overview

- 2.4 The Committee's view is that, given their records and stated purposes, all the organisations reviewed in this report fit the definition of a terrorist organisation under the Act and for the purposes of the proscription power. The Committee would not have recommended disallowance of any of these organisations had it been able to complete its review of these organisations within the disallowance period.
- 2.5 As in previous Committee reports into listings and re-listings of terrorist organisations, this report identifies issues relating to the current nature and reach of each of the organisations, with particular emphasis on developments since the Committee last reviewed the listing of these organisations. 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.

Al-Qa'ida in the Arabian Peninsula

- 2.6 This is the initial listing of Al-Qa'ida in the Arabian Peninsula (AQAP).
- 2.7 The Attorney-General's statement of reasons for listing AQAP can be found at Appendix B.
- 2.8 On the basis of the Attorney-General's statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQAP has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

- 2.9 The statement of reasons states that 'AQAP has been involved in a number of terrorist attacks, continues to plan and conduct attacks in Yemen and has claimed responsibility for terrorist attacks outside Yemen.'
- 2.10 Jane's Terrorism and Insurgency Centre (Jane's) lists a number of other attacks not listed in the statement of reasons, carried out by AQAP in 2010:
- On 26 April, an AQAP suicide bomber targeted the convoy of the British ambassador to Yemen in the capital Sanaa. Two security officials and a civilian were wounded in the attack but the ambassador was unhurt.
 - On 19 June, at least 11 people - seven security officers and four civilians - were killed and six others were injured when alleged AQAP militants assaulted a building utilised by intelligence officials in the al-Tawahi district of Aden in Aden governorate. Several suspected militants were freed from custody during the attack.
 - On 14 July, AQAP militants on motorcycles stormed a security and intelligence office in Zinjibar, Abyan province, killing four people. In a subsequent statement, the AQAP's Jamil al-Ambari Martyr Brigades claimed that the attack was conducted in response to the killing of one of its members in Abyan.
 - On 23 July, AQAP militants ambushed a military patrol in Shabwah province, killing six soldiers.
 - On 29 October, two IEDs, sent from Yemen using international courier companies, were intercepted in the in the UK and the United Arab Emirates. The devices were disguised as packages and addressed to synagogues in Chicago. The packages were discovered at East Midlands airport near the city of Nottingham in the UK, and at a FedEx sorting facility in Dubai in the UAE. Both of the packages contained computer printer equipment packed with explosive powder and attached to wires. US officials stated that information provided by Saudi Arabian intelligence services helped to identify the threat. In claiming responsibility for the attempted attacks, AQAP further claimed to have been responsible for the downing of a UPS cargo plane in Dubai in early September in which two crew members were killed. However, this final claim could not be independently verified.³

3 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtlic.janes.com>> viewed on 22 November 2010.

- 2.11 Jane's reports the following attack carried out by AQAP in 2011:
- Twelve soldiers were killed when AQAP militants attacked three military vehicles in the city of Lawdar in Yemen's Abyan governorate on 7 January, Al-Jazeera and Saba News Agency reported. Two of the vehicles were completely destroyed in the attack. A civilian passer-by was also wounded.⁴
- 2.12 In addition to the above attacks Jane's reports the following attack carried out by 'suspected AQAP militants' in 2011:
- A bodyguard was killed and three others were wounded when suspected AQAP militants attacked the convoy of a local government official in the Lawdar area of Yemen's Abyan governorate on 7 January, Saba News Agency reported. The official, who was not harmed in the attack, had been visiting the site of an earlier ambush in Lawdar where 12 soldiers were killed.⁵

Ideology and links to other terrorist groups/networks

Ideology

- 2.13 AQAP is a Sunni militant Islamist organisation which aims to:
- ... cleanse the Arabian Peninsula of foreign influence, particularly Western military personnel and civilian contractors; and to establish a single Islamic caliphate in place of the existing regimes in Yemen and Saudi Arabia.⁶

Links to other terrorist groups/networks

- 2.14 The statement of reasons does not point to any significant links to other terrorist groups/networks.
- 2.15 Somali Government Officials have suggested that AQAP has links to Hizbul Islam⁷ however Jane's states that '...there is currently no evidence to suggest any tangible operational co-operation between the groups.'⁸

4 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 15 February 2011.

5 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 15 February 2011.

6 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 22 November 2010.

7 Hizbul Islam was founded as a formal grouping of four militant Islamist groups whose leaders had previously participated in the Union of Islamic Courts (UIC) administration of Somalia in 2006.

Links to Australia

- 2.16 The statement of reasons gave no information on any specific link to Australia. However, in February 2011 it was claimed on the ABC's *Foreign Correspondent* television programme that Yemen is 'Al-Qaeda's new frontier and a launching pad for Jihadi-inspired terrorism' and that the leader of AQAP, Anwar Al-Awlaki, is drawing recruits 'from many nations around the world, including Australia'.⁹ The International Centre for the Study of Radicalisation and Political Violence (ICSR) has confirmed this.¹⁰
- 2.17 ASIO told the Committee at a private hearing that:
- AQAP has released four editions of the quarterly English-language magazine *Inspire*, aimed at radicalising and mobilising Muslim youth in the West. Australia was mentioned twice in the second edition, once as a suitable country for attacks.¹¹

Threat to Australian interests

- 2.18 The statement of reasons gave no information on any specific threats to Australia. However, the role played by AQAP in the failed 25 December 2009 attempt to blow up Northwest Airlines flight 253 over Detroit in the United States indicates that the group now poses a tangible threat beyond the Arabian Peninsula and are a general threat to Australians who may be travelling internationally and become caught up in attacks elsewhere.

