

Appendix A – Statement of reasons

Source: Minister for Foreign Affairs, *Submission 1*

Declaration of an area where the Islamic State of Iraq and the Levant is engaged in hostile activity under the Criminal Code

Mosul District, Ninewa Province, Iraq

This statement is based on publicly available information about the areas where the proscribed terrorist group—the Islamic State of Iraq and the Levant (ISIL)—is engaged in hostile activity. To the Australian Government’s knowledge, this information is accurate, reliable and has been corroborated by classified information.

Basis for declaring an area in a foreign country where a listed terrorist organisation is engaging in hostile activity

Under section 119.3 of the Criminal Code, the Minister for Foreign Affairs may, by legislative instrument, declare an area in a foreign country for the purposes of section 119.2 should the minister be satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.

Section 119.2 makes it an offence for a person to enter, or remain in, an area in a foreign country if the area is an area declared by the Minister for Foreign Affairs under section 119.3 — and when the person enters the area, or at any time when the person is in the area, the person is an Australian Citizen, or a resident of Australia, or a holder under the *Migration ACT 1958* of a visa or has voluntarily put himself or herself under the protection of Australia.

Background to this declaration

Proscription of the group engaged in hostile activity

The group currently referred to as ISIL has been operating in Iraq under various names since 2003. It was first listed as a proscribed terrorist organisation under the Arabic name *Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn* in 2005. In November 2008, it was re-listed as al-Qa’ida in Iraq, and in December 2013 it was re-listed as the Islamic State of Iraq and the Levant (ISIL). The most recent re-listing of the group was on 11 July 2014 under the name Islamic State.

On 5 June 2014, ISIL launched a major offensive throughout northern Iraq and took control of Iraq’s second largest city, Mosul, in Ninewa Province.

ISIL governs the areas under its control with brutal tactics, including public executions and strict prohibitions on the freedom of Iraqis in the area. ISIL has conducted attacks against minority groups and destroyed numerous churches and Shia mosques throughout the area, and uses the province as a base for its attacks elsewhere in Iraq and Syria.

On 29 June 2014, the group proclaimed an Islamic caliphate in areas it controls in Iraq and Syria and changed its name to *Dawla al-Islamiya*, or the Islamic State.

Geographic basis of the group’s activities

Since January 2014, ISIL has focussed on capturing and consolidating control over large areas of Iraq. Although it has captured cities in other parts of Iraq, it has a significant and enduring presence in Mosul, which is its main base for operations in Iraq. Mosul has symbolic significance for the organisation. ISIL leader Abu Bakr al-Baghdadi’s first video appearance was a recording of a sermon he

delivered at a mosque in Mosul immediately following ISIL's declaration of a caliphate.

ISIL's activities in this area, and calls by ISIL's leadership, have attracted thousands of foreign fighters, including Australians, who have travelled to Iraq to join ISIL and engage in hostile activity. As the largest city in Iraq controlled by ISIL, Mosul plays a key role as a central location for foreign extremists – including Australians – to form networks and train.

Group's engagement in hostile activities within or from the declared area

The overthrow by force or violence of the government of that or any other foreign country, or of a part of that or any other foreign country

ISIL has sought to replace the Iraqi government in the areas listed through the conquest of territory and the declaration of a caliphate spanning the established Iraq/Syria border. It governs Mosul district by applying its rule over the population by force. It also uses this territory to launch attacks on other areas of Iraq through bombings, indirect fire and ground assaults, including with military equipment captured from the Iraqi and Syrian militaries.

In areas under its control, ISIL seeks to supplant government control over all official functions. This includes setting up courts and applying punishments for infractions against its own rules and controlling access to cities using checkpoints. ISIL collects taxes and provides basic social services to the population under its control, and has also announced that it will begin minting its own currency.

The engagement, by that or any other group, in action that:

- *falls within subsection 100.1(2) but does not fall within subsection 100.1(3); and*
- *if engaged in Australia, would constitute a serious offence*

ISIL has proven resilient, having survived multiple coalition air strikes since late 2014 and its earlier near extinction at the hands of an international coalition that fought it for eight years. Despite recent military operations against it in both Iraq and Syria, it remains an ongoing threat and conducts daily attacks throughout its areas of operation in Iraq and Syria. In addition, the civilians under its control continue to be treated in a very brutal manner.

- 18 January 2015: ISIL's Information Office for the Mandate of Ninewa released footage of a series of executions, including two allegedly gay men being thrown from a building, a woman accused of adultery being stoned to death and the crucifixion of 17 young men.
- January 2015: ISIL publicly executed 13 teenage boys for watching a sports match in Mosul.
- 10 June 2014: After seizing control of the city of Mosul, ISIL executed around 600 inmates of Badush prison. Most were Shia, although some were Yazidi and Kurdish.

Intimidating the public or a section of the public of that or any other foreign country

ISIL uses terrorist attacks extensively against civilians in Iraq. This includes frequent mass casualty attacks in public places including marketplaces and cafes. It also

conducts mass executions, including beheadings, and publicises these activities, including through the dissemination of videos and magazines depicting these violent acts.

