

28 PAGES: ANALYSIS

Data and detailed refutation of accusations that the government of the Kingdom of Saudi Arabia was involved in the 9/11 terrorist attacks against the United States.

FOREWORD

The Kingdom of Saudi Arabia has made the defeat of Al-Qaeda in the Arabian Peninsula (AQAP) a priority of its military campaign in Yemen. Earlier this month, the group suffered a devastating blow when it was driven from the Yemeni city of Al Mukalla, which had served as its capital. This was the work of the Saudi-led coalition and a joint military operation that included Yemeni government forces, Saudi and Emirati forces and Special Forces of the United States. This cooperative military effort was a tremendous victory in the war on terrorism. The operation killed a great number of Al-Qaeda militants, several of them among the group's leaders.

So it is one of the more peculiar ironies in the fight against terrorism that the country that has done as much or more than nearly any other in combating radicalization, terror-financing and acts of extremist violence finds itself the object of ceaseless suspicion that it has actually sponsored terrorist networks, most famously those of the 9/11 attacks against the United States.

In recent months, speculation has once more emerged regarding the imminent declassification of redacted pages of the 2003 House and Senate Joint Inquiry into that attack, while in recent days, a newly cleared FBI "work plan"—a document believed to be the prototype of those redacted pages—has been the focus of increasing scrutiny. And so once again, following a decade and a half of the most stringent and thorough counter-terror measures—measures praised by U.S. agencies from the Department of Homeland Security to the Department of the Treasury--we defend our position and urge the action that our then-foreign minister and our ambassador to the U.S. urged when the report was released: that the United States government also release "the 28 Pages" to end speculation about what they contain and allow the Kingdom to answer these baseless charges.

Saudi Arabia has endured dozens of major terror attacks against our citizens and servicemen over the last ten years and a surge of Daesh (ISIL) attacks against us over the past year. In response, the government has rounded up of hundreds of terror suspects, our top clerics have unleashed a torrent of public condemnation of extremist violence, we have installed electronic surveillance systems in our mosques and closed independent money-transfer networks. Yet despite these and many other profound changes, our government and our people are still subjects of speculation, accusation and conspiracy thinking about the 9/11 attack. The Kingdom has been convicted in a rump court of public opinion despite more than a decade of investigation that has produced no evidence to support such charges.

In fact, far from pointing the finger at Saudi Arabia, this prolonged period of investigation has produced mountains of information that give the lie to these accusations:

- The House Committee on Finance concluded at a 2004 hearing: "Finally, there is no evidence that any government funded the 9/11 plot in whole or in part."

- The CIA, in a 2005 report of the Office of the Inspector General, wrote: “[T]he [OIG] Team encountered no evidence that the Saudi government knowingly and willingly supported al-Qa’ida terrorists.”
- The FBI, in its review of March 25, 2015, of the body of investigations into 9/11, stated: “[T]he FBI has not found any evidence that [Saudi] money got into the hands of the hijackers, and the 9/11 Commission found no links to the royal family.”
- John Brennan, the CIA director and former station chief in Riyadh, speaking in late April of the “28 pages”, warned against using “raw, unvetted information” as a springboard for allegations, as did former Governor Thomas Kean and former Representative Lee H. Hamilton, chair and vice-chair, respectively, of the 9/11 Commission.
- Saudi royals, diplomats and U.S.-based clerics have been through two rounds of proceedings in the New York court system and a decade of FBI investigations, interrogations and inquiries. These judicial actions and investigations have yielded thousands of pages of court testimony and reviewed thousands of cables and other documents of the CIA and other agencies, including footnotes and other source material, and reached the same conclusion: The Kingdom, its officials and functionaries had nothing to do with the 9/11 terror attacks.

Space does not permit a point-by-point rebuttal of all the allegations thought to be a part of these infamous pages, but certain names that have appeared in several press reports alluding to those pages must be analyzed. These include Omar al Bayoumi, Fahad al Thumairy and Osama Basnan. Each of these men is alleged to have supplied financial and logistical support to the pair of hijackers who would later fly Flight 77 into the Pentagon.

Yet there is zero evidence of any Saudi official acting as an agent of the state in support of the 9/11 (or any terrorist) act. Each of those names was investigated in detail by the 9/11 Commission, by the recent review commission and by the FBI, and none of them found any real evidence to indicate that they were agents of Saudi Arabia, that they acted to assist the hijackers, or that they knew of the plans to hijack the planes. Even Senator Bob Graham, a critic of Saudi Arabia on this issue, acknowledges that there is no indication that Bayoumi—one of the names most often linked in press reports to the 28 pages—knew what was going on. The same thing is true of Fahad al-Thumairy, who was an employee of the Saudi embassy in the United States. And beyond the lack of evidence, no information has arisen that even alleges that Thumairy did anything whatsoever to help the hijackers.

It is natural for people to try to make sense of tragic events, and many want to believe that there was some greater force behind the attacks. They may earnestly believe that these 28 pages will show that that force was Saudi Arabia. And they may also believe that this will help them win the Congressional vote to revoke the Kingdom’s sovereign immunity through JASTA [Justice Against Sponsors of Terrorism Act] and enable them to pursue long-standing lawsuits against the Kingdom. But they are tragically wrong.

Saudi Arabia has not been permitted to defend itself against these outrageous charges, which is why we want the pages declassified and released. Allegations are not facts, theories are not proof, speculation is no substitute for empirical evidence, and correlation is not cause. The time is long overdue to set aside these speculations and conspiracy theories and focus on what is of critical importance to the world – the end of the scourge of terrorism. The future of the battle against a worsening menace of international terrorism can only be won through a partnership of mutual trust.

SUMMARY

This paper provides hard data and a detailed refutation of accusations that the government of Saudi Arabia was in any way involved in the terrorist attacks against the U.S. on September 11, 2001.

- The report is the product of thorough research of open sources and formerly classified documents that are comprised of the same information allegedly in the infamous 28 classified pages of the report by the Joint Congressional Inquiry into the terrorist attacks of September 11.
- The 28 pages were classified by the administration of President George W. Bush to protect intelligence sources and methods.
- The congressional inquiry is often confused with the official 9/11 Commission led by former Congressman Lee Hamilton and former Governor Thomas Kean. The official, independent and bi-partisan 9/11 Commission was established by legislation approved by Congress and signed into law by President George W. Bush.
- The disputed 28 pages in the congressional report consist of unverified raw reporting that was never investigated by the congressional panel. But the official 9/11 Commission did investigate the 28 pages “vigorously,” according to the Chairmen of the Commission.
- In its final report, the National Commission on Terrorist Attacks Upon the United States (also known as the 9-11 Commission) stated there was “no evidence that the Saudi government as an institution or senior Saudi officials individually funded” the terrorists.
- This conclusion has been repeatedly validated by the FBI, CIA, two different U.S. District Court Judges and a congressionally created 2015 Review Commission.
- The 2015 congressionally created Review Commission found that the 28 pages were “thoroughly reviewed” by the Kean-Hamilton investigation, and concluded that “despite the fact that two FBI teams continue to actively investigate the issue, there was no new evidence against the Saudi government.”
- Saudi Arabia is a prime target for extremist attacks, suffering dozens of attacks and hundreds of deaths.
- In partnership with the United States, sharing intelligence and other resources, the Kingdom remains on the frontlines in the war on terror.

The Dots Don't Connect

Research and analysis of unsubstantiated allegations against Saudi Arabia in the 9/11 Attacks

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The source material includes:

1. National Commission on Terrorist Attacks Upon the United States; Thomas H. Kean, Chair; Rep. Lee H. Hamilton, Vice-Chair, The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States; Official Government Edition, Washington DC, July 2004.
2. U.S. House of Representatives, 100th Congress; Hearing Before the Committee on Financial Services, "The 9/11 Commission Report. Identifying and Preventing Terrorist Financing", 23 August 2004.
3. Central Intelligence Agency, Office of the Inspector General; Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001; Washington DC, June 2005.
4. Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11. House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. December 2003.
5. FBI PENTTBOM Reports: Feb. 2003; Apr. 2002; Oct. 2002; Sept. 2003; Oct. 2001; Sept. 2002; Sept. 2001. Available at: <https://vault.fbi.gov/>
6. The Kingdom of Saudi Arabia et al Petitioners v. Federal Insurance Company et. al Supreme Court of the United States; 30 June 2014; Supreme Court of the United States.
7. Transcript, "In re Terrorist Attacks on September 11, 2001; July 30, 2015, Before Hon. George B. Daniels, District Judge, United States District Court Southern District of New York. Statements of Michael Kellogg, Kellogg, Huber, Hansen, Todd Evans, & Figel, PLLC; Attorneys for the Kingdom of Saudi Arabia; Robert Kry, Molo Lamken LLP, Attorneys for Dallah Avco Trans Arabia Co.

Introduction:

"These conclusory, largely boilerplate, allegations provide an insufficient basis to strip Saudi Arabia of its immunity."