Proscription by the UN or like-minded countries

- 2.19 The statement of reasons notes that AQAP is listed by the United States as a Foreign Terrorist Organisation under Section 219 of the Immigration and Nationality Act.
- 2.20 At the private hearing the Committee heard that AQAP was proscribed by the United Nations on 19 January 2010 and that it has also been listed in

8 Jane's Terrorism and Insurgency Centre, Al-Qaeda in the Arabian Peninsula, <<http://jtic.janes.com>> viewed on 22 November 2010.

9 'The Pied Piper of Jihad', *Foreign Correspondent*, ABC1, February 1, 2011.

¹⁰ ICSR Insights

<http://icsr.info/news/attachments/1295277887InsightAlQaedaintheArabianPeninsulareleasesnewcopyofInspireMagazine.pdf> viewed on 15 June 2011, see also 'Manual for lone-wolf jihadists', Paul Maley, *The Australian*, <http://www.theaustralian.com.au/news/features/manual-for-lone-wolf-jihadists/story-e6frg6z6-1225943916317> viewed on 15 June 2011.

¹¹ *Classified Transcript*.

the United Kingdom and Canada. New Zealand has also listed AQAP as a terrorist organisation.

Engagement in peace/mediation processes

2.21 The statement of reasons provides no information on this matter.

Al-Qa'ida

- 2.22 Al-Qa'ida (AQ) was initially listed as a terrorist organisation under the Criminal Code on 21 October 2002. This is the fourth re-listing of the organisation.
- 2.23 The Attorney-General's statement of reasons for re-listing AQ can be found at Appendix C.
- 2.24 On the basis of the Attorney-General's statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQ has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

- 2.25 The statement of reasons states that 'Al-Qa'ida has directly or indirectly engaged in a number of terrorist attacks, including assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices (IEDs) including vehicle-borne and vessel borne'. Specific evidence related to these categories is listed in a series of dot points. The Committee notes that these end on 20 September 2008.
- 2.26 In addition to these attacks, AQ 'franchises' such as AQAP and AQIM also carry out terrorist attacks.
- 2.27 Jane's states that:
- . . . Al-Qaeda currently has four major theatres of operation: Afghanistan-Pakistan, the Middle East, North Africa and Europe. There is also a small Al-Qaeda presence in East Africa, primarily operating alongside Somali insurgents, and the group has expressed support for Uighur separatists in China, although there has been no indication of any Al-Qaeda presence on the ground in China.¹²
- 2.28 Jane's gives a striking description of the methodology favoured by AQ:
- Trademark Al-Qaeda attacks involve multiple, simultaneous or near-simultaneous suicide bombings using conventional explosives. Al-Qaeda took the concept of suicide attackers driving

12 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

vehicles rigged with explosives and adapted it for air and maritime operations. In October 2002, Al-Qaeda attacked the USS Cole using an explosive laden boat and has planned similar maritime attacks. No explosives were needed when Al-Qaeda operatives hijacked four airliners on 11 September 2001 and crashed them into the World Trade Centre and the Pentagon.¹³

2.29 There is some evidence to suggest that Al-Qaeda planners continue to develop new ways to circumvent the security measures introduced since 11 September 2001, but suicide bombers, whether on foot or driving vehicles, remain the simplest and therefore most likely form of attack.¹⁴

2.30 ASIO gave evidence that:

Despite a reduction in attacks in recent times, AQ has made numerous statements calling on supporters to undertake acts of terrorism and continues to provide encouragement to affiliated and line groups around the world.¹⁵

Ideology and links to other terrorist groups/networks

Ideology

2.31 Founded in 1988, AQ is a radical Sunni Muslim group which subscribes to Salafist ideology.¹⁶ Jane's illustrates Al-Qa'ida's ideology in further detail:

Al-Qaeda's long-term aim is the creation of a pan-Islamic global Khalifa (Caliphate) based on its interpretation of the Quran. The organisation's initial focus was on attacking US interests, ostensibly in an effort to force it to withdraw its military forces from Muslim countries. It now supports the establishment of an 'Islamic State of Iraq' and an 'Islamic Emirate of Afghanistan' that can operate as bases for an ongoing jihad against its infidel and apostate enemies. The overthrow of Arab regimes, especially the Saudi royal family, remains a stated priority, as does the destruction of Israel. It also continues to plot attacks against

13 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

14 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

15 *Classified Transcript*.

16 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

Western countries to force them to withdraw their troops from Iraq and Afghanistan, and to withdraw their support from Arab regimes targeted by Al-Qaeda and its allies. In an audio message released by the group in January 2010, the speaker - purported to be Osama bin Laden - highlighted the liberation of Palestine and the ending of US support for Israel as a key objective. Al-Qaeda also serves as an inspirational model for others seeking to protect Muslims, retaliate against perceived oppression and to eject non-Muslim influences from Islamic societies.¹⁷

Links to other terrorist groups/networks

2.32 The statement of reasons notes that AQ provides international inspiration and influence to a large number of affiliated and aligned groups around the world, two of which, JI and AQIM, will be reviewed later in this report.

