

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

THE HOLY LAND FOUNDATION FOR RELIEF AND DEVELOPMENT, Plaintiff, v. JOHN ASHCROFT, in his official capacity as Attorney General of the United States, et al., Defendants.

No. 1:02CV00442 (Judge Kessler)

DECLARATION OF SHUKRI ABU BAKER

1. My name is Shukri Abu Baker. I am also known as Shukri A. Baker. I live at 2917 Fair Meadow Dr., Garland, Texas. I have lived in Texas for ten years and at this address for four. I am the Chief Executive Officer of the Holy Land Foundation ("HLF").

2. I am 43 years old and have been an American citizen since 1989. I am married to Wejdan O. Baker and we have been married since 1982. We have four children, Zaira, Sanabel, Nida'a and Shurook. Also living with me is my father Ahmad Abu-Baker, 72, and my mother Zaira, 64. I was born in Sao Paolo, Brazil. My father is from Ramallah, West Bank, Palestine and my mother, a convert to Islam, is from Brazil. I have lived in the United States since January 1980. I have a bachelor's degree in Business Administration from Orlando College in Orlando, Florida (1984).

3. My desire for Palestine and Israel is that there be a single nation, Muslims, Jews and others. I categorically reject the idea that Jews should be killed or driven out.

United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By: Calvin J. Craney, Deputy Clerk 7/9/07 Exhibit #1 of doc. #29

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of Israel. I reject and abhor Hamas, its goals and its methods. I reject terrorism by anyone. I do not believe that it accomplishes anything and I believe it to be morally wrong. The organization that I helped found, the Holy Land Foundation, is dedicated to the alleviation of the suffering of people who have been caught and injured in conflicts and disasters around the world, particularly in Palestine, where the suffering by the Palestinians is staggering. As I explain in more detail below, however, our efforts have not been limited to Palestine. We have provided essential aid in Palestine, Lebanon, Bosnia, New York City, Oklahoma City, and elsewhere.

4. I was one of the founders, in 1989, of the Holy Land Foundation. For me, the inspiration for starting the Holy Land Foundation stemmed from one thing: the birth of our third child and second daughter, Sanabel. My wife and I were living in Indianapolis, Indiana, in 1987. Sanabel, was born on March 25, 1987, suffering from two catastrophic genetic diseases, cystic fibrosis and thalassemia major (a disease of the blood that requires transfusions every month). Cystic fibrosis is associated with persons of European descent (thus from my mother, whose ancestors are Italian) while thalassemia major is associated with Mediterranean (Semitic) peoples. It was as though Sanabel had been struck by lightning twice at the same instant.

My wife and I had little income and no insurance. Sanabel's medical problems were first diagnosed eight months after her birth, through the federal "WIC" clinic (a project of the "Women, Infants and Children" program). Sanabel's medical problems were such that she was not expected to survive. However, WIC arranged for treatment of Sanabel at Indianapolis Children's Medical Center and over many weeks after she began her treatment there, her condition stabilized and she survived. Although she continues to have enormous medical problems that make her life difficult in many ways, she is now fifteen years old, bright, succeeding in school, happy and a delight to me, my wife and her siblings.

During Sanabel's treatment in Indianapolis in 1987 through January 1990, my life changed. I saw how incredibly lucky she was and we were that she was born in the United States. I firmly believe that she would not have survived had she been born anywhere else in the world. I was overwhelmed by the kindness of the doctors and staff at the Children's Hospital, and by the kindness and devotion of the members of the support groups that helped us and Sanabel through her infancy. I saw clearly, for the first time in my life, what could be done for someone who was suffering, by private groups and government funds dedicated to alleviating that suffering. It was the private funds that the Children's Medical Center received that allowed it to provide the incredible help that it did. My sense of gratitude overwhelmed me and it somehow "clicked" in my mind that I could do the same in some small way and could in some way pay back to others what had been done for me, my family and Sanabel by the people in this country. Perhaps most of all, the treatment my daughter received made me understand and appreciate what a gift it was to be American.

I have always loved this country, but I have particularly strong feelings for America whenever I look at my daughter, Sanabel. I know that she would be dead if she had been born anywhere else. I have always raised my children to think of themselves as Americans, just as I think of myself as an American. I feel so grateful to this country and I have taught my daughters to feel the same way.

I decided during the first two weeks of my daughter's treatment that I wanted to devote myself to alleviating suffering in the way my family's suffering had been alleviated. My desire to somehow pay back the debt that my family, my daughter and I owe to the goodness of others is not driven in any sense by politics. At that time of my daughter's birth, the first "intifada" was occurring in Palestine. My father is Palestinian and I felt an affinity for the Palestinians who

were injured and suffering as a result of this clash. I knew from what I read in the news that there were dire shortages of medical care, food, clothing, shelter, and other essentials.

