



4 February 2025



Ref: OIA-2024/25-0470

Dear

**Official Information Act request relating to designation of Hezbollah as Terrorist Entities**

Thank you for your Official Information Act 1982 (the Act) request received on 20 November 2024. You requested:

*Under the Official Information Act 1982, I am requesting the following:*

*1. All briefing documents related to the decision to designate Hezbollah in its entirety and Ansar Allah (also known as The Houthis) as terrorist entities.*

*Please also include related correspondence and documents, such as communications with the Attorney-General and the Prime Minister, National Security Board papers, and any communications or engagement plans.*

*Additionally, I request the following:*

*2. Any communications with foreign governments or non-governmental organisations regarding the designation of Hezbollah and the Houthis as terrorist organisations.*

*3. Information on when the process to designate Hezbollah and the Houthis as terrorist organisations was initiated, including details of the individuals, agencies, or departments responsible for starting the process.*

*4. Documentation or records detailing the initiation of this process, including internal communications, memos, or any other relevant materials.*

*5. Any documents or analysis that considered the acts of terror committed by the Israeli Defence Forces (IDF) or Mossad against the Lebanese and Palestinian people concerning Hezbollah's actions, particularly in the context of the decision to designate Hezbollah as a terrorist entity.*

*Please note that I do not seek information already in the public domain, specifically the Statement of Case to Designate (Hezbollah/Houthis) As A Terrorist Entity.*

On 3 December 2024, we wrote to you advising that the following parts of your request have been transferred:

- **Part [1]** of your request as it relates to information from Crown Law (CLO), including a letter from the Attorney-General in response to a consultation letter from the Prime Minister, has been transferred to CLO.
- **Part [2]** of your request as it relates to any relevant communications with foreign governments and any communications with foreign non-governmental organisations held by the Ministry of Foreign Affairs and Trade (MFAT), has been transferred to MFAT.

- **Parts [3] – [4]** of your request about the initiation of the process for the designation of terrorist organisations has been transferred in full to NZ Police.

The time frame for responding to your request was extended under section 15A of the Act by 20 working days because consultations were needed before a decision could be made on the request. Following this extension, I am now in a position to respond.

Please note, the Department of the Prime Minister and Cabinet does not hold any information relevant to **Part [5]** of your request. I am therefore refusing these aspects of your request under section 18(g), as the requested information is not held, nor do I believe it is held by another department or agency.

### Information being released

In regard to **Part [1]**, I have decided to release the relevant parts of the documents listed below, subject to information being withheld as noted.

Item	Date	Title or Document description	Decision
Item 1	21/08/2024	Cover Sheet for NSB Item 4	Release with some information withheld under: s6(a) s9(2)(g)(ii)
Item 2	21/08/2024	Considering terrorist designations of the entirety of Hizbollah and the Houthi under the Terrorism Suppression Act 2002	Release with some information withheld under: s6(a) 6(b)(i) s6(d) s9(2)(a) s9(2)(g)(i) s9(2)(h)
Item 3	17/09/2024	Briefing: Designation of Hizbollah and the Houthi as terrorist entities	Release with some information withheld under: s6(a) s6(d) s9(2)(a) s9(2)(g)(i) s9(2)(g)(ii)
Item 4	20/11/2024	Designation of Hizbollah and the Houthi as terrorist entities	Release with some information withheld under: s6(a) s9(2)(g)(i) s9(2)(g)(ii) s9(2)(h)
Item 5	Undated	Letter from the Prime Minister to the Commissioner of Police (filed 20 November 2024)	Release in full
Item 6	Undated	Letter from the Prime Minister to the Attorney-General (filed 20 November 2024)	Release in full
Item 7	Undated	Letter from the Prime Minister to members of the Intelligence and Security Committee (filed 20 November 2024)	Release in full

The relevant grounds under which information has been withheld are:

- Section 6(a), to protect the security or defence of New Zealand or the international relations of the Government of New Zealand
- Section 6(b)(i), to protect the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government
- Section 6(d), to maintain the safety of any person
- section 9(2)(a), to protect the privacy of individuals
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion
- section 9(2)(g)(ii), to prevent improper pressure or harassment
- section 9(2)(h), to maintain legal professional privilege

### **Information being withheld**

We have identified two email threads relevant to your request. These are withheld in their entirety in accordance with section 9(2)(ba)(ii), to prevent damage to the public interest.

Also identified as relevant to your request are some briefings provided by the DPMC Policy Advisory Group to the Prime Minister. These briefings are provided to the Prime Minister in confidence to support him in his role as leader of the Government and chair of Cabinet. These briefings are withheld in their entirety under the following sections of the Act:

- section 6(a), to protect the security or defence of New Zealand or the international relations of New Zealand.
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion

Where section 9 of the Act applies, in making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information. You are entitled to ask the Ombudsman to review this response under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Bridget White  
**Executive Director**  
**National Security Group**



# Cover Sheet for NSB Item 4

**Meeting Date** 21 August 2024

**Sponsoring Agency** New Zealand Police, on behalf of the Terrorist Designations Working Group (TDWG)

**Item Title** Considering terrorist designations of the entirety of Hizbollah and the Houthi under the Terrorism Suppression Act 2002

## Purpose

1. This item provides advice on two terrorist designations. The **TDWG propose NSB** recommend to the Prime Minister that he designate the **entirety of Hizbollah and Ansar Allah (the Houthi)** each as a terrorist entity.
2. There are two questions to be answered in considering a designation -
  - a. **Could New Zealand** designate an entity a terrorist entity, ie does the case for an entity meet the statutory test for designation? This is **not** a question for the Board. The two Statements of Case attached have assessed each group meets the statutory threshold for designation, and are provided to the Board (Annex 1 and Annex 3) for information and to **endorse** the TDWG Chair sending to the Prime Minister.
  - b. **Should the Board** recommend the Prime Minister designate? The two policy papers attached (Annex 2 and 4) support the Board's consideration of the question for each case, including assessing the complex foreign policy, security and humanitarian implications of a designation. The Board is asked for each entity, to **recommend** to the Prime Minister that entity be designated a terrorist entity under section 22 of the TSA.
3. If the Board considers the entirety of Hizbollah and Ansar Allah (the Houthi) should each be designated this advice would be provided to the Prime Minister. Officials can provide further advice to the Prime Minister on how and when announcements should be made.

## Papers accompanying this coversheet

4. The following papers should be read together:

<b>Paper</b>	Considering terrorist designations of the entirety of Hizbollah and the Houthi under the Terrorism Suppression Act 2002		
<b>Annex 1</b>	Hizbollah: Statement of Case	<b>Annex 3</b>	The Houthi: Statement of Case
<b>Annex 2</b>	Hizbollah: Policy considerations	<b>Annex 4</b>	The Houthi: Policy considerations

**Contacts**

- a. Primary POC: s 9(2)(g)(ii) [redacted]
- b. Secondary POC: s 9(2)(g)(ii) [redacted]
- c. TDWG Agency representatives:

<b>NZ Police</b>	s 9(2)(g)(ii) [redacted]	<b>MFAT</b>	s 9(2)(g)(ii) [redacted]
<b>DPMC</b>	s 9(2)(g)(ii) [redacted]	<b>Crown Law</b>	s 9(2)(g)(ii) [redacted]
<b>NZSIS/ CTAG</b>	s 6(a) [redacted]	<b>NZDF</b>	s 9(2)(g)(ii) [redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

21 August 2024

Members  
National Security Board

## **Considering terrorist designations of the entirety of Hizbollah and the Houthi under the Terrorism Suppression Act 2002**

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### **Purpose**

1. This item provides advice on two terrorist designations. The TDWG propose NSB recommend to the Prime Minister that he **designate the entirety of Hizbollah** as a terrorist entity, and **Ansar Allah (the Houthi)**.
2. This paper summarises the arguments for each recommendation and provides analysis common to both designation decisions. This paper is supported by statements of case which assess that each group meets the statutory threshold for designation (eg. *could we designate?*) and policy papers that assess the complex range of foreign policy, security, and humanitarian implications for each decision (eg. *should we designate?*). Your role is to consider what recommendation should be provided to the Prime Minister.
3. Supporting papers form annexes as follows:
  - Annex 1: Hizbollah – Statement of Case
  - Annex 2: Hizbollah – Policy Considerations
  - Annex 3: The Houthi – Statement of Case
  - Annex 4: The Houthi – Policy Considerations.

### **Executive summary**

4. The Terrorism Suppression Act 2002 (TSA) provides legislative authority for the Prime Minister to designate terrorist entities. This is one measure New Zealand takes to contribute to the international campaign against terrorism. A designation under the TSA makes it a criminal offence to deal with the property of any terrorist entity, or to participate in or support the activities of that entity.

### **Hizbollah**

5. Successive Prime Ministers have designated the military wing of Hizbollah, also known as The Islamic Resistance (IR).<sup>1</sup> The entirety of Hizbollah has never been designated in New Zealand. s 9(2)(g)(i)

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<sup>1</sup> In October 2010 and renewed in October 2013, September 2016, September 2019, and August 2022.

6. Points in favour of expanding the designation:

- a. **Hizbollah has conducted terrorism** – through evidence and examples in the Statement of Case (Annex 1), there are clear links to terrorist acts. A key purpose of the TSA is the suppression of terrorism. Designation would illustrate New Zealand standing against these acts.
- b. **Partner alignment** – all Five Eyes partners except New Zealand currently designate all of Hizbollah as a terrorist entity. Aligning with partners would strengthen the impact of those designations.
- c. s 6(a)

[Redacted]

7. Risks and concerns with expanding the designation:

- a. s 6(a), 9(2)(g)(i)

[Redacted]

8. Other considerations:

- a. If Hizbollah was designated, provision of **humanitarian or development assistance** to Lebanon by the New Zealand Government and New Zealanders could continue – under the TSA there is a humanitarian carve-out. This would enable the continuation of humanitarian support for the benefit of affected Lebanese communities, through credible and reputable humanitarian agencies (for example in response to a natural disaster or conflict).
- b. **Timing and optics** – currently there is intense tension and sporadic conflict, s 6(a)

[Redacted] s 6(a), 9(2)(g)(i)

9. On balance, **the TDWG recommends designating the group in its entirety**. We believe concerns can be mitigated as set out in Annex 2: Hizbollah – Policy considerations.

**The Houthi**

10. New Zealand has not considered a designation of the Houthi before (also known as Ansar Allah, Ansarullah, the Houthis, the Houthi Movement). In January 2024, the Houthi were added to the list for the TDWG to consider following their actions in the Red Sea beginning in November 2023.

11. Officials have examined the evidence for designation, which has highlighted a number of complex policy issues. As outlined below, the TDWG **supports a recommendation to designate the Houthi.**

12. In favour of a designation:

a. **The Houthi have conducted terrorism** – as evidenced through examples in the statement of case, the Houthi have committed terrorist acts. The purpose of the Terrorism Suppression Act 2002 is to suppress terrorism. Designation would illustrate New Zealand standing against these acts.

b. s 6(a)

c. **Low impact on New Zealanders** – the assessed threat to New Zealanders in Yemen following a designation is low. s 6(a), 6(d)

13. Risks and concerns with designation:

a. s 6(a)

b. s 6(a), 9(2)(g)(i)

c. s 6(a), 9(2)(g)(i)

d. s 6(a), 6(d), 9(2)(g)(i)

14. Humanitarian considerations:

a. **New Zealand's humanitarian and development support to Yemen could continue.** The TSA's humanitarian carve-out would enable the government and New Zealanders to continue providing humanitarian and basic needs support for the benefit of affected Yemeni communities through credible and reputable humanitarian agencies.



b. **Impact on humanitarian and development assistance in Yemen – s 6(a)**

Yemen is experiencing one of the world's worst humanitarian crises with 18.2 million people requiring protection and assistance in 2024 (~54% of the population).

