

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

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case RICO STATEMENT applicable to Abdullah Salim Bahamdan
---	--

This document relates to:

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

**RICO STATEMENT
APPLICABLE TO
ABDULLAH SALIM BAHAMDAN**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendant Abdullah Salim Bahamdan, referred to as “Abdullah Samil Bahmadan” in some court filings.

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 is Abdullah Salim Bahamdan. 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
mail fraud	18 U.S.C. § 1341
wire fraud	18 U.S.C. § 1343
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

DATES	PARTICIPANTS	FACTS
mid-1990s to 9/11/2001	Abdullah Salim Bahamdan (“Bahamdan”)	Bahamdan conspired to support terrorism and to obfuscate the roles of the various participants and conspirators in the al Qaida Movement to perpetrate radical Muslim terrorism, which conspiracy culminated in the Attack.
late 1990s to 9/11/2001	Bahamdan	Bahamdan undertook the above-named actions as part of a conspiracy to commit murder and arson, in that it knew that the Enterprise in which it was participating, the

		al Qaida Movement to perpetrate 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 it supplied.
mid-1990s to 9/11/2001	Bahamdan	Bahamdan agreed to form and associate itself with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> , money laundering, mail and wire fraud, illegal transactions in monetary instruments, and multiple acts of murder and arson, and others, 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 the al Qaida Movement to perpetrate 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 certain of the defendants to surreptitiously provide funds to terrorist organizations, including al Qaida itself, 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 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. The enterprise to engage in 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. Abdullah Salim Bahamdan fit neatly into this framework by providing funding to and otherwise providing material support for the members of the Enterprise who engaged in the Attack.

- (c) no.
 - (d) Abdullah Salim Bahamdan is associated with the Enterprise.
 - (e) Abdullah Salim Bahamdan is a member of the Enterprise, and is separate and distinct from the Enterprise.
 - (f) Abdullah Salim Bahamdan 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 Abdullah Salim Bahamdan is separate from the existence of the al Qaida Movement to perpetrate 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 Abdullah Salim Bahamdan 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 Abdullah Salim Bahamdan, 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 to perpetrate 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 the al Qaida Movement to perpetrate radical Muslim terrorism, 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 Abdullah Salim Bahamdan, who laundered funds from Islamic so-called charities and corporations and 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 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 Abdullah Salim Bahamdan. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Abdullah Salim Bahamdan. 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 Abdullah Salim Bahamdan. Abdullah Salim Bahamdan, 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. Abdullah Salim Bahamdan 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.

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

19. pendent state claims:

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

20. not applicable

EXHIBIT "A"

RICO STATEMENT

QUESTION # 2

DEFENDANT	MISCONDUCT	BASIS OF LIABILITY
Abdullah Salim Bahamdan ("Bahamdan")	<p>Bahamdan is a wealthy Saudi national and is one of al Qaida's principal individual financiers. For years, Bahamdan has served as in various roles for the National Commercial Bank ("NCB"), including Chairman of the Board of Directors, Managing Director, Chairman of the Executive Committee and, since 1999, President. He is also a primary NCB shareholder.</p> <p>Under his direction, NCB provided extensive financial services and other forms of material support to the al Qaida Movement to perpetrate radical Muslim terrorism. NCB has been implicated in many corrupt practices, including the manipulation of financial markets, arms trafficking and sponsorship of international terrorism, including handling the finances of Abu Nidal and his terrorist organization. Moreover, NCB has served as one of the Enterprise's preferred banks for many years, maintaining accounts for and directing money towards many of the charity defendants that operate within the Enterprise's infrastructure, including the International Islamic Relief Organization (the "IIRO"), the Muslim World League (the "MWL"), the World Association of Muslim Youth ("WAMY"), the Benevolence International Foundation ("BIF"), Blessed Relief (Muwafaq) Foundation and al Haramain, among others. During his tenure at NCB, under the supervision of Suleiman Abdul Aziz al-Rajhi the Bank has also managed the budget of the Saudi Joint Relief Committee, another so-called charity that provided funding to the Enterprise. For these and other reasons, Vincent Cannistraro, former Chief of Counterterrorism Operations for the Central Intelligence Agency, has testified before Congress that "there is little doubt that a financial conduit to bin Laden was handled through the National Commercial Bank . . . it was evident that several wealthy Saudis were funneling contributions to bin Laden through this mechanism."</p> <p>Bahamdan was a central figure in NCB's knowing facilitation</p>	1962(c) 1962(d)

