INTERNATIONAL COURT OF JUSTICE

APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL UNDER ARTICLE 84 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

THE KINGDOM OF BAHRAIN, THE ARAB REPUBLIC OF EGYPT,

THE KINGDOM OF SAUDI ARABIA

AND THE UNITED ARAB EMIRATES

v.

THE STATE OF QATAR

COUNTER-MEMORIAL OF THE STATE OF QATAR

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Qatar Court Convicts 2 Russians in Top Chechen's Death

nytimes.com/2004/07/01/world/qatar-court-convicts-2-russians-in-top-chechen-s-death.html

By STEVEN LEE MYERS June 30, 2004

A court in Qatar convicted two Russian secret agents on Wednesday in the murder of a former president of Chechnya in the Persian Gulf, a killing that the presiding judge said had been ordered by the Russian government.

In his statement, the Qatari judge, Ibrahim Saleh al-Nisf, for the first time publicly accused senior Russian officials of orchestrating the killing of Zelimkhan Yandarbiyev, a Chechen rebel leader in exile who died in February when a bomb exploded in his Land Cruiser as he left a mosque in Qatar's capital, Doha.

''The Russian leadership issued an order to assassinate the former Chechen leader Yandarbiyev,'' the judge said, according to news reports. He did not implicate President Vladimir V. Putin or any other officials by name, but said the plot had been discussed at ''Russian intelligence headquarters in Moscow'' and set in motion last August.

The Russian government has repeatedly denied involvement in Mr. Yandarbiyev's killing, but the trial of the agents, Anatoly V. Belashkov and Vasily A. Bogachyov, has become a political and diplomatic embarrassment for the Kremlin. It has strained relations with Qatar and the Arab world and focused unwanted attention on the clandestine work of Russia's secret services and their efforts to stifle international support for the separatist war in Chechnya.

Speaking to reporters in Indonesia on Wednesday, Foreign Minister Sergey V. Lavrov again said the two men were innocent, though officials have acknowledged that they were intelligence operatives sent to Qatar as part of Russia's counterterrorism efforts. In a measured reaction, Mr. Lavrov said Russia would continue to seek their release while ''respecting court procedures'' in Qatar.

''Moscow still assumes that the Russian citizens are not involved in the attempt on Yandarbiyev,'' Mr. Lavrov said, seeming to choose his words carefully and to avoid, as officials have lately, naming or identifying the two men as secret agents.

Although the proceedings took place behind closed doors -- at the defense's request -- the trial has provided an international stage for both sides to air their grievances about Russia's war in Chechnya and debate the question of whether the fight against terrorism justified such extreme measures.

Among those in the courtroom on Wednesday was Akhmed Zakayev, a leader of Chechnya's separatist movement, who has successfully challenged efforts by Russia to extradite him.

Mr. Zakayev said in a telephone interview that the killing of Mr. Yandarbiyev showed that Russia under Mr. Putin had reverted to the darkest tactics of its Soviet past, when K.G.B. agents tracked down enemies of the state overseas.

''If the international community does not give proper attention to what happened in Qatar,'' he said, ''I am absolutely sure that these methods may be tried again in other countries, including Western countries.''

After two months of hearings, the court sentenced the two Russians to life in prison. In Qatar's judicial system, a life sentence is equivalent to 25 years. Prosecutors had called for them to be executed.

Russia's relatively muted official reaction -- especially compared with angry statements made when the agents were first arrested -- has heightened speculation that the two men could yet be released to Russian custody, as officials and the men's lawyers have requested.

Najib al-Nauimi, a former justice minister in Qatar, told Al Jazeera television on Wednesday that he expected the Russians would be released within weeks or months, now that the trial had been concluded.

A third Russian who was arrested with the two agents, Aleksandr Fetisov, first secretary at the Russian Embassy in Doha, was released in March because of his diplomatic immunity. At the same time, Russia released two wrestlers from Qatar's Olympic team who had been detained at an airport in Moscow, apparently in an effort to exert pressure on Qatar.

Those releases came after Mr. Putin spoke with Qatar's emir, Sheik Hamad bin Khalifa al-Thani, in an effort to defuse tensions.

Mr. Yandarbiyev, who was 51, served briefly as president of Chechnya after its first separatist leader, Dzhokhar M. Dudayev, was killed by Russian forces in 1996 during the first war in Chechnya, a republic in southern Russia. A poet and steadfast Chechen nationalist, he took part in the negotiations with President Boris N. Yeltsin that ended the war later that year, giving Chechnya de facto independence.

After Russian forces entered Chechnya again in 1999, Mr. Yandarbiyev fled and eventually settled in Qatar, where he continued to raise money for separatist rebels, now in the fifth year of fighting Russian forces in the republic, according to Russian and international officials.

Qatar refused repeated Russian requests to extradite him, saying he was not involved in political or diplomatic activity, even though the United States and the United Nations put him on a list of people suspected of ties to Al Qaeda and other terrorist organizations after Chechen militants seized a theater in Moscow in October 2002.

Mr. Yandarbiyev died on Feb. 13 when a bomb, attached to the undercarriage of his Land Cruiser, exploded as he drove from a mosque where he had attended prayer services. The blast also seriously injured his 13-year-old son, Daud.

According to Russian and Qatari news reports citing investigators and court proceedings, the two Russian agents arrived in Doha two weeks before the killing and smuggled the explosives from Saudi Arabia in a diplomatic pouch.

The men, reported to be agents of the military intelligence agency G.R.U., were arrested a week after the killing during a raid by Qatari officers at the residence of Mr. Fetisov, the Russian diplomat, who was also an intelligence agent serving under diplomatic guise, according to a Foreign Ministry statement at the time.

Mr. Zakayev, one of the Kremlin's fiercest critics abroad, said the killing amounted to ''international terrorism with the use of diplomatic passports and diplomatic mail.''

But Dmitri O. Afanasiyev, a Russian lawyer who represented the two men during the trial, said the charges were fabrications. The only evidence presented against them, he said, were two confessions extracted under torture. In a telephone interview from Doha, he said the men were deprived of sleep and access to bathrooms for four days. He also said they had also been bitten by dogs during interrogation.

Mr. Afanasiyev cited what he called numerous irregularities that prevented a free trial, from their arrest in a diplomatic residence to the seizure of evidence there. He said the lawyers, hired by the Foreign Ministry, would appeal the verdict.

''If they tortured anybody the way they tortured my clients, they would say it was ordered in Rome or Washington or Paris,'' Mr. Afanasiyev said.

Annex 61

Susan B. Glasser, "Martyrs' in Iraq Mostly Saudis", *Washington Post* (15 May 2005), *available at* http://www.washingtonpost.com/wp-dyn/content/article/2005/05/14/AR2005051401270.html

'Martyrs' In Iraq Mostly Saudis

washingtonpost.com/wp-dyn/content/article/2005/05/14/AR2005051401270.html

By Susan B. Glasser

Washington Post Staff Writer
Sunday, May 15, 2005
Before Hadi bin Mubarak Qahtani exploded himself into an anonymous fireball, he was young and interested only in "fooling around."

Like many Saudis, he was said to have experienced a religious awakening after the Sept. 11, 2001, attacks on the United States and dedicated himself to Allah, inspired by "the holy attack that demolished the foolish infidel Americans and caused many young men to awaken from their deep sleep," according to a posting on a jihadist Web site.

On April 11, he died as a suicide bomber, part of a coordinated insurgent attack on a U.S. Marine base in the western Iraq city of Qaim. Just two days later, "the Martyrdom" of Hadi bin Mubarak Qahtani was announced on the Internet, the latest requiem for a young Saudi man who had clamored to follow "those 19 heroes" of Sept. 11 and had found in Iraq an accessible way to die.

Hundreds of similar accounts of suicide bombers are featured on the rapidly proliferating array of Web sites run by radical Islamists, online celebrations of death that offer a wealth of information about an otherwise shadowy foe at a time when U.S. military officials say that foreign fighters constitute a growing and particularly deadly percentage of the Iraqi insurgency.

The account of Qahtani's death, like many other individual entries on the Web sites, cannot be verified. But independent experts and former government terrorism analysts who monitor the sites believe they are genuine mouthpieces for the al Qaeda-affiliated radicals who have made Iraq "a melting pot for jihadists from around the world, a training group and an indoctrination center," as a recent State Department report put it. The sites hail death in Iraq as the inspiration for a new generation of terrorists in much the same way that Afghanistan attracted Muslims eager to fight against the Soviet Union in the 1980s.

Rosters of the Dead

Who are the suicide bombers of Iraq? By the radicals' account, they are an internationalist brigade of Arabs, with the largest share in the online lists from Saudi Arabia and a significant minority from other countries on Iraq's borders, such as Syria and Kuwait. The roster of the dead on just one extremist Web site reviewed by The Washington Post runs to nearly 250

names, ranging from a 13-year-old Syrian boy said to have died fighting the Americans in Fallujah to the reigning kung fu champion of Jordan, who sneaked off to wage war by telling his family he was going to a tournament.

Among the dead are students of engineering and English, the son of a Moroccan restaurateur and a smattering of Europeanized Arabs. There are also long lists of names about whom nothing more is recorded than a country of origin and the word "martyr."

Some counterterrorism officials are skeptical about relying on information from publicly available Web sites, which they say may be used for disinformation. But other observers of the jihadist Web sites view the lists of the dead "for internal purposes" more than for propaganda, as British researcher Paul Eedle put it. "These are efforts on the part of jihadis to collate deaths. It's like footballers on the Net getting a buzz out of knowing somebody's transferred from Chelsea to Liverpool." Or, as Col. Thomas X. Hammes, an expert on insurgency with the National Defense University, said, "they are targeted marketing. They are not aimed at the West."

Zarqawi Lures Attackers

Many of the Arabs, according to the postings, were drawn to fight in Iraq under the banner of al Qaeda in Mesopotamia, the group run by Jordanian militant Abu Musab Zarqawi that has taken credit for a gruesome series of beheadings, kidnappings and suicide attacks -- many of them filmed and then disseminated on the Internet in a convergence between the electronic jihad and the real-life war.

In recent days, the U.S. military in Iraq has stepped up its campaign against the Zarqawi network, launching an offensive in western Iraq in an area where foreigners are believed to be smuggled across the Syrian border and claiming to have arrested or killed nearly two dozen key Zarqawi lieutenants. At the same time, Iraq has been hit by a wave of suicide attacks causing about 400 deaths over the last two weeks, one of the deadliest periods since the U.S. invasion in 2003.

As the military has blamed much of the escalating violence on foreign fighters coming to Iraq, Zarqawi's group responded this week. "The infidels once again are claiming that foreign fighters are responsible for initiating the attacks and an increase [in foreign fighters] is the true danger," the Zarqawi media wing said in a May 10 Internet posting. But "the real danger," the posting said, is Zarqawi's overall following. And besides, it added, "who is the foreigner . . .? You are the ones who came to the land of the Muslims from your distant corrupt land."

U.S. military estimates cited by security analysts put the number of active jihadists at about 1,000, or less than 10 percent of the number of fighters in a mostly Iraqi-dominated insurgency. But military officials now say the foreigners are responsible for a higher percentage of the suicide bombings, and the online postings include few names of dead Iraqis affiliated with Zarqawi's group.

Annex 62

Declan Walsh, "WikiLeaks cables portray Saudi Arabia as a cash machine for terrorists", *The Guardian* (5 Dec. 2010), *available at* https://www.theguardian.com/world/2010/dec/05/wikileaks-cables-saudi-terrorist-funding

WikiLeaks cables portray Saudi Arabia as a cash machine for terrorists

theguardian.com/world/2010/dec/05/wikileaks-cables-saudi-terrorist-funding

Declan Walsh in Islamabad

December 5, 2010

Saudi Arabia is the world's largest source of funds for Islamist militant groups such as the Afghan Taliban and Lashkar-e-Taiba – but the Saudi government is reluctant to stem the flow of money, according to Hillary Clinton.

