

Review of the re-listing of Ansar al-Sunna, JeM, LeJ, EIJ, IAA, AAA and IMU as terrorist organisations

Parliamentary Joint Committee on Intelligence and Security

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Membership of the Committee

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Terms of reference

This inquiry and report is conducted under the following powers:

Criminal Code Act 1995

Section 102.1A Reviews by Parliamentary Joint Committee on Intelligence and Security

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 Intelligence and Security 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 2005 (No 1)

Select Legislative Instrument 2007 No.3

Registered: 23 March 2007 - Ansar al-Sunna (No FRLI No. given)

30 March 2007 - JeM (FRLI Ref No. F2007L00712)

30 March 2007 - LeJ (FRLI Ref No. F2007L00713)

30 March 2007 - EIJ (FRLI Ref No. F2007L00851)

30 March 2007 - IAA (FRLI Ref No. F2007L00848)

30 March 2007 - AAA (FRLI Ref No. F2007L00847)

30 March 2007 - IMU (FRLI Ref No. F2007L00850)



List of recommendations

2 The Listing

Recommendation 1

The Committee does not recommend the disallowance of the regulations made to proscribe the following organisations: Ansar al-Sunna, Jaish-e-Mohammad, Lashkar-e-Jhangvi, Egyptian Islamic Jihad, Islamic Army of Aden, Asbat al-Ansar, Islamic Movement of Uzbekistan.

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Introduction

- 1.1 This review is conducted under section 102.1A of the *Criminal Code Act 1995* (the Criminal Code). Section 102.1A provides that the Parliamentary Joint Committee on Intelligence and Security (the Committee) may review a regulation specifying an organisation as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code and report the Committee's comments to each house of the Parliament before the end of the applicable disallowance period.
- 1.2 The Committee is currently conducting a full review of the operations, effectiveness and implications of the proscription powers and expects to report on this matter later in the year. A number of approaches to the proscription process are being examined in the course of this review and it is hoped that procedures may be refined as a result of this review. In particular, the criteria and the way in which they are applied will be addressed. This will no doubt affect the Committee's reports on individual listings. In the mean time, in this review, for the sake of consistency, the Committee has used the criteria and assessment methods which it has used throughout its consideration of listings and re-listings over the last three years.
- 1.3 Under section 102(3) of the Criminal Code regulations, the listing of organisations as terrorist organisations ceases to have effect on the second anniversary of the day on which they took effect. The organisations must, therefore, be re-listed.
- 1.4 This review covers the re-listing of seven organisations. The seven were originally listed in 2003 under legislative arrangements which required that organisations to be listed had to be on the United

Nations list of terrorist organisations. The seven organisations came up for review under new legislative arrangements, which had been passed by the Parliament in 2004. The Committee, therefore, reviewed the first re-listing of these organisations and reported to Parliament in August 2005. This review is of the second re-listing.

- 1.5 The organisations under consideration are:
 - Ansar al-Sunna (formerly Ansar al-Islam);
 - Jaish-e-Mohammad (JeM);
 - Lashkar-e-Jhangvi (LeJ);
 - Egyptian Islamic Jihad (EIJ);
 - Islamic Army of Aden (IAA);
 - Asbat al-Ansar (AAA);
 - Islamic Movement of Uzbekistan (IMU).
- 1.6 The Attorney-General wrote to the Chairman on 2 March 2007 advising that he had decided to re-list Ansar al-Sunna as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995*. Further letters were received on 15 March 2007 with similar advice in relation to Jaish-e-Mohammad and Lashkar-e-Jhangvi and on 22 March 2007 with advice on Egyptian Islamic Jihad, the Islamic Army of Aden, Asbat al-Ansar and the Islamic Movement of Uzbekistan.
- 1.7 The regulation in relation to Ansar al-Sunna was tabled in the House of Representatives and the Senate on 26 March 2007. The disallowance period of 15 sitting days for the Committee's review of the listing began from the date of the tabling. Therefore, the Committee is required to report to the Parliament by 12 June 2007. The remaining regulations were not tabled until 8 May 2007 making the end of the disallowance period for these organisations 19 June 2007. However, the Committee resolved to deal with all seven organisations together.
- 1.8 The Committee advertised the inquiry in *The Australian* on 18 April 2007. Notice of the inquiry was also placed on the Committee's website. No submissions were received from the public.
- 1.9 In the absence of submissions and given that these are second re-listings of organisations, which do not raise controversial issues, the

Committee resolved to assess the merits of the re-listings on the papers without holding a hearing.

- 1.10 In past reports the Committee has expressed concern about the value of ASIO's criteria in judging the case for listing or re-listing. This debate is now being considered in an overall review of the proscription power. The Committee does not believe that these criteria are either clear or consistently applied. Nevertheless, in the absence of any other criteria, the Committee will continue to use ASIO's criteria as the basis for its judgements on each organisation. This chapter will examine the Government's procedures in listing the seven organisations and chapter 2 will consider the merits of the listings.

The Government's procedures

- 1.11 In a letter sent to the Committee on 4 April 2007, the Attorney-General's Department informed the Committee of its procedures in relation to the re-listing of Ansar al-Sunna. Further letters were received on 3 May 2007 regarding the procedures used for the making of the other six regulations. The statement of procedures for each organisation is attached in the appendix containing the statement of reasons for that organisation.

Procedural concerns

- 1.12 The Committee is conscious that a broad review is currently being conducted into the operations, effectiveness and implications of the proscription power. It is also aware that, compared to other jurisdictions which ban terrorist organisations, the procedures adopted in Australia, involving parliamentary review, have a number of merits.
- 1.13 Nevertheless, the Committee remains critical of the Government's procedures for the listing of organisations for the same reasons which have been detailed in numerous reports. These criticisms also apply to the current review. These general criticisms relate to clarity, consistency and coherence of the procedures and the decision making and specifically include:

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- The nature of the information supplied to the committee. In the case of re-listings whether the information is current;
 - The organisation of the information according to the criteria established by ASIO;
 - The extent of consultation with state and territory governments;
 - The extent of consultation with the Department of Foreign Affairs;
 - The extent and nature of an information program with the community.

The nature of the information supplied to the Committee

- 1.14 Many of the regulations which currently come to the Committee are for the re-listing of organisations, previously listed and fully reviewed. The Committee has asked that the information presented to justify this 'fresh exercise of executive discretion' contain a 'sufficient degree of currency in the evidence to warrant the use of the power'¹ Therefore, the Committee has asked that the emphasis in the material be on the activities of the organisation in the period since the last listing/review. The statements of reasons for these current reviews do, for the most part, include, under the heading 'Terrorist activities', those activities that have taken place since the last review.
- 1.15 However, it is disappointing that the information in the statements of reasons does not as yet address the criteria which ASIO says it uses to 'select' and organisation for listing, namely:
- Engagement in terrorism;
 - Ideology and links to other terrorist groups or networks;
 - Links to Australia;
 - Threats to Australian interests;
 - Proscription by the UN or like minded countries; and
 - Engagement in peace/mediation processes.²
- 1.16 The use of these criteria in the statement of reasons would not preclude the Attorney-General from applying the definition of a
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1 Parliamentary Joint Committee on Intelligence and Security, *Review of the re-listing of ASG, JuA, GIA and GSPC*, February 2007, p. 6.

2 Criteria given at a hearing on 1 February 2005. The last factor was seen as an exclusionary factor.

terrorist organisation from within the act, as this definition is very broad. However, the Committee reiterates that:

a clearer exposition of the criteria would strengthen the Government's arguments, provide greater clarity and consistency in the evidence and therefore increase public confidence in the regime as a whole. Therefore, ... it would greatly facilitate the Committee's review process if the [statement of reasons addressed these criteria.]³

Consultation within government

- 1.17 Consultation with the States and Territories is still short. There were twelve working days between the time when the Attorney-General sent letters to the Prime Minister, the Leader of the Opposition, the Attorneys of the States and Territories and the Chairman of the Parliamentary Joint Committee on Intelligence and Security (2 March 2007) and when the Governor General made the regulation (22 March 2007). In relation to the other six organisations the timing was even shorter, four days in the case of one group and eight days in relation to the second.⁴
- 1.18 The Leader of the Opposition did not seek a briefing on the matter and no State or Territory government replied.
- 1.19 The Committee notes that letters were addressed to Attorneys in the States and Territories rather than the Premiers and Chief Ministers as agreed under subclause 3.4(6) of the *Inter-Governmental Agreement on Counter-terrorism Laws*. This subclause states that the Commonwealth will provide the States and Territories with the 'text of the proposed regulation and will use its best endeavours to give the other parties reasonable time to consider and to comment on the proposed regulation'.
- 1.20 The Department of Foreign Affairs was consulted at the initial stage of developing the statement of reasons.⁵ The nature and extent of this consultation is not clear from the statement of reasons.

3 Parliamentary Joint Committee on Intelligence and Security, *Review of the re-listing of ASG, JuA, GIA and GSPC*, February 2007, p.8.

4 The first groups was JeM and LeJ, the second EIJ, IAA, AAA and IMU.

5 See Statement of Reasons in Appendix B.

Community consultation

- 1.21 Submission number five⁶ of 4 April 2007 from the Attorney-General provides no information on the means which the government used to inform the community beyond paragraph 12.
- A press release was issued on 26 March 2007 and the Attorney-General's Department's National Security web site has been updated.
- 1.22 At previous hearings and in response to recommendations going back to the Committee's second review in March 2005, the Attorney-General's Department has advised that 'they are developing a response to the Committee's recommendation on community consultation.⁷ Not only has this not happened, but the level of communication with the public has been diminished by the removal of the statement of reasons from the Attorney-General's media release and web site.
- 1.23 It remains the Committee's view that it would be most beneficial if a community information program occurred prior to the listing of an organisation under the Criminal Code. This question will be addressed more fully in the current review of the proscription power.

6 This is the procedural on Ansar al-Sunna. See Appendix B.

7 Transcript, Private hearing 2 May 2005, p. 5.

The Listing

The criteria for listing an organisation

- 2.1 To be specified as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, the Minister:
- must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planing, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur); or
 - advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).¹
- 2.2 In previous reports, the Committee has commented on the breadth of this definition.² The definition does not explain why certain organisations who engage in, prepare, plan, assist in or foster the doing of a terrorist act have not been proscribed under the Criminal Code, whereas other have.
- 2.3 In order to understand the process of selecting organisations for listing, the Committee sought guidance from ASIO. At the hearing on 1 February 2005 for the *Review of the listing of six terrorist organisations*, the Director-General of ASIO advised the Committee of ASIO's evaluation process in selecting entities for proscription under the Criminal Code. Factors included:

¹ Paragraphs 102.1(2) (a) and (b) of the Criminal Code.

² See: Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of the Palestinian Islamic Jihad*, June 2004, p. 18 and Joint Parliamentary Committee on ASIO, ASIS and DSD, *Review of the listing of six terrorist organisations*, March 2005, Chapter 2.

- 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.³

2.4 The Committee accepted these criteria as useful and has used them as the basis of its reviews over the last three years. However, matching information within the statements of reasons with the criteria has proved to be elusive. Therefore, the Committee has asked the Attorney-General to use the criteria as the basis of statements of reasons. This has not yet occurred.

