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The Parliament of the Commonwealth of Australia

Review of the re-listing of  
Abu Sayyaf Group,  
Jamiat ul-Ansar and  
Al-Qa'ida in Iraq

Parliamentary Joint Committee on Intelligence and Security

February 2009  
Canberra

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# Membership of the Committee

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# Terms of reference

This inquiry and report is conducted under the following powers:

*Criminal Code Act 1995*

## **Section 102.1A Reviews by Parliamentary Joint Committee on Intelligence and Security**

*Review of listing regulation*

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1, the Parliamentary Joint Committee on Intelligence and Security may:
  - (a) review the regulation as soon as possible after the making of the regulation; and
  - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period.

And

### **Abu Sayyaf Group (ASG)**

*Criminal Code Amendment Regulations 2008 (No 4)*  
Registered: 31 October 2008 (FRLI: F2008L03611)

### **Jamiat ul-Ansar (JuA)**

*Criminal Code Amendment Regulations 2008 (No 6)*  
Registered: 31 October 2008 (FRLI: F2008L03610)

### **Al-Qa'ida in Iraq**

*Criminal Code Amendment Regulations 2008 (No 5)*  
Registered: 31 October 2008 (FRLI: F2008L03612)







# List of recommendations

## 2 The Listings

### Recommendation 1

The Committee does not recommend the disallowance of the regulations, made under the Criminal Code section 102.1, to list the three organisations:

- Abu Sayyaf Group (ASG)
- Jamiat ul-Ansar (JuA)
- Al-Qa'ida in Iraq (AQI)

as terrorist organisations



## Introduction

- 1.1 This review is conducted under section 102.1A of the *Criminal Code Act 1995* (the Criminal Code). Section 102.1A provides that the Parliamentary Joint Committee on Intelligence and Security (the Committee) may review a regulation specifying an organisation as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code and report the Committee's comments to each house of the Parliament before the end of the applicable disallowance period.
- 1.2 The regulations under review have specified the following organisations as terrorist organisations for the purposes of section 102.1 of the Criminal Code:
  - Abu Sayyaf Group (ASG)
  - Jamiat ul-Ansar (JuA)
  - Al-Qa'ida in Iraq (AQI)
- 1.3 This is a review of the re-listing of these three organisations.
- 1.4 The Committee notes that the Attorney-General recently considered advice from the Director-General of Security and the Australian Government Solicitor that the Armed Islamic Group (GIA) did not meet the requirements for listing under the Criminal Code. He stated he would not be re-listing GIA as a terrorist organisation under the Criminal Code after the current listing expired on 2 November 2008.<sup>1</sup>

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<sup>1</sup> *Submission No. 1.*

- 1.5 ASG and JuA were last re-listed as terrorist organisations by *Criminal Code Amendment Regulations 2006 (No. 4)* and *(No. 5)* respectively, with effect from 3 November 2006.
- 1.6 AQI was last re-listed as a terrorist organisation under its previous name, *Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn*, by *Criminal Code Amendment Regulations 2007 (No. 1)*, with effect from 17 February 2007.
- 1.7 In a letter to the Committee on 23 October 2008, the Attorney-General advised that he intended to re-list these three organisations prior to the lapsing of their current listing as provided for in section 102.1(3). The Attorney provided statements of reasons for the re-listings. These are accepted as submission number one to this review.
- 1.8 The regulations were signed by the Governor-General on 31 October 2008. They were then tabled in the House of Representatives and the Senate on 10 November 2008. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore the Committee was required to report to the Parliament by Monday 9 February 2008.
- 1.9 Notice of the review was placed on the Committee's website.
- 1.10 In its first report, *Review of the listing on the Palestinian Islamic Jihad (PIJ)*, the Committee decided that it would test the validity of the listing of a terrorist organisation under the Criminal Code on both the procedures and the merits. This chapter will examine the Government's procedures in listing the three organisations and chapter two will consider the merits of the listings.

## The Government's procedures

- 1.11 In a letter sent to the Committee on 3 November 2008, the Attorney-General's Department informed the Committee that it had adhered to the following procedures for the purpose of listing the organisations:

The following processes were undertaken for the purpose of re-listing Jamiat ul-Ansar (JuA), Abu Sayyaf Group (ASG) and Al Qa'ida in Iraq (AQI):

- Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for re-listing JuA, ASG and AQI.

- Mr George Witynski, Deputy Chief General Counsel provided written advice with respect to the Statements of Reasons for JuA (on 16 July 2008) and for AQI (on 5 August 2008).
- On 5 August 2008 Mr Henry Burmester QC, Chief General Counsel provided written advice with respect to the Statement of Reasons for ASG.
- The Director-General of Security, Mr Paul O’Sullivan wrote to the Attorney-General on 11 August 2008 outlining the background, training activities, terrorist activities, and relevant statements of JuA, ASG and AQI.
- A submission was provided to the Attorney-General on 25 August 2008 providing the following documents:
  - ⇒ Copies of the Statements of Reasons received from ASIO with respect to the three organisations
  - ⇒ Advice from the Australian Government Solicitor in relation to the three organisations; and
  - ⇒ Regulations and Federal Executive Council documentation.
- Having considered the information provided in the submission, the Attorney-General signed a statement with respect to JuA and AQI confirming that he is satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in, preparing, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a statement with respect to ASG confirming that he is satisfied on reasonable grounds that the organisation directly or indirectly engaged in, preparing, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.
- The Attorney-General also signed *Criminal Code Amendment Regulations 2008* in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minutes and explanatory statements for each organisation.
- The Attorney-General wrote to the Prime Minister on 28 August 2008 advising of his intention to re-list JuA, ASG and AQI as terrorist organisations.
- The Attorney-General wrote to the Director-General of Security on 28 August 2008, in response to the Director-General’s letter dated 11 August 2008.
- On 26 September 2008 the Acting Prime Minister wrote to the Premiers of the States and Chief Ministers of the

Territories advising them of the decision to re-list JuA, ASG and AQI as terrorist organisations.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

- ⇒ South Australia - 12 October 2008
- ⇒ Northern Territory - 13 October 2008
- ⇒ Tasmania - 13 October 2008
- ⇒ Australian Capital Territory - 13 October 2008
- ⇒ Victoria - 13 October 2008
- ⇒ Western Australia - 14 October 2008
- ⇒ Queensland - 14 October 2008

All responses were supportive of the proposed re-listings.

- The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 21 October 2008 advising of his decision to re-list JuA, ASG and AQI as terrorist organisations.
- The Attorney-General briefed the Leader of the Opposition of the proposed re-listing of JuA, ASG and AQI as terrorist organisations by letter dated 21 October 2008.
- On 31 October 2008 the Governor-General made three separate regulations as follows:
  - ⇒ *Criminal Code Amendment Regulations 2008 (No. 4)* with respect to the re-listing of Abu Sayyaf Group (ASG)
  - ⇒ *Criminal Code Amendment Regulations 2008 (No. 5)* with respect to the re-listing of Al Qa'ida in Iraq (AQI)
  - ⇒ *Criminal Code Amendment Regulations 2008 (No. 6)* with respect to the re-listing of Jamiat ul-Ansar (JuA)
- The Regulations were registered with the Federal Register of Legislative Instrument (FLRI) on 31 October 2008 with the following FLRI Reference Numbers:
  - ⇒ F2008L03611 - *Criminal Code Amendment Regulations 2008 (No. 4)* with respect to the re-listing of Abu Sayyaf Group (ASG)
  - ⇒ F2008L03612 - *Criminal Code Amendment Regulations 2008 (No. 5)* with respect to the re-listing of Al Qa'ida in Iraq (AQI)
  - ⇒ F2008L033610 - *Criminal Code Amendment Regulations 2008 (No. 6)* with respect to the re-listing of Jamiat ul-Ansar (JuA)

The regulations came into effect on 1 November 2008, the day after they were registered on FLRI.

- The Attorney-General issued a Media Release on 3 November 2008 announcing the re-listing of the terrorist organisations and attaching copies of the Statements of Reasons for each organisation.

The Attorney-General's Department's National Security website was also updated.

