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AUSAs: DAVID W. DENTON, JR.; JACOB H. GUTWILLIG; SARAH L. KUSHNER; MICHAEL D. LOCKARD; TARA M. LA MORTE; SAMUEL L. RAYMOND

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ISMAIL HANIYEH,
YAHYA SINWAR,
a/k/a "Abu Ibrahim,"
MOHAMMAD AL-MASRI,
a/k/a "Mohammed Deif,"
a/k/a "al Khalid al-Deif,"
MARWAN ISSA,
a/k/a "Abu Baraa,"
KHALED MESHAAL,
a/k/a "Abu al-Waleed," and
ALI BARAKA,

Defendants.

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SEALED COMPLAINT

Violations of 18 U.S.C. §§ 2332(b), 2332a, 2332f, 2339A, 2339B, 2339C, & 3238; 50 U.S.C. § 1705

SOUTHERN DISTRICT OF NEW YORK, ss.:

[redacted], being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO A FOREIGN TERRORIST ORGANIZATION RESULTING IN DEATH)

1. From at least in or about 1997 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b)(1), to a foreign terrorist organization, namely, Hamas, which was designated by the U.S. Secretary of State as a foreign terrorist organization on or about October 8, 1997, pursuant to Section 219 of the Immigration and Nationality Act, and is currently designated as such as of the date of the filing of this Complaint.

2. It was a part and an object of the conspiracy that ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif,"

a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, would and did knowingly provide Hamas with material support and resources, including services, property, and personnel, knowing that Hamas was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that Hamas engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the Immigration and Nationality Act), and that Hamas engages and has engaged in terrorism (as defined in Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), resulting in the deaths of multiple Americans, among others, in violation of Title 18, United States Code, Section 2339B.

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (d)(1)(E), and (d)(1)(F), and 3238.)

COUNT TWO
(CONSPIRACY TO PROVIDE MATERIAL SUPPORT FOR ACTS OF TERRORISM RESULTING IN DEATH)

3. From at least in or about 2001 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including services, property, and personnel, knowing and intending that they were to be used in preparation for and in carrying out one or more of the following violations of Title 18, United States Code: (a) conspiring to murder nationals of the United States, in violation of Title 18, United States Code, Section 2332(b); (b) conspiring to bomb a place of public use, in violation of Title 18, United States Code, Section 2332f; and (c) conspiring to use a weapon of mass destruction against a national of the United States, in violation of Title 18, United States Code, Section 2332a, resulting in the deaths of multiple Americans, among others.

(Title 18, United States Code, Sections 2339A and 3238.)

COUNT THREE
(CONSPIRACY TO MURDER U.S. NATIONALS)

4. From at least in or about 1997 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined,

conspired, confederated, and agreed together and with each other to kill nationals of the United States.

5. It was a part and an object of the conspiracy that ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom was outside the United States, would and did kill nationals of the United States, which killing is murder as defined in Title 18, United States Code, Section 1111(a).

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and their co-conspirators, committed and caused to be committed, among others, the overt acts alleged in paragraphs 18 through 29 below.

(Title 18, United States Code, Sections 2332(b) and 3238.)

COUNT FOUR
(CONSPIRACY TO BOMB A PLACE OF PUBLIC USE RESULTING IN DEATH)

7. From at least in or about 2002 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other unlawfully to deliver, place, discharge, and detonate an explosive and other lethal device in, into, and against a place of public use, a public transportation system, and an infrastructure facility, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place, facility, and system, and where such destruction resulted in and was likely to result in major economic loss, resulting in the deaths of multiple Americans, among others, and where the offense took place outside the United States and (i) a victim of the offense was a national of the United States, and (ii) the offense was committed in an attempt to compel the United States to do or abstain from doing any act.

(Title 18, United States Code, Sections 2332f(a), (b)(2)(B) and (D), and 3238.)

COUNT FIVE
(CONSPIRACY TO USE WEAPONS OF MASS DESTRUCTION RESULTING IN DEATH)

8. From at least in or about 1997 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, without lawful authority, to use a weapon of mass destruction, namely, a destructive device, as defined in Title 18, United States Code, Section 921, against nationals of the United States while such nationals were outside the United States, resulting in the deaths of multiple Americans, among others.

(Title 18, United States Code, Sections 2332a(a)(1) and 3238.)

COUNT SIX
(CONSPIRACY TO FINANCE TERRORISM)

9. From at least in or about 2002 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and willfully combined, conspired, confederated, and agreed together and with each other to provide and collect funds, directly and indirectly, with the intention and the knowledge that they were to be used, in full or in part, to carry out a terrorist act, to wit, an act intended to cause death and serious bodily injury to a civilian, the purpose of which, by its nature and context, was to intimidate a population and to compel a government to do and to abstain from doing any act, and where the object of such offense was directed toward and resulted in the carrying out of a terrorist attack against nationals of the United States.

(Title 18, United States Code, Sections 2339C(a)(1)(B), (a)(2), and (b)(2)(C)(iii), and 3238.)

COUNT SEVEN
(CONSPIRACY TO VIOLATE THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT)

The International Emergency Economic Powers Act

10. The International Emergency Economic Powers Act ("IEEPA"), codified at Title 50, United States Code, Sections 1701 to 1708, confers upon the President authority to deal with unusual and extraordinary threats to the national security and foreign policy of the United

States. Section 1705 provides, in part, that "[i]t shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title." 50 U.S.C. § 1705(a).

The Global Terrorism Sanctions Regulations

11. On September 23, 2001, the President issued Executive Order 13224, providing that all property and interests in property in the United States of persons determined to have committed or to pose a significant risk of committing acts of terrorism that threaten U.S. nationals or the national security, foreign policy, or economy of the United States, or determined to act for or on behalf of such persons or to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or such persons—designated as Specially Designated Global Terrorists ("SDGTs")—are blocked. Executive Order 13224 authorized the U.S. Secretary of the Treasury to promulgate rules and regulations necessary to carry out the Executive Order. Pursuant to this authority, the Secretary of the Treasury promulgated the Global Terrorism Sanctions Regulations ("GTSR"), implementing the sanctions imposed by the Executive Order.

12. Title 31, Code of Federal Regulations, Section 594.201(a) of the GTSR provides, in relevant part:

> [P]roperty and interests in property of [SDGTs] that are in the United States, that hereafter come within the United States, or that hereafter come within the possession or control of U.S. persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn or otherwise dealt in . . .

without a license from the U.S. Department of the Treasury, Office of Foreign Assets Control ("OFAC").

13. Section 594.204 of the GTSR further prohibits any U.S. person from engaging in any transaction or dealing in property or interests in property of persons whose property or interests in property are blocked pursuant to the GTSR. In particular, the GTSR specifically prohibits the making of any contribution or provision of funds to, by, or for the benefit of designated SDGTs.

a. On October 31, 2001, the Department of State designated Hamas as an SDGT pursuant to Executive Order 13224.

b. On October 31, 2001, the Department of State designated Hizballah as an SDGT pursuant to Executive Order 13224.

c. On August 22, 2003, OFAC designated KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant, as an SDGT pursuant to Executive Order 13224.

d. On October 25, 2007, OFAC designated the Qods Force of the Islamic Revolutionary Guard Corps as an SDGT pursuant to Executive Order 13224.

e. On October 11, 2011, OFAC designated Qasem Soleimani as an SDGT pursuant to Executive Order 13224.

f. On March 27, 2012, OFAC designated Esmail Ghani as an SDGT pursuant to Executive Order 13224.

g. On September 8, 2015, the Department of State designated YAHYA SINWAR, a/k/a "Abu Ibrahim," the defendant, as an SDGT pursuant to Executive Order 13224.

h. On September 8, 2015, the Department of State designated MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant, as an SDGT pursuant to Executive Order 13224.

i. On September 10, 2015, OFAC designated Saleh Al-Arouri as an SDGT pursuant to Executive Order 13224.

j. On October 17, 2017, OFAC designated the Islamic Revolutionary Guard Corps as an SDGT pursuant to Executive Order 13224.

k. On January 31, 2018, the Department of State designated ISMAIL HANIYEH, the defendant, as an SDGT pursuant to Executive Order 13224.

l. On September 10, 2019, the Department of State designated MARWAN ISSA, a/k/a "Abu Baraa," the defendant, as an SDGT pursuant to Executive Order 13224.

m. On or about December 13, 2023, OFAC designated ALI BARAKA, the defendant, as an SDGT pursuant to Executive Order 13224.

14. Section 594.205 of the GTSR further prohibits attempts and conspiracies to violate or to evade the prohibitions of the GTSR.

Statutory Allegations

15. From at least in or about 2001 up to and including the date of this Complaint, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and willfully combined, conspired, confederated, and agreed together and with each other to violate, and to cause a violation of, licenses, orders, regulations, and prohibitions issued under the IEEPA.

16. It was a part and an object of the conspiracy that ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and others known and unknown, would and

did cause U.S. persons to engage in transactions and dealings in property and interests in property of persons whose property and interests in property are blocked pursuant to the GTSR, including Hamas, without first obtaining the required approval of OFAC; and to evade the requirements of U.S. law with respect to transactions and dealings in property and interests in property of Hamas, in violation of Executive Order 13224 and Title 31, Code of Federal Regulations, Sections 594.201, 594.204, and 594.205.

(Title 50, United States Code, Section 1705; Executive Order 13224; Title 31, Code of Federal Regulations, Sections 594.201, 594.204, and 594.205; Title 18, United States Code, Section 3238.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

17. I am a Special Agent with the FBI, assigned to investigate counterterrorism matters, including counterterrorism investigations involving crimes against the United States and U.S. citizens occurring outside the United States. Based on my training and experience, I have become knowledgeable about criminal activity, particularly violations of the federal terrorism statutes. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and other individuals, and upon my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations with others and statements by others are reported herein, they are reported in substance and in part, except where otherwise indicated. Some of the information recounted below is based on draft translations of statements written in Arabic or Farsi, which are subject to revision, and in some cases, I have indicated my interpretation of certain words or phrases in brackets, which interpretations are based on the context in which they appear as well as, among other things, my training and experience. Finally, to the extent there are grammatical, typographical, or spelling errors in any quotations in this affidavit, those errors appear in the original quoted material.

I. OVERVIEW

18. Based on my participation in this investigation, my conversations with law enforcement officers and others, my review of video recordings, documents, and publicly available information, and my training and experience, I have learned, among other things, that:

a. Harakat al-Muqawamah al-Islamiyya, commonly known as Hamas, was founded in 1987 as an outgrowth of the Palestinian branch of the Muslim Brotherhood. From its inception, Hamas's stated purpose has been to create an Islamic Palestinian state throughout Israel by eliminating the State of Israel through violent holy war, or jihad. Hamas has not only directed its violence and terrorism against Israeli targets in furtherance of that goal; Hamas's leaders have also assailed the United States and American citizens, in retaliation for and in an effort to weaken American support for Israel's right to exist and defense of that right. Hamas has murdered and injured dozens of Americans as part of its campaign of violence and terror, and since 1997, Hamas has been designated as a foreign terrorist organization ("FTO") by the United States Government.

b. Throughout Hamas's existence, the Government of Iran, particularly the Islamic Revolutionary Guard Corps ("IRGC") and its Qods Force ("IRGC-QF")—the element of the IRGC responsible for conducting external terrorism operations and providing support to terrorist groups, and whose very name translates from Farsi as "Jerusalem Force"—has supported, supplied, and trained Hamas. Through that relationship, Hamas has played a significant role in the Government of Iran's regional and global campaign of supporting terrorism to further the Government of Iran's objectives, including damaging, weakening, and ultimately destroying both the United States and Israel.

c. Hamas raises money to fund its terrorist activities through a variety of methods, including by soliciting and receiving cryptocurrency payments, advertising the ostensible anonymity of such transactions. Since 2019, Hamas's military wing has used social media and other platforms to call for cryptocurrency contributions from supporters abroad, including in the United States, to Hamas-controlled virtual wallets, explicitly acknowledging that those payments would be used to fund Hamas's campaign of violence. Through these mechanisms, Hamas has received tens of millions of dollars in cryptocurrency payments to fund its activities.

