



Criminal Code (Terrorist Organisation— Al-Qa'ida) Regulation 2016

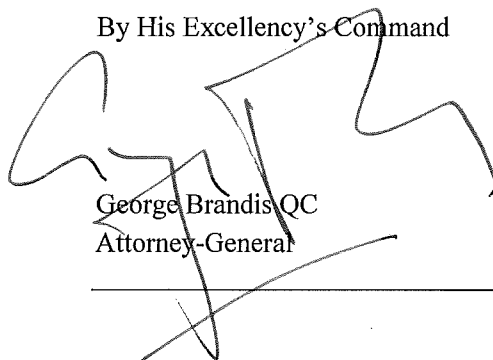
I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 5 MAY 2016

Peter Cosgrove

Peter Cosgrove
Governor-General

By His Excellency's Command



George Brandis QC
Attorney-General

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
5	Terrorist organisation—Al-Qa'ida.....	1
Schedule 1—Repeals		3
<i>Criminal Code (Terrorist Organisation—Al-Qa'ida) Regulation 2013</i>		<i>3</i>

Section 1

1 Name

This is the *Criminal Code (Terrorist Organisation—Al-Qa'ida) 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Al-Qa'ida

- (1) For the purposes of paragraph (b) of the definition of *terrorist organisation* in subsection 102.1(1) of the *Criminal Code*, the organisation known as Al-Qa'ida is specified.
- (2) Al-Qa'ida is also known by the following names:
- Al-Jihad al-Qaeda;
 - Al Qaeda;
 - Al-Qaeda;
 - Al-Qaida;
 - The Base;
 - The Group for the Preservation of the Holy Sites;
 - International Front for Fighting Jews and Crusaders;
 - Islamic Army;
 - The Islamic Army for the Liberation of Holy Places;

Section 5

- (j) Islamic Army for the Liberation of Holy Sites;
- (k) Islamic Salvation Foundation;
- (l) The Jihad Group;
- (m) New Jihad;
- (n) Usama Bin Laden Network;
- (o) Usama Bin Laden Organisation;
- (p) The World Islamic Front for Jihad against Jews and Crusaders;
- (q) AQ.

Schedule 1—Repeals

Criminal Code (Terrorist Organisation—Al-Qa'ida) Regulation 2013

1 The whole of the regulation

Repeal the regulation.

EXPLANATORY STATEMENT

Select Legislative Instrument 2016 No.

Issued by the authority of the Attorney-General

Criminal Code Act 1995

Criminal Code (Terrorist Organisation—Al-Qa'ida) 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 Al-Qa'ida, also known as Al-Jihad al-Qaeda, Al Qaeda, Al-Qaeda, Al-Qaida, The Base, The Group for the Preservation of the Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of Holy Places, Islamic Army for the Liberation of Holy Sites, Islamic Salvation Foundation, The Jihad Group, New Jihad, Usama Bin Laden Network, Usama Bin Laden Organisation, The World Islamic Front for Jihad against Jews and Crusaders, and AQ, 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 Al-Qa'ida. 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 al-Qa'ida 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—Al-Qa'ida) 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, al-Qa'ida.

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 al-Qa'ida. 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 al-Qa'ida, 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 al-Qa'ida, it is reasonable, necessary and proportionate to limit the right of individuals who by their association with al-Qa'ida, pose a threat to Australians.

Whilst the Regulation may limit the right to freedom of expression and the right to freedom of association with al-Qa'ida, 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 al-Qa'ida 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—Al-Qa'ida) Regulation 2016

Section 1 – Name

This section would provide that the title of the Regulation is the *Criminal Code (Terrorist Organisation—Al-Qa'ida) 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—Al-Qa'ida

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 Al-Qa'ida is specified.

Subsection (2) would provide that Al-Qa'ida is also known by the following names:

- (a) Al-Jihad al-Qaeda;
- (b) Al Qaeda;
- (c) Al-Qaeda;
- (d) Al-Qaida;
- (e) The Base;

- (f) The Group for the Preservation of the Holy Sites;
- (g) International Front for Fighting Jews and Crusaders;
- (h) Islamic Army;
- (i) The Islamic Army for the Liberation of Holy Places;
- (j) Islamic Army for the Liberation of Holy Sites;
- (k) Islamic Salvation Foundation;
- (l) The Jihad Group;
- (m) New Jihad;
- (n) Usama Bin Laden Network;
- (o) Usama Bin Laden Organisation;
- (p) The World Islamic Front for Jihad against Jews and Crusaders; and
- (q) AQ.

