

**EVALUATING THE JUSTICE AGAINST SPONSORS  
OF TERRORISM ACT, S. 2930**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CRIME AND DRUGS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

—————  
JULY 14, 2010  
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**Serial No. J-111-100**

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**EVALUATING THE JUSTICE AGAINST  
SPONSORS OF TERRORISM ACT, S. 2930**

WEDNESDAY, JULY 14, 2010

U.S. SENATE,  
SUBCOMMITTEE ON CRIME AND DRUGS,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 10:02 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Arlen Specter, Chairman of the Subcommittee, presiding.

Present: Senator Specter.

**OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S.  
SENATOR FROM THE STATE OF PENNSYLVANIA**

Chairman SPECTER. Good morning, ladies and gentlemen. The Judiciary Committee hearing will now proceed on the Justice Against Sponsors of Terrorism proposed legislation. This is, I think, an unusual bill because it involves so many big issues. The first issue is the justice for victims and survivors of what is, arguably, the most barbaric act in human history. Hard to find something more astounding than the incident of 9/11. It has left the country scarred and really the world scarred, changed the face of America in many ways. One is the void in the Trade Towers, a historic site now; scarred my own State, Pennsylvania, in rural Somerset County; and has made this city into a virtual barricade and really much of the world.

The second big issue which this legislation implicates is the use of a critical weapon to prevent a recurrence. The evidence is very, very forceful about the involvement of Saudi money in promoting terrorism. The 9/11 Commission Staff Monograph on Terrorist Financing said, "Al Qaeda was funded to the tune of approximately \$300 million per year by diversion of money from Islamic charities, confirmed that many of al Qaeda-sponsored charities enjoyed significant Saudi Government sponsorship." So in a world where we are constantly threatened by al Qaeda and we have recurrent television appearances by bin Laden, we have really not taken a stand to stop that financing.

A third very important issue—important in my mind—is to restore the balance on separation of powers. We have seen the Congress legislate on the Foreign Sovereign Immunities Act, and we have seen our legislation disregarded by the executive branch and then by the judicial branch. The Court of Appeals for the Second Circuit says that the act does not apply because the Saudis are not on the State Department list of state sponsors of terrorism. Well, as we all know, those of us who studied the bill, there are two

ways: torts are excluded from sovereign immunity as well as those under state—on the list of those states who sponsor terrorism.

The Solicitor General then opposes the grant of certiorari, disagreeing with the Second Circuit, but finding another reason, saying, well, the acts occurred—the alleged Saudi acts occurred outside the United States. Well, that is a curious rationale when you have the consequences in the United States.

This is one of a long line of matters where the Supreme Court has refused to take up issues on the executive-Congressional balance. Another notable one is the conflict between the President's assertion of Article II powers as commander in chief with the Terrorist Surveillance Program and the Foreign Intelligence Surveillance Act, which specifies the only way you can invade privacy on wiretaps is with a court order. That has come up in the Kagan hearings and is a matter of considerable concern as to what the Court will decide.

I filed legislation to compel the Court to take the Terrorist Surveillance Program, and it is an issue in the confirmation proceedings as to the standards on taking those matters. Congress has the authority to mandate that the Court take certain cases, as we did with flag burning and McCain-Feingold, and we can do that here as well.

Well, that brings us to a very, very distinguished group of witnesses: Judge Abe Sofaer, Mr. Richard Klingler, Mr. John Bellinger. And I would ask you gentlemen at this time to stand for the traditional administration of the oath. Do you affirm that the testimony you are about to give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge SOFAER. I do.

Mr. KLINGLER. I do.

Mr. BELLINGER. I do.

Chairman SPECTER. Thank you.

Our first witness is former Federal Judge Abraham D. Sofaer, now a fellow in foreign policy and national security affairs at the Hoover Institution on War, Revolution, and Peace at Stanford University; served as the distinguished legal adviser to the U.S. Department of State from 1985 until 1990 in the administrations of President Reagan and George H.W. Bush; for 6 years, from 1979 to 1985, he was a federal judge, Southern District of New York; author of a book, "War, Foreign Affairs and Government"; bachelor's degree from Yeshiva University and law degree from New York University School of Law; clerked for Justice Skelly Wright on the D.C. Circuit and later Supreme Court Justice William Brennan.

Thank you for coming in today, Judge Sofaer. We know you have a plane to catch, and we look forward to your testimony.

**STATEMENT OF HON. ABRAHAM D. SOFAER, GEORGE P. SHULTZ SENIOR FELLOW, THE HOOVER INSTITUTION, STANFORD UNIVERSITY, STANFORD, CALIFORNIA**

Judge SOFAER. Chairman Specter, it is a particular pleasure to be here with you. It has been a privilege to work with you on many issues over the years, and this is no less important than any of the others we have looked at together. And if I can be of any help, I am glad to do so.

Chairman SPECTER. Thank you.

Judge SOFAER. I will go through my testimony very quickly so that I meet your time limit, and it can be read later on. This is a really important issue, and I commend you and the Committee for looking at it. Sponsoring killings of Americans on American soil should be taken extremely seriously, and we should do the best we can at holding people responsible who do that knowingly or recklessly.

I agree with the premise of S. 2930 that civil actions for damages may deter some sponsors of acts of terrorism. But no one knows better than you, Senator, and the members of this Committee, that the effort to create viable, civil penalties against terrorists and their sponsors in the U.S. courts has been frustrating and largely ineffectual. The executive branch of our own Government, regardless of party, has opposed the effort and has sought largely successfully in the U.S. courts to limit the effectiveness of the laws Congress has adopted for this purpose.

This difficulty in fashioning effective remedies that both compensate victims and deter people who support these acts stems not from any lack of ingenuity or resolve on the part of this Committee or the U.S. Congress—and, incidentally, I do not think it stems either from any sense of perversity or lack of sympathy by executive officials—but, rather, from the inherent difficulties and dangers that arise when one state unilaterally attempts to modify important aspects of the law relating to sovereign immunity.

So with your permission, I will touch on some of the key aspects of the bill, but I would like to go on and suggest an alternative mechanism that might be a more satisfactory way to achieve these important objectives.

The proposed bill deals with at least four major issues, and I think in large part very effectively. The *Samantar* decision has at least potentially taken care of the issue of whether the FSIA applies to officials, and it says no.

Now, you, I am sure, will modify the legislation to accommodate that ruling of the Supreme Court, but there is a fundamental issue to be decided, and that is, do you want to have the State Department make all these decisions? I personally think they will fall victim to the same kind of political pressure that they fell victim to when they were making decisions about the immunity of states. And so Congress might consider creating special rules and laying out the standards that it thinks that the courts or, if you want the State Department to do it, the State Department should apply in deciding those very difficult questions. So I think there is really important work to do about what to do in dealing with claims by officials.

Since I only have a minute here, Senator, let me say that in addition to my specific comments about the bill, I would recommend that this Committee consider creating a compensation program that does not turn on the type of terrorist action, the evidence of state involvement, and issues of that kind, and compensates all Americans injured in a certain set of actions, and then allows the Government to pay those claims, first of all, and then to take those claims and to seek that money from other governments. And, Senator, you will see at the end of my statement my plea for a strong

diplomacy as opposed to the kind of diplomacy we so often see when it comes to dealing with people who sponsor terrorist acts in America.

Once it is established that certain groups—or princes, for that matter—have knowingly funded the killing of Americans on American soil, we need to do more than just let people pursue them in the courts. That is what we did with Osama bin Laden, and he killed Americans five times over before we finally got around to going after him.

We need to go after these people. We need to use preventive force. And in my paper I recommend, Senator, that any bill, in setting up this funding requirement, should include an authorization for the President under appropriate circumstances to use force against the sponsors of terrorism of this kind. And I refer you to Security Council Resolution 1373 that lays out the criteria which the Security Council has said justifies a criminalization of assistance to terrorist groups and those criteria would justify far more serious actions than simply civil actions against people who sponsor these acts.

Senator, just for your information, I will send you a copy of a book on preventive force I published about a month ago. I will be happy to send that if it helps with the Committee's deliberations about actually fashioning something more muscular and more effective to deal with this unacceptable attitude that people who may happen to be princes, or whatever, can actually give money knowingly to a group that is devoted to the killing of Americans.

Thank you.

[The prepared statement of Judge Sofaer appears as a submission for the record.]

Chairman SPECTER. Well, you raise some fascinating alternatives. When you mention criminalization after talking about using force, and you talk about the Saudi princes, are you suggesting that the United States ought to pursue criminally against those who are identifiable and seek their extradition?

Judge SOFAER. Yes, I certainly am, Senator, because if you look at Resolution 1373, it says that state has the duty to prevent and repress the financing of terrorist acts. Section 1(b) says that every state must criminalize the willful provision of collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used in order to carry out terrorist acts. And this is just one of several provisions that I think would justify that.

Chairman SPECTER. And when you talk about the use of force, are you suggesting that the United States take military action against the Saudi Government?

Judge SOFAER. I do not think that would be necessary, Senator, for us to take action against the Saudi Government. But I think as a matter of principle it is perfectly appropriate for the Congress to indicate to the President that a government that either refuses to abide by the requirements of Resolution 1373 or just simply cannot do so, forfeits its right to maintain complete sovereign integrity of their territory.

Chairman SPECTER. And if they do not extradite these Saudi princes, then what with respect to your suggestion of U.S. force?

Judge SOFAER. Well, I mentioned, Mr. Chairman, in my written testimony that we should not be having more Afghanistans as a price for our self-defense. I do feel that we have the capacity now to go after individuals in countries that are killing Americans and to stop them.

I am not talking about guessing about people that might kill Americans. As you know, Senator, there are people out there who have very deliberately killed Americans over and over again. And what the administration is doing today through the CIA by targeting individuals in various countries of the world is lawful and just, as far as I am concerned.

Chairman SPECTER. Well, you have moved quite far afield on your testimony.

Judge SOFAER. I am just trying to achieve the objectives of the Committee.

Chairman SPECTER. When you talk about the executions which the United States has ordered, having identified terrorists who they conclude have killed Americans, it is extrajudicial, but depending upon the circumstances, I would agree with you that it is warranted. But that is pretty far afield. I do not think we are going to use drones against Saudi princes. Are you?

Judge SOFAER. Well, I think it is a matter of principle, and if the Committee were to pass a comprehensive bill that, in addition to fixing these aspects of civil suits, set up a compensation fund and at the same time encourages the President to do something effective about deterring these attacks on Americans, and the funding of these attacks, I think that people around the world would take more seriously the fact that finally officials of the Government of the United States are fulfilling their oath, Senator, to protect and defend the people of the United States.

Chairman SPECTER. Well, when you talk about the fund, that is really quite different from what you are suggesting with respect to criminalization and force. This reminds me of the debates we had when you were counsel to the State Department. It is surprising to note that we did not have extraterritorial jurisdiction when I was elected in the Senate, and it was only in 1984 as to kidnapping and hostage taking that we legislated extraterritorial jurisdiction, then the Terrorist Prosecution Act in 1986, following the strafing of the Rome and Vienna airports. Then at that time, the United States could not get other countries to turn over terrorist suspects. And we talked about a case in about 1870 where the Supreme Court upheld the prosecution of an Illinois matter where they had kidnapped somebody in Peru. The Supreme Court said it was okay. And we talked about using that as authority for taking people into custody.

Your thinking has gone quite a bit farther in the intervening 25 years, Judge Sofaer.

Judge SOFAER. I think you have been a leader, Mr. Chairman, at sensing that the world is moving in the direction of civilized order, and I think that your sense of it has been correct. And if we even live in a civilized world, it would be one in which no Saudi

prince or any other prince could safely fund the killing of innocent civilians in any other country. I think you agree with that.

Chairman SPECTER. Well, your testimony, Judge Sofaer, has gone quite a bit farther than the structure of this bill. You make this bill look very, very modest, perhaps even ineffective, the grand scope that you are proposing. But we will settle for a little less, at least so far as this hearing today is concerned.

Judge SOFAER. Thank you.

Chairman SPECTER. I have deviated from regular order in questioning Judge Sofaer beyond his time before the panel is finished because he has a plane to catch, as I mentioned earlier, and this is a very busy day with many, many hearings, so I do not know how many people will be present. We have two members of the Committee who are cosponsors—Senator Lindsey Graham and Senator Charles Schumer—and I know they want to be present. But until they arrive and we have more participants, we have the luxury of being a little more flexible than we customarily do.

I will now turn to the testimony of Mr. Richard Klingler, partner at Sidley & Austin; from 2006 to 2007 was general counsel and legal adviser on the National Security Council staff. Two years earlier, he had been in the Office of Counsel to the President. A.B. from Stanford, a B.A. from Oxford, a law degree from Stanford, and clerked for Justice O'Connor.

Thank you for joining us, Mr. Klingler, and the floor is yours.

**STATEMENT OF RICHARD D. KLINGLER, PARTNER, SIDLEY  
AUSTIN LLP, WASHINGTON, DC**

Mr. KLINGLER. Thank you, Mr. Chairman, and thank you for inviting me to present my views regarding the Justice Against Sponsors of Terrorism Act. My written testimony elaborates these comments.

The Act is an important counterterrorism initiative and focuses on redressing injuries arising within our borders. The Act is required in large part due to the Second Circuit's unfortunate and clearly erroneous construction of the Foreign Sovereign Immunities Act and application of the Due Process Clause. The Act is also required by the administration's recent narrow construction of the Immunity Act's exception for suits addressing tortious acts, including acts of terrorism.

The administration put forward its position in a brief filed by the Solicitor General that advised the U.S. Supreme Court not to review the Second Circuit's decision or consider the September 11th victims' arguments, even as the Government disagreed with each of the key aspects of the Second Circuit's reasoning.

The Second Circuit's approach would bar suits against foreign sovereigns for acts of terrorism unless the sovereign was among the handful of formally designated state sponsors of terror, and it would require courts to decline jurisdiction over claims against non-state actors abroad who support terrorist organizations hostile to the United States. The administration's interpretation of the current statute would bar suits against nearly all foreign states for supporting an act of terror against and within the United States whenever a portion of that state support took place outside our borders. Both approaches would bar suits against foreign governments

related to attacks such as those completed by the September 11th hijackers or attempted by the Christmas Day bomber or the Times Square bomber.

The Second Circuit's approach would also bar a range of claims by terrorism victims against nongovernmental supporters of terrorist organizations.

The principal provisions of the Act are designed to remedy these gaps in our counterterrorism capabilities. The Act would ensure that suits could proceed against a foreign state when it acted abroad to support acts of terrorism directed toward the United States and causing injury within our borders. It would express Congress' understanding that supporters of terrorist organizations directing their actions against the United States should expect to be pursued in U.S. courts, and it would confirm that civil suits can be pursued against those who support terrorist organizations as well as those who commit the terrorist act.

The enhancements of our counterterrorism capabilities in the Act would advance a range of interests. The Act would increase the ability of victims of acts of terrorism committed on U.S. soil to secure redress and hold terrorist supporters accountable. There is value in permitting the victims of such acts to have their day in court, to prove the facts of the violence done to them and us, and to bring public scrutiny upon those who harmed them. This applies not only to the victims of past acts of terror, but also those who are, unfortunately, likely to join their ranks. It applies to those who would foster and support terrorist organizations, even if they are associated with a foreign government, as well as those who more directly commit acts of terror. To the victims of terrorism harmed in the United States, it does not matter whether the person who writes the check that funds the attack does so in Miami or in the Middle East, and it should not matter to our courts.

The Act would also increase the Nation's ability to deter and prevent further attacks of terrorism. Although civil litigation plays a relative small part in countering terrorism, its role is not unimportant. The Act would increase the scope of civil litigation directed against those who support terrorism. This may prove especially effective when directed against financiers of terror, conscious of their reputations, and by providing incentives to foreign states to ensure that those closely affiliated with them neither seek to harm expatriate communities within the United States nor further the effort of terrorist organizations.

There are always risks to our Nation's foreign relations and potential conflict with international legal principles when civil liability is expanded against foreign sovereigns and for acts undertaken abroad. But those risks must be set against the benefits of the Act and set in context. Here those risks are lessened because the Act is focused on injury occurring within this Nation's borders where our sovereign interests are greatest and the tension with international legal principles reduced. Indeed, Section 1605(a)(5) supported certain terrorism-based claims against sovereigns in the decades prior to the Second Circuit's narrow construction without undue harmful effects. Those risks are further reduced by additional provisions of the Act, by legal principles available to the judiciary to accommodate the interests of sovereigns, and by measures

the executive branch may take to manage risks to foreign relations in particular cases.

There are, in addition, clarifications of the Act's sovereign immunity exception that may further reduce these risks, especially in relation to limiting recovery for injuries unrelated to acts of violence and terrorism occurring directly in the United States. Permitting recovery for that unrelated injury could indeed bring unintended consequences or increased risks to foreign relations. Even so, that concern presents little difficulty for the important provisions of the Act addressing Federal courts' jurisdiction over non-state actors or for the provisions confirming that suits can be predicated on allegations of secondary liability. And even for the Act's revisions of sovereign immunity, that concern should not cause hesitancy but, rather, prompt clarification and confirmation of the Act's core, important purpose of extending the scope of remedies for victims of international terrorism directed against and causing injury in the United States.

Thank you for the opportunity to present the views.

[The prepared statement of Mr. Klingler appears as a submission for the record.]

Chairman SPECTER. Thank you, Mr. Klingler.

Our third witness, the final witness on this panel, is John Bellinger, a partner in Arnold & Porter; served as legal adviser to the Department of State from 2005 to 2009; had also served as legal adviser to the National Security Council 2001 to 2005; and represented the White House in dealings with the 9/11 Commission. He served as counsel for national security matters in the Criminal Division of the Department of Justice, was counsel to the Select Committee on Intelligence in 1996, the year that I chaired that Committee; and was special assistant to CIA Director William Webster; AB from Princeton, a law degree from Harvard, and a master's in foreign affairs from UVA.

Thank you for coming in, Mr. Bellinger, and we look forward to your testimony.

**STATEMENT OF JOHN B. BELLINGER III, PARTNER, ARNOLD & PORTER LLP, WASHINGTON, DC**

Mr. BELLINGER. Mr. Chairman, thank you very much for having me today. I had the privilege, as you mentioned, of serving as counsel to the Senate Intelligence Committee in 1996 when you were the Chairman, so it is a particular honor for me to appear before you after the year of having served behind you. It is nice to be back.

As you noted, I have served in the Justice Department, at the National Security Council, and most recently as the Legal Adviser at the State Department. It is nice to be here with my distinguished predecessor Abe Sofaer and my successor at the White House, Richard Klingler.

I have spent a considerable amount of time working on the issues that today's hearing is considering. I agree wholeheartedly with the goal of the proposed legislation, which is to hold accountable countries and certain individuals and entities who sponsor acts of terrorism. I was in the Situation Room on 9/11, and I spent much of my time at the White House and the State Department after 9/11

on issues relating to the 9/11 attacks. I have met with many of the families of the 9/11 attacks as well as of other terrorist attacks, so I share your goal of seeking justice for these atrocities.

I have a longer statement for the record. I am just going to make a few comments right now. I am not going to take a position for or against the amendments, but what I would like to do is highlight a few factors for the Committee's consideration, focusing in particular on the amendments to the Foreign Sovereign Immunities Act.

In general, I would urge Congress to be very careful in proposing new exceptions to the Foreign Sovereign Immunities Act. The FSIA codifies very important principles of international law that protect not only foreign governments but, more importantly, the United States itself. Long before the FSIA was enacted, our courts recognized that under international law, sovereign governments are immune from suit in each other's courts. When the terrorism exception was added to the FSIA in 1996, it reflected a very delicate compromise between the Congress and the executive branch limiting suits against foreign governments only to the seven, now four, state sponsors of terrorism designated by the executive branch. And even the terrorism exception is not consistent with generally accepted principles of international law. Because it is included in U.S. law, the U.S. is unable to become party to an important multilateral treaty, the U.N. Convention on State Immunities, which the U.S. itself was instrumental in having adopted and which protects the United States from suits around the world.

The Committee needs to be very careful about unintended consequences of this legislation. In particular, the provision expanding the tort exception, drafted with specific countries in mind—and we have mentioned Saudi Arabia—could potentially be used against other nations, including U.S. allies, like Israel, if the tort results in personal injury or loss of property in the United States. Lawsuits have already been brought against Israeli officials in U.S. courts for alleged extrajudicial killings in Gaza, and this bill could potentially remove the immunity of the state of Israel itself, as well as of all other nations. Expanding the tort exception could open a Pandora's box of litigation against foreign governments in U.S. courts. But even if some of these frivolous lawsuits are dismissed, allowing them to be brought in the first place could result in protracted litigation against our allies.

Congress should also consider the possible reciprocal consequences for the United States itself. When the terrorism exception was added to the FSIA in 1996, Iran and Cuba removed U.S. sovereign immunity and allowed the U.S. to be sued in their courts for terrorism resulting in billions of dollars in default judgments against the United States. And U.S. officials have already been subject to legal actions in other countries for their official actions to combat terrorism. At a time that the United States is necessarily taking important but controversial actions around the world to fight terrorism—and Judge Sofaer has mentioned some of those earlier—Congress should be extremely cautious about lifting the immunity of foreign governments lest foreign governments remove the immunity of the United States in their own courts.

Finally, Congress should also consider the possible foreign policy friction that would result from allowing more foreign governments to be sued in the United States. This might require the executive branch to intervene to prevent our Federal courts from becoming embroiled in delicate foreign policy and political questions. These kinds of interventions by the executive branch are exactly the kinds of actions that the FSIA was enacted to avoid.

Mr. Chairman, I appreciate the chance to appear to discuss these concerns. I commend the Committee for its efforts to seek justice for victims of international terrorism. I look forward to discussing some of the alternative proposals that Judge Sofaer has suggested and that I have worked on when I was The Legal Adviser sitting in his chair, as well as the Committee's efforts to consider these important principles of international law and foreign policy.

Thank you.

[The prepared statement of Mr. Bellinger appears as a submission for the record.]

Chairman SPECTER. Well, thank you, Mr. Bellinger. There certainly are a great many issues on the floor. I begin with the proposition that this legislation does not seek to add any additional exceptions. We are simply dealing with the ones at hand.

And, Mr. Klingler, you testified at some length in your written statement—and all the written statements will be made a part of the record, without objection—about specifying that there are alternative remedies. The countries listed on the nations which sponsor terrorism is separate from the tortious conduct. And you believe, as I understand it, that the legislation is correct in seeking to overturn both the Second Circuit decision and the position taken by the State Department and urging the denial of cert.?

Mr. KLINGLER. Yes on both points. The Second Circuit was clearly wrong in indicating that the existing statutory provision for suits and torts against sovereign was incapable of supporting a terrorism-related suit, and the proposed legislation would confirm and clarify that that position is wrong and would confirm that terrorism-related suits can be brought within the tort exception to the Foreign Sovereign Immunities Act. Even the administration disagreed with the Second Circuit's reasoning on that point.

Chairman SPECTER. Mr. Bellinger, you raise a concern about having litigation like allegations of criminal conduct against the Israeli Army in Gaza. We do not really get anywhere near that kind of a problem with what we are proposing to do in this legislation, do we?

Mr. BELLINGER. I am not saying, Senator, that such a suit would have merit, but I am afraid that by expanding the tort exception to apply it clearly to extraterritorial acts outside the United States, contrary to what the Second Circuit had said, and specifically stating that it applies to something like extrajudicial killings, that would allow at least a suit to be brought against Israeli, or other countries like Afghanistan or even Britain. Admittedly, the effect has to be felt inside the United States, but there are a lot of creative lawyers who I think could plead that sort of effect.

Right now, Israel and other countries are immune from those kinds of suits as sovereign governments in the United States. There has been litigation against Israel and against its intelligence

services for directing, in fact, air attacks in Gaza because it had effects inside the United States. Those officials were ultimately held to be immune under principles of common law immunity.

Chairman SPECTER. Isn't it pretty far-fetched to analogize an attack in Gaza as having an effect in the United States contrasted with what we are dealing with here?

Mr. BELLINGER. Ultimately, that case was dismissed in the U.S. courts against Israeli officials, but it took Israel a very long time to have to defend it, many, many years up through the circuit courts. Israel had to defend its officials previously for actions taken solely in Gaza that were alleged to have effects here in the United States. So I would be very concerned about lifting the immunity not only of officials but of whole states potentially to be sued here in the United States for their extraterritorial actions.

Chairman SPECTER. When you talk about foreign policy functions and the Government would have to intervene in a lot of lawsuits, that is exactly what the Government has done here in a way which is really not known to the public. There is very little awareness as to what goes on in a case like this or most of the cases in the Supreme Court of the United States. It has to be a case like *Bush v. Gore* or a case like *Citizens United* before there is any public understanding.

One of the collateral issues that I have been working on for a couple of decades has been the issue of televising the Supreme Court so that people will understand the far-reaching impact, but what you warn against is Government intervening in litigation. That is exactly what happened in this case. And how do you effectively deal with that?

Mr. BELLINGER. Well, I think it depends on what side of the issue you are, whether you think it is a proper or improper intervention. For example, in the Israeli case that I mentioned against the Israeli intelligence chief. The Legal Adviser—and the United States, in fact, intervened in that case. We filed a brief, which I signed, stating that the case should not be heard in the United States because it was an improper political question to be heard inside the United States. And certainly the victims in that case felt that the United States was improperly intervening against them. So it depends what side of the issue you are on to determine whether it is an improper intervention.

In something like this, if more cases were allowed to be brought against foreign governments in the United States, there would be pressure from both sides—both the victims, understandably, but also the representatives of the foreign government—saying that whatever the case happens to be is a delicate political question that should not be left to the judiciary to consider. And I am not saying that any future government would file a brief, but there would be tremendous pressure upon them—

Chairman SPECTER. What happened in that case? The court made a decision?

Mr. BELLINGER. This was called the *Dichter* case, which was brought against the Israeli intelligence chief—

Chairman SPECTER. The one you are describing. Which court were you in?

Mr. BELLINGER. This was in New York, the New York district and then the court of appeals, and there was another case, I think, that was also in D.C.

Chairman SPECTER. And the court decided those cases. Was there—

Mr. BELLINGER. The court decided those cases and found that the officials were not immune under the Foreign Sovereign Immunities Act because the courts held that officials are not protected under the Foreign Sovereign Immunities Act which they said protects governments.

Chairman SPECTER. Was there a cert. application?

Mr. BELLINGER. I believe there was. I would have to check on that. The courts, though, held that the officials were immune under common law principles of immunity that protect officials in their official acts, which is just what the United States would expect overseas. If the Secretary of Defense right now were sued in a foreign country for a drone attack that killed civilians, we would assert very strongly that our Secretary of Defense was absolutely immune from those actions because he took them in his official capacity, even though the civilians in, for example, Afghanistan or Pakistan or Yemen would believe that that was actually an illegal extrajudicial killing.

Chairman SPECTER. Well, coming back to this legislation and the case which has provided the basis for the legislation, the cases you cite are interesting, but the serious question as to whether they are really relevant here on the facts being so vastly different and what might be postulated with a lot of imagination could be handled in some other court at some other time. But it is different to say the court is going to decide whether the Foreign Sovereign Immunities Act applies in this case or the Court saying, "We will not take the case."

You have not taken a position on the legislation. Would you take a position that at least the Supreme Court should have granted cert. and decided whether the Second Circuit was right, whether the Solicitor General was right, and reached an interpretation of the statute?

Mr. BELLINGER. I would have liked to have seen the Supreme Court take the case. It was an important case involving the interpretation of the Foreign Sovereign Immunities Act, and I would have liked to have seen the Supreme Court's views on the subject. I do not know how they would have come out.

Chairman SPECTER. Well, nobody knows how they would come out, but if we at least take Mr. Klingler's recommendation to take care of the loose ends on the Second Circuit decision and on the Solicitor General's argument, then we would know.

Judge Sofaer, how do we deal with this issue of lack of public understanding as to what is involved here and the extraordinary weight given to the Solicitor General's view? The Supreme Court always asks for it, and the way that Congressional power has been so drastically curtailed by the Court, there are many other issues which are raised on fact finding and on other cases where the Court declines to intervene or overrules the Congressional action for what Justice Scalia called "the flabby test" on congruence and proportionality, giving up the rational basis standard. But all of

this is so far removed from the public view. How would you deal with that?

Judge SOFAER. I think you are doing an admirable job, Senator. I was stunned when I saw what the Second Circuit held and what the Solicitor General said about the standard of proof that would be required to find that a tort had occurred in the United States that satisfied the requirement of the statute. The notion that you can have a separate tort that occurs, let us say, in Saudi Arabia of knowingly funding an attack in the United States and thereby evade the statute that governs the——

Chairman SPECTER. Come to the core, Judge Sofaer. In your judgment, is there any conceivable basis for that conclusion?

Judge SOFAER. No, sir. I think it is a completely naive——

Chairman SPECTER. Mr. Klingler and Mr. Bellinger, I am going to ask you the same question. Any conceivable justification for that?

Judge SOFAER. I think it is a completely naive view and a terrible thing to attribute to the Senate and the Congress. The notion that our Congress would support a law that would allow people to sue for killings in the United States but that would not include allowing them to sue for paying for those killings——

Chairman SPECTER. Well, Judge Sofaer, aside——

Judge SOFAER.—in Saudi Arabia——

Chairman SPECTER. Aside from what the Congress would intend, what does the statute say? Is there any basis for taking the language of that statute and saying it does not apply when some acts are outside the United States?

Judge SOFAER. Well, I think they were both wrong, the Second Circuit and the Solicitor General. I think the Supreme Court would have corrected them. And I applaud the fact that your bill would correct that by making it clear that if it happened, if the planning happened in Saudi Arabia, there would still be jurisdiction to deal with it in the United States.

Chairman SPECTER. Mr. Klingler, any basis for that conclusion, aside from providing cover for asking the Supreme Court not to grant cert.?

Mr. KLINGLER. I do not think it was a reasonable view in the context of this case. You could imagine certain circumstances where there are extremely indirect effects in the United States, where it may be relevant that the acts took place abroad and the harm was abroad. But that was not this case, and that was not the type of injury that your bill focuses on.

Chairman SPECTER. What do you think, Mr. Bellinger?

Mr. BELLINGER. Well, I am afraid I am going to have to disagree with my distinguished colleagues. I think the Second Circuit did have a reasonable interpretation of the law here. It was, in fact, what others——

Chairman SPECTER. I am not asking about the Second Circuit on asking that they be on the terrorist list. I am asking about the Solicitor General's conclusion that when acts occur outside the United States and have a direct impact, causality in the United States, if there is any basis for saying that that is not what the statute covers as an exception.

Mr. BELLINGER. Senator, I think the longstanding view of the U.S. Government—I know you would like to have witnesses from them and they will tell you—is that the tort exception was intended to be limited to torts inside the United States like traffic accidents and so forth. The concept of the Foreign Sovereign Immunities Act was to provide very limited jurisdiction against foreign sovereigns, just as we ourselves do not want to allow the United States to be opened to suits all around the United States.

Chairman SPECTER. Any legislative history to support what you just said?

Mr. BELLINGER. I believe there is, Senator. I think that the suggestion was that the tort exception was intended really to cover traffic accidents and other minor torts by a foreign government that occur inside the United States. I agree that it is not crystal clear. That is why I say I think the Second Circuit's decision, which joined a number of other circuit courts, was a reasonable interpretation that the tort exception was limited to acts inside the United States.

Judge SOFAER. But if I might intervene, Senator, the Solicitor General did not rest her position on that rationale. The Government disagreed with the Second Circuit that the tort provision was limited to minor torts, and they agreed with the plaintiffs that terrorist actions were included in the tort provision.

So the issue is, where a terrorist action which is included in the tort provision occurs within the United States, can you rationally say that paying for that terrorist action in a separate tort in Saudi Arabia is something that Congress would not have intended to include? And I think you cannot.

Chairman SPECTER. Well, Mr. Klingler, are you prepared to go as far as Judge Sofaer in criminalizing this conduct and using force against Federal Government nations?

Mr. KLINGLER. I am not sure quite what the proposal on the table is, but I would certainly—

Chairman SPECTER. Well, the proposal on the table is to go after those Saudi princes and bring them back for criminal prosecution.

Mr. KLINGLER. As to the Saudi princes, the proceedings before the Supreme Court and the state of the litigation is a set of allegations at this point. So I do not think anything has been established by a court regarding what the nexus is, and I am not familiar with the factual record enough to have confidence that the allegations are true or false.

Chairman SPECTER. Enough to support an investigation by the Department of Justice?

Mr. KLINGLER. I do think, though—

Chairman SPECTER. With a view to a criminal prosecution if those facts are found?

Mr. KLINGLER. I do think that the powers that Judge Sofaer addressed are important and legitimate and largely encompassed today in statutes that do criminalize a range of terrorism-related and support of terrorism measures. I also think that there is a range of use of force that both this administration and the prior administration have directed that are important and grounded in law.

Chairman SPECTER. Mr. Bellinger, would you go along with any of Judge Sofaer's suggestions about criminalizing this conduct?

Mr. BELLINGER. Well, there are two questions. I think it is a good idea to have a broader reach of U.S. criminal laws. One of the things that we found after 9/11 when many of our critics said, "Why don't you criminally prosecute these people who did these things instead of putting them in military commissions?" was that our criminal laws had very limited reach and did not actually cover a lot of activities that occur solely outside the United States.

And so, on the one hand, I agree wholeheartedly that we should expand the reach of our criminal laws to cover certain terrorist acts that occur wholly outside the United States. But that is a different question from the immunities of either the governments or of the officials, and so I would not necessarily suggest that we should strip senior officials in foreign governments of immunities. Those immunities protect the United States itself. It is a difficult two-edged sword with which I sympathize completely that we would like to hold senior officials accountable in foreign governments. But if we strip them of their immunities, then we will be risking stripping the immunities of our own senior officials, of our Secretary of Defense, of our Director of Central Intelligence. It would be very easy to accuse Leon Panetta or Bob Gates of directing an extrajudicial killing, and if we strip their immunities, I think that would be a dangerous thing for all of us.

I agree that the force that the United States has been using is lawful around the world, but I would be worried about stripping the immunities of our officials to allow them to be sued in other countries.

Chairman SPECTER. Well, you have made that clear. You would say there is an appropriate role for criminalization or use of force, but not something lesser like limiting immunity, which might boomerang.

Mr. BELLINGER. You have summarized my position very well. Thank you.

Chairman SPECTER. Another comment, Judge Sofaer?

Judge SOFAER. I just wanted to add, Senator, that this is not just about our criminalizing the conduct of foreign officials for sponsoring or paying for terrorist acts. The resolution of the Security Council, 1373—incidentally passed under Chapter 7, which relates to the use of force—calls on all states themselves to criminalize this conduct. So the Saudi Government has a duty under this resolution to criminalize the willful provision of funds, and also as subsection (d) says, to prohibit their nationals from engaging in the financial support of terrorist groups, directly or indirectly. The language is very comprehensive.

So, you see, the system is there. The rules are there. And I would urge the Senate, Mr. Chairman, to take those international rules that are authoritative and make them a reality by putting them into U.S. law and reminding the world of their duties, duly adopted in the Security Council of the United Nations, to criminalize this conduct. That would be a step in the right direction to give us the justification, if they do not do it, for following up appropriately.

Chairman SPECTER. Well, that would take a lot more far-reaching action than this legislation urges.

I want to come back for just a minute, before moving on to the next panel, to the issue which I had raised, and I have just sent

for the article which I read in the Post this morning, and it touches on this issue directly and on many others. It is Stuart Taylor's commentary about judicial usurpation contrasted with judicial review. And he says that the Court would be wise to leave decision to the elected branches as opposed to giving their own views. And why does the Court get away with it? Because they stop short of infuriating the public.

And I think, if the public understood what was happening with the Saudi princes and with the various charitable fronts, that the public would be infuriated. I think if the public understood what happened with the warrantless wiretapping contrasted with the statute, the Foreign Intelligence Surveillance Act, infuriated; that the Court declared unconstitutional the Americans With Disabilities Act or the law protecting women against violence, infuriated; or understood the campaign finance—they do understand a little of that. The polls are very strong there. Eighty-five percent of the public dislikes that.

So the answer might be a lot simpler than legislation or Judge Sofaer's fancy international law postulates, but find a way to infuriate the public or let the public decide whether they are infuriated or not.

Any ideas of how to do that besides taking at least a modest step of televising Supreme Court open arguments?

Judge SOFAER. I try not to infuriate anyone, Senator.

Chairman SPECTER. I should have taken your advice.

Any comment, Mr. Klingler or Mr. Bellinger.

Mr. KLINGLER. My only comment would go back to the prior discussion about the value or not of the executive branch expressing its views to the courts. I do not want to leave the impression that the fact that the Solicitor General filed a brief with the U.S. Supreme Court in the 9/11 case was improper. I do not think it was. The Court invited the views of the Solicitor General. That is a very traditional practice. It is a very valuable role that the Solicitor General's office serves in advising the Court. I think in general they have done an exceptionally good job of that. I think they did not do an exceptionally good job in this particular brief.

I also think that the role of the executive branch in intervening in suits where there may be a foreign sovereign interest or a terrorism-related interest is also very valuable, that it can dissuade the Court from adopting erroneous views—or at least present to the Court a set of executive branch issues and interests related to the potential effects on foreign affairs or the construction of the statutes before the Court. It can characterize the record, and the Department of Justice and the Department of State have often served incredibly valuable roles in buttressing our counterterrorism capabilities by intervening and filing briefs in just that fashion.

Chairman SPECTER. Thank you very much, gentlemen. I appreciate your being here.

Chairman SPECTER. We will turn now to panel two, so if our witnesses will step forward: Mr. Evan Kohlmann, Mr. Matthew Levitt—OK, so how many witnesses do we have? And Mr. Wolosky. Would you gentlemen stand, please, for the administration of the oath? Do you solemnly swear that the testimony you are about to

give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOHLMANN. I do.

Mr. WOLOSKY. I do.

Chairman SPECTER. Thank you.

Our first witness on this panel is Mr. Evan Kohlmann, terrorism consultant to NEFA Foundation, a nonprofit organization to help expose those who plan, fund, and execute terrorism, particularly Islamic militant organizations. The research has produced one of the world's largest and most extensive open-source databases of original documents, communiques, and multimedia information concerning terrorism. Mr. Kohlmann is a graduate of the Georgetown University Edmund Walsh School of Foreign Service and the University of Pennsylvania Law School. Thank you for joining us, Mr. Kohlmann, and the floor is yours.

**STATEMENT OF EVAN F. KOHLMANN, SENIOR PARTNER,  
FLASHPOINT GLOBAL PARTNERS, NEW YORK, NEW YORK,  
AND INTERNATIONAL TERRORISM CONSULTANT/SENIOR IN-  
VESTIGATOR, THE NEFA FOUNDATION**

Mr. KOHLMANN. Thank you very much, Senator. Thank you to you and your staff for extending me the invitation to testify today.

So far today we have talked about legal approaches with regards to foreign sovereign immunity, and I would like to address the factual side of this issue, particularly the role of state-sponsored or really state-directed Saudi Arabian charitable organizations in funding paramilitary and terrorist organizations. And I take your point that we need to get the public infuriated about this, and I think one of the ways to get the public infuriated about this is to present the facts to them.

Last October, in the midst of a business trip to Bosnia, I passed the imposing King Fahd mosque in central Sarajevo. The mosque is, arguably, the major center of pro-Wahabi activism in the region, and it also serves as the headquarters for the official state-sponsored Saudi High Commission for Relief in Bosnia-Herzegovina. In fact, the impact of the Saudi High Commission can be felt within only steps of its front door.

In October of 2009, when I was there, the items for sale at the vendor stall outside the mosque entrance included a crudely made DVD labeled on one side, "Microsoft Flight Simulator: World Trade Center Edition," and on the other, emblazoned with images of Osama bin Laden and the World Trade Center, along with the title (in Bosnian), "The Truth about September 11." This is right outside the front door of the Saudi High Commission.

Indeed, though it was apparently established for humanitarian purposes, the Saudi High Commission and its staff in the Balkans have routinely engaged in behavior which goes far beyond any definition of religious missionary or relief work. This is particularly vexing because the Kingdom of Saudi Arabia has freely acknowledged that the Saudi High Commission is "an arm of the Saudi Government." The evidence of Saudi High Commission complicity in providing financing, weapons, and other forms of logistical support to paramilitary and terrorist groups is quite literally overwhelming.

An internal classified memorandum for the Muslim Army of Bosnia-Herzegovina Security Service in September 1994 acknowledged that, "What is interesting regarding the humanitarian organization, the Saudi High Commission, in Zenica is that they actually employ members of the El-Mujahideen Unit, the holy warriors, foreign fighters sent to Bosnia.

The ARBiH report added that, "the director of the High Saudi Commission has well-established cooperation with El-Mujahidin units in Middle Bosnia." Upon arresting a Saudi High Commission staff member in January 1994 in connection with the brutal murder of a British aid worker, Asim Fazlic, the then-chief of police in Zenica, commented, "One of the strangest elements is that we still do not know the exact identity of [those] we hold in Zenica. They are very uncooperative and so far still insist, in spite of their cars, their uniforms, and their weapons, that they are humanitarian aid workers."

The U.S. Department of Defense, the Pentagon, has concluded that "The Saudi High Commission for Relief has provided financial support to former Arab mujahidin in Bosnia, the types of financial support included travel to Chechnya and to Afghanistan. At least one high-profile Saudi High Commission staff member in Bosnia-Herzegovina, an Algerian national by the name of Saber Lahmar, has been convicted in Bosnia-Herzegovina for the armed robbery of an American national for bombings there, was rearrested in October of 2001, and was sent to U.S. military custody in Guantanamo Bay, Cuba.

Much as the Saudi High Commission was formed by the kingdom in order to organize NGO and humanitarian fundraising efforts for Bosnia, the Saudi royal family adopted a similar approach when confronted with the crisis in Kosovo in 1999. Under the chairmanship of Saudi Interior Minister Prince Naif bin Abdulaziz al-Saud, the kingdom formed the Saudi Joint Relief Committee for Kosovo and Chechnya.

One of the first decisions by the Kingdom of Saudi Arabia that drew international scrutiny to the activities of the SJRC was the curious appointment of its initial director, Saudi national Wael Jalaidan. Jalaidan, also known as Abul-Hassan al-Madani, was one of the first Arab mujahideen to join the anti-Soviet jihad in Afghanistan during the 1980's. In an interview aired on the Al-Jazeera satellite television network in June 1999, bin Laden reminisced about the early days of the jihad in Afghanistan, recalling, "We and the shaykh [Abdullah Azzam] were in one boat, as is known to you, together with our brother Wa'il Jalidan."

In the spring of 2000, U.S. officials sent a confidential memorandum to U.N. police forces in Southeastern Europe titled "Secret: U.S. office only Release to [the U.N. administration in Kosovo]." According to that report, Wael Jalaidan is an associate of Osama Bin Laden and had directly assisted bin Laden "moving money and men to and from the Balkans." As a result, on September 6, 2002, the U.S. and Saudi Governments announced an unprecedented joint action to freeze Jalaidan's assets and to specially designate him as a supporter of international terrorism. In other words, even the Saudi Government recognized that the director of their own state-sponsored charity is an international terrorist.

One of the biggest problems with this is that there are actual terrorists now, accused terrorists who are attempting to use the state sovereign immunity exception that appears to apply to Saudi High Commission and the SJRC in order to serve as a legal shelter for their own involvement in terrorist activities. One Algerian national in Guantanamo Bay told the U.S. military interrogators that “the Saudi High Commission could not be bad because it was run by the Saudi Royal Family.”

Even former staff members of quasi-private NGO’s operating under the umbrella of the SJRC in Kosovo—such as the Al-Haramain Islamic Foundation—have attempted to use the SJRC’s official status with the Saudi Government to provide sovereign immunity.

Guantanamo Bay detainee Yemeni national Jamal Mohammed Alawi Mar’i complained during a Pentagon ARB hearing, “The Al Haramayn organization is a governmental agency. How [can] it [be] classified as nongovernmental and the person in charge is the Minister of the [Islamic Affairs]?”

Another Guantanamo detainee—an unnamed Jordanian who has lived in Pakistan since 1985—was also indignant when it came to charges that the Al-Haramain Foundation was involved in supporting terrorist activities: “If you consider al-Haramayn as a terrorist organization you should talk to Saudi Arabia, because Saudi Arabia was the country that established al-Haramayn. Its president is the royal prince there. Why don’t you go over there and ask him? This is something you need to take up with Saudi Arabia.”

These are the words of a Guantanamo Bay detainee, and these statements raise serious questions about the wisdom of allowing any form of sovereign legal immunity for employees or officials representing the Saudi High Commission, the Saudi Joint Relief Committee, or the various charitable organizations working under their diplomatic umbrella. This is especially the case when said class of employees and officials is known to include a variety of accused international terrorists, uncontested paramilitary combatants, Guantanamo Bay detainees, and, in the case of Wael Jalaidan, even a close friend of Osama bin Laden.

Thank you very much, Senator.

[The prepared statement of Mr. Kohlmann appears as a submission for the record.]

Chairman SPECTER. Thank you, Mr. Kohlmann.

We had planned to have Mr. Matthew Levitt present today. He is a senior fellow at the Washington Institute for Near East Policy, and he is testifying in New York. The trial started on Monday and had been expected to conclude so that he could have been here, but it has been carried over. But his full testimony will be made a part of the record.

[The prepared statement of Mr. Levitt appears as a submission for the record.]

Chairman SPECTER. We turn now to Mr. Lee Wolosky, partner in the law firm of Boies, Schiller & Flexner; had been director for transnational threats on the National Security Council staff during the administration of both President Clinton and President George W. Bush; served as co-director of the Council on Foreign Relations

Task Force on Terrorism Financing; a bachelor and law degree from Harvard.

Thank you for joining us, Mr. Wolosky, and we look forward to your testimony.

**STATEMENT OF LEE S. WOLOSKY, PARTNER, BOIES, SCHILLER  
& FLEXNER LLP, NEW YORK, NEW YORK**

Mr. WOLOSKY. Mr. Chairman, thank you for inviting me to testify today before you and also for your leadership on an issue of significant importance to our country: deterring financial to international terrorist organizations. I have had the opportunity to consider these issues both as a National Security Council official and now as a lawyer in private practice.

Along with the threat of governmental fines and sanctions, the prospect of substantial civil damages can deter deep-pocketed corporations or individuals from doing business with terrorist organizations. In this way, civil litigation against financiers of terrorism can advance important public policy interests of the United States.

As discussed by other panel members, S. 2930 expands exceptions available to private plaintiffs under the Foreign Sovereign Immunities Act. It also amends the Antiterrorism Act of 1991 by, among other things, expressly imposing liability on those who aid and abet acts of international terrorism and by making defendants in such suits subject to the personal jurisdiction of Federal district courts to the maximum extent permitted by the Constitution. In these ways, it expands the remedies available to victims of international terrorism seeking redress in U.S. courts.

To illustrate why and how civil litigation can supplement the tools available to U.S. policymakers and governmental enforcement efforts in particular in deterring the financing of terrorism, I will focus my remarks, at the staff's request, on two cases concerning with which I have had personal responsibility as a lawyer in private practice. The first cases involved Arab Bank, PLC, and the second involves Chiquita Brands International.

Arab Bank is a large, international financial institution based in Amman, Jordan. In 2004, six families of Americans injured or killed in Palestinian terrorist attacks in the territories filed a lawsuit against Arab Bank in Federal court in New York, where Arab Bank has offices, seeking \$875 million in damages. The suit alleged that Arab Bank had served as paymaster for a dedicated program providing financial support originating from a Saudi Arabian entity called the Saudi Committee in Support of the Intifadeh Al Quds to the families of Palestinian suicide bombers and other terrorists who committed or attempted to commit terrorist acts that killed American citizens (and others). Other lawsuits making similar allegations followed.

According to these lawsuits, the funds were disbursed to Arab Bank accounts opened in the name of beneficiaries and available at local Arab Bank branches in the Palestinian territories. Such payments are alleged to have served as incentives to would-be terrorists who could take comfort in knowing that their families would receive financial support if they attempted to commit a terrorist act. Beneficiary families are alleged to have received over \$5,000 each.

The ongoing civil litigation against Arab Bank supplements actions taken by U.S. regulatory and enforcement authorities. In 2005, Federal agencies levied a \$24 million fine against Arab Bank. This amount pales in comparison to the \$32 billion in assets that Arab Bank possessed at the time.

The \$24 million U.S. Government fine against Arab Bank has proven to be inadequate, in my judgment. Just this week, on Monday, a Federal judge sanctioned Arab Bank for refusing to turn over relevant bank records. Significantly, Arab Bank continues to do lucrative business in New York through correspondent banking relationships with major U.S. financial institutions, while refusing to provide compensation to those harmed by its conduct and while continuing to defy U.S. courts.

A trial date in the civil cases against Arab Bank will likely be set for 2011. The bank faces the prospect of civil damages that could be a large multiple of the amount of U.S. Government fines levied against it to date.

The Chiquita case provides another example of how civil litigation may complement U.S. Government enforcement actions. Chiquita has admitted to providing financial support to the United Self-Defense Forces of Colombia, the AUC, which the State Department designated a foreign terrorist organization in 2001. It specifically admitted to making payments of \$1.7 million from 1997 to 2004. Chiquita has also admitted providing payments to the Revolutionary Armed Forces of Colombia, the FARC, which, like the AUC, is on the State Department's list of foreign terrorist organizations.

In 2007, Chiquita pleaded guilty to engaging in transactions with a specially designated global terrorist and agreed to pay \$25 million in fines to the U.S. Government. That year, Chiquita had annual revenues of \$4.5 billion. Soon after the guilty plea, families of hundreds of Colombian and American victims killed by the AUC and the FARC filed lawsuits against Chiquita in U.S. courts. These suits demonstrate the deterrent role that civil litigation can play against the financing of terrorism: Chiquita faces potentially significant civil damages as a result of the civil litigation—far in excess of the \$25 million it agreed to pay as the result of U.S. Government enforcement actions.

In sum, financial institutions, corporations, charitable organizations, and other large entities may continue to provide material support for terrorist organizations until it is financially unpalatable for them to do so. Although Government fines and sanctions are clearly an integral part of the effort to stem the flow of funds to terrorist groups, civil litigation can substantially enhance the financial consequences that such entities face. This proposed bill will make it easier for litigants to sue those who provide support to terrorists who kill or injure Americans. It will thereby help to deter future such conduct.

Thank you very much.

[The prepared statement of Mr. Wolosky appears as a submission for the record.]

Chairman SPECTER. Thank you, Mr. Wolosky.

You say the litigation against Chiquita was an effective deterrent. Why do you think that?

Mr. WOLOSKY. Mr. Chairman, we do not yet know whether the litigation against Chiquita will prove to be an additional deterrent to the Government fines imposed against Chiquita for—

Chairman SPECTER. Well, is Chiquita in a situation where they were likely to repeat that conduct?

Mr. WOLOSKY. I do not believe so.

Chairman SPECTER. Very different from al Qaeda rummaging out there, threatening to do more and doing more.

Mr. WOLOSKY. I think that is a fair statement. Mr. Chairman, if I may, I think that the deterrent effects relates not only to specific conduct in specific countries around the world with respect to specific terrorists, but also to the system of internal controls that a corporation does or does not put in place.

Chairman SPECTER. Mr. Kohlmann, you commented about a \$24 million fine, and you talk about other litigation pending against Arab Bank. How many fines or judgments have there been, to your knowledge, against terrorists linked with al Qaeda?

Mr. KOHLMANN. Excuse me, Senator. I think that was actually Mr. Wolosky who said that. Am I correct?

Mr. WOLOSKY. Yes, I described the AB, both enforcement actions and the civil litigation against Arab Bank. Arab Bank is alleged to have provided support principally to Palestinian terrorist organizations, specifically Hamas.

Chairman SPECTER. Well, how about as to al Qaeda? Any litigation, fines, or judgments as to al Qaeda?

Mr. WOLOSKY. If you are asking with respect to the formal financial system, of which Arab Bank obviously is a part, al Qaeda presents a very different case. Unlike Palestinian groups which have raised money openly and notoriously in certain parts of the Muslim world, the financing for al Qaeda has been more indirect, and it frequently has not involved, or at least clearly involved, the flow of funds through the formal financial system in a way that funds would be clearly designated or earmarked for al Qaeda or, to draw a parallel to the Arab Bank case, to the beneficiaries, to family members of terrorist operatives.

Chairman SPECTER. The 9/11 Commission Staff Monograph on Terrorist Financing found al Qaeda was funded to the tune of approximately \$30 million per year by divisions of money from Islamic charities. What can be done to communicate that import with the imprimatur of the 9/11 Commission to the American public to understand what is happening? Mr. Kohlmann, any ideas?

Mr. KOHLMANN. Senator, I think one of the ways is showing what this money is actually paying for. At my company up in New York, we have been doing research recently about how the banking system continues to be used by al Qaeda to fund training camps, and, unfortunately, the evidence is out there. We have the actual bank accounts in Pakistan that are being used by al Qaeda and its allies to fund the training camps. And if you show people the bank account numbers and you show video of the training camps, where you have people literally shooting at targets marked "USA," you have little kids under the age of 5 years old getting dressed up in uniforms and being made into warriors, that has a tremendous impact on people.

I think the point is when it is dollars and cents—

Chairman SPECTER. Can you tell me how it is having a tremendous impact on people?

Mr. KOHLMANN. Well, if you can actually see the images of the people getting trained—

Chairman SPECTER. Who can see the images?

Mr. KOHLMANN. Well, the evidence is out there, unfortunately. I just do not think that—

Chairman SPECTER. Out there, but has it been displayed by the news media, which is the way people get information?

Mr. KOHLMANN. That is one way, Senator, but I think that the State Department and other branches of the U.S. Government also have a role here in terms of making sure that this information is not only available to the news media but it is directly available to the public. Unfortunately, this is not secret evidence.

Chairman SPECTER. Well, directly available does not mean they get it.

Mr. KOHLMANN. No. But I think if you can present it to their— a lot of people do not believe this because they cannot see it, and a lot of this evidence that is out there is actually open-source information. It is not secret. It is not classified. There is no reason why the U.S. Government should not be putting money and effort into broadcasting those kind of facts to the public.

I think ultimately if you are talking about bank account numbers alone, you are not going to get a lot of excitement from the U.S. public. You are not going to get a great degree of understanding. If you show people what this money is paying for, the murder of innocent people, training little kids to fight in combat, then all of a sudden I think it becomes much more clear, No. 1, why it is so important to crack down on charities or other institutions that misuse humanitarian fundraising.

Chairman SPECTER. Let me move to some other factual findings here. The Saudi High Commission, according to U.S. Government sources, was involved in financing al Qaeda members to attack the U.S. embassies in Bosnia in 1997. To what extent was that publicized?

Mr. KOHLMANN. As far as I know, Senator, it has not been publicized at all, nor has the fact that the SJRC was raided in 1999 and 2000 for its role in attempting to assassinate—or the role of its staff attempting to assassinate Western diplomats.

Chairman SPECTER. Well, you took my question and added another illustration. Has that been publicized?

Mr. KOHLMANN. To my knowledge, Senator, it has not been publicized—not well publicized, certainly. It is available if you know where to look, but, you know, that would take some digging.

Chairman SPECTER. It is available if you know where to go to look. People do not go to look.

Mr. KOHLMANN. I agree, Senator.

Chairman SPECTER. Unless it is spoon-fed on MSNBC.

Mr. KOHLMANN. I agree, Senator. That is one of the issues and that is one of the reasons why I think the U.S. Government in its own interests should be out there publicizing this information. If we simply say that an organization is a terrorist group or if we simply say it is a front for terrorism, that is not the same thing

as saying this group provided the money and means for individuals to attempt to blow up the U.S. embassy in Sarajevo.

Chairman SPECTER. OK. Let me move to another factual matter which is of concern. Wiretap summaries obtained from the International Criminal Tribunal for Former Yugoslavia revealed that members of al Qaeda mujahideen in Bosnia were directed to pick up funds for the Saudi High Commission. A UN-sponsored resolution further determined that the Saudi High Commission transferred in excess of \$120 million to the Third World Relief Agency between 1992 and 1995.

Any publicity on that, Mr. Wolosky, that you know about?

Mr. WOLOSKY. Not that I am aware of, Mr. Chairman. I would point out that the sort of framework of financing that you have described and that Mr. Kohlmann has described with respect to so-called Saudi charities is one that has been employed in many parts of the world to provide support to Islamic extremist movements. And, in fact, as I described in my testimony, there was and may still be a similar Saudi entity that provided support to Palestinian terrorist organizations such as Hamas. In that case, unlike perhaps in some of these other cases, they used a bank that happened to have had offices in New York City and was, therefore, subject to the personal jurisdiction of Federal courts by civil litigants who chose to sue it in New York.

One of the points that I would make about the proposed legislation is that it expands personal jurisdiction over individuals or organizations that are accused of financing terrorism to the maximum extent allowed by the Due Process Clause. So in that respect, it is doing a great service to the victims who in the future may not be so lucky as to find an entity doing business in New York.

Chairman SPECTER. What publicity has been given, to your knowledge, to the International Islamic Relief Organization which has financed terrorist activities?

Mr. WOLOSKY. In a narrow circle of people who follow these things closely, which includes me and Evan and a few others, a fair degree. But to your point, in the broader American public, not enough.

Chairman SPECTER. So Evan and I are pretty much convinced.

Mr. WOLOSKY. Yes. It is the rest of us that we need to—

Chairman SPECTER. What is that?

Mr. WOLOSKY. To your point, it is the rest of the country that needs to get educated.

Chairman SPECTER. Well, that is a big part of the jobs that all of us have, and I think if the public was aware of what is going on, that would pass the infuriating test which I referred to earlier, adopting Stuart Taylor's approach to getting something done, getting judicial restraint, permit a case like this to go forward, and at least be heard extensively in a courtroom.

Anything either of you gentlemen would like to add at this point?

[No response.]

Chairman SPECTER. Thank you very much. That concludes the hearing.

Mr. KOHLMANN. Thank you, Senator.

Mr. WOLOSKY. Thank you.

[Whereupon, at 11:31 a.m., the Subcommittee was adjourned.]

[Submissions for the record follow.]



## SUBMISSIONS FOR THE RECORD

II

111TH CONGRESS  
1ST SESSION**S. 2930**

To deter terrorism, provide justice for victims, and for other purposes.

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 IN THE SENATE OF THE UNITED STATES

DECEMBER 23, 2009

Mr. SPECTER (for himself, Mr. SCHUMER, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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**A BILL**

To deter terrorism, provide justice for victims, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Justice Against Spon-  
 5 sors of Terrorism Act".

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) International terrorism is a serious and  
 9 deadly problem that threatens the vital interests of  
 10 the United States.

1           (2) The Constitution confers upon Congress the  
2           power to punish crimes against the law of nations  
3           and to carry out the treaty obligations of the United  
4           States, and therefore Congress may by law impose  
5           penalties relating to the provision of material sup-  
6           port to foreign organizations engaged in terrorist ac-  
7           tivity, and allow for victims of international ter-  
8           rorism to recover damages from those who have  
9           harmed them.

10          (3) International terrorism affects the inter-  
11          state and foreign commerce of the United States by  
12          harming international trade and market stability,  
13          and limiting international travel by United States  
14          citizens as well as foreign visitors to the United  
15          States.

16          (4) Some foreign terrorist organizations, acting  
17          through affiliated groups or individuals, raise signifi-  
18          cant funds outside the United States for conduct di-  
19          rected and targeted at the United States.

20          (5) Foreign organizations that engage in ter-  
21          rorist activity are so tainted by their criminal con-  
22          duct that any contribution to such an organization  
23          facilitates that conduct.

24          (6) The imposition of civil liability at every  
25          point along the causal chain of terrorism is nec-

1       essary to deter the flow of terrorism's lifeblood,  
2       money. As recognized by Judge Richard Posner in  
3       Boim v. Holy Land Foundation for Relief and De-  
4       velopment, Nos. 05-1815, 05-1816, 05-1821, 05-  
5       1822, \_\_ F.3d \_\_ (7th Cir. 2008) (en banc), "Dam-  
6       ages are a less effective remedy against terrorists  
7       and their organizations than against their financial  
8       angels . . . suits against financiers of terrorism can  
9       cut the terrorists' lifeline." Moreover, the statute of  
10      limitations for such claims must be extensive for  
11      such claims, for as the Seventh Circuit notes, "Seed  
12      money for terrorism can sprout acts of violence long  
13      after the investment".

14           (7) The reasoning and decision of the United  
15      States Court of Appeals for the Second Circuit in *In*  
16      *Re: Terrorists Attacks on September 11, 2001*, 538  
17      F.3d 71 (2d Cir. 2008) undermine important  
18      counter-terrorism policies of the United States, by  
19      affording undue protection from civil liability to per-  
20      sons, entities and states that provide material sup-  
21      port or resources to foreign terrorist organizations,  
22      and by depriving victims of international terrorism  
23      of meaningful access to court to seek redress for  
24      their injuries.

1           (8) Persons, entities or states that knowingly or  
2 recklessly contribute material support or resources,  
3 directly or indirectly, to persons or organizations  
4 that pose a significant risk of committing acts of  
5 terrorism that threaten the security of United States  
6 nationals or the national security, foreign policy, or  
7 economy of the United States, necessarily direct  
8 their conduct at the United States, and should rea-  
9 sonably anticipate being haled into court in the  
10 United States to answer for such activities.

11           (9) The United States has a vital interest in  
12 providing persons and entities injured as a result of  
13 terrorist attacks committed within the United States  
14 with full access to court to pursue civil claims  
15 against persons, entities, or states that have know-  
16 ingly or recklessly provided material support or re-  
17 sources, directly or indirectly, to the persons or or-  
18 ganizations responsible for their injuries.

19           (b) PURPOSE.—The purpose of this Act is to provide  
20 civil litigants with the fullest possible basis, consistent  
21 with the Constitution, to seek relief against persons, enti-  
22 ties and foreign states, wherever acting and wherever they  
23 may be found, which have provided material support or  
24 resources, directly or indirectly, to foreign organizations  
25 that engage in terrorist activities.

1 **SEC. 3. FOREIGN SOVEREIGN IMMUNITY.**

2 (a) EXCEPTIONS.—Section 1605(a)(5) of title 28,  
3 United States Code, is amended—

4 (1) in the matter before subparagraph (A),  
5 by—

6 (A) inserting “in tort” after “in which  
7 money damages are sought”;

8 (B) inserting “regardless of where the un-  
9 derlying tortious act or omission is committed,  
10 and to include without limitation any tort claim  
11 in relation to an act of extrajudicial killing, air-  
12 craft sabotage, hostage taking, terrorism, or the  
13 provision of material support or resources (as  
14 defined in section 2339A of title 18) for such  
15 an act, or any claim for contribution or indem-  
16 nity in relation to a claim arising from such an  
17 act,” after “United States”; and

18 (C) striking “and caused by the tortious  
19 act or omission of that foreign state or of any  
20 official or employee of that foreign state while  
21 acting within the scope of his office or employ-  
22 ment”; and

23 (2) in subparagraph (A), by inserting “, subject  
24 to the limitations of international and other gov-  
25 erning law and fundamental precepts of humanity,”  
26 after “function”.

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1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall apply retroactively to—

3 (1) all proceedings pending in any court at the  
4 date of enactment of this Act as provided in sub-  
5 section (c) and commenced after the date of enact-  
6 ment of this Act; and

7 (2) dismissed actions as provided in subsection  
8 (d).

9 (c) PENDING ACTIONS.—With respect to any action  
10 that—

11 (1) was brought under section 1605(a)(5) of  
12 title 28, United States Code, before the date of the  
13 enactment of this Act;

14 (2) relied upon said provision as establishing  
15 subject matter jurisdiction; and

16 (3) as of such date of enactment, is before the  
17 courts in any form, including on appeal or motion  
18 under rule 60(b) of the Federal Rules of Civil Proce-  
19 dure;

20 that action shall, on motion made by plaintiffs to the court  
21 where the action is then pending, be given effect as if the  
22 action had originally been filed under section 1605(a)(5)  
23 of title 28, United States Code, as amended by this Act.

24 (d) DISMISSED ACTIONS.—With respect to any action  
25 that—

1 (1) was brought under section 1605(a)(5) of  
2 title 28, United States Code, before the date of the  
3 enactment of this Act;

4 (2) relied upon said provision as establishing  
5 subject matter jurisdiction; and

6 (3) has been finally dismissed on the grounds  
7 that said provision did not provide a basis for sub-  
8 ject matter jurisdiction in relation to claims arising  
9 from an act of terrorism;

10 that action shall, on motion made by plaintiffs to the  
11 United States district court where the action was origi-  
12 nally filed, be reinstated.

13 **SEC. 4. JURISDICTION OVER FOREIGN STATES FOR AC-**  
14 **TIONS OF FOREIGN OFFICIALS.**

15 (a) IN GENERAL.—Section 1604 of title 28, United  
16 States Code, is amended by inserting at the end the fol-  
17 lowing:

18 “Except as provided under section 1605A, any claim  
19 based on an act or omission of an official or employee of  
20 a foreign state or of an official or employee of an organ  
21 of a foreign state, while acting within the scope of his of-  
22 fice or employment, shall be asserted against the foreign  
23 state or organ of the foreign state.”

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to all proceedings commenced after  
3 the date of enactment of this Act.

4 **SEC. 5. AIDING AND ABETTING LIABILITY UNDER THE**  
5 **ANTI-TERRORISM ACT OF 1991.**

6 (a) IN GENERAL.—Section 2333 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 “(d) LIABILITY.—In a suit arising under subsection  
10 (a) of this section, liability may be asserted as to the per-  
11 son or persons who committed such act of international  
12 terrorism or any person or entity that aided, abetted, pro-  
13 vided material support or resources (as defined in Section  
14 2339A(b)(1) of this title) to, or conspired with the person  
15 or persons who committed such an act of international ter-  
16 rorism.

17 “(e) NON-APPLICABILITY OF DOCTRINE OF CLAIM  
18 PRECLUSION.—Any action that seeks recovery under this  
19 chapter, as amended, for conduct that was the basis of  
20 a previous suit dismissed for lack of subject matter juris-  
21 diction under the Foreign Sovereign Immunities Act (28  
22 U.S.C. 1330, 1602 et seq.), shall not, to that extent, be  
23 subject to dismissal under the doctrine of claim pre-  
24 clusion.”.

1 (b) EFFECTIVE DATE.—This amendment shall apply  
2 retroactively to all proceedings pending in any form on the  
3 date of enactment of this Act and to all proceedings com-  
4 menced after the date of enactment of this Act.

5 **SEC. 6. JURISDICTION UNDER THE ANTI-TERRORISM ACT**  
6 **OF 1991.**

7 (a) IN GENERAL.—Section 2334 of title 18, United  
8 States Code, is amended by inserting at the end the fol-  
9 lowing:

10 “(e) JURISDICTION.—The district courts shall have  
11 personal jurisdiction, to the maximum extent permissible  
12 under the Fifth Amendment of the United States Con-  
13 stitution, over any person who aids and abets an act of  
14 international terrorism or who provides material support  
15 or resources as set forth in sections 2339A, 2339B, or  
16 2339C of this title, for acts of international terrorism in  
17 which any national of the United States suffers injury in  
18 his or her person, property or business by reason of such  
19 an act in violation of section 2333 of this title.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 this section shall apply retroactively to all proceedings  
22 pending in any form at on date of enactment of this Act  
23 and to all proceedings commenced after the date of enact-  
24 ment of this Act.

1 **SEC. 7. LIABILITY FOR GOVERNMENT OFFICIALS UNDER**  
2 **THE ANTI-TERRORISM ACT OF 1991.**

3 (a) **IN GENERAL.**—Section 2337 of title 18, United  
4 States Code, is amended to read as follows:

5 **“SEC. 2337. SUITS AGAINST GOVERNMENT OFFICIALS.**

6 “No action shall be maintained under section 2333  
7 of this title against the United States, an agency of the  
8 United States, or an officer or employee of the United  
9 States or any agency thereof acting within his or her offi-  
10 cial capacity or under color of legal authority.”.

11 (b) **EFFECTIVE DATE.**—The amendment made by  
12 this section shall apply retroactively to all proceedings  
13 pending in any form on the date of enactment of this Act  
14 and to all proceedings commenced after the date of enact-  
15 ment of this Act.

16 **SEC. 8. STATUTE OF LIMITATIONS UNDER THE ANTI-TER-**  
17 **RORISM ACT OF 1991.**

18 (a) **IN GENERAL.**—Section 2335 of title 18, United  
19 States Code, is amended—

20 (1) in subsection (a), by striking “four years”  
21 and inserting “10 years”; and

22 (2) in subsection (b), by striking “four years”  
23 and inserting “10 years”.

24 (b) **EFFECTIVE DATE.**—The amendment made by  
25 this section shall apply retroactively to all proceedings  
26 pending in any form on the date of enactment of this Act

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1 and to all proceedings commenced after the date of enact-  
2 ment of this Act.

3 (c) EFFECT ON DISMISSED CAUSES OF ACTION.—  
4 Any private civil action arising from a violation of the  
5 Anti-Terrorism Act of 1991—

6 (1) that was dismissed as time barred prior to  
7 the date of enactment of this Act; and

8 (2) which would have been timely filed pursuant  
9 to section 2335 of title 18, United States Code, as  
10 amended by this section, may be refiled not later  
11 than 90 days after the date of enactment of this  
12 Act.

13 **SEC. 9. SEVERABILITY.**

14 If any provision of this Act or the amendments made  
15 by this Act or the application thereof to any person or  
16 circumstance is held invalid, the remainder of this Act,  
17 the amendments made by this Act, or the application  
18 thereof to other persons not similarly situated or to other  
19 circumstances shall not be affected by such invalidation.

○

**Testimony of John B. Bellinger III**  
Partner, Arnold & Porter LLP  
and Adjunct Senior Fellow in International and National Security Law,  
Council on Foreign Relations

United States Senate Committee on the Judiciary, Subcommittee on Crime and Drugs  
July 14, 2010

Mr. Chairman, Ranking Member Sessions, thank you for inviting me to appear before you today to address Senate Bill 2930, entitled the "Justice Against Sponsors of Terrorism Act." This bill seeks to address some very difficult issues relating to the sovereign immunity of foreign governments that have been the subject of intensive discussion and debate through the years within the United States Government, in U.S. courts, and in the general public, regarding the most appropriate and effective ways to address acts of terrorism when U.S. persons are victims and wish to seek redress in U.S. courts.

I have had the opportunity to consider the issues related to the immunity of foreign governments from several perspectives during my career, including as Counsel for National Security Matters in the Justice Department's Criminal Division during the 1990s, as Legal Adviser to the National Security Council at the White House from 2001-2005, and as the Legal Adviser for the U.S. Department of State from 2005-2009. In addition to my current work in private legal practice at Arnold & Porter, I am currently an Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations, where I am directing a project on international justice. I have thus through the years focused on the hard issue of what the role of U.S. courts should be with respect to the alleged wrongful conduct of foreign governments where U.S. persons suffer as the result of terrorist acts.

Needless to say, my sympathies are with the victims of international terrorism, especially with the families of victims of the horrific 9-11 attacks. I was in the White House Situation Room on September 11 and witnessed the attacks and our government's response first hand. I have met with the families of numerous victims of terrorist attacks, including the families of 9-11 victims and of State Department officials killed in the bombings of our embassies in Kenya and Tanzania. I share the desire of these families to ensure that those responsible for these acts of terrorism are held accountable, and I spent considerable amounts of time while at the White House and the State Department working on compensation plans for victims of terrorism.

The bill before the Judiciary Committee, S. 2930, would amend the Foreign Sovereign Immunities Act (FSIA) to permit individuals to bring tort claims against foreign governments in U.S. courts based on a foreign government's acts of terrorism or material support of terrorism anywhere in the world that cause injury or damage to or loss of property in the U.S. I am not here to take a position on the bill, but instead to draw on my experience to raise several issues for the Committee's consideration.

[Congress Should Be Cautious When Creating New Exceptions to Accepted International Law Principles of Foreign Sovereign Immunity Codified in the FSIA](#)

[1]

Sovereign immunity is a centuries-old doctrine of customary international law that affords sovereign states immunity from being sued in the courts of other states. This long-recognized principle developed by common consent among nations because generally granting immunity is in each nation's interest.<sup>1</sup> The Supreme Court has long recognized that sovereign immunity is an important international legal principle that should be recognized by U.S. courts.<sup>2</sup>

The FSIA, as currently enacted, is the result of decades of difficult debate on the circumstances in which U.S. courts should be available to private litigants to seek redress from foreign governments. It provides the sole basis for obtaining jurisdiction over a foreign state in a civil case brought in a U.S. court. In this respect, immunity for sovereign nations against suits in U.S. courts has a long history and is based on the principle that conflicts with foreign nations are generally more effectively addressed through diplomatic efforts and other means rather than through U.S. domestic judicial proceedings.<sup>3</sup> When Congress enacted the FSIA in 1976, it recognized the importance of these historic principles of international law. The Senate Judiciary Committee noted during its consideration of the relevant bill that it was intended to codify principles of international law.<sup>4</sup> President Gerald Ford stated in his signing statement for FSIA that "This legislation, proposed by my Administration, continues the long-standing commitment of the United States to seek a stable international order under law."<sup>5</sup> The Supreme Court has also recognized that the FSIA represents the "codification of international law at the time of the FSIA's enactment," and certain "pre-existing" exceptions to sovereign immunity "recognized by international practice."<sup>6</sup>

While the FSIA has been amended several times since 1976, in each case, amendments have been developed with caution, in light of the serious consequences of opening U.S. courts to additional litigation against foreign governments.

The public debate about expansions of U.S. jurisdiction has included concerns about the consistency of amendments with international law; the consequences for the United States in terms of reciprocal treatment in foreign courts and the increase in litigation relating to U.S. Government conduct overseas; and the unintended consequences of possible FSIA amendments for litigation here against U.S. allies for conduct that our Executive and Legislative Branches

<sup>1</sup> *Republic of Philippines v. Pimentel*, 553 U.S. 851, 128 S. Ct. 2180, 2190 (2008); see also *Schooner Exch. v. McFaddon*, 11 U.S. 116, 135-36 (1812); *Republic of Austria v. Altmann*, 541 U.S. 677, 688 (2004).

<sup>2</sup> *Permanent Mission of India to the United Nations v. City of New York*, 551 U.S. 193, 197 (2007); see also *Schooner Exch.*, 11 U.S. at 136-36.

<sup>3</sup> *Pimentel*, 128 S. Ct. at 2189-2190 ("The doctrine of foreign sovereign immunity has been recognized since early in the history of our Nation. It is premised upon the perfect equality and absolute independence of sovereigns, and the common interest impelling them to mutual intercourse.") (internal quotation omitted).

<sup>4</sup> S. REP. NO. 94-1310, at 9 (1976).

<sup>5</sup> Presidential Statement on Signing the Foreign Sovereign Immunities Act of 1976, 12 WEEKLY COMP. PRES. DOC. 1554 (Oct. 22, 1976).

<sup>6</sup> *Permanent Mission of India*, 551 U.S. at 199-200.

would not view as problematic or would view as inappropriate for judicial review because of the friction that could be created in U.S. foreign relations as the result of U.S. courts engaging in matters that are most appropriately handled by other branches of the U.S. Government.

Thus, when an exception was written into the FSIA in 1996 to permit additional litigation for acts of terrorism, the amendment was written narrowly so as to limit the potential additional litigation to those countries that had been determined by the President to have repeatedly provided support for acts of international terrorism.<sup>7</sup> This solution balanced the desire to add a remedy in U.S. courts for victims of terrorism with the legal and diplomatic concerns raised by the Executive Branch relating to additional litigation in U.S. courts against foreign governments.

I would note, however, that even this targeted amendment of the FSIA to permit litigation against U.S.-designated state sponsors of terrorism is not consistent with generally accepted principles of international law regarding sovereign immunity, which provides no such exception. Moreover, the U.S. Government's decision to enact its own exception to these principles based on an internal U.S. Government judgment of which governments "sponsor terrorism" has resulted in other governments' labeling the United States a terrorist government and has made our government agencies and employees potential targets for litigation in foreign courts. The same kinds of reciprocity concerns should apply to the Senate's consideration of S. 2930.

In this respect, I must emphasize that I am not advocating that the U.S. Congress should repeal the FSIA's current exception to immunity for state sponsors of terrorism. Rather, I am highlighting that a decision to derogate further from the customary international law of sovereign immunity would weaken substantially our arguments against other governments taking analogous action against the United States.

Beyond that, however, I would urge the Committee to consider whether there are any unintended consequences to the legislation. For example, courts had previously interpreted FSIA's tort exception to require that the tortious act or omission be committed within the United States.<sup>8</sup> By expanding this narrowly crafted exception to apply to tortious acts wherever they occur so long as there is injury or damage to or loss of property in the U.S., the bill could potentially have two distinct consequences.

First, although the provision expanding the tort exception to include certain terrorist acts outside the United States was drafted with specific countries in mind, it could potentially be used to bring suits against other nations, including even close U.S. allies like Israel, if their actions outside the U.S. result in personal injury or loss of property in the U.S. For instance, it is conceivable that this bill could remove Afghanistan's immunity from suit for a military action in Afghanistan, or Israel's immunity from suit for a security action in Gaza, that results in personal

<sup>7</sup> 28 U.S.C. §1605A (2008) (amending and recodifying original enactment at 28 U.S.C. § 1605(a)(7) (1996)).

<sup>8</sup> *Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 441 (1989) (rejecting the argument that domestic effects of a foreign state's tortious conduct abroad satisfy the exception because, in contrast to the FSIA's commercial activity exception, the tort exception "makes no mention of 'territory outside the United States' or of 'direct effects' in the United States."); see also *Asociacion de Reclamantes v. United Mexican States*, 735 F.2d 1517, 1525 (D.C. Cir. 1984) ("the entire tort" committed by the foreign state must "have occurred here").

injury or loss of property by an Afghan or Palestinian family member in the U.S. Lawsuits have already been brought against Israeli officials in U.S. courts for alleged extrajudicial killings in Gaza, and this bill could potentially remove the immunity of the state of Israel itself.<sup>9</sup>

Second, this extraterritorial reach could be expansively interpreted as extending to classic torts such as negligence leading to injury, instead of being limited to terrorism. The phrase "including without limit any tort claim"<sup>10</sup> could generate a flood of litigation in U.S. courts for traditional torts committed abroad by any country in the world or their officials if the torts in question cause injury or damage to or loss of property in the U.S. It is therefore imperative that Congress act cautiously in considering amendments to the FSIA.

#### Additional Considerations Regarding Reciprocity

Apart from these general considerations, I believe that Congress should be particularly cautious at this time when considering amendments to the Foreign Sovereign Immunities Act. The U.S. is engaged internationally in two wars and countless efforts to protect our country from terrorist attacks. U.S. agencies are engaged in necessary acts of lethal force in distant parts of the world. Congress should carefully consider the risk that removing the protections foreign governments enjoy in our courts could invite lawsuits in other countries against the U.S. or its officials for alleged extrajudicial killings or acts of terrorism if the U.S. is seen as departing from the sovereign immunity principles recognized in customary international law.

