I. Statement of Purpose

Following the tragic October 2005 earthquake that affected Pakistan and India, international relief organizations, including U.S.-based charities, initiated a vigorous campaign to deliver relief to the victims in the region. With the onset of winter, these groups have accelerated their efforts to deliver emergency assistance to millions of people in urgent need. However, due to the remoteness of the areas most affected by the earthquake, weak to nonexistent government regulation or oversight of the charitable sector, and the ongoing presence of militant groups in the region, many U.S.-based charities and donors have expressed concern about the risk of terrorist abuse and diversion of charitable funds, assets, and services. These aid groups have also cited a need for information regarding the types of terrorist abuse that may occur and the terrorist groups that may be operating in the region so that they may better protect themselves from this ongoing threat. This paper addresses this need by: (i) identifying general typologies and examples of terrorist abuse and exploitation of charitable organizations, and (ii) describing the recent activities of militant groups and terrorist organizations in the region affected by the earthquake, as reported in open source channels.

Charities are encouraged to use this information in developing and applying reasonable measures to: (i) protect against terrorist abuse of earthquake relief efforts in Pakistan and India, and (ii) prevent directly or indirectly supporting terrorist organizations and their designated supporters that may be operating in areas where post-earthquake relief operations are underway. Although the percentage of charities directly affected by terrorist abuse may be small, terrorists continue to rely on the charitable sector as a primary source and conduit of terrorist support. This abuse threatens the integrity of the sector as a whole. This risk of terrorist abuse is especially high in the earthquake zone, making it crucial for charities funding or administering post-earthquake relief to take reasonable protective measures to ensure that their funds and services go to their intended beneficiaries.

The information contained in this paper is not exhaustive, nor is the specific reporting cited in this paper verified or endorsed by the U.S. Government. However, the U.S. Government believes this information is important in promoting the charitable sector’s awareness and encouraging the sector to take reasonable responsive measures to protect against terrorist organizations and their supporters that may be active in the region. In addition to the information provided in this paper, the U.S. Government encourages charities to review the U.S. Department of the Treasury’s Anti-Terrorist Financing Guidelines: Voluntary Best Practices for U.S.-Based Charities (Guidelines) and adopt a risk-based approach that includes all reasonable protective measures against terrorist abuse as described in greater detail in the Guidelines.

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II. Typologies of Terrorist Abuse of Charities

The charitable sector is one that has consistently faced a high risk of abuse from terrorists and terrorist organizations. Charities operating overseas in areas of high risk are especially vulnerable to this abuse. Since the terrorist attacks of September 11, 2001, the United States has designated forty-one charities worldwide for supporting terrorist activity.\(^2\) In addition, the United States has designated several Foreign Terrorist Organizations (FTOs)\(^3\) that have operated under various names that appear as potential fundraising front organizations for terrorist activity. Terrorist abuse of the charitable sector can take many forms, including:

(i) establishing front organizations or using charities to raise funds in support of terrorist organizations;

(ii) establishing or using charities to transfer funds, other resources, and operatives across geographical boundaries;

(iii) defrauding charities through branch offices or aid workers to divert funds to support terrorist organizations; and

(iv) leveraging charitable funds, resources, and services to recruit members and foster support for terrorist organizations and their ideology;

The following typologies describe these instances of abuse in more detail.

1) Establishing Front Organizations or Using Charities to Raise Funds in Support of Terrorist Organizations

Terrorists or terrorist organizations may establish or use charities to raise funds directly for their operations. Many of the charities that have been designated as front organizations applied for and received tax-exempt status.\(^4\) This cover of legitimacy often extends to the organization’s operations, in which the asserted charitable activities are used to disguise funds that are raised for or transferred to terrorist support. Reports indicate that many of these charities engaged in aggressive fund raising, often targeted toward ethnic or religious communities.\(^5\) Typically, no


\(^3\) Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) amended the Immigration and Nationality Act to authorize the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, to designate organizations as “Foreign Terrorist Organizations” (FTOs). All designated FTOs have also been designated pursuant to Executive Order 13224 and are included on the U.S. Department of the Treasury’s list of Specially Designated Nationals and Blocked Persons, which is maintained by the Office of Foreign Asset Controls, at http://www.treas.gov/offices/enforcement/ofac/sdn/.


\(^5\) Id.
fund-raising appeals describe the organization’s purported charitable work in broad charitable terms, but provide sparse details of how funds are actually spent.

