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## Operation Pendennis: A Case Study of an Australian Terrorist Plot

by Bart Schuurman, Shandon Harris-Hogan, Andrew Zammit and Pete Lentini

### **Abstract**

*This Research Note article provides a case study of a major Australian terrorist investigation, code-named Operation Pendennis. Drawing primarily from publicly available court transcripts, this study seeks to expand upon the growing literature within terrorism studies which utilises primary source materials. Its aim is to provide a detailed overview of Operation Pendennis that might serve as a resource for other scholars. The work also aims to add to existing knowledge regarding how terrorists prepare their attacks and react when under surveillance. This is done by providing a descriptive account of two cells' preparations for an act of terrorism, and their unsuccessful attempts to evade authorities.*

**Keywords:** *homegrown, jihadism, Australia*

### **Introduction**

Given the ongoing need for detailed and primary sources-based accounts of terrorist incidents, this Research Note provides a case study of *Operation Pendennis*. [1] Operation Pendennis was Australia's longest running terrorism investigation, culminating in the arrest of two self-starting militant Islamist cells in late 2005.

This account primarily uses information drawn from publicly available court transcripts of the associated prosecutions and interviews with two public prosecutors involved in the Pendennis case. Drawing from such sources allows for the creation of a more accurate account of events than those currently provided by news and media sources, which are often marred by errors or may uncritically accept claims made by either the prosecution or defence. Rather than detailing the radicalisation processes of the individuals involved, which are addressed elsewhere [2], this analysis specifically focuses on the participants' activities to further their plot, and their attempts to evade state surveillance. The primary source material provides unique insights into how these terrorists acted both to maintain operational security and to advance their operation.

Islamist terrorism has been a small but persistent threat in Australia. Prior to Pendennis, Australia experienced an unsuccessful al-Qaeda and Jemaah Islamiyah-guided conspiracy to bomb Israeli and Jewish targets during the 2000 Sydney Olympics while a Lashkar e-Toiba (LeT) guided plot was foiled in Sydney in 2003. A Melbourne-based self-starting cell which had planned to attack Holsworthy Army Barracks was foiled in 2009. In addition, militant Islamists from Australia have participated in training or combat overseas, mainly in Afghanistan and Pakistan between 1999 and 2003, Lebanon throughout the 2000s, Somalia from 2007 onwards, and more recently in Yemen and Syria. [3] However, of the 23 people who have been convicted in Australia for Islamist-related terror offences, 18 were arrested in Operation Pendennis. Moreover, several subsequent terrorism-related investigations in Australia have involved the family, friends and associates of the Pendennis men [4]. Given the significance of this operation, Pendennis provides a useful case study into the broader phenomenon of Islamist terrorism in Australia.

### **A Brief Overview of Operation Pendennis**

Operation Pendennis was a joint Victoria Police, New South Wales Police, Australian Federal Police (AFP) and Australian Security Intelligence Organisation (ASIO) investigation which began in 2004. The operation resulted in a series of arrests between November 2005 and March 2006, which led to terrorism charges being

brought against thirteen suspects in Melbourne and nine in Sydney.

In Melbourne nine men were ultimately convicted on a range of terrorism offences, with two pleading guilty and seven found guilty at trial. These nine men had an average age of 26 at the time of their arrest, with the eldest member (Abdul Nacer Benbrika) aged 45 and the youngest member just 20.[5] Most of the cell was new to Islamist militancy, with the exception of one who had trained in al-Qaeda's al-Faruq camp in Afghanistan in 2001, though he did not play a leading role in the cell's activities.[6] Only two of the men had completed secondary education, while two others were known to have a previous criminal record. Seven of the men were of Lebanese origin, while Benbrika hailed from Algeria.[7] The other man (Shane Kent) was a Caucasian Australian who was also the only convert within the cell.[8] However, the group's radicalisation was certainly a 'home-grown' phenomenon; seven of the nine were born in Australia, while another immigrated as a child. Seven were married at the time of their arrest whilst four also had children.[9] Indeed, it has been noted that this level of family commitment impacted the amount of time several members were able to dedicate to the cell.[10] Court documents describe Benbrika as very much the leader and religious authority of the cell, whose teachings centred upon the *The Call to Global Islamic Resistance* written by Abu Musab al-Suri.[11] Aimen Joud and Fadl Sayadi fulfilled important roles as his deputies.[12]

By 2010, all nine Sydney men were convicted, with four pleading guilty and five found guilty at trial. In contrast to the Melbourne cell, the Sydney group was far older and more experienced. The average age of the cell was 29 with only one member aged below 24 at the time of their arrest.[13] There are also indications that up to four members of the Sydney cell had previously trained in Lashker-e-Toiba camps in Pakistan between 1999 and 2001, though only one case was proven in court.[14] Like the Melbourne cell, only two men had completed secondary level education and two also held a previous criminal record. Once again like in the Melbourne cell, eight of the nine Sydney cell members were married and all but two had children. Five of the Sydney men also shared a Lebanese background, while the four others were of Bangladeshi, Bosnian, Jordanian and Anglo-Indonesian background.[15] Born in Lebanon and raised in Australia, Mohammed Elomar was described in court as the 'puppet master' of the Sydney cell. His leadership role was explicitly stated by the judge as the reason for sentencing Mohammed to the longest term of incarceration of any of the men from either cell.[16]

The 18 men convicted in total were members of two distinct terrorist cells which planned to carry out violence against the Australian government, motivated primarily by Australia's participation in the wars in Afghanistan and Iraq. They were inspired by al-Qaeda and its narrative, with their leader citing 'terrorist acts committed by mujahideen around the world, including the bombings in New York and Washington, Bali, Madrid, Jakarta, London and Iraq, as exemplars to be admired and emulated'.[17] The relatively high number of individuals from or with links to Lebanon is an interesting feature of the Operation Pendennis suspects and reflects a broader feature of militant Islamism in Australia.[18]

The Sydney cell was the more advanced of the two groups, having amassed firearms, ammunition, detonators, chemicals, laboratory equipment and bomb-making instruction manuals. When sentencing five members of the cell, the judge noted that 'absent the intervention of the authorities, the plan might well have come to fruition in early 2006 or thereabouts. The materials were to hand and recipes for the construction of explosives were available'.[19]

By contrast, the Melbourne cell's activities were less directly operational and largely supportive in nature. Their actions involved fund-raising (including through fraud and theft), acquiring bomb-making instructions and other extremist materials, attempting to acquire firearms, exploring the acquisition of explosives, undertaking training and bonding trips, and cooperating closely with the Sydney cell on a range

of activities.[20] Members of the Melbourne cell were convicted for knowingly forming a group 'directly or indirectly engaged in preparing or fostering the doing of a terrorist act'[21], not for planning a specific attack themselves.

The Melbourne cell had been formed under the guidance of the aforementioned Benbrika, a 'sheikh' without any formal religious education.[22] The Sydney cell was formed independently of the Melbourne cell, but from at least August 2004 onwards the two groups were in regular communication. Benbrika frequently visited Sydney members, becoming the religious authority for both of the cells, and individuals from the Sydney cell also spent time in Victoria.[23] However, while the Melbourne cell was predominantly made up of newly-radicalised individuals drawn towards Benbrika, several of the Sydney men were associated –

sometimes directly and sometimes through friends and family – with terrorist activity in Lebanon or with earlier plots in Australia (including the 2000 Roche plot and the 2003 LeT plot).[24] This distinction would come to influence the progress of the plot and different practices of the two cells.

### *Practical Preparations*

Up until the beginning of 2005 the Melbourne cell's activities were largely confined to gathering propaganda and instructional material, and acquiring income for the group's *sandooq* (literally 'coffer' or [war]'chest'). Although all members of the cell were expected to make regular contributions towards the *sandooq*, the group mainly generated income through stealing cars and selling off the parts. The practical preparations for terrorist activities were predominantly undertaken by the Sydney cell.

The Sydney cell appeared to have had a basic understanding of the materials required to construct explosives, but faced difficulties acquiring precursors. While some of this material was acquired relatively easily, including railway detonators and instructional material (they possessed step-by-step instructions for manufacturing TATP and HMTD), laboratory equipment and chemicals proved more difficult to procure. [25] Throughout early 2005 members of both the Sydney and Melbourne cells, using false names, attempted to acquire laboratory equipment via a Victorian based supplier. However, fearing possible police surveillance, they did not collect the goods. Despite this setback, in July 2005 the Sydney cell did manage to obtain a small consignment of glassware.[26]

From June 2005 onwards, the Sydney cell also tried to purchase several of the chemicals required to build explosives. However, several merchants were suspicious of their intended purchases and either dissuaded them from attempting to make the purchases or informed authorities of customers whose interests in their wares alarmed them. Yet the group eventually obtained many litres of distilled water, acetone, hydrogen peroxide and hydrochloric acid.[27] In October, one of the suspects also tried to steal a large quantity of batteries and clocks (to be used as timers) but was foiled by store security.[28]

During 2005, members of the Sydney cell also purchased large quantities of 7.62mm ammunition, totalling nearly 20,000 rounds. Although the cell's operational leader, Mohamed Ali Elomar was legally in possession of several firearms, only one (a bolt-action rifle) was capable of firing 7.62 mm ammunition. When sentencing Elomar, the judge noted that the ammunition 'was to have been used in other automatic or semi-automatic weaponry'.[29] The group was never found to be in the possession of such weaponry, but prosecutors suspected that the Sydney suspects managed to hide one or more AK-47s before their arrest.[30] The group also attempted to construct improvised explosives, using gunpowder from rifle cartridges.

As previously noted, the Melbourne cell had only a limited operational role, and primarily concerned itself

with support activities. Though Benbrika's immediate inner-circle hoped to use their *sandoog* to purchase materials, they abandoned this plan because of lack of funds. Indeed, the group largely proved amateurish and acquired little material of practical use beyond their vast collection of propaganda and bomb-making manuals.[31] One of the group's members was arrested for credit card fraud, and on multiple occasions senior members of the cell lamented that many of the members did not demonstrate sufficient discipline and that this threatened the cell's existence and prospects. A planned team-building weekend failed when they arrived at the location late, disturbed local residents, and had to cancel the event and return to Melbourne. [32] When several Melbourne members attended a weekend organised by the Sydney group in March 2005, the contrast in progress and professionalism was stark. Sydney members had organised weapons and ammunition for large-scale shooting practice, and the police later found evidence of possible experiments with explosives.

Indeed, following this exposure one member of the Melbourne cell suggested Benbrika move to Sydney to further the group's progress.[33] However, Benbrika's main focus remained on completing the religious 'education' of the Melbourne men, imparting his understandings of jihad and martyrdom. Following a series of police raids in Sydney (in June and August) and in Melbourne (June) Benbrika came to believe that his arrest was imminent. This prompted him to speed up his dissemination of the ideas in al-Suri's book and he began to advise the more trusted members of the group to be willing to act independently of him.[34]

#### *No Clear Target*

Despite media speculation on the subject, there remain no strong indications that the Melbourne cell had selected any specific targets. Although one of the suspects stated at trial that Benbrika was interested in attacking major sports events, no significant evidence was found to corroborate this. Moreover, the judge noted that this suspect had a track record of making false claims. During a police raid in November 2005 police did recover the floor plans of several government buildings in Melbourne, but it remains likely that no specific target was ever selected.[35]

Similarly, there is no direct evidence that the Sydney cell had selected a specific target. However, there are indications that the group may have explored the possibility of attacking the Lucas Heights nuclear reactor. These suspicions derive from an investigation into the theft of a number of rocket launchers from the stockpiles of the Australian Army. During the separate trial of a man named Taha Abdul-Rahman (who was later convicted for his role in selling the stolen weapons) a police statement alleged that he sold five of the rocket launchers to Sydney cell leader Mohamed Ali Elomar. The statement claimed Elomar had stated an intention to "blow up the nuclear place".[36] Moreover, three members of the Sydney cell were intercepted within the restricted area surrounding the facility.[37] However, at no stage during the Sydney trial did the prosecution contend a specific target had been chosen and the rocket launchers allegedly sold to Elomar have never been recovered.[38]

From the sources available, it can be concluded that the two cells did not progress beyond attempting to acquire the materials required for an act of terrorism to the selection of a specific target.

#### *The Role of the Infiltrator 'SIO39'*

One early component of the Pendennis investigation involved the infiltration of Victoria Police Special Intelligence Officer 39 (SIO39) into the Melbourne cell.[39] Posing as a Turkish man named 'Ahmet Sonmez', SIO39 began attending Benbrika's religious classes in May 2004.[40] By September 2004 he had gained

the confidence of the sheikh to such a degree that he was invited into his home. During this encounter SIO39 feigned regret concerning his ownership of Coca-Cola shares, and casually referred to his purported experience using explosives while working in the construction industry. Benbrika's response was to explore SIO39's views regarding jihad and inquire about the idea of using SIO39's knowledge of explosives to 'do something' in Australia.[41]

In October of that year, Benbrika accompanied SIO39 to a nature reserve to the north of Melbourne where SIO39 detonated a small quantity of explosives in a demonstration to Benbrika. Benbrika then asked SIO39 what quantity would be necessary to destroy a building, and the pair discussed the practical and financial aspects of obtaining the materials to make bombs of this kind.[42]

However the undercover officer's role ended shortly afterward. By late 2004, several core members began expressing suspicions regarding SIO39, with Benbrika coming to share their view. This led Benbrika to make a number of statements to wrong-foot the Australian authorities and SIO39, announcing that he had changed his mind and that jihad in Australia was not permissible after all.[43] However, when sentencing Benbrika the judge noted that, 'if Benbrika was cautious in his dealings with SIO39, this was in complete contrast to his open encouragement of the members of the group to engage in terrorism'.[44]

#### *Concealment Activities*

The Melbourne cell's suspicions that they were under police surveillance somewhat stifled their planned activities. Fundraising slowed significantly following a series of police raids which uncovered stolen cars, propaganda, bomb-making manuals and several thousand Australian dollars.[45] Over time cell members also began to suspect that their phones were being tapped, and constantly discussed their concern that they might be arrested for what they were planning. There was also great concern among the group regarding potential informants within the local Muslim community, although Benbrika repeatedly refused requests to subject suspected informants to ill-treatment.[46]

Despite the group's compromised position, the Melbourne cell did continue their activities and preparations (albeit in a more limited fashion). One member even tried to purchase firearms on the black market. This continuation may have been related to the fatalistic views of Benbrika, who preached that the group's actions would either manifest in a successful attack or continue from prison. Notably, Benbrika did exercise patience in his movements towards this goal, pushing back against group members who were constantly pestering him about when the cell was finally going to do 'something'. Some threatened to split from the group in order to speed up activities. At the end of October 2005 Benbrika appeared to want to pause the group's activities in order to lessen the attention placed on them by authorities, but this proved impossible due to the impatience of group members.[47]

The Melbourne cell also made some limited efforts to implement operational security measures. However, their execution of these was amateurish at best.[48] While they often used code words because they feared their phones were tapped, on one occasion one member openly exchanged an SMS message with an arms dealer about a prospective weapons purchase, possibly unaware that SMS messages could be intercepted. The group's system of code words for communicating via telephone was also compromised on several occasions when members of the cell either did not understand the words, or forgot to use them. Despite being aware that the group was under surveillance, Benbrika even agreed to be interviewed on national television, later declaring triumphantly that he had fooled the interviewer.[49]

In contrast, the Sydney cell's counter-surveillance efforts were implemented with more professionalism. They

used a range of disposable mobile telephones registered under false names, ordered goods under fictitious names, and whispered whenever discussing anything particularly incriminating.[50] The group also often switched the cars used to pick up equipment, and registered the vehicles under other people's names.[51] It was the implementation of counter-surveillance measures, coupled with an imminent fear of potential arrest that created difficulties for the group when attempting to obtain laboratory equipment and chemicals.[52] However, these countermeasures did not prevent police searches conducted in June and August of 2005 from uncovering firearms, large quantities of ammunition, extremist literature and bomb-making manuals.

### *Arrests*

Fearing imminent arrest, in October 2005 the Sydney cell commenced attempts to erase any tracks of what they had been planning. To this end members purchased hollow PVC tubes for the storage of goods underground. The suspicion that the cell buried a range of incriminating materials and weaponry is somewhat reinforced by the fact that one member made enquiries with a large number of estate agents regarding remote pieces of land in October. Two other men also rented powerful metal detectors, possibly used to test whether they would be able to retrieve the concealed items. Prosecutors also believed that the Sydney group possessed a remote 'safe house'.[53] The cell members' fears of arrest proved well-founded, as the plotters were arrested in a series of raids on 8 November 2005. During one arrest, there was an exchange of gunfire between the police and the suspect which resulted in both the suspect and a police officer suffering gunshot wounds.[54]

### *Conclusion*

This Research Note provided a brief case study of a major terrorist plot within Australia. Drawing primarily from publicly available court transcripts, the case study sought to expand the growing literature within terrorism studies that is based on primary source material and act as a resource for other scholars. The case study also sought to add to knowledge of how terrorists prepare for prospective attacks and react when under surveillance, by providing a descriptive account of the two cells, their preparations and their unsuccessful attempts to evade authorities. It showed how the two cells operated under the guidance of a single spiritual leader who influenced members towards preparing for an attack targeting the Australian government. Their preparations and security precautions were unsuccessful and often amateurish, particularly in the case of the Melbourne cell. While the Sydney cell progressed much further in their practical efforts, neither cell reached a point where an attack could be considered imminent, due to their incompetence as well as a result of effective pre-emptive actions by authorities.

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- [51] *Ibid.*, 11.
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- [53] Supreme Court of Victoria, "Transcript of Proceedings; Director of Public Prosecutions V. Abdul Nacer Benbrika Et Al.," 50-51, 58, 86-87, 89, 93-96; Supreme Court of New South Wales, "NSWSC 10," 11, 20-21; Maidment, "Personal Interview," 2-3.
- [54] Supreme Court of Victoria, "Transcript of Proceedings; Director of Public Prosecutions V. Abdul Nacer Benbrika Et Al.," 97; Harris-Hogan, "Anatomy of a Terrorist Cell," 8-9.