

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ESTATE OF EITAM HENKIN, :
ESTATE OF NAAMA HENKIN, :
M.H.H., a minor, by his guardians ad litem :
YOAV ARMONI and DAVID JACKSON, :
N.Y.H., a minor, by his guardians ad litem :
YOAV ARMONI and DAVID JACKSON, :
N.E.H., a minor, by his guardians ad litem :
YOAV ARMONI and DAVID JACKSON, :
I.Z.H., a minor, by his guardians ad :
litem YOAV ARMONI and DAVID :
JACKSON, **ESTATE OF EZRA** :
SCHWARTZ, RUTH SCHWARTZ, :
ARI SCHWARTZ, MOLLIE :
SCHWARTZ, HILLEL SCHWARTZ, :
ELON SCHWARTZ, A.S., a minor, by :
his legal guardians RUTH SCHWARTZ :
and ARI SCHWARTZ, **MICHAEL** :
BENZAKEIN, BETTY BENZAKEIN, :
RALPH BENZAKEIN, SABRINA :
BENZAKEIN, LEAH BENZAKEIN, :
JASON GELLER, SANDRA GELLER, :
MARC GELLER, JACQUELINE :
GELLER, NATHANIEL FELBER by his :
legal guardians JOSEPH FELBER and :
JUDI FELBER, **JOSEPH FELBER, JUDI** :
FELBER, DANIEL FELBER, and :
ADINA FELBER, :

Plaintiffs, :

-against- :

KUVEYT TÜRK KATILIM BANKASI :
A.Ş., :

Defendant. :

Case No. 19-cv-5394-BMC

AMENDED COMPLAINT

Plaintiffs Estate of Eitam Henkin, Estate of Naama Henkin, M.H.H., N.Y.H., N.E.H., I.Z.H., Estate of Ezra Schwartz, Ruth Schwartz, Ari Schwartz, Mollie Schwartz, Hillel Schwartz, Elon Schwartz, A.S., Michael Benzakein, Betty Benzakein, Ralph Benzakein, Sabrina Benzakein, Leah Benzakein, Jason Geller, Sandra Geller, Marc Geller, Jacqueline Geller, Nathaniel Felber, Joseph Felber, Judi Felber, Daniel Felber, and Adina Felber, by their attorneys, allege the following:

NATURE OF THE ACTION

1. Plaintiffs Estate of Eitam Henkin, Estate of Naama Henkin, and Eitam and Naama Henkin's four minor children M.H.H., N.Y.H., N.E.H., and I.Z.H. by their guardians Yoav Armoni and David Jackson, Estate of Ezra Schwartz, Ruth Schwartz, Ari Schwartz, Mollie Schwartz, Hillel Schwartz, Elon Schwartz, A.S., a minor, by his legal guardians Ruth Schwartz and Ari Schwartz, Michael Benzakein, Betty Benzakein, Ralph Benzakein, Sabrina Benzakein, Leah Benzakein, Jason Geller, Sandra Geller, Marc Geller, Jacqueline Geller, Nathaniel Felber, by his legal guardians, Joseph Felber and Judi Felber, Joseph Felber, Judi Felber, Daniel Felber, and Adina Felber (collectively, "Plaintiffs"), bring this Amended Complaint pursuant to 18 U.S.C. § 2333(d) of the Anti-Terrorism Act ("ATA"), 18 U.S.C. §§ 2331-2339D, against KUYEYT TÜRK KATILIM BANKASI A.Ş. ("KUYEYT BANK"), a bank headquartered in Turkey. Plaintiffs allege that KUYEYT BANK aided and abetted the Islamic Resistance Movement ("HAMAS"), a designated Foreign Terrorist Organization ("FTO") that murdered and injured Plaintiffs, by knowingly providing it with substantial assistance via financial services during at least the period from 2012 through 2016. KUYEYT BANK aided and abetted HAMAS knowing its own role in facilitating funds transfers through the international and U.S. financial systems on HAMAS's behalf and fully aware of HAMAS's violent activities.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2338, as a civil action brought by nationals of the United States and the survivors of a national of the United States who were killed or injured by reason of acts of international terrorism, and their estates, survivors, and heirs.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (d) and 18 U.S.C. § 2334(a).

4. KUYEYT BANK is subject to personal jurisdiction in the State of New York pursuant to 18 U.S.C. § 2334(a), CPLR § 302, and Fed. R. Civ. P. 4(k)(1)-(2) because it has transacted business and committed tortious acts within the United States (and New York) by transferring funds through the United States (and New York) for the benefit of the FTO HAMAS and has purposefully availed itself of United States jurisdiction in the course of committing the wrongful acts alleged herein.

5. Specifically, KUYEYT BANK effectuates its U.S. dollar-denominated funds transfers through the following correspondent banks located in New York:

- a. Citibank NA, account number 36063425;
- b. HSBC Bank NA, account number 000168319;
- c. Standard Chartered Bank, account number 3582020569001; and
- d. Bank of New York Mellon, account number 8900111917.

6. During at least the period from 2012 through 2016, KUYEYT BANK purposefully and knowingly used its correspondent bank accounts in New York to facilitate U.S. dollar-denominated funds transfers for HAMAS's benefit, thereby providing substantial assistance to HAMAS.

PARTIES

A. The Plaintiffs

The Henkin Family

7. **Estate of Eitam Henkin.** Eitam Henkin, a U.S. national, was killed in a terrorist attack perpetrated by HAMAS on October 1, 2015 (“the Henkin Attack”). The Estate of Eitam Henkin brings its claims through its court-appointed personal representatives—Yoav Armoni and David Jackson.

8. **Estate of Naama Henkin.** Naama Henkin, Eitam Henkin’s wife, was also killed in the Henkin Attack. Because Naama Henkin was not a U.S. national, her estate, through its court-appointed personal representatives Yoav Armoni and David Jackson, brings claims for Naama’s extreme emotional distress resulting from her husband’s murder.

9. None of the four Henkin children identified below are U.S. nationals. Their guardians *ad litem* bring these claims on behalf of the children for the losses they incurred as a result of their father’s murder.

10. **M.H.H.**, a minor, is the son of Eitam and Naama Henkin. M.H.H.’s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

11. **N.Y.H.**, a minor, is the son of Eitam and Naama Henkin. N.Y.H.’s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

12. **N.E.H.**, a minor, is the son of Eitam and Naama Henkin. N.E.H.’s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

13. **I.Z.H.**, a minor, is the son of Eitam and Naama Henkin. I.Z.H.’s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

14. As described more fully below, Eitam and Naama Henkin were murdered by HAMAS gunmen who forcibly stopped their vehicle on the road. The gunmen fired at the family vehicle hitting Eitam, who pulled the vehicle over. After a struggle, the gunmen killed Eitam in front of Naama and then killed Naama. The minor children—nine years old, seven years old, four years old, and ten months old, respectively—were subject to, and witnessed, the attack.

15. Eitam was shot, then assaulted, and then murdered, while he would have feared that the terrorists would murder—or abduct—his wife and four children.

16. Naama saw her husband shot, assaulted, and murdered, before the terrorists killed her. She too suffered these injuries while fearing that the terrorists would murder—or abduct—the four children.

17. The four Henkin children will bear the psychological and emotional scars of this attack for the rest of their lives.

18. After the attack, the children remained in the car slumped over in their seats and fearful for their lives. The two older children recited the Jewish prayer *Shema Yisrael* in anticipation of death. After the terrorists departed, the children sat in the dark with their parents' bloodied and lifeless bodies. When a passerby later discovered the car, he suspected that attackers were still near and so "shot several shots in the air" to scare them away. When authorities finally did arrive, the first child to speak was N.Y.H., who asked whether the children were now orphans.

19. The four Henkin children are all still minors and are under the care of mental health professionals as they attempt to cope with the traumatic and tragic loss of their parents. They have been uprooted from their prior home and town and now live with Naama's parents, who were each working at the time of Eitam's and Naama's murder, and who have now retired early to devote themselves full time to raising and nurturing their four grandchildren.

20. As a direct and foreseeable result of the Henkin Attack, Naama and the four minor Henkin children have experienced severe mental anguish and extreme emotional distress.

The Schwartz Family

21. **Estate of Ezra Schwartz.** Ezra Schwartz, a U.S. national, was killed in a terrorist attack perpetrated by HAMAS on November 19, 2015 (“the Schwartz Attack”). The Estate of Ezra Schwartz brings its claims through its legal representatives—Ruth Schwartz and Ari Schwartz.

22. **Ruth Schwartz,** a U.S. national, is a resident of the State of Massachusetts. She is the mother of Ezra Schwartz.

23. **Ari Schwartz,** a U.S. national, is a resident of the State of Massachusetts. He is the father of Ezra Schwartz.

24. **Mollie Schwartz,** a U.S. national, is a resident of the District of Columbia. She is the sister of Ezra Schwartz.

25. **Hillel Schwartz,** a U.S. national, is a resident of the State of Massachusetts. He is the brother of Ezra Schwartz.

26. **Elon Schwartz,** a U.S. national, is a resident of the State of Massachusetts. He is the brother of Ezra Schwartz.

27. **A.S.,** a minor represented by his legal guardians Ruth Schwartz and Ari Schwartz, is a U.S. national and a resident of the State of Massachusetts. He is the brother of Ezra Schwartz.

28. As described more fully below, during the Schwartz Attack, Ezra Schwartz, Michael Benzakein, and Jason Geller were traveling together in a van to perform a community service project when a member of HAMAS opened fire with an automatic submachine gun. Ezra was struck by bullets and died at the scene; Michael and Jason were injured.

29. The school where Ezra had been studying in Israel called his father, Plaintiff Ari Schwartz, and told him that Ezra had been shot.

30. Ari did not know immediately that Ezra had died. He called his wife and Ezra's mother, Plaintiff Ruth Schwartz, and told her what he knew.

31. Later that day, Ari and Ruth learned that Ezra had been killed in the Schwartz Attack.

32. Ari observed Ruth sobbing and screaming. When Ari went to the school where his three sons, Plaintiffs Hillel Schwartz, Elon Schwartz, and A.S. attended and told them that Ezra had been killed, the four of them lay on the floor sobbing and hugging each other.

33. Ezra's body was sent home to the United States, and the Schwartz family buried him there.

34. The pain of Ezra's absence has not lessened for Ari over time; he has just tried to live with the tragic reality. He thinks about Ezra constantly, and he cries about him nearly every day. Ari knows that he will never be the same person that he was before Ezra's tragic death.

35. Ruth always remembers the trauma of the day that Ezra was killed. She thinks about Ezra every day. She cries about him daily, and he is never far from her thoughts. Ezra's absence has affected all components of her life.

36. Ezra's sister, Plaintiff Mollie Schwartz, who describes loving Ezra more than she loves herself, sought psychological counseling to deal with the mental anguish she suffered as a result of Ezra's murder.

37. Ezra's three brothers, Hillel Schwartz, Elon Schwartz, and A.S., saw social workers and attended a bereavement group to deal with the mental anguish they suffered as a result of Ezra's murder.

38. Hillel always looked up to Ezra as his role model, and the day Ezra was killed was the worst day of his life. He still cries about Ezra and misses him all of the time.

39. Elon received emotional support from Ezra. Ezra's death profoundly affected Elon and the way that he looks at the world.

40. A.S. had a very close relationship with Ezra. A.S. looked up to Ezra and wanted to be like him. Ezra's death caused A.S. a great deal of anxiety. He has become hyperaware of perceived danger and terrorism. A.S. thinks about Ezra all of the time.

41. As a direct and foreseeable result of the Schwartz Attack, Plaintiffs Ruth Schwartz, Ari Schwartz, Mollie Schwartz, Hillel Schwartz, Elon Schwartz, and A.S. have experienced severe mental anguish, extreme emotional distress, bereavement and grief, and the loss of their son's/brother's society, companionship, comfort, protection, attention, advice, and counsel. As the legal representatives of the Estate of Ezra Schwartz, Ruth Schwartz and Ari Schwartz also bring claims for the economic losses suffered by the Estate as a direct and foreseeable result of the Schwartz Attack.

The Benzakein Family

42. **Michael Benzakein**, a U.S. national, is a resident of the State of New York.

43. **Betty Benzakein**, a U.S. national, is a resident of the State of New York. She is the mother of Michael Benzakein.

44. **Ralph Benzakein**, a U.S. national, is a resident of the State of New York. He is the father of Michael Benzakein.

45. **Sabrina Benzakein**, a U.S. national, is a resident of the State of New York. She is the sister of Michael Benzakein.

46. **Leah Benzakein**, a U.S. national, is a resident of the State of New York. She is the sister of Michael Benzakein.

47. Plaintiff Michael Benzakein heard what sounded like rocks hitting a metal shed and then realized that someone was shooting at the van. He was terrified and texted his family, “I love you.”

48. Michael thought that he was going to die.

49. Michael saw that Ezra had fallen over and that there was a tremendous amount of blood near his head.

50. Michael was hit by flying glass, which lodged in his knee.

51. He was taken to Shaare Tzedek Hospital, where he was examined, glass was removed from his knee, and his wounds were treated.

52. When the Benzakein family received the group text from Michael that said, “I love you,” Michael’s father, Plaintiff Ralph Benzakein, found the message odd and unsuccessfully attempted many times to contact Michael.

53. After finally contacting Michael, Ralph was informed by Michael that Ezra had been shot and that he thought Ezra had been killed. Then the phone went dead.

54. Only later that day did Ralph and his wife, Plaintiff Betty Benzakein, learn further information about the Schwartz Attack.

55. As a result of the Schwartz Attack, Michael saw a trauma specialist – a psychologist – on four occasions.

56. Michael was unable to attend the engineering program that he had been accepted to because his emotional injuries caused by the Schwartz Attack made it too difficult for him to concentrate. He enrolled instead in an associate degree program at a community college.

57. Michael has also become more easily startled since the attack, does not like being in crowded areas, and has developed a temper he did not have beforehand. He has difficulty sleeping and experiences nightmares.

58. As a direct and foreseeable result of the Schwartz Attack, Plaintiff Michael Benzakein sustained physical injuries and experienced severe mental anguish and extreme emotional distress.

59. In the period after Betty learned that Michael had been involved in a terrorist attack but did not know if he had been shot or not, she felt immense anxiety.

60. After Betty learned what had happened and spoke to Michael, she immediately observed fundamental changes in Michael – he was noticeably curt and irritable. After Michael came home, Betty saw that Michael had trouble sleeping, experienced nightmares, and was irritable. The effects of the attack have had profound effects on Betty, including making her feel anxious and affecting her sleep.

61. Ralph too has observed the aforementioned changes in Michael since the attack, including his impatience and anger. He also saw that Michael's sleep was materially affected for many months if not years after the attack.

62. Plaintiff Sabrina Benzakein's relationship with Michael was negatively affected because of the attack. They were particularly close before the attack, but since the attack, Michael's impatience and temper have complicated their relationship.

63. Plaintiff Leah Benzakein had a close relationship with Michael before the attack. Leah observed the fundamental changes to Michael after the attack described above and has not had the same type of relationship she had with him beforehand.

64. As a direct and foreseeable result of the Schwartz Attack that injured Michael Benzakein, Plaintiffs Betty Benzakein, Ralph Benzakein, Sabrina Benzakein and Leah Benzakein have experienced severe mental anguish and extreme emotional distress.

The Geller Family

65. **Jason Geller**, a U.S. national, is a resident of the State of New York.

66. **Sandra Geller**, a U.S. national, is a resident of the State of New York. She is the mother of Jason Geller.

67. **Marc Geller**, a U.S. national, is a resident of the State of New York. He is the father of Jason Geller.

68. **Jacqueline Geller**, a U.S. national, is a resident of the State of New York. She is the sister of Jason Geller.

69. Plaintiff Jason Geller heard what he thought were rocks being thrown at the van. Someone in the van was yelling, “Get down, get down.”

70. Jason saw the window near Ezra explode and smelled gunpowder.

71. Jason was hit by flying glass, which lodged in his neck and knee.

72. Jason tried to attend to Ezra after Ezra was shot but saw that Ezra had lost a lot of blood and feared that he had died.

73. Jason called his father, Plaintiff Marc Geller, but he did not pick up the phone, so Jason texted him, “Pick up NOW.” After Marc did so, Jason told him what had happened.

74. Jason was taken to Shaare Tzedek Hospital where he was examined, glass was removed from his neck and knee, and his wounds were treated.

75. Plaintiff Sandra Geller learned from her husband Marc about the attack.

76. Jason experienced emotional distress and saw a trauma specialist – a psychologist – weekly for one month and subsequently once every six months.

77. Marc realized that he had suppressed some anger as a result of Jason being injured in the attack and harbors some anxiety about his future wellbeing.

78. Sandra observed anger in Jason that she had not observed before the attack. Sandra was saddened by Jason's lessened religious observance after the attack, and she experiences concern about his future safety.

79. Plaintiff Jacqueline Geller still feels the effects of the attack to this day, including experiencing sadness and anger. These emotions intensify around the anniversary of the attack.

80. As a direct and foreseeable result of the Schwartz Attack, Plaintiff Jason Geller sustained physical injuries and experienced severe mental anguish and extreme emotional distress.

81. As a direct and foreseeable result of the Schwartz Attack that injured Jason Geller, Plaintiffs Sandra Geller, Marc Geller, and Jacqueline Geller have experienced severe mental anguish and extreme emotional distress.

82. Each Schwartz, Benzakein and Geller Plaintiff was a United States national at all relevant times, including at the time of the Schwartz Attack alleged herein.

The Felber Family

83. **Nathaniel Felber**, a U.S. national, is also a citizen of the State of Israel and a resident of Israel. He was severely injured in a terrorist attack perpetrated by HAMAS on December 13, 2018 (the "Felber Attack").

84. At the time of the attack, Nathaniel was serving in the Israel Defense Forces ("IDF").

85. Nathaniel sustained a gunshot wound to his head and suffered a severe brain injury.

86. After multiple surgeries and years of therapy, Nathaniel can now express himself non-verbally and has gradually regained some motor functions, but he cannot speak, is largely paralyzed, and is unable to care for himself. He requires 24/7 care and lives in an apartment with rotating aides who feed, clothe, and bathe him.

87. His parents, Joseph Felber and Judi Felber, therefore, bring this action on his behalf as his legal guardians.

88. **Joseph Felber**, a U.S. national, is also a citizen of the State of Israel and a resident of Israel. He is the father of Nathaniel Felber.

89. **Judi Felber**, a U.S. national, is also a citizen of the State of Israel and a resident of Israel. She is the mother of Nathaniel Felber.

90. **Adina Felber**, a U.S. national, is also a citizen of the State of Israel and a resident of Israel. She is the sister of Nathaniel Felber.

91. **Daniel Felber**, a U.S. national, is also a citizen of the State of Israel and a resident of Israel. He is the brother of Nathaniel Felber.

92. As set forth in more detail below, on December 13, 2018, Nathaniel Felber was shot in the head. He was rushed to Hadassah Hospital in Jerusalem.

93. Nathaniel spent over two months in the intensive care unit at Hadassah Hospital, where he underwent multiple surgeries and procedures. He was in a coma, and then a vegetative state, for seven months following the Felber Attack.

