

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 161

Issued by the authority of the Attorney-General

Criminal Code Act 1995

Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013

Section 5 of the *Criminal Code Act 1995* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The Schedule to the Act sets out the Criminal Code (the Code).

Division 102 of the Code sets out the offences in relation to terrorist organisations, which are: directing the activities of a terrorist organisation; being a member of a terrorist organisation; recruiting persons to a terrorist organisation; receiving training from or providing training to a terrorist organisation; being an associate of and receiving funds from or making available funds, support or resources to a terrorist organisation.

Section 102.9 of the Code provides that section 15.4 (extended geographical jurisdiction - category D) applies to an offence against Division 102 of the Code. The effect of applying section 15.4 is that offences in Division 102 of the Code apply to conduct (or the results of such conduct) constituting the alleged offence whether or not the conduct (or the result) occurs in Australia.

Terrorist organisation is defined in subsection 102.1(1) of the Code as:

- an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not a terrorist act occurs) (paragraph 102.1(1)(a)); or
- an organisation specified in the regulations (paragraph 102.1(1)(b)).

The purpose of the Regulation is to specify Al-Qa’ida, also known as Al-Jihad Al-Qaeda, Al Qaeda, Al-Qaeda, Al-Qaida, The Base, The Group for the Preservation of the Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of Holy Places, Islamic Army for the Liberation of Holy Sites, Islamic Salvation Foundation, The Jihad Group, New Jihad, Usama Bin Laden Network, Usama Bin Laden Organisation and The World Islamic Front for Jihad against Jews and Crusaders, for the purpose of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the Code.

The Regulation enables the offence provisions in Division 102 of the Code to continue to apply to persons with links to Al-Qa’ida. Details of the Regulation are set out in [Attachment A](#).

Al-Qa'ida was initially listed as a terrorist organisation under *Criminal Code Amendment Regulations 2002 (No. 1)*. It was last listed by *Criminal Code Amendment Regulations 2010 (No. 1)*.

Subsection 102.1(2) of the Code provides that before the Governor-General makes regulations specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the Code, the Minister must be satisfied on reasonable grounds that the organisation is 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 advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

In determining whether he is satisfied on reasonable grounds that the organisation is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, the Minister takes into consideration an unclassified Statement of Reasons prepared by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, as well as advice from the Australian Government Solicitor. The Statement of Reasons in respect of Al-Qa'ida is at [Attachment B](#).

Subsection 102.1(2A) of the Code provides that before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the Code, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation.

Prior to making the Regulation, consultations were held with the Department of Foreign Affairs and Trade, ASIO and the Australian Government Solicitor. In addition, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the States and Territories and the Attorney-General offered the Leader of the Opposition a briefing.

The Regulation also repeals existing Regulation 4A of the *Criminal Code Regulations 2002* which had previously specified Al-Qa'ida as a terrorist organisation for the purpose of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the Code. The separate *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013* now specifies Al-Qa'ida as a terrorist organisation under subsection 102.1(1) of the Code.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on the day after it is registered on the Federal Register of Legislative Instruments. Subsection 102.1(3) of the Code provides that regulations for the purposes of paragraph (b) of the definition of 'terrorist organisation' cease to have effect on the third anniversary of the day on which they take effect.

Statement of Compatibility with Human Rights

Objective

The object of the *Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013* is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. This will engage the inherent right to life expressed in Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

The object of the Regulation also engages Article 19 and Article 22 of the ICCPR. Whilst Article 19 protects the right to freedom of expression, this right may be subject to restrictions which include protecting national security. The right to freedom of association in Article 22 of the ICCPR protects the right to form and join associations to pursue common goals, such as political parties. Article 22(2) provides that freedom of association may be subject to restrictions imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

The *Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013* makes it an offence under Division 102 of the Criminal Code, to direct the activities, become a member of, recruit, train or receiving training, get funds to, from or for Al-Qa’ida, and provide support or associate with Al-Qa’ida.