d. Hamas has pursued its objectives through terrorist attacks and other acts of brutal violence, including launching thousands of rockets specifically targeting civilian populations; suicide bombings of restaurants, markets, public transportation systems, and other public spaces; military-style attacks on towns and residential communities; and the widespread use of human shields, particularly civilian Palestinian populations, to deter and constrain military responses to its terrorism. Hamas's campaign of terrorism has killed and wounded citizens of Israel, the United States, and many other countries.

e. On October 7, 2023, Hamas committed its most violent, large-scale terrorist attack to date (the "October 7 Hamas Massacres"). In the early morning hours of October 7, 2023, Hamas sent more than 2,000 armed fighters into farms and towns in southern Israel, where they carried out the massacres of over a thousand people and the kidnappings of more than 200 others. Hamas terrorists attacked civilians, firing handguns, assault rifles, and handheld rocket launchers, in small residential communities in Kfar Aza, Be'eri, Nir Oz, Nahal Oz, Re'im, Holit, Zikim, Kerem Shalom, Sufa, and others; the Israeli town of Sderot; and a music festival held near Re'im; among other places. During the October 7 Hamas Massacres, Hamas terrorists weaponized sexual violence against Israeli women, including rape and genital mutilation. Hamas also targeted civilian populations with a barrage of rockets, and claimed that its fighters fired more than 5,000 such rockets at towns and cities in southern Israel during the attacks. As of the date of this Complaint, at least 43 American citizens were among those murdered, and at least ten American citizens were taken hostage or remain unaccounted for.

f. Hamas's top leadership, many of whom operate outside the self-governing Gaza Strip and Palestinian West Bank territories, planned, supported, and praised the October 7 Hamas Massacres. ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, are senior members of Hamas's leadership. In the years and weeks leading up to the attacks on October 7, the defendants made explicit public statements calling for—and later

celebrating—mass terrorist attacks, including what ultimately manifested as the October 7 Hamas Massacres.

g. Hamas's leadership has acknowledged the instrumental role that support from the Government of Iran and from Hizballah, a Lebanon-based Shia Islamic terrorist organization founded in the early 1980s with support from Iran, played in Hamas's ability to carry out the October 7 Hamas Massacres. The IRGC has provided Hamas, among other things, rockets and technical assistance necessary to build rockets and tens of millions of dollars in annual funding for Hamas's terror wing, including through cryptocurrency payments. Leaders of the Iranian regime and the IRGC have publicly praised and supported the October 7 Hamas Massacres and Hamas's continuing holding of more than 100 hostages as of the date of this Complaint, have threatened to take additional lethal action against the State of Israel and the United States in support of Hamas's attacks, and have threatened to mobilize the Government of Iran's other terrorist and paramilitary proxies in the region to take lethal action.

h. Hamas has also received support from Hizballah in the wake of the October 7 Hamas Massacres. In particular, following the October 7 Hamas Massacres, Hizballah has launched attacks on Israel, including firing rockets at civilian targets in Israel. Hizballah's recent attacks on Israel have occurred near Israel's northern border, which Israel shares with Lebanon, while Hamas's attacks were launched from the Gaza Strip, on Israel's western border. Hamas's attacks on October 7 and Hizballah's subsequent attacks are the apparent consequence of the Government of Iran's years-long strategy to encircle Israel with armed proxy groups, instigate turmoil, and promote acts of terrorism.

II. BACKGROUND ON HAMAS

A. Founding, Structure, and Objectives

19. Based on my participation in this investigation, my conversations with law enforcement officers and others, my review of video recordings, documents, and publicly available information, and my training and experience, I have learned, among other things, that:

a. The Harakat al-Muqawamah al-Islamiyya is Arabic for "The Islamic Resistance Movement" and is known by the acronym Hamas. Hamas, which is sometimes referred to by its followers as "The Movement," is a terrorist organization based principally in the self-governing Gaza Strip and Palestinian West Bank territories.

b. Hamas was founded in 1987 by Sheikh Ahmed Yassin as an outgrowth of the Palestinian branch of the Muslim Brotherhood. The Muslim Brotherhood is an international Islamic organization founded in Egypt in 1928 and is committed to the globalization of Islam through social engineering and violent jihad. Hamas's founding occurred shortly after the December 1987 outbreak of violence in the first Palestinian intifada, or "uprising," throughout Israel, the Gaza Strip, and the West Bank.

c. In 1988, Hamas issued a charter, formally known in English as the "Covenant of the Islamic Resistance Movement," which identified Hamas as the Muslim Brotherhood in Palestine and stated that Hamas's purpose was to create an Islamic Palestinian state throughout Israel by eliminating the State of Israel through violent jihad. This original Hamas

charter began, "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it." The charter directed the killing of Jews, drawing on a hadith (a "prophetic saying" in Islam): "The Day of Judgment will not come about until Muslims fight Jews and kill them. Then, the Jews will hide behind rocks and trees, and the rocks and trees will cry out: 'O Moslem, there is a Jew hiding behind me, come and kill him.'"

d. In 2017, KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant, who was at the time the chairman of Hamas's highest-ranking leadership body, which Hamas refers to as its "Politburo," *see infra* ¶ 19(e), issued a revised charter, entitled in English as "A Document of General Principles & Policies." The revised charter asserts that "Palestine is a land that was seized by a racist, anti-human and colonial Zionist project that was founded on a false promise." The charter also codifies Hamas's commitment to violence, which Hamas calls "armed resistance," explaining that "resisting the occupation," *i.e.*, Israel's inclusion of the Gaza Strip and Palestinian West Bank territories within its territorial borders, "is a legitimate right guaranteed by divine laws and by international norms and laws," and that "[a]t the heart of these lies armed resistance[.]" Shortly after Hamas issued its revised charter, ISMAIL HANIYEH, the defendant, who formally succeeded MESHAAL as the chairman of Hamas's Politburo approximately a week after the revised charter's release, stated that "the new document will undermine neither our principles nor our strategy."

e. Hamas refers to its highest-ranking leadership body as its Political Bureau or "Politburo." The Politburo is responsible for setting policies and guidelines for Hamas's activities, including directing and coordinating terrorist acts. By design, high-ranking members of the Politburo have typically lived outside the Gaza Strip and the West Bank, in Syria, Qatar, Turkey, and elsewhere.

f. Hamas carries out terrorist attacks and armed conflict through the Izz al-Din al-Qassam Brigades (the "al-Qassam Brigades"), its military wing. The al-Qassam Brigades conduct suicide bombings and other terrorist attacks within Israel, Gaza, and the West Bank, and have done so for decades. These attacks have included large-scale bombings against Israeli civilian targets, small-arms attacks, improvised roadside explosives, and rocket attacks. The al-Qassam Brigades frequently target civilians and have killed and injured thousands of individuals, including American citizens.

g. Hamas generates loyalty and support for the organization, its overall goals, and the operations of the al-Qassam Brigades through, among other means, a social wing. In particular, Hamas supports religious and academic institutions that advance the extremist teachings of Hamas and introduce its radical and violent ideology to children and adults at their earliest stages of spiritual and educational development. This strategy also enhances Hamas's ability to recruit supporters into its military wing. Hamas rewards terrorist acts, and provides incentives for perpetrating such acts, including by paying family members of Hamas operatives who are killed, injured, or imprisoned, and ensuring that the operatives' families are revered in the community.

h. Hamas disseminates propaganda through a variety of means, notably through a satellite television channel called "al-Aqsa TV," which is based in the Gaza Strip. "Al-Aqsa" is the Arabic name for the compound of Islamic religious buildings in Jerusalem

that includes the Dome of the Rock mosque, built in approximately 691 A.D. on the site of the Temple Mount.

i. Up to the present, Hamas and its leaders have continued to espouse the destruction of Israel as Hamas's core purpose, and the use of murder and other acts of violent terrorism against Israelis and those who support Israel, including Americans, as its principal means of accomplishing that objective. As a central component of that mission, Hamas leaders have specifically called for retaliation against the United States in response to U.S. support of Israel's existence. For example:

i. On or about December 22, 2017, Hamas spokesman Abd Al-Qadir Al-Hawajiri spoke at a Hamas rally that was broadcast on a Hamas media outlet. In his speech, Al-Hawajiri condemned American support for Israel, proclaiming that "that entity [*i.e.*, Israel] will cease to exist, as will America."

ii. On or about May 21, 2020, an interview with then-senior Hamas leader Saleh Al-Arouri ("Al-Arouri")[1] was broadcast on a Lebanese television station. In the interview, Al-Arouri stated that Hamas was "standing at the doorstep" of conducting further attacks on Israel that he described as "the explosion of a massive Intifada." Al-Arouri specifically cited U.S. diplomatic measures as a cause for Hamas's violence, referring to "the American declaration that the U.S. recognizes Jerusalem to be the entity's [*i.e.*, Israel's] capital, as well as to America's recognition of the legality of the settlements."

iii. On or about May 12, 2021, an interview with Al-Arouri was broadcast on al-Aqsa TV. In the interview, Al-Arouri described recent Israeli airstrikes against Hamas in response to Hamas's attacks on Israeli civilians as purportedly having been conducted

[1] Al-Arouri served as a senior leader of Hamas throughout much of its history. Beginning in or about 1993, Al-Arouri was a founder of the al-Qassam Brigades and continued to serve as a key leader in that component of Hamas. Al-Arouri was expelled from Gaza in or about 2010, and was based in a variety of other locations in the Middle East since then, including Lebanon, Turkey, and Qatar. On September 10, 2015, OFAC designated Al-Arouri as an SDGT under Executive Order 13224. In announcing the designation, OFAC noted that Al-Arouri "funds and directs military operations in the West Bank and against Israel . . . and his authority over Hamas military activity extends back to at least the early 1990s, when he served as a commander in Hamas's military wing." OFAC highlighted that Al-Arouri has "facilitated [the] transfer of funds . . . for the families of convicted terrorists and deceased Hamas fighters[,] . . . has overseen the distribution of Hamas finances and has been a key financier and financial facilitator for Hamas military cells planning attacks and fomenting unrest." In particular, "[i]n 2014, [Al-Arouri] directed and financed Hamas military cells in the West Bank and Jordan and facilitated the transfer of hundreds of thousands of dollars to Hamas, including to the Izzedine al-Qassam Brigades, the military wing of Hamas, for the purchase of arms and storage facilities for weapons." Beginning in or about 2017, Al-Arouri served as the deputy chairman of Hamas's Politburo and played a key role in overseeing Hamas's relationships with the Government of Iran and Hizballah, *see infra* ¶ 25. On or about January 2, 2024, Hamas announced, and public reporting indicated, that Al-Arouri had been killed, along with several other leaders of the al-Qassam Brigades, in a targeted strike conducted in the Hizballah stronghold of Dahiyeh, a suburb of Beirut, Lebanon.

with munitions provided by the United States, and asserted that "This is just so everybody knows that America is fighting us directly, on the ground." Al-Arouri further described Hamas's efforts to acquire advanced weaponry, stating that Hamas "has been getting rid of its surplus of old rockets. We had a problem with the old rockets that we had prepared but we have much better ones now . . . We can now empty the launching pads, to make room for the powerful and accurate modern missiles. Therefore, the more time goes by, the intensity of the resistance against the occupation will increase." Al-Arouri also described Hamas's objectives "to hit deep in the enemy's own turf, and to shatter the enemy's morale and the morale of its people." Al-Arouri went on to describe the roles of other Hamas leaders, stating, "The resistance was designed to last for a long while. The commanders of the resistance in Gaza have said—brother Abu Ibrahim [*i.e.*, YAHYA SINWAR, a/k/a "Abu Ibrahim," the defendant] said it clearly more than once, and 'Abu Khaled' Deif [*i.e.*, MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant] also talked about it . . . They said that we are ready for a war that would last months."

