

# **STATEMENT OF CASE TO DESIGNATE LEBANESE HIZBOLLAH'S MILITARY WING, AL-MUQAWAMA AL-ISLAMIYYA ('THE ISLAMIC RESISTANCE'), AS A TERRORIST ENTITY**

## **PURPOSE**

1. The purpose of this paper is to set out the case demonstrating that the military wing of Lebanese Hizbollah (hereafter referred to as Hizbollah)<sup>1</sup>, Al-Muqawama al-Islamiyya (also known as 'The Islamic Resistance' or 'IR'), meets the statutory criteria for designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 ("TSA").
2. The paper concludes that Al-Muqawama al-Islamiyya, hereafter referred to as IR, meets the criteria for designation as a terrorist entity under the TSA.

## **STRUCTURE OF THIS PAPER**

3. This paper sets out background information about Hizbollah and IR covering various aspects of their history, objectives, structure, tactics, weapons and involvement in terrorism, before detailing two case studies of planned and actual attacks which meet the definition of a "terrorist act" under the TSA.
4. The discussion preceding the case studies provides background about Hizbollah, and IR in particular, which helps inform the analysis of the case studies. The events detailed in the two case studies represent planned or actual attacks attributed to and/or claimed by IR. It is these two events that have been analysed as meeting the definition of a "terrorist act" under s 5 of the TSA, and which provide the basis for the paper's conclusion that IR meets the legal criteria for designation as a "terrorist entity" under the TSA.

## **STATUTORY CRITERIA FOR THIS DESIGNATION UNDER THE TSA**

5. 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.
6. 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 paper are those which deem an act to be a "terrorist act" if that act:
  - 6.1 Is intended to cause;
    - 6.1.1 the death of, or serious bodily injury to, one or more persons; or
    - 6.1.2 the destruction of, or serious damage to, property of great value or importance, if likely to result in the death of, or serious bodily injury to, one or more persons; and
  - 6.2 Is carried out for the purpose of advancing an ideological, political, or religious cause; and
  - 6.3 Is intended to either:

- 6.3.1 Induce terror in a civilian population; or
- 6.3.2 Unduly compel or force a government or an international organisation to do or abstain from doing any act; and
- 6.4 Is not an act that occurs in a situation of armed conflict and 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**

- 7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include: the Jane's series (World Insurgency & Terrorism, Terrorism & Security Monitor and Intelligence Review); Council on Foreign Relations; the Jamestown Foundation; The New York Times; the LA Times; the BBC; The Washington Post; The Guardian; Reuters; and Time Magazine. This paper also utilises public information from the US Department of State, the Australian Attorney General's Office and the Israeli Foreign Ministry, as well as a range of international organisations and think tanks, international and regional media sources, and information published and posted online by Hizbollah.

## **BACKGROUND**

### **Establishment**

- 8. 'The Islamic Resistance' first emerged as a radical Shia militia in 1982. It was formed by Islamist members of the mainstream Shia Amal Movement, former members of the Lebanese Dawa Party, and numerous other radical Shia groups in response to Israel's invasion of Lebanon.<sup>2</sup> The group's early leaders were inspired by the radical teachings of Iran's Ayatollah Khomeini and radical Iraqi cleric Mohammad Baqr as-Sadr<sup>3</sup>, and they received military training from Iran's Islamic Revolutionary Guards Corps (IRGC) in camps in Bekaa.<sup>4</sup>
- 9. The establishment of Lebanese Hizbollah as a political entity came later, formally declared on 16 February 1985. Official party spokesman al-Sayyed Ibrahim Amine al-Sayyed presented Hizbollah's "ideological, jihad, political and social visions" as outlined in the 'Open Letter'.<sup>5</sup> According to Naim Qassem, Hizbollah's current Deputy Secretary-General, the period between 1982 and 1985 were foundational years, "for the crystallization of a political vision, the facets of which were harmonious with faith in Islam as a solution", and the establishment of "an effective jihad operation as represented by Islamic Resistance forcing Israel's partial flight from Lebanon in 1985."<sup>6</sup>

### **Ideology and objectives**

- 10. Hizbollah has three essential ideological pillars: i) belief in Islam as a 'code of law' covering "all of humankind's needs, both individual and social"<sup>7</sup>; ii) 'jihad', particularly 'military jihad' against the 'enemies' of Islam; and iii) 'al-Wali al-Faqih' or 'Jurisdiction of the Jurist-Theologian' (see *Organisation and Structure*).<sup>8</sup>
- 11. Hizbollah's core objectives are informed by these ideological 'pillars', and were set out in its 1985 founding document, the 'Open Letter'. They include the establishment of a Shia-based Islamic Republic in Lebanon and the destruction of the

state of Israel through ‘jihad’. In November 2009, Secretary General Nasrallah released the ‘New Political Document of Hizbollah’ to reflect what he called the organisation’s ‘political evolution’ since the 1990s.<sup>9</sup> The document toned down the Islamist rhetoric and in it, Hizbollah claims to recognise the pluralistic nature of Lebanese society.<sup>10</sup> Many have seen this new conciliatory approach not as a fundamental ideological shift, however, but as a calculated effort “to rehabilitate its image at home and abroad.”<sup>11</sup>

12. Hizbollah’s “core ideological pillars”<sup>12</sup> remain central to the organisation’s aims. Hizbollah continues to be ruled by a Shia ‘theocrat’ taking guidance from clerical leaders in Iran, and the organisation’s “goals with respect to Israel have remained unaltered, [as] has its complete opposition to any negotiated solution to the Arab-Israeli conflict.”<sup>13</sup>

### **Organisation and structure**

13. Hizbollah’s power structure is determined by the concept of al-Wali al-Faqih (‘Jurisdiction of the Jurist-Theologian’). This dictates that ultimate authority flows from Allah and the Prophet Mohammad, through “the infallible Imams” to the ‘Jurist Theologian’; the “custodian of the entire nation of [Shia] Islam.” Iran’s Grand Ayatollah Khamenei is the current ‘Jurist Theologian’<sup>14</sup>, from whom the organisation’s leaders seek ultimate spiritual counsel.
14. In 1985, with the declaration of Hizbollah’s ‘Open Letter’, the position of Secretary General was established beneath the Jurist Theologian as the organisation’s official spokesperson. The current Secretary General, Sheikh Hassan Nasrallah, has held the position continuously since his election in 1992. Hizbollah’s top decision-making body is a seven-man Shura Council (Majlis al-Shura), which comprises Secretary General Nasrallah, Deputy Secretary General Qassem and the heads of the five boards or council assemblies that make up Hizbollah’s Political and Administrative Apparatus: the Jihad Assembly, the Political Assembly, the Executive Assembly, the Parliamentary Assembly and the Judicial Assembly.<sup>15</sup> Within the Executive Assembly are units in charge of Hizbollah’s social, education, health, information, finance, external relations and other programmes.<sup>16</sup>

