



Criminal Code (Terrorist Organisation—Jabhat al-Nusra) Regulation 2016

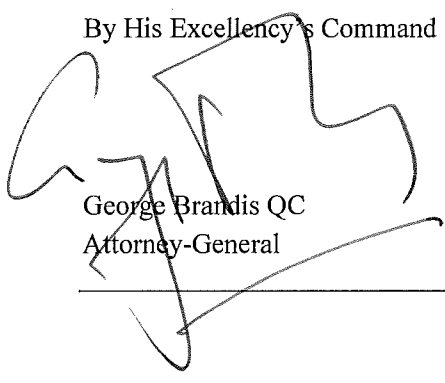
I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 5 MAY 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—Jabhat al-Nusra) 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	28 June 2016.	28 June 2016

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Jabhat al-Nusra

- (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 Jabhat al-Nusra is specified.
- (2) Jabhat al-Nusra is also known by the following names:
- Al-Nusra Front;
 - Al-Nusrah Front;
 - Al-Nusrah Front for the People of the Levant;
 - Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad;
 - Jabhat al-Nusrah;
 - Jabhet al-Nusra;
 - Support Front for the People of Syria from the Mujahideen of Syria in the Places of Jihad;
 - The Victory Front.

Schedule 1 Repeals

Schedule 1—Repeals

Criminal Code (Terrorist Organisation—Jabhat al-Nusra) 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—Jabhat al-Nusra) Regulation 2016

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 (the Criminal Code).

Division 102 of the *Criminal Code* sets out the offences in relation to terrorist organisations, which are: directing the activities of a terrorist organisation; being a member of a terrorist organisation; recruiting persons to a terrorist organisation; receiving training from or providing training to a terrorist organisation; getting funds to, from or for a terrorist organisation; providing support to a terrorist organisation; and, associating with a terrorist organisation.

Section 102.9 of the *Criminal Code* provides that section 15.4 (extended geographical jurisdiction – category D) applies to an offence against Division 102 of the Criminal Code. The effect of applying section 15.4 is that offences in Division 102 of the Criminal Code apply to conduct (or the results of such conduct) constituting the alleged offence whether or not the conduct (or the result) occurs in Australia.

Terrorist organisation is defined in subsection 102.1(1) of the *Criminal Code* as:

- an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (paragraph 102.1(1)(a)); or
- an organisation that is specified by the regulations for the purposes of this paragraph (paragraph 102.1(1)(b)).

The purpose of the Regulation is to specify Jabhat al-Nusra, also known as Al-Nusra Front, Al-Nusrah Front, Al-Nusrah Front for the People of the Levant, Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad, Jabhat al-Nusrah, Jabhet al-Nusra, Support Front for the People of Syria from the Mujahideen of Syria in the Places of Jihad and The Victory Front, for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.

The Regulation enables the offence provisions in Division 102 of the Criminal Code to continue to apply to persons in relation to Jabhat al-Nusra. Details of the Regulation are set out in Attachment A.

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.

In determining whether he is satisfied on reasonable grounds that the organisation is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act, the Minister takes into consideration an unclassified Statement of Reasons prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade (DFAT), as well as advice from the Australian Government Solicitor (AGS). The Statement of Reasons in respect of Jabhat al-Nusra is at Attachment B.

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.

Prior to making the Regulation, consultations were held with DFAT, ASIO and the AGS. In addition, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the States and Territories and the Attorney-General offered the Leader of the Opposition a briefing.

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

The Regulation commences on 28 June 2016. 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 it takes effect.

Statement of Compatibility with Human Rights

Overview

The *Criminal Code (Terrorist Organisation—Jabhat al-Nusra) Regulation 2016* (the Regulation) makes it an offence under Division 102 of the *Criminal Code*, to direct the activities, become a member of, recruit for, train, get funds to, from or for, provide support to, or associate with, Jabhat al-Nusra.

The offence of associating with a terrorist organisation in subsection 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 practising 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.

The object of the Regulation is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia.

Human rights implications

This instrument engages the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6
- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.

The object of the Regulation is to protect national security, public safety and the rights and freedoms of persons within and outside Australia. This engages the inherent right to life expressed in Article 6 of the ICCPR.

