

## **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. The purpose of this paper is to set out the case demonstrating Lebanese Hizbollah's Military Wing, Al-Muqawama al-Islamiyya, (also known as Military Wing of Lebanese Hizbollah; Military Wing of Hezbollah; Military Wing of Hizbullah; The Islamic Resistance; IR), 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 IR's continued involvement in terrorist activity and covers any relevant changes and/or developments to the organisation since its original designation in October 2010<sup>1</sup> and renewal in October 2013.<sup>2</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.
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 IR 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. These are: Jane's Terrorism & Monitoring series, Al Jazeera, BBC News, Reuters, Open Source Center, The Christian Science Monitor,

Combating Terrorism Center, The Washington Institute and International Crisis Group. Local new sources include Al Araybia, Middle East Eye, The Times of Israel, Islamic Republic News Agency and Haaretz. Hizbollah's website Al Manar TV, and Israel Intelligence Heritage and Commemoration Center's (IICC) Meir Amit Intelligence and Terrorism Information Center were also utilised.

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

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

9. IR was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013.
10. On 7 October 2014, IR militants detonated an improvised explosive device (IED), targeting an Israeli motorised patrol on the border between Lebanon and Israel. At least two Israeli soldiers were injured in the attack, for which Hizbollah later claimed responsibility. Following the IED attack Hizbollah's Deputy Secretary General, Sheikh Naim Qassem, declared IR remained ready to fight Israel despite Hizbollah's "intervention in other regional battlefields", referring to IR's presence in Syria.<sup>3</sup>
11. On 28 January 2015, IR fighters in Lebanon ambushed an Israeli military convoy transporting soldiers and officers through Shebaa Farms territory. IR launched six anti-tank missiles, destroying vehicles, killing two Israeli soldiers and critically injuring seven. Hizbollah claimed responsibility for the attack, which was likely in retaliation for an 18 January Israeli air strike that killed six Hizbollah fighters in Quneitra, Syria.<sup>4</sup>
12. On 29 June 2015, Cyprus imprisoned IR member Hussein Bassam Abdallah for six years after he pleaded guilty to charges of stockpiling explosives to attack Jewish targets abroad. Abdallah was arrested in May 2015 after authorities found 8.2 tonnes of ammonium nitrate fertiliser (used to make fertiliser bombs such as that used in the 1995 Oklahoma City bombing), in the basement of a house in Larnaca, Cyprus.<sup>5</sup>
13. Following the death of IR commander Samir Kantar in an airstrike in Syria on 21 December 2015, Hizbollah's Secretary General, Hassan Nasrallah, blamed Kantar's death on Israel. Nasrallah described Kantar as a "resistance man, mujahid, and leader in the Islamic resistance" and vowed to avenge his death at a time, place and in a fashion deemed appropriate.<sup>6</sup>
14. During a speech on 16 February 2016, Nasrallah claimed Hizbollah has guided missiles that could hit the ammonia storage facility in the Haifa Bay area. Nasrallah acknowledged Haifa Bay was home to approximately 800,000 Israelis, and tens of thousands of them would die if the ammonia plant was hit by a missile.<sup>7</sup> Nasrallah noted Hizbollah did not have a nuclear bomb, but the combination of several rockets and the ammonia storage tanks would be equivalent to a nuclear bomb.<sup>8</sup>
15. On 21 March 2016, Nasrallah threatened Hizbollah would strike Israel's nuclear facilities if the Israel Defence Force "escalates its aggression against Lebanon". Nasrallah also stated, "there will be no ceiling, limits or red lines...we can strike any target we want inside occupied Palestine". Nasrallah further claimed Hizbollah was aware of the location of Israel's chemical plants and nuclear facilities, which if struck would cause a large number of casualties.<sup>9</sup>

