



Zionist Federation of Australia submission to the Parliamentary Joint Committee on Intelligence and Security review of the re-listing of Hezbollah's External Security Organisation

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Contents

- [Recommendations](#)
- [Hezbollah's ESO continues to meet the definition of a terrorist organisation](#)
- [All of Hezbollah should be proscribed](#)
- [Extending the listing to Hezbollah's military wing would not be adequate](#)
 - [Hezbollah leadership involved in directing terrorist activities](#)
 - [Coordination between the ESO and Hezbollah leadership](#)
 - [Hezbollah as one organisation](#)

Recommendations

Recommendation 1
The ZFA recommends that the PJCIS not disallow <i>Criminal Code (Terrorist Organisation—Hizballah's External Security Organisation) Regulations 2021</i> (the legislative instrument).
Recommendation 2
The ZFA recommends that the PJCIS urge the Minister to proscribe the entire organisation of Hezbollah.

The Zionist Federation of Australia thanks the Committee for the opportunity to make this submission into its review of the re-listing of Hezbollah's External Security Organisation.

As the Australian Zionist representative roof body, the ZFA is committed to advocating for the State of Israel on behalf of the Jewish community in Australia and fostering a deep connection between Australia and Israel.

Hezbollah's ESO continues to meet the definition of a terrorist organisation

The definition of a terrorist organisation in the Criminal Code is: "an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act"¹

Without doubt, Hezbollah's External Security Organisation (ESO) continues to meet this definition and so should be listed in Australia.

Recommendation 1
The ZFA recommends that the PJCIS not disallow <i>Criminal Code (Terrorist Organisation—Hizballah's External Security Organisation) Regulations 2021</i> (the legislative instrument).

¹ Criminal Code 1995, s. 102.1

All of Hezbollah should be proscribed

However, Hezbollah, the larger organisation of which the ESO is a part, also meets the definition. As such, the ZFA urges the Committee to recommend to the Minister that she list the entire Hezbollah organisation, not merely a part of it.

This submission contains numerous examples that show how the entire Hezbollah leadership is directly and indirectly involved in terrorist activities.

In its listing of Hezbollah's External Security Organisation, the Australian Government notes of ESO's objectives that its activities are "against Hizballah's enemies outside Lebanon".² The listing does not provide any other description of the ESO's objectives or, indeed, of Hezbollah's. However, in its reasons for its 2018 listing of the ESO, the Australian Government noted,

The broader goals of Hizballah are the 'liberation' of Jerusalem, the destruction of Israel, and the establishment of a Shia-led Islamic state in Lebanon.

The ESO sits under the military wing of Hizballah: alongside, but distinct from, Hizballah's formal militia and military activity. The ESO operates as a discrete branch or entity within Hizballah. ESO operations include procurement, intelligence, counter intelligence, surveillance, planning, coordination and execution of terrorist attacks against Hizballah's enemies outside of Lebanon.³

The Australian Government's 2018 description of Hezbollah's broader goals is correct, though adding "assisting the Islamic Republic of Iran to export its 'Islamic Revolution'" would have provided more context and accuracy. Hezbollah utilises many different tactics in its pursuit of its strategic goals. These include 'hearts and minds' social welfare tactics within Lebanon and Shia communities around the world, involvement in the political process within Lebanon, training and support of like-minded militias in the Middle East (especially in Syria, Iraq and Yemen), direct involvement in military activities in Lebanon and Syria (including ethnic cleansing⁴), international drug trafficking and money laundering, and terrorism. Some of Hezbollah's criminal activities have been carried out in Australia.⁵

While the ESO is the unit that primarily undertakes specifically terrorist activities, these activities are designed to complement the non-terrorist activities pursued by Hezbollah's various subordinate units **and are directed by Hezbollah's leadership in pursuit of Hezbollah's strategic objectives**. That is, the decision to undertake terrorist acts does not rest with the ESO leadership.

