

Submission

Parliamentary Joint Committee on Intelligence and Security Review of the Re-listing of Four Organisations as Terrorist Organisations Under the Criminal Code

Dr Tony Murney

Introduction

1. Each time the Joint Parliamentary Committee on Intelligence and Security is required to review the listing or relisting of a terrorist organization in Australia it is also presented with a valuable opportunity to consider whether the process adds value to Australia's counter terrorism effort. Where such actions do not strengthen Australia's position, they divert resources, including the time and effort of the Committee, away from more productive initiatives and reduce, or even undermine, the effectiveness of Australia's broader counter terrorism intent.
2. The purpose of this submission is to consider issues raised in the relisting of *Al-Qa'ida in the Arabian Peninsula*, *Al-Qa'ida in the Indian Subcontinent*, *Islamic State in Libya*, and *Islamic State Sinai Province* in the context of a previous submission which questioned the effectiveness of Australia's *List of Terrorist Organizations* as an instrument of counter terrorism policy.
3. This submission will briefly revisit the previous assessment, identify points of relevance to this review and provide the Committee with a rare empirical examination of factors critical to decision-making processes for listing of terrorist organizations in Australia. The importance of this examination is that it represents an evidence-based approach to examining Australia's listing of 26 terrorist organizations with previously unseen results which should be of interest to Committee members.

The Previous Submission

4. The previous submission (Attachment 1) raised deep seated concerns in relation to several aspects of the terrorist organizations listing process and the composition of the *List of Terrorist Organizations* itself. That submission established several criteria against which the process and end result could be assessed and concluded:

“Australia's terrorist organisation list fails the basic tests of impartiality, comprehensiveness, contemporaneity, logical consistency and comparability needed for it to reliably and replicatively support the counter terrorism policy regime in Australia by putting organisations and members of the public on notice that the organisation is a terrorist organisations under Australian law.”

(IT IS RECOMMENDED MEMBERS OF THE COMMITTEE NOT FAMILIAR WITH THIS SUBMISSION NOW REFER TO IT AT ATTACHMENT 1)

5. The most serious concerns arising from these short comings were that the list contained an overwhelming bias in the identification and selection of terrorist organizations for listing which not only has serious potential to alienate groups within the Australian population but indicated

the existence of blind spots in our collective approach to the formulation of national security and counter terrorism policy.

6. These factors constitute substantive national security risks which remain untreated due to preconceptions which have permeated the process since its implementation.

7. The four proposals presented to the Committee for relisting of terrorist organizations collectively reflect a similar array of problems to those raised in the previous submission. All four organisations are Muslim in origin (no proposals for listing any of the several possible non-Muslim terrorist groups have been made between this submission and the previous one); they are all organizational subunits of two already well known global entities (AQ and IS): three are characterized by multiple known pseudonyms (ranging from 6 to 24) with all four possibly having more unknown pseudonyms. Notes in the current listing state that three¹²³ have no known links to Australia and one⁴ has no corroborated links to persons of interest in Australia⁵. Most significantly, three out of four have made no identifiable threats against Australian interests.

8. As indicated in the previous submission, Australia's *List of Terrorist Organizations* appears to be a miscellaneous "grab bag" of organizations, lacking in consistency or clear underlying reasoning and with potential to do more harm than good to Australia's overall counter terrorism strategy. There is little doubt that if the goal was to establish an encyclopedia of world terrorist organizations that all four of those presented for review by the Committee would be contenders for inclusion but that is not the purpose of the Australian list.

9. The stated purpose for establishing the Australian list is that it puts "*the organisation and members of the public on notice that the organisation is a terrorist organization under Australian law*"⁶. The rationale for this is "*that our laws target not only terrorist acts, but also the organisations that plan, finance and carry out such acts*"⁷, presumably with a focus on Australia as there is little point in putting members of the public on notice about organizations that are not an imminent, or at least a reasonably likely threat, to them.

¹ <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/Islamic-state-sinai-province-is-sinai.aspx>

² <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/Al-qaida-in-the-indian-subcontinent-aqis.aspx>

³ <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/Islamic-state-in-libya-is-libya.aspx>

⁴ <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/Al-QaidaintheArabianPeninsulaAQAP.aspx>

⁵ These observations assume the Australian National Security web site is up to date which of itself is in doubt as, for example, the site still states, "One further listing has been made but has not yet commenced", in relation to *Islamic State in Somalia* despite a further entry stating "Regulations made on 8 April 2019, listing will commence on 16 September 2019", indicating the responsible agency should have updated this entry over three months ago. There are numerous other errors on the site reflecting poor quality control and lack of attention to uniform updating of information. (<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>).

⁶ <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/ProtocolForListingTerroristOrganisations.aspx>

⁷ Ibid.

10. Confusing reversal are also evident in the list. By way of example, *Al-Qa'ida in the Indian Subcontinent* is listed and proposed for relisting with no known links to Australia but it is closely allied to the *Taliban*⁸ which has not been listed. The significance of this is that the *Taliban* is independently identified from other sources as one of the world's most lethal terrorist organisations⁹ and is directly responsible for the death and injury of hundreds of Australian service personnel. This particular paradox deepens with the inclusion of *Islamic State in Khorasan Province* (IS in Afghanistan) in the list which, though extremely dangerous, remains a comparative bit player in Afghanistan and has not been responsible for the death or injury of any Australian personnel.

11. The Committee might benefit from a more systematic empirical examination of key decision-making criteria which should, in principle, be critical to the listing process.

An Empirical Examination of Terrorist Links to Australia, Threats Against Australian Interests and Expressed Anti-Western Sentiment

12. The Australian *List of Terrorist Organizations* contains descriptive background files for each listed organization consisting of 16 internal headings in all but one case. Most of this material is descriptive in orientation, covering matters such as leadership, organizational structure and activities, usually overseas. Two of the headings, however, are highly specific to Australia and particularly important to the listing process. These are “*Links to Australia*” and “*Threats to Australian Interests*”¹⁰.

13. In the absence of this material, theoretically at least, every terrorist organization in the world would conceivably need to be listed in Australia as the remaining material does not systematically discriminate between organizations on the basis of their domestic profile or intent towards Australian interests. The threat scenario information makes repeated references to *expressed anti-western sentiment* as opposed to *anti-Australian sentiment* with such frequency that it will be incorporated into this examination to assess its possible relevance to the listing process.

14. The information provided for these three decision-making criteria is in the form of text rather than quantitative data which has a tendency to reduce the scope for systematic examination. As a result, the information under these headings has been subjected to what is known as *content analysis*. This is a methodology which involves systematically searching text documents for specified words or phrases to identify their presence or absence and frequency of use or omission with the goal of identifying patterns of thought or behaviour amongst those creating the source

⁸ <https://www.counterextremism.com/threat/al-qaeda-indian-subcontinent-aqis>

⁹ <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>

¹⁰ The Australian National Security web site claims: “*This statement [the background information on each organization] is based on publicly available information about [insert name]. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.*” A byproduct of the content analysis indicates the accuracy of this claim is low as no or minimal updating appears to have occurred following publication of each entry. If the information is good enough to publish in the first place it should be kept up date in line with claims about its accuracy.

material. Each of these three criteria has been examined in turn and the summary results are provided below with more detailed material contained in Attachments 2 and 3 to this submission.

