Index

Abdallah, Muhammad Yusif, 111
Abdulqader, Mufid, 305
Abu Hamza al-Muhajir, 258
Abu Sayyaf Group (ASG), 33, 85, 246
Administrative Procedure Act (APA), 201–3
Afghan Support Committee (ASC), 216
Afghanistan
opium trade, 108–11, 374–5, 402
Al-Aqsa Charitable Foundation (Al-Aqsa), 133, 217, 335
Al Aqsa Intifada, 132, 332
Al Aqsa Martyrs’ Brigade (AAMB), 105, 332, 341
Al-Arian, Sami, 303–5, 308, 380, 386–7
Al-Haramain Islamic Foundation, 108, 122, 126, 217, 246
Ali, Ali Abdul Aziz, 152
Alien Tort Claims Act (ATCA), 12, 339–41
Alien Tort Statute (ATS), 12, 339–41, 344, 349
Al-Ittihad Al-Islamiya (AIAI), 127, 246
Al-Jihad, 77, 246
al Qaeda, 21–40, 52–67, 217, 236–8, 280, 300, 302, 307–8, 381
al Qaeda-affiliated terrorist groups
al Qaeda in Iraq (AQI), 74–6, 258, 280–81
Hamza al-Muhajir, Abu, 258
Musab al-Zarqawi, Abu, 25, 62, 65–6, 74–5, 80
Al Qaeda in the Islamic Maghreb (AQIM), 81–3, 221, 236, 246–7, 281, 374
al Qaeda Organization in the Arabian Peninsula, 76
Ansar al-Islam (AI), 36, 75–6, 80, 217, 246
Al-Rashid Trust, 172
al-Shabab, 379
alternative remittance systems, 174
American Muslim Society (AMS), 328
Ansar al-Islam (AI), 36, 75–6, 80, 217, 246
Anti-Money Laundering/Counter-Terrorist Financing Program (AML/CTF), 156–60, 164–6
Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 11, 205, 279, 344–6
Arab Bank of Jordan, 153, 164–7, 332–4, 336–9, 341–4
Armed Islamic Group (GIA), 80–82, 246
Arnaout, Emaam, 130–31, 152, 216, 307–8, 380–81
Ashqar, Abdelhaleem, 306
As-Sahab, 25, 236
Atef, Muhammad, 50
Atta, Mohamed, 80, 152
Ayro, Aden Hashi, 379
Azzam, Abdullah Yusuf, 29–31, 40, 59, 129
Baker, Shukri Abu, 305
Bangladeshi Islamist Group, 379
Bank al Taqwa, 134, 152
Bank Mellat, 107
Bank Melli, 107
Bank Saderat, 106, 107
Bank Secrecy Act (BSA), 4, 9, 156–60, 164, 176, 277, 375
Bank Secrecy Act Anti-Money Laundering Examination Manual, 158
Bank Sepah, 107
al-Banna, Hassan, 56–8
al-Banshiri, Abu Ubaydah, 34
Barakat, Muhammad Fayez, 111
Barot, Dhiren, 79
Batterjee, Abdel Abdul Jalil, 110
bin Laden, Osama, 52, 59–66, 216–7, 220, 300, 302, 307–8, 381
Binalshibh, Ramzi, 80
blocked assets, 351, 353
Boim, David, 327–32, 338–9
Bojinka plan, 79
bulk cash smuggling (31 U.S.C. § 5332), 11, 177, 179, 277, 298–9

cash couriers, 177–8
charities, Islamic, 117–47, 215
U.S.-based Islamic charities, 127–31
civil causes of action
Arab Bank of Jordan, 153, 164–7, 333–4, 336–9, 341–4
Credit Lyonnais, 153, 335–6, 339
National Westminster Bank (NatWest), 153, 334–6, 339
classified information, 205, 286
Comité de Bienfaisance et de Secours aux Palestiniens (CBSP), 135, 335–6
Commercial Bank of Syria (CBS), 153, 170–71, 389
Confrontation Clause, 206
correspondent accounts, 160–62
Credit Lyonnais, 153, 335–6, 339
criminal prosecutions
Al-Arian, Sami, 303–5, 308, 380, 386–7
Arnaout, Enaam, 130, 152, 216, 307–8, 380–81
Ashqar, Abdelhaleem, 306
Hammoud, Mohammed, 302
Al-Moayad, Mohammed Ali Hasan, 133, 302
Salah, Muhammad, 306, 328, 380
Zayed, Mohammed Mohsen Yahya, 302
currency transaction reports (CTRs), 157, 176, 177