–United States District Court, S.D. New York, Sept 2015, p.444

There have been numerous conclusion statements made by Congressional, judicial, law enforcement and intelligence authorities that vindicate the Kingdom. They include:

1. USDC, New York: "To the extent that these allegations rely on actions by members of the Saudi Royal Family as allegations against the Kingdom, we have determined that they make no claim that these individuals were acting on behalf of or at the behest of the Kingdom." ("In Re: Terrorist Attacks on September 11, 2001; Burnett v. Al Baraka Investment and Development Corp [...]; Vigilant Insurance v. Kingdom of Saudi Arabia." United States District Court S.D., New York. January 18, 2005.)
2. Congress: "Finally, there is no evidence that any government funded the 9/11 plot in whole or in part." (U.S. House of Representatives, 100th Congress; Hearing Before the Committee on Financial Services, 23 August 2004; p.189.)
3. Congress: "The FBI has not found any evidence that the money got into the hands of the hijackers, and the 9/11 Commission found no links to the royal family." (U.S. House of Representatives, 100th Congress; Hearing Before the Committee on Financial Services, 23 August 2004.)
4. Central Intelligence Director, John Brennan: "I think the 9/11 Commission took that joint inquiry and those 28 pages or so and followed through on the investigation and then came out with a very clear judgment that there was no evidence that the Saudi government as an institution or Saudi officials or individuals had provided financial support to al Qaeda."

The classified pages consisted of "a preliminary review that put information in there that was not corroborated, not vetted and not deemed to be accurate." (NBC, Meet the Press May 1, 2016.)

5. 9/11 Commission Chairman and Vice Chairman: "The 28 pages were based almost entirely on raw, unvetted material that came to the FBI. That material was then written up in FBI files as possible leads for further investigation. The 28 pages were a summary of some of those reports and leads, as of the end of 2002. Before completing its work, the congressional panel never had a chance to check out any of these leads. The 28 pages, therefore, are comparable to preliminary law enforcement notes, which are generally covered by grand jury secrecy rules. Those rules exist to avoid implicating people in serious crimes without the benefit of follow-up investigation to determine if such suspicions are

substantiated.” (Joint statement by former Governor Thomas Keane and former Representative Lee Hamilton April 22, 2016.)

6. Congress: “[D]espite numerous allegations about Saudi government complicity in al Qaeda, the Commission has found no persuasive evidence that the Saudi government as an institution or senior officials within the Saudi government knowingly support or supported al-Qaeda.” (U.S. House of Representatives, 100th Congress; Hearing Before the Committee on Financial Services, 23 August 2004; footnote, p. 234.)

7. Congress: Rep. Waters, Calif: “So I would like to know, how did the Commission reach the conclusion of finding no evidence that the government of Saudi Arabia furnished Al Qaeda or the other networks with any funds or that they are not still funding these charities [...] ?”

Rep. Lee Hamilton, Vice Chairman, National Commission on Terrorist Attacks Upon the United States: “You asked us how we reached the conclusion. The conclusion was that we found no evidence, as you have stated correctly, that the Saudi government as an institution or as individual senior officers of the Saudi government supported Al Qaida. Now, we sent investigators to Saudi Arabia. We reviewed all kinds of information and documents that are available to the intelligence community. We listened to many, many people who talked to us about these things. We followed every lead we could.” (23 April 2004, 9/11 Testimony, House Committee on Financial Services, p.6.)

8. White House Press Secretary Josh Earnest: [Hamilton and Kean] “said they had an opportunity to review that material, to follow up on leads, and that they actually conducted interviews not just in the United States but around the world to follow up on that information. And as we’ve discussed many times in this room over the last several weeks, the conclusion of their report is that they found no evidence that the Saudi government as an institution had supported al Qaeda. (White House Daily Briefing, May 2, 2016.)

9. Congress: “Some with the U.S. government have speculated that the Saudi government resisted investigating al Haramain and other charities for fear that such investigations might unearth information implicating, or at least unflattering to, senior members of the Saudi government in the clandestine activities of the charity. The Commission staff has found no evidence that the Saudi government as an institution or as individual senior officials individually funded al-Qaeda.” (U.S. House of Representatives, 100th Congress; Hearing Before the Committee on Financial Services, 23 August 2004; footnote, p.308.)

10. USDC, New York: “The United States has not designated the Kingdom a state sponsor of terrorism and the presidentially-appointed September 11 Commission found no evidence of the Kingdom’s funding or support for the September 11 terrorists.” (The Kingdom of Saudi Arabia et al Petitioners v. Federal Insurance Company et. al Supreme Court of the United States; 30 June 2014; [which calls upon] Fed Ins. Co v Kingdom of Saudi Arabia (“In re Terrorist Attacks on September 11, 2001.”))

11. CIA: "The [OIG] Team encountered no evidence that the Saudi government knowingly and willingly supported al-Qa'ida terrorists. Individuals in both the Near East Division (NE) and the Counterterrorist Center (CTC) [blanked passage] told the Team they had not seen any reliable reporting confirming Saudi Government involvement with and financial support for terrorism prior to 9/11, although a few speculated that dissident sympathizers within the government may have aided al-Qa'ida. A January 1999 Directorate of Intelligence (DI)/Office of Transnational Issues Intelligence Report on Bin Laden's finances indicated that "limited" reporting suggested that "a few Saudi government officials" may support Usama Bin Laden but added that the reporting was "too sparse to determine with any accuracy" such support. None of the Saudi officials named in that report was a member of a [blanked passage and the rest of the report's pages].

Claims and Refutations

I. About Saudis who may have had some form of contact with the hijackers in the US.

1. Omar al-Bayoumi

Claim:

Omar Al-Bayoumi allegedly befriended two of the Al-Qaeda-affiliated 9/11 hijackers, Nawaf Al-Hazmi and Khalid Al-Mihdhar. In February 2000, Al-Bayoumi met with Saudi embassy staffer Fahad Al-Thumairy at the Saudi consulate in Los Angeles. It is said that Omar Al-Bayoumi was a Saudi agent and received directions from a staff member at the Saudi consulate in Los Angeles to help Al-Hazmi and Al-Mihdhar, and that al-Bayoumi met the 9/11 hijackers at a Los Angeles restaurant just days after they arrived in the U.S. It is further claimed that Al-Bayoumi told at least one person that he was picking up visitors before traveling to Los Angeles and that al-Bayoumi's "friendship" went beyond random kindness. He was aware of their arrival in the U.S. He helped the two find and pay for an apartment. He gave them financial support that enabled the hijackers to prepare for their terrorism. Al-Bayoumi was connected to known Al-Qaeda propagandist imam Anwar Al-Awlaki. The imam played a major role in radicalizing and aiding the Al-Qaeda terrorists; that he was the recipient of \$400,000 from unknown Saudi sources during his time in San Diego.

Response:

- "Bayoumi was once the subject of an FBI counterterrorism investigation, prompted by allegations about him that appear to have been groundless." (The 9/11 Commission Report; Chapter 7, footnote 19, p.515.)
- Regarding the alleged Anwar Al-Awaki association: "Bayoumi is a devout Muslim, obliging and gregarious. He spent much of his spare time involved in religious study and helping run a [Kurdish] mosque in El Cajon, about 15 miles from San Diego. It is certainly possible that he has dissembled about some aspects of his story, perhaps to counter suspicion.

"On the other hand we have seen no credible evidence that he believed in violent extremism or knowingly aided extremist groups. Our investigators who have dealt directly with him and studied his background find him to be an unlikely candidate for clandestine involvement with Islamist extremists." (The 9-11 Commission Report, Chapter 7, p.217.)

- As for the lunch at the 'Mediterranean Gourmet' on 17 February 2000, Bayoumi, then 42 and a business student while in the employ of a division of the Saudi civil aviation authority, had entered this restaurant completely unaware of the identity of the two hijackers, having instead been drawn to them when he heard Hazmi and Mihdhar speaking in what he recognized to be Gulf Arabic. Al-Bayoumi

struck up a conversation. Mihdhar and Hazmi replied that they were students from Saudi Arabia who had just arrived in the US to study English; that they were living in an apartment near the restaurant, but did not like Los Angeles, and were having a hard time. Bayoumi initially helped the men set up their first apartment in San Diego and assisted in helping them open bank accounts. At a subsequent evening social event at the hijackers' new apartment that hosted many Muslims from the community, Mihdhar grew uneasy with and subsequently distanced himself from al-Bayoumi (ibid., p.219.)