## **Procedural comments**

### **State and Territory consultation**

- 1.12 The Committee notes that all States and Territories acknowledged communication from the Attorney General and none of them disagreed with the re-listing.





## 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).<sup>1</sup>

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

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

- engagement in peace/mediation processes.<sup>2</sup>

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

## Overview

2.4 At the outset, it is important to state the Committee's view clearly. The three organisations under review, Abu Sayyaf Group (ASG), Jamiat ul-Ansar (JuA) and Al-Qa'ida in Iraq (AQI), given their records and stated purposes, fit the definition of a terrorist organisation under the Act and for the purposes of the proscription power.

2.5 The Committee does not recommend disallowance.

## Abu Sayyaf Group (ASG)

2.6 The Abu Sayyaf Group (ASG) was initially listed as a terrorist organisation under the Criminal Code Act in 2002 following their listing by the United Nations Security Council. The Committee first considered the listing of the ASG in 2004. The ASG was re-listed on 5 November 2004, and on 1 November 2006. This is the ASG's third re-listing.

2.7 The Attorney-General's statement of reasons is as follows:

Also known as: Al-Harakat Al-Islamiyya; Al-Harakat-ul Al-Islamiyya; Al-Harakatul-Islamia; Al-Harakat Al-Aslamiya; Abou Sayaf Armed Band; Abu Sayaff Group; Abou Sayyef Group and Mujahideen Commando Freedom Fighters

The following information is based on publicly available details about Abu Sayyaf Group (ASG). ASG is listed in the United Nation's 1267 Committee's Consolidated List as an entity associated with Al-Qa'ida and as a proscribed organisation by the governments of Canada, New Zealand, the United Kingdom and the United States of America.

### *Current status of the ASG*

The Abu Sayyaf Group (ASG) was founded in 1991 as a militant Islamic movement by Abdurajak Janjalani (a.k.a. Abdulrajik Janjalani), who deployed to Afghanistan in the late 1980's as a *mujahid*, where he was influenced by radical

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2 Confidential exhibit, ASIO, tabled 1 February 2005.

Wahhabi thought. His original intent was to fuse Salafi Wahhabist thought with a southern Philippines separatist agenda. Following the death of Abdurajak Janjalani in a shootout with police in Basilan, December 1998, his brother Khadaffy Janjalani became titular head or 'emir' until the latter's death in 2006.

It is currently unclear whether a single leader has emerged to lead the ASG since Khadaffy Janjalani's death. In mid-2007 the Philippines military announced that Middle Eastern trained religious scholar, Yasir Iqbal, had taken command of the group, although there is information that ASG elder statesman, Commander Radullan Sahiron, may be the group's nominal leader.

The current primary linkage of the ASG to anti-Western terrorism is its provision of assistance to Jemaah Islamiyah (JI) fugitives. JI was last proscribed in Australia on 26 August 2006. These JI members, under the protection of the ASG, continue to plan terrorist operations in the Philippines and are also believed to provide training in the construction of bombs to those ASG elements harbouring them. Most notably, ASG clansmen on Jolo have aided Indonesian JI members Umar Patek and Dulmatin, who fled to the southern Philippines in 2003 to avoid arrest after their involvement in the October 2002 Bali bombings was exposed. According to Philippines authorities, Jolo-based ASG groups may also harbour JI fugitive Marwan, a US-trained engineer and explosives trainer whose brother was arrested in the United States in August 2007 for providing Marwan with material support. Patek, Dulmatin and Marwan have a combined total of US\$16 million in reward money posted for their capture by the United States.

The ASG has been involved in a number of terrorist attacks, most notably the bombing of *Superferry 14* on 27 February 2004, the worst act of maritime terrorism in recent history that killed over 100 people, and a coordinated series of bombings on 14 February 2005 in the Philippine cities of Makati, Davao and General Santos, killing at least seven and leaving approximately 150 injured. However, ASG attacks in the past two years appear to have been motivated more by financial gain than specifically political, religious or ideological purposes. ASG's most prominent confirmed attacks of the

past two years occurred on 27 March 2006 when a convenience store in Jolo was bombed, killing 9 and wounding 24 after extortion demands were not met and in April 2007 when ASG clansmen led by Albader Parad, kidnapped seven local workers on Jolo; when ransom money was not paid by the local employer all of the hostages were beheaded.

While financial gain appears to be the primary motivating factor in ASG attacks over the past two years, there are indications that the ASG's activities are still influenced by religious, political and ideological considerations. In July 2008 letters were sent by ASG elements to Catholic residents on Basilan ordering them to convert to Islam or pay Islamic taxes if they did not want to be attacked by the group. During August 2007, a video was posted on Youtube, which featured an earlier video made by deceased ASG leaders Abdurajak and Khadaffy Janjalani which encouraged militant *jihād* and appealed for assistance to be provided to the ASG in its Islamic separatist struggle. The video was removed from Youtube after requests by Philippine authorities; however the same video was subsequently re-released on Youtube in June 2008.

Elements of the ASG have also been implicated in the high profile bombing assassination of Basilan Congressman Wahab Akbar on 13 November 2007 in Manila. However, it is uncertain what level of involvement in the planning and execution of this incident, members of the ASG actually had.

Since its inception, the ASG has been a loosely affiliated band of groups, mostly organised along traditional clan lines. They are based in the Sulu Archipelago in the southern Philippines - primarily on the Islands of Jolo and Basilan - and possibly southern Mindanao. The 'commanders', who head up each group, are largely autonomous clan leaders.

During the last three years the ASG has continued to fragment as Khadaffy Janjalani's personal group was expelled from Mindanao in 2005 by the Moro Islamic Liberation Front, leaving the ASG clan groups largely confined to their home islands in the Sulu Archipelago by Philippines and US military operations. In late-2006 and early 2007, Khadaffy Janjalani and close associate and facilitator, Abu Solaiman, were both killed. Both had pursued a vision of a unified ASG

that was genuinely committed to a separatist agenda. Since then, the Philippine military, with US military logistical support has continued to launch attacks against ASG groups in the Sulu Archipelago and still consider the group to be a significant threat.

The main funding mechanism for the ASG is its criminal activities, including kidnapping for ransom and extortion, with no evidence that they are presently receiving significant sums of money from sources such as Al-Qa'ida.

#### *Objectives*

ASG's founding objective was to create an autonomous Islamic state encompassing the southern Philippine island of Mindanao, surrounding islands and the Sulu Archipelago.

#### *Leadership and membership*

As noted, ASG's Emir, Khadaffy Janjalani, and facilitator Abu Solaiman, were killed in Philippines military operations in September 2006 and January 2007 respectively. In mid-2007, the Philippines military announced that Middle Eastern-trained religious scholar, Yasir Igasan, had taken command of the group, although there is information Radullan Sahiron may be the group's nominal leader. It is unclear what level of authority or control either Igasan or Sahiron exert over other ASG sub-groups.

The ASG membership consists primarily of young *Tausug* Filipino Muslims from the Sulu Archipelago, south of Mindanao. The ASG attracts poverty-stricken unemployed young Muslims in the southern Philippines.

ASG numbers are believed to have reached their peak in the mid to late 1990s when, after a spate of kidnappings and murders, many young Muslims flocked to the group. By mid-2001, ASG numbers were estimated to be between 800 and 850, but by 2002 numbers dropped significantly, around the time the Philippines military launched a sustained campaign against the ASG.

As followers are generally clan and familial associates of the individual leaders, the number of active, armed individuals fluctuates with levels of criminal activity or clan feuding. According to one report, there may be as many as 26 clan groupings of security interest to the Philippines authorities.

Estimates of the number of armed clansmen currently in the field vary significantly with the most plausible estimates at between 200-400 personnel. The most active clan groupings are located on the island of Jolo and are currently led by Radullan Sahiron, Albader Parad and Isnilon Hapilon.

