

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case  <b>RICO STATEMENT applicable to YESLAM BIN LADEN</b>
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*This document relates to:*

*Federal Insurance Co. v. al Qaida  
03 CV 06978 (RCC)*

**RICO STATEMENT APPLICABLE TO YESLAM BIN LADEN**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendant Yeslam bin Laden.

Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, much information is presently unavailable to plaintiffs, absent discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.

1. The unlawful conduct is in violation of 18 U.S.C. § 1962(c) and/or (d).
2. The names of the defendant to whom this RICO statement pertains are Yeslam bin Laden. The alleged misconduct and basis for liability is set forth in Exhibit "A".
3. Not applicable. All known wrongdoers are named as defendants in this action. Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, however, much information is unavailable to plaintiffs, and the identities of other wrongdoers may be revealed through discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.
4. The name of each victim and the manner in which each was injured is indicated on the chart attached hereto as Exhibit "B".
5. (a) list of predicate acts and specific statutes violated:

conspiracy to commit murder	NY CLS Penal § 105.15; NY CLS Penal § 125.25(xi)
conspiracy to commit arson	NY CLS Penal § 105.15; NY CLS Penal § 150.15
fraud with identification documents	18 U.S.C. § 1028
Travel Act	18 U.S.C. § 1952
illegal transactions in monetary instruments	18 U.S.C. § 1956
money laundering	18 U.S.C. § 1957
financial institutions fraud	18 U.S.C. § 1344
mail fraud	18 U.S.C. § 1341
wire fraud	18 U.S.C. § 1343
Filing false or materially false tax returns	26 U.S.C. § 7206(1),(2)
Engaging in a corrupt endeavor to impede and impair the due administration of the internal revenue laws	26 U.S.C. § 7212(a)
Providing material support of Terrorism	18 U.S.C. § 2332(b)(g)(5)(B) 18 U.S.C. § 2339A 18 U.S.C. § 2339B 18 U.S.C. § 2339C
Anti-Terrorism Act	18 U.S.C. § 2332b

(b) dates of, the participants in, and a description of the facts surrounding the predicate acts

(c)

<b>DATES</b>	<b>PARTICIPANTS</b>	<b>FACTS</b>
early 1990s to 9/11/2001	Yeslam bin Laden	Yeslam bin Laden conspired to support terrorism and to obfuscate the roles of the various participants and conspirators in the al Qaida movement, which conspiracy culminated in the Attack.
early 1990s	Yeslam bin Laden	Yeslam bin Laden undertook the above-

to 9/11/2001		named actions as part of a conspiracy to commit murder and arson, in that he knew that the Enterprise in which he was participating, the al Qaida movement, planned to and would commit acts of deadly aggression against the United States in the near future, using the resources and support he supplied.
early 1990s to 9/11/2001	Yeslam bin Laden	Yeslam bin Laden agreed to form and associate himself with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> , multiple acts of money laundering, murder and arson, in furtherance of a pattern of racketeering activity in connection with the Enterprise.

(d) not applicable

(e) No.

(f) No.

(g) The predicate acts form a pattern of racketeering in that they are continuous, and are a part of the Enterprise’s regular way of doing business. Other of the defendants consistently, evenly constantly, laundered money, filed false tax returns, and otherwise impeded and impaired the administration of the tax laws as part of their scheme to conduit money to terrorists, and obfuscate their support of the al Qaida movement.

(h) The predicate acts relate to each other (horizontal relatedness) as part of a common plan because each act of money laundering, technical support and tax evasion allowed certain of the defendants to surreptitiously provide funds to terrorist organizations, including al Qaida, which conspiracy culminated in the Attack.

6. (a) The enterprise (the “Enterprise” or “the al Qaida movement”) is comprised of the defendants named in the First Amended Complaint, and is a collection of persons, organizations, businesses, and nations associated in fact.

(b) The Enterprise has its origins in the defeat of the Soviets in Afghanistan in the late 1980s, when Osama Bin Laden (“Bin Laden”) formed an organization called “The Foundation” or “al Qaida.” Al Qaida was intended to serve as a foundation upon which to build a global Islamic army. The structure of the Enterprise is an association in fact with common and complex goals that consist of far more than the mere desire to perpetrate the acts of racketeering outlined herein. Rather, the Enterprise utilizes acts of racketeering to further its overall common purposes of: (i) spreading a particularly virulent brand of radical, conservative Islam; (ii) eliminating Western

- influences in Islamic countries, including Western influences that are perceived to keep in power repressive Saudi American regimes that are not true to Islam; and (iii) punishing Israel, and the United States for its perceived support of Israel. The al Qaida movement does not feature a centralized hierarchy, because the lack of a centralized hierarchy is essential to the Enterprise's clandestine nature and its success. Thus, although al Qaida had its own membership roster and a structure of "committees" to guide and oversee such functions as training terrorists, proposing targets, financing operations, and issuing edicts, the committees were not a hierarchical chain of command but were instead a means for coordinating functions and providing material support to operations. Yeslam bin Laden fit neatly into this framework by raising funds for, providing funding and money laundering services to, and otherwise providing material support for al Qaida and the members of the Enterprise who planned, coordinated and carried out the Attack.
- (c) No.
  - (d) Yeslam bin Laden is associated with the Enterprise.
  - (e) Yeslam bin Laden is a member of the Enterprise, and are separate and distinct from the Enterprise.
  - (f) Yeslam bin Laden intended to further the Attack and adopted the goal of furthering and/or facilitating that criminal endeavor, which criminal activity culminated in the Attack.
7. The pattern of racketeering activity conducted by Yeslam bin Laden is separate from the existence of the al Qaida movement, but was a necessary component to the Attack.
  8. The Enterprise conducts terrorism all over the world; the racketeering activity conducted by Yeslam bin Laden furthers and facilitates that activity, which activity culminated in the Attack. The usual and daily activities of the Enterprise includes recruitment, indoctrination, and the provisioning and operation of training camps, all of which activities are furthered and facilitated by the racketeering activities described herein.
  9. The Enterprise benefits by spreading its ideology, by suppressing other forms of Islam, and through the gratification of destroying its perceived enemies.
  10. The Enterprise, and the racketeering activities conducted by Yeslam bin Laden, relies heavily on the American interstate system of commerce for banking, supplies, communications, and virtually all its essential commercial functions, and in that manner affects interstate commerce. Additionally, the Attack itself affected commerce. See Rasul v. Bush, 124 S. Ct. 2686, No. 03-334, 2004 U.S. LEXIS 4760, \* 8 (stating that the Attack "severely damaged the U.S. economy").
  11. Not applicable.
  12. Not applicable.

13. The al Qaida movement “employs” certain individuals, only a few of whose identities are known, including defendant Osama bin Laden.
14. The history of the conspiracy behind the al Qaida movement could, and has, filled many books, but for purposes of the present RICO Statement, the following is offered. From its inception, al Qaida has relied on well-placed financial facilitators and logistical sponsors, including Yeslam bin Laden, to raise, manage and distribute money and resources for the Enterprise under the guise of legitimate banking business activity. Al Qaida also relied heavily on certain imams at mosques who were willing to divert the *zakat*, the mandatory charitable contributions required of all Muslims.