"More needs to be done since Saudi Arabia remains a critical financial support base for al-Qaida, the Taliban, LeT and other terrorist groups," says a secret December 2009 paper signed by the US secretary of state. Her memo urged US diplomats to redouble their efforts to stop Gulf money reaching extremists in Pakistan and Afghanistan.

"Donors in Saudi Arabia constitute the most significant source of funding to Sunni terrorist groups worldwide," she said.

Three other Arab countries are listed as sources of militant money: Qatar, Kuwait and the United Arab Emirates.

The cables highlight an often ignored factor in the Pakistani and Afghan conflicts: that the violence is partly bankrolled by rich, conservative donors across the Arabian Sea whose governments do little to stop them.

The problem is particularly acute in Saudi Arabia, where militants soliciting funds slip into the country disguised as holy pilgrims, set up front companies to launder funds and receive money from government-sanctioned charities.

One cable details how the Pakistani militant outfit Lashkar-e-Taiba, which carried out the 2008 Mumbai attacks, used a Saudi-based front company to fund its activities in 2005.

Meanwhile officials with the LeT's charity wing, Jamaat-ud-Dawa, travelled to Saudi Arabia seeking donations for new schools at vastly inflated costs – then siphoned off the excess money to fund militant operations.

Militants seeking donations often come during the hajj pilgrimage – "a major security loophole since pilgrims often travel with large amounts of cash and the Saudis cannot refuse them entry into Saudi Arabia". Even a small donation can go far: LeT operates on a budget of just $5.25m (£3.25m) a year, according to American estimates.

Saudi officials are often painted as reluctant partners. Clinton complained of the "ongoing challenge to persuade Saudi officials to treat terrorist funds emanating from Saudi Arabia as a strategic priority".

Washington is critical of the Saudi refusal to ban three charities classified as terrorist entities in the US. "Intelligence suggests that these groups continue to send money overseas and, at times, fund extremism overseas," she said.

There has been some progress. This year US officials reported that al-Qaida's fundraising ability had "deteriorated substantially" since a government crackdown. As a result Bin Laden's group was "in its weakest state since 9/11" in Saudi Arabia.

Any criticisms are generally offered in private. The cables show that when it comes to powerful oil-rich allies US diplomats save their concerns for closed-door talks, in stark contrast to the often pointed criticism meted out to allies in Pakistan and Afghanistan.

Instead, officials at the Riyadh embassy worry about protecting Saudi oilfields from al-Qaida attacks.

The other major headache for the US in the Gulf region is the United Arab Emirates. The Afghan Taliban and their militant partners the Haqqani network earn "significant funds" through UAE-based businesses, according to one report. The Taliban extort money from the large Pashtun community in the UAE, which is home to 1 million Pakistanis and 150,000 Afghans. They also fundraise by kidnapping Pashtun businessmen based in Dubai or their relatives.

"Some Afghan businessmen in the UAE have resorted to purchasing tickets on the day of travel to limit the chance of being kidnapped themselves upon arrival in either Afghanistan or Pakistan," the report says.

Last January US intelligence sources said two senior Taliban fundraisers had regularly travelled to the UAE, where the Taliban and Haqqani networks laundered money through local front companies.

One report singled out a Kabul-based "Haqqani facilitator", Haji Khalil Zadran, as a key figure. But, Clinton complained, it was hard to be sure: the UAE's weak financial regulation and porous borders left US investigators with "limited information" on the identity of Taliban and LeT facilitators.

The lack of border controls was "exploited by Taliban couriers and Afghan drug lords camouflaged among traders, businessmen and migrant workers", she said.

In an effort to stem the flow of funds American and UAE officials are increasingly co-operating to catch the "cash couriers" – smugglers who fly giant sums of money into Pakistan and Afghanistan.

In common with its neighbours Kuwait is described as a "source of funds and a key transit point" for al-Qaida and other militant groups. While the government has acted against attacks on its own soil, it is "less inclined to take action against Kuwait-based financiers and facilitators plotting attacks outside of Kuwait".

Kuwait has refused to ban the Revival of Islamic Heritage Society, a charity the US designated a terrorist entity in June 2008 for providing aid to al-Qaida and affiliated groups, including LeT.

There is little information about militant fundraising in the fourth Gulf country singled out, Qatar, other than to say its "overall level of CT co-operation with the US is considered the worst in the region".

The funding quagmire extends to Pakistan itself, where the US cables detail sharp criticism of the government's ambivalence towards funding of militant groups that enjoy covert military support.

The cables show how before the Mumbai attacks in 2008, Pakistani and Chinese diplomats manoeuvred hard to block UN sanctions against Jamaat-ud-Dawa.

But in August 2009, nine months after sanctions were finally imposed, US diplomats wrote: "We continue to see reporting indicating that JUD is still operating in multiple locations in Pakistan and that the group continues to openly raise funds". JUD denies it is the charity wing of LeT.

• This article was amended on 15 December 2010. The original caption referred to the Chatrapathi Sivaji station in Mumbai. This has been corrected.

Annex 63

Aram Bakshian Jr., "The Unlikely Rise of Al Jazeera", *The Atlantic* (10 Jan. 2012), *available at* https://www.theatlantic.com/international/archive/2012/01/the-unlikely-rise-of-al-jazeera/251112/

GLOBAL

The Unlikely Rise of Al Jazeera

ARAM BAKSHIAN JR. JAN 10, 2012

The now-influential network began in the 1970s as a pet project of a tiny nation's unconventional monarchy

Al Jazeera's English-language studios in Doha, Qatar / AP

In his 1998 work Dream Palace of the Arabs, Fouad Ajami wrote, "As the world batters the modern Arab inheritance, the rhetorical need for anti-Zionism grows. But there rises, too, the recognition that it is time for the imagination to steal away from Israel and to look at the Arab reality, to behold its own view of the kind of world the Arabs want for themselves." Whether Ajami realized it or not, these words offer an eerily prescient view--thirteen years ahead of time--of the dynamic behind the Arab Spring and its autumn and winter sequels. In country after country, Arab crowds have taken to the street for a cause more positive and all-embracing than anti-Zionism: the demand for an end to corrupt authoritarian regimes and for a greater say in their own future. What shape that future will take remains to be seen, and many basic questions have yet to be answered. Can democracy blossom overnight in societies that have always been dominated by oppressive force? If democracy does take root, can respect for minority rights survive the tyranny of a poor, ill-schooled and often intolerant majority? Would democratically elected demagogues pose even more of a threat to peace and stability in the Muslim-Arab world than old-line

authoritarian regimes and monarchies with a selfish stake in maintaining the status quo and "keeping the lid on"?

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Meanwhile, where can one turn for detailed, reliable coverage of what some now call the "Arab Awakening"? For millions of people around the world, including actual participants on the ground and in the streets of the Middle East, the single most important news source for the events still unfolding in Tunisia, Egypt, Libya, Yemen, Syria and Bahrain is the English-language channel of the Qatar-based Al Jazeera television-news network. Like it or not, it is no exaggeration to say that Al Jazeera has been the eyes and ears of this crucial news story. More often than not, Al Jazeera correspondents are the first on the scene, and Al Jazeera anchors and interviewers provide the most detailed follow-up, discussion and analysis of breaking events in the Arab world.

This, to put it mildly, is odd. To offer a European analogy, it would be as if an English-language television channel owned by Grand Duke Henri of Luxembourg and operated out of his tiny realm were the most influential news source for the entire European Union and for millions of people elsewhere following the current European politico-economic crisis. But there is no denying the facts: Al Jazeera's English-language news channel reaches an estimated 220 million households worldwide. Currently celebrating its fifth anniversary, in the few years since its founding even its fiercest critics have come to acknowledge both its increasing global impact and, more recently, its indispensable role in covering the wave of revolutionary ferment sweeping the Middle East.

How did so unlikely an enterprise, funded by a minor Arab potentate, come to occupy such a stellar position? And what sort of information product is it dispensing to its growing millions of viewers? As chance would have it, I may be one of the few people still alive who was present at the very modest beginnings of what is arguably today's most strategically influential television-news operation. Although Al Jazeera's global English network is only five years old, its roots run much deeper. Hence my story begins in the mid-1970s at a lavish reception in what was then one of Washington's leading hotels, the old Sheraton Park. The occasion was the launching of Qatar Television, a modest, strictly domestic broadcast service for the tiny emirate but, at the time, a dramatic first in a region of backward bedouin despots where "modernization" usually meant no more than acquiring fleets of Cadillacs and imported blondes for the reigning dynasties.

For some reason, the al-Thani ruling family of Qatar was different. The then reigning emir, Khalifa bin Hamad, had been in sole charge since Great Britain gave up its protectorate in 1972. While he would be deposed by his Westward-looking son, Hamad bin Khalifa al-Thani, in 1995, he must have been a man ahead of his time back in the 1970s to even think of setting up a television-news service for what was then an isolated Arab backwater, a tiny patch of arid land on the Persian Gulf.

For hands-on technical assistance, Emir Khalifa had turned to an old acquaintance of mine, a Levantine, journalistic soldier of fortune by the name of Levon Keshishian. While we shared little else in common, Levon and I were both of Armenian ancestry and both pro bono friends of the Armenian diaspora, giving free advice and assistance to church and charitable groups. So when Qatar Television threw its opening-night party in Washington, I was invited by Levon. A tiny man with an enormous beak (I once recognized him by his nose alone, protruding from behind a pillar concealing the rest of him in the main lounge of the National Press Club), Levon had endless energy, ambition and ingenuity. After becoming the UN correspondent for Al Ahram, the Egyptian daily that was then the most influential newspaper in the Arab world, he was able to parlay the cachet of that position into "after-hours" work for various Middle East patrons. A multilingual polymath who could have come straight out of the pages of an Eric Ambler spy novel, he once told me that he had five passports acquired over the years for services rendered to assorted

regimes of varying degrees of unsavoriness. He never traveled without all of them--just in case. So it didn't come as much of a surprise to me that Emir Khalifa bin Hamad, having intuited the importance of electronic-communications media long before most of his fellow sheiks, would hire Levon Keshishian to launch the venture. Already an old man in the mid-1970s, now Levon is long gone and little remembered. But he deserves a footnote in history as the man who set the long chain of events in motion that would eventually lead to Al Jazeera as we know it today.

Why did the previous emir and his son Hamad bin Khalifa after him recognize the value of a media presence so clearly and so early? Perhaps because of the particularly tenuous nature of their little kingdom. Long a fiefdom of Bahrain, Qatar fell under nominal Ottoman rule from 1872 until 1913. In 1916, as the Ottoman Empire disintegrated, it became a "protected" state, signing a treaty that gave Great Britain control of its defense and foreign relations. In September 1971, as Britain withdrew its forces from the Persian Gulf, Qatar declared independence. The following February, then crown prince Khalifa bin Hamad seized power to become emir, just as his own son would do to him in 1995. He became the sole proprietor of a very valuable, very vulnerable piece of real estate.

The conventional wisdom that you can't be too rich or too thin may apply to society beauties, but you can be too rich and too petite if you happen to be an Arab ministate sitting on one of the world's largest gas reserves, with a population composed largely of non-Arab immigrants (only 40 percent of Qatar's 848,000 citizens are ethnic Arabs, with most of the remaining 60 percent being Pakistani, Indian, Iranian or other imported help). Qatar also has fewer than twelve thousand active military personnel to defend it, a tempting GDP of $91.3 billion a year, and rival regional superpowers Saudi Arabia and Iran for neighbors. Perhaps members of the al-Thani clan have a few more little gray cells, sounder business sense and a stronger survival instinct than many neighboring dynasties; whatever the reason, Qatar's ruling family was unique in its early realization of the importance of winning friends and influencing people via commerce, diplomacy and the air waves.

It has intelligently diversified its financial portfolio by plowing raw-material revenues into chemical, industrial and development projects and a five-star commercial airline, all of which advertise heavily on Al Jazeera. Meanwhile,

two American military bases housing over thirteen thousand U.S. personnel give Qatar protective status as one of Washington's key strategic partners in the region. At the same time, Qatar has cultivated good relations with a wide range of Arab opinion leaders, including many political reformists characterized as "mainstream Islamists," a supplementary insurance policy backing up America's security guarantee for this small, rich monarchy. As Lebanese Middle East expert Talal Atrissi recently told the New York Times, it would appear that "Qatar is a country without ideology. They know that the Islamists are the new power in the Arab world. This alliance will lay the foundation for a base of influence across the region."