### **Ideology and objectives**

16. Hizbollah's initial aim of establishing a radical Shia Islamist theocracy in Lebanon, and destroying Israel, remains, as does the group's more pragmatic social-political-military movement. Hizbollah maintains its political arm (which provides social services) and a well equipped and trained military force, IR.<sup>10</sup> In February 2016 Christian Science Monitor reported Hizbollah was overstretched and under stress, but its leadership were prepared for another major confrontation with Israel.<sup>11</sup>
17. As the war in Syria has escalated, IR militants have fought in support of Syrian President Bashar al-Assad, confirmed by Nasrallah in a speech on Hizbollah's Al-Manar television channel on 25 May 2013. The speech was heavily sectarian in nature, and focused on Hizbollah's determination to combat what it perceived to be a growing threat to the region by Sunni militant groups, such as Al-Nusra Front for the People of the Levant and the Islamic State in Iraq and the Levant (ISIL).<sup>12</sup>
18. Hizbollah's involvement in Syria has increased sectarian tensions in Lebanon and the group has been the target of bomb attacks by Sunni militants. Hizbollah's support for al-Assad, and alliance with Iran, has increased hostilities with Gulf Arab states. In early 2016, Saudi Arabia led Gulf countries and the Arab League to declare all of Hizbollah a terrorist group.<sup>13</sup>

### **Organisation and structure**

19. Hizbollah's structure has remained consistent. 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.<sup>14</sup>
20. IR has lost several prominent members and over 1,000 foot soldiers in combat since joining Syria's civil war. Hassan Hussein al-Haj, a top Hizbollah commander, was killed in October 2015 fighting al-Qaida-linked fighters in Idlib, Syria. Ali Fayyadh (also known as Abu Alaa Bosna) who led some of IR's operations in Lebanon, Syria, Iraq and Bosnia, was also killed during a battle with ISIL in February 2016.<sup>15</sup>
21. On 13 May 2016, IR military commander Mustafa Amine Badreddine (also known as Zulfagar) was killed by artillery fire in Syria. Hizbollah blamed Badreddine's death on "takfiri groups".<sup>16</sup> Prior to his death, Badreddine reportedly stated he would not abandon his work in Lebanon, Syria or any other place unless martyred or "holding the flag of victory".<sup>17</sup> Badreddine was reportedly behind all Hizbollah's military operations since 2011, sat on the Majlis al-Shura, and served as an advisor to Nasrallah.<sup>18</sup> Badreddine's nephew, Mustafa Mughniyah, is reportedly IR's new military commander.<sup>19</sup>

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

22. Iran has helped enable IR to turn into a powerful force with weapons capabilities unmatched by any other non-state actor. However, Hizbollah finances have reportedly suffered in recent years, due in part to Iran's financial burdens including sanctions, low oil prices and money spent assisting al-Assad. Iran's support for Hizbollah has been estimated at between \$60 million and \$200 million per year.<sup>20</sup>
23. In November 2014, Hizbollah Deputy Naim Qassem claimed Hizbollah had acquired advanced Iranian missiles with "pinpoint accuracy" that could be used against Israel in any future war.<sup>21</sup> In January 2015, The Washington Institute noted Hizbollah had significantly expanded the size and range of its rocket and missile inventory, including long-range systems and systems with improved accuracy. In May 2015, top military aide to Iran's Supreme Leader, Major General Yahya Rahim Safavi, claimed Hizbollah had 80,000

missiles that were ready to be fired at Haifa and Tel-Aviv.<sup>22</sup> Hizbollah has also likely improved air and coastal defence systems, acquired from or through Syria.<sup>23</sup> Hizbollah is estimated to have approximately 5,000 fighters in Syria at any given time.<sup>24</sup>

24. In December 2015, Hizbollah was for the first time conducting offensive manoeuvre operations in Syria. The Washington Institute suggested Russian intervention was enhancing this tactic, which had provided Hizbollah with important lessons for future conflicts.<sup>25</sup>

### Law of armed conflict (LOAC)

25. The situation between IR and Israel fails to meet the definition of an “armed conflict” for the purposes of the exemption in section 5(4) of the TSA. Accordingly, the exemption in s 5(4) cannot apply, and IR activities noted within this paper are properly characterised as terrorist acts.

### CONCLUSION

26. 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.
27. Since its designation in October 2010 and renewal in October 2013, IR has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 10-15). 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.
28. The designation must be renewed by 2 October 2016 to be effective.

<sup>1</sup> (11/10/2010) “Statement of case to designate *Al-Muqawama al-Islamiyya* as a terrorist entity”, available at <http://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 <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.

