

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

PURPOSE

1. The purpose of this paper is to set 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-ul-Jehad-al-Islami or 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 relevant changes and/or developments to the organisation since its original designation in December 2010¹ and renewal in October 2013², including HUJI-B's objectives, structure, weapons and tactics and includes 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 paper, and previous renewal paper, provide the basis for the paper's conclusion that HUJI-B meets the legal criteria for renewal of 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 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)).
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 where available. These are: Jane's World Insurgency and Terrorism Series, Crisis Group and BBC News. Local news sources referenced include Dhaka Tribune, The Daily Star, Daily Sun, New Age and bdnews24.com.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

9. HUJI-B was designated as a terrorist entity on 15 December 2010. The designation was renewed on 2 October 2013.
10. In late October and early November 2014, Bangladeshi detectives arrested HUJI-B members who reportedly admitted Lashkar-e-Tayyiba had trained them in Pakistan to conduct attacks in Bangladesh.³ HUJI-B also had plans to send other members for training.⁴
11. On 27 June 2015, Dhaka Police's Rapid Action Battalion (RAB) arrested 12 HUJI-B members, including chief coordinator of the Bangladesh wing of al-Qaida in the Indian Subcontinent (AQIS), Maulana Mainul Islam (alias Mahim).⁵ The group were planning to break detained HUJI-B leaders out of custody by attacking prison vans as they were transported to jail from court. RAB also recovered a large amount of chemicals and other bomb-making materials, 15 explosive devices, sharp weapons, 149 jihadi books and 25 training documents during the arrest operation. The group was reportedly being instructed by incarcerated HUJI-B leader Mufti Moin Uddin (alias Abdul Jandal; Masum Billah; Kaza).⁶ HUJI-B leaders were reportedly preparing to build their organisational capability to join AQIS, and go on a bombing spree to get as much media coverage as possible and "let everyone know they exist".⁷
12. Prior to the arrests, HUJI-B operatives had recruited 50 operatives of which 20 reportedly had trained at an Islamic religious school in Bogra, Bangladesh. Operatives who had been recruited through personal contact or social media were called the Din Kayemer Sathi (supporters of the struggle for Islamic Sharia). Some of those operatives became recruiters themselves, known as Bayate fi Sabilillah (those who preach for the cause of Allah). Others who were endowed with "high religious spirit" and prepared to be 'martyred' became Shahidi Kafela, or those who would be "ready to sacrifice their lives for the struggle".⁸
13. On 17 February 2016, the newly formed police Counter Terrorism and Transnational Crime Unit (CTTCU) arrested six active HUJI-B members based in the Zindabazar area of Dhaka. CTTCU Commissioner Monirul Islam stated the group, loyal to HUJI-B's imprisoned leader Mufti Abdul Hannan, had been planning to carry out attacks on cultural programmes and secular political figures across Bangladesh. The attacks aimed to gain attention of international terrorist organisations in order to obtain funding. One of the individuals arrested was also identified as funding HUJI-B activities, and all six were reportedly experts in making bombs.⁹

Ideology and Objectives of HUJI-B

14. HUJI-B's ideology and objectives have not changed since the original designation and renewal. HUJI-B continues to seek the establishment of an Islamic state under sharia law in Bangladesh and the wider South Asian Region.¹⁰

Organisation and structure of HUJI-B

15. There has been no reliable reporting on any significant change to HUJI-B's structure since the last renewal, aside from reportedly aligning with AQIS. HUJI-B has a history of collaborating with other groups to train and orchestrate attacks, but has also retained a distinct separate presence. Arrests of HUJI-B leaders and members continue to have an impact on the group, and the group reportedly continues to attempt to recruit new members.¹¹
16. HUJI-B are reportedly one of at least twenty militant groups attempting to recruit Rohingyas living in the districts of Chittagong, Cox's Bazaar and Bandarban. The militant groups have formed an alliance called 'Hilful Fuzul Al Islam Al Bangladesh' and recruitment drives are carried out by leaders of both foreign and local militant groups.¹² The Hilful Fuzul Al Islam Al Bangladesh alliance reportedly seeks to overthrow the Bangladesh government.¹³
17. On 11 February 2016, a court in Bangladesh upheld the death sentences for three HUJI-B members in relation to a 2004 grenade attack which killed three and wounded approximately 50, including the then British High Commissioner Anwar Choudhury. HUJI-B leader Mufti Abdul Hannan is one of the three sentenced to death.
18. On 14 August 2013 nine HUJI-B men holding a secret meeting were arrested at a mosque in Nalchhity Upazila, Bangladesh. Police also discovered a hand grenade, four sharp weapons and jihadi books at the mosque. All nine were fined and sentenced to four years imprisonment for their involvement in criminal and militant activities on 6 June 2016.¹⁴
19. On 23 July 2016, three HUJI-B operatives were arrested in Dhaka, including HUJI-B's Dhaka north unit president Mawlana Nazimuddin. The trio reportedly confessed to being active members of HUJI-B, and had assisted injured members and the families of deceased HUJI-B members financially.¹⁵

