"If they Know Who Put the Sugar it Means They Know Everything": Understanding Terrorist Activity Using Operation Pendennis Wiretap (Listening Device and Telephone Intercept) Transcripts[1]

Dr Pete Lentini,
Director
Global Terrorism Research Centre,
Monash University

Abstract

Terrorism studies has emerged as an academic growth area since the 9/11 attacks. Despite the fact that scholars have produced thousands of books and articles on the topic over the past decade the nature of the topic makes it very difficult to conduct primary source-based research on terrorism. This paper attempts to make a modest contribution to redressing this knowledge gap and enhancing our knowledge on how terrorists think based on transcripts derived from electronic bugging devices and wiretaps (telephone intercepts and listening devices, hereafter TI and LD) placed on suspected terrorists' phones and in places where they congregate—sources which few social scientists, including terrorism studies scholars, have been able to use. The TI and LD materials consulted in this paper are from Australia's largest counter-terrorism investigation, Operation Pendennis (2004-05). The paper addresses methodological issues pertaining the to quality of sources that terrorism scholars use, as well as what the TI and LD transcripts can tell counter-terrorism stakeholders working inside and outside the academy about terrorist cells' operations, and the degree to which these materials can enhance terrorism studies and assist in developing measures to counter violent extremism.

Introduction

The present study proposes to generate new understandings on terrorism studies methodological approaches by analyzing events recorded through electronic bugging device and wiretap materials—specifically the transcripts derived from listening device and telephone intercept equipment recordings (hereafter LD and TI respectively)—which

[1] Australian Research Council Linkage Grant Funding for this paper is gratefully acknowledged. I am also indebted to Gaetano Joe Ilardi, Bill Polychronopoulos, Andrew Zammit, Shandon Harris-Hogan and two anonymous referees for their helpful suggestions on this paper. The usual disclaimer applies.

were submitted in evidence during the trial of the Melbourne-based men arrested in Operation Pendennis (Lentini 2008a).[2] According to Nunn, the sources are

> …used by law enforcement and prosecutorial personnel who, under judicial orders, produce audio soundtracks and transcriptions of intercepted communications to be used in affidavits, warrants, charges and subsequent court proceedings. One goal of wiretaps is to produce incriminating transcripts of intercepted communications (Nunn 2010: 28).

To the present author's knowledge excluding those papers associated with the current Australian Research Council Linkage Project 'Understanding Terrorism in an Australian Context: Radicalisation, De-Radicalisation and Counter-Radicalisation' (see the papers by Harris-Hogan and Zammit in these conference proceedings), there have been no other studies of terrorist cells which have been primarily derived from these sources. According to Marc Sageman research based on these materials would go a long way in helping terrorism studies scholars and counter-terrorism professionals enhance their understandings of terrorist organization and motivations, and provide them with better insights into what they were thinking and planning in real time while they were under surveillance. He has argued: 'These conversations, captured without the knowledge of the perpetrators, are invaluable because they provide a window into the terrorists' minds and everyday behaviour unadorned with after-the-fact rationalizations' (2008: 76). Although the use of wiretap resources is untested in terrorism studies, they are also very rarely utilized in other social science research (Nunn 2010: 28). Nunn's disclosure that in US law enforcement usage, approximately "…81 per cent of wiretaps support narcotics investigations" (Nunn 2010: 29) further indicates why there are also fewer opportunities

[2] Operation Pendennis is Australia's largest and longest terrorism investigation to date. The task force comprised of members of Victoria Police, Australian Federal Police (hereafter AFP), the Australian Security Intelligence Organisation (hereafter ASIO) and New South Wales Police, who kept a group of men in Melbourne and Sydney who were preparing to conduct a terrorist attack against undisclosed targets in Australia, presumably Victoria, under surveillance from 2004-late 2005. On 8 November 2005 representatives of these agencies launched a series of raids across Victoria and New South Wales. Initially, they arrested 10 men in Melbourne and 9 in Sydney. Throughout 2006 they arrested and charged 3 additional men in Victoria with crimes associated with terrorist-related activities. At the time of writing (May 2011), juries in Victoria and New South Wales either handed down guilty verdicts or the courts received guilty pleas from 9 of the 9 men arrested in New South Wales and 9 of the 13 men arrested in Victoria, with the jury having acquitted four.

for terrorism analysts to scrutinize their subject field through these resources. Therefore, the current study hopes to make a modest contribution towards expanding terrorism studies' current knowledge base, and by producing one of the first scholarly analyses of terrorism derived primarily from these rarely utilized resources.

This paper addresses the following questions related to wiretaps within the context of terrorism studies resources: First, what types of resources have terrorism analysts utilized in their research, and what are their merits and shortcomings? Second, what are wiretap sources' merits and shortcomings? Third, how do the Operation Pendennis wiretap materials correspond to these immediately aforementioned criteria?

The paper also addresses several questions related specifically to the men arrested in connection with the Melbourne cell: First, how did the group view itself and its activities? Second, how did the group interact with broader society, including other Muslims? Third, what were some of the group's main political and theological/ideological motivations prompting them to make preparations to conduct terrorist attacks in Australia?

Given the limited space permitted in this paper, the amount of the transcript materials, and the scope of possible topics for investigation that are contained therein, the present study concentrates on two primary contributions that wiretap materials can make to enhance the terrorism studies knowledge base in relation to the Melbourne jema'ah (group): correcting previously made statements about the group and its activities, and presenting information which could not be obtained through other currently available open source information. In relation to the former, the paper addresses two sets of previously held generalizations about the group: First, that the men's supporters and legal teams claimed that they were being prosecuted for thought crimes, i.e., they were only talking and not actively taking steps to engage in terrorist attacks in this country; Second, that certain Melbourne clerics were using their musallahs to create conditions that were encouraging men to engage in violent jihad in Australia.

The paper's second principle contribution, enhancing terrorism studies knowledge base through information that is not available elsewhere in open source materials can be found

in identifying that the jema'ah members, particularly the leader, felt that it was necessary to engage in violence in this country because they believed that Australia violated a non-aggression treaty between the state and the Muslims residing in the country as citizens and permanent residents by participating in wars in Afghanistan and Iraq. Their understanding is that Australia's participation in these wars violated what they considered to be a treaty with Muslims, which prohibits Muslims from engaging in violence against the state in which they reside or which provides them safety. This finding enhances our knowledge on the mechanism that the jema'ah members utilized to justify their attempts to engage in what they considered to be a legitimate, and compulsory (*fard ayn*) *jihad al-sayyaf* (literally, jihad of the sword; martial jihad) within the country, beyond Muslims' feelings of outrage against these military campaigns and sympathy with their co-religionists enduring violence in those countries, which other terrorists such as the 7/7 Bombers expressed in relation to their attacks in London in July 2005.

The paper begins with an overview of the merits and shortcomings of terrorism studies' main sources of information. Thereafter, it applies a similar discussion on the status of wiretap materials and their prospective contribution to terrorism studies. It is followed by a section examining the wiretap materials in relation to Operation Pendennis. The study concludes with an appraisal of how listening device and telephone intercept materials enhance terrorism studies knowledge base and identifies areas for further research.