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 may limit 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 Jabhat al-Nusra. 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. This is in accordance with a legitimate purpose in Article 19(3) on the grounds of national security.

Article 22(1) of the ICCPR provides that everyone shall have the right to freedom of association with others. However, Article 22(2) provides that freedom of association may be limited if it is necessary to achieve a legitimate purpose, including the interests of national security or public safety. This Regulation, and more broadly the terrorist organisation listing regime, limits the right of freedom of association to prevent people engaging with and participating in terrorist organisations. Terrorist organisations, including Jabhat al-Nusra, present a threat to the security of Australia and often seek to harm Australians and Australia's democratic institutions. The statutory definition of a 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* requires that these organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. A terrorist act includes the causing of serious harm or death to persons and serious damage to property. Due to the severity of the danger posed by terrorist organisations, including Jabhat al-Nusra, it is reasonable, necessary and proportionate to limit the right of individuals who by their association with Jabhat al-Nusra, pose a threat to Australians.

Whilst the Regulation may limit the right to freedom of expression and the right to freedom of association with Jabhat al-Nusra, the Regulation is subject to the safeguards outlined below. The general 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, as detailed in the Statement of Reasons ([Attachment B](#)).

The information in the Statement of Reasons (Attachment B) supports the Minister's decision made on reasonable grounds, that Jabhat al-Nusra satisfies the criteria for listing as a terrorist organisation under subsection 102.1(2) of the *Criminal Code*.

There are safeguards and accountability mechanisms in the *Criminal Code* requiring prior consultation and enabling review of the Regulation. These measures include the following:

- the Commonwealth must consult with the States and Territories in accordance with the *Inter-Governmental 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) of 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 ceases 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 advances the protection of human rights, and to the extent that it 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 – Jabhat al-Nusra) Regulation 2016

Section 1 – Name

This section would provide that the title of the Regulation is the *Criminal Code (Terrorist Organisation—Jabhat al-Nusra) Regulation 2016*.

Section 2 – Commencement

This section would provide for the commencement of each paragraph in the instrument, as set out in the table.

Subsection (1) would provide 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 would provide that the Regulation commences on 28 June 2016.

The note to subsection (1) would clarify 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) would provide 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 Regulation. Column 3 clarifies that the instrument would commence on 28 June 2016.

Section 3 – Authority

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

Section 4 – Schedules

This section would provide that the instrument specified in Schedule 1 is repealed as set out in Schedule 1.

Section 5 – Terrorist organisation—Jabhat al-Nusra

Subsection (1) would provide that for paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*, the organisation known as Jabhat al-Nusra is specified.

Subsection (2) would provide that Jabhat al-Nusra is also known by the following names:

- (a) Al-Nusra Front;
- (b) Al-Nusrah Front;
- (c) Al-Nusrah Front for the People of the Levant;
- (d) Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad;
- (e) Jabhat al-Nusrah;

- (f) Jabhet al-Nusra;
- (g) Support Front for the People of Syria from the Mujahideen of Syria in the Places of Jihad; and
- (h) The Victory Front.

Schedule 1—Repeals

Schedule 1 would provide that *Criminal Code (Terrorist Organisation—Jabhat al-Nusra) Regulation 2013* is repealed.

The *Criminal Code (Terrorist Organisation—Jabhat al-Nusra) Regulation 2013* specifies Jabhat al-Nusra 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*. The proposed clause would ensure there is no duplication where the new Regulation is made before the current Regulation ceases to have effect.

ATTACHMENT B

Jabhat al-Nusra

(Also known as: Al-Nusra Front; Al-Nusrah Front; Al-Nusrah Front for the People of the Levant; Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad; Jabhat al-Nusrah; Jabhet al-Nusra; Support Front for the People of Syria from the Mujahideen of Syria in the Places of Jihad; The Victory Front)

This statement is based on publicly available information about Jabhat al-Nusra. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.

Basis for listing a terrorist organisation

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

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

Background to this listing

The Australian Government first proscribed Jabhat al Nusra as a terrorist organisation under the Criminal Code with effect from 29 June 2013.

