

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2016 No.**

Issued by the authority of the Attorney-General

*Criminal Code Act 1995*

*Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016*

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 *Criminal Code*).

Division 102 of the *Criminal 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; getting funds to, from or for a terrorist organisation; providing support to a terrorist organisation; and, associating with a terrorist organisation.

Section 102.9 of the *Criminal Code* provides that section 15.4 (extended geographical jurisdiction – category D) applies to an offence against Division 102 of the *Criminal Code*. The effect of applying section 15.4 is that offences in Division 102 of the *Criminal 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 *Criminal Code* as:

- an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (paragraph 102.1(1)(a)); or
- an organisation that is specified by the regulations for the purposes of this paragraph (paragraph 102.1(1)(b)).

The purpose of the Regulation is to specify the Jemaah Islamiyah, also known as Al-Jama'ah Al-Islamiyah, Jamaah Islamiyah, Jama'ah Islamiyah, Jemaa Islamiya, Jema'a Islamiya, Jemaa Islamiyah, Jema'a Islamiyya, Jemaa Islamiyya, Jemaa Islamiyyah, Jemaah Islamiah, Jemaah Islamiya, Jeemah Islamiyah, Jema'ah Islamiyah, Jemaah Islamiyyah, Jema'ah Islamiyyah, and JI, for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.

The Regulation enables the offence provisions in Division 102 of the *Criminal Code* to continue to apply to persons in relation to Jemaah Islamiyah. Details of the Regulation are set out in Attachment A.

Subsection 102.1(2) of the *Criminal 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), the Minister must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or advocates the doing of a terrorist act.

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, or advocates 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 (DFAT), as well as advice from the Australian Government Solicitor (AGS). The Minister may also take into consideration classified material prepared by ASIO. The unclassified Statement of Reasons in respect of the Jemaah Islamiyah is at [Attachment B](#).

Subsection 102.1(2A) of the *Criminal 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 *Criminal 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 DFAT, ASIO and the AGS. 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 is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on 29 June 2016. Subsection 102.1(3) of the *Criminal 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 it takes effect.

## **Statement of Compatibility with Human Rights**

### ***Overview***

The *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2016* (the Regulation) makes it an offence under Division 102 of the *Criminal Code*, to direct the activities, become a member of, recruit for, train, get funds to, from or for, provide support to, or associate with, Jemaah Islamiyah.

The offence of associating with a terrorist organisation in subsection 102.8 of the *Criminal Code* is limited in its application to an organisation that is a listed terrorist organisation under the definition of ‘terrorist organisation’ in paragraph 102.1(1)(b) of the *Criminal Code*. The offence does not apply if the association is with a close family member and relates to a matter of family or domestic concern, or takes place in the course of practising a religion in a place used for public religious worship, or the association is only for the purpose of providing humanitarian aid or only for the purpose of providing legal advice or legal representation.

The object of the Regulation is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia.

### ***Human rights implications***

This instrument engages the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6
- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.

The object of the Regulation is to protect national security, public safety and the rights and freedoms of persons within and outside Australia. This engages the inherent right to life expressed in Article 6 of the ICCPR.

Article 19(2) of the ICCPR provides that everyone shall have the right to freedom of expression. However, Article 19(3) provides that freedom of expression may be limited if it is necessary to achieve a legitimate purpose, including for the protection of national security. The Regulation may limit the right to freedom of expression to the extent that persons are prohibited from directing the activities of, recruiting for, providing support to or associating with Jemaah Islamiyah. The restrictions on freedom of expression are justified on the basis that such conduct could jeopardise the security of Australia, the personal safety of its population and its national interests. This is in accordance with a legitimate purpose in Article 19(3) on the grounds of national security.

Article 22(1) of the ICCPR provides that everyone shall have the right to freedom of association with others. However, Article 22(2) provides that freedom of association may be limited if it is necessary to achieve a legitimate purpose, including the interests of national security or public safety. This Regulation, and more broadly the terrorist organisation listing regime, limits the right of freedom of association to prevent people engaging with and participating in terrorist organisations. Terrorist organisations, including Jemaah Islamiyah, present a threat to the security of Australia and often seek to harm Australians and Australia's democratic institutions. The statutory definition of a 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* requires that these organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. A terrorist act includes the causing of serious harm or death to persons and serious damage to property. Due to the severity of the danger posed by terrorist organisations, including Jemaah Islamiyah, it is reasonable, necessary and proportionate to limit the right of individuals who by their association with Jemaah Islamiyah, pose a threat to Australians.

