

## **Ascream before the kill**

### **The future of humanitarian and charitable associations In the Saudi Arabian Kingdom**

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#### The non governmental Space

Since the beginning of civilizations, the defence concept of individuals by a social entity has persisted independently inside and outside the dominant political power. The aim of the social entities -in all their forms - is not to conflict the political power but to allow individuals to participate in the political sphere, and to reinforce humanitarian aids and solidarity's relations.

In Islam, this concept of defence is not considered as a simple right; it is above all a duty since the concepts of good, charity, as well as the cultural action are intrinsic to each individual. These concepts are not related to the only prerogatives of the political power, in any school or schisms of Islam.

Thus, Dr Mohammed Ben Abd Allah Elssaloumi explains it in his entitled study "The sector of charity and the accusations of terrorism":  
"The Muslim act of charity is essential in Islam. That is why it is neither a secondary nor a distinct element, and far from being a wrongdoing. It cannot be considered as an accusation from which one can be defended. As a Muslim must bow down, prostrate, and pray, he also must do good in a collective and organised manner. In one of the Koran's texts, the act of charity precedes the invocation of Jihad [the struggle for God]:  
"ye who believe! bow down, prostrate yourselves, and adore your Lord; and do good; that ye may prosper.

And strive in His cause as ye ought to strive, (with sincerity and under discipline)."1 said the almighty.

In addition to doing good, he ordered to invite others to reproduce the same act:

"Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity." 2

The Lord has also related the obligation that is due to him by the application of the prayer to the obligation that is due to the poor by feeding them. On this subject, He says:

"What led you into Hell Fire?

They will say: "We were not of those who prayed;

Nor were we of those who fed the indigent;"3

"Seest thou one who denies the Judgment (to come)?"

Then such is the (man) who repulses the orphan (with harshness),  
And encourages not the feeding of the indigent.”<sup>4</sup>

1 Chapter XXII, Al-Hajj [The pilgrimage], verses 77-78

2 Chapter III, Aal-E-Imran [The Family of Imran], verse 104

3 Chapter LXXIV, Al-Muddaththir [The Cloaked one, The Man Wearing a Cloak], verses 42-44

4 Chapter CVII, Al-Maun [Small Kindnesses, Almsgiving, Have you Seen], verses 1-3

5 Doctor Mohammed Elssaloumi, The sector of charity and the accusations of terrorism, EL Bayane, Saudi Arabian Kingdom, pages 73-74

Therefore, the importance results from the own value of this act of charity, which is brought to the one who applies it as well as to the one whom it is applied to, and to all what follows from it. This shows to which extent this action is a segment of faith and rite of the Oumma [nation, community of believers]. This action is also subdivided into an individual or collective obligation, as well as into essential or a complementary duty. It is unacceptable to marginalise or to give up this noble action by the individuals, the nation, the institutions or the states since the charity forms part of their religion, their faith, and their rites.”<sup>5</sup>

The prophet’s tradition [Al-Sunna] requires of each Muslim, belonging or not to the political authority, to respect this word in all life circumstances: “do the good to the people of the good or people of the no good, if you reach through the good those people, they deserve it, if you do not, you deserve it [the good]”. The Wakf - religious donations of good to the community- appeared during the first years of Islam. It became one of the components of the right to solidarity, written in Muslim culture. The private Wakf(s) were built in parallel of the public Wakf(s). This has allowed the private Wakf to evolve on the margin of the authoritative laws, in all their aspects, and to escape through history from all forms of despotism. Moreover, in regards of Wakf, no possibility is accepted concerning the sale or the seizure of a good under its sequestration.

Regardless of the government’s state of power or weakness, there were always constants concerning the right to education and health, the preservation of worship places, and the aids brought to the most necessitous. Constants, which remain the field of predilection of the national non-governmental institutions. According to this aspect, schools were able to develop; hospital centres of studies and medical care were established. Varied forms were able to see the light under the protection and the aids of travellers, in the assistance of the disabled and the handicapped, supporting the students, even in the field of animals’ protection.

Hence, the act of charity was an essential mean of knowledge's propagation, of struggle against the precariousness and the diseases, in the promotion of the individual, in the consolidation of solidarity, and in strengthening its cohesion and its national preservation. Those principles that became an essential part of the Arab and or Islamic culture, in a sense to represent evidences, had only suffered during some particular circumstances and limited experiences, which by then limited their central role in the social life.

Thus, it seemed essential to remind through this fast retrospective, that the concept of non-governmental space existed well before the concept of the European bourgeoisie's civil society. Moreover, it has also constituted a universal common denominator of all great civilizations well before capitalism. In this sense, this concept was, through time, an element of the society's protection, abuse of authority, and of its deliquescence and its absence. The occidental concept of "rights" could not be established without the confirmation of this essential space. This space was considered as the basic infrastructure necessary in the design of the governance's methods, in the guarantee of powers separation's control, and in the assertion of society and nation's role, in order to ensure the minimum right to expression for the individuals and their freedom to participate in the public life. Quite obviously, apart from the imposed preconceptions since the peak of what is called "humanisation" of the human society, in opposition to any relation that can relegate the simple "herd of subjects" role.

Since the 17th century, the concept of civil society knew the cohesion's intern bases and interrogated the concept of the State capable to reduce individuals' secular or religious problems. Thus, the contributions of Emmanuel Kant (1724-1804) which, remains secondary in comparison to Jean Jacques Rousseau and Thomas Hobbes' speeches, affected to the new era stated in the human and civil rights, the consideration that the principle of all sovereignty is fundamentally related to the nation.

Then, we can consider Kant as the founder of a new orientation in the relation between the State and the society. A relation that rests on three bases that initially impregnated the occidental culture and society in order to be propagated, thereafter, on a worldwide level:

First base: The consideration of the State role as being principal but not unique. The individuals and the groups, outside the State's circle, constitute an inescapable part in the confection of the men's present and future.

Second base: There are universal values -human rights, peace, the right to auto determination-, which are incumbent upon the international community with all its components.

Third base: As the states can have their own interests, common interests that the whole humanity share can also exist.

In France, the regression that the revolutionary State knew, after having assassinated its revolutionists, as well as the hesitations inside the undertaken reforms by the European countries, had non negligible consequences in anchoring the concept of spaces freed from the State direct authority. They also had consequences in the necessity to bind the values and the universal ideas to a worldwide or international republic, which base remains in equality, justice, equity, arbitration, and sanction. Since the State does not represent the individual in all affairs, in any time and any place, every authority needs an opposite authority, and the base of absolutism's reject is not only the fact of refusing to considerate them as minors; it is above all the consequence of the faith in the exercise based on delegation and representation.

This association between the independent individual, the creator, and the contractor, within a supra state-control of men's relations, has permitted the concept of "lights" to move beyond the State-nation's frontiers, in a way to put into perspective the concept of sovereignty and to attach it to a higher end which is the Man. On this basis, it is obvious to read with Abdullah Annadim, Jamal Eldine Al-Afghani, Ayatollah El-Mohik Enna'ini and Abdurrahman El-Kawakibi the first signs of this universal work, in particularly in their speeches concerning themes of the State control, the nation's role, the conditions of power practicing, and the society's capability to act outside the Khalifa 's institution, etc. The first changes interfered during the last decades of Ottoman Empire consecutively to Europe's pressures, and they were pursuit under the influence of the liberation's movements in their wars against the European colonialism: however, in both cases, the society was not entirely engaged in what was happening. When the post-colonialist Arab State took over power, it checked in most cases the margin that the citizen could conserve during all of this historic transitory phase. Thus, the takeover began, on the ancestral private Wakf as well as on the recent national associations, in the objective to expend the circle of the masses' organizations and others. This situation was propagated up to countries that were not yet affected by the syndrome of the new restricted ideologies, where the political authority showed a progressive appetite for the monopole of all public activities. The Afghani "miracle" has probably played in the Saudi Arabian Kingdom, the basic transitory role in the phenomenon of humanitarian and charitable associations, since their simple local expression under the political authority's control and examination until it becomes a national practice in all what it means, strongly supported in its right to existence by the State, the religious apparatus, and by the United States of America as well. Thus it was

evident -for theological or political reasons-, that the American administration conceives that the confrontation with the Soviet danger and the resistance to the Afghanistan invasion requires the expansion of John Foster Dallas' vision supported in his book "War or Peace" which, proposes to face communism with the missions of Christianization in order to stretch out on Islam, concerning in more particularly the Afghan experience and the Islamic republic of the soviet union. This conversion of interests allowed the common facilitations and the great collaboration between the United States and the Saudi Arabia. As for the national society, it took advantage during this period of the opportunity to express itself and to force a great margin of action, as long as the shared goal was eventually the support brought to this common strategy. Finally, the society during this period practiced on the free actions and on the voluntary based organization, the mutual aid and the solidarity outside the frontiers. Moreover, the concept of solidarity and charitable actions was strongly consolidated in the collective consciousness. All of that made the phenomenon of humanitarian and charitable organizations to propagate and understand many countries in all the continents, through actions that start acquiring help through war and finish by the construction of schools, hospitals, and mosques.

