

# EXHIBIT 12



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## Department of Justice Press Release

For Immediate Release  
May 27, 2009

United States Attorney's Office  
Northern District of Texas  
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### Federal Judge Hands Downs Sentences in Holy Land Foundation Case ***Holy Land Foundation and Leaders Convicted on Providing Material Support to Hamas Terrorist Organization***

WASHINGTON—Today, in federal court in Dallas, U.S. District Judge Jorge A. Solis sentenced the Holy Land Foundation for Relief and Development (HLF) and five of its leaders following their convictions by a federal jury in November 2008 on charges of providing material support to Hamas, a designated foreign terrorist organization, announced acting U.S. Attorney James T. Jacks of the Northern District of Texas, and David Kris, Assistant Attorney General for National Security. All defendants are presently in federal custody.

"Today's sentences mark the culmination of many years of painstaking investigative and prosecutorial work at the federal, state and local levels. All those involved in this landmark case deserve our thanks," said David Kris, Assistant Attorney General for National Security. "These sentences should serve as a strong warning to anyone who knowingly provides financial support to terrorists under the guise of humanitarian relief."

HLF was incorporated by Shukri Abu Baker, Mohammad El-Mezain, and Ghassan Elashi. Mufid Abdulqader and Abdulrahman Odeh worked as fund raisers. Together, with others, they provided material support to the Hamas movement.

- Shukri Abu Baker, 50, of Garland, Texas, was sentenced to a total of 65 years in prison. He was convicted of 10 counts of conspiracy to provide, and the provision of, material support to a designated foreign terrorist organization; 11 counts of conspiracy to provide, and the provision of, funds, goods and services to a Specially Designated Terrorist; 10 counts of conspiracy to commit, and the commission of, money laundering; one count of conspiracy to impede and impair the Internal Revenue Service (IRS); and one count of filing a false tax return.
- Mohammad El-Mezain, 55, of San Diego, California, was sentenced to the statutory maximum of 15 years in prison. He was convicted on one count of conspiracy to provide material support to a designated foreign terrorist organization.
- Ghassan Elashi, 55, of Richardson, Texas, was sentenced to a total of 65 years in prison. He was convicted on the same counts as Abu Baker, and one additional count of filing a false tax return.
- Mufid Abdulqader, 49, of Richardson, Texas, was sentenced to a total of 20 years in prison. He was convicted on one count of conspiracy to provide material support to a designated foreign terrorist organization, one count of conspiracy to provide goods, funds, and services to a specially designated terrorist, and one count of conspiracy to commit money laundering.
- Abdulrahman Odeh, 49, of Patterson, New Jersey, was sentenced to 15 years in prison. He was convicted on the same counts as Abdulqader.
- HLF, now defunct, was convicted on 10 counts of conspiracy to provide, and the provision of, material support to a designated foreign terrorist organization; 11 counts of conspiracy to provide, and the provision of, funds, goods and services to a Specially Designated Terrorist; and 10 counts of conspiracy to commit, and the commission of, money laundering.

The Court reaffirmed the jury's \$12.4 million money judgment against all the defendants, with the exception of El Mezain, who was not convicted of money laundering.

From its inception, HLF existed to support Hamas. Before HLF was designed as a Specially Designated Terrorist by the Treasury Department and shut down in December 2001, it was the

largest U.S. Muslim charity. It was based in Richardson, Texas, a Dallas suburb. The “material support statute,” as it is commonly referred to, was enacted in 1996 as part of the Antiterrorism and Effective Death Penalty Act. That statute recognizes that money is fungible, and that money in the hands of a terrorist organization—even if for so called charitable purposes—supports that organization’s overall terrorist objectives.

The government presented evidence at trial that, as the U.S. began to scrutinize individuals and entities in the U.S. who were raising funds for terrorist groups in the mid-1990s, the HLF intentionally hid its financial support for Hamas behind the guise of charitable donations. HLF and these five defendants provided approximately \$12.4 million in support to Hamas and its goal of creating an Islamic Palestinian state by eliminating the State of Israel through violent jihad.

The government’s case included testimony that in the early 1990’s, Hamas’ parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread a militant Islamist message and raise money for Hamas. The government’s case also included testimony about Hamas material found in zakat committees. The defendants sent HLF-raised funds to Hamas-controlled zakat committees and charitable societies in the West Bank and Gaza. Zakat is an Arabic word referring to the religious obligation to give alms.

HLF became the chief fundraising arm for the Palestine Committee in the U.S. created by the Muslim Brotherhood to support Hamas. According to a wiretap of a 1993 Palestine Committee meeting in Philadelphia, former HLF President and CEO Shukri Abu Baker, spoke about playing down their Hamas ties in order to keep raising money in the U.S. Another wiretapped phone call included Abdulrahman Odeh, HLF’s New Jersey representative, referring to a suicide bombing as “a beautiful operation.”

The government also presented evidence that several HLF defendants have family members who are Hamas leaders, including Hamas’ political chief, Mousa Abu Marzook, who is married to a cousin of Ghassan Elashi, HLF’s former Chairman of the Board. Ghassan Elashi, who also served as the vice-president of marketing for Infocom Corporation, is currently serving an 80-month sentence following his conviction on several charges related to export violations. Mohammed El-Mezain was HLF’s Director of Endowments and Mufid Abdulqater was a major HLF fundraiser. Two named defendants, Akram Mishal and Haitham Maghawri are fugitives.

The defendants provided financial support to the families of Hamas martyrs, detainees, and activists knowing and intending that such assistance would support the Hamas terrorist organization. Since 1995, when it first became illegal to provide financial support to Hamas, HLF provided approximately \$12.4 million in funding to Hamas through various Hamas-affiliated committees and organizations located in Palestinian-controlled areas and elsewhere.

During trial, the government also presented evidence that HLF was so concerned about investigators uncovering the group’s intentions that they kept a manual entitled “The Foundation’s Policies and Procedures.” HLF followed various security procedures outlined in the manual to include hiring a security company to search the HLF for listening devices, ordering defendant Haitham Maghawri, a fugitive, to take training on advanced methods in detecting wiretaps, shredding documents after board meetings, and maintaining incriminating documents in off-site locations.

The case was investigated by the Joint Terrorism Task Force, involving agents from federal, state, and local agencies including: FBI, IRS - Criminal Investigation, U.S. Immigration and Customs Enforcement (ICE), Department of State, U.S. Secret Service, U.S. Army Criminal Investigation Division, the Texas Department of Public Safety, and the Dallas, Plano, Garland and Richardson, Texas, Police Departments. In addition, the Department of Justice Criminal Division’s Asset Forfeiture and Money Laundering Section provided assistance.

The case was prosecuted by James T. Jacks, acting U.S. Attorney; Barry Jonas, Trial Attorney for the Department of Justice Counter-terrorism Section; and Elizabeth J. Shapiro, Deputy Director, Federal Programs Branch, Department of Justice, serving as a Special Assistant U.S. Attorney.

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