

Criminal Injustice Against the Holy Land Foundation Charity

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Theme: [Law and Justice](#), [Religion](#)

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The Texas-based Holy Land Foundation for Relief and Development (HLF) was the largest American Muslim charity until the Bush administration falsely declared it an enemy of the state and shut it down.

On December 4, 2001, the Treasury Department declared HLF a terrorist group, froze its assets, and falsely claimed they were being used to funnel millions of dollars to Hamas. HLF appealed at the time but in court was denied.

On January 25, 1995, Bill Clinton issued Executive Order 12947 – Prohibiting Transactions With Terrorists Who Threaten To Disrupt the Middle East Peace Process. The same year Hamas was declared a Foreign Terrorist Organization (FTO). It's still one today, so any individual or group charged with providing it material support (true or false) becomes a convenient target for prosecution.

Post-9/11, many have been, and HLF is one. For the Department of Justice (DOJ), a big one because of their prominent charitable activities. Shut it down and chill out all others while at the same time providing open-ended billions for Israeli state terrorism as a partner in its commission.

Background on HLF

Until shut down, it was the largest Muslim charity in America, founded in 1989 in Culver City, CA and thereafter based in Richardson, TX. Its work was to provide vital relief to Palestinian refugees in Occupied Palestine, Lebanon and Jordan as well as aid for the needy in various other countries, including Bosnia, Albania, Chechnya, Turkey and America. With an annual budget of about \$14 million, it “provided continuous volunteering and services in the Dallas-Fort Worth area.”

Its major activities included:

- financial aid to needy and impoverished families;
- a sponsorship program for orphaned children;
- various social services;
- educational services;
- medical and other emergency work; and

— community development, including help to rebuild Palestinian homes on their own land in their own country that Israel destroyed in violation of international law.

The Indictment

On July 27, 2004, a DOJ indictment came down and an accompanying press release headlined: “HOLY LAND FOUNDATION, LEADERS, ACCUSED OF PROVIDING MATERIAL SUPPORT TO HAMAS TERRORIST ORGANIZATION.”

It alleged the HLF “was an organization created by” defendants Shukri Abu-Baker (HLF president and CEO), Mohammad el-Mezain (California office director), Ghassan Elashi (HLF chairman), Haitham Maghawri, Akram Mishal, Mufid Abdulqader and Abrulrahman Odeh (New Jersey office director) “to provide financial and material support to the HAMAS movement. It is also alleged that, since 1995, HLF and its members have illegally sent \$12.4 million to support HAMAS and its goal of creating an Islamic Palestinian state by eliminating the State of Israel through violent jihad.”

The 42-count indictment also charged the defendants “with engaging in prohibited financial transactions with a Specially Designated Global Terrorist, money laundering, conspiracy, and filing false tax returns.”

It further stated that charges resulted from a three-year investigation by “the Joint Terrorism Task Force, involving agents from federal, state, and local agencies including: the FBI, IRS, BICE (Bureau of Immigration and Customs Enforcement), Department of State, Secret Service, US Army CID (Criminal Investigation Command), the Texas Department of Public Safety,” and various Texas police departments, including Dallas.

The DOJ got a Dallas grand jury to indict HLF, its directors and fundraisers even though they have no more connection to terrorism than do other innocent Muslims who’ve been targeted for their faith, ethnicity, activism, and in HLF’s case its notable charitable work.

Incredibly but not surprisingly in an age of over-hyped terror threats, the indictment accused HLF of sponsoring orphans and needy West Bank and Gaza families. It stated:

“While the program was mantled with a benevolent appearance, HLF specifically sought orphans and families whose relatives had died or were jailed as a result of furthering Hamas’ violent campaign, including suicide bombings. This type of support was critical to Hamas’ efforts to win the hearts and minds of the Palestinian people and to create an infrastructure solidifying Hamas’ presence.”