#### *ASG's engagement in terrorist attacks*

Significant attacks which have been claimed by, or reliably attributed to ASG, have included the following:

- 23 April 2000: kidnapping of 21 people, including 10 foreign tourists, from the Malaysian resort island of Sipadan. This kidnapping was resolved in 2001 when the ASG received a \$15 million ransom;
- 28 August 2000: kidnapping of an American, Jeffrey Schilling, in Zamboanga City, whom the ASG believed was a CIA spy. Schilling was rescued in April 2001;
- 27 May 2001: kidnapping of 20 people from the Philippine tourist resort of Dos Palmas on Palawan Island, in which several victims were subsequently murdered – including a US citizen. Another US citizen was killed during a rescue operation;
- 2 October 2002: bombing of a karaoke bar in Zamboanga City killing four people, including a US soldier and injuring 24 others;
- 27 February 2004: bombing of *Superferry 14* in Manila Bay which is estimated to have killed over 100 people;
- 14 February 2005: three near-simultaneous bomb blasts in Makati City, Davao City, and General Santos City killed at least seven people and left approximately 150 injured;
- 10 August 2005: two bombings in Zamboanga City wounding eight people
- 27 March 2006: bombing of a convenience store in Jolo killing nine and wounding 24 when extortion demands were not met; and
- April 2007: kidnapping of seven workers who were subsequently beheaded when a ransom wasn't paid.

## Engagement in terrorism

- 2.8 According to the statement of reasons the ASG has been involved in a number of terrorist attacks and kidnap for ransom operations, the most lethal being the bombing of *Superferry 14* on 27 February 2004 which killed over 100 people.

- 2.9 More recently the Australian Strategic Policy Institute (ASPI) and the Counter-terrorism Centre at Westpoint (CTC) state that the ASG has been implicated in the November 13, 2007 bombing/assassination of Basilan Congressman Wahab Akbar, who was a former member of the ASG but who had come to be one of their most outspoken opponents.<sup>3</sup> However, as stated in the statement of reasons and by ASPI, authorities are uncertain as to the level of ASG involvement in this attack as the group has never formally claimed responsibility.
- 2.10 The ASG also engages in kidnapping for ransom, the tempo of which rose in the first half of 2008. Prior to 2008, ASPI reports that in 2000 the kidnapping of western tourists for ransom is believed to have earned the ASG an estimated \$20 million in ransom payments.<sup>4</sup> On 8 June 2008, a senior ABS-CBN reporter, Ces Drilon, was kidnapped with a ransom demanded for her release. Prior to this, the statement of reasons highlighted a brutal incident in April 2007 when ASG kidnapped seven local workers on the southern Philippine island of Jolo, beheading them when ransom demands were not met.
- 2.11 ASIO's statement of reasons indicates that whilst Philippines and United States (US) military operations have 'fragmented' the ASG, they are still considered to be a significant threat. Whether ASIO means a threat to Australian interests or those of the Philippines is not identified. However the Committee acknowledges that this threat stems from the ASG's 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.
- 2.12 Contrary to this, Jane's reports that the ASG's ability to carry out significant attacks has been 'substantially reduced by a series of joint US/Philippine military and political actions after September 2001'.<sup>5</sup> The culmination of this was Operation Ultimatum, from August 2006 until April 2007. Two ASG leaders were killed in this operation, Khadaffy Janjalani and Abu Solaiman. Since this operation, both

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3 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch: The Evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 22 and Zachery Abuza, 'The Demise of the Abu Sayyaf Group in the Southern Philippines', *CTC Sentinel*, Vol. 1, Issue 7, June 2008, p. 11.

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

5 Jane's Terrorism and Insurgency Centre, *ASG*, 23 September 2008, p. 1.

Jane's and the Counter-Terrorism Centre at Westpoint contend that the ASG threat has been significantly diminished.<sup>6</sup>

- 2.13 Despite this contention over the level of the ASG threat, there is agreement that the ASG remains a threat. As a result the Committee is satisfied that the ASG are currently engaged in terrorist acts and/or in supporting terrorist acts.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.14 The 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 Janjalini. Janjalini 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.
- 2.15 The ASG's traditional strongholds have been the Mindanao, Basilan, Jolo and Tawi-Tawi Islands in the Sulu Archipelago in the southern Philippines.
- 2.16 The statement of reasons states that the ASG has always consisted of young *Tausug* Filipino Muslims, who are a 'loosely affiliated band of groups, mostly organised along traditional clan lines.'
- 2.17 Influenced by radical Wahhabi thought, the ASG was originally known as al-Harakatul al-Islamiyah which means Islamic Movement in Arabic. 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 (JI), the ASG have never espoused a clear strategic plan as to how it would establish this 'pure' Islamic state.<sup>7</sup>
- 2.18 According to the International Crisis Group (ICG), the ASG is best understood:

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6 Jane's Terrorism and Insurgency Centre, ASG, 23 September 2008, p. 1 and Zachary Abuza, The Demise of the Abu Sayyaf Group in the Southern Philippines, *CTC Sentinel*, June 2008, Vol. 1, Issue 7, p. 12.

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



. . . not [as] an insurgency in the same sense as the MILF<sup>8</sup> or MNLF<sup>9</sup>, 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.<sup>10</sup>

- 2.19 Contributing to the ASG's ideological motivation at present is its leaderless status. The statement of reasons highlights that the ASG is currently lacking established leadership since the deaths of Khadaffy Janjalani and Abu Solaiman. ASPI corroborates this but both indicate that despite this current 'leadership void'<sup>11</sup> the ASG remains motivated by its ideological objective of establishing an Islamic state in the southern Philippines with a focus on 'jihadist violence'<sup>12</sup> to achieve this.

### Links to other terrorist groups/networks

- 2.20 In the 1990s ASG leader, Abdurajak Janjalini, sought to achieve his ideological objective through terrorist attacks on churches, missionaries, Christian communities and security and police forces. Using these methods he tied ASG's objectives in with the wider global Islamic armed struggle and began establishing logistical and operational links with external terrorist organisations.
- 2.21 The ICG reports that in 1990 Janjalini met Osama bin Laden's brother-in-law, Muhammad Jamal Khalifa who was then head of the Philippines office of the International Islamic Relief Organisation (IIRO). This meeting led to Janjalini receiving funding and entry into an Al-Qa'ida cell based in the Philippines which included, the 1993 World Trade Centre bomber, Yousef Ramzi. The cell also provided Janjalini and his followers with training in Basilan and Zamboanga.
- 2.22 The first evidence of these external links emerged in 1995 when authorities uncovered *Operation Bojinka*, a plot devised by Ramzi Yousef to bomb US embassies in Manila and Bangkok, assassinate the Pope and US President Bill Clinton on visits to the Philippines and

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8 Moro Islamic Liberation Front.

9 Moro National Liberation Front.

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

11 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch, the evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 22.

12 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch, the evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 22.

destroy US commercial airlines flying between the US and the Philippines.<sup>13</sup>

- 2.23 However as ASPI states, following the discovery of this plot and the death of Janjalini in a police shoot-out on Basilan Island, the ASG went into decline both structurally and ideologically:

When Janjalini was killed...this event proved to be a defining moment in the ASG's evolutionary history, triggering a leadership crisis that was rapidly followed by the loss of ideological direction and factionalism that effectively saw the group degenerate into a loosely configured, but highly ruthless, kidnap for ransom syndicate.<sup>14</sup>

- 2.24 Contrary to this, the ICG contends that:

The ASG was not an Islamist insurgency that degenerated into criminality following the death of its founder...kidnapping and extortion were part of its modus operandi from the outset and its religio-political motivations did not disappear with Janjalini's death.<sup>15</sup>

- 2.25 The statement of reasons supports the ICG position, stating that the ASG remains influenced by extremist Islamic ideology. This is evidenced by letters sent in July 2008 by ASG 'elements' to Basilan Christian residents ordering them to convert to Islam or pay Islamic taxes if they did not want to be attacked by the group and in June 2008 the re-emergence of an ASG propaganda video on Youtube advocating their Islamist struggle.
- 2.26 The ASG's primary link to anti-Western terrorism is its sheltering of JI fugitives since the 2002 Bali bombings. The statement of reasons indicates that ASG clansmen on the island of Jolo have aided JI members, Umar Patek and Dulmatin, and other foreign Jihadis.
- 2.27 Patek and Dulmatin are believed to have shared their knowledge in explosives with members of the ASG. They are also believed to be in

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

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

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

communication via telephone and the internet with associates in Indonesia.<sup>16</sup>

- 2.28 Analysing the motivation behind these links, ASPI states that the ASG have been reinvigorated, as of late, to elevate the Jihadist appeal to a wider range of Muslims throughout Southeast Asia:

... over the past four years explicit efforts have been made to reinvigorate the organisation as a bona fide and integrated Jihadist force by returning the movement to its roots and re-capturing the essence of the internationalist orientation that marked its early years under the direction of Abdurajak Janjalini. Ideologically tying ASG to JI is... integral to...validate the group's religious credentials and...elevate its appeal to a more expansive Southeast Asian militant Muslim community.<sup>17</sup>

- 2.29 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

- 2.30 The statement of reasons mentions no direct ASG links to Australia.