The secret of this success might also be the fact that the charitable and humanitarian associations are deep-rooted in the collective conscience since many decades. This made of the modification of laws that govern the associations, a question of form, in comparison with the customs of the charity's mutual aid, of known solidarity and assistance in the Arab Muslim history. Customs that took place in the popular culture as not only being a necessity to fight violence, reduce misery and to ease someone's pain, but also as a religious obligation in the spiritual sense, which is shared by the whole Muslim societies regardless their differences .

The different humanitarian and charitable associations had been affected by the rise of the authoritarian power model. They suffered from a strong regression of the "new" states' forms that abandoned the good customs of the Arab society and lost interest in virtues even in those of occidental societies. Thus, the number of national organizations has strongly regressed, in a time record, in the entire Arab world. In parallel, the non-governmental organizations steadily made their peaceful revolution on the worldwide level. The prohibition struck the associations of books' conservation and of handicaps employment, in the pretext of being linked to the current opposing politics or of being used by prohibited parties. In the same register, cultural and sportive clubs were nationalized. Moreover, on the same rhythm, each creation of any national gathering fell under the assault of laws of exception. By necessity, the associative

fact is summed up, in most Arab countries, to what we call “the semi-official and governmental associations”.

The collapse of the unique party and the absolute power's thoughts, the wars of liberation, and the apparition of civil wars in many muslim and Arab countries re-gave consideration and recognition of utility for humanitarian and charitable organizations. The experience of the Palestinian Diaspora provided a considerable support for the public Palestinian resistance in the camps against the occupation. Thus, the national Palestinian associations have succeeded to keep the social tissue and the national civil conscious in the occupation's inhuman conditions. In the same way of the Afghan drama -as we explained it before-, it could have played a considerable role in development of this phenomenon in the Gulf countries and the Arab peninsula. This phenomenon has also profited from the fact that the Soviet occupation of Afghanistan coincided with the improvement of life style, after the raise of oil prices in the mentioned countries.

However, if the majority of humanitarian associations, which had appeared in the Gulf, had an Islamic aspect, they remain different in the relations that they can maintain with the official institutions such as the instance of “al'amrou bil'maarouf wa enehyou ani el'mounkar” [the requirement of good and the probation of bad] in Saudi Arabia or with the Islamic political movement or the Salafist movement. Finally, during the two recent decades, with what is commonly called the “Jihadist” movement.

The charitable and humanitarian organizations constitute the only organizational structures capable of auto financing in the Arab Muslim world. This definition allows them to constitute the hard core of the citizen rights, of the internal peace, of the social solidarity, and to fill up the deficiency of States and governments.

The Islamic humanitarian organizations were strongly impregnated in work methods of worldwide organisations and especially occidental ones. They could have covered the regions where these latter were absent and were not impregnated of the occidental model. Despite the presence of active elements of radical political sensibility in the lines of some of these organizations, they could have benefited from a conformable professionalism with the international norms and from a strictness that limited the incidents of abuse or the bad management of the public properties. This phenomenon was not so widespread in the national associations' circles, sufficiently equipped in general, whether they are religious or secular.

However, in the same time, it is suitable to mention it; they could not escape the universal trap that is qualified as “repossession”. Because of the fact of having good reputation and of the excellent confidence

relation, which they were able to establish with the society, they couldn't escape from the lust of many forbidden political movements just as many political systems that are incapable to promote their ideologies, for which they could represent a way out.

It is certainly known that this phenomenon is widespread in the west, and that the ministers of cooperation or of foreign affairs in the north are able to produce, according to demand or in case of conflict, as much as needed organizations. But the difference resides in the fact that, in the European countries for example, where exist influential civil societies, this phenomenon cohabits with the existence of true non governmental associations. Whereas in northern countries, the deficiency of the civil society is immediately foreshadowed at these charitable and humanitarian associations whenever the partisan or governmental designs try to use or subdue them.

Despite the noticed numerous weaknesses in the southern countries, the fact remains that the charitable associations became a menace for the local governments, in the same time, for the exterior interventionism, and for the occidental vision as well for what should become the national engagement in this matter (this latter is dependant of the occidental public opinion for its choices). We can mention a simple example that expresses the reason and to which limit these associations became a source of troubles: The [Palestinian] national associations were, in their activities, constantly forced to seek the support of occidental organizations to accuse the Israeli practices. For this matter, many occidental organizations refused to evoke the Palestinian case without defending the recognition of the Israeli State and its security. There isn't any relation who calls upon the right to auto-determination of the Palestinian people without requiring, in the same time, the recognition of the Israeli State and its right to dispose reliable frontiers. Whereas it is impossible to compare between a State that enjoys all of its attributions and a nation whose rights are confiscated. This trend was generalized to an extent that each gratification for a Palestinian who had realised a remarkable humanitarian work, must be followed by a gratification for an Israeli, even if it doesn't exist, for the same year, a notable work realised in the same matter by an Israeli. In fear of becoming deprived from foreign financial aids or to be detached from the northern countries, most of Palestinians accepted this principle without arguing. Moreover, all non-governmental organizations that receive aid from an American institution were recently forced by the American administration to sign an engagement of non-approach from any terrorist organization calcified by this administration. In other terms, according to the American administration, it is unacceptable that a non-governmental Palestinian organization contacts the Islamic resistance movement (Hamas) to

investigate on its prisoners and detainees. Whereas, at the same time, none restriction is prescribed in the contacts with the Israeli extremist or racist movements!

We should constantly remind the edified positive role of the presence of non-governmental organisms and spaces as well in the southern countries as in the Muslim countries. Indeed, since the arrival of Arab and Islamic associations by force, the nature of internal and external relations has evolved, and the level of practices has considerably progressed as well. We can observe, without any harm, that for religious restriction's needs, the administrative expanses are minimal in the Islamic associations, and strict inspections are equally exercised by the society as much as by the militants concerning all abuse. On the other hand, competitive programs are used in the fields of research in education and health. The more and more widespread existence of organizations descendant from southern countries and the diversification of financial aid sources, for more independence, has contributed in reinforcing the idea of universal civil society and drifted the equation until it builds with the elements of thought according to the universal imperatives and not only according to the occidental denominators. This evolution in relations also results from the southern militants who appropriated their institutions, who refuse any relation of obligation or of domination, and who aspire to equitable collaborations based on mutual respect and the necessary complementarily.

The aggression that the Islamic or southern humanitarian organizations actually undergo imposes a re-examination and a re-evaluation of the structure, role, and action of these organizations. However, this requirement of neutrality of these organizations in their own vision of the world, cannot have any meaning since each organization in the world, has already its own program and objectives, thus their denomination –“World doctors”, “Catholic rescue”, “Islamic rescue”- which links the members, regroup an ensemble of shared concepts in what concerns the world's vision, the definition of non-governmental organization, and of what should be the solidarity of the international action. Then it seems impossible to interfere in their direct quarrel and in their initial destination, no matter the country's origin and the reason behind their creation. In spite of their will, the humanitarian and charitable organizations exceeded their immediate mission that consists on helping a family, educating children, diminishing war tragedies, and thus became the protection's central guaranties of economic and socio-cultural rights in the world. In this sense, far from belonging to a partisan political program or to a government, they become the society's collective patrimony.

This central exponential position as well as the internal needs and external pressures lead to the construction of bonds between the cultural elites, the social initiatives, and the organizations of rights' defence, in the hope to improve the practices on the bases of scientific studies and sociological prospects, which would provide a critical evaluation of these experiences. This would allow, at first, to scrutinize the structural and operational problems in order by then, to overcome the weak points and to fulfil the improvements

Trying to reduce the crisis from its head, through the "grey cells" or the non elected government officials, leads to the permanent destruction of the original reasons of the non governmental space in the Muslim world. This would mean, through this type of methods, the alienation of the non-governmental space under the bureaucratic model which led the "east block" to the State destruction and to the disintegration of societies, and whose application in Iraq brought to losing the set of standards of individuals independence, the groups, and the State.

We hurl this scream to all the Muslim countries of the world, in particularly to the Saudi Arabian Kingdom, and to all gulf countries: there is no use of your belonging to modernity without basis initiatives, social expressions, and non-governmental charitable organizations. Any council appointed by the political authorities is the obvious annihilation of the renaissance, of the civil society, and of the fundamental liberties.

#### The constriction

What follows is not a generalization of the Soviet KGB fact, nor of the secret services of eastern Germany (Stasi). What we are facing is a phenomenon, which reminds us Costa Gavras' film about Latin America (The Confession) and his interpretation of the Arab Muslim world: the American administration sends a group of experts to investigate into the Kuwaiti charities' situation. This group refrains from giving any lesson on the transparency or on the possibility of preparing a sociological study about these associations; however it starts a mission of security in the framework of "war against the terrorism ". This mission aspires to denude the non-governmental organisations, on one hand, by cutting them from their financial sources, and on the other hand, by suspecting all their actions with or without proofs.