Example: The Holy Land Foundation for Relief and Development (HLF), originally known as the Occupied Land Fund, was established in California in 1989 as a tax-exempt charity and relocated to Texas in 1992. It had offices in California, New Jersey, and Illinois, and individual representatives spread throughout the United States, the West Bank, and Gaza. HLF provided millions of dollars of material and logistical support to HAMAS offices in the West Bank and Gaza and other charitable organizations that are part of HAMAS or controlled by HAMAS members. HLF and several of its directors were indicted on criminal charges in July 2004 and are awaiting trial in February 2006.6

Example: Jamal Muhammad Farah al-Tawil, Al-Islah Charitable Society’s founder and chairman, was a high-ranking Hamas activist in the West Bank who was deported to south Lebanon in December 1992 and currently is in custody in Israel. He was formerly in contact with the Hamas leadership in Syria and Lebanon and regularly received payments from them through an Arab Bank account opened specifically for that purpose. He has stated in interrogations that he opened the Al-Islah Charitable Society branch in Ramallah to provide legal cover for transferring funds to Hamas. The Society provided financial aid to Hamas detainees and their families and transferred funds to the heads of the terrorist infrastructure in Ramallah.7 In June 2004, Israeli authorities closed down Al-Islah Charitable Society. The organization is no longer in operation.8

Example: A registered charity involved in child welfare used videotapes depicting religious “freedom fighters” in action in various countries, along with graphic images of atrocities perpetrated against members of that religion. The tapes appealed to viewers to send donations to a post office box number to help in the struggle. The charity distributed these tapes through religious establishments in the region. The same post office box number was associated with a further appeal in magazines that published articles by well known extremists.9

Example: A nonprofit organization solicited donations from local charities in a donor region in conjunction with fund raising efforts conducted at its headquarters in a beneficiary region. The nonprofit organization falsely asserted that it was collecting funds for orphans and widows. In fact, the finance chief of the organization served as the head of organized fundraising for Usama bin Laden. The funds that the nonprofit organization collected were actually turned over to Al Qaeda operatives.10

8 See Israeli Army Shuts Down PLFP Offices in Nablus, Confiscates Contents, BBC MONITORING (June 11, 2004).
2) Using Charities to Transfer Funds, Other Resources, and Operatives Across Geographical Boundaries

In addition to raising funds for terrorists, terrorist organizations may also exploit international charitable activity to transfer funds, resources, and operatives from one geographic location to another. Since the constant transfer of resources is part of normal business operations for many charities, they are highly vulnerable to this type of terrorist abuse.

**Example:** The group leader of the terrorist group Jaish-e-Mohammed, Mastoid Zahra, set up two organizations registered in Pakistan as humanitarian aid agencies: Al Akhtar Trust and Elkhart Trust. Jaish-e-Mohammed hoped to give the impression that the two new organizations were separate entities and sought to use them to deliver arms and ammunition to their members under the guise of providing humanitarian aid to refugees and other needy groups. These efforts included providing financial and logistical support as well as arranging travel for Islamic extremists. During a custodial interview in early 2003, a senior Al Qaeda detainee related that Al Akhtar Trust was one of the primary relief agencies that Al Qaeda used to move supplies into Qandahar, Afghanistan.¹¹

3) Defrauding of Charities by Branch Offices or Aid Workers

Branch offices of charities may intentionally defraud headquarters or certain employees may use their positions at charities as cover for illicit terrorist activity.

**Example:** The office director for a branch office of a charity in a beneficiary region defrauded donors from a donor region for the purpose of funding terrorism. The branch office padded the number of orphans it claimed to care for by providing names of orphans that either did not exist or had died. The additional funds sent from headquarters to the branch office to care for these nonexistent orphans were diverted to Al Qaeda terrorists.¹²

**Example:** A branch office located in a beneficiary region provided a means of funneling money to known local terrorist organizations. It directed funds received from headquarters that were intended for orphanage projects and diverted those funds directly to local terrorists.¹³

**Example:** An employee working for an aid organization in a war-ravaged region used his employment to support the ongoing activities of a known terrorist organization from another region. While working for the aid organization as a monitor, the employee secretly made contact with weapons smugglers and used his employment as a cover while brokering and exporting weapons to the terrorist organization.¹⁴

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¹³ *Id.*
¹⁴ *Id.*
4) **Leveraging Charitable Funds, Other Resources, and Services to Recruit Members and Foster Support for Terrorist Organizations and Ideologies**

Terrorist organizations will often engage in charitable activity. Usually, however, such charitable activity will be conducted in a manner that primarily furthers terrorist, rather than charitable purposes, in that it will be made available only to those sympathetic to the terrorist organization’s cause, or will be coordinated with the terrorist organization’s efforts to generate propaganda, increase recruitment and support, strengthen terrorist infrastructures, conduct training, enhance operational capacity, and execute attacks. Supporting charitable activity associated with terrorist organizations therefore foments continued violence and undermines peace initiatives and responsible leadership.