But it isn't quite that simple. While many of the voices demanding freer, less corrupt government in the Arab world fall under the broad "Islamist" rubric, the crowds that have taken to the streets in countries like Egypt and Syria are disproportionately young, affluent, educated, Westernized and, surprisingly often, English speaking. In other words, they are just the sort of people that form Al Jazeera's core viewership and just the sort of people who must form the popular base for any truly democratic reform in the Muslim world in general and the Middle East in particular.

Like its viewers, Al Jazeera presents a far more moderate, Westernized face than Islamic jihadism or rigid Sunni orthodoxy. In fact, there is very little specifically religious content in its broadcasts. Though some of its more strident critics accuse Al Jazeera of being an "Islamist" stalking horse, it is, in fact, a not-for-Prophet as well as a not-for-profit news operation. As such, it should be welcomed by all who share the humanist, democratic values of Western civilization.

The bottom line? After two months of monitoring Al Jazeera's English-language broadcasts, I am inclined to take the network's moderate, modernist face at face value. A look at the list of Al Jazeera correspondents, commentators and anchors offers dramatic proof of its cosmopolitan breadth. You are not likely to find names like Nick Clark, Dan Hind, Richard Falk, Ronnie Vernooy, Pepe Escobar, Corey Robin, David Zirin, Amanda Robb and Danny Schechter on any list of Muslim extremists. And Al Jazeera's Muslim broadcasters, like Marwan Bishara (formerly of The American University of Paris), are scarcely the stuff that militant Islamists are made of.

All in all, the Al Jazeera team matches or exceeds most of its rivals when it comes to professional credentials, including in the number of its alumni from Sky News, ITN, BBC, CNN International, the Economist, ABC, CBS, Canadian Broadcasting and Granada TV. Al Jazeera has even landed the man whose celebrated Nixon interviews earned him superstar status as a television journalist. At age seventy-two, Sir David Frost may be slightly past his prime--there are moments when his Frost Over the World program could be more accurately described as Fog over Frost--but he regularly interviews top-tier statesmen, financial experts and celebrities in a full-length format, offering viewers much more than the usual domestic-network sound bites.

At a time when Western broadcast and print operations are decimating staff and closing overseas news bureaus, Al Jazeera is expanding. Middle East coverage is anchored in Qatar's modern capital, Doha, with bureaus in Beirut, Gaza, Ramallah and Tehran; European coverage is anchored in London with bureaus in Paris and Moscow; Washington, DC, anchors the Americas, with bureaus in Bogatá, Buenos Aires, Caracas, New York City, Mexico City, São Paulo and Toronto; the Asia-Pacific region is anchored in Kuala Lumpur with bureaus in Beijing, Islamabad, Jakarta, New Delhi and Manila; and there are African bureaus in Cairo, Abidjan, Nairobi, Johannesburg and Harare.

Some bias is inevitable in any news operation. But in two months of heavy Al Jazeera viewing, I saw no evidence of pervasive pro-Muslim religious bias. On the contrary, most of the bias on display tended to be of the same liberal, secular variety that skews much of the reporting by mainstream American media, e.g., acceptance of "Occupy Wall Street" demonstrators on their own terms as spokesmen for 99 percent of the American people. The only green bias discernible had nothing to do with the sacred color of the Prophet's banner and everything to do with Western-style tree hugging: a report on how Tasmanian devils, particularly nasty little antipodean marsupials, are on the brink of extinction because of their vicious tendency to bite one another, thereby passing on a contagious, fatal form of facial tumors.

On the whole, I found myself better informed by Al Jazeera than by the so-called mainstream media on a wide range of issues during the two months I monitored its English transmissions. Obviously there was more detailed, in-depth coverage of the Middle East. While sympathy for the plight of the Palestinians was apparent, it was at about the same level that one encounters

nowadays on CNN, ABC, CBS and NBC. And I was pleasantly surprised by the global reach of the coverage: flooding in Colombia, parliamentary crisis in Italy, Mexican military operations against illegal immigrants entering the country from Guatemala, reform elections in Morocco, steady coverage of the Canadian pipeline controversy, pending Supreme Court consideration of Obamacare and gang violence in Brazilian favelas, to cite a random sampling.

Particularly gripping was a feature-length investigative report on the abduction and murder of Russian human-rights crusader Natasha Estemirova by hit men serving Ramzan Kadyrov, the Kremlin-backed thug currently running Chechnya. This was a moving, disturbing exposé of the true nature of Russia under the heel of Vladimir Putin, a subject that has been largely neglected by most Western media.

There are, of course, many things to criticize about Al Jazeera. Like all 24/7 broadcast-news operations, there are far too many recycled segments offered up as fresh news again and again over several days and, until recently, Al Jazeera's coverage of popular protests against the Sunni monarchy in Shia-majority Bahrain--and their brutal suppression--was far less aggressive than its coverage of popular uprisings elsewhere in the Arab world. But, all in all, I came away from two months of Al Jazeera viewing with a respect for the general quality of its journalism, an admiration for the physical courage of its frontline reporters and the conviction that--particularly in the case of Al Jazeera's female Muslim correspondents--the network offered viewers throughout the Islamic world strong, positive role models for a civilized, secular society.

In essence, the test for the future of Islam's 1.4 billion adherents around the world (compared to 2.2 billion Christians) is whether or not their societies can come to terms with not just the technical aspects of modernity--it is easy enough to learn how to build bombs and crash planes invented by others--but with balancing spiritual and secular concerns in a way that allows for tolerance, intellectual inquiry, and a civil structure that respects the rights of all individuals and includes among those rights participation in the making of society's laws and their fair enforcement.

Whether or not Qatar's emir personally embraces all of these principles, the Al Jazeera English-language service he underwrites offers news, analysis and encouragement for those who do in the Arab and Islamic worlds.

Annex 64

"September 11 Hijackers Fast Facts", *CNN* (27 July 2013), *available at* https://www.cnn.com/2013/07/27/us/september-11th-hijackers-fast-facts/index.html

September 11 Hijackers Fast Facts - CNN

cnn.com/2013/07/27/us/september-11th-hijackers-fast-facts/index.html

Timeline:
September 11, 2001 - Nineteen men hijack four commercial airlines loaded with fuel for cross country flights, to carry out a terrorist attack on the United States orchestrated by al Qaeda leader Osama bin Laden.
-- 8:46 a.m. ET (approx.) - American Airlines Flight 11 (traveling from Boston to Los Angeles) strikes the North Tower of the World Trade Center in New York City. The plane is piloted by plot leader Mohamed Atta.

-- 9:03 a.m. ET (approx.) - United Airlines Flight 175 (traveling from Boston to Los Angeles) strikes the South Tower of the World Trade Center in New York City. The plane is piloted by hijacker Marwan al Shehhi.

-- 9:37 a.m. ET (approx.) - American Airlines Flight 77 (traveling from Dulles, Virginia, to Los Angeles) strikes the Pentagon Building in Washington. The plane is piloted by hijacker Hani Hanjour.

-- 10:03 a.m. ET (approx.) - United Airlines Flight 93 (traveling from Newark, New Jersey, to San Francisco) crashes in a field in Shanksville, Pennsylvania. The plane is piloted by hijacker Ziad Jarrah.

Hijackers by Airplane:
American Airlines Flight 11
Mohamed Atta - Egypt, tactical leader of 9/11 plot and pilot
Abdul Aziz al Omari - Saudi Arabia
Wail al Shehri - Saudi Arabia
Waleed al Shehri - Saudi Arabia
Satam al Suqami - Saudi Arabia

United Airlines Flight 175
Fayez Banihammad - United Arab Emirates
Ahmed al Ghamdi - Saudi Arabia
Hamza al Ghamdi - Saudi Arabia
Marwan al Shehhi - United Arab Emirates, pilot
Mohand al Shehri - Saudi Arabia

American Airlines Flight 77
Hani Hanjour - Saudi Arabia, pilot
Nawaf al Hazmi - Saudi Arabia

Salem al Hazmi - Saudi Arabia
Khalid al Mihdhar - Saudi Arabia
Majed Moqed - Saudi Arabia

United Airlines Flight 93
Saeed al Ghamdi - Saudi Arabia
Ahmad al Haznawi - Saudi Arabia
Ziad Jarrah - Lebanon, pilot
Ahmed al Nami - Saudi Arabia

Hijackers by Nationality:

Egypt
Mohamed Atta

Lebanon
Ziad Jarrah

Saudi Arabia
Ahmed al Ghamdi
Hamza al Ghamdi
Saeed al Ghamdi
Hani Hanjour
Nawaf al Hazmi
Salem al Hazmi
Ahmad al Haznawi
Ahmed al Nami
Khalid al Mihdhar
Majed Moqed
Abdul Aziz al Omari
Mohand al Shehri
Wail al Shehri
Waleed al Shehri
Satam al Suqami

United Arab Emirates
Fayez Banihammad
Marwan al Shehhi

Annex 65

"Video: Dubai ruler praises Al-Qaradawi for his scholarly achievements", *Middle East Monitor* (12 Apr. 2014), *available at* https://www.middleeastmonitor.com/20140412-video-dubai-ruler-praises-al-qaradawi-for-his-scholarly-achievements/

Video: Dubai ruler praises Al-Qaradawi for his scholarly achievements

middleeastmonitor.com/20140412-video-dubai-ruler-praises-al-qaradawi-for-his-scholarly-achievements

11 April 2014

April 12, 2014 at 10:00 am | Published in: Middle East, News

April 12, 2014 at 10:00 am

A video showing the ruler of Dubai kissing the forehead of Sheikh Yusuf Al-Qaradawi has gone viral at a time when the UAE is waging a media war on the Doha-based Islamic scholar for his criticism of the UAE government.

The video was taped during a ceremony organised by the UAE government to honor Sheikh Yusuf Al-Qaradawi as "the international figure of the year" in 2012.

In the video, Mohamed Bin Rashed Al-Maktoum, the Dubai ruler, praises the efforts of Al-Qaradawi and urges him to advice rulers and politicians who are always error-prone.

Although this is precisely what Al-Qaradawi has been doing in his speeches and weekly sermons, he is currently the subject of smear campaigns and fierce criticism by UAE media and politicians due to his criticism of the Gulf country's support of the coup in Egypt and its repression of Islamists.

Below is a transcript of Al-Maktoum's remarks to Sheikh Youssef Al-Qaradawi:

"We welcome you to the UAE and to Dubai. The UAE is your country and the people of UAE are your brothers. His Highness Sheikh Zayed loves you. Honestly, we salute your efforts for the sake of knowledge and Islam. We are all your students. Politicians always make mistakes. The duty of scholars is to advise the leaders, with honestly and sincerity and without compliments. Because the ruler and the scholar are responsible before Allah for [those of which they are in charge]. Thus there should not be compliments by scholars to rulers; [scholars] should show the right [path] to rulers.

"We are all your students. Honestly, I am delighted that you have been selected as the international figure [honoured for his role in serving as an Islamic scholar]. I was very happy when the selection committee announced your name. Although I do not interfere in the work of the committee, I was hoping that you would be the winner. When they wanted to introduce you to me, I said no need to introduce this popular international figure. Thank Allah. I congratulate you on this award."

Annex 66

Ala'a Shehabi, "Why is Bahrain Outsourcing Extremism?", *Foreign Policy* (29 Oct. 2014), *available at* https://foreignpolicy.com/2014/10/29/why-is-bahrain-outsourcing-extremism/

Why Is Bahrain Outsourcing Extremism?

foreignpolicy.com/2014/10/29/why-is-bahrain-outsourcing-extremism

FP

Argument

The Bahraini government has been working overtime to crush pro-democracy activists. But what about followers of the Islamic State?

