
The Parliament of the Commonwealth of Australia

Review of the listing of six terrorist organisations

Parliamentary Joint Committee on ASIO, ASIS and DSD

March 2005
Canberra

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Membership of the Committee

Chair Hon David Jull MP

Members Hon Kim Beazley MP to 14/2/2005

Mr Stewart McArthur MP

Hon Duncan Kerr MP

Senator Alan Ferguson

Senator Sandy Macdonald

Senator the Hon Robert Ray

Committee Secretariat

Secretary Ms Margaret Swieringa

Research Officer Ms Sonya Fladun

Research Officer Ms Kate Tubridy

Executive Assistant Mrs Donna Quintus-Bosz



Terms of reference

This inquiry and report is conducted under the following powers:

Criminal Code Amendment (Terrorist Organisations) Act 2004

102.1A Reviews by the Parliamentary Joint Committee on ASIO, ASIS and DSD

Review of listing regulation

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1, the Parliamentary Joint Committee on ASIO, ASIS and DSD may:
 - (a) review the regulation as soon as possible after the making of the regulation; and
 - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period.

And

Criminal Code Amendment Regulations 2004 (No 2)

Criminal Code Amendment Regulations 2004 (No 3)

Criminal Code Amendment Regulations 2004 (No 4)

Criminal Code Amendment Regulations 2004 (No 5)

Criminal Code Amendment Regulations 2004 (No 6)

Criminal Code Amendment Regulations 2004 (No 7)

Statutory Rules Nos. 283, 284 and 311-314

Dated 31 August 2004 and 4 November 2004



List of recommendations

1

Introduction

2

Procedural concerns

Recommendation 1

The Committee recommends that a comprehensive information program, that takes account of relevant community groups, be conducted in relation to any listing of an organisation as a terrorist organisation

3

The Proposed Listings

Recommendation 2

The Committee does not recommend disallowance of the regulations on the six terrorist organisations:

- Al-Qa'ida;
- Jemaah Islamiyyah (JI);
- Abu Sayyaf ;
- The Armed Islamic Group (GIA);
- Jamiat ul-Ansar (JuA) (formally Harakat Ul-Mujahideen); and

- The Salafist Group.

Appendix A – List of submissions

Appendix B – Witnesses appearing at private hearing

Appendix C – Terrorist Organisation Lists

Introduction

- 1.1 This review is conducted under the *Criminal Code Act 1995* (the Criminal Code) as amended by the *Criminal Code Amendment (Terrorist Organisations) Act 2004* which gained royal assent on 10 March 2004. Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on ASIO, ASIS and DSD may review the regulation as soon as possible after it has been made and report the Committee's comments to each house of the Parliament before the end of the applicable disallowance period.
- 1.2 One review was undertaken in the last Parliament under this power, the *Review of the listing of the Palestinian Islamic Jihad (PIJ)*, tabled in June 2004.
- 1.3 The current review covers six regulations made at the end of the last Parliament and before the beginning of this. They refer to organisations listed as terrorist organisations under part 5.3 of the Criminal Code as amended by the *Security Legislation Amendment (Terrorism) Act 2002*. Under that legislation, 13 groups were listed. All had previously been listed by the United Nations Security Council. These six regulations then are all re-listings, being reviewed under the new provisions.
- 1.4 The regulations were tabled on the return of the House of Representatives and the Senate on 6 December 2005. The disallowance period of 15 sitting days for the Committee's review of the listings began from the date of the tabling. Therefore the Committee is required to report to the Parliament by 14 March 2005.

Committee's procedures for the review

- 1.5 In its first report on the Palestinian Islamic Jihad, the Committee established the following procedures for reviewing terrorist listings.
- The Government should be required to present the regulation and the accompanying unclassified brief formally to the Committee immediately after the regulation is made. In this brief, the Government should provide details of its consultation with the States and Territories and the Department of Foreign Affairs regarding the making of the regulation. There should also be details of the procedures followed in the making of the regulation.
 - ASIO should be called to provide a private briefing to the Committee. Any classified information that pertained to the listing and the reasoning behind the listing should be presented at this briefing. This briefing should occur whether or not the Committee chooses to hold a public review. It will be Hansard recorded by the cleared Hansard officers of the Parliament.
 - On receipt of the regulation and accompanying brief from the Attorney-General, the Committee will decide whether to advertise the review. The normal parliamentary process is to advertise any inquiry, even if the Committee then chooses to take evidence in private and make submissions confidential. This demonstrates to the public that the process of parliamentary scrutiny exists; it seeks to elicit from the public any information of which the Committee might be unaware; and it offers to members of listed entities an opportunity to contest adverse assessments made by ASIO.
 - After considering the nature of the listing, the submissions received from community organisations or others and whether the listed organisation has members in Australia who might seek to make representations, the Committee may decide to hold a hearing on a listing. In particular, if the Committee were convinced that there appeared to be a *prima facie* case against a particular listing, a hearing would be held.
 - If a hearing is to be held, it could be in-whole or in-part in public or in-camera depending on the sensitivities of those giving evidence.
 - If the Committee decides not to hold a hearing, its report will be based wholly on the papers supplied to it and the ASIO briefing.

- A report will then be drafted and tabled in Parliament within the time frame as dictated by the legislation. The legislation requires that the Committee report before the end of the disallowance period.
- 1.6 With the exception of aspects of dot point one, which is further discussed below, this review followed these agreed procedures.
- 1.7 The Attorney-General wrote to the Chairman on 31 August 2004 for the regulations made on that day for Al Qa'ida and Jemaah Islamiyah and on 1 November 2004 for regulations made on 4 November for the other four organisations. These letters informed the Committee of the Attorney-General's intention and included the Attorney's public Statement of Reasons. In addition, a further submission was received from the Attorney-General's Department on 10 December outlining the procedures used in the making of the regulations.
- 1.8 The Committee advertised the inquiry in *The Australian* on Friday, 17 December 2004. Notice of the inquiry was also placed on the Committee's website. Seven submissions were received from the general public.
- 1.9 Representatives of the Attorney-General's Department, ASIO and the Department of Foreign Affairs and Trade (DFAT) attended a private hearing on the listings on 1 February 2005 in Canberra.

Government's procedures for specific listings

- 1.10 In a submission sent to the Committee on 10 December 2004, the Attorney-General's Department outlined its procedures in the making of the regulations for the six organisations under consideration. The regulations were dealt with in two groups: Group one - Al Qa'ida and Jemaah Islamiyah on 31 August; and Group two - Abu Sayyaf, the Armed Islamic Group (GIA), the Jamiat ul-Ansar (JuA), (formally Harakat Ul-Mujahideen), and the Salafist Group on 4 November.

Group one

- 1.11 In relation to group one of these regulations, the Attorney General's Department informed the Committee that it followed these procedures:

- An unclassified Statement of Reasons was prepared by ASIO in relation to each organisation detailing the case for listing with respect to each organisation.
- Chief General Counsel, Mr Henry Burmester QC, provided written confirmation on 27 August 2004 that each Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act whether or not the terrorist act has occurred or will occur.
- The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 27 August 2004 outlining the background, training activities, terrorist activities, and relevant statements of each organisation.
- The Attorney-General's Department consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the continued listing of both organisations by email on 24 August 2004.
- Submissions were provided to the Attorney-General on 30 August 2004 including:
 - ⇒ copies of the Statements of Reasons from ASIO for each organisation;
 - ⇒ advice from the Chief General Counsel in relation to each organisation;
 - ⇒ letter from the Director-General of Security
 - ⇒ responses from DFAT in relation to the proposed listings; and
 - ⇒ regulations and Federal Executive Council documentation.
- Having considered the information provided in each submission, the Attorney-General signed a statement for each organisation confirming that he remained satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an Executive Council minute.

- The Attorney-General wrote to the Prime Minister on 30 August 2004 advising of his intention to list both organisations.
- The Leader of the Opposition was advised of the proposed listings by letter on 30 August 2004 and was offered a briefing in relation to the listings.
- On 30 August 2004, the Attorney-General wrote to the Attorneys-General of the States and Territories advising them of his decision to re-list the organisations. To date, one response has been received. The Office of the Chief Minister of the Northern Territory replied on 7 November 2004 expressing support for the re-listings.
- The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 30 August 2004 advising of his decision to list the organisations.
- The Governor-General made the regulation on 31 August 2004.
- The regulations were gazetted in Special Gazette No. S362, Wednesday 1 September 2004.
- A press release was issued on 1 September 2004 and the Attorney-General's Department National Security website was updated.¹

Group two

1.12 The following process was undertaken for the purpose of listing all four organisations within group two about which regulations were made on 4 November:

- An unclassified Statement of Reasons was prepared by ASIO in relation to each organisation detailing the case for listing with respect to each organisation.
- Chief General Counsel, Mr Henry Burmester QC, provided written confirmation on 25 October 2004 that each Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act whether or not the terrorist act has occurred or will occur.

1 Attorney-General's Department submission No 7.

- The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 27 October 2004 outlining the background, training activities, terrorist activities, and relevant statements of each organisation.
- The Attorney-General's Department consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the continued listing of each of the organisations by email (provided between 21 October and 27 October 2004).
- Submissions were provided to the Attorney-General on 28 October 2004 including:
 - ⇒ copies of the Statements of Reasons from ASIO for each organisation;
 - ⇒ advice from the Chief General Counsel in relation to each organisation;
 - ⇒ letter from the Director-General of Security;
 - ⇒ responses from DFAT in relation to the proposed listings; and
 - ⇒ regulations and Federal Executive Council documentation.
- Having considered the information provided in each submission, the Attorney-General signed a statement for each organisation confirming that he remained satisfied on reasonable grounds that each organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur. The Attorney-General also signed a regulation in relation to each organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an Executive Council minute.
- The Attorney-General wrote to the Prime Minister on 1 November 2004 advising of his intention to list the four organisations.
- The Leader of the Opposition was advised of the proposed listings on 1 November 2004 and was offered a briefing in relation to the listings which was provided on 9 November 2004.
- On 1 November 2004, the Attorney-General wrote to the Attorneys-General of the States and Territories advising them of his decision to re-list the four organisations. To date, no responses have been received by the Australian Government.

- The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 1 November 2004 advising of his decision to list the four organisations.
- The Governor-General made the regulation on four November 2004.
- The regulations were gazetted in Special Gazette No. S448, Friday 5 November 2004.
- A press release was issued on 6 November 2004 and the Attorney-General's Department National Security website was updated.²

2 Attorney-General's Department submission no. 7

Procedural concerns

Consultations on the listings

- 2.1 So that its review would be both meaningful and expeditious, in the first report, the Committee requested that the Government accompany its notification of a regulation with additional explanatory information, including:
- details of the required consultation between the Government and the States and Territories on the regulation¹;
 - details on the consultations with the Department of Foreign Affairs on any foreign policy implications in relation to the listings;
 - details of the procedures followed in the making of the regulations.²
- 2.2 As the first regulation had been made without prior warning to the Committee, the Committee had also requested that in future it would be given as much warning as possible of an impending listing so that the Committee's work program could accommodate

1 There is an Intergovernmental Agreement on Counter Terrorism, signed on 24 June 2004, by the Prime Minister and the State and Territories leaders on the protocols to be followed in the listing of organisations as terrorist organisations.

2 Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of the Palestinian Islamic Jihad*, June 2004, p. 11.

the review. The Committee also asked the Government to inform it of the impact of the listing on Australia's national interest.

- 2.3 None of these procedures were followed in relation to the first two listings made on 31 August. In relation to the next four, four days notice was given, but the papers sent to the Committee on the listings originally contained no information on the Government's consultations or procedures or the imperatives of Australia's national interest. On 10 December 2004, the Committee received an additional submission containing some information regarding process; however, it is the Committee's view that this additional information was not as comprehensive as it might have been. For example, although this submission noted that the Department of Foreign Affairs had been consulted on 24 August in relation to the first two listings and between 21 and 27 October on the next four, no details of DFAT's views were supplied.
- 2.4 ASIO reported that they consult with the Department of Foreign Affairs, but that it is 'not formalised'³.
- 2.5 The Department of Foreign Affairs was asked at the hearing about this process. Officers described their role very thoroughly, but perhaps theoretically, in the following terms:

[O]f course DFAT are consulted when the Attorney-General's Department, on the basis of information provided by ASIO, considers proposing an organisation for listing by the Attorney-General. The consultation will take the form of the Security Law Branch in the Attorney-General's Department contacting our Counter -Terrorism Branch ... which coordinates responses from the relevant bilateral areas of the Department of Foreign Affairs and Trade, including the geographical desks, intelligence policy liaison areas of the Department of Foreign Affairs and Trade, and the Legal Branch, where that is relevant.