	<p>of the Enterprise's fundraising by advertising the existence and numerical designations of the accounts it maintains for al Qaida's cooperating charities throughout the Muslim world, so that supporters of the al Qaida Movement to perpetrate radical Muslim terrorism could deposit funds directly into those accounts for the benefit of the Enterprise and its cells throughout the world. During the 1990s, NCB channeled in excess of \$74 million to the Enterprise through the IIRO, and also transferred significant funding to the Enterprise through Blessed Relief Foundation accounts it maintained.</p>	
--	--	--

**EXHIBIT “B”
RICO STATEMENT**

Federal Insurance Company, et al. v. al Qaida et al., 03cv6978

Plaintiffs	Total Paid Loss
ACE AMERICAN INSURANCE COMPANY	\$47,868,634.56
ACE BERMUDA INSURANCE LTD	\$298,000,000.00
ACE CAPITAL V LTD	\$118,454,289.00
ACE INA INSURANCE COMPANY OF CANADA	\$15,431,185.61
ACE INDEMNITY INSURANCE COMPANY	\$11,853.55
ACE INSURANCE SA-NV	\$17,990,692.00
ACE PROPERTY & CASUALTY INSURANCE COMPANY	\$34,637.00
AIU INSURANCE COMPANY	\$2,240.00
ALLSTATE INSURANCE COMPANY	\$13,300,834.13
AMERICAN ALTERNATIVE INSURANCE CORPORATION	\$8,949,697.81
AMERICAN EMPLOYERS’ INSURANCE COMPANY	\$325,421.23
AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY	\$45,075,821.53
AMERICAN HOME ASSURANCE COMPANY	\$106,952,607.60
AMERICAN HOME-CANADA	\$400,468,461.54
AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	\$15,183,595.31
AMERICAN ZURICH INSURANCE COMPANY	\$2,367,662.26
AMLIN UNDERWRITING, LTD.	\$66,991,142.12
ASSURANCE COMPANY OF AMERICA	\$2,425,967.81
AXA ART INSURANCE CORPORATION	\$14,287,543.00
AXA CORPORATE SOLUTIONS ASSURANCE UK BRANCH	\$64,609,064.00
AXA CORPORATE SOLUTIONS INSURANCE COMPANY	\$72,177,208.00
AXA CORPORATE SOLUTIONS REINSURANCE COMPANY	\$87,681,468.00
AXA GLOBAL RISKS UK, LTD.	\$10,986,624.00
AXA RE	\$102,482,949.00
AXA RE CANADIAN BRANCH	\$21,052,888.00
AXA REINSURANCE UK PLC	\$18,068,229.00
BANKERS STANDARD INSURANCE COMPANY	\$23,250,000.00
BOSTON OLD COLONY INSURANCE COMPANY	\$5,100.00
CHINA AMERICA INSURANCE COMPANY LIMITED	\$3,590,140.08
CHUBB CUSTOM INSURANCE COMPANY	\$612,585.00
CHUBB INDEMNITY INSURANCE COMPANY	\$3,791,622.01
CHUBB INSURANCE COMPANY OF CANADA	\$44,547,557.24
CHUBB INSURANCE COMPANY OF NEW JERSEY	\$410,681.69
CNA CASUALTY OF CALIFORNIA	\$25,771.00
COLONIAL AMERICAN CASUALTY AND SURETY INS. COMPANY	\$21,400.00
COMMERCE AND INDUSTRY INSURANCE COMPANY	\$2,678,408.05
COMMERCE AND INDUSTRY INSURANCE COMPANY OF CANADA	\$400,468,461.54
COMMERCIAL INSURANCE COMPANY OF NEWARK, NJ	\$141,343.00
CONTINENTAL INSURANCE COMPANY	\$542,627.00
CONTINENTAL INSURANCE COMPANY OF NEW JERSEY	\$39,073.00
CRUM & FORSTER INDEMNITY COMPANY	\$44,300.08
FEDERAL INSURANCE COMPANY	\$1,318,199,318.43
FIDELITY AND CASUALTY COMPANY OF NEW YORK	\$79,856.00
FIDELITY AND DEPOSIT COMPANY OF MARYLAND	\$1,636,903.02
GLENS FALLS INSURANCE COMPANY	\$36,239.00

