

February 12, 2025

The Honorable Scott Bessent
Secretary, United States Department of the Treasury

Lisa Palluconi
Director, Office of Foreign Assets Control

United States Department of the Treasury
Treasury Annex / Freedman's Bank Building
1500 Pennsylvania Avenue, NW
Washington, DC 20220

On behalf of the undersigned organizations, Zachor Legal Institute (“Zachor”), a non-profit civil rights advocacy organization focused on combating antisemitism and terror, hereby submits this request, which serves as a follow-up to our request made on October 23, 2024 (the “Original Request”).

On October 15, 2024, the United States Department of the Treasury (“Treasury”) took a long overdue step in fighting terror by adding the Samidoun Palestinian Prisoner Network (“Samidoun”) and its leader Khaled Barakat to the Office of Foreign Assets Control (“OFAC”) Specially Designated Nationals (“SDN”) list (the “Samidoun Designation”) for their support of the designated foreign terror organization Popular Front for the Liberation of Palestine (“PFLP”).¹

In the Original Request, we asked then-Treasury Secretary Janet Yellen to take the actions outlined below. In light of the change in administration and the appointment and confirmation of Secretary Bessent, we are now submitting this request, hopeful that the new administration’s focus on combating terrorism will ensure prompt attention and action.

In short, when Israel investigated a number of faux humanitarian groups, it named Samidoun as well as six other groups as affiliates of terror organizations,² collectively referred to as the “Six Plus One Organizations.”

¹ Gabe Kaminsky, *Treasury Department Sanctions Group Linked to Palestinian Terrorism*, WASH. EXAMINER (Oct. 15, 2024), available at <https://www.washingtonexaminer.com/policy/foreign-policy/3189782/treasury-sanctions-palestinian-terrorism/>. See, also, <https://ofac.treasury.gov/recent-actions/20241015>

² "The Minister of Defense Designated Six Organizations of the 'Popular Front for the Liberation of Palestine' as Terror Organizations." National Bureau for Counter Terror Financing. Last modified October 21, 2021. <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

Now that Treasury has officially listed Samidoun as an SDN, we request that you consider similar action for the remaining six organizations. While these organizations are less recognized in the United States, there is strong evidence indicating that they are integral to the network supporting Palestinian terrorism and warrant the same SDN designations as Samidoun.

Since 2018, Zachor has alerted the federal government to a network of organizations, including the Boycott, Divestment, and Sanctions Movement (“BDS”), which have been linked to groups supporting designated terrorist organizations. According to the Israeli Ministry of Strategic Affairs³, one of the members of the managing entity of BDS, the Council of National and Islamic Forces in Palestine, includes U.S.-designated terror groups like Hamas, Islamic Jihad, and PFLP.⁴

Similarly, the Palestinian Arab organization Fatah has identified Addameer as an affiliate of the PFLP⁵. Al-Haq, whose director Shawan Jabarin has been legally linked to PFLP, continues to operate despite credit cards blocking donations due to its terror ties.⁶ Additionally, the Union of Palestinian Women Committees has been recognized by Fatah, USAID, and others as a PFLP affiliate, with Israeli investigations revealing connections with PFLP.⁷

The Samidoun Designation was an important step, given the ongoing concerns about Palestinian terror support in the United States, which Zachor and many of the other signatories hereto have advocated on behalf of for years. We urge that Treasury undertake the necessary steps to investigate these connections and take appropriate action based on its findings.

Zachor’s Prosecution Request Under RICO Act for BDS Affiliates

On July 12, 2018, Zachor sent a prosecution request (the “2018 RICO Letter”) to then-Attorney General Jeff Sessions, outlining the affiliations of BDS-linked groups and their material support for designated foreign terrorist organizations. The letter called for prosecution under the Racketeer Influenced and Corrupt Organizations Act (“RICO”) for, *inter alia*, providing material support to the designated foreign terror organizations PFLP, Hamas and Hezbollah in violation of 18 U.S.C. § 2339B.⁸

³ Government of Israel. (n.d.). De-legitimization: Terrorists in suits. https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf

⁴ David M. Halbfinger, Is B.D.S. Anti-Semitic? A Closer Look at the Boycott Israel Campaign, THE NEW YORK TIMES (July 27, 2019), available at <https://www.nytimes.com/2019/07/27/world/middleeast/bds-israel-boycott-antisemitic.html>.

