

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Home Affairs

*Criminal Code Act 1995*

*Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021*

The purpose of the *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021* (the Regulations) is to specify the organisation known as Lashkar-e-Tayyiba for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*.<sup>1</sup>

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*, which prescribes offences against humanity and related offences, and dangers to the community and national infrastructure.

Paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code* provides that regulations can specify organisations for the purposes of the definition of ‘terrorist organisation’.

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 for Home Affairs 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.

The Minister for Home Affairs is satisfied on reasonable grounds that the organisation Lashkar-e-Tayyiba is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. In coming to this position, the Minister has taken into consideration unclassified information (the Statement of Reasons) provided by the Department of Home Affairs ([Attachment C](#)).

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<sup>1</sup> A ‘terrorist organisation’ is defined in subsection 102.1(1) of the *Criminal Code* as:

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

### *Effect of the instrument*

Division 102 of Part 5.3 of the *Criminal Code* sets out the following offences relating to terrorist organisations:

- directing the activities of a terrorist organisation
- being a member of a terrorist organisation
- recruiting persons to a terrorist organisation
- receiving training from, providing training to or participating in training with a terrorist organisation
- getting funds to, from or for a terrorist organisation
- providing support to a terrorist organisation, and
- associating with a terrorist organisation.

The Regulations ensure that the offences in Division 102 of Part 5.3 of the *Criminal Code* apply to conduct relating to Lashkar-e-Tayyiba.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on 4 August 2021. 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 they take effect.

A Statement of Compatibility with Human Rights (the Statement) has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Regulations are compatible with human rights. A copy of the Statement is at [Attachment A](#).

Further details of the Regulations are set out in [Attachment B](#).

### *Consultation*

The Department of Home Affairs sought advice from the Australian Government Solicitor (AGS) in relation to the unclassified information (the Statement of Reasons) at [Attachment C](#).

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. The Minister for Home Affairs wrote to the Leader of the Opposition, enclosing the information upon which she was satisfied that Lashkar-e-Tayyiba meets the legislative criteria for listing.

The *Intergovernmental Agreement on Counter-Terrorism Laws* (June 2004) (the IGA) requires that the Commonwealth Government consult with the governments of the States and Territories prior to making regulations 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 IGA provides that if a majority of the States and Territories object to the making of such a regulation within a timeframe nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Minister for Home Affairs wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the States and Territories. A majority of the States and Territories did not object to the making of the Regulations, within the timeframe nominated by the Minister.

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

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021***

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### ***Overview***

The *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021* (the Regulations) specify Lashkar-e-Tayyiba for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*.

The object of the Regulations is to specify Lashkar-e-Tayyiba as a terrorist organisation under Australian law, and put the organisation and members of the public on notice of that fact. Notification is important to help people avoid engaging in activities that might constitute an offence under Division 102 of Part 5.3 of the *Criminal Code* in relation to Lashkar-e-Tayyiba.

The Regulations, which are part of Australia’s terrorist organisation listing regime, support the application of the offences in Division 102 of Part 5.3 of the *Criminal Code*, the object of which is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. In particular, the offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* applies in relation to associating with Lashkar-e-Tayyiba as a listed terrorist organisation.

Terrorist organisations, including Lashkar-e-Tayyiba, present a threat to the security of Australia and often seek to harm Australians and our democratic institutions. The statutory definition of a ‘terrorist organisation’ requires that an organisation directly or indirectly engages in, prepares, plans, assists in or fosters the doing of a terrorist act or, in relation to a listed terrorist organisation, that the organisation advocates the doing of a terrorist act.

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

The Regulations promote the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6.

The Regulations limit the following human rights contained in the ICCPR:

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

*The inherent right to life in Article 6*

Under Article 6 of the ICCPR, countries have a duty to take appropriate steps to protect the right to life and to investigate arbitrary or unlawful killings and punish offenders. The Regulations, and the terrorist organisation listing regime more broadly, ensure that the offence provisions in Division 102 of the *Criminal Code* apply to certain conduct in relation to listed terrorist organisations. These offence provisions operate to penalise conduct that presents a significant risk to life, both in Australia and overseas, and, in conjunction with the terrorist organisation listing regime, also act as a deterrent to that conduct. Deterring the conduct, and thereby preventing the risk to life, promotes the inherent right to life expressed in Article 6 of the ICCPR.

