

STATEMENT OF CASE TO DESIGNATE HIZBOLLAH AS A TERRORIST ENTITY

PURPOSE

1. This paper sets out the case demonstrating that Hizbollah meets the statutory criteria for designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA). Hizbollah is also known as Al-Muqawamah al-Islamiyyah;; Followers of God; Followers of the Prophet Muhammad; God's Helpers; Hezbollah; Hezbollah; Hezbollah; Hizbollah; Hizbollah; Hizbullah; Islamic Holy War; Islamic Jihad; Islamic Jihad for the Liberation of Palestine; Islamic Jihad Organisation; Islamic Resistance; Organisation of the Oppressed; Organisation of the Oppressed on Earth; Organisation of Right against Wrong; Partisans of God; Party of Allah; The Party of God.¹

STRUCTURE OF THIS PAPER

2. This paper details various aspects of Hizbollah, including its background and history; ideology and objectives; organisation and structure; and weapons, tactics, and capabilities, before detailing case studies of attacks that meet the definition of a terrorist act under the TSA and the leadership's support of the actions of the military wing.
3. A discussion following the case studies provides background about the relationship between the military wing of Hizbollah – commonly known as the Islamic Resistance (IR) – and the greater Hizbollah organisation. The participation of all layers of the organisation in support of the violent action undertaken by the IR, and the leadership's denial of any separation between the military and political wing of the organisation, provide the basis for this paper's conclusion that the entirety of Hizbollah meets the legal criteria for designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR THIS DESIGNATION UNDER THE TSA

4. The Prime Minister has the power under the TSA to designate individuals or groups as terrorist entities. Section 22 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.
5. A terrorist act is defined in s 5 of the TSA. A number of different acts fall within this definition. The s 5 criteria relevant to this statement of case are those that deem an act to be a terrorist act if it:
 - 5.1 Is an act against a specified terrorism convention (as defined in section 4(1), which relevantly includes the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979);
 - 5.2 Is intended to cause the death of, or serious bodily injury to, one or more persons; and
 - 5.3 Is carried out for the purpose of advancing an ideological, political, or religious cause; and

- 5.4 Is intended to either:
 - 5.4.1 induce terror in a civilian population; or
 - 5.4.2 unduly compel or force a government or an international organisation to do or abstain from doing any act; and
- 5.5 Is not an act that occurs in a situation of armed conflict and which is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

CREDIBILITY OF SOURCES

- 6. This paper has been prepared using a wide range of open or unclassified sources that have a reputation for careful reporting from varying perspectives. These include Reuters and Al Jazeera.
- 7. Regional news sources were used including the Los Angeles Times and the Palestine Chronicle.
- 8. US-based think tanks were referred to including the Council on Foreign Relations, the Institute for Security & Policy Development, and the Centre for Strategic Studies & International Studies.
- 9. Other sources utilised include the Congressional Research Service, UK Research and Innovation, Central Intelligence Agency, U.S. Department of State, Australian National Security, UK Home Office and the Wilson Center.

BACKGROUND

- 10. New Zealand designated the ‘military wing’ of Hizbollah, also known as The Islamic Resistance (IR), Al-Muqawama al Islamiyya, the Military Wing of Lebanese Hizbollah; Military Wing of Hezbollah; and Military Wing of Hizbullah in October 2010 and renewed in October 2013, September 2016, September 2019, and August 2022.
- 11. The entirety of Hizbollah has never been designated under New Zealand’s designations system.
- 12. This Statement of Case provides for the designation of Hizbollah in its entirety, and the revocation of the existing designation of IR on the basis that it is superseded by the new designation.

