

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

### **PURPOSE**

1. The purpose of this paper is to assess whether the military wing of Lebanese Hizbollah, (also known as Al-Muqawama al-Islamiyya or the 'The Islamic Resistance' - hereafter referred to as 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 changes and /or developments to the organisation since its original designation, including to its objectives, structure, weapons and tactics and includes any 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<sup>1</sup> inform the analysis of whether reasonable grounds for designation still exist and provide the basis for the conclusion that the group meets the legal criteria to renew 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 revoked or 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 ("terrorist act" is defined in s 5). 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: BBC, Foreign Policy, The Guardian, The Jamestown Foundation, Jane's World Insurgency and Terrorism Monitor, Routledge Studies in Conflict and Terrorism, Washington Institute for Near East Policy, Reuters, Royal United Services Institute, Global Security, Stratfor, The New York Times and The Washington Post.

### Continued involvement in Terrorist Activity

9. IR was designated as a terrorist entity on 11 October 2010.
10. On 12 January 2012, Thai security forces detained an alleged IR militant<sup>2</sup>, identified as dual Swedish-Lebanese national Atris Hussein<sup>3</sup>, at Bangkok's Suvarnabhumi Airport<sup>4</sup> and subsequently discovered a cache of material used in the manufacture of explosives in a storage facility rented by Hussein in the Samut Sakhon district on the outskirts of the city. Hussein led police to the warehouse containing a stockpile of chemicals, including urea-based fertilizer and liquid ammonium nitrate.<sup>5</sup> The materials were being distilled into crystal form, part of the process for creating explosives<sup>6</sup> used in truck bombs and IEDs. It is unclear whether Hussein was intending to carry out an attack in Bangkok or ship the explosives to be used overseas.
11. On 7 July 2012, Hossam Taleb Yaccoub, also a dual Lebanese and Swedish citizen was arrested in the port city of Limassol, Cyprus on suspicion of surveilling potential Israeli tourist targets for future IR attacks<sup>7</sup>. Yaccoub, who admitted he was an operative of Hizbollah,<sup>8</sup> had been conducting surveillance in the city and had scouted out locations in Cyprus which Israeli tourists were known to frequent.<sup>9</sup> When arrested, he had a notebook with the licence plate numbers of two buses ferrying Israelis to vacation spots in the vicinity, as well as photographs of Israeli targets and flight records of Israeli airlines in Cyprus.<sup>10</sup> Yaccoub admitted he had previously acted as a courier for,<sup>11</sup> and received weapons training from, Hizbollah.<sup>12</sup> On 21 March 2013, Yaccoub was convicted of agreeing to commit a criminal act, money laundering and belonging to a criminal organisation.<sup>13</sup>
12. On 18 July 2012, five Israeli tourists and a Bulgarian bus driver were killed in a bomb attack in Burgas province, Bulgaria. The attack also wounded 34 Israeli tourists. In a statement released by the Bulgarian Minister of the Interior on 5 February 2013, it was said three men had been involved in the attack, including two members of Hizbollah's "military formation"<sup>14</sup>, IR, as well as another unidentified man. The Minister stated there was data to show financing and connection between Hizbollah and two of the three men.<sup>15</sup> Prior to this, on 5 January 2012, Bulgarian intelligence services claimed to have foiled a plot by IR militants to carry out an attack on Israeli nationals in Sofia, Bulgaria.<sup>16</sup>

### Ideology and Objectives

13. Hizbollah, the organisation, is a multifaceted group which balances a <sup>17</sup>political arm, which provides social services, and a well equipped and trained military force, the IR.<sup>18</sup>

14. Hizbollah was established in 1982 in response to Israel's occupation of Southern Lebanon.<sup>19</sup> The group was inspired by the Islamic Revolution in Iran and continues to be trained, armed and funded by the Iranian Revolutionary Guards Corps (IRGC)<sup>20</sup>. Hizbollah maintains an ideological commitment to Iran's revolutionary doctrine of al-Wali al-Faqih (Jurisdiction of the Jurist Theologian).<sup>21</sup> Iran's Grand Ayatollah Khamaenei is the current Jurist Theologian<sup>22</sup>, from whom Hizbollah's leaders seek ultimate spiritual counsel.
15. The group's original aims were to establish a Shia Islamist theocracy in Lebanon and to destroy Israel. Although this remains a core ideology, this group has evolved into a more pragmatic social-political-military movement. The "Political Document of Hizbollah" was revealed in November 2009 to define the political vision of the party. Although the document outlined that the group wished to achieve greater political legitimacy, it also reiterated the intention to continue to stockpile weapons to counter Israel<sup>23</sup> and used this as justification for keeping its arms and military wing.