5. It was at this time that I began to discuss with a few other friends an idea for forming a charitable organization built around the obligation of Muslims to participate in "zakat," which is one of the "five pillars" of Islam. The closest term in English is "almsgiving," although it can also be compared with charitable tithing. This pillar of Islam requires people who are able to give alms to give them freely as best they can to alleviate the suffering of the unfortunate.

6. The organization we formed was first called the "Occupied Land Fund." We later changed it to the Holy Land's Foundation for Relief and Development, because our idea was to try to alleviate the suffering of people in the Palestinian territories occupied by Israel at that time. The people who worked with me to found the organization were Ghassan Elashi, a marketing executive for an internet company, Mohammed Elmizain, an Imam of the Passaic County Mosque in Patterson, N.J., Mace Abdullah, a lawyer in Los Angeles, and Ahmed Agha, a doctor in Oklahoma.

7. Neither I nor, to my knowledge, any of the other founders of this charity have had any connection whatever to Hamas, or to any terrorist groups or to terrorism. I do not believe that suicide bombing is countenanced by the Islamic religion. I have always opposed radicalism. I have always been for dialog and for peace and I am firm in these convictions. I am confident that the other founders of the Holy Land Foundation feel the same way. Our objective was and has always been simply to alleviate suffering in Palestine and elsewhere.

8. As I explain in more detail below, the Holy Land Foundation assists the impoverished and disadvantaged without regard to politics or other partisan considerations. We

distribute aid to Christians in Palestine as well as to Muslims. We also distribute aid to the families of people who have been assassinated for allegedly collaborating with Israel. Certainly if we were supporting Hamas, we would do neither of these things.

9. Since we founded the Holy Land Foundation, I have devoted my life to building this charity. I have come to feel that it is my life's work to try to alleviate suffering, particularly the suffering of children. Between the time I began working for our foundation in 1990 and the moment that our funds were blocked by the United States in late 2001, I have taken only one week's vacation.

10. I and the other founders began raising money in late 1989 and early 1990 and were successful. We had a board consisting mostly of the founders, and we have had various board members since that time that have guided our charity. To my knowledge, we have never had a board member who was connected with Hamas. We have had doctors, lawyers, professors, engineers and other professional and business people serve on our board. No board member has ever suggested that we should devote any funds to the support of Hamas or any other terrorist organization.

11. I started work for HLF as a full-time, salaried employee in February, 1990. We sought funds from members of the Islamic community because we knew many people in the Islamic community and because our initial goal was to provide aid to poor children in Palestine. We were successful because the members of the Islamic community, in addition to wanting to help the people of Palestine, also have the religious obligations that I referred to earlier. First, there is the Islamic obligation of "zakat" which, as I explain above, is an obligation to give alms to the needy. In addition, helping orphans is central to the Islamic religion. To a Muslim, an orphan is any child whose father is dead. These are religious tenets regarding the

need to share with the less fortunate that people of the Islamic faith take very seriously because they are an integral part of our religion. For example, Islamic people are required to participate in "Zakat Al Fitr" which is a particular alms-giving that occurs during Ramadan. During the month of Ramadan, Muslims fast all day until sundown. At sundown, they break the fast.

"Zakat Al Fitr" requires that Muslims who are not impoverished give an amount of alms equal to one meal for each member of their family. Thus, if a family has a husband, wife and three children, that family must give, during Ramadan, enough alms to pay for five meals for the poor. That means that, by religious decree in the United States, an Islamic family of five must give \$7 - \$10 for each member, or \$35 - \$50. One of the purposes of the Holy Land Foundation was to provide a mechanism for American Muslims to fulfill their religious "Zakat" obligations.

12. Although the Holy Land Foundation is generally organized as an Islamic, "faith-based" organization, it does not limit its solicitations to Muslims, nor are the recipients of its charity limited to Muslim people. As I will explain in more detail later, HLF provides charity in Palestine and elsewhere not only to Muslims, but also to impoverished Christians and people of other faiths. We make it clear that our charitable efforts are not confined to members or our faith. We publicly say we "give aid based on need, not on creed."