The funds thus raised were used to, among other things, operate terrorist training camps in the Sudan, Afghanistan and elsewhere, where some recruits were trained in conventional warfare but where the best and most zealous recruits received terrorist training. The curriculum in the camps placed great emphasis on ideological and religious indoctrination. All trainees and other personnel were encouraged to think creatively about ways to commit mass murder.

The camps were able to operate only because of the worldwide network of fundraisers, recruiters, travel facilitators, and document forgers who vetted recruits and helped them get in and out of Afghanistan and the other countries where al Qaida maintained an operational presence. From the ranks of these recruits the nineteen perpetrators of the Attack were selected. None of this would have been possible without the funds and other support supplied by participants and conspirators like Yeslam bin Laden. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Yeslam bin Laden. In order to identify nineteen individuals willing, able and competent to carry out the Attack, al Qaida needed to select from a vast pool of recruits and trainees, which pool would not have been available to it without the assistance provided by Yeslam bin Laden. These participants, with knowledge and intent, agreed to the overall objectives of the conspiracy, and agreed to commit at least two predicate acts and agreed to participate in the conspiracy, either expressly or impliedly. Yeslam bin Laden also, with knowledge and intent, agreed to and did aid and abet all of the above illegal activities, RICO predicate acts, and RICO violations.

15. As the subrogees of both individual and property claimants, plaintiffs have been harmed in their business and property through the claims that they have paid out or for which they have reserved.
16. Plaintiffs’ damages -- injuries, the loss of life and property damage that resulted from defendants’ actions -- are direct in that they are not derivative of damage to a third party. Rather the plaintiffs’ insureds’ assignees were the “reasonably foreseeable victims of a RICO violation” and the “intended victims of the racketeering enterprise,” *i.e.*, terrorism, the culmination of which was the Attack.
17. Each defendant is jointly and severally liable for the damages suffered by each plaintiff, as set forth in Exhibit “C”.

18.

<b>VI</b>	Torture Victim Protection Act, 28 U.S.C. § 1350
<b>VIII</b>	RICO, 18 U.S.C. § 1962(c), 1962(d)
<b>X</b>	Anti-Terrorism Act, 18 U.S.C. § 2333

19. pendent state claims:

<b>I</b>	Trespass
<b>II</b>	Wrongful Death
<b>III</b>	Survival
<b>IV</b>	Assault & Battery
<b>V</b>	Intentional and Negligent Infliction of Emotional Distress
<b>VII</b>	Conspiracy
<b>IX</b>	Aiding and Abetting
<b>XI</b>	Negligence
<b>XII</b>	Punitive Damages

20. Not applicable

**EXHIBIT "A"**

**RICO STATEMENT**

**QUESTION # 2**

<b>DEFENDANT</b>	<b>MISCONDUCT</b>	<b>BASIS OF LIABILITY</b>
Yeslam bin Laden	<p>Yeslam bin Laden is an international business man and a member of the board of directors of the Saudi Binladin Group and the Mohammed bin Laden Organization. Yeslam bin Laden provided material support to his brother, Osama bin Laden and the al Qaida international terrorist network. In addition to his support of the Enterprise through the work he directed at SBG and the Mohammed bin Laden Organization, his material support includes, but is not limited to, the acts of material support specified herein.</p> <p>Along with numerous other global entities, Yeslam bin Laden founded Cygnet S.A., later renamed Saudi Investment Company ("SICO"), in May 1980 in Geneva, Switzerland. SICO serves as the international investment arm of the Saudi Binladin Group ("SBG"), the bin Laden family business based in Jeddah, Saudi Arabia. SICO's Curacao branch, established in 1984, manages SBG's partnership with the American Daniels Realty Corporation, part of the Fluor Corporation conglomerate based in Aliso Viejo, California, United States of America. With the help of SBG, Fluor Corporation became one of the major recipients of reconstruction contracts in Kuwait.</p> <p>In 2000 and 2001, Yeslam bin Laden made donations to the Muslim World League Cultural Center in Geneva, which aided, abetted, and materially supported Defendant Hani Ramadan. SICO received \$10 million from SBG in management funds during the</p>	1962(c) 1962(d)

	<p>1990's.</p> <p>In addition to receiving funds from SBG, Yeslam's key positions within the Saudi Binladin Group include:</p> <ul style="list-style-type: none"><li>• Former Chief Financial Officer of the bin Laden Organization in Saudi Arabia (a subsidiary of SBG involved in Sudan)</li><li>• Board Member of the Mohammed bin Laden Organization, a wholly-owned subsidiary of SBG.</li></ul> <p>The address of the Saudi Binladin Group (P.O. Box 958, Jeddah, Saudi Arabia) appears on an account (account # CO-565167) opened by Omar bin Laden and Haydar bin Laden at UBS Bank in Geneva, Switzerland on August 17, 1990 for their brother, Osama bin Laden. The authorized persons on the account were Yeslam bin Laden and Osama bin Laden, who was only authorized to use the account with the co-signature of Yeslam. The named economic beneficiary of the account was Osama bin Laden. On August 20, 1990, \$450,000 was transferred into the account; on October 25, 1991, \$482,000 was transferred to Defendant Saudi American Bank in Jeddah in favour of Haydar bin Laden. The account was closed on October 9, 1997. This joint account was among fifty-four others created to shelter the assets and financial activities of the bin Laden family.</p> <p>In a United States Department of Justice investigation, it was discovered that Osama bin Laden had received funds from two accounts at Deutsche Bank in Geneva, Switzerland, in the names of Cambridge Engineering and the Saudi Binladin Group. An amount totalling nearly \$300 million was transferred through these accounts; Yeslam bin Laden was the account manager for both. Cambridge Engineering Systems Ltd. was registered under the names Yahia bin Laden, Shafiq bin Laden, and Akber Moawalla. Moawalla, a former treasurer and Chief Financial Officer of SBG,</p>	
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	<p>is managing Falcon Ltd., a financial holding of the bin Laden family registered in the Cayman Islands and owned by Fawzia bin Laden, Ibrahim bin Laden, Khalil bin Laden, and Yeslam bin Laden.</p> <p>Tracfin, a financial intelligence service that reports to the French customs service, has investigated Yeslam bin Laden on suspicion of money laundering based on “suspicious operations reports” filed by a number of banks concerning operations by Yeslam bin Laden in the United Kingdom, France, and the British Virgin Islands.</p> <p>French authorities have recently expanded this investigation to also include terrorist financing. Yeslam bin Laden was questioned in 2004 by French Judge Renaud Van Ruymbeke regarding the testament of Mohammed bin Laden, father of Yeslam and Osama, which details the bin Laden family fortune and the origin of the funding for al Qaida. During the questioning, Yeslam bin Laden stated that in 1968 and 1969, all male heirs of Mohammed bin Laden, including Osama, received nearly \$500,000 each. They also received an annuity every year thereafter of \$300,000, equivalent to their share of the dividends of the family business, SBG. Yeslam bin Laden estimated that the total amount received by each heir of Mohammed bin Laden between 1974 and 1994 would range from \$12 - \$15 million.</p> <p>These inheritances provided a substantial base of funding for Osama bin Laden and his al Qaida organization. Al Qaida and other terrorist groups, in partnership with wealthy individuals, banks, financial entities and charities, have successfully implemented a global financing system to collect and distribute money to terrorist individuals, cells and networks in every corner of the world. These practices have allowed unscrupulous front groups, organizations, institutions, and/or charities to fund violent, extremist Islamic groups, including Al Qaida. Al Qaida and its mentors, sponsors, and facilitators are</p>	
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	<p>responsible for the horrific acts of terror on September 11, 2001.</p> <p>In addition to the actual monetary donations by Yeslam bin Laden to corrupt charities, his use of his banking and financial institutions also provided a broad range of facilities, material support, and banking services to his brother Osama bin Laden. These activities include assistance in the actual distribution of funds, the maintenance of bank accounts for various charities and individuals associated with the al Qaida, accounts specifically set up for the collection of donations; use of joint accounts; and the facilitation of wire transfers to and from various al Qaida related entities.</p> <p>Al Qaida, and other international terrorist organizations, raise money from a variety of sources and move money in a variety of manners. Once the system is in place to raise the money, a set of mechanisms is necessary to move the money:</p> <p style="padding-left: 40px;">“The first, and most simple, is the ubiquitous and highly efficient global financial system, including the interconnected network of banks and other financial institutions that undergird the global economy. For years, Al Qaida has been particularly attracted to operating in under-regulated jurisdictions, places with limited bank supervision, no anti-money laundering laws, ineffective law enforcement institutions, and a culture of no-questions-asked bank secrecy.” <i>“Terrorist Financing, Report of an Independent Task Force Sponsored by the Council on Foreign Relations”</i> (<i>“Terrorist Financing Report”</i>), pg. 14, Maurice R. Greenberg, Chair, 2002.</p> <p>Charities that directly (or through indirect channels) sponsor, fund, materially support, conspired to cause, aid and/or abet international terrorism rely extensively on funds from donations made by and/or passed</p>	
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through Islamic banks or charities, and they rely on individuals including but not limited to Yeslam bin Laden, to facilitate the illicit transfer of funds.

