

STATEMENT OF CASE TO RENEW THE DESIGNATION OF ISLAMIC STATE OF IRAQ AND THE LEVANT – SINAI PROVINCE AS A TERRORIST ENTITY

PURPOSE

1. This paper sets out the case demonstrating Islamic State of Iraq and the Levant – Sinai Province (ISIL 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). ISIL Sinai was formerly designated under the description Ansar Bayt al-Maqdis (ABM),¹ 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 ISIL Sinai's continued involvement in terrorist activity and any relevant changes or developments to the organisation since its original designation in May 2015,² and renewal in May 2018,³ including ISIL 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, provide the basis for the conclusion that ISIL 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 35(1) of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is renewed by the Prime Minister prior to expiry. 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 Reuters, The Guardian, and Garda World.

8. A range of think tanks or journals were referred to including the Italian Institute for International Political Studies, Studies in Conflict & Terrorism, the Institute for National Security Studies, and IHS Jane's World Insurgency & Terrorism.
9. A range of regional news sources were also referred to including Al Arabiya News.
10. Other sources utilised include the US State Department, the Defence Post, and the Center for Naval Analyses.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

11. Since May 2018, ISIL 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 ISIL Sinai.
12. Despite the Egyptian Armed Forces 'Operation Sinai' in early to mid-2018, ISIL Sinai was able to conduct ongoing attacks against various targets during 2018, such as:
 - 12.1. On 26 August, 2018 ISIL Sinai militant armed with suicide belts and small arms attacked a police checkpoint in northern Sinai.⁴ A local news outlet reported that the attack resulted in the deaths of four militants, but it is unknown if civilians and/or police were killed or injured.
 - 12.2. On 2 November 2018 ISIL Sinai attacked buses carrying Coptic Christian civilians, killing seven and wounding at least thirteen.⁵ The attack was located near the site of a similar 2017 attack on Copt pilgrims, and was claimed by ISIL (not further defined).⁶
13. The US State Department reported that of 151 improvised explosive device (IED)-related attacks in Egypt in 2019, 137 were conducted by ISIL Sinai in northern and central Sinai, along with near-weekly attacks on government positions.⁷ A selection of such attacks includes:
 - 13.1. On February 16, 2019 ISIL Sinai attacked a government checkpoint near Al-Arish in North Sinai, killing 15 security personnel.⁸
 - 13.2. On March 26, 2019 ISIL Sinai claimed responsibility for an attack against aid workers in North Sinai that killed 12 civilians.⁹
 - 13.3. On June 25, 2019 ISIL Sinai attacked a police assembly centre and at least three checkpoints near Al-Arish in North Sinai, killing 10 people and wounding eight others.¹⁰
 - 13.4. On September 27, 2019 ISIL Sinai fighters attacked an Egyptian security checkpoint in Sinai.¹¹ ISIL's Amaq propaganda channel claimed 15 dead, but the claim was disputed by independent media, who stated seven military and one civilian killed alongside five civilian injuries.
14. ISIL Sinai also uses kidnappings and murders of "informants" to intimidate. For example:
 - 14.1. On July 16, 2019 ISIL Sinai beheaded four individuals, whom the group claimed were informants for the Egyptian Armed Forces, near Bir al-Abd in North Sinai.¹²

- 14.2. In January 2020 ISIL's Amal News Agency posted a video to Telegram¹³ of an "Egyptian intelligence spy" named Suleiman Hamed Mahammed Mutawe making a "confession" before being executed by a gunman.¹⁴
15. In July 2020 ISIL Sinai appears to have changed strategy, and instead of hit-and-run attacks attempted to capture and hold a cluster of villages near the North Sinai town of Rabaa.¹⁵ The attack on the military base reportedly killed forty and injured 65, after which ISIL Sinai "attempted to impose a regime of sharia law" on the captured villages.¹⁶
16. During the period October 2019 to October 2020 ISIL Sinai claimed 222 attacks with 699 casualties, predominantly from the Egyptian Armed Forces, but also including Bedouin or tribal militia and others considered "collaborators".¹⁷