#### *The military wing – Islamic Resistance*

15. Hizbollah’s ‘Military and Security Apparatus’, IR, exists as a distinct entity from the main body of the organisation<sup>17</sup>, and elements of the military wing are known to operate in isolation and in complete secrecy (see paras 19-20 below) for reasons of operational security.<sup>18</sup> “This makes it much more difficult for Israeli intelligence to get accurate intelligence about their capabilities, methods, training, armaments and intentions.”<sup>19</sup> According to Qassem, “a limited circle of individuals was aware of resistance operations. Only those directly involved with planning and execution within the tactics set by the military command formed part of this circle.”<sup>20</sup> In its more conventional role, however, IR reports directly to, and receives high-level strategic guidance from, Nasrallah and the Shura Council.<sup>21</sup>
16. IR consists of three main operational elements which each comprise “self-contained, semi-autonomous, mobile contingents”<sup>22</sup>, interspersed across three regional commands: the Bekaa valley, Beirut and southern Lebanon.<sup>23</sup> The elements cover recruitment and training; guerrilla warfare; and security and enforcement. According

to one organisation, IR has a group of operatives “capable of undertaking terrorist missions that is larger and better-trained than any group Al Qaida has ever had.”<sup>24</sup>

17. The guerrilla warfare element comprises four operational sub-units: i) a ‘martyrs’ unit responsible for suicide operations<sup>25</sup>; ii) a special forces unit, responsible for sniping, anti-tank activities, surveillance, communications and bomb-making; iii) a heavy weapons unit, responsible for rocketry and mortars; and iv) a regulars and support unit.<sup>26</sup>
18. The security and enforcement element consists of both internal and external security components. The ‘External Security Organisation’ (ESO) functions as a foreign intelligence unit specialising in espionage, counter-intelligence and despatching operatives overseas to infiltrate diaspora communities, business and criminal networks, and carry out terrorist attacks.<sup>27</sup>
19. Little is known about IR’s internal command hierarchy due to its highly secretive nature and use of sophisticated protective measures. However it is thought that prior to his death in 2008, Imad Mughniyeh was one of the key leaders and held primary responsibility for conducting “special operations” against Israel, for forging close links with and providing support to Palestinian militant groups, and supporting the Shia Mahdi army in Iraq.<sup>28</sup> Mughniyeh was assassinated in a car bomb attack in Damascus in February 2008.
20. While culpability has never been ascribed, Nasrallah has blamed Israel for the assassination, and at the militant’s funeral he stated: “They consider that killing Hajj Imad was their accomplishment, while we see that Hajj Imad's remaining alive fighting them for 25-years... especially in the past ten years in different arenas, working night and day in constant movement, constant presence on battlefield front lines... for him to endure and stay alive for 25 years is itself the achievement attributed to Hizbullah security school, so to speak!”<sup>29</sup>
21. Due to a massive rate of recruitment into IR since the 2006 war with Israel, it is difficult to accurately estimate the current force size. Prior to 2006 it was believed the guerrilla warfare element had 400-800 full time fighters. There were also around 5,000 to 10,000 part time fighters who acted as reservists or village guards. These part timers comprised the bulk of IR’s fighting force during the 2006 war with Israel.<sup>30</sup> Fighters are trained in places like Nabi Sheet in eastern Lebanon, by Hizbollah instructors, members of the Syrian army and trainers from Iran’s Islamic Revolutionary Guard Corps Quds Force (IRGC-QF) as well as Iran’s Ministry of Intelligence and Security (MOIS). Some are also sent to Syria and Iran for training on advanced weapons and advanced terrorist tactics.<sup>31</sup>

## **Weapons**

22. IR is one of the most well armed non-state actors in the world. Its fighters are armed with a variety of small arms and light weapons, including the M-16 and AK series assault rifles, Russian and Italian snipers rifles, grenades and other explosives. While most of these can be sourced on the Lebanese black market<sup>32</sup>, IR’s “links to Iranian diplomatic facilities guarantee them access to modern weaponry and military-grade explosives that can be brought in via the diplomatic pouch, which is inviolable under international treaty.”<sup>33</sup>

23. IR's anti-tank units are equipped with an assortment of advanced missile systems that were used with deadly effect during the 2006 war with Israel. IR also has advanced anti-aircraft and anti-ship weapons, and since 2006 has developed a highly credible Unmanned Aerial Vehicle (UAV) capability.<sup>34</sup>
24. IR's fire support teams, which launched more than 4,000 rockets into Israel during the 2006 war, are believed to have as many as 40,000 rockets currently stockpiled, including in bunkers within 12km of the Israeli border.<sup>35</sup> This includes the Katyusha rocket (with a range of 20km), but also longer range Iranian and Syrian rockets able to strike almost anywhere inside Israel.<sup>36</sup>
25. Recently it has also been alleged that IR has acquired Scud-class missiles from Iran via Syria.<sup>37</sup> According to Jane's, the IDF is now "working on the presumption that Hizbollah could have any weapons system in Iran's inventory."<sup>38</sup> US Secretary of Defence, Robert Gates, said in April 2010 "Syria and Iran are providing Hizbollah with rockets and missiles of ever increasing capability. And we are at a point now... [where] Hizbollah has far more rockets and missiles than most governments in the world."<sup>39</sup> In recent months United Nations Force in Lebanon (UNIFIL) peacekeepers have been attacked by local Shia villages in southern Lebanon and banned from entering several villages. UNIFIL officials have said the clashes appear to have been organised by Hizbollah, and UN Secretary Ban Ki-moon attributed this to Hizbollah's reported acquisition of Scud-class missiles.<sup>40</sup>
26. Hizbollah's continued possession and acquisition of weapons is in violation of the 1989 Ta'if Accord, which ended Lebanon's civil war and called for the disarming of all militia<sup>41</sup>, and UN Security Council Resolution 1701 (2006), which ended the 33-day Israel-Hizbollah war in 2006. Resolution 1701 called for the demilitarisation of Hizbollah, and expressed "the importance of the extension of the control of the government of Lebanon over all Lebanese Territory in accordance with the provisions of Resolutions 1559 (2004) and 1680 (2006) and of the relevant provisions of the Ta'if Accords for it to exercise its full sovereignty so that there will be no weapons without the consent of the government of Lebanon and no authority other than that of the government of Lebanon."<sup>42</sup>

## **Tactics**

### *1982-2006*

27. Throughout the 1980s and 1990s Hizbollah was implicated in dozens of attacks against Israel, the United States and other Western targets in the Middle East, Europe and South America. These attacks included a series of kidnappings of Westerners in Lebanon (1980s); suicide truck bombings against the US Embassy, French paratroopers and the US Marine barracks in Beirut that killed more than three hundred people (1983); bombings in Copenhagen and Paris (1985); the hijacking of TWA flight 847 with the death of a US citizen (1985); the bombing of the Israeli Embassy in Argentina that killed twenty-nine people (1992); and the bombing of a Jewish community centre in Argentina that killed ninety-five (1994).<sup>43</sup> Hizbollah has also been linked to the 1996 truck bombing of the Khobar Towers in Saudi Arabia that killed 19 US servicemen and one Saudi national.<sup>44</sup>
28. Hizbollah has denied any involvement in the Argentina and Saudi bombings<sup>45</sup>, although in 1999 the Argentina Supreme Court issued an arrest warrant for Imad