*The right to freedom of expression in Article 19*

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 Regulations, and the terrorist organisation listing regime more broadly, 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 terrorist organisations, including Lashkar-e-Tayyiba. 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, and the restrictions are reasonable, necessary and proportionate to the objective of protecting Australia's national security.

*The right to freedom of association in Article 22*

Article 22 of the ICCPR protects the right of all persons to group together voluntarily for a common goal and to form and join an organisation. Article 22(2) provides that this right may be limited for the purpose of national security. The Regulations, and the terrorist organisation listing regime more broadly, limit the right of freedom of association to prevent people engaging with and participating in terrorist organisations, in this instance Lashkar-e-Tayyiba.

The offence of associating with a terrorist organisation in section 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 practicing 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.

Due to the severity of the danger posed by terrorist organisations, it is reasonable, necessary and proportionate to limit the right of individuals who, by their association with a terrorist organisation, pose a threat to Australians.

#### *General safeguards and accountability mechanisms*

Whilst the Regulations may limit the right to freedom of expression and the right to freedom of association with Lashkar-e-Tayyiba, the Regulations are subject to the safeguards outlined below. The 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.

The *Criminal Code* provides safeguards and accountability mechanisms requiring prior consultation and enabling review of the Regulations, including the following:

- the Commonwealth must consult with the States and Territories in accordance with the *Intergovernmental Agreement on Counter-Terrorism Laws* of 25 June 2004, and the Regulations may only be made if a majority of the States and Territories do not object to the Regulations 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 in the House of Representatives to be briefed in relation to the proposed Regulations
- under subsection 102.1(3) the *Criminal Code*, the Regulations will cease to have effect on the third anniversary of the day on which they take 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 being that the Regulations listing the organisation cease 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 Regulations 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 Regulations within 15 sitting days after the Regulations are laid before that House, as provided for in section 42 of the *Legislation Act 2003*, and noting that this period may be extended by operation of subsection 102.1A(4) of the *Criminal Code* if the Parliamentary Joint Committee on Intelligence and Security reviews the Regulations and tables its report during the applicable disallowance period for that House.

### ***Conclusion***

The Regulations are compatible with human rights because they promote the protection of human rights. To the extent that the terrorist organisation listing regime, of which the Regulations are part, may also limit human rights, those limitations are for a legitimate purpose and are reasonable, necessary and proportionate.

**The Hon Karen Andrews MP**  
**Minister for Home Affairs**

**Details of the Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021**

Section 1 – Name

1. This section provides that the title of the proposed Regulations is the *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2021*.

Section 2 – Commencement

2. This section provides for the commencement of each provision in the proposed Regulations, as set out in the table.
3. Subsection 2(1) provides that each provision in the proposed Regulations, as 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 provide that the proposed Regulations commence in their entirety on 4 August 2021.
4. The note to subsection 2(1) clarifies that the table only relates to the provisions of the proposed Regulations as originally made, and will not be amended to deal with any subsequent amendments of the instrument.
5. Subsection 2(2) provides that the information in column 3 of the table is not part of the proposed Regulations. It is designed to assist readers of the proposed Regulations.

Section 3 – Authority

6. This section provides that the proposed Regulations are made under the *Criminal Code Act 1995*.

Section 4 – Schedules

7. This section provides that each instrument that is specified in a Schedule to the Regulations is amended or repealed as set out in the applicable items in the Schedule concerned. Any other item in a Schedule to the Regulations has effect according to its terms.
8. Schedule 1 to the Regulations repeals the whole of the *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2018*.

Section 5 – Terrorist organisation—Lashkar-e-Tayyiba

9. Subsection 5(1) provides that, for the purposes of paragraph (b) of the definition of ‘terrorist organisation’ in subsection 102.1(1) of the *Criminal Code*, the organisation known as Lashkar-e-Tayyiba is specified.



10. The effect of specifying Lashkar-e-Tayyiba as a terrorist organisation is to ensure that offences in Subdivision B of Division 102 of Part 5.3 of the *Criminal Code* that relate to terrorist organisations are able to operate, where the appropriate elements are satisfied, in relation to conduct in connection with Lashkar-e-Tayyiba.