This concern is not theoretical. Iran and Cuba have already passed legislation removing U.S. sovereign immunity in their courts in response to U.S. legislation that allowed large judgments against them in U.S. courts. The U.S. has been sued in both countries and faces billions of dollars in default judgments as a result.<sup>11</sup> And over the last decade, numerous legal actions have been brought against U.S. officials in Europe arising out of official actions they have taken to fight terrorism.

Moreover, the ability of the United States to enter into multilateral agreements that would enshrine the very principles of international law that we ourselves have championed for years will be even more limited if Congress carves out new exceptions to the FSIA. For example, at U.S. urging, members of the United Nations agreed upon the text of a UN Convention on Jurisdictional Immunities of States and Their Property in 2004.<sup>12</sup> The Convention provides a comprehensive approach to sovereign immunity and embraces the so-called restrictive theory of immunity on which our FSIA, as originally enacted, is based. Despite a quarter of a century of

<sup>9</sup> See *Matar v. Dichter*, 563 F.3d 9 (2d Cir. 2009) (class action under the Alien Torts Statute and Torture Victim Protection Act against Avraham Dichter, the former head of the Israeli General Security Service, for the 2002 Israeli bombing of an apartment complex in Gaza City. The Second Circuit held that former foreign government officials enjoy immunity for their official acts under common law.).

<sup>10</sup> Justice Against Sponsors of Terrorism Act, S. 2930, 111th Cong. § 3(a)(1)(B) (2010).

<sup>11</sup> JENNIFER K. ELSEA, CONGRESSIONAL RESEARCH SERVICE, SUITS AGAINST TERRORIST STATES BY VICTIMS OF TERRORISM 67-68 (2008).

<sup>12</sup> UN Convention on Jurisdictional Immunities of States and Their Property, *adopted* Dec. 2, 2004, 44 I.L.M. 803.

intense international negotiation during which the U.S. advocated for the treaty, we are now unable to become a party because of FSIA's terrorism exception. Thus, our existing exceptions to sovereign immunity in U.S. courts have prevented the U.S. from joining an international convention that we advocated for years and that is generally in U.S. interests. Further amendments should therefore be approached with caution.

Other provisions in the bill may raise similar reciprocity concerns, such as the elimination of the provision related to foreign states and their officers or employees in 18 U.S.C. § 2337.

#### Considerations Relating to the Conduct of Foreign Policy

Congress should also consider the foreign policy friction that could be caused by exposing foreign sovereigns, beyond the designated state sponsors of terrorism, to new avenues of liability – and potentially massive judgments – in U.S. courts. Broadening the exceptions to the FSIA would open the door to unprecedented civil lawsuits against countries with which our leaders are conducting sensitive diplomatic business. I would note, in this regard, that President Bush was forced to veto the National Defense Authorization Act for FY08 after Congress included an amendment to the FSIA that allowed Iraq to be sued for terrorists acts under the Saddam Hussein regime, which complicated the political and financial reconstruction of Iraq.

If immunity is lifted and litigation against foreign governments is allowed to proceed in U.S. courts, it could lead the Executive Branch to believe it needs to intervene in a series of new cases that are adverse to fundamental U.S. policy interests. Increased Executive Branch intervention would undermine the entire regime created by the FSIA to develop neutral principles of immunity that could be applied in all situations.<sup>13</sup>

#### Final Considerations Relating to Other Potential Remedies

Protecting a foreign government from lawsuits because of its sovereign immunity can be difficult to accept in horrific acts of terrorism. That said, where creating a new remedy can cause other problems such as those I have just described, I believe a careful discussion of the consequences of this legislation, including unintended consequences, is needed. This discussion should examine the advantages and disadvantages of the additional litigation, and what other options might be available.

In this respect, claims brought by individual plaintiffs are not the only means to deter foreign governments from supporting terrorism. The U.S. can and does use strong tools such as sanctions, trade embargos, diplomacy, or even military action to achieve its objective of protecting the American people and deterring or punishing foreign sovereigns who support terrorist groups.

<sup>13</sup> H.R. Rep. No. 94-1487, at 7 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604 (a "principal purpose" of the FSIA is "assuring litigants that these often crucial [immunity] decisions are made on purely legal grounds and under procedures that insure due process"); *see Samantar v. Yousef*, 130 S. Ct. 2278, 2285 (2010) ("Congress responded to the inconsistent application of sovereign immunity by enacting the FSIA in 1976.").

Moreover, in some difficult situations around the world, even where Americans are aggrieved and would like to litigate in U.S. courts, the best approach may be to seek justice and accountability for those who perpetrate acts of terrorism or provide material support in other, more direct ways. These other avenues include pressing their own countries to hold them accountable (or waive their immunity), supporting international criminal tribunals, and funding international rule of law and victim rehabilitation programs. This approach would respect international rules of immunity, protect the United States itself, and still promote international justice.

Finally, I would note that Judge Royce Lamberth, the Chief Judge of the U.S. District Court for the District of Columbia who has extensive experience hearing lawsuits brought under the terrorism exception to the FSIA, has raised legitimate questions about the efficacy of litigation against foreign governments in U.S. courts in a recent and well-reasoned opinion.<sup>14</sup> While I do not necessarily endorse everything in Judge Lamberth's opinion, I do believe he makes important observations both about the challenges of litigating these kinds of cases in U.S. courts and the ability of plaintiffs to recover damages, even if they prevail at trial. I commend his opinion to the Committee.

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Thank you again for the opportunity to appear before you today. This Committee deserves special recognition for helping the victims of 9-11 and their families and for giving careful consideration to the issues raised by this legislation. I will be pleased to address any questions the Committee may have.

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<sup>14</sup> See *In re Islamic Republic of Iran Terrorism Litigation*, 659 F.Supp.2d 31, 129 (2009).

Debra Burlingame  
1718 M Street NW #351  
Washington, D.C. 2036

July 14, 2010

Senator Arlen Specter  
Subcommittee on Crime & Drugs  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: S. 2930, the Justice Against Sponsors of Terrorism Act

Dear Senator Specter:

I write in strong support of S. 2930, the Justice Against Sponsors of Terrorism Act ("JASTA"). This legislation will be of great assistance in exposing the corrupt practices of foreign nations that support that terrorism, preventing future terrorist activities, and ensuring justice for those Americans who have suffered as a result.

If Congress passes JASTA, the immediate effect would be to enable the families of the victims of the September 11, 2001 to pursue their civil claims against Saudi government agencies that were deeply involved in providing financial and other material support to the terrorist networks that attacked our nation. The victims' families filed that lawsuit several years ago after thousands of hours of research into the relationship of the Saudi government, its officials, its charities, and the terrorist networks with which they associated. The U.S. Court of Appeals for the Second Circuit recognized that their case is grounded in "a wealth of detail (conscientiously cited to published and unpublished sources) that, if true, reflect close working arrangements between [the Saudi government] charities and terrorist networks, including al Qaeda. *In re Terrorist Attacks of September 11, 2001*, 538 F.3d 71, 76 (2d Cir. 2008), *cert. denied*, 129 S. Ct. 2859 (2009).

The September 11 victims' families cannot proceed with their suit, however, because of a series of legal and political decisions that have prevented that case from going forward. As others have testified, the district court and the Second Circuit each concluded that Congress did not intend for the victims of terrorism to be able to bring a civil suit against foreign officials who aided and abetted the terrorist acts. They reached this conclusion despite the plain meaning of the tort exception to the Foreign Sovereign Immunities Act and the legislative history showing that Congress believed that civil litigation could have an important role in ensuring justice and preventing future wrongdoing.

As disappointing as the court decisions were, the greatest outrage came when Solicitor General Elena Kagan refused to support the families' cause in the U.S. Supreme Court. After the Second Circuit ruled against them, the families sought a writ of certiorari and the Supreme Court then asked for the views of the Solicitor General. Instead of taking the most straightforward reading of the statute, Solicitor General Kagan filed a brief siding with the Saudi officials. That brief not only got the law wrong, but it allowed short term diplomatic concerns to get in the way of the law. A case that should have been about the Foreign Sovereign Immunities Act and the intent of Congress became a diplomatic bargaining chip for the Obama Administration, and Elena Kagan played right along. This politicization of the judicial process by Solicitor General Kagan was inexcusable. Congress intended for these families to be able to seek their relief, and her brief effectively quashed that effort. Once the Kagan Brief was filed, the Court quickly denied certiorari.

JASTA restores congressional intent in unmistakable terms so that victims' families do not face similar roadblocks in the future. Indeed, it is important to recognize that JASTA is not designed simply for the September 11 victims. Unlike other bills that Congress considers on occasion, this is not a "litigation earmark." It is a genuine effort to make appropriate prospective changes to our laws governing foreign sovereign immunity so that future attacks can be thwarted.

It is difficult to underestimate the importance of having a large arsenal of tools when combating terrorist financing networks. We live in a world where our enemies are funneling money to terrorist activities through governments, businesses, mosques, and "charities." As the arrests last week in Norway show, we continue to combat a worldwide network of extremists that requires funding – funding that is flowing today.

JASTA enables private parties – victims and their families – to pursue these sources of terrorist financing on a civil basis and to expose them to the world. The civil litigation process effectively works in concert with the federal government's criminal, diplomatic,

intelligence, and military efforts to root out these networks. It tells the terrorist financiers, especially governments and their agents, that political or diplomatic machinations will not protect their assets and their livelihoods. And it tells victims' families that they can play a role in rooting out the true story of what happened to their loved ones.

Victims' families have shown, time and again, that they will persevere in their pursuit of justice long after political winds change and the horrific details of the original crime have faded from view and the public's consciousness. This is itself a public service that should not be thwarted by vague policies and temporal politics. If victims' families have the courage to find and face the truth on behalf of their fellow citizens, the law should not stand in their way.

I recognize that there are those who argue that the federal government's efforts to combat terrorist financing networks mean that the victims and their families should not be able to bring independent suits against foreign states that contribute to those networks. I strongly disagree. The executive branch is always going to say that civil litigation against foreign nations interferes with foreign affairs, but that is because the diplomats at the State Department want to be in control. It is in their institutional interest to freeze out the victims and their families, but Congress should not confuse the State Department's interests with the public interest itself.

JASTA will help deter terrorism and it will provide victims' families with a means to expose the truth about how the terrorists were funded. That is important for September 11, and it is important for the future as well. I hope that Congress will quickly enact this legislation.

Respectfully,



Debra Burlingame  
Sister of Capt. Charles F. Burlingame, III, pilot of American Airlines flt. 77, 9-11-01  
Co-founder, 9/11 Families for a Safe & Strong America

CC: Sen. Lindsey Graham, Subcommittee Ranking Member  
Sen. Patrick J. Leahy, Chairman, Judiciary Committee  
Sen. Jeff Sessions, Ranking Member, Judiciary Committee

Sen. Herb Kohl  
Sen. Dianne Feinstein  
Sen. Russ Feingold  
Sen. Chuck Schumer  
Sen. Dick Durbin  
Sen. Benjamin L. Cardin  
Sen. Sheldon Whitehouse  
Sen. Amy Klobuchar  
Sen. Ted Kaufman  
Sen. Al Franken  
Sen. Orrin Hatch  
Sen. Chuck Grassley  
Sen. Jon Kyl  
Sen. John Cornyn  
Sen. Tom Coburn

**Testimony of Richard Klingler<sup>1</sup> Before the Senate Committee on the Judiciary,  
Subcommittee on Crime and Drugs**

**“Evaluating the Justice Against Sponsors of Terrorism Act, S. 2930”**

**July 14, 2010**

Chairman Specter and other members of the Subcommittee, thank you for inviting me to present my views regarding S. 2930, the Justice Against Sponsors of Terrorism Act (“the Act” or “JASTA”).

The Act is an important counter-terrorism initiative and focuses on redressing injuries incurred within our borders, where our nation’s sovereign interests are greatest. The Act is required in large part due to the Second Circuit Court of Appeals’ unfortunate and clearly erroneous construction of the Foreign Sovereign Immunities Act (“FSIA”) and application of the Due Process Clause, as well as by the Administration’s narrow construction of a FSIA exception to sovereign immunity for suits addressing tortious acts, including acts of terrorism. The Act would ensure that victims of terrorism will secure redress for acts of terrorism committed on U.S. soil, even if initiated abroad, and would increase the prospect of holding those responsible to account for their actions. This applies not only to victims of past acts of terror, but also to those who are, unfortunately, very likely to join their ranks, and it applies to those who would

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<sup>1</sup> Richard Klingler is a partner in the law firm Sidley Austin LLP. He served as Associate Counsel and then Senior Associate Counsel to President George W. Bush (2005-2007) and as General Counsel and Legal Adviser on the National Security Council staff (2006-2007). He previously served as a law clerk to Justice Sandra Day O’Connor and Judge Kenneth Starr. A.B., Stanford University; M.A., Oxford University (as a Rhodes Scholar); J.D., Stanford Law School. He was one of the principal lawyers representing victims of the September 11, 2001 attacks in their efforts to have the U.S. Supreme Court review *In re Terrorist Attacks on September 11, 2001*, 538 F.3d 71 (2d Cir. 2008), *cert. denied*, 129 S.Ct. 2859 (2009). The following views are his own.

foster and support terrorist organizations as well as to those who more directly commit acts of terror.

The Act would also increase the nation's ability to deter and prevent further attacks of terrorism. Although civil litigation plays only a small part in countering terrorism, relative to the efforts of our armed forces and intelligence, diplomatic, and law enforcement officials, its role is not negligible. The Act would increase the scope of civil litigation directed against those who materially support terrorism, which may prove especially effective when directed against the financiers of terror and by providing incentives to foreign states to ensure that those closely affiliated with them neither seek to harm expatriate communities within the United States nor further the efforts of terrorist organizations. And, the Act would increase the likelihood that federal courts will extend their powers broadly to entertain suits against those who would support terrorist actions directed against the United States and its interests.

There are always risks to our nation's foreign relations and potential conflict with international legal principles when civil liability is expanded against foreign sovereigns and for acts undertaken abroad. In this case, however, those risks are considerably reduced because the Act focuses the expanded litigation on redressing and preventing injury occurring within this nation's borders, where its sovereign interests are greatest. Those risks are further reduced by certain additional provisions of the Act, by a series of legal principles available to the judiciary to accommodate legitimate, conflicting interests, and by measures the Executive Branch may take to manage risks to foreign relations in particular cases. There are, in addition, clarifications of the sovereign immunity exception created by the Act that may reduce these risks, especially in relation to injuries unrelated to acts of violence and terrorism.

The following sections elaborate these and related points. Section I addresses the Second Circuit's decision that prompted the need for the Act, as well as the Administration's response to that decision and construction of FSIA's tort-related sovereign immunity exception. Section II provides an overview of the Act's key provisions that would enhance our counter-terrorism capabilities. Section III addresses the principal legal policy considerations implicated by the Act.

**I. Background: The Second Circuit's Decision and the Administration's Response.**

The Act responds to limitations on suits against foreign states and other supporters of terrorism that arise from a recent decision of the Second Circuit Court of Appeals. Although that court's reasoning is at odds with decisions of certain other courts and has been disavowed by the current Administration, it significantly curtails efforts by victims of terrorism to pursue claims against supporters of terrorism, including most foreign states. In response, the Administration has offered its own, very narrow interpretation of when victims of terrorism can sue foreign states that support acts of terrorism. An overview of that Second Circuit decision and the Administration's response to it thus provides the basis for understanding the need for and implications of the Act.

The Second Circuit's Decision. The Second Circuit's decision addressed an aspect of cases brought by various victims of the terrorist attacks of September 11, 2001 against foreign government bodies, government officials, and others alleged to have contributed to the attacks. In particular, the September 11 victims' claims for damages were based in state tort law and 18 U.S.C. § 2333 (a statutory tort), and the Second Circuit's decision addressed those claims as they applied to certain Saudi defendants, including the Kingdom of Saudi Arabia, five Saudi princes

(four acting in their personal and official capacities, and one in his personal capacity), and a Saudi charitable commission, which claimed the status of an organ of the Kingdom. As summarized by the Second Circuit, the claims “include a wealth of detail (conscientiously cited to published and unpublished sources) that, if true, reflect close working arrangements between ostensible charities and terrorist networks, including al Qaeda” *In re Terrorist Attacks on September 11, 2001*, 538 F.3d at 76. The court also noted that “[t]he United States government has listed several of the charities (or their branch offices) as ‘Specifically Designated Global Terrorists,’ and has taken steps to shut down their operations.” *Id.* at 76-77.

The Second Circuit’s decision upholding the dismissal of the September 11 victims’ claims rested on three grounds with considerable implications for the nation’s counter-terrorism policies. First, the court determined that FSIA permitted claims related to terrorist activity to be brought against a foreign state only if the claims fell within the scope of FSIA § 1605A, which authorizes certain claims against designated state sponsors of terrorism, and that such claims could not be brought as tort claims otherwise authorized by FSIA § 1605(a)(5),<sup>2</sup> even when the damage resulting from the act of terrorism arose in the United States. The Executive Branch has designated only a handful of states (not including Saudi Arabia) as state sponsors of terrorism. The result, under the Second Circuit’s approach, is that a U.S. citizen can sue a foreign state for harm unintentionally caused by a car crash, but that FSIA bars claims against almost every foreign state that might seek to harm Americans within our borders, through acts of terror or otherwise.

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<sup>2</sup> The court reached this conclusion despite the plain language of Section 1605(a)(5), which provides an exception to sovereign immunity for claims “in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state . . . .” 28 U.S.C. § 1605(a)(5).

In addition, the Second Circuit adopted a very narrow construction of when the Constitution's Due Process Clause permits suit against a person who facilitates or supports terrorist activities directed against the United States. It held that the Clause prohibits U.S. courts from asserting jurisdiction over persons who provide material support to terrorist organizations, even when they know that the organizations they are funding intend to attack the United States. Instead, victims could sue only those persons who "directed the September 11 attack or commanded an agent (or authorized al Qaeda) to commit them." *In re Terrorist Attacks on September 11, 2001*, 538 F.3d at 94. The courts were barred from entertaining a claim based on the allegation that the Saudi princes "intended to fund al Qaeda through their donations to Muslim charities" – "[e]ven assuming that the Four Princes were aware of Osama bin Laden's public announcements of jihad against the United States and al Qaeda's attacks on the African embassies and the U.S.S. Cole . . ." *Id.* at 95. This construction was at odds with the approach of certain other federal courts and threatens to undermine the use of U.S. courts for civil actions directed against those who provide material support, and especially financial support, to terrorist organizations that threaten American citizens and interests. *See id.* ("Providing indirect funding to an organization that was openly hostile to the United States does not constitute this type of intentional conduct" needed to establish jurisdiction).

Finally, the court held that FSIA, which limits when a foreign "state" may be subjected to suit in U.S. courts, also governed claims against foreign government officials. *See id.* 87-90. This holding is of less importance for present purposes, because the Supreme Court recently

determined that this issue alone merited review and rejected the construction of FSIA advanced by the Second Circuit. *See Samantar v. Yousuf*, No. 08-1855 (June 1, 2010).<sup>3</sup>

The Administration's Response. Within days following the Administration's announcement that the President would extend his trip to Egypt to include his first visit to the Kingdom of Saudi Arabia, the Solicitor General filed the government's brief addressing *In re Terrorist Attacks on September 11, 2001*. That brief advised the U.S. Supreme Court not to review the Second Circuit's decision even as it expressly disagreed with each of the three aspects of the decision outlined above.

What the Administration omitted from its filing is as important as what the brief addressed. The Administration's brief did not address the injuries suffered by the September 11 victims or the events of that day, the public interest and U.S. policy interests in redressing those injuries through claims in federal courts, the effect of the Second Circuit's rulings on civil counter-terrorism suits (especially as they apply to financiers of terrorism), the Government's own prior positions at odds with the Second Circuit's determinations, the incentives created by the decision for supporters of terrorism, or the implications of limiting claims brought by victims of future acts of terrorism.

Nor did the Administration express any particular concern about the effect of the September 11 victims' suit on U.S. relations with Saudi Arabia or on the conduct of U.S. foreign relations. Instead, the Administration referred only to courts' traditional deference to Executive Branch determinations in light of "potentially significant foreign relations consequences" arising from suits against foreign states, and to Section 1605(a)(5)'s general role in avoiding "conflict

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<sup>3</sup> In yet another recent case, the U.S. Supreme Court has also rejected one of the narrowing constructions of a counter-terrorism statute employed by the trial court to reject the September 11 victims' claims brought pursuant to 18 U.S.C. § 2333. *See Holder v. Humanitarian Law Project*, No. 08-1498 (June 21, 2010).

that would arise from asserting jurisdiction over a foreign government's actions taken in its own territory" and in deterring reciprocal foreign judicial action. Brief for the U.S., No. 08-640 at 4, 15.

Even though the Administration argued that the Second Circuit clearly erred in construing Section 1605(a)(5) as not authorizing suits concerning acts of terrorism, *id.* at 12-13, the Administration offered its own, narrow interpretation of Section 1605(a)(5). The Administration argued "that jurisdiction under the tort exception [Section 1605(a)(5)] must be based entirely on acts of the foreign state within the United States." *Id.* at 15. It inferred this result principally from Section 1605(a)(5)'s language addressing "the personal injury or death ... occurring in the United States" and from lower court cases addressing acts occurring entirely abroad. *Id.* at 14-15. Of course, the injury and death resulting from the September 11 attacks clearly occurred in the United States, as a quick visit to the Pentagon, the former site of the World Trade Center, or Shanksville, Pennsylvania will confirm. The government put forth its narrow construction even as it acknowledged that the September 11 victims had alleged that Saudi intelligence officials and charities had operated in the United States and provided support to the September 11 hijackers and al Qaeda, *see id.* 16 n.4, and even though it had previously assured the Court of Appeals for the D.C. Circuit "in cases of terrorism on U.S. territory, such as the September 11 attacks, jurisdiction might properly be founded on both paragraphs (a)(5) and (a)(7) [Section 1605(a)(5) and 1605A]." Brief for the U.S., at 17 (May 9, 2004), *Kilburn v. Socialist People's Libyan Arab Jamahiriya* (D.C. Cir.).

As to the Second Circuit's application of the Due Process Clause, the Administration argued that the court's reasoning was incorrect: "To the extent that the court of appeals' language suggests that a defendant must specifically intend to cause injury to residents in the

forum before a court there may exercise jurisdiction over him, that is incorrect.” Brief for the U.S., No. 08-640, at 19. Even so, the Administration asserted that the decision was “unclear” on this point and might be subject to a narrower construction, and thus did not merit review. *Id.* at 19-20.<sup>4</sup>

## II. Overview of The Act’s Principal Counter-Terrorism Provisions.

The Act seeks to buttress the nation’s counter-terrorism policies and to assert the nation’s legitimate sovereign interests in three principal respects.

First, responding especially to the Second Circuit’s construction of FSIA § 1605(a)(5), the Act confirms and expands the ability of victims of terrorism and other tortious conduct to sue foreign states for injuries occurring in the United States. It does this by modifying Section 1605(a)(5). The Act would retain that Section’s principal limitation permitting suit only in relation to “personal injury or death, or damage to or loss of property occurring in the United States,” but would ensure that acts undertaken abroad but contributing to injury in the United States can serve as the basis for suit. *See* JASTA § 3(a). The modification also makes clear that Section 1605(a)(5) can support claims seeking redress for acts of terrorism. *See id.* Thus, the revised Section 1605(a)(5) rejects both the Second Circuit’s limitation on suit grounded in the supposed exclusive remedy for acts of terrorism set forth in FSIA § 1605A and the Administration’s newly discovered limitation based on the need for the “entire tort” to be undertaken in the United States. (Related provisions of the Act would extend the statute of limitations for bringing suit to remedy acts of terrorism and would revive aspects of the

<sup>4</sup> In a decision applying the Second Circuit’s Due Process ruling to claims brought by the September 11 victims against other defendants, the district court recently rejected the Administration’s proposed narrower construction and dismissed claims against dozens of defendants on jurisdictional grounds related to their status as supporters of terrorism. *See In re Terrorist Attacks on September 11, 2001*, 2010 WL 2484411, at \*16 (S.D.N.Y.).

September 11 victims' suit that were dismissed based on the Second Circuit's erroneous construction of FSIA. *See id.* §§ 3(c)-(d), 8.)

Second, responding to the Second Circuit's mistaken application of the Due Process Clause, the Act expresses Congress' understanding of the nexus between U.S. courts and those who support terrorist organizations hostile to the United States. The Act states the factual assessment that persons who provide material support to terrorists or terrorist organizations that threaten the United States and its interests also "necessarily direct their conduct at the United States, and should reasonably anticipate being haled into court in the United States to answer for such activities." *See* JASTA § 2(a)(8). This assessment reflects an application of the Due Process Clause standards set forth in the governing Supreme Court cases, *Calder v. Jones*, 465 U.S. 783, 789-90 (1984), and *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985). In addition, the Act urges federal district courts to construe the Due Process Clause to find personal jurisdiction over those who would otherwise be liable as abettors or supporters of terrorism under established counter-terrorism laws – 18 U.S.C. §§ 2339A, 2339B & 2339C, as enforced through civil suits pursuant to 18 U.S.C. § 2333. *See id.* § 6(a). Through both provisions, the Act seeks to ensure that federal courts do not unduly constrict their authority and impede the operation of counter-terrorism statutes.

Finally, the Act confirms that victims of terrorism may pursue federal statutory claims based on allegations of secondary tort liability. The Act accomplishes this by making express that 18 U.S.C. § 2333 authorizes suits by victims of international terrorism against those who conspire with, or aid, abet, or provide material support or resources to, the persons who directly commit those acts of terrorism. *See* JASTA § 5. The Seventh Circuit Court of Appeals in particular had already construed Section 2333 to support such claims against those who aided or

abetted, or supported, acts of terrorism. See *Boim v. Holy Land Foundation for Relief and Development*, 549 F.3d 685 (7<sup>th</sup> Cir. 2008) (en banc). Even so, Section 2333's language does not currently expressly address the issue, and the Second Circuit's sharp and unjustified distinction between primary and secondary liability for acts of terrorism could support a narrowing construction of Section 2333.

### III. Legal Policy Considerations.

The Act would advance several important components of the nation's counter-terrorism policies, including ensuring access to justice for victims of terrorism, contributing to the deterrence and prevention of future attacks, and influencing courts' assertion of jurisdiction over supporters of terrorism directed against the United States. While any contraction of foreign sovereign immunity presents risks to the conduct of foreign relations and may create tension with principles of international law, those risks and tension are relatively limited here because the Act focuses on injury within the nation's borders, where our own sovereign interests are strong. There are, in addition, various means for limiting and managing the risks that remain.

#### A. Ensuring Access to Justice for Victims of Terrorism.

The most direct and important policy interest advanced by the Act is simply providing access to justice and an appropriate remedy for victims of international terrorism causing injury in the United States, and an accounting for those who support such acts of terrorism. Providing a remedy for such harm is a basic state law police power and, in the context of remedying harm from terrorism, a fundamental aspect of federal sovereign power. State tort law and federal tort statutes such as 18 U.S.C. § 2333 provide remedies for victims of terrorism for injuries occurring in the United States, and the issue presented by the Second Circuit's and the Administration's

construction of FSIA § 1605(a)(5) is whether foreign states should be exempt from the otherwise applicable state and federal law.

State and federal policies have traditionally and appropriately emphasized providing remedies to victims of terrorism, and this interest is particularly strong when harm arises within the nation's borders. The victims of the September 11 attacks hold a special place in our nation's counter-terrorism policy, and so will the victims of future attacks. To the victims of terrorism harmed in the United States, it does not matter whether the foreign official who writes the check that fostered the attack does so from within or beyond our borders, and it should not matter to our courts.

B. Decreasing the Likelihood of Attacks Against U.S. Citizens.

Expanding access to the courts for victims of terrorism also advances the public interest in decreasing the likelihood of terrorist attacks directed against U.S. citizens. It is important not to overstate the importance of civil and even criminal measures as mechanisms that influence terrorist organizations and their supporters, but so, too, should those measures not be understated: they serve as important measures that buttress the broader counter-terrorism efforts led by our military, diplomatic, intelligence, and law enforcement officials.

The Act especially has the potential to influence those who provide financial support to terrorist organizations, whether they are associated with a foreign state or act independently. The Act accomplishes this through the proposed revisions to FSIA and the revision to the Anti-Terrorism Act of 1991. As recognized in the Act itself, increasing civil liability for providing financial support to terrorist organizations is an important component of impairing their capabilities and "suits against financiers of terrorism can cut the terrorists' lifeline." JASTA § 2(a)(6) (quoting *Boim v. Holy Land Foundation, supra*). U.S. government officials have

repeatedly emphasized the importance of limiting financial support to terrorist organizations, including especially support from Saudi sources, and that counter-terrorism policy interest of course underpins a broad range of measures led by Treasury Department officials and law enforcement and intelligence officials in other departments and agencies.

The increased potential for civil litigation and liability can also be expected to influence the behavior of foreign states, although the degree of this influence is difficult to predict. The importance of civil suits often lies as much if not more in the public accounting, and the related publicity and disclosure associated with civil litigation, as it does in the potential for an adverse damages judgment. With the involvement of the federal judiciary, a foreign government can no longer expect that its actions directed against persons and interests in the United States will be handled as confidential, bilateral disputes between governments.

The influence on state behavior might be expected to be particularly significant in two important contexts. First, foreign states have a long history of interfering with their expatriate communities in the United States, including through acts of violence and terrorism. Indeed, prior to the Second Circuit's decision, courts had construed FSIA § 1605(a)(5) as permitting suits directed against foreign governments that had arisen in just this context. For example, in *Liu v. Republic of China*, 892 F.2d 1419 (9<sup>th</sup> Cir. 1989), the Republic of China's liability in a suit pursuant to Section 1605(a)(5) arose from acts of a senior intelligence officer, undertaken in Taiwan, who arranged for a killing to take place in the United States. Similarly, in *Letelier v. Republic of Chile*, 488 F. Supp. 665, 674 (D.D.C. 1980), Section 1605(a)(5) supported a claim against Chile based on Chilean officials' actions carried out within Chile that resulted in a killing in the United States. These undertakings are considerably more narrow and directed than broad

efforts to wage war against the U.S. government by terrorizing U.S. citizens, and civil suits and associated disclosure could serve to deter such interference.

Second, increased potential civil liability and associated publicity may well increase foreign governments' attention to the actions of persons and organizations that may be found to be organs or alter egos of the government itself. In many countries, the line between public and private sectors blurs, and the government has considerable discretion regarding how closely it regulates the activities of officials and organizations operating near that line. Saudi Arabia and the charitable organizations at issue in the September 11 suit in U.S. federal court nicely illustrate this point. The United States has, of course, for many years sought to increase the incentives for the Kingdom of Saudi Arabia and other countries to limit the activities of organizations that are both ambiguously affiliated with the government and closely affiliated with terrorist organizations (especially through the provision of financial support), and the prospect of civil suit could be expected to increase that incentive.

C. Protecting Federal Courts' Jurisdiction Over Supporters of Terrorism.

Congress cannot, of course, legislate to revise a court's interpretation of the Constitution, including the Due Process Clause's limitations on courts' assertions of personal jurisdiction. Even so, the Act's provisions addressing this issue are quite important because they can be expected to influence courts' application of established Due Process Clause standards in a manner that favors an outcome considerably different from the Second Circuit's narrow application.

The Act would accomplish this in two respects. First, it underscores Congress' view of the factual basis for concluding that those who provide material support to terrorist organizations that threaten the United States in fact direct their actions to the United States and can reasonably

expect a U.S. response – including being “haled into court in the United States to answer for such activities.” *See* JASTA § 2(a)(8). That is, Congress is employing its superior fact-finding capabilities to indicate how it believes the established Due Process Clause test should be applied. It is not attempting to change or displace that established legal standard. In addition, the Act calls courts’ attention to the close nexus between undertaking an act of terrorism directed against the United States, where personal jurisdiction is clear, and those who support and facilitate those acts. It does so through the Act’s secondary liability provisions, which confirm that civil liability equally extends to those who abet or support terrorism. *See id.* § 6(a).

D. Risk of Interference with Foreign Relations.

Increased opportunities for suit against foreign sovereigns present a genuine risk of interference with U.S. foreign relations. Every foreign state, like every person, would prefer to be shielded from suit, and plaintiffs can bring meritless suits as well as those that are worthy. Litigation can involve disclosure of sensitive information, including information concerning dealings between the foreign state and the United States government. It can complicate bilateral and multilateral dealings that are important to the United States, and foreign states can threaten and undertake retaliatory measures.

Several aspects of the Act limit this risk. First, suit is authorized only where there is injury to persons or property “occurring in the United States.” *See* 28 U.S.C. § 1605(a)(5); JASTA § 3(a). This important restriction considerably limits the events that may give rise to litigation. Plaintiffs can be expected to be creative in seeking to define the scope of this harm and the link between the foreign government action and the event causing harm (especially beyond the terrorism context), and potential clarifications of or revisions to the Act might focus on limiting the opportunities to expand the scope of suit in this manner – for example, by

focusing the Act's revisions even more on acts of violence and terrorism. Even so, it is clear that the injuries suffered in the September 11 attacks, and those that would have been incurred had the Christmas Bomber or Times Square Bomber proved successful, clearly fall within the core of the definition, whatever ambiguities may exist at the margins. In addition, permitting suits based on injuries "occurring in the United States" presents considerably fewer difficulties of international law, as described below, and thus should provide foreign states with considerably less basis to object than would suits addressing their actions not directed at the United States.

The Act also precludes suits against foreign officials based on their official actions. *See* JASTA § 4(a). Suits against officials individually can especially inflame or disrupt bilateral relations. The Act's limitation thus reduces the potential for foreign states to undertake retaliatory actions or to enlarge their courts' jurisdiction in response to U.S. litigation. The Act also focuses on tort claims for money damages. *See id.* § 3(a). This authorizes a traditional and relatively cabined judicial inquiry, generally presenting fewer difficulties than suits directed at enjoining or disclosing controversial government activities, or enforcing more open-ended rights.

Various judicial doctrines will also permit the defendant sovereigns and the courts themselves to limit somewhat the risk that litigation poses to U.S. foreign relations. For example, courts will continue to apply principles of international comity to matters of process as well as certain substantive issues, and certain federal common law limitations may also apply. While the scope of the political question doctrine and the act of state doctrine would present difficult and fact-dependent issues of application, those doctrines, too, may limit the scope and impact of litigation in particular circumstances.

Perhaps most important, the Executive Branch itself has various powers and means available to it to manage and limit the adverse impact of litigation on foreign relations. The

government files briefs in a range of cases involving issues of sovereign immunity, and it can do so to alert the courts to meritless litigation, to constructions of the FSIA and substantive statutes that present reduced risks to foreign relations, and to the particular foreign relations difficulties created by particular claims or issues. Courts have traditionally accorded considerable weight to these government filings. While it is understandable that the State Department might prefer a broader immunity provision that did not require it to participate as actively in litigation or manage as many potential diplomatic difficulties, it nonetheless has available to it this mechanism to mitigate harm to U.S. foreign relations. And, in more extreme cases, the President also has the power (buttressed and confirmed by the International Economic Emergency Powers Act and claims settlement practice) to terminate litigation in U.S. courts that adversely affects foreign relations, usually doing so in the course of providing an alternative remedy that presents fewer diplomatic difficulties. *See generally Dames & Moore v. Regan*, 435 U.S. 654 (1981).

E. Consistency with Principles of International Law.

Because the Act focuses on acts directed toward and injuries occurring in the United States, any tension it may create with principles of international law is relatively limited. When a state acts to address harm arising within its borders, international legal concerns are at their lowest level. *See, e.g., The Schooner Exchange v. M'Faddon*, 11 U.S. (7 Cranch) 116, 136 (1812). The State Department endorsed this conclusion when it addressed the operation of Section 1605(a)(5) under the more expansive interpretation that the Second Circuit rejected, and it did so in the context of addressing suits against foreign states for acts of terrorism directed at the United States from abroad (such as those at issue in *Liu* and *Letelier*, *supra*). *See The Foreign Sovereign Immunities Act: Hearing on S. 825 before the Senate Judiciary Comm., Subcomm. on Courts and Admin. Practice*, Sen. Hrg. 103-1077 (June 21, 1994) (testimony of

Jamison S. Borek, Dep. Legal Adviser, Department of State) (“Under current law, there have been a few cases allowing actions for murder. It wasn’t necessarily styled as terrorism, and that may be desirable because it is a little less inflammatory from the point of view of the government that is sued. But it is clearly much less troublesome in terms of international law and practice to allow suits for activities that occurred within the United States.”).

A state’s ability to redress or prevent injury arising within its borders is particularly clear with respect to harm caused by terrorist attacks. Before and particularly after the September 11 attacks, international law has recognized the legitimacy of measures designed to prevent and punish material support for acts of terrorism directed toward the enforcing state, even when that support is provided abroad. *See, e.g., International Convention for the Suppression of the Financing of Terrorism*, art. 7, cl. 2 (1999) (“A State Party may also establish its jurisdiction over any such offence when: (a) The offence was directed towards or resulted in the carrying out of an offence [of terrorism] ... in the territory of or against a national of that State.”); *see also, e.g., U.N. S.C. Res. 1373* (Sept. 28, 2001); *U.N. S.C. Res. 1368* (Sept. 12, 2001); *U.N. S.C. Res. 1390* (Jan. 28, 2002); *U.N. S.C. Res. 1455* (Jan. 17, 2003); & *U.N. S.C. Res. 1566* (Oct. 8, 2004). And, where the foreign state’s actions are alleged to take place largely beyond that state’s borders, as the September 11 victims claimed in relation to the Saudi government charity, potential tension with principles of international law is further reduced.

The civil liability that the Act would create is considerably less extensive and has less extraterritorial application than many of the principal provisions of U.S. counter-terrorism law and policy. For example, FSIA § 1605A imposes liability upon foreign state sponsors of terrorism in a far broader range of circumstances than would exist for claims under the revised Section 1605(a)(5), extending to acts undertaken by the foreign state abroad and causing harm

outside the United States. *See* 28 U.S.C. § 1605A. Other statutes and legal authorities similarly impose liability for undertaking or supporting terrorist acts committed abroad, although they do not all necessarily apply to officials and acts of foreign governments. *See, e.g.*, 18 U.S.C. §§ 2339A, 2339C (material support statutes); Torture Victims Protection Act, codified at 28 U.S.C. § 1350 note; 18 U.S.C. § 1114; Exec. Order 13,224, 66 Fed. Reg. 49,079 (Sept. 23, 2001) (authorization to Departments of Treasury and State to block assets of persons providing material support to terrorist organizations).

F. Relationship Between the Section 1605(a)(5) and Section 1605A.

Contrary to the Second Circuit's reasoning and as recognized by the Administration, FSIA § 1605A does not and should not displace Section 1605(a)(5) as the sole basis for suits against foreign sovereigns for acts of terrorism. As described above, such suits have been brought under Section 1605(a)(5), and the scope and purpose of Section 1605A indicates that it is a specialized provision directed against a very limited class of sovereigns in a relatively wide range of contexts. Section 1605A applies only to suits against sovereigns designated by the Executive Branch as state sponsors of terrorism, which currently applies to a very small number of states (and excludes a broad range of foreign sovereigns with interests or associated entities or persons at times quite adverse to U.S. interests or to the interests of persons within the United States). Where it applies, Section 1605A extends to suit for injury occurring in the United States or, especially, abroad, and it provides for augmented execution, attachment, and other powers and remedies that are inapplicable to claims against sovereigns authorized by Section 1605(a)(5).

In addition, the designation of a state as a sponsor of terrorism carries with it a far broader range of consequences than simply subjecting it to suit authorized by Section 1605A. The designation is, instead, a far-ranging diplomatic, trade, and financial sanction, which makes

the designation process unsuitable as an instrument for managing the elimination of sovereign immunity from suit (even if Congress were inclined to delegate the matter to the Executive Branch rather than to address the scope of terrorism-related suits through revisions to Section 1605(a)(5)).

\* \* \* \* \*

Thank you for the opportunity to present my views to the Subcommittee regarding the Justice Against Sponsors of Terrorism Act.

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Testimony of

Evan F. Kohlmann

Before the

Senate Committee on the Judiciary, Subcommittee on Crime and Drugs

"Evaluating The Justice Against Sponsors of Terrorism Act, S. 2930"

**The Role of Saudi Arabian State-Sponsored Charitable  
Fronts in Providing Material Support to Foreign  
Paramilitary and Terrorist Organizations**

July 14, 2010; 10:00am

Senate Judiciary Committee Hearing Room,

Dirksen Senate Building Room 226

Washington D.C.

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**EVAN F. KOHLMANN**  
**A Biographical Sketch**

Evan Kohlmann is a private sector International Terrorism Consultant who has spent over a decade tracking Al-Qaida and other terrorist organizations. During the course of his research, Mr. Kohlmann has amassed one of the largest and most extensive open source databases in the world of original documents, communiqués, and multimedia. He currently works as a senior investigator for the Nine Eleven Finding Answers (NEFA) Foundation--and has also served at various times as a contract consultant in terrorism matters on behalf of the U.S. Department of Defense, the U.S. Department of Justice, the Federal Bureau of Investigation (FBI), the Office of the High Representative (OHR) in Bosnia-Herzegovina, the International Criminal Tribunal for the Former Yugoslavia (ICTFY) at the Hague, the Australian Federal Police (AFP), the U.K. Crown Prosecution Service (CPS), Scotland Yard's SO-15 Counter Terrorism Command, the Central Scotland Police, West Yorkshire Police, and the Danish Security and Intelligence Service (PET).

*"Mr. Kohlmann is certainly qualified to provide expert testimony on [terrorism] issues... Mr. Kohlmann has conducted first-hand interviews of several leaders of terrorist organizations and has reviewed reams of information about al Qaeda... It is apparent that these subjects are Mr. Kohlmann's life work, and he has, therefore, acquired a considerable amount of information and documentation on these subjects."*

- U.S. District Judge Mark Kravitz (2/20/08)

*"Kohlmann has developed an understanding of terrorist organization structures, operations, and membership, allowing him to speak with authority about Al-Qaeda in Iraq, Lashkar-e-Taiba, and Jaish-e-Mohammed. His research and experience have provided him a base of understanding far greater, and far more sophisticated, than of the Court or of jurors... A person lacking Kohlmann's advanced knowledge of JeM and LeT essentially would not be able to recognize the information on Khan's hard drive as information that might link a person to JeM or LeT."*

- U.S. District Judge William S. Duffey Jr. (6/1/09)

Mr. Kohlmann holds a undergraduate degree in International Politics from the Edmund A. Walsh School of Foreign Service (Georgetown University), and a graduate degree in law from the University of Pennsylvania Law School. While at Georgetown, he worked as a research assistant to Dr. Mamoun Fandy in the Center for Contemporary Arab Studies (CCAS). Kohlmann is also the recipient of a certificate in Islamic studies from the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding (CMCU) at Georgetown University, where he was mentored by Dr. John Voll.

### Introduction:

The roots of the contemporary logistical networks that have facilitated the activities of paramilitary and terrorist organizations in the Balkans, the Caucasus, and other conflict zones across the Muslim world can be directly traced to early lessons learned during the chaotic days of the first Soviet-Afghan jihad. As the 1980s drew to a close, thousands of Islamic fundamentalists arrived in Central Asia seeking heroic adventures amid “holy war,” often with no local guide or requisite accommodations. At the time, several wealthy Arabian Gulf charitable organizations, typically under the guise of aiding Afghan and Pakistani refugees, stepped forward to help channel the recruits where they were most needed. These wealthy NGOs, sponsored by prominent Gulf businessmen, provided weapons, guesthouses, and travel papers to needy members of the quickly-coalescing Al-Qaida movement. Medical ambulances belonging to the Saudi Red Crescent and other state-sponsored or officially endorsed relief groups were even diverted to bring Arab fighters back and forth from combat operations.<sup>1</sup>

By clothing their militant activity with charitable ideals, leaders of nascent terrorist and paramilitary organizations discovered that they were able to slip below the radar of many international intelligence agencies—but not all of them. In 1996, a recently declassified U.S. government report—attributed by the *Wall Street Journal* to the Central Intelligence Agency (CIA)—alleged that “approximately one third of these Islamic NGOs support terrorist groups or employ individuals who are suspected of having terrorist connections.”<sup>2</sup> The efficiency and success of the Afghan jihad financing model was quite an accomplishment for Usama Bin Laden and his international allies—so much so that operations continued even after the end of the Soviet-Afghan war and the expulsion of Bin Laden from the region.

### The War in Bosnia-Herzegovina and the Saudi High Commission for Relief

Already by September 1992, evidence had emerged that the prolific terrorist financial and recruitment network that had emerged on the Afghan battlefield was indeed rapidly expanding to other conflict zones, including in Bosnia. A 1996 American intelligence report alleged that “nearly one third of the Islamic NGOs in the Balkans have facilitated the activities of Islamic groups that engage in terrorism, including the Egyptian Al-Gama’at Al-Islamiyya, Palestinian Hamas, and Lebanese Hizballah.” The report added that “some of the terrorist groups, such as Al-Gama’at, have access to credentials for the UN High Commission for Refugees and other UN staffs in the former Yugoslavia.”<sup>3</sup> According to a May 1995 classified internal memorandum from the (Muslim) Army of Bosnia-Herzegovina’s Military Security Service, the “financiers” of these charities were “mainly from Saudi Arabia, United Arab Emirates, and Kuwait” who

<sup>1</sup> Muhammad, Basil. *Al-Ansar al-Arab fi Afghanistan*. The Committee for Islamic Benevolence Publications; ©1991. Page 187.

<sup>2</sup> January 1996 CIA Report on “International Islamic NGOs” and links to terrorism. Page 1. *See also*: Affidavit by Senior Special Agent David Kane (Bureau of Immigration and Customs Enforcement, Department of Homeland Security). *United States of America v. Soliman S. Biheiri*. United States District Court for the Eastern District of Virginia, Alexandria Division. Case #: 03-365-A. August 14, 2003. Page 2.

<sup>3</sup> January 1996 CIA Report on “International Islamic NGOs” and links to terrorism. Page 1. *See also*: Affidavit by Senior Special Agent David Kane (Bureau of Immigration and Customs Enforcement, Department of Homeland Security). *United States of America v. Soliman S. Biheiri*. United States District Court for the Eastern District of Virginia, Alexandria Division. Case #: 03-365-A. August 14, 2003. Page 2.

operate “through the Swiss and some other European countries banks.”<sup>4</sup> Patterns of suspicious behavior extended even to official, state-funded charitable ventures.

The Kingdom of Saudi Arabia was at the origin of much of this fundraising—and the financiers behind it. In 1993, the Saudi government helped establish the Saudi High Commission for Relief in Bosnia-Herzegovina, which claims to have provided more than \$400 million in assistance to the Muslim community in the Balkans.<sup>5</sup> According to the Director of the Executive Office of the Saudi High Commission:

“The Saudi High Commission was formed in 1993 by Decision No. 17419 of the President of the Council of Ministers of Saudi Arabia, dated 2/12/1412 (1993)... for the purpose of providing charitable funds for relief efforts in Bosnia-Herzegovina. The Saudi High Commission is currently, and has been since its inception, headed by His Royal Highness Prince Salman bin Abdulaziz Al Saud, who is the Governor of the Riyadh Province and a member of the Saudi Royal Family. In Decision No. 17419, the President of the Council of Ministers appointed Prince Salman bin Abdulaziz President of the Saudi High Commission. As President, Prince Salman bin Abdulaziz is the head of both the Executive Committee and the Supreme Commission. Prince Salman bin Abdulaziz has filled all of the above-listed roles continuously over the approximately eleven years since the Saudi High Commission was formed... The Saudi High Commission is staffed with other civil servant employees of the Kingdom of Saudi Arabia. Many Saudi High Commission staffers are detailed from other government ministries and other administrative organs of the Kingdom of Saudi Arabia. Staffers on detail from other government offices are paid by their respective ministries and administrative organs, rather than by the Saudi High Commission... The largest source of funding for the Saudi High Commission is the treasury of the Kingdom of Saudi Arabia, which has provided approximately 30% of the total funds used and distributed by the Saudi High Commission.”<sup>6</sup>

A separate legal declaration submitted by a member of the Council of Ministers of the Kingdom of Saudi Arabia confirms that “the Saudi High Commission is an arm of the Saudi Arabian government.”<sup>7</sup>

The headquarters of the Saudi High Commission in Bosnia is located inside the Islamic Cultural Center attached to the Saudi-funded King Fahd Mosque in Sarajevo. The impact of the mosque’s religious missionary work can be felt within only steps of its front door. On multiple occasions over the past five years, I have purchased hardcore jihad propaganda videos openly on sale in vendor stalls set up outside the mosque entrance. In October 2009, the items for sale included a crudely-made DVD labeled on one side, “Microsoft Flight Simulator: World Trade Center Edition”—and on the other, emblazoned with images of Usama Bin Laden and the World Trade Center, along with the title (in Bosnian), “The Truth about September 11.”

The 1996 CIA report on Islamic charities noted with interest that the Saudi High Commission’s offices in Bosnia were “staffed by Saudis, Syrians, Algerians, Moroccans, and

<sup>4</sup> “Review of the Information on Activities of the Persons from Afro-Asian Countries Directly Before the War and During the War in the Territory of BiH Republic.” Report written by the BiH Administration of the Military Security Service— Department for Analytical and Informative Affairs.” Sarajevo; May 6, 1995.

<sup>5</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>6</sup> “Declaration of Saud bin Mohammad al-Roshood.” In re: “Terrorist Attacks on September 11, 2001.” United States District Court for the Southern District of New York; Case No. 03-MDL-1570. Dated: February 17, 2004.

<sup>7</sup> “Declaration of Dr. Mutlib bin Abdullah al Nafissa.” In re: “Terrorist Attacks on September 11, 2001.” United States District Court for the Southern District of New York; Case No. 03-MDL-1570. Dated: January 31, 2004.

Jordanians.”<sup>8</sup> Likewise, an internal classified memorandum from the Muslim Army of Bosnia-Herzegovina Security Service in September 1994 acknowledged “what is interesting regarding the humanitarian organization Saudi-Arabian High Commissariat in Zenica, is that they employ members of the El-Mujahidin Unit.”<sup>9</sup> The ARBiH document added that “Salem H.A. Hamdi, director of the High Saudi Arabian Commissariat... has well-established cooperation with... ‘El-Mujahidin’ units in Middle Bosnia.”<sup>10</sup> According to an official NATO/SFOR guidebook to “The Islamic Organizations in the Balkans,” the Saudi High Commission “facilitated movement of mujahidin during the fighting in Bosnia from 1992 to 1995” and “provided funds to mujahidin who remained in Bosnia.”<sup>11</sup> Other original documents recovered by the International Criminal Tribunal for the Former Yugoslavia (ICTFY) indicate that Saudi High Commission resources were used throughout the 1990s to provide weapons and financing directly to foreign mujahideen fighters trained in Afghanistan and elsewhere. The U.S. Department of Defense has concluded that “the Saudi High Commission for Relief... provided financial support to former Arab Mujahedin in Bosnia. The types of financial support included... travel to Chechnya and Afghanistan.”<sup>12</sup>

In January 1994, a British humanitarian aid worker named Paul Goodall was kidnapped near the Bosnian town of Zenica and then brutally executed by five Arabic speaking “bearded gunmen” wearing combat fatigues. At the time, Goodall’s murder was privately acknowledged by the Bosnian Muslim Army to be “one of the most serious incidents caused by the members of the [El-Mujahidin] unit.”<sup>13</sup> A coroner involved in the UK inquest of Goodall’s death commented that the Briton’s fate was “most horrid and unnecessary... It is hard to grasp how any human beings can behave in such a fashion to fellow human beings.”<sup>14</sup> Two days later, Bosnian police detained Saudi Arabian national Abdul Hadi al-Qahtani for his alleged role in the murder. At the time of his arrest, al-Qahtani, a foreign fighter in his early thirties, was reportedly carrying an identification card issued by the Zenica office of the Saudi High Commission for Relief.<sup>15</sup> Asim Fazlic, then-chief of police in Zenica, commented, “One of the strangest elements is that we still do not know the exact identity of [those]... we hold in Zenica. They are very uncooperative and so far still insist, in spite of their car, uniform and weapons, that they are humanitarian aid workers.”<sup>16</sup> Following a suspicious escape from police custody shortly thereafter, al-Qahtani

<sup>8</sup> January 1996 CIA Report on “International Islamic NGOs” and links to terrorism. Page 1. See also: Affidavit by Senior Special Agent David Kane (Bureau of Immigration and Customs Enforcement, Department of Homeland Security). *United States of America v. Soliman S. Biheiri*. United States District Court for the Eastern District of Virginia, Alexandria Division. Case #: 03-365-A. August 14, 2003. Page 2.

<sup>9</sup> “Disruption of the enemy’s activities.” Memorandum dispatched from Zenica by Colonel Ramiz Dugalic, commander of the Ministry of Defense Security Administration Republic of Bosnia and Herzegovina. Army of Bosnia and Herzegovina (ARBiH) Security Service Department. Classified No. 258-33. September 14, 1994.

<sup>10</sup> “Disruption of the enemy’s activities.” Memorandum dispatched from Zenica by Colonel Ramiz Dugalic, commander of the Ministry of Defense Security Administration Republic of Bosnia and Herzegovina. Army of Bosnia and Herzegovina (ARBiH) Security Service Department. Classified No. 258-33. September 14, 1994.

<sup>11</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>12</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/ARB\\_Round\\_2\\_Factors\\_900-1009.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/ARB_Round_2_Factors_900-1009.pdf). Pages 994-995.

<sup>13</sup> “Review of the Information on Activities of the Persons from Afro-Asian Countries Directly Before the War and During the War in the Territory of BiH Republic.” Report written by the BiH Administration of the Military Security Service— Department for Analytical and Informative Affairs.” Sarajevo; May 6, 1995.

<sup>14</sup> Wilkinson, Paul. “Anger at Bosnia death.” *The Times* (London). July 30, 1994.

<sup>15</sup> Higgins, Andrew et al. “Assault on Charities is Risky Front for U.S.” *The Wall Street Journal*. October 16, 2001.

<sup>16</sup> Loyd, Anthony. “3 held for Goodall murder.” *The Times* (London). February 2, 1994.

was once again sighted by Bosnian intelligence sources “in the premises of ‘El-Mujahidin’ at the village of Trokuce near Zenica.”<sup>17</sup>

This pattern of activity continued even long after the end of the war in Bosnia-Herzegovina and the signing of the Dayton Peace Accord. On September 18, 1997, a Volkswagen Golf, packed with 80 kilograms of mixed explosives (including anti-tank mines) strapped to a timer, exploded in the western district of Mostar, Croatia. The attack, which took place in the vicinity of the central police building, caused extensive damage and injured about 50 people, 23 seriously.<sup>18</sup> Within months, Bosnian investigators issued arrest warrants for 19 men wanted in connection with the Mostar bombing and several other incidents in the Zenica area. The list of suspects included Saber Lahmar—an Algerian Arabic-language teacher in his mid-thirties working with the Saudi High Commission for Relief—and Ali Ahmed Ali Hamad (a.k.a. Ali Hamed Ubeid, Abu Ubaidah al-Bahraini), another former employee at the Saudi High Commission who had been tasked with “the distribution... of books.”<sup>19</sup> After making a number of detentions and searches, in a public statement, the BiH federal prosecutor’s office announced the confiscation of “24 rifles, 10 pistols, 30 hand bombs, four hand grenade launchers, three hand rocket launchers, three machine-guns, 15 grenades, five hand grenades, 95 antitank mines (PT-6, PT-1, PT-3 and PT-4), one container with a rocket for rocket launcher, more than seven thousand pieces of ammunition of various calibres, 100 metres of slow-burning fuse with initial caps and much more.” According to the federal prosecutor’s office, “Before carrying out their terrorist acts, the suspects observed the targets of their attacks for days, which indicates that they are an organized group which prepared and committed classic terrorist acts.”<sup>20</sup>

An unclassified summary of evidence against Saudi High Commission employee Saber Lahmar published by the U.S. military indicates that Lahmar was convicted and sentenced to a five-year prison term “for the armed robbery of an American citizen in Zenica, Bosnia. He was also involved in a shootout with Zenica police. The detainee was released from a Bosnian prison after serving two years for his role in some 1997 explosions in Mostar, Bosnia.” Furthermore, according to the U.S. military, local authorities in Bosnia-Herzegovina believe that Lahmar was also “involved” in other bombings that took place in the towns of Travnik and Mostar in 1997.<sup>21</sup> Despite his apparent role in various paramilitary activities, Lahmar was eventually released by Bosnian authorities—only to be re-arrested in October 2001 as a “suspected terrorist” and transferred to the custody of the U.S. military in Guantanamo Bay, Cuba.<sup>22</sup>

<sup>17</sup> “Disruption of the enemy’s activities.” Memorandum dispatched from Zenica by Colonel Ramiz Dugalic, commander of the Ministry of Defense Security Administration – Republic of Bosnia and Herzegovina. Army of Bosnia and Herzegovina (ARBiH) Security Service Department. Classified No. 258-33. September 14, 1994.

<sup>18</sup> “SPATE OF ATTACKS AGAINST BOSNIAN CROATS GOES UNNOTICED.” Communiqué issued by the Croatian Mission to the United Nations. September 22, 1997.

<sup>19</sup> Karic, Eldin. “Trial to Jihad Warriors Soon.” *AIM (Alternative Information Network) Press*. <http://www.aimpress.org>. December 28, 1997. See also: Hedges, Stephen J. “Extremism lingers after Balkan wars.” *The Chicago Tribune*. November 25, 2001. See also: “Abu Hamza has wings.” *Dani* (Sarajevo). April 24, 1998.

<sup>20</sup> Karic, Eldin. “Trial to Jihad Warriors Soon.” *AIM (Alternative Information Network) Press*. <http://www.aimpress.org>. December 28, 1997.

<sup>21</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/ARB\\_Round\\_1\\_Factors\\_000895-000943.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/ARB_Round_1_Factors_000895-000943.pdf). Page 916.

<sup>22</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

Similarly, the former Saudi High Commission employee from Bahrain, Ali Ahmed Ali Hamad, was convicted by a local court for his role in the September 1997 Mostar car bombing.<sup>23</sup> However, following the events of September 11, 2001, Hamad agreed to cooperate with international authorities and provide information about his terrorist affiliations in Bosnia-Herzegovina and beyond. In a sworn affidavit dated March 2008, Hamad admitted being recruited by Al-Qaida at the age of 17 and having received instruction at an "Al-Qaida training camp in Afghanistan." While in Afghanistan, Hamad reportedly "met Osama bin Laden on numerous occasions, and swore an oath to al Qaida in Osama bin Laden's presence... At the inception of the Bosnian war, Osama bin Laden and the al Qaida leadership decided that al Qaida should actively participate in that conflict, and began sending al Qaida members, including myself, to Bosnia to fight as mujihadeen."<sup>24</sup>

As a former employee of the Saudi High Commission in Bosnia-Herzegovina, Ali Hamad had much to say about the role of the organization in allegedly financing militant activity:

"I can attest from personal knowledge that representatives of the Saudi High Commission provided extensive financial support and food to the mujihadeen forces, and also permitted the mujihadeen and al Qaida members in Bosnia to use the Saudi High Commission's offices and rented houses. In addition to providing food, money and shelter to support al Qaida's operations in Bosnia, the Saudi High Commission frequently transported mujihadeen and al Qaida members throughout Bosnia-Herzegovina, in Saudi High Commission vehicles bearing the mark of the United Nations High Commission for Refugees (UNHCR), thereby allowing those mujihadeen and al Qaida members to pass military and police checkpoints. I was personally transported by the Saudi High Commission in a vehicle bearing UNHCR marks in late 1994 or early 1995, along with another wounded mujihadeen, from Bosnia-Herzegovina to Zagreb, Croatia. On the occasion of that trip, a representative of the Saudi High Commission also provided me with money for further travel expenses. During the Bosnian war, the Saudi High Commission appointed a number of former mujihadeen fighters to serve as officers or directors of its branch offices in Bosnia-Herzegovina... After the conclusion of the Bosnian War, the Saudi High Commission provided ostensible employment to a number of foreign fighters and al Qaida members who had fought in the War."<sup>25</sup>

Hamad took pains to emphasize the significant logistical advantages conferred to foreign mujahideen fighters in maintaining a relationship with the Saudi High Commission: "I myself received official documentation, certified by the stamp of the Saudi High Commission and bearing the signature of the Director of the Saudi High Commission's Mostar office, indicating that I was an employee of the Saudi High Commission. At the time the director of the Mostar office of the Saudi High Commission provided me with that documentation, he was aware that I was a member of al Qaida. In addition to the documentation described above, following the Bosnian War, the Saudi High Commission provided me access to vehicles with diplomatic car registrations, and vehicles registered to the UNHCR, which enabled me to move freely

<sup>23</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>24</sup> "Declaration of Ali Ahmad Ali Hamad." In re: "Terrorist Attacks on September 11, 2001." United States District Court for the Southern District of New York; Case No. 03-MDL-1570. Dated: March 4, 2008.

<sup>25</sup> "Declaration of Ali Ahmad Ali Hamad." In re: "Terrorist Attacks on September 11, 2001." United States District Court for the Southern District of New York; Case No. 03-MDL-1570. Dated: March 4, 2008.

throughout Bosnia-Herzegovina."<sup>26</sup> According to an official NATO/SFOR guidebook to "The Islamic Organizations in the Balkans", one such vehicle "registered" to the Saudi High Commission was "involved in surveillance of [the] US Embassy in Sarajevo in Fall 2000."<sup>27</sup>

In September 2001, shortly before the arrest and extradition of Algerian employee Saber Lahmar to Guantanamo Bay, the offices of the Saudi High Commission were likewise raided by soldiers from the SFOR (the NATO Stabilization Force in Bosnia-Herzegovina). According to SFOR, investigators recovered a wealth of suspicious documents "such as maps and photos that suggested preparations for terrorist attacks."<sup>28</sup> The material reportedly included photographs of the World Trade Center, sketches of military bases, photographs of military ships, civilian airplanes, and other sensitive facilities. The same year, in 2001, local authorities in Bosnia-Herzegovina also arrested yet another Saudi High Commission employee Mahed Abu Kharrub "for suspected involvement in terrorism."<sup>29</sup>

### The War in Kosovo and the Saudi Joint Relief Committee (SJRC)

Much as the Saudi High Commission was formed by the Kingdom in order to help organize NGO and humanitarian fundraising efforts for Bosnia-Herzegovina, the Saudi royal family adopted a similar approach when confronted with the parallel crisis in 1999 pitting ethnic Serbs against Muslims in the tiny province of Kosovo. Under the chairmanship of Saudi Interior Minister Prince Naif bin Abdul Aziz al-Saud, the Kingdom formed the "Saudi Joint Relief Committee for Kosovo and Chechnya" in order to better "coordinate Saudi charitable work abroad."<sup>30</sup> A key function of the Saudi Joint Committee was to coordinate the efforts of other Wahhabi-style missionary groups with loose ties to the Saudi government, including the Al-Haramain Islamic Foundation, al-Haramain al-Masjid al-Aqsa Charity Foundation, the International Islamic Relief Organization (IIRO), the Muslim World League (MWL), al-Waqf al-Islami, and the World Assembly of Muslim Youth (WAMY).<sup>31</sup>

The Saudi royal family has made no secret of its close relationship with, and its endorsement of, the activities of the Saudi Joint Relief Committee. In February 2003, Prince Naif bin Abdul Aziz publicly "expressed his thanks for the efforts exerted by members of the [SJRC]... For his part Dr Al Suwailam expressed his gratitude to Prince Naif Ibn Abdul Aziz, the Minister of the Interior and Supervisor of the Saudi Joint Committee for the Relief of Kosovo and Chechnya and stressed that his support is always behind the success of the members of the committee in their mission."<sup>32</sup> Similarly, in June 2003, the head of Saudi Arabia's General Intelligence Directorate, Prince Nawaf bin Abdul Aziz, openly applauded "the Saudi relief aid

<sup>26</sup> "Declaration of Ali Ahmad Ali Hamad." In re: "Terrorist Attacks on September 11, 2001." United States District Court for the Southern District of New York; Case No. 03-MDL-1570. Dated: March 4, 2008.

<sup>27</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>28</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>29</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>30</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>31</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>32</sup> "In Brief." *Ain al-Yaqeen*. February 28, 2003.

provided to the people of Kosovo and Chechen refugees... In a cable addressed to the Head of the Saudi Red Crescent and Head of the Saudi Joint Committee Dr Abdul Rahman Ibn Abdul Aziz Al Suwailam, Prince Nawaf lauded the efforts of the Saudi Relief Committee to both people and wished the Committee success in the future."<sup>33</sup>

One of the first decisions by the Kingdom of Saudi Arabia that drew international scrutiny to the activities of the SJRC was the curious appointment of its initial chief director, Saudi national Wael Jalaidan.<sup>34</sup> Jalaidan, also known as "Abul-Hassan al-Madani", was one of the first Arab mujahideen to join the anti-Soviet jihad in Afghanistan during the 1980s, and is still considered to be a key co-founder of Usama Bin Laden's "Mujahideen Services Office"—the direct precursor to Al-Qaida. In an interview aired on the Al-Jazeera satellite television network on June 10, 1999, Usama Bin Laden reminisced about the early days of the jihad in Afghanistan, recalling, "We and the shaykh [Abdullah Azzam] were in one boat, as is known to you, together with our brother Wa'il Jalidan."<sup>35</sup> In an interview later published in a memoir about the Afghan jihad, Jalaidan explained his vision behind encouraging foreign fighters to attend jihad training camps along the Afghan-Pakistani border:

"We wished that everyone coming after us should pass through the same method of preparation—by participating and sharing—as we had started with... after morning prayers we would get together for Qur'an recitation, while after the afternoon prayer, we would get together to read some hadith [religious narratives attributed to the Prophet Mohammed] and benefit from them. After that, if there were any military operations, we would participate in them."<sup>36</sup>

At his last public press conference in 1989, Shaykh Abdullah Azzam spoke in glowing terms of Jalaidan's contribution to the growing Arab-Afghan jihadi movement. "One hundred Arabs have given their lives for Allah," he boasted. "What have they come for? Someone like Usama Bin Ladin, like Wael Jalaidan, and others from leading families in Saudi Arabia... [who] have come in search of paradise. They believe that there is a God and that there is a paradise, and that life is cheap."<sup>37</sup> In the spring of 2000, U.S. officials sent a confidential memorandum to UN police forces in southeastern Europe titled "Secret: US office only-Release to UNMIK [the U. N. administration in Kosovo]." The document named MWL representative Wael Jalaidan as an associate of Usama Bin Laden and stated that Jalaidan had directly assisted Bin Laden "move money and men to and from the Balkans."<sup>38</sup> U.S. authorities have also alleged contacts between Jalaidan and senior military lieutenants of Bin Laden, including Dr. Ayman al-Zawahiri and captured terrorist mastermind Abu Zubaydah. As a result, on September 6, 2002, the U.S. and Saudi governments announced an unprecedented joint action to freeze Jalaidan's assets and to specially designate him as a supporter of international terrorism.<sup>39</sup>

<sup>33</sup> "In Brief." *Ain al-Yaqeen*. June 6, 2003.

<sup>34</sup> "Islamic Organizations in the Balkans." A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>35</sup> Office of Public Affairs, United States Treasury Department. "Treasury Department Statement on the Designation of Wa'el Hamza Julidan." September 6, 2002. Document #PO-3397.

<sup>36</sup> Muhammad, Basil. *Al-Ansaru l'Arab fi Afghanistan*. The Committee for Islamic Benevolence Publications; ©1991. Page 112.

<sup>37</sup> Videotape of the last press conference of Shaykh Abdallah Azzam.

<sup>38</sup> Cited in news report by British Broadcasting Company (BBC). April 3, 2000.

<sup>39</sup> Office of Public Affairs, United States Treasury Department. "Treasury Department Statement on the Designation of Wa'el Hamza Julidan." September 6, 2002. Document #PO-3397.

Within only weeks of first being established in Kosovo, the SJRC already began facing serious legal repercussions due to the problematic behavior of its staff. In August 1999, Pakistani national Muhammad Adel Sadiq Kathum, a local employee of the Saudi Joint Relief Committee, was allegedly expelled from Albania for engaging in “extremist activity.”<sup>40</sup> A month later, in September 1999, SJRC employees were spotted by KFOR peacekeeping soldiers as they apparently “conducted surveillance of US facilities in Kosovo.”<sup>41</sup> In March and April 2000, SJRC staff members were once again caught as they “conducted surveillance of US and KFOR facilities in Kosovo.”<sup>42</sup> Accusing SJRC of providing a cover for Al-Qaida associates seeking to target Western diplomats in a terrorist attack, on April 1, 2000, Italian KFOR troops raided the SJRC’s offices in the Kosovar capital of Pristina.<sup>43</sup> Neither the SJRC nor the Kingdom of Saudi Arabia has ever provided an explanation for the disturbing activities which precipitated the KFOR raid and subsequent investigation.

### Conclusions

Despite its more recent public commitment to counter-terrorism and deradicalization efforts, there is overwhelming evidence that the Kingdom of Saudi Arabia has previously provided substantial material support to paramilitary and terrorist organizations based in Bosnia-Herzegovina, Kosovo, and beyond. Though some of that aid perhaps was couried by independent non-governmental organizations, a large portion of it was provided directly by leading members of the Saudi royal family, who were also responsible for personally overseeing the distribution of funds. Given their acknowledged hands-on role in managing both the Saudi High Commission in Bosnia-Herzegovina and the Saudi Joint Relief Committee in Kosovo, it is inconceivable that Saudi government officials were wholly ignorant of the strong correlative pattern of support for foreign mujahideen units and other extremist causes.

What is arguably most unfortunate about the official sanction given to these charities by the Kingdom of Saudi Arabia is that this endorsement is now being manipulated by accused terrorists into serving as a legal shelter for their own involvement in these activities. Another Algerian national arrested in Bosnia-Herzegovina alongside Saber Lahmar and likewise extradited to Guantanamo Bay, Bensayah Belkacem, has repeatedly insisted to U.S. military interrogators that “the Saudi High Commission could not be bad because it was run by the Saudi Royal Family.”<sup>44</sup>

Even former staff members of quasi-private NGOs operating under the umbrella of the SJRC in Kosovo—such as the Al-Haramain Islamic Foundation—have attempted to use the SJRC’s official status with the Saudi government to provide immunity against criminal prosecution. In its own publications, Al-Haramain has repeatedly trumpeted its close “cooperation and coordination” with the SJRC. A fundraising dispatch from Al-Haramain to

<sup>40</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>41</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>42</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003.

<sup>43</sup> “Islamic Organizations in the Balkans.” A Joint Research Project by the Governments of the United States and the United Kingdom. August 2003. See also: *Agence France Press*. April 3, 2000. See also: *Reuters*. April 3, 2000.

<sup>44</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/ARB\\_Round\\_2\\_Factors\\_900-1009.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/ARB_Round_2_Factors_900-1009.pdf). Page 992.

donors in mid-1999 noted that the charity was “relieving the muslims of Kosofa[sic] at their homelands and after their displacement by itself and through Saudi Joint Committee... Two offices were opened in Kosofa[sic]. The first one in Bartashina[sic] the capital of Kosofa[sic], and the other one in Braizdn[sic] under the supervision of the Saudi Joint Committee.”<sup>45</sup> As of March 2006, the U.S. government has named Al-Haramain Foundation affiliate offices in at least thirteen different countries as Specially Designated Foreign Terrorist (SDGT) entities—including, Bosnia-Herzegovina, Somalia, Ethiopia, Albania, Bangladesh, Kenya, Tanzania, Indonesia, the Comoros Islands, the Netherlands, Pakistan, Afghanistan, and even inside the U.S.<sup>46</sup>

Accusations by U.S. authorities of improprieties in Al-Haramain’s activities have done little to deter suspected terrorists and enemy combatants from portraying themselves as innocent humanitarian aid workers operating under the official sovereign mandate of the Kingdom of Saudi Arabia. Guantanamo Bay detainee Yemeni national Jamal Mohammed Alawi Mar’i complained during a Pentagon Administrative Review Board hearing that he considered Al-Haramain as an official arm of the Saudi government: “The Al Haramayn organization is a governmental agency. How [can] it [be] classified as non-governmental and the person in charge is the Minister of the Muslim Association [Islamic Affairs].”<sup>47</sup> Another Guantanamo detainee—an unnamed Jordanian who has lived in Pakistan since 1985—was also indignant when it came to charges that the Al-Haramain Foundation was involved in supporting terrorist activities: “If you consider al-Haramayn as a terrorist organization you should talking to Saudi Arabia, because Saudi Arabia was the country that established al-Haramayn. Its president is the royal prince there. Why don’t you go over there and ask him? ...This is something you need to take up with Saudi Arabia.”<sup>48</sup>

Yet another Guantanamo prisoner from Saudi Arabia, Wasm Awaad al-Wasm al-Omar, offered a similar excuse after admitting to “cooperating” with Al-Haramain “in my country [Saudi Arabia].”<sup>49</sup> Without missing a beat, al-Omar was quick to point out, “Al Haramain is an official governmental organization, registered under the administration of the government in the Kingdom of Saudi Arabia. It is officially registered and included in the Humanitarian Aid Association, and under the Administration of Internal Affairs, led by the Minister of Internal Affairs... All Saudi humanitarian organizations are registered and included in the Ministry of Internal Affairs of Saudi Arabia because they are governmental, so why are they called a non-governmental organization?”<sup>50</sup>

These statements raise serious questions about the wisdom of allowing any form of sovereign legal immunity loophole for employees or officials representing the Saudi High Commission, the Saudi Joint Relief Committee, or the various charitable organizations working under their diplomatic umbrella. This is especially the case when said class of employees and officials is known to include a variety of accused international terrorists, uncontested paramilitary combatants, high value Guantanamo Bay detainees, and (in the case of Wael Jalaidan) even close personal friends of Usama Bin Laden.

<sup>45</sup> <http://www.alharamain.org/english/charity/kosovo/kosovo18.htm>. April 2004.

<sup>46</sup> <http://www.ustreas.gov/offices/enforcement/ofac/sdn/sdnlist.txt>. March 2006.

<sup>47</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/Set\\_4\\_0320-0464.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/Set_4_0320-0464.pdf). Page 131.

<sup>48</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/Set\\_26\\_1848-1900.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/Set_26_1848-1900.pdf). Pages 21-22.

<sup>49</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/Set\\_49\\_3298-3380\\_Revised.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/Set_49_3298-3380_Revised.pdf). Page 26.

<sup>50</sup> [http://www.dod.gov/pubs/foi/detainees/csrt\\_arb/Set\\_49\\_3298-3380\\_Revised.pdf](http://www.dod.gov/pubs/foi/detainees/csrt_arb/Set_49_3298-3380_Revised.pdf). Pages 21, 23.

Levitt testimony, SCJ, July 14, 2010

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*Testimony of Dr. Matthew Levitt, director of the Stein Program on Counterterrorism and Intelligence at The Washington Institute for Near East Policy, before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs*

*Hearing entitled "Evaluating The Justice Against Sponsors of Terrorism Act, S. 2930"*

Disrupting the Flow of Funds to Terrorist Groups and their Supporters: How *The Justice Against Sponsors of Terrorism Act* Could Help

Chairman Specter, Ranking Member Graham, and distinguished members of the Committee, I thank you for the opportunity to appear before you today to discuss how terrorist groups raise, launder, transfer and access funds to facilitate their various operational activities and to evaluate how *The Justice Against Sponsors of Terrorism Act* could help disrupt the flow of funds to those engaged in terrorism, political violence, or other forms of transnational threats.<sup>1</sup>

Combating terrorist financing must remain an important component of every country's counterterrorism strategy, and maintaining international focus and cooperation on this issue is essential. While the challenges are great, the potential benefits are significant. Conversely, failure to build a truly international regime to counter terrorist financing guarantees that the successes seen in this arena to date will be short-lived. Similarly, alongside the public sector efforts of governments and international organizations, the private sector can be an enormously effective partner in our collective efforts to stem the flow of funds to terrorists and other illicit actors. And there should be no doubt that if terrorist groups are able to raise, move, store, and gain access to funds with relative ease, the threat they pose to the United States and its allies will increase dramatically. *The Justice Against Sponsors of Terrorism Act* would empower the private sector to be an even more effective partner in combating the financing of terrorism.

### **Terrorists Need Money**

The primary reason why CFT efforts are both necessary and important is that terrorist groups need money. Although mounting an individual terrorist attack is relatively inexpensive, the cost of maintaining the infrastructure to support terrorist activities is high. Terrorist networks need cash to train, equip, and pay operatives, to secure materials, and to promote their cause. To eliminate or reduce a cell's means of raising and transferring funds is to significantly degrade that cell's capabilities. Additionally, by forcing them to abandon formal financial channels in favor of informal transfers in smaller denominations, the use of targeted measures has the cumulative effect of making the funds-transfer process slower, more cumbersome, and less reliable.

Seized al-Qaeda in Iraq (AQI) records, for example, indicate the facilitation network operating in the Sinjar area of western Iraq incurred significant costs related to

<sup>1</sup> For a more complete discussion of issues relating to combating the financing of terrorism (CFT), visit [www.washingtoninstitute.org](http://www.washingtoninstitute.org). In particular, see Matthew Levitt and Michael Jacobson, *The Money Trail: Finding, Following and Freezing Terrorist Finances*, Washington Institute Policy Focus # 89, November 2008, available online at <http://www.washingtoninstitute.org/templateC04.php?CID=302>.

salaries and family support.<sup>2</sup> Recruiting, training, traveling, planning operations, bribing corrupt officials, and other such activities also cost money. All of these expenses can add up quickly. For example, prior to September 11, al-Qaeda's annual budget was approximately \$30 million, according to the findings of the 9/11 Commission.<sup>3</sup> One of AQI's branches recorded expenditures of approximately \$175,000 over a four-month period in 2007—with about half of this funding going to purchase weapons.<sup>4</sup> This shows further how to eliminate or reduce an organization's means of raising and transferring funds is to significantly degrade its capabilities.