**Example:** The designated terrorist entity Elehssan Society serves as the fundraising and distribution arm of Palestinian Islamic Jihad (PIJ), which the United States has designated a FTO. The organization continues to receive funding directly from PIJ. In February 2005, PIJ claimed responsibility for the February terrorist attack in Tel-Aviv, Israel, that killed five and wounded more than fifty people. In recent years, Elehssan has cooperated with PIJ to distribute funds to the families of PIJ prisoners and deceased members, and was informed by PIJ when entitlements were sent. Elehssan also maintains lists of PIJ-associated families who are to receive compensation, including the families of PIJ suicide bombers.  

**Example:** An Israeli military court charged Ahmed Salatna, a Hamas activist and director of a local charity in the West Bank town of Jenin, with directing nine million Euros over the last nine years to the families of Palestinian suicide bombers in the West Bank and Gaza. A portion of these funds was diverted from donations sent to Ahmed Salatna from the U.S.-designated Hamas front charity Interpal, which is based in the United Kingdom.

**Example:** The senior leadership of Hezbollah continues to openly raise funds for its movement via charities and political advocacy organizations that are associated with or controlled by the group while simultaneously carrying out their mission of indoctrinating and recruiting jihadist sympathizers and supporters. For instance, the leader of Hezbollah, Sheikh Hassan Nasrallah, frequently attends fundraisers and delivers speeches at charitable organizations, even as he issues statements advocating militancy, as he told a viewing audience on Al Manar television: "The intifada in Palestine today is our front line, so that our support is not only an obligation but also a necessity, and we have, therefore, taken it upon ourselves to aid the intifada, not only in words but in deeds."  

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16 See Silver, Eric, *Charity Cash for Palestinian Poor Was Siphoned to Suicide Bombers*, FINANCIAL TIMES (Nov. 28, 2005).
18 See *Al Manar Television* (Feb. 1, 2002).
The following compilation of open source reports details the extent to which activity by militant groups and designated terrorist organizations occurs in the Pakistani and Indian earthquake zones. Such activity primarily involves leveraging charitable aid and resources to recruit support and membership for terrorist organizations and their ideology among victims of the earthquake.

  For many Kashmiri villagers who suffered from injuries and the destruction of their homes after the October 8 earthquake, help came in a strange form. Rescuers and aid workers were from Jamaat-ul-Dawa, one of the country’s most prominent Islamic extremist groups and the parent organization of a U.S.-designated armed group, Lashkar-e-Taiba. Jamiat-i-Islami, an Islamic political party with ideological links to Hamas, is also running relief efforts, as is Al-Rasheed Trust, which the United States designated as a terrorist supporter in 2003. The relief efforts have done much to increase the groups’ standing in the community. Those who have benefited from the groups' rescue efforts seem unconcerned by any suggestion they may be involved in violence. “If Dawa people hadn't helped us, we would have died,” Mrs Wahid said. “Nobody came to help us. We are grateful to them and we offer them our support back.”

  In the months since the earthquake struck South Asia, militant groups like Lashkar-e-Taiba and Jaish-e-Mohammed, both of which have been banned by the Pakistani government, have actively provided humanitarian aid to the affected areas. Jaish-e-Mohammed members have trekked across harsh terrain on donkeys to reach isolated areas and provide water, food, and medicine. Both groups also offer housing and are planning for reconstruction of mosques and schools. Other groups, such as Hizb-ul-Mujahideen, have been running large soup kitchens and collecting money in several major Pakistani cities to benefit earthquake victims. Moreover, Islami Inquilabi Mahaz, which took responsibility for the October 30 New Delhi attacks and is currently aiding the relief efforts, has stated that they intend to demonstrate that they are still an active group, despite suffering major losses from the earthquake.
  Jamaat-ul-Dawa, one of the largest jihadist groups operating in Pakistan and one that is also providing humanitarian assistance to the impacted areas, has offered orphaned children “an escape from misery through a religious education.” Local aid organizations operating in the earthquake zone have observed members of Jamaat-ul-Dawa take away young children to care for them. The article notes that these groups have actively recruited children in the past.
  Pakistani President Musharraf has admitted that these militant groups have exploited the fact that authorities have failed to respond adequately to humanitarian needs and that Pakistani authorities would be cautious about stopping anyone from providing assistance.
Pakistan’s leading human rights organization, Ansar Burney Welfare Trust, has claimed that Pakistan-based militant groups that are active in Jammu and Kashmir are taking orphans of the October 8 earthquake off the streets and putting them in training camps. The organization also claims it has evidence that sympathetic government officials have been giving children to the militant groups. Jamaat-ud-Dawa, one of the largest militant groups in Pakistan, has called for orphans to be handed over for an Islamic education. Although the popularity of Islamic militants has risen sharply due to their relief activities after the earthquake struck, human rights campaigners allege that the militants are using this newfound popularity to smuggle weapons and increase recruitment efforts.