Terrorist activity of the organisation

Objectives

As part of al-Qa'ida's global network, Jabhat al-Nusra adheres to a violent jihadist ideology that is strongly anti Western and encourages violence as a key element of pursuing its goals. Although the group currently enjoys cooperative relationships with some like-minded Syrian opposition groups, in the long term it seeks to unify the global Salafi-jihadi movement under the al-Qa'ida umbrella. It uses violence against the moderate Syrian opposition and rival groups, employs Islamic terminology in attempt to appeal to Muslim audiences—and opportunistically uses other jihadist groups to advance its goals.

Jabhat al-Nusra's stated objectives are to remove the Syrian al-Assad government and create a Salafist oriented Sunni Islamist state in Syria, which it plans to expand into an Islamist caliphate under its own rule throughout the Levant. Jabhat al-Nusra believes the fight against the Syrian regime is supported by religious texts, and its fighters hope to fulfill 'God's wish' for an 'Islamic caliphate'. In areas it controls, Jabhat al Nusra enforces its interpretation of Islamic law—including violent punishments and executions.

Jabhat al-Nusra attempts to portray itself as less extreme and brutal than Islamic State, and promotes its activities as legitimate opposition to the government of Syrian President Bashar al-Assad. It avoids the media attention that Islamic State actively courts, and conducts public outreach activities in an attempt to build local support. Prior to April 2013, it sought to hide its extremist ideology and conceal its links to the Islamic State and al-Qa'ida to avoid alienating the Syrian population.

However, its ultimate aim is to transform Syria into an Islamic Caliphate that is ideologically opposed to the West, and it uses violence and brutality to achieve these goals. It has not disavowed violence against the West, and remains part of the al-Qa'ida terrorist network. In pursuing its ultimate aim of transforming Syria into an Islamic Caliphate, the group also aims to be the preeminent power in Syria. In addition to fighting against rival opposition and jihadist groups, including Islamic State, it aims to influence and control other groups by offering assistance and alliances.

The group also attempts to bolster its recruitment, support and standing within Syria through social outreach and by providing humanitarian supplies to Syrian citizens. As it has cemented its presence in some areas of Syria, it has also set up more formal governance structures such as formal Islamic institutes and agencies that provide services such as electricity, water and infrastructure repair.

Jabhat al-Nusra intends to expel or forcibly convert the minority Alawite and Christian communities in Syria. This is substantiated by statements made by the group, including 'The blessed operations will continue until the land of Syria is purified from the filth of the nusayris (Alawites) and the Sunnis are relieved of their oppression'.

To achieve these objectives, Jabhat al-Nusra undertakes a range of militant activities and terrorist attacks, using improvised explosive devices, suicide attacks, snipers and small-arms attacks, as well as kidnapping and executions throughout Syria. Jabhat al-Nusra also attacks individuals and groups it perceives are supporting the Assad regime and has targeted urban areas, resulting in indiscriminate civilian deaths. The group releases videos of its attacks and operations through its media network al-Manara al-Bayda (the White Minaret).

Jabhat al-Nusra has undertaken the following to advance its ideology and achieve its objectives:

Directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts

Jabhat al-Nusra has claimed responsibility for numerous recent terrorist attacks. In many cases, there is limited information on the specific targets and casualties from Jabhat al-Nusra attacks. However, attacks are conducted primarily in urban areas with no regard for indiscriminate harm. The group also conducted executions of civilians in areas under its control and of soldiers captured during military operations. Some of its operations have been filmed or photographed and released through its media centre, although it has been careful in the past to shape its public image in an attempt to avoid attracting the international backlash currently facing other terrorist groups like the Islamic State.

Significant attacks either claimed by, or reliably attributed to, Jabhat al-Nusra include the following:

- 3 February 2016: Jabhat al-Nusra released a video of the execution of seven Syrian soldiers captured during an attack on Abu al-Duhur Military Airbase in Idlib Province, Syria.
- 8 December 2015: Jabhat al-Nusra claimed responsibility for a suicide operation and other attacks in the villages of Khalasa and al-Humayra, Aleppo Province, Syria.
- 24 November 2015: Jabhat al-Nusra's media outlet, the White Minaret, released a video of the September 2015 capture of Abu al-Duhur Military Airbase in Idlib Province. The video featured the execution of 42 Syrian soldiers who had been taken prisoner.
- 31 July 2015: Jabhat al-Nusra kidnapped several members of D30, a Syrian rebel group whose stated intention was to fight the Islamic State, not Jabhat al Nusra.
- 11 April 2015: After taking over cities in Idlib Province, Jabhat al-Nusra destroyed churches and religious items and threatened to kill Christians unless they paid fees.
- 21 January 2015: Jabhat al-Nusra published a photo report of the group bombing the Shia town of al Fu'ah in Idlib Province with missiles.
- 13 January 2015: A video was posted on the internet of Jabhat al-Nusra publicly executing a woman for adultery in the city of Ma'arat al-Nu'man, Syria. In the video, a person claiming to be a member of Jabhat al-Nusra declares the woman had been sentenced to death by an Islamic court.
- 1 December 2014: Jabhat al-Nusra posted pictures of an attack on two Shia towns in Aleppo Province.
- 28 August 2014: Jabhat al-Nusra kidnapped 40 Fijian personnel from the United Nations Disengagement Observer Force (UNDOF). The hostages were released on 11 September 2014.
- 31 July 2014: Jabhat al-Nusra kidnapped two Italian aid workers, holding them hostage until January 2015 when, according to media reporting, a ransom was paid.
- 22 February 2014: A car bomb attack on an army checkpoint in the Lebanese town of Hermel killed two soldiers and a civilian. Jabhat al-Nusra claimed responsibility for the attack.

Reliable information indicates the following attacks, while not officially sanctioned by Jabhat al-Nusra, were undertaken by trained and resourced members of the group.

- 10 June 2015: Members of Jabhat al-Nusra killed 20 Druze civilians in the village of Qalb Lawzah.
- 5 November 2013: A group of Jabhat al-Nusra fighters killed 22 civilians in the Syrian Alawite village of Maksar al-Hesan. The victims included women, children and elderly men.

Advocating the doing of terrorist acts

Jabhat al-Nusra has its own media outlet, al-Manara al-Bayda (the White Minaret), which it uses to make documentary-style propaganda videos, often featuring car bombs and interviews with suicide bombers.

Jabhat al-Nusra has issued more than 200 media statements, primarily through the White Minaret. While most of these statements have been in the form of claims of responsibility for attacks, some address the rationale for the group's actions. The group also publishes an English-language magazine, al-Risalah, which advocates violence in Syria and against the West.

- 12 October 2015: Jabhat al-Nusra released an audio statement in which its leader, Abu Muhammad al-Jawlani, called for attacks on Syria's Alawites. In the statement, al-Jawlani stated 'there is no choice but to escalate the battle and to target Alawite towns and villages in Latakia and I call on all factions to... hit their villages daily with hundreds of missiles.' The same statement called for attacks in Russia in response to Russia's support for the Syrian Government.
- 24 January 2012: Jabhat al-Nusra leader Abu Muhammad al-Jawlani announced in a video that Jabhat al-Nusra would 'avenge the honour and the spilled blood of those who have been wronged [by the government]' and that jihad was 'the only way that we can end the cloud of oppression and injustice'.
- 27 February 2012: Al-Jawlani stated in a video claiming responsibility for a suicide bombing, 'know what has befallen your comrades in the past will befall you ... For every town or district that is attacked we will conduct an explosive attack against the state security apparatus'.

Details of the organisation

Jabhat al-Nusra is a Syria-based Sunni Islamist extremist group that adheres to the global jihadist ideology of al-Qa'ida. In late 2011, al-Qa'ida in Iraq (AQI)—the organisation now known as the Islamic State—sent operatives to Syria for the purpose of establishing Jabhat al-Nusra to fight the regime of President Bashar al-Assad. The group publicly announced its presence in Syria in a January 2012 video statement, and pledged allegiance to al-Qa'ida leader Ayman al-Zawahiri in April 2013 after severing its ties to the Islamic State. On 9 June 2013, al-Zawahiri released a letter publicly announcing Jabhat al-Nusra as the official al-Qa'ida affiliate group in Syria.

Leadership

Jabhat al-Nusra is led by Abu-Muhammad al-Jawlani (an alias). Regional leaders are responsible for controlling their respective cells throughout Syria. Its strongest presence is in Syria's northwest, particularly in Idlib Province. Jabhat al-Nusra has received direct endorsement from prominent online extremist forums aligned with al-Qa'ida and leading Islamist extremist figures.

