



## **Submission to the Parliamentary Joint Committee on Intelligence and Security on its Review of the re-listing of al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades), the Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as terrorist organisations under the Criminal Code.**

### **Introduction**

The Australia/Israel & Jewish Affairs Council (AIJAC) presents this submission to the the Parliamentary Joint Committee on Intelligence and Security (PJCIS) on its review into the relisting of al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades), the Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as terrorist organisations under the *Criminal Code Act 1995*. AIJAC's submission will focus on the relisting of the Hamas Izz al-Din al-Qassam Brigades (Hamas Brigades) and will summarise AIJAC's continued support for the relisting of PIJ.

AIJAC's recommendations:

- That the PJCIS endorse the Minister for Home Affairs' decision to re-list the Hamas Brigades under the *Criminal Code Act 1995*.
- That the PJCIS recommend that the Minister for Home Affairs seek additional information with a view to extending the listing of the Hamas Brigades to the rest of Hamas.
- That the PJCIS support the relisting of Palestinian Islamic Jihad (PIJ) as a terrorist organisation under the *Criminal Code Act 1995*.

AIJAC's recommendations are based on the following facts:

- Evidence, outlined in this submission, indicates that there is no discernible distinction between the Hamas Brigades and Hamas' so-called political wing.
- There is a recent precedent to the PJCIS making a similar recommendation in its review of the relisting of Hezbollah's External Security Organisation earlier this year. On June 22, 2021, the PJCIS recommended extending the designation to the entirety of the group.
- Hamas is listed in its entirety by Australia's key allies the United States (since 1997), the European Union (since 2001) and Canada (since 2002) and no evidence has publicly emerged to date that would call these listings into question.

The Department of Home Affairs, in its own submission to the PJCIS, stated, “the Australian Government assesses that the Hamas Brigades are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts.”<sup>1</sup> The Department of Home Affairs also allows that “The Brigades exist within the overall organisational structure of Hamas, subordinate to its political leadership, but structured as a distinct military wing.”<sup>2</sup>

However, as AIJAC previously submitted to this committee, there continues to be compelling and publicly available evidence to suggest that all of Hamas, not just the Hamas Brigades, is engaged in activity that meets ASIO’s criteria for recommending an organisation for listing under the *Criminal Code 1995*. The evidence indicates that the group functions as a unitary and hierarchical entity, and its officials shift fluidly between military command and official political positions, often performing both roles simultaneously.

Further evidence to support these recommendations will be provided in this submission.

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<sup>1</sup> “Statement of Reasons: Listing of Hamas’ Izz al-Din al-Qassam Brigades as a terrorist organisation under the Criminal Code Act 1995,” *Department of Home Affairs*, pp. 10-13, p. 11.

<sup>2</sup> *ibid*, p. 13.

## Hamas: a unitary entity

AIJAC urges the PJCS to recommend the Minister for Home Affairs extend the listing of the Hamas Brigades to the entirety of Hamas because Hamas itself, as well as other Five Eyes intelligence allies, sees the group as unitary.

Hamas' founder, Sheikh Ahmed Yassin, rejected distinctions between the group's Military and Political Wings in the 1990s, asserting "we cannot separate the wing from the body. If we do so, the body will not be able to fly. Hamas is one body."<sup>3</sup> There is no evidence that the group has restructured since then; on the contrary, except for those who have been killed since its founding, the same leadership still runs the organisation.

An analysis of Hamas by *Human Rights Watch* in 2002 concluded:

*In the case of Hamas, there is abundant evidence that the military wing is accountable to a political steering committee that includes Shaikh Ahmad Yassin, the group's acknowledged "spiritual" leader, as well as spokespersons such as Ismail Abu Shanab, 'Abd al-'Aziz al Rantisi, and Mahmud Zahar. Yassin himself, as well as Salah Shehadeh, the late founder and commander of the 'Izz al-Din alQassam Brigades, have confirmed in public remarks that the military wing implements policies that are set by the political wing.*<sup>4</sup>

But the problem extends far beyond mere organisational hierarchy, as the political leadership of Hamas are also its terrorist commanders, financiers, and recruiters.

In 2003, the United States designated Hamas' political leaders – including Yassin, Imad Khalil Al-Alami, Osama Hamdan, Khaled Mashaal, Musa Abu Marzouk, and Abdel Aziz Rantisi – as Specially Designated Global Terrorists (SDGTs).<sup>5</sup>

Yassin maintained "a direct line of communication with other Hamas leaders on coordination of Hamas' military activities and openly admits that there is no distinguishing the political and military wings of Hamas," the US designation noted. He also personally organised Hamas cadres into cells throughout Gaza and oversaw recruitment and planning of operations, himself having led military activity prior to the official establishment of Hamas.<sup>6</sup>

Al-Alami, both a terrorist operative and a senior Hamas political official (who was killed in unclear circumstances in 2018) acted as a liaison with Iran and Syria,<sup>7</sup> and "has had

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<sup>3</sup> Levitt, M. (2008). Hamas: politics, charity, and terrorism in the service of jihad. Yale University Press, p. 34.