2.33 Jane's states that:

Al-Qaeda has been linked to nearly every Sunni Islamist group over the years and it is often difficult to assess the strength of these ties. However, the group's closest and most important alliances are with the Afghan Taliban and like-minded Pakistani groups. These groups effectively provide the Al-Qaeda leadership with its primary basing area. Al-Qaeda operatives are also operating in support of Shabab insurgents in Somalia.¹⁸

2.34 These links to affiliated terrorist organisations are also reinforced by AQ's propaganda statements:

....the main way the [Al-Qaeda] leadership imposes some control and uniformity of purpose is through its broadcasts and web postings. These have attained increasing sophistication and follow a clear pattern, promoting recruitment, keeping local groups motivated and providing overall protection.¹⁹

17 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

18 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

19 Jane's Terrorism and Insurgency Centre, Al-Qaeda, <<http://jtic.janes.com>> viewed on 14 December 2010.

Links to Australia

- 2.35 The statement of reasons gives no information on any specific link to Australia.

Threat to Australian interests

- 2.36 The likelihood that AQ has shifted some of its focus from Iraq to Afghanistan makes it probable that Australian troops in Afghanistan confront armed forces linked to AQ.
- 2.37 ASIO gave evidence that AQ does pose a direct threat to Australia and Australian interests worldwide:

The interest of AQ in undertaking attacks against Australian interests is clearly indicated by Osama bin Laden and other Islamist extremists and through the circulation of press articles regarding Australia's activities in areas of militant jihad.²⁰

Proscription by the UN or like-minded countries

- 2.38 The statement of reasons states that AQ is proscribed by the United Nations and by the governments of Canada, New Zealand, the United Kingdom, the United States and is also listed by the European Union for the purposes of its anti-terrorism measures.

Engagement in peace/mediation processes

- 2.39 The statement of reasons provides no information on this matter.

Jemaah Islamiyah

- 2.40 Jemaah Islamiyah (JI) was originally specified as a terrorist organisation for the purposes of section 102.1 of the Criminal Code on 27 October 2002. This is the fourth re-listing of this organisation.
- 2.41 The Attorney-General's statement of reasons for re-listing JI can be found at Appendix D.
- 2.42 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a

private hearing, JI has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

2.43 The statement of reasons lists one anti-Western attack committed by JI in South-East Asia since the last re-listing. Bombing attacks against the Marriott and the Ritz Carlton on 17 July 2009 killed seven civilians including three Australians.

2.44 The statement of reasons also point out that:

[I]nformation and materiel seized in operations against JI linked individuals since 2008 demonstrate JI retains the capability and intent to use violence to achieve its goals – and networks linked to JI continue to plan to conduct terrorist attacks in Southeast Asia.

2.45 Jane's states that JI remains a threat although more and more splits have appeared as it struggles to cope with arrests of senior figures and widespread infiltration by Indonesian security forces:

The JI 'mainstream' continues to focus on consolidation and rebuilding; a small group of more militant younger members appears to be under government surveillance. The head of a JI splinter faction, Noordin Mohammad Top, suspected by Indonesian security forces of responsibility for the 17 July 2009 Jakarta hotel bombings, was killed by police during a raid in September. To the extent that any mainstream JI members are committed to ongoing jihad in Indonesia, they are more focused on local targets - 'apostate' officials and non-Muslims in conflict areas. There is a general consensus in the group that attacks on foreigners have been counter-productive. JI remains committed to providing military training for members and amassing weapons for a future jihad but finds itself hard-pressed to do either. A new organisation formed by former JI leader Abu Bakar Baasyir in September 2008, Jama'ah Ansharut Tauhid, may eat into JI's membership.²¹

2.46 Australian Strategic Policy Institute (ASPI) states that JI has continued to evolve since the first Bali bombings catapulted the group to international prominence in 2002:

21 Jane's Terrorism and Insurgency Centre, Jemaah Islamiyah, <<http://jtic.janes.com>> viewed on 10 March 2010.

As several studies have shown, the main JI faction has in recent years limited its direct support for violent activities and has also suffered from a loss of supporters following years of arrests and internal discord.

However, the emergence of hardened, experienced militants from the conflict in the southern Philippines and the recent release of JI cadres from prisons in Indonesia, who have become ostracised by the mainstream JI group, are breeding a new generation of radicalised fringe groups. Together with regional countries such as Australia, the Indonesian Government, religious and community leaders will need to take effective action in order to stem the emergence of these radical movements.²²

Ideology and links to other terrorist groups/networks

Ideology

2.47 The statement of reasons states that the primary objective of JI is the establishment, through armed struggle, of an Islamic state in Indonesia and a regional Islamic caliphate.

2.48 ASPI asserts that:

JI's immediate goal is the Islamisation of Indonesia, a vision that dates back to DI [Darul Islam] and its assertion that the only legitimate basis for the state was one that fully embodied the Muslim faith as its sole foundation. JI took this original conception and enshrined it as a fundamental component of a broader ideological vision that viewed *Daulah Islamiyah* as the necessary catalyst for the restoration of Islamic governance across Southeast Asia.²³

2.49 This ideological view must be understood in the context of JI's enduring intent to restore Islamic governance through force of arms. ASPI states:

An enduring theme highlighted throughout PUPJI [Pedoman Umum Perjuangan Al-Jama'ah or General Guide for the Struggle of JI] is the idea of acting as a distinctly 'military outfit'.....the frequent use of the terms intelligence and recruitment (tajnid) and the detailed exposition of how to execute armed operations are prominent throughout the manifesto. Those elements together

