

Zionist Federation of Australia submission to the Parliamentary Joint Committee on Intelligence and Security review of five organisations as terrorist organisations under the Criminal Code

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Recommendations

Recommendation 1
The ZFA recommends that the PJCIS not disallow <i>Criminal Code (Terrorist Organisation—Hamas' Izz al-Din al-Qassam Brigades) Regulations 2021</i> .
Recommendation 2
The ZFA recommends that the PJCIS urge the Minister to proscribe the entire organisation of Hamas.

REPRESENTATION. ADVOCACY. CONNECTION.

• President Jeremy Leibler • Chief Executive Officer Ginette Searle •

• Constituent Organisations State Zionist Councils of: ACT • New South Wales • Queensland • South Australia • Victoria • Western Australia

• Affiliated Organisations: Ameinu • ARZA • Australian Forum of Russian Jewry • Australasian Union of Jewish Students • Australian Zionist Youth Council • Friends of Likud • Jewish National Fund Australia
• Maccabi Australia • Mercaz Masorti Australasia • Mizrahi Organisation • National Council of Jewish Women Australia • Union for Progressive Judaism • United Israel Appeal Australia
• Women's International Zionist Organisation •

The Zionist Federation of Australia thanks the Committee for the opportunity to make this submission into its review of the re-listing of five terrorist organisations. This submission will focus exclusively on the re-listing of Hamas's Izz a-Din al-Qassam Brigades (hereinafter 'the Brigades').

Hamás's Brigades continue to meet the definition of a terrorist organisation

The definition of a terrorist organisation in the Criminal Code is: "an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act".¹

The Minister for Home Affairs' Statement of Reasons succinctly lists the many terrorist actions the Brigades have undertaken in the last three years.² Without doubt, the Brigades continue to meet this definition and so should be listed in Australia.

Recommendation 1

The ZFA recommends that the PJCIS not disallow *Criminal Code (Terrorist Organisation—Hamás' Izz al-Din al-Qassam Brigades) Regulations 2021*.

However, beyond the proscription of the Brigades, the ZFA believes that the Australian Government should proscribe the entirety of Hamas. This is for two reasons. First, the Brigades are not separate to Hamas. Second, even if the false distinction between the Brigades and the rest of Hamas is maintained, the non-Brigades part of Hamas directly or indirectly prepares, plans and assists in the doing of terrorist acts, through recruitment, procurement of arms and finances, and vocal encouragement for the Brigades.

Internal inconsistencies in the Australian Government's proscription of the Brigades

The Minister for Home Affairs' Statement of Reasons states that Hamas's goal (note: not just the Brigades' goal) is to replace Israel with an Islamist state and that "Hamas supports the strategy of armed resistance in pursuit of its goals." The Statement of Reasons also states that "the Brigades undertake military activity on behalf of Hamas" and that "the Brigades exist within the overall organisational structure of Hamas, subordinate to its political leadership, but structured as a distinct military wing." The Statement of Reasons also concludes that "decisions of the political leadership probably take precedence" and that Hamas allocates funds to the Brigades.³

This information is not inconsistent with third party information regarding Hamas.

¹ Criminal Code 1995, s. 102.1

² Review of the Listing of Five Organisations as Terrorist Organisations under the Criminal Code, Submission 1: Minister for Home Affairs, Commonwealth of Australia, 2021, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Fiverelistings2021/Submissions, p. 62

³ Review of the Listing of Five Organisations as Terrorist Organisations under the Criminal Code, Submission 1: Minister for Home Affairs, Commonwealth of Australia, 2021, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Fiverelistings2021/Submissions, pp. 60–61

However, the Minister has not detailed in her Statement of Reasons why Hamas, which she admits:

- supports Israel's violent destruction; and
- has a militia that a) exists within its organisational structure, b) is allocated funds by the Hamas political leadership, c) is subordinate to Hamas's political leadership and d) has utilised violence to advance Hamas objectives

is not proscribed.