The re-listing of Ansar al-Sunna (previously Ansar al-Islam)

- 2.5 The Attorney-General informed the Committee of the proposed listing by letter dated 2 March 2007 with an attached statement of reasons. On 26 March 2007, the Attorney-General issued a media release announcing the decision to re-list Ansar al-Sunna. The media release provided some comments about the organisation but did not attach, as was formerly the practice, the statement of reasons.⁴
- 2.6 The Attorney-General's statement of reasons is attached at Appendix B.
- 2.7 On the basis of the statement of reasons and other open sources, Ansar al-Sunna has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.8 All sources state that Ansar al-Sunna proclaims itself as a significant part of the insurgency in Iraq. It is estimated to be between 500 and 1000 strong, although precise numbers are unknown. Despite its origins in the organisations known as Jund al-Islam and Ansar al-

3 Confidential exhibit, ASIO, tabled 1 February 2005.

4 The practice appears to have ceased with the re-listing of TQJBR in February 2007.

Islam, both the US State Department and Janes' list Ansar al-Sunna's beginning as an internet proclamation in September 2003, 'calling for all extremists in Iraq to unite under the new name.'⁵ The statement of reasons states that the organisation, which had been scattered from its bases in northern Iraq during the invasion of March 2003, regrouped and 'returned to Iraq, where they sought, in cooperation with other foreign and Iraqi militants, to create an umbrella organisation for Sunni jihadi resistance to the Coalition presence in Iraq.'⁶

- 2.9 Since its formation, it has taken responsibility for a large number of serious attacks within Iraq, not only against Coalition forces, but also against local authorities, both military and political, and local citizens. The statement of reasons lists nine attacks in the period under review, since May 2005. The deaths of 134 people are detailed in these attacks; however, the statement also says that unspecified numbers of people were killed in some of the attacks.⁷

Ideology and links to other terrorist groups/networks

Ideology

- 2.10 Ansar al-Sunna's objectives are to overthrow the Iraqi Government, expel coalition forces from the country and establish an Islamic state under Sharia law.⁸ Insofar as it employs violence in pursuit of these objectives, it fits the definition of a terrorist organisation.
- 2.11 However, the Committee wishes to reiterate its concerns with this category of the criteria, which appears to confuse political ideology with methods of operation.⁹ Ideology *per se* has not been addressed in the statement of reasons, nor has the relation between ideology and terrorist acts been spelt out.

5 US State Department, Annual Country Reports on Terrorism, 2005.

6 See the statement of reasons, Submission 1 in Appendix B.

7 See the statement of reasons, Submission 1 in Appendix B.

8 See the statement of reasons, Submission 1 in Appendix B.

9 This was raised in the Committee's last report, *Review of the re-listing of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR)*, May 2007, p. 17. The Committee will consider the question of the suitability of ASIO's criteria in its broader review of the proscription power currently being undertaken.

Links to other terrorist groups

2.12 Ansar al-Sunna is linked to al-Qa'ida in Iraq and to al-Qa'ida itself. The US State Department says that some of the members of al-Sunna 'were trained in al-Qa'ida camps in Afghanistan'¹⁰. Janes' says that 'most of the group's members have fought in Afghanistan [and] some are also believed to have fought in Chechnya'.¹¹ It is closely associated with the al-Zarqawi network, or al-Qa'ida in Iraq.

2.13 Janes' concludes that:

As the insurgency in Iraq developed momentum over the course of 2004, the name Ansar al-Islam remained closely associated with the terrorism plaguing the country. There were even reports suggesting that Ansar al-Islam was extending its reach into Europe as well as throughout Iraq.

It is unlikely that an essentially parochial group of Kurdish mountain guerrillas represented a significant threat to Europe or had the ability to operate effectively outside Iraqi Kurdistan. It is more likely that, through their Arab/ Afghan connections, the most ardent Ansar al-Islam fanatics were incorporated into the ranks of the jihadist volunteers that have moved into Iraq in the wake of the invasion.¹²

Links to Australia

2.14 The statement of reasons gives no information about links to Australia for this organisation.

Threat to Australian interests

2.15 The statement of reasons gives no information about threats to Australian interests. The Committee notes, however, that Australian troops operate in Iraq.

Proscription by the UN or like-minded countries

2.16 Ansar al-Sunna is listed as Ansar al-Islam in the United Nations 1267 Committee's consolidated list. In addition, Canada, the United

¹⁰ US State Department, Annual Country Reports on Terrorism, 2005.

¹¹ <http://jtic.janes.com>, *Ansar al-Islam*

¹² <http://jtic.janes.com>, *Ansar al-Islam*, p. 4.

States and the United Kingdom also list Ansar al-Islam. The United Kingdom also separately lists Ansar al-Sunna.

Engagement in peace/mediation processes

- 2.17 There was no evidence from any source of the involvement of this organisation in a peace process, although the statement of reasons is silent on the matter.

Jaish-e-Mohammad (JeM)

- 2.18 The Attorney-General informed the Committee of the proposed re-listing by letter dated 15 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Jaish-e-Mohammad (JeM) and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listings, the statements of reasons, were not linked to the media release.
- 2.19 The Attorney-General's statement of reasons is attached at Appendix C.
- 2.20 On the basis of the statement of reasons and other open sources, Jaish-e-Mohammad (JeM) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.21 JeM is a Pakistani based organisation, established in 2000.¹³ It provides religious and military training and conducts operations in the disputed territories on Indian Administered Kashmir (IAK). It is described by all sources as active, well resourced, well trained and motivated. It is said by Janes' to pose a major terrorist threat to India and Pakistan and to Western targets in both these countries.' The US State Department says it has 'tens of thousands of followers ... [and] 'at least several hundred armed supporters.'¹⁴ Most of its

13 The announcement of its establishment was made in January 2000, although Janes' notes that 'the date of its founding is usually given as December 1999 following the release of its founder from prison in India.' <http://jtic.janes.com>, *Jaish-e-Mohammad*.

14 US State Department, Annual Country Reports on Terrorism, 2005.

membership comes from Pakistan and Kashmir; however it attracts Arabs, Afghans, veterans from the Afghan war, as well as other jihadists who come to train. The statement of reasons notes that:

Reporting also indicates that JeM may be helping to facilitate the activities of international jihadists intending to conduct terrorist operations outside Kashmir or India, including the United Kingdom. The British National, Rashid Rauf, arrested in Pakistan as one of the main coordinating figures allegedly responsible for the disputed British trans-Atlantic planes bombing plot in August 2006, is strongly suspected of having links with JeM.

Investigators have also uncovered possible connections between JeM and the British-born suicide bombers responsible for the London subway attacks.¹⁵

- 2.22 Seven attacks are listed for the period since the last review. Most of these attacks were directed at officials, particularly police, but included the deaths of civilians as well. In the past, the organisation is accused of the attempted assassination of the President of Pakistan, General Musharraf (twice in December 2003), an attack on the Indian Parliament (2001) and an attack on the legislative assembly of Jammu and Kashmir (2001).¹⁶

Ideology and links to other terrorist groups/networks

Ideology

- 2.23 The objective of JeM is to reunite the IAK with Pakistan.¹⁷ This objective is combined with a domestic agenda of establishing an Islamic state in Pakistan and opposition to the presence of Shias, Christians, Hindus and Jews in Pakistan.¹⁸ Its violence in support of these aims is what designates it as a terrorist organisation under the Criminal Code.

15 See the statement of reasons Appendix C.

16 US State Department, Annual Country Reports on Terrorism, 2005

17 This is a long-running dispute dating from Indian independence in 1948. It is notable that many of the organisations designated as terrorist organisations emerge out of long-running, intractable and unresolved territorial or political disputes. In the case of JeM, India has accused Pakistan's ISI of encouraging the development of this and other organisations related to this dispute.

18 <http://jtic.janes.com>, *Jaish-e-Mohammad*.

Links to other terrorist groups

- 2.24 JeM is one of a number of organisations that have grown up around the conflict over Jammu/Kashmir. Not all of these organisations are allies, many resulting from disputes and the subsequent splintering of groups as they come under pressure. Such groups include: Khuddam ul-Islam(KuL), Jamaat ul-Furqan (JuF). The statement of reasons asserts that ‘despite these factions, the group is commonly regarded as a single entity and referred to as JeM.’¹⁹
- 2.25 However, more significantly, Janes’ says that JeM has allied itself to Lashkar e-Taibyya (LeT) and Lashkar e-Jhangvi (LeJ) and that these organisations form the United Jihad Council.²⁰ The US State Department claims that JeM shares its cadre with Harakat ul-Mujahedin (HuM) and Harakat ul-Jihad-i-Islami (HuJI) and has close ties to Afghan Arabs, the Taliban and to LeT, LeJ and Sipahi-e-Sahaba Pakistan (SSP).
- 2.26 The State Department claims that ‘there are suspicions that Osama Bin Laden has provided funds to JeM’.²¹ The statement of reasons goes further and states that ‘JeM is closely associated with Al Qa’ida and reports suggest that Azhar (the JeM leader) may have assisted Al Qa’ida fight US forces in Somalia and helped to establish Al Qa’ida training camps in Yemen.’²² Janes’ is more circumspect and notes that ‘from open source material, it is impossible to assess the validity of [statements about the close links of JeM to the Taliban and Al Qa’ida.]’²³

Links to Australia

- 2.27 No information is provided on links between JeM and Australia.

Threat to Australian interests

- 2.28 No information is provided about threats to Australian interests.

19 See the statement of reasons, Appendix C.

20 <http://jtic.janes.com>, *Jaish-e-Mohammad*. In addition to JeJ and LeT, the Council also includes HuM, Hizb-ul-Mujahideen (HM) and Al Badar.

21 US State Department, Annual Country Reports on Terrorism, 2005.

22 See the statement of reasons, Appendix C.

23 <http://jtic.janes.com>, *Jaish-e-Mohammad*.

Proscription by the UN or like-minded countries

- 2.29 JeM is listed in the UN 1267 Committee's consolidated list and by the governments of Canada, the United Kingdom, the United States, Pakistan and India.

Engagement in peace/mediation processes

- 2.30 No information is provided about whether JeM has been involved in any peace or mediation process.

Lashkar-e-Jhangvi (LeJ)

- 2.31 The Attorney-General informed the Committee of the proposed re-listing by letter dated 15 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Lashkar-e-Jhangvi (LeJ) and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listing, the statements of reasons, were not linked to the media release.
- 2.32 The Attorney-General's statement of reasons is attached at Appendix D.
- 2.33 On the basis of the statement of reasons and other open sources, Lashkar-e-Jhangvi (LeJ) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.34 The statement of reasons says that the LeJ is estimated to have about 300 active members. The US State Department says 'probably fewer than 100'.²⁴ Since the last review of this organisation, the statement of reasons lists four attacks, all against Shiite religious leaders or places of worship.
- 2.35 The details of these attacks are in the statement of reasons at Appendix D.

24 US State Department, Annual Country Reports on Terrorism, 2005.

Ideology and links to other terrorist groups/networks

Ideology

2.36 The statement of reasons states that the objective of LeJ is 'the establishment of an Islamic state in Pakistan'. However, the evidence provided from all sources points to an organisation that emerged from sectarian disputes between Sunnis and Shias in the 1980s and these disputes appear still to be an influence on the aims and activities of the organisation. The support base of LeJ is religious and sectarian. The religious divisions are complicated by economic and social differences in Pakistani society between Sunnis and Shia, which in turn have been exacerbated by external interventions. This history is detailed in the Committee's last review of this organisation in August 2005. It is broadly repeated here as it appears to continue to drive the nature of the terrorist attacks committed by the group.