Membership

Although the exact number of Jabhat al-Nusra members cannot be confirmed, the group probably has a fighting force of between 3 000 and 5 000 fighters, along with further members in support roles. It runs at least 19 training camps in north-western Syria. Most of its members are Syrian, but around 30 per cent of its forces are foreign fighters from a wide range of countries—including Australians.

Recruitment and funding

Jabhat al-Nusra has strict recruitment procedures and requires new recruits to pledge allegiance to the group. Potential recruits are required to fight on the front-line and must be vouched for by Jabhat al Nusra commanders before they are accepted. It maintains smuggling networks to enable foreign fighters to enter Syria and join the group, mostly by travelling through Turkey.

Jabhat al-Nusra is well-funded from a range of international donors and local sources. Its Syria-based fundraising activities include extensive kidnapping, including of Westerners, to raise ransom payments. It also receives resources and expertise through its connection to the al-Qa'ida network.

Links to other terrorist organisations

In early April 2013, Jabhat al-Nusra released a video statement in which leader Abu Muhammad al Jawlani, on behalf of Jabhat al-Nusra, pledged allegiance to al-Qa'ida leader Ayman al-Zawahiri. In this same statement, al-Jawlani confirmed that Islamic State leader Abu Bakr al-Baghdadi provided Jabhat al Nusra with funding and operatives to conduct operations in Syria.

Over the course of 2013, tensions reportedly increased between the Islamic State and Jabhat al-Nusra, and in 2014 battles between the groups began, resulting in 3,000 casualties by March 2014. More recently, in June 2015, Jabhat al-Nusra leader al-Jawlani reportedly rejected idea an emerging alliance with the Islamic State, including stating that there is 'nothing but fighting between us'.

Jabhat al-Nusra remains al-Qa'ida's official branch in Syria.

Links to Australia

Over 100 Australians have travelled to Syria and Iraq to join jihadist groups engaged in conflict. Some have joined Jabhat al-Nusra.

- October 2015: The second edition of Jabhat al-Nusra's al-Risalah magazine featured an interview with a man claiming to be a former Australian soldier who is currently working as a special forces trainer for Jabhat al-Nusra in Syria. The same magazine featured a letter claiming to have been written by an Australian Jabhat al-Nusra member prior to his death during a firefight in Syria. The letter is addressed to the man's unborn son, and encourages him to die as a 'martyr' while engaging in jihad.

- January 2014: Two Australians were killed in Syria after travelling to join Jabhat al-Nusra.
- One Australian is a high-ranking official in Jabhat al-Nusra.

Threats to Australian interests

Jabhat al-Nusra adheres to an anti-Western ideology that includes rhetoric against Western interests in general.

- 26 June 2015: Jabhat al-Nusra released a video entitled 'The Heirs of Glory' featuring anti-Western rhetoric and glorifying al-Qa'ida's 11 September 2001 attacks against the United States.

Listed by the United Nations or like-minded countries

Jabhat al-Nusra has been listed as a terrorist organisation by Canada, France, Iran, New Zealand, Russia, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom and the United States.

On 14 May 2014, the United Nations Security Council ISIL (Da'esh) and al-Qa'ida Sanctions Committee listed Jabhat al-Nusra for targeted financial sanctions and an arms embargo on the basis the group 'brings Syrian and foreign al-Qa'ida in Iraq [aka the Islamic State] and Asbat al-Ansat [associated with al-Qa'ida in Iraq] fighters, along with other foreign al-Qa'ida operatives, to join local elements in Syria and carry out terrorist and guerrilla operations there'.

Engagement in peace or mediation processes

Jabhat al-Nusra is not engaged in any peace or mediation process, and opposes any negotiated settlement to the Syrian conflict.

Conclusion

On the basis of the above information, ASIO assesses Jabhat al-Nusra 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.

In the course of pursuing its objectives, Jabhat al-Nusra is known to have committed or threatened actions that:

- cause, or could cause, death, serious harm to persons, serious damage to property, endangered 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;
- are intended to have those effects;
- are done with the intention of advancing Jabhat al-Nusra's political, religious or ideological causes;

- are done with the intention of intimidating, the government of one or more foreign countries; and
- are done with the intention of intimidating the public or sections of the public.