- Bayoumi denied in an interview with law enforcement receiving any money from Hazmi or Midhahr for any of his assistance in helping the two men establish themselves in Los Angeles and San Diego. (ibid., Chapter 7, footnote 24, p.517.)
- “It is common practice in the Muslim community and mosques to assist individuals new to the area.” (FBI PENTTBOM interviews, September 2003.)
- In FBI testimony, al Bayoumi maintained that he never paid rent of either of the hijackers; had never heard of Hamzi or al Mihdhar prior to his chance meeting of them. He just happened to meet them in the restaurant and was not instructed to meet them. (ibid., p.12.) Bayoumi told FBI interviewers that he never spoke to the two hijackers about politics, personal sentiment, jihad, martyrdom, family, anti-US views, and did not speak to them about flight school (ibid., p.20.)
- “According to an individual interviewed by the FBI, al Bayoumi’s salary from his employers, Saudi civil aviation, was approved by Hamid al Rashid. Hamid was the son of father Saul al Rashid, whose photo was found in a raid in an al Qaeda safe-house in Karachi and who had admitted to being in Afghanistan between May 2000 and May 2001. The FBI noted, however, that there is no direct evidence that the money al Rashid authorized for al-Bayoumi was used for terrorist purposes.” (Joint Inquiry, Senate Repot 351, p.173.)
- Al Bayoumi threw a party for a visiting Sheikh from Norway, Abdal-Rhaman Barzanji, who had services at a mosque for Kurdish members during Ramadan. The FBI, the House and Senate joint investigations into 9-11, as well as other pertinent agency sources have no further detail on Barzanji and his relationship with al-Bayoumi and do not allege conspiratorial contact and actions between the two with regard to 9/11.
- “An FBI source identified al-Bayoumi as the person who delivered \$400,000 from Saudi Arabia for the Kurdish Islamic Center and mosque [also called Al Madina al Munawara] in San Diego” [Joint Inquiry, p.174.] Al-Bayoumi did all of the administrative work and was the director of the mosque (FBI PENTTBOM October 2001.) “Al Bayoumi was well-connected with the consulate and seemed to get things done, for others, and was involved with funding El Medina [alternative English spelling] mosque in El Cajon, near San Diego. [He] acted as intermediary with Kurdish community, and was the manager of the Kurdish mosque”. (FBI PENTTBOM, Sept. 2001.)

- The Saudi businessman who funded the Islamic center and mosque was Saad al-Habeeb, purchased the complex for a total of \$545,000 in 1998. He hired Omar al-Bayoumi as manager.” (Krueger, Anne; “Fire Ruins Mosque’ Arson Called Unlikely,” San Diego Chronicle, 18 August 2006.) In none of the investigations carried out by the various agencies does Mr. al-Habeeb’s name come up as one having suspected ties to al-Qaeda or to any funding of terrorism.
- Regarding al-Bayoumi’s employment with the Saudi Civil Aviation Administration and its contractor, Dallah Avco: “His contract was to assist Dallah Avco in projects for the civil aviation division. There is no suggestion, and the FBI found and the 9/11 Commission found, that there was no evidence that he was either an intelligence agent, that he materially assisted the hijackers or that he knew what the hijackers were up to. [...] The Plaintiffs have a copy of this contract. They have full discovery from Dallah Avco. They have all his employment records through Dallah Avco. [...] His contract at the time of the 9/11 attacks—actually he was out of the United States by then—his contract was with Dallah Avco.” (Kellog, p.13.)

2. Fahad al-Thumairy

Claim:

Fahad al-Thumairy—an imam at the King Fahd mosque in Los Angeles and an accredited diplomat at the Saudi consulate from 1996 to 1993—“may have” played a role in helping the hijackers establish their arrival in Los Angeles, and had principal contact with al Bayoumi. Thought to be associated with radical factions at the King Fahd mosque, he lost his position there “possibly because of his immoderate reputation” (The 9/11 Commission Report, p.217.) On 6 May 2003, he attempted to reenter the U.S. from Saudi Arabia but was refused entry due to the lack of a proper visa.

Response:

- “There is no evidence or even allegation that Thumairy did anything whatsoever to help the hijackers. Again, the 9/11 report, at 217, claims no evidence to support such claim.” (Kellogg statement, USDC, New York, 23 August 2004; p.18.)
- Although Bayoumi admits knowing Thumairy, no telephone records document any contact between the two just before Bayoumi’s met the hijackers Hamzi and Mihdhar in Los Angeles. Nor do individuals who regard Thumairy as an extremist place Bayoumi in Thumairy’s circle of associates. (ibid., chapter 7, footnote 18-19, p.515-516.)
- The contacts between al-Thumairy and al Bayoumi were by phone, with Bayoumi having called Thumairy’s home phone ten times between December 1998 and Dec 2000, while Thumairy called Bayoumi’s cellular and home phones 11 times between December 3 and December 20 2000. (The 9/11 Commission Report,

Chapter 7, footnote 12, p.515.), Bayoumi told American authorities that these were consultations strictly on religious matters.

- “Thumairy, who was an employee of the Saudi embassy at the time, but there is absolutely no evidence or allegation, even, that he did anything whatsoever to help the hijackers. Plaintiffs [in the lawsuits against the Kingdom] only point to one conversation that he had with Bayoumi before Bayoumi met with the hijackers, but there’s no allegation as to why that conversation took place or what was discussed or whether he gave any instructions to Bayoumi whatsoever. Even former Senator Bob Graham admits that what the two men talked about is completely unknown, and even if they could show that he provided any assistance, they can’t show that it was within the scope of his employment and that he was acting at the behest of the Saudi government.” (ibid. p.21.)

3. Princess Haifa bin Faisal and Osama Basnan

Claim:

Princess Haifa, the wife of Prince Bandar, then-Ambassador of the Kingdom of Saudi Arabia to the United States, assisted the 9-11 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar with financial support. In 1998, Princess Haifa transferred \$15,000 to Osama Basnan, after he contacted her at the embassy requesting help with his wife’s severe thyroid condition. Osama Basnan was investigated in connection with the attacks. Additionally, in 1999, Princess Haifa began issuing monthly payments of \$2,000 in the form of cashier’s checks that were purchased from Washington’s Riggs Bank. The checks were sent to Majida Ibrahim Ahmad Dwaikat, the wife of Osama Basnan. The checks sent to Dwaikat were endorsed over to the wife of Omar Al-Baymoui, Manal Bajadir. The payments continued through 2002 and totaled as much as \$73,000.

Response:

- “Princess Haifa was paying charitable gifts to the wife of Osama Basnan, another Saudi in San Diego at the time of the arrival of Hamzi and Mihdar, two of the earliest hijackers in the States, whom he befriended. The payments, some seventy-three thousand dollars over a period of three years, were supposed to fund the treatment of a medical condition that Basnan’s wife suffered from [thyroid cancer]. According to pleadings in the lawsuit against the Saudis, some of the money went to support the hijackers in San Diego. However, as the Commission hearings note: *the FBI has not found any evidence that the money got into the hands of the hijackers, and the 9/11 Commission found no links to the royal family.*” (9/11 Commission Hearings, 23 August 2004.)
- “Despite persistent public speculation, there is no evidence that the hijackers who initially settled in San Diego, Mihdhar and Hazmi, received funding from Saudi citizens Omar al Bayoumi and Osama Basnan, or that Saudi Princess Haifa al Faisal provided any funds to the hijackers either directly or indirectly.

“A number of internal FBI documents state without reservation that al-Bayoumi paid rent on behalf of Mihdhar and Hazmi, a claim reflecting the initial view of some FBI agents. More thorough investigation, however, has determined that al-Bayoumi did not pay rent or provide any funding to the hijackers. On one occasion, he did obtain a cashier’s check to assist Mihdhar and Hazmi pay a security deposit and first month’s rent, but the hijackers immediately reimbursed him from their funds.” (ibid, p.324)

- “Contrary to highly publicized allegations, we have found no evidence that Hazmi or Mihdhar received money from another Saudi citizen, Osama Basnan.” (The 9-11 Commission Report, p.516.)

4. Mohdhar Abdullah

Claim:

Mohdhar Abdullah told the FBI that al Mihdhar informed him that he was a supporter of the Islamic Army of Aden, a group that Abdullah knew was involved in the bombing of the USS Cole. Abdullallah had also heard al Hazmi express extremist views. Abdullallah relayed the substance of these conversations to al Bayoumi and others in San Diego prior to the attacks.

Response:

- “Bayoumi, however, denies even introducing Hamzi and Mihdhar to Abdullah, much less asking him to assist them.” (9/11 Commission Report, Chapter 7, footnote 20, p.516.)

5. Mohammed Galeb Kalaje Zouaydi

Claim:

Zouaydi, a former accountant for members of the Saudi Royal Family, also reportedly was al Qaeda’s financier in Europe. There is information tying Zouaydi to the members of the Saudi Royal Family, specifically, Prince Turki.

Response:

- “Notwithstanding persistent press reports to the contrary, there is no convincing evidence that the Spanish al Qaeda cell, led by Imad Barkat Yarkas and al Qaeda European financier Mohammed Galeb Kalaje Zouyadi, provided any funding to support the 9/11 attacks or the Hamburg [the German] participants. Zouyadi may have provided funds to Hamburg associate Mamoun Darkazanli but there is no evidence that Zouaydi provided money to the plot participants or that any of his funds were used to support the plot.” (9/11 Commission Report, Chapter 5, footnote 132.)