22 Australian Strategic Policy Institute, *Jemaah Islamiyah: A renewed struggle?* 16 July 2009, p. 4.

23 Australian Strategic Policy Institute, *Neighbourhood Watch, The evolving Terrorist Threat in Southeast Asia*, June 2008, p. 10.

with an increasing orientation towards martyrdom—which is vindicated as a force equaliser and the most visible means of establishing a true pioneering vanguard to champion the Islamic faith—are strong indicators that JI’s conception of jihad is one that is explicitly aimed at combat (qital), as opposed to diplomacy or dialogue.²⁴

Links to other terrorist groups/networks

2.50 Jane’s lists Al-Qa’ida and the MILF²⁵ as organisations with which JI has alliances. Jane’s asserts:

Within Indonesia, JI has close communication with other jihadist groups such as Mujahidin KOMPAK, and Ring Banten (a West Java-based Darul Islam faction that co-operated with JI on the first Bali bombing and with Noordin on the Australian embassy bombing).

Two suspected JI militants were killed in Jakarta on 9 March 2010. Security officials alleged that the suspects had links to an organisation identifying itself as Al-Qaeda in Indonesia, against whom security officials had launched a series of operations in Aceh province in the preceding week. However, the extent to which this newly identified group exists as a distinct, operational outfit is uncertain.²⁶

2.51 The International Crisis Group (ICG) frames JI as part of a broader South Asia jihadi movement that is influenced by global Islamic extremist trends:

...jihadi ideology has taken root and has spread beyond the groups known to have used violence in the past. Some thirty JI-affiliated schools continue to educate the children and younger siblings of JI members and recruit new leaders for the organisation. Contacts with South Asia continue, particularly in Pakistan and Bangladesh...the Taliban resurgence on the Pakistan-Afghan border eventually could draw in Southeast Asians.

....Above all, it is important to underscore that the jihadi movement is dynamic, always adapting, and mutating....the

24 Australian Strategic Policy Institute, *Neighbourhood Watch, The evolving Terrorist Threat in Southeast Asia*, June 2008, p. 11.

25 Moro Islamic Liberation Front; active in the Philippines.

26 Jane’s Terrorism and Insurgency Centre, Jemaah Islamiyah, <<http://jtic.janes.com>> viewed on 10 March 2010.

greater danger may lie in groups or individuals...that may emerge and be able to draw on dissatisfied members of JI and other organisations.²⁷

Links to Australia

2.52 No reference is made in the statement of reasons to any links to Australia.

Threat to Australian interests

2.53 The threat to Australians travelling in Indonesia is still present. Australia continues to issue travel warnings to Australians travelling to Indonesia.

2.54 At the private hearing ASIO gave evidence that 'JI represents an enduring threat to Australian interests in South-East Asia, particularly Indonesia.'²⁸

Proscription by the UN or like-minded countries

2.55 JI is proscribed as a terrorist organisation by the United Nations and by the governments of Canada, New Zealand, the United Kingdom and the United States.

Engagement in peace/mediation processes

2.56 The Statement of reasons contains no information on this.

Al-Qa'ida in the Lands of the Islamic Maghreb

2.57 Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM), formerly known at the Salafist Group for Call and Combat (GSPC), was initially listed under the Criminal Code as a terrorist organisation, in 2002 following their listing by the United Nations Security Council. The Committee first considered the listing of the GSPC in 2004 after the Committee's role in the Criminal procedure had been established. This is the fourth re-listing of GSPC/AQIM.

2.58 The Attorney-General's statement of reasons for re-listing AQIM can be found at Appendix E.

27 International Crisis Group, *Briefing for the New President: The Terrorist Threat in Indonesia and Southeast Asia* Sidney Jones in the *Annals of the American Academy of Political and Social Science*, 25 June 2008, pp. 1-2.

28 *Classified Transcript*.

- 2.59 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQIM has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

- 2.60 Jane's states that AQIM has maintained a high operational tempo since its emergence under this name in January 2007:

... targeting the Algerian military and security services in non-suicidal ambushes, kidnappings, and bomb attacks. In addition, the group has claimed responsibility for carrying out a handful of suicide attacks. In August 2008, it was reportedly involved in nine separate attacks on a range of targets which resulted in nearly 80 people being killed and many hundreds injured.²⁹

- 2.61 The statement of reasons' comprehensive list of terrorist attacks provides substantial evidence of recent engagement in terrorist activity by AQIM. These attacks are independently verified by Jane's.³⁰

Ideology and links to other terrorist groups/networks

Ideology

- 2.62 The GSPC was founded in 1998 and was re-named AQIM in January 2007. Its immediate objectives are:

... to overthrow the Algerian regime and to replace it with an Islamic state under *sharia* (Islamic law). It seeks to achieve this by attacking regime targets including the military, police and security services.³¹

- 2.63 The statement of reasons concludes that since:

... GSPC's merger with al-Qa'ida in late 2006 and name change to AQIM in early 2007, the group increasingly has adhered to al-Qa'ida's extremist ideology and has declared war against foreigners and foreign interests.