Below here are presented the American enquiries entitled the "Document of demand for the charitable and commercial institutions ", such as it was published by the Arab-speaking London daily paper "Al Hayat" in its edition of the 12-01-2004:

" To help the group of experts to better understand the activities of charitable organizations and commercial authorities in Kuwait, we shall be grateful to you for providing the group, when it arrives to [Kuwait], with as many documents of the specified below concerning any

organization , in order to examine them. The requested registers have to cover the last three years:

Commercial and charitable associations and organizations:

A- All the ledgers of the organization and its financier registers which contain – not to be limited to these titles- : the public books, the public registers, the auxiliary books and registers, invoices and receipts of payment, the counterfoils of funds and receipts of expenses, books and registers of sales and purchases, accounting books of debits and credits, receipts checks of debts, receipts of sold goods amounts, books of the received and granted loans, declarations of revenues, the declarations of treasury and all the receipts of expenses, including the receipts of the sums paid in cash. These receipts must contain the finance and budget documents, which determine the sources of the organization financing, their origins and their outlays. It is also requested to present the receipts of the expenses that include intermediaries' use; these are of a specific importance.

B- Documents containing the organization objectives and the nature of the offered services, its statutes and its organization chart. The organization chart must include the structural and pyramidal specification, including the offices situated inside and outside of the country, if it includes antennas, it must also includes the addresses and the telephone numbers and the employees' board with their positions and all other information concerning the identity.

C- All the financial declarations, the books of receipts and boiling of accounting used in the preparation of the organization's receipts or the paid taxes, the kept copies of all paid foreign or American taxes, including all the information and the directories of the paid taxes.

D- The detailed identities, the identity documents coming with the applications, the receipts of payment and all other document concerning the beneficiaries from donations, loans, expenses, or scholarships, wages and all other expenses. These registers have to include files concerning all the aids granted to individuals or organizations in Kuwait as well as in foreign countries such as Afghanistan, Kenya, Somalia, Philippine and Pakistan.

E- The detailed identities, and the identity documents, the checks of refund and all other documents concerning the people in charge, the directors, the secretaries, the employees and the advises and all the services of the organization.

F- The detailed identities, and the identity documents, and all other documents concerning the individuals and the organisms that made

the donations, participations, bequeathed their possessions or all other material donations to the organization. These receipts have to include information on the activities of any group of donation managed by the organization.

- G- Documents relative to the accounts with financial institutions, including the banks, the financier agents, and the stock exchange's offices. These documents have to include the stock-exchange statements, the receipts of deposit, the counterfoils of checks, cancelled checks, orders of deposit of withdrawal, the registers of dates and amounts of the deposited sums, the counterfoils of deposited checks, the receipts of withdrawal, and the document of deposit. The purchase of stock-exchange checks, the phone transfers, the orders of transfer and the demands of phone transfers.

Meeting the individuals:

In addition to the examination of the different receipts requested above, the group will highly appreciate the opportunity of meeting individuals who can provide the group with information concerning the following points:

A- The procedures approved by the organization for the projects' acceptance or upon the people who receive the charitable sums as well as on the procedures used to pay the sums to the beneficiaries.

B- The sources and the nature of donations received by the organizations during the last three years.

C- The organizations that benefited from aids during the last three years.

D- The governmental people in charge of controlling the organizations and their activities.

Registers asked the financial institutions:

If need is, documents can be demanded to Kuwaiti's banks or other financial institutions concerning an individual or an organism, it will be realized according to the following method:

A- Bills of the accounts' savings: including the cards of signatures, books of receipts or the registers showing the dates and the amounts of the deposited and withdrawn sums, the interests, the orders of withdrawal and deposit, as well as the stocks of deposit and the deposited checks, the stocks of withdrawal, as well as the withdrawn checks.

B- Bills of check accounts: including the cards of signatures, the financial statements, the stocks of deposit, the deposited checks, the withdrawn checks, of an account and the order forms of deposit and withdrawal.

C- Bills of loans: including the inquiries and the financial statements, the guarantees of loan, the inquiry banker on the resources, the agreements of loans, the mortgages, the statements of payment, contracts, emitted checks of loans and the checks of refund, including the receipts of dates and sums with the nature of payment (in cash or by checks) and the checks used for paying back the loan, The set that must indicate the total value of the annual payment and interests, the receipts of any mortgage and the books of correspondence concerning the loan and the internal reports of the bank.

D- Bills of safes of the private deposits: including contracts, registers of use and registers of the amount of rental which indicate dates, amounts, and payment modalities (in cash or by checks).

E- Deposit bonds and certificate of stock exchange: including the demands and the means of purchase, purchase vouchers, receipts of the amount's recovery, the emitted checks for its payment, settled checks for the certificate's purchase or any other correspondence, bills demonstrating the annual interests paid or accumulated with the dates of payment or dates of withdrawal of the interests and the emitted checks for the payment of the interests.

F- Bills of insurance cards: including the demand of the client and his card of signature, the inquiry on his revenues and his debts, the correspondences and the statements of the monthly invoices and the invoices of the individual interest, the bills of payment including dates, amounts and means of payment (in cash or by checks) and copies, recto verso, of checks used for the payment.

G- Purchase of stock market's checks: purchase vouchers of the stock-exchange checks under all their forms and traveller's check or bills of financial orders including the register of the check or the copies of checks or the financial orders, and the bills showing the date and the source of the check's amount payment, or the financial order.

H- Other bills: the registers of certified checks, the phone transfers, the perception and the letters of accreditation, checks and the financial values bought by means of the bank, the transfers of checks of saving, accounts of interests, and the capital showing the dates with transferred sums, means of payment, its source, modalities and proofs of the transfer.

This method of espionage that transforms the non-governmental organization into a criminal organization is not applied, until we find proof to the contrary, to the American or Israeli charitable organizations by the United States of America. Beside that, The United States exercise all sorts of pressures on their allies in order to force its application. Whereas this application fully exceeds -in regards with offences against liberties, obstacles to the activity and unjustified inspections- the Arab

countries' internal laws that we consider firm and non democratic and which we call up to their reform.

The American State Secretary of the justice, John Ashcroft, declared in November 2001 the registration of 46 charitable organizations on the list of organizations and terrorist groups of, whose members will be forbidden in United States. Thus, he created a special force in the FBI to track down the terrorists, under the orders of the intelligence officer Steven Makrad, and he declared:

"The mission of this new security system and of its president is to scrutinize and to supervise those who try to travel to the United States, who are suspected of terrorist activities, and to forbid them from accessing the American territory." The pursuit, the accusation, the prison or the eviction thus threaten all those who would have returned to the United States, and against whom it may be established any link with a "terrorist" organization -according to determined standards- or in the case of supporting a terrorist activity, even if they hold the "green card " which attributes to them the permanent resident status and finally if they have any contact with one of the numerous associations or organizations of the Muslim world.

Directives were notified to the Gulf States and, particularly to Saudi Arabia through an American group composed of ten people in charge belonging to the finance and foreign affairs' ministries and to the national security's council, and through other canals as well. The objective is to put an end to the activities of the national charitable and humanitarian associations outside the Saudi Arabian borders and to limit the charities and aids' movements by subduing them to the control and the direct management of the intelligence services and the interior ministry, and to gather them in an institution under the direct influence of the government. On this base, and after numerous secret or unofficial negotiations during more than a year, two official representatives of both countries had declared in a press conference that the collaboration between both countries reached the highest degrees and that several new offices of "the Institution of both holy places" were closed for having suspect activities.

Indeed, we can read the emitted directives by the Arab organism of the Saudi bank, at the beginning of December 2003, which establish 34 indicators of the terrorism financing, calling to the supervision and to the vigilance facing to individuals, institutions, and owners of deposits and banking operations designated by one of these indicators. The list hereafter, strengthened the control of the associations and non-profit charitable institutions' activities. Thus are the indicators such as published by the Saudi daily paper "El Watan" in its edition of 7-12-2003:

The accounts:

- 1- The accounts which receive regular deposits and remain inactive in the others time. These are accounts used as legal showcase for a non-admitted financial use which could allow auxiliary hostile activities.
- 2- A non-active account, containing a derisory sum but which receives suddenly a sum or a series of sums followed by daily operations of withdrawal which continue until the transferred sum is completely removed.
- 3- While opening the account, the customer refuses to supply the information requested by the financial institution and tries to decrease as much as possible the information that he presents, or submits fallacious or hardly believed information.
- 4- An account for which the signatures of several persons are accredited and of which it would seem that there is no relation between them (family or commercial relation).
- 5- A current account opened by an establishment or an institution, which possesses the same address of another establishment, or an official institution having the same person(s) accredited to sign while there would be no visible economic or legal reason for such an arrangement.
- 6- A current account held by a recently established constitution that knew a movement of deposits superior to the estimated level in comparison with the incomes of the establishment's founders.
- 7- The opening of several accounts by only one person, in which will be stored small sums with their total amount, added together, is superior to the estimated incomes of the client.
- 8- A current account held by a legal establishment connected to the activities of an association or a charitable institution, which the objective is associated to claims, or demands of a terrorist organization.
- 9- A current account held by an establishment or a non-profit charitable association could be bounded to a terrorist organization, or in which the financial movements seem to be bigger than the estimated level of incomes.

#### Deposits and withdrawals:

- 10- The deposits resulting from a commercial establishment and containing a set of financial instruments considered as being usual in the activity of the establishment (example: deposits

containing a mixture of checks corresponding to commercial payments, wages, and social insurance).