² "Hizballah's External Security Organisation (ESO)", Australian Government, 2 May 2021 (accessed 10 May 2021),

<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/HizballahsExternalSecurityOrganisationESO.aspx>

³ Australian Government, n.d. (accessed 4 January 2021),

<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/HizballahsExternalSecurityOrganisationESO.aspx>

⁴ European University Institute, 13 March 2020 (accessed 15 January 2021),

https://cadmus.eui.eu/bitstream/handle/1814/66546/MED_WPCS_2020_4.pdf?sequence=1&isAllowed=y

⁵ Hezbollah smuggled cocaine into Australia, and used Altef Khanani, an international money launderer, to get the money out of Australia. Also, making use of its international nature, Hezbollah was delivered money in Australia for a drug smuggling operation in Canada. Global News, 25 March 2019 (accessed 12 January 2021),

<https://globalnews.ca/news/5084587/hezbollahs-canadian-money-laundering-ops/>.

To be clear: the Hezbollah leadership (and, therefore, Hezbollah) is indirectly involved in preparing, planning, assisting and fostering the doing of terrorist acts (which are carried out by members of the ESO) and is therefore liable to be listed by the Australian Government according to the Criminal Code.

Numerous public sources have made clear that Hezbollah decision-making, including in regards to its violent activities, are made by its seven-member Majlis a-Shura (Shura Council, Consultative Council), which includes a subordinate Majlis al-Jihad (Jihad Council).⁶ According to Matthew Levitt, a former US Treasury deputy assistant secretary, FBI counter-terrorism analyst and US State Department counter-terrorism adviser,

The Jihad Council is responsible not only for Hezbollah's formal militia activity (the Islamic Resistance) but also for its covert activity—at home and abroad—under the auspices of the IJO [i.e. Islamic Jihad Organisation, the External Security Organisation⁷]. To accomplish its mission the Jihad Council is divided into several smaller units in charge of protecting the leadership, carrying out internal and external surveillance, and overseas operations.⁸

Indeed, the Australian Government appears to have somewhat internalised this. After its May 2021 re-listing of the ESO, a Government website noted,

The ESO exists within Hizballah's organisational structure. Hizballah 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'. The Military Council directs Hizballah's Military Wing, which is responsible for all of Hizballah's armed activities. The Military Wing comprises all elements of Hizballah's militia and military-relevant functions, including the ESO which is a discrete entity. As such, the ESO's activities are distinct from Hizballah's formal military actions in the Middle East.⁹

With the exception of the last sentence, all of that is accurate, and provides reasons for listing the entirety of the organisation. The last sentence does not logically follow from the rest of the paragraph.

Extending the listing to Hezbollah's military wing would not be adequate

In its 2018 review of the re-listing of the ESO, the Committee noted that it,

considers that more detail should have been provided in the public statement of reasons, and that departments and agencies must be better prepared in providing advice to the Committee. In particular, in this instance the

⁶ See, among others, US Department of State, 17 September 2020 (accessed 6 January 2021), <https://www.state.gov/remarks-at-ajc-hizballah-europe-event/>; Washington Post, 26 August 2020 (accessed 4 January 2021), https://www.washingtonpost.com/national-security/man-convicted-in-2005-assassination-of-former-lebanese-prime-minister-was-part-of-a-hezbollah-hit-squad-officials-say/2020/08/25/543cbf1a-e6e0-11ea-bc79-834454439a44_story.html; US Treasury, 13 September 2012 (accessed 7 January 2021), <https://www.treasury.gov/press-center/press-releases/Pages/tg1709.aspx>; US Senate Committee on Armed Services, 10 March 2009 (accessed 7 January 2021), p. 16, https://books.googleusercontent.com/books/content?req=AKW5QadlCo8fz96lSQEzCI-5AN9RaZkIxNkGtLoPgdzBLAsroa-qDBMGKEqYKlBzlexzpPQQOgxA9xnUUgi-cYeq9FiM7qUvDpmYV43W2nqxZ77KWAtJgn8N3Bt7VcNXQ1uXRV0eGzF0uabfA3HHgVgDAwnEYNiZgBMXEpX3ZGEuJo7CMnG3CHSLKsO1jwPCRwHL6w6dJSVEJ8WRA_B4TmNrnVvqe5G6JEUrc7e_4xuep0XeOc-BuH0scwLEXQmaj1TX9urCp0kjlFvNd73WoV5FmxW-LIVFCw

