

October 7 Civil Litigation in American Courts

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The October 7, 2023, massacres were the worst mass-murder of Jews since the Holocaust. In the years since, thousands of young Israelis have risked their lives seeking to uproot Hamas and rescue the hundreds of men, women, and children taken hostage into Gaza's tunnels. At the same time, another front has opened in the United States – civil counterterrorism litigation against the enablers of the October 7 and subsequent attacks.

My firm, Osen LLC, together with our co-counsel firms Willkie Farr & Gallagher LLP and Stein Mitchell Beato & Missner LLP, have brought three such suits on behalf of hundreds of victims of the October 7 attacks. The aim of these suits is not just to hold supporters of terrorism accountable, but also to expose previously unknown support vectors for Hamas.

The first suit, *Shalom v. Masri*,¹ alleges that Palestinian-American billionaire Bashar Masri and the companies he controls were helping to build and conceal Hamas's tunnel network beneath his Gazan properties. The suit is especially significant because it illustrates how any civic development in Gaza – in this case directed by a darling of Western elite circles and using American taxpayer money – can serve Hamas's terrorist ends until it is ousted from the Strip. The second suit, *Weiser v. Islamic Republic of Iran*,² contains allegations based on documents seized by the IDF in Gaza showing Hamas's coordination with Iran on what Yahya Sinwar called the "Big Project." And in November 2025, we filed the third suit, *Balva v. Binance Holdings Ltd.*, against the world's largest cryptocurrency exchange, which admitted in 2023 to servicing Hamas-linked "wallets" on its platform.³

With the support described in these cases, Hamas was not only able to launch an unprecedented attack on Israel but also carry on years of guerrilla warfare against the Jewish State while strategically immiserating Gazan civilians. That support allegedly enabled Hamas to build its vast tunnel network, dubbed the "Gaza metro," which ran for hundreds of miles throughout the Strip and crossed into Israel. These were not hand-hewn tunnels – they were constructed primarily with reinforced concrete and powered by electricity; they included sleeping quarters, communications infrastructure, command centers, and even roads. As Daphné Richemond-Barak, an underground

warfare expert, explained, "[a]ny discussion of Gaza's future is woefully incomplete without addressing Hamas's longtime underground, cross-border network of tunnels," which "has enabled Hamas to sustain its longest-ever war with Israel."⁴ Indeed, it is currently "the longest underground warfare campaign in history."⁵

The American Civil Counterterrorism Landscape

American civil counterterrorism litigation aims to hold those who support terrorist organizations accountable to the victims of those organizations' attacks. These suits tend to focus on secondary actors because, as Judge Richard Posner explained, "[d]amages are a less effective remedy against terrorists and their organizations than against their financial angels," as suing and enforcing judgments against terrorists themselves is "well-nigh impossible."⁶

Counterterrorism lawsuits in the U.S. are generally brought under one of two federal statutes: the Anti-Terrorism Act ("ATA")⁷ and the Terrorism Exception to the Foreign Sovereign Immunities Act ("FSIA").⁸ Both statutes were designed to deter supporting terrorism. Congress intended the ATA, which imposes treble

1. *Shalom v. Masri*, No. 25-cv-01024 (S.D. Fla. Aug. 26, 2025), available at <https://dockets.justia.com/docket/florida/flsdce/1:2025cv23837/696019>
2. *Weiser v. Islamic Republic of Iran*, No. 24-cv-03244 (D.D.C. Nov. 17, 2024), available at <https://dockets.justia.com/docket/district-of-columbia/dcdce/1:2024cv03244/274948>
3. No. 25-cv-00266 (D.N.D., Nov. 24, 2025), available at <https://dockets.justia.com/docket/north-dakota/nddce/3:2025cv00266/70568>
4. Daphné Richemond-Barak, "Earth, Sun, and Water: The Elements that Fuel Hamas's Tunnels," *SMALL WARS JOURNAL* (July 3, 2025), available at <https://smallwarsjournal.com/2025/07/03/earth-sun-and-water-the-elements-that-fuel-hamass-tunnels/>
5. *Id.*
6. *Boim v. Holy Land Foundation for Relief & Dev.*, 549 F.3d 685, 690-91 (7th Cir. 2008) (en banc).
7. 18 U.S.C. § 2333.
8. 28 U.S.C. § 1605A.