29 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

30 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

31 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

Links to other terrorist groups/networks

2.64 In relation to its name change Jane's says of AQIM that;

The name change is indicative of the group's desire to transform itself into an Al-Qaeda regional affiliate, expand its aims beyond Algeria to create a regional caliphate and adopt a pan-Islamic, as opposed to nationalistic, jihadist ideology.³²

2.65 The above statement shows that AQIM is concerned with forging links with other terrorist organisations.

2.66 Jane's states that:

It is possible that AQIM's Al-Qaeda branding could help it attract support from across the North Africa region and even co-opt other national groups such as the Groupe Islamique Combattant Marocain (GICM) and the Libyan Islamic Fighting Group (LIFG), thereby extending the group's operational reach. Similarly, AQIM is likely to seek to transform North African Islamist cells in Europe into attack cells capable of perpetrating an attack similar to the Madrid train bombings of March 2004.³³

Links to Australia and threats to Australian interests

2.67 The statement of reasons lists no links to Australia and no specific threats to Australian interests, however, at the private hearing ASIO stated that:

AQIM has not specifically threatened Australia or Australian interests in the Sahel or the Magreb, but AQIM openly states its desire to attack Western interests, and Australia, as a Western country and ally of the United States, is therefore a legitimate target.³⁴

Proscription by the UN or like-minded countries

2.68 AQIM is proscribed by the United Nations and by the United States. Canada and the UK still list the AQIM as the Salafist Group for Call and Combat (GSPC).

32 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

33 Jane's Terrorism and Insurgency Centre, AQIM, <<http://jtic.janes.com>> viewed on 22 October 2010.

34 *Classified Transcript*.

Engagement in peace/mediation processes

- 2.69 The statement of reasons lists no engagement in any peace/processes by AQIM.

Jamiat ul-Ansar

- 2.70 Jamiat ul-Ansar (JuA) was originally listed in 2002 under the Criminal Code as a terrorist organisation following its listing by the United Nations Security Council. This is the fourth re-listing of JuA.
- 2.71 JuA is also known as Harakat-ul-Mujahideen (HuM), having changed its name to Jamiat ul-Ansar in 2003. The United States, the United Nations, Canada and the United Kingdom all list it as HuM. Jane's also refers to the organisation as HuM.
- 2.72 The Attorney-General's statement of reasons for re-listing JuA can be found at Appendix F.
- 2.73 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, JuA has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

- 2.74 The statement of reasons states that JuA has been involved in a number of terrorist activities over the past eleven years, including hijacking, bombings, abductions and training. In 2002 JuA member Ahmed Omar Sheikh was convicted of the abduction and beheading of US journalist Daniel Pearl. In February 2009, members of a terrorist cell with links to JuA and reportedly responsible for six attacks in Kabul, Afghanistan, were arrested. In February 2010, two JuA members were among five militants killed by Indian security forces in Sopore, Kashmir. The militants blew up two houses in the battle with security forces.
- 2.75 Jane's provides the following assessment of JuA's engagement in terrorist activities:
- HuM has conducted raids on Indian security positions and terrorised Muslim and Hindu communities in the IAK [Indian Administered Kashmir]. It has murdered Kashmiri Muslims accused of not supporting union with Pakistan, as well as targeted Hindus in a bid to force them from the territory. The HuM,

sometimes under the name of al-Faran, has also conducted a number of kidnaps of foreigners (some have been murdered) in a bid to free imprisoned leaders of the organisation.³⁵

- 2.76 In the Committee's previous inquiry into the re-listing of JuA, the Committee found that JuA's involvement in terrorist activity might have decreased since 2002. However, Jane's noted at the time that some of JuA's former members had joined other groups, such as the Pakistani Taliban, or they were operating under various guises which allowed them to remain highly dangerous, especially in Pakistan. Jane's also noted that during 2008 unconfirmed reports suggested that the JuA was regrouping.³⁶
- 2.77 The Indian press reported in April 2008 that the group, along with Hizb-ul-Mujahideen and Al-Badar, had set up new offices, with JuA planning to change its name to Ansar-ul-Umma. Another separate media report suggested that the JuA had resurfaced as the Al Hilal Trust in Pakistan's port city, Karachi. More recently Jane's has advised that:
- In recent times ... the group's support base has grown steadily and it is now believed to have several thousand fighters in Pakistan-administered Kashmir (PAK) as well as India's southern Kashmir and Doda regions.³⁷
- 2.78 In March 2010 an Indian official claimed that there were 45 JuA cadres operating in Assam.³⁸
- 2.79 At the private hearing ASIO noted that JuA has redirected its main efforts from Kashmir to supporting the Afghan insurgency 'including recruiting and training volunteers from JuA-run madrasahs to suicide operations against coalition forces.'³⁹
- 2.80 The Committee is satisfied that JuA continues to be an organisation that is actively and directly preparing, planning, assisting in or fostering the doing of terrorist acts.

35 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

36 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 23 September 2008.

37 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

38 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

39 *Classified Transcript*.

Ideology and links to other terrorist groups/networks

Ideology

- 2.81 The JuA began in 1985 as a militant group intent on ridding Afghanistan of the Soviet invader, and later turned its attention to attacking what it and other groups of religious extremists regard as Hindu domination of IAK. JuA supports radical Islamist organisations across the world but, according to Jane's, its effectiveness in this regard is minimal. The JuA rejects democracy of even the most Islamic-oriented style, and wants to establish a caliphate based on sharia (Islamic law), in addition to achieving accession of all Kashmir to Pakistan.⁴⁰
- 2.82 The JuA espouses transfer of Pakistan's nuclear and weapons technology to other Muslim states (although its stance on such proposed action concerning Shia Iran is not clear), and advocates the use of Pakistan's nuclear weapons against India. It opposes efforts to normalise relations between Pakistan and India claiming that the differences between the two countries are territorial, religious and ideological.⁴¹
- 2.83 The statement of reasons notes that JuA has pledged support for Afghan militants fighting Coalition forces in Afghanistan. Additionally, some elements within JuA have wanted to re-focus their activities and bring them more into line with Osama bin Laden's global jihad against the US and Israel and their allies.