94. On February 27, 2019, Nathaniel was moved to a rehabilitation facility for further care. He was assessed to have progressed to a state of minimal consciousness in July 2019. After contracting COVID-19 in September 2020, he was moved into an apartment, where he receives

24/7 one-on-one care, approved by the Israeli Ministry of Defense due to the severity of his condition, in addition to nearly daily visits to the rehabilitation facility for therapies.

95. Plaintiffs Joseph Felber and Judi Felber were at home in Ra'anana, Israel, when they learned of the attack that injured their son.

96. After news of the attack emerged, Joseph and Judi were asked by a family member if Nathaniel was okay. Joseph and Judi tried to call Nathaniel to see if he was safe, but they received no answer. Knowing from prior experiences that Nathaniel did not always answer his cellphone, they were not initially greatly concerned.

97. Shortly thereafter, Joseph and Judi heard a knock at their door. The IDF had sent soldiers to notify them that Nathaniel had been seriously wounded.

98. They were advised to pack a bag immediately and accompany the soldiers directly to the hospital in Jerusalem.

99. Plaintiff Daniel Felber was a student at Hebrew University in Jerusalem at the time of the Felber Attack.

100. After the IDF notified Joseph and Judi at their home about the Felber Attack, they immediately called Daniel to tell him what happened. Daniel told his parents that he would get on a bus to the hospital immediately, but the IDF officer who was with Joseph and Judi instructed Daniel to take a taxi to the hospital instead of a bus due to the life-threatening nature of Nathaniel's injuries.

101. Plaintiff Adina Felber was a flight attendant for El Al airlines and was preparing to board a flight from Hong Kong to Tel Aviv at the time of the shooting.

102. Adina received a message after she had boarded the flight from her cousin saying that there had been a terrorist attack and asking if Nathaniel was okay.

103. The pilot of the flight that Adina was on was notified by the IDF that Adina's brother had been gravely wounded in a terrorist attack.

104. The flight crew did not want to notify Adina that her brother was gravely wounded until the flight landed so as not to distress her during the long flight.

105. However, having been told by her cousin that a terrorist attack had occurred in Israel, Adina tried to get onto the on-flight internet (the flight that she was working on had WiFi).

106. At the time, Adina did not know that the flight crew had decided to shut down the WiFi on the plane until they landed in Tel Aviv.

107. During a break in her shift, Adina started to cry, worried that perhaps her brother had been injured.

108. An hour before the flight landed, Adina was asked to come to the front of the plane and was notified that her brother had been shot and his life was in danger.

109. When the flight landed, Adina (who got engaged exactly one week before the shooting) and her fiancé (who was waiting at the airport for her) were met at the airport by the IDF and rushed to Hadassah Hospital.

110. Adina took a leave of absence from work after the shooting. She spent much of her time since the shooting with Nathaniel in the hospital and then the rehabilitation facility.

111. The family took turns and shifts at the hospital and then at the rehabilitation facility to be with Nathaniel and assist with his care.

112. Initially, the doctors did not know if Nathaniel would survive.

113. As a direct and foreseeable result of the Felber Attack, Plaintiff Nathaniel Felber sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

114. As a direct and foreseeable result of the Felber Attack that injured Nathaniel Felber, Plaintiffs Joseph Felber, Judi Felber, Adina Felber, and Daniel Felber have experienced severe mental anguish and extreme emotional distress.

115. Each Felber Plaintiff was a United States national at all relevant times, including at the time of the Felber Attack alleged herein.

B. The Defendant

116. KUYEYT BANK is incorporated, and has its principal place of business, in Turkey. It was first incorporated and began operations in 1989 under the name of “Kuveyt Türk Evkaf Finans Kurumu A.Ş.”

117. To comply with Turkish law, the bank’s name was changed in April 2006 to “Kuveyt Türk Katılım Bankası A.Ş.”¹

118. Its major shareholders include:

- a. General Directorate for Foundations (Turkey): 18.72%;
- b. Islamic Development Bank (Jeddah, Saudi Arabia): 9.0%;
- c. Social Security Institution of Kuwait (Kuwait City, Kuwait): 9.0%; and
- d. Kuwait Finance House KSC (Kuwait City, Kuwait): 62.24%.²

119. Turkey’s legal system solely criminalizes terrorist acts committed against Turkey or Turkish citizens (that are committed anywhere) but does not encompass terrorist acts committed against non-Turkish citizens. However, according to the Turkish banking association to which KUYEYT BANK belongs, Turkey observes “Know Your Customer” procedures and filters transactions through the U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) and EU lists of blacklisted persons and entities.

¹ <https://www.kuveytturk.com.tr/medium/document-file-1302.vsf> at 1.

² <https://www.kuveytturk.com.tr/en/international/who-we-are/shareholder-structure>.

120. KUYEYT BANK maintains a Risk, Control and Compliance Department that claims to engage in (a) suspicious activity reporting, (b) transaction monitoring, (c) adverse information screening, and (d) sanctions compliance.

121. KUYEYT BANK claims that its Anti-Money Laundering and Combating Finance of Terrorism Policy prohibits it from maintaining a business relationship with “[t]hose who are in the lists of supporters of money laundering and/or financing terrorism prepared by local regulators or international bodies and institutions” and that it monitors “the client and his/her activities while the client-relationship continues.”

122. KUYEYT BANK claims that it monitors “the Dow Jones watch lists.”³

FACTUAL ALLEGATIONS

I. The October 1, 2015, Act of International Terrorism

123. On the evening of October 1, 2015, Eitam Henkin (a U.S. national), his wife Naama Henkin, and their four minor children M.H.H., N.Y.H., N.E.H. and I.Z.H. (collectively, “the Henkin Family”), were driving south in the West Bank near Nablus on Route 555 when their car was overtaken by another vehicle containing three HAMAS gunmen: Karam Lutfi Fathi Rizq al-Masri (“Karam Rizq”), Yahya Muhammed Naif Abdallah Haj Hamed (“Haj Hamad”), and Samir Zuheir Ibrahim Kusa (“Samir Kusa”).

124. The three attackers were members of an operational terror cell from the Izz al-Din al-Qassam Brigades (“Qassam Brigades”), HAMAS’s operational terrorist wing.

³ Dow Jones provided financial institutions with various watchlist options, including global sanctions lists; information on vessels that are explicitly sanctioned, vessels listed on the OFAC advisories, and ships that are not sanctioned but are linked to a sanctioned country; as well as global law enforcement lists of persons and entities barred from engaging in certain activities (e.g., import, export, travel) associated with potentially high-risk activities, such as serious crime and financial or professional enforcement actions or warnings.

125. A fourth member of the operational terror cell, Zayd Amer, served as a lookout, confirming for the three attackers that the road was clear of Israeli security forces.

126. The cell's leader, Ragheb Aliwi, did not participate directly in the attack, but was responsible for recruiting, training, providing logistics for the terror cell, and communicating with a command echelon of four additional senior HAMAS operatives.⁴

127. Haj Hamad leaned out of his window and sprayed automatic gunfire from an M16 at the Henkin Family, hitting Eitam, who was forced to pull the car over to the side of the road.

128. Karam Rizq and Haj Hamad immediately exited their vehicle, while Samir Kusa remained behind the wheel.

129. The terror cell's objective was to kidnap an Israeli citizen.

130. Haj Hamad and Karam Rizq approached the vehicle—Haj Hamad carrying an M16 on the passenger side, where Naama sat, and Karam Rizq carrying a handgun on the driver's side.

131. Karam Rizq opened the driver's side door.

132. Although he was wounded by the initial gunfire, Eitam bravely attempted to defend his family by struggling with Karam Rizq.

133. Haj Hamad approached the passenger side of the vehicle and opened it as Karam Rizq and Eitam began to struggle over Karam Rizq's weapon.

134. Haj Hamad then fired at Eitam with his M16, killing him and inadvertently wounding Karam Rizq, before shooting Naama at point blank range and killing her.

135. The four Henkin children, then ages nine, seven, four, and ten months witnessed their parents' murders from the backseat of the car.

⁴ The members of the command echelon were Bassam a-Sayih, Iyad Abu Zahra, Amjad Aliwi, and Muhammad al-Qutub.

136. With Karam Rizq wounded, the attackers retreated from the scene.

137. Karam Rizq was hospitalized in Nablus, where he was arrested on October 4, 2015.

138. By October 5, 2015, Israeli security forces had arrested all five members of the operational terror cell.

139. On October 5, 2015, the Israel Security Agency issued a report naming the five members of the operational terror cell, describing the attack, and concluding that HAMAS was responsible for it.⁵

140. Israeli security forces also arrested the four members of the cell's command echelon, each of whom had prior convictions for HAMAS membership.⁶

141. Eight of the nine aforementioned HAMAS members implicated in the attack were convicted for their participation in the attack and for membership in HAMAS. The ninth, the lookout Zayed Amer, has been charged, but has not yet been tried because certain matters are on appeal. He has been remanded to custody.

142. HAMAS has claimed responsibility for the attack, which it refers to as the Itamar attack or operation, a reference to an Israeli settlement located near the attack.

143. The day after the attack, HAMAS's official website praised the attack.⁷

⁵ <https://www.shabak.gov.il/publications/Pages/NewItem61015.aspx>.

⁶ Bassam a-Sayih was active in HAMAS since the 1990s and was arrested numerous times in connection with terrorist activity. Bassam a-Sayih was convicted for his role in the Henkin Attack – obtaining the funds, weapons, and various authorizations needed for the attack – and for being a HAMAS operative since at least 2004. He died of cancer in prison before he could be sentenced for his role in the attack. After his death, HAMAS eulogized him as a field commander for the Qassam Brigades and as a “shahid,” *i.e.*, a martyr, who was responsible for the Itamar terror attack against the Henkins. Iyad Abu Zahra served two prior prison sentences for HAMAS activity and was previously convicted of HAMAS membership. After his release from prison, he was visited publicly by HAMAS representatives from the Palestinian Legislative Council, which is indicative of how important he was to HAMAS. Amjad Aliwi was previously convicted multiple times as a HAMAS operative. Muhammad al-Qutub was previously convicted in 2007 of membership in HAMAS and of attempting to establish a terror cell for the purpose of planting a bomb.

⁷ <https://hamas.ps/ar/post/3706/>.

144. In another post, HAMAS's website referred to the attack as a "harvest of resistance," a reference to HAMAS's name, the Islamic Resistance Movement.⁸

145. On June 23, 2016, one day after four of the terrorists (Amjad Alawi, Haj Hamad, Karam Rizq, and Samir Kusa) were convicted to two life sentences plus 30 years, the Qassam Brigades website quoted HAMAS's spokesman Husam Badram: "The sons of the Hamas movement are the ones who carried out the Itamar Operation." The website shows pictures of the terrorists arrayed above the scene of the Henkin Attack, including the Henkins' vehicle and Eitam's and Naama's bodies, which are pixelated in the photograph.⁹

146. On October 1, 2016, the one-year anniversary of the Henkin Attack, the Qassam Brigades website celebrated the attack as "Itamar Revenge," naming the attackers, and embedding a video of Israeli news coverage of the attack.¹⁰

147. On July 12, 2021, the District Court for the District of Columbia found that "the October 1, 2015, terrorist attack in which Eitam and Naama Henkin were murdered was committed by Hamas." *Henkin v. Islamic Republic of Iran*, 1:19-cv-01184, ECF No. 61 at ¶ 148.

II. The November 19, 2015, Act of International Terrorism

148. On November 19, 2015, Ezra Schwartz and Plaintiffs Michael Benzakein and Jason Geller were riding in a passenger van on their way to deliver care packages to Israeli soldiers and to beautify a park in honor of three Israeli boys who had been kidnapped and murdered in 2014. Ezra, Michael, and Jason were in Israel studying for the year before they started college in the United States.

⁸ <https://hamas.ps/ar/post/3723/حصاد-المقاومة-مقتل-اسرائيلي-ين-واصابة-17-آخرين-خلال-اسيو-عبدالضفة>

⁹ <https://www.alqassam.ps/arabic/news/details/10367>.

¹⁰ <https://alqassam.ps/arabic/news/details/10948>.

149. The van they were traveling in passed through Gush Etzion Junction, where it encountered traffic and was forced to slow down.

150. Muhammad Abd al-Basset Odeh al-Harub, a member of HAMAS from Hebron, was driving a car looking for a place to commit a terror attack near Gush Etzion Junction, which is located near a large Jewish community. Al-Harub wanted to kill as many Jews as he could.

151. The long-term planning al-Harub employed was manifested by the fact that on two occasions before the Schwartz Attack, he planned other terrorist attacks, though he did not follow through for various reasons. These planned attempts reflected his longstanding intention to commit the Schwartz Attack.

152. Moreover, al-Harub purchased the Uzi that he used in the Schwartz Attack nine months before he perpetrated it.

153. Al-Harub also regularly maintained his weapons and practiced shooting them, a level of professionalism characteristic of members of terror cells who operate within organizational frameworks as opposed to individuals unaffiliated with terrorist groups who spontaneously commit terrorist attacks.

154. When al-Harub reached Gush Etzion Junction on November 19, 2015, however, he saw only a few Jews, so he headed west toward the Jewish communities of the Gush Etzion region.¹¹

155. Finding no suitable target there, al-Harub turned back toward Gush Etzion Junction.

¹¹ Al-Harub selected the attack date in part because it was the anniversary of the death of Sheikh Izz al-Din al-Qassam, the namesake of the Izz al-Din al-Qassam Brigades, HAMAS's operational terrorist wing.

156. When he arrived at Gush Etzion Junction, there was traffic; as a result, vehicles in the area were moving slowly. Al-Harub seized the opportunity and opened fire with an Uzi automatic submachine gun, spraying the surrounding vehicles and their passengers with bullets.

157. Al-Harub emptied three magazines, constituting 75 bullets, and used his car to ram other vehicles before being apprehended.

158. By the time the Schwartz Attack was over, three people, including Ezra, had been killed, and nine others, including Michael and Jason, had been injured.

159. On November 20, 2015, the day after the Schwartz Attack, HAMAS publicized its appreciation for al-Harub in a poster,¹² describing his action as heroic.

160. On February 24, 2016, in a press release on HAMAS's website, senior HAMAS official Abd al-Rahman Shadid called on "the people in the Hebron area to support the famil[y] of the prisoner[] Muhammad Abd al-Basset al-Harub ..., whose home[] the occupation forces destroyed the day before."¹³

161. Shadid indicated that "the hero[] al-Harub [is an] excellent symbol[] of Hamas movement's operatives, who pay the precious price for the liberation of their land," and emphasized that "Hamas will continue to lead the way to Palestine's liberation."

162. HAMAS posters explicitly stating that al-Harub was a Qassam Brigade operative, HAMAS's operational terrorist wing (the posters referred to al-Harub as "the Qassami prisoner"), were displayed at al-Harub's home on February 23, 2016. The posters made clear publicly and openly that the perpetrator of the Schwartz Attack, al-Harub, was an operative of HAMAS's military operational wing.

¹² See <https://twitter.com/paldf/status/667967030402883584>.

¹³ See <http://hamas.ps/ar/post/4969>.

163. On November 30, 2020, the District Court for the District of Columbia found that “ Hamas was responsible for the November 19 attack.” *Schwartz v. Islamic Republic of Iran*, 18-cv-01349, ECF No. 29 at 18.

III. The December 13, 2018, Act of International Terrorism

164. The Felber Attack, also referred to herein as the Givat Asaf Attack, was the second of two terrorist attacks in December 2018 perpetrated by a Qassam Brigades cell commanded by Asem al-Barghuthi, a longtime HAMAS operative who was previously convicted of terrorist activities several times and served long prison terms in Israeli jails.¹⁴

165. Among other things, Asem al-Barghuthi was previously convicted of being a member in HAMAS student’s bloc, *Al-Kutla al-Islamiya*, and of planning to kidnap Jews to exchange for the release of Palestinian prisoners.¹⁵

166. The first attack committed by Asem al-Barghuthi’s cell in December 2018 took place near the Ofra Junction (the “Ofra Attack”) on December 9, 2018. That attack resulted in the murder of a baby and injuries to several other civilians.

167. Asem al-Barghuthi, the cell commander, was the gunman and shooter; his brother, Saleh al-Barghuthi, drove the car from which the shooting was perpetrated.

168. On December 12, 2018, three days after the Ofra Attack, Saleh al-Barghuthi was killed in a clash with the IDF.

¹⁴ In August 2009, Asem al-Barghuthi was convicted of six counts and sentenced to 9 ½ years in prison for, among other things, two counts of arms dealing and three counts of attempted kidnappings dating back to 2005 and 2007. After Asem al-Barghuthi’s arrest, HAMAS’s official website identified him as a HAMAS prisoner and officially acknowledged his organizational affiliation.

¹⁵ In 2005, Asem al-Barghuthi was convicted for the first time—together with his brother Asef—for undergoing illegal military training in 2002 (e.g., practicing marksmanship with a Kalashnikov rifle) – under the guidance of their father, Ummar al-Barghuthi. (Ummar is a senior HAMAS terrorist operative who served 28 years in Israel prisons.)

169. HAMAS's Qassam Brigades later claimed Saleh al-Barghuthi as one of their "martyrs."

170. On December 13, 2018, Asem al-Barghuthi decided to commit another terror attack and become a "shahid" (martyr).

171. Asem al-Barghuthi committed the Givat Asaf Attack (Felber Attack) on the same day HAMAS issued the official claim of responsibility for the December 9, 2018, Ofra Attack.

172. As with the Ofra Attack that was carried out under his command, Asem al-Barghuthi's approach to the Givat Asaf Attack (Felber Attack) was highly professional despite the fact that he and his cell were operating under time and operational constraints as a result of the IDF manhunt precipitated by the Ofra Attack.

173. On the morning of December 13, Asem al-Barghuthi left the village he was hiding in and drove on Route 60¹⁶ to locate a suitable target to carry out his attack. When he noticed a group of soldiers and civilians standing at a hitchhiking stop at the Givat Asaf junction,¹⁷ he made a U-turn and drove back, got out of the car, and opened fire with his AK-47 automatic assault rifle from short range toward the people who stood in the junction. As a result of the shooting, two other IDF soldiers were killed, and Nathaniel Felber was seriously injured. A civilian at the stop was also injured. The terrorist took the personal weapon of one of the soldiers, an M-16 rifle, and fled in his car from the scene.

174. From the descriptions of eyewitnesses that were published in the media, it was evident that Asem al-Barghuthi committed the attack with determination and composure while he

¹⁶ Route 60 is a road that crosses Israel from north to south. It begins in Nazareth in the north and ends in Beer-Sheba in the south. The road passes through the mountain ridge (the watershed line). A main part of the road passes through the West Bank. The road is a main arterial road.