<sup>4</sup> "Erased In A Moment: Suicide Bombing Attacks Against Israeli Civilians," *Human Rights Watch*, October 2002, p. 63. <https://www.hrw.org/reports/2002/isrl-pa/ISRAELPA1002.pdf> (accessed August 12 2021).

<sup>5</sup> "U.S. Designates Five Charities Funding Hamas and Six Senior Hamas Leaders as Terrorist Entities," *US Department of the Treasury*, August 8 2003, <https://web.archive.org/web/20210125044535/https://www.treasury.gov/press-center/press-releases/pages/js672.aspx> (accessed August 12 2021).

<sup>6</sup> Levitt, pp. 34-37.

<sup>7</sup> "Senior Hamas official dies three weeks after suffering gunshot wound," *Times of Israel*, January 30 2018. <https://www.timesofisrael.com/senior-hamas-official-dies-three-weeks-after-suffering-gunshot-wound/> (accessed August 12 2021).

oversight responsibility for the military wing of Hamas within the Palestinian territories. As a Hamas military leader, al-Alami directs sending personnel and funding to the West Bank and Gaza,” according to the 2003 US designation. This is one example of many of the dual-hatted roles of Hamas Brigades operatives and commanders in Hamas’ political wing.

Osama Hamdan, who remains a senior Hamas political official in Lebanon, “worked with other Hamas and Hezbollah leaders on initiatives to develop and activate the military network inside the Palestinian territories in support of the current intifada, including the movement of weapons, explosives and personnel to the West Bank and Gaza for Hamas fighters,” and personally financed terrorist operations.

Khaled Mashaal, until recently the group’s official politburo chief and currently its diaspora director, had direct command of Hamas terrorist cells in the West Bank and provided “instructions to other parts of the Hamas military wing.” Like Hamdan, his personal bank account was used to finance terrorist operations.<sup>8</sup>

Musa Abu Marzouk remains a senior Hamas political leader. In 2003, the US asserted that “his activities include directing and coordinating terrorist acts by Hamas against soldiers and civilians in Israel and the West Bank and Gaza” and that he “maintains relationships with other terrorist organizations.” Marzouk directly helped finance and oversee terrorist operations, initially from the US, and even micromanaged the leadership of the Hamas Brigades. An American court concluded from his case that “this bureau [Hamas’ politburo] has responsibility for directing and coordinating terrorist acts by Hamas.”<sup>9</sup>

There is no evidence that any of the surviving leaders listed above have altered their activities despite some of their official roles having changed. It is also noteworthy that several Hamas leaders have had sons killed while fighting for the Hamas Brigades in the past two decades, including Mahmoud al-Zahar<sup>10</sup> and Khalil al-Hayya.<sup>11</sup>

Following the same pattern, the leader of Hamas’ Political Wing in Gaza since 2017, Yahya Sinwar, was designated by the US as an SDGT in 2015. Arrested by Israel in 1988, he was the founder of the Hamas Brigades forerunner, according to the US, and was sentenced to four life sentences for the kidnap and murder of two Israeli soldiers in the 1980s before being released in a prisoner swap in 2011.<sup>12</sup> He also reportedly helped found the Hamas Brigades themselves and remained a commander.<sup>13</sup> Alongside Sinwar, at least five of the Hamas

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<sup>8</sup> See also Levitt, pp. 43-47.

<sup>9</sup> Levitt, pp. 40-43.

<sup>10</sup> “Mapping Palestinian Politics: Mahmoud al-Zahar,” *European Council on Foreign Relations*. [https://ecfr.eu/special/mapping\\_palestinian\\_politics/mahmoud\\_al\\_zahar\\_plc/](https://ecfr.eu/special/mapping_palestinian_politics/mahmoud_al_zahar_plc/) (accessed August 12 2021).

<sup>11</sup> “Elections to the Hamas Political Bureau in the Gaza Strip: Overview and Significance,” *Meir Amit Intelligence and Terrorism Information Center*, February 22 2017, p. 9. [https://www.terrorism-info.org.il/Data/articles/Art\\_21158/E\\_035\\_17\\_312810974.pdf](https://www.terrorism-info.org.il/Data/articles/Art_21158/E_035_17_312810974.pdf) (accessed August 12 2021).

<sup>12</sup> “Terrorist Designations of Yahya Sinwar, Rawhi Mushtaha, and Muhammed Deif,” *US Department of State*, September 8 2015. <https://2009-2017.state.gov/r/pa/prs/ps/2015/09/246686.htm> (accessed August 12 2021).