Terrorist Organization Links to Australia

15. The full content analysis of material under the terrorist *Links to Australia* heading for all 26 listed organizations is at Attachment 2. The objectives of this analysis were to:

- i. determine whether the written statements by national security agencies under this heading were sufficient to indicate on a **YES** or **NO** basis whether each of the listed organizations had links to Australia; and
- ii. as a secondary matter, enumerate repeat listings in the Australian *List of Terrorist Organizations* by identifying sub-organizational units based on the text names of parent entities already in the list.

16. The summary results for part one of this analysis are shown in Table 1 where it can be seen, on the basis of statements from Australia’s national security agencies, that 73.08% (19) of currently listed terrorist organizations have **NO** identifiable links to Australia. The evidentiary material at Attachment 2 contains several variants to the associated statements but the most common form is:

"There are no known direct links between [listed organization’s name] and Australia."(see Attachment 2)

From an analytical perspective this and similar statements could not be any clearer.

17. Of the remaining 26.92% (7) of listed organizations, only 23.08% (6) actually have identifiable links to Australia with the balancing 3.84% (1) being unstated due to what appears to be an undetected oversight in completion of the proforma listing sheet.

TABLE 1
Australian List of Terrorist Organizations – Terrorist Entities Identified by National Security Agencies as Having Links to Australia.

IDENTIFIED LINKS TO AUSTRALIA	NUMBER OF LISTED ORGANIZATIONS	PERCENTAGE OF LISTED ORGANIZATIONS
YES	6	23.08%
NO¹¹	19	73.08%
UNSTATED	1	3.84%
TOTAL	26	100%

Source: Material shown at Attachment 2 of this submission.

18. These figures raise factual questions as to why nearly three quarters of these organizations have been listed in Australia when they appear, from the available information, to have no presence in this country. If this outcome is attributed to alerting citizens in Australia from source nations on notice that the listed organization is a terrorist organization then this raises further

¹¹ Colour coded YES or NO responses in this and below tables reflect colour coding of text in each content analysis to identify evidentiary text used to sustain each YES or NO conclusion from examination of original statements by national security agencies.

questions, dealt with in the previous submission, as to why a multitude of other lethal organizations have not been listed.

19. In relation to duplicate listings, the content analysis confirmed that out of 26 listed organizations there are nine duplications relating to *Al-Qa'ida* and *Islamic State*. Listing all of these is the organizational equivalent of referring to corporate entities such as *Kentucky Fried Chicken* or *MacDonald's* by outlet rather than by their global identities. This approach would only be relevant for outlets in near proximity to customers which would certainly exclude Arabia and India for customers living in Australia. It is very similar for terrorist organizations.

20. This approach to listing represents a level of nuance which is likely to be lost on most Australians and would be of little or no relevance to listed organizations with, for example, *Al-Qa'ida in the Arabian Peninsula* probably not needing to be told it is a terrorist organization, especially by Australia due to remoteness from its main sphere of operations. Inclusions of this type unnecessarily complicate the list and are more likely to result in increased confusion than increased clarity in the absence of specialized terrorism knowledge.

21. The Australian list could be shortened by seven entries (leaving just the two parent entities), from 26 to just 19, by the simple expedient of excluding subsidiary entries and referencing them for completeness under their global identities. This is already done to varying degrees in the United Kingdom, European Union and Canada.

Terrorist Organization Threats to Australian Interests

22. The full content analysis of *Threats to Australian Interests* for all 26 organizations is at Attachment 3. The objectives of this analysis were to:

- i. determine whether the written statements by national security agencies under this heading were sufficient to indicate on a **YES** or **NO** basis whether each of the listed organizations had made identifiable threats against Australian interests; and
- ii. as a result of finding extensive references by security agencies under this heading to *expressed anti-western sentiment*, determine whether written statements were sufficient to indicate on a **YES** or **NO** basis whether *expressed anti-western sentiment* was a prevalent factor in security assessments.

Threats Against Australian Interests

23. The summary results for the first part of this analysis are shown in Table 2 where it can be seen, on the basis of statements from Australia's national security agencies, that only 11.54% (3) of currently listed terrorist organisations have been identified as making threats against Australian interests. This is in sharp contrast to an overwhelming 69.23% (18) which have not.

24. Again, there are several variants to the form of these statements but the most common is:

“[Listed organizations name] has not made any explicit statements specifically threatening Australians or Australian interests.” (see Attachment 3)

25. The number of cases where a finding is not stated in relation to threats against Australian interests has increased to 19.23% (5) by comparison to the situation for terrorist links. This

seems to reflect a lack of consistency in threat descriptions rather than anything more meaningful as closer inspection of the associated threat descriptions reveals sufficient information to conclude, on the balance of probabilities, that four of these probably indicate **NO** threat has been made with one indicating **YES** as a likely threat outcome.

TABLE 2
Australian List of Terrorist Organizations – Entities Identified by National Security Agencies as Having Made Threats Against Australian Interests.

IDENTIFIED AS MAKING THREATS AGAINST AUSTRALIAN INTERESTS	NUMBER OF ORGANIZATIONS	PERCENTAGE OF LISTED ORGANIZATIONS
YES	3	11.54%
NO	18	69.23%
UNSTATED IN THREAT DESCRIPTION	5	19.23%
TOTAL	26	100%

Source: Material shown at Attachment 3 of this submission.

26. This increases the volume of possible **NO** threat scenarios to 84.61% (22). Again, significant questions arise from such observations, most strikingly why have such an overwhelming number of these entities been listed when they have not made identifiable threats against Australian interests. One possible issue the Committee may wish to consider, due to the starkness of this result, is whether information provided by national security agencies has been correctly interpreted by decision makers.

Expressed Anti-Western Sentiment

27. One possible explanation for the inclusion of entities in the Australian list when they have no identifiable links to Australia nor made threats against its interests, may lie in the caveats routinely applied to many threat assessments and incorporated following the principal statement. Whilst they sometimes serve a useful purpose, many are extremely general, as can be seen in Attachment 3, and act as little more than a catch-all mechanism for unforeseen future actions by terrorist groups in the absence of more specific information.

28. One of the most common forms of caveat to emerge in western threat assessments is the notion of *expressed anti-western sentiment* which communicates a view that *while the organization of interest has not threatened your nation it has threatened nations like yours and therefore constitutes a risk to you.*¹²

29. Use of the anti-western term is very broad and poorly defined with actions, possible action and statements being variously interpreted as expressions of anti-western sentiment. This is a potentially dangerous assessment concept as expressions of anti-western sentiment are widely

¹² A criticism of this approach is that it appears to artificially increase assessment certainty without much factual information because, even if the principal prediction does not eventuate, unspecified caveat threats elsewhere are likely to occur. This is cynically referred to in some quarters as a “heads I win, tails you lose” assessment as the assessor is always right but the end user is often no better off.

made by non-terror organizations and such statements are a right of free speech across the world (see Article 19 of the UN Covenant on Human Rights to which Australia is a signatory).