## Threats to Australian interests

- 2.31 As stated previously, the Committee is aware that the ASG engages in kidnapping of foreigners, demanding several million 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

- 2.32 The ASG continues to be listed by the United Nation's 1267 Committee's Consolidated List as an entity associated Al-Qa'ida and

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16 *International Crisis Group*, 'The Philippines: Counter-insurgency Vs Counter-terrorism in Mindanao', Asia Report No. 152, 14 May 2008, p. 9.

17 Peter Chalk and Carl Ungerer, 'Neighbourhood Watch, the evolving terrorist threat in Southeast Asia', *Australian Strategic Policy Institute*, June 2008, p. 25.

as a proscribed organisation by the governments of Canada, New Zealand, the United Kingdom and the United States of America.

## Engagement in peace/mediation processes

- 2.33 Whilst the ASG has never participated in peace processes its strength and viability has been intrinsically linked with the peace process between the Philippine Government and the Islamic insurgents in the south. On 14 October 2008 the fragile peace process in Mindanao collapsed when the Supreme Court of the Philippines declared a draft agreement between the Moro Islamic Liberation Front (MILF) and the Philippine Government unconstitutional.
- 2.34 ASG links with MILF rebels have existed with varying intensity since the early 1990s. Sporadic but intense fighting has created a climate of instability and shifting alliances within the region which has allowed the ASG to recruit disgruntled Islamic militants, opposed to the peace process, and galvanise them in support the ASG agenda.
- 2.35 Joint US and Philippine military operations against the ASG in 2002 drove the ASG's core group from their original stronghold on Basilan into MILF territory on the Mindanao mainland where sympathetic MILF commanders protected them. In late 2005 MILF formally expelled the ASG in the interests of its peace negotiations with the Philippine Government. However three renegade MILF commanders continue to provide shelter to ASG elements and foreign Jihadis.<sup>18</sup>
- 2.36 The ICG states that the collapse of the peace process has allowed the possibility that:
- . . . some of the few dozen foreign, mostly Indonesian, Jihadis in Mindanao could decide to undertake retaliatory action since [renegade MILF commanders] Kato and Bravo have assisted them in the past.<sup>19</sup>

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18 *International Crisis Group*, The Philippines: The Collapse of the Peace Process in Mindanao, Asia Briefing No. 83, 23 October 2008, p. 1.

19 *International Crisis Group*, The Philippines: The Collapse of the Peace Process in Mindanao, Asia Briefing No. 83, 23 October 2008, p. 1.

## Jamiat ul-Ansar (JuA)

2.37 JuA was originally listed in 2002 under the *Criminal Code Act 1995* following their listing by the United Nations Security Council. Once this requirement for listing was removed in March 2004, the JuA was re-listed in 2004 and 2007 under the amended *Criminal Code Act 1995*. This is the third re-listing of JuA.

2.38 JuA is also known as Harakat-ul-Mujahideen (HuM), having changed its name to JuA 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.

2.39 The Attorney-General's statement of reasons is as follows:

(Also known as: Harakat ul-Mujahideen (HuM), Movement of Holy Warriors, Harakat ul-Mujaheddin, Harakat ul-Mujahedeen, Islamic Freedom Fighters Movement, Islamic Freedom Fighters Group, Harakat ul-Mujahidin, Harakat ul-Mujahedin, Harkat ul-Mujahideen, Harakat Mujahideen (HM), Harakat-ul-Ansar (HuA), Harkat ul-Ansar, Al-Faran, Al-Hadid, Al-Hadith)

The following information is based on publicly available details about Jamiat ul-Ansar (JuA). The JuA is listed under the name Harakat ul-Mujahideen (HuM) in the United Nations 1267 Committee's consolidated list and is a proscribed terrorist organisation by the governments of Canada, the UK, the US and Pakistan.

### *Current status of JuA*

JuA is a Sunni Islamic extremist organisation based in Pakistan that operates primarily in Indian administered Kashmir (IAK). Founded in 1985 as the Harakat ul-Mujahideen (HuM), JuA was initially formed, with support from the Pakistan government, to participate in the Soviet-Afghan conflict in the 1980s. Following Soviet withdrawal from Afghanistan in 1989, JuA concentrated its efforts on the disputed territories of Kashmir and Jammu, where it conducted numerous attacks against Indian troops and civilians. Using the alternative name, al-Faran, in order to mask its activities, JuA also kidnapped, and in some cases murdered, a number of foreigners.

JuA is aligned politically with Jamiat-e-Ulema-e-Islam Fazul Rehman faction (JUI-F), a prominent radical Islamic party in Pakistan. Funding for JuA is received through donations to Islamic charities and is collected from sympathisers in Pakistan, the United Kingdom and the Gulf states. JuA has cooperated with other Islamic militant groups operating in Afghanistan, Kashmir and Pakistan such as the Hizb-ul-Mujahideen (HM), the Lashkar-e-Tayyiba (LeT), Jaish e-Muhammad (JeM), and the Sipah-e-Sahaba Pakistan (SSP). JuA is a member of the United Jihad, an umbrella organisation formed to bring all insurgent groups in Kashmir together in order to coordinate strategies and improve communication between groups.

In 1993 the JuA (then known as HuM) merged with another Kashmir-focused terrorist group, the Harakat-ul-Jehad-al-Islami (HuJI), to form the Harkat-ul-Ansar (HuA). As a consequence of reports linking the group to Al-Qa'ida, HuA was proscribed as a terrorist organisation by the US in 1997. The group immediately re-adopted the name Harakat ul-Mujahideen to escape the ramifications of proscription. In 1998, the group's leader, Fazlur Rehman Khalil, signed Usama bin Laden's fatwa calling for attacks on the US and its allies. In the aftermath of the 11 September 2001 terrorist attacks, HuM was declared a terrorist organisation by the US for its extensive links with Usama bin Laden. HuM was also banned by the Pakistan government in November 2001. Following the ban, HuM again renamed and is now operating under its present name of Jamiat ul-Ansar. JuA was subsequently banned by Pakistan in November 2003.

Following his release from an Indian prison in 2000, JuA member Maulana Masood Azhar established the JeM as a splinter group with almost identical aims as the JuA. This led to a large number of JuA operatives defecting to JeM, including a number of experienced field commanders, which has impacted on JuA's operational capabilities. The JeM was initially proscribed in Australia on 11 April 2003 and was last listed on 31 March 2007.

Indian and Pakistani initiatives to resolve the conflict in Kashmir have led to an overall reduction in the level of JuA infiltration and insurgent activity since 2006. JuA remains active in IAK, for example, the 2 November 2006 shooting of a

former Special Police Officer in Kashmir accused by JuA of collaborating with a police operations group. JuA has also been linked to the kidnapping and subsequent beheading of a Hindu businessman in Pakistan's Sindh Province in February 2007. An exchange of gunfire with Indian Security Forces in Jammu, on 4 January 2007, is further evidence of their ongoing activity.

