



## **Criminal Code (Terrorist Organisation— Al-Qa'ida in the Arabian Peninsula) Regulation 2016**

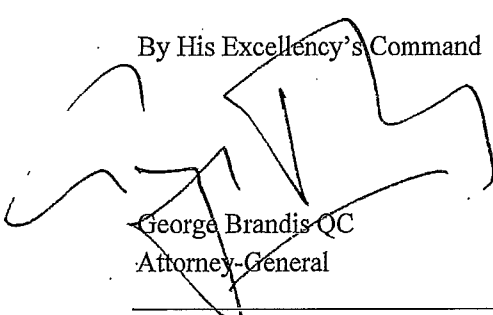
I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 NOV 2016

**Peter Cosgrove**

Peter Cosgrove  
Governor-General

By His Excellency's Command



George Brandis QC  
Attorney-General

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## Section 1

### 1 Name

This is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Criminal Code Act 1995*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Terrorist organisation—Al-Qa'ida in the Arabian Peninsula

- (1) For the purposes of paragraph (b) of the definition of *terrorist organisation* in subsection 102.1(1) of the *Criminal Code*, the organisation known as al-Qa'ida in the Arabian Peninsula is specified.
- (2) Al-Qa'ida in the Arabian Peninsula is also known by the following names:
- (a) al-Qa'ida in Yemen;
  - (b) Ansar al-Sharia;
  - (c) AQAP;
  - (d) AQY;
  - (e) Sons of Hadramawt;
  - (f) Supporters of Sharia.

Schedule 1 Repeals

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## Schedule 1—Repeals

### *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2013*

#### 1 The whole of the regulation

Repeal the regulation.

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2016 No.**

Issued by the authority of the Attorney-General

*Criminal Code Act 1995*

*Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation*

2016

The purpose of the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016* (the Regulation) is to specify al-Qa'ida in the Arabian Peninsula for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.<sup>1</sup> Al-Qa'ida in the Arabian Peninsula is currently specified for this purpose by the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2013*, which is repealed by the Regulation. Details of the Regulation are set out in Attachment A.

Section 5 of the *Criminal Code Act 1995* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The Schedule to the Act sets out the *Criminal Code*.

Paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* provides that regulations can specify organisations for the purposes of the definition of 'terrorist organisation'.

Subsection 102.1(2) of the *Criminal Code* provides that before the Governor-General makes regulations specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1), 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 or advocates the doing of a terrorist act.

The Attorney-General is satisfied on reasonable grounds that al-Qa'ida in the Arabian Peninsula is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. In coming to this position, the Attorney-General has taken into consideration an unclassified Statement of Reasons provided by the Director-General of Security, as well as advice from the Australian Government Solicitor (AGS). The Statement of Reasons is at Attachment B.

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<sup>1</sup> A 'terrorist organisation' is defined in subsection 102.1(1) of the *Criminal Code* as:

- (a) an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) an organisation that is specified by the regulations for the purposes of this paragraph.

### *Effect of the instrument*

Division 102 of the *Criminal Code* sets out the following offences relating to terrorist organisations

- directing the activities of a terrorist organisation
- being a member of a terrorist organisation
- recruiting persons to a terrorist organisation
- receiving training from, providing training to or participating in training with a terrorist organisation
- getting funds to, from or for a terrorist organisation
- providing support to a terrorist organisation, and
- associating with a terrorist organisation.

The Regulation ensure that the offences in Division 102 of the *Criminal Code* continue to apply to conduct relating to al-Qa'ida in the Arabian Peninsula. Regulations specifying al-Qa'ida in the Arabian Peninsula as a terrorist organisation have been in effect since 2010.

The Regulation is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulation commences on the day after it is registered. Subsection 102.1(3) of the *Criminal Code* provides that regulations for the purposes of paragraph (b) of the definition of 'terrorist organisation' cease to have effect on the third anniversary of the day on which they take effect.

