

Hamas: A Barbaric Terror Group, Not a Legitimate Government

THE LIE

- Hamas has a “constitutional right” to rule Judea and Samaria.

THE TRUTH

- There is no constitution, law, or binding legal framework that grants Hamas the right to govern Judea and Samaria.

BACKGROUND

- In 2006, Hamas won a majority of seats in elections for the Palestinian Legislative Council (PLC), the legislative body established under the Palestinian Basic Law.
- In 2007, Hamas seized control of Gaza, while the Palestinian Authority (dominated by Fatah) retained control over Palestinian governance in Judea, Samaria, and parts of eastern Jerusalem.
- In December 2025, Hamas published a manifesto claiming it has a “constitutional right to form the government in both Gaza and the West Bank.” ([Hamas](#))
- The term “West Bank” refers to Judea and Samaria, but—like the name “Palestine”—it strips the regions of their historic Jewish identity, reducing them to merely the “west bank” of the Jordan River.

TRUTH EXPLAINED

- Under Palestine’s Basic Law, the Palestinian Legislative Council (PLC) serves a four-year term. The Hamas-run PLC elected in 2006 expired in 2010, ending any remaining mandate for Hamas. No elections have been held since. ([Basic Law](#)), ([EFCR](#))
- The Palestinian Authority’s Constitutional Court formally dissolved the 2006 PLC, ending its legal standing under Palestinian law. ([EFCR](#))
- The electoral and governance framework for Palestinian self-rule was established under the Oslo II Accords, an agreement between Israel and the Palestine Liberation Organization (PLO). Hamas was not a party to the agreement. ([Jewish Virtual Library](#))
- Hamas openly rejected the Oslo process and instead carried out attacks against Israeli civilians, placing it outside the legal and political framework established by the Accords. ([State Department](#))
- Hamas does not recognize the State of Israel, a prerequisite for participation in the Oslo-based political process governing Palestinian self-rule. ([Times of Israel](#)), ([Ministry of Foreign Affairs](#))
- Hamas’s founding charter calls for Israel’s destruction through jihad and explicitly rejects negotiated peace, a position fundamentally incompatible with the Oslo framework and principles of peaceful coexistence. ([Yale](#))
- Hamas’s long record of attacks targeting Israeli civilians, including the October 7 massacre, underscores why it is widely designated as a terrorist organization and regarded as illegitimate to govern territories where Israeli civilians live. ([Washington Institute](#)), ([DNI](#)), ([EFCR](#)), ([State Department](#))
- Senior Hamas leaders have publicly vowed to repeat the October 7 attacks, reinforcing international assessments that Hamas functions as an armed terror organization rather than a legitimate governing authority. ([MS NOW](#)), ([CBS](#)), ([DNI](#))

QUOTES

- "As far as we're concerned, the issue of recognition of Israel has been settled once and for all. It has been settled in our political literature, in our Islamic thought and in our Jihadist culture, on which we base our moves. Recognition of Israel is out of the question. We have been advocating the establishment of an independent Palestinian state within the 1967 borders, with Jerusalem as its capital and the return of the refugees. In exchange for all that, we will declare a truce, but no recognition of Israel." – former Hamas Chairman Ismail Haniyeh
- We must teach Israel a lesson and we will do this again and again. The [October 7th massacre] is just the first time, and there will be a second, a third, a fourth because we have the determination, the resolve, and the

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capabilities to fight.” – Hamas spokesman Ghazi Hamad

TAKEAWAY

Hamas’s claim to a “constitutional right” to govern Judea and Samaria is legally baseless and historically false. Any electoral mandate expired years ago, its governing body was formally dissolved, and it stands outside every legal framework governing Palestinian self-rule. By rejecting the Oslo Accords, refusing to recognize Israel, and embracing terrorism as a governing principle, Hamas forfeited any claim to legitimacy. What remains is not a lawful political authority, but an armed extremist organization seeking power through violence and intimidation—not law, consent, or constitutional order.