15. On balance, and given most of these risks can be mitigated or managed, the TDWG **recommends designating the Houthi**. We believe concerns can be mitigated as set out in Annex 4: Houthi – Policy considerations.

### Background

16. Entities listed by the United Nations Security Council Resolutions (UNSCRs) 1267 (1999), 1989 (2011), 2253 (2015) and 1988 (2011) Committees (the UN 1267 and 1988 Committees) are automatically designated as terrorist entities in New Zealand under the TSA. The UN lists comprises of Al-Qaida, Islamic State of Iraq and the Levant (ISIL), the Taliban and associated individuals and entities.
17. UNSCR 1373 leaves it to Member States to identify other entities against which they should act. The TSA gives New Zealand the ability to designate non-UN-listed entities of any group or individual where there are reasonable grounds to believe they have knowingly planned, carried out, or participated in the planning or carrying out, of one or more terrorist acts.
18. Under section 22(1) of the TSA, 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.
19. If an entity is designated under the TSA, it becomes an offence under New Zealand law to deal with the entity's property, financial, or related services, or to provide it with property, funds, or material support. The Attorney-General can apply for a forfeiture order for any specified property that is controlled or owned by a designated entity in New Zealand. It also requires any financial institution or person who suspects any property is owned by either entity to report the existence of the property of the Commissioner of Police.
20. It is also an offence to knowingly recruit for a group that is a designated entity or participate in such a group for the purpose of enhancing its ability to carry out a terrorist act. Neither simple membership of a designated entity nor expressions of support for a designated entity is an offence in New Zealand.
21. Designations can be subject to judicial review under section 33 of the TSA, which can be triggered by any person with standing. This includes a member of the group if the group is designated, a lawyer on their behalf, or by a third party. Likewise, a party with an interest in the designation or the entity itself could request revocation of the designation almost immediately after the gazetting of the Prime Minister's decision.
22. The TDWG manages the process for advising NSB on the designation of non-UN-listed terrorist entities in support of UNSCR 1373. The TDWG is chaired by New Zealand Police and includes officials from Department of the Prime Minister and Cabinet (DPMC, National Security Group), New Zealand Defence Force (NZDF), Crown Law Office, Ministry of

Foreign Affairs and Trade (MFAT), and the Combined Threat Assessment Group, (CTAG).<sup>2</sup>

23. A designation as a terrorist entity made under section 22(1) automatically expires after three years unless revoked or renewed by the Prime Minister prior to this time. In accordance with section 29B(3) of the Act, designations may be renewed, prior to their expiry date, for a further three years if the Prime Minister believes that reasonable grounds exist, as set out in section 22, for an entity to be designated.

### **Factors for NSB consideration of designation recommendations**

24. The attached Statements of Case (Annexes 1 and 3) provide the formal legal assessment that the statutory criteria for designation under the TSA has been met for both groups. This is essentially a legal question on which Crown Law Office and New Zealand Defence Force (Legal) provide advice. The Prime Minister is required under the TSA to consult the Attorney-General about any proposed designation.
25. Meeting the legal test means there is some implicit rationale for designation – the entities are not designated through the UN process, so to do so independently would limit further terrorist acts and give effect to our international obligations.
26. Once the statutory threshold has been established, in determining whether to advise the Prime Minister to exercise his discretion to designate, NSB must weigh other relevant considerations including those agreed by Cabinet in DES Minute (10) 2/5. These considerations are:
- a. the need for New Zealand to contribute to the international security environment by preventing activities such as the recruiting, harbouring, participating in or financing of terrorist entities that fall outside the scope of the UN listing process;
  - b. the threat posed by the entity to New Zealand, New Zealanders, or New Zealand interests, including offshore;
  - c. the entity's New Zealand or regional presence, or links with New Zealanders; and
  - d. the nature and scale of the entity's involvement in terrorist acts or support activity.
27. These, and other policy considerations are discussed in the attached policy papers for each group (Annexes 2 and 4), that explain the trade-off between competing factors.

### **Bill of Rights, Human Rights and Privacy Act implications**

28. A decision to designate an entity as a terrorist entity under s 22(1) involves the exercise of discretion. Accordingly, by law, the Prime Minister must consider whether any limitations to rights recognised in the New Zealand Bill of Rights Act 1990 (NZBORA) that might result from designation are proportionate to the importance of the objective (suppressing the terrorist activities) and can be demonstrably justified in a free and democratic society.

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<sup>2</sup> The Combined Threat Assessment Group (CTAG) is an inter-agency group hosted and led within the New Zealand Security Intelligence Service. The group gives independent assessments to government agencies about threats to New Zealand, New Zealanders, and New Zealand's interests abroad. CTAG is made up of analysts from NZSIS and other government agencies, including: New Zealand Police, New Zealand Defence Force, Government Communications Security Bureau, the Civil Aviation Authority and Aviation Security Service, and the Department of Corrections.

29. Designating the entirety of Hizbollah or the Houthi as terrorist entities would result in criminalising activities that enhance the ability of these entities to conduct terrorism and recruitment. This could indirectly limit freedom of expression, freedom of association, protections for the cultural rights of minorities, freedom from discrimination on ethnic or religious grounds, and freedom of movement.
30. Our view is that any such limits on rights can be demonstrably justified in a free and democratic society, for the following reasons:<sup>3</sup>
- a. The objective of suppressing the terrorist activities of these entities is legitimate in a free and democratic society. It is also sufficiently important to justify some limitations on the above rights.
  - b. There is a rational connection between the objective of suppressing these entities' terrorist activities and the limitations on the above rights that might result from designation.
  - c. The potential limitation to rights is proportionate to the importance of the objective of suppressing terrorism. s 9(2)(h) [REDACTED]. We have not identified any alternative measure that would achieve the objective with less impairment on rights.
  - d. Specifically, with regard to Hizbollah, we have considered whether continuing to maintain the distinction between IR (the military wing) and the remainder of Hizbollah, and continuing to designate only the former, is sufficient to achieve the objective. For the reasons set out above, we do not consider limiting the designation to IR is sufficient to suppress Hizbollah's terrorist activities.

31. This paper does not raise any Privacy Act implications.

s 6(a), 6(d) [REDACTED]

33. s 6(a) [REDACTED]

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<sup>3</sup> This analysis follows the test set out by the Supreme Court in *Hansen v R* [2007] NZSC 7.

34. s 6(a)



### Humanitarian implications

35. Designations and other counterterrorism or sanction measures (collectively 'restrictive measures') can have unintended consequences for humanitarian action.

- a. Restrictive measures can have practical implications for the efficiency or efficacy of humanitarian operations. For example, additional compliance requirements can cause delays or make it difficult for aid organisations to access financial services. Restrictive measures can also impact on adherence to humanitarian principles (humanity, neutrality, impartiality and independence). For example, by limiting engagement with non-state armed groups or de facto authorities that control areas with people in need of assistance.
- b. Taken collectively, restrictive measures can have a 'cooling effect' on humanitarian action in a particular country. Humanitarian agencies, financial services or private entities may pull back from engagement in a particular country to 'reduce risk' or because of the impact restrictive measures may be having on the humanitarian operating environment.

36. New Zealand has a 'humanitarian carve out' in the TSA and the Russia Sanctions Regulations Act 2022 to protect humanitarian space. Within the TSA, sections 8(5) and 10(1)(b) provide that support related to satisfying basic needs of the recipient is not an offence under those sections. Humanitarian exemptions are widely considered to be the best way to protect principled humanitarian action from the unintended impacts of restrictive measures.

### Communications, media and public interest

37. New Zealand's Middle East foreign policy has historically been subject to heightened interest and proactive outreach by domestic interest groups in New Zealand. Any further designations in this region are likely to attract both domestic and international interest.

38. DPMC, in conjunction with TDWG agencies, would accordingly provide the Prime Minister's Office with talking points, a media statement and reactive talking points for his use, should they be required. This material would provide a succinct narrative outlining the Government's rationale for designation of Hizbollah and the Houthi, and reactive material to address questions that may arise at the same time.

39. The Statements of Case in a revised unclassified form, would be published on the Police website following each announcement of the Prime Minister's decisions to designate, as is standard procedure.

### Current designation of IR

40. Crown Law has advised that if the Prime Minister chooses to designate Hizbollah, then he must follow the designation with a revocation of the current designation of the military wing IR, and the gazetting of that decision.

## Consultation

41. This paper and the substantive policy papers have been developed in consultation with the TDWG member agencies; New Zealand Police, DPMC (National Security Group), NZDF, Crown Law Office, MFAT and CTAG.

## Recommendations

42. The TDWG recommends NSB:

- a. **note** the TDWG has considered the designation of the entirety of Hizbollah and the Houthi (Ansar Allah) as terrorist entities under section 22(1) of the TSA and has concluded the statutory criterion for designation is met in each case;

### *Hizbollah*

- b. **recommend** to the Prime Minister that he designate the entirety of Hizbollah as a terrorist entity under section 22 of the TSA;
- c. **note** the TDWG considers that the designation of Hizbollah is consistent with the relevant factors identified by Cabinet in CAB Min (03) 34/15A and DES Min (10) 2/5;
- d. **note** the TDWG concludes that any limitation to freedom of expression and freedom of association that might result from designation of Hizbollah can be demonstrably justified in a free and democratic society;
- e. **endorse** the TDWG Chair's forwarding of the 'Hizbollah: Statement of Case' (Annex 1) to the Prime Minister for consideration;
- f. **note** the Prime Minister is required to consult with the Attorney General about all new designations;
- g. **recommend** to the Prime Minister that he revoke the existing stand-alone designation of IR under section 29C of the Act, as the designation of Hizbollah supersedes and incorporates the existing designation of IR;

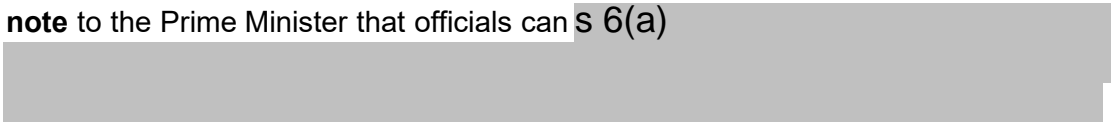
### *The Houthi*

- h. **recommend** to the Prime Minister that he designate the Houthi as a terrorist entity under section 22 of the TSA;
- i. **note** the TDWG considers that the designation of the Houthi is consistent with the relevant factors identified by Cabinet in CAB Min (03) 34/15A and DES Min (10) 2/5;
- j. **note** the TDWG concludes that any limitation to freedom of expression and freedom of association that might result from designation of the Houthi can be demonstrably justified in a free and democratic society;
- k. **endorse** the TDWG Chair's forwarding of 'The Houthi: Statement of Case' (Annex 3) to the Prime Minister for consideration;
- l. **note** the Prime Minister is required to consult with the Attorney General about all new designations.

### *Next steps*

- m. **note** that, if NSB agrees to recommend to the Prime Minister that he designate either group, s 6(a)

n. **note** to the Prime Minister that officials can s 6(a)



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## 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.<sup>1</sup>

### 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 intended to cause:
    - 5.1.1 the death of, or other serious bodily injury to, 1 or more persons (other than a person carrying out the act);
    - 5.1.2 a serious risk to the health or safety of a population
    - 5.1.3 serious interference with, or serious disruption to, critical infrastructure, if likely to endanger human life.