The offence in subsection 102.8 of the Criminal Code of associating with a terrorist organisation is limited in its application only to an organisation that is a listed organisation under Criminal Code Regulations. The offence does not apply if the association is with a close family member, or takes place in the course of practising a religion in a place used for public religious worship, or the association is for the purpose of providing humanitarian aid or for the purpose of providing legal advice or representation.

Whilst the *Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013* may limit the right to freedom of association with Al-Qa’ida, the association offence is subject to the safeguards outlined above. The general limits of the right to freedom of association with Al-Qa’ida are reasonable, necessary and proportionate, and are in the interests of public safety and national security, after taking into consideration the direct and indirect terrorist activities of the organisation, which threaten human life, as detailed in the Statement of Reasons (at [Attachment B](#)).

The Criminal Code offences in Division 102 applying to terrorist organisations do not target any specific religious or ethnic group and are designed to promote security and protect all members of the community from the threat of terrorism, regardless of national or ethnic origins or religious beliefs.

The information in the Statement of Reasons ([Attachment B](#)) supports the Attorney-General’s decision made on reasonable grounds, that Al-Qa’ida satisfies the criteria for listing as a terrorist organisation under subsection 102.1(2) of the Criminal Code.

There are safeguards and accountability mechanisms in the Act providing for consultation and enabling review of *Criminal Code (Terrorist Organisation –*

Al-Qa'ida) Regulation 2013 specifying an organisation as a terrorist organisation. These measures include the following:

- the Commonwealth must consult with the States and Territories in accordance with the *Inter-Governmental Agreement on Counter-Terrorism Laws*. The *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013* may only be made if a majority of the States and Territories do not object to the regulation within a reasonable time
- under subsection 102.1(2A) the Minister must arrange for the Leader of the Opposition to be briefed in relation to the proposed regulation
- under subsection 102.1(3) the *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013* will cease to have effect on the third anniversary of the day on which it takes effect
- subsection 102.1(4) provides that if the Minister ceases to be satisfied of the criteria necessary for listing an organisation under subsection 102.1(2) of the Criminal Code, the Minister must make a declaration to that effect. The effect of the Minister's declaration is that the organisation is de-listed as a terrorist organisation under Division 102 of the Criminal Code
- subsection 102.1(17) provides that an individual or an organisation may make a de-listing application to the Minister
- the *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013* may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the Act, and
- both Houses of Parliament may disallow the *Criminal Code (Terrorist Organisation – Al-Qa'ida) Regulation 2013* within the applicable disallowance period which is 15 sitting days after the regulation was laid before that House, as provided in subsection 102.1A(4).

Conclusion

The Regulation is compatible with human rights because it advances the protection of human rights, and to the extent that it may also limit human rights, those limitations are reasonable and proportionate.

ATTACHMENT A

Details of the Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013

Section 1- Name of Regulation

This section provides that the title of the Regulation is the *Criminal Code (Terrorist Organisation – Al-Qa’ida) Regulation 2013*.

Section 2 – Commencement

This section provides that the Regulation commences on the day after it is registered.

Section 3 – Authority

This section provides that the Regulation is made under the *Criminal Code Act 1995*.

Section 4 – Schedule(s)

This section provides that each instrument specified in a Schedule to this Regulation is amended or repealed as set out in the Schedule, and any other item in a Schedule to this Regulation has effect according to its terms.

Section 5 – Definition

This section provides that a reference in this Regulation to the word *Code* means the *Criminal Code*.

Section 6 – Terrorist organisation – Al-Qa’ida

This section provides that for paragraph (b) of the definition of ‘*terrorist organisation*’ in subsection 102.1(1) of the Code, the organisation known as Al-Qa’ida is specified.

