

Indicting Hamas:

By Disrupting Its Operations, Does the West Become a Target?

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Brief Analysis

Last week, federal authorities in Chicago indicted three senior Hamas members—two of whom were arrested in the United States, while the third remains at large in Syria—on charges of racketeering and (in the case of one defendant) providing material support to terrorists. The indictment marks a watershed in the prosecution of terrorists raising funds and plotting attacks from the United States. It also raises reason for concern: might Hamas now target Western interests?

String of Hamas Indictments

In July 2004, seven accused Hamas members were indicted in Dallas for providing material support to the terrorist group through the Holy Land Foundation for Relief and Development. According to the indictment, this front organization was created "to provide financial and material support to HAMAS." That case helped expose Hamas's wider efforts to fund terrorism under the guise of charity.

Also in July, seven other suspected Hamas members—six officers of Infocom, a Dallas computer company, along with Infocom investor and Hamas leader Mousa Abu Marzook—were convicted of illegally selling computers to Syria and Libya, both of which are designated as state sponsors of terrorism. The second half of the trial, which will focus on Infocom's alleged financial dealings with Marzook and suspected money laundering on behalf of Hamas, is scheduled for later this year.

The Chicago indictment, however, lays bare the myth that Hamas activity in the United States has been limited to financing terrorism through charity. The indictment of Abdulhalim Ashqar, Muhammad Salah, and Musa Abu Marzook (the latter two already listed as Specially Designated Terrorists) outlines in disturbing detail a fifteen-year conspiracy involving Hamas supporters in Louisiana, Illinois, and Virginia raising funds as well as playing proactive roles in all facets of Hamas decisionmaking and preparation for actual terrorist attacks.

Disrupting Hamas Operations

The latest indictment highlights the operational role of U.S.-based members of the Hamas Political Bureau—the organization's highest-ranking leadership body—in recruiting and training new operatives, personally funding

operational cells, and traveling to the Middle East to oversee their progress. These purportedly "political" figures played hands-on operational roles in Hamas attacks from the comfort of their American homes.

The indictment also breaks new ground by charging the defendants with racketeering in relation to their activities on behalf of Hamas, characterizing the organization as a "criminal enterprise." In so doing, the government will be able to hold defendants accountable for illegal activities such as murder and kidnapping even though they predate the formal labeling of Hamas as a Specially Designated Terrorist entity and a Foreign Terrorist Organization (in 1995 and 1997, respectively). In a similar case in 2002, the government won material-support and racketeering convictions against Hizballah operatives in Charlotte, N.C., by labeling Hizballah itself a criminal enterprise. There, too, defendants were held responsible for their activities prior to the group's formal designation as a terrorist entity.

The latest indictment should come as no surprise given that the activities of these and other Hamas members have long been known. For example, an FBI affidavit from 1998 noted that Muhammad Salah facilitated Hamas terrorist training in the United States, including instruction in "mixing poisons, development of chemical weapons, and preparing remote control explosive devices." The affidavit also indicated that Salah once gave a Hamas member more than \$48,000 to buy weapons for use in Hamas attacks. Moreover, in a 1994 telephone conversation secretly recorded by the FBI, Sheik Jamil Hamami, a Hamas political leader in the West Bank listed as a coconspirator in the Chicago indictment, reportedly said the following to Abdulhalim Ashqar and a fellow Hamas member in Yemen: "We . . . will act to make [the peace process] fail too. Operations [of] particular types will take place to shake this self-rule administration."

Together, the Dallas and Chicago indictments highlight the frightening fact that members of Hamas's logistical and financial support network in the United States have actively supported and facilitated the group's heinous acts of terrorism abroad, whether through front organizations, personal relationships, or both. This network includes both political and charitable activities (commonly referred to as the *dawa*).

Targeting Western Interests?

In February 2002, the FBI informed Congress that groups like Hamas and Hizballah maintained a "continued presence" in the United States which "could be called upon to engage in or support acts of international terrorism." According to the bureau, however, Hamas activity in the United States consisted primarily of fundraising, and such activity was itself "a disincentive for operational terrorist activity in the United States."

Indictments such as those in Dallas and Chicago, however, effectively remove this "disincentive," forcing authorities to consider the possibility that Hamas and other groups may eventually plot attacks aimed at targets on U.S. soil. Moreover, although Hamas recently declared, "It is not our policy to carry out any attacks against Zionist targets outside the Palestinian occupied land," various developments seem to belie this claim. In November 2003, for example, Israeli authorities arrested Jamal Akal, a Canadian citizen and Hamas operative trained in Gaza as a sleeper agent to carry out sniper and bombing attacks in Canada or the United States at a later date. Israeli prosecutors charged that Akal had been recruited by Hamas to assassinate a senior Israeli official in the United States.

In addition, on the same day that the Chicago charges were unsealed, Ismael Salim Elbarasse, a "high-ranking" Hamas operative named as a coconspirator in the indictment, was arrested in Maryland on a material-witness warrant related to the Chicago case. His arrest occurred after police witnessed his wife videotaping the Chesapeake Bay Bridge from his vehicle. The tape featured close-up footage of the bridge's cables, upper supports, and joints, all atypical for a tourist. This suspicious recording is reason for concern given Elbarasse's involvement with Hamas. A former director of the Islamic Association for Palestine (a suspected Hamas front with offices in Chicago and Dallas), Elbarasse worked as an assistant to Marzook and shared a bank account with him that was "used to transfer

substantial sums of money to Hamas members," according to the Chicago indictment.

In its affidavit for a warrant to search Elbarasse's car, the FBI noted that, while Hamas does not typically target U.S. interests, conspirators from Hamas and several other jihadist groups were behind a 1993 plot to bomb New York landmarks. It also noted that "al Qaeda commanders and officials stationed in Western countries, including the United States, have recruited operatives and volunteers to carry out reconnaissance or serve as couriers." According to the affidavit, the post-September 11 crackdown on al-Qaeda has spurred the organization to place "renewed emphasis" on finding "confirmed jihadist supporters in the United States by trying to enlist proven members of other groups such as Hamas to make up for the vacuum on the field level."

Conclusion

Although Hamas may claim to restrict its attacks to "Palestinian occupied land," the group recently announced "total support" for radical Shi'i cleric Muqtada al-Sadr in his "resistance against the American occupation" in Iraq. Because the attention of Hamas leaders no longer seems to be focused exclusively on the Israeli-Palestinian conflict, one may wonder whether the threat of Hamas terrorism remains strictly quarantined to Israel. One thing is certain: there is no hope of preventing future Hamas attacks—be they in Israel or North America—without cracking down on the group's international support network. If the U.S. government proves in court what it alleges in these recent indictments, it will go a long way toward fulfilling this goal.

Matthew Levitt, a former FBI counterterrorism analyst, is a senior fellow in terrorism studies at The Washington Institute and the author of *Exposing Hamas: Funding Terror under the Cover of Charity* (Yale University Press, forthcoming in 2005).

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