It’s enough to say that all the above charges are false, misleading, and outrageous. For its part, HLF “den(ies) any ties to Hamas and insist(s) that feeding Palestinian women and children is not only legal, but a moral duty that no government has the right to interfere with.” It’s the universal spirit of charity and the third pillar of Islam, or zakat, to aid the poor with voluntary alms (a percentage of income) or through a tithe on property.

Nonetheless, innocent, dedicated men now suffer grievously for their “crime of compassion.” HLF never funded, supported or committed violence. It provided food, clothes, shelter, medical supplies and education to desperately needy people in Occupied Palestine and elsewhere. These are “crimes” for the Bush administration when it wants “unworthy” recipients deprived of charitable aid.

HLF's Humanitarian Work

HLF's Freedom to Give (family members and friends of the defendants) web site provides verifiable information about the organization and its charitable work. With a picture of needy children on its home page it asks: "Is it a crime to feed these children?" Indeed, according to DOJ that wants it stopped and for so doing acts collaboratively with Israel's multi-decades slow-motion genocide policy against the Palestinian people.

For its part, HLF responds – "We gave:

- books, not bombs;
- bread, not bullets;
- smiles, not scars;
- toys, not tanks;
- peace, not terror;
- liberty, not poverty;
- hope, not despair;
- love, not hate; (and)
- life, not death.

So we ask: If (over six decades of occupation) obviously shatters lives, while charity builds them and charity feeds children, while occupation kills them, why is a charity organization – not occupation – paying the price?"

No matter, and on November 24, The New York Times (and other media organizations) reported the disturbing news: "Five Convicted in Terrorism Financing Trial."

After 15 years and two trials, "federal prosecutors won sweeping convictions (today) against five leaders of a Muslim charity in a retrial of the largest terrorism-financing case in the United States since" 9/11.

The five defendants "were convicted on all 108 criminal counts against them," and US Attorney Richard Roper was jubilant in saying: "The jury's decision demonstrates that US citizens will not tolerate those who provide financial support to terrorist organizations." He neglected to explain how juries are pressured to convict innocent victims by scaring them into doing it – a commonly used tactic against prominent Muslims with many other innocent ones languishing unjustly in federal prisons.

The jury reached its decision in less than nine days (after seven weeks of testimony) unlike in the first trial last October when federal judge A. Joe Fish declared a mistrial because jurors were deadlocked on all 197 counts against four defendants after nearly two months of testimony and 19 days of deliberation. The other defendant, Mohammad El-Mezain, was acquitted on all but one charge.

At the time, Georgetown constitutional law professor David Cole said the jury's verdict called into question the government's tactics of freezing a charitable organization's assets, using secret evidence unavailable to the defense, and when they "have to put (it) on the table, they can't convict anyone of anything. It suggests the government is really pushing beyond where the law justifies them going."

True enough then, but in the retrial, prosecutors again pushed but changed their tactics enough to convict. The defendants can be sentenced to 15 years for each count of supporting a terrorist organization and 20 years for money laundering. They thus face a possible life sentence – for doing noble work to help the needy and violating no laws doing it.

Nancy Hollander, representing Shukri Abu-Baker, said the defendants will appeal based on a number of issues, including the anonymous testimony of an expert, that she said was a first. "Our clients were not even allowed to review their own statements because they were classified – statements that they made over the course of many years that the government (illegally) wiretapped. They were not allowed to go back and review them. They were statements from alleged co-conspirators that included handwritten notes. Nobody knew who wrote them; nobody knew when they were written. There are a plethora of issues."

Ghassan Elashi's daughter, Noor, expressed shock at the outcome and called it "a truly low point for the United States of America." She added that family and friends won't rest until this injustice is reversed.