**EXHIBIT “B”
RICO STATEMENT**

Federal Insurance Company, et al. v. al Qaida et al., 03cv6978

Plaintiffs	Total Paid Loss
GRANITE STATE INSURANCE COMPANY	\$348,071.05
GREAT LAKES REINSURANCE U.K. PLC	\$62,682,223.62
GREAT NORTHERN INSURANCE COMPANY	\$601,113,592.16
HISCOX DEDICATED CORPORATE MEMBER, LTD.	\$230,116,847.86
HOMELAND INSURANCE COMPANY OF NEW YORK	\$210,670.75
ILLINOIS NATIONAL INSURANCE COMPANY	\$2,229,043.97
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA	\$7,465,987.17
INSURANCE COMPANY OF NORTH AMERICA	\$78,692.00
INSURANCE COMPANY STATE OF PENNSYLVANIA	\$114,621.84
LEXINGTON INSURANCE COMPANY	\$158,317,791.42
MARYLAND CASUALTY COMPANY	\$448,063.19
NATIONAL BEN FRANKLIN INSURANCE COMPANY OF ILLINOIS	\$6,442.00
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH	\$26,647,699.78
NEW HAMPSHIRE INSURANCE COMPANY	\$2,260,134.91
NORTH RIVER INSURANCE COMPANY	\$3,405,966.77
NORTHERN INSURANCE COMPANY OF NEW YORK	\$1,319,966.27
ONE BEACON AMERICA INSURANCE COMPANY	\$85,101.50
ONE BEACON INSURANCE COMPANY	\$185,924,621.93
PACIFIC EMPLOYERS	\$4,868,748.19
PACIFIC INDEMNITY COMPANY	\$22,123,590.33
SENECA INSURANCE COMPANY, INC.	\$4,509,258.43
SPS REASSURANCE	\$79,888,622.00
STEADFAST INSURANCE COMPANY	\$394,788.46
THE CAMDEN FIRE INSURANCE ASSOCIATION	\$76,620.00
THE PRINCETON EXCESS & SURPLUS LINES INSURANCE COMPANY	\$3,796,292.50
TIG INSURANCE COMPANY	\$76,211,229.00
TRANSATLANTIC REINSURANCE COMPANY	\$2,205,773.00
UNITED STATES FIRE INSURANCE COMPANY	\$79,258,822.76
VALIANT INSURANCE COMPANY	\$3,500.00
VIGILANT INSURANCE COMPANY	\$42,016,341.86
WESTCHESTER FIRE INSURANCE COMPANY	\$14,079,230.00
WESTCHESTER SURPLUS LINES INSURANCE CO.	\$12,705,000.00
WOBURN INSURANCE LTD	\$8,750,000.00
ZURICH AMERICAN INSURANCE COMPANY	\$828,650,409.08

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

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case RICO STATEMENT applicable to SHEIKH SAFER AL-HAWALI AND SHEIKH SALMAN AL-OADAH
---	--

This document relates to:

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

**RICO STATEMENT APPLICABLE TO
SHEIKH SAFER AL-HAWALI AND SHEIKH SALMAN AL-OADAH**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendants Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah.

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 defendants to whom this RICO statement pertains are Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah. 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
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

DATES	PARTICIPANTS	FACTS
early 1990s to 9/11/2001	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah 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	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah undertook the above-named actions as part of a conspiracy to commit murder and arson, in that each 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	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah	Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah agreed to form and associate themselves with the Enterprise and each 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.

(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. Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah fit neatly into this framework by raising and providing awareness and 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) Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah are associated with the Enterprise.
 - (e) Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah are members of the Enterprise, and are separate and distinct from the Enterprise.
 - (f) Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah 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 patterns of racketeering activity conducted by Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah are separate from the existence of the al Qaida movement, but were necessary components to the Attack.
 8. The Enterprise conducts terrorism all over the world; the racketeering activities conducted by Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah further and facilitate 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 Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah, 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 Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah, 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 Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah. 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 Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah. 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. Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah 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.

VI	Torture Victim Protection Act,
-----------	--------------------------------

	28 U.S.C. § 1350
VIII	RICO, 18 U.S.C. § 1962(c), 1962(d)
X	Anti-Terrorism Act, 18 U.S.C. § 2333

19. pendent state claims:

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

20. Not applicable

EXHIBIT "A"