- 11- Considerable financial withdrawals of a commercial account not usually followed by financial actions.
- 12- Considerable financial deposits in the account of a person or of a legal establishment when the commercial activity of the person or of the establishment is usually made by means of checks or other forms of payment.
- 13- A mixture of money with other financial instruments in an account where it would not appear that its operations are connected to the usual use of the account.
- 14- Several operations realized in the same day and in the same agency of the financial institution with a visible attempt to use different agents.
- 15- The formation of deposits through several agencies of the same financial institution or through a group of people who return to the agency at the same time.
- 16- The deposit and the withdrawal of a sum of money which approaches the defined limits of the suspect operations or which require a description.
- 17- The presentation of a sum of money not counted for an operation. And during the calculation, the operation is noticed in decline towards an amount slightly lower than the defined limit of the suspect operations or which require a description.
- 18- The deposit or the withdrawal of several financial instruments with sums which get closer to the defined limits of the suspect operations or which require a description and more particularly if these instruments possess numbers of the same series.

The electronic transfers:

- 19- The electronic transfers of small sums in an attempt to avoid reaching the defined sums of the suspect operations or which require a description.
- 20- The electronic transfers through and towards a person not including information about the source of the transfer or about the person having made the transfer whenever the supply of information is required.
- 21- The use of several individual and commercial accounts or the accounts of non-profit or charitable institutions in order to collect money, and transferring it quickly or after a short period towards beneficiaries abroad.

22- Transactions of foreign stock exchange made by a person delegated by a client, followed by electronic financial transfers towards destinations without commercial relation with the client, or towards suspect countries.

Peculiarities of the customer and his commercial activities:

23- Sums realized by a sales department belonging to individuals of the same establishment or the association of several persons of the same establishment originated to suspect countries that work in subcontracting for similar signboards of commercial establishments.

24- Sharing the same address by several persons that make financial operations, in more precisely, when the address is the same of a financial institution's signatory or when it does not appear that it corresponds to the declared function office.

25- The declared function regarding the operation does not correspond to the level or the nature of the activity (example: a student or an unemployed worker who would receive or would send a large number of financial transfers or would withdraw daily an equal sum on the verge of daily withdrawal from several places in a big region).

26- Regarding the charitable or non-profit institutions, the financial operations that would not fit with a logical economic purpose and in which the connection between the indicated activity by the institution and the other parties of the operation would not appear.

27- The opening of a deposits' safe in the name of a commercial establishment when the commercial activity of the customer is not known or when the justifications to use the deposits' safe do not appear.

28- The opaque conflicts following an operation identifying an identity or to make sure of its identity (such as the country of the previous or current residence, the country where the passport is delivered, the countries where he went according to the passport and the documents supplied to clarify name and date of birth).

29- The operations including the modification of foreign operations followed up in a short period by financial transfers towards suspect regions/countries (like countries designated by the national authorities, the countries and the regions that do not cooperate as designated by the financial workgroup, etc.).

- 30- The follow-up of deposit operations during a short period by electronic transfers and particularly from or towards suspect regions/countries.
- 31- A bank account in which a great number of transfers coming in and out is realized without appearing a commercial or economic logical reason and particularly when this transfer are made from or towards suspect regions/countries.
- 32- The use of several accounts for the fund collection, and their transfer afterward towards a small number of payees by individuals or companies and particularly when these transfers are made from or towards suspect regions/countries.
- 33- The client's possession of an affiliation's instrument or his use of commercial financial operations containing funds resulting from suspect regions without the evidence of logical reasons to operate with such regions.
- 34- The opening of accounts for financial institutions that operate in suspect regions.

What is the definition of suspect operations? Can the Ford Company or the J. Carter Company follow the movements of each organism operating in the southern countries? Is it possible to deprive a European charitable institution of taking care of the wounded, or to ask them to fill set forms in private hospitals that they finance? How to make the distinction between the various victims: between a man with beard, a woman with scarf, an orphan who lost his father in a suicidal operation, without falling in the misdemeanour of racism or selectivity? Is it the duty of the non-governmental organisations to shift into right political organizations, which adopt the strategies of the American administration's action in order to avoid becoming suspect?

In a terrain study realized by an Arabic human rights activist for a foreign institution, he found that only twelve non-governmental organizations of human rights in the Arabic world could survive by their own means if the European or American financing ended. According to this study, the tendency to the financial dependence is reigning in the centres of human rights, which increased the number of their employees and their expenses without preliminary studies. These organizations would have become hostages of several foreign considerations to the original reason of their creations.

Thanks to studies realized by several researchers of various Arab countries under the aegis of the "Arab Commission for human rights", we were able to notice that the humanitarian and charitable organizations represent, today, the only profile capable of self-management and

administrative and financial independence. The reason of this independence resides in the fact that these organizations benefit from financial support as well of the people behalf, and as of the important number of rich and benefactors. Thus, they established the only structure capable of exceeding the relations of associations towards elevated relations between human beings, which allow the involvement of the civil society, and allow without restrictions the better existence of non-governmental organisation. Is the American project of the "Big Middle East" asking, of that sort, to manufacture a civil society that corresponds to the needs of the American administration, under its only authority and with the only financing of its institutions? What is hence, this model that the American administration is proposing, through the local Arabic governments, to organize the work of the humanitarian and charitable organizations? Does it resemble to the American and European models? It is clear that the next Saudi model is a laboratory with a wider operation of assaults against non-governmental organisations in the Muslim world. No matter how much it seems curious, the project of the statutes of "the Saudi national Organism of aids and charities for the foreigner" is a true copy of the Sports Union's project in the Syrian and Iraqi States, under the reign of the Baath political party... that was thirty years back. Indeed, in 1968, the Baath party had decided to nationalize all the sporting clubs. In order to do this, it emitted a decision of dissolution of all the national sporting clubs and created a union under the governmental authority to conduct the creation of new clubs, which had to ratify names, objectives, managements, and decided budgets. Then the logic of the unique party penetrated with its political police and its ramifications into the sports life. The example of what made the son of Saddam Hussein of the sports institution in Iraq, characterizes the dangers of the authority's monopoly in a constituent domain of expression's spaces, in societies where the expression is a domain where it is necessary to give somebody an account.

It is obviously useless to go into big analyses in order to notice that the proposed text as well as the experts' observations, involve a concrete operation of killing the spirit of initiative, the quality of independence, and the aspects, which constitute the strength of the charitable organization's concept. Because, the majority of benefactors who carry out in this domain charitable works and participate in the non-governmental action, are only doing them because they have lost confidence in all governments. How can they continue to participate in charities, in these new conditions, while the governmental institutions lost the confidence of the citizen?

Our current misfortune is that the press of Beirut (including the daily paper El Hayat) had unanimously condemned the factories and sporting clubs' nationalization, and the closing of cultural clubs at the end of the seventies in Syria, while there is practically nobody to denounce these current impoundments and nationalizations in the Saudi Arabian Kingdom, and whereas this new task is carried under the cover of a worldwide campaign against terrorism which steers the first superpower followed by the frightened politicians, the conformist media, and all of those, among researchers and activists, who have fear of it.

Let us be more sincere and more precise and let us say it clearly: the problem cannot be summed up to an extremist American administration facing governments with no slightest legitimacy. The phenomenon of non-governmental organizations is the peaceful revolution involving, in term of secularization, the most threats for the centres of power. Because it establishes the biggest gathering of the organized society that considers the decentralization as one of its progress factors, it becomes difficult to control it by any dictatorship of money, weapons, oil or ideology. It also establishes the only field where the abduction of the private initiatives is useless; whatever are the repressive politics and the offences against the liberties. Moreover its motives are the only capable to exclude the violence, to humanize the relations between humankind, and to create a climate of tolerance and acceptance of the other, without the presentation of this situation in its program. Therefore, even if the purpose of the non-governmental organization consists in improving the conditions of the needy people, in taking charge of prisoners, in rehabilitating victims, or in distributing medicines or flour, its first legitimacy results from its capacity to produce the scientific and intellectual dynamics and to protect the essential transparency for its credibility, in both of the local society and the international community. It also establishes an excellent performer and an essential part in the conception of the future projects, in the operations of fast transfers of sovereignty, domination, and the local, regional, or worldwide centres of power. Then, any dramatization or aggression against the reasons of this experience means that we decided to stay outside the History's arena and the essence of our epoch.

Before the kill

In an article on humanitarian and charitable associations published in the daily paper Echarh El-Awsat in its edition of the 26-10-2002, entitled "a whole combination of truths about humanitarian and charity's work", it is explained in the first place, that the fact to do good is [a right] among human rights. It thus constitutes a right to the one who activates and gives all, as well as to the one who receives the donation (more particularly in an epoch when the States' rights are flouted as much as the human rights). In the second place, great parts of contemporary humanity are

destroyed by famine and poverty, and the human duty requires of those who have the possibility to save as much people as they can from the claws of famine and misery. In the third place, charity is an essential source of good and humanism, and one of the important religious sources of the Islam. Among the essential theological proofs of this role is that one of the loss's reasons in the beyond realm, is the renunciation to the prayer and to feed the necessitous. In the fourth place, the author considers that this task constitutes the symbol of our civilization's renaissance which links our present and our past, and allows the past heritage to become the base of a human civilization which would shine in the present and in the future. So the author gives several arguments until he quotes, the seventh point, where he shows the humanitarian and charitable action as being opposite to the anarchy or the arbitrary power, and that this truth imposes - because of the working logic - [an architecture of the charitable action]. Thus an architecture, accuracy and maturity are demanded, excluding any cancellation and any rejection. Because rejection of the charitable action aims [to reject the reasons which urge the people to do good], it would be far from representing a mature task and would be anyhow unrealizable.