Whilst the Regulation may limit the right to freedom of expression and the right to freedom of association with Jemaah Islamiyah, the Regulation is subject to the safeguards outlined below. The general limits on these rights 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 ([Attachment B](#)).

The information in the Statement of Reasons (Attachment B) combined with classified information provided to the Attorney-General supports the Minister's decision made on reasonable grounds, that Jemaah Islamiyah 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 *Criminal Code* requiring prior consultation and enabling review of the Regulation. 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* of 25 June 2004, and the Regulation may only be made if a majority of the States and Territories do not object to the Regulation within a reasonable time specified by the Commonwealth;
- under subsection 102.1(2A) of the *Criminal Code* 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*, the Regulation will cease to have effect on the third anniversary of the day on which it takes effect;
- subsection 102.1(4) of the *Criminal Code* 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 by written notice published in the Gazette, with the effect of the Minister's declaration that the Regulation listing the organisation ceases to have effect and the organisation is de-listed as a terrorist organisation under Division 102 of the *Criminal Code*;
- subsection 102.1(17) of the *Criminal Code* provides that an individual or an organisation may make a de-listing application to the Minister;
- the Regulation may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the *Criminal Code*; and
- both Houses of Parliament may disallow the Regulation within the applicable disallowance period, which is 15 sitting days after the regulation was laid before that House, as provided for in subsection 102.1A(4) of the *Criminal Code*.

### **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 achieve a legitimate purpose and are reasonable, necessary and proportionate.

**Details of the Criminal Code (Terrorist Organisation – Jemaah Islamiyah) Regulation 2016**

**Section 1 – Name**

This section would provide that the title of the Regulation is the *Criminal Code (Terrorist Organisation— Jemaah Islamiyah) Regulation 2016*.

**Section 2 – Commencement**

This section would provide for the commencement of each paragraph in the instrument, as set out in the table.

Subsection (1) would provide that each provision in the instrument specified in column 1 of the table commences in accordance with column 2 of the table, and that any other statement in column 2 has effect according to its terms. Columns 1 and 2 would provide that the Regulation commences on 28 June 2016.

The note to subsection (1) would clarify that the table only relates to the provisions of this instrument as originally made, and that it will not be amended to deal with any later amendments to the instrument.

Subsection (2) would provide that information in column 3 of the table is not part of the instrument. It is designed to assist readers, and may be updated or changed in any published version of this Regulation. Column 3 clarifies that the instrument would commence on 28 June 2016.

**Section 3 – Authority**

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

**Section 4 – Schedules**

This section would provide that the instrument specified in Schedule 1 is repealed as set out in Schedule 1.

**Section 5 – Terrorist organisation—Jemaah Islamiyah**

Subsection (1) would provide that for paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*, the organisation known as Jemaah Islamiyah is specified.

Subsection (2) would provide that Jemaah Islamiyah is also known by the following names:

- (a) Al-Jama’ah Al-Islamiyah;
- (b) Jamaah Islamiyah;
- (c) Jama’ah Islamiyah;
- (d) Jemaa Islamiya;

- (e) Jema'a Islamiya;
- (f) Jemaa Islamiyah;
- (g) Jema'a Islamiyya;
- (h) Jemaa Islamiyya;
- (i) Jemaa Islamiyyah;
- (j) Jemaah Islamiah;
- (k) Jemaah Islamiya;
- (l) Jeemah Islamiyah;
- (m)Jema'ah Islamiyah;
- (n) Jemaah Islamiyyah;
- (o) Jema'ah Islamiyyah; and
- (p) JI.

## Schedule 1—Repeals

Schedule 1 would provide that *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2013* is repealed.

The *Criminal Code (Terrorist Organisation—Jemaah Islamiyah) Regulation 2013* specifies Jemaah Islamiyah as a terrorist organisation for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*. The proposed clause would ensure there is no duplication where the new Regulation is made before the current Regulation ceases to have effect.