Mughniyeh, citing “conclusive evidence” that his group was behind the attack on the Israeli Embassy in 1992.<sup>46</sup> From 2000 to 2008 IR’s primary focus had shifted from suicide bombings and car bombings to sporadic armed attacks against Israeli forces in the Shebaa Farms region along Lebanon’s southeast border with the Golan Heights.<sup>47</sup> Activities have included sniper and rocket fire on military outposts; ambushing convoys; planting improvised explosive devices; ‘booby-trapping’ vehicles and houses; and launching mortars and rockets against Israeli towns and villages.<sup>48</sup>

*Prelude to the 2006 war with Israel*

29. IR has reportedly applied lessons from Israeli and US military training manuals and is equipped with very modern communications and weapons systems. Despite heavy Lebanese losses, Hizbollah has claimed IR was victorious during the 2006 war with Israel, “having stood its ground against the IDF and thwarting Israel’s pre-war conditions for a ceasefire.”<sup>49</sup>
30. The war was sparked on 12 July 2006, when an IR squad using rocket propelled grenades and small arms fire ambushed an Israeli patrol, killing three soldiers and kidnapping two others. The attack happened on the Israeli side of the ‘blue line’. At the same time as the ambush, “IR fire support teams staged a diversionary bombardment” of IDF outposts in the Shebaa Farms area and against several Israel villages, including Zar’it and Shetula, with mortars and Katyusha rockets.<sup>50</sup> Approximately six civilians were reportedly wounded in Shetula when a rocket hit a house.<sup>51</sup>
31. Hizbollah Secretary General Nasrallah said the attack had been planned for several months and was aimed at forcing negotiations that would win the release of four Lebanese men held in Israeli jails, including former Palestinian Liberation Front (PLF) member and convicted murderer, Samir Kuntar. “Let this be clear, the prisoners will only return home through indirect negotiations and a trade. If the Israelis are considering any military action to bring the hostages home, they are delusional, delusional, delusional.”<sup>52</sup>

*Terrorist plots since 2008*

32. Since 2008, however, there is clear evidence that IR has re-engaged with planning terrorist attacks against Israeli interests abroad. Alleged plots have been disrupted in several countries, including Azerbaijan (see case study 1), Turkey and Israel.<sup>53</sup> In April this year an Egyptian court convicted 26 men of belonging to a Hizbollah cell that was planning to attack Israeli tourists in the Sinai Peninsula, fire on ships passing through the Suez Canal and smuggle weapons, supplies and people through the Gaza tunnels. According to Egyptian prosecutors, the operatives were instructed to collect intelligence from villages along the Egypt-Gaza border, at tourist sites, and at the Suez Canal. Nasrallah himself confirmed that one of the men arrested was Sami Shihab, a Hizbollah member who was on “a logistical job to help Palestinians get [military] equipment.”<sup>54</sup> UN special envoy Terje Roed-Larsen commented that there has recently been “a growing concern that Hezbollah has engaged in clandestine and illegal militant activities beyond Lebanese territory.”<sup>55</sup>

## Intent

33. Since the end of the 2006 war with Israel, Hizbollah has continued to issue public threats against Israel. In 2009 and 2010, Nasrallah threatened that in the next conflict if Israel bombed Hizbollah's stronghold in southern Beirut, the group would "bomb Tel Aviv"<sup>56</sup>; "if you hit Raifk al Hariri international airport in Beirut, we will hit Ben-Gurion airport in Tel Aviv."<sup>57</sup>
34. At the funeral of Imad Mughniyeh in southern Beirut in February 2008, however, Nasrallah suggested Hizbollah would not wait for another war to attack Israel. "You have crossed the borders... With this murder, its timing, location and method – Zionists, if you want this type of open war, let the world listen: Let this war be open."<sup>58</sup> Less than a week later during a speech honouring the martyrdom of Mughniyeh and other "Hizbollah heroes", Nasrallah said, "Our options are open and we have all the time in the world... [W]e are the ones to choose the time and place and target." He also suggested Hizbollah was looking for a target that "rises to the level of Mughniyeh."<sup>59</sup>
35. In July 2008 Jane's reported that US and Canadian intelligence agencies had issued warnings that Hizbollah was "ready to mount an attack against 'Jewish targets' somewhere outside the Middle East."<sup>60</sup>
36. On the second anniversary of Mughniyeh's death in 2010, Deputy Secretary General Naim Qassem said that Hizbollah was still seeking revenge for the assassination of the organisation's top military commander, and that avenging his death was "the minimum Hizbollah could do." "[The] [c]ommitment exists. The (attack) period and specifications, however, will come in due time."<sup>61</sup>

## Other considerations

### *Links with Iran & Syria*

37. Iranian and Syrian support to Hizbollah is wide ranging, historical and filters throughout the organisation. The 'Jurist Theologian', Iran's Ayatollah Khomeini, provides the highest level of clerical guidance to the organisation's leaders (see *Ideology and objectives*). IRGC envoys are also reportedly present at the command level within IR.<sup>62</sup> The two countries provide massive assistance in the form of money, political support, military training (see *Organisation and structure*) and military hardware (see *Weapons*)<sup>63</sup>, and according to Jane's, Hizbollah was "rearmed by Iran" following the 2000 Israeli withdrawal from southern Lebanon and again following the 2006 war.<sup>64</sup>
38. While this level of support highlights Hizbollah's central role in Iranian and Syrian strategic planning<sup>65</sup>, it does not necessarily indicate control over the organisation. "[Hizbollah] uses Iran and Syria as much as it is used", and sees them both as sources of weapons and money for its fight against the "Zionist enemy."<sup>66</sup>
39. It is difficult to accurately assess how much Iran gives Hizbollah financially, but it is estimated to be in the region of \$60-100 million per year.<sup>67</sup> Nasrallah reportedly contacted Ayatollah Khomeini in 2010 requesting \$300 million in funding, which was then transferred to Hizbollah during the February 2010 meeting in Damascus

between Iranian President Mahmoud Ahmedinajad, Syrian President Bashar Assad and Nasrallah.<sup>68</sup>

40. In December 2008, Nasrallah was awarded an honorary doctorate in political science from a university in the Iranian region of Isfahan, “in recognition by the Iranian university of the achievements made by the Islamic Resistance in Lebanon.” In a statement read at the ceremony, Nasrallah thanked Iran for its longstanding support of Hizbollah’s “fight against the Zionist entity” and expressed the hope “that one day the Resistance group would change the face of the Middle East.”<sup>69</sup>

*Support to terrorist groups*

41. Specialist units within IR, possibly under the former leadership of Mughniyeh and the ESO, were established over the past several years to provide support, training and resources to Palestinian militant and terrorist groups in the Occupied Palestinian Territories, and Shia insurgents in Iraq.<sup>70</sup> ‘Unit 1800’ is reported to have worked closely with Palestinian Islamic Jihad and Hamas’ Izz al-Din al-Qassam Brigades<sup>71</sup>, both recently designated as terrorist entities under the TSA. ‘Unit 3800’, meanwhile, provided support and training between 2006-2008 to the Shia ‘Madhi Army’ of radical cleric Muqtada al-Sadr<sup>72</sup>, responsible for killing coalition forces as well as Iraqi civilians.<sup>73</sup> In both instances cases could be made that IR knowingly ‘facilitated the carrying out of a terrorist act’ (s 25(2) TSA).