### *Consultation*

The unclassified Statement of Reasons was prepared by the National Threat Assessment Centre in the Australian Security Intelligence Organisation, in consultation with the Department of Foreign Affairs and Trade and the Attorney-General's Department (AGD). AGD also consulted the Centre for Counter-Terrorism Coordination in the Department of the Prime Minister and Cabinet and sought the advice of the AGS to inform the decision of the Attorney-General.

Subsection 102.1(2A) of the *Criminal Code* provides that before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation. The Attorney-General wrote to the Leader of the Opposition enclosing the information upon which he was satisfied that al-Qa'ida in the Arabian Peninsula met the legislative criteria for listing.

The *Intergovernmental Agreement on Counter-Terrorism Laws* (June 2004) (the IGA) requires that the Commonwealth Government consult with the governments of the states and territories prior to making regulations specifying an organisation for the purposes of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*. The IGA provides that if a majority of the states and territories object to the making of such a regulation within a time frame nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Attorney-General wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the states and territories. A majority of the states and territories did not object to the making of the Regulation within the time frame nominated by the Attorney-General.

## Statement of Compatibility with Human Rights

### Overview

The *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016* (the Regulation) specifies al-Qa'ida in the Arabian Peninsula for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.

The object of the Regulation is to identify al-Qa'ida in the Arabian Peninsula as a terrorist organisation under Australian law, and put the organisation and members of the public on notice of that fact. Notification is important to help people avoid engaging in activities which might constitute an offence under Division 102 of the *Criminal Code* in relation to al-Qa'ida in the Arabian Peninsula.

The Regulation, which is part of Australia's terrorist organisation listing regime, supports the application of the offences in Division 102 of the *Criminal Code*, the object of which is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. In particular, the Regulation provides that the offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* applies in relation to associating with al-Qa'ida in the Arabian Peninsula.

Terrorist organisations, including al-Qa'ida in the Arabian Peninsula, present a threat to the security of Australia and often seek to harm Australians and our democratic institutions. The statutory definition of a 'terrorist organisation' requires that these bodies directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act which includes the causing of serious harm to persons or death and serious damage to property (refer to [Attachment B](#) for details).

### Human rights implications

The Regulation promotes the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6.

The Regulation limits the following human rights contained in the ICCPR:

- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.



### *The inherent right to life in Article 6*

Article 6 of the ICCPR provides that countries have a duty to take appropriate steps to protect the right to life and to investigate arbitrary or unlawful killings and punish offenders. The Regulation, and the terrorist organisation listing regime more broadly, ensures that the offence provisions in Division 102 of the *Criminal Code* apply to certain conduct in relation to listed terrorist organisations. These offence provisions operate to penalise conduct that presents a significant risk to life, both in Australia and overseas, and, in conjunction with the terrorist organisation listing regime, also act as a deterrent to that conduct. Deterring the conduct, and thereby preventing the risk to life, promotes the inherent right to life expressed in Article 6 of the ICCPR.

### *The right to freedom of expression in Article 19*

Article 19(2) of the ICCPR provides that everyone shall have the right to freedom of expression. However, Article 19(3) provides that freedom of expression may be limited if it is necessary to achieve a legitimate purpose, including for the protection of national security. The Regulation, and the terrorist organisation listing regime more broadly, limits the right to freedom of expression to the extent that persons are prohibited from directing the activities of, recruiting for, providing support to or associating with terrorist organisations, including al-Qa'ida in the Arabian Peninsula. The restrictions on freedom of expression are justified on the basis that such conduct could jeopardise the security of Australia, the personal safety of its population and its national interests and the restrictions are reasonable, necessary and proportionate to the objective of protecting Australia's national security.

### *The right to freedom of association in Article 22*

Article 22 of the ICCPR protects the right of all persons to group together voluntarily for a common goal and to form and join an organisation. Article 22(2) provides that this right may be limited for the purpose of national security. The Regulation, and the terrorist organisation listing regime more broadly, limits the right of freedom of association to prevent people engaging with and participating in terrorist organisations, in this instance al-Qa'ida in the Arabian Peninsula.

The offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* is limited in its application to an organisation that is a listed terrorist organisation under the definition of 'terrorist organisation' in paragraph 102.1(1)(b) of the *Criminal Code*. The offence does not apply if the association is with a close family member and relates to a matter of family or domestic concern, or takes place in the course of practicing a religion in a place used for public religious worship, or the association is only for the purpose of providing humanitarian aid or only for the purpose of providing legal advice or legal representation.

Due to the severity of the danger posed by terrorist organisations, it is reasonable, necessary and proportionate to limit the right of individuals who, by their association with a terrorist organisation, pose a threat to Australians.

### *General safeguards and accountability mechanisms*

Whilst the Regulation may limit the right to freedom of expression and the right to freedom of association with al-Qa'ida in the Arabian Peninsula, the Regulation is subject to the safeguards outlined below. The limits on these rights are reasonable, necessary and proportionate, and are in the interests of public safety and national security, after taking into consideration the direct and indirect terrorist activities of the organisation, which threaten human life.

The *Criminal Code* provides safeguards and accountability mechanisms requiring prior consultation and enabling review of the Regulation, including the following:

- the Commonwealth must consult with the states and territories in accordance with the *Intergovernmental Agreement on Counter-Terrorism Laws* of 25 June 2004, and the Regulation may only be made if a majority of the states and territories do not object to the Regulation within a reasonable time specified by the Commonwealth
- under subsection 102.1(2A) of the *Criminal Code* the Minister must arrange for the Leader of the Opposition to be briefed in relation to the proposed Regulation
- under subsection 102.1(3) the *Criminal Code*, the Regulation will cease to have effect on the third anniversary of the day on which it takes effect
- subsection 102.1(4) of the *Criminal Code* provides that if the Minister ceases to be satisfied of the criteria necessary for listing an organisation under subsection 102.1(2) of the *Criminal Code*, the Minister must make a declaration to that effect by written notice published in the Gazette, with the effect of the Minister's declaration that the Regulation listing the organisation cease to have effect and the organisation is de-listed as a terrorist organisation under Division 102 of the *Criminal Code*
- subsection 102.1(17) of the *Criminal Code* provides that an individual or an organisation may make a de-listing application to the Minister
- the Regulation may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the *Criminal Code*, and
- both Houses of Parliament may disallow the Regulation within the applicable disallowance period, which is 15 sitting days after the Regulation was laid before that House, as provided for in subsection 102.1A(4) of the *Criminal Code*.

### *Conclusion*

The Regulation is compatible with human rights because it promotes the protection of human rights. To the extent that the terrorist organisation listing regime, of which the Regulations is part, may also limit human rights, those limitations achieve a legitimate purpose and are reasonable, necessary and proportionate.

## **ATTACHMENT A**

### **Details of the Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016**

#### **Section 1 – Name**

This section provides that the title of the Regulation is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016*.

#### **Section 2 – Commencement**

This section provides for the commencement of the instrument, as set out in the table.

Subsection (1) provides that each provision in the instrument specified in column 1 of the table commences in accordance with column 2 of the table, and that any other statement in column 2 has effect according to its terms. Columns 1 and 2 provide that the instrument commences on the day after it is registered.

The note to subsection (1) clarifies that the table only relates to the provisions of this instrument as originally made, and that it will not be amended to deal with any later amendments to the instrument.

Subsection (2) provides that information in column 3 of the table is not part of the instrument. It is designed to assist readers, and may be updated or changed in any published version of this instrument. Column 3 is empty at the time of making the instrument.

#### **Section 3 – Authority**

This section provides that the Regulation is made under the *Criminal Code Act 1995*.

#### **Section 4 – Schedules**

This section provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned and that any other item in a Schedule has effect according to its terms. Schedule 1 to the Regulation repeals the whole of the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2013*.

#### **Section 5 – Terrorist organisation—Al-Qa'ida in the Arabian Peninsula**

Subsection (1) provides that for paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the organisation known as al-Qa'ida in the Arabian Peninsula is specified.