30. Anti-western sentiment assessments are often factually¹³ supported by reference to incidents which have taken place in other western countries (see Attachment 3) or foreign conflict and tension zones but with no, or only weak, explanations of transferability to Australia or specific Australian interests¹⁴.

31. How transferable, for example, is the general intent of a North African group expressing anti-western sentiments to Australia based on considerations such as: could or would general intent result in specific direct actions here; what motivating factors could lead to such actions; what resources would need to be assembled to implement supporting plans; how and when would this be done; and why would a range of more accessible ‘center world’ targets (accessible) be bypassed to reach Australia? In the absence of such information, generalized sentiment is a weak predictor of future action.

TABLE 3
Australian List of Terrorist Organizations – Entities Identified by National Security Agencies as Expressing Anti-Western Sentiment.

IDENTIFIED AS EXPRESSING ANTI-WESTERN SENTIMENT	NUMBER OF ORGANIZATIONS	PERCENTAGE OF LISTED ORGANIZATIONS
YES	20	76.92
NO	6	23.08
TOTAL	26	100%

Source: Material shown at Attachment 3 of this submission.

32. The results of testing for the presence of anti-western sentiment in threat descriptions are shown in Table 3 where **YES** to the presence of general phrases of this type occurs in 76.92% (20) of assessments with only paltry 23.08% (6) having **NO** substantive use of anti-western caveats.

33. This raises questions as to whether considerations of anti-western sentiment are having a generalizing effect on the listing process which over rides more pertinent threat observations. In the absence of rigorous standards this could lead to proliferation of “safe better than sorry” listings which has potential to clutter the information picture and obscure actual threats (*Pearl Harbor Syndrome*).

¹³ Incidents (deaths, injuries and kidnapping) affecting Australians in conflict or tension zones are usually due to the presence of the victims in such locations and reflect personal judgements to enter such areas. Risks in this context are related to decisions by individuals and adverse outcomes rarely represent threats against Australia.

¹⁴ This is affected by factors such as Australia’s conflict profile (participation in conflicts, conduct in conflict zones, supply of weapons and equipment, public stances in multilateral bodies such as the United Nations, treatment of minority communities in Australia and consideration of their feelings and views when framing foreign policy), alliance structures and physical proximity to conflict.

Patterns in Link, Threat and Sentiment Entries

34. The question then is, are there patterns across all three of these decision-making criteria in the listing process, i.e. terrorist links to Australia, threats against Australian interests and expressed anti-western sentiment and do these reflect rational decision making? Ideally, there should be patterns in this material which remain consistent across all listings.

35. The strongest decision-making pattern across these criteria would be an unequivocal **YES** for all three, followed by **YES** for the first two or, as a worst case, **YES** against one or other of the first two. **YES** or **NO** against the third criterion is less important as it does not discriminate strongly between Australian interests and those of other nations. The reality is that anti-western sentiment is currently so prevalent across the world and amongst activist organizations that it is at best a fifth order consideration in this equation.

36. Unfortunately, the results in Table 4 show the decision-making process to be far from rational. Only one listing out of 26 records **YES** against all three criteria and no listing records **YES** against both of the first two criteria. Of the remaining entries, only nine record a **YES** against one of the first two criteria.

37. Perversely, 50% (13) of listing's record a resounding **NO** (including one probable) against identifiable terrorist links to Australia and threats against Australian interests. Even more disconcertingly, three organizations have been listed whilst recording **NO** against all three criteria. When combined with the previous observation this figure increases 61.54% (16) of cases.

38. Allowing for the earlier discussion on anti-western sentiment, there may be other factors pervading the decision-making process. A major contender is possibly listing by other world powers, covered under the *Listed by the United Nations or like-minded countries* heading. Interestingly, listing information shows the implicit definition of a "like-minded" country to be very narrow and, with few exceptions, restricted solely to the other four members of the "Five Eyes Community".

39. This limitation results in only sporadic mention of wider national listings which precludes the inclusion of valuable benchmarking and learning opportunities from any of the other 189 nation states in the world (total United Nations membership is 193). This section of the listing document is so incomplete that it should either be renamed to reflect its actual content, abolished or completed to an acceptable standard.

40. That being said, Table 5 shows that of the organizations listed in Australia, over 95% are also listed by the United States, progressively falling in the United Kingdom and Canada through to New Zealand, which only lists 50% of them. Whilst there is nothing inherently wrong in reflecting positions adopted by some of our allies, it is important that listings reflect Australia's national interests and the stated purpose for implementing the listing process.

TABLE 4
Australian List of Terrorist Organizations – Comparative Table for Organizational Links to Australia, Threats to Australian Interests and Anti-Western Sentiment.

LIST No	PRINCIPAL NAME OF TERRORIST ORGANIZATION	LINKS TO AUST	STATED THREAT AGAINST AUSTRALIA	EXPRESSED ANTI WESTERN SENTIMENT	COMMENT
1	Abu Sayyaf Group (ASG)	NO	UNSTATED	YES	Probably NO
2	Al-Murabitun	NO	NO	YES	
3	Al-Qa'ida (AQ)	NO	YES	YES	
4	Al-Qa'ida in the Arabian Peninsula (AQAP)	NO	YES	YES	
5	Al-Qa'ida in the Indian Subcontinent (AQIS)	NO	NO	YES	
6	Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)	NO	NO	YES	
7	Al-Shabaab	YES	NO	YES	
8	Boko Haram	NO	NO	YES	
9	Hamas' Izz al-Din al-Qassam Brigades	NO	NO	NO	
10	Hizballah's External Security Organisation (ESO)	YES	NO	NO	
11	Islamic Movement of Uzbekistan	NO	NO	NO	
12	Islamic State	YES	YES	YES	
13	Islamic State East Asia	NO	NO	YES	
14	Islamic State in Libya (IS-Libya)	NO	NO	YES	
15	Islamic State Khorasan Province	NO	NO	YES	
16	Islamic State Sinai Province (IS-Sinai)	NO	NO	YES	
17	Jabhat Fatah al-Sham	YES	UNSTATED	YES	Probably NO
18	Jaish-e-Mohammad	NO	NO	YES	
19	Jama'at Mujahideen Bangladesh	NOT GIVEN	UNSTATED	YES	Probably NO
20	Jemaah Anshorut Daulah	NO	NO	YES	
21	Jemaah Islamiyah (JI)	NO	UNSTATED	NO	Probably YES
22	Kurdistan Workers' Party (PKK)	YES	UNSTATED	NO	Probably NO
23	Lashkar-e-Jhangvi	NO	NO	YES	
24	Lashkar-e-Tayyiba	YES	NO	YES	
25	Palestinian Islamic Jihad	NO	NO	NO	
26	Islamic State Somalia (IS-Somalia)	NO	NO	YES	

Source: Material shown at Attachments 2 3 of this submission.

41. Questions as to whether this is occurring are raised by the incongruous nature of Australia’s list, especially the poor correlation between listing decisions and data extracted from the terrorist links and threats to Australia headings. It should be noted in this context that correlations between Australia’s list and subsets of the United States and United Kingdom lists are much higher than those for terrorist links and threats to Australia and that New Zealand on the other hand does not follow this pattern. The policy settings behind these outcomes bears further exploration to determine whether Australia is getting things right from a national interest perspective.