Links to other terrorist groups/networks

- 2.84 The statement of reasons states that JuA has cooperated with other militant groups operating in Afghanistan, Kashmir and Pakistan such as Hizb-ul-Mujahideen, Lashkar-e-Tayyiba, Jaish-e Muhammad, and Sipah-e-Sahaba Pakistan. Furthermore, JuA leader Khalil has strong ties to the Taliban and al-Qa'ida and in 1998 signed Usama bin Laden's fatwa calling for attacks on the US and its allies.
- 2.85 It is clear to the Committee that JuA is deeply entrenched within the global Jihadi movement. JuA has also been closely linked with the Al-Qaeda network and has provided training and religious instruction to other associated terrorist organisations and individual Jihadists from around the world.

40 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

41 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), <<http://jtic.janes.com>> viewed on 16 March 2011.

Links to Australia

2.86 The statement of reasons mentions no direct links to Australia.

Threats to Australian interests

2.87 As mentioned above, the statement of reasons notes that JuA has pledged support for Afghan militants fighting Coalition forces in Afghanistan. As part of the Coalition forces in Afghanistan, JuA poses a direct threat to Australian Defence personnel and other Australians in Afghanistan.

2.88 The statement of reasons makes no reference to any direct threat to Australia. However JuA's close links with and support of Al-Qaeda indicates that JuA and associated groups within Pakistan pose a threat to Australians in Pakistan.

Proscription by the UN or like-minded countries

2.89 The JuA is listed under the name Harakat ul-Mujahideen (HuM) by the United Nations and is also listed by the governments of Canada, the United Kingdom, the United States and Pakistan.

Engagement in peace/mediation processes

2.90 The statement of reasons provides no information on this matter.

Abu Sayyaf Group

2.91 The Abu Sayyaf Group (ASG) was initially listed under the Criminal Code as a terrorist organisation in 2002 following listing by the United Nations Security Council. This is the ASG's fourth re-listing.

2.92 The Attorney-General's statement of reasons for re-listing the ASG can be found at Appendix G.

2.93 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, the ASG has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

2.94 According to the statement of reasons the ASG has been responsible for the planning and conduct of terrorist attacks against a wide range of

targets, but particularly the Philippine government, and Christian and Western interests. The statement of reasons notes that ASG attacks in the past few years have to a large degree been motivated by financial gain rather than purely political, religious or ideological purposes – but the proceeds of these attacks are used to support the ASG's operations.

- 2.95 In February 2010, 'a group of approximately 70 ASG militants led by Commander Puriji Indama attacked the village of Tubigan on the island province of Basilan. At least 12 civilians were killed and 17 others were wounded in what was reported as the worst attack on civilians in nine years.'⁴² The statement of reasons says that these were revenge attacks following the death of ASG sub-commander Parad who was killed during a Philippine military operation a week earlier.
- 2.96 In April 2010, the ASG further demonstrated their capacity to carry out mass casualty operations when the group carried out an attack involving a series of bomb explosions in the city of Isabela in Basilan province, in which 15 people - six civilians, four security force personnel, and five alleged ASG militants - were killed and 17 others, 13 civilians, two soldiers and two police officers, were wounded:

The attackers, reportedly wearing military uniforms, detonated the first device apparently targeting a government building, which left six civilians dead, followed by a second device targeting a Catholic church, which wounded 13 civilians, while a third device was destroyed, with no casualties, in a controlled explosion at a bus terminal. An armed clash between suspected militants and local police then ensued at a security checkpoint in the city during which the remaining casualties were sustained. Security officials alleged that one of the militants killed was Bazar Indama, the brother of a suspected senior ASG leader in Basilan.⁴³

- 2.97 Jane's states that these attacks prove that the ASG is still a viable force.
- 2.98 In September 2009, when two US soldiers and one Filipino marine were killed in the southern Philippine island of Jolo when their vehicle rolled over a land mine, analysts immediately blamed the ASG for the attack.⁴⁴

42 Jane's Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

43 Jane's Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

44 Christopher Shay, 'A brief history of Abu Sayyaf', *Time*, <<http://www.time.com/time/printout/0,8816,1927124,00.html>> viewed on 12 January 2011.

- 2.99 The ASG has been involved in a number of kidnap for ransom operations. ASPI reported that in 2000 the kidnapping of western tourists for ransom is believed to have earned the ASG an estimated \$20 million in ransom payments.⁴⁵
- 2.100 On 8 June 2008, a senior ABS-CBN reporter was kidnapped with a ransom demanded for her release. Prior to this, a brutal incident in April 2007 occurred when the ASG kidnapped seven local workers on the southern Philippine island of Jolo, beheading them when ransom demands were not met.
- 2.101 The statement of reasons states that the ASG views kidnap-for-ransom ventures as a profitable operational tactic – along with extortion and related activity – and these attacks have been a trademark of ASG since its creation and represent the main funding mechanism for the ASG and subordinate groups.
- 2.102 Since the expulsion of the ASG from Mindanao and the subsequent death of senior leaders, the ASG has continued to fragment, leaving the ASG clan groups largely confined to their home islands in the Sulu archipelago and under significant operational constraints compared to its first decade of existence, according to the statement of reasons.
- 2.103 The Armed Forces of the Philippines (AFP), with US military logistical support, has continued to mount operations against ASG groups in the Sulu archipelago and still consider the group to be a significant threat, particularly when acting in concert with other Philippines-based militant groups, including the MILF.
- 2.104 Jane's reports that a series of joint US/Philippine military and political actions - particularly Operation 'Ultimatum' in 2006-2007 - substantially degraded the ASG's capabilities and reduced its area of operations. However since the start of 2008, the ASG has increased its kidnap for ransom operations and is increasingly emerging as a resurgent force:

The group is therefore likely to continue posing a limited threat to civilians, and to security forces deployed in the area, for the foreseeable future, but is unlikely to emerge as a significant threat to the state itself.⁴⁶

45 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch: The Evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 21.