Subsection 5(2) provides a list of names by which the organisation Lashkar-e-Tayyiba is also known:

- (a) Al Mansooreen (paragraph (a))
- (b) Al Mansoorian (paragraph (b))
- (c) Army of Medina (paragraph (c))
- (d) Army of the Pure (paragraph (d))
- (e) Army of the Pure and Righteous (paragraph (e))
- (f) Army of the Righteous (paragraph (f))
- (g) Falah-e-Insaniyat Foundation (paragraph (g))
- (h) Idara Khidmat-e-Khalq (paragraph (h))
- (i) Jama'at al-Dawa (paragraph (i))
- (j) Jama'at-i-Dawat (paragraph (j))
- (k) Jamaati-ud-Dawa (paragraph (k))
- (l) Jamaat ud-Daawa (paragraph (l))
- (m) Jama'at-ud-Da'awa (paragraph (m))
- (n) Jama'at-ud-Da'awah (paragraph (n))
- (o) Jamaat-ud-Dawa (paragraph (o))
- (p) Jama'at ul-Da'awa (paragraph (p))
- (q) Jamaat-ul-Dawa (paragraph (q))
- (r) Jamaat ul-Dawah (paragraph (r))
- (s) Jama'at-ud-Dawa (paragraph (s))
- (t) JuD (paragraph (t))
- (u) JUD (paragraph (u))
- (v) Lashkar-e-Taiba (paragraph (v))
- (w) Lashkar-e-Tayyaba (paragraph (w))
- (x) Lashkar-e-Toiba (paragraph (x))
- (y) Lashkar-i-Tayyaba (paragraph (y))
- (z) Lashkar-i-Toiba (paragraph (z))
- (aa) Lashkar-Tayyiba (paragraph (za))
- (bb) LeT (paragraph (zb))

- (cc) LT (paragraph (zc))
- (dd) Milli Muslim League (paragraph (zd))
- (ee) Paasban-e-Ahle-Hadis (paragraph (ze))
- (ff) Paasban-e-Kashmir (paragraph (zf))
- (gg) Paasban-i-Ahle-Hadith (paragraph (zg))
- (hh) Party of Preachers (paragraph (zh))
- (ii) Party of the Calling (paragraph (zi))
- (jj) Pasban-e-Ahle-Hadith (paragraph (zj))
- (kk) Pasban-e-Kashmir (paragraph (zk))
- (ll) Soldiers of the Pure (paragraph (zl))
- (mm) Tehreek (paragraph (zm))
- (nn) Tehreek-e-Tahafuz Qibla Awal (paragraph (zn))
- (oo) The Resistance Front (paragraph (zo)), and
- (pp) TRF (paragraph (zp)).

#### Schedule 1 — Repeals

11. Item 1 of Schedule 1 to the Regulations repeals the *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulations 2018* (the repealed Regulations).
12. Subsection 102.1(3) of the *Criminal Code* provides that the repealed Regulations cease to have effect on 4 August 2021, being the third anniversary of the day on which they took effect. While the repealed Regulations cease to have effect on this date, the repeal provides clarity and ensures there is no duplication if the proposed Regulations were made before the repealed Regulations cease to have effect.

## Statement of Reasons

### Listing of Lashkar-e-Tayyiba as a terrorist organisation under the *Criminal Code Act 1995*

This Statement of Reasons is based on publicly available information about Lashkar-e-Tayyiba. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information where available.

#### Legislative basis for listing a terrorist organisation

Division 102 of the *Criminal Code Act 1995* (the *Criminal Code*) provides that for an organisation to be listed as a terrorist organisation, the AFP Minister (the Minister for Home Affairs) 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; or
- b) advocates the doing of a terrorist act.

For the purposes of listing a terrorist organisation under the *Criminal Code*, the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.

#### Background to this listing

Lashkar-e-Tayyiba was first listed as a terrorist organisation under the *Criminal Code* on 9 November 2003. Lashkar-e-Tayyiba was re-listed on 5 June 2005, 7 October 2005, 8 September 2007, 8 September 2009, 18 August 2012, 11 August 2015 and 4 August 2018.

#### Details of the organisation

##### ***Name of the organisation***

Lashkar-e-Tayyiba

##### ***Known aliases***

- al Mansooreen
- al Mansoorian
- Army of Medina
- Army of the Pure
- Army of the Pure and Righteous
- Army of the Righteous
- Falah-e-Insaniyat Foundation
- Idara Khidmat-e-Khalq
- Jama'at ul-Da'awa
- Jama'at al-Dawa
- Jamaat ud-Daawa