This conclusion is probably the first and the most important lesson that the defenders of the security solution in FBI and inside the kingdom of Saudi Arabia ignore, because there is no charitable action without pollutants or errors. The whole world still remembers how the League against the cancer in France, almost disappeared a decade ago because of its president's embezzlement and bad management, while it was one of the most powerful charitable associations. One's bad management or the infiltration of many ill-intentioned persons cannot lead to the stopping of an action which aims huge domains in the society. In France, the director was judged, new elections took place for a new executive board with a new director, and the association was able to live again, and pursue its mission of public utility. The prompt dissolution of all the associations and the implementation of an official authority to defend itself and to obtain the good graces, and the title of good student on behalf of United States is nonsense. Isn't it dramatic that an American person in charge congratulates himself for detaining more than six hundred prisoners are in the Saudi prisons (without justification)? That the American politicians remain silent about the fact that the symbols of the peaceful constitutional reform, Dr Abdullah Al-hamed and the Dr Matrouk Al-faleh and the poet Ali Eddimini remain held without judgment and without apparent reason? It is also the case of Dr Saïd Ibn Mobarak AL-ZAIR. Is this the " Big middle east» where we should enjoy the democracy?

We are facing a serious infringement of the society's right to create its own associations of voluntary work with the free designation of their

objectives, their executive boards which presume their exercises' results, in front of the law and their members. The decision of the implementation of "the national Saudi organism of foreign rescue and charities" as well as the cancellation of organisms, institutions, charities and committees forbidden by a royal order, under the authority of the presidency of the cabinet mean the killing, in broad daylight, of the society initiatives and the participation of the individuals in the public affairs. It partially constitutes a politic of edification of a contemporary absolutist State, having the satisfaction of the current American administration as the only reason of its existence. Besides, its internal methods are in complete contradiction with the spirit of our epoch and the imperatives of political, social and economic reforms.

We should finally specify that the choice of the direct confrontation, with the peaceful and organized expressions in the society, will inevitably lead to the increase of the pressure on its members. This will let in, understandably, the non peaceful means of expression.

If the objective was to fight the violence and the terrorism, the adopted method, inevitably strengthens the accumulation of violence in a society in rupture with the political power which lost its confidence a long time ago.

#### Appendices

Memorandum of the Saudi Cabinet experts' group

In the name of God the Clement and the Merciful

SAUDI ARABIAN KINGDOM

N: 410

Group of Experts of the Cabinet

Date :27 /12/ 1424H.

Appendices :

#### MEMORANDUM

- object:

File relating to the Project of statutes, of The national Saudi Organism of foreign rescue and charities passed on the 27/12/1424 H. under the n°3519 by the Cabinet council general commission to this Commission's experts' group in application of its Recommendation N 533 emitted the 25/12/1424 H.

#### STUDY AND DISCUSSION:

The debate of the 25/12/1424 H. within the Cabinet general commission essentially concerned the following points:

- 1) The exclusion of all governmental authorities mentioned in the articles of Statutes;
- 2) The discussion of the paragraph 11 of the article 8 of the Project of Statutes after the suppression of the governmental authorities mentioned in this paragraph;
- 3) The following addendum in the paragraph 1 of article 13: "that the donations' distribution is in accordance with the concerned countries'

legislation» and the suppression of the word "small" in the same paragraph;

4) The necessity of a regular authorization for all the charitable associations;

5) The lack of precision of the Statutes' project about (regarding) the modalities of designation of the Organization's authorities leaders: president, vice-president, secretary general, council;

6) The publication of The national Saudi Organism of foreign rescue and charities statutes' project that must be the subject of a Royal order. What is the necessity of passing on this Project for opinion to the Consultative council (Majlis ash-Shûra)?

7) The legal nature of the NGO called «Organization of Islamic Aid " affiliated to the " World Islamic League " which collects donations inside the Kingdom and inside the " World Assembly of Muslim Youth (WAMY) ", and the conditions in which the " Organization of Islamic Help " and the " World Assembly of Muslim Youth (WAMY) " collect donations inside the Kingdom.

The group of experts, after re-examination of "The national Saudi Organism of foreign rescue and charities " statutes' project -within the Cabinet general commission- came up to the following conclusions:

1°) the exclusion of all the governmental authorities mentioned in the Project of Statutes and the revision of the articles which mention it, in accordance with the determined objectives of this Organization.

The Experts' group proposes that the Royal order that must create " The national Saudi Organism of foreign rescue and charities " contains the following arrangement: the specialized Commission mentioned in the Statutes of " The national Saudi Organism of foreign rescue and charities " consists of representatives of the Direction(Management) of the general Information, the Home Office, the Foreign Office, the Exchequer and the Ministry of the Islamic Cases, the Wakf(s), the Preaching and the Guidance;

2 °) the revision of the paragraph 1 of the article 13 of the Statutes' project as follows: the donations and the aids handed over by the Organization to charitable associations and centers are submitted to the concerned States' legislation [10]. They cannot be directly handed over to individuals, private institutions or to non authorized associations. And the suppression of the term "small" in this paragraph;

3 °) the revision of articles 4 and 5 of the Statutes' project as follows:

a) The organism is endowed with a council of 53 members which names appear in the Statutes secondary Report, the organism's president and vice-president being also the council one's;

b) It is provided to any seat become vacant for any reason by the council itself, on his president's proposal.

The organism's President, Vice-president and Secretary General are appointed according to the article 4 become after his revision the article 5 of the Statutes' project;

4 °) Concerning the legal situation of the Organization of the Islamic Aid affiliated to the World Islamic League as well as the World Assembly of Muslim Youth (WAMY)'s legal situation and in particular concerning the donations' collection inside the Kingdom, the experts' Group notices that these two Organizations are registered international organizations in the list of the organizations recognized by the UN. As such, they are not concerned by the paragraph 2 of the experts' group 's report n°384 of the 3/12/1424 H. which foresees the suspension of the activities of all organizations, foundations, charities and all charitable committees and informal Groups -governmental or national or private Saudis-, in spite of the possibility recognized to the kingdom's authorities to regulate their activities when it is about the collection of the donations with the aim of their distribution abroad, this privilege arising from the national Sovereignty.

That is why the paragraph 6 of the Experts' group's meeting report n° 384 of the 3-12-1424 H. proposes that the future Royal decree would contain a paragraph forbidding the collection of the donations for abroad to every individual or corporate body without the official authorization of " The national Saudi Organism of foreign rescue and charities " and the agreement of the specialized Commission. This banning also concerns the Organization of the Islamic Aid and the World Assembly of the Muslim Youth;

5 °) Certain institutions, foundations, charitable association and certain charitable committees and informal Groups as the "Al Haramain Islamic foundation" (Charitable Institution of both saint places) not having been created according to the law, the Experts' group proposes that the future Royal decree creating " the Saudi National Body of Help and Charitable Action to the Foreigner " would include a paragraph providing for the dissolution of all the institutions, foundations, charities and all the charitable committees and informal Groups created without official authorization, the experts' Commission charging of define all the capacities necessary for the actual application of this decision;

6 °) Concerning the statutory device conditioning the creation of " The national Saudi Organism of foreign rescue and charities " and its Statutes and the preliminary discussion of the Statutes' project by the Consultative council (Majlis Ash-Shûra), the Experts' group thinks that the Project already approved by the consultative council at the end of its Opinion n° 24 / 39 of the 20-5-1424 H. basically foresees that the future organism would be the High regulatory Authority on all organizations, foundations, associations, charitable committees and informal groups and the other

bodies devoting to charitable and aids 'activities abroad because the Royal decree n° 7B / 52300 of the 5-11-1424 H. foresees that the organism practices itself and directly the charitable and aids' activities abroad. This organism's statutes' project was conceived as the national charitable organization' one, but without being the same regarding to its authorization's modalities, it can rather be assimilated to the private charities authorized by royal decree in reference to the paragraph 2 of the art 25 of the associations and charitable foundations' status adopted by the cabinet decision n°102 of the 25-6-1410H. It stipulates: «Contrary to the clauses of paragraph 1, the present Order's terms do not apply to the private charitable Foundations authorized by royal decree ". Consequently, the Experts' group thinks that the Statutes' project must not be inevitably submitted to the discussion of the Consultative council (Majlis ash-Shûra), this one not being subjected to the dispositions which apply to the organization of the state administrations. Moreover, the publication of the Organism's Statutes according to the procedure applied the state administrations would confer on it an official status, what enters in contradiction with the objectives assigned to this Body. The creation of the Organism by Royal decree does not disrupt its nature of non-governmental organization, the royal decree being considered in that case as a simple official authorization of creation. There is no necessary relation between the statutory device authorizing the creation of a legal entity and the legal character of this one. Therefore, the Experts' group thinks that the Project would be transmitted to the sovereign Authority for the possible publication of a Royal decree which would stipulate:

1 °) the authorization of creation of a charitable Body called: « The national Saudi Organism of foreign rescue and charities " governed by the enclosed Statutes;