The State of the Discipline: An Analysis of Terrorism Studies' Research Sources

Although it has been reported that there has been on average a book on terrorism published every six hours since the 9/11 attacks (*The Guardian* cited in Lentini 2008b) terrorism studies suffers from a lack of research based on primary source materials. To the credit of the authors who write within this *oeuvre*, there are many (perhaps most of the published research) well-informed works that draw from rigorously validated and credible investigative journalism, that has been generated from interviews with key protagonists in the struggle to counter political violence, and occasionally with perpetrators or their key confidants, relatives, supporters or others possessing first-hand

knowledge of their lives, motivations and activities. Studies derived primarily from interviews with current and former terrorists themselves, although extremely rare, are perhaps the most enriching means of primary source information in identifying the manner in which they began their transitions from legal to illegal to violent activities, how they understood various doctrines and were able to convince themselves that conducting terrorist activities was necessary and legitimate (Juergensmeyer 2003, Stern 2003; Gerges 2006; Wieviorka 1993). Important empirical studies based on large data samples have enhanced our knowledge of terrorist events, the victims of terrorist attacks, as well as the locations where they occurred, the groups (and sometimes individuals who perpetrated these acts), and the weapons or tactics that they employed to conduct these acts (Weinberg and Eubank 1990; Eubank and Weinberg 1994; Weinberg and Eubank 1998; Eubank and Weinberg 2001; Pape 2005). This has enabled scholars of terrorism to attempt to identify patterns in their behaviour to assist scholars, policy-makers and counter-terrorism professionals to calibrate policies that can enhance means to protect civilians, and military and public infrastructure, as well as develop tactics and strategies to assist in neutralizing terrorists —ideologically, kinetically or non-kinetically. Finally, as legal documents become more readily available to the public following trials of terrorists, analysts have been able to develop greater insights into terrorists' personal biographies, their activities and at times the relationships between terrorists (Zammit 2009; Harris-Hogan 2009; Mullins 2011).

While there are indeed caveats in terrorism studies' baseline resources, the (sub-?) discipline has been constructed from using the best quality open access materials. Indeed, it is plausible to consider that the aforementioned types of resources have been stepping stones or toe holds in helping counter-terrorism stakeholders ascend to their present levels of understanding (and regrettably, in sometimes facilitating their descent to occasional misunderstandings) of terrorism and terrorists.

The nature of journalism—short space allocated for articles and interviews, and quick turn-around times for publishing materials, and increasingly, lack of critical reflection on events or over-reliance on far from unbiased sources on either side of the political struggle (Lentini 2003)—mitigates against terrorism-related materials originating from

these resources from containing detailed analyses of events, persons and contexts, regardless of journalists' best intentions and efforts to provide as balanced accounts as their sources permit. That said, some of the best studies on Al Qaeda and Islamist terrorism remain those penned by investigative journalists who drew from a combination of interviews, field-work, participant observation and primary text analyses in their research (Bergin 2001; Burke 2003).

Large datasets, even the most diligently maintained, can be potentially inconsistent and incomplete. Compilers overwhelmingly utilize open-source materials such as newspaper reports or summaries of death statistics, the originals of which they rarely consult personally. They are therefore at the mercy of others' categorizations. As a result, information can either be excluded or mistakenly included due to the various counter-terrorism stakeholders' conflicting definitions of terrorism. Hence, terrorist incidents and who perpetrates these events can often be over- or under-reported for the reasons indicated previously (Hennessey 2009: 19-27; Lafree and Dugan 2007; Moghaddam 2006), or perhaps for other, self-serving ends such as protecting institutional integrity and effectiveness, or for cynically justifying additional resources.

Interviews, while providing helpful first-hand insights into a terrorist's or counter-terrorist stakeholder's mindset, are also potentially imperfect bases for enhancing knowledge within the discipline. Traditionally interviews occur at times after significant events, and the interview subjects may wish either to increase or decrease their significance or guilt or complicity in particular activities, based on new found insights or with eyes to future generations' prospective interpretations of who they were and what they may (or may not) have done (Wright 1999).

Court transcripts provide significant detail on events in relation to terrorism trials. They include information on or references to information which must pass strict guidelines to be admitted as evidence and witness testimonies which often help provide substantial gaps in background knowledge on events or individuals discussed in a terrorism case. Nonetheless, such information is often presented in adversarial manners by the opposing sides, each of whom have a strong desire and vested interest in providing the information in a light which will best reflect their clients and cases. Additionally, at times the

credibility of witnesses who provide testimony may not be entirely reliable. Indeed, within the trial for the defendants arrested in Operation Pendennis the presiding judge felt that one of the prosecution's key witnesses—a member of the Melbourne jema'ah who provided evidence against his former colleagues during the trial—possessed such an untrustworthy character that he instructed jury members to proceed with extreme caution in considering such matters when they were deliberating which verdicts they would bring against the defendants (Hughes 2008).

The aforementioned materials suffer from some shortcomings, but are still valuable. Nevertheless, none of them should be considered to develop comprehensive overviews and analyses of individual terrorists, terrorist groups or patterns of terrorist activities on their own. Like most fields within the social sciences terrorism studies is at its best when it combines an eclectic, yet disciplined range of sources and methodologies to develop understandings about its subject.

Bugging Device and Wiretap Materials and Terrorism Studies

Until recently, information gained from bugging devices and wiretaps has remained the elusive 'holy grail' within terrorism studies. Counter-terrorism analysts have not had access to this material for a range of reasons including various political, legal and intelligence protocols either making their status classified, and restricting access to them only to those with a specific level of security clearance, or there are restrictions upon them being permitted to be entered into evidence in terrorist trials as either transcribed into transcripts or played in open court. Moreover, as some countries have established special procedures for terrorist trials which prohibit general access to evidence submitted, or for security reasons, jury members not permitted to be present during specific individuals' testimony, materials gathered from bugs and wiretaps rarely are made available outside a very small group of professional counter-terrorism and legal practitioners. Finally, the length of some terrorist trials, and their cycles of appeals, including the rights of defendants to have fair trials until their abilities to challenge their

convictions are exhausted, has also precluded academics from being able to draw upon these potentially enriching sources of information in their research.

This study is derived primarily from the transcripts of LD and TI recordings that the Prosecution submitted in its brief of evidence in the trial that resulted from Operation Pendnnis in Melbourne. It comprises nearly 4,000 pages of text which were contained in 481 separately recorded conversations which were transcribed.

The transcripts of these wiretap recordings have been made available for this study for two main reasons. First, the transcripts' contents are limited solely to the first round of trials of those arrested in Melbourne. Hence, this round of trials is now considered complete. Second, according to Australian legal conventions, once materials have been entered into evidence in open court and have been discussed or played they are considered to be public information.

In accordance with project policy, this paper contains no specific reference to any of those arrested in Operation Pendennis and the present author has de-identified the men in recounting their conversations in the present study. The original version of this paper was written while there several men were still awaiting trial for terrorism offences, and there were suppression orders in place prohibiting the publication of their names. In order to ensure compliance with the suppression orders, this paper was submitted to both Victoria Police and Australian Federal Police personnel for review. Neither police service has remarked on the contents of this paper, nor sought to comment upon or influence the author's opinions in any way. Moreover, none of the statements or conclusions which the author raises in this paper necessarily reflects either police service's official views.

