

STATEMENT OF CASE TO RENEW THE DESIGNATION OF JAISH AL-ADL AS A TERRORIST ENTITY

PURPOSE

1. This paper sets out the case demonstrating Jaish Al-Adl (JAA, formerly designated under description Jundallah¹; also known as Jaysh al-Adl, Jeysh al-Adl, Army of Justice, Peoples' Resistance Movement of Iran (PRMI), Jonbesh-I Moqavemat-i-Mardom-I Iran, Popular Resistance Movement of Iran, Soldiers of God, Fedayeen-e-Islam, Former Jundallah of Iran, Jundullah, Jondullah, Jondollah, Jondallah, Army of God (God's Army), and Baloch Peoples' Resistance Movement (BPRM), 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 JAA's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in September 2011,² and renewals in July 2014³ and July 2017,⁴ including JAA's objectives, structure, weapons and tactics and includes 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 papers, provide the basis for the conclusion that JAA 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 Al Jazeera, BBC News, The New York Times, The Defence Post, and The Nation.

8. A range of think tanks were referred to including The Jamestown Foundation, United States Institute of Peace, Janes World Insurgency and Terrorism, The Jerusalem Institute for Strategy and Security, and the European Foundation for South Asian Studies .
9. A range of regional news sources were also referred to including Tasnim, Al Arabiya, Asharq al-Awsat, Arab News, and Habilidad.
10. Other sources utilised include The Daily Beast.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

11. JAA was designated as a terrorist entity under the name Jundallah on 12 September 2011, and was renewed as a terrorist entity in July 2014 and July 2017. It is regarded as the largest and most active of a number anti-Iranian Baluchi groups operating in in Sistan and Baluchestan.⁵
12. On 16 October 2018 12 Iranian security personnel, including border guards, volunteer militia and Islamic Revolutionary Guards Corp (IRGC) members, were kidnapped on the south-eastern Iranian-Pakistani border.⁶ JAA claimed responsibility, posting images of the abducted personnel, along with a cache of weapons (including automatic weapons, sniper rifles, rocket launchers, machine guns, grenades and ammunition) apparently seized in the kidnapping.⁷
13. On 29 January 2019, JAA claimed responsibility for a suicide double-bombing targeting a police station in Zahedan. The first explosion drew officers to a scene, where a second explosive was detonated as Police officers were attempting to defuse it.⁸ Iranian authorities attributed the explosions to home-made hand grenades. Three police officers were wounded.⁹
14. On 2 February 2019 the Basij army base was attacked during the morning flag-raising, leaving one member of the IRGC dead and five wounded.¹⁰ JAA claimed responsibility for the attack via a now-defunct social media account.¹¹
15. On 13 February 2019 a car full of explosives driven by a suicide bomber rammed and exploded next to a bus transporting IRGC personnel between the cities of Zahedan and Khash in the Sistan-Baluchestan province.¹² JAA claimed responsibility for the bombing, which killed 27 Guards and wounded 13 others.

Ideology and objectives

16. JAA is an ultra-orthodox Sunni Baluchi group fighting for independence in Sistan and Baluchstan. The group seeks greater rights and improved living conditions for Baluchi within Iran.¹³ JAA is regarded as less focussed on religious rights (i.e. opposition to Iran as a Shiite state) than its predecessor Jundallah, with more emphasis on decreasing oppression of ethnic Baluchi.
17. JAA primarily attacks Iranian security forces, which it sees as representative of the Iranian government and responsible for the oppression of Sunni and ethnic Baluchi in South-Eastern Iran.¹⁴

Organisation and structure

18. JAA was originally known as Jundallah, but this group splintered after the execution of its founder Abdul Malik Reki in 2010.¹⁵ JAA was the most successful of the splinter groups, is

considered to have absorbed a large number of Jundallah's membership,¹⁶ and is generally regarded as the successor to Jundallah.¹⁷

19. JAA's structure appears to follow the "largely standard militant Islamist model of an overall emir supported by senior commanders",¹⁸ and is variously reported to comprise between 3 and 5 separate administrative units.¹⁹ The group continues to be led by Abdolrahim Mullahzadeh (also known as Adul Rahim Millazadeh, Salah al-Din Farooqi or Salah-ul Din Farooqi), and second-in command Mullar Omar.²⁰
20. It is unclear how JAA raises funds. The Iranian Government suspects that the group is supported by particular foreign countries, but no tangible link between JAA and Pakistan, Saudi Arabia or the United States of America has been identified.²¹ It has also been alleged that JAA is at least partially funded by drug trafficking.²²