*Designation of elements of Hizbollah by partners*

42. The US and Canada have both proscribed the entire Hizbollah organisation due to the strong Hizbollah linkages to organised crime in their respective countries and the expressed threat the organisation historically and currently poses to the US. Prior to 11 September 2001, Hizbollah was responsible for the deaths of more American citizens than any other terrorist group. The UK has proscribed the IR as a distinct terrorist entity within Hizbollah citing the need to retain a political dialogue with Hizbollah. Australia, meanwhile, has proscribed the External Security Organisation (ESO) as a distinct ‘terrorist entity’ within the IR.

*Designation of Hizbollah’s military wing only*

43. Hizbollah plays a social and political role Lebanon. It represents a large portion of the Shia community, the largest of Lebanon’s religious groupings, and provides social services to communities across the country. Given its current level of influence in Lebanese society, Hizbollah can play an important role, alongside the Lebanese government, in ensuring Lebanon does not regress back into a sectarian civil war.
44. Hizbollah’s leadership, however, has not renounced violence as a means to achieve the organisation’s objectives, particularly with regard to Israel, and continue to maintain a degree of strategic command over the military wing. Furthermore IR has, over the past four years, grown stronger than it has ever been and arguably currently poses the greatest security threat to the region. For these reasons, it is appropriate to designate Hizbollah’s military wing, IR, as a terrorist entity.

## CASE STUDIES

### 1. The siege of West Beirut, May 2008

#### *The facts*

45. For 17 months following the 2006 war with Israel, Hizbollah led a campaign of street protests against the Lebanese Government to force it to negotiate a new ruling coalition in which Hizbollah would have a power of veto. Hizbollah's actions paralysed central Beirut, preventing parliament from sitting, blocking the November 2007 presidential elections, and "effectively freezing the political process".<sup>74</sup>
46. In May 2008, in an attempt to bring Hizbollah more under the government's control, Lebanese Prime Minister Fouad Siniora announced he would move to shut down Hizbollah's private 'military telecommunications network', which the government considered a violation of state sovereignty, and remove Beirut Airport's security chief, Brigadier General Wafiq Shuqeir, over his alleged ties to Hizbollah.<sup>75</sup> In response, on 7 May, IR commanders and fighters from groups allied to Hizbollah used a planned labour strike in central Beirut as an opportunity to infiltrate the city, block major routes with burning tyres and launch attacks against key government buildings, including political offices and media outlets.<sup>76</sup> On 8 May Hizbollah Secretary General Nasrallah announced on Al-Manar television that the government's move against the group's networks was a "declaration of war" on the organization, and demanded that the order be revoked. Accusing the government of being "Israelis dressed in suits and speaking Arabic"<sup>77</sup>, he pledged to "cut the hands that will target the weapons of the resistance"<sup>78</sup>, and of those who would tamper with the group's telecoms network.<sup>79</sup>
47. Within minutes of Nasrallah's comments, heavy street battles broke out in central Beirut between the pre-positioned IR-led opposition fighters and pro-government Sunni militiamen of the Future Movement.<sup>80</sup> Over the next two days opposition gunmen, using machine guns and rocket propelled grenades, "[routed] government supporters with ease in what was clearly a pre-planned and well-coordinated operation."<sup>81</sup> Over these two days 14 people, including 8 civilians, were killed in Beirut alone.<sup>82</sup>
48. In response to the violence, Prime Minister Siniora said, "Hizbollah today has a problem with all of Lebanon, not just the government... Hizbollah must realise that force of arms cannot intimidate us". He accused Hizbollah of besieging the capital and "poisoning" the dream of democracy in Lebanon.<sup>83</sup> A senior member of the Lebanese government added, "by turning its guns on the country, Hizbollah has lost its status as a national resistance among the majority of Lebanese."<sup>84</sup> IR's armed attacks in Beirut ended on 10 May when the Lebanese Army conceded to Hizbollah's demands, reinstating Beirut airport's security chief and overturning the government's earlier decision to shut down the telecoms network. The 18-month political crisis finally ended on 21 May when rival Lebanese leaders reached an agreement in Doha, giving the opposition 11 Ministerial positions within any new coalition, and thereby assuring Hizbollah a veto power within the government.
49. Despite the agreement, sporadic violence continued to spread throughout Lebanon for several weeks. It is estimated that between 7 May and 25 July, 105 people were killed in episodic violence involving IR-led fighters against pro-government and

Sunni groups. This included 34 civilians, two Police and one foreign national (Australian).<sup>85</sup> Human Rights Watch believes the figure is more likely to be 65 civilians killed, while the Lebanese Police estimated the figure could be as high as 80.<sup>86</sup>

*The act meets the TSA criteria for designation*

50. IR's attacks in West Beirut in May 2008 are consistent with the definition of a terrorist act under s 5 of the TSA.
51. IR's use of machine guns and rocket propelled grenades during the street battles in the centre of Lebanon's capital city shows an intention to cause the death of, or other serious bodily injury to, one or more persons (s 5(3)(a) TSA). This is supported by the fact that in three days of fighting between IR fighters and pro-government forces, 14 people, including 8 civilians, were killed.
52. As noted in paragraph 46 above, the violent attack on West Beirut by IR fighters was carried out in response to the government's move to shut down Hizbollah's military telecommunications network. The fact that IR ended the attacks when its demands were met illustrates that its intention was to unduly compel the government to act to reinstate the airport security chief and to reverse its earlier decision to dismantle Hizbollah's telecommunications network (s 5(2)(b) TSA). IR's prompt action to restore Hizbollah's military capability (and thus preserve the "weapons of the resistance") was also clearly carried out with the purpose of advancing the IR's own ideological/political or religious cause (s 5(2) TSA).

## **2. The planned attack against the Israeli Embassy in Baku, Azerbaijan, May 2008**

*The facts*

53. In October 2009 two Lebanese members of Hizbollah's IR and four Azeri nationals were convicted by a court in Azerbaijan of plotting in 2008 to bomb the Israeli and US Embassies in Baku as well as the Russian-operated Qabala radar station.<sup>87</sup> They had been charged in June 2009 with treason, revealing secret information abroad, espionage, preparation of acts of terrorism, drug trafficking and arms smuggling.<sup>88</sup> The investigation concluded that the suspects intended to position up to four car bombs near the Embassies and explode them simultaneously. The alleged plot has been described as "in the advanced stages".<sup>89</sup> Police caught the suspects fleeing from the Israeli Embassy in May 2008 with explosives, binoculars, cameras, firearms with silencers and reconnaissance photos in their vehicle.<sup>90</sup>
54. The leader of the plot, Ali Karaki, is described as, "a veteran of Hizbollah's external operations unit [ESO]", while the second Lebanese man, Ali Najem Aladine, was a "lower-ranking explosives expert".<sup>91</sup> According to investigation records, the men were receiving orders from Hizbollah's ESO, and support - including explosives and facilitated entry into Azerbaijan - from Iran's Revolutionary Guards Corps. A court spokesman said the group also had ties to Al Qaida.<sup>92</sup>
55. Local and foreign newspapers reported that the planned bombing was an attempt to avenge the assassination of Imad Mughniyeh.<sup>93</sup> As recorded above at paragraph 34 Hizbollah Secretary General Nasrallah has publicly stated that Mughniyeh's death would be avenged through attacks against Israeli at 'a time and place' of Hizbollah's choosing. It appears that the planning for an attack may have even begun before

