



ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

09/10086, 09/10096, 09/11082, 09/12344

27 AUG 2009

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

Dear Mr Bevis

I am writing to advise you that I have decided to re-list Hamas' Izz al-Din al-Qassam Brigades (the Brigades), Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as terrorist organisations for the purposes of section 102.1 of the Criminal Code.

These organisations were last listed as terrorist organisations in September 2007 by the *Criminal Code Amendment Regulations 2007*. The listings sunset in September 2009.

On 24 June 2009, regulations re-listing these organisations as terrorist organisations were made prematurely, as a result of an administrative error. As the making of these regulations did not comply with the requirements for consultation, I arranged for these regulations to be repealed and the old regulations to be re-instated. I also arranged for new regulations re-listing these organisations as terrorist organisations to be made prior to the expiration of the current listings in September 2009.

I am satisfied on reasonable grounds that the Brigades, PKK, LeT and PIJ are organisations 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 the Brigades, PKK, LeT and PIJ will ensure that all offence provisions under Division 102 of the Criminal Code will continue to apply in relation to these organisations.

My decision to re-list the Brigades, PKK, LeT and PIJ was made following careful consideration of intelligence information provided by ASIO in consultation with the Department of Foreign Affairs and Trade, as well as legal advice provided to me by the Australian Government Solicitor.

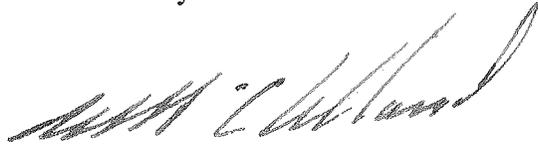
Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulation as soon as possible after it has been

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, I enclose a copy of the Statements of Reasons provided by ASIO, in relation to the Brigades, PKK, LeT and PIJ. Additional information detailing the procedure followed for the purposes of listing the Brigades, PKK, LeT and PIJ will be provided to you upon the registration of the regulations.

The action officer for this matter in my Department is Muriel Joseph who can be contacted by e-mail at muriel.joseph@ag.gov.au or by telephone on (02) 6141 2922.

Yours sincerely

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

Robert McClelland

**Hamas' Izz al-Din al-Qassam Brigades
(aka Ezzedeem Al-Qassam Brigades and Izz al-Din Al-Qassem Brigades)**

The following information is based on publicly available details about Hamas's Izz al-Din al-Qassam Brigades (the Brigades). These details are accurate and reliable and have been corroborated by classified information. Hamas' other branches, covering political, communal and welfare issues are not included in this proscription statement of reasons.

Basis for listing a terrorist organisation

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

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

Details of the organisation

Hamas is an Arabic acronym for the Harakat Muqawama Islamia, or Islamic Resistance Movement. It was founded during the first Intifada in 1987 as an offshoot of the Palestinian branch of the Muslim Brotherhood. Hamas is an extremist Sunni organisation which in its 1988 founding charter called for the creation of an Islamic state in place of Israel and the Occupied Territories. The Brigades were established in 1992 to provide Hamas with an armed option to support its political objectives. Hamas' main power base is the Gaza Strip, although it does have supporters in the West Bank. In 2006 Hamas won a decisive victory in the Palestinian elections which gave it a majority of seats – 76 out of 132. This allowed Hamas to oppose peace negotiations with Israel as the lead party in the Palestinian Authority (PA) and introduce a more traditional Islamic way of life.

Following the 2006 elections, long standing animosity between Hamas and Fatah rose in intensity until Hamas initiated a decisive crackdown in Gaza against Fatah which resulted in the death of hundreds of Fatah members and supporters. In June 2007 elected Hamas officials were ousted from their positions in the PA government in the West Bank and replaced by rival Fatah members and independents. Hamas retained control of the Gaza Strip and has engaged in another round of arrests and executions of Fatah members following the withdrawal of Israeli forces from Gaza in January 2009.

Hamas as an organisation has distinct political and military wings. The military wing is also known as the Executive Force. The Brigades are an armed element of the military wing and operate independently of the other sections of Hamas. They are divided into a number of independent and specialised cells. While the Brigades are an integral part of Hamas, they also operate independently and at times at odds with Hamas' stated aims. The Brigades have their own website and regularly release advice of rocket and mortar attacks against Israeli interests independently of the Hamas political leadership. On 14 November 2008 the Brigades used their website to threaten Israel of a "harsh and painful" response to any Israeli 'Calm'

violations.¹ There was no indication of any consultation with Hamas political leadership before the announcement was made.

The Brigades have the will and capability to launch terrorist attacks inside Israel. They have a substantial weapons inventory of light automatic weapons and grenades, improvised rockets, mortars, bombs, suicide belts and explosives. The Brigades fire 'Qassam' rockets and mortar shells into Israel on a regular basis. The group engages in military style training, including training in Iran and Syria on a range of weapons designed to inflict significant casualties on Israeli civilian and military targets.

The Brigades, with two other groups, were responsible for the action which led to the death of two Israeli soldiers and the kidnapping of Corporal Gilat Shalit in June 2006. Shalit is still being held by Hamas but there are indications he may eventually be exchanged for Palestinian prisoners held by Israel.

