

## **STATEMENT OF CASE TO RENEW THE DESIGNATION OF LEBANESE HIZBOLLAH'S MILITARY WING, AL-MUQAWAMA AL-ISLAMIYYA ('THE ISLAMIC RESISTANCE') (IR) AS A TERRORIST ENTITY**

### **PURPOSE**

1. This paper sets out the case demonstrating Lebanese Hizbollah's military wing, Al-Muqawama al-Islamiyya (also known as the Military Wing of Lebanese Hizbollah; Military Wing of Hezbollah; Military Wing of Hizbullah; The Islamic Resistance; IR), 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 IR'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 subsequent renewals in October 2013<sup>2</sup> and September 2016<sup>3</sup>. Updates to IR's objectives, structure, weapons and tactics, and recent attacks which meet the definition of a terrorist act under the TSA are included.
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 IR 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 Guardian, Al Jazeera English, NBC News, Middle East Monitor and Bloomberg.
8. A range of regional news sources were used, including Haaretz, The Times of Israel, Jerusalem Post, YNet News, Al Ahed News and the Arab Weekly.

9. Other sources utilised include information from the US Department of Justice, the Institute for the Study of War, and the Atlantic Council was also referred to.

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

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

10. IR was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013 and again on 26 September 2016.
11. Since the last renewal, at least one suspected terrorist plot claimed by IR have been exposed by Israeli and US authorities:
  - *New York plot*: On 16 May 2019 the Manhattan Federal Court convicted Ali Kourani on eight charges of planning covert terrorist activities on behalf of Hizbollah. According to the US Department of Justice, Ali Kourani was trained by Hizbollah's External Security Organisation (ESO), which is the external security component of IR, and gathered intelligence in New York City in support of a plan to attack high profile US locations. US Attorney Geoffrey S. Berman noted that: "Ali Kourani was recruited, trained, and deployed by Hizbollah's Islamic Jihad Organization [aka the ESO] to plan and execute acts of terrorism in the United States. Kourani's chilling mission was to help procure weapons and gather intelligence about potential targets in the US for future Hizballah terrorist attacks. Some of the targets Kourani surveilled included JFK Airport and law enforcement facilities in New York City, including the federal building at 26 Federal Plaza in Manhattan."<sup>4</sup>

### **Ideology and objectives**

12. Hizbollah's aim of the "annihilation of the state of Israel and the establishment of 'Islamic rule' over Jerusalem" has remained unchanged since New Zealand's designation of IR in 2010.<sup>5</sup>
13. In recent years, Hizbollah has used fear as a deterrent tool.<sup>6</sup> Hizbollah Secretary General Hassan Nasrallah has frequently made "extravagant threats" towards Israel as a way of trying to instil doubt within the Israeli public regarding the ability of the Israeli Defence Force to match Hizbollah's IR fighters.<sup>7</sup>
14. Furthermore, IR's participation in the Syrian civil war has further strengthened connectivity and interoperability with Iran's Islamic Revolutionary Guards Corps (IRGC), and it remains a core element of Iran's asymmetric military strategy.<sup>8</sup> On 1 June 2019, Nasrallah warned that an attack on Iran "will mean the whole region will erupt," and that, "any American forces and American interests will be permissible" as a target.<sup>9</sup>

### **Organisation and structure**

15. Hizbollah's structure has remained unchanged since the last renewal. Nasrallah continues to be the Secretary General and chief decision maker for Hizbollah's political and paramilitary apparatuses. Nasrallah is the head of the Majlis al-Shura, which presides over the Jihad Council responsible for military matters, including IR. Mustafa Mughniyeh – son of the late Imad Mughniyeh, who led IR until his assassination in 2008<sup>10</sup> – is believed to have been appointed as leader of IR in 2016.<sup>11</sup>
16. Having lost between 1-2,000 fighters in Syria, Hizbollah has in recent years increased its recruitment and relaxed previously strict ideological and age requirements for new recruits. IR is currently estimated to have a permanent "army" of 20,000 fighters alongside tens of

thousands more Lebanese reservists.<sup>12</sup> IR's "regional clout" has also been boosted from its presence in Syria, Iraq and Yemen, and it has alliances with a number of regional militia groups.<sup>13</sup>

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

17. Since the last renewal, IR's primary focus has been supporting the Iranian IRGC and the Syrian regime of Bashar al-Assad in the Syrian civil war, as well as supporting Iraqi Shi'a Militia Groups (SMGs) in Iraq. Since 2013 thousands of fighters were deployed around the region, gaining new skills in urban warfare, fighting inside enemy territory, working with air support, and collaborating with other groups – including major state militaries.<sup>14</sup>
18. IR's involvement in the Syrian civil war and the war against Islamic State of Iraq and the Levant (ISIL) in Iraq has massively increased its access to advanced weaponry. This has largely come from Iran, which has secured transport corridors from within its own territory to the Mediterranean.<sup>15</sup> IR's arsenal includes guided missiles, unmanned armed drones, short-range ballistic missiles and anti-tank missiles. IR is now estimated to have approximately 130,000 rockets and missiles, and remains one of the best-armed non-state militaries in the world.<sup>16</sup>

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

19. In accordance with s 5(4) of the TSA, actions will not fall within s 5(2) of the TSA if they occur in a situation of armed conflict and are, at the time and in the place that they occur, in accordance with the rules of international law applicable to the conflict. The situation between Israel and IR does not meet the threshold to be considered an "armed conflict" so that the exemption in s 5(4) cannot be applied. Further, IR's actual or planned targeting of civilians in Israel is in breach of the LOAC principle of distinction. The actions of IR against Israel noted in this paper 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 IR to be designated under that section.
21. Since its designation in October 2010, and renewals in October 2013 and September 2016, IR has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraph 11) including planning, threatening and attempting attacks. Accordingly, given there are still reasonable grounds to believe IR has knowingly carried out terrorist acts as set out in s 22 of the TSA, IR meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
22. The designation must be renewed by 29 September 2019 to be effective.