Illustrating the importance that al-Qaeda attached to funding-related issues prior to September 11, the organization had a finance committee and Osama bin Laden himself reportedly paid close attention to financial matters. Sheikh Mustafa Abu al-Yazid (a.k.a. "Sheikh Said"), head of the committee, took his responsibilities very seriously and was "notoriously tightfisted" with al-Qaeda's money. For example, he vetoed an expense for an al-Qaeda member to travel from Afghanistan to Saudi Arabia to obtain a U.S. visa, which the operative was seeking preparation for the September 11 plot. Bin Laden himself was forced to step in and overrule Sheikh Said (although it is not clear that Said knew about the September 11 plot when he rejected the expense).<sup>5</sup> This careful attitude regarding funds appears to have permeated al-Qaeda even at the operational level. According to the 9/11 Commission, the September 11 hijackers returned their unused funds to an al-Qaeda "facilitator"—approximately \$36,000 in all—in the days before the September 11 attacks. Ramzi Binalshib, the Hamburg-based liaison between the hijackers and al-Qaeda leadership, later explained the frugality of Mohammed Atta, the tactical leader of the September 11 plot, noting that Atta considered these funds "blessed and honored."<sup>6</sup>

AQI brought the same type of focus and bureaucratic approach to handling financial matters as did their better known namesake. AQI put a number of management controls in place to try to ensure that their money was being spent carefully and appropriately. For example, one AQI memo laid out the procedures that its leaders should follow to track the organization's financial transactions. Operatives were required to provide signed forms, acknowledging that they had received the money and explaining how it had been spent. Lower-level managers were required to fill out financial statements, which AQI often audited. Documents seized later by the United States demonstrate AQI managers' concern when they were unable to account for every dollar in their control. Given this context, the highly detailed nature of the group's financial records hardly come as a surprise. For example, the Sinjar documents show that the AQI's border emirate spent \$727 on food during a two-month period, in addition to

<sup>2</sup> Brian Fishman (ed.), *Bombers, Bank Accounts, and Bleedout: Al-Qai'da's Road in and Out of Iraq*, Harmony Project (Combating Terrorism Center at West Point, 2008), p. 93. Available online ([http://ctc.usma.edu/harmony/pdf/Sinjar\\_2\\_July\\_23.pdf](http://ctc.usma.edu/harmony/pdf/Sinjar_2_July_23.pdf)).

<sup>3</sup> John Roth, Douglas Greenburg, and Serena Wille, *Monograph on Terrorist Financing* (Washington, D.C.: 9/11 Commission, 2004). Available online ([http://govinfo.library.unt.edu/911/staff\\_statements/911\\_TerrFin\\_Monograph.pdf](http://govinfo.library.unt.edu/911/staff_statements/911_TerrFin_Monograph.pdf)).

<sup>4</sup> Fishman, *Bombers, Bank Accounts, and Bleedout*, p. 93.

<sup>5</sup> Roth et al., *Monograph on Terrorist Financing*.

<sup>6</sup> *Ibid.*

tracking a number of other different subcategories for expenditures, including salaries, weapons, document forgeries, and smuggling costs. Given the operational and security risks associated with maintaining such an extensive paper trail, these details help illustrate the importance that AQI's senior leaders have attached to the organization's financial state.<sup>7</sup>

One of the main ways that terrorist groups raise these much-needed funds is through criminal activity. While lucrative, such acts leave religiously oriented terrorist groups open to charges of hypocrisy. As such, these groups have expended considerable thought and effort toward justifying this activity. For example, Baz Mohammed, a Taliban-linked narcotics kingpin extradited to the United States in 2005, rationalized his group's involvement in the drug trade, telling members of his organization that "selling heroin in the U.S. was a 'jihad' because they were taking the Americans' money at the same time the heroin they were paying for was killing them."<sup>8</sup> Abu Bakir Bashir, the Jemaah Islamiyah (JI) spiritual leader, offered a similar explanation for his organization's involvement in jewelry store robberies to help finance operations, stating that "You can take their blood; then why not take their property."<sup>9</sup>

Issues relating to money have negatively affected terrorist groups in other surprising ways. For example, some terrorists have interpreted inadequate compensation as a sign that they are being treated unfairly. Jamal al-Fadl, one of al-Qaeda's first operatives, began embezzling funds from the group during its years in Sudan, because of his displeasure with his salary—stealing approximately \$100,000 in all. When bin Laden learned of al-Fadl's actions, he ordered him to repay the money. Al-Fadl repaid about \$30,000 before fleeing, fearing retribution if he did not refund the full amount.<sup>10</sup>

Al-Qaeda's L'Houssaine Kertchou, for another example, became bitter after one of bin Laden's aides turned down his request for \$500 to cover the costs of his wife's cesarean section. His anger level increased when al-Qaeda covered the expenses for a group of Egyptians who were sent to Yemen to renew their passports. "If I had a gun," Kertchou later testified, "I would [have shot bin Laden] at that time."<sup>11</sup>

### Overarching Purpose of CFT

It is important to recognize, however, that combating the financing of transnational threats will not, in and of itself, defeat these threats—nor is it intended to do so. Freezing funds will constrict the operating environment for illicit actors and disrupt their activities, and following the money trail will expose donors and operators up and down the financial pipelines of terrorists and insurgents alike. But these tools must be part of a broader

<sup>7</sup> Fishman, *Bombers, Bank Accounts, and Bleedout*, "ISI Border Sector Income, Expense, Equipment and Personnel Report", AQI Financial and Accounting Documents, p. 1. Available online at <http://ctc.usma.edu/harmony/pdf/summaries%20in%20pdfs/Financial%20and%20Accounting.pdf>

<sup>8</sup> Drug Enforcement Administration, "U.S. Extradites Taliban-Linked Narco-Terrorist," press release, October 24, 2005. Available online ([www.usdoj.gov/dea/pubs/pressrel/pr102405.html](http://www.usdoj.gov/dea/pubs/pressrel/pr102405.html)).

<sup>9</sup> David E. Kaplan, "How Jihadist Groups Use Crime to Pay for Attacks Worldwide," *U.S. News & World Report*, December 5, 2005.

<sup>10</sup> Jamal al-Fadl, testimony in *United States v. Usama Bin Ladin et al.*, February 7, 2001.

<sup>11</sup> L'Houssaine Kertchou, testimony in *United States v. Usama Bin Ladin et al.*

strategy that leverages all elements of national power to successfully confront and eliminate the international security threats facing us today.

As intelligence agencies improve their capacity to collect and exploit financial intelligence for preemptive action, they are sure to rely on the experience of law enforcement agencies, which have long employed financial tools to solve crimes and build cases for prosecution. With nearly every recent terrorist attack, the post-blast utility of financial investigative tools has been reaffirmed. Financial data provided investigators with critical and early leads immediately following the attacks on September 11, as they did following the March 11, 2004, attacks in Madrid and the July 7, 2005, attacks in London, among others.

Focusing on the financing of transnational threats has other benefits as well:

- **Deterrent effect.** As difficult as it may be to deter a suicide bomber, terrorist designations can deter nondesignated parties, who might otherwise be willing to finance terrorist activity. Major donors inclined to finance extremist causes—who may be heavily involved in business activity throughout the world—may think twice before putting their personal fortunes and their reputations at risk.
- **Preventive intelligence.** Unlike information derived from human spies or satellite intercepts, which require vetting to determine their authenticity, a financial transfer is a matter of fact. Raising, storing, and transferring money leaves a financial trail investigators can follow. Definitively linking people with numbered accounts or specific money changers is a powerful preemptive tool, often leading authorities to conduits between terrorist organizations and individual cells.
- **Disruptive tool.** According to terrorists themselves, while following the money will not stop all plots, it will likely frustrate some of these activities. Back in 1995, captured World Trade Center bomber Ramzi Yousef was flown over the twin towers on his way to a New York jail. When an FBI agent pointed out that the towers were still standing, Yousef replied, “They wouldn’t be if I had enough money and explosives.”<sup>12</sup> At a minimum, tracking terrorists’ financial transactions will make it harder for them to travel, procure materials, provide for their own families, and radicalize others. Denying terrorists—as well as insurgents and proliferators—easy access to financial tools forces them to use more costly, less efficient, and often less reliable means of financing.

Even the cat-and-mouse game that follows many of the designations presents opportunities. Forcing terrorists to look over their shoulders and devise alternative means of doing business is an effective counterterrorism tool. Keeping financiers on the defensive and denying them the luxury of time and space puts them under stress, deters donors, restricts the flow of funds, and helps constrict the operating environment.

With more activities out of the public eye than in it, counterterrorism efforts are, by their very nature, difficult to assess and easy to criticize. But financial measures in

<sup>12</sup> James Risen and David Johnston, “A Day of Terror: Intelligence Agencies: Officials Say They Saw No Signs of Increased Terrorist Activity,” *New York Times*, September 12, 2001.

particular have proven quite successful, and those who follow the money are increasingly being called on to use their skills and tools against the hardest targets.

Beyond its tactical advantages, combating the financing of terrorist threats presents opportunities in the broader, and no less important, battle of ideas regarding the ideology of radical extremism. Although targeted financial measures are commonly presumed to have negative diplomatic consequences, they also provide an opportunity to clearly relay U.S. intentions. For example, the July 2007 designation of Jihad al-Bina, Hizballah's construction arm, sent the unequivocal message that Hizballah would not be permitted to drag Lebanon into a war with Israel and then profit from rebuilding it through Iranian largesse. Following up on terrorist designations with robust public diplomacy initiatives offers a salient opportunity to support U.S. foreign policy objectives and engage in the battle of ideas.

#### **Terrorist Financing: A Moving Target**

As the terrorist threat has evolved, the means by which terrorist groups raise, store, and move funds has changed as well—often in ways that have hindered government efforts to thwart their progress. Studies have long shown that terrorist groups learn from one another, exchange information on new technologies, and share innovations. Little attention, however, has been given to innovations and evolutionary change as related to terrorist financing.<sup>13</sup>

**Globalization/technological change.** Both globalization and technological improvements have had major impacts on terrorist financing. With globalization, to begin with, the volume of funds flowing internationally has increased dramatically. In 2000, foreign workers sent \$113 billion back to their home countries. By 2006, the figure had more than doubled to \$255 billion, giving a sense of the scale of the international flows.<sup>14</sup> Mirroring the broader shift toward the use of technology in global commerce, shifts have occurred in how funds are actually transferred, using new technology. M-payments, where cell phones are utilized to transfer money electronically, are growing in importance, as is the transfer and storage of funds via online entities such as cashU or e-gold. In countries where the formal financial sector is less than robust—such as in many African countries—using cell phones is a far more attractive option for transferring funds.<sup>15</sup> In some cases, terrorists are suspected of using the internet to obtain logistical and financial support for their operations.<sup>16</sup>

<sup>13</sup> See, for example, Kim Cragin et al., *Sharing the Dragon's Teeth: Terrorist Groups and the Exchange of New Technologies* (Santa Monica, Calif. et al.: RAND Corporation, 2007).

<sup>14</sup> International Monetary Fund, Statistics Department, *International Transactions in Remittances: Guide for Compilers and Users (DRAFT)* (International Monetary Fund, September 2008). Available online ([www.imf.org/external/np/sta/bop/remitt.htm](http://www.imf.org/external/np/sta/bop/remitt.htm)).

<sup>15</sup> State Department, *International Narcotics Control Strategy Report* (Washington, D.C.: State Department, March 2008). Available online ([www.state.gov/documents/organization/102588.pdf](http://www.state.gov/documents/organization/102588.pdf)).

<sup>16</sup> Office of the Director of National Intelligence, "Declassified Key Judgments of the National Intelligence Estimate 'Trends in Global Terrorism: Implications for the United States' Dated April 2006," press release. Available online ([www.dni.gov/press\\_releases/Declassified\\_NIE\\_Key\\_Judgments.pdf](http://www.dni.gov/press_releases/Declassified_NIE_Key_Judgments.pdf)).

Overall, the internet has had a major impact on terrorist financing. It provides a cheap, fast, efficient, and relatively secure means of communication, effectively creating a conveyor belt for self-radicalized foot soldiers who connect and communicate with like-minded jihadists through chat rooms and online message boards. For example, a 2006 U.S. government report assessed that “groups of all stripes will increasingly use the Internet to obtain logistical and financial support.”<sup>17</sup> The report noted, more generally, that technology and globalization have also enabled small groups of alienated people not only to connect but to raise resources for attacks without need for an established terrorist organization.

*Shift from central control.* Perhaps the most important shift of all in terrorist financing is related to broader changes in the nature of the terrorist threat itself. Before September 11, al-Qaeda funded and controlled operations directly from its base in Afghanistan. The funding for the September 11 attacks, and the 1998 East Africa embassy bombings, came from al-Qaeda itself. Even in the period after September 11, al-Qaeda continued to provide the money for operations, such as the \$20,000 it furnished for the 2002 Bali bombings.<sup>18</sup> While today the al-Qaeda core is somewhat resurgent, the group is not funding operations in the way that it did in the past. The budding local terrorist cells are increasingly self-funded, using the proceeds of criminal activity, personal funds, or government welfare benefits. Some of these cells have connections to al-Qaeda senior leadership but are independently and locally funded; others operate on their own in “leaderless” communities with only virtual connections to al-Qaeda.

The case of the July 7, 2005, London subway bombers offers a perfect example of a locally funded cell at work. British authorities concluded that the attacks—which were estimated to have cost less than £8,000 to carry out—were self-financed. Investigators found “no evidence of external sources of income” and stressed that the group raised the necessary funds “by methods that would be very difficult to identify as related to terrorism or other serious criminality.” One cell member provided the majority of the funds, defaulting on a £10,000 personal loan and overdrawing from his multiple bank accounts.<sup>19</sup> By contrast, Dhiren Barot, a terrorist operative sentenced to thirty years in prison in 2006 on charges of conspiracy to murder, reached out to senior al-Qaeda leaders abroad seeking some £60,000 for a bombing plot he concocted involving limousines packed with explosives in downtown London.<sup>20</sup>

In some cases, acts of petty crime, such as welfare fraud, raise limited amounts of money for small operations. In others, aspiring terrorists raise significant sums through brazen crimes. One cell in France netted about 1 million euros when a member whose job was to restock ATMs enacted robberies on several. In another case in France, a cell blew a hole in the wall of a cash distribution center and would have walked away with 4

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<sup>17</sup> Ibid.

<sup>18</sup> Roth et al., *Monograph on Terrorist Financing*.

<sup>19</sup> Financial Action Task Force (FATF), *Terrorist Financing* (Paris: FATF, February 29, 2008), p. 14. Available online ([www.fatf-gafi.org/dataoecd/28/43/40285899.pdf](http://www.fatf-gafi.org/dataoecd/28/43/40285899.pdf)).

<sup>20</sup> British counterterrorism official, interview by author, March 6, 2008.

million euros—had the hole not been too small for them to enter.<sup>21</sup> Both the State Department and NATO have highlighted the PKK's criminal activities, particularly in Europe. According to a 2007 Europol report, "Two PKK members were arrested in France in 2006 for money laundering aimed at financing terrorism. At the end of 2005, three members of the PKK were arrested in Belgium and another one in Germany suspected of financing the PKK. In Belgium, the authorities seized receipt booklets indicating that the arrested suspects were collecting 'tax' from their fellow countrymen."<sup>22</sup>

**Drugs/terrorism.** The nexus of drugs and terrorism is particularly strong for a variety of reasons. According to the Drug Enforcement Administration (DEA), nineteen of the forty-three designated foreign terrorist organizations (FTOs) are linked definitively to the global drug trade, and up to 60 percent of terrorist organizations are connected in some fashion with the illegal narcotics trade.<sup>23</sup> Not surprisingly, the most important reason why terrorist groups are attracted to the drug trade is profit. The United Nations (UN) estimates that the international drug trade generates \$322 billion per year in revenue, making drugs by far the world's most lucrative illicit activity.<sup>24</sup> The revenues from other types of illicit transnational activity, such as arms trafficking and smuggling of aliens, are small by comparison. Drugs provide many different avenues for procuring revenue including through taxing farmers and local cartels, demanding fees for use of roads, and extorting payment for the provision of "security" for production labs, couriers, and more.

Illustrating the potential profit margin from drugs, in the tri-border region in Latin America—where Argentina, Brazil, and Paraguay meet—it is possible to make a profit of \$1 million from the sale of fourteen or fifteen kilograms of drugs, an amount that could be transported in a single suitcase. A package of this size does not necessarily attract the notice of an organization like the DEA, which routinely intercepts much larger shipments. Hamas and Hizballah, in particular, are heavily involved in the drug trade in this region. In Afghanistan, a ledger seized during a raid showed ten months of transactions, which yielded \$169 million from the sale of eighty-one tons of heroin.

In the view of the DEA, as FTOs become more heavily involved in the drug trade, hybrid organizations are emerging. These hybrid FTOs split their time between engaging in terrorist activity and serving as global drug trafficking cartels. According to Michael Braun, the DEA's chief of operations, "The Taliban and FARC [Revolutionary Armed Forces of Colombia] are two perfect examples, and they are, in essence, the face of twenty-first century organized crime—and they are meaner and uglier than anything law

<sup>21</sup> French intelligence officials, interview by author, March 25, 2008.

<sup>22</sup> Abdulkadir Onay, "PKK Criminal Networks and Fronts in Europe," *PolicyWatch* no. 1344 (Washington Institute for Near East Policy, February 21, 2008) Available online ([www.washingtoninstitute.org/templateC05.php?CID=2720](http://www.washingtoninstitute.org/templateC05.php?CID=2720)).

<sup>23</sup> Michael Braun, "Drug Trafficking and Middle Eastern Terrorist Groups: A Growing Nexus?" (lecture presented at a policy forum sponsored by the Washington Institute for Near East Policy, Washington, D.C., July 18, 2008). Available online ([www.washingtoninstitute.org/templateC05.php?CID=2914](http://www.washingtoninstitute.org/templateC05.php?CID=2914)).

<sup>24</sup> *Ibid.*

Levitt testimony, SCJ, July 14, 2010

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enforcement or militaries have ever faced. They represent the most significant security challenge facing governments around the world."<sup>25</sup>

**Charities.** According to the Financial Action Task Force (FATF), "the misuse of non-profit organizations for the financing of terrorism is coming to be recognized as a crucial weak point in the global struggle to stop such funding at its source."<sup>26</sup> According to the Justice Department, intelligence indicates that terrorists continue to use charities as sources of both financial and logistical support.<sup>27</sup> British officials concur. According to a British government report, a "significant proportion" of terror finance investigations in Britain in 2006 included analysis of links to charities. The report found that "the risk of exploitation of charities is a significant aspect of the terrorist finance threat."<sup>28</sup>

Charities and humanitarian groups are especially susceptible to abuse by terrorists and their supporters for whom such organizations are highly attractive fronts. Indeed, terrorist groups have long exploited charities for a variety of purposes. Charities offer a veil of legitimacy for terrorist fundraising, attracting unwitting donors who are unaware that the money they donate for humanitarian purposes actually funds terror. Those social welfare organizations funded by terrorist groups engender grassroots support for the groups and create fertile spotting and recruitment grounds.

Charities are also ideal money laundering mechanisms. Those used by terrorist groups tend to (1) operate in zones of conflict and (2) traditionally involve the flow of money in only one direction, two factors that would be cause for suspicion in other organizations. Such a system enables terrorist groups to move personnel, funds, and material to and from high-risk areas under cover of charity work, and provide terrorist operatives with day jobs that offer both a salary and cover facilitating their terrorist activities. Moreover, terrorists co-opt charitable giving through a range of diverse tactics. Some charities are founded with the express purpose of financing terror, while others are existing entities that are infiltrated by terrorist operatives and supporters and co-opted from within. Recognizing that analysis of this means of terrorist financing demanded a discerning and discriminating level of scrutiny, Ambassador Francis X. Taylor, then the State Department's coordinator for counterterrorism, noted in 2002 that "any money can be diverted if you don't pay attention to it. And I believe that terrorist organizations, just like criminal enterprises, can bore into any legitimate enterprise to try to divert money for illegitimate purposes."<sup>29</sup>

A growing challenge in this arena is that banned or exposed charities tied to terrorism often shut down one day only to reopen the next under new names. The

<sup>25</sup> Ibid.

<sup>26</sup> Financial Action Task Force, *Terrorist Financing*, p. 11.

<sup>27</sup> Glenn R. Simpson, "Islamic Charities Draw More Scrutiny," *Wall Street Journal*, February 23, 2008.

<sup>28</sup> Her Majesty's (HM) Treasury, "Financial Challenge to Crime and Terrorism," February 28, 2007.

Available online ([www.hm-treasury.gov.uk/documents/financial\\_services/money/fin\\_money\\_financialchallenge.cfm](http://www.hm-treasury.gov.uk/documents/financial_services/money/fin_money_financialchallenge.cfm)), 52.

<sup>29</sup> State Department, International Information Programs, "State's Taylor Summarizes Annual Global Terrorism Report," *Washington File*, May 21, 2002. Available online ([www.usembassy.it/file2002\\_05/alia/a2052103.htm](http://www.usembassy.it/file2002_05/alia/a2052103.htm)).

Treasury Department noted, for example, that after being designated in March 2002, the Bosnian branch of the al-Haramain Islamic Foundation “reconstituted itself and continued operations under the name ‘Vazir’.” In another case, the Treasury Department reported that the Indonesian branch of al-Haramain had also attempted to operate under an assumed name, “Yayasan al-Manahil—Indonesia.”<sup>30</sup> As recently as July 2008, the department added new aliases under which al-Rashid Trust and al-Akhtar Trust International continued to operate, years after their U.S. and UN designations, in “an apparent effort to circumvent sanctions imposed by the United States and the UN.”<sup>31</sup>

Evolution of terrorists’ financing methods have cut across the spectrum of raising, laundering, transferring, storing, and accessing funds. As authorities have cracked down, for example, on charities that were financing illicit activity around the globe, some of these charities have devolved decisionmaking to local offices and personnel. Some charities tied to illicit activities reportedly instruct donors to fund their regional offices directly, instead of going through central offices. They also hire local people as staff so as not to raise suspicion among authorities. Speaking of radical Islamist efforts to radicalize and recruit young Muslims in Zanzibar, Tanzania, a local Islamic leader noted that “there are some [charitable] agencies that sometimes use a native of the village [to recruit] because the others would be caught by the police.”<sup>32</sup> Similarly, there has been a shift in funding from investment in specific programs to investment in large infrastructure projects. Such infrastructure is not only much needed but also provides effective cover for the transfer of substantial sums of money overseas. In the Philippines, for example, investigators found that terrorist financiers supporting the Abu Sayyaf Group and Raja Sulayman Movement facilitated the construction of mosques and schools under the supervision of Mohammad Shugair, a Saudi national linked by Philippine authorities to terrorist financing.<sup>33</sup>

**Trade-based money laundering.** A particularly effective method of hiding illicit transactions under the cover of legitimate business is by engaging in money laundering through trade. Such a tactic eschews the actual transfer of funds by buying and transferring commodities, such as food or other goods. Such goods can be sent even to internationally sanctioned countries under the guise of humanitarian support. Once they have entered the country, the goods can either be sold directly for cash or transported to a third country for sale. A prominent example of suspected trade-based money laundering reportedly involves the Committee for Palestinian Welfare and Aid (CBSP), a French charity designated as a Hamas front organization by the United States. According to the *Wall Street Journal*, CBSP cooperated with the pro-Palestinian National Association of

<sup>30</sup> Treasury Department, “Treasury Announces Joint Action with Saudi Arabia against Four Branches of al-Haramain in the Fight against Terrorist Financing,” press release, January 22, 2004. Available online ([www.treas.gov/press/releases/js1108.htm](http://www.treas.gov/press/releases/js1108.htm)).

<sup>31</sup> *Ibid.*, “Treasury Identifies New Aliases of al-Rashid and al-Akhtar Trusts[,] Pakistan-Based Trusts Previously Designated for Supporting al-Qaida,” press release, July 2, 2008. Available online ([www.ustreas.gov/press/releases/hp1065.htm](http://www.ustreas.gov/press/releases/hp1065.htm)).

<sup>32</sup> Chris Tomlinson, “Islamic Extremists Use Missionary Tradition to Recruit Fighters, Spread Anti-U.S. Message in East Africa,” Associated Press, February 20, 2004.

<sup>33</sup> Alcuin Papa, “New Terror-Funding Network in Place, Says PNP,” *Philippine Daily Inquirer*, July 12, 2008.

Moderation & Development to finance food aid to the Palestinian territories, selecting the local Palestinian company Abu Aker for Export and Marketing to handle the logistics of trade on the ground. Abu Aker was contracted to deliver “lentils, jam jars, and macaroni from the U.S.” and was able to show a receipt for the goods and pictures of “vegetable oil and other foodstuffs being delivered to a large refugee camp in Gaza during the Ramadan holiday in 2005.”<sup>34</sup>

Nevertheless, officials suspect Iran provided the funding for these transactions—funding that was passed either directly or indirectly along to terrorists through a trade-based money laundering scheme. Abu Aker has been involved in a number of other suspicious transactions in which foodstuffs or money either reached or was intercepted en route to Palestinian Islamic Jihad (PIJ) through the El Ehssan Charitable Association, one of the PIJ’s charities. In one case, Israel blocked the passage of five containers of vegetable oil paid for by European charities and sent to the Palestinian territories by a Turkish firm.<sup>35</sup> According to Israeli officials, Iran leveraged a connection between an Iranian company and its European partners to initiate the scheme, while Abu Aker was reportedly in direct contact with PIJ officials in Damascus who pointed him to these same companies.<sup>36</sup> Not surprisingly, Assistant Secretary of the Treasury Patrick O’Brien has stressed that trade-based money laundering is a significant problem.<sup>37</sup>

**Less sophisticated means of transfer.** While terrorist organizations are taking advantage of technology for financing purposes, terrorist cells and organizations are also reverting increasingly to far less sophisticated methods in order to avoid official banking systems. This includes the growing use of cash couriers, bulk cash smuggling, and *hawala* brokers (an informal remittance system for transferring money) to transfer funds, along with the use of alternative commodities such as precious stones. In some areas, the widespread use of cash is not an effort to evade law enforcement, but a common cultural practice. This is true throughout the Middle East, and particularly in the Gulf.

Reacting to counterterrorism efforts, terrorists have begun transferring funds through their members’ personal accounts and those of their families, sometimes directly, sometimes through charities, in an effort to evade the scrutiny given to organizational accounts. In the case of Palestinian groups, once Israel handed over administrative functions to the Palestinian Authority (PA) under the Oslo Accords, Israeli authorities no longer had direct access to Palestinian banking information. Documents seized by Israeli forces in the West Bank in the course of Operation Defensive Shield (April 2002) indicate that Palestinian groups recognized this gap and took advantage of it. In fact, PIJ secretary general Ramadan Shallah himself transferred funds from Damascus to the

<sup>34</sup> Glenn R. Simpson and Benoit Faucon, “A Trail of Sugar to Gaza,” *Wall Street Journal*, July 2, 2007.

<sup>35</sup> *Ibid.*

<sup>36</sup> Israeli intelligence official, interview by author, July 2007

<sup>37</sup> Patrick O’Brien, “Speech Prepared for Delivery at the Washington Institute for Near East Policy,” February 27, 2008. Available online ([www.washingtoninstitute.org/html/pdf/20080227OBrienSpeech.pdf](http://www.washingtoninstitute.org/html/pdf/20080227OBrienSpeech.pdf)).

personal bank accounts of individual PIJ terrorists such as Bassam al-Saadi, an operative responsible for PIJ finances in Jenin.<sup>38</sup>

**Hiding terrorist activity.** Much like other transnational criminal organizations, terrorist front groups often respond to the exposure of their activities by attempting to distance themselves from the alleged illegal activity and engage in otherwise legitimate endeavors to paint themselves in a more benign light. Against international efforts to combat terrorism, in which much of the information used to designate individuals and organizations as terrorist entities remains classified, such legitimization campaigns take on even greater importance and utility. For example, some of the charities most closely tied to terrorist financing, including the al-Haramain Foundation, the International Islamic Relief Organization, and the Muslim World League, have hired Washington, D.C., lawyers and public relations experts to repair their images in the United States.<sup>39</sup>

In terms of specific practices, those who finance illicit activities increasingly go to ever greater lengths to hide the nature of their transactions through money laundering and other deceptive financial practices. As the myriad northern Virginia-based companies, charities, and other suspected terrorist front organizations now under investigation highlights, such organizations are perhaps most useful to terrorist groups as a means of laundering legitimate earnings, donations, and ill-gotten gains through cascading levels of charities and companies, including shell companies and paper charities. Shuffling funds among fronts makes tracing these financial trails immensely difficult, as charities and companies obfuscate the terrorist intentions of their transactions. In this case, authorities suspect one address of ties to dozens of entities, including charities and businesses—even a chicken farm.<sup>40</sup>

Hizballah, for example, employed deceptive means to seek funding for projects from international development organizations for its construction arm, Jihad al-Bina. According to the Treasury Department, “In cases when intended solicitation targets were thought to object to the group’s relationship with Hizballah and the Iranian government, the organization employed deceptive practices, applying in the name of proxies not publicly linked to Hizballah.”<sup>41</sup> Similarly, in September 2006 the Treasury Department designated two Hizballah-controlled financial institutions as terrorist entities, Bayt al-Mal and the Yousser Company for Finance and Investment. Bayt al-Mal served as a bank, creditor, and investment arm for Hizballah, according to Treasury, and used the Yousser

<sup>38</sup> Israel Defense Forces, “The Cooperation Between Fatah and the PA Security Apparatuses with PIJ and Hamas in the Jenin Area,” April 9, 2002.

<sup>39</sup> James Morrison, “Embassy Row: Saudi Charity Rules,” *Washington Times*, March 4, 2004.

<sup>40</sup> See, for example, “Declaration in Support of Detention,” *United States v. Abdurahman Muhammad Alamoudi*, case no. 03-1009M, Alexandria Division, Eastern District of Virginia, September 30, 2003 (available online at <http://news.findlaw.com/hdocs/docs/terrorism/usalamoudi93003dec.pdf>); and *United States v. Suleiman Beheiri*, “Declaration in Support of Pre-Trial Detention,” August 14, 2003 (available online at <http://news.findlaw.com/hdocs/docs/terrorism/usbiheiri81403knaff.pdf>).

<sup>41</sup> Treasury Department, “Treasury Designates Hizballah’s Construction Arm,” press release, February 20, 2007. Available online ([www.ustreas.gov/press/releases/hp271.htm](http://www.ustreas.gov/press/releases/hp271.htm)).

Company to secure loans and finance business deals for the group's companies.<sup>42</sup> And in November 2006, the Italian press reported that a ship said to be carrying refrigerators to Lebanon was impounded in Cyprus after it was found to contain eighteen trucks with mobile anti-aircraft radars and other vehicle-mounted monitoring equipment.<sup>43</sup>

It should therefore not be surprising that Iran itself engages in a variety of deceptive financial practices to conceal the nature of its sponsorship of terrorist groups. Iran has used Bank Saderat as a preferred means of transferring funds to terrorist organizations such as Hizballah, Hamas, PIJ, and the Popular Front for the Liberation of Palestine-General Command. The Treasury Department revealed one case in which Iran sent \$50 million to a Hizballah-controlled organization between 2001 and 2006.<sup>44</sup>

**State sponsorship.** Even in the age of franchise terrorist groups and like-minded followers of radical online communities, both active and passive state sponsorship of terrorism remain significant sources of financing and other support for terrorist groups today.

While al-Qaeda has not enjoyed state sponsorship in the classical sense, it has benefited from relationships with governments such as Iran and Syria. Indeed, while active state sponsorship is increasingly rare, states provide terrorist groups with a tangible service by simply allowing terrorists to have access to their territory, facilitating their travel, or by turning a blind eye to their activities within their borders. For example, al-Qaeda in Iraq has long benefited from a network of associates in Syria that it uses to facilitate financing, travel to Iraq, and other logistics for members of its European network. Similarly, while Tehran maintains that al-Qaeda leaders in Iran have been under house arrest, U.S. officials have challenged these claims. As detailed in the al-Qaeda case study at the end of this report, recent events suggest Iranian officials maintain at least some level of cognizance of al-Qaeda activity within the country, although it is believed that most such activity is conducted without the full knowledge of the regime.

While Iran's state sponsorship of al-Qaeda is in effect passive, its active support of other terrorist groups in the region is well documented, from terrorist and insurgent groups in Iraq and Afghanistan to Hizballah in Lebanon and Hamas and PIJ in the West Bank and Gaza. The Iranian regime has been described by U.S. officials as the "central banker of terrorism" and has a nine-digit line item in its budget to support terrorism, sending hundreds of millions of dollars to terrorist groups annually.<sup>45</sup> Illustrating how the

<sup>42</sup> Ibid., "Treasury Designation Targets Hizballah's Bank," press release, September 7, 2006. Available online ([www.treas.gov/press/releases/hp83.htm](http://www.treas.gov/press/releases/hp83.htm)).

<sup>43</sup> Fausto Biloslavo, "Italian Troops Forgotten and Useless in Lebanon on Verge of Reexploding" [in Italian], *Il Giornale*, November 16, 2008. For more information, see Matthew Levitt, "Shutting Hizballah's 'Construction Jihad'," *PolicyWatch* no. 1202 (Washington Institute for Near East Policy, February 20, 2007). Available online ([www.washingtoninstitute.org/templateC05.php?CID=2571](http://www.washingtoninstitute.org/templateC05.php?CID=2571)).

<sup>44</sup> Treasury Department, "Treasury Cuts Iran's Bank Saderat Off From U.S. Financial System," press release, September 8, 2006. Available online ([www.treas.gov/press/releases/hp87.htm](http://www.treas.gov/press/releases/hp87.htm)).

<sup>45</sup> Fox News, "Treasury Official Calls Iran 'Central Banker of Terrorism'," April 1, 2008. Available online ([www.foxnews.com/story/0,2933,344530,00.html](http://www.foxnews.com/story/0,2933,344530,00.html)).

support for terrorism is part of an official government policy, Iran has used its state-owned financial institutions to dole out these funds.

**Individual major donors.** Speaking in the Persian Gulf, Treasury Department Undersecretary Stuart Levey noted that “terrorist organizations and al-Qaeda raise money in the Gulf by going to individual donors and through charities.”<sup>46</sup> This was evident in 2006, when the department designated Abd al-Hamid al-Mujil, executive director of the Eastern Province office of the IIRO, described by fellow jihadists as the “million dollar man” for his support of Islamic militant groups. According to the public statement announcing his designation, Mujil had a long history of financing al-Qaeda and its Southeast Asian affiliates, the Abu Sayyaf Group and JI.<sup>47</sup>

In January 2007, the Treasury Department designated Farhad Ahmed Dockrat and Junaid Ismail Dockrat, two South African al-Qaeda financiers. Farhad funded al-Qaeda and the Taliban through an al-Qaeda charity on the UN 1267 committee’s terrorism list, and Junaid raised \$120,000 for then-al-Qaeda operations chief Hamza Rabia.<sup>48</sup> In January, the UN listed three Kuwaitis—Hamid al-Ali, Jaber al-Jalamah, and Mubarak al-Bathali—as al-Qaeda financiers. Designated a year earlier by the Treasury Department, the three actively recruited and financed al-Qaeda activities, including those taking place in Kuwait, Iraq, Afghanistan, and Pakistan.<sup>49</sup>

Documents seized in a September 2007 raid on a suspected al-Qaeda in Iraq (AQI) safe house in Sinjar, in western Iraq, revealed that in the 2006–2007 timeframe the group depended heavily on donations, much of which came from AQI leaders, foreign fighters, and local Iraqis.<sup>50</sup> Among the foreign fighters who contributed to AQI, Saudis were the most prolific. They gave significantly larger amounts than the other fighters, with an average contribution of just more than \$1,000. Additionally, of the twenty-three fighters who contributed more than \$1,000, twenty-two were Saudi.<sup>51</sup>

#### **Potential Impact of *The Justice Against Sponsors of Terrorism Act***

Beyond punishing terrorists and their supporters, and beyond providing victims of terrorism and their families a sense of justice, holding people financially responsible for their illicit actions by targeting the finances can also effectively stem the flow of funds available for future terrorist activity. Not only do successful civil suits remove funds from the pockets of terrorists and their supporters, they can also send a powerful message to other potential donors who may think twice before being named and shamed as terror financiers. Most of the major donors found to have been supporting terrorism have not

<sup>46</sup> *Gulf Daily News*, “Millions of Dollars May Fund Terrorism,” February 27, 2008.

<sup>47</sup> Treasury Department, “Treasury Designates Director, Branches of Charity,” August 3, 2006.

<sup>48</sup> *Ibid.*, “Treasury Targets al-Qaida Facilitators in South Africa,” January 26, 2007. Available online ([www.treas.gov/press/releases/hp230.htm](http://www.treas.gov/press/releases/hp230.htm)).

<sup>49</sup> Treasury Department, “Treasury Designations Target Terrorist Facilitators,” December 7, 2006.

<sup>50</sup> Fishman, *Bombers, Bank Accounts, and Bleedout*, p. 68.

<sup>51</sup> *Ibid.*, p. 70.

been terrorist operatives themselves. These are prominent businessmen, wary of exposing themselves and their financial empires to the financial and litigation risk that comes with being added to a government or UN terrorism list or being indicted for supporting a terrorist group. Consider the time and money individuals such as Yasin al Qadi, a Saudi businessman designated as a terror financier by both the U.S. and U.N., have spent trying to get off these lists.

Indeed, the financial front in the battle against terrorism may be the last area where traditional deterrence theory still applies within the context of modern counterterrorism. In the extreme, deterring a suicide bomber – who is willing to die himself so long as he takes you with him – is unlikely. In fact, terrorist groups actively work to remove any disincentives that may affect the suicide bomber's determination, such as promising to take care of the suicide bomber's family in way the bomber himself never could. Then-Secretary of State Colin Powell lamented how terrorist groups would "incentivize" suicide bombings.<sup>52</sup> But major donors may indeed be deterred from putting themselves, their families and the financial empires they have spent a lifetime building at risk by supporting terrorist groups. Public sector actions such as designations and prosecutions are covered by the media and provide a deterrent message for other potential donors. Civil cases can do the same, and could do much more with the passage of *The Justice Against Sponsors of Terrorism Act*.

### Conclusion

While challenges remain, an examination of the record to date indicates positive results. Speaking before Congress in February 2008, Director of National Intelligence (DNI) Michael McConnell commented that over the previous twelve to eighteen months the intelligence community noticed that "al-Qaeda has had difficulty in raising funds and sustaining themselves."<sup>53</sup> In April 2008, Undersecretary of the Treasury Stuart Levey echoed the DNI's assessment, adding that the government's efforts to combat terrorist financing "are more integrated than ever before" and have enabled the government to disrupt or deter some sources of al-Qaeda finance and make "significant progress mapping terrorist networks."<sup>54</sup>

But it is still premature to celebrate al Qaeda's financial demise. Speaking at The Washington Institute for Near East Policy three months ago, Treasury Assistant Secretary David Cohen noted that while on the one hand al Qaeda "is now in the worst financial shape it has been in for years," the fact remains that "al Qaeda is not disabled, nor is it bankrupt, and our progress in degrading its financial strength will not be lasting without

<sup>52</sup> Colin Powell, interview by Tony Snow, Fox News Sunday, Fox News Channel, June 30, 2002

<sup>53</sup> U.S. House of Representatives, "Hearing of the House Permanent Select Committee on Intelligence, *Annual Worldwide Threat Assessment*," February 7, 2008. Available online ([www.dni.gov/testimonies/20080207\\_transcript.pdf](http://www.dni.gov/testimonies/20080207_transcript.pdf)) pp. 16–18.

<sup>54</sup> Treasury Department, "Under Secretary for Terrorism and Financial Intelligence Stuart Levey[,] Testimony Before the Senate Committee on Finance," April 1, 2008. Available online ([www.treas.gov/press/releases/hp898.htm](http://www.treas.gov/press/releases/hp898.htm)).

Levitt testimony, SCJ, July 14, 2010

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continued, vigorous efforts.”<sup>55</sup> Such efforts require using all the tools at our collective disposal, including those available to both the public and private sectors. To that end, passage of *The Justice Against Sponsors of Terrorism Act* would be a welcome development.

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<sup>55</sup> David Cohen, “Enhancing International Cooperation against Terrorism Financing,” The Washington Institute for Near East Policy, April 7, 2010, <http://www.washingtoninstitute.org/templateC07.php?CID=522>

Written Statement of Joan Molinaro  
Board Member of 911 Families for a Secure America and  
Mother of New York City Firefighter Carl E. Molinaro, murdered on 9/11 while he was  
helping survivors escape the North Tower of the World Trade Center

Before the United States Senate Judiciary Committee,  
Subcommittee on Crime and Drugs  
July 14, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer my view on this subject of great importance to the American people. The legislation that is the subject of the hearing before this Committee, the Justice Against Sponsors of Terrorism Act (JASTA), is one that is important to me, my family, and I would imagine to anyone who has experienced or may in the future experience any loss as result of terrorism. It is important to anyone anywhere who hopes to have the opportunity to hold accountable foreign facilitators of international terrorism, rather than to see them provided with a roadmap to escape all accountability. So I appreciate the opportunity to express why I am asking this Committee to support this important legislation.

As many of you may know, on September 11, 2001, after Islamic extremist terrorists hijacked four U.S. commercial airliners, I lost my son, New York firefighter Carl E. Molinaro, age 32, who was last seen helping survivors to escape from the North Tower of the World Trade Center after one of those planes was flown into the building.

After the attacks, I joined with a group of over 5,000 family members and other survivors to pursue those responsible for facilitating the 9/11 attacks. In August 2002, we filed a civil lawsuit against individuals, financial institutions, corporations, and purported "charities" implicated in sponsoring al Qaeda's terrorist activities. In filing that suit we relied on a law created by the U.S. Congress that was expressly intended to deter and punish acts of international terrorism by, among other things, taking the resources that keep terrorists in business – namely, their money. Consistent with the purposes of that law, among our chief goals in filing the litigation was to use tools of the U.S. civil justice system to uncover and shine a spotlight on support structures and resources of terrorist groups like Al Qaeda, to deter, punish, and bankrupt sponsors of terrorism, and ultimately to deprive terrorists of the means to conduct future acts of terror.

As has often been recognized, money is the lifeblood of terrorists. As one al Qaeda operative is quoted as saying, "There are two things a brother must always have for Jihad, the self and money." One esteemed member of this Judiciary Committee, Senator Grassley, similarly has recognized that, to fight terrorism, we must strike terrorists "where it hurts them most: at their lifeline, their funds." 136 Cong. Rec. S14279-01 (1990). I expect that the Committee will hear testimony from other witnesses better able to explain the financial needs of terrorist networks, but as a 9/11 Family member interested in preventing future attacks, I understand that the ability of terrorist organizations like al Qaeda to function is tightly tied to their financing. Some may argue

myopically that a given attack required little funding. But that view does not account for the tremendous infrastructure of terror organizations. They need steady funding not only to plan individual attacks, but also for resources to recruit, train, communicate, and for weapons, bribes, safe haven, and any number of other things needed to maintain, sustain, and expand their operations.

The 9/11 terror financing litigation that I and the thousands of other family members and survivors started in 2002 is exactly the type of litigation Senator Grassley identified in 1992 when, in discussing the Antiterrorism Act, he commented that that law allows terrorism victims “to pursue renegade terrorist organizations, their leaders, and the resources that keep them in business, their money.” 138 Cong. Rec. S17252 (1992). As anticipated at the time the law was passed, the legal action is part of our nation’s policy of striking terrorism at every level and every link in the chain of processes that lead to terrorism. In fact, the deterrence value of legal actions against wealthy terrorism financiers, who often enjoy public lifestyles marred by accusations of such financing, may be greater than the value from pursuing the ideologues who remain hidden until their deadly attacks are done.

But in the 9/11 terror financing litigation, our efforts to use the tools provided for by the Congress have been turned back repeatedly. The courts have, on multiple occasions and at multiple levels, misinterpreted the law to allow various defendants to be dismissed from the lawsuit without any degree of accountability. So far, the court has dismissed claims against 61 defendants, and all 61 defendants were dismissed based on sovereign immunity or jurisdictional issues. Not a single claim has been addressed on its merits.

In the District Court’s most recent decision, on June 14, after waiting for seven years for the court to decide requests from nearly 100 defendants asking to be dismissed from the case based on jurisdictional and immunity grounds, the court addressed 50 of those requests – dismissing 49 of the 50 defendants – and all of them based on jurisdictional grounds. So those 49 defendants accused of financially or otherwise supporting Al Qaeda in its violent attacks on America were dismissed in a manner that, if upheld, would allow their roles to remain forever untested and free from any accountability. To the public the defendants claim that they have been vindicated – but in truth, the court let them off regardless of their culpability.

Rather than allowing these defendants to escape accountability, the families of those murdered on 9/11 and the other survivors ask that they be required to defend their actions in an open forum, where they can be required to answer questions and evidence can be aired openly. Even almost a decade after those terrible attacks, there is a tremendous public interest in presenting our claims in an open setting to judge the claims on their merits.

As I understand the Justice Against Sponsors of Terrorism Act, it offers fairly modest amendments to the law to change the problems created by the courts’ decisions in the 9/11 terror financing litigation. The changes would make perfectly clear Congress’s intention to permit U.S. citizen’s to hold accountable foreign sponsors of terrorism,

especially where their terrorist actions resulted in attacks on U.S. soil. In short, the changes would allow those of us who suffered horrific losses on 9/11 to air the evidence mounted against these defendants and test the merits of the claims and defenses in the case, rather than allowing the defendants to escape all accountability by claiming their blanket immunity.

For these reasons, I am urging this Committee, the Senate, and Congress to pass the Justice Against Sponsors of Terrorism Act. Thank you for allowing me to express my views on this important legislation.

/s/ \_\_\_\_\_  
Joan Molinaro

## 9/11 FAMILIES UNITED TO BANKRUPT TERRORISM

Post Office Box 42127  
Washington, DC 20015-0127  
(800) 370-9314

July 13, 2010

**Via Electronic Mail and Hand Delivery**

The Honorable Arlen Specter  
United States Senator  
711 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Specter:

The failed attempt to bomb Northwest Airlines Flight 253 on Christmas Day served as a stark reminder that al Qaeda is still plotting to kill innocent Americans and that our nation is still vulnerable to terrorist attack. In fact, we are *more* vulnerable today than in the past because a 2008 Second Circuit U.S. Court of Appeals ruling gives those whose financial and material support enabled this attempted attack immunity from accountability in the U.S. Courts.

That may be hard to fathom, but it's true. If the plot had succeeded, the loved ones of all those killed would have had no way to hold al Qaeda's backers accountable, so long as they gave their money and support from outside the United States — this despite repeated congressional passage of legislation giving terrorist victims the right to seek justice in the U.S. civil courts.

That's why we, over 6,000 of us, the 9/11 Families United to Bankrupt Terrorism, urge the Senate Judiciary Committee's support and swift passage of S. 2930, the Justice Against Sponsors of Terrorism Act (JASTA). This urgently-needed legislation will undo the Second Circuit's controversial, misguided ruling and restore the longstanding intent of Congress to empower victims of terrorist attacks and their loved ones to help defend our nation by holding accountable those whose money and material support financed the deaths and injuries of innocent Americans.

JASTA will close an unconscionable gaping hole in homeland security. It will also mean a great deal to us personally as Americans who were injured and lost loved ones in the September 11, 2001 attacks. Since that time, we have sought to bring al Qaeda's bankrollers to justice, for they have as much blood on their hands as do bin Laden and the 9/11 hijackers. We have done this partly for the sake of accountability but especially to block the terrorism financing pipeline and prevent future attacks against Americans.

Unfortunately, our efforts — and the will of Congress — were stymied by the Second Circuit's ruling that no one can be held accountable for financing or supporting a terrorist attack *inside* our borders as long they provided the money or support from *outside* the United States and that foreign officials, although they may be held to account for their careless behavior on U.S. soil, cannot be held similarly accountable for intentional terrorist conduct committed here.

The impact of the Court's bizarre misinterpretations of the Anti-Terrorism Act and Foreign Sovereign Immunities Act is that terrorist financiers and supporters can literally stand at our borders enabling horrific acts in the U.S. while thumbing their nose at the rule of law. Imagine how the bankrollers of al Qaeda in Yemen must feel today, knowing they are beyond the reach of the U.S. Courts. And if an actor happens to be a foreign official, he may be free from accountability for

intentionally detonating a car-bomb to destroy an entire city block regardless of where he acted — though ironically, he could be accountable for harm caused by driving the same car recklessly.

Passage of JASTA will also reinforce a critical lesson of Northwest Flight 253, United Flight 93 and American Flight 63 — that an empowered citizenry is our first line of defense against terrorism. The brave passengers and crew who stopped the terrorists on these three flights did what our government could not — saved hundreds and perhaps thousands of lives.

It is in this same spirit of citizen activism that we are seeking to defend America by stopping the terrorists in the courtroom, using powers granted to us by Congress and the wisdom of the U.S. civil justice system.

Please uphold this spirit by supporting and enacting JASTA. In doing so, you will send the message to terrorism supporters everywhere that they will be brought to account in the U.S. Courts, no matter where the transfer of money or resources takes place. And above all, you will strike a powerful blow for the defense and security of our homeland.

Finally, in further support of this important bill, we are submitting for the Committee's consideration a package of documents that shed light on the true nature of Saudi Arabia's ties to a number of "charities" that have been publicly implicated in the sponsorship of terrorism. These documents include affidavits filed in the litigation by officials of the charities and the government of the Kingdom, which in many cases confirm the Saudi government's complete control of the relevant charities. In addition, although the evidentiary record concerning the charities' ties to terrorism is too vast to include in a submission for the record, the enclosed materials include a few key documents reflecting the U.S. government's own findings concerning the charities in question. These materials include the U.S. government's terror designations of al Haramain Islamic Foundation and branches of the International Islamic Relief Organization, as well as records from the Guantanamo Bay Combatant Status Review Tribunals implicating the relevant charities in terrorist activities. In the case of the IIRO, we have also included an internal Treasury Department memorandum which indicates that the IIRO's terrorist activities continued long after 9/11, even in the face of concerted U.S. diplomatic pressure on Saudi Arabia to reform its government sponsored charities.

We thank the Senate Judiciary Committee for its consideration of these submissions, and again urge quick passage of the Justice Against Sponsors of Terrorism Act as an important step in preventing future terrorist attacks against the United States.

Thank you for your consideration and assistance.

Sincerely,

Agnello, Rina - Staten Island, NY  
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 Bavis, John M. - Williamsburg, VA  
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 Bernstein, David M., MD - Kaneohe, HI  
 Bernstein, Robert - Brooklyn, NY

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 Bridgeforth, David - Glendale, NY  
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 Burnett, Thomas E. - Northfield, MN  
 Canty, Edward J. - Schenectady, NY  
 Carlo, Robert E. - Long Beach, NY  
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 Coffey, Daniel, MD - Newburgh, NY  
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 Finley, Joseph - Brentwood, TN  
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 Gertsberg, Roman - Howard Beach, NY  
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 Greene-Wotton, Patricia M. - Middletown, NJ  
 Greenstein, Howard - Boca Raton, FL  
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 Gregory, James - Ramsey, NJ  
 Gregory, Maureen A. - Ramsey, NJ  
 Gregory, Sara - Ramsey, NJ  
 Grimner, Judith A. - Merrick, NY  
 Gunther, Peter S. - Centerport, NY  
 Gutierrez, Edgar - Elmhurst, NY  
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 Higley, Todd E.H. - Wellington, FL  
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 Hoagland, Alice - Los Gatos, CA  
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 Horning, Kurt D. - Scotch Plains, NJ  
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 Iken, Gerard H. - The Dalles, OR  
 Irgang, Steven - New York, NY  
 Jalbert, Catherine L. - Swampscott, MA  
 Jalbert, Michael A. - Swampscott, MA  
 Jerath, Meena - Edison, NJ  
 Jerath, Neel - Edison, NJ  
 Jimenez, Humberto - Queens Village, NY  
 Jones, Donald - Livingston, NJ  
 Jones, Judith - Livingston, NJ  
 Joseph, Mark D. - Suffern, NY  
 Keane, Robert F. - Collegeville, PA  
 Keating, Michael - Worcester, MA  
 Keenan, John - Bronx, NY  
 Keene, Kristen - Ocala, FL  
 Kelly, Alice B. - Punta Gorda, FL  
 Kikkenborg, Susanne - New Haven, CT  
 Kminek, Marion - Cape Coral, FL  
 Koch, Ruth - Athens, GA  
 LaFalce, Dominick V. - Barnegat, NJ  
 Lake, Romano E. - East Orange, NJ  
 LaSala, John R. - Floral Park, NY  
 LaVelle, Kevin - Highland Falls, NY  
 LaVerde, Dolores - Staten Island, NY  
 LeBlanc, Linda - Peabody, MA  
 Lebron, Lourdes - Florence, MA  
 Lenihan, John J. - Avon, CT  
 Lichtschein, Mark - Teaneck, NJ  
 Linton, A. Patrick - Frederick, MO  
 LoMeli, Anthony P. - Patterson, NY  
 Luther, Jane - Brielle, NJ

Lynch, Daniel F. - Flushing, NY  
 Lynch, John B. - Bronx, NY  
 Maciejewski, Kazimierz - Oradell, NJ  
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 Mathwig, Betty Jane - Eau Claire, WI  
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 May, Nancy A. - Yerington, NV  
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 Mbaya, Kaaria - Philadelphia, PA  
 McAuley, Joseph - Smithtown, NY  
 McCarthy, James - Demarest, NJ  
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 McGinly, William C. - Vienna, VA  
 McKnight, Capt. Roger J. - Massapequa Park, NY  
 Miller, Holly A. - Bigfork, MT  
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 Molinaro, Joan - Hawley, PA  
 Monteserrato, Judy - South Kingstown, RI  
 Moreno, Ivy M. - Bronx, NY  
 Morgan, Glenn - Somerville, MA  
 Mullin, Kevin - Bellmore, NY  
 Murphy, Dolores - Venice, FL  
 Murphy, Thomas - Venice, FL  
 Nilsen, Patricia - Staten Island, NY  
 Nolan-Riley, Renee - Wichita, KS  
 O'Brien, Bernard J. - Rockville Centre, NY  
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 Puwalski, Joan - Bellerose, NY  
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 Racaniello, Frank - Little Neck, NY  
 Racaniello, Sandra - Little Neck, NY  
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 Regan, Virginia M. - Hockessin, DE  
 Reichert-Hart, Christine L. - Eau Claire, WI  
 Reilly, Patricia - Staten Island, NY  
 Reiss, Judith - Yardley, PA  
 Richards, Jim D. - East Meadow, NJ  
 Rigo, Theodore P. - Conifer, CO  
 Robulak, Kenneth - Clearwater Beach, FL  
 Rodak, Joyce Ann (and minor children) - Sewell, NJ  
 Roger, Thomas - Longmeadow, MA  
 Roth, Julie Sweeney - Yarmouth Port, MA  
 Russin, Edward - Morganville, NJ  
 Russin, Gloria - Morganville, NJ  
 Sabin, Jr., Charles E. - Metairie, LA  
 Samuel, James K - Brick, NJ  
 Samuel, Linda - Brick, NJ  
 Santise, David A. - Wantagh, NY  
 Santora, Alexander - Long Island City, NY  
 Santora, Maureen - Long Island City, NY  
 Santora, Patricia - Long Island City, NY  
 Santora-Montali, Kathleen - Long Island City, NY  
 Savinkina, Galina - Brooklyn, NY  
 Savinkina, Valentina - Brooklyn, NY  
 Savinkina, Valeriy - Brooklyn, NY  
 Scandole, Robert - Breezy Point, NY  
 Schumacker, Robert - Flushing, NY  
 Scott, Denise M. - Stamford, CT  
 Sellitto, Lorcen - New Vernon, NJ  
 Sellitto, Matthew - New Vernon, NJ  
 Serva, Bruce E. - Stafford, VA  
 Shechan, Daniel J. - DeLand, FL  
 Shelley, Sandra E. - Eau Claire, WI  
 Shi, Wen - Orangeburg, NY  
 Shields, Capt. Scott - Princeton, NJ  
 Sloan, Patricia B. - Novato, CA  
 Smith, Wendy Christina Silva - Aptos, CA  
 Snyder, Charles O'Neal - Aiea, HI  
 Speni, Barbara R. - Destin, FL  
 Stefani, Catherine M. - San Jose, CA  
 Stergiopoulos, Angela - New Canaan, CT

Stewart, Richard - Leland, NC  
Straine, James J. - Hilton Head Island, SC  
Straine, Mary E. - Hilton Head Island, SC  
Telesca, Michael A. - Eastchester, NY  
Van Auken, Lorie - East Brunswick, NJ  
Varacchi, Eileen - Laurel Hollow, NY  
Verse, Selma Ann - Stuart, FL  
Vialonga, Katherine - Demarest, NJ  
Warkenthien, Thomas A. - Bronx, NY  
Welge, Gary - Yonkers, NY  
Whalen, Patricia - Canton Twp., MI  
White, Alphonse - Jackson, NJ  
White, Joan - Jackson, NJ

White, Mary Louise - Port St. Lucie, FL  
White, Sally - East Walpole, MA  
Whittington, H.G., MD. - Sun City, AZ  
Whittington, Mike - Orono, MN  
Wieman, Marc - Rockville Centre, NY  
Wilson, Theresa I. - Delmar, NY  
Wiltse, Ken - Pineland, NY  
Winuk, Jay S. - Carmel, NY  
Woodall, Mary - San Diego, CA  
Yarnell, Ted - West Milford, NJ  
Zheng, Dr. Rui - Timonium, MD  
Zletz, Richard - New York, NY  
Zucker, Stuart - Woodbury, NY

**“Evaluating The Justice Against Sponsors Of Terrorism Act, S. 2930”**

Senate Judiciary Committee  
 Subcommittee on Crime and Drugs  
 July 14, 2010

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- Ex. 2 Declaration of Saleh Abdullah al Saykan, Manager of Financial Administration of the International Islamic Relief Organization.
- Ex. 3 Declaration of Mutaz Saleh Abu Unuq, Financial Director of the World Assembly of Muslim Youth.
- Ex. 4 Affidavit of Khalid bin Obaid Azzahri, Financial and Administrative Manager of al Haramain.
- Ex. 5 Declaration of Dr. Mutlib bin Abdullah al Nafissa, Minister of State of the Council of Ministers of Saudi Arabia.
- Ex. 6 Declaration of Abdulrahman al Swailem, President of the Saudi Arabian Red Crescent Society.
- Ex. 7 Declaration of Dr. Abdulrahmann al Swailem, President of the Saudi Joint Relief Committee.
- Ex. 8 *Minister of Citizenship and Immigration v. Mahmoud Jaballah* – Excerpts of a decision issued by the Federal Court of Canada in deportation proceedings initiated by the Canadian government against Mahmoud Jaballah, a one-time employee of the IIRO. During the course of that trial, Arafat el Asahi, the director of the Canadian office of the IIRO and a full-time employee of the Muslim World League, testified that the MWL and IIRO are controlled by the Saudi government.
- Ex. 9 1996 Central Intelligence Agency Report – Discussing the involvement of purported non-governmental charitable organizations in the sponsorship of terrorist organizations and extremist groups.
- Ex. 10 Declaration of Ali Ahmed Ali Hamad (English and Arabic versions).
- Ex. 11 Ali Ahmed Ali Hamad’s Employment Papers Received from the Saudi High Commission.
- Ex. 12 Department of Defense Intelligence Report – Saudi High Commission providing weapons and ammunition to the Somali National Alliance.

- Ex. 13 August 3, 2006 U.S. Treasury Press Release regarding the designation of the IIRO branch offices in the Philippines and Indonesia, including the designation of IIRO Executive Director Abd Al Hamid Sulaiman Al Mujil. Stuart Levey, U.S. Treasury's Under Secretary for Terrorism and Financial Intelligence, states that "we are now taking public action to sever this link in the al Qaida network's funding chain."
- Ex. 14 U.S. Treasury Designation Memorandum for the IIRO.
- Ex. 15 Letter from Mohammed Jamal Khalifa – Stating that his activities were performed under the surveillance of the Saudi Embassy.
- Ex. 16 U.S. Treasury Press Releases regarding the designations of Al Haramain Islamic Foundation branch offices and Saudi headquarters.
- Ex. 17 U.S. Treasury Designation Memorandum for the Al Haramain Islamic Foundation.
- Ex. 18 BBC News, *US Fears Terrorist Attack in Kosovo*, April 3, 2000 – The article discusses a raid conducted by K-For military police on a house rented by the SJRC because "they believe members of the SJRC are linked with Osama bin Laden, the man suspected of being behind the attacks on the US embassies in Kenya and Tanzania." Importantly, a secret U.S. document naming two former members of the SJRC is seen by the BBC which "claims Adel Muhammad Sadiq Bin Kazem, and Wa'el Hamza Jalaidan, the Committee's former Director, are 'associates of Osama bin Laden' and that Mr Jalaidan helped Mr bin Laden 'move money and men to and from the Balkans.'"
- Ex. 19 September 6, 2002 U.S. Treasury Press Release regarding Wa'el Hamza Jelaidan designation.
- Ex. 20 Testimony of Charles Pasqua, Former Minister of the Interior of the Republic of France, December 15, 2003 – Mr. Pasqua states that he made an official visit to the Kingdom of Saudi Arabia in November 1994 and met with several Saudi officials. According to Mr. Pasqua: "In the course of the meetings with my Saudi counterparts, I raised the question of financial aid furnished by Saudi charitable organizations enjoying state support, in particular the World Islamic League, to Islamist movements or terrorist groups. Mr. Pasqua further states that he "specifically warned my counterparts about this situation and officially requested that they put an end to it, insofar as the Islamist groups receiving this aid were likely to damage French interests or had already done so in the past."
- Ex. 21 Department of Defense Unclassified Summaries of Evidence for Detainee Abdallah Ibrahim al Rushaydan (Detainee # 343) – The evidentiary summary states the following about the International Islamic Relief Organization (IIRO): "The International Islamic Relief Organization (IIRO) is also known as Al Hayat Al Igatha Al Islamiya Al Aalamiya. According to the media in Asia, the Islamic Non-government Organization known as the International Islamic Relief Organization (IIRO), which is managed by Osama Bin Laden's brother-in-law, has maintained links with the Abu Sayyaf group (ASG) in the Philippines. Executive Order 13224, which blocks property and prohibits transactions with persons who commit, threaten to commit, or support terrorism, designates the Abu Sayyaf Group as a global terrorist entity."

- Ex. 22 Department of Defense Unclassified Summaries of Evidence for Detainee Abdul al Salam al Hilal (Detainee # 1463) – The evidentiary summary states the following about the Al Haramain Islamic Foundation (AHIF): “A source stated the al Haramain Saudi Arabian Foundation’s main mission is to implement and teach true Wahhabism religious doctrine worldwide. Al Haramain has connections with al Qaida. A former head of the al Haramain has been accused of controlling the financial, material and logistic support to al Qaida and other terrorist organizations. Al Haramain is suspected of involvement in weapons smuggling to Algeria and the transfer of radical fundamentalists to Bosnia during the war in the former Yugoslavia.”
- Ex. 23 Department of Defense Unclassified Summaries of Evidence for Detainee Adel Hassan Hamed (Detainee # 940) – The evidentiary summary states the following about the World Assembly of Muslim Youth (WAMY): “WAMY is a non-government organization operating in Afghanistan that may be affiliated with Osama Bin Ladin and al Qaida operations. According to top WAMY officials, both the United States and Israel must be destroyed. WAMY provides financial support to the Palestinians fighting against Israel. In addition, WAMY has put forward a proposal that the Palestinians should declare open war on Israel.”
- Ex. 24 Department of Defense Unclassified Summaries of Evidence for Detainee Bensayah Belkacem (Detainee # 10001) – The evidentiary summary states the following about the Saudi High Commission (SHC): “An open source reported that the detainee, also known to be the leader of a group in Algeria, had 3.5 million Marks of Bosnian currency deposited in a bank in Sarajevo, Bosnia, and several other members of the group had millions also deposited into banks. The open source reported that an investigation revealed the High Saudi Committee has on its payroll almost all of the members of the group from Algeria, which had links to international terrorism.”
- Ex. 25 Department of Defense Unclassified Summaries of Evidence for Detainee Saber Mahfouz Lahmar (Detainee # 10002) – The evidentiary summary states the following about the Saudi High Commission (SHC): “The Saudi High Commission for Relief and al Haramayn has provided financial support to former Arab Mujahedin in Bosnia. The types of financial support included family stipends or travel to Chechnya and Afghanistan. Al Haramayn is directly tied to terrorist activities in the Bosnia-Herzegovina area. They provide shelter and support to persons known to have committed terrorist activities.”
- Ex. 26 ABC News, *U.S.: Saudis Still Filling Al Qaeda's Coffers*, September 11, 2007 – “If I could somehow snap my fingers and cut off the funding from one country, it would be Saudi Arabia,” Stuart Levey, U.S. Treasury’s Under Secretary for Terrorism and Financial Intelligence, told ABC News. Despite some efforts as a U.S. ally in the war on terror, Levey says Saudi Arabia has dropped the ball. According to Levey, not one person identified by the United States and the United Nations as a terror financier has been prosecuted by the Saudis.
- Ex. 27 LA Times, *Saudi Arabia Is Prime Source of Terror Funds, U.S. Says*, April 2, 2008 – Stuart Levey, U.S. Treasury’s Under Secretary for Terrorism and Financial Intelligence,

testified before the Senate Finance Committee on April 1, 2008. Levey testified that Saudi Arabia remains the world's leading source of money for al Qaida. According to Levey, the Saudi government had not taken important steps to go after those who finance terrorist organizations or to prevent wealthy donors from bankrolling extremism through charitable contributions, sometimes unwittingly. Moreover, Levey noted that the Saudi government has not set up a charity oversight commission to track whether donations end up in the hands of extremists.

- Ex. 28 July 13, 2005 U.S. Treasury Press Release regarding Stuart Levey's testimony before the Senate Committee on Banking, Housing and Urban Affairs. According to Levey: "The Committee is also well aware that the challenges posed by terrorist financing from within Saudi Arabia are among the most daunting we have faced. Wealthy Saudi financiers and charities have funded terrorist organizations and causes that support terrorism and the ideology that fuels the terrorists' agenda. Even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq." In addition, Levey stated that "Saudi Arabia-based and funded organizations remain a key source for the promotion of ideologies used by terrorists and violent extremists around the world to justify their hate-filled agenda." Levey further added that "Saudi Arabian charities, particularly the International Islamic Relief Organization (IIRO), the World Association of Muslim Youth (WAMY), and the Muslim World League (MWL) continue to cause us concern."
- Ex. 29 July 11, 2006 Testimony of Stuart Levey before the House Financial Services Subcommittee -- According to Levey: "In the first place, the cost of financing terrorist activity cannot be measured by the cost of a primitive destructive act. The maintenance of those terrorist networks, like al Qaeda, which threaten our national security, is expensive -- even if a particular attack does not cost much to carry out. As the 9/11 Commission explained, groups like al Qaeda must spend money for many purposes -- to recruit, train, plan operations, and bribe corrupt officials for example. If we can eliminate or even reduce their sources and conduits of money, we can degrade their ability to do all of these things, and thus can make them less dangerous."
- Ex. 30 English section of the Al Alam Al Islami, *WAMY Calls For Jihad To Free Kashmir*, June 3, 1991 -- WAMY Secretary General, Dr. Maneh al Johani, says that Muslims should come forward to wage jihad to liberate Kashmir. Speaking at a Muslim World League auditorium, al Johani stated that jihad could be performed in many forms. Muslims can go to the battlefield to wage a war against the enemies of Islam or they can give their moral, physical and financial support to the cause of jihad.
- Ex. 31 Arabic edition of Al Alam Al Islami, *Over a Million and a Half Shahids and Thousands of Widows -- the Price of Victory in Afghanistan*, August 31, 1992 (English translation provided) -- The article reports that Saudi Arabia, as a government and as a people, has lent support to the Afghan Mujahideen through the Saudi Red Crescent, the IIRO and the MWL, in the form of equipment and money, and has purchased weapons and ammunitions and borne the cost of their transfer to Afghanistan.

- Ex. 32 Arabic edition of Al Alam Al Islami, *Dr. Nasif Emphasizes The Severity Of The Situation That Muslims Undergo At The Present Time*, April 27, 1992 (English translation provided) – MWL Secretary General Naseef spoke of the bad state of the Muslims in Bosnia Herzegovina, the Philippines, Kashmir, Somalia, Burma, and said that the Muslims there need care from their Muslim brothers and the Islamic countries, which have political influence. He further stated that the rest of the Muslims have a role and they can carry out Jihad with their money and lives.
- Ex. 33 Arabic edition of Al Alam Al Islami, *Preparing For Islamic Power And Jihad: A Duty For All Times And Places*, April 20, 1992 (English translation provided) – An article by Isma'il Fath Alh Salamah from Medina in Saudi Arabia. Salamah calls to the Islamic world to prepare an army for Jihad for Allah. He claims that the Islamic religion strives for power, and forbids reaching a truce with the infidels. All along the article, Salamah incites the readers for Jihad and fighting the infidels, calls to them to gather weapons, quotes militant verses praising Jihad and terrorizing the enemies of Islam. The author claims that Jihad is a religious duty. The article quotes Ibn Timya, who encourages Jihad with money and lives. The article states that Islam allows offensive Jihad.
- Ex. 34 Arabic edition of Al Alam Al Islami, *Dr. Nasif Calls For Supporting The Intifada And Supporting The Palestinian People In The Occupied Territories*, March 23, 1992 (English translation provided) – The article reports that in honor of the Al-Aqsa Mosque Week, the MWL General Secretariat published a manifesto where the MWL's Secretary General, Dr. Naseef, called to support Jihad and the Palestinian Intifada, stating the MWL has allocated a bank account to that end: Al-Ahli Bank of Commerce or the NCB (see: [www.alahli.com](http://www.alahli.com)), the Mecca main branch, account no. 01/14807000107.
- Ex. 35 Arabic edition of Al Alam Al Islami, *Servant of the Two Holy Shrines Thanks The Secretary General of the Islamic World League*, May 3, 1993 (English translation provided) – A letter from MWL Secretary General Naseef thanking King Fahd for a contribution of 20 million dollars given as immediate relief for the Muslims in Bosnia, so they continue their legitimate Jihad against the Serbs.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

THOMAS BURNETT, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:02CV01616
	)	Judge Robertson
AL BARAKA INVESTMENT AND	)	
DEVELOPMENT CORPORATION, <i>et al.</i>	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF ALI MUHAMMAD AL-KAMAL,  
MANAGER FOR FINANCIAL AFFAIRS ADMINISTRATION  
OF THE MUSLIM WORLD LEAGUE

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE, I state  
as follows:

A. I am the Manager for Financial Affairs Administration and the work team composed of employees of the Muslim World League ["MWL"], an international Islamic organization based in Makkah, Kingdom of Saudi Arabia. My relationship with the financial affairs of MWL spans more than 3 years. The following statements are based on my knowledge of the administration of financial affairs and tasks entrusted to me during said period. I understand that this declaration may be submitted to an American court in connection with a lawsuit that has been filed against His Royal Highness Prince Sultan bin Abdulaziz Al-Saud ["Prince Sultan"].

B. The MWL was established by a resolution of the First General Muslim Conference, a convocation of leading Muslim intellectuals and scholars convened in 1962. The purposes of the MWL are: (1) to explain the belief, sharia (Islamic law), and practice of Islam, to propagate it and to enlighten Muslims about its true meaning in accordance with the Holy Quran and Holy Prophetic Sunna; (2) to fulfill the message of Islam in achieving peace, justice and protection of human rights; (3) to explain the teachings of Islam, disprove false charges against it, and respond to attempts to defame its image and misrepresent the Islamic call; (4) to promote understanding and cooperation among Muslim peoples, and to work towards an awakening of common consciousness with respect to Muslim causes and aspirations, while always respecting the sovereignty of countries where Muslims exist; (5) to exert efforts to solve problems faced by the Muslim world; (6) to exert whatever efforts possible to overcome causes of conflict, strife, and ill-will within and among Muslim nations; (7) to strive to realize virtue, to reform earth, and to encourage people to obey God; and (8) to call for the rejection of violence and terrorism and to achieve peace and security of human societies through the promotion of dialogue with other cultures and civilizations.

The MWL's policies are established by its Constitutive Council, which is chaired by the Grand Mufti of Saudi Arabia. The MWL's daily operations are conducted and supervised by its General Secretariat, which is headed by a Secretary General appointed by the Constitutive Council based on a nomination by the Saudi Government. The MWL's annual budget is 80 million Saudi Riyals, which is funded by an annual grant from the Saudi Government.

C. At the request of Prince Sultan's attorneys, a work team was formed from among employees of the financial administration of MWL who enjoy long experience and knowledge of the accounting records and books and under my direct supervision to determine

whether the MWL received any donations from Prince Sultan during the period 1994 through September 11, 2001. The work team also sought to obtain information regarding a 1 million Saudi Riyal donation through examination of the accounting records and books for the relevant period and was not able to find that MWL had received any such amounts during a televised fundraising campaign. Based on the examination and search of the records, I have determined that the MWL received no financial donations from Prince Sultan during the above time period, including the reported 1 million Riyals donation noted above. I also understand that in 2000 Saudi television broadcast a campaign for Chechnyan relief. The MWL received no monetary donations from Prince Sultan in connection with that campaign.

We affirm that the information given in this declaration are true and correct as contained in the financial books which confirm what was explained above. Executed on this 2nd day of April, 2003G.

**Accountant for Deposits, Loans and Assistance**

[signature]

Muhammad bin Abd al-Ahad Mir Ahmad

**Budget Accountant**

[signature]

Ibrahim bin Ahmad Al Mahdi

**Chief of Accounting**

[signature]

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

EXHIBIT 2

THOMAS BURNETT, <i>et al.</i> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
AL BARAKA INVESTMENT AND	)
DEVELOPMENT CORPORATION, <i>et al.</i>	)
	)
Defendants.	)
_____	)

Civil Action No. 1:02CV01616  
Judge Robertson

**DECLARATION OF SALEH ABDULLAH AL SAYKHAN,  
MANAGER OF FINANCIAL ADMINISTRATION OF THE  
INTERNATIONAL ISLAMIC RELIEF ORGANIZATION**

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE, I, Saleh

Abdullah Al Saykhan, state as follows:

1. I am the Director of Financial Administration of the International Islamic Relief Organization ("IIRO"), an international charitable organization with headquarters in Jeddah, Kingdom of Saudi Arabia. I have held my current position for approximately two months. Based on that experience, I have personal knowledge of the IIRO's internal operations and charitable activities. The statements made in this declaration are based on that personal knowledge. I understand that this declaration may be submitted to an American court in connection with a lawsuit that has been filed against His Royal Highness Prince Sultan bin Abdulaziz Al-Saud ("Prince Sultan").

2. The IIRO is an Islamic charitable organization established by the World Muslim League in 1978 to provide relief and humanitarian assistance to people in need around the world. The IIRO's headquarters are located in Jeddah, Kingdom of Saudi Arabia, and it has

more than 100 offices in the Kingdom of Saudi Arabia and abroad. Through this network of offices and in cooperation with other international organizations such as the United Nations High Commission on Refugees and the International Conference of Red Cross and Red Crescent Societies, the IIRO engages in humanitarian activities in more than 120 countries. The main objective of the IIRO is to provide direct assistance to victims of natural disasters and wars. It also sponsors health, education, and social projects including the construction of hospitals, clinics, nutrition centers, schools, and orphanages. Finally, it provides financial and technical support to a wide variety of economic development efforts. In the years 2000 and 2001, the IIRO supported 2,190 separate humanitarian projects, benefiting over 10 million people worldwide. The IIRO is governed by a 15-member board of directors chaired by the Secretary General of the Muslim World League, who is nominated by the Saudi Arabian government.

3 At the request of Prince Sultan's counsel, I have conducted a review of the financial records of the IIRO to determine whether the IIRO received any financial donations from Prince Sultan during the period 1994 through September 11, 2001.

4. Based on that review, I have determined that neither the IIRO nor its affiliate Sanebel el Khair received any financial donations from Prince Sultan during the above time period. Since 1987, however, the IIRO has received an annual grant of 1 million Saudi Riyals (in two semi-annual installments of SR 500,000) from the Special Committee of the Council of Ministers, which I understand to be a department of the Saudi Arabian government chaired by Prince Sultan. Copies of the 1987 letter from the Second Deputy President of the Council of Ministers announcing this grant, as well as the checks and transmittal letters that accompanied each grant are attached hereto as Exhibits A - Q. The Special Committee extended three additional grants to the IIRO in 1998, totaling 5 million Saudi Riyals, which were

DC01331029.1

specifically earmarked for the relief of flood victims in Somalia. These three grants were directed to the IIRO through the Office of the Western Command of the Saudi military, which was charged with overseeing that relief effort. Records reflecting these three grants are attached hereto as Exhibits R – T.

5. Each of the grants described above was received in Saudi Arabia.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 26th day of March, 2003G.

[signature]  
Saleh Abdullah Al Saykhan

Notary Public

We certify that Saleh Abdullah Al Saykhan appeared before us on this day, Monday, Muharram 28, 1424 H, corresponding to 31/3/2003 G and signed this declaration.

Ahmad bin Muhammad bin Abd al-Latif Al Al-Shaykh

[seal of Ministry of Justice]

[signature] [seal of notary public]

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

THOMAS BURNETT, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:02CV01616
	)	Judge Robertson
AL BARAKA INVESTMENT AND	)	
DEVELOPMENT CORPORATION, <i>et al.</i>	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF MUTAZ SALEH ABU UNUQ,  
FINANCIAL DIRECTOR OF THE  
WORLD ASSEMBLY OF MUSLIM YOUTH

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE, I,

Mutaz Saleh Abu Unuq, state as follows:

I am the Financial Director of the World Assembly of Muslim Youth ("WAMY"), an international charitable organization based in Riyadh, Kingdom of Saudi Arabia. I have been employed by WAMY for approximately 4 years, and have held my current position for approximately two months. Based on that experience, I have personal knowledge of WAMY's internal operations and charitable activities. The statements made in this declaration are based on that personal knowledge. I understand that this declaration may be submitted to an American court in connection with a lawsuit that has been filed against His Royal Highness Prince Sultan bin Abdulaziz Al-Saud ("Prince Sultan").

2. WAMY was established by Royal Decree in 1972 to achieve the following objectives: (1) to serve the call to Islam among Muslim youth; (2) to reinforce pride in Islam among Muslim youth; (3) to clarify the righteous beliefs that Muslims should espouse; (4) to deepen understanding of Islamic culture among Muslim youth; (5) to clarify the task of young

Muslims in building a Muslim community; (6) to support academic, cultural, and professional organizations and associations that serve Muslim youth; (7) to cooperate and coordinate with organizations that serve Muslim youth; and (8) to sponsor exceptional Muslim students and provide financial and cultural support to them. WAMY is governed principally by its General Assembly and President, who is appointed by the Saudi Government. The current President of WAMY is the Minister of Islamic Affairs in Saudi Arabia. The daily operations of WAMY are supervised by its Secretary General. The Government of Saudi Arabia funds a large portion of WAMY's budget.

3. At the request of Prince Sultan's attorneys, I have conducted a search of WAMY's business records to determine whether WAMY received any donations from Prince Sultan during the period 1994 through September 11, 2001.

