

STATEMENT OF CASE TO RENEW THE DESIGNATION OF HAKAKAT-UL-JIHAD-AL-ISLAMI, BANGLADESH AS A TERRORIST ENTITY

PURPOSE

1. The purpose of this paper is to assess whether Harakat-ul-Jihad-al-Islami, Bangladesh (HUJI-B) (also known as Islami Dawat-e-Kafela (IDEK); Harakat ul-Jihad e Islami Bangladesh; Harkatul-Jihad-al-Islam; Harkatul Jihad; Harakat-ul-Jihad-al-Islami; Harkat-ul-Jihad-al-Islami; Harkat-ul-Jehad-al-Islami; and Harakat-ul-Jihad-Islami Bangladesh) 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 HUJI-B'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: Jane's World Insurgency and Terrorism series, The Jamestown Foundation, Open Source Center, START Terrorism Database,

Human Rights Watch, ProQuest, South Asians for Human Rights, Foreign Policy Magazine, International Centre for Political Violence & Terrorism Research, Bangladesh Institute of Peace and Security Studies, South Asian Terrorism Portal, Reuters AlertNet and The Economic Times.

9. Regional sources were also utilised, including The Dhaka Daily Star, Dhaka Shamokal and the New Delhi Political and Defence Weekly.

CONTINUED INVOLVEMENT IN TERRORIST ACTIVITY

10. HUJI-B was designated as a terrorist entity on 15 December 2010.²
11. On 13 December 2010, the Rapid Action Battalion (RAB) of the Bangladeshi Police arrested five leaders of HUJI-B, following a gunfight, from a hilltop training camp in Chittagong District.³ The militants admitted running training in the area, with police seizing explosives including live Molotov cocktails, explosive materials needed for bombs, bomb-making manuals, grenades and fuses.⁴
12. On 17 May 2011, police arrested a suspected HUJI-B operative from Jhenidah District.⁵ RAB arrested the man after intermediaries expressed an interest in buying guns from his shop near Jhenidah. Police recovered arms, explosives and bomb-making materials, including two live bombs, half a kilogram of gun powder, batteries of mobile phones and eight books on jihad.⁶
13. On 26 May 2011 police arrested the secretaries of two HUJI-B units in Savar. The two men were arrested at a bus stand on their way to join four other members.⁷ Subsequent police raids at a HUJI-B hideout in Kalma of Ashulia, in Dhaka District recovered 16 handmade bombs, 24 Molotov cocktails and a stockpile of bomb-making chemicals.⁸
14. On 29 March 2013, Bangladeshi police arrested a HUJI-B leader, Farid Uddin Masud, and 12 others in Kathal Bangan, Dhaka District.⁹ Masud had been reorganising the leaders and members of various militant outfits to establish a caliphate in Bangladesh through subversive activities, including recruiting members to carry out attacks on public gatherings and political assassinations.¹⁰ This included plans to kill the Bangladeshi Prime Minister and the leaders of all democratic parties who it claimed were creating barriers to establishing an Islamic state.¹¹ They also planned to launch bomb attacks on the Islami Bank and high profile individuals to intensify political unrest.¹² Bombs and bomb-making material were discovered during the arrests.¹³
15. There is consensus among those in the counter terrorism response community, including Bangladeshi law enforcement officials, that HUJI-B still possesses the capacity to undertake lethal operations, especially given it has an established trans-national support network and has maintained strong intent.¹⁴

Ideology and objectives

16. HUJI-B aims to establish an Islamic state under sharia law in Bangladesh¹⁵ and the wider South Asian Region. It is dedicated to Islamic extremism, draws inspiration from Osama Bin Laden and continues to maintain links with the Al Qaeda network and the remnants of the Taliban in Afghanistan.¹⁶

Organisation and Structure

17. HUJI-B is an influential part of a wider Islamist movement in South Asia that presents a major security risk to the stability of the area. The group is well-organised and has been accused by the Bangladeshi government of having working relationships with several transnational terror groups, including Lashkar-e-Tayyiba (LeT), Jaish-e-Mohammad (JeM)¹⁷, Harakat-ul-Jihad-ul-Islami (HUJI)¹⁸ and Indian Mujahideen (IM).¹⁹ HUJI-B has connections with the Rohingya organisations, including the Rohingya Solidarity Organisation (RSO), operating on the borders of Bangladesh,²⁰ and also has links in South East Asia.²¹
18. Arrests of senior leaders of HUJI-B have had a significant impact on the group. In April 2011, the acting 'chief' of HUJI-B, Abdul Hannan Sabbir was arrested from a hideout at Keraniganj in Dhaka District²² and leader Rahmatullah (aka Sheikh Farid or Shawkat Osman) was arrested in Gazipur District the same month.²³ Police claimed that, under Rahmatullah's leadership, the group was recruiting new members²⁴ and attempting to reunite Afghan war veterans with HUJI-B.²⁵
19. Despite these arrests, the group maintains a steady flow of financing. Arrested leader Rahmatullah disclosed in April 2011 that the group receives financial aid from 3,000-4,000 associates from around the Middle East.²⁶ The group reportedly received financial assistance from Pakistan, Saudi Arabia and Afghanistan through Muslim non-government organisations in Bangladesh.²⁷

Weapons and Tactics

20. In September 2011, Bangladeshi media, citing intelligence sources, reported that HUJI-B have adopted new strategies to avoid arrest and are continuing their campaign to reorganise themselves.²⁸ Local media reports in India in May 2012 claim that HUJI-B militants based in West Bengal and Bihar were attempting to recruit and train local women to carry out attacks against India.²⁹ HUJI-B also allegedly recruits children for its sleeper and information cells in West Bengal. They are used as messengers between linkmen.³⁰
21. The tactics and structure of HUJI-B are changing in response to the increased policing. The group's vertical command and control structure has shifted towards a more horizontal structure. As a result, future attacks may be dominated by smaller, but efficient, cells.³¹

Law of Armed Conflict (LOAC)

22. The operations cited in this case study are sporadic and, in most instances, the planning and preparations by HUJI-B were thwarted before their operations were executed. However, they still come within the TSA definition of terrorist act (ss 5 and 25). The situation between HUJI-B and the government of Bangladesh has not reached a level of intensity and continuity so as to meet the threshold of an armed conflict for the purposes of the exemption of section 5(4) of the TSA. Accordingly, the exemption in s5(4) cannot apply, and the HUJI-B activities are properly characterised as terrorist acts.

CONCLUSION

23. 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 HUJI-B to be designated under that section.
24. Since HUJI-B's designation in December 2010, a number of plots and preparations for bombings and assassinations have been uncovered. With the exception of the gunfight that occurred on 13 December 2010, there were no successful attacks against civilians or military by HUJI-B. However, this was due to, in most cases, the intervention of national law enforcement authorities, not a lack of intent. There is evidence that HUJI-B members have continued to make preparations, plans or credible threats to carry out terrorist attacks (s 25(1)(a) and (b)). For example, the leader's efforts to recruit members to carry out attacks on public gatherings and political assassinations can be construed as part of the planning or preparation for a terrorist act in terms of s 25(2) of the TSA.
25. Care should be taken not to interpret s 25(2) widely so as to include trivial or inconsequential actions as constituting planning or other preparations. However, based on the evidence cited in this paper it appears HUJI-B's planning and preparations for a number of operations were sufficiently crystallised so as to fall within the scope of s 25(2).
26. HUJI-B has continued to carry out acts which meet the definition of terrorist acts in ss 5 and 25 of the TSA (preparation, planning and credible threats). Accordingly, given there are still reasonable grounds to believe that HUJI-B has knowingly carried out terrorist acts as set out in s 22 of the TSA, HUJI-B meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
27. The designation must be renewed by 16 December 2013 to be effective.

- ¹ The statement of case, dated 15 December 2010 can be accessed at: www.police.govt.nz/service/counterterrorism/designated-terrorists.html
- ² *Ibid*
- ³ (13/12/2010) "Bangladesh raids militant hideout, detains five", Reuters AlertNet, <http://www.trust.org/alertnet/news/bangladesh-raids-militant-hideout-detains-five/>. Accessed 19/04/2013.
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- ⁶ (19/05/2011) "Bangladesh Law Enforcers Arrest Suspected HUI Operative, Recover Arms, Ammo", The Daily Star, accessed via [opensource.gov](http://www.opensource.gov) on 8/05/2013.
- ⁷ (27/05/2013) "Bangladesh Rapid Action Battalion Arrest Two Leaders of Banned HUI in Savar", The Daily Star, accessed via [opensource.gov](http://www.opensource.gov) on 8/05/2013.
- ⁸ (Undated) *Harkat-ul-Jihad-al Islami Bangladesh (HUI-B): Terrorist Group, Bangladesh*, South Asian Terrorism Portal, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/Huj.html>. Accessed 6/05/2013.
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