Establishment of Hizbollah and the Islamic Resistance

- 13. Hizbollah is an armed opposition movement formed following the Israeli occupation of Lebanon in 1982.² It is a multi-faceted organisation with political, social, and military components.³ The group cultivated a reputation as a defender of Lebanese Shia community, the country’s largest religious sect,⁴ and as resistance against Israel and Western forces.⁵ Hizbollah grew in popularity in Lebanon by exploiting Shi’ite grievances over marginalization by Sunni and Christian political elites and providing

followers with better social services, such as education and healthcare, than the Lebanese state.⁶

14. Hizbollah has been a fixture of the Lebanese government since 1992, when eight of its members were elected to Parliament, and the party has held cabinet positions since 2005.^{7,8} In 2009, Hizbollah released an updated manifesto that called for “true democracy”,⁹ and removed much of the Islamist rhetoric previously seen in the 1985 manifesto, but maintained anti-Western and anti-Israeli rhetoric.^{10,11}
15. In the 2022 national election Hizbollah maintained its 13 seats in Lebanon’s 128-member Parliament, though lost the majority they had held with their allies since 2018.^{12,13} Hizbollah continues to hold seats in Lebanon’s parliament while the government remains in a caretaker status due to a failure to elect a new president.¹⁴

Ideology and Objectives

16. For the last two decades Hizbollah’s stated objective has been to remove IDF forces from southern Lebanon, which has resulted in a range of attacks on Israeli military and civilian targets.¹⁵ Since the Israeli withdrawal from Southern Lebanon in May 2000, Hizbollah has used the remaining Israeli presence in the Sheb’a Farms and other disputed areas in the Lebanon-Syria-Israel tri-border region to justify its ongoing conflict with Israel, and its persistence as an armed militia distinct from the Lebanese Armed Forces (LAF).¹⁶
17. Hizbollah promotes Iranian interests in the region. Hizbollah also seeks to maintain its domestic political influence and privileges—in particular, the significant store of advanced weaponry that remain outside state control, and its private telecommunications network.¹⁷
18. Hizbollah has also historically expanded its area of operation beyond Lebanon, with fighters participating in the Bosnian conflict, Iraq war and Syrian war. Hizbollah has also played a role in transferring expertise and building the combat capabilities of armed factions of Iraq, Syria, and the Houthi movement.¹⁸

Organisation and Structure

19. Hizbollah is organised under a consultative council, the Majlis al-Shura, led by Secretary General Hassan Nasrallah. Under the Majlis al-Shura sit five functional councils: the political; parliamentary; executive; judicial; and military—or ‘Jihad’. Its various functional councils, including the Military Council, work together in a holistic manner in pursuit of a unified Hizbollah mission.¹⁹
20. The Military Council directs Hizbollah’s military wing, which is responsible for all of Hizbollah’s armed activities and involvement in regional conflicts. It comprises all elements of Hizbollah’s militia and military-relevant functions, including Hizbollah’s External Security Organization (ESO).²⁰ Hizbollah’s military wing supports Hizbollah’s public policy of ‘resistance to Israeli aggression’ and to defend and promote Shia interests in the context of Lebanon’s historical and ongoing sectarian divisions.

21. Prominent leaders within Hizbollah include Deputy Secretary General Sheikh Naim Qassem, the second in command. He is credited with being Hizbollah's leading media personality.²¹
22. Abd al-Menhem Qubaysi has been designated by the U.S. Department of the Treasury a Specially Designated Global Terrorist. Qubaysi is considered a 'personal representative' of Hassan Nasrallah reportedly helped to establish a Hizbollah foundation in Côte d'Ivoire to recruit members and raise money for the terror group.²²
23. The number of Hizbollah members and supporters worldwide is estimated to be in the tens of thousands. Hizbollah's military wing is estimated to have up to 50,000 full-time and reserve fighters.²³
24. In addition to its political and military activity, Hizbollah has continuously expanded its network of social services through the establishment of parallel institutions, providing medical, educational, social and financial support within, and at times beyond, its supporter base.²⁴

Weapons, Tactics and Capability

Military capability and tactics

25. Experts consider Hizbollah to be the world's most heavily armed non-state actor, with a large and diverse stockpile of unguided artillery rockets, as well as ballistic, antiair, antitank, and antiship missiles.²⁵
26. It is estimated that as of 2021, Hizbollah's forces are equipped with small arms, light and heavy machineguns, mortars, landmines, improvised explosive devices, artillery, armoured combat vehicles, rockets, antiaircraft guns, ballistic missiles, anti-ship cruise missiles, armed unmanned aerial vehicles, man-portable air defence systems, and antitank guided missiles. The group is estimated to have upwards of 150,000 missiles and rockets of various types and ranges.²⁶

