



Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Phone: +61 2 6277 2360
Fax: +61 2 6277 4424
picis@aph.gov.au

20 July 2023

Submission on proposed *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023*.

Dear Committee Members,

The Australian National Imams Council (ANIC) welcomes the opportunity to provide a submission to the Panel on the topic of "*PJCIS to review hate symbols legislation*".

By way of introduction, ANIC is the peak Islamic body that holds key representation from Australian-based Muslim clerics and Imams, including a large number of Muslim organisations from all States and Territories. Given this broad coverage and representation of interests, we appreciate that the panel will review what is an important area.

ANIC wishes to raise these concerns and matters with the Committee:

We acknowledge the importance of considering the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023 (Bill)* and its purpose in prohibiting of "Nazi or Islamic State symbols, and trading in items bearing these symbols". ANIC recognises that there is a need to prevent the use of symbols of hate. However, it is essential to navigate this issue with caution to avoid any unintended consequences or the unwarranted restriction of the legitimate and proper use of certain symbols.

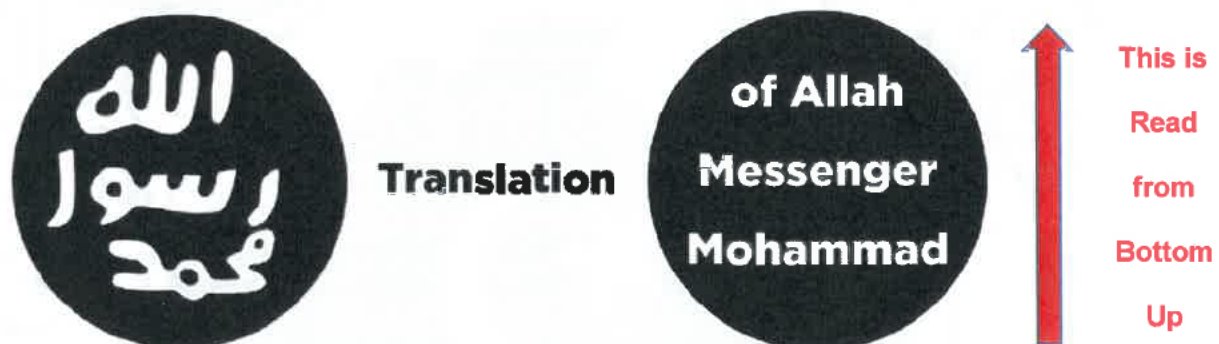
We raise the concerns below on behalf of the Australian Muslim community, in particular regarding the prohibition of what is sometimes referred to as "*Islamic State symbols*".



The flag adopted (and misappropriated) by ISIS bears the Arabic phrase (transliteration) "*Mohammad Rasul Allah*", meaning, "*Mohammad is the Messenger of Allah*". This phrase is part of the core Islamic statement, "*La Illaha Illah Allah, Mohammad Rasul Allah*" - in Arabic, meaning "*There is no God except Allah, and Mohammad is the Messenger of Allah*" - and is known as the *Shahadah* (Testification), or a fundamental tenet of the Islamic faith. The phrase is used and referred to by all Muslims worldwide.

The flag also contains the depiction of the Seal of the Prophet Mohammad (Peace be Upon Him) and is set on a black background.

See Below – The seal of Prophet Mohammad (Peace be Upon Him).



The seal of Prophet Mohammad is historically substantiated and widely accepted as being genuine.¹ Prophet Mohammad was also verified as having the inscription engraved [in Arabic script] on the signet ring: *Mohammadun* forming one line, *Rasulu* forming one line, and *Allah* forming one line.²

Having regard to Islamic literature and jurisprudential sources, it is also readily accepted (certainly among Muslims worldwide) that the colour of the flag of Prophet Mohammad (Peace be Upon Him) was black and his banner was white.³

Unfortunately, the Prophet's seal has been distorted and misappropriated by ISIS for their own violent and extreme agenda. It is essential to point out that the fallacious views espoused by ISIS are universally condemned by Muslims, including by ANIC and the Australian Muslim community. However, the sacred words found on the ISIS flag and the seal of Prophet Mohammad (Peace be Upon Him) have unfortunately

¹ Reference: Mishkat al-Masabih 4386, In-book reference: Book 22, Hadith 77.

² Reference: Ash-Shama'il Al-Muhammadiyah 90, In-book reference: Book 11, Hadith 5; Sunan an-Nasa'i 5276, In-book reference: Book 48, Hadith 237, English translation : Vol. 6, Book 48, Hadith 5278.

³ Reference: Mishkat al-Masabih 3887, In-book reference: Book 19, Hadith 99, Tirmidhi and Ibn Majah transmitted it.



been hijacked by their contorted ideology, denying other Muslims in utilising these words and images freely and without judgment.

The proposed prohibition relating to the symbols referred to above will unjustifiably restrict and marginalise Australian Muslims. Accordingly, consideration needs to be given to ensure that Australian Muslims are not so restricted from referring to and/or utilising or displaying the seal of Prophet Mohammad (Peace be Upon Him) or the colours of his flag.

In a similar vein, the approach of banning the above symbols would be analogous to banning the use of the cross (otherwise used by Christians) because it has been misappropriated and used by the Klu Klux Klan. Such a broad or general prohibition would be in error and unjust.

In the above context, our primary concerns include:

1. The risk of conflating the core principles of the Islamic faith with violence and criminality;
2. Depriving the Muslim community, who strongly condemn ISIS ideology, of using what are *widely accepted* Islamic and historical symbols;
3. Law enforcement agencies facing difficulties distinguishing and interpreting these symbols, particularly due to their Arabic script, leading to confusion amongst the general public, pre-judgment and prejudice in the conduct of any enforcement procedures and actions; and
4. Noting that the ISIS flag, in particular its content, is not exclusive to or synonymous with ISIS, as it holds broader significance within the Islamic community worldwide.

Conclusion

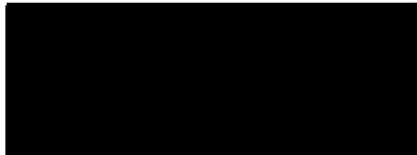
ISIS is a terrorist organisation, and it is strongly condemned by ANIC and the Muslim community locally and globally. ISIS has hijacked Islamic and historical symbols for their own violent and extreme agenda, the Seal of Prophet Mohammad (Peace be Upon Him) and the common word in Islam (*the Shahadah*) which are widely accepted and adopted by Muslims worldwide. Accordingly, we urge against the banning of these symbols or them being considered as a hate symbol.

Instead, it is appropriate that other approaches be considered, including, for instance, the banning of references to ISIS. We would be pleased to discuss other such measures.

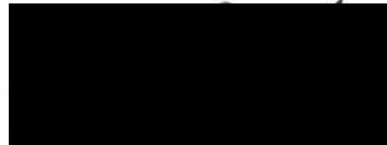


We thank the Committee for the opportunity to provide this submission.

Yours faithfully



Imam Shadi Alsuleiman
President



Bilal Rauf
Spokesperson/Adviser