Since at least 1998, Osama bin Laden made open and public calls for Muslims to donate to his terrorist organization. In December 1998, during an interview with ABC News, Osama bin Laden said “Muslims and Muslim merchants, in particular, should give their Zakat and their money in support of this state [the Taliban Regime] which is reminiscent of the state of Medina (Al- Munawwarah), where the followers of Islam embraced the Prophet of God.”

On August 21, 1998, the President of the United States signed an Executive Order blocking the assets of Osama bin Laden and his terrorist cells, including Al Qaida, as international terrorists. Osama bin Laden, his sponsors and followers, were known to openly promoting hatred and violence against innocents long before this time. On September 23, 2001, in direct response to the terrorist acts on September 11, the President signed Executive Order 13224, which ordered the blocking of property of and prohibition of transactions with persons who commit, threaten to commit, or provide financial or other support to support terrorism. The list of these “specially designated global terrorists” or terrorist organizations (“SDGT”) included Osama bin Laden and al Qaida. Osama bin Laden and his al Qaida organization were sponsored by a network of banks, charities and individuals, including Yeslam bin Laden.

Yeslam bin Laden provided material support to Osama bin Laden while he was in Sudan during the early 1990s. Yeslam provided funding and financial support for Osama bin Laden’s international terrorist operations, infrastructure, and organizations in the Sudan.

In early 2001, Yeslam bin Laden paid for certain individuals to take flight training lessons at Huffman Aviation in Venice,

	<p>Florida, United States of America. Mohammed Atta and Marwan Al Shehhi attended this same flight training school prior to hijacking Flights 11 and 175, respectively, and crashing them into the World Trade Center on September 11, 2001. Yeslam bin Laden financed trips to the United States and flight lessons over the course of the year in 2001.</p> <p>Similarly, Yeslam bin Laden also paid for certain individuals to take flight training lessons at a flight school in Tucson, Arizona, United States of America.</p> <p>Yeslam bin Laden knew or had to know that Al Qaida was an international terrorist organization that was widely and publicly known to openly promote indiscriminate violence against America and that its target was and remains the United States. Yeslam bin Laden also knew or had to know that Al Qaida was and is the recipient of millions of dollars from corrupt charities, including Muslim World League. As such, Yeslam bin Laden aided, abetted, acted in concert with and/or materially supported al Qaida terrorists and international terrorist activities. Yeslam bin Laden knew or had to know that he was providing material support to international terrorism and terrorist activities</p> <p>Yeslam bin Laden had significant contacts with and presence in the United States. From 1983 to 1998, he was the owner of a single family residence situated on 2.09 acres at 634 Stone Canyon Road, Los Angeles, California. According to the assessor's report, the "owner occupied [the] location." On December 2, 1998, "Yeslam M. Binladin" transferred ownership of this property (valued at \$2,865,429) through a grant deed to Ibrahim Binladin, as detailed in the state of California's deed transfer records in document 000002354383. The name "Yeslam M Binladin" is also listed at the following addresses on the corresponding dates:</p> <p>125 South Oakhurst Drive Apt. 101</p>	
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	<p>Beverly Hills, CA 90212 01/01/1998</p> <p>11728 Folkstone Lane Los Angeles, CA 90077 11/01/1999</p> <p>Since September 11, 2001, Yeslam bin Laden has been interviewed by Western media outlets. On July 9, 2004, Yeslam bin Laden appeared on Dateline NBC to answer questions about his life since September 11<sup>th</sup>. On November 8, 2004, Time Magazine published an interview with Yeslam bin Laden as reported from a correspondent in Paris, France.</p>	
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case  <b>RICO STATEMENT applicable to SHAHIR BATTERJEE</b>
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*This document relates to:*

*Federal Insurance Co. v. al Qaida  
03 CV 06978 (RCC)*

**RICO STATEMENT APPLICABLE TO SHAHIR BATTERJEE**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendants Shahir Batterjee.

Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, much information is presently unavailable to plaintiffs, absent discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.

1. The unlawful conduct is in violation of 18 U.S.C. § 1962(a), (c) and/or (d).
2. The name of the defendant to whom this RICO statement pertains is Shahir Batterjee. The alleged misconduct and basis for liability is set forth in Exhibit "A".
3. Not applicable. All known wrongdoers are named as defendants in this action. Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, however, much information is unavailable to plaintiffs, and the identities of other wrongdoers may be revealed through discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.
4. The name of each victim and the manner in which each was injured is indicated on the chart attached hereto as Exhibit "B".
5. (a) list of predicate acts and specific statutes violated:

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fraud with identification documents	18 U.S.C. § 1028
Travel Act	18 U.S.C. § 1952
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Providing material support of Terrorism	18 U.S.C. § 2332(b)(g)(5)(B) 18 U.S.C. § 2339A 18 U.S.C. § 2339B 18 U.S.C. § 2339C
Anti-Terrorism Act	18 U.S.C. § 2332b

(b) dates of, the participants in, and a description of the facts surrounding the predicate acts

<b>DATES</b>	<b>PARTICIPANTS</b>	<b>FACTS</b>
early 1990s to 9/11/2001	Shahir Batterjee	Shahir Batterjee conspired to support terrorism and to obfuscate the roles of the various participants and conspirators in the al Qaida movement, which conspiracy culminated in the Attack.
early 1990s to 9/11/2001	Shahir Batterjee	Shahir Batterjee undertook the above-named actions as part of a conspiracy to commit murder and arson, in that he knew that the Enterprise in which he was participating, the al Qaida movement, planned to and would commit acts of deadly aggression against the United States in the near future, using the resources and support each supplied.
early 1990s to 9/11/2001	Shahir Batterjee	Shahir Batterjee agreed to form and associate himself with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> ,

		multiple acts of money laundering, murder and arson, in furtherance of a pattern of racketeering activity in connection with the Enterprise.
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(c) not applicable

(d) No.