There had been a period of relative peace from June 2008 due to an Egyptian initiated cease-fire. However, violence escalated in November 2008 when rockets launched into Israel went from two per month in September and October to 190 in November. Hamas claimed the increased rocket attacks were in retaliation for Israeli forces crossing into Gaza and killing six Hamas fighters on 4 November 2008. Both sides accused each other of breaking the cease-fire although Israel was prepared to extend it beyond 19 December 2008 but Hamas refused.

In the recent conflict between Israel and Hamas in Gaza, the Brigades were actively involved in the fighting. The Brigades claimed responsibility for many attacks, including actions against Israeli Special Forces, and firing numerous rockets into Israel. They also announced 48 of their fighters were killed.

The Brigades go to great lengths to keep their organisational structure, planning and operations secret. The group is organised into discrete cells with each cell practising a need-to-know policy. The identity of the group's leaders is usually kept secret to avoid targeted attacks by Israel. In September 2005, the Brigades did publish the names of its seven commanders on its website. Mohammed Deif was identified as the general commander. In July 2006 Deif and two other Brigades leaders were injured in an Israeli air raid and it is not clear if Deif is still the leader. Estimates of the group's rank and file strength vary from a few hundred to many thousands, with a large pool of people seeking to join its ranks.

Terrorist activity of the organisation

Hamas (through the Brigades) seeks to destroy the state of Israel and establish an Islamist Palestinian state in the existing Gaza Strip, West Bank and Israel. It will not enter into peace talks with Israel and its leaders have stated Hamas cannot live with an Israeli state. Since January 2004 senior Hamas officials have indicated on a number of occasions a long term truce might be negotiated on the basis of an Israeli withdrawal from the territories captured in 1967. The Brigades conduct terrorist attacks in support of Hamas' political objectives. Recent attacks for which responsibility has been claimed by, or reliably attributed to the Brigades, have included:

- June 2006: the death of two Israeli soldiers and the kidnapping of Corporal Gilat Shalit;

¹ The 'Calm' was an Egyptian brokered ceasefire which operated between June and December 2008.

- February 2008: a suicide attack in Dimona killed and injured a number of people;
- November 2008: the Brigades announced on its website it had fired a total of 43 Qassam rockets and a number of mortar shells at several Israeli civilian and military targets;
- November 2008: five Grad rockets were fired from the Gaza Strip at the Israeli city of Ashqelon; and
- January 2009: numerous rockets fired into Israel.

In January 2009 the Brigades claimed 48 of its fighters had been killed in fighting Israeli forces in Gaza.

As demonstrated, the Brigades are directly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted the acts attributable to the Brigades are terrorist acts as they:

- (i) are done with the intention of advancing a political cause, namely, destruction of the state of Israel, and establishment of an Islamic state in the current Israel, Gaza Strip and West Bank;
- (ii) are intended to coerce or influence by intimidation the governments of foreign countries, including Israel and/or intimidate the Israeli public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

Other relevant information

Hamas' Izz al-Din al-Qassam Brigades (the Brigades) have been proscribed as a terrorist organisation by the government of the United Kingdom. Hamas (including the Brigades) has been proscribed as a terrorist organisation by the governments of the United States and Canada. Hamas is also listed by the European Union for the purposes of its anti-terrorism financing measures.

Kurdistan Workers Party

(Also known as: Freedom and Democratic Congress of Kurdistan, HPG, KADEK, KG, KHK, Kongra Gel, Kongra Gele Kurdistan, Kurdish Freedom Falcons, Kurdish Liberation Hawks, Kurdistan Freedom and Democracy Congress, Kurdistan Freedom Brigade, Kurdistan Freedom Hawks, Kurdistan Halk Kongresi, Kurdistan Labor Party, Kurdistan Ozgurluk Sahinleri, Kurdistan Peoples Congress, New PKK, Partiya Karkeren Kurdistan, Peoples Congress of Kurdistan, People's Defence Force, PKK, TAK, Teyrbazên Azadiya Kurdistan)

The following information is based on publicly available details about the Kurdistan Workers Party (PKK). These details are accurate and reliable and have been corroborated by classified information.

Basis for listing a terrorist organisation

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

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

Details of the organisation

The PKK was formally established by Abdullah Ocalan in 1978. The organisation adopted a communist ideology, but from its inception was primarily committed to the creation of an independent Kurdish state in south-eastern Turkey. After the end of Cold War, the PKK increasingly emphasised its role as a Kurdish nationalist movement. At times the group has sought to increase its popularity by exploiting the religious sentiment of the Kurdish community, but the organisation was and remains predominantly secular.

In August 1984, the PKK began sporadic attacks on Turkish security force targets, especially in the south-east of the country. The group also targeted Kurds regarded as 'state collaborators' — especially those belonging to the 'village guards', a Kurdish militia that had been established by the Turkish government in the mid-1980s to counteract the PKK's growing influence. On 20 June 1987, PKK militants raided Pincarik, a small Kurdish village in the province of Mardin, and called upon the village guards to surrender. When they refused, the PKK massacred 30 people, including 16 children and six women. After the massacre, Ocalan is reported to have said: "Let's kill, and become the authority".