February 2008. The investigation found that the two Lebanese IR members had travelled to Azerbaijan several times in 2007 and early 2008, using Iranian passports, to collect information on the Israeli Embassy and take photos of the radar station.<sup>94</sup> During the trial, Ali Karaki admitted that he had represented Hizbollah in Iran since 2003 and that his duties included collecting information on the Jewish Cultural Center in Baku as well investigating a number of Iranians who “help Israel”.<sup>95</sup>

*The act meets the TSA criteria for designation*

56. IR’s planned attack against the Israeli Embassy in Baku, Azerbaijan is consistent with the definition of a terrorist act under s 5 of the TSA.
57. For the purposes of the TSA, a terrorist act is carried out if planning or other preparations to carry out the act occur, whether it is actually carried out or not (s 25(1)(a) TSA). The IR members were convicted of preparing to commit acts of terrorism involving the planting of car bombs near foreign embassies and a radar station. Their activities reveal an intention to cause the death of, or other serious bodily injury to, one or more persons (s 5(3)(a) TSA). The plan to bomb the radar station also shows an intention to cause serious damage to property of great value or importance and would be likely to cause death or serious bodily injury (s 5(3)(c) TSA). The plan to detonate multiple bombs simultaneously in public places shows an intention to induce terror the civilian population (s 5(2)(a) TSA).
58. The bombings were clearly intended to target Israel and supporters of Israel. As stated in paragraph 11, the destruction of the state of Israel is one of Hizbollah’s core objectives. The IR’s actions in planning the bomb attacks were therefore carried out with the purpose of advancing the IR’s own ideological/political or religious cause (s 5(2) TSA).

## **LAW OF ARMED CONFLICT**

*Is there an armed conflict and are IR members combatants?*

59. For the s 5(4) exemption to apply, two conditions must be satisfied. First that there is a state of armed conflict currently in the areas in which IR is conducting its operations, and second that the attack accords with the law of armed conflict (“LOAC”). If one of these conditions is not met, the exemption does not apply.
60. The history of the conflict between IR elements and the IDF, and between the IR and other Lebanese factions is a long and complex one. Some parts of this violent history would qualify as armed conflict. For example the Second Lebanese War from 12 July – 14 August 2006 involved a major Israeli military incursion into Lebanon along with a land, air and sea blockade of the country. IR and the IDF were involved in pitched battles of some intensity. Although IR does not constitute the armed forces of Lebanon, widespread destruction of Lebanese infrastructure purportedly intended to turn the Lebanese against Hizbollah would seem to convert what might otherwise have been non-international armed conflict between a State and a non-state actor, into an international armed conflict.
61. IR has also been involved in violence which might qualify as internal armed conflict. An internal armed conflict exists where the conflict is fought between government forces and opposing non-state forces, or amongst armed groups, none of whom

qualify as a legitimate government. Additional Protocol II (1977) to the 1949 Geneva Conventions adopted a higher threshold, requiring the insurgent forces fighting the government to be under responsible command and to control territory such that it would be able to implement the Additional Protocol. Such violence may even be classified as an international armed conflict when peoples are fighting against colonial domination, alien occupation or racist regimes in the exercise of their right to self determination.<sup>96</sup>

62. However although some aspects of IR's operations may amount to armed conflict many other aspects would not. LOAC does not apply to sporadic or isolated acts of violence, such as IR's campaign of suicide bombings throughout the 1980s and 1990s, and particularly does not apply to such acts of violence conducted outside of the territory controlled by the parties to the conflict.
63. In case study 1, for example, the operations of IR in West Beirut in May 2008 involved members in violent street-fighting with the Sunni militia of the Future Movement. Although this militia backed the Government of Prime Minister Fouad Siniora, it was not a formalised part of the armed forces of Lebanon and therefore this conflict would best be described as being between two armed groups. Neither the Lebanese Army, nor the Police became involved in any significant way in the fighting. The fighting lasted approximately 14 days and resulted in about 100 or more deaths. However not all of those deaths can be attributed to IR and some occurred in subsequent isolated acts of violence.
64. Fighting of this type does not reach the threshold of armed conflict. Although neither duration nor casualties alone is determinative, most authorities would not regard a limited political demonstration of force of this nature to be an armed conflict. The aims of the violence were limited and the normal structures of the State, although unable to operate effectively, remained in place. Given there is no situation of armed conflict, the exemption in s 5(4) cannot apply to IR's actions detailed in case study 1.
65. In case study 2 the planned attack was intended to occur in Azerbaijan which, even if armed conflict was occurring in Lebanon at the time, is outside of that territory. The action was intended to be conducted as an isolated act of violence by persons who did not identify themselves as combatants and who would not qualify as combatants. This does not amount to an armed conflict, so once again the exemption in s 5(4) cannot apply to IR's actions detailed in case study 1.

*Were the acts carried out in accordance with the applicable rules of LOAC?*

66. Having failed to meet the threshold of armed conflict it is not necessary to go further to examine whether the action of IR would have been in accordance with that law. In respect of case study 1 it is not possible to say whether the fighting in question would, or would not, have met this test. Not enough is known of the way in which this fighting was conducted to be able to make such an assessment.
67. In respect of case study 2, however, even if it is accepted that there is a current armed conflict, the second threshold for applying LOAC is also not met. Only combatants<sup>97</sup> have the right to conduct attacks in accordance with LOAC. This generally means members of armed forces, however irregular forces can still qualify

provided that they distinguish themselves from the civilian population while engaged in an attack or operations preparatory to an attack.<sup>98</sup> The members of IR, by not distinguishing themselves from the civilian population during this operation or conducting its operations according to LOAC, do not qualify for combatant status.<sup>99</sup>

68. Furthermore the attack was intended to target an embassy, which is a protected civilian object containing civilian persons. This breaches the LOAC principle of distinction – that attacks on enemy combatants and military objectives are lawful, whereas attacks on the civilian population or civilian objects are not.

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<sup>1</sup> Hizbollah literally means “The Party of God” (Hizb-i Allah). Other transliterations of the name include: Hizbullah, Hizballah, Hezbollah, Hezballah and Hizb Allah.

<sup>2</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>3</sup> Mohammad Baqr as-Sadr is the late father-in-law of radical Shia leader Muqtada al-Sadr, who established the anti-coalition ‘Mahdi Army’ (see paragraph 41).

<sup>4</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, pp.66-68.

‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>5</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, p.98.

<sup>6</sup> *ibid*, p.98.

<sup>7</sup> *ibid*, p.22.

<sup>8</sup> *ibid*, pp.21-58.