Subsection 102.1(2) provides that Al-Qa’ida is also known by the following names:

- (a) Al-Jihad Al-Qaeda;
- (b) Al Qaeda;
- (c) Al-Qaeda;
- (d) Al-Qaida;
- (e) The Base;
- (f) The Group for the Preservation of the Holy Sites;
- (g) International Front for Fighting Jews and Crusaders;
- (h) Islamic Army;
- (i) The Islamic Army for the Liberation of Holy Places;
- (j) Islamic Army for the Liberation of Holy Sites;
- (k) Islamic Salvation Foundation;
- (l) The Jihad Group;
- (m) New Jihad;
- (n) Usama Bin Laden Network;

- (o) Usama Bin Laden Organisation; and
- (p) The World Islamic Front for Jihad against Jews and Crusaders.

Schedule 1 – Amendment

This schedule amends the *Criminal Code Regulations 2002*.

Clause 1 - Regulation 4A

This clause provides that Regulation 4A of the *Criminal Code Regulations 2002* is repealed. Regulation 4A was the previous regulation listing Al-Qa'ida, and this clause ensures there is no duplication if the new Regulation is made before the current Regulation ceases.

ATTACHMENT B

Al-Qa'ida

(Also known as: **Al-Jihad al-Qaeda, Al Qaeda, Al-Qaeda, Al-Qaida, The Base, The Group for the Preservation of the Holy Sites, International Front for Fighting Jews and Crusaders, Islamic Army, The Islamic Army for the Liberation of Holy Places, Islamic Army for the Liberation of Holy Sites, Islamic Salvation Foundation, The Jihad Group, New Jihad, Usama Bin Laden Network, Usama Bin Laden Organisation, The World Islamic Front for Jihad against Jews and Crusaders**)

This statement is based on publicly available information about al-Qa'ida. To the Australian Government's knowledge, this information is accurate and reliable and has 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:

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

Details of the organisation

Objectives

Al-Qa'ida emerged in the late 1980s from the Maktab al-Khidamat, a recruitment and fundraising network for the Afghan resistance to the Soviet Union's occupation of Afghanistan. Al-Qa'ida was established to continue the jihad against perceived enemies of Islam following the end of the conflict with the Soviets. During the late 1990s, al-Qa'ida was transformed from providing a unifying function for extremist elements into a global network of cells and affiliated groups.

Al-Qa'ida seeks to remove governments, through violent means if necessary, in Muslim countries that it deems are 'un-Islamic' in order to establish an Islamic Caliphate. The United States (US) and its allies, including Australia, are believed by al-Qa'ida to represent the greatest obstacle to this objective, given their perceived support for these governments.

Leadership

Al-Qa'ida is a Sunni Islamic extremist organisation whose core leadership is located in the border regions in Afghanistan and Pakistan. Usama bin Laden co-founded

al-Qa'ida with Dr Abdullah Azzam and gained full control of the organisation after the assassination of Azzam in 1989. Dr Ayman al-Zawahiri, Usama bin Laden's former deputy, now leads al-Qa'ida after the death of Usama bin Laden in May 2011.

Al-Qa'ida maintains core support networks and operations in the Afghanistan and Pakistan border region. This region has served as a sanctuary for al-Qa'ida's leadership since the loss of the group's facilities in Afghanistan in late 2001.

However, due to counter-terrorism measures in the Afghanistan-Pakistan border region, including unmanned drone attacks targeting senior al-Qa'ida leaders and operatives, al-Qa'ida's core leadership has become increasingly isolated, short of funds and is having more trouble recruiting and equipping fighters.

Continued successful operations by US and other forces over the past 18 months appear to have seriously degraded al-Qa'ida's capacity for planning and conducting large-scale terrorist operations.

Membership

The exact size of al-Qa'ida is unknown. While previous estimates have suggested a strength of several thousand fighters, today it is significantly less and more likely in the hundreds. While al-Qa'ida remains dominated by Arabs, non-Arabs are playing increasingly prominent roles in its operations.

Originally, al-Qa'ida recruited veterans of the Soviet-Afghan conflict of 1979-89 and from campaigns in places such as Bosnia-Herzegovina, Kashmir, Mindanao, Chechnya, Lebanon, Algeria and Egypt. More recent recruits include fighters who have gained experience in the conflicts in Afghanistan and Iraq.