Given that the above clearly meets the criteria for proscription in Australian legislation (i.e. directly or indirectly engages in, prepares, plans, assists, fosters or advocates the doing of a terrorist act), **the ZFA urges the PJCS to examine these inconsistencies in its review of this listing.**

Further, as the Minister notes in her Statement of Reasons, Hamas appears in DFAT's Consolidated List of terrorist organisations, maintained under the *Charter of the United Nations Act 1945*. However, the Statement of Reasons does not explain why Hamas is treated as a terrorist organisation by Australia in regards to terrorism financing, but not as a terrorist organisation in terms of the Criminal Code.⁴ **The ZFA likewise urges the PJCS to examine this apparent inconsistency in its review of this listing.**

The determination by the Government not to proscribe all of Hamas has parallels with the June 2021 review by the PJCS of the re-listing of Hezbollah's External Security Organisation (ESO). In its report for that review, the PJCS expressed its concern that the Australian Government only proscribed the ESO, despite the Committee's 2018 recommendation that the Government give consideration to proscribing Hezbollah's military wing. Further, during the public hearing, Committee members appeared to be frustrated by the lack of substantive answers by Government officials as to why the Government did not proscribe Hezbollah's military wing, or why it shouldn't proscribe the entirety of Hezbollah.⁵

What is different about the Hamas situation is that Hezbollah has formed part of previous Lebanese governments (and might again form part of a future government). Lebanon is a UN-member state that Australia recognises. Hamas, on the other hand, is an illegitimate power that Australia does not recognise. It overthrew the recognised ruler of the Gaza Strip (i.e. the Palestinian Authority) just under two years after Israel withdrew from the area and transferred control to it.

As such, the unspoken diplomatic considerations that the Australian Government might have in regards to not extending the proscription of the ESO to a coalition member of a UN-member state government does not apply in regards to Hamas.

Parallels with Islamic State

The ZFA believes it is important that the Australian Government (and the PJCS) approach the listing of terrorist organisations in a consistent manner. It is therefore of interest to examine how the Government has approached parallel situations.

⁴ The ZFA notes that the Foreign Minister referred to the Hezbollah operatives that fired rockets into Israel in August 2021 as 'terrorists', despite the fact the Government does not list Hezbollah's militia as a terrorist organisation under the Criminal Code; clearly, being on DFAT's Consolidated List is enough for the Australian Government to consider an organisation a terrorist organisation.

⁵ Report on the review of the relisting of Hizballah's External Security Organisation as a terrorist organisation under the Criminal Code, Commonwealth of Australia, 2021, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Hizballah/Report

After the Islamic State in Iraq and the Levant (ISIL) overran large parts of Syria and Iraq, in June 2014, it proclaimed itself a caliphate and began referring to itself as 'Islamic State'. Islamic State was not recognised as a legitimate ruling authority by Australia. Islamic State was both a government ruling over the land it controlled (including making and enforcing laws) and a terrorist militia.

There are obvious parallels here to Hamas, which overran the rightful and recognised government in Gaza (i.e. the Palestinian Authority) in 2007, is not recognised by Australia as the legitimate ruler of Gaza, and operates both a government and a terrorist militia. (The recent overthrow of the Afghan government by the Taliban is another parallel situation.)

In its September 2014 listing of Islamic State, the Australian Government did not differentiate between Islamic State and its militia. Indeed, in his Statement of Reasons, the Attorney-General's submission read in part,

The Islamic State has a hierarchical structure, featuring an overall leadership council and provincial governments in both Iraq and Syria. Regional and specialist cells act with relative autonomy under general direction from senior leaders.⁶

This is also true of Hamas, which has an overall leadership council (its politburo), which is elected by a shura council (which actually consists of four 'regional' shura councils). Hamas's militia acts with relative autonomy under general direction from senior leaders, as the Minister's Statement of Reasons acknowledges.

The current proscription regime was not in place when the Taliban last controlled all of Afghanistan (as the 'Islamic Emirate of Afghanistan'), so we do not have historical precedent as to whether Australia made a distinction between the de facto Taliban government and its terrorist militia. That said, Australia did not recognise the Islamic Emirate to be the rightful government of Afghanistan.