Subsection (2) provides that al-Qa'ida in the Arabian Peninsula is also known by the following names:

- (a) al-Qa'ida in Yemen;
- (b) Ansar al-Sharia;

- (c) AQAP;
- (d) AQY;
- (e) Sons of Hadramawt;
- (f) Supporters of Sharia.

#### Schedule 1—Repeals

Schedule 1 provides that the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2013* is repealed.

The *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2013* specifies al-Qa'ida in the Arabian Peninsula as a terrorist organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* and will sunset on 26 November 2016. The clause ensures there is no duplication where the new instrument is made before the current instrument ceases to have effect.

## ATTACHMENT B

<b>STATEMENT OF REASONS FOR AL-QA'IDA IN THE ARABIAN PENINSULA</b>	
Also known as: <b>Al-Qa'ida in Yemen; Ansar al-Sharia; AQAP; AQY; Sons of Hadramawt; Supporters of Sharia</b>	
This statement is based on publicly available information about al-Qa'ida in the Arabian Peninsula (AQAP). To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.	
<b>1.</b>	<p><b>Basis for listing a terrorist organisation</b></p> <p>Division 102 of the <i>Criminal Code 1995</i> provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:</p> <ul style="list-style-type: none"> <li>a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or</li> <li>b) advocates the doing of a terrorist act.</li> </ul> <p>For the purposes of listing a terrorist organisation under the <i>Criminal Code</i>, the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.</p>
<b>2.</b>	<p><b>Background to this listing</b></p> <p>The Australian Government first proscribed AQAP as a terrorist organisation under the <i>Criminal Code</i> in 2010 and relisted AQAP in 2013.</p>
<b>3.</b>	<p><b>Terrorist activity of the organisation</b></p> <p><u>Objectives</u></p> <p>AQAP is one of al-Qa'ida's most capable and active franchises. It subscribes to al-Qa'ida's Sunni Islamic extremist ideology, which promotes violence and is strongly anti-Western. On 20 December 2015, AQAP released a video in which its emir, Qasim al-Rimi, gave a nearly 20-minute lecture on jihad and the importance of fighting America. He claimed the US was the primary obstacle to the group's objective to build a truly Islamic state.</p> <p>AQAP remains loyal to al-Qa'ida leader Ayman al-Zawahiri and—though it seeks the creation of a pan-Islamic caliphate governed by Sharia law—remains broadly opposed to Islamic State's self-declared caliphate. Consistent with al-Qa'ida's primary goal, AQAP aspires to establish an Islamic Caliphate by removing 'un-Islamic' or 'apostate' governments and influences from Muslim-majority countries through the use of violence. AQAP specifically seeks to establish a caliphate and implement Sharia law in Yemen, and from there aspires to spread this system throughout the Arabian Peninsula.</p> <p>AQAP has undertaken the following activities to achieve its objectives:</p> <p><u>Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts</u></p>

AQAP conducts terrorist attacks including bombings, kidnappings and assassinations against Yemeni and foreign government interests to destabilise the state and has declared Yemen's Shia Huthi minority 'heretics'. AQAP capitalised on the Huthi's uprising in September 2014, and the corresponding deteriorating security environment, by expanding its insurgency—taking control of the port city of Mukalla in April 2015. AQAP had gained control of significant territory in Yemen's south and east until a UAE-led military coalition offensive retook Mukalla in late April 2016. The group continues to undertake attacks in several provinces.

Attacks that AQAP has claimed responsibility for since the group was re-listed in 2013 include:

- 11 May 2016: AQAP claimed responsibility for a vehicle-borne improvised explosive device (VBIED) attack in northern Hadramawt province in Yemen that wounded General Abdul-Rahman al-Halili, commander of Yemen's First Military Region, and killed at least eight Yemeni soldiers and civilians.
- 1 May 2016: AQAP claimed responsibility for an attack against General Aydarus al-Zubaydi, Governor of the city of Aden in Yemen, and Shelal Ali Shayyeh, security director for the city of Aden, that killed six police officers and injured several others.
- 23 April 2016: AQAP claimed responsibility for a suicide bombing that targeted military forces in Abyan province in Yemen, killing and wounding dozens of people.
- 2 April 2015: AQAP attacked government and security facilities in the southern port city Mukalla, Hadramawt province in Yemen, and established control of the area. Further, the group freed about 300 prisoners from the local jail, including AQAP's former emir of Abyan province, Khalid al-Batarfi.
- 3 March 2015: Saudi Arabian diplomat Abdullah al-Khalidi was released after being kidnapped and held captive by AQAP for three years. Al-Khalidi appeared as a hostage in AQAP videos pleading to the Saudi Government to secure his release.
- 27 September 2014: AQAP claimed responsibility for launching a rocket attack against Yemeni security forces near the US embassy in Sana'a, the capital of Yemen.

AQAP directly and indirectly prepares and plans terrorist attacks and kidnappings against Yemeni and foreign—including Western—government interests inside Yemen. Examples of AQAP's attack planning since its relisting in 2013 include:

- 3 December 2014: AQAP claimed responsibility for an attempt to assassinate the Iranian Ambassador by detonating a VBIED at his residence in Sana'a, Yemen.
- 24 April 2014: AQAP gunmen attempted to kidnap two US embassy staff near a barbershop often visited by Westerners in Sana'a, Yemen. One of the gunmen was killed during the attempt.

In addition, a number of significant disrupted attacks plots have been reliably attributed to AQAP including:

- 27 November 2014: AQAP claimed responsibility for an attempt to assassinate the US Ambassador in Sana'a, Yemen—two improvised explosive devices (IEDs) were disarmed before they could be detonated.
- 8 May 2012: US officials thwarted AQAP plans to detonate a non-metallic IED on board an unspecified US-bound aircraft.
- 29 October 2010: UAE and UK officials discovered IEDs concealed in printer cartridges in air

cargo destined for the US. AQAP claimed responsibility for the attempted attack publishing details in a special edition of the group's English-language 'Inspire' magazine in November 2010.

- 25 December 2009: Nigerian Umar Farouk Abdulmutallab failed in his attempt to detonate an IED on board Northwest Airlines flight 253 on route from Amsterdam to Detroit. On 28 December 2009, AQAP claimed responsibility for the attempted attack on a jihadist internet forum.

#### Advocating the doing of terrorist acts

AQAP leaders have, directly or indirectly, publicly advocated terrorist attacks in order to further the group's objectives. Public statements by AQAP since its re-listing in 2013 include:

- 10 January 2016: AQAP leader and explosives expert Ibrahim al-Asiri issued his first public statement in response to Saudi Arabia's January 2016 execution of 47 prisoners, many of whom were affiliated with AQAP. His speech, disseminated by AQAP's official online media outlet 'al-Malahim', praised those executed as sheiks and mujahideen who had died an honourable death. Al-Asiri vaguely threatened Saudi Arabia by promising that AQAP are returning to 'the Peninsula of Muhammed' to 'liberate the land from the stain of the Crusaders'. He also vaguely threatened to continue targeting US interests 'as long as there is blood flowing in our veins'.
- 8 December 2015: AQAP released a video titled 'Guardians of Sharia' that featured veteran leaders discussing at length their time waging jihad. Convicted terrorist and AQAP commander Ibrahim al-Qosi stated that the 'war against America' continues through 'individual jihad', which AQAP promotes through its policy of encouraging attacks by individuals and small-cell attacks worldwide.
- 4 August 2015: AQAP's Khalid al-Batarfi released a video praising lone-actor attacks, condemning the US, France and other 'disbeliever' nations, and encouraging lone-wolf attacks in these nations. AQAP's media outlet al-Malahim also produced this video.
- 7 January 2015: two brothers attacked the Paris headquarters of the 'Charlie Hebdo' magazine, killing 12 people and injuring 11 others. The attackers were inspired by AQAP ideology, with one brother confirmed to have met with now-deceased AQAP operational Anwar al-Awlaki in 2011 at an AQAP training camp in Yemen. AQAP subsequently claimed responsibility for the attack.