http://www.timesonline.co.uk/article/0,,2089-1869841,00.html

In addition to relief efforts in which many militant groups are engaging, the militants are reportedly taking orphaned children under their wing for indoctrination in their extensive network of orphanages. Offering work to some of the million people estimated by the International Labour Organization to have lost their livelihoods due to the quake will likely be another route to recruitment.


Following the October earthquake that affected South Asia, mainstream Pakistani media has been publishing the same advertisements as the jihadi publications. These ads generally seek funds to support the relief efforts launched by militant organizations: (i) On October 14, the conservative Islamic daily, Rawalpindi Nawa-e Waqt, published a front page ad by Jamaat ul-Dawa (JD), a group banned by the Pakistani government in January 2002, which included contact information and details on how to contribute; (ii) on October 15, the same daily, Nawa-e Waqt, published a front page appeal for donations by Al Rashid Trust, which the United States has designated as a terrorist supporter but which currently functions openly in Pakistan; (iii) on October 19, Nawa e-Waqt carried a picture of a convoy of trucks used by Al Rashid Trust to move relief supplies; and (iv) on October 19, a widely circulated daily, Rawalpindi Jang carried a front page advertisement by Al Rashid Trust stating that the group had established an initial relief fund of 5 million rupees (approximately $84,000) and wanted further donations to support additional relief work.

The federal government of Pakistan has sought cooperation from all political parties of Azad Jammu and Kashmir for the rehabilitation and reconstruction of the people and villages devastated by the October earthquake. The Minister for Kashmir Affairs and Northern Areas,
Makhdoom Syed Faisal Salah Hayat, has praised religious groups, including Jamaat ul-Dawa and Al-Rasheed Trust, for their relief efforts and has stated that in the future these organizations would be included as part of official reconstruction efforts.

- **Banned Outfits and Welfare Organizations Remain Active in Relief Activities**, ISLAMABAD AUSAF (Oct. 21, 2005).

Banned jihadi groups and welfare organizations have played a very active role in the relief and rescue activities in quake-affected areas. They have been transporting relief goods to remote areas since the earthquake struck. The groups that are working in the area include Jamaat ul-Dawa, Al Rasheed Trust, Al Akhtar Trust, Al Furqan Trust, Amina Welfare Trust, Islamic Relief Council, Jamaat-e Islami, Al Khidmat, students from Lal Mosque of Islamabad, and Jamiat Afridia.

- Walsh, Declan, *Pakistani Extremists Take Lead on Earthquake Disaster Aid: International Relief Agencies Are Only Beginning To Arrive*, CHRONICLE FOREIGN SERVICE (Oct. 17, 2005).

Jamaat ul-Dawa (JD), the parent organization of Lashkar-e-Taiba, has moved to the forefront of a growing relief operation for survivors of the October 8 earthquake in Pakistan and Kashmir. A spokesman for JD, Salman Shahid, gave a tour of the field hospital the group has set up. The group has diesel generators that power X-ray equipment, a dental department, ambulances, and rows of tents. Shahid stated, “Everything is funded by private donations. We even have surplus supplies of food and medicine.” Armed men wearing camouflage guard the trucks that bring supplies, because in the initial days after the earthquake, JD’s aid supplies were looted.