¹⁷ The Givat Asaf junction is located on Route 60, two kilometers south of the settlement of Ofra. The settlement of Givat Asaf is located near the junction. There is a hitchhiking stop there which is usually protected by soldiers.

exploited the fact that some of the soldiers were having their lunch break near a kiosk that is located permanently in the hitchhiking stop.¹⁸

175. On the day that Asem al-Barghuthi was arrested, January 8, 2019, an official HAMAS website published an announcement on behalf of HAMAS. The announcement described the arrest as a prosecution of “the resistance” and described the Givat Asaf Attack (Felber Attack) as a bold operation carried out by “the Resistance” that hurts “the occupation.”¹⁹

176. On March 11, 2019, Asem al-Barghuthi was indicted by the State of Israel for three counts of murder and multiple counts of attempted murder.

177. When Asem al-Barghuthi was sentenced to life in prison, HAMAS published an official announcement on one of its official websites, where it openly described al-Barghuthi as a “Qassami prisoner” (*i.e.*, a prisoner belonging to its Qassam Brigades).²⁰

178. The Qassam Brigades’ website also published an announcement about Asem al-Barghuthi’s verdict, referring to him as “the Qassami prisoner.”²¹

179. HAMAS's recognition of Asem al-Barghuthi and the al-Barghuthi family as the terrorist organization's senior operatives was further manifested by an extremely remarkable gesture – a phone call from the organization's leader, Ismail Haniyeh, to Asem al-Barghuthi's mother immediately after his verdict was published. During the conversation, Haniyeh expressed

¹⁸ See the description of the Felber Attack, including an eyewitness's description: <https://www.ynet.co.il/articles/0,7340,L-5424946,00.html>. See also a short version in English: <https://www.ynetnews.com/articles/0,7340,L-5425209,00.html>.

¹⁹ See <https://hamas.ps/ar/post/10067>, “as long as there is occupation on our lands, our resistance will continue with force, determination and with operations that shatter the arrogance (of the occupation), like the operation in Givat Asaf, that surprised him only recently, and with the bold operations of the resisters.”

²⁰ *See* <https://hamas.ps/ar/post/12174/تصريح-صحفي-تعقيباً-على-قرار-سجن-الأسير-عاصم-البرغوثي-4-مؤيدات>

²¹ *See* <https://www.alqassam.ps/arabic/وثقتنا-بالمقاومة>

his and HAMAS's appreciation to Asem al-Barghuthi and to the "holy warrior (*al-Mujahida*) al-Barghuthi family that made sacrifices in the battle to defend the Palestinian land and the Palestinian homeland." During the phone call, Haniyeh also described the verdict as "a medal of honor that lies on the whole Palestinian people's chest..."²²

180. On October 25, 2022, the District Court for the District of Columbia found that the December 13, 2018, terrorist attack that grievously injured Nathaniel Felber was committed by Hamas. *Felber v. Islamic Republic of Iran*, 19-cv-01027, ECF No. 39.

IV. The Islamic Resistance Movement ("HAMAS")

A. HAMAS's Founding

181. Several prominent terrorist organizations operate in Palestinian-controlled territory, most notably HAMAS, a radical Islamist terrorist organization committed to the globalization of Islam through violent "jihad" (holy war) and the destruction of the State of Israel.

182. HAMAS²³ was established in the Gaza Strip on December 10, 1987, shortly following the outbreak of the First Intifada.²⁴ HAMAS announced its founding in an "official" communiqué on December 14, 1987.

183. HAMAS represented the culmination of approximately 15 years of preparation and organization building, led by Ahmed Yassin (also known as "Sheikh Yassin"), the unrivaled leader of what had been the Muslim Brotherhood Movement in the Gaza Strip.²⁵

²² See <https://hamas.ps/ar/post/12179/هنية-يهاتف-والدة-الأسير-عاصم-البرغوثي>.

²³ HAMAS is an acronym of the Arabic "*Harakat al-Muqawama al-Islamiya*"—Islamic Resistance Movement—but its name also means, in Arabic, enthusiasm, courage, and zeal for battle.

²⁴ The term "First Intifada," as used herein, refers to the violent conflict that broke out in December 1987 between the Palestinians and Israel. Although it has no official ending date, it is generally considered to have concluded with the signing of the Oslo Accords in September 1993.

²⁵ The Muslim Brotherhood Movement was established in Egypt in 1928 by Hassan al-Banna and was dedicated to fighting Western influences on Muslim society; ensuring the adherence of Muslims to Islamic law (Shari'a); and,

184. Although Yassin had been confined to a wheelchair throughout his adult life, he worked unceasingly for the establishment of HAMAS in the Gaza Strip. When HAMAS was established in Yassin's home in 1987, the Islamic Resistance Movement already had a defined ideology and a group of pre-existing institutions in Gaza, such as *Al-Mujama Al-Islami* (the Islamic Center), *Al-Jam'iya Al-Islamiya* (the Islamic Society), and the Islamic University of Gaza that were the flagship institutions of the Muslim Brotherhood's civilian social framework—the *da'wa*.²⁶

185. On December 10, 1987, after violence broke out in the Jabalia Refugee Camp, Sheikh Yassin invited six of the leaders of the Muslim Brotherhood in Gaza to his home.

186. There the group decided on the establishment of HAMAS, a terrorist organization that would combine terror against Israel with its *da'wa* activities, through *Al-Mujama Al-Islami*, *Al-Jam'iya Al-Islamiya*, and the Islamic University of Gaza.

187. In 1973, Yassin had established *Al-Mujama Al-Islami*, and in 1976, he had formed *Al-Jam'iya Al-Islamiya*.

188. The two organizations, which were based in Gaza, quickly expanded and established branches throughout the Gaza Strip, but neither of them was, at the time of its establishment, *openly* militant.

189. Initially, the two organizations primarily centered their activities on mosques, which were not meant solely for prayer. They also served as centers for social, educational,

following the rectification of Muslim society, eventually establishing an Islamic state that would expand its rule over the world by means of jihad and a call to join Islam.

²⁶ The word "*da'wa*," whose basic meaning in Arabic is "the call to the believers to shelter beneath the faith – return to the faith," is used herein to refer to HAMAS's civilian infrastructure that fundamentally supports its violent (terrorist) operations.

cultural, and political activity, while enjoying a measure of extra-territorial immunity that derived from their religious nature.²⁷

190. HAMAS considers the seven participants in the December 1987 meeting its founding fathers. All of them were members of the Muslim Brotherhood, and six of them were members of *Al-Mujama Al-Islami*: Sheikh Yassin, Salah Shehada,²⁸ Abd al-Aziz al-Rantisi, Muhammad Sham'a, Ibrahim al-Yazuri, Issa al-Nashar, and Abd al-Fatah Dukhan.

191. At the meeting, Sheikh Yassin was recognized as the supreme leader of HAMAS.

192. His six associates in founding the movement became HAMAS's leadership council, and each of them was appointed to head a particular region of the Gaza Strip: Salah Shehada was responsible for the northern Gaza Strip; Abd al-Aziz al-Rantisi was responsible for the Khan Yunis area; Muhammad Sham'a was put in charge of Shati Refugee Camp; Ibrahim al-Yazuri was put in charge of Gaza City; Issa al-Nashar was put in charge of the Rafah area; and Abd al-Fatah Dukhan was put in charge of the central camps (four refugee camps).

193. All seven of HAMAS's founders were members of the *da'wa* apparatus (the civilian infrastructure of the Muslim Brotherhood and later of HAMAS).

194. In a February 1, 1988, article titled "Islam's Voice in Gaza," *Time Magazine* wrote about Sheikh Yassin and his obvious connection to the Islamic Center in Gaza:

Sheik Yasin, 51, is a spiritual leader of the Islamic fundamentalist movement in Gaza and thus a prime force behind the religious gale that has recently fanned the flames of unrest in the occupied territories. Born in the Arab village of Al-Joura, Sheik Yasin has been paralyzed below the neck

²⁷ Yassin and the Muslim Brotherhood did not accept the secular Palestine Liberation Organization ("PLO") as the sole official representative of the Palestinian people, and subsequently began challenging representatives of PLO organizations in the trade unions, charitable societies, and universities in Gaza and the West Bank. In Gaza, where Yassin's leadership was more aggressive, the Muslim Brotherhood gradually seized control of the Islamic University of Gaza (founded in 1978) by removing members of the university's PLO-affiliated administration and replacing them with members of *Al-Mujama Al-Islami*.

²⁸ Shehada was not a member of *Al-Mujama Al-Islami*.

since age 15 as the result of an athletic accident. He resides with his wife and eleven children in a one-story house in Gaza City. Family members assist him in dressing and eating. Despite his handicap, he runs al-Mujama al-Islami, a community organization that builds mosques and sponsors cultural activities.

195. In a January 1998 interview with a HAMAS publication, Ibrahim al-Yazuri, one of the aforementioned founders of HAMAS, offered a telling description of HAMAS's philosophy regarding charitable giving:

Everyone knows that the Islamic Resistance Movement, HAMAS, is a Palestinian Jihad movement that strives for the liberation of all Palestine, from the (Mediterranean) sea to the river (Jordan), from the north to the south, from the tyrannical Israeli occupation, and this is the main part of its concern. Social work is carried out in support of this aim, and it is considered to be part of the HAMAS movement's strategy.... The HAMAS movement is concerned about its individuals and its elements, especially those who engage in the blessed jihad against the hateful Israeli occupation, since they are subjected to detention or martyrdom. The movement takes care of their families and their children and provides them with as much material and moral support as it can. This is one of the fundamental truths of Islamic work and thus represents the duties of the Islamic state.... The movement provides this aid through the support and assistance it gives to the zakat (Islamic alms-giving) committees and the Islamic associations and institutions in the Gaza Strip.

196. As indicated above, years before HAMAS was established, Sheikh Yassin and the Muslim Brotherhood in the Gaza Strip had developed the civilian infrastructure (such as *Al-Mujama Al-Islami*, *Al-Jam'iya Al-Islamiya*, the Islamic University of Gaza, and other organizations) which would soon form the backbone and recruiting grounds for HAMAS's Qassam Brigades.²⁹

197. In January 1988, HAMAS also established a branch in the West Bank, through three of the leaders of the Muslim Brotherhood there: Jamil Hamami, Hamed Bitawi and Sa'id

²⁹ In 1984, the IDF uncovered a weapons cache in Yassin's house. He was later arrested and convicted of "establishing a radical Islamic religious organization whose aim was to destroy the State of Israel and replace it with a religious Islamic state." He was sentenced to 13 years in prison but was released a year later on May 21, 1985, as part of the "Jibril Prisoners' Exchange."

Bilal. As in the past, HAMAS relied on the Muslim Brotherhood's infrastructure to build HAMAS's backbone of command and resources, while absorbing key charitable societies (such as *Al-Mujama Al-Islami* and *Al-Jam'iya Al-Islamiya*) in Gaza and zakat committees³⁰ in the West Bank, and where necessary, also setting up new institutions.

B. HAMAS in the 1990s

198. In December 1992, because of HAMAS's increased terrorist activity, the Government of Israel deported more than 350 HAMAS operatives to Lebanon.

199. This step later became known as the *Marj al-Zuhur* Deportation because the deported Islamists were delivered to a checkpoint by that name in southern Lebanon during their brief exile.

200. The *Marj al-Zuhur* Deportation was a formative moment in HAMAS's history and mythology. It established its status as a leading Palestinian political organization and brought it to prominence in the Arab and international arenas.

201. HAMAS members who were deported to *Marj al-Zuhur* have a special place in HAMAS's history. They quickly became the most iconic members of HAMAS and later emerged as key leaders of its *da'wa* and the backbone of its leadership.

202. The international community condemned the deportations, and at the end of 1993, the Israeli Supreme Court determined that the Government of Israel was required to return the *Marj al-Zuhur* deportees.

203. On September 13, 1993, President Clinton hosted the signing ceremony in Washington, D.C. for the so-called "Oslo Accords" agreed to by the Palestine Liberation

³⁰ The term "zakat" means tithing in Arabic. This is one of the five Pillars of Islam (Arkan al-Islam).

Organization (“PLO”), represented by Chairman Yasser Arafat, and Israel, represented by Prime Minister Yitzhak Rabin and his foreign minister, Shimon Peres.

204. The agreement had several significant aspects, including the withdrawal of Israeli forces from parts of the West Bank and Gaza, and the creation of the Palestinian National Authority (“PA”), headed by Chairman Arafat.

205. Under the agreement, the newly formed PA would perform the services previously provided by Israel, including education, health, social welfare, taxation, and tourism, in Gaza and the West Bank.

206. The agreement also included Mutual Recognition, whereby the Israeli Government recognized the PLO as the legitimate representative of the Palestinian people, while the PLO recognized the right of Israel to exist and purportedly renounced terrorism, violence, and the desire for the destruction of the State of Israel.

207. The Oslo Accords were not, however, universally accepted by the Palestinian factions.

208. For example, HAMAS rejected the agreement for its recognition of Israel’s right to exist.

209. For HAMAS, the Oslo Accords contradicted its most valued tenets—the destruction of the State of Israel and the creation of an Islamic state in all of what is today Israel, the West Bank, and the Gaza Strip.

210. Accordingly, HAMAS pursued a three-pronged strategy in the early 1990s.

211. First, it upgraded its terror apparatus, improving the capabilities of its Qassam Brigades and beginning to perfect its bomb-making skills.

212. Second, it intensified its efforts to subvert existing social welfare institutions—particularly in the West Bank—in order to systematically gain control of pre-existing charitable societies, zakat committees, and other religious and social institutions that would ultimately compete with the PA for the “hearts and minds” of the Palestinian public in Gaza, the West Bank, and even the Palestinian refugee camps in Jordan and Lebanon.

213. Third, it accelerated the development of its world-wide fundraising network. While HAMAS enjoyed support from wealthy patrons in the Persian Gulf, even in its prior incarnation as Sheikh Yassin’s Muslim Brotherhood “branch” in Gaza, the Oslo Accords galvanized the Muslim Brotherhood’s supporters in Europe, Africa, and even the United States.

214. HAMAS fundraisers and other operatives located abroad are key members of HAMAS’s *da’wa*, closely tied to Qassam Brigades operatives on the ground in the West Bank and the Gaza Strip, as well as to HAMAS political leaders in Turkey, Qatar, and elsewhere in the Middle East.

C. Early Media Coverage of HAMAS’s *Da’wa*

215. As early as 1994, HAMAS fundraising activities were discussed in the media. For example, an article in *The New York Times* reported:

HAMAS funding of all its activities is estimated by the Israelis at about \$30 million a year. It comes from money collected by associations operating largely abroad but with ties to the international Muslim Brotherhood network. Money is also collected from Islamic and Arab communities in the United States and in Britain, the Netherlands and other Western European locations.

216. Also, on April 14, 1994, *The Globe and Mail* (Canada) published an article titled, “Hamas evolves from political to military group” by Patrick Martin.

217. The article explained HAMAS’s *da’wa* in straightforward terms and identified its best-known institution:

The group calling itself Hamas first made its appearance in 1987, at the start of the Palestinian uprising known as the intifada. Concentrated in Gaza, where Islamic tendencies have always been strong, it stemmed from a decade-old Islamic movement known as the Mujamma.... Sheik Yassin, who had been an activist in the older Muslim Brotherhood, had been imprisoned by the Egyptians during the regime of Gamal Nasser. When the Mujamma turned into the political movement Hamas, Sheik Yassin was again arrested, this time by the Israelis.

218. In 1996, *The New York Times* reported on HAMAS's intensified fundraising for its network of institutions:

Israeli, Palestinian and Western intelligence officials say Jordan is a major conduit for much of the Hamas budget, estimated at \$70 million a year, nearly all of it for the social service network of mosques, hospitals, schools and other institutions that form the movement's political base in the West Bank and Gaza Strip.

...Jordan, intelligence officials say, is a major path through which money reaches the Hamas network of mosques and charities. Jordanian intelligence reports indicate that much of the money is coming from the Persian Gulf emirates and Saudi Arabia.

219. On September 17, 1997, the British-based *Mideast Mirror* published an article titled "How to break the deadlock: Armed resistance, plus Arab pressure on U.S."

220. The article quotes the Arabic press regarding Gulf State sources of funding for HAMAS:

According to al-Hayat's sources, only some \$10 million dollars is raised annually by Palestinian Islamist charities in the Gulf, most of which is paid directly to visiting fund-raising delegations or the charities' bank accounts in Jordan, or via Palestinian support groups based in the U.S. or Britain.

Gulf-based charities also say they make a point of ensuring that recipients are recognized by the Jordanian religious affairs ministry or the PA's Jerusalem-based religious affairs department. They include the Zakat (alms) Committees in Hebron, Jerusalem, Tulkarem, Kalkilya and Gaza, which fund schools, Koran teaching classes and orphanages, provide cash or food aid to the families of martyrs, and run self-help schemes for needy families. Gulf funding also sustains the Islamic Charitable Society in Hebron, Jerusalem's Makassed Hospital, and the Wafa Society in Gaza which looks after the elderly.

Gulf donors also insist that they have always dealt openly with such organizations, which Israel accuses of constituting the “infrastructure” of Hamas. “We used to work with these organizations in broad daylight in the days of direct Israeli occupation, and continued dealing with them under the PA, though regrettably the pressures increased with the advent of the PA,” *al-Hayat* quotes one aid worker as saying.

As for higher educational institutions, the main recipient of Gulf aid is Gaza Islamic University, which has long been described as a “Hamas stronghold.”

221. An August 11, 2001, article in *The Washington Post* reported:

On the streets of Gaza, and to a somewhat lesser extent in the West Bank, Hamas’s status has been underpinned by a network of medical clinics, schools and welfare institutions that distribute free and subsidized food to the needy.

According to Yassin, the group distributes \$2 million to \$3 million in monthly handouts to the relatives of Palestinian suicide bombers; “martyrs” who have been killed by Israelis; and prisoners in Israeli jails. When pressed, he was vague about the provenance of the money, which, according to the State Department, comes mainly from Palestinians overseas, Iran and private benefactors in Saudi Arabia and other moderate Arab states.

D. U.S. Designations of HAMAS

222. On January 23, 1995, President Clinton issued Executive Order No. 12947. President Clinton found that “grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”

223. Executive Order No. 12947 designated HAMAS a Specially Designated Terrorist (“SDT”) and blocked all property and interests in property of the terrorist organizations and persons designated in the Order, including HAMAS. HAMAS’s designation as an SDT has remained in place since HAMAS was originally so-designated.

224. On October 8, 1997, by publication in the Federal Register, the United States Secretary of State designated HAMAS a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act and the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”). HAMAS’s designation as an FTO has been renewed every two years since HAMAS was originally so-designated.

225. On October 31, 2001, after the September 11, 2001, terrorist attacks on the United States, President Bush issued Executive Order No. 13224, declaring a national emergency with respect to the “grave acts of terrorism ... and the continuing and immediate threat of further attacks on United States nationals or the United States.”

226. Executive Order No. 13224 designated HAMAS a Specially Designated Global Terrorist (“SDGT”) and blocked all property and interests in property of SDGTs, including HAMAS. HAMAS’s designation as an SDGT has remained in place since HAMAS was originally so-designated.

E. HAMAS External Fundraising Organizations

1. HAMAS in the United States

227. In October 1993, less than one month after the public signing of the Oslo Accords, approximately 20 members of the so-called “Palestine Committee” in the United States gathered together in Philadelphia, Pennsylvania, to discuss how to help HAMAS oppose the Oslo Accords.