Individuals trained at HuM/JuA facilities have, in the past, engaged in terrorist operations in other places where Islamic extremists have arisen including, Tajikistan and Bosnia and Herzegovina. While IAK and Indian interests remain JuA's primary focus, reporting indicates, JuA is active in Pakistan's western provinces and is directly engaged in advocating and fostering terrorist attacks against Afghan and coalition forces in Afghanistan. On 19 June 2005, several JuA trained individuals were arrested in Afghanistan preparing to carry out acts of terrorism. Since his release in 2006 from Pakistan detention, JuA leader, Fazlur Rehman Khalil, has reportedly visited JuA linked mosques and madrassas in Pakistan urging local Muslims to engage in jihad against NATO forces in Afghanistan under the leadership of Mulla Mohammad Omar, the Amir of the Taliban. On 16 December 2006, leaders of JuA and Lashkar-e-Jhangvi (LeJ) called for a joint strategy and pledged to cooperate with Afghan insurgents to target US and NATO forces in Afghanistan.

JuA camps in Pakistan provide both religious instruction and military style guerrilla training and support, not only to JuA members, but also to other associated terrorist organisations and individual Jihadists from all over the world. Reporting indicates JuA may be helping to facilitate training, in Pakistan, of members of the Pakistani diaspora in the UK, some of whom are possibly intending to return to the UK to conduct terrorism related activities. The group also operated terrorist training camps in eastern Afghanistan prior to their destruction by coalition air strikes in 2001. Other JuA training facilities are less conspicuous and focused on preparing Jihadists for more low intensity, hit and run type operations or suicide attacks.

Some elements within JuA want to re-focus their activities and bring them more into line with Usama bin Laden's 'global jihad' against the US and Israel, and their allies. In

2004, several members of a JuA-trained splinter group were arrested for their involvement in separate suicide car-bomb attacks outside the US Consulate and the Sheraton Hotel in Karachi in May and June 2002, and a failed attempt to assassinate Pakistani President Pervez Musharraf with a remote-controlled car-bomb in April 2002. As members of a previously unknown group "Jundallah," JuA trained members were among a number of militants drawn from several Pakistani extremist groups responsible for the twin car-bomb attack near the US Consulate in Karachi on 26 May 2004. On 9 June 2004, the same terrorist cell was involved in a terrorist attack against a heavily-armed military convoy carrying Karachi's military commander, resulting in seven deaths.

More recently, individuals who attended JuA training camps were involved in the preparation of terrorist attacks in 2005. Additionally, the JuA continues to undertake terrorist activity such as shooting of a former Special Police Officer in Kashmir in 2006 and the kidnapping and beheading of a Hindu businessman in 2007.

#### *Objectives*

JuA is a group that uses violence in pursuit of its stated objective of uniting Jammu and Kashmir with Pakistan under a radical interpretation of Islamic law.

#### *Leadership and membership*

The leader of JuA is Fazlur Rehman (sometimes Rahman) Khalil, (aka Maulana Farzul Ahmed Khalil, Maulana Ahmed Khalil). Reporting indicates that the JuA has a strength of no more than a few hundred, but exact membership numbers cannot be accurately determined. The majority of JuA's membership consists of Jihadists from Pakistan, Kashmir, and Afghanistan. JuA has also attracted new recruits and provided training to transnational Islamic militants drawn from around the world, including Bangladesh and South-East Asia, the UK and the US.

#### *JuA engagement in terrorist activities*

JuA has been involved in a number of terrorist activities, including hijacking, bombings abductions, and training. Terrorist activities for which responsibility has been claimed



by, or reliably attributed to, JuA over the past nine years include:

- December 1999: An Indian airliner was hijacked en route from Nepal to India, one passenger was stabbed to death.
- November 2000: 30 Indian soldiers were killed at two army posts in Kashmir.
- January 2002: The abduction and subsequent murder of US journalist, Daniel Pearl. Four people, including JuA member Ahmed Omar Sheikh, were convicted of Pearl's murder;
- June 2002: A suicide car-bomb attack outside the US Consulate in Karachi, which killed 11 persons;
- June 2005: The arrest, in Afghanistan, of several JuA trained individuals preparing to carry out acts of terrorism;
- June 2005: The arrest of two American citizens for suspected participation in an Al-Qa'ida plot to attack the US. Both claimed to have attended a terrorist training camp run by JuA leader Fazlur Rehman Khalil;
- November 2006: The shooting of a former Special Police Officer in Kashmir accused by JuA of collaborating with a police operations group;
- February 2007: The kidnapping and subsequent beheading of a Hindu businessman in Pakistan's Sindh Province.

## Engagement in terrorism

2.40 The statement of reasons state that JuA has been involved in a number of terrorist activities over the past nine 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 2008 there have been no known terrorist acts attributed to JuA.

2.41 Jane's provides greater detail 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.<sup>20</sup>

- 2.42 Both Jane's and ASIO state that JuA's involvement in terrorist activity has decreased since 2002. Jane's qualifies this by stating:

While the level of threat from HuM has lessened considerably, some of its former members have joined other groups, such as the Pakistani Taliban, or operate under various guises and as such remain highly dangerous, especially in Pakistan...during 2008 unconfirmed reports emerged suggesting that the HuM was regrouping.<sup>21</sup>

- 2.43 Jane's bases this on reports in the Indian press in April 2008 that, while acknowledging the unverified nature of the claims, state:

...the group, along with Hizb-ul-Mujahideen and Al-Badar, has set up new offices, with the HuM planning to change its name to Ansar-ul-Umma. Another separate media report suggested that the HuM had resurfaced as the Al Hilal Trust in Pakistan's port city, Karachi.<sup>22</sup>

- 2.44 The Committee is satisfied that despite JuA representing a diminished threat, and despite its current amorphous structure, that it is a brutal organisation that is actively and directly preparing, planning, assisting in or fostering the doing of terrorist acts.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.45 As indicated in the statement of reasons, JuA is a Sunni Islamic extremist organisation based in Pakistan that largely operates in Indian Administered Kashmir (IAK).
- 2.46 Jane's provides further background detail, stating that the JuA began in 1985 as a militant group with the aim of ridding Afghanistan of Soviet occupation. At this time it had the support of the Pakistan

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20 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), 23 September 2008, found at: <http://www.janes.com>

21 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), 23 September 2008, found at: <http://www.janes.com>

22 Jane's Terrorism and Insurgency Centre, Harakut-ul-Mujahideen (HuM), 23 September 2008, <http://www.janes.com>

Government and the US and allies. Later JuA changed focus to attack what it regarded as 'Hindu domination'<sup>23</sup> of the IAK.

- 2.47 Jane's reports that JuA pursues a twin ideological and operational agenda centred on the rejection of democracy of any kind in Pakistan, instead advocating the establishment of a theocratic order based on Sharia (Islamic law). At the same time it espouses accession of all of Kashmir and Jammu to Pakistan, opposes any normalising of relations between Pakistan and India, proposes the transfer of Pakistan's nuclear weapons technology to other Muslim states and the use of these weapons against India.

### Links to other terrorist groups/networks

- 2.48 The statement of reasons states that JuA is politically aligned with the Jamiat-e-Ulema Fazul Rehman faction (JUI-F), a prominent radical Islamic party in Pakistan.
- 2.49 In terms of funding, the statement of reasons indicates that JuA receives donations through Islamic charities, collected from supporters in Pakistan, the United Kingdom and the Gulf states.
- 2.50 Literature on Jihadi groups attests to the fact that there are dozens of Jihadi groups in Pakistan and Kashmir, fuelled by the hundreds of Madrasas or Islamic schools all over the country. Many of these have significant foreign membership. However seven main groups have been identified, who all constitute a part of the broader global Jihadi movement. JuA exists within this fluid and complex environment.
- 2.51 The statement of reasons identifies JuA's cooperation with other Islamic groups operating in Afghanistan, Kashmir and Pakistan and states that it is a member of the United Jihad, an overarching organisation aimed at coordinating the strategies and communications of the various Jihadi groups.
- 2.52 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.

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23 Jane's World Insurgency and Terrorism, Harakut-ul-Mujahideen (HuM) (Pakistan), 23 September 2008, found at: <http://www.janes.com>

## Links to Australia

- 2.53 The statement of reasons mentions no direct links to Australia.

## Threats to Australian interests

- 2.54 The statement of reasons makes no reference to any direct threat to Australia. However JuA's close links with and support of Al-Qaeda and the cancellation of the Australian cricket team's tour to Pakistan earlier in 2008 indicate that JuA and associated groups within Pakistan pose a threat to Australians in Pakistan.