### **Organisation and Structure**

16. As far as is known, the structure of IR has not changed considerably since its original designation. Hizbollah's organisation is still determined by al-Wali al-Faqih. Sheikh Hassan Nasrallah has been the Secretary General of Hizbollah since 1992 and is the chief decision maker for its political and paramilitary apparatuses.<sup>24</sup> Nasrallah is the head of the Majlis al-Shura (Consultative Council), presiding over the Jihad Council which is responsible for all military matters,<sup>25</sup> including recruitment and training, guerrilla warfare, security and enforcement. Under this structure, Hizbollah's militia and terrorist activities (IR), along with its security organ, all report to the Jihad Council.<sup>26</sup>
17. Elements of IR are known to operate in isolation and secrecy from the political apparatus of Hizbollah for reasons of operational security.<sup>27</sup> Estimates of IR's strength vary widely, although it is known there was massive recruitment in the aftermath of the 2006 war with Israel.<sup>28</sup>

### **Weapons and Tactics**

18. IR has used Improvised Explosive Devices (IEDs) since the 1990s. These have been evolved as technology develops to include remotely detonated devices.<sup>29</sup>
19. IR squads on operations are usually armed with M- or AK-series assault rifles and an assortment of other weaponry, including torpedoes, grenades, anti-tank missiles and rocket-propelled grenades. The wing also has a range of air defence weapons and artillery rockets. It is estimated that IR has over 50,000 rockets in its arsenal, including rockets capable of striking within Israel.<sup>30</sup> Iran supplies most of IR's more sophisticated weaponry<sup>31</sup> and Syria has also supplied weapons.<sup>32</sup> IR has also played a role in backing Syria's President Bashar al-Assad against anti-government insurgents from at least 2012.<sup>33</sup>

### **Law of Armed Conflict (LOAC)**

20. There have been no significant changes in the status of the conflict or in the conduct of IR to invalidate the legal analysis contained in the original designation. Since the time of the original designation, IR has been linked to one

violent incident in Bulgaria. This was an isolated incident and, although IR has planned a number of operations, its activities currently fail 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 the IR attacks are properly characterised as terrorist acts.

## **CONCLUSION**

21. 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.
22. Since its designation in October 2010, IR has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA, including preparation for (paragraphs 10 and 11) and actually carrying out attacks (paragraph 12). 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.
23. The designation must be renewed by 11 October 2013 to be effective.

- <sup>1</sup> The statement of case, dated 10 October 2010 can be accessed at: [www.police.govt.nz/service/counterterrorism/designated-terrorists.html](http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html)
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- <sup>3</sup> Levitt, M (January 2013) Hizballah and the Qods Force in Iran's Shadow War with the West, *The Washington Institute for Near East Policy, Policy Focus* 123.
- <sup>4</sup> (January 2013) "*Hizballah in Southeast Asia: A Resurgent Threat*", Stratagem: Asymmetric Operations Working Group Newsletter. Volume 8, issue 1. Accessed via <http://www.washingtoninstitute.org/policy-analysis/view/hizballah-in-southeast-asia-a-resurgent-threat>. Accessed 26/02/2013.
- <sup>5</sup> (19/01/2013) "*A Hezbollah Threat in Thailand?*", Strator, <http://www.stratfor.com/weekly/hezbollah-threat-thailand>. Accessed 13/02/2013.
- <sup>6</sup> (30/07/2012) "*Before Deadly Bulgaria Bombing, Tracks of a Resurgent Iran-Hezbollah Threat*", [http://www.foreignpolicy.com/articles/2012/07/30/before\\_deadly\\_bulgaria\\_bombing\\_tracks\\_of\\_a\\_resurgent\\_iran\\_hezbollah\\_threat](http://www.foreignpolicy.com/articles/2012/07/30/before_deadly_bulgaria_bombing_tracks_of_a_resurgent_iran_hezbollah_threat). Accessed 8/03/2013.
- <sup>7</sup> (19/07/2013) "*Hizballab*", Jane's World Insurgency and Terrorism at page 29. Access available on subscription. Accessed 30/8/2013.
- <sup>8</sup> Levitt, M (January 2013) Hizballah and the Qods Force in Iran's Shadow War with the West, *The Washington Institute for Near East Policy, Policy Focus* 123.
- <sup>9</sup> (20/02/2013) "*Trial Offers Rare Look at Work of Hezbollah in Europe*", The New York Times, [http://www.nytimes.com/2013/02/21/world/europe/in-cyprus-trial-man-says-hezbollah-scouted-israeli-targets-in-europe.html?\\_r=1&](http://www.nytimes.com/2013/02/21/world/europe/in-cyprus-trial-man-says-hezbollah-scouted-israeli-targets-in-europe.html?_r=1&)
- <sup>10</sup> (26/02/2013) "*Elaborate surveillance operation raises concerns about broader Hezbollah attacks*", The Washington Post, [http://www.washingtonpost.com/world/national-security/elaborate-surveillance-operation-raises-concerns-about-broader-hezbollah-attacks/2013/02/26/683da8d6-7d10-11e2-a044-676856536b40\\_story.html](http://www.washingtonpost.com/world/national-security/elaborate-surveillance-operation-raises-concerns-about-broader-hezbollah-attacks/2013/02/26/683da8d6-7d10-11e2-a044-676856536b40_story.html). Accessed 8/03/2013.
- <sup>11</sup> (21/02/2013) "*Cyprus Trial Spurs Call for E.U. to Act Against Hezbollah*", The New York Times, <http://cn.nytimes.com/article/world/2013/02/23/c23terror/en/?pagemode=print>
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- <sup>16</sup> (8/01/2013) "*Hizballab*", Jane's World Insurgency and Terrorism at page 29. Access available on subscription. Accessed 28/2/2013.
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