In July 2010, AQAP launched its online English-language magazine 'Inspire', which aims to encourage individuals, especially in Western countries, to undertake acts of terrorism by providing practical guidance and ideological justification for attacks in their own countries. Examples of advocacy related to editions of 'Inspire' released since the group was re-listed in 2013 include:

- 14 May 2016: AQAP released 'Inspire 15', which includes a section called 'Open Source Jihad' (OSJ) that instructs readers on how to professionalise assassinations, advocates murdering people in their homes, and provides guidance on the construction of three different types of IEDs.
- 2 December 2015: Syed Rizwan Farook, the male shooter in the San Bernardino, US, terrorist attack that killed 14 people and injured 20 others, was allegedly influenced by AQAP's 'Inspire' magazine and the teachings of AQAP operational planner and ideologue Anwar al-Awlaki, who was killed in a US drone strike in 2011.
- 9 September 2015: AQAP released 'Inspire 14', which in the OSJ section provides instructions

	for the construction of an improvised timed hand grenade and advocates the use of assassination tactics in terrorist attacks.
<b>4.</b>	<p><b>Details of the organisation</b></p> <p>AQAP is a Sunni extremist group located in Yemen. The group is an officially recognised affiliate of al-Qa'ida that adheres to al-Qa'ida's global jihadist ideology and follows an extreme interpretation of Islam which is anti-Western. Although the group currently focuses on Yemeni targets, AQAP conducted attacks in Saudi Arabia during the mid-2000s, and has attempted to conduct attacks within the US and against US interests around the world.</p> <p>AQAP was formed in 2009 when the Saudi Arabian and Yemeni branches of al-Qa'ida merged after Riyadh's counterterrorism efforts had driven al-Qa'ida members south into Yemen. It was originally founded as al-Qa'ida Yemen, in February 2006, after the escape of 23 detained Islamic extremists from a high-security government correctional facility in Sana'a, Yemen. In a January 2009 statement, al-Qa'ida Yemen announced a change of name to AQAP, which was the name of al-Qa'ida Saudi Arabia before it was dismantled by Saudi authorities in 2006.</p> <p>To increase its community appeal and promote itself as the defender of Sharia law, AQAP refers to itself using names such as 'Ansar al-Sharia' (Supporters of Sharia) and 'Sons of Hadramawt'. On 4 March 2016, AQAP held a large rally in its Mukalla stronghold in Hadramawt province, Yemen, to proselytise and recruit new members.</p> <p><u>Leadership</u></p> <p>Since June 2015, AQAP has been led by Qasim al-Rimi, the group's former operational commander. Al-Rimi replaced Nasir al-Wuhayshi after he was killed by a US drone strike. AQAP's Khalid al-Batarfi confirmed al-Wuhayshi's death and al-Rimi's appointment in a 16 June 2015 video statement. Al-Rimi is a veteran jihadist who joined al-Qa'ida in Afghanistan prior to the 11 September 2001 attacks in the US.</p> <p>AQAP's bomb-making is led by Ibrahim al-Asiri who is the group's explosives expert. Al-Siri has reportedly been attempting to build non-metallic bombs that can defeat aviation security screening. He is also training the next generation of AQAP's bomb-makers.</p> <p><u>Membership</u></p> <p>Despite losing several senior leaders in 2015 due to US drone strikes, AQAP has been able to increase its recruitment and expand its territory and safe-haven in several provinces throughout Yemen. Estimates of AQAP's strength vary from several hundred to several thousand members. The estimation of AQAP membership is complicated by the tribal nature of Yemeni society and the November 2014 emergence of an Islamic State affiliate in Yemen—some Sunni jihadist fighters are likely to have multiple allegiances, or pragmatically move between groups.</p> <p><u>Recruitment and funding</u></p> <p>AQAP targets recruits from a variety of sources including local Yemeni tribes sympathetic to their jihadist cause, and Sunni extremists from other Middle Eastern or South Asian countries. The group is comprised mostly of Yemenis and Saudis, but the group also recruits internationally. Recently improved traditional and social media campaigns have probably helped AQAP's recruitment efforts. For example, AQAP publishes a bimonthly magazine tailored to Yemeni audiences called 'Sada al-Malahim' (The Echo of Battles), and also produces English-language propaganda, including</p>



‘Inspire’ magazine and audio-visual messages through its online media outlet al-Malahim.