Electronic bug device and wiretap sources are potentially rich sources of information on terrorists for several reasons. First, they can be considered reliable sources of information because they must conform to rigorous legal standards to be entered into the brief of evidence. Second, for the purposes of this study, the materials that were submitted into the brief of evidence contain the conversations that were most relevant to the terrorist activities the jema'ah members were charged with committing. Third, by analyzing the transcripts from these conversations, analysts gain the ability to validate

meanings and ambiguous claims, and are better enabled to judge when some conversations may have been deliberately evasive or vague. Within the context of this trial there were numerous occasions in which members told one thing to individuals they may not have completely trusted, and in later conversations admitted to others in whom they had greater confidence that they did not provide these people with the full story. Following a conversation with an Australian journalist the leader boasted to the jema'ah that "I was being evasive" (Transcript 380 LD 1 June 2005, p. 5 (3016).[3] As this paper will demonstrate later, this was particularly the case in the leader's interaction with SIO39, the Victoria Police member who infiltrated the jema'ah, and in whom several other members, including the leader, harboured suspicions that he may have been attempting to gather evidence for some Australian body against them to stymie their activities or have them arrested (Transcript 143 LD 5 December 2004, pp. 3-5 (1189-91); Transcript 200 LD 29 December 2004, pp. 3-12 (1417-26)). Finally, as this paper will also demonstrate, materials gained from these wiretap materials will provide evidence to challenge some analysts' previously made claims on the nature, perpetrators and enablers of home grown terrorism in Australia.

Despite their high value as a resource, wiretap materials are not perfect sources of information, and can constitute cumbersome hurdles to scholars who use them. The following shortcomings are identified mainly in respect to the case to which they were attached and the present study. However, some of these lacunae may have more general applications. First, while the quality of the transcripts examined in this study are generally of extremely high quality, sometimes the conversations that were transcribed contain indecipherable words, the listening devices or telephone intercepts were unable to pick up particular words or phrases because the men, suspecting that their conversations were monitored, deliberately spoke softly or inaudibly to prevent certain key words or phrases from being potentially overheard and recorded. Additionally, there were occasions when the men used a specific code system which made some of the conversations very difficult to follow and some of the matters which were being discussed were entirely incomprehensible throughout the entire set of transcripts, or such

[3] References to the wire tap materials' pagination proceed with the page(s) in the individual transcripts appearing first, and their page reference within the entire set of transcripts in parentheses following them.

information only became revealed in conversations which appear much later in the brief of evidence after their initial mention. Second, and particularly in relation to the present study, the transcripts examined herein do not provide a comprehensive picture of what the men were doing and planning. The sample focuses only on the men arrested in Melbourne. As the men arrested in Sydney were to face trials later than their colleagues in Melbourne, evidence which demonstrated any alleged links between the two groups was not included in the brief of evidence so as not to have any impact on the upcoming judicial proceedings. Third, bugs and wiretaps can only provide evidence about a terrorist cell from a particular point in time. Authorities have to make a case backed by substantial evidence to be permitted to utilize listening devices within places identified as where the prospective terrorists meet and discuss matters, and to monitor their communication with telephone intercept equipment. Hence, in order for these devices to be used, the targets of this surveillance must have demonstrated well in advance that they were engaged in activity which warranted suspicion and caused law enforcement and intelligence officials to seek permission to gather evidence on their activities. Hence, by this stage, individuals would be well into a trajectory of radicalization.[4] Silber and Bhatt, the authors of the NYPD's report on radicalization, argue that radicalization involves "…a point where…the potential terrorist or group of terrorists begin and progress….The culmination of the process is a terrorist attack." They also contend that the process involves 4 stages: pre-radicalization, self-identification, indoctrination and jihadization (Silber and Bhatt 2007: 5, 6-7). Therefore, the materials analysed in this study can only

[4] For the purposes of this paper,

> Radicalization is a process in which individuals develop, adopt and embrace political attitudes and modes of behaviour which diverge substantially from those of any or all of the established and legitimate political, social, economic, cultural, and religious values, attitudes, institutions and behaviours which exist in a given society. Radicalization also involves advocating either replacing and/or attempting to replace the status quo by transgressing legitimate or accepted modes of political pursuits (electoral means, civil society organizations, sanctioned protests and strikes, and non-violent civil disobedience), and in its most threatening forms, using or condoning the use of violence against property or persons—whether private citizens or state employees—in order to implement new structures, values, leaders and elites which will usher in a new order or new society. Regardless whether they personally use, condone or encourage the use of violence by those other than themselves—or even disavow using violence entirely—radicals advocate significantly disrupting, dislocating and ultimately destroying existing political, economic, social and cultural norms and structures. The result of this process is an eponymous radical departure from that which they seek to overturn (Lentini 2009: 9).

help us understand the 'jihadization' phase of activities; the transcripts contain no evidence of how the group's members came to embrace their worldviews.

For the purposes of a research project on developing understandings of radicalization in Australia and how Australians progress to a stage where they choose to engage in terrorist violence—to which the present paper is a contribution—it is necessary for analysts to utilize other research methods and sources to establish what factors preceded the men's activities before they were perceived to be a potential threat, as they are recorded in bug and wiretap materials. Indeed, while this may complicate the task of the researcher, it is a burden which can be borne in the comfort of knowing that it was conducted within the parameters of the rule of law: surveillance was only initiated after it was deemed that the men potentially constituted a threat and that this occurs only in rare circumstances, which can be rigorously documented as necessitating such action. Hence, any potential transcripts of recordings of activities before this phase would indicate a breech of legal conventions, and violations of civil liberties with regard to privacy intrusions which would constitute transgressions of the regulations governing lawful surveillance procedures.

Despite the fact that wiretap materials must adhere to strict legal guidelines to be submitted as evidence, they are, nonetheless, still teleological and instrumental documents. Several scholars have identified some of the pitfalls of which analysts must be aware when they are using these sources. For example,

- An important part [of gathering information from these sources] has to do with how agents of the institution use their power to represent subjects and their discourse….Entextualization, or the process by which circulable texts are produced by extracting discourse from its original context…is a fundamental process of power and authority (Park and Bucholtz 2009: 486).

- Forensic linguists ask whether police bias can be found in the interpretation of recorded conversations, and generally find the police predisposed to finding criminal evidence in their analyses of recorded wiretap conversations (Nunn 2010: 29).

These are important potential limitations to consider in assessing Operation Pendennis LD and TI material bias and validity. There is significant evidence that there was little to no bias in the transcripts and presentation of LD and TI materials in open court. For example, it was deemed that the materials were acquired legally, and the sound recordings and transcriptions were of generally of good quality. Most important, however, the Prosecution and Defence were in near complete agreement on most of the contents, and there were comparatively few disputes over what was said throughout the nearly 4,000 pages of LD and TI transcript evidence. Finally, the materials were played in open court to enable jury to hear and establish the context of conversations for themselves (Supreme Court of Victoria-Court of Appeal 2010). In these respects, the transcripts were a guide to assist in listening to the recordings. Therefore, the prospective constraints that Nunn and Parker and Bucholtz suggest could reduce the validity of wiretap sources' value are largely absent from the LD and TI transcripts being utilized in this study. Given an account of the prospective merits and shortcomings of wiretap materials in general and how the materials submitted by the Prosecution in the trial for Operation Pendennis, it is now possible to identify how these LD and TI transcripts enhance our knowledge of the jema'ah and terrorism studies more broadly.