Al-Qa'ida has inspired a new generation of extremists, including some from Western countries, but not all of those who travel to Afghanistan/Pakistan actually join al-Qa'ida. For some it is easier to join a local extremist group.

Despite declining membership, al-Qa'ida has significant reach and influence over the activities (and members) of other groups. Al-Qa'ida has strong relationships with official and unofficial affiliate groups around the world, who recruit independently of al-Qa'ida. While al-Qa'ida does not direct affiliate activity, al-Qa'ida broadly shapes global jihad and is still respected for its views on affiliates' operations.

Recruitment and funding

Al-Qa'ida funding has typically been obtained through donations from Muslim charities and individuals. The US 9/11 Commission report attributed much of al-Qa'ida's funding to money diverted from charities. In addition, funds are also probably raised through criminal means, such as credit card fraud. It is believed al-Qa'ida stopped using legitimate banking institutions for moving funds by mid-2002, turning instead to alternative systems such as the hawala system, couriers and precious stones.

Little is known about al-Qa'ida's recruitment methods since the loss of its training camp infrastructure in Afghanistan in late 2001. It is likely a similar system has been established in cooperation with local Pakistani militant groups in the tribal areas of Pakistan, but on a smaller scale, using covert training camps and safe houses.

US unmanned drone attacks have made it more difficult for al-Qa'ida's efforts in fundraising and recruiting. Reports suggest al-Qa'ida is struggling to raise funds and is having difficulty recruiting and equipping fighters.

Terrorist activity of the organisation

Directly or indirectly engaged in the doing of terrorist acts

Al-Qa'ida has directly or indirectly engaged in a number of terrorist attacks, including assassinations, suicide bombings, aircraft hijackings and attacks using improvised explosive devices (IEDs), including vehicle-borne and vessel-borne. Significant attacks which al-Qa'ida has claimed responsibility for, or that can be reliably attributed to individuals affiliated with al-Qa'ida, include:

- 7 August 1998: the bombing of the US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing over 200 people;
- 12 October 2000: the bombing of the USS *Cole* in the port of Aden, Yemen, killing 17 sailors;
- 9 September 2001: the assassination of Northern Alliance leader Ahmad Shah Masood in Afghanistan;
- 11 September 2001: the hijacking of four US passenger planes and crashing them into the World Trade Center buildings in New York, the Pentagon in Washington, and a field in Pennsylvania, killing approximately 3,000 people, including ten Australians;
- 11 April 2002: the bombing of a synagogue on the Tunisian island of Djerba, killing 20 people;
- 14 June 2002: the car bombing outside the US Consulate in Karachi, Pakistan, killing 12 people;
- 6 October 2002: the bombing of the French oil tanker MV *Limburg* off the coast of Yemen, killing one sailor;
- 28 November 2002: in Mombasa, Kenya, the car bombing of a hotel, killing 15 people, and the firing of two surface-to-air-missiles that missed an Israeli passenger plane after takeoff from Mombasa airport;
- 24 February 2006: the attack on the Abqaiq oil refinery in Saudi Arabia, killing two security guards;
- 2 June 2008: the bombing of the Danish Embassy in Islamabad, Pakistan, killing six people;
- 20 September 2008: the bombing of the Marriott Hotel in Islamabad, Pakistan, killing 60 people; and
- 13 August 2011: the kidnapping of US citizen and aid worker, Warren Weinstein, from his residence in Lahore, Pakistan. Weinstein is being held by al-Qa'ida.

Directly or indirectly preparing and/or planning the doing of terrorist acts

Al-Qa'ida lost its primary base for training, planning, and preparing for terrorist operations following the US intervention in Afghanistan in late 2001. Since then, al-Qa'ida has sought alternative locations in which to train and regroup, including in North-West Pakistan, and members continued to gain combat experience in ongoing jihadist theatres such as Iraq and Afghanistan.

