



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP



06/11100

10 AUG 2006

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

Submission No: ..... 1 .....  
Date Received: 10-8-06 .....  
Secretary: .....

Dear Mr Jull

I am writing to advise you that I have decided to re-list Jemaah Islamiyah and Al-Qa'ida as terrorist organisations for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

Jemaah Islamiyah and Al-Qa'ida were last specified as terrorist organisations under the *Criminal Code Regulations 2002* with effect from 1 September 2004. Under subsection 102.1(3) of the Criminal Code the separate regulations listing these organisations will cease to have effect on 1 September 2006.

I am satisfied on reasonable grounds that Jemaah Islamiyah and Al-Qa'ida are organisations 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).

The re-listing of Jemaah Islamiyah and Al-Qa'ida will ensure that the offence provisions under Division 102 of the Criminal Code will apply.

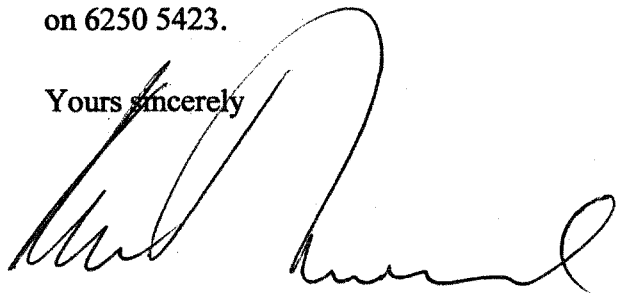
My decision to re-list Jemaah Islamiyah and Al-Qa'ida was made following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, in relation to these organisations,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

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

To assist the Committee, should it decide to review the regulations, I enclose copies of the Statements of Reasons provided by ASIO, in relation to Jemaah Islamiyah and Al-Qa'ida upon which my decision to re-list these organisations was based. Additional information detailing the procedure followed for the purposes of re-listing Jemaah Islamiyah and Al-Qa'ida will be provided to you upon the registration of the regulation.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written in a cursive style.

Philip Ruddock



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP

**Attorney-General's Statement that Jemaah Islamiyah  
Satisfies the Conditions under Subsection 102.1(2)(a) to be specified in Regulations as a  
'Terrorist Organisation'**

I am satisfied on reasonable grounds that Jemaah Islamiyah (also known as: Jema'ah Islamiyah, Jemaah Islamiya, Jemaah Islamiyyah, Jemaah Islamiah, Jamaah Islamiyah, Jama'ah Islamiyah, Jeemah Islamiyah, Jemaa Islamiya, Jema'a Islamiya, Jemaa Islamiyah, Jema'a Islamiyya, Jemaa Islamiyya, Jemaa Islamiyyah, and Jema'ah Islamiyyah) meets the conditions set out in subsection 102.1(2)(a) of the *Criminal Code Act 1995* to be specified in the *Criminal Code Regulations 2002* as a terrorist organisation.

**Subsection 102.1(2)(a)**

I am satisfied on reasonable grounds that Jemaah Islamiyah 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).

The Director-General of Security wrote to me providing material regarding the background, terrorist activities and current intentions of Jemaah Islamiyah. Having regard to this material, I am satisfied that Jemaah Islamiyah has engaged in activity that has caused death, serious physical harm to a person and serious damage to property with the intention of advancing a political, religious or ideological cause and with the intention of intimidating the public or a section of the public, without lawful cause.

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PHILIP RUDDOCK



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP

**Attorney-General's Statement that Al-Qa'ida  
Satisfies the Conditions under Subsection 102.1(2)(a) to be specified in Regulations as a  
'Terrorist Organisation'**

I am satisfied on reasonable grounds that Al-Qa'ida (also known as: The Base, Al-Qaida, Al-Qaeda, Qa'idat al-Jihad, Maktab al-Khidamat, International Islamic Front for Jihad Against Jews and Crusaders, Al-Jabhah al-Islamiyyah al-'Alamiyyah li-Qital al-Yahud wal-Salibiyyin, The Group for the Preservation of Holy Sites, Islamic Army of the Liberation of the Holy Places, Islamic Army for the Liberation of the Holy Shrines, Usama Bin Laden Network, Usama Bin Laden Organisation, Islamic Salvation Foundation, International Front for Fighting Jews and Crusaders, and International Islamic Front Against Jews and Christians) meets the conditions set out in subsection 102.1(2)(a) of the *Criminal Code Act 1995* to be specified in the *Criminal Code Regulations 2002* as a terrorist organisation.