damages, to hit terrorists “where it hurts them the most: at their lifeline, their funds.”⁹ And as a federal court explained, the Terrorism Exception to the FSIA explicitly includes punitive damages, which “serve to punish and deter” providing material support for terrorist acts, which are “among the most heinous the Court can fathom.”¹⁰

Moreover, Congress broadened the ATA – or at least attempted to – in 2016 to ensure it reached all those who assist terrorists. The Seventh Circuit had held in 2008 that the ATA’s “statutory silence on the subject of secondary liability means there is none.”¹¹ While that decision explained that the ATA’s civil cause of action still had “the *character* of secondary liability” and “expressly imposed liability on a class of aiders and abettors,”¹² the decision threatened to limit the ATA’s reach. Eventually, Congress responded with the Justice Against Sponsors of Terrorism Act (“JASTA”),¹³ which, among other things, explicitly added civil aiding and abetting and conspiracy liability to the ATA.

JASTA’s text makes clear that Congress intended to ensure that the ATA’s scope reached all persons who knowingly and substantially assist terrorists targeting Americans:

The purpose of this Act is to provide civil litigants with the *broadest possible basis*, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.¹⁴

Despite this language, however, many courts took alarmingly restrictive views of JASTA. The Supreme Court finally weighed in seven years later, holding that while JASTA requires “conscious and culpable conduct,” it does not require direct or intentional support to acts of terrorism: “people who aid and abet a tort can be held liable for other torts that were ‘a foreseeable risk’ of the intended tort.”¹⁵

Since October 7, 2023, U.S. law firms have filed over a dozen ATA and FSIA suits against Hamas’s alleged supporters. A number of these include FSIA suits against Iran, Hamas’s primary state sponsor, and Syria. (Other state actors like Qatar are not U.S.-designated “state sponsors of terrorism” and therefore cannot be sued under

the FSIA’s Terrorism Exception.) Iran generally does not appear in these cases to defend itself, so obtaining a judgment is relatively straightforward. Enforcing a judgment, however, is another story. With no assets in the United States, judgment holders must generally rely on a Congressionally established victims’ fund,¹⁶ which pays only a small percentage of compensatory damages and entirely excludes punitive damages.

As for the ATA suits, several focus on the cryptocurrency exchange Binance, including Balva, described above.¹⁷ Other suits target UNRWA, the UN agency accused of essentially working as a Hamas front in the Palestinian territories;¹⁸ the Associated Press, which allegedly employed Hamas “reporters” who participated in the October 7 attacks;¹⁹ and allegedly terror-linked American Palestinian “advocacy” organizations like American Muslims for Palestine, Students for Justice in Palestine, and Jewish Voice for Peace. These cases, if they survive initial motions to dismiss them, will likely remain pending for years due to the often glacial pace of federal dockets.

9. 136 Cong. Rec. S14279-01 (daily ed. Oct. 1, 1990); 137 Cong. Rec. S4511-04 (daily ed. Apr. 16, 1991) (statement of Sen. Grassley).

10. *Murphy v. Islamic Rep. of Iran*, 740 F. Supp. 2d 51, 80 (D.D.C. 2010).

11. *Supra* note 6, at 689.

12. *Id.* (emphasis added).

13. Pub. L. 114-222, 130 Stat. 852 (2016).

14. JASTA § 2(b) (emphasis added).

15. *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 496 (2023).

