

Executive Council of Australian Jewry Inc.

הוועד הפועל של
יהודי אוסטרליה

The Representative Organisation of Australian Jewry

Address all correspondence to:
PO Box 1114, Edgecliff NSW 2027

Tel (+61 2) 8353 8500
Fax (+61 2) 9361 5888
Web: www.ecaj.org.au
E-mail info@ecaj.org.au

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26 May 2021

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House Canberra ACT 2600

Email: pjcis@aph.gov.au

Dear Sir/Madam

Re: Review of the relisting of Hizballah's External Security Organisation as a terrorist organisation under the *Criminal Code*

The Executive Council of Australian Jewry (ECAJ) makes the following submission in response to the Review by the Parliamentary Joint Committee on Intelligence and Security (PJCIS) of the relisting of Hizballah's External Security Organisation as a terrorist organisation under the *Criminal Code*. We consent to this submission being made public.

The ECAJ is the peak, elected, representative body of the Australian Jewish community. This Submission is also made on behalf of the ECAJ's Constituent and Affiliate organisations throughout Australia.

Executive Summary

Hizballah has carried out appalling acts of terrorism around the world, and has continued its unlawful and clandestine intelligence-gathering operations and the stockpiling of explosive components in a growing number of countries outside the Middle East region. The nominal internal departments of Hizballah cannot disguise the seamless integration that exists between all so-called branches of the organisation with regard to chain of command, finances and personnel. Twenty two other States, two regional organisations and Hizballah's own leaders have declared that these nominal lines of division are a fiction. This submission explains in detail why we believe that the activities of Hizballah in its entirety represent a security threat, a threat to social cohesion and a crime risk to all Australians, and to the Australian Jewish community in particular, and why Australia should follow the example of all but one of its partners in the Five Eyes intelligence-sharing alliance (namely the US, Canada and more recently the UK) and declare Hizballah in its entirety to be a terrorist organisation, not merely its so-called "External Security Organisation". Although we would consider it an inadequate measure, Australia's listing of Hizballah should, at a minimum, be extended to the whole of the operation nominally controlled by Hizballah's military council, namely the so-called 'Military Wing'.

Submission

We have read the letter dated 5 May 2021 from the Hon Karen Andrews MP, Minister for Home Affairs, to the Chair of the PJCIS and the attachments to it, which collectively comprise Submission 1 to the current Review.¹ Our submission is directed to the Explanatory Statement included in Submission 1 and, in particular, to the Statement of Reasons which is Attachment C to the Explanatory Statement (Statement of Reasons).

We fully agree with the Minister's stated reasons for renewing the listing of the so called 'External Security Organisation' (ESO) of Hizballah as a terrorist organisation. The ESO has been characterised as the 'external' part of the so-called 'Military Wing' of Hizballah.

However, we take issue with the fact that the listing has once again been limited to the ESO, while the other elements of Hizballah have been excluded. This means that the so-called "political wing" of the group and the 'internal' section of Hizballah's "Military Wing" remain free to operate in Australia under the renewed listing.

History

Hizballah has been authoritatively described as "*the world's most heavily armed non-state actor*".²

Hizballah since its inception has glorified, promoted and carried out acts of terrorism, not only in Lebanon but in various parts of the world. It was responsible for the bombings of the Israeli Embassy in Buenos Aires in 1992, which killed 29 people, the AMIA Jewish Community Centre in that city in 1994 which killed 85 people, and an Israeli tourist bus in Burgas, Bulgaria, in 2012, which killed 6 people. A Lebanese-Australian man was one of those convicted for the latter.³ Several hundred other civilians were maimed or wounded in these attacks.