**Jemaah Islamiyah**

**(Also known as: Al-Jama'ah Al-Islamiyah; Jamaah Islamiyah; Jama'ah Islamiyah; Jemaa Islamiya; Jema'a Islamiya; Jemaa Islamiyah; Jema'a Islamiyya; Jemaa Islamiyya; Jemaa Islamiyyah; Jamaah Islamiah; Jamaah Islamiya; Jeemah Islamiyah; Jema'ah Islamiyah; Jamaah Islamiyyah; Jema'ah Islamiyyah; JI)**

This statement is based on publicly available information about Jemaah Islamiyah. To the Australian Government's knowledge, this information is accurate, 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, 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).

**Background to this listing**

The Australian Government first proscribed Jemaah Islamiyah as a terrorist organisation on 27 October 2002, and relisted JI on 1 September 2004, 26 August 2006, 9 August 2008, 22 July 2010, and 12 July 2013.

**Terrorist activity of the organisation**

*Objectives*

Jemaah Islamiyah (JI) is a Salafi jihadist group that intends to use violence to advance political objectives, and is inspired by the same ideology as al-Qa'ida. JI regards the Indonesian Government, along with other governments in the region, to be illegitimate. JI seeks to revive a pure form of Islam, governed by the tenets of Sharia (Islamic law), and represents an evolutionary development of the Indonesian Islamist movement, Darul Islam (DI), which fought a violent insurgency to establish an Islamist state in Indonesia in the 1950s and 1960s. JI's goals are essentially those of DI, but with a regional perspective.

JI's charter and operating manual, the "General Guide for the Struggle of Al-Jama'ah Al-Islamiyah" (PUPJI), outlines the religious principles and administrative aspects underlining JI's primary objectives. These entail establishing a solid support base of followers and then, through armed struggle, creating an Islamist state in Indonesia followed by a pan-Islamic Caliphate incorporating Malaysia, Singapore, Brunei and the southern Philippines and ultimately a global theocratic Islamic state.



JI has undertaken the following to advance its ideology and pursue its objectives:

*Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts*

JI's first successful anti-Western attack was the Bali bombings of October 2002 which killed 202 people, including 88 Australians. This was followed by the 2003 JW Marriot Hotel bombing and the 2004 bombing of the Australian Embassy in Jakarta. The second Bali bombing, which took place in 2005, killed four Australians. The second JW Marriot Hotel bombing took place in 2009, along with the simultaneous Ritz-Carlton bombing, which together killed seven civilians, including three Australians.

Elements of JI have conducted numerous attacks targeting sectarian and foreign interests in Indonesia, particularly anti-Christian violence in Sulawesi, Maluku and Sumatra. JI targeted the Philippines Ambassador in Jakarta in 2000 and also conducted sectarian attacks across Indonesia over the 2000/2001 Christmas and New Year period.

JI has been responsible for preparing, planning or assisting in the doing of terrorist attacks against a range of targets, but particularly Christian, Western and regional governments' interests in South-East Asia. Those previously subjected to JI attacks include hotels, bars, diplomatic premises, transport and military facilities and churches.

- Regional JI operatives undertook planning and preparatory activities in support of a second unrealised al-Qa'ida-backed aviation plot that was intended to follow the initial aviation attacks on the United States (US) on 11 September 2001.
- In December 2001, Singaporean authorities detained 11 suspects under the country's Internal Security Act (ISA) over a JI-linked plot to attack Australian, British, Israeli and US interests, and a mass rail transport (MRT) station in Singapore.

JI remains focused on Dawah (Islamic outreach) and its publishing operations to promote an extreme interpretation of Islam. JI's network of 50 or more affiliated religious schools continually works to inculcate future generations of Indonesian youths in this extreme form of Islam. JI's recruitment and outreach activities are designed to establish a support base in Indonesia for an Islamist State under Islamic Law, and legitimise the use of violence against property and individuals to achieve their objectives. Past terrorist attacks attributed to JI continue to inspire a new generation of potential jihadists.

While JI have not undertaken a terrorist attack in recent years, it retains intent and willingness to use violence in support of its long term political and ideological objectives. The use of violence is outlined in the PUPJI, issued by the Central Leadership Council within Jemaah Islamiyah on 30 May 1996. In line with this doctrine, JI acknowledge and promote the use of violence in support of their goals.

While JI is currently organisationally focused on Dawah, elements of JI have retained their aspiration to return to the use of violence and have undertaken militant training in preparation for these activities. In 2014, JI members arrested by authorities were reported to have been making preparations to launch terrorist attacks.