JD has positioned itself as a countrywide Islamic development group. JD runs madrassas (schools), provides free medical care to the poor, and dispatches preachers to mosques across the country. Some diplomats and security officials claim that JD uses its charitable operations to recruit young men willing to fight an anti-Indian jihad in Kashmir. Despite this claim, people who are currently receiving relief assistance from the group praise the charitable work that JD performs, saying that its good work puts Musharraf's government to shame. “There is only government in name,” said quake victim Abdul Majid. “They hold press conferences in Islamabad but do nothing on the ground.”

http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/10/17/MNGJEF9G0M1.DTL


Pakistan President General Pervez Musharraf has admitted publicly that “an administrative vacuum created by the civil administration (immediately after the earthquake) has thus been filled by militant organizations.” Soon after the earthquake, Pakistanis, including thousands of volunteers, had begun collecting donations and rushing to the troubled areas to see how they could help. However, voluntary activities soon lost steam because of a lack of funds and coordination, and it was only the militant organizations that could maintain the momentum of relief activity.
The militant groups have set up mobile hospitals, established tented villages, and built an orphanage on land acquired close to Rawalpindi, Pakistan’s military hub. Jamaat ul-Dawa, one of the primary militant groups providing relief aid, has also been distributing essentials, ranging from crutches for the crippled, tents, and hard cash. There is a fear by some that the militant groups will use the opportunity of helping to care for orphans to increase their recruitment.

http://www.ipsnews.net/news.asp?idnews=31203


A Muslim charity linked to Kashmiri terrorists sent truckloads of relief goods yesterday to northern Pakistan's earthquake-hit region, in what it described as a new “jihad” or holy war to help victims of the devastating earthquake. There is concern that the militants' relief assistance might provide an opportunity to win broad support for their cause. "If the government is slow in helping, and the militants are helping them, the sympathy levels for the militants' cause could become higher," said Miriam Rajkumar, South Asia specialist at the Carnegie Endowment for International Peace.

• *Al Qaeda’s Zawahri Urges Muslim Aid to Quake Victims*, REUTERS (Oct. 23, 2005).

Al Qaeda’s second in command, Ayman al-Zawahri, urged Muslims in a video broadcast to help Pakistan’s earthquake victims even though Pakistan’s government was an “agent” of the United States: “I call on all Muslims and Islamic charity organizations in particular to go to Pakistan and give a helping hand to the victims there.”

http://www.alertnet.org/thenews/newsdesk/L23357407.htm

• *Jihadis Become Aid Workers in Kashmir Quake Zone*, AGENCE FRANCE PRESSE (Oct. 18, 2005).

Members of militant groups Hizb ul-Mujahideen and Jamaat-ul-Dawa, an offshoot of Lashkar-e-Taiba, which the United States has designated as a terrorist organization, are playing a vital role in the ongoing earthquake relief efforts around Muzaffarabad, Kashmir. Within hours after the earthquake struck, the militants headed for the mountains and brought aid to heavily damaged villages.


Islamic groups are widely regarded as having provided the most efficient aid operations in some areas after the Pakistan earthquake struck in Kashmir and the North West Frontier Province (NWFP). The best organized aid relief came from groups such as Pakistan's main radical Islamic party, Jamaat i-Islami, Lashkar-e-Taiba, and Hizb ul-Mujahideen. Several Islamist groups have been praised by normally hostile sectors of the Pakistani media for providing aid relief. In addition, British and American soldiers are now providing aid for earthquake victims in the same areas as Islamic groups such as the al-Rasheed Trust, which the Bush administration has designated for channeling funds to Al Qaeda.

Militant groups have maintained a visible presence in Muzaffarabad and the surrounding Kashmiri region since the October 8 earthquake struck. Groups that have ongoing relief operations include Jamaat ul-Dawa, the charitable wing of Jamiat-i-Islami, and Al Rasheed Trust. These groups’ visible relief work is effective and has bolstered their prestige in the community, possibly at the expense of Gen. Pervez Musharraf, Pakistan's president, and the army, whose initial response was widely criticized as slow and disorganized. One victim who was receiving aid from a mobile hospital set up by Jamaat ul-Dawa stated that he did not know or care if the group was involved in violence, and further said, “Every 10 minutes a doctor or medical attendant comes in to check on me. I have a very high opinion about this organization.”

http://www.washingtonpost.com/wp-dyn/content/article/2005/10/15/AR2005101501392.html


Banned terrorist and charity organizations are taking advantage of inefficient government relief operations to help villagers and rehabilitate their image. The terrorist groups providing relief aid include Jaish-e-Mohammad and Lashkar-e-Taiba, while banned Islamic charities include Al Rashid Trust, Al Akhtar Trust, and Ummah Tamir-e-Nau. The article questions where these banned organizations are getting their funds and relief goods, and it notes that there have been many complaints from unidentified people of looting of relief goods. One report alleged looting of relief goods by the Pakistan Army, which the article contends is the main supporter of the terrorist groups now providing relief aid in the affected areas.