Hamas political leadership preparing, planning, assisting, fostering and advocating the doing of terrorist acts

While the Brigades are somewhat autonomous, it remains that the leadership of Hamas assist the Brigades in numerous ways. US terrorism expert Matt Levitt (who appeared before the PJCS in June 2021, when the Committee was reviewing the re-listing of Hezbollah's External Security Organisation) wrote in 2006,

The relationship between Hamas political leadership and terrorism takes many forms. Hamas political leaders ... recruit terrorists, equip them with weapons, raise money for operations, and function as outright military commanders.⁷

The actions of the Hamas 'political' leadership clearly assist the Brigades in the doing of terrorist acts.

⁶ Review of the Re-Listing of The Islamic State: Submission 1 – The Islamic State [Attorney-General Statement of Reasons], Commonwealth of Australia 2014, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Re-Listing_of_The_Islamic_State/Submissions

⁷ Matt Levitt, *Hamas: Politics, charity and terrorism in the service of jihad*. New Haven, Yale University Press, 2006, p. 33

In 2003, the US Treasury designated a number of individuals in the Hamas leadership as specially designated terrorist entities. Among these was Ahmed Yassin:

Yassin is the head of HAMAS in Gaza. He maintains a direct line of communication with other HAMAS leaders on coordination of HAMAS's military activities and openly admits that there is no distinguishing the political and military wings of Hamas.⁸

Yassin was subsequently killed by Israel. However, the US Treasury designation included Khaled Meshal and Mousa Abu Marzouk—who remain in the Hamas politburo—and noted that they direct terrorist activities and provide funds to Hamas's military wing.

Matt Levitt's 2006 above-quoted book on Hamas, *Hamas: Politics, charity and terrorism in the service of jihad*, reveals an important stage in the evolution of American understanding of Hamas's internal relationships. Levitt describes the detention in America of Mousa Abu Marzouk (who, as above, remains in the Hamas politburo):

The detention of Mousa Abu Marzouk by INS agents in New York and consequent investigation would yield a trove of information about the connection between the Hamas political leadership and the organization's other activities. The evidence would lead an American court to concur with the previously held Israeli assessment that 'the [political] bureau operates as the highest ranking leadership body in the Hamas organization, setting policies and guidelines respecting Hamas' activities. In addition to its other functions, this bureau has responsibility for directing and coordinating terrorist acts by Hamas against soldiers and civilians in Israel and the territories.'⁹

Whereas chapter 2 of Levitt's book examines the links between the political leadership and the Brigades, the next three chapters examine how Hamas's charitable operations enable Hamas's violent activities. Dr Levitt lists them:

- Raising the massive budgets required to fund terrorist operations;
- Laundering and transferring funds to terrorists via charitable and religious fronts;
- Recruiting, employing and hiding Hamas militants;
- Providing essential administrative support to terrorist cells;
- Engendering popular Palestinian (and broader Muslim) support for terrorism.¹⁰

Thus, Dr Levitt shows how the non-military wings of Hamas indirectly foster the doing of terrorist acts, in breach of the Criminal Code. Rather than reproduce large segments of the book here, **the ZFA urges the members of the PJCS to obtain Dr Levitt's book and consider inviting Dr Levitt to once again appear before the Committee.**

Statements by members of Hamas's politburo

Hamas has four regional shura (consultative) councils, from Gaza, the West Bank, Israeli prisons and the diaspora. These shura councils elect a 15-member politburo, which is the decision-making body in Hamas, and directs its activities.

⁸ <https://www.treasury.gov/press-center/press-releases/pages/js672.aspx>

⁹ Matt Levitt, *Hamas: Politics, charity and terrorism in the service of jihad*. New Haven, Yale University Press, 2006, p. 41

¹⁰ Matt Levitt, *Hamas: Politics, charity and terrorism in the service of jihad*. New Haven, Yale University Press, 2006, p. 52

The Hamas political leadership has long made clear that it views the Brigades as an integral part of Hamas, and that the politburo direct the Brigades' activities. Members of the political leadership have also frequently advocated the doing of terrorist acts. The following examples are from Hamas politburo members, and almost all from just this year.