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- <sup>1</sup> (11/10/2020) “Statement of case to designate Al-Muqawama al-Islamiyya as a terrorist entity”, available at <https://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.
- <sup>2</sup> (02/10/2013) “Statement of case to renew designation of Al-Muqawama al-Islamiyya as a terrorist entity”, available at <https://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.
- <sup>3</sup> (26/09/2016) “Statement of case to renew designation of Al-Muqawama al-Islamiyya as a terrorist entity”, available at <https://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.
- <sup>4</sup> (16/05/2019) “Ali Kourani convicted in Manhattan Federal Court for covert terrorist activities on behalf of Hizballah’s Islamic Jihad organisation”, US Department of Justice, accessed via <https://www.justice.gov/usao-sdny/pr/ali-kourani-convicted-manhattan-federal-court-covert-terrorist-activities-behalf> on 04/07/2019
- i. (17/05/2019) “Hezbollah man convicted of scoping terror targets in New York”, The Times of Israel, accessed via <https://www.timesofisrael.com/hezbollah-man-convicted-of-scoping-terror-targets-in-new-york/> on 04/07/2019.
- <sup>5</sup> (04/07/2019) “Increase of Hezbollah members in German state, says intel report”, Jerusalem Post, accessed via <https://www.jpost.com/International/Increase-of-Hezbollah-members-in-German-state-says-intel-report-594481> on 05/07/2019.
- <sup>6</sup> (12/06/2019) “Hezbollah’s most devastating threat to Israel? Not its missiles”, Haaretz, accessed via <https://www.haaretz.com/israel-news/.premium-hezbollah-s-propaganda-war-threatens-israel-far-more-than-its-missiles-1.7345897> on 04/07/2019.
- <sup>7</sup> (22/02/2017) “Sites of Israeli nuclear reactors” [translated from Arabic], accessed via Global News, <https://archive.alahednews.com.lb/details.php?id=154745> on 04/07/2019
- i. (12/06/2019) “Hezbollah’s most devastating threat to Israel? Not its missiles”, Haaretz, accessed via <https://www.haaretz.com/israel-news/.premium-hezbollah-s-propaganda-war-threatens-israel-far-more-than-its-missiles-1.7345897> on 04/07/2019.
- <sup>8</sup> (02/07/2019) “Hezbollah won’t stand down in a US-Iran conflict”, The Atlantic Council, accessed via <https://www.atlanticcouncil.org/blogs/iransource/hezbollah-won-t-stand-down-in-a-us-iran-conflict> on 25/07/2019.
- <sup>9</sup> (02/07/2019) “Hezbollah won’t stand down in a US-Iran conflict”, Atlantic Council, accessed via <https://www.atlanticcouncil.org/blogs/iransource/hezbollah-won-t-stand-down-in-a-us-iran-conflict> on 05/07/2019.
- <sup>10</sup> (11/10/2020) “Statement of case to designate Al-Muqawama al-Islamiyya as a terrorist entity”, available at <https://www.police.govt.nz/sites/default/files/publications/statement-of-case-islamic-resistance-army-terrorist-entity-11-oct-2010.pdf> (refer to para 19).
- <sup>11</sup> (17/05/2019) “Report: Mustafa Mughniyeh made Hezbollah military chief”, YNet News, accessed via <https://www.ynetnews.com/articles/0,7340,L-4804040,00.html> on 05/07/2019.
- <sup>12</sup> *Hizballah*, accessed via by Janes World Insurgency and Terrorism on 25/07/2019, available by subscription.
- <sup>13</sup> (01/11/2018) “Hezbollah: The real winner of the Syrian civil war?”, Middle East Eye, accessed via <https://www.middleeasteye.net/opinion/hezbollah-real-winner-syrian-war> on 05/07/2019.
- <sup>14</sup> (01/11/2018) “Hezbollah: The real winner of the Syrian War?”, Middle East Eye, accessed via <https://www.middleeasteye.net/opinion/hezbollah-real-winner-syrian-war> on 04/07/2019;
- i. “Hezbollah in Syria”, Institute for the Study of War, accessed via <http://www.understandingwar.org/report/hezbollah-syria> on 04/07/2019
- ii. (11/12/2019) “What’s next for Hezbollah after its Syrian adventure?”, Bloomberg, accessed via <https://www.bloomberg.com/news/articles/2018-12-11/what-s-next-for-hezbollah-after-its-syria-adventure-quicktake> on 04/07/2019.
- <sup>15</sup> (16/05/2017) “Iran changes course of road to Mediterranean coast to avoid US forces”, The Guardian, accessed via <https://www.theguardian.com/world/2017/may/16/iran-changes-course-of-road-to-mediterranean-coast-to-avoid-us-forces> on 05/07/2019.
- <sup>16</sup> (01/11/2018) “Hezbollah: The real winner of the Syrian civil war?”, Middle East Eye, accessed via <https://www.middleeasteye.net/opinion/hezbollah-real-winner-syrian-war> on 05/07/2019.