<sup>13</sup> “Hamas hardliner Yahya Sinwar elected as Gaza leader,” *BBC*, February 13 2017. <https://www.bbc.com/news/world-middle-east-38955499> (accessed August 12 2021).

politburo members elevated in 2017 were affiliated with the Hamas Brigades, including two terrorist operatives.<sup>14</sup>

Yet another senior Hamas politburo official, Fathi Hamad, served in the Hamas Brigades and Sinwar's internal security service, and was responsible for helping establish the first element of Hamas' internal security force ("al-Majed") in the Jabaliyya refugee camp in 1988. He spent six years in Israeli prisons and was arrested multiple times by the Palestinian Authority for terrorist activity.<sup>15</sup>

Another senior Hamas political official, Husam Badran, was the commander of the Hamas Brigades in the West Bank and supervised the worst suicide bombings of the second Intifada, including the 2001 Sbarro bombings that killed 15-year-old Malki Roth, the Australian-American citizen referred to in the submission from the Minister for Home Affairs, as well as 14 other civilians.<sup>16</sup>

An even more egregious example is the case of Saleh al-Arouri, the Deputy Chairman of Hamas' Political Bureau, who was also a founder of and senior commander in the group's Military Wing. According to the US Treasury Department, al-Arouri "funds and directs military operations in the West Bank and against Israel":

*Since at least 2013, al-Aruri has overseen the distribution of Hamas finances and has been a key financier and financial facilitator for Hamas military cells planning attacks and fomenting unrest. As of 2014, al-Aruri had authority over Hamas military personnel in the West Bank and was in charge of a Hamas initiative to destabilize the Palestinian Authority in preparation for a Hamas takeover. He also financed and directed a Hamas cell in the West Bank that sought to instigate clashes between Israeli and Palestinian forces.*<sup>17</sup>

Israel's Shin Bet security agency has alleged that al-Arouri continues to run and finance Hamas terrorist operations via the group's office in Turkey, as well as overseeing recruitment.<sup>18</sup> The US Government has a bounty on his head of up to US\$5 million as part of its Rewards for Justice program. Al-Arouri took responsibility for the abduction and murder

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<sup>14</sup> "Elections to the Hamas Political Bureau in the Gaza Strip: Overview and Significance," *Meir Amit Intelligence and Terrorism Information Center*, February 22 2017, p. 1. [https://www.terrorism-info.org.il/Data/articles/Art\\_21158/E\\_035\\_17\\_312810974.pdf](https://www.terrorism-info.org.il/Data/articles/Art_21158/E_035_17_312810974.pdf) (accessed August 12 2021).

<sup>15</sup> "Mapping Palestinian Politics: Fathi Hamad," *European Council on Foreign Relations*. [https://ecfr.eu/special/mapping\\_palestinian\\_politics/fathi\\_hamad/](https://ecfr.eu/special/mapping_palestinian_politics/fathi_hamad/) (accessed August 12 2021).

<sup>16</sup> "Murderers' Row: Who are the terrorists being freed in the Shalit deal?", *Jewish Telegraphic Agency*, October 18 2011. <https://www.jta.org/2011/10/18/israel/murderers-row-who-are-the-terrorists-being-freed-in-the-shalit-deal> (accessed August 12 2021). He was also responsible for "the Dolphinarium discotheque bombing in Tel Aviv (21 killed), the 2002 suicide bombings of a Passover seder at the Park Hotel in Netanya (30 killed) and the bombing of the Matza restaurant in Haifa (15 killed). More than 100 people were killed in terrorist attacks directed by Badran."

<sup>17</sup> "Treasury Sanctions Major Hamas Leaders, Financial Facilitators and a Front Company," *US Department of the Treasury*, September 10 2015. <https://www.treasury.gov/press-center/press-releases/Pages/j10159.aspx> (accessed August 10 2021)

<sup>18</sup> Ben Menachem, Y. "Turkey's Role in Hamas Terror," *Jerusalem Center for Public Affairs*, May 7 2018. <https://jcpa.org/turkeys-role-in-hamas-terror/> (accessed August 10 2021)

of three Israeli teens, Eyal Yifrah, 19, Gilad Shaar, 16, and Naftali Frenkel, 16, in 2014, an event that sparked that year's conflict between Hamas in Gaza and Israel.<sup>19</sup>

As noted in the Department of Home Affairs submission, Marwan Issa, the deputy commander of the Hamas Brigades, sits on the Hamas politburo as its official representative.<sup>20</sup>

In 2019, the European Union's General Court rejected a petition by Hamas to delist the organisation and rejected any distinction between the group's political and military leadership. Notably, the court underlined that in its own appeal, Hamas had stated, "The political bureau takes the decisions, and the Brigades comply with them." Because Hamas itself made this statement and then provided no evidence when asked why a distinction should be made between the political leadership and the Hamas Brigades, the court ruled, "it cannot be concluded ... that Hamas-Izz al-Din al-Qassem is an organisation separate from Hamas."<sup>21</sup>

The case was perhaps best stated by Palestinian Authority Brigadier General Nizar Ammar, who said, "people involved in operations inside Israel had been in the political wing only forty-eight hours before the operation. This is a big problem for PA interrogators because people jump between the political and military wings at a moment's notice."<sup>22</sup>

Given that multiple intelligence agencies, NGOs, independent analysts, and courts have ruled that the Hamas Brigades are inextricably intertwined with the political leadership of the group and that there is no clear division of responsibility when it comes to recruitment, planning, financing, and even conducting operations,<sup>23</sup> it is not clear why the Australian Government has not yet listed Hamas in its entirety. This is particularly disconcerting in view of the fact that no concrete evidence has been produced, even by Hamas itself, to argue that the Hamas Brigades are a distinct entity within the overall organisation and the founder of the group openly rejected such a distinction.

