

STATEMENT OF CASE TO RENEW THE DESIGNATION OF JUNDALLAH AS A TERRORIST ENTITY

PURPOSE

1. The purpose of this paper is to assess whether Jundallah (also known as Peoples' Resistance Movement of Iran (PRMI), Jonbesh-I Moqavemat-i-Mardom-I Iran, Popular Resistance Movement of Iran, Soldiers of God, Fedayeen-e-Islam, Former Jundallah of Iran, Jundullah, Jondullah, Jondollah, Jondallah, Army of God (God's Army), Baloch Peoples' Resistance Movement (BPRM)), Jaish al-Adl (JAA) and Army of Justice) meets the statutory criteria to renew its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).
2. The paper concludes that the group meets the criteria for renewal as a designated terrorist entity under the TSA.

STRUCTURE OF THIS PAPER

3. This paper sets out updated information about Jundallah's continued involvement in terrorist activity and covers any changes and /or developments to the organisation since its original designation, including to its objectives, structure, weapons and tactics and includes any recent attacks which meet the definition of a terrorist act under the TSA.
4. This updated information, together with the information contained in the original designation paper¹ inform the analysis of whether reasonable grounds for designation still exist and provide the basis for the conclusion that the group meets the legal criteria to renew its designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR THIS DESIGNATION RENEWAL UNDER THE TSA

5. Section 35(1) of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is earlier revoked or renewed by the Prime Minister. The original designation is made pursuant to s 22 of the TSA, which provides that the Prime Minister may designate an entity as a terrorist entity if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out, or has knowingly participated in the carrying out of, one or more terrorist acts ("terrorist act" is defined in s 5). Carrying out a terrorist act includes the planning, preparation or credible threat to carry out the act, whether it is actually carried out or not (s 25(1)(a) and (b)) and also includes an attempt to carry out the act (s 25(1)(c)).
6. The Prime Minister may renew that designation for a further three years under s 35(2) if satisfied that there are still reasonable grounds as set out in s 22 for the entity to be designated under that section.
7. Before the expiry of an order made under s 35(2), the Prime Minister may make another order under s 35(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 35(3) in respect of the same designation (s 35(5)).

CREDIBILITY OF SOURCES

8. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These are: BBC, Counterterrorism Centre at Westpoint, Reuters, Jane's World Insurgency and Terrorism Monitor, Jamestown Foundation and Al Jazeera News.
9. A range of think tanks and regional media sources were referred to including Institute for Defence Studies and Analyses, International Policy Digest, Fars News Agency and Iran Daily Brief.

CONTINUED INVOLVEMENT IN TERRORIST ACTIVITY

10. Jundallah was designated as a terrorist entity on 12 September 2011.
11. In late August 2011, Iranian security forces announced they had foiled a plot by Jundallah to conduct "sabotage operations" in Iran during celebrations to commemorate Al Quds Day² on 26 August and Eid al-Fitr³ on 31 August. Four suspected Jundallah militants were detained and a large amount of ammunition, explosives and weapons were seized in two connected counterterrorism operations in Sistan-Baluchistan province.⁴
12. In August 2012, a cell of Jundallah militants planning to carry out an attack against the Non-Aligned Movement Summit⁵ in Tehran was disrupted. The individuals involved were subsequently killed in police operations. Commander of the Border Police in the internal security forces said both the Iranian border police and Intelligence Ministry teams were involved in the operation.⁶
13. On 25 October 2013, Jundallah (operating under the name Jaish al-Adl (JAA) – see paragraphs 21-22) killed 14 Iranian border guards and injured five others in ambush against a border checkpoint in the town of Rustak, in Sistan-Baluchistan province.⁷ The group claimed responsibility for the border guard killings, saying it was in retaliation for the "cruel treatment" of Sunnis in Iran and a "massacre" of Sunnis in Syria, which it claimed was being carried out by Iran.⁸
14. On 6 November 2013, Jundallah (operating under the name JAA) claimed responsibility for the assassination of a public prosecutor, Mousa Nouri, in the city of Zabol in the north east region of Sistan-Baluchistan province.⁹ Nouri's driver was also killed in the attack when the car in which they were travelling was fired upon by the militants.¹⁰ The group, in a statement posted on their website, called the attack an act of retaliation for the 26 October 2013 execution of 16 death-row Baluchi prisoners by the Iranian authorities,¹¹ stating "after the hanging of 16 innocent young Baluchis, the fighters decided to take revenge and kill a judicial official".¹²
15. On 7 February 2014, Jundallah (operating under the name JAA) kidnapped five Iranian soldiers outside the village of Jakigur in Sistan-Baluchistan.¹³ Following the kidnapping, the group posted photographs on their website of the soldiers, who were bound and being held in an unknown location in Pakistan.¹⁴ In a video broadcast of the soldiers, it was claimed by one of the hostages that JAA wanted to exchange the soldiers for 300 Sunni prisoners held in Iran and Syria.¹⁵ On 24 March 2014, the group claimed on its website to have killed one of the soldiers.¹⁶ The remaining four soldiers were released on 4 April 2014.¹⁷

Ideology and objectives

16. Jundallah is an ethnic Baluchi militant group based and operating primarily in Iran's Sistan-Baluchistan province. The extent to which Jundallah (operating under the name JAA) is present in Pakistan is not known, however in an interview with Pakistani newspaper Ummat, cited by FARS News Agency on 28 March 2014, group spokesperson Abdolrauf Rigi stated: "Jaish al-Adl does not enter Iran via Pakistan or other countries. Its main base is located inside Iran."¹⁸
17. The group is vehemently opposed to the Iranian government and security forces. Its primary objective is the elimination of perceived state discrimination against ethnic Baluchis and Sunni Muslims in Iran, and the improvement of socio-economic conditions in Sistan-Baluchistan province.¹⁹ Under the name Jundallah, the primary demand of the group was for Tehran to improve the lives of Iranian Sunnis. Since emerging as JAA, there has been a shift in ideology towards separatism, with JAA demanding that the Iranian regime leave the Sistan-Baluchistan province altogether.²⁰
18. On 7 November 2013, group leader, Abdolrahim Mullahzadeh (alias Salah ad-Din Farooqi) stated: "Jaish al-Adl is a political and military organisation which has been established to defend the rights of Iranian Sunnis and its fundamental and core objective is defence against occupiers and transgressors against the people's religion, honour, and life."²¹
19. Jundallah, operating under the name JAA, maintains an assortment of social media platforms and has a significant online presence.²² The websites are used to post propaganda messages and broadcast official statements about the group's ideology, objectives and perceived grievances against the government of Iran. The group has described itself as a "political-military" movement of the "Ahle Sunnat-e Iran" (Sunnis of Iran), with the aspiration of freeing the Baluch people from the hegemony of the Iranian government.²³

Organisation and Structure

20. Jundallah has been weakened as a result of its leaders having been either arrested or killed (most notably the arrest and execution of Abdolmalek Rigi in 2010).²⁴ The arrest and killing of scores of other Jundallah fighters, including members of Rigi's immediate family and the Rigi tribe has significantly depleted the group's numbers. Iran's repressive approach toward its ethnic Baluch minority also undermines Jundallah's capacity to operate.²⁵
21. Despite the Iranian government's operations against the group, Jundallah, operating as JAA,²⁶ (which means Army of Justice²⁷) has experienced a resurgence since mid-2012, carrying out a series of insurgent-style attacks against the Iranian state. Jundallah members reportedly began to reorganise as JAA after Rigi's capture.²⁸ The Iranian government in the Sistan-Baluchistan province has stated that JAA represents "remnants" of Jundallah.²⁹ Under the new name JAA, Jundallah has regrouped under the leadership of Farooqi.³⁰ There is, however, little information about the group's current organisational structure.
22. Abdolmalek Rigi's relative, Abdolrauf Rigi, acted as Jundallah's spokesperson and currently operates in a similar position for JAA, having released several statements and interviews on behalf of the group.³¹ Further confirmation that Jundallah is operating under the name JAA occurred on 11 December 2013, when in an interview with Pakistani newspaper *The News*,

JAA commander Mullah Omar stated: "I'm with Abdolmalek Rigi's group now. It's now called Jaish al-Adl."³²

Weapons and Tactics

23. The arrest of senior Jundallah leadership has impacted on the group's capabilities and its ability to maintain its previous operational tempo.
24. Since its resurgence as JAA in mid-2012, Jundallah has concentrated activities in mountainous areas of Sistan-Baluchistan. Those activities include hostage-taking operations, the use of explosives against Iranian border guards and assassination attacks.³³

Law of Armed Conflict (LOAC)

25. There have been no significant changes in the status of the conflict or in the conduct of Jundallah to invalidate the legal analysis contained in the original designation. The situation continues to be one of sporadic violent activity by Jundallah, and has not reached a level of intensity and continuity on the part of Jundallah that would bring the situation within the meaning of "armed conflict" for the purposes of the exemption in section 5(4) of the TSA. Accordingly, the exemption in s 5(4) cannot apply, and the Jundallah attacks are properly characterised as terrorist acts.

CONCLUSION

26. On the evidence set out above, this paper concludes that there are still reasonable grounds as set out in s 22 of the TSA for Jundallah to be designated under that section.
27. Since its designation in September 2011, Jundallah has continued to carry out terrorist acts as defined in ss 5 and 25 of the TSA (there is sufficient evidence to conclude JAA comprises part of/is the same as Jundallah). The acts include planning and preparation (paragraphs 11-12) as well as actually carrying out attacks (see paragraphs 13-15). Accordingly, given there are still reasonable grounds to believe that Jundallah/JAA has knowingly carried out terrorist acts as set out in s 22 of the TSA, Jundallah/JAA meets the legal criteria for renewal of its designation as a terrorist entity under s35.
28. The designation must be renewed by 12 September 2014 to be effective.

¹ The statement of case, dated 15 September 2011 can be accessed at: www.police.govt.nz/service/counterterrorism/designated-terrorists.html

² Quds Day is an annual event held on the last Friday of Ramadan that was initiated by the Islamic Republic of Iran in 1979 to express solidarity with the Palestinian people and oppose Zionism as well as Israel's control of Jerusalem.

³ Eid al-Fitr is a religious holiday celebrated by Muslims which marks the end of Ramadan, the Islamic holy month of fasting.

⁴ (17/10/2013) “*Jondollah*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 14/02/2014.

⁵ The Non-Aligned Movement (NAM) is a group of states which are not formally aligned with or against any major power bloc.

⁶ (10/09/2012) “*Plot by Sunni organization to carry out attack during NAM Summit foiled*”, Iran Daily Brief, accessed via <http://www.irandailybrief.com/2012/09/10/iran-plot-by-sunni-organization-to-carry-out-attack-during-nam-summit-foiled/#sthash.tiFfwkWDpuf> on 7/03/2014

⁷ (27/10/2013) “*Iran Sunni group Jaish al-Adl claims border attack*”, BBC, accessed via <http://www.bbc.com/news/world-middle-east-24690883> on 3/04/2014

⁸ (7/10/2013) “*Violence Returns To Iran's Sistan-Baluchistan Province*”, Radio Free Europe, accessed via <http://www.rferl.org/content/violence-sistan-baluchistan/25161200.html> on 2/04/2014.

⁹ (7/10/2013) “*Armed group claims Iran prosecutor's killing*”, Al Jazeera News, accessed via

<http://www.aljazeera.com/news/middleeast/2013/11/armed-group-claims-iran-prosecutor-killing-201311710301645679.html> on 3/04/2014.

¹⁰ (1/02/2014) “*Iran arrests Zabol prosecutor's assassin*”, PressTV, accessed via <http://www.presstv.com/detail/2014/02/01/348753/iran-arrests-zabol-prosecutors-assassin/> on 3/04/2014

¹¹ (7/10/2013) “*Violence Returns To Iran's Sistan-Baluchistan Province*”, Radio Free Europe, accessed via <http://www.rferl.org/content/violence-sistan-baluchistan/25161200.html> on 2/04/2014.

¹² (7/10/2013) “*Armed group claims Iran prosecutor's killing*”, Al Jazeera News, accessed via

<http://www.aljazeera.com/news/middleeast/2013/11/armed-group-claims-iran-prosecutor-killing-201311710301645679.html> on 3/04/2014. The statement was posted on jaishuladl.blogspot.fr.

¹³ (18/02/2014) “*Pakistan warns Iran not to send in troops after guards kidnapped*”, Reuters, accessed via <http://www.reuters.com/article/2014/02/18/us-iran-pakistan-kidnapping-idUSBREA1H11V20140218> on 3/04/2014.

¹⁴ 19/02/2014 “*Border guard abductions strain Pakistani-Iranian relations*”, IHS Jane’s Defence Weekly, available on subscription. Accessed 3/04/2014

¹⁵ (17/02/2014) “*Iran 'may send forces to Pakistan' after capture of guards*”, BBC, accessed via <http://www.bbc.com/news/world-middle-east-26229217> on 3/04/2014.

¹⁶ (24/03/2014) “*Iran says one of five abducted border guards killed: Fars*”, Reuters, accessed via <http://www.reuters.com/article/2014/03/24/us-iran-pakistan-idUSBREA2N18H20140324#comments> on 3/04/2014

¹⁷ (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

¹⁸ (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

¹⁹ (17/10/2013) “*Jondollah*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 14/02/2014.

²⁰ (13/12/2013) “*The Army of Justice and the Threat of Sunni Militancy in the Sistan-Baluchistan Province of Iran*”, Jamestown Foundation - Terrorism Monitor Volume: 11 Issue: 23. Accessed via

http://www.jamestown.org/single/?tx_ttnews%5Bsword%5D=8fd5893941d69d0be3f378576261ae3e&tx_ttnews%5Bany_of_the_words%5D=jaish&tx_ttnews%5Btt_news%5D=41752&tx_ttnews%5BbackPid%5D=7&cHash=4c5c3da61a50588947da86cfd857758f#.UzzVC2FD-So on 3/04/2014.

²¹ (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

²² Previously, the official Jaish al-Adl Iran blog could be accessed at www.jaishuladl.blogspot.jp, the official Jaish al-Adl Iran Twitter page was accessed at www.twitter.com/jaishuladl

Jaish al-Adl Iran also operates Edalaat News, located at edaalatnews.blogspot.co.uk

²³ (13/12/2013) “*The Army of Justice and the Threat of Sunni Militancy in the Sistan-Baluchistan Province of Iran*”, Jamestown Foundation - Terrorism Monitor Volume: 11 Issue: 23. Accessed via

http://www.jamestown.org/single/?tx_ttnews%5Bsword%5D=8fd5893941d69d0be3f378576261ae3e&tx_ttnews%5Bany_of_the_words%5D=jaish&tx_ttnews%5Btt_news%5D=41752&tx_ttnews%5BbackPid%5D=7&cHash=4c5c3da61a50588947da86cfd857758f#.UzzVC2FD-So on 3/04/2014.

²⁴ Sharma S., Behera A. (2014) *Militant Groups in South Asia*. Institute for Defence Studies and Analyses New Delhi

²⁵ (26/03/2014) “*The Evolution of the Ethnic Baluch Insurgency in Iran*”, Counterterrorism Centre at Westpoint, accessed via <http://www.ctc.usma.edu/posts/the-evolution-of-the-ethnic-baluch-insurgency-in-iran> on 1/04/2014.

²⁶ (5/03/2014) “*Iranian Balochi Extremist Groups are Silent and Lack Unity*”, International Policy Digest, <http://www.internationalpolicydigest.org/2014/03/05/iranian-balochi-extremist-groups-silent-lack-unity/#>. Accessed 7/03/2014.

²⁷ (7/10/2013) “*Armed group claims Iran prosecutor's killing*”, Al Jazeera News, accessed via <http://www.aljazeera.com/news/middleeast/2013/11/armed-group-claims-iran-prosecutor-killing-201311710301645679.html> on 3/04/2014.

²⁸ (26/03/2014) “*The Evolution of the Ethnic Baluch Insurgency in Iran*”, Counterterrorism Centre at Westpoint, accessed via <http://www.ctc.usma.edu/posts/the-evolution-of-the-ethnic-baluch-insurgency-in-iran> on 1/04/2014.

²⁹ (7/10/2013) “*Judiciary: Saturday Terrorist Attack Done by Remnants of Rigi Group*”, Fars News Agency, accessed via <http://english.farsnews.com/newstext.aspx?nn=13920805000845> on 1/04/2014

³⁰ (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

³¹ (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

³² (13/05/2014) “*Jaish al-Adl*”, Jane’ World Insurgency and Terrorism. Available on subscription. Accessed 9/06/2014.

³³ (13/12/2013) “*The Army of Justice and the Threat of Sunni Militancy in the Sistan-Baluchistan Province of Iran*”, Jamestown Foundation - Terrorism Monitor Volume: 11 Issue: 23. Accessed via

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