⁵ https://web.archive.org/web/20150924010641/http://www.fatehorg.ps/index.php?action=show_page&ID=11455&lang=ar

⁶ <https://www.uklfi.com/credit-card-donations-to-terrorist-linked-ngos-terminated>

⁷ <http://www.miftah.org/Display.cfm?DocId=25596&CategoryId=5>

⁸ Letter from Zachor Legal Institute to Attorney General Jeff Sessions dated July 12, 2018, available at <https://zachorlegal.org/wp-content/uploads/2018/11/Final-DOJ-Letter.pdf?189db0&189db0>. This letter identified

The 2018 RICO Letter referenced Samidoun 65 times and included an entire report on the group as an exhibit. Despite no public action from the Department of Justice (“DOJ”), Zachor followed up with a second request regarding Palestinian terror group involvement in the 2020 George Floyd riots.⁹ Again, the DOJ took no publicly announced action.

Zachor’s Prosecution Request and Investigation into PFLP Proxies

In 2022, Zachor sent another prosecution request to the DOJ (the “2022 PFLP Proxies Letter”), this time under the leadership of Attorney General Merrick Garland, focusing on the terror support activities of the Six Plus One Organizations for the PFLP and other terrorist groups.

“In February 2021, the Israeli Ministry of Defense designated the Seven PFLP Proxies as illegal terrorist groups¹⁰ that act on behalf of the PFLP, an entity that the United States Department of State has designated as a foreign terrorist organization since October 8, 1997.¹¹ The Seven PFLP Proxies are

1. *The Samidoun Palestinian Prisoner Solidarity Network (“**Samidoun**”);*
2. *The Union of Palestinian Women’s Committees (“**UPWC**”);*
3. *ADDAMEER - Prisoner Support and Human Rights Association (“**Addameer**”);*
4. *Bisan Center for Research and Development (“**Bisan**”);*
5. *Al-Haq Organization (“**Al Haq**”);*
6. *Defense for Children International – Palestine (“**DCI-P**”); and*
7. *Union of Agricultural Work Committees (“**UAWC**”).”*

These designations were based on a Shin Bet investigation and report (the “Shin Bet Report”) which relied on insider testimony and led to raids of several offices in August 2022. While the Shin Bet Report has not been publicly disclosed, parts of it were leaked online¹² and the Shin Bet is believed to have uncovered further evidence of how these organizations facilitate terror activities, including fundraising, support, and recruitment for the PFLP.

BDS affiliated groups including Students for Justice in Palestine, American Muslims for Palestine and the Muslim Students Association as being actively involved in providing material support to foreign terror organizations.

⁹ Letter from Zachor Legal Institute to Attorney General William Barr, dated July 8, 2020, available at <https://zachorlegal.org/wp-content/uploads/2020/09/DOJ-letter-re.-BLM-Riots-Sent-to-DOJ-on-July-8-2020-1.pdf>.

¹⁰ Samidoun was designated as a terror organization in February 2021. <https://nbctf.mod.gov.il/en/Pages/SamidounEN.aspx>. UPWC, Addameer, Bisan, Al Haq, DCI-P and UAWC were each designated as a terror organization in October 2021. <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

¹¹ <https://www.state.gov/foreign-terrorist-organizations/>.

¹² Adam Kredo and Matthew Foldi, *Here’s Why Israel Designated Six Palestinian Charities as Terror Groups*, THE WASHINGTON FREE BEACON (Dec. 6, 2021), available at <https://freebeacon.com/national-security/document-heres-why-israel-designated-six-palestinian-charities-terror-groups/>.

The 2022 PFLP Proxies Letter also led to a law review article by Zachor’s founder discussing the applicability of the Justice Against Sponsors of Terrorism Act (the “JASTA Law Review Article”), emphasizing aiding and abetting liability for organizations that support terrorist groups, even if they are not designated as terror organizations themselves.¹³ Importantly, the JASTA Law Review Article used Samidoun, which had not been designated as an SDN at the time the article was written, as an example of how SDNs use faux charities as fronts for fundraising. Since courts still apply aiding and abetting liability in a very narrow fashion, it is critical that Treasury designate proxies as SDNs to ensure that terror financing is aggressively curtailed.