The PKK intensified its campaign in the early 1990s, often employing large-scale, mass-casualty operations. During these years, the group also extended its insurgency to western Turkey, bombing department stores and markets frequented by civilians. For a short period, it targeted foreigners and was responsible for kidnapping a number of tourists. By the time Turkish security forces captured Ocalan in February 1999, the PKK had conducted tens of thousands of attacks, resulting in an estimated 30 to 40 thousand people being killed — many of them innocent civilians.

Following Ocalan's arrest, the PKK announced a unilateral ceasefire — although Ocalan stipulated that PKK militants would only lay down their arms if the Turkish government likewise agreed to cease hostilities against the PKK. As a result, violence abated significantly over the next few years but never completely ceased.

The PKK increasingly sought to distance itself from its terrorist past. The group thus changed its name, in April 2002, to the Kurdistan Freedom and Democracy Congress (KADEK), which claimed adherence to 'democratic transformation and unity'. This was followed, in November 2003, by yet another facelift, the PKK this time changing its name to Kongra Gel and insisting on its commitment to 'peaceful' activities.

But these attempts to cultivate a more benign public image failed — in January 2004, the US government listed not only the PKK but also its various aliases, including KADEK and Kongra Gel, as terrorist organisations. The group subsequently called off the ceasefire. As a result, violence perpetrated by the PKK — which reverted to its original name in April 2005 — steadily increased over the next few years. It also began the practice of using front groups, especially the Kurdistan Freedom Falcons (TAK), to conduct attacks in tourist areas frequented by foreigners. It was hoped that the TAK would provide the PKK with 'plausible deniability' when conducting attacks that killed civilians, including foreigners. In reality, however, the PKK directs TAK operations.

Despite intermittent ceasefires after 2005, the PKK continued to mount terrorist attacks against Turkish security, civilian and economic targets. By late 2007, the group had reportedly claimed a further 1,500 lives since the resumption of its insurgency in June 2004. Urban attacks, led by the TAK, increased during 2005 and culminated in a wave of bombings in tourist areas during the following summer. On 28 August 2006, a blast in the Turkish resort city of Antalya killed three people and wounded around 20 others. A day earlier, in Marmaris — another coastal city popular with tourists — three bombs were detonated near-simultaneously. Twenty-one people were injured, including 10 British citizens. Between June 2004 and July 2008, the PKK reportedly killed around 35 civilians, seven of them foreign tourists.

The PKK's intensification of the insurgency led to an inevitable backlash from Turkish authorities. In November 2007, after a series of PKK attacks on Turkish military outposts that killed more than 20 soldiers, the Turkish Government passed emergency legislation authorising military attacks on PKK bases in northern Iraq. The Turkish Armed Forces bombarded PKK bases with aerial attacks for two months before launching a cross-border assault on 21 February 2008 that lasted eight days. A number of aerial operations followed and by September 2008, according to Turkish military figures, more than 750 PKK fighters had been killed since the beginning of the year.

Despite these setbacks, the PKK retains both the intent and capability to conduct large-scale attacks on Turkish official and military as well as civilian targets anywhere in Turkey. In January 2008, PKK militants were responsible for detonating a car bomb in Diyarbakir, the largest city in south-eastern Turkey, that killed six people — five of them Kurdish school students. This was followed, on 27 July 2008, by a double bombing in a residential neighbourhood of Istanbul that was specifically designed to achieve maximum civilian fatalities — after an initial small-scale blast that attracted onlookers, a second, larger bomb was detonated. Twenty-seven people were killed and more than 150 others injured in the attack. Also in July 2008, People's Defence Forces (HPG — the military wing of the PKK) militants kidnapped three German mountain climbers in retaliation for Berlin's decision to

further circumscribe the organisation's broadcasting activities in Germany. The hostages were released 12 days after being kidnapped.

Abdullah Ocalan, currently serving life imprisonment in Turkey, is still considered the leader and figure-head of the PKK. In practice, the PKK's day-to-day affairs are run by Murat Karayilan. Although the organisation has undergone numerous name changes, there is a continuity of key leaders, including Ocalan and Karayilan, but also Cemil Bayik, Duran Kalkan, Fehman Huseyin and Riza Altun.

The PKK has experienced a number of internal power struggles since Ocalan's arrest in 1999. Karayilan has emerged as the organisation's dominant figure, but manoeuvring within the PKK continues. Karayilan and leader of the HPG, Fehman Huseyin, have reportedly been engaged in a long-standing rivalry.

The precise strength of the PKK is not known. In late 2007, Karayilan claimed to command as many as 10,000 militants. The Turkish military was more circumspect, reporting in November that year that the PKK numbered around 7,000 active militants. However, it is widely believed the group numbers approximately four to five thousand militants, the majority of whom are based in northern Iraq.

