



APPENDIX F

International Relief Fund for the Afflicted and Needy (Canada)

Backgrounder on Hamas

Appendix F – Backgrounder on Hamas¹

Hamas is a radical Sunni terrorist organization that employs political and violent means to pursue the goal of establishing an Islamic Palestinian state in Israel.² The origins of the movement lie with the Muslim Brotherhood,³ an Islamist organization founded in Egypt in 1928, and led by early Islamist figures such as Hassan el-Banna and Sayyid Qutb. Starting in 1967 and continuing throughout the 1970's, the Palestinian branch of the Brotherhood gained popularity amongst the people of Gaza via communal activism, religious preaching and education.⁴ With the outbreak of the first intifada⁵ against Israel in 1987, the Palestinian Muslim Brotherhood moved beyond its basis as a social and religious group establishing Hamas as an Islamist alternative to the secular nationalist resistance led by the PLO.

Through its Charter, Hamas clearly states its objectives of establishing an Islamic state in all of Palestine. To realize this goal, the organization relies upon the use of violent jihad, the education of the Palestinian population in its Islamist ideology, providing social services, and promoting the liberation of the “Palestinian land” as an individual duty of Muslims everywhere.

Objectives, Strategies, and Structure

In its Charter, Hamas describes itself as a “distinct Palestinian Movement which owes its loyalty to Allah, derives from Islam its way of life and strives to raise the banner of Allah over every inch of Palestine.”⁶ To this effect, its slogan⁷ states that “Allah is its goal, the Prophet its model, the Qur’an its Constitution, Jihad its path and death for the cause of Allah its most sublime belief.”⁸ In reference to the concept of jihad, the Charter elaborates that “Hamas is one of the links in the Chain of Jihad in the confrontation with the Zionist invasion,”⁹ with the objective of crushing and defeating “evil” so that the “homelands revert to [their owners].”¹⁰

Hamas relies upon funding and support from sympathizers and charities around the world to carry out its militant and social agenda.¹¹ Although the organization engages in both

¹ An Arabic acronym for the name *Harakat al Muqawama al-Islamiya*, or Islamic Resistance Group. The organization and its militant section are also known as: Students of Ayyash, Students of the Engineer, Yahya Ayyash Units, and the Izz al-Din al-Qassam Brigades.

² <http://www.publicsafety.gc.ca/prg/ns/le/cle-eng.aspx>

³ Banned in Egypt since 1954.

⁴ Mishal, Shaul and Avraham Sela. *The Palestinian Hamas: Vision, Violence, and Coexistence* (New York: Columbia University Press, 2000), p. 19.

⁵ Literally, ‘uprising.’

⁶ Hamas Charter, Article 6. Printed in Alexander, Yonah. *Palestinian Religious Terrorism: Hamas and Islamic Jihad* (New York: Transnational Publishers, 2002).

⁷ Hamas shares this slogan with the Muslim Brotherhood as a whole. Mishal and Sela, p. 43.

⁸ Hamas Charter, Article 8.

⁹ Hamas Charter, Article 7.

¹⁰ Hamas Charter, Article 9.

¹¹ There is a considerable history of similar arrangements in other militant and insurgent groups around the world. The Liberation Tigers of Tamil Eelam (LTTE) were very active in soliciting donations from members of the international Tamil diaspora, resources which would then be used to fund their military activities. During Northern Ireland’s ‘Troubles’ (1968-1998), charitable organizations affiliated with the Irish Republican movement raised large sums

charitable and violent activities, both are directed by the movement's leadership¹² and function in unison to realize Hamas' ultimate political goal of establishing an Islamic state in the entirety of Palestine.¹³

Militant Struggle

The importance of violent struggle is a recurring theme in Hamas' Charter. It states that "peace initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of the Islamic Resistance Movement... there is no solution to the Palestinian problem except by Jihad."¹⁴ Consequently, the movement has embraced violent action aimed at both the Israeli military occupation and Israeli society itself; such actions are carried out by a section of the organization's military wing, the Izz al-Din al-Qassam Brigades.¹⁵