Funding sources

27. Hizbollah is highly dependent on Iran for financial and tactical support.²⁷ 2020 estimates put Iran's funding of Hizbollah at \$700 million USD per year,²⁸ although this has likely been constrained in recent years due to Iran's financial pressures, including as a result of US sanctions.²⁹ Iran also supplies Hizbollah with weapons, explosives, and training, as well as political, diplomatic, and organizational aid.³⁰
28. Other funds are received from several independent channels, including legal businesses, criminal enterprises, and the Lebanese diaspora.³¹ Hizbollah's entrenchment in the Lebanese government also provides opportunities to access public resources, which could be diverted to its supporters.³²

EVIDENCE TO SUPPORT DESIGNATION UNDER THE TSA

Attacks/Events

29. Since the 1980s Hizbollah has carried out numerous acts that constitute 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 Hizbollah.
 - 29.1 Between 1982 and 1992 Hizbollah was linked to a series of terrorist attacks targeting US interests including the truck bombings of the U.S. Embassy and Multinational Force barracks in Beirut in 1983, and the Embassy annex in 1984. Hizbollah also took roughly 100 foreign hostages during this time, including the CIA chief of station in Beirut, who later died in their custody;³³ and was responsible for the hijacking of TWA Flight 847.³⁴
 - 29.2 Since the mid-1990s Hizbollah has also provided support – such as training, operational assistance, and weapons – to Palestinian extremist groups, including Palestinian Islamic Jihad (PIJ) and Hamas, both listed as designated terrorist entities in New Zealand.³⁵
 - 29.3 During its armed conflict with Israel in 2006, Hizbollah forces in Lebanon fired rockets at civilians and civilian infrastructure in Israel. Hizbollah leadership justified these acts as a way to pressure Israel to abandon its assault on Lebanese civilians.³⁶
 - 29.4 On 18 July 2012, three men orchestrated the bombing of a bus carrying Israeli tourists in Bulgaria. One of the men detonated a bomb he was carrying in a backpack close to the bus, killing five people and injured 38 more.^{37,38} Two Hizbollah operatives were charged in absentia and found guilty in 2020 for providing the explosive device and logistical support in the attack.³⁹
 - 29.5 In May 2019, an individual in the US was convicted of undertaking terrorist activities on behalf of Hizbollah. The individual had helped to procure weapons and gathered intelligence about potential targets in the US for future terrorist attacks.⁴⁰
 - 29.6 In September 2019, an individual in the US was indicted for undertaking terrorist activities on behalf of Hizbollah, including surveillance of potential targets across the US in support of Hizbollah's attack planning efforts.⁴¹
 - 29.7 In 2022 Hizbollah claimed responsibility for three unarmed drones that were aimed at one of Israel's offshore rigs in disputed waters at the Karish gas field. Hizbollah stated they were preparatory reconnaissance, and intended to send a threatening message to Israel.^{42,43}
 - 29.8 On 8 November 2023, two people were arrested on terrorism charges in Brazil related to a planned attack by a Hizbollah cell allegedly targeting the Jewish community. The men were reported to have been selected by a Hizbollah recruiter, and one was carrying out reconnaissance for potential attacks on the Jewish community in Brazil.⁴⁴