The Hungry for Justice web site represents friends and supporters of the accused, reported on both trials, and has extensive information on the case. It and the Freedom to Give site together referred to the November 24 verdict as follows:

"The lowest point on earth was not the shoreline of the Dead Sea on Monday, November 24, 2008. Rather it was a federal courthouse in Downtown Dallas. At around 3 p.m., the courtroom – where the anticipated Holy Land Foundation retrial verdict was to take place – filled up in fast forward. Family members, justice supporters and government officials poured into the large room, sat on wooden benches and chatted quietly with mixed emotions."

"Then silence" as the jury entered, handed their verdict to Judge Jorge Solis, and he began reading...."Guilty. Guilty. Guilty." Unfortunately, jurors were intimidated by "the prosecution's fear-tactics and guilt-by-association," especially against innocent Muslim victims of the "war on terrorism."

"The judge recessed briefly as the jury" decided on whether the \$12.4 million in charity to Palestinians should be "forfeited to the government." After 30 minutes, they said "yes."

Federal prosecutors and FBI agents "smirked" while most of the room was stunned and outraged at such a miscarriage of justice. The defendants were then taken away and flashed peace signs as they left, displaying their strength and pride for saving lives in Occupied Palestine.

"Yet an aura of betrayal pervaded the room. Two decades ago, they came to this country to escape such Israeli-influenced persecutions, and now they" endured the same injustice in America. They plan to appeal and believe "truth and justice will emerge triumphantly from

this gloomy low point in American history.” It’s a curse at a bad time to be Muslim in America. When the noblest among them are victims of injustice – prosecuted for their prominence, activism and charity.

On November 27, Thanksgiving day, one observer expressed his feelings this way:

“Grateful to live in a country where bankers who rape our entire economy receive 100s of billion of dollars in thanks while humanitarians who feed starving children are sent to jail.”

Timeline of the Case

In 1992, the government began tapping all HLF phones and those of the defendants. It also bugged HLF offices and meeting rooms with voice activated microphones. Thereafter, Muslim community members throughout the country were interviewed, vast amounts of non-incriminating information was obtained, and Washington shared it freely with Israel and other foreign governments.

In January 1993, Israeli Defense Forces (IDF) arrested Muhammad Salah of Illinois. He was taken to (internal security) Shin Bet’s Ramallah facility where he was interrogated, tortured for 54 days, and forced to sign false statements in Hebrew that he didn’t understand.

In October 1993, the FBI bugged a Philadelphia conference room where Arab-American intellectuals, including two HLF officials, were gathered. Agents then claimed that attendees criticized the 1993 Oslo Accords and praised Hamas – two years before the government declared it a Foreign Terrorist Organization in 1995.

Beginning in 1994, the Dallas Morning News and national media began vilifying HLF and connecting it to terrorism, citing Israeli intelligence as their source. In 1996, the Israeli government shut HLF’s office near Jerusalem, claiming it was used to fund Hamas.

In May 2000, Jewish-Americans Stanley and Joyce Boim sued HLF, claiming a connection of its charitable work to their son’s death in the West Bank. In December 2001 in a Rose Garden press conference, George Bush accused HLF of fronting for Hamas and announced he was shutting its offices in Texas, California and New Jersey.

In July 2004, FBI agents arrested five HLF officials at their homes, four of whom were subsequently convicted. In November 2004, a federal grand jury awarded the Boim family \$52 million, and a US magistrate ruled triple damages amounting to \$156 million. HLF attorneys appealed the verdict.

In July 2007, the first HLF trial began. In October, a mistrial was declared as explained above. In December, the Seventh US Circuit Court of Appeals reversed the Boim ruling for failing to link HLF to their son’s death. In early September 2008, prosecutors simplified their case by dropping various charges. On September 15, the retrial began and played out to conviction as one of many (post-9/11) politically motivated witch-hunt prosecutions against innocent targeted Muslims.

