



Heavy Sentences to US-based Holy Land Foundation Leaders Convicted of Financing Terrorism

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Background

A long legal procedure in the US had been concluded towards the end of 2008, in which US citizens of Palestinian origin, heading the Holy Land Foundation, were convicted of providing financial support to terrorist activity.

The Federal Court in Dallas has ruled on May 27 the defendants' sentences, convicted by the federal jury of all 108 counts. The sentences are heavy: two of the foundation leaders were sentenced to 65 years in prison, while the other defendants were sentenced to 20 and 15 years in prison.

As part of the legal procedure, the US prosecution was assisted by two Israeli witnesses, one of whom is an ISA personnel who served as an expert witness regarding the provision of financial support to the Hamas movement through Hamas foundations abroad, as well as through the movement's humanitarian relief entities in the West Bank and the Gaza Strip. The goal of the ISA worker's testimony was to clarify the overall picture for the jury, and formed a critical factor in the decision to convict the defendants.

The conviction and the heavy sentences are considered a most important achievement in combating terror and its financial supporters, both as means of deterrence and as a form of cooperation among states.

Content

Holy Land Foundation (henceforth referred to as HLF), was established in the end of the 1980's under the name Occupied Land Fund. It was based in Richardson, Texas, a



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Dallas suburb. Before it was designed as a Specially Designated Terrorist Organization by the US Treasury Department and shut down in December 2001, it has been considered the largest Muslim charity in the US.

Throughout the trial the US prosecution argued that the foundation's sole purpose was to support Hamas, in contrast with the Material Support Statute, legislated as part of the US Antiterrorism Act. During the trial the prosecution presented evidence that the HLF deliberately hid its financial support to Hamas under the guise of charitable donations.

According to the bill of indictment, HLF and the five defendants provided approximately 12.4 million dollars in support of Hamas and its goals, among which are the establishment of an Islamic Palestinian state and the elimination of the state of Israel through violent Jihad.

According to evidence presented by the US government at the trial, in the beginning of the 1990's the Muslim Brotherhood planned to establish a network of organizations in the US to spread militant Islamist messages and raise funds for Hamas. HLF became the chief fundraising arm for the Palestine Committee in the US, created by the Muslim Brotherhood to support Hamas. According to a wiretap of a 1993 Palestine Committee meeting in Philadelphia, former HLF President and CEO Shukri Abu Baker, spoke about playing down their Hamas ties in order to keep raising money in the US. Another wiretapped phone call included Abdulrahman Odeh, HLF's New Jersey representative, referring to a suicide attack as a "beautiful operation".

The legal procedure included an expert-testimony by an ISA personnel regarding Hamas activists and its charity entities operating in the West Bank and the Gaza Strip. The expert has also testified regarding the Hamas fundraising apparatus abroad, through charities such as Interpal in Britain, the CBSP in France and the Alaqsa Foundation in Europe, with which HLF held cooperation.



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The defendants were convicted of transferring money raised by HLF to Hamas supported charities and committees. Inter alia, the defendants provided financial support to the families of Hamas martyrs, detainees and activists, knowing and intending that such assistance would support the Hamas terrorist organization. Since 1995 when it first became illegal in the US to provide financial support to Hamas, HLF provided approximately 12.4 million dollars in funding to Hamas through various Hamas-affiliated committees and organizations.

The US prosecution also presented evidence that several HLF defendants have family members who are Hamas leaders, including one of Hamas' political chiefs Mousa Abu Marzook, who is married to a cousin of Ghassan Elashi, HLF's former Chairman of the Board, and Khaled Mashal, Chairman of the Hamas Political Bureau, who is half brother of Mufid Abdulqader.

During the trial, the US prosecution presented evidence that HLF was so concerned about investigators uncovering the group's intentions that they followed various security procedures, such as hiring a security company to search the HLF for listening devices, shredding documents after board meetings, and maintaining incriminating documents in off-site locations.

As aforementioned, the trial conducted in 2008 resulted in the conviction of the defendants of all 108 counts, sentencing them as follows:

- Shukri Abu Baker, foundation CEO, born in 1959, originally from Silwad – 65 years in prison.
- Ghassan Elashi – foundation treasurer, born in 1953, originally from Gaza, is the brother in law of senior Hamas member Mousa Abu Marzuk - 65 years in prison.
- Mufid Abdulqader – originally from Jordan, half brother of Hamas leader in Damascus, Khaled Mashal – 20 years in prison.
- Abdulrahman Odeh - 15 years in prison.
- Mohammad Al-Mezain – head of New Jersey HLF branch – 15 years in prison.