228. The Federal Bureau of Investigation learned of the Philadelphia meeting and obtained a warrant from the Foreign Intelligence Surveillance Court to monitor the meeting, which lasted approximately three days.

229. During the meeting, the participants discussed the problems that the Oslo Accords presented for those opposed to co-existence with Israel, and attendees were admonished not to mention “HAMAS,” but rather to refer to it as “Samah,” which is HAMAS spelled backward.

230. Attendees agreed that they must operate under an ostensible banner of apolitical humanitarian works to continue supporting HAMAS’s vital social recruitment effort by financially supporting institutions, organizations, and programs in the West Bank and Gaza aligned with, and controlled by, HAMAS.

231. Attendees identified several charitable societies and zakat committees as “ours.”

232. The Holy Land Foundation (“HLF”) emerged from the Philadelphia meeting as the preeminent HAMAS fundraising organization in the United States.

233. However, neither HLF nor the U.S.-based Palestine Committee worked in isolation on behalf of HAMAS.

234. Indeed, while HLF was a vital member of HAMAS’s international network of organizations dedicated to financing HAMAS’s agenda, it also worked in conjunction with organizations in Europe and throughout the world to funnel money to the same closed network of HAMAS-controlled charitable societies and zakat committees in Gaza and the West Bank.

235. HLF had offices in Texas, California, New Jersey, and Illinois, and quickly became the crown jewel in HAMAS’s global fundraising network. HLF paid for Jamil Hamami, HAMAS’s leader in the West Bank, to take at least six trips to the United States between September 1990 and November 1991 so that he could appear as a guest speaker at HLF fundraising events.

236. It also paid for another HAMAS leader, Sheikh Mohammad Siam, to travel to the United States and appear at fundraisers. These trips followed a decision by then-external (and

supreme) HAMAS leader Mousa Abu Marzook to designate HLF as HAMAS's primary fundraising entity in the United States.

237. Since 1995, when it first became illegal to provide financial support to HAMAS, HLF provided over \$12,400,000 in funding to HAMAS through various HAMAS-affiliated and controlled charitable societies and zakat committees located in Palestinian-controlled areas and elsewhere. In the year 2000 alone, HLF raised over \$13 million. An FBI investigation "determined that a majority of the funds collected by the [HLF] are used to support HAMAS activities in the Middle East."³¹

238. This is unsurprising given the close familial relationships between HLF officers and known HAMAS leaders in the Middle East. Shukri Abu Baker, the former CEO of HLF, was the brother of HAMAS leader Jamal Issa. HLF's co-founder, Ghassan Elashi, was related by marriage to Mousa Abu Marzook, while former HLF Chairman Mohammed el-Mezain was Marzook's cousin. HLF member Mufid Abdelqader was a cousin of Khalid Mishal, who would later become HAMAS's external (and supreme) leader. Both Mishal and Marzook were designated SDGTs by the Treasury Department in 2003. Marzook had also been designated an SDT in 1995.

239. According to a November 5, 2001, memorandum written by the Assistant Director of the FBI's Counterterrorism Division, Dale Watson:

[E]vidence strongly suggests that the [HLF] has provided crucial financial support for families of HAMAS suicide bombers, as well as the Palestinians who adhere to the HAMAS movement. It is believed that by providing these annuities to families of HAMAS members, the [HLF] assists HAMAS by providing a constant flow of suicide volunteers and buttresses a terrorist infrastructure heavily reliant on moral support of the Palestinian populace. According to [an informant], in the words of Shukri Abu Baker, [HLF's] mission is to support the families of the martyrs.

³¹ Federal Bureau of Investigation, "No Cash for Terror, Convictions Returned in Holy Land Case," November 25, 2008, available at: <https://archives.fbi.gov/archives/news/stories/2008/november/hlf112508>.

240. The U.S. Treasury Department designated HLF an SDGT on December 4, 2001. In 2004, HLF and several of its directors were indicted on criminal charges that HLF was illegally supporting HAMAS.

241. In 2008, a jury found HLF and five of its former directors guilty of transferring more than \$12 million to HAMAS.

242. The convictions were affirmed in 2011 by the U.S. Court of Appeals for the Fifth Circuit.

2. HAMAS's European Fundraising Network

243. Comité de Bienfaisance et de Secours aux Palestiniens ("CBSP"), HAMAS's primary fundraiser in France, was founded in 1990 and registered there as a non-profit organization.

244. The Israeli government declared CBSP an illegal organization on May 6, 1997, because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions, and subsequently designated it a terrorist organization on January 17, 1998.

245. Interpal, HAMAS's most important fundraising organization in the United Kingdom, was formally registered as a charity with the U.K. Charity Commission on August 11, 1994, under the name "Palestinian Relief and Development Fund."

246. As early as 1995, published reports in Israel linked Interpal to HAMAS.

247. The Israeli government declared Interpal an illegal organization on May 6, 1997, because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions, and subsequently designated it a terrorist organization on January 17, 1998.

248. On August 22, 2003, following the deadly suicide bombing aboard Bus #2 in Jerusalem on August 19, 2003, in which multiple children were killed and injured, the U.S.

Treasury Department designated five HAMAS-related institutions and six senior HAMAS leaders as SDGTs.

249. The five HAMAS-related charities that were designated as SDGTs were:

1. Comité de Bienfaisance et de Secours aux Palestiniens (“CBSP”), of France.
2. Association de Secours Palestinien (“ASP”) (an organization affiliated with CBSP), of Switzerland.
3. Palestinian Relief and Development Fund, or Interpal, headquartered in the United Kingdom.
4. Palestinian Association in Austria (“PVOE”).
5. Sanabil Association for Relief and Development, based in Lebanon.

250. The U.S. Treasury Press Release announcing the designations of these five entities stated:

The United States government has credible evidence that the following five organizations are part of a web of charities raising funds on behalf of HAMAS and using humanitarians [sic] purposes as a cover for acts that support HAMAS. Funds are generated by, and flow through, these organizations on behalf of HAMAS.

251. According to the U.S. Treasury Department, “CBSP and ASP are primary fundraisers for HAMAS in France and Switzerland, respectively. Founded in France in the late 80s/early 90s, CBSP acts in collaboration with more than a dozen humanitarian organizations based in different towns in the West Bank and Gaza and in Palestinian refugee camps in Jordan and Lebanon. ASP, a subsidiary of CBSP, was founded in Switzerland in 1994. The group has collected large amounts of money from mosques and Islamic centers, which it then transfers to sub-organizations of HAMAS. Khalid Al-Shuli is the president of CBSP and ASP.”

252. According to the U.S. Treasury Department, “Interpal, headquartered in the UK, has been a principal charity utilized to hide the flow of money to HAMAS. Reporting indicates it

is the conduit through which money flows to HAMAS from other charities, e.g., the Al Aqsa Foundation (designated under EO 13224 on May 29th) and oversees the activities of other charities.... Reporting indicates that Interpal is the fundraising coordinator of HAMAS. This role is of the type that includes supervising activities of charities, developing new charities in targeted areas, instructing how funds should be transferred from one charity to another, and even determining public relations policy.”

253. According to the U.S. Treasury Department, “PVOE is controlled by the leader of HAMAS in Austria. The money is targeted to support members of HAMAS and is funneled through other charities in Lebanon, the West Bank and Gaza or other areas of the Middle East to ensure the transfer of funds is undetected and reaches its intended recipients. PVOE is part of the HAMAS network of charitable organizations that includes the Al Aqsa Foundation.”

254. The Al-Aqsa Foundation, one of HAMAS’s leading fundraising organizations, had branch offices in Holland, Belgium, Denmark, Sweden, Yemen, South Africa, and Pakistan. It was founded in July 1991 in Germany (Al-Aqsa e.V.), where it was headquartered, and which served as its main branch until at least 2002.

255. The Israeli government declared the Al-Aqsa Foundation (including its German headquarters) an illegal organization on May 6, 1997, and subsequently designated it a terrorist organization on January 19, 1998.³²

³² The designation was publicized internationally. For example, on May 21, 1997, *Agence France Presse* reported that “Israel has banned five foreign-based fundraising groups from carrying out activities in the country or the occupied territories on grounds they help finance armed Palestinian militants,” and that the five groups included the “Palestine Development Fund [Interpal], also based in Britain, the Al-Aqsa Foundation in Germany and the Holy Land Fund in the United States.” The report also noted that Israeli intelligence officials accused the five foundations of supporting the Islamic Resistance Movement (HAMAS), the biggest Palestinian group still waging an armed struggle against Israel”

256. In July 2002, the German government closed the offices of the Al-Aqsa Foundation located in Germany.

257. According to the closure order, “AL-AQSA e.V. advocates, supports and calls for violence as means to achieve political, religious or other goals by awakening or at least strengthening the willingness of third parties to use violence as a political, religious or other means.”

258. On May 29, 2003, the U.S. Treasury Department designated all branches of the Al-Aqsa Foundation as an SDGT pursuant to Executive Order 13224.

259. The U.S. Treasury Press Release announcing Al-Aqsa’s designation stated:

Al Aqsa is a critical part of HAMAS’ terrorist support infrastructure. Through its headquarters in Germany and branch offices in the Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere, Al Aqsa funnels money collected for charitable purposes to HAMAS terrorists.

Other nations, including the Netherlands, Germany, Denmark, Britain, Luxembourg and Switzerland, have also taken action against the Al-Aqsa Foundation.

3. The Union of Good

260. The Union of Good (also known as the Charity Coalition or *I’tilaf Al-Khayr* in Arabic) was established in October 2000, at the beginning of the Second Intifada,³³ as the umbrella organization for HAMAS’s global fundraising activity.

261. Comprising more than 50 separate organizations over the course of its existence—several of which have been designated SDGTs by the U.S. Treasury Department, including Interpal and CBSP—the Union of Good originally began as a limited 101-day fundraising drive

³³ The term “Second Intifada,” as used herein, refers to the violent conflict which broke out at the end of September 2000 between the Palestinians and Israel. Although it has no “official” ending date, it is generally considered to have concluded at the end of 2004.

for emergency aid at the outset of what was later called the Second Intifada, chaired by Sheikh Yusuf al-Qaradawi (discussed further below), the Muslim Brotherhood's spiritual leader.³⁴

262. The 101-day fundraising drive was so successful that the Union of Good was converted into a permanent institution. It quickly became the preeminent Muslim Brotherhood fundraising mechanism in the world, raising tens of millions of dollars for HAMAS.

263. In 2001, the Union of Good created an Arabic language website for the 101 Days Campaign, with English and French versions, each soliciting donations.

264. As of at least August 1, 2001, the official website of HAMAS's political bureau at that time – www.palestine-info.net – posted an advertisement on its home page with a hyperlink to the Union of Good's 101 Days Campaign website:



265. On February 25, 2002, the Union of Good was designated by Israel in an order of the Minister of Defense of the State of Israel, based on its being “part of the Hamas organization or supporting it and strengthening its infrastructure.”

³⁴ This information was sufficiently publicly known that even an obscure Virginia news website called “World Tribune” published an article on July 4, 2002, noting Israeli military seizures of records showing that the Saudi Committee for the Support of the Intifada al Quds “transferred money to a network of charities linked to Hamas. They include Al Salah Association in Gaza City, the Islamic Association in Hebron, and the Coalition of Benevolence. The coalition is headed by Yusuf al-Qaradawi, an Egyptian born Sheik who now lives in Qatar.”

266. Having previously designated constituent organizations within the Union of Good, the U.S. Treasury Department designated the Union of Good itself as an SDGT on November 12, 2008. According to the Treasury Department:

Union of Good acts as a broker for HAMAS by facilitating financial transfers between a web of charitable organizations—including several organizations previously designated under E.O. 13224 for providing support to HAMAS—and HAMAS-controlled organizations in the West Bank and Gaza. The primary purpose of this activity is to strengthen HAMAS' political and military position in the West Bank and Gaza, including by: (i) diverting charitable donations to support HAMAS members and the families of terrorist operatives; and (ii) dispensing social welfare and other charitable services on behalf of HAMAS.

Funds raised by the Union of Good affiliates have been transferred to HAMAS-managed organizations in the West Bank and Gaza. In addition to providing cover for HAMAS financial transfers, some of the funds transferred by the Union of Good have compensated HAMAS terrorists by providing payments to the families of suicide bombers. One of them, the Al-Salah Society, previously identified as a key support node for HAMAS, was designated in August 2007 under E.O. 13224. The Society employed a number of members of the HAMAS military wing and supported HAMAS-affiliated combatants during the first Intifada.

267. HAMAS leaders have also served openly in the Union of Good's executive leadership. For example, the Secretary General of the Union of Good, Essam Salih Mustafa Yussuf, also acted as the Vice-Chairman of Interpal while serving on HAMAS's executive committee under then-HAMAS leader Khalid Mishal.

268. In fact, during a conference in Doha, Qatar, on July 16, 2007, then-HAMAS leader Khalid Mishal publicly thanked Sheikh Yusuf al-Qaradawi (in attendance) for his assistance to HAMAS through the Union of Good:

The third point: the Union of Good. One of the blessings of our Sheikh, may Allah reward him is that he supports what he says with acts. His support of the Palestinian people and the Intifada was not in words, positions, and fatwas [religious rulings] only, but also in activities and efforts. He sponsored a big project which is the Union of Good during the Second Intifada – the blessed al-Aqsa Intifada. I do not exaggerate when I say that

what the projects of Union of Good provided - the blessed money from the good people of the [Muslim] nation to the steadfast people on the land of Palestine was tens, even hundreds of millions of dollars. I wish that this will be in the Sheikhs balance of good deeds.³⁵

269. As described further below, the Foundation for Human Rights and Freedoms and Humanitarian Relief (“IHH”) in Turkey was an active participant in and member of the Union of Good.

270. Until his death earlier this year, Sheikh Yusuf al-Qaradawi was closely associated with the Union of Good. Al-Qaradawi was one of the Muslim world’s most prominent public supporters of HAMAS and its campaign of violence against Israel. He was one of the most recognized and famous people in the Arab and Muslim world, and as illustrated below (depicted with an image of Sheikh Yassin), his image is iconic.³⁶



³⁵ A video clip of a part of the conference featuring Khalid Mishal and Sheikh al-Qaradawi is available at: <https://www.memri.org/tv/hamas-leader-khaled-mashal-praises-sheik-yousef-al-qaradawi-his-support-suicide-operations-and>.

³⁶ Al-Qaradawi’s visit to the Gaza Strip in May 2013 was widely covered in the media, including his meetings with HAMAS’s leadership. *See, e.g., Associated Press*, “Islamic cleric in Gaza rejects Israel’s existence,” May 9, 2013 (“Al-Qaradawi arrived in Gaza late Wednesday to an enthusiastic welcome by Hamas Prime Minister Ismail Haniyeh and his Cabinet ministers.”).

271. When the Union of Good created its initial websites, Sheikh al-Qaradawi's widely recognized image appeared prominently on the homepage, including the English language homepage for www.101days.org in July 2001 depicted below:



272. Until 2013, al-Qaradawi was best known for his weekly television program on the *Al Jazeera* satellite channel called “Sharia and Life” (“al-Sharī‘a wa al-Ḥayāh”), on which he analyzed numerous topics through the lens of Islamic thought. (The program reached approximately 60 million viewers at its height, before it ended in 2013.)

273. Al-Qaradawi has long stated that “[t]he martyr operations is [sic] the greatest of all sorts of Jihad in the Cause of Allah.”

274. In 1997, al-Qaradawi participated in a convention marking the tenth anniversary of the founding of HAMAS and he also published a fatwa on the www.islam-online.net website permitting the perpetration of suicide bombing attacks, asserting that: “*istishhad* is not suicide and should not be seen as unfit and endangering the life of the perpetrator... regarding the Palestinians... I believe that those actions are a duty performed in self-defense and [represent] active opposition to violence and injustice.”

275. In 1998, even before the Second Intifada erupted in 2000, Sheikh al-Qaradawi was a leading voice in Arab and Islamic politics endorsing violence against Israel, publicly asserting, for example, that: “There should be no dialogue with these people [Israelis] except with swords.”³⁷

276. Sheikh al-Qaradawi issued an Islamic religious edict (*fatwa*) that gave HAMAS and other terrorist groups religious approval to commit suicide bombing attacks (including by women) against Israel.

277. During 2001, on his *Shariah and Life* broadcast on *Al Jazeera*, Sheikh al-Qaradawi was asked what could be done to show the Palestinian people that there were people standing by them. He replied:

No doubt there are steps that need to be taken at the official and popular level... There is another thing: Financial Jihad. Our brethren are struggling for money. They are sacrificing themselves. They are giving martyrs every day. Thank God this means that the Umma is giving martyrs. Women cry for joy at the death of the martyrs... We should give aid to our brethren to reinforce their steadfastness, to try and overcome the blockade enforced on them.

278. Later in the interview, Sheikh al-Qaradawi answered further questions about the duties of Muslims regarding the conflict with Israel, and he said:

We should resist and resist with what we have. We do not have nuclear weapons... I am surprised at any Muslim who calls these acts “suicide acts.” These are martyrdom, commando and heroic acts. We should hail those who carry out these acts and bless them and call on God to take them to live in Paradise. They are there, God willing, because of their intentions, works, efforts and Jihad.

279. In an interview in the Egyptian newspaper *Al-Ahram Al-Arabi* on February 3, 2001, al-Qaradawi explained his ruling:

He who commits suicide kills himself for his own benefit, while he who commits martyrdom sacrifices himself for the sake of his religion and his

³⁷ See “Leading Muslim Cleric Under Fire for Meeting Israeli Chief Rabbi,” *AP Worldstream*, January 7, 1998, quoting a January 6, 1998, article by al-Qaradawi in the Arab newspaper *Al-Shaab*.

nation. While someone who commits suicide has lost hope with himself and with the spirit of Allah, the Mujahid is full of hope with regard to Allah's spirit and mercy. He fights his enemy and the enemy of Allah with this new weapon, which destiny has put in the hands of the weak, so that they would fight against the evil of the strong and arrogant. The Mujahid becomes a 'human bomb' that blows up at a specific place and time, in the midst of the enemies of Allah and the homeland, leaving them helpless in the face of the brave Shahid who ... sold his soul to Allah, and sought the Shahada [Martyrdom] for the sake of Allah.

280. In an April 25, 2001, interview with a Qatari newspaper, *Al-Raya*, al-Qaradawi further explained that suicide bombings against targets in Israel "are the supreme form of Jihad for the sake of Allah, and a type of terrorism that is allowed by the Shari'a." He cited a Koranic verse stating that one must be prepared to "spread fear among one's enemies and the enemies of Allah," and added that "the term 'suicide operations' is an incorrect and misleading term, because these are heroic operations of martyrdom, and have nothing to do with suicide. The mentality of those who carry them out has nothing to do with the mentality of someone who commits suicide."³⁸

281. On June 2, 2001, *Agence France Presse* reported that Sheikh al-Qaradawi criticized Sheikh Tantawi for disapproving of suicide bombing, quoting al-Qaradawi as saying on May 12, 2001: "These martyr operations led by the Palestinian fighters against Israel spring from resistance and all Muslims who kill to defend their land, honour and religion are martyrs."