This and the first trial had an unprecedented twist. In spite of strong defense objections, an anonymous Israeli intelligence agent (identified as “Avi”) was allowed to testify as an expert witness – with no knowledge of who he is, his credibility if any, no fact-checking on his claims, his obvious bias, and no accountability if he lied under oath. It remains for the appeals court to rule on whether to reverse the verdicts because of this, the use of secret

“evidence” unavailable to the defense, and other gross prosecution discrepancies.

Background Information on the Defendants

HLF Chairman Ghassan Elashi

He was born in Gaza City in 1953, lived there until age 14, and then in Cairo, Egypt where he graduated from Ain Shams University in 1975 with a degree in accounting. After also living in Saudi Arabia and London, he came to the US in 1978 and got a master’s degree in accounting at the University of Miami.

In 1985, he and his wife moved to Culver City, CA, lived there for seven years and then moved to Richardson, TX in 1992. He worked at a family-owned computer business and served as HLF chairman.

HLF president and CEO Shukri Abu-Baker

He was born in Brazil in 1959 and is of Palestinian and Brazilian heritage. At age six, he and his family moved to Silwad, Palestine, then to Kuwait in 1967 for about 10 years. He came to the US in 1980, graduated from Orlando College, Florida with a degree in business administration, and helped launch the first mosque in central Florida.

In 1982, he worked as an office manager for the Muslim Arab Youth Association in Indianapolis, IN. In 1990, he and his family moved to Culver City, CA, helped open HLF, then to Richardson in 1992.

HLF volunteer Mufid Abdulqader

He was born in Silwad, Palestine in 1959, then lived for most of his youth in Kuwait. In 1980, he came to the US, lived briefly in Irving, TX, then Claremore, OK and Stillwater where he attended and received a bachelor’s degree in civil engineering from Oklahoma State University in 1984 and a master’s in 1994.

He then lived in Oklahoma City before moving to Richardson in 1996 where he worked for the city of Dallas as a senior project manager in the public works and transportation departments and as a HLF volunteer.

HLF’s New Jersey office director Abdulrahman Odeh

He was born in Silwad, Palestine in 1959, then lived in Kuwait for about 20 years before coming to the US in 1982. He graduated from Montclair State College, NJ in 1989 with a degree in computer science. He worked as a limo driver for three years and for his own vending business for 10 years before opening HLF’s New Jersey office. Besides providing aid to Palestinians and others abroad, he opened a food pantry in Patterson, NJ that served over 200 needy families. He also represented HLF in many UN events in Egypt and Jordan.

HLF’s California office director Mohammad El-Mezain

He was born in the Khan Yunus, Gaza refugee camp in 1953 and lived there until age 19. He then moved to Egypt in 1973 and graduated from Al-Azhar University, Cairo with a degree in business. Before coming to the US in 1983, he also lived in Saudi Arabia, Jordan, and the United Arab Emirates. In 1985, he received a master’s degree in economics from Colorado

State University. He then lived in New Jersey before moving to San Diego in 1999. Besides his HLF work, he served earlier as an Imam in Colorado and New Jersey.

A Final Comment

Post-9/11, Muslims have been the administration's main "war on terrorism" victims. Many thousands have been mercilessly hounded and targeted through mass witch-hunt roundups, detentions, deportations and prosecutions. Many now languish unjustly in federal prisons for the crime of being Muslim at the wrong time in America. For their activism, religion, ethnicity, prominence and in the case of HLF's officials their charitable compassion for the desperately needy.

They now await sentencing and the results of their planned appeal. The defendants and their attorneys are hopeful that the convictions will be reversed – with good reason. These men aren't terrorists and weren't accused of violence – only philanthropy to the wrong people, ones America and Israel want oppressed, not helped.

Ghassan Elashi's daughter Noor speaks for many and asks how can "the government....say that someone doing perfectly legal humanitarian aid should be designated illegal for strictly political reasons." It means anyone for any reason may be victimized the same way at a time the "war on terrorism" trumps all legal protections and isn't likely to change under a new administration not about to look softer than the current one.

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