46 Jane's Terrorism and Insurgency Centre, ASG, <<http://jtic.janes.com>> viewed on 25 February 2011.

- 2.105 The threat that the ASG poses stems from its ability to de-stabilise the southern Philippines and the fragile peace process there. This may pose a threat to Australian interests in the Philippines and overall regional stability.
- 2.106 The Committee is satisfied that the ASG is currently engaged in terrorist acts and/or in supporting terrorist acts.

Ideology and links to other terrorist groups/networks

Ideology

- 2.107 ASPI reports that the ASG, which means 'Bearer of the Sword', was established on Basilan Island in the Sulu Archipelago, southern Philippines in 1991 under the leadership of Ustadz Abdurajak Janjalani. Janjalani was a young preacher in the mosques and madrasas of Basilan and Zamboanga who opposed peace talks between the Philippine Government and the Muslim residents of the south.
- 2.108 The ASG's traditional strongholds have been the Mindanao, Basilan, Jolo and Tawi-Tawi Islands in the Sulu Archipelago in the southern Philippines. It consists primarily of young Tausug Filipino Muslims from the Sulu archipelago, but it also attracts poverty-stricken unemployed young Muslims from across the southern Philippines.
- 2.109 Influenced by radical Wahhabi thought, the ASG's objective is the creation of an Islamic state in Mindanao and the eradication of all Christian influence in the southern Philippines. Despite this goal, and unlike other regional terrorist groups such as Jemaah Islamiyah, the ASG has never espoused a clear strategic plan as to how it would establish this 'pure' Islamic state.⁴⁷
- 2.110 According to the ICG, the ASG is best understood not as an insurgency in the same sense as the MILF or Moro National Liberation Front (MNLF), or even a clearly delineated organisation:

It is best understood as a network of networks, an alliance of smaller groups around individual charismatic leaders who compete and cooperate to maximise their reputation for violence.⁴⁸

47 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch, the evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 21.

48 International Crisis Group, 'The Philippines: Counter-Insurgency vs. Counter-terrorism in Mindanao', *Asia Report No. 152*, 14 May 2008, p. 7.

2.111 The statement of reasons states that the ASG's activities – including the targets chosen for kidnapping and extortion operations – remain heavily influenced by the religious, political and ideological considerations as originally dictated by Janjalani. Westerners and other wealthy foreign nationals, as well as local politicians and business people feature among the targets.

Links to other terrorist groups/networks

2.112 The statement of reasons notes that according to the Philippine authorities 'the ASG has links to al-Qa'ida and Indonesia-based terrorist networks including JI and they attribute bombings in key areas in Mindanao and in Manila to ASG.'

2.113 Indonesian extremists, under the protection of the ASG, continue to support terrorist operations by the ASG and the MILF in the Philippines and also provide bomb-making training to Philippines-based militant networks.

2.114 The statement of reasons has found that the current primary association between the ASG and other anti-Western terrorists is its provision of safe haven to JI-linked fugitives, 'which was first seen in 2003 and occurs to this day.'

2.115 These links with JI position the ASG as a credible terrorist threat. JI is a proscribed organisation and has targeted Australian interests and people in the past.

Links to Australia

2.116 The statement of reasons mentions no direct ASG links to Australia but ASIO told Members at a private hearing that 'its indiscriminate method of terrorism operations results in a high level of incidental collateral harm.'⁴⁹

Threats to Australian interests

2.117 As stated previously, the ASG engages in kidnapping of foreigners, demanding millions of dollars in ransom. These kidnappings have occurred at resorts, including those off the coast of Malaysia. DFAT has issued a travel warning advising Australians not to travel to the southern Philippines. It also advises that kidnapping is a significant threat for foreigners throughout the Philippines not just in the south.

Proscription by the UN or like-minded countries

- 2.118 The ASG is proscribed by the United Nations and by the governments of Canada, New Zealand, the United Kingdom and the United States.

Engagement in peace/mediation processes

- 2.119 In 2009, the Philippine presidential spokesman said the ASG is a criminal organisation rather than an insurgent group and could therefore not be offered any kind of amnesty deal:

... while the government has been prepared to deal with separatist organisations such as the Moro Islamic Liberation Front, the idea of dealing with the ASG has become anathema to Filipino ministers.⁵⁰

- 2.120 The statement of reasons provides no information on this matter.

