



Appendix C – Statement of Reasons – Al-Shabaab

(Also known as: Al-Shabaab Al-Islam; Al-Shabaab al-Islamiya; Al-Shabaab Al-Jihaad; Al-Shabab; Ash-shabaab; Harakat Al-Shabaab al-Mujahideen; Harakat Shabab Al-Mujahidin; Harakatul Shabaab al-Mujaahidiin; Hizbul Shabaab; Hisb'ul Shabaab; HSM; Mujahideen Youth Movement; Mujahidin Al-Shabaab Movement; Mujaahidiin Youth Movement; Mujahidin Youth Movement; Shabaab; MYM; The Popular Resistance Movement in the Land of the Two Migrations; The Unity of Islamic Youth; The Youth; Young Mujahideen Movement; Young Mujahideen Movement in Somalia, Youth Wing)

The following information is based on publicly available details about Al-Shabaab. To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by classified information.

Basis for listing a terrorist organisation

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

Details of the organisation

Al-Shabaab, or 'the youth', is the name generally applied to the Somali militant group which was formerly the most prominent of the militia groups comprising the militant wing of the Council of Islamic Courts (CIC). The Somali Transitional Federal Government (TFG) and Ethiopian forces ousted the CIC in December 2006. The TFG has governed Somalia since the withdrawal of Ethiopian forces in January 2009 and in June 2011 unilaterally extended its mandate to govern until August 2012 when elections are scheduled.

Objectives

Al-Shabaab's objective is the establishment of an Islamic state in Somalia, based on Islamic law and the elimination of foreign 'infidel' influence. In pursuance of this objective, Al-Shabaab has conducted a violent insurgency against the TFG, and foreign forces supporting the TFG. Al-Shabaab seeks the creation of an 'Islamic Emirate of Somalia', to include Somalia, Somaliland, Puntland, north-eastern Kenya, the Ogaden region of Ethiopia and Djibouti.

Leadership and membership

Al-Shabaab has an increasingly loose leadership structure with a number of regional factions and commanders. Factional disputes have been reported between Al-Shabaab's senior commanders over strategy and ideology.

- Omar Hammami, a senior foreign fighter, released a video on the weekend of 17 March 2012 stating he felt his "life may be endangered by Harakat Al-Shabaab al-Mujahadeen due to some differences that occurred between us regarding matters of Shariah and matters of strategy".
- Spokesman Sheikh Mukhtar Robow, aka Abu Mansur, was replaced by Sheikh Ali Muhammad Rage in May 2009.

Al-Shabaab encompasses a number of elements, ranging from those focused solely on the domestic insurgency in Somalia to elements that support al-Qa'ida's global jihadist ideology. Estimates of Al-Shabaab fighters vary from 3 000 to as high as 7 000, with most members being ethnic Somalis. Al-Shabaab has long recruited members from Kenya. However, a small number of Al-Shabaab fighters are from other countries including the US and Canada.

Since the January 2009 Ethiopian withdrawal, Al-Shabaab has established itself as the pre-eminent terrorist actor in Somalia and demonstrated its intent and capability to conduct terrorist attacks within and outside Somalia.

- On 11 July 2010 Al-Shabaab conducted a mass casualty coordinated suicide bomb attack in Uganda's capital Kampala, killing 76 people.
- On 4 October 2011 more than 100 civilians were killed when an Al-Shabaab suicide bomber attacked a government building in Mogadishu.

Al-Shabaab has continued its violent insurgency against TFG, Ethiopian and more recently, Kenyan forces inside Somalia and the border regions of Kenya. It has also carried out attacks against peacekeeping forces from Uganda and Burundi, who are in Somalia under the aegis of the AMISOM. The group's senior leadership has said Al-Shabaab will continue to fight foreign forces in Somalia, and the TFG. Although Al-Shabaab suffered personnel and territorial losses to African Union (AU) mission in Somalia (AMISOM) forces in the first six months of 2011, the group continues to present an enduring threat to East Africa—and to AMISOM and the TFG in particular.

Al-Shabaab's propaganda has also continued to develop, with the group's media campaign increasing in sophistication, including starting a Twitter account and continuing to spread its message through Radio al-Analus.

Terrorist activity of the organisation

Directly or indirectly engaged in the doing of terrorist acts; and directly or indirectly preparing and/or planning terrorist acts

Al-Shabaab has prepared, planned and conducted frequent attacks since the beginning of 2007 against Ethiopian and TFG forces using mortar attacks, rocket-propelled grenades and firearms in these attacks. During 2007, elements of Al-Shabaab adopted tactics used by Islamist militants in Afghanistan and Iraq including the employment of vehicle-borne improvised explosive devices (VBIEDs), roadside bombs, suicide attacks and beheadings. Suicide-vehicle bombings in October 2008 in Hargeysa and Boosaaso, northern Somalia, were also widely attributed to Al-Shabaab.

Al-Shabaab claims of attacks sometimes appear in internet statements in the name of the Young Mujahideen Movement in Somalia (YMMS), an Al-Shabaab alias. There have been numerous statements claiming attacks including attempted assassinations of TFG officials, and against TFG security forces and Ethiopian forces in Mogadishu and surrounding areas.