2.37 After the Iranian revolution in 1979, bitter sectarian division increased in Pakistan between the majority, but economically poorer, Sunnis and the minority, but wealthy, landowning class of Shias. With the Russian invasion of Afghanistan, the rise of the Shia organisation, Hizbullah, in Lebanon and rumours of Iranian funding for radical Shia mosques throughout the region, the Sunnis in Pakistan and elsewhere were alarmed. This fear and resentment was further fuelled by Saudi and US intervention:

The government of Saudi Arabia, encouraged by the United States, undertook a programme to counter the Iranian initiative. Saudi money (from government and charitable foundations) was poured into Sunni mosques and religious institutions across the Middle East and Asia. This promoted radical strands of Sunni Islam and Deobandism, at the expense of the often much more tolerant local traditions, which in southeast Asia and Kashmir had been influenced by Sufism or Hindu and Buddhist traditions.²⁵

2.38 The rise of organisations such as the SSP and, in the 1990s, the LeJ, and other Sunni militant parties was encouraged. Sectarian violence, directed at first at Iranian diplomats and then at the

25 <http://jtic.janes.com>, *Lashkar-e-Jhangvi*.

Pakistani Shia community, spread. By 1998, it was, according to Janes', spiralling out of control.²⁶

- 2.39 It would appear that since 2001, when the organisation was banned by President Musharraf and members sought refuge in Afghanistan, LeJ has become more integrated to the broader jihadist struggle. The agenda of the organisation has broadened to include hostility towards all Westerners and non-believers. Attacks have occurred on Christians (in 2001) and on French technical workers (in 2002), on the US Consulate (in 2002) and, allegedly, Daniel Pearl, (in 2002). Nevertheless, all the attacks listed by the statement of reasons, the most recent activities of LeJ, have involved attacks on Shias.

Links to other terrorist groups

- 2.40 Lashkar-e-Jhangvi (LeJ) is a splinter group which broke away from the Sipah-e-Sahaba (SSP) in the mid 1990s. It is now part of the web of Pakistani based extremist groups as detailed in the previous assessment of JeM.²⁷ Janes' says that, in 2002, the list of suspects in the attacks on Western targets suggests contact between LeJ and Al Qa'ida.

Links to Australia

- 2.41 No information was provided on this matter.

Threat to Australian interests

- 2.42 No information was provided on this matter.

Proscription by the UN or like-minded countries

- 2.43 LeJ is listed in the UN 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom, the United States, Canada and Pakistan.

Engagement in peace/mediation processes

- 2.44 No information was provided on this in the statement of reasons.

²⁶ <http://jtic.janes.com>, *Lashkar-e-Jhangvi*.

²⁷ Note in particular paragraphs 2.24-2.26 above.

Egyptian Islamic Jihad (EIJ)

- 2.45 The Attorney-General informed the Committee of the proposed re-listing by letter dated 22 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Egyptian Islamic Jihad (EIJ) and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listing, the statements of reasons, were not linked to the media release.
- 2.46 The Attorney-General's statement of reasons is attached at Appendix D.
- 2.47 On the basis of the statement of reasons and other open sources, Egyptian Islamic Jihad (EIJ) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.48 The statement of reasons for the EIJ provides no evidence of contemporary terrorist activity for this organisation. The last cited incident is 1995, a truck bomb attack against the Egyptian embassy in Pakistan.²⁸ The statement explains that the 'domestic faction is mostly inactive due to successful, sustained actions by Egyptian authorities' and 'the international faction, led by al-Qa'ida deputy, Ayman al-Zawahiri, is largely subsumed within al-Qa'ida. ... Terrorist activities by the international faction are likely credited to al-Qa'ida rather than the EIJ.'²⁹ The statement also notes that both the domestic leader and the spiritual leader are in prison. The US State Department says that the EIJ merged with al-Qa'ida in 2001. It also notes no activities in Egypt after 1993 and no international acts after the disrupted attack in 1998. Given these arguments and al-Zawahiri's position, it would appear that the EIJ has in fact given way to al-Qa'ida and its separate existence must be questionable.
- 2.49 However, Janes' sees the EIJ as the 'backbone of al-Qa'ida'. It says that the group has been scattered, both forced out of Afghanistan after US attacks in November 2001, and operating in places as geographically dispersed as: Albania, Azerbaijan, Bulgaria, the

28 See statement of reasons, Appendix E. The list of terrorist activities does include a disrupted attack in 1998 in Albania.

29 See statement of reasons, Appendix E.

United Arab Emirates, Kashmir, Chechnya, the Philippines, Indonesia, Somalia and with networks in the United Kingdom, Yemen, Lebanon and the Sudan. Jane's argues that:

Although the group's base and communications have been greatly disrupted, the EIJ's leader remains a potent symbol of resistance to thousands of sympathisers across the world. The group's ability to act as a whole has been compromised by the US led War on Terrorism, but it is believed to have despatched numerous cells, many of which are believed to remain at large, that are fully self sufficient and capable of future terrorist activities.

[Within Egypt] the roots of Islamist opposition remain, and it is likely that these extremists will restart their campaign against the Egyptian government as and when the opportunity arises. Escalating popular opposition to the government's pro-Western alliance has been of particular concern since the invasion of Iraq in early 2003, despite Mubarak's avowed opposition to this US policy.³⁰

- 2.50 Jane's lists a number of activities since 1995 which have tentative connections with the EIJ. These include attacks in Nairobi and Dar es Salaam in 1998, in Kushh in 2000, the USS Cole in 2000 and a shooting in Los Angeles airport in 2002. In 2004 it says that 15 men were charged in Egypt with membership of the EIJ.³¹
- 2.51 The statement of reasons estimates EIJ's strength at several hundred with several thousand supporters. The US State Department says that the strength of the organisation is 'unknown, but probably has several hundred hard-core members inside and outside Egypt.'³² Jane's says that its strength is unknown but notes that, when it was in Afghanistan, it was believed to have numbered 200 loyalists.'³³

Ideology and links to other terrorist groups/networks

Ideology

- 2.52 From the beginning, the purpose of the EIJ was the overthrow of the secular government in Egypt. With its merging with al-Qa'ida, the

30 <http://jtic.janes.com>, *El-Gihad*.

31 <http://jtic.janes.com>, *El-Gihad*.

32 US State Department, Annual Country Reports on Terrorism, 2005.

33 <http://jtic.janes.com>, *El-Gihad*.

EIJ agenda has assumed the objectives of al-Qa'ida: the establishment of a Caliphate.

Links to other terrorist groups

- 2.53 Apart from its connections with al-Qa'ida, the statement of reasons provides no information about EIJ linkages to other terrorist organisations.
- 2.54 Janes' describes possible linkages, asserted by the Egyptian government, with the Iranian Revolutionary Guards Corps (IRGC) largely through Sudan.³⁴ In addition, because of the close/integral relationship with al-Qa'ida, the EIJ then is part of the al-Qa'ida network involving the Islamic Group, the Abu Sayyaf Group (ASG), the Armed Islamic Group (GIA), the Salafist Group for Call and Combat (GSPC), Harakat-ul-Mujahideen (HuM), Islamic Movement of Uzbekistan (IMU), Islamic Union, Islamic Army of Aden (IAA), Uighur Separatists, Chechen Guerillas, Hamas and the Palestinian Islamic Jihad (PIJ). In addition, despite EIJ's radical Sunni philosophy, Janes' says that Ayman al-Zawahiri is believed to have links with the international wing of Hizballah.³⁵

Links to Australia

- 2.55 The statement of reasons provides no information about links to Australia.

Threat to Australian interests

- 2.56 The statement of reasons argues that the threat to Australian interests is contained in a video statement by Ayman al-Zawahiri on 27 July 2006 calling on Muslims to target the interests 'of all countries' who participated in the 'assault against the Muslims' in countries including Afghanistan and Iraq, a reference taken to include Australia.³⁶

34 <http://jtic.janes.com>, *El-Gihad*.

35 <http://jtic.janes.com>, *El-Gihad*.

36 See statement of reasons, Appendix E.

Proscription by the UN or like-minded countries

- 2.57 The EIJ is listed by the United Nations 1267 Committee's consolidated list, by the governments of Canada, the United Kingdom and the United States.

Engagement in peace/mediation processes

- 2.58 No information is provided on this matter.

Islamic Army of Aden (IAA)

- 2.59 The Attorney-General informed the Committee of the proposed re-listing by letter dated 22 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Islamic Army of Aden (IAA) and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listing, the statements of reasons, were not linked to the media release.
- 2.60 The Attorney-General's statement of reasons is attached at Appendix F.
- 2.61 On the basis of the statement of reasons and other open sources, the Islamic Army of Aden (IAA) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.62 The only 'new' 'terrorist activity' attributed to this group since it was last reviewed is the following dot point:
- Mar/ Apr 2006: The arrest of IAA members suspected of planning to travel to Iraq to fight foreign forces.'
- 2.63 The statement of reasons states that the strength of the IAA is 'unknown, but likely to be between 30 and 100'.³⁷ Janes' describes the membership of the organisation as 'small and says that it has 'limited organisational and operational capacities' and therefore its

37 See statement of reasons, Appendix F.

‘firm rhetoric has not been translated into a corresponding level of action.’³⁸

Ideology and links to other terrorist groups/networks

Ideology

- 2.64 Like the EIJ, the IAA has sought the overthrow of the national government and the establishment of an Islamic state, and, like the EIJ, has widened its aims to support al-Qa’ida’s goals for global jihad. Janes’ suggests further aims of ‘the removal of Westerners, particularly Americans and British citizens from the Middle East and the release of prisoners from Yemeni jails and avenging the death of Abu Hassan, the group’s former leader.’³⁹ In the past the IAA has used kidnapping and bombing in pursuit of its aims.
- 2.65 Its leaders have been arrested, although the leader arrested in 2003, Khalid Abd al-Nabi, cooperated with authorities and was given a presidential pardon.⁴⁰

Links to other terrorist groups

- 2.66 The statement of reasons says that IAA is associated with al-Qa’ida and has made public statements in support of Osama Bin Laden. It is also claimed that the IAA ‘may have received some funding through al-Qa’ida.

Links to Australia

- 2.67 No information has been given on this matter.

Threat to Australian interests

- 2.68 No information has been given on this matter.

Proscription by the UN or like-minded countries

- 2.69 The Islamic Army of Aden (IAA) is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist

38 <http://jtic.janes.com>, *Aden-Abyan Islamic Army (AAIA)*.

39 <http://jtic.janes.com>, *Aden-Abyan Islamic Army (AAIA)*.

40 <http://jtic.janes.com>, *Aden-Abyan Islamic Army (AAIA)*.

organisation by the governments of the United Kingdom and Canada. The United States has designated the IAA as a terrorist organisation on the Terrorist Exclusion List

Engagement in peace/mediation processes

- 2.70 Apart from the pardon given to the leader arrested in 2003, there is no information on this matter.