Hizbollah's political leadership's endorsement of terror activities

30. Although only the military wing of Hizbollah has previously been designated as a terrorist organisation under New Zealand's designation system, Hizbollah's leadership has publicly denied any distinction between its military and political wings.⁴⁵ The objectives of the various councils, including the Military Council, are overseen by Nasrallah and the Majlis al-Shura, and work together in a holistic manner in pursuit of a unified Hizbollah mission.⁴⁶ Nasrallah continues to publicly speak for the military intentions of Hizbollah,^{47,48,49} further reinforcing the difficulty of distinguishing the military wing from Hizbollah as a whole.
31. The leadership has supported and endorsed the violent action undertaken by the IR as being in line with the goals of the Hizbollah organisation as a whole. Specific examples are detailed below:
 - 31.1 The Hizbollah 1985 manifesto states that their "military apparatus is not separate from [the] overall social fabric. Each of us is a fighting soldier."⁵⁰
 - 31.2 Hizbollah's leader, Secretary General Hassan Nasrallah has repeatedly vowed to destroy Israel. "It is an aggressive, illegal and illegitimate entity, which has no future in our land," he said in 2005. "Its destination is manifested in our motto, 'Death to Israel'."⁵¹
 - 31.3 During the 2006 armed conflict with Israel, Hizbollah's leaders indicated that they believed deliberate attacks on Israeli civilians were legitimate in certain circumstances. They justified their attacks on Israeli civilians as a way to pressure Israel to abandon its assault on Lebanese civilians, however this does not make the attacks legal under international humanitarian law.⁵²
 - 31.4 Deputy Secretary-General of Hizbollah Naim Qassem said in an interview in 2009, "All political, social and jihad work is tied to the decisions of this leadership. The same leadership that directs the parliamentary and government work also leads jihad actions in the struggle against Israel."⁵³
 - 31.5 Speaking in 2012, Qassem reiterated this sentiment, saying "we don't have a military wing and a political one; we don't have Hizbollah on one hand and the resistance party on the other...Every element of Hizbollah, from commanders to members as well as our various capabilities, are in the service of the resistance, and we have nothing but the resistance as a priority."⁵⁴
 - 31.6 Hizbollah leadership has also shown support for the 7 October attacks by terrorist organisation Hamas targeting Israel in 2024. Nasrallah congratulated Hamas on the attack and called on people around the world to also declare their support in "blood, word, and action".⁵⁵

LAW OF ARMED CONFLICT

32. Section 5(4) of the TSA provides that an act does not constitute a terrorist act for the purposes of the TSA if two conditions are met. The first condition is that there must be a situation of armed conflict in those areas in which the entity conducts its operations, at the time the act occurs. Secondly, the act must accord with the rules of

international law applicable to the conflict – the law of armed conflict (LOAC). If one of these conditions is not met, the acts in question may constitute a terrorist act.

33. The activities of Hizbollah referred to in paragraph 31 occurred in a region of long-standing tension and were the subject of a significant military response by Israel. In this case, Hizbollah's targeting Israeli civilians was not in accordance with international law applicable to armed conflict.
34. Even if the actions of Hizbollah referred to in this paper occurred in the context of an armed conflict, they were not conducted in accordance with international law applicable to armed conflict. In particular, the targeting of civilians is prohibited by LOAC. Consequently, the acts do not meet the exemption in section 5(4) of the TSA and Hizbollah's attacks are properly characterised as terrorist acts.

REVOCATION OF THE DESIGNATION OF IR

35. The designation of the entirety of Hizbollah (including IR) supersedes and incorporates the existing designation of IR. To avoid duplicate designations, it is recommended the existing stand-alone designation of IR be revoked under section 29C of the Act.