Significant attacks for which responsibility has been claimed by or reliably attributed to Al-Shabaab, include:

- 29 October 2011: at least three AMISOM peacekeepers were killed and an unknown number of others wounded when two Al-Shabaab suicide bombers, including a United States (US) national, detonated explosives at an AMISOM base in the Warshadaha Road area of Mogadishu.
- 4 October 2011: more than 100 civilians were killed and dozens wounded when an Al-Shabaab militant detonated a suicide VBIED targeting a building housing several government ministries in the K4 area of Mogadishu. Al-Shabaab spokesman Ali Muhammad Rage subsequently claimed responsibility for the attack and stated: "We are promising that attacks against the enemy will be routine, more in number, and will increase day by day".
- 1 October 2011: French national Marie Dedieu, was kidnapped by suspected Al-Shabaab militants from the island of Manda in Kenya's Lamu Archipelago, near the Somalia border and then taken to Somalia. In mid-October, French intelligence and Ministry of Foreign Affairs officials announced she had died in captivity in Somalia, likely due to illness.
- 10 June 2011: TFG Minister of the Interior, Abdishakur Sheikh Hassan, was killed in Mogadishu when a female Al-Shabaab suicide bomber detonated her explosive vest inside his residence.
- 9 September 2010: at least 14 people—including at least five militants—were killed during a sophisticated multi-mode attack on Mogadishu airport utilising VBIEDs, suicide vests and small arms. Among the victims were four Somali police officers, two Ugandan peacekeepers, and three civilians. An Al-Shabaab statement the following day claimed the attack had targeted a high-level meeting of UN, AU and Somali representatives.

- 24 August 2010: two Al-Shabaab suicide bombers dressed in army uniforms carried out a small-arms assault on the Muna Hotel near the Presidential Palace in Mogadishu, before detonating their devices. A total of 31 people were reportedly killed, including six members of parliament and five TFG security personnel.
- 11 July 2010: Al-Shabaab carried out a co-ordinated twin suicide bomb attack in the Ugandan capital Kampala. A total of 76 people were killed when the devices were detonated at a rugby club and an Ethiopian restaurant, both of which were crowded with people watching the FIFA World Cup final.
- 2 January 2010: an Al-Shabaab-linked individual attempted to kill Danish cartoonist Kurt Westergaard at his home in Denmark in retaliation to publication of cartoons of the Prophet Mohamed. Westergaard was not hurt and the assailant was shot, wounded, and arrested.
- 3 December 2009: an Al-Shabaab suicide bomber killed 21 people—including four TFG ministers—in an attack on a medical school graduation ceremony being held at the Shamo Hotel in Mogadishu.
- 17 September 2009: 21 people—including 17 AMISOM peacekeepers—were killed and 40 others injured when Al-Shabaab militants detonated two SVBIEDs at the AMISOM headquarters in Mogadishu. The deputy commander of the base was among those killed and the base commander was injured.

Advocating the doing of terrorist acts

Al-Shabaab members have publicly advocated terrorist attacks in order to further the group's objectives:

- On 29 December 2011 an Al-Shabaab spokesperson vowed that the terror group would launch retaliatory attacks in Kenya if authorities did not withdraw troops from Somalia. "Kenya has peace, its cities have tall buildings and business is flourishing there. If your government ignores our calls to stop its aggression on Somali soil, we will strike at the heart of your interests".
- On 16 November 2011 Sheikh Ali Mohamud Rage warned "We are telling Kenya that they still have the opportunity to back away from the hellfire it was dragged into and leave our soil, otherwise they will continue suffering".
- Abdisalam Ali—an Al-Shabaab suicide bomber—published a martyrdom video prior to killing himself on 29 October 2011 in Mogadishu stating "my brothers and sisters, do Jihad in America, do Jihad in Canada, do Jihad in England [and] anywhere in Europe, in Asia, in Africa, in China, in Australia — anywhere you find kuffar [infidels]. Fight them and be firm against them".

Conclusion

On the basis of the above information, ASIO assesses Al-Shabaab continues to directly and/or indirectly engage in conducting, preparing, planning, assisting, advocating or fostering the doing of terrorist acts involving threats to human life and serious damage to property. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, Al-Shabaab is known to have committed or threatened action:

- with the intention of advancing Al-Shabaab’s political, religious or ideological causes;
- that causes, or could cause, serious damage to property, the death of persons or endanger a person’s life; and
- with the intention of creating a serious risk to the safety of sections of the public globally.

Other relevant information

Links with other groups -

Al-Shabaab primarily is linked to al-Qa’ida through leadership contacts and training. While Al-Shabaab likely still largely operates independently, al-Qa’ida senior leadership previously has endorsed some Al-Shabaab activities. On 9 February 2012 a public statement by Al-Shabaab leader Mukhtar Abu al-Zubair included a pledge of allegiance to al-Qa’ida and in a reciprocal message al-Qa’ida leader Ayman al-Zawahiri announced that Al-Shabaab had joined al-Qa’ida.

Links to Australia -

In late 2011 Al-Shabaab-linked Australian citizens Saney Edow Aweys and Nayef El Sayed were convicted of conspiring to plan a terrorist attack in Australia. Aweys was also convicted of aiding and abetting another person to engage in hostile activities in Somalia under s6 of the Commonwealth *Crimes (Foreign Incursions and Recruitment) Act 1978* in December 2010. Australian citizen Hussein Hashi Farah was also implicated in terrorist activity associated with Al-Shabaab.

Level of participation in peace negotiations/political dialogue -

Al-Shabaab does not participate in the Somali political system, despite AMISOM appeals to the group to lay down their arms and join the Somali peace process.

Other designations -

The group was listed as a proscribed terrorist organisation by the governments of the United States in March 2008, New Zealand in February 2010, Canada in March 2010, the United Kingdom in May 2010, and by the European Union in April 2010.

Al-Shabaab is also included in the DFAT Consolidated List that refers to United Nations Security Council Resolution 1373 and in the Consolidated List UN751(Somalia and Eritria).