- According to USDC court proceedings on these claims in the context of the alleged activities of Zouaydi and other illicit financial activity: “The complaints do not allege any specific facts from which the Court could infer that Prince Sultan, Prince Turki, Abdulrahman bin Mahfouz (head of the National Central Bank) [and others] directed, controlled, or requested al-Qaeda to undertake its terrorist activities. Nor are there any specific allegations of their knowledge, or consent to those activities.” (p.615.)

II. Alleged sources of funding from Saudi Arabia to the hijackers.

Claim:

The hijackers received extensive financial support from wealthy Saudis in the United States, specifically in Florida, and that this was part of an overall sophisticated network of funding.

Response:

- According to the 9/11 Commission hearing: “Extensive investigation has revealed no substantial source of domestic financial support. Neither the hijackers nor their financial facilitators were experts in the use of the international financial system. They created a paper trail linking them to each other and their facilitators. The hijackers moved and stored their money through a series of ‘unremarkable’ transactions. They were funded by ‘unexceptional means’: 1) wire transfers from overseas to the U.S.; 2) the physical transport of cash; 3) access funds by debit or credit. Virtually all the plot funding was provided by Al Qaeda. *There is no evidence that any person in the United States, or any foreign government, provided substantial funding.*” (9/11 Commission Hearing, 23 August 2004.)

Claim:

With respect to Prince Sultan’s contacts with the United States, it is alleged that ‘Saudi royal family members own substantial assets in the United States of America, and do substantial business in the United States of America, the profits of which in part, are used to fund international terrorist acts’, including those which led to 9-11 attacks.

Response:

- The U.S. courts dismissed without prejudice the claims against Prince Sultan that he had purposefully directed his alleged activities against the United States. These courts *found that the complaint’s claims that Prince Sultan donated money to foundations that allegedly funded al Qaeda well short of alleging Prince Sultan’s actions were expressly aimed or purposefully directed at the United States.*

III. Alleged funding sources from Saudi Arabia to Al Qaida

1. The Kingdom and its Charities:

Claim:

Saudi Arabia funneled money to Al Qaida through the Al Haramain organization.

Response:

- “Understanding the difficulties in disrupting terrorist financing both in the United States and abroad requires understanding the difference between seeing ‘links’ to terrorist and providing the funding of terrorists...Although sufficient to whet the appetite for action, these suspicious links do not demonstrate that the NGO [Islamic charity] or individual actually funds terrorists and thus provide frail support or disruptive action, either in the U.S. or abroad.” (USDC, New York, 2005.)
- Al Haramain had been on the radar screen of the U.S. government as a potential terrorist financing problem since the mid to late 1990s, when the U.S. government started to develop evidence that certain employees and branch offices might be supporting al Qaeda and related terror groups. The U.S. government, however, *never moved against al Haramain or pushed the Saudi government to do so until after 9/11*. Terrorist financing was simply not a priority in its bilateral relationship with the Kingdom before 911. Even when discussing terrorist financing with the Kingdom, the U.S. government more concerned about other issues than Saudi charities and al Haramain.” (9/11 Congressional Hearing, 23 August 2004, p.299.)
- With regard to alleged ties to the Al Haramain foundation and its ties to Osama bin Laden and Al Qaeda, after investigations by the U.S. of that charity in June 2004, Saudi Arabia announced it would dissolve its organization, and did. Already in 2002, the U.S. and Saudi Arabia froze the assets of its Somali and Bosnian offices and submitted names associated with either group to the UN.
- “During 2002, Saudi Arabia repeatedly said they would be prepared to act against al Haramain if the U.S. government provided them with more information, especially about specific branch offices and individuals. For instance, in October 2002, Under Secretary of State Alan Larson raised with the Crown Prince strong concerns about the activities of several al Haramain offices. The Crown Prince responded that he was ready to act on any specific information the United States could provide.” (ibid., p.305.)
- A Department of State memo from January 2003 referring to al Haramain and other cases of concern suggested that “there is every indication that the Saudis are ready to work with us on these specific cases now that we have specific information for them to act upon.” (ibid. pp.305-306.)

Claim:

The Saudi government was always unserious about going after Bin Laden, or after the charities he used, until the U.S. got on its case well after 9/11.

Response:

- “In 1994 the Saudi government forced the Bin Laden family to find a buyer for Usama’s share of the family company and to place the proceeds into a frozen account. The Saudi freeze had the effect of divesting Bin Laden of what would otherwise been a \$300 million fortune [...] When the United States approached the Saudis on narrow issues pertaining to Bin Laden’s wealth, the Kingdom allowed access to a senior Al Qaeda financial figure in Saudi custody to obtain that information.” (9/11 Congressional Hearing, Committee on Financial Services, 23 August 2004.)
- In June 1998, King Fahd sent Prince Turki to Khandahar to meet with the Taliban and to relay *the official Saudi request that Osama bin Laden be extradited to Saudi Arabia for trial*. The Taliban denied the request *and Saudi Arabia subsequently suspended diplomatic relations with the Taliban in September 1998*.
- “The CIA’s understanding of Usama bin Laden and al Qaeda before the September 11 attacks was incomplete. [...] The intelligence community learned the reality only after White House-level prodding. In 1999 Vice President Al Gore spoke to Saudi Crown Prince Abdullah during a visit to Washington DC about isolating and disrupting Bin Laden’s financial network. The two leaders agreed to set up a meeting on this issue between U.S. counterterrorism experts and high ranking Saudi officials. As a result, there were two NSC initiated trips to Saudi Arabia in 1999 and 2000. During these trips, NSC, Treasury, and intelligence representatives spoke with Saudi officials, and later interviewed members of the Bin Laden family, about Usama’s inheritance. They learned that the Bin Laden family had sold Usama’s share of the inheritance *and, at the direction of the Saudi government, placed the money into a specified account, which was then frozen by the Saudi government*. (9/11 Congressional Hearing, 23 August 2004, p.219.)

Claim:

The Kingdom terror-finance laws were always weak, presumably out of fear of provoking enemy terrorists, and any substantive measures have not been put in place.

Response

- In November 2002, Adel al Jubeir, then Foreign Affairs advisor to the Royal Court, acknowledged the situation by stating: “People have now taken advantage

of our charity, of our generosity, of our naivety, if you want to call it that, of our innocence” and called for a global audit of every charity in the Kingdom.

- This nature of oversight was not merely a Saudi phenomenon at the time, but an international failing. However, in the past decade and a half the Kingdom has come to be recognized as one of the few countries in the world to so exhaustively scrutinize, overhaul and tighten every aspect of our banking, money-transfer network, and financial security services.
- Prior to the attacks, the combating of terror finance was not a sophisticated infrastructure until well into the mid-2000s. According to the U.S. government, “Before 9/11 the limited U.S. and UN efforts to freeze assets of and block transactions with Bin Laden were ineffective”; and:
- “Since 9-11, the U.S. government focused for *the first time* on terrorist financing and devoted considerable energy and resources to the problem”; and: “Before 9-11, terrorist financing was not a priority for either domestic or foreign intelligence collection. Intelligence reporting on this issue was episodic, insufficient and often inaccurate.” This is evidence that Saudi Arabia was not alone in having had an inadequate finance-counterterrorism infrastructure in place. (U.S. House of Rep, Hearing Before the Committee on Finance, 23 August 2004.)
- The U.S. government did *not* make this issue [Al Qaeda financing] a priority in its bilateral relations at that time, according to the U.S. Congress, or *provide the Saudis with actionable intelligence* about Al-Qaeda funding in the Kingdom. (ibid.)
- According to Rep. Lee Hamilton, Vice Chairman of the 9/11 Commission, that undertaking followed in the aftermath of the Kingdom’s own terror sufferings: “Not just a more effective U.S. message but more especially al Qaeda operations within the Kingdom in May and November 2003 focused the Saudi government’s attention on its terrorist-financing problem and dramatically improved cooperation with the United States.” (ibid.)
- “Two weeks after the 9/11 attacks and the publication of evidence that 15 of the 19 hijackers were Saudi citizens; the Saudi Foreign Minister visited Washington. He then dispatched representatives of the Saudi Ministry of Finance and Central Bank to meet with U.S. Treasury officials. The delegations focused on how to monitor the flow of money through charitable foundations to ensure that it did not go to groups or individuals supporting terrorism”. (House of Representatives, Subcommittee on the Middle East and South Asia, Committee on International Relations. “The Future of U.S. Saudi Relations,” 22 May 2002, p.21.)
- “Former FBI Director Louis Freeh testified that following the 1996 Khobar Towers bombing the FBI was able to forge an effective working relationship with the Saudi police and interior ministry. A considerable amount of personal effort by Director Freeh helped to secure what he described as ‘unprecedented and invaluable’ assistance in the Khobar Towers bombing investigation from the

Saudi ambassador to the United States and by the Saudi interior minister”. (Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11. Senate Select Committee on Intelligence; House Permanent Select Committee on Intelligence, Senate Report 351, p.110.)