Asbat al-Ansar (AAA)

- 2.71 The Attorney-General informed the Committee of the proposed re-listing by letter dated 22 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Asbat al-Ansar and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listing, the statements of reasons, were not linked to the media release.
- 2.72 The Attorney-General's statement of reasons is attached at Appendix G.
- 2.73 On the basis of the statement of reasons and other open sources, Asbat al-Ansar (AAA) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.74 Various open sources put the strength of Asbat al-Ansar at between 100 and 300 fighters, mostly Palestinians from the refugee camps in southern Lebanon. The statement of reasons lists two terrorist activities in the period since the last review. They both involve announcements made by the organisations itself, one in July 2005 and one in March 2006, that its members were killed during operations in Iraq. The statement of reasons says that Asbat al-Ansar has broadened its area of operations from southern Lebanon, and, in 2005 and 2006, 'sent fighters in support of the insurgency in collaboration with al-Qa'ida.'⁴¹

41 See the statement of reasons Appendix G.

- 2.75 However, the US State Department also notes that ‘since 2003, the Lebanese government has monitored Asbat al-Ansar and the group’s activities have been less successful.’⁴² This statement from a 2005 report, however, predates the organisation’s claims of involvement in Iraq.

Ideology and links to other terrorist groups/networks

Ideology

- 2.76 Asbat al-Ansar aims to establish a radical Islamic state in Lebanon. It is anti-Christian and anti-Shia, opposed to the influence of Syria in Lebanon and seeks the elimination of the state of Israel. Its method of operating is through violence and Janes’ suggests that the organisation might be ‘a catalyst for provoking civil unrest in Lebanon’.⁴³

Links to other terrorist groups

- 2.77 The organisation has attracted people who have fought in Afghanistan, Chechnya, Kashmir and the Balkans. Although Janes’ says that the financing of the organisation is ‘unclear’, it reports the suspicion that it receives funds from al-Qa’ida, having ‘benefited from the charitable and financial networks associated with al-Qa’ida’.⁴⁴ The State Department is more emphatic, saying that Asbat al-Ansar has links to al-Qa’ida.⁴⁵
- 2.78 Janes’ says there are ‘reports indicating that al-Qa’ida funding transformed the movement from a parochial Islamist vigilante group into a much more capable organisation, with over 100 salaried gun men.’⁴⁶
- 2.79 It is notable, however, that Janes’ also draws attention to the rivalry that exists between various Palestinian groups.

The Salafi radicals can be considered distinct from the well established Palestinian Islamic groups on the basis that they reject the pragmatic focus on the Palestinian nationalist agenda in favour of more radical ideological objectives. They

42 US State Department, Annual Country Reports on Terrorism, 2005

43 <http://jtic.janes.com>, *Asbat al-Ansar*.

44 <http://jtic.janes.com>, *Asbat al-Ansar*.

45 US State Department, Annual Country Reports on Terrorism, 2005.

46 <http://jtic.janes.com>, *Asbat al-Ansar*.

can also be distinguished on the basis of their relationship with Syria. While Hamas and Islamic Jihad have enjoyed Syrian recognition, the new wave of Salafi radicals are considered to be a threat to the Syrian regime.⁴⁷

Links to Australia

2.80 No information is supplied on this matter.

Threat to Australian interests

2.81 No information is supplied on this matter.

Proscription by the UN or like-minded countries

2.82 The statement of reasons states that AAA is listed in the United Nations 1267 Committee's consolidated list and as a proscribed organisation by the governments of Canada, Russia, the United Kingdom and the United States.

Engagement in peace/mediation processes

2.83 There is no information on this matter.

Islamic Movement of Uzbekistan (IMU)

2.84 The Attorney-General informed the Committee of the proposed re-listing by letter dated 22 March 2007 with an attached statement of reasons. On 2 April 2007, the Attorney-General issued a media release announcing the decision to re-list Islamic Movement of Uzbekistan (IMU) and five other organisations. The media release provided a short paragraph on each of the organisations. However, the more detailed arguments for re-listing, the statements of reasons, were not linked to the media release.

2.85 The Attorney-General's statement of reasons is attached at Appendix H.

47 <http://jtic.janes.com>, *Asbat al-Ansar*.

- 2.86 On the basis of the statement of reasons and other open sources, Islamic Movement of Uzbekistan (IMU) has been measured against ASIO's stated evaluation process.

Engagement in terrorism

- 2.87 The statement of reasons lists four incidents under the heading *Terrorist activities*: two, in 2005, were attacks against the Ministry of Emergency Situations in Tajikistan; one, in 2006, an attack on a prison in an attempt to free a prisoner; and one an attack on a border post in 2006. All of these attacks are 'local' to the traditional area of operations of this group.
- 2.88 However, all sources describe members of the IMU as having participated in the fighting against the Northern Alliance in Afghanistan in the 1990s. The US State Department says that since 2001, with the attacks by the US on Taliban and al-Qa'ida forces in Afghanistan, 'the IMU has been predominantly occupied with attack[ing] US and Coalition soldiers in Afghanistan and Pakistan.'⁴⁸ They say that 'Pakistani security forces continue to arrest probable IMU operatives in the Federally Administered Tribal Areas.'⁴⁹
- 2.89 Janes' gives the most comprehensive account of this organisation. It notes that, with the pressure brought to bear on the organisation by the war on terrorism in 2001, its members dispersed back to Tajikistan or into Northern Pakistan. It sees the IMU operatives in Pakistan as the 'remnants of the IMU'.⁵⁰ Some sources saw a split in the organisation with its 'forced relocation from Afghanistan'. There were also reports of the likely death of its leader, Juma Namangani, and the significant degradation of its operational capability.⁵¹
- 2.90 Janes' further argues that, although the IMU has a past history of working with international terrorist organisations, can conduct cross border incursions and may well arise again if there is mounting political instability in the region:

[Its] losses suffered during the US campaigns in Afghanistan appear to have hampered its ability to mount large scale operations within the region. While Uzbek authorities have

48 US State Department, Annual Country Reports on Terrorism, 2005.

49 US State Department, Annual Country Reports on Terrorism, 2005.

50 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

51 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

suggested IMU involvement in violence in Uzbekistan in 2004 and 2005, they have not presented convincing proof.⁵²

- 2.91 The statement of reasons estimates the membership to be between 200 and 2,000.⁵³ The US State Department puts the figure at approximately 500.⁵⁴ Janes' says that before the US attacks in 2001, the estimate was 5,000⁵⁵; however, while 'the intelligence estimates from Kyrgyzstan – which may have reason to exaggerate the threat – put the IMU's strength at around 1,500 battle ready guerrillas, ... assessments of them in the post Taliban period have generally put the number of fighters in the hundreds.⁵⁶

Ideology and links to other terrorist groups/networks

Ideology

- 2.92 This group, as with many of the groups that have been listed, began with limited and local grievances and ambitions. The IMU initially sought the overthrow of the regime of President Karimov and its replacement with a fundamentalist Islamic government.
- 2.93 The political struggle has been violent on all sides. Janes' reports that the murder of Uzbek government officials in 1997 led to mass detentions, torture and secret trials. In 2005, there was an alleged massacre of hundreds of political demonstrators in Andijan. Complaints about widespread and systematic torture have been made by the UN Special Rapporteur on Torture and Human Rights Watch.⁵⁷ There were, in 2005, said to be 6,000 political prisoners in Uzbekistan, opposition parties were banned, religious practice was severely restricted, there was no press freedom, the internet was censored and terrorism trials were considered to be unfair.⁵⁸ The ambassador for the United Kingdom in 2005, Craig Murray, argued

52 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

53 In the last statement of reasons, in 2005, it was estimated to be 2000.

54 US State Department, Annual Country Reports on Terrorism, 2005.

55 Possibly exaggerated by the inclusion of Taliban and al-Qa'ida forces.

56 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

57 UN Special Rapporteur on Torture, Professor Theo van Boven, 2002 report and Human Rights Watch, *Creating Enemies of the State*, 2004.

58 Craig Murray, *What drives support for this torturer?*, Guardian, 16 May 2005 and Jonathan Freedland, *He's our sonofabitch*, 18 May 2005 and Amnesty International, *Responsibilities have no borders*, 26 May 2005, p. 6..

that, based on the way in which evidence was collected, the label of terrorism was unsound.⁵⁹

- 2.94 Many of the demands that are made by this organisation and the attacks that are conducted appear to be directed at gaining the release of prisoners or attacking either the President or ministries involved in policing.
- 2.95 Further uncertainty about the motivation of the group is raised by Janes' who continue to argue, as they did in 2005, that although the organisation is active and violent, it is unclear whether it is 'a coherent, well coordinated guerrilla organisation or an effective but loosely organised group of bandits, drug runners and opportunists.'⁶⁰
- 2.96 In past reviews, an argument has been put often to the Committee that where the activities of groups are clearly criminal actions – murder, assault and torture – the criminal law should deal with them. Jane's view that it is difficult to decide whether the IMU is a gang of drug running and murderous criminals or an ideologically motivated terrorist organisation is an issue that was raised by the Committee in its last review and remains a legitimate concern.
- 2.97 Janes' also notes that:
- The IMU's apparent ease in recruiting young volunteers had much to do with poverty and economic decline in Uzbekistan and elsewhere in the region. It is estimated that some 60 per cent of the unemployed in Uzbekistan are between 16 and 30 years old, while over a quarter of the population live on less than \$US3 dollars a day. The figures are worse of the Ferghana Valley (the main base of the IMU) which has an estimated 70 to 80 per cent unemployment rate.⁶¹
- 2.98 Nevertheless, it should be noted that the experience of the IMU fighters in Afghanistan and Pakistan has seen a broadening of its aims to encompass the aims of al-Qa'ida for a regional caliphate.

Links to other terrorist groups

- 2.99 The participation of IMU fighters in Afghanistan has led to linkages to a variety of other Islamic groups which have collected in the

59 Craig Murray, *What drives support for this torturer?*, Guardian, 16 May 2005.

60 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

61 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

region as a result of the war on terrorism. Janes' lists these linkages as including: the Abu Sayyaf Group, the Armed Islamic Group, Harakat ul-Mujahideen and Harakat ul-Ansar as well as a bond with Uighur guerrillas from Xianjiang, Western China.⁶²

Links to Australia

2.100 No information is provided on this matter.

Threat to Australian interests

2.101 No information is provided on this matter.

Proscription by the UN or like-minded countries

2.102 The IMU is listed in the United Nations 1267 consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom, the United States and Canada.

Engagement in peace/mediation processes

2.103 No information is provided on this matter.

Conclusion

2.104 It is notable that all of these organisations have been localised groups growing out of specific grievances or particular conflicts. For most, it has been the advent of the war on terrorism that has extended their reach and their objectives – to the establishment of a regional caliphate, to providing fighters into other fields of battle, to cross funding through the al-Qa'ida network. Individual conflicts are now seen as part of a larger conflict and they appear to feed on and re-enforce each other, bringing experience and skill learned in one place to other disputes. And, with wars in Iraq and Afghanistan, the focus has broadened from opposition to local 'apostate' governments to a larger enemy in the West.