DFAT would see our obligation as one to provide any relevant information to the questions that are asked. We would provide to the Attorney-General's Department or to ASIO directly such information as we had available relating to the entities or the countries with an association with those entities. I would expect that, if there were any bilateral considerations, we would refer to those, but at the end of the

3 ASIO transcript, 1 February 2005, p.10.

day we would respect and recognise the fact that any listing under the Criminal Code is a decision for another agency. We would take every step to ensure that the Attorney-General's [Department] were fully informed of all the relevant information available to our department

If it were relevant, it would be provided in writing.⁴

- 2.6 On the specific organisations under consideration, this elaborate process was achieved, if indeed it happened, in a matter of a few days. DFAT reported that the information provided by the department was 'very short'.⁵ The Committee asked for a copy of the Department's views on the grounds that it was good practice to keep the Committee fully informed, given the Committee's responsibilities in reporting to the Parliament on these listings.
- 2.7 The Department of Foreign Affairs and Trade did not provide copies of the emails advising the Attorney-General's Department of their views on the listings. Instead, they provided the information now available as submission 17.
- 2.8 The submission of 10 December also noted that the Attorney-General had written to the Attorneys of the States and Territories, advising them of his decision. The letters were sent on 30 August 2004 in the case of Al Qa'ida and Jemaah Islamiyah, the day before the regulations were made and on 1 November 2004 for the other four, four days before the regulations were made. Only one government, the government of the Northern Territory, had replied.
- 2.9 To write to the States and Territories within twenty-four hours or even four days of a regulation being made is to provide no opportunity for them to respond. The regulation would have been in place before the Premiers or Chief Ministers even saw the correspondence. It should be noted that under the Intergovernmental Agreement on Counter Terrorism, the States and Territories are to be consulted, through the Prime Minister and Premiers and Chief Ministers, before the making of the regulation and that, 'if a majority of the other parties object to the making of a regulation, ... the Commonwealth will not make the regulation at that time.'⁶

4 Department of Foreign Affairs transcript, 1 February 2005, pp. 7-8.

5 Department of Foreign Affairs transcript, 1 February 2005, p. 8.

6 Intergovernmental Agreement on Counter Terrorism, Paragraph 3.4(2).

- 2.10 The consultation process did not comply with the agreed protocol nor allow it to be given any effect.
- 2.11 Given the nature of the organisations under consideration in these regulations, the Committee does not believe that it was likely that any of the State or Territory governments were likely to dissent from the listings. However, the process was severely truncated and, in other circumstances, this lack of time or meaningful consultation could be, at least, detrimental to the Government's credibility or, at best, embarrassing, particularly if, in future, a State or Territory wished to raise an objection to a listing. The Committee received a letter from the Chief Minister for the ACT, Mr Jon Stanhope, criticising the amount of time given to the Territory Government on the six listings.⁷
- 2.12 The Attorney-General's Department explained that the amount of notice varied 'with circumstances and the urgency of a particular listing'⁸. The Committee understands that there are likely to be circumstances where urgency may shorten the amount of time for consultations; however, on re-listings, where the timetable is set by the legislated review period, the process should encompass sufficient consultation time. With regard to these six re-listings there was no reason for the consultation time to be so short.
- 2.13 The Attorney-General's Department has now supplied the Committee with a table of the re-listings of terrorist organisations that will come forward over the next two years. The Committee appreciates this notice.

Selection of listed entities

- 2.14 One public submission, submission number 8, from Mr Joo-Cheong Tham, raised a number of procedural points in relation to the proscription power. Some of these arguments relate to the more general review that the Committee must conduct in 2007 on the overall operations of this section of the Criminal Code. The Committee intends to consider these arguments at a later time; however, Mr Joo-Cheong did suggest that the criteria used by the Attorney or ASIO in deciding whether or not to list an organisation

7 ACT Government submission, number 16.

8 Attorney-General's Department transcript, 1 February 2005, p.1.

as a terrorist organisation should be made public. He argued that the definition in the Act of a terrorist organisation⁹ is not sufficient to determine which organisations might be selected, being so broad that it could apply to a plethora of organisations. Therefore, some other process of selection must be being used.

- 2.15 A further submission from the Australian Muslim Civil Rights Advocacy Network also commented on the selection processes. They believed that there was a lack of transparency in the process and that 'superficially [it] appear[s] to be both subjective and arbitrary', that it 'has led to the Muslim community feeling isolated and discriminated against'¹⁰. They believed that there was a perception that:

Muslims are being deliberately targeted by the anti-terrorism legislation. So far, all 17 of Australia's proscribed terrorist organisations are Muslim linked. This appears to be something unique to the Australian context: in the United States, for example, at last count [there were] 37 listed terrorist organisations, of which 22 were Muslim linked.¹¹

- 2.16 However, the Committee was informed by the Director-General:

... I have never had any leader of an Australian Islamic community raise proscription as an issue - never. That does not mean that it is not an issue.¹²

- 2.17 The Committee has also sought some guidance on the question of selecting organisations for proscription. In the last report the Committee asked whether, given that the Government had moved away from the UN processes as being too inflexible, an Australian connection might be the appropriate criterion. Both Attorneys-General in the last Parliament argued that the previous, UN-based arrangements did not sufficiently account for or ensure the safety and security of Australia's interests.¹³ The Committee, therefore, asked that the Australian connection of any proposed listing be explained in future.

9 A terrorist organisation is defined as any organisation which is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.

10 Australian Muslim Civil Rights Advocacy Network submission pp. 1-2.

11 Australian Muslim Civil Rights Advocacy Network submission pp. 1-2

12 ASIO transcript, 1 February 2005, p. 15.

13 It is worth noting that all organisations on the Criminal Code list are also listed on the *Charter of the United Nations Act 1945 Consolidated list*.

Views of the Attorney-General's Department

2.18 This view was rejected by the Attorney-General's Department in its submission. The Department argued that:

The Criminal Code does not require that an organisation have a link to Australia before it can be listed. It is in Australia's national interest to be proactive and list any organisation which is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. This will ensure that Australia is well placed to prevent terrorist acts occurring within Australia and discourage these organisations from obtaining a foothold in Australia.¹⁴

2.19 This argument is superficially logical but it does not assist in understanding why some organisations and not others are chosen for listing.¹⁵ The Committee understands that the Criminal Code does not require that an organisation have a link to Australia before it can be listed. However, it is clear from all the evidence taken on this matter that Australia's security and Australia's interests must be at the core of any of the anti-terrorism legislation. At the hearing, officers from the Department affirmed this.

But, ultimately, it is about whether listing is in the security interests of this country.¹⁶ That is what the statutory intention is.¹⁷

2.20 The Committee is seeking to understand how this interest is met by the implementation of the proscription power. Being 'proactive' and 'discouraging these organisations from gaining a foothold in Australia' could apply to any organisation at any time. This is vague and there is no explanation of how a particular proscription achieves this. A general intention to discourage terrorist organisations might be applied to all such organisations. There are over 100 organisations listed as terrorist organisations by the United Nations.

2.21 The Department also argued that Australia's more restrictive list [than the UN list] is evidence of the 'care taken to make sure that these very serious offences are targeted at organisations that present

14 Submission No 7, Attorney-General's Department.

15 The Committee noted that some organisations with no linkages to Australia had been listed and other with none had not.

16 Attorney-General's Department transcript, 1 February 2005, p. 2.

17 Attorney-General's Department transcript, 1 February 2005, p. 3.

a real and present danger.’¹⁸ To whom this danger might apply was not specified. Officers from the Department also stated that proscription ‘may well be useful in supporting the international effort here to deal with that particular organisation’¹⁹. Given the difficulties of applying the proscription legislation to foreign nationals operating entirely overseas, this is a debateable point. There is other legislation which monitors potential terrorists and terrorist organisations under the Charter of the UN Act which may be more effective. There is further comment on this argument below at paragraphs 2.40-2.43.

- 2.22 The question remains: how and why are some organisations selected for proscription by Australia?
- 2.23 Finally, there is some confusion apparent in the evidence from the Attorney-General’s Department, which argued that a link to Australia was unnecessary under the Act (strictly true in the legal sense) and yet that Australia’s security interests were basic to the intention of the statute. There would appear to be a further contradiction between the view of the Attorney-General’s Department and the selection processes of ASIO which lists links to Australia and threats to Australian interests as part of its evaluation processes.

Views of ASIO

- 2.24 At the hearing on 1 February, the Director-General of ASIO outlined ASIO’s evaluation process. Factors included:
- engagement in terrorism;
 - ideology and links to other terrorist groups/networks;
 - links to Australia;
 - threat to Australian interests;
 - proscription by the UN or like-minded countries; and
 - engagement in peace/mediation processes.²⁰

18 Attorney-General’s Department transcript, 1 February 2005, p. 3.

19 Attorney-General’s Department transcript, 1 February 2005, p. 4.

20 Confidential exhibit, ASIO, tabled 1 February 2005.

- 2.25 By way of further explanation, the Director General defined links to Australia as including direct links, that is, that Australian interests are specifically targeted or that the organisation has members who are active in Australia. It could also include indirect links where, through indiscriminate attacks, Australians are affected or where Australians become displacement targets when others are attacked.²¹
- 2.26 It is not clear whether all of the above factors need to be present in any individual evaluation. Moreover, the Committee notes that the first two are so broad as to be axiomatic in the consideration of any organisation accused of terrorism. However, they do reflect the definition of a terrorist organisation in the Act and, in conjunction with the other factors, they are no doubt a baseline consideration.
- 2.27 On dot point three, links to Australia, the Committee agrees and wishes to stress the importance, in the selection of any organisation for proscription, of their being links to Australia, notably through the existence of Australian members, the financing of the terrorist organisation here or abroad by Australians or the supply of Australian personnel to the organisation's activities abroad.
- 2.28 Where the Director-General describes indirect links - inadvertent attacks on Australian interests abroad by foreign nationals - it is less clear how the proscription power will be effective. Although the Act has an extended geographical jurisdiction²², allowing Australia to prosecute any person, anywhere in the world, regardless of citizenship or residence, and not subject to a foreign law defence²³, the Committee believes that there would be enormous practical difficulties in acting on this power.²⁴ It would be both unlikely and difficult for Australia to prosecute foreign nationals who commit offences outside of Australia. National sensitivities about sovereignty, adverse impacts on our foreign relations or lack of
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21 Confidential exhibit, ASIO, tabled 1 February 2005.

22 See *Criminal Code Act 1995*, section 102.9.

23 Parliamentary Library, Bills Digest No. 89 2001-2002, p. 7.

24 Under section 16.1 of the Criminal Code, the Attorney-General's consent is required for a prosecution where the offence occurs wholly in a foreign country and the alleged offender is neither an Australian citizen nor a body corporate incorporated under a law of the Commonwealth or of a State or Territory. The *Commonwealth Criminal Code Guide for Practitioners* issued by the Attorney-General's Department notes at page 365 that the Attorney-General will have regard to 'considerations of international law, practice and comity, international relations, prosecution action that is being or might be taken in another country, and other public interest considerations and decide in his or her discretion whether it is appropriate that a prosecution should proceed'.

extradition arrangements are just some of the hurdles that might impede such action.²⁵ It is, therefore, not clear how selecting for listing organisations which have no direct linkage to individuals in Australia will offer any greater security or effectiveness.