- Since September 11, the Saudi Arabian Monetary Authority (SAMA) has addressed circulars to Saudi banks to investigate the extent to which they may have assets belonging to the individuals and organizations that appear in the lists of those suspected of having links to terrorism, and it has asked banks to scrutinize accounts and audit all financial operations that affect them.
- SAMA also instructed commercial banks to establish a Self-Supervisory Committee to closely monitor and fight terrorism funding and to coordinate all efforts to freeze the assets of the identified individuals and organizations. This Committee is made up of senior officers from banks who are responsible for Risk Control, Audit, Money-Laundering Units, Legal and Operations, and operates in the presence of SAMA officials.
- “On March 11, 2002, the United States participated in its first joint designation of a terrorist supporter. The Somalia and Bosnia-Herzegovina offices of Al Haramain, a Saudi-based NGO. These two organizations are linked to al-Qaeda and their names were forwarded to the Sanctions Committee for inclusion under the UNSCR 1333/1390 list” (from the statement of Hon. Michael Chertoff; “Financial War on Terrorism, New Money Trails Present Fresh Challenges”; *U.S. Senate Committee on Finance*, Hearing, 9 October 2002. Appendix; p.38.)
- On September 9, 2002, the United States and Saudi Arabia jointly referred to the Sanctions Committee Wa’el Hazma Julaidain, an associate of Usama bin Laden and supporter of al-Qaeda terror.” (ibid.)

2. Prince Sultan bin Abdulaziz al Saud:

[Biographical Note: Prince Sultan bin Abdulaziz al Saud (Jan 1928- October 2011) was Saudi Arabia’s Minister of Defense and Aviation and Inspector General of its armed forces since 1962 and Chairman of the Supreme Council of Islamic Affairs and responsible for the Kingdom’s Islamic policy abroad”. In court testimony in 2005, it was stated: “*Prince Sultan disagrees with Plaintiff’s [the class actions suits] claim that the Supreme Council monitors and approves domestic and foreign charitable giving on behalf of the Kingdom. Prince Sultan prefers the characterization that the Supreme Council “carries out the foreign policy of Saudi Arabia as determined by the Council of Ministers”. Prince Sultan, as head of the Special Committee of the Council of Ministers, which is a foreign policy advisory resource for the King, exercises authority over disbursements by the Special Committee. In the past, these have included grants to Islamic charities*”.

Claim:

Prince Sultan is alleged to have met with Osama bin Laden after Iraq invaded Kuwait in the summer of 1990. At that meeting, which Prince Turki al-Faisal also attended, Bin Laden purportedly offered his family's support to Saudi military forces. It is alleged that at the time of the Gulf War, Prince Sultan took 'radical stands' against western countries and publicly supported and funded several Islamic charities that were sponsoring Osama bin Laden and al Qaeda operations. After the September 11 attacks, Prince Sultan allegedly advocated against granting the United States use of Saudi military bases to stage attacks against Afghanistan.

Claim:

Prince Sultan allegedly made personal contributions totally \$6,000,000 since 1994 to various Islamic charities that allegedly sponsor or support Al Qaeda. The specific charities that Prince Sultan donated to include Defendants International Islamic Relief Organization (IIRO), Al Haramain, Muslim World League (MWL) and the World Assembly of Muslim Youth (WAMY). According to allegations, with respect to these purported donations, "at best Prince Sultan was grossly negligent in the oversight and administration of charitable funds, knowing they would be used to sponsor international terrorism, but turning a blind eye. At worse, Prince Sultan directly aided and abetted and materially sponsored al Qaeda and international terrorism."

Claim:

It is alleged that Prince Sultan knew and intended that the contributions he made to various charities would be used to fund al Qaeda and international terrorism.

Response:

- Prince Sultan denied making any grants to Al Haramain and MWL. He argued that contributions made to IIRO and WAMY were made strictly in his official capacity on behalf of the Saudi government. Furthermore, he claimed that these four charities searched their records and confirmed that Prince Sultan did not make any personal contributions. The Prince's donations were either done in an official capacity, or not at all.
- Prince Sultan argued that these allegations against him "blurred the distinction between charities" he is on record as supporting, such as IIRO and WAMY, and those he is not—Al Haramain and MWL. The Court in this instance dismissed any claim that the Prince was personally channeling money to these charities for lack of evidence. (USDC, New York, 2005, p.611.)
- The ruling in this case also stated: "The Court has reviewed the complaints in their entirety and finds no allegations from which it can infer that the Princes [including in this context also Prince Turki al-Faisal] knew the charities to which they donated were fronts for Al Qaeda. The Court is not ruling as a matter of law that a defendant cannot be liable for contributions to organizations that are not themselves designated terrorists."

“But in such a case, there must be some facts presented to support the allegation that the defendant knew the receiving organization to be a solicitor, collector, supporter, front or launderer for such an entity.” (ibid., p.611.)

- The Courts have ruled that no facts have lent support to the allegation that Prince Sultan purposefully directed his activities at this forum by donating to charities that he knew at the time supported international terrorism. (ibid., p.620.)
- “Conclusory allegations that he donated money to charities without specific factual allegations that he knew they were funneling money to terrorists do not suffice.” (ibid., p.620.)
- “The complaints do not allege any specific facts from which the courts could infer that Prince Sultan, Prince Turki, or Abdulrahman bin Mahfouz of the National Central Bank directed, controlled or requested al Qaeda to undertake terrorist activities.” (ibid., p.616.)

3. Prince Turki al-Faisal

[Biographical Note: Prince Turki al-Faisal (b. 1945) was the Kingdom of Saudi Arabia’s Ambassador to the United States from 2005 to 2007, and was appointed Ambassador to the United Kingdom in 2002. From 1977 until August 2001, he was the Director of Saudi Arabia’s Department of General Intelligence (DGI)].

Claim:

It is alleged that as (the former) head of intelligence, the Prince was or should have been aware of the terrorist threat posed by Osama bin Laden, al Qaeda, and the Taliban. Prince Turki allegedly met with Osama bin Laden five times in the mid-1980s and mid-1990s. At one of those meetings, which Prince Sultan also attended, bin Laden allegedly offered the Saudis the use of his family’s engineering equipment and suggested bolstering Saudi military forces with militants. Prince Turki is alleged to have close ties with an al Qaeda financier, Mr. Zouaydi, and is allegedly implicated in Mr. Zouyadi’s financial support of Al Qaeda. Plaintiffs claim Prince Turki met with members with members of the Taliban and in 1995 gave the Taliban financial and material support.

Claim:

It is claimed that at the time Prince Turki provided support, the Taliban maintained a symbiotic relationship with al Qaeda and thus Prince Turki knew al Qaeda would benefit from the Kingdom’s support.

Claim:

In July 1998, Prince Turki is alleged to have met with members of the Taliban and representatives of bin Laden and agreed to not extradite bin Laden or close terrorist camps in exchange for bin Laden's protection of the Saudi royal family.

Claim:

It is alleged that Prince Turki facilitated money transfers from wealthy Saudis to the Taliban and Al Qaeda.

Claim:

Additionally, it is claimed that while Prince Turki was the head of DGI, Saudi Arabian intelligence officers allegedly trained a member of the al Qaeda Spanish cell in explosives and provided material support to two of the September 11 hijackers.

Claim:

It is alleged that Prince Turki made personal contributions to Saudi based that he knew were sponsors of Al Qaeda, including IIRO, MWL, WAMY, Blessing International Foundation in Illinois (BIF), the Saudi High Commission for Bosnia-Herzegovina, Saudi Joint Relief Committee for Kosovo and Chechnya (SJRC) and Al Haramain.

Response:

- The Court determined that Prince Turki acted within the scope of his official responsibilities as director of intelligence. Prince Turki denied the allegations against him in a declaration prepared for the courts entitled, 'HRH Prince Turki's motion to Dismiss Certain Consolidated Complaint,' in which the prince made clear that the DGI "is involved in the collection and analysis of foreign intelligence and in carrying out foreign operations." In reviewing this declaration, the Court gave *"great weight to any extrinsic submissions made by the foreign defendant regarded the scope of [his] official responsibilities."* (USDC, New York, 2005.)
- "The prince was active in Saudi Arabia's efforts to combat terrorism generally and the threat posed by Osama bin Laden and al Qaeda specifically, and served on a joint information-sharing committee with the United States beginning in 1997." (USDC, New York, 2005.)
- Additionally, the Prince's interactions with Osama bin Laden and the Taliban were part of his official functions.
- Prince Turki draws attention to The Washington Post editorial of 17 September 2002, where he draws attention to the Saudi practice of sharing information on Osama bin Laden and Sheikh Omar Abdel Rahman with the CIA, and states that al Qaeda also targeted the Kingdom.
- In June 1998, King Fahd sent Prince Turki to Khandahar to meet with the Taliban and to relay the official Saudi request that Osama bin Laden be extradited to

Saudi Arabia for trial. *The Taliban denied the request and Saudi Arabia subsequently suspended diplomatic relations with the Taliban in September 1998.*

- Prince Turki denies facilitating money transfers to Osama bin Laden or Al Qaeda; he denies offering material assistance to Osama bin Laden, his representatives or Al Qaeda in return for their not attacking Saudi Arabia; he denies promising or providing oil or financial assistance to the Taliban and denies ever hearing of the Syrian financier Mr. Zouayadi, with whom he is alleged to have ties.