**Subsection 102.1(2)(a)**

I am satisfied on reasonable grounds that Al-Qa'ida 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).

The Director-General of Security wrote to me providing material regarding the background, terrorist activities and current intentions of Al-Qa'ida. Having regard to this material, I am satisfied that Al-Qa'ida has engaged in activity that has caused death, serious physical harm to a person and serious damage to property with the intention of advancing a political, religious or ideological cause and with the intention of intimidating the public or a section of the public, without lawful cause.

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PHILIP RUDDOCK

## **Jemaah Islamiyah**

(Also known as: Jema'ah Islamiyah, Jemaah Islamiya, Jemaah Islamiyyah, Jemaah Islamiah, Jamaah Islamiyah, Jama'ah Islamiyah, Jeemah Islamiyah, Jemaa Islamiya, Jema'a Islamiya, Jemaa Islamiyah, Jema'a Islamiyya, Jemaa Islamiyya, Jemaa Islamiyyah, Jema'ah Islamiyyah)

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

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

### ***Background***

JI evolved from the long-established Indonesian 'Darul Islam' (DI) movement which, from the 1950s, engaged in an armed and violent struggle for the establishment of an Islamic state in Indonesia. The DI movement was subjected to Indonesian Government security clampdowns in the mid-1980s and a number of its leaders – notably Indonesian Islamic clerics Abdullah Sungkar and Abu Bakar Ba'asyir - fled to Malaysia where they established JI in 1993. Sungkar died in 1999 and Ba'asyir returned to Solo, Indonesia, in 2000 where he also established the Majelis Mujahidin Indonesia (MMI), which included other individuals and groups intent on establishing an Islamic state.

Traditionally, JI was divided into regional areas called *mantiqi* (territories). Mantiqis I, II and III covered Indonesia, Malaysia, Singapore and southern Phillipines while Mantiqi IV covered Australia and Papua. Mantiqi leaders met as members of the *qiyadah markaziyah* (central command), where operational decisions were made. However, operational cells increasingly demonstrate autonomous decision-making, suggesting the hierarchical structure of JI is not binding and some JI members may act independently.

JI has had well-documented links to al-Qa'ida (AQ), including through the likes of Riduan Isamuddin aka Hambali, a senior JI operative, and through Indonesians attending training camps and jihad in Afghanistan. Despite close links to AQ and other groups, JI remains an independent organisation making its own operational decisions.

The everyday activities of JI are funded largely by members' dues and other contributions. JI receives large amounts of money from outside Indonesia for terrorist activities. AQ has provided funding for some JI operations including the Bali bombings in 2002 but the full extent of AQ funding is unclear.

A common heritage in DI shared by senior JI members has facilitated links to other extremist groups in Indonesia, including MMI, the so called Banten Ring, which was implicated in the Australian Embassy bombing on 9 September 2004, and Laskar Jundullah, which was active in the sectarian violence in Ambon and Sulawesi.

JI is known to have links to the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) in the Southern Philippines. In return for shelter and facilitation of its training activities, JI provided expert training in bomb-making to MILF and ASG members. The current status of JI's links to MILF is not clear. The MILF is engaged in

peace negotiations with the Philippines government and appears keen to distance itself from allegations of association with terrorist groups.

Following the raid on a JI safe house in November 2005, in which senior JI bomb maker Azahari bin Hussin was killed, Indonesian authorities recovered planning documents and a number of improvised explosive devices. In subsequent raids on other JI safe houses in Indonesia in April/May 2006, information on bomb making, propaganda material and explosive devices, similar to those used in the 2005 Bali attacks, were found. In a late 2005 video aired on Indonesian television and posted on the website of the Indonesian SCTV network, an individual reliably identified as senior JI operational planner, Noordin Mohammad Top, made threats against Australia and senior Australian political figures. Taken together, these confirm that JI continues to have the capability (including current access to the necessary resources) and intent to conduct further terrorist attacks.