RICO STATEMENT

QUESTION # 2

DEFENDANT	MISCONDUCT	BASIS OF LIABILITY
Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah	<p>Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah was part of a complex system through which al Qaida's sponsors, including charities, businesses and individual businessmen, channeled support to that terrorist organization.</p> <p>Al-Hawali and al-Oadah are two of Saudi Arabia's most radical Sheikhs. For more than a decade leading up to September 11, 2001, al-Hawali and al-Oadah have publicly supported Osama bin Laden and Al Qaida's objective of the destruction of the United States. They were mentors and spiritual advisors to Osama bin Laden and Al Qaida.</p> <p>A former Al Qaida member turned key government witness, Jamal Ahmed Al-Fadl, testified that bin Laden was in direct contact with the two men:</p> <p style="padding-left: 40px;">Q. Wasn't Mr. Bin Laden in contact with religious scholars in Saudi Arabia?</p> <p style="padding-left: 40px;">A. Yes, he got two scholars.</p> <p style="padding-left: 40px;">Q. Didn't he talk about the scholars who were imprisoned in Saudi Arabia?</p> <p style="padding-left: 40px;">A. Yes, Salman al Auda and Safar al Hawali.</p> <p>In 1993, the two Sheikhs were banned from speaking in public as part of the Saudi Arabian government's crack-down on Islamic extremists. The following year, in 1994, they were imprisoned despite much protest from their followers. They spent five years in jail until their release in 1999 due to pressure from</p>	1962(a), 1962(c), 1962(d)

radical groups. During their imprisonment, al Qaida and its affiliate groups vigorously defended their spiritual leaders Al-Hawali and Al-Oadah. After al Qaida terrorist attacks, including the 1995 bombing of the U.S. National Guard Khobar Towers and the 1998 U.S. Embassy bombings, bin Laden himself and other Al Qaida members would repeatedly call for the release of their spiritual leaders Al-Hawali and Al-Oadah as a condition precedent for their ceasing terrorist activity.

In fact, in his 1996 Fatwa entitled Declaration of War against the Americans Occupying the Land of the Two Holy Places,” bin Laden specifically called for the release of Al-Hawali and Al-Oadah from prison:

“By orders from the USA they also arrested a large number of scholars, Da'ees and young people - in the land of the two Holy Places- among them the prominent Sheikh Salman Al-Oud'a and Sheikh Safar Al-Hawali and their brothers; (We bemoan this and can only say: "No power and power acquiring except through Allah")...The imprisoned Sheikh Safar Al- Hawali, may Allah hasten his release...”

In addition, Al-Hawali and Al-Oadah were directly connected to the 9/11 hijackers through Mohammed Atta and members of his Hamburg cell including Mounir Motassadeq who has already been convicted in Germany as an accessory to over 3,000 counts of murder for his involvement in the September 11, 2001 attacks. Motassadeq had the numbers of both Al-Oadah and Al-Hawali in his phonebook, indicating that Motassadeq was in contact with them in the time leading up to the September 11, 2001 attacks.

As far back as 1990, Al-Hawali made known his vision for Osama bin Laden’s war against the United States and the West:

We have asked the help of our real

enemies in defending us. The point is that we need an internal change. The first war should be against the infidels inside and then we will be strong enough to face our external enemy. Brothers, you have a duty to perform. The war will be long. The confrontation is coming.

In an open letter to President Bush on October 19, 2001, Al-Hawali wrote: “In the midst of this continuous confusion and frustration, the events of the 11th of September occurred. I will not conceal from you that a tremendous wave of joy...was felt by the Muslim in the street.”

Al-Hawali, one of the most radical dissident clerics in Saudi Arabia, is repeatedly cited as a key inspiration by Osama Bin Laden himself. He is personally listed on the incorporation documents for Mercy International Relief Agency-Dublin, a charitable-front group that is suspected of providing funds for Al Qaida terrorist operations. Mercy’s head office in Dublin, Ireland has been linked in published reports to Zacarias Moussaoui and other conspirators in the September 11 suicide hijackings.

In a televised interview, Al- Hawali referred to America as a “tyrannous and evil nation that Allah is manipulating, unbeknownst to it, until it reaches the end to which it is sentenced.”

In addition, plaintiffs have alleged that Safar al-Hawali was one of the original incorporators of the Mercy International Relief Agency (MIRA) in Dublin. MIRA, working as a front for al Qaida, was deeply involved in the planning and funding of the 1998 U.S. Embassy bombings in Kenya and Tanzania.