## Proscription by the UN or like-minded countries

- 2.55 The JuA is listed under the name Harakat ul-Mujahideen (HuM) in the United Nations 1267 Committee's consolidated list and is also listed by the governments of India, New Zealand, Canada, the United Kingdom, the United States and Pakistan.

## Engagement in peace/mediation processes

- 2.56 JuA have not participated in any peace or mediation processes.

## Al-Qa'ida in Iraq (AQI)

- 2.57 AQI was previously listed in 2007 under the name Tanzim Qa'idat al-Jihad fi Biiad al-Rafidayn (TQJBR). Prior to this TQJBR was first listed in 2005. This will be the second re-listing since the initial listing in 2005.

- 2.58 The Attorney-General's statement of reasons is as follows:

(Also known as: the al-Zarqawi network; al-Tawhid; Jama'at al-Tawhid wa'al-Jihad; Al-Tawhid and al-Jihad; The Monotheism and Jihad Group; Qaida of the Jihad in the Land of the Two rivers; Al-Qa'ida of Jihad in the Land of the Two Rivers; Al-Qa'ida of Jihad Organization in the Land of the Two Rivers; The Organisation of Jihad's Base in the Country of the Two Rivers; The Organisation Base of Jihad/Mesopotamia; Tanzeem Qa'idat al-Jihad/Bilad al-Raafidaini; Kateab al-Tawhid; Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn; Brigades of Tawhid; Unity and Jihad

Group; Unity and Holy Struggle; Unity and Holy War; AQI - Zarqawi; Islamic State in Iraq; and Mujahidin Shura Council.)

The following information is based on publicly available details about Al-Qa'ida in Iraq (AQI), formerly listed as Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR). AQI, under its various aliases, is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the US.

#### *Current status of AQI*

AQI is a Sunni Islamic extremist network established and originally led by Abu Mus'ab al-Zarqawi, until his death on 7 June 2006. It has since been led by Abu Hamza al-Muhajir, also known as Abu Ayyub al Masri.

The al-Zarqawi network emerged in 1999 as al-Tawhid wal-Jihad (Monotheism and Holy War), shortly after al-Zarqawi was released from prison, having served five years of a 15-year sentence for weapons possession. The group was mainly composed of Jordanian and Palestinian fighters who shared al-Zarqawi's commitment to overthrowing the Jordanian monarchy. Over the next few years, al-Zarqawi focused on training Tawhid militants in Afghanistan and then Iran. He also planned and financed attacks in his homeland, including the assassination of US diplomat Laurence Foley in 2002, for which he was sentenced in absentia to death, and the disrupted plot to bomb the Raddison SAS Hotel in Amman along with several American, Israeli and Christian religious sites in Jordan, prior to New Year's Day 2000. From May 2002, al-Zarqawi worked closely with Ansar al-Islam, until Ansar al-Islam and its members were scattered following intense military action in northern Iraq in 2003.

Al-Zarqawi's group gained notoriety following attacks in 2003 on the UN headquarters in Baghdad (that killed 23 people, including the Secretary-General's Special Representative for Iraq, Sergio Vieira de Mello), and the kidnapping and televised beheading of US hostages Nicholas Berg, Jack Armstrong and Jack Hensley in 2004.

The name of al-Zarqawi's network changed to Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR) on 17 October 2004, when al-Zarqawi publicly pledged allegiance to Usama bin Laden via an internet posting. Tanzim Qa'idat al-Jihad fi

Bilad al-Rafidayn literally translates as 'The Al-Qa'ida Organisation for Jihad in the Land of the Two Rivers'. A statement by Usama bin Laden, broadcast on 27 December 2004, welcomed the union and exhorted mujahideen in Iraq to obey al-Zarqawi. As a result, the group is commonly referred to in Western parlance as Al-Qa'ida in Iraq (AQI).

On 15 January 2006, it was announced that al-Zarqawi had brought together five jihadi groups in Iraq under one umbrella organisation, the Mujahideen Shura Council (MSC). Other members of the MSC included the Victorious Sect Army, Monotheism Supporters Brigades, Islamic Jihad Brigades, Foreigners Brigades and Fear Brigades. Though officially subsumed within the MSC, AQI still existed. As the dominant group within the MSC, AQI was responsible for attacks but carried them out in the Council's name. On 15 October 2006, al-Zarqawi's successor, Abu Hamza al-Muhajir, declared the establishment of the Islamic State of Iraq (ISoI), another umbrella organisation replete with a Cabinet and various ministries including War, Information and even Agriculture and Fisheries. As with the MSC, AQI is solely responsible for conducting the group's various terrorist activities, but claims all attacks through the ISoI's Ministry of Information.

AQI's attempts to bring the Sunni insurgency under the religious strictures of the ISoI, together with the excessive brutality of its attacks on the civilian population, provided the catalyst for a widespread backlash from Sunni leaders. Many insurgent groups viewed AQI's establishment of both the MSC and ISoI as thinly-veiled attempts to 'Iraqify' its image and thereby legitimise its claims as the sole authority in the Iraqi insurgency. The ISoI, with its stated objective of creating a trans-national caliphate in accordance with Al-Qa'ida's global Islamist ideology, was particularly disconcerting for nationalist elements within the Iraqi insurgency. AQI's obsession with monopolising the movement was confirmed in late-2006, when Sunni tribal and nationalist leaders began challenging the group's authority and the latter responded with a series of reprisals that involved the killing of thousands of tribal members and the assassination of high-profile insurgents such as 1920 Revolution Brigades leader, Harith Dhahir Khamis al-Dari.

In September 2006, angered by the killing of his father and two brothers by AQI, Sheikh Abdul Sattar Abu Risha of the Abu Risha tribe, in Anbar, approached the US military with a view to combining forces against AQI. By March 2007, Abu Risha had brought together more than 40 tribes or sub-tribes under the auspices of the Anbar Awakening Council, and with US financial and military assistance AQI was driven out of Anbar province - once its core base of operations. Equally disenchanted with the increasing ruthlessness of AQI, Sunni tribal leaders who had previously fought alongside the insurgency followed Anbar's example, and by December 2007, Awakening Councils had been established in a number of nearby provinces including Nineveh, Babil, Diyala, Salahuddin and Baghdad. As of April 2008, over 90,000 Iraqis had joined these Councils, variously referred to by the US military as 'Concerned Local Citizens' (CLCs) and 'Sons of Iraq'.

These initiatives, along with continuing violent ructions within the insurgency itself and the US military's willingness to provide financial backing to the Awakening Councils, have substantially eroded AQI's capacity to conduct attacks in Iraq.

According to US statistics, the daily average of attacks by the Sunni insurgency has declined from 32 (about 960 a month) in early-2007, to 11 (about 330 a month) in the period between December 2007 and February 2008. Violence in several provinces and districts declined by as much as 90 per cent following the introduction of the Awakening Councils.

According to the US military, 2,400 suspected members of AQI were killed and a further 8,800 captured during 2007. The number of foreign fighters entering Iraq from Syria had reportedly plummeted from 110 a month in late summer to about 40 or 50 a month in February 2008. The number of AQI members across the country has plunged from about 12,000 in June 2007 to about 3,500 at the beginning of 2008.

Nevertheless, AQI remains a lethal force in Iraq and was still responsible for 4,552 attacks in 2007 that killed 3,870 people and wounded 17,815.

The Awakening Councils have become a particular focus of insurgent activity, with AQI announcing on 14 September 2007 and again on 4 December 2007, its intent to target the

growing number of Sons of Iraq cooperating with Coalition forces. Accordingly, attacks on Sons of Iraq leaders increased from 26 a month in October 2007 to 100 in January and February 2008. One of the first victims of this campaign was Abu Risha, the leader of the Anbar Awakening movement which had been largely responsible for driving AQI from Anbar province.