2°) the suspension of the activities of all the organizations, foundations, charities, national or private Saudis charitable committees and informal groups acting abroad, and the integration of their activities within " The national Saudi Organism of foreign rescue and charities ", this one exercising the privileges from the creation of its council according to a program elaborated for this purpose. It is up to the council to create a commission made up of members stemming from organizations, foundations, charities, charitable committees and informal groups, to manage the current charitable activities abroad and this after the specialized commission's approval;

3 °) the establishment by the specialized commission of the list of the Saudi leaders of organizations, foundations, associations, charitable committees and informal groups which exercise at the moment their activities abroad as well as Saudi personalities known for their action in the field of the charitable activities abroad and considered reliable to

propose to the sovereign Authority their candidatures to the organism's council;

4 °) the ban on estimating the donations and the foreign aids for any governmental authority without referring at first to the sovereign authority to receive the necessary directives from it;

5 °) the transfer in the organism of all the fundamental documents, the possessions in cash or in kind, the furniture and buildings, relative to the charitable action of the organisms, foundations, associations, charitable committees and informal groups abroad, the transfer of their accounts and their meeting in a unique organism's account as well as the repatriation of the Saudi people in charge of these organizations according to identified needs of " The national Saudi Organism of foreign rescue and charities"

6 °) the definitive banning inside the kingdom on the accounts receiving the donations for abroad as well as the ban on collecting of such donations by physical or moral persons without an authorization in due form delivered by the Organization and without an approval of the specialized commission; As well as the ban made for every person or national or private entity on exercising a charitable activity abroad or to bring aid in cash or in kind to any person or foreign entity without passing by the Organism. The competent authorities will punish severely any violation of this ban;

7 °) The experts' Commission commits of applying these dispositions by the implementation of an ad hoc device which will be in charge of the regulation of the disputes of organizations, foundations, associations, charitable committees and informal groups exercising at present charitable activities abroad, and of the integration of these activities in the organism according to rules and already clarified principles, by requiring the collaboration of the people in charge of each of these organizations for the regulation of the problems concerning it and by resorting to the services of one or several attorney accountants;

8 °) the dissolution of all the bodies, foundations, associations, charitable committees and informal groups created without official authorization, according to the specialized commission's decision;

9 °) The specialized commission foreseen in the Organization's statutes' project and in the present Note consists of representatives of the Direction of the Intelligence service, the Home Office, the Foreign Office, the Ministry of finances and the Ministry of the Islamic Cases, of Wakf(s), of the Preaching and the Guidance.

The National Saudi Organism of foreign rescue and charities' Project of statutes

In the name of God the Clement and the Merciful

SAUDI ARABIAN KINGDOM

The experts' commission of the cabinet

## Chapter I:

Corporate name, form, seat, and objects of the organism

### Article 1:

The national Saudi Organism of foreign rescue and charities is a national organism which has the status of legal entity. It is the unique concerned part, and in an exclusive way, by all charities and aids abroad.

### Organism seat

### Article 2:

The national Saudi Organism of foreign rescue and charities has its registered office in Riad. It can also open sections and offices in the kingdom of Saudi Arabia and abroad.

### Organism's objects

### Article 3:

The objects of the national Saudi Organism of foreign rescue and charities, in the limits which foresee the present statutes and in agreement with the rules and the prescriptions promulgated for their execution.

## Chapter II:

The administrative and financial organization of the organism

### Direction of the organism

### Article 4:

A-The Organization will be endowed with a council, composed of fifty three members whose names are précised in the declaration joined to the present statutes. The president of the organism will take the function of chairman and his vice-president the function of vice-chairman.

B-If the post of one of the members of council is vacant whatever reason it is, a new member is appointed by the council on his chairman's proposal.

### Article 5:

The organism is endowed with a president, a vice-president and a Secretary General chosen by the council for a renewable period of four years.

### Article 6:

The chairman is in charge for the application of the organism's council's decisions, to assure the organism's management and to exercise the prerogatives indicated in his regulations.

The vice-president assists the president in making his functions and exercises the activities with which he loads him and replaces him in case of absence.

The employees in the organism are appointed among the Saudis, after agreement of the specialized commission.

### Article 7:

The Secretary General of the commission is in charge of supervising the organism's daily activities, of representing it with the judicial authorities,

the official and other institutions and of exercising the privileges indicated by the organism's settlement .

Competences and modalities of meeting of the organism's council

Article 8:

The council takes care to establish the organism's general policy, to work for in the realization of its purposes, to supervise its actions, to follow their application and to adopt rules and processes that allow the organism to suitably assure its action.

In this context, it is up to it - for instance- to do what follows:

1- To establish the administrative and financial policies and procedures necessary for the organism's activity.

2- To Adopt the aid and charitable foreign activities policies and strategy.

3-The amendment of the inspectors' report about the public budget's annual accounting and the Organism's final accounting and to express an opinion in anticipation of their transmission in four months following every fiscal year at the specialized commission for its consent.

4-Permanent or temporary commissions' implementation, according to needs, to study what the council considers as recovering from its privileges.

5-The annual report's approval of the organism's works in anticipation of its consent by the specialized commission.

6-The approval of the organism's budget.

7-The creation of the organism's sections or offices in the Kingdom or abroad, and the commitment of the necessary procedures to obtain, for that purpose, declaration of the concerned States.

8-The appointment of a registered chartered accountant to follow through and the review the organism's accounting, and its fees' estimation.

9-The proposition of the organism Statutes' modification and its transfer at the specialized commission for approval in accordance with the statutory procedures.

10-The organism accounts opening's approval inside the country and abroad.

11-Processes' implementation for the donations and the aids' transmission to external parties in anticipation of their consent by the specialized commission.

12-The planning on the presentation of the organism's actions in the local and foreign media.

13-The approval of the organism's participation in other international organizations and organisms in accordance with the applied statutory procedures.

14-The implementation of clarified financial and countable processes, in accordance with the recognized standards, allowing the organism the

pursuit of the decided missions while protecting it of any overtaking and maladministration, in anticipation of their approval by the specialized commission.

15-The authorization to collect donations, after agreement of the specialized commission.

16-Donations, Wakf, and offerings' acceptance.

Article 9:

A- The organism council's session takes place - during six months following every financial year - under the chairmanship of the president, the vice-president, or the president's substitute in case of absence of the vice-president. The council can be called to hold the other sessions at the president, vice-president or at least ten members of organism's council's request.

B-The council's session takes place, in accordance with the settlement, in the presence of the absolute majority of the members. If however this quota is not reached the council is convened to another session that can take place with at least fifteen members. The meeting of the council with at least fifteen members is allowed, in emergencies appreciated by the president of the session.

C-The council's decisions are taken with the absolute majority of the present members' votes.

D-No member of the council can take part in the vote, if he has any interest in the decision.

E-The organism's council cannot broach any question other than those registered on the agenda without the majority of the present members' authorization.

F The council's session takes place in the organism's registered office or in quite other place if this place is mentioned in the summons sent to the members.

G-A member cannot replace an absent member in the Organism council's sessions.

H- The Organism council's decisions are in a register intended for the council's sessions, in which are mentioned the present members' names and the number of vote obtained for the decision, signed by the president of the session.

Article 10:

An executive committee is established. It is made up of the chairman, its vice chairman, the organism's Secretary General and eight members chosen among its members by the organism's council. Its mission is the organism's business management of the Body according to the competences that confers it the organism's council.

Article 11:

The organism's financial resources consist of:

- The donations collected by the organism
- Zakat and charities that offer individuals or others
- The donations that offer individuals, organism, companies or others to the organism
- Wakf, donations, offerings, and other charities specific in the Organism
- The organism's profits of investments
- Any other resource approved by the organism's council.

### Chapter III:

#### General capacities

##### Article 12:

Every three months the organism makes a list of the sums spent for charities and aid actions abroad and passes it on for revision to the specialized commission.

##### Article 13:

1-Aids and donations offered by the organism are limited to associations and centres officially authorized by the States where they are, and according to the rule of these States. The aids and the donations cannot be intended for the individuals, the private foundations or the non-authorized associations.

2-For emergencies the organism can work in coordination with the Saudi Red Crescent association when it works on aid actions abroad, to benefit from opportunities granted to the association.

3-The association must work in coordination with the official parts concerned in countries in question, through the kingdom's embassy in the profitable State of the aid, to allow the aids' arrival to the parts officially recognized by the State in question.

##### Article 14:

The organism concentrates, in the aids and the donations that it offers, on the execution of defined and known projects and programs and works to spend these aids and donations on terms to facilitate the follow-up. It also works to limit the support brought to the budgets and the administrative expenses of any part in it.

##### Article 15:

The Organism manages all the operations of financial expenses and incomes the returned in accordance with the rules and the directives used on the kingdom, respectfully of the fact that all its operations, expenses, and transfers, made by means of checks in the name of the concerned parts, are limited to the first beneficiary and are deposited in his account. Moreover, the organism does not operate in cash, except what is spent in the form of receipts of collection connected with checks, during the financial year.