Hizballah is prosecuting a long war of annihilation against the State of Israel and it sees Jewish communities everywhere as targets of opportunity in that war. It appears that no country is immune from possible future terrorist attacks by Hizballah and that preparatory activities are ongoing in many parts of the world. Hossam Yaakoub, a Hizballah member arrested in Cyprus in 2012, told Cypriot Police: "*I was just collecting information about the Jews. This is what my organisation is doing, everywhere in the world.*"⁴

The threat posed by Hizballah is heightened by its role as a proxy for the governing regime of the Islamic Republic of Iran. In February 2012, US Director of National Intelligence James Clapper described the relationship between Hizballah and the Iranian regime as "a partnership arrangement", with Iran as the "senior partner".⁵

[All links accessed as at 20 May 2021]

¹ [Minister for Home Affairs submission](#).

² Shaan Shaikh, '[Hezbollah's Missiles and Rockets](#)', *Center for Strategic and International Studies*, 5 July 2018.

³ '[Bulgaria court convicts two over 2012 Burgas bus attack on Israelis](#)', *BBC News*, 21 September 2020.

⁴ '[Elaborate surveillance operation raises concerns about broader Hezbollah attacks](#)', *Washington Post*, 27 February 2013.

⁵ Quoted in Matthew Levitt, *Hezbollah: The Global Footprint of Lebanon's Party of God*, (London: C. Hurst & Company, 2013), ISBN 9781849043335, p.357

As early as 2001, a prominent academic named Hizballah as one of the groups which have terrorist support structures in Australia, noting that “*they disseminate propaganda, they raise funds, as well as some groups have procured dual technologies in Australia to support their military effort, their terrorist effort, in their own theatres of conflict.*”⁶ This assessment of Hizballah as a terrorist threat in Australia received support in 2003 from the then Federal Attorney General Daryl Williams, who confirmed that the assessment was based on intelligence from Australia’s security and intelligence agencies, although for obvious reasons he refused to divulge specific details.⁷

It was on this basis that Hizballah was first listed as a terrorist organisation in Australia in 2003, although the listing was limited to the ESO. The ESO’s listing has been renewed periodically. Since 2003, Hizballah has grown in size and capabilities, especially since its active participation in the Syrian civil war, in which armed Hizballah units were instrumental in keeping the al-Assad dictatorship in power in the face of a widespread popular uprising.⁸

When the PJCIS reviewed the renewal of the ESO’s listing as a terrorist organisation in 2018, it asked the Department of Home Affairs representatives why the proscription was limited to the ESO. The answer provided by the Department was: “*Given Hizballah’s extensive political and institutional ties, any broadening of the listing (for example, from Hizballah’s ESO to Hizballah’s Military Wing) would have implications, including for our bilateral relationship with Lebanon.*”⁹

This answer does not address the question of whether the other facets of Hizballah, beyond the ESO, engage in terrorist activities and meet the *Criminal Code* requirements for being listed. The PJCIS considered that more detail should have been provided for the decision to continue listing only the ESO, and recommended that “*the Government give further consideration to extending the listing to include the military wing of Hizballah*”.¹⁰ The recommendation was not followed when the ESO’s listing was renewed as from 2 May 2021.¹¹

Analysis of Statement of Reasons

The Statement of Reasons asserts that the ESO is “*a discrete entity within Hizballah*”¹². It makes this assertion despite acknowledging the difficulties involved in obtaining detailed information about the ESO given its secretive nature. The main reason given for regarding the ESO as a discrete entity is based on the internal organisation of Hizballah under five functional councils: the political; parliamentary; executive; judicial; and military.¹³ Yet it is acknowledged that all five councils sit under the consultative council, the Majlis al-Shura, led by Secretary General Hassan Nasrallah,¹⁴ meaning that there is ultimately only one source of command and control. The head

⁶ Dr Rohan Gunaratna, [Interview with Jana Wendt](#) on SBS ‘Dateline’ program, 25 September 2001 (updated 23 August 2013).

⁷ Interview on ABC ‘AM’ program on 27 May 2003 and [replayed](#) on ‘The World Today’ program.

⁸ Kali Robinson, ‘[What is Hezbollah?](#)’, *Council on Foreign Relations*, 1 September 2020.