Weapons, tactics and capability

21. During the period since its original designation in 2011 JAA has employed tactics including ambush, kidnapping, assassination, vehicle-borne/improvised explosive devices, and direct assaults (on an army base in December 2013). Since its most recent renewal of designation in July 2017, JAA has continued this pattern, engaging in suicide bombings, kidnapping and direct assaults. JAA has primarily deployed conventional small arms, light weaponry, and explosives.
22. The car bomb used in the 13 February 2019 attack against an IRGC bus was significant, with enough explosive power to obliterate the suicide bomber's vehicle and render the bus almost unrecognisable.
23. Reporting suggests that while JAA uses guerrilla tactics, its fighters are willing to directly engage Iranian government forces at close range, making use of infrared technology during night-time raids, and exhibiting discipline under fire.²³

LAW OF ARMED CONFLICT (LOAC)

24. Section 5(4) of the TSA provides that an act does not constitute a terrorist act for the purposes of the TSA if the act occurs in a situation of armed conflict and is, at the time and place that it occurs in accordance with rules of international law applicable to the conflict. The sporadic violence against the Iranian military has not reached a level of intensity or continuity on the part of JAA which would bring the situation in Iran within the meaning of "armed conflict". The cases where JAA have targeted police are breaches of the LOAC principle of distinction. Accordingly, the exemption in s 5(4) cannot apply, and JAA attacks are properly characterised as terrorist acts.

CONCLUSION

25. 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 JAA to be designated under that section.
26. Since its designation in September 2011, and renewals in July 2014 and July 2017, JAA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 12-15). Accordingly, given there are still reasonable grounds to believe JAA has knowingly carried out terrorist acts as set out in s 22 of the TSA, JAA meets the legal criteria for renewal of its designation as a terrorist entity under s 35.

27. The designation must be renewed by 20 July 2020 to be effective.

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- ¹ The New Zealand Gazette Issue No. 75 dated 27/07/2017 detailing the description change can be accessed at: https://www.gazette.govt.nz/assets/pdf-cache/2017/final/2017-07-27_Gazette_75.pdf.
- ² The statement of case, dated 11 September 2011 can be accessed at: https://www.police.govt.nz/sites/default/files/publications/statement-of-case-jundallah-terrorist-entity-12-sept-2011_0.pdf
- ³ The statement of case, dated 20 July 2014 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/jundallah-renewal-september-2014.pdf>
- ⁴ The statement of case, dated 13 July 2017 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-jaish-al-adl-terrorist-entity-27july2017.pdf>
- ⁵ (20/03/2014) Abubakar Siddique, "Iran's Sunni Baloch Extremists Operating from Bases in Pakistan", The Jamestown Foundation, *Terrorism Monitor*, v.12(6), accessed via <https://jamestown.org/program/irans-sunni-baloch-extremists-operating-from-bases-in-pakistan/> on 5/02/2020.
- ⁶ (16/10/2018) "Iran security personnel kidnapped in Pakistan border region", *The Defence Post*, accessed via <https://thedefensepost.com/2018/10/16/iran-irgc-kidnapped-pakistan-sistan-balochistan/> on 5/02/2020.
- ⁷ (23/10/2018) "Jaish-ul-Adl' Publishes Images of Abducted Iranian Soldiers", *Asharq al-Awsat*, accessed via <https://aawsat.com/english/home/article/1435501/jaish-ul-adl-publishes-images-abducted-iranian-soldiers> on 10/02/2020.
- ⁸ (17/10/2018) "Iranian security forces kidnapped on Pakistan border", *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2018/10/iranian-security-forces-kidnapped-pakistan-border-181016154904103.html> on 10/02/2020.
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- ¹⁰ (2/02/2019) "IRGC member killed in attack on Basij base in southeast Iran", *The Defence Post*, accessed via <https://thedefensepost.com/2019/02/02/iran-irgc-killed-nikshahr-sistan-baluchistan/> on 5/02/2020.
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- ¹² (13/02/2019) "Iran suicide bombing 'kills 27 Revolutionary Guards'", *BBC News*, accessed via <https://www.bbc.com/news/world-middle-east-47231959> on 3/02/2020.
- ¹³ (13/02/2019) "Suicide attack on Iran Revolutionary Guards bus kills 27", *The Defence Post*, accessed via <https://thedefensepost.com/2019/02/13/iran-revolutionary-guards-bus-attack/> on 3/02/2020.
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- ²¹ *ibid.*
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