Despite sanctions against al-Qa'ida's extensive financial networks, al-Qa'ida continues to find means of raising and transferring money for terrorist attacks, including through donations, criminal activity and via couriers.

Significant planned, yet disrupted, plots attributable to al-Qa'ida include:

- August 2006: disrupted plot by al-Qa'ida to bomb a number of transatlantic airliners flying from the United Kingdom (UK) to the US; and
- September 2010: disrupted plot by Pakistan-based al-Qa'ida militants to carry out commando-style raids on cities in the UK, France and Germany involving teams taking and killing Western hostages.

Directly or indirectly assisting in the doing of terrorist acts

Reporting indicates al-Qa'ida has encouraged, inspired and assisted like-minded individuals. Examples of this assistance include:

- 12 October 2002: assisting in funding attacks on night clubs and the US Consulate in Bali, Indonesia, killing 202 people, including 88 Australians;
- 15 November 2003: assisting in planning and preparing car bomb attacks on two synagogues in Istanbul, killing 20 people;
- 20 November 2003: assisting in planning and preparing car bomb attacks on the HSBC Bank headquarters and the British Consulate in Istanbul, killing 30 people;
- 7 July 2005: assisting in training those involved in IED attacks on London's transport system, killing 56 people, including one Australian; and
- 2 March 2006: assisting in bombing a diplomatic vehicle outside the US Consulate in Karachi, Pakistan, killing three people.

Directly or indirectly fostering the doing of terrorist acts or advocating the doing of terrorist acts

Senior leaders of al-Qa'ida have made numerous statements advocating the conduct of terrorist attacks against the US and countries perceived to have allied themselves with the US and Israel. The February 1998 statement issued under the banner of the 'World Islamic Front for Jihad against Jews and Crusaders' decreed that civilians in these countries were legitimate targets for terrorist attack.

Al-Qa'ida continues to provide inspiration, encouragement and influence to other Sunni extremist groups around the world. Moreover, al-Qa'ida leadership relies on its affiliate organisations to plan and execute attacks. This is best demonstrated by the decisions of the Salafist Group for Call and Combat in Algeria and the Jamaat Tawhid wa'al-Jihad group in Iraq to merge with al-Qa'ida. Now known as al-Qa'ida in the Lands of the Islamic Maghreb and al-Qa'ida in Iraq respectively, both groups accept strategic direction and have at times received funding from al-Qa'ida.

Al-Qa'ida has encouraged extremism in Somalia. A statement by al-Zawahiri in February 2009 and another by Usama bin Laden in March 2009 called on the mujahideen of Somalia to reject the government and fight for an Islamic state. In February 2012, Somali Islamist terrorist group al-Shabaab formally announced it had become an official affiliate of al-Qa'ida. In early November 2012, al-Qa'ida released a statement via Islamist websites in which al-Zawahiri urged al-Shabaab to fight back against the Kenyan 'crusader invaders', stating: 'Show them the fire of jihad and its heat. Chase them with guerrilla warfare, ambushes, [and] martyrdom [operations].'

Al-Qa'ida has sought to align itself with anti-government forces involved in the Syrian conflict, with al-Zawahiri releasing a video statement in February 2012 entitled 'To the Front, O Lions of the Levant,' in which he called on Muslims in Turkey, Iraq, Lebanon, and Jordan to come to the aid of anti-government forces in Syria, stating that a Muslim should help 'his brothers in Syria with all he can, with his life, his money, [his] opinion, as well as information.'

Senior al-Qa'ida leaders continue to make public statements promoting al-Qa'ida's ideology, supporting attacks undertaken by other groups and advocating violent jihad against the West. In late October 2012, al-Qa'ida released a video in which al-Zawahiri called on Muslims across the world to kidnap Western nationals in order to help secure the release of Islamist militants imprisoned across the world.

