



International activity against Hamas since the outbreak of Operation Iron Swords Dr. Hayim Iserovich

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Overview

▶ Not only Israel, but the United States, the UK, the EU, Canada and Australia had designated Hamas as a terrorist organization even before Operation Iron Swords began on October 7, 2023. New Zealand and Paraguay designated only the Izz al-Din Qassam Brigades, Hamas' military-terrorist wing, as a terrorist organization, while Japan designates Hamas as a terrorist organization only regarding freezing its assets. Since the beginning of the war, Switzerland announced its intention to designate Hamas as a terrorist organization.

▶ The designation allows authorities to freeze financial assets which belong to or are affiliated with the organization, its operatives and its entities. In addition, criminal law allows legal action to be taken for membership in Hamas, giving it material support and identifying with it, such as publicly displaying its symbols.

▶ Since the beginning of the war, some countries have taken practical steps against Hamas. The United States imposed two rounds of sanctions on a currency exchange network which helped finance Hamas activities, on Iranian aid to Hamas, and on companies linked to Hamas' asset portfolio. Germany announced a complete ban on the activities of Hamas and its related organizations, and Japan imposed sanctions on a currency-exchange network that served Hamas.

▶ The recent pro-Palestinian, anti-Israel, anti-Operation Iron Swords demonstrations held around the world have posed a challenge for the authorities in those countries, who are required to distinguish between the right of freedom of speech and protest on the one hand, and identification with Hamas and its barbaric attack on October 7 on the other. In Britain, demonstrators wearing clothes with pictures of paragliders, such those used by Hamas terrorists who attacked the Nova Festival, were accused of supporting a terrorist organization. In Germany and France, temporary restrictions were placed on pro-Palestinian demonstrations. However, chanting "Palestine from the river to the sea" and tearing down posters with pictures of the abductees are still not seen as support for Hamas.

International Activity against Hamas

The United States

►The Hamas movement has been on the State Department's list of designated foreign terrorist organizations since it was first published on October 8, 1997. That makes it possible to freeze assets and block bank accounts linked to the movement and its operatives. In addition, Hamas members and representatives can be prevented from entering the United States or deported if they do not have a residence permit. American law prohibits the provision of "material support or resources," defined as "any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives," etc. (US State Department website).¹

►The Hamas movement was also included in Executive Order 12947, signed by President Bill Clinton on January 23, 1995, which targeted "foreign terrorists who threaten to disrupt the Middle East peace process." The order created a list of designated terrorist organizations and prohibited financial or real estate transactions with the entities and personalities were later included in the list, such as Hamas founder, Sheikh Ahmed Yassin, and Musa Abu Marzouq, who served as head of the political bureau, in addition to entities such as the Holy Land Foundation that operated in the United States and the Al-Aqsa Islamic Bank.²

►After the terrorist attack on September 11, 2001, President George W. Bush signed Executive Order 13224, designed to address the issue of terrorist financing. The order allows the Treasury Department to seize all the assets of the designated individuals and entities within United States jurisdiction and prohibits American citizens from having any business and financial relations with them. The order permits the imposition of sanctions on individuals and entities "that assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, acts of terrorism or individuals or entities

¹ <https://www.state.gov/foreign-terrorist-organizations/>

² Iserovich, Hayim, "Executive Order 13224 and its significance for combatting terrorism financing," 2019, pp. 10-11, Hebrew only, http://ict.org.il/web101.virtualbox.co.il/Article/2432/Declare_and_block#gsc.tab=0

designated in or under the Order; or [are] otherwise associated with certain individuals or entities designated in or under the Order.”³

►As part of the Executive Order, a new list of "Specially Designated Global Terrorists" was drawn up, on which all the organizations that appeared on the State Department's list of foreign terrorist organizations were included, including Hamas. Since 2001, dozens of individuals and entities connected to Hamas have been added to the list, including **Isma'il Haniyeh (head of Hamas' political bureau), Saleh al-'Arouri (deputy head of Hamas' political bureau), Yahya al-Sinwar (head of the Hamas political bureau in the Gaza Strip), Muhammed Deif (the commander of Hamas' military-terrorist wing) Khaled Mashaal (head of the "external" Hamas leadership), and Osama Hamdan (Hamas representative in Lebanon)**, as well as to charitable organizations and other bodies around the world, such as the al-Aqsa Foundation, Interpal and the al-Aqsa TV channel.⁴

►Since the beginning of the war, the American administration has used the sanction tool to exert pressure on the financing mechanisms of the Hamas movement.

◆ On October 18, 2023, the US Treasury Department sanctioned nine individuals from the Gaza Strip, Sudan, Turkey, Algeria and Qatar, and a money exchange and transfer office in Gaza that dealt in cryptocurrencies. Among those sanctioned were **Ayman Nofal, commander of Hamas' central division, who was eliminated the previous day; Muhammad Ahmed Abd al-Dayim Nasrallah, a Hamas operative who lives in Qatar and is linked to Iran; and Musa Dudin, released from an Israeli prison in the Gilad Shalit exchange deal, who holds the Hamas prisoner portfolio and is involved in bringing in terrorist funds.** Treasury Secretary Janet Yellen stated that the United States was "taking swift and decisive action to target Hamas' financiers and facilitators following its brutal and unconscionable massacre of Israeli civilians, including children" (US Treasury Department website, October 18, 2023).⁵

◆ On October 27, 2023, the Treasury Department imposed additional sanctions on five individuals and one entity related to Iranian support for Hamas and against three individuals and three companies related to its asset portfolio. Among the designated

³ Iserovich, "Executive Order," pp. 15-16.

⁴ For further information, see the Intelligence and Terrorism Information Center March 2010 report, "Hamas Attacks the American Administration for Designating Al-Aqsa TV and the Islamic National Bank, Two Important Hamas Institutions, as Terrorist Entities"

⁵ <https://home.treasury.gov/news/press-releases/jy1816>

persons were **Khaled Qaddoumi, Hamas representative in Tehran; Ali Morshed Shirazi and Mostafa Mohammad Khani, Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) operatives who train and assist Palestinian Islamic Jihad (PIJ), Hamas and Hezbollah, and Ali Ahmad Faizullahi, an Iran-based commander of the Saberin Special Forces Brigade of the IRGC Ground Force, which has deployed to Syria and has trained Hamas and Hezbollah terrorist operatives.** The Treasury Department, stated that the sanctions underscored America's "commitment to dismantling Hamas's funding networks by deploying our counterterrorism sanctions authorities and working with our global partners to deny Hamas the ability to exploit the international financial system" (US Treasury Department website, October 27, 2023).⁶

◆ On November 14, 2023, the United States and the United Kingdom imposed sanctions on eight individuals and two entities associated with Hamas and the Islamic Jihad organization in Palestine. The list includes **Mahmoud al-Zahar, a member of the political bureau of Hamas; Akram al-Ajourri, PIJ deputy secretary general; Nasser Abu Sharif, PIJ representative in Iran;** the Muhjat al-Quds Foundation ("Soul of Jerusalem"), which provides material and financial assistance to the families of PIJ operatives and prisoners and its director, Jamil Yusuf Ahmad 'Aliyan. American Treasury Secretary Janet Yellen said that " The United States will continue to work with our partners, including the U.K., to deny Hamas the ability to raise and use funds to carry out its atrocities" (US Treasury Department website, November 14, 2023).⁷

◆ Another tool that allows the American government to put pressure on terrorists is the State Department's Rewards for Justice program, which offers monetary rewards in exchange for information related to terrorist organizations, terrorist operatives, and terrorist incidents. On October 24, 2023, the State Department reissued a notice of a \$5 million dollar reward for information on Saleh al-'Arouri, deputy head of Hamas' political bureau, who has appeared in the Rewards program since November 2018 (Rewards for Justice Program X account, October 24, 2023).⁸

⁶ <https://home.treasury.gov/news/press-releases/jy1845>

⁷ <https://home.treasury.gov/news/press-releases/jy1907>

⁸ https://twitter.com/RFJ_USA/status/1716916651218936045



Announcement of a reward for information about Saleh al-'Arouri (Account X of the Rewards for Justice program, October 24, 2023)

The United Kingdom

►The British government included the Izz al-Din Qassam Brigades, Hamas, military-terrorist wing, on its list of terrorist organizations in March 2001, based on “HM government’s assessment that there was a sufficient distinction between the so called political and military wings of Hamas, such that they should be treated as different organisations, and that only the military wing was concerned in terrorism. The government now assess that the approach of distinguishing between the various parts of Hamas is artificial. Hamas is a complex but single terrorist organisation” (UK government website).⁹

►The declaration of Hamas as a terrorist organization allows the British authorities to freeze the movement's assets and impose sanctions on activists associated with it, including a ban on entering the country. In 2004, Britain announced sanctions against senior Hamas figures Musa Abu Marzouq, Khaled Mashaal and Osama Hamdan, and in 2005 sanctions were also imposed on the al-Aqsa Foundation (from the list of British sanctions).¹⁰

►On November 14, 2023, the United Kingdom, in cooperation with the United States, announced a package of sanctions against Hamas. The British list includes four senior officials: **Yahya al-Sinwar, head of the Hamas political bureau in the Gaza Strip; Muhammed Deif, the commander of Hamas' military-terrorist wing; Marwan Issa the deputy commander Hamas' military-terrorist wing, and Musa Dudin, who holds the Hamas prisoner portfolio.** In addition, sanctions were imposed on two financiers, Abdelbasit Hamza, a Sudan-based Hamas financier who owned a network of companies that laundered money and traded in currency in order to finance Hamas, and Nabil Chouman, who channeled

⁹ <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>

¹⁰ <https://docs.fcdo.gov.uk/docs/UK-Sanctions-List.html>

funds to Hamas through his Lebanon-based currency exchange. British Foreign Secretary David Cameron, declared that Britain "will continue to use every tool at our disposal to disrupt the abhorrent activity of this terrorist organisation, working with the United States and our other allies, making it harder for them to operate and isolating them on the world stage " (British government website, November 14, 2023).¹¹

► Declaring Hamas a terrorist organization also has criminal consequences. British law states that belonging to a declared terrorist organization and supporting it, including wearing symbols identified with it, are criminal offenses with a maximum penalty of up to 14 years in prison.¹²

► Given the pro-Palestinian demonstrations in London and across the UK after Hamas' terrorist attack on October 7, UK Home Secretary, Suella Braverman, declared that ""zero tolerance for anti-Semitism or glorification of terrorism on the streets of Britain" (a letter from the Home Secretary to police chiefs in England and Wales, October 10, 2023).¹³

► Jonathan Hall, the independent commissioner for examining the implementation of the British government's counter-terrorism policy, warned the participants in the pro-Palestinian demonstrations that "People need to know, if you glorify that you risk committing a really serious terrorism offence" (BBC News, October 14 2023).¹⁴

► The British police arrested suspected Hamas supporters who had taken part in the pro-Palestinian demonstrations and published suspicious photos in an attempt to track them down. Three participants in the demonstration on October 14, 2023 were charged with inviting support for a designated terrorist organization after they wore illustrations of paragliders on their clothes, similar to those used by Hamas terrorists in invasion the villages near the Gaza Strip border. Prosecutor Mark Lockett noted that the "prosecution say that there is a clear and unique association between the image of a paraglider and the Hamas terrorist attack" and that it "glorifies the actions of the group by celebrating the unique, successful tactic used by them" (BBC News, November 10, 2023).¹⁵

¹¹ <https://www.gov.uk/government/news/uk-and-us-hit-hamas-leadership-with-targeted-sanctions>

¹² <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>

¹³ <https://www.gov.uk/government/publications/police-chiefs-asked-to-protect-communities-from-provocations/letter-to-chief-constables-in-england-and-wales-following-the-israel-hamas-conflict-accessible>

¹⁴ <https://www.bbc.com/news/uk-67100274>

¹⁵ <https://www.bbc.com/news/uk-england-london-67379321>



Demonstrators wearing pictures with paragliders (London Police X account)¹⁶

►On November 13, 2023, the government announced the cancellation of the visa of the Egyptian TV presenter, Mu'ataz Matar, who fled his country in 2013 and received the visa two years ago. Matar was recorded on his YouTube channel, which has more than four million subscribers, expressing support for the October 7 attack and calling it "a heroic act that our Muslim and Arab world has never seen before, and the enemy has never seen before since the Holocaust of Hitler." British Immigration Minister Robert Jenrick, who signed the visa cancellation, said that "there will be zero tolerance for visitors to the UK who take advantage of visa privilege and encourage nefarious acts of terrorism" (The Jewish Chronicle, November 13, 2023).¹⁷

The European Union

►The European Union first included the Izz al-Din Qassam Brigades in the initial list of terrorist organizations and operatives drawn up in December 2001, following the September 11, 2001 terrorist attack in the United States. Two years later, Hamas as a whole was included in the list. Hamas appealed the decision, and in 2014, a court ruled revoked the designation on the grounds that it had been made on the basis of information "gathered from the media and the Internet." The Union Court of Justice changed the decision and returned Hamas to the list of terrorist organizations in 2017. Additional petitions by Hamas against the announcement and the freezing of assets were rejected in 2017 and 2021 (Times of Israel, July 26, 2017; DW News, December 14, 2018; Courthouse News Service, November 23, 2021).¹⁸

¹⁶ <https://twitter.com/metpoliceuk/status/1717898352862326935>

¹⁷ <https://www.thejc.com/news/news/terror-supporting-youtuber-exposed-by-jc-is-booted-out-of-britain-56Y8LaacFUrpMDF9MFEqY>

¹⁸ <https://www.timesofisrael.com/eu-court-rules-to-keep-hamas-on-its-list-of-terror-groups-/>;
<https://www.dw.com/en/eu-court-rejects-hamas-appeal-over-frozen-assets/a-46744979> ;
<https://www.courthousenews.com/top-eu-court-returns-hamas-to-terror-list-after-3-year-absence/>

►The inclusion of Hamas in the European Union's anti-terrorist sanctions list allows for the freezing of bank accounts and other financial assets of Hamas in the territories of the EU's member states. It is also possible to take legal and police measures against individuals who have been put on the terrorist list, freeze their assets and ban their entry into EU countries, but so far the list does not include names of members of Hamas (European Union Council website).¹⁹ In various EU countries, restrictions have been imposed on holding pro-Palestinian demonstrations for fear that they will be used to identify with Hamas and the terrorist attack of October 7.

Germany

►On October 13, 2023, German Chancellor Olaf Schulz, announced the activities of Hamas in the country would be banned, in addition to the activities of the German branch of the pro-Palestinian Samidoun network, whose members distributed candy after the terrorist attack of October 7. Schultz emphasized that "those who support terrorist organizations like Hamas commit a criminal offense" (DW News, October 13, 2023).²⁰

►On November 2, 2023, German Minister of the Interior of Germany Nancy Faeser announced an absolute ban on Hamas activities and the dissolution of the Samidoun network. She declared: "...I have today completely banned the activities of a terrorist organisation whose aim is to destroy the State of Israel" (Reuters, November 2, 2023).²¹

►The directive of the German Ministry of the Interior also prohibits the public display of symbols associated with Hamas, including the flags of the movement on all its arms and units and headbands with inscriptions such as "al-Qassam Brigades" or "There is no God but Allah, Muhammad is his prophet." Another prominent ban is on the use of the slogan "From the river to the sea, Palestine will be free," which has become popular in pro-Palestinian demonstrations around the world since the beginning of the war (German Government Official Gazette website, November 2, 2023).²²

►On November 10, law enforcement authorities in Bavaria also announced it was a criminal offense, similar to Nazi slogans (Sueddeutsche Zeitung, November 10, 2023).²³ The authorities

¹⁹ <https://www.consilium.europa.eu/en/policies/fight-against-terrorism/terrorist-list/#applied>

²⁰ <https://www.dw.com/en/germany-takes-action-against-hamas-supporters/a-67085873>

²¹ <https://www.reuters.com/world/german-minister-announces-complete-ban-hamas-activities-2023-11-02/>

²² <https://www.bundesanzeiger.de/pub/de/amtliche-veroeffentlichung?4>

²³ <https://www.sueddeutsche.de/politik/nahostkonflikt-palaestina-demos-parole-verbot-1.6301624>

in Hamburg, Germany banned "all unregistered and non-officially confirmed gatherings whose content is related to supporting Hamas or its attacks on Israeli territory" (NDR News, October 23, 2023).²⁴

Austria

►Vienna police banned a pro-Palestinian demonstration because the slogan "from the sea to the river" was a "clear call for violence" (Reuters, October 11, 2023).²⁵

France

►In France, the authorities banned pro-Palestinian demonstrations after October 7 for fear of "disruptions to public order," but the court overturned the blanket ban and stated that each demonstration would be examined on its merits (Reuters, October 18, 2023).²⁶

Japan

►Japan's activity against terrorist organizations and operatives focuses on freezing assets in accordance with UN Security Council Resolution 1373, which was adopted on September 28, 2001, following the terrorist attack in the United States and which directs the member states to "ensure that terrorist acts are established as serious criminal offences." Japan announced the freezing of the assets of the Izz al-Din Qassam Brigades, Hamas' military-terrorist wing, but in October 2003 it was decided to extend the freeze to the entire Hamas movement "in light of the fact that Hamas has expressed its support for terrorism (Japanese Ministry of Foreign Affairs website, October 16, 2003).²⁷

►On October 31, 2023, the Japanese government announced the first sanctions against Hamas since the beginning of the war. The sanctions were imposed on eight individuals (see above) and an exchange office in Gaza that appeared in the US Treasury Department's sanctions notice on October 18 (Reuters, October 31, 2023).²⁸

²⁴ <https://www.ndr.de/nachrichten/hamburg/Verbot-pro-palaestinensischer-Demos-in-Hamburg-verlaengert,demoverbot112.html>

²⁵ <https://www.reuters.com/world/from-river-sea-prompts-vienna-ban-pro-palestinian-protest-2023-10-11/>

²⁶ <https://www.reuters.com/world/europe/french-court-upholds-government-instruction-ban-all-pro-palestine-protests-2023-10-18/>

²⁷ <https://www.mofa.go.jp/announce/speech/un0310-9.htm>

²⁸ <https://www.reuters.com/world/japan-announces-sanctions-hamas-related-individuals-company-2023-10-31/>

Australia

►At the end of 2001, Australia designated the entire Hamas movement as a target for economic sanctions on account of terrorist activity, in accordance with UN Security Council Resolution 1373, which states that sanctions must be imposed on individuals and entities involved in terrorist activity. According to Australian law, violating the sanctions is a criminal offense punishable by up to ten years in prison and heavy fines (Australian Government National Security website).²⁹

►The Izz al-Din Qassam Brigades was placed on the list of terrorist organizations in Australia in November 2003. On March 18, 2022, Hamas' political bureau political was also included after the government determined that the military activities of the military wing "are publicly supported by the Hamas political leadership " (website of Australian Government National Security).³⁰ The law states that membership in a designated terrorist organization, raising funds for the organization or receiving training or recruitment into the ranks of the organization are criminal offenses that carry a sentence of up to 25 years in prison (ABC News, February 17, 2022).³¹

►On November 18, 2023, the Australian government announced financial sanctions and entry restrictions on the eight individuals and currency exchange businesses from Gaza that were placed on the United States Treasury Department's sanctions list on October 18 (see above). Foreign Minister Penny Wong noted that the sanctions were directed at people who "are actively engaged in the support and facilitation of terrorism" and that they "enable their activity to be prevented and hold them and those that transact with them directly to account" (News.com.au, November 18, 2023).³²

Switzerland

►For years Switzerland has been neutral regarding the Israeli-Palestinian conflict to allow it to hold talks with all parties, including Hamas. In combatting terrorism, the authorities act in accordance with the sanctions of the UN Security Council, which do not include Hamas, and

²⁹ <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/hamas>

³⁰ <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/hamas>

³¹ <https://www.abc.net.au/news/2022-02-17/hamas-palestinian-listed-as-terrorist-group-australia-government/100839262>

³² <https://www.news.com.au/national/politics/penny-wong-announces-new-hamas-sanctions-welcomed-by-zionists/news-story/5fd2b102cfddbe36bef43ef31445b478>

therefore Switzerland has not designated the movement as a terrorist organization (Swiss Parliament website, June 3, 2021).³³

►After the Hamas terrorist attack on October 7, Switzerland changed its position in relation to Hamas. On October 11, 2023, the Swiss Federal Government announced that it was “of the opinion that Hamas should be classified as a terrorist organization,” and directed a special task force led by the Ministry of Foreign Affairs to examine the legal options for the move (Swissinfo, October 11, 2023).³⁴

►On October 12, 2023, the Swiss People's Party, the largest in the House of Representatives, called on the Federal Government to impose a ban on pro-Palestinian demonstrations to prevent “anti-Semitism and the glorification of terrorism.” The party also urged the government to stop all financial aid to Palestinian organizations and stated that “no Swiss taxpayer funds will indirectly fund Islamic terrorist organizations” (Swiss People's Party website, October 12, 2023).³⁵ The Liberal Party demanded that the government designate the Hamas movement as a terrorist organization and stated that “the current situation shows that dialogue with people who plan and support such acts is not possible” (Liberal Party website, October 9, 2023).³⁶ Also, the security policy committees of the House of Representatives and the Senate approved resolutions supporting the designation of Hamas as a terrorist organization, after previous similar proposals had not won a majority (Swissinfo, October 27, 2023).³⁷

►On October 21, 2023, the attorney general's office revealed that a few weeks before the start of the war, a criminal investigation was opened into suspected Swiss financing of Hamas. (Swissinfo, October 21, 2023).³⁸ According to a report by the Bloomberg agency, the federal police gave instructions to banks and asset managers on how to identify suspicious payments

³³ <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20213632>

³⁴ <https://www.swissinfo.ch/eng/politics/swiss-government-considers-hamas-a-terrorist-organisation/48881978>

³⁵ <https://www.svp.ch/aktuell/publikationen/medienmitteilungen/kein-bejubeln-von-terror-und-antisemitismus-in-der-schweiz/>

³⁶ <https://www.plr.ch/actualites/communiqués-de-presse/detail-des-actualites/news/lattaque-terroriste-du-hamas-doit-avoir-des-consequences>

³⁷ <https://www.swissinfo.ch/eng/second-swiss-parliamentary-chamber-supports-hamas-ban/48930816>

³⁸ <https://www.swissinfo.ch/eng/swiss-public-prosecutor-investigating-hamas-financing-links/48911748>

that are transferred to Hamas, when they noted that such payments were often made under the guise of fundraising campaigns for humanitarian aid (Bloomberg, November 10, 2023).³⁹

³⁹ <https://www.bloomberg.com/news/articles/2023-11-10/swiss-banks-receive-police-tips-on-how-to-spot-hamas-financing#xj4y7vzkg>