Terrorist activity of the organisation

The PKK's objectives have changed over time. Initially the group aimed to establish a separate Kurdish nation from the large Kurdish populations in Turkey, Syria, Iraq and Iran. The organisation now calls for autonomy for Kurds within Turkey and seeks to promote and advance the rights of Kurds living in Turkey, specifically the right to maintain ethnic identity.

The PKK has consistently demonstrated a willingness to use violence in order to achieve these objectives.

The PKK focuses its attacks on Turkish official and especially security force targets in south-eastern Turkey. The group also has a significant presence in western and southern Turkey, with recent car bombings of police and military targets in the coastal cities of Mersin and Izmir perhaps suggesting a renewed focus in response to Turkish military successes in northern Iraq.

The PKK has also conducted attacks against both Turkish and Kurdish civilians — the latter for allegedly 'collaborating' with Turkish security forces. Since 2004, the group has used proxies, especially the TAK, to bomb areas frequented by foreign tourists. At various times, the group has also kidnapped foreigners.

The PKK employs a wide variety of attack methodologies. During the early years of its insurgency, the group mostly conducted direct armed attacks on Turkish military posts in the country's south-east. However, after the Turkish military regained control of these territories by employing more sophisticated weapons technology — especially Cobra attack helicopters, which were used in 'hot pursuit' operations — the PKK increasingly concentrated on attacks using mines, snipers and long-range strafing of military outposts.

Improvised explosive devices (IEDs) quickly became the PKK's weapon of choice — mainly because IEDs improved the group's capability against the numerical superiority of the Turkish military. The PKK, while making extensive use of small IEDs in attacks on Turkish civilian and military targets, also developed more sophisticated devices — including car bombs (VBIEDs). On 11 September 2007, in Ankara, Turkish police discovered a vehicle

loaded with approximately 600 kilograms of explosive material. This was followed by the PKK conducting a number of successful car bombings throughout 2008.

Suicide bombings have also featured prominently in the PKK's attack repertoire. Beginning in 1996, as the Turkish military was regaining control of south-eastern Turkey, the PKK conducted more than 20 suicide bombings up to 1999. During these years, the group made extensive use of female suicide bombers, mainly because of their ability to conceal large amounts of explosives under the guise of pregnancy. Although Ocalan's call for a ceasefire in 1999 effectively ended this campaign, the practice has re-emerged in recent years with PKK suicide bombings against Turkish civilian and security force targets in Ankara, Mersin and Tunceli during 2007 and 2008.

The PKK acquires the overwhelming bulk of its money from drug trafficking, which some commentators have claimed garnered as much as 500 million Euros (800 million US dollars) for the organisation in 2008. At different times, the PKK has reportedly controlled up to 80 per cent of the European illicit drug market. In June 2008, in recognition of its involvement in these activities, the US State Department added the PKK to its list of major international drug-dealers under the Foreign Narcotics Kingpin Designation Act.

Other criminal activities that contribute to the PKK's finances include human trafficking, money laundering and prostitution rackets. Revenue is also raised by collecting 'taxes' — through voluntary means or coercion — from Kurdish diaspora communities around the world. In 2007, the group reportedly raised approximately 12 to 15 million dollars in Europe alone through commercial activities (including semi-legitimate activities) and donations. Sales of publications, grants, aid campaigns and revenues obtained from 'special nights' organised by PKK branches in Europe also contribute to the group's coffers.

The PKK conducts attacks against a range of Turkish security force, civilian and foreign targets. Significant recent attacks or attack planning for which responsibility has been claimed by, or reliably attributed to, the PKK include:

- 13 September 2006: A mobile phone-triggered IED exploded at a bus stop in the Baglar region of Diyarbakir city. Eleven people were killed, including five children, and 13 injured;
- 12 May 2007: One civilian was killed and around 18 others injured when a bicycle bomb exploded in a market place in Izmir;
- 22 May 2007: A suicide bombing near a market centre in Ankara killed 10 people and injured around another 100;
- 10 June 2007: A small IED exploded outside a clothing shop in Istanbul, injuring at least 14 people;
- 23 June 2007: Two PKK militants rammed an oil-filled truck into a police station in the province of Tunceli. Only the militants in the truck were reported to have been killed in the attack, which appears to have been a suicide mission;
- 29 September 2007: A group of PKK militants ordered 12 people, including 'village guards' and civilians, off a bus in Sirnak province and shot and killed all 12;
- 2 October 2007: Two people were injured when a bomb exploded outside a shopping centre in Izmir, Turkey's third-largest city and popular 'capital' of its Aegean region.

