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The logo for QwestDex online yellow pages, featuring a stylized blue 'Q' and the text 'QwestDex online yellow pages Find a Local Business'.

A Legal Counterattack

Saudis hire some of the toniest U.S. law firms to defend them against the \$1 trillion lawsuit on behalf of the victims of 9-11. So why is the plaintiff's ecstatic? Plus, new heat on radical imam

NEWSWEEK WEB

April 16 — After months of working below the radar, a huge legal team hired by the Kingdom of Saudi Arabia has sprung into action and begun a major counteroffensive against a

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6 — After months of working below the radar, a huge team hired by the Kingdom of Saudi Arabia has sprung into action and begun a major counteroffensive against a landmark lawsuit seeking \$1 trillion in damages on behalf of the victims of the September 11 terror attacks.

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THE OPENING DEFENSE SALVO in what promises to be a bruising legal battle was fired last week when a trio of lawyers from Botts, a prestigious Houston-based law firm, filed a motion on behalf of Prince Sultan bin Abdul Aziz, the Saudi defense minister. The motion attacked the 9-11 lawsuit as a “broadside indictment of Saudi government religion and culture.” It also argued that, as the third-ranking official of a foreign government, their client is immune from any U.S. legal action and that he should therefore be dismissed from the case altogether.

But in laying out their arguments, Sultan’s U.S. lawyers also presented highly detailed new evidence of the Saudi government’s role in funneling millions of dollars to a web of Islamic charities that are widely suspected by U.S. officials of covertly financing the operations of Al Qaeda and other international terrorist groups.

Backed up by stacks of court affidavits and copies of cancelled checks,

A Legal Counterattack

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Turning Points
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the Baker Botts team openly acknowledge in their brief that Sultan has the past 16 years approved regular payments of about \$266,000 a year to the International Islamic Relief Organization—a large Saudi charity whose offices were last year raided by federal agents. Sultan also authorized additional grants totaling \$52,000 to the World Assembly of Muslim Youth, another Saudi-based group that has drawn the scrutiny of U.S. antiterror investigators.

Sultan authorized these payments as the head of two Saudi government councils, one of which, the “special committee” of the Council of Ministers gives him sole power to disburse funds that further the “national and foreign policy of Saudi Arabia.” As such, the lawyers write, the payments are “clearly an official act” and therefore outside the scope of U.S. courts.

But lawyers for the families of 9-11 victims sounded positively excited over the filing. In their view, Sultan’s high-priced legal team had handed them powerful ammunition to argue that the Saudi defense minister, at minimum, has turned a blind eye to a mountain of evidence that international terrorists had penetrated charities like the IIRO and subverted them for their own purposes.

“This is a perfect play into our hands,” said Ron Motley, the colorado tort lawyer who is heading up an army of litigators who are representing the families of 9-11 victims. “We smoked out the prince.”

By claiming his conduct was official policy and then introducing affidavits from officials of the charities to back it up, Motley said, the defense lawyers have opened up their client and his supporting witnesses “discovery”—pretrial proceedings in which plaintiff’s counsel can grill about their claims and the extent of their knowledge of how the royal family were spent. Motley said the filing may eventually open up the kingdom itself to be named as a defendant in the case.

Whether or not that ever transpires will depend on U.S. Judge Jan Robertson, who is overseeing the sprawling lawsuit and who so far has tipped his hand. But the recent flurry of legal maneuvering only underscores the enormous stakes in the proceedings.

Lawyers for the defendants have derided the entire 9-11 case as a fanciful concoction of conspiracy theories and speculative musings that have little, if any, relationship to the actual events of 9-11. They also say that much of the complaint involves matters that do not belong in a U.S. courtroom, such as the claim that members of the Saudi royal family are anti-American, seek to export “Wahhabi ideology”—the country’s puritanical brand of Islam—and that Prince Sultan has “publicly accused the ‘Zionist and Jewish lobby’ of orchestrating a media blitz against the Saudi Kingdom.”

“Surely,” the lawyers for Sultan write in their brief, “the plaintiffs do not contend that an American court can or should pass judgment on the religious beliefs or practices of Saudi Arabia or determine whether its

government is “anti-American.”

