

## **KindHearts for Charitable Humanitarian Development**

### **Executive Summary**

KindHearts for Charitable Humanitarian Development is an Islamic charity that was incorporated in Toledo, Ohio in 2002.<sup>1</sup> KindHearts is registered in a number of other states, including Colorado,<sup>2</sup> Pennsylvania,<sup>3</sup> Oklahoma,<sup>4</sup> Nevada,<sup>5</sup> and Indiana.<sup>6</sup>

According to its website, KindHearts “is a non-profit charitable organization providing immediate disaster relief and establishing programs to improve the quality of life and foster future independence for those in need.” The organization claims that its “program emphasis” is emergency relief; water and general sanitation; sheltering refugees; sponsorship of orphans, widows, and poor families; medical and health care; rehabilitation and renovation; vocational training and education; and independent income generation and economic growth.<sup>7</sup>

The U.S. Treasury Department, however, says that KindHearts may have had a different purpose: filling the void created by the closure of the Holy Land Foundation for Relief and Development (HLF), which served as the primary fundraising arm of Hamas in the U.S. until the Treasury Department froze its assets in December 2001.<sup>8</sup>

The Treasury Department said exactly that when it froze KindHearts’ assets on February 19, 2006 for allegedly routing money to terrorists. In a statement, Under Secretary for Terrorism and Financial Intelligence Stuart Levey said:

"KindHearts is the progeny of Holy Land Foundation and Global Relief Foundation, which attempted to mask their support for terrorism behind the façade of charitable giving."<sup>9</sup>

In August 2009, a federal judge in Ohio found that the Treasury Department must establish probable cause before taking administrative action like the asset freeze.<sup>10</sup> The case continues to be litigated.

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<sup>1</sup> KindHearts for Charitable Humanitarian Development, Ohio Secretary of State, filed January 22, 2002.

<sup>2</sup> KindHearts for Charitable Humanitarian Development, Colorado Secretary of State, filed September 29, 2003.

<sup>3</sup> KindHearts for Charitable Humanitarian Development, Unified Registration Statement for Charitable Organizations, filed September 9, 2002.

<sup>4</sup> KindHearts for Charitable Humanitarian Development, Oklahoma Secretary of State, filed September 29, 2003.

<sup>5</sup> KindHearts for Charitable Humanitarian Development, Nevada Secretary of State, filed August 18, 2003.

<sup>6</sup> KindHearts for Charitable Humanitarian Development, Indiana Secretary of State, filed October 17, 2003.

<sup>7</sup> “Mission Statement and Objectives,” [http://www.kind-hearts.org/ramadhan/KH\\_mission.htm](http://www.kind-hearts.org/ramadhan/KH_mission.htm).

<sup>8</sup> “Shutting Down the Terrorist Financial Network,” U.S. Treasury Department, December 4, 2001, <http://www.ustreas.gov/press/releases/po841.htm>.

<sup>9</sup> “Treasury Freezes Assets of Organization Tied to Hamas,” U.S. Department of Treasury statement, February 19, 2006.

<sup>10</sup> *Kindhearts for Charitable Humanitarian Development, Inc. v. Geithner*, 3:08CV2400 (Northern District of Ohio), Order by Chief Judge James G. Carr, August 18, 2009.

As the following report details, KindHearts operations and officials repeatedly overlap with those of HLF and others identified in court papers as Hamas-support groups. The founder of KindHearts previously worked for the Global Relief Foundation, a group also shut down by the U.S. Department of Treasury for supporting Hamas and Al Qaeda.<sup>11</sup> In 2002, the year after HLF shut down, KindHearts' "sole professional solicitor [fundraiser]" was the former head of HLF, who was indicted in July 2004 and convicted in November 2008 for providing material support to Hamas.<sup>12</sup> Also, KindHearts has made substantial donations to a Lebanese charity designated by the Treasury Department as a Hamas front in 2003, and to a U.S.-based charity incorporated by two former HLF officials. KindHearts also coordinated with a Canadian charity that has been identified by U.S. prosecutors and the Israeli military as a Hamas front.

Before it closed down voluntarily in 2005, the Islamic Association for Palestine (IAP) served as the propaganda wing of Hamas in the U.S. It actively promoted KindHearts on its website, its Internet listserv, and during its conferences. Previously, IAP had promoted only HLF in such a manner. The former Secretary General of the IAP has served as a KindHearts representative.

Finally, the Al-Nojourn band, whose members had regularly performed at HLF and IAP events, has been advertised as the entertainment at a number of KindHearts fundraisers. One of the members of the band has been indicted on Hamas material support charges and is the half-brother of a high-ranking Hamas leader.

### **Khaled Smaili and Global Relief Foundation**

The founder<sup>13</sup> and CEO<sup>14</sup> of KindHearts, Khaled Smaili, also served as the public relations representative for the Global Relief Foundation (GRF).<sup>15</sup> The U.S. government shut down GRF on December 14, 2001 for financially supporting Hamas and Al Qaeda.<sup>16</sup> Notably, in 2000, HLF provided \$18,521 to GRF.<sup>17</sup>

On December 14, 2001, the government took GRF co-founder Rabih Haddad into custody, detaining him on a visa violation.<sup>18</sup> Smaili defended Haddad. Protesting Haddad's detention outside a Michigan courthouse, Smaili said, "[w]e feel that we are being profiled. What brought me here today is that injustice. Most Muslims came here because of justice. This is a shock to us all."<sup>19</sup>

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<sup>11</sup> "Treasury Department Statement Regarding the Designation of the Global Relief Foundation," Department of Treasury, October 18, 2002.

<sup>12</sup> Unified Registrant Statement (URS) for Charitable Organizations, Bureau of Charitable Organizations, Ohio Department of State, September 9, 2002.

<sup>13</sup> KindHearts for Charitable Humanitarian Development, Ohio Secretary of State, Incorporation filed January 22, 2002.

<sup>14</sup> KindHearts Newsletter, Fall 2003, <http://www.kind-hearts.org/publications/Fall-03.pdf>.

<sup>15</sup> *Global News*, Winter 2000, p. 10.

<sup>16</sup> OFAC Designation of BIF and GRF, December 14, 2001, <http://www.ustreas.gov/offices/eotffc/ofac/actions/20011214a.html> and <http://www.treas.gov/press/releases/po3553.htm> accessed March 23, 2005.

<sup>17</sup> IRS Form 990, Global Relief Foundation, 2000.

<sup>18</sup> Alexandra Moses, "Local Community Leader Detained by INS, Lawyer Says," *Associated Press*, December 17, 2001.

<sup>19</sup> Korie Williams, "Detained Muslim Leader Will Remain in Custody," *Associated Press*, January 10, 2002.

