

## **STATEMENT OF CASE TO RENEW THE DESIGNATION OF ISLAMIC STATE–SINAI PROVINCE AS A TERRORIST ENTITY**

### **PURPOSE**

1. This paper sets out the case demonstrating Islamic State–Sinai Province (IS-Sinai) 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). IS-Sinai was formerly designated under the description Ansar Bayt al-Maqdis (ABM),<sup>1</sup> and is also known as ABM, Jamaat Ansar Bayt al-Maqdis, Ansar Beit al-Maqdis, Ansar Jerusalem, Jamaat Ansar al-Dalwa al-Islamiyya fi Bayt Al Maqdis, Aknaf Bayt al-Maqdis, Aknaf Beit al-Maqdis, Supporters of the Holy House, Mu'tassim Billah Battalion, Group of Partisans of Jerusalem, Sinai Peninsula, Wilaya of Sinai of the Islamic State, Wilayat Sinai, Wilayah Sinai, Wilayat Sayna, Islamic State-Sinai Province, Sinai Province, Province of Sinai, Islamic State in the Sinai, Daesh Sinai Province, and Islamic State of Iraq and ash-Sham in the Sinai.

### **STRUCTURE OF THIS PAPER**

2. This paper sets out updated information about IS-Sinai's continued involvement in terrorist activity and any relevant changes or developments to the organisation since its original designation in May 2015,<sup>2</sup> and renewal in May 2018<sup>3</sup> and May 2021<sup>4</sup> including IS-Sinai's objectives, structure, weapons and tactics and 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 paper, provide the basis for the conclusion that IS-Sinai 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 29(B)(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.
5. The Prime Minister may renew that designation for a further three years under s 29(B) 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 22, the Prime Minister may make another order under s 29(B)(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 29(B)(5) in respect of the same designation.

### **DESCRIPTION CHANGE UNDER SECTION 29A OF THE TSA**

7. Section 29A of the TSA allows for changes of description of designated terrorist entities. The Prime Minister may state, by signing a written notice, a new description for a designated entity if the Prime Minister is satisfied that an entity designated under s 22 of the TSA should have

2 a description other than that under which the entity was designated (or than the description stated in the most recent notice under s 29A relating to the entity).

8. In March 2024 the Prime Minister signed a written notice authorising the description of designated entity ISIL Sinai to be changed to IS-Sinai.
9. This change reflects a shift away from the use of Islamic State and the Levant (ISIL) by partners, following the degradation of ISIL forces in Syria and Iraq, and the dissolution of ISIL's so-called caliphate in 2019. The organisation is now better understood as a grouping of regional affiliates united by key individuals across their various areas of operation, with a shared ideology. The primary areas of operation for the organisation currently are Western and Central Africa, and Afghanistan, with affiliates and leadership figures also located in the Middle East region (including in Syria and Iraq), and Southeast Asia.

## **CREDIBILITY OF SOURCES**

10. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include Reuters, BBC, the Associated Press, and Al Jazeera.
11. A range of think tanks or journals were referred to including Studies in Conflict & Terrorism.
12. A range of regional news sources were also referred to including The Jerusalem Post.
13. Other sources utilised include the U.S. State Department and the Australian Government.

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

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

14. Since May 2021, IS-Sinai has carried out numerous acts that constitute continued involvement in terrorist activity, some of which are outlined in the following paragraphs. What is covered in this statement of case is not an exhaustive list of all terrorist incidents perpetrated by IS-Sinai.
15. While the frequency of attacks by IS-Sinai has decreased due to a concentrated effort by the Egyptian Armed Forces' 'Operation Sinai', the group has been able to continue attacks against various targets since 2021, such as:
  - 15.1. On 7 May 2022, IS-Sinai attacked Egyptian soldiers at a checkpoint guarding a pumping facility in Qantara in the province of Ismailia. Eleven soldiers were killed and five injured in the attack.<sup>5</sup> IS-Sinai claimed responsibility saying that they had seized the soldiers' weapons, killed all 17 soldiers present and burned down the site. IS-Sinai praised this attack and indicated more attacks would follow: 'Let the apostates know that this is only some of the revenge for the imprisoned Muslim women in Rafah and that the wheel of jihad in Sinai continues to turn, by the permission of Allah the Almighty'.<sup>6</sup>
  - 15.2. On May 11 2022, militants attacked a border checkpoint near Rafah and at least five Egyptian soldiers were killed. IS-Sinai claimed responsibility for the attack on 14 May 2022.<sup>7</sup>