iv. More recently, in the wake of the October 7 Hamas Massacres, on or about October 28, 2023, Hamas released a recording of a portion of a press conference held in Lebanon by senior Hamas leader Ghazi Hamad. Hamad specifically addressed the United States' support for Israel, stating, "The U.S. Administration and the Western countries supporting the aggression are full partners with the occupation in the genocidal war and the cascade of blood that flows from defenseless civilians. This blood will be a curse and a volcano of fury from the masses of our Ummah [*i.e.*, the Muslim community] and the free people of the world against these killers."

v. Similarly, in an interview broadcast on the Internet by a Lebanese media outlet on or about November 2, 2023, ALI BARAKA, the defendant, praised offers of support for Hamas from the leader of the Democratic People's Republic of Korea ("North Korea"), because North Korea "does have the capability to strike America. The day may come, when North Korea intervenes, because it is, after all, part of [our] alliance." BARAKA continued to claim, "All of America's enemies in the region [including Hamas, Iran, North Korea, China, and Russia] are consulting and getting closer, and the day may come when they join the war together, and turn America into a thing of the past."

vi. In an interview broadcast on a Hamas media outlet on or about December 2, 2023, senior Hamas leader Merwan Muhammed Abou Raas condemned American support for Israel, asserting that "[t]here is not a single crime that the U.S. has not committed against Gaza. May Allah settle the score with America, and may He take revenge on that criminal Nazi country."

vii. On or about December 5, 2023, in an interview broadcast on al-Aqsa TV, senior Hamas leader Sami Abu Zuhri called for retaliation against American support for Israeli military operations in response to the October 7 Hamas Massacres, claiming that America is "the enemy" and "must pay the price," and stating, "The Al-Qassam Brigades are doing what they must do, and the people of Gaza are as steadfast as they must be. . . . Now it is our nation's turn to pressure the Americans to stop this war. We need violent acts against American and British interests everywhere, as well as the interests of all the countries that support the occupation."

B. The Designation of Hamas as a Terrorist Organization Since 1997

20. On October 8, 1997, the U.S. Secretary of State designated Hamas as an FTO under Section 219 of the Immigration and Nationality Act. The Secretary of State has also listed the following aliases for Hamas: Islamic Resistance Movement, Harakat al Muqawma al-Islamiya, Students of Ayyash, Students of the Engineer, Yahya Ayyash Units, Izz Al-Din Al-Qassim Brigades, Izz Al-Din Al-Qassim Forces, Izz Al-Din Al Qassim Battalions, Izz al-Din Al Qassam Brigades, Izz al-Din Al Qassam Forces, and Izz al-Din Al Qassam Battalions. Hamas was one of the original FTOs designated as part of the Secretary of State's first exercise of authority under the Immigration and Nationality Act, and, to date, Hamas remains a designated FTO.

21. On October 31, 2001, the U.S. Secretary of State also designated Hamas as an SDGT under Executive Order 13224.

22. On March 18, 2010, OFAC designated al-Aqsa TV as an SDGT under Executive Order 13224, describing it as "a primary Hamas media outlet" that "airs programs and music videos designed to recruit children to become Hamas armed fighters and suicide bombers upon reaching adulthood."

C. The Defendants' Roles in Hamas Leadership

23. Based on my participation in this investigation, my review of information provided by the U.S. Departments of State and the Treasury, and my review of public statements made by the defendants, I have learned that the defendants played key roles in overseeing Hamas's architecture of terrorism. The Politburo, the al-Qassam Brigades, and Hamas's social wing operate in coordinated fashion, with each component working to achieve the overarching and brutally violent objectives of Hamas. Indeed, many of Hamas's current Politburo leaders and other political figures came up through the ranks of Hamas terrorist attackers, including the al-Qassam Brigades, as described further below. This structure was explained on or about July 3, 2023, during an interview with Al-Arouri that was broadcast on al-Aqsa TV, in which Al-Arouri called for "[a]nyone who can take up weapons should do so." Al-Arouri stated, "We, the current leaders, used to be in the same trenches that the fighters and the mujahideen[2] are fighting in now. We change our roles according to the needs of the resistance."

ISMAIL HANIYEH

a. ISMAIL HANIYEH, the defendant, has been the chairman of Hamas's Politburo since 2017. Prior to that, HANIYEH was the deputy chairman of the Politburo and the leader of Hamas in the Gaza Strip. HANIYEH is based principally in Turkey and Qatar. On January 31, 2018, the U.S. Secretary of State designated HANIYEH as an SDGT under Executive Order 13224. In announcing the designation, the Department of State noted that HANIYEH "has close links with Hamas'[s] military wing and has been a proponent of armed

[2] "Mujahideen" is an Arabic term often used for those who have pledged to wage jihad, or holy war, and which has been adopted by terrorist organizations such as Hamas to refer to militants who commit acts of terrorism.

struggle, including against civilians" and that he has "been involved in terrorist attacks," emphasizing that "Hamas has been responsible for an estimated 17 American lives killed."

b. Since HANIYEH became the leader of the Politburo, he has made numerous public statements in support of Hamas attacks and calling for further attacks on Israeli and American interests. For example:

i. On or about December 7, 2017, HANIYEH gave a speech that was broadcast live on a Qatari television network. During the speech, HANIYEH declared that Hamas's "first priority . . . is to declare, once and for all, that the so-called [Israeli-Palestinian] peace process is dead and buried." HANIYEH also continued to threaten the United States in retaliation for the U.S. announcement on December 6, 2017, that the United States would relocate the American Embassy from Tel Aviv to Jerusalem, stating, "The American decision is an act of aggression against our people. It is a declaration of war against our Palestinian people."

ii. On or about January 6, 2020, HANIYEH delivered a speech in Tehran, Iran that was broadcast on a Lebanese television station. In the speech, HANIYEH stated, "I affirm that the resistance project in Palestine to confront the Zionist project and resist the American domination project will not be broken, be weakened or hesitate. . . . It will continue along its firm path, the path of resistance, until it drives out the occupiers from our land and Jerusalem."

iii. On or about March 16, 2023, HANIYEH delivered a speech in Algeria that was broadcast on al-Aqsa TV. During the speech, HANIYEH praised Hamas-inspired lone-wolf attacks on Israeli civilians, including attacks conducted by children. Specifically, HANIYEH stated, "A thirteen-year-old lion cub, who has not even reached puberty, takes a gun, infiltrates the border, carries out an attack, and kills. . . . [T]hese heroes took up weapons, and fought the enemy on the streets of Tel Aviv. . . . He killed, and then he was martyred." HANIYEH claimed that "the resistance—led by the Al-Qassam Brigades in Gaza—has multiplied its military capabilities many times over."

YAHYA SINWAR, a/k/a "Abu Ibrahim"

c. YAHYA SINWAR, a/k/a "Abu Ibrahim," the defendant, has been the leader of Hamas in the Gaza Strip since approximately 2017. SINWAR is one of the founders of the al-Qassam Brigades. In 1989, SINWAR was convicted in Israeli court for orchestrating the kidnapping and murder of two Israeli soldiers and four Palestinians whom SINWAR suspected of cooperating with Israeli authorities, and SINWAR was sentenced to four life sentences. However, SINWAR was released in 2011 as part of Israel's release of certain prisoners as ransom for the release of an Israeli soldier held hostage by Hamas. *See infra* ¶ 23(h)(ii). On September 8, 2015, the U.S. Secretary of State designated SINWAR as an SDGT under Executive Order 13224. In announcing the designation, the Department of State noted that, following SINWAR's release, he "has called on militants to capture more Israeli soldiers" to ransom them for Hamas and Palestinian prisoners.

d. SINWAR has made numerous public statements in which he has reiterated Hamas's overarching objectives of eradicating Israel and targeting any and all supporters of Israel, including the United States. For example:

i. On or about November 16, 2018, al-Aqsa TV broadcast a recording of a speech that SINWAR delivered in the Gaza Strip shortly before that date. SINWAR was introduced by an announcer as "a brave lion and a true mujahid from the Al-Qassam Brigades." During his speech, SINWAR criticized Arab leaders who met with Israeli leaders and considered normalizing relations with Israel, stating that "from us here in Gaza, they will never get anything but guns, fire, martyrdom, death, and killing."

ii. On or about April 2, 2020, an interview with SINWAR was broadcast on al-Aqsa TV. During the interview, SINWAR threatened the United States in retaliation for American diplomatic policy supporting Israel, stating that "the Americans will pay the price for this unjust and criminal decision."

iii. On or about May 26, 2021, SINWAR gave a speech that was broadcast live on a Qatari television network. In that speech, SINWAR stated that Hamas's objective was "the eradication of Israel through armed Jihad and struggle. This is our doctrine."

e. SINWAR also is directly involved in Hamas's targeting and killing of civilians. For example:

i. In or about 2021, Hamas posted a propaganda video on the website of the al-Qassam Brigades showing Hamas's production and launching of missiles that appear similar to the missiles used in attacks on Israeli civilians in May 2021, *see infra* ¶ 23(g)(ii), and in more recent attacks, including the October 7 Hamas Massacres, *see infra* ¶ 27(a). The video shows Hamas terrorists digging out what appear to be water pipes from under the ground, putting the pipes onto trucks using cranes, using a variety of machine tools to build rockets using the pipes as the body of the rockets, filling them with what appear to be explosives, loading the constructed rockets into containerized launchers buried in the ground, and firing the rockets.

ii. Approximately two years before the release of that video, SINWAR described this same process for building Hamas rockets. On or about November 4, 2019, SINWAR gave a speech that was broadcast on al-Aqsa TV. During the speech, SINWAR described that: "One day, some leaders of the Al-Qassam [Brigades] came [to speak with SINWAR]. They were [responsible] for [missile] production. They said: 'There are no pipes with which we can produce missiles. We are out of pipes. There is a ban on bringing iron in from outside, and we cannot bring them through the tunnels—these are long pipes. We will cease production within a month.' I said that Allah will help us find a way." SINWAR continued to describe how Hamas terrorists searched what he called "liberated settlements" (*i.e.*, homes formerly occupied by Israeli civilians) and how "[t]he brothers started digging and removed from the ground the pipes that the occupier [*i.e.*, Israel] left behind when it left the Gaza Strip. These would be enough for the Al-Qassam Brigades to manufacture missiles for the next ten years."

MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif"

f. MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant, is the commander in chief of the al-Qassam Brigades, a position he has held since in or about 2002. AL-MASRI is based principally in the Gaza Strip. On September 8, 2015, the U.S. Secretary of State designated AL-MASRI as an SDGT under Executive Order 13224. In announcing the designation, the Department of State noted that AL-

MASRI "is known for deploying suicide bombers and directing the kidnapping of Israeli soldiers," as well as having been "the mastermind of Hamas's offensive strategy" during Hamas's then-recent wave of terrorist attacks in 2014.

g. AL-MASRI maintains a low public profile and is responsible for some of Hamas's most significant and devastating acts of terrorism. Other Hamas leaders and fighters have referenced and honored AL-MASRI's significance to the organization's lethal terrorist agenda. For example:

i. On or about June 26, 2021, a Lebanese television station broadcast video depicting Palestinian children receiving military-style training from the al-Qassam Brigades during summer camps that Hamas arranged in Gaza. During the video, the children conduct military-type drills with what appear to be simulated AK-47-style machineguns and a variety of other military equipment. At one point, the children chant "Put sword against sword. We are Muhammad Deif's men," referring to AL-MASRI.

ii. On or about May 27, 2022, a Qatari television network broadcast a documentary about Hamas's May 2021 attacks on Israel, in which Hamas fired more than 4,000 rockets and artillery shells. The video depicts Hamas fighters moving large artillery shells and rockets on carts through tunnels, preparing rockets for launch from containers partially buried in the ground, and launching what appear to be unmanned aerial vehicles. A Hamas military commander, standing in front of a containerized rocket launcher with additional rockets on racks in front of the launcher, and whose face was covered, explained that "On Monday, May 10[, 2021], we were at full alert since dawn, at the artillery corps. All the artillery soldiers were waiting for the orders of their commanders. The Chief of Staff, brother 'Abu Khaled' Deif [*i.e.*, AL-MASRI] was in direct contact with us, the artillery commanders. 'Abu Khaled' [*i.e.*, AL-MASRI] ordered us to prepare a rocket salvo directed against the settlements of occupied Jerusalem."