⁹ Parliamentary Joint Committee on Intelligence and Security, [Review of the re-listing of Hizballah’s External Security Organisation as a terrorist organisation under the Criminal Code](#), June 2018, Canberra, p. 9, para 1.38. *Ibid.*, p.10, para 1.43.

¹¹ *Criminal Code (Terrorist Organisation—Hizballah’s External Security Organisation) Regulations 2021* dated 29 April 2021.

¹² Statement of Reasons, Attachment C to the Explanatory Statement, p.11

¹³ *Ibid.*

¹⁴ *Ibid.*

of the Hizballah Shura Council and the chair of its subordinate Jihad Council are one and the same person, namely Hassan Nasrallah, who is also Secretary-General of Hizballah in its entirety.¹⁵ Decisions to engage in international terrorist acts are thus made by Hizballah's highest leadership, and not at any lower 'divisional' level.

Further, no explanation is provided as to why the apportionment of functions between the five councils should be regarded as anything other than, at most, a division of labour within Hizballah, similar to the kind of division of labour that necessarily exists in any large organisation.

With respect, such a division of labour does not support the conclusion that each division constitutes a discrete entity. Such a conclusion would require, as a minimum, a rigid separation and complete absence of cross-over between these divisions not only in command and control but also in terms of funding, personnel and membership. Yet the Statement of Reasons concedes that the secrecy surrounding the ESO means that "*little is known about the ESO's funding*" and "*information about the membership of the ESO is not widely available*".¹⁶

The Statement of Reasons cites public statements made by US Federal Bureau of Investigation's Director, Christopher Wray, and former US Coordinator for Counterterrorism, Nathan Sales, concerning Hizballah's recent establishment and transportation throughout Europe of caches of ammonium nitrate, and its worldwide procurement, recruitment and surveillance activities. Inexplicably, the Statement of Reasons then concludes that these activities are limited to the ESO to the exclusion of the rest of the Hizballah organisation. Yet neither Mr Wray nor Mr Sales themselves have drawn any such conclusion.

One of the clearest examples of cross-over in operations between different 'wings' of Hizballah can be seen in Hizballah's international drug trafficking and money laundering activities which are used to finance its terrorism operations. These activities have been carried on in many parts of the world, including Australia. Prior to 2016, one Hizballah operative, Hassan Mansour, a Canadian-Lebanese dual-citizen described as a "major figure" in Hizballah's so-called 'Business Affairs' wing, moved cocaine into Australia and another, Altaf Khanani, a Pakistani national, moved the cash proceeds out. In 2017, Khanani was sentenced to almost six years in prison in the US for conspiracy to commit money laundering.¹⁷

To accept simplistically that the internal functional divisions within Hizballah signify the existence of discrete organisations is to endorse a fiction. In reality, there is a seamless integration between all facets of the organisation in chain of command, finances and personnel. This reality has been confirmed in the listing practices of other States and by the public statements made in support of those practices. It has also been confirmed in statements made by senior Hizballah commanders themselves. By their own admission, responsibility for terrorist activities reaches to the highest levels of command within Hizballah. It follows that Hizballah in its entirety, and not merely the ESO, meets the *Criminal Code* requirements for proscription.

¹⁵ Matthew Levitt, *Hezbollah: The Global Footprint of Lebanon's Party of God*, (London: C. Hurst & Company, 2013), ISBN 9781849043335, p.14

¹⁶ Statement of Reasons, Attachment C to the Explanatory Statement, p.12

¹⁷ Sam Cooper, '[From Colombia to Lebanon to Toronto: How a DEA probe uncovered Hezbollah's Canadian money laundering ops](#)', *Global News*, 25 March 2021

The practice of other States

With the exception of New Zealand, all of Australia's partners in the Five Eyes intelligence-sharing alliance (namely the US, Canada and more recently the UK) have declared the whole of Hizballah to be a terrorist organisation.

New Zealand has designated the entire military arm of Hizballah as a terrorist organisation, not merely its "External Security Organisation".