Al-Qa'ida is skilled and disciplined in using broadcasts and online postings to portray a clear message of global jihad, provide direction on targets and to promote recruitment and continued action of subordinate groups. As-Sahab, al-Qa'ida's media wing, has continued to produce high-quality videos that reinforce al-Qa'ida's ideology, defend its actions, recruit new members and inspire others to conduct terrorist attacks. In 2010 as-Sahab produced 31 hours of video; in 2011 it produced 21 hours of video; and in 2012 42 hours of video.

Al-Qa'ida also exploits terrorist attacks conducted by individuals and groups not linked with it to further spread its message. Following the suicide bombing on the US Central Intelligence Agency (CIA) base at Khost, Afghanistan, on 30 December 2009, the chief of al-Qa'ida in Afghanistan released a statement in which he praised the bomber, stating 'Your brothers will continue the march on your path and they will not rest and their populace will not part with the populace of the Americans till they inflict upon them the greatest and most astonishing deaths and wounds...'

Conclusion

On the basis of the above information, ASIO assesses al-Qa'ida continues to be directly and indirectly engaged in, preparing, planning, assisting in and fostering the

doing of terrorist acts and advocates the doing of terrorist acts, involving threats to human life and serious damage to property.

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

- cause, or could cause, serious damage to property, the death of persons, endanger a person's life or create a serious risk to a person's safety;
- are intended to have those effects;
- are done with the intention of advancing al-Qa'ida's political, religious or ideological causes; and
- are done with the intention of intimidating sections of the public globally.

Such acts include actions which have been done or threatened with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation, governments and individuals globally. The actions or threatened actions which al-Qa'ida is assessed to be involved in would, if successfully completed, cause serious physical harm and death to persons and serious damage to property.

On the basis of available information, we assess that while the incidence of terrorist attack by al-Qa'ida has declined significantly, core members of al-Qa'ida remain active and retain the intent to continue terrorist activities.

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

Other relevant information

Links to other terrorist groups or networks

In 1998, key figures of five terrorist groups, including Usama bin Laden, issued a declaration under the banner of the 'World Islamic Front for Jihad against Jews and Crusaders,' announcing a jihad and stating the US and its allies should be expelled from the Middle East.

In addition to the groups al-Qa'ida has incorporated 'officially' under its banner, al-Qa'ida also has provided encouragement and inspiration to other Islamic terrorist groups. Among such groups are: Abu Sayyaf Group, Islamic Movement of Uzbekistan, Islamic Army of Aden, Asbat al-Ansar, Jemaah Islamiyah, Jamiat ul-Ansar/Harakat ul-Mujahideen, Lashkar-e-Tayyiba, Lashkar-e-Jhangvi, Jaish-e-Mohammad and Ansar al-Islam.

Threats to Australian interests

Since 2004, a number of statements have been made by Usama bin Laden and al-Zawahiri calling for attacks against the US and its allies, including Australia. The most recent al-Qa'ida senior leadership reference to Australia was on 2 April 2008, when as-Sahab posted to an audio file to extremist Internet forums of al-Zawahiri responding to questions from forum participants. Al-Zawahiri referred to Australia

when responding to a question criticising al-Qa'ida for killing Muslims in Muslim lands and not conducting attacks in Israel. Al-Zawahiri responded by citing attacks against the US and its allies, including Australia, in various locations and that these countries supported Israel.

The most recent reference to Australia generally by al-Qa'ida was via an as-Sahab video release posted on jihadist forums on 11 September 2012 which included the comment by the unknown narrator stating that: 'who submitted to the religion of truth, Islam, whether from America, Australia, Germany, or any other country, is considered a brother by the fighters, and anyone, even the aborigines in Australia, would find peace and tranquillity in Islam.'

Proscription by the UN and other countries

Al-Qa'ida is listed by the United Nations Security Council 1267 (al-Qa'ida) Sanctions Committee and as a proscribed terrorist organisation by the governments of Canada, New Zealand, the UK and the US. Al-Qa'ida is also listed by the European Union for the purposes of its antiterrorism measures.

Peace and mediation processes

Al-Qa'ida is not engaged in any peace or mediation processes.