- 2.29 The fourth factor, the threat to Australian interests, again appears to be vague. Are these interests in Australia or abroad? It is unclear how the proscription of an organisation in Australia will facilitate protection unless there is active Australian support, financially or in personnel, for the organisation.
- 2.30 In relation to dot point five, the Committee would also note that proscription by the UN already engages Australia in a number of obligations. These obligations involve matters of financing of terrorism, movement of personnel and the sale of arms. These are discussed below.
- 2.31 The inclusion, in the Director-General's criteria, of
a) a recognition of the role of peace and mediation processes; or
b) the confinement of terrorist actions to targets within domestic or local struggles²⁶ is welcomed by the Committee. It assists in distinguishing international terrorism from national liberation struggles, civil wars and other like conflicts. The Committee believes that this is a useful distinction. As the Committee agreed in its first report, proscription, especially where it applies to only one side of such a dispute, could be counterproductive. Peace processes should be allowed to run their course and actions by any side which target civilians need to be condemned and dealt with under the laws of armed conflict.

Views in public submissions

- 2.32 The Committee received a number of public submissions to this review. Many addressed themselves to the validity and usefulness of the proscription power as a whole, a matter that the Committee will take up in 2007. However, it is worth noting that there was, within these submissions, discussion of the need for clear criteria for the selection of organisations for banning under the Criminal Code. Many of the arguments rested on those outlined above, that the

25 The Bali bombing investigations and prosecutions are an example of effective action through international cooperation which recognised the inherent difficulties of the extended geographical power.

26 The Director-General elaborated on these matters in broad discussions on the process of selection at the hearing. ASIO transcript, 1 February 2005, p. 15.

definitions in the Act relating to terrorism, terrorist organisations and terrorist acts are so broad that they could apply to an unlimited number of organisations and activities. The Committee would direct readers to these submissions on its website for the details of these arguments. While most argued that the proscription power was unnecessary, there was also a general consensus that narrower criteria for selecting organisations for proscription needed to be made public. This is, perhaps, best expressed by submission number 12:

The threat posed to Australia by an organisation, and the involvement of Australians with an organisation, might seem to have greater relevance to the question of whether or not to ban an organisation.²⁷

- 2.33 Mr Emerton went on to argue, however, that even with this criteria, the power should be used with caution, in part because there is a wide differential of activities that could constitute an offence, ranging from peripheral to direct involvement with a listed organisation, and most of the offences do not require a person associated with a listed organisation to have any terrorist intent. All these offences, in his view, attracted severe penalties and potentially triggered action under a variety of other legislation.

Thus, to ban an organisation is to trigger a number of departures from the ordinary rule of law in Australia. Offences are enlivened of involvement with an organisation, which do not require the proof of any terrorist intent or conduct on the part of an accused, and which have maximum sentences comparable to those for manslaughter, rape and serious war crimes.²⁸

- 2.34 Mr Emerton proposed that, in the case that it puts forward, the Government address the following set of criteria for the banning of an organisation under the Criminal Code:

- the nature of the political violence engaged in, planned by, assisted or fostered by the organisation;
 - the nature of the political violence likely to be engaged in, planned by, assisted or fostered by the organisation in the future;
 - the reasons why such political violence, and those who are connected to it via the organisation, ought to be singled
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27 Patrick Emerton, submission, p.6.

28 Patrick Emerton, submission, p.7.

out for criminalisation by Australia in ways that go beyond the ordinary criminal law;

- the likely impact, in Australia and on Australians, of the proscription of the organisation, including, but not limited to:
 - ⇒ an indication of the sorts of training Australians may have been providing to, or receiving from, the organisation;
 - ⇒ an indication of the amount and purpose of funds that Australians may have been providing to, or receiving from, the organisation;
 - ⇒ the way in which the concept of 'membership', and particularly 'informal membership', will be applied in the context of the organisation;
 - ⇒ the extent to which ASIO intends to take advantage of the proscription of an organisation to use its detention and questioning power to gather intelligence.²⁹

- 2.35 The Committee will take careful note of these suggestions as these reviews proceed.
- 2.36 The Committee would like to stress, as it did in the first report, that without a specific Australian link, the new proscription power would appear to be either unnecessary³⁰ or, at best, poorly focused.
- 2.37 The Committee asks that, in future submissions to it explaining the need for a regulation, the Department address in detail the criteria ASIO has used for the selection.

Informing the public

- 2.38 With the exception of the listing of Hizbollah and Hamas, where a newspaper campaign was conducted, the Attorney-General's Department does not publicise a listing beyond a press release issued by the Attorney-General and the placing of information on the Department's and the Attorney's website.

29 Patrick Emerton, submission, pp. 8-9.

30 See the arguments in the first report, Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of the Palestinian Islamic Jihad(PIJ)*, June 2004, pp.18-20.

- 2.39 The Australian Muslim Civil Rights Advocacy Network, in seeking clarification of the criteria used for the listing of organisations, also argued that:

Doing so would help [per]suade any persons considering involvement in the activities of such an organisation of the reasons why membership of such an organisation should be avoided, rather than seeing it as the subjective decision made by the Australian Government.³¹

- 2.40 The Committee believes that there needs to be continuing sensitivity to the concerns and perceptions of community groups on listings and that, given the severity of the penalties involved, more effort needs to be made to inform the public generally, and vulnerable groups in particular, of a listing.

Recommendation 1

The Committee recommends that a comprehensive information program, that takes account of relevant community groups, be conducted in relation to any listing of an organisation as a terrorist organisation

Australia's obligations under the UNSC; the Consolidated List

- 2.41 Mr Joo-Cheong raised issues which suggest possible confusion or lack of focus arising from the dual processes that appear to apply to Australia's consideration of terrorist organisations. The obligations on Australia as a member of the United Nations continue. The United Nations Security Council (UNSC) requires that member states take action against terrorists and terrorist organisations through a targeted sanctions regime. These sanctions include the freezing of assets, a travel ban on identified individuals and an arms embargo. In Australia, the obligations have been implemented through a range of legislation, including the *Charter of the United Nations Act 1945* and the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*.

31 Australian Muslim Civil Rights Advocacy Network submission p. 2.

- 2.42 United Nations Resolution 1267, adopted on 15 October 1999, obliges all United Nations members to freeze the assets of individuals and entities associated with the Taliban. This obligation was extended to include individuals and entities associated with Al-Qa'ida³². Resolution 1373, adopted on 28 September 2001, requires members to suppress terrorism, including denying safe haven to terrorists and freezing terrorist assets.
- 2.43 The UN's 1267 Committee has developed a list of terrorist organisations to which Resolution 1267 applies. In August 2004, the list comprised one entity and 143 individual names of persons associated with the Taliban and 111 entities and 174 individuals associated with Al Qa'ida. The individuals and entities on the UN 1267 Committee List are automatically incorporated onto a Consolidated List maintained by DFAT under the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*.³³ The United Nations does not maintain a central list of persons and entities for the purpose of Resolution 1373. Instead, under the *Charter of the United Nations Act 1945* and the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*, the Minister for Foreign Affairs may list a person or entity to be included in the Consolidated List maintained by DFAT.³⁴ It is a criminal offence to deal with the assets of, or make assets available to, individuals or entities on the Consolidated List.
- 2.44 The Committee is concerned that the focus on counter-terrorism measures may be dissipated by the existence of 'dual processes': the Consolidated List under the *Charter of the United Nations Act 1945* and the list under the Criminal Code. The complexities and labour involved in maintaining two separate lists of terrorist entities may cause confusion and detract from Australia's concentration in the fight against terrorism.
- 2.45 The Committee is not recommending that all organisations on the Consolidated List be proscribed.³⁵ The Committee would like to see decisions about proscriptions made with greater focus and clarity and with attention to what proscription is capable of achieving in a legal sense.

32 United Nations Resolution 1390, adopted on 16 January 2002.

33 http://www.dfat.gov.au/icat/freezing_terrorist_assets.html

34 http://www.dfat.gov.au/icat/freezing_terrorist_assets.html

35 There is already legislation that applies to organisations on this list which fulfils UNSC obligations and seeks to control individuals and entities associated with terrorism.

- 2.46 It will be necessary to consider the issue of the Consolidated List in greater detail when the Committee reviews the operation, effectiveness and implications of the Criminal Code listing provisions in 2007.
- 2.47 The Committee is grateful for the contributions from the general public on procedural concerns relating to the Criminal Code's proscription power.

The Proposed Listings

- 3.1 The six organisations for which the regulations have been made are:
- Al-Qa'ida
 - Jemaah Islamiyyah (JI)
 - Abu Sayyaf
 - The Armed Islamic Group (GIA)
 - Jamiat ul-Ansar (JuA) (formally Harakat Ul-Mujahideen) and
 - The Salafist Group
- 3.2 In media releases which announced his decision, the Attorney-General provided open source details on the six organisations to be reviewed. In addition, he informed the Committee by way of letters to the Chairman and attached statements of reasons.¹ The statements of reasons provided to the public on the Attorney-General's web site were a substantially abridged version of the statements of reasons provided to the Committee. The Committee believes that they should be the same.
- 3.3 In addition, on 10 December 2004, the Attorney-General's Department provided a statement on the procedures followed by the department in the listing process. This statement is submission number 7.

¹ The letters comprise submissions 1-6 for the review. They are available on the Committee's web site.

- 3.4 Al-Qa'ida and Jemaah Islamiyah were originally listed on 21 October and 27 October 2002 respectively. New regulations were made on 31 August 2004. Abu Sayyaf, the Armed Islamic Group (GIA), the Jamiat ul-Ansar (JuA), (formally Harakat Ul-Mujahideen), and the Salafist Group, were all originally listed on 14 November 2002. New regulations for these four groups were made by the Attorney-General on 4 November 2004. All six regulations were tabled in the House of Representatives and the Senate on Monday 6 December 2004. The 15 sitting day disallowance period started from that time. Therefore, the Committee is obliged to report to the House before 14 March 2005 and to the Senate before 10 May 2005.

Al-Qa'ida

- 3.5 The letter concerning Al-Qa'ida was received on 31 August 2004 for a regulation made on that day. The Attorney-General's statement of reasons is as follows:

Background

Al-Qa'ida ('The Base') is a loose-knit grouping of individuals and organisations that espouses a violent Islamic extremist ideology. It was founded, and has been led at all times, by Usama Bin Laden.

Al-Qa'ida emerged in 1989 from the Makhtab al Khidemat (the 'Services Office'), a body established to finance and facilitate volunteers for the mujahideen (Islamic warriors) war against the Soviet Union in Afghanistan during the 1980s. It drew together individuals from a number of pre-existing Islamic extremist groups, and has formed affiliations with many other Islamic extremist organisations.

Objectives

The initial focus of al-Qa'ida was a general opposition to non-Islamic regimes, particularly those seen as oppressing or attempting to oppress Islamic peoples or states. After Iraq invaded Kuwait in 1990, and Saudi Arabia permitted US forces to be based in the Kingdom, the major focus of al-Qa'ida became the desire to rid the Islamic Holy Land (Saudi Arabia) of the infidel (US forces).

Since then the objective of al-Qa'ida has been extended to encompass the ejection from the entire Muslim world of US

and Western influence and the recovery of Muslim lands 'lost' at any point in history.

In furthering its international objectives, Australia is seen as a legitimate target by al-Qa'ida and associated groups. Since 11 September 2001, Australia has been named as a target in five public statements by Usama bin Laden and one by his deputy Ayman al Zawahiri. Australia has also figured in media and internet statements by al-Qa'ida and other Islamist extremist sources.

In his most recent mention of Australia, on 18 October 2003, bin Laden stated in a message broadcast by al-Jazeera television in relation to the war in Iraq that:

"we maintain our right to reply, at the appropriate time and place, to all the states that are taking part in this unjust war, particularly Britain, Spain, Australia, Poland, Japan and Italy."

Leadership and membership

Usama bin Laden and his deputy, Ayman al-Zawahiri, continue to lead al-Qa'ida. While al-Qa'ida has suffered major losses in leaders and personnel in the US-led War on Terrorism, al-Qa'ida continues to recruit new members and has replaced captured and killed leaders.