The conflict in Syria and Iraq has resonated strongly with Indonesian extremists and has attracted the attention and support of many regional extremist groups. Indonesian extremists, including members of JI, have travelled to Syria and Iraq to participate in the conflict. JI members have participated in the conflict in Syria and Iraq, which was viewed as a defensive jihad to protect Muslims. Individuals travelling to Syria and Iraq from JI have developed relationships with several extremist networks active in the region, however a primary focus for JI remains their long term relationship with al-Qa`ida. From late 2012 onward, JI members have travelled to the conflict in Syria under the auspices of Hilal Ahmar Society Indonesia (HASI), and have sent delegations to Syria to assist the Islamist resistance. These HASI delegations were sent in an apparent attempt to open channels for more direct participation in the conflict, which would include direct participation in the conflict and undertaking of paramilitary training.

Since, networks with social, familial, organisational and operational links to JI have been involved in attacks in the Philippines. Information and materiel seized in operations against JI-linked individuals since 2010 demonstrates JI retains the capability and intent to use violence to achieve its goals - and networks linked to JI continue to plan to conduct terrorist attacks in South-East Asia.

- In February 2015, JI member Zulkifli bin Hir (aka Marwan) was killed in the southern Philippines. Zulkifli was linked to an attack plan around the time of Pope Francis' visit to Manila in January 2015.
- On 22 November 2012, Philippines-based Indonesian senior JI member Ustadz Sanusi was killed during a Philippines police and military arrest operation in Marawi. Sanusi fled to the southern Philippines following his involvement in the beheading of three Christian schoolgirls by JI members in Poso, Indonesia in 2005.
- On 25 January 2011, senior Indonesian extremist and then JI member, Umar Patek, was arrested by Pakistani authorities in Abbottabad, Pakistan and was extradited to Indonesia on 11 August 2011. On 22 June 2012, Patek received a 20-year prison sentence for his role in the 2002 Bali bombings. Patek took refuge in the southern Philippines between 2003 and 2010, where he provided training to Philippine militants, including members of the Abu Sayyaf Group (ASG).
- On 9 August 2010, former JI co-founder and Emir, Abu Bakar Ba'aysir was rearrested by Indonesian authorities. On 16 June 2011, Ba'aysir was sentenced to 15 years prison over his involvement in a militant training camp in Aceh which was disrupted in February 2010. Ba'aysir previously served two prison sentences from September 2003 to April 2004 and March 2005 to June 2006 for conspiracy in relation to the 2002 Bali bombings.

### **Details of the organisation**

JI was founded in Malaysia on 1 January 1993 by Indonesian Islamist clerics Abdullah Sungkar and Abu Bakar Ba'asyir. Despite disruption efforts by Indonesian authorities and their regional counterparts, JI remains a threat to the region. JI continues to exist as a functional terrorist organisation and remains committed to its long-term strategy to overthrow the Indonesian Government and establish a pan-Islamic state in South-East Asia—through violence if necessary.

### *Leadership*

The current JI leadership remains anti-Western in orientation, refusing to denounce violent jihad as a means of achieving its desired objectives and willing to conduct attacks against local sectarian targets. JI has not publicly appointed a new leader following the arrest of their previous Emir in June 2007.

JI remains operationally and organisationally distinct from other regional extremist groups. Despite counter-terrorism efforts by regional authorities, JI remains a functional paramilitary organisation, remains ideologically supportive of violence and has the capacity to use of violence whenever strategically opportune and deemed it could advance the group's political objectives. However, JI's leadership currently eschews attacks, preferring to focus on the consolidation of its membership and rebuilding of its support networks, in support of PUPJI, which extends to 2025.

### *Membership*

JI's current membership is not known publicly, but was estimated in 2007 to range between 900 and several thousand members, mostly concentrated in Java but spread throughout Indonesia and neighbouring South-East Asian countries, including Malaysia, the Philippines, Thailand, and Cambodia. Indications are that membership levels as of early 2016 may be at the levels they were in 2000-2001.

Counter-terrorism operations by Indonesian authorities over the past decade resulted in the death, arrest and incarceration of a number of JI members, including senior leaders. Additionally, in recent years a number of splits have occurred within extremist groups in Indonesia, including JI. JI remain focussed on consolidation and rebuilding their resources.

While detention limits their participation in JI's ongoing clandestine activities, some maintain their allegiance to the group and plan their re-engagement from within prison. Several detained JI members, or former members, have been released from prison in recent years and further detainees will likely be released in the coming years.