With the effective disruption of its activities in central Iraq, AQI has been pushed to a few key areas in northern Iraq – mainly Mosul, a large city in Nineveh, and the Za’ab triangle to the west of Kirkuk in the neighbouring province of Tammin. In Mosul, which is AQI’s strategic centre of gravity because of its proximity to the Syrian border, the increasing presence of insurgents has been especially conspicuous. From March to September 2007, there were about 7-9 attacks a day in Mosul and the surrounding area, but by the end of the year, as more and more insurgents moved north, this had increased to almost 15 attacks a day. By the middle of February 2008, attacks in Mosul were around 20 a day.

Though the bulk of its terrorist activities are now confined to northern Iraq, AQI is by no means a spent force. It has in recent months carried out some of its most lethal attacks, including a series of truck bombings in August 2007 on two Yazidi villages in northern Iraq that killed more than 500 people and injured a further 1,500. Other reports have stated the number of deaths at up to 700. It remains the single most deadly attack by insurgents since the US led invasion of 2003.

AQI, with its financial strength, long-term ideological appeal to young disaffected Iraqis and continuing strong capability, remains the most potent element in the Iraqi insurgency. Recognising this, the US military has commented that AQI is not a defeated force and is still capable of lethal attacks. AQI has also made statements indicating its intent to continue its activities and in this it has the full support of global Al-Qa’ida

### *Objectives*

The objectives of AQI within Iraq are to overthrow the current Iraqi Government, expel the Multi-National Forces from the country, combat Shiite centres of power and establish an Islamic state under Sharia law. The continuing priority of these objectives is reflected in the group’s



statements, which, as well as promoting the ISOI as the only legitimate Islamic authority in Iraq, almost invariably focus on tabulating AQI's killing of 'Crusaders', Iraqi government and security forces, 'spies and logistical support personnel' – presumably referring to foreign contractors and Awakening Council members – and Shiite militia elements.

Beyond these immediate objectives, AQI seeks, through jihad, to liberate all Muslim territories from what it considers to be infidel regimes, an aspiration in which the eventual destruction of the 'Zionist enemy' figures prominently. It also promotes the long-term removal of governments of Muslim nations assessed by the network to be apostate.

#### *Leadership and membership*

AQI was established and continuously led by al-Zarqawi until his death on 7 June 2006. As of 13 June 2006 Abu Hamza al-Muhajir, an Egyptian formerly responsible for AQI's intelligence operations and obtaining new recruits, has led the organisation. He adheres to an extreme interpretation of Islam, and, like Zarqawi, harbours a hatred of American 'Crusaders', Iraqi 'impostors' and 'blasphemous' Shiites. Closely aligned with fellow Egyptian al-Zawahiri, al-Muhajir in his first communiqué in June 2006 pledged allegiance to Usama bin Laden.

The strength of the operational network in Iraq is not known. In 2005, AQI claimed to have 15 brigades, reportedly ranging from 100 to 300 operatives each, making a total of between 1,500 and 4,500 operatives. This figure is probably an underestimation, given the US military's claim to have killed 2,400 suspected AQI operatives and captured a further 8,800 throughout 2007. Overall numbers may be as many as 10,000, while the organisation's leadership is very small with an estimated 250 individuals comprising senior emirs, regional emirs and their staff.

In terms of AQI's composition, Iraqis make up about 90 per cent of the organisation. AQI's leadership, however, is predominantly foreign as are its suicide bombers. According to documents captured in Sinjar, a small town in northern Iraq situated approximately 15 kilometres from the Syrian border, a majority of foreign fighters joining AQI described their 'work' as suicide bombers. One recent study analysed 94

suicide bombers in Iraq and found that none were Iraqis – 44 were Saudi, seven Kuwaiti, seven European, six Syrian and the remainder came from across the Middle East and North Africa.

*Targets, Methodology and Funding*

AQI has been involved in thousands of terrorist attacks in Iraq against Multi-National Forces, Iraqi Security Forces, members of the Iraqi Government, foreigners, Iraqi civilians, especially Shiites but also tribal and fellow insurgent leaders in the Sunni community, and international facilities. Methods of attack are manifold and include small arms ambushes, mortar and artillery rocket attacks, person-borne suicide attacks, roadside bombings, kidnappings and executions. However, AQI is best known for its vehicle-borne suicide bombings. In this the organisation has proven capable, ensuring detonation by using auto-destruct triggers in front bumpers or by using suicide vests on drivers. To overcome suspicion, AQI has also perpetrated attacks using aid vehicles, including ambulances and fire trucks, and vehicles with children on board.

Recently, AQI has also made use of female suicide bombers who can easily conceal explosives beneath their abaya robes and who frequently escape the scrutiny of Iraqi security forces because of the lack of sufficient numbers of policewomen to conduct female searches. As a result, the number of female suicide attacks has risen sharply from eight in 2007 to 21 in the first six months of 2008. AQI used this tactic on 1 February 2008, when two mentally disabled women were used as suicide bombers in an attack on Baghdad pet bazaars that killed almost 100 people.

The network has also undertaken attacks outside of Iraq, especially in Jordan (suicide bomb attacks against hotels in Amman in November 2005 that killed 60 people). Al-Zarqawi also claimed responsibility for a rocket attack on the town of Kiryat Shimona in Israel in 2005. AQI undoubtedly maintains the intent, and possibly the capacity through its foreign fighter network and international links, to strike at Western interests outside Iraq.

Australia is seen as a target by AQI. This is demonstrated by its claim of responsibility for an attack against an Australian

Defence Force convoy in Baghdad on 25 October 2004 and an attack near the Australian Embassy in Baghdad on 19 January 2005.

To fund its activities, AQI to some extent relies on regional supporters. These so-called 'Armchair Jihadists' are mainly concentrated in the Sunni Arab Diaspora, especially Saudi Arabia, but Jordan and Syria have also been identified as sources of funding for AQI. Mostly, however, AQI derives its money from criminal activities. As well as intimidating host communities for 'tribute', ransoming kidnap victims, car theft and commandeering rations, AQI has tapped into the lucrative fuel market to finance its activities. This generally involves AQI's oil-stealing gangs hijacking fuel trucks and either diverting shipments to Jordan or Syria where prices are higher, or crossing the border into Iran, changing to Iranian license plates and then returning to Iraq under the guise of legitimacy to sell the fuel at higher prices.

AQI disseminates its ideological message through Al-Qa'ida's media outlet, the Global Islamic Media Group, while its Al-Furqan Institute for Media Production supports the production and distribution of videos showing attacks claimed by AQI. The matter contained in these communiqués is almost invariably violent in nature, praising its 'martyrs', calling upon the organisation's followers to perpetrate attacks against the 'Unholy Trinity' of Christians, Jews and Shiites, and regularly providing a 'harvest' of enemy kills.

#### *AQI's engagement in terrorist activities*

AQI, though destabilised by recent events, is still capable of conducting high-profile lethal attacks against a variety of sectarian, Sunni, Iraqi Government and Coalition targets. Significant recent attacks for which responsibility has been claimed by, or reliably attributed to AQI have included:

- 22 February 2006: Attack on the Shi'a al-Askariyah Golden Mosque in Samarra (the Golden Mosque in Samarra is one of the holiest sites in Shiite Islam and the bombing, which severely damaged the golden dome, sparked a wave of sectarian violence);
- 19 June 2006: Two US soldiers taken hostage on 16 June were found dead. Both bodies were mutilated and one was beheaded;

- 25 June 2006: Four Russian diplomats taken hostage on 3 June 2006 were executed. The executions were filmed showing one shot in the head and at least two being beheaded;
- 23 November 2006: A series of bombings in the predominantly Shiite section of Sadr City, in northern Baghdad, killed at least 200 people and injured a further 250;
- 28 January 2007: The first chlorine-boosted chemical truck bomb was detonated in Ramadi, capital of Anbar province, killing more than a dozen people;
- 10 May 2007: Nine Iraqi security officers were filmed being blindfolded and shot execution-style in the back of the head. A voice believed to be that of al-Muhajir said the men were 'traitors and deserved to die';
- 13 May 2007: Attack on Kurdistan Democratic Party headquarters in Makhmor, near Mosul, killing almost 50 people and wounding more than 120;
- 25 June 2007: A suicide bomber blew himself up at a gathering of tribal sheiks associated with the Anbar Awakening Council, killing 13 and wounding 21 others.
- August 2007: A series of car bombings targeting Yazidi villages in northern Iraq that killed as many as 700 people;
- February 2008: Two mentally disabled female suicide bombers blew themselves up in Baghdad markets mainly frequented by Shiites, killing almost 100 people and wounding hundreds of others;
- 15 April 2008: A wave of bombings in Baghdad and the provincial capitals of Baquba, Ramadi and Mosul killed 60 people and injured 100 others;
- 17 April 2008: A suicide bomber killed 50 mourners and wounded 60 when he detonated a bomb in a crowd of people attending a funeral for two cousins who had been fighting AQI insurgents in Diyala province, in northern Iraq;
- 10 May 2008: A suicide bomber killed 22 mourners and injured at least 40 others at a funeral in the village of Abu Munasir, in Anbar province, attended by Sunni tribesmen opposed to AQI;
- 22 June 2008: A female suicide bomber blew herself up outside a government complex in northern Baghdad, killing 15 people and wounding another 40;
- 26 June 2008: In Anbar province, a suicide bomber detonated a vest of explosives during a meeting of US troops and local tribal leaders, causing at least 20 deaths including three American Marines.