4. Based on my search, I have determined that WAMY received no financial donations from Prince Sultan during the relevant time period. WAMY did, however, receive two grants of 100,000 Saudi Riyals each from the Saudi Ministry of Finance upon the recommendation of the Supreme Council for Islamic Affairs, which I understand to be a department of the Saudi Arabian government headed by Prince Sultan. Copies of checks reflecting these donations are attached hereto as Exhibits A and B. In addition, in February 2001, Prince Sultan's Office sent, care of WAMY, a check for US\$ 5,333.33 payable to Mr. Hamad Abdulsalam, which was used to defray the costs of Mr. Abdulsalam's hospitalization. WAMY's records regarding this donation are attached hereto as Exhibit C.

5. All of the grants described above were received in Saudi Arabia.

DC01:331112.1

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct. Executed on this \_\_\_ day of \_\_\_\_\_, 2003.

[seal of WAMY]

[signature]  
Mutaz Saleh Abu Unuq

Notary Public

We certify that Mutaz bin Saleh Abu Unuq appeared before us on this day, Tuesday, Muharram  
29, 1424 H, corresponding to 1/4/2003 G and signed this declaration.

Ahmad bin Muhammad bin Abd al-Latif Al Al-Shaykh [seal of Ministry of Justice]

[signature] [seal of notary public]



staff of approximately 5,000, most of whom are teachers and lecturers. Al Haramain operates under the supervision of the Saudi Minister of Islamic Affairs, who appoints its Board of Directors and senior management personnel. Furthermore, Al Haramain continues to remain in good standing with the government of Saudi Arabia, as evidenced by a declaration dated March 21, 2004. See Declaration of Abdullah Mohammed Ibrahim Al Sheikh, Saudi Minister of Justice. (Attachment B).

4. Al Haramain has never supported the loss of innocent life and believes that there is no justification for the tragic attacks of September 11, 2001 (9-11 attacks). Al Haramain has never supported any person or organization that it knew to participate in terrorist activities.

3. The Third Amended Complaint in this case has several allegations about Al Haramain, but most are in error. See ¶¶154-179. As the attached correspondence to the United Nations and related attachment show, these allegations are based largely on uncorroborated media reports and classified government allegations. See Al-Debasi Letter to Kofi Annan Dated Mar. 3, 2004. (Attachment C).

5. Al Haramain also denies that it had any knowledge of the activities of Osama bin Laden, or al Qaeda other than what is generally known through the press. At no time did Al Haramain ever knowingly participate in, or support in any way, terrorist activities, nor were any of its worldwide branch offices authorized by Al Haramain, explicitly or implicitly, to engage in such activities.

6. Al Haramain also denies that it has knowledge of any terrorist activities as alleged in ¶¶ 17, 25, 26, 27, 30 and 31 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004), due largely to Plaintiff's lack of specificity and world-wide intelligence agency's use of secret evidence in its designation processes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be 'Khalid Bin Obaid Azzahrn', written over a horizontal line.

Khalid Bin Obaid Azzahrn  
In his official capacity as the Financial & Administrative  
Manager of Al Haramain

Executed on the 7 day of April, 2004.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: TERRORIST ATTACKS ON SEPTEMBER 11, 2001	)	No. 03-MDL-1570 Judge Richard C. Casey
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**DECLARATION OF DR. MUTLIB BIN ABDULLAH AL-NAFISSA**

I, Dr. Mutlib bin'Abdullah Al-Nafissa, hereby swear to the following:

1. I am a member of the Council of Ministers of the Kingdom of Saudi Arabia, with the rank of Minister of State. The Council of Ministers is the highest governing body in the Kingdom of Saudi Arabia. I hold a Bachelor of Arts degree in law from the University of Cairo and LL.M. and S.J.D. degrees from Harvard University. Prior to my appointment as a Minister of State and member of the Council of Ministers, I worked for 20 years as President of the Commission of Experts, which is the office that conducts the legal work of the Council of Ministers. Prior to becoming President of the Commission of Experts, I was a legal adviser in the Commission. In my current position as a member of the Council of Ministers, my duties include reviewing all business of a legal nature submitted to the Council of Ministers, including treaties, other international agreements, and draft laws and regulations. I also provide legal advice to the Council when called upon to do so. Based on my many years performing legal work for the Council of Ministers, I am competent to testify to the subjects set forth in this Declaration.

2. I make this Declaration at the request of United States counsel for the Saudi High Commission. I have been authorized by the President of the Council of Ministers, King Fahd bin Abdulaziz, to make this declaration. In this Declaration I describe matters of fact and law that relate to the Saudi High Commission and to the allegations in the complaints filed in this case. I have reviewed and executed the Declaration in the Arabic language with the understanding that it will be translated into English for submission to the American court.

3. I have been asked to describe the status of the Saudi High Commission within the government of the Kingdom of Saudi Arabia. The Saudi High Commission is an arm of the Saudi Arabian government. Actions taken by the Saudi High Commission properly are viewed as actions of the government of Saudi Arabia. Actions taken by the Saudi High Commission necessarily are in keeping with the foreign and domestic governmental policies of the Kingdom of Saudi Arabia.

4. I have been asked to describe the legal effect under Saudi Arabian law of the manner in which the Saudi High Commission came into existence. The process of the creation of the Saudi High Commission, through Decision No. 17419 of the President of the Council of Ministers, dated 2/12/1412 (1993) is detailed in the Declaration of Saud bin Mohammad Al-Roshood at ¶ 6. The President of the Council of Ministers has the authority under Article 29 of

the Council of Ministers law to order the formation of a governmental entity such as the Saudi High Commission.

5. In the Kingdom of Saudi Arabia it also is necessary to receive governmental approval to establish private charities, as distinguished from government entities like the Saudi High Commission. A person who wishes to found a private "charitable foundation" can make a request to the King of Saudi Arabia (President of the Council of Ministers), who then may issue a Royal Order; or a person can found a "charitable society" by applying to the Ministry of Labor and Social Affairs, which has power to authorize such societies pursuant to a Statute of the Kingdom of Saudi Arabia. Private charitable foundations and charitable societies are run by boards chosen by the society or foundation and disburse funds in accordance with their charters. By contrast, a government commission, such as the Saudi High Commission, always is chaired or presided over by a government official and conducts its affairs in accordance with the domestic or foreign policy objectives of the Kingdom of Saudi Arabia.

6. I have been asked to describe the role of His Royal Highness Prince Salman bin Abdulaziz as President of the Saudi High Commission. As noted in the Declaration of Saud bin Mohammad Al-Roshood at ¶ 7, Prince Salman bin Abdulaziz was appointed President of the Saudi High Commission by Decision No. 17419, the same Decision of the President of the Council of Ministers that formed the Saudi High Commission. Prince Salman bin Abdulaziz is a high-ranking government official of the Kingdom of Saudi Arabia.

7. Before being appointed President of the Saudi High Commission, Prince Salman bin Abdulaziz was the Governor of Riyadh Province, the largest province in the Kingdom of Saudi Arabia. The Prince remains the Governor of Riyadh Province today. Through his role as President of the Saudi High Commission, Prince Salman bin Abdulaziz also has taken responsibilities affecting the foreign policy of the Kingdom of Saudi Arabia toward the Federation of Bosnia-Herzegovina. More than any other person in the Saudi Arabian government, Prince Salman bin Abdulaziz is responsible for carrying out Saudi Arabian foreign policy toward Bosnia-Herzegovina.

8. Under Saudi Arabian law, government agencies like the Saudi High Commission can be sued for their administrative acts in the Board of Grievances, the administrative court of Saudi Arabia. Administrative decisions of governmental organs are subject to review by the Board of Grievances except when they are deemed to be decisions of a sovereign nature, in which case the Board refrains from making judgments regarding the validity of such decisions.

9. There are no specific regulations under Saudi Arabian law mandating that the Saudi High Commission disburse foreign and humanitarian aid to any particular purpose or in any particular manner. Decisions regarding causes to support and recipients for Saudi High Commission funds are within the discretion of the Executive Committee, the Supreme Commission, and Prince Salman bin Abdulaziz. As noted in the Declaration of Saud bin Mohammad Al-Roshood at ¶¶ 22-23, on two occasions the mission of the Saudi High Commission was expanded, at the direction of the President of the Council of Ministers, to

include relief efforts in Egypt and Somalia. In these cases as well, discretion as to how and where to disburse funds in these countries was left to Prince Salman bin Abdulaziz and the Executive Committee and the Supreme Commission.

10. The decisions of the Executive Committee, the Supreme Committee, and Prince Salman bin Abdulaziz, by virtue of the Prince's status as a high-ranking government official, reflect the foreign policy of the Kingdom of Saudi Arabia toward the country where the relief effort or foreign aid is directed – in most instances, Bosnia-Herzegovina.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 9/12/1424 [January 31, 2004] in Riyadh.

\_\_\_\_\_[signature]\_\_\_\_\_  
Dr. Mutlib bin Abdullah Al-Nafissa  
Minister of State  
Council of Ministers  
Kingdom of Saudi Arabia

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



المملكة العربية السعودية  
مجلس الوزراء  
وزير الدولة وعضو مجلس الوزراء  
مكتب الوزير

الرقم :  
التاريخ :  
المشرفات :

محكمة الولايات المتحدة الأمريكية  
الإقليمية  
الإقليم الجنوبي في نيويورك

03 MDL 1570 بشأن الهجمات الإرهابية في  
القاضي رتشارد سي . كيبي ١١ سبتمبر ، ٢٠٠١ م

بيان الدكتور مطلب بن عبد الله النفيسه

بسم الله الرحمن الرحيم أنا ، الدكتور مطلب بن عبد الله النفيسه ، بهذا أقسم ،

١ - أنني عضو في مجلس الوزراء في المملكة العربية السعودية بصفتي وزير دولة . ومجلس الوزراء هو أعلى سلطة حكومية في المملكة العربية السعودية . وأنا أحمل ليسانس في الحقوق من جامعة القاهرة وماجستير ودكتوراه في القانون من جامعة هارفرد . قبل تعييني كوزير دولة وعضو في مجلس الوزراء ، عملت لمدة عشرين سنة رئيساً لهيئة الخبراء ، الإدارة المسؤولة عن أداء الأعمال القانونية لمجلس الوزراء . وقبل تعييني رئيساً لهيئة الخبراء ، عملت مستشاراً قانونياً في الهيئة . وفي مركزي الحالي كعضو في مجلس الوزراء ، فإن مهامي تشمل مراجعة الأعمال ذات الصلة القانونية التي تقدم لمجلس الوزراء ، بما في ذلك المعاهدات والاتفاقيات الدولية الأخرى ومشاريع القوانين واللوائح . كما أنني أقدم رأيي القانوني للمجلس عندما يطلب مني ذلك . واستناداً إلى عدد السنين التي أمضيتها في أداء أعمال قانونية لمجلس الوزراء ، فإنني مؤهل لتقديم الشهادة التي يتضمنها هذا البيان.

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..... التوقيع  
 ..... التاريخ  
 ..... المشفوعات

المملكة العربية السعودية  
 مجلس الوزراء  
 وزير الدولة وعضو مجلس الوزراء  
 مكتبة الوزير

- ٢ - إنني أقدم هذا البيان بناء على طلب المحامي الأمريكي للهيئة السعودية العليا للبوسة والمهرك . وقد فوضني رئيس مجلس الوزراء الملك فهد بن عبد العزيز لتقديم هذا البيان . وفي هذا البيان ، أصف وقائع وأموراً قانونية تتعلق بالهيئة السعودية العليا وبالادعاءات التي تتضمنها الدعوى المرفوعة . وقد قمت بمراجعة هذا البيان ووقعت عليه باللغة العربية وأفهم أنه سيتم ترجمته للغة الإنجليزية لتقديمه إلى المحكمة الأمريكية.
- ٣ - لقد طلب إلي بيان صفة الهيئة السعودية العليا في منظومة حكومة المملكة العربية السعودية . إن الهيئة السعودية العليا جهاز من أجهزة الحكومة السعودية . ويمكن النظر إلى تصرفات الهيئة السعودية العليا على أنها تصرفات حكومية . وهذه التصرفات تأتي وفقاً للسياسة الخارجية والداخلية لحكومة المملكة العربية السعودية.
- ٤ - لقد طلب إلي بيان الأثر القانوني في ظل القانون السعودي للإجراء الذي تم بموجبه تكوين الهيئة السعودية العليا . لقد تضمنت الفقرة ( ٦ ) من البيان الذي قدمه سعود بن محمد الرشود توضيح الإجراء الذي تم بموجبه تكوين الهيئة وفقاً للأمر السامي رقم ١٧٤١٩ وتاريخ ١٤١٢/١٢/٢ ( ١٩٩٣ ) والملك رئيس مجلس الوزراء يملك السلطة لتكوين الأجهزة الحكومية المماثلة للهيئة السعودية العليا.
- ٥ - في المملكة العربية السعودية يلزم كذلك صدور الموافقة الحكومية على تكوين المنشآت الخيرية الخاصة التي تختلف عن الأجهزة الحكومية مثل الهيئة السعودية العليا . فإذا أراد شخص تأسيس " مؤسسة خيرية " خاصة فإنه يتقدم بطلب ذلك من الملك ( رئيس مجلس الوزراء ) الذي يصدر أمراً ملكياً به أن وافق عليه أو يتقدم بطلب ذلك لوزارة العمل والشؤون الاجتماعية ، وإن أراد شخص تأسيس جمعية خيرية فإنه يتقدم لوزارة العمل والشؤون الاجتماعية التي تملك السلطة لإجازة تكوين هذه الجمعيات وفقاً لأنظمة المملكة العربية السعودية . ويتم إدارة المؤسسات والجمعيات الخيرية الخاصة من قبل مجالس إدارة تختارها المؤسسة أو الجمعية ويتم صرف أموال

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مجلس الوزراء  
وزير الدولة وعضو مجلس الوزراء  
مكتب الوزير

الرقم: .....  
التاريخ: .....  
المشروعات: .....

هذه المؤسسات والجمعيات وفقاً لنظامها الأساس. وفي المقابل، فإن الهيئة الحكومية، مثل الهيئة السعودية العليا، تخضع دائماً لرئاسة مسؤول حكومي وتصرف أموالها وفقاً لمتطلبات السياسة الخارجية أو الداخلية للمملكة العربية السعودية.

٦ - لقد طلب إلي بيان دور صاحب السمو الملكي الأمير سلمان بن عبد العزيز كرئيس للهيئة السعودية العليا. كما ورد في الفقرة السابعة من البيان الذي قدمه سعود بن محمد الرشود، فقد عين الأمير سلمان رئيساً للهيئة السعودية العليا بناء على الأمر السامي رقم ١٧٤١٩ وهو ذات الأمر الذي تم بموجبه تكوين الهيئة السعودية العليا. والأمير سلمان بن عبد العزيز مسؤول رفيع في حكومة المملكة العربية السعودية.

٧ - لقد كان الأمير سلمان بن عبد العزيز أميراً لمنطقة الرياض، المنطقة التي تقع فيها العاصمة السعودية، قبل أن يتم تعيينه رئيساً للهيئة السعودية العليا. ولإزالة الأمير سلمان أميراً لمنطقة الرياض اليوم. وبصفته رئيساً للهيئة السعودية العليا، فقد تولى الأمير سلمان بن عبد العزيز مسؤوليات تؤثر في السياسة الخارجية للمملكة العربية السعودية تجاه فدرالية اليوسنة والمهرسك. لقد أصبح الأمير سلمان بن عبد العزيز، أكثر من أي شخص آخر، مسؤولاً عن متابعة السياسة السعودية الخارجية تجاه اليوسنة والمهرسك.

٨ - وفقاً للقانون السعودي، فإنه يجوز مقاضاة الأجهزة الحكومية، مثل الهيئة السعودية العليا، فيما يتعلق بقراراتها الإدارية في ديوان المظالم، وهو الجهة المختصة بممارسة القضاء الإداري في المملكة العربية السعودية. فالقرارات الإدارية للأجهزة الحكومية تخضع لمراجعة ديوان المظالم إلا ما يتعلق بأعمال السيادة حيث يتمتع الديوان عن النظر في ذلك.

٩ - ليس في القوانين السعودية أي نص يحكم أسلوب صرف المساعدات الخارجية والإنسانية لأي جهة أو بأي أسلوب. فتحديد الجهات المستحقة للمساعدة وتلقي الإعانة من أموال الهيئة السعودية العليا تخضع لتقدير اللجنة التنفيذية والهيئة العليا والأمير سلمان بن عبد العزيز. وكما

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مكتب الوزير

الرقم :  
التاريخ :  
المشروعات :

جرى ذكره في الفقرتين ٢٢ - ٢٣ من البيان الذي قدمه سعود بن محمد الرشود فقد تم توسيع مهمة الهيئة السعودية العليا مرتين وفقاً لتوجيهات رئيس مجلس الوزراء لتشمل برامج إغاثية في مصر والصومال . وفي هذه الحالات ، كذلك ، فقتدير أسلوب صرف الإعانات وتحديد الجهات المتلقية لها متروك للأمير سلمان بن عبد العزيز واللجنة التنفيذية والهيئة العليا .  
١٠- إن قرارات اللجنة التنفيذية ، والهيئة العليا والأمير سلمان بن عبد العزيز بصفته مسؤولاً حكومياً رفيعاً تعكس السياسة الخارجية للمملكة العربية السعودية تجاه البلد الذي توجه له الإغاثة أو المعونة ، وهو في أغلب الحالات البوسنة والمهرسك .  
أعلن تحت طائلة عقوبة شهادة الزور طبقاً لقوانين الولايات المتحدة الأمريكية أن ما سبق صحيح وسليم .

تم التوقيع هذا اليوم ٢٦/٤/٢٠١١ في مدينة الرياض .

مطلب

د. مطلب بن عبد الله النفيسة

وزير دولة

وعضو مجلس الوزراء

المملكة العربية السعودية

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	)	03 MDL No. 1570 (RCC)
	)	
THOMAS E. BURNETT, SR., <i>et al.</i> ,	)	
Plaintiffs,	)	
v.	)	C.A. No. 03 CV 9849 (RCC)
AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION, <i>et al.</i> ,	)	
Defendants.	)	
	)	

**DECLARATION OF ABDUL RAHMAN AL SWAILEM**

I, Dr. Abdul Rahman Al Swailem, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

2. I have been informed by my attorney that I am a defendant (D95) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for (1) sovereign immunity, (2) lack of personal jurisdiction, and (3) improper service of process.

3. I was born in 1937 in Zobeir, Saudi Arabia, and have lived in Saudi Arabia all of my life, except for when I was studying at college. I have always been a citizen of the Kingdom of Saudi Arabia.

4. I am a physician. In 1966, I earned the M.B.B.S. degree from the University of Munich (Germany). In 1974, I earned the D.C.H. degree from Cairo University (Egypt). In 1982, I earned the M.R.C.P. medical degree from the Royal College of Physicians, Edinburgh

(United Kingdom). In 1984, I earned the F.R.C.P. medical degree, also from the Royal College of Physicians, Edinburgh.

5. I initially worked as a physician at several hospitals in Saudi Arabia, then became the head of Pediatric Department center at Riyadh Hospital, the Kidney Transplant Center, and Transplant Center at the Maternity and Children Hospital.

6. I was appointed in 1989, by the Saudi Council of Ministers, to the position of Deputy Minister for Executive Affairs, Ministry of Health. The Saudi Council of Ministers, which is headed by King Fahd bin Abdulaziz al Saud and his deputies, is the highest decision-making body in the Saudi government.

7. As the Deputy Minister, I was in charge of all executive and technical affairs, including issues relating to medicine, hospitals, preventive medical care, and the delivery of health care services. I served in that position until 1998.

8. To hold a position at an Excellency level, I was appointed in November 1998 by the means of Royal order issued by King Fahd bin Abdulaziz, to serve as President of the Saudi Arabian Red Crescent Society. I continue to serve in that position.

9. The Kingdom of Saudi Arabia sponsors and supervises the Saudi Arabian Red Crescent Society, and the Saudi government appoints all of its directors. The Saudi Arabian Red Crescent Society's functions include supporting humanitarian operations in other countries, and providing emergency medical services and related programs within Saudi Arabia. The Saudi Arabian Red Crescent Society's operations within Saudi Arabia are funded by the Saudi government for the purpose of operating the nationwide ambulance center network, operating the health clinics for pilgrims during the *Hajj* pilgrimage season, teaching first aid and road safety courses, providing road accident emergency services, and developing disaster preparedness

plans. See International Federation of Red Cross and Red Crescent Societies, "Partnerships in Profile 2002-2003: Saudi Arabian Red Crescent Society," <[http://www.ifrc.org/cgi/pdf\\_profile.pl?saprofile.pdf](http://www.ifrc.org/cgi/pdf_profile.pl?saprofile.pdf)>; "Directory: Saudi Arabian Red Crescent Society," <<http://www.ifrc.org/address/sa.asp>> (attached hereto as Exhibits 1-2). Thus, the Saudi Red Crescent performs essential core governmental functions and is a Saudi Government instrumentality.

10. I was elected in November 2000 during the international conference of the Red Cross and Red Crescent Movement (RCRC) as a member in the Standing Commission of the Red Cross and Red Crescent as part of the RCRC Movement. The Standing Commission's functions included arranging the International Conference and the meetings of the Council of Delegates. The Standing Commission is comprised of National Society members, including the Saudi Arabian Red Crescent Society.

11. I have visited the United States around four occasions, for official purposes related to my government service as Deputy Minister. I visited San Francisco, California in 1979, Pittsburgh, Pennsylvania in 1998, Washington, D.C., and New York. I do not now recall the date of the visits to New York and Washington, D.C., but they were some time before 1998.

12. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any business in the United States.

13. I do not subscribe to, or read, either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

14. As a physician, I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never knowingly supported any person or organization that I have known to participate in terrorist activities.

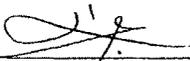
15. I am listed in the caption of the Third Amended Complaint in this action, as a defendant ("D95"). However, my name is not mentioned anywhere in the allegations in the text of the Complaint. Further, I deny that I had any connection with the perpetrators of the September 11, 2002 attacks.

16. I at no time participated in, or provided support, to any terrorist activities, or organizations engaged in terrorist activities.

17. I deny that I have knowledge of any terrorist activities as alleged in Paragraphs 17 and 21-24 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004). I further deny any knowledge that the Saudi Joint Relief Committee, during the 1990's, or any time period, engaged in terrorist activities or knowingly supported terrorism.

18. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Dr. Abdul Rahman Al Swailem

Executed on the 2 day of April, 2004.



biography is attached as Exhibit A. I have personal knowledge of, and am competent to testify to, the facts set forth in this Declaration.

2. Beginning with its formation in 1999, the Saudi Joint Relief Committee (the "SJRC") has always functioned as a political subdivision, agency, or instrumentality of the Kingdom of Saudi Arabia.

3. The SJRC was established on May 19, 1999, pursuant to High Order No. 7/B/1863 (the "Albanian High Order") issued by HRM King Fahd bin Abdulaziz upon the recommendation of the Council of Ministers of the Kingdom of Saudi Arabia. A true and correct translation of the Albanian High Order is attached as Exhibit B.

4. The purpose of the SJRC was to collect and distribute aid to Albanian refugees in Kosovo on behalf of the Kingdom of Saudi Arabia and its citizens, and to coordinate and document the Kingdom's charitable assistance through international relief agencies and organizations. The SJRC operated solely as a charitable and humanitarian entity, and none of the funds or other aid distributed by the SJRC was provided for "commercial" purposes.

5. The Kingdom of Saudi Arabia established the SJRC in response to the catastrophic humanitarian crisis triggered by the civil war in the former Republic of Yugoslavia, and the systematic violence against ethnic Albanians in Kosovo orchestrated by former Serbian president Slobodan Milosevic.

6. In 1999, the Kingdom of Saudi Arabia expanded the scope of the SJRC's mission to include relief work for victims of the ongoing hostilities in Chechnya pursuant to a second High Order (No. 7/B/12089) (the "Chechnya High Order"). A true and correct translation of the Chechnya High Order is attached as Exhibit C. Through the Chechnya High Order, the Kingdom of Saudi Arabia intended that the SJRC would act in concert with other international agencies stationed in Chechnya (including the United Nations) to provide humanitarian aid to the hundreds of thousands of Muslims displaced by the war between Chechen fighters and Russia.

7. The Albanian High Order specified that the SJRC would be supervised by the Minister of the Interior of the Kingdom of Saudi Arabia and chaired by the President of the Saudi Red Crescent Society, and further stated that the SJRC must include high-ranking representatives from agencies of the Kingdom, including the Ministry of Finance and National Economy, the Ministry of Defense and Aviation, the Ministry of Information, the Ministry of Labor and Social Affairs, the Ministry of Foreign Affairs, the Presidency of General Intelligence, and the Presidency of National Guard. Pursuant to the Albanian High Order, the SJRC also includes representatives from some non-governmental charitable and humanitarian organizations, including the International Islamic Relief Organization, the World Assembly for Muslim Youth, the Islamic Endowment Foundation, and the Al-Haramain Charitable Foundation.

8. The SJRC submitted regular financial and performance reports to the Minister of the Interior, HRH Prince Nayef Bin Abdulaziz Al-Saud.

9. The SJRC maintained a main office in Riyadh, Saudi Arabia, and branch offices in Vladikavkaz, Pristina, and Moscow. The daily operations of the SJRC's offices were performed by a technical and administrative staff comprised of employees hired directly by the SJRC and civil servants of the Kingdom of Saudi Arabia seconded to work for the SJRC. The Kingdom of Saudi Arabia paid the salaries and expenses for most of the civil servants seconded to work for the SJRC.

10. The Organizational Charter adopted by the SJRC expressly provided that employees seconded from the government would be subject to the laws applicable to government civil servants. Accordingly, seconded government employees of the SJRC are treated as civil servants, rather than private hires, under Saudi law. A true and correct translation of the SJRC Organizational Charter is attached as Exhibit D.

11. The SJRC's mission was largely subsidized by the Kingdom of Saudi Arabia. On March 9, 2000, HRM King Fahd bin Abdulaziz issued a Royal Decree donating 5,000,000 Saudi Riyals to support the SJRC's relief work on behalf of Kosovan students and their families. A true and correct translation of the Royal Decree is attached as Exhibit E. Through the end of 2003, the SJRC received 3,000,000 Saudi Riyals from the Kingdom's initial donation through the Ministry of Finance.

12. In addition, the Kingdom of Saudi Arabia routinely provided critical logistical support for the SJRC's humanitarian efforts in Kosovo and Chechnya.

13. On February 27, 2004, the government of the Kingdom of Saudi Arabia established the Saudi National Committee for Aid and Charitable Work Abroad (the "Saudi National Committee") pursuant to Royal Decree No. A/1. A true and correct translation of Royal Decree No. A/1 is attached as Exhibit F. Royal Decree No. A/1 stated that, once fully functional, the Saudi National Committee will serve as the exclusive agency or instrumentality of the Kingdom of Saudi Arabia responsible for all humanitarian and charitable work abroad.

14. Since the creation of the Saudi National Committee, the SJRC has begun to unwind its operations. The SJRC has significantly reduced its aid and humanitarian relief efforts, and currently operates primarily in an administrative capacity.

15. The SJRC has never solicited charitable or humanitarian donations inside the United States. The SJRC has no offices or employees in the United States, it has no bank accounts or other property in the United States, and it has never conducted any form of business in the United States.

16. The humanitarian mission of the SJRC is fundamentally incompatible with the concept of terrorism, and the SJRC has never had any connection with, or in any way supported, terrorist activities or terrorist organizations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of January 2005, in Riyadh, Saudi Arabia.



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Dr. Abdulrahman A. Al-Suwailem

Federal Court of Canada  
Trial Division



Section de première instance de  
la Cour fédérale du Canada

Deputy Administrator  
Sous-administrateur  
1999-11-02  
Paul Scott  
Designated Proceedings  
Procédures Désignées

Date: 19991102

Docket: DES-6-99

BETWEEN:

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Applicant

- and -

MAHMOUD JABALLAH

Respondent

REASONS FOR ORDER

CULLEN, J.:

[1] To summarize legislation is in all likelihood unnecessary in that the sections clearly spell out the process, but, so there can be no doubt, I have decided once again as I have done in other hearings, to quote directly from the *Immigration Act*, as this is the basis for the two Ministers' decision giving them the authority to issue a certificate under section 40.(1).

Q. Was CSIS aware on those occasions that you are a citizen of this country?

A. Yes.

Q. At any time were you advised by CSIS that, before speaking with them, you had the right to consult a lawyer? Were you advised of that?

A. No.

Q. Were you told that you could refuse?

A. No.

In cross-examination by counsel for the applicant this suggestion was put to Dr. Hindy (p.836, Vol 10)

Q. Would it be fair to say, Dr.Hindy, that, in essence, your other position as Imam of the Salahedin Mosque, although a very responsible position, would be a part-time position?

A. You could say that, but the main activity is actually on Friday, and I always take Friday off from my work, from Ontario Power Generation, and then on Saturday and Sunday. Those two days, plus Friday after 12 o'clock, is the main activity. In the rest of the week the place has very little attendance because people are working. The main activity is from Friday noon until the end of Sunday, and I am always there.

**Mr. Arafat El-Asahi**

[108] Dr. El-Asahi was born on December 25, 1940 in Gaza, Palestine. He is a married man with seven children and thirteen grandchildren. He is a Canadian citizen. At the present time he is a full-time employee of the Muslim World League that has its

headquarters in Saudi Arabia and has over 30 offices all over the world. He was questioned at p. 855 Vol. 20 of the transcript:

Q. That is the Muslim World League?

A. Which is the mother organization of what is called IIRO, the Relief branch of the Muslim World League.

Q. Is IIRO also known as the International Islamic Relief Organization?

A. Yes, it is.

[109] It was agreed that it would be referred to as the IIRO. On p. 857, Vol. 10:

Q. In your professional capacity, do you do any work with the IIRO?

A. Yes. I am Director of this office in Canada.

Q. Where is the office located?

A. It is in Etobicoke here.

Q. Is that the only IIRO office in Canada?

A. Yes.

Q. How long has that office been operating?

A. For the last eight years or so.

Q. During those eight years, have you been associated with the IIRO in Canada? Have you been here throughout those eight years?

A. I am in charge of this -- actually, it is not a very active office in Canada. It is only representing some activities among the Muslim communities in Canada.

Q. Have you been with that office for the past eight years?

A. All the time, yes.

Q. During those eight years that you have been with the IIRO here in Canada, have you ever heard anything to the effect that the Canadian government has any concern whatsoever with respect to your office?

A. Let me tell you one thing. The Muslim World League, which is the mother of IIRO, is a fully government funded organization. In other words, I work for the Government of Saudi Arabia. I am an employee of that government. Second, the IIRO is the relief branch of that organization which means that we are controlled in all our activities and plans by the Government of Saudi Arabia. Keep that in mind, please.

Q. I will. Thank you. When you say you work for the Government of Saudi Arabia, are you also paid by that government?

A. I am paid by my organization which is funded by the government. Let me tell you one little thing. Whenever the Saudi Embassy in Ottawa required anything, to ask about any Muslim project all over Canada, they come to us. They ask us about the people who are doing this project. Do you get this point?

Q. Yes.

A. Whatever we say is acceptable, fully acceptable, by the Saudi Embassy and by the government of Saudi Arabia.

Q. For those of us who are not as familiar as you are with the Muslim World League, could you tell us a bit about the work of that organization internationally?

A. The Muslim World League was established in 1963 as an organization trying to help Muslims who live as minorities. Where ever Muslims exist as minorities, this organization tries to help them in one way or another -- in education, in social needs, in every aspect of their lives. Whatever it can give to them, it doesn't hesitate to do that.

Q. Is there any connection between that organization and the United Nations?

A. Absolutely. We have an observer status with the United Nations -- not only the United Nations, but a number of prominent international organizations. One of them is called the Arab League. The Arab League is a league of all Arab States. Also we have a status with the OIC, the Organization of Islamic Countries, which represents 55 countries who are all Muslim. We have this status with all of them.

Q. Is the Muslim World League the type of organization that would actually have physical offices in countries throughout the world?

A. Of course. I said in the beginning that we have over 30 offices all over the world? One is here; one is in Washington, D.C. They are spread all over, in Europe, in Asia.

Q. When you speak of an office that is an IIRO office, that counts as a Muslim World League office as well?

A. What happens is that sometimes the IIRO and the Muslim World League office is one, but sometimes they have two different offices, although the umbrella organization is the same, which is the Muslim World League.

[110] From this juncture on counsel for the respondent indicated that he would be referring strictly to the IIRO. We now go to p. 862, Vol. 10 of the transcript:

Q. During the eight years that you have been with IIRO/World Muslim League here in Canada, have you ever received any indication from the Canadian authorities that they are concerned in any way about your office?

A. Yes.

Q. When was that?

A. Some agents from CSIS called me, and they came and visited me.

Q. Do you recall who it was?

A. The same person representing CSIS. Everybody knows this. He came to my office and he asked me about us, what we are, what our activities here and elsewhere in the world are. When he knew, as I told you, about ourselves, he was satisfied and he said to me, "If you need any help, here is my card. Call me." Then he called again maybe one year later.

Q. When did he call you the first time?

A. About three years ago. The second time he called asking the question, which was very strange to me, "Do you receive any threats from anybody?" I said, "Yes, it so happens that I had two letters threatening us." "Can I come and see them?" He came. He said, "Are these threats from Muslim terrorists?" I said, "No. Why should Muslims threaten us when we are here to help them?" [emphasis added]

[111] Dr. El-Asahi took considerable pride, and well he should, when he said at p. 864,

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We publish booklets actually to educate Muslims and Canadians non-Muslims about what we stand for, what Islam stands for. One our books fell into the hands of the Minister of Defence at the time, David Collonette (sic). He is still the Honourable Collonette (sic). He is a minister until now, but of course he has a different portfolio. He read one of our books called 'The Holy Koran's Message to Jews and Christians'. The Holy Koran is our holy book, like the Holy Bible. It is a message not only to Muslims; it is a message to the universe, to everybody, including the members of the other two divine religions. The book was quotations from the Koran addressed to the followers of Judaism and Christianity. He [the Minister] read the book and he expressed his happiness about it, ... and he said, "Other people, when they write about religion, concentrate on differences and, thus, they divide people. In this book by this author there is a concentration on commonalities." He was happy with the book because it concentrates on what joins us together.

[112] During Dr. El-Ashi's examination-in-chief, we come yet again across the name

Ossama Bin Laden. At p. 867, Vol. 10:

A. Everybody knows who Ossama Bin Laden is. He was with the Afghan guerillas from the beginning of their uprising against the Soviet Union. The United States used to help the Afghans during that period, before the nineties. He was on the popular level getting help from the people of Saudi Arabia and sending them - -

from what I read in the papers - - sending them to those guerillas. Then afterward, after the Soviet Union left, he continued to do the same thing.

To me, as a representative of the Muslim World League and IIRO, I feel that he has exceeded his limits, to make attacks or to say, "I want to make an international war against everybody." That is not Islam; this is against Islam.

Q. So what we have been reading in the newspapers as to what Ossama Bin Laden is supporting, you don't support?

A. Absolutely not, and I categorically say that there are no relationships between Ossama Bin Laden - - how can there be a relationship when Ossama Bin Laden himself lost his Saudi citizenship? He is no more a Saudi citizen, and the Government of Saudi Arabia, I am stating, is our government. We work for it. Whatever the government does and its attitude toward Ossama Bin Laden and other people, that is our attitude, too.

Q. So when CSIS says that Ossama Bin Laden is connected to your organization's offices in Pakistan, what do you say to CSIS?

A. I am afraid this is inaccurate. This is absolutely not correct.

Q. My recollection of CSIS' position is that, in addition to that, the IIRO offices in Pakistan are involved in fraudulent activities.

A. Again, this is an offence to the IIRO. It is absolutely unfounded.

...

Q. I would like you to tell me, Dr. El-Asahi, if you know Mahmoud Jaballah.

A. I heard the name. He called me on the phone and he said he worked for our office in Pakistan. He was a Principal. He sent me a letter, and his wife also called me. I never met any of them, and I saw the letter. The letter has been issued by the Director of our office in Pakistan. They know the person, so it is a genuine letter, that he was the Principal of the school operated and started by the IIRO for orphans in Pakistan. He was there. Because the letter is in Arabic and it is from Pakistan, he wanted me to confirm this information. I wrote a letter to that effect, to whom it

may concern, that indeed, based on this letter, this man worked for this organization during a certain period.

Q. When Mr. Jaballah approached you with that letter, do you recall if that was the name he introduced himself as, Mahmoud Jaballah?

A. Of course, Mahmoud Jaballah. I have a copy of the letter.

Q. Would you check the name on that letter, please.

A. His name is Mahmoud El-Sayy Jaballah.

Q. Is that the Arabic letter?

A. English. That is my letter, and the Arabic is here. It is the same, Mahmoud El Sayy Jaballah.

Q. That letter came to you from Mr. Jaballah?

A. Yes.

Q. And that is the letter that was issued by the organization in Pakistan?

A. The one in Arabic is written by my organization, the office in Pakistan. If you need a copy of it.

Q. Perhaps you could take us through it again. You received the letter from your branch in Pakistan?

A. No. I received the letter on behalf of Mr. Jaballah here, that he had a letter that proves that he worked as a Principal of one of our organizations in Pakistan during a certain period, and the organization says that he was of excellent character and good behaviour. This is text of the letter. I am paraphrasing it for you. So we issued this letter, to whom it may concern.

Q. In English?

A. In English. We say: "This is to certify that the IIRO is an Islamic international organization that has branches in various countries, one of which is in Pakistan, where Mr. Mahmoud used to work."

Q. Do you recall, Dr. El-Asahi, when you were initially approached by Mr. Jaballah?

A. It has a date. It was January 6, 1999. That is the date of my letter, January 1999.

[113] In cross-examination Dr. El-Asahi confirms (at p. 875, Vol. 10) that he is an employee of the Muslim World League. At p. 877, Vol. 10, the following questions and answers were given:

Q. Do I understand correctly from the questions that you responded to from Mr. Rodrigues that the IIRO is really only active in those places where there is need for relief?

A. Yes.

Q. In other words, in Canada, in terms of your dual role with your dual office here, you would be doing more activity in relationship to the Muslim World League than you would with regard to the IIRO?

A. Exactly, although we do have certain activities from the IIRO required to be done in Canada. For instance, in the month of fasting we have some money coming from there to spend to make parties for those who fast. The poor people here in a number of mosques would get together and eat as guests of the IIRO.

Q. When they break their fast?

A. Exactly. This is an example. There are other things.

Q. You said "money from there".

A. From Saudi Arabia.

Q. You also indicated in response to a question from Mr. Rodrigues that you would not know what was going on with the Muslim World League/IIRO office in Washington, D.C. in terms of the Americans possibly investigating them because that is an affair for their office.

A. That is true.

Q. At the same time you indicated in a response to a question from Mr. Rodrigues that you are not aware of what the IIRO office in Pakistan would do in recruiting people to teach there because that is an affair that is intrinsic to that office.

A. Ask me about what I do here and my relationship with the headquarters in Jeddah.

Q. Having said that, you are not really able to tell this Court what goes on at the IIRO office in Pakistan beyond which somebody in Pakistan is prepared to say, are you?

A. I can tell because I know about the general policy and the rules and objectives of the organization which nobody is allowed to go beyond. Everybody has to abide by the rules and the principles of the organization. In that way I can tell.

Q. You have already told us that, in your view, what Ossame Bin Laden has done is beyond the principles of Islam and is contrary to the principles of Islam

A. In his threat to declare war against civilians and to demolish and bomb targets everywhere in the world just because they are American or European, this is not Islamic at all.

Q. Given that you don't know precisely what goes on in the office in Pakistan - - and I recognize that your view is that Ossama Bin Laden is beyond the principles of

Islam - - would it be possible that there might be individuals operating within the office in Pakistan who admire what Ossama Bin Laden has done?

A. No. The answer is "no" because the office, like any other office in the world, here or in the Muslim World League, has to abide by the policy of the Government of Saudi Arabia. If anybody deviates from that, he would be fired; he would not work at all with IIRO or with the Muslim World League.

If I give any statement in the Canadian papers that goes against the policy of my organization, I would not stay in my office 11 years as I did. That gives me an indication that everybody is within - - there is also an embassy in every country. In Pakistan there is a Saudi embassy that knows what happens not only in Saudi organizations but with Saudi individuals. They know who does what.

Q. How can you say that, Dr. El-Asahi, when you don't know exactly what it is that might be going on inside the Pakistan office? Is it not possible that somebody could keep his opinions to himself about Ossama Bin Laden, but work quietly on his behalf without letting his superiors or the officials in Jeddah know what he is doing?

A. Does anybody know what goes on in my mind and your mind? We are not accountable for what goes into our minds; we are accountable for our actions. Whether he keeps this or that is not a concern of anybody as long as he or she abides by the principles of the organization or the government.

Q. Are you saying that it is possible that somebody could act or attempt to act in secret but, so long as he keeps to the official policy line of the organization and the home organization doesn't know what he is doing in secret, he might continue along at variance to official policy?

A. I am not saying that; you are saying that. I am saying that I don't know what happens in secret with anybody; nobody knows. This is what I am saying.

[114] In re-examination counsel for the respondent, at p.883 asked:

Q. In your opinion, Doctor, would the Saudi government fund any organization that is involved, perceived, or stated to be involved in terrorism?

A. This exactly as you would say: Would the U.S. government fund any organization that is involved in terrorism? The same answer.

Q. What is that answer?

A. The answer is: Impossible. How can they?

**Mr. Steve Rosenbaum**

[115] Mr. Galati called the next witness, Mr. Steve Rosenbaum. Mr. Rosenbaum is a barrister and solicitor and a member of the Bar of Ontario since 1984. He represented Mr. Jaballah, his wife and children during the course of the refugee claim and hearing. At p. 890, Vol. 10 Mr. Galati asked:

Q. During your representation of Mr. Jaballah, his wife and children, did anyone from CSIS ever call you to tell you that they were interviewing your client during the same time period and during the course of their claim?

A. No.

Q. Did the Minister's representative, the Refugee Claims officer or any of the interpreters during the sittings of the refugee claim ever indicate to you or tell you that CSIS was investigating my client, Mr. Jaballah?

A. Never.

[116] Then in a question at p. 892:

Q. Is it normal practice, both in your own experience and in dealing with other practitioners in your area, that refugee lawyers will encourage and request their clients to collect documentation or documentary evidence to support their refugee claim?

A. That is correct.

Q. I don't know whether you recall, but is it likely that you did so with Mr. Jaballah and his family?

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OF THE 250 LOCAL AND FOREIGN-BASED NONGOVERNMENTAL CHARITABLE ORGANIZATIONS (NGOS) THAT OPERATE WORLDWIDE, OVER 50 ARE INTERNATIONAL ISLAMIC NGOS CONDUCTING HUMANITARIAN WORK. AVAILABLE INFORMATION INDICATES THAT APPROXIMATELY ONE THIRD OF THESE ISLAMIC NGOS SUPPORT TERRORIST GROUPS OR EMPLOY INDIVIDUALS WHO ARE SUSPECTED OF HAVING TERRORIST CONNECTIONS. THIS REPORT DESCRIBES THE TERRORIST-RELATED ACTIVITIES AND LINKAGES AMONG 15 OF THESE NGOS OPERATING IN OTHER PART OF THE WORLD. INDIVIDUALS CONNECTED TO SOME OF THESE NGOS HAVE PLOTTED TO KIDNAP OR KILL U.S. PERSONNEL.

INTERNATIONAL ISLAMIC CHARITIES HAVE ESTABLISHED A PRESENCE IN NEARLY EVERY COUNTRY AROUND THE WORLD THAT HAS A SUBSTANTIAL MUSLIM POPULATION. FOR BOTH TRADITIONAL AND MORE ACTIVIST MUSLIMS, AIDING MUSLIMS IN DISTRESS IS A RELIGIOUS DUTY. ISLAMIC ACTIVISTS DOMINATE THE LEADERSHIP OF THE LARGEST CHARITIES, AND PROMINENT MEMBERS OF SOME SMALLER ORGANIZATIONS HAVE BEEN IDENTIFIED AS EXTREMISTS. THE MAIN OBJECTIVES OF THESE ORGANIZATIONS INCLUDE PROSELYTIZING, HELPING THE NEEDY, AND DEFENDING MUSLIM COMMUNITIES FROM ENEMIES. WHERE MUSLIMS ARE ENGAGED IN ARMED CONFLICT, SOME ISLAMIC ORGANIZATIONS PROVIDE MILITARY AID AS PART OF A "HUMANITARIAN" PACKAGE.

THE MAIN ISLAMIC CHARITIES MAINTAIN HEADQUARTERS AND RAISE MONEY IN A FEW REGIONAL CENTERS, THE MOST IMPORTANT BEING IN THE ARABIAN PENINSULA AND SUDAN. SMALLER ORGANIZATIONS -- IMPORTANT BECAUSE OF THEIR SUPPORT TO EXTREMIST GROUPS -- OFTEN HAVE HEADQUARTERS IN EUROPE AND OFFICES IN NORTH AMERICA. PRIVATE DONORS RETAIN A MAJOR INFLUENCE ON EACH GROUP'S POLICIES.

GOVERNMENTS IN THE ISLAMIC WORLD GENERALLY SUPPORT THE MAJOR CHARITIES' RELIGIOUS ACTIVITIES AND HELP FINANCE THEM, BUT ARE UNABLE TO MONITOR THE GROUPS OR CONTROL HOW THEY USE THEIR MONEY. THESE GOVERNMENTS RELY ON THE NGOS TO COLLECT AND DISTRIBUTE MUCH OF THE HUMANITARIAN AID GIVEN TO REFUGEES AND DISPLACED PERSONS. LEADERS OF COUNTRIES WHERE ISLAMIC NGOS ARE BASED OR OPERATE ARE UNLIKELY TO TAKE MAJOR STEPS TO STOP THE ORGANIZATIONS' ACTIVITIES UNLESS THEY BELIEVE THAT THESE GROUPS THREATEN THEIR OWN STABILITY OR ARE DAMAGING IMPORTANT BILATERAL OR MULTILATERAL RELATIONSHIPS.

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ALL OF THE MAJOR AND MOST OF THE MINOR ISLAMIC CHARITIES ARE SIGNIFICANT PLAYERS IN THE FORMER YUGOSLAVIA, PARTICULARLY IN AIDING BOSNIAN MUSLIMS. THEIR CONTRIBUTIONS REPRESENT A SIGNIFICANT PROPORTION OF HUMANITARIAN AID IN BOSNIA. ACCORDING TO THE US EMBASSY IN RIYADH, SAUDI NATIONALS ALONE GAVE \$150 MILLION THROUGH ISLAMIC NGOS FOR AID TO BOSNIA IN 1994. MOST OF THE OFFICES OF NGOS ACTIVE IN BOSNIA ARE LOCATED IN ZAGREB, SARAJEVO, ZENICA, AND TUZLA. THEIR FIELD OPERATIONS APPEAR TO BE CONFINED TO THE MUSLIM AREAS OF NORTHEASTERN AND CENTRAL BOSNIA:

-- THE NGOS' CHARITABLE ACTIVITIES INCLUDE DELIVERY OF FOOD, CLOTHING, AND MEDICINE; SUPPORT TO ORPHANAGES, SCHOOLS, HOSPITALS, AND REFUGEE CAMPS; AND HOUSING CONSTRUCTION, INFRASTRUCTURE SUPPORT, AND AGRICULTURAL PROJECTS.

-- MANY OF THESE ORGANIZATIONS ALSO SUPPORT FOREIGN MUJAHEDIN FIGHTERS IN BOSNIA. COORDINATION COUNCILS BASED IN ZAGREB AND SARAJEVO COORDINATE THE ACTIVITIES OF THE MOST IMPORTANT ORGANIZATIONS. THESE COUNCILS MAY FUNCTION LIKE A SIMILAR ONE ESTABLISHED IN PESHAWAR, PAKISTAN, WHICH ORGANIZES ARMS SHIPMENTS AND AID TO MILITARY TRAINING CAMPS, AND PROVIDES HUMANITARIAN AID TO REFUGEES, ACCORDING TO A CLANDESTINE SOURCE.

A GROWING BODY OF REPORTING INDICATES THAT SOME OF THESE CHARITIES ARE BEING USED TO AID ISLAMIC EXTREMIST GROUPS THAT ENGAGE IN TERRORISM. WE HAVE INFORMATION THAT NEARLY ONE THIRD OF THE ISLAMIC NGOS IN THE BALKANS HAVE FACILITATED THE ACTIVITIES OF ISLAMIC GROUPS THAT ENGAGE IN TERRORISM, INCLUDING THE EGYPTIAN AL-GAMA'AT AL-ISLAMIYYA, PALESTINIAN HAMAS, ALGERIAN GROUPS, AND LEBANESE HIZBALLAH. SOME OF THE TERRORIST GROUPS, SUCH AS AL-GAMA'AT, HAVE ACCESS TO CREDENTIALS FOR THE UN HIGH COMMISSION FOR REFUGEES AND OTHER UN STAFFS IN THE FORMER YUGOSLAVIA.

EFFORTS TO COUNTER NGOS

EFFORTS BY GOVERNMENTS TO COUNTER TERRORIST GROUPS' USE OF NGOS ARE COMPLICATED BY DOMESTIC AND INTERNATIONAL POLITICAL CONCERNS, LEGAL CONSTRAINTS, AND THE SIZE AND FLEXIBILITY OF THE INTERNATIONAL EXTREMIST NETWORK. DOMESTIC ISLAMIC ORGANIZATIONS -- AND SOMETIMES FOREIGN GOVERNMENTS -- HAVE ACCUSED HOST

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GOVERNMENTS OF ATTACKING LEGITIMATE ISLAMIC INSTITUTIONS AND INTENTIONALLY HAMPERING RELIEF EFFORTS. ALTHOUGH SOME GOVERNMENTS HAVE PROVED WILLING TO ACT WHEN THEIR OWN INTERESTS WERE AT STAKE AND WHEN LEGAL GROUNDS EXISTED FOR TARGETING INDIVIDUAL NGO EMPLOYEES OR EVEN NGO BRANCH OFFICES, ONLY SOME MEASURES HAVE PROVED EFFECTIVE AND ALL HAVE DRAWBACKS. FOUR APPROACHES HAVE BEEN USED.

CLOSED NGO OFFICES. SEVERAL COUNTRIES -- INCLUDING ITALY, AUSTRIA, ALBANIA, CROATIA, MACEDONIA, PAKISTAN, AND SAUDI ARABIA -- HAVE CLOSED THE OFFICES OF NGOS WHOSE MEMBERS SUPPORTED OPPOSITION GROUPS, OTHERWISE ATTACKED THE GOVERNMENT, OR CONDUCTED CERTAIN ILLEGAL ACTIVITIES SUCH AS ARMS SMUGGLING. IN EACH CASE, SOME EMPLOYEES OF THE TARGETED OFFICES ESCAPED AND JOINED OTHER NGOS, USUALLY IN NEIGHBORING COUNTRIES, WHERE THEY CONTINUED THEIR ACTIVITIES. IN SOME CASES, THE OFFICES REOPENED LATER AT NEW ADDRESSES.

CONTROL FINANCES. SAUDI ARABIA, KUWAIT, AND THE UNITED ARAB EMIRATES HAVE TAKEN STEPS IN THE PAST TWO YEARS TO CONTROL THE FLOW OF MONEY TO EXTREMISTS. THEY HAVE PASSED LAWS MANDATING THAT MAJOR DONATIONS GO ONLY TO GOVERNMENT-APPROVED CHARITIES OR A CENTRAL COLLECTING AGENCY, AND THEY HAVE REMOVED STREET-CORNER CHARITY BOXES PLACED BY SOME NGOS.

-- CENTRAL COLLECTING AGENCIES HAVE INCREASED THEIR RESOURCES AND POWER, BUT WE HAVE NO EVIDENCE THAT THESE EFFORTS HAVE PROVED EFFECTIVE IN CURBING THE ACTIVITIES OF NGOS. MOST MEASURES ARE ONE-TIME-ONLY ACTS WITH LITTLE FOLLOW-UP, AND OVERSIGHT OF FIELD OPERATIONS HAS NOT INCREASED.

-- DONATIONS FROM CITIZEN'S OVERSEAS ACCOUNTS UNDOUBTEDLY CONTINUE, AND SMALLER NGOS MAY BE BACKED BY POWERFUL INTEREST GROUPS.

-- MOST GOVERNMENTS HAVE LITTLE OR NO AUTHORITY OVER NGOS BASED ON THEIR TERRITORY.

CONTROL STAFFING. GOVERNMENTS HAVE SOMETIMES EXERTED GREATER CONTROL OVER PERSONNEL IN SEMIOFFICIAL NGOS, PARTICULARLY WHEN PRESSURED BY FOREIGN GOVERNMENTS. FOR EXAMPLE, SAUDI ARABIA FIRED THE HEAD OF THE PESHAWAR, PAKISTAN BRANCH OF THE MUSLIM WORLD LEAGUE, WHO WAS ILLICITLY SUPPLYING LEAGUE DOCUMENTATION

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AND ARMS TO MILITANTS IN AFGHANISTAN AND TAJIKISTAN, AFTER COMING UNDER PRESSURE TO DO SO FROM EGYPT, ALGERIA, AND OTHER STATES. WE CONTINUE TO HAVE EVIDENCE THAT EVEN HIGH RANKING MEMBERS OF THE COLLECTING OR MONITORING AGENCIES IN SAUDI ARABIA, KUWAIT, AND PAKISTAN -- SUCH AS THE SAUDI HIGH COMMISSION -- ARE INVOLVED IN ILLICIT ACTIVITIES, INCLUDING SUPPORT FOR TERRORISTS.

ARREST INDIVIDUAL MEMBERS. SOME COUNTRIES HAVE CONTINUED TO ALLOW SUSPECT NGOS TO OPERATE WHILE ARRESTING INDIVIDUAL MEMBERS FOR TERRORISM OR OTHER ILLEGAL ACTS. THIS TACTIC, WHEN APPLIED CONSISTENTLY, APPEARS TO BE THE MOST SUCCESSFUL IN HALTING ILLEGAL ACTIVITIES WITHIN NGOS. FOR EXAMPLE, POLICE IN THE PHILIPPINES HAVE BEEN INVESTIGATING PEOPLE AND ORGANIZATIONS, INCLUDING NGOS, INVOLVED IN PLOTS AGAINST WESTERN AIRLINERS, AMBASSADORS, THE POPE, AND PHILIPPINE OFFICIALS SINCE JANUARY 1995. THESE INVESTIGATIONS HAVE LED TO PERIODIC ARRESTS AND APPEAR TO HAVE PREVENTED SOME NGOS, INCLUDING THE INTERNATIONAL ISLAMIC RELIEF ORGANIZATION, FROM CONTINUING TO BE USED AS COVER FOR ILLICIT ACTIVITIES. THE PHILIPPINE GOVERNMENT HAS ESCAPED CONDEMNATION FOR ITS EFFORTS BY ALL BUT EXTREMIST ISLAMIC GROUPS AND APPEARS TO HAVE FOILED, TO DATE, ANY ATTEMPTS BY THOSE GROUPS TO EXACT REVENGE.

OTHER COUNTRIES HAVE FACED RETRIBUTION FROM EXTREMIST ISLAMIC GROUPS FOR THE ARREST OF THEIR MEMBERS, HOWEVER. FOR EXAMPLE, EGYPTIAN ISLAMIC EXTREMIST GROUPS CONDUCTED TERRORIST ATTACKS IN BOTH CROATIA AND PAKISTAN THIS YEAR BECAUSE THOSE GOVERNMENTS ARRESTED KNOWN TERRORISTS OPERATING WITHIN NGOS. IN BOTH CASES, THE GOVERNMENTS CLAIM THAT THE ATTACKS WERE PERPETRATED WITH THE HELP OF EXTREMISTS OPERATING IN DIFFERENT NGOS.

#### PROFILES OF NGOS WITH EXTREMIST TIES IN BOSNIA

THE FOLLOWING 15 ORGANIZATIONS EMPLOY MEMBERS OR OTHERWISE FACILITATE THE ACTIVITIES OF TERRORIST GROUPS OPERATING IN BOSNIA. MANY OF THE ORGANIZATIONS BELONG TO COORDINATION COUNCILS. SOME ISLAMIC NGOS NOT INCLUDED IN THIS LIST HAVE TERRORIST CONNECTIONS OUTSIDE OF THE BALKANS.

#### AL-HARAMAYN ISLAMIC FOUNDATION

-- ARABIC NAME: MU'ASSASAT AL-HARAMAYN AL-KHAYRIYYA.

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-- AKA: THE CHARITABLE ESTABLISHMENT OF THE TWO HOLY MOSQUES.

-- OFFICES: ZAGREB, RIJEKA, OSIJEK, AND BELIKOJ GORICI,  
ALBANIA.

HAS HAD OFFICES IN MACEDONIA, SUDAN, AND SOMALIA.

-- EXTREMIST CONNECTIONS: AL-GAMA'AT AL-ISLAMIYYA.

-- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITIES: AL-HARAMAYN  
HELPS FUND AND SUPPORT THE MOJAHEDIN BATTALION IN ZENICA,  
ACCORDING TO A FOREIGN GOVERNMENT SERVICE. THE ZAGREB OFFICE HAS  
BEEN RAIDED OFTEN BY CROATIAN SECURITY FOR SMUGGLING ACTIVITIES.  
IN MACEDONIA, PRESS REPORTS HAVE ACCUSED THE ORGANIZATION OF  
ILLEGAL FUNDING THROUGH DRUGS AND PROSTITUTION.

-- LINKS TO OTHER NGOS: NO INFORMATION.

HUMAN APPEAL INTERNATIONAL (HAI)

-- ARABIC NAME: HAY'AT AL-A'MAL AL-KHAYRIYYA.

-- AKA: CHARITABLE WORKS ORGANIZATION/COMMITTEE, CHARITY  
ORGANIZATION (ORIGINAL NAME).

-- OFFICES: ZAGREB AND TUZLA. HEADQUARTERED IN DUBAI, UNITED  
ARAB EMIRATES. OTHER OFFICES IN SIDON, KHARTOUM, NOUAKCHOTT,  
MAURITANIA, AND ALSO IN DENMARK, TURKEY, AND THE UNITED KINGDOM.

-- EXTREMIST CONNECTIONS: HAMAS.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITIES: AMONG OTHER  
ACTIVITIES, THIS ORGANIZATION PROBABLY ACTS AS A FUND-RAISER FOR  
HAMAS, ACCORDING TO A FOREIGN GOVERNMENT SERVICE.

-- LINKS TO OTHER NGOS: COORDINATION COUNCIL, HUMAN RELIEF  
INTERNATIONAL (HRI), MUMAFQA, QATAR CHARITABLE SOCIETY.

HUMAN CONCERN INTERNATIONAL (HCI)

-- OFFICES: ZAGREB. HEADQUARTERS IN OTTAWA, CANADA WITH OTHER  
OFFICES IN PAKISTAN, LEBANON, AND SWEDEN.

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-- EXTREMIST CONNECTIONS: AL-GAMA'AT AL-ISLAMIYYA, ALGERIAN GROUPS.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: TWO FOREIGN GOVERNMENT SERVICES REPORT THAT HCI PROVIDES SUPPORT TO THE ALGERIAN ARMED ISLAMIC GROUP AND HAS CONTACTS WITH AL-GAMA'AT. ACCORDING TO ONE SERVICE, THE OFFICE IN SWEDEN MAY SMUGGLE WEAPONS TO BOSNIA. PAKISTANI PRESS REPORTS THAT THE HEAD OF THE

OFFICE IN PAKISTAN WAS ARRESTED RECENTLY FOR HIS SUSPECTED ROLE IN THE NOVEMBER 1995 BOMBING OF THE EGYPTIAN EMBASSY IN ISLAMABAD. OTHER PRESS REPORTS SAY THAT THE ENTIRE PESHAWAR OFFICE IS MADE UP OF GAMA'AT MEMBERS.

-- LINKS TO OTHER NGOS: NO INFORMATION.

HUMAN RELIEF INTERNATIONAL (HRI)

-- AKA: HUMAN RELIEF AGENCY (HRA), A SUBSIDIARY OF HRI.

-- OFFICES: ZAGREB, TUZLA, KOSOVO, DOBRINJA, AND PROBABLY LUKAVAC, ZIVINICE, KISELJAK, AND LONDON. SUBORDINATE TO THE EGYPTIAN DOCTOR'S UNION, WHICH IS DOMINATED BY MEMBERS OF THE MUSLIM BROTHERHOOD. A FOREIGN GOVERNMENT SERVICE REPORTS THAT THE ORGANIZATION HAS SPLIT INTO TWO GROUPS, HRI AND HRA.

-- EXTREMIST CONNECTIONS: POSSIBLY HAMAS, ALGERIAN MILITANTS, AL-GAMA'AT AL-ISLAMIYYA.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: IN 1993 MUHAMMAD SA'D DARWISH AL-SHAZY, A HRI EMPLOYEE AND MEMBER OF A RADICAL ISLAMIC EXTREMIST GROUP, POSSIBLY HAMAS, USED THE HRA'S ZAGREB OFFICE AND A MOSQUE TO PROMOTE IDEAS FOR TERRORIST ACTS, ACCORDING TO THE SERVICE. THE REPORTING CLAIMS THAT AL-SHAZY'S GROUP WAS CONSIDERING COMMITTING ANTI-JEWISH BOMBINGS THERE, AND INCLUDED THE HEADS OF THE ZAGREB OFFICES OF THE SAUDI HIGH COMMISSION AND THE KUWAITI JOINT RELIEF COMMITTEE, THE HEAD OF HRI'S VIENNA OFFICE, AND MEMBERS OF THE SAUDI-BASED INTERNATIONAL ISLAMIC RELIEF ORGANIZATION AND THE PRIVATELY-RUN QATAR CHARITABLE SOCIETY. AT A DECEMBER 1993 MEETING IN THE HRA OFFICE IN ZAGREB, ACCORDING TO THE SAME SOURCE, SOME OF THE GROUP DISCUSSED PLANS TO ASSASSINATE A FORMER ALGERIAN PRIME MINISTER

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AND PLO CHIEF YASIR ARAFAT, AND TO CONDUCT BOMBINGS TO SUPPORT THE "BROTHER ALGERIANS" IN CROATIA. HRA'S OFFICE IN ALBANIA WAS STAFFED BY GAMA'AT MEMBERS, INCLUDING THE LATE ANWAR SHABAN, KILLED BY CROATIAN SECURITY FORCES IN DECEMBER, WHO WERE INVOLVED IN THE 1993 SURVEILLANCE OF THE US EMBASSY IN TIRANA. THE OFFICE WAS CLOSED IN APRIL 1995 DUE TO PRESSURE FROM ALBANIAN AUTHORITIES.

-- LINKS TO OTHER NGOS: COORDINATION COUNCIL, INTERNATIONAL ISLAMIC RELIEF ORGANIZATION, QATAR CHARITABLE SOCIETY, KUWAIT JOINT RELIEF COMMITTEE, SAUDI HIGH COMMISSION.

INTERNATIONAL HUMANITAIRE HILFSORGANIZATION (IHH):

-- AKA: INTERNATIONAL HUMANITARIAN RELIEF ORGANIZATION.

-- OFFICES: ZAGREB AND SARAJEVO. HEADQUARTERS IN GERMANY, ESTABLISHED BY A MEMBER OF THE TURKISH REPAP PARTY.

-- EXTREMIST CONNECTIONS: IRAN, ALGERIAN GROUPS.

-- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITY: THE SARAJEVO OFFICE DIRECTOR HAS BEEN LINKED TO IRANIAN OPERATIVES.

-- LINKS TO OTHER NGOS: NO INFORMATION.

-- INTERNATIONAL ISLAMIC RELIEF ORGANIZATION (IIRO)

-- ARABIC NAME: HAY'AT AL-IGHATHA AL-ISLAMIYYA AL-'ALAMIYYA.

-- AKA: IGHATHA OR IGASA.

-- OFFICES: ZAGREB, SARAJEVO, SPLIT, LJUBLJANA, AND TUZLA; ALSO IN VIENNA, AUSTRIA. OPERATES IN CELIC, GRACANICA, ZIVINICE, SREBRENIK, BANOVICI, KALESIJA, AND TROCAK. HEADQUARTERS IN JEDDAH, SAUDI ARABIA. THE IIRO IS AFFILIATED WITH THE MUSLIM WORLD LEAGUE (MWL), A MAJOR INTERNATIONAL ORGANIZATION LARGELY FINANCED BY THE GOVERNMENT OF SAUDI ARABIA. LAST YEAR, THE HEAD OF THE MWL, WHO IS APPOINTED BY KING FAHD, WAS ALSO CHAIRMAN OF THE BOARD OF TRUSTEES OF THE IIRO, ACCORDING TO IIRO LITERATURE. THE IIRO HAS OFFICES IN OVER 20 COUNTRIES.

-- EXTREMIST CONNECTIONS: HAMAS, ALGERIANS, AL-GAMA'AT

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AL-ISLAMIYYA. RAMZI AHMED YOUSEF, WHO IS AWAITING TRIAL IN NEW YORK FOR HIS SUSPECTED INVOLVEMENT IN THE WORLD TRADE CENTER BOMBING. USAMA BIN LADIN, A WEALTHY SAUDI-BORN BUSINESSMAN CURRENTLY RESIDING IN SUDAN WHO SUPPORTS VARIOUS ISLAMIC EXTREMIST GROUPS.

-- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITY: THE REGIONAL FINANCIAL ACCOUNTANT FOR THE IIRO, AN EGYPTIAN NAMED HOSSAM MEAWAD MOHAMMAD ALLI, WAS DETAINED BY CROATIAN AUTHORITIES IN A RAID IN ZAGREB IN APRIL 1995 AND HAS RELOCATED TO LJUBLJANA, ACCORDING TO A FOREIGN GOVERNMENT SERVICE. THE MACEDONIAN GOVERNMENT CLOSED THE IIRC OFFICE IN SKOPJE IN MARCH 1995 FOR AIDING ALBANIAN ETHNIC POLITICAL PARTIES AND THE ALBANIAN ISLAMIC YOUTH ORGANIZATION. THE FORMER HEAD OF THE IIRO OFFICE IN THE PHILIPPINES, MOHAMMAD JAMAL KHALIFA, HAS BEEN LINKED TO MANILA-BASED PLOTS TO TARGET THE POPE AND US AIRLINES; HIS BROTHER-IN-LAW IS USAMA BIN LADIN. ANOTHER HIGH-RANKING OFFICIAL IN THE PHILIPPINES LEADS HAMAS MEETINGS, AND THE MAJORITY OF HAMAS MEMBERS IN THE PHILIPPINES ARE EMPLOYED BY THE ORGANIZATION. THE IIRO HELPS FUND SIX MILITANT TRAINING CAMPS IN AFGHANISTAN, ACCORDING TO A CLANDESTINE SOURCE.

-- LINKS TO OTHER NGOS: COORDINATION COUNCIL, IIRA, THIRD WORLD RELIEF AGENCY, QATAR CHARITABLE SOCIETY, KJRC, SAUDI HIGH COMMISSION.

ISLAMIC RELIEF AGENCY (ISRA)

-- AKA: IARA, YARA, AFRICAN ISLAMIC RELIEF AGENCY.

-- OFFICES: SARAJEVO, ZAGREB, TIRANA, TUZLA, KALESIJA, AND UNSPECIFIED CITIES IN GERMANY. OPERATES IN KALESIJA, BANOVICI, DOBOJ EAST, AND ZVORNIK. BASED IN KHARTOUM, SUDAN. OFFICES IN 30 COUNTRIES WORLDWIDE.

-- EXTREMIST CONNECTIONS: SUDAN.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: THE ISRA OFFICE IN ZAGREB PROVIDES WEAPONS TO THE BOSNIAN MILITARY, ACCORDING TO A CLANDESTINE SOURCE. THE SOURCE CLAIMED THE OFFICE WAS CONTROLLED BY OFFICIALS OF SUDAN'S RULING PARTY, THE NATIONAL ISLAMIC FRONT.

-- LINKS TO OTHER NGOS: THIRD WORLD RELIEF AGENCY.

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## KUWAITI JOINT RELIEF COMMITTEE (KJRC)

-- AKA: GENERAL COMMITTEE FOR REFUGEE ASSISTANCE.

-- OFFICES: ZAGREB, SARAJEVO, AND LJUBLJANA. KJRC IS THE OFFICIAL KUWAITI GOVERNMENT ORGANIZATION WHICH DISTRIBUTES FUNDS TO OTHER NGOS.

-- EXTREMIST CONNECTIONS: POSSIBLY HAMAS, ALGERIANS, AL-GAMA'AT AL-ISLAMIYYA.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: THE ZAGREB OFFICE DIRECTOR, PROFESSOR SHAIKH ABU ADIL UTHMAN AL-HAYDER, WAS DESCRIBED BY AN ASSOCIATE AS A "POWERFUL HAMAS AND MUSLIM BROTHERHOOD MEMBER," ACCORDING TO A FOREIGN GOVERNMENT SERVICE, AND MEMBERS OF HIS OFFICE WERE INVOLVED IN MEETINGS INVOLVING SEVERAL EXTREMIST GROUPS HELD AT THE HUMAN RELIEF AGENCY OFFICE IN ZAGREB IN 1993 (SEE HRI FOR FURTHER DETAILS).

-- LINKS TO OTHER NGOS: HRI (HRA), IIRO, QATAR CHARITABLE SOCIETY, SAUDI HIGH COMMISSION.

## LAJNAT AL-BIRR AL-ISLAMIYYA (LBI)

-- AKA: ISLAMIC CHARITY COMMITTEE; PROBABLY A SUBSIDIARY OF THE SAUDI-BASED MUSLIM WORLD LEAGUE.

OFFICES: ZAGREB AND ZENICA. HEADQUARTERS IN JIDDAH, SAUDI ARABIA.

-- EXTREMIST CONNECTIONS: AFGHAN VETERANS.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: ONE ZAGREB EMPLOYEE, IDENTIFIED AS SYRIAN-BORN US CITIZEN ABU MAHMUD, WAS IN PAKISTAN AT AN UNSPECIFIED TIME, ACCORDING TO A FOREIGN GOVERNMENT SERVICE. HE MATCHES THE DESCRIPTION, PROVIDED BY A CLANDESTINE SOURCE, OF A MAN WHO WAS ALLEGEDLY INVOLVED IN THE KIDNAPPING OF SIX WESTERNERS IN KASHMIR IN JULY 1995, AND WHO LEFT PAKISTAN IN EARLY OCTOBER FOR BOSNIA VIA THE UNITED STATES. THE SOURCE SAID THAT HE WORKED AT VARIOUS TIMES FOR LBI, MAKTAB AL-KHIDMAT, AND BENEVOLENCE FOUNDATION INTERNATIONAL IN PAKISTAN. LAJNAT AL-BIRR HAS PROVIDED SUPPORT TO A COMMANDER OF AT LEAST

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ONE TRAINING CAMP IN AFGHANISTAN, ACCORDING TO A CLANDESTINE SOURCE.

-- LINKS TO OTHER NGOS: IIRO, POSSIBLY MAKHTAB AL-KHIDAMAT. PROBABLY A SUBSIDIARY OF THE SAUDI-BASED MUSLIM WORLD LEAGUE.

MAKHTAB AL-KHIDAMAT (MAK)

-- AKA: HUMAN SERVICES ORGANIZATION/OFFICE (HSO), AL-KIFAH.

-- OFFICES: ZAGREB AND SARAJEVO. HEADQUARTERS IN PESHAWAR, PAKISTAN.

-- EXTREMIST CONNECTIONS: ALGERIAN GROUPS, AFGHAN VETERANS, RAMZI YOUSEF, USAMA BIN LADIN, AND POSSIBLY HIZBALLAH, AND AL-GAMA'AT AL-ISLAMIYYA. //

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: ACCORDING TO A FOREIGN GOVERNMENT SERVICE, THE FORMER DIRECTOR OF THE ZAGREB OFFICE OF HSO AND HIS DEPUTY WERE BOTH SENIOR MEMBERS OF ALGERIAN EXTREMIST GROUPS. FRENCH POLICE ARRESTED THE DEPUTY FOR WEAPONS SMUGGLING IN FRANCE IN JULY 1994, ACCORDING TO A FRENCH LAW ENFORCEMENT OFFICIAL. ANOTHER FOREIGN GOVERNMENT SERVICE REPORTED THAT AN ALGERIAN NATIONAL AFFILIATED WITH HSO AND A SENIOR COMMANDER OF THE MUJAHEDIN, ALSO ALGERIAN, WERE PREPARING FOR AN UNSPECIFIED TERRORIST ATTACK IN EUROPE IF SHAYKH UMAR ABD AL-RAHMAN, THEN ON TRIAL IN NEW YORK FOR COMPLICITY IN THE 1993 WORLD TRADE CENTER BOMBING, WERE CONVICTED. THE SHAYKH WAS CONVICTED IN OCTOBER 1995 OF CONSPIRACY TO COMMIT TERRORIST ACTS IN THE UNITED STATES. HE WAS SENTENCED TO LIFE IN PRISON WITHOUT PAROLE ON 17 JANUARY 1996. IN APRIL 1995 THE CROATIAN SERVICE DETAINED AN ALGERIAN EMPLOYEE OF THE HSO WHO HAD IN HIS POSSESSION PASSPORTS OF ARAB INDIVIDUALS IN BOSNIA, INCLUDING AN EMPLOYEE OF THE THIRD WORLD RELIEF AGENCY, ACCORDING TO THE SECOND SERVICE. THE PRESS HAS REPORTED THAT SOME EMPLOYEES OF MAK'S NEW YORK BRANCH WERE INVOLVED IN THE WORLD TRADE CENTER BOMBING. THE PESHAWAR OFFICE FUNDS AT LEAST NINE TRAINING CAMPS IN AFGHANISTAN, ACCORDING TO CLANDESTINE SOURCES.

-- LINKS TO OTHER NGOS: TWRA, IIRO. MAK IS SUSPECTED OF HAVING LINKS TO THE MUSLIM WORLD LEAGUE.

MUWAPAQ FOUNDATION

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-- ARABIC NAME: AL-MUWAFQAQ.

-- AKA: MUWAFQAQ, MUWAFQAQ FOUNDATION, AND MUWAFQAQ AL-KHAYRIYYA BENEVOLENT FOUNDATION.

-- OFFICES: ZAGREB, SARAJEVO, SPLIT, ZENICA, DOBRINJA, TIRANA, KONJIC, AND TUZLA. PLANS TO ESTABLISH OFFICES IN KAKANJ, VISOKO, VITEZ, TRAVNIK, BUGOJNO, MAJLAK, MOSTAR, JABLANICA, AND PAZARIC. ALSO OPERATES IN TARCIN AND SIPOVO AND HAS OTHER BOSNIA-RELATED OFFICES IN SIEGEN, GERMANY, AND VIENNA, AUSTRIA. REGISTERED IN JERSEY, UNITED KINGDOM, BUT BASED IN KHARTOUM, SUDAN.

-- EXTREMIST CONNECTIONS: AL-GAMA'AT AL-ISLAMIYYA.

-- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITY: THIS ORGANIZATION HELPS FUND THE EGYPTIAN MUJAHEDIN BATTALION IN BOSNIA, ACCORDING TO A FOREIGN GOVERNMENT SERVICE, AND IT ALSO FUNDS AT LEAST ONE TRAINING CAMP IN AFGHANISTAN.

-- LINKS TO OTHER NGOS: NO INFORMATION.

QATAR CHARITABLE SOCIETY/COMMITTEE

-- AKA: QATAR COMMITTEE TO SPONSOR ORPHANS.

-- OFFICES: ZAGREB, SARAJEVO, MOSTAR, TUZLA, ZENICA, AND SPLIT. ALSO OPERATES IN KALESIJA, KLDANJ, ZIVINICE, AND LUKAVAC. BASED IN DOHA, QATAR, AND FUNDED BY PRIVATE BUSINESSMEN.

-- EXTREMIST CONNECTIONS: POSSIBLY HAMAS, ALGERIANS.

-- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITY: AN INDIVIDUAL IDENTIFIED BY THE SERVICE AS A HAMAS OFFICIAL IS LISTED AS A STAFF MEMBER IN BOTH QATAR AND THE HUMAN RELIEF AGENCY (SEE HRI), WHERE A HAMAS LEADER AND ALGERIANS MET IN 1993 TO DISCUSS TERRORIST OPERATIONS, ACCORDING TO A FOREIGN GOVERNMENT SERVICE.

-- LINKS TO OTHER NGOS: HRI, IIRO, KJRC, SAUDI HIGH COMMISSION, HUMAN APPEAL INTERNATIONAL, COORDINATION COUNCIL.

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## RED CRESCENT, IRAN

- ARABIC NAME: HELAL AHMAR.
- AKA: IRANIAN RED CRESCENT SOCIETY, IRANIAN HUMANITARIAN AID ORGANIZATION.
- OFFICES: SARAJEVO, SPLIT, TUZLA, AND ZENICA.
- EXTREMIST CONNECTIONS: IRAN.
- SUPPORT FOR EXTREMIST/TERRORIST ACTIVITY: OFTEN USED BY THE IRANIAN MOIS AS COVER FOR INTELLIGENCE OFFICERS, AGENTS, AND ARMS SHIPMENTS.
- LINKS TO OTHER NGOS: MERRHMET (CROATIA).

## SAUDI HIGH COMMISSION

THE OFFICIAL SAUDI GOVERNMENT ORGANIZATION FOR COLLECTING AND DISBURSING HUMANITARIAN AID.

- OFFICES: ZAGREB, SARAJEVO, AND TUZLA. OPERATES IN ZENICA, MOSTAR, AND SPLIT.
- EXTREMIST CONNECTIONS: HAMAS, ALGERIANS.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: (SEE HUMAN RELIEF INTERNATIONAL FOR DETAILS ON CONNECTIONS OF INDIVIDUAL MEMBERS TO POSSIBLY HAMAS AND ALGERIAN MILITANTS.) THE OFFICES ARE STAFFED BY SAUDIS, SYRIANS, ALGERIANS, MOROCCANS, AND JORDANIANS, ACCORDING TO A FOREIGN GOVERNMENT SERVICE.

- LINKS TO OTHER NGOS: HRI, IIRO, KJRC, QATAR CHARITABLE SOCIETY.

## THIRD WORLD RELIEF AGENCY (TWRA)

- OFFICES: ZAGREB, TUZLA, SARAJEVO, SPLIT, ISTANBUL, AND UNSPECIFIED CITIES IN GERMANY AND SWITZERLAND. HEADQUARTERED IN SUDAN, OFFICE IN TURKEY.

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-- EXTREMIST CONNECTIONS: AL-GAMA'AT AL-ISLAMIYYA.