MARWAN ISSA, a/k/a "Abu Baraa"

h. MARWAN ISSA, a/k/a "Abu Baraa," the defendant, is the deputy commander of the al-Qassam Brigades, a position he has held since approximately 2007. ISSA is based principally in the Gaza Strip. On September 10, 2019, the U.S. Secretary of State designated ISSA as an SDGT under Executive Order 13224.

i. In or about 2005, Hamas released a bulletin entitled "Dawn of Victory," which described ISSA as "responsible for settlement operations." In public statements around that time, ISSA explained that Hamas had "decided to take the battle to the settlers' homes," referring to attacks on Israeli civilians living in communities established within the Gaza Strip, which were evacuated in or about 2005.

ii. On or about July 14, 2021, a Qatari television station broadcast a documentary regarding the 2011 release of more than 1,000 Palestinians who had been convicted of crimes in Israeli courts, including SINWAR, *see supra* ¶ 23(c), as ransom for Gilad Shalit, an Israeli soldier kidnapped by Hamas in or about 2006. In statements depicted in the documentary, ISSA praised Shalit's kidnapping on behalf of Hamas, stating that "we [*i.e.*, Hamas] had a successful capture operation in the first phase," and describing his role in Hamas's hostage-taking effort: "In those days, we were in the Al-Qassam Military Council of, meeting like a

beehive, following the events, managing the situation on more than one level, hiding the soldier, confronting the aggression, and managing negotiations through intermediaries." ISSA continued to narrate his personal involvement in Hamas's ransom demands for Shalit's release, and also asserted that Hamas would "surprise the enemy and the friend with the help of God."

iii. On or about March 15, 2023, an interview with ISSA was broadcast on al-Aqsa TV. In the interview, ISSA applauded potential suicide attacks by Hamas terrorists in the West Bank, asserting that "[t]he martyrdom spirit of our people in the West Bank is unprecedented." ISSA further stated that "the resistance continues to accumulate its strength," and tellingly—in light of the October 7 Hamas Massacres less than seven months later—warned that "the coming days will be full of events."

KHALED MESHAAL, a/k/a "Abu al-Waleed"

i. KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant, was the chairman of Hamas's Politburo from approximately 2004 to 2017, and is now the head of Hamas's diaspora office—effectively responsible for Hamas's official presence outside of the Gaza Strip and the West Bank. MESHAAL is based principally in Qatar. On or about August 22, 2003, OFAC designated MESHAAL as an SDGT under Executive Order 13224. In announcing the designation, OFAC noted that "Cells in the military wing based in the West Bank that are under [MESHAAL's] control have been implicated in efforts by Hamas to plan large attacks that would undermine the road map peace plan. [MESHAAL] has been responsible for supervising assassination operations, bombings and the killing of Israeli settlers. . . . He also provides instructions to other parts of the Hamas military wing." In addition, OFAC highlighted that "[f]unds transferred from charitable donations to Hamas for distribution to the families of Palestinian martyrs have been transferred to the bank account of [MESHAAL] and used to support Hamas military operations in Israel."

j. Like other leaders of Hamas, MESHAAL has made public statements praising his organization's terrorist attacks. For example:

i. On or about December 15, 2009, MESHAAL delivered a speech at a mosque in Tehran, which was broadcast on a Qatari television station. During the speech, MESHAAL proclaimed that Hamas's military wing continued to "manufacture weapons, develop the means of resistance, and have invented the heroic martyrdom operations." MESHAAL further described Hamas's objective to "drive those Zionists out of our land . . . by means of Jihad and resistance."

ii. On or about December 7, 2012, MESHAAL delivered a speech that was broadcast on al-Aqsa TV. During the speech, MESHAAL asserted that "Jihad and armed resistance are the proper and true path," proclaiming that "[t]he true statesman is born from the womb of the rifle and the missile. . . . Anyone who wishes to take the path of diplomacy must take a missile along with him." MESHAAL praised "the great commanders" of Hamas's military apparatus, stating, "How wonderful was your shelling of Tel Aviv."

iii. On or about July 1, 2020, an interview with MESHAAL was broadcast on the Internet. During the interview, MESHAAL encouraged attacks in what he called "the West Bank of Izz Al-Din Al-Qassam," referring to the namesake of the al-Qassam Brigades,

and exhorted Palestinians to "rise and flare up under the invaders' feet, by use of direct confrontation, whatever weapons we have—vehicle ramming attacks, and knives—by means of all those innovative measures."

ALI BARAKA

k. ALI BARAKA, the defendant, is Hamas's head of National Relations Abroad—effectively responsible for Hamas's foreign relations. From 2011 to 2019, BARAKA was Hamas's representative in Lebanon. BARAKA is based principally in Lebanon. On or about December 13, 2023, OFAC designated BARAKA as an SDGT under Executive Order 13224. In announcing the designation, OFAC noted that, when he held the position of Hamas's representative to Lebanon, BARAKA "met with international diplomats based in Lebanon on behalf of Hamas and spoke in support of violent campaigns" and that "[a]ccording to [] Baraka's public statements, Hamas has long drawn on money and training from Iran and Iranian proxies like Hizballah while bolstering forces in Gaza."

l. BARAKA also has made public statements on behalf of Hamas, describing Hamas's capabilities and intentions to launch lethal attacks on civilians. For example, on or about November 23, 2018, during an interview with BARAKA broadcast by an Iraqi television station, BARAKA took credit for Hamas's attacks on Israeli civilians in Tel Aviv in 2012 and in Haifa, Israel in 2014, stating that now "we are capable of shelling farther than Haifa. . . . The missiles of the resistance in Gaza can reach every spot in Palestine."

D. Prior Terrorist Attacks by Hamas

24. Based on my participation in this investigation and my review of records, including investigative files and publicly available information, pertaining to terrorist attacks by Hamas, I have learned, among other things, that prior to the October 7 Hamas Massacres, Hamas carried out numerous other violent terrorist attacks, many of which resulted in the deaths of Americans. Those attacks include:

a. In early 1996, Hamas suicide bombers conducted two separate attacks on two buses on Jaffa Road in Jerusalem. First, on or about February 25, 1996, a Hamas suicide bomber blew himself up on a bus traveling down Jaffa Road near the Jerusalem Central Bus Station. Approximately one week later, on or about March 3, 1996, a second Hamas suicide bomber boarded another bus in Jerusalem and detonated an explosive belt. Three U.S. citizens were killed in these attacks. Hamas publicly claimed credit for both suicide attacks. MOHAMMED AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant, was involved in planning the attacks. In interviews after his arrest, Hamas terrorist Hassan Salameh, who was tried and convicted in Israeli court for his role in building the bombs used in these attacks, stated that AL-MASRI provided explicit direction and funding for the attacks through a courier who communicated directly with Salameh.

b. On or about July 30, 1997, two Hamas suicide bombers detonated explosive devices in an open-air market in Jerusalem. One U.S. citizen was killed and one U.S. citizen was wounded in the attack.

c. On or about September 4, 1997, three Hamas suicide bombers detonated explosive devices at a pedestrian mall in Jerusalem. One U.S. citizen was killed and ten U.S. citizens were wounded in the attack.

d. On or about August 9, 2001, a Hamas suicide bomber detonated an explosive device at a pizzeria in downtown Jerusalem. Three U.S. citizens were killed and three U.S. citizens were wounded in the attack.

e. On or about March 27, 2002, a Hamas suicide bomber detonated an explosive device at the Park Hotel in Netanya, Israel, during a Passover seder. This Hamas terrorist attack came to be known as the "Passover Massacre." The bomber, disguised as a woman, approached the hotel carrying a suitcase filled with explosives, which he detonated. Many of the victims were more than 70 years old, and some were survivors of the Holocaust. Then-Hamas spokesman Usama Hamdan stated afterward that "[t]his is a trial [*i.e.*, a precursor attack] to send a letter, to send a message, to tell all the world that we are trying to fight for our own freedom against a terrorist government in Israel," and that Israelis "have to expect these attacks from everywhere, from every Palestinian group."

f. On or about July 31, 2002, Hamas operatives detonated a bomb in the cafeteria of Hebrew University's Mount Scopus campus in Jerusalem. Five U.S. citizens were killed and four U.S. citizens were wounded in the attack. Hamas claimed responsibility for the terrorist attack during celebrations that followed in Gaza City within the Gaza Strip. Also during these celebrations, ISMAIL HANIYEH, the defendant, made a statement warning that if Israel attacked Palestinian children, Israel "will have to expect to drink from the same poison."

g. On or about June 12, 2014, Hamas operatives kidnapped three teenagers, including one U.S. citizen, in Gush Etzion in the West Bank between Jerusalem and Hebron, Israel. On or about June 30, 2014, the bodies of the three teenagers were found buried just north of Hebron; all three had been shot and killed. On or about August 19, 2014, Al-Arouri delivered a speech at a conference in Istanbul, Turkey, which was broadcast on a Qatari television station, in which he discussed the abductions. At the outset of the speech, a moderator of the conference explained that "the address of the great mujahid Abu al-Waleed, Khaled Mash'al [*i.e.*, KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant], who leads this resistance along with his brothers in the land of steadfastness, will be delivered on his behalf by the mujahid Saleh Al-Arouri." In the speech, Al-Arouri claimed credit for the killing of the three teenagers on behalf of Hamas, referring to the attack as a "heroic operation, carried out by the al-Qassam Brigades, in which three settlers were captured in Hebron." Al-Arouri dispelled claims that Hamas had not committed the attack, stating: "That's not true. Your brothers in the al-Qassam Brigades carried out this operation to support their imprisoned brothers, who were on a hunger strike. The occupation wanted us to watch them die and to do nothing. The mujahideen captured these settlers in order to have a swap deal," indicating that Hamas had orchestrated the attack in order to hold, among others, an American citizen hostage for ransom.

h. On or about October 1, 2015, Hamas gunmen murdered an American citizen and his wife in their car near the Palestinian village of Beit Furik in the West Bank. The family's four young sons, including a nine-month-old infant, were in the backseat of

the car during the shooting but survived. In a public statement, Hamas praised the "heroic attack" and called for "more high-quality attacks."