13. Because O.F.A.C. has taken our records, I am providing many of the financial and other details from memory. During our first year of fund-raising, ending in 1990, we raised approximately \$700,000. Because the intifada was going on in Palestine, we focused our charity on orphans, food and aid to hospitals. We did not have an office in Palestine, so we worked with charity organizations that already existed. We knew that the situation in Palestine was devastating to the people there, so we were anxious to help as much as we could. We sent money only to institutions that we knew were legal, registered and doing an excellent job.. We

sent money to "Zakat Committees" in Palestine because those committees were really the only reliable way to get money to the poor. We disbursed money only for discrete projects and programs. For example, we might allocate money for a particular group of orphans whose names were on a list provided to us by a zakat committee. At this time, in the early 1990's, the zakat committees were operating under the mandate of the Israeli occupation and were operating with the approval of the Israeli government. The fund transfers, in virtually every instance, went through Israeli banks. These committees would account to us for the money they received. They would provide pictures of many of the orphans and they would provide pictures of the food packages that were purchased with our funds. We had no reason then, nor do we have any reason now, to believe that any of the zakat committees functioning in Palestine at that time were under the influence or control of Hamas. Had they been under Hamas's control, however, it would not have been particularly significant, since I believe Hamas at that time was not a banned organization, by either the Israeli or United States governments.

14. In 1991, I believe that we raised about \$1,000,000. In 1992, I believe we raised about \$2 million and in 1993 and 1994 about the same amounts. Over the years, the amount we have been able to raise per year has risen to about thirteen million in the year 2000. As a result of the blocking order, about five million dollars in HLF funds was frozen. In my opinion, the blocking order had the effect of preventing HLF from raising an additional two or three million dollars for charity.

15. In 1993, I hired Mohammed Anati to open an HLF office in Jerusalem. We hired him right out of college. Before HLF hired him, I made him swear that he was not affiliated with any group, and he swore to me that he was not. We asked him to form a board for the organization in Palestine and our instructions to him were to avoid board members with

organizational affiliations. The office operated under Israeli law because an Israeli lawyer told us that the most expedient way to accomplish opening an office was to start it as an Israeli corporation and make it HLF's agent in Israel. I believe that there was no one on the board who was associated with Hamas or any other terrorist organization.

16. As a result of having a physical presence in Jerusalem, our organization changed the way it delivered charity. We hired social workers to monitor the stipends to the orphans. In many cases, we no longer needed to work through zakat committees. One advantage of this, we felt, was that by undertaking the task of distributing the charity, we would be able to enforce our policy of eliminating any chance of political manipulation. We understood the politically polarized situation and we wanted to supervise and evaluate the distribution of our funds. If we got a request for money, Anati was there to make sure it was a legitimate request and, if legitimate, that it was utilized properly. In doing this, our overriding motives were two-fold: stay outside Palestinian politics, and make our money more productive. This was not because we had found anything unsavory in the distribution through the zakat committees or any other organizations with which we had dealt. But the new political development was a peace accord with Israel and the situation was, we thought, going to become stable. The Palestinian Authority, formerly the PLO, was to be officially in charge of Palestine and we needed and wanted to move to a more professional stage as the previously chaotic situation in Palestine came to an end, or so we thought at the time. The peace accord was signed in 1993. However, the treaty that allowed the PA to move into Gaza and Jericho was signed between the Palestinians and Israel in Cairo in March 1994.

17. We started an office in the Gaza Strip in late 1993. At that time, Gaza was under the Israeli mandate, so when the Palestinian Authority took over Gaza in 1994, HLF was already

there and functioning.

18. In 1993, we began institutionalizing some of the basic programs to which we devote much of our money: Food packages for Ramadan, orphan assistance, zakat to the needy. While the Ramadan food packages necessarily go almost entirely to Muslims, the support of orphans and zakat to the needy goes, and has always gone, to people of any faith, including a number of Christians living in Palestine. These programs are the same, and operated in similar fashion, in the West Bank, Gaza, and refugee camps in Lebanon and Jordan. We have also begun other programs over the years, including providing school uniforms, clothing for the poor, support for poor families, scholarships, etc. I have read the affidavit of Mohammed Abumoharram, the manager of our Gaza office, and it fairly and accurately reflects the type of programs we operate throughout Palestine and in the refugee camps. It also fairly and accurately reflects the way our funds tend to be distributed. A rough division of the funds HLF raised for Palestine is that about 60% of our fund distribution in the Holy Land itself goes to Gaza and West Bank, 25% to Lebanon, 15% to Jordan. So far as we know, none of our funds goes to Hamas or to any terrorist organization and I do not see how it could.