Hamas has employed a variety of tactics in its militant struggle against Israel and, more recently, the Palestinian Authority. The group has employed shootings, bombings, kidnapping and suicide operations to attack Israel;¹⁶ such acts also serve to further disrupt Israeli-Palestinian negotiations to which the movement is opposed, as well as enhancing Hamas' position vis-à-vis other Palestinian factions and undermining the governance of the Palestinian Authority.¹⁷ Hamas' first suicide bombing took place on April 6, 1994,¹⁸ the first of over sixty such attacks over the next ten years.¹⁹ As a result of these activities, the movement is considered a terrorist organization by Canada (listed November 27, 2002),²⁰ the United States (listed January 23, 1995),²¹ Great Britain (September 22, 2003),²² and the European Union (listed September 12, 2003).²³

amongst the Irish-American population of the United States. This money was not only used to support the families of Republican prisoners, but also to purchase weapons for the Provisional Irish Republican Army (PIRA) in the US itself. Al Qaeda itself began when Osama bin Laden began to pay the living expenses of the families of men who fought the Soviet occupation of Afghanistan and established a guesthouse for them in Peshawar. Sourced from Jayasekara, Shanaka: "LTTE Fundraising & Money Transfer Operations." (International Conference on Countering Terrorism. Colombo, October 18, 2007), p. 3; Guelke, Adrian: "The United States, Irish Americans, and the Northern Ireland Peace Process." *International Affairs*, 72,3: 524; and Berman, Peter. *Holy War Inc.*(New York: Touchstone, 2001) p. 54-62.

¹² Authority within Hamas is derived from a *shura* council, which in turn elects the members of the Political Bureau, charged with the day-to-day implementation of the council's strategy and led by Khalid Meshal. Hamas' victory in the 2006 Palestinian election and subsequent split from its Fatah-affiliated partners has led to the creation of a separate Palestinian government in the Gaza Strip led by Ismail Haniya. See Gunning, Jeroen. *Hamas in Politics: Democracy, Religion, Violence* (New York: Columbia University Press, 2008) p. 99, Esposito, John L. *Unholy War: Terror in the Name of Islam* (New York: Oxford University Press, 2002) p. 95, and

http://www.ustreas.gov/offices/enforcement/key-issues/protecting/charities_execorder_13224-e.shtml

¹³ Mishal and Sela (2000), p. 44.

¹⁴ Hamas Charter, Article 13.

¹⁵ Mishal and Sela (2000), p. 64.

¹⁶ "Country Reports on Terrorism - Islamic Resistance Movement (HAMAS)." *US State Department*, page 12.

¹⁷ Human Rights Watch. *Erased in a moment: Suicide Bombing Attacks Against Israeli Civilians* (Human Rights Watch: New York, 2002) p. 66.

¹⁸ *Ibid*, p. 66.

¹⁹ Esposito, Michele K. "The Aql-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years." *Journal of Palestinian Studies*, 34:2 (Winter 2005), p. 108 and Pape, Robert A. "The Strategic Logic of Suicide Terrorism." *American Political Science Review*, 97:3 (August 2003), p. 6.

²⁰ <http://www.publicsafety.gc.ca/prg/ns/le/cle-eng.aspx>

²¹ <http://www.state.gov/s/ct/rls/other/des/143210.htm>

²² <http://www.homeoffice.gov.uk/publications/counter-terrorism/proscribed-terror-groups/>

²³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003E0651:EN:HTML>

Social Solidarity and Charitable Works

The importance of social programs is an underlying theme in the Hamas Charter. Article 21 of the Charter clearly states that “social solidarity means giving aid to the needy, both material and moral...it is incumbent on the members of the Islamic Resistance Movement to look after the interests of the people in the [same] way they look after their own interests...”²⁴ This reveals the organization’s strategy for building a credible base of support amongst the wider Palestinian population by means of providing social assistance.

Hamas has an explicit programme of socializing Palestinians into willing the Islamic State; its extensive charity network is part of this programme of da’wa.²⁵ This philosophy envisions the advent of the Islamic state as the result of an incremental process of Islamization achieved primarily by education and social action.²⁶ According to the Hamas Charter, “there is no escape from introducing fundamental changes in education curricula in order to cleanse them from all vestiges of the ideological invasion which has been brought about by orientalist and missionaries.”²⁷ By making itself the provider of social assistance, Hamas is able to build and maintain popular support for its overall political goals of Islamic statehood and jihad against Israel.²⁸