About three hours later, a larger bomb hidden in the saddle of a stolen motorbike exploded near the same shopping centre, killing one person and injuring two others;

- 7 October 2007: A bomb left in a garbage bin in Istanbul was detonated by remote control as a police officer passed by, injuring five people but none of them seriously;
- 10 October 2007: A policeman was killed and six others injured when a grenade was thrown at a police vehicle in Diyarbakir;
- 25 December 2007: An explosion near a police station in a residential area of Istanbul killed one person and injured six others;
- 3 January 2008: a car bombing in Diyarbakir targeting a military bus as it passed a school killed at least six people and injured 68 others;
- 9 May 2008: In the south-eastern province of Batman, three people were killed and five wounded, when the bus they were traveling in was destroyed by a landmine detonated by PKK guerrillas;
- 8 July 2008: The PKK took as hostages three German tourists who were on a climbing trip on Mount Ararat, in eastern Turkey. The hostages, who were taken to protest Berlin's crackdown on the group's fund-raising activities in Germany, were released unharmed on 20 July 2008;
- 19 July 2008: A group of PKK militants killed four people and wounded seven others in Bingol, a province in central-eastern Turkey;
- 27 July 2008: The PKK, though denying involvement, carried out a twin bombing in a residential neighbourhood in Istanbul that killed 27 Turkish civilians, including five children, and wounded more than 150;
- 19 August 2008: Mersin police stopped a car being driven by a suspected PKK suicide bomber, who then detonated the device, killing himself and injuring twelve police officers;
- 21 August 2008: In Izmir, a car bomb planted by the PKK was employed against a minibus carrying approximately 40 police officers and soldiers. Seven policemen, three soldiers and six civilians were injured;
- 11 October 2008: Turkish police arrested a female member of the PKK who was planning a suicide attack on an unspecified target in Istanbul. She was feigning pregnancy in order to conceal 8.8 kilograms of explosives on her body;
- 23 December 2008: Turkish security forces discovered a car in Diyarbakir loaded with 57 kilograms of explosives, an RPG7 rocket launcher, 50 rocket grenades, 70 hand grenades and ammunition; and
- 20 March 2009: Police arrested three PKK militants in Istanbul. Explosives, a firearm, two hand grenades and three pistols were seized in the raid, but the target of the alleged attack was unknown.

As demonstrated, the PKK is directly preparing, planning, assisting in or fostering the doing of terrorist acts. It is considered that the acts attributable to the PKK are terrorist acts as they:

- (iv) are done with the intention of advancing a political cause, namely, promoting and advancing the rights of Kurds living in Turkey;
- (v) are intended to coerce or influence by intimidation the government of a foreign country, namely Turkey, and/or intimidate sections of the public; and
- (vi) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

Other relevant information

The PKK is listed as a proscribed terrorist organisation by many governments, including the UK and Canada. The organisation is proscribed by the US government under the name of Kongra Gel. The PKK is listed by the European Union for the purposes of its anti-terrorism measures.

Lashkar-e-Tayyiba

(Also known as: al Mansooreen, al Mansoorian, Army of Medina, Army of the Pure, Army of the Pure and Righteous, Army of the Righteous, Idara Khidmat-e-Khalq, Jama'at al-Dawa, Jama'at-i-Dawat, Jamaati-ud-Dawa, Jamaat ud-Daawa, Jama'at-ud-Da'awa, Jama'at-ud-Da'awah, Jamaat-ud-Dawa, Jama'at ul-Da'awa, Jamaat-ul-Dawa, Jamaat ul-Dawah, Jamaat-ud-Dawa, JuD, JUD, Lashkar-e-Taiba, Lashkar-e-Tayyaba, Lashkar-e-Toiba, Lashkar-i-Tayyaba, Lashkar-i-Toiba, Lashkar-Tayyiba, LeT, LT, Paasban-e-Ahle-Hadis, Paasban-e-Kashmir, Paasban-i-Ahle-Hadith, Party of the Calling, Party of the Preachers, Pasban-e-Ahle-Hadith, Pasban-e-Kashmir, Soldiers of the Pure, Tehreek-e-Tahafuz Qibla Awal)

The following information is based on publicly available details about Lashkar-e-Tayyiba (LeT). These details are accurate and reliable and have been corroborated by classified information.

Basis for listing a terrorist organisation

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

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

Details of the organisation

LeT is a Sunni Islamic extremist organisation based in Pakistan. LeT was formed circa 1989 as the military wing of the Pakistan-based Islamic fundamentalist movement Markaz al-Dawa wal Irshad (MDI – Centre for Religious Learning and Propagation; also known as the Jamaat al-Daawa). Originally formed to wage militant jihad against the Soviet occupation of Afghanistan, LeT shifted its focus to the insurgency in Indian-administered Kashmir (IAK) in the 1990s, after Soviet troops withdrew from Afghanistan.

LeT is one of the most active of the Pakistan-based Kashmiri militant groups. LeT has directly engaged in, prepared and planned numerous terrorist attacks, including bombings, assassinations and kidnappings against Indian security forces (military and police), government, transport and civilians in the disputed territory as well as in India. The group is also credited with introducing the use of suicide squads to the conflict in IAK.

In 2002, LeT was banned by the Pakistan government but the group continues to operate in Pakistan under the alias Jamaat ud-Dawa (JuD). Ostensibly created as a charitable organisation by LeT founder Hafiz Muhammad Saeed immediately prior to LeT being banned, JuD functions as a front organisation for LeT in order to mask its activities and to continue to solicit funds. The UN Security Council listed JuD as an LeT alias on 10 December 2008.