Prior to the September 11 attacks on the United States, Afghanistan provided a safe haven for 'training camps' that provided training to al-Qa'ida recruits in a range of disciplines from Islamic doctrine to terrorist techniques. ASIO has confirmed that a small number of Australians have trained in such camps in Afghanistan. The training at such camps has included training in manufacture, use, and smuggling of explosives, assassinations, and military operations.

Training was arranged for members of radical Islamic groups, including al-Qa'ida, from around the world - reliable estimates of the figures range from 15,000 to 20,000 individuals trained in such camps. As a consequence, groups and cells, other than member groups of al-Qa'ida, have formed a network of Islamic extremists on which bin Laden has drawn or inspired to act in support of his objectives. Many of these groups and cells remain in existence in a large number of countries.

While al-Qa'ida has lost Afghanistan as a safe haven, it has regrouped and recruited new members in many parts of the world, including the Middle East, South and South East Asia and East Africa. Al-Qa'ida also successfully exploits the Internet and other technology to propagandise and proselytise.

Terrorist activities

Al-Qa'ida continues to organise and engage in acts of terrorism and also acts as a coordinator and facilitator of such acts by associated groups. Bin Laden defined the al-Qa'ida terrorism agenda by statements (fatwas) directing his followers to look widely for targets. In 1998, he issued a fatwa decreeing that US civilians were legitimate targets for terrorist attack. The fatwa stated: *"the killing of Americans and their civilian and military allies is a religious duty for each and every Muslim to be carried out in whichever country they are until Al Aqsa mosque has been liberated from their grasp and until their armies have left Muslim lands"*.

Bin Laden is widely regarded as being responsible for ordering the 11 September 2001 attacks on the World Trade Centre and the Pentagon in the United States. He has not made any attempt to deny such responsibility and, following those attacks, he made a number of self-incriminatory statements. In a video made on 20 October 2001, which was circulated to supporters of the al-Qa'ida network, he referred to the attacks on US buildings, and stated: *"It is what we instigated for a while, in self-defence... So if avenging the killing of our people is terrorism, let history be a witness that we are terrorists."* He also indicated an intention to continue al-Qa'ida's terrorist activities, stating that *"The battle has been moved inside America, and we shall continue until we win this battle, or die in the cause and meet our maker."*

Since the 11 September 2001 attacks on New York and Washington, attacks for which responsibility has been claimed by, or reliably attributed to, al-Qa'ida have included:

- an explosive-laden boat attack on a French oil tanker (the MV Limburg) off Yemen in October 2002;
- an attack using shoulder launched missiles in November 2002 against an Air Arkea 737 near Mombasa airport — both of which missed. This attack occurred simultaneously with a suicide car bomb attack on an Israeli-owned holiday resort in Mombasa which killed 12 people;

- a car bomb suicide attack in a residential complex in Riyadh, Saudi Arabia, on 12 May 2003 which killed approximately 40, including an Australian;
- bomb attacks against several Western targets in Morocco on 16 May 2003 which killed 41 people;
- the bombing of a housing compound in Riyadh on 8 November 2003;
- car bomb attacks on the Neve Shalom and Beth Israel Synagogues in Istanbul on 15 November 2003, which killed 25 and injured over 300;
- two near simultaneous truck bombs attacks against the British Consulate and the British owned HSBC bank in Istanbul on 20 November 2003, killing at least 27 people, including an Australian woman who was working at the Consulate, and injuring approximately 450;
- multiple bomb attacks on the Madrid rail system in March 2004 which killed 191 people and injured 1500; and
- attacks on office buildings and residential compounds in al-Khobar in May 2004 in which 22 people were killed.

The US Government assesses that al-Qa'ida is currently engaged in preparing to undertake an attack in the United States, probably to affect and / or coincide with the Presidential and Congressional elections in November 2004.

Conclusion

ASIO assesses that al-Qa'ida is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is based on information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, al-Qa'ida is known to have engaged in actions that:

- are aimed at advancing al-Qa'ida's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in countries around the world and persons visiting these countries.

In view of the above information, al-Qa'ida is assessed to be directly or indirectly engaged in preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of

coercing, or influencing by intimidation the government and people of numerous countries, including Australia. The actions or threatened actions which al-Qa'ida are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

- 3.6 The Department of Foreign Affairs expressed no view and raised no objection to the listing of this organisation.
- 3.7 Measured against ASIO's stated evaluation process, and on the basis of the statement of reasons and evidence given at the hearing, Al Qa'ida;
- continues to engage in terrorist acts, a number are listed in the statement of reasons, the latest being in al-Khobar in May 2004;
 - facilitates terrorist acts through a network of affiliated organisations and groups;
 - has links to Australia in that 'a small number of Australians have trained in camps in Afghanistan'. Janes suggests that Al Qa'ida has also held training exercises in Australia in the Blue Mountains;
 - has named Australia in five separate statements as a possible target;
 - has been listed by the UN, and proscribed by the US, the UK and Canada;² and
 - is not involved in any peace processes.
- 3.8 ASIO, in noting that Al Qa'ida was also proscribed by the US the UK and Canada, informed the Committee that these were Australia's markers in the consideration of proscriptions.³ Al Qa'ida also remains at the centre of the United Nations' consolidated list of terrorist organisations; many of the organisations and individuals on the list are there as affiliates of Al Qa'ida and it was concern about the activities of Al Qa'ida and the Taliban that motivated much of the UN's anti-terrorism work through Resolution 1267 (1999) and subsequent resolutions.⁴

2 The UN lists organisations under a series of Security Council resolutions passed since 1999. This does not ban the organisations but creates obligations on member states to monitor certain activities in relation to these organisations. The UN does not require that states ban organisations under these arrangements. See detail of this in Chapter 2, paragraphs 2.40-2.43.

3 ASIO transcript, 1 February 2005, p. 11.

4 See discussion of the Consolidated List in Chapter 2.

3.9 The Committee asked Mr Richardson, the Director-General of ASIO, how the success of the proscription power might be measured. He stated that it was difficult to measure the success of proscription of an organisation like Al Qa'ida, but he believed that some people had distanced themselves from some of the listed groups.

[Proscription] is a platform which you lay down which I think makes it very clear across the community what you feel about certain organisations and certain people take a greater risk if they are going to be formal members of them.⁵

3.10 Janes describes Al Qa'ida as a network or umbrella organisation. Its aims have changed, originally being to recruit young Muslims to join the Mujahideen in Afghanistan; now its aims are to establish Islamic states throughout the world, overthrow un-Islamic regimes, expel US soldiers and Western influences from the Gulf through to South and Southeast Asia.⁶ It is described as a complex, well funded and flexible organisation, which, despite the pressure on it from military action, continues to appeal over a widely dispersed area of the globe.

3.11 On the listing of Al Qa'ida, Mr Emerton posed a number of questions and argued that, given the offences listed in the statement of reasons, prosecutions would be possible under other criminal legislation.⁷ This is a larger argument on the usefulness and focus of the power as a whole. The Committee will be reviewing the proscription power in 2007.

3.12 Of the matters raised, the Committee believes that the links to Australia are a most important consideration in the on-going proscription of Al Qa'ida, because it is through these links that the proscription power can have greatest effect. The Committee does not recommend the disallowance of this regulation.

5 ASIO transcript, 1 February 2005, p. 11.

6 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

7 Emerton, submission, p. 13.

Jemaah Islamiyyah (JI)

- 3.13 Jemaah Islamiyyah (JI) was originally listed on 27 October 2002. A new regulation was made by the Attorney-General on 31 August 2004. The Attorney-General's statement of reasons is as follows:

Background

JI evolved from the long-established Indonesian 'Darul Islam' movement which had promoted the establishment of an Islamic state in Indonesia under rule of Sharia law. This movement was subjected to Indonesian Government security clampdowns in the late 1980s and a number of its leaders - notably Indonesian Islamic clerics Abdullah Sungkar and Abu Bakar Ba'asyir - fled to Malaysia where they established JI in the mid-90s. Sungkar died in 1999 and Ba'asyir returned to Solo, Indonesia in 2000 where he established the Majelis Mujahideen Indonesia (MMI), a coalition of radical Islamic groups which may also act as a 'legal front' for JI.

JI is divided into regional areas called *mantiqi* (territories), which are in turn divided up into *wakalah* (branches), then *qirdas* (platoons) and *fiah* (squads). Mantiqis I, II and III cover South East Asia, whilst Mantiqi IV covers Australia. Mantiqi leaders meet as members of the *markaziyah* (central command), where operational decisions are made. However, operational cells have demonstrated autonomous decision-making, suggesting the hierarchical structure of JI is not binding.

JI's initial impetus and ongoing *modus operandi* stems from its legacy of militant training activities, originally in Afghanistan (for older militants, such as Hambali, Muchlas and others) and more recently in the Southern Philippines. JI operations have been influenced by Osama bin Laden's 1998 fatwa, which called for jihad against the West. Bombings appear to be JI's preferred method of attack.

Objectives

JI is a Sunni Islamic extremist organisation, the stated goal of which is to create an Islamic state encompassing Indonesia, Malaysia, Singapore, Thailand and Mindanao in the southern Philippines. JI resorts to violence to overthrow the Indonesian

government and expel Western interests, so that an Islamic state can be achieved in Indonesia.

Leadership and membership

After the death of Abdullah Sungkar in 1999, Abu Bakar Ba'asyir became the *amir* (spiritual leader) of JI up until mid-2002, when he was replaced by Thoriquddin, aka Abu Rusdan, who has since been arrested in connection with the Bali bombing. Ba'asyir was arrested in October 2002 and is due to face trial on terror charges for his role as leader of JI. Former mantiqi leaders (now in detention) have included Hambali (Mantiqi I), Bali-bomber Muchlas (Mantiqi I) and Nasir Abbas (Mantiqi III).

JI employs a broad network of radical *pesantren* (Islamic boarding schools) to garner support, membership and to facilitate communication. The most prominent *pesantren* in this network includes Ba'asyir's Al-Mukmin *pesantren* (also known as Ngruki) in Solo, Central Java and the Dar us-Syahadah *pesantren* in Boyolali, Central Java. The Hidayatullah *pesantren* in East Kalimantan also forms part of this network.

JI is known to receive significant shelter and support from the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) in the Southern Philippines. In return for shelter and facilitation of its training activities, JI provides expert training in bomb-making to MILF members. JI members undertaking training in the Southern Philippines typically travel via Sulawesi and the Maluku, where JI enjoys support from local militant Islamic groups, including Laskar Jundullah, Kompak and Laskar Jihad. JI members are also suspected of having undertaken training in Java.

JI has established internal funding via contributions from its members, siphoning of charity monies and donations from corporate entities and patrons. Financing for the Bali attacks was facilitated through robbery and direct transfers via Hambali, who had links to al-Qa'ida. Continuing trials regarding the Marriott attack suggest funding came from Hambali and his younger brother Gunawan, who was a member of JI's al-Ghuraba cell in Pakistan. Al-Qa'ida funding of extremist groups in South East Asia is in large part facilitated through Saudi-controlled institutions, such as al-Haramain.

Terrorist activities

Jl has been involved in a number of terrorist attacks, including suicide attacks and car bombs, targeting Western interests in Indonesia and the Indonesian government. The Bali and Marriott attacks involved Dr. Husin bin Azahari, a leading Jl member and an expert in bomb-making, and Noordin Mohamad Top, a senior field operative, both of whom are still at large and pose a significant threat.

Recent terrorist attacks for which responsibility has been claimed by, or reliably attributed to Jl, have included:

- an attempted assassination of the Filipino Ambassador to Indonesia on 1 August 2000, which killed two people and seriously injured the Ambassador;
- the series of bomb attacks on churches in Jakarta, Sumatra, Lombok, Java and Batam Island on 24 December 2000. At least 14 people were killed in these attacks and as many as 100 injured;
- the Bali bombing attacks on 12 October 2002 which killed 202 people, including 88 Australians;
- the bombings of the Davao International Airport on 4 March 2003, and of the Sasa ferry wharf in the southern Philippine city of Davao on 2 April 2003, involving Jl and MILF operatives.
- the suicide car-bomb attack upon the J.W. Marriott Hotel in Jakarta on 5 August 2003, which killed 11.