- 5.2 Is carried out for the purpose of advancing an ideological, political, or religious cause; and is intended to:
- 5.2.1 intimidate a population; or
  - 5.2.2 coerce or to force a government or an international organisation to do or abstain from doing any act.
- 5.3 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.<sup>2</sup> It is a multi-faceted organisation with political, social, and military components.<sup>3</sup> The group cultivated a reputation as a defender of Lebanese Shia community, the country's largest religious sect,<sup>4</sup> and as resistance against Israel and Western forces.<sup>5</sup> Hizbollah grew in popularity in Lebanon by exploiting Shiite 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.<sup>6</sup>

14. Hezbollah 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.<sup>7,8</sup> In 2009, Hezbollah released an updated manifesto that called for “true democracy”,<sup>9</sup> and removed much of the Islamist rhetoric previously seen in the 1985 manifesto, but maintained anti-Western and anti-Israeli rhetoric.<sup>10,11</sup>
15. In the 2022 national election Hezbollah maintained its 13 seats in Lebanon’s 128-member Parliament, though lost the majority they had held with their allies since 2018.<sup>12,13</sup> Hezbollah 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.<sup>14</sup>

### **Ideology and Objectives**

16. For the last two decades Hezbollah’s stated objective has been to remove Israel Defense Force (IDF) forces from southern Lebanon, which has resulted in a range of attacks on Israeli military and civilian targets.<sup>15</sup> Since the Israeli withdrawal from Southern Lebanon in May 2000, Hezbollah 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).<sup>16</sup>
17. Hezbollah promotes Iranian interests in the region. Hezbollah 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.<sup>17</sup>
18. Hezbollah has also historically expanded its area of operation beyond Lebanon, with fighters participating in the Bosnian conflict, Iraq war and Syrian war. Hezbollah has also played a role in transferring expertise and building the combat capabilities of armed factions of Iraq, Syria, and the Houthi movement.<sup>18</sup>

### **Organisation and Structure**

19. Hezbollah 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 Hezbollah mission.<sup>19</sup>
20. The Military Council directs Hezbollah’s military wing, which is responsible for all of Hezbollah’s armed activities and involvement in regional conflicts. It comprises all elements of Hezbollah’s militia and military-relevant functions, including Hezbollah’s External Security Organization (ESO).<sup>20</sup> Hezbollah’s military wing supports Hezbollah’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.<sup>21</sup>
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.<sup>22</sup>
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.<sup>23</sup>
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.<sup>24</sup>

## **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.<sup>25</sup>
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.<sup>26</sup>

### *Funding sources*

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

## 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,<sup>33</sup> and was responsible for the hijacking of TWA Flight 847.<sup>34</sup>
- 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.<sup>35</sup>
- 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.<sup>36</sup>
- 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.<sup>37,38</sup> Two Hizbollah operatives were charged in absentia and found guilty in 2020 for providing the explosive device and logistical support in the attack.<sup>39</sup>
- 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.<sup>40</sup>
- 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 Hizballah's attack planning efforts.<sup>41</sup>
- 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.<sup>42,43</sup>
- 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.<sup>44</sup>

### **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.<sup>45</sup> 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.<sup>46</sup> Nasrallah continues to publicly speak for the military intentions of Hizbollah,<sup>47,48,49</sup> 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."<sup>50</sup>
  - 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'."<sup>51</sup>
  - 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.<sup>52</sup>
  - 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."<sup>53</sup>
  - 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."<sup>54</sup>
  - 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".<sup>55</sup>

## **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.

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- <sup>2</sup> 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](https://www.adh-geneve.ch/joomlatools-files/docman-files/from-words-to-deeds/Hezbollah_Case-Study.pdf) on 26 March 2024.
- <sup>3</sup> Australian National Security, 'Hizballah.'
- <sup>4</sup> *Ibid.*
- <sup>5</sup> 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.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> 14/10/2023, 'What is Hezbollah?', Council on Foreign Relations, accessed at <https://www.cfr.org/backgrounder/what-hezbollah> on 26 March 2024.
- <sup>8</sup> UK Research and Innovation, 'Words to Deeds.'
- <sup>9</sup> Council on Foreign Relations, 'What is Hezbollah?'
- <sup>10</sup> *Ibid.*
- <sup>11</sup> 1/12/2009, 'Hezbollah cuts Islamic rhetoric in new manifesto', Reuters, accessed at <https://www.reuters.com/article/idUSTRE5AT3VK/> on 26 March 2024.
- <sup>12</sup> Council on Foreign Relations, 'What is Hezbollah?'
- <sup>13</sup> UK Research and Innovation, 'Words to Deeds.'
- <sup>14</sup> Wilson Center, 'War & Politics.'
- <sup>15</sup> 1/2/2021, 'Lebanese Hezbollah', Congressional Research Service, accessed at <https://www.judiciary.gov/eoir/page/file/1363491/download> on 26 March 2024.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> *Ibid.*
- <sup>18</sup> *Ibid.*
- <sup>19</sup> Australian National Security, 'Hizballah.'
- <sup>20</sup> *Ibid.*
- <sup>21</sup> N.d., 'Naim Qassem', Terrorists and Extremists, Counter Extremism Project, accessed at <https://www.counterextremism.com/extremists/naim-qassem> on 23 April 2024.
- <sup>22</sup> 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.
- <sup>23</sup> Australian National Security, 'Hizballah.'
- <sup>24</sup> 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.
- <sup>25</sup> 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.
- <sup>26</sup> '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.
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- <sup>28</sup> 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.
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- <sup>30</sup> 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.
- <sup>31</sup> Australian National Security, 'Hizballah.'
- <sup>32</sup> *Ibid.*
- <sup>33</sup> Congressional Research Service, 'Lebanese Hezbollah.'
- <sup>34</sup> *Ibid.*
- <sup>35</sup> 10/12/2021, Australian National Security, 'Hizballah.'
- <sup>36</sup> 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.
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- <sup>38</sup> 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
- <sup>39</sup> June 2024, 'Warnings & Indicators: Hezbollah's Terrorist Operations Modus Operandi', Matthew Levitt, Hizballah Conference Interpol 2024.
- <sup>40</sup> *Ibid.*
- <sup>41</sup> *Ibid.*
- <sup>42</sup> 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.
- <sup>43</sup> 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.
- <sup>44</sup> 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.
- <sup>45</sup> 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-accessible-version#:~:text=The%20UK%20government%20proscribed%20Hizballah's,the%20units%20reporting%20to%20it> on 26 March 2024.

<sup>46</sup> Australian National Security, 'Hezbollah.'

<sup>47</sup> 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.

<sup>48</sup> 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.

<sup>49</sup> 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-on1> August 2024.

<sup>50</sup> 1/1/1988, 'The Hezbollah Program: An Open Letter', International Institute for Counter-Terrorism, translation of '*Nass al-Risala al-Maftuba allati wajabaha 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.

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

<sup>52</sup> Human Rights Watch, '2006 War.'

<sup>53</sup> 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.

<sup>54</sup> 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.

<sup>55</sup> 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.

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## **Annex 2: Hizbollah - policy considerations for designation in its entirety under the Terrorism Suppression Act**

### **Purpose**

1. This paper outlines the case for whether the National Security Board (NSB) should recommend to the Prime Minister that he designate the entirety of Hizbollah as a terrorist entity. On balance, the Terrorist Designations Working Group (TDWG) recommends designating the group in its entirety. We believe concerns can be mitigated as set out in the rest of this paper.

### **History of Hizbollah designation to date**

2. Hizbollah (translated from Arabic as “Party of God”) is an armed opposition movement formed following the Israeli occupation of Lebanon in 1982. It is a multi-faceted organisation with political, social, and military components. It is also a political party that currently forms part of Cabinet, with two Ministerial positions (Labour and Public Works).
3. New Zealand designated the ‘military wing’ of Hizbollah, also known as The Islamic Resistance (IR), in October 2010 and renewed the designation in October 2013, September 2016, September 2019, and August 2022. Hizbollah as a whole has never been designated by New Zealand.
4. Since 2010, TDWG officials have periodically considered whether Hizbollah is a sufficiently unified organisation to the extent that terrorist acts committed by IR could be attributed to Hizbollah in its entirety.
5. TDWG’s 2022 advice to NSB did not recommend expanding the IR designation. <sup>s 6(a)</sup>

6. Notwithstanding the TDWG recommendation not to expand the designation in August 2022, s 6(a)

It is clear that the leadership of Hizbollah considers there is no division between the organisation’s political, social, and military components.

s 6(a)

~~RESTRICTED~~ UNCLASSIFIED



s 6(a)

### Points in favour of designation

#### A) Hezbollah has conducted terrorism

10. The Statement of Case outlines nature and scale of the entirety of Hezbollah's involvement in terrorist acts or support activity. It does not provide an exhaustive list, but does reference nine examples from the 1980s to November 2023.
11. This evidence and examples attached to the entirety of Hezbollah demonstrate clear links to unacceptable behaviour that New Zealand wishes to suppress and denounce. By designating the entire entity, it would strengthen our position against these sorts of activities, and align with the purpose of the Terrorism Suppression Act 2002 (TSA).

#### B) Partner alignment

12. Consideration of an entity involves understanding the views of our partners. Designating the entirety of Hezbollah would align us with the approach of Five Eyes partners, s 6(a)  
  - a. **Australia** first designated Hezbollah's External Security Organisation in 2003, before designating the full entity in 2021<sup>1</sup>. It has two terrorist designation frameworks – designating Hezbollah under its Counter-Terrorism sanctions regime through [the Charter of the United Nations Act 1945](#).
  - b. The **UK** designated Hezbollah's military wing in 2008, following proscription of the External Security Organisation in 2001. In 2019 the UK designated Hezbollah in its entirety on the basis that there is no distinction between Hezbollah's military and political wings.
  - c. The **United States** designated Hezbollah in its entirety in 1997, as a Foreign Terrorist Organization s 6(a)
  - d. **Canada** listed Hezbollah as a terrorist entity in 2002 drawing no distinction between its political and military wings. The designation was last reviewed and

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<sup>1</sup> The full Statement of Case is available online, [Hizballah \(nationalsecurity.gov.au\)](https://nationalsecurity.gov.au)

renewed in 2021, based on a Security Intelligence Assessment on Hizbollah (equivalent of our Statement of Case).

13. s 6(a)

s 6(a), 9(2)(g)(i)

14. s 6(b)(i), 9(2)(g)(i)

**C) Limited bilateral impact – low impact to New Zealand interests or New Zealanders**

15. Officials have considered the impact of designating the entirety of Hizbollah on New Zealand's interests offshore, including for New Zealanders in the region, as designation significantly limits the extent to which the New Zealand government can engage with an entity in pursuit of our national interests.

16. s 6(a), 6(d), 9(2)(g)(i)

17. s 6(a), 9(2)(g)(i)

The New Zealand Embassy in Cairo is accredited to Lebanon s 6(a), 9(2)(g)(i) Our trade and export relationship is limited, with a total of \$12.96 million NZD in two way trade in the year ended March 2024 (in New Zealand's favour).