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(f) The predicate acts form a pattern of racketeering in that they are continuous, and are a part of the Enterprise’s regular way of doing business. Other of the defendants consistently, evenly constantly, laundered money, filed false tax returns, and otherwise impeded and impaired the administration of the tax laws as part of their scheme to conduit money to terrorists, and obfuscate their support of the al Qaida movement.

(g) The predicate acts relate to each other (horizontal relatedness) as part of a common plan because each act of money laundering, technical support and tax evasion allowed certain of the defendants to surreptitiously provide funds to terrorist organizations, including al Qaida, which conspiracy culminated in the Attack.

6. (a) The enterprise (the “Enterprise” or “the al Qaida movement”) is comprised of the defendants named in the First Amended Complaint, and is a collection of persons, organizations, businesses, and nations associated in fact.
- (b) The Enterprise has its origins in the defeat of the Soviets in Afghanistan in the late 1980s, when Osama Bin Laden (“Bin Laden”) formed an organization called “The Foundation” or “al Qaida.” Al Qaida was intended to serve as a foundation upon which to build a global Islamic army. The structure of the Enterprise is an association in fact with common and complex goals that consist of far more than the mere desire to perpetrate the acts of racketeering outlined herein. Rather, the Enterprise utilizes acts of racketeering to further its overall common purposes of: (i) spreading a particularly virulent brand of radical, conservative Islam; (ii) eliminating Western influences in Islamic countries; and (iii) punishing Israel, and the United States for its perceived support of Israel. The al Qaida movement does not feature a centralized hierarchy, because the lack of a centralized hierarchy is essential to the Enterprise’s clandestine nature and its success. Thus, although al Qaida had its own membership roster and a structure of “committees” to guide and oversee such functions as training terrorists, proposing targets, financing operations, and issuing edicts, the committees were not a hierarchical chain of command but were instead a means for coordinating functions and providing material support to operations. Shahir Batterjee fit neatly into this framework by raising and providing funds for and otherwise providing material support for al Qaida and the members of the Enterprise who planned, coordinated and carried out the Attack.



- (c) No.
  - (d) Shahir Batterjee is associated with the Enterprise.
  - (e) Shahir Batterjee is a member of the Enterprise, and are separate and distinct from the Enterprise.
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  12. Not applicable.
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The funds thus raised were used to, among other things, operate terrorist training camps in the Sudan, Afghanistan and elsewhere, where some recruits were trained in conventional warfare but where the best and most zealous recruits received terrorist

training. The curriculum in the camps placed great emphasis on ideological and religious indoctrination. All trainees and other personnel were encouraged to think creatively about ways to commit mass murder.

The camps were able to operate only because of the worldwide network of fundraisers, recruiters, travel facilitators, and document forgers who vetted recruits and helped them get in and out of Afghanistan and the other countries where al Qaida maintained an operational presence. From the ranks of these recruits the nineteen perpetrators of the Attack were selected. None of this would have been possible without the funds and other support supplied by participants and conspirators like Shahir Batterjee. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Shahir Batterjee. In order to identify nineteen individuals willing, able and competent to carry out the Attack, al Qaida needed to select from a vast pool of recruits and trainees, which pool would not have been available to it without the assistance provided by Shahir Batterjee. These participants, with knowledge and intent, agreed to the overall objectives of the conspiracy, and agreed to commit at least two predicate acts and agreed to participate in the conspiracy, either expressly or impliedly. Shahir Batterjee also, with knowledge and intent, agreed to and did aid and abet all of the above illegal activities, RICO predicate acts, and RICO violations.

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<b>VIII</b>	RICO, 18 U.S.C. § 1962(c), 1962(d)
<b>X</b>	Anti-Terrorism Act, 18 U.S.C. § 2333

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<b>II</b>	Wrongful Death
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<b>V</b>	Intentional and Negligent Infliction of Emotional Distress
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<b>IX</b>	Aiding and Abetting
<b>XI</b>	Negligence
<b>XII</b>	Punitive Damages

20. Not applicable

**EXHIBIT "A"**

**RICO STATEMENT**

**QUESTION # 2**

<b>DEFENDANT</b>	<b>MISCONDUCT</b>	<b>BASIS OF LIABILITY</b>
Shahir Batterjee	<p>Shahir Batterjee is the scion of a wealthy Saudi family who was an officer and director of Benevolence when it established its Palos Hills office nearly a decade ago. According to the Illinois secretary of state, Shahir and Adel Batterjee and Mazen Bahareth were listed as the foundation's incorporators and directors. Shahir Batterjee is also listed as an owner of Triple-B Trading GmbH, a self-described import-export concern that does no apparent business</p> <p>Corporate records show that the Batterjee family's holdings in the Middle East and Europe are vast and highly diversified, reporting annual sales well into the hundreds of millions of dollars from real estate, computers, supermarkets, hospitals, health-care products, pharmaceuticals, medical equipment, hotels and even an ice cream factory. By contrast, the family's German outpost, Triple-B Trading, consists of one employee (Abdul Matin Tatari) and about \$25,000 in capital, according to records on file in the neighboring state of Schleswig-Holstein, where Triple-B was incorporated in 1995 as an exporter of food, clothing and industrial equipment.</p> <p>Reached by telephone in Saudi Arabia, Shahir Batterjee refused to discuss the activities or purpose of Triple-B Trading. "I don't answer questions on the phone," he said repeatedly before hanging up.</p> <p>Abdul Matin Tatari is a 60 year old Syrian-born German citizen who is the owner and principal investor in Tatex Trading GmbH and</p>	1962(a), 1962(c), 1962(d)