Schedule 1—Repeals

Schedule 1 would provide that *Criminal Code (Terrorist Organisation—Al-Qa'ida) Regulation 2013* is repealed.

The *Criminal Code (Terrorist Organisation—Al-Qa'ida) Regulation 2013* specifies Al-Qa'ida 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

Al-Qa'ida

(Also known as: Al-Jihad al-Qaeda, Al Qaeda, Al-Qaeda, Al-Qaida, AQ, The Base, The Group for the Preservation of the Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of Holy Places, Islamic Army for the Liberation of Holy Sites, Islamic Salvation Foundation, The Jihad Group, New Jihad, Usama Bin Laden Network, Usama Bin Laden Organisation, The World Islamic Front for Jihad against Jews and Crusaders)

This statement is based on publicly available information about al-Qa'ida. 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 al-Qa'ida as a terrorist organisation under the *Criminal Code* in 2002, and relisted al-Qa'ida in 2004, 2006, 2008, 2010 and 2013.

Terrorist activity of the organisation

Objectives

Al-Qa'ida is a Sunni Islamic extremist organisation which seeks to remove governments, through violent means if necessary, in Muslim countries that it deems are 'un Islamic' in order to establish an Islamic Caliphate. The United States (US) and its allies, including Australia, are believed by al-Qa'ida to represent the greatest obstacle to this objective, given their perceived support for these governments.

Al-Qaida 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

Al-Qa'ida has directly or indirectly engaged in a number of terrorist attacks, including assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices (IEDs), including vehicle-borne and vessel-borne. Continued successful operations

by US and other forces over the past 48 months appear to have seriously degraded al-Qa'ida's capacity for planning and conducting large-scale terrorist operations.

Significant attacks which al-Qa'ida has claimed responsibility for, or that can be reliably attributed to individuals affiliated with al-Qa'ida, include:

- 13 August 2011: the kidnapping of US citizen and aid worker, Warren Weinstein, from his residence in Lahore, Pakistan. Weinstein was accidentally killed in a US drone strike against an al-Qa'ida compound in January 2015;
- 20 September 2008: the bombing of the Marriott Hotel in Islamabad, Pakistan, killing 60 people;
- 2 June 2008: the bombing of the Danish Embassy in Islamabad, Pakistan, killing six people;
- 24 February 2006: the attack on the Abqaiq oil refinery in Saudi Arabia, killing two security guards;
- 28 November 2002: in Mombasa, Kenya, the car bombing of a hotel, killing 15 people, and the firing of two surface-to-air-missiles that missed an Israeli passenger plane after takeoff from Mombasa airport;
- 6 October 2002: the bombing of the French oil tanker MV Limburg off the coast of Yemen, killing one sailor;
- 14 June 2002: the car bombing outside the US Consulate in Karachi, Pakistan, killing 12 people;
- 11 April 2002: the bombing of a synagogue on the Tunisian island of Djerba, killing 20 people;
- 11 September 2001: the hijacking of four US passenger planes and crashing them into the World Trade Center buildings in New York, the Pentagon in Washington, and a field in Pennsylvania, killing approximately 3,000 people, including ten Australians;
- 9 September 2001: the assassination of Northern Alliance leader Ahmad Shah Masood in Afghanistan;
- 12 October 2000: the bombing of the USS Cole in the port of Aden, Yemen, killing 17 sailors; and
- 7 August 1998: the bombing of the US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing over 200 people.

Al-Qa'ida lost its primary base for training, planning, and preparing for terrorist operations following the US intervention in Afghanistan in late 2001. Since then, al Qa'ida has sought alternative locations in which to train and regroup, including in North-West Pakistan, and members continued to gain combat experience in ongoing jihadist theatres such as Iraq and Afghanistan.

Significant planned, yet disrupted, plots attributable to al-Qa'ida include:

- September 2010: disrupted plot by Pakistan-based al-Qa'ida militants to carry out commando-style raids on cities in the UK, France and Germany involving teams taking and killing Western hostages; and
- August 2006: disrupted plot by al-Qa'ida to bomb a number of transatlantic airliners flying from the United Kingdom (UK) to the US.