By Ala'a Shehabi

| October 29, 2014, 7:38 PM

@Charles_Lister/Twitter

Against the backdrop of a beautiful green landscape along the Euphrates River, four young men carrying assault rifles walk up a hill in slow motion, carrying the distinctive flag of the Islamic State (IS). A voice informs us that these “warriors of the doctrine” are carrying out the “noble mission” of “purifying” Iraq. Speaking to the camera, the four deliver messages to their “Sunni family” in Bahrain. Aside from the expected pleas to join their jihad, the key purpose of the film is to encourage members of their home country’s security forces to join IS. They also urge fellow Bahrainis to boycott November’s parliamentary elections.

The video is graphic evidence that Bahrain has a burgeoning problem with Salafi radicalization. Support for extremist groups has flourished even as the state has been cracking down on the non-violent, pro-democracy opposition.

> Support for extremist groups has flourished even as the state has been cracking down on the non-violent, pro-democracy opposition.

The regime's response to the film, which has been viewed around 100,000 times since it was uploaded in September, has been muted, though officials admit that at least 100 Bahrainis have joined IS and several have been killed. That number is small but significant. Not only is there a direct link between IS and Bahrain's security services (as the video suggests), but the Bahraini cohort in the Islamic State includes Turki al-Binali, one of the movement's most influential radical preachers.

Bahrain's public stance on the war against IS contrasts sharply with its lack of action at home. The kingdom has attempted to present itself as the leader of the Gulf Cooperation Council's (GCC) anti-IS efforts. At the start of the air campaign launched against IS by the United States and a select group of allies in September, Bahrain's Foreign Minister, Sheikh Khalid bin Ahmed al-Khalifa, made prominent appearances in the Western media, including the BBC and CNN, to announce Bahrain's membership in the U.S. military coalition. Khalifa even spoke of the need to rid the region of the "deviated cult."

Some Bahrainis may have been wondering, however, at what point this cult was viewed to have "deviated." In June, Information Minister Sameera Rajab appeared to tweet sympathetically about the advances IS was then making, suggesting that they might represent "a revolution against the injustice and oppression that has reigned over Iraq for more than 10 years" — a view echoed by many prominent figures in Bahrain.

Nor have the authorities given the impression that they are treating the threat of internal IS recruitment with anything like the seriousness they apply to "rooting out traitors" — a reference to the pro-democracy activists that have been taking to the streets to demand reform since 2011. So far, only one of those in the IS video has been identified — a former lieutenant in the Bahraini police force, Mohammed Isa al-Binali — although it is hard to believe that discovering the identities of the other three would be too difficult in a country with a native population of under 600,000.

In contrast to the grand rhetoric employed against political dissenters, the authorities tend to dismiss radicalization as the result of "misguided" youth who have been "led astray." There is no acknowledgement that books printed and distributed by the Bahraini Army itself have promoted the takfiri thought that underpins IS and other extremist groups. Adel Jassim Flaifel, a former colonel in the state security service who has been accused of torture and openly preaches sectarian hate speech, was only recently arrested — though he was convicted only on lesser charges of financial irregularities. Before he was detained this summer he had spent three years openly preaching extremist views in Muharraq, Bahrain's third largest city.

So far there doesn't appear to have been any documented trial of any person on charges of IS-related terrorist activity despite government vows to pursue and monitor their activities.

> So far there doesn't appear to have been any documented trial of any person on charges of IS-related terrorist activity despite government vows to pursue and monitor their activities.

The government offered a two-week amnesty for former jihadists in March of this year. (A Bahraini IS fighter responded by ripping up his Bahraini passport on YouTube.) Commenters on Bahraini websites supporting IS brag about the freedom they enjoy in the kingdom, compared with other Gulf states such as the United Arab Emirates.
By contrast, the government has violently repressed the largely peaceful, non-sectarian movement — led by activists like Nabeel Rajab, the president of the banned Bahrain Center for Human Rights — that continues to fight for equality, freedom, and human rights. Rajab was arrested on Oct. 1 for tweeting that "Many #Bahrain men who joined #terrorism & #ISIS came from security institutions and those institutions were the first ideological incubator." He was charged with "offending national institutions," a crime punishable by up to three years' imprisonment. (He's supposed to receive his sentence today, Oct. 29.) He has already served two years on charges that included criticizing the prime minister, and was only released in May.

For three years, the regime has destroyed Shiite mosques, carried out sectarian profiling, and "cleansed" state institutions in a crackdown during which up to 15,000 people have been arrested; around 3,000 remain in prison. The government's sectarian narrative — that the Sunni regime and its loyalists are threatened by the Shiites, who make up two-thirds of the Muslim population — is the paradigm that has been used to frame the Bahraini pro-democracy uprising right from the start. The opposition does include Shiites, who are justly aggrieved by decades of exclusion, but also many others whose longstanding demand has been for a constitutional monarchy and human and civil rights.

Last month, the NGO I cofounded, Bahrain Watch, uncovered a list of 77 people targeted by Bahraini intelligence agencies using British surveillance technology. Those named consisted almost entirely of lawyers, activists, and journalists who support political reform. This interpretation of what constitutes a "threat to national security" exemplifies the Bahraini regime's warped worldview — that peaceful dissent is more of a threat than crime and terrorism.

The greatest Bahraini contribution to IS has not, however, been only in the form of fighters and funding. It has been through ideological and moral support, in particular from the radical Bahraini cleric Turki al-Binali, the now Mosul-based spiritual ideologue of IS whose writings have set out the case for Abu Bakr al-Baghdadi's credentials as the righteous caliph to whom all Muslims owe allegiance. His sermons in Bahrain, Libya, and Tunisia can all be found on YouTube, and he was freely traveling and preaching up until at least the end of 2013, if not later. (In the photo above, Binali leads a terrorism class in Mosul.) Last year, he led a protest

outside the American embassy in Manama, the Bahraini capital, with no sign of the tear gas and crowd control usually employed during pro-democracy gatherings, despite the fact that the demonstrators were waving al Qaeda flags and pictures of Osama Bin Laden.

For years, Turki al-Binali has been expanding his influence in Bahrain and recruiting for his cause with little or no interference from the authorities. Bahrain's society is small and interconnected, and this may explain why he's enjoyed impunity for so long. The Binalis are an important family in the country due to their close historical and tribal ties to the ruling al-Khalifas. (Turki al-Binali is also related to Mohamed al-Binali, the renegade police official.)

Of course, some IS support was initially motivated as much by genuine feelings of solidarity with fellow Arabs suffering the oppression of the Syrian regime as by ideological Salafism. But the Bahraini government had also been nurturing and nourishing extremist groups and their sectarian ideology to counter the so-called "Shiite threat" posed by the pro-democracy uprising. For decades, the government has excluding Shiites from sensitive positions, a policy of exclusion that has included filling the security forces with mercenaries from Yemen, Syria, Iraq, Pakistan, and Baluchistan. Many of these "New Bahrainis" have been fast-tracked into citizenship. The popularity of IS ideology within the Bahraini security services shows just how clearly this policy has backfired.

Far from showing gratitude for this support, however, IS has been denouncing the ruling Khalifas as "heretics" for allowing the Americans to launch airstrikes against the jihadists in Syria and Iraq from the U.S. Navy base in Bahrain. IS is also attacking the royal family for allowing the sale of alcohol and for "placing themselves as gods next to Allah."

Meanwhile, negotiations between the regime and Al Wefaq, the main opposition party, have broken down, and Al Wefaq has decided to boycott the parliamentary elections scheduled for November. The king has offered concessions, but they have been minimal, abstract, and insufficient to persuade Al Wefaq to participate. (Among the party's demands: an equal voting system, an elected government, and a fair and independent judiciary.) Impartial polling data in Bahrain is virtually impossible to obtain, but social media sentiment suggests that the boycott enjoys wide support. In response, a judge has now banned the party for three months. This dangerous move to completely outlaw all political activity will push the democracy movement underground, and will push it toward the use of violence.

Now that Bahrain is "at war," however, talk of reform and reconciliation has been relegated to the back seat.

> Now that Bahrain is "at war," however, talk of reform and reconciliation has been relegated to the back seat.

The monarchy's Western allies are also more concerned about the monstrosity growing in the bosom of the Arab world rather than the environment that bred and nourished it.
But that is a mistake. The bigger question that needs to be addressed in the Gulf region is how to fight the extremist radicalization that has served as the material and "ideological incubator" of IS. It is not enough to tackle the enemy by military means without tackling the root causes

of sectarianism and the specific environments and cultures in which it arises. The Bahraini regime needs first to dismantle a system that encourages extremism, promotes sectarianism, enforces exclusionary policies, and survives on repression.

Bahrain's rulers may regard the country's role in the coalition as necessary for their own self-preservation. If they lose their Western allies, and if their already small base of Sunni loyalists defects to the extremists, the already bare threads of sovereign legitimacy may not be strong enough to keep the dynasty in power. The regime hopes that it can reduce the external pressure for democratic change by strengthening its alliance with the West. But its allies, above all the United States and the United Kingdom, must not let the regime's participation in the military offensive serve as a quid pro quo for avoiding genuine democratization.

The reality is that Bahrain, like many other Arab states, is in urgent need of a national unity that can only be achieved by forging a new social contract around democratic constitutions that represent the will of the people. Democracy is the only beacon of hope for a region that is drowning in a cesspool of extremism and authoritarianism.

So far, however, the ruling elites across the region only know how to respond by force, with the help of economic fuel provided by the richer Gulf states. Many believe the future lies in a regional bargain between the United States, Saudi Arabia, and Iran but it is not clear to anyone if democracy is a stake in this bargain at all.

Tags: Arab World, Argument, Culture, Default, Democracy, Democracy Lab, Free, Human Rights, Islam, Terrorism, Web Exclusive

Annex 67

"Qatar recalls envoy to Egypt in row over Libya strikes", *BBC News* (19 Feb. 2015), *available at* https://www.bbc.com/news/world-middle-east-31532665

Qatar recalls envoy to Egypt in row over Libya strikes

19 February 2015

Qatar has recalled its ambassador from Egypt following a row about air strikes on Islamic State targets in Libya.

Foreign ministry officials said it was prompted by comments made by Egypt's delegate to the Arab League, who accused Qatar of supporting terrorism.

Qatar had expressed reservations over Egypt's unilateral military action in another Arab League member state and the risk of civilian casualties.

Relations between Doha and Cairo have been strained in recent years.

The Qatari government backed President Mohammed Morsi and his Muslim Brotherhood before his overthrow by the Egyptian military in 2013.

The Qatari-owned TV network, Al Jazeera, has also been a major source of tension, with the Egyptian authorities accusing it of serving as a mouthpiece for Mr Morsi's supporters and prosecuting its journalists.

'Against righteousness'

The Egyptian air force bombed Islamic State bases in Libya on Monday in retaliation for the beheading of 21 Egyptian Coptic Christians.

After a meeting in Cairo on Wednesday, the Arab League issued a statement stressing its "complete understanding" about the air strikes and supporting Egypt's call for the lifting of the UN arms embargo on the supply of weapons to the Libyan armed forces.

But Qatar's expression of reservations about the statement was criticised.

"According to our reading in Egypt to this Qatari reservation, it became clear that Qatar has revealed its position that supports terrorism," the Egyptian permanent representative to the Arab League, Tareq Adel, was quoted as saying by the Egyptian state news agency, Mena.

In a statement published by the official QNA news agency on Thursday, Qatari foreign ministry official Saad bin Ali al-Muhannadi denounced Mr Adel's statement, saying it was "against righteousness, wisdom and principles of joint Arab action".