But however persuasive (or not) those arguments are, there may be a host of other factors that influence how the case plays out. Despite initial feelers by lawyers for the Saudis, few now expect the State Department to intervene with Judge Robertson to ask that the case be dismissed. (It’s a political nonstarter, lawyers on both sides say.) In the meantime, although President Bush and his senior aides have publicly praised the Saudis for their “cooperation” in the war on terror, officials at the Treasury and Justice departments have privately expressed deep frustration over the failure of the Saudi government to impose stricter controls over their Islamic charities and to turn over crucial evidence about the murky flow of money to Al Qaeda.

Motley’s team and their investigators have been working closely with some of those government officials. A few of those officials, sources say, see the 9-11 lawsuit as a useful tool to turn up the public heat on the Saudis. In that sense, there is a growing view among U.S. counterterrorism officials that it might be a good thing for the case to proceed—no matter how embarrassing it might prove to the Saudis.

To keep that from happening, sources close to the case say, members of the Saudi royal family and the country’s wealthiest businessmen—many of whom are defendants in the case—have offered up seven-figure retainers to some of the toniest and most politically connected law firms in the country.

Baker Botts, Sultan’s law firm, for example, still boasts former secretary of State James Baker as one of its senior partners. Its recent alumni include Robert Jordan, the former personal lawyer for President Bush who is now U.S. ambassador to Saudi Arabia.

An internal list of other law firms retained in the case, reviewed by NEWSWEEK, reads like a veritable “who’s who” of the U.S. legal community. Among those firms and their Saudi clients are: Wilmer, Cutler & Pickering (Prince Mohammed al Faisal); Kellogg, Huber, Hansen, Tolbert & Evans (Prince Turki al Faisal); Jones, Day (the BinLadin Group); Ropes & Grey (Khaled bin Mahfouz); White & Case, (the Al-Rajhi Banking Group); King & Spalding (the Arab Bank and Youssef Nada); Akin Gump (Mohammed Hussein Al-Almoudi); and Fulbright & Jaworski (Nimir Petroleum.)

But legal sources say some high-priced firms and their senior partners have been wary of the Saudi overtures—despite offers of retainers that, in some cases, have ranged as high as \$5 million. One former Clinton administration official at a big law firm said he was personally approached to represent a high-ranking Saudi prince in the case but turned it down. “I kept asking myself, ‘do I want to be representing the Saudis against the 11 families—especially after all the trouble we had getting cooperation from the Saudis on terrorism,’” the official said. “I finally just said no.”

NEW HEAT ON FIERY LONDON PREACHER

The capture this week in Iraq of '80s-era Palestinian terrorist Mohammed Abu Abas is a major symbolic victory in the war on terror. The Bush administration has made good on a longstanding U.S. government promise to keep chasing terrorists for as long as it takes—decades—to bring them to justice. But a more practical and perhaps significant achievement in the U.S. campaign against Islamic terrorism largely overshadowed by the Abu Abas arrest and other news from the zone. This was an announcement by federal prosecutors and the Justice Department that a small-time Islamic militant from Seattle had reached a bargain with U.S. authorities that will include his “cooperation” with ongoing terrorism investigations. Law-enforcement sources say that in practice this means that the Seattle militant, James Ujaama, will be expected to give testimony against Abu Hamza al-Masri, a London-based radical imam who U.S. and British authorities for years have suspected of indoctrinating followers in violent jihad ideology and encouraging their travel abroad to wage holy war.

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Ujaama, who was originally arrested last year on charges of supporting terrorism, agreed to plead guilty to charges that he provided computer software and “services” to the former Taliban rulers of Afghanistan. The charge carries a maximum prison sentence of a decade. But in return for cooperation with U.S. law-enforcement and intelligence officers, officials said, prosecutors will recommend that Ujaama only serve two years in

In plea-bargain documents released by the government, Ujaama a

that for more than a year he designed and helped operate a militant Islamic Web site called Supporters of Sharia. According to the documents, Ujaama also acknowledges that in late 2000, at the request of an “unindicted coconspirator #1,” he arranged for and helped someone identified as “coconspirator #2” travel from London to Afghanistan to undergo violent jihad training.

U.S. law-enforcement sources identify “coconspirator #1” as Abu Hamza, a fiery orator from Egypt who until very recently was a preacher at the radically oriented Finsbury Park Mosque in north London. Hamza has been reviled by Britain’s raucous tabloid press for his lurid anti-American diatribes and for his physical handicaps, which include a severely injured eye and hook-shaped prosthetic hands which he was fitted with after supposedly being injured in an explosion in Afghanistan.