As part of this strategy, Hamas has maintained its original emphasis of charitable and educational activities aimed at refugees and those living in poor urban areas.²⁹ The movement, led spiritual leader Sheikh Ahmed Yassin, set up kindergartens and schools, medical clinics, women’s education centres, and youth and sports clubs, all of which were centered upon the mosque.³⁰ Mosques and religious groups continue to provide a key recruiting ground for the organization – many members of the movement cite the mosque as the place where they were first drawn to the group.³¹

In addition, Hamas’ charitable infrastructure often provides direct support to the militant operations of the movement.³² Prosecutors in the 2008 trial of the Holy Land Foundation for Relief and Development (HLF) in the United States stated that, among other benefits, Hamas’ charitable activities “provide a base from which to indoctrinate and recruit future activists... [and] since money is fungible, the overseas support for the da’wa frees resources that can then be devoted to terrorist activity.”³³ In 2002, an Israeli Defence Forces (IDF) operation, “Defensive Shield”, targeted Islamic charitable

²⁴ Charter of the Islamic Resistance Movement, Article 21.

²⁵ Gunning (2008), p. 85. “Da’wa” refers to a call to Muslims to be better Muslims by renewing their faith and practice of Islam. See Esposito (2002), p. 53.

²⁶ Mishal and Sela (2000), p. 28.

²⁷ Hamas Charter, Article 15.

²⁸ Human Rights Watch (2002) p. 103.

²⁹ Mishal and Sela (2000), p. 19.

³⁰ Mishal and Sela (2000), p. 19-20.

³¹ Gunning (2008), p. 122.

³² Levitt, Matthew. *Hamas: Politics, Charity, and Terrorism in the Service of Jihad* (Yale University Press: New Haven, 2006), p. 80.

³³ Trial brief, *United States of America vs. Holy Land Foundation for Relief and Development*, p. 8-9.

organizations in the West Bank, reflecting Israel's realization that Hamas' social network was a significant contributor to the organization's ability to execute terrorist operations.³⁴ Some of the organizations providing such support include:

- Zakat committees such as those in Jenin, Nablus, and Ramallah³⁵
- Schools and universities such as the Islamic University of Gaza³⁶
- Sporting groups³⁷
- Hospitals³⁸
- Other charitable societies such as the Al-Salah Society of Gaza³⁹ and the al-Tadhamun Charitable Society of Nablus.⁴⁰

These institutions provided employment and cover for Hamas members, in addition to creating an environment that praised terrorist activities, facilitated recruitment, and perpetuated the violent confrontation between Palestinians and Israelis.⁴¹

“Whether or not funds intended for charitable purposes are diverted to the Hamas military wing, Hamas spokespersons openly acknowledge that the group sees its sizeable social programs as a means of building and maintaining popular support for its overall political goals and programs, including its militant and armed activities.”⁴²

International Solidarity

Hamas asserts that due to the unique and central position of Palestine in Islamic history and belief, “liberation of that land is an individual duty binding on all Muslims everywhere. This is the base on which all Muslims have to regard the problem; this has to be understood by all Muslims.”⁴³

As a result, Hamas has appealed for support from sources all over the world. With the outbreak of the first intifada, the Muslim Brotherhood established a series of Palestine Committees around the world; these were directed to support the newly-founded Hamas movement.⁴⁴ Consequently, charities in Europe, North America, and the Middle East have all contributed to the support of Hamas and its campaign against Israel.

³⁴ Second Supplemental Trial brief, *United States of America vs. Holy Land Foundation for Relief and Development*, p. 15.

³⁵ Dale L. Watson memorandum. www.nefafoundation.org/file/HLF/WatsonMemo.pdf. See also “Second Supplemental Trial brief,” *United States of America vs. Holy Land Foundation for Relief and Development*, p. 11.

³⁶ Abu-Amr, Ziad. “ Hamas: A Historical and Political Background.” *Journal of Palestine Studies* 22.4 (Summer 1993): p. 14.

³⁷ Members of the Masjid al-Jihad soccer club from Hebron were responsible for no less than six suicide bombings in 2003. See Levitt (2006), p. 84.

³⁸ www.nefafoundation.org/file/HLF/WatsonMemo.pdf

³⁹ http://www.ustreas.gov/offices/enforcement/key-issues/protecting/charities_excorder_13224-a.shtml#a

⁴⁰ Levitt (2006), p. 59.