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<sup>19</sup> Crowcroft, O., "Hamas official: we were behind the kidnapping of three Israeli teenagers," *Guardian*, August 22 2014. <https://www.theguardian.com/world/2014/aug/21/hamas-kidnapping-three-israeli-teenagers-saleh-al-arouri-qassam-brigades> (accessed August 12 2021).

<sup>20</sup> p. 11.

<sup>21</sup> *Hamas v Council of the European Union*, Judgement of the General Court (First Chamber, Extended Composition), T-289/15, ECLI:EU:T:2019:138, March 6 2019. [https://curia.europa.eu/juris/document/document.jsf?text=&docid=211363&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2345996#Footnote\\*](https://curia.europa.eu/juris/document/document.jsf?text=&docid=211363&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2345996#Footnote*) (accessed August 12 2021).

<sup>22</sup> Levitt, p. 49.

<sup>23</sup> Levitt, especially pp. 48-51.

## Hamas ideology and recent activity

Hamas' recent violent activity shows it is necessary that the PJCIS recommend an extension of the listing of Hamas Brigades to the entirety of the group.

Sinwar, Hamas leader in Gaza, told *Al Jazeera* on May 26, 2021, "We support the eradication of Israel through armed jihad and struggle. This is our doctrine."<sup>24</sup> This only emphasises that Hamas' ideology has not changed since its antisemitic, conspiratorial founding charter in the 1980s, which proclaimed "Israel, by virtue of its being Jewish and of having a Jewish population, defies Islam and the Muslims." Citing, inter alia, the infamous forgery *The Protocols of the Elders of Zion*, the charter blames every negative global event on the Jews and their supposed global control of the media and finance.<sup>25</sup> Most importantly, Hamas' charter rejects the idea of a Palestinian state in the West Bank and Gaza – its ideological goal was and remains the destruction of Israel in its entirety regardless of Israeli policy.

To this end, Hamas has been conducting terrorist attacks against Israel since its founding and has launched several destructive wars since 2008. This year, Hamas launched a war from May 10-21 that it dubbed "Sword of Jerusalem". Over 11 days, more than 4,000 rockets were fired by Hamas and other Gaza-based factions, including Palestinian Islamic Jihad, at civilian areas in Israel.

It is important to note that Hamas utilises civilian infrastructure for military purposes in order to conduct its attacks on Israel. This includes Gaza's Shifa hospital, which became "a de facto headquarters for Hamas leaders"<sup>26</sup> during the 2014 conflict, as well as United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) facilities and other civilian buildings and houses. In 2021, a Hamas tunnel was uncovered under an UNRWA school, and the group barred entry to the UN Mine Action Service (UNMAS) called by UNRWA to investigate it. As a result, the UNRWA high school was unable to reopen following the conflict.<sup>27</sup>

Hamas has openly admitted that it fires rockets from civilian areas,<sup>28</sup> as well as the fact that its military headquarters are co-located with civilians,<sup>29</sup> though it claims that the organisation is trying to change this. This led to the unfortunate need to strike office buildings, like the Al-Jalaa tower which Israel's Ambassador to the United States Gilad Erdan

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<sup>24</sup> 'Hamas Leader In Gaza Yahya Al-Sinwar Salutes Al-Jazeera TV, Iran, And Yasser Arafat, Adds: We Have 10,000 'Martyrdom-Seekers' Within Israel; Our Missile Capability Remains Intact, Can Hit Tel Aviv With A 250-Rocket Salvo; We Have 500 KM Of Tunnels In The Gaza Strip' *MEMRI*, May 26 2021, <https://www.memri.org/tv/hamas-leader-gaza-yahya-sinwar-we-have-500-km-of-tunnels-in-gaza> (accessed August 10 2021)

<sup>25</sup> *The Charter of Allah: The Platform of the Islamic Resistance Movement (Hamas)*, 1988. <https://fas.org/irp/world/para/docs/880818.htm> (accessed August 12 2021).

<sup>26</sup> Booth, W., "While Israel held its fire, the militant group Hamas did not," *Washington Post*, July 15 2014. [https://www.washingtonpost.com/world/middle\\_east/while-israel-held-its-fire-the-militant-group-hamas-did-not/2014/07/15/116fd3d7-3c0f-4413-94a9-2ab16af1445d\\_story.html](https://www.washingtonpost.com/world/middle_east/while-israel-held-its-fire-the-militant-group-hamas-did-not/2014/07/15/116fd3d7-3c0f-4413-94a9-2ab16af1445d_story.html) (accessed August 16 2021).

<sup>27</sup> "Hamas bars UN inspectors from examining tunnel under UNRWA school in Gaza," *Jewish News Syndicate*, August 11 2021. <https://www.jns.org/hamas-bars-un-inspectors-from-examining-tunnel-under-unrwa-school-in-gaza/> (accessed August 16 2021).