Dar es Salaam, Tanzania, 39–40
Dawa, 133
al-Dayan, Hamza, 378
Declaration of War Against the Americans Occupying the Land of the Two Holy Places, 55, 62
Declaration by the World Islamic Front for Jihad Against the Jews and Crusaders, 39
Derkanzali, Mamoun, 80
Director of U.S. National Intelligence, 108, 219, 373
due process, 204, 284–5
Dujana, Abu, 221, 258

Eastern Turkistan Islamic Movement, 217, 246
Egmont Group, 163–4
Egyptian Islamic Group, 37
Egyptian Islamic Jihad (EIJ), 30, 34, 37, 77, 127, 246
Elashi, Ghassan, 305
European Court of First Instance, 251, 253
European Court of Human Rights, 254
Executive Order 12947, 4, 202, 299–300
Executive Order 13224, 6–7, 194–9, 201–2, 207–11, 214–5, 217–8, 221, 300, 377
Annex to Executive Order 13224, 7, 195

fatwa, 37
Fifth Amendment, 201, 203, 209, 284, 285
Takings Clause, 209

non-co-operative countries and territories (NCCT), 260–61, 383

Financial Crimes Enforcement Network (FinCen), 153, 158–9, 161, 163–6, 176–7, 181, 376–7
Financial Intelligence Units (FIUs), 163–4
First Amendment, 210, 290–92
Flatow Amendment, 346–7
foreign bank records, 162–3
Foreign Sovereign Immunity Act (FSIA), 344–50

Tunisian Combatant Group, 81, 217, 246

Forty Recommendations on Money Laundering, 4, 9, 155, 174

Fourth Amendment, 201, 211

freezing of terrorist assets
domestic asset freeze

Executive Order 13224, 6, 7, 194–9, 201, 202, 207–11, 214, 215, 217, 218, 221, 300, 377

legal challenges to OFAC designations

Administrative Procedure Act (APA), 201–3

First Amendment, 210, 290–92

freedom of association, 290

Fourth Amendment, 201, 211

access to classified information
notice, 203–5

Takings Clause, 206

unconstitutional vagueness, 207–9

Fifth Amendment, 201, 203, 284, 285

Sixth Amendment, 206

Religious Freedom Restoration Act (RFRA), 201, 212

Office of Foreign Assets Control (OFAC), 198–201
de-listing process, 200–201
general licenses, 199–200

specific licenses, 199–200

Specially Designated Global Terrorists (SDGTs), 7, 195–99, 201–3, 208, 214, 217–8, 221, 278, 300, 376

international asset freeze

International Convention for the Suppression of the Financing of Terrorism, 153–5, 182, 233–4