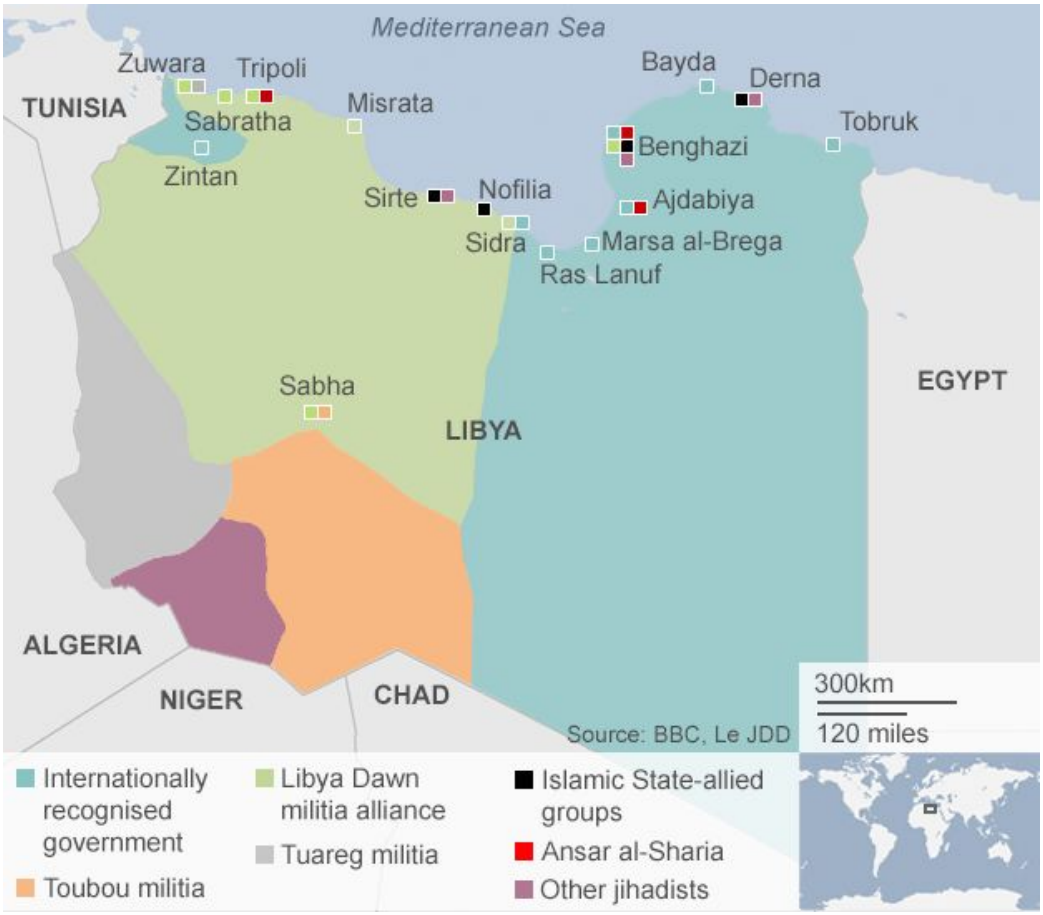
He said the emirate's delegate to the Arab League had merely pointed out that Egypt should have consulted its neighbours before "launching a unilateral military action in another member state, a matter which might lead to harming civilians".

Mr Muhannadi said Qatar was also against the strengthening of one party in the conflict in Libya before the conclusion of UN-backed peace talks and the formation of a national unity government.

The Gulf Co-operation Council also voiced support for Qatar, saying it rejected "accusations by Egypt's permanent envoy at the Arab League".

Secretary General Abdul Latif al-Zayani said they were "unfounded, contradict reality, and ignore the sincere efforts by Qatar, as well as the Gulf Co-operation Council and Arab states, in combating terrorism and extremism at all levels".

Libya's rival power bases



How strong is Islamic State in Libya?

Why is Libya lawless?

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Annex 68

"Qatar row: Air travellers hit by grounded flights", *BBC* (5 June 2017), *available at* https://www.bbc.com/news/world-middle-east-40159085

Qatar row: Air travellers hit by grounded flights

bbc.com/news/world-middle-east-40159085

Middle East
Middle East
5 June 2017

Image copyright AFP/Getty Images
Image caption Several Gulf countries have closed their airspace to Qatar Airways

Travellers have reacted with dismay after many airlines suspended flights to and from Qatar's capital, Doha.

Some had to spend thousands of dollars on new plane tickets, while others are feared to be stranded at Doha's Hamad International Airport.

The issues arose after the United Arab Emirates (UAE), Saudi Arabia, Egypt, Bahrain, Libya and Yemen all cut diplomatic ties with Qatar.

They say it backs Islamist terror groups, which Qatar denies.

The Gulf allies have closed their airspace to Qatar Airways, which has suspended all its flights to Saudi Arabia.

UAE-based carriers Emirates, Etihad Airways, Flydubai and Air Arabia have said they will not fly to or from Doha from 6 June.

Bahrain's Gulf Air and Egyptair are expected to follow their lead.

Travel panic and a groceries rush

Robin Doodson, 43, who has lived in Qatar for three years, told the BBC he was due to fly to Australia via Abu Dhabi [capital of the UAE] on Thursday.

"It's a little bit chaotic - nobody knows what's going on here at the moment. Everyone's getting a bit panicky.

"Like everything here, there's no warning. You learn to expect the unexpected!"

Mr Doodson has booked a different flight to Oman, and says it will now take him two days to get to Australia.

As well as ceasing air contact, Saudi Arabia has closed its land borders with the tiny peninsula of Qatar. The move has prompted panic-buying in supermarkets, as about 40% of the desert nation's food is believed to be imported via the Saudi border.

The problem may be exacerbated by the Muslim holy month of Ramadan, currently under way, when participants fast during daylight hours and eat only after nightfall.

Supermarket sales tend to spike as local outlets slash prices and offer special promotions.

Mr Doodson said friends have sent him pictures of empty supermarket shelves, while hurrying to stock up on meat and other staples.

The local Doha News website told a similar story: "Customers could be seen piling their carts high with supplies of milk, water, rice and eggs at several popular grocery stores today, which were even busier than is usual for Ramadan."

The outlet quoted a shopper at Carrefour in Villaggio Mall, Doha, saying: "I've never seen anything like it - people have trolleys full of food and water."

A statement from Qatar's government said that "marine and air spaces will remain open for import and movement", and urged shoppers not to worry.

It added that food in Qatar is sourced from around the world, not just the Gulf.

Spending thousands on new tickets

Ron Moonsinghe, who works as a teacher in the UAE, told the BBC he and his wife had booked flights home to the UK via Doha, with Qatar Airways. Now he fears they will be cancelled.

"Those tickets cost us back in January 6,300 AED (£1,327; $1,715) for us both. I have just booked tickets with Etihad to London for 11,300 AED and have no idea how we can get a refund from Qatar Airways."

"This is bog-standard, cheapest economy tickets," he noted.

"This is going to affect hundreds and hundreds and hundreds of people - maybe thousands."

Mr Moonsinghe says the start of the school holidays on 22 June will exacerbate the problem. "There's hundreds of teachers going to different parts of the world... There's teachers here going to Australia, South Africa. Thousands of kids going all over the world - not just to the UK - and booked with Qatar Airways."

Qatar - Key facts

2.7m

population

- 2m of whom are men
- 11,437 sq km in size (4,416 sq miles)
- 77 years life expectancy (men)
- 80 years for women

Source: UN, World Bank, MDPS, WHO

Reuters

'Not happy!'

Lab scientist Richard Milkins, who is based in Saudi Arabia, was equally unimpressed.

He told the BBC: "This is a massive headache for a lot of people. In two weeks' time we have Eid Holidays in the Middle East. There will be many of us who have flights booked from Saudi Arabia and Bahrain via Doha to Heathrow, Manchester, Birmingham and Edinburgh.

"I have contacted Qatar Airways this morning with regards to my June 22nd flight Dammam-Doha-Birmingham, with the return leg June 30th, and have not received a response. Not Happy!"

Families divided

There is also concern about the impact that closing the borders between Qatar and other Gulf countries could have on families.

Saudi Arabia, the UAE and Bahrain have given all Qatari visitors and residents just two weeks to leave their territory. The three countries have also banned their citizens from travelling to Qatar.

The Saudi authorities say an estimated 18,000 Saudis are living in Qatar, mainly as a result of intermarriage.

Some shared their concerns on social media, with one user noting, "Nobody deserves to be separated from their family".

Image copyright Twitter/@myr_naj

Image copyright Twitter/@tmathir

What have the airlines said?

As of 5 June, Qatar Airways said it had suspended all flights to Saudi Arabia until 02:59 (Doha time) on 6 June.

According to Gulf News, representatives at Qatar Airways' call centre said passengers with bookings to and from the UAE "could assume their flights are on schedule".

"It is unclear how Qatar Airways plans to operate these flights considering that the UAE government has officially banned all Qatari means of transportation from coming to or leaving the UAE," the website noted.

In a statement online, Etihad said its last flight from Abu Dhabi to Doha would leave at 02:45 local time on 6 June, and the last flight from Doha to Abu Dhabi will be at 04:00.

The carrier said all customers with flights booked to and from Doha would be given "alternative options including full refunds on unused tickets and free rebooking to the nearest alternate Etihad Airways destinations".

Emirates said it would suspend flights to and from Doha from the morning of 6 June. It also said customers would be offered full refunds and free rebooking.

Dubai-based budget carrier Flydubai has urged passengers to contact their travel agent or its call centre to arrange a refund.

Annex 69

Jamie McIntyre, "US base in Qatar still running the fight against ISIS amid diplomatic rift in the Middle East", *Washington Examiner* (5 June 2017), *available at* https://www.washingtonexaminer.com/us-base-in-qatar-still-running-the-fight-against-isis-amid-diplomatic-rift-in-the-middle-east

US base in Qatar still running the fight against ISIS amid diplomatic rift in the Middle East

washingtonexaminer.com/us-base-in-qatar-still-running-the-fight-against-isis-amid-diplomatic-rift-in-the-middle-east

US base in Qatar still running the fight against ISIS amid diplomatic rift in the Middle East by Jamie McIntyre | June 05, 2017 03:32 PM

The air base in Doha is the forward operation headquarters of U.S. Central Command, which is overseeing the war against the Islamic State in Iraq and Syria. (Staff Sgt. Corey Hook/U.S. Air Force via AP) Staff Sgt. Corey Hoo

The Pentagon says U.S. military operations at the sprawling Al-Udeid Air Base in Qatar are unaffected by the raging diplomatic firestorm in which four Arab countries have cut ties with the Qataris over the Kingdom's alleged support of Iranian.

The air base in Doha is the forward operation headquarters of U.S. Central Command, which is overseeing the war against the Islamic State in Iraq and Syria. About 10,000 U.S. troops are stationed there.

"We haven't seen any impact on today's operations," said Col. John Thomas, a Central Command spokesman at MacDill Air Force Base in Tampa, Fla.

Bahrain, Egypt, Saudi Arabia and the United Arab Emirates announced Monday they were breaking off diplomatic relations with Qatar, recalling personnel, and cutting commercial air service to the Qatari capital of Doha.

The countries accuse Qatar of supporting terrorist groups and backing Iran.

"U.S. military aircraft continue to conduct missions in support of ongoing operations in Iraq, Syria and Afghanistan. The United States and the Coalition are grateful to the Qataris for their longstanding support of our presence and their enduring commitment to regional security. We have no plans to change our posture in Qatar," Pentagon spokesman Maj. Adrian J.T. Rankine-Galloway said.

"We encourage all our partners in the region to reduce tensions and work towards common solutions that enable regional security."

Speaking Monday in Australia, Secretary of State Rex Tillerson said the U.S. in encouraging the countries involved to sit meet and address their differences.

"I do not expect that this will have any significant impact, if any impact at all, on the unified fight against terrorism in the region or globally," Tillerson said, speaking to reporters after a U.S.-Australian summit.

That assessment was shared by Defense Secretary Jim Mattis, who was also in Australia for the defense consultations.

"I am positive there will be no implications coming out of this dramatic situation at all," Mattis said. "I think it's Iran's actions that will speak most loudly, and the diplomatic situation, it will probably take some time — I don't know how long — but it will be resolved."

