

US: Muslim charity and five leaders convicted after witch-hunt trial

John Andrews
28 November 2008

On November 24, a Dallas, Texas, federal court jury returned 108 guilty verdicts against the Holy Land Foundation for Relief and Development—once the largest Muslim charity in the United States—and five of its former officials.

The charges stem from Holy Land Foundation’s raising funds and making donations to charities operating in Palestinian territories between 1995 and 2001.

The federal government did not charge that Holy Land Foundation or its leadership funded or participated in any violent acts. Instead, the indictment charged the charity with sending over \$12 million to institutions and social welfare programs that were controlled by Hamas after its 1995 designation by the US as a terrorist organization.

The five men, Shukri Abu Baker, Ghassan Elashi, Mohammad El-Mezain, Mufid Abdulqader and Abdulrahman Odeh, face prison terms as long as 20 years on some individual counts, depending on the application of complex federal sentencing guidelines. The prosecution has announced its intention to seek “substantial” sentences, and an Associated Press report suggested that some defendants may receive life imprisonment.

The charity itself, convicted on all 32 counts, will forfeit about \$12.4 million.

Hamas, a fundamentalist Sunni Muslim political movement based on Palestinian nationalism, has indeed sponsored or committed violent acts in its ongoing

conflict with Israel. It has also established hospitals, schools, libraries and other necessary social and cultural institutions throughout the Gaza Strip and West Bank. In January 2006, Hamas candidates won a majority of Palestinian Authority seats in an election supported by the US and Israel, thus demonstrating the substantial support for its programs among the oppressed and impoverished Palestinian masses.

The Holy Land Foundation prosecution was obviously politically motivated, intended to intimidate charitable foundations whose operations might come into conflict with the interests of US imperialism and its client states such as Israel, and to set a precedent for shutting them down altogether.

John Boyd, who represented Abu Baker, told the media after the verdict, “There was no evidence that any of Holy Land Foundation’s funds went to anything but charity. It’s just the government’s position that the local charity organizations with whom the Holy Land Foundation were involved with were, in the government’s view, affiliated with Hamas. It is also uncontested that our government and other non-Islamic charities routinely worked with those same local organizations before, during and after the period covered by the indictment.”

According to one defense witness, Edward Abington, the former number two intelligence official at the State Department (and ex-US consul in Jerusalem), many of the charities—known as “zakat committees”—still receive donations from the US Agency for International Development and the International Red Cross.

There was also evidence of more than \$40 million

distributed by the Holy Land Foundation to organizations with no alleged links to Hamas, including charities operating in Lebanon, Jordan, Bosnia, Albania, Chechnya, Turkey and the United States, where assistance was given to victims of Texas tornadoes and the 1995 Oklahoma City terrorist bombing.

US government persecution of the Holy Land Foundation came on the heels of the September 11 attacks. The federal government summarily seized Holy Land Foundation's assets on December 4, 2001, a measure George Bush labeled at the time "another step in the war on terrorism." By that date, almost 20 years after its founding, the charity's annual budget had grown to more than \$14 million.

The Bush administration's action came as a shock to many in the American Muslim community. Islam considers charitable giving a religious obligation, and Holy Land Foundation's thousands of supporters included such prominent individuals as Hakeem Olajuwon, the Hall-of-Fame center for the Houston Rockets of the National Basketball Association, who played golf in Holy Land Foundation charity tournaments in both 1998 and 1999.

After rejecting Holy Land Foundation's petition for reinstatement and return of its assets, on July 27, 2004, the government filed a criminal indictment charging the charity itself and the five leaders with support for terrorism, money laundering and tax fraud. The indictment was so detailed and convoluted that it took a federal prosecutor more than an hour to read it aloud in court.

A jury trial last year on 200 counts ended in acquittals and deadlocks after two months of trial and 19 days of deliberations. Afterward, several jurors denounced the government's case, calling it "full of gaps" and "a waste of time."

The just completed retrial, however, ended with convictions on all the remaining charges.

The political character of the prosecution was demonstrated by the government's tactics, both during

the investigation and trial. Much of the evidence was derived from extensive wiretapping dating back to 1992, before support for Hamas was even deemed a federal offense. Microphones were used to bug Holy Land Foundation meeting rooms.

"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 wiretapped," according to Nancy Hollander, Abu's lawyer. "They were not allowed to go back and review them. There were statements from alleged co-conspirators that included handwritten notes. Nobody knew who wrote them; nobody knew when they were written," she added.

During the trial, United States District Judge Jorge Solis sealed the courtroom and allowed an Israeli intelligence agent, introduced to the jury simply as "Avi," to testify anonymously. "Avi" provided key evidence, telling jurors that each of the zakat committees identified in the indictment was controlled by Hamas.

Much of the prosecution's evidence was simply intended to inflame the jurors. Alleged Hamas actions dating back decades, including videos of grisly suicide bombings to which none of the defendants were in any way connected, or accused of planning, were presented over and over to the jury.

George Washington University law professor Jonathan Turley, an outspoken critic of the Bush administration's use of the "war on terrorism" to attack democratic rights, called the case an "example of excessive and vexatious prosecution."

"Many Muslims believe the intention was to chill Muslim charities in the US," Turley said, "and that is exactly what happened."



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