4. Prince Muhammed bin Faisal

[Biographical Note: Prince Muhammed bin Faisal (b. 1937) was formerly an official at the Saudi Arabian Monetary Authority (SAMA). A pioneer in Islamic banking, he founded Faisal Islamic Bank in Cairo in 1977 and later Dar al Maal al Islami Trust in Geneva, that is the international Islamic finance organization and a parent institute of 55 Islamic banks.]

Claim:

It is alleged that Prince Muhammed bin Faisal is or was the chairman or chief executive officer of three financial institutions in Saudi Arabia Dar al Maal al Islami (DMI), Islamic Investment Company of the Gulf Bahrain (IICG) and Faisal Islamic Bank Sudan (FIBS) which are all shareholders of Defendant Al Shamal Islamic Bank. It is claimed that Prince Muhammed knew or should have known that each of these financial institutions 'acted as an aider and abettor and material sponsor of al Qaeda, Bin Laden and international terrorism. Next, it is claimed the September 11 attacks were perpetrated in furtherance of that common scheme (of al Qaeda related violence throughout the 1990s) by providing funding, financial support and banking services through FIBS.

Response:

- On October 17, 1983 Prince Mohammad became CEO of DMI. Under Prince Mohammad's chairmanship DMI developed banking, investment and insurance activities in approximately 25 offices around the world. Prince Mohammad has stated that some of the contacts which it is alleged he has maintained rely are too far removed in time from September 2001 to denote or suggest any connection.
- Prince Mohammad has argued that the allegation that he participated in a terrorist conspiracy, without specific facts, is insufficient to create [a case] against him. The courts have written: "There is no allegation that Prince Mohammad's investments in the United States are related to any alleged conspiracy or to Al Qaeda's activities. [...] Plaintiffs have not alleged that Prince Mohamed had any knowledge or involvement in any al Qaeda accounts at any of the banks he chaired. *FIBS' relationship with Al Shamal Islamic Bank, which purportedly knowingly opened accounts for al Qaeda operatives, including Osama bin Laden,*

is too remote in time and proximity to implicate Prince Mohammad.” (USDC, New York, 2013, p.621.)

Claim:

Much effort has been made outlining the connections between al Qaeda and the charities that Prince Sultan bin Abdulaziz al Saud and Prince Turki al Faisal supported. It is alleged that the indirect nature of the Princes’ contributions left open the possibility that they still knew that funds they donated to the Defendant charities were being diverted to al Qaeda.

Response:

- According to the U.S. Department of the Treasury, Office of Foreign Asset Control, Specially Designated National and Blocked Persons, “none of the charities Princes Turki and Sultan alleged to have supported were ‘designated a sponsor of terrorism at the time of the alleged contributions.’” (USDC, New York, 2005; p.611.)
- A statement by the former French Minister of the Interior in which he claims to have met with Prince Sultan, Prince Turki, and other members of the Saudi royal family in November 1994 and to have raised the “question of financial aid furnished by Saudi charitable organizations enjoying state support...to Islamist movements or terrorist groups” is invalid, since the only charity the French minister names in his statement is the World Islamic League, not one of the charities to which the Princes allegedly donated.
- In evidence given in court concerning Prince Sultan’s donations to International Islamic Relief Organization (IIRO) and the Joint Saudi Committee for Relief of Kosovar Refugees (JSCR), there is no indication in these exhibits that IIRO or JSCR was funneling donations to al Qaeda. The courts further maintained that even if these allegations and exhibits were construed in the light most favorable to those bringing a case against the Kingdom and drawing all inferences in their favor, none of these exhibits amounts to evidence that Prince Sultan or Prince Turki knew the charities they supported were fronts for al Qaeda.

Response:

- Both Prince Sultan and Prince Turki deny outright any intentional activity behind the events of 9-11. They argue those who wish to bring them to court ignore that Osama bin Laden also targeted the royal family.
- Prince Sultan has argued that one cannot blur distinction between charities he is on record of supporting, such as IIRO and WAMY, and those he is not, such as al Haramain and MWL. Both Princes also distinguish that groups that they are alleged to have supported were not designated as a terrorist organization by the United States government.

- “Those holding the Kingdom responsible have pleaded al Qaeda’s repeated, public targeting of the United States. They have not, however, repeated facts to support an inference that the Princes were sufficiently close to the terrorists’ illegal activities to satisfy New York law.” (USDC, New York, 2005.)
- According to documents, “the Court has reviewed the [lawsuit] complaints in their entirety and finds no allegations from which it can infer that the Prince knew the charities to which they donated were fronts for Al Qaeda.” (USDC, New York, 2005.)
- The court further stated: “Prince Turki, as director of intelligence, taking acts to protect Saudi Arabia from terrorism, and Prince Sultan, as chairman of the Supreme Council, making recommendations to the Council of Ministers about requests for assistance from Islamic organizations outside Saudi Arabia or, as head of the Special Committee, deciding what disbursements should be made to Islamic charitable organizations, were clearly making ‘decisions grounded in social, economic and political policy.’” (USDC, New York.)
- Furthermore, as the courts stated, in attempting to overcome the presumption of the Kingdom’s sovereign immunity, rather than pleading specific facts showing that the Kingdom caused injuries, the emphasis is focused predominantly on the charities actions. “The Court is not convinced by this argument...” (USDC, New York, p. 63.)

IV. Addendum

From the transcript of court proceedings, In Re Terrorist Acts, 30 July 2015, United States District Court, New York. Select statements of Michael Kellogg, Attorney, Kellogg, Huber, Hansen, Todd Evens & Figel, PLLC, for The Kingdom of Saudi Arabia:

1. "The Plaintiffs brought this case in 2003. Their claim is that the Kingdom of Saudi Arabia, a close ally of the United States, launched an unprovoked attack against U.S. citizens on U.S. soil. That is or would be tantamount to an act of war. It is obviously an incredibly serious allegation and the FSIA rightly requires the plaintiffs to back it up before they're allowed to pursue discovery into their claims and seek discovery from a foreign sovereign. Foreign sovereigns are presumed immune from suit under the FSIA and plaintiffs can only overcome that immunity by showing that they fall within one of the specified exemptions." p.7
2. "Yet after 12 years and two trips to the Second Circuit, the plaintiffs still cannot do that. Indeed, they have not come close. The 9/11 attacks are among the most closely investigated events of United States history. There are congressional committees and independent commissions, the FBI, the intelligence agencies and the news media all spent exhaustive efforts investigating this. The United States Government, of course, does not believe that the Kingdom of Saudi Arabia launched these attacks nor does the FBI, nor do any of the congressional committees or the independent commissions or any of the other government agencies. Plaintiffs claim repeatedly that all they have to do is allege it and that they are entitled then to discovery on their claims. They say their allegations have to be accepted as true, but that is absolutely incorrect under the governing FSIA law of this circuit...Evidence, they have to present evidence. Conclusory allegations, speculation, innuendo and supposition, even if contained in piles and piles of documents, is not enough." p.8
3. "Plaintiffs have zero evidence or even competent allegations of any tortious [intentional] act by any Saudi official or agent acting within the scope of his employment. They give us four names: Omar al Bayoumi, Fahad al Thumairy, Osama Basnan and Abdul Rahman Hussayen. I will say at the outset each of those names was investigated in detail by the 9/11 Commission, by the recent review commission, by the FBI, and none of them found any competent evidence to indicate that they were agents of Saudi Arabia, that they acted to assist the hijackers knowing their plans to hijack the planes and crash them into the twin towers." p 10.
4. "Let's start with Bayoumi. First of all, there's no evidence that he was even an intelligence agent. At the time he was here, he was officially seconded to Dallah Avco, a private company. His job in Saudi Arabia was to work for the civil aviation division of the Kingdom. He was seconded to Dallah Avco as part of a contract. His salary was paid by Dallah Avco, although they were reimbursed for that pursuant to the contract with Dallah Avco. Now plaintiffs spent a lot of time arguing that he was really an employee of the Kingdom even though he was officially working for Dallah Avco. That is completely irrelevant because they can't suggest that he did anything within the scope of his employment, even as a civil aviation employee, that aided the

hijackers or that assisted the 9/11 attacks. The 9/11 Commission and the FBI both found that there was no evidence—no evidence, those are the exact words they used—that he was a Saudi agent, intelligence agent, that he materially assisted the hijackers or that he had any knowledge of the attacks. The 9/11 review commission, just in March of this year, looked over everything again and concluded that nothing had changed in that respect.” p 10-11.

