



Te Pā Whakamarumarū
New Zealand Security
Intelligence Service

PO Box 900, Wellington 6140
P +64 4 472 6170, F +64 4 472 8209
www.nzsis.govt.nz

3 April 2023



Tēnā koe [REDACTED]

Official information request

Thank you for your Official Information Act 1982 (OIA) request of 3 February 2023 to the New Zealand Security Intelligence Service (NZSIS) seeking information about advice given by NZSIS and the Combined Threat Assessment Group (CTAG) regarding the terrorism designation of Hamas and Hezbollah.

You were advised on 2 March 2023 that the time limit for responding to your request had been extended to 3 April 2023 because the consultations necessary to make a decision on your request were such that a proper response could not reasonably be made within the original time limit.

Background

I should be clear that decisions regarding the designation of terrorist entities are made by the Prime Minister, based on advice provided by the Security and Intelligence Board. New Zealand Police is responsible for co-ordinating requests to the Prime Minister for designating terrorist entities, which includes chairing the Terrorist Designations Working Group (TDWG). CTAG is a member of the TDWG and the NZSIS Director-General is a member of the Security and Intelligence Board.

CTAG and NZSIS's involvement in the TDWG process is to provide assessments and advice in relation to national security matters. In practice, this means CTAG provides feedback and comment to NZ Police when NZ Police has drafted a Statement of Case regarding the designation of an entity.

Question 1: Any advice NZSIS or CTAG gave regarding the terrorist designation of Hamas and Hezbollah.

We have collated and assessed the information in-scope of your request. This constitutes advice given via email in relation to the 2022 renewal of Izz Al-Din Al-Qassam Brigades (IQB) and The Islamic Resistance (IR).

After reviewing the documents and correspondence we have determined that a large proportion of the content must be withheld under the following grounds of the OIA:

- Section 6(a), where the making available of the information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand;
- Section 9(2)(g), the withholding of the information is necessary to maintain the effective conduct of public affairs through –

- (i) the free and frank expression of opinions by or between [...] officers and employees of any public service agency or organisation in the course of their duty; or
- (ii) the protection of [...] officers, and employees from improper pressure or harassment; and
- Section 9(2)(h), maintain legal professional privilege.

Where information has been withheld under section 9 grounds I do not consider that the need to withhold this information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

In order to protect the interests covered by the sections outlined above, and provide you with the information in a more readable format, we have decided to meet your request by providing you with a summary of the information you have requested, as allowed for under section 16(1)(e) of the OIA. Please find the summarised information attached. The summary captures correspondence and advice issued by the NZSIS and CTAG.

Question 2: Did the NZSIS or CTAG recommend a separation of Hamas and Hezbollah into military and political wings, in relation to the terrorism designation process?

As outlined above, the NZSIS and CTAG's role in relation to the terrorism designation process is limited to providing assessments and advice to the TDWG, based on access to classified intelligence. The NZSIS and CTAG did not recommend a separation of Hamas and Hezbollah into military and political wings, as this is not our role in the TDWG process.

Review

If you wish to discuss this decision with us, please feel free to contact uia.privacy@nzs.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that the NZSIS proactively publishes OIA responses in accordance with the expectations of Te Kawa Mataaho/the Public Service Commission. We intend to publish this letter (with your personal information removed) on the NZSIS website. Publication of such responses is done on a quarterly basis.

Ngā mihi



Phil McKee

Te Tumu Whakarae mō Te Pā Whakamarumarū
Acting Director-General of Security

Summary of NZSIS and CTAG advice relating to the renewal of IR and IQB as designated terrorist entities

- **10 August 2022:** The Combined Threat Assessment Group (CTAG) provides comments to New Zealand Police regarding the renewal of designation for Izz al-Din al-Qassam Brigades (IQB). Comments cover:
 - Updated intelligence relating to IQB's continued involvement in terrorist activity
 - Updated assessment on ideology and objectives
 - Updated description of organisation and structure
 - Updated intelligence regarding weapons, tactics and capability

Further information withheld under sections 6(a), 9(2)(g)(i) and 9(2)(g)(ii).

- **12 August 2022:** CTAG provides NZ Police with an updated assessment regarding the threat posed by IQB and Islamic Resistance (IR) to New Zealand, New Zealanders or New Zealand interests (including offshore). Further information withheld under sections 6(a) and 9(2)(g)(ii).
- **16 August 2022:** NZSIS provides NZ Police with an updated assessment regarding IQB and IR links to New Zealand or New Zealanders. Further information withheld under sections 6(a) and 9(2)(g)(ii).
- **22 August 2022:** The CTAG Manager sends the IQB and IR draft statement of cases to NZSIS Director-General ahead of the scheduled Security and Intelligence Board meeting. CTAG Manager notes: *CTAG have had the opportunity to review the statement of case for all entities and support the New Zealand Police's assessment.* Further information withheld under sections 6(a) and 9(2)(g)(ii).
- **24 - 26 August 2022:** CTAG provides comments to the Department of the Prime Minister and Cabinet (DPMC) regarding the draft briefing for the Prime Minister on the designation renewals considered by SIB. Further information withheld under sections 6(a), 9(2)(g)(i) and 9(2)(g)(ii).
- **23 November 2022:** Email correspondence between the Ministry of Foreign Affairs and Trade, CTAG and Crown Law regarding existing advice on designating a state entity. Withheld in full under 9(2)(h).