-- SUPPORT TO EXTREMIST/TERRORIST ACTIVITY: AN EMPLOYEE OF TWRA ALLEGED TO BE A MEMBER OF GAMA'AT CARRIED OUT A SUICIDE CAR BOMBING OF A CROATIAN POLICE FACILITY IN RIJEKA IN MID-OCTOBER, IN RETALIATION FOR THE CROATIANS' ARREST OF A SENIOR GAMA'AT MEMBER, ACCORDING TO A FOREIGN GOVERNMENT SERVICE. THE BOMBING WAS OVERSEEN BY ANWAR SHABAN, FORMER LEADER OF THE MUJAHEDIN IN ZENICA WHO WAS KILLED IN DECEMBER 1995 BY CROATIAN SECURITY FORCES. HE AND OTHER MUJAHEDIN LEADERS HAD BEGUN PLANNING TO ATTACK NATO FORCES WHICH WOULD BE SENT TO BOSNIA, ACCORDING TO A FOREIGN GOVERNMENT SERVICE. A CONFIDENTIAL CONTACT REPORTS THAT THE REGIONAL DIRECTOR OF THE ORGANIZATION, DR. MUHAMMAD FATM HASANAYN, IS THE MOST INFLUENTIAL NGO OFFICIAL IN BOSNIA. HE IS A MAJOR ARMS SUPPLIER TO THE GOVERNMENT, ACCORDING TO UGANDINESE AND PRESS REPORTING, AND WAS FORCED TO RELOCATE HIS OFFICE FROM ZAGREB IN 1994 AFTER HIS WEAPONS SMUGGLING OPERATIONS WERE EXPOSED. ACCORDING TO A FOREIGN GOVERNMENT SERVICE, HASANAYN SUPPORTS US MUSLIM EXTREMISTS IN BOSNIA. (ONE NGO IN BOSNIA THAT INCLUDES EXTREMIST US MUSLIMS IS TAIBAH INTERNATIONAL, WHICH HAS OFFICES IN ZAGREB, SPLIT, AND SARAJEVO.) IN AUGUST 1995, HASANAYN SENT HIS BROTHER TO ITALY TO ASSESS THE GAMA'AT NETWORK THERE AFTER THE RAIDS BY ITALIAN POLICE, ACCORDING TO A FOREIGN GOVERNMENT SERVICE. HASANAYN INTENDED TO RESUME FUNDING AL-GAMA'AT AND OTHER EXTREMISTS IN MILAN AND ROME WHEN THE NETWORK WAS REBUILT.

-- LINKS TO OTHER NGOS: MAK, ISRA, MWL.

THE ISLAMIC WORLD COMMITTEE OR COMMISSION

-- ARABIC: LAJMAT AL-'ALAM AL-ISLAMI

-- IS A SUBCOMMITTEE OF THE SOCIAL REFORM SOCIETY, WHICH IS A LEGALLY-REGISTERED CHARITY IN KUWAIT, RUN BY MEMBERS OF THE MUSLIM BROTHERHOOD (ALSO LEGAL IN KUWAIT). ACCORDING TO INFORMATION THE GROUP PROVIDED TO THE US EMBASSY IN KUWAIT, THE IWC CONTRIBUTED \$2,427,235 IN AID TO MUSLIMS IN THE BALKANS IN 1994. ESTABLISHED IN 1982, AS OF LATE 1995 IT HAD OFFICES IN SARAJEVO, TUZLA, AND ZAGREB AS WELL AS IN ALBANIA, BULGARIA, AND AUSTRIA. THE COMMITTEE'S AREA OF RESPONSIBILITY ALSO INCLUDES SOUTH AND SOUTHEAST ASIA. THE IWC PRESIDENT IS 'ABD AL-'AZIZ AL-JIRAN. WE HAVE VERY LITTLE INFORMATION ON THE IWC'S ACTIVITIES, BUT IT PROBABLY SUPPORTED ARAB MUJAHIDIN IN BOSNIA AT LEAST

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BEFORE THE DAYTON AGREEMENT. OVERTLY, THE IWC SPONSORS EDUCATIONAL AND MEDICAL AID AND PROSELYTIZES AN REFORMIST VERSION OF ISLAM BASED ON MUSLIM BROTHERHOOD PRINCIPLES. US MILITARY REPORTING HAS LINKED A MEMBER OF THE ORGANIZATION WITH A FORMER MUJAHIDIN CAMP IN MAGLAW, AND SOURCES IN OTHER REGIONS OF THE WORLD HAVE LINKED A FEW EMPLOYEES OF THE IWC WITH ARAB EXTREMIST GROUPS, ALTHOUGH WE HAVE NO EVIDENCE THAT THE KUWAITI-BASED LEADERSHIP HAS BEEN AWARE OF THESE LINKS. ANOTHER SUBCOMMITTEE OF THE SOCIAL REFORM SOCIETY APPEARS TO HAVE BEEN SUBSTANTIALLY INVOLVED IN SUPPORTING ARAB MUJAHIDIN IN AFGHANISTAN. WE HAVE NO EVIDENCE OF DIRECT OR CONTINUING TIES BETWEEN THE IWC OR ITS PARENT ORGANIZATION AND IRAN.

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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**DECLARATION OF ALI AHMAD ALI HAMAD**

I, Ali Ahmad Ali Hamad, being duly sworn, declare and state as follows:

1. I am over eighteen years of age and competent to testify to the matters set forth below on the basis of my own personal knowledge.
2. I was born on November 13, 1971, in Manama, Bahrain.
3. When I was seventeen (17) years old, I was recruited to join Osama bin Laden's al Qaida terrorist organization.
4. I was an active member of al Qaida from 1991 until 1997, when I was arrested and subsequently imprisoned in Bosnia-Herzegovina.
5. I formally renounced my affiliation with al Qaida after the September 11, 2001 terrorist attack upon the United States, although I had become disillusioned with al Qaida prior to that time.
6. On the basis of my experiences as a member and official of al Qaida, as described in greater detail below, I have personal knowledge of the inner-workings of al Qaida, its objectives and operations, and certain sources of its vast financial and logistic support.

**A. My Training and Experiences with al Qaida in Afghanistan**

7. In or around the beginning of 1991, representatives of al Qaida in Bahrain advised me that it was time for me to travel to Afghanistan for training to become one of "Allah's warriors."

8. The representatives of al Qaida in Bahrain arranged for me to travel by car from Bahrain to Saudi Arabia, and by plane from Saudi Arabia to Islamabad, Pakistan, and advised me that representatives of al Qaida would greet me at the Islamabad International Airport.

9. Upon my arrival at the Islamabad International Airport, representatives of al Qaida greeted me, and arranged for my transit to an al Qaida training camp in Afghanistan.

10. In total, I spent thirteen months in Afghanistan, during which time I received training at several different al Qaida camps.

11. While in Afghanistan, I personally met Osama bin Laden on numerous occasions, and swore an oath to al Qaida in Osama bin Laden's presence.

12. The members of al Qaida do not use their proper names within the organization. As a member of al Qaida, I was known primarily by the alias Abu Ubeidah.

13. In or around late 1991 or early 1992, I was instructed by Osama bin Laden to return to Bahrain, and await instructions from al Qaida where to go next.

**B. The Bosnian War**

14. In early 1992, a war broke out in Bosnia-Herzegovina, primarily between Bosnian Muslims and Bosnian Serbs, although Bosnian Croats were also involved in the conflict to a lesser degree (the Bosnian War).

15. The Bosnian War continued until the signing of the Dayton Peace Accords (Dayton Accord) in 1995.

16. Shortly after the outbreak of the Bosnian War, foreign Islamic fighters began traveling to Bosnia-Herzegovina to fight with the Bosnian Muslims and wage jihad against the Bosnian Serbs. These foreign fighters are referred to as the "mujihadeen" throughout this declaration, which was also the term used to refer to those foreign fighters during the Bosnian War.

17. At the inception of the Bosnian war, Osama bin laden and the al Qaida leadership decided that al Qaida should actively participate in that conflict, and began sending al Qaida members, including myself, to Bosnia to fight as mujihadeen.

18. Throughout the Bosnian War, the mujihadeen forces in Bosnia operated under the direction of al Qaida leadership.

19. Al Qaida's primary objective in participating in the Bosnian War was not to help the Bosnian Muslims, but rather to establish a base of operations in Bosnia to support future al Qaida operations in Europe and the West.

**C. My Experiences in Bosnia-Herzegovina as a Member of al Qaida**

20. Shortly after the outbreak of the Bosnian War in early 1992, Prince Mohammad al Fatih al Bahraini advised me that the al Qaida leadership had issued an order that I travel to Bosnia, to participate in the jihad against the Serbs.
21. Initially, I delayed traveling to Bosnia, and Prince Mohammad al Fatih al Bahraini went ahead to Bosnia without me.
22. Shortly thereafter, Prince Mohammad al Fatih al Bahraini was killed while commanding mujihadeen forces in Bosnia in an operation against the Serbs.
23. Approximately three months after Prince Mohammad al Fatih al Bahraini was killed, I received a second directive from al Qaida to travel to Bosnia to participate in the jihad against the Serbs, and at that time complied with the directive of the al Qaida leadership.
24. Before departing Bahrain, representatives of al Qaida explained that I should travel to the mosque in Zagreb, Croatia, and that I would be received at the mosque by individuals who would recognize and assist me.
25. In accordance with the instructions provided to me by al Qaida, I traveled from Bahrain to Germany by plane, and by plane from Germany to Zagreb, Croatia, where I proceeded to the designated mosque.
26. At the mosque in Zagreb, I was received by several individuals, including a man known by the alias Abu Ayman, the head of the Third World Relief Organization.
27. On the following day, Abu Ayman helped me to set off for Split, Croatia by bus.

28. In accordance with the instructions provided by al Qaida in advance of my trip, I then traveled by bus from Split, Croatia to Travnik, Bosnia.

29. Upon my arrival in Travnik, Bosnia, I was met by a young soldier of the Muslim forces in Travnik, who spoke Arabic perfectly.

30. I traveled with the young representative of the Muslim forces who had greeted me at the bus station, along with two other foreign fighters who had arrived on the same bus from Split, to Muslim forces command in Travnik, where I was received by a brigadier of the Muslim forces known as Asim.

31. At the time of my arrival in Travnik, the commander of the mujihadeen forces in Bosnia was Ebu Abdel Aziz, who was known within the mujihadeen forces as Abdel Aziz or "Red Beard."

32. Through my prior experiences in Afghanistan, I personally knew Ebu Abdel Aziz as one of the leaders of al Qaida.

33. Prior to leaving Bahrain for Bosnia, I had received information from al Qaida representatives in Bahrain that Ebu Abdel Aziz was being sent to Bosnia by al Qaida to organize the mujihadeen forces.

34. From the date I reached the mujihadeen forces in 1992 until the signing of the Dayton Accord in 1995, I fought as a member of the mujihadeen forces in the Bosnian War. Throughout that time, I was a member of al Qaida, acting in accordance with the directives of that terrorist organization.

35. Shortly after my arrival in Bosnia, I was appointed by al Qaida to serve as a deputy commander of a unit of 107 fighters, including 70 Arabs, approximately 25 Turks, and about 12 Bosnians.

36. Following the signing of the Dayton Accord, I remained in Bosnia-Herzegovina, serving as an active member of al Qaida until my arrest in 1997.

**D. The Involvement of Ostensible Islamic Charities in Supporting al Qaida's Activities**

37. I can attest on the basis of personal knowledge that al Qaida's operations in Bosnia, including the activities of the al Qaida fighters who participated in the Bosnian War, were funded and otherwise supported by purported Islamic charitable organizations and institutions, including the Third World Relief Agency, and the Saudi High Commission for Relief of Bosnia & Herzegovina (Saudi High Commission).

38. As mentioned above, upon my initial arrival in Zagreb, Croatia, I was received by Sudanese employees of the Third World Relief Agency, including Abu Ayman.

39. When he greeted me in Zagreb, Abu Ejman advised me that he had received an advance call from Bahrain informing him of my travel plans, and that he had been given the responsibility to assist me in reaching the mujihadeen forces.

40. During the course of the Bosnian War, Abu Ejman delivered truckloads of food and other supplies belonging to the Third World Relief Agency to my military unit, to sustain our activities and efforts in Bosnia.

41. On the basis of my personal knowledge, I can attest that the Saudi High Commission was extensively involved in supporting al Qaida's operations in Bosnia, both before and after the Bosnian war.

42. I can attest from personal knowledge that representatives of the Saudi High Commission provided extensive financial support and food to the mujihadeen forces, and also permitted the mujihadeen and al Qaida members in Bosnia to use the Saudi High Commission's offices and rented houses.

43. In addition to providing food, money and shelter to support al Qaida's operations in Bosnia, the Saudi High Commission frequently transported mujihadeen and al Qaida members throughout Bosnia-Herzegovina, in Saudi High Commission vehicles bearing the mark of the United Nations High Commission for Refugees (UNHCR), thereby allowing those mujihadeen and al Qaida members to pass military and police checkpoints.

44. I was personally transported by the Saudi High Commission in a vehicle bearing UNHCR marks in late 1994 or early 1995, along with another wounded mujihadeen, from Bosnia-Herzegovina to Zagreb, Croatia. On the occasion of that trip, a representative of the Saudi High Commission also provided me with money for further travel expenses.

45. During the Bosnian war, the Saudi High Commission appointed a number of former mujihadeen fighters to serve as officers or directors of its branch offices in Bosnia-Herzegovina.

46. For example, in 1993 the director of the Sarajevo office of the Saudi High Commission was a Saudi I knew by the name of Abu al-Miqdad al-Dusari.

47. Al-Dusari was among the first mujihadeen to arrive in Bosnia-Herzegovina at the beginning of the Bosnian War.

48. Al-Dusari temporarily left Bosnia-Herzegovina, but later returned to serve as the director of the Sarajevo office of the Saudi High Commission.

49. Similarly, at the request of the mujihadeen in 1994, the Chief Director of the Saudi High Commission in Zagreb appointed a man I knew by the name of Hasam al-Din to serve as the director of the Zenica office.

50. Hasam al-Din was also one of the first mujihadeen to arrive in Bosnia-Herzegovina at the beginning of the Bosnian War, and he engaged in significant military activities as a member of the mujihadeen forces placed in Tesanj, in the middle of Bosnia.

51. Hasam al-Din was wounded during the course of the war, and after recovering from his wounds, returned to Bosnia-Herzegovina as a representative of the Zenica office of the Saudi High Commission.

52. Following the conclusion of the Bosnian War, numerous al Qaida members remained in Bosnia-Herzegovina, in accordance with the wishes and directives of al Qaida leadership.

53. I myself remained in Bosnia-Herzegovina following the conclusion of the Bosnian War, and was an active member of al Qaida until my arrest in 1997.

54. After the conclusion of the Bosnian War, the Saudi High Commission provided ostensible employment to a number of foreign fighters and al Qaida members who had fought in the War.

55. I myself received official documentation, certified by the stamp of the Saudi High Commission and bearing the signature of the Director of the Saudi High Commission's Mostar office, indicating that I was an employee of the Saudi High Commission.

56. At the time the director of the Mostar office of the Saudi High Commission provided me with that documentation, he was aware that I was a member of al Qaida.

57. In addition to the documentation described above, following the Bosnian War, the Saudi High Commission provided me access to vehicles with diplomatic car registrations, and vehicles registered to the UNHCR, which enabled me to move freely throughout Bosnia-Herzegovina.

58. At the times when the Saudi High Commission provided me with access to vehicles with diplomatic or UNHCR registrations, I was an active member of al Qaida, a fact which was known to the officials of the Saudi High Commission who provided me such access.

I hereby declare that all of the foregoing statements are true and correct.

/s/ Ali Ahmad Ali Hamad  
Ali Ahmad Ali Hamad

Executed on March 4, 2008 in the city of Dobož, Bosnia-Herzegovina.

محكمة الولايات المتحدة الأمريكية الإقليمية  
الإقليم الجنوبي لولاية نيويورك

في موضوع الهجمات الإرهابية في 11 سبتمبر 2001	الدعوى رقم: MDL 1570 (GBD) 03 قضية بملف إلكتروني ECF
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بيان علي حمد علي حمد

أنا، علي حمد علي حمد، أصرح بعد حلف اليمين، وأعلن بما يلي:

1. يتجاوز عمري الثماني عشر سنة وأنا مؤهل للإدلاء بالشهادة في الأمور المبينة أعلاه استناداً إلى معرفتي الشخصية.
2. لقد ولدت في 13 نوفمبر 1971، في المنامة، البحرين.
3. عندما كنت عمري 17 عاماً في أواخر عام 1990 أو 1991، تم تجنيدني للانضمام بمنظمة القاعدة الإرهابية التابعة لأسامة بن لادن.
4. لقد كنت عضواً نشطاً فيها منذ 1991 وحتى 1997، عندما تم القبض علي ومن ثم سُجنت في البوسنة والهرسك.
5. لقد تخليت رسمياً عن انتمائي إلى القاعدة في احتياط الهجوم الإرهابي على الولايات المتحدة في 11 سبتمبر 2001، مع أنها خابت آمالي بالقاعدة في وقت سابق لهذا التاريخ.
6. استناداً إلى خبرتي كعضو ومسؤول في القاعدة، كما هو موضح بتفصيل أوسع أعلاه، لدي المعرفة الشخصية حول طرق العمل الداخلية للقاعدة، وأهدافها وعملياتها وبعض موارد دعمها المالي والسوقي الشاسع.

### أ. تدريبي وخبرتي مع القاعدة في أفغانستان

7. في أو حوالي بدء عام 1991، بلغني ممثلو القاعدة في البحرين أنه حان الوقت لأن أسافر إلى أفغانستان لأتدرب وأصبح أحد أفراد "مجاهدي الله".
8. قام ممثلو القاعدة في البحرين بالتدابير اللازمة لأسافر بالسيارة من البحرين إلى المملكة العربية السعودية، وبالطائرة من المملكة إلى إسلام آباد، باكستان، وأعلموني بأن ممثلي القاعدة سيقومون باستقبالي في مطار إسلام آباد الدولي.
9. عند وصولي إلى مطار إسلام آباد الدولي، رحب بي ممثلو القاعدة، وقاموا بالتدابير لنقلي إلى مخيم تدريب القاعدة في أفغانستان.
10. لقد قضيت ما مجموعه ثلاثة عشر شهراً في أفغانستان، تلقيت خلالها التدريب في ثلاث شخصيات مختلفة للقاعدة.
11. بينما كنت في أفغانستان، التقيت شخصياً بأسامة بن لادن في مناسبات عديدة، ولقد حلفت اليمين بالولاء للقاعدة في وجود أسامة بن لادن.
12. لا يستعمل أعضاء القاعدة أسماءهم الشخصية ضمن المنظمة. ويصفتي عضو في القاعدة، عُرفت أساساً بلقب أبو عبيدة.
13. في أو حوالي أواخر عام 1991 أو بدء عام 1992، تلقيت تعليمات من أسامة بن لادن بأن أعود إلى البحرين وانتظر أوامر القاعدة حول الجهة التي ستوجه إليها فيما بعد.

## ب. حرب البوسنة

14. في بداية عام 1992، اندلعت حرب في البوسنة والهرسك، وفي المقام الأول بين مسلمي البوسنة وصراب البوسنة، على الرغم من أن كروات البوسنة اشتركوا أيضا في النزاع ولكن على مستوى أقل شأنًا (حرب البوسنة).
15. استمرت حرب البوسنة حتى توقيع اتفاقات السلام في ديتون (اتفاق ديتون) في 1995.
16. فترة وجيزة بعد اندلاع حرب البوسنة، بدأ مقاتلون مسلمون أجانب بالسفر إلى البوسنة والهرسك للقتال إلى جانب مسلمي البوسنة وأعلنوا الجهاد ضد صررب البوسنة. يُشار إلى هؤلاء المقاتلين الأجانب بـ "المجاهدين" طوال هذا البيان، وقد استعمل أيضا هذا اللفظ للإشارة إلى المقاتلين الأجانب خلال حرب البوسنة.
17. عند بدء حرب البوسنة، قرر أسامة بن لادن وقيادة القاعدة أنه يتوجب على القاعدة أن تشترك بصورة فعالة في هذا النزاع، وبدأوا بإرسال أعضاء القاعدة، بما في ذلك أنا، إلى البوسنة للقتال كمجاهدين.
18. طوال حرب البوسنة، عملت قوات المجاهدين في البوسنة تحت أمره قيادة القاعدة.
19. عند اشتراكها في حرب البوسنة، لم يكن هدف القاعدة الرئيسي مساعدة مسلمي البوسنة بل إنشاء قاعدة عمليات في البوسنة لدعم عمليات القاعدة في أوروبا والغرب في المستقبل.

- ج. الخبرة التي اكتسبتها في البوسنة والهرسك كعضو في القاعدة
20. فترة وجيزة بعد اندلاع حرب البوسنة وفي أوائل عام 1992، أعلمني الأمير محمد الفاتح البحريني أن قيادة القاعدة أصدرت أمراً لاسافر إلى البوسنة للاشتراك في الجهاد ضد الصرب.
21. في بادئ الأمر، أخرجت سفري إلى البوسنة، وتوجه الأمير محمد الفاتح البحريني إلى البوسنة بدوني.
22. فترة وجيزة في أعقاب هذا، قتل الأمير محمد الفاتح البحريني بينما كان يقود قوات المجاهدين في البوسنة في عملية ضد الصرب.
23. ثلاثة أشهر تقريباً بعد مقتل الأمير محمد الفاتح البحريني، تلقيت توجيهاً ثانياً من القاعدة لكي أسافر إلى البوسنة للاشتراك في الجهاد ضد الصرب، فأذعنت آنذاك لتوجيه قيادة القاعدة.
24. قبل مغادرتي البحرين، فسر لي ممثلو القاعدة أنه يجب أن أسافر إلى مسجد زغرب، في كرواتيا وأنه سيتم استقبالي في المسجد من قبل أشخاص سيتعرفون علي ويساعدونني.
25. وفقاً للتعليمات التي زودتني بها القاعدة، سافرت بالطائرة من البحرين إلى ألمانيا، وبالطائرة أيضاً من ألمانيا إلى زغرب، كرواتيا، حيث توجهت إلى المسجد المشار إليه.
26. في المسجد في زغرب، استقبلني عدد من الأشخاص، بينهم رجل يعرف بلقب أبو عجمان، رئيس منظمة إغاثة العالم الثالث.
27. في اليوم التالي، ساعدني أبو عجمان على التوجه بالباص إلى سيليت في كرواتيا.
28. ووفقاً للتعليمات التي زودتني بها القاعدة في وقت سابق لرحلتي، سافرت من ثم بالباص من سيليت في كرواتيا إلى ترافنيك في البوسنة.
29. عند وصولي إلى ترافنيك في البوسنة، استقبلني جندي شاب من القوات المسلمة في ترافنيك كان يتكلم العربية ببراءة.

30. سافرت مع الممثل الشاب للقوات المسلمة الذي رحب بي في محطة الباص، ورفقة مقاتلين أجبيين آخرين كانا قد وصلا على نفس الباص من سيليت، وتوجهت إلى قيادة القوات المسلمة في ترافنيك، حيث استقبلني قائد برتبة عميد في القوات المسلمة كان معروفاً باسم عاصم.

31. عند وصولي إلى ترافنيك، كان أبو عبد العزيز هو قائد قوات المجاهدين في البوسنة وكان معروفاً ضمن قوات المجاهدين باسم عبد العزيز أو "اللحية الحمراء".

32. من خلال خبرتي السابقة في أفغانستان، أعرف شخصياً بأن أبو عبد العزيز هو أحد زعماء القاعدة.

33. قبل مغادرتي البحرين للبوسنة، كنت قد تلقيت معلومات من ممثلي القاعدة في البحرين تفيد بأن القاعدة قد أرسلت أبو عبد العزيز إلى البوسنة لتنظيم قوات المجاهدين.

34. منذ تاريخ التحاق بقوات المجاهدين في 1992 وحتى توقيع اتفاق ديتون في 1995، قتلت بصفتي عضو في قوات المجاهدين في حرب البوسنة. طوال هذه الفترة، كنت عضواً في القاعدة، وتصرفت وفقاً لتوجيهات هذه المنظمة الإرهابية.

35. فترة وجيزة بعد وصولي إلى البوسنة، عينني القاعدة لأعمل ككاتب قائد لوحدة تضم 107 مقاتلين، بما في ذلك 70 عربياً، و25 تركياً تقريباً وحوالي 12 بوسنياً.

36. في أعقاب توقيع اتفاق ديتون، بقيت في البوسنة والهرسك وعملت كعضو نشط في القاعدة حتى تاريخ إيقافي عام 1997.

#### د. اشترك المؤسسات الخيرية الإسلامية المزعومة في دعم نشاطات القاعدة

37. يمكنني أن أشهد استناداً إلى معرفتي الشخصية أن عمليات القاعدة في البوسنة، بما في ذلك نشاطات مقاتلي القاعدة الذين اشتركوا في حرب البوسنة، قد تم تمويلها وبطريقة أخرى دعمها من قبل المنظمات والمؤسسات الخيرية الإسلامية المزعومة، والتي تشمل وكالة إغاثة العالم الثالث والهيئة السعودية العليا لمساعدة البوسنة والهرسك (الهيئة السعودية العليا).

38. وكما ذكرت أعلاه، عند وصولي أولاً إلى زغرب، كرواتيا، استقبلني موظفون سودانيون تابعون لوكالة إغاثة العالم الثالث، بما فيهم أبو بصير أبو ديين.
39. عندما استقبلني أبو عجمان في زغرب، أعلمني أنه استلم في وقت سابق مكالمة من البحرين تعلمه عن مخططات سفري وأنه كُلف بمسؤولية مساعدتي على الوصول إلى قوات المجاهدين.
40. خلال حرب البوسنة، سلم أبو عجمان شاحنات محملة بالمواد الغذائية والمؤونة الأخرى التابعة لوكالة إغاثة العالم الثالث إلى وحدتي العسكرية لدعم نشاطاتنا وجهودنا في البوسنة.
41. استناداً إلى معرفتي الشخصية، يمكنني أن أشهد أن الهيئة السعودية العليا اشتركت على نحو واسع في دعم عمليات القاعدة في البوسنة، قبل حرب البوسنة وبعدها على حد سواء.
42. يمكنني أن أشهد استناداً إلى معرفتي الشخصية أن ممثلي الهيئة السعودية العليا قد وفروا الدعم المالي الواسع والمواد الغذائية إلى قوات المجاهدين، وسمحوا أيضاً للمجاهدين وأعضاء القاعدة في البوسنة باستخدام المكاتب والمنزل المستأجرة التابعة للهيئة السعودية العليا.
43. وبالإضافة إلى توفير المواد الغذائية والمال والملجأ لدعم عمليات القاعدة في البوسنة، نقلت الهيئة السعودية العليا في كثير من الأحيان المجاهدين وأعضاء القاعدة في جميع أنحاء البوسنة والهرسك، في سيارات تابعة للهيئة السعودية العليا حاملة شارات المفوضية السامية للأمم المتحدة لشؤون اللاجئين، وأجازت بذلك لهؤلاء المجاهدين وأعضاء القاعدة بمرور حواجز تفتيش عسكرية وبوليسية.
44. لقد تم نقلي شخصياً من قبل الهيئة السعودية العليا في سيارة تحمل شارات المفوضية السامية للأمم المتحدة لشؤون اللاجئين في أواخر عام 1994 وبدء 1995، مع مجاهد آخر مجروح وذلك من البوسنة إلى زغرب، كرواتيا. وبمناسبة هذه الرحلة، زودني ممثل من الهيئة السعودية العليا بالمال لمزيد من نفقات السفر.
45. خلال حرب البوسنة، عينت الهيئة السعودية العليا عدداً من المقاتلين المجاهدين السابقين ليعملوا كمسؤولين ومدراء في مكاتب فروعها في البوسنة والهرسك.

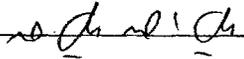
46. على سبيل المثال، في 1993، كان مدير مكتب سرايفو للهيئة السعودية العليا مواطناً سعودياً عرفته ويدعى  
ابوالجهد الدوساريبيدا. ابو الهقرا د
47. كان الدوساريبيدا من بين المجاهدين الأول الذين وصلوا إلى البوسنة والهرسك في بداية حرب البوسنة.  
ابو الهقرا د
48. ترك الدوساريبيدا البوسنة مؤقتاً ولكنه رجع إليها فيما بعد ليعمل كمدير لمكتب الهيئة السعودية العليا في  
سرايفو.
49. وبصورة مماثلة، وعند طلب من المجاهدين في عام 1994، عين مدير الهيئة السعودية العليا في زغرب  
رجلاً يدعى حسام الدين ليعمل كمدير لمكتب الهيئة في زينيك.  
زينيك
50. كان حسام الدين أيضاً من بين أول المجاهدين الذين وصلوا إلى البوسنة والهرسك في بداية حرب البوسنة،  
ولقد اشترك بنشاطات عسكرية مهمة كعضو في قوات المجاهدين المتمركزة في طيسنج، وسط البوسنة.
51. أصيب حسام الدين بجروح أثناء الحرب، وبعد شفائه من إصاباته رجع إلى البوسنة والهرسك كممثل لمكتب  
الهيئة السعودية العليا في زينيك.
52. في أعقاب نهاية حرب البوسنة، بقى العديد من أعضاء القاعدة في البوسنة والهرسك وفقاً لرغبات قيادة  
القاعدة وتوجيهاتها.
53. لقد بقيت أنا في البوسنة والهرسك في أعقاب نهاية حرب البوسنة ولقد كنت عضواً نشطاً في القاعدة إلى أن  
تم إيقافي عام 1997.
54. بعد نهاية حرب البوسنة، وفرت الهيئة السعودية العليا التوظيف الظاهري لعدد من المقاتلين الأجانب  
وأعضاء القاعدة الذين قتلوا أثناء الحرب.
55. لقد استلمت شخصياً وثائق رسمية مصدقة بختم الهيئة السعودية العليا وتحمل توقيع مدير مكتب الهيئة  
السعودية العليا في موستار، يُشار فيها إلى أنني موظف في الهيئة السعودية العليا.

56. عندما زودني مدير مكتب الهيئة السعودية العليا في موستار بهذه الوثيقة، كان على علم بأنني كنت عضواً في القاعدة.

57. بالإضافة إلى الوثيقة الموصوفة أعلاه، وفي أعقاب حرب البوسنة، منحتني الهيئة السعودية العليا إمكانية استخدام سيارات تحمل شارات دبلوماسية وسيارات مسجلة باسم المفوضية السامية للأمم المتحدة لشؤون اللاجئين، مما مكنتني أن أنتقل بحرية في جميع أنحاء البوسنة والهرسك.

58. عندما منحتني الهيئة السعودية العليا إمكانية استخدام سيارات تحمل شارات دبلوماسية أو مسجلة باسم المفوضية السامية للأمم المتحدة لشؤون اللاجئين، كنت آنذاك عضواً نشطاً في القاعدة، وكان هذا أمراً معروفاً من مسؤولي الهيئة السعودية العليا الذين وفروا لي هذه الإمكانية.

أعلن بموجب هذا البيان أن التصريحات أعلاه هي صحيحة وصادقة.

  
\_\_\_\_\_

علي حمد علي حمد

الموقع بتاريخ ٤ / ٣ / 2008، في العرصة والهرج  
صونية دوبري



COMMONWEALTH OF PENNSYLVANIA :
:
COUNTY OF MONTGOMERY :

CERTIFICATE OF ACCURACY

This is to certify that the documents listed below have been translated from Bosnian to English by qualified members of Language Services Associates and are, to the best of our knowledge, ability and belief, a true and accurate translation.

- Certificate of employment with the Saudi High Commission, Mostar Office, for Ali Hamad, dated December 30, 1996
• Request for issuance of Personal Identification Card (accreditation) by the Saudi High Commission on behalf of Ali Hamad, dated December 23, 1996

May 8, 2008
Date

Handwritten signature of Joseph Bayerl
Joseph Bayerl
Translation Department Manager

Sworn to and Subscribed before me this 8th day of May, 2008.

Handwritten signature of Notary Public
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Joan B. Ryan, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires Nov. 8, 2008
Member, Pennsylvania Association Of Notaries

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SAUDI HIGH COMMISSION [emblem]  
RELIEF FOR  
BOSNIA AND HERZEGOVINA

Date: December 30, 1996 Mostar  
Subject: Employment Certificate

**CERTIFICATE**

which certifies that ALI HAMAD, born on November 13, 1971 in ALDAMI, country of  
BAHRAIN, has been employed by the humanitarian organization Saudi High  
Commission, Mostar Office, since December 6, 1996.

[Ink stamp]  
Saudi High Commission  
Relief for Bosnia and Herzegovina  
Mostar

Director of the Saudi High Commission  
Mostar Office  
[signed]  
Yousef B. R.

Ali Hamhd  
[signed]

180

SAUDI HIGH COMMISSION [emblem]  
RELIEF FOR  
BOSNIA AND HERZEGOVINA

TO THE MINISTRY OF INTERNAL AFFAIRS  
MOSTAR  
FOR REFUGEES AND SOCIAL WELFARE

Date: December 23, 1996

Subject: Request for the Issuance of Personal Identification Card (accreditation)

### REQUEST

We would like to request issuance of a Personal Identification Card (accreditation), for the purpose of facilitation of completion of tasks.

It should be issued to: First name: ALI

Last name: HAMAD

Place and date of birth: November 13, 1971, City: ALDAIH, Country: BAHRAIN

Passport number: 803598

Valid until: March 13, 2000

This person is employed by the Saudi High Commission for Relief, Mostar Office, as the Department Chief for "dawa", and he needs the Identification Card to perform tasks under the auspices of this organization.

Thank you in advance. Esselamu alejkum! [Peace be upon you!]

[Ink stamp]  
Saudi High Commission  
Relief for Bosnia and Herzegovina  
Mostar

Director of the Saudi High Commission  
Mostar Office  
[signed]  
Yousef B. R.

SAUDI HIGH COMMISSION  
RELIEF FOR  
BOSNIA & HERZEGOVINA

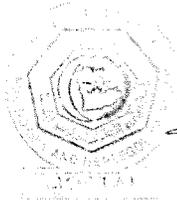


الهيئة السعودية العليا  
لمساعدة البوسنة والهرسك

*Datum: 06.12.1996. god. Mostar.  
Predmet: Potvrda o zaposlenosti.*

## POTVRDA

*kojom se potvrđuje da je ALI HAMAD, rođen 13.11.1971. godine u  
ALDAH - u, država BAHRAIN, zaposlen u humanitarnoj organizaciji  
Visoki Saudijski Komitet - ured Mostar od 06.12.1996. godine.*



Direktor Visokog Saudijskog Komiteta  
- ured Mostar

YOUSEF B. R.

ali hamad

SAUDI HIGH COMMISSION  
RELIEF FOR  
BOSNIA & HERZEGOVINA



الهيئة السعودية العليا  
لمساعدة البوسنة والهرسك

MINISTARSTVO UNUTRAŠNJIH POSLOVA  
MOSTAR  
ZA IZBJEGLICE I SOCIJALNU POLITIKU

Datum : 23.12.1996.

Predmet : Zahtjev za izdavanje lične iskaznice (akreditacije)

## ZAHTJEV

Obraćamo Vam se sa molbom da nam izdete u susret sa izdavanjem lične iskaznice (akreditacije), koja služi za neometano obavljanje radnih zadataka.

Ona bi trebala glasiti na ime: ALI

Prezime :HAMAD

Mjesto i datum rođenja :13.11.1971. godine , mjesto ALDAIH, država BAHRAIN

Broj pasoša :803698

Pasoš važi do : 13.03.2000. god.

Radnik je zaposlen u Visokom Saudijskom Komitetu - ured Mostar kao šef odjela za daju i kartica mu je potrebna za obavljanje poslova u ovoj organizaciji.

Unaprijed se zahvaljujemo. Esselamu alejkum !

Direktor Visokog Saudijskog Komiteta  
ured Mostar

Yousef B. R.



~~SECRET~~

~~WNINTEL NOFORN~~

PAGE:0006



BODY

COUNTRY: (U) SOMALIA (SO); SAUDI ARABIA (SA).

SUBJ: IIR [REDACTED] AIDEED RECEIVES HUMANITARIAN AID AND WEAPON SHIPMENTS FROM SAUDI ARABIAN RELIEF ORGANIZATION (U).

WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE. REPORT CLASSIFIED ~~S-E-C-R-E-T NOFORN~~ WNINTEL.

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DEPARTMENT OF DEFENSE  
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SUMMARY: ~~(S/NOFORN)~~ THE SOMALI NATIONAL ALLIANCE (SNA) IS RECEIVING HUMANITARIAN AID AND WEAPON SHIPMENTS FROM THE SAUDI ARABIAN HIGH COMMISSION FOR RELIEF. THIS ORGANIZATION PRIMARILY SUPPLIES HUMANITARIAN RELIEF COMMODITIES TO THE SNA, BUT HAS ALSO BEEN THE CONDUIT IN SUPPLYING MILITARY WEAPONRY TO SNA FORCES IN MOGADISHU.

TEXT: 1. ~~(S/NOFORN)~~ THE SOMALI NATIONAL ALLIANCE (SNA) HAS BEEN RECEIVING HUMANITARIAN AID AS WELL AS MILITARY WEAPONS, AMMUNITION, AND SUPPLIES FOR APPROXIMATELY THE LAST THREE MONTHS FROM THE SAUDI ARABIAN HIGH COMMISSION FOR RELIEF. THE DIRECTOR FOR THE SAUDI HUMANITARIAN ORGANIZATION IS A SAUDI ARABIAN OFFICER [REDACTED] (NFI). THE HIGH COMMISSION FOR RELIEF PRIMARILY SUPPLIES CLOTHING, FOOD, MEDICAL SUPPLIES, AND OTHER RELIEF COMMODITIES TO THE SNA; HOWEVER, THE SNA HAS ALSO RECEIVED SHIPMENTS OF WEAPONS AND AMMUNITION INDIRECTLY FROM THIS ORGANIZATION.  
2. ~~(S/NOFORN)~~ GENERAL MOHAMED FARAH HASSAN ((AIDEED)), SNA CHAIRMAN,

~~SECRET~~

~~WNINTEL NOFORN~~

~~SECRET~~~~WNINTEL NOFORN~~

PAGE:0007

APPOINTED ABDI-RISAK ALI ((ELMI)) (HABR GEDIR/SULEIMAN) IN EARLY NOVEMBER 1993 AS LIAISON OFFICER BETWEEN THE SNA AND THE SAUDI ARABIAN HIGH COMMISSION FOR RELIEF. THE HIGH COMMISSION FOR RELIEF USUALLY RECEIVES HUMANITARIAN SUPPLIES DIRECTLY FROM SAUDI ARABIAN MERCHANT VESSELS DOCKING AT THE NEW SEAPORT, BUT ON OCCASION RECEIVES SUPPLIES FROM OTHER MIDDLE EASTERN FLAGGED SEA VESSELS. ONCE THE HUMANITARIAN SUPPLIES AND/OR MILITARY EQUIPMENT IS OFF-LOADED AT THE NEW SEAPORT, THE SAUDI HIGH COMMISSION FOR RELIEF TRANSPORTS THE GOODS BY TRUCK TO ONE OF TWO SNA CONTROLLED WAREHOUSES. THE WAREHOUSES ARE FOUND AT THE MOGADISHU INSTITUTE OF LABOR AND TRAINING COMPLEX, LOCATED NEAR THE CIGARETTE FACTORY. [REDACTED] THE SAUDI ARABIAN HIGH COMMISSION HAS RECEIVED HUMANITARIAN SUPPLIES FROM SUDAN AND IRAQ FOR THE SNA; HOWEVER, THE CRATES FROM SUDAN AND IRAQ HAVE ALSO CONTAINED MILITARY WEAPONS, AMMUNITION, AND SUPPLIES, USUALLY HIDDEN IN FALSE BOTTOM CONTAINERS.)

3. ~~(S/NOFORN)~~ ABDI HASSAN AWALE ((QEYBDID)) (HABR GEDIR/SA'AD), SNA MINISTER OF INTERIOR, IS TRYING TO REPLACE ELMI AS THE SNA LIAISON OFFICER WITH ANOTHER SNA MILITIAMAN FROM THE SA'AD SUB-CLAN. THIS ACTION HAS PLACED QEYBDID AT ODDS ONCE AGAIN WITH MOHAMOUD MOHAMED ALI ((SIGANE)) (HABR GEDIR/SULEIMAN), MILITARY COMMANDER FOR THE SNA. QEYBDID BELIEVES THAT THE SULEIMAN SUB-CLAN UNDER SIGANE'S ORDERS IS RECEIVING A DISPROPORTIONATE SHARE OF THE HUMANITARIAN SUPPLIES. [REDACTED] QEYBDID WANTS TO REPLACE ELMI WITH A SA'AD MILITIAMAN IN ORDER TO CONTROL THE HUMANITARIAN SUPPLIES FOR HIS OWN PERSONAL BENEFIT. QEYBDID IS CORRUPT AND WILL STEAL PORTIONS OF THE SUPPLIES TO SELL ON THE BLACK MARKET.)

COMMENTS: 1. ~~(S/NP)~~ [REDACTED]

2. ~~(S/NP)~~ [REDACTED] THE SAUDI ORGANIZATION CITED ABOVE IS LIKELY IDENTICAL TO THE QUASI-GOVERNMENTAL COMMITTEE RUN BY RIYADH GOVERNOR PRINCE ((SALMAN)) BIN 'ABD AL-'AZIZ, SOMETIMED REFERRED TO AS A "HIGH COMMISSION", WHICH IS RESPONSIBLE FOR CHANNELING PRIVATE AND PUBLIC SAUDI CONTRIBUTIONS TO VARIOUS ISLAMIC CAUSES. THE ORGANIZATION'S NAME IS RENDERED "HEYA TULOULYEA" OR "HAYAT AL-'ULYA."

[REDACTED]

~~SECRET~~~~WNINTEL NOFORN~~



August 3, 2006  
hp-45

**Treasury Designates Director, Branches of Charity Bankrolling Al Qaida Network**

The U.S. Department of the Treasury today designated the Philippine and Indonesian branch offices of the Saudi-based International Islamic Relief Organization (IIRO) for facilitating fundraising for al Qaida and affiliated terrorist groups. Treasury additionally designated Abd Al Hamid Sulaiman Al-Mujil, the Executive Director of the Eastern Province Branch of IIRO in the Kingdom of Saudi Arabia.

"Abd Al Hamid Sulaiman Al-Mujil, a high-ranking IIRO official in Saudi Arabia, has used his position to bankroll the al Qaida network in Southeast Asia. Al-Mujil has a long record of supporting Islamic militant groups, and he has maintained a cell of regular financial donors in the Middle East who support extremist causes," said Stuart Levey, Treasury's Under Secretary for Terrorism and Financial Intelligence (TFI). "Today we are holding him to account."

The IIRO was established in 1978 and, according to its website, the organization has branch offices in over 20 countries in Africa, Europe, Asia, and the Middle East.

"It is particularly shameful when groups that hold themselves out as charitable or religious organizations defraud their donors and divert funds in support of violent terrorist groups," said Levey. "We have long been concerned about these IIRO offices; we are now taking public action to sever this link in the al Qaida network's funding chain."

Today's action was taken pursuant to Executive Order 13224, which is aimed at detecting and disrupting financial flows to terrorists. Under this authority, U.S. persons are prohibited from engaging in transactions with the designees, and any assets they may have under U.S. jurisdiction are frozen.

**IDENTIFIER INFORMATION**

***Abd Al Hamid Sulaiman Al-Mujil***

Abd Al Hamid Sulaiman Al-Mujil (Al-Mujil) is the Executive Director of the IIRO Eastern Province (IIRO-EP) branch office in the Kingdom of Saudi Arabia. Al-Mujil has been called the "million dollar man" for supporting Islamic militant groups.

Al-Mujil provided donor funds directly to al Qaida and is identified as a major fundraiser for the Abu Sayyaf Group (ASG) and Jemaah Islamiyah (JI). Both ASG and JI are al Qaida-associated terrorist groups in Southeast Asia designated pursuant to the authorities of E.O. 13224. These terrorist groups are also on the United Nations 1267 Committee's consolidated list of individuals and entities associated with the Taliban, al Qaida and/or Usama Bin Ladin.

In 2004, Al-Mujil invited a Philippines-based JI supporter to Saudi Arabia under the cover of traveling for the hajj (the Muslim pilgrimage), and planned to provide him with cash to carry back to the Philippines to support organizations including JI.

Al-Mujil was also present in Afghanistan in the late 1990s and personally knew Usama Bin Ladin and deceased al Qaida co-founder Abdallah Azzam. Al-Mujil

<http://www.treas.gov/press/releases/hp45.htm>

11/6/2007

traveled continuously to meet with members of Bin Ladin's organization in Arab countries. In the 1990s, Al-Mujil established a relationship with senior al Qaida operational planner Khalid Shaykh Muhammad.

Al-Mujil has a long history of providing support to terrorist organizations. He has contributed direct financial assistance to ASG leaders, including Abdurajak Janjalani (deceased).

The Indonesian and Philippines branches of IIRO have received support from IIRO-EP, which in turn is controlled by Al-Mujil. Indeed, he is often responsible for authorizing payment transfers for IIRO Philippines (IIRO-PHL) and IIRO Indonesia (IIRO-IDN).

**Name:** Abd al-Hamid Sulaiman Al-Mujil

**AKAs:**

- Dr. Abd al-Hamid Al-Mujal
- Dr. Abd Abdul-Hamid bin Sulaiman Al-Mu'jil
- Dr. Abd Al-Hamid Al-Mu'ajjal
- Abd al-Hamid Mu'jil
- A.S. Mujel
- Abu Abdallah

**DOB:** 28 April 1949

**Nationality:** Saudi Arabian

**International Islamic Relief Organization, Philippines Branch Offices**

The IIRO-PHL is a source of funding for the al Qaida-affiliated ASG. IIRO-PHL has served as a liaison for the ASG with other Islamic extremist groups. A former ASG member in the Philippines familiar with IIRO operations in the country reported that a limited amount of foreign IIRO funding goes to legitimate projects and the rest is directed to terrorist operations.

The Philippine branches of the IIRO were founded sometime in the late 1980s or early 1990s by Muhammad Jamal Khalifah, who is Usama bin Laden's brother-in-law and has been identified as a senior al Qaida member. IIRO-PHL's director, Abd al-Hadi Daguit, is a trusted associate of Khalifah.

While working as the director of IIRO-PHL, Khalifah maintained close connections with al Qaida through his relations with senior al Qaida supporters, including Specially Designated Global Terrorist (SDGT) Wa'el Hamza Julaidan. At the time Khalifah directed the IIRO-PHL, he employed an ASG intelligence officer as the provincial director of the IIRO-PHL in the Tawi-Tawi region of the Southern Philippines until that officer's death in 1994.

In the mid 1990s, a major ASG supporter, Mahmud Abd Al-Jalil Afif, served as the director of the IIRO-PHL and used the organization to funnel money to terrorist groups including the ASG. Afif was implicated in the assassination of Father Salvatore Carzeda in San Jose Gusu, Zamboanga City, Philippines on June 20, 1992.

**AKAs:**

- International Islamic Relief Agency
- International Relief Organization
- Islamic Relief Organization
- Islamic World Relief
- International Islamic Aid Organization
- Islamic Salvation Committee
- IIRO

<http://www.treas.gov/press/releases/tp45.htm>

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- The Human Relief Committee of the Muslim World League
- World Islamic Relief Organization
- Al Igatha Al-Islamiya
- Hayat al-Aghatha al-Islamia al-Alamiya
- Hayat al-Igatha
- Hayat Al- Igatha
- Ighatha
- Igatha
- Igassa
- Igasa
- Igase
- Egassa

**Address:** International Islamic Relief Organization, Philippines Offices  
 201 Heart Tower Building  
 108 Valero Street  
 Salcedo Village, Makati City  
 Manila, Philippines

**Other Locations:** Zamboanga City, Philippines  
 Tawi Tawi, Philippines  
 Marawi City, Philippines  
 Basilan, Philippines  
 Cotabato City, Philippines

**International Islamic Relief Organization, Indonesia Branch Office**  
 The IIRO Indonesia director has channeled money to two Indonesia-based, JI-affiliated foundations. Information from 2006 shows that IIRO-IDN supports JI by providing assistance with recruitment, transportation, logistics, and safe-havens. As of late 2002, IIRO-IDN allegedly financed the establishment of training facilities for use by al Qaida associates.

**AKAs:**

- International Islamic Relief Agency
- International Relief Organization
- Islamic Relief Organization
- Islamic World Relief
- International Islamic Aid Organization
- Islamic Salvation Committee
- IIRO
- The Human Relief Committee of the Muslim World League
- World Islamic Relief Organization
- Al Igatha Al-Islamiya
- Hayat al-Aghatha al-Islamia al-Alamiya
- Hayat al-Igatha
- Hayat Al- Igatha
- Ighatha
- Igatha
- Igassa
- Igasa
- Igase
- Egassa

**Address:** International Islamic Relief Organization, Indonesia Office  
 Jalan Raya Cipinang Jaya No. 90  
 East Jakarta, 13410, Indonesia

P.O. Box 3654  
 Jakarta, Indonesia 54021

~~TOP SECRET~~

[REDACTED]



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

[REDACTED]

(U) MEMORANDUM FOR BARBARA HAMMERLE  
ACTING DIRECTOR  
OFFICE OF FOREIGN ASSETS CONTROL

(U) FROM: MATTHEW A. LEVITT, Ph.D. *ml*  
DEPUTY ASSISTANT SECRETARY  
OFFICE OF INTELLIGENCE & ANALYSIS

(U) SUBJECT: Additional Designations Pursuant to E.O. 13224: Dr. Abd Al  
Hamid Sulaiman AL-MUJIL and International Islamic Relief  
Organization Philippines and Indonesia Branches

[REDACTED]

(U) INTRODUCTION

(U) On September 23, 2001, President Bush declared a national emergency pursuant to the International Emergency Economic Powers Act ("IEEPA"), and issued Executive Order 13224 ("E.O. 13224" or "the E.O.") to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The E.O. imposes economic sanctions on, among others, persons who have committed, pose a significant risk of committing, or support terrorism.<sup>A</sup>

<sup>A</sup> (U) The E.O. blocks all property and interests in property in the United States or within the possession or control of a U.S. person or any persons designated under its authority. In addition, it prohibits transactions or dealings by U.S.

Derived by: Multiple Analysts, OIA  
Derived from: Multiple Sources  
Declassify on: [REDACTED]  
Date of Sources: [REDACTED]

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[REDACTED]

~~TOP SECRET~~ [REDACTED]

(U) President Bush identified, in the Annex to E.O. 13224, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. As amended, the E.O. authorizes the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, to designate persons determined:

- (1) to be owned or controlled by, or to act for or on behalf of, those persons listed in the Annex to the E.O., or those persons determined to be subject to subsections 1(b), 1(c), or 1(d)(i) of the E.O.;
- (2) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to E.O. 13224 or determined to be subject to the E.O.; or
- (3) to be otherwise associated with those persons listed in the Annex, or those persons determined to be subject to subsections 1(b), 1(c), or 1(d)(i) of the E.O.

(U) IDENTIFIER INFORMATION(U) INDIVIDUAL

(U) Abd Al Hamid Sulaiman AL-MUJIL [Exhibit 1, page 1]<sup>1</sup>  
[Declassified - See Exhibit 57]

(U) AKA: Dr. Abd al-Hamid AL-MUJAL [Exhibit 4, para. 3]<sup>2</sup>  
[Declassified - See Exhibit 57]

(U) AKA: Dr. Abd Abdul-Hamid bin Sulaiman AL-MU'JIL  
[Exhibit 2]<sup>3</sup> [Declassified - See Exhibit 57]

(U) AKA: Dr. 'Abd Al-Hamid AL-MU'AJJAL [Exhibit 3, para. 4]<sup>4</sup>  
[Declassified - See Exhibit 57]

(U) AKA: Abd al-Hamid MU'JIL [Exhibit 5, para. 2]<sup>5</sup> [Declassified -  
See Exhibit 57]

(U) AKA: A. S. MUJEL [Exhibit 2, page 5]<sup>6</sup> [Declassified - See  
Exhibit 57]

(U) AKA: Abu Abdallah [Exhibit 7, para. 1]<sup>7</sup> [Declassified - See  
Exhibit 57]

(U) DOB: 28 April 1949 [Exhibit 1]<sup>8</sup> [Declassified - See Exhibit 57]

(U) Nationality: Saudi Arabia [Exhibit 1]<sup>9</sup> [Declassified - See Exhibit 57]

(U) Bank Account  
Information: [REDACTED]

persons or within the United States in blocked property, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of designated persons.

~~TOP SECRET~~ [REDACTED] 2

~~TOP SECRET~~ [REDACTED]**(U) ENTITIES**

**(U) Entity # 1:** **INTERNATIONAL ISLAMIC RELIEF ORGANIZATION (Philippines Branch) (IIRO-PHL)** [Exhibit 8, para. 2]<sup>11</sup>

(U) AKA IIRO

(U) AKA International Islamic Relief Agency [Exhibit 41]<sup>12</sup>  
[Declassified - See Exhibit 57]

(U) AKA International Relief Organization [Exhibit 67]<sup>13</sup>

(U) AKA Islamic Relief Organization [Exhibit 67]<sup>14</sup>

(U) AKA Islamic World Relief [Exhibit 41]<sup>15</sup> [Declassified - See Exhibit 57]

(U) AKA International Islamic Aid Organization [Exhibit 41]<sup>16</sup>  
[Declassified - See Exhibit 57]

(U) AKA Islamic Salvation Committee [Exhibit 41]<sup>17</sup> [Declassified - See Exhibit 57]

(U) AKA The Human Relief Committee of the Muslim World League [Exhibit 40]<sup>18</sup> [Declassified - See Exhibit 57]

(U) AKA World Islamic Relief Organization [Exhibit 41]<sup>19</sup>  
[Declassified - See Exhibit 57]

(U) AKA Al Igatha Al-Islamiya [Exhibit 26]<sup>20</sup>

(U) AKA Hayat al-Aghatha al-Islamia al-Alamiya [Exhibit 41]<sup>21</sup>  
[Declassified - See Exhibit 57]

(U) AKA Hayat al-Igatha [Exhibit 42]<sup>22</sup>  
[Declassified - See Exhibit 57]

(U) AKA Hayat Al-Igatha [Exhibit 43]<sup>23</sup>  
[Declassified - See Exhibit 57]

(U) AKA Igatha [Exhibit 55]<sup>24</sup> [Declassified - See Exhibit 57]

(U) AKA Igatha [Exhibit 106]<sup>25</sup>

(U) AKA Igassa [Exhibit 44]<sup>26</sup> [Declassified - See Exhibit 57]

(U) AKA Igasa [Exhibit 55]<sup>27</sup> [Declassified - See Exhibit 57]

(U) AKA Igase [Exhibit 55]<sup>28</sup> [Declassified - See Exhibit 57]

(U) AKA Egassa [Exhibit 55]<sup>29</sup> [Declassified - See Exhibit 57]

**(U) Address:** 201 Heart Tower Building  
108 Valero Street  
Salcido Village, Makati City  
Manila, Philippines [Exhibit 6]<sup>30</sup>

**(U) Additional Addresses:** Zamboanga City, Philippines  
Tawi Tawi, Philippines  
Marawi City, Philippines  
Basilan, Philippines  
[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

(U) Bank Account Information: [REDACTED]

(U) Entity # 2:

**INTERNATIONAL ISLAMIC RELIEF  
ORGANIZATION (Indonesia Branch) (IIRO-IND)**  
[Exhibit 6]<sup>53</sup>

(U) AKA IIRO  
(U) AKA International Islamic Relief Agency [Exhibit 41]<sup>34</sup>  
[Declassified - See Exhibit 57]  
(U) AKA International Relief Organization [Exhibit 67]<sup>35</sup>  
(U) AKA Islamic Relief Organization [Exhibit 57]<sup>36</sup>  
(U) AKA Islamic World Relief [Exhibit 41]<sup>37</sup> [Declassified - See  
Exhibit 57]  
(U) AKA International Islamic Aid Organization [Exhibit 41]<sup>38</sup>  
[Declassified - See Exhibit 57]  
(U) AKA Islamic Salvation Committee [Exhibit 41]<sup>39</sup> [Declassified -  
See Exhibit 57]  
(U) AKA The Human Relief Committee of the Muslim World League  
[Exhibit 40]<sup>40</sup> [Declassified - See Exhibit 57]  
(U) AKA World Islamic Relief Organization [Exhibit 41]<sup>41</sup>  
[Declassified - See Exhibit 57]  
(U) AKA Al Igatha Al-Islamiya [Exhibit 26]<sup>42</sup>  
(U) AKA Hayat al-Aghatha al-Islamia al-Alamiya [Exhibit 41]<sup>43</sup>  
[Declassified - See Exhibit 57] [Declassified - See Exhibit  
57]  
(U) AKA Hayat al-Igatha [Exhibit 42]<sup>44</sup>  
[Declassified - See Exhibit 57]  
(U) AKA Hayat Al-Igatha [Exhibit 43]<sup>45</sup> [Declassified - See Exhibit  
57]  
(U) AKA Ighatha [Exhibit 55]<sup>46</sup> [Declassified - See Exhibit 57]  
(U) AKA Igatha [Exhibit 106]<sup>47</sup>  
(U) AKA Igassa [Exhibit 44]<sup>48</sup> [Declassified - See Exhibit 57]  
(U) AKA Igasa [Exhibit 55]<sup>49</sup> [Declassified - See Exhibit 57]  
(U) AKA Igase [Exhibit 55]<sup>50</sup> [Declassified - See Exhibit 57]  
(U) AKA Egassa [Exhibit 55]<sup>51</sup> [Declassified - See Exhibit 57]  
(U) Address: Jalan Raya Cipinang Jaya No: 90  
East Jakarta, 13410, Indonesia  
  
P.O. Box 3654  
Jakarta, Indonesia 54021  
[Exhibit 6]<sup>52</sup>

~~TOP SECRET~~ [REDACTED] 4

~~TOP SECRET~~ [REDACTED]

[REDACTED] Bank Account Information: [REDACTED]

~~(S)~~ BASES FOR DESIGNATION OF INDIVIDUAL AND TWO ENTITIES (organized as follows):

- A. Background information on IIRO
- B. Bases for Designation of Dr. 'Abd AL-Hamid AL Mujil;
- C. Bases for Designation of the IIRO Philippine Branch [IIRO-PHL]; and
- D. Bases for Designation of the IIRO Indonesia Branch [IIRO-IDN]

(U) A. Background Information

[REDACTED]

[REDACTED] According to the IIRO web site, the IIRO was established in 1978 as a humanitarian NGO. [REDACTED]

[REDACTED] According to its web site, the IIRO seeks to serve the victims of natural disasters and wars, and its programs include the provision of medical, educational and social support to those in need. [Exhibit 36]

[REDACTED]

[REDACTED] Indeed, IIRO's support for terrorist organizations began in the early 1990s and continues through to at least the first half of 2006, as discussed below.

[REDACTED] Evidence presented in this memorandum and related exhibits provides reason to believe that IIRO official Dr. 'Abd AL-Hamid AL-MUJIL, the IIRO-Philippines branch [IIRO-PHL],

[REDACTED] (U) As of June 2006, the IIRO web site listed international IIRO branch offices in the following countries: Jordan, Indonesia, Pakistan, Bangladesh, Thailand, Azerbaijan, Sri Lanka, Philippines, "Kurdistan," Yemen, Ethiopia, Uganda, Chad, Tanzania, Djibouti, Somalia, Senegal, Sudan, Kenya, Mali, Egypt, Nigeria, Albania, Kosovo, and Bosnia-Herzegovina. [Exhibit 39]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

and the IIRO-Indonesia branch (IIRO-IND) meet the criteria for designation as set forth in E.O. 13224, based on their support for al Qaida, JI, and/or the ASC.

(U) **Jemaah Islamiyah (JI)**<sup>D</sup> is an al Qaida-linked<sup>E</sup> terrorist group with cells operating in several countries in Southeast Asia. It was founded in 1993 with the ultimate goal of establishing, through violent jihad, a pan-Islamic caliphate in Southeast Asia. JI was designated as a Specially Designated Global Terrorist (SDGT) pursuant to E.O. 13224 on October 23, 2002.

(U) The **Abu Sayyaf Group (ASG)** is the most violent of the separatist groups operating in the Southern Philippines and was designated as an SDGT pursuant to E.O. 13224 on September 24, 2001. It was formed in the early 1990s and received support and seed money from al Qaida.

~~TOP SECRET~~ [REDACTED] B. Bases for Designation of Dr. 'Abd Al-Hamid AL-MUJIL

(U) I. Introduction

[REDACTED]

As of June 2006, he was listed as IIRO-EP's Executive Director on the IIRO web site.

[Exhibit 39]<sup>66</sup>

As discussed below, AL-MUJIL has provided support to terrorist organizations including ASG and JI.

[REDACTED]

[REDACTED]

<sup>D</sup> (U) Names appearing in bold in this document are either Specially Designated Global Terrorists (SDGTs) pursuant to E.O. 13224 or, in the case of the IIRO-Philippines and IIRO-Indonesia branches and AL-MUJIL, proposed for designation.

<sup>E</sup> (U) Al Qaida was designated as an SDGT pursuant to E.O. 13224 on September 24, 2001.

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOPSECRET~~ [REDACTED]



~~TOPSECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**(U) CONCLUSION**

~~(S)~~ [REDACTED] Based on the foregoing information, there is reason to believe DR. 'Abd Al-Hamid AL-MUJIL [AL-MUJIL] meets the criteria for designation under Executive Order 13224 for the following reasons:

- By providing donor funds to al Qaida, AL-MUJIL assists in, sponsors, or provides financial or material support for, or financial or other services to or in support of al Qaida, an entity listed on the Annex to E.O. 13224.

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

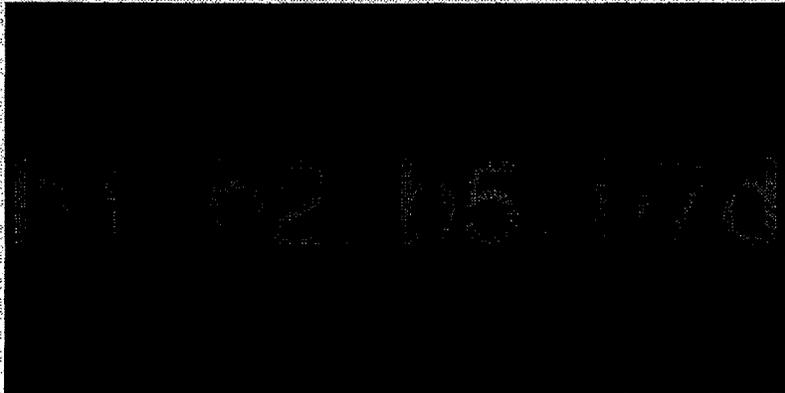
- By providing financial support to the ASG and its leaders, AL-MUJIL assists in, sponsors, or provides financial or material support for, or financial or other services to or in support of the ASG, an entity listed on the Annex to E.O. 13224.



- By maintaining relations with UBL, AL-MUJIL is otherwise associated with UBL, a person listed in the Annex to E.O. 13224.
- By maintaining relations with KSM, AL-MUJIL is otherwise associated with KSM, a person listed in the Annex to E.O. 13224.

~~(S)~~ C. Bases for Designation of the IIRO Philippines Branch (IIRO-PHL)

(U) 1. Background on Al Qaida control of IIRO-PHL



(U) Wa'el Hamza Julaidain was designated as an SDGT pursuant to E.O. 13224 on September 6, 2002.

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>u</sup> (U) Raddufan Sahiron was designated as an SDGT pursuant to E.O. 13224 on November 30, 2005.

10

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) U.S. troops have been providing training to the Armed Forces of the Philippines since circa 2002 to assist them in combating the ASG. (Exhibit 112, paras. 5, 8)

[REDACTED]

~~TOP SECRET~~ [REDACTED]

11

~~TOP SECRET~~ [REDACTED]

[REDACTED]

**(U) CONCLUSION**

Based on the foregoing information, there is reason to believe that IIRO-PHL meets the criteria for designation under Executive Order 13224 for the following reasons:

- By providing financing and training to ASG, IIRO-PHL assists in, sponsors, or provides financial, material, or technological support for, or financial or other services to or in support of ASG, an entity listed on the Annex to E.O. 13224.
- By serving as a conduit for funds from UBL to the ASG in the Philippines, IIRO-PHL acts for or on behalf of, or assists in, sponsors, or provides financial or material support for, or financial or other services to or in support of UBL, an individual listed on the Annex to E.O. 13224.
- As an entity over which AL-MUJIL exercises decision-making authority, IIRO-PHL acts for or on behalf of AL-MUJIL, an individual proposed for designation herein under E.O. 13224.

**(U) D. Bases for Designation of the IIRO Indonesia Branch (IIRO-IND)**

[REDACTED]

[REDACTED]

According to the IIRO website, as of May 2006, Fahd Muhammad Al-Harbi was listed as the director of IIRO-IND (Exhibit 104)

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

[REDACTED]

**(U) CONCLUSION**

Based on the foregoing information, there is reason to believe that IIRO-IND meets the criteria for designation under Executive Order 13224 for the following reasons:

- By financing JI and organizations associated with JI, IIRO-IND assists in, sponsors, or provides financial or material support for, or financial or other services to or in support of JI, an entity listed on the Annex to E.O. 13224.
- As an entity over which AL-MUJIL maintains decision-making authority, IIRO-IND acts for or on behalf of AL-MUJIL, an individual proposed for designation herein under E.O. 13224.

[REDACTED]

\* (U) Abu Bakr Ba'azly was designated as an SDGT pursuant to E.O. 13224 on April 13, 2006.

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

(U) EXHIBIT LIST

- Exhibit 1 [REDACTED]
- Exhibit 2 [REDACTED]
- Exhibit 3 [REDACTED]
- Exhibit 4 [REDACTED]
- Exhibit 5 [REDACTED]
- Exhibit 6 *Saudi Arabia: Foreign Offices of the International Islamic Relief Organization, Open Source Center Report, 20 June 2006.*
- Exhibit 7 [REDACTED]
- Exhibit 8 [REDACTED]
- Exhibit 9 [REDACTED]
- Exhibit 10 [REDACTED]
- Exhibit 11 [REDACTED]
- Exhibit 12 [REDACTED]
- Exhibit 13 [REDACTED]
- Exhibit 14 [REDACTED]
- Exhibit 15 [REDACTED]
- Exhibit 16 [REDACTED]
- Exhibit 17 [REDACTED]
- Exhibit 18 [REDACTED]
- Exhibit 19 [REDACTED]
- Exhibit 20 *"Two Muslim Charities Under Scrutiny; Saudi-Funded Groups Deny Ties to Terrorist Networks but Cite Vulnerability." WASH. POST, Sept. 30, 2001, para.10 (U)*
- Exhibit 21 [REDACTED]
- Exhibit 22 [REDACTED]
- Exhibit 23 [REDACTED]
- Exhibit 24 [REDACTED]
- Exhibit 25 [REDACTED]
- Exhibit 26 *Mark P. Denbeaux & Joshua Denbeaux, Second Report on the Guantanamo Detainees, Seton Hall University School of Law, at 11.*
- Exhibit 27 *Source removed*
- Exhibit 28 [REDACTED]
- Exhibit 29 [REDACTED]
- Exhibit 30 [REDACTED]
- Exhibit 31 [REDACTED]
- Exhibit 32 [REDACTED]
- Exhibit 33 [REDACTED]
- Exhibit 34 [REDACTED]
- Exhibit 35 *FINANCIAL TIMES INFORMATION, GLOBAL NEWS WIRE, "Saudi Arabia: MWL Chief Meets with Senior Jordanian Official", May 25, 2003 (U)*
- Exhibit 36 *<http://web.archive.org/web/20011214224506/www.arab.net/irro>*

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

- Web site active December 05, 1998 to December 14, 2001 (U)
- Exhibit 37 [REDACTED]
- Exhibit 38 [REDACTED]
- Exhibit 39 IIRO Web site, <http://www.irosa.org/web/offices.php>, (U) (Open Source Center translation of original Arabic language Web site attached as part of exhibit)
- Exhibit 40 [REDACTED]
- Exhibit 41 [REDACTED]
- Exhibit 42 [REDACTED]
- Exhibit 43 [REDACTED]
- Exhibit 44 [REDACTED]
- Exhibit 45 [REDACTED]
- Exhibit 46 [REDACTED]
- Exhibit 47 [REDACTED]
- Exhibit 48 [REDACTED]
- Exhibit 49 [REDACTED]
- Exhibit 50 RIYADH 001251, 010713Z MAR 06 (S)
- Exhibit 51 [REDACTED]
- Exhibit 52 [REDACTED]
- Exhibit 53 [REDACTED]
- Exhibit 54 [REDACTED]
- Exhibit 55 [REDACTED]
- Exhibit 56 Four Suspected Foreign Financiers of Abu Sayyaf Identified, PHILIPPINE DAILY INQUIRER, 22 Apr. 1995.
- Exhibit 57 Source Removed
- Exhibit 58 [REDACTED]
- Exhibit 59 Source 218375, 30209Z NOV 03 (U)
- Exhibit 60 [REDACTED]
- Exhibit 61 [REDACTED]
- Exhibit 62 [REDACTED]
- Exhibit 63 [REDACTED]
- Exhibit 64 [REDACTED]
- Exhibit 65 [REDACTED]
- Exhibit 66 [REDACTED]
- Exhibit 67 Burnett, et al. v. Al Baraka Investment & Dev. Corp., et al., CIV 02-1616 (Filed Aug. 14, 2002, D.D.C.) (U)
- Exhibit 68 RIYADH 001472, 081442Z MAR 06 (S)
- Exhibit 69 [REDACTED]
- Exhibit 70 [REDACTED]
- Exhibit 71 [REDACTED]
- Exhibit 72 [REDACTED]
- Exhibit 73 [REDACTED]
- Exhibit 74 [REDACTED]
- Exhibit 75 [REDACTED]
- Exhibit 76 David Kaplan, *The Saudi Connection, How Billions in Saudi Oil Money Spawned a Global Terrorist Movement*, U.S. NEWS & WORLD REPORT (Dec. 15, 2003) at 3, (U).

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

- Exhibit 77 [REDACTED]
- Exhibit 78 [REDACTED]
- Exhibit 79 [REDACTED]
- Exhibit 80 [REDACTED]
- Exhibit 81 [REDACTED]
- Exhibit 82 [REDACTED]
- Exhibit 83 [REDACTED]
- Exhibit 84 [REDACTED]
- Exhibit 85 [REDACTED]
- Exhibit 86 [REDACTED]
- Exhibit 87 [REDACTED]
- Exhibit 88 [REDACTED]
- Exhibit 89 [REDACTED]
- Exhibit 90 [REDACTED]
- Exhibit 91 [REDACTED]
- Exhibit 92 Jaime Landa, "Philippine Police Chief, Abu Sayyaf, JJ Get 'Active' Support from Middle East," FBIS-SEP20051120001001, 20 Nov. 2005. (U)
- Exhibit 93 [REDACTED]
- Exhibit 94 [REDACTED]
- Exhibit 95 [REDACTED]
- Exhibit 96 [REDACTED]
- Exhibit 97 [REDACTED]
- Exhibit 98 [REDACTED]
- Exhibit 99 [REDACTED]
- Exhibit 100 [REDACTED]
- Exhibit 101 [REDACTED]
- Exhibit 102 "Organizational structure of Indonesian Mujahidin Council for 2003-2008," FBIS SBG20050819000079, 30 JUL 05 (U//FOUO)
- Exhibit 103 [REDACTED]
- Exhibit 104 IIRO Web site, <http://www.irosa.org/web/offices.php>, (U)  
(Open Source Center translation of original Arabic language Web site attached as part of exhibit)
- Exhibit 105 [REDACTED]
- Exhibit 106 *Government's Evidentiary Proffer, U.S. v. Arnaout, No. 02 CR 892, (U.S. N.D. II)*
- Exhibit 107 Source Removed
- Exhibit 108 [REDACTED]
- Exhibit 109 [REDACTED]
- Exhibit 110 [REDACTED]
- Exhibit 111 [REDACTED]
- Exhibit 112 STATE 152169, 082234Z AUG 02 (U)

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(U) ENDNOTES

- <sup>1</sup> Exhibit 1 [REDACTED]
- <sup>2</sup> Exhibit 4 [REDACTED]
- <sup>3</sup> Exhibit 7 [REDACTED]
- <sup>4</sup> Exhibit 3 [REDACTED]
- <sup>5</sup> Exhibit 5 [REDACTED]
- <sup>6</sup> Exhibit 2 [REDACTED]
- <sup>7</sup> Exhibit 7 [REDACTED]
- <sup>8</sup> Exhibit 1 [REDACTED]
- <sup>9</sup> Exhibit 1 [REDACTED]
- <sup>10</sup> Exhibit 2 [REDACTED]
- <sup>11</sup> Exhibit 8 [REDACTED]
- <sup>12</sup> Exhibit 41 [REDACTED]
- <sup>13</sup> Exhibit 67 Burnett, et al. v. Al Baraka Investment & Dev. Corp., et al., CIV 02-1616 (filed Aug. 14, 2002, D.D.C.)
- <sup>14</sup> Exhibit 67 Burnett, et al. v. Al Baraka Investment & Dev. Corp., et al., CIV 02-1616 (filed Aug. 14, 2002, D.D.C.)
- <sup>15</sup> Exhibit 41 [REDACTED]
- <sup>16</sup> Exhibit 41 [REDACTED]
- <sup>17</sup> Exhibit 41 [REDACTED]
- <sup>18</sup> Exhibit 40 [REDACTED]
- <sup>19</sup> Exhibit 41 [REDACTED]
- <sup>20</sup> Exhibit 26 Mark F. Denbeaux & Joshua Denbeaux, Second Report on the Guantanamo Detainees, Seton Hall University School of Law, at 11.
- <sup>21</sup> Exhibit 41 [REDACTED]
- <sup>22</sup> Exhibit 42 [REDACTED]
- <sup>23</sup> Exhibit 43 [REDACTED]
- <sup>24</sup> Exhibit 55 [REDACTED]
- <sup>25</sup> Exhibit 106 Government's Evidentiary Proffer, U.S. v. Amour, No. 02 CR 492, (U.S. N.D. Ill.)
- <sup>26</sup> Exhibit 44 [REDACTED]
- <sup>27</sup> Exhibit 55 [REDACTED]
- <sup>28</sup> Exhibit 55 [REDACTED]
- <sup>29</sup> Exhibit 55 [REDACTED]
- <sup>30</sup> Exhibit 6 Saudi Arabia: Foreign Offices of the International Islamic Relief Organization, Open Source Center Report, 20 June 2006.
- <sup>31</sup> Exhibit 10 [REDACTED]
- <sup>32</sup> Exhibit 11 [REDACTED]
- <sup>33</sup> Exhibit 6 Saudi Arabia: Foreign Offices of the International Islamic Relief Organization, Open Source Center Report, 20 June 2006.
- <sup>34</sup> Exhibit 41 [REDACTED]
- <sup>35</sup> Exhibit 67 Burnett, et al. v. Al Baraka Investment & Dev. Corp., et al., CIV 02-1616 (filed Aug. 14, 2002, D.D.C.)
- <sup>36</sup> Exhibit 67 Burnett, et al. v. Al Baraka Investment & Dev. Corp., et al., CIV 02-1616 (filed Aug. 14, 2002, D.D.C.)
- <sup>37</sup> Exhibit 41 [REDACTED]
- <sup>38</sup> Exhibit 41 [REDACTED]
- <sup>39</sup> Exhibit 41 [REDACTED]
- <sup>40</sup> Exhibit 40 [REDACTED]
- <sup>41</sup> Exhibit 41 [REDACTED]

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<sup>42</sup> Exhibit 26 Mark F. Denbeaux & Melissa Denbeaux, *Second Report on the Guantanamo Detainees*, Seton Hall University School of Law, at 13.

<sup>43</sup> Exhibit 41 [REDACTED]  
<sup>44</sup> Exhibit 42 [REDACTED] 01, b5  
<sup>45</sup> Exhibit 43 [REDACTED]  
<sup>46</sup> Exhibit 55 [REDACTED]

<sup>47</sup> Exhibit 106 *Government's Evidentiary Proffer, U.S. v. Amout*, No. 02 CR 892, (U.S.N.D. D).

<sup>48</sup> Exhibit 44 [REDACTED]  
<sup>49</sup> Exhibit 55 [REDACTED]  
<sup>50</sup> Exhibit 55 [REDACTED]  
<sup>51</sup> Exhibit 55 [REDACTED]

<sup>52</sup> Exhibit 6 *Saudi Arabia: Foreign Offices of the International Islamic Relief Organization, Open Source Center Report*, 20 June 2006.

<sup>53</sup> Exhibit 13 [REDACTED] FILE  
<sup>54</sup> Exhibit 13 [REDACTED]  
<sup>55</sup> Exhibit 14 [REDACTED]  
Exhibit 15 [REDACTED]  
Exhibit 17 [REDACTED]  
Exhibit 18 [REDACTED]  
Exhibit 19 [REDACTED]

<sup>56</sup> Exhibit 20 "Two Muslim Charities Under Scrutiny: Saudi-Funded Groups Deny Ties to Terrorist Networks but Cite Vulnerability," WASH. POST, Sept. 30, 2001, para. 10 (quoting IIRO Secretary General Basma as stating that IIRO gave more than USD 60 million to the Taliban.) U

<sup>57</sup> Exhibit 21 [REDACTED] FILE  
Exhibit 23 [REDACTED]  
<sup>58</sup> Exhibit 59 *Saudi Arabia: Foreign Offices of the International Islamic Relief Organization, Open Source Center Report*, 20 June 2006.

Exhibit 10 [REDACTED]  
Exhibit 17 [REDACTED]  
Exhibit 28 [REDACTED]  
<sup>59</sup> Exhibit 29 [REDACTED]

Exhibit 31 [REDACTED]  
<sup>60</sup> Exhibit 32 [REDACTED]  
Exhibit 33 [REDACTED]  
Exhibit 34 [REDACTED]

<sup>61</sup> Exhibit 35 FINANCIAL-TIMES INFORMATION, GLOBAL NEWS WIRE, "Saudi Arabia: MWL Chief Meets with Senior Jordanian Official", May 23, 2003, U

<sup>62</sup> Exhibit 36 <http://web.archive.org/web/20011214224506/www.arab.net/iro>. Web site active December 05, 1998 to December 14, 2001.

<sup>63</sup> Exhibit 16 [REDACTED]  
<sup>64</sup> Exhibit 2 [REDACTED]  
<sup>65</sup> Exhibit 37 [REDACTED]

<sup>66</sup> Exhibit 39 IIRO Web site, <http://www.iroes.org/web/offices.php>, U (Open Source Center translation of IIRO Web site).