⁷ The Islamic Jihad Organisation is one of many aliases for the External Security Organisation branch of Hezbollah. See Criminal Code (Terrorist Organisation—Hizballah's External Security Organisation) Regulations 2021 s. 5(2)(r), 2 May 2021, (accessed 10 May 2021), <https://www.legislation.gov.au/Details/F2021L00522>

⁸ *Hezbollah: The global footprint of Lebanon's party of God*, 2013, p. 15

⁹ "Hizballah's External Security Organisation (ESO)", Australian Government, 2 May 2021 (accessed 10 May 2021), <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/HizballahsExternalSecurityOrganisationESO.aspx>

Committee does not consider that adequate evidence was provided regarding the decision to not include the military wing of Hizballah in the listing.¹⁰

The Committee in 2018 also recommended that the Government give further consideration to extending the listing to Hezbollah's military wing.

We respectfully suggest to the Committee that such an extension **would not be adequate**.

The Committee noted in its 2018 review that Australia's listing of only the ESO is 'somewhat inconsistent' with Australia's closest partners. However, by extending the listing to only its military wing, Australia's approach would remain inconsistent. While New Zealand only proscribes Hezbollah's military wing, the United States, Canada and the United Kingdom all proscribe the entirety of Hezbollah. Beyond the Five Eyes, Argentina, Austria, Bahrain, Colombia, the Czech Republic, Estonia, Germany, Guatemala, Honduras, Israel, Japan, Kosovo, Lithuania, The Netherlands, Paraguay, Serbia, Slovenia, Switzerland, the United Arab Emirates, the Arab League and the Gulf Cooperation Council all proscribe the entirety of Hezbollah.

Further, as above, while both the ESO and the Islamic Jihad Organisation (i.e. Hezbollah's formal militia) sits within the Jihad Council of Hezbollah, decisions on violent activities is made by Hezbollah's Consultative Council. That is, the decision to engage in terrorist acts is not made by the ESO or by Hezbollah's military wing, but by Hezbollah's leadership. It is of note that the head of the Hezbollah Shura Council's subordinate Jihad Council is Hassan Nasrallah, who is also Secretary-General of the entire organisation.¹¹

Below are open-source examples that show how the ESO coordinates with the Hezbollah leadership, that the Hezbollah leadership makes decisions regarding utilising terrorism violence, and that Hezbollah sees itself as one organisation, thereby rendering inaccurate internal distinctions made by Western countries (i.e. artificially separating out the ESO or the 'military wing').

Hezbollah leadership involved in directing terrorist activities

In August 2020, the *Washington Post* quoted an unnamed US intelligence official citing the existence of a Hezbollah assassination squad that had carried out assassinations in Lebanon. It receives direct orders from Nasrallah: "'It's a highly secretive unit with dozens of operatives, totally disconnected from anything else, taking direct orders from [Hezbollah leader] Hasan Nasrallah,' said one of the officials".¹²

The US Treasury stated in September 2012 that Hezbollah Secretary-General Hassan Nasrallah oversees Hezbollah violence in Syria.¹³

As above, the Majlis al-Shura (Consultative Council, Shura Council) retains the decision-making power within Hezbollah. Hezbollah's Deputy Secretary-General Na'im Qassem said,

¹⁰ Review of the re-listing of Hizballah's External Security Organisation as a terrorist organisation under the Criminal Code, Parliamentary Joint Committee on Intelligence and Security, June 2018 (accessed 10 May 2021), https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Relisting_of_Hizballahs_ESO/Report

¹¹ Hezbollah: The Global Footprint of the Party of God, 2015, p. 14

¹² Washington Post, 26 August 2020 (accessed 4 January 2021), https://www.washingtonpost.com/national-security/man-convicted-in-2005-assassination-of-former-lebanese-prime-minister-was-part-of-a-hezbollah-hit-squad-officials-say/2020/08/25/543cbf1a-e6e0-11ea-bc79-834454439a44_story.html