Individuals associated with JI were added to the United Nation's 1267 Committee's list in 2005 and 2006.

### ***Objectives***

JI's founding objective was to create an Islamic state that extends from northern Australia to Malaysia and Thailand, including Indonesia and the southern Philippine islands.

### ***Leadership and membership***

After the death of Abdullah Sungkar in 1999, Abu Bakar Ba'asyir became the *amir* (spiritual leader) of JI up until his arrest in October 2002, when he was reputed to have been replaced by Thoriqudin, aka Abu Rusdan, who was arrested in April 2003. The current leader of JI is reported to be Abu Dujana aka Abu Dujanah aka Ainul Bahri, who is being sought by the Indonesian authorities.

JI's membership has been numbered from as low as 750 to as high as 5,000. It has benefited from links with a broad network of radical *pesantren* (Islamic boarding schools) to propagate JI teaching, provide military training, and shelter fugitive members. The most prominent *pesantren* in this network includes Ba'asyir's Al-Mukmin *pesantren* (also known as Pondok Ngruki) in Solo, Central Java and the Dar us-Syahadah *pesantren* in Boyolali, Central Java. The Hidayatullah *pesantren* in East Kalimantan also forms part of this network.

JI's known membership includes a number of individuals who have been convicted and sentenced in relation to terrorist activities: it includes many of the perpetrators of the Bali bombing in October 2002, the bombing of the Marriott Hotel in Jakarta in August 2003 and the bombing of the Australian Embassy in Jakarta in September 2004. JI's known membership also includes individuals who are currently facing trial for their roles in the 2005 Bali bombing.

### ***Terrorist activities***

Recent terrorist attacks for which responsibility has been claimed by, or reliably attributed to JI, have included:

- an attempted assassination of the Filipino Ambassador to Indonesia on 1 August 2000, which killed two people and seriously injured the Ambassador;

## Attachment A

- the series of bomb attacks on churches in Jakarta, Sumatra, Lombok, Java and Batam Island on 24 December 2000. 17 people were killed in these attacks and as many as 100 injured;
- the Bali bombing attacks on 12 October 2002 which killed 202 people, including 88 Australians;
- the bombings of the Davao International Airport on 4 March 2003, and of the Sasa ferry wharf in the southern Philippine city of Davao on 2 April 2003, involving JI and MILF operatives;
- the suicide car-bomb attack upon the J.W. Marriott Hotel in Jakarta on 5 August 2003, which killed 12 people including the suicide bomber;
- the suicide truck-bomb attack on the Australian Embassy in Jakarta on 9 September 2004, which killed 10 people and injured around 180; and
- the three suicide backpack bombings in Bali on 1 October 2005, which killed 20 people (including four Australians) and injured approximately 90.

### Conclusion

ASIO assesses that JI is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is corroborated by reliable and credible intelligence sources.

In the course of pursuing its objective of creating an Islamic state in Indonesia and a pan-Islamic caliphate in South East Asia, JI is known to have engaged in actions that:

- are aimed at advancing JI's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in Indonesia, Malaysia, the Philippines, Singapore, Australia and other persons visiting areas in which it operates.

In view of the above information, JI is assessed to be preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the Government and people of Indonesia. The actions or threatened actions which JI are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

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## **Al-Qa'ida**

(Also known as: The Base, Al-Qaida, Al-Qaeda, Qa'idat al-Jihad, Maktab al-Khidamat, International Islamic Front for Jihad Against Jews and Crusaders, Al-Jabhah al-Islamiyyah al-'Alamiyyah li-Qital al-Yahud wal-Salibiyyin, The Group for the Preservation of Holy Sites, Islamic Army of the Liberation of the Holy Places, Islamic Army for the Liberation of the Holy Shrines, Usama Bin Laden Network, Usama Bin Laden Organisation, Islamic Salvation Foundation, International Front for Fighting Jews and Crusaders, International Islamic Front Against Jews and Christians)

The following information is based on publicly available details about al-Qa'ida and its senior leadership. These details have been corroborated by material from intelligence investigations into the activities of al-Qa'ida. ASIO assesses that the details set out below are accurate and reliable.