- 15.3. On 23 December 2022, an attack was carried out on a police checkpoint in Ismailia leaving 4 people dead. IS-Sinai claimed responsibility for the attack the following day.<sup>8</sup>
16. IS-Sinai have continued to conduct improvised explosive device (IED)-related attacks in North Sinai. Examples include:
  - 16.1. On 12 August 2021, a roadside IED attack was carried out against an armoured vehicle in New Rafah. Eight members of Egypt's security forces were killed and six others wounded.<sup>9</sup> IS-Sinai claimed responsibility for the attack.<sup>10</sup>
  - 16.2. On 30 April 2022, IS-Sinai detonated a gas pipeline after rigging it with explosives to the east of Bir al-Abd city, North Sinai.<sup>11</sup> IS-Sinai has claimed responsibility for similar attacks on gas pipelines between Egypt and Israel in the past.<sup>12,13</sup>
  - 16.3. On 18 June 2022, a joint Egyptian military and Sinai tribal militia patrol in Rafah, North Sinai, was subject to a dual IED attack, killing at least five. IS-Sinai claimed responsibility for this attack on 19 June 2022.<sup>14</sup>
  - 16.4. On 27 March 2022 a vehicle was destroyed and those onboard injured in an IED attack south of Sheikh Zuweid. The same day two other small-scale attacks were carried out in North Sinai including the killing of two tribal militiamen via sniper fire in Rafah city, and an attack on a military checkpoint on the coast of Rafah which left an unspecified number of Egyptian soldiers wounded.<sup>15</sup>
17. IS-Sinai also uses kidnappings and murders of 'informants' and supporters of the Egyptian military to intimidate. For example:
  - 17.1. On 24 and 26 April 2022, IS's Amaq News Agency released videos showing IS-Sinai's executions of three men, accused of being 'spies' for Sinai tribal militias in Bir al-Abd, North Sinai.<sup>16</sup>

## **Ideology and objectives**

18. IS-Sinai's ideological basis has not changed since 2021. IS-Sinai continues to have a strict transnational Salafist-jihadist ideology, with an ultimate aim of creating a province for IS by seizing territorial control over the Sinai Peninsula and establishing a Salafist-orientated Islamic state in Egypt.<sup>17</sup>
19. IS-Sinai was the first IS affiliate to swear allegiance to Abu Ibrahim al-Hashimi al-Qurayshi following the death of Abu Bakr Al-Baghdadi in 2019, releasing a video pledging allegiance to al-Qurashi, and a second stating IS-Sinai and central IS were "one body".<sup>18</sup> However, no open source information has been found to indicate that IS-Sinai has publicly pledged allegiance to new leader, Abu Hafs al-Hashimi al-Qurashi following the death of Abu al-Hussein al-Qurashi.<sup>19</sup>
20. While IS-Sinai continues to attack military and government targets, it also attacks civilian targets it considers legitimate and consistent with its extremist ideology. Following its 2014 pledge of allegiance to ISIL, IS-Sinai focused its attention on "Jews" (as opposed to the state of Israel), and produced material encouraging jihad against Copts and Christians.<sup>20</sup>

## **Organisation and structure**

21. There remains limited open source information on the leadership structure of IS-Sinai, however it is expected that IS-Sinai has a similar leadership structure to IS in Iraq and Syria, with an overall leader and a number of provincial or regional cells. Although a number of key members have been killed or have defected in recent years, it is likely legacy members still remain in leadership.<sup>21</sup>
22. It is likely that IS-Sinai receives funding from IS in Syria and Iraq as well as relying on income from its smuggling operations between northern Africa and the Gaza Strip and other criminal enterprises.<sup>22</sup>

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

23. IS-Sinai is estimated to have 500 fighters in the Sinai Peninsula and affiliated cells in the Nile valley.<sup>23</sup> Members are generally thought to be predominantly Egyptian nationals and a number of foreigners, including Palestinians.<sup>24</sup>
24. Attacks between 2021 and 2024 were predominantly conducted with small arms such as AK-series assault rifles, machine guns, suicide belts, and rocket-propelled grenades (RPGs).<sup>25,26</sup> IS-Sinai has also demonstrated regular use of IEDs (including vehicle-borne IEDs) to target Egyptian military vehicles.<sup>27</sup>

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

25. The current activity conducted by IS-Sinai has not reached a level of intensity and continuity which would bring the situation within the meaning of “armed conflict”. Should this assessment be challenged, the activity conducted by IS-Sinai does not appear to have been conducted in accordance with international law applicable to armed conflict. In particular, the targeting of civilians and execution of detainees are prohibited by LOAC. Consequently, the acts do not meet the exemption in section 5(4) of the TSA.

### **CONCLUSION**

26. The evidence listed above demonstrates IS-Sinai’s continued involvement in terrorist activity, and therefore this paper concludes that there are still reasonable grounds as set out in s 22 of the TSA for IS-Sinai to be designated under that section.
27. Since its designation in May 2015 and renewal in May 2018, IS-Sinai has continued to carry out terrorist acts as defined in ss 5 and 25 of the TSA (paragraphs 12-16). Accordingly, given there are still reasonable grounds to believe IS-Sinai has knowingly carried out terrorist acts as set out in s 22 of the TSA, IS-Sinai meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
28. The designation must be renewed by 25 April 2024 to remain in effect.