⁴¹ Second Supplemental Trial brief, *United States of America vs. Holy Land Foundation for Relief and Development*, p. 15.

⁴² Human Rights Watch (2002), p. 103

⁴³ Hamas Charter, Article 14

⁴⁴ Second Supplemental Trial brief, *United States of America vs. Holy Land Foundation for Relief and Development*, p. 6.

In 2000, following the outbreak of the second intifada, the Union of Good was established as an umbrella organization that facilitated the transfer of funds between a web of international charitable organizations and Hamas-affiliated charities and social organizations in the Occupied Territories.⁴⁵ The nominal head of the organization, Sheikh Youssef al-Qaradawi, is an influential Muslim cleric and member of the Muslim Brotherhood.⁴⁶ The Union of Good itself was designated as a terrorist entity by the US Treasury in 2008.⁴⁷ The Union of Good and its funding recipients were also listed by Israel.⁴⁸

In July 2002, the German Ministry of the Interior dissolved the Al-Aqsa Foundation, a charitable organization which the government has found to be providing support to Hamas. Although the ruling was challenged by the Foundation, who claimed that their donations had been given to charitable organizations rather than Hamas, the court upheld⁴⁹ the decision in December 2004, stating that “HAMAS does not restrict itself to political and military action. The organisation consists of a broad network with members both locally (West Bank and Gaza Strip) and worldwide. A large number of social associations carrying out a wide variety of charitable activities in the West Bank and in the Gaza Strip belong to HAMAS, and a hence members of the organization’s social network. This organization receives considerable donations from abroad, primarily for the charitable purpose of its social network. HAMAS is a uniform structure in which the social, political and military fields are inseparably combined.”⁵⁰ A founding member of the Union of Good,⁵¹ the Al-Aqsa Foundation is listed in the Israel,⁵² the United States,⁵³ the United Kingdom,⁵⁴ and was placed on the Office of the Superintendent of Financial Institutions’ (OSFI) List of Entities in Canada on September 12, 2003.⁵⁵

⁴⁵ <http://www.ustreas.gov/office/enforcement/key-issues/protecting/union-of-good.shtml>

⁴⁶ Merley, Steve. *The Union of Good: A Global Muslim Brotherhood Hamas Fundraising Network*. NEFA Foundation, p. 1

⁴⁷ <http://www.ustreas.gov/press/releases/hp1267.htm>

⁴⁸ <http://www.justice.gov.il/NR/rdonlyres/9C960928-70AB-428A-BCCC-2E6091F2BDE3/22626/Listcorrected2.doc>

⁴⁹ Federal Administrative Court Judgment in the Administrative Dispute of AL-AQSA e.V. and the Federal Republic of Germany, Page 18. Criminal prosecutions against individuals associated with the Al-Aqsa Foundation’s national affiliates in Sweden and Denmark have resulted in acquittals due to the standard of proof being higher in criminal proceedings, and the Dutch affiliate’s inclusion on the European Union’s consolidated list of sanctioned persons and entities was struck down on procedural grounds in 2010. Nonetheless, the German organization, Al-Aqsa e.V., remains sanctioned in Germany and the rest of the European Union for its support of terrorism. The German court determined that the standard of proof in an administrative proceeding had been met and accepted the evidence provided by the Israeli government as credible. See Jonnson, Michael and Christian Nils Larson. “Scandinavian Trials Demonstrate Difficulty of Obtaining Terrorist Financing Convictions.” *The Jamestown Foundation*. http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=34698.

⁵⁰ “Federal Administrative Court Judgment in the Administrative Dispute of AL-AQSA e.V. and the Federal Republic of Germany” p. 8.

⁵¹ Merley, Steve. *The Union of Good: A Global Muslim Brotherhood Hamas Fundraising Network*. NEFA Foundation report, Appendix 1

⁵² <http://www.justice.gov.il/NR/rdonlyres/9C960928-70AB-428A-BCCC-2E6091F2BDE3/22626/Listcorrected2.doc>

⁵³ “Specially Designated Nationals & Blocked Persons” *US Treasury Office of Foreign Assets Control*, p. 25