- Jamaat ul-Dawah
- Jama'at-i-Dawat
- Jamaati-ud-Dawa
- Jama'at-ud-Da'awa
- Jama'at-ud-Da'awah
- Jamaat-ud-Dawa
- Jamaat-ul-Dawa
- Jamaiat-ud-Dawa
- JuD
- JUD
- Lashkar-e-Taiba
- Lashkar-e-Tayyaba
- Lashkar-e-Toiba
- Lashkar-i-Tayyaba
- Lashkar-i-Toiba
- Lashkar-Tayyiba
- LeT
- LT
- Milli Muslim League
- Paasban-e-Ahle-Hadis
- Paasban-e-Kashmir
- Paasban-i-Ahle-Hadith
- Party of Preachers
- Party of the Calling
- Pasban-e-Ahle-Hadith
- Pasban-e-Kashmir
- Soldiers of the Pure
- Tehreek
- Tehreek-e-Tahafuz Qibla Awal
- The Resistance Front
- TRF

***Organisational overview and objectives***

Lashkar-e-Tayyiba is a Pakistan-based Sunni violent extremist organisation that uses violence in pursuit of its stated objective of uniting Indian administered Kashmir (IaK) with Pakistan under a radical interpretation of Islamic law. Lashkar-e-Tayyiba's broader objectives include establishing an

Islamic Caliphate across the Indian subcontinent. To this end, Lashkar-e-Tayyiba intends to pursue the 'liberation' of all India's Muslim population, even in areas where they do not form a majority.

Lashkar-e-Tayyiba has declared that democracy is antithetical to Islamic law and that its jihad requires work to turn Pakistan itself into an Islamic state. The Global Terrorism Index 2020 listed Lashkar-e-Tayyiba as one of the most active groups in the Jammu and Kashmir region.

Action taken by the Pakistani Government to combat financial assistance for terrorism have put a degree of pressure on Lashkar-e-Tayyiba's operations in Pakistan. Despite this, and the arrest of senior members of Lashkar-e-Tayyiba, the organisation remains operational in Pakistan, Afghanistan, and the Jammu and Kashmir region.

### ***Organisation history***

Lashkar-e-Tayyiba was formed in 1989 as the military wing of the Pakistan-based Islamic fundamentalist movement Markaz al-Dawa was Irshad (MDI—meaning, the Centre for Religious Learning and Propagation, and also known as the Jamaat al-Dawa). Originally formed to wage militant jihad against the Soviet Union for its occupation of Afghanistan, Lashkar-e-Tayyiba shifted its focus to the insurgency in IaK in the 1990s after Soviet troops withdrew from Afghanistan.

Lashkar-e-Tayyiba has also operated under the alias Jamaat ud-Dawa (JuD), which was ostensibly created as a charitable organisation by Lashkar-e-Tayyiba founder Hafiz Muhammad Saeed immediately prior to Lashkar-e-Tayyiba being banned by the Pakistani Government in 2002. JuD functions as a front organisation for Lashkar-e-Tayyiba to mask its activities and solicit funds. Lashkar-e-Tayyiba and JuD are indistinguishable for the purpose of listing as a terrorist organisation.

### ***Leadership***

Hafiz Muhammad Saeed is the founder and Emir of Lashkar-e-Tayyiba. Saeed continues to provide leadership to Lashkar-e-Tayyiba despite his 2019 arrest by Pakistani authorities on terrorism financing charges and subsequent sentencing in 2020 to five and a half years in prison.

Zaki ur Rehman Lakhvi is Lashkar-e-Tayyiba's chief of operations. On 7 December 2009, Lakhvi was arrested, along with several other Lashkar-e-Tayyiba members, for his alleged role in the 2008 Mumbai attacks. Lakhvi is yet to stand trial for his alleged role. Lakhvi was released on bail in 2015, but was again arrested in January 2021 for his alleged involvement in terrorism financing activity.

In 2021, other seconds in command, Yahya Mujahid and Zafar Iqbal were each sentenced to a total of 15 years imprisonment on terrorism financing charges.

### ***Membership, recruitment and funding***

The exact size of Lashkar-e-Tayyiba's membership base is unknown. However, the United Nations reported Lashkar-e-Tayyiba had close to one thousand members operating in Afghanistan alone in May 2020. Lashkar-e-Tayyiba's members are mostly Afghan and Pakistani citizens.

As of April 2020, media were reporting Lashkar-e-Tayyiba operated 16 training camps, the majority of which were in Pakistan-claimed Kashmir, but also in the Khyber Pakhtunkhwa and Punjab Provinces of Pakistan.

Lashkar-e-Tayyiba receives funding from donors in the Middle East—mainly Saudi Arabia—and through charitable donations collected from sympathisers in Pakistan. Private donations from across South Asia, Gulf states and Europe also contribute to Lashkar-e-Tayyiba's finances.