	<p>Tatari Design—German textile firms with sales of several million dollars per year. Triple-B Trading GmbH is headquartered in the same town as Tatex and Abdul Matin Tatari’s place of residence.</p> <p>The other two owners are Mazin Mohammad Bahareth, listed as BIF’s treasurer and a top executive of the Bahareth Organization, a Saudi construction conglomerate; and Hassan Bahfzallah, who oversaw BIF’s Saudi Arabia operations in the early 1990s and is listed as an official in three northern Virginia charities that were raided in March 2002 by federal agents probing alleged ties to Al Qaida.</p> <p>Abdul Matin Tatari is listed as Triple-B’s managing director. He moved to Germany from Syria in 1962.</p> <p>Abdul Matin Tatari told the <i>Chicago Tribune</i> in November 2002 that he has known Shahir Batterjee for 15 to 16 years. Tatari said he met Shahir through Shahir’s father, Abdulraouf Ibrahim Batterjee, who heads a large Saudi company that imports medical equipment, and his uncle, Mohammed Ibrahim Batterjee, whose enterprises include Jeddah’s Jumbo Ice Cream Factory. He has known both elder Batterjees since 1983.</p> <p>Tatari acknowledged numerous business transactions between Tatex and the Batterjee family, including the sale to Mohammed Ibrahim Batterjee of a summer home near Rethwisch and 17 trucks to be used as “ice cream cars.” Shahir Batterjee visits Tatari 3 three or four times a year on buying trips for German textiles that are exported to Saudi Arabia and used to make women’s underwear for sale in the family’s garment shops. Tatari also told the <i>Tribune</i> that he buys textiles through Tatex and then sells them to Batterjee for a 10 percent commission, instead of using the Triple-B partnership for mutual purchase/sale transactions.</p> <p>German intelligence officials told the <i>Chicago Tribune</i> in November 2002 that the Syrian</p>	
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	<p>government has identified Tatari as a member of the Muslim Brotherhood. On Tuesday September 10, 2002, German authorities seized documents and financial information from Tatari's two homes and three company warehouses. German intelligence officials had been investigating Tatari, his wife, and two sons since July 2002 on suspicion that the family is using its companies as a front to launder money for terrorist organizations and smuggle Islamic militants into Western Europe. Investigators are also examining 111 commercial visa requests filed by Tatex from 2000-2002 for "prospective buyers." Investigators suspect some of the applicants were actually al Qaida operatives or other militants from Syria, Egypt and Jordan. The Tatari family was briefly detained in September 2002 and are currently living freely in Germany while the government continues its investigation of Tatex and affiliated companies.</p> <p>Tatari's son, Mohammed Hadi Tatari has admitted personally knowing several members of the Hamburg cell including Mounir el Motassadeq, Mohammed Atta, and Mohammed Haydar Zammar, the man who investigators believe recruited Atta, Al-Shehhi, Jarrah and others from Hamburg to visit training camps in Afghanistan in November 1999. In fact, Hadi acknowledged knowing Zammar since meeting him in 1971 at the age of 11. The senior Tatari told the <i>Chicago Tribune</i> that his son stood as a witness at Motassadeq's wedding and the pair traveled to Denmark in March 2000 for an undisclosed purpose, at a time when hijacking plans were being made in Hamburg. Hadi Tatari has told authorities that he knew the cell members but had no prior knowledge of their plans or activities.</p> <p>According to German authorities, several members of the Hamburg cell worked at Tatex GmbH during the 1990s. These individuals include: Mohammed Atta, Zammar (three different stints), and Mamoun Darkanzali, who</p>	
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	<p>worked at Tatex briefly around 13 years ago.</p> <p>A search of internal German documents revealed that Hadi Tatari was a signatory on an application to establish a Muslim prayer room for the 'Islam AG' Muslim student group at the Technical University Hamburg of which several members were also active in the Hamburg cell. Related materials seized from el Motassadeq's apartment include a printed piece of paper with contact information for Tatex Trading, a personal pocket calendar with the phone numbers of Mohammed Hadi Tatri (Abdul's son) and Abdul's wife, Karen Tatari. It was discovered that el Motassadeq called the Tatari's home phone line (#04822-6821) in October 2000. Also, the documents show that M.H. Zammar called Tatex Trading GmbH on October 7, 2001 at 1:18pm.</p> <p>Shahir Batterjee is listed as Vice President on BIF's 1993 Form 990. As explained at length in several of the Complaints, BIF has acted as one of the charities fronting for al Qaida, and in fact the United States has designated BIF as a supporter of international terrorism.</p> <p>Among other things, on December 14, 2001, the Treasury Department's Office of Foreign Asset Control (or "OFAC") issued an order blocking BIF's assets and records, pending further investigation into BIF's ties to terrorists. Batterjee had knowledge of these activities. Enaam M. Arnaout ("Arnaout"), Chairman of BIF, has a relationship with Osama bin Laden and key associates dating back more than a decade. With Batterjee's knowledge and under his control, the BIF was used by al Qaida for logistical support: terrorists attempting to obtain chemical and nuclear weapons on behalf of al Qaida have contacts with the BIF and its office personnel; and, BIF had direct dealings with al Qaida operatives, providing them with military and financial support</p> <p>BIF's Chairman, Defendant Arnaout, was criminally indicted for his role in the September 11, 2001 attacks due to his</p>	
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	<p>sponsorship of al Qaida. It is alleged that Arnaout was photographed with Osama Bin Ladin and that he was authorized to sign on behalf of Bin Ladin. Arnaout was Executive Director of BIF while Defendant Batterjee was still a Director and Vice President of BIF.</p> <p>Absent the material support and sponsorship provided by Shahir Batterjee, al Qaida would have remained a regional extremist organization incapable of conducting large scale terrorist attacks on a global level.</p>	
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case  <b>RICO STATEMENT applicable to ADNAN BASHA</b>
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*This document relates to:*

*Federal Insurance Co. v. al Qaida  
03 CV 06978 (RCC)*

**RICO STATEMENT APPLICABLE TO ADNAN BASHA**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendant Adnan Basha.

Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, much information is presently unavailable to plaintiffs, absent discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.

1. The unlawful conduct is in violation of 18 U.S.C. § 1962(a), (c) and/or (d).
2. The name of the defendant to whom this RICO statement pertains are Adnan Basha. The alleged misconduct and basis for liability is set forth in Exhibit "A".
3. Not applicable. All known wrongdoers are named as defendants in this action. Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, however, much information is unavailable to plaintiffs, and the identities of other wrongdoers may be revealed through discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.
4. The name of each victim and the manner in which each was injured is indicated on the chart attached hereto as Exhibit "B".
5. (a) list of predicate acts and specific statutes violated:

conspiracy to commit murder	NY CLS Penal § 105.15; NY CLS Penal § 125.25(xi)
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conspiracy to commit arson	NY CLS Penal § 105.15; NY CLS Penal § 150.15
fraud with identification documents	18 U.S.C. § 1028
Travel Act	18 U.S.C. § 1952
illegal transactions in monetary instruments	18 U.S.C. § 1956
money laundering	18 U.S.C. § 1957
financial institutions fraud	18 U.S.C. § 1344
mail fraud	18 U.S.C. § 1341
wire fraud	18 U.S.C. § 1343
Providing material support of Terrorism	18 U.S.C. § 2332(b)(g)(5)(B) 18 U.S.C. § 2339A 18 U.S.C. § 2339B 18 U.S.C. § 2339C
Anti-Terrorism Act	18 U.S.C. § 2332b

(b) dates of, the participants in, and a description of the facts surrounding the predicate acts

<b>DATES</b>	<b>PARTICIPANTS</b>	<b>FACTS</b>
early 1990s to 9/11/2001	Adnan Basha	Adnan Basha conspired to support terrorism and to obfuscate the roles of the various participants and conspirators in the al Qaida movement, which conspiracy culminated in the Attack.
early 1990s to 9/11/2001	Adnan Basha	Adnan Basha undertook the above-named actions as part of a conspiracy to commit murder and arson, in that he knew that the Enterprise in which he was participating, the al Qaida movement, planned to and would commit acts of deadly aggression against the United States in the near future, using the resources and support each supplied.
early 1990s to 9/11/2001	Adnan Basha	Adnan Basha agreed to form and associate himself with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> ,

		multiple acts of money laundering, murder and arson, in furtherance of a pattern of racketeering activity in connection with the Enterprise.
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(c) not applicable

(d) No.