<sup>3</sup> (08/10/2014) “OSINT Summary: *Hizbullah attack raises tensions on the Israel-Lebanon border*”, Jane’s Terrorism and Security Monitor, accessed via IHS Jane’s 360 on 12/05/2015.

<sup>4</sup> (28/01/2015) “Casualties and *Hezbollah* targets Israeli convoy in Shebaa Farms”, Al Manar TV, accessed via <http://english.almanar.com.lb/adetails.php?cid=192872&frid=23&seccatid=14&cid=23&fromval=1> on 24/05/2016, and; (29/01/2015) “Two Israeli soldiers killed in *Hezbollah* missile attack”, Aljazeera, accessed via <http://www.aljazeera.com/news/2015/01/israeli-soldiers-injured-shebaa-farms-missile-attack-150128100642659.html> on 24/05/2016, and; (28/01/2015) “*Hezbollah strikes back at Israel: Why escalation is not inevitable (+video)*”, The Christian Science Monitor, accessed via <http://www.csmonitor.com/World/Middle-East/2015/0128/Hezbollah-strikes-back-at-Israel-Why-escalation-is-not-inevitable-video> on 25/05/2016.

<sup>5</sup> (29/06/2015) “*Lebanese man jailed in Cyprus ammonium ‘plot’ against Israelis*”, Reuters, accessed via <http://uk.reuters.com/article/uk-cyprus-security-explosives-idUKKCNO91AL20150629> on 30/05/2016.

<sup>6</sup> (21/12/2015) “*Hezbollah’s Nasrallah says Israel Behind Al-Qintar’s ‘assassination’, vows to respond*”, Al Manar TV, accessed via Open Source Centre on 22/12/2015, and;

(22/12/2015) “*Hezbollah chief vows to retaliate for Kantar killing*”, Aljazeera, accessed via <http://www.aljazeera.com/news/2015/12/hezbollah-chief-vows-retaliate-kantar-killing-151221210807555.html> on 20/05/2016, and;

(21/12/2015) “*Strike kills former Israeli prisoner Kantar in Syria*”, Aljazeera, accessed via <http://www.aljazeera.com/news/2015/12/air-strike-damascus-kills-palestinian-kantar-151220034308451.html> on 20/05/2016.

<sup>7</sup> (25/02/2016) “*Hassan Nasrallah’s ‘Ammonia Speech’: The threat for Israel and its significance*”, The Meir Amit Intelligence and Terrorism Information Center, accessed via <http://www.terrorism-info.org.il/en/article/20964> on 30/05/2016.

<sup>8</sup> (23/02/2016) “*Israeli city frets about chemical depot after Hezbollah threat*”, Reuters, accessed via <http://www.reuters.com/article/us-israel-lebanon-chemicals-idUSKCN0VW1AJ> on 30/05/2016.

<sup>9</sup> (21/03/2016) “*Hezbollah head warns Israel against war, threatens nuke sites*”, The Times of Israel, accessed via <http://www.timesofisrael.com/nasrallah-warns-israel-against-war-threatens-to-hit-nuclear-sites/> on 30/05/2016.

<sup>10</sup> (08/05/2015) “*Hezbollah*”, IHS Jane’s Terrorism and Monitoring Series. Available on subscription. Accessed on 25/05/2016.

<sup>11</sup> (19/01/2016) “*Hezbollah’s calculus after the Iran nuclear deal*”, Combating Terrorism Center, accessed via <https://www.ctc.usma.edu/posts/hezbollahs-calculus-after-the-iran-nuclear-deal> on 25/05/2016.

<sup>12</sup> (08/05/2015) “*Hezbollah*”, IHS Jane’s Terrorism and Monitoring Series. Available on subscription. Accessed on 23/05/2016, and; (27/05/2014) “*Lebanon’s Hezbollah turns eastward to Syria*”, International Crisis Group, accessed via

<http://www.crisisgroup.org/en/regions/middle-east-north-africa/syria-lebanon/lebanon/153-lebanon-s-hizbollah-turns-eastward-to-syria.aspx> on 25/05/2016.