LeT subscribes to an extreme Salafist interpretation of Islam which is closely related to the Wahhabi form of Islam associated with al-Qa'ida and the Taliban. LeT receives funding from

donors in the Middle-East, mainly Saudi Arabia, and through charitable donations collected from sympathisers in Pakistan, Kashmir, the United Kingdom and Persian Gulf states.

LeT maintains links to the Taliban and al-Qa'ida, and to several Pakistani Islamic extremist groups, including the Kashmir focused terrorist group Jaish-e-Mohammed (JeM), and the Sunni sectarian group Lashkar-e-Jhangvi (LeJ). LeT is reported to have been involved with militant Islamists in other places where conflict including Muslims have arisen; including Bosnia, Chechnya, Kosovo, and Afghanistan. In 2004, several LeT operatives were also captured by British forces in Iraq.

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. However, LeT continues to engage militarily with Indian security forces on a regular basis. Several recent attacks in IAK have been attributed to the group by Indian authorities, including the massacre of over thirty Hindus in two separate attacks in the Doda and Udhampur districts on 1 May 2006. The attacks occurred two days prior to peace talks between the Indian government and Kashmiri separatist groups, and were condemned by India as an attempt by LeT to sabotage the Kashmir peace process. At least 19 LeT insurgents and 10 Indian soldiers died during running clashes in Kupwara district in March-April 2009. Smaller scale engagements occur on a regular basis.

LeT is also widely held to have directly engaged in a number of significant attacks in India in recent years. In November 2008, LeT members killed more than 170 people, including two Australians, in an attack on the Indian financial hub, Mumbai. Further attacks include the 11 July 2006 serial bombings on trains in Mumbai, and the 29 October 2005 serial explosions at marketplaces in New Delhi, which killed more than 240 people. While two little known groups claimed responsibility for each of the Mumbai and New Delhi attacks, subsequent investigations have led Indian authorities to conclude LeT was behind both attacks.

While IAK and Indian interests remain LeT's primary focus, some elements within LeT may want to re-focus their activities and bring them more into line with Usama bin Laden's 'global jihad' against the US and Israel, and their allies. However, its primary objective remains the 'liberation' of Muslims in IAK. In October 2006, LeT issued a fatwa asking the Muslim community to kill Pope Benedict XVI, in response to a speech delivered by the Pope on 12 September 2006.

LeT operates a number of camps in Pakistan, which provide both religious instruction and military-style guerrilla training and support. Since proscribing LeT as a terrorist organisation in 2002, the Pakistani authorities have acted to close some LeT and JuD camps. Some LeT training facilities are now smaller in scale, some of which are mobile, and focused on preparing jihadists for low-intensity, hit-and-run type operations, or suicide attacks.

Reporting also indicates LeT has trained foreigners possibly intending to conduct terrorist operations in their countries of origin. British citizens trained by LeT include Richard Reid, who tried to blow up a trans-Atlantic flight in 2001, and Dhiren Barot, who was convicted in 2006 of planning a bombing in London. Investigations indicate one of the British-born suicide bombers responsible for the 7 July 2005 attacks in London, Shehzad Tanweer, may have received training at a LeT camp in Pakistan. LeT is also suspected of providing some funding and logistical support to the disrupted British trans-Atlantic plane bombing plot in August 2006 using JuD as a cover.

Several individuals with links to LeT have been arrested in Australia, the US, and Canada since 2003 for allegedly planning terrorist activities. In March 2007, a French court convicted French national, Willie Brigitte, for planning terrorist attacks in Australia in 2003 in

conjunction with suspected LeT chief for overseas operations, Sajid Mir. An Australian associate was also convicted of planning acts of terrorism by the New South Wales Supreme Court jury in June 2006; this case has not since been overturned. Australian citizen David Hicks has admitted to attending an LeT training camp in Kashmir in around 2000. Aside from facilitating training, it is not clear whether LeT sanctioned the terrorist activities of any of these foreign-born individuals.

The recognised leader of LeT, Hafiz Muhammad Said (variant of name, spelt Saeed in most reporting), was arrested in February 2006 for leading violent protests in response to the Danish cartoon controversy, and again in August 2006 in the wake of the disrupted British airliner bombing plot. He has been detained and subsequently released by Pakistani authorities on several occasions; he has been put under house arrest again in December 2008. In December 2008, then US Secretary of State, Condoleezza Rice, identified Hafiz Muhammad Said as responsible for the Mumbai attacks during her visit to Pakistan following the incident. Rice sought Pakistan's support to apprehend Said in relation to his and LeT's links to the attacks. On 10 December 2008, the United Nations Security Council 1267 Committee approved the addition of Hafiz Muhammad Said to its consolidated list of individuals and entities subject to asset freeze, travel ban and arms embargo measures.

LeT's estimated strength is reported to include several hundred trained militants. The majority of LeT's membership consists of jihadists from Pakistan and Afghanistan.