Reporting indicates al-Qa'ida has encouraged, inspired, assisted and fostered like-minded individuals. Examples of this assistance include:

- 3 September 2014: in a video statement released by al-Qa'ida, Ayman al-Zawahiri announced the establishment of a new branch of al-Qa'ida known as al-Qa'ida in the Indian Subcontinent (AQIS) 'to gather the mujahideen in the Indian Subcontinent into a single entity' for operations in India, Pakistan, Bangladesh and Myanmar. AQIS mounted two attacks in its first week of operations, assassinating a Pakistan Army Brigadier and attacking a Pakistan Navy dockyard. The dockyard attack, which involved an attempt to hijack a Pakistan Navy Warship and use it to attack US warships in the Indian Ocean, was foiled by the Pakistan security forces;
- 2 March 2006: assisting in bombing a diplomatic vehicle outside the US Consulate in Karachi, Pakistan, killing three people;
- 7 July 2005: assisting in training those involved in IED attacks on London's transport system, killing 56 people, including one Australian;
- 20 November 2003: assisting in planning and preparing car bomb attacks on the HSBC Bank headquarters and the British Consulate in Istanbul, killing 30 people;
- 15 November 2003: assisting in planning and preparing car bomb attacks on two synagogues in Istanbul, killing 20 people; and
- 12 October 2002: assisting in funding attacks on night clubs and the US Consulate in Bali, Indonesia, killing 202 people, including 88 Australians;

Advocating the doing of terrorist acts

Senior leaders of al-Qa'ida have made numerous public statements advocating the conduct of terrorist attacks against the US and countries perceived to have allied themselves with the US and Israel. The February 1998 statement issued under the banner of the 'World Islamic Front for Jihad against Jews and Crusaders' decreed that civilians in these countries were legitimate targets for terrorist attack.

Senior al-Qa'ida leaders continue to make public statements promoting al-Qa'ida's ideology, supporting attacks undertaken by other groups and advocating violent jihad against the West.

- January 2016: in several audio/video statements released by al-Qa'ida, 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.

- December 2015: al-Qa'ida released a video produced 3-4 months after the January 2015 Paris attacks against the Charlie Hebdo Offices and a Kosher supermarket in which Ayman al-Zawahiri praised the attacks and called on Muslims to 'move the battle to the enemy's own home especially the United States and Europe'.
- September 2015: al-Qa'ida released an audio statement in which Ayman al-Zawahiri criticised Islamic State Emir Abu Bakr al-Baghdadi for the infighting between Islamic State of Iraq and the Levant, and al-Qa'ida and its affiliates. Al-Zawahiri called for unity in fighting, inter alia, Israel and the United States— the common 'Zionist crusader' enemy.
- January 2014: al-Qa'ida released a video statement by Ayman al-Zawahiri in which he discussed the reported massacre of Muslims in Bangladesh and called upon Muslims in that country to rise up against the government of Bangladesh.
- Late October 2012: al-Qa'ida released a video in which Ayman al-Zawahiri called on Muslims across the world to kidnap Western nationals in order to help secure the release of Islamist militants imprisoned across the world.
- February 2012: al-Qa'ida has sought to align itself with anti-government forces involved in the Syrian conflict, with al-Zawahiri releasing a video statement in entitled 'To the Front, O Lions of the Levant', in which he called on Muslims in Turkey, Iraq, Lebanon, and Jordan to come to the aid of anti-government forces in Syria, stating that a Muslim should help 'his brothers in Syria with all he can, with his life, his money, [his] opinion, as well as information'.

Details of the organisation

Al-Qa'ida emerged in the late 1980s from the Maktab al-Khidamat, a recruitment and fundraising network for the Afghan resistance to the Soviet Union's occupation of Afghanistan. Al-Qa'ida was established to continue the jihad against perceived enemies of Islam following the end of the conflict with the Soviets. During the late 1990s, al-Qa'ida was transformed from providing a unifying function for extremist elements into a global network of cells and affiliated groups.

Leadership

Al-Qa'ida's core leadership is located in the border regions in Afghanistan and Pakistan. Usama bin Laden co-founded al-Qa'ida with Dr Abdullah Azzam and gained full control of the organisation after the assassination of Azzam in 1989. Dr Ayman al-Zawahiri, Usama bin Laden's former deputy, now leads al-Qa'ida after the death of Usama bin Laden in May 2011.