(e) No.

(f) The predicate acts form a pattern of racketeering in that they are continuous, and are a part of the Enterprise’s regular way of doing business. Other of the defendants consistently, evenly constantly, laundered money, filed false tax returns, and otherwise impeded and impaired the administration of the tax laws as part of their scheme to conduit money to terrorists, and obfuscate their support of the al Qaida movement.

(g) The predicate acts relate to each other (horizontal relatedness) as part of a common plan because each act of money laundering, technical support and tax evasion allowed certain of the defendants to surreptitiously provide funds to terrorist organizations, including al Qaida, which conspiracy culminated in the Attack.

6. (a) The enterprise (the “Enterprise” or “the al Qaida movement”) is comprised of the defendants named in the First Amended Complaint, and is a collection of persons, organizations, businesses, and nations associated in fact.
- (b) The Enterprise has its origins in the defeat of the Soviets in Afghanistan in the late 1980s, when Osama Bin Laden (“Bin Laden”) formed an organization called “The Foundation” or “al Qaida.” Al Qaida was intended to serve as a foundation upon which to build a global Islamic army. The structure of the Enterprise is an association in fact with common and complex goals that consist of far more than the mere desire to perpetrate the acts of racketeering outlined herein. Rather, the Enterprise utilizes acts of racketeering to further its overall common purposes of: (i) spreading a particularly virulent brand of radical, conservative Islam; (ii) eliminating Western influences in Islamic countries; and (iii) punishing Israel, and the United States for its perceived support of Israel. The al Qaida movement does not feature a centralized hierarchy, because the lack of a centralized hierarchy is essential to the Enterprise’s clandestine nature and its success. Thus, although al Qaida had its own membership roster and a structure of “committees” to guide and oversee such functions as training terrorists, proposing targets, financing operations, and issuing edicts, the committees were not a hierarchical chain of command but were instead a means for coordinating functions and providing material support to operations. Adnan Basha fit neatly into this framework by raising and providing funds for and otherwise providing material support for al Qaida and the members of the Enterprise who planned, coordinated and carried out the Attack.

- (c) No.
  - (d) Adnan Basha is associated with the Enterprise.
  - (e) Adnan Basha is a member of the Enterprise, and is separate and distinct from the Enterprise.
  - (f) Adnan Basha intended to further the Attack and adopted the goal of furthering and/or facilitating that criminal endeavor, which criminal activity culminated in the Attack.
7. The pattern of racketeering activity conducted by Adnan Basha is separate from the existence of the al Qaida movement, but was a necessary component to the Attack.
  8. The Enterprise conducts terrorism all over the world; the racketeering activity conducted by Adnan Basha furthers and facilitates that activity, which activity culminated in the Attack. The usual and daily activities of the Enterprise includes recruitment, indoctrination, and the provisioning and operation of training camps, all of which activities are furthered and facilitated by the racketeering activities described herein.
  9. The Enterprise benefits by spreading its ideology, by suppressing other forms of Islam, and through the gratification of destroying its perceived enemies.
  10. The Enterprise, and the racketeering activities conducted by Adnan Basha, relies heavily on the American interstate system of commerce for banking, supplies, communications, and virtually all its essential commercial functions, and in that manner affects interstate commerce. Additionally, the Attack itself affected commerce. See Rasul v. Bush, 124 S. Ct. 2686, No. 03-334, 2004 U.S. LEXIS 4760, \* 8 (stating that the Attack “severely damaged the U.S. economy”).
  11. Not applicable.
  12. Not applicable.
  13. The al Qaida movement “employs” certain individuals, only a few of whose identities are known, including defendant Osama bin Laden.
  14. The history of the conspiracy behind the al Qaida movement could, and has, filled many books, but for purposes of the present RICO Statement, the following is offered. From its inception, al Qaida has relied on well-placed financial facilitators and logistical sponsors, including Adnan Basha, to raise, manage and distribute money and resources for the Enterprise under the guise of legitimate banking business activity. Al Qaida also relied heavily on certain imams at mosques who were willing to divert the *zakat*, the mandatory charitable contributions required of all Muslims.

The funds thus raised were used to, among other things, operate terrorist training camps in the Sudan, Afghanistan and elsewhere, where some recruits were trained in conventional warfare but where the best and most zealous recruits received terrorist training. The curriculum in the camps placed great emphasis on ideological and religious

indoctrination. All trainees and other personnel were encouraged to think creatively about ways to commit mass murder.

The camps were able to operate only because of the worldwide network of fundraisers, recruiters, travel facilitators, and document forgers who vetted recruits and helped them get in and out of Afghanistan and the other countries where al Qaida maintained an operational presence. From the ranks of these recruits the nineteen perpetrators of the Attack were selected. None of this would have been possible without the funds and other support supplied by participants and conspirators like Adnan Basha. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Adnan Basha. In order to identify nineteen individuals willing, able and competent to carry out the Attack, al Qaida needed to select from a vast pool of recruits and trainees, which pool would not have been available to it without the assistance provided by Adnan Basha. These participants, with knowledge and intent, agreed to the overall objectives of the conspiracy, and agreed to commit at least two predicate acts and agreed to participate in the conspiracy, either expressly or impliedly. Adnan Basha also, with knowledge and intent, agreed to and did aid and abet all of the above illegal activities, RICO predicate acts, and RICO violations.

15. As the subrogees of both individual and property claimants, plaintiffs have been harmed in their business and property through the claims that they have paid out or for which they have reserved.
16. Plaintiffs' damages -- injuries, the loss of life and property damage that resulted from defendants' actions -- are direct in that they are not derivative of damage to a third party. Rather the plaintiffs' insureds' assignees were the "reasonably foreseeable victims of a RICO violation" and the "intended victims of the racketeering enterprise," *i.e.*, terrorism, the culmination of which was the Attack.
17. Each defendant is jointly and severally liable for the damages suffered by each plaintiff, as set forth in Exhibit "C".

18.