<sup>67</sup> Exhibit 69 [REDACTED]  
<sup>68</sup> Exhibit 68 [REDACTED]  
<sup>69</sup> Exhibit 69 [REDACTED]  
<sup>70</sup> Exhibit 37 [REDACTED]  
<sup>71</sup> Exhibit 70 [REDACTED]  
<sup>72</sup> Exhibit 17 [REDACTED]  
<sup>73</sup> Exhibit 48 [REDACTED]  
<sup>74</sup> Exhibit 48 [REDACTED]  
<sup>75</sup> Exhibit 49 [REDACTED]

<sup>76</sup> Exhibit 56 *Four Suspected Foreign Financiers of Abu Sayyaf Identified*, PHILIPPINE DAILY INQUIRER, 22 Apr 1995. (U)

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- 77 Exhibit 17
- 78 Exhibit 17
- 79 Exhibit 49
- 80 Exhibit 48
- 81 Exhibit 3
- 82 Exhibit 17
- 83 Exhibit 2
- 84 Exhibit 31
- Exhibit 29

- Exhibit 58
- Exhibit 59
- Exhibit 10
- 85 Exhibit 45
- 86 Exhibit 2

- 87 Exhibit 50
- 88 Exhibit 45
- 89 Exhibit 51
- Exhibit 52
- 90 Exhibit 54
- 91 Exhibit 25
- 92 Exhibit 71
- Exhibit 72
- Exhibit 73
- Exhibit 74
- Exhibit 28
- Exhibit 10
- 93 Exhibit 60
- Exhibit 75
- Exhibit 76

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David Kaplan, *The Saudi Connection: How Billions in Saudi Oil Money Spawned a Global Terrorist Movement*, U.S. NEWS & WORLD REPORT (Dec. 15, 2003) at 3, (L)

- 94 Exhibit 60
- 95 Exhibit 94
- 96 Exhibit 53
- 97 Exhibit 96
- Exhibit 60
- Exhibit 97
- Exhibit 77
- 98 Exhibit 96
- Exhibit 97
- Exhibit 60
- 99 Exhibit 98

- Exhibit 46
- Exhibit 47
- 100 Exhibit 8
- Exhibit 58
- Exhibit 61
- 101 Exhibit 78
- Exhibit 79
- 102 Exhibit 80
- 103 Exhibit 78
- Exhibit 79
- Exhibit 38
- 104 Exhibit 81

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- Exhibit 82 [REDACTED]
- <sup>105</sup> Exhibit 83 [REDACTED]
- Exhibit 84 [REDACTED]
- <sup>106</sup> Exhibit 85 "Valentine's Day Blast" [REDACTED]
- <sup>107</sup> Exhibit 28 [REDACTED]
- Exhibit 61 [REDACTED]
- <sup>108</sup> Exhibit 58 [REDACTED]
- <sup>109</sup> Exhibit 86 [REDACTED]
- <sup>110</sup> Exhibit 87 [REDACTED]
- Exhibit 88 [REDACTED]
- Exhibit 89 [REDACTED]
- <sup>111</sup> Exhibit 59 [REDACTED]
- <sup>112</sup> Exhibit 90 [REDACTED]
- <sup>113</sup> Exhibit 91 [REDACTED]
- <sup>114</sup> Exhibit 61 [REDACTED]
- <sup>115</sup> Exhibit 93 [REDACTED]
- <sup>116</sup> Exhibit 2 [REDACTED]
- <sup>117</sup> Exhibit 10 [REDACTED]
- <sup>118</sup> Exhibit 10 [REDACTED]
- Exhibit 92 "James Laude, 'Philippines Police Chief: Abu Sayyaf: JJ Get 'Active' Support from Middle East," [REDACTED]
- FBIS SEP20051120001001, 20 Nov. 2005, U [REDACTED]
- <sup>119</sup> Exhibit 30 [REDACTED]
- <sup>120</sup> Exhibit 62 [REDACTED]
- <sup>121</sup> Exhibit 63 [REDACTED]
- Exhibit 64 [REDACTED]
- Exhibit 65 [REDACTED]
- <sup>122</sup> Exhibit 62 [REDACTED]
- <sup>123</sup> Exhibit 99 [REDACTED]
- Exhibit 100 [REDACTED]
- Exhibit 101 [REDACTED]
- Exhibit 102 "Organizational structure of Indonesian Mujahidra Council for 2003-2004," FBIS [REDACTED]
- SEG20050819000075, 30 JUL 05, U//E//FO [REDACTED]
- <sup>124</sup> Exhibit 105 [REDACTED]
- <sup>125</sup> Exhibit 2 [REDACTED]

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**In the Name of God, the Most Merciful, the Most Compassionate**

Your Excellency, Dr. Adnan Bin Khalil Basha,                      May God protect him.

Secretary General of the International Islamic Relief Organization (IIRO)

Peace, mercy and blessings of God be upon you, and then,

Regarding your letter No. 1424/1432/100, dated 6 Jumada al-thani 1424, AH. and delivered on 4 Rajab 1424 AH., in relation to what was set out in the pleading submitted by the families of the September 11, 2001 victims, Please be advised as follows:

445- It is claimed in the pleading that I used the IIRO for the purpose of collecting and laundering money for Al Qa'ida operations. First of all, this issue requires that they present a proof in this regard. I challenge them to come up with even a single person who can prove that I collected sums from him/her on behalf of the IIRO, since I did not participate in any fundraising campaigns under any circumstances.

Second, I challenge any person or entity regarding the existence of any relation between me and Al Qa'ida.

Third, since they have alleged that 70% of the funds of the IIRO were spent on the Moro Islamic Liberation Front and Abu Sayyaf, then they have to provide evidence that proves this percentage. Actually, they have to provide a proof that sums, any sums, were ever transferred to any alleged entity. Also, if there is already a member, they should get him and let him indicate how these sums percentages were calculated.

Four, my personal business activities and those of the IIRO in the Philippines were never associated with any illegal activities. Moreover, the Philippine government, which, until now, has the last word in this and other similar issues, has never raised any legal issue in this regard. I also have a certificate which shows that my name is not on any list of those who are wanted by law in the Philippines up to the year 1997, which is after my imprisonment in the United States and Jordan, and also after two years of my innocence being manifested (a copy of the certificate is attached). [handwritten on right margin: the letter is not attached]. If what they said was right and if they had a proof of it, I wouldn't have been released from prison in the United States and in Jordan until now. Moreover, the Philippine government showed that it favored my extradition from the United States to the Philippines while I was still incarcerated in the

United States. The United States had also asked them for proof regarding their allegations against me, but never presented such proof because they don't have any such proof.

439- Once again, I am faced with the same allegations and I am asking for the same thing: I ask for a proof to this allegation, where they allege that the regional office of the IIRO in the Philippines was operating as a center for financing terrorism in the world. They have to bring one of those people who were trained in the offices of the IIRO for such purposes, or a proof that the IIRO office did support any those activities that they allege it did.

As to what concerns the conspiracy regarding the assassination of President Clinton or the Pope, or even the bombing of 12 American aircrafts, it must be underlined that the major suspects in these operations were apprehended while I was in prison in the United States. They were interrogated during this time and there was no proof of my having any relation with any of them in this regard.

These are such slanders that were taken from newspaper articles that rely on no substantive evidence. These allegations were repeatedly denied in the Philippine and other newspapers.

**The Summary:** My activities and those of the office of the IIRO were all legal and under surveillance of the Saudi Embassy with the full cooperation of the local, Philippine authorities, and especially the Foreign and Social Affairs Ministries, the Police, the Army and other interested parties of the Philippine and other respective authorities. Therefore, all allegations presented or spoken are null and void and have no kernel of truth to them. Perhaps the letter I sent to the president of the Philippine [handwritten on left margin: this letter must be brought forth] in 2001, and before the events of September 2001, clearly shows my stance regarding those groups. Moreover, I have no connection with Osama Bin Laden, except for the fact that I am his brother-in-law.

Anyone who was in Peshawar in 1986 knows me and knows about my relations with him, and how I disagreed with him and our paths parted since that time and until today.

God is Helpful, since He is described as such. . .Mat God help us all against slanderers and make us victorious upon them. He is a God who answers to such pleas.

Jamal Ahmad Khalifa

*[signature]*

4 Ragab1424 AH.

1 September.

بسم الله الرحمن الرحيم

سعادة الدكتور / عدنان بن خليل باشا  
الأمين العام لهيئة الإغاثة الإسلامية العالمية  
السلام عليكم ورحمة الله وبركاته وبعد

اشارة الي خطابكم رقم 1424 / 1432 / 100 بتاريخ 1424 / 6 / 6 و المستلم بتاريخ 1424 / 7 / 4 فيما يتعلق بما ورد في صحيفة الادعاء المقدمة من اهالي ضحايا أحداث 11 سبتمبر 2001 نفيكم بالتالي :

445 - جاء النص أنني استخدمت المنظمة لجمع المال و ابيضه من أجل عمليات القاعدة أولاً : هذا الأمر يحتاج منهم لدليل و أنا أتحدى أن يأتوا ولو بشخص واحد يثبت أنني جمعت منه باسم الهيئة أو غيرها أي أموال فلم أشارك في أي حملة جمع تبرعات على الإطلاق.

ثانياً : أتحدى أن يثبت أي شخص أو جهة بوجود أي علاقة لي بتنظيم القاعدة . ثالثاً : بما أنهم ادعوا صرف 70 % من أموال الهيئة لجماعة ( جبهة تحرير مورو الإسلامية و أبو سياف ) فعليهم تقديم دليل يثبت هذه النسب ، بل اثبات تقديم أي مبلغ لأي جهة كانت من هذه الجهات المزعومة . و من هو هذا العضو المذكور فليأتوا به لنرى كيف وصل الي هذه النسب و الأرقام.

رابعاً : أعمال الهيئة و أعمالها الخاصة في الفلبين لم ترتبط بأي عمل غير قانوني على الإطلاق و لم ترفع الفلبين وهي صاحبة الشأن أي قضية بهذا الخصوص أو غيره الي هذا الوقت كما أن لدي شهادة تثبت عدم وجود اسمي في أي لائحة من لوائح المطلوبين أو المقام عليهم دعوى في الفلبين حتى عام 1997 أي بعد سجنني في أمريكا و الأردن و ظهور براعتي بسنتين . ( مرفق صورة منها ) . فلو كان ما يقولونه صحيح و لديهم عليه دليل لما خرجت من سجن أمريكا أو الأردن الي الآن . علماً بأن الفلبين أبدت رغبتها في أن يتم تسفيرني من أمريكا اليها عندما كنت سجيناً في أمريكا و قد طلبت الحكومة الأمريكية منهم أدلة على ادعاءاتهم إلا أنهم لم يقدموا أي دليل لأنهم لا يملكون أي دليل .

439 - مرة أخرى نفس الادعاء و أنا أطالب بنفس الطلب وهو الدليل على هذا الادعاء و الذي يدعون فيه أن فرع مكتب الهيئة في الفلبين عمل كمركز لتمويل الإرهاب في العالم عليهم أن يأتوا بواحد من هؤلاء الذين تدربوا في مكتب الهيئة في الفلبين أو دليل دعم المكتب لأي من هذه الأعمال التي يدعونها.

فيما يتعلق بالمؤامرة التي يدعونها لإغتيال الرئيس كلنتن و البابا و تعجير 12 طائرة أمريكية فإنه تم اقاء القبض على المتهمين الرئيسيين لهذه القضية عندما كنت سجيناً في أمريكا و تم التحقيق معهم في تلك الأثناء و لم تثبت أي علاقة لي معهم في هذا

الخصوص فما هذه إلا افتراءات أخذت من مقالات صحفية لا تستند إلى أي دليل يذكر. وقد نفيت ذلك مراراً في الصحف الفلسطينية وغيرها.

الخلاصة: إن مكتب الهيئة و أعماله في الفلبين كانت كلها قانونية و تحت بصير و سمع السفارة السعودية و بالتعاون المباشر مع الجهات الفلسطينية الحكومية و بالأخص وزارة الخارجية الفلسطينية و وزارة الشؤون الإجتماعية و البوليس و الجيش الفلبيني و غيرها من الجهات المعنية، و كل ما قيل من ادعاءات فهو باطل لا أساس له من الصحة و لا علاقة لي بأي جهة من الجهات المذكورة و لعل الخطاب الذي أرسلته إلى رئيسة الفلبين سنة 2001 قبل أحداث 11 سبتمبر يبين بوضوح موقفي من هذه الجماعات. و لا علاقة لي بأسامة بن لادن إلا المصاهرة فقط بل كل من كان في بيشاور سنة 1986 و يعرفني و يعرف علاقتي بأسامة يعرف أنني اختلفت معه و افترقنا منذ ذلك التاريخ و إلى الآن.

هذا و الله المستعان على ما يصفون ... أها ننا الله جميعاً على رد هؤلاء المقترين و نصرنا عليهم انه مميح محيب .

جمال احمد خليفة

2004/4/6  
1/2

13-Jul-10

I **Louay Abdulla** hereby certify that, to the best of my knowledge, the translation and proofreading of files **Khalifa (FIRO)** and **al alam al islami\_19920427\_01** are accurate representations of the source files.

Signed *Louay Abdulla*

Date 7/13/2010



**FROM THE OFFICE OF PUBLIC AFFAIRS**

January 22, 2004  
JS-1108

**Treasury Announces Joint Action with Saudi Arabia Against Four Branches of Al-Haramain In The Fight Against Terrorist Financing**

Once again, the United States and Saudi Arabian governments are joining together to ask the United Nations' 1267 Sanctions Committee to add four branches of the Al-Haramain Islamic Foundation to its consolidated list of terrorists tied to al-Qaida, Usama bin Laden and the Taliban. Today's designation of the Al-Haramain branches in Indonesia, Kenya, Tanzania, and Pakistan under Executive Order 13224 is the latest in a series of public joint actions with our ally in the war on terrorist financing. These branches have provided financial, material and logistical support to the al-Qaida network and other terrorist organizations.

"The United States and Saudi Arabia share a deep commitment to fighting the spread of terrorism in all its forms. The branches of al Haramain that we have singled out today not only assist in the pursuit of death and destruction; they deceive countless people around the world who believe that they have helped spread good will and good works. By working together to take action today and calling on the United Nations to do the same, our two countries send a clear message: those who hide intentions of terror behind a veil of benevolence and charity will not escape justice from the international community," said Secretary John W. Snow.

The Saudi government in 2003 ordered Al-Haramain to close all of its overseas branches. Al-Haramain stated it closed branches in Indonesia, Kenya, Tanzania, and Pakistan, but continued monitoring by the United States and Saudi Arabia indicates that these offices and or former officials associated with these branches are either continuing to operate or have other plans to avoid these measures. The actions by the Bosnia-Herzegovina branch, designated in March 2002, to reconstitute itself and continue operations under the name, "Vazir," is one example. Similarly, the Indonesian branch of Al-Haramain has attempted to operate under an aka.

The four branches being designated today are only the most recent of Al-Haramain's overseas branches to be investigated, and the U.S. remains committed to ensuring that the branches of this charity can not be used to support terrorism. The Saudi Arabian government has informed the host countries that these entities are not Saudi entities and should be treated appropriately under local law. Designation at the UN triggers international obligations on all member countries, requiring them to take steps to ensure that these offices can not continue to use their remaining infrastructure or finances to fund or otherwise support terrorism. It is also a critical action to publicly identify these supporters of terrorism, providing warning to other entities that they are prohibited from doing business with them.

The Treasury Department is committed to stopping terrorism by taking action against those who fund it. With this designation, 350 individuals and entities will have been designated under President Bush's Executive Order aimed at freezing the assets of terrorists and their supporters - Executive Order 13224. At least \$139 million in assets has been kept out of the control of terrorists as a result of efforts by the United States and its allies.

Blocking actions are critical to combating the financing of terrorism. When an action is put into place, any assets that assets exist in the formal financial system at the

<http://www.treasury.gov/press/releases/js1108.htm>

10/29/2009

time the orders are frozen. Blocking actions serve additional functions as well, e.g., they act as a deterrence for non-designated parties who might otherwise be willing to finance terrorist activity; expose terrorist financing "money trails" that may generate leads to previously unknown terrorist cells and financiers; disrupt terrorist financing networks by encouraging designated terrorist supporters to disassociate themselves from terrorist activity and renounce their affiliation with terrorist groups; terminate terrorist cash flows by shutting down the pipelines used to move terrorist-related assets; force terrorist to use alternative, more costly, and higher-risk means of financing their activities; and engender international cooperation and compliance with obligations under UN Security Council Resolutions.

The United States works to preserve the sanctity of charitable giving and the value of humanitarian aid provided by charities of all faiths. In this context, we are working to identify those charities that are abusing the trust of their donors. In addition to today's designation's over 10 charities have been designated by the United States because of their support to terrorism, including

- The Holy Land Foundation for Relief and Development (based in U.S.) (December 2001)
- Two Al-Haramain Branches (Bosnia-Herzegovina/Somalia) (March 2002)
- Global Relief Foundation (U.S.) (October 2002)
- Benevolence International Foundation (U.S.) (January 2003)
- Al Aqsa Foundation (Germany/Europe) (May 2003)
- Commite de Bienfaisance et de Secours aux Palestiniens (France) (August 2003)
- Association de Secours Palestinien (Switzerland) August 2003)
- Interpal (United Kingdom) (August 2003)
- Palestinien Association in Austria (Austria) (August 2003)
- Sanibil Association for Relief and Development (Lebanon)
- Al Akhtar Trust (Pakistan) (October 2003) (Al Akhtar was assuming a role that had been held by the Al Rasheed Trust, another Pakistan-based charity that was designated as part of the annex to E.O. 13224).

Like the United States, the Saudis have been victims of al-Qaida. They are an important partner in the war on terrorist financing, and have taken important and welcome steps to fight terrorist financing.

- The Saudis worked with the United States to establish a U.S.-Saudi task force in
- Riyadh focused on combating terrorist financing and establishing initiatives to better regulate charities.
- On March 11, 2002, the United States and Saudi Arabia enacted the first joint designation by blocking the funds of the Somalia and Bosnia-Herzegovina branches of Al-Haramain because these branches were diverting charitable funds to terrorism. When it became apparent that Al-Haramain was continuing to operate under a new name in Bosnia-Herzegovina, the United States and Saudi Arabia joined in asking the UN to add the a/k/a, "Vazir," to the consolidated list.
- In August of 2002, Saudi Arabia joined the U.S. in the designation of Wa'el Julaidan, a key terrorist financier who had known associations with Usama bin Laden and headed several non-governmental organizations that provided financial and logistical support to al-Qaida.
- Saudi Arabia also supported the addition of the Jeddah-based terrorist financier, Yasin Al-Qadi, to the UN's consolidated list in October 2001.

#### Basis for Designation

Information in the possession of the U.S. government indicates these offices have provided financial, material and logistical support to Usama bin Laden's (UBL's) al-Qaida network and other terrorist organizations. These branches are subject to designation under Executive Order 13224 pursuant to paragraphs (d) (i) and (d) (ii) based on a determination that they assist in, sponsor or provide financial, material, or technological support for, or financial or other services to or in support of, or are otherwise associated with, persons listed as subject to E.O. 13224. Because this support is being provided to Usama bin Laden, al-Qaida, and/or the Taliban, these

branches also meet the standard to be included on the United Nations' 1267 Sanctions Committee's consolidated list. In addition to requiring UN Member States to freeze assets without delay, inclusion on this list triggers obligations to implement other sanctions, such as a travel ban and arms embargo.

#### **AL-HARAMAIN FOUNDATION (INDONESIA)**

- In 2002, money purportedly donated by AHF for humanitarian purposes to non-profit organizations in Indonesia was possibly diverted for weapons procurement, with the full knowledge of AHF in Indonesia.
- Using a variety of means, AHF has provided financial support to al-Qaida operatives in Indonesia and to Jemaah Islamiyah (JI). According to a senior al-Qaida official apprehended in Southeast Asia, Omar al-Faruq, AHF was one of the primary sources of funding for al-Qaida network activities in the region. The U.S. has designated JI, and the 1267 Committee has included it on its list, because of its ties to al-Qaida. JI has committed a series of terrorist attacks, including the bombing of a nightclub in Bali on October 12, 2002 that killed 202 and wounded over 300.

#### **AL-HARAMAYN FOUNDATION (KENYA & TANZANIA)**

- Information available to the US shows that AHF offices in Kenya and Tanzania provide support, or act for or on behalf of AIA and Al-Qaida. AIAI shares ideological, financial and training links with al-Qaida and financial links with several NGOs and companies, including AHF, which is used to transfer funds. AIAI also has invested in the "legitimate" business activities of AHF.
- As early as 1997, U.S. and other friendly authorities were informed that the Kenyan branch of AHF was involved in plotting terrorist attacks against Americans. As a result, a number of individuals connected to AHF in Kenya were arrested and later deported by Kenyan authorities.
- In August 1997, an AHF employee indicated that the planned attack against the U.S. Embassy in Nairobi would be a suicide bombing carried out by crashing a vehicle into the gate at the Embassy. A wealthy AHF official outside East Africa agreed to provide the necessary funds. Information available to the U.S. shows that AHF was used as a cover for another organization whose priorities include dislike for the U.S. Government's alleged anti-Muslim stance and purposed U.S. support for Christian movements fighting Islamic countries.
- Also in 1997, AHF senior activities in Nairobi decided to alter their (then) previous plans to bomb the U.S. Embassy in Nairobi and instead sought to attempt the assassination of U.S. citizens. During this time period, an AHF official indicated he had obtained five hand grenades and seven "bazookas" from a source in Somalia. According to information available to the U.S., these weapons were to be used in a possible assassination attempt against a U.S. official.
- Information available to the U.S. shows that a former Tanzanian AHF Director was believed to be associated with UBL and was responsible for making preparations for the advance party that planned the August 7, 1998, bombings of the U.S. Embassies in Dar Es Salaam, Tanzania, and Nairobi, Kenya. As a result of these attacks, 224 people were killed.
- Shortly before the dual-Embassy bombing attacks in Kenya and Tanzania, a former AHF official in Tanzania met with another conspirator to the attacks and cautioned the individual against disclosing knowledge of preparations for the attacks. Around the same time, four individuals led by an AHF official were arrested in Europe. At that time, they admitted maintaining close ties with EIJ and Gamma Islamiyah.

- Wadih el-Hage, a leader of the East African al-Qaida cell and personal secretary to UBL, visited the Kenya offices of AHF before the 1998 dual-embassy attacks. Searches conducted by authorities revealed that el-Hage possessed contact information for a senior AHF official who was head of AHF's Africa Committee, the overseeing authority for AHF's offices in Kenya and Tanzania.
- In early 2003, individuals affiliated with AHF in Tanzania discussed the status of plans for an attack against several hotels in Zanzibar. The scheduled attacks did not take place due to increased security by local authorities, but planning for the attacks remained active.
- Information made available to the U.S. as shows that AHF offices in Kenya and Tanzania provide support, or act for or on behalf of al-Qaida and AIM.

#### AL-HARAMAIN FOUNDATION (PAKISTAN)

- Sometime in 2000, an AHF representative in Karachi, Pakistan met with Zelnikhan Yandarbiev. The U.S. has designated Yandarbiev, and the 1267 Committee has included him on its list because of his connections to al-Qaida. The AHF representative and Yandarbiev reportedly resolved the issue of delivery to Chechnya of Zenit missiles, Sting anti-aircraft missiles, and hand-held anti-tank weapons.
- Before the removal of the Taliban from power in Afghanistan, the AHF in Pakistan supported the Taliban and other groups. It was linked to the UBL-financed and designated terrorist organization, Makhtab al-Khidemat (MK). In one instance, some time in 2000, the MK director instructed funds to be deposited in AHF accounts in Pakistan and from there transferred to other accounts.
- At least two former AHF employees who worked in Pakistan are suspected of having al-Qaida ties. One AHF employee in Pakistan is detained at Guantanamo Bay on suspicion of financing al-Qaida operations. Another former AHF employee in Islamabad was identified as an alleged al-Qaida member who reportedly planned to carry out several devastating terrorist operations in the United States. In January 2001, extremists with ties to individuals associated with a fugitive UBL lieutenant were indirectly involved with a Pakistani branch of the AHF.
- As of late 2002, a senior member of AHF in Pakistan, who has also been identified as a "bin Laden facilitator," reportedly operated a human smuggling ring to facilitate travel of al-Qaida members and their families out of Afghanistan to various other countries.
- AHF in Pakistan also supports the designated terrorist organization, Lashkar E-Taibah (LET).

#### Identifier Information

**AL-HARAMAIN FOUNDATION (INDONESIA)**  
 Lembaga Pelayanan Pesantren & Studi Islam  
 Jl. Jati Padang II, No. 18-A  
 Jakarta Selatan 12540 Indonesia  
 Tel. 021-789-2870, Fax 021-780-0188  
 a/k/a YAYASAN AL-MANAHIL-INDONESIA  
 Jalan Laut Sulawesi Blok DII/4  
 Kavling Angkatan Laut Duren Sawit  
 Jakarta Timur 13440 Indonesia  
 Tel. 021-8661-1265 and 021-8661-1266  
 Fax 021-8620174

**AL-HARAMAYN FOUNDATION (KENYA)**  
 1-Nairobi, Kenya

2-Garissa, Kenya  
3-Dadaab, Kenya

**AL-HARAMAYN FOUNDATION (TANZANIA)**

1-P.O. Box 3616; Dar es Salaam, Tanzania  
2 -Tanga  
3 -Singida

**AL-HARAMAIN FOUNDATION (PAKISTAN)**

House #279, Nazimuddin Road, F-10/1, Islamabad, Pakistan

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June 19, 2008  
HP-1043

#### Treasury Designates Al Haramain Islamic Foundation

**Washington** - The U.S. Department of the Treasury today designated the Al Haramain Islamic Foundation (AHF) for having provided financial and material support to al Qaida, as well as a wide range of designated terrorists and terrorist organizations.

Today's action targets the entirety of the AHF organization, including its headquarters in Saudi Arabia. Evidence demonstrates that the AHF organization was involved in providing financial and logistical support to the al Qaida network and other terrorist organizations designated by the United States and the United Nations.

Between 2002-2004, the United States designated thirteen AHF branch offices operating in Afghanistan, Albania, Bangladesh, Bosnia & Herzegovina, Comoros Islands, Ethiopia, Indonesia, Kenya, Netherlands, Pakistan, Somalia, Tanzania, and the United States.

Several of these branch offices have also been designated by the United Nations 1267 Committee based on evidence of their support for al Qaida. The United States and United Nations also designated in 2004 the former leader of AHF, Aqeel Abdelaziz Al-Aqil.

The Kingdom of Saudi Arabia joined the United States in designating several branch offices of AHF and, due to actions by Saudi authorities, AHF has largely been precluded from operating in its own name.

Despite these efforts, AHF leadership has attempted to reconstitute the operations of the organization, and parts of the organization have continued to operate.

Al Haramain Foundation was designated today under Executive Order 13224, which targets terrorists and those providing financial, technological, or material support to terrorists or acts of terrorism. Assets held by any office of the AHF organization under U.S. jurisdiction are frozen and U.S. persons are prohibited from engaging in any transactions with AHF.

For more information on the actions taken against Al Haramain Foundation, please visit the following link: [http://www.treasury.gov/offices/enforcement/key-issues/protecting-charities\\_execorder\\_13224-a.shtml#ahbranches](http://www.treasury.gov/offices/enforcement/key-issues/protecting-charities_execorder_13224-a.shtml#ahbranches).

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<http://www.ustreas.gov/press/releases/hp1043.htm>

10/29/2009

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DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

[redacted] b2

(U) MEMORANDUM FOR R. RICHARD NEWCOMB  
DIRECTOR  
OFFICE OF FOREIGN ASSETS CONTROL

(U) THROUGH: Mark D. Roberts *mdr* 6/1/04  
Chief, Foreign Terrorist Programs Division

(U) FROM: Foreign Terrorist Programs Division Officer [redacted] b6, b7c

(U) SUBJECT: Designation of AL-HARAMAIN FOUNDATION (AHF) branches in Afghanistan, Albania, Bangladesh, Ethiopia, and The Netherlands, and AHF's leader AL-AQIL pursuant to the authorities of E.O. 13224

(U) ENTITIES:

(U) AL-HARAMAIN FOUNDATION Afghanistan Branch:  
Afghanistan [Source: [www.ariyadh.com](http://www.ariyadh.com), accessed on 12/23/2003, Exhibit 52]

(S) AL-HARAMAIN FOUNDATION Albania branch:  
Irian Tomini Street, #58, Tirana, Albania [redacted] b1, b5

(S) AL-HARAMAIN FOUNDATION Bangladesh branch:  
House 1, Road 1, S-6, Uttara, Dhaka, Bangladesh [Source: STATE 089240, Exhibit 107]  
(declassified)

(S) AL-HARAMAIN FOUNDATION Ethiopia branch:  
Woreda District 24, Kebele Section 13, Addis Ababa, Ethiopia [redacted] b1, b5

Derived from multiple sources  
Declassify on: [redacted] b2

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(S) **AL-HARAMAIN FOUNDATION** The Netherlands branch  
(a.k.a. STICHTING AL HARAMAIN HUMANITARIAN AID):  
Jan Hanzenstraat 114, 1053SV, Amsterdam, The Netherlands [Source: STATE 089240, Exhibit 107; THE HAGUE 000771, Exhibit 108]<sup>1</sup> (declassified)

(U) INDIVIDUAL:

(U) Aqeel Abdelaziz AL-AQIL  
DOB: 4/29/1949  
[Source: b1, b5 Exhibit 33] (declassified)

(U) INTRODUCTION:

(U) President Bush issued Executive Order 13224 (E.O.) on September 23, 2001 declaring a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania,

<sup>2</sup> (U) The above entities are proposed for designation. Additional AHF entities, including its Headquarters, are identified below. (As discussed in the evidentiary below, some AHF entities have already been designated, or in the case of the U.S. AHF entities, blocked pending investigation. These entities are in bold and italics respectively.)

b1, b2

(U) P.O. Box 69606  
Riyadh, Saudi Arabia 11557  
[Source: www.ariyadh.com, accessed on 12/23/2003, Exhibit 52]

b1, b2

(U) In the United States, AHF is located or maintains a mailing address at the following locations:

(U) *1257 Siskiyou Blvd.*  
*Ashland, OR 97520*

(U) *3800 Highway 99 S, Ashland, OR 97520-8718*  
[Source: Exhibit 88]

(U) *2151 E Division St.,*  
*Springfield, MO 65803*  
[Source: Exhibit 87; United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

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and the Pentagon. The E.O. authorizes the Secretary of the Treasury, in consultation with the Secretaries of State and Homeland Security,<sup>2</sup> and the Attorney General, to designate those persons determined to be:

- 1) (U) owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the E.O., or those determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the E.O.;
- 2) (U) assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to E.O. 13224 or determined to be subject to the E.O.; or
- 3) (U) associated with those persons listed in the Annex, or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the E.O.

(U) The following evidence in the files of the Office of Foreign Assets Control provides reason to believe that the above-named entities and individual satisfy the criteria for designation pursuant to Executive Order 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism."

(U) OVERVIEW

(U) AL-HARAMAIN FOUNDATION (AHF)<sup>3</sup>

(S) [REDACTED] The Al Qaida-affiliated AHF offices in Bosnia and Somalia were designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]<sup>4</sup> At the time, the Saudi Arabia-based headquarters of the organization and other branch offices were not identified publicly as supporting terrorist activity;

[REDACTED] Following about a year of consultations between the United States and [REDACTED] the United States and designated additional AHF offices in Indonesia, Kenya, Tanzania and Pakistan pursuant to the authorities of E.O. 13224. This action was based on evidence that these branches provided support to Specially Designated Global Terrorist organizations including Al Qaida, Jemaah Islamiyah, Al-Ittihad al-Islamiya and others. [Source: U.S. Department of Treasury, Press Room, January 22, 2004, Exhibit 99] The administrative records supporting these designations are incorporated into this document by this reference.

<sup>2</sup> (U) E.O. 13224 was amended by E.O. 13284 (January 23, 2003) by adding the Secretary of Homeland Security to the consultative process.

<sup>3</sup> (U) AHF is headquartered in Saudi Arabia and has maintained over fifty other offices throughout the world. The legal basis for OFAC to designate and block the assets of AHF in Afghanistan, Albania, Bangladesh, Ethiopia, and The Netherlands, rests on evidence providing reason to believe that the entire AHF organization, including the activities of AHF in the locations above, meet criteria for designation pursuant to the authorities of E.O. 13224.

<sup>4</sup> (U) Subsequent to the designation, AHF in Bosnia reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98]

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[REDACTED]

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b1

[REDACTED]

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[REDACTED]

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(U) AHF HEADQUARTERS CONTROL OF ORGANIZATION

[REDACTED]

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[REDACTED] b1, b7d

(S)

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Yet according to a Saudi news report, AL-AQIL reportedly stated, "I resigned willingly. I wanted to give new blood a chance to assume the responsibilities, since I have personal business that I need to attend to. I have not left the organization, I have just resigned as General Manager. I will stay on as an active member and as an advisor," according to diplomatic reporting.

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RIYADH 000164, Exhibit 72; [REDACTED] Exhibit 97; See also FBIS, London Al-Hayah in Arabic, January 8, 2004, Exhibit 104]

(S)

Among the reasons for AL-AQIL's removal was his "absolute centralization" of AHF, according to a Saudi news report. [Source: FBIS, London Al-Hayah in Arabic, January 8, 2004, Exhibit 104] Mansour Al-Kadi, [REDACTED] cited AL-AQIL's "autocratic and centralist governance" of AHF as the main reason for his resignation, according to an Arabic language posting on an Internet forum.

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Al-Kadi's purported posting on the Internet identifies AL-AQIL as the "only individual with final decision making on spending... and the one with the authority to hire employees, even if it is just a janitor..." [Source: <http://alsaha-fares.net/>, Exhibit 106] As set forth below, the AHF headquarters, under Al-Aqil's leadership, provided funding and instructions that governed the activities of AHF throughout the world including in Bosnia, Albania, Iraq, the United States, and elsewhere.

[REDACTED] b1, b2

[REDACTED] b1, b5, b7d

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[Source: 001094, Exhibit 47, AHE Tax Form 920, 2001, Exhibit 39]

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As of March 2004, AL-AQIL, and his deputy Mansour Al-Kadi, were identified as board members of AHF in The Netherlands, according to diplomatic reporting. [Source: THE HAGUE 000771, Exhibit 108]

(U) IRAQ and SOMALIA

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<sup>8</sup> (U) AHF's Bosnia office was designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]

<sup>9</sup> (U) Subsequent to the designation of AHF in Bosnia, it reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98]

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(U) IRAN

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(U) UNITED STATES

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b4

On the U.S. AFH's tax form 990 for 2001 filed with the IRS, AL-AQIL is identified as the President, Al-Kadi as the Vice President, Al-Buthe as the Treasurer, and Seda as the Secretary. [Source: AHF Tax Form 990, 2001, Exhibit 39] The U.S. AHF branch's Articles of Incorporation and application to the IRS for tax-exempt status also list AL-AQIL and Al-Kadi as members of the board of directors. [United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

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On February 18, 2004, Federal law enforcement authorities executed a search warrant against property purchased on behalf of AHF in Ashland, Oregon. The search was conducted pursuant to a criminal investigation into possible

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(U) This is corroborated by a May 26, 2003 interview Seda gave to the St. Louis Post-Dispatch.

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violations of the Internal Revenue Code, the Money Laundering Control Act and the Bank Secrecy Act. In a separate administrative action, OFAC blocked pending investigation AHF accounts and real property in the U.S. to ensure the preservation of AHF assets pending further investigation. [Source: U.S. Department of Treasury, Press Room, February 19, 2004, Exhibit 94; United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(U) ALBANIA AND KOSOVO

[redacted] b1, b5, b7d

[In 1998, the head of Egyptian Islamic Jihad (EIJ) in Albania was reportedly also the "accountant" for AHF in Albania, according to a French news report. [Source: FBIS, Paris Le Figaro in French, September 30, 1998, Exhibit 91] This individual, Ahmed Ibrahim al-Nagar, was reportedly extradited from Albania to Egypt in 1998. At his trial in Egypt, al-Nagar reportedly voiced his support for UBL and Al Qaida's terrorist attacks against the U.S. Embassies in Tanzania and Kenya, according to Agence France Presse. [Source: Agence France Presse, February 1, 1999, Exhibit 93]

[redacted] b1, b5, b7d

<sup>12</sup> (U) The National Liberation Army is designated pursuant to the authorities of E.O. 13304.

~~TOP SECRET~~ [redacted] b1, b5

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b1, b5

[REDACTED] b1, b5, b7d

(U) OTHER PARTS OF THE WORLD

[REDACTED] b1, b5, b7d

[REDACTED] b1, b7d

(TS) [REDACTED] b1, b5 AHF should be determined to be subject to Executive Order 13224 for the following reasons:

- AHF is owned or controlled by, or acts for or on behalf of, or is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, or is associated with Al Qaida.
- By providing instructions and support to AHF in Bosnia, AHF is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of AHF in Bosnia.
- By providing instructions to AHF in Somalia, AHF is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of AHF in Somalia.

(U) Aqeel Abdelaziz AL-AQIL

[REDACTED] b1, b2 The New York Times,

[REDACTED] b1, b5  
[REDACTED] b1, b2, b5

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b1, b5

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September 26, 2003, Exhibit 102]

[REDACTED] b1, b5  
[REDACTED] b1, b7d  
[REDACTED] b1, b5, b7d

AL-AQIL also is identified as AHF's President and Chairman. [Source: AHF Tax Form 990, 2001, Exhibit 39; The Sunday Oregonian, November 9, 2003, Exhibit 103; FBIS, London Al-Hayah in Arabic, March 1, 2004, Exhibit 105]

ds [REDACTED] b1, b5  
[REDACTED] b1, b5 Yet according to a Saudi news report, AL-AQIL reportedly stated, "I resigned willingly. I wanted to give new blood a chance to assume the responsibilities, since I have personal business that I need to attend to. I have not left the organization. I have just resigned as General Manager. I will stay on as an active member and as an advisor." [REDACTED] b1, b5, b7d

RIYADH 000164, Exhibit 72; [REDACTED] b1, b5 See also FBIS, London Al-Hayah in Arabic, January 8, 2004, Exhibit 104]

(S) Among the reasons for AL-AQIL's removal was his "absolute centralization" of AHF, according to a Saudi news report. [Source: FBIS, London Al-Hayah in Arabic, January 8, 2004, Exhibit 104] Mansour Al-Kadi [REDACTED] b1, b5 cited AL-AQIL's "autocratic and centralist governance" of AHF as the main reason for his resignation, according to an Arabic language posting on an Internet forum. [REDACTED] b1, b2  
[REDACTED] b1, b2 Al-Kadi's purported posting on the Internet identifies AL-AQIL as the "only individual with final decision making on spending...and the one with the authority to hire employees, even if it is just a janitor..." [Source: <http://alsaha.fares.net/>, Exhibit 106] As set forth below, the AHF headquarters, under Al-Aqil's leadership, provided funding and instructions that governed the activities of AHF throughout the world including in Bosnia, Albania, Iraq, the United States, and elsewhere.

[REDACTED] b1, b7d

15 (S) [REDACTED] b1, b5  
[REDACTED] b1, b5  
001094, Exhibit 47; AHF Tax Form 990, 2001, Exhibit 39; [REDACTED] b1, b5  
[REDACTED] b1, b5  
[REDACTED] b1, b5

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[REDACTED] b1, b5

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b1, b5

(U) AL-AQIL should be determined to be subject to Executive Order 13224 for the following reasons:

- By serving as AHF's leader, AL-AQIL controls, or acts for or on behalf of, or is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, or is associated with AHF.

(U) Mansour bin Abdul Rahman Al-Kadi

b1, b5

b1, b5, b7d

(S) Hisham Al-Mashari

b1, b5, b7d

(S) Following the designation of the Al Qaida-affiliated AHF Bosnia office,<sup>18</sup> and the subsequent raid of the Bosnia AHF office by Bosnian authorities on June 3, 2002.

b1  
b1, b7d

<sup>18</sup> (U) AHF's Bosnia office was designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]

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b1, b5

b1, b7d See also evidentiary supporting the designation of the a/k/a for AHF in Bosnia, "Vazir."

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b1, b7d

Abd-al-Rahman [M.K. Al-Aqil]

b1, b5, b7d

<sup>19</sup> (U) Subsequent to the designation of AHF in Bosnia, it reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98]

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b1, b5

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DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

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## OFFICE OF FOREIGN ASSETS CONTROL

SPECIAL DESIGNATION AND BLOCKING MEMORANDUM

The Office of Foreign Assets Control, pursuant to Executive Order 13224 of September 23, 2001, as amended ("Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"), section 203 of the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 201 of the Global Terrorism Sanctions Regulations (31 C.F.R. 594.201) determines, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that there is reason to believe that the entities and individual named below and in the attached evidentiary memorandum meet the criteria for designation set forth in section(s) 1(c) and/or (d) of Executive Order 13224 and therefore are designated as persons whose property and interests in property are blocked pursuant to Executive Order 13224, as amended.

AL-HARAMAIN FOUNDATION Afghanistan Branch:  
Afghanistan

AL-HARAMAIN FOUNDATION Albania Branch:  
Ifiran Tomini Street, #58, Tirana, Albania

AL-HARAMAIN FOUNDATION Bangladesh Branch:  
House 1, Road 1, S-6, Uttara, Dhaka, Bangladesh

AL-HARAMAIN FOUNDATION Ethiopia Branch:  
Woreda District 24, Kebele Section 13, Addis Ababa, Ethiopia

AL-HARAMAIN FOUNDATION The Netherlands Branch  
(a.k.a. STICHTING AL HARAMAIN HUMANITARIAN AID):  
Jan Hanzénstraat 114, 1053SV, Amsterdam, The Netherlands

AL-AQIL, Aqeel Abdelaziz; DOB 29 Apr 1949.

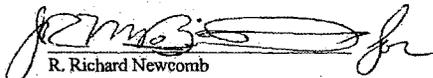
Accordingly, except to the extent otherwise provided by law or unless licensed or otherwise authorized by the Office of Foreign Assets Control, (1) all real, personal, and any other property and interests in property of the individual and entities named above, including but not limited to all accounts, that are or hereafter come within the United States or that are or hereafter come within the possession or control of any U.S. person are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in, and (2) any transaction or dealing by a U.S. person or within the United States in property or interests in property of the individual named above is

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prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to Executive Order 13224, as amended, or determined to be subject to that order. Except as authorized by OFAC, any transaction by a U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in Executive Order 13224, as amended, is prohibited, and any conspiracy formed to violate any of those prohibitions is prohibited.

The President determined in section 10 of Executive Order 13224, as amended, that, because of the ability to transfer funds or assets instantaneously, prior notice to persons listed in the Annex to that order or determined to be subject to that order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the order. Therefore, the President determined that there need be no prior notice of such a listing or determination. In making this determination pursuant to section 1 of Executive Order 13224, as amended, I also find that no prior notice should be afforded to the individual or entities named above because to do so would provide an opportunity to evade the measures described in that order and, consequently, would render those measures ineffectual toward addressing the national emergency declared in that order.

6/02/04  
Date

  
R. Richard Newcomb  
Director  
Office of Foreign Assets Control



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EF: (A)STATE 82786 (NOTAL), (B)RIYADH 1974 (NOTAL) (C) RIYADH 1858 (NOTAL), (D)STATE 80425 (NOTAL), (E) STATE 4281

U) CLASSIFIED BY EB A/S E. ANTHONY WAYNE BASED UPON REASONS 1.4 (B) AND (D).

(S) SUMMARY. THIS IS AN URGENT ACTION CABLE; SEE PARAGRAPH 2. ON APRIL 29, THE USG INTENDS TO DESIGNATE DOMESTICALLY THE AL-HARAMAIN ISLAMIC FOUNDATION ("AL-HARAMAIN") BRANCH OFFICES IN AFGHANISTAN, ALBANIA, BANGLADESH, ETHIOPIA, AND THE NETHERLANDS. SINCE THE ABOVE-LISTED ENTITIES ARE ASSOCIATED WITH AL QAIDA, ON APRIL 29 THE UNITED STATES AND SAUDI ARABIA INTEND TO JOINTLY REQUEST THE UN 1267 SANCTIONS COMMITTEE TO ADD THEM TO ITS CONSOLIDATED LIST OF INDIVIDUALS/ENTITIES SUBJECT TO INTERNATIONAL SANCTIONS, INCLUDING ASSET

FREEZES. AT THE JOINT REQUEST OF THE UNITED STATES AND SAUDI ARABIA, THE 1267 COMMITTEE ADDED TO ITS LIST THE SOMALIA AND BOSNIA-HERZEGOVINA OFFICES OF AL-HARAMAIN ON MARCH 11, 2002 AND AL-HARAMAIN OFFICES IN INDONESIA, KENYA, TANZANIA, AND PAKISTAN ON JANUARY 22, 2004. ACTION POSTS ARE REQUESTED TO INFORM THEIR HOST GOVERNMENTS OF THEIR PLANS AND TO SEEK THEIR SUPPORT. THE USG IS ALSO PLANNING TO DESIGNATE THE FORMER LEADER OF THE AL-HARAMAIN FOUNDATION, MOEEL ABDUL AZIZ AL AQIL, AND PROPOSE HIS NAME FOR ADDITION TO THE CONSOLIDATED LIST. END SUMMARY.

(C) ACTION ADDRESSEES ARE INSTRUCTED TO SHARE WITH HOST GOVERNMENTS, ON A CLOSE HOLD, CONFIDENTIAL BASIS, THE INFO PROVIDED IN PARA 4 AND THE BACKGROUND PAPER IN PARA 5. POSTS SHOULD ALSO DRAW FROM THE POINTS AT PARA 5 IN PREPARING DEMARCHES; POINTS FOR RIYADH ARE IN PARA 6. LINKING POINTS SHOULD BE ADAPTED TO LOCAL CIRCUMSTANCES. POSTS ARE URGED TO MAKE APPROACHES TO HOST GOVERNMENTS AS SOON AS POSSIBLE IN ORDER TO MAXIMIZE COUNTRIES' ABILITIES TO FREEZE ASSETS IF LOCATED. UPON RECEIPT OF THIS MESSAGE, USUN IS AUTHORIZED TO SHARE BACKGROUND AND LINKING POINTS AND BEGIN CONSULTATIONS WITH 1267 COMMITTEE MEMBERS THAT ARE BEING PRENOTIFIED IN CAPITALS. USUN IS SO AUTHORIZED TO TAKE SIMILAR ACTIONS WITH COMMITTEE MEMBERS THAT ARE NOT/NOT BEING PRENOTIFIED IN CAPITALS IF IN ITS JUDGMENT THIS IS NECESSARY AND PRUDENT.

(C) POSTS ARE REQUESTED TO ADVISE DEPARTMENT BY IMMEDIATE CABLE OF ANY SUBSTANTIVE REACTION AND STEPS TAKEN BY HOST GOVERNMENTS. CABLES SHOULD BE SLUGGED FOR ESC/TFS (GGLASS), S/CT (TNAVRAITL), NEA/ARP (EFFERNAN), REGIONAL BUREAUS, IO/PHO (APEREZ), NSC (BYERS), TREASURY (JZARATE), AND OFAC (RNEWCOMB). ABE USE "TERRORIST FINANCE: ADDITIONAL HARAMAIN

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DESIGNATIONS" ON THE SUBJECT LINE. A LIST NUMBER WILL BE  
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BT  
S E C R E T SECTION 02 OF 10 STATE 089240

E.O. 12958: DNG: CO 04/15/15  
TAGS: EITC, EPIN, PTER, PREL, LVPR, CVIS  
SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF  
DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

ASSIGNED IN AN ALDAC AT THE TIME OF THE ACTUAL  
DESIGNATIONS.

(SBU - RELEASABLE TO HOST GOVERNMENT AT ACTION  
OSTS):

AMES OF ENTITIES

HF IN AFGHANISTAN

HF IN ALBANIA (LAST KNOWN ADDRESS):

IFAN TOMINI STREET, #58  
IRANA, ALBANIA

ONE 355-04-234-637

F IN BANGLADESH:

JSE 1, ROAD 1, S-6  
ARA, DHAKA  
IGLADESH

IN ETHIOPIA (LAST KNOWN ADDRESS):

RDA DISTRICT 24 KEBELE SECTION 13  
IS ABBABA, ETHIOPIA

IN THE NETHERLANDS:

ATING UNDER THE NAME: "STICHTING AL HARAMAIN  
NITARIAN AID"  
HANZENSTRAAT 114, 1053SV

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page 4

AMSTERDAM, THE NETHERLANDS

PHONE 020-618-2645

NAME OF INDIVIDUAL

AQEEL ABDULAZIZ AL-AQIL:  
DOB 29 APR 19495. (S - RELEASABLE TO HOST GOVERNMENT AT ACTION ADDRESSEE  
POSTS)

BEGIN TALKING POINTS FOR ACTION ADDRESSEES EXCEPT RIYADH:

-- ON APRIL 27, THE UNITED STATES INTENDS TO DESIGNATE  
DOMESTICALLY AND FREEZE THE ASSETS OF FIVE BRANCH OFFICESOF THE AL-HARAMAIN ISLAMIC FOUNDATION AND OF AL-HARAMAIN'S  
FORMER LEADER, AQEEL ABDUL AZIZ AL AQIL.-- THE ABOVE-MENTIONED NAMES HAVE ENGAGED IN ACTIVITIES ON  
BEHALF OF AND IN SUPPORT OF AL QAIDA. THEREFORE, ON APRIL  
19 THE UNITED STATES INTENDS TO REQUEST THAT THE UN 1267  
SANCTIONS COMMITTEE ADD THEIR NAMES TO ITS CONSOLIDATEDT  
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S E C R E T SECTION 03 OF 10 STATE 089240

). 12958: DNG: CO 04/15/15  
IS: EITC, EFIN, PTER, PREL, LVPR, CVIS  
JECT: TERRORIST FINANCE: PRENOTIFICATION OF  
IGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICESI OF ENTITIES/INDIVIDUALS SUBJECT TO SANCTIONS  
(CLUDING ASSET FREEZE) THAT UN MEMBER STATES ARE  
(GATED TO IMPLEMENT PURSUANT TO RELEVANT UNSC  
OLUTIONS, INCLUDING 1267, 1333, AND MOST RECENTLY,  
I. SAUDI ARABIA INTENDS TO JOIN US IN SUBMISSION OF  
BRANCHES.HE AL-HARAMAIN BRANCH OFFICES IN BOSNIA, SOMALIA,  
NESIA, KENYA, TANZANIA, AND PAKISTAN ARE ALREADY

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INCLUDED IN THE UN 1267 COMMITTEE'S CONSOLIDATED LIST, LONG WITH AN A/K/A OF THE BOSNIAN OFFICE, VAZIR (OR VEZIR").

- THE UNITED STATES AND SAUDI ARABIA HAVE BEEN WORKING TOGETHER TO IDENTIFY INDIVIDUALS AND ORGANIZATIONS PROVIDING SUPPORT TO TERRORISTS. WE AGREE THERE IS COMPELLING INFORMATION INDICATING THAT BRANCH OFFICES OF THE AL-HARAMAIN ISLAMIC FOUNDATION, HEADQUARTERED IN RIYADH, SAUDI ARABIA, AND PERSONNEL LOCATED IN FOREIGN JURISDICTIONS OPERATING ON BEHALF OF AL-HARAMAIN, HAVE BEEN CORRUPTED TO SUPPORT TERRORISM.

-- WE ASK YOUR GOVERNMENT TO SUPPORT OUR JOINT ACTION WITH SAUDI ARABIA BY TAKING IMMEDIATE AND EFFECTIVE MEASURES, SIMILAR TO OUR OWN, TO FREEZE THE ASSETS OF THE ENTITIES WE INTEND TO DESIGNATE ON APRIL 29, AND TO SUPPORT THE U.S. ACTION ON THE INDIVIDUAL WE INTEND TO DESIGNATE ON APRIL 29.

- BECAUSE AL-HARAMAIN'S INTERNATIONAL OPERATIONS ACTIVITIES RANGE FROM FORMAL BRANCH OFFICE STRUCTURES TO SINGLE INDIVIDUALS ROTATING IN AND OUT OF COUNTRIES UNDER THE AUSPICES AND AUTHORITY OF AL-HARAMAIN, WE CAN NOT

PROVIDE THE TRADITIONAL IDENTIFYING INFORMATION IN EVERY CASE.

- WE URGE YOU, HOWEVER, TO CHECK CAREFULLY FOR OFFICES OR FINANCIAL ASSETS IN YOUR COUNTRY THAT BELONG TO THE AL-HARAMAIN ISLAMIC FOUNDATION, BASED IN RIYADH, SAUDI ARABIA, AND ENSURE THAT STEPS ARE TAKEN TO PREVENT INDIVIDUALS FROM USING THE NAME OR AUTHORITY OF AL-HARAMAIN TO PROVIDE FINANCIAL OR LOGISTICAL SUPPORT TO AL QAIDA AND OTHER TERRORISTS.

UN SECURITY COUNCIL RESOLUTIONS ON AL QAIDA/TALIBAN OPERATIONS (E.G., UNSCRS 1267, 1390 AND 1526) AND RESOLUTION 73 RESPECTIVELY CALL ON ALL UN MEMBER STATES TO FREEZE THE ASSETS OF DESIGNATED TERRORISTS AND TO SUPPRESS TERRORISM FINANCING GENERALLY.

WE HOPE YOU WILL SHARE WITH US INFORMATION CONCERNING ANY ACTIONS THAT YOU UNDERTAKE, INCLUDING THE BLOCKING OF ASSETS. IN ADDITION, WE WOULD WELCOME ANY INFORMATION THAT YOU WOULD LIKE TO SHARE WITH US REGARDING THE ACTIVITIES OF THESE ENTITIES IN YOUR COUNTRY.

TO AVOID THE FLIGHT OF ASSETS THAT MIGHT OTHERWISE

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BT  
 SECRET SECTION 04 OF 10 STATE 089240

INFO: 12958: DNG: CO 04/15/15  
 TAGS: BTTC, EFIN, PTER, PREL, LVPR, CVIS  
 SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF  
 DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

BECOME SUBJECT TO FREEZING. WE URGE YOU NOT TO DISCLOSE  
 PUBLICLY OR PRIVATELY THE PENDING DESIGNATIONS AND TO  
 CAREFULLY RESTRICT DISCUSSION AND MANAGEMENT OF THIS ISSUE  
 UNTIL THE ASSET FREEZE IS PUBLICLY ANNOUNCED BY THE UNITED  
 STATES.

... WE APPRECIATE THE CLOSE COOPERATION BETWEEN OUR  
 GOVERNMENTS IN THIS EFFORT AND YOUR WILLINGNESS TO FOREGO  
 ANY PUBLIC ANNOUNCEMENT OR DISCUSSIONS OF THIS ACTION  
 UNTIL AFTER IT IS ANNOUNCED IN THE UNITED STATES.

END TALKING POINTS

.. (S - RELEASABLE TO SAUDI GOVERNMENT)

TALKING POINTS FOR RIYADH:

- WE ARE PRENOTIFYING A NUMBER OF COUNTRIES ABOUT OUR  
 JOINT REFERRAL OF FIVE NEW AL-HARAMAIN BRANCH OFFICES TO  
 THE UN 1267 SANCTIONS COMMITTEE.

- WE ARE ALSO PRENOTIFYING THESE COUNTRIES ABOUT THE U.S.  
 INTENT TO DESIGNATE AQEEL ABDUL AZIZ AL AQIL AND TO SUBMIT  
 HIS NAME TO THE UN 1267 SANCTIONS COMMITTEE.

... WE SEE THIS AS AN IMPORTANT STEP IN OUR ONGOING EFFORTS  
 TO COOPERATE ON COMBATING THE FINANCING OF TERRORISM.

WE HOPE YOU WILL INSTRUCT YOUR UN MISSION TO COORDINATE  
 CLOSELY WITH OUR MISSION IN NEW YORK PRIOR TO OUR JOINT  
 MISSION ON APRIL 29.

WE LOOK FORWARD TO CONTINUING TO WORK WITH YOU IN THIS  
 IMPORTANT AREA. END TALKING POINTS FOR RIYADH

(SBU) BACKGROUND PAPER (RELEASABLE TO HOST GOVERNMENT)

END BACKGROUND PAPER

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DESIGNATION OF AL-HARAMAIN ISLAMIC FOUNDATION BRANCH OPERATIONS

AS THE LATEST IN OUR ACTIONS IN THE WAR ON TERRORIST FINANCING, THE UNITED STATES IS DESIGNATING FIVE BRANCH OFFICES OF THE AL-HARAMAIN ISLAMIC FOUNDATION (AL-HARAMAIN) AND ITS FORMER LEADER, AQEEL ABDULAZIZ AL-AQIL. SAUDI ARABIA WILL BE JOINTLY SUBMITTING THESE BRANCHES TO THE UNITED NATIONS' 1267 SANCTIONS COMMITTEE FOR ADDITION TO THE CONSOLIDATED LIST OF TERRORISTS TIED TO AL-QAIDA, ISAMA BIN LADEN AND THE TALIBAN. THESE BRANCH OPERATIONS AND AQEEL ABDULAZIZ AL-AQIL, THROUGH HIS CONTROL OF AL-HARAMAIN, HAVE PROVIDED FINANCIAL, MATERIAL, AND/OR LOGISTICAL SUPPORT TO THE AL QAIDA NETWORK AND OTHER TERRORIST ORGANIZATIONS.

ON MARCH 11, 2002, THE UNITED STATES AND SAUDI ARABIA INITIATED JOINT PUBLIC EFFORTS AGAINST TERRORIST SUPPORT

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SECRET SECTION 05 OF 10 STATE 089240

.O. 12958: DNG: CO 04/15/15  
TAGS: ETTC, EPIN, PTER, PREL, LVPR, CVIS  
SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

NETWORKS BY DESIGNATING AND BLOCKING THE FUNDS OF THE MALIA AND BOSNIA-HERZEGOVINA BRANCHES OF AL-HARAMAIN, BASED ON EVIDENCE THAT THESE BRANCHES WERE DIVERTING AVAILABLE FUNDS TO TERRORISM. IN 2003, THE SAUDI GOVERNMENT ORDERED AL-HARAMAIN TO CLOSE ALL OF ITS OVERSEAS BRANCHES. AL-HARAMAIN STATED IT DID CLOSE SEVERAL BRANCHES. BUT CONTINUED MONITORING BY THE UNITED STATES AND SAUDI ARABIA HAS INDICATED THAT SOME BRANCHES, THROUGH FORMER OFFICIALS ASSOCIATED WITH THESE BRANCHES, ARE EITHER CONTINUING TO OPERATE OR HAD OTHER PLANS TO DO SO. THESE MEASURES, ACTIONS BY THE BOSNIA-HERZEGOVINA SANCTIONS COMMITTEE, ADDED TO THE IN 1267 SANCTIONS COMMITTEE'S LIST IN MARCH 2002, TO RECONSTITUTE ITSELF AND CONTINUE OPERATIONS UNDER THE NAME, "VAZIR," IS ONE EXAMPLE. SIMILARLY, THE

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INDONESIAN BRANCH ALSO SOUGHT TO OPERATE UNDER AN ALIAS.

TO COUNTER THESE AND OTHER EFFORTS TO EVADE SCRUTINY AND SANCTIONS, ON DECEMBER 22, 2003, THE UNITED STATES AND SAUDI ARABIA ANNOUNCED THE DESIGNATION OF VAZIR, AS AN ALIAS FOR THE AL-HARAMAIN BRANCH IN BOSNIA-HERZEGOVINA. ON JANUARY 22, 2004, THE U.S. AND SAUDI ARABIA ANNOUNCED THE DESIGNATION OF AL-HARAMAIN BRANCHES IN INDONESIA, RWANDA, TANZANIA, AND PAKISTAN. THE SAUDI ARABIAN GOVERNMENT MADE IT CLEAR TO HOST COUNTRIES THAT THESE BRANCH OFFICES SHOULD NOT BE CONSIDERED SAUDI ENTITIES AND SHOULD BE TREATED APPROPRIATELY UNDER LOCAL LAW AND UNDER APPLICABLE UN SECURITY COUNCIL RESOLUTIONS.

OUR INTENT TO DESIGNATE FIVE ADDITIONAL BRANCHES AND THE FORMER AL-HARAMAIN LEADER IS THE RESULT OF ONGOING INVESTIGATIONS TO ENSURE THAT AL-HARAMAIN'S ORGANIZATIONAL STRUCTURE CANNOT BE USED TO SUPPORT TERRORISM.

BASED UPON THE FOLLOWING INFORMATION AND ADDITIONAL UNCLASSIFIED MATERIAL, WE ARE DESIGNATING AQEEL ABDULAZIZ AL-AQIL AND THE BRANCHES/OPERATIONS OF AL-HARAMAIN LOCATED IN:

- AFGHANISTAN
- ALBANIA
- BANGLADESH
- ETHIOPIA
- THE NETHERLANDS

WE ARE AWARE THAT FORMAL OPERATIONS OF AL-HARAMAIN IN BRANCHES LOCATED IN AFGHANISTAN, ALBANIA AND ETHIOPIA MAY HAVE BEEN CLOSED DOWN LARGELY THROUGH THE EFFORTS OF THE SAUDI GOVERNMENTS AND/OR SAUDI ARABIA. AT THE SAME TIME, HOWEVER, THERE IS A NEED TO MONITOR AND ENSURE THAT ANY REMAINING ASSETS OF THE CLOSED BRANCHES ARE NOT DIVERTED, NOT FROZEN AND PREVENTED FROM BEING USED TO SUPPORT TERRORISM. TO THAT END, AND UNDER ASSET-FREEZING MEASURES ENFORCED BY UNSCRS 1267/1390/1526 (THE AL QAIDA/TALIBAN SANCTIONS) AND UNSCR 1373 THESE COUNTRIES ARE BEING ASKED TO LOCATE AND FREEZE ANY ASSETS BELONGING TO AN ENTITY OR INDIVIDUAL OPERATING UNDER THE AUTHORITY OR AUSPICES OF AL HARAMAIN ISLAMIC FOUNDATION BASED IN RIYADH, SAUDI

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SECRET SECTION 06 OF 10 STATE 089240

E.O. 12958: DNG: CO 04/15/15  
AGS: EFTC, EFIN, PTER, PREL, LVPR, CUIS  
SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF  
DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

RABIA. INFORMATION IN THE POSSESSION OF THE U.S. GOVERNMENT INDICATES THAT THE FORMER LEADER OF AL-HARAMAIN, AQEEL ABDULAZIZ AL-AQIL, AND THE AL-HARAMAIN BRANCHES NOTED ABOVE HAVE PROVIDED FINANCIAL, MATERIAL AND/OR TECHNOLOGICAL SUPPORT TO USAMA BIN LADEN'S (UBL'S) AL QAIDA NETWORK AND OTHER DESIGNATED TERRORIST ORGANIZATIONS. SOME REPORTS INDICATE THAT AL-AQIL IS STILL IN A POSITION TO CONTROL OR INFLUENCE AL-HARAMAIN.

THIS INDIVIDUAL AND THESE ENTITIES ARE SUBJECT TO DESIGNATION UNDER U.S. EXECUTIVE ORDER 13224 PURSUANT TO SECTION (D) (I) AND (D) (II) BASED ON A DETERMINATION THAT:

-THEY ASSIST IN, SPONSOR OR PROVIDE FINANCIAL, MATERIAL, OR TECHNOLOGICAL SUPPORT FOR SUCH ACTS OF TERRORISM OR THOSE PERSONS LISTED IN THE ANNEX TO E.O. 13224;

-THEY PROVIDE FINANCIAL OR OTHER SERVICES TO OR IN SUPPORT OF SUCH ACTS OF TERRORISM OR THOSE PERSONS LISTED IN THE ANNEX TO E.O. 13224; OR

-THEY ARE OTHERWISE ASSOCIATED WITH PERSONS LISTED AS SUBJECT TO E.O. 13224.

BECAUSE THESE TARGETS PROVIDED SUPPORT TO UBL, AL QAIDA, AND/OR THE TALIBAN, THIS INDIVIDUAL AND THESE BRANCHES SO MEET THE STANDARD FOR INCLUSION IN THE UNITED STATES' 1267 SANCTIONS COMMITTEE'S CONSOLIDATED LIST. INCLUSION IN THE 1267 SANCTIONS COMMITTEE'S LIST TRIGGERS FINANCIAL AND INTERNATIONAL OBLIGATIONS ON ALL MEMBER COUNTRIES, REQUIRING THEM TO FREEZE THE ASSETS OF THESE ENTITIES - WHICH HAVE BEEN USED TO PROVIDE MATERIAL, FINANCIAL, OR TECHNOLOGICAL SUPPORT FOR DESIGNATED TERRORISTS - AND PREVENT FUNDS BEING MADE AVAILABLE TO THEM, IN EFFECT FORCING THE OFFICES TO CEASE OPERATIONS. EARLY IDENTIFYING THESE SUPPORTERS OF TERRORISM IS A CRITICAL PART OF THE INTERNATIONAL CAMPAIGN TO COUNTER TERRORISM. ADDITIONALLY, OTHER ORGANIZATIONS AND INDIVIDUALS ARE PUT ON NOTICE THEY ARE PROHIBITED FROM DOING BUSINESS WITH THEM.

AL ABDULAZIZ AL-AQIL'S CONTROL OF AL-HARAMAIN

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QUREL ABDULAZIZ AL-AQIL, A FOUNDER AND LONG-TIME LEADER OF AL-HARAMAIN IS A SUSPECTED AL QAIDA SUPPORTER. AL-AQIL HAS BEEN IDENTIFIED AS AL-HARAMAIN'S CHAIRMAN, DIRECTOR GENERAL, AND PRESIDENT IN A VARIETY OF SOURCES AND REPORTS. AS AL-HARAMAIN'S FOUNDER AND LEADER, AL-AQIL CONTROLLED AL-HARAMAIN AND WAS RESPONSIBLE FOR ALL AL-HARAMAIN ACTIVITIES, INCLUDING ITS SUPPORT FOR TERRORISM. INFORMATION FROM MARCH 2004 INDICATED AL-AQIL WAS REPORTEDLY NO LONGER LEADING AL-HARAMAIN ACTIVITIES; SOME REPORTS, HOWEVER, INDICATE AL-AQIL COULD STILL BE IN A POSITION TO EXERCISE CONTROL OR INFLUENCE OF AL-HARAMAIN.

WHEN VIEWED AS A SINGLE ENTITY, AL-HARAMAIN FALLS INTO THE CATEGORY OF ONE OF THE PRINCIPAL ISLAMIC NGO'S ACTIVE THROUGHOUT THE WORLD PROVIDING SUPPORT FOR THE AL QAIDA NETWORK. IT IS REPORTEDLY NO LONGER LEADING AL-HARAMAIN ACTIVITIES; SOME REPORTS, HOWEVER, INDICATE AL-AQIL COULD STILL BE IN A POSITION TO EXERCISE CONTROL OR INFLUENCE OF AL-HARAMAIN.

SECRET SECTION 07 OF 10 STATE 089240

O: 12958: DNG: CO 04/15/15  
GS: ETT, EF, PTER, PREL, LVR, CVIS  
SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF  
SIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

WORK AND PROMOTING MILITANT ISLAMIC DOCTRINE WORLDWIDE. UNDER AL AQIL'S LEADERSHIP OF AL-HARAMAIN, NUMEROUS AL-HARAMAIN FIELD OFFICES AND REPRESENTATIVES OPERATING THROUGHOUT AFRICA, ASIA, EUROPE, AND NORTH AMERICA REPORTED TO BE PROVIDING FINANCIAL AND MATERIAL SUPPORT TO AL QAIDA NETWORK. TERRORIST ORGANIZATIONS DESIGNATED BY THE U.S. AND/OR THE 1267 COMMITTEE, INCLUDING JEMAAH

MIAH, AL-ITTIHAD AL-ISLAMIYA, EGYPTIAN ISLAMIC JIHAD, LASHKAR E-TAYYIBA, RECEIVED FUNDING FROM AL-HARAMAIN AND USED AL-HARAMAIN AS A FRONT FOR FUNDRAISING OPERATIONAL ACTIVITIES.

UNDER AL-AQIL'S LEADERSHIP, AL-HARAMAIN IMPLEMENTED ITS NETWORK THROUGH ITS OFFICES AND REPRESENTATIVES SPREAD THROUGH MORE THAN 50 COUNTRIES AROUND THE WORLD. AL-HARAMAIN MAINTAINED NINE GENERAL COMMITTEES AND SEVERAL "ACTIVE COMMITTEES" THAT INCLUDED THE CONTINUOUS COMMITTEE, AFRICAN COMMITTEE, ASIAN COMMITTEE,

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AL-WAH AND SPONSORSHIP COMMITTEE, MASJID COMMITTEE, SEASONAL PROJECTS COMMITTEE, DOCTOR'S COMMITTEE, EUROPEAN COMMITTEE, INTERNET AND THE AMERICAN COMMITTEE, THE DOMESTIC COMMITTEE, ZAKAAT COMMITTEE, AND THE WORLDWIDE VENUE PROMOTION COMMITTEE.

AL-AQIL HAD CONTROL OVER THE ACTIVITIES OF AL-HARAMAIN BRANCHES SUPPORTING TERRORISM. FOR EXAMPLE, AFTER THE BRANCH OFFICE IN BOSNIA WAS DESIGNATED IN 2002, IT IMMEDIATELY BEGAN EFFORTS TO AVOID THESE SANCTIONS. INFORMATION REGARDING THIS OFFICE IS PROVIDED AS A REMINDER OF THE EXTENT TO WHICH AL-HARAMAIN WAS CORRUPTED. DESPITE THE JOINT EFFORTS OF THE UNITED STATES AND SAUDI ARABIA TO DESIGNATE THE AL QAIDA-AFFILIATED AL-HARAMAIN BOSNIA BRANCH OFFICE, AND THE BOSNIAN GOVERNMENT'S EFFORTS TO CLOSE THE OFFICE IN JUNE 2002, ALL AL-HARAMAIN EMPLOYEES WERE ORDERED TO AVOID COOPERATING WITH BOSNIAN AND OTHER AUTHORITIES. IN 2003, AL-HARAMAIN HEADQUARTERS IN SAUDI ARABIA PROVIDED INSTRUCTIONS TO AL-HARAMAIN IN BOSNIA FOR THE DISPOSITION OF AL-HARAMAIN ASSETS. THESE INSTRUCTIONS PROVIDED FOR ACTIONS CONTRAVENING LOCAL AND INTERNATIONAL COUNTER TERRORISM LAWS AND REGULATIONS. AL-AQIL WAS OPENLY DEFIANT, REPORTEDLY TELLING SAUDI NEWS MEDIA THAT AL-HARAMAIN'S WORK IN BOSNIA WOULD CONTINUE.

INFORMATION AVAILABLE TO THE U.S. INDICATES THAT BRANCHES OF AL-HARAMAIN HAVE HAD A LONG HISTORY OF SUPPORTING THE AL QAIDA NETWORK. THIS INFORMATION INCLUDES THE FOLLOWING:

AFGHANISTAN

AL-HARAMAIN HAS A LONG HISTORY OF SUPPORTING AL QAIDA IN AFGHANISTAN. IN AFGHANISTAN, AL-HARAMAIN SUPPORTED THE USE OF JIHAD AND WAS LINKED TO THE UBL-FINANCED MAKHTAB AL-KHIDMAT (MK), A PRE-CURSOR ORGANIZATION OF AL QAIDA. MK HAS BEEN DESIGNATED BOTH BY THE U.S. GOVERNMENT AND BY THE UN 1267 SANCTIONS COMMITTEE. FOLLOWING THE 9-11

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NO. 12958; DMG: CO 04/15/15  
 AGS: ETTC, EPIN, PTER, PREL, LVPR, CVIS  
 SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF  
 DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

TERRORIST ATTACKS, ACTIVITIES INCLUDED INVOLVEMENT WITH A  
 GROUP OF PERSONS TRAINED TO ATTACK FOREIGNERS IN  
 AFGHANISTAN. THIS ACTIVITY OCCURRED IN 2002. A  
 JOURNALIST SUSPECTED OF MEETING WITH AL QAIDA AND TALIBAN  
 MEMBERS IN AFGHANISTAN WAS REPORTEDLY TRANSFERRING FUNDS  
 ON BEHALF OF THE AL QAIDA-AFFILIATED AL-HARAMAIN, AND  
 FORWARDING VIDEOTAPES FROM AL QAIDA LEADERS TO AN ARABIC  
 LANGUAGE TV NETWORK FOR BROADCAST.

## ALBANIA

THE U.S. HAS INFORMATION THAT INDICATES UBL MAY HAVE  
 FINANCED THE ESTABLISHMENT OF THE AL-HARAMAIN OFFICE IN  
 ALBANIA, WHICH HAS BEEN USED AS COVER FOR TERRORIST  
 ACTIVITY IN ALBANIA AND IN EUROPE. IN LATE 2000, A CLOSE  
 ASSOCIATE OF A UBL OPERATIVE MOVED TO ALBANIA AND WAS  
 RUNNING AN UNNAMED AL-HARAMAIN SUBSIDIARY. IN 1998, THE  
 LEAD OF EGYPTIAN ISLAMIC JIHAD IN ALBANIA WAS REPORTEDLY  
 ALSO A FINANCIAL OFFICIAL FOR AL-HARAMAIN IN ALBANIA.  
 HIS INDIVIDUAL, AHMED IBRAHIM AL-NAGAR, WAS REPORTEDLY  
 EXTRADITED FROM ALBANIA TO EGYPT IN 1998. AT HIS TRIAL IN  
 EGYPT, AL-NAGAR REPORTEDLY VOICED HIS SUPPORT FOR UBL AND  
 AL QAIDA'S AUGUST 1998 TERRORIST ATTACKS AGAINST THE U.S.  
 EMBASSIES IN KENYA AND TANZANIA.

IN JANUARY 2002, SALIH TIVARI, A SENIOR OFFICIAL OF THE  
 MODERATE ALBANIAN MUSLIM COMMUNITY, WAS MURDERED. GJINISHI  
 TIVISHI, WHO HAD BEEN SUPPORTED BY AL-HARAMAIN, WAS  
 NAMED IN CONNECTION WITH THE MURDER, BUT NO CHARGES  
 WERE FILED; ALBANIAN AUTHORITIES LATER RELEASED HIM. JUST  
 PRIOR TO BEING MURDERED, TIVARI INFORMED THE AL-HARAMAIN-  
 AFFILIATED GJINISHI THAT HE INTENDED TO REDUCE "FOREIGN  
 ISLAMIC INFLUENCE" IN THE ALBANIAN MUSLIM COMMUNITY.

PRIOR TO HIS MURDER, TIVARI CONTROLLED FINANCES, PERSONNEL  
 DECISIONS, AND DONATIONS WITHIN THE ALBANIAN MUSLIM  
 COMMUNITY. THIS PROVIDED HIM SIGNIFICANT POWER, ENABLING  
 HIM TO SURVIVE SEVERAL ATTEMPTS BY EXTREMISTS TRAINED  
 ABROAD TO REPLACE HIM OR USURP HIS POWER.

AS OF LATE 2002, AL-HARAMAIN WAS REPORTEDLY WITHDRAWING  
 COMPLETELY ALL FUNDING TO THE ALBANIAN MUSLIM COMMUNITY.  
 AL-HARAMAIN IN ALBANIA WAS TO SEND ALL PROCEEDS FROM THE  
 SALE OF SOME PROPERTY TO THE AL-HARAMAIN HEADQUARTERS IN  
 SAUDI ARABIA. AS OF LATE 2003, AL-HARAMAIN WAS PAYING  
 THROUGH A HAMAS MEMBER WITH CLOSE TIES TO AL-HARAMAIN  
 IN ALBANIA, SECURITY PERSONNEL TO GUARD THE AL-HARAMAIN  
 OFFICE IN ALBANIA, WHICH HAD BEEN SHUT DOWN EARLIER IN

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003.

BANGLADESH

INFORMATION AVAILABLE TO THE U.S. SHOWS THAT A SENIOR AL-HARAMAIN OFFICIAL DEPLOYED A BANGLADESHI NATIONAL TO CONDUCT SURVEILLANCE ON U.S. CONSULATES IN INDIA FOR POTENTIAL TERRORIST ATTACKS. THE BANGLADESHI NATIONAL WAS ARRESTED IN EARLY 1999 IN INDIA, REPORTEDLY CARRYING FOUR POUNDS OF EXPLOSIVES AND FIVE DETONATORS. THE TERRORIST  
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SECRET SECTION 09 OF 10 STATE 089240

NO. 12958: DNG: CO 04/15/15  
AGS: EFTC, EFIN, PTER, PREL, LVPR, CVIS  
SUBJECT: TERRORIST FINANCE: PRENOTIFICATION OF DESIGNATION OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

SUSPECT TOLD POLICE THAT HE INTENDED TO ATTACK U.S. DIPLOMATIC MISSIONS IN INDIA. THE SUSPECT REPORTEDLY CONFESSED TO TRAINING IN AL QAIDA TERRORIST CAMPS IN AFGHANISTAN, WHERE HE MET PERSONALLY WITH USAMA BIN LADEN IN 1994. THE SUSPECT FIRST HEARD OF PLANS FOR THESE ATTACKS AT THE AL-HARAMAIN OFFICE IN BANGLADESH.

ETHIOPIA

INFORMATION AVAILABLE TO THE U.S. SHOWS THAT AL-HARAMAIN IN ETHIOPIA HAS PROVIDED SUPPORT TO AL-ITTIHAD AL-ISLAMIYA (AI). IN ETHIOPIA, AI HAS ENGAGED IN ATTACKS AGAINST ETHIOPIAN DEFENSE FORCES. AI HAS BEEN DESIGNATED BOTH BY THE U.S. GOVERNMENT AND BY THE UN 1267 SANCTIONS COMMITTEE.

ETHIOPIA IS ONE OF THE COUNTRIES WHERE AL-HARAMAIN'S OFFICE STATES THEY HAVE OPERATIONS. BUT THERE DOES NOT SEEM TO BE A FORMAL BRANCH OFFICE. WE ASK THAT ACTION BE TAKEN TO DESIGNATE AL-HARAMAIN IN ETHIOPIA TO ENSURE THAT INDIVIDUALS CANNOT USE THE NAME OF THIS ORGANIZATION OR ACT UNDER ITS AUSPICES, WITHIN ETHIOPIA.

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THE NETHERLANDS

SINCE 2001, DUTCH OFFICIALS HAVE NOTED INDICATIONS THAT THE AL-HARAMAIN BRANCH IN THE NETHERLANDS SUPPORTED VIOLENCE. AL AQIL IS A BOARD MEMBER OF THE AL-HARAMAIN BRANCH IN THE NETHERLANDS, WHICH HAS ALSO BEEN LINKED TO THE BOSNIAN BRANCH OF AL-HARAMAIN AND THE BENEVOLENCE INTERNATIONAL FOUNDATION (BIF). BOTH BIF AND THE BOSNIAN BRANCH OF AL-HARAMAIN HAVE BEEN DESIGNATED BY THE U.S. GOVERNMENT AND BY THE UN 1267 SANCTIONS COMMITTEE. AL AQIL IS BEING DESIGNATED BY THE U.S. AS PART OF THIS ACTION.