Al-Oadah has repeatedly and openly advocated suicide bombings and the destruction of the West. *See WTC ¶ 515*. According to FBI Special Agent Michael Gneckow, defendant Sami Omar Al-Hussayen helped Al-Oadah and Al-Hawali set up websites which could be used to spew their vitriolic hate for America “to the

	<p>widest audience possible.”</p> <p>Defendant IANA published statements by three radical sheikhs including Al-Oadah on numerous occasions including May 15, 2001, which the FBI noted “extolled the virtue of and advocated suicide operations and martyrdom as necessary and permitted aspects of world jihad”. Al-Oadah wrote:</p> <p>The second part of the rule is that the Mujahid (warrior) must kill himself if he knows that this will lead to killing a great number of the enemies, and that he will not be able to kill them without killing himself first, or demolishing a center vital to the enemy or its military force, and so on. This is not possible except by involving the human element in the operation. In this new era, this can be accomplished with the modern means of bombing or bringing down an airplane on an important location that will cause the enemy great losses.</p> <p>During the search of a former Al Qaida safe house in Afghanistan after September 11, 2001, tapes of Al-Oadah preaching for jihad were found. As Agent Gneckow testified:</p> <p>Q. And the tapes dealt with what, generally speaking?</p> <p>A. They were generally motivational speeches, talking about Jihad, talking about -- basically motivational sort of speeches. Lectures.</p> <p>Absent the material support and sponsorship provided by Sheikh Safer Al-Hawali and Sheikh Salman Al-Oadah, al Qaida would have remained a regional extremist organization incapable of conducting large scale terrorist attacks on a global level.</p>	
--	---	--

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

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case RICO STATEMENT applicable to SHEIKH SALEH AL-HUSSAYEN
---	---

This document relates to:

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

RICO STATEMENT APPLICABLE TO SHEIKH SALEH AL-HUSSAYEN

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendants Sheikh Saleh Al-Hussayen.

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 Sheikh Al-Hussayen. 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
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

DATES	PARTICIPANTS	FACTS
early 1990s to 9/11/2001	Sheikh Saleh Al-Hussayen	Sheikh Al-Hussayen 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	Sheikh Saleh Al-Hussayen	Sheikh Al-Hussayen 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	Sheikh Saleh Al-Hussayen	Sheikh Al-Hussayen agreed to form and associate himself with the Enterprise and

to 9/11/2001		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.
--------------	--	---

(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. Sheikh Al-Hussayen 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) Sheikh Al-Hussayen is associated with the Enterprise.
 - (e) Sheikh Al-Hussayen is a member of the Enterprise, and are separate and distinct from the Enterprise.
 - (f) Sheikh Al-Hussayen 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 Sheikh Al-Hussayen 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 Sheikh Al-Hussayen 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 Sheikh Al-Hussayen, 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 Sheikh Al-Hussayen, 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 Sheikh Al-Hussayen. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Sheikh Al-Hussayen. 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 Sheikh Al-Hussayen. 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. Sheikh Al-Hussayen 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.

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

19. pendent state claims:

I	Trespass
II	Wrongful Death
III	Survival
IV	Assault & Battery

V	Intentional and Negligent Infliction of Emotional Distress
VII	Conspiracy
IX	Aiding and Abetting
XI	Negligence
XII	Punitive Damages

20. Not applicable

EXHIBIT “A”

RICO STATEMENT

QUESTION # 2

DEFENDANT	MISCONDUCT	BASIS OF LIABILITY
Sheikh Saleh Al-Hussayen	<p>Sheikh Al-Hussayen has maintained a long career as a government official for the Kingdom of Saudi Arabia, holding positions with the Ministry of Finance and National Economy (1961-1971), the Council of Prime Ministers (1971-1974), and other appointed positions with government sponsored organizations (1974-2002). In March 2002, six months after the September 11th attack, King Fahd bin Abdulaziz al Saud appointed Sheikh Al-Hussayen as the General President of the Committee of the Two Holy Mosques. Despite this seemingly reputable career with the Saudi government, Sheikh Al-Hussayen’s actions have been anything but admirable.</p> <p>Sheikh Al-Hussayen provided material support to Osama Bin Laden and al Qaida, knowing that al Qaida’s terrorist agenda was to attack the United States and its interests abroad.</p> <p>For instance, Sheikh Al-Hussayen has actively supported co-defendant Islamic Association of North America (“IANA”), a radical Islamic organization in Ypsilanti, Michigan. IANA was incorporated in Colorado in 1993 and has since used a number of media outlets to spread its intolerant, often violent, Wahhabist message including a number of websites, a 1-800 fatwa resource line, a radio station, and a quarterly magazine. IANA solicits donations widely throughout the United States and abroad and has come under a great deal of scrutiny and investigation for its clear advocacy of militant Islamic jihad and its funneling of money to al Qaida and affiliated organizations. Mohammed al-Ahmari, IANA President and Chairman, said in an interview</p>	1962(a), 1962(c), 1962(d)

to the *New York Times* in 2001 that half of IANA's money comes from the Saudi government and other half primarily from Saudi donors.

