



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP



07/2227

15 MAR 2007

The Hon David Jull MP  
Chair  
Parliamentary Joint Committee on Intelligence and Security  
Parliament House  
CANBERRA ACT 2600

Submission No:.....	2
Date Received:.....	20-3-07
Secretary:.....	

Dear Mr Jull

I am writing to advise you that I have decided to re-list Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

Jaish-e-Mohammad and Lashkar-e Jhangvi (initially known and listed as Lashkar i Jhangvi) were first listed as terrorist organisations by the *Criminal Code Amendment Regulations 2003* (No. 8) and (No. 7) respectively, with effect from 11 April 2003. Jaish-e-Mohammad and Lashkar-e Jhangvi were re-listed as terrorist organisations by the *Criminal Code Amendment Regulations 2005* (No. 3) and (No. 7) respectively, with effect from 11 April 2005. Under subsection 102.1(3) of the Criminal Code these regulations will cease to have effect on 11 April 2007.

I am satisfied on reasonable grounds that Jaish-e-Mohammad and Lashkar-e Jhangvi are organisations that are 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).

The re-listing of Jaish-e-Mohammad and Lashkar-e Jhangvi will ensure that the offence provisions under Division 102 of the Criminal Code will apply.

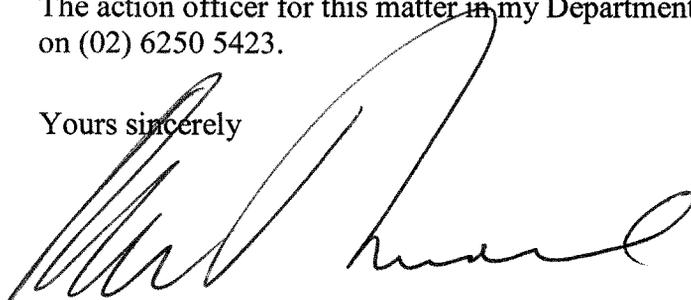
My decision to re-list Jaish-e-Mohammad and Lashkar-e Jhangvi was made following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, in relation to these organisations, as well as legal advice provided to me by the Australian Government Solicitor.

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulation as soon as possible after it has been made, and report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

To assist the Committee, should it decide to review the regulations, I enclose a copy of the Statement of Reasons provided by ASIO, in relation to Jaish-e-Mohammad and Lashkar-e Jhangvi upon which my decision to re-list these organisations was based. Additional information detailing the procedure followed for the purposes of re-listing Jaish-e-Mohammad and Lashkar-e Jhangvi will be provided to you upon the registration of the regulations.

The action officer for this matter in my Department is Annabel Knott who can be contacted on (02) 6250 5423.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written in a cursive style.

Philip Ruddock

### **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-Muhammed, Jaish-i-Mohammad, Jaish-i-Mohammed, Jaish-i-Muhammad, Jaish-i-Muhammed, Jamaat ul-Furqan (JuF), Jesh-e-Mohammadi, Khudamul Islam, Khuddam ul-Islam (KuI), 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-Qai'da). 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 (KuI) headed by Azhar and Jamaat ul-Furqan (JuF) headed by Maulana Abdul Jabbar (alias Umar Farooq). Both KuI 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.

### **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-Mohammad (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 Eid 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 Bari 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:

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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.

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