<sup>28</sup> Chandler, A., "Hamas Quietly Admits It Fired Rockets from Civilian Areas," *Atlantic*, September 13 2014. <https://www.theatlantic.com/international/archive/2014/09/hamas-quietly-admits-it-fired-rockets-from-civilian-areas/380149/> (accessed August 14 2021).

<sup>29</sup> See Yahya Sinwar discuss this in a recent speech [here](#).



claimed was being used by Hamas to develop the ability to jam Israel's Iron Dome missile defence system.<sup>30</sup>

Hamas has also honeycombed Gaza's cities with tunnels and subterranean command centres to move its militants and store and fire rockets. Israel's strikes against these in the recent conflict led to the tragic collapse of apartment buildings on Al-Wahda Street. Asked whether there was a tunnel in that location or whether tunnels ran underneath residential areas, Basem Naim, head of Hamas' office of international relations, answered "where to have the tunnels, this is our choice."<sup>31</sup>

Along the border, Hamas has overseen the launch of incendiary and explosive kites and balloons since 2018, both by its own members and those of other factions, burning thousands of acres and causing substantial property damage and a threat to civilian lives. According to the Israel Security Agency, or Shin Bet, Hamad, a political bureau member and former Hamas minister of the interior, established and funded one of the front groups responsible for these attacks, Humat al-Aqsa (HAA), in 2006.<sup>32</sup>

Hamas' hatred extends not just to Israelis, but to Jews in general. On May 7, Hamad was featured on Hamas' *Al-Aqsa TV* calling on his followers to "cut off the head of Jews with knives. With your hand, cut their artery from here. A knife costs five shekels. Buy a knife, sharpen it."<sup>33</sup>

Hamad also called on the Palestinian diaspora across the world to "attack every Jew possible in all the world and kill them" in July 2019,<sup>34</sup> though he was later forced by the public outcry into a token retraction. Hamad's repeated calls for antisemitic mass murder betrays Hamas' true attitudes, reflecting Hamas' founding charter, despite the efforts of its apologists and political supporters to present a more palatable face to the international community.

It is vital to note, especially in terms of relisting Palestinian Islamic Jihad, that nothing occurs in Gaza without Hamas' coordination and assent, as it has demonstrated by cracking down on and destroying al-Qaeda and ISIS-linked groups.<sup>35</sup> This is why it is Israeli Government policy to hold Hamas responsible for any attacks emanating from Gaza. Moreover, while

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<sup>30</sup> Magid, J., "Israeli envoy tells AP: Hamas sought to jam Iron Dome from your Gaza tower," *Times of Israel*, June 8 2021. <https://www.timesofisrael.com/israeli-envoy-tells-ap-hamas-sought-to-jam-iron-dome-from-your-gaza-tower/> (accessed August 16 2021).

<sup>31</sup> Schwartz, F. and Malsin, J., "Inside the Israel-Hamas Conflict and One of Its Deadliest Hours in Gaza," *Wall Street Journal*, May 26 2021. [https://www.wsj.com/articles/inside-the-israel-hamas-conflict-and-one-of-its-deadliest-hours-in-gaza-11622061913#refreshed?mod=lead\\_feature\\_below\\_a\\_pos1](https://www.wsj.com/articles/inside-the-israel-hamas-conflict-and-one-of-its-deadliest-hours-in-gaza-11622061913#refreshed?mod=lead_feature_below_a_pos1) (accessed August 16 2021).

<sup>32</sup> Truzman, J and May, D. "Hamas Proxy Launches Incendiary Balloons at Israel, Again," *FDD*, August 28 2020, <https://www.fdd.org/analysis/2020/08/28/hamas-proxy-incendiary-balloons-at-israel/> (accessed August 10 2021).

<sup>33</sup> "Senior Hamas Official Fathi Hammad to Palestinians in Jerusalem: Buy 5-shekel knives and cut off the heads of the Jews", 2021, Middle East Media Research Institute, May 7 2021, <https://www.memri.org/tv/snr-hamas-official-fathi-hammad-urges-people-jerusalem-cut-off-heads-jews-knives-day-reckoning-moment-destruction> (accessed August 13 2021).

<sup>34</sup> 'Hamas leader Fathi Hamad says: kill Jews everywhere' *Australian*, July 17 2019, <https://www.theaustralian.com.au/world/hamas-leader-fathi-hamad-says-kill-jews-everywhere/news-story/f5e342bea6b1d15830598d0612c44d7b> (accessed August 10 2021).

<sup>35</sup> Beaumont, P. "Hamas destroys al-Qaeda group in violent Gaza battle," *Guardian*, August 16 2009. <https://www.theguardian.com/world/2009/aug/15/hamas-battle-gaza-islamists-al-qaida> (accessed August 12 2021); Clarke, Colin P., "How Salafism's Rise Threatens Gaza," *RAND*, October 11 2017. <https://www.rand.org/blog/2017/10/how-salafisms-rise-threatens-gaza.html> (accessed August 12 2021).