In September 1998, Sheikh Al-Hussayen transmitted two checks totaling \$100,000.00 to his nephew, co-defendant Sami al-Hussayen. These checks were subsequently forwarded to the IANA. Sami al-Hussayen was employed by the IANA to create and maintain websites and other internet media which were intended to recruit personnel and raise funds for violent jihad. From March 1995 until February 2002, IANA received \$3,000,000.00 in financial support from Sami al-Hussayen resources. He was indicted by the U.S. Government on January 9, 2004 for providing material support and resources to terrorists.

In addition, Sheikh Al-Hussayen has traveled to the United States on trips sponsored by the IANA. He traveled to the United States on an IANA fundraising mission to the United States in the weeks leading up to the September 11, 2001 attack. In August 2001, he arrived in New York City and was given a tour of the city, including the vicinity of the World Trade Center Towers. He then traveled to Chicago, Detroit and Canada, meeting with IANA officials and with officials from other charities.

Saudi embassy officials have declared that they consider IANA a radical organization affiliated with the Muslim Brotherhood. See Susan Schmidt, "Spreading Saudi Fundamentalism in U.S.," *The Washington Post*, p. A1, October 2, 2003.

Even more disturbing is the connection between Sheikh Al-Hussayen and several of the September 11th hijackers. On September 6, 2001, Sheikh Al-Hussayen arrived in Herndon, VA. Then, just days before the September 11th attack, Sheikh Al-Hussayen switched from his original hotel to the Marriott Residence Inn in Herndon, just a few miles away. The Marriott Residence Inn in Herndon is the same hotel where at least three of the American Airlines

	<p>Flight 77 hijackers stayed before September 11, 2001.</p> <p>The following morning these men hijacked Flight 77 and crashed the airliner into the Pentagon.</p> <p>Following the attacks, the FBI attempted to interview Sheikh Al-Hussayen in his hotel room. According to the FBI, the interview came to an abrupt end when he feigned a seizure, prompting the agents to take him to a hospital where the attending physicians “found nothing wrong with him.” The FBI was successful in interviewing Sheikh Al-Hussayen’s wife and the couple left the country shortly thereafter.</p> <p>Sheikh Al-Hussayen also spent five years as a member of the Sharia Board at Al Rajhi Banking & Investment Company. Al Rajhi has long provided financial services and other forms of material support to terrorist organizations and has served as one of al Qaida’s preferred banks for many years, maintaining accounts for many of the Saudi charitable organizations that operate within al Qaida’s infrastructure, including but not limited to, the International Islamic Relief Organization, the Muslim World League, the World Association of Muslim Youth, Benevolent International Foundation, and Al Haramain Islamic Foundation.</p> <p>Absent the material support and sponsorship provided by Sheikh Al-Hussayen to the Enterprise, al Qaida would have remained a regional extremist organization incapable of conducting large scale terrorist attacks on a global level.</p>	
--	--	--

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

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case RICO STATEMENT applicable to Sami Omar Al-Hussayen
---	--

This document relates to: Federal Insurance Co. v. al Qaida
03 CV 06978 (RCC)

**RICO STATEMENT
APPLICABLE TO SAMI OMAR AL-HUSSAYEN**

Based on information currently available, and pursuant to the Case Management Order dated June 15, 2004, plaintiffs submit this RICO statement for defendant Sami Omar Al-Hussayen.¹

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 Sami Omar Al-Hussayen. 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.

¹ Plaintiffs herein incorporate the More Definite Statement as to Sami Omar Al-Hussayen previously filed by the Burnett plaintiffs in this consolidated action, which lays out in greater detail the factual allegations in question here.

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
false statement to the United States	18 U.S.C. §§ 1001(a)(2) and 3238
visa fraud	18 U.S.C. §§ 1546(a), 3237 and 3238
mail fraud	18 U.S.C. § 1341
wire fraud	18 U.S.C. § 1343
Providing material support for terrorism	18 U.S.C. § 2332, § 2339 (A) – (C)