Statements by members of Hamas's politburo advocating terrorist acts

In May 2021, Hamas politburo member Fathi Hammad called on the 'people of Jerusalem' to 'cut off the heads of Jews'.¹¹

Later the same month, Fathi Hammad said in a public rally, "The Jews are a treacherous people. There can be no peace with the Jews. There can be no peace with the Zionists. The only thing we have for the Zionists is the sword. The only thing we have for the Zionists is the Ayyash 250 rocket. The only thing we have for the Zionists is the sword."¹²

In May 2021, Hamas politburo chair Ismail Haniyeh, at a rally in Qatar, praised the Hamas rocket attacks and threatened more.¹³

Hamas politburo member (and leader in Gaza) Yahya Sinwar has expressed support for violence against Israeli civilians on many occasions in the past, including:

- "I say to Bennet that we will make six million Israeli settlers unable to breathe", April 2020¹⁴ [he is referring to all Israeli civilians here, not just settlers, which number a few hundred thousand]
- "Today, by the grace of Allah, we have many thousands of missiles that will turn the occupation's cities into ruins and ghost cities... We will crush Tel Aviv and cause its sirens to wail morning, evening, and night for six whole months", November 2019¹⁵
- "I promise you that no matter what, we will never give up our weapons, our force, or our capabilities. We will not give up our tunnels and our missiles, of which we have many... We shall destroy Ashkelon and bring it down on their heads. On the day of battle, we will not launch a salvo of 4, 5, 10, 20, or 50 missiles. We will launch hundreds of missiles in a single salvo", August 2019¹⁶

¹¹ <https://www.memri.org/tv/snr-hamas-official-fathi-hammad-urges-people-jerusalem-cut-off-heads-jews-knives-day-reckoning-moment-destruction>

¹² <https://www.memri.org/tv/hamas-official-fathi-hammad-rally-martyrs-no-peace-treacherous-jews-zionists-sword-men-muhammad-deif>

¹³ <https://www.memri.org/reports/qatar-mediates-between-israel-and-hamas-it-holds-mass-rally-hamas-doha-supporting-armed>

¹⁴ <https://www.memri.org/tv/hamas-leader-yahya-sinwar-if-gazans-start-dying-coronavirus-run-out-ventilators-israeli-settlers-unable-breathe>

¹⁵ <https://www.memri.org/tv/hamas-leader-yahya-sinwar-gaza-tunnels-missile-production-metal-pipes-irrigation-systems-crush-tel-aviv>

¹⁶ <https://www.memri.org/tv/hamas-leader-yahya-sinwar-ceremony-holding-up-sword-salvo-missiles-israel-purify-land-ashkelon-destroy>

Statements by members of Hamas's politburo indicating the politburo directs the Brigades' activities

In May 2021, Hamas politburo deputy chair Saleh Al-Arouri referred to fellow Hamas politburo member (and leader of Hamas in Gaza) Yahya Sinwar as one of 'the commanders of the resistance'. He also referred to Muhammad Deif (the commander of the Brigades) as one of the commanders of the resistance. He also discussed the tactics—such as shooting rockets—the resistance was employing.¹⁷

Resistance: The Arabic word translated as resistance is *muqawama*. This word forms the 'M' in the acronym Hamas (*harakat al-muqawama al-Islamiya*). Hamas refers to itself as 'a resistance movement' (*harakat al-muqawama*) and all its violent activities as resistance.

Muqawama is a doctrine of constant low-tech attacks against Israeli civilians and soldiers that aims to sidestep Israel's technological and military superiority and wear down Israeli morale over time. Hezbollah (which refers to itself as the 'Islamic Resistance in Lebanon') has also adopted this doctrine. Palestinians and Islamists frequently refer to the campaign against the Crusaders, which re-took Jerusalem after almost 100 years of *muqawama*—i.e. the Crusaders weren't defeated in just one battle.