18. s 6(a)

19. s 6(a)

**Risks and concerns with an expanded designation**

**A) s 9(2)(g)(i)**

20. 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. In the last elections in 2022, Hizbollah gained more seats than ever before (almost 20% of the vote, 15 seats out of 128). Hizbollah continues to hold seats in Lebanon's Parliament while the Government remains in a caretaker status due to a failure to agree on possible Cabinet portfolio responsibility. Hizbollah currently forms part of Cabinet, with two Ministerial positions: Labour and Public Works. Further information about Hizbollah's position in Government is outlined in the statement of case.

21. s 6(a), 9(2)(h)

22. s 6(a), 9(2)(g)(i)

23. s 9(2)(g)(i)

s 9(2)(g)(i)

24. s 6(a), 9(2)(g)(i)

**Other considerations**

**A) New Zealand humanitarian and development support to Lebanon**

25. Officials assess designating Hizbollah in its entirety would *not* negatively impact the ongoing provision of humanitarian and development support by the New Zealand

Government or New Zealanders via reputable international organisations for the benefit of affected Lebanese communities. This is because:

- a. The designation of Hizbollah as an organisation does not extend to the population or individuals governed by an organisation, even if they are supporters of its aims and objectives. In other words, provision of aid to a Lebanese civilian even if they support Hizbollah, does not equate to provision of aid to Hizbollah.
  - b. Even if New Zealand Government-funded humanitarian or development aid were to end up in the hands of Hizbollah, sections 8(5) and 10(1)(b) of the TSA provide that support related to satisfying basic needs of the recipient, is not an offence under those sections (also referred to as a 'humanitarian carve out').
26. At present and historically, New Zealand has provided very minimal humanitarian and development assistance to directly support programming in Lebanon. The most recent contribution was NZ\$0.5 million in 2020 to support the International Committee of the Red Cross' humanitarian response to the Beirut port explosion. Separately, New Zealand has had an enduring funding partnership with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which has five sites of operation, including Lebanon. Under our current agreement (2021/22-2023/24), New Zealand provides UNRWA with \$1 million in core funding which is unearmarked and can be used to support the UNRWA's full range of activities across its five sites of operation (including Lebanon) but this is not specifically targeted at programming inside Lebanon.
27. The effect of designating Hizbollah in its entirety would make it very difficult for New Zealanders to provide funds and support directly to Hizbollah without risking contravention of the Act. This is a key objective of a terrorist designation.

**B) Timing** s 6(a)

28. s 6(a)

29. s 6(a) growing concern about the potential for a wider conflict between Hizbollah and Israel. s 6(a) the risks have been heightened for several months and Israel's July assassination of Hizbollah commander Fuad Shoukr in Southern Beirut has added to the tension. s 6(a)

30. s 9(2)(g)(i)

It is also important to note that any acts by Hizbollah during war would be governed by the law of armed conflict – therefore not relevant for future designation decisions.

**Conclusion**

31. As advised in the attached cover sheet, the TDWG has established that to the best of our knowledge Hizbollah can be designated as a terrorist entity under New Zealand law.

32. Regarding timing, a designation would remain relevant if a wider conflict between Israel and Hizbollah occurs as the designation would be based on existing evidence of terrorist acts. s 9(2)(g)(i)



33. This paper has outlined policy arguments both for and against designating the entirety of Hizbollah. Our assessment is that any policy and bilateral concerns can be mitigated, and the TDWG propose NSB recommend to the Prime Minister that he designate the entirety of Hizbollah as a terrorist entity.

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## STATEMENT OF CASE TO DESIGNATE ANSAR ALLAH AS A TERRORIST ENTITY

### PURPOSE

1. The purpose of this paper is to set out the case demonstrating Ansar Allah (also known as 'The Houthis')<sup>1</sup> meets the statutory criteria for 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 background information about Ansar Allah covering various aspects of the organisation including its objectives, tactics, weapons and structure, before detailing a number of recent attacks which meet the definition of a terrorist act under the TSA.
3. The discussion preceding the case studies provides background about Ansar Allah which helps inform the analysis of the specific attacks in the case studies below. The attacks detailed in the case studies represent recent and serious attacks attributed to and/or claimed by Ansar Allah. It is attacks 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 Ansar Allah meets the legal criteria for designation as a terrorist entity under the TSA.

### STATUTORY CRITERIA FOR 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 paper are those which deem an act to be a terrorist act if that act:
  - 5.1 Is intended to cause:
    - 5.1.1 the death of, or other serious bodily injury to, 1 or more persons (other than a person carrying out the act):
    - 5.1.2 destruction of, or serious damage to, property of great value or importance, or major economic loss, and is likely to result in the death or serious bodily injury of one or more persons; and
  - 5.2 Is carried out for the purpose of advancing an ideological, political, or religious cause; and
  - 5.3 Is intended:
    - 5.3.1 to intimidate a population; or
    - 5.3.2 to coerce or to force a government or an international organisation to do or abstain from doing any act.

- 5.4 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.
- 5.5 Section 5A(1) deems a terrorist act is carried out if any 1 or more of the following occurs:
- 5.5.1 planning or other preparations to carry out the act, whether it is actually carried out or not:
  - 5.5.2 a credible threat to carry out the act, whether it is actually carried out or not:
  - 5.5.3 an attempt to carry out the act:
  - 5.5.4 the carrying out of the act.
- 5.6 Section 5(1)(b) provides in the alternative that a terrorist act includes an act against a specified terrorism convention. One such convention is the International Convention Against the Taking of Hostages (Hostage Convention). Article 1(1) of the Hostage Convention provides as follows:
- 5.6.1 Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or Juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition of the release of the hostage commits the offence of taking of hostages ("hostage-taking") within the meaning of this Convention.
6. Finally, s 4(1) provides that a terrorist act includes a terrorist act in armed conflict, which is relevantly defined as an act:
- 6.1 that occurs in a situation of armed conflict; and
  - 6.2 the purpose of which, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or abstain from doing any act; and
  - 6.3 that is intended to cause death or serious bodily injury to a civilian or other person not taking an active part in the hostilities in that situation.

#### **CREDIBILITY OF SOURCES**

7. 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 the AP News, BBC, CNN, Foreign Policy, The Guardian, TIME, Reuters, The Washington Post, and Al Jazeera.
8. A range of think tanks were referred to including Safer World Global, Human Rights Watch, Wilson Center, Council on Foreign Relations (CFR), Combating Terrorism Centre (CTC), The Washington Institute for Near East Policy, Counter Extremism Project .

9. Other sources utilised include Amnesty International, Euro-Med Monitor -Relief Web, United Nations Security Council (UNSC), Peoples Dispatch, OECDiLibrary, Arab News, U.S. Department of the Treasury, ARES Armament Research Services, US CENTCOM, Arab Center Washington DC, Listed Terrorist Organisations, Australian National Security.

## **BACKGROUND**

10. Ansar Allah, also referred to as The Houthis or The Houthi movement, is a militant and political rebel organisation based in northern Yemen. Ansar Allah consists predominantly of members who follow the Zaydi school of Shia, a branch of Islam. While Zaydi Shia Islam is not inherently militant, Ansar Allah as an organisation has Islamist objectives. It has been in conflict with the internationally recognised government of Yemen since approximately 2004.
11. Ansar Allah has never been designated as a terrorist entity by New Zealand. However, Ansar Allah is subject to targeted arms embargos and a prohibition on training and assistance under UNSC Resolution 2624 (2022) and there are 12 individuals designated by the UN in relation to Yemen, with a variety of sanctions associated.<sup>2</sup>
12. On 17 January 2024, The United States Department of State announced the designation of Ansar Allah as Specially Designated Global Terrorist (SDGT) group.<sup>3</sup> Designation as an SDGT provides opportunity to disrupt the Houthi's access to funds in the international financial systems. The US has abstained from designating the group under their more comprehensive framework as a Foreign Terrorist Organisation (FTO) due to the significant impact it would have on their ability to provide humanitarian assistance and support to the Yemeni political and peace process.
13. On 23 May 2024, the Australian Attorney-General announced that the Australian Government had listed the group as a terrorist entity. Rationale for this was that its violent attacks in the Gulf of Aden and surrounding region have killed civilians, taken hostages and severely disrupted navigational rights and freedoms in the waters around the Arabian Peninsula, thereby undermining maritime security.<sup>4</sup>

### **Establishment Of Ansar Allah**

14. Ansar Allah emerged in the 1990s as a cultural revivalist movement for the Zaydi sect of Islam in response to increasing Saudi/Wahhabi influence and perception of marginalisation of the Zaydi community by the Yemeni government.<sup>5</sup> The group has since militarized and actively operated an armed resistance.<sup>6</sup>
15. Between late 2014 and early 2015, Ansar Allah gained control of the majority of the territory in the former North Yemen, including the capital Sana'a and the Red Sea port city Hodeida.<sup>7</sup> Ansar Allah has maintained control of the majority of North Yemen since.
16. During this period, Ansar Allah launched a military campaign against the new government. This eventuated in a civil war across Yemen that remains ongoing as at May 2024, despite a ceasefire that was brokered by the UN between the Saudi-led coalition and Ansar Allah in 2022. This failed to be renewed six months later, and skirmishes have continued.<sup>8</sup>



## Organisation and structure

17. Abdul-Malik al-Houthi currently serves as Ansar Allah's leader, having replaced his older brother after the latter was killed in 2004.<sup>9</sup>
18. Yahia Badreddin al-Houthi has held the role of "Minister of Education" since 2016 and has since implemented a structure into traditional schools in Houthi controlled areas of Yemen that closely resembles that of training camps in Yemen in the 1990s. These camps were referred to as "summer camps", where children were sent during the school holidays to receive military training.<sup>10</sup>
19. Yahya Sarea holds the position of brigadier general for the Yemeni Armed Forces (YAF) as well as military spokesperson. Sarea produces televised speeches claiming responsibility on behalf of Ansar Allah following attacks such as 2024 activity in the Red Sea.<sup>11</sup>
20. As of April 2024, the total number of members and/or fighters linked to Ansar Allah is unclear. A 12 January 2024 Reuters report suggests that Ansar Allah has "acquired tens of thousands of fighters".<sup>12</sup>

## Ideology and Objectives

21. The founder of Ansar Allah, Hussein al-Houthi, introduced the Ansar Allah slogan "Death to America, Death to Israel, Curse upon the Jews, Victory to Islam" in the early 2000s.<sup>13</sup> The slogan adopts the colours of the Iranian flag, red, white and green, and shares similarity with the Iranian motto, "Death to America", adopted during street protests in 1979.<sup>14</sup>
22. Ansar Allah's ultimate objective beyond rebellion against the internationally recognised Yemen Government is unclear. Ansar Allah rejects characterisations of its organisation as a formal political body, however, it operates as a pseudo-government within areas under its control, having taken over both formal and informal institutions of governance throughout northern Yemen.<sup>15</sup>
23. In addition, Ansar Allah has adopted a 'divide and rule' approach to tribal institutions, which make up much of the informal governance structure in northern Yemen. Ansar Allah has actively fostered competition among rival tribes, rewarding support and recruits for its war effort against Ansar Allah's enemies.<sup>16</sup>

## Links to Other Groups

24. Ansar Allah is widely reported as being supported by Iran.<sup>17</sup> Iran denies this claim,<sup>18</sup> even though weaponry used by Ansar Allah has been analysed as Iranian-made, and maritime vessels have been intercepted while attempting to deliver weaponry from Iran to Yemen.<sup>19,20</sup>
25. As members of the Iran-led coalition "axis of resistance"<sup>21</sup>, Ansar Allah is thought to be in contact with like-minded actors including Lebanese Hezbollah, Hamas, Islamic Resistance in Iraq, and members of the Syrian government.<sup>22</sup> In October 2023, Hamas' military commander Mohammed Deif, called on support from members of "the axis" stating "Our brothers in the Islamic resistance in Lebanon, Iran, Yemen, Iraq and Syria, this is the day when your resistance unites with your people in Palestine".<sup>23</sup>