U.N. 1373 Counter-Terrorism Committee, 241–2

U.N. 1566 Working Group, 242

U.N. Al-Qaida and Taliban Designation Process
de-listing, 200
due process, 204, 284–5
humanitarian exception, 250
listing process, 243–5
U.N. Al-Qaida and Taliban
Sanctions Committee, 237–8, 240–43, 246, 378, 382
U.N. Analytical Support and
Sanctions Monitoring Team, 240–41, 256, 260
U.N. Counter-Terrorism
Committee Executive
Directorate (CTED), 241–2
general licenses (OFAC), 199–200
Global Relief Foundation (GRF), 152, 200, 205–6, 212–3, 215–6
Golden Chain, 29
Goodwill Charitable Organization (GCO), 127
el Hage, Wadih, 50
Salah, Muhammad Abdul Hamid Khalil, 306, 328, 380
Hambali, 85
Hamid, Mohammed, 378
Hammad, Mohammed, 302
Hannan, Mufti, 379
Harakat-ul-Mujahedeen (HUM), 85, 87
Harkat-ul-Jihad al Islami, 379
Harnzah, Sheikh mil, 37
Hassan Nasserallah, 303
Hawala, 173–5, 277, 296
Hekmatyar, Gulbuddin, 128, 152
high-risk banks, 161
Hilmand province, 109
Hizballah, 105–7, 111, 127, 239, 281, 302–3
humanitarian exception, 250–51
Humanitarian Law Project (HLP), 207–9, 287–92
International Convention for the
Suppression of the Financing of Terrorism (Terrorist Financing Convention), 4, 10–11, 153–4, 178, 181, 233–4, 277, 342
International Convention for the
Suppression of Terrorist Bombings (Terrorist Bombing Convention), 342
International Islamic Relief Organization (IIRO), 34, 85, 123
International Money Laundering
Abatement and Anti-Terrorist Financing Act of 2001 (IMLAA), 8–9, 156, 375
Internet, 25, 172
Interpal, 133–4, 334
Iran's Islamic Revolutionary Guard Corps (IRGC), 105–7
IRGC-Qods Force, 106
Isamuddin, Nurjaman Riduan, 85
Islamic American Relief Agency (IARA), 152, 202–5, 210, 212
Islamic Army of Aden, 246
Islamic International Brigade, 246
Islamic Jihad Group, 246, 281
Islamic Movement of Uzbekistan, 246
Islamic Resistance Support Organization (ISRO), 127
Jaish-e-Mujahamad (JEM), 86–7, 246
Jama’at al-Tawhid Wa’al-Jihad, 246
Jamiat-e-Ulema, 37
Jarrah, Ziad, 80
Jemaah Islamiyah (JI), 22, 33, 83–5, 127, 217, 221, 246–7, 258, 281
Jihad Movement, 37–8
Jim’ale, Ali Ahmed Nur, 110
Julaidan, Wa’el Hamza, 110, 247
Kahie, Abdullah Hussein, 110
know your customer, 154, 159, 161, 175, 375
Lashkar-e-Tayyiba (LT), 33, 43, 86–7, 127, 172, 246
Jimaat-e-Ulema, 37
Jim’ale, Ali Ahmed Nur, 110
Julaidan, Wa’al Hamza, 110, 247
Kahie, Abdullah Hussein, 110
Lashkar-e-Tayyiba (LT), 33, 43, 86–7, 127, 172, 246
Index