Request for SDN Designation of the Remaining PFLP Terror Proxies

The same factual predicates that led to the Samidoun Designation apply to the six other members of the Six Plus One Organizations (UPWC, Addameer, Bisan, Al Haq, DCI-P and UAWC, collectively being the “Remaining PFLP Terror Proxies”).

The press release issued by Treasury on October 15, 2024 clearly explained the justification for the Samidoun Designation, which is remarkably similar to the analysis outlined in explicit detail in Zachor’s 2018 RICO Letter as well as our 2022 PFLP Proxies Letter:

Organizations like Samidoun masquerade as charitable actors that claim to provide humanitarian support to those in need, yet in reality divert funds for much-needed assistance to support terrorist groups,” said Acting Under Secretary of the Treasury for Terrorism and Financial Intelligence Bradley T. Smith. “The United States, together with Canada and our like-minded partners, will continue to disrupt those who seek to finance the PFLP, Hamas, and other terrorist organizations.”¹⁴

As outlined in the JASTA Law Review Article, the operations of the Six Plus One Organizations are interconnected. These organizations play a game of “Whac-A-Mole” with regulators, one organization popping up to take over the activities of any other that has been subjected to legal scrutiny. We’ve seen this happen many times over the years, with the Holy Land Foundation prosecution being the best example of how foreign terror organizations like Hamas

¹³ Marc A. Greendorfer and Nadav Machol, *Judicial Aiding and Abetting of Terror*, 43 REV. BANKING & FINANCIAL L. 2024 (forthcoming). This law review article outlines the terror support provided by the Six Plus One Organizations and argues that the Justice Against Sponsors of Terrorism Act’s aiding and abetting liability provisions apply to the organizations.

¹⁴ Press Release from the United States Department of Treasury (Oct.15, 2024), available at <https://home.treasury.gov/news/press-releases/jy2646>.

simply shift their U.S. fundraising and support operations over to new front organizations when the government shuts down existing front groups.¹⁵

The 2022 PFLP Proxies Letter described how the PFLP inserts operatives to control the activities of the faux charities/humanitarian organizations, turning them into puppets that are controlled directly by the PFLP to engage in wire fraud, money laundering and the provision of material support to foreign terror organizations.¹⁶

Publicly available sections of the Shin Bet Report show how the PFLP uses civil society institutions to divert funds intended for humanitarian purposes to support terrorist activities. These groups work in coordination as a humanitarian front, essential to the PFLP's core mission of terrorism.¹⁷

Since the October 7, 2023 Hamas terror attack on Israel, BDS aligned groups have swarmed the United States, expressing support for Hamas, Hezbollah and the PFLP.¹⁸ These groups have been associated with funding and logistical support from forces seeking to destabilize the United States and turn American streets and campuses into the next terror front. In fact, a recent news report found that representatives from Samidoun were involved in the violent antisemitic protests at Columbia University in support of Hamas.¹⁹

¹⁵ See, e.g., Dr. Jonathan Schanzer, *From Ivory Towers to Dark Corners: Investigating the Nexus Between Antisemitism, Tax-Exempt Universities and Terror Financing*, Testimony Before the House Ways and Means Committee (Nov. 15, 2023), available at <https://gop-waysandmeans.house.gov/wp-content/uploads/2023/11/Schanzer-Testimony.pdf> (“Historically, Hamas supporters have abused the U.S. financial system to send millions of dollars overseas. From 1989-2001, one such network raised millions of dollars for Hamas through a Texas-based charity known as the Holy Land Foundation for Relief and Development. In December 2001, U.S. authorities raided HLF and froze its assets. Ultimately, five individuals were convicted and sent to prison for providing material support to Hamas. This network was tenacious, however. Its members created a new entity in a different state and with a different name — but with the same goals, fundraising apparatus, and personnel.”)