Hamas has failed to mount many direct attacks inside Israel in recent years, this is not for lack of trying, as Shin Bet chief Nadav Argaman testified in 2017.<sup>36</sup>

Outside of Gaza, Hamas has claimed responsibility for a drive-by shooting on a bus stop in 2018 that injured several and struck a woman who was 30-weeks pregnant, resulting in the death of the unborn baby.<sup>37</sup> Hamas has also praised several attacks for which it did not take direct responsibility, including the murder of 18-year-old Israeli Dvir Sorek<sup>38</sup> and a bombing attack that killed 17-year-old Israeli Rina Schnerb in August 2019.<sup>39</sup> Palestinian Islamic Jihad has joined it in championing such murders.

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<sup>36</sup> Lis, J., "Hamas Is Plotting Attacks on Israel Every Day, Shin Bet Chief Warns," *Haaretz*, March 20 2017. <https://www.haaretz.com/israel-news/.premium-hamas-plots-attacks-on-israel-every-day-shin-bet-chief-warns-1.5450948> (accessed August 12 2021).

<sup>37</sup> Rasgon, A and TOI staff, "Hamas claims deadly Ofra terror attack after Israel kills suspected shooter," *Times of Israel*, December 13 2018. <https://www.timesofisrael.com/hamas-claims-deadly-ofra-terror-attack-after-israel-kills-suspected-shooter/> (accessed August 12 2021).

<sup>38</sup> Rasgon, A., "Hamas and Islamic Jihad praise 'heroic' West Bank slaying of student," *Times of Israel*, August 8 2019. <https://www.timesofisrael.com/hamas-and-islamic-jihad-praise-heroic-west-bank-slaying-of-student/> (accessed August 12 2021).

<sup>39</sup> "Israeli teenage girl killed in West Bank bomb attack," *BBC*, August 23 2019. <https://www.bbc.com/news/world-middle-east-49447035> (accessed August 12 2021).

## Hamas, Palestinian Islamic Jihad and Iran

On August 10, Foreign Minister Marise Payne told Parliament during Senate Question Time that “Iran's well-documented supply of funds and weapons to terror organisations like the Hamas Brigades, Islamic Jihad and others fuels instability and violence.”<sup>40</sup> Payne also said, “It is appropriate for the United Nations to address [Iran's] misconduct and its impact on regional stability and the disruption of peace.”

As the Australian Government clearly recognises, Hamas and PIJ are increasingly being supported by the Islamic Republic of Iran and have become key players in Iran's dangerous regional network of terrorist proxies.

It must be noted that the Islamic Republic does not support only the Hamas Brigades, it supports the group in its entirety. This is another reason why the Minister of Home Affairs should consider expanding the listing of Hamas Brigades to Hamas in full.

Hamas continues to receive substantial support from Iran, including “money, weapons, and expertise.”<sup>41</sup> After the group attacked Israel in May alongside other factions, Sinwar declared that “Our complete gratitude is extended to the Islamic Republic of Iran, which has spared us and the other Palestinian resistance factions nothing in recent years... They have supported us in everything, with the grace of Allah. They deserve huge credit. They weren't with us on the ground, but they were with us through those capabilities, with which we crushed and rocked the enemy.”<sup>42</sup>

The US Treasury Department designated an Islamic Revolutionary Guard Corps (IRGC) financier of Hamas in September 2019. That person, Muhammad Sa'id Izadi:

*Required a Hamas Political Officer member to get permission from three senior Hamas leaders in order to receive money directly from him. The Hamas Political Office member stated Izadi would be sending \$1 million dollars in addition to Izadi's regular allocation, and an additional \$1 million dollars earmarked for the Hamas Political Office member.*<sup>43</sup>

Hamas has become increasingly integrated with Iran's regional proxy network, as demonstrated by the actions and rhetoric of various leaders in Iraq, Lebanon, Yemen, Gaza, and elsewhere. Sinwar claimed that “Throughout the war, our brothers in the battlefield and in some special units were in contact with our brothers in Lebanon. There was a high

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<sup>40</sup> “Questions without notice - Middle East, August 10 2021.

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/a104c608-9c2a-414d-9326-fe7b314baeeb/&sid=0067](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/a104c608-9c2a-414d-9326-fe7b314baeeb/&sid=0067) (accessed August 16 2021).

<sup>41</sup> ‘Hamas Leader In Gaza Yahya Al-Sinwar Salutes Al-Jazeera TV, Iran, And Yasser Arafat, Adds: We Have 10,000 'Martyrdom-Seekers' Within Israel; Our Missile Capability Remains Intact, Can Hit Tel Aviv With A 250-Rocket Salvo; We Have 500 KM Of Tunnels In The Gaza Strip' *MEMRI*, May 26 2021, <https://www.memri.org/tv/hamas-leader-gaza-yahya-sinwar-we-have-500-km-of-tunnels-in-gaza> (accessed August 16 2021)

<sup>42</sup> *Ibid.*

<sup>43</sup> “Treasury Targets Wide Range of Terrorists and Their Supporters Using Enhanced Counterterrorism Sanctions Authorities,” *US Department of the Treasury*, September 10 2019. <https://home.treasury.gov/news/press-releases/sm772> (accessed August 16 2021).

level of coordination,” something also emphasised by Hezbollah.<sup>44</sup> A joint operations room was reportedly established in Lebanon to coordinate the May war, consisting of Hezbollah, Hamas and IRGC personnel.<sup>45</sup>