An Examination of the LD and TI Evidence

The Jema'ah

The transcripts provided outstanding insights into how the group viewed themselves and towards what goals they were directing their activity. A general reading of the transcripts will demonstrate several characterizations of the jema'ah. First, the members were rarely together as a collective. It is true that on some occasions, the leader stressed that this was to be employed as a prospective counter-surveillance measure (Transcript 142 LD 5 December 2004, pp. 25-26; Transcript 143 LD 5 Devember 2004, pp. 1-2 (1187-88); Transcript 255 LD 8 February 2005, pp. 1-63 (1967-2029)). However, these were men who were very much engaged with other activities. Participating in the jema'ah was one of many commitments—family, work and otherwise—which they had to juggle. In effect,

their example indicates that part-time terrorists are ineffective. Second, and related to the previous factor, the jema'ah members had very few opportunities to train as a group (Transcript 142 LD 5 December 2004, pp. 26-27; Transcript 384 LD 7 June 2005, p. 5 (3053)). Third, the jema'ah members were largely undisciplined. This is manifested in numerous lapses in communication which made it much easier for counter-terrorism professionals to know of their activities. Additionally, on those few occasions in which they were able to train, many members demonstrated poor discipline at these sessions. Notably, during a December 2004 excursion, some men bounded out of a vehicle and began shouting upon arriving at one of the training sites. This alerted local residents who called the police to investigate the source of this noise. These actions effectively ended the training before it even began (Transcript 185 TI 12 December 2004, pp. 4, 5, 7, 8, 11, 12 (1308, 1309, 1311, 1312, 1315, 1316)); Transcript 186 TI 12 December 2004, pp. 4-5 (1322-23)); Transcript 314 TI 12 March 2005, pp. 3, 4 (2453, 2454)); Transcript 396 LD 17 June 2005, pp. 2, 4, 5, 7, 8 (3148, 3150, 3151, 3153, 3154)). Fourth, unlike other terrorist cells which conducted successful terrorist attacks such as the 7/7/ bombers, very few members of the jema'ah had received any previous paramilitary training at any overseas camps.

Fifth, the jema'ah suffered from a significant shortage of finances to support prospective terrorist activities and they were consistently scrambling to find ways to raise funding to purchase weapons, to procure materials to produce them, and even to rent space for religious instruction classes and accommodation and camping sites for outdoor and physical training. Up to September 2004 the men were raising money for prospective activities through car rebirthing. However, following a raid during that month in which between $10,000 and $20,000 was confiscated, and charges of illegal activities were laid against some of them, the jema'ah members had to find other means of attempting to regroup and generate additional funds through activities such as making purchases using stolen credit card numbers which they received from taxi drivers willing to collude with them, as well as other activities such as calling card scams. It is true that the jema'ah kept a *sandooq* (literally 'box' and in this circumstance akin to 'the kitty') as a collective fund. However, most members contributed to it infrequently and inconsistently (Transcript 46 TI 17 September 2004, pp. 1-2 (279-80); Transcript 52 TI 19 LD September 2004, p. 14

(390); Transcript 241 TI 7 February 2005, pp. 1-7 (1947-53); Transcript 341 LD 18 April 2005, p. 2 (2652)). Moreover, the criminal activities constituted a double edged sword for the jemaah. On the one hand, they provided them with potential means to raise money for their activities. On the other hand, however, the threat of getting caught doing any activities for the jema'ah on the heels of the raid-related and other charges they had against them severely curtailed more active participation. Indeed, rather than prematurely showing their hands in implementing the raids, Australia's counter-terrorism professionals were able to establish additional hurdles that the jema'ah members who had criminal charges against them had to overcome in order to continue their trajectory towards conducting a terrorist attack. This further constrained their motion for either a personal fear of becoming incarcerated or for letting down the collective by potentially engaging in an activity that would prevent the jema'ah from achieving its goals. Additionally, one member told the leader that he was confronted by police and that he was told he was leader of a criminal organization and was afraid if he were caught again that he would be accused of leading a terrorist organization (Transcript 304 LD 4 March 2005, pp. 18-19 (2378-79)).

Muhammad Haniff bin Hassan argues that terrorist attacks occur as a result of a triumvirate of factors: ideology, opportunity and capability (bin Hassan 2006: 531). The measures that Australian counter-terrorism professionals put in place—as reflected in the jema'ah members' recorded conversations—indicate that they were able to constrain the group's activities so that it was not able to progress any further than developing and adhering to an ideology. The group members clearly lacked the capabilities to conduct a terrorist attack that required significant planning, resources and proper skills to execute an operation. The surveillance and other actions such as the raids not only prevented the jema'ah from having the opportunity to conduct a terrorist attack, but they also hamstrung the group from having opportunities to develop the capabilities (i.e., training) to work towards their goals.

Challenging Previous Claims 1: 'Only Talking'

Given the aforementioned list of defendants' shortcomings, their supporters and legal team consistently argued throughout the trial and imprisonment that the men were merely

venting their frustration about contemporary foreign policy issues and that they were just 'talking big' when they were discussing jihad and contemplating engaging in jihad (Mitchell 2007). Evidence from the transcripts radically challenges these opinions. It is evident from the conversations that: 1. They viewed themselves as terrorists, 2. They were actively making preparations to engage in violence within Australia, and 3. They considered themselves to be the vanguard of their community because they were adhering to what they considered to be their religious duties to engage in jihad al sayaaf within Australia, and that unlike other Victorian Muslims, were not concerned about losing their lives in what they considered to be God's cause, or coming into conflict with Australian authorities and facing retribution for their commitment to their principles.

First, in some respects, the men viewed themselves as terrorists with a bit of hubris and some of their conversations suggested that they felt that they were pulling the wool over the eyes of law enforcement and broader Australian society. To a certain extent, these conversations suggest that they felt as if they re-appropriated the term 'terrorist' for some form of self-empowerment as anti-heroes. In one of the earliest recorded conversations the following exchange occurred between two jema'ah members:

- "Eh bro Eh bro I was just watching the news now do you know what it said?"
- "Yeah"
- "Police uh police reporting they've claimed that there's a terrorist cell in Melbourne."
- (laughter)
- "That's funny."
- "Yeah."

Source: Transcript 2. TI 27 July 2004, p. 1 (9).

The following conversation took place in 2005 when the jema'ah members were trying to find some space where they could conduct religious classes.

– "…when they send you the what's it called the bill."

– "You know what I'll call it I'll tell her

– "There has to be a name on the bill, understand."

– "Yeah."

– "I'll call it what's his name."

– "Give it any name. A1 Terrorist"

– [Inaudible]

– "Terrorising You"

Source: Transcript 357 LD: 3 May 2005, p. 5 (2751)

As indicated previously, the group members rarely conducted training as a collective, and were often unsuccessful attempting to find locations in which they could go away as a group to engage in preparations for potential paramilitary/terrorist activities. During one of their excursions to identify a prospective site in Laverton, some members stumbled onto a crew filming a television series, whose producer presented them with a card for future communications. When this story was recounted the jema'ah members found it quite amusing and jested that if they were included in any further productions Australian viewers would be treated to:

- "Al Qaeda Comes to Paramount"

- "Mount Thomas, Al Qaeda comes to Mount Thomas"

Source: Transcript 340 LD 15 April 2005, pp. 6, 7 (2646; 2647)

However, in other conversations it is obvious that they were far more serious about working towards successfully conducting a terrorist attack in Australia. In a conversation with two members the leader expressed the following concerning suspected surveillance:

- "They know our thinking, man. They are following our step. It's very dangerous, I swear to Allah."