Al-Qa'ida is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the United States. Al-Qa'ida is listed by the European Union for the purposes of its anti-terrorism measures.

### ***Background***

From 1988, al-Qa'ida emerged from the Maktab al-Khidamat, a recruitment and fundraising network for the Afghan resistance to the Soviet Union. The impetus for establishing al-Qa'ida was to retain a common purpose for Islamic extremists following the end of the Soviet war. Usama bin Laden co-founded al-Qa'ida with Dr Abdullah Azzam and gained full control after the assassination of Azzam in 1989.

During the late 1990s, al-Qa'ida was transformed from providing a unifying purpose for extremist elements into a global network of cells and affiliated groups. In 1998, key figures of five terrorist groups, including bin Laden, issued a declaration under the banner of the 'World Islamic Front' announcing a jihad against the 'Jews' and 'Crusaders', stating the US and its allies need to be expelled from the Middle East. Since the US intervention in Afghanistan following the 11 September 2001 attacks, al-Qa'ida has lost its main base for training, planning and preparing for terrorist operations. Al-Qa'ida has sought alternative venues in which to train and regroup, but members continue to gain combat experience in the ongoing conflicts in Iraq and Afghanistan. Although there are increased sanctions against al-Qa'ida's extensive financial networks, al-Qa'ida continues to find means of raising and transferring money including through donations and criminal activity, and via couriers.

Al-Qa'ida maintains support networks and operations in Afghanistan and Pakistan with localised attacks carried out by a core of al-Qa'ida fighters. Additionally, al-Qa'ida leadership relies on its franchise organisations, like Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn and al-Qa'ida in the Arabian Peninsula, to plan and execute attacks. Al-Qa'ida further provides encouragement and inspiration to like-minded, or affiliate, groups across the world. Such groups include: Egyptian Islamic Jihad, Armed Islamic Group, Salafist



Group for Call and Combat, Abu Sayyaf Group, Jamiat ul-Ansar, Islamic Movement of Uzbekistan, Islamic Army of Aden, Asbat al Ansar (Lebanon), al-Ittihad al-Islami, Jemaah Islamiyah, the Libyan Islamic Fighting Group, the Taliban, Lashkar-e-Tayyiba, Lashkar-e Jhangvi, Jaish-e-Mohammad and Ansar al-Islam.

Al-Qa'ida has also encouraged and inspired like-minded individuals as seen in the 7 July 2005 attacks on the London transport system. While there is no evidence of al-Qa'ida command and control over the 7 July 2005 attacks, there are indications of al-Qa'ida involvement in training and influencing those involved. Two of the perpetrators of the attacks, Mohammed Siddique Khan and Shehzad Tanweer, had travelled to Pakistan and, according to a statement by al-Zawahiri, had been trained by al-Qa'ida operatives. Video statements in September 2005 and July 2006 that appear to have been compiled by al-Qa'ida's media wing have included statements by these two London bombers. The videos also included statements by senior al-Qa'ida leader Ayman al-Zawahiri.

Al-Qa'ida also provides international inspiration and influence as seen by the adoption of variations of the al-Qa'ida name by a number of groups including the 'Secret Organisation of al-Qa'ida in Europe' and the 'al-Qa'ida organisation for the Malay Archipelago'.

Al-Qa'ida's leadership continues to make public statements promoting their ideology, supporting attacks undertaken by other groups and advocating violent jihad against the West. Since 2004, a number of statements have been made by bin Laden and his deputy Ayman al-Zawahiri urging attacks against the US and its allies, including Australia.

### ***Objectives***

Al-Qa'ida seeks to remove governments in Muslim countries that it deems are 'un-Islamic' in order to establish an Islamic Caliphate. The United States and its allies are believed to represent the greatest obstacle to this objective given their perceived support for these governments.

### ***Leadership and membership***

Usama bin Laden and his deputy, Ayman al-Zawahiri, continue to lead al-Qa'ida. The exact size of the organisation is unknown but estimates are that it consists of several thousand fighters. Originally al-Qa'ida recruited veterans of the Afghan conflict of 1979-89 and from campaigns involving these veterans in such places as Bosnia-Herzegovina, Kashmir, Mindanao, Chechnya, Lebanon, Algeria and Egypt. The next generation of fighters include those who have gained experience in the conflicts in Afghanistan and Iraq.