<sup>9</sup> Hizbollah stood candidates for Lebanon’s first post-civil war elections in 1992, winning eight seats. Since then the organisation has maintained a continuous parliamentary presence, averaging around 10 of the 128 seats in parliament. In May 2008, following IR’s siege of Beirut (see Case Study 1) Hizbollah and its allies were granted one third of the seats in parliament, given it the power to veto government policy. In the most recent election in 2009, the Hizbollah-led opposition block secured 57 of the 128 seats in parliament, and was awarded 10 of the 30 positions in Cabinet.

See:

‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

‘Hezbollah back in the Lebanon fray’, Asia Times Online, 11 November 2009, [www.atimes.com](http://www.atimes.com), last accessed 16 August 2010.

<sup>10</sup> ‘The rebirth of Hizbollah’, Benedetta Berti, Strategic Assessment, Volume 12 No.4, February 2010, pp.95-96.

‘Hezbollah cuts Islamist rhetoric in new manifesto’, Reuters, 30 November 2009, [www.reuters.com](http://www.reuters.com), last accessed 9 August 2010.

<sup>11</sup> This followed a series of public relations disasters including the May 2008 siege of West Beirut, Hizbollah’s implication in the Hariri assassination, losses in the June 2009 elections, challenges to Iran’s clerical leadership and internal financial issues. See ‘Hezbollah’s penance: The Shi’ite militia works to rebuild its tarnished image’, The Washington Institute, 5 March 2010.

<sup>12</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>13</sup> ‘The rebirth of Hizbollah’, Benedetta Berti, Strategic Assessment, Volume 12 No.4, February 2010, pp.95-96.

For more on Hizbollah’s ‘flexibility in a dynamic geopolitical environment’, see also:

‘Lebanon’s Scud row’, Council on Foreign Relations, 13 May 2010, [www.foreignaffairs.com](http://www.foreignaffairs.com), last accessed 12 July 2010.

<sup>14</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, pp.55-57.

<sup>15</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>16</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, p.63.

<sup>17</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>18</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, pp.69-70.

<sup>19</sup> ‘Hizbullah’s intelligence apparatus’, Jane’s Terrorism and Security Monitor, 13 September 2006, <http://defence.janes.com>, last accessed 22 July 2010.

<sup>20</sup> Naim Qassem (2005) *Hizbullah. The story from within*, London: Saqi, pp.69-70.

<sup>21</sup> ‘Hizbullah: An organisational and operational profile’, Martin Rudner, International Journal of Intelligence and Counterintelligence, Routledge, 2010, p.234.

<sup>22</sup> *ibid*, p.234.

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- <sup>23</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
- <sup>24</sup> ‘Hezbollah: Radical but rational’, STRATFOR Global Intelligence, 12 August 2010.
- <sup>25</sup> It should be noted that Hizbollah has not been held responsible or claimed responsibility for a suicide attack against Israel since before 2000.
- <sup>26</sup> ‘Hizbullah: An organisational and operational profile’, Martin Rudner, *International Journal of Intelligence and Counterintelligence*, Routledge, 2010, p.234.
- ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
- <sup>27</sup> ‘Hizbullah: An organisational and operational profile’, Martin Rudner, *International Journal of Intelligence and Counterintelligence*, Routledge, 2010, p.235-6.
- <sup>28</sup> ‘Inside Hizbullah’s decision-making’, Magnus Ranstop, excerpted from Chpt 15 of ‘The Making of a Terrorist, Volume Two: Training’, Praeger, 2005.
- <sup>29</sup> ‘Disappearance of “Israel” is Inevitable’, Speech by the Secretary General of Hizbullah H. E. Sayyed Nasrallah, 22 February 2008, International Relations and Security Network (ISN) Zurich.
- <sup>30</sup> ‘Hizbullah: An organisational and operational profile’, Martin Rudner, *International Journal of Intelligence and Counterintelligence*, Routledge, 2010, p.234.
- ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
- <sup>31</sup> ‘Hezbollah: Radical but rational’, STRATFOR Global Intelligence, 12 August 2010.
- <sup>32</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
- <sup>33</sup> ‘Hezbollah: Radical but rational’, STRATFOR Global Intelligence, 12 August 2010.
- <sup>34</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
- <sup>35</sup> ‘Hezbollah stockpiles 40,000 rockets near Israel border’, The Times, 5 August 2009, [www.thetimes.co.uk](http://www.thetimes.co.uk), last accessed 30 July 2010.
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- <sup>36</sup> ‘Hizbullah’, Janes World Insurgency and Terrorism, 29 April 2010, <http://defence.janes.com>, last accessed 22 July 2010.
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- <sup>39</sup> ‘Drums of war: Israel and the “Axis of Resistance”’, Crisis Group Middle East Report, No.97, 2 August 2010, p.8.
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- <sup>42</sup> UN Security Council, S/RES/1701 (2006), 11 August 2006.
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<sup>75</sup> ‘Gun battles break out in Beirut’, CNN, 9 May 2008, [www.cnn.com](http://www.cnn.com), last accessed 3 August 2010.

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<sup>78</sup> ‘Shiite-Sunni clashes intensify in Beirut’, NY Times, 9 May 2008, [www.nytimes.org](http://www.nytimes.org), last accessed 3 August 2010.

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<sup>96</sup> Additional Protocol I (1977) to the Geneva Convention of 1949 Art 1 (4).

<sup>97</sup> Strictly speaking combatant status only arises in international armed conflict so the tests from Additional Protocol I have been applied.

<sup>98</sup> Additional Protocol I (1977) to the Geneva Convention of 1949 Art 44.

<sup>99</sup> The applicable LOAC would be customary international law, Common Article 3 of the Geneva Conventions 1949 and Additional Protocol II (1977) to those Conventions. Lebanon has ratified all four Geneva Conventions and the two Additional Protocols.

## **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)
- <sup>2</sup> (19/07/2013) "Hizbullah", Jane's World Insurgency and Terrorism at page 29. Access available on subscription. Accessed 30/8/2013.
- <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) "Hizbullah", 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*.
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- <sup>14</sup> (19/07/2013) "Hizbullah", Jane's World Insurgency and Terrorism at page 29. Access available on subscription. Accessed 30/8/2013.
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- <sup>29</sup> (8/01/2013) "Hizbullah", Jane's World Insurgency and Terrorism at page 15. Access available on subscription. Accessed 28/2/2013.
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## **STATEMENT OF CASE TO RENEW THE DESIGNATION OF LEBANESE HIZBOLLAH'S MILITARY WING, AL-MUQAWAMA AL-ISLAMIYYA ('THE ISLAMIC RESISTANCE') (IR) AS A TERRORIST ENTITY**

### **PURPOSE**

1. The purpose of this paper is to set out the case demonstrating Lebanese Hizbollah's Military Wing, Al-Muqawama al-Islamiyya, (also known as Military Wing of Lebanese Hizbollah; Military Wing of Hezbollah; Military Wing of Hizbullah; The Islamic Resistance; 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 relevant changes and/or developments to the organisation since its original designation in October 2010<sup>1</sup> and renewal in October 2013.<sup>2</sup> Updates to IR's objectives, structure, weapons and tactics, and recent attacks which meet the definition of a terrorist act under the TSA are included.
4. This updated information, together with the information contained in the original designation paper and previous renewal paper, provide the basis for the paper's conclusion that IR meets the legal criteria for renewal of 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 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)).
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: Jane's Terrorism & Monitoring series, Al Jazeera, BBC News, Reuters, Open Source Center, The Christian Science Monitor,

Combating Terrorism Center, The Washington Institute and International Crisis Group. Local news sources include Al Arabiya, Middle East Eye, The Times of Israel, Islamic Republic News Agency and Haaretz. Hizbollah's website Al Manar TV, and Israel Intelligence Heritage and Commemoration Center's (IICC) Meir Amit Intelligence and Terrorism Information Center were also utilised.