Source: Transcript 55: LD 22 September 2004, p. 5 (446)

They confirmed their thinking on their understanding of jihad in a series of other conversations: For example, the following emerged in a discussion that the leader had with two others in August 2005:

- "When they said, when they hear you saying Jihad, they hate, they know your meaning what does it mean."
- "I know I know I know.
- "They know. That's why they call this word what?"
- "Terrorism."
- "Terrorism. And that's why, Allah praise is to He, what He said in the Koran [sic] 'And prepare for them whatever force you can and whips of horses to terrorise the enemy of Allah and your enemy.'…Prepare yourself, so, in jihad….Prepare all that you've got to terrorise them. To terrorise, the enemy of Allah and your enemy.
- "*Torheboon*…is to terrorise, right?"
- "Yes, so terrorist is an Islamic word….Yes we are terrorists in our understanding not in their understanding….That's why the kuffar use this word to scare people. To scare. The people when they say they are scaring they say ooh you have to be careful oh no no. To be careful of what? It's your religion. Go back to the Koran [sic] and find this word. 'To terrorise the enemy of Allah and your enemy.'"

Source: Transcript 432 LD 19 August 2005, pp. 5-6 (3549-3550).

While it is certainly acknowledged that there are numerous, non-violent ways of engaging in jihad, the leader only discussed non-violent forms of jihad with SIO39

because he was somewhat wary of him (Transcript 66 LD 29 September 2004, p. 25 (573)). Indeed, he only considered martial form of jihad valid within the jemaah. In a conversation with two others the leader expressed his view that,

– "The real meaning of jihad is fighting the enemy of Allah….That's why when Allah said the word mentioned, the word jihad in his book has only one meaning in the Koran [sic], one, which means fighting the kuffar….Unbelievers, that's it's meaning in the Koran [sic], that's it….Now if you would like to judge what they people they say ah the jihad means many things. He's a donkey, he doesn't understand his religion….It's fighting the unbelievers, that's all."

Source: Transcript 432: LD 19 August 2005, p. 3 (3547).

Perhaps the most concrete indication that the individuals were both considering conducting a terrorist attack in Australia, as well as planning and taking active steps towards procuring materials towards that end, including using criminal activities to raise funds, can be found in a conversation recorded in September 2004. In this conversation, several members were trying to convince another jema'ah member that it was necessary to raise funding for materials for a terrorist act using criminal means because they had few options to do so otherwise. This conversation is also important as it indicates the contradictory attitude that some members had towards what constituted legitimate activities in pursuing what they considered to be a valid jihad in this country. While one member was very much committed to violence, he felt that utilizing extra-legal means to raise funds to be contrary to their Islamic obligations.

- "What's stupid? You doing it in Allah's cause, is that stupid?"
- "In Allah's cause, man not stealing, come on man."
- "It's what we have to do, man."
- "What, can I do, man? What more proof do you want? You think we can just go and get the weapons and walk off? We need money to get it, praise is to Allah. Slowly, you have to have patience, man."

Source: Transcript 40 LD 10 September 2004, p. 5 (183).

- "Praise is to Allah, I don't know why it has to be like this, man."
- "That's how bad it's gone man."
- "Allah's merchandise is dear. What [indecipherable] is expensive. The pleasures of Allah is expensive."
- "[Foreign word] if you've got a better way of getting money, mate, I'll go for it."
- [Indecipherable]
- "Praise is to Allah, you'll point, you'll point."
- "He's worried, he's worried about having [the car] here [indecipherable] in a tin shed."
- "You'll, you'll point a gun at a kuffar's head and shoot him, but you won't put a stolen car here."
- "This is different, all right. Don't put that with this."

Source: Transcript 40 LD 10 September 2004, p. 12 (190).

Second, given their willingness to engage in jihad al-sayyaf in Australia, the jema'ah members considered themselves to be an 'elect' within the context of Australian Muslims because they were willing to die for their beliefs. As one jema'ah member recounted his frustration with a fellow Muslim he met at a mosque to the leader:

– "I told him you are blinded. I swear to Allah, you are blind, you are blinded, why because you don't wanna, you don't wanna….You wanna love this world more and more, love it"

Source: Transcript 45: LD 19 Sept 2004, p. 25 (269).

In another circumstance, the members of the jema'ah felt that they were the only ones who were 'up to the test' that Allah was putting before them, and that their duty was to educate their fellow Muslims in order to get them too to engage in violence. In an exchange between a jema'ah member and the leader the following conversation took place on this matter:

- "…could you say the Muslims now, are in big one, big test or not?"
- "They are in a big, big test."
- "No one realizes this but"
- "Nobody wants to work. Nobody wants to die [inaudible]"
- "Is that because it's in their hearts? They don't wanna, yeah, yeah"
- "Who wants to die?"
- [Inaudible]
- "One per million? One per thousand, one, how many?"
- "That's how it is, one per big"-
- "Yeah, yeah, find the people, when we find the people, and then"
- [Inaudible]
- "Tell them what happened."
- "Have you ever seen the pictures of the American troops in Iraq doing things to our women and stuff?"
- "No. I heard about this."
- "I was, I was thing, these things need to be exposed to other Muslims so they can open their eyes and see it."

Source: Transcript 59 LD 24 September 2004 pp. 9-10 (495-96)

The sources of opposition to violence within Australia were deep within Melbourne's Muslim communities. In some cases, the jema'ah members felt that their activities were also causing difficulties with their families. However, some within the group emphasized that even tension with their closest relatives should not deter them from carrying out a duty that they were obliged to conduct:

- "…we don't want news to get to our families and that we don't want them to say anything."
- "You have to fight for this."
- "No, no Sheikh I don't want, I don't want headaches [Overtalk. Indecipherable] that's the last thing he needs you've got other brothers that are against you. Now you need your family against you too?" [Overtalk. Indecipherable]
- [Inaudible] "peace be upon him?"
- "Brothers [inaudible] in Saudi Arabia and see how the brothers' families are against them and how the whole world's against them"
- "That's a part of the game you have to go through this"

Source: Transcript 212 LD 1 January 2005 p. 34.

Challenging Previous Claims 2: Other Melbourne Clerics Encouraging Jihad

That they felt themselves more pious than other Victorian Muslims meant that the jema'ah members often had tense relationship with the broader community members, and this state was amply reflected in the recorded conversations. This included having sour relations with many members of Victoria's Salafi communities, including their prominent sheikhs. Materials from these wiretaps indicate that some previous research on what fuelled terrorism in Australia may have contained inaccurate information. In the section of their report on radicalization in Australia, Silber and Bhatt contend that one of

Melbourne's leading Salafi musallahs was 'an incubator of jihad' which encouraged them to engage in home grown terrorism in Australia (Silber and Bhatt 2007: 35). Evidence from the transcripts indicates that the members of the jema'ah were in fact quite disappointed and upset with the leader of this organization because he openly condemned conducting attacks within Australia and they alleged that he threatened to turn them over to the police or intelligence services if he found out that they were making preparations for violence within the country.