19. In the receipt and expenditure of our funds, we have always maintained transparency. Our books (until they were seized) have been open for inspection and every dollar accounted for. In this regard, it is important to know that a high percentage of the money we give to the needy is earmarked by the donor, for a particular needy orphan or family. For example, our staff in Gaza, West Bank or the refugee camps gathers the names of orphans who are not sponsored by other organizations and who are genuinely needy. These orphans are for the most part Muslims, simply because most of the people who live in Palestine are Muslim. But some are Christians. What they have in common is that all of them are from families whose

father is dead and all are desperately poor. Some of these orphans have lost their fathers because Hamas or some other group decided that their fathers were spies or collaborators with the Israelis. This is of no matter to HLF if the orphans' families have no other sponsorship and are genuinely needy. After an application is made to us for assistance, our social workers will visit the family to determine its need and will check with other aid organizations to confirm that the family has no other sources of charitable assistance. Then the social workers will prepare a profile of the orphan and his or her family, will take a picture of the orphan and forward the profile and picture to HLF offices in Texas. HLF will then circulate the picture and profile, with others, among potential sponsors. We have maintained a web site on which we publish a list of orphans who need sponsorship. People are able to look through these lists and select an orphan to sponsor. Sponsors will select particular orphans to support and, when we have a total of \$50 pledged per month in support for a particular orphan, we will begin the sponsorship of that orphan by collecting the funds monthly from the sponsors and passing it along to the orphan after deducting \$5 for administrative fees, resulting in a \$45/month payment directly to the sponsored orphan's family. We have been careful to make sure that earmarked contributions go exactly where the donor intends.

20. Sometimes donors will suggest particular orphans for support and we will follow up on the suggestion by contacting the orphan and his or her family and evaluating the need, but we do not devote any funds to any orphans, based on suggestions, without making such an evaluation. In this regard, I know that there is a suspicion that HLF in some way favors or singles out for assistance the orphans of suicide bombers. I have read the declaration of Mohammed Abumoharram, our manager of the Gaza office. Based on my experience in Palestine, which has been extensive over the last ten years, I agree with him that it is unlikely

that there are any orphans of suicide bombers among the orphans we sponsor. While I obviously cannot state categorically that there are none, I can say that I am unaware of any and I agree with Moharram that it would be unlikely that there are any, since Hamas and other such organizations make a point, I believe, of providing more support to the families of suicide bombers than we are able to supply to the orphans our donors sponsor. For this reason, and because the typical suicide bomber is young and single, I believe it is unlikely that there are orphans of suicide bombers among our sponsored orphans. In my opinion, it is far more likely that our list of sponsored orphans includes the orphans of fathers who have been killed by Hamas or other terrorist groups because of the father's alleged complicity with Israel.

21. One of the most painful things for me and, I know for the rest of the staff of HLF, is the knowledge that the meager amount of \$45/month that was formerly going to the orphans on our list has been cut off and that those children and their families are without this support. The need of such children and their remaining families in Palestine is very great. It is very hard for an American to imagine the extent of the suffering that exists in Palestine and in the refugee camps, but I have seen it with my own eyes. For this reason, I am familiar with what it certainly means for these children and families to be without this small assistance. There is desperate poverty in Palestine and the refugee camps. With very few exceptions there are no jobs to be had and the small amounts of money we supply make an enormous difference in the lives of the children and their families to whom our support goes. It is a certainty that many of these families have little or no other support and that, as a result of the blocking order, those families are desperate. I should note that a pledge of \$50/month is the minimum amount of support that HLF will provide to the families of orphans. In some cases, sponsors of orphans give more than \$50/month and we pass that higher level of support along to the designated orphan. I have no

reason to believe that this higher level of support has ever been used as a mechanism to pass along funds to the families of terrorists on a preferential basis.

22. I am aware that HLF is accused of some sort of systematic support for the families of suicide bombers. For the reasons described earlier, I believe it is unlikely that we have supplied any support to the families of suicide bombers. HLF does not seek out the families of suicide bombers to support, nor do we, or would we, accept any direction from Hamas or any other terrorist organization regarding what families or orphans to support. In this regard, I believe there has been some confusion arising from my use of the term "shaheed" which has been roughly translated into English as "martyr." I have used this term in the past in urging donors to support the orphans of the "shaheed" or to support the families of "shaheed." The idea that this term is limited to (or, from my perspective, even applies to) suicide bombers is completely wrong. "Shaheed," to me and, I believe, to most Muslims, means an innocent victim who has died. For example, a person killed by a bomb or a bullet would be a shaheed if he or she were an innocent victim of that violence. A mother who died in childbirth might be considered "shaheed." Anyone who died an "innocent" death could be considered a shaheed. In my speeches, therefore, I have spoken of the need to help the orphans of shaheed. By using this term, I have not intended it as a solicitation of support for suicide bombers, even if they needed HLF's support, which they apparently do not. I have always meant it to refer to any orphans whose fathers have died innocently. As far as I'm concerned, it is hard to imagine a person who has died in Palestine other than by natural causes, that I would not consider to be "shaheed." I know that other people take narrower views of the meaning of this term. Some people believe it is limited to people who have died in defense of the Islamic faith. I believe these people are in the minority and I do not take it to be limited this way. I referred to the victims of the Hebron