16. Specifically, the United States Victims of State Sponsored Terrorism Fund, 34 U.S.C. § 20144.

17. The recently-filed Balva is not discussed herein, but for more *see* Stacey Cowley, “Hamas Victims’ Families Sue Binance, Accusing It of Aiding Terrorism,” N.Y. TIMES (Nov. 25, 2025), available at <https://www.nytimes.com/2025/11/25/business/binance-hamas-terrorism.html>; and Andrew Bernard, “Oct. 7 victims sue Binance for funding Hamas, other terror groups,” JEWISH NEWS SYND. (Nov. 25, 2025), available at <https://www.jns.org/oct-7-victims-sue-binance-for-funding-hamas-other-terror-groups/>

18. *Lavi v. UNRWA USA Nat’t Comm. Inc.*, No. 24-cv-00312 (D. Del. Mar. 8, 2024).

19. *Newman v. The Associated Press*, No. 24-cv-20684 (S.D. Fla. Feb. 21, 2024).

Shalom v. Masri

Our first case alleges that Bashar Masri and several companies under his control knowingly supported Hamas’s attack tunnel infrastructure in Gaza. Masri is one of the richest Palestinians in the world. He has friendly ties with both the current and prior administrations in Washington and has reportedly served as a “mediator” between Hamas and the West; he has been named as a potential leader in a future Palestinian government. Prior to our filing of *Shalom*, he served as a member of the Deans’ Council of Harvard’s Kennedy School of Government. He has since resigned that seat, and a Kennedy School representative acknowledged that our suit “raises serious allegations.”²¹

Masri owns a myriad of companies. The Palestine Development & Investment Company (“PADICO”) is named in this suit as are two of its subsidiaries and an investment holding company. Properties operated by these companies include Gaza’s (formerly) ritzy Blue Beach and Al Mashtal hotels and the Gaza Industrial Estate – all of which have been destroyed in the fighting in Gaza.

The hotels had regularly hosted foreign dignitaries and Hamas officials. A news video shows the head of Egyptian intelligence visiting the hotel accompanied by his heavily armed entourage. Greeting him at the entrance of the hotel are Yahya Sinwar, the principal architect of the October 7 massacres, and Khalil al-Hayya, a member of Hamas’s current Political Bureau based in Qatar. The letters “UN” and “EU” were painted in massive letters on the roof of the Al Mashtal Hotel, intended to dissuade Israel from striking the hotel which served as a periodic Hamas command center and cover for multiple rocket-launching sites nearby.

Hamas’s use of the hotels extended far beyond merely utilizing their facilities. Attack tunnels ran between the hotels and extended from the hotel properties to the beach, as well as to the neighboring Qassam Brigades’ base and training facility where Hamas trained its fighters to launch its amphibious assaults on October 7.²² Additional tunnels also led to nearby Hamas rocket launching sites, with a 2014 aerial photograph showing a launch site located on the Al-Mashtal grounds.

Following October 7, Hamas used the hotels as a strategic “kill zone” intended to ambush Israeli forces that would inevitably target the nearby Qassam Brigades base. The IDF announced that it located and destroyed “a Hamas terrorist quarters under the Blue Beach Hotel,” which was used by Hamas to “plan and execute attacks both above and below ground.”²³ The IDF further reported that “during the course of combat, dozens of Hamas

terrorists entrenched in the hotel fired anti-tank missiles at IDF forces, who returned fire” and eliminated the terrorists.²⁴

Masri’s properties also included the Gaza Industrial Estate, a large industrial facility on Israel’s border, about one mile from the Nahal Oz kibbutz. The estate was billed as a model of success for developing Gaza, housing local businesses and providing thousands of jobs. At the same time, it housed and shielded Hamas infrastructure. For example, in 2018, the IDF discovered and destroyed an attack tunnel originating from the estate and extending under the Gazan border into Israel.²⁵

Despite multiple pre-October 7 IDF strikes targeting Hamas assets on the premises, the Gaza Industrial Estate allegedly worked with Hamas to rebuild them. Aerial photographs of the estate from 2022 and 2023 show pergolas installed above tunnel shafts to block surveillance of Hamas’s tunnel excavation. These tunnels running under the estate were also intended to ambush IDF infantry and armor that would inevitably enter the Gaza Strip following the anticipated attacks on Israel. Hamas also installed an anti-tank battery facing Israel in a water tower situated near the entrance of the estate.