2.105 Nevertheless, the circumstances in which many of these groups operate are often complex and decisions to proscribe an organisation should not be made in an historical vacuum or without a rigorous testing of the evidence. It seems to the Committee that

62 <http://jtic.janes.com>, *Islamic Movement of Uzbekistan*.

the solutions to some issues still lie, not so much in the outlawing of particular groups, but in undermining support for violence by addressing local problems at the political or economic level or dealing with disputes as part of peace processes, especially settling longstanding disputes in places like Kashmir, Chechnya, and Palestine and negotiating solutions in Iraq and Afghanistan.

- 2.106 However, the Committee recognises that, in terms of the legal basis of the proscription power, these seven organisations fit the broad definition of terrorist organisations as set out in the Criminal Code, even if their proscription has not been established clearly according to ASIO's criteria. The statements of reasons provided to the Committee do not sufficiently address the criteria which ASIO has advised is the basis of its selection. The criteria themselves and their relationship to terrorism are not clear or consistently applied and therefore do not inspire confidence that the process is a rational one best directed at containing terrorism either in this country or internationally. The Committee hopes that these matters will be considered as a result of the review of the proscription power currently taking place.

Recommendation 1

The Committee does not recommend the disallowance of the regulations made to proscribe the following organisations: Ansar al-Sunna, Jaish-e-Mohammad, Lashkar-e-Jhangvi, Egyptian Islamic Jihad, Islamic Army of Aden, Asbat al-Ansar, Islamic Movement of Uzbekistan.

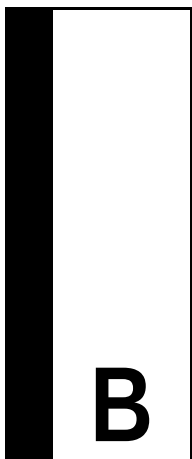
Hon David Jull, MP

Chairman



Appendix A – List of Submissions

1. The Hon Philip Ruddock MP, Attorney-General
(Ansar al-Sunna)
2. The Hon Philip Ruddock MP, Attorney-General
(Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ))
3. The Hon Philip Ruddock MP, Attorney-General
(Egyptian Islamic Jihad (EIJ) and Islamic Army of Aden (IAA))
4. The Hon Philip Ruddock MP, Attorney-General
(Asbat al Ansar (AAA) and Islamic Movement of Uzbekistan (IMU))
5. The Hon Philip Ruddock MP, Attorney-General
(Process – Ansar al-Sunna)
6. The Hon Philip Ruddock MP, Attorney-General
(Process – Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ))
7. The Hon Philip Ruddock MP, Attorney-General
(Process – Egyptian Islamic Jihad (EIJ), Islamic Army of Aden (IAA),
Asbat al Ansar (AAA) and the Islamic Movement of Uzbekistan (IMU))



Appendix B – Statement of Reasons – Ansar al-Sunna

Ansar al-Sunna

(Also known as Ansar al-Islam, Partisans of Islam, Protectors of Islam, Supporters of Islam, Devotees of Islam,, Jaish Ansar al-Sunna, Ansar al-Sunna Army, Army of Ansar al-Sunna, Jund al-Islam, Soldiers of Islam, Protectors of the Sunna Faith)

The following information is based on publicly available details about Ansar al-Sunna (including the alias Ansar al-Islam). These details have been corroborated by material from intelligence investigations into the activities of Ansar al-Sunna. ASIO assesses that the details set out below are accurate and reliable.

Ansar al-Sunna is listed as Ansar al-Islam in the United Nations 1267 Committee's consolidated list and by the governments of Canada, the United Kingdom and the United States. Ansar al-Sunna is listed separately by the UK government.

Current status of Ansar al-Sunna

Ansar al-Sunna was initially formed as Ansar al-Islam, a merger of several smaller Kurdish-based Sunni extremist groups within the Kurdish Autonomous Zone (KAZ) of northern Iraq in late 2001. At this stage, Ansar al-Islam focused on the defeat of the secular Kurdish leadership to establish an independent Islamic state in the KAZ.

In March 2003, successful joint Patriotic Union of Kurdistan (PUK) and United States military operations against Ansar al-Islam strongholds forced many in the

group to disperse to other locations, including Iran. Ansar al-Islam members regrouped shortly after and returned to Iraq, where they sought, in cooperation with other foreign and Iraqi militants, to create an umbrella organisation for Sunni jihadi resistance to the Coalition presence in Iraq.

As a result, Ansar al-Islam evolved into Ansar al-Sunna with the formation of the group announced in an internet statement on 20 September 2003 calling all jihadists in Iraq to unite under the name Ansar al-Sunna. Following the release of the statement, attacks conducted by Ansar al-Islam operatives have been claimed under the name Ansar al-Sunna. However, many operatives abroad, particularly in the Kurdish immigrant communities in Europe, retain their Ansar al-Islam identity but continue to provide support to Ansar al-Sunna.

Ansar al-Sunna has strong links with al-Qa'ida and historical links to Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR), a proscribed terrorist organisation also known as al-Qa'ida in Iraq. Former TQJBR leader Abu Musab al-Zarqawi operated one of the Ansar al-Islam training camps prior to the operations against the group in 2003.

Funding is supplied through radicalised Kurdish communities abroad, al-Qa'ida, criminal hostage taking and a degree of self-sufficiency in extracting funding from local sources in northern Iraq.

Objectives

Ansar al-Sunna supports the global militant Sunni jihadist ideology that is espoused by al-Qa'ida, including the re-establishment of the historical Islamic caliphate.

Ansar al-Sunna's objectives within Iraq are to overthrow the Iraqi Government, expel Coalition forces from the country and establish a Sunni Islamic state administered under Sharia law.

Leadership and membership

Ansar al-Sunna is organised into small, highly mobile cells. The reported leader of Ansar al-Sunna is Abu Abdullah al Hasan bin Mahmud. Members are recruited from Sunni based foreign and local sources. Ansar al-Sunna is believed to be divided into six divisions including a military and information division. The precise size of the group is unknown but estimates indicate numbers to be between 500-1000 members.

Ansar al-Sunna's engagement in terrorist activities

Ansar al-Sunna undertakes terrorist attacks each week in Iraq. Ansar al-Sunna's operational focus includes targeting Coalition Forces; Western interests; Iraqi

security forces; Iraqi government structures; Iraqis seen as cooperating with Coalition forces; secular Kurdish officials; and increasingly sectarian Shia targets.

Ansar al-Sunna's terrorist activities include suicide attacks, car bombs, emplaced improvised explosive devices (IEDs), kidnappings, executions, assassinations and conventional military attacks. It has also been involved in plans to conduct assassinations in Germany against Iraqi government interests.

Recent significant terrorist attacks for which responsibility has been claimed by, or reliably attributed to, Ansar al-Sunna include:

- 4 May 2005: Suicide bombing at KDP office in Erbil, killing 60 and wounding 150;
- 8 May 2005: Ambush of security contractors, killing 16. Japanese national Akihiko Saito was kidnapped and later died;
- 11 May 2005: Suicide bombing in Tikrit killing 33 labourers;
- 14 June 2005: Suicide attack in Kirkuk, killing 22 and wounding over 85;
- 16 June 2005: Senior Iraqi judge, Salem Mahmoud al-Haj Ali, assassinated in Mosul;
- 22 August 2005: Three military attacks against Iraqi security forces in Mosul and Kirkuk killing an unknown number of security personnel;
- 23 July 2006: Assassinating a Shia political figure in Diyali, sniping two US soldiers in Meet and detonating an IED in al-Miqdadiya damaging a US armoured vehicle;
- 29 September 2006: Suicide bombing assassination of Director of Police in Kirkuk which also killed a number of other Iraqi officials; and
- 5 December 2006: Rocket launchers and automatic gunfire killed several US service personnel on foot patrol in the al-Haqlaniyah market west of Baghdad.

Conclusion

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

On the basis of the above information, ASIO assesses that Ansar al-Sunna is directly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to Ansar al-Sunna are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, creating an Islamic caliphate in Iraq;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Iraq and Coalition countries, and/or intimidate a section of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.

Process for the 2007 re-listing of Ansar al-Sunna as a terrorist organisation under the *Criminal Code Act 1995*

The following process was undertaken for the purpose of re-listing Ansar al-Sunna as a terrorist organisation:

1. A separate unclassified Statement of Reasons for Ansar al-Sunna was prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing Ansar al-Sunna.
2. Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor, provided written confirmation on 24 January 2007 that the Statement of Reasons prepared by ASIO was sufficient for the Attorney-General to be satisfied on reasonable grounds that Ansar al-Sunna meets the requirements to be proscribed as a terrorist organisation under s 102.1 of the Criminal Code Act 1995 (the Criminal Code).
3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 31 January 2007 outlining the background, leadership, membership, leadership and membership of Ansar al-Sunna and attached a Statement of Reasons in respect of the organisation.
4. A submission was provided to the Attorney-General on 28 February 2007 attaching:
 - a. A copy of the Statement of Reasons prepared by ASIO in respect of Ansar al-Sunna;
 - b. Advice from the Chief General Counsel in respect of Ansar al-Sunna; and
 - c. Regulations and Federal Executive Council documentation in respect of Ansar al-Sunna.
5. Having considered the information provided in the submission, the Attorney-General signed a statement confirming he is satisfied on reasonable grounds that Ansar al-Sunna is 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 regulations with respect to Ansar al-Sunna and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minute and Explanatory Statement.

6. A letter dated 2 March 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list Ansar al-Sunna as a terrorist organisation under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 2 March 2007 of the proposed re-listing of Ansar al-Sunna as a terrorist organisation under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisation, however he has not taken up this offer.
8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 2 March 2007 advising them of the decision to re-list Ansar al-Sunna as a terrorist organisation under the Criminal Code. A copy of the Statement of Reasons re-listing Ansar al-Sunna as a terrorist organisation was attached to the letters. To date, no correspondence from the States or Territories has been received in relation to this re-listing.
9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 2 March 2007 advising of his decision to re-list Ansar al-Sunna as a terrorist organisation under the Criminal Code.
10. The Governor-General made the regulation on 22 March 2007.
11. The regulation was registered with the Federal Register of Legislative Instruments on 23 March 2007 and commenced on 24 March 2007.
12. A press release was issued on 26 March 2007 and the Attorney-General's Department's National Security web site has been updated.



Appendix C – Statement of Reasons – Jaish-e-Mohammad (JeM)

Jaish-e-Mohammad (JeM)

(Also known as Army of Mohammed, Army of the Prophet, Jaish-e-Mohammad Mujahideen E-Tanzeem, Jaish-e-Mohammed, Jaish-e-Muhammad, Jaish-e-Mtthammed, Jaish-i-Mohammad, Jaish-i-Mohammed, Jaish-i-Muhammad, Jaishi- Muhammed, Jamaat ul-Furqan (JuF), Jesh-e-Mohammadi, Khudamul Islam, Khuddam ul-Islam (Kul), Kuddam e Islami, Mohammed's Army, National Movement for the Restoration of Pakistani Sovereignty and Army of the Prophet, Tehrik al-Furgan and Tehrik Ul-Furqaan).

The following information is based on publicly available details about Jaish-e-Mohammad (JeM). These details have been corroborated by material from intelligence investigations into the activities of JeM and from official reporting. ASIO assesses that the details set out below are accurate and reliable.

JeM is listed in the United Nations 1267 Committee's consolidated list and by the governments of Canada, the United Kingdom, the United States, Pakistan and India.

