



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

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The Hon David Jull MP
Committee Chairman
Parliamentary Joint Committee on ASIO, ASIS & DSD
Parliament House
CANBERRA ACT 2600

Dear Mr Jull

I am writing to advise you that a regulation is scheduled to be considered by the Federal Executive Council on 4 November 2004 specifying Jamiat ul-Ansar (JuA) as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code). JuA is currently specified in regulations as a terrorist organisation under the name Harakat Ul-Mujahideen. Harakat Ul-Mujahideen adopted JuA as its name to avoid the implications of being declared to be a terrorist organisation by the United States, and after it was banned by Pakistan.

Harakat Ul-Mujahideen was specified under the *Criminal Code Regulations 2002* as a terrorist organisation for the purposes of section 102.1 of the Criminal Code with effect from 14 November 2002. Pursuant to subsection 102.1(3) of the Criminal Code, the listing of Harakat Ul-Mujahideen will cease to have effect on the second anniversary of the day on which it took effect.

The making of the regulation is in anticipation of the cessation of the listing under subsection 102.1(3), and in accordance with paragraph 102.1(3)(c). Paragraph 102.1(3)(c) states that subsection 102.1(3) does not prevent the making of new regulations the same in substance as the regulations the subject of the subsection, whether the new regulations are made or take effect before or after those regulations cease to have effect because of the subsection.

The regulation will be made on the basis that I am satisfied on reasonable grounds that JuA is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the act has occurred or will occur).

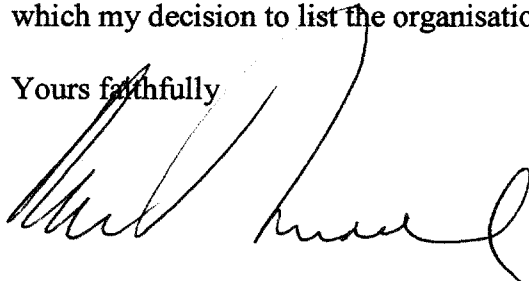
I made the decision to re-list JuA following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence

Organisation (ASIO) in relation to the organisation, and legal advice provided to me by the Australian Government Solicitor.

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on ASIO, ASIS and DSD may review the regulation as soon as possible after it has been made, and report the Committee's comments 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 regulation, I enclose a copy of the Statement of Reasons provided by ASIO in relation to JuA, upon which my decision to list the organisation as a terrorist organisation was based.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written over the typed name below.

Philip Ruddock

Jamiat ul-Ansar (JuA)

(Also known as: Harakat ul-Mujahideen, HuM, Harakat ul-Mujahidin/HuM, Harakat-ul- Ansar, HuA, Al-Faran, Al-Hadid, Al-Hadith)

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

The JuA is listed as a proscribed terrorist organisation by the United Nations and the United States Government.

Background

JuA is a Sunni Islamist extremist organisation based in Pakistan that operates primarily in Kashmir. Founded by Fazlur Rehman Kahlil in 1985 as the Harakat ul-Mujahideen (HuM), JuA was initially formed to participate in Afghanistan's 'holy war' against the Soviet Union in the 1980's. Following the Soviet withdrawal in 1989, JuA concentrated its efforts on the disputed territories of Kashmir and Jammu, where it has conducted numerous attacks against Indian troops, civilians, and tourists. It is aligned politically with Jamiat-e-Ulema-e-Islam Fazul Rehman faction (JUI-F), a prominent radical Islamic party in Pakistan and Kashmir. HuM receives financial support from sympathisers not only in Pakistan and Kashmir, but also in Saudi Arabia and other Gulf States. JuA has cooperated with other Islamist militant groups operating in Afghanistan, Kashmir and Pakistan such as the Hizb-ul-Mujahideen (HM) and the Lashkar-e-Tayyiba (LeT).

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

Objectives

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

Leadership and membership

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

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

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

Terrorist activities

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

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

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

Conclusion

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

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

- are aimed at advancing JuA's political and religious causes; and
- are intended to, or do, cause serious damage to property, the death of persons or endangerment of life;

Attachment C

- are intended to cause, or have caused, serious risk to the safety of sections of the public in India, Pakistan and other persons visiting areas in which it operates.

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