

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

**A review of regulations re-listing Jaish-e-Mohammad as a
terrorist organisation under the *Criminal Code Act 1995***

May 2021

Mr President and fellow Senators – I rise today to present a statement of the Parliamentary Joint Committee on Intelligence and Security for the review of regulations re-listing Jaish-e-Mohammad (JeM) as a terrorist organisation under the *Criminal Code Act 1995*.

Regulations that specify an organisation as a terrorist organisation cease to have effect on the third anniversary of the day on which they take effect. Organisations can be re-listed, provided the Minister is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocate the doing of a terrorist act.

Jaish-e-Mohammad was last listed in 2018, and the regulations to re-list them were tabled in Parliament on the 23rd February 2021.

Mr President, the Committee's review examines the Minister's decision to re-list this organisation. Section 102.1A of the *Criminal Code* provides that the Committee may review a regulation which lists or re-lists an organisation as a terrorist organisation and report its comments and recommendations to each House of the Parliament before the end of the applicable 15 sitting day disallowance period. This statement serves this purpose and is being presented within the required period.

In determining whether the regulations re-listing this organisation should be supported, the Committee reviewed the merits in accordance with the Minister for Home Affairs's explanatory statement, ASIO's statement of reasons for the organisation, and other publicly available information.

In its deliberations, the Committee determined that:

- Jaish-e-Mohammad (JeM) has links to extremist groups and maintains operational links with other groups operating in Jammu and Kashmir and Pakistan and has ties to al-Qa'ida and the Taliban. JeM is directly engaged in preparing, planning, and undertaking terrorist attacks and has publicly advocated terrorist attacks online, and through rallies and religious sermons in Kashmir. JeM has historically conducted attacks indiscriminately to achieve its objectives, including targeting foreigners. It would consider Westerners, including Australians, to be legitimate targets for attack.

Mr President, this organisation remains a real threat to Australia. There is strong evidence that it continues to engage in, terrorist activities that are targeted at countries with Western values.

In examining the evidence that has been provided, the Committee is satisfied with the re-listing processes and considers that they have been followed appropriately for this organisation. The Committee therefore supports the re-listing of the organisation under Division 102 of the *Criminal Code* in order to protect Australians and Australia's interests, and finds no reason to disallow the regulations.

Senator James Paterson

Chair