### *Recruitment and funding*

JI activity has an emphasis on Dawah (Islamic outreach) and publishing – in order to prepare a mujahideen support base for future extremist activity. JI continues to prepare for Jihad by recruiting people, increasing their knowledge, education, network and finances. JI continues to recruit covertly through personal contacts, religious study groups and from its network of 50 or more pesantren (Islamic boarding schools). JI's affiliated schools continue to produce a new generation of potential mujahideen indoctrinated in an ideology sympathetic to JI's long-term Islamist goals. Prisons provide a further avenue for recruitment, as some detained JI members proselytise to fellow prisoners and visitors in efforts to recruit new members to the group.

Most of JI's funding is derived from member contributions, Islamic publishing, affiliated charity and legitimate business activities. JI has also received funding from robberies and Middle East-based terrorist financiers in Saudi Arabia and Yemen.

### *Links to other terrorist organisations*

Having a common heritage in DI has facilitated close links between JI and other violent extremist groups in Indonesia. These groups, including DI remnants, Jamaah Anshurat Tauhid (JAT), Front Pembela Islam (FPI), Majelis Mujahidin Indonesia (MMI), KOMPAK (Crisis Action Committee), Laskar Jundullah, Majelis Dakwah Umat Indonesia (MDUI) and Jamaah Anshorusy Syariah (JAS), provide recruits and support networks for JI activity. JI continues to recruit covertly through personal contacts, religious study groups and from its network of pesantren (Islamic boarding schools), some of which share links with other extremist groups, including JAT and KOMPAK.

JI's domestic and regional extremist links were reinforced by the simultaneous presence of JI and non-JI South-East Asian militants in al-Qa'ida training camps in the late 1980s and early 1990s. JI's 'Afghan Alumni' cultivated organisational and personal relationships with foreign extremist groups, such as al-Qa'ida, while training and fighting in Afghanistan. JI's involvement in the conflict in Syria and Iraq means that further organisational and personal relationships with foreign extremist groups, including al-Qa'ida's representative in Syria Jabhat al-Nusra, will be developed.

Links were also forged with South-East Asian extremist groups, laying the foundation for the current JI collaboration with militant groups in the Philippines. JI has linkages to the ASG and the Moro Islamic Liberation Front (MILF), who have provided refuge to JI-linked personnel despite the MILF and the Philippines Government having signed a peace framework agreement in October 2012.

### *Links to Australia*

Australians are not currently involved with the activities of JI. However, historically JI had a presence in Australia under the name Mantiqi IV (one of the four Mantiqis JI established). Individuals involved with Mantiqi IV had considered undertaking an attack against Jewish interests in Australia; however, an attack did not occur.

### *Threats to Australian interests*

Australians have been killed by attacks undertaken by JI. JI's first successful anti-Western attack was the Bali bombings of October 2002 which killed 202 people, including 88 Australians. This was followed by the 2003 JW Marriot Hotel bombing and the 2004 bombing of the Australian Embassy in Jakarta. The second Bali bombing, which took place in 2005, killed four Australians. The second JW Marriot Hotel bombing took place in 2009, along with the simultaneous Ritz-Carlton bombing, which together killed seven civilians, including three Australians.

### *Listed by the United Nations or like-minded countries*

The United Nations Security Council ISIL (Da'esh) and al-Qaida Sanctions Committee (formerly the United Nations Security Council Al-Qaida Sanctions Committee) has designated JI for targeted financial sanctions and an arms embargo since 25 October 2002. It is listed as a proscribed terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the US.

### *Engagement in peace or mediation processes*

JI are not engaged in peace or mediation processes.

### **Conclusion**

On the basis of the above information and other classified information, ASIO assesses that Jemaah Islamiyah continues to be directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocates the doing of terrorist acts, involving threats to human life and serious damage to property.

In the course of pursuing its objectives, JI is known to have committed or threatened actions that:

- cause, or could cause, death, serious harm to persons, serious damage to property, endangered life (other than the life of the person taking the action), or create a serious risk to the health or safety of the public or a section of the public;
- are intended to have those effects;
- are done with the intention of advancing JI's political, religious or ideological causes;
- are done with the intention of intimidating, the government of one or more foreign countries; and
- are done with the intention of intimidating the public or sections of the public.