Terrorist activity of the organisation

LeT is a group that uses violence in pursuit of its stated objective of uniting IAK with Pakistan under a radical interpretation of Islamic law. LeT's broader objectives include the establishment of a Islamic Caliphate across the Indian subcontinent, and reclaiming all 'occupied Muslim lands' in southern Spain and the Balkans. To this end, LeT intend to pursue the 'liberation,' not only of the Muslim-majority Kashmir, but of all India's Muslim population, even in areas where they do not form a majority. LeT has declared democracy to be antithetical to Islamic law and that LeT's jihad requires it to work toward turning Pakistan into a purely Islamic state.

The LeT has directly engaged in a number of terrorist attacks, including suicide attacks, bombings, kidnappings, and assassinations.

LeT conducts attacks in IAK on a regular basis, primarily targeting Indian security forces but also non-Muslim civilians. Other significant attacks, for which responsibility has been claimed by, or reliably attributed to, the LeT, include:

- October 2005: Coordinated bomb attacks at marketplaces and on a bus in New Delhi, killing over 60 persons;
- November 2005: Car bomb attack near the main entrance of the J&K Bank Corporate Headquarters in Srinagar which killed four civilians and injured 72;
- May 2006: Killing of Hindu civilians in Doda and Udhampur districts, Jammu & Kashmir, killing 34 civilians;
- May 2006: Attack on a Youth Congress rally at Sher-e-Kashmir Park in Srinagar, killing three political activists and two police officers;

- June 2006: Joint responsibility with Hizb-ul-Mujahideen (HM) for the kidnap and killing of seven Nepalese civilian and one Indian civilian in Kulgam, Jammu & Kashmir;
- July 2006: Serial bombings on trains in Mumbai, killing more than 200 persons;
- February 2007: Attack on a Central Reserve Police Forces (CRPF) patrol party, killing two CRPF officers;
- September 2008: A number of LeT militants crossed into India during an engagement with Indian border forces along the Line of Control in the Poonch district. Several militants and border troopers were killed; and
- November 2008: LeT members conducted an attack on the Indian financial hub, Mumbai. More than 170 people were killed in this attack, including two Australians. The attack was aimed at important infrastructure and public places. The attackers used sophisticated insertion techniques and conducted their coordinated attack with small arms and explosives.

As demonstrated, LeT is directly preparing, planning, assisting in or fostering the doing of terrorist acts. The acts attributable to LeT are terrorist acts as they:

- (vii) are done with the intention of advancing a political cause, namely, 'liberating' Muslims in Indian-administered Kashmir and the establishment of an Islamic Caliphate across the Indian subcontinent.
- (viii) are intended to coerce or influence by intimidation the government of a foreign country, namely India, and/or intimidate a section of the Indian public; and
- (ix) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

Other relevant information

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

Palestinian Islamic Jihad
(Also known as: al-Quds Brigades, Harakat al-Jihad al-Islami fi Filistin,
Islamic Jihad, Islamic Jihad Palestine (IJP),
Islamic Jihad - Palestine Faction and Islamic Holy War, PIJ)

The following information is based on publicly available details about the Palestinian Islamic Jihad (PIJ). These details are accurate and reliable and have been corroborated by classified information.

Basis for listing a terrorist organisation

Division 102 of the *Criminal Code* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

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

Details of the organisation

The PIJ is a Sunni fundamentalist group founded in 1979-80 in Egypt by Palestinian members of the Muslim Brotherhood movement. Inspired by the Iranian revolution and disillusioned with the actions of existing Palestinian nationalist movements, the PIJ rejected the Muslim Brotherhood's non-violent position. It has pursued a strategy of conducting terrorist attacks primarily by firing rockets into Israel from the Palestinian Territories and also using suicide bombers. The al-Quds Brigade is the military wing of the PIJ and is responsible for all its terrorist attacks. The PIJ has grown to become one of the main Palestinian Islamic extremist movements.

In August 1988, Israel expelled two senior leaders of the PIJ at that time, Fathi Shaqaqi and Abd al-Aziz Odah, to Lebanon where Shaqaqi reorganised the group, developing closer ties with Iranian Islamic Revolutionary Guard Corps elements and Lebanese Hizballah. In 1989 the PIJ moved its headquarters to Damascus although it continues to maintain a presence in Lebanon. From this time, the PIJ increasingly used terrorist actions, including suicide bombings and shootings, to promote its cause. Suicide bombings, including explosive belts and car bombs, continue to be a favoured method of attack. In recent years PIJ's primary attack weapon has been firing rockets into Israel from the Gaza Strip. In March 2008, PIJ claimed responsibility for firing 216 rockets into Israel.

The PIJ sees itself as a radical military organisation. The PIJ refused to give a formal commitment to a Palestinian unilateral ceasefire in 2005 and has previously conducted terrorist attacks to derail peace processes. While it has no ostensible political role, the PIJ is politically astute. Since Hamas' victory in the Palestinian Legislative Council election in January 2006, the PIJ has issued statements condemning political compromises made by Hamas and Fatah towards Israel. The PIJ supported Hamas' victory, but rejected any notion of participating in government itself.