Conclusion

ASIO assesses that Jl is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is based on information provided by reliable and credible intelligence sources.

In the course of pursuing its objective of creating an Islamic state in Indonesia and a pan-Islamic caliphate in South East Asia, Jl is known to have engaged in actions that:

- are aimed at advancing Jl's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in Indonesia, the Philippines, Singapore, Australia and other persons visiting areas in which it operates.

In view of the above information, JI is assessed to be directly or indirectly engaged in preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the Government and people of Indonesia. The actions or threatened actions which JI are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

- 3.14 The Department of Foreign Affairs and Trade expressed no view and raised no objection to the listing of this organisation.
- 3.15 Measured against ASIO's evaluation criteria, ASIO gave evidence that Jemaah Islamiyah was proscribed for the following reasons. JI:
- has engaged in and continues to engage in terrorist acts, most of them in Indonesia and the Philippines;
 - is connected to Al Qa'ida and to other regional terrorist organisations. According to Rohan Gunaratna, Jemaah Islamiyah is effectively Al Qa'ida's South East Asian regional arm⁸;
 - has links to Australia. JI is known to have maintained cells throughout South East Asia and Australia, including Perth, Melbourne and Sydney⁹. ASIO's annual report, 2001 -2002, states that 'key regional JI leaders and members' visited Australia several times. Currently JI has not taken any strategic decisions that have altered its focus and interest. ASIO believes that the threat is current;
 - leaders continue to denounce Australia and plan attacks against western, including Australian, interests;
 - is listed by the UN and proscribed by, the US, the UK and Canada; and
 - is not involved in any peace process.
- 3.16 Janes quotes US intelligence as stating that JI has around 750 members, of which 400 are in Indonesia and approximately 300 are in the Philippines. Janes also claims that:
- low level training and recruitment has taken place in Australia, although due to the strength of security and law

8 Gunaratna, Rohan, *Inside Al-Qaeda: Global Network of Terror*, 2002

9 Background paper provided by the Parliamentary Library.

enforcement in Australia, JI has preferred to maintain Australia as a safe haven and fund raising base. JI is unlikely to conduct direct operations in Australia, although Australian interests in Indonesia have been attacked and threatened.¹⁰

- 3.17 Again the Committee views the links to Australia as the most persuasive argument on the continued listing of JI. The Committee does not recommend the disallowance of this regulation.

Abu Sayyaf

- 3.18 The Abu Sayyaf Group was originally listed on 14 November 2002. A new regulation was made by the Attorney-General on 4 November 2004. The Attorney-General's statement of reasons is as follows:

Background

The ASG was founded in the early 1990s by Abdurajak Janjalani. It was formed from the more militant elements of the Moro National Liberation Front, an established Islamist separatist movement in the southern Philippines. The ASG is based in the southern Philippines, primarily the Sulu archipelago, Tawi Tawi and Basilan but also has elements in Mindanao. Although it proclaims an Islamist separatist agenda, the ASG often resorts to criminal activities including murders, bombings, extortion and kidnap-for-ransom.

Objectives

Since its formation the ASG's stated aim has been to unite Philippine Muslims to fight for an Islamic state encompassing the southern Philippines. ASG amir, Khadaffy Janjalani, gave an indication on 27 September 2002 that the ASG will continue to conduct terrorist attacks in the Philippines against both Philippine and foreign, presumably US, targets:

"We call on all believers in the oneness of Allah and who fear the day of judgment to do their sacred duty to protect the interest of Islam and strike at its enemies, both foreign and local, at their persons and their properties wherever they may be."

10 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

Leadership and membership

The ASG's membership, currently estimated at around 400, is drawn almost exclusively from members of ethnic groups from the islands of Basilan and Jolo in the southern Philippine province of Sulu.

The ASG has links to al-Qa'ida and Jemaah Islamiyah, and ASG members have been trained by both organisations in guerrilla warfare, military operations and bomb making. In 1991 Osama bin Laden's brother-in-law, Mohammad Jammal Khalifa, established the Islamic International Relief Organisation in the Philippines and used this organisation to channel funds to the ASG for training and arms.

Despite joint US-Armed Forces of the Philippines military operations in 2002 to diminish the ASG's strength, the ASG continues to plan terrorist attacks in the Philippines, including bombings and attacks against civilians and Western - but predominantly US - interests.

Terrorist activities

The ASG has been involved in a number of terrorist attacks including assassination, bombings of civilian and military establishments and domestic infrastructure including airports and ferries, kidnapping local officials and Western tourists, the beheading of local and Western hostages, and extortion against local and Western businesses.

Terrorist activities ascribed to the ASG, or for which it claims responsibility, include:

- the April 1995 attack on a village in coastal Mindanao which killed 75 civilians;
- the 28 December 1995 kidnapping of 16 people, including 6 Americans from a tourist resort at Lake Sebu, Mindanao. The hostages were released on 31 December in return for new housing and a cemetery for local Muslims in South Cotabato;
- the 14 February 1996 attack using automatic weapons on the Citibank headquarters in Manila. Philippine Police attributed the attack to the ASG;
- the 30 March 1998 assassination of a radio broadcaster in Zamboanga City, Mindanao. The ASG publicly claimed responsibility for his murder;

- the 23 April 2000 kidnapping of 21 people, including 10 foreign tourists, from the Malaysian resort island of Sipadan. This kidnapping was resolved in 2001 when the ASG received a \$15 million ransom from the Philippine Government;
- the 27 May 2001 kidnapping of 20 people from the Philippine tourist resort of Dos Palmos on Palawan Island, in which several victims were subsequently murdered - including a US citizen. Another US citizen was killed during a rescue operation on 7 June 2002;
- the 2 October 2002 bombing of a karaoke bar in Zamboanga City which killed four people, including a US soldier and injured 24 others;
- the 4 March 2003 bombing of the Davao International Airport, Davao City which killed 22 persons;
- the 2 April 2003 bombing of the Sasa Ferry Wharf, Davao City which killed 16 persons; and
- the 27 February 2004 bombing of Superferry 14 in Manila Bay which is estimated to have killed over 100 people.

ASIO assesses that the ASG remains committed to its objective of uniting Philippine Muslims to fight for an Islamic state encompassing the southern Philippines, and to engaging in terrorist acts in pursuit of that objective. ASIO assesses that the ASG continues to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. These assessments are based on information provided by reliable and credible intelligence sources.

Conclusion

In the course of pursuing its objectives, the ASG is known to have engaged in actions that:

- are aimed at advancing ASG's political and religious causes;
- are intended to, or do, cause serious damage to property, the death of persons or endanger life; and
- are intended to cause, or have caused, serious risk to the safety of sections of the public in the Philippines and other persons visiting areas in which it operates.

In view of the above information, the ASG is assessed to be directly or indirectly engaged in preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation government and

people of the Philippines, the United States and other countries. The actions or threatened actions which the ASG are assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

3.19 The Department of Foreign Affairs and Trade expressed no view and raised no objection to the listing of this organisation.

3.20 ASIO indicated to the Committee through the statement of reasons and evidence at the hearing that the Abu Sayyaf Group:

- continued to engage in terrorism, targeting Western interests in the Philippines;
- is linked to, trains with and supports Al Qa'ida and Jemaah Islamiyah;
- no information was received as to whether this organisation had links to anyone in Australia;
- had targeted Australian interests in the mid 1990s;
- is listed by the UN and proscribed by the US, the UK and Canada; and
- unlike the MILF, is not engaged in any peace negotiations.

3.21 Janes describes the Abu Sayyaf Group as an organisation that is suffering some decline in numbers, from between 800 and 850 in 2001 to 450 in late 2002, and currently 70 to 80 in small bands on Basilan, 50 to 70 on the Zamboanga Peninsula, and 250-350 on Jolo. It also sees Abu Sayyaf as an organisation that has degenerated in its aims from seeking the establishment of an independent Islamic republic in Mindanao and on surrounding islands to 'a brutal criminal enterprise preoccupied largely with the local kidnap for ransom industry.'¹¹ Despite this decline - its coffers have been substantially reduced since its high income days and its forces severely cut back - Janes argues that the ASG retains a real capacity to rebound. And 'ultimately the group's capacity for survival stems from the region's festering socio-economic malaise and the political and religious alienation it has bred.'¹²

11 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

12 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

- 3.22 Clearly this organisation has a brutal history and has killed and kidnapped and terrorised civilians in pursuit of its objectives, but the lack of any current information about an Australian connection to it either through financial or personnel support makes it difficult for the Committee to judge the value of the proscription power in relation to it. The best argument might be that, through its connections to Al Qa'ida and Jemaah Islamiyah, particularly in the training of operatives, there may be some danger to Australians. This is speculation on the part of the Committee and, in future considerations of this listing, the Committee would like to see more information that demonstrated how this power might apply effectively to this organisation for the greater security of Australia.
- 3.23 Nevertheless, the Committee does not recommend the disallowance of this regulation at this time.

Armed Islamic Group (GIA)

- 3.24 The Armed Islamic Group was originally listed on 14 November 2002. A new regulation was made by the Attorney-General on 4 November 2004. The Attorney-General's statement of reasons is as follows:

Background

GIA is a Sunni Islamic extremist organisation based in Algeria. It was founded in the early 1990's following the Algerian Government's ban on the Islamic Salvation Front (FIS), imposed after FIS's victory in the first round of legislative elections in December 1991.

The GIA began a high profile campaign of terrorist acts in 1993 and quickly became one of Algeria's most radical and violent Islamist extremist groups. It distinguishes itself from other such groups operating in Algeria by indiscriminately targeting civilians, a policy that has contributed to its lack of popular support in the country.

It is also unpopular with most other extremist Islamist groups operating in Algeria, who accuse it of the un-Islamic slaughter of innocent civilians, or complicity with the Algerian security forces. In 1998, the GIA split over the issue of attacking civilians. One of its commanders, Hassan Hattab, broke away to found the Salafist Group for Call and Combat (GSPC) which renounced attacks against civilians. Many GIA

guerrillas defected to the new group. Others split from the GIA to form new and autonomous groups.

Objectives

The objective of the GIA is to overthrow the secular Algerian Government and replace it with an Islamic state.

Leadership and Membership

The GIA is estimated to comprise around 100 guerrillas, although it is possible that membership could be as low as 30 following defections to the GSPC.

Since the death of Antar Zoubari, the long-time leader of the GIA, in February 2002, the GIA's chain of command has been weakened by inter-factional conflict, as well as by the appearance of some apparently autonomous splinter groups. Rashid Oukali (also known as Rashid Abu Tourab) was named as Zoubari's successor in April 2002. In July 2002, Oukali was reportedly killed but subsequent reports refute this claim.

The GIA has little or no relationship with other Islamist groups in Algeria and is a rival to the GSPC (GSPC leader Hattab is rumoured to have been complicit in Zoubari's death at the hands of Algerian security forces). The GIA is assessed to have had links to al-Qa'ida through Palestinian Shiekh Omar Mammud Muhammed Othman, also known as Abu Qatada, who was designated by bin Laden as spiritual advisor for Algerian groups. Abu Qatada was arrested in October 2002 by British authorities under the Anti-Terrorism, Crime and Security Act 2001. In recent years, however, al-Qa'ida is reported to have criticised the GIA's tactics of targeting civilians and seems to favour the GSPC. In March 2004, the US and Italy designated 10 alleged GIA members living in Italy as suspected al-Qaida members.¹³

The Algerian diaspora in Europe, and especially France, has been used by the GIA as a source of financial support and recruitment. France has also been used by the GIA as a sanctuary and a target

Terrorist Activities

The GIA has been involved in a number of terrorist attacks including hijacking, bombing civilian sites, attacking civilians, and ambushing Algerian security forces. Since 1992 the GIA is reliably reported to have killed more than 100 foreigners, mostly Europeans, in Algeria.