E. The Government of Iran and Its Proxies' Support for Hamas

25. Based on my training and experience, my participation in this investigation and others, my conversations with other law enforcement officers and others, my review of law enforcement records and information from the U.S. Departments of State and the Treasury, and my review of public statements made by the defendants, I have learned, among other things, that:

1. The Islamic Revolutionary Guard Corps and Qods Force

a. The Government of Iran and its IRGC are among Hamas's principal supporters, and provide significant financing, military training, military supplies and weapons, and diplomatic support to Hamas. The IRGC is an Iranian military and counterintelligence agency under the authority of Iran's Supreme Leader, Ayatollah Ali Khamenei, and is composed of ground, naval, and air forces, as well as other components—including the IRGC-QF.

i. The IRGC-QF is the IRGC's external operations force and is the Government of Iran's primary arm for executing its policy of supporting terrorist and insurgent groups, including Hamas. The IRGC-QF provides materials, logistical assistance, training, and financial support to militias and terrorist operatives throughout the Middle East and South Asia. The IRGC, though the IRGC-QF, has supported the lethal activities of Hamas, Hizballah, and other terrorist groups.

ii. On October 13, 2017, OFAC designated the IRGC as an SDGT under Executive Order 13224, for the IRGC's key role in supporting Iran's involvement in international terrorism and particularly the terrorist activities of IRGC-QF. According to OFAC, between approximately 2015 and 2019, the IRGC-QF provided more than $200 million to the al-Qassam Brigades.

iii. One of the principal IRGC-QF leaders who supported Hamas was Qasem Soleimani, a now-deceased senior IRGC official who was killed in a U.S. military operation on or about January 3, 2020. Prior to his death, Soleimani served as the commander of the IRGC-QF.

iv. On or about May 19, 2020, a Lebanese media outlet published a copy of a letter written by Soleimani before his death to MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant. In the letter, Soleimani, who identified himself as "The Quds Force Commander," addressed AL-MASRI as "my dear brother Abu-Khalid al-Dayf, the great mujahid, the living martyr, the brave resistance fighter, the commander-in-chief of Izz al-Din al-Qassam Brigades." Soleimani also stated, "Peace be upon Haniyeh, the resistance fighter," *i.e.*, ISMAIL HANIYEH, the defendant. Soleimani offered continuing support for Hamas's violent attacks, stating that "the death bells of the Zionist invaders are ringing" and that he was "[h]oping for the day when God will enable us to come alongside you and give us our eternal hope of martyrdom for the sake of Palestine."

b. Hamas leaders have publicly acknowledged the Iranian regime's continuous support for the organization, and the defendants have played significant personal roles in Hamas's relationship with the Government of Iran and the IRGC-QF. For example:

i. On or about December 25, 2017, a Lebanese television station broadcast a recording of a speech delivered in the Gaza Strip shortly before that date by YAYHA SINWAR, a/k/a "Abu Ibrahim," the defendant. During the speech, SINWAR stated:

> Qassem Soleimani contacted the commanders of the al-Qassam [Brigades] and with the commanders of the al-Quds Brigades, as was published in the news. . . . The man contacted [us] and stressed that Iran, the IRGC, and the Al-Qods Force stand, with all their capabilities, alongside our people, in defense of Jerusalem, and in order to keep Jerusalem the capital of the State of Palestine. . . . He said clearly: We place all our capabilities at your disposal in the battle for the defense of Jerusalem. He did not ask, set conditions, or encourage us to employ any specific type of resistance. Let me tell you something. I sat with the man when I visited Tehran in 2012. I saw a man who loves Palestine, loves Jerusalem, and loves anything that could bolster the steadfastness of our people.

ii. On or about May 21, 2020, an interview with Al-Arouri was broadcast on a Lebanese television station. Al-Arouri described Hamas's relationship with Iran, noting that "even in times when the relations grew cold, the support of the Islamic Republic for the resistance never changed." Al-Arouri described his personal relationship with Soleimani, which began in 2010 or 2011 when Al-Arouri "met Hajj Qasem [Soleimani] for the first time in Damascus. It was in the presence of Abu Walid [*i.e.*, KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant], the head of the movement back then." Al-Arouri stated that, over time "the relations grew stronger and there were multiple meetings with Hajj Qasem." Al-Arouri described Soleimani as "a brave and courageous man who was trustworthy in all that relates to supporting the resistance. Our experience with him, in everything related to Palestine, was always brilliantly positive. In the 2006 war, he was in the operations room all the time, as was revealed last year. In the 2008-2009 war, he was with the brothers in Damascus. There were representatives of the military apparatus there and they would meet all the time to discuss the maps, the figures, and what was happening in the field." Al-Arouri also described having participated in multiple meetings in Tehran with senior Iranian leadership. Al-Arouri stated:

> In our recent visit to Tehran, when we met with the Supreme Leader [*i.e.*, Khamenei], we explained the situation . . . He follows what's going on in Palestine closely. We talked with the Supreme Leader about the needs of the resistance, in order to be able to create a larger and more successful confrontation with the Zionist entity. Hajj Qasem [Soleimani] was present. The Supreme Leader said to Hajj Qasem: 'It is our duty to provide anything the resistance in Palestine and Hamas need.' Hajj Qasem answered him: 'I will take care of this.' Then we had a private meeting. As I've told you, he would

> come up with ideas how to support the resistance with everything it needs.

iii. On or about January 6, 2020, four days after Soleimani was killed, HANIYEH attended Soleimani's funeral in Tehran and gave a eulogy for the IRGC-QF leader that was broadcast on a Lebanese television station. In the speech, HANIYEH stated that he had traveled to Tehran on behalf of Hamas "to offer our condolences to the Leader Ali Khamenei, and to the Islamic Republic of Iran—its leaders, its government, and its people—for the martyrdom of the commander Qasem Soleimani." HANIYEH stated that "Soleimani . . . spent his life supporting the resistance [*i.e.*, Hamas] as the head of the Quds Force in the Iranian Revolutionary Guard" and that the resources that Soleimani "provided to Palestine and the resistance has brought them to the position they are in today in terms of power and steadfastness."

iv. On or about August 10, 2021, an interview with HANIYEH was broadcast by an Iranian television station. During the interview, HANIYEH described Hamas's "strategic relationship with our brothers in the Islamic Republic of Iran, with our brothers in Hizbullah," *i.e.* Hizballah. HANIYEH stated that "Iran plays a very important role in building the force" that Hamas had used to conduct attacks against Israel earlier that year, explaining that "[t]he exchange of information and intelligence . . . played an important role in this battle."

v. On or about January 2, 2022, an interview with HANIYEH was broadcast by a Qatari television station. During the interview, HANIYEH stated that Hamas's "relationship with Iran is nothing new. It has existed for 30 years, since the days when Khaled Mashal [*i.e.*, MESHAAL] was the leader of Hamas, and it has continued under my leadership."

c. In particular, Hamas leaders, including the defendants, have emphasized IRGC-QF's role in providing arms and ammunition to support Hamas's lethal targeting of civilians. For example:

i. On or about November 23, 2018, an interview with ALI BARAKA, the defendant, was broadcast on an Iraqi television station. During the interview, BARAKA described how Hamas "received the Fajr-5 missiles from Iran," which, in addition to arming Hamas directly, also facilitated Hamas's ability to "manufacture[] the similar M-75 missiles inside the Gaza Strip."

ii. On or about May 30, 2019, SINWAR gave a speech that was broadcast on al-Aqsa TV. During the speech, SINWAR stated that Hamas's conflict with Israel would not end until "the removal of the occupation from all our occupied lands," meaning the end of the State of Israel. SINWAR described how Hamas had attacked the Israeli town of Beersheba in 2008 with "Grad missiles—provided to us by the Islamic Republic of Iran." SINWAR continued to describe how, in 2012, Hamas "struck Tel Aviv for the first time, using Fajr missiles—which were provided by the Islamic Republic of Iran—and with locally-made missiles," and how "[i]n 2014, we hit Tel Aviv with 170 missiles, including Fajr missiles provided by Iran." SINWAR emphasized, "Let me reiterate—if not for Iran's support for the resistance in Palestine, we would not have obtained these capabilities."

iii. On or about July 22, 2019, an interview with Al-Arouri was broadcast on an Iranian television station. In the interview, Al-Arouri attributed Hamas's ability

to use "precise missiles" in furtherance of its aim of "erasing the Zionist regime" as having been "achieved with the support and assistance [from] all of those who love and support the resistance, and first and foremost the Islamic Republic of Iran and Hizbullah." Al-Arouri also described having met with the Ayatollah, Iran's Supreme Leader, and claimed that Khamenei had promised that Iran's support for Hamas "will continue until the liberation of Palestine," and that Iran "opposes the Zionist regime and the American plan."

2. <u>Hizballah</u>

d. Hamas also receives substantial support from Hizballah. Hizballah, sometimes spelled "Hizbullah" or "Hezbollah," is a Lebanon-based Shia Islamic organization with political, social, and terrorist components. Hizballah was founded in the early 1980s with support from Iran after the 1982 Israeli invasion of Lebanon. In 1997, the U.S. Secretary of State designated Hizballah as an FTO. In 2001, pursuant to Executive Order 13224, OFAC designated Hizballah as an SDGT. In 2010, U.S. State Department officials described Hizballah as the most technically capable terrorist group in the world and a continued security threat to the United States.

e. Since Hizballah's formation, the organization has been responsible for numerous terrorist attacks that have killed hundreds, including the 1983 bombing of the U.S. Marine Corps barracks in Lebanon, which killed 241 Marines; the 1983 bombing of the U.S. Embassy in Beirut, which killed 24 people; the 1985 hijacking of TWA Flight 847, which killed one U.S. citizen; the 1992 bombing of the Israeli Embassy in Argentina, which killed 29 people; and the 1994 bombing of a Jewish cultural center in Buenos Aires, which killed 85 people.

f. Hamas leaders, including the defendants, have made explicit public statements about Hamas's relationship with and support from Hizballah. For example:

i. On or about December 30, 2017, an interview with Al-Arouri was broadcast on an Iranian television station. During the interview, Al-Arouri stated that "[i]t is Iran and Hizbullah that confront the entity," *i.e.*, Israel, "along with us."

ii. On or about May 21, 2018, an interview with SINWAR was broadcast on a Lebanese television station. During the interview, SINWAR described Iran's and Hizballah's military support to Hamas, stating:

> Our resistance in the Gaza Strip has greatly developed its capabilities first and foremost thanks to Allah, but also with the help of the righteous free men of our nation—first and foremost the Islamic Republic of Iran, which has provided the al-Qassam Brigades and the other factions of the resistance a lot of money, equipment, and expertise, even before the [Israeli] aggression, but especially after it. It has provided us a lot of resources, which allowed for great development of our capabilities . . . . We have excellent relations with our brothers in Hizbullah. Our relations with them are extremely developed. We work together and coordinate and are in touch on an almost daily basis. The relations are at the best stage ever. Similarly, our ties with the Islamic Republic of Iran, with brother Qasem Soleimani and the other

> brothers in the IRGC leadership are very strong, powerful, and warm. Our relations with the Islamic Republic are excellent.

iii. On or about November 23, 2018, an interview with BARAKA was broadcast on an Iraqi television station. In response to the host stating, "Hizbullah Secretary-General Hassan Nasrallah[3] said, 'We had the honor to send Kornet missiles to Palestine,'" BARAKA replied, "That's true," and continued to describe that "[t]he Kornet missiles reached Sinai, and from there they were brought [into Gaza] through the special ways of resistance." During the interview, BARAKA also explained that, in general, "[t]he Islamic Republic of Iran provides financial and military aid. Hizbullah provides logistical and political aid and helps with expertise."

iv. On or about July 22, 2019, during an interview with Al-Arouri, which was broadcast on an Iranian television station, Al-Arouri described Hamas's "very strong relations with our brothers in Hizbullah and we meet with Hassan Nasrallah."

v. On or about September 7, 2020, an interview with Al-Arouri was broadcast on a Lebanese television station. During the interview, Al-Arouri stated that Israel would "face unprecedented consequences" in a confrontation with Hamas, including that Israel's "home front, which was safe during the great Arab wars of '67, '73 . . . will be a part of the war." Al-Arouri emphasized that, "This is not an empty threat because I know what we have in store for the enemy." Al-Arouri also described Hamas's alliance with Hizballah, asserting that Hizballah "supports the resistance, which it regards as the strategic way to deal with this entity [Israel]." In particular, Al-Arouri stated that "The support to the resistance by the brothers in Hizbullah has never stopped. It wasn't only Hamas that they have supported, but all the factions." Al-Arouri continued to explain, "In the second intifada," referencing a prolonged campaign of Palestinian terror attacks against Israel from in or about 2000 to 2005, "I was still in Palestine. I was in prison. In prison, all the groups would come to us and we would plan attacks, and there were groups from Fatah that would receive support from Hizbullah, in order to confront the occupation. This was in addition to the Islamic Jihad and Hamas."

g. Iran's and its proxies' support for Hamas has continued to the present, through what they refer to as the "resistance axis"—a term referring to the Government of Iran, Hamas, Hizballah, and others allied in the campaign of violence and terror against Israel and the United States. In May 2023, websites affiliated with the resistance axis published a letter written by the current commander of the IRGC-QF, Esmail Ghani, and addressed to the Palestinian people and the terrorist militants in Gaza and the West Bank—meaning Hamas fighters, among others. Ghani offered congratulations on behalf of the Government of Iran for a recent string of attacks against Israel and pledged that the Government of Iran would continue to use all of its abilities and resources to strengthen the resistance axis until the State of Israel was removed. HANIYEH, the current chairman of Hamas's Politburo, published a reply letter to Ghani, acknowledging that the Government of Iran functions as a firm foundation for Hamas and the

[3] Nasrallah is a Lebanese cleric and political leader who has served as the Secretary-General of Hizballah since in or about 1992. In January 1995, OFAC designated Nasrallah as an SDGT.

resistance axis in their conflict with Israel and the United States, and thanking Ghani for the strategic support provided to Hamas by the Government of Iran.