¹³ US Treasury, 13 September 2012 (accessed 7 January 2021), <https://www.treasury.gov/press-center/press-releases/Pages/tg1709.aspx>

Hezbollah has a single leadership as represented in the Shura and at its head, the secretary general [Hassan Nasrallah]. All political, social and jihadi work is tied to the decisions of this leadership. The same leadership that directs the parliamentary and government work also leads jihadi actions in the struggle against Israel. There is one decision that has a mechanism and structure for implementation. That is how Hezbollah is even if other parties need to picture it otherwise in order to justify their actions..."¹⁴

He was quoted elsewhere with a similar message, saying that the Shura Council is

"in charge of drawing the overall vision and policies, overseeing the general strategies for the Party's functions, and taking political decisions... Hezbollah has one single leadership, and its name is the Decision-Making Shura Council. It manages the political activity, the Jihad activity, the cultural and the social activities... Hezbollah's Secretary-General is the head of the Shura Council and also the head of the Jihad Council, and this means that we have one leadership, with one administration".¹⁵

Coordination between the ESO and Hezbollah leadership

In January 2019, the Secretary-General of a-Nujaba militia in Iraq said in an interview that Hezbollah forces had fought in Iraq. He further said that he travelled to Lebanon to meet with then-ESO head Imad Mughniyeh and Hezbollah Secretary-General Hassan Nasrallah. Nasrallah and Mughniyeh put all their capabilities at his disposal. This further demonstrates the links and coordination between the ESO and the Hezbollah leadership.¹⁶

Hezbollah as one organisation

In his March 2009 testimony to the US Senate Committee on Armed Services, US Director of National Intelligence Dennis Blair said, "Hizballah is a multi-faceted, disciplined organization that combines political, social, paramilitary, and terrorist elements, and we assess that any decision by the group to resort to arms or terrorist tactics is carefully calibrated."¹⁷

Nathan Sales, the US State Department Coordinator for Counterterrorism¹⁸, said in September 2017, Hezbollah "is a unitary organisation that cannot be subdivided into a 'military wing' and a so-called 'political wing'."¹⁹

¹⁴ Middle East Media Research Institute (MEMRI), 24 July 2013 (accessed 6 January 2021), <https://www.memri.org/reports/senior-hizballah-officials-and-associates-there-no-distinction-between-hizbullahs-political-Qassem-has-made-similar-statements-on-many-other-occasions;these-are-reproduced-in-the-MEMRI-article>.

¹⁵ *Hezbollah: The global footprint of Lebanon's party of God*, 2013, p. 14

¹⁶ Middle East Media Research Institute, 1 January 2019 (accessed 7 January 2021), <https://www.memri.org/tv/nujaba-iraq-leader-akram-kaabi-irgc-hizballah-battle-najaf-participated-against-america-nasrallah-mughniyah>

¹⁷ US Senate Committee on Armed Services, 10 March 2009 (accessed 7 January 2021), p. 16, https://books.googleusercontent.com/books/content?req=AKW5QadlCo8fz96ISQEZCl-5AN9RaZkIxNkGtLoPgdzBLAsroa-qDBMGKEqYKlBzlexzpPQQOgxA9xnUUgi-cYeq9FiM7qUvDpmYV43W2nqxZ77KWAtJgn8N3Bt7VcNXQ1uXRV0eGzF0uabfA3HHgVgDAwnEYNiZgBMXEpX3ZGEuJo7CMnG3CHSLKsO1jwPCRwHL6w6dJSVEJ8WRA_B4TmNrnVvqe5G6JEuRc7e_4xuep0XeOc-BuH0scwLEXQmaj1TX9urCp0kjlFvNd73WoV5FmxW-LIVFCw

¹⁸ US Department of State, n.d. (accessed 6 January 2021), <https://www.state.gov/biographies/nathan-a-sales/>