Terrorist activities for which responsibility has been claimed by, or reliably attributed to, the GIA, have included:

- hijacking of an Air France flight to Algiers in December 1994. One passenger was executed before French commandos killed the hijackers;
- a series of bombings in France in 1995, which killed 10 people and injured more than 200. The most frequent targets were subways, but there were also strikes against outdoor markets, a Jewish school, a high-speed train and the *Arc de Triomphe*. Several GIA members were convicted for these in late 1999;
- bombing a market place in Larbaa, about 20 kilometres from Algiers on 5 July 2002 (Algerian Independence Day) which killed 35 people;
- killing 13 people, including 5 children, in Western Algeria on 10 July 2002;
- killing 21 members of the same family in a rural area approximately 200 kilometres from Algiers on 24 October 2002;
- bombing a market at Boukadir (200km west of Algiers) in December 2002 in which four people were killed and 15 wounded;
- killing two families in an attack in May 2003 in the Chlef region of Algeria (west of Algiers), an area where the GIA is known to be active;
- attacks against a number of military targets during 2003 on mountain roads southwest of Algiers.

Conclusion

On the basis of available information, we assess that the incidence of terrorist activity by GIA has declined significantly since 2002. However, ASIO assesses that while the membership of the GIA has reduced since the defections to the GSPC, the GIA remains committed to its objective of overthrowing the Algerian Government and replacing it with an Islamic state. ASIO further assess that core members remain active, and continue to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is corroborated

by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, the GIA is known to have engaged in actions that:

- are aimed at advancing the GIA's political and religious causes;
- are intended to, or do, cause serious damage to property, the death of persons or endanger life; and
- are intended to cause, or have caused, serious risk to the safety of sections of the public in countries around the world and persons visiting these countries.

In view of the above information, the GIA is assessed to be preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the government and people of numerous countries, including Algeria. The actions or threatened actions which the GIA is assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

- 3.25 The Department of Foreign Affairs and Trade expressed no view and raised no objection to the listing of this organisation.
- 3.26 In respect of ASIO's evaluation process, the GIA is proscribed as an organisation on the basis of evidence provided. The GIA:
- has engaged in terrorism, almost entirely in Algeria, although there was a series of bombings in France in 1995. It has been violent and extreme and indiscriminate in its attacks on civilians;
 - is affiliated with Al Qa'ida and receives support from people in France and Belgium;
 - has significant links to Australia;
 - no information was received regarding possible threats to Australian interests;
 - is listed by the UN and proscribed by the US, the UK and Canada;
 - no information was received on the question of peace processes in relation to this group.
- 3.27 Janes' perspective on the GIA in most respects confirms, but is also somewhat at odds with, the view provided in the statement of reasons. Janes describes an organisation that has been one of the most

deadly in the region, but one that in Algeria is declining in numbers, contracting its area of operations and being isolated from other organisations, including Al Qa'ida.

The GIA's bloody targeting of civilians has drawn criticism from groups that might have expected to be allies, including Al Qa'ida which sponsored the breakaway GSPC.

According to the Government [of Algeria] 6,000 Islamist rebels have surrendered their arms since the 1999 Civil Concorde was offered, and between 300 and 400 rebels remain at large, mostly GSPC. Government-sourced estimates of late 2002 claimed that, following defections to the more ideologically minded GSPC, the GIA's strength was only around 30 guerrillas, operating in tiny bands. The US State Department estimate for 2003 was about 100 GIA guerrillas.

Since 2001, the group appears to have been operationally limited to the mountains within 200 km southwest of Algiers.¹⁴

- 3.28 However, Janes believes that, as many of these operations have come under pressure, the dispersal of cadres away from Algeria has focused the activities of the group in Europe. The European headquarters of the GIA is likely to be London and there have been cells in Germany and Italy as well as France and Belgium.¹⁵ How active these operatives remain is unclear.
- 3.29 The GIA was a product of a civil war in Algeria which broke out as a result of an overturned election in 1991. Janes also reports on claims that the GIA had been infiltrated by Algeria's intelligence and security services and 'served the interests of hardline elements within the regime anxious to maintain the atmosphere of a security crisis to underline the necessity for the army's role in government.¹⁶ While negotiations have taken place on the dispute between the Government and the various groups affected by the overturning of the 1991 election and a Civil Concorde agreed in 1998, the GIA was not invited and has condemned the process.
- 3.30 There are obviously complexities in the history and the circumstances surrounding the rise of this organisation. It would appear that local, political grievances need to be addressed to resolve the problems as

14 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

15 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

16 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

well as police pressure on people who have descended into terrorism. While the Committee recognises that there has been some dispersal of activity into Europe and there is a claimed link to Australia, although the extent and nature of that link is unknown to the Committee, it does also note that the underlying problems, which have led to this, fall more readily into circumstances that might be more effectively addressed by political reform and negotiation.

- 3.31 The Committee, in considering the apparent decline of the GIA, asked at what stage delisting would be contemplated for this or any other proscribed organisation. ASIO noted that it was possible but should not be considered at this time in relation to the GIA.¹⁷
- 3.32 On the basis of testimony ASIO provided at the hearing (see paragraph 3.26, especially the assertion of 'significant links to Australia), the Committee has decided not to recommend disallowance of the regulation covering the GIA. However, if a further period of proscription is proposed, the Committee would expect the formal documentation provided by the Attorney-General to the community and to the Committee to justify more explicitly the continuing listing, and that the contradictions (see paragraph 3.27 and 3.28) between ASIO's assessment and those of other highly reputable sources be clarified.

Jamiat ul-Ansar (JuA), (formally Harakat Ul-Mujahideen)

- 3.33 Harakat Ul-Mujahideen was originally listed on 14 November 2002. A new regulation was made by the Attorney-General on 4 November 2004. The Attorney-General's statement of reasons is as follows:

Background

JuA is a Sunni Islamist extremist organisation based in Pakistan that operates primarily in Kashmir. Founded by Fazlur Rehman Kahlil in 1985 as the Harakat ul-Mujahideen (HuM), JuA was initially formed to participate in Afghanistan's 'holy war' against the Soviet Union in the 1980's. Following the Soviet withdrawal in 1989, JuA concentrated its efforts on the disputed territories of Kashmir and Jammu, where it has conducted numerous attacks against

17 ASIO transcript, 1 February 2005, p. 17.

Indian troops, civilians, and tourists. It is aligned politically with Jamiat-e-Ulema-e-Islam Fazul Rehman faction (JUI-F), a prominent radical Islamic party in Pakistan and Kashmir. HuM receives financial support from sympathisers not only in Pakistan and Kashmir, but also in Saudi Arabia and other Gulf States. JuA has cooperated with other Islamist militant groups operating in Afghanistan, Kashmir and Pakistan such as the Hizb-ul-Mujahideen (HM) and the Lashkar-e-Tayyiba (LeT).

In 1993 the JuA (then known as HuM) merged with another terrorist group, the Harkatul- Jihad-al-Islami (HuJI), to form the Harkat-ul-Ansar (HuA). As a consequence of reports linking the group to Usama bin Laden's global terrorist network, al-Qa'ida, HuA was proscribed as a terrorist organisation by the United States in 1997. The group immediately re-adopted the name Harakat ul-Mujahideen (HuM) to escape the ramifications of the proscription. In 1998, Fazlur Rehman signed Usama bin Laden's fatwa calling for attacks on Americans and US allies. In the aftermath of the September 11, 2001 terrorist attacks on New York and Washington, HuM was declared a terrorist organisation by the US President George W. Bush and was banned by Pakistani President Pervez Musharraf in November 2001. Following the ban, the HuM again renamed and is now operating under its present name of Jamiat ul-Ansar (JuA).

Objectives

JuA is a group that uses violence in pursuit of its stated objective of uniting Jammu and Kashmir with Pakistan under Islamic law.

Leadership and membership

JuA has several hundred armed supporters, most of them Pakistani or Kashmiri, but also including Afghan and Arab veterans of the Afghan war. JuA is aligned with al-Qa'ida, which has provided finance and training. The leader of JuA is Fazlur Rehman Khalil.

The formation of the militant Sunni group Jesh-e Mohammadi (JeM) in 1999 led to a large number of JuA operatives defecting to JeM, including a number of experienced field commanders, which has impacted on JuA's operational capabilities.

JuA operates a number of training camps where JuA members receive religious as well as military style commando and guerrilla training. JuA has operated terrorist training camps in Pakistan and, until they were destroyed by coalition air strikes in 2001, in eastern Afghanistan. The group uses light and heavy machine guns, assault rifles, mortars, explosives, and rockets.

Terrorist activities

JuA has been involved in a number of terrorist activities, including hijacking, bombings and abductions.

Terrorist activities for which responsibility has been claimed by, or reliably attributed to JuA, over the past 5 years include:

- the hijacking of an Indian airliner en route from Nepal to India in December 1999. One passenger was stabbed to death;
- the fatal shooting of around 30 Indian soldiers at two army posts in Kashmir in November 2000;
- attempted detonation of explosive devices in crowded areas and killing of key politicians in October 2001 - four JuA members were arrested;
- the abduction and subsequent murder of US journalist Daniel Pearl on 23 January 2002. Four persons, including JuA member Ahmad Omar Sheikh, were convicted of Pearl's murder;
- a planned attack on foreign diplomats and Pakistani government officials in September 2002;
- planned attacks against McDonalds and KFC restaurants in Karachi in September 2002; and
- the fatal shooting of 3 Indian troops in Kashmir in April 2003.

Conclusion

On the basis of available information, we assess that the incidence of terrorist activity by JuA has declined significantly since 2002. However we assess that JuA remains active and continues to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objective of uniting Jammu and Kashmir with Pakistan under Islamic law, the JuA is known to have engaged in actions that:

- are aimed at advancing JuA's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life; and
- are intended to cause, or have caused, serious risk to the safety of sections of the public in India, Pakistan and other persons visiting areas in which it operates.

In view of the above information, the JuA is assessed to be directly or indirectly preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the Government and people of India and Pakistan. The actions or threatened actions on which JuA are assessed to be involved would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

3.34 The Department of Foreign Affairs and Trade expressed no view and raised no objection to the listing of this organisation.

3.35 Measured against ASIO's stated evaluation process, and on the basis of the statement of reasons and evidence given at the hearing, the Jamiat ul-Ansar (JuA:

- continues to engage in terrorism, the last listed activity being April 2003;
- aligns itself with the Al Qa'ida network;
- no information on links to Australia was provided;
- no information on threats to Australia was provided;
- is listed by the UN and proscribed by the US, the UK and Canada; and
- no information was provided about any peace processes in relation to this group

3.36 Janes notes that this organisation began as a Western-supported militant group intent on ridding Afghanistan of the Soviet invaders. It has since concentrated its activities on the dispute in Kashmir. It supports radical Islamic groups across the world, but Janes views its effectiveness in this regard as minimal. The Harakat (its old name) continues to commit atrocities in the Indian Administered Kashmir (IAK) and within Pakistan, but appears to be a dying force.¹⁸ The

18 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

organisation is not involved in a peace process although peace overtures on the dispute over Kashmir have been made between India and Pakistan.

- 3.37 The Committee does not recommend the disallowance of this regulation at this stage.

Salafist Group (GSPC)

- 3.38 The Salafist Group was originally listed on 14 November 2002. A new regulation was made by the Attorney-General on 4 November 2004. The Attorney-General's statement of reasons is as follows:

Background

The Algeria-based GSPC was formed by a splinter group of the Armed Islamic Group (GIA) in 1998. The GIA in turn was founded in the early 1990's following the Algerian Government's ban on the Islamic Salvation Front (FIS) imposed after FIS's victory in the first round of legislative elections in December 1991. The GIA began a high profile campaign of terrorist acts in 1993 and quickly became one of Algeria's most radical and violent Islamist extremist groups. It distinguished itself from other such groups operating in Algeria by indiscriminately targeting civilians, a policy which led one of its commanders, Hassan Hattab, to break away to found the GSPC. Many GIA guerrillas defected to the new group.