As of June 2020, Pakistani Government measures have not halted Lashkar-e-Tayyiba financing. This indicates a level of sophistication in the group's funding methods and diversification of its financial interests. In September 2020, Pakistan authorities 'froze' 611 properties belonging to Lashkar-e-Tayyiba, including schools, colleges, mosques, dispensaries, hospitals, boats and

buildings. The mosques, schools and colleges in particular provide Lashkar-e-Tayyiba with broad access to the Pakistan population for recruitment purposes.

### ***Links to other terrorist organisations***

Lashkar-e-Tayyiba maintains links to a variety of violent extremist groups including the Afghan Taliban, Harkat ul Jihad al Islami, and listed terrorist organisations al-Qa'ida and Jaish-e-Mohammad. Lashkar-e-Tayyiba receives support from, and provides support to, domestic based terrorist groups and networks in India—most notably the Indian Mujahideen and the Students Islamic Movement of India—as well as militant groups in Kashmir.

Lashkar-e-Tayyiba is reportedly known to have previously collaborated with the Haqqani Network.

Lashkar-e-Tayyiba has also reportedly been involved in conflicts involving Muslims outside South Asia, including those in Bosnia, Chechnya and Kosovo.

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

Lashkar-e-Tayyiba has planned and undertaken numerous terrorist attacks against both Afghan and Indian security forces, Indian government and transport infrastructure, and civilians. Recent attacks which can be reliably attributed to Lashkar-e-Tayyiba include:

- On 14 May 2020, Afghan authorities stated Lashkar-e-Tayyiba collaborated with the Haqqani Network to conduct a truck-borne improvised explosive device attack in Gardez, Paktia Province, Afghanistan, killing five and wounding 19 people.
- On 24 April 2020, two Lashkar-e-Tayyiba militants abducted an Indian police officer from his home in IaK. A counter-terrorism operation to recover the police officer was conducted by Indian security forces, killing the two militants and injuring the police officer.
- On 13 May 2019, Indian forces arrested two Lashkar-e-Tayyiba militants in South Kashmir who were planning targeted killings in IaK to spark tensions.
- On 1 April 2019, Lashkar-e-Tayyiba militants injured four Indian security forces personnel in a gunfight in Pulwama, IaK.
- On 30 August 2018, two Lashkar-e-Tayyiba militants were killed when Indian security forces discovered them in northern Kashmir with large quantities of arms and ammunition, likely in preparation to attack Indian positions on the Line of Control (LoC).
- On 7 August 2018, Lashkar-e-Tayyiba militants killed four Indian Army soldiers as they attempted to cross into IaK from Pakistan-claimed Kashmir in Gurez, Bandipora.
- On 4 August 2018, Lashkar-e-Tayyiba militants engaged in a gun battle with the Indian Army in South Kashmir during which one civilian was killed and 12 were injured.

On the basis of these examples, Lashkar-e-Tayyiba is responsible for directly or indirectly engaging in, preparing, planning, assisting in or fostering the doing of terrorist acts.

### **Other considerations**

#### ***Links to Australia and threats to Australian interests***

While Lashkar-e-Tayyiba does not specifically target Australian interests, Australians could be harmed in Lashkar-e-Tayyiba attacks directed at others—particularly mass casualty attacks against soft targets such as hotels, transport infrastructure and tourist sites. This occurred, for example, in Lashkar-e-Tayyiba's 2008 Mumbai attacks, which killed two Australians.

Australians with links to Lashkar-e-Tayyiba members have also planned attacks in Australia. In 2007, a French court convicted French national Willie Brigitte, for planning terrorist attacks in Australia in 2003 in conjunction with Lashkar-e-Tayyiba suspected chief of external operations, Sajid Mir. Brigitte's Australian associate, Faheem Khalid Lodhi, was also convicted of planning acts of terrorism in June 2006. In June 2008, Lodhi lost an appeal in the High Court of Australia to have his case overturned.

### ***Listings by likeminded countries or the United Nations***

Lashkar-e-Tayyiba is listed in the United Nations 1267 Committee's consolidated list and proscribed as a terrorist organisation by the governments of Canada, the United Kingdom and the United States.

### ***Engagement in peace or mediation processes***

Lashkar-e-Tayyiba is not engaged in any peace or mediation processes with the Pakistani or Indian Governments.

### **Conclusion**

On the basis of the information above, the Australian Government assesses that Lashkar-e-Tayyiba is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts.