

STATEMENT OF CASE TO RENEW THE DESIGNATION OF HARKAT-UL-JIHAD-AL-ISLAMI, BANGLADESH (HUJI-B) AS A TERRORIST ENTITY

PURPOSE

1. This paper sets out the case demonstrating Harkat-ul-Jihad-al-Islami, Bangladesh (HUJI-B, also known as Islami Dawat-e-Kafela, Harakat ul-Jihad e Islami Bangladesh, Harkatul-Jihad-al-Islam, Harkatul Jihad, Harakat-ul-Jihad-al-Islami, Harkat-ulJehad-al-Islami or Harakat-ul-Jihad-Islami Bangladesh) meets the statutory criteria for the renewal of its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).

STRUCTURE OF THIS PAPER

2. This paper sets out updated information about HUJI-B's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in December 2010,¹ and renewals in October 2013,² September 2016³, and September 2019⁴ including HUJI-B's objectives, structure, weapons and tactics and includes recent attacks which meet the definition of a terrorist act under the TSA.
3. This updated information, together with the information contained in the original designation paper and previous renewal papers, provide the basis for the conclusion that HUJI-B meets the legal criteria for renewal of its designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR DESIGNATION RENEWAL UNDER THE TSA

4. 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 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. Carrying out a terrorist act is defined in s 5A(1) as including planning, other preparations, or a credible threat to carry out the act, whether or not the act is actually carried out, and includes attempts to carry out the act.
5. 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.
6. 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

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include the BBC, Al Jazeera English, Reuters, The Diplomat, the New York Times.
8. A range of think tanks were referred to including the Institute for Defence Studies and Analyses, International Crisis Group, and the Jamestown Foundation.

9. A range of regional news sources were also referred to including the Dhaka Tribune, the Daily Star, Bangladesh Sangbad Sangstha, The Economic Times, TeluguStop, and bdnews24.
10. Other sources utilised include Politics and Religion Journal, the South Asian Terrorism Portal, the US Department of State Country Reports, and the Stanford Centre for International Security and Cooperation.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

11. HUJI-B's terrorist activities have reduced somewhat since the renewal of designation in September 2019, however HUJI-B is however considered to remain active and has continued to seek influence in Bangladesh.⁵
12. In March 2021 three members of HUJI-B were arrested by Bangladeshi authorities. The trio were linked to potential bomb-making equipment including acid, 10 detonators, iron ball bearings, and "other items".⁶ Bangladeshi authorities stated that HUJI-B was being re-organised in 64 districts of Bangladesh, with efforts being made to set up organising committees, secure funding, weapons, and bomb-making equipment.
13. The ongoing presence of HUJI-B members in extremist Islamic environments (or at least in environments it would prefer to become extremist) indicates that the group has not resiled from its former actions.

Ideology and objectives

14. Formed in 1992, HUJI-B aims to establish Islamic rule in Bangladesh and calls for violence against secular organisations and individuals.⁷ HUJI-B's Islam is affiliated with the version practised by the Afghan Taliban, and while similar to the 'mainstream' South Asian Deobandi school of Islam it differs sufficiently to be considered unfavourably by most Bangladeshi.⁸

Organisation and structure

15. Information on HUJI-B's current organisation and structure is currently sparse. Previous estimates suggest at its peak, HUJI-B had thousands of members but its current strength is unknown.⁹
16. HUJI-B has long-standing links to a number of regional terrorist groups including Lashkaar-e-Tayibba (LeT) and Al-Qaeda.¹⁰

Weapons, tactics and capability

17. Under pressure from law enforcement agencies HUJI-B activity has been severely curtailed. Membership numbers are currently unknown, but the observed incidences recorded above indicate that HUJI-B favours attempts at bombing.
18. In March 2021 a visit by Indian Prime Minister Narendra Modi met with large-scale rioting. Bangladeshi authorities linked the violence to the Islamic advocacy group Hefazat-e-Islam,¹¹ and have indicated that they consider the organisation to be at least partially populated by "radical Islamists" from several named extremist Islamic organisations.¹² In particular, Bangladeshi authorities consider at least eight HUJI-B members or affiliates were successful

in joining the central organising committee of Hefazat-e-Islam,¹³ and from there are considered to be conducting “subversive activities”.¹⁴

LAW OF ARMED CONFLICT (LOAC)

19. The situation is one of reduced violent activity by HUJI-B from their most active years between the late 1990s to early 2000s. Their activity has not reached a level of intensity and continuity which 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 section 5(4) cannot apply, and HUJI-B attacks are properly characterised as terrorist acts.