## Weapons, Tactics, and Capability

### *Military Capability and Tactics*

26. In 2014, Ansar Allah seized control of Sana'a, the capital of Yemen, and obtained access to various Yemeni military equipment.<sup>24</sup> Since then its military capability has expanded to include anti-ship ballistic missiles, cruise missiles, drones, UAVs, artillery rockets, and anti-material rifles.<sup>25,26</sup>
27. Ansar Allah routinely operates from provinces within its controlled territory in North Yemen and the Red Sea.<sup>27</sup> Saudi armed forces report that over a period of six years Ansar Allah launched 851 UAVs, and 430 rockets and ballistic missiles against Saudi targets.<sup>28</sup>

### *Funding Sources*

28. As detailed above, Ansar Allah is widely referred to as "Iran-backed", receiving weaponry, training, and intelligence support.<sup>29</sup> A number of individuals have been designated by the Department of the Treasury's Office of Foreign Assets Control (OFAC) after they were found to be facilitating the flow of Iranian financial assistance to Ansar Allah forces and their destabilizing activities.<sup>30</sup> Iran denies allegations of providing funding and support to Ansar Allah.<sup>31,32</sup>
29. UN experts stated in a report to the UN Security Council that between April and November 2022, 1,810,498 tons of oil derivatives were delivered to the Ansar Allah-controlled Hodeida port. This was estimated to have generated approximately US\$271 million for Ansar Allah. The money was understood to have been misappropriated. Instead of paying public workers in their regions of control, Ansar Allah used it to finance their military activities.<sup>33</sup>
30. An unknown portion of Ansar Allah's revenue is received through drug smuggling and open drug markets in Ansar Allah-controlled areas of Yemen.<sup>34</sup>
31. In addition, Ansar Allah reportedly receives funding from local supporters and sympathetic charities.<sup>35</sup>

### *Attacks on Schools*

32. Between April 2013 to 31 December 2018 the United Nations verified 43 instances in which Ansar Allah had attacked schools.<sup>36</sup> Its methods include storming into schools, forcing the teachers and the students to repeat Ansar Allah slogans and threatening those who refuse to comply. Some of the schools were also closed by Ansar Allah. In 2018 Ansar Allah shut down a school in Sa'dah and threatened to arrest the staff should they reopen. Schools have also been used by Ansar Allah for military purposes, training recruits in fighting methods, how to handle weaponry, and spreading propaganda.<sup>37</sup>

### *Child Soldier Recruitment*

33. Ansar Allah maintains a number of local centres that are used to hold various activities including prayers, sermons and lectures where young boys and men are encouraged to join the front line to defend Yemen against the Saudi-led coalition.<sup>38</sup>
34. Ansar Allah has recruited children to fight on the front line for several years. Since 2010, the UN has verified at least 1,851 individual cases of child recruitment or use by Ansar

Allah.<sup>39</sup> The Euro-Mediterranean Human Rights Monitor released a report stating that Ansar Allah has forcibly recruited 10,300 children since 2014.<sup>40</sup>

35. In areas of Yemen where the economy has suffered due to the war, schools have closed and many families cannot afford to get their children to school. Families in Yemen report that this has seen an increase in recruitment of children.<sup>41</sup>

#### *Withholding International Assistance*

36. The ongoing conflict in Yemen has resulted in about two-thirds of the population being in need of some form of humanitarian assistance. A recruitment technique used by Ansar Allah includes the use of salaries and food baskets for families who are willing to join it.<sup>42</sup>
37. During the COVID-19 pandemic, Ansar Allah blocked 262 containers of aid in Hodeida port belonging to the World Health Organization as well as a large shipment of Personal Protective Equipment (PPE). It tried to use these shipments as leverage for negotiations relating to the lifting of other aid obstacles, eventually releasing 118 of the container's months later.<sup>43</sup> Ansar Allah's continued obstruction of aid has resulted in international aid donors reducing their funding for aid agencies in Yemen.

#### *Authoritarian Restriction of Civil Rights*

38. Ansar Allah closed down main roads in and out of Taiz, the third largest city in Yemen.<sup>44</sup> This has caused patients with illness increased difficulty at receiving the help they need from specialised hospitals, stopped students from being able to attend university and blocked factory employees from going to work.<sup>45</sup> Although travel across Taiz is possible, a journey that would once take 15mins may now at least 8 hours through a mountainous road that has not been maintained since the blockade.<sup>46</sup> Civilian areas and medical facilities in Taiz have been reportedly shelled by Ansar Allah as a result of the struggle between Ansar Allah and the Yemeni Government to have full control of the city.<sup>47</sup>
39. In 2019, aid officials in Yemen reported that Ansar Allah has been manipulating data in malnutrition surveys used by the UN as a way to divert food aid into the key areas it controls.
40. On September 18, 2021, a firing squad linked to Ansar Allah shot and killed nine individuals after they were convicted by a "rebel court" of involvement in an airstrike that killed a leader of Ansar Allah in 2018. The UN's secretary general said the trial that convicted the individuals did not meet international standards.<sup>48</sup>

## **CASE STUDIES**

### **Case study #1, Red Sea, 19 November 2023**

#### *The facts*

41. In late 2023, Ansar Allah stated that in solidarity with Palestine, it would attack Israeli ships in the Red Sea, and later released a graphic depicting an Israeli commercial vessel in flames with the words "We will sink your ships". In addition, on 14 March 2024 Abdulmalik al-Houthi, the leader of Ansar Allah, indicated that any ship linked to Israel is vulnerable to attack.<sup>49</sup>

42. On November 19 2023, Ansar Allah hijacked an Israeli-linked cargo ship, the *Galaxy Leader* and took 25 crew members hostage.<sup>50</sup> Houthi officials stated they hijacked the ship to retaliate for Israel's war against Hamas in Gaza although the crew have no connection to the conflict.<sup>51</sup> To date, Ansar Allah continues to detain the hostages.

*The act meets the TSA criteria for designation*

43. Ansar Allah has stated that these attacks are in support of the Palestinian people and their intention is to target any ship travelling through the Red Sea, and they will not stop their attacks until there is a ceasefire agreed in Gaza.<sup>52</sup> The continued unlawful detainment of the crew of the *Galaxy Leader* as an attempt to compel foreign states to act in support of a ceasefire breaches the Hostage Convention and satisfies section 5(1)(b) of the TSA.

### **Case study #2, Red Sea, December 2023 – July 2024**

*The facts*

44. Ansar Allah has since continued to target a number of vessels in the Red Sea with little to no connections to Israel.<sup>53</sup> The following attacks have threatened global supply chains and caused insecurity and disruption for traffic in the Red Sea and Suez Canal, an area of the globe that accounts for up to 30 percent of container ship traffic.<sup>54</sup>
- 44.1 On 6 February 2024, Ansar Allah claimed it had fired missiles and successfully caused damage to two ships, *Star Navia* and *Morning Tide*. Ansar Allah's military spokesperson stated that they identified the Marshall Islands and Barbados-flagged ships, as American and British.<sup>55</sup> Following this attack, Ansar Allah reiterated its commitment to conducting attacks in the Red Sea against Israeli maritime navigation,<sup>56</sup> or vessels heading to the ports of 'occupied Palestine' until the siege is lifted.<sup>57</sup>
- 44.2 On 18 February 2024, Ansar Allah launched a missile attack targeting a British-owned, Belizean-flagged vessel *Rubymar*. The attack caused significant damage to the vessel, forcing the crew to abandon ship.<sup>58</sup> The ship sunk approximately twelve days after it was abandoned during stormy weather in the Red Sea.<sup>59,60</sup>
- 44.3 On 25 February 2024, in the Gulf of Aden, CENTCOM believes Ansar Allah targeted a US-flagged, owned and operated oil tanker *MV Torm Thor*. A US guided missile destroyer shot down one anti-ship ballistic missile that had been launched into the Gulf of Aden from Ansar Allah controlled areas in Yemen. *MV Torm Thor* was not damaged and there were no injuries.<sup>61</sup>
- 44.4 On 7 March 2024, in the Gulf of Aden, Ansar Allah conducted an anti-ship ballistic missile strike on a Barbados-flagged cargo ship *True Confidence*. The vessel was manned by a crew of approximately 20 people, three of whom were fatally injured as a result of the attack. Yahya Sarea claimed that the vessel was targeted due to its American connection and that its crew "rejected warning messages from the Yemeni naval forces". The owners of the vessel reject this claim stating that the American connection is out-of-date information.<sup>62</sup>
- 44.5 On 14 March 2024, Abdulmalik al-Houthi stated in a televised speech that "we [now] aim to prevent ships associated with the Israeli enemy from crossing [Indian] Ocean towards South Africa and the Cape of the Good Hope".<sup>63</sup> This is

an alternative route that vessels have taken in response to Ansar Allah's attacks in the Red Sea and Gulf of Aden region.

- 44.6 On 26 April 2024, south-east of the Horn of Africa in the Indian Ocean, Ansar Allah struck the container vessel MSC Orion with a drone. There were no reports of injury or significant damage following this attack. This is the first reported instance of an attack to take place at a considerable distance from the Red Sea and Gulf of Aden.<sup>64</sup> In March 2024, Ansar Allah indicated that it would be expanding its area of attack.<sup>65</sup>

*The act meets the TSA criteria for designation*

45. These attacks were conducted in line with Ansar Allah's goal of compelling Israel to agree to a ceasefire in Gaza. These acts were therefore carried out with the purpose of advancing Ansar Allah's ideological/political cause and with the ultimate intention of coercing or forcing a government to do or abstain from an act (s 5(2)(b) TSA). While some of the attacks conducted by Ansar Allah against commercial vessels have resulted in only minimal damage to the vessels and have not resulted in the loss of life, these attacks have been conducted for the purposes of causing death or other serious bodily injury and/or causing serious damage to property (s 5(3) TSA).
46. This indicates that these attacks are at least evidence of preparing and planning terrorist acts, and attempting terrorist acts, even where the attacks themselves may not have been successful. Some of the attacks have resulted in death or serious bodily injury and/or serious damage to ships. As such, these attacks come within the definition of carrying out a terrorist act (s 5A TSA).

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

47. 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.
48. The activities of Ansar Allah referred to in paragraphs 41-43 of this paper occurred in a region where armed conflict exists in Yemen and in Israel. While it is difficult to assess whether the activities of Ansar Allah fall within the scope of the armed conflict in Israel, it is clearer that their activities can be assessed to fall within the scope of the Yemen armed conflict. On the basis that the activities of Ansar Allah referred to in paragraphs 41-43 of this paper occurred as part of one of these armed conflicts, it is nonetheless clear that Ansar Allah did not comply with the rules of international law applicable to an armed conflict. The intentional targeting of civilian ships that were not involved in either of these armed conflicts is not in accordance with LOAC.
49. Consequently, the acts do not meet the exemption in section 5(4) of the TSA and Ansar Allah's attacks are properly characterised as terrorist acts.