Lashkar i Jhangvi, 42, 217, 246, 281
Liberation Tigers of Tamil Eelam, 239
Libyan Islamic Fighting Group (LIFG), 81, 83, 246, 281
madrasas, 26
Maktab al Khidamat (the MAK), 29–31, 40, 129–30, 216
Martyrs Foundation, 127
al-Masri, Abu Ayyub, 75, 78, 119, 379
material support
  currency, 290
  expert advice or assistance, 287–9
  personnel, 287–9
  services, 288–9
  training, 287–9
material support statutes, 10, 276, 279, 287–8, 329, 337, 345
McConnell, Michael, 108
Mehsud, Baitullah, 88, 236, 258, 378
El-Mezain, Mohammad, 305
Ministry of Defense and Armed Forces Logistics (MODAFL), 107
Ministry of Intelligence and Security (MOIS), 105
Al-Moayad, Sheik Mohammed Ali Hasan, 133, 302
Mohammed, Fazul Abdullah, 50
Mohammed, Khalid Sheikh, 79
money services businesses (MSBs), 175–7, 377
money transmitting businesses, 11, 182, 277, 296–8
criminalization of, 18 U.S.C. § 1960, 11
U.S. obligations
  anti-money laundering compliance program, 176
  currency transaction reports, 157, 176–7
  suspicious activity reports, 157
Moro Islamic Liberation Front, 33
Moro National Liberation Front, 85
Moroccan Islamic Combatant Group (GICM), 80–83, 217, 246, 281
Moussaoui, Zacarias, 78
Muhammad, Khalid Sheikh, 85
multiple invoicing, 180
Muslim Brotherhood, 28, 30, 56–9, 133, 334
Muslim World League, 34, 123
Nada, Youssef Mustapha, 111
Nairobi, Kenya, 39–40
National Intelligence Estimate (NIE), 218–9
National Islamic Front, 33
National Westminster Bank (NatWest), 153, 334–6, 339
Nine Special Recommendations on Terrorist Financing, 9, 155, 174, 181
9/11 Commission Report, 27, 39, 219
9/11 Defendants
  Atta, Mohamed, 80, 152
  Aziz Ali, Ali Abdul, 152
  al Shehhi, Marwan, 80, 152
Non-Cooperative Countries and Territories (NCCT), 260–61, 383
Odeh, Mohamed Sadeek, 50, 305
Office of Foreign Assets Control (OFAC), 167, 198–204, 209–10, 218, 376
Omar, Mullah Mohammed, 36, 40, 89, 109, 220, 236
Operation Rhyme, 221
opium trade, 108–11, 374–5, 402
otherwise associated with, 208
al-Owhali, Mohamed Rashed Daoud, 50
Pakistan Federally Administered Tribal Areas (FATA), 219
Palestinian Islamic Jihad (PIJ), 105–7, 281, 303–5, 341
Palestinian Relief and Development Fund (Interpal), 133–4, 334
Popular Front for the Liberation of Palestine (PFLP), 107, 341
Popular Front for the Liberation of Palestine–General Command (PFLP–GC), 105–7
primary money laundering concern (PMLC), 161, 167–71, 181, 389–90
private banking accounts, 160–61
private civil causes of action
  Alien Tort Claims Act (ATCA), 12, 339
  Alien Tort Statute (ATS), 12, 339–41, 344, 349
  Flatow Amendment, 346–7
  Terrorism Exception, Foreign Sovereign Immunity Act (FSIA), 344–5
  Terrorism Risk Insurance Act (TRIA), 350–53
  propaganda campaign, 25
  proximate cause, 330

Qadi, Yasin Abdullah, 111
al-Qaradawi, Dr Yusuf, 134–5, 334
Quranic Literacy Institute (QLI), 328
Qutb, Muhammed, 28, 59
Qutb, Sayyid, 28–9, 57–9

Rahman, Maulana Fazlur, 37
Rahman, Omar Abdel (‘Blind Sheikh’), 22, 30
red flags of money laundering, 158, 160
Reid, Richard (shoe bomber), 78
Religious Freedom Restoration Act (RFRA), 201, 212
Revival of Islamic Heritage Society (RIHS), 216

Salafist Group for Call and Combat (GSPC), 79, 81–2, 247, 281
Salah, Muhammed, 306, 328, 380
Saud, Muhammad ibn, 56
Saudi Committee for the Relief of the Palestinian People, 132
Saudi Committee for the Support of the Al Quds Intifada, 132, 333
Saudia Popular Committee for Assisting the Palestinian Mujahideen, 132
Second Intifada, 132, 332, 333
Sharia law, 59–62
al Shehhi, Marwan, 80, 152
Shell banks, 161–2
shoe bomber, 78
Sixth Amendment, 206
Soviet–Afghanistan conflict, 28–30

Specially Designated Global Terrorists (SDGTs), 7, 195–9, 201–3, 208, 214, 217–8, 221, 278, 300, 376
Specially Designated Terrorists (SDTs), 202, 278, 299, 301
specific licenses (OFAC), 199–200
State Sponsors of Terrorism (SSTs), 12, 105, 345, 347
terrorism exception, Foreign Sovereign Immunity Act (FSIA), 344–50
Suppression of the Financing of Terrorism Convention Implementation Act (2002 Act), 11, 277
Suspicious Activity Reports (SARs), 154, 157, 159, 166, 177, 376