5. ”He was technically an employee of Dallah Avco, which was a private company, but he was employed pursuant to a contract with the civil aviation.[...] There is an argument to be made that because his salary was ultimately paid by the Saudi government that you could consider him an employee of civil aviation, but that does not make him a Saudi intelligence agent. It does not mean that the scope of his employment, if you attribute that employment to civil aviation, had anything to do with assisting the hijackers or knowing of their activities.” p.12.
6. “His contract was to assist Dallah Avco in projects for the civil aviation division. There is no suggestion, and the FBI found and the 9/11 Commission found, that there was no evidence that he was either an intelligence agent, that he materially assisted the hijackers or that he knew what the hijackers were up to. [...] The Plaintiffs have a copy of this contract. They have full discovery from Dallah Avco. They have all his employment records through Dallah Avco. [...] His contract at the time of the 9/11 attacks—actually he was out of the United States by then—his contract was with Dallah Avco.” p.13.
7. “All the employment contracts have been provided. He was a long-term employee of civil aviation. He was seconded to Dallah Avco pursuant to a contract between civil aviation and Dallah Avco. His salary was paid by Dallah Avco, but it was reimbursed by civil aviation. p.14. [At the time of the contract] he was actually pursuing education in the United States.” p.16.
8. “There is no evidence whatsoever as multiple commissions and the FBI found, that he materially assisted the hijackers or that he knew what they were up to, and I think those are the dispositive facts here. They only evidence the plaintiffs present to the contrary is an exhibit that describes the possibility that Bayoumi could be a Saudi agent is no more than speculation. Now, they asked Senator Graham to say, ‘Well I was a part of these commissions, I looked at this, and I think he might have been an agent’, but he has no personal knowledge. His affidavit is not admissible in that regard, and his own book notes, and I quote from the book, “The FBI concluded that al-Bayoumi was not a Saudi intelligence officer”. And even Senator Graham concedes, and I will quote, “There is no evidence that Bayoumi knew what was going on.” p.17.
9. “The same thing is true of Thumairy, who was an employee of the embassy in the United States. There is no evidence or even allegation that Thumairy did anything whatsoever to help the hijackers. Again, the 9/11 report, at 217, claims no evidence to support such claim.” p.18.
10. “[E]ven if you look at the allegations, he [Bayoumi] said he met them [the hijackers] at a restaurant, that he introduced them around. He helped them find an apartment,

that when they couldn't write a check, he wrote a check for them and was immediately reimbursed. None of that adds up to any indication that he was assisting them in order to do the 9/11 attacks or that he knew what was going on. Their own star witness, even though he has no personal knowledge, Senator Graham, admits that there's no indication that Bayoumi knew what was going on. There would have to be knowledge, and not only is there no competent, non-speculative, non-conclusory allegation that he had knowledge, there's absolutely no evidence in the huge piles of materials that they've presented that suggests that." p.19.

11. "[...]Thumairy... was an employee of the Saudi embassy at the time, but there is absolutely no evidence or allegation, ever, that he did anything whatsoever to help the hijackers. Plaintiffs only point to one conversation that he had with Bayoumi before Bayoumi met with the hijackers. But there is no allegation as to why that conversation took place or what was discussed or whether he gave any instructions to Bayoumi whatsoever. Even former Senator Bob Graham admits that what the two men talked about is completely unknown and even if they could show that he provided any assistance, they can't show that it was in the scope of his employment and that he was acting at the behest of the Saudi government." p.21.
12. "The 9/11 Report, at 516, note 24, says there is no evidence that he worked for the Saudi government or that he did anything whatsoever to help the hijackers. He was interviewed by the FBI and was cleared. The only theory they have, which is unsupported by any competent evidence, is that money was channeled from Bassnan to Bayoumi through checks written to assist Bassnan's wife, who was suffering from thyroid cancer. But there is no evidence and not even an allegation that money went from Bayoumi to the hijackers." p.21.
13. "As for Abdul Hussayen, who is deceased, there is no evidence that he was an official of the Kingdom of Saudi Arabia at the relevant time period. In fact, his declaration says exactly the opposite, that he was retired and working in various private charitable organizations. There's no allegation or evidence that he did anything to help the hijackers. He was interviewed and cleared by the FBI, and the big allegation that Plaintiffs made in the Second Circuit said might be suspicious, there's no evidence of that either. All they cite is a newspaper article which indicates that he stayed at this hotel, but there's no evidence whatsoever about his switching hotels to stay with the hijackers." p.22.
14. "All that's left to the Plaintiffs at this point is a general fishing expedition of the Saudi government files and in particular its intelligence files because they will want us to prove a negative, that none of these people are agents, intelligence agents, of Saudi Arabia. Now, nothing of this kind has ever been permitted in a U.S. court; nothing that would open up such files and enable broad-ranging discovery of a foreign sovereign. [...] Suppose, for example, that in Russia people were to claim that attacks by Chechen separatists in Russia were somehow caused by sponsors or aided and abetted by the United States and therefore they should have access to CIA files to find whether certain people were or were not agents, the United States would never allow that, your honor, and we should not be in a position as a matter of comity of saying that a foreign agent should open up its files to the Plaintiffs of this

case not, certainly not, when their allegations are conclusory and when they have failed after 12 years to overcome the findings of independent commissions, the FBI, etc., that Saudi Arabia was not responsible for these attacks.” p.26.

V. Addendum: Saudi Arabia and the Crackdown on “Charities”

1. Saudi Arabia has eliminated the nation-wide network of money-transfer centers that were used for many years as terrorist-financing vehicles under the guise of “charities.” After the September 11 terrorist attacks, the U.S. Department of the Treasury initiated the Terrorist Finance Tracking Program (TFTP) to identify, track and pursue terrorists and their networks. The United States has worked closely with the Kingdom to track and close down these networks that were outside the reach of the traditional financial sector.
2. Charitable giving (*zakat*) is a religious obligation for Muslims, constituting one of the five “pillars of Islam.” Many Saudis contribute approximately 2.5 percent of their annual income to charitable causes and relief organizations that fund religious education programs, orphanages, hospitals and other development projects both within Saudi Arabia and around the world. One expert estimates that the charitable donations of the citizens of Saudi Arabia amount to around \$3 to \$6 billion annually, of which 10 to 20 percent is disseminated abroad.
3. “On March 11, 2002, the United States participated in its first joint designation of a terrorist supporter. The United States and Saudi Arabia jointly designated the Somalia and Bosnia-Herzegovina offices of Al Haramain, a Saudi-based NGO. These two organizations are linked to al Qaida and their names were forwarded to the Sanctions Committee for inclusion under the UNSCR 1333/1390 list.” (From the statement of Hon. Michael Chertoff; “Financial War on Terrorism, New Money Trails Present Fresh Challenges”; U.S. Senate Committee on Finance, Hearing, 9 October 2002. Appendix; p.38.)
4. In response to criticism and allegations of terror-financing that are directed at Saudi Arabian charitable organizations, the Kingdom has taken a series of steps to provide greater oversight to charitable giving. In December 2002 the government announced the creation of the ‘High Commission for Oversight of Charities’ to provide assistance to Saudi charities in reforming their operations and improving their transparency.
5. In June 2004, the government announced that the future activities of all Saudi charitable committees and organizations would be monitored and directed by a new agency, the ‘Nongovernmental National Committee for Relief and Charity Work Abroad.’ This body has become the sole vehicle for private Saudi charitable contributions to be sent abroad.