## Engagement in terrorism

- 2.59 AQI has an extensive history of terrorist attacks. The statement of reasons contains a comprehensive list of significant attacks for which responsibility has been claimed by, or reliably attributed to AQI. These attacks are independently verified by Jane's.<sup>24</sup>
- 2.60 The following quote from Jane's gives an impression of the brutality of AQI's suicide vehicle-borne improvised explosive device (SVBIED) attacks:
- Other innovations include the adoption of "wolf pack" tactics using multiple SVBIED to breach defences; backup radio-control firing switches; plus various newer deception methods including carriage of children in the vehicle and the use of security force vehicles.<sup>25</sup>
- 2.61 It was not until the 2003 invasion that Al Qa'ida gained any significant foothold in Iraq.<sup>26</sup> Since then; Al Qa'ida has diminished its appeal with the level of violence and massacres it has carried out against ordinary Iraqi people. As 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.<sup>27</sup>
- 2.62 The *Washington Post* quotes unnamed 'military and intelligence analysts' who state that AQI is 'strategically defeated.'<sup>28</sup> The article goes on to say that:
- . . . AQI remains capable of assassination, intimidation, and the occasional spectacular bombing, but the organization no longer poses a threat to the viability of the Iraqi government.<sup>29</sup>
- 2.63 Jane's acknowledges the change in the nature of AQI's threat but disagrees with the assessment of the *Washington Post* stating that:

24 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 12-15.

25 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 3.

26 'Editorial: The Road Home' *New York Times*, July 8 2007

<<http://www.nytimes.com/2007/07/08/opinion/08sun1.html>>

27 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 2.

28 Colin Kahl, 'Whither Al Qaeda in Iraq' *Washington Post*, September 9 2008

<[http://voices.washingtonpost.com/inteldump/2008/09/the\\_war\\_without.html](http://voices.washingtonpost.com/inteldump/2008/09/the_war_without.html)>

29 Colin Kahl, 'Whither Al Qaeda in Iraq' *Washington Post*, September 9 2008

<[http://voices.washingtonpost.com/inteldump/2008/09/the\\_war\\_without.html](http://voices.washingtonpost.com/inteldump/2008/09/the_war_without.html)>

. . . AQI remains a serious threat to the Iraqi state and continues to mount violent and indiscriminate operations.<sup>30</sup>

- 2.64 The Committee is satisfied that AQI are currently engaged in terrorist acts.

## Ideology and links to other terrorist groups/networks

### Ideology

- 2.65 The statement of reasons states that AQI is a Sunni Islamic extremist network.
- 2.66 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.<sup>31</sup>
- 2.67 AQI is a recognised affiliate of Al Qa'ida sharing their ideology which places:  
. . . the jihad in Iraq at the centre of the global Salafist jihad and have guided potential recruits firmly towards Iraq and away from their local or regional struggles.<sup>32</sup>
- 2.68 This ideology, by importing Jihadist elements into Iraq, 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

- 2.69 The statement of reasons refers to the Sunni Arab Diaspora providing support to AQI. Jane's confirms this and lists the following groups as those with which AQI has alliances:
- Majlis Shura Mujahideen fi al-Iraq (Mujahideen Shra Council) including;
    - ⇒ Jaish al-Taifa al Mansura (Army of the Victorious Sect)
    - ⇒ Saraya Ansar al-Tawahid (Monotheism Supporters Brigades)
    - ⇒ Saraya al-Jihad al-Islami (Islamic Jihad Brigades)

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30 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 1.

31 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 2.

32 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 8.

- ⇒ Saraya al-Ghuraba (Strangers Brigades)
- ⇒ Kataib al-Ahwal Brigades (Horrors Brigades)
- Khalf al-Mutayibeen (the Pact of the Scented People) including:
  - ⇒ Jaish al-Fatahin (Conquering Army)
  - ⇒ Jund al-Sahaba (Army Squad of the Prophet Muhammad)
  - ⇒ Kataib Ansar al-Tawhid wa al-Sunna (Brigades of al-Tawahid Wal Sunnah)
  - ⇒ Various tribal groups (representing the major Sunni tribes, a contentious claim)
- Dawlat al-'Iraq al-Islamiya (Islamic State of Iraq - ISI)
  - ⇒ Saraya Fursan al-Tawhid (Tawhid Knights Brigade)
  - ⇒ Saraya Millat al-Ibrahim (Creed of Abraham Brigade)<sup>33</sup>

2.70 Jane's notes that ISI is:

. . . not primarily an organisation, however, but rather a political and geographic entity over which the Khalf al-Mutayibeen (meaning AQI) claimed suzerainty . . .<sup>34</sup>

## Links to Australia

2.71 The statement of reasons lists no links to Australia.

## Threats to Australian interests

2.72 AQI claimed responsibility for an attack against an Australian Defence Force (ADF) convoy in Baghdad on 25 October 2004 and an attack near the Australian Embassy in Baghdad on 19 January 2005.

2.73 There have been no known recent attacks at or near ADF personnel or equipment. It is, however, clear that Australians in Iraq are in danger of attack by elements of AQI.

## Proscription by the UN or like-minded countries

2.74 AQI, under its various aliases, is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the United States and New Zealand.

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33 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 7-8.

34 Jane's Terrorism and Insurgency Centre, AQI, 23 September 2008, p. 8.

## Engagement in peace/mediation processes

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

## Conclusion

2.76 The Committee is satisfied that the three organisations continue to engage in activities that satisfy section 102.1 of the Criminal Code. The Committee does not recommend disallowance of the regulation.

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### Recommendation 1

**The Committee does not recommend the disallowance of the regulations, made under the Criminal Code section 102.1, to list the three organisations:**

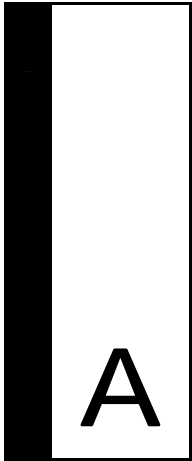
- Abu Sayyaf Group (ASG)
- Jamiat ul-Ansar (JuA)
- Al-Qa'ida in Iraq (AQI)

**as terrorist organisations**

**Hon Arch Bevis, MP**

Chairman

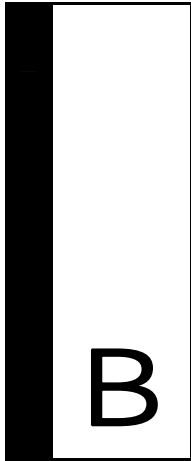




## Appendix A – List of Submissions

1. The Hon Robert McClelland MP, Attorney-General
2. Attorney-General's Department





## Appendix B – Witnesses appearing at private hearing

Canberra

Thursday, 27 November 2008

**Attorney-General's Department**

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

Ms Annette Willing – Assistant Secretary  
Security Law Branch

**Australian Security Intelligence Organisation**

Deputy Director-General

Assistant Director-General, National Threat Assessment Centre