Indeed, some jema'ah members were so opposed to this cleric that they began seeking overseas assistance to remove him from his position (Transcript 213 TI 3 January 2005, p. 2 (1524)). In one of the conversations two members indicated that they were opposed to:

- "…the changing of [his] ideology and his methodology…."
- "…betraying Muslims, aiding the enemy, handing the Muslims over to the disbelievers…in the Shura he said you see these brothers going overseas and that, you know?...And they're running away from the true jihad which is there, giving the call to Islam….They're running away…like dogs with their tails between their legs….Yeah, he's saying that because I mean the true jihad was there that he said what he likes to call the silent jihad….[Indecipherable]…and he also said that to…to be with him is I mean to give call to Islam with him is, you know being a mujahid and dying givng the call for Islam for [the organization] you'll get martyrdom."
- "It is the biggest jihad?"
- "Yeah, I mean the call to Islam is the biggest jihad and…"
- "And dying for [the organization]…"
- "[Laughs] yeah"
- "…is martyrdom, really martyrdom…".

Source: Transcript 214 TI 3 January 2005 pp. 2-4 (1526-28)

In discussing the exact text of the letter they intended to send overseas, the two jemaah members indicated that they felt that he was "giving support to the enemy" when he announced he would "hold them accountable" if they wanted to "do something in this country". In constructing what they would include in their letter to their overseas colleagues they recounted how:

> "When the Sheikh heard what the brother said, the Sheikh wrote to him a letter in which he said to the brother, I've heard this and that about you. If you intend to carry out what I've heard about you, I will surrender you to the Australian intelligence service.
>
> "The majority of the brothers are bored with him and harbour hatred towards him [and] they reject the way he treats them…".

They argued further that they considered his actions as a "betrayal of Allah and His Messenger" and that "Twenty-five brothers have rejected his ideas and fatwas and decided that he should step aside from his position and be replaced by another person." (*Source*: Transcript 220 TI 4 January 2005), pp. 1-16 (1557-72)).

Such information indicates not only that the cleric that Silber and Bhatt identified was not actively coordinating a musallah that was an "incubator for jihad" but that he was strenuously opposed to conducting violent acts in Australia, and it also suggests that he did not support men going overseas to engage in acts of violence as jihad. Rather, their conversations suggest that the cleric considered preaching to be a much worthier calling and effort to advance Islam. This information constitutes a major finding in terrorism studies, and provides a new understanding of the relationship between the terrorists and Melbourne's Salafi community. It is doubtful that this information could have been generated through other open source materials.

The Treaty as an Enabling Mechanism for the Jema'ah to Pursue Violent Jihad in Australia

Indeed, one of the reasons that the aforementioned Sheikh, and other Australian Sheikhs opposed any terrorist activity being conducted in Australia revolved around Islamic conventions that establishes a treaty, or at least social contract, between Muslims living as religious minorities under a non-Muslim state and the state itself. It is believed that as this state provides protection for Muslims, the latter are prohibited from engaging in violence against it or its citizens. According to the *Qur'an* (8:56-58; 8:72 and 9:1-16) Muslims are obliged to adhere to treaties until such time as those with whom Muslims enter into the contract, break that treaty. Other Islamist organizations such as the UK-based Al-Muhajiroun adhered to this principle of the 'Covenant of Security' until 2005 (Baxter 2006: 112-18; Baxter 2007: 69-71).

What is significant both within the context of understanding home-grown terrorism in Australia, and for terrorism studies more broadly, is the interpretation of how the jema'ah members, particularly its leader, understood how the treaty should be upheld. For example, in the aforementioned cases, both in Australia and the UK, the understanding operates within a domestic context. The Melbourne jema'ah leader, unlike other clerics, refused to distinguish between the domestic and international applications of the treaty: in his mind it bound Australia to refrain from violence against Muslims living in Afghanistan and Iraq, as well as Australia. In the context of this treaty, the majority of Muslim clerics in Australia would have restricted its terms and their understanding of that nation as the contracting party to be situated solely in a domestic within the wattan (homeland). Therefore, in their opinion, the treaty is valid because there are peaceful relationships domestically between the Muslims living in Australia and the Australian state. However, the Melbourne jema'ah leader interpreted the treaty to be valid within the context of the ummah, which is not fixed or confined to specific nation-state boundaries, and is indeed transnational or global in scope. Therefore, as will be detailed below, he felt that once Australia engaged in conflicts in these Muslim-majority countries, he considered the treaty to be invalid. As such, he believed it was a duty to engage in violence in Australia and against Australians. Such information on the leader's views on

the treaty could only be obtained through these wiretaps. Moreover, this information helps to provide a substantial key to understanding the criteria that the jema'ah leader considered to be necessary for preparing to conduct a terrorist attack in this country, beyond just outrage against the wars in those countries and sympathies for co-religionists living there.

On the one hand, states in a conversation with SIO39:

- Leader: "Remember last time when we are talking about the topic?"
- SIO39: Ah yeah.
- Leader: "Well I told you to wait, before that after searching I found out that the one whose who enter the disbelievers' country with the visa who thinks, he's not allowed to harm them….
- SIO39: "Yeah. So what, what, what, what does it mean that mean now? If…if you were born here, if you were here, if you come with a visa?"
- Leader: "Yeah. It's like, it's like it becomes a treaty….
- SIO39: "…even if they're fighting against us in a different country?"
- Leader: "It has to be outside, you can't fight them."

Source: Transcript 122: LD 15 November 2004, pp. 14, 25, 16 (924, 925, 926)

However, the Leader confirmed that this was not his true meaning in a conversation with another cell member.

- "You said to him, that we have a treaty?"
- Leader: "Yeah, that we have it."
- "Yeah."
- Leader: "[Inaudible] we don't know him yet."
- "Hmmm. You gotta be patient."

- Leader: [Inaudible] he said to me, you don't know, you don't want - [Inaudible].
- "[Inaudible] him having full understanding and then telling him you know.
- Leader: "Not now [Inaudible]."
- "He'll understand it automatically."
- Leader: "We don't want new recruits."
- "Yeah."
- Leader: "Yeah. We don't want I mean, we don't know him. Maybe in future, you know we'll have him inside."

Source: Transcript 143 LD 5 December 2004, pp. 4-5 (1190-91).

These two conversations give an indication of the leader and jema'ah members' understandings of the treaty and their relationship in enabling, and in their minds legitimating, their attempts to prepare for acts violence in Australia. Moreover, from a methodological standpoint, they demonstrate how the wiretap materials can assist in validating the statements the jema'ah members make. These materials also help us to shed light on the jema'ah's group dynamics by providing insights into who was considered trusted and who was not held in confidence within its circle.

The jema'ah leader also discounted the views of overseas clerics who disagreed with his interpretation of the treaty, and violence and non-violence, in his teachings to the jema'ah. For example, in a conversation with two jema'ah members on what to teach to others within the cell on treaties and how they legitimate violence, the following was opined about other clerics' understandings of these matters:

– "…Sheikh the one ah the fatwa…about the [Inaudible] you know, for the things and their blood and whatever…but there's some, there's one part that has to be taken out, and put something in it, 'cause you know how he says about the treaty?...