Weapons, tactics and capability of HUJI-B

20. Successful arrests of numerous jihadi group members, including HUJI-B members, in Bangladesh between 2009 and 2013 has diminished the space for prominent jihadi groups to operate.¹⁶ Dhaka Police assess the activities of HUJI-B and other militant groups in Bangladesh were almost halted after a crackdown by law enforcement, but HUJI-B members have sought to regroup after being inspired by a 2014 video message to join AQIS by Al-Qaida chief Ayman Al-Zawahiri.¹⁷
21. The current status of HUJI-B is likely one of smaller, less visible splinter cells.¹⁸ Law enforcement agencies have confirmed local militant groups have also been working together since 2014 to establish Sharia law by undermining the democratic process, castigating the rulers and terrorising secular forces and law enforcement.¹⁹ Bangladesh Jihadi Group (BJG) is a platform of local militants inspired by terrorist groups Islamic State in Iraq and the Levant, Al-Qaida and the Taliban.²⁰ Launched in 2014, the BJG consists of members from HUJI-B, Ansarullah and Jama'atul Mujahideen Bangladesh. All are banned organisations in Bangladesh and have formed BJG in an attempt to avoid punishment under Bangladesh's Anti-Terrorism Act.²¹ BJG consists of approximately 50 coordinators and 100 members.²²

Law of armed conflict (LOAC)

22. The situation between HUJI-B and the government of Bangladesh has not reached a level of intensity and continuity to meet the threshold of an armed conflict for the purposes of the exemption in section 5(4) of the TSA. Further, attacks planned by HUJI-B against prison vans, cultural programmes and political figures would not have complied with the LOAC principle of distinction. Therefore, the exemption in s5(4) cannot apply, and 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 its designation in December 2010 and renewal in October 2013, HUJI-B has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA by planning and preparing for a series of bombing attacks (paragraphs 10-13). 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.
25. The designation must be renewed by 2 October 2016 to be effective.

¹ (15/12/2010) "Statement of case to designate Harkat-ul-Jihad-al-Islami, Bangladesh as a terrorist entity". Available 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 (02/10/2013) "Statement of case to renew the designation of Harkat-ul-Jihad-al-Islami, Bangladesh as a terrorist entity". Available at: <http://www.police.govt.nz/sites/default/files/publications/renew-huji-b-2-oct-2013.pdf>.

³ (09/02/2015) "Mapping Bangladesh's Political Crisis", Crisis Group Asia Report No.264, Page 24, accessed via <http://www.crisisgroup.org/~media/files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf> on 31/12/2015.

⁴ (03/11/2014) "Huji-B getting military training from LeT", Dhaka Tribune, accessed via <http://www.dhakatribune.com/politics/2014/nov/03/huji-b-getting-military-training-let> on 30/12/2015.

⁵ (02/07/2015) "HujiB planned attack to release leaders", Dhaka Tribune, accessed via <http://www.dhakatribune.com/bangladesh/2015/jul/02/hujib-planned-attack-release-leaders> on 30/12/2015.

⁶ (03/07/2015) "HujiB eyed prison van attacks to free leaders", Dhaka Tribune, accessed via <http://www.dhakatribune.com/crime/2015/jul/03/hujib-eyed-prison-van-attacks-free-leaders> on 30/12/2015.

⁷ (03/07/2015) "Huji plans Qaeda merger", The Daily Star, accessed via <http://www.thedailystar.net/backpage/huji-plans-qaeda-merger-106585> on 30/12/2015.