Massacre as "shaheed." These were people who were massacred inside a mosque, during prayers, by an Israeli civilian who entered the mosque with a machine gun and started firing. Certainly their poor children and families were entitled to support and I believe most Muslims would have referred to them as "shaheed."

23. By early 1994, we established our offices in Jerusalem and Gaza. Before that time, we had delivered charity through organizations licensed and authorized by the Israeli government which, up until that time, occupied Palestine and exercised authority over all charitable and other agencies operating anywhere in Palestine or Gaza. In other words, although HLF provided funds to zakat committees and other organizations before 1994, the existence and activities of every one of those organizations had been approved by the Israeli government. It is important to note that HLF, even before Hamas was banned by the Israeli government, did not provide any funds to Hamas or devote any of its funds to support Hamas. It was my view then, and it continues to be my view, that connections with political organizations, including any organization that engages in any sort of terrorist activities, would compromise our ability to provide charity.

24. After late 1993/early 1994, because we had established our own presence in Palestine and the refugee camps, we began to cut back on distributing charity through other organizations and began distributing it entirely ourselves. Our offices in Gaza and Jerusalem functioned without incident until May of 1996, when the Israeli Ministry of Defense issued an order banning five charities, including ours, for a period of one year. According to the Defense Ministry, the reason for the order was that the Ministry believed HLF was a front for Hamas, based on allegations that we had provided aid to the families of Hamas activists and that we had provided funds to zakat committees that were allegedly controlled by Hamas. We hired an

Israeli lawyer, Lea Tsemmel, to attempt to find out the basis for the ban and to try to get it lifted. At this time, we were able to continue functioning through our offices in Gaza and Hebron, which in 1994 had come under the jurisdiction of the Palestinian Authority.

25. Our lawyer provided us with the specifics of the charges, which I have summarized above. My understanding of these events can be summarized as follows: The Ministry of Defense claimed that out of the thousands of people to whom we had provided assistance, a handful (25 or so) were supposedly connected to Hamas, which had recently been banned. In addition, the Ministry alleged that some members of the zakat committees with which we had dealt, were Hamas activists. As to the charge that we gave financial support to the families of Hamas activists, we reviewed our list of recipients and were unable to find anyone who had received our money who had committed an act of terrorism. In Palestine at that time (and now), there would be no way for a charitable organization to eliminate the possibility that a needy family it was helping might have a member whom the Israeli government might consider to be a "Hamas activist." The nature of our charity was such, however, that the families to whom we provided support were not connected with Hamas, at least as far as we could tell and as far as the Israeli government could tell. As to the families of "Hamas activists" that we supposedly supported, I recall one or two specifics. One was an elderly woman who had no source of income, whose son the Israeli government alleged to be a "Hamas activist" or "Hamas fugitive." There was no allegation that the mother was in any way responsible for her son's conduct, whatever it was, and there was no question that she was in desperate need. I continue not to understand why the Israeli government could object to our providing assistance to this woman, but they apparently did. Their objection is particularly difficult to understand given the news reports that I have read over the years regarding the requirement of Israeli law that the

Israeli government provide support to the families of actual suicide bombers who happen to be Israeli citizens.

Another example that I recall from the list was the brother of someone who was a " Hamas activist." The brother and his family were impoverished, and qualified for our assistance, and there was no allegation that this man or his children had been involved with Hamas. Nor was there any allegation that HLF knew or should have known of the brother's Hamas activities, whatever they were. Yet the Israeli government used HLF's small support for the non-activist brother as an example of our organization having done something wrong.

As to the allegation regarding the zakat committees, the people on those committees whom the Israeli government identified as " Hamas activists" were, first of all, not known to HLF to be connected to Hamas. Second of all, so far as I know, the zakat committees with whom we dealt had been approved and permitted to function by the Israeli government when we were dealing with them.

We understood that the Minister of Defense's decision to ban HLF as " non-permissible" was his decision and not a cabinet decision. My understanding is that our Israeli lawyer appealed his decision to the Israeli Military Court. After reviewing the evidence, the Court reversed his decision, holding that the amount of funds that the Minister claimed was in some way being used to support Hamas was so negligible, in comparison with the magnitude of HLF's activities as to be insufficient to justify the ban.