TABLE 5
Listed Terrorist Organizations in Australia also Listed by the United Nation and “Like-Minded” Countries.

LISTING STATUS	UNITED STATES	UNITED KINGDOM	CANADA	NEW ZEALAND	UNITED NATIONS	OTHER (highly incomplete)
LISTED	25	23	19	13	14	6
NOT LISTED	1	3	7	13	12	20
TOTAL	26	26	26	26	26	26

Source: Collated from the material at: <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>

Findings from the Empirical Evidence

42. Empirical consideration of the link and threat material provided by national security agencies for the listing process reveal a high level of inconsistency in the decision-making process which reduces confidence in the rationality of the Australian *List of Terrorist Organizations*. Indeed, it is impossible to understand why over half of these organizations have been listed in the first place as the available information suggests a stronger case for not listing them than it does for listing them.

43. If other factors have been germane to decision-making, the process needs radical modification to reflect this so that the reasoning underpinning listings can be understood. If other factors, such as anti-western sentiment or listing practices in the other “five eyes” counties are determining factors, consideration needs to be given to incorporating a much wider group of possible terrorist organizations in the list if it is to be a rational expression of Australian policy.

Conclusion and Recommendations

44. The proposed relisting of four terrorist organizations presented to the Committee for review provides a catalyst for questioning the adequacy of the listing process and the composition of the current list. The listing process is inconsistent with the data provided by national security agencies and key elements of its stated purpose which leads to the conflicting conclusions that the list either needs to be dramatically expanded or severely truncated. This outcome is due to the indecipherable reasoning which appears to underlie the process with terrorist organizations identified as having no identifiable links to Australia or having not made any threats against Australian interests being listed while others responsible for the death and injury of hundreds of Australians remain unlisted. This only serves to undermine confidence in the process.

45. It is recommended that:

- i. as an expedient measure, the providing agency be advised that the organizations being reviewed by the Committee be relisted under their parent bodies, *Al-Qa'ida* and *Islamic State*, to simplify and improve clarity the Australian *List of Terrorist Organizations* pending a broader review; and
- ii. the Committee recommend that the listing process and the current list be independently reviewed with a view to improving its effectiveness, relevance and internal consistency.

Attachment 1

**Previous Submission
Submitted After Public Hearing
12 August 2019**

Submission

Parliamentary Joint Committee on Intelligence and Security

Review of the Listing and Re-listing of Six Organisations as Terrorist Organisations Under the Criminal Code

Dr Tony Murney

Introduction

1. After recently returning from several years working in Afghanistan and Somalia, where dealing with terrorism is a serious business, I was dismayed to see how our national counter terrorism strategy has evolved and concerned by the structural deficiencies embedded in it.
2. This review of the listing and re-listing of six terrorist organisations provides an opportunity to address deficiencies in this process through the work of the Committee. The six organisations being reviewed are a microcosm of those already on the list and the issues raised here reflect this situation.
3. This submission will briefly review the purpose of the listing process and assess the list against five criteria reasonably necessary for it achieve its stated objectives as a basis for assisting the Committee in determining whether listing or relisting the six organisations identified in the terms of reference serves the intended purpose.

The Terrorist Organisations List – What It Purports to Do and Why It's There

4. The Commonwealth Government's Listed Terrorist Organisations initiative has been established and maintained by successive Governments (of all political persuasions) to support the creation of "*an effective counter-terrorism regime*", because "*it is vital that our laws target not only terrorist acts, but also the organisations that plan, finance and carry out such acts*".
5. The rationale for this statement is clear enough and while it is a daunting task to identify and list all such organisations, many of which are deeply secretive and operate under multiple pseudonyms, the proposition is outwardly reasonable. Importantly, the Government also identifies the means by which the list contributes to the counter terrorism regime, which is to put "*the organisation and members of the public on notice that the organisation is a terrorist organisations under Australian law*".
6. This latter point is very important because there are serious penalties for assisting or being part of a terrorist organisation in Australia. Accordingly, Australian citizens have the right to expect the List of Terrorist Organisations to be: impartial and representative of the terrorism spectrum; comprehensive and easy to understand; contemporary, logically consistent; and, ideally at least, comparable to some other international lists. The reason for these requirements is that even if a terrorist organisation is not listed, citizens can still be charged with terrorist offences for assisting or being part of an unlisted organisation. This is dangerous ground to be on if the list is insufficient to put citizens on notice that their activities may be illegal.

Is the List Impartial and Representative of the Terror Spectrum?

7. The most disturbing feature of the terrorist organisations list is that all of the organisations identified are without exception Muslim in origin¹⁵, as are the six organisations before the Committee for review. While it is understood many parts of the Islamic world are in a state of turmoil and this generates substantial numbers of insurgent organisations which use terror as a weapon, it is nevertheless difficult to believe there are no non-Muslim terror groups with possible connections to Australia or its constituent citizens.

8. It would not take long for even the most amateur researcher to discover what is well known to all those engaged in the terrorism field, which is, there are indeed some pretty serious terrorist organisations out there which are not Muslim in origin.

9. For example, the United Kingdom's Home Office lists 14 proscribed terrorist organisations of disturbing complexion from Northern Ireland, ranging from Irish Republican offshoots to their Unionist opponents. Australia has a much larger population of citizens who are of Irish as opposed to Muslim origin, yet none of these organisations are listed in Australia, leaving anyone who funds or cooperates with them at peril of being charged with terrorist offences. Where do these people stand in terms of being "put on notice" about possible terrorist organisations identified by one of Australia's oldest and closest allies?

10. Similarly, the Government of India's Home Office has proscribed 42 terrorist organisations with an intriguing mix of Sikh, Marxist, Leninist, Maoist, Tamil, Nepalese, Muslim and other political, religious and, ideological orientations. This is a truly diverse list by comparison to anything produced in Australia. Interestingly, Australia has chosen to proscribed few if any of these despite official figures showing that India is now the second largest annual source of immigrants to this country. Again, this lack of clarity creates vulnerabilities for a significant component of the population with ties to an increasingly close international interlocutor.

11. The absence of listings relevant to large sections of the population seems to defeat the Government's stated purpose for establishing the process in the first place and perhaps it would (facetiously) be more accurately described as the "List of Muslim Origin Terrorist Organisations", so that people, of for example Irish or Indian origin, would know better than to spend their time seeking much clarity from it.

12. This situation raises the specter of bias in the way the Australian list has been developed which exclusively targets the Muslim community in Australia. This is not a good look and is in marked contrast to the multicultural values promoted by the same governments responsible for production of the list.

13. As a final observation it should be noted US surveys reveal that Muslims fear terrorism more than any other religious group and contrary to widely held misperceptions, they are hostile to terrorism. These communities should be treated with the respect they deserve in the struggle

¹⁵ Organisations associated with predominantly Muslim populations or causes. This can include groups which purport to be secular but are dominated by Muslim membership.

with terrorism and demands for them to ‘step-up’ and producing overtly biased lists only serve to alienate the very people who are most concerned by this phenomenon.

Is the List Comprehensive and Easy to Understand?