Taha, Abu Yasir Rifa’I Ahmad, 37
Taliban, 35–6, 40, 62, 88–9, 106, 108–9, 219–20, 236–8, 300, 374
Taliban Movement of Pakistan, 88, 236, 258
Taymiyya, Taqi al-Din ibn, 29, 53–5, 58
Tehrik-e-Taliban Pakistan, 88, 236, 258
Terrorism Risk Insurance Act (TRIA), 350–353
terrorist attacks
  Dar es Salaam, Tanzania, 39–40
  Nairobi, Kenya, 39–40
  USS Cole bombing (2000), 5, 39–40, 237
terrorist financing, 103–5, 160
Terrorist Financing Convention, 4, 10–11, 153–4, 178, 182, 233–4, 277, 342
trade-based terrorist financing, 179
Trading with the Enemy Act (TWEA), 196, 351
transfer of terrorist funds
  alternative remittance systems, 174
  bulk cash smuggling, 177, 179, 277, 298–9
  trade-based terrorist financing, 179
multiple invoicing, 180
under-invoicing, 179–80
Tunisian Combatant Group, 81, 217, 246
Al-Turabi, Hassan, 33

unconstitutional vagueness, 207
under-invoicing, 179, 180
Union of Good, 133–5, 334–6
U.N. 1373 Counter-Terrorism Committee, 241–2
U.N. 1566 Working Group, 242
U.N. Al-Qaida and Taliban designation process (asset freeze)
Al-Qaida and Taliban Analytical Support and Sanctions Monitoring Team, 5, 240–41, 256, 260
Al-Qaida and Taliban Sanctions Committee, 237–8, 240–43, 246, 248–9, 378, 382
Consolidated List, 5, 110, 235–6, 238–40, 244–6, 248–50, 256, 375, 378, 382
de-listing process, 249–50
focal point, 249
listing process, 243–9
review and final determination by the Committee, 247–9
checklist, 248–9
submission by member states, 244–7
Cover Sheet, 244
Guidelines of the Committee, 244
joint designations, 246–7
standard of proof, 245–6
statement of the case, 245
U.N. Counter-Terrorism Committee Executive Directorate (CTED), 241–2
U.N. Office on Drugs and Crime (UNODC), 108–9
U.N. Security Council, 5, 235, 237–8, 249
U.N. Security Council Resolutions, 220, 237
Resolution 1267, 5, 8, 234, 237–40, 242–3, 378
Resolution 1333, 5, 8, 237–40, 243, 378
Resolution 1373, 7, 8, 234, 237–42, 253–4
Resolution 1390, 240
Resolution 1452, 250, 252
Resolution 1535, 241
Resolution 1540, 242–3
Resolution 1566, 234, 242, 342
Resolution 1617, 241, 248
Resolution 1624, 241–2
Resolution 1673, 243
Resolution 1735, 241
United States v. Al-Arian, 210, 303–5, 308, 380, 386–7
U.S. embassy bombings, 39–40
Dar es Salaam, Tanzania, 39–40
Nairobi, Kenya, 39–40
USA PATRIOT Act, 8–9, 156–7, 162–3, 170, 176, 179, 199, 277, 296, 298, 375
USS Cole, 5, 39–40, 237

Violent Crime Control and Law Enforcement Act of 1994, 279

al-Wahayshi, Nasir, 378
al-Wahhab, Ibn Abd, 29, 55–6
weapons of mass destruction (WMD), 27, 220
World Assembly of Muslim Youth (WAMY), 123
World Islamic Front for Jihad Against the Jews and Crusaders, 37–9
al-Woud, Abu Mus’ab, 82

zakat, 119–23, 126, 136, 305
Zandal, Mufti Abu, 379
Zarkasih, 221
al-Zarqawi, Abu Musab, 25, 62, 65–6, 74–5, 80
al-Zawahiri, Ayman, 25, 30, 34, 37, 50–51, 62, 74, 76, 81, 89, 236
Zayed, Mohammed Mohsen Yahya, 302
Zubaydah, Abu, 87