Al-Qa'ida maintains core support networks and operations in the Afghanistan and Pakistan border region. This region has served as a sanctuary for al-Qa'ida's leadership since the loss of the group's facilities in Afghanistan in late 2001.

However, due to counter-terrorism measures in the Afghanistan-Pakistan border region, including unmanned drone attacks targeting senior al-Qa'ida leaders and operatives, al-Qa'ida's core leadership has become increasingly isolated, and is likely having more trouble recruiting fighters.

Membership

The exact size of al-Qa'ida is unknown. While previous estimates have suggested a strength of several thousand fighters, today it is significantly less and more likely in the hundreds.

Despite declining membership, al-Qa'ida maintains some influence over the activities (and members) of other groups. Al-Qa'ida has continuing relationships with official and unofficial affiliate groups around the world, who recruit independently of al-Qa'ida. While al-Qa'ida does not direct affiliate activity, al-Qa'ida broadly shapes global jihad and is still respected for its views on affiliates' operations.

Recruitment and funding

Al-Qa'ida funding has typically been obtained through donations from Muslim charities and individuals. The US 9/11 Commission report attributed much of al-Qa'ida's funding to money diverted from charities. In addition, funds are also probably raised through criminal means, such as credit card fraud. It is believed al-Qa'ida stopped using legitimate banking institutions for moving funds by mid 2002, turning instead to alternative systems such as the hawala system, couriers and precious stones.

Little is known about al-Qa'ida's recruitment methods since the loss of its training camp infrastructure in Afghanistan in late 2001. It is likely a similar system has been established in cooperation with local Pakistani militant groups in the tribal areas of Pakistan, but on a smaller scale, using covert training camps and safe houses.

US unmanned drone attacks have made it more difficult for al-Qa'ida's efforts in fundraising and recruiting. Reports suggest al-Qa'ida is struggling to raise funds and is having difficulty recruiting and equipping fighters.

Links to other terrorist organisations

In 1998, key figures of five terrorist groups, including Usama bin Laden, issued a declaration under the banner of the 'World Islamic Front for Jihad against Jews and Crusaders,' announcing a jihad and stating the US and its allies should be expelled from the Middle East.

In addition to the groups al-Qa'ida has incorporated 'officially' under its banner, al-Qa'ida also has provided encouragement and inspiration to other Islamic terrorist groups. Among such groups are: Abu Sayyaf Group, Islamic Movement of Uzbekistan, Islamic Army of Aden, Asbat al-Ansar, Jemaah Islamiyah, Jamiat ul-Ansar/Harakat ul-Mujahideen, Lashkar-e-Tayyiba, Lashkar-e-Jhangvi, Jaish e Mohammad and Ansar al-Islam.

Links to Australia

There are no known Australians currently linked to al-Qa'ida.

Threats to Australian interests

Since 2004, a number of statements have been made by Usama bin Laden and Ayman al Zawahiri calling for attacks against the US and its allies, including Australia. The most recent al-Qa'ida senior leadership reference to Australia was on 2 April 2008, when as-Sahab posted an audio file to extremist Internet forums of al-Zawahiri responding to questions from forum participants. Al-Zawahiri referred to Australia when responding to a question criticising al-Qa'ida for killing Muslims in Muslim lands and not conducting attacks in Israel. Al-Zawahiri responded by citing attacks against the US and its allies, including Australia, in various locations and that these countries supported Israel.

On 11 September 2012 a general reference to Australia was made by al-Qa'ida via a video posted on jihadist forums which included the comment by the unknown narrator stating that: 'who submitted to the religion of truth, Islam, whether from America, Australia, Germany, or any other country, is considered a brother by the fighters, and anyone, even the aborigines in Australia, would find peace and tranquillity in Islam'.

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.

Listed by the United Nations or like-minded countries

The United Nations Security Council ISIL (Da'esh) and al-Qaida Sanctions Committee (formerly the United Nations Security Council Al-Qaida Sanctions Committee) has designated al-Qa'ida for targeted financial sanctions and an arms embargo since 6 October 2001. It is listed as a proscribed terrorist organisation by the governments of Canada, New Zealand, the UK and the US. Al-Qa'ida is also listed by the European Union for the purposes of its anti-terrorism measures.

Engagement in peace or mediation processes

Al-Qa'ida is not engaged in any peace or mediation processes.

Conclusion

On the basis of the above information, ASIO assesses al-Qa'ida 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, al-Qa'ida 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 al-Qa'ida'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.