Sinwar also said in May 2018:

*We have excellent relations with our brothers in Hizbullah. Our relations with them are extremely developed. We work together and coordinate and are in touch on an almost daily basis. The relations are at the best stage ever. Similarly, our ties with the Islamic Republic of Iran, with brother Qasem Soleimani and the other brothers in the IRGC leadership are very strong, powerful, and warm. Our relations with the Islamic Republic are excellent.*<sup>46</sup>

In 2019, Suheib Yousef, the son of Hamas co-founder Sheikh Hassan Yousef, left the organisation and claimed that Hamas was selling intelligence on Israel, the Palestinian Authority, and other Arab states, gathered through its intelligence station in Turkey, to Iran in exchange for financial support.<sup>47</sup>

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<sup>44</sup> Lobel, O., “Iran’s role in the latest Gaza conflict,” *Australian Strategic Policy Institute*, June 18 2021.

<https://www.aspistrategist.org.au/irans-role-in-the-latest-gaza-conflict/> (accessed August 12 2021).

<sup>45</sup> “Iran, Hamas and Hezbollah coordinated Gaza fighting in joint war room — report,” *Times of Israel*, May 29 2021.

<https://www.timesofisrael.com/iran-hamas-and-hezbollah-coordinated-gaza-fighting-in-joint-war-room-report/> (accessed August 12 2021).

<sup>46</sup> ‘Hamas Leader in Gaza Yahya Sinwar: We Are Coordinating with Hizbullah, Iran on an Almost Daily Basis’ *MEMRI*, May 21 2018, <https://www.memri.org/tv/hamas-leader-sinwar-we-coordinate-with-iran-hizbullah> (accessed August 10 2021)

<sup>47</sup> “Second ‘son of Hamas’ leaves terror group, exposing corruption, Turkish spy ring,” *Times of Israel*, July 4 2019. <https://www.timesofisrael.com/second-son-of-hamas-leaves-terror-group-exposing-corruption-turkish-spy-ring/> (accessed August 12 2021).

## Hamas fundraising

Hamas' ability to fundraise through charity networks and the donations of supporters should be another issue of concern for the Australian Government. Extending the listing to the entire organisation would assist Australia's law enforcement agencies to investigate and cut off these potential alternative sources of funding.

During the public hearing of the PJCIS' review into the relisting of the Hezbollah ESO, Ian McCartney, Deputy Commissioner Investigations at the Australian Federal Police, was asked by the committee chair whether police operations were easier if an entity has been listed as a terrorist organisation. Mr McCartney replied "correct".<sup>48</sup> There is no reason why this rationale would not equally apply in the case of Hamas.

There is evidence, both locally and internationally, that Hamas uses charitable bodies as fronts to raise money to support its violent campaigns.

In 2016, Mohammed el-Halabi, the former Gaza director of the NGO World Vision, was charged by Israel with diverting funds and material to Hamas to improve its military infrastructure and purchase weapons and other equipment. As a result, Australia cut funding to the Gaza-based projects of the NGO.<sup>49</sup>

There have been allegations that local charity Islamic Relief Australia may have had – or may even still have – connections to Hamas-related individuals or organisations in Gaza.<sup>50</sup>

Funds have been found to have been raised for Hamas through seemingly legitimate Muslim-oriented charities in numerous Western nations<sup>51</sup>, and there have been allegations of such fundraising in Australia.<sup>52</sup>

In May, Germany banned the Ansaar International organisation and related networks for financing terrorist groups, including Hamas. In justifying its decision, Germany's interior ministry noted:

*Financial support, even for what at first glance appear to be charitable activities, secures the terrorist groups' power and dominance in the respective region, facilitates the*

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<sup>48</sup> Commonwealth, *Official Committee Hansard*, Parliamentary Joint Committee on Intelligence and Security, 10 June 2021, p23.

<sup>49</sup> Steinberg, G, "Hamas and World Vision's failed accountability," *Australian Jewish News*, July 30 2021.

<sup>50</sup> Levin, N, "Humanitarians or Hamas sympathisers", *Australia/Israel Review*, August 30 2018, <https://aijac.org.au/australia-israel-review/humanitarians-or-hamas-sympathisers/> (accessed August 19 2021).

<sup>51</sup> Numerous examples are cited in "Money laundering and terrorism financing risks to Australian non-profit organisations" by Samantha Bricknell, Rob McCusker, Hannah Chadwick and David Rees, published by the Australian Institute of Criminology, Research and Public Policy Series 114, 2011, see pp. 21-24. <https://www.aic.gov.au/sites/default/files/2020-05/rpp114.pdf>.

<sup>52</sup> "Aust charity said linked to Hamas", ABC website, 23 Sep 2003. <https://www.abc.net.au/news/2003-09-23/aust-charity-said-linked-to-hamas/1482302>

*recruitment of activists, and saves the terrorist group money, which in turn can be used to carry out the crimes it plans.*<sup>53</sup>

A recent report by Germany's *Die Welt* claimed that Hamas has an overseas investment portfolio worth about US\$500 million, including dozens of companies controlled by Hamas, mostly in the construction sector and based in Turkey.<sup>54</sup> While the report itself cannot be verified, designating Hamas in its entirety would allow Australia to go after any such potential front companies and investments in Australia as well, without needing to parse whether the money was specifically going to the Hamas Brigades.