U.S. and British intelligence have suspected for years that Abu Hamza’s mosque was a major recruitment and indoctrination center for would-be holy warriors throughout Europe. At least two accused terrorists now in U.S. jails on post-9-11 criminal charges—would-be shoe-bomber Richard Reid (once a petty criminal from south London) and accused 9/11 co-conspirator Zacarias Moussaoui (a French citizen who once went to college in London)—both reportedly attended Abu Hamza’s prayer meetings at the Finsbury Park Mosque. Investigators believe the mosque and Abu Hamza’s preachings may have played a critical role in their eventual recruitment by Al Qaeda.

Because of Abu Hamza’s inflammatory anti-U.S. rhetoric—in February he said the space shuttle Columbia was destroyed by God because it was carrying an Israeli Jew, American Christians and an Indian-born Hindu—and his history of apparent contacts with terrorist suspects, U.S. officials since 9-11 have been trying to figure out a way to put him out of action and, if possible, bring him to the States for trial. American officials say that Ujaama’s plea agreement indicates he is now likely to provide significant testimony that could lead to a U.S. criminal indictment against Abu Hamza and, ultimately, a possible U.S. request for his extradition from Britain to the U.S. to face trial. (The British government has already attempted to separate Abu Hamza from his flock in Britain, first by obtaining an order from charity regulators banning him from preaching at his mosque and then by raiding the mosque itself. This led to the discovery of suspicious documents and chemical-protection gear inside the mosque.)

Though publicly praising Britain’s help in the war on terror, some U.S. officials privately had been irritated by seemingly endless British legal delays in rounding up and extraditing terrorism suspects. Three British residents indicted by U.S. authorities more than four years ago as alleged co-conspirators in the suicide-bombing attacks on American embassies in Africa are still languishing in British jail cells appealing against U.S. extradition requests. Though their pleas already have been rejected by

House of Lords legal committee, Britain's highest court, the extradition still tangled in legal red tape. Tony Blair's government recently acted to streamline extradition procedures, and also pushed through a bill that would empower the British government to revoke the citizenship of naturalized Britons who foment or recruit terrorists. British officials have leaked word that Abu Hamza, who got citizenship by marrying a British woman, is to be one of the first targets of the draconian new powers. This could mean his extradition to the U.S. even quicker, assuming testimony from Ujaama helps U.S. prosecutors bring a grand jury indictment of his former prayer leader. U.S. law-enforcement officials said they did not know when a grand jury might begin to hear testimony from Ujaama.

One complication U.S. officials will have to deal with when they use Ujaama as a witness against Abu Hamza is how to deal with the person identified in Ujaama's plea bargain as "coconspirator #2." U.S. law-enforcement sources identify this person as a prisoner at the antiterrorism detention camp in Cuba's Guantanamo Bay. British media reports have named the Guantanamo detainee whom Ujaama allegedly recruited for training as 23-year-old Feroz Abassi, a student from south London who was picked up in Afghanistan by U.S. forces after 9-11. According to a London news report, Abassi, who like other Guantanamo prisoners has been allowed access to legal counsel, at some point may have made a confession to investigators from the British counterintelligence agency MI5, who were allowed to visit him at Guantanamo. It is unclear whether the confession, if it exists, helped investigators to get onto the trail of Ujaama. Ujaama's plea agreement notes, however, that he has pledged to cooperate with investigators at any location in the U.S. or at the Guantanamo Naval Station.

Louise Christian, a London lawyer who has been hired by Abassi's family, told NEWSWEEK that because she has been unable to speak to her client in Guantanamo, she does not know whether or not reports of his confession are accurate. Christian said that Ujaama's two-year plea-bargain deal indicates he is being treated far more kindly than Abassi, who has been in Guantanamo for 16 months already with no sign as to when a release, even an assessment of his case, is likely to occur. Lawyers for Abu Hamza and Ujaama could not be immediately reached for comment.

Bush administration officials say that the fact that they are close to putting together a complicated legal case that would not only put one of Europe's most influential jihad preachers out of commission but would bring him to the U.S. on criminal charges demonstrates how they have been successful at making major gains in the war on terrorism even while in a war in Iraq. While ultimate validation of this claim awaits further legal action against Abu Hamza, the Bush administration certainly does appear to be getting some credit for getting erstwhile U.S. antiterror ally Britain to mount a serious crackdown on a radical Islamic milieu in London, which many experts believe was festering openly for far too long.

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