Annex 70

Naveed Siddiqui, "550 Pakistani pilgrims stranded in Qatar flown to Muscat", *Dawn* (6 June 2017), *available at* https://www.dawn.com/news/1337785

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dawn.com/news/print/1337785

June 6, 2017

At least 550 Pakistani pilgrims stranded at Doha Airport after a diplomatic rift between Qatar and six other countries were evacuated and flown to Muscat on Tuesday, Pakistani embassy officials told *DawnNews*.

The pilgrims, who were travelling to Saudi Arabia for Umrah via Qatar, were stranded in Doha after several countries including Saudi Arabia, UAE, Bahrain, Egypt, Maldives, Yemen and the eastern Libyan government cut diplomatic ties with Qatar.

All the nations announced plans to cut air and sea traffic to Qatar, which it called 'unjustified'.

Sadia Khurram, an official of the Pakistani embassy in Qatar, told *DawnNews* that initial arrangements to transport Pakistanis stranded at Doha airport to Saudi Arabia were made by Qatar Airways, and that Oman Air was used for the operation.

In first phase, 400 Pakistanis were transported to Muscat through a special flight at 7:00am on Tuesday, whereas the remaining 150 passengers were also transported to Muscat via Oman Air at 2:30pm, from where the pilgrims are to be sent to Saudi Arabia.

Khurram said that the Pakistani mission in Doha was in touch with embassies in Oman and Saudi Arabia, whereas Pakistan embassy staff were also present at Muscat International Airport to facilitate passengers upon arrival.

The embassy official advised Pakistani citizens to avoid travelling to Saudi Arabia through Qatar Airways, or on any flights from Qatar, keeping in view the volatile situation between Qatar and the three other Gulf countries.

PIA seeks to help stranded passengers

Pakistan International Airlines (PIA) is in talks to bring back Pakistani pilgrims stranded in Doha, an official said.

“There are two options for PIA. Either take them from Doha to Jeddah, and for that we will be needing Saudi government permission. Or the second is to bring them back to Pakistan and take them to Saudi Arabia,” Mashhood Tajwar, spokesman for the national carrier, told Reuters.

Tajwar said the number of stranded Pakistani passengers was not clear because they were customers of Qatar Airways, but PIA was in contact with the Pakistani embassy in Doha to get details.

Qatar is home to global airline Qatar Airways and many airports in the Gulf region are major hubs for international connecting flights. Qatar's main Hamad International Airport, for example, served about 9.8 million passengers from January to March, according to its website.

Annex 71

Zahraa Alkhalisi, "Arab blockade is nightmare for Qatar Airways", *CNN* (6 June 2017), *available at* https://money.cnn.com/2017/06/06/news/qatar-airways-blockade-nightmare/index.html

money.cnn.com/2017/06/06/news/qatar-airways-blockade-nightmare/index.html

by Zahraa Alkhalisi

Food, fuel and flights: How Qatar may suffer

It was already turning into a tough year for Qatar Airways. Now things have gotten a whole lot worse.

The airline said Tuesday it was suspending all flights to Saudi Arabia, the United Arab Emirates, Bahrain and Egypt "until further notice" after those countries broke off diplomatic relations and transport links with Qatar.

The Arab states have accused their neighbor of supporting terrorism and destabilizing the region. Qatar says the claims are "unjustified" and "baseless."

Qatar has repeatedly faced criticism for alleged support of the Muslim Brotherhood, an Islamist group considered a terrorist organization by Saudi Arabia and the UAE. Analysts say the unprecedented diplomatic rift is also driven by the belief that Qatar is too closely aligned with Iran.

Saudi Arabia canceled Qatar Airways' license in the kingdom and will shut down its offices within 48 hours. Qatar Airways said it was arranging three charter flights on Tuesday from Jeddah to Muscat, Oman, for passengers stranded in Saudi Arabia.

Related: Qatar is backed by a massive global war chest

Emirates, Etihad, Saudia, Egypt Air and other regional airlines have already suspended flights to and from Doha, Qatar, but the blockade will hurt Qatar Airways more than most. It is losing more than 50 flights a day.

"Qatar Airways serves 18 destinations in these four countries, accounting for approximately 18% of the airline's total seating capacity," said Rob Watts, managing director at Aerotask, a global aviation consultancy firm.

"Profitable redeployment of this capacity will prove a substantial challenge for the airline."

Saudi Arabia, UAE, Bahrain and Egypt have closed their airspace to Qatar traffic. Saudi Arabia has also closed its land border with Qatar.

"The ban on flights has a greater impact on Qatar Airways, which operates more flights[on affected routes]than all other airlines combined," said CAPA Centre for Aviation in a report.

The regional political crisis is just the latest blow to Qatar Airways this year.

It was one of 10 airlines hit by a laptop ban introduced by the Trump administration in March. Passengers flying from several airports in the Middle East are now banned from carrying any electronic device larger than a smartphone in the cabin.

In the same month, Trump signed a revised executive order banning citizens of six Muslim-majority countries from entry. While that order has been struck down by the courts, there's evidence that fewer people are traveling from the Middle East to the U.S.

Qatar Airways CEO Akbar Al Baker told CNNMoney in April that his airline has seen a drop in bookings but it was "manageable."

Related: Qataris stock up on food as Arab embargo threatens imports

Now barred from flying over large parts of the Middle East, Qatar Airways will have to use alternative, longer routes -- adding to its costs -- for flights to Europe and North American destinations.

Iran's Tasnim news agency reported that Iran was expecting an increase of 200 flights per day from Qatar Airways over its airspace.

The announcement from Qatar Airways on Tuesday still left some passengers confused about what they should do.

"What is now the current status of flights from Manila-Doha-Dubai on June 13? What do we need to do?" tweeted one user.

> @qatarairways What is now the current status of flights from manila-doha-dubai on june 13? What do we need to do?
>
> — Green Stone (@IamJadeCarolyn) June 6, 2017

The airline is referring passengers to its online statement.

"All customers booked on affected flights will be provided with alternative options, including the option of a full refund on any unused tickets and free rebooking to the nearest alternative Qatar Airways network destination," it said.

Pakistan said some of its citizens who were en route to Saudi Arabia were stranded in Doha after their Qatar Airways flight to Jeddah was canceled.

CNNMoney (Dubai) First published June 6, 2017: 7:21 AM ET

Annex 72

Jon Gambrell, "Emirati diplomat to AP: 'Nothing to negotiate' with Qatar", *Associated Press* (7 June 2017), *available at* https://apnews.com/3a69bad153e24102a4dd23a6111613ab

Emirati diplomat to AP: ‘Nothing to negotiate’ with Qatar

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June 6, 2017

Emirati diplomat to AP: 'Nothing to negotiate' with Qatar

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By JON GAMBRELLJune 7, 2017

Anwar Gargash, UAE Minister of State for Foreign Affairs talks to The Associated Press about relations with Qatar in Dubai, United Arab Emirates, Wednesday, June 9, 2017. (AP Photo/Kamran Jebreili)

DUBAI, United Arab Emirates (AP) — A top Emirati diplomat said Wednesday "there's nothing to negotiate" with Qatar over a growing diplomatic dispute about the energy-rich nation's alleged funding of terror groups, signaling Arab countries now isolating it have no plans to back down.

Speaking in a rare interview, Emirati Minister of State for Foreign Affairs Anwar Gargash told The Associated Press that Qatar has "chosen to ride the tiger of extremism and terrorism" and now needed to pay the price, despite Qatar long denying the allegation.

Gargash said Qatar "definitely" should expel members of Hamas, stop its support of terror groups "with al-Qaida DNA" around the world and rein in the many media outlets it funds, chief among them the Doha-based satellite news network Al-Jazeera.

While applauding a Kuwaiti effort to mediate the crisis, Gargash said Emirati and Saudi officials planned to concede nothing to Qatar, home to some 10,000 American troops at a major U.S. military base and the host of the 2022 FIFA World Cup.

Their "fingerprints are all over the place" in terror funding, Gargash said. "Enough is enough."

Qatari officials declined to immediately comment on Gargash's comments. Its foreign minister has struck a defiant tone in interviews, even after worried residents emptied grocery stores in its capital of Doha as Saudi Arabia has blocked trucks carrying food from entering the country.

Its flag carrier Qatar Airways now flies increasingly over Iran and Turkey after being blocked elsewhere in the Middle East. Emirati officials also shut down the airline's offices in the UAE on Wednesday. Al-Jazeera offices also have been shut down by authorities in Saudi Arabia and Jordan. Meanwhile, Turkey's parliament approved sending troops to an existing Turkish base in Qatar as a sign of support.

The international agency Standard and Poors announced Wednesday that it lowered its rating on Qatar's long-term debt to AA-minus because of the country's dispute with its neighbors. S&P said those countries' severing of diplomatic and business links "will exacerbate Qatar's external vulnerabilities and could put pressure on economic growth and fiscal" stability.

Speaking to the AP from a Foreign Ministry office in Dubai, Gargash listed a number of terror groups he alleged Qatar had funded, including al-Qaida's branches in Syria and Somalia, militants in Egypt's Sinai Peninsula and other group's with "al-Qaida-type organizations" in Libya. He offered no documents to support his claim, but Western officials long have accused Qatar's government of allowing or even encouraging funding of some Sunni extremists.

Gargash particularly pointed out the tens of millions of dollars paid to Shiite militias and others to free dozens of Qatari ruling family members and others in Iraq after 16 months in captivity.

Asked for specifics about what Arab nations wanted from Qatar, Gargash said expelling members of Hamas and other groups like the Muslim Brotherhood from Qatar was important. Gaza's Islamic Hamas rulers, a major recipient of Qatari aid, have called Saudi Arabia's call for

Qatar to cut ties with the Palestinian militant group “regrettable” and said it contradicts traditional Arab support for the Palestinian cause.

In Germany, Saudi Foreign Minister Adel al-Jubeir said he wants to see a response from Qatar to the Arab countries’ demands “soon.”

Both al-Jubeir and Gargash in their comments suggested their complaints about Qatar go back years, likely implying that their grievances are focused on the policies of Sheikh Hamad bin Khalifa Al Thani. Sheikh Hamad became emir through a palace coup in 1995 and expanded his nation’s presence on the international scene through negotiating hostage releases, briefly flirting with diplomatic ties to Israel, hosting a Taliban office and creating Al-Jazeera.

Sheikh Tamim bin Hamad Al Thani, his son, became Qatar’s ruling emir in 2013, but Sheikh Hamad still looms large in the tight, insular world of Qatari ruling family politics.

U.S. President Donald Trump, who tweeted Tuesday about Qatar funding extremists, called Sheikh Tamim on Wednesday and offered to host leaders at the White House to resolve the crisis.

Qatar faced a similar crisis in 2014 that saw multiple Arab nations pull their ambassadors from the country. That crisis ended eight months later, but the roots of it are clearly seen in the latest dispute. Kuwait’s emir, trying to mediate this latest crisis, flew to Dubai on Wednesday and met with Emirati leaders.

An outspoken Emirati ruling family member, the writer and political analyst Sultan Sooud Al Qassemi, even raised the prospect of Qatar’s leadership changing.

“Qataris are questioning whether this is going to end up in seeing a change in leadership itself in Qatar,” Al Qassemi told the AP in his office in Sharjah, near Dubai. “So it is a very serious issue. Again, this is Qataris speaking to international media wondering whether this is possible at all.”

The Gulf countries have ordered their citizens out of Qatar and gave Qataris abroad 14 days to return home. The countries also said they would eject Qatar’s diplomats.

“Doha now is completely isolated,” Al Qassemi said. “Doha now needs to take serious steps very rapidly to placate not only their neighbors but also their allies around the world.”

His comments took on further strength as the UAE’s Justice Ministry warned social media users that they can face three to 15 years in prison time and fines starting from 500,000 dirhams ($136,000) for offering sympathy for Qatar. The ministry quoted UAE Attorney General Hamad Saif al-Shamsi on social media making the warning, saying it came over Qatar’s “hostile and reckless policy.”

While liberal compared to much of the Middle East, the UAE has tough cybercrime and slander laws under which people can be arrested, imprisoned and deported for taking photographs without the consent of those shown.

