



March 16, 2014

## An Egyptian court handed down a temporary ruling outlawing Hamas activities in Egypt. It was another symptom of the deterioration in Hamas-Egypt relations and reflects the Hamas' strategic distress.



Dr. Samir Sabri, an attorney, initiator of the proposal to designate Hamas as a terrorist organization, interviewed by Egyptian TV immediately after the court's ruling. In the background is the A'bidin Court building in Cairo (YouTube, March 4, 2014).

### Overview

1. On March 4, 2014, a court in Cairo handed down a ruling banning the activities of the Hamas movement in Egypt (as well as groups and bodies subordinate to or appointed by it). The ruling was handed down following a request (proposed by Dr. Samir Sabri) to designate Hamas a terrorist organization. The ruling was defined as "temporary" until the final verdict was given in the case against former Egyptian president Mohamed Morsi. The matter is now in the hands of the Egyptian authorities who have to decide if and to what extent to act against Hamas. Note: the Egyptian government designated the Muslim Brotherhood, Hamas' parent organization, as a terrorist organization only three months after a court issued an edict to that effect.
2. The verdict to ban Hamas' activities is another symptom of the deterioration in Hamas-Egypt relations in the post-Morsi era. It is also a political blow to Hamas and a blow to its image, and adds to its strategic distress. Politically, the ruling is liable to upset the process of the internal Palestinian reconciliation and provide ammunition for

Hamas' opponents in the Palestinian arena and the Arab-Muslim world. Practically, the ruling may put severe limitations on Hamas' presence and activities in Egypt. In addition, in our assessment, it may also significantly reduce Egypt's capabilities to leverage Hamas.

3. Hamas strongly condemned the ban and accused Egypt of abandoning its "historic role" in the Palestinian cause. However, Hamas spokesmen also noted that the movement would continue its ties with the Egyptian authorities, especially with its general intelligence service.

## The Egyptian Ruling

4. On March 4, 2014, after three delays, an Egyptian court in Cairo handed down a ruling banning the activities of the Hamas movement in Egypt (as well as groups and bodies subordinate to or appointed by it). The ruling was handed down on the grounds that Hamas supported extremist groups which, since the ouster of President Mohamed Morsi, have escalated their attacks on the Egyptian security forces. According to reports in the Egyptian media, the ruling is not final and needs authorization from the government to become official (Al-Youm Al-Sabea, Al-Masry Al-Youm, March 4, 2014).

5. The ruling was made after a formal appeal by Dr. Samir Sabri, an attorney, to interim Egyptian President Adly Mansour, Egyptian Prime Minister Ibrahim Mahlab and Egyptian Minister of the Interior Muhammad Ibrahim demanding that they designate Hamas as a terrorist organization, as had many countries around the globe (For a profile of Dr. Samir Sabri, attorney, see Appendix B). His grounds were that Hamas was an arm of the Muslim Brotherhood, which was outlawed in Egypt (Al-Hayat Al-Jadeeda, March 5, 2014). He presented the court with 45 examples of terrorist attacks recently carried out in the Sinai Peninsula in which he claimed Hamas had been involved. He said the "Hamas is a terrorist movement that takes money, took over the Gaza Strip and is one of the arms of the terrorist Muslim Brotherhood" (Akhbarak.net, March 5, 2014).

6. Following the ruling of the Egyptian court, Dr. Samir Sabri issued a formal warning regarding its implementation, which was sent to the Egyptian prime minister, minister of defense, minister of foreign affairs, the head of general intelligence, the director of

the immigration and passport authority and the director of the security authority for Egyptian ports. He said that anyone not fully implementing the ruling would be tried in accordance with Egyptian penal law (Akhbarak.net, March 6, 2014). In response, Nabil al-Fahmy, Egyptian foreign minister, said that his office was studying the ruling to be able to implement it. However, he said that Egypt would continue to foster the internal Palestinian reconciliation (Quds.net, March 5, 2014).

## Ramifications

7. The ruling is an additional symptom of the deterioration in Hamas-Egypt relations in the post-Morsi era. The current Egyptian regime views Hamas as an arm of the Muslim Brotherhood and regards it as a source of terrorism and subversion in Egypt (taking into consideration the anti-Egyptian terrorist campaign being waged by the Salafist-jihadi organizations focused in the Sinai Peninsula). However, in our assessment, the court did not designate Hamas as a terrorist organization in order to allow the Egyptian authorities freedom to maneuver in their approach to Hamas.



**The Egyptian army vs. Hamas (Al-Ahram Al-Jadeed, March 5, 2014)**

8. For Hamas, the ruling (whether it becomes law or not) is a political blow and a blow to its image. It may harm Hamas' political ties to Egypt and add to the movement's strategic distress in the era after the fall of the Muslim Brotherhood. It may also disrupt the internal Palestinian reconciliation and provide Fatah and the Palestinian Authority (PA) with additional ammunition against Hamas. The ruling will make it difficult for Hamas to improve its relations with the West (through its smile campaign) and will reinforce its already-present image as a terrorist organization. Thus senior Hamas

figures responded strongly to the ruling, accusing Egypt of having "abandoned its historic role in supporting the Palestinian cause" (For Hamas reaction see Appendix A). 9. In practical terms, if the ruling becomes law it may severely limit Hamas' presence in Egypt, place obstacles in the path of Hamas-Egypt relations and perhaps weaken the de-facto Hamas administration in the Gaza Strip. As has happened in other countries where Hamas was outlawed, the ruling may end Hamas' established presence in Egypt, or at least make its presence difficult. Senior Hamas figures currently in Egypt are likely to be asked to leave and limitations may also be placed on the financial and material aid delivered to Hamas and the Gaza Strip from Egyptian territory. In a wider context, the results of the ruling may limit Egypt's restraining capabilities on Hamas.

10. Dr. Samir Sabri was interviewed by Egyptian TV immediately after the ruling was given. He said it meant that Egypt would be able to detain every Hamas member in the country and prevent anyone belonging to Hamas from entering (Akhbarak.net, March 4, 2014). A source close to senior Hamas figure Musa Abu Marzouq, who established himself in Egypt in 2011, reported that the Egyptian authorities refused to renew the visas of Abu Marzouq and his bodyguards, which will expire in April 2014 (Paltoday.ps, March 10, 2014). Senior Hamas figure Salah al-Bardawil said that Musa Abu Marzouq would remain in Egypt for the time being because no one had asked him to leave. However, he added that he would leave if he were requested to do so (Al-Quds Al-Arabi, March 7, 2014).

## Appendix A

### Responses to the Egyptian Court's Ruling

#### Hamas

1. Even if the ruling does not become law, it is a blow to Hamas' image and a symptom of the deterioration of the relations between Hamas and Egypt. Thus, the de-facto Hamas administration issued a formal statement strongly denouncing the ruling which was based, it said, on "false information." According to the announcement, Hamas was surprised by the foundation on which the ruling was based because it had no official offices in Egypt and claimed it did not engage in any activity there. In addition, Hamas regarded the ruling as a political act which hurt the Palestinian people and the Palestinian cause (Hamasinfo.net, March 4, 2014).

2. In addition, the de-facto Hamas administration called on Egypt to revoke the ruling, saying that Egypt had "abandoned its historic role of support for the Palestinian cause" (Safa News Agency, March 4, 2014). However, Hamas spokesmen also stressed that Hamas remained in contact with the Egyptian authorities, including its general intelligence service.

3. Many Gazans joined in demonstrations held after the Friday prayers to protest the Egyptian ruling. In our assessment, the demonstrators were encouraged by Hamas. Departing from the various mosques in the Gaza Strip, they marched to the Egyptian embassy in western Gaza City (Quds Press, March 7, 2014).



**Protest march in the Gaza Strip which ended with a rally in front of the Egyptian embassy in Gaza City (Filastin Al-'Aan, March 7, 2014).**

4. Senior Hamas figures strongly condemned the ruling, saying it was political and harmed Hamas' goals:

1) Musheir al-Masri called the ruling "a historic precedent and legal mistake." He said that it would not affect either Hamas or the "resistance" [i.e., violence and terrorism). He said it would be more fitting for Egypt to help end the "siege" of the Gaza Strip and support the Palestinian people. Only the "Zionist enemy" profited from the ruling, he said (Izz al-Din al-Qassam Brigades website, March 5, 2014).

2) Musa Abu Marzouq, a member of Hamas' political bureau who established himself in Egypt, said that Hamas had no associations, organizations or institutions in Egypt, and that all of its meetings in Egypt and visits to the country were held under the aegis of the Egyptian general intelligence. He also said that the objective of the ruling was to export Egypt's internal distress (Sama News Agency, March 4, 2014).

3) Mahmoud al-Zahar strongly denounced the ruling and called it an unjust political ruling which has handed down without giving Hamas the opportunity to defend itself. He said Hamas had no headquarters or assets in Egypt and that the ruling had caused Egypt to lose its standing in the proceedings of the internal Palestinian reconciliation (Facebook page of Mahmoud al-Zahar, March 5, 2014).

4) Fawzi Barhoum, Hamas spokesman in the Gaza Strip, said regarding the ruling that Egypt was "settling accounts" with Hamas (Safa News Agency, March 5, 2014). He also said that all the signs pointed to a plot being hatched against the Palestinian cause and against the Palestinian "resistance." He said that a

new type of struggle had begun against the ruling of the Egyptian court (Al-Quds TV, March 7, 2014).

5) Izzat al-Rishq, a member of Hamas' political bureau, denounced the ruling and said it was a political decision whose objective was to harm "the Palestinian people and its resistance" (Alresala.net, March 4, 2014).

6) Taher al-Nunu, media advisor to Ismail Haniya, head of the de-facto Hamas administration, called on Egypt to revoke the ruling and refuse to discuss the issue, which should be their response to the enemies of the Palestinians. He said the ruling of the court served only Israel. However, he added that the talks with Egypt were continuing and Hamas did not want to cut off relations with them (Al-Quds TV, March 7, 2014).



Cartoon by Omayya Joha criticizing the Egyptian ruling, which, according to the cartoon, supports Israel in its struggle against the "resistance" (Al-Risala, March 6, 2014).

## The Palestinian Islamic Jihad (PIJ)

5. Senior PIJ figures in the Gaza Strip joined the criticism against the Egyptian ruling:

1) Khader Habib called the ruling "saddening" and said it would have dire consequences for both Egypt and the Palestinians. He said the ruling served only Israel and harmed the Palestinian cause. He called on Hamas and Egypt to overcome the difficulties influencing the relations between them (Filastin al-Yawm, March 4, 2014).

2) Khaled al-Batash expressed sadness at the ruling and called on the Egyptian leadership to reconsider (Al-Istiqlal, March 4, 2014).

3) Ahmed al-Mudallal said that the tension between Hamas and Egypt and Egypt's recent ruling did not serve the Palestinian cause (Quds.net, March 4, 2014).

## Fatah

6. Ahmed Assaf, Fatah spokesman in Judea and Samaria, claimed that the ruling was the result of Hamas interference in Egypt's internal affairs, along with its tendency to side with the Muslim Brotherhood, which Egypt had designated as a terrorist organization. He said that the current development was unexpected but that had Hamas listened to advice from Fatah and not intervened in Egypt's internal affairs the current situation would have been avoided (PNN TV, March 4, 2014).

## Egypt

7. An editorial in the Egyptian daily paper Al-Ahram praised the ruling, saying it underlined Hamas' responsibility for many terrorist attacks that had taken place in Egypt. According to the editorial, the link between Hamas and the Muslim Brotherhood could not be denied because the Hamas charter itself had an article stating it was a branch of the organization.<sup>1</sup> In addition, investigations carried out by the Egyptian security services proved that Hamas was directly responsible for many terrorist attacks in Egypt and the Sinai Peninsula.

8. The Islamic Movement condemned the ruling which, it claimed was "a dangerous deviation from the national and pan-Arab duty to support the Palestinian cause." It said that the interest of the Arab nation had to be to support Hamas and confront Israel. The Islamic Movement said that it opposed the ruling (Al-Bosala, March 5, 2014).

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<sup>1</sup> According to Article 2 of the 1988 Hamas charter, the Islamic resistance movement is one of the branches of the Muslim Brotherhood [operating] in Palestine. For the Hamas charter and its implications, see the March 21, 2006 bulletin "The Hamas Charter (1988): Overtly anti-Semitic and anti-West, radical Islamic in outlook, it stresses Hamas' ideological commitment to destroy the State of Israel through a long-term holy war (jihad)."

## Appendix B

### Profile of Dr. Samir Sabri, attorney,



**Dr. Samir Sabri (Dr. Samir Sabri's Facebook page)**

1. Dr. Samir Sabri is a senior Egyptian attorney who is well known in the Arab-Muslim world. He was born in the Al-Gharbia district of Egypt in 1950. He holds a PhD from Boston University in commercial law. He interned in the office of Mustafa EIBaradei, who at that time was chairman of the Egyptian union of attorneys. He opened his own office in 1980. In 1998 he opened a center for legal research in Cairo. (Dr. Samir Sabri's Facebook page).
2. Dr. Samir Sabri's struggle against Hamas began after the terrorist attack in Egyptian Rafah in August 2012 which resulted in the deaths of 16 Egyptian soldiers. Following the attack he sued Egyptian President Mohamed Morsi and Hamas, accusing Hamas of direct responsibility for the attack (YouTube.com).