Al-Qa'ida in Iraq

- 2.121 Al-Qa'ida in Iraq (AQI) was first listed in 2005 under the name Tanzim Qa'idat al-Jihad fi Biiad al-Rafidayn (TQJBR). This is the third re-listing of the group since the initial listing.
- 2.122 The Attorney-General's statement of reasons for re-listing AQI can be found in Appendix H.
- 2.123 On the basis of the statement of reasons and other publicly available information, and taking into account evidence provided by ASIO at a private hearing, AQI has been measured against ASIO's stated evaluation process as follows:

Engagement in terrorism

- 2.124 The statement of reasons contains a comprehensive list of significant attacks for which responsibility has been claimed by, or reliably attributed to AQI. Since the Committee last reviewed the AQI in November 2008, the group has been involved in at least seven more large-scale terrorist attacks. These attacks are independently verified by Jane's.⁵¹

50 Trefor Moss, *Jane's Defence Weekly*, 17 July 2009.

51 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

2.125 In its last report on this group, the Committee noted that the AQI gained a significant foothold in Iraq after the 2003 invasion, but then its appeal diminished due to the level of violence and massacres it carried out against ordinary Iraqi people. Jane's writes of AQI:

... through their actions they marginalised themselves from the population and became alienated to the point where they are increasingly irrelevant.⁵²

2.126 However, despite experiencing some setbacks, including consequences resulting from the 'US surge', Jane's notes that the group remains dangerous and active:

The renewed series of mass-casualty attacks perpetrated by the group demonstrates its continued ability to exploit weaknesses in the Iraqi national security apparatus.⁵³

2.127 When the US military withdrew from Iraq's urban areas under the Status of Forces Agreement in June 2009, Jane's found that AQI managed to seize back operational momentum, in part due to the withdrawal but also because the group has exploited increasing ethnic and religious tension in the country to its advantage.⁵⁴

2.128 The *Washington Post* reported recently that AQI activity has 'been strangled in Baghdad' but it has moved its attention to the northern city of Mosul where multiple suicide bombers and gunmen have carried out attacks, demonstrating '... the renewed determination of al-Qaeda in Iraq to operate in Mosul.'⁵⁵

2.129 The statement of reasons notes that AQI has recently been engaged in several campaigns which involved small attacks aimed at inciting sectarian violence and it also disrupted democratic processes during the March 2010 election period.

2.130 The Committee is satisfied that AQI is currently engaged in terrorist acts.

52 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

53 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

54 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

55 Aaron C Davis, 'Blast kills top police officer in Mosul' *Washington Post*, December 30, 2010, <<http://pqasb.pqarchiver.com/washingtonpost/access/2224703591.html>> viewed on 15 February 2011.

Ideology and links to other terrorist groups/networks

Ideology

- 2.131 AQI is a Sunni Islamic extremist group that operates within Iraq. The statement of reasons states that AQI networks are based primarily in Sunni areas and regions where other groups engaged in sectarian violence are located.
- 2.132 Jane's states that AQI is 'difficult to categorise' and that the:
... Salafist jihadist focus on the ethical duty of fighting jihad makes it difficult to categorise alongside ethno-nationalists and other types of insurgents. This is because it is not a purely political-military organisation.⁵⁶
- 2.133 Jane's goes on to note that since October 2004:
AQI has been a recognised affiliate of the Al-Qaeda movement, owing fealty to Osama bin Laden and, less directly, to Ayman al-Zawahiri. The connection between AQI and the Al-Qaeda board of governors is difficult to characterise definitively and the subject of contentious debate.⁵⁷
- 2.134 The statement of reasons notes that whereas AQI's key religious, political and ideological aims were originally to expel foreign forces from Iraq and to establish an Islamic caliphate under strict Sharia law in Iraq, the withdrawal of US troops from urban centres in mid-2009 has reduced the reasons for targeting, and opportunity to target, foreign forces and hence AQI recently has been focused more on targeting the Iraqi government.
- 2.135 By importing Jihadist elements into Iraq, AQI poses a direct threat to the stability of the fledgling Iraqi democracy and to the coalition forces and foreign citizens, including Australians, in Iraq.

Links to other terrorist groups/networks

- 2.136 AQI has 'formed a series of umbrella organisations in an apparent attempt to assimilate other Sunni jihadist groups, while distancing itself from its image of being an organisation dominated by foreigners, rather than Iraqis.'⁵⁸

56 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

57 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

58 Jane's Terrorism and Insurgency Centre, AQI, <<http://jtic.janes.com>> viewed on 4 March 2011.

2.137 The statement of reasons indicates that AQI receives ideological support from, or has promoted ideological support for, several other terrorist organisations, including:

- Al-Qa'ida (AQ),
- Al-Qa'ida in the Arabian Peninsula (AQAP),
- Salafists in Gaza, and
- Al-Shabaab.

Links to Australia

2.138 The statement of reasons lists no links to Australia.

Threats to Australian interests

2.139 At the private hearing ASIO told the Committee that AQI considers Australia 'a legitimate target for attack, as demonstrated by its claim of responsibility for an attack on an Australian Defence Force convoy in Baghdad in October 2004. AQI also claimed an attack near the Australian Embassy in Baghdad in January 2005.'⁵⁹ ASIO asserts that Australians in Iraq continue to be in danger of attack by elements of AQI.

Proscription by the UN or like-minded countries

2.140 AQI, under its various aliases, is proscribed as a terrorist organisation by the United Nations and by the governments of New Zealand and the United States.

Engagement in peace/mediation processes

2.141 The statement of reasons provides no information on this matter.

Conclusion

2.142 The Committee is satisfied that the one organisation listed and the six organisations which have been re-listed continue to engage in activities that satisfy section 102.1 of the Criminal Code. The Committee would not have recommended disallowance of the regulations if it had reported within the disallowance period.

Hon Anthony Byrne MP

Chairman