The crisis began in part over what the Qataris described as a false news report planted during a hack of its state-run news agency in late May. Russia denied Wednesday it hacked the agency after a CNN report quoted anonymous U.S. officials saying they suspected Russian hackers. FBI agents are assisting Qatar in its investigation, said Meshal bin Hamad Al Thani, Qatar's ambassador to the U.S.

The UAE did not hack the Qatari news agency, Gargash said. However, he did acknowledge the authenticity of recently leaked emails from Emirati Ambassador Yousef al-Otaiba in Washington, which several media outlets described as including criticism of Qatar.

"That hack showed the UAE's real concerns and that what we really say in our private emails is what we say publicly," Gargash said.

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Associated Press writers Geir Moulson in Berlin, Karin Laub in Amman, Jordan, Josh Lederman in Washington and Fay Abuelgasim contributed to this report.

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Follow Jon Gambrell on Twitter at www.twitter.com/jongambrellap. His work can be found at http://apne.ws/2galNpz.

Annex 73

"Gulf blockade disrupts Qatar Airways flights", *Al Jazeera* (7 June 2017), *available at* https://www.aljazeera.com/news/2017/06/gulf-blockade-disrupts-qatar-airways-flights-170606081841215.html

NEWS / QATAR

Gulf blockade disrupts Qatar Airways flights

Dozens of Qatar Airways flights grounded as four nations close airspace, triggering fears for future of Gulf aviation.

7 Jun 2017

Saudi Arabia, the United Arab Emirates, Bahrain and Egypt have closed their airspace to Qatari aircraft on Tuesday amid a deepening diplomatic row, forcing Qatar's flag carrier to re-route its flights over Iran, Turkey and Oman.

The decision by the four Arab nations to sever diplomatic ties and cut off sea and air links with Qatar has caused major disruptions to air travel across the Gulf and raised fears for the future of aviation in the region - home to several of the world's major long-haul carriers.

The countries that launched the measures against Qatar have accused it of supporting "terrorism", a claim Qatar has called "unjustified".

More than 70 flights were grounded across the region on Tuesday, according to data from scheduling firm OAG. A majority of the flights belong to Qatar Airways.

Other airlines affected include Dubai's Emirates, Abu Dhabi's Etihad Airways, Saudi Arabia's Saudia, and Bahrain's Gulf Air, which have all cancelled flights to and from Doha.

Alexandre de Juniac, the director general of the International Air Transport Association (IATA) has expressed concern over the blockade and called for more openness.

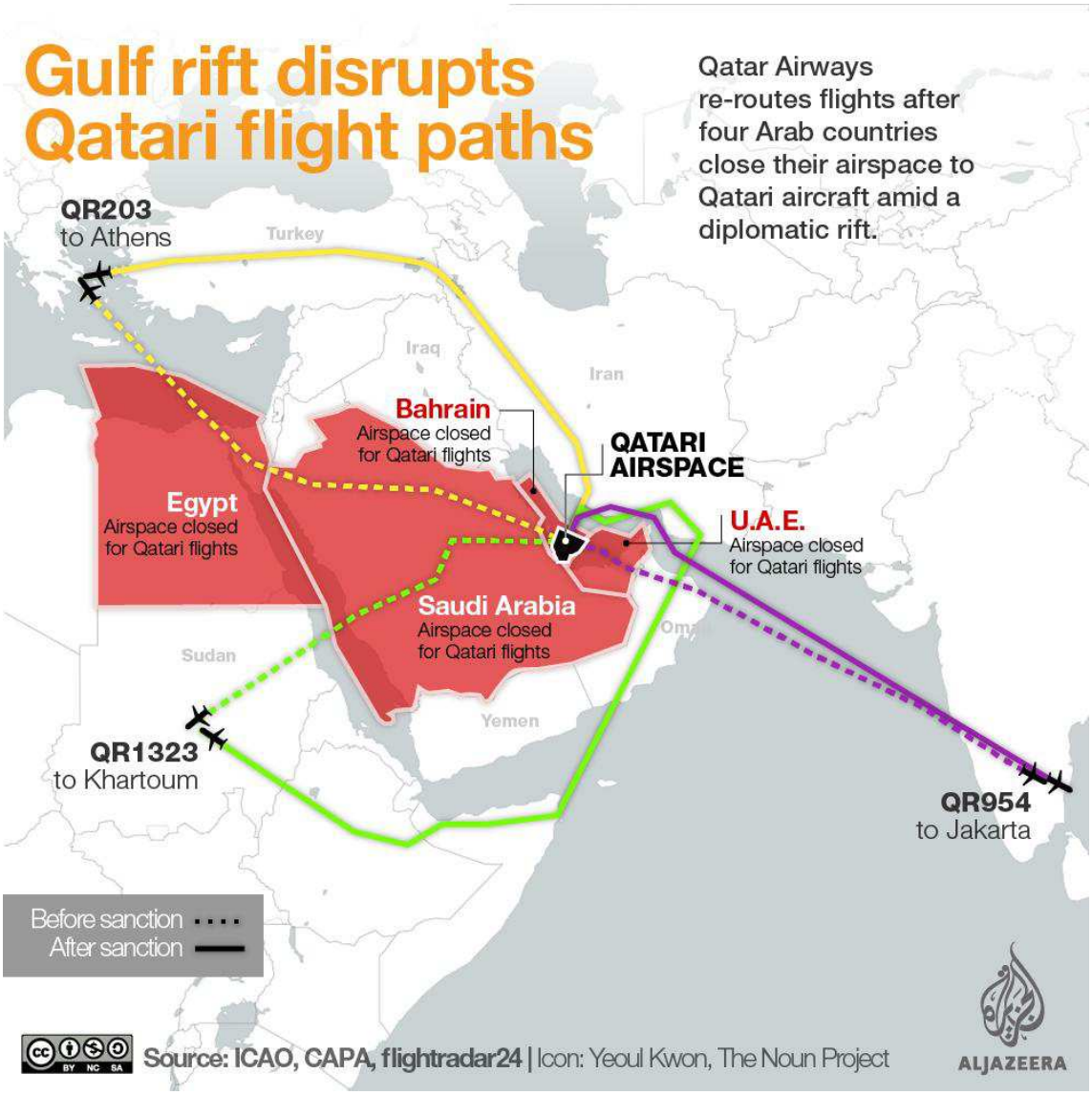
"We would like borders to be reopened, the sooner the better," he told reporters at the group's annual meeting in the Mexican city of Cancun on Monday. "Aviation is globalisation at its very best."

Grounded

The departure terminal at Doha's Hamad International Airport was virtually deserted early on Tuesday. More than 30 flights were shown as cancelled on airport television screens.

Qatar Airways, in a statement on its website, said passengers holding a confirmed ticket to any of the four Arab nations between June 5 and July 6 are permitted to rebook their flights up to 30 days after their current departure date.

The airline said its offices would continue to operate as normal in affected countries.



Saudi Arabia's General Authority of Civil Aviation, however, revoked the airline's license on Tuesday and ordered its offices to be closed within 48 hours.

Qatar Airways could not be reached for comment.

Meanwhile, many of the airlines' passengers were complaining online of delays in rebooking and obtaining refunds.

Analysts said the altered routes for Qatar Airways flights will lead to longer flying time, lowering demand, thus affecting the airline's profits.

An image posted online by flight tracking group Flightradar24 showed the restricted routes Qatar Airways flights were taking because of the blockade. The aircraft were being forced to take a single flight path in out of Doha.

"Many of Qatar Airways' flights to southern Europe and Africa pass through Saudi Arabia. Flights to Europe will most likely be rerouted through Iran and Turkey," Flightradar24 said. "Flights to Africa may route via Iran and Oman and then south."

'Few winners'

The CAPA Centre for Aviation in Melbourne, Australia, in a report on Monday, said the Gulf diplomatic crisis has dealt a blow to public confidence in aviation and may have a far-reaching impact on the region's airlines.

"There can be few winners," the group said, adding that the crisis "has already created wider uncertainty for Gulf aviation and passengers whose bookings are months away".

The row between Gulf states is a fresh challenge for the region's airlines at a time when US President Donald Trump is trying to restrict the travel of passengers to the US from some Muslim-majority countries.

US authorities have also banned the use of most electronic devices on board aircraft from some Gulf countries.

"Amidst growing security concerns and the existing laptop ban, passengers are unlikely to dig in to the reason for this ban. Gulf aviation becomes less attractive for all," CAPA said.

IATA's De Juniac meanwhile said profits and passengers have fallen sharply in the Middle East in recent months.

"There is growing evidence that the ban on large electronic devices in the cabin and the uncertainty created around possible US travel bans is taking a toll on some key routes," he said.

SOURCE: **AL JAZEERA AND NEWS AGENCIES**

Annex 74

Max Bearak, "Three maps explain how geopolitics has Qatar Airways in big trouble", *Washington Post* (7 June 2017), *available at* https://www.washingtonpost.com/news/worldviews/wp/2017/06/07/three-maps-explain-how-geopolitics-has-qatar-airways-in-big-trouble/?utm_term=.5f6aff93a5e6

(Video not reproduced)

The Washington Post

WorldViews Analysis

Three maps show how the Qatar crisis means trouble for Qatar Airways

By Max Bearak

A bad year for Qatar Airways just got a whole lot worse.

Amid the ongoing rupture in diplomatic relations between Qatar and its surrounding Arab nations, the small peninsular state's national airline has been banned from flying to the four countries spearheading what is essentially an economic blockade: Saudi Arabia, the United Arab Emirates, Bahrain and Egypt.

The sudden outbreak in tension reflects long-simmering anger among the region's more conservative leaders at Qatar's support for Islamists, such as Egypt's Muslim Brotherhood, as well as its relatively congenial relations with Iran, Saudi Arabia's archenemy.

That Qatar's only land border is with Saudi Arabia has already sent thousands to supermarkets, where frantic shoppers have hoarded food in case of a shortage. But there are borders in the air, too. And Qatar is encircled by its aggressors; its only three air borders are with Saudi Arabia, UAE and Bahrain.

Saudi Arabia has totally banned Qatari-registered planes (i.e., all of Qatar Airways' fleet) from crossing its airspace — and because it isn't a signatory of the International Air Services Transit Agreement, it can do so legally. Qatar, UAE and Bahrain are all signatories, but UAE has stood firm on a ban similar to Saudi Arabia's.

If not for a gesture of goodwill from Bahrain, whose airspace practically encircles Qatar, the airline would have to cease operations. The gesture is this: all Qatari-registered planes can pass through Bahraini airspace, but only along two specific routes — one for incoming planes, the other for outgoing. That's like channeling a major city's traffic onto just one highway. Here's a visualization of what that looks like for outgoing flights:

Before Qatar's neighbors' campaign to isolate the country, Qatar Airways flights would regularly pass through Saudi and Emirati airspace. In fact, a full 18 percent of the airline's flights were to the four countries leading the blockade — all of which are now suspended "until further notice," per their news release.

According to Iran's Tasnim news agency, air traffic control in Iran was expecting nearly 200 more Qatar Airways flights to cross its skies per day — in other words, all or almost all Qatar Airways flights will pass through its airspace.

Qatar Airways is a giant, global airline. It has 197 aircraft, most of them geared for long-haul flights to more than 150 destinations from its hub in the Qatari capital, Doha. It is a key player in the Oneworld airline alliance that includes American Airlines.

Those planes regularly traversed Saudi airspace, in particular, before the crisis. All flights to Africa, as well as the airline's flight to Sao Paulo and onward to Buenos Aires, used Saudi airspace. Many more used the Emirati airspace that lies just to Qatar's east, toward the rest of Asia and the Pacific.

Below are two maps that recreate Qatar Airways flight paths before and after the blockade. They show the circuitous routes the airline must now take to avoid hostile countries' airspace. The first is the flight from Doha to Sao Paulo. The flight now makes a previously unscheduled stop in Athens, presumably to refuel for the longer flights, though Qatar Airways did not respond to a request for clarification. The diversion adds an extra 1,088 miles and two and half hours to the journey, not counting the time on the ground in Athens.