## IDENTIFYING INFORMATION:

QEEL ABDULAZIZ AL-AQIL:  
DOB 29 APR 1949

HP IN AFGHANISTAN

HP IN ALBANIA (LAST KNOWN ADDRESS):

RFAN TOMINI STREET, #58  
IRANA, ALBANIA  
PHONE 355-04-234-637

HP IN BANGLADESH  
HOUSE 1, ROAD 1, S-6  
MOTARA, DHAKA  
BANGLADESH

HP IN ETHIOPIA (LAST KNOWN ADDRESS):

MEDEA DISTRICT 24 KEBELE SECTION 13  
ADDIS ABABA, ETHIOPIA

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C R E T SECTION 10 OF 10 STATE 089240

12958: DNG: CO 04/15/15  
3: ETC, EFIN, PTER, PREL, LVPR, CVIS  
EFFECT: TERRORIST FINANCE: PRENOTIFICATION OF  
ESTABLISHMENT OF ADDITIONAL AL-HARAMAIN BRANCH OFFICES

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OF IN THE NETHERLANDS:

OPERATING UNDER THE NAME: "STICHTING AL HARAMAIN  
HUMANITARIAN AID"  
AN HANZENSTRAAT 114, 1053SV

AMSTERDAM, THE NETHERLANDS  
PHONE 020-618-2645

NO BACKGROUND PAPER.

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CRC = C648

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FM AMEMBASSY THE HAGUE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7659  
INFO RUEHBS/AMEMBASSY BRUSSELS PRIORITY 7979  
RUEHRH/AMEMBASSY RIYADH PRIORITY 0303  
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY  
RUEANJA/DEPT OF JUSTICE WASHDC PRIORITY  
RUCNFB/FBI WASHDC PRIORITY  
RUCNPT/USMISSION USUN NEW YORK PRIORITY 3658  
RUEHBS/USEU BRUSSELS PRIORITY  
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S E C R E T SECTION 01 OF 02 THE HAGUE 000771

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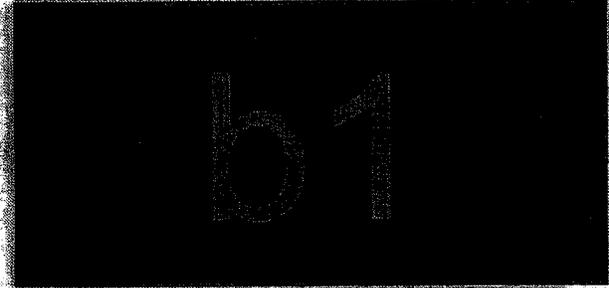
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SPACE FOR EB/ESC/TFS (CLASS), S/CT (NAVRATIL), INR/EC (BROOKS)  
TREASURY FOR ZARATE  
OFFICE FOR OIA/FRIEDMAN  
BRUSSELS FOR LEGATT

LOG: 12958: DECL: 03/18/2014  
CLASS: ETC, PTER, SA, NL  
SUBJECT: TERRORIST FINANCE: AL-HARAMAIN ACTIVITIES IN THE NETHERLANDS

REF: STATE 62199

DECLASSIFIED BY: DCM DANIEL RUSSEL. REASON 1.5 (B) AND (D)



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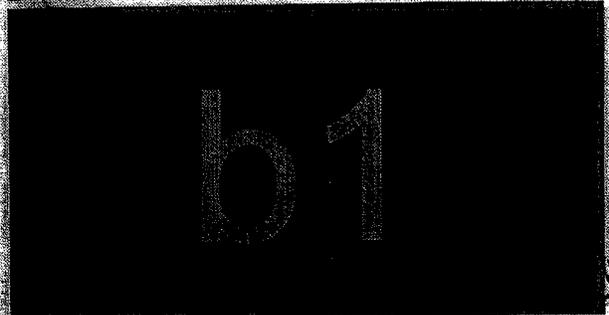
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(U) THE DUTCH GOVERNMENT HAS BEEN CALLED UPON SEVERAL TIMES BY MEMBERS OF THE DUTCH PARLIAMENT TO TESTIFY TO ANY LINKS BETWEEN AL-HARAMAIN ACTIVITIES IN THE NETHERLANDS AND TERRORIST-RELATED ACTIVITIES. ON MARCH 2, THE DUTCH MINISTERS OF JUSTICE AND INTERIOR NOTED PRESS ALLEGATIONS THAT LOCAL AL-HARAMAIN BOARD MEMBERS -- SAUDI SHEIKS AQAEL ABDULAZIZ ALAQAEL AND MANSOUR ABDULRAHMAN HAMMED AL-KADI -- HAD CONNECTIONS WITH THE BOSNIA BRANCH OF AL-HARAMAIN DESIGNATED BY THE UN AS AL-QAIDA LINKED) AND A TERROR CELL AT THE AL-NUR MOSQUE IN BERLIN. ACCORDING TO THE PRESS, AL-KADI HAD SOME CONTACT WITH OSAMA BIN LADEN'S PRIVATE SECRETARY, WADIH EL-HAGE, WHO ALSO HAD CONNECTIONS WITH SENEVOLENCE INTERNATIONAL FOUNDATION (SIF) -- ALSO DESIGNATED AS AL-QAIDA-LINKED. THE MINISTERS WOULD NOT COMMENT ON THE SUBSTANCE OF THE ALLEGATIONS CITING OPERATIONAL INTELLIGENCE CONCERNS. IN DECEMBER 2001, (THEN) INTERIOR MINISTER DE VRIES AFFIRMED THAT THE DUTCH SECURITY SERVICE "CONTINUES TO INVESTIGATE THE ACTIVITIES OF (THE AL-HARAMAIN FOUNDATION, INTERNATIONAL ISLAMIC RELIEF ORGANIZATION, WORLD ASSEMBLY OF ISLAMIC YOUTH, AND MUWAFFAQ FOUNDATION)."

(U) MUCH OF THE DUTCH PARLIAMENTARY, PRESS, AND (AT LEAST PUBLIC) GOVERNMENT ATTENTION THE LOCAL AL-HARAMAIN CHAPTER FOCUSES ON ITS SUPPORT FOR THE RADICAL AMSTERDAM AL-TAWHEED MOSQUE/FOUNDATION WHICH DELIVERS AN EXTREMELY ANTI-WESTERN, ANTI-SEMITIC MESSAGE. AL-TAWHEED AND AL-HARAMAIN SHARE THE SAME AMSTERDAM ADDRESS AND HAVE SHARED ALAQAEL AND AL-KADI AS DIRECTORS. THE DUTCH SECURITY SERVICE (AIVD) NOTED IN ITS LATEST REPORT THAT "IN VIEW OF THE VERY CLOSE (FINANCIAL) CONNECTION BETWEEN (THE AL-TAWHEED) MOSQUE AND AL-HARAMAIN, IT CANNOT BE RULED OUT THAT ORTHODOX-RADICAL WAHABITIC IDEAS ARE ALSO DISSEMINATED ONE WAY OR ANOTHER IN THE MOSQUE VIA SAID NGO." ALAQAEL AND AL-KADI, THE DUTCH INTERIOR AND

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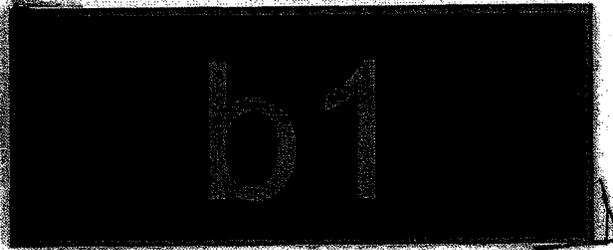
JUSTICE MINISTERS TOLD PARLIAMENT, RESIGNED FROM THE AL-TAWHEED BOARD OF DIRECTORS AT THE BEGINNING OF 2004 BUT CONTINUE AS AL-HARAMAIN DIRECTORS. ALAQEEL ALSO HOLDS APPROXIMATELY HALF OF EL TAWHEED'S MORTGAGE. THE DUTCH GOVERNMENT WAS CAREFUL TO POINT OUT THAT BEING ON THE BOARD OF DIRECTORS OF AN ORGANIZATION DOES NOT NECESSARILY MEAN

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SECRET SECTION 02 OF 02 THE HAGUE 000771  
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STATE FOR BB/ESC/TFS (GLASS), S/CT (NAVRATIL), INR/EC (BROOKS)  
TREASURY FOR ZARATE  
JUSTICE FOR OIA/FRIEDMAN  
BRUSSELS FOR LEGATT

EO 12958: DECL: 03/18/2014  
TAGS: EFTC, PTER, SA, NL  
SUBJECT: TERRORIST FINANCE: AL-HARAMAIN ACTIVITIES IN THE NETHERLANDS

FAMILIARITY OR ACTIVE INVOLVEMENT IN THE ORGANIZATION'S ACTIVITIES. THE GOVERNMENT ALSO NOTED THAT ALQEEEL AND L-KADI ARE NOT RESIDENT IN THE NETHERLANDS.



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5. (U) MEMBERS OF THE STICHTING AL-HARAMAIN (NL) BOARD OF DIRECTORS ARE

CHAIRMAN/TREASURER: ALAQEEL, AQEEL ABDULAZIZ AQEEL, DOB: APRIL 29, 1949, ADDRESS: SHARIE AHMED BEN OMEIRA 6, RIYAD OLAYA, SAUDI ARABIA

SECRETARY: AL-KADI, MANSOUR ABDULRAHMAN HAMEED, DOB: NOVEMBER 28, 1962, ADDRESS: IBNE MAJAH RD. HAIE SALAM, RIYADH, SAUDI ARABIA

DIRECTOR: AL TUWAIGRI, MOHAMED FAHED SULLUMAN, DOB: NOVEMBER 6, 1964, ADDRESS: JAIE MALAZ AMARABULLA RD., RIYADH, SAUDI ARABIA

DIRECTOR: ALAQEEL, ABDULRAHMAN MOHAMMED GALIFA, DOB: NOVEMBER 18, 1963, ADDRESS: HAIE AL JAZERIA ROAD 1, VILLA 839, RIYADH, SAUDI ARABIA

DIRECTOR: AL-TAYYR, MUTEB SULLUMAN RACHID, DOB: NOVEMBER 18, 1963, ADDRESS: HAIE SUALIE. RIYADH, SAUDI ARABIA

REPRESENTATIVE: EL SHERSHABY, MAHMOUD ABD EL FATTAH AHMED, DPOB: DECEMBER 21, 1957, SANADED, EGYPT, ADDRESS: PIET MONDRIAANSTRAAT 107H, 1061TP, AMSTERDAM  
SOBEL  
BT  
#0771  
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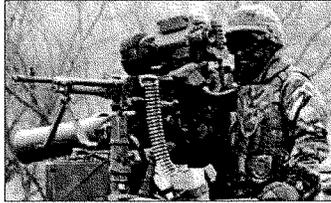
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Monday, 3 April, 2000, 20:08 GMT 21:08 UK

## US fears terrorist attack in Kosovo



K-For has stepped up security measures in Kosovo

**By Nick Wood in Kosovo**

US officials have come under criticism over a raid by K-For military police on an Islamic relief organisation in Kosovo last weekend.

The police, who were acting on a tip-off from US officials, raided a house rented by the Saudi Joint Relief Committee (SJRC).

The operation followed fears of a possible terrorist attack on the US office in the province.

US security officials say they believe members of the SJRC are linked with Osama bin Laden, the man suspected of being behind the attacks on the US embassies in Kenya and Tanzania.

In a separate incident British soldiers blew up a suspect car belonging to an employee of the charity.

The owner had stuck an SJRC sticker to his windscreen.

Neither incident revealed any evidence that could link the group with any terrorist activity.

### Suspicious photos

K-For officials say the operations were part of increased security measures introduced after two members of the group were supposedly seen taking photos near the US office and K-For headquarters in Pristina.

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New vehicle checkpoints have been introduced in the area, and visitors to both compounds are obliged to enter on foot.



Osama bin Laden: Allegedly linked to the charity

It is not the first time the US officials here have raised concern about the charity.

Before Christmas a warning was given of a possible threat to US citizens in Kosovo.

#### **Secret document**

In a document seen by the BBC in Pristina, US officials called on the UN police force in the province to undertake open surveillance of the group.

Marked "Secret: US office only - Release to UNMIK" the report names two former members of the charity.

It claims Adel Muhammad Sadiq Bin Kazem, and Wa'el Hamza Jalaidan, the Committee's former Director, are "associates of Osama bin Laden" and that Mr Jalaidan helped Mr bin Laden "move money and men to and from the Balkans".

The claims are being strongly denied by the group.

A spokesman for the group says they were "stunned" by the raids, and are awaiting an explanation from K-For.

They have also offered to open up all their files for K-For or police officials to look at.

#### **Bad publicity**

The Relief Committee works as an umbrella body for several Saudi NGO's including the Saudi Red Crescent, and has a multi million-dollar budget partly financed by the Saudi government.

It works with the UNHCR and the World Food Programme, and has worked with K-For

**Some K-For and UN officials say the US is concerned with avoiding American**

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3/18/2005

on the rebuilding of several schools in the province. **casualties in the run-up to the presidential elections**

The group's Assistant Director, Faisal Alshami, said he was disappointed at what he saw was an attempt to paint his organisation in a bad light.

"We have spent a lot of money here, trying to help people, we really hope this is not an attempt to curtail our work" he said.

Privately some K-For and UN police officials say the US is highly concerned about "force protection", or avoiding US casualties, in the run-up to presidential elections later this autumn, and is reacting to even the slightest threats.

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**FROM THE OFFICE OF PUBLIC AFFAIRS**

September 6, 2002  
PO-3397

**Treasury Department Statement on the Designation of Wa'el Hamza Julidan**

Today the United States and Saudi Arabia jointly designated Wa'el Hamza Julaidan, an associate of Usama bin Laden and a supporter of al-Qa'ida terror. We are pleased to be taking our second joint action with the Kingdom of Saudi Arabia to publicly identify and freeze the assets of terrorists and their supporters. The Kingdom of Saudi Arabia has already forwarded his name to the United Nations Sanctions Committee established by UNSCR 1267. Today's designation follows a series of joint actions with our allies in the war on terrorist financing, which to date has included actions with the EU, the G-7 countries, Italy, and now our second joint action with Saudi Arabia.

Today's action brings the total number of names to 236 under President Bush's Executive Order aimed at freezing the assets of terrorists and their supporters – Executive Order 13224. Together with our allies we have blocked over \$112 million in terrorist related assets around the world. "Today's action is important in that it demonstrates the commitment of both the United States and Saudi Arabia to go after high impact targets in our war against terrorist financing," said Treasury Under Secretary for Enforcement Jimmy Gurusé. "We have received unprecedented cooperation from our friends abroad, and today's action is indicative of that synergy and commitment to this issue."

Usama bin Laden and a top al-Qa'ida lieutenant, Abu Zubaïda, have acknowledged Wa'el Julaidan as a known associate of their operations. Julaidan has been the head of various non-governmental organizations providing financial and logistical support to the al-Qa'ida network.

Statement of the Case for

**Wa'el Hamza JULAIDAN**

Identifier Information

**Wa'el Hamza JULAIDAN a.k.a. Wa'il Hamza JULAIDAN a.k.a.**

**Wa'el Hamza JULAYDAN a.k.a. Wa'il Hamza JULAYDAN a.k.a.**

**Wa'el Hamza JALAIIDAN a.k.a. Wa'il Hamza JALAIIDAN a.k.a.**

**Wa'el Hamza JALADIN a.k.a. Wa'il Hamza JALADIN a.k.a. Abu**

**Al-Hasan al Madani**

DOB: January 22, 1958

POB: Al-Madinah, Saudi Arabia

<http://www.treas.gov/press/releases/po3397.htm>

7/8/2010

#### Background Information

Wa'el Hamza Julaidan, a Saudi citizen, is an associate of Usama bin Laden. Julaidan fought with bin Laden in Afghanistan in the 1980s. Julaidan is also associated with several individuals and entities linked to al-Qa'ida, including bin Laden lieutenants, Ayman al-Zawahri, Abu Zubaida, and Mohammed Atef, and the organizations: Makhtab al Khedmat, the Rabita Trust, and al-Gam'a al-Islamiya. These individuals and entities have been previously designated under President Bush's Executive Order and by the United Nations.

Bin Laden himself acknowledged his close ties to Julaidan during a 1999 interview with al-Jazeera TV. When referring to the assassination of al-Qa'ida co-founder Abdullah Azzam, bin Laden stated that "We were all in one boat, as is known to you, including our brother, Wa'el Julaidan." Julaidan has established contacts with several known Arab Islamic extremists, including bin Laden's principal lieutenant, Ayman al-Zawahri. Another bin Laden lieutenant, Abu Zubaida, claimed that he accompanied Julaidan from Pakistan to Kandahar, Afghanistan during the summer of 2000. Zubaida said that Julaidan met with bin Laden and senior bin Laden lieutenant Mohammed Atef soon after arriving in Kandahar.

In February 2000, Julaidan was appointed to the Board of Trustees of the Rabita Trust and served as its Director General. The Rabita Trust is an NGO designated under President Bush's Executive Order as an organization that provided logistical and financial support to al-Qa'ida.

#### Basis for Designation

The United States has credible information that Wa'el Hamza Julaidan is an associate of Usama bin Laden and several of bin Laden's top lieutenants. Julaidan has directed organizations that have provided financial and logistical support to al-Qa'ida. Accordingly, the United States is designating Julaidan under Executive Order 13224 as a person who supports terror.

**TESTIMONY OF MONSIEUR CHARLES PASQUA**  
**FORMER MINISTER OF THE INTERIOR**  
**OF THE REPUBLIC OF FRANCE**

I, the undersigned, Charles Pasqua, born Apr. 18, 1927 in Grasse, France, of French nationality and a resident of France, attest to the following facts:

I was Minister of the Interior of the Republic of France from the month of March 1986 to the month of May 1998. In March 1993, I was named Minister of State, Minister of the Interior and Town and Country Planning. I held these offices until May 1995,

In the French governmental system, the Minister of the Interior exercises his authority over all security services in the area of the war against terrorism. In particular, it has to do with the services of the General Intelligence Agency, the National Anti-Terrorist Division (DNAT), the Office of Internal Security (DST), and the Central Anti-Terrorism Unit (UCLAT).

I attest that beginning in the year 1993, my departments alerted me to the financial support provided by Saudi non-governmental organizations to certain Islamist groups active on French territory. At the time, I officially protested against this situation to Saudi authorities.

I made an official visit to Saudi Arabia from November 11, 1994 to November 14, 1994, accompanied by several directors and high officials of the relevant security services under my authority.

On this occasion, I met with several Saudi officials, notably King Fahd bin Abdulaziz al Saud, Prince Abdallah, the Minister of the Interior, Prince Naef bin Abdulaziz al Saud, the Minister of Defense, Prince Sultan bin Abdulaziz al Saud and the Director of Intelligence Services, Prince Turki al Faisal al Saud.

In the course of the meetings with my Saudi counterparts, I raised the question of financial aid furnished by Saudi charitable organizations enjoying state support, in particular the World Islamic League, to Islamist movements or terrorist groups.

I specifically warned my counterparts about this situation and officially requested that they put an end to it, insofar as the Islamist groups receiving this aid were likely to damage French interests or had already done so in the past.

I am perfectly aware that this testimony is intended to be presented before an American court in support of the complaint filed by the families of victims of the tragedy of September 11, 2001.

I put myself at the disposal of the courts to confirm the terms of this testimony.

Completed at Nanterre, the 15<sup>th</sup> of December 2003

[Signed]  
Charles Pasqua

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Page 1 of 1  
Translator: D. O'Neal

**CONSEIL GENERAL  
DES HAUTS-DE-SEINE**

*Cabinet du Président  
Secrétariat Particulier*

Le 17 décembre 2003

**TRANSMISSION PAR TELECOPIE**  
(en cas de mauvaise réception, appeler le 01.47.29.38.92)

A l'attention de **Monsieur Jean-Charles BRISARD**

Fax n° **0041 21 321 13 06**

De la part de **Monsieur Charles PASQUA**

Ce document comporte **3** page(s) (page de garde incluse).

**ATTESTATION DE MONSIEUR CHARLES PASQUA**  
**ANCIEN MINISTRE DE L'INTERIEUR**  
**DE LA REPUBLIQUE FRANCAISE**

Je soussigné, Charles PASQUA, né le 18 avril 1927 à Grasse, France, de nationalité française et résidant en France, atteste des faits suivants :

J'ai été Ministre de l'Intérieur de la République française du mois de mars 1986 au mois de mai 1988. En mars 1993, j'ai été nommé Ministre d'Etat, Ministre de l'Intérieur et de l'Aménagement du Territoire. J'ai occupé ces fonctions jusqu'en mai 1995.

Dans le système institutionnel français, le Ministre de l'Intérieur exerce son autorité sur l'ensemble des services de sécurité intervenant dans le domaine de la lutte contre le terrorisme. Il s'agit en particulier du service des Renseignements Généraux, de la Division Nationale Anti-Terroriste (DNAT), de la Direction de la Surveillance du Territoire (DST) et de l'Unité Centrale de Lutte Anti-Terroriste (UCLAT).

J'atteste qu'à partir de l'année 1993, mes services m'ont alerté sur le soutien financier apporté par des organisations non gouvernementales saoudiennes à certains groupes islamistes actifs sur le territoire français. A l'époque, j'ai officiellement protesté contre cette situation auprès des autorités saoudiennes.

Je me suis rendu en visite officielle en Arabie Saoudite du 11 novembre 1994 au 14 novembre 1994 accompagné de plusieurs directeurs et hauts fonctionnaires de services de sécurité relevant de mon autorité.

A cette occasion, je me suis entretenu avec plusieurs officiels saoudiens, notamment le Ministre de l'Intérieur, le Prince Naef bin Abdulaziz al Saud, le Ministre de la Défense, le Prince Sultan bin Abdulaziz al Saud et le Directeur des services de renseignement, le Prince Turki al Faisal al Saud.

Au cours des entretiens avec mes homologues saoudiens, j'ai soulevé la question de l'aide financière fournie par des organisations caritatives saoudiennes bénéficiant du soutien étatique comme la Ligue Islamique Mondiale, à des groupes islamistes radicaux.

J'ai spécifiquement mis en garde mes homologues sur cette situation et réclamé officiellement qu'il y soit mis un terme, dans la mesure où les groupes islamistes recevant cette aide étaient susceptibles d'attenter aux intérêts français ou l'avaient déjà fait par le passé.

Je suis parfaitement informé que ce témoignage est destiné à être produit devant la justice américaine à l'appui de la plainte déposée par les familles de victimes de la tragédie du 11 septembre 2001.

Je me tiens à la disposition de la justice pour confirmer les termes de la présente.

Fait à Nanterre, le 15 décembre 2003



Charles PASQUA

## UNCLASSIFIED

Department of Defense  
Office for the Administrative Review of the Detention of Enemy  
Combatants at US Naval Base Guantanamo Bay, Cuba

12 April 05

From: Presiding Officer  
To: AL RUSHAYDAN, ABDALLAH // IBRAHIM  
Via: Assisting Military Officer  
SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF  
AL RUSHAYDAN, ABDALLAH // IBRAHIM

1. An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.
2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state or to a third state; (2) transfer you to your home state, or a third state, with conditions agreed upon by the United States and your home state, or the third state; or (3) continue your detention under United States control.
3. The following primary factors favor continued detention:
  - a. Commitment
    1. The detainee left for a one month vacation in November 2001, to visit Damascus, Tehran and Afghan refugee camps.
    2. The detainee stated that he never mentioned his true intentions to anyone, including family members.
    3. The detainee traveled to Chaman, Pakistan, the closest border city to Kandahar, Afghanistan.
    4. The detainee was captured on 10 December 2001, on the border of Pakistan and Afghanistan.
  - b. Connections/Associations
    1. Beginning in 1993, the detainee was an employee of Haith Alekath Al Alamiah, or the International Aid Organization. The detainee worked for this organization for two years.
    2. The International Islamic Relief Organization (IIRO) is also known as Al Hayat Al

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## UNCLASSIFIED

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF  
AL RUSHAYDAN, ABDALLAH // IBRAHIM

Igatha Al Islamiya Al Aalamiya.

3. According to the media in Asia, the Islamic Non-government Organization known as the International Islamic Relief Organization (IIRO), which is managed by Osama Bin Laden's brother-in-law, has maintained links with the Abu Sayyaf group (ASG) in the Philippines.

4. Executive Order 13224, which blocks property and prohibits transactions with persons who commit, threaten to commit, or support terrorism, designates the Abu Sayyaf Group as a global terrorist entity.

5. While traveling to Damascus, Syria, via bus, the detainee met a man known to him as Abd Malik. The two men shared a room during their four days in Damascus. Abd Malik and the detainee then traveled to Tehran, Iran and got a hotel room together.

6. Abdul Malek is a civilian member of the Taliban government.

7. Qandahar Police Officers arrested Abdul Malek in connection with a March 2002 rocket attack directed against U.S. Forces at Qandahar Airfield.

8. The detainee may have been at a Kandahar prison.

c. Other Relevant Data

During questioning regarding the details and reasons for travel, the detainee stated, "I would tell you the truth, but you would get mad."

4. The following primary factors favor release or transfer:

a. The detainee stated he is not a member of the Taliban, Jamaat Tablighi, al Qaida or the Mujahadin. He did not go to Pakistan for jihad and never entered Afghanistan. The detainee stated he was not recruited by any terrorist group, individual or organization to travel to Pakistan.

b. The detainee claims while he was in Pakistan, he never heard anyone talk about joining jihad to fight the Northern Alliance. The detainee denies ever having joined the Mujahadeen or jihad against the Northern Alliance, and claims he was never a member of the Saudi military.

5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

**UNCLASSIFIED**

**Department of Defense  
Office for the Administrative Review of the Detention of Enemy  
Combatants at U.S. Naval Base Guantanamo Bay, Cuba**

10 October 2007

To: AL HILAL, ABDUL AL-SALAM

Subject: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF AL HILAL, ABDUL AL-SALAM

1. An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.
2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agreed upon by the United States and your home state; or (3) continue your detention under United States control.
3. The following primary factors favor continued detention:
  - a. Commitment
    1. The detainee stated he was selected to join the Yemeni Political Security Organization in the mid nineties.
    2. The detainee stated he participated in a Yemeni government deportation operation from approximately 1995 to 1999.
    3. The detainee stated that since 1996, he was involved in aiding al Qaida and other extremists through the provision of false passports and by giving them safe haven out of the country under the guise of deportation.
    4. The detainee stated he traveled to Germany three times each year since 1996 to procure passports. On each trip the detainee received new and used Portuguese passports.
    5. The detainee stated he was directed to use the cover of deportation to facilitate the transfer of Yemeni extremists to Pakistan and Afghanistan. These deportees were to deploy with al Qaida networks to receive training and to prepare for onward assignments.

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**UNCLASSIFIED****Subject: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF AL HILAL, ABDUL AL-SALAM**

6. In 1997 the detainee helped an al Qaida and Egyptian Islamic Jihad operative travel from Yemen to Sudan to meet with senior al Qaida members by giving the operative air tickets and money.
7. Egyptian Islamic Jihad is an extremist group that has been active since the late 1970s. Egyptian Islamic Jihad merged with Usama bin Laden's al Qaida organization in June 2001, but may retain some capability to conduct independent operations. The primary goals of Egyptian Islamic Jihad are to overthrow the Egyptian Government and replace it with an Islamic state, and to attack United States and Israeli interests in Egypt and abroad.
8. The detainee arranged to cancel the deportation of an individual who was arrested for counterfeiting documents and passports for the Mujahedin in Yemen. The detainee had provided the individual with a forged Iraqi passport. The individual was a terrorist facilitator and a known explosives specialist.
9. The detainee was responsible for the confiscation of Libyan and Algerian students' passports as a member of the Yemen Political Security Organization. The extremist stated the detainee then provided the confiscated passports to certain persons whom he wanted to send to Europe from Yemen.
10. The detainee stated that in approximately 1997 or 1998, he traveled to Milan, Italy, where he prayed at the Islamic Cultural Institute and met the director.
11. A source stated the Islamic Cultural Institute was shut down by Italian authorities for housing a network, which was the core for the Tunisian Combat Group in Italy.
12. The Tunisian Combatant Group is seeking to establish an Islamic regime in Tunisia and targets United States and Western interests. The loosely organized Group has come to be associated with al Qaida and other North African extremist networks that have been implicated in terrorist plots.
13. In July 1999, the detainee met with the director of the nongovernmental organization al Haramayn in Zenica, Bosnia.
14. A source stated the al Haramain Saudi Arabian Foundation's main mission is to implement and teach true Wahhabism religious doctrine worldwide. Al Haramain has connections with al Qaida. A former head of the al Haramain has been accused of controlling the financial, material and logistic support to al Qaida and other terrorist organizations. Al Haramain is suspected of involvement in weapons smuggling to Algeria and the transfer of radical fundamentalists to

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**UNCLASSIFIED****Subject: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF AL HILAL, ABDUL AL-SALAM**

Bosnia during the war in the former Yugoslavia.

b. Connections/Associations

1. The detainee was an extremist facilitator in Yemen and was in contact with the chief document forger for the Egyptian Islamic Jihad.
2. In August 2000, the detainee traveled from Yemen to Europe and met with an Attaché for the Islamic Cultural Institute who is also an alleged member of the Egyptian Islamic Jihad.
3. The detainee met with the alleged chief of the Egyptian network, during the summer of 2000 when the Islamic Institute in Milan, Italy, organized a camp for Islamic fundamentalists. Wire taps by Italian Police link the alleged Milan al Qaida cell to the 11 September 2001 massacres in the United States. During the wiretaps the detainee said: "Well, I am studying airplanes! If it is God's will, I hope to bring you a window or a piece of a plane next time I see you...We are focusing on the air alone...It is something terrifying, something that moves from south to north and from east to west: the man who devised the program is a lunatic, but he is a genius. It will leave them stunned...we can fight any force using candles and planes. They will not be able to halt us, not even with their heaviest weapons. We just have to strike them, and hold our heads high. Remember, the danger at the airports. If it comes off, it will be reported in all the world's papers. The Americans have come into Europe to weaken us, but our target is now the sky."

c. Other Relevant Data

1. A source stated that the detainee's brother had been extremely close to the USS Cole bomber and the failed USS Sullivans bomber.
2. As of November 2001, the detainee was an al Qaida member who traveled from Yemen to Afghanistan.
3. The detainee stated that in April or May 2002, he had received funds from families of extremists held in prison in Yemen in exchange for their release.
4. Indications are that the detainee gave forged passports to foreign fighters that were in Yemen hiding after the Russian jihad in Afghanistan.
5. The detainee provided security, protection and refuge to extremists. The detainee secured the release of some extremist elements from prison. The detainee

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**UNCLASSIFIED****Subject: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF AL HILAL, ABDUL AL-SALAM**

facilitated the movement of some of the extremist elements outside of Yemen and provided them with passports. The detainee also traveled with some of these extremists to their destination countries in order to completely fulfill certain unspecified requirements.

## 4. The following primary factors favor release or transfer:

- a. The detainee stated he had no prior knowledge of the 11 September 2001 attacks and had no desire to participate in or plan any terrorist activity because one day he may be the victim.
- b. The detainee stated he never acted in any capacity as a travel facilitator for al Qaida or Egyptian Islamic Jihad.
- c. The detainee stated he did not work for the Yemeni Political Security Organization.
- d. Detainee stated he never participated in any terrorist action and had nothing but loathing for terrorism as a whole.
- e. The detainee was a Political Security Organization (PSO) agent under PSO orders to report on Egyptian Islamic Jihad and al Qaida activities in Yemen. The detainee was following Political Security Organization orders allowing the Political Security Organization to control the Egyptian Islamic Jihad and al Qaida networks in Yemen.
- f. The detainee denied having any knowledge of extremist document forgery operations in Europe.

5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

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**UNCLASSIFIED**

**Department of Defense  
Office for the Administrative Review of the Detention of Enemy  
Combatants at US Naval Base Guantanamo Bay, Cuba**

28 June 2005

TO: ADEL HUSSEIN, HASSAN

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF ADEL HUSSEIN, HASSAN

1. An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.
2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agreed upon by the United States and your home state; or (3) continue your detention under United States control.
3. The following primary factors favor continued detention:
  - a. Commitment
    1. The detainee related he joined the Muslim Brotherhood in Sudan during the early 1980's. He stated he was a student in school and his friends joined the group, so he did as well.
    2. The detainee was a member of the Sudanese Muslim Brotherhood until 1986.
    3. The detainee took a teaching job with the Hira Institute in 1986 where he worked until 1999.
    4. The detainee worked for the Hira Institute as a teacher at the Jelazee Refugee Camp. The Hira Institute is run by an organization named Lajnat Al-Da'wa al Islamia (LDI).
    5. Lajnat Al-Daawa Al-Islamiya (LDI) is a non-governmental organization that operates in Afghanistan and may be affiliated with Usama Bin Laden and al Qaida operations.
    6. In 1996 the detainee received a promotion and moved from Hira Institute to the LDI office in Peshawar, Pakistan. In 1997 the detainee was promoted again to the head of the Public Relations Division of LDI in Peshawar, Pakistan.
    7. After being laid off from LDI in 1999, the detainee was hired as the Director of the World Assembly of Muslim Youth (WAMY) Hospital in Afghanistan.
    8. WAMY is a non-government organization operating in Afghanistan that may be affiliated with Usama Bin Ladin and al Qaida operations.

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**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF ADEL HUSSEIN, HASSAN**

9. According to top WAMY officials, both the United States and Israel must be destroyed. WAMY provides financial support to the Palestinians fighting against Israel. In addition, WAMY has put forward a proposal that the Palestinians should declare open war on Israel.

10. After the 9-11 attacks, and due to the war and increased violence in the area, the detainee was told by Afghan government officials to leave Afghanistan.

11. A 23 September 2001 copy of "The Brotherhood Letter" published by the Muslim Brotherhood Information Center was found during the capture raid in the detainee's home.

12. Several identification documents were seized from the detainee's home at the time of the raid and his arrest, including a U.N. refugee card for his downstairs neighbor.

13. The detainee initially claimed neither the Muslim Brotherhood newsletter nor copies of his neighbor's United Nations refugee cards reportedly found at his home were his.

14. The Muslim Brotherhood (MB) developed as a fundamentalist Islamic belief community in Egypt. Foundations of organizations under the umbrella of the Egyptian MB were in other Arab countries and started the armed fight by MB activists. They attacked what they considered to be un-Islamic representatives of the government of Egypt based on its cooperation with Russia. The MB developed into an underground organization.

15. The detainee stated he did have copies of "The Brotherhood Letter" in his residence, as he was a former member of the Muslim Brotherhood.

**b. Connections/Associations**

1. The detainee met Khalid Sheikh Mohammed at the Jelazee Refugee Camp in 1987. Khalid Sheikh Mohammed operated a "cultural center" located at the camp. The center was used to prepare Afghan people who had been recruited for the jihad against the Russians.

2. Khalid Sheikh Mohammed's older brother, Zahid Al-Sheikh, was the director of the Jelazee Refugee Camp and LDI in Peshawar, Pakistan.

3. Zahid Al-Sheikh has been identified from other sources as an extremist with terrorism ties.

4. The detainee stated he was familiar with Shemshatoo Refugee Camp. He distributed food to the camp on two occasions. The detainee stated the camp was run by Gulbiddin Hekmatyar.

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**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF ADEL HUSSEIN, HASSAN**

5. Gulbuddin Hikmatyar (variant of Gulbiddin Hekmatyar) founded Hizb-l Islami Gulbuddin (HIG) as a faction of the Hizb-l Islami party in 1977, and it was one of the major mujahedin groups in the war against the Soviets. HIG has long-established ties with Bin Laden.

6. In the early 1990s, Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Bin Laden after the latter fled Sudan in 1996.

4. The following primary factors favor release or transfer:

a. The detainee took a vacation to Sudan in June 2002. Before he returned to the office, detainee called his supervisor to find out about the situation of NGOs in Peshawar, Pakistan after hearing about the arrests of the Revival of Islamic Heritage Society workers. He was told that everything was normal, and that they needed him back at work.

b. The detainee stated Al-Zawahiri and Usama Bin Laden were not Muslims and any acts their groups perpetrated were against the Muslim faith.

c. The detainee did not know of any connections between WAMY and al Qaida.

d. The detainee did not like what the al Qaida stood for.

e. The detainee believed the al Qaida/WAMY connection to be a false accusation.

f. The detainee did not know any al Qaida individuals through relationship or just meeting.

5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

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**Department of Defense  
Office for the Administrative Review of the Detention of Enemy  
Combatants at U.S. Naval Base Guantanamo Bay, Cuba**

19 November 2006

TO: BELKACEM, BENSAYAH

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF BELKACEM, BENSAYAH

1. An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.

2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agreed upon by the United States and your home state; or (3) continue your detention under United States control.

3. The following primary factors favor continued detention:

a. Commitment

1. In September 2001 the detainee directed a group of naturalized former Bosnian Mujahedin of Algerian decent and supported himself and several other former Mujahedin families in Bosnia.

2. In September 2001 the detainee planned to travel to join jihadist elements in Afghanistan in anticipation of the United States/Coalition invasion and the detainee encouraged his Algerian friends to do the same. The detainee applied for an Iranian visa in Sarajevo, Bosnia for onward travel to Afghanistan.

3. The detainee was identified and detained by a foreign government on suspicion of terrorist activities.

4. The detainee was identified as the primary al Qaida facilitator in Bosnia.

5. The detainee was known for his ties to the Chechen movement during 1999 and reportedly had a connection to an Usama bin Laden operative.

b. Connections/Associations

1. When the detainee was detained in October 2001, he possessed numerous phone numbers that linked him to Usama bin Laden's operational network in Afghanistan and the global Sunni extremist network.

DMO Exhibit 1  
Page 1 of 3

**UNCLASSIFIED**

**000991**

ISN 10001

**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF BELKACEM, BENSAYAH**

2. When the detainee was detained in October 2001, he also possessed the number of a Bosnian locksmith who was employed at the United States Embassy in Sarajevo, Bosnia. Further investigation revealed that the locksmith was the father-in-law of a known Armed Islamic Group member.

c. Other Relevant Data

An open source reported that the detainee, also known to be the leader of a group in Algeria, had 3.5 million Marks of Bosnian currency deposited in a bank in Sarajevo, Bosnia, and several other members of the group had millions also deposited in banks. The open source reported that an investigation revealed the High Saudi Committee had on its payroll almost all of the members of the group from Algeria, which had links to international terrorism.

4. The following primary factors favor release or transfer:

a. The detainee denied that he has ever used name Abu Majd.

b. The detainee stated he never associated with any terrorists or anyone who wanted to hurt the United States. The detainee never worked with al Harman or al Furquan, although he has heard of al Furquan.

c. The detainee stated he never had any problems with the police anywhere aside from his arrest in Bosnia in October 2001 for allegedly plotting to attack the United States Embassy there.

d. The detainee denied involvement in a plot to blow up the United States Embassy in Sarajevo, Bosnia. The detainee stated the Bosnian Government said that there was no case against him and that he would be sent back to Algeria.

e. The detainee denies ever having a bank account in Bosnia.

f. The detainee denied being involved in the facilitating of fraudulent passports for others; the only involvement he had with fraudulent passports was that concerning his own fraudulent Yemeni passport.

g. The detainee stated he did not know much of anything about the al Farquan and Haramayn organizations, and that he never heard of either organization being extremist. The detainee stated the Saudi High Commission could not be a bad because it was run by the Saudi Royal Family.

h. The detainee stated he knew from the media reports of al Qaida and that Usama bin Laden was the leader, but he never heard of al Qaida operating in Bosnia.

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**UNCLASSIFIED**

**000392**

**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF BELKACEM, BENSAYAH**

i. The detainee stated he would swear on the Koran again that he had nothing to do with al Qaida and has been telling the truth throughout his interrogations.

j. The detainee denies any involvement with a Usama bin Laden operative, Bosnian Mujahedin members and other Algerian-Bosnians suspected of involvement with planning an attack against the United States Embassy in Sarajevo, Bosnia.

5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

**UNCLASSIFIED**

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**000993**

**UNCLASSIFIED**

**Department of Defense  
Office for the Administrative Review of the Detention of Enemy  
Combatants at U.S. Naval Base Guantanamo Bay, Cuba**

25 October 2006

TO: MANFUD, SABIR LAHMAR

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE  
REVIEW BOARD IN THE CASE OF MANFUD, SABIR LAHMAR

1. An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.

2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agreed upon by the United States and your home state; or (3) continue your detention under United States control.

3. The following primary factors favor continued detention:

a. Commitment

1. A source stated the detainee was an Armed Islamic Group member who stated that attacks should be carried out against United States troops in Bosnia because he believed the United States was the number one enemy of Islam.

2. The detainee was attempting to assume leadership of the Armed Islamic Group in Bosnia.

3. The Armed Islamic Group is an Islamic extremist group that aims to overthrow the secular Algerian regime and replace it with an Islamic state. The Armed Islamic Group is known for frequent attacks against civilians and government workers. This group uses assassinations and bombings, including car bombs.

4. The detainee supported the fatwa issued by Usama bin Laden against the United States.

5. The detainee proposed attacking United States troops in Bosnia to the Shura Council in Zenica, Bosnia.

6. The detainee expressed a desire to blow up United States soldiers and made threats against the international community in Bosnia.

7. According to a source, the detainee was a close associate of an al Qaida member and was a suspected Armed Islamic Group member, vehemently anti-Western, and an Islamic extremist.

DMO Exhibit 1  
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**UNCLASSIFIED**

**000994**

ISN 10002

**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF MANFUD, SABIR LAHMAR**

8. In September 2001, the detainee applied for an Iranian visa.
  9. Another source stated the detainee is a former Bosnian and Afghan Mujahedin and a suspected Armed Islamic Group member.
  10. A source suspected the detainee was involved in 1997 bombings in Travnik and Mostar, Bosnia. The source stated the detainee was involved in a shootout with Bosnian police and when arrested, was in a car with diplomatic plates believed to be assigned to Iran.
  11. A source stated the detainee was associated with the al Ber Foundation. The source stated the al Ber Foundation sympathized with Mujahedin. The al Ber Foundation provided Mujahedin with weapons, had established training camps throughout Bosnia and maintained an office in Bosnia, in late 2000.
- b. Connections/Associations
1. Reporting states the detainee was assigned to al Haremeyn in Bosnia.
  2. During his time in prison, one of the detainee's closest acquaintances was a convicted murderer that is listed by INTERPOL as a suspected terrorist.
  3. The detainee worked for the Saudi High Commission for Relief from 1993 to 1994 and again from 1996 until 2002.
  4. The Saudi High Commission for Relief and al Haramayn has provided financial support to former Arab Mujahedin in Bosnia. The types of financial support included family stipends or travel to Chechnya and Afghanistan.
  5. Al Haramayn is directly tied to terrorist activities in the Bosnia-Herzegovina area. They provide shelter and support to persons known to have committed terrorist activities.
  6. Based on information received, the detainee's associate had numerous contacts with senior al Qaida facilitators, Islamic Humanitarian Organizations in Bosnia, employees of Islamic Non-Governmental Organizations, and members of the North African extremist network. The detainee's associate was the primary al Qaida facilitator in Bosnia.
  7. The detainee had a friend who was under investigation for assisting terrorists.
  8. According to a source, the detainee had contact with a person who was a major ideological leader and financial decision maker within the Active Islamic Youth Organization.
- c. Other Relevant Data

**UNCLASSIFIED**

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**000395**

**UNCLASSIFIED**

**SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF MANFUD, SABIR LAHMAR**

1. North Atlantic Treaty Organization Stabilization Forces list the detainee as an individual who is directly linked to terrorist activities or could be linked with terrorist activities in the territory of Bosnia-Herzegovina.

2. According to a source the detainee was known to be a former Bosnian/Afghan Mujahedin and suspected Armed Islamic Group member.

4. The following primary factors favor release or transfer:

a. The detainee stated he has not worked for al Haramayn and knows no one who worked for al Haramayn.

b. The detainee denied being affiliated with al Qaida.

c. The detainee denied knowing anyone affiliated with al Qaida and denied having telephone conversations with anyone and later learning they were affiliated with al Qaida.

d. The detainee denied he ever supported Usama bin Laden's fatwa against United States troops in Bosnia.

e. The detainee denied telephone communications would link him and the other five Algerians, who were also arrested.

f. The detainee stated he did not know anybody in the United States or communicate with anybody in the United States.

g. The detainee stated he never planned to attack the United States embassy in Sarajevo, Bosnia-Herzegovina and had no knowledge of any such attack.

h. The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001, and denied knowledge of any rumors or plans of future attacks.

5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

**UNCLASSIFIED**

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**000396**

## ABC News: The Blotter

### U.S.: Saudis Still Filling Al Qaeda's Coffers

September 11, 2007 5:40 PM



Despite six years of promises, U.S. officials say Saudi Arabia continues to look the other way at wealthy individuals identified as sending millions of dollars to al Qaeda.

"If I could somehow snap my fingers and cut off the funding from one country, it would be Saudi Arabia," Stuart Levey, the under secretary of the Treasury in charge of tracking terror financing, told ABC News.

Despite some efforts as a U.S. ally in the war on terror, Levey says Saudi Arabia has dropped the ball. Not one person identified by the United States and the United Nations as a terror financier has been prosecuted by the Saudis, Levey says.

"When the evidence is clear that these individuals have funded terrorist organizations, and knowingly done so, then that should be prosecuted and treated as real terrorism because it is," Levey says.

Among those on the donor list, according to U.S. officials, is Yasin al Qadi, a wealthy businessman named on both the U.S. and U.N. lists of al Qaeda financiers one month after the 9/11 attacks.

Al Qadi, who has repeatedly denied the allegations, remains free, still a prominent figure in Saudi Arabia.

Al Qadi's London-based attorney, Guy Martin of Carter-Ruck law firm, said the United States has never produced any evidence in support of the allegations against his client.

"He hasn't been tried, let alone convicted, anywhere in any jurisdiction in the world," said Martin. "While allegations have been made, there have been no formal criminal proceedings."

"This is a financial Guantanamo to my client who is the victim of a gross and on-going miscarriage of justice," said Martin. "This is a Kafka situation where people are put on this list with no due process."

While the Saudi embassy had no comment regarding Levey's specific allegations, a spokesman did note that after the Sept. 11 attacks, the country took prompt action and "required Saudi banks to identify and freeze all assets relating to terrorist suspects and entities per the list issued by the United States government." The statement went on to say that "Saudi banks have complied with the freeze requirements and have initiated investigations of transactions that suspects linked to Al Qaeda may have undertaken in the past."

U.S. officials say they are equally frustrated with what they call the empty promises of Pakistan to go after al Qaeda's sanctuaries in their country.

<http://blogs.abcnews.com/theblotter/2007/09/us-saudis-still.html>

9/11/2007 7/7/2010

Pakistan says it is willing to take action if the U.S. provides details.

"If they had specific information, they should share it with us, and we would go after them," Pakistani Ambassador to the U.N. Munir Akram told ABC News.

When asked whether the U.S. can trust his country, Ambassador Akram said, "Well, if the U.S. doesn't trust Pakistan, how can Pakistan be an ally of the U.S.?"

A question echoed by many in the U.S.

With fresh funds and a safe haven, al Qaeda has been able to recruit and train a new class of terrorists as well as send out a stream of new propaganda tapes.

Just today, al Qaeda's leader Osama bin Laden was seen on a second video this week, introducing the video will of one of the 9/11 hijackers.

"And it remains for us to do our part," bin Laden said as he held up 9/11 hijacker Waleed al Shehri's life as an example. "So I tell every young man among the youth of Islam: it is your duty to join the caravan until the sufficiency is complete and the march to aid the High and Omnipotent continues."

U.S. officials fear there are more like al Shehri heeding bin Laden's call and coming now from Pakistan.

"The consequence is that there is in effect a sanctuary in the northwest part of Pakistan, just like the sanctuary that used to exist before we invaded Afghanistan," Richard Clarke, the former White House counterterrorism official and now ABC News consultant, said.

Rhonda Schwartz and Maddy Sauer contributed to this report.

*This post has been updated.*

Los Angeles Times



<http://www.latimes.com/news/nationworld/nation/la-na-terror2apr02.1.1851447.story>  
From the Los Angeles Times

## Saudi Arabia is prime source of terror funds, U.S. says

Treasury official expresses frustrations with the administration's efforts to force action by the kingdom. A Senate panel orders a review.

By Josh Meyer  
Los Angeles Times Staff Writer

April 2, 2008

WASHINGTON — Saudi Arabia remains the world's leading source of money for Al Qaeda and other extremist networks and has failed to take key steps requested by U.S. officials to stem the flow, the Bush administration's top financial counter-terrorism official said Tuesday.

Stuart A. Levey, a Treasury undersecretary, told a Senate committee that the Saudi government had not taken important steps to go after those who finance terrorist organizations or to prevent wealthy donors from bankrolling extremism through charitable contributions, sometimes unwittingly.

"Saudi Arabia today remains the location where more money is going to terrorism, to Sunni terror groups and to the Taliban than any other place in the world," Levey said under questioning.

U.S. officials have previously identified Saudi Arabia as a major source of funding for extremism. But Levey's comments were notable because, although reluctant to directly criticize a close U.S. ally, he acknowledged frustration with administration efforts to persuade the Saudis and others to act.

"We continue to face significant challenges as we move forward with these efforts, including fostering and maintaining the political will among other governments to take effective and consistent action," Levey said, later adding: "Our work is not nearly complete."

Levey was the sole witness before the Senate Finance Committee, which Tuesday ordered an independent review of the efforts to choke off financing used by Al Qaeda and other extremist groups.

Sen. Max Baucus (D-Mont.), the committee chairman, announced the review at the end of the hearing held to assess the money-tracking campaign by Treasury's Office of Terrorism and Financial Intelligence, headed by Levey.

The Bush administration created the office in 2004 to spearhead efforts to disrupt the flow of money to extremist causes, primarily from wealthy donors in Saudi Arabia and elsewhere in the Persian Gulf.

However, U.S. officials and counter-terrorism experts have said that international support for the

<http://www.latimes.com/news/nationworld/nation/la-na-terror2apr02.0.2731137.print.story> 4/3/2008

effort has waned while terrorist groups have found ways around the financial restrictions. At the same time, there have been turf battles among the 19 federal agencies that work on the problem.

Senators praised work done by Levey but expressed concerns about the overall U.S. effort. The committee's Democratic and Republican leaders cited a Los Angeles Times report last week detailing problems undermining the effort.

Sen. Charles E. Grassley of Iowa, the ranking Republican, said extremist groups had adapted to changing U.S. investigative methods: "We are simply not prepared right now to keep up with them and put them out of business once and for all."

Levey said the campaign has succeeded in disrupting terrorist financing by freezing suspicious assets and in gathering intelligence that could be used to identify extremists and disrupt their activities.

But under questioning by senators, Levey also spoke of difficulty in getting Saudi Arabia to take the steps U.S. officials consider necessary.

Levey said the Saudis had been aggressive in going after terrorist cells. But he said they had not lived up to promises to establish the kind of financial intelligence unit needed to trace the money trails of terrorists. Another problem is that the Saudi government has not set up a charity oversight commission to track whether donations end up in the hands of extremists.

Levey said the Saudi government has not moved to publicly hold accountable those within the kingdom who have been the subject of enforcement actions by the U.S. and other authorities.

Sen. Ron Wyden (D-Ore.) said the Saudi failures mean that Americans who pay more than \$100 a barrel for oil are in effect bankrolling extremism because wealthy Saudis "back-door" their profits into charities that fund extremist causes.

Nail Jubeir, press attache for the Saudi embassy in Washington, dismissed those concerns, saying the Bush administration has repeatedly praised Saudi Arabia for its efforts to combat terrorism.

"We have been very vigilant in our campaign against terrorism financing," Jubeir said. "We have come a long way since 9/11 on this issue."

Jubeir confirmed that Saudi Arabia has not set up the financial intelligence unit or charity commission, but said it was cracking down on the financiers of terrorism in other ways, such as making it illegal for anyone to send money outside the kingdom "without going through official government channels."

Alleged financiers of terrorism identified by the United States are being investigated, and their assets have been frozen, Jubeir said. "But unless we have evidence to try them . . . we don't parade them in public," he said. "What if it turns out they are innocent?"

At the hearing, senators also expressed concern about disputes among U.S. agencies and other administrative and investigative functions of Levey's office. Baucus and Grassley asked that the Government Accountability Office review its internal efficiency and effectiveness as well as its cooperation with foreign governments.

Levey said he had not seen the request from Baucus and Grassley, but added: "We welcome any

<http://www.latimes.com/news/nationworld/nation/la-na-terror2apr02,0,2731137,print.story> 4/3/2008

source of advice as to how we can improve."

josh.meyer@latimes.com

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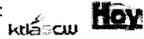
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July 13, 2005  
JS-2629

**Testimony of Stuart Levey, Under Secretary  
Office of Terrorism and Financial Intelligence  
U.S. Department of the Treasury  
Before the Senate Committee on Banking, Housing, and  
Urban Affairs**

Chairman Shelby, Ranking Member Sarbanes and other distinguished members of the Committee, thank you for the opportunity to speak before you today about terrorist financing and money laundering in the Middle East. I welcome this committee's ongoing focus on this pressing topic, and your dedication to help stop the flow of funds to our nation's enemies.

This hearing comes less than a week after the terrible attacks in London and I would like to express my sincerest condolences to the families of the victims. The brave resolve that the British people have shown resonated around the world in defiant response to cowards who seek to disrupt our very way of life. These acts of terror serve as a tragic reminder that our resolve to combat terrorism and terrorist financing must not waver.

As I approach the end of my first full year as Under Secretary of the Office of Terrorism and Financial Intelligence at the Treasury Department, I am constantly assessing our progress in the fight against the financing of terrorism. To be sure, we have achieved some important successes in this fight. We can point to multiple successes which reflect the excellent coordination and teamwork of all U.S. Government agencies over the past year. Thanks to the State Department's leadership and concerted work with us, we are witnessing a growing consensus in the world about the need to address terrorist financing in tangible ways. We have seen the culmination of a number of critical prosecutions investigated by the FBI-led Joint Terrorism Task Forces and prosecuted by the Department of Justice, as I will discuss later in this testimony. We at Treasury have designated numerous supporters of terrorism – including particularly significant figures such as Adel Batterjee – acting in close coordination with our interagency and international counterparts. We have used Section 311 of the USA PATRIOT Act judiciously and effectively against primary money laundering concerns, and we are seeing real results. One of the most promising developments is the President's issuance of Executive Order 13382, which applies the same methods we have used successfully to block assets of terrorist supporters to those who aid in the spread of weapons of mass destruction. Our other interagency partners – especially in the intelligence community – are constantly working to stem the tide of terrorist financing, with little glory or recognition for their tireless efforts. Our collective drive to hold financial supporters of terror personally responsible as terrorists is creating the desired pressure and deterrence. In the end, we are starting to see encouraging results: terrorist groups like al Qaida and HAMAS are feeling the pinch and do not have the same easy access to funds that they once did.

Our most significant progress has been in bringing about a change in mind-set. There is now near-unanimous recognition among nations that terrorist financing and money laundering pose threats that cannot be ignored and there is widespread agreement upon a shared set of standards to combat these dangers. We will not accept the protest that ideological differences or bureaucratic obstacles excuse nations from the obligation to comply with global standards. As we were all brutally reminded by the attacks in London last week, we are facing a global threat with global implications. All civilized nations must meet their basic responsibilities to prevent the financing and support of terrorism.

<http://www.ustreas.gov/press/releases/js2629.htm>

7/9/2010

At the same time, we recognize that the range of threats and institutional frameworks across different countries necessitates flexibility and a range of approaches. We cannot apply a "one size fits all" approach to terrorist financing, nor can or should we try to force countries to adopt a "U.S. model." So long as internationally-established principles are given real effect, in law and in practice, there is room for a variety of approaches. – Indeed, we learn from the successes and failures of others. Each country and institution presents unique challenges that require nuanced solutions.

The Middle East rightfully captures our attention at Treasury, and in the interagency community, as it is both a wellspring of and a target for terrorist financiers and those who spread extremist ideologies that justify and fuel terrorism.

Terrorism is increasingly targeted at innocents in the Middle East. Recent terrorist attacks in Turkey, Morocco, Saudi Arabia, Kuwait, and Qatar should be impetus to drive change throughout the region. Where the threat of terrorism does not generate the will to take effective action, however, my office, working in close cooperation with all of our interagency counterparts, will push for action.

It would not be feasible to include a complete catalogue in this testimony of all of our engagements in multilateral forums and bilateral discussions with respect to terrorist financing in the Middle East. Instead, I would like to try give the Committee a general description and some examples that show how we are simultaneously (1) driving the adoption and implementation of common global standards to prevent terrorist financing and money laundering, and (2) pressing individual countries and the private sector to do more to combat the terrorist threat we all face.

#### COMMON APPROACHES

In our common approach to the Middle East, one important objective is to persuade each country to attach the necessary priority to anti-money laundering and counter-terrorist financing. This is not only important from an enforcement perspective, but also a prerequisite for any country looking to attract international business and investment. For the most part, countries are increasingly recognizing this and looking to comply with global standards and reassure international businesses and investors.

I made a trip to Libya last month, representing the highest level delegation to visit that country since the lifting of sanctions eleven months ago. While there, I met with Colonel Qadhafi, the Central Bank Governor, and the Minister of Finance and pressed Libya to adopt anti-money laundering and counter-terrorist financing reforms as it attempts to emerge from isolation and engage increasingly in the world's financial community. The Libyan financial sector is in its infancy, but as it develops, I conveyed that the United States expects anti-money laundering and terrorist financing initiatives to be high on their agenda as part of an overall counterterrorism strategy.

We are also seeing that countries are responsive to the type of pressure that comes from international standard-setting bodies. The Financial Action Task Force (FATF) sets the global standards for anti-money laundering and counter-terrorist financing, and it is also through this venue that we promote results. Treasury, along with our counterparts at State, Justice, and Homeland Security, has taken an active role in this 33-member body which articulates international standards in the form of recommendations, guidelines, and best practices to aid countries in developing their own specific anti-money laundering and counter-terrorist financing laws and regulations. FATF maintains the authority and has demonstrated its willingness to take collective actions against jurisdictions that pose a threat to the financial system. We do our part to promote the multilateral effect of FATF standards through focused bilateral engagement.

As an example, I recently visited Turkey to speak with the Finance Minister, Justice Minister and several other high-level members of the Turkish government. While Turkey is not part of what we generally refer to as the Middle East, its geographic location – bordering on Syria, Iran, and Iraq – makes it an important part of our

<http://www.ustreas.gov/press/releases/js2629.htm>

7/9/2010

strategy when we think about the threat of terrorism emanating from the Middle East. Turkey has been a key NATO ally and has a long and painful history of fighting terrorism within its borders. I expressed our appreciation for the close cooperation we have enjoyed with the Turkish government in combating terrorism and in many other areas. However, as a FATF member since 1991, Turkey's current anti-money laundering and counter-terrorist financing regimes need significant improvement. Turkey is looking to address these issues, and I encouraged Turkey to redouble its efforts to comply with FATF standards in advance of its mutual evaluation scheduled for early next year. Turkey is too important a partner to us, and too important a regional power to let its anti-money laundering and counter-terrorist financing regimes fall out of step. We look forward to seeing Turkey succeed in its reform efforts over the coming months.

Although not a member of FATF, Jordan, another regional ally, is working hard to bring its anti-money laundering and counter-terrorist financing practices up to international standards. The government has submitted a new AML law to the Parliament, which may consider it in its extraordinary session this summer. I visited Jordan this past February in large part to encourage them to pass this law and implement it as quickly as possible. These steps will inure to their own economic benefit – bolstering the health and attractiveness of their financial sector – while also aiding in the global fight against terrorist financing. Given Jordan's prominent role in the financial sector of the West Bank and Gaza, these improvements are also important to reduce the potential for terrorist financing in those areas of strategic concern.

The success and force of FATF lie not only in the mutual evaluation process to which it holds its own members, but also in the emergence of FATF-style regional bodies (FSRBs) that agree to adopt FATF standards and model themselves accordingly on a regional level. The Middle East and North Africa body, or "MENA FATF" is one of the newest and potentially most effective organizations to emerge. Launched in November 2004, this 14-member body held its first plenary session in Bahrain in April 2005 and is preparing for its second plenary session in September of this year, currently scheduled to take place in Beirut. It remains too early to tell how effective MENA FATF will be, but the indications so far demonstrate considerable enthusiasm and energy. This body is already working on a process to assess its members for compliance with international standards and have formed working groups to address key issues like cash couriers, charities, and hawala. We support this initiative and hope that it will succeed on the difficult road that lies ahead of it.

The Egmont Group is an international body comprised of financial intelligence units (FIUs) across the globe. It is another example of a body that demands that its members comply with certain standards and maintain those standards over time. Treasury's Financial Crimes Enforcement Network is currently working closely with Saudi Arabia, Jordan, and Kuwait to develop their FIUs; we have seen some progress to date and are eager to see it develop further.

#### **Implementation**

Adoption of legislation and regulations is meaningless without strong and effective implementation. Some countries, eager to curry favor with their neighbors or the international community, may believe that adopting an anti-money laundering and counter-terrorist financing law will keep observers at bay. Such half-steps will neither fool nor satisfy the United States and the international community. We will continue to press for effective implementation, including investigations, prosecutions, designations, and other demonstrable actions.

#### **Private Sector**

Collective pressure to implement international standards has been effective in the drive to bring countries on board with anti-money laundering and counter-terrorist financing efforts. At the same time that we are pressing at the government level, though, we are also working with the international private sector. The potential, both for information exchange and for combating the flow of illicit funds, is enormous. As but one example, we have seen financial institutions in the Middle East and

elsewhere voluntarily checking account holders and transactions against Treasury's list of designated entities, as well as other lists, and using that information to determine whether or not to take on business or process a transaction. This means that the rigorous efforts by Treasury and the U.S. Government to identify and isolate key sponsors of terrorism, as well as sponsors of weapons proliferation, are being given wide effect in private banks in the Middle East and the world.

We have also solicited the cooperation of some of the larger and more responsible financial institutions to advocate for reforms among their colleagues and in their various host countries. These institutions typically exhibit diligent anti-money laundering and terrorist financing practices even when their host countries do not require it. This puts these institutions at a competitive disadvantage vis-à-vis institutions that are less conscientious. Furthermore, these institutions are forced to take measures to protect themselves when doing business with financial institutions in countries with weak anti-money laundering and counter-terrorist financing regimes. We therefore believe that it is in the interest of more responsible institutions to create a momentum for reform among their colleagues, not just in the Middle East but worldwide.

#### ALTERNATIVE FINANCING METHODS

One effect of U.S. and international action against terrorist financiers has been to push supporters of terrorism out of the formal financial system and into riskier, more expensive, and more cumbersome methods of raising and moving money, such as cash couriers, charities, and hawala. While this hearing is not focused on alternative financing methods, I wanted to give the Committee a brief overview of our work in these areas.

##### *Charities*

Terrorist groups have long exploited charities for several key reasons, including the following:

- The "legitimate" activities of these charities, such as the operation of schools, religious institutions, and hospitals, can – if abused – create fertile recruitment grounds, allowing terrorists to generate support for their causes and to propagate extremist ideologies.
- Charities attract large numbers of unwitting donors along with the witting, thus increasing the amount of money available to terrorists.
- To the extent that these charities provide genuine relief, which nearly all of them do, they benefit from public support and an attendant disinclination by many governments to take enforcement action against them.
- Charitable funds are meant to move in one direction only; accordingly, large purported charitable transfers can move without a corresponding return of value and without arousing suspicion.
- International charities naturally focus their relief efforts on areas of conflict, also prime locations for terrorist networks. Such charities provide excellent cover for the movement of personnel and even military supplies to and from high-risk areas.

The U.S. Government has confronted this problem head on in a coordinated manner. We have thus far designated more than 40 charities worldwide as supporters of terrorism. Two notable examples are our actions against the U.S. branches of the Al Haramain Islamic Foundation and the Islamic African Relief Agency (IARA), both al Qaida-linked charities that were operating in the United States. In both cases, law enforcement agents executed search warrants while Treasury's OFAC simultaneously blocked the organizations' assets, stopping the flow of money through these groups. Thanks to the work of the State Department, we have persuaded other nations to join us in bringing these and other charities to the United Nations Security Council for designation, and to shutter these dangerous organizations in their respective countries.

Designations and law enforcement actions are making an impact and are serving as a valuable deterrent. Anecdotal evidence suggests that once-willing donors are

now thinking twice or balking altogether at sending money to terrorist groups. In this regard, I would note that one advantage we enjoy in the terrorist financing arena is the strength of deterrence – our targets have something to lose. In contrast to terrorist operatives who may be willing to die for their hateful cause, terrorist financiers typically live public lives with all that entails: property, occupation, family, and social position. Being publicly identified as a financier and supporter of terror threatens an end to all of this, lending our actions a real deterrent impact.

#### **Hawala**

Hawala, a relationship-based system of money remittances, plays a prominent role in the financial systems of the Middle East. Domestically, we have worked with our interagency partners to ensure that money service businesses like hawalas, register with the Financial Crimes Enforcement Network and comply with applicable anti-money laundering provisions. On the one hand, we are reaching out to this sector to educate businesses about their legal obligations. Enforcement of the Patriot Act's criminal provisions against operating an unlicensed money service business also plays a key deterrent role. Just this week, an ICE investigation led to a guilty plea by an unlicensed money service business, who had sent millions of dollars to Syria and other countries. While we are making progress, the effective regulation of money service businesses continues to present a significant challenge. Internationally, Treasury leadership in the FATF has brought the issue of hawala to the forefront, resulting in the implementation of FATF Special Recommendation VI, which requires all FATF countries to ensure that individuals and entities providing money transmission services must be licensed or registered, and subjected to the international standards set out by FATF. Regionally, the UAE is playing a key leadership role on this issue. We will continue to insist that hawala be subjected to appropriate regulation and oversight.

#### **Cash Couriers**

As governments apply stricter oversight and controls to banks, wire transmitters, and other traditional methods of moving money, we are witnessing terrorists and criminals resorting to bulk cash smuggling. FATF Special Recommendation IX was issued in late 2004 to address this problem and it calls upon countries to monitor for cross-border transportation of currency and to make sanctions available against those who make false declarations or disclosures in this regard. This recommendation has already prompted changes in legislation abroad. On the domestic front, Treasury is working with the interagency community, particularly the Department of Homeland Security's Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), to deter, disrupt, and apprehend cash smugglers. We are also looking into technologies that will allow us to detect secreted concentrations of cash, as well as tools that will allow us to track the movement of physical cash around the world.

#### **CASE STUDIES**

##### **Syria**

As a serious national security threat and a state sponsor of terrorism, Syria has been the object of targeted Treasury action for some time. Syria continues to meddle in Lebanon's affairs, allows the Iraqi insurgency to be partially funded and fueled from within its borders, and allows terrorist organizations and supporters to flourish there as well. At Treasury, we are addressing this threat with a spectrum of targeted actions aimed at reversing this course.

On June 30, we designated Ghazi Kanaan, the current Syrian Minister of Interior, and Rustum Ghazali, the Chief of Syrian Military Intelligence for Lebanon pursuant to E.O. 13338 for their role in supporting Syria's military and security presence in Lebanon and support for terrorism. This was a very important first step at identifying high-level Syrian officials who are interfering in Lebanon's political developments. With respect to the Iraq insurgency, in January of this year, we designated the Syria-based supporter of Abu Mus'ab al-Zarqawi, Sulayman Darwish, pursuant to E.O. 13224 for acting as one of Zarqawi's operatives in Iraq and serving on his

<http://www.ustreas.gov/press/releases/js2629.htm>

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Advisory Council. The Syrian government joined us in co-designating this individual at the United Nations pursuant to UNSC 1267. On June 17, we designated Muhammad Yunis Ahmad, pursuant to E.O. 13315, for providing funding, leadership and support from his base in Syria to several insurgent groups that are conducting attacks in Iraq. We also designated the Syria-based SES International Corporation and two associated individuals, General Zuhayr Shalish and Asif Shalish pursuant to E.O. 13315 for their support to senior officials of the former Iraqi regime. SES acted as false end-user for the former Iraqi regime and facilitated Iraq's procurement of illicit military goods in contravention of UN sanctions. Finally, President Bush specifically designated Syria's Scientific Studies Research Center (SSRC) as one of the eight entities (the others were in North Korea and Iran) designated pursuant to the newly issued Executive Order 13382, which blocks the property of proliferators of weapons of mass destruction and their supporters. SSRC is the Syrian government agency responsible for developing and producing non-conventional weapons and the missiles to deliver them. While it has a civilian research function, SSRC's activities focus substantively on the acquisition of biological and chemical weapons.

Separately, in May of last year, we issued a proposed rule, designating the Commercial Bank of Syria (CBS) as a "primary money laundering concern," pursuant to Section 311 of the USA PATRIOT Act. The designation was premised on concerns about financial wrongdoing at that bank, including terrorist financing. In connection with the proposed rule, we presented a series of demands to Syrian authorities, ranging from reform of their banking sector to immediate, effective action to cut off the flow of funds across the Syrian border to the Iraqi insurgency.

We will continue to use the tools available to us to press Syria to take concrete actions to address our concerns.

#### **Saudi Arabia**

We have pursued a strategy of sustained pressure and cooperation with Saudi Arabia to address a number of challenges. This Committee is by now well aware that Saudi Arabia has increased its counter-terrorism cooperation since the Riyadh bombings in May 2003, marked by ever more intense Saudi efforts to confront directly violent extremism in the Kingdom. The Committee is also well aware that the challenges posed by terrorist financing from within Saudi Arabia are among the most daunting we have faced. Wealthy Saudi financiers and charities have funded terrorist organizations and causes that support terrorism and the ideology that fuels the terrorists' agenda. Even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq.

Saudi Arabia-based and funded organizations remain a key source for the promotion of ideologies used by terrorists and violent extremists around the world to justify their hate-filled agenda. The Saudi government has taken seriously the threats posed to both the Kingdom and the United States by all of these issues, and we have worked with and offered guidance to help confront the real threat of terrorist support. As a result, among other things, the Kingdom has made changes to its charitable system and regulations to address certain vulnerabilities. This progress is the result of focused interagency attention and cooperation, led by Homeland Security and Counterterrorism Advisor Frances Fragos Townsend's consistent and direct outreach.

However, Saudi Arabian charities, particularly the International Islamic Relief Organization (IIRO), the World Association of Muslim Youth (WAMY), and the Muslim World League (MWL) continue to cause us concern. The Kingdom of Saudi Arabia announced that it would freeze all international transfers until it had established an oversight commission to regulate its charitable sector. While that would represent a satisfactory short-term solution if implemented fully, it is important that the announced commission take shape. As we have stated previously to our Saudi counterparts, these three charities must fall under the commission's oversight. I recently conveyed my views on these issues to Saudi officials, and was met with positive indications that they wish to redress these lingering concerns. I will keep this Committee informed of progress in this area.

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At the same time, it must be noted that there have been real and tangible improvements in Saudi Arabia's cooperation on terrorism financing issues. Through the Joint Terrorist Financing Task Force (JTFTF), we have built the foundation for consequential and timely information exchange as well as selected joint action. We expect to continue building on the initial success of the JTFTF and look forward to broadening the cooperation in that area. In fact, the preliminary success of the JTFTF has prompted us to consider applying a similar model to our efforts elsewhere in the Gulf.

Our work on cash couriers offers another example of the need for continuing work with Saudi Arabia. Cash couriers present a serious danger, particularly because of their use to fund the deadly insurgency in Iraq. It is critical that Saudi Arabia and other Gulf countries lower reporting thresholds for cross-border transfers of cash and enforce these provisions aggressively. We intend to work with Saudi Arabia and others in the Gulf to pursue that goal.

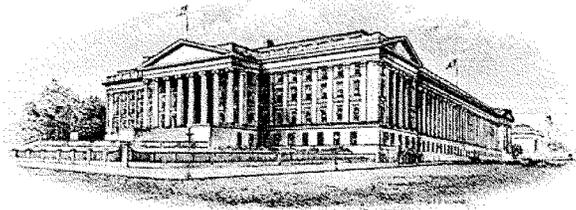
#### **Palestinian Territories**

With respect to the Palestinian territories, we continue to grapple with the problem of charities being abused to support terrorism. Groups such as HAMAS, Palestinian Islamic Jihad (PIJ), and others have infiltrated the charitable sector in the territories and have corrupted badly needed relief organizations. We have been very aggressive in acting against such charities. Most recently, Treasury designated a PIJ charitable front, the Elehssan Society on May 4. The Elehssan Society served as the fund-raising arm of PIJ in Gaza and the West Bank and distributed funds to the families of PIJ prisoners and suicide bombers. Just this February, PIJ claimed responsibility for a terrorist attack in Tel-Aviv that killed five and wounded over 50. We will continue to pursue this organization and any that rise up to take its place. The Justice Department has played a vital role in this arena. In April, for example, the Department of Justice secured the conviction of three brothers linked to the Holy Land Foundation for their conduct in concealing the continuing ownership interests of Hamas leader Mousa Abu Marzook in their closely-held private company.

We recognize that enforcement actions have sometimes cut off sources of relief to communities in need and inadvertently decreased the support of charities and donors that deliver funds to legitimate causes. Our goal is not to deter charitable giving but instead to protect the charitable sector such that donors' generosity is not abused and they feel safe in providing their contributions. Therefore, there is therefore a particularly urgent need in this region for safe channels of assistance that donors can be assured will not be subverted by terrorists. When I traveled to the region in February, I discussed this problem with both Israeli and Palestinian officials. In speaking with President Abbas and in several follow-up meetings with Finance Minister Fayyad, I noted serious commitment on their part to cutting off the flow of funds to terrorism, and welcomed the message they expressed that responsibility for accountable financial systems begins with the government. The Israelis were also strongly of the view that it would be advantageous for all involved to find a way to provide needed humanitarian aid, outside the control of HAMAS or any other terrorist group. We are currently working with the Palestinian Authority to develop options through which such aid could be provided in a safe and effective manner.

#### **CONCLUSION**

To combat terrorist financing and money laundering over the long term, we are vigorously and effectively promoting international standards and encouraging countries in the Middle East to adopt appropriate legislation and to implement those laws. We are also taking the necessary actions to build political will at the highest levels of every government to combat the financing of terrorism. Still, we have a long way to go in the battle against terrorist financing in the Middle East, both in terms of robust implementation of those standards and in responding to specific threats and circumstances. Thank you again for holding this hearing and for your sustained commitment to this topic. I would be happy to take your questions.



**U.S. TREASURY DEPARTMENT  
OFFICE OF PUBLIC AFFAIRS**

**EMBARGOED UNTIL 10:00 AM EDT, TUESDAY, JULY 11, 2006**  
**CONTACT Molly Millerwise (202) 622-2960**

**Testimony of Stuart Levey, Under Secretary  
Terrorism and Financial Intelligence  
U.S. Department of the Treasury**

**Before the House Financial Services Subcommittee on Oversight and Investigations**

Chairwoman Kelly, Ranking Member Gutierrez, and distinguished Committee members. This is my fifth time appearing before your Committee in the past two years in what has been an ongoing and fruitful discussion of our government's efforts to track and combat terrorist financing. These sessions have advanced our shared mission to undermine terrorist networks and disrupt their vicious objectives. It is always a privilege to be here.

As this Committee knows well, tracking and combating terrorist financing are critical facets of our overall efforts to protect our citizens and other innocents around the world from terrorist attacks. This is true for two main reasons. First, when we block the assets of a terrorist front company, arrest a donor, or shut down a corrupt charity, we deter other donors, restrict the flow of funds to terrorist groups and shift their focus from planning attacks to worrying about their own needs. While any single terrorist attack may be relatively inexpensive to carry out, terrorist groups continue to need real money. They depend on a regular cash flow to pay operatives and their families, arrange for travel, train new members, forge documents, pay bribes, acquire weapons, and stage attacks. Disrupting money flows stresses terrorist networks and undermines their operations. In recent months, we have seen at least one instance of what we look for most – a terrorist organization indicating that it cannot pursue sophisticated attacks because it lacks adequate funding.

Second, "following the money" is one of the most valuable sources of information that we have to identify and locate the networks of terrorists and their supporters. If a terrorist associate whom we are watching sends or receives money from another person, we know that there's a link between the two individuals. And, while terrorist supporters may use code names on the

phone, when they send or receive money through the banking system, they often provide information that yields the kind of concrete leads that can advance an investigation. For these reasons, counter-terrorism officials place a heavy premium on financial intelligence. As the 9/11 Commission staff pointed out – and as Chairman Hamilton testified before this Committee – “following the money to identify terrorist operatives and sympathizers provides a particularly powerful tool in the fight against terrorist groups. Use of this tool almost always remains invisible to the general public, but it is a critical part of the overall campaign against al Qaeda.” The Terrorist Finance Tracking Program was just such an invisible tool. Its exposure represents a grave loss to our overall efforts to combat al Qaeda and other terrorist groups.

We are facing a clever and adaptive enemy that takes extensive precautions to cover its tracks. If we are to exploit the vulnerability that financial transactions represent, we need to marshal all of our resources and ingenuity. We need to cooperate seamlessly within our government, drawing on our different strengths and talents and appropriately sharing our information without hesitation. We need to work closely with the private sector, which is sometimes best positioned to detect suspicious behavior. And we need to proceed hand-in-hand with our foreign partners, both in sharing information and taking action to identify terrorist financiers, disrupt their operations, and hold them accountable.

My colleagues in the Treasury Department and across the U.S. government have been working with dedication and ingenuity to meet this demanding challenge. Our theater of engagement literally spans the world, from the money changing tables of Kabul to the jungles of South America’s Tri-Border Area, from finance ministries to the compliance offices of the world’s most sophisticated banks. Thanks to their tireless efforts, we have achieved real successes. The 9/11 Commission’s Public Discourse Project awarded its highest grade, an A-, to the U.S. Government’s efforts to combat terrorist financing. I would be happy to discuss these efforts in greater detail in a subsequent hearing, and reference some recent highlights in the margin.<sup>1</sup>

<sup>1</sup> A few selected examples of our interagency work on terrorist financing follow:

- We have made dramatic progress in combating terrorist abuse of charities through a combination of law enforcement and regulatory actions against corrupt NGOs, both at home and abroad. In tandem with these enforcement efforts, active engagement with the legitimate charitable sector has succeeded in raising transparency and accountability across the board.
- Thanks to our work in cooperation with the private sector to enhance anti-money laundering/counter-terrorist financing procedures in the financial system, many terrorists have been forced to resort to alternative means of moving money – such as cash couriers – that are more cumbersome or risky. Couriers offer concealment, but some get caught and some get greedy, and a terrorist is likely to think twice before entrusting a large sum to any one courier. We are working bilaterally and through international organizations like the Financial Action Task Force to ensure that countries around the world both pass and implement laws to regulate the movement of cash across their borders. Our law enforcement colleagues, notably those in DHS’s Immigration and Customs Enforcement, are training border agents around the world to make sure these programs work.
- We have encouraged countries around the world to make increased use of the U.N. Security Council to seek the designation of terrorist supporters. This global designation program, overseen by the U.N.’s 1267 Committee, might be the most powerful tool for global action against supporters of al Qaeda. It envisions 192 U.N. Member States acting as one to isolate al Qaeda’s supporters, both physically and financially. Increasingly, countries have begun to look to this committee, and administrative measures in general, as an effective complement to law enforcement action. In 2005, 18 Member States submitted names for the Committee’s consideration, many for the first time.