After this decision by the Military Court, an Israeli civilian court reversed the decision of the military court and upheld the Minister's decision. I don't know on what basis they did so. I learned about it from an article, years later, in the Dallas Morning News. Whatever the history of these events, the result was that our office in Jerusalem was required to remain closed for one

year.

26. Our charitable work continued, but only through our offices in Gaza and Hebron, which were by then outside the jurisdiction of the Israeli government. The ban had no application in Gaza and Hebron, and was applicable only to Israeli-controlled territory.

27. When the year expired in May, 1997, our manager, Anati, rented an office on the outskirts of Jerusalem and we began operating our charity again. We did so openly, with a sign on the door, phone line, fax, employees, etc. I was informed by Anati that Israeli security visited the office, discussed HLF's activities and raised no question about HLF's recommencement of its Jerusalem operation. Because the year was over and because of the visits by Israeli security, we had no reason to believe that we shouldn't be operating, and HLF operated in Jerusalem without incident for some months. When Anati traveled to Jordan to visit family and returned, however, the Israeli police arrested him at the border and charged him with operating a "banned organization." Officials identified him on the news as a " Hamas financier."

28. Anati was detained in prison for between eight months and one year. As far as I know, there was neither a trial or a conviction. I believe this was under the Israeli law that allows renewable "administrative" detentions of up to six months without charges. During this time, we closed our office in Jerusalem and have not reopened it. My understanding is that Mohammed Anati was banned for two years from contacting us or working for us. I have been told that he suffered a great deal in prison, and that he was tortured, although I have not spoken to Anati personally about it.

29. After these events, HLF functioned only through its offices in Hebron and Gaza. We later opened an office in Ramallah and Jeneen, staffed by some of our social workers. The activities of these offices have been accurately summarized by Mohammed Abumorram, who

has knowledge of the activities of our Gaza office, which are similar to our operations in the West Bank.

30. In addition to HLF's work in Palestine, HLF has engaged in charitable relief work in other parts of the world. From my memory (we do not have our documents), I recall the following: In 1992, we made a donation to the victims of the Los Angeles riots to help them rebuild. In 1993 or 1994, there were floods in Idaho, and we worked with the Islamic Association of North Texas to send truckloads of supplies to the victims of those floods. In 1994-95, we raised money for relief in Bosnia. I went there and helped to deliver the truckloads of clothing and medical supplies, working through a German relief organization. In 1995, we raised funds for the victims of the Oklahoma City bombing. We also held a blood drive in Dallas for the Oklahoma City bombing. We sent fifty volunteers to work in Oklahoma City, to relieve the members of the Oklahoma church groups who had been working on site. We sent representatives to the memorial services conducted by President Clinton. In the same year, HLF co-founded a Dallas coalition of relief organizations called Volunteer Organizations Acting in Disasters ("VOAID"). HLF served as vice-president of this coalition. The coalition included local Red Cross chapters, the local Salvation Army and other Dallas charities. Its purpose was to coordinate volunteer relief efforts in the event of a disaster in the Dallas area. Shortly thereafter, HLF started a homeless food program in the Dallas area and a food pantry in Patterson, New Jersey among other community outreach programs. The food pantry program in Patterson had been serving over 400 families in the Patterson area. As a result of the blocking order, these programs do not function.

In 1997, there was enormous suffering in Kosovo. We raised money in this country to help, finally raising enough money to purchase two mobile clinics, and worked with local groups

(ultimately in Albania) to staff them. We also purchased and delivered a mobile bakery unit and hired a baker to run the bakery, that produced 8000 loaves of bread per day for the Kosovo refugees in Albania. We also purchased one thousand tons of flour from Turkey and worked with the Dutch Army to unload the flour for delivery to the bakery and to the World Food Program of the U.N., working through United Nations High Commissioner for Refugees. We also worked through an Islamic relief charity, were appointed to the NO Coalition of charities working in Albania to provide relief, and worked through a prominent American, faith-based charity.

In 1997, we sent volunteers and supplies to Dover City, Oklahoma where a tornado had struck. Twenty-five volunteers, with three u-haul trucks loaded with supplies made the journey. We recruited many teenagers for this project because HLF feels that it is important to introduce young people to the idea of helping others.