On June 22, 2021, the PJCIS unanimously recommended extending the designation of Hezbollah from the External Security Organisation (ESO) to the entire group, noting that "while the committee supported the relisting of Hezbollah's External Security Organisation (ESO) under the Criminal Code it has also recommended that the government consider expanding the listing to include the whole organisation of Hezbollah."

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<sup>53</sup> AFP, "Germany bans fundraising group, saying it aids Hamas, other terror organizations," *Times of Israel*, May 5 2021. <https://www.timesofisrael.com/germany-bans-fundraising-group-saying-it-aids-hamas-other-terror-organizations/> (accessed August 16 2021).

<sup>54</sup> Peachey, P., "Hamas' secret foreign investment portfolio reportedly worth \$500m," *The National*, August 12 2021. <https://www.thenationalnews.com/world/2021/08/11/hamas-secret-foreign-investment-portfolio-reportedly-worth-500m/> (accessed August 16 2021); see also the Twitter thread of the reporter who uncovered the information, Clemens Wergin, [here](#).

## Palestinian Islamic Jihad

As outlined in the introduction, AIJAC reiterates its agreement with the Minister's relisting of the PIJ. As the submission from the Department of Home Affairs correctly asserts, PIJ maintains close ties to both Hezbollah ESO and the Hamas Brigades, both currently on Australia's terrorist list.

PIJ was a full participant in the May conflict in Gaza and Israel, having received material support from Iran to do so. As PIJ official Ramez al-Halabi declared: "The mujahadeen in Gaza and in Lebanon use Iranian weapons to strike the Zionists. We buy our weapons with Iranian money. An important part of our activity is under the supervision of Iranian experts. The contours of the victory in Palestine as of late were outlined with the blood of Qasem Soleimani, Iranian blood."<sup>55</sup>

PIJ used the summer break period following the recent conflict to recruit and train children in its jihadist cause. Boys aged 14-17 were indoctrinated and provided with military training, according to PIJ official Tawfiq Qanita. Qanita reported the boys ask, "How can I sneak into Jerusalem? How can I become a martyr?"<sup>56</sup>

All evidence suggests that PIJ continues to be involved in planning, assisting and undertaking terrorist acts. For that reason, AIJAC supports the Minister's decision to relist the organisation.

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<sup>55</sup> Lobel, O "Iran's role in the latest Gaza conflict", *ASPI The Strategist*, 18 June 2021, <https://www.aspistrategist.org.au/irans-role-in-the-latest-gaza-conflict/> (accessed August 19 2021).

<sup>56</sup> "Tawfiq Qanita, Head Of Indoctrination At Palestinian Islamic Jihad On Upcoming Summer Camps For 14-17 Year-Olds: They Seek To Become Martyrs, Liberate Their Country, Will Accept Nothing But The Demise Of The Jews, Demise Of Israel", *MEMRI*, 19 June 2021, <https://www.memri.org/tv/tawfiq-qanita-head-pij-indoctrination-sword-jerusalem-summer-camp-14-17-seek-martyrdom-liberate-demise-jews-israel> (accessed August 19 2021).

## Conclusion

All publicly available information indicates that the Hamas Brigades should remain listed under Division 102 of the *Criminal Code 1995*, as it both “is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act” and “advocates the doing of a terrorist act.”<sup>57</sup>

But as this submission has demonstrated, Hamas’ political leadership have complete command and control over Hamas Brigades terrorist operations – worse, they directly participate in them.

Indeed, there is no differentiation between the Hamas Brigades and the Hamas political leadership at all, as both allegedly separate elements of Hamas share the same dual-hatted personnel, resources and goals and their individual members shift fluidly between political and military command. The group’s own founder rejected any distinction, and its current leadership is comprised of the same individuals that recruited, trained, funded, and partook in the Hamas Brigades.

Moreover, the Australian Government is out of step with its allies in Israel, Canada, Europe, and the United States, though it has articulated no basis for taking a different position to all of the countries that proscribe the entire organisation. Given the monolithic nature of Hamas’ fundraising, recruitment, social welfare, educational, political and terrorist activities,<sup>58</sup> Australia should close any loopholes remaining for all Hamas-affiliated activity.

Considering the information laid out in this submission, AIJAC urges the PJCIS to recommend that the Government extend the listing of the Hamas Brigades to the entire group and that the Minister of Home Affairs seeks more information to this end, and that the PIJ continues to be listed.

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<sup>57</sup> Criminal Code Act 1995, Compilation No. 127, April 6 2019, p. 189.

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68678/67144/F2055980292/AUS68678%202019%20V1.pdf> (accessed August 12 2021).

<sup>58</sup> For a comprehensive analysis, see Levitt, M. (2008). *Hamas: politics, charity, and terrorism in the service of jihad*. Yale University Press.



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