Tables and communiqués of certain charitable institutions' realization

According to the book "The charitable sector and the complaints of terrorism ",

Of the Dr. Mohamed Benabdellah Es' Salloumi

Appendix (A):

Table representing the institutions from which some communiqués and statistics emanated:

Institutions	Principal registered office	Period relative to the communiqués and the statistics
World Assembly of the Muslim Youth	Saudi Arabia	1418- 1422 H
Sheihk EID bin Mohammad Al-Thani Charity Organization	Qatar	2000- 2001
Qatar charitable society	Qatar	1999-2000
Institution of the Islamic Meeting	Great Britain	1408- 1423 H
Institution Islamic Wakf	Holland Saudi Arabia	1412- 1421 H
Al Haramain Islamic foundation	Saudi Arabia	1421- 1421 H
The International Islamic charitable Organism	Kuwait	1401- 1422 H
Commission of Africa's Muslims	Kuwait	1401- 1422 H
Organization of Islamic rescue	Saudi Arabia	1421- 1422 H

Remarks:

Most of these charitable institutions originating from countries of the Gulf's Economic council do not possess capitals in Wakf or investments based on Wakf(s). They count in the first place on the annual donations and Zakat. This is in contrary to the similar western institutions that are bound one way or another to institutions of Wakf (Endowments and Trusts) and which role is to endow and to support the active charitable and humanitarian institutions.

Appendix (B):

Table representing some programs and projects of some Islamic charitable institutions quoted in the appendix (A)

P	Projects and programs	Number	Amount in Dollars
1	Mosques	127 423	126 000 000

2	Education	336 3	133 000 000
3	Grants	122 489	45 266 788
4	Students' loans	562 430	26 000 600
5	Individuals' rescue	504 5 430	285 000 000
6	Medical encampments	506	26 000 400
7	Eid's meats	705 342	21 000 900
8	Sick' s care	789 1 342	107 4 520
9	Wells and drinking water	869 7	36 000 000
10	Meals of the Iftar	45 000 000	46 000 600
11	Orphans' aid	102 686	49 000 000
12	Non educative social centers	817 1	63 088 381
Total		863 874 776	

Remarks :

These statistics are only a simple summarized example, extracted from some reports published by charitable Islamic institutions. In a way, they reflect an image of what these institutions offer to the Humanity, in matters of support. This support is, obviously, at such levels that the distinction of the global positive role that occupy these institutions during the catastrophes, and on the scene of disasters and crises in the world becomes difficult. However, these statistics express well enough the humanitarian and charitable role that these institutions suitably assure.

These statistics include nine institutions and Islamic charities, with reports that were available despite of their capacity and volume of activity. Among their main characteristics, is the fact of having a real presence at the level of the international community. Therefore, these statistics are far from supplying precise measures but, it remains that they get serious indicators which demonstrate the volume of the participations that were internationally the product of certain Islamic charitable institutions, during various reports of these institutions, for various years.

Committee on International Relations  
U.S. House of Representatives  
Washington, D.C.20515 -0128

Statement of the Honorable Ileana Ros-Lehtinen  
Hearing on Saudi Arabia and the Fight Against Terrorism Financing  
Wednesday, March24 , 2004  
Rayburn2172

Since the horrific events of September11 th, we have been confronted by the undeniable fact that fifteen of the nineteen terrorists who caused this

act of mass murder, were from Saudi Arabia. Because of this, it is our duty to examine what the Saudis have done, are doing now and what they will do in the future to prevent this kind of tragedy from ever repeating.

We want to gain an understanding of how Saudi Arabia is working to repair a system that many say was broken or at the very least had grown out of control. Moreover, we want to understand what our own government is doing to help the Saudis close down the network that facilitated the implementation of the September 11 th terrorist plot.

I must say, however, that there are great concerns on this Subcommittee, and I would say in Congress in general, over the extent of Saudi cooperation in this fight and, specifically, the Saudi role in the financing and abetting of terrorist groups in general.

Having said this, I am pleased that the United States and the Saudi Government have set up two task forces, one to counter terrorism and the other to counter terrorism financing. I am also pleased that the Saudi Government is closing down charities and controlling the collection of the Zakat, or charitable donation, that is so important in Islam. Yet, I am concerned that there are some red lines beyond which it might be impractical or even impossible for Saudi officials to cross.

Moreover, I fear that the sheer size of the financing effort and the extent of the financial enterprises have created a self-sustaining enterprise for many of these groups. It is quite possible that this aid from the connections in Saudi Arabia have set them upon the path to financial independence, irrespective of any future Saudi help.

Terrorist connections through businesses, social service institutions, schools, mosques, and charities, in some cases opened in the West, allow them to continue their terrorist operations against us on multiple fronts.

The mixing of charitable work with terrorism is a cowardly and cynical misuse of trust dedicated to destruction. This combination only complicates the search for the assets that fund terrorism, blurring the target for U.S. and allied investigators.

I realize that this fight is ongoing and difficult. I also realize the sensitivity involved. Americans, however, are worried that while their government is telling them that Saudi Arabia is a great friend, they see Saudi-originated charities still operating around the world supplying the seed money for attacks against the U.S. and our allies. There are also charities like the Al-Haramain foundation, that act as umbrella groups for other charities and have overseas offices. Only recently, the United States closed down one branch of this group in Oregon.

These charities must be shut down and their infrastructure purged to prevent re-emergence in a different form.

Americans also are rightly concerned about the proliferation of anti-American statements coming from Saudi and other imams encouraging terrorism.

It will be important for us to learn of Saudi actions regarding the reforms being undertaken in the Mosques, both in the education of the Imams, as well as the ban on the collection of the Zakat.

It is important too, that Saudi Arabia stop the flow of funds to Hamas. This violent terrorist group has killed almost three hundred Israelis in more than 50 homicide bombings over the past several years. If the money is not provided officially, as is claimed, I believe it is necessary to stop it on the private level as well. It is in our common interest to prevent this violent group from getting the funds to commit murder.

I want to believe that the Saudi government is sincere when it says it is intent on stopping Al-Qaeda. I also want to believe that they are sincere in stopping the money flow to them. I do, however, want to see the results of their actions. Simply put, Saudi Arabia must be a part of the solution to this vast problem, not a participant.

I hope the witnesses today will fully speak to the concerns of this Subcommittee. I believe that we will have a great number of questions to bring to your attention.

Committee on International Relations  
U.S. House of Representatives  
Washington, D.C.20515 -0128

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
INTERNATIONAL RELATIONS/SUBCOMMITTEE  
ON THE MIDDLE EAST AND CENTRAL ASIA

“SAUDI ARABIA AND THE FIGHT AGAINST TERRORISM  
FINANCING”

DEPUTY ASSISTANT DIRECTOR THOMAS J. HARRINGTON  
COUNTERTERRORISM DIVISION  
FEDERAL BUREAU OF INVESTIGATION

MARCH24 ,2004

Thank you Mr. Chairman and Members of the Subcommittee for the opportunity to testify about terrorist financing issues, and in particular, as they relate to our joint efforts with the government of the Kingdom of Saudi Arabia

The number one priority of the FBI is to identify terrorists' activity in sufficient time to disrupt their operations. To do this, all intelligence and law enforcement investigative and analytical components must be strategically utilized in a cohesive manner. This belief lies at the heart of the FBI's reliance on, and commitment to, the interagency partnerships we have forged through our Joint Terrorism Task Forces (JTTFs). With intelligence collection and exploitation as our principal focus, and criminal investigative authorities as a vital tool, the JTTFs represent the fusion of skills and authorities our nation needs to combat terrorism in the United States. Information sharing and interagency cooperation are critical parts of this effort; however, partnerships within the United States will only succeed if they enjoy the support of our many friends and partners throughout the world. The FBI is committed to these international partnerships and recognizes the critical role they play in our ability to develop actionable intelligence.

Beginning shortly after 9/11/2001, the FBI created its Terrorism Financing Operations Section (TFOS). Its mission is to identify and disrupt world-wide terrorism financing activities. Through joint initiatives and partnerships with other U.S. and foreign intelligence services, we have realized significant results which include the prevention of specific acts of international terrorism. Denying terrorists the financial means to carry out acts of violence is an integral part of the FBI's commitment to

countering terrorism and is an area where we have realized significant success.

The FBI's long history of success in combating complex financial schemes in the areas of corporate fraud; financial institution fraud; and illicit funds transfers/money laundering schemes of drug traffickers are being successfully applied to the international terrorism arena.

## **U.S. - SAUDI COOPERATION**

The Kingdom of Saudi Arabia is an important partner in this international effort and has taken significant steps to deter global terrorism. There is more that can be done to further this relationship; however, the steps that have been taken thus far are very encouraging and promising. For example, since 9-11, Saudi Arabia has questioned thousands and arrested more than 600 with suspected ties to terrorism. Cooperative counterterrorism efforts increased notably after the Riyadh bombings on May 12<sup>th</sup>, 2003 when the Kingdom asked the FBI to send an investigative team to Saudi Arabia to assist its intelligence and law enforcement services in conducting evidence collection and post-incident services in conducting evidence collection and post-incident investigation. In this effort, Saudi officials allowed the FBI to directly participate in crime scene analysis and witness interviews, including those of Saudi citizens.