### ***Terrorist activities***

The al-Qa'ida organisation has been involved in a number of terrorist attacks which have included suicide attacks, hijackings, improvised explosive devices (IEDs), vehicle-borne IEDs and maritime IEDs. Al-Qa'ida has also assisted in and financed terrorist acts by associated groups.

Recent terrorist attacks for which responsibility or involvement has been claimed by, or reliably attributed to, al-Qa'ida have included:

- The August 1998 US Embassy bombings in Nairobi and Dar es Salaam in which over 200 people were killed;
- The 12 October 2000 USS Cole attack off the coast of Yemen;
- The coordinated attacks of 11 September 2001 involving hijacked passenger jets crashing into the World Trade Center buildings in New York, the Pentagon in Washington and a fourth in a field in Pennsylvania. Approximately 3000 were killed in these attacks;
- The 11 April 2002 bombing attack on a synagogue on the Tunisian island of Djerba killing 14 Germans, 5 Tunisians and a Frenchman;
- Assisting in funding the 12 October 2002 attacks on night clubs and the US Consulate in Bali, killing 202 people, including 88 Australians;
- The 28 November 2002 attacks in Mombasa, Kenya, involving the car bombing of a hotel and firing of two surface-air-missiles (which missed) at an Israeli airliner taking off from Mombasa airport;
- Assisting in, and fostering, the 15 November 2003 car bomb attacks on two synagogues in Istanbul killing 20 people.
- Assisting in, and fostering, the 20 November 2003 car bomb attacks on the HSBC Bank headquarters and the British Consulate in Istanbul killing 30 people;
- Assisting in training those involved in the 7 July 2005 IED attacks on the London transport system, which killed 56 people, including one Australian.

The al-Qa'ida organisation has made numerous statements advocating the conduct of terrorist attacks against the US and other Western countries. The February 1998 statement issued under the banner of the 'World Islamic Front' decreed that civilians in the US and allied countries were legitimate targets for terrorist attack.

Recent statements claimed by or reliably attributed to al-Qa'ida reiterating this theme and highlighting and advocating the conduct of terrorism have included:

- The 19 January 2006 statement by Usama bin-Laden stated, in part, "*You have occupied our land, defiled our honour, violated our dignity, shed our blood, ransacked our money, demolished our houses, rendered us homeless, and tampered with our security. We will treat you in the same way*" and "*The evidence of this is the bombings you have seen in the capitals of the most important European countries of this aggressive coalition. As for the delay in carrying out similar operations in America, this was not due to failure to breach your security measures. Operations are under preparation, and you will see them on your own ground once they are finished, God willing*".

- The 24 April 2006 statement by Usama bin-Laden stated that “...*the Umma has reached a consensus that he who offends or degrades the messenger would be killed. Such offence is regarded as kufr (infidelity). We ask Allah to give his blessings to whoever decried the behaviour of the infidels who have offended the prophet in every part of the world, and blessings to those who have died in the process, while we vow to Allah to avenge for those whose blood have been spilled*”.
- The 23 June 2006 videotape message from al-Qa’ida deputy leader, Dr Ayman al-Zawahiri exhorted insurgents in Iraq to not “*lay down your weapons until Allah decrees for you victory or martyrdom*” and to “*fight everyone who stands beside America, lines up under its banner, shades himself with its cross, and seeks its assistance in invading the lands of Islam and fighting the Muslims*”.

### Conclusion

ASIO assesses that al-Qa’ida is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. ASIO also assesses that al-Qa’ida advocates the doing of terrorist acts. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objective of creating an Islamic Caliphate, al-Qa’ida is known to have engaged in or advocated actions that:

- are aimed at advancing al-Qa’ida’s political and religious causes.
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public globally.

In view of the above information, al-Qa’ida is assessed to be directly or indirectly preparing, planning, and fostering the conduct of, and advocating, terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation of Governments and people globally. The actions or threatened actions which al-Qa’ida is assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.