In May 2021, Hamas politburo member (and leader in Gaza) Yahya Sinwar spoke about the recently-concluded Hamas–Israel confrontation. He:

- noted that he had been 'leading our activity' in the command centre
- referred to himself as one of the 'resistance commanders'
- thanked Yasser Arafat for trying to smuggle in weaponry on board the Karine-A in 2002
- threatened suicide bombs, stabbings, car rammings, Molotov cocktails and burning Israel's forests if Israel attempted to harm al-Aqsa Mosque
- expressed gratitude to Iran for providing "us with money, weapons, and expertise" [note the 'us', not 'the Brigades']
- noted Hamas coordinated with Hezbollah, Iran and the Islamic Revolutionary Guards Corps
- said that if Israel allowed the creation of a Palestinian state, Hamas would 'postpone' its conflict with Israel, but also
- said "We support the eradication of Israel through armed jihad and struggle. This is our doctrine"
- said that "Firing a salvo of 250 rockets on Tel Aviv is easier for us than drinking water" [he then took a sip of water].¹⁸

In June 2021, Sinwar spoke of 'our' military and security headquarters in Gaza (and that he was stationed there during the May Hamas–Israel confrontation).¹⁹

¹⁷ <https://www.memri.org/reports/saleh-al-arouri-deputy-chairman-hamass-political-bureau-we-can-continue-fighting-many-months>

¹⁸ <https://www.memri.org/reports/hamas-leader-gaza-yahya-al-sinwar-salutes-al-jazeera-tv-iran-and-yasser-arafat-adds-we-have>

¹⁹ <https://www.memri.org/tv/hamas-leader-gaza-yahya-sinwar-thanks-iran-hizubllah-aid-factions-repair-damage>

Statements by members of Hamas's politburo indicating that Hamas has no intention of changing its tactics

Hamas's founding Charter is violently antisemitic, anti-peace and calls for Israel's violent destruction. It describes a desired genocide of Jews (note: not just Israelis) as 'the realisation of Allah's promise'.²⁰ It calls on all Muslims to join jihad against the Jews²¹ and claims, "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it".²² It alleges groups like the Freemasons, Rotary and Lions clubs are global Zionist conspiracies, that Jews took control of world media and caused the French and Communist revolutions and 'were behind' the first and second world wars.²³

The Charter also makes clear Hamas's opinion that 'international conferences are but a waste of time'.²⁴

The statements of senior Hamas members make clear the Charter's objectives remain current.

In February 2021, Hamas politburo chair Ismail Haniyeh said that "Hamas is continuing with its resistance plan to end the occupation and liberate the Palestinian land from the sea to the river..." He added that one of the principles of the fight against normalisation is "full resistance, in all its forms".²⁵

In May 2021, Hamas politburo member (and leader in Gaza) Yahya Sinwar shared the stage with an individual who said to Israelis, "We will pave the path of liberation with your body parts, and we will turn your skulls into a ladder that will take us to the al-Aqsa Mosque... How sweet is death at the Damascus Gate". [Damascus Gate is one of the main entries Arab Jerusalemites use to enter the Old City]. Shortly before this speech, Sinwar kissed and held high a child dressed as a Hamas fighter who was brandishing a gun.²⁶

²⁰ Article 7 reads, in part, "Hamas aspires to the realisation of Allah's promise, no matter how long that should take. The Prophet, Allah bless him and grant him salvation, has said: 'The Day of Judgement will not come about until Muslims fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Muslims, O slave of Allah, there is a Jew behind me, come and kill him'".

https://avalon.law.yale.edu/20th_century/hamas.asp

²¹ Article 15 reads, in part, "In face of the Jews' usurpation of Palestine, it is compulsory that the banner of jihad be raised... It is necessary to instil the spirit of jihad in the heart of the nation so that they would confront the enemies and join the ranks of the fighters." [Here 'nation' is used; the Arabic word 'ummah' actually means the 'Islamic nation' – that is, all Muslims.] https://avalon.law.yale.edu/20th_century/hamas.asp

²² https://avalon.law.yale.edu/20th_century/hamas.asp, Preamble

²³ https://avalon.law.yale.edu/20th_century/hamas.asp, Article 22

²⁴ https://avalon.law.yale.edu/20th_century/hamas.asp, Article 13

²⁵ <https://www.memri.org/reports/senior-hamas-officials-we-intend-run-office-elections-while-maintaining-armed-struggle>

²⁶ <https://www.memri.org/tv/hamas-celebration-skulls-body-parts-children-with-guns>



Hamas politburo member (and Gaza leader) Yahya Sinwar with child, 24 May 2021

In June 2021, Hamas politburo chair Ismail Haniyeh said that the ‘Sword of Jerusalem’ will not be sheathed until Jerusalem is ‘liberated’.²⁷ [‘Sword of Jerusalem’ was the Hamas name for the violence it instigated against Israel in May 2021.]