282. In an op-ed in *The Guardian* on August 28, 2001, Faisal Bodi wrote: "The world's most quoted independent Islamic jurist, Sheikh Yusuf al-Qaradawi, calls the [suicide] bombs 'commendable' and 'among the greatest form of holy struggle against oppression.'"

283. On September 16, 2001, al-Qaradawi appeared on *Al Jazeera* Television in Qatar to discuss the September 11, 2001, attacks on the World Trade Center and Pentagon. Striking a

³⁸ Also quoted in Michael Slackman, "Islamic Debate Surrounds Mideast Suicide Bombers," *The Los Angeles Times*, May 27, 2001. The *Associated Press* reported that same day that al-Qaradawi had publicly stated that a suicide bombing "is one of the greatest means of struggle."

note of “moderation” he distinguished the September 11th attacks from those targeting civilians in Israel:

We must differentiate between two types of terror: the terror of those defending their homeland and their rights... This kind of terror is legitimate. The Palestinian factions defending their land, such as Fatah, Hamas, or Islamic Jihad, are not terrorists. [It is] a Jihad for the sake of Allah...

Even if the US is guilty, in that it supports this Israeli terror, I say that this does not mean that we may attack civilians in the US, because the civilians are not guilty. We should fight the American military if we can, and if we cannot, we should fight the US economically and politically.

284. The *Associated Press* reported on February 26, 2002, that “Youssef al-Qaradawi, a highly respected Egyptian clergyman, said suicide bombings – themselves a matter of debate among Muslims – are the best form of jihad and that ‘what applies to men also applies to women.’”

285. In March 2002, in a HAMAS journal published in Britain called *Filasteen al-Muslama*, al-Qaradawi stated that the participation of women in suicide terrorist attacks is not only permitted but even desirable, and that it is permitted for a woman to deviate from the rules that obligate her in daily life, from the point of view of preserving her modesty, to carry out the suicide attack (for example, in his ruling, al-Qaradawi permits women to travel for the purpose of carrying out the suicide attacks without being escorted by a male relative, and is even lenient in regard to covering her head and wearing a veil).

286. HAMAS often relied on al-Qaradawi’s legal rulings in matters of current import and often turned to him to obtain legal rulings.

287. In a May 4, 2002, article published in *Akhbar al-Khaleej* (UAE), al-Qaradawi’s lecture (given in the UAE) outlined his view that collecting money for the mujahideen (jihad fighters, or “Muslim holy warriors”) was not a donation or a gift, but “a duty necessitated by the sacrifices they made for the Muslim nation.”

288. On June 13, 2003, al-Qaradawi appeared on Qatar Television to discuss, among other things, the Bush Administration's efforts to restart negotiations between the Palestinian Authority and Israel. Al-Qaradawi stated:

The Intifada expresses an assertive and proud people, a heroic people, a people that is unperturbed by death. A people that wants to live free, in honor, or die martyred. It is inconceivable that this people will die, despite the attempts of the Zionist entity state and of its strategic ally, the U.S. As much as they try to kill the Intifada and crush the resistance, they will not succeed....

I say to [PA Prime Minister] Mahmoud Abbas, to [PA Security Minister] Muhammad Dahlan, and to the ministers who support them, that the day Hamas and [Islamic] Jihad, Al-Aqsa Martyrs Brigades, and the Mujahideen cease to exist, nothing will remain to negotiate about or to cling to. You will stand in your nakedness. No one will support you. What pushed the Zionists and the Americans to present the road map is the [defeat] they suffered as a result of the martyrdom operations that shook their foundations, undermined their existence, and sowed fear in their hearts.

289. In a July 7, 2004, interview for BBC's "Newsnight," al-Qaradawi, referring to suicide attacks, said: "I consider this type of martyrdom operation as evidence of God's justice."

F. HAMAS's Fundraising Network in Turkey

1. Turkey's Support for HAMAS.

290. Turkey has long been a major political and financial supporter of HAMAS.

291. Turkish President Recep Tayyip Erdoğan has publicly met with HAMAS external (and supreme) leader Ismail Haniyeh and his predecessor, Khalid Mishal.³⁹

292. From 2006 to 2010, for example, Istanbul hosted at least seven public HAMAS conferences and fundraisers.⁴⁰

³⁹ See e.g., *Jerusalem Post*, "Hamas leader Mashaal to meet with Erdoğan in Turkey," August 12, 2015, available at: <https://www.jpost.com/Breaking-News/Hamas-leader-Mashaal-to-meet-with-Erdogan-in-Turkey-411901>.

⁴⁰ See Soner Cagaptay, "The AKP's Hamas Policy II," Washington Institute for Near East Policy, July 6, 2010, available at: <https://www.washingtoninstitute.org/policy-analysis/akps-hamas-policy-ii-us-vs-them>.

293. The first one of these, held in July 2006, was attended by Sheikh al-Qaradawi.⁴¹

294. In 2011, Turkey accepted 11 Palestinian prisoners freed as part of an exchange for Israeli Soldier Gilad Shalit. A number of them were HAMAS officials who remain active in HAMAS while living in Turkey.

295. One of these 11 former prisoners is Jihad Yaghmour. He was previously sentenced to 30 years in prison for his participation in the 1994 abduction and subsequent murder of an Israeli soldier named Nachshon Wachsmann.⁴²

296. On October 15, 2011, the *Associated Press* reported on the impending prisoner release and identified Jihad Yaghmour as one of the terrorists scheduled to be set free: “Jihad Yaghmour, who planned and participated in the 1994 abduction and execution of Nachshon Waxman, an Israeli soldier and U.S citizen, is also on the list, the officials said on condition of anonymity because of the sensitivity of the issue.”

⁴¹ *Id.*

⁴² On November 29, 1994, the *Associated Press* reported that Israeli security forces sealed Yaghmour’s family home and described him as “an Islamic activist” involved in the kidnapping of an Israeli soldier. On August 2, 1996, the *Associated Press* reported that an Israeli military court sentenced Yaghmour to 30 years in prison for his role in the abduction and subsequent murder of an Israeli soldier. The article stated that the “kidnappers, members of the Islamic militant group Hamas, had demanded the release of the group’s spiritual leader, Sheik Ahmed Yassin, from Israeli jails in exchange for releasing Waxman.” Jack Katzenell, *Associated Press*, “Court Sentences Palestinian to 30 Years in Soldier’s Kidnapping,” August 2, 1996. An April 24, 1999, article published by *United Press International* reported that: “A Palestinian prisoner advocacy organization says in a report that FBI agents last week interrogated members of the Islamic group Hamas who were imprisoned for their involvement in carrying out attacks in Israel. The head of the prisoner organization, Ahmed Habeeb Allah, said FBI officers, in cooperation with Israeli intelligence, came to Ashkelon prison to speak to Ra’ed Hamdeya and Jihad Yaghmour about terrorist incidents that killed Americans in Israel.” Saud Abu Ramadan, *United Press International*, “Palestinians: FBI questioned prisoners,” April 24, 1999. *See also*, CBC News (Canada), “Israel to release convicted killers for Shalit,” October 15, 2011, available at: <https://www.cbc.ca/news/world/israel-to-release-convicted-killers-for-shalit-1.1058203> (“Jihad Yaghmour, who planned and participated in the 1994 abduction and execution of Nachshon Waxman, an Israeli soldier and U.S citizen, is also on the list [of released prisoners];” *Jewish Telegraphic Agency*, “Islamic Militant Gets 30 Years for Waxman’s Kidnap, Murder,” August 5, 1996 (“An unrepentant Jihad Yaghmour, 29, told the Lod military court that he bought the skullcaps and black hats used by the kidnappers to disguise themselves as observant Jews when they picked up Waxman at a hitchhiking site. He admitted that he drove the car used in the Oct. 9, 1994, kidnapping of Waxman. Yaghmour said he rented the video camera that the kidnappers used to tape Waxman’s plea for help while he was held in a house in a West Bank village just north of Jerusalem.”) available at: <https://www.jta.org/archive/islamic-militant-gets-30-years-for-waxmans-kidnap-murder>.

297. The German press agency *DPA* (distributed in the U.S. by McClatchy-Tribune Business News) reported on October 16, 2011, on the release of the prisoners, including Yaghmour, who was identified as a prisoner “also jailed for his role in the kidnapping and murder of Wachsmann.”

298. Yaghmour is HAMAS’s liaison with Turkish authorities⁴³ and according to a publication in the Turkish media on September 11, 2015, participated in Turkish President Recep Tayyip Erdoğan’s political party meeting in Ankara with a delegation of HAMAS members that included Khalid Mishal, Mousa Abu Marzook, and Izzat al Rashek.⁴⁴

299. Yaghmour also accompanied Ismail Haniyeh, Saleh al-Arouri, and other HAMAS notables to an August 22, 2020, meeting with Turkish President Erdoğan in Istanbul.⁴⁵

300. Other members of the 11 released prisoners, now based in Turkey, continue to advocate for HAMAS, including in other Middle Eastern and Asian countries.

301. In addition, Turkish authorities allow HAMAS’s Qassam Brigades to operate from an office in Istanbul that plans terrorist attacks and transfers funds to HAMAS’s activists in the West Bank.⁴⁶

⁴³ See Yoni Ben Menachem, “Turkey Embraces Hamas,” Jerusalem Center for Public Affairs, February 22, 2018 (“The military wing of Hamas maintains an office in Istanbul, Turkey, that works closely with the Hamas ‘West Bank headquarters’ in the Gaza Strip, which plans terror activities in the West Bank.... This Istanbul office operates with the knowledge and approval of Turkey’s security forces. Hamas’ liaison with the Turkish authorities is Jihad Yaghmour, a Hamas activist who was involved in the 1994 abduction of IDF soldier Nachshon Wachsmann and was also released under the Shalit deal.”). Available at: <https://jcpa.org/turkey-embraces-hamas/>.

⁴⁴ <https://www.cnnturk.com/amp/dunya/halid-mesal-ak-parti-kongresi-icin-turkiyede>.

⁴⁵ See *BBC Worldwide Monitoring*, August 23, 2020, text of report by Palestinian Information Centre website.

⁴⁶ *Id.* See also, *Telegraph* (UK), “Exclusive: Hamas plots attacks on Israel from Turkey as Erdogan turns blind eye,” December 17, 2019 (“Lower-level meetings between Hamas and Turkish officials occur frequently. Day-to-day contact is believed to be managed by a channel between Jihad Ya’amor [sic], a senior Hamas official, and the MIT, Turkey’s national intelligence agency.”) available at: <https://www.telegraph.co.uk/news/2019/12/17/hamas-plots-attacks-israel-turkey-erdogan-turns-blind-eye/>.

302. On September 12, 2014, the Meir Amit Intelligence and Terrorism Information Center in Israel published a report titled “Senior Hamas Operatives Based in Turkey Continue Directing Terrorist Networks in Judea and Samaria.”⁴⁷

303. The report noted that “Saleh Muhammad Suleiman al-Arouri, a senior Hamas operative based in Turkey” directed two HAMAS military-terrorist networks operating in Turkey that “recruited squads to carry out terrorist attacks against Israeli targets.”

304. The report further noted that: “For the past several years Turkey has provided Hamas with political, media and financial support. As part of its support, it allows a group of Hamas terrorists to operate freely within its territory, using Turkey as a base from which to direct Hamas military-terrorist networks ... headed by Saleh al-Arouri....”

305. The report also noted that HAMAS’s Istanbul office operates under the supervision of Saleh al-Arouri, vice-chairman of HAMAS’s Political Bureau. “However, in reality Hamas’ ‘political office’ also deals with establishing terrorist squads in Judea, Samaria and Jerusalem and directing terrorist attacks.”⁴⁸

306. Arouri was one of the founders of the Qassam Brigades and re-located to Turkey in 2012. Arouri is a designated SDGT who masterminded the June 2014 abduction and killing of three Israeli teenagers, including an American citizen. Although expelled from Turkey around December 2015, he continues to run HAMAS’s Istanbul office from abroad.⁴⁹

307. Yaghmour took over Arouri’s role in Turkey after his departure.

⁴⁷ See <https://www.terrorism-info.org.il/en/20740/>.

⁴⁸ *Id.* See also Yoni Ben Menachem, “Turkey Embraces Hamas,” Jerusalem Center for Public Affairs, February 22, 2018.

⁴⁹ *Id.*

308. As of 2014, Arouri, and his office, had authority over HAMAS military personnel in the West Bank. For example, in 2014, Arouri led a coup attempt in the West Bank against Palestinian Authority President Mahmoud Abbas.⁵⁰

309. In addition, Israel has apprehended Turkish citizens for laundering money from Turkey to the West Bank.

2. Foundation for Human Rights and Freedoms and Humanitarian Relief (“IHH”)

310. IHH was established in the mid-1990s as a Muslim Brotherhood fundraising organization in Turkey.

311. It has conducted much of its financial business with HAMAS through the Union of Good.

312. IHH is headed by Bülent Yildirim and was, prior to and during the period when the attacks at issue took place, well-known in Turkey as an organization that supports HAMAS.

313. During the relevant period, it maintained a branch in Gaza, headed by Muhammad Kaya.

314. In January 2008, an IHH delegation met with Ahmed Bahar, a senior HAMAS activist (long affiliated with *Al-Jam'iya Al-Islamiya*) who is acting chairman of HAMAS's council in the Gaza Strip. At the meeting, the delegation revealed the extent of the aid it had given HAMAS in the Gaza Strip during the preceding year and said that it intended to double the sum in the future.⁵¹

⁵⁰ Meir Amit Intelligence and Terrorism Information Center, “Turkey as a Terrorism-Sponsoring State,” December 24, 2019, available at: https://www.terrorism-info.org.il/app/uploads/2019/12/E_278_19.pdf.

⁵¹ According to the Meir Amit Intelligence and Terrorism Information Center, “IHH, which plays a central role in organizing the flotilla to the Gaza Strip, is a Turkish humanitarian relief fund with a radical Islamic anti-Western orientation. Besides its legitimate philanthropic activities, it supports radical Islamic networks, including Hamas, and

315. IHH was designated an unlawful organization by Israel's Ministry of Defense on May 26, 2008.⁵² In July 2008, IHH was banned by the Government of Israel as part of a list of 36 Union of Good member organizations "since they are part of Hamas's fundraising network."⁵³

316. The Israel Ministry of Foreign Affairs issued a statement on July 7, 2008, concerning the Israeli Defense Ministry designation of the Union of Good's 36 member organizations, describing it "as the broadest and most comprehensive ever issued in Israel."⁵⁴

317. The statement listed IHH as one of the organizations banned by Israel and stated that "this significant declaration will require the Israeli and world banking and financial systems to prepare accordingly and act with caution in order to avoid criminal actions or civil lawsuits by victims of terrorism"

318. In 2009, the Israel Security Agency (ISA) published a report⁵⁵ on the Union of Good that noted IHH's participation in that organization. It further noted that the Union of Good raises large sums of money for Hamas and that the "funds are being transferred to support families of Shahids and security prisoners, and educational institutions in which a systematic incitement against Israel is being conducted, with emphasis on encouraging acts of terror against Israel and Israeli citizens."

at least in the past, even global jihad elements." May 26, 2010, available at: https://www.terrorism-info.org.il/Data/pdf/PDF_10_126_2.pdf at 3.

⁵² Organizations or associations are designated as "unlawful" under Israeli law if they pose a security threat to the State of Israel. In the case of the Union of Good it was designated for being a part of HAMAS.

⁵³ On June 7, 2010, the *Houston Chronicle* published an *Associated Press* article on the flotilla incident (discussed below) noting that the ship "was organized by the IHH, a Turkish Islamic charity that Israel has outlawed because of its alleged ties to Hamas."

⁵⁴ <https://web.archive.org/web/20101030153658/http://www.mfa.gov.il/MFA/Government/Communiques/2008/Defense+Minister+signs+order+banning+Hamas-affiliated+charitable+organizations+7-Jul-2008.htm>.

⁵⁵ https://www.shabak.gov.il/SiteCollectionImages/english/TerrorInfo/coalition_en.pdf.

319. It also noted that Union of Good “funds are destined for Territories-based charity societies governed by Hamas, that make their way to families of terrorists, security prisoners and detainees who committed acts of terror against Israel.”

320. In 2009, IHH sent a representative named Ezat Shahin to open an IHH branch in the West Bank where he operated through known HAMAS institutions in Hebron and Nablus and funneled thousands of U.S. dollars to them.

321. Shahin was detained by the ISA in April 2010 and charged with funding terrorism and working with HAMAS, but he was soon deported to Turkey.⁵⁶

322. In January 2009, IHH head Bülent Yildirim went to the Gaza Strip to participate in a rally in honor of Turkish Prime Minister Erdoğan.

323. According to IHH’s own website, in January 2010, Yildirim went to the Gaza Strip again and met with HAMAS head Ismail Haniyeh. The website stated that “Haniyeh presented his guests with shawls decorated with the Palestinian flag and gave Yildirim a letter to be delivered to Turkish PM Recep Tayyip Erdoğan. Haniyeh said he invited Erdoğan to Gaza in his letter.”⁵⁷ As a June 23, 2010, Congressional Research Service (CRS) report noted, “IHH openly supports Hamas, which led Israel to outlaw it in 2008.”

324. The CRS report also reported on the context of the flotilla incident discussed immediately below: “Israel unilaterally withdrew from the Gaza Strip in 2005 but retained control of its borders. Hamas, a U.S. State Department-designated Foreign Terrorist Organization (FTO),

⁵⁶ Meir Amit Intelligence and Terrorism Information Center, “IHH, which plays a central role in organizing the flotilla to the Gaza Strip, is a Turkish humanitarian relief fund with a radical Islamic anti-Western orientation. Besides its legitimate philanthropic activities, it supports radical Islamic networks, including Hamas, and at least in the past, even global jihad elements.” May 26, 2010, available at: https://www.terrorism-info.org.il/Data/pdf/PDF_10_126_2.pdf at 4.

⁵⁷ <https://ihh.org.tr/en/news/haniyeh-thanks-palestine-convoy-736>.

won the 2006 Palestinian legislative elections and forcibly seized control of the territory in 2007. Israel imposed a tighter blockade of Gaza in response to Hamas's takeover and tightened the flow of goods and materials into Gaza after its military offensive against Hamas from December 2008 to January 2009. That offensive destroyed much of Gaza's infrastructure, but Israel has obstructed the delivery of rebuilding materials that it said could also be used to manufacture weapons and for other military purposes."

325. Between May 18 and May 27, 2010, various pro-Palestinian groups (including IHH) organized a "flotilla" of six ships with the stated intention of breaking the Israeli blockade of the Hamas-controlled Gaza Strip.⁵⁸

326. IHH purchased three ships that participated in the so-called "flotilla" to Gaza in 2010, including a passenger ship named the Mavi Marmara and the other Turkish ships known as "Gazze" and "Defney."⁵⁹

327. On May 29, 2010, the *Jerusalem Post* and *Associated Press* reported that HAMAS's Gaza "prime minister" Ismail Haniyeh told some 400 supporters after touring Gaza City's small fishing harbor: "If the ships reach Gaza, it's a victory for Gaza. If they are intercepted and terrorized by the Zionists, it will be a victory for Gaza, too, and they will move again in new ships to break the siege of Gaza."

