

# **STATEMENT OF CASE TO RENEW THE DESIGNATION OF INDIAN MUJAHIDEEN (IM) AS A TERRORIST ENTITY**

## **PURPOSE**

1. This paper sets out the case demonstrating Indian Mujahideen (IM, also known as Indian Mujahidin) 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 IM's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in October 2010,<sup>1</sup> and renewals in October 2013,<sup>2</sup> September 2016,<sup>3</sup> and 2019<sup>4</sup> including IM'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 IM 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, such as BBC News.
8. Multiple think tanks were referred to including the Wilson Center.
9. A range of regional news sources were also referred to including The Hindu, and Telangana Today.
10. Other sources utilised include Public Safety Canada, and Counter Extremism.

## **EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA**

### **Continued involvement in terrorist activity**

11. Although IM has not claimed any major terrorist attacks since around 2013-14, a low-intensity parcel bomb believed to have been planted by IM operatives exploded without injuring any person in a Darbhanga railway station on 17 June 2021.<sup>5</sup> The alleged intention of the bomb was for a low-intensity explosion and consequent fire at night in the luggage compartment, which would have then spread to the sleeper cars and harmed civilians, however it appears the bomb exploded later than intended, while the train was being unloaded.
12. Two brothers were subsequently arrested, with the Indian National Investigation Agency (NIA) stating suspected IM links. Two further accomplices of the brothers were later arrested, and under interrogation claimed the brothers were IM operatives and the masterminds of the plot.<sup>6</sup>

### **Ideology and objectives**

13. IM is a Sunni Muslim group consisting of former members of the Students Islamic Movement of India (SIMI).<sup>7</sup> Both IM and SIMI reject Hinduism, secularism, and democracy. IM's propaganda has called for spreading Islam throughout India, waging jihad against non-Muslims, and establishing a government based on the Koran.<sup>8</sup>
14. IM have not publicly announced a change in ideology or objectives since original designation or previous designation renewal.

### **Organisation and structure**

15. IM is more of a loose, decentralised, network than a cohesive singular organisation,<sup>9</sup> and is likely part of a larger militant network across India.<sup>10</sup> Its organisational structure is complicated and its membership is currently unknown.
16. IM has links to a number of other regional terrorist entities, including Lashkaar-e-Tayibba (LeT).<sup>11</sup> The two accomplices arrested in relation to the Darbhanga railway station attack are thought to also be associated with LeT.

### **Weapons, tactics and capability**

17. Historically, IM attacks have featured crude, but effective, bombs against soft targets frequented by civilians.<sup>12</sup> The Darbhanga railway station attack conforms to this modus operandi.

## **LAW OF ARMED CONFLICT (LOAC)**

18. The activities of IM do not occur in a situation of armed conflict for the purposes of section 5(4) of the TSA. Further, IM's actual or planned activities would not comply with rules of international law applicable to an armed conflict. This includes the targeting of civilians and civilian objects. Accordingly, the exemption in s 5(4) does not apply.

## **CONCLUSION**

19. 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 IM to be designated under that section.

20. Since its designation in October 2010, and renewals in October 2013, September 2016, and September 2019, IM has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 5A of the TSA (paragraphs 11-12 above) including planning, threatening and attempting attacks. Accordingly, given there are still reasonable grounds to believe IM has knowingly carried out terrorist acts as set out in s 22 of the TSA, IM meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
21. The designation must be renewed by 26 September 2022 to be effective.

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<sup>1</sup> The statement of case, dated 11 October 2010 can be accessed at: <http://www.police.govt.nz/sites/default/files/publications/statement-of-case-indian-mujahideen-terrorist-entity-11-oct-2010.pdf>.

<sup>2</sup> The statement of case dated 2 October 2013 can be accessed at: <http://www.police.govt.nz/sites/default/files/publications/renew-indian-mujahideen-2-oct-2013.pdf>

<sup>3</sup> The statement of case 26 September 2016 can be accessed at: <http://www.police.govt.nz/sites/default/files/publications/renew-indian-mujahideen-terrorist-entity-26sept2016.pdf>.

<sup>4</sup> The statement of case 26 September 2019 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-im-terrorist-entity-26-september-2019.pdf>

<sup>5</sup> (28/06/2021) Abhinay Deshpande, “Two suspected IM operatives detained in Hyderabad”, *The Hindu*, accessed via <https://www.thehindu.com/news/cities/Hyderabad/two-suspected-im-operatives-detained-in-hyderabad/article35027676.ece> on 4/4/2022.

i. (28/06/2021) M. Srinivas, “NIA sees plot to revive Indian Mujahideen”, *Telangana Today*, accessed via <https://telanganatoday.com/nia-sees-plot-to-revive-indian-mujahideen> on 4/4/22.

<sup>6</sup> (28/06/2021) Abhinay Deshpande, “Two suspected IM operatives detained in Hyderabad”, *The Hindu*, accessed via <https://www.thehindu.com/news/cities/Hyderabad/two-suspected-im-operatives-detained-in-hyderabad/article35027676.ece> on 4/4/2022.

<sup>7</sup> “Students Islamic Movement of India and the Indian Mujahideen: An Assessment” accessed via [http://www.christinefair.net/pubs/APX\\_x\\_IndiaIslam\\_111109.pdf](http://www.christinefair.net/pubs/APX_x_IndiaIslam_111109.pdf)

i. *Indian Mujahideen*, accessed by Public Safety Canada, <https://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-en.aspx#31> on 25/07/2019

<sup>8</sup> *ibid.*

<sup>9</sup> “Jihadist Violence: The Indian Threat” accessed via *The Wilson Centre* <https://www.wilsoncenter.org/sites/default/files/JihadistViolence.Tankel.pdf>

<sup>10</sup> (29/8/2013) “Profile: Indian Mujahideen” accessed via <https://www.bbc.com/news/world-asia-india-23876150>

<sup>11</sup> “India: Extremism & Counter-Extremism” accessed via Counter Extremism, <https://www.counterextremism.com/countries/india>  
i. Fair, C. Christine, “Students Islamic Movement of India and the Indian Mujahideen: An Assessment” accessed via [http://www.christinefair.net/pubs/APX\\_x\\_IndiaIslam\\_111109.pdf](http://www.christinefair.net/pubs/APX_x_IndiaIslam_111109.pdf)

<sup>12</sup> Fair, C. Christine, “Students Islamic Movement of India and the Indian Mujahideen: An Assessment” accessed via [http://www.christinefair.net/pubs/APX\\_x\\_IndiaIslam\\_111109.pdf](http://www.christinefair.net/pubs/APX_x_IndiaIslam_111109.pdf)