Current status of JeM

JeM is a Sunni Islamic extremist organisation based in Pakistan that operates primarily in Indian Administered Kashmir (IAK). Established in 2000, JeM was founded by the

radical Islamic scholar and jihadist leader, Maulana Masood Azhar, following his release from an Indian jail in exchange for 155 hostages hijacked aboard an Indian Airlines aircraft on New Years Eve 1999. With support from Usama bin Laden, the Taliban, and several other Sunni extremist organisations in Pakistan, Azhar did not return to his former group, the proscribed Islamic militant group Harakat ul-Mujahideen (HuM), but formed JeM as a new group with almost identical aims to HuM.

JeM is aligned politically with Jamiat-e-Ulema-e-Islam Fazul Rehman faction (JUI-F), a prominent radical Islamic party in Pakistan and Kashmir. Funding for JeM is derived from both legitimate business interests, including commodity trading and property, and through Islamic charitable foundations including the al-Rashid Trust (whose accounts were ordered to be frozen by the UN Security Council for suspected links to al-Qa'ida). JeM has conducted joint operations with Lashkar e-Tayyiba (LeT), and cooperates closely with other Islamic militant groups operating in Afghanistan, Kashmir and Pakistan such as HuM, the Hizb-ul-Mujahideen (HM), and the Lashkar e-Jhangvi (LeJ). JeM is also closely associated with al-Qa'ida (AQ), and reports suggest Azhar may have assisted AQ fight US forces in Somalia and helped to establish AQ training camps in Yemen.

JeM was banned by the Pakistan government in January 2002. Following the ban, JeM appears to have split into two factions, Khuddam ul-Islam (Kul) headed by Azhar and Jamaat ul-Furqan (JuF) headed by Maulana Abdul Jabbar (alias Umar Farooq). Both Kul and JuF were also subsequently banned by Pakistan in November 2003. Despite these factions, the group is commonly regarded as a single entity and referred to as JeM.

JeM has concentrated its efforts on the disputed territories of IAK, where it has conducted numerous attacks against Indian security forces (military and police), government installations and civilians. While Indian and Pakistani initiatives to resolve the Kashmir situation have led to an overall reduction in the level of infiltration and insurgent activity since 2002, JeM continues to be one of the most active terrorist groups in IAK. For example, JeM claimed responsibility for the 2 November 2005 suicide car bomb attack in Srinagar that killed seven civilians, including a 10 year-old boy and three police officers. JeM operatives were among those responsible for a string of attacks in Srinagar on 14 April 2006, including a grenade attack on a crowd of civilians which killed three and injured eleven others. JeM members were responsible for a grenade attack on a police vehicle escorting a Human Rights Commission vehicle on 30 May 2006, and for a series of firearm attacks on police targets on 17 August 2006.

While IAK remains JeM's primary focus, elements within JeM have broadened the group's focus to include the targeting of members of the Pakistani state and the Western presence in Pakistan. As members of a previously unknown group

"Jundallah," JeM trained members were among a number of militants drawn from several Pakistani extremist groups responsible for the twin car-bomb attack near the US Consulate in Karachi on 26 May 2004. On 9 June 2004, the same terrorist cell was involved in a terrorist attack against a heavily-armed military convoy carrying Karachi's military commander resulting in seven deaths. In August 2006, the Pakistan government ordered a crackdown on the JeM faction JuF following intelligence its members were planning to target Western interests in Pakistan. Members of JeM are also reported to have been involved in two assassination attempts against Pakistan's President Pervez Musharraf in December 2003.

JeM operates a number of camps in Pakistan which provide both religious instruction and military style guerrilla training and support. Since being proscribed by the Pakistan government in 2002, some JeM training facilities are now smaller in scale and focused on preparing jihadists for either low intensity, hit and run type operations or suicide attacks. Training and support is provided, not only to JeM members from Kashmir and Pakistan, but also to individual jihadists from other parts of the world. Suicide bomber Mohammad Bilal, a British national, travelled to Pakistan to volunteer for the JeM directed suicide attack in IAK on 25 December 2000 which killed six Indian soldiers and three Kashmiri students. Reporting also indicates JeM may be helping to facilitate the activities of international jihadists intending to conduct terrorist operations outside Kashmir or India, including the United Kingdom. The British national, Rashid Rauf,

arrested in Pakistan as one of the main coordinating figures allegedly responsible for the disrupted British trans-Atlantic plane bombing plot in August 2006, is strongly suspected of having links with JeM. Investigators have also uncovered possible connections between JeM and the British-born suicide bombers responsible for the 7 July 2005 London subway attacks.

Objectives

JeM is a group that uses violence in pursuit of its stated objective of uniting IAK with Pakistan under a radical interpretation of Islamic law, as well as the "destruction" of America and India.

Leadership and membership

JeM's founder, Maulana Masood Azhar, remains the group's Amir. Reporting indicates that JeM has a strength of several hundred armed volunteers, but exact membership numbers cannot be accurately determined. The majority of JeM's membership consists of jihadists from Pakistan and Kashmir, but also includes some Arabs and Afghans. JeM has also attracted several recruits from South Asian communities in the United Kingdom.

JeM engagement in terrorist activities

JeM has been involved in a number of terrorist activities, including hijacking, bombings abductions and training. Terrorist activities, for which responsibility has been claimed by, or reliably attributed to JeM over the past three years, include:

- December 2003: Attempted assassination of Pakistani President Musharraf by car bomb
- 25 October 2004: Joint responsibility with HuM for a firearm attack on the motorcade of the Divisional Commissioner for the Muslim-Majority Kashmir Valley that injured one security guard
- 2 November 2005: Suicide car bomb attack outside the home of outgoing Chief Minister Mufti Mohammad Sayeed on the outskirts of Srinagar that killed seven civilians, including a 10 year-old boy, and three police officers
- 14 April 2006: Series of grenade attacks on police targets in Srinagar that killed five civilians and injured 41
- 22 May 2006: Three separate grenade attacks on police targets in Srinagar injuring a total of 34 people
- 30 May 2006: Grenade attack on police vehicle escorting a Human Rights Commission vehicle through the Iqbal Park area of Srinagar killing one policeman and injuring six other people
- 19 July 2006: Three separate firearm attacks on police targets in Srinagar killing two police and injuring one other
- 17 August 2006: Three separate firearm attacks on police officials resulting in four dead and three injuries; and
- November 2006: Indian police arrested two reported JeM members in Delhi and recovered 2 kgs of explosives and a sum of money.

Conclusion

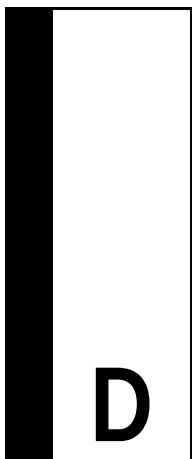
The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

On the basis of the above information, ASIO assesses JeM is directly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to JeM are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, (creating a radical Islamic state in Pakistan and an Indian-controlled Kashmir with Pakistan)
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Pakistan, and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.



Appendix D – Statement of Reasons – Lashkar-e Jhangvi (LeJ)

Lashkar-e Jhangvi (LeJ)

(Also known as Jhangvi Army, Lashkar e Jhangvi, Lashkar Jangvi, Lashkar Jhangvi, Lashkar-e Jhangvi, Lashkare Jhangvi, Lashkar-e-Jhangvie, Lashkar-e-Jhangwi, Lashkar-e-Jhanvi, Lashkar-i-Jangvi, Lashkar-i-Jhangvi, Lashkar-i-Jhangwi, Laskar e Jahangvi and Laskar-e-Jhangvi).

The following information is based on publicly available details about Lashkar-e Jhangvi (LeJ). These details have been corroborated by material from intelligence investigations into the activities of the LeJ. ASIO assesses that the details set out below are accurate and reliable.

LeJ is listed in the UN 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom, the United States, Canada and Pakistan.

Current status of LeJ

Lashkar-e Jhangvi (LeJ) is a Sunni Islamic terrorist group based in Pakistan. The group was formed in 1996 as a more militant splinter group of the radical sectarian organisation, the Sipah-e-Sahaba Pakistan (SSP) and follows the Deobandi tradition of Sunni Islam. Under the leadership of Riaz Basra, the LeJ quickly distinguished itself as the most violent and radical sectarian force in Pakistan.

LeJ is based primarily in the Punjab and Balochistan regions of Pakistan, and the port city of Karachi. It is responsible for numerous targeted killings and massacres. The group has targeted for assassination, not only opposing Shiite activists, but prominent Shiite officials, professionals and businessmen. It has assassinated Iranian nationals in Pakistan and was involved, along with the Jaish e-Moharnmad (JeM), in the abduction and murder of US journalist Daniel Pearl in January 2002. It has also instigated attacks, including small-arms attacks and suicide bombings, on Shiite mosques and processions, and Christian churches resulting in the random killing of hundreds of people.

While sectarian attacks remain LeJ's primary driving force, elements within LeJ have broadened the group's focus to include the targeting of members of the Pakistani State and the Western presence in Pakistan. As members of a previously unknown group "Jundallah," LeJ trained members were among a number of militants drawn from several Pakistani extremist groups responsible for the twin car-bomb attack near the US Consulate in Karachi on 26 May 2004. On 9 June 2004, the same terrorist cell was involved in a terrorist attack against a heavily-armed military convoy carrying Karachi's military commander resulting in seven deaths. More recently the LeJ was linked to the 2 March 2006 suicide car bombing on the US Consulate in Karachi that killed a US diplomat.

LeJ derive a considerable portion of funding from wealthy benefactors in Karachi. Extortion from Shia banks and businesses is another significant means by which the LeJ raises finances for terrorist operations.

Pakistani government security crackdowns since late 2001 have had some success, but the group continues to recruit new members to replace those arrested or killed.

Over half of Pakistan's madrassas (religious schools) are Deobandi run and they provide a fertile pool of manpower susceptible to LeJ recruitment. The present status of LeJ training facilities is not known. LeJ training camps in Afghanistan were destroyed by the United States and their training facilities in Pakistan have been disrupted by local police. Being part of a broader Deobandi movement, however, the LeJ can rely on the assistance of other militant Deobandi groups including its parent the SSP, JeM, the Jamiat ul-Ansar (JuA - also known as Harakat ul-Mujahideen or HuM) and Harakat ul-Jihad al-Islami (HuJI).

The LeJ has an extremely close relationship with the Taliban and confirmed links with al-Qa'ida. LeJ operatives are thought to have received training from al-Qa'ida.

Objectives

The LeJ's ultimate objective is the establishment of an Islamic state in Pakistan based on a radical interpretation of Sharia law, through the use of violence. Part of

a broader Sunni extremist movement, LeJ's membership harbour an intense hatred of all foreign, or non-Islamic influences. The group is also fervently anti-Shia and aim to have them declared a non-Muslim minority.

Leadership and membership

Muhammad Ajmal (aka Akram Lahori) is reportedly the present leader of the LeJ. Ajmal succeeded Riaz Basra following Basra's death in May 2002 as a result of a shootout with Pakistani police. Ajmal is himself in custody following his arrest in June 2002 for his alleged involvement in 38 cases of sectarian killings. Although Ajmal is officially considered the head of LeJ, Mufti Bid Mohammed is now believed to lead the organisation and operational command is understood to have passed to minor figures.