Altogether, 22 countries and 2 regional organisations currently list Hizballah as a whole as a terrorist organisation. Two countries and one regional organisation limit their listing to the 'Military Wing'. Australia alone limits its listing to the ESO.

Hizballah in its entirety is listed as a terrorist organisation by: Arab League, Argentina, Austria, Bahrain, Canada, Colombia, Czech Republic, Estonia, Germany, Guatemala, Gulf Cooperation Council, Honduras, Israel, Japan, Lithuania, Netherlands, Paraguay, Serbia, Slovenia, Switzerland, United Arab Emirates, United Kingdom, United States, Venezuela
Only Hizballah's 'Military Wing' is listed as a terrorist organisation by: European Union, France, New Zealand,
Only Hizballah's 'ESO' is listed as a terrorist organisation by: Australia

Except for Israel, the countries listed above which have proscribed Hizballah in its entirety have also managed to maintain friendly relations with Lebanon. It is clearly possible to do both. Several of these countries, like Australia, have large numbers of citizens who are of Lebanese background. It can readily be seen from the above Table that Australia is very much an international outlier in its assessment that Hizballah's terrorist activities are limited to its ESO, and that the ESO should be regarded as a discrete organisation.

The experience of the United Kingdom is instructive. Like Australia, the UK formerly limited its listing of Hizballah to the ESO. It subsequently extended the proscription to the 'Military Wing' and, from 2019, to Hizballah in its entirety. Sajid Javid, the UK Home Secretary, explained the UK Government's rationale for expanding its listing of Hizballah from the 'Military Wing' to the whole organisation as follows:

"... There have long been calls to ban the whole group, with the distinction between the two factions derided as smoke and mirrors. Hezbollah itself has laughed off the suggestion that there is a difference. I have carefully considered the evidence and I am satisfied that they are one and the same, with the entire organisation being linked to terrorism.

*...
This Government have continued to call on Hezbollah to end its armed status; it has not listened. Indeed, its behaviour has escalated; the distinction between its political and military wings is now untenable. It is right that we act now to proscribe this entire organisation."*¹⁸

¹⁸ Hansard, UK Parliament, House of Commons, [Debates, 26 February 2019](#).

We respectfully agree with the assessment made by the UK Home Secretary and commend his comments to the PJCIS and to the Australian government.

The shortcomings of listing only a part of Hizballah as a terrorist organisation were highlighted in 2020 by the example of Germany. On 30 April 2020 Germany banned all activity by Hizballah, and carried out police raids on premises associated with the group, following reports that some Hizballah affiliates had been stashing quantities of ammonium nitrate, a material used to make explosives, in various warehouses in the south of Germany.¹⁹ Until that date, the so-called political wing of Hizballah was able to operate on German soil while only its so-called ‘Military Wing’ was banned.²⁰

Statements made by Hizballah commanders

Hizballah commanders have openly and repeatedly declared that no substantive separation exists between its different internal sections. Muhammad Fneish, senior Hizballah operative and a Hizballah MP in the Lebanese Parliament stated on Hizballah’s own media outlet: “*I can say that the military wing and the political wing of Hizballah cannot be separated*”.²¹

In 2013, Mohammad Ra’ad, head of Hizballah’s parliamentary delegation, said: “*The Hezbollah military wing is a lie invented by the Europeans because they feel a need to communicate with us and they want to make a delusional separation between the so-called military and political wings*.”²²

Hizballah’s second-in-command, Naim Qassem, has said: “*The same leadership that directs the parliamentary and government work also leads jihad actions in the struggle against Israel*.”²³ As already noted, those “jihad actions” have extended to Israeli and Jewish community targets around the world.

Other activity in Australia

In addition to the threat of conducting terrorist operations, Hizballah’s official television station, Al-Manar TV, disseminates content that includes antisemitic conspiracy theories, glorification of terrorism and incitement to violence.

In 2011, following a 14-month-long investigation by the Australian Communications and Media Authority (ACMA) into Al-Manar’s satellite transmissions into Australia, which found breaches of regulatory requirements prohibiting terrorist related material, as well as racial vilification and hate speech, the *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 20011* and the *Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2011* were introduced, replacing the 2008 versions of those instruments.²⁴ The 2011 standard differs from the 2008 standard by

¹⁹ ‘[Mossad gave Berlin intel on Hezbollah ops on German soil ahead of ban — report](#)’, *Times of Israel*, 2 May 2020.

²⁰ ‘[Hezbollah: Germany bans and raids Islamist group](#)’, *BBC News*, 30 April 2020.

²¹ Al-Manar, 18 January 2002. Quoted at <https://www.terrorism-info.org.il/en/more-countries-have-recently-declared-all-of-hezbollah-a-terrorist-organization-but-some-eu-countries-still-refrain-from-doing-so/>

²² Augustus Richard Norton, *Hezbollah: A Short History*, 3rd edition, (Princeton and Oxford: Princeton University Press, 2018), ISBN 978-0-691-18088-5, p.173

²³ Borzou Daragahi, ‘[Lebanon’s Hezbollah savors increasing legitimacy](#)’, *Los Angeles Times*, 13 April 2009.

²⁴ ACMA file reference 2011/318.

prohibiting expressly the transmission of a program in Australia that advocates the doing of a terrorist act.

Since at least 2008 Hizballah flags have been displayed almost every year at various street protests in Sydney and Melbourne. The flag includes an image of a fist grasping an assault rifle. The routine display of the Hizballah flag with complete impunity is a potential rallying point for extremist groups and individuals to come together at these protests and further develop their networks. This risks creating a pool of people who are emotionally and mentally susceptible to extremist ideologies and from among whom Hizballah and other terrorist organisations can recruit operatives. At one rally in 2012, a known prominent figure among Australia's neo-Nazis, Ross 'The Skull' May, was observed marching with a group displaying the Hizballah flag, suggesting a degree of ideological affinity and the potential for collaboration between Islamists and neo-Nazis.



Nakba Day protest, Sydney CBD,
15 May 2013



Anti-Israel protest, Sydney Town Hall,
27 July 2014



Anti-Israel protest, Sydney CBD,
17 Dec. 2017



Nakba Day protest, Sydney CBD,
15 May 2021



Left: Nakba Day rally, Sydney CBD, 15 May 2012

Of note, the man in the green check shirt, marching behind the Hizballah flag, is Ross May, aka 'The Skull', prominent member of the National Socialist Party of Australia.

Conclusion

Given its history around the world and in Australia, it is evident that the activities of Hizballah as a whole represent a security threat, a threat to social cohesion and a crime risk to all Australians, and to the Australian Jewish community in particular. We have therefore advocated for some time that Australia list Hizballah in its entirety as a terrorist organisation, as have the other like-minded countries referred to previously.

Because Hizballah operates with one heart and mind, the pretence that its internal divisions of labour represent discrete organisations potentially hamstrings Australia's security and law enforcement agencies in protecting Australians from future terrorist activities by Hizballah of the kind they have carried on in other parts of the world. In our view the need to prove that a particular activity relates to a designated part of an organisation, and not simply to the organisation itself, may place an unwarranted burden on law enforcement agencies.

Even if, in the face of all the evidence to the contrary, one considers that the internal functional divisions within Hizballah signify the existence of discrete organisations, the ESO is an integral element of the so-called 'Military Wing'. Accordingly, although for the reasons already provided we would consider it an inadequate measure, Australia's listing of Hizballah should, at a minimum, be extended to the whole of the operation nominally controlled by the military council, namely the so-called 'Military Wing' of Hizballah, and should not be limited to the ESO.

We are happy to provide the PJCIS with any further information or input it may require from us. We wish the PJCIS well in its deliberations.

Yours sincerely

Peter Wertheim AM
Co-CEO