<sup>13</sup> (15/03/2016) “*Profile: Lebanon’s Hezbollah movement*”, BBC News, accessed via <http://www.bbc.com/news/world-middle-east-10814698> on 24/05/2016.

<sup>14</sup> (08/05/2015) “*Hezbollah*”, IHS Jane’s Terrorism and Monitoring Series. Available on subscription. Accessed on 25/05/2016.

<sup>15</sup> (13/05/2016) “*A look back at the assassinations of Hezbollah leaders*”, Haaretz, accessed via <http://www.haaretz.com/middle-east-news/1.719542> on 25/05/2016.

<sup>16</sup> A takfiri is a Sunni Muslim who accuses another Muslim of apostasy. ‘Takfir’ has more recently been used to sanction violence against leaders of Islamic states who are deemed insufficiently religious. Takfir has become a central ideology for some militant groups. Source: Oxford Dictionary of Islam, accessed via <http://www.oxfordislamicstudies.com/article/opr/t125/e2319> on 25/05/2016.

<sup>17</sup> (21/05/2016) “*Zulfikar: I won't return from Syria till achieving either martyrdom or victory*”, Al Manar TV, accessed via <http://english.almanar.com.lb/adetails.php?fromval=1&cid=23&frid=23&eid=270763> on 24/05/2016.

<sup>18</sup> (13/05/2016) “*Hezbollah commander Badreddine killed in Syria*”, BBC News, accessed via <http://www.bbc.com/news/world-middle-east-36283424> on 24/05/2016, and;

(14/05/2016) “*Hezbollah blames rebel shelling for death of top commander in Syria*”, Reuters, accessed via <http://www.reuters.com/article/us-mideast-crisis-hezbollah-blast-idUSKCN0Y506R> on 24/05/2016.

<sup>19</sup> (17/05/2016) “*Slain Hezbollah commander said to be succeeded by reclusive nephew*”, The Times of Israel, accessed via <http://www.timesofisrael.com/slain-hezbollah-commander-said-to-be-succeeded-by-reclusive-nephew/> on 16/06/2016, and;

(17/05/2016) “*Report: Mughniyah's son appointed Hezbollah military commander*”, The Jerusalem Post, accessed via <http://www.jpost.com/Middle-East/Report-Mughniyahs-son-appointed-Hezbollah-military-commander-454172> on 16/06/2016.

<sup>20</sup> (23/02/2016) “*Will lifting of nuclear sanctions in Iran help cash-strapped Hezbollah?*”, The Christian Science Monitor, accessed via <http://www.csmonitor.com/World/Middle-East/2016/0223/Will-lifting-of-nuclear-sanctions-on-Iran-help-cash-strapped-Hezbollah> on 25/05/2016.

<sup>21</sup> (23/11/2014) “*Hezbollah claims 'pinpoint' Iranian missiles added to its arsenal*”, The Christian Science Monitor, accessed via <http://www.csmonitor.com/World/Middle-East/2014/1123/Hezbollah-claims-pinpoint-Iranian-missiles-added-to-its-arsenal> on 25/05/2016.

<sup>22</sup> (21/05/2015) “*80,000 Hezbollah missiles ready to target Israel*”, Islamic Republic News Agency, accessed via <http://www.irna.ir/en/News/81616477/> on 30/05/2016.

<sup>23</sup> (29/01/2015) “*A war like no other: Israel vs. Hezbollah in 2015*”, The Washington Institute, accessed via <http://www.washingtoninstitute.org/policy-analysis/view/a-war-like-no-other-israel-vs.-hezbollah-in-2015> on 25/05/2016.

<sup>24</sup> (29/01/2015) “*A war like no other: Israel vs. Hezbollah in 2015*”, The Washington Institute, accessed via <http://www.washingtoninstitute.org/policy-analysis/view/a-war-like-no-other-israel-vs.-hezbollah-in-2015> on 25/05/2016.

<sup>25</sup> (24/12/2015) “*Hezbollah's Russian military education in Syria*”, The Washington Institute, accessed via <http://www.washingtoninstitute.org/policy-analysis/view/hezbollahs-russian-military-education-in-syria> on 25/05/2016.