F. Hamas's Covert Financing of Its Terrorist Activities

26. Based on my participation in this investigation, my review of financial records, records from social media companies, publicly available information, and law enforcement records, and my conversations with law enforcement officers and others, I have learned, among other things, that Hamas finances its terrorist operations with funding received through a variety of means, including donations, cryptocurrency, and transfers from the Government of Iran. For example:

a. Hamas leaders, including the defendants, have played significant roles in the terrorist organization's solicitation of funding contributions in support of Hamas's violent objectives. For example:

i. On or about November 7, 2020, ISMAIL HANIYEH, the defendant, gave a speech at an event entitled the "First Electronic Pioneers Conference" that was broadcast on al-Aqsa TV. HANIYEH called on Hamas supporters to provide funding and arms to the organization:

> [M]y brothers and sisters, we want to shift from a strategy of support to a strategy of full cooperation in order to liberate Palestine and Jerusalem, and in order to confront the plots aiming to do away with the [Palestinian] cause and reinforce the American-Zionist hegemony over our Arab and Islamic region. We need to upgrade the support, from support through soft power to support by means of money and weapons. Yes, I would like to make it perfectly clear: I am talking about support by means of money and weapons for the mujahideen . . . .

ii. More recently, following the October 7 Hamas Massacres, in another video released by Hamas on or about October 10, 2023, KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant, called on Muslims to "help Gaza" with "aid, money, whatever you have. Anyone who can make a donation—know that this is the moment of truth. This is Jihad with money. Donate for Gaza, its resistance, and its heroes." MESHAAL also warned "America, the West, and the Zionists" that "convoys of mujahideen are on their way to shed their pure blood on the land of Palestine. The battlefield will change, the balance of power will change."

27. The al-Qassam Brigades, which are led by MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," and MARWAN ISSA, a/k/a "Abu Baraa," the defendants, have also solicited and received funding to promote Hamas's terrorist activities through a variety of illicit means, including cryptocurrency payments, advertising the ostensible anonymity of such transactions. For example:

a. Beginning in or about 2019, the al-Qassam Brigades issued a call on their social media page for Bitcoin donations to help fund Hamas's campaign of terror. These websites explained to supporters how to make Bitcoin donations anonymously and boasted that

Bitcoin donations were untraceable and would be used for violent causes. The al-Qassam Brigades have actively solicited cryptocurrency funding on their official websites.

b. Following the 2019 solicitation, the al-Qassam Brigades' efforts to finance Hamas's terror campaign through cryptocurrency donations continued despite disruptive actions by the U.S. and Israeli governments. For example, in or about September 2020, one month following the United States's seizure of hundreds of cryptocurrency accounts and websites used and controlled by the al-Qassam Brigades in connection with their terrorist activities, the al-Qassam Brigades issued another global call for donations, including through cryptocurrency transactions. Hamas made this call for donations by appealing to religious belief, featuring an online video of a Muslim cleric emphasizing the importance of financial support for jihad, including through virtual currencies.

c. By July 2021, following Hamas's attacks on Israel earlier that year, *see supra* ¶ 23(g)(ii), cryptocurrency wallets affiliated with a Hamas fundraising campaign seized by Israeli government authorities had received more than $7.7 million worth of contributions, and held a variety of cryptocurrencies, including Bitcoin, Tether, Ether, Tron, and Dogecoin. One of the seized wallet addresses belonged to Buy Cash Money and Money Transfer Company ("Buy Cash"), a Gaza-based business that provides money transfer and virtual currency exchange services for a number of terrorist groups and their affiliates, including Hamas. On or about October 18, 2023, OFAC designated Buy Cash, as well as its Gaza-based operator, Ahmed M. M. Alaqad, as SDGTs pursuant to Executive Order 13224.

d. While the al-Qassam Brigades announced a hiatus in cryptocurrency fundraising in or about April 2023, supporters have continued to solicit and fund Hamas's Gaza-based terrorist activities through cryptocurrency financing. For example, prior to the October 7 Hamas Massacres, an administrator of a Hamas-affiliated entity posted a cryptocurrency wallet address to a social media network seeking funding for "brothers" and accompanied by a photograph of a terrorist fighter. Over the period of 2019 to the present, this Hamas-affiliated entity, and its associates, raised millions of dollars from individuals around the world, including by receiving funds from individuals via transfers through a U.S.-based financial technology company. Some of the individuals sent messages accompanying their funds. For example, in or about May 2023, one individual wrote the following message to accompany the funds sent to the Hamas-affiliated entity's associate: "Oh Allah, grant our brothers in Gaza victory and grant them patience and strength!".

e. This Hamas-affiliated entity has also continued to solicit cryptocurrency and other financing after the October 7 Hamas Massacres on other social media platforms, specifically suggesting to followers methods to avoid interdiction by Israeli authorities, and has continued to receive contributions through at least one U.S.-based financial technology company. For example, in connection with a transfer on or about October 10, 2023, *i.e.*, three days after the October 7 Hamas Massacres, another individual sent funds to an associate of the Hamas-affiliated entity with the message: "May God grant you victory! And pray for us that Allah will accept this as a jihad with money, and make it pure for His honorable face." In this example, the message expressly referenced the concept of supporting Hamas through "jihad with money" espoused by MESHAAL in his public call for contributions for Hamas released that very same day. *See supra* ¶ 26(a)(ii).

f. The Government of Iran has also played a critical and active role in the al-Qassam Brigades' fundraising efforts—through traditional cash exchanges, money transmitters and informal hawala networks, and cryptocurrency transactions—in furtherance of their shared objective of annihilating Israel. Beginning in or about 2019, Iran agreed to substantially increase monthly funding for Hamas in exchange for intelligence information on Israeli missile capabilities, amounting to roughly tens of millions of dollars a month.

g. Hamas leaders, including the defendants, have specifically acknowledged the role that financial transfers from the Government of Iran have played in supporting Hamas's campaign of terror. For example:

i. On or about November 23, 2018, an interview with ALI BARAKA, the defendant, was broadcast on an Iraqi television station. During the interview, BARAKA described the critical role of Iran's financial support in Hamas's terrorist activities, stating:

> Iran plays a significant role in supporting the Palestinian resistance. For example, after the Zionist aggression against the Gaza Strip in 2014, which lasted 51 days, the resistance exhausted most of its missile arsenal. It was a long war. The Islamic Republic of Iran was the only country that provided financial support for the resistance so that it could manufacture more missiles and obtain weapons and equipment. It compensated the resistance for its losses in the 2014 war. The resistance is now advancing its military industry, using the Iranian financial support. It buys raw materials in the black market with great difficulty. These materials are expensive. So the Iranian support is the basis for the steadfastness of the resistance in Gaza.

ii. On or about May 21, 2021, HANIYEH delivered a speech that was broadcast in part on an Iranian television station. In the speech, HANIYEH "thank[ed] those who brought forth money and weaponry to the valiant resistance," highlighting in particular "The Islamic Republic of Iran; who did not hold back with money, weapons and technical support. Thanks."

iii. On or about June 5, 2021, YAYHA SINWAR, a/k/a "Abu Ibrahim," the defendant. gave a speech in the Gaza Strip that was broadcast live on a Qatari television network. In the speech, SINWAR stated that "the al-Qassam Brigades received money" "that the Iranian brothers gave us over the last few days." SINWAR further stated that Hamas's Iranian backers were unconcerned that their support for Hamas was made public, and that in fact "[i]t even makes them happy when we announce that they support the resistance," asserting that this was "because they act in contradiction of the so-called 'international will.'"

III. THE OCTOBER 7, 2023 HAMAS MASSACRES

28. Based on my participation in this investigation, my review of publicly available information including documents and video recordings made available on social media, my review of information provided by victims of the October 7 Hamas Massacres, and my review

of law enforcement records and information provided by the U.S. Department of State, I have learned, among other things, the following about the October 7 Hamas Massacres:

A. Overview of the Attacks

a. At approximately 6:30 a.m. local time in Israel on or about October 7, 2023, the day after the fiftieth anniversary of the commencement of the 1973 Yom Kippur War, Hamas breached the border between the Gaza Strip and Israel, infiltrated Israel, and launched a wave of attacks on civilians, by land, sea, and air. As part of its coordinated attacks, Hamas used drones to drop grenades on Israel's observation towers and remotely operated machineguns in order to incapacitate parts of Israel's infrastructure for monitoring the Gaza/Israel border and responding to breaches of the security fence around Gaza. Israeli sources reported that Hamas also launched at least 3,000 projectiles into Israel from Gaza. At least five people were killed by those initial rocket and artillery attacks. A large cadre of Hamas terrorists simultaneously infiltrated Israel from Gaza using a variety of vehicles and crafts, including trucks, motorcycles, bulldozers, speedboats, and paragliders. The Hamas terrorists entered Israel through at least seven locations and invaded several Israeli communities, the border city of Sderot, and two Israeli military bases. Armed Hamas operatives attacked and shot civilians, including with machineguns, sometimes at point blank range, carrying out massacres in areas in southern Israel, including at a music festival in the Negev desert and at residential communities known in Hebrew as "kibbutzim."[4] During the October 7 Hamas Massacres, Hamas terrorists weaponized sexual violence against Israeli women, including rape and genital mutilation. Hundreds of civilians, including Americans, and Israeli soldiers were killed and wounded; others, including Americans, were kidnapped, taken hostage, and brought into Gaza by Hamas.

b. According to a Hamas document labeled "Top Secret" recovered from the scene of one of the sites attacked during the October 7 Hamas Massacres, which contained maps showing the locations of the Kfar Aza, Nahal Oz, and other kibbutzim, and described Hamas's plan for "[e]xecuting the mission," the objective of Hamas's terrorist attacks was "causing the highest number of human casualties and taking hostages (and sending some of them to the Gaza sector[).]"

c. In connection with the initiation of the October 7 Hamas Massacres, the supreme military commander of the al-Qassam Brigades, MOHAMMED AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant, issued a recorded message in which he "announce[d] the 'Al-Aqsa Flood' operation," and identified himself as "commander-in-chief of the Brigades of the martyr Ezeddine al-Qassam."

d. Over the course of the October 7 Hamas Massacres, Hamas terrorists attacked dozens of locations in southern Israel, murdering and abducting civilians as they did so. Some of the locations that Hamas attacked as part of the October 7 Hamas Massacres include:

[4] A "kibbutz," which refers to the Hebrew word for "gathering," is a type of residential compound common in certain parts of Israel typically organized to promote communal living. Many kibbutzes originated as agricultural or religious communities, but today include a wide diversity of economic projects and industries and are now largely secular communities.

The Re'im Music Festival Attack

i. The Supernova Sukkot Gathering was a multi-day outdoor music festival that began on or about October 6, 2023. The festival was located in the western Negev desert, near the border between Gaza and Israel, near the Re'im kibbutz. More than 3,000 people, comprised of citizens of multiple nations, including the United States, were in attendance.

ii. On the morning of October 7, 2023, a group of more than 50 Hamas terrorists attacked the festival attendees with machineguns and other weapons. As attendees attempted to escape, Hamas terrorists methodically executed large numbers of them. Large numbers of festival attendees fled from the initial wave of rocket attacks into protective shelters located along a nearby major road. Hamas terrorists systemically assaulted the shelters with machineguns and grenades, killing both those still seeking refuge and those already inside, including multiple American citizens. In addition, Hamas terrorists took hostage an unknown number of victims. Videos and images of the attacks, including of individuals being taken hostage, were posted contemporaneously on social media through what appear to be accounts used by Hamas terrorists and through accounts belonging to Hamas's victims themselves, as Hamas terrorists had stolen victims' electronic devices and, using those devices, had taken over victims' social media accounts. In one such video that has been widely circulated, Hamas terrorists paraded an apparently unconscious and largely unclothed woman in the back of a pickup truck, while Hamas terrorists chanted "Allahu Akbar" ("God is great").

iii. As of the filing of this Complaint, approximately 260 victims have been identified as having been murdered by Hamas terrorists during the Re'im Music Festival attack, including multiple American citizens.

iv. Following the Re'im Music Festival attack, Hamas terrorists posted propaganda videos to social media accounts showing individuals at the festival who had been taken hostage and whom Hamas was holding captive in Gaza.