-
- ¹ 10/12/2021, 'Hizballah', Listed Terrorist Organisations, Australian National Security, accessed at <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/hizballah> on 26 March 2024.
- ² September 2022, 'From Words to Deeds: A Study of Armed Non-State Actors' Practice and Interpretation of International Humanitarian and Human Rights Norms', UK Research and Innovation, accessed at https://www.adh-geneve.ch/joomlatools-files/docman-files/from-words-to-deeds/Hezbollah_Case-Study.pdf on 26 March 2024.
- ³ Australian National Security, 'Hizballah.'
- ⁴ Australian National Security, 'Hizballah.'
- ⁵ 25/10/2024, 'Hezbollah's Record on War & Politics', Wilson Center, accessed at <https://www.wilsoncenter.org/article/hezbollahs-record-war-politics> on 7 June 2024.
- ⁶ Wilson Center, 'War & Politics.'
- ⁷ 14/10/2023, 'What is Hezbollah?', Council on Foreign Relations, accessed at <https://www.cfr.org/backgrounder/what-hezbollah> on 26 March 2024.
- ⁸ UK Research and Innovation, 'Words to Deeds.'
- ⁹ Council on Foreign Relations, 'What is Hezbollah?'
- ¹⁰ *Ibid.*
- ¹¹ 1/12/2009, 'Hezbollah cuts Islamic rhetoric in new manifesto', Reuters, accessed at <https://www.reuters.com/article/idUSTRE5AT3VK/> on 26 March 2024.
- ¹² Council on Foreign Relations, 'What is Hezbollah?'
- ¹³ UK Research and Innovation, 'Words to Deeds.'
- ¹⁴ Wilson Center, 'War & Politics.'
- ¹⁵ 1/2/2021, 'Lebanese Hezbollah', Congressional Research Service, accessed at <https://www.justice.gov/eoir/page/file/1363491/download> on 26 March 2024.
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ Australian National Security, 'Hizballah.'
- ²⁰ *Ibid.*
- ²¹ N.d., 'Naim Qassem', Terrorists and Extremists, Counter Extremism Project, accessed at <https://www.counterextremism.com/extremists/naim-qassem> on 23 April 2024.
- ²² N.d., 'Abd al-Menhem Qubaysi', Terrorists and Extremists, Counter Extremism Project, accessed at <https://www.counterextremism.com/extremists/abd-al-menhem-qubaysi> on 23 April 2024.
- ²³ Australian National Security, 'Hizballah.'
- ²⁴ 19/11/2021, 'Is Hezbollah Overplaying its Hand Inside Lebanon?', S. T. Williams, Brookings, accessed at <https://www.brookings.edu/blog/order-from-chaos/2021/11/19/is-hezbollah-overplaying-its-handinside-lebanon/> on 26 March 2024.
- ²⁵ 5/7/2018, 'Hezbollah's Missiles and Rockets', Centre for Strategic Studies & International Studies, accessed at <https://www.csis.org/analysis/hezbollahs-missiles-and-rockets> on 26 March 2024.
- ²⁶ 'Hizballah', Terrorist Organizations, Central Intelligence Agency, accessed at <https://www.cia.gov/the-world-factbook/about/archives/2022/references/terrorist-organizations/> on 23 April 2024.
- ²⁷ 26/03/24, 'Examining Extremism: Hezbollah', Katherine Trauger, Centre for Strategic Studies & International Studies, accessed at <https://www.csis.org/blogs/examining-extremism/examining-extremism-hezbollah> on 7 June 2024.
- ²⁸ 2020, 'Outlaw Regime: a Chronicle of Iran's Destructive Activities', U.S. Department of State, accessed at <https://www.state.gov/wp-content/uploads/2020/09/Outlaw-Regime-2020-A-Chronicle-of-Irans-Destabilizing-Activity.pdf> on 7 June 2024.
- ²⁹ Australian National Security, 'Hizballah.'
- ³⁰ 26/03/24, 'Examining Extremism: Hezbollah', Katherine Trauger, Centre for Strategic Studies & International Studies, accessed at <https://www.csis.org/blogs/examining-extremism/examining-extremism-hezbollah> on 7 June 2024.
- ³¹ Australian National Security, 'Hizballah.'
- ³² *Ibid.*
- ³³ Congressional Research Service, 'Lebanese Hezbollah.'
- ³⁴ *Ibid.*
- ³⁵ 10/12/2021, Australian National Security, 'Hizballah.'
- ³⁶ 28/8/2007, 'Civilians under Assault: Hezbollah's Rocket Attacks on Israel in the 2006 War', Human Rights Watch, accessed at <https://www.hrw.org/report/2007/08/28/civilians-under-assault/hezbollahs-rocket-attacks-israel-2006-war> on 20 May 2024.
- ³⁷ 21/9/2020, 'Two sentenced over Bulgaria bus bombing blamed on Hezbollah', Al Jazeera, accessed at <https://www.aljazeera.com/news/2020/9/21/two-sentenced-over-bulgaria-bus-bombing-blamed-on-hezbollah> on 20 May 2024.
- ³⁸ 22/09/2020, 'Bulgarian court sentences two men to life in prison for 2012 bus bombing', Reuters, accessed at <https://www.reuters.com/article/idUSKCN26C10Z/> on 11/6/2024
- ³⁹ June 2024, 'Warnings & Indicators: Hezbollah's Terrorist Operations Modus Operandi', Matthew Levitt, Hizballah Conference Interpol 2024.
- ⁴⁰ *Ibid.*
- ⁴¹ *Ibid.*
- ⁴² 2022, 'Country Reports on Terrorism 2022', U.S. Department of State, accessed at <https://www.state.gov/reports/country-reports-on-terrorism-2022/> on 22 April 2024.
- ⁴³ 3/7/2022, 'Israel shoots down Hezbollah drones heading for gas rig', Matt Murphy, BBC, accessed at <https://www.bbc.com/news/world-europe-62022452> on 7 June 2024.
- ⁴⁴ 7/12/2023, 'Brazilian Hezbollah suspect cased out synagogues in Brasilia, documents show', Ricardo Brito, Reuters, accessed at <https://www.reuters.com/world/americas/brazilian-hezbollah-suspect-cased-out-synagogues-brasilia-documents-show-2023-12-06/> on 23 April 2024.
- ⁴⁵ 19/1/2024, 'Hizballah (Party of God)', Proscribed Terrorist Groups or Organisations, UK Home Office, accessed at <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations-2/proscribed-terrorist-groups-or-organisations-2>