⁵⁸ Israel permitted humanitarian aid shipments but insisted that all goods delivered to Gaza be inspected first in an Israeli port to prevent HAMAS from smuggling weapons and other materials used in furtherance of its terrorist capabilities.

⁵⁹ The IDF produced a detailed informational video about the flotilla in 2010 which can be found at <https://www.youtube.com/watch?v=TwoqGJJltPU>.

328. Video footage broadcast by *Al Jazeera* shows passengers on board the Mavi Marmara before the ship was intercepted by the Israeli navy, chanting “[Remember] Khaibar, Khaibar,⁶⁰ oh Jews! The army of Muhammad will return!”

329. One participant interviewed by *Al Jazeera* on board the ship stated: “Right now we face one of two happy endings: either Martyrdom or reaching Gaza.”⁶¹

330. As it approached the Gaza coast, the Israeli navy contacted the ships, including IHH’s Mavi Marmara, advising the ship in English:

Mavi Marmara, you are approaching an area of hostilities which is under a naval blockade. The Israeli government supports delivery of humanitarian supplies to the civilian population in the Gaza Strip and invites you to enter the Ashdod Port after which you can return to your home ports aboard the vessels on which you arrived.

331. The response from IHH’s Mavi Marmara (also in English) included:

“Shut the fuck up. Go back to Auschwitz.”

“We’re helping Arabs go against the U.S. Don’t forget 9/11 guys.”⁶²

332. On May 31, 2010, when the ships were in international waters between 80 and 100 miles from the Israeli coast, Israeli navy zodiac boats intercepted them and naval commandos took over five ships, reportedly without incident. However, the Mavi Marmara resisted and was boarded by Israeli commandos. IHH supporters led by IHH leader Bülent Yildirim violently attacked the commandos with knives, axes, chains, and clubs. Three wounded Israeli commandos were dragged below deck and beaten before the Israelis responded with lethal force.

⁶⁰ This is presumably a reference to Khaibar, the last Jewish village defeated by Muhammad’s army in 628.

⁶¹ <https://www.youtube.com/watch?v=b3L7OV414Kk&t=13s>.

⁶² <https://www.youtube.com/watch?v=TwoqGJJltPU>.

333. On June 3, 2010, *The Times* (London) reported that “[a]bout a hundred of the passengers were carrying wads of \$10,000 on them - a total of about \$1 million; money the authorities say was bound for Hamas, which controls Gaza.”

334. Also on June 3, 2010, the *Associate Press* published an article that was published in newspapers ranging from the *Boston Globe* and *Miami Herald* to the *Idaho Stateman*, detailing IHH’s alleged ties to Al Qaeda.

335. On June 3, 2010, *The Wall Street Journal* published an editorial concerning the flotilla incident:

Yet the more facts that come to light about the flotilla, its passengers and their sponsors, the more it seems clear that Prime Minister Recep Tayyip Erdogan’s government, far more so than Israel’s, must be held to account for Monday’s violent episode. Maybe that’s something the U.N. Human Rights Council, which on Wednesday condemned Israel for an “outrageous attack” and voted 32-3 to set up a “fact-finding mission” (with the U.S. in opposition), might get around to investigating, though we wouldn’t hold our breath.

The Turkish accounting should begin with a full explanation from the government of its relationship with the IHH, an Istanbul-based Islamic “charity” that purchased three of the six boats used in the flotilla from the city government, sent hundreds of its activists along with it, and reportedly has ties to Turkey’s ruling Islamist AKP Party.

The IHH-the Turkish acronym for the “Foundation for Human Rights and Freedoms and Humanitarian Relief”-has widely reported links to Hamas, the terrorist group that runs Gaza and most directly threatens Israel. Moreover, in the 2001 Seattle trial of Ahmed Ressaam, the would-be Millennium bomber, French counterterrorism magistrate Jean-Louis Bruguiere testified that the IHH had played an “important role” in Ressaam’s plot to bomb LAX airport on New Year’s Day, 2000, and that there was “a rather close relation” between the bomber and the Turkish group.

“The IHH is an NGO,” said Judge Bruguiere, “but it was also a type of cover-up . . . in order to obtain forged documents and to obtain different forms of infiltration for Mujahideen in combat.” In an interview this week with the Associated Press, the judge said he did not know whether IHH was still in the terror business, but he added that “they were basically helping al Qaeda when [Osama] bin Laden started to want to target U.S. soil.”

In a 2006 study for the Danish Institute for International Studies, terrorism analyst Evan Kohlmann noted that Turkey had known of the IHH links to terrorism for at least a decade.

“Turkish authorities began their own domestic criminal investigation of IHH as early as December 1997, when sources revealed that leaders of IHH were purchasing automatic weapons from other regional Islamic militant groups. IHH’s bureau in Istanbul was thoroughly searched, and its local officers were arrested. Security forces uncovered an array of disturbing items, including firearms, explosives, bomb-making instructions, and a ‘jihad flag.’ After analyzing seized IHH documents, Turkish authorities concluded that ‘detained members of IHH were going to fight in Afghanistan, Bosnia and Chechnya.’ . . .

“An examination of IHH’s phone records in Istanbul showed repeated telephone calls in 1996 to an Al-Qaeda guesthouse in Milan and various Algerian terrorist operatives active elsewhere in Europe—including the notorious Abu el-Ma’ali, who has been subsequently termed by U.S. officials as a ‘junior Osama Bin Laden,’” the Danish study said.

No wonder that Israel was not prepared to let this flotilla break its blockade of Gaza. As Prime Minister Benjamin Netanyahu said Wednesday, “this was no Love Boat,” and Israel is entirely within its rights to prevent Hamas from linking with groups suspected of supplying arms and money to terrorists. Israel had also gone out of its way to give Turkey fair warning, with Al Jazeera reporting that the Israeli government “held a meeting with ambassadors of the European countries participating in the convoy and Turkey to tell them it would not allow the Freedom Flotilla ships to dock at Gaza.”

Yet knowing all this, the Turkish government made no effort to prevent the flotilla from setting sail. The government also seems unembarrassed that the IHH belongs to a Saudi-based umbrella group of Islamic charities known as “The Union of the Good,” which the U.S. Treasury designated a terrorist organization in November 2008. On the contrary, Mr. Erdogan has been outspoken in his calls for the world to recognize Hamas, even as his relations with the more moderate Palestinian president Mahmoud Abbas have been notably cool.

336. On June 4, 2010, *The Wall Street Journal* reported on the “flotilla incident.” The article quoted State Department spokesman P.J. Crowley’s June 2, 2010, statement: “We know

that IHH representatives have met with senior Hamas officials in Turkey, Syria and Gaza over the past three years. That is obviously of great concern to us.”

337. On June 5, 2010, *The Washington Post* published an editorial that stated:

On the opposite page today, Turkey’s ambassador to the United States makes the argument that Israel had no cause to clash with the “European lawmakers, journalists, business leaders and an 86-year-old Holocaust survivor” who were aboard the flotilla. But there was no fighting with those people, or with five of the six boats in the fleet. *All* of the violence occurred aboard the Turkish ferry Mavi Marmara, and *all* of those who were killed were members or volunteers for the Islamic “charity” that owned the ship, the Humanitarian Relief Foundation (IHH).

The relationship between Mr. Erdogan’s government and the IHH ought to be one focus of any international investigation into the incident. The foundation is a member of the “Union of Good,” a coalition that was formed to provide material support to Hamas and that was named as a terrorist entity by the United States in 2008. In discussions before the flotilla departed, Turkish officials turned down offers from both Israel and Egypt to deliver the “humanitarian” supplies on the boats to Gaza and insisted Ankara could not control what it described as a nongovernmental organization.

Yet the IHH has certainly done its best to promote Mr. Erdogan. “All the peoples of the Islamic world would want a leader like Recep Tayyip Erdogan,” IHH chief Bulent Yildirim proclaimed at a Hamas rally in Gaza last year. And Mr. Erdogan seems to share that notion: In the days since an incident that the IHH admits it provoked, the Turkish prime minister has done his best to compete with Iran’s Mahmoud Ahmadinejad and Hezbollah’s Hasan Nasrallah in attacking the Jewish state.

338. On June 5, 2010, *Agence France Presse* reported that IHH organized a rally in Istanbul attended by approximately 10,000 demonstrators chanting “Murderer Israel!” “Allahu Akbar!” (“God is great” in English) and “A tooth for a tooth, an eye for an eye, revenge, revenge!”

339. Also on June 5, 2010, *The Gazette* (Montreal) reported that “Israel says IHH supports Hamas and other Islamist radical groups. Although IHH is not classified as a terror

organization by Israel, it is outlawed there and has been on an Israeli Defence Ministry blacklist for years.”⁶³

340. A June 6, 2010, article in *The Los Angeles Times* titled “THE WORLD; Islamic charity defends its actions; Turkey’s IHH is one of several conservative groups with a freer hand under Erdogan’s rule” reported that IHH “is not on the State Department’s list of designated foreign terrorist organizations, but it belongs to the Union of Good, an outlawed organization that funds Hamas, the militant group that controls Gaza.”

341. Turkey was outraged by the confrontation aboard the Mavi Marmara and called for an emergency meeting of the U.N. Security Council—on which it held a non-permanent seat—that Turkish Foreign Minister Davutoglu attended. At the Security Council session, Davutoglu called Israel’s actions “banditry and piracy ... murder conducted by a state ... and barbarism.”⁶⁴

342. On June 16, 2010, *Agence France Presse* reported that “Israel considers the Turkish Muslim charity IHH involved in organising a flotilla of aid ships to Gaza last month as a ‘terrorist organization.’”

343. On June 22, 2010, the Meir Amit Intelligence and Terrorism Information Center in Israel published a profile of IHH leader Bülent Yildirim⁶⁵ that included a series of photographs of his various meeting with HAMAS leaders from various on-line publications.

344. The first was of a January meeting in Damascus with senior HAMAS leader Khalid Mishal:

⁶³ On June 2, 2010, the *Jerusalem Post* quoted an Israeli counter-terrorism expert who asserted that: “IHH supports Hamas materially and its strategy of armed struggle, and [was] outlawed by Israel in 2008.”

⁶⁴ Carol Migdalovitz, “Incident, and Its Aftermath: Israel’s Blockade of Gaza, the Mavi Marmara,” Congressional Research Service, June 23, 2010.

⁶⁵ <https://www.terrorism-info.org.il/en/18083/>.



Bülent Yildirim (left) and Khaled Mashaal
(www.spittoon.org, January 2009).

345. Another image was from Yildirim's visit to the Gaza Strip in January 2010 where he met with HAMAS leader Ismail Haniyeh:



Bülent Yildirim and de facto Hamas administration head Ismail Haniya
(hurrypharry.org website, January 7, 2010).

346. On December 20, 2010, IHH's website posted photographs of a ceremony featuring signs that included "Israel, go to hell":



And another featuring an image of HAMAS founder and spiritual leader, Sheikh Ahmed Yassin:



347. On December 26, 2010, *Yeni Şafak* (“New Dawn”), a Turkish daily newspaper, reported that IHH held a reception in the port of Istanbul for the Mavi Marmara, which had returned from being repaired. IHH’s leader, Bülent Yildirim, announced that IHH would struggle against “the filth that is Israel” and called for “release from the burden that Israel puts on the back of the Middle East.” He also criticized the leaders of the Islamic countries who, “if they wanted to, could wipe Zionism off the face of the earth.”

348. On January 3, 2012, *The Boston Globe* reported that HAMAS leader Ismail Haniyeh visited Istanbul and made a public visit to the Mavi Marmara in “a show of solidarity with the Islamic aid group IHH.”⁶⁶

349. IHH’s own website reported on the event and featured a photograph of Haniyeh (center) with IHH officials.⁶⁷

⁶⁶ The Turkish newspaper *Today’s Zaman* website also reported on the visit, reporting that Haniyeh “paid a visit to the Humanitarian Aid Foundation (IHH)” and “held a press conference with IHH Chairman Bulent Yildirim”

⁶⁷ <https://ihh.org.tr/en/news/gazan-prime-minister-haniyeh-mavi-marmara-won-a-victory-for-palestine-1226>.



350. On December 2, 2012, the Israeli Government declared IHH a Terrorist Organization pursuant to Article 8 of the 1948 Prevention of Terrorism Ordinance.

351. On January 15, 2014, the Turkish daily newspaper *Hurriyet* reported that local Turkish police raided Humanitarian Relief Foundation (IHH) branches in six provinces for suspected support to al Qaeda and that two anti-terror police unit chiefs whose teams carried out the raids were subsequently dismissed.⁶⁸

352. In February 2014, the Washington-based Foundation for Defense of Democracies put out a report titled “Terrorism Finance in Turkey: A Growing Concern.”⁶⁹ The report was published in English and Turkish, and noted that:

⁶⁸ *Hurriyet*, “Turkish police detain 28 in anti-al-Qaeda op, raid on IHH office,” January 15, 2014, available at: <https://www.hurriyetdailynews.com/turkish-police-detain-28-in-anti-al-qaeda-op-raid-on-ihh-office-61000>.

⁶⁹ <https://www.fdd.org/analysis/2014/02/20/terrorism-finance-in-turkey-a-growing-concern/>.

Arguably, Erdoğan's most strident effort in support of Hamas was his government's backing of the ill-fated 2010 flotilla, which attempted to breach Israel's blockade of the Gaza Strip, but led to violence on the high seas.⁹⁵ The NGO responsible for the flotilla, the İHH, has been accused of raising funds that benefit Hamas, but it may not be alone. According to one leaked State Department cable, a PLO official warned U.S. diplomats in 2009 of a "growing number of questionable NGO conferences in support of Palestine held in Istanbul" that were being used for nefarious purposes. The U.S. embassy in Ankara claims to have "officially and unofficially raised concerns with the [Government of Turkey] that the NGO conferences are being used for Hamas fundraising."⁹⁶

353. The Turkish media described the report and its conclusion that "Turkey plays a key role in the financing of major terrorist groups."⁷⁰

354. On May 28, 2015, *The New York Times* reported on increased antisemitism in Turkey and quoted the Twitter account of İHH leader, Bülent Yıldırım, stating that: "If the Turkish Jewish community does not put an end to Israel's actions, very bad things happen."

G. The Islamic University of Gaza ("IUG") Was a Core HAMAS Institution in Gaza

355. At HAMAS's secret Philadelphia Conference in 1993 described above, the FBI's wiretaps caught the words of Dr. Mu'in Shabib, a HAMAS operative, describing the close connection between HAMAS and several of its core institutions in Gaza:

The principal organization **known to be affiliated with us is the Islamic University of the Gaza** region, and we will speak later regarding solutions. We mention it because it is a real wound in our heart. Number two, the Islamic Complex, which was founded in 1973 and received a license in

⁷⁰ <https://www.cumhuriyet.com.tr/haber/cihatin-finansoru-46349>.

1976. The activities of the Complex were then more comprehensive. The Islamic Society, which was founded in 1976. The *al-Salah* Society in the region (Gaza), which supervises the sacrifices and other matters. The Young Women's Muslim Association and the *al-Wafa* Society for the Care of the Elderly, the orphanage, a number of charity committees, a number of social service institutions which received new licenses, such as the Institution for Law and Justice, which cares for the prisoners. (Emphasis added.)

356. The IUG was established in 1978 after the Egyptian government retaliated against the PLO for its criticism of Egypt's peace treaty with Israel and blocked Gazan students from studying in Egypt.

357. Sheikh Yassin used the controversy to orchestrate the violent removal of the university's PLO-affiliated administration and replacement of them with *Al-Mujama Al-Islami* members. It took five years, but Yassin ultimately gained control, and the university was split into two entities: Al-Azhar University, which the PLO continued to control, and the IUG, which came under the control of *Al-Mujama Al-Islami* and Yassin.⁷¹

358. Since the 1990s, the IUG has been identified exclusively with HAMAS and has served as a principal source for HAMAS recruitment into the terrorist organization's ranks in Gaza, including the ranks of the Qassam Brigades.

359. According to one of HAMAS's official websites, senior HAMAS figure Dr. Isma'il Radwan, who served as dean of students at the IUG, called the university "the main stage for preparing, recruiting and directing the faithful among the young...the IUG has sacrificed both men and woman shaheeds [martyrs]."⁷²

⁷¹ See, e.g., David Hirst, "Sheikh Ahmed Yassin," *The Guardian*, March 22, 2004 (Yassin "founded al-Mujamma' al-Islami, the Islamic Centre, which soon came to control virtually all religious organisations - including the Islamic University - in Gaza"), available at: <https://www.theguardian.com/news/2004/mar/23/guardianobituaries.israel>.

⁷² Palestine-info website, as of March 5, 2020.

360. The same HAMAS website quoted Radwan in March 2008 as stating in a speech that “the IUG is the main stage for the preparation, recruitment and direction of faithful young [students]...the IUG has sacrificed shaheeds [martyrs] of both genders, and it is working hard to raise a new generation that believes in Allah.”

361. Since the 1990s, the university’s board, staff, and lecturers significantly overlapped with HAMAS’s leadership in the Gaza Strip and the boards of directors of *Al-Mujama Al-Islami* and the Islamic Society of Gaza (*Al-Jam’iya Al-Islamiya*) – both discussed in detail below.

362. Many of the university’s students were recruited by the Qassam Brigades, and committed suicide attacks during the Second Intifada, among them Nafedh Ayesh Mustafa al-Nadher, who blew himself up near a bus heading to Kfar Darom on July 9, 2001, thus “killing many of the sons of monkeys and pigs, the cowardly Zionist infidels,” according to the Qassam Brigades website.

363. The Qassam Brigades also used the IUG’s facilities for its terrorist purposes, such as storing weapons in it; using the university’s laboratories for developing and manufacturing weapons; and holding meetings of the Qassam Brigades’ commanders and members in it. This was true both before and during the period relevant to this case.

364. On March 8, 1994, the *South Florida Sun-Sentinel* published an article titled “ Hamas Official Vows to Block Mideast Peace,” reporting:

Soft-spoken **Dr. Mahamoud Al-Zahar trains medical students and nurses by day and runs a terror organization by night.**

He just smiles when asked whether he actually does the latter. He lets others, Palestinians and Israelis, confirm that he is a top operative of Hamas, the vicious military arm of the Islamic Brotherhood.

With a kind smile, Al-Zahar goes on grading a batch of exams from nursing students. **Five pistol shots ring out outside, somewhere on the campus of**

the Islamic University of Gaza, where he is dean of the School of Nursing.

“Think nothing of it,” he said. He gets up to point out several bullet holes in the glass partitions of an office nearby. “These shots were fired by the (Israeli) soldiers. One has to protect himself.”

From his demeanor, it would be unlikely to think of Al-Zahar as anything but an excellent surgeon and former chairman of the Arab Medical Association.