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

DATES	PARTICIPANTS	FACTS
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	Throughout this period, Sami Omar Al-Hussayen conspired to and did support terrorism, evade tax obligations, and obfuscate the roles of the various participants and conspirators in the al Qaida Movement to perpetrate radical Muslim terrorism, which conspiracy culminated in the Attack.
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	In violation of 18 U.S.C. § 1952, on multiple occasions Sami Omar Al-Hussayen conspired to and did traffic in interstate and/or foreign commerce, and/or used the mail and/or facilities in interstate or foreign

		commerce with intent to distribute the proceeds of their money laundering activities which are indictable under 18 U.S.C. § 1956 and/or 1957.
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	In violation of 18 U.S.C. § 2333, Sami Omar Al-Hussayen provided material support to the Enterprise with knowledge of its terrorist agenda, aiding and abetting it in its course of terrorist conduct.
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	In violation of 26 U.S.C. § 7212(a), Sami Omar Al-Hussayen conspired to or did file false or materially false tax returns, in furtherance of a corrupt endeavor to impede and impair the due administration of the internal revenue laws
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	Sami Omar Al-Hussayen undertook the above-named actions as part of a conspiracy to commit murder and arson, in that they knew that the Enterprise he was underwriting, the al Qaida Movement to perpetrate radical Muslim terrorism, planned to and would commit an act of deadly aggression against the United States in the near future, using the resources supplied by Sami Omar Al-Hussayen.
early 1990s to 9/11/2001	Sami Omar Al-Hussayen	Sami Omar Al-Hussayen agreed to form and associate themselves with the Enterprise and agreed to commit more than two predicate acts, <i>i.e.</i> , multiple acts of money laundering, tax evasion, 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. Sami Omar Al-Hussayen and 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 the al Qaida Movement to perpetrate radical Muslim terrorism. From his central position in the Islamic Assembly of North America (IANA), he spread the violent message of the Enterprise through a series of linked websites he controlled which all promoted the Enterprise's mission through graphic videos and threatening texts, even going so far as to spreading advocacy of the use of airplanes onto important locations against "the enemy". At the same time, he became a distribution hub for over \$3,000,000 in funds aimed to supporting terrorism, maintaining multiple bank accounts and distributing money for groups in support of jihad around the globe. These transactions bear all of the hallmarks of money laundering in support of terrorism. Such money laundering, the filing of false tax returns, and tax evasion were all in furtherance of a conspiracy to commit murder and arson which culminated in the Attack.

- (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 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 to perpetrate 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 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 to perpetrate 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. Sami Omar Al-Hussayen fit neatly into this framework by raising funds for, providing funding to, and otherwise providing material support for al Qaida and the members of the Enterprise who engaged in the Attack.

- (c) no.
 - (d) Sami Omar Al-Hussayen is associated with the Enterprise.
 - (e) Sami Omar Al-Hussayen is a member of the Enterprise, and is separate and distinct from the Enterprise.
 - (f) Sami Omar Al-Hussayen 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 Sami Omar Al-Hussayen is separate from the existence of The al Qaida Movement to perpetrate 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 Sami Omar Al-Hussayen 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 Sami Omar Al-Hussayen, 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 to perpetrate 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 the al Qaida Movement to perpetrate 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 facilitators, including Sami Omar Al-Hussayen, who laundered funds and corporations and raised money from witting and unwitting donors while spreading the message of violent *jihad*. 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. In addition, al Qaida members cited the ostensible employment with charities to conceal their terrorist activities and to gain entry into important conflict areas.

The funds thus raised were used to, among other things, operate terrorist training camps in the Sudan, Afghanistan, and various other regions, 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 recruiters, travel facilitators, and document forgers who vetted recruits and helped them get in and out of the Sudan, Afghanistan, Bosnia-Herzegovina, Kosovo and Chechnya. From the ranks of these recruits the nineteen perpetrators of the Attack were selected. None of this would have been possible without the financial services and funds supplied by participants and conspirators like Sami Omar Al-Hussayen. Indeed, the Enterprise would not have been successful without the enthusiastic participation of all of the conspirators, including Sami Omar Al-Hussayen. 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 Sami Omar Al-Hussayen. Sami Omar Al-Hussayen 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. Sami Omar Al-Hussayen 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.

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

19. pendent state claims:

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

20. not applicable

EXHIBIT "A"

RICO STATEMENT

QUESTION # 2

DEFENDANT	MISCONDUCT	BASIS OF LIABILITY
Sami Omar Al-Hussayen	<p>Sami Omar Al-Hussayen, a citizen of Saudi Arabia, was admitted into the United States on an F-1 Student Visa for the purpose of pursuing his PhD. in computer science at the University of Idaho. On these applications, he failed to disclose that he would be providing business services and funding for numerous terrorist-affiliated charities and organizations.</p> <p>From at least October 2, 1998 until February 13, 2003 Al-Hussayen provided expert computer services, advice, assistance and support to terrorist-related organizations and individuals, in the form of web-site registration, management, administration and maintenance.</p> <p>Sami Al-Hussayen actively participated in the creation and design of these websites which entailed determining the inclusion and placement of various articles and images. Sami Al-Hussayen assisted the Islamic Assembly of North America (IANA) and numerous other groups in the maintenance of their sites.</p> <p>Al-Hussayen was the formal registered agent for IANA in Idaho, as well as for a number of other internet websites associated with or belonging to the organization. For each website, Al-Hussayen was responsible to the content provided to visitors.</p> <p>This content included the recruiting and mobilization of supporters to play a more active role in support of terrorist activities or causes, the direct promotion of violent <i>jihād</i></p>	1962(c) 1962(d)

and directly support for Osama bin Ladin and al Qaida.