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- <sup>9</sup> N.d., "Abdul-Malik al-Houthi", Counter Extremism Project, accessed at [www.counterextremism.com/extremists/abdul-malik-al-houthi](http://www.counterextremism.com/extremists/abdul-malik-al-houthi) on 05 July 2024.
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## **Annex 4: The Houthi (Ansar Allah) - policy considerations for designation under the Terrorism Suppression Act**

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### **Purpose**

1. This paper outlines to the National Security Board (NSB) the rationale for recommending to the Prime Minister that he designate the Houthi (formally Ansar Allah) as a terrorist entity. On balance the Terrorist Designations Working Group (TDWG) is recommending designation.

### **Points in favour of designation**

#### **A) The Houthi have conducted terrorism**

2. The Statement of Case (Annex 3) outlines the nature and scale of the Houthi's involvement in terrorist acts or support activity. It does not provide an exhaustive list but does reference eight examples to April 2024, demonstrating the Houthi have clearly met the legislative threshold to be designated. Terrorist activity is ongoing.
3. This evidence and examples attached to the Houthi demonstrate clear links to terrorist activity that New Zealand wishes to suppress and denounce. This has become significantly worse in the past six months, including attacks resulting in the deaths of four mariners and sinking of two commercial ships, with broader activities that are affecting international shipping routes and maritime security.
4. s 6(a) [redacted] designating the Houthi as terrorists would underline our position against these sorts of activities - supporting efforts by New Zealand to suppress terrorism, which aligns with the intent behind the TSA. Separately, we have also supported several statements condemning the recent Houthi kidnapping of UN, NGO and diplomatic staff in Yemen.

#### **B) Broader Red Sea approach**

5. In January, New Zealand Defence Force personnel were deployed s 6(a) [redacted] to support coalition forces to carry out precision attacks on identified Houthi military targets. This deployment was recently extended by Cabinet for another six months. New Zealand's decision to take this action sent a strong signal to the international community about our stance against actions of the Houthi. A terrorist designation would be consistent with that position.
6. Rationale for this related to supporting global maritime security, freedom of navigation, the free flow of trade and supporting our partners on current security issues. s 6(a), 9(2)(h) [redacted]

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7. In support of this, we also have joined many statements led by the US and other partners condemning the Red Sea attacks. This has been both at a plurilateral level (with a variety of other countries) and at a multilateral level (through the UN). A designation would strengthen our position and messaging to the Houthi – as the deployment (and extension), and joint statements demonstrate the gravity with which we interpret the Houthi's actions.

**C) Low impact to New Zealanders**

8. Officials have considered the impact of designating the Houthi on New Zealand's interests in Yemen, including for New Zealanders in the region. s 6(a), 6(d)

[Redacted]

[Redacted] s 6(a), 6(d), 9(2)(g)(i)

10. s 6(a), 6(d), 9(2)(g)(i)

11. s 6(a), 6(d), 9(2)(g)(i)

**Risks and concerns with designation**

**A) s 6(a)**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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B) s 6(a)

14. Since 7 October 2023, Israel has engaged in armed conflict with Hamas and its supporters. Israel's war efforts have primarily focused on Gaza. However, there have also been ongoing exchanges with Hizbollah in Southern Lebanon, as well as more targeted exchanges with Iran (April 2024) and the Houthi (July 2024).

15. s 6(a)

[Redacted]

[Redacted]

[Redacted]

c) s 6(a)

[Redacted]

19. s 6(a), 6(b)(i)

[Redacted]

[Redacted]

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s 6(a), 6(b)(i)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

D) s 6(a), 9(2)(g)(i)

[Redacted]

[Redacted]

s 6(a), 6(d), 9(2)(a), 9(2)(g)(i)

[Redacted]

[Redacted]

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s 6(a), 6(d), 9(2)(a), 9(2)(g)(i)

## Other considerations

### A) New Zealand's humanitarian and development support to Yemen

27. Officials assess designating the Houthi would not negatively impact the ongoing provision of humanitarian and development support by the New Zealand Government or New Zealanders via reputable international organisations for the benefit of affected Yemeni communities. This is because:
- The designation of the Houthi as an organisation does not extend to the population or individuals governed by an organisation, even if they are supporters of its aims and objectives. In other words, provision of aid to a Yemeni civilian even if they support the Houthi, does not equate to provision of aid to the Houthi.
  - Even if New Zealand Government-funded humanitarian or development aid were to end up in the hands the Houthi, sections 8(5) and 10(1)(b) of the TSA provide that support related to satisfying basic needs of the recipient, is not an offence under those sections (also referred to as a 'humanitarian carve out').
28. New Zealand has funded the International Committee of the Red Cross' (ICRC) humanitarian response in Yemen consistently since 2017, our most recent contribution was NZ\$2 million in June 2024.
29. The New Zealand Government does not provide humanitarian or development funding or support directly to the Houthi or Government of Yemen. We channel our support through credible and reputable humanitarian agencies that have strong systems and processes to ensure aid reaches intended civilian beneficiaries.
30. The likely effect of designating the Houthi is that it would make it very difficult for New Zealanders to provide funds and support directly to the Houthi without risking contravention of the TSA. This is a key objective of a terrorist designation.

### B) Impact on humanitarian and development assistance in Yemen

31. Yemen is experiencing one of the world's worst humanitarian crises with 18.2 million people requiring protection and assistance in 2024 (~54% of the population). Avoiding any negative impact from a designation (directly or indirectly) on the humanitarian response is important.

32.s 6(a) and 9(2)(g)(i)

## Conclusion

33. As advised in the attached cover sheet, the TDWG has established that to the best of our knowledge the Houthi can be designated as a terrorist entity under New Zealand law.
34. As outlined above, there are policy arguments both for and against the designation of the Houthi. After discussion and consultation between officials, we assess that designation should occur, s 6(a), 9(2)(g)(i) [REDACTED]. We therefore propose recommending designation of the Houthi.

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# Briefing

## Designation of Hizbollah and the Houthi as terrorist entities

To: Rt Hon Christopher Luxon, Prime Minister			
Date	17/09/2024	Report Number:	DPMC-2024/25-216
		Priority level:	Routine

### Purpose

- This paper provides advice on designating the entirety of Hizbollah, and the Houthi (formally Ansar Allah), as terrorist entities under section 22 of the Terrorism Suppression Act 2002 (the Act), noting:
  - that the proposed designations would meet the Act's requirements, and
  - advice on other issues and associated risks to consider.
- If you wish to proceed, it provides advice on next steps (including consulting the Attorney-General), and initial advice on any public announcement once a final decision has been made.

### Executive Summary

- The National Security Board (NSB) has examined the evidence for designation of Hizbollah and the Houthi. While there are policy arguments for and against the designations, on balance, NSB recommends that you designate both entities.
- In reaching its recommendations, NSB considered:
  - the attached Statements of Case (**Attachments A and B**) which set out clear evidence of terrorist acts that meet the statutory test for designation;
  - a range of foreign policy, security, and humanitarian factors associated with the proposed designations, as set out in this paper, and which include considerations agreed by Cabinet in DES Minute (10) 2/5 (**Attachment C**); and
  - several risks – relating to community perceptions, s 6(a), 9(2)(g)(i), timing, New Zealand staff protection, and s 6(a) – but concluded these can be managed and do not outweigh the reasons for designation.
- Should you wish to proceed, you must consult with the Attorney-General about the proposed designations, including revocation of the existing designation of the Islamic Resistance (the military wing of Hizbollah), as the designation of Hizbollah in its entirety would supersede this.
- After the Attorney-General has responded DPMC will provide you with further advice and documentation to assist in finalising your decisions. This will include advice to support any

announcements, reflecting the latest events in the Israel/Palestine conflict, regional tensions in the Middle East, and domestic considerations.

**Recommendations**

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We recommend you:

1. **note** the entirety of Hizbollah, and the Houthi, meet the statutory criteria for designation, based on the advice set out in this paper and the Statements of Case (**Attachments A and B**);
2. **note** the Chair of the National Security Board (NSB), on behalf of NSB, recommends designating the entirety of Hizbollah and the Houthi as terrorist entities;
3. **note** the Terrorism Suppression Act 2002 (the Act) requires you consult the Attorney-General before designating an entity as a terrorist entity;
4. **agree** to consult the Attorney-General, proposing to:
  - a) designate the entirety of Hizbollah as a terrorist entity under section 22 of the Act and to revoke the existing designation of the Islamic Resistance, under section 29C of the Act as the designation of Hizbollah supersedes this; and **YES / NO**
  - b) designate the Houthi as a terrorist entity under section 22 of the Act **YES / NO**
5. **sign** the letter to the Attorney-General at **Attachment D**; and **YES / NO**
6. **note** that after the Attorney-General has responded DPMC will provide you with further advice on next steps and announcements.

<b>Ben King</b>
s 9(2)(a)
<b>Chief Executive DPMC Chair, National Security Board</b>
17 September 2024
s 9(2)(g)(ii)

<b>Rt Hon Christopher Luxon Prime Minister</b>
...../...../.....



## Background

7. Designation of an entity under the Act gives effect to New Zealand’s international obligations to take steps to outlaw the financing of, participation in, and recruitment to, terrorist entities. General procedural and legal considerations that apply in relation to making any designation are set out in **Attachment C**.
8. Hizbollah is an armed organisation in Lebanon with political, social, and military components. Successive Prime Ministers have designated the military wing of Hizbollah, also known as the Islamic Resistance.<sup>1</sup> The entirety of Hizbollah has never been designated in New Zealand. s 6(a), 9(2)(g)(i)  
 [Redacted]
9. The Houthi is a militant and political organisation based in Yemen. s 6(a), 9(2)(g)(i)  
 [Redacted] Following Houthi actions in the Red Sea beginning in November 2023, officials have considered designation of the group.

## The National Security Board recommends designating Hizbollah and the Houthi

10. The National Security Board (NSB) has examined the evidence for designating Hizbollah and the Houthi. While there are policy arguments for and against, on balance, NSB recommends designating both entities. Key considerations for each entity are set out as follows.

### Hizbollah

11. NSB considered the following in support of designating the entirety of Hizbollah:
  - a. **Hizbollah has conducted terrorism** – through evidence and examples in the Statement of Case (**Attachment A**), there are clear links to terrorist acts. Designation would illustrate New Zealand standing against these acts.
  - b. s 6(a), 9(2)(g)(i) [Redacted]
  - c. **Partner alignment** – all Five Eyes partners except New Zealand currently designate the entirety of Hizbollah as a terrorist entity. Aligning with partners would strengthen the collective impact of those designations.
  - d. s 6(a), 9(2)(g)(i) [Redacted]
  - e. Provision of **humanitarian or development assistance** to Lebanon by the New Zealand Government and New Zealanders could continue – under the Act there is a humanitarian carve-out, enabling support for affected Lebanese

<sup>1</sup> Hizbollah was first designated in October 2010 and renewed in October 2013, September 2016, September 2019, and August 2022.

<sup>2</sup> The Houthi are also known as Ansar Allah, Ansarullah, the Houthis, or the Houthi Movement.

communities through humanitarian agencies (for example in response to a natural disaster or conflict). Background on the humanitarian implications of terrorist designation is provided in **Attachment C**.