ISIL has made multiple statements threatening civilians in Iraq. It focuses its campaign of intimidation against Shia Muslims and religious and ethnic minorities, including Yazidis, Shabaks and Christians. ISIL has carried out mass executions and enslavement of these and other minorities.

ISIL has also produced numerous videos of beheadings featuring threatening statements. Five have featured American or British citizens, and have included statements intended to threaten or intimidate Western audiences. The group also conducts frequent public executions in cities it controls. On 21 October 2014, UN Assistant Secretary-General for Human Rights Ivan Simonovich stated that ISIL's ongoing attacks on Yazidis could be considered genocide.

- 24 November 2014: ISIL destroyed the St. George's Church in Mosul as part of its campaign of attacks against Shia, Yazidi and Christian religious sites in Ninewa Province.
- 22 September 2014: ISIL tortured and publicly executed a women's rights activist in Mosul.

Causing the death of, or bodily injury to, a person who:

- *is the head of state of that or any other foreign country; or*
- *holds, or performs any of the duties of, a public office of that or any other foreign country (or of a part of that or any other foreign country)*

ISIL regularly conducts assassinations, executions and attacks targeting government officials, politicians, soldiers and police.

- 30 November 2014: ISIL executed three tribal chieftains in Mosul.
- 11 June 2014: ISIL seized the Turkish consulate in Mosul, taking 46 Turkish citizens—including the Consul-General—and three Iraqis hostage. The hostages were held until 20 September 2014.

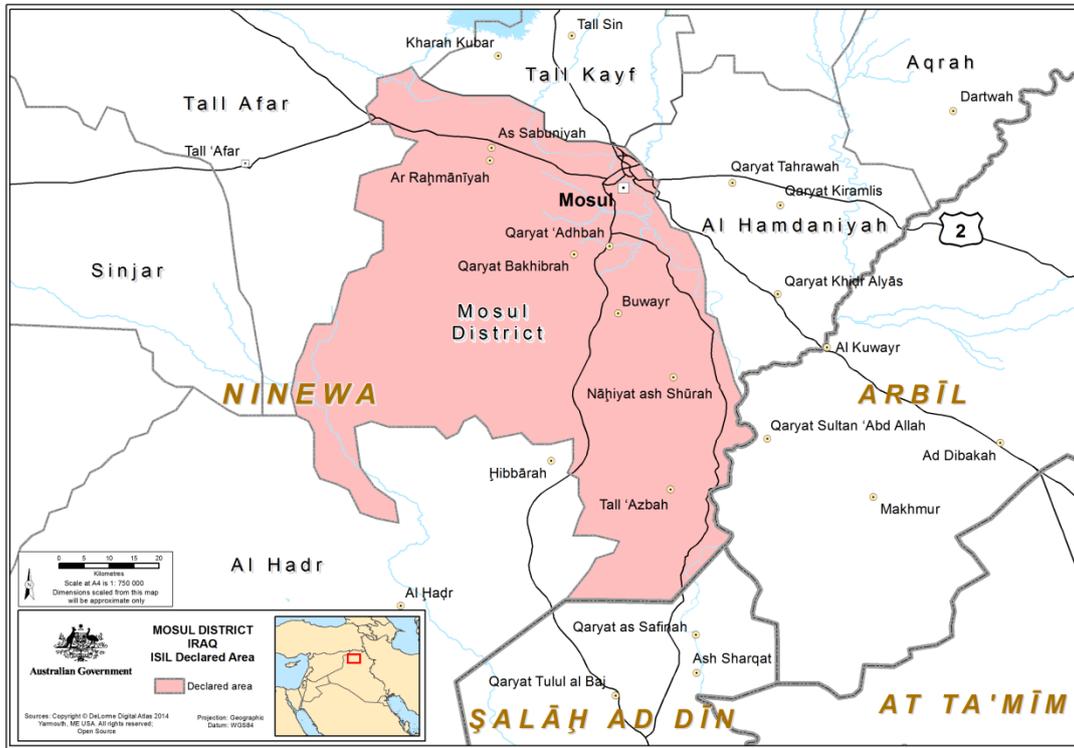
Unlawfully destroying or damaging any real or personal property belonging to the government of that or any other foreign country (or of a part of that or any other foreign country)

ISIL regularly destroys government property, both through its military campaign and the imposition of its religious and ideological beliefs on the populations that fall under its control.

- Since occupying areas of Ninewa Province in June 2014, ISIL has systematically destroyed historical and religious sites. This includes the bombing of the Tomb of Jonah near the city of Mosul on 24 July 2014, along with the destruction of numerous Shia mosques and shrines dedicated to Shia and Sufi religious figures.

Maps of the declared area

Mosul district is the area outlined as 'Mosul District' in the maps below.



Conclusion

On the basis of the above information, ASIO assesses that ISIL is engaged in hostile activities in Mosul District, Ninewa Province, Iraq.

This assessment is corroborated by information from reliable and credible intelligence sources.