The GSPC has links to al-Qa'ida. Prior to his arrest in 2002, London-based Sheikh Omar Mahmud Muhammad Othman, also known as Abu Qatada and a spiritual leader within al-Qa'ida, maintained a relationship and coordinating role with the GSPC from the time of its formation. Abu Qatada was arrested in October 2002 by British authorities under the *Anti-Terrorism, Crime and Security Act 2001*. ASIO has additional credible information on links between GSPC members and al-Qa'ida, including information that GSPC members have received training in al-Qa'ida training camps and that the group receives weapons from al-Qa'ida.

The GSPC continues to engage in planned acts of violence with a view to furthering its political and religious objectives in Algeria, and has issued threats against US and European interests. It has made statements indicating an intention to

attack western civilians. In June 2004, the GSPC published a statement on a jihadist website declaring war on non-muslims in Algeria. The text, entitled "Comunique on war against foreigners" and signed by the emir Abou Ibrahim Mustapha, announced that "taking into account the difficult circumstances the Oumma and the mudjahidine are going through, war is declared against all foreigners in Algeria. Its interests, premises and infra-structures will not be spared".

Objectives

GSPC is a Sunni Islamic extremist group which aims to overthrow the secular government in Algeria and establish an Islamic Republic. The GSPC has, in pursuing this objective, undertaken murders, kidnappings, bombings, robbery, extortion and looting.

Membership and Leadership

The GSPC has approximately 3000 members. While many of the group's members were concentrated in the east of Algeria, many have recently relocated to Chad and Mali due to porous borders and counter-terrorism operations by the Algerian Government and the United States. The group also attracts support from European cells, predominantly in France, Spain, Italy and the United Kingdom.

GSPC founding member and leader Hassan Hattab was reportedly killed in an internal power struggle during September 2003. After this event, Nabil Sahraoui assumed leadership of the group until his death in June 2004. The GSPC is now reportedly led by Abou Mousaab Abdelouadoud.

Terrorist Activities

The GSPC has been involved in a number of terrorist attacks, including assassination, kidnapping, bombing, robbery, and extortion against Algerian government and military targets and Western nationals.

Terrorist attacks and activities for which the GSPC has claimed responsibility or for which responsibility has been reliably attributed to GSPC have included:

- a series of kidnappings of Western tourists in Algerian Sahara. A total of thirty two foreign tourists were kidnapped and held in two groups during February/March 2003. Seventeen hostages were freed through Algerian military action on 13 May 2003. Fourteen

were released in Mali in August 2003 after a negotiated ransom. One female hostage died, reportedly from dehydration and exhaustion;

- 7 April 2003 -attack on Maazouz village, killing three;
- a plan to kidnap competitors in the Paris to Dakar Rally in January 2004 as they travelled through Mali was foiled;
- 10 March 2004 - assassination in Algiers of the Imam of the El Harrach mosque, Abdennacer Abou Hafs;
- 4 March 2004 - Two civilians killed in Dellys, one of them a Democratic National Rally official;
- 24 April 2004 - robbery of an armoured car in Tizi Ouzou;
- 6 June 2004 - assassination of the chief of security for the Mekla region;
- 6 June 2004 - calls for assassinations via a web site with links to armed Islamist fundamentalist groups around the world;
- 21 June 2004 - car bombing of an electricity plant in Algiers;
- 7 July 04 - killing of an official from a local aggregate extraction quarry in Abouda;
- 18 September 2004 - defusing of a bomb by security agencies in a cafe located in Erraghen. This village has been the scene of attacks perpetrated by GSPC members active between the Babors mountains and Dar El-Oued;
- 23 October 2004 -16 killed in attack on a bus transporting fans to a soccer match in Algeriers; and
- June 2003 - September 2004 - numerous attacks against Algerian police, security and military forces resulting in the deaths of approximately 19 personnel.
- The GSPC has also made public anti-Western statements since 2002:
 - October 2003 - the GSPC announced that it had pledged allegiance to al-Qa'ida;
 - January 2004 - statement released stating that the GSPCs jihad in Algeria was part of the international jihad led by Usama bin Laden; and
 - June 2004 - statement released declaring "war on all foreigners and foreign interests in Algeria".

ASIO assesses that the GSPC is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is corroborated by information provided by reliable and credible intelligence sources and by official reporting.

Conclusion

ASIO assesses that the GSPC remains committed to its objective of overthrowing the Algerian Government and replacing it with an Islamic state. ASIO further assess that core members remain active, and continue to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. This assessment is corroborated by information provided by reliable and credible intelligence sources.

In the course of pursuing its objectives, the GSPC is known to have engaged in actions that:

- are aimed at advancing the GSPC's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life.
- are intended to cause, or have caused, serious risk to the safety of sections of the public in countries around the world and persons visiting these countries.

In view of the above information, the GSPC is assessed to be preparing, planning, and fostering the conduct of terrorist acts. Such acts include actions which are to be done and threats of actions which are to be made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation the government and people of numerous countries. The actions or threatened actions which the GSPC is assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

- 3.39 The Department of Foreign Affairs and Trade expressed no view and raised no objection to the listing of this organisation.
- 3.40 Measured against ASIO's stated evaluation process, and on the basis of the statement of reasons and evidence given at the hearing, the Salafist Group:
- has engaged in and continues to engage in terrorism, entirely within Algeria, although the organisation calls for assassinations through its web site;

- is linked to Al Qa'ida through Sheikh Omar Mahmud Muhammad Othman (Abu Qatada)¹⁹, directs its activities against Westerners and trains with Al Qa'ida;
 - no information was given to the Committee on a link to Australia;
 - no information was given to the committee on threats to Australian interests except insofar as Western tourists have been attacked in Algeria;
 - is listed by the UN and proscribed by the US, the UK and Canada;
 - no information was provided on any peace processes in relation to this group.
- 3.41 The statement of reasons states that the membership of the GSPC is approximately 3,000 members. Janes offers a very different estimate of the strength of the GSPC, suggesting that although the group claimed a membership of 5,000, that was 'always seen as a huge exaggeration and current estimates put the GSPC at no more than 500 cadres (and falling) in at least three distinct bands.'²⁰
- 3.42 The GSPC and the GIA have conducted a turf war, initially over what were seen as un-Islamic tactics on the part of the GIA in attacking fellow Muslim civilians.
- 3.43 Comments made about the GIA and the political causes underpinning the terrorism in Algeria are relevant to the GSPC. Janes states that the GSPC 'has recruited from among the disenfranchised and the embittered, but particularly in Europe it has concentrated on recruiting from among the criminal fraternity in prisons.'²¹ Details are given of negotiations between the Government of Algeria and opposition groups, but the GSPC, like the GIA, has criticised the peace process and the amnesty offered by the Government of Algeria in 1999.
- 3.44 Nevertheless, Janes assesses that, despite the disruption and dismantling of GSPC activities in Europe (where the organisation has sought to take over the GIA network), the group constitutes a particular concern in Western Europe, where sleepers may remain among Algerian communities.²²
- 3.45 The Committee notes the lack of any stated connection between this group and Australia.

19 Arrested in London in 2002.

20 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

21 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

22 Janes Terrorism and Insurgency Centre, November 2004, <http://jtic.janes.com>

- 3.46 The Committee does not recommend the disallowance of this regulation.

Conclusions

- 3.47 The Committee will err on the side of caution with respect to these regulations. It will not recommend to the Parliament that any of these regulations be disallowed. However, it is of some concern to the Committee that there still does not appear to be clarity, coherence and consistency in the process.
- 3.48 The information, both on the processing of the regulations and on the listed entities themselves, could be deemed to be inadequate for the Committee to judge the case for proscription with confidence. The Committee is grateful for the additional comments on ASIO's evaluation processes. That has been a valuable addition to its understanding of the methods by which ASIO selects organisations for listing. It is, however, not clear whether they are applied as a whole or individually to any listing. Judging by the information supplied on the individual listings, it must be individually. If this is the case, then dot points one and two in ASIO's list of factors for consideration²³ are so broad as to render the list meaningless.
- 3.49 The Committee is pleased to see the inclusion of Australian links in the factors ASIO considers in evaluating organisations for listing. However, the Australian links to some of the organisations under consideration appear to be very tenuous or non-existent.
- 3.50 The Committee believes that it is important to include, in any decision about listing an organisation, its links to Australia and Australians, because, despite the lack of a legislative requirement for this, the listing will have little practical effect without it. Application of the powers of the Criminal Code under the geographical extraterritoriality provisions appears to be an unlikely prospect. Prosecution of Australians, or foreigners acting in Australia, has a greater prospect of success. Therefore, listing only terrorist organisations which Australians support through financial contributions or by providing personnel makes sense in the fight against international terrorism. As well, listing those organisations that have a presence and operatives in Australia, where there is an immediacy of threat to the Australian community, also makes sense.

23 See paragraph 2.24.

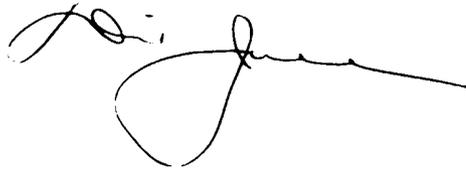
All else is symbolism that is costly in time and effort and possibly distracting for Australia's anti-terrorism efforts.

- 3.51 The Committee is also pleased to note that engagement in a peace process would be considered as a reason not to list an organisation. This makes some sense of what seemed to be inconsistencies in the application of the provisions; that some organisations, with a presence in Australia and listed by the UN as terrorist organisations, had not been proscribed by this country, while others with no connection to Australia had been.
- 3.52 The Committee was also disappointed that the information supplied to it did not contain more substantial details of the consultations held between the Commonwealth and the States and Territories. The time frame set for this process was so short that it rendered it impossible for the States and Territories to make any response, let alone object to a listing, as is their right.
- 3.53 Consultations with the Department of Foreign Affairs were noted but no details of DFAT's view were included. It would be valuable in future for the Committee to receive the details of DFAT's views at the time it receives the submissions on the listings from the Attorney-General.
- 3.54 Finally, issues were raised with the Committee about the need for the proscription power as a whole. This will be considered in 2007 during a full review of the use of the provision. However, the Committee notes that, to date, the power has not been used here or, as far as it knows, in other comparable countries. The view was put to the Committee that it was a difficult area in which to gain successful prosecutions. Certainly, some of the offences under the act, carrying heavy sentences, are for the more abstract offences such as association. To prosecute someone as an 'associate' in a democracy is difficult. It is antithetical to democratic principles and too abstract to allow for a successful prosecution in courts of law with traditions and expectations of concrete evidence for actions committed. This is an issue of both practice and principle which the Committee will continue to monitor.

Recommendation 2

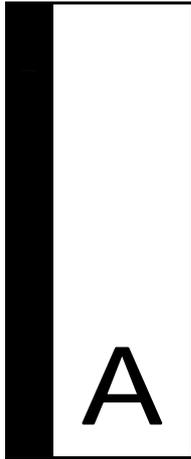
The Committee does not recommend disallowance of the regulations on the six terrorist organisations:

- Al-Qa'ida;
- Jemaah Islamiyyah (JI);
- Abu Sayyaf ;
- The Armed Islamic Group (GIA);
- Jamiat ul-Ansar (JuA) (formally Harakat Ul-Mujahideen); and
- The Salafist Group.