<b>VI</b>	Torture Victim Protection Act, 28 U.S.C. § 1350
<b>VIII</b>	RICO, 18 U.S.C. § 1962(c), 1962(d)
<b>X</b>	Anti-Terrorism Act, 18 U.S.C. § 2333

19. pendent state claims:

<b>I</b>	Trespass
<b>II</b>	Wrongful Death
<b>III</b>	Survival
<b>IV</b>	Assault & Battery
<b>V</b>	Intentional and Negligent

	Infliction of Emotional Distress
<b>VII</b>	Conspiracy
<b>IX</b>	Aiding and Abetting
<b>XI</b>	Negligence
<b>XII</b>	Punitive Damages

20. Not applicable

**EXHIBIT "A"**

**RICO STATEMENT**

**QUESTION # 2**

<b>DEFENDANT</b>	<b>MISCONDUCT</b>	<b>BASIS OF LIABILITY</b>
Adnan Basha	<p>As Secretary-General of the International Islamic Relief Organization (IIRO), defendant Adnan Basha provided financial support to al Qaida. Secretary-General Basha himself knew and intended that IIRO provide al Qaida \$60,000,000 to fund al Qaida terrorist training camps in Afghanistan, where several of the September 11 hijackers were trained.</p> <p>Those al Qaida training camps funded by Secretary-General Basha's IIRO fueled radical extremist ideology, fostered inner resolve among recruits, and taught skills to launch suicide attacks to kill United States civilians, as on September 11.</p> <p>Secretary-General Basha's IIRO is an al Qaida "charity" front that knowingly and intentionally provided al Qaida funds and recruits for terrorist attacks against America, including the 1993 World Trade Center bombing, the 1995 plot to blow up twelve American airplanes simultaneously, the 1995 plot to assassinate President William Jefferson Clinton, the 1998 U.S. Embassy bombings in Kenya and Tanzania, the 1999 plot to destroy U.S. Consulates in India, and the September 11 attacks.</p> <p>Less than thirty percent (30%) of the funds distributed by Secretary-General Basha's IIRO go to legitimate public works, the rest going toward the purchase of weapons by and for al Qaida. Not only did IIRO finance al Qaida, but Secretary-General Basha's IIRO also actively recruited and provided new personnel for al Qaida to carry out terrorist attacks against the United States, and IIRO bankrolled sanctuaries</p>	1962(a), 1962(c), 1962(d)

for al Qaida operatives around the world. Indeed, one of the September 11 hijackers declared that he worked for Fazeh Ahed of IIRO

Secretary-General Basha's IIRO in Southeast Asia became a center of al Qaida financing activity – collecting, laundering, and providing funds for al Qaida operations against the United States, including al Qaida's 1993 World Trade Center bombing and the 1995 plot to blow up twelve American airlines. After the 1998 U.S. Embassy bombing in Kenya, the Kenyan Government de-registered Secretary-General Basha's IIRO in Kenya.

After the September 11 attacks, Pakistan deported scores of IIRO workers who were "aiding, abetting, funding, otherwise conspiring with, sponsoring and/or supporting al Qaida." These official Government actions confirm the open and notorious fact reported by the Arab publication *Rose Al-Yusuf* that "IIRO is firmly entrenched with Osama Bin Laden's al Qaida organization."

In the United States, Secretary-General Basha's IIRO financed al Qaida terrorist attacks against America from IIRO's office in Virginia before, on, and after September 11, 2001. IIRO calls its Virginia office International Relief Organization ("IRO"). IRO and IIRO are the *same* entity. IIRO's Virginia office sends money back and forth between the Virginia Office and IIRO in Saudi Arabia. IIRO's Virginia office also sends money to related terrorist organizations targeting the United States. After the September 11 attacks financed by Secretary-General Basha's IIRO and others, the FBI raided IIRO's Virginia office seeking evidence documenting its support of al Qaida.

IIRO works with numerous other al Qaida affiliated charities. The U.S.-based Success Foundation, IIRO's sister company, is also funded by Khaled bin Mahfouz, an al Qaida financier. Success Foundation sends money back and forth from the United States to IIRO;



	<p>the Success Foundation also sends money to terrorist organizations targeting the United States.</p> <p>Secretary-General Basha's IIRO also provides financial support to the Saudi Joint Relief Committee, an al Qaida charity in Bosnia and elsewhere.</p> <p>IIRO, through Osama's Bin Laden's brother-in-law Mohamad Jamal Khalifa, sponsors, aids and abets Benevolence International Foundation, the al Qaida charity front. And IIRO provides funding for other al Qaida fronts posing as "humanitarian organizations" that have materially sponsored, aided and abetted and conspired with al Qaida to attack America, including: Global Relief Foundation, Taibah International, Islamic African Relief Agency, and the World Assembly of Muslim Youth.</p> <p>Absent the material support and sponsorship provided by Adnan Basha, al Qaida would have remained a regional extremist organization incapable of conducting large scale terrorist attacks on a global level.</p>	
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case  <b>RICO STATEMENT applicable to Tarik Hamdi</b>
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*This document relates to:* Federal Insurance Co. v. al Qaida  
03 CV 06978 (RCC)

**RICO STATEMENT  
APPLICABLE TO TARIK HAMD**

Based on information currently available, plaintiffs submit this RICO statement pursuant to the Case Management Order dated June 15, 2004 for defendants

- Tarik Hamdi

Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, much information is presently unavailable to plaintiffs, absent discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.

1. The unlawful conduct is in violation of 18 U.S.C. § 1962(c) and/or (d).
2. The name of the defendant to whom this RICO statement pertains is Tarik Hamdi (“Hamdi”) The alleged misconduct and basis for liability is set forth in Exhibit “A”.
3. Not applicable. All known wrongdoers are named as defendants in this action. Given the vastly complicated nature of the conspiracy and other wrongdoing that led to the events of September 11, 2001, however, much information is unavailable to plaintiffs, and the identities of other wrongdoers may be revealed through discovery. Plaintiffs therefore reserve the right to amend this RICO statement as information is learned and verified and after discovery is obtained.
4. The name of each victim and the manner in which each was injured is indicated on the chart attached hereto as Exhibit “B”.

5. (a) list of predicate acts and specific statutes violated:

conspiracy to commit murder	NY CLS Penal § 105.15; NY CLS Penal § 125.25(xi)
conspiracy to commit arson	NY CLS Penal § 105.15; NY CLS Penal § 150.15
Travel Act	18 U.S.C. § 1952
illegal transactions in monetary instruments	18 U.S.C. § 1956
money laundering	18 U.S.C. § 1957
defrauding the US Government	18 U.S.C. § 371
filing false or materially false tax returns	26 U.S.C. § 7206(1), (2)
engaging in a corrupt endeavor to impede and impair the due administration of the internal revenue laws	26 U.S.C. § 7212(a)

(b) dates of, the participants in, and a description of the facts surrounding the predicate acts

<b>DATES</b>	<b>PARTICIPANTS</b>	<b>FACTS</b>
mid-1990s to 9/11/2001	Hamdi	Throughout this period, Hamdi conspired to support terrorism and to obfuscate the roles of the various participants and conspirators in Radical Muslim Terrorism, which conspiracy culminated in the Attack.
mid-1990s to 9/11/2001	Hamdi	Hamdi also aided and abetted the SAAR Network Entities in conspiring to and supporting terrorism, evading tax obligations, and obfuscating the roles of the various participants and conspirators in Radical Muslim Terrorism, which conspiracy culminated in the Attack.

late 1990s to 9/11/2001	Hamdi	Hamdi undertook the above-named actions as part of a conspiracy to commit murder and arson, in that he knew that the Enterprise in which he was participating, Radical Muslim Terrorism, planned to and would commit an act of deadly aggression against the United States in the near future, using the resources and support supplied by Hamdi
mid-1990s to 9/11/2001	Hamdi	Hamdi agreed to form and associate itself with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> , multiple acts of murder and arson, in furtherance of a pattern of racketeering activity in connection with the Enterprise.

(c) not applicable

(d) No.

(e) No.

(f) The predicate acts form a pattern of racketeering in that they are continuous, and are a part of the Enterprise’s regular way of doing business. Other of the defendants consistently, evenly constantly, laundered money, filed false tax returns, and otherwise impeded and impaired the administration of the tax laws as part of their scheme to conduit money to terrorists, and yet obfuscate their support of Radical Muslim Terrorism.