Ideology and objectives

17. ISIL Sinai's ideological basis has not changed since 2018. ISIL Sinai continues to have a strict transnational Salafist-jihadist ideology, with an ultimate aim of creating a province for ISIL by seizing territorial control over the Sinai Peninsula and enforcing extremist Sharia law on the inhabitants.¹⁸
18. ISIL Sinai was the first ISIL affiliate to swear allegiance to Abu Ibrahim al-Hashimi al-Qurayshi following the death of Abu Bakr Al-Bagdadi in 2019, releasing a video pledging allegiance to al-Qurashi, and a second stating ISIL Sinai and central ISIL were "one body".¹⁹
19. While ISIL Sinai continues to attack military and government targets, it also attacks civilian targets it considers legitimate and consistent with its extremist ideology.²⁰ Following its 2014 pledge of allegiance to ISIL, ISIL Sinai focused its attention on "Jews" (as opposed to the state of Israel), and produced material encouraging jihad against Copts and Christians.²¹

Organisation and structure

20. There remains limited open source information on the leadership structure of ISIL Sinai. The group is thought to receive funding from ISIL in Syria,²² but no leader or leadership structure has been identified as in receipt of this funding.

Weapons, tactics and capability

21. Egyptian security forces launched Operation Sinai, a campaign against ISIL Sinai in February 2018, but this campaign slowed in mid-2018, and ISIL Sinai reconstituted and renewed attacks.²³
22. Estimates in 2018 and 2019 suggest there are between 800-1200 ISIL Sinai fighters.²⁴ This number has declined since the 2018 renewal of designation, likely due to attrition attributable to Operation Sinai. Members are generally thought to be predominantly recruited from Sinai locals, primarily Bedouins.²⁵
23. Attacks between 2018 and 2021 were predominantly conducted with small arms such as AK-series assault rifles, machine guns, suicide belts, and rocket-propelled grenades (RPGs). ISIL Sinai has also demonstrated heavy use of IEDs (including vehicle-borne IEDs) to target Egyptian military vehicles.²⁶

24. ISIL Sinai does not have the capability to achieve a key objective, the collapse of the Egyptian national government, but persists in its terror activities against representatives of the Egyptian government such as the military and security checkpoints.

LAW OF ARMED CONFLICT (LOAC)

25. The current activity conducted by ISIL 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 ISIL Sinai does not appear to have been conducted in accordance with international law applicable to armed conflict. Consequently, the acts do not meet the exemption in section 5(4) of the TSA.