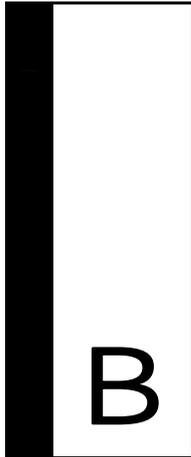
The Hon David Jull, MP

Chairman



Appendix A – List of submissions

1. Attorney-General's Department (on Al Qa'ida)
2. Attorney-General's Department (on Jemaah Islamiyyah)
3. Attorney-General's Department (on Abu Sayyaf)
4. Attorney-General's Department (on Armed Islamic Group)
5. Attorney-General's Department (on Salafist Group)
6. Attorney-General's Department (on Jamiat ul-Ansar)
7. Attorney-General's Department
8. Mr Joo-Cheong Tham
9. Combined Community Centres Group (NSW) Inc
10. Federation of Community Legal Centres (Vic) Inc
11. Public Interest Advocacy Centre
12. Mr Patrick Emerton
13. Civil Rights Network (Melbourne)
14. Victorian Council for Civil Liberties Inc
15. Australian Muslim Civil Rights Advocacy Network (AMCRAN)
16. Mr Jon Stanhope, MLA, Chief Minister of the Australian Capital Territory
17. Department of Foreign Affairs and Trade



Appendix B – Witnesses appearing at private hearing

Canberra (Private Hearing)

Tuesday, 1 February 2005

Attorney-General's Department

Mr Geoff McDonald, Assistant Secretary, Security Law Branch

Ms Annette Willing, Principal Legal Officer, Security Law Branch

Mr Nicholas Smith, Senior Legal Officer, Security Law Branch

Department of Foreign Affairs, Defence and Trade

Mr James Larsen, Assistant Secretary, Legal Branch

Ms Kathy Klugman, Assistant Secretary, Mainland South-East Asia and South-East Asia Branch

Mr Craig Chittick, Acting Assistant Secretary, Maritime South-East Asia Branch

Mr Michael Bliss, Director, International Law and Transnational Crime Section, Legal Branch

Mr Paul Noonan, Director, Counter-Terrorism Policy Section, Counter-Terrorism Branch

Mr Paul Cornelly, Executive Officer, Africa Section, Middle East and Africa Branch

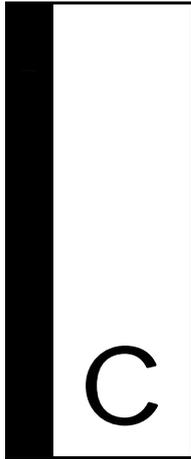
Ms Tegan Brink, Desk Officer, International Law and Transnational Crime Section

Australian Security Intelligence Organisation

Mr Dennis Richardson, Director-General of Security

Director, Government and Communications

Legal Advisor



Appendix C – Terrorist Organisation Lists

TERRORIST ORGANISATIONS - THE CRIMINAL CODE and CONSOLIDATED LISTS					
	NAME	AFFILIATION	CRIMINAL CODE LIST	CONSOLIDATED LIST	BASE COUNTRY OF OPERATION OR ORIGIN
1	Ansar Al-Islam	Al-Qa'ida	yes	yes	
2	Asbat Al-Ansar	Al-Qa'ida	yes	yes	
3	Egyptian Islamic Jihad	Al-Qa'ida	yes	yes	Egypt
4	Islamic Army of Aden	Al-Qa'ida	yes	yes	Aden
5	Islamic Movement of Uzbekistan	Al-Qa'ida	yes	yes	Uzbekistan
6	Jaish-I-Mohammed	Al-Qa'ida	yes	yes	
7	Lashkar I Jhangvi	Al-Qa'ida	yes	yes	
8	Al Qa'ida	Al-Qa'ida	yes	yes	
9	Jemaah Islamiyah	Al-Qa'ida	yes	yes	Indonesia
10	Abu Sayaf Group	Al-Qa'ida	yes	yes	Philippines
11	Armed Islamic Group	Al-Qa'ida	yes	yes	Algeria

12	Harakat Ul-Mujahideen	Al-Qa'ida	yes	yes	Pakistan
13	Salafist Group	Al-Qa'ida	yes	yes	Algeria
14	Hizballah External Security Organisation		yes	yes	West Bank/Gaza
15	Hamas		yes	yes	West Bank/Gaza
16	Lashkar-e Tayyiba		yes	yes	Pakistan
17	Palestinian Islamic Jihad		yes	yes	West Bank/Gaza
18	De Afghanistan Momtaz Bank	Taliban	no	yes	Afghanistan
19	Libyan Islamic Fighting Group	Al-Qa'ida	no	yes	Libya
20	Al-Itihaad Al-Islamiya	Al-Qa'ida	no	yes	
21	Makhtab Al-Khidamat/ Al Kifah	Al-Qa'ida	no	yes	
22	Wafa Humanitarian Organisation	Al-Qa'ida	no	yes	Jordan
23	Mamoun Darkazanli Import-Export Co	Al-Qa'ida	no	yes	Germany
24	Al-Hamati Sweets Bakery	Al-Qa'ida	no	yes	Yemen
25	Al-Nur Honey Press Shops	Al-Qa'ida	no	yes	Yemen
26	Al-Shifa Honey Press for Industry and Commerce	Al-Qa'ida	no	yes	Yemen
27	Jam'yah Ta'awun Al-Islamia	Al-Qa'ida	no	yes	Afghanistan
28	Rabita Trust	Al-Qa'ida	no	yes	Pakistan
29	Al Bakara Exchange	Al-Qa'ida	no	yes	Dubai

	LLC				
30	Waldenburg AG	Al-Qa'ida	no	yes	Liechtenstein/I taly
31	Al-Barakaat + 32 related organisations	Al-Qa'ida	no	yes	Somalia/Dubai /US/Canada/ Sweden/Liecht enstein/Nether lands
32	Al-Barakaat Wiring Service	Al-Qa'ida	no	yes	US
33	Asat Trust Reg	Al-Qa'ida	no	yes	Liechtenstein/ Dubai
34	Bank Al Taqwa	Al-Qa'ida	no	yes	Nassau Bahamas
35	Heyatul Ulya	Al-Qa'ida	no	yes	Somalia
36	Nada Management Organisation	Al-Qa'ida	no	yes	Switzerland
37	Parka Trading Co	Al-Qa'ida	no	yes	Dubai
38	Red Sea Barakat Co Ltd	Al-Qa'ida	no	yes	Somalia/Dubai
39	Somalia International Relief Organisation	Al-Qa'ida	no	yes	US
40	Somali Internet Co	Al-Qa'ida	no	yes	Somalia
41	Somali Network AB	Al-Qa'ida	no	yes	Sweden
42	Youssef M Nada & Co Gesellschaft MBH	Al-Qa'ida	no	yes	Austria
43	Youssef M Nada	Al-Qa'ida	no	yes	Switzerland
44	Abu Nidal/Black September/Fatah Revolutionary Council		no	yes	West Bank/Gaza
45	Al-Asqa Islamic Bank		no	yes	West Bank/Gaza

46	Aum Shinrikyo/Aum Supreme Truth		no	yes	Japan
47	ETA/Basque Fatherland and Liberty		no	yes	Spain
48	Beit Al-Mal Holdings		no	yes	Ramallah
49	Gama'a Al-Islamiyya		no	yes	Egypt
50	Holy Land Foundation for Relief and development		no	yes	US/Hebron/Gaza/West Bank
51	Kahane Lives/Sword of David/The Way of the Torah + 15 aliases		no	yes	
52	Kurdistan Workers Party		no	yes	Iraq/Turkey/Syria
53	Liberation Tigers of Tamil Eelam		no	yes	Sri Lanka
54	Mujahedin-e Khalq Organisation/MEK/MKO + 8 aliases		no	yes	Iran
55	National Liberation Army		no	yes	
56	Palestine Liberation Army		no	yes	West Bank/Gaza
57	Popular Front for the Liberation of Palestine + General Command		no	yes	West Bank/Gaza
58	Real IRA + 6 aliases		no	yes	UK (Ireland)
59	FARC/Revolutionary Armed Forces of Colombia		no	yes	Colombia

60	Revolutionary Nuclei		no	yes	
61	Revolutionary Organisation 17 November		no	yes	Greece
62	Revolutionary People's Liberation Party/Front		no	yes	
63	Shining Path + 11 aliases		no	yes	Peru
64	United Self Defence Forces of Colombia		no	yes	Colombia
65	Afghanistan Support Committee + 5 aliases	Al Qa'ida	no	yes	Pakistan/ Afghanistan
66	Continuity IRA		no	yes	UK (Ireland)
67	First October Antifascist Resistance Group		no	yes	Spain
68	Loyalist Volunteer Force		no	yes	UK (Ireland)
69	Orange Volunteers		no	yes	UK (Ireland)
70	Red Hand Defenders		no	yes	UK (Ireland)
71	Revival of Islamic Heritage society		no	yes	Afghanistan/Pakistan
72	Ulster Defence Association		no	yes	UK (Ireland)
73	Ummah Tameer E-Nau + 10 aliases		no	yes	Pakistan
74	Al-Aqsa Martyr's Brigade + Foundation +21 branches		no	yes	Germany/Netherlands/Denmark/Belgium/Sweden/South Africa/Pakistan
75	Al-Haramayn Islamic		no	yes	Bosnia-

	Foundation + 6 aliases				Herzegovina
76	The Aid organisation of Ulema Pakistan	Al Qa'ida	no	yes	Pakistan
77	Babbar + 2 aliases		no	yes	
78	International Youth Sikh Federation		no	yes	
79	New People's Army/ Communist Part of the Philippines		no	yes	Philippines
80	Eastern Turkistan Islamic Movement		no	yes	Turkistan
81	Global Relief Foundation + 10 aliases	Al Qa'ida	no	yes	US/France/Belgium/Bosnia/Kosovs/Albania/Pakistan/Turkey
82	Akida Bank Private	Al Qa'ida	no	yes	Bahamas
83	Akida Investment Co Ltd	Al Qa'ida	no	yes	Bahamas
84	Nasreddin Group International Holdings +1	Al Qa'ida	no	yes	Bahamas
85	Nasco Nasreddin Holdings	Al Qa'ida	no	yes	Turkey
86	Nascotex SA + 2	Al Qa'ida	no	yes	Morocco
87	Nasreddin Foundation	Al Qa'ida	no	yes	Liechtenstein
88	BA Taqwa for Commerce and real Estate	Nada Nesreddin Network	no	yes	Liechtenstein
89	Miga Malaysian Swiss Gulf and African Chamber	Nada Nesreddin Network/ Al	no	yes	Switzerland

		Qa'ida			
90	Gulf Center SRL	Nada Nesreddin Network/ Al Qa'ida	no	yes	Italy
91	Nascoservice SRL + 4	Nada Nesreddin Network/ Al Qa'ida	no	yes	Italy
92	Benevolence International Foundation	Al Qa'ida	no	yes	US/Bosnia/Ca nada/China/C roatia/Georgia /Netherlands/ Azerbaijan
93	Bosanka Idealna Futura		no	yes	Bosnia- Herzegovina
94	Islamic International Brigade/Islamic Peacekeeping Brigade +5	Al Qa'ida	no	yes	
95	Lajnat Al Daawa Al Islamiya	Al Qa'ida	no	yes	
96	Riadus-Salikhin Reconnaince and Sabotage Battalion of Chechen Martyrs + 5aliases	Al Qa'ida	no	yes	Russia
97	Special Purpose Islamic Regiment	Al Qa'ida	no	yes	
98	Al-Aqsa Foundation		no	yes	Germany/Den mark/ Belgium/ Sweden/ South Africa/Pakista n
99	Moroccan Islamic Combatant Group	Al Qa'ida	no	yes	Morocco

100	Commite De Bienfaisance et de secours aux Palestinien (CBSP)		no	yes	
101	Association de Secours Palestinien (ASP)		no	yes	
102	Palestinian Relief and development Fund (Interpal)		no	yes	
103	Sanabil Association for Relief and Development		no	yes	
104	Palestinian Association in Austria		no	yes	Austria
105	Djmat Houmat Daawa Salafia (DHDS)		no	yes	
106	Al-Haramayn Foundation	Al Qa'ida	no	yes	Pakistan/Kenya/Tanzania
107	Al Furqan		no	yes	Bosnia
108	Tabiah International + 4 related entities		no	yes	Bosnia
109	Al-Haramain Foundation + 3 related entities	Al Qa'ida	no	yes	Indonesia/Pakistan/Kenya/Tanzania
110	Al-Haramain Al Masjed Al Asqa Charitable Foundations + 12 related entities	Al Qa'ida	no	yes	Somalia/Bosnia/Afghanistan/Albania/Bangladesh/Ethiopia/Netherlands/US
111	Jama'at Al-Tawhid Wa'sl-Jihad (JTJ)	Al Qa'ida	no	yes	

112	Casa Apollo	Hizballah	no	yes	Paraguay
113	Barakat Import Export LTDA	Hizballah	no	yes	Chile