20. *Parizer v. AJP Educational Found.*, No. 24-cv-724 (E.D. Va. May 1, 2024); *Haggai v. Kiswani*, No. 25-cv-02400 (S.D.N.Y. March 24, 2025).

21. Elise A. Spenner and Tanya J. Vidhun, “Bashar Masri Resigns From HKS Dean’s Council After Suit Alleges He Aided Hamas,” *HARVARD CRIMSON* (April 11, 2025), available at <https://www.thecrimson.com/article/2025/4/11/hks-dean-council-resignation/>

22. The Izz al-Din al-Qassam Brigades constitute the “operational” arm of Hamas that carries out attacks.

23. Israel Defense Forces (@Israel Defense Forces), X (Jan. 5, 2024), available at <https://x.com/IDF/status/1743355674455613758>; see also Press Release, “Hamas Terrorist Tunnel Located Under Blue Beach Hotel in the Gaza Strip,” ISRAEL DEFENSE FORCES (Jan. 5, 2024), available at <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/january-24-pr/hamas-terrorist-tunnel-located-under-blue-beach-hotel-in-the-gaza-strip/>

24. *Id.*

25. Stuart Winer, “IDF destroys ‘longest and deepest’ Hamas cross-border attack tunnel,” *TIMES OF ISRAEL* (April 15, 2018), available at <https://www.timesofisrael.com/idf-destroys-hamas-cross-border-attack-tunnel-extending-into-israel/>

According to the lawsuit, Masri himself actively collaborated with Hamas. For example, PADICO's website displays a picture of Masri posing with a Hamas official at the signing of an agreement to rebuild parts of the estate following prior IDF strikes. Also present at the signing was Abdel Fattah Zari'i, then Hamas's Deputy Minister of Economy. According to the IDF, Zari'i "served as an operative in Hamas's manufacturing division," which was responsible for "increas[ing] Hamas's weapons capabilities"; he also played a "significant role in directing Hamas's efforts to seize control of humanitarian aid entering the Gaza Strip."²⁶ He was killed in an Israeli airstrike in 2024.

The lawsuit also alleges that Masri and his companies supplied critical electricity to the tunnel network using solar energy systems funded by the World Bank. Hamas's attack tunnel systems rely on a constant supply of electricity. As Professor Richemond-Barak explained, "[u]nlike the improvised tunnels used in prison escapes, Hamas's tunnels are intended for prolonged use, weapon manufacturing, and equipment and weapons storage. These types of tunnels cannot fulfill their functions without ventilation, lighting, and sewage."²⁷

Masri, using his long-cultivated image as an American-Palestinian moderate, "visionary investor," and "green energy" advocate, led a campaign to secure World Bank funding for a massive solar energy project on the estate's rooftops. Specifically, the defendants approached the International Finance Corporation ("IFC"), a component of the World Bank. According to the IFC, the United States is its "largest shareholder," contributing funds "with a historic focus on investment climate reform, private sector development, and solar energy"²⁸ – that is, American taxpayers funded Masri's solar project. The defendants pitched the project as providing green power to the estate's commercial tenants with any excess energy routed to Gaza's troubled electrical grid. They secured the funding and built a solar array of more than 21,000 solar cells on the roofs of the estate. However, the lawsuit maintains that the defendants siphoned energy off into the attack tunnels instead of benefiting the neighboring communities that suffered from frequent energy shortages.