CONCLUSION

20. 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.

21. Since its designation in December 2010, and renewals in October 2013, September 2016 and September 2019 (and despite ongoing pressure from law enforcement) HUJI-B has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 5A of the TSA (paragraphs 11-13 above) including planning and attempting attacks. Accordingly, given there are still reasonable grounds to believe 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.

22. The designation must be renewed by 26 September 2022 to be effective.

¹ The statement of case, dated 15 December 2010 can be accessed at: <http://www.police.govt.nz/sites/default/files/publications/statement-of-case-harkat-ul-jihad-al-islami-terrorist-entity-15-dec-2010.pdf>.

² <http://www.police.govt.nz/sites/default/files/publications/renew-huji-b-2-oct-2013.pdf>

³ <http://www.police.govt.nz/sites/default/files/publications/renew-huji-b-terrorist-entity-26sept2016.pdf>.

⁴ <https://www.police.govt.nz/sites/default/files/publications/renew-huji-b-terrorist-entity-26-september-2019.pdf>

⁵ (26/4/2021) Mohammad Jamil Khan and Rashidul Hasan, “Is Huji taking over Hefajat?”, *The Daily Star*, accessed via <https://www.thedailystar.net/frontpage/news/huji-taking-over-hefajat-2083741> on 5/4/2022.

⁶ (6/3/2021) Sumi Khan, “3 HuJI Militants Remanded In Dhaka”, *TeluguStop.com*, accessed via <https://english.telugustop.com/stories/3-huji-militants-remanded-in-dhaka-international-india-abroad-deep-dive-south-asia-terrorism-latest-news/> on 27/04/2022.

⁷ “Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B) ISLAMIST/OTHER CONFLICTS” accessed via South Asia Terrorism Portal <https://www.satp.org/terrorist-profile/india-islamistotherconflicts/harkat-ul-jihad-al-islami-bangladesh-huji-b>

⁸ “Harkat-ul-Jihadi al-Islami” accessed via Center for International Security and Cooperation https://cisac.fsi.stanford.edu/mappingmilitants/profiles/harkat-ul-jihadi-al-islami#highlight_text_12344

⁹ (31/08/2021) “Bangladesh: Taliban takeover in Afghanistan stokes terrorist fears”, *Asia in Review Archive 2021*, accessed via <https://www.cpg-online.de/asia-in-review-sa-bangladesh-2021/> on 5/4/2022.

¹⁰ “Harkat-ul-Jihadi al-Islami” accessed via Center for International Security and Cooperation https://cisac.fsi.stanford.edu/mappingmilitants/profiles/harkat-ul-jihadi-al-islami#highlight_text_12344

¹¹ (26/03/2021) “Four killed in Bangladesh during protests against Modi visit”, *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2021/3/26/anger-in-bangladesh-as-indias-modi-attends-50th-independence-day> on 5/4/2022.

¹² (26/4/2021) Mohammad Jamil Khan and Rashidul Hasan, “Is Huji taking over Hefajat?”, *The Daily Star*, accessed via <https://www.thedailystar.net/frontpage/news/huji-taking-over-hefajat-2083741> on 5/4/2022.

¹³ (4/5/2021) “Crackdown In Bangladesh – Analysis”, *Eurasia Review*, accessed via <https://www.eurasiareview.com/04052021-crackdown-in-bangladesh-analysis/> on 5/4/2022.

¹⁴ (26/4/2021) Mohammad Jamil Khan and Rashidul Hasan, “Is Huji taking over Hefajat?”, *The Daily Star*, accessed via <https://www.thedailystar.net/frontpage/news/huji-taking-over-hefajat-2083741> on 5/4/2022.