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<sup>1</sup> The New Zealand Gazette Notice No. 2018-go2105 dated 09/05/2018 detailing the description change can be accessed at: <https://gazette.govt.nz/notice/id/2018-go2105>

<sup>2</sup> The statement of case, dated 4 May 2015 can be accessed at: <http://www.police.govt.nz/sites/default/files/publications/ansar-bayt-al-madis-statement-of-case-for-designation-2015.pdf>

<sup>3</sup> The statement of case, dated 29 April 2018 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-islamic-state-iraq-levant-sinai-province-terrorist-entity-29april2018.pdf>

<sup>4</sup> The statement of case, dated 25 April 2021 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-islamic-state-iraq-levant-sinai-province-terrorist-entity-25april2021.pdf>

<sup>5</sup> (9/5/2022) ISIL claims attack that killed 11 Egyptian soldiers in Sinai, *Al Jazeera*. Available at <https://www.aljazeera.com/news/2022/5/9/isil-claims-attack-that-killed-11-egyptian-soldiers-in-sinai> (accessed 7 February 2024).

<sup>6</sup> (29/11/2022) Australian National Security, *Islamic State Sinai Province (IS-Sinai)*. Australian Government. Available at [https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/islamic-state-sinai-province-\(is-sinai\)](https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/islamic-state-sinai-province-(is-sinai)) (accessed 7 February 2024).

<sup>7</sup> Ibid.

<sup>8</sup> (31/12/2022) Four killed in attack on police checkpoint in Egypt's Ismailia, *Al Jazeera*. Available at <https://www.aljazeera.com/news/2022/12/31/deadly-attack-on-police-checkpoint-in-egypt-ismailia> (accessed 7 February 2024).

<sup>9</sup> (13/08/2021) Attack kills eight Egyptian troops in Sinai, *Al Jazeera*. Available at <https://www.aljazeera.com/news/2021/8/13/egypt-officials-say-militant-attack-kills-8-troops-in-sinai> (accessed 7 February 2024).

<sup>10</sup> Australian National Security, *Islamic State Sinai Province (IS-Sinai)*.

<sup>11</sup> Ibid.

<sup>12</sup> (3/2/2020) Gas pipeline in Egypt's Sinai attacked, Israel imports unaffected, *Al Jazeera*. Available at <https://www.aljazeera.com/economy/2020/2/3/gas-pipeline-in-egypts-sinai-attacked-israel-imports-unaffected> (accessed 8 February 2024).

<sup>13</sup> (25/12/2020) Explosion hits gas pipeline in Egypt's Sinai, no casualties, *The Associated Press*. Available at <https://apnews.com/general-news-3f63978a48cf2732f85d56a03f6d198c> (accessed 8 February 2024).

<sup>14</sup> Australian National Security, *Islamic State Sinai Province (IS-Sinai)*.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> (31/12/2020) Jumet, K. & Gulmohamad, Z., *Reframing the Campaign: From Egypt's Ansar Bayt al-Maqdis to Wilayat Sinai, Islamic State's Sinai Province*. *Studies in Conflict & Terrorism*, 46(8), 1464–1490. <https://doi.org/10.1080/1057610X.2020.1862737>

<sup>19</sup> (4/8/2023) Islamic State confirms death of its leader, names replacement, *Reuters*. Available at <https://www.reuters.com/world/middle-east/islamic-state-confirms-death-its-leader-names-his-replacement-2023-08-03/> (accessed 8 February 2024).

<sup>20</sup> Jumet & Gulmohamad, *Reframing the Campaign*.

<sup>21</sup> Australian National Security, *Islamic State Sinai Province (IS-Sinai)*.

<sup>22</sup> Ibid.

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<sup>23</sup> (2022) Bureau of Counterterrorism, *Country Reports on Terrorism*. U.S. Department of State. Available at <https://www.state.gov/reports/country-reports-on-terrorism-2022/> (accessed 7 February 2024).

<sup>24</sup> Australian National Security, *Islamic State Sinai Province (IS-Sinai)*.

<sup>25</sup> Ibid.

<sup>26</sup> (13/08/2021) Attack kills eight Egyptian troops in Sinai, *Al Jazeera*. Available at <https://www.aljazeera.com/news/2021/8/13/egypt-officials-say-militant-attack-kills-8-troops-in-sinai> (accessed 7 February 2024).

<sup>27</sup> Australian National Security, *Islamic State Sinai Province (IS-Sinai)*.