AQAP is self-funded and collects revenue from numerous sources including donors in Yemen, Saudi Arabia and other countries; donations collected in mosques; ransom payments for kidnapped hostages; and criminal activities such as robberies and drug smuggling. After taking control of the port city of Mukalla, Hadramawt province in Yemen in April 2015, AQAP reportedly earned millions through stolen Yemeni state savings and customs revenues.

#### Links to other terrorist organisations

AQAP is a recognised affiliate of al-Qa'ida. AQAP has also developed some links with al-Qa'ida-affiliated terrorist group al-Shabaab, which operates in Somalia.

#### Links to Australia

There are no corroborated links between AQAP and Australian individuals or interests since the group was re-listed in 2013.

- 19 November 2013: two Australians (one with dual New Zealand citizenship) who had featured in an AQAP video were killed by a US drone strike targeting AQAP operatives in Hadramawt province, Yemen. Australian media began reporting this event in April 2014, and AQAP confirmed the deaths of the two Australians in a mid-April 2016 video.

#### Threats to Australian interests

AQAP remains committed to conducting and encouraging others to undertake terrorist attacks against Western targets, which includes Australian interests. There are no known AQAP attacks that have killed or injured Australian citizens. Attacks against Western interests or demonstrated AQAP support for Western attacks since the group was re-listed in 2013 include:

- 23 June 2016: AQAP published an Arabic and English four-page document on Telegram pledging its support for the Orlando nightclub shooting and all Muslims who attack America on its soil, regardless of an individual's jihadist group affiliation. AQAP further stated ‘we call upon every single Muslim in Western countries or in other countries who are able to travel to the West to follow upon the footsteps of our hero Umar Mateen (the Orlando attack shooter) and his likes.’
- 5 December 2014: AQAP killed two hostages in Sana'a, Yemen—American journalist Luke Somers and South African teacher Pierre Korkie—during a failed rescue attempt by US Special Forces.
- 27 November 2014: AQAP claimed responsibility for detonating two IEDs at the northern gate of the US embassy in Sana'a, Yemen, killing several security guards.

AQAP's ‘Inspire’ magazine has mentioned Australia in most editions—but not as frequently as the US and European countries. Examples of AQAP mentioning Australia in propaganda since the group was re-listed in 2013 include:

- ‘Inspire 15’ shows a small series of photographs showing the perpetrator of the 2 October 2015 Parramatta terrorist attack, Farhad Mohammad (and a mention of Sydney). The photographs were included in a graphic that focuses on assassinations.

	<p><u>Listed by the United Nations or like-minded countries</u></p> <p>AQAP is listed by the United Nations under UNSC Resolution 1267 (reviewed on 7 November 2013). The group is listed as a proscribed terrorist organisation by the governments of the US and Canada, and is included in the UK government's listing of al-Qa'ida.</p> <p><u>Engagement in peace or mediation processes</u></p> <p>AQAP was involved in peace talks with the Yemeni Government in 2013, but is not currently engaged in any peace or mediation processes.</p>
5.	<p><b>Conclusion</b></p> <p>On the basis of the above information, ASIO assesses that AQAP continues to be directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocates the doing of terrorist acts, involving threats to human life and serious damage to property.</p> <p>In the course of pursuing its objectives, AQAP is known to have committed or threatened actions that:</p> <ul style="list-style-type: none"> <li>• cause, or could cause, death, serious harm to persons, serious damage to property, endanger life (other than the life of the person taking the action), or create a serious risk to the health or safety of the public or a section of the public;</li> <li>• are intended to have those effects;</li> <li>• are done with the intention of advancing AQAP's political, religious or ideological causes;</li> <li>• are done with the intention of intimidating, the government of one or more foreign countries; and</li> <li>• are done with the intention of intimidating the public or sections of the public.</li> </ul>