LeJ is estimated to have 300 active members. The LeJ maintains a multi-cellular structure, made up of loosely co-ordinated regional sub-units further divided into several small cells that operate independently of one another.

LeJ engagement in terrorist activities

The LeJ has been involved in a number of terrorist attacks, including targeted assassinations and suicide bombings against, Shia, Christian, Western and government targets.

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

- January 2005: the attack on Shiite religious leader, Syed Agha Ziauddin Rizvi, in Gilgit, resulting in three deaths
- 28 September 2005: Two LeJ leaders arrested for planning the 27 and 30 May 2005 suicide bomb attacks on a Shiite mosque in Karachi and the Ban Imam shrine in Islamabad which killed a total of twenty-four people
- 2 March 2006: suicide car bombing on the US Consulate in Karachi killing a US Diplomat
- 11 April 2006: suspected involvement in the bomb attack on Shiite worshippers at Nishtar Park in Karachi killing more than sixty people
- 14 July 2006: suicide bomb attack on Shiite cleric, Allama Hassan Turabi, in Karachi which also killed Turabi's nephew, and injured three security guards; and
- 1 January 2007: Pakistani Intelligence agencies claim uncovered documentary evidence indicates LeJ plan to accelerate their targeting of Shiite mosques and prominent Shiite leaders and scholars.

Conclusion

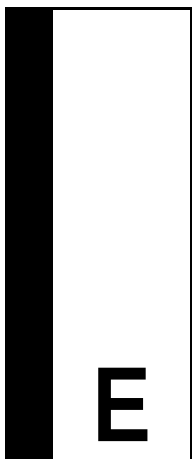
The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

On the basis of the above information, ASIO assesses that LeJ is directly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to LeJ are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the establishment of a Islamic state in Pakistan
- (ii) are intended to coerce or influence by intimidation the government of foreign countries, including Pakistan and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.



Appendix E – Statement of Reasons – Egyptian Islamic Jihad (EIJ)

(Also known as; EI-Gihad; al-Jihad; Jihad Group; Islamic Jihad; AI-Jihad al-Islami; New Jihad Group; Qaeda al-Jihad; Talaa'al al-Fateh; Vanguard of Conquest; al-Takfir; World Justice Group; International Justice Group, Islamic Group).

The following information is based on publicly available details about Egyptian Islamic Jihad (EIJ). These details have been corroborated by material from intelligence investigations into the activities of the Egyptian Islamic Jihad and by official reporting. ASIO assesses that the details set out below are accurate and reliable.

The EIJ is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, the United Kingdom, and the United States.

Current status of EIJ

The EIJ emerged as a coalition of Sunni Islamic radical groups that split from the Muslim Brotherhood, an Egyptian Islamic political movement, in the late 1970s. Following the EIJ's assassination of Egyptian President Anwar Sadat in 1981, actions by the Egyptian authorities constrained its capability within Egypt

During the 1990s, the domestic EIJ faction continued to carry out attacks against targets in Egypt. Meanwhile, senior EIJ member (now al-Qa'ida deputy) Dr Ayman al-Zawahiri and the international faction of EIJ forged links with al-Qa'ida and affiliated groups. In February 1 998 the EIJ joined al-Qa'ida and other

extremist organisations in issuing a declaration under the banner of the 'World Islamic Front announcing a jihad against 'Jews' and 'Crusaders' and stating the US and its allies need to be expelled from the Middle East.

The EIJ exists as two factions - the international and the domestic. The international faction, led by al-Qa'ida deputy, Ayman al-Zawahiri, is largely subsumed within al-Qa'ida and has the same goals as that group. Terrorist activities by the EIJ international faction are likely credited to al-Qa'ida rather than the EIJ. The domestic faction is mostly inactive due to successful, sustained actions by Egyptian authorities. There is no evidence that this has led to the creation of two separate organisations.

The EIJ aims to overthrow of the Egyptian Government and the establishment of an Islamic state. More broadly, the international branch has adopted the global jihadist goals of al-Qa'ida.

Leadership and Membership

The leader of the domestic faction of EIJ is Abbud al-Zumar. Al-Zumar is currently in prison in Egypt. EIJ's spiritual leader is Omar Ahmed Abdul Rahman, an Egyptian cleric currently in prison in the US for his role in the 1993 World Trade Centre bombing.

Estimates of the size of the EIJ membership vary. It is estimated to have a core membership of several hundred, with several thousand supporters.

EIJ engagement in terrorist activities;

Consistent with its primary goals, the EIJ initially conducted armed attacks against high level Egyptian government personnel and Egyptian facilities. As the EIJ's goals became intertwined with those of al-Qa'ida and the EIJ became frustrated with its inability to overthrow the Egyptian Government, the EIJ concentrated on attacks against Egyptian targets outside Egypt and US interests.

The Egyptian security and police services have been effective in reducing the operational capability of the EU in Egypt and attacks that can be reliably attributed to the group have declined. However, despite the reported merger of EIJ with al-Qa'ida, there is no indication the EIJ has retreated from its objectives or has ceased terrorist activities. In October 2005 the US Government identified a several Egyptian nationals as EIJ members who had provided training and material support to al-Qa'ida. A statement in March 2006 attributed to the EIJ's spiritual leader, Omar Ahmed Abdul Rahman expressed the anti- Egypt sentiment of the EIJ and called for jihad in seeking his release from US custody. Ayman al-Zawahiri remains a significant symbol and leader of global jihad and is still considered the leader of the international EIJ faction. On 27 July 2006, al-Zawahiri

issued a video statement calling on Muslims to target the interests of "all the countries" who participated in the "assault against the Muslims" in countries including Afghanistan and Iraq, a reference taken to include Australia. In June 2006, EIJ member Abu Hamza al-Muhajir (also known as Abu Ayyub al-Masri), who had a senior position in al-Qa'ida, was appointed as leader of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (commonly known as al-Qa'ida in Iraq), following the death of Abu Musab al-Zarqawi.

Based on this information, it is reasonable to conclude that the EIJ, including EIJ members active in the al-Qa'ida network, continue to have the capability and intent to conduct further terrorist attacks. It is assessed the EIJ is active internationally and it is likely EIJ will undertake attacks if and when the opportunity arises. The group's close association with al-Qa'ida means it could draw on significant resources for future activities.

Terrorist attacks and activities which have been claimed by or reliably attributed to EIJ include:

- Oct 1981; assassination of Egyptian President Anwar Sadat;
- Aug 1993: attempted assassination of the Egyptian Interior Minister Hassan al-Alfi using a VBIED;
- Nov 1993: attempted assassination of the Egyptian Prime Minister Atef Sikdi by vehicle borne improvised explosive device (VBIED);
- Nov 1995: assassination of an Egyptian diplomat in Geneva;
- Nov 1995: suicide truck-bomb attack against the Egyptian embassy in Pakistan, killing 17 people; and
- 1998; an attack against the US Embassy in Albania was disrupted.

Conclusion

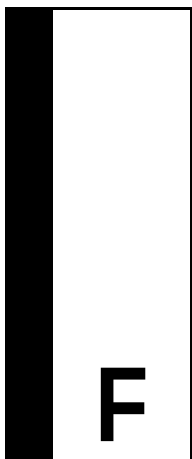
The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

On the basis of the above information, ASIO assesses that members of the EIJ remain active and are directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to EIJ are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the establishment of a radical Sunni Islamic state in Egypt;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Egypt, and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.



Appendix F – Statement of Reasons – Islamic Army of Aden (IAA)

Islamic Army of Aden (IAA)

(Also known as; Aden Abyan Islamic Army (AAIA); Islamic Army of Aden Abayan; Aden Islamic Army; Muhammed's Army/Army of Mohammed; Jaish Adan al Islami)

The following information is based on publicly available details about the Islamic Army of Aden (IAA). These details have been corroborated by material from intelligence investigations into the activities of the IAA. ASIO assesses that the details set out below are accurate and reliable.

The Islamic Army of Aden (IAA) is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom and Canada. The United States has designated the IAA as a terrorist organisation on the Terrorist Exclusion List

Current status of the IAA

The IAA is a Sunni Islamic extremist group and was formed in 1996 as a splinter group of the Yemeni Islamic Jihad. The IAA first came to public prominence in 1998 when it issued statements detailing its intention to overthrow the Yemeni government and implement Sharia law; and called for operations against US and other Western interests in Yemen.

The IAA predominantly operates in the southern governorates of Yemen—particularly Aden and Abyan. The IAA has been involved in a number of terrorist

attacks against the Yemeni and Western interests. It has used bombings and kidnappings as a means of furthering its goals. In 1998, the IAA kidnapped 16 Western tourists. Four of the tourists, including an Australian, were killed in a rescue attempt. The IAA also claimed responsibility for the suicide bomb attack against the USS Cole on 12 October 2000.

The IAA is associated with al-Qa'ida and has made public statements in support of Usama bin Laden, al-Qa'ida and its terrorist activities.

Although current specific funding arrangements for the group are unknown, the IAA is believed to conduct criminal activities such as kidnapping as a means of raising money through ransom and to apply pressure to the Yemeni government. It may also have received some funding through al-Qa'ida. Counter-terrorism operations by Yemeni authorities over the last few years have reduced the size of the group and limited its operational effectiveness. However, the IAA has not been deterred and there is no indication the intent of the IAA has changed. IAA members have continued to be arrested, including the reported arrest of IAA members suspected of involvement in terrorist activities in Iraq. The involvement of the IAA in Iraq, and the possible return of IAA operatives to Yemen, as well as the group's association with al-Qa'ida from which the IAA could draw on significant resources for future activities means that IAA could undertake terrorist activities if and when the opportunity arises.

Objectives

The IAA aims to overthrow the current Yemeni government and establish an Islamic state. More broadly, the IAA is committed to support al-Qa'ida's global jihad.

Leadership and membership

The IAA's founder and former leader Zain al-Abidin al-Mihdar (aka Abu al-Hassan) was executed in 1999 for his role in the 1998 kidnapping and 16 Western tourists in Yemen. Al-Mihdar and other founding members were veterans of the struggle in Afghanistan against the Soviets. Khaled Abdennabi assumed leadership of the IAA before surrendering to authorities in June 2003. In return for his cooperation Abdennabi received a Presidential pardon that same year. Abdennabi has since made statements on behalf of the group but it is unclear whether he is the current leader.

The current strength of the IAA is unknown, but is likely to be between 30 to 100 core members divided into a number of small groups or cells.

IAA engagement in terrorist activities

Security operations by the Yemeni authorities have restricted the IAA's capabilities within Yemen. However, on the basis of available information, it is

assessed that IAA operatives still exist in Yemen. It is assessed that the IAA will undertake terrorist activities if and when the opportunity arises. The group's association with al-Qa'ida means the IAA could draw on significant resources for future activities.

Terrorist attacks and plans for terrorist attacks for which responsibility has been claimed by, or reliably attributed to, the IAA, have included:

Aug 2002: three Yemenis belonging to the IAA were convicted of carrying out bombing attacks in the southern port of Aden on 1 January 2001;

21 Jun 2002: attack on a military medical convoy, injuring 7 soldiers;

Jun 2003: arrest of four alleged IAA members and seizure of a car packed with hand grenades, explosives and rocket-propelled grenades that had been used in the attack on a military medical convoy on 21 June 2003;

25 Jun 2003; clash between IAA members and government troops at the group's hideout in Harat - captured IAA members revealed they were waiting for orders to carry out terrorist operations;

Oct 2003; a planned car bomb attack against the US, UK and German embassies in Sana'a allegedly involving the IAA was disrupted;

Mar/Apr 2006: arrest of IAA members suspected of planning to travel to Iraq to fight foreign forces.