The current state of cooperation between our two countries is significant, and information sharing continues to increase in matters pertaining to al-Qa'ida. Together, we have agreed to focus increased investigative attention on identifying and eliminating sources of terrorist funding within the Kingdom and around the world. In furtherance of this agreement, the Saudis now host the Joint Task Force on Terrorist Financing (JTFTF), which is comprised of members of the intelligence and law enforcement services of the U.S. and Saudi Arabia. The JTFTF was established in August 2003, with the mission to identify and investigate persons and entities suspected of providing financial support to terrorist groups; and recommending appropriate criminal and/or regulatory sanctions to be undertaken to stem the flow of funds to terrorists or terrorist organizations. Its purpose is to more effectively utilize the intelligence capabilities and investigative authorities of its component members. Working together, we are identifying sources of terrorist funding and have initiated significant operations to address them. I cannot over emphasize the importance of this initiative and the efforts on the part of both of our countries to make it work. The FBI is a significant participant in this project and together with our partnership agencies, including the Internal Revenue Service-Criminal Investigative Division, is committed to its success.

As you will hear from my Department of State and Treasury colleagues, Saudi Arabia has greatly contributed to combating terrorist financing by joining the U.S. in blocking the assets of several designated terrorist organizations. In March 2002, Saudi Arabia and the U.S. jointly blocked the accounts of Wa'el Hamza Julaidan, an associate of Usama bin Laden who provided financial and logistical support to Al-Qa'ida. In addition, accounts of the Bosnia and Somalia branches of the Al-Haramain Islamic Foundation were blocked in March 2002, and in January 2004, the Saudis and the U.S. jointly blocked four more Al-Haramain branches in Kenya, Tanzania, Pakistan and Indonesia.

## **SAUDI FINANCING LEGISLATION**

Mr. Chairman, as this Subcommittee knows, the ability to prevent terrorist acts largely depends on the implementation of laws that permit investigative intervention. Saudi Arabia has taken several steps that greatly enhance the activities of our joint efforts to prevent terrorism financing.

Non-Governmental Organizations (NGOs) and charitable organizations serve legitimate purposes however, they can be vulnerable to abuse for use as a source of funding for terrorist organizations. The Kingdom of Saudi Arabia has put new laws in place that are designed to ensure donations to charities aren't diverted to entities other than humanitarian organizations. It also issued instructions to all institutions prohibiting the transfer of funds by charitable organizations to recipients outside the Kingdom. New rules have been codified that impact on the Opening of Bank Accounts and place new restrictions on the bank accounts of Saudi charities:

All accounts must be maintained in one single account for each charity; sub-accounts are permitted, but such an account is restricted to receiving deposits only;
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No ATM or credit cards can be issued for these accounts. All payments may be made only by checks payable to the first beneficiary for deposit in a Saudi bank;
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The Saudi Arabian Monetary Agency's (SAMA's) approval is necessary to open a bank account, the account must be opened in Riyals only, and valid customer identification is required in addition to providing the organization's license;
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No overseas transfers are allowed from these accounts, and only two individuals who are authorized by the board of a charitable organization
--

are allowed to operate the account.

Saudi Arabia has taken other actions that benefit joint terrorism financing efforts. 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. In addition, the Ministry of Labor is conducting an audit of all their licensed charities, and this requirement will reportedly be extended to their licensed charities, as well.

The Saudis have begun to establish official government-operated money remitters intended to compete directly with unlicensed money remitters such as Hawalas and other 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. Saudi private sector representatives report that the service has been a profitable business, and officials believe that it has reduced the extent to which there is reliance on informal systems. Saudi officials report that they have begun to crack down on unlicensed money remitters.

Finally, Saudi Arabia has also strengthened its regulations on money laundering by requiring financial institutions to verify customers’ identities and placing restrictions on non-residents’ ability to open accounts in the country.

## **TRAINING**

In September 2003, the FBI and the Internal Revenue Service-Criminal Investigative Division provided the first phase of counterterrorist financing and anti-money laundering training to the Saudi Arabian Government in Riyadh. The second phase of this training was held in Washington, DC in December 2003. A third such training program is currently scheduled to take place in May of this year, in Riyadh. This training emphasizes the role of a field investigator in financial crimes investigations as it relates to investigations of terrorism financing. The topics include Methods of Terrorism Financing, Initiating Investigations, Evidence Acquisition, Computer Forensics, Money Laundering, and Expenditure Methods of Proof, among others. The training also includes case scenarios, in which students participate in practical exercises to increase their understanding of terrorist-financing investigations. This training has been completely funded and supported by the State Department and the interagency Terrorist Finance, Training and Technical Assistance Working Group, chaired by the State Department, and it will directly benefit the JTFTF by focusing on methods of identifying sources of terrorist financing.

In addition to U.S. training, in February 2003, the SAMA implemented a technical program to train judges and investigators on terrorism financing and money laundering. The program is focused on training law enforcement on legal matters including financing and money laundering methods, international requirements for financial secrecy, and the methods criminals use to exchange information. SAMA provides substantial training to both the private sector and to other Saudi agencies.

## **CONCLUSION**

While the Government of the Kingdom of Saudi Arabia has taken significant steps to combat terrorism, there are still hurdles they must overcome. In addition, terrorist-minded extremists are likely to change tactics and become more sophisticated in their intelligence collection, communication and financing. The ability to identify and track terrorism-related financial transactions will continue to be vital to our mutual success. Saudi Arabia has contributed to the successful dismantling of Al-Qa'ida cells, the arrests of key Al-Qa'ida leaders, and the capture of Al-Qa'ida members in the Kingdom. I look forward to our continued partnership with the Kingdom and hope our past progress is an indication of the future steps we will jointly take.

I appreciate the opportunity to appear today and thank you Mr. Chairman and members of the Subcommittee, for dedicating your time and effort to this important issue. I will be happy to address your questions.

Why the International Bureau for humanitarian NGOs?

There is a considerable number of non-governmental institutions filling important roles in people's life, in wide regions of the world. These institutions and associations manage development, health, education and social projects highly impregnated with humanism. Moreover, because these institutions were born in countries, for the greater part in process of development, they supervise the projects of development from their countries and abroad. Besides, they encounter obstacles such as the lack of anchoring of the humanitarian action and the voluntary help in their countries of origin, and in the beneficiary countries as well, and the lack of awareness of the important role that they can play. A lack of awareness that we rather find in its native world and in the big international institutions as well.

These associations spend huge sums on the poor, the sick, the illiterates in the world, and supply drinking water, education, care, and the protection of humankind and many other social services. The volunteers and the employees who compose them thus ensure the continuation of great works in the life of the humanity. Because of their location in the southern countries, they were deprived from world-famous that would imply because of such noble actions, legal and international media

protection. They also became victims in all sorts of aggression without any valid reason other than the lack of political, media, and legal supports from which they suffer. Some reasons related to this deficit in support derive from these institutions, notably, from the fact of their exclusive preoccupation for the terrain's actions, thinking that the nobility of its important activities, and the constant need formulated by the most deprived, will insure them the legal immunity and thus guarantee a universal awareness. However, the attacks of September 11 inversed several realities and the non-governmental humanitarian actions became by then an object of suspicion, inside and towards developing countries.

That is why we launched the step, towards the creation of an international office, gathering non-governmental organisations willing to associate together in work of solidarity and mutual aid, in order to become universally known. Organizations that are willing to defend the humanitarian role that they have, to do the necessary to protect them, thus to insure the everlastingness of humanitarian aids to the necessitous, and finally to help them in the transparency of their resources and their employment.

These activities and positions get their support from institutions originated in the societies as well in the North as the South, and in all the positions that aim at protecting their institutions, activities and members of the arbitrary capacities. These naturally participated in the creation of this "International Bureau for Humanitarian NGOs " to defend their interests, to make them know and sensitize the opinion when it comes to their role in the protection of the human interests, as in what follows:

1-The creation of a recognized international gathering, according to the universal standards, whether it is in its composition or in the ways that it adopts, and the realization of this project by all legal and media ways.

2- To set up a wide field of relations with the media on the universal plan.

3- To Establish good relations with the United Nations and countries of the European Union and the European Commission.

4- Toil to obtain the support of inter-governmental organizations for the Bureau.

5- To gather a certain number of lawyers around the Bureau, in order to serve its objectives.

6- To establish good relations with states and their representatives in the institutions, and to ask for their legal, moral, and material support.

7- The publication of a periodic mail - as the informations are supplied by these institutions - to assert the charitable activities of these institutions in the world.

8- The publication of a periodic guide that will be distributed in the UN's offices and in great states, in order to assert the humanitarian role of these institutions and their will to prove more transparency.

9- Considering, as calls upon the proverb, as the man distrusts what he does not know, to invite in order to remedy, the representatives of states, which disgrace these institutions to discover their world. And to establish relations between representatives of the governments and the charities in order to create a constructive dialogue between them, susceptible to participate in the resolution of probable difficulties through civilized means, thanks to the spirit of collaboration

10- The publication of a periodical that presents the experiences and the difficulties that knew these institutions.

11- The formulation of protests to the states, to their representatives, and to the international authorities in the case of exercising pressures on the activities of the non-governmental institutions.

12- The establishment, in agreement with these institutions, of methods to make known the regions in need for humanitarian action. The transmission of information, as it arrives, to the humanitarian institutions concerning the regions in need for help.

13- The formulation of requests to the great states and to their institutions in order to provide help to the societies and to the institutions operating in the stricken regions. It is in this frame that a link between the international coordination and the construction of a non-governmental field is created.

14- The Bureau looks after sensitizing the governments and the peoples to the importance of the non-governmental institutions, in order to repel the tragedies of poverty, the diseases, and the ignorance in their countries.