¹⁶ For more detailed information on the connections between the Remaining PFLP Proxies and PFLP, please see <https://clarionproject.org/army-of-ngos/> and <https://www.ngo-monitor.org/reports/pflp-ties-six-newly-designated-terror-ngos/>.

¹⁷ Adam Kredo and Matthew Foldi, *Here's Why Israel Designated Six Palestinian Charities as Terror Groups*, THE WASHINGTON FREE BEACON (Dec. 6, 2021), available at <https://freebeacon.com/national-security/document-heres-why-israel-designated-six-palestinian-charities-terror-groups/>.

¹⁸ Government of Israel. (n.d.). De-legitimization: Terrorists in suits. https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf

¹⁹ Adam Kredo and Jessica Costescu, *The US Sanctioned an Anti-Israel Group for Backing Terrorists. Months Ago, Its Leaders Were Hobnobbing With Columbia University Students*, THE WASHINGTON FREE BEACON (Oct. 17, 2024), available at <https://freebeacon.com/israel/the-us-sanctioned-an-anti-israel-group-for-backing-terrorists-months-ago-its-leaders-were-hobnobbing-with-columbia-university-students/>.



The Samidoun Designation was only the tip of the terror support iceberg and without further action to disrupt support for designated foreign terror organizations, there is significant concern that the activities once conducted by Samidoun may shift over to the Remaining PFLP Terror Proxies and other elements of BDS.

Moreover, there are concerns that the Six Plus One Organizations may provide material support to the PFLP and possibly other terror organizations such as Hamas and Hezbollah. It is now time for the Remaining PFLP Terror Proxies, as well as any BDS affiliate that operates in a similar manner, to be investigated for potential designation by OFAC as SDNs.

We also draw attention to the need for reform of both the process of adding alter egos to the SDN list and the abuse of fiscal sponsorship rules. As Zachor explained in an October 2023 memorandum sent to the House Foreign Affairs and Ways and Means Committees (attached hereto as Exhibit A and titled “How Designated Foreign Terror Organizations Exploit Loopholes in Anti-Terror Financing Laws and Rules and Recommendations to Close the Loopholes”), foreign terror organizations are sophisticated actors who hijack 501(c)(3) entities through fiscal sponsorship loopholes to raise funds in the United States and use easily created alter egos to evade being identified on sanctions lists.

We urge you, as the new Secretary of the Treasury, to take decisive action to investigate and address any remaining gaps in countering terror financing, especially given the previous administration's less effective approach to this critical issue.

The undersigned therefore request that Treasury include the Remaining PFLP Terror Proxies to the SDN list.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc A. Greendorfer', written in a cursive style.

Marc A. Greendorfer
President of Zachor Legal Institute

Academic Council for Israel
Amariah
AMCHA
Americans Fighting Antisemitism
ARISE Foundation
Atlanta Israel Coalition
Average Muhammad

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Davis Faculty for Israel
DiploAct
Documenting Jew Hatred on Campus (DJHC)
Endowment for Middle East Truth (EMET)
Fuente Latina
Grandchildren of Holocaust Survivors
Hasbara Fellowships
ICAN: Israeli-American Civic Action Network
Indigenous Coalition for Israel
IBSI – Institute for Black Solidarity with Israel
Israeli-American Civic Education Institute
Jewish TV
Lawyers Combating Antisemitism
Middle East Forum
Religious Zionists of America – Mizrachi
National Jewish Advocacy Center
North Carolina Coalition for Israel
One Israel Fund
Persian American Civic Action Network
Proclaiming Justice to the Nations
Rhode Island Coalition for Israel
Shurat HaDin
StandWithUs Saidoff Legal Department
Stop Antisemitism
Students and Faculty for Equality at SUNY
The Deborah Project
The Jewish Leadership Project
The Orthodox Jewish Chamber of Commerce
THINC
Time to Stand Up for Israel
UK Lawyers for Israel (UKLFI)
Zionist Advocacy Center

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Exhibit A

Memorandum: How Designated Foreign Terror Organizations Exploit Loopholes in Anti-Terror Financing Laws and Rules and Recommendations to Close the Loopholes.

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