Be'eri Kibbutz Attack

v. Be'eri is a secular kibbutz community first established in 1946 in the northwestern Negev desert near the eastern Gaza-Israel border.

vi. On the morning of October 7, 2023, Hamas targeted the kibbutz with rocket attacks in the first wave of assaults. Shortly after, Hamas terrorists entered the kibbutz, killing security personnel and then going house to house shooting residents and using explosives such as grenades to kill residents who had taken refuge from the rocket attacks in bomb shelters. The Hamas terrorists took hostage an unknown number of residents and later transported them to Hamas-controlled Gaza. For example, according to an account provided by a relative of some of the victims of the Be'eri Kibbutz attack, Hamas terrorists kidnapped an entire family, including a grandmother, mother, father, and three-year-old daughter, from their home in Be'eri. The grandmother and another adult female relative were separated from the mother, father, and daughter, who were forced into a vehicle with four armed Hamas terrorists who proceeded to attempt to drive the three victims into Gaza. Shortly before the vehicle reached the Gaza border, the family managed to jump out of the vehicle. Hamas terrorists pursued them firing automatic weapons. The father and daughter managed to evade the attackers and eventually returned to

safety, but the mother's whereabouts remain unknown. Hamas terrorists executed the grandmother, together with other older women from the kibbutz. One such victim, an American citizen, was executed after having been abducted from her home and bound by Hamas terrorists.

vii. As of the filing of this Complaint, approximately 108 victims from and in Be'eri have been identified as having been murdered by Hamas terrorists, including multiple American citizens.

Kfar Aza Kibbutz Attack

viii. Kfar Aza is a kibbutz first established in 1951 located approximately two miles from the eastern Gaza-Israel border.

ix. On the morning of October 7, 2023, Hamas terrorists broke through a wall of the community. Those terrorists then killed members of the kibbutz's volunteer security force, and spread out in all directions, killing residents and burning homes as they went. Images of deceased victims of the Hamas attack on Kfar Aza showed individuals with their hands bound, appearing to indicate that Hamas terrorists had restrained and then executed them, as well as showing children that Hamas terrorists had murdered in the kibbutz.

x. Hamas terrorists took hostage multiple residents of the kibbutz, including at least one American. In one image that has been widely circulated, an elderly female resident of Kfar Aza is shown being transported into Gaza in a cart-like vehicle driven by a Hamas terrorist, while another terrorist behind the victim brandishes what appears to be an AK-47-type machinegun and other terrorists are gathered behind the vehicle.

xi. As of the filing of this Complaint, approximately 62 victims from and in Kfar Aza have been identified as having been murdered by Hamas terrorists, including multiple American citizens.

Nir Oz Kibbutz Attack

xii. Nir Oz is a kibbutz in the Negev desert in southern Israel first established in 1955 near the southern border between Israel and Gaza.

xiii. On the morning of October 7, 2023, approximately 200 heavily armed Hamas terrorists entered the kibbutz and began murdering residents, burning homes, and abducting others. According to publicly available reports from relatives of the victims, Hamas terrorists in some cases murdered entire families, including children as young as four and six years old. As with other incidents in the October 7 Hamas Massacres, in some instances the Hamas terrorists posted images and videos of their attacks on social media accounts contemporaneously. In one such video, a Hamas terrorist can be seen executing an elderly woman. In another video, a group of Hamas terrorists brandishing weapons and equipped with what appears to be military-style body armor can be seen taking captive a mother and her then-four-year-old and nine-month-old sons.

xiv. As of the filing of this Complaint, approximately 35 victims from and in Nir Oz have been identified as having been murdered by Hamas terrorists, including multiple American citizens.

Holit Kibbutz Attack

xv. Holit is a kibbutz located in the Negev desert in southern Israel near the southwest border between Israel and Gaza. It was first established in 1977, and moved to its current location in 1982.

xvi. On the morning of October 7, 2023, Hamas terrorists entered the kibbutz and began moving from house to house, intentionally targeting the civilian residents who lived there. Hamas terrorists burned homes, murdered victims, and abducted others.

xvii. As of the filing of this Complaint, approximately 13 victims from and in Holit have been identified as having been murdered by Hamas terrorists, including at least one American citizen.

Zikim Kibbutz Attack

xviii. Zikim is a kibbutz located near the Mediterranean coast in southern Israel near the northern border between Israel and Gaza. It was first established in approximately 1949.

xix. On the morning of October 7, 2023, Hamas terrorists launched an amphibious attack on Zikim Beach, located near the kibbutz. The Hamas terrorists attacked by boat, and a video released by Hamas shows at least two militants flying paragliders toward Zikim. After making it to shore, Hamas terrorists massacred civilians on Zikim Beach. Hamas terrorists also attacked a nearby Israeli military base. After approximately several hours of intense fighting, the Hamas terrorists were turned back from the kibbutz by the kibbutz's security team.

xx. As of the filing of this Complaint, approximately 19 victims have been identified as murdered by Hamas terrorists on Zikim Beach, including at least one American citizen.

Kerem Shalom Kibbutz Attack

xxi. Kerem Shalom is a kibbutz located in the Negev desert in southern Israel near the southwest border between Israel and Gaza, located approximately less than 100 meters from the southern tip of Gaza. It was established in approximately 1967.

xxii. On the morning of October 7, 2023, Hamas terrorists used explosives to breach the security fence protecting the kibbutz. Body camera footage recovered from one of the Hamas terrorists killed during the attack shows Hamas terrorists running through the kibbutz while firing AK-47-style machineguns. Hamas terrorists attempted to breach safe rooms in homes in the kibbutz using grenades. After hours of intense fighting, the kibbutz security

team was able to eliminate the Hamas terrorists, but two members of the security team were killed by the attackers.

xxiii. As of the filing of this Complaint, approximately two victims have been identified as murdered by Hamas terrorists at the Kerem Shalom kibbutz, including at least one American citizen.

Sufa Kibbutz Attack

xxiv. Sufa is a kibbutz located in southern Israel near the border between Egypt, Israel, and Gaza. The kibbutz was originally founded in the Sinai desert in 1974, and relocated to its current location in Israel in 1982.

xxv. On the morning of October 7, 2023, Hamas fighters breached the security fences of the kibbutz armed with machineguns and rocket-propelled grenades. Bodycam footage recovered from the attackers shows Hamas terrorists firing into houses in the kibbutz, disabling an ambulance, and killing pets. The kibbutz's security team fought back against the Hamas invaders; they were later joined by Israel Defense Forces ("IDF") soldiers responding to the October 7 Hamas Massacres, and were able to repel the attack.

xxvi. As of the filing of this Complaint, approximately three victims have been identified as murdered by Hamas terrorists at the Sufa kibbutz, including at least one American citizen.

e. During the October 7 Hamas Massacres, Hamas terrorists murdered at least 43 American citizens. As of the filing of this Complaint, at least six American citizens who were in Israel during the attack remain missing. Four additional American citizens who were previously taken hostage by Hamas during the October 7 Hamas Massacres were subsequently released through negotiated exchanges.

B. The Defendants' Public Statements in Support of and Taking Credit for the October 7 Hamas Massacres

29. Based on my review of documents, as well as video and audio recordings, I have learned that from the outset of the October 7 Hamas Massacres, and in the time since, the defendants have made an array of public statements indicating their support for, and involvement as members of Hamas's leadership in planning and perpetrating, the attacks. For example:

a. On or about October 7, 2023, MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant, stated in a message broadcast on al-Aqsa TV that the al-Qassam Brigades leadership had "decided to put an end to all the crimes of the occupation, and the time during which it was rampant without accountability has ended." He stated that in the first minutes of the October 7 attacks, Hamas launched 5,000 missiles and artillery shells, and asserted that the "Al-Aqsa Flood" operation was launched in response to what AL-MASRI described as "crimes committed by the Israeli occupation and colonial settlers," and American and Western support for and international silence regarding the occupation. He also instructed, "Today, whoever has a weapon should pull it out, this is its time, and whoever has no weapon should get his axe, Molotov cocktail, his truck, his bulldozer, or his car."

b. On or about October 7, 2023, Hamas released a message entitled "Military Report No. 1 Issued by: Izz al-Din al-Qassam," referring to the al-Qassam Brigades led by AL-MASRI and MARWAN ISSA, a/k/a "Abu Baraa," the defendant. Hamas's message described the beginning of the October 7 Hamas Massacres, stating, "In the shadow of intense missile cover and targeting of enemy command and control systems, the mujahideen of the al-Qassam Brigades were able to cross the enemy's defensive line and carry out a simultaneous coordinated attack." Accompanying the message, Hamas released videos of missiles being launched and terrorists conducting attacks, during which Israeli soldiers were killed and captured.

c. On or about October 7, 2023, during the start of the October 7 Hamas Massacres, Hamas released a statement by ISMAIL HANIYEH, the defendant, in which HANIYEH announced that "the Palestinian resistance is engaged in these historical moments in a heroic epic" and called on "every Muslim everywhere and all the free people of the world to stand in this just battle in defending Al-Aqsa and the place of the nocturnal journey of the Messenger. Eat as much as you can, as this is not the time to wait and watch, and it is not the time for support in the heart only, but rather support in action." HANIYEH further stated that "we are waging a battle of honor, resistance, and dignity to defend Al-Masra and Al-Aqsa, under the title that was announced by Brother Commander-in-Chief Abu Khaled Al-Deif [*i.e.*, AL-MASRI], the Al-Aqsa Flood. This flood began in Gaza and will extend to the West Bank and abroad, and every place where our people and nation are present."

d. On or about October 7, 2023, Hamas released a video showing HANIYEH, Al-Arouri, and others, inside HANIYEH's Hamas office. HANIYEH points out a news clip on TV showing Hamas fighters being saluted by other Palestinians. HANIYEH is shown as commenting on how they passed next to an Israeli vehicle. HANIYEH then calls the group to a prostration of thanksgiving for this victory.

e. On or about October 7, 2023, Hamas released a video of a speech by HANIYEH. In the speech, HANIYEH announced that "the operation of Al Aqsa Flood has begun by Al-Qassam Brigades, Resistance Factions, and our Sons of the Palestinian People. You saw those images and that grandeur that appeared from brave believer fighters who depicted the signs of humiliation, defeat, and rout on the faces of this enemy. Al-Aqsa Flood that was declared by the beloved brother, the resistance commander, the warrior, Muhammad Deif [*i.e.*, AL-MASRI]. Al-Aqsa Flood that is led under the command of the Islamic Resistance Movement, Hamas, at the top of which is the beloved brother, the warrior, Yahya Sinwar [*i.e.*, YAHYA SINWAR, a/k/a "Abu Ibrahim," the defendant]." HANIYEH declared that one of Hamas's objectives of the October 7 Hamas Massacres was to kidnap hostages for ransom, stating:

> Let us set free our hostages from the prisons of the Zionist occupation. There were four prisoners, and you did not wish to respond to the mediators, appeals, or anything of the sort. Resistance has warned more than once that the toll will increase, and the price will be higher. Resistance and its leaders do not just speak nonsense. Now look at your captives; look at this number in the hands of Qassam and the Resistance.