CONCLUSION

26. The evidence listed above demonstrates ISIL 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 ISIL Sinai to be designated under that section.
27. Since its designation in May 2015 and renewal in May 2018, ISIL 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 ISIL Sinai has knowingly carried out terrorist acts as set out in s 22 of the TSA, ISIL 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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- ¹ 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>
- ² 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>.
- ³ 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>
- ⁴ (26/08/2018) “Four militants killed trying to attack Egyptian police checkpoint: agency”, *Reuters*, accessed via <https://www.reuters.com/article/us-egypt-security-idUSKCN1LA0I9> on 3/03/2018.
- i. (26/08/2018) “ISIS claims responsibility for Egypt attack on police checkpoint in Sinai”, *Al Arabiya News*, accessed via <https://english.alarabiya.net/News/middle-east/2018/08/26/ISIS-claims-responsibility-for-Egypt-attack-on-police-checkpoint-in-Sinai> on 10/03/2021
- ⁵ (24/06/2019) US State Department, *Country Reports on Terrorism 2018*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2018/> on 1/03/2021.
- i. (3/11/2018) “Egypt attack: Gunmen kill seven Coptic Christians in bus ambush”, *The Guardian*, accessed via <https://www.theguardian.com/world/2018/nov/03/egypt-attack-gunmen-kill-coptic-christians-bus-ambush> on 3/02/2021.
- ⁶ (3/11/2021) “Egypt: IS claims deadly Nov. 2 attack on Coptic Christians in Minya”, *Garda World*, accessed via <https://www.garda.com/crisis24/news-alerts/172541/egypt-is-claims-deadly-nov-2-attack-on-coptic-christians-in-minya-update-1> on 2/03/2021.
- ⁷ (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ⁸ (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ⁹ (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ¹⁰ (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ¹¹ (28/09/2019) “ISIS claims attack on Egyptian security checkpoint in Sinai as Cairo braces for protests”, *The Defence Post*, accessed via <https://www.thedefensepost.com/2019/09/28/egypt-isis-attacks-sinai-checkpoint-arish/> on 2/03/2021.
- ¹² (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ¹³ *Telegram*, colloquially known as “Terrorgram” is a social media service notorious for its hosting of numerous extremist groups and individuals.
- ¹⁴ (17/01/2020) Joe Truzman, “The ISIS insurgency in the Sinai continues despite Egyptian Army efforts”, *The Long War Journal*, accessed via <https://www.longwarjournal.org/archives/2020/01/the-isis-insurgency-in-the-sinai-continues-despite-egyptian-army-efforts.php> on 1/03/2021.
- ¹⁵ Tomer Naveh and Yoram Schweitzer, “Islamic State Province in Sinai Changes its Strategy: Are Israel and the Suez Canal in the Crosshairs?”, *INSS Insight*, v.1411, 3 December 2020.
- i. (29/07/2020) “Egypt: Islamic State militants ‘occupy’ Sinai villages in wake of foiled attack”, *Middle East Eye*, accessed via <https://www.middleeasteye.net/news/egypt-islamic-state-sinai-occupy-villages> on 3/03/2021
- ¹⁶ Tomer Naveh and Yoram Schweitzer, “Islamic State Province in Sinai Changes its Strategy: Are Israel and the Suez Canal in the Crosshairs?”, *INSS Insight*, v.1411, 3 December 2020.
- ¹⁷ (6/12/2020) Allison McManus, “The Army is Not the Winner in Border Battlefields”, *Italian Institute for International Political Studies*, accessed via <https://www.ispionline.it/en/publicazione/army-not-winner-border-battlefields-28505> on 3/03/2020
- ¹⁸ (19/10/2017) “Wilayat Sinai”, IHS Jane’s World Insurgency & Terrorism, available on subscription. Accessed on 20/12/2017.
- ¹⁹ (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- i. Kira Jumet and Zana Gulmohamad, “Reframing the Campaign: From Egypt’s Ansar Bayt al-Maqdis to Wilayat Sinai, Islamic State’s Sinai Province”, *Studies in Conflict & Terrorism*, 31/12/2020, p.10.
- ²⁰ Kira Jumet and Zana Gulmohamad, “Reframing the Campaign: From Egypt’s Ansar Bayt al-Maqdis to Wilayat Sinai, Islamic State’s Sinai Province”, *Studies in Conflict & Terrorism*, 31/12/2020, p.19.
- ²¹ Kira Jumet and Zana Gulmohamad, “Reframing the Campaign: From Egypt’s Ansar Bayt al-Maqdis to Wilayat Sinai, Islamic State’s Sinai Province”, *Studies in Conflict & Terrorism*, 31/12/2020.
- ²² (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021, p.274)
- ²³ (24/06/2019) US State Department, *Country Reports on Terrorism 2018*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2018/> on 1/03/2021
- ²⁴ (24/06/2019) US State Department, *Country Reports on Terrorism 2018*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2018/> on 1/03/2021
- i. (24/06/2019) US State Department, *Country Reports on Terrorism 2019*, accessed via <https://www.state.gov/reports/country-reports-on-terrorism-2019/> on 1/03/2021.
- ²⁵ Kira Jumet and Zana Gulmohamad, “Reframing the Campaign: From Egypt’s Ansar Bayt al-Maqdis to Wilayat Sinai, Islamic State’s Sinai Province”, *Studies in Conflict & Terrorism*, 31/12/2020.
- ²⁶ (15/07/2019) Zack Gold, “ISIS-Sinai’s Violent Start to 2019”, *CNA*, accessed via <https://www.cna.org/news/InDepth/article?ID=4> on 2/03/2021.