From 1994 through 2000, we provided college scholarships in the amount of about \$1,500-\$2,000 annually to the DFW/ABC (an association for Black communicators). We have provided support to the Africa Care Academy in Dallas, Texas (1998-2001). We have given funds to Islamic community schools throughout the United States for scholarships and support. We have given funds to educational and civil rights advocacy groups in the U.S. such as the Brighter Horizons Academy TX, Mothers against Drunk Driving, TX, the Arab Anti-Discrimination Committee, American Muslim Trust and other groups. These funds are all now cut off to these organizations and potential scholarship recipients as a result of the blocking order.

When the Chechnia situation worsened in 1998 or 1999, we provided emergency relief to refugees in Georgia, principally food distribution. The efforts in Chechnia and in Eastern

Europe have been headed by Dalell Mohmed, our Emergency Relief Coordinator.

In 1999, a devastating earthquake occurred in Turkey. HLF supplied hot meals to hundreds of people every day, three meals per day. We worked closely through International Blue Crescent, a prominent Turkish relief organization which had also worked with us in Kosovo and Chechnia. We also worked with the Turkish foreign ministry and received an award from the Turkish government as a result of having been the only non-governmental organization providing this type of relief service.

In 2000, there was an earthquake in India, and we raised money which we sent to an Islamic group in India to assist with relief. We also provided money for relief in Mozambique following floods there. I do not recall what agency or organization we worked through.

In 2000, there was a disastrous tornado in the Ft. Worth area, and we presented a check to the Red Cross (\$10,000, as I recall) for use in the relief effort there. We presented the check to the Ft. Worth City Council.

In 2001, we raised money for the victims of the 9/11 disaster (about \$30,000). Our check for a partial payment of \$10,000 was ready to be delivered to the Red Cross, but is now in the possession of the FBI after they swept our office on Dec. 4, 2001. We also had raised funds for victims of hate crimes, and for vandalized mosques. In this connection, we gave about \$2,500 to the family of a Pakistani man who was shot dead following the 9/11 events, and we gave \$5,000 to repair a mosque that had been the target of gunfire following those events. We also set aside a \$1,000,000 endowment fund for college scholarships for Arab and Muslim- American college students. We planned to provide scholarships for 15 students per year with these funds (13 undergraduate and 2 graduate), starting summer 2002. These funds are subject to the blocking order.

31. **The Watson Memorandum.**

I have reviewed the "Watson Memo" that contains a series of factual allegations that purport to show that HLF is essentially a fund-raising organization for Hamas, a terrorist organization. The memo also identifies me as a member of Hamas and contains a series of points that purportedly demonstrate a connection between HLF and Hamas. It would take many more pages to systematically rebut the allegations in the memorandum. I am prepared to testify about any of them. Since the memorandum does not, as far as I can tell, rely on any sworn testimony by anyone, I will respond to it only with the following general statements:

A. I am not now, nor have I ever been a member of, much less an official, of Hamas. As far as I know, no one has ever identified me as an official of Hamas. As I stated earlier in this declaration, I reject Hamas's goals and tactics. It is my belief that Arabs and Jews will ultimately be able to live peacefully, side-by-side in the Holy Land.

The blocked funds are all owned by HLF, a California corporation. Hamas has no interest in the funds that OFAC has blocked and HLF does not now act on behalf of Hamas and has never acted on behalf of Hamas. No foreign national or foreign government has an interest in HLF's blocked funds.

B. To my knowledge, no employee of HLF supports Hamas or is a member of Hamas.

C. I do not recall attending any meeting at which anyone suggested that HLF be used to raise funds for Hamas.

D. No HLF money has been paid to Hamas or to anyone or any entity purporting to be an agent or branch of Hamas. I have not stated at any meeting that the monies raised by HLF were for Hamas' terrorists or that the funds raised by HLF were "dollars for Hamas" as the

Watson memo alleges at pages 46-47.

E. To my knowledge, no HLF money has been channeled preferentially to the families of Hamas activists, to the families of terrorists or to the families of suicide bombers. I cannot deny that HLF's policy of distributing charity to the needy without regard to politics, race or religion may have resulted in incidental support to a needy family that may have a member who has supported Hamas or may even have committed a terrorist act. Such a connection would not be known to HLF, however. Furthermore, it is HLF's approach to charity that results in HLF's provision of support to Christian families in Palestine and to the families of persons murdered by Hamas as a result of allegations that those persons were spies for the Israeli government.

F. The 1993 "Philadelphia" meeting was a meeting of Islamic intellectuals, academicians, community leaders and representatives of American Islamic organizations, such as ours. It was not a meeting of any organization. No decisions were made by any organization about anything. Everyone there spoke their minds.