But in the files of Shin Bet, the Israeli secret service, Al-Zahar is classified as one of the ranking men of Hamas, which is fighting a war of terror against Israel. (Emphasis added.)

365. A May 3, 1994, article in *The Los Angeles Times* referred to the Islamic University of Gaza as “a Hamas stronghold.”

366. A November 8, 1994, article in *The New York Times* reported:

Hebron has long been a bastion of Islamic fundamentalism. But the surge in Palestinian Islamic militancy has now become widespread in the West Bank and the Gaza Strip. Hamas, as the Islamic Resistance Movement is known in Arabic, is well entrenched, amply financed and thoroughly disciplined.

Support for the group permeates the Palestinian landscape from the courtyards of the militant Islamic University of Gaza to the little villages of the West Bank to the Arab restaurants of East Jerusalem, where wealthy Palestinian merchants and businessmen meet. (Emphasis added.)

367. The *Miami Herald* reported on November 27, 1994, on its front page:

Outside the white-walled **Islamic University of Gaza, a center of Hamas support** with a student body of about 5,000, a 19-year-old physics major said in perfect English that the peace process will not liberate Palestinians.

“The Hamas people don’t like to kill people,” said the student, who identified himself only as Mos. “But I think Jews are our enemy, not our friends. They can’t be our friends. They hate us. We hate them. We want all of Palestine, not just Gaza Strip.” (Emphasis added.)

368. On December 18, 1995, *Agence France Presse* reported:

Islamic Resistance Movement (HAMAS) militants put on a play Monday showing a Palestinian killing a Jew, on the day their movement began reconciliation talks with the PLO, witnesses said.

The play was shown at the **Islamic university of Gaza City** in front of 1,000 students crying “Allah Akbar” (God is great), the witnesses said.

A masked Palestinian representing HAMAS used a dagger and a pistol to kill the Jewish character, identified by his kippa hat, as students chanted: “We will throw the sons of the Zionists into the dustbin of Palestine.”

The play marked the final day of a HAMAS campaign for student council elections at the university which take place on Tuesday. (Emphasis added.)

369. On March 6, 1996,⁷³ the *Mideast Mirror* reported that:

[O]n Wednesday, **Arafat sent his police into the Islamic University of Gaza, a stronghold of Hamas, in a six-hour search for weapons and wanted activists.**

Arafat, under intense Israeli and U.S. pressure to crush Hamas, told reporters in Gaza he was taking “very big and tough” measures against the group.

A Reuters correspondent who visited the university in Gaza after the swoop said police had shot open or broken doors and ripped asbestos roofs off several structures during the search.

“They were asking about weapons and wanted Hamas activists,” one of the guards said.

No students were at the school during the night raid by 200 policemen and none came to class later.

The Islamic University of Gaza condemned the raid, during which it said a number of guards were arrested and facilities damaged. In a statement it urged Arafat to stop such actions. (Emphasis added.)

370. On March 10, 1996, *The Los Angeles Times* reported:

In the past week, Arafat has rounded up most of Hamas’ political leaders, along with about 600 suspected Hamas activists detained since the wave of bombings began Feb. 25.

⁷³ The following day the *Toronto Star* reported on the raid: “A force of 200 police broke down the doors of the Islamic University of Gaza, a Hamas stronghold that had previously been immune from security sweeps.”

The latest, Ibrahim Yazouri, one of seven Hamas founders and a pharmacist who heads the Islamic Community Center in Gaza, was arrested at his home Friday night, his family confirmed Saturday.

Palestinian security officials said they also arrested Ahmed Bahar, another co-founder of Hamas and a professor of religion at the Islamic University of Gaza, but relatives denied it.

371. In a March 13, 1996, Op-Ed in *Newsday*, Gary E. Rubin, then executive director of Americans for Peace Now wrote: “The Palestinian Authority must prove it can control its own territory and has already taken several significant steps. Yasser Arafat has denounced the terrorists publicly and in Arabic. He has staged antiterror demonstrations in Gaza and the West Bank. His security forces have raided Hamas institutions - including the Islamic University of Gaza - that were misused to support terrorism, and have arrested over 600 Hamas supporters, including military wing leaders.”

372. An April 8, 1996, article in the *Dallas Morning News* about the Holy Land Foundation titled “Paper trail leads to Hamas; 2 organizations based in Richardson deny they promote agenda of anti-Israel terrorists,” noted that “[i]n Gaza and the West Bank, Middle East experts say, Hamas is widely regarded as one of the largest and most efficient providers of social services. The Holy Land Foundation helps support some of those Hamas institutions. The Islamic University of Gaza is listed by the foundation as one recipient. It is known as a Hamas bastion”

373. A December 11, 1996, article published by *United Press International* reported:

More than a thousand supporters of the extremist Islamic Resistance Movement, Hamas, called Wednesday for a renewal of attacks on Israel at ceremonies marking the movement’s ninth anniversary. During the gathering at the Islamic University of Gaza, carried out without opposition by Yasser Arafat’s governing Palestinian Authority, students burned an Israeli flag, chanted “revenge...revenge” and called for the resumption of the attacks against Israel.

The students also waved pictures of the movement's ailing spiritual leader Sheikh Ahmed Yassin, who is serving a life sentence after he was convicted in 1989 for giving orders to kidnap and kill two Israeli soldiers. (Emphasis added.)

374. On October 23, 1997, *The New York Times* reported that Yassin "was instrumental in wresting in 1981 [the Islamic University of Gaza] from the control of Arafat's Fatah movement," which, "[i]n subsequent years ... was closed down by Israel, and more recently it was briefly shut down by Arafat."⁷⁴

375. That article reported on a "militant and impassioned speech" Yassin gave at the IUG, vowing "not to abandon holy war against Israel": "'A nation that does not wage jihad cannot exist,' the sheik proclaimed to 3,000 exultant students at Islamic University in Gaza City, using the Islamic term for a holy struggle. 'God is with us and Satan with them. We will fight and fight until we regain our rights and our homeland, God willing.'"

376. On December 15, 1997, the German news service *Deutsche Presse-Agentur* reported on that event as well:

Hamas activists Monday called for a resumption of suicide attacks on Israel, sources in Gaza said.

Hundreds of Hamas and Islamic Jihad supporters made the call at a student council election rally at the Islamic University of Gaza.

Dozens of students at the university burned an effigy of Israeli Prime Minister Benjamin Netanyahu, calling him a war criminal, and calling on Hamas to "fight the enemies of Allah," a reference to the Israelis. The activists also burnt Israeli and U.S. flags.

The election campaign also featured banners calling for a renewal of suicide bombings against Israel and posters depicting a blown-up Israeli bus.

⁷⁴ Serge Schmemmann, "Sheik Vows to Continue the Hamas Holy War Against Israel," *The New York Times*, October 23, 1997, available at: <https://archive.nytimes.com/www.nytimes.com/library/world/mideast/102397sheik-yassin.html>.

“Jewish settlements are cancer in the Palestinians’ body,” read one poster. “The only way to eliminate it is by blood and martyrdom.”

Dozens of Israelis have been killed in suicide attacks perpetrated by the Moslem fundamentalist Hamas and Islamic Jihad in an effort to sabotage the peace process.

Supporters of fundamentalist Islamic movements have won every annual election to the Islamic University’s student council since its establishment in 1979. The last suicide attack occurred in early September in a Jerusalem pedestrian mall. (Emphasis added.)

377. On April 22, 1998, *Deutsche Presse-Agentur* reported:

Islamic opposition leaders in the Gaza Strip called on the Palestinian police to release more than 300 prisoners from the Palestinian prisons.

Hamas leader Ismael Haneya told about 2,000 students in a rally at the Islamic University of Gaza that the arrests will “never dissuade Hamas from continuing its Jihad (holy war) against Israel.”

378. A March 28, 2000, news item published by *United Press International* reported: “Palestinian Police forces on Monday broke into the Islamic University of Gaza looking for what they called ‘incitement materials’, Palestinian sources said Tuesday. The Islamic University is known as a supporter of the Islamic resistance movement Hamas.”

379. A June 5, 2000, article in the *Jerusalem Report* (written by *The New York Times* correspondent Isabel Kershner) offered a detailed comparison between Al-Azhar University in Gaza and its rival, the Islamic University of Gaza:

The two universities of Gaza - one a Fatah institution, the other a bastion of Hamas - sit side by side but are worlds apart.

ZA’ED HASSANAT STRUTTED through the campus of Al-Azhar University in Gaza a day before the May 8 student council elections, relaxed in the knowledge that victory was only 24 hours away. Indeed, by the end of vote-counting the next evening, Hassanat’s Shabibah bloc, the youth wing of Yasser Arafat’s Fatah organization, had garnered 88 percent of the vote and Hassanat was safely installed as the new president of the student council.

The fact that Hassanat faced no serious opposition is easily explained: Al-Azhar is a “Fatah” university, founded in 1991 on direct orders from Arafat. “It was a political decision to establish a national Palestinian university,” recalls Mazen Hamdan, director of Al-Azhar’s president’s office. “The order came from Tunis and we were obliged to respond.”

The idea was to set up a counter to the Strip’s only other university, **the Islamic University of Gaza (IUG), one of Hamas’s leading institutions, with prominent members of Hamas’s local political leadership, such as Dr. Mahmud Zahar and Dr. Abd al-Aziz Rantisi, on its staff.** In student council elections at IUG in early April, the pro-Hamas bloc won 74 percent of the vote.

The campuses sit side-by-side in downtown Gaza, with only an old stone wall between them. Yet despite the proximity, the two universities are living in two very different realities. While the Shabibah-dominated Al-Azhar basks in the approval of the Palestinian Authority, the Hamas students and staff next door have fallen uncharacteristically silent, afraid of being arrested at every turn.

Student relations aren’t always neighborly. Both campuses were closed down for a week shortly before the Al-Azhar elections in the wake of serious rioting between the Shabibah and Hamas students that left around 40 injured and the dividing wall demolished.

There are different versions of how the disturbances started, but it seems that the trouble began in the aftermath of the student elections at IUG. Members of the Shabibah contingent within IUG, who make up over 20 percent of the student body, had pasted posters of Arafat around the campus. The removal of the posters by the Hamas-dominated student council infuriated the Shabibah. The IUG conflict quickly spread to the next-door campus and stones started flying between the two. Al-Azhar’s Hassanat claims he saw Islamist students running at the Shabibah with iron bars, shouting “Allahu Akbar, let me kill one and go to paradise.” Meanwhile, the Shabibah from both campuses staged a sit-in on a disputed soccer ground that belongs to IUG, but to which the Al-Azhar students are laying claim.

According to eyewitnesses, the Palestinian Authority police only arrived two hours after the mayhem started. And when they finally showed up, they invaded the IUG campus in full riot gear, swinging clubs, while a few plainclothes members of the security forces went to deal quietly with the Shabibah on the soccer field and at the university next door. That, seasoned

Gazan observers say, is because the police and Al-Azhar students are not just sitting cozily on the same side: with so many of the Shabibah activists on the PA security services' payroll, they are almost indivisible.

To a large degree, the student clash and its aftermath reflect the wider political atmosphere in Gaza. Until a few years ago Hamas activists in the Strip freely spouted against the Palestinian Authority police, openly accusing them of collaborating with the Israeli enemy. Now, administrators and Islamist students at IUG sit tight-lipped, refusing to make any pronouncements for fear of arrest. (Emphasis added.)

380. An October 9, 2001, article by Lee Hockstader of *The Washington Post* appeared in the *Pittsburgh Post-Gazette*. It reported that:

Palestinian officials were embarrassed by scenes of celebration that broke out in some neighborhoods immediately after the Sept. 11 attacks in the United States. After Sunday's strikes on Afghanistan, officials of the Palestinian Authority predicted confidently there would be no demonstrations against the United States or in sympathy with bin Laden. Arafat allied himself with Iraq during the 1991 Persian Gulf War and is determined not to isolate his movement that way again.

But at 10 a.m., about **1,000 students spilled out from the gates of the Islamic University of Gaza** and began marching west on 30th Street, a major Gaza City thoroughfare, toward the offices of the Palestinian Legislative Council. Some displayed posters of bin Laden and chanted anti-American slogans.

Islamic University, with about 14,000 students, is a stronghold of Hamas, the Islamic Resistance Movement, a radical group that has carried out a string of suicide bombings against Israelis. The Islamic students were joined by students from neighboring Al-Azhar University, which is affiliated with Arafat's mainstream Fatah movement.

Hundreds of Palestinian riot police blocked the march, and the students began pelting them with stones and bottles. The police drove them back several hundred yards into the walled Islamic University campus. Around 11 a.m., as the students continued to hurl rocks and bottles at the police from inside the gated campus, police opened fire with military rifles. (Emphasis added.)

381. The unclassified October 19, 2001 “Expert Opinion” issued by the Israeli Military’s Intelligence Directorate noted that “‘The Islamic University’ in Gaza is a HAMAS stronghold and is in fact run by the movement.”

382. The June 30, 2002, research paper issued by Israel’s Coordinator of Government Activities in the Territories (COGAT) found that a “considerable number of suicide attackers studied at the Islamic University in Gaza and participated in Islamic student activity there.”

383. On June 29, 2003, the *Toronto Star* reported:

... al-Mujamma al Islami, or the Islamic Bloc, established 30 years ago by spiritual leader Yassin, operates projects ranging from kindergartens to health clinics. In the Islamic tradition of giving alms, even the sons and daughters of Palestinian collaborators share in the Bloc’s bounty.

Also associated with the Hamas social-welfare apparatus is the Islamic Society, el-Salah benevolent society, al-Arqam School and the **Islamic University of Gaza**.

A visit to Islamic University of Gaza last week was a lesson in the tension surrounding Hamas. Like virtually all the related institutions, IUG has drawn a veil upon itself, with administrators refusing to meet with foreign media.

With a student body of more than 10,000, IUG has gained respect for its schools of engineering, nursing, math and sciences, as well as for religious studies.

In its employ are three of the five main leaders of the Hamas political wing in Gaza, including ultra-hard-line professor Abdel Aziz Rantisi, a pediatrician by training and a target of a botched Israeli assassination attempt three weeks ago. (Emphasis added.)

384. On March 29, 2004, *The New York Times* reported on a speech HAMAS and IUG founder Dr. Rantisi gave at the school:

“We knew that Bush is the enemy of God, the enemy of Islam and Muslims,” Dr. Rantisi told several thousand Hamas supporters attending a rally at the Islamic University in Gaza City. “America declared war against God. Sharon

declared war against God, and God declared war against America, Bush and Sharon.”⁷⁵

385. On February 12, 2005, the *Baltimore Sun* reported:

Over the past 28 years, the Islamic University has become a measure of the growth and strength of Islam among Palestinians, and of the growth and strength of Hamas, the militant Islamic group. Officially the university is an independent Palestinian institution dedicated to teaching and research. But its links to Hamas, now the dominant political force in Gaza, seem undeniable.

“Hamas built this institution,” says Jameela El Shanty, a professor of education at the school and a newly elected Hamas member of the Palestinian parliament. “The university presents the philosophy of Hamas. If you want to know what Hamas is, you can know it from the university.”

386. In fact, in 2007 the Arabic newspaper *al-Mustaqbal* described the IUG as “the main stronghold of Hamas in Gaza.”

387. On February 24, 2007, *The International Herald Tribune* published an article titled “Gaza’s universities no longer outside fray.” It reported on clashes between Fatah loyalists at Al Azhar University and HAMAS loyalists at the IUG:

Many Palestinians never imagined that the violence on their streets would have spread to these institutions, sources of great pride to all Palestinians. But as infighting spun out of control at the beginning of this month, it consumed the major universities that represent one of the few hopes of a better life in tiny, impoverished Gaza.

Islamic University is closely identified with Hamas, one of the main Palestinian factions, while Al Azhar is a stronghold for its main rival, Fatah. For three days this month, from Feb. 1 to Feb. 3, the campuses became a battleground for gunmen from the two factions while the universities were on winter break and largely deserted.

“I never thought this could happen,” said Sheikh Ahmed Bahar, a Hamas leader and the deputy speaker of the Palestinian Parliament, who toured the Islamic University on Sunday. “When we saw the university burning, it was like our hearts were burning because this institution is very dear to us.”

⁷⁵ Greg Myre, “Hamas Leader Calls Bush Foe Of Muslims,” *The New York Times*, March 29, 2004, available at: <https://www.nytimes.com/2004/03/29/world/hamas-leader-calls-bush-foe-of-muslims.html>.

When the fighting was at its worst, members of the Presidential Guard, who are linked to Fatah and are responsible for protecting the Palestinian president, Mahmoud Abbas, stormed onto the Islamic University campus on the night of Feb. 1 and remained the following day. They said that Hamas fighters were shooting from the buildings and storing weapons at the university.

“The Islamic University was used as a base for Hamas gunmen,” said Maher Makdad, a Fatah spokesman. “We didn’t attack the university because it was a university, but because gunmen were firing from there.”

388. On May 19, 2007, *The New York Times* reported that “Israel struck more Hamas targets on Friday while Fatah forces mortared Hamas’s Islamic University and exchanged gunfire with fighters inside.”

389. *The New York Times* article further reported that “Hamas fighters have been inside Islamic University for days, trying to protect it from another Fatah attack like one last year that badly damaged the school, **one of the prime means for Hamas to convert Palestinians to its Islamist cause**. Hamas guards at the university have been killed by snipers in previous days, and on Friday, Fatah fighters fired rocket-propelled grenades and mortars at the school. Fatah said that Hamas fighters were using the university as a base for attacks on nearby police stations.” (Emphasis added.)

390. On May 29, 2007, the United States Department of Justice identified the Islamic University of Gaza as one of the entities that were part of the HAMAS social infrastructure in the list of unindicted co-conspirators in the criminal case of the *United States v. Holy Land Foundation*, No. 3:04-cr-000240-L (N.D. Tex.).⁷⁶

⁷⁶ On August 16, 2007, *The New York Times* reported that two prominent Muslim American organizations sent a letter to Attorney General Alberto R. Gonzales objecting to the list, and the article noted that “[m]any organizations named are foreign ...”

391. On August 10, 2008, the *New York Post* reported that three Fulbright scholarships were awarded to individuals linked to the Islamic University of Gaza:

But the Israelis remained adamant about the other three, all of whom were either students or teaching assistants at the Islamic University of Gaza - a notorious Hamas stronghold.

Now State has taken a closer look, and guess what? Washington has notified all three that “information has come to light that you may be inadmissible to the United States” - and their visas once again have been revoked.

No one’s saying precisely what that information is, but we can well imagine.

Islamic University, after all, is where Gilad Shalit, an Israeli soldier whose kidnapping by Hamas helped fuel the 2006 Lebanon war, initially was held, according to Israel’s largest newspaper. The paper also reported that a raid last year by Fatah forces at the university found a cache of rocket launchers and rifles.