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

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

9. IR was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013.
10. On 7 October 2014, IR militants detonated an improvised explosive device (IED), targeting an Israeli motorised patrol on the border between Lebanon and Israel. At least two Israeli soldiers were injured in the attack, for which Hizbollah later claimed responsibility. Following the IED attack Hizbollah's Deputy Secretary General, Sheikh Naim Qassem, declared IR remained ready to fight Israel despite Hizbollah's "intervention in other regional battlefields", referring to IR's presence in Syria.<sup>3</sup>
11. On 28 January 2015, IR fighters in Lebanon ambushed an Israeli military convoy transporting soldiers and officers through Shebaa Farms territory. IR launched six anti-tank missiles, destroying vehicles, killing two Israeli soldiers and critically injuring seven. Hizbollah claimed responsibility for the attack, which was likely in retaliation for an 18 January Israeli air strike that killed six Hizbollah fighters in Quneitra, Syria.<sup>4</sup>
12. On 29 June 2015, Cyprus imprisoned IR member Hussein Bassam Abdallah for six years after he pleaded guilty to charges of stockpiling explosives to attack Jewish targets abroad. Abdallah was arrested in May 2015 after authorities found 8.2 tonnes of ammonium nitrate fertiliser (used to make fertiliser bombs such as that used in the 1995 Oklahoma City bombing), in the basement of a house in Larnaca, Cyprus.<sup>5</sup>
13. Following the death of IR commander Samir Kantar in an airstrike in Syria on 21 December 2015, Hizbollah's Secretary General, Hassan Nasrallah, blamed Kantar's death on Israel. Nasrallah described Kantar as a "resistance man, mujahid, and leader in the Islamic resistance" and vowed to avenge his death at a time, place and in a fashion deemed appropriate.<sup>6</sup>
14. During a speech on 16 February 2016, Nasrallah claimed Hizbollah has guided missiles that could hit the ammonia storage facility in the Haifa Bay area. Nasrallah acknowledged Haifa Bay was home to approximately 800,000 Israelis, and tens of thousands of them would die if the ammonia plant was hit by a missile.<sup>7</sup> Nasrallah noted Hizbollah did not have a nuclear bomb, but the combination of several rockets and the ammonia storage tanks would be equivalent to a nuclear bomb.<sup>8</sup>
15. On 21 March 2016, Nasrallah threatened Hizbollah would strike Israel's nuclear facilities if the Israel Defence Force "escalates its aggression against Lebanon". Nasrallah also stated, "there will be no ceiling, limits or red lines...we can strike any target we want inside occupied Palestine". Nasrallah further claimed Hizbollah was aware of the location of Israel's chemical plants and nuclear facilities, which if struck would cause a large number of casualties.<sup>9</sup>

### **Ideology and objectives**

16. Hezbollah's initial aim of establishing a radical Shia Islamist theocracy in Lebanon, and destroying Israel, remains, as does the group's more pragmatic social-political-military movement. Hezbollah maintains its political arm (which provides social services) and a well equipped and trained military force, IR.<sup>10</sup> In February 2016 Christian Science Monitor reported Hezbollah was overstretched and under stress, but its leadership were prepared for another major confrontation with Israel.<sup>11</sup>
17. As the war in Syria has escalated, IR militants have fought in support of Syrian President Bashar al-Assad, confirmed by Nasrallah in a speech on Hezbollah's Al-Manar television channel on 25 May 2013. The speech was heavily sectarian in nature, and focused on Hezbollah's determination to combat what it perceived to be a growing threat to the region by Sunni militant groups, such as Al-Nusra Front for the People of the Levant and the Islamic State in Iraq and the Levant (ISIL).<sup>12</sup>
18. Hezbollah's involvement in Syria has increased sectarian tensions in Lebanon and the group has been the target of bomb attacks by Sunni militants. Hezbollah's support for al-Assad, and alliance with Iran, has increased hostilities with Gulf Arab states. In early 2016, Saudi Arabia led Gulf countries and the Arab League to declare all of Hezbollah a terrorist group.<sup>13</sup>

### **Organisation and structure**

19. Hezbollah's structure has remained consistent. Nasrallah continues to be the Secretary General and chief decision maker for Hezbollah's political and paramilitary apparatuses. Nasrallah is the head of the Majlis al-Shura, which presides over the Jihad Council responsible for military matters, including IR.<sup>14</sup>
20. IR has lost several prominent members and over 1,000 foot soldiers in combat since joining Syria's civil war. Hassan Hussein al-Haj, a top Hezbollah commander, was killed in October 2015 fighting al-Qaida-linked fighters in Idlib, Syria. Ali Fayyadh (also known as Abu Alaa Bosna) who led some of IR's operations in Lebanon, Syria, Iraq and Bosnia, was also killed during a battle with ISIL in February 2016.<sup>15</sup>
21. On 13 May 2016, IR military commander Mustafa Amine Badreddine (also known as Zulfaqar) was killed by artillery fire in Syria. Hezbollah blamed Badreddine's death on "takfiri groups".<sup>16</sup> Prior to his death, Badreddine reportedly stated he would not abandon his work in Lebanon, Syria or any other place unless martyred or "holding the flag of victory".<sup>17</sup> Badreddine was reportedly behind all Hezbollah's military operations since 2011, sat on the Majlis al-Shura, and served as an advisor to Nasrallah.<sup>18</sup> Badreddine's nephew, Mustafa Mughniyah, is reportedly IR's new military commander.<sup>19</sup>

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

22. Iran has helped enable IR to turn into a powerful force with weapons capabilities unmatched by any other non-state actor. However, Hezbollah finances have reportedly suffered in recent years, due in part to Iran's financial burdens including sanctions, low oil prices and money spent assisting al-Assad. Iran's support for Hezbollah has been estimated at between \$60 million and \$200 million per year.<sup>20</sup>
23. In November 2014, Hezbollah Deputy Naim Qassem claimed Hezbollah had acquired advanced Iranian missiles with "pinpoint accuracy" that could be used against Israel in any future war.<sup>21</sup> In January 2015, The Washington Institute noted Hezbollah had significantly expanded the size and range of its rocket and missile inventory, including long-range systems and systems with improved accuracy. In May 2015, top military aide to Iran's Supreme Leader, Major General Yahya Rahim Safavi, claimed Hezbollah had 80,000

missiles that were ready to be fired at Haifa and Tel-Aviv.<sup>22</sup> Hizbollah has also likely improved air and coastal defence systems, acquired from or through Syria.<sup>23</sup> Hizbollah is estimated to have approximately 5,000 fighters in Syria at any given time.<sup>24</sup>

24. In December 2015, Hizbollah was for the first time conducting offensive manoeuvre operations in Syria. The Washington Institute suggested Russian intervention was enhancing this tactic, which had provided Hizbollah with important lessons for future conflicts.<sup>25</sup>

### Law of armed conflict (LOAC)

25. The situation between IR and Israel fails 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 IR activities noted within this paper are properly characterised as terrorist acts.