- "[Inaudible] their country, no visa."
- "You know how when he said when you accepting the treaty, that so once, once you read that point half way though, that means like ah if, if you did that then the whole fatwa…is, it's…
- Leader: "Gone."
- "…pointless…".

Source: Transcript 191 LD 22 December 2004, p. 15 (1355)

In addition, he also denigrated other Melbourne Salafi Sheikhs' interpretations of the Treaty and distinguished his view on the matter in another conversation:

- "What do [the Sheikhs] believe? What do they believe?"
- Leader: "That those kuffars [Inaudible] the treaty."
- "Yeah. They say that don't you get a passport when you come into this country, or citizen? That's your treaty…"
- Leader: "Yes, that's some of the sheikhs they said this. But when you've got a treaty, how can this be broken?"
- "When, when the when the peace is broken."
- Leader: "…there are many solutions to break it. It's at the end of the day giving help to the Americans against our brothers. That's just an example."

Source: Transcript 325 LD 19 March 2005, pp. 1-2 (2507-08).

- Leader: "It is one thing that make the brothers [Inaudible] treaty."
- "Yeah, I am saying it's I don't believe there's a peace treaty. Once they attack one Muslim around the world there's no peace treaty with them."
- Leader: "…Yeah. Huh?"

Source: Transcript 325 LD 19 March 2005, 19-20 (2525-26).

He stated these views more sharply in discussions with members of the jema'ah:

- Leader: "How can a treaty be broken?"
- "By the other person breaking it."
- Leader: "Eh. So the Australian Government break it. If let's have, let's say we got a treaty? True? It's enough for us that they break the treaty. They help who?
- "The [Inaudible]."
- Leader: "America."
- "American…".
- Leader: "Alright. How can a treaty be broken?"
- "By them breaking it, or by us breaking it."
- Leader: "We, we didn't break nothing. They break it by helping the American. True or not?
- "Yeah."
- Leader: "They killing our brothers and sisters. It's enough."

Source: Transcript 303 LD 1 March 2005, pp. 4-5 (2350-51).

He also indicated that other Muslims were not making the connections that it was not only permissible, but obligatory for Australian Muslims to engage in violence against the Australian state for this alleged breaking of the treaty:

- Leader: "…after I see you helping the kuffar against me. What happened to the treaty?"
- "It's broken…".

- “You made the treaty with them, not to transgress their laws and to [Inaudible] abide by their laws. You understand?...Understand. But when they went to war.
- “And they broke it.”
- “These brothers they don’t understand….Ah that’s the thing. The whole ummah is one body. Understand.
- “Oohh.”

Source: Transcript 304 LD 1 March 2005 pp. 3, 4, 6 (2355, 2356, 2358).

Indeed, the leader also indicated that once the treaty was broken, it became legitimate for them to kill civilians, not just take violent action against the Australian Government. In a conversation between the leader and someone outside the jema’ah, it was disclosed that:

- Leader: “If some people break the treaty the Prophet killed them all, what about the government [Inaudible] the treaty? This is important, I mean, [Inaudible]…There’s no difference between the government and the one who put…this government up…”
- “As one people. The government, the leaders and the people living there and everyone.”
- Leader: “No difference.”
- “I said to them they judge them as a whole. They’re not gonna in there who’s the government so we can kill them?”
- Leader: “There’s no difference.”

Source: Transcript 325 LD 19 March 2005, pp. 53-54 (2559-60).

Conclusion: "If they know who put the sugar it means they know everything."

This quote was extracted from a conversation between the leader and a key jema'ah figure while they were discussing that they were under surveillance, and how when an Australian Government employee informed him that he knew who requested sugar in his tea, it was then clear that all their actions were monitored and that the Australian counter-terrorism personnel had an almost omniscient understanding of their activities (Transcript 373 LD 26 May 2005, p. 20 (2897)). While the information contained in the LD and TI transcripts provided counter-terrorism practitioners with a clear upper hand during the investigation it remains to be ascertained how these materials can benefit terrorism studies more specifically.

The transcripts' contents helped to generate original research findings by: 1. correcting previously held positions on the nature and intent of the men's activities and thoughts; 2. challenging depictions of some Melbourne clerics and prayer halls as creating atmospheres for violence which could threaten the country; and 3. establishing how the perceived violation of a treaty, not just outrage against and sympathy towards Muslims experiencing violence overseas, constituted the enabling factor for the jema'ah to prepare for violence against Australians within Australia. The transcripts certainly enhance counter-terrorism analysts' knowledge in two key areas: threats and theology. For example with regard to threats, the transcripts helped to identify the factors which can enhance/decrease a terrorist cell's capabilities to prepare and execute a terrorist attack. These include: ample financial and human resources; effective leadership; group discipline; trained members. Additionally, it was evident that a terrorist's criminal activities (and criminal record) can restrict terrorist activities, because they increase terrorists' risk of exposing themselves and potentially increasing their prison time. Finally, it is possible that the transcripts helped to identify that the degree of threat that they posed may have been contained as they received a very little support from sectors within the community.

In terms of theology, the transcripts identified that the group considered only jihad al-sayyaf to be the legitimate form of jihad. Additionally, the materials gained from these wiretaps demonstrated that the jema'ah's leader stressed that violence in Australia and

against Australians was valid because the state violated a treaty with Muslims, in engaging in violence in Iraq and Afghanistan, not against Muslims within this country. Moreover, the information disclosed in the recorded conversations indicated that his interpretation on this topic was unique: other Sheikhs in Australia and abroad consider such treaties or 'Covenants of Security' to be valid only within the domestic context of the wattan, whereas the Melbourne jema'ah's leader considered it applicable throughout the whole ummah.

This paper has argued that using the transcripts from wiretap materials can certainly enrich understandings of terrorist activities, behaviours and mindsets. Nonetheless, they need to be supplemented by other resources and research methods to help provide a comprehensive picture of terrorists and the how individuals become terrorists. In this respect, analysts need to develop better understandings of how individuals begin their paths towards violence. Hence, interviews with current and former terrorists, and members of their social networks and families, where possible, would certainly help to fill this gap. Future research utilizing electronic bugging devices and wiretap materials can also provide further information on the jema'ah's group dynamics, attempts to raise funds, and other activities on which there has been scant scholarly research. Conducting studies using these previously unused resources has the potential to greatly enhance our understandings of a terrorist cell in preparation for a terrorist attack, and this can be of great benefit to counter-terrorism stakeholders and practitioners inside the academy and on the front line.

References

Baxter, K. (2006) ''Al-Mujahiroun and the "Covenant of Security"' in F. Mansouri and S. Akbarzadeh (eds) *Islam and Human Security*. Newcastle: Cambridge Scholars Press, pp. 108-23.

Baxter, K. (2007) *British Muslims and the Call to Global Jihad*. Clayton: Monash University Press.

Bergen, P. (2001) *Holy War Inc.: Inside the World of Osama bin Laden.* London: Weidenfeld & Nicolson.

bin Hassan, M. H. (2006) 'Key Considerations in Counterideological Work agains Terrorist Ideology', *Studies in Conflict & Terrorism*, vol. 29, pp. 531-58.