In February 2021, five Hamas politburo members (including its chair Ismail Haniyeh) met with Russian, Iranian, South African and Turkish ambassadors in Qatar. They stressed that Hamas “will continue on the path of resistance, following the proven failure of the negotiations option.”²⁸

In March 2021, Hamas politburo member Salah Bardawil said, in the context of the upcoming (though subsequently cancelled) Palestinian elections, “Our resistance weapons are not [subject to] debate with anyone... We are a Palestinian resistance movement and we do not make decisions under pressure from any external element... We aim to balance our people’s interests with its principles. Where the interests and principles conflict, we will not sell out our principles.”²⁹

In March 2021, Hamas politburo chair Ismail Haniyeh wrote an opinion piece in the Palestinian newspaper *al-Quds*, in which he said that Hamas aimed to form a government after the Palestinian elections (which were subsequently cancelled), but that after the formation of the government, Hamas’s primary objective would continue, “namely the formulation of a comprehensive, united and integrated strategy for the struggle to achieve the objectives of our people: liberation and return. This strategy will be based on the principle of resistance by various means, using all forms of struggle that are possible for our people – chief of them military resistance”.³⁰

²⁷ <https://www.memri.org/reports/hamas-leader-ismail-haniyeh-brandishes-sword-during-visit-mauritania-sword-jerusalem-will>

²⁸ <https://www.memri.org/reports/senior-hamas-officials-we-intend-run-office-elections-while-maintaining-armed-struggle>

²⁹ <https://www.memri.org/reports/senior-hamas-officials-we-intend-run-office-elections-while-maintaining-armed-struggle>

³⁰ <https://www.memri.org/reports/al-quds-article-hamas-head-ismail-haniya-outlines-two-pronged-tactic-expressing-commitment>

In May 2021, Hamas politburo member Mousa Abu Marzouk claimed that Hamas's wars against Israel would continue until Israel is destroyed.³¹

Cultivating children

A way Hamas recruits future terrorists is to cultivate children. Each summer in Gaza, Hamas runs summer camps for children, which it calls the 'Pioneers of Liberation'. These camps include military-style training and indoctrination. The children are trained how to abduct Israelis, stab Israeli civilians and overrun IDF bases.³² The camps are run by the Brigades. However, evidence of further links between the Hamas politburo and the Brigades is that politburo officials attend or send messages of support to these camps. (At minimum, such actions are further evidence of Hamas political leaders advocating terrorism.)

For instance, at the closing ceremony of a camp in 2015, senior Hamas official Mahmoud a-Zahar, who had been 'foreign minister' under the Hamas government elected in 2006 said, "We pledge not to withhold anything from you - not our weapons, not our money, not our efforts, and not our sweat... One class after another, one year after the other, whenever there is a school holiday, you will be on the military training grounds, until we accomplish our goal. Every year until Palestine is liberated, thousands will join the training camps, so they will arrive in the occupied West Bank [already] prepared. The phenomenon of the generation of liberation is not a fleeting one, but is rooted in reality. Perhaps tomorrow, they will be standing behind the rockets, firing them at every inch of Palestine in the war of Judgment Day - the war for the liberation of Palestine. The youth of liberation are the near future generation that will fire rockets at the Zionists in the next liberation campaign against the [Zionist] entity..."³³

At the same ceremony, Hamas politburo member, Khalil Al-Haya, said, "All guns and efforts must be trained on the enemy, and all the banners must unite under a single banner against the occupation, in order to realise our final goal of bringing it to an end..."