The Terrorist Finance Tracking Program has been a key part of these overall efforts. I had no hand in initiating this program, so I can say without any conceit that Secretary Snow was right in saying that the Terrorist Finance Tracking Program exemplifies government at its best. The Society for Worldwide Interbank Financial Telecommunication (SWIFT) is the premier messaging service used by banks around the world to issue international transfers, which makes its data exceptionally valuable. I would note that SWIFT is predominantly used for overseas transfers. It does not contain information on most ordinary domestic transactions made by individuals in the United States, such as deposits, withdrawals, ATM use, checks, or electronic bill payments. The SWIFT data consists of records of completed financial transactions; it does not provide access to individual bank account information. This program is consistent with privacy laws as well as Treasury's longstanding commitment to protect sensitive financial data.

In response to a subpoena, SWIFT makes available to us a subset of its records that it maintains in the United States in the normal course of its business. The legal basis for this subpoena is the International Emergency Economic Powers Act (IEEPA), a statute passed in 1977, which allows the government to compel the production of information pursuant to Presidential declarations of national emergency. We issue such administrative subpoenas regularly, and our authority to do so is clear. In this case, our subpoena is issued pursuant to President Bush's declaration of an emergency with respect to terrorism after September 11<sup>th</sup> in Executive Order 13224. That declaration has been renewed yearly in light of the continuing threat posed by al Qaida and other deadly terrorist groups.

The SWIFT subpoena is powerful but narrow. We cannot simply browse through the records that SWIFT turns over – we are only able to see that information which is responsive to targeted searches in the context of a specific terrorism investigation. The data cannot be searched unless the analyst first articulates the specific link between the target of the search and a terrorism investigation. I want to emphasize that we cannot search this data for evidence of non-terrorist-related crime, such as tax evasion, economic espionage, money laundering, or other criminal activity. As a result, we have accessed only a minute fraction of the data that SWIFT has provided.

The program contains multiple, overlapping layers of governmental and independent controls to assure that the data is only searched for terrorism purposes and that all data is properly handled. Pursuant to an agreement that we reached with the company, SWIFT representatives are able to monitor these searches in real time and stop any one of them if they have any concerns about the link to terrorism. In addition, a record is kept of every search that is done. These records are reviewed both by SWIFT's representatives and an outside independent auditor.

Members of the Congressional intelligence committees were briefed about this program, and our colleagues in the central banks of the G-10 countries were likewise informed.

The benefits of the Terrorist Finance Tracking Program have been incalculable. This program provides a unique and powerful tool that has enhanced our efforts to track terrorist networks and disrupt them. That is the opinion of experts familiar with this program, both in and out of the government, irrespective of political orientation. It is also the view of those closest to the data, who are in the best position to know. I have on my staff a group of intelligence analysts who

spend their days in a secure room poring over information to unmask the key funders and facilitators of terrorist groups. If you spoke with them, they would point to this program as one of the most important and powerful tools they have to follow the money.

They value this program because it leads to results. The details remain classified, but the program has been instrumental in identifying and capturing terrorists and financiers and in rolling up a terrorist-supporting charity. The program played an important role in the investigation that eventually culminated in the capture of Hambali, Jemaah Islamiyya's Operations Chief, who masterminded the 2002 Bali bombings. The program supplied a key piece of evidence that confirmed the identity of a major Iraqi terrorist facilitator and financier. Because we were able to make this data available to an ally, this facilitator remains in custody. But the program has also proven its worth in many less dramatic, but equally significant ways. Anyone who has tried to piece together a complex terrorism investigation over months or years of sweat and dead-ends knows how important it can be to uncover a previously unknown link or fact. This program generates just such connections and leads nearly every day, which are then disseminated to counter-terrorism experts in intelligence and law enforcement agencies.

In short, the Terrorist Finance Tracking Program has been powerful and successful, grounded in law and bounded by safeguards. It represents exactly what I believe our citizens expect and hope we are doing to prosecute the war on terror.

Much has been said and written about the newspapers' decision to publish information about this program. As a government official, I must first point out that the newspapers almost certainly would not have known about this program if someone had not violated his or her duty to protect this secret.

At the same time, I do very much regret the newspapers' decision to publish what they knew. Secretary Snow and I, as well as others both inside and outside the government, made repeated, painstaking efforts to convince them otherwise. We urged that the story be held for one reason only: revealing it would undermine one of our most valuable tools for tracking terrorists' money trails. We were authorized to set these arguments out for the relevant reporters and editors in an effort to convince them not to publish. In a series of sober and detailed meetings over several weeks, we carefully explained the program's importance as well as its legal basis and controls. We strongly urged them not to reveal the source of our information and explained that disclosure would unavoidably compromise this vital program.

These were not attempts to keep an embarrassing secret from emerging. As should be clear from my testimony above, I am extremely proud of this program. I am proud of the officials and lawyers in our government whose labors ensured that the program was constructed and maintained in the most careful way possible. And I am proud of the intelligence analysts across our government who have used this information responsibly to advance investigations of terrorist groups and to make our country safer. I asked the press to withhold the story because I believed -- and continue to believe -- that the public interest would have been best served had this program remained secret and therefore effective.

Some observers have argued that the disclosure of the program did little damage because terrorist facilitators are smart and already knew to avoid the banking system. They correctly point out that there has been an overall trend among terrorists towards cash couriers and other informal mechanisms of money transfer – a trend that I have testified about. They also hold up as public warnings the repeated assertions by government officials that we are actively following the terrorists' money.

What we had not spoken about publicly, however, is this particular source. And, unfortunately, this revelation *is* very damaging. Since being asked to oversee this program by then-Secretary Snow and then-Deputy Secretary Bodman almost two years ago, I have received the written output from this program as part of my daily intelligence briefing. For two years, I have been reviewing that output every morning. I cannot remember a day when that briefing did not include at least one terrorism lead from this program. Despite attempts at secrecy, terrorist facilitators have continued to use the international banking system to send money to one another, even after September 11<sup>th</sup>. This disclosure compromised one of our most valuable programs and will only make our efforts to track terrorist financing – and to prevent terrorist attacks – harder. Tracking terrorist money trails is difficult enough without having our sources and methods reported on the front page of newspapers.

I can assure you, however, that our efforts will not wane. With our interagency colleagues and our partners abroad, we will continue to draw on every resource at our disposal to uncover and disrupt these terrorist networks.

Thank you.

## Wamy calls for Jihad to free Kashmir

Muslims should come forward to wage Jihad to liberate Kashmir, said the Secretary-General of the World Assembly of Muslim Youth, Dr. Maneh al-Johani.

The Wamy chief was addressing the Kashmiri expatriates, in Riyadh, on 16 May, at the auditorium of the Muslim World League. The meeting was sponsored by the Riyadh section of the World Kashmir Freedom Movement. A large number of Kashmiri expatriates working in the central province, were present at the gathering.

Speaking further, Dr. Johani said that according to the Islamic faith, Jihad could be performed in

many forms. Muslims can go to the battlefield to wage a war against the enemies of Islam or they can give their moral, physical and financial support the cause of Jihad. The Muslims in the Kingdom, particularly the Kashmiris, should have a sense of responsibility to help their brethren to secure their freedom through Jihad, he said. They can extend financial support, create an awakening among Muslims on the problems of Kashmiris and prepare literature to project the cause of the Kashmiris.

Dr. Johani pointed out that there is an organised effort to crush the Muslims in many parts of the world. Some of these destructive



*Dr. Maneh al-Johani*

elements could be seen while others cannot be seen, he said. "Jihad is the only way out for us to get emancipated from these cruel hands," he added.

The Wamy chief said it was unfortunate that India is insensitive to any of the demands of the world's Muslims regarding the Kashmir issue, whereas the Pakistani government has been more sympathetic towards the demand for peaceful solution of the problem.

"Whatever the case may be, the Muslims in all parts of the world should be united to fight against the atrocities committed against the Muslim minorities," he said.

### Burmese Muslims forced to convert to Buddhism

Burmese soldiers tortured Muslims in western Burma to force them to convert to Buddhism, causing more than 1,000 others to flee to the Thai-Burmese border, Thai officials said recently.

A Muslim eyewitness said Lt. Aung Naing Swe, chief of Burmese military soldiers in Nabu town, 65 miles (104 km) southwest of the Thai border district of Mae Sot,

groups to fight against the Burmese government," he said. About 100 others managed to cross into Mae Sot, he said.

Abdul Razzak, chairman of the All Burma Muslim Union, confirmed the accusation. Razzak said he would consult with ethnic insurgent groups in the democratic alliance of Burma for possible retaliation.





Afghanistan's Ambassador to Cairo:  
**The Price of Victory in Afghanistan Were More than One and a Half Million  
 Martyrs And Thousands of Widows**  
 Al Alam Al Islami, August 31, 1992, p. 8.

Sayyed Fadlallah Shaker, ambassador of Afghanistan to Cairo, confirmed that the victory achieved in Afghanistan was a costly one, since more than one and a half million martyrs and thousands of disabled and widowed Afghans paid the price for it. He also stated that the Islamic State of Afghanistan supports the right of the Palestinian people for self determination and repeatedly condemns the continuous Israeli occupation of the Palestinian territories and south Lebanon and it strongly condemns the aggression against unarmed civilians in those territories.

It [Islamic republic of Afghanistan] also supports the settlement of the problem in Kashmir pursuant to United Nations Resolutions and it also supports the Jihad and struggle of Muslims in Kashmir, Burma, the Philippines, Bosnia and Herzegovina to deter the fierce enemy attacks that are brought against them [Muslims in those areas]. It also appeals to the United Nations and the Non-Allied Movement and the Conference of Islamic States to put an end to these campaigns against the Muslim people in Bosnia and Herzegovina.

#### **Saudi Support for the Afghani Jihad**

He stated in a special interview with "Al-Alam Al-Islami" that the Muslim Afghan people expresses its gratitude to all Islamic countries that supported its blessed jihad, especially the Kingdom of Saudi Arabia, as there is no single country that supported the Afghan Jihad militarily, politically and economically like the Kingdom of Saudi Arabia, which recognized the Mujahideen [jihadists'] government immediately upon its declaration. This was a brave position that clarified things, not just on the international political arena, but also at the level of the average Muslim person.

He stressed that Saudi Arabia with its leadership, scholars, preachers, youth, institutions, and capabilities insisted, since the beginning, on adopting the cause of the Jihad and on providing financial and moral assistance to it. Saudi support did not cease for one minute since the first day of the Jihad, as the Kingdom announced that it stands by the Mujahideen in the face of Communist aggression. He pointed out that the Kingdom's stance vis-a-vis the Afghani regime stems from a basic historical vision and a comprehensive and strategic foresight, as it was in Ta'ef and on Saudi soil that the first official talks between a delegation of the Mujahideen, headed by Burhan Al Din Rabbani, the then Amir [Prince] of Islamic Afghani Union and the president of the confederation of the seven Afghani political parties, took place with a Soviet delegation at the highest level on 1 December, 1988 AD. These direct negotiations represented an important political victory for the Mujahideen, following their military victory that was achieved on the battlefield, as the Mujahideen were no longer mere rebels; rather they became a real political power that could not be undermined. Moreover, when Burhan Al Din Rabbani, the Amir of the Islamic Afghani Union, emigrated with his colleagues from the Jihad Movement from Afghanistan to Pakistan to launch the armed holy jihad, he traveled to the Kingdom, where he secretly met with King Faisal, who promised him the Kingdom's support for the jihad. The Afghani jihad at the time was in its fledgling stages and no one knew anything about it, and had it not been for this early publicity, the jihad would have been subjected to numerous threats in the [Muslim] Diaspora in its infancy. That was in 1974 AD.

Moreover, Saudi Arabia kept its promise, and it was the first to implement the recommendations of the first [Islamic] Foreign Ministers Conference, which was held in Islamabad, by severing all ties with the communist regime in Kabul.

**The Call of the Servant of the Two Holy Shrines**

Through the Saudi Red Crescent Society, the Islamic Relief Organization and the Islamic World League, Saudi Arabia, with both its government and its people, extended financial and in-kind aid to the Afghan Mujahideen and purchased weapons and ammunition and paid for the cost of their transport into the interior of Afghanistan.

The recent call of the Servant of the Two Holy Shrines, King Fahd bin Abdul Aziz- may God bless him- to the leaders of the Mujahideen to unite, and also the visit by Prince Turki Bin Faisal, Saudi intelligence chief, to Peshawar and Kabul, came as a true expression of the extent of interest that the Saudi government gives to the cause of jihad.

- Ambassador Sayyed Fadlallah also said that the Arabs sacrificed a great deal and extended their funds and their selves for the Afghani Jihad and their blood was mixed with the blood of the Afghans in the battlefields of martyrdom. They also played a role in bringing the various Afghan factions together and their participation was the reason behind the jihad's transformation from its regional framework into an all-Islamic jihad.

**The Egyptian Role**

• Concerning the role that Egypt played in supporting the Afghan Jihad, the ambassador said that Egypt was the first source of weapons that made their way to the Mujahideen through his [the ambassador's] activities as the representative of the Mujahideen to the Republic of Egypt. He has felt the continued cooperation and the utmost support that Egypt extended to the Afghani cause and the struggle of the Afghan people. Based on this, Egypt hosted the wounded Mujahideen for treatment at the Red Crescent Society hospitals and also welcomed a large number of Afghans into Egypt to study at Egyptian universities. All this was in addition to the humanitarian aid that Egypt sent to the Mujahideen and the Afghani emigrants in Pakistan.

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**DECLARATION OF TRANSLATOR**

AFFIDAVIT OF TRANSLATION OF FOREIGN DOCUMENT

RE: TRANSLATION OF ARABIC  
DOCUMENT(S) (ATTACHED)

**STATE OF CALIFORNIA**  
County of Los Angeles

I, **GARABET K MOUMDJIAN**, the undersigned, do depose and say:

I am a certified translator for the English and the ARABIC languages. My certification is from the ATA (American Translators Association), where I hold an active membership status. I have translated the above described document, which is attached hereto, and declare under penalty of perjury and under the laws of the state of California that the attached translation of said document into English is a true and correct translation to the best of my knowledge.

Pasadena, California.

GARABET K MOUMDJIAN

*Garabet Moumdjian*

\_\_\_\_\_  
TRANSLATOR

Source: "Al-Alam Al-Islami," 27 April 1992, page 1

**An important announcement by the MWL Secretary General:**

**Dr. Nassif Emphasizes the Severity of the Situation that Muslims Undergo at the Present Time**

**Mecca, by Sadiq Ashour:**

His Excellency, Dr. Nassif Abdullah Bin Umar, the Secretary General of the Muslim World League (MWL), delivered a statement, where he spoke about the conditions that Muslims are undergoing. He indicated the importance of moving forward. His speech reads as follows:

Those who look closely at the situation will find out that the Muslim arena is confronted with crisis and problems. One of the crises that we are facing today is that of Bosnia-Herzegovina, where the Serbian State is attacking Bosnia-Herzegovina and committing all kinds of cruelties against innocent people. This issue is so important and hot issue at this moment. Thus, Muslims should pay attention to this issue and support our brethren who are undergoing all these cruelties.

Also, there are some problems in the African Horn, such as the Somali problem. In Somali, there is a dispute among some parties who struggle to get governance and kill innocent, unarmed people. Moreover, there are problems in the rest of the countries of the African Horn. However, these are of lesser degrees than that of Somalia.

Furthermore, there are some problems in the Islamic world, like the issue of Muslims in the Philippines and the government's insistence on not giving them the right for self-rule.

There is also the issue of Muslims in Burma, who are being exposed to all kinds of savagery and racial discrimination and they are being ignored their basic rights as citizens. Besides, there is the problem of Muslims in Kashmir and their inability to conduct a survey in order to decide on their political future as per the decisions of the United Nations. This way, we find that the problems and the hot issues that Muslims encounter at the moment do really require the attention of all their Muslims brethren everywhere. This is especially true for the Islamic countries, because they possess political might and they can affect what Muslims are facing. Then there is the role of the rest of the Muslims who can help to wage Jihad with their money, selves and prayers for their brethren who are being hurt in all places.

In reviewing all these events, we are inspired to invoke help from God Almighty in order to remove sorrow and fit in with the nation's state, God willing.

As to what regards the role of the MWL towards such problems, His Excellency said:

As it is known, the MWL was established for the purpose of serving Muslims and taking care of their issues, as well as supporting endeavors for their benefit either in this world or in eternity. This implies uniting their lines and providing them with means of communication and collaboration among them, and thus to achieve the attribute of Islamic solidarity. Thanks are to God, that the MWL was able during the past thirty years of its operation to achieve. It is now doing its best to support and help Muslims as well as to deliver assistance. However, the problems that Muslims face are much bigger than the capabilities of the MWL. Nevertheless, it still strives to do what is possible, because the weakness of Muslims and their disunity, and in the absence of a unified Muslim voice that could be heard, makes a mockery out of them and leaves them susceptible to external antagonism and even physical attack. Even though Muslim states come together and show some semblance of solidarity however, they need to do much more in terms of attaining complete solidarity. This is because only through such solidarity will they collectively attain a voice that is heard and respected by their enemies.

The League always warns, advises, provides the needed assistance and consulting and even sends delegations to different Islamic countries to explain and to advise its governments and the media in general about what animosity other Muslims are being exposed to. It also encourages those governments and capable citizens in those countries to contribute and to donate what they can for such causes. This educational endeavor is accomplished through media outlets, educational institutions and even through missionary work.

All these aspects represent an amalgamated effort for the purpose of alleviating the pains of Muslims in areas that are exposed to natural disasters or other, political or social problems. The MWL also works to assist other Muslim how to avoid being the victims of such problems. This is because the sins of Muslims and their getting away from the ways of God, let his name be honored, is the real reason for their extreme misery and despair.

God Almighty says: "He who stops mentioning or remembering me, will have a miserable life." (Qur'anic verse).

In fact, misery and despair are the real expressions to what Muslims have fallen into nowadays. The reason for this is their getting away from God and His ways and their following paths that are not that of God.

The MWL tries to warn, advise, clarify and awaken Muslims everywhere so that they avoid such disasters. Moreover, the MWL knows that events, such as those that are happening to Muslims, are the result of the sinful lives that Muslims are leading. However, the MWL always tries to make Muslims understand that there is a way to avoid these dreadful events and that avoidance can only occur if they are cognizant of the way of God the almighty and how to align themselves with it, in order to lead better lives.

Photo: Dr. Nassif, MWL Secretary General.

# الجهادون الأنفان نجحوا في توحيد صفوفهم ودخلوا كابول دون إراقة دماء

عربي الوصل الجهد الحضارة الاسلام الى سائر الكيانات السياسية (ص ٦)

## العالم الاسلامي

جريدة اسبوعية تصدر من إدارة الصحافة والنشر بربطه العالم الإسلامي

الطريق الى القدس  
الطريق الى القدس  
الطريق الى القدس

رغم الخوف الشديد من تازم الوضع بين فصائلهم

## الجهادون الأنفان نجحوا في توحيد صفوفهم ودخلوا كابول دون إراقة دماء

كابول ٢٠ - (الشرق الأوسط) - تمكن جهادون من تنظيم «الجهاد الإسلامي» من دخول كابول دون إراقة دماء، وذلك بعد سلسلة من المفاوضات مع فصائل أخرى، مما أدى إلى توحيد صفوفهم. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.



الزعيم الأعلى للجهاد الإسلامي

وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### أكثر من ١٨ مليون دولار من الملك نهد للمركز الإسلامي بمدرية والانتاج ١٥ سبتمبر القادم

عمان ٢٠ - (الشرق الأوسط) - أعلن المركز الإسلامي بمدرية والانتاج عن تلقيه هبة مالية قدرها ١٨ مليون دولار من الملك نهد، وذلك في إطار دعمه للمركز. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### وزير الشؤون الإسلامية يوزع الفعاليات بحضور لجنة بياض

عمان ٢٠ - (الشرق الأوسط) - حضر وزير الشؤون الإسلامية، الدكتور محمد بن عبد الله بن محمد، اجتماعاً لوزراء بياض، وذلك في إطار مناقشة القضايا المتعلقة بالشؤون الإسلامية. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### تصريح هام لأمين عام الرابطة: د. نصيف يشدد على خطورة الأوضاع التي يمر بها المسلمون هذه الأيام

عمان ٢٠ - (الشرق الأوسط) - أصدر الأمين العام للرابطة، الدكتور نصيف، تصريحاً هاماً يشدد على خطورة الأوضاع التي يمر بها المسلمون هذه الأيام. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### الجمعة المقبلة

عمان ٢٠ - (الشرق الأوسط) - ستعقد الجمعية العامة للمجلس الإسلامي في عمان، وذلك في إطار مناقشة القضايا المتعلقة بالشؤون الإسلامية. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### استمرار جرح وقتل الخلق الثار

عمان ٢٠ - (الشرق الأوسط) - استمر جرح وقتل الخلق الثار، وذلك في إطار مناقشة القضايا المتعلقة بالشؤون الإسلامية. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

### القوات الصربية تقتل الصفيين الأجانب وتطلق النار على الراتسبين الدوليين

عمان ٢٠ - (الشرق الأوسط) - قتلت القوات الصربية الصفيين الأجانب، وتطلقت النار على الراتسبين الدوليين، وذلك في إطار مناقشة القضايا المتعلقة بالشؤون الإسلامية. وقد تم الاتفاق على وقف إطلاق النار بين الفصائل المختلفة، مما سمح لهم بالدخول إلى المدينة دون عنف.

الطريق الى القدس  
الطريق الى القدس  
الطريق الى القدس

13-Jul-10

I **Louay Abdulla** hereby certify that, to the best of my knowledge, the translation and proofreading of files **Khalifa (HIRO)** and **al alam al islami\_19920427\_01** are accurate representations of the source files.

Signed *Louay Abdulla*

Date 7/13/2010

With greetings from Mecca:

## Preparing for Islamic Power and Jihad:

### A Duty for All Times and Places.

**Islam placed great emphasis on the issue of Muslim power, both on the individual and the group levels. Moreover, Islam urges exerting all possible efforts to prepare for Jihad for the cause of Allah [God]. The whole nation should be prepared so that it shall be an army fighting for Allah's cause when needed. Thus, it should be raised to embrace power and patience in Jihad, defend the truth, guarantee freedom for all people, and confront oppression and evil, wherever and whatever they are.**

By these means, the nation will be able to maintain the security, peace and victory for justice everywhere. Therefore, the nation must have some kind of power; the power of faith in justice, the power of the soul, and the power of preparation. In its essence, the Islamic religion calls for pride and strength, and deems its followers far above accepting a life of humiliation and servitude. Thus, Islam does not recognize the truce with infidels, and calls on Muslims to take caution at all times. Allah the Almighty said: **"O you who believe! Take your precautions, and either go forth in parties or go forth all together"**. If Islam likes neither injustice nor abuse, and it is working to invite and encourage people to do well, therefore, if there was a stumbling block that prevents Islam from spreading its message to reach people, then it must be removed. Thus, Islam enjoins on Muslims not to lose sight of the preparation aspect for such confrontation and to be at the level of power required. Allah the Almighty said: **"Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies of Allah and your enemies."** (Al-Anfal: verse 59 [sic]).

Readiness is the obligatory duty that accompanies Jihad. The verse above enjoins to prepare powers of different ranks, colors, and causes. The preparation includes both moral [mental] and material preparation. Mental preparation, however, is the key that distinguishes the Islamic Army from other armies. This is because the Mujahideen in Allah's cause fight with the strong belief that is in their hearts. They are believers in Allah's victory for them over their enemies and neither fear death nor fear even being a minority. Muslim armies are unlike any other armies that possess strong numerical and material powers, and collapse quickly when confronted with the powers of the believers' army. However, "power" is a word that includes all that was and is known as war machines; either they were ground, sea or air contraptions, including the necessary education, training, establishment of military factories and creation of military experience and competencies required to do all that.

Ibn Abbas, may Allah be pleased with him, said: "Power here is arms and bows."

Sahih Muslim quoted Uqba Ibn Amer, may Allah be pleased with him, as saying: "I heard the Prophet (Peace Be Upon Him, PBUH) as saying on the stand: **"Prepare for them whatever power you can... However, power here is archery."** He left the power unlimited without restriction. Sayed Qutub, may Allah have mercy upon him, says in his book *"Fi Thehal Al Qur'an"* that Islam needs a power to start with it on "Earth" to liberate the "human being." The first thing this power poses in the way of the Islamic call is to ensure that those who select this doctrine have the freedom of their choice. Second: is to threaten the enemies of this religion so that they do not

think of attacking the territory of Islam. Third: is that those enemies become terrified to the extent that they do not think of stopping the Islamic expansion. Forth: this power needs to destroy any other power on earth describing itself as divine to rule the people with its laws and authority. He used the expression "whatever power you can" so that Muslims do not leave any weak gaps that may get through their lines.

Sheikh Abdul Rahman Bin Nasser al-Sadi interpreted the verse "**whatever power you can**" saying that all what you can of mental and physical powers, all types of weapons and such things that can support in fighting the enemies. He included in the interpretation weapons and machinery including artilleries, machine guns, rifles, aircrafts, land and sea vehicles, castles, trenches, defense machines, opinion and politics that the Muslims set forth to rid themselves of the harm of their enemies.

Preparations include precaution and recruitment of all those who are able to fight. Almighty Allah said: "**O you who believe! Take your precautions, and either go forth in parties or go forth all together**". (Al-Nisa: 71). Precautions can only be taken by making land, sea and air preparations.

In his interpretation, Ibn Kathir, may Allah have mercy upon him, said: 'Allah orders his believing servants to take precautions against their enemies. This requires preparations including the preparation of arms and increasing the number of fighters to fight for the sake of Allah'. Sheikh Abdul Rahman Bin Nasser al-Saadi, may Allah have mercy upon him, said: "Allah orders his believing servants to take precautions against their infidel enemies, including taking appropriate measures that help the believers to fight their infidel enemies and ward off their deceit and power. This includes the use of castles, trenches, training on archery and horseback riding, training on industries that help to fight the enemies, getting use of every thing that helps believers to know the infidel's entrances, exists and deceits, as well as going forth all together. This verse is equivalent to the saying of (SWT): "**And make ready for them whatever power you can**".

The Prophet (PBUH) paid attention to material preparations and taking appropriate measures that leads to the victory of Allah Almighty and to the raising of the flag of monotheism. For this purpose, the Prophet (PBUH) made different forms of preparations focusing on three elements, which are: first: the preparation of men; second: provision of weapons and money; and third: stationing and fortifications.

#### **First: the Preparation of Men**

To a considerable extent the Prophet (PBUH) took care of individuals who will be engaged in wars and wage Jihad for Allah's cause. Thus, the safety and strength of their bodies were maintained and they were trained for fighting. "**Stick to what benefits you and seek refuge in Allah,**" said the Prophet (PBUH), as stated in Hadith quoted by Abu Huraira, may Allah be pleased with him. Strengthening bodies is of benefit and has to be sought and given special attention, including nurturing and training them on carrying arms and enduring hardships. The Prophet (PBUH) was careful in training his companions on night prayers and in enduring the difficulty of leaving their beds at the time they needed sleeping the most. He, moreover, permitted prolonging of reading, standing, and kneeling. The Prophet (PBUH) said: "**The strong believer is better and more beloved to Allah than the weak believer.**" This indicates the importance of the Mujahid and his health; his core equipment and supply against the enemies.

In order to be capable of confronting enemies and encountering adversaries in the fields of Jihad, training must be held on military tactics used in Jihad in order to be capable of entering into the throng of battle. For this reason, the Prophet (PBUH) urged his companions (Allah bless them) to train in martial arts. What is even more interesting is that he even partook in these same activities. As it is narrated by Bukhari, passing by a group of Muslims practicing archery, the Prophet (PBUH) said, **"O offspring of Ismail! Practice archery, as your father was a great archer,"** He, moreover, threatened those who learned and then abandoned archery, **"He who has been trained in archery, then abandoned it, is not of us, he is guilty of disobedience."** [Quoted from] Sahih Bukhari.

"Modern armies work on providing the soldiers with tough training; crossing very difficult barriers and obstacles; crossing long distances in different weather conditions; and deprivation from food, drink and water for a while, in order to train these soldiers on enduring the most difficult situations likely to be faced in war. Al-O'sra army endured such hardships, if not much more difficult than this tough training. Major General Mahmoud Sheit Khattab says: Umar Ibn Al-Khattab said, "We headed for Tabuk in oppressive heat so that we suffered thirst to the extent we thought our necks were going to be cut; to the extent that one slaughtered one's camel; squeezed out and drank its feces, and kept the remaining water on his kidney."

"The battle of Tabuk", he added, "was a tough training for Muslims through which the Prophet (PBUH) aimed at preparing them on enduring the protection of the spread of Islam outside of the Arabian Peninsula and the establishment of the sprawling Islamic Empire, whereas the battle of Tabuk was the last battle of the Prophet (PBUH) where he needed to ensure the soldiers' efficiency before dying."

### **Second: Provision of Weapons and Money**

The Prophet (PBUH) attended to providing Muslims with weapons. In the beginning of their Jihad, Muslims were not sufficiently armed. It was held that early in the battles, every three were fighting with one sword. But, afterwards the weapons were provided for them by the good measures of the Prophet (PBUH).

Muslims had used spears, bows, swords, arrows and helmets, in their battles as well as shields and catapults, such as the one used by the Prophet (PBUH) during the Siege of Ta'if, which required him to send some of his soldiers to be trained in its use in other areas. The Prophet (PBUH) had used the sword, as in the noble Hadith: the Prophet (PBUH) was one of the finest and the bravest people. One night, the residents of Al-Madinah were spooked and went outside toward the noise. The Prophet (PBUH) greeted them, as he received the news, while riding on Abu Talha's horse, with the sword slung around his neck saying: **"Do not be startled, do not be startled."**

If the Prophet and his men (PBUH and his companions) had used all the weapons they could find during their time, as in the Almighty's saying: **"Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies of Allah and your enemies."** (Anfal: verse 60). Muslims had had [*sic*] to make use of all that was available during their era. Money must be provided for the forces fighting in Allah's cause to supply them with the various powers they need. Allah had ordered his servants to donate in Allah's name, the Almighty said: "Strive hard in Allah's cause with your possessions and your lives." (Al-Tawba: verse 41). The Prophet (PBUH) had said: **"Fight the Pagans with your possessions, your lives and your eloquence."** [Narrated by Abu Dawood]

The Islamic history has recorded, during its era in the days of Jihad and true religion, the generosity of a great number of Muslims with their wealth and lives for Allah's way and eternal life, as a means of strengthening Jihad in Allah's cause, so that the ones striving hard perform their duty as expected. Uthman Ibn Affan, may Allah be pleased with him, donated and donated to charity until it reached 900 camels and 100 horses, aside from the money he gave, until the Prophet (PBUH) said "**Uthman minds nothing after this.**" Abdel Rahman Bin Awf, had donated 200 ounces of silver, Abu Bakr gave away all of his wealth, leaving his family nothing but Allah and his Prophet, while Umar donated half of his fortune, may Allah be pleased with them.

### **Third: Stationing and Fortification**

Fastening and stationing are taken from fastening horses because those have their horses stationed. The station was called borderline. Stationing is meant to breath-hold in Allah's cause to guard the borderlines and keep close to the enemies. It is also a legitimate issue as well, as some sort of terrifying the enemies and facing up all who might be thinking to enter a Muslim territory. If they knew of the existence of the troops stationed there, and the strong fortifications which prevent them from accessing their targets, Muslims would be safe from their harm. Stationing is a word that includes all the measures of fortification; such as, dams, gaps, trenches and all the vital interests that may be the target of the enemies. Allah has made special mention of horses. This indicates the importance of stationing and a confirmation of the relationship between stationing and power. Thus, power is protected by stationing through caution, vigilance and guard.

Stationing shall not be limited to a certain time with the exclusion of another or to a specific case with the exception of another. It is ongoing and requires being patient, seeking and sacrificing for Allah's reward. Allah (SWT) said: "**O believers! Be patient, and excel in patience with the enemies and guard on the boarder and fear Allah that happily you may prosper.**" (Al-Imran: verse 204). The Prophet (PBUH) was interested in horses that were the best outfits for the war in his time. He (PBUH) said: "**horses have the good tied in the foreparts of their heads up to the Day of Resurrection.**"

There is no doubt that stationing, in the concept of the modern era, has had a broad and extended meaning that include all the area of the state, not only its borders. It has also covered the sky of the state besides its waters. Positioning is a kind of Jihad that has a great significance. Shaikh Ul Islam, Ibn Taamiyyah said: "Settling at the borderlines of Muslims is better than being in the vicinity of the three mosques as stationing is some sort of Jihad." The Prophet (PBUH) said: "**One day of positioning in Allah's cause is better than the present life and all that it contains.**" [Narrated by Bukhari]



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**DECLARATION OF TRANSLATOR**

AFFIDAVIT OF TRANSLATION OF FOREIGN DOCUMENT

RE: TRANSLATION OF ARABIC  
DOCUMENT(S) (ATTACHED)

STATE OF CALIFORNIA  
County of Los Angeles

I, **GARABET K MOUMDJIAN**, the undersigned, do depose and say:

I am a certified translator for the English and the ARABIC languages. My certification is from the ATA (American Translators Association), where I hold an active membership status. I have translated the above described document, which is attached hereto, and declare under penalty of perjury and under the laws of the state of California that the attached translation of said document into English is a true and correct translation to the best of my knowledge.

Pasadena, California.

GARABET K MOUMDJIAN

*Garabet Moumdjian*

\_\_\_\_\_  
TRANSLATOR

In honor of the Al-Aqsa Mosque Week:

**Dr. Nassif calls for supporting the Intifada and Supporting the Palestinian people in the Occupied Territories**

Mecca - Fathi Al-Gendi.

The Islamic World League (IWL) General Secretariat published a press release urging Muslims all over the world to exert sincere hard work, compete in true worship, and reach out with prayers, alms and charity under the splendor of this holy month.

In the IWL's press release, His Excellency, Secretary General of the IWL, Dr. Abdullah Bin Omar Nassif, referred to the resolution of the IWL Supreme Council for Mosques at its ninth session, which was held in [the year] 1404 [Hijri]. Such resolution was confirmed in the Council's subsequent sessions as well. It maintained considering the last ten days of the holy month of Ramadan as a global occasion for the Al-Aqsa Mosque, the reconstruction of the mosques in the Occupied Territories, and the support of the blessed Intifada.

His Excellency called upon Muslims everywhere to respond to this resolution. He stressed that such support would help to continue the blessed uprising, the Intifada, to liberate the usurped lands and home of the Islamic holy sites, especially the Al Aqsa Mosque.

His Excellency also pointed out that the IWL established a specific bank account to that end at the Al-Ahli Bank of Commerce (NCB), Mecca Main Branch.

At the end of the IWL's press release, His Excellency invited the various media outlets in Islamic countries to participate in recalling this global occasion, praying to God the Almighty to bestow good fortune and happiness to all [Muslims].

The press release reads as follows:

A press release by the IWL General Secretariat in Honor of the Al-Aqsa Mosque Week.

Praise is to He who bestows comfort. Prayers and blessings to the master of all creatures and He who bestows peace to all nations, our Lord Muhammad Bin Abdullah [the Prophet]

Therefore,

Muslims are still in the shades of this holy month by the grace and the blessings of God. Here are the last ten days of Ramadan. The days of emancipation from the fires of hell are upon us with their good gifts to Muslims. In such days, Muslims should exert sincere hard work and compete in the exclusive worship of the most generous Face of God. They should also get busy with prayers, alms, and charities from the wealth of God of which the Glorious Almighty bestowed upon them. They should also invoke God's mercy, forgiveness, pardon and his emancipating us from the fires of hell.

In reminding Muslims all over the world with all these lofty meanings, the IWL General Secretariat announces the good news of the resolution of the IWL Supreme Council for Mosques at its ninth session that was held in the year 1404 [Hijri], and confirmed in the subsequent sessions of the IWL Supreme Council for Mosques and most recently in its latest, fifteenth session, which was held in Mecca in the past

month of Shaban in the year 1404 [Hijri]. The resolution maintained considering the first ten days of the holy month of Ramadan a global occasion for the Al-Aqsa Mosque, mosques in the Occupied Territories, and the support of the blessed Intifada of the Muslim Palestinian People in occupied Palestine.

From the vicinity of the Holy Kaaba and in the Noble Sanctuary of the House of God (Makkah), the IWL General Secretariat addresses the Islamic Ummah [Nation] from across the globe to remind them of the first of the two Qiblah and the third of the Holy Mosques, which is still under the siege of the Zionist occupier, who continues his sinister plot to demolish the Sacred Mosque and build up the alleged altar in its place.

Moreover, we urge Muslims, in this holy month, to support their freedom-fighting brothers who are steadfast in the Occupied Territories in their confrontation of the enemy forces and their frequent attempts and ongoing settlement plans, without any terror or regard to neither law nor conscience. The IWL assures that this financial and material sustenance helps the continuation of the blessed Intifada to liberate the occupied land and home of the Islamic holy sites, especially the Holy Mosque of Al Aqsa.

The IWL points out that a specific bank account has been allocated to that end at the Saudi National Bank of Commerce (NCB), the Mecca Main Branch, account No. 14807000107.

The IWL sincerely appeals to the wealthy and benefactor Muslims all over the world. In doing so, we remind them of the verses of God (SWT): **'The mosques of Allah shall be visited and maintained by those who believe in Allah and the Last Day, establish regular prayers, practice regular charity, and fear none (at all) except Allah. It is they who are expected to be on true guidance.'** (Al-Tawbah: verse 18).

We also remind you all of the words of Almighty God, **"And whatsoever good thing ye spend, it is for yourselves, when ye spend not save in search of Allah's countenance; and whatsoever good thing ye spend, it will be repaid to you in full, and ye will not be wronged."** (Al-Baqarah: verse 272).

On this occasion, the IWL invites the various media outlets in our Islamic world to participate in this international Islamic occasion and to remind and urge Muslims of the need to stand up and raise to uphold their brothers and the issue thereof, to take part in the reconstruction of the Al-Aqsa Mosque and the mosques of the Occupied Territories and to support the blessed Intifada.

In reminding Muslims of this, the IWL prays to God Almighty to prosper Muslims in their good endeavors and generous donations from the wealth of God that came to them out of His bounty, the best Lord, the best Patron and the Guide to the rightward path.



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County of Los Angeles

I, **GARABET K MOUMDJIAN**, the undersigned, do depose and say:

I am a certified translator for the English and the ARABIC languages. My certification is from the ATA (American Translators Association), where I hold an active membership status. I have translated the above described document, which is attached hereto, and declare under penalty of perjury and under the laws of the state of California that the attached translation of said document into English is a true and correct translation to the best of my knowledge.

Pasadena, California.

GARABET K MOUMDJIAN

*Garabet Moumdjian*

\_\_\_\_\_  
TRANSLATOR

Al-Alam Al-Islami, May 3rd 1993, page 1

**Servant of the Two Holy Shrines Thanks the Secretary General of the Islamic World League**

Holy Mecca – Sadeq Ashour:

The Servant of the Two Holy Shrines, King Fahd Bin Abdul Aziz, may God protect him, sent a telegram to His Excellency, Dr. Abdullah Bin Omar Naseef, the Secretary General of the Islamic World League, in response to a telegram His Excellency had sent to His Highness, the Servant of the Two Holy Shrines, in which he thanked him for his donation of twenty million dollars as an immediate relief aid to the people of Bosnia and Herzegovina. The aid was intended to support and assist our oppressed Muslim brothers there in order to continue their legitimate jihad against the designs of the aggressor Serbs.

The Servant of the Two Holy Shrines, may God bless him, expressed in his telegram his gratitude to His Excellency, Dr. Naseef and the Muslim peoples and minorities represented by the League for his kind feelings and truthful calls.

**The Servant of the Two Holy Shrines  
King Fahd Bin Abdul Aziz Al Saud.  
May God's peace and prayers be upon you. Greetings:**

We are delighted by your generous donation, may God bless you, to extend immediate assistance to the Republic of Bosnia and Herzegovina in the amount of twenty million US dollars, in addition to your other financial and in-kind contributions that support and assist our oppressed brothers there so that they can continue their legitimate jihad against the plots of the aggressor Serbs. This precious gift, which you were kind to extend, shall be added to the honorable record of gifts extended by the Royal Kingdom of Saudi Arabia under your wise leadership to aid those afflicted in the Islamic world and to support their causes in the face of injustice and aggression, as in heeding the words of the Almighty who says: **“And assist each other to do charity and in piety and do not cooperate to commit sins and aggression.”**

The Royal Kingdom of Saudi Arabia, under your prudent leadership, sets, with this noble act, an example for Muslim solidarity and cooperation and unity in support of the causes of Muslims around the globe.

On this great occasion, I would like, on behalf of my own self and on behalf of Muslim peoples and minorities around the world, represented by the Islamic World League, to express to your highness the greatest gratitude, appreciation and thanks for these noble Islamic positions that assert brotherhood among Muslims and the truthfulness of the faith and steadiness of the principle. I also pray to God the Almighty to bless you and your prudent government and the people of the noble Royal Kingdom of Saudi Arabia and to guide you to what best serves the welfare and interest of our religion and way of life. I

also pray to the Almighty to count this act as part of your good deeds, since He is capable of doing that and He is the best God and best ally.  
Dr. Abdullah bin Omar Naseef

His Excellency  
Abdullah bin Omar Naseef  
Secretary General of the Islamic World League  
Holy Mecca

We have received your telegram sent on behalf of Muslim peoples and minorities in the world, represented by the Islamic World League, expressing your sincere feelings about the immediate aid extended to the Republic of Bosnia and Herzegovina in the amount of twenty million dollars in addition to other financial and in-kind contributions.

We thank Your Excellency and the Muslim peoples and minorities members of the League for your Islamic feelings and kind prayers. We can only pray to God the Almighty to assist our brothers there and protect them against all harm and to bless everyone in what best serves the interest of the Islamic nation in its religion and way of life. May God bless you.

Fahd bin Abdul Aziz



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(626) 827-9063**

**DECLARATION OF TRANSLATOR**

AFFIDAVIT OF TRANSLATION OF FOREIGN DOCUMENT

RE: TRANSLATION OF ARABIC  
DOCUMENT(S) (ATTACHED)

**STATE OF CALIFORNIA**  
County of Los Angeles

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Pasadena, California.

GARABET K MOUMDJIAN

*Garabet Moumdjian*

\_\_\_\_\_  
TRANSLATOR

**Testimony of Abraham D. Sofaer  
George P. Shultz Senior Fellow  
The Hoover Institution  
Stanford University**

**Before the Subcommittee on Crime and Drugs  
Senate Committee on the Judiciary**

**July 14, 2010**

**Hearing on S. 2930  
“Evaluating the Justice Against Sponsors of Terrorism Act”  
Dirksen Senate Office Building  
Room 226**

Chairman Specter and other distinguished members of this Committee:

I am honored to have been invited here to testify concerning S. 2930, the "Justice Against Sponsors of Terrorism Act," intended "to deter terrorism, provide justice for victims, and for other purposes." This is an important legislative effort, and I commend you, Senator Specter, and your co-sponsors Senators Schumer and Graham, for seeking to rectify serious deficiencies in the manner in which the United States courts are handling claims by victims of acts of terror that take place on U.S. soil, and in particular claims of the individuals and companies damaged by the attacks of September 11, 2001.

My testimony does not attempt to deal comprehensively with all the issues posed by the legislation. This is not out of any lack of respect for this distinguished Committee or the importance of its work, but simply because I received the invitation to comment on the bill last week. These comments therefore focus on what appear to be the bill's key provisions, and on the broader question of how best to compensate victims and deter terror – issues concerning which I may be able to contribute based on my experiences as a prosecutor, district judge, State Department Legal Adviser, negotiator, teacher and scholar of international law, and private attorney.

First, I agree with the premise of S. 2930 that civil actions for damages may deter some sponsors of acts of terrorism in the United States and elsewhere. Saudi princes who support Al Qaeda with money are not, like suicide bombers, immune from concern over being held liable for the foreseeable consequences of that support. They and others like them who give money to people committed publicly to shedding the blood of American civilians (and destroying freedom and tolerance everywhere) would likely be deterred from doing so if they were in fact held financially accountable.

No one knows better, however, than the Members of this Committee, that the effort to create viable, civil penalties against terrorists and their sponsors in the U.S. courts has been frustrating and largely ineffectual. The Executive branch of our own government, regardless of party, has opposed this effort and has sought largely successfully in the U.S. courts to limit the effectiveness of the laws Congress has adopted for this purpose.

This continuing difficulty that Congress has had in fashioning effective remedies that both compensate and deter results, not from any lack of ingenuity or resolve on the part of this Committee or the U.S. Congress, but rather from the inherent difficulties and dangers that arise when one state unilaterally attempts to modify important aspects of the law relating to sovereign immunity issues. These difficulties are therefore likely to continue to undermine efforts to secure financial redress for victims of state sponsored terrorism whether or not this Committee succeeds in securing passage of the proposed legislation being considered here today. Therefore, with the Committee's permission, I will – after commenting on provisions of S. 2930 – urge an alternative approach. Rather than continuing to attempt to carve exceptions out of widely recognized immunities for the purpose of permitting suits for damages caused by terrorist acts – which despite the best intentions have thus far led to few recoveries and no discernible deterrent effect – Congress should adopt a plan that provides prompt and adequate compensation to all U.S. victims of the full range of terrorist conduct, and that authorizes and enables the Executive to deter terrorism through all appropriate means including recovery of the amounts paid and the use of preventive force.

**Comments on the S. 2930**

The proposed legislation is designed to clarify several issues on which the Second Circuit Court of Appeals ruled in 2008 in an action brought by thousands of individuals who suffered losses in the September 11, 2001 attacks. A panel of that Court upheld on foreign sovereign immunity grounds the District Court's dismissal of all the claims brought by plaintiffs against the Kingdom of Saudi Arabia, three Saudi princes, a Saudi banker, and a Saudi High Commission. The Second Circuit decision was based on several conclusions that conflict with those reached by other Courts of Appeal, and that differ from positions taken by the Solicitor General of the United States and the Department of State. Nonetheless, the Solicitor General opposed the grant of certiorari by the U.S. Supreme Court to review the Second Circuit's decision, for various reasons, and certiorari was denied.

The Second Circuit decision reached several important conclusions that S. 2930 seems intended to clarify. They affect primarily: (1) the application of the Foreign Sovereign Immunity Act ("FSIA") to officials acting within the scope of their official duties; (2) the scope of the tort exception to the FSIA; (3) the standard of proof required to establish liability of officials and their states who contribute to groups or individuals who commit acts covered by the terrorism and tort exceptions; and (4) the basis upon which personal jurisdiction should be found to exist over officials of foreign states in such cases.

(1). Application of the FSIA to Officials. The Second Circuit joined the majority of other Circuit Courts in holding that the FSIA applies to officials of foreign governments, thus granting them immunity for all official acts with the exceptions provided in the

statute. The Executive disagreed, and the Supreme Court has since then ruled in Samantar that the FSIA governs only the immunity of states; officials obtain their immunity for official acts exclusively from rules developed through international practice, as applied by the State Department.

This Committee no doubt will take the Samantar decision into account in revising S. 2930. Section 4 of the bill as written would amend the FSIA to provide that, "except as provided under section 1605A", claims based on the acts or omissions of officials or employees of a state or organ of a state, "while acting within the scope of his office or employment, shall be asserted against the foreign state or organ of the foreign state." This provision seems to imply that the FSIA does apply to foreign officials acting within the scope of their office, granting them personal immunity for all such acts other than those covered by section 1605A, i.e., "torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act" (28 U.S.C. 1605A(a)(1)). This language may be read to confer an immunity on officials for their official conduct, other than as listed in section 1605A. The Committee could drop this provision, or should at least add language making clear that the FSIA is not intended to confer immunity on officials where it would not otherwise exist.

If the Department of State is to perform the task of deciding whether officials are entitled to immunity, I hope it adopts and adheres to clear standards, so that its decisions are more consistent and principled than those issued on the immunity of states prior to adoption of the FSIA. The Congress could, on the other hand, decide to include officials under the FSIA, in order to ensure objective determinations made by independent courts. But that should be done, if at all, only after full consideration of the relevant issues, and

the inclusion in the statute of the standards and exceptions Congress considers appropriate.

(2). The Tort Exception. The Second Circuit rejected application of the tort exception to state immunity, 28 U.S.C. 1605(a)(5), on the ground that Congress must have meant to exclude terrorist torts from this exception when it created the exception from immunity for terrorism-related claims, 28 U.S.C. 1605A. As the Solicitor General pointed out in her brief to the Supreme Court, it is simply wrong to contend that the exception for terrorism-related claims (which applies only if the state involved is on the State Department list of state sponsors of terrorism) would be rendered meaningless if such claims were also made part of the tort exception. The tort exception applies only to injuries from torts occurring within the territorial U.S., while the terrorism exception applies to injuries from the listed acts of terror wherever they may occur. Section 3 of S. 2930 corrects the Court's misreading of the tort exception by adding expressly to that provision the list of terrorism-related torts currently in the terrorism exception.

The other important change by the proposed legislation to the tort exception would be its rejection of the notion, supported by both the Second Circuit and the Solicitor General, that the tort on which suit may be brought must be committed in its entirety within the U.S. The tort alleged by plaintiffs in that litigation – material support for groups despite the knowledge that they would likely attack the U.S. – was in the view of the Court and the Executive one which took place outside the U.S., even though it may have enabled attacks to be made within the U.S. The bill would exempt from immunity the newly listed terrorist conduct “regardless of where the underlying tortious act or omission is committed,” including the tort of “the provision of material support or

resources . . . for such an act . . . .” This is an important change, and one that is completely justified by international law and the purpose of protecting against torts aimed at U.S. nationals within U.S. territory. It must be frustrating to this Committee and to the Congress that the Executive would attribute to you an intention to leave the American people unprotected by the tort exception from a tort committed outside the U.S. that is acknowledged to have been intended to support a group intent on causing damage inflicted by torts within the U.S. The bill appears to drive home this point in Section 5, by amending the Anti-Terrorism Act of 1991 to extend liability to aiding and abetting, providing material support, or conspiring with persons who commit acts of terrorism.

The only question I have regarding this aspect of the bill is whether the changes can properly be applied to “dismissed actions,” or despite the existence of the doctrine of “claim preclusion,” and especially whether Congress may properly order that an action dismissed for lack of subject matter jurisdiction “shall” on motion be “reinstated.” I am aware of precedents that uphold the application of new jurisdictional rules to pending cases, but not to cases that have been dismissed, and I am uncomfortable with the notion of Congress ordering a dismissed case to be reinstated. If a new jurisdictional rule can lawfully be retroactively applied, then it should suffice for Congress to say that it is intended to apply retroactively and to allow parties dismissed under the old rule to attempt to gain the benefit of the new rule by commencing a new litigation based on the new rule. An additional problem here is that this ground was not the only basis upon which the Court dismissed the 9/11 cases against certain Saudi defendants, and it may lead to unseemly appearances of inter-branch conflict for Congress to be seen as instructing the courts on the appropriate ruling to make in particular cases, even if only

on motions for reinstatement. It seems questionable as well for Congress to apply the new statute of limitation retroactively; while the longer period provided in S. 2930 may be justified, it seems fundamentally inconsistent with the principle of repose by proposing to reopen a limitation period that has expired. What limitation period would not be subject to such a change?

(3). Standard of Proof. Both the Second Circuit and the Solicitor General appear to have given less weight to the knowing support by states for terrorist groups than Congress considers appropriate. The bill attempts to deal with this problem by making findings to the effect that terrorist groups gain the ability to commit acts of terror by securing financial support; that any contributions to such groups facilitates their acts of terror; and that persons who provide material support for such groups should not be protected from civil liability. (Findings 5-7) I support these findings. They reflect reality. But to overcome the failure of even some U.S. officials and judges to understand these points, Congress may need to legislate with more particularity on the issue.

One approach is to consider fleshing out the definition of "material support" so that it is endowed with the legitimacy it deserves. This could be achieved by adding language that is directly taken from UN Security Council Resolution 1373, which prohibits states from extending any form of support to groups prepared to engage in terrorist acts in the territory of other states. The language is so eminently useful that I am attaching the Resolution to my testimony. In summary, it concludes that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.

(4). Basis for Personal Jurisdiction. The Second Circuit continues to adhere to its view that federal courts may exercise subject matter jurisdiction over foreign states and officials only if their contacts with the U.S. satisfy the standards of the due process clause of the U.S. Constitution. The decision seems to have had no relevance to the Kingdom of Saudi Arabia, and significant authority appears to be growing for the proposition that the due process clause is inapplicable to states, that often have offices in the U.S. and at the UN in New York, and conduct business of various sorts in this country. The problem is the language used by the Court relative to the individuals involved, where it dismissed for lack of personal jurisdiction even though it conceded that the complaint had alleged evidence that showed a reckless disregard of the fact that their contributions were likely to lead to terrorist attacks on Americans within the U.S. The Solicitor General properly rejected that view, supporting the view that it is sufficient that the defendant took “intentional . . . tortious, actions,” knowing “that the brunt of the injury would be felt in the foreign forum.” Calder v. Jones, 465 U.S. 783, 789-90 (1984).

It may well be useful for the proposed bill to address this issue, despite the fact that the FSIA is inapplicable to officials. Congress could make clear its view that the due process clause is inapplicable to states and that, insofar as it applies to states or officials who are sued under section 1605A, the relevant standard is properly stated in Finding 8 of S. 2930, i.e., “knowingly or recklessly” contributing “material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of United States nationals or the national security, foreign policy, or economy of the United States . . . .” This is a sound standard for personal jurisdiction, and preferable to the standard proposed by the Solicitor

General. To ensure that the courts will take it seriously it should be included in a separate provision of the legislation, and not only as a finding.

#### **Expedited Compensation and Effective Deterrence**

I share the frustration felt by the sponsors of S. 2930, and therefore would support clarifying existing law along the lines proposed in the bill, though with the changes and observations made above. I would urge, however, that the distinguished and experienced Senators who support this bill agree to pursue a potentially more effective solution to the problem of compensating victims of state sponsored acts of terror than the current litigation model. My proposal is not new. Congress has previously considered creating a fund to compensate victims of terror, and in fact created such a fund to compensate victims of the 9/11 bombings. But to be successful the idea needs to be fashioned and implemented in a principled manner, at a time when Congress is not responding to a specific, urgent crisis.

The problem we have as a nation in responding to the effects of sovereign immunity results from a fundamental shift in the expectations of our people. The absolute immunity from suit of sovereign states and their high officials was unchallenged during the 18<sup>th</sup> and 19<sup>th</sup> centuries, because absolute immunity suited governments – which benefited from it – and people were prepared to accept it. This did not mean that states were able to avoid compensating foreign nationals whom they harmed. To the contrary, states were often held to account. But the accounting came after the behavior that led to the claims was long over, and after the states involved had agreed to come to terms on their differences. Very often, in settling their differences, states would agree to compensate each other's nationals, and they did so by setting up a claims procedure in

which people and companies were authorized to establish their claims before tribunals and thereafter recover damages in proportion to the funds available for compensation. This is what happened between Britain and the U.S. after the civil war; between Mexico and the U.S. in the early 20<sup>th</sup> Century; and in many other, significant situations.

Expectations changed. Businesses got tired of allowing state owned companies to have immunity for purely commercial activities, and after plenty of legal controversy and politically driven results, Congress forced the U.S. into an orderly, law-oriented system in which commercial activities lost their immunity under judicially administered standards. This shift went smoothly and was effective, because most other states shared our view and had implemented the restricted immunity doctrine even before we did.

Expectations of Americans who had been harmed by terrorists also changed. Our people (and I suspect nationals of other democratic states) demanded to be compensated immediately after they had been injured, not years later after the underlying disputes had been resolved. Their demand makes sense from a human standpoint. People need compensation in order to repair their lives, which often end before major international problems are solved.

The turning point may well have been the seizure of American hostages in Iran. Our government put in place a compensation regime in the Algiers Accords, but we were insufficiently responsive to demands by the hostages and their families for compensation. Pathetically low amounts were paid based on lost time at work and other inadequate measures, and the hostages and their families were denied even the opportunity to assert claims based against Iran for the actual injuries they suffered from the clear violations of international law that had taken place.

Other terrorist acts followed, and instead of adjusting the compensation mechanisms that had been part of international law, by providing funds in advance of the settlement of international controversies, we purported to create causes of action against, and jurisdiction over, the states and the terrorists who attacked Americans. This effort was well motivated, but it has failed. The promise of recoveries has been largely unfulfilled, except for those lucky few who have been paid out of the U.S. Treasury, often without surrendering their claims as historical practice required. So, neither the objective of compensation nor that of deterrence has been achieved. And the process has greatly (and it turns out unjustifiably) complicated the conduct of foreign policy, encouraging other states to advance extravagant claims of jurisdiction, which adversely affect not only the U.S. but also China, Israel, and other states targeted by terrorist groups.

This Committee could more effectively achieve the aims of S. 2930 by fashioning a system promptly to compensate all victims of specified terrorist acts, without procedural and political complications, under a system that then allows the U.S. government to achieve deterrence by pursuing recoveries based on indemnity as part of a diplomatic process that includes all the other powers of government, including the use of preventive force. Congress has demonstrated its ability to fashion such a system and an effort should be made to encourage other states that have been attacked by terrorist groups, sponsored sometimes by the same states, to adopt the same process for compensating their own victims. The immunity of state sponsors can effectively be narrowed only through broader international recognition of additional bases for liability.

In adopting a compensation scheme for victims of state sponsored terrorism, Congress should also make clear its support for effective action against any state or official undertaking or knowingly supporting deliberate attacks against U.S. nationals anywhere for the purpose of terrorizing them and thereby forcing the U.S. government to capitulate to the terrorists' demands. This type of conduct has been prohibited by the Security Council in Resolution 1373, and should be punished universally, with the full support of all states of the United Nations system. While Resolution 1373 does not expressly authorize states to act to protect victims of illegal attacks, a carefully drafted legislative authorization for the use of force by the President in situations that meet the Resolution's requirements could well gain significant support from such states as India and Israel, which have suffered greatly from state-supported attacks. Actions for damages may, when successful, deter financiers. But such litigation has little or no bearing on the terrorists themselves, who after all need very little money to do very substantial damage.

Allowing lawsuits against terrorists and their sponsors is no substitute for an effective strategy for combating Al Qaeda and its like. Our current effort in Afghanistan to take the fight to that most dangerous of all existing terrorist groups is essential, and the President deserves our full support. But Al Qaeda is operating in many other states, and people unaffiliated with it in any official way are prepared to bring down planes, and to kill our civilians in Times Square and subways and other public places. We cannot be tied as a matter of policy to defending ourselves against such groups by launching long and costly wars in which we have to pay the price of building nations even where no nation has ever really existed. We have to reserve and exercise the right to attack those

who attack us, as well as their knowing supporters, in any state that fails to perform its international obligation to prevent such attacks, whether deliberately or due to its inability to control its territory. I believed and said this before the 9/11 attacks, and our failure now to pursue terrorists and their supporters in all the states from which they operate or train will certainly allow such attacks to continue.

In short, Mr. Chairman, while I support the underlying purpose of the proposed legislation, I urge you and your distinguished colleagues to adopt an approach with greater promise: one which would deliver compensation promptly, would make clear that all amounts paid could be sought by our government from states and individuals responsible, and would authorize and encourage the President to punish and put an end to state sponsored terrorist acts through unfettered diplomacy appropriately complemented with strength.

United Nations  
(2001)  
**Security Council**

S/RES/1373

Distr.: General  
28 September 2001

**Resolution 1373 (2001)**

**Adopted by the Security Council at its 4385th meeting, on  
28 September 2001**

*The Security Council,*

*Reaffirming* its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

*Reaffirming also* its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

*Reaffirming further* that such acts, like any act of international terrorism, constitute a threat to international peace and security,

*Reaffirming* the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

*Deeply concerned* by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

*Calling* on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

*Recognizing* the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

*Reaffirming* the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

*Acting under Chapter VII of the Charter of the United Nations.*

1. *Decides* that all States shall:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
- (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

- (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
- (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
- (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
- (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
- (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
- (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
- (g) Prevent the movement of terrorists or terrorist groups by effective border

controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

33. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal armstrafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to

a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

•  
**voices**  
OF SEPTEMBER 11<sup>TH</sup>

July 13, 2010

The Honorable Arlen Specter  
United States Senate  
711 Hart Senate Office Building  
Washington, D.C. 20510-3802

Dear Senator Specter,

As 9/11 family members who lost children on 9/11 and who worked to establish the 9/11 Commission and implement its recommendations, we wish to thank Senators Specter, Schumer and Graham for introducing the "Justice Against Sponsors of Terrorism Act" (S. 2930). We urge swift Congressional approval of this bill.

Our goals are to minimize terrorists' ability to carry out mass casualty attacks, and to hold accountable those who enable terrorism. When their revenue stream is disrupted, jihadists have less money to invest in training, travel, communication, and access to explosives and nuclear, chemical, radiological or biological weapons. Although the character of the terrorism threat is evolving to more loosely organized cells, it is imperative to pursue terrorist funding sources in order to interfere and minimize their ability to fund plots. As part of a deliberate effort to close the loopholes in funding of terrorists, passage of S. 2930 should be a priority.

Following the money trail to its source is one of the tools in the fight against terrorism. The 9/11 Commission report said, "Following the money to identify terrorist operatives and sympathizers provides a particularly powerful tool in the fight against terrorist groups. Use of this tool ... is a critical part of the overall campaign against al Qaeda..." [National Commission on Terrorist Attacks Upon the United States Monograph on Terrorist Financing, Introduction and Executive Summary, page 1, [http://govinfo.library.unt.edu/911/staff\\_statements/911\\_TerrFin\\_Ch1.pdf](http://govinfo.library.unt.edu/911/staff_statements/911_TerrFin_Ch1.pdf)]

On September 11, 2001 terrorists senselessly murdered our children and nearly 3,000 other innocent people. Almost nine years later, the 9/11 families and the nation are still waiting for accountability. Although the jihadists who carried out the attack are dead and Khalid Sheik Mohammed, the alleged 9/11 mastermind, is in Guantanamo awaiting trial, Osama bin Laden, the terrorist leader who targeted America, is free. Those who sponsored and financially supported the terrorists are equally responsible for the horrendous death of our loved ones, also go unpunished. Current United States law lacks the teeth to force accountability. As long as there are no serious consequences for those acting behind the scenes, the terrorism they support will continue undeterred, raising the likelihood that in the future more innocent Americans will die in a terrorist assault.

Approaching the ninth anniversary of 9/11, our country remains at great risk. Every effort should be made to thwart the terrorists' ability to strike. In closing, we strongly support the efforts of Senators Specter, Schumer and Graham to protect our nation and provide accountability for 9/11 in the "Justice Against Sponsors of Terrorism Act" (S. 2930). We believe this legislation will be an important step to rectify that injustice and lessen the possibility of more terrorism on American soil. We urge Congress to act swiftly to pass this important bill.

Respectfully,

Mary Fetchet, Founding Director, Voices of September 11<sup>th</sup>

Frank Fetchet, Co-Director, Voices of September 11<sup>th</sup>  
Parents of Brad Fetchet, 24

Carol Ashley, Family Member Advisory Committee, Voices of September 11<sup>th</sup>  
Mother of Janice Ashley, 25

## The Washington Post

### Supreme immodesty: Why the justices play politics

By Stuart Taylor Jr.  
Wednesday, July 14, 2010; A19

Why does the supposedly nonpartisan Supreme Court split so often along ideological lines, with the four conservatives locked in combat against the four liberals and the eclectic Justice Anthony Kennedy determining which faction wins?

And why do all of the justices so often find in the Constitution a mirror image of their own political and policy views on issues as diverse as abortion, race, religion, gay rights, campaign finance, the death penalty and national security?

The justices strenuously deny voting their own policy preferences. So, are they insincere?

Well, no, except that none admits that interpreting the Constitution is an inescapably subjective enterprise in which policy and political preferences unavoidably play a big part. This is especially true at the Supreme Court, which is not strictly bound by its own precedents.

Even a rigorously apolitical justice passionately committed to "applying the law" would often find no clear law to apply.

Conservative (and some liberal) "originalists" are correct in saying that justices who seek to override the text and original meaning by invoking the "living Constitution" have nothing to guide them but their own policy preferences -- and precedents, which can be overruled.

But originalists cannot avoid subjective judicial policymaking, either, for at least four reasons.

First, there has never been a consensus on the original meaning of expansive constitutional phrases such as "due process of law" and "equal protection of the laws," or on how to handle the tensions among various other provisions. The Framers themselves often differed on how to apply the Constitution to specific cases.

Second, any consensus that may have once existed about the meaning of the most important provisions has been erased by time and by the revolutionary changes in the way Americans live.

Consider the landmark 5-to-4 ruling in 2008 that the ambiguously worded Second Amendment protects against the federal government an individual right to bear arms. (The same five justices held last month that gun rights also apply against states.)

All nine justices claimed to be following the Second Amendment's original meaning. Yet the bitter liberal-conservative split perfectly matched the factions' apparent policy preferences.

[http://www.washingtonpost.com/wp-dyn/content/article/2010/07/13/AR2010071305243\\_p...](http://www.washingtonpost.com/wp-dyn/content/article/2010/07/13/AR2010071305243_p...) 7/20/2010



After reading and rereading the 154 pages of opinions to discern who was right about the original meaning, I saw it as a dead heat. So historical research provides no escape from subjectivity. And conservative originalists' claims of being deferential to democratic governance ring hollow after the two gun decisions and other recent rulings.

Third, even when the original meaning is clear, almost everyone rejects it as intolerable some of the time. For example, nothing in the original Constitution (which ratified slavery) or the 14th Amendment (which required only states to provide "equal protection") was originally understood to bar the federal government from discriminating based on race.

But this did not stop the court from striking down Congress's segregation of D.C. public schools in *Bolling v. Sharpe*, a 1954 companion case to *Brown v. Board of Education*. And almost everybody now agrees that the Constitution bars federal racial discrimination.

Fourth, the accretion of precedents contrary (or arguably contrary) to original meaning pervades almost every area of constitutional law. In case after case, justices must choose whether to stray ever farther from originalism or to overrule precedents.

Imagine yourself as a justice, confronted with highly persuasive legal arguments on both sides of most big cases. How would you break the ties? By flipping coins? Or, perhaps, by persuading yourself that the interpretations that suit your policy preferences are the better ones?

This is not to suggest that judicial review is illegitimate. Americans count on the court to protect cherished rights, and the country needs an independent judiciary to check majoritarian tyranny.

The key is for the justices to prevent judicial review from degenerating into judicial usurpation. And the only way to do that is to have a healthy sense of their own fallibility and to defer far more often to the elected branches in the many cases in which original meaning is elusive.

Elena Kagan professed such a modest approach in her confirmation testimony. Yet so did the eight current justices, and once on the court, all eight have voted repeatedly to expand their own powers and to impose policies that they like in the name of constitutional interpretation.

Why so immodest? Perhaps because the justices know that as long as they stop short of infuriating the public, they can continue to enjoy better approval ratings than Congress and the president even as they usurp those branches' powers.

*The writer is a contributing editor to Newsweek and National Journal and a nonresident fellow at the Brookings Institution. He is also co-author of "Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case."*

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**Testimony of Lee S. Wolosky**  
**Partner, Boies, Schiller & Flexner LLP**  
**United States Senate Committee on the Judiciary**  
**Subcommittee on Crimes and Drugs**  
**July 14, 2010**

Mr. Chairman, Ranking Member Sessions and Distinguished Members of the Committee:

Thank you for affording me the opportunity to testify before you today on an issue of significant importance to our country – deterring financial and other material support for international terrorist organizations. I have had the opportunity to consider these issues both as a National Security Council official at the White House under Presidents Clinton and George W. Bush, and as a lawyer in private practice. I will focus my testimony on how civil litigation by private parties can help curtail financial support to terrorist organizations, and how the Justice Against Sponsors of Terrorism Act (S. 2930) closes gaps in the legal framework available to such private parties.

Along with the threat of governmental fines and sanctions, the prospect of substantial civil damages can deter deep-pocketed corporations or individuals from doing business with terrorist organizations.

The Justice Against Sponsors of Terrorism Act expands exceptions available to private plaintiffs under the Foreign Sovereign Immunities Act to bring suit against foreign sovereigns and their agents or instrumentalities who have provided support for acts of terrorism regardless of whether the sovereign in question has been designated a state sponsor of terrorism by the State Department. Although I generally believe that the protection of U.S. interests requires a narrow reading of the Foreign Sovereign Immunities Act (and of a very limited number of statutory exceptions to sovereign immunity), in this case the clarification of the law provided by S. 2930 is warranted in my judgment by a recent Second Circuit decision<sup>1</sup> holding that the tort exception to foreign sovereign immunity does not apply to acts of terrorism. By expanding the tort exception to include acts of terrorism, the proposed legislation provides those harmed by acts of terrorism redress in American courts against foreign states and their agents who can be proven to have aided terrorists.

The Justice Against Sponsors of Terrorism Act also amends the Anti-Terrorism Act of 1991 by, among other things, imposing liability on those who aid and abet acts of international terrorism impacting Americans, and by making defendants in such suits subject to the personal jurisdiction of federal district courts to the maximum extent permitted by the Constitution.

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<sup>1</sup> *In re Terrorist Attacks on September 11, 2001*, 538 F.3d 71 (2d Cir. 2008).

To illustrate why and how civil litigation can supplement the tools available to U.S. officials in deterring the financing of terrorism, I will focus my remarks, at the Staff's request, on two cases concerning which I should disclose my personal involvement as a lawyer in private practice.

Arab Bank, PLC

Arab Bank is a large, international financial institution based in Amman, Jordan.

In 2004, six families of Americans injured or killed in Palestinian terrorist attacks filed a lawsuit against Arab Bank in federal court in New York seeking \$875 million in damages. The suit alleged that Arab Bank had served as paymaster for a dedicated program providing financial support to the families of Palestinian suicide bombers and other terrorists who committed or attempted to commit terrorist acts that killed American citizens (and others). Other lawsuits making similar allegations followed.

According to the lawsuits, these funds were disbursed to Arab Bank accounts opened in the name of beneficiaries and available at local Arab Bank branches in the Palestinian territories. Such payments were alleged to serve as incentives to would-be bombers and other would-be terrorists who could take comfort in knowing that their families would receive financial support if they attempted to commit a terrorist act.

Here's how the program administered by Arab Bank appears to have worked: Families of terrorists, including suicide bombers, would sit down with representatives of Hamas's social infrastructure in Gaza and the West Bank and provide information sufficient to prove they were qualified to receive funding. This information would be collected and sent to Saudi Arabia in the form of lists of beneficiaries. Beneficiary families received over US\$5000 each.

Much of the funding for this program is alleged to have come from the Saudi Committee in Support of the Intifada Al Quds. This Committee, founded in 2000, allegedly provided tens of millions of dollars in support for the beneficiaries of suicide bombers and other terrorists through the Arab Bank. According to the Saudi Committee, its purpose was to support the "Intifada Al Quds" and "all suffering families – the families of the martyrs and the injured Palestinians and the disabled." In April 2002 alone, the Committee reportedly raised \$109 million in a three-day telethon.

Significantly, some of the evidence underlying the allegations against Arab Bank is neither classified nor difficult to find. It is available – and has been available for several years – to anyone who wishes to surf the internet, watch regional television, or reference the appropriate Arabic-language newspapers in the region.

Television advertisements and media reports indicated that private donations to the Saudi Committee should be deposited in a dedicated bank account maintained by Saudi banks known as "Account 98." The Saudi Committee's website made clear that donations would be channeled to Arab Bank. According to published reports, the Chief Banking Officer of Arab Bank acknowledged that, from December 2000 through May 2003, the

Saudi Committee made approximately 200,000 payments into Palestine through Arab Bank branches totaling about \$90 million.<sup>2</sup>

The Committee often labeled the dead whose beneficiaries received funds as the victims of "assassination." Yet in 2005 the Congressional Research Service confirmed that many of these names were the same as the names of those involved in perpetrating terrorist attacks against innocent civilians.

In denying Arab Bank's motion to dismiss the litigation, Federal District Court Judge Nina Gershon wrote: "In light of the allegations that the Saudi Committee widely and publicly solicited funds that were deposited directly into accounts at Arab Bank and that Arab Bank consulted with the Saudi Committee and local representatives of HAMAS to finalize the lists of beneficiaries, the inference is unmistakable that Arab Bank knew it was administering a financial benefit to designated families of Palestinian 'martyrs' and those wounded or imprisoned in perpetrating terrorist attacks, i.e., those who perpetrated the primary violations of the law of nations." Indeed, Judge Gershon wrote in a recent sanctioning decision, Arab Bank "admits that it maintained accounts for eleven people or organizations that had already been designated as Terrorists."

The ongoing civil litigation against Arab Bank supplements U.S. regulatory and enforcement actions. In 2005, the Office of the Comptroller of the Currency (OCC) and the Treasury Department's Financial Crimes Enforcement Network levied a \$24 million fine against Arab Bank. Although Arab Bank protested that the U.S. Government fine was "unreasonably high," this amount pales in comparison to the \$32 billion in assets that Arab Bank possessed at the time.

Just this week, a federal judge sanctioned Arab Bank for refusing to turn over relevant bank records.<sup>3</sup> And, significantly, Arab Bank continues to do lucrative business in New York through correspondent banking relationships with U.S. financial institutions, while refusing to provide compensation to those harmed by its conduct and while continuing to defy U.S. courts.

<sup>2</sup> See [http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a\\_0CRqtqmut0&refer=europe-redirectoldpage](http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a_0CRqtqmut0&refer=europe-redirectoldpage).

<sup>3</sup> For the past several years, Arab Bank has defied court orders pertaining to the production of relevant bank records. A federal district court judge sanctioned Arab Bank just two days ago for such conduct. According to Judge Gershon, since 2005 Arab Bank has "refused to produce certain documents" and "to reveal bank account information." In her sanctions ruling, Judge Gershon rejected the Bank's arguments against disclosure, stating that Arab Bank's "false or exaggerated assertions hardly support a finding of good faith." Further, the Judge said she believed that "the withheld records would include documentation (including photographic identification) for the approximately 3,000 beneficiaries of 'martyr' payments who did not hold accounts at the Bank and received their payments (which together totaled \$20 million) over the counter" as well as "records of the recipients of Saudi Committee payments who *did* maintain accounts at the Bank" (emphasis in the original). As a result, the Judge ordered that the jury "may infer that [Arab Bank] processed and distributed payments on behalf of the Saudi Committee to terrorists, . . . their relatives, or representatives."

In connection with the consent order it entered into with the OCC, Arab Bank was required to convert its New York branch into an "agency." This means, among other things, that it is no longer permitted to conduct its own dollar clearing transactions and funds transfer through its U.S. agency, and must instead rely on correspondent banking relationships to conduct such business.

According to the 2010 Banker's Almanac, Arab Bank retains an extensive network of correspondent banking relationships, including with institutions such as Wells Fargo Bank, HSBC Bank USA, and JP Morgan Chase. These correspondent banking relationships are the lifeblood of Arab Bank's connection to the international financial system.

The United States Congress and Executive Branch should carefully consider whether to allow such relationships while Arab Bank continues to defy U.S. courts and otherwise fails to come to terms with those impacted by its conduct.

The \$24 million U.S. government fine against Arab Bank proved to be inadequate. A trial date in the civil cases against Arab Bank will likely be set for 2011. The bank faces the prospect of civil damages that could be a multiple of the amount of U.S. government fines.

In this case, a federal court sitting in New York was able to exercise personal jurisdiction over Arab Bank because the bank had an office there. The Justice Against Sponsors of Terrorism Act will help ensure that U.S. courts have personal jurisdiction over entities supporting terrorism even if they do not have an office in the United States, subject to any limits imposed by the U.S. Constitution. In this way and others, it will promote the interests of U.S. citizens impacted by acts of international terrorism and help deter wrongful conduct by those tempted to aid and abet terrorist organizations.

#### Chiquita Brands International

The Chiquita case provides another example of how civil litigation may complement U.S. government enforcement actions in deterring financial transactions involving foreign terrorist organizations.

Chiquita has admitted to providing the United Self-Defense Forces of Colombia (AUC) – which the State Department designated a foreign terrorist organization in 2001 – with a total of \$1.7 million from 1997 to 2004. Chiquita is also alleged to have facilitated arms shipments to AUC, including the shipment of thousands of assault rifles and millions of rounds of ammunition.

The AUC has been responsible for some of the worst atrocities in Colombia's ongoing civil conflict and participates heavily in the cocaine trafficking industry. According to the State Department, during the period of Chiquita's support payments "the AUC engaged in terrorist activity through a variety of activities including political killings and kidnappings of human rights workers, journalists, teachers, and trade unionists, among others."

Chiquita also admitted to providing money to the Revolutionary Armed Forces of Colombia (FARC), which, like AUC, is on the State Department's list of foreign terrorist organizations.

In 2007, Chiquita pleaded guilty to engaging in transactions with a specially-designated global terrorist and agreed to pay \$25 million in fines. That year, Chiquita had annual revenues of \$4.5 billion.

Soon after the guilty plea, families of over two hundred Colombian victims killed by the AUC filed a purported class-action lawsuit against Chiquita in federal court.

Five other suits have been filed against Chiquita on behalf of U.S. citizens and Colombian plaintiffs. These suits (which rely principally on the Anti-Terrorism Act and the Alien Torts Statute) demonstrate the deterrent role that civil litigation can play against support for terrorism: Chiquita faces potentially significant civil damages as a result of the litigation – far in excess of the \$25 million it agreed to pay as the result of U.S. government enforcement actions.

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Corporations, self-avowed charitable organizations, and other large entities will continue to provide material support for terrorist organizations until it is financially unpalatable for them to do so. Although government sanctions are clearly an integral part of the effort to stem the flow of funds to terrorist groups, civil litigation can substantially enhance the financial consequences that such entities face. This proposed bill will make it easier for litigants to sue those who provide support to terrorists who kill or injure Americans. It will thereby deter future such support.

Thank you very much. I would be honored to take any questions you may have.