HANIYEH also reiterated Hamas's goal of uprooting the State of Israel, addressing Israelis and stating "leave our land, get out of our faces, get out of our Quds, our Aqsa. We do not want to see you on this land; this land is ours, Al-Quds is ours, all of it is ours. Your existence in this pure, blessed land is incidental, and there is no place or residing for you." HANIYEH also rejected efforts to resolve Israeli-Palestinian disputes peaceably and affirmed Hamas's commitment to violent attacks, stating, "Normalization and recognition of this entity and all the agreements signed with it cannot resolve this conflict. A conflict is resolved in the battlefield. It is resolved at the hands of those heroic mujahideen."

f. On or about October 7, 2023, an audio recording of an interview of Al-Arouri was broadcast on a Qatari television station. Al-Arouri stated, "Let me use this platform to tell our people that for us, the possibility of a ground invasion into Gaza by the enemy, is the best scenario to end this conflict and defeat the enemy. The storming of the Zionist settlements and bases in the Gaza Envelope by the resistance fighters and mujahideen will pale compared to what may happen to them if they send ground forces into Gaza." When asked whether "the scenario of capturing several hostages [was] part of your plans," Al-Arouri responded, "the plan was carried out the way it was drawn up. Taking control of those [Israeli] settlements and bases with their people was part of the plan." Al-Arouri added, "You may have watched videos where you could see that the people who surrendered to the resistance were treated in a humane way."

g. On or about October 8, 2023, the day after the October 7 Hamas Massacres had begun, ALI BARAKA, the defendant, appeared in a video interview aired on a Russian television outlet. During the interview, BARAKA conveyed that "[a] limited number of Hamas leaders knew . . . about the attack and its timing." BARAKA stated that Hamas's social activities had actually been a ruse, to "make them [*i.e.*, Israel and the international community] think that Hamas was busy with governing Gaza, and that it wanted to focus on the 2.5 million Palestinians" living there, when "[a]ll the while, under the table, Hamas was preparing for this big attack." In fact, BARAKA stated that Hamas had "been preparing for this [*i.e.*, the October 7 Hamas Massacres] for two years." In response to a question about the hostages being held by Hamas, BARAKA stated, "There are also prisoners in the U.S. We want them. Of course. There are Hamas members sentenced for life in the U.S. We want them too. Of course. We demand that the U.S. free our sons from prisons." BARAKA went further, explicitly threatening the United States, warning that the President "is a partner to this aggression, he must pay the price."

h. On or about October 10, 2023, Hamas released a video showing KHALED MESHAAL, a/k/a "Abu al-Waleed," the defendant, standing in front of an image of the Al-Aqsa mosque complex. MESHAAL praised the October 7 Hamas Massacres and what MESHAAL described as "the victorious Izz al-Din al-Qassam Brigades, its elite forces, and all its heroes." MESHAAL continued by identifying his "beloved brother Abu Khalid al-Deif, you who have been leading the spear head of resistance for many decades, and continue to do so," *i.e.*, AL-MASRI, as one of the individuals who "has ignited the spark of the Al-Aqsa flood." MESHAAL also referred to SINWAR, stating "peace be upon you, my beloved brother Abu Ibrahim Yahya al-Sinwar, and upon your honorable brothers in the political and organizational leadership [of Hamas]. You who created this glory with all your brothers in the Gaza Strip." MESHAAL continued to praise all the Palestinians who continue to sacrifice their children in defense of the holy land. MESHAAL then addressed the Arab nation telling them that those are their brothers who are fighting for Aqsa, against settlements, and to liberate the Palestinian prisoners in the Israeli

jails. MESHAAL asked all to express rage and to take to the streets wherever they are to express it. MESHAAL specifically included the United States as one of the targets of this intended "rage," stating that its purpose was to "respond to the Zionists, their criminal leaders and what they wrought, and to the Americans who came to their aid." MESHAAL stated that "I call on you at this moment, I call on every one of you. Responding to Jihad is an individual responsibility. Whether you fight collectively or individually, this is your individual responsibility." MESHAAL further called on "all the scholars who teach about Jihad for the sake of Allah and give glad tidings to the mujahideen and martyrs," adding that this is "the moment of applying what you have taught and studied" to ensure "that it does not remain as if our statements are mere words."

i. On or about October 12, 2023, the al-Qassam Brigades released a video featuring a masked spokesman "calling on all active forces in our Ummah, in general, to mobilize on all fronts and arenas, to enter operation al-Aqsa Flood, and to ignite the earth in flames under the feet of the enemy." The video explicitly announced that "the leadership of al-Qassam and the Movement" had made the decision to launch the October 7 Hamas Massacres, and that Hamas's objective behind the attacks was not only to "storm the positions," but also specifically to "withdraw with the prisoners," referring to the hostages taken by Hamas during those attacks.

j. On or about October 12, 2023, Hamas issued a press release "Call[ing] for a General Mobilization Tomorrow on 'Friday of the al-Aqsa Flood,'" referring again to the operation name given by Hamas to the October 7 Hamas Massacres. In that release, Hamas condemned what it described as "Zionist terrorism and American and Western collusion," and called "on our people and our revolutionary youth . . . to demonstrate, mobilize, and clash with the Zionist enemy and to subdue its soldiers and herds of settlers by all means."

k. On or about October 16, 2023, Hamas released a video of a young Israeli woman who had been taken hostage during the October 7 Hamas Massacres. Hamas announced that the hostage was being held captive by "Mujahideen from the al-Qassam Brigades," and that she had been "captured on the first day of Operation al-Aqsa Flood."

l. On or about October 18, 2023, Hamas held a videotaped press conference about the expansion of IDF operations in Gaza, acknowledging that "the Brigades of the Martyr Izz al-Din al-Qassam," which are led by AL-MASRI and ISSA, and "the Palestinian resistance are bravely resisting these attempts." In addition to violent rhetoric targeting Israel, which Hamas described as "the criminal, Nazi, barbaric Zionist entity," Hamas's release also specifically targeted the United States, announcing that Hamas is "stating loud and clear that the American administration and the Western countries that support the aggression are full partner countries along with the occupation forces in this annihilation war."

m. On or about October 19, 2023, an interview with MESHAAL was broadcast on a Saudi Arabian television station. In the interview, MESHAAL asserted that the plan for the October 7 Hamas Massacres had been kept closely guarded by Hamas's leadership, stating, "That ingenious moment when the Al-Qassam Brigades managed to surprise the enemy and all the intelligence agencies in the world had to be kept known only to a small group of people." MESHAAL further admitted that "[t]he Hamas leaders in Gaza and abroad are running this war together." MESHAAL also specifically acknowledged that Hamas was still detaining hostages abducted during the October 7 Hamas Massacres and intended to keep them captive for ransom,

stating "The rule we follow is that prisoners are swapped for prisoners. We took over 1,000 prisoners in exchange for Gilad Shalit. Today, we have in our hands dozens of soldiers and officers. Inshallah, we will use them to empty the [Israeli] prisons, and all our sons and daughters from all the factions will be released, inshallah."

n. On or about January 9, 2024, a video recording of a speech by HANIYEH was broadcast on a Qatari television station. HANIYEH, referencing the October 7 Hamas Massacres, stated, "We should hold on to the victory that took place on October 7 and build upon it," adding that "Time is on our side." During his speech, HANIYEH also called for supporters to send money to Gaza, which HANIYEH described in part as "financial jihad," and he expressed support for "the notion of waging jihad with one's life and one's money." HANIYEH also called for further, future violence, declaring that "the time has come for jihad of the swords." HANIYEH described this jihad as "the battle for Jerusalem and the Al-Aqsa mosque, and not the battle of the Palestinian people, or Gaza, or the people in Gaza." HANIYEH described the people of Gaza as "our front line trench for defense, as well as for offense. They are not only there to defend, but also to attack. What was October 7 if not a front line trench for an offensive by our nation?"

C. Hamas's Continuing Coordination with the Government of Iran

30. Based on my review of materials publicly released by both Hamas and the Government of Iran, and their respective leaders, I have learned that Hamas has continued to coordinate closely with the Government of Iran in furtherance of its terrorist activities since the October 7 Hamas Massacres. For example:

a. On the day of the October 7 Hamas Massacres, Naser Kan'ani, spokesperson for the Government of Iran's Ministry of Foreign Affairs, spoke to a reporter for an Iranian publication. Kan'ani congratulated the people of Palestine and all the Resistance's anti-Zionist groups and movements in the region, including the Palestinian territories, for the heroic resistance of the Palestinians in Operation Al-Aqsa Storm and said, "what happened today is aligned with the continuous victories of the anti-Zionist Resistance Movement in various areas such as Syria, Lebanon, and the Occupied Territories." Kan'ani also said: "today's operation by the Resistance Movement in Palestine is a turning point in continuous armed resistance by the Palestinians against the Zionists. In other words, it opened a new chapter with this operation in the arena of resistance by the Palestinians against the Zionists."

b. On or about October 9, 2023, President of Iran Ebrahim Raisi spoke with ISMAIL HANIYEH, the defendant, by phone. As reported by the Office of the President of Iran, Raisi praised the October 7 Hamas Massacres. HANIYEH stated during the call that what Hamas had achieved was the blessing of Allah.

c. On or about October 11, 2023, Ahmed Abdulhadi, Hamas's representative in Lebanon, stated on X (previously known as Twitter) that "we coordinated with Hezbollah and with Iran and the Axis before, during and after this battle at the highest level." Abdulhadi explained that this coordination "has many dimensions—political, military and others." The "Axis" was a reference to the so-called "Axis of Resistance," which as set forth above is the term used for Iran's efforts, dating back to the 1979 Islamic Revolution and taken forward by the

IRGC-QF, to engage proxies, such as Hamas and Hizballah, to fight on behalf of Iran in return for funding, arms, military training, and intelligence support.

d. On or about October 13, 2023, HANIYEH met with the Government of Iran's Foreign Minister, Hossein Amir-Abdollahian, in Doha, Qatar, to discuss the October 7 Hamas Massacres and following events. Afterward, Hamas released a statement that the two men discussed Hamas's attacks on Israel and "agreed to continue cooperation" to achieve Hamas's goals. During the meeting, Amir-Abdollahian praised Hamas's terrorist attacks as an "historic victory."

e. On or about November 16, 2023, the al-Qassam Brigades published a copy of a letter from Ghani, the commander of the IRGC-QF, addressed to "Dear brother, the mujahid leader and living martyr, Abu Khaled Muhammad al-Dhaif," [*i.e.*, MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," the defendant]. In the letter, Ghani praised what he described as "a great epic titled 'al-Aqsa Flood,' which the Lord of Glory achieved at the hands of the mujahideen in the Izz al-Din al-Qasim Brigades." Ghani applauded the October 7 Hamas Massacres and pledged the IRGC-QF's continuing support for Hamas's terrorist activities, stating:

> It is my honor, in my name and in the name of your brothers in the leadership of the Islamic Republic of Iran, to extend to you and to all the mujahideen and all the other sons of the Palestinian people, my congratulations and blessings on this impressive victory and impactful achievement which has no precedent in the history of the conflict with this entity, asking from Allah the Almighty to grant the martyrs the highest status, and the injured a quick recovery.
>
> In conclusion, we affirm the covenant, pledge, and the faith and brotherly commitment that unites us, and we reassure you that, as part of our continued effective protection and support for the resistance, we will do everything we can in this historic battle.

WHEREFORE, I respectfully request that warrants be issued for the arrests of ISMAIL HANIYEH, YAHYA SINWAR, a/k/a "Abu Ibrahim," MOHAMMAD AL-MASRI, a/k/a "Mohammed Deif," a/k/a "al Khalid al-Deif," MARWAN ISSA, a/k/a "Abu Baraa," KHALED MESHAAL, a/k/a "Abu al-Waleed," and ALI BARAKA, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

FURTHER, the Government respectfully moves for the Complaint and arrest warrants to remain sealed—with the exception that the Complaint and arrest warrants are unsealed for the limited purpose of disclosing the existence of or disseminating the Complaint and/or arrest warrants to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendants or to secure the defendants' arrest, extradition, or expulsion, or as otherwise required for purposes of national security.

S/ by the Court with permission

[redacted]
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 1st day of February, 2024.

THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York