He performed this service by disseminating fatwas, articles, images and other materials with the intention of recruiting supporters, sympathizers and members and to raise money for terrorist groups like al Qaida. He promoted fatwas by Sheik Alman Al-Ouda, Sheik Safar Al-Hawaly, the spiritual leaders of al Qaida, providing material support to the Enterprise by creating websites by which violent *jihad* against the United States could be espoused.

On May 15, 2001, three and one-half months before the September 11th attacks, Al-Hussayen posted an article written by Sheik Ouda called "Suicide Operations" was posted on one of the affiliated websites for which he was responsible. The article advocated killing a great number of "enemies" through the suicidal takeover of an airplane and crashing it into an "important location" – ""The mujahid (warrior) must kill himself if he knows that this will lead to killing a great number of the enemies. In the new era, this can be accomplished with the modern means of bombing or bringing down an airplane on an important location that will cause the enemy great losses."

Al Hussayen collected and forwarded jihadist audiotape messages from Osama bin Laden to fellow terrorist operatives with instructions to its recipients to send the messages out to as many people as possible. Thus, Al- Hussayen directly promoted and distributed messages from Osama bin Laden, as well as the suicide operations and the ideology espoused by Sheik Ouda.

Al-Hussayen has also downloaded and distributed a speech given by Osama bin Laden with instructions that the speech be widely distributed. Consistent with this ideological support of Al Qaida, Al Hussayen

	<p>created, registered and maintained numerous websites and Internet chat rooms which promote radical and violent jihad for the purpose of recruitment and raising funds to perpetuate the Al Qaida jihad.</p> <p>From November 1999 through February 13, 2003 Al-Hussayen was functioning as an IANA officer and employee. Al-Hussayen was actively involved in IANA's business transactions and fundraising activities, and helped direct money towards a number of so-called "charities" which were in fact part of the Enterprise.</p> <p>IANA was the only American Muslim organization to be individually promoted on the website of Azzam Publications, widely considered to be the premier English-language mouthpiece of al Qaida.</p> <p>In addition to the messages and articles previously described, Al-Hussayen also maintained several disturbing images on his computer for use on these websites. Among the thousands of images were:</p> <ul style="list-style-type: none">• Several pictures of the World Trade Center Towers including a computer generated image of where the airplanes struck the towers, and images of the towers before and after they collapsed;• An aerial photograph of the Pentagon;• Photographs of other Al Qaida terrorist targets including the Golden Gate Bridge and the Capitol Building in Washington, DC;• Numerous photographs of Osama bin Laden including an image of Osama bin Laden facing off with President Bush. (There is a target superimposed on President Bush's head with the center of his head in the cross hairs of the target).• Photographs of Zacarias Moussaoui, the suspected 20th hijacker who has been indicted in Virginia and Richard Reid, the Al Qaida operative convicted of attempting to explode a trans-Atlantic flight from Paris to Miami with explosives inserted in his shoes; and• Photograph of a Taliban soldier firing a rocket	
--	--	--

	<p>propelled grenade.</p> <p>Sami Al-Hussayen also provided material support to Al Qaida and other terrorist groups through the collection of donations. From August 1994 until at least February 2003, Sami Al-Hussayen maintained at least six different bank accounts in the United States. From at least 1997, Al-Hussayen used some of these accounts to receive donations and large sums of money. He transferred these sums to the IANA and other organizations and individuals. Sami Al Hussayen also made disbursements to individuals in Cairo, Egypt; Montreal, Canada; Riyadh, Saudi Arabia; Amman, Jordan; and Islamabad, Pakistan.</p> <p>Mr. Al-Hussayen played an active role in determining where the IANA would send its contributions and how the business should operate in support of <i>jihad</i> and the Enterprise, including support for such organizations as “Help The Needy”, whose website he also maintained, which illegally passed funds to Iraq in contravention of multiple executive orders</p>	
--	--	--

.111