

**THE SECRETARY OF STATE
WASHINGTON**

April 4, 1997
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Dear Madam Attorney General:

I am writing to inform you that I have determined that the entry, continued presence, or activities in the United States of Mousa Mohammed Abu Marzook (born February 9, 1951, in Gaza) would have potentially serious adverse foreign policy consequences for the United States and would compromise a compelling United States foreign policy interest. My determination is based on the following considerations.

The fight against international terrorism is one of this nation's highest foreign policy priorities. The United States is taking a leading role in international efforts, both bilateral and multilateral, to combat terrorism. Central to this policy is the effort to identify terrorists and to deny them safe haven.

The promotion of a peaceful resolution of outstanding issues between Israel and the Palestinians is also one of this country's highest foreign policy priorities. As the primary sponsor of this negotiating effort, the United States has devoted significant diplomatic, political and economic support to facilitate progress and protect the negotiations against assaults from the enemies of peace. The President and I have been continuously and intensely involved in this effort.

The vital nature of the twin goals of fighting terrorism in the Middle East and promoting the peace process there is reflected in President Clinton's issuance of an executive order (E.O. 12947) on January 23, 1995, to block assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and to prohibit financial transactions with these groups. The President, in issuing the order, found specifically that "grave acts of violence committed by foreign terrorists that

The Honorable
Janet Reno,
Attorney General.

disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States." The HAMAS organization was designated in the executive order as a terrorist organization that has committed or poses a significant risk of committing acts of violence that have the purpose or effect of disrupting the Middle East peace process. Similarly, Mr. Marzook, who acknowledges that he is a top official of HAMAS, has been declared a "Specially Designated Terrorist" under the authority of the executive order by virtue of his actions on behalf of HAMAS. All assets of both HAMAS and Mr. Marzook in the United States are blocked, and financial transactions with each are prohibited unless authorized by the Department of the Treasury's Office of Foreign Assets Control.

Additionally, during the course of recent extradition proceedings against Mr. Marzook initiated at the request of the Government of Israel, two U.S. courts found probable cause that he was criminally responsible for ten specific, grave incidents of terrorism in and around Israel before his arrival in the United States. Judge Duffy stated:

"I find that there is probable cause to believe Abu Marzook engaged in and intended to further aims of the conspiracy by his membership in and support of the HAMAS organization. I also find that probable cause exists that Abu Marzook knew of HAMAS's plan to carry out violent, murderous attacks, that he selected the leadership and supplied the money to enable the attacks to take place, and that such attacks were, therefore, a foreseeable consequence of the conspiracy."

Judge Wood, in her ruling, found that "the evidence [Judge Duffy] relied upon is more than sufficient to sustain his ruling," noting as an example Mr. Marzook's public acceptance of responsibility on behalf of HAMAS for an October 9, 1994, attack in a pedestrian mall in downtown Jerusalem.

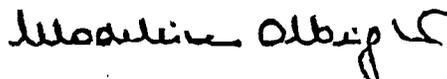
(Although the Government of Israel subsequently suspended its extradition request, the Government of Israel has not dropped its criminal charges against Mr. Marzook for these incidents. The Government of Israel explained that it was deactivating its request at this time as an effort to foster an atmosphere in which renewal of Palestinian efforts against terrorism can be obtained and the negotiating process placed back on track.)

Mr. Marzook's entry, presence and activities in the United States would seriously undermine compelling foreign policy objectives in the Middle East and in the fight against terrorism. The credibility of United States policies would be jeopardized if a prominent leader of a designated terrorist organization were allowed to reside in the United States. This in turn would undermine our ability to seek cooperation from others in denying terrorists safehaven. Moreover, this is a particularly crucial moment in the Middle East peace process, when senior United States officials are making a maximum effort to secure cooperation in the fight against HAMAS terrorism and to resume the negotiating process. It would be highly damaging to this effort to admit Mr. Marzook to the United States.

There is also a clear risk that if Mr. Marzook is allowed to remain in the United States he will engage in activities inimical to United States foreign policy interests. For example, the category of "Specially Designated Terrorist" was developed pursuant to the authority of the Executive Order in part to address a serious concern that such individuals would engage in transactions in the United States in support of terrorist activities. This risk is confirmed in this case by the probable cause findings of two courts that Mr. Marzook bears criminal responsibility for specific past HAMAS acts of terrorism. In sum, United States foreign policy objectives would be severely undermined if Mr. Marzook used the United States as a base from which to provide assistance to HAMAS, an organization whose goals are currently totally antithetical to U.S. objectives in the Middle East, and the restrictions imposed on him under the executive order cannot be relied upon to preclude this result.

My determination is made pursuant to Sections 212(a)(3)(C) and 241(a)(4)(C) of the Immigration and Nationality Act, as those sections were designated prior to April 1, 1997 (8 U.S.C. 1181(a)(3)(C) and 1251(a)(4)(C)), and Sections 212(a)(3)(C) and 237(a)(4)(C) of the Act as in effect since that date (8 U.S.C. 1182(a)(3)(C) and 1227(a)(4)(C)). I request that you take all reasonable steps to ensure that Mr. Marzook is not admitted to or permitted to remain in the United States.

Sincerely,



Madeleine K. Albright