A second map provides an even starker example: Doha to Khartoum, the capital of Sudan. This flight usually takes three and a half hours, and flies straight across Saudi Arabia. On June 6, the first day of the blockade, the flight looped all the way around the Arabian peninsula, avoiding both Saudi and Emirati airspace, and took six hours (on top of being delayed by half a day; the next day's return flight was canceled). The distance the June 6 flight traveled was almost double the previous day's.

The delays, re-bookings and additional fuel spent are sure to cost Qatar Airways a lot. Another major cost is the fee that Iran levies to cross its airspace — $2,000/flight, as of 2015. A large portion of Qatar Airways flights — to most of Europe and North America, for instance — already cross Iran as more direct routes via Iraq and Syria are closed off because of ongoing conflict. But now more Qatar Airways flights will incur Iran's relatively high fee, which may push the airline's ticket prices up, driving passengers away. From a geopolitical perspective, this also means increased Qatari reliance on and payments to Iran.

Qatar Airways was also one of 10 airlines hit by a laptop ban introduced by the Trump administration in March. Affected passengers can't take electronic devices larger than a smartphone on board, which the airline's chief executive admitted has affected bookings.

Animated maps created by Dani Player.

Read more:

Trump jumps into worsening dispute between Qatar and powerful Arab bloc

For Qataris, a U.S. air base is best defense against Trump attacks

Max Bearak
Max Bearak became the Post's Africa bureau chief in 2018. Previously, he reported from Afghanistan, Bangladesh, India, Somalia and Washington D.C. for the Post, following stints in Delhi and Mumbai reporting for the New York Times and others. Follow

Annex 75

C. Alexander & S. Dodge, "Muslim Brotherhood Is at the Heart of Gulf Standoff With Qatar", *Bloomberg* (7 June 2017), *available at* https://www.bloomberg.com/graphics/2017-muslim-brotherhood

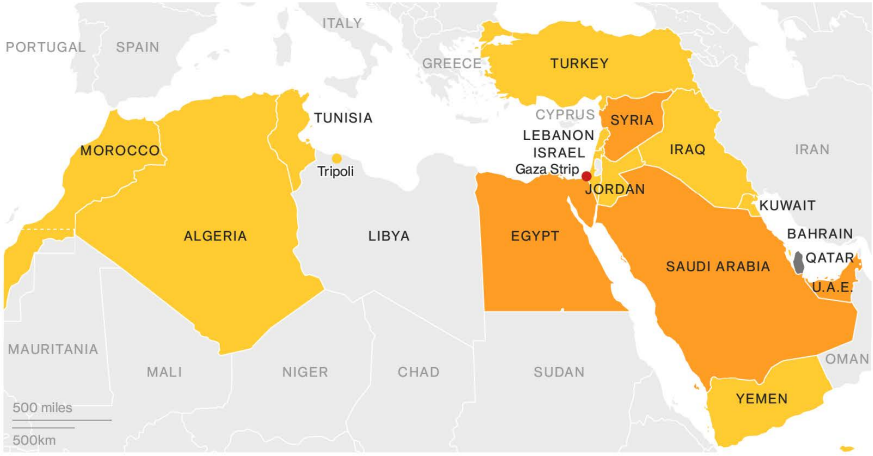
Muslim Brotherhood Is at the Heart of Gulf Standoff With Qatar

By Caroline Alexander and Sam Dodge
June 7, 2017

Seen from the capitals of Saudi Arabia and other Gulf nations, Qatar is a source of instability: a tiny but rich nation that all too often opposes its neighbors' efforts to isolate rival Iran, and which uses its resources to support "terrorist groups." Whenever tensions flare, Qatari backing for the Muslim Brotherhood features prominently. Over nearly a century, the Muslim Brotherhood, or al-Ikhwan al-Muslimin in Arabic, has influenced the ideologies of dozens of movements from Morocco to Kuwait. Here's a guide to the Brotherhood and some of the groups it has inspired.

Some countries in the region have **banned the Muslim Brotherhood**, while in many others, legal Islamist parties have **roots in**, or an ideological kinship with the organization. One militant offshoot, the Palestinian group Hamas, is considered a **terrorist organization** by Israel, the U.S. and European Union, among others.

Click each place for more



Egypt

Muslim Brotherhood
Banned, designated a terrorist organization

The Brotherhood was founded in 1928 in Egypt by Hasan al-Banna, a schoolteacher and Islamist intellectual. It began as an attempt to place Islamic teaching at the center of life and carry out charitable work. But with the collapse of the Middle East's major Muslim power, the Ottoman Empire, the Brotherhood developed a political role driven in large part by its opposition to European colonialism in the Arab world, Zionism, and the influence of western values on Islamic culture.

Allied with the Free Officers' Movement that overthrew the monarchy in 1952, the Brotherhood was later suppressed by Gamal Abdel Nasser, who saw it as a potent rival. He wanted a secular, socialist Egypt leading a pan-Arab movement; the Brotherhood saw Islam as the source of law. Following an attempt to assassinate Nasser, thousands of suspected Brothers were exiled or imprisoned. The views of one of its early, more radical ideologues — Sayyid Qutb, jailed and then, in 1966, executed — are said to have inspired Islamist militancy, including al-Qaeda. Yet the Brotherhood renounced revolutionary violence and became the most powerful political opposition in Egypt, winning support because it provided health care and other services that the state didn't.

Aided by the anger that erupted with the Arab Spring, the Brotherhood won power with the election of Mohamed Mursi in 2012. But Mursi's handling of the economy as well as the adoption of a new constitution rejected by critics as too Islamist stirred protest and he was ousted in a military-backed popular uprising a year later. Egypt's most violent crackdown against the Brotherhood and allies in decades followed, with more than a thousand killed and thousands more put on trial, including Mursi and other top leaders. A subsequent increase in attacks targeting officials and installations was blamed by the government on the Brotherhood, though it denied involvement. It's been designated a terrorist group.

See also:
Which Muslim Brotherhood, a report by the Atlantic Council

Saudi Arabia

Muslim Brotherhood
Banned, designated a terrorist organization

The Brotherhood's ideas spread to Saudi Arabia when Egyptians fleeing Nasser's clampdown took up teaching jobs in the kingdom's new public school system. Its supporters were allowed in by King Faisal in the 1960s, who used them to counter the Arab nationalism of Nasser. But Saudi rulers later grew concerned that Brotherhood ideas would undermine their absolute monarchy. Tensions heightened as Brotherhood supporters criticized the American military presence in the kingdom requested by King Fahd after Iraq invaded Kuwait. They backed protests and demands for political reforms.

In 2014, Saudi Arabia declared the Brotherhood a terrorist organization and has provided economic assistance to Egypt's El-Sisi as he cracked down on the group. Saudi and three neighbors cut off most economic and diplomatic ties with Qatar on Monday, in a move designed to punish the country for its ties with Iran and support for Islamist groups, including the Brotherhood.

See also:
The domestic sources of Saudi foreign policy, a Brookings Institution report

Syria

Muslim Brotherhood in Syria
Banned by Assad regime, part of opposition

Founded by Syrian students familiar with Banna's ideas, the Muslim Brotherhood in Syria faced curbs after the 1963 coup that brought the secular Ba'ath party to power. In the 1970s, it became a visible opponent of President Hafez al-Assad. After a period of violence, it was banned in 1980 and the death penalty was imposed on members. Two years later, the regime razed the Brotherhood stronghold of Hama to crush an uprising, killing thousands. After Syria's civil war began in 2011, the Brotherhood helped co-found the opposition Syrian National Council.

See also:
The Muslim Brotherhood; Ashes of Hama

United Arab Emirates

Al Islah
Banned, designated a terrorist organization

Islah was formed in the 1970s by exiled Egyptians and Emiratis who had studied in Egypt. It gained importance, but relations with the government cooled over the next 20 years amid fears of Brotherhood influence in schools and courts. A crackdown was launched in 1994. This stance hardened after the Arab Spring. The group was banned in 2014 for alleged ties to Egypt's Muslim Brotherhood and it was designated a terrorist group. Islah denies any formal link to the Brotherhood but says it shares some of its ideology.

See also:
The Gulf States and the Arab Uprisings

Algeria

Movement for the Society of Peace
Main Islamist opposition party

Brotherhood supporters fleeing Egypt began arriving in Algeria after its independence from France in 1962, and often worked as teachers. The MSP was founded in the early 1990s, influenced by the Brotherhood's ideas. The MSP has consistently chosen a cooperative relationship with authorities over revolution and violence, even during the decade-long civil war, sparked in 1992 when the army annulled elections Islamists were poised to win. "We are active partners in the fight against terrorism", MSP leader Abderazzak Makri said in an interview in Algiers.

See also:
The Future of Algeria's Main Islamist Party, Carnegie Middle East Center report

Bahrain

Minbar
Represented in parliament

Minbar's roots date back to the 1940s but it didn't emerge as a political group until the 1980s. It has stood by the ruling family during political crises and helped unite Sunni Islamists in the Shiite majority country.

See also:
Bahrain Between its Backers and the Brotherhood

Israel

Islamic Movement, Southern Branch
Represented in the Knesset

The Islamic Movement began in the early 1970s and its ideological origins can be traced to the Brotherhood. Its founder and spiritual leader Sheikh Abdullah Nimr Darwish was jailed for membership of a terrorist organization. He began to publicly speak against violence after his 1985 release, focusing on social, religious and welfare programs that increased the movement's popularity. He talks of the need to spread Islamic values among Muslim citizens within the confines of Israeli law. Internal divisions between moderates and hardliners increased as the movement grew and expanded, leading to a split in the 1990s. The Northern Branch boycotts elections and is outlawed. The Southern Branch fields candidates in local and national polls.

See also:
What Does an Israeli Islamist Sound Like? Meet Sheikh Abdullah Nimr Darwish

Jordan

Islamic Action Front
Represented in parliament

Founded in the early 1940s by members of Egypt's Brotherhood, it has won representation in elections since the 1980s, securing support in poor urban areas and Palestinian refugee camps, in part through running hospitals and mosques. The Front had close relations with the monarchy, which used it to counter leftist groups. Cooperation weakened as it began to openly criticize the ruling elite. The Front's opposition to Jordan's 1994 peace treaty with Israel and calls for King Abdullah II to give some powers to parliament have provoked authorities. In April, security forces raided the Front's offices after it vowed to defy a ban on its leadership race. The group in 2016 cut ties with its Egyptian counterpart and doubled its seats in parliament (winning around 15 of 130) in elections later that year.

See also:
The Muslim Brotherhood in Jordan, a Brookings Institution report

Kuwait

Islamic Constitutional Movement
Represented in parliament

Building on an earlier presence, Brotherhood supporters set up the ICM after Iraq's 1990 invasion of Kuwait was defeated. It severed ties with the Egyptian organization for not having sufficiently backed their country's liberation. Over time, the ICM became focused on gradual political reform, pushing for powers to be transferred from the royal family to elected lawmakers. After boycotting parliament for four years in protest against a change in the electoral law, ICM fielded candidates in elections in 2016, winning four seats in the 50-member assembly. Kuwait joined other Gulf countries in providing financial and diplomatic support to Egypt following the ouster of Mursi.

See also:
The rise of pragmatic Islamism in Kuwait's post Arab Spring opposition movement, Brookings Institution report

Morocco

Justice and Development Party
Ruling party

Founded in the 1960s and operating legally as a political party since 1992, the PJD has some roots in Muslim Brotherhood ideology. Today, it's often described as a conservative democratic party that supports the monarchy and seeks to defend the country's Islamic identity. The PJD won the most votes in 2011's general election and secured the prime minister's office four years later. It also came top in elections in October 2016.

See also:
Islamist Parties in Power, a Work in Progress, Carnegie Middle East Center report

Tripoli, Libya

Justice and Construction Party
Supports United Nations-backed peace deal

Brotherhood ideology arrived in Libya with students returning from Cairo. King Idris banned the group, and in 1973 military leader Muammar Qaddafi forced its leadership to announce the Brotherhood's disbanding on TV. It resurfaced