The Watson memo makes an issue out of some people's use of the word "Samah" at this meeting. This word, translated into phonetic English, is "Hamas" spelled backward. Some people at the meeting spoke of Hamas openly and there was no reason for them not to, since Hamas' role in Palestine was a natural subject of discussion, and Hamas was not a banned organization at that time. The use of the word "Samah" was a whimsical and ironic play on words. "Samah" means "forgiveness" in Arabic, and, in my opinion, those who used the term were making ironic fun of Hamas, not adopting a secret term to disguise their references to the organization. Some people at the meeting also referred to the "The Movement." I do not believe that anyone who used this term was referring to Hamas. Rather, I understood them to refer to

the general effort by Palestinian and Muslim intellectuals to support the Palestinian cause.

G. Support for Exiles to Lebanon: In December, 1992, Israel deported over 400 Palestinian activists, from West Bank and Gaza into Lebanon. These people were not accused of being terrorists, they were accused of being " Hamas activists," but they were doctors, lawyers, professors, imams and the like and we were aware, from news reports, that these were educated Palestinians who had objected to Israel's conduct toward Palestine. Israel simply physically rounded them up and dropped them, en masse, in Marj ElZahour, a no-man's land between northern Israel and Lebanon and left there with orders not to return. It was winter. They were left there with no shelter, no clothing, no belongings and no food. The United Nations and a number of charities rushed in to provide aid to these people. The Holy Land Foundation provided relief also, and was one of about twenty international charities, along with the United Nations, providing relief to these people. The United Nations called upon Israel to immediately allow these people to return home. After a year in this no-man's land, in December, 1993, Israel acceded to the international pressure and allowed these people to return. To my knowledge, none of them was ever charged with any crime. To say that HLF's small role in sustaining these peoples' lives demonstrates support for Hamas or for terrorism is not credible. As to the families of the deportees, we provided our assistance through the Islamic Relief Agency ("IRA") which, at the time (and for years thereafter) was the leading Israeli-Palestinian charity, which was the only charity, so far as I know, that was licensed by the Israeli government to deliver aid under any circumstances. Some of the families of the exiles were in desperate financial straits and some were not. We provided support, through sponsorship by American Muslims, to those families of the exiles that were in a really bad way.

H. I was not aware, nor am I aware now, that Dr. Akram Harubi holds some sort

of position in Hamas. I understood him to be an academician, had no idea that he had any connection with Hamas, and find it hard to believe now.

I. It is correct that the Palestinian Authority closed NGO in Gaza in September, 1997 and that HLF was one of them. Some of them were accused by the P/A of being connected with Hamas through their boards. Within a few weeks, the P/A told us that we could reopen because its representatives had satisfied themselves that HLF was "transparent" and "non-allied." Since then, we have had a completely smooth relationship with the Palestinian Authority. I cannot help but note that the Watson memorandum refers to the Israeli government's version of this event, and does not include the Palestinian Authority documents relating to this incident, which explain it fully.

J. HLF has repeatedly sought meetings with U.S. government agencies to assure them that HLF was not doing anything improper and to answer any concerns they might have. In most instances, the agencies ignored these requests. When meetings did occur, the government agencies expressed no concerns about HLF's operations. At all times, HLF has offered to and has been prepared to make available every aspect of its operations for review by the federal government.

K. In my opinion, if HLF continues to be shut down much longer its ability to revive and again carry out its charitable work will be at least severely compromised and probably destroyed. In addition to depriving the HLF employees in Palestine of their livelihoods, the OFAC's blocking order has deprived me and other American employees of HLF of our livelihoods. My medical insurance has lapsed and this has compromised my ability to care for my family, including my daughter Sanabel, whose medical problems I have described above. Until last week, for about a month, Sanabel has been without her needed medication for

treatment of salesthemia. She is now receiving it through the C.H.I.P.S. program. Coverage under this program did not begin until recently and I therefore am now saddled with all of the medical bills that we had to incur after the insurance lapsed and before the CHIPS program began. My creditors call me every day. I used to have impeccable credit and it is now subject to be destroyed. I know that HLF's employees have been unable to obtain employment in the Dallas area because of the notoriety about HLF's legal problems. I have become so frantic about the situation that I face as a result of the notoriety about the blocking order and the Watson memo that I have even contemplated changing my name. In short, the blocking order has put me and all other HLF employees in a state of severe personal and financial crisis. Our retirement funds are blocked and so even this "safety net" has been eliminated. I recently advertised my living room and dining room furniture for sale, along with one of my cars. So far, I have had no buyers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 4th day of April, 2002.



Shukri Abu-Baker