During a subsequent hearing, Haddad acknowledged meeting Abdullah Azzam, considered to be a mentor to Osama bin Laden and a historical leader of Hamas.<sup>20</sup> Haddad said he considered Azzam, who died in 1989 to be a hero.<sup>21</sup>

In November 2002, an Immigration Judge denied Haddad's application for asylum, concluding that he presented "a substantial risk to the national security of the United States."<sup>22</sup> According to the Treasury Department, Haddad was a member of Makhtab Al-Khidamat, the precursor organization to Al Qaeda.<sup>23</sup> In July 2003, Haddad was deported to Lebanon.<sup>24</sup>

### **Mohammed El-Mezain and North American Professional Services**

Mohammed El-Mezain was the Chairman<sup>25</sup> and Director of Endowments for HLF.<sup>26</sup> El-Mezain and HLF were indicted for providing material support to Hamas in 2004.<sup>27</sup> He was acquitted of all but one count against him in a 2007 trial.<sup>28</sup> In a 2008 retrial, however, jurors returned guilty verdicts on 108 remaining counts against the charity and four co-defendants.<sup>29</sup> El-Mezain was convicted of conspiracy to provide material support to Hamas and sentenced to 15 years in prison.<sup>30</sup>

According to tax records filed by KindHearts in 2002 – the year after HLF was shut down by the government – "El Mezain is the sole professional fundraiser that has been utilized by KindHearts. Mr. El Mezain is contacted by KindHearts and is asked to appear at events and conduct fundraising activities...The understanding is that KindHearts [sic] compensates Mr. El Mezain for his travel, lodging and meal expenses, as well as compensation of 10% of the amounts raised, with a cap of \$8,000 per event, and a minimum payment of \$2,000 per event."<sup>31</sup>

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<sup>20</sup> U.S. Department of the Treasury, "Treasury Department Statement Regarding the Designation of the Global Relief Foundation," October 18, 2002.

<sup>21</sup> U.S. Department of the Treasury, "Treasury Department Statement Regarding the Designation of the Global Relief Foundation," October 18, 2002.

<sup>22</sup> "Statement of Barbara Comstock, Director of Public Affairs, on the Haddad Asylum Decision," Department of Justice Press Release, November 22, 2002,

[http://www.usdoj.gov/opa/pr/2002/November/02\\_civ\\_691.htm](http://www.usdoj.gov/opa/pr/2002/November/02_civ_691.htm), accessed March 23, 2005.

<sup>23</sup> "Treasury Department Fact Sheet on the Global Relief Foundation," <http://usinfo.org/wf-archive/2002/021018/epf510.htm>, accessed March 23, 2005.

<sup>24</sup> Sarah Freeman, "Haddad Deported, Family Remains in the U.S.," *Associated Press*, July 16, 2003.

<sup>25</sup> IRS Form 990, Holy Land Foundation, 1993.

<sup>26</sup> Action Memorandum, Holy Land Foundation for Relief and Development International Emergency Economic Powers Act. From Dale Watson, Assistant Director, FBI Counterterrorism Division, To Richard Newcomb, Director of the Office of Foreign Assets Control, Dept of Treasury, " November 5, 2001

<sup>27</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), indictment filed July 27, 2004.

<sup>28</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Verdict, October 22, 2007.

<sup>29</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Verdict, November 24, 2008.

<sup>30</sup> *U.S. v. Mohammed El-Mezain*, (3:04cr240 Northern District Texas) Judgment, May 28, 2009.

<sup>31</sup> Unified Registration Statement for Charitable Organizations, Supplemental Answers, 2002. According to this document, Mezain conducted the fundraising at a KindHearts event on May 12, 2002 in Toledo, Ohio.

In the same records, El Mezain is identified as one of three individuals “responsible for custody of funds.”<sup>32</sup>

KindHearts events in 2002,<sup>33</sup> 2003,<sup>34</sup> and 2004<sup>35</sup> prominently featured El-Mezain as this example shows.

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<sup>32</sup> Unified Registration Statement for Charitable Organizations, Supplemental Answers, 2002.

<sup>33</sup> KindHearts Benefit Dinner for Palestine, October 19, 2002, Orlando, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_orlando\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_orlando_flyer.html) and KindHearts Benefit Dinner for Palestine, October 20, 2002, Fort Lauderdale, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_lauderdale\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_lauderdale_flyer.html).

<sup>34</sup> KindHearts Second Annual Benefit Dinner for Palestine, September 27, 2003, Dearborn, Michigan, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart\\_dearborn\\_poster.html](http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart_dearborn_poster.html).

<sup>35</sup> Palestinians in Agony! Fundraising Dinner, June 18, 2004, San Diego, California, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart\\_san\\_diego\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart_san_diego_flyer.html) and Palestinians in Agony! Fundraising Dinner, October 3, 2004, Dearborn, Michigan, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/benefit/images/kh\\_detroit\\_flyer\\_frnt02.jpg](http://www.sakkal.com/Graphics/logos/kindheart/benefit/images/kh_detroit_flyer_frnt02.jpg).

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# KindHearts' Benefit Dinner for PALESTINE

مؤسسة القلوب الرحيمة تدعوكم لحضور العشاء الخيري السنوي **من أجل فلسطين**

Saturday, Oct. 19th, 2002 @ 5:30 PM

بتضين الحفل: **الشيخ وجدي غنيم**  
 الشيخ محمد المزين  
 الشيخ رضا عطية  
 فرقة النجوم الزاهرة من تكساس

Event includes:  
**Shaikh Wagdy Ghoneim**  
 Imam Muhammad El-Mezain  
 Imam Reda Attia  
 Al Nujoom Folkloric Troupe

LOCAL IMAMS AND COMMUNITY LEADERS ARE INVITED  
 Please Reserve Your Ticket as Seating is Limited

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 8978 International Drive, Orlando, FL 32819. Tel (407)352-1400  
 Directions: From I-4 exit 74A Sand Lake Rd., turn right on International Dr.  
 Go one mile towards the convention center. Hotel is on Right.

Tickets:  
 Adult: \$25, Child: \$10 (under 10)  
 (Baby sitting is available)  
 Tickets are sold at local Masjid and Mideastern Stores

• For more information call (407) 375-6520 •  
 • Or toll free 1-866-546-3470 •  
 • E-mail: [kind@kind-hearts.org](mailto:kind@kind-hearts.org) • [www.kind-hearts.org](http://www.kind-hearts.org) •

القلوب الرحيمة  
 KindHearts  
 القلبية الإنسانية للشربة  
 Charitable Humanitarian Development  
 KindHearts is a non-profit relief foundation registered in the state of Ohio

El Mezain also raised money for KindHearts through North American Professional Services, Inc. (NAPS), a San Diego based fundraising company that he headed.<sup>36</sup> KindHearts contracted NAPS to conduct its fundraising, records in California<sup>37</sup> and Tennessee<sup>38</sup> show.

<sup>36</sup> North American Professional Services Inc., California Secretary of State, Corporation number 2288942.

<sup>37</sup> California Attorney General Report, Charity/Charitable Purpose, CFR Listing by Percentage to Charity, December 9, 2003, [http://caag.state.ca.us/charities/publications/2002cfr/2002cfr\\_table2.pdf](http://caag.state.ca.us/charities/publications/2002cfr/2002cfr_table2.pdf), page 4.

<sup>38</sup> 2005 Report, State of Tennessee, Charitable Organization Campaigns, page 24.

### **KindHearts and the Sanabil Association for Relief**

According to KindHearts' 2002 IRS form 990, the organization made two cash grants, for \$85,000 and \$15,000, to the Sanabil Association for Relief and Development in Saida, Lebanon.<sup>39</sup>

On August 22, 2003, the U.S. Treasury Department designated five charities funding Hamas, including Sanabil Association for Relief and Development, and six senior Hamas leaders as Specially Designated Global Terrorist (SDGT) entities.<sup>40</sup>

According to the accompanying Treasury Department fact sheet, Sanabil

“receives large quantities of funds raised by major HAMAS-affiliated charities in Europe and the Middle East and, in turn, provides funding to HAMAS. For example, Sanabil has received funding from the Al Aqsa Foundation (designated as an SDGT under EO 13224 in May 2003); the Holy Land Foundation for Relief and Development (designated as an SDGT under EO 13224 in December 2001), and Interpal (designated as an SDGT under EO 13224 as part of this tranche). recruits permanent members from the religious and the poor by extending charity to them from organizations such as Sanabil.”<sup>41</sup>

The Treasury press release added:

“At the request of a HAMAS political leader, Sanabil began opening offices in all of the Palestinian refugee camps in Lebanon in August of 2001 in order to increase the foundation's role inside the camps. After starting by providing basic necessities the charity eventually began asking poor families within the camps to fill out application forms, particularly those who had worked with the Islamic Movement (Al-Haraka al-Islamiyya) and HAMAS. As a result of these efforts, Sanabil has increased its scope of influence within the camps.”<sup>42</sup>

Moreover, a November 5, 2001 memorandum written by the Assistant Director of the FBI's Counterterrorism Division, Dale Watson, states that “the largest [HLF] recipients outside of the West Bank and Gaza are Sanabil Association for Relief and Development in Lebanon and Human Appeal International in Jordan.”<sup>43</sup>

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<sup>39</sup> IRS form 990, KindHearts, 2002.

<sup>40</sup> U.S. Department of the Treasury, “U.S. Designates Five Charities Funding Hamas and Six Senior Hamas Leaders as Terrorist Entities,” August 22, 2003, <http://www.ustreas.gov/press/releases/js672.htm>.

<sup>41</sup> U.S. Department of the Treasury, “U.S. Designates Five Charities Funding Hamas and Six Senior Hamas Leaders as Terrorist Entities,” August 22, 2003, <http://www.ustreas.gov/press/releases/js672.htm>.

<sup>42</sup> U.S. Department of the Treasury, “U.S. Designates Five Charities Funding Hamas and Six Senior Hamas Leaders as Terrorist Entities,” August 22, 2003, <http://www.ustreas.gov/press/releases/js672.htm>.

<sup>43</sup> Action Memorandum, Holy Land Foundation for Relief and Development International Emergency Economic Powers Act. From Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury, November 5, 2001.

## **KindHearts and KinderUSA**

In 2002, KindHearts donated \$20,000 to KinderUSA, a Dallas-based Islamic charity.<sup>44</sup>

Riad Abdelkarim formed KinderUSA after HLF's forced closure in December 2001.<sup>45</sup> Before that, he served as HLF's Secretary in 2000<sup>46</sup> and was an HLF board member.<sup>47</sup> His co-founder with KinderUSA was former HLF fundraiser and spokeswoman Dallel Mohmed.<sup>48</sup>

In May 2002, Abdelkarim and Mohmed were detained in Israel and interrogated about their financial support for Hamas.<sup>49</sup> Commenting on their detention, Dan Shaham, consul of Israel to the Southwest, said, "[w]e are very concerned about various foundations that have been channeling money to terrorist organizations."<sup>50</sup>

After 9½ days of questioning, Mohmed was released and banned from returning to Israel.<sup>51</sup> Similarly, after spending two weeks in jail and agreeing never to travel to Israel, Abdelkarim was freed.<sup>52</sup>

In December 2004, KinderUSA suspended operations and entered a "period of evaluation and review" in the face of an FBI investigation.<sup>53</sup> It resumed operations in July 2005.<sup>54</sup>

In 2007, it sued terrorism analyst Matthew Levitt, claiming it was libeled in Levitt's book, *Hamas: Politics, Charity and Terrorism in the Service of Jihad*.<sup>55</sup> In the book, Levitt included KinderUSA among "other America-based charities [which] continue to fund Hamas" after HLF closed its doors.

KinderUSA dropped the case four months later after Levitt and publisher Yale University Press filed motions invoking California's anti-SLAPP provisions – claiming the litigation

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<sup>44</sup> IRS form 990, KindHearts, 2002 and KindHearts Newsletter, Fall 2002, <http://www.kindhearts.org/publications/Fall-02.pdf>.

<sup>45</sup> IRS Form 990, KinderUSA, 2002.

<sup>46</sup> IRS Form 990, Holy Land Foundation, 2000.

<sup>47</sup> IRS Form 990, Holy Land Foundation, 2000 and Teresa Watanabe, "Muslim Leaders Back FBI-Targeted Charity," *The Los Angeles Times*, December 7, 2001.

<sup>48</sup> *S.H.A.R.E.*, HLF Newsletter, August 1999 and Mary McKee, "North Texas Woman Released from Israeli Jail," *Fort Worth Star-Telegram*, May 14, 2002.

<sup>49</sup> Christopher Newton, "Israelis Arrest Californian Associated with Relief Groups," *Associated Press*, May 7, 2002 and Teresa Watanabe, "O.C. Doctor May Have Planned to Help Fund Terror, Israel Says," *The Los Angeles Times*, May 16, 2002.

<sup>50</sup> Mary McKee, "U.S. Muslim Says Israel Put Her in Cell with Rats," *Fort Worth Star-Telegram*, May 15, 2002.

<sup>51</sup> Mary McKee, "U.S. Muslim Says Israel Put Her in Cell with Rats," *Fort Worth Star-Telegram*, May 15, 2002.

<sup>52</sup> "Big Welcome for Doctor Released by Israel," *United Press International*, May 20, 2002.

<sup>53</sup> "Letter from KinderUSA Board Members" and "KinderUSA response to Dallas Morning News" <http://www.kinderusa.org/>, accessed March 23, 2005

<sup>54</sup> "From the Board of Directors," KinderUSA website, July 25, 2005.

[http://www.kinderusa.org/index.php?option=com\\_content&task=view&id=52&Itemid=2](http://www.kinderusa.org/index.php?option=com_content&task=view&id=52&Itemid=2)

<sup>55</sup> *Kids in Need of Development Education at al. v. Yale University Press*, BC370155 Los Angeles Superior Court, Complaint for Damages, April 26, 2007.

was intended more to primarily to squelch the book than to produce any courtroom damages.<sup>56</sup>

### **KindHearts, Abdelbaset Hamayel, and the Islamic Association for Palestine (IAP)**

Abdelbaset Hemayel – who has served as the Islamic Association for Palestine’s (IAP) Director and Secretary General<sup>57</sup> – is listed as KindHearts’ representative in Illinois and Wisconsin, according to a business card produced in April 2004.<sup>58</sup>

While living in the U.S., Hamas leader Mousa Abu Marzook served as an IAP director and was its chairman from 1988-1990.<sup>59</sup> He also provided the group with \$490,000.<sup>60</sup> IAP has long been a central player in the Hamas support network in the United States.

Evidence presented in the HLF prosecution showed that the IAP was a part of a Hamas-support network in the U.S. called “the Palestine Committee.”<sup>61</sup>

A 2001 INS memo extensively documented IAP’s support for Hamas and noted that the “facts strongly suggest” that IAP is “part of Hamas’ propaganda apparatus.”<sup>62</sup> In August 2002, a federal judge ruled that there was evidence that “the Islamic Association for Palestine has acted in support of Hamas.”<sup>63</sup> And, in November 2004, a federal magistrate judge held the IAP civilly liable for \$156 million in the 1996 shooting of an American citizen by a Hamas member in the West Bank.<sup>64</sup> Also in November 2004, an immigration judge labeled IAP a “terrorist organization” and noted its “propensity for violence.”<sup>65</sup>

Annual conferences allowed IAP to promote the Hamas agenda. As the October 1988 edition of IAP’s Arabic language publication, *Ila Filastin*, noted, “[t]he Islamic Association for Palestine held conferences and activities to celebrate [the] one year anniversary of the blessed Intifada and...the inception of the Hamas movement.”<sup>66</sup>

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<sup>56</sup> *Kids in Need of Development Education at al. v. Yale University Press*, BC370155 Los Angeles Superior Court, Motion for Dismissal, August 14, 2007.

<sup>57</sup> “IAP Board of Directors/Shura Council,”

<http://web.archive.org/web/20030803052043/http://www.iap.org/contactus.htm>.

<sup>58</sup> Business Card of Abdelbaset Hemayel,

[http://www.sakkal.com/Graphics/logos/kindheart/kindhearts\\_bc03.html](http://www.sakkal.com/Graphics/logos/kindheart/kindhearts_bc03.html).

<sup>59</sup> *Boim v. Quranic Literacy Institute, et. al.*, (00cv295 Northern District of Illinois), Complaint, page 19.

<sup>60</sup> In the matter of Hasan Faisal Yousef Sabri, Notice of Revocation of petition for Amerasian, Widow, or Special Immigrant (Form I-360), Attachment.

<sup>61</sup> Among the internal documents in evidence placing IAP in the Palestine Committee are *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Government Exhibits Elbarasse Search 1, page 5; Elbarasse Search 5, pages 10-11; Elbarasse Search 7, page 8; Elbarasse Search 10; Elbarasse Search 31, page 8; All can be viewed here: <http://www.txnd.uscourts.gov/judges/hlf2.html>.

<sup>62</sup> In the matter of Hasan Faisal Yousef Sabri, Notice of Revocation of petition for Amerasian, Widow, or Special Immigrant (Form I-360), Attachment.

<sup>63</sup> *Holy Land Foundation for Relief and Development v. Ashcroft*, 219 F. Supp. 2d 57, 70 (D.D.C. 2002).

<sup>64</sup> *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), Memorandum and Order, filed November 10, 2004.

<sup>65</sup> United States Department of Justice, Executive Office for Immigration Review, Immigration Court, San Pedro, California, In the matter of Abdel Jabbar Hamdan, November 22, 2004.

<sup>66</sup> *Ila Filastine*, October 1988.



Hamas members made frequent appearances at IAP's conferences.<sup>67</sup> At these conferences, IAP raised significant amounts of money for HLF.

In fact, all of the money IAP raised during its *Intifada* celebrations in the late 1980s and early 1990s went to HLF, or the Occupied Land Fund as it was then known.<sup>68</sup> Additionally, all the proceeds from IAP's 1996 convention went to HLF.<sup>69</sup>

Following the HLF shutdown, KindHearts took up many of the tasks and roles previously done by HLF.

For example, IAP prominently featured a clickable advertisement for KindHearts on its website, filling in for a similar link to HLF. KindHearts was the only charity advertised for on IAP's homepage.<sup>70</sup>

Additionally, IAP has supported KindHearts through its conferences. As mentioned above, money previously raised at IAP conferences was given to HLF.<sup>71</sup> At the December 2002 IAP conference, KindHearts was the only non-IAP organization or charity whose material was distributed.<sup>72</sup> KindHearts also participated in IAP's October 2003 Jerusalem Festival in New Jersey, which was held to celebrate the third anniversary of the Al Aqsa Intifada.<sup>73</sup>

IAP also used its listserv to distribute KindHearts messages.<sup>74</sup> In one example, IAP's listserv distributed an email from KindHearts CEO Khaled Smaili that stated:

“It is also with great satisfaction that I am able to report that just prior to the start of Ramadan, we received our 501-C(3) Tax exemption status from the U.S. government; therefore, all of your contributions are now tax exempt. Please rush your Zakat and Sadaqa in the return envelope today, or donate online at [www.kind-hearts.org](http://www.kind-hearts.org).”<sup>75</sup>

### **KindHearts and Al-Nojoum**

KindHearts fundraisers have featured “entertainment” by the Al-Nojoum band.<sup>76</sup>

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<sup>67</sup>Islamic Association for Palestine Annual Conference, Kansas City, Missouri, December 27-30, 1989.

<sup>68</sup> Deposition of Rafeeq Jaber, *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), July 28, 2003, at 77-78.

<sup>69</sup> Deposition of Rafeeq Jaber, *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), April 9, 2003, at 253-55.

<sup>70</sup> <http://web.archive.org/web/20021201230251/www.iap.org/index2.html> and <http://web.archive.org/web/20030602045953/www.iap.org/index2.html>.

<sup>71</sup> Deposition of Rafeeq Jaber, *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), July 28, 2003, at 77-78.

<sup>72</sup> Islamic Association for Palestine (IAP) Convention Chicago, IL December 25, 2002.

<sup>73</sup> IAP Jerusalem Festival 2003, Schuetzen Park, North Bergen, NJ October 19 2003.

<sup>74</sup> See for example: “Eid Cards from KindHearts,” February 10, 2003, Distributed through [iapinfo@iap.org](mailto:iapinfo@iap.org), <http://web.archive.org/web/20030407163035/http://www.iap.org/febmonth2003headlines.htm>.

<sup>75</sup> “Message from KindHearts,” November 18, 2002, Distributed through [iapinfo@iap.org](mailto:iapinfo@iap.org).

<sup>76</sup> KindHearts Benefit Dinner for Palestine, October 19, 2002, Orlando, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_orlando\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_orlando_flyer.html) and KindHearts Benefit

Al-Nojourn, which was previously known as the Al-Sakhra band,<sup>77</sup> frequently performed at IAP conventions. According to the HLF indictment, Al-Sakhra's "skits and songs...advocated the destruction of the State of Israel and glorified the killing of Jewish people."<sup>78</sup>

Mufid Abdulqader, who is a half-brother of Hamas leader Khalid Mishaal, was a member of the Al-Sakhra band.<sup>79</sup> Abdulqader, an HLF fundraiser,<sup>80</sup> was sentenced to 20 years in prison after being convicted of conspiracy to provide material support to a designated foreign terrorist organization, conspiracy to provide goods, funds, and services to a specially designated terrorist, and one count of conspiracy to commit money laundering.<sup>81</sup>

### **KindHearts and Wagdy Ghoneim**

KindHearts events in 2002,<sup>82</sup> 2003,<sup>83</sup> and 2004<sup>84</sup> prominently featured Wagdy Ghoneim. (See poster on page 5)

Ghoneim is a radical Egyptian cleric who has been arrested eight times in Egypt for "opposition activities."<sup>85</sup> During a rally at Brooklyn College in May 1998, which was co-organized by IAP and co-sponsored by HLF,<sup>86</sup> Ghoneim told listeners that "Allah says he who equips a warrior of Jihad is like the one makes Jihad himself." Ghoneim also led the audience in a song with the lyrics: "No to the Jews, descendants of the apes."<sup>87</sup> Earlier in the year, Ghoneim had been denied entrance to Canada after immigration officials determined he was a member of Hamas and the Muslim Brotherhood.<sup>88</sup>

In November 2004, Ghoneim was arrested by U.S. officials on immigration violations and held without bond, in the words of ICE spokeswoman Virginia Kice, "based upon

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Dinner for Palestine, October 20, 2002, Fort Lauderdale, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_lauderdale\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_lauderdale_flyer.html).

<sup>77</sup> *U.S. v. Holy Land Foundation*, et al. (3:04c4240 Northern District of Texas), Government Exhibit HLF Search 111.

<sup>78</sup> *U.S. v. Holy Land Foundation*, et al. (3:04c4240 Northern District of Texas), Superseding Indictment. See also: Government Exhibits Mushtaha Search 1 Video F; Elbarasse Search 32 Video H.

<sup>79</sup> Ibid.

<sup>80</sup> FBI Memorandum Regarding the Philadelphia Conference, October 27, 1993, Submitted as an exhibit in *Holy Land Foundation for Relief and Development v. Ashcroft*, (D.D.C 02-442 GK), Exhibit 14, at 255.

<sup>81</sup> *U.S. v. Holy Land Foundation*, et al. (3:04c4240 Northern District of Texas), Verdict, November 24, 2008

<sup>82</sup> KindHearts Benefit Dinner for Palestine, October 19, 2002, Orlando, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_orlando\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_orlando_flyer.html) and KindHearts Benefit Dinner for Palestine, October 20, 2002, Fort Lauderdale, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_lauderdale\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_lauderdale_flyer.html).

<sup>83</sup> KindHearts Second Annual Benefit Dinner for Palestine, September 27, 2003, Dearborn, Michigan, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart\\_dearborn\\_poster.html](http://www.sakkal.com/Graphics/logos/kindheart/benefit/kindheart_dearborn_poster.html).

<sup>84</sup> Palestinians in Agony! Fundraising Dinner, October 3, 2004, Dearborn, Michigan, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/benefit/images/kh\\_detroit\\_flyer\\_frnt02.jpg](http://www.sakkal.com/Graphics/logos/kindheart/benefit/images/kh_detroit_flyer_frnt02.jpg).

<sup>85</sup> Ben Fox, "Arrest of Orange County Mosque Leader a 'Mistake,' Supporters Say," *Associated Press*, November 9, 2004.

<sup>86</sup> "50 Years of Occupation," MSA News, Direct submission from IAP Information Office, May 23, 1998.

<sup>87</sup> IAP Brooklyn Celebration, May 24, 1998.

<sup>88</sup> Ellen Van Wageningen, "Egyptian Religious Leader Denied Canadian Visa," *The Ottawa Citizen*, January 10, 1998.

Department of Homeland Security concerns that his past speeches and participation in fund-raising activities could be supportive of terrorist organizations.”<sup>89</sup>

In December 2004, Ghoneim agreed to leave the country voluntarily.<sup>90</sup>

### **KindHearts Worked with IRFAN, Life and Islamic Relief**

The International Relief Fund for the Afflicted and Needy (IRFAN) is a Mississauga, Ontario-based charity identified as a Hamas front by the Israeli military and U.S. federal prosecutors.<sup>91</sup> Israeli military officials claim to have seized documents showing money transfers between IRFAN and charities controlled by Hamas, including charitable societies in Jenin, Tulkarm, Bethlehem, Ramallah and Qalqilya.<sup>92</sup>

Following the May 2003 earthquakes in Algeria, KindHearts “mobilized with direct aid and donations.” According to its summer 2003 newsletter, “at a cost of approximately \$100,000 KindHearts partnered with...LIFE, Islamic Relief and IRFAN (Canada)...to establish a camp for 100 families.”<sup>93</sup>

Life for Relief and Development (LIFE) is a Muslim charity operating in Iraq, Afghanistan, Sierra Leone, and the Palestinian territories.<sup>94</sup> In 2008, LIFE lobbyist and spokesman Muthanna al-Hanooti was indicted for allegedly coordinating fact-finding trips for U.S. political delegations to Iraq with Iraqi intelligence agents.<sup>95</sup> The case is pending in Michigan.

LIFE has received substantial funds from HLF<sup>96</sup> and the Hamas-linked<sup>97</sup> International Relief Organization.<sup>98</sup> LIFE also has “supported” Human Appeal International,<sup>99</sup> which, according to an FBI memo, has a “close relationship” with Hamas.<sup>100</sup> And LIFE employed former top HLF fundraiser<sup>101</sup> Abdel Jabbar Hamdan following the government

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<sup>89</sup> “Muslim Leader Agrees to Leave United States,” *Copley Press*, December 29, 2004.

<sup>90</sup> Kimi Yoshino, “Muslims See Imam’s Case as an Omen,” *The Los Angeles Times*, December 30, 2004.

<sup>91</sup> *U.S. v. Holy Land Foundation*, et al. (3:04c4240 Northern District of Texas), List of Unindicted Co-Conspirators and Joint Venturers, p. 8.

<sup>92</sup> “Special Bulletin,” Intelligence and Terrorism Information Center at the Center for Special Studies, Ramat Hasharon, Israel. See also: Government Exhibits PA8 and PA9 in *U.S. v. Holy Land Foundation*, et al. which are Palestinian Authority documents identifying the Ramallah committee as a Hamas entity. Government Exhibit Elbarasse Search 22 is a letter to HLF President Shukri Abu Baker identifying Hamas representation on the various committees.

<sup>93</sup> KindHearts Newsletter, Summer 2003.

<sup>94</sup> “Countries,” LIFE home page, <http://www.lifeusa.org/site/PageServer?pagename=homepage>.

<sup>95</sup> *U.S. v. Muthanna al-Hanooti*, (2:08cr:2003 Eastern District of Michigan) indictment, February 13, 2008.

<sup>96</sup> Holy Land Foundation Newsletter, *HLF News*, July 1995, p. 4.

<sup>97</sup> *U.S. v. Biheiri*, (E.D. Va 03-365-A), Affidavit in Support of Pre-Trial Detention, filed August 14, 2003.

<sup>98</sup> IRS Form 990, International Relief Organization, 1995.

<sup>99</sup> IRS form 990, Life for Relief and Development, 1998.

<sup>100</sup> Action Memorandum, Holy Land Foundation for Relief and Development International Emergency Economic Powers Act. From Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury, November 5, 2001.

<sup>101</sup> IRS Form 990, Holy Land Foundation, 1999.

shut down.<sup>102</sup> Notably, LIFE and KindHearts also coordinated on projects in the West Bank and Gaza.<sup>103</sup>

And like KindHearts, Islamic Relief used Mohammed El-Mezain's company, NAPS, to raise money for it.<sup>104</sup>

### **KindHearts and the Mosque Foundation**

According to its spring 2004 newsletter, KindHearts honored the Mosque Foundation with its "Mosque of the Year in recognition of their members' tremendous support." The newsletter noted that "this community as a whole donated \$195,000 for KH to fund its relief efforts for the innocent victims of home demolitions in Rafah Refugee Camp, Gaza." KindHearts President Khaled Smaili presented the award to Mosque Foundation President Osama Jammal.<sup>105</sup>

Officials at the Mosque Foundation (MF) have links to Hamas. Hamas operatives Mohammad Salah and Mohammad Jarad attended the mosque,<sup>106</sup> while IAP President<sup>107</sup> Rafeeq Jaber has served as a Mosque Foundation officer.<sup>108</sup> Former IAP Chairman<sup>109</sup> Sabri Samirah has also headed the Mosque Foundation.<sup>110</sup> And, the MF's imam,<sup>111</sup> Jamal Said, served as the treasurer of the Al Aqsa Educational Fund,<sup>112</sup> identified by the FBI as a Hamas charitable front.<sup>113</sup> The MF has also employed Kifah Mustapha,<sup>114</sup> the head of HLF's Chicago office, and donated at least \$73,000 to HLF.<sup>115</sup> Said and Mustapha are

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<sup>102</sup> United States Department of Justice, Executive Office for Immigration Review, Immigration Court, San Pedro, California, In the matter of Abdel Jabbar Hamdan, November 22, 2004.

<sup>103</sup> KindHearts Newsletter, Summer 2003, <http://www.kind-hearts.org/publications/summer-03.pdf>.

<sup>104</sup> California Attorney General Report, Charity/Charitable Purpose, CFR Listing by Percentage to Charity, December 9, 2003, [http://caag.state.ca.us/charities/publications/2002cfr/2002cfr\\_table2.pdf](http://caag.state.ca.us/charities/publications/2002cfr/2002cfr_table2.pdf) and North American Professional Services Inc., California Secretary of State, Corporation number 2288942.

<sup>105</sup> KindHearts Newsletter, Spring 2004, <http://www.kind-hearts.org/publications/KHSpring04.pdf>.

<sup>106</sup> William Braden, "2 Local Men Reportedly under Arrest in Israel," *The Chicago Sun-Times*, January 28, 2003.

<sup>107</sup> "IAP Board of Directors/Shura Council,"

<http://web.archive.org/web/20030803052043/http://www.iap.org/contactus.htm>.

<sup>108</sup> Deposition of Rafeeq Jaber, *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), April 9, 2003, p. 23-24.

<sup>109</sup> "IAP Board of Directors/Shura Council,"

<http://web.archive.org/web/20011017003533/http://www.iap.org/contactus.htm>.

<sup>110</sup> Noreen S. Ahmed-Ullah, Kim Barker, Laurie Cohen, Stephen Franklin and Sam Roe, "Struggle for the Soul of Islam," *The Chicago Tribune*, February 8, 2004.

<sup>111</sup> Jamal Said, "[Ramadan Message from Imam & President](http://www.mosquefoundation.org/articles/articletype/articleview/articleid/395/ramadan-message-from-imam--president.aspx)," Mosque Foundation Website, <http://www.mosquefoundation.org/articles/articletype/articleview/articleid/395/ramadan-message-from-imam--president.aspx>. Also, Convention Program, Islamic Association for Palestine Fifth Annual Convention, Chicago, IL, December 21-25, 2001.

<sup>112</sup> IRS Form 990, Al Aqsa Educational Fund, 1995.

<sup>113</sup> Action Memorandum, Holy Land Foundation for Relief and Development International Emergency Economic Powers Act. From Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury, November 5, 2001, p. 13

<sup>114</sup> Mustapha is listed on the editorial board of the Foundation's newsletter, "Community Pulse," e.g. [http://www.mosquefoundation.org/Portals/0/English\\_newsletter.pdf](http://www.mosquefoundation.org/Portals/0/English_newsletter.pdf), page 2.

<sup>115</sup> HLF's 1999 IRS form 990 shows a \$73,436 donation from the Mosque Foundation. *U.S. v. Holy Land Foundation*, et al. (3:04c4240 Northern District of Texas) as Government Exhibit HLF Tax 8.

listed as an individual member of the Palestine Committee on the HLF unindicted co-conspirator list.<sup>116</sup>

MF made sizable donations to other organizations later shut down by the US government for funding terrorism. The mosque gave more than \$45,000 to the Benevolence International Foundation, an alleged Al Qaeda front.<sup>117</sup> Global Relief Foundation (GRF) received over \$120,000 from the MF. (Notably, Mohamed Chehade – a top GRF official – serves on the MF board).<sup>118</sup> The MF has also donated over \$30,000 to Islamic American Relief Agency (IARA), another alleged Al Qaeda front,<sup>119</sup> and raised over \$50,000 for Sami Al-Arian,<sup>120</sup> who served on the governing board of the Palestinian Islamic Jihad terrorist group and who pled guilty in 2006 of conspiring to provide goods and services to the group.<sup>121</sup>

### **KindHearts, Omar Shahin, and the Islamic Center of Tucson**

According to a business card produced in April 2004, Omar Shahin is a KindHearts representative.<sup>122</sup>

Shahin served as the Imam at the Islamic Center of Tucson (ICT) for three years until he “left abruptly” in June 2003, according to *The Arizona Daily Star*.<sup>123</sup>

In 2001, the ICT – which has hosted IAP conferences<sup>124</sup> – raised more than \$7,000 for HLF.<sup>125</sup> Even after HLF was indicted for providing material support to Hamas, Shahin defended the organization: “The Holy Land Foundation collects funds for widows and orphans and needy people... They raised \$20,000 for the victims of (Sept. 11), and they were the first Muslim organization to do this.”<sup>126</sup> Shahin’s comments on the 9/11 investigation are also noteworthy: “I think the investigation is not headed in the right direction. They are focusing on the Arabs, the Muslims. And all the evidence shows that the Muslims are not involved in this terrorist act.”<sup>127</sup>

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<sup>116</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), List of Unindicted Co-Conspirators and Joint Venturers, page 6.

<sup>117</sup> Schedules of Contributions Above \$5,000, Benevolence International Foundation’s IRS Forms 990.

<sup>118</sup> Chehade is listed on the editorial board of the Foundation’s newsletter, “Community Pulse,” e.g.

[http://www.mosquefoundation.org/Portals/0/English\\_newsletter.pdf](http://www.mosquefoundation.org/Portals/0/English_newsletter.pdf), page 2.

<sup>119</sup> “Treasury Designates Global Network, Senior Officials of IARA for Supporting bin Laden, Others,” U.S. Treasury Department statement, October 13, 2004. “Palos Hills Bank Closes Account of Mosque Foundation,” *Associated Press*, March 12, 2005 and Deborah Horan and Laurie Cohen, “Bank Closes Mosque Account,” *The Chicago Tribune*, March 11, 2005.

<sup>120</sup> Noreen S. Ahmed-Ullah, Kim Barker, Laurie Cohen, Stephen Franklin and Sam Roe, “Struggle for the Soul of Islam,” *The Chicago Tribune*, February 8, 2004.

<sup>121</sup> *US v. Al-Arian*, (MDFL 03-CR-77), Plea Agreement, filed April 14, 2006; Transcript of Proceedings (Sentencing Hearing) Before the Honorable James S. Moody, Jr., May 1, 2006.

<sup>122</sup> Business Card of Omar Shahin, [http://www.sakkal.com/Graphics/logos/kindheart/kindhearts\\_bc03.html](http://www.sakkal.com/Graphics/logos/kindheart/kindhearts_bc03.html).

<sup>123</sup> Stephanie Innes, “Mosque’s New Imam Declines Tucson Post,” *Arizona Daily Star*, March 22, 2005.

<sup>124</sup> Lisa Getter, Chuck Neubauer, Robert Lopez, “Islamic American Nonprofits Face Increased Scrutiny in U.S.,” *The Los Angeles Times*, November 4, 2001.

<sup>125</sup> “Tucson Islamic Center Won’t Raise Money for Accused Agency,” *The Associated Press*, December 5, 2001.

<sup>126</sup> “Tucson Islamic Center Won’t Raise Money for Accused Agency,” *The Associated Press*, December 5, 2001.

<sup>127</sup> Dennis Wagner and Tom Zoellner, “U.S. Muslims Torn Between Love of Islam and America,” *The Arizona Republic*, November 4, 2001.

Moreover, the ICT has a long history of radicalism.

In the mid-1980s, the ICT was one of the U.S. satellite offices<sup>128</sup> of the Mektab al Khidmat (MAK) which the U.S. Treasury has identified as the precursor organization to al-Qaeda.<sup>129</sup> MAK was founded by Wael Julaidan, Osama Bin Laden, and Sheikh Abdullah Azzam, Bin Laden's mentor.<sup>130</sup> Julaidan was ICT's President from 1983 to 1984.<sup>131</sup>

ICT was one of the US offices listed on the masthead of *Al-Jihad* magazine, a publication edited by Al Qaeda co-founder Abdullah Azzam (the other US office listed was the MAK office in Brooklyn). In April 1988, Azzam penned an article titled "The Solid Base (al Qaeda), which in effect announced the formation of al Qaeda."<sup>132</sup>

Other notable ICT attendees include Wadih El-Hage,<sup>133</sup> convicted for his role in the 1998 East Africa embassy bombings,<sup>134</sup> and Ghassan Dahduli, the manager of the IAP information office in Tucson.<sup>135</sup>

### **KindHearts and Khalifah Ramadan**

Khalifah Ramadan has served as KindHearts' Director of Domestic Programs.<sup>136</sup>

Additionally, he has served as a training and evaluation consultant for the Council on American Islamic Relations (CAIR) and the Islamic Society of North America (ISNA).<sup>137</sup>

Both CAIR and ISNA are listed as unindicted co-conspirators in the HLF prosecution.<sup>138</sup> Bank records in evidence show ISNA bank accounts were used in HLF's early days to route money to Palestinian charities controlled by Hamas.<sup>139</sup> And CAIR is listed as a part of the Palestine Committee – the group created to advance Hamas politically and

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<sup>128</sup> *World Trade Center Properties LLC v. Al Baraka Investment and Development Corporation, et al.*, 04-7280 RCC, "Complaint," (S.D.N.Y. September 10, 2004).

<sup>129</sup> United States Treasury Department, Office of Public Affairs, "PO-3553: Treasury Department Statement Regarding the Designation of the Global Relief Foundation," October 18, 2002, <http://www.treas.gov/press/releases/po3553.htm>.

<sup>130</sup> United States Treasury Department, Office of Public Affairs, "PO-3553: Treasury Department Statement Regarding the Designation of the Global Relief Foundation," October 18, 2002, <http://www.treas.gov/press/releases/po3553.htm>.

<sup>131</sup> "Islamic Center of Tucson Annual Reports," State of Arizona, Filed May 21, 1984 and Feb.12, 1985.

<sup>132</sup> Dr. Abdullah Azzam, "Al-Qa'ida," *Al-Jihad*, No. 41, April 1988.

<sup>133</sup> *United States of America v. Usama bin Laden et al.*, February 15, 2001, Page 789.

<sup>134</sup> *United States of America v. Usama bin Laden et al.*, verdict of Wadih el-Hage, May 29, 2001.

<sup>135</sup> Steve McGonigle, "They were just students... They Didn't do Anything," *The Dallas Morning News*, January 13, 2002.

<sup>136</sup> KindHearts Newsletter, Summer 2003, <http://www.kind-hearts.org/publications/summer-03.pdf>.

<sup>137</sup> "Biographical Sketch: Khalifah Ramadan," <http://web.archive.org/web/20031017201654/www.cair-nj.org/biokramadan.htm>.

<sup>138</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), List of Unindicted Co-Conspirators and Joint Venturers, pages 5 and 8. The court has never ruled upon petitions by CAIR and ISNA to be removed from the co-conspirator list.

<sup>139</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Government's Memorandum in Opposition to Petitioners Islamic Society of North America and North American Islamic Trust's Motion for Equitable Relief, July 10, 2008.

financially in the U.S. – months after CAIR’s 1994 creation.<sup>140</sup>

CAIR is an offshoot of the IAP, which was an original Palestine Committee entity. Both Omar Ahmad and Nihad Awad – two of CAIR’s incorporators – held leadership positions with IAP prior to founding CAIR.<sup>141</sup>

That evidence, and the presence of CAIR’s founders at a secret 1993 meeting of Hamas members and supporters in the U.S.,<sup>142</sup> prompted the FBI to cut off its communication with CAIR in 2008. According to a letter from FBI congressional liaison Richard C. Powers, “Until we can resolve **whether there continues to be a connection between CAIR or its executives and HAMAS**, the FBI does not view CAIR as an appropriate liaison partner.”<sup>143</sup> [Emphasis added]

ISNA also has significant links to terrorism. Co-founded by Sami Al-Arian<sup>144</sup> – indicted for his alleged role as the head of Palestinian Islamic Jihad<sup>145</sup> – ISNA has employed an array of convicted or indicted terrorists, such as Abdulrahman Alamoudi<sup>146</sup> and former HLF head Shukri Abu Baker.<sup>147</sup>

### **KindHearts and Rafiq Mahdi**

Mahdi is listed as a speaker at a KindHearts fundraiser in Fort Lauderdale in October 2002.<sup>148</sup>

In 2000, Mahdi had been asked by his friend Raed Awad to become the Imam at Masjid al-Iman, which was attended by alleged attempted dirty bomber Jose Padilla and indicted terrorist Adham Hassoun.<sup>149</sup> In the 1990s, Awad was HLF’s chief fund-raiser in Florida,<sup>150</sup> and he raised money in the Caribbean and Latin America as well.<sup>151</sup>

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<sup>140</sup> *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Government Exhibit Elbarasse Search 19.

<sup>141</sup> Nihad Awad, “Muslim-Americans in Mainstream America,” *The Link*, February-March 2000.

<sup>142</sup> CAIR founders Omar Ahmad and Nihad Awad participated in the weekend-long meeting. See *U.S. v. Holy Land Foundation, et al.* (3:04c4240 Northern District of Texas), Philly Meeting transcripts.

<sup>143</sup> Powers letter to U.S. Sen. Jon Kyl, April 28, 2009.

<sup>144</sup> Bio of Sami Al-Arian, American -Arab Anti-Discrimination Committee (ADC) program of Speakers, Moderators, and Award Recipients, 17<sup>th</sup> National Convention, Arlington, Virginia, June 8-11, 2000. See also American Muslim Council (AMC) program from 10<sup>th</sup> National Convention, Alexandria, VA, June 21-24, 2001, and Yasmin Mull, “A Shattered Dream,” *Egypt Today*, December 10, 2003.

<sup>145</sup> Bio of Sami Al-Arian, American -Arab Anti-Discrimination Committee (ADC) program of Speakers, Moderators, and Award Recipients, 17<sup>th</sup> National Convention, Arlington, Virginia, June 8-11, 2000. See also American Muslim Council (AMC) program from 10<sup>th</sup> National Convention, Alexandria, VA, June 21-24, 2001, and Yasmin Mull, “A Shattered Dream,” *Egypt Today*, December 10, 2003.

<sup>146</sup> Resume of Abdelrahman Alamoudi.

<sup>147</sup> Deposition of Shukri Abu Baker, *Boim v. Quranic Literacy Institute*, (N.D. Ill 00-CV-2905), January 30, 2003, at 13-14.

<sup>148</sup> KindHearts Benefit Dinner for Palestine, October 20, 2002, Fort Lauderdale, Florida, flyer available at [http://www.sakkal.com/Graphics/logos/kindheart/kindheart\\_lauderdale\\_flyer.html](http://www.sakkal.com/Graphics/logos/kindheart/kindheart_lauderdale_flyer.html).

<sup>149</sup> Bob Norman, “A Tale of Two Mosques,” *New Times Broward-Palm Beach*, August 1, 2002.

<sup>150</sup> Ken Thomas, “Man Accused in ‘Dirty Bomb’ Plot Worshipped at Mosque Once Linked to Terrorist Fund Raising,” *Associated Press*, June 14, 2002.

<sup>151</sup> “Floridians Gave \$1.9 Million to Alleged Terror Front Groups,” *Associated Press*, December 28, 2001.

In an August 2002 *New Times Broward-Palm Beach* interview, Mahdi stated that he is not convinced that al Qaeda masterminded 9/11; he wanted “to hear his (Bin Laden’s) side of the story,” and criticize[d] the attacks because they did not “benefit” Islam. According to the reporter, “Mahdi... implicitly defends the Taliban, saying pointedly that he can’t understand why America bombed Afghanistan when 15 of the 19 hijackers were from Saudi Arabia.”

When asked about Hamas, Mahdi replied, “in regard to freeing the occupied territories, I support their goal.”<sup>152</sup>

After commenting that “most Muslims would not view Hamas as a terrorist organization,” he added, “Not being under the everyday pressure or reality of living in the occupied territories, I find it difficult to blanketly condemn [suicide bombings], although personally I don’t see that it will bring about the desired goal.”<sup>153</sup>

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<sup>152</sup> Bob Norman, “A Tale of Two Mosques,” *New Times Broward-Palm Beach*, August 1, 2002.

<sup>153</sup> Bob Norman, “A Tale of Two Mosques,” *New Times Broward-Palm Beach*, August 1, 2002.