Conclusion

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

(it) the organisation advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

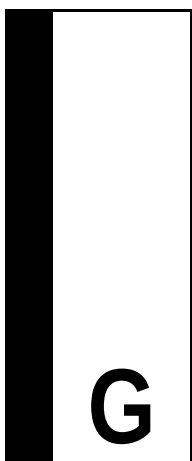
On the basis of the above information, ASIO assesses that the incidence of terrorist activity by the IAA has declined since 2003. However, ASIO assess that members of the IAA remain active and are directly or indirectly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to the IAA are terrorist acts as they:

(i) are done with the intention of advancing a political cause, namely, the replacement of the Yemeni government with an Islamic state;

(ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Yemen, and/or intimidate sections of the public; and

(iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.



Appendix G – Statement of Reasons – Asbat al Ansar (AAA)

Asbat al Ansar (AAA)

(Also known as: League of Partisans; Band of Partisans, Band of Helpers, League of the Followers, Partisans' League, Usbat al-Ansar, Usbat nl-Ansar, Osbat aS-Ansar, Isbat al-Ansar, Esbat al-Ansar).

The following information is based on publicly available details about Asbat al-Ansar (AAA). These details have been corroborated by material from intelligence investigations into the activities of the Asbat al-Ansar and by official reporting. ASIO assesses that the details set out below are accurate and reliable.

AAA is listed in the United Nation's 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of Canada, Russia, the United Kingdom, and the United States.

Current status of AAA

AAA is a Sunni Muslim extremist group, largely based in the Ayn al-Hilwah Palestinian refugee camp near Sidon in southern Lebanon. He group has a smaller presence in the Nahr al-Bared camp outside Tripoli in northern Lebanon, and is also active in Sidon, Beirut and the Dinniyeh plateau in northern Lebanon.

AAA's origins can be traced back to the late 1980s. The group became more widely known in the early 1990s following a series of attacks on nightclubs, theatres and liquor stores.

Initially, AAA limited its operations to Lebanon and engaged in a number of low-level attacks against 'un-Islamic' targets. These have included bombings against churches, bars, theatres and casinos, as well Lebanese forces, elements of the Lebanese government and foreign nationals. AAA has widened its operations to conduct attacks against foreign interests in Lebanon and assassinations of significant religious leaders. AAA's attack methods include rocket-propelled grenades, explosive charges, rockets and car bombs.

AAA maintains links to a number of terrorist organisations, including al-QaMda and Taozim Qa'idat al-Jihad fi Bilad al Rafidayn (TQJBR). There is a view that AAA subscribes to bin Laden's ideal of global jihad and is planning to extend its operations into Syria and Israel.

AAA remains active and has shifted its focus to Iraq, sending fighters in support of the insurgency in collaboration with al-Qa'ida. In 2005 and 2006, AAA announced the death or martyrdom of AAA members fighting the 'crusader' forces in Iraq. Due to the activities of AAA and like-minded groups, Lebanon has increasingly become a known transport node and recruitment hub for extremists travelling to Iraq.

AAA leadership continues to make statements supporting attacks conducted by other groups and advocating violent jihad against the West, such as the April 2004 announcement urging Iraqi insurgents to kill Western hostages to avenge the death of Hamas leaders Abdul Aziz Rantisi and Sheikh Ahmed Yassin, and the February 2006 statement praising attacks by angry mobs against the British consulates in Beirut and Damascus in response to the Danish cartoons controversy.

AAA primarily receives funding from other terrorist organisations, such as al-Qa'ida.

Objectives

AAA's objectives are to establish a Sunni Islamic state in Lebanon by overthrowing the Lebanese government, eliminating Israel and thwarting anti-Islamic and pro-Western influences in Lebanon.

Leadership and Membership

AAA is led by Abu Muhjin (aka Ahmed Abd al-Karim al-Saadi). Abu Muhjin allegedly fled Lebanon in 1999 to continue his activities in secret after being sentenced to death for the 1994 assassination of Sheikh Nizar al-Halabi, the leader of a rival Islamic extremist group. In his absence, Abu Muhjin's brother, Haytham Abd Al-Karim Al Sa'di (aka Abu Tariq), has been nominally leading the group.

AAA membership is primarily Palestinian. AAA's membership is estimated to be 100-300 members. AAA members have previously fought in Afghanistan, Chechnya, Kashmir and the Balkans.

AAA engagement in terrorist activities

AAA continues to undertake attacks but is also assisting the doing of terrorist acts. On the basis of available information it is assessed AAA operatives are active in Lebanon and it is likely AAA will undertake attacks if and when the opportunity arises. His group's close association with al-Qa'ida means it could draw on significant resources for future activities,

Terrorist attacks and activities which have been claimed by or reliably attributed to AAA include:

- March 2004: two members of AAA were jailed in a Lebanese military court for membership of AAA. One of the men was also found responsible for a 1999 grenade attack on a vegetable market in Ayn al-Hilwah;
- September 2004: AAA operatives were linked to a planned terrorist operation targeting the Italian Embassy, Ukrainian Consulate General and Lebanese Government offices. The plot was disrupted by Italian, Lebanese and Syrian authorities;
- May 2005: AAA announced one of its members was a martyr in Iraq facing the 'crusaders' forces'; and
- March 2006: AAA announced fighters from South Lebanon were killed during recent al-Qa'ida operations in Iraq.

Conclusion

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

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

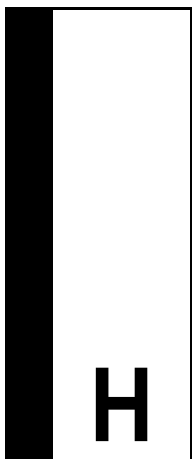
On the basis of the above information, ASIO assesses that AAA is directly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to AAA are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the establishment of a radical Sunni Islamic state in Lebanon;

(ii) are intended to coerce or influence by intimidation the governments of a foreign country, including Lebanon, and/or intimidate sections of the public; and

(iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.



Appendix H – Statement of Reasons – Islamic Movement of Uzbekistan (IMU)

Islamic Movement of Uzbekistan (IMU)

(Also known as the Islamic Party of Turkestan, Islamic Movement of Turkestan)

The following information is based on publicly available details about the Islamic Movement of Uzbekistan (IMU). These details have been corroborated by material from intelligence investigations into the activities of the IMU and by official reporting. ASIO assesses that the details set out below are accurate and reliable.

The IMU is listed in the United Nations 1267 Committee's consolidated list and as a proscribed terrorist organisation by the governments of the United Kingdom, United States and Canada. i

Current status of the IMU

The IMU formed in the late 1990s and is composed of Islamic extremists from Uzbekistan and other Central Asian states. It opposes the current Uzbek regime. The IMU's area of operation includes Uzbekistan, Afghanistan, Tajikistan, Pakistan, Kyrgyzstan and Iran. j

In 2001, the group announced that it had changed its name to the Islamic Party of Turkestan. The motivation for this is unclear, although it is probably intended to signal a change in emphasis from anti-Uzbek government activities to a wider radical Islamic agenda. The organisation has, however, continued to be known as the IMU. On 11 September 2006 the fifth anniversary of the coordinated attacks in

the US the IMU leadership renewed their commitment to attack the governments of Central Asia and issued personal threats against the Uzbek, Tajik and Kyrgyz Presidents. The statement reinforced the IMU leadership's commitment to al-Qa'ida's ideology of global jihad and continued anti-Western rhetoric. The IMU has conducted terrorist attacks against civilian, government and foreign targets in Central Asia. The group's tactics include hostage-taking (including foreigners), firearms attack and car bombings. The IMU conducted a bomb attack in June 2005 and in early 2006 was involved in armed attacks against a detention centre and customs and border posts. Kyrgyz and Tajik police operations in April, August and November 2006 discovered numerous weapons and supplies which were attributed to the IMU.

The IMU has close ties with al-Qa'ida and the former Taliban government. Senior IMU leaders have held positions in the al-Qa'ida hierarchy. The IMU receives funding from criminal activities such as drug trafficking, donations from sympathisers and from al-Qa'ida.

The IMU continue to recruit fighters and IMU members fight alongside the Taliban and al-Qa'ida against coalition and Pakistani forces in Afghanistan and northern Pakistan. The Ferghana Valley, where the Uzbek, Kyrgyz and Tajik borders converge, is a fertile recruiting ground for the IMU and the IMU has successfully exploited widespread poverty in its recruitment strategy.

IMU members have received training in camps in Afghanistan, some controlled by al-Qa'ida or the Taliban. IMU training camps continue to exist in Pakistan and Afghanistan. IMU members have been trained in the use of small arms, poisons, explosives (including land mines) and religious ideology.

Despite the IMU's losses in Afghanistan during the US intervention and the movement of fighters from the IMU to the Islamic Jihad Group (IJG) - an IMU splinter group - the group remains active and continues to have the capability and intent to conduct terrorist attacks.

Objectives

The IMU's initial objective was to overthrow the Uzbek regime and replace it with an Islamic state. However, the IMU's goals have broadened to include the establishment of a radical Islamic caliphate in Turkestan, an area stretching from the Caspian region to Xinjiang in western China.

Leadership and membership

The IMU was founded by Tohir Yuldashev and Juma Namangani. Tahir Yoldashev is the IMU's political and ideological leader. Military strategist Juma Namangani probably died fighting the US-led coalition in Afghanistan in 2001.

The IMU attracts support from a variety of ethnic backgrounds, principally Uzbeks, Kyrgyz, Tajiks, Kazakhs, Chechens and Uighurs from western China. Estimates of the membership of the IMU vary from 200 to 2000.

Terrorist activities

Recent terrorist attacks and activities for which the IMU has claimed responsibility or for which responsibility has been reliably attributed include:

- 31 January 2005: car bomb attack against the Ministry of Emergency Situations in the centre of Dushanbe, Tajikistan;
- 12 June 2005; bomb attack against the Ministry of Emergency Situations in Dushanbe, Tajikistan wounding twelve people;
- 25 January 2006: armed attack on prison in an attempt to free a prisoner resulting in the death of the chief of the detention centre in Kairakum Tajikistan; and
- 12 May 2006: IMU members were involved in armed attacks on border and customs posts in Kyrgyzstan and Tajikistan.

Conclusion

ASIO assesses that the IMU is continuing to prepare, plan and foster the commission of acts involving threats to human life and serious damage to property. Although the organisation suffered significant losses during the Afghanistan conflict, it has attracted recruits from a variety of countries within the region, and has a history of working with other international terrorist organisations from which it may draw support.

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that :

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

On the basis of the above information, ASIO assesses that the IMU remains active: and is directly preparing, planning, assisting in or fostering the doing of terrorist acts.

It is submitted that the acts attributable to the IMU are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, the objective of establishing a radical Islamist caliphate in Turkestan;

(ii) are intended to coerce or influence by intimidation the government of a foreign country, namely the states of Central Asia and/or intimidate sections of the public; and

(iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.