12. NSB considered several risks, but agree these can be managed and do not outweigh the reasons for designation:

- a. s 6(d) [Redacted] Any announcement of the designation would be accompanied by information addressing such concerns.
- b. s 9(2)(g)(i) [Redacted]
- c. **Timing and perceptions** – there is escalating tension and sporadic conflict along the Israel-Lebanon border. An expanded designation may come at a time of acute regional crisis s 9(2)(g)(i) [Redacted] This briefing provides initial advice on public communications. Updated advice will follow Attorney-General consultation.
- d. s 6(a) [Redacted]

**The Houthi**

13. NSB considered the following in support of designation of the Houthi:

- a. **The Houthi have conducted terrorism** – as evidenced through examples in the Statement of Case (**Attachment B**), the Houthi have committed terrorist acts. Designation would illustrate New Zealand standing against these acts.
- b. **Broader Red Sea approach** – given the New Zealand deployment to the region s 6(a) [Redacted] a designation under the Act would align political signalling against the Houthi and their disruption of maritime security.
- c. **Low impact on New Zealanders** – the assessed threat to New Zealanders in Yemen following a designation is low. s 6(a), 6(d) [Redacted]

s 6(a) [Redacted]

- d. **New Zealand’s humanitarian and development support to Yemen could continue** – the Act’s humanitarian carve-out would enable the government and New Zealanders to continue providing humanitarian and basic needs support for the benefit of affected Yemeni communities through humanitarian agencies. Yemen is experiencing one of the world’s worst humanitarian crises with 18.2 million people requiring protection and assistance in 2024 (~54% of the population).

14. NSB considered several risks that may be associated with a designation, but agrees these can be managed and do not outweigh the reasons for designation:

- a. s 6(a), 9(2)(g)(i)  
[Redacted]
- b. s 6(a)  
[Redacted]
- c. s 6(a)  
[Redacted]
- d. s 6(a)  
[Redacted]
- e. s 6(a), 6(d), 9(2)(g)(i)  
[Redacted]

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s 6(a)

s 6(a), 6(d), 9(2)(g)(i)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

### Bill of Rights and Human Rights implications

19. Designating Hizbollah and the Houthi as terrorist entities would criminalise activities that enhance the ability of these entities to conduct terrorism and recruitment. **Attachment C** provides background on the legal implications of designation.
20. Designation could indirectly limit a range of rights and freedoms recognised in the New Zealand Bill of Rights Act 1990, including freedom of expression, freedom of association, freedom of peaceful assembly, protections for the cultural rights of minorities, freedom from discrimination on ethnic or religious grounds, and freedom of movement.
21. It is important to note that although freedom of association and freedom of peaceful assembly may be indirectly limited by designation, s5(5) of the Act preserves the right to protest or engage in advocacy, dissent, or industrial action.
22. In making your decision, you must consider whether any limitations to rights that might result from the proposed designations are proportionate to the importance of the objective (suppressing terrorist activities) and can be demonstrably justified in a free and democratic society. Officials consider that any such limits can be justified, for the following reasons:
  - a. These entities have committed terrorist acts. The purpose of the Act is to suppress terrorism. Designation gives effect to New Zealand's international obligations to contribute to suppress terrorism.
  - b. The objective of suppressing the terrorist activities of these entities is legitimate in a free and democratic society and is sufficiently important to justify some limitations on the above rights.
  - c. The potential limitation to rights is proportionate to the importance of the objective. We have not identified any alternative measure that would achieve the objective with less impairment on rights.

- d. There is a rational connection between the objective of suppressing these entities' terrorist activities and the limitations on the above rights that might result from designation.

23. Specifically, s 6(a), 9(2)(g)(i) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

**Communications, media, and public interest**

24. Officials will provide up-to-date advice following your consultation with the Attorney-General to support any announcements and to mitigate risks. Initial considerations are set out below.

**Timing and messaging for an announcement warrants careful consideration**

25. The timing of an announcement should be considered in light of the latest events in the Israel/Palestine conflict and regional tensions in the Middle East. Notably, 7 October will mark the one-year anniversary since the start of the Israel-Hamas conflict. Domestically, the conflict has been polarising. s 9(2)(g)(i) [redacted]  
[redacted]

26. New Zealand's Middle East foreign policy has been subject to heightened interest and any further designations in this region are likely to attract both domestic and international interest. Officials will ensure that messaging on any potential designation announcement is consistent with wider foreign policy settings on the Middle East.

27. s 6(a), 9(2)(g)(i) [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]  
[redacted] DPMC, with other agencies, would provide your Office with talking points, reactive Q & A, and a draft media statement.

28. s 6(a) [redacted]  
[redacted]  
[redacted]  
[redacted]

**Proactive release of advice**

29. Given the significant public interest in New Zealand's Middle East foreign policy and the volume of OIA requests on similar designations, we propose proactively releasing advice relating to the designations following announcement of any decisions. Officials would work with your Office to progress this. The Statements of Case will be published on the Police website, as is standard procedure.

**Next steps**

**You are required to consult the Attorney-General before making a decision**

30. If you decide to proceed with expansion of the designation of Hizbollah and the designation of the Houthi, section 22(4) of the Act requires you to consult with the Attorney-General before designating. A draft letter to the Attorney-General is provided at **Attachment D**.

**DPMC will then support you to finalise your decisions**

31. Following consultation, DPMC will provide you with documentation to finalise your decisions, including letters to the Commissioner of Police as required. Following these

steps, the decision must be gazetted. Gazetting usually takes place a few days after a decision by the Prime Minister.

- 32. It is important to note that even if the criteria to designate are met, the decision to designate is not automatic, and is still at your discretion.
- 33. If you decide to designate the entirety of Hizbollah, you must follow this with a revocation of the current designation of the military wing, and the gazetting of that decision. Designation of the military wing will be superseded by and incorporated into the designation of Hizbollah in its entirety.

**Upcoming designations advice**

- 34. Officials intend to provide you with advice before the end of 2024 on potential renewals for existing designations due to expire on 14 December 2024, including Euskadi Ta Askatasuna (ETA), Partiya Karkeren Kurdistan (PKK), and Al Shabaab.

Attachments:	Title	Security classification
Attachment A:	Statement of Case: Hizbollah	<del>Restricted</del> Unclassified
Attachment B:	Statement of Case: Ansar Allah (Houthi)	<del>Restricted</del> Unclassified
Attachment C:	Procedural considerations for terrorist designations	<del>Restricted</del> Unclassified
Attachment D:	Letter to the Attorney-General	<del>Restricted</del> Unclassified

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## Attachment C: Procedural and legal considerations for terrorist designations

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### The Terrorism Suppression Act 2002

1. Entities listed by the United Nations Security Council Resolutions (UNSCRs) 1267 (1999), 1989 (2011), 2253 (2015) and 1988 (2011) Committees (the UN 1267 and 1988 Committees) are automatically designated as terrorist entities in New Zealand under the Act. The UN lists comprises of Al-Qaida, Islamic State of Iraq and the Levant, the Taliban and associated individuals and entities.
2. UNSCR 1373 leaves it to Member States to identify other entities against which they should act. The Act gives New Zealand the ability to designate non-UN-listed entities of any group or individual where there are reasonable grounds to believe they have knowingly planned, carried out, or participated in the planning or carrying out, of one or more terrorist acts.
3. Under section 22(1) of the Act, 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.
4. If an entity is designated under the Act, it becomes an offence under New Zealand law to deal with the entity's property, financial, or related services, or to provide it with property, funds, or material support. The Attorney-General can apply for a forfeiture order for any specified property that is controlled or owned by a designated entity in New Zealand. It also requires any financial institution or person who suspects any property is owned by either entity to report the existence of the property to the Commissioner of Police.
5. It is also an offence to knowingly recruit for a group that is a designated entity or participate in such a group for the purpose of enhancing its ability to carry out a terrorist act. Neither simple membership of a designated entity nor expressions of support for a designated entity is an offence in New Zealand.
6. Designations can be subject to judicial review as acknowledged by section 33 of the Act, which can be triggered by any person with standing. This includes a member of the group if the group is designated, a lawyer on their behalf, or by a third party. Likewise, a party with an interest in the designation or the entity itself could request revocation of the designation almost immediately after the gazetting of the Prime Minister's decision.
7. A designation as a terrorist entity made under section 22(1) automatically expires after three years unless revoked or renewed by the Prime Minister prior to this time. In accordance with section 29B(3) of the Act, designations may be renewed, prior to their expiry date, for a further three years if the Prime Minister believes that reasonable grounds exist, as set out in section 22, for an entity to be designated.

### The statutory test and Cabinet mandate considerations

8. Statements of Case (**Attachments A and B**) provide the formal legal assessment that the statutory criteria for designation under the Act has been met for both Hizbollah and the Houthi. The Prime Minister is required under the Act to consult the Attorney-General about any proposed designation.
9. Once the statutory threshold has been established, in determining whether to advise the Prime Minister to exercise his discretion to designate, the National Security Board (NSB) must weigh other relevant considerations including those agreed by Cabinet in DES Minute (10) 2/5. These considerations are:
  - a. the need for New Zealand to contribute to the international security environment by preventing activities such as the recruiting, harbouring, participating in or financing of terrorist entities that fall outside the scope of the UN listing process;



- b. the threat posed by the entity to New Zealand, New Zealanders, or New Zealand interests, including offshore;
- c. the entity's New Zealand or regional presence, or links with New Zealanders; and
- d. the nature and scale of the entity's involvement in terrorist acts or support activity.

### **Process for assessing and confirming terrorist designations**

10. The Terrorist Designations Working Group (TDWG) manages the process for advising NSB on the designation of non-UN-listed terrorist entities in support of UNSCR 1373. The TDWG is chaired by New Zealand Police and includes officials from DPMC, NZDF, Crown Law Office, MFAT, and the Combined Threat Assessment Group (CTAG).<sup>5</sup>

### **Humanitarian implications**

- 11. Designations and other counterterrorism or sanction measures (collectively 'restrictive measures') can have unintended consequences for humanitarian action.
- 12. Restrictive measures can have practical implications for the efficiency or efficacy of humanitarian operations. For example, additional compliance requirements can cause delays or make it difficult for aid organisations to access financial services. Restrictive measures can also impact on adherence to humanitarian principles (humanity, neutrality, impartiality, and independence). For example, by limiting engagement with non-state armed groups or de facto authorities that control areas with people in need of assistance.
- 13. Taken collectively, restrictive measures can have a 'cooling effect' on humanitarian action in a particular country. Humanitarian agencies, financial services or private entities may pull back from engagement in a particular country to 'reduce risk' or because of the impact restrictive measures may be having on the humanitarian operating environment.
- 14. New Zealand has a 'humanitarian carve out' in the Act to protect humanitarian activities. Sections 8(5) and 10(1)(b) provide that support related to satisfying basic needs of the recipient is not an offence under those sections. Humanitarian exemptions are widely considered to be the best way to protect principled humanitarian action from the unintended impacts of restrictive measures.

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<sup>5</sup> The Combined Threat Assessment Group (CTAG) is an inter-agency group hosted and led within the New Zealand Security Intelligence Service. The group gives independent assessments to government agencies about threats to New Zealand, New Zealanders, and New Zealand's interests abroad. CTAG is made up of analysts from NZSIS and other government agencies, including: New Zealand Police, New Zealand Defence Force, Government Communications Security Bureau, the Civil Aviation Authority and Aviation Security Service, and the Department of Corrections.

## Attachment D: Draft letter to the Attorney-General

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DD September 2024

Hon Judith Collins KC  
Attorney-General  
Parliament Buildings

Dear Attorney-General

### **Proposed designation of Hizbollah and the Houthi as terrorist entities under the Terrorism Suppression Act 2002**

Section 22(4) of the Terrorism Suppression Act 2002 provides that, before designating an entity as a terrorist entity, the Prime Minister must consult with the Attorney-General about the proposed designation. I propose to designate, subject to your views, the entirety of Hizbollah, and the Houthi.