Despite sectarian differences, the PIJ is allied to and receives significant support from Hizballah. The PIJ maintains affiliations with groups such as Hamas, and has carried out joint

attacks with other militant groups such as Hamas and the al-Aqsa Martyrs Brigades. The PIJ has confined its activities to the Middle East and has not deliberately targeted Western interests. The PIJ's attacks are generally indiscriminate in nature, seeking to maximise casualties.

Funding for the PIJ is primarily from Iran and Syria. Syria permits the location of the PIJ headquarters in Damascus. The relationship between PIJ and Iran has been publicly acknowledged by PIJ leaders.

Israeli military action against the PIJ over the past decade has impacted adversely on the capabilities of all Palestinian militant groups, including the PIJ, albeit often with only local and short-term effect. Nonetheless, the PIJ remains directly engaged in preparing, planning and carrying out terrorist acts. This includes suicide bombings and rocket attacks in 2007, 2008 and 2009. As recently as December 2008, a member of PIJ's al-Quds Brigades threatened to carry out suicide attacks inside Israel. The PIJ's attacks and statements indicate its arsenal includes improvised explosive devices (IEDs); rockets; firearms and rocket-propelled grenades. Taken together, the PIJ continues to have the capability (including access to the necessary resources) and intent to conduct further terrorist attacks.

The PIJ is led by Dr Ramadan Muhammad Abdullah Shalah, who became Secretary-General after the October 1995 assassination of former leader Fathi Shaqaqi in Malta. Ziyad al-Nakhalah (aka Abu Tariq) is the PIJ deputy Secretary-General.

The precise number of PIJ members is unknown, however the group's membership base is relatively small, with reports estimating the al-Quds Brigades membership at anything from approximately 50 to 1000. The PIJ's main membership base is in the West Bank, Gaza and South Lebanon.

The al-Quds Brigades is the operational arm of the PIJ and is often credited for conducting PIJ terrorist operations. The PIJ maintains liaison offices in Damascus, Lebanon and Tehran. Many of the PIJ leaders are also members of its Shura Council.

Terrorist activity of the organisation

The objectives of the PIJ are the establishment of an Islamic Palestinian state and the destruction of the state of Israel.

Recent terrorist attacks for which responsibility has been claimed by or reliably attributed to the PIJ include:

- August 2007 – Two homemade rockets are fired from the Gaza strip into southern Israel;
- September 2007 – A rocket attack claimed by the Popular Resistance Committees military wing and the al-Quds Brigades injures fifty Israeli soldiers at an Israeli military base in the western Negev desert;
- September 2007 - Al-Aqsa Martyrs Brigades and al-Quds Brigades launch rockets at an Israeli Intelligence building causing damage;
- November 2007 – Two Quds rockets are fired at Sederot;
- December 2007 – Al-Quds Brigades fire an RPG at an Israeli jeep east of the town of al-Qararah;

- December 2007 – Al-Quds Brigades fire thirteen Quds rockets at Sederot;
- January 2008 – Al-Quds Brigades fire two rockets at Sederot;
- February 2008 – PIJ claims responsibility for a suicide bombing in the Israeli city of Dimona which killed one and injured eleven;
- March 2008 –PIJ claims that throughout March they fired 216 rockets and mortar shells, attacked Israeli military vehicles in the Gaza Strip, fired six RPG rockets and detonated roadside bombs;
- April 2008 – Two Israelis are killed and two more injured in an attack claimed by PIJ and al-Aqsa Martyrs Brigades;
- May 2008 – One Israeli woman is killed in a Qassam rocket attack claimed by PIJ and Hamas;
- May 2008 – Over three separate days Al-Quds Brigades fire a total of seven rockets at Sederot and detonate an explosive device next to an Israeli jeep near Juhr al-Dik;
- May 2008 – PIJ claim responsibility for a suicide attack which only kills the attacker;
- November 2008 – Al-Quds Brigades fire two Aqsa rockets at the Magen post, two Quds rockets at Sederot and one Quds rocket east of Khan Yunis;
- December 2008 – Al-Quds Brigades fire one Quds rocket at Sederot and two mortar shells at Kissufim;
- December 2008 – Al-Quds Brigades rocket attack kills one at Nahal Oz kibbutz;
- January 2009 – PIJ claim responsibility for firing twelve rockets at Sederot, Ashqelon, Kefar Aza and Be’eri; and
- February 2009 – PIJ and one of the Popular Resistance Committee factions claim responsibility for firing rockets and mortars into Israel, the first attacks since the ceasefire was declared.

As demonstrated, PIJ is directly preparing, planning, assisting in or fostering the doing of terrorist acts. PIJ’s military wing, al-Quds Brigade, carries out the terrorist attacks on behalf of PIJ. It is considered that the acts attributable to the PIJ are terrorist acts as they:

- (x) are done with the intention of advancing a political cause, namely, the establishment of an Islamic Palestinian state and the destruction of the state of Israel;
- (xi) are intended to coerce or influence by intimidation the governments of foreign countries, including Israel, and/or intimidate sections of the public; and
- (xii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

Other relevant information

The PIJ is listed as a proscribed terrorist organisation by the governments of the United Kingdom, United States and Canada. The PIJ is also listed by the European Union for the purposes of its anti-terrorism financing measures.