Hamas politburo chair Ismail Haniyeh said, "The Al-Qassam Brigades' camps are a strategic enterprise [aimed at] raising the generation of victory and liberation. Resistance and preparations for bearing arms against the enemy are no longer optional, but have become a culture embraced not only by Hamas, but by every Palestinian home and every Palestinian sector".³⁴

A year later, in July 2016, Haniyeh said in a recorded message to camp participants: "Hamas has two main goals: liberating Palestine and resisting the occupation... There is no room in Palestine for the Zionist entity, and the only way to remove it is through armed resistance... [He praised the Brigades for] "preparing the [young] generation by means of [its] Pioneers of Liberation camps, and [preparing] the steadfast and determined Palestinian people to liberate its land, its prisoners and its holy places, chief of them al-Aqsa."³⁵

³¹ <https://www.memri.org/tv/musa-abu-marzouk-dpe-chairman-hamas-politburo-israel-go-ussr-berlin-wall-negotiate-end-occupation>

³² <https://www.memri.org/reports/hamas-and-islamic-jihad-summer-camps-gaza-framework-jihadi-indoctrination-military-training>

³³ <https://www.memri.org/reports/hamas-camps-children-and-youth-%E2%80%93-means-indoctrination-jihad-and-martyrdom-imparting-military>

³⁴ <https://www.memri.org/reports/hamas-camps-children-and-youth-%E2%80%93-means-indoctrination-jihad-and-martyrdom-imparting-military>

³⁵ <https://www.memri.org/reports/hamas-camps-children-and-youth-%E2%80%93-means-indoctrination-jihad-and-martyrdom-imparting-military>

Hamas-owned media advocate terrorism

The Hamas-financed and -run television station, al-Aqsa TV, also advocates the doing of a terrorist act. Fathi Hammad, the same Hamas politburo member that said in May that called on Jerusalemites to cut off the heads of Jews, is the director of al-Aqsa TV. Al-Aqsa TV was designated as a specially designated entity by the US Treasury in 2010.³⁶

In February 2019, Israel alleged that Hamas had used al-Aqsa TV to broadcast instructions to Hamas operatives in the West Bank.³⁷

In just 2021, al-Aqsa TV has broadcast:

- Calls for the ethnic cleansing of Israelis (“Some of them will be killed, some will be taken captive, and others will escape.”)³⁸
- Calls to massacre Israelis (“Thus, my dear brother, massacring this enemy is a divine order... Striking the necks of this enemy is a duty according to the shari'a. Anyone who can massacre this enemy should not neglect this duty, because this enemy is the enemy of the Islamic nation”.)³⁹
- A clip showing a semi-animated video of a Hamas soldier arming Palestinian civilians, who then attack civilian homes in Israeli settlements.⁴⁰
- An apologist for domestic violence (“The purpose of [wife] beating is to warn the wife that the life of the family is in danger, and that the marital relations are in danger, and that she should be cautious and not let the family be destroyed and that our children and our future are not [adversely] affected.”)⁴¹

Conclusion

In this submission, the ZFA has attempted to show why the Australian Government should proscribe the entirety of Hamas:

- The evidence presented by the Australian Government shows that Hamas meets the criteria for listing
- The Australian Government did not make a distinction between Islamic State’s political and military wings
- The Hamas leadership plans, fosters, advocates and assists in the Brigades’ undertaking terrorist acts
- The Hamas leadership facilitates the indoctrination of children in order to cultivate future recruits for the Brigades
- Hamas-financed and -run media advocate terrorist acts

Recommendation 2

The ZFA recommends that the PJCIS urge the Minister to proscribe the entire organisation of Hamas.

³⁶ <https://www.treasury.gov/press-center/press-releases/Pages/tg594.aspx>

³⁷ <https://www.timesofisrael.com/shin-bet-with-on-air-signals-al-aqsa-tv-helped-hamas-coordinate-terror-attacks/>

³⁸ <https://www.memri.org/tv/palestinian-prof-islamic-studies-nasr-fahajan-quran-allah-mercy-jews-not-annihilate-israel-destroyed-liberated-escape>, 2 July 2021

³⁹ <https://www.memri.org/tv/hamas-mp-marwan-abu-ras-religious-duty-islamic-nation-help-palestinians-massacre-enemy>

⁴⁰ <https://www.memri.org/tv/hamas-tv-animated-video-depicts-destruction-israeli-settlements>

⁴¹ <https://www.memri.org/tv/ziyad-miqdad-islamic-university-gaza-husband-beat-wife-father-son-mother-daughter-therapeutic-not-vindictive>, 19 July 2021