I propose to follow this by revoking the existing stand-alone designation of the military wing of Hizbollah, also known as Islamic Resistance, under section 29C of the Act, as the designation of the entirety of Hizbollah would supersede and incorporate this.

The National Security Board is responsible for recommending designations to the Prime Minister. I attach for your consideration the advice I have received from the Chair of the National Security Board and the Statements of Case which assess each entity against the statutory criteria for designation.

I look forward to your views on the proposed designations.

Yours sincerely

Rt Hon Christopher Luxon  
**Prime Minister**



# Briefing

## Designation of Hizbollah and the Houthi as terrorist entities

To: Rt Hon Christopher Luxon, Prime Minister

Date	20/11/2024	Priority level:	Priority
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### Purpose

1. This briefing recommends you finalise your decisions to designate the entirety of Hizbollah, and the Houthi, as terrorist entities under the Terrorism Suppression Act 2002 (the Act).

### Executive Summary

2. You received advice from DPMC on behalf of the National Security Board recommending you designate the entirety of Hizbollah, and the Houthi, as terrorist entities [DPMC-2024/25-216]. You agreed, subject to consultation with the Attorney-General.
3. You have received the Attorney-General's response (**Attachment A**). This briefing provides further advice on the matters raised by the Attorney-General. DPMC assess the potential limitations on rights noted by the Attorney-General are justified and proportionate to the objective of suppressing terrorism. We recommend you proceed with the designations.
4. If you agree to designate both groups, **Attachment B** provides a letter to the Police Commissioner to give effect to your decisions, notice of which would then be published in on your behalf in the New Zealand Gazette. This would include revocation of the existing designation of the military wing of Hizbollah. **Attachment C** provides a letter to the Attorney-General acknowledging her advice and advising of your decisions. **Attachment D** provides a letter to the Intelligence and Security Committee to advise of the designations. This is an optional courtesy, as occurred for the Hamas designation.
5. Subject to your agreement, a draft Communications Plan including a press release and reactive talking points is available at **Attachment E**. s 6(a) [redacted] Officials will conduct outreach to NZ-based faith and ethnic community organisations and leaders after the designations are publicly notified to inform them and provide additional information for their communities.
6. The timing and messaging of any public notification will require careful consideration. s 6(a) [redacted] Domestically, concern about events in the Middle East remain heightened. s 6(a) [redacted]. Officials will continue to work closely with your Office to manage risks and support communications.

## Recommendations

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We recommend you:

1. **note** you previously agreed to designate the entirety of Hizbollah, and the Houthi, as terrorist entities under the Terrorism Suppression Act 2002, subject to the required consultation with the Attorney-General [DPMC-2024/25-216];
2. **note** the Attorney-General's reply is included as **Attachment A**; this briefing provides advice in response to the additional matters raised by the Attorney-General to consider when finalising your decisions;
3. **agree** to designate the entirety of Hizbollah as a terrorist entity under section 22 of the Act, and to revoke the existing designation of the Islamic Resistance (the military wing of Hizbollah) under section 29C of the Act, as the designation of Hizbollah supersedes this; **YES / NO**
4. **agree** to designate the Houthi as a terrorist entity under section 22 of the Act; **YES / NO**
5. **sign** the letter to the Commissioner of Police (**Attachment B**) to give effect to the above decisions, notice of which would then be published on your behalf in the New Zealand Gazette; **YES / NO**
6. **sign** the letter to the Attorney-General (**Attachment C**) to acknowledge her advice, advise her of your decisions, and to forward a copy of this briefing for her information; **YES / NO**
7. **sign** the optional letter to the Intelligence and Security Committee (**Attachment D**) advising of the designations; **YES / NO**
8. **note** the draft Communications Plan (**Attachment E**) which outlines the approach to public notification of the designations;
9. **forward** this briefing to the Minister of Foreign Affairs and the Minister of Police for their information; and **YES / NO**
10. **agree** officials work with your office to proactively release advice relating to these designations following public notification of any decisions, subject to any appropriate withholding of information under the Official Information Act 1982. **YES / NO**

**Ben King**  
**Chief Executive DPMC**  
**Chair, National Security Board**

15 November 2024

s 9(2)(g)(ii)

**Rt Hon Christopher Luxon**  
**Prime Minister**

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## Background

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7. On 17 September 2024, you received advice from DPMC on behalf of the National Security Board recommending you designate the entirety of Hizbollah and the Houthi as terrorist entities [DPMC-2024/25-216]. You agreed with the recommendation, subject to consultation with the Attorney-General as required by the Act. The Attorney-General's reply is included as **Attachment A**.

s 9(2)(h)



s 9(2)(h)

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s 9(2)(h)

### **We recommend you proceed with the proposed designations**

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28. The intent of a terrorist designation under the Act is to reduce the ability of the designated entity to carry out terrorist acts by criminalising certain types of participation in, and the provision of material support to, those entities. This inherently provides a limit on New Zealanders' actions. As with all terrorist designations, the designation of Hizbollah and the Houthi would curtail the ability of people to support these entities to carry out terrorist acts.
29. Given our advice set out in this briefing and in DPMC-2024/25-216, and given the nature of the terrorist activities outlined in the Statements of Case (attached to DPMC-2024/25-216), DPMC's position is that:
- the proposed designations support the objective of suppressing the terrorist activities of Hizbollah and the Houthi, which is a legitimate and sufficiently important policy objective to justify some limitation on rights;
  - there is a rational connection between the objective of suppressing support to Hizbollah and the Houthi and those groups' ability to continue to commit terrorist acts and the limits on rights that may result from designation; and
  - any such limits on the rights of those who wish to provide support to Hizbollah and the Houthi's terrorist activities are proportionate to the importance of the policy objective, as suppressing terrorist activity is a more highly weighted policy objective in this instance because support for this entity could result in other rights (for example, the right to life) being impacted.
30. As such, **we recommend you proceed with the proposed designations**. There is the potential for judicial review of your decision. Officials assess this risk is manageable.

### **Communications, media, and public interest**

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31. The only legal requirement for announcement of a designation is that it must be publicly notified in the New Zealand Gazette as soon as possible after the decision. Once the designation is gazetted, media are likely to become aware of it. In the past this step has been accompanied by a press release for new designations.
32. It is usual practice to issue a press release for new designations. You have received a separate briefing seeking a decision to renew the designations of Al-Shabaab and Partiya Karkerên Kurdistanê (PKK) as terrorist entities and allow the designation for Euskadi Ta Askatasuna (ETA) to expire [DPMC-2024/25-489]. While it is not common



practice to issue a press release for renewals, we are including the decision relating to all five entities in one press release. This will streamline the process as they will be gazetted at the same time.

- 33. A draft Communications Plan (**Attachment E**) provides you with a draft press release and reactive talking points to support any public notification of the designation decisions in this paper and for Al-Shabaab, PKK and ETA. It outlines proposed engagement by officials with key international partners and New Zealand-based faith and ethnic community organisations and leaders.
- 34. The timing and messaging of a public notification will require careful consideration. Balanced messaging and community outreach after the announcement will help to ensure the designations do not unduly heighten tensions within and between different domestic communities. Internationally, officials will ensure that key partners are informed, and messaging is consistent with our wider foreign policy settings on the Middle East s 6(a) [REDACTED]
- 35. Given the significant public interest in New Zealand's Middle East foreign policy and the volume of OIA requests on similar designations, we propose proactively releasing advice relating to the designations following public notification of any decisions. Officials would work with your Office to progress this. The Statements of Case would be published on the Police website, as is standard procedure.

**Next steps**

- 36. If you agree to designate both groups, **Attachment B** provides a letter for you to sign to the Police Commissioner to give effect to your decisions, which must be publicly notified in the New Zealand Gazette as soon as practicable. This would include revocation of the existing designation of the military wing of Hizbollah.
- 37. **Attachment C** provides a letter to the Attorney-General acknowledging her advice and advising of your decisions. **Attachment D** provides a letter to the Intelligence and Security Committee to advise of the designations. This is an optional courtesy, as occurred for the Hamas designation earlier this year.
- 38. Officials will continue to work closely with your Office to manage risks and support any public notification. Conversely, if having considered the issues raised by the Attorney-General you now decide you do not want to proceed with one or both of the proposed designations, further advice will be prepared as required.

Attachments:	Title	Security classification
<b>Attachment A:</b>	Attachment withheld in full under s 9(2)(h) [REDACTED]	Legally Privileged
<b>Attachment B:</b>	Letter to the Police Commissioner, to give effect to your decisions	In Confidence
<b>Attachment C:</b>	Letter to the Attorney-General, advising of your decisions	In Confidence
<b>Attachment D:</b>	Letter to the Intelligence and Security Committee, advising of your decisions	In Confidence
<b>Attachment E:</b>	Draft Communications and Engagement Plan	In Confidence

**NOTE: Attachment E withheld in full, apart from title, under 9(2)(g)(i)**



**RT HON CHRISTOPHER LUXON  
PRIME MINISTER**

Tania Kura  
Commissioner of Police  
Wellington

**Designation of the entirety of Hizbollah, and the Houthi, under the Terrorism Suppression Act 2002 and revocation of the existing designation of the military wing of Hizbollah**

Dear Commissioner,

Pursuant to section 22 of the Terrorism Suppression Act 2002, I designate the entirety of Hizbollah, and the Houthi, as terrorist entities.

I revoke the existing stand-alone designation of Islamic Resistance (the military wing of Hizbollah), as the designation of the entirety of Hizbollah supersedes and incorporates this.

Yours sincerely

Rt Hon Christopher Luxon  
**Prime Minister**

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**RT HON CHRISTOPHER LUXON  
PRIME MINISTER**

Hon Judith Collins KC  
Attorney-General  
Wellington

**Designation of the entirety of Hizbollah, and the Houthi, under the Terrorism  
Suppression Act 2002 and revocation of the existing designation of the military wing of  
Hizbollah**

Dear Attorney-General,

Thank you for your letter proposing additional matters you suggest I consider when deciding on the proposed designation of the entirety of Hizbollah, and the Houthi, as terrorist entities.

I consider the issues you have raised are important. I have decided the potential rights limitations and impacts of designation you have noted are justified and proportionate to the objective of combatting terrorism.

Pursuant to section 22 of the Terrorism Suppression Act 2002, I have designated the entirety of Hizbollah, and the Houthi, as terrorist entities. I have revoked the existing stand-alone designation of Islamic Resistance (the military wing of Hizbollah), as the designation of the entirety of Hizbollah supersedes and incorporates this.

For your awareness, I have attached the advice from officials that assisted me in making this assessment.

Yours sincerely

Rt Hon Christopher Luxon  
**Prime Minister**





**RT HON CHRISTOPHER LUXON  
PRIME MINISTER**

Members  
Intelligence and Security Committee  
Parliament Buildings

**Designation of the entirety of Hizbollah, and the Houthi, under the Terrorism Suppression Act 2002 and revocation of the existing designation of the military wing of Hizbollah**

Dear Members,

I write to inform you of my recent decision to designate the entirety of Hizbollah, and the Houthi, as terrorist entities under the Terrorism Suppression Act 2002.

I revoke the existing stand-alone designation of Islamic Resistance (the military wing of Hizbollah), as the designation of the entirety of Hizbollah supersedes and incorporates this.

The designation of terrorist entities is one measure New Zealand takes to contribute to the international campaign against terrorism.

Notice of my decision will be given in the New Zealand Gazette. Overseas posts and international partners will be informed.

Yours sincerely

Rt Hon Christopher Luxon  
**Prime Minister**