[accessible-version#:~:text=The%20UK%20government%20proscribed%20Hizballah's,the%20units%20reporting%20to%20it](#) on 26 March 2024.

⁴⁶ Australian National Security, 'Hizballah.'

⁴⁷ 5/1/2020, 'Hezbollah vows retaliation against US for Soleimani killing', Timour Azhari, accessed at <https://www.aljazeera.com/news/2020/1/5/hezbollah-vows-retaliation-against-us-for-soleimani-killing> on 1 August 2024.

⁴⁸ 7/10/2023, 'This is How Hezbollah Responded to Hamas' Call for Resistance – FULL TRANSLATION', Palestine Chronicle, accessed at <https://www.palestinechronicle.com/this-is-how-hezbollah-responded-to-hamas-call-for-resistance-full-translation/> on 22 April 2024.

⁴⁹ 20/6/2024, 'Hezbollah leader Hassan Nasrallah warns Israel about the cost of a war in Lebanon', Jane Arraf, accessed at <https://www.npr.org/2024/06/20/nx-s1-5013611/hezbollah-hassan-nasrallah-speech-israel-lebanon-gaza> on 1 August 2024.

⁵⁰ 1/1/1988, 'The Hizballah Program: An Open Letter,' International Institute for Counter-Terrorism, translation of "*Nass al-Risala al-Mafnuba allati wajabha Hizballah ila-l-Mustad'afin fi Lubnan wa-l-Alam*", published February 16, 1985 in al-Safir (Beirut). Accessed at <https://www.ict.org.il/UserFiles/The%20Hizballah%20Program%20-%20An%20Open%20Letter.pdf> on 24 May 2024.

⁵¹ 20/10/2023, 'Doctrine of Hezbollah', Wilson Center, accessed at <https://www.wilsoncenter.org/article/doctrine-hezbollah> on 26 March 2024.

⁵² Human Rights Watch, '2006 War.'

⁵³ 13/4/2009, 'Lebanon's Hezbollah savors increasing legitimacy', Borzou Daragahi, Los Angeles Times, accessed at <https://www.latimes.com/archives/la-xpm-2009-apr-13-fg-lebanon-hezbollah13-story.html> on 26 March 2024.

⁵⁴ 25/7/2013, 'There Is No Distinct Hezbollah 'Military Wing,' So Why Ban It?', Matthew Levitt and Jonathan Prohov, The Washington Institute, accessed at <https://www.washingtoninstitute.org/policy-analysis/there-no-distinct-hezbollah-military-wing-so-why-ban-it> on 23 April 2024.

⁵⁵ 7/10/2023, 'This is How Hezbollah Responded to Hamas' Call for Resistance – FULL TRANSLATION', Palestine Chronicle, accessed at <https://www.palestinechronicle.com/this-is-how-hezbollah-responded-to-hamas-call-for-resistance-full-translation/> on 22 April 2024.