Various measures since 2003 to improve the oversight of charitable collections. These include:

- a) A law adopted in August 2003 making money laundering and terrorist financing criminal offenses;

- b) A ban on cash collections at mosques and on transfers abroad of charitable funds collected in Saudi Arabia, except with government approval and subject to stringent reporting requirements;
- c) A requirement for charitable organizations to have single disbursement bank accounts and an approved official with signatory authority to facilitate tighter controls over such accounts;
- d) New rules have been codified concerning the opening of bank accounts by charities, including all accounts consisting of one single account for each charity, with sub-accounts permitted, though restricted to only receiving deposits;
- e) No ATM or credit cards can be issued for these accounts and all payments may be made only by checks payable to the first beneficiary for deposit in a Saudi bank;
- f) The closure of unlicensed money-exchange houses and closer supervision of informal money transfer houses used to send funds abroad. The Saudi Arabian Monetary Agency (SAMA), the financial oversight authority founded in 2003, conducts tight supervision of so-called 'informal' money-transfer houses used to send funds abroad;
- g) New rules governing the insurance sector and capital markets, and establishment of the Saudi Arabian Financial Intelligence Unit (SAFIU), in compliance with the standards of the G7's the Financial Action Task Force (FATF), oversee the collection and sharing of information on suspicious financial transactions;
- h) The Kingdom further strengthened its crack-down on money-laundering by requiring financial institutions to verify customers' identities and by placing restrictions on non-residents' ability to open accounts in the country;
- i) The Ministry of Labor has developed a database containing financial information relating to all of its charities, and updates the database on a quarterly basis with information derived from submitted financial reports. An effort is underway to integrate the charities licensed by the Ministry of Islamic Affairs into this database;
- j) The Ministry of Labor is currently conducting an audit of its own licensed charities;
- k) The establishment of a rewards program ranging from \$270,000 to \$1.87 million for information leading to the arrest of suspects or disruption of terrorist attacks;
- l) Saudi Arabia has also established official government-operated money remitters intended to compete directly with unlicensed money remitters and informal financial systems. These licensed remitters are called "Speed Cash," and are attached to a commercial bank and therefore subject to all requirements of the

parent bank. Officials have stated that it has reduced the extent to which there is reliance on informal systems.

VI. Addendum: Releasing the 28 Pages

Statement by HRH Prince Saud Al-Faisal, the Saudi Foreign Minister

Jul 29, 2003, 01:00 ET from Royal Embassy of Saudi Arabia, Information Office

WASHINGTON, July 29 /PRNewswire/ -- The following statement was released by HRH Prince Saud Al-Faisal following his meeting with President George W. Bush at the White House:

"On Thursday July 24, a 900-page report was published by the Congressional Joint Inquiry into the Terrorist Attacks of September 11, 2001. In that report Saudi Arabia is indicted by insinuation. It is an outrage to any sense of fairness that 28 blank pages are now considered substantial evidence to proclaim the guilt of a country that has been a true friend and partner to the United States for over 60 years.

"The Kingdom of Saudi Arabia has been wrongfully and morbidly accused of complicity in the tragic terrorist attacks of September 11, 2001. This accusation is based on misguided speculation and is born of poorly disguised malicious intent; it has been refuted by the consistent public statements of the President and responsible Administration officials, especially those who have access to the facts and who have praised Saudi Arabia as an active and strong ally in the war on terrorism.

"The report seems to have overlooked or intentionally ignored Saudi Arabia's continuing efforts to fight terrorism. It does not speak to the reality of the actions and achievements made by the Kingdom. There is no mention of the fact that Saudi Arabia has questioned thousands of individuals and arrested more than 500 suspects since September 11. Saudi actions have not only led to the arrest of major terrorists and the dismantling of their cells in Saudi Arabia, but also led to similar results in the United States. In the area of finance, the report never mentioned the many steps that have been taken such as strict auditing procedures and financial control mechanisms to ensure that our tradition of charitable giving cannot be abused.

"We have nothing to hide. And we do not seek nor do we need to be shielded. We believe that releasing the missing 28 pages will allow us to respond to any allegations in a clear and credible manner; and remove any doubts about the Kingdom's true role in the war against terrorism and its commitment to fight it.

"I have conveyed these views in a letter from His Royal Highness Crown Prince Abdullah to President Bush. The President expressed understanding of the Crown Prince's position, and renewed his own appreciation for our role in the war against terrorism. The President indicated that release of missing pages, at this time, would compromise operations and undermine ongoing investigations. And anyone who believes that this President will cover up for anyone culpable in the events of 9/11 must be out of touch with reality, or driven by ulterior motives.

"The President congratulated Saudi Arabia on the actions it has taken in the War against Terrorism, and assured me that these are the actions of a strong ally in this war who deserves our appreciation. The President also noted that our two nations are not only allies but also victims in this war. The fact, as the President said, that we are both victims of terror and partners in the war against it, makes it incumbent upon us to work together effectively in an environment of trust and mutual confidence if we are to prevail in this war."

VII. Addendum: Lee Hamilton Tom Keane April 2016

In recent days there has been a renewed call for the release of 28 pages that examined possible Saudi Arabian government involvement in the 9/11 attacks. As chairs of the 9/11 Commission, we believe it important the public understand what the Commission did with regard to the 28 pages.

First, the 28 pages were not drafted by the 9/11 Commission. Those pages were part of a prior report by a congressional panel investigating intelligence failures related to the 9/11 attacks. That panel completed its report before the Commission began its work. The Commission was created, in part, to finish the work the panel had begun.

The 28 pages were based almost entirely on raw, unvetted material that came to the FBI. That material was then written up in FBI files as possible leads for further investigation. The 28 pages were a summary of some of those reports and leads, as of the end of 2002. Before completing its work, the congressional panel never had a chance to check out any of these leads. The 28 pages, therefore, are comparable to preliminary law enforcement notes, which are generally covered by grand jury secrecy rules. Those rules exist to avoid implicating people in serious crimes without the benefit of follow-up investigation to determine if such suspicions are substantiated.

This point is crucial because the 9/11 attacks were the worst mass murder ever carried out in the United States. Those responsible deserve the maximum punishment possible. Therefore, accusations of complicity in that mass murder from responsible authorities are a grave matter. Such charges should be levied with care.

9/11 Commission members, senior staff management, and relevant staff were given access to the 28 pages. Those pages were never in the possession of the Commission, nor did the Commission have the authority to declassify them. We deemed vigorously pursuing the congressional panel's leads so important that we hired the person who drafted the 28 pages to work on our staff, along with the person who had assisted him. They were part of a team, overseen by a veteran former federal prosecutor with experience in terrorism cases.

That team, augmented by the Commission's executive director, investigated over the course of 18 months all the leads contained in the 28 pages, and many more. The team conducted interviews in California, Saudi Arabia, and Europe. The results of this work are in The 9/11 Commission Report. None of the conclusions are classified. For those interested to learn what is in the 28 pages, we encourage you to read Chapters 5 and 7 of that report and, importantly, their endnotes.

It may be helpful to remind of some of the work the Commission did that stemmed from the 28 pages. Our report said that Khalid Sheikh Mohammed (KSM), the al Qaeda architect of the attacks, had a support network in mind for the first two would-be hijackers who came to the United States in January 2000. KSM denied this to his CIA interrogators. We did not credit these denials, for reasons we explain in the report and endnotes. We still do not know what these two men did during their first two weeks in Los Angeles, or who may have helped them. They spoke no English.

Only one employee of the Saudi government was implicated in the plot investigation. A few other such people are mentioned in the 28 pages but only one turned out to be of interest, a man named Fahad al Thumairy. He was employed by the Saudi Ministry of Islamic Affairs and was working as an imam at a mosque in Los Angeles. He became a controversial figure within the mosque and, in May 2003, after Thumairy went home to Saudi Arabia, the U.S. government refused to let him back in the United States. He is still a person of interest. The congressional panel did not interview Thumairy—or any other Saudi. 9/11 Commission staff did interview him in Saudi Arabia. So did the FBI. But we had to acknowledge in our report that “we ha[d] found no evidence that Thumairy provided assistance to the two operatives.” (p.217)

Based on all the evidence available to the Commission in July 2004, when the Commission issued its final report, we found “no evidence that the Saudi government as an institution or senior Saudi officials individually funded” al Qaeda. (p.171)

To be sure, there is much in The 9/11 Commission Report that is highly critical of Saudi Arabia. Individual Saudis were culpable of heinous crimes: 15 of the 19 hijackers were Saudi nationals. For years, the Saudi government tolerated and in some cases fanned the diffusion of an especially vitriolic extremist form of Islam, funding schools and mosques across the globe that spread it. Wealthy Saudis contributed to Islamic charities, some of which had links to terrorism. That policy has had tragic consequences for Saudi Arabia itself. Extremists made the Saudi kingdom one of their top targets. This is one of the reasons why Saudi Arabia has been an ally of the United States in combatting terrorism; many Saudi public servants have died in their battles with al Qaeda operatives.

In 2015, another independent panel, the 9/11 Review Commission created by Congress, reviewed the evidence gathered in recent years. That commission reaffirmed the conclusions of the 9/11 Commission (see p. 101 of the 9/11 Review Commission’s report). That panel also thoroughly reviewed the 28 pages and concluded that despite the fact that two FBI teams continue to actively investigate the issue, there was no new evidence against the Saudi government.

Currently, on President Obama’s instructions, the Director of National Intelligence is evaluating the 28 pages to determine whether they can be released. It is likely the administration will make a decision before too long. Whatever decision is reached, we would recommend that steps be taken to protect the identities of anyone who has been ruled out by authorities as having any connection to the 9/11 plot. We also recommend that the background and context developed in the ongoing FBI investigation and contained in the work of the 9/11 Commission and the 9/11 Review Commission be included. That information will help advance a fact-based public debate on this very important issue.