¹⁹ US Department of State, 17 September 2020 (accessed 6 January 2021), <https://www.state.gov/remarks-at-ajc-hizballah-europe-event/>

Sales also quotes an unnamed 'top Hezbollah commander' from October 2012 as saying, "We don't have a military wing and a political one... Every element of Hezbollah is in service of the resistance, and we have nothing but the resistance as a priority."²⁰

The Middle East Media Research Institute (MEMRI), which translates Arabic-language media into English, provides an October 2012 quote from Hezbollah Deputy Secretary-General Naim Qassem, which might be from the same speech cited by Sales:

"In Lebanon there is one party that is called Hezbollah. We do not have a military arm and a political arm. We do not have [a political party that is called] Hezbollah [and at the same time] a resistance party. Hezbollah is a political party; it is a resistance party and the party of action on behalf of Allah and in the service of the people. In short, this is Hezbollah. Therefore, all these distinctions, that some people are attempting to disseminate, are something that we reject; they do not exist. All the senior officials and activists, and the diverse capabilities that we in Hezbollah possess, are at the service of the resistance. We have no priority save for resistance – from the organization's leadership till the very last of its fighters..."²¹

Similarly, in May 2013, Naim Qassem said,

"In our resistance, we do not distinguish between one position and another position, because we never divided our movement in such a way that we would have different projects... We do not maintain one status for a resistance fighter and another [for someone] who is not a resistance fighter. We do not have a military arm and another [arm] that is political. These Europeans are making themselves ridiculous by imitating Britain, which drew the distinction [between Hezbollah's] military arm and political arm; [they are drawing this distinction] because they need relations with us, and they are manipulating their own peoples [by saying] that they are conducting a dialogue with [Hezbollah's] politicians rather than with members of [its] military [arm]. They have forgotten that for us, every child is both a military man and politician."²²

The then-Lebanese foreign minister said in July 2013, "It is not possible to separate Hezbollah's political arm and military arm."²³

In 2001, Hezbollah member of Lebanese parliament (and Hezbollah Shura Council member) Muhammad Hasan Ra'd said, "Hezbollah is a military resistance party... There is no separation between politics and resistance".²⁴

The ZFA notes that an invaluable resource for open-source information about Hezbollah and its activities is on the website of the Washington Institute for Near East Policy. The 'Lebanese Hezbollah Interactive Map' provides links to articles, has a timeline, and links individual Hezbollah actors to multiple activities across the globe.²⁵

We conclude by noting that s. 102.1(2) of the Criminal Code reads:

²⁰ US Department of State, 17 September 2020 (accessed 6 January 2021), <https://www.state.gov/remarks-at-ajc-hizballah-europe-event/>

²¹ Middle East Media Research Institute, 24 July 2013 (accessed 6 January 2021), <https://www.memri.org/reports/senior-hizballah-officials-and-associates-there-no-distinction-between-hizbullahs-political>

²² Middle East Media Research Institute, 24 July 2013 (accessed 6 January 2021), <https://www.memri.org/reports/senior-hizballah-officials-and-associates-there-no-distinction-between-hizbullahs-political>

²³ Middle East Media Research Institute, 24 July 2013 (accessed 6 January 2021), <https://www.memri.org/reports/senior-hizballah-officials-and-associates-there-no-distinction-between-hizbullahs-political>

²⁴ US Treasury, 9 July 2019 (accessed 7 January 2021), <https://home.treasury.gov/news/press-releases/sm724>

²⁵ Washington Institute (accessed 20 May 2021), <https://www.washingtoninstitute.org/hezbollahinteractivemap/>

Before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in this section, the AFP Minister must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) advocates the doing of a terrorist act

There is abundant proof that the entire Hezbollah organisation is involved, directly and indirectly, in terrorism-related activities provided in s. 102.1(2). We urge the Australian Government to proscribe the entire organisation, and urge the Committee to recommend to the Minister that she considers doing so.

Recommendation 2

The ZFA recommends that the PJCIS urge the Minister to proscribe the entire organisation of Hezbollah.