14. The most obvious feature of the terrorist organisations list is its brevity with only 26 (25 plus one to come) organisations identified by the Government.

15. At first glance it could be concluded that the task has been conducted with great refinement and efficiency. That being said, examination of the more detailed information obtained by opening files behind each listing quickly dispense with this possibility, as there is no *analytic magic* to be found but rather a *grab bag* of Muslim origin terrorist organisations which comes nowhere near the total number possible contenders.

16. The coverage is confusing, with organisations from West Africa, Nigeria, Pakistan, Indonesia and the Philippines being dumped into the bucket. Objectively, listings from Indonesia and the Philippines make some sense due to their regional proximity but it is very difficult to relate this thinking in any systematic way to other listings which are so remote from areas of high Australian involvement as to warrant further explanation for their specific inclusion.

17. There are also multiple entries for some organisations, such as the ever popular Al Qaeda franchise and its Islamic State in the Levant (ISIL) breakaways but with notable and important absences. For example, Islamic State Khorasan Province, which refers to the small but very dangerous IS presence in Afghanistan, is listed but strangely the Taliban is not listed in any recognisable way.

18. This is surprising because the *Global Terrorism Index Report* identifies the Taliban as one of the most lethal terror organisations in the world and, from an Australian perspective we not only have a substantial population of Afghan origin which may benefit from a declaration on the terrorism status of the Taliban but also the Taliban is directly responsible for the deaths of 41 Australian military personnel and the injury of 261 others.

19. The sheer brevity of the list suggests *blind spots* in its capacity to put terrorist organisations and members of the public “on notice” of anything much at all given the mass of terrorist organisations operating across the world and the diversity of Australia’s population. The confusing mix of solely Muslim origin organisations does not help as it raises more questions about the perceptions of those who compiled the list than anything else.

20. These problems are unlikely to be helpful in putting Australian’s on notice about terrorist organisations, even allowing for the “*under Australian law*” caveat, so why bother in the first place.

Is the List Contemporary?

21. The most recent elephant to enter the room, is of course, extreme right wing and white supremacist terrorist organisations which target self-identified adversaries in the community. There are several of these organisations in Australia but none have made the list. This differs from the United Kingdom and the United States where such groups have been proscribed.

22. There seemed to be some public surprise in the aftermath of the Christchurch attacks concerning possible threats from right wing and white supremacist organizations. Examination of the facts shows this surprise is misplaced. The 2018 *Global Terrorist Index Report*, based on 2017 data no less, observed, with respect to North America, that “*there has been a resurgence of far-right political terrorism in the past few years*”. Observations of this type were already out in the international arena and ASIO recently confirmed similar concerns in Senate Estimates hearings and yet, they have not been included on the list.

23. The Australian list shows signs of not being contemporary and raises questions as to what other forms of terrorist organization may not be listed. Our preoccupation with Islamic terrorism has revealed not only possible bias but reinforces concerns about *blind spots* already covered-off by Australia’s international partners.

Is the List Logically Consistent?

24. One of the most confounding issues affecting the Australian Terrorist Organisations List lies in the distinction between terrorist organisations and national liberation or similar movements, where subjugated peoples fight for their beliefs or independence from oppressive governments.

25. Distinctions between terrorist and national liberation movements are essentially ethical and influenced by values, perspectives and relationships. Misallocation of an organisation to the wrong group has serious repercussions for social justice and these decisions need to be right.

26. An obvious contender for misallocation on the Australian list arguably involves the Kurdish independence movement which has gained a renewed international profile as an ally of the United States and NATO, and by extension Australia, in the war against ISIL where Kurdish resistance fighters are doing much of the *heavy lifting*.

27. The Kurdish Workers Party (PKK), the lead organisation in the independence movement, is listed as a terrorist organisation in Australia and several other countries because it has used



(Photo Global Rights)

violence to achieve its objectives. Yet, Australia seems to have no difficulty benefiting from this in Syria and Iraq, where *the enemy of my enemy seems to be my friend*. This brings Australia's domestic and international counter terrorism policies into a logical conflict where Australia says 'no' at home on national security grounds but 'yes', even if indirectly, overseas.

28. The Committee should note that in March 2019, the Belgian Court of Indictments ruled that the PKK is not a terrorist organisation which raises further questions over the European Union listing and indeed Australia's own listing.

29. There are potentially similar unresolved logical conflicts arising from Australia's terrorist organisation list which create difficult positions with Middle Eastern nations, China and Indonesia. These difficulties play out for example with Palestinian liberation movements (illegal in Israel), groups like the Falun Gong, which Chinese officials have labelled a quasi-terrorist sect, and the Free Papua Movement, outlawed by Indonesia but enjoying some popular support in Australia on social justice grounds.

30. Does this list achieve its purpose of putting organisations and Australian citizens on notice when there are such clear exceptions to the rule which could result in Australian citizens being prosecuted for associating with indirect allies or becoming members of unlisted groups? This is unlikely to pass the so called "pub test" for ordinary Australians.

Is there Consistency Between International Lists?

31. The world's international organisations, such as the United Nations, as well as nation states maintain an array of terrorist organisation lists. Comparisons of these lists reveal widespread inconsistencies, even amongst tight knit states such as the "*Five Eyes Community*". Organisations listed by Australia, for example, only overlap with its *Five Eyes* partners in respect of some organisations with significant differences between them. This is the first sign that nations do not agree on which organisations should be defined as terrorist in nature.

32. When other nation states are brought into the frame, the picture becomes down right confusing. A recent headline on the *India Today* news service reads, "*Pakistan has 69 banned groups, [but] it sponsors half of India's proscribed outfits*". There is clearly little agreement here due to the tensions between India and Pakistan and as with the discussion on national liberation movements, the Australian position is increasingly inconsistent with many of its neighbours and trading partners. Perhaps the very notion of a terrorist organisations list raises questions that political office holders just don't want to ask, never mind answer.

33. Terrorist organisation lists are inconsistent between nations because they are highly politicised, no less so in Australia than anywhere else, which tends to diminish their utility as objective statements of fact. Indeed, there is a danger they damage or unnecessarily complicate our international relationships, present and future, by taking steps or failing to do so which incite unnecessary animosities.

Does the List of Terrorist Organisations Work?

34. Australia's terrorist organisation list fails the basic tests of impartiality, comprehensiveness, contemporaneity, logical consistency and comparability needed for it to reliably and replicatively support the counter terrorism policy regime in Australia by putting organisations and members of the public on notice that the organisation is a terrorist organisations under Australian law.

35. The listing initiative has passed the point of being an embryonic endeavor with nearly two decades of history behind it. Defects arising from the list are persistent and have not been addressed by those responsible for the list with the consequence that this initiative has real potential to harm Australia's counter terrorism efforts rather than help them. The considerations raised in this submission relate directly to the listing or relisting of the six organisations covered by the current review as they question whether the current listing process is fit for purpose.

36. In reviewing just the five organisations identified for relisting, the whole process seems to have become an end in itself which is repeated without question or the application of intellectual rigour. There are inherent risks in such processes of *group think* which to focuses on factors we all, rightly or wrongly, accept whilst ignoring other blindingly obvious features of the threat landscape. These are matters which would benefit from further attention by the Committee.