Hamas also allegedly used the estate as a key staging area for launching the October 7 attacks. Two weeks prior, Hamas organized a protest at the Gazan border in front of the estate. These periodic protests were primarily aimed at drawing media attention, but were also important tactics to test Israeli border defenses and response times.

In the early hours of October 7, 2023, Hamas terrorists gathered in a neighborhood near the estate and headed

toward the Karni crossing sector adjacent to the estate as part of what Hamas dubbed "Operation 402." One group of terrorists traveled in pairs on motorcycles. Other groups of engineers, positioned near the north end of the estate, were tasked with breaching the border fence and walled perimeter. Additional contingents composed of platoons from various terrorist organizations followed in trucks and other vehicles.

At 6:29 a.m., both kibbutz Nahal Oz and the neighboring IDF base were hit with rocket and mortar shells launched from Gaza. The shelling destroyed several houses and knocked out the kibbutz's electrical power. A few minutes after 7 a.m., five motorcycles had reached the perimeter of the kibbutz. Over the next several hours, Hamas terrorists infiltrated the kibbutz, killing fourteen civilians, one police officer, and three soldiers, and kidnapping nine civilians before they were repulsed by the IDF. In the assault on the IDF army base, Hamas and other terrorist groups killed 50 IDF soldiers and took ten as hostages, including soldier Itay Chen, whose family members are among the plaintiffs in the case.

The IDF soon struck back at the estate. While the IDF would ordinarily avoid attacking an internationally funded site, the estate posed a serious threat to the anticipated ground invasion of Gaza. According to the complaint, the estate's tunnel network was intentionally situated along important access roads with the aim of ambushing IDF armor and infantry entering Gaza, so special approvals were granted for targeted airstrikes on these installations in the days immediately following October 7.

In an interview with *Yediot Ahronot*, Masri responded to the lawsuit: "At the entrance to Gaza, I pass between Hamas operatives. It could be 'Wait here' or 'Welcome, come right in.' So, they're in charge of everything, and what choice do you have? Whether to give Hamas more strength or to abandon our Gazan employees?"²⁹ Masri appears to argue that he had no choice but to

26. Emanuel Fabian, "IDF says it killed Hamas minister in Gaza who worked to expand arms, plunder aid," *TIMES OF ISRAEL* (Aug. 5, 2024), available at https://www.timesofisrael.com/liveblog_entry/idf-says-it-killed-hamas-minister-in-gaza-who-worked-to-expand-arms-plunder-aid/

27. *Supra* note 4.

28. "IFC and the United States: Partners in Private Sector Development," *WORLD BANK OKR* (March 19, 2024), available at <https://hdl.handle.net/10986/41215>

“strength[en]” Hamas – but the suit does not allege that he once capitulated to Hamas demands in the face of an imminent threat to anyone’s safety; rather, it alleges that he willingly worked with Hamas for years, providing long-term, strategic assistance.

Weiser v. Islamic Republic of Iran

Our second case alleges that Iran and Syria assisted Hamas, Hezbollah, and other terrorist groups in carrying out the October 7 massacres. Under the Terrorism Exception, U.S.-designated state sponsors of terrorism, which include Iran and (for now) Syria, lose any foreign sovereign immunity from suit if they provide “material support or resources” for acts of “extrajudicial killing” and “hostage taking,” causing a plaintiff’s injuries.³⁰ *Weiser* also brings ATA claims against Hamas and other participating terrorist groups, including Hezbollah.