392. As stated above, the Qassam Brigades has long used the IUG’s facilities for its terrorist activities, such as storing weapons on its campus, using its laboratories to develop and manufacture weapons, and using its buildings to hold secret meetings of the Qassam Brigades’ commanders and operatives.⁷⁷

393. In March 2010, Israel’s Meir Amit Intelligence and Terrorism Information Center stated that:

The Izz al-Din al-Qassam Brigades hold a wide variety of military-terrorist activities within the university walls. They store weapons, recruit operatives (including suicide bombers), and use it to hold secret meetings and military training and instruction. Using the university laboratories and their readily available chemicals and equipment, the members of the science faculty

⁷⁷ For example, the long-time head of the Qassam Brigades, Mohammed Deif, “studied science at the Islamic University of Gaza, where he deepened his involvement with the Islamist movement.” Sudarsan Raghavan, *The Washington Post*, “Mohammed Deif, the shadowy figure who heads Hamas’s military wing,” August 2, 2014. Nicknamed “the cat with nine lives” by Palestinians because he survived several assassination attempts, Deif is cited as a “role model for us” by a HAMAS security detail employee. But to Israelis, the elusive HAMAS figure behind Gaza’s war strategy is enemy No. 1. Similarly, a December 30, 2008, article in the *Miami Herald* noted that “Hamas hides in civilian areas and attacks Israel from crowded places. Israel has aimed exclusively at weapons storage, launching and transportations sites, including smuggling tunnels, as well as arms labs such as the well-known ones in the Islamic University of Gaza, which was attacked at night to avoid killing students.”

provide knowhow for the development and production of weapons (such as long-range rockets). Hamas sends students involved in weapons production to Iran, Syria and Lebanon for advanced training. In addition, students who studied at the Islamic University are recruited to the ranks of the Brigades and are dispatched on terrorist attacks against Israel, including suicide bombing attacks.⁷⁸

394. On December 29, 2008, *The Washington Post* news service⁷⁹ reported on Israeli airstrikes in Gaza:

Near midnight, Israeli bombs struck the Islamic University of Gaza, the territory's primary center for higher education and a key recruiting ground for Hamas.⁸⁰

395. The *Chronicle of Higher Education* reported on January 16, 2009, that:

When Israel bombed three buildings at the Islamic University of Gaza last month, it defended its actions by saying the institution was a legitimate military target.

Israeli officials and security forces loyal to the Palestinian president, Mahmoud Abbas, insist that the university, which makes no secret of its close ties to Hamas, also serves as an operational center for the Hamas terrorist wing, the Qassam Brigades.

An Israeli army spokeswoman said the university housed laboratories used to develop weapons for Hamas, as well as weapons-storage facilities.

But students and lecturers flatly deny that the university is involved in military activities, noting that it turns out 3,000 graduates each year from its 10 schools, including those in engineering and Islamic law.

⁷⁸ Meir Amit Intelligence and Terrorism Information Center, "Hamas and the Terrorist Threat from the Gaza Strip," March 2010, available at: https://www.terrorism-info.org.il/Data/pdf/PDF_19298_2.pdf.

⁷⁹ "Israel bombs supply lines Hamas vowing reprisal; death toll nears 300," Griff Witte, *Fort Wayne Journal Gazette*, December 29, 2008.

⁸⁰ See also, "Israel Declares 'All-Out War Against Hamas'; 3-Day Toll in Gaza Reaches 364 Dead, Palestinians Say; Signs Of A Ground Offensive Soon," *Pittsburgh Post-Gazette* (Pennsylvania), December 30, 2008 ("Another prominent target was the Islamic University of Gaza. Early yesterday, warplanes flattened the school's five-story science building. The university was once known as a bastion of support for the mainstream Palestinian Fatah movement, but it gradually fell under Hamas' sway, and many of the movement's top leaders are alumni. Hamas heavily influences the curriculum and uses the campus as a prime recruiting ground. Major Leibovitch said the building destroyed by Israeli fire was being used to develop enhanced weaponry for Hamas fighters.").

Zohair Abu Shaban, an engineering graduate and a junior lecturer at the university, said that he had “never, ever witnessed anything from the mentioned accusation.”

While the university has acquired an international reputation in some fields and even produced Fulbright scholars, its close ties with Hamas complicate its pure academic status.

It was established in 1978 by the founder of Hamas, Sheikh Ahmed Yassin. Many Hamas leaders who are also academics have taught or worked at the university, including the group’s prime minister, Ismail Haniyeh. In May 2007, the university became a key military stronghold as Hamas prepared to seize power in Gaza. Hamas militiamen fired rockets and automatic weapons from the campus at forces loyal to Mr. Abbas.

396. On February 28, 2010, the *Boston Globe* published an article titled “Hamas U.” reporting that:

the university is something else again: the brain trust and engine room of Hamas, the Islamist movement that governs Gaza and has been a standard-bearer in the renaissance of radical Islamist militant politics across the Middle East. Thinkers here generate the big ideas that have driven Hamas to power; they have written treatises on Islamic governance, warfare, and justice that serve as the blueprints for the movement’s political and militant platforms.

397. Several of HAMAS’s founders were closely identified with the IUG, including Salah Shehada (who later founded the Qassam Brigades), Ibrahim al-Yazuri, and Abd al-Aziz al-Rantisi.⁸¹

398. This also included HAMAS co-founder Ismail Abu Shanab, who worked as an engineering professor at the Islamic University of Gaza prior to his death in 2003.⁸²

⁸¹ See, e.g., *BBC News*, “Profile: Hamas’ Mahmoud Zahar,” January 27, 2006, available at: http://news.bbc.co.uk/2/hi/middle_east/4653706.stm; *Council on Foreign Relations*, “Hamas’ Leaders,” February 8, 2006, available at: <https://www.cfr.org/backgrounder/hamas-leaders>.

⁸² See, e.g., Shanab interview with Joshua Mitnick, *The Washington Times*, October 9, 2002 (“We have nothing to lose”; HAMAS leader says violence is legitimate.).

399. In fact, more than ten percent (47) of the *Marj al-Zuhur* deportees were employees, administrators, or students at the IUG.

400. Khalil Isma'il Ibrahim al-Hayya, who also served as Deputy Chairman of *Al-Mujama Al-Islami* in the Gaza Strip between 2002 and 2005, lectured in Islamic Law at the IUG.

401. Al-Hayya is now the deputy of HAMAS's senior leader in Gaza, Yahya Sinwar.

402. HAMAS's external (and supreme) leader, Ismail Haniyeh, served as the dean of the IUG.⁸³

403. Haniyeh also gave a public address at the IUG in January 2010 and was a graduation commencement speaker in June 2013.

404. On December 14, 2012, *The Times* (London) reported on a speech by "Khaled Mashaal, the Hamas leader" who "told an audience at the Islamic University of Gaza that 'responsibility for Palestine is bigger than one faction alone ... Hamas cannot do without Fatah and Fatah cannot do without Hamas.'"

405. On August 2, 2014, *The Independent* (UK) reported that the Israel Defense Forces bombed the Islamic University of Gaza, claiming to strike a "weapons development centre." The article notes that the IUG was "previously hit in the 2008 Gaza War, when the Israeli military again claimed that science facilities were being used by Hamas to develop and store weapons."⁸⁴

406. Al-Hayya delivered a speech at IUG in September 2014 and accepted the diploma for his "martyred" son, Osama al-Hayya.

⁸³ According to a profile in *Arab News*, February 2, 2018, Haniyeh "was educated in UN-run schools and graduated from the Islamic University of Gaza with a degree in Arabic literature. It was during his student days that he became involved in Hamas. He was briefly imprisoned for taking part in protests during the first intifada in 1987. In 1988, he was jailed for six months and the following year, sentenced to three years. At the end of his sentence, the Israeli authorities deported him to Lebanon with 400 other activists."

⁸⁴ <https://www.independent.co.uk/news/world/middle-east/israelgaza-conflict-university-hit-as-palestinians-endure-more-than-200-strikes-in-24-hours-9644243.html>.

407. Al-Hayya and Haniyeh jointly, publicly visited the IUG in 2017.

408. Jamal N. al-Khoudary served as the Chairman of the Board of Trustees of IUG from 1993 until 2014.⁸⁵

409. Khoudary is a senior HAMAS leader who served as Minister for Telecommunications in the HAMAS-run government in Gaza.

410. On April 17, 2010, Khoudary attended the presentation to then-Turkish Prime Minister Erdoğan of an honorary Ph.D. from the IUG at Erdoğan's home in Ankara.



Then-Prime Minister Erdogan receives an honorary PhD from the IUG (IUG website)

411. The IUG's supervisory board was headed by Khayri Hafiz Al-Agha, a wealthy, senior Muslim Brotherhood leader who lived in Saudi Arabia and was one of the founders of the IUG.

412. After Khayri Hafiz Al-Agha's death in 2014, Al-Agha's son, Abu-Ubaydah Khayri Hafiz Al-Agha ("Al-Agha Jr."), assumed the position.

⁸⁵ See e.g., IUG website (July 2013) identifying Jamal N. al-Khoudary as "Chairman of the Board of Trustees." available at: <https://web.archive.org/web/20130701224428/http://www.iugaza.edu.ps/ar/AboutIUG/wordma.aspx>. See also <https://www.iugaza.edu.ps/p9164/>.

413. Al-Agha Jr. was designated an SDGT by the U.S. Department of the Treasury due to his role as “a senior Hamas financial officer involved in the investment, funding and money transfers for Hamas in Saudi Arabia.”⁸⁶

V. KUYEYT BANK Aided and Abetted HAMAS

A. KUYEYT BANK Provided Financial Services to HAMAS.

414. During at least the period from 2012 through 2016, KUYEYT BANK knowingly maintained bank accounts for, and provided financial services to, HAMAS operatives, institutions, and fundraisers fully understanding its role in HAMAS’s illicit and violent activities.

415. The bank maintained several accounts, including a Eurodollar account,⁸⁷ for IHH that was purposefully used to transfer funds through correspondent bank accounts in the United States.

416. As noted above, IHH is the most prominent non-governmental fundraising support organization in Turkey for HAMAS.

417. During the relevant period, KUYEYT BANK also knowingly maintained at least one bank account and provided financial services to senior HAMAS operative Jihad Yaghmour, the organization’s liaison with the Turkish authorities.

418. KUYEYT BANK also knowingly maintained at least one bank account and provided financial services to core HAMAS institution IUG, including numerous high-risk

⁸⁶ Both Agha Jr. and the IUG had been previously named as unindicted co-conspirators in the *U.S. v. Holy Land Foundation* criminal trial in 2008.

⁸⁷ The term “Eurodollar” refers to U.S. dollar-denominated deposits at foreign banks or at the overseas branches of American banks. Because they are held outside the United States, Eurodollars are not subject to regulation by the Federal Reserve Board. The vast majority of Eurodollar funds transferred from bank to bank are cleared and settled in New York.

Eurodollar transfers that were purposefully directed through correspondent bank accounts in the United States.

419. In the years immediately preceding the acts of terrorism at issue here, KUYEYT BANK knowingly transferred *at least* hundreds of thousands of Eurodollars through an account at KUYEYT BANK in the name of the IUG – at the direction of Jamal N. al-Khoudary, a HAMAS representative who served as the Chairman of the Board of Trustees of IUG, and, on information and belief, Al-Agha, Jr. an SDGT designated as a HAMAS fundraiser.

B. KUYEYT BANK Knew HAMAS Was a Terrorist Organization and Knew that IUG Was a HAMAS Institution.

420. In addition to all the public sources cited above, Turkish media has also reported extensively on HAMAS and its various institutions, including the IUG.

421. For example, in 2007 the high circulation Turkish daily newspaper *Hurriyet* reported on a Fatah Force 17 raid on the IUG that allegedly uncovered a weapons cache.⁸⁸

422. In a December 29, 2008, article in the on-line Turkish news site *Haberler*, the Islamic University was described as “a cultural symbol of Hamas.”

423. A detailed July 23, 2010, article in the on-line Turkish news site T24 restated the long-documented origins of HAMAS, its founding and key institutions in the Gaza Strip.

⁸⁸ Force-17 was an important Palestinian armed group from the early 1970s through 1993 that served as security guards for Fatah leaders including Yasser Arafat, and as his personal intelligence entity. Although Force-17 was officially disbanded when the Palestinian Authority was established, the vast majority of its approximately 3,000 members remained in slightly modified form as part of Fatah’s security forces, and the name “Force-17” never fell out of use.

424. Turkish media reported the 2014 conference in Turkey at which HAMAS's senior leader in Turkey, Saleh al-Arouri,⁸⁹ publicly stated that HAMAS was responsible for the aforementioned kidnapping and murder of three Israeli teenagers in the summer of 2014.⁹⁰

425. The international media reported the statement as well. For example, *The Guardian* (UK) reported on August 21, 2014, that:

A veteran Hamas official has said that the Islamist group was behind the kidnapping of three Israeli teenagers in the West Bank – an incident that was a major trigger for the current brutal war in Gaza.

Saleh al-Arouri, one of the founders of Hamas's military wing, made his comments at a conference in Istanbul, where he lives in exile. A tape of his comments was posted online by conference organisers.

"There was much speculation about this operation; some said it was a conspiracy," al-Arouri said at a meeting of the International Union of Islamic Scholars on Wednesday.

"The popular will was exercised throughout our occupied land, and culminated in the heroic operation by [Hamas's operational terrorist wing] the Qassam Brigades in imprisoning the three settlers in Hebron."⁹¹

426. On March 2, 2014, *Cumhuriyet*, the oldest up-market Turkish daily newspaper, published an article on a report issued by the Washington-based think tank Foundation for Defense of Democracies that discussed Arouri's alleged support from the Turkish government and his role in supporting terrorism against Israel.

⁸⁹ Saleh Al-Arouri was designated by the U.S. Department of the Treasury as an SDGT in September 2015.

⁹⁰ <https://haber.sol.org.tr/dunyadan/hamasin-turkiyedeki-liderlerinden-aruri-israilli-gencleri-biz-kacirdik-habe-ri-96109>. On September 12, 2014, Israel's Meir Amit Intelligence and Terrorism Information Center published a report titled: "Senior Hamas Operatives Based in Turkey Continue Directing Terrorist Networks in Judea and Samaria" describing, among other things, how a terrorist network in the Palestinian Territories was directed from Turkey by senior Hamas terrorist operative Saleh Muhammad Suleiman al-Arouri and how some of the network's operatives underwent training in Turkey. See, <https://www.terrorism-info.org.il/en/20740/>.

⁹¹ <https://www.theguardian.com/world/2014/aug/21/hamas-kidnapping-three-israeli-teenagers-saleh-al-arouri-qassam-brigades>.

427. Likewise, in September 2015, the Turkish media reported that the U.S. Department of the Treasury had designated Abu Ubaydah Khayri Hafiz al-Agha (i.e., Al Agha Jr.), head of the IUG supervisory board, as a senior HAMAS fundraiser⁹²

428. According to the designation, he is a “senior Hamas financial officer involved in investment, funding, and money transfers for Hamas in Saudi Arabia. As of December 2014, al-Agha managed an organization that sought financial contributions to finance Hamas from a Palestinian diaspora community. In recent years, he has been involved in transferring millions of dollars to Hamas in the Gaza Strip using his businesses or businesses in which he holds shares.”⁹³

429. In sum, KUYEY BANK understood that it was providing vital financial services to HAMAS by maintaining accounts for one of HAMAS’s key institutions, IUG; its most important Turkish donor organization, IHH; and key HAMAS operatives including those working closely with the Turkish government.

430. The presence of senior HAMAS operatives exiled to Turkey as part of the Gilad Shalit prisoner exchange in 2011 was regularly discussed in the Turkish media,⁹⁴ as was the fact that the Turkish government (controversially) publicly embraced HAMAS before and during the period when the attacks at issue took place.⁹⁵

⁹² <https://haber.sol.org.tr/dunya/abdden-hamasla-iliskili-sirketlere-yaptirim-karari-129321>.

⁹³ See *Treasury Sanctions Major Hamas Leaders, Financial Facilitators and a Front Company*, September 10, 2015, <https://home.treasury.gov/news/press-releases/jl0159>.

⁹⁴ See, e.g., <https://www.gazetevatan.com/gundem/hamas-dugunu-420695>.

⁹⁵ See, e.g., *Hurriyet*, “Hamas leader Mashaal endorses Turkish leaders in surprise speech,” December 27, 2014 (“Khaled Mashaal, the head of Hamas’ political bureau, has made a surprise appearance at an event of Turkey’s ruling party, endorsing the Turkish leaders and voicing his hope to ‘liberate Palestine and Jerusalem’ together with them in the future.”) available at: <https://www.hurriyetdailynews.com/hamas-leader-mashaal-endorses-turkish-leaders-in-surprise-speech-76166>.

431. In June 2015, the Turkish Ministry of Intelligence warned HAMAS leaders in Turkey to “lower the profile of their activities” following warnings by the United States.⁹⁶

432. By its actions, KUYEYT BANK, IHH, IUG, Jihad Yaghmour, Jamal N. al-Khoudary, and Abu Ubaydah Khayri Hafiz al-Agha engaged in terrorist activity within the meaning of Section 212(a)(3)(B) of the Immigration and Nationality Act as defined by 8 U.S.C. § 1182(a)(3)(13)(iv)(VI).

CLAIM FOR RELIEF

AIDING AND ABETTING HAMAS, A FOREIGN TERRORIST ORGANIZATION, IN VIOLATION OF 18 U.S.C. § 2333(d)

433. Plaintiffs repeat and re-allege the allegations of the foregoing paragraphs as if fully set forth herein.

434. Plaintiffs were injured by acts of international terrorism as defined by 18 U.S.C. § 2331 that were committed, planned, and authorized by HAMAS, a designated FTO at the time the acts of terrorism described herein occurred.

435. KUYEYT BANK provided substantial assistance to HAMAS, including access to the U.S. financial system, by transferring significant sums of money to HAMAS and maintaining bank accounts for its fundraising institutions in Turkey.

436. At all relevant times, KUYEYT BANK was generally aware of its role in supporting HAMAS’s illicit conduct and terrorist activities, including HAMAS’s terror financing that supported its terrorist acts.

⁹⁶ <https://haber.sol.org.tr/dunya/mit-turkiyedeki-hamas-liderini-uyardi-israil-karsiti-faaliyet-yapma-abd-kiziyo-r-119266>.

437. HAMAS's terrorist attacks, including the terrorist attacks that injured Plaintiffs, were foreseeable results of KUYEYT BANK's support for HAMAS's terrorist activities.

438. KUYEYT BANK also understood the value and importance to HAMAS of the bank's role in facilitating large transfers of funds, including U.S. dollars, from donors and co-conspirators in Turkey and making those funds available to HAMAS.

439. Plaintiffs allege that KUYEYT BANK knowingly aided and abetted HAMAS within the meaning of 18 U.S.C. § 2333(d) and within the legal framework of *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which Congress has found to provide "civil litigants with the broadest possible basis" for relief against those "that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States." *See* Justice Against Sponsors of Terrorism Act ("JASTA"), § 2b.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- (a) Accept jurisdiction over this action;
- (b) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for compensatory damages in amounts to be determined at trial;
- (c) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for treble damages pursuant to 18 U.S.C. § 2333(a);
- (d) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333(a); and
- (e) Grant such other and further relief as justice requires.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: October 28, 2022

Respectfully submitted,

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