### CONCLUSION

26. 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.
27. Since its designation in October 2010 and renewal in October 2013, IR has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 10-15). 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.
28. The designation must be renewed by 2 October 2016 to be effective.

<sup>1</sup> (11/10/2010) “Statement of case to designate *Al-Muqawama al-Islamiyya* as a terrorist entity”, available at <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.

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<sup>7</sup> (25/02/2016) “Hassan Nasrallah’s ‘Ammonia Speech’: The threat for Israel and its significance”, The Meir Amit Intelligence and Terrorism Information Center, accessed via <http://www.terrorism-info.org.il/en/article/20964> on 30/05/2016.

<sup>8</sup> (23/02/2016) “Israeli city frets about chemical depot after *Hezbollah* threat”, Reuters, accessed via <http://www.reuters.com/article/us-israel-lebanon-chemicals-idUSKCN0VW1AJ> on 30/05/2016.

<sup>9</sup> (21/03/2016) “*Hezbollah* head warns Israel against war, threatens nuke sites”, The Times of Israel, accessed via <http://www.timesofisrael.com/nasrallah-warns-israel-against-war-threatens-to-hit-nuclear-sites/> on 30/05/2016.

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

### **PURPOSE**

1. This paper sets out the case demonstrating Lebanese Hizbollah's military wing, Al-Muqawama al-Islamiyya (also known as the Military Wing of Lebanese Hizbollah; Military Wing of Hezbollah; Military Wing of Hizbullah; The Islamic Resistance; IR), 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 IR's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in October 2010,<sup>1</sup> and subsequent renewals in October 2013<sup>2</sup> and September 2016<sup>3</sup>. Updates to IR's objectives, structure, weapons and tactics, and recent attacks which meet the definition of a terrorist act under the TSA are included.
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 IR 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 The Guardian, Al Jazeera English, NBC News, Middle East Monitor and Bloomberg.
8. A range of regional news sources were used, including Haaretz, The Times of Israel, Jerusalem Post, YNet News, Al Ahed News and the Arab Weekly.

9. Other sources utilised include information from the US Department of Justice, the Institute for the Study of War, and the Atlantic Council was also referred to.

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

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

10. IR was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013 and again on 26 September 2016.
11. Since the last renewal, at least one suspected terrorist plot claimed by IR have been exposed by Israeli and US authorities:
- *New York plot*: On 16 May 2019 the Manhattan Federal Court convicted Ali Kourani on eight charges of planning covert terrorist activities on behalf of Hizbollah. According to the US Department of Justice, Ali Kourani was trained by Hizbollah's External Security Organisation (ESO), which is the external security component of IR, and gathered intelligence in New York City in support of a plan to attack high profile US locations. US Attorney Geoffrey S. Berman noted that: "Ali Kourani was recruited, trained, and deployed by Hizbollah's Islamic Jihad Organization [aka the ESO] to plan and execute acts of terrorism in the United States. Kourani's chilling mission was to help procure weapons and gather intelligence about potential targets in the US for future Hizballah terrorist attacks. Some of the targets Kourani surveilled included JFK Airport and law enforcement facilities in New York City, including the federal building at 26 Federal Plaza in Manhattan."<sup>4</sup>

### **Ideology and objectives**

12. Hizbollah's aim of the "annihilation of the state of Israel and the establishment of 'Islamic rule' over Jerusalem" has remained unchanged since New Zealand's designation of IR in 2010.<sup>5</sup>
13. In recent years, Hizbollah has used fear as a deterrent tool.<sup>6</sup> Hizbollah Secretary General Hassan Nasrallah has frequently made "extravagant threats" towards Israel as a way of trying to instil doubt within the Israeli public regarding the ability of the Israeli Defence Force to match Hizbollah's IR fighters.<sup>7</sup>
14. Furthermore, IR's participation in the Syrian civil war has further strengthened connectivity and interoperability with Iran's Islamic Revolutionary Guards Corps (IRGC), and it remains a core element of Iran's asymmetric military strategy.<sup>8</sup> On 1 June 2019, Nasrallah warned that an attack on Iran "will mean the whole region will erupt," and that, "any American forces and American interests will be permissible" as a target.<sup>9</sup>

### **Organisation and structure**

15. Hizbollah's structure has remained unchanged since the last renewal. Nasrallah continues to be the Secretary General and chief decision maker for Hizbollah's political and paramilitary apparatuses. Nasrallah is the head of the Majlis al-Shura, which presides over the Jihad Council responsible for military matters, including IR. Mustafa Mughniyeh – son of the late Imad Mughniyeh, who led IR until his assassination in 2008<sup>10</sup> – is believed to have been appointed as leader of IR in 2016.<sup>11</sup>
16. Having lost between 1-2,000 fighters in Syria, Hizbollah has in recent years increased its recruitment and relaxed previously strict ideological and age requirements for new recruits. IR is currently estimated to have a permanent "army" of 20,000 fighters alongside tens of

thousands more Lebanese reservists.<sup>12</sup> IR's "regional clout" has also been boosted from its presence in Syria, Iraq and Yemen, and it has alliances with a number of regional militia groups.<sup>13</sup>

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

17. Since the last renewal, IR's primary focus has been supporting the Iranian IRGC and the Syrian regime of Bashar al-Assad in the Syrian civil war, as well as supporting Iraqi Shi'a Militia Groups (SMGs) in Iraq. Since 2013 thousands of fighters were deployed around the region, gaining new skills in urban warfare, fighting inside enemy territory, working with air support, and collaborating with other groups – including major state militaries.<sup>14</sup>
18. IR's involvement in the Syrian civil war and the war against Islamic State of Iraq and the Levant (ISIL) in Iraq has massively increased its access to advanced weaponry. This has largely come from Iran, which has secured transport corridors from within its own territory to the Mediterranean.<sup>15</sup> IR's arsenal includes guided missiles, unmanned armed drones, short-range ballistic missiles and anti-tank missiles. IR is now estimated to have approximately 130,000 rockets and missiles, and remains one of the best-armed non-state militaries in the world.<sup>16</sup>

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

19. In accordance with s 5(4) of the TSA, actions will not fall within s 5(2) of the TSA if they occur in a situation of armed conflict and are, at the time and in the place that they occur, in accordance with the rules of international law applicable to the conflict. The situation between Israel and IR does not meet the threshold to be considered an "armed conflict" so that the exemption in s 5(4) cannot be applied. Further, IR's actual or planned targeting of civilians in Israel is in breach of the LOAC principle of distinction. The actions of IR against Israel noted in this paper are properly characterised as terrorist acts.

### **CONCLUSION**

20. 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.
21. Since its designation in October 2010, and renewals in October 2013 and September 2016, IR has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraph 11) including planning, threatening and attempting attacks. 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.
22. The designation must be renewed by 29 September 2019 to be effective.

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