⁸ (03/07/2015) "Huji plans Qaeda merger", The Daily Star, accessed via <http://www.thedailystar.net/backpage/huji-plans-qaeda-merger-106585> on 30/12/2015.

⁹ (18/02/2016) "Huji-B planned to attack cultural functions", Dhaka Tribune, accessed via <http://www.dhakatribune.com/crime/2016/feb/18/huji-b-planned-attack-cultural-functions> on 17/03/2016, and;

(17/02/2016) "Six arrested Huji 'members' were planning attacks on secular politicians, police say", bdnews24.com, accessed via <http://bdnews24.com/bangladesh/2016/02/17/six-arrested-huji-members-were-planning-attacks-on-secular-politicians-police-say> on 17/03/2016, and;

(18/02/2016) "6 suspected Huji men arrested", The Daily Star, accessed via <http://www.thedailystar.net/backpage/6-huji-men-arrested-573916> on 27/05/2016.

¹⁰ (14/11/2012) "Harakat-ul-Juhad-ul-Islami (HUJI)", IHS Jane's World Insurgency and Terrorism, accessed on 31/12/2015. Available on subscription.

¹¹ (03/07/2015) "Huji plans Qaeda merger", The Daily Star, accessed via <http://www.thedailystar.net/backpage/huji-plans-qaeda-merger-106585> on 30/12/2015.

¹² (30/03/2016) "20 militant groups wooing Rohingyas to join them", New Age, accessed via <http://newagebd.net/216083/20-militant-groups-wooing-rohingyas-to-join-them/> on 26/05/2016.

¹³ (14/02/2016) "28 militant groups plotting against govt", Daily Sun, accessed via <http://www.daily-sun.com/home/printnews/114055> on 26/05/2016.

¹⁴ (06/06/2016) "9 Huji men jailed for militancy", The Daily Star, accessed via Open Source Center on 16/06/2016.

¹⁵ (24/07/2016) "Three HujiB members held", Dhaka Tribune, accessed via <http://www.dhakatribune.com/crime/2016/jul/24/three-hujib-members-held> on 26/07/2016, and;

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¹⁶ (09/02/2015) "Mapping Bangladesh's Political Crisis", Crisis Group Asia Report No.264, Page 24, accessed via <http://www.crisisgroup.org/~media/files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf> on 31/12/2015.

¹⁷ (03/07/2015) "HujiB eyed prison van attacks to free leaders", Dhaka Tribune, accessed via <http://www.dhakatribune.com/crime/2015/jul/03/hujib-eyed-prison-van-attacks-free-leaders> on 30/12/2015, and;

(04/09/2014) "Al-Qaeda chief Zawahiri launches al-Qaeda in South Asia" BBC News, accessed via <http://www.bbc.com/news/world-asia-29056668> on 30/12/2015.

¹⁸ (09/02/2015) "Mapping Bangladesh's Political Crisis", Crisis Group Asia Report No.264, Page 24, accessed via <http://www.crisisgroup.org/~media/files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf> on 31/12/2015.

¹⁹ (03/07/2015) "HujiB eyed prison van attacks to free leaders", Dhaka Tribune, accessed via <http://www.dhakatribune.com/crime/2015/jul/03/hujib-eyed-prison-van-attacks-free-leaders> on 30/12/2015, and;

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- ²¹ (10/06/2015) “*Jihadists planned to kill Zafar Iqbal, Imran*” Dhaka Tribune, accessed via <http://www.dhakatribune.com/bangladesh/2015/jun/10/jihadists-planned-kill-zafar-iqbal-imran> on 30/12/2015.
- ²² (24/06/2015) “*Jibadi recruits kept in dark about details of outfits*”, Dhaka Tribune, accessed via <http://www.dhakatribune.com/bangladesh/2015/jun/13/jihadi-recruits-kept-dark-about-details-outfits> on 31/12/2015, and; (10/06/2015) “*Jihadists planned to kill Zafar Iqbal, Imran*”, Dhaka Tribune, accessed via <http://www.dhakatribune.com/bangladesh/2015/jun/10/jihadists-planned-kill-zafar-iqbal-imran> on 16/03/2016.