(g) The predicate acts relate to each other (horizontal relatedness) as part of a common plan because each act of money laundering and tax evasion allowed the defendants, including Hamdi, to surreptitiously provide funds to terrorist organizations, including al Qaida, which conspiracy culminated in the Attack.

6.

(a) The enterprise (the “Enterprise” or “Radical Muslim Terrorism”) is comprised of the defendants named in the First Amended Complaint, and is a collection of persons, organizations, businesses, and nations associated in fact.

(b) The Enterprise has its origins in the defeat of the Soviets in Afghanistan in the late 1980s, when Osama Bin Ladin (“Bin Ladin”) formed an organization called “The Foundation” or “al Qaida.” Al Qaida was intended to serve as a foundation upon which to build a global Islamic army. The structure of the Enterprise is an association in fact with common and complex goals that consist of far more than the mere desire to perpetrate the acts of racketeering outlined herein. Rather, the Enterprise utilizes acts of racketeering to further its overall common purposes of:

(i) spreading a particularly virulent brand of radical, conservative Islam; (ii) eliminating Western influences in Islamic countries, including Western influences that are perceived to keep in power repressive Arab regimes that are not true to Islam; and (iii) punishing Israel, and the United States for its perceived support of Israel. Radical Muslim Terrorism does not feature a centralized hierarchy, because the lack of a centralized hierarchy is essential to the Enterprise's clandestine nature and its success. Thus, although al Qaida had its own membership roster and a structure of "committees" to guide and oversee such functions as training terrorists, proposing targets, financing operations, and issuing edicts, the committees were not a hierarchical chain of command but were instead a means for coordinating functions and providing material support to operations. Hamdi fits neatly into this framework by raising funds for and providing funding to and otherwise providing material support for the members of the Enterprise who engaged in the Attack.

- (c) no.
  - (d) Hamdi is associated with the Enterprise.
  - (e) Hamdi is a member of the Enterprise, and is separate and distinct from the Enterprise.
  - (f) Hamdi intended to further the Attack and adopted the goal of furthering and/or facilitating that criminal endeavor, which criminal activity culminated in the Attack.
7. The pattern of racketeering activity conducted by Hamdi is separate from the existence of Radical Muslim Terrorism, but was a necessary component to the Attack.
  8. The Enterprise conducts terrorism all over the world; the racketeering activity conducted by Hamdi funds that activity, which activity culminated in the Attack. The usual and daily activities of the Enterprise includes recruitment, indoctrination, and the provisioning and operation of training camps, all of which activities are funded by the racketeering activities described herein.
  9. The Enterprise benefits by spreading its ideology, by suppressing other forms of Islam, and through the gratification of destroying its perceived enemies.
  10. The Enterprise, and the racketeering activities conducted by Hamdi, relies heavily on the American interstate system of commerce for banking, supplies, communications, and virtually all its essential commercial functions, and in that manner affects interstate commerce. Additionally, the Attack itself affected commerce. See Rasul v. Bush, 124 S. Ct. 2686, No. 03-334, 2004 U.S. LEXIS 4760, \* 8 (stating that the Attack "severely damaged the U.S. economy").
  11. Not applicable.
  12. Not applicable.

13. Radical Muslim Terrorism “employs” certain individuals, only a few of whose identities are known, including defendant Osama bin Ladin.
14. The history of the conspiracy behind Radical Muslim Terrorism could, and has, filled many books, but for purposes of the present RICO Statement, the following is offered. After being turned out of the Sudan in May 1996, al Qaida established itself in Afghanistan, and relied on well-placed financial facilitators, including Hamdi, and laundered funds from Islamic so-called charities and corporations. The financial facilitators also raised money from witting and unwitting donors. They also relied heavily on certain imams at mosques who were willing to divert the *zakat*, the mandatory charitable contributions required of all Muslims. Al Qaida also collected money from employees of corrupted charities.

The funds thus raised were used to, among other things, operate terrorist training camps in Afghanistan, where some recruits were trained in conventional warfare but where the best and most zealous recruits received terrorist training. The curriculum in the camps placed with great emphasis on ideological and religious indoctrination. All trainees and other personnel were encouraged to think creatively about ways to commit mass murder.

The camps were able to operate only because of the worldwide network of recruiters, travel facilitators, and document forgers who vetted recruits and helped them get in and out of Afghanistan. From the ranks of these recruits the nineteen perpetrators of the Attack were selected. None of this would have been possible without the funds supplied by participants and conspirators like Hamdi. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Hamdi. In order to identify nineteen individuals willing, able and competent to carry out the Attack, al Qaida needed to select from a vast pool of recruits and trainees, which pool would not have been available to it without the assistance provided by people like Hamdi. Hamdi, with knowledge and intent, agreed to the overall objectives of the conspiracy, and agreed to commit at least two predicate acts and all agreed to participate in the conspiracy, either expressly or impliedly. Hamdi also, with knowledge and intent, agreed to and did aid and abet all of the above illegal activities, RICO predicate acts, and RICO violations.

15. As the subrogees of both individual and property claimants, plaintiffs have been harmed in their business and property through the claims that they have paid out or for which they have reserved.
16. Plaintiffs’ damages -- injuries, the loss of life and property damage that resulted from defendants’ actions -- are direct in that they are not derivative of damage to a third party. Rather the plaintiffs’ insureds’ assignees were the “reasonably foreseeable victims of a RICO violation” and the “intended victims of the racketeering enterprise,” *i.e.*, terrorism, the culmination of which was the Attack.
17. Each defendant is jointly and severally liable for the damages suffered by each plaintiff, as set forth in Exhibit “B”.

18.

<b>VI</b>	Torture Victim Protection Act, 28 U.S.C. § 1350
<b>VIII</b>	RICO, 18 U.S.C. § 1962(c), 1962(d)
<b>X</b>	Anti-Terrorism Act, 18 U.S.C. § 2333

19. pendent state claims:

<b>I</b>	Trespass
<b>II</b>	Wrongful Death
<b>III</b>	Survival
<b>IV</b>	Assault & Battery
<b>V</b>	Intentional and Negligent Infliction of Emotional Distress
<b>VII</b>	Conspiracy
<b>IX</b>	Aiding and Abetting
<b>XI</b>	Negligence
<b>XII</b>	Punitive Damages

20. not applicable

**EXHIBIT "A"**

**RICO STATEMENT**

**QUESTION # 2**

<b>DEFENDANT</b>	<b>MISCONDUCT</b>	<b>BASIS OF LIABILITY</b>
Hamdi	Hamdi delivered a satellite telephone and battery pack to Osama Bin Laden in Afghanistan in May 1998. Using this phone, Bin Laden conferred with followers across the globe and, according to prosecutors, ordered the bombing of the two American embassies in East Africa. Hamdi, a resident of Herndon, Virginia, traveled to Afghanistan with an ABC News team in order to coordinate an interview with Bin Laden. Hamdi thereby participated in and conspired to commit murder and arson, , all in furtherance of the Enterprise's common goals and ultimate plan of launching an attack on America.	1962(c) 1962(d)