Many prior cases have demonstrated Iran’s support for Hamas and Hezbollah, and the federal court in Washington D.C. (which hears most FSIA cases) has recognized these relationships dozens of times.³¹ The United States Office of the Director of National Intelligence, however, “assess[ed] that Iranian leaders did not orchestrate nor had foreknowledge of the [October 7] HAMAS attack against Israel.”³² Israel thought otherwise – a senior Israeli official told CNN that Iran “may not have known about the exact timing of the raids from Gaza, but was certainly ‘aware of the Hamas operation before it happened.’”³³

Weiser provides previously undisclosed Hamas documents, obtained by the IDF in Gaza, that appear to confirm Israel’s view. A September 2022 memorandum from Marwan Issa, deputy commander of the Qassam Brigades (killed by Israel in 2024), to Hamas’s senior leaders, Sinwar and al-Hayya, discussed cooperation with Iran, Syria, and Iran’s terror proxies (i.e., Iran’s “Axis of Resistance”) to engage in “joint activities against the Zionist occupation.” The memorandum reads: “if an open confrontation [with Israel] results ... what is needed is for the Axis of Resistance to intervene, headed by the Hezb [Hezbollah] and the other factions (Iraq, Yemen, and Syria).” It also reports that Hamas leadership “agree[s] with our Brothers in Iran that financial support of at least 7 million [U.S. dollars] per month will be approved, over the course of the year, in order to mobilize and prepare for these types of confrontations comfortably.” Another memorandum from Issa to Sinwar lists millions of dollars in Iranian payments to Hamas, including several “off-budget” payments to be made directly to Sinwar.

Other uncovered memoranda discuss removing a stumbling block between Hamas and Iran: Syria (itself

a defendant in the case). Iran and its proxy Hezbollah supported the Assad regime, affiliated with the Alawite offshoot of Shi’a Islam, whereas Hamas supported the Sunni Muslim insurgency led by the al-Qaeda affiliate al-Nusra Front. To ensure Iranian and Hezbollah support, Hamas reoriented itself toward the Assad regime. A letter from the late Hamas leader Ismail Haniyeh to key IRGC-QF commander Muhammad Said Izadi in June 2022 discussed “ideas that help build this connection” between Hamas and the Assad regime “in a way that optimizes the situation we are all in, as we are all in the same boat.” A September 2022 letter from Haniyeh to Sinwar noted that “the majority of the [Hamas] movement supports the decision” to reconcile with the Assad regime and dismissed Hamas leader Khaled Mashal’s anti-reconciliation camp: “We understand that [Mashal’s] opposition is based on personal issues and not substantive ones. If the Syrians would open the door for him, he will be running towards them.”

Finally, a 2019 memorandum from Sinwar to the Qassam Brigades’ “Human Resources Branch”³⁴ requested that operatives be nominated for scholarships to study

29. Avner Borochoy, “The Mediator,” YEDIOTH AHRONOTH (May 23, 2025), available at <https://www.ynet.co.il/economy/article/yokra14376750>

30. 28 U.S.C. § 1605(A)(a)(1).

31. *Baxter v. Syrian Arab Republic*, No. 18-cv-1078-RCL, 2022 U.S. Dist. LEXIS 127993, at *10 (D.D.C. July 19, 2022) (“Many courts within this District have found” Iran and Syria “responsible for providing material support to Hamas.”); *Lee v. Islamic Republic of Iran*, 518 F. Supp. 3d 475, 482 (D.D.C. 2021) (“In exchange for Hezbollah’s unwavering dedication to Iran and its revolutionary aims, Iran bankrolled, armed and trained Hezbollah.”).

32. “Annual Threat Assessment of the U.S. Intelligence Community,” OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Feb. 5, 2024), available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf>

33. Zachary Cohen et al., “Initial US intelligence suggests Iran was surprised by the Hamas attack on Israel,” CNN (Oct. 11, 2023), available at <https://edition.cnn.com/2023/10/11/politics/us-intelligence-iran-hamas-doubt>

34. The fact that Hamas’s operational arm had an “HR” department speaks to the sophistication of its terrorist infrastructure.

abroad in Iran. The nominees would study subjects including “engineering,” “special forces,” and “naval forces.” The memorandum even noted that these terrorist-applicants must have sufficiently good “high school grade point averages.”