Burke, J (2003) *Al-Qaeda: Casting a Shadow of Terror*. London: I. B. Tauris.

Eubank, W.L. and L. B. Weinberg (1994) 'Does Democracy Encourage Terrorism?', *Terrorism and Political Violence*, vol. 6, no. 4, pp. 417-35.

Eubank, W.L. and L. B. Weinberg (2001) 'Terrorism and Democracy: Perpetrators and Victims', *Terrorism and Political Violence*, vol. 13, no. 1, pp. 155-64.

Gerges, F. A. (2006) *Journey of the Jihadist: Inside Muslim Militancy*. New York: Harcourt, Inc.

Harris-Hogan, S. (2009) 'Uncovering, Exploring and Understanding Terrorist Networks in Australia: A Social Network Analysis of Australian Neojihadists'. Clayton. Department of Politics, Monash University. Unpublished Master of International Relations Dissertation.

Hennessey, A. M. (2009) 'Globalisation, Neojihadism and the State: The Role of Territory and Conflict in Recent Acts of Terrorism in Europe'. Caulfield. Global Terrorism Research Centre, Monash University. Unpublished Master of Counter-Terrorism Studies Dissertation.

Hughes, G. (2008) 'Lies, Bombs and Jihad', *The Australian*, 16 September. Located at http://www.theaustralian.com.au/features/lies-bombs-and-jihad/story-e6frg626-1111117491538. Last accessed 13 May 2011.

Juergensmeyer, M. (2003) *Terror in the Mind of God: The Global Rise of Religious Violence*, 3rd ed. Berkeley: University of California Press.

Lafree, G and L. Dugan (2007) 'Introducing the Global Terrorism Database', *Terrorism and Political Violence*, vol. 19, no. 2, pp. 181-204.

Lentini, P. (2003) 'The Mass Media' in Robert Singh (ed.), *Governing America: The Politics of Divided Democracy*. Oxford: Oxford University Press, pp. 130-46.

Lentini, P. (2008a) 'Antipodal Terrorists? Accounting for Differences in Australian and Global Neojihadists' in Ricard Devetak and Christopher W. Hughes (eds) *The Globalization of Violence: Globalization's Shadow*. London: Routledge, pp. 188-210.

Lentini, P. (2008b) 'Understanding and Combating Terrorism: Definitions, Origins and Strategies', *Australian Journal of Political Science*, vol. 43, no. 1 (March), pp. 133-40.

Lentini, P. (2009) 'The Transferrance of Neojihadism: Towards a Process Theory of Transnational Radicalisation' in S. Khatab, M. Bakashmar and E. Ogru (eds), *Radicalisation Crossing Borders: New Directions in Islamist and Jihadist Political, Intellectual and Theological Thought in Practice. Refereed Proceedings From the International Conference, 26-27 November 2008, Parliament House, Melbourne Victoria* (Caulfield: Global Terrorism Research Centre**.** pp. 1-32. Located at: http://www.arts.monash.edu.au/politics/terror-research/proceedings/gtrec-proceedings-2009-01-pete-lentini.pdf.

Mitchell, C. (2007) 'Two Years Without Trial For 22 Muslim Men', *Green Left Weekly*, 10 November. Located at http://www.greenleft.org.au/node/38605.

Moghaddam, A. (2006) 'Suicide Terrorism, Occupation and the Globalization of Martyrdom: A Critique of *Dying to Win*', *Studies in Conflict & Terrorism*, vol. 29, no. 8, pp. 707-29.

Mullins, S. (2011) 'Islamist Terrorism and Australia: An Empirical Examination of the "Home-Grown" Threat', *Terrorism and Political Violence*, vol. 23, no. 2, pp. 254-85.

Nunn, S (2010) '"Wanna Still Nine-Hard?": Exploring Mechanisms of Bias in the Translation and Interpretation of Wiretap Conversations', *Surveillance & Society*, vol. 8, no. 1, pp. 28-42.

Pape, R. (2005) *Dying to Win: The Strategic Logic of Suicide Bombing*. New York: Random House.

Park, J. S. and M. Bucholtz (2009) 'Introduction: Public Transcripts: Entextualization and Linguistic Representation in Institutional Contexts', *Text & Talk*, vol. 29, no. 5, pp. 485-502.

Sageman, M (2008) *Leaderless Jihad: Terror Networks in the Twenty-First Century*. Philadelphia, PA. University of Pennsylvania Press.

Stern, J. (2004) *Terror in the Name of God: Why Religious Militants Kill*. New York. Harper Collins Publishers.

Supreme Court of Victoria - Court of Appeal (2010), 'Benbrika & Ors v The Queen [2010] VSCA 281 (25 October)' Located at: http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSCA/2010/281.html . Last Accessed 7 November 2010.

Silber, M. D. and A. Bhatt (2007) *Radicalization in the West: The Homegrown Threat*. New York City Police Department.

Weinberg, L. B. and W. L. Eubank, (1990) 'Political Parties and the Formation of Terrorism Groups', *Terrorism and Political Violence*, vol. 2, no. 2, pp. 125-44.

Weinberg, L. B. and W. L. Eubank, (1998) 'Terrorism and Democracy: What Recent Events Disclose', *Terrorism and Political Violence*, vol. 10, no. 1, pp. 108-11.

Wieviorka, M. (1993) *The Making of Terrorism* (D. G. White, trans). Chicago: University of Chicago Press.

Wright, S. (1999) 'Cookbook or Cooking the Books? A Rejoinder to Gallagher, Docherty and Noble' , *Terrorism and Political Violence*, vol. 11, no. 2, pp. 87-92.

Zammit, A. (2009) "Understanding Jihadist Radicalisation in Australia" Caulfield. Global Terrorism Research Centre, Monash University. Unpublished Master of Counter-Terrorism Studies Dissertation.

LD and TI Transcripts from R v Benbrika & Others

Transcript 2. TI 27 July 2004

Transcript 40 LD 10 September 2004

Transcript 45: LD 14 September 2004

Transcript 46: TI 17 September 2004

Transcript 52 LD 19 September 2004

Transcript 55: LD 22 September 2004

Transcript 59 LD 24 September 2004

Transcript 122: LD 15 November 2004

Transcript 142 LD 5 December 2004

Transcript 143 LD 5 December 2004

Transcript 185 12 December 2004

Transcript 186 12 December 2004

Transcript 191 LD 22 December 2004

Transcript 200 LD 29 December 2004

Transcript 212 LD 1 January 2005

Transcript 213 TI 3 January 2005

Transcript 214 TI 3 January 2005

Transcript 220 TI 4 January 2005

Transcript 251 TI 7 February 2005

Transcript 255 LD 8 February 2005

Transcript 303 LD 1 March 2005

Transcript 304 LD 1 March 2005

Transcript 314 TI 12 March 2005

Transcript 324 LD 18 March 2005

Transcript 325 LD 19 March 2005

Transcript 340 LD 15 April 2005

Transcript 341 LD 18 April 2005

Transcript 357 LD: 3 May 2005

Transcript 373 LD 26 May 2005

Transcript 380 LD 1 June 2005

Transcript 384 LD 7 June 2005

Transcript 396 LD 17 June 2005

Transcript 432 LD 19 August 2005