⁵⁴ www.hm-treasury.gov.uk/d/terrorism.htm

⁵⁵ http://www.osfi-bsif.gc.ca/osfi/index_e.aspx?DetailID=525

The UK-based Palestinian Relief and Development Fund, also known as Interpal, was investigated three times by the Charity Commission for England and Wales,⁵⁶ in 1996, 2003, and in 2006 for its alleged links to Hamas. At the conclusion of its third investigation, the Commission demanded the charity's withdrawal from the Union of Good, "given the potential for linkage to be made between the Charity (Interpal) and designated entities through membership of, and association with, the Union of Good."⁵⁷ In addition, the Commission recommended stronger efforts at due diligence on the part of the charity in light of Interpal's connections to Palestinian charities such as the Jenin and Ramallah zakat committees and the al-Tadhamun Society.⁵⁸ Interpal was listed as a designated entity by the US Treasury and OSFI in 2003 due to its connections with Hamas.⁵⁹ Indeed, the Treasury states that Interpal is the fundraising coordinator for Hamas, a role which includes supervising other charities, instructing how funds should be transferred, and public relations policy.⁶⁰

The Comité de Bienfaisance et de Secours aux Palestiniens (CBSP) was registered in France as a charitable organization in the early 1990s. According to the US Treasury, it is the primary fundraiser for Hamas in France.⁶¹ The organization is designated by OSFI in Canada, the United States Treasury, and the Israeli government,⁶² although it continues to function openly in France.

The HLF⁶³ was established in California in 1989.⁶⁴ In 2001, the United States designated the group as a terrorist entity, citing the group's support of Hamas as cause.⁶⁵ In 2008, the HLF's founders and chairmen were found guilty of a range of charges including providing materiel support to a foreign terrorist organization and money laundering. Prior to its designation in 2001, the HLF was a part of the Union of Good,⁶⁶ and evidence presented at the trial established the HLF's connections to many of the same Palestinian charities that Israel had banned for connections to Hamas. The HLF is also on the OSFI list of entities.⁶⁷

⁵⁶ The Charity Commission for England and Wales has wide investigatory and enforcement powers as a result of that jurisdiction's legislation regarding charities. See "Terrorist Financing and the Charitable Sector: Law and Policy in the United Kingdom, the United States and Australia" *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 – Research Studies Volume 2*, pg. 163; "Charities and Terrorist Financing: A Review of Canada's Legal Framework" *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 – Research Studies Volume 2*, pg. 203. Accessed from http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/air_india/2010-07-23/www.majorcomm.ca/en/reports/finalreport/researchstudies/volume2/default.htm (December 8, 2010).

⁵⁷ "Inquiry Report: Palestinians Relief and Development Fund (Interpal)" *UK Charity Commission*, p. 33.

⁵⁸ "Inquiry Report: Palestinians Relief and Development Fund (Interpal)" *UK Charity Commission*, p. 12.

⁵⁹ http://www.osfi-bsif.gc.ca/osfi/index_e.aspx?DetailID=525

⁶⁰ http://www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-charities_execorder_13224-a.aspx

⁶¹ http://www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-charities_execorder_13224-a.aspx

⁶² http://www.osfi-bsif.gc.ca/osfi/index_e.aspx?DetailID=525; <http://www.justice.gov.il/NR/rdonlyres/9C960928-70AB-428A-BCCC-2E6091F2BDE3/22626/Listcorrected2.doc>

⁶³ Originally called the Occupied Land Fund

⁶⁴ http://www.ustreas.gov/office/enforcement/key-issues/protecting/charities_execorder_13224-e.shtml#h

⁶⁵ Ibid.

⁶⁶ Merley, Steve. *The Union of Good: A Global Muslim Brotherhood Hamas Fundraising Network*. NEFA Foundation report, p. 13

⁶⁷ http://www.osfi-bsif.gc.ca/osfi/index_e.aspx?DetailID=525

Hamas maintains relations with a number of governments and non-state actors in the region. The Islamic Republic of Iran subsidizes Hamas with millions of dollars in annual financial support,⁶⁸ and reports of Hamas' attempts to establish contacts with the Iranian Revolutionary Guard in search of arms and training appear as early as 1989.⁶⁹ Hamas has also developed close ties with the Baathist regime in Syria and the Lebanese Shi'a militia, Hizbollah.⁷⁰

⁶⁸ <http://www.cfr.org/publication/8968/hamas.html>

⁶⁹ Mishal and Sela (2000), p. 87.

⁷⁰ Ibid, p. 87.