Thus, Iran was strategically and financially fully invested in Hamas’s 2022 plan for “open confrontation” with Israel. Although the “Axis of Resistance” was meant to join the invasion immediately, Hamas appeared to have jumped the gun, for reasons that remain unclear.

The *Weiser* complaint also provides insight into one of the more vexing mysteries of October 7: how did Israel so profoundly fail to detect and prevent the attack? *Weiser* shows that Hamas pulled off a “double bluff” by relentlessly threatening violence while quietly indicating that it was shifting its priorities from terrorism to governance. Hamas’s constant saber-rattling with little actual serious violence suggested that the threats were only meant to appease the terrorist organization’s constituents, and Israel’s intelligence services therefore downplayed them.

For example, Hamas made repeated public references to an impending confrontation that in retrospect clearly described the October 7 attacks. In September 2021, Sinwar gave the opening remarks at a Hamas conference in Gaza, promising that Hamas is “hard at work and are making great efforts both above and below the ground, out at sea and in the skies...” Hamas openly bragged about its “joint operations rooms” in Gaza and Beirut. Hamas officials publicly met with Hezbollah’s Nasrallah, Iran’s Khamenei, and officials from the other Palestinian terrorist groups. In August 2023, Hamas’s deputy leader told Hezbollah’s television channel: “The all-out war has become an unavoidable issue, and we believe it is necessary; we want it.” He continued: “We do not talk about [the war] in public. We discuss it in closed rooms. We meet with everyone.” These publicized meetings with its allies created “noise,” effectively burying the “signal” of Hamas’s actual, secret meetings.

Meanwhile, starting in 2018, Hamas began limiting its serious attacks against Israel, mixing seemingly civilian tactics such as rioting at the security fence line on the Gaza border with low-intensity military tactics. Hamas tried to give the impression that it preferred governance over direct confrontation, and the ruse appeared to work. For example, Brigadier General Amit Sa’ar, then-chief of the Israeli Military Intelligence research division and considered Israel’s top expert on the Palestinian arena,

stated in July 2020 that “Hamas has no interest in a confrontation with Israel. It is deterred. What worries it the most is the economic situation in the Gaza Strip.” Thus, “[a]s long as [it] feels there is progress – projects, international money – Hamas will bite [its] lips.... As long as [it] thinks there is a chance and conditions for a settlement, [it] is interested in keeping the peace.” Of course, as highlighted in *Shalom v. Masri*, those “projects” were actually enhancing Hamas’s attack capabilities.

Conclusion

The *Shalom v. Masri* complaint spells out a tragic reality in Gaza: as long as Hamas is in charge, it will eagerly sacrifice the well-being of Palestinian civilians to pursue its apocalyptic war against Israel. We already know that Hamas diverted billions of dollars in foreign aid into its underground fortress and its leaders’ personal bank accounts. The *Shalom v. Masri* complaint alleges in detail how even purportedly pro-Western corporations and benefactors have worked hand-in-glove with Hamas for decades. Hamas’s eradication is thus not just a necessity for Israel’s security, but the only realistic chance for a Palestinian future free from grotesque and self-defeating violence.

The *Weiser* complaint shows that Iran’s threat to regional stability is not limited to its pursuit of nuclear weapons. Iran has spent billions on terrorism, and sanctions relief provides it with vastly more money to do so. Although Israel’s post-October 7 victories over Iran and Hezbollah were breathtaking, they do not spell the end of Iran’s commitment to embroil the region in war. Western governments must remain vigilant if they want to promote a more stable and prosperous Middle East.

In sum, these two cases seek to shed more light on two avenues of support for Hamas. While governments will at times bring other tools to bear on Hamas and its enablers, such as designations, criminal prosecutions, and diplomatic actions, those efforts have never been systematic and their track record over the past 35 years has been disappointing. Hopefully, civil litigation will play at least some small part in supplementing governmental efforts and in deterring support for Hamas. ■

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