

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 and September 2016², 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 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)).
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, 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. In October 2016, Gazipur Police arrested four members of HUJI-B in an abandoned building in Gazipur, following a tip-off the men “had gathered there to plan subversive activities”.³ The men were found in possession of 14 petrol bombs, four crude electronic device bombs, knives and ‘jihadi books’.
12. In December 2016, a Police Rapid Action Battalion squad in Chittagong raided a HUJI-B den. They arrested five of the group's members and recovered firearms, bullets, improvised explosive devices (IEDs), jihadi books and bomb-making materials.⁴ Police had obtained information that the HUJI-B members were plotting to attack law enforcement officers to loot arms and ammunition for further attacks, including a plan to snatch arrested HUJI-B leaders from prison vans on the way to court.⁵
13. In March 2017, Police arrested a man who attacked a Police van carrying HUJI-B leader, Mufti Abdul Hannan, who had been sentenced to death for killing three people, including policemen.⁶ Crude bombs were thrown at the police van, two of which exploded. The arrested man had seven hand bombs, a sound grenade and two machetes with him and told Police the attackers were trying to free Mufti Hannan.⁷ Hannan was executed in April 2017.

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.⁸ HUJI-B is more closely affiliated with the South Asian Deobandi school of Islam, which is similar to that practised by the Afghan Taliban.⁹

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 current strength is unknown.¹⁰
16. HUJI-B has long-standing links to a number of regional terrorist groups including Lashkaar-e-Tayibba (LeT) and Al-Qaeda.¹¹

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. Reporting suggests that members of the group are engaging in criminal activities such as theft to fund its activities.¹² For example, in June 2019 Dhaka Metropolitan Police arrested 14

people, two of which were alleged HUJI-B members.¹³ The arrested were targeted at a 'robbery' gang acting in concert with HUJI-B.

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 and September 2016, (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 25 of the TSA (paragraphs 11-13) 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 2019 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 The statements of case, dated 2 October 2013 and 26 September 2016 respectively, can be accessed at:

<http://www.police.govt.nz/sites/default/files/publications/renew-huji-b-2-oct-2013.pdf> and <http://www.police.govt.nz/sites/default/files/publications/renew-huji-b-terrorist-entity-26sept2016.pdf>.

³ (28/10/2016) “4 Huji men held with bombs in Gazipur” accessed via The Dhaka Tribune

<https://www.dhakatribune.com/bangladesh/2016/10/28/4-suspected-huji-men-held-bombs-gazipur>;

i. (28/10/2016) “Four Huji-B men held in Gazipur”, accessed via The Daily Star,

<https://www.dhakatribune.com/bangladesh/2016/10/28/4-suspected-huji-men-held-bombs-gazipur> on 25/07/2019

⁴ (9/12/2016) “Huji den’ in Ctg busted” accessed via The Daily Star <https://www.thedailystar.net/backpage/huji-den-ctg-busted-1327405>

⁵ (19/7/2019) “Country Reports on Terrorism 2016 - Foreign Terrorist Organizations: Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B)” accessed via <https://www.refworld.org/docid/5981e3dd13.html>;

i. (9/12/2016) “Huji den’ in Ctg busted” accessed via The Daily Star <https://www.thedailystar.net/backpage/huji-den-ctg-busted-1327405>

⁶ (19/04/2017) “Hanging of Mufti Hannan may not mean the end of HuJI in Bangladesh” accessed via Institute for Defence Studies and Analyses https://idsa.in/idsacomments/hanging-mufti-hannan-may-not-mean-end-huji-bangladesh_akumar_190417

i. (28/07/2018) Fair, C. Christine, *et al.* “Who Supports Suicide Terrorism in Bangladesh? What the Data Say” accessed via <http://christinefair.net/pubs/BangladeshFHH.pdf#page=33>

⁷ (5/7/2019) “Miscreants attack prison van, attempt to free death-row militant leader” accessed via bdnews24

<https://bdnews24.com/bangladesh/2017/03/06/miscreants-attack-prison-van-attempt-to-free-death-row-militant-leader>;

i. (19/04/2017) “Hanging of Mufti Hannan may not mean the end of HuJI in Bangladesh” accessed via Institute for Defence Studies and Analysis https://idsa.in/idsacomments/hanging-mufti-hannan-may-not-mean-end-huji-bangladesh_akumar_190417

⁸ “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>

⁹ “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

¹⁰ (19/7/2019) “Country Reports on Terrorism 2016 - Foreign Terrorist Organizations: Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B)” accessed via <https://www.refworld.org/docid/5981e3dd13.html>;

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

¹¹ “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

¹² (05/03/2019) “Huji now raising funds through robbery: DB”, accessed via The Daily Star, <https://www.thedailystar.net/frontpage/harkat-ul-jihad-bangladesh-now-raising-funds-through-robbery-db-1710664>;

¹³ *ibid*