37. Options for correcting the defects in this policy initiative include:

- i. Abolish the listing process in favour of reliance on the terrorism alert system specific to the current situation in Australia at any given time;
- ii. Change the listing process by reducing the scope of its objectives and including safeguards to control for bias and the emergence of blind spots; or
- iii. Retain the listing process with its current objectives but establish and auditable methodology of decision-making rules for inclusion and exclusion of organisations from the list. In doing so, the listing process needs to be properly funded and staffed with sufficient capacity to sustain such a major endeavor to not only reconstruct but also maintain the list for as long as it is needed.

37. These options provide for a range of improvements with budgetary options ranging from low cost alternatives such as option i), to much higher high costs such as option iii).

38. Members of the Committee are encouraged to raise any questions they may have on this submission.

12 August 2019

Attachment 2

**Table Showing Content Analysis of Material Under the Links to
Australia Heading in Supporting Documents for Listing of 26
Organizations as Terrorist Organizations in Australia**

Key

Red **NO** with red highlighted text shows entries
stating there are no identified links between the listed
terrorist organization and Australia.

Black **YES** with no text highlights refers to entries
stating there are identified links between the listed
terrorist organization and Australia.

LIST No	PRINCIPAL NAME OF TERRORIST ORGANIZATION	REPEAT LISTING	LINKS TO AUST	COMPLETE EXTRACTS FOR ALL 26 LISTINGED TERRORIST ORGANIZATIONS DESCRIBING "LINKS TO AUSTRALIA"	COMMENTS ON STATEMENTS
1	Abu Sayyaf Group (ASG)		NO	"Australians are not directly involved in the organisation."	
2	Al-Murabitun		NO	"There are no known direct links between al-Murabitun and Australia."	
3	Al-Qa'ida (AQ)	✓	NO	"In the past Australians have been affiliated with the group; however there are no confirmed Australians currently linked to al-Qa'ida."	No current confirmed links but indications of previous links.
4	Al-Qa'ida in the Arabian Peninsula (AQAP)	✓	NO	"There are no corroborated links between AQAP and Australian individuals or interests since the group was re-listed in 2013."	
5	Al-Qa'ida in the Indian Subcontinent (AQIS)	✓	NO	"There are no known links between AQIS and Australia."	
6	Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)	✓	NO	"There are no known direct links between AQIM and Australia."	
7	Al-Shabaab		YES	"In September 2013, Australian-British dual citizen Ross Langdon was killed during an al-Shabaab attack on a shopping complex in Nairobi, Kenya. In late 2011, al-Shabaab-linked Australian citizens Wissam Fattal, Saney Edow Aweys and Nayef El Sayed were found guilty in the Victorian Supreme Court of conspiring to do acts in preparation for a terrorist act contrary to Section 11.5 and 101.6(1) of the Criminal Code."	Two separate incidents. The first was a mass casualty event directed at the Government of Kenya due to its military commitment in Somalia. The second is more serious as it involved terror planning whilst in Australia.
8	Boko Haram		NO	"There are no known links between Boko Haram and Australia."	
9	Hamas' Izz al-Din al-Qassam Brigades		NO	"There are no known direct links between the Brigades and Australia."	
10	Hizballah's External Security Organisation (ESO)		YES	"Bulgarian authorities have charged an Australian national in absentia with involvement in the July 2012 attack in Burgas, Bulgaria (listed above)."	Single incident overseas not directed at Australia.
11	Islamic Movement of Uzbekistan		NO	"There are no known direct links between the IMU and Australia."	
12	Islamic State	✓	YES	"Islamic State's coordinated and effective propaganda campaign has exposed susceptible Australians to an extremist ideology and influenced some toward radicalisation. Around 100 Australians are currently in Syria/Iraq fighting with or supporting Islamic extremist groups—the majority are with Islamic State. Australians fighting with Islamic State have been involved in acts of violence including suicide bombings and holding the decapitated head of a Syrian soldier following Islamic State beheadings; incidents subsequently used in Islamic State's propaganda campaign."	Continuous link sequence with statement pointing to recruitment in Australia but action overseas.
13	Islamic State East Asia	✓	NO	"While there are no known links between Islamic State East Asia and Australia, there have previously been links between Australians and terrorist groups in the Philippines."	No current confirmed links but evidence of previous activity.
14	Islamic State in Libya (IS-Libya)	✓	NO	"There are no known links between IS-Libya and Australia."	

15	Islamic State Khorasan Province	✓	NO	"There are no known direct links between IS-KP and Australia."	
16	Islamic State Sinai Province (IS-Sinai)	✓	NO	"There are no known links between IS-Sinai and Australia."	
17	Jabhat Fatah al-Sham		YES	"Over 100 Australians have travelled to Syria and Iraq and have fought for or otherwise supported Islamist extremist groups."	Continuous link sequence with statement pointing to recruitment in Australia but action overseas. See comment for Islamic State for same general activity.
18	Jaish-e-Mohammad		NO	"There are no known direct links between JeM and Australia."	
19	Jama'at Mujahideen Bangladesh		NOT GIVEN	LINKS TO AUSTRALIA OMITTED FROM THIS DOCUMENT.	This appears to be an oversight as all 25 other documents contain a "Links to Australia" section.
20	Jemaah Anshorut Daulah		NO	"At present there are no known links of security concern between Jemaah Anshorut Daulah and Australia. There have previously been links between Australians and Indonesian terrorist groups."	No current confirmed links but indications of previous links.
21	Jemaah Islamiyah (JI)		NO	"Australians are not currently involved with the activities of JI. However, historically JI had a presence in Australia under the name Mantiqi IV (one of the four Mantiqis JI established). Individuals involved with Mantiqi IV had considered undertaking an attack against Jewish interests in Australia, which did not eventuate."	No current confirmed links but indications of previous links.
22	Kurdistan Workers' Party (PKK)		YES	"In July 2016, one Australian was charged with being a member of the PKK. The matter remains before the courts." DOES THIS NEED TO BE UPDATED.	Note there is significant international debate concerning PKK designation as a terrorist organization. The outcome of the court case referred to in the link statement may need to be updated as the entry appears to be three years old.
23	Lashkar-e-Jhangvi		NO	"There are no known direct links between LeJ and Australia."	
24	Lashkar-e-Tayyiba		YES	"In 2007, a French court convicted French national Willie Brigitte, for planning terrorist attacks in Australia in 2003 in conjunction with LeT suspected chief of external operations, Sajid Mir. Brigitte's Australian associate, Faheem Khalid Lodhi, was also convicted of planning acts of terrorism by a New South Wales Supreme Court jury in June 2006. In June 2008, Lodhi lost an appeal to the High Court of Australia to have his case overturned."	No current confirmed links but indications of previous links.
25	Palestinian Islamic Jihad		NO	"There are no known direct links between PIJ and Australia."	
26	Islamic State Somalia (IS-Somalia)		NO	"There are no known direct links between IS-Somalia and Australia."	

Source: <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx> . All quotes in this table were extracted from the listings at this address. Typographic, grammatical and spelling errors in extracted text are as per their source documents.

Attachment 3

**Table Showing Content Analysis of Material Under the Threats to
Australian Interests Heading in Supporting Documents for Listing of 26
Organizations as Terrorist Organizations in Australia**

KEY

Purple **YES** with purple highlighted text shows entries stating identified threats have been made against Australian interests by the listed terrorist organization.

Red **NO** with red highlighted text shows entries stating no identified threats have been made against Australian interests by the listed terrorist organization.

Green **YES** with green highlighted text shows entries stating the listed terrorist organization has expressed anti-western sentiment.

Blue **NO** with no highlighted text refers to entries where statements contain no text referring to expressed anti-western sentiment.

List No	PRINCIPAL IDENTITY OF TERRORIST ORGANIZATION	STATED THREAT AGAINST AUSTRALIA (STAA)	EXPRESSED ANTI WESTERN SENTIMENT (EAWS)	COMPLETE EXTRACTS FOR ALL 26 LISTED TERRORIST ORGANIZATIONS DESCRIBING "THREATS TO AUSTRALIAN INTERESTS"	COMMENTS
1	Abu Sayyaf Group (ASG)	UNSTATED IN THREAT DESCRIPTION (SEE NOTE COMMENTS)	YES	<p>"Westerners—including Australians—feature among the broad range of kidnap targets, primarily due to their potential ransom value.</p> <ul style="list-style-type: none"> In early November 2015, security forces foiled a planned ASG kidnapping attempt targeting an Australian family in Agusan del Sur, north-eastern Mindanao. On 5 December 2011, Australian national Warren Richard Rodwell was abducted from his residence in Ipil, western Mindanao. In a January 2013 proof-of-life video of Mr Rodwell uploaded to YouTube, his captors stated he was being held by members of Al-Harakat Al-Islamiyya (ASG) and that money gained from his kidnapping was to be used for future operations. Mr Rodwell was released by his captors in March 2013." 	STAA status is probably NO as there is no specific mention of such a threat. The activities described in the threat description occurred in a foreign country with a record for such attacks which could affect anyone including local nationals.
2	Al-Murabitun	NO	YES	<p>"Al-Murabitun has not made statements specifically threatening Australians or Australian interests; however, al-Murabitun has issued statements threatening Westerners and Western interests in general and has attacked locations known to be popular with Westerners including hotels in Cote d'Ivoire, Burkina Faso and Mali. Australian nationals are a visible Western presence residing, working or travelling in regions in which al-Murabitun may operate. There are also publicly listed Australian mining and business interests in these regions. Al-Murabitun has kidnapped Westerners, including Australian nationals, in the region. In January 2016, the group kidnapped Australian nationals Kenneth and Jocelyn Elliott from Djibo, Burkina Faso. The group claimed the primary motive for the kidnapping was to gain the release of their captives "who sit behind bars and suffer the pain of imprisonment, as well as being deprived of their basic rights". Jocelyn Elliott was released on 6 February 2016; Kenneth Elliott has not yet been recovered."</p>	

3	Al-Qa'ida (AQ)	YES	YES	<p>“Al-Qa'ida's global strategy is focused on the end of Western influence in the Muslim world, and as part of this strategy al-Qa'ida advocates for strikes against the US and allies such as Australia. Australia has been specifically referenced or alluded to in official al-Qa'ida statements, most recently in 2016:</p> <ul style="list-style-type: none"> In several audio/video statements released by al-Qa'ida in January 2016, Ayman al-Zawahiri encouraged South East Asian extremists to attack American and Western interests in the region. Previous imagery and statements from the Bali bombers were also included in which Australians are threatened with attack should they revisit Bali or other Indonesian tourist destinations.” 	
4	Al-Qa'ida in the Arabian Peninsula (AQAP)	YES	YES	<p>“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:</p> <ul style="list-style-type: none"> 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. <p>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:</p> <ul style="list-style-type: none"> '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.” 	

5	Al-Qa'ida in the Indian Subcontinent (AQIS)	NO	YES	<p>“Australian interests have not been targeted by AQIS—however, the anti-Western ideology of the group and AQIS's willingness to undertake large scale indiscriminate attacks may result in attacks against Australian interests. In addition, AQIS specifically mentioned an Australian Navy vessel during the planning of the AQIS operation to take control of a Pakistani Navy Ship in 2014. AQIS noted that the Australian Navy was participating in the patrols of sea routes. Targeting of the Australian Navy vessel was abandoned in favour of easier targets.”</p>
6	Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM)	NO	YES	<p>“AQIM has not made statements specifically threatening Australians or Australian interests. However, AQIM has issued statements threatening Westerners and Western interests in general and through its JNIM membership has claimed attacks against French and US forces..”</p>
7	Al-Shabaab	NO	YES	<p>“Al-Shabaab has not made statements specifically threatening Australians or Australian interests. However, al-Shabaab has issued statements threatening Westerners and Western interests and has attacked locations known to be popular with Westerners, including shopping malls and cafes. Australians are a visible Western presence who reside, work and/or travel in regions where al-Shabaab may operate, particularly in Kenya. There are also a number of publicly-listed Australian mining companies and other business interests in these regions.”</p>
8	Boko Haram	NO	YES	<p>“Boko Haram has not made statements specifically threatening Australians or Australian interests; however, the group has issued statements threatening Westerners and Western interests in general.”</p>
9	Hamas' Izz al-Din al-Qassam Brigades	NO	NO	<p>“No Australians have been killed in attacks by the Brigades, nor has the organisation specifically mentioned Australians or Australian interests as a target.”</p>
10	Hizballah's External Security Organisation (ESO)	NO	NO	<p>“We have no information on specific threats to Australia or Australian interests posed by the ESO. However, it is possible that Australia or Australian interests could be the target of future ESO attacks, or impacted by future attacks offshore.”</p>
11	Islamic Movement of Uzbekistan (IMU)	NO	NO	<p>“The IMU has not directly threatened Australian interests.”</p>

12	Islamic State	YES	YES	<p>“Islamic State continues to openly call for attacks against Australia and its interests, both because of Australia's support to military operations against Islamic State in Iraq and Syria, and because of the group's anti-Western ideology. Islamic State promotes its opposition to Australia through propaganda material, foreign fighter videos and speeches by senior leadership. Islamic State has promoted terrorist attacks in Australia and has openly praised terrorist incidents in Australia, including</p> <ul style="list-style-type: none"> the 23 September 2014 stabbing of two counter-terrorism police officers in Victoria, the 15–16 December 2014 siege at Martin Place, Sydney, and the 2 October 2015 shooting of an unarmed police civilian, outside the New South Wales Police Force headquarters in Parramatta, NSW.” 	
13	Islamic State East Asia	NO	YES	<p>Islamic State East Asia has not made statements specifically threatening Australians or Australian interests; however, the group has issued statements threatening Westerners and Western interests in general. It is probable Australians could be harmed in the group's future attacks, due to the considerable Australian business interests and the number of Australian travellers in the Philippines.released by his captors in March 2013.</p>	
14	Islamic State in Libya (IS-Libya)	NO	YES	<p>“IS-Libya has not made statements specifically threatening Australians or Australian interests. However, IS-Libya has issued statements threatening Westerners and Western interests in general.</p> <ul style="list-style-type: none"> 2 December 2015: IS-Libya released a video lauding the November 2015 attacks in Paris and threatening attacks in the United States. 24 February 2015: IS-Libya released a video claiming its presence will serve as a base to launch attacks in Europe.” 	
15	Islamic State Khorasan Province (IS KP)	NO	YES	<p>“No Australian citizens have been killed or injured in IS-KP attacks, nor has IS-KP specifically mentioned Australia or Australian interests as a target. However, IS-KP is formally aligned with IS, which has specifically called for attacks against Australia and Australian interests. IS-KP has called for attacks against Westerners and Western interests (which would include Australians) in Khorasan and Western countries. IS-KP has also improved its capability to conduct large-scale and complex attacks in Kabul, where Australians are most likely to be located in Afghanistan.”</p>	

16	Islamic State Sinai Province (IS-Sinai)	NO	YES	<p>“IS-Sinai has not made any explicit statements specifically threatening Australians or Australian interests. However, the group views the West, and the United States in particular, as supporters of Israel and Egypt and expresses anti-Western sentiment in its rhetoric. Various social media accounts claiming association with the group have posted threats to Western targets.</p> <ul style="list-style-type: none"> IS-Sinai claimed its killing of a Croatian citizen in August 2015 was in response to Croatia's support for the anti-Islamic State coalition. IS-Sinai claimed responsibility for a bombing outside the Italian consulate in Cairo, Egypt, in July 2015 and told Muslims to stay away as such areas are targets for jihadists.” 	
17	Jabhat Fatah al-Sham	UNSTATED IN THREAT DESCRIPTION (SEE COMMENTS)	YES	<p>“Despite Jabhat Fatah al-Sham's current focus on establishing itself as a major power in Syria and its active reduction of anti-Western rhetoric, the group retains an anti-Western ideology. While no longer publicly calling for anti-Western attacks, the group continues to cite attacks by other groups against Western interests, and promotes news reporting that it perceives will indirectly fuel an anti-Western sentiment amongst its supporters. Jabhat Fatah al-Sham continues to pose a threat to Western, including Australian, interests through its violent extremist and anti-Western ideology.</p> <ul style="list-style-type: none"> On 3 December 2018, Hay'at Tahrir al-Sham's Ebaa News released a describing the Taliban purportedly shooting down a United States helicopter in Afghanistan. On 16 October 2018, Hay'at Tahrir al-Sham's Ebaa News released a statement claiming Australia was purportedly evaluating the recognition of Jerusalem as Israel's capital.” BUT WE WERE – IT WAS IN THE AUSTRALIAN AND INTERNATIONAL MEDIA 	<p>STAA status is probably NO as there is no specific mention of such a threat.</p> <p>The reference to Australia purportedly evaluating the recognition of Jerusalem as Israel's capital is hardly controversial as it is factual and was reported by news outlets across the globe.</p>
18	Jaish-e-Mohammad (JeM)	NO	YES	<p>“JeM has not made statements specifically threatening Australians or Australian interests; however, it would consider Westerners—including Australians—to be legitimate targets for attack. Further, JeM has conducted attacks indiscriminately to achieve its objectives, including targeting foreigners.”</p>	

19	Jama'at Mujahideen Bangladesh (JMB)	UNSTATED IN THREAT DESCRIPTION (SEE COMMENTS)	YES	"JMB subscribes to Islamic State's anti-Western ideology and would consider Australians to be legitimate targets for attack. JMB targeted foreigners during the July 2016 Holey Artisan Bakery attack—the bakery is located in Gulshan district in Bangladesh's capital of Dhaka, which is where many Western diplomatic missions, including Australia's, are located."	STAA status is probably NO as there is no specific mention of such a threat. The activities described in the threat description occurred in a foreign country with a record for such attacks which could affect anyone including local nationals.
20	Jemaah Anshorut Daulah	NO	YES	"Jemaah Anshorut Daulah has not made statements specifically threatening Australians or Australian interests. However, given Jemaah Anshorut Daulah's use of indiscriminate tactics such as suicide bombings and the group's allegiance to Islamic State, who have an anti-western ideology, it is possible that Australia or Australian interests could be the target of or impacted by future attacks, particularly due to the considerable number of Australian interests in Indonesia."	
21	Jemaah Islamiyah (JI)	UNSTATED IN THREAT DESCRIPTION (SEE COMMENTS)	NO	"Australians have been killed by attacks undertaken by JI. JI's first successful anti-Western attack was the Bali bombings of October 2002 which killed 202 people, including 88 Australians. This was followed by the 2003 JW Marriot Hotel bombing and the 2004 bombing of the Australian Embassy in Jakarta. The second Bali bombing, which took place in 2005, killed four Australians. The second JW Marriot Hotel bombing took place in 2009, along with the simultaneous Ritz-Carlton bombing, which together killed seven civilians, including three Australians."	STAA status would be YES given the number of mass casualty events involving Australians and targeting of the Australian Embassy.
22	Kurdistan Workers' Party (PKK)	UNSTATED IN THREAT DESCRIPTION (SEE COMMENTS)	NO	"While the PKK directs attacks against Turkish Government and security force targets, attacks by the group have treated civilian bystanders as acceptable collateral. In late-2015 and 2016, there was an increase in the scale of PKK attacks, with an expansion of the group's areas of operation to include urban areas across Turkey, including metropolitan centres in the country's west, and cities popular with tourists on Turkey's Aegean and Mediterranean coast."	STAA status is probably NO as there is no specific mention of such a threat.
23	Lashkar-e-Jhangvi (LeJ)	NO	YES	No Australian citizens have been killed or injured in LeJ attacks, nor has LeJ specifically mentioned Australia or Australian interests as a target. However, LeJ's ideology is anti-Western and it would consider Westerners - including Australians - to be legitimate targets for attack. Further, given the sometimes indiscriminate nature of LeJ attacks and its disregard for loss of life, Australians could be caught up in attacks directed at others in Pakistan.	

Review of the re-listing of four organisations as terrorist organisations under the Criminal Code
Submission 2

24	Lashkar-e-Tayyiba (LeT)	NO	YES	“Yet terrorist attacks in India have impacted Western interests there—including Australian interests—two Australians were killed in the 2008 Mumbai attacks. While LeT may not specifically target Australian interests , Australian interests may be impacted in LeT attacks directed at others—particularly mass casualty attacks against soft targets such as hotels, transport infrastructure and tourist sites.”
25	Palestinian Islamic Jihad (PIJ)	NO	NO	“ PIJ has not made statements specifically threatening Australians or Australian interests. ”
26	Islamic State Somalia (IS-Somalia)	NO	YES	“ IS-Somalia has not made statements specifically threatening Australians or Australian interests. However, IS-Somalia has issued statements threatening Westerners and Western interests in general , and is known to operate in Mogadishu and northern Somalia, where Westerners frequent. Furthermore, small numbers of Australians are occasionally known to be present in regions where IS-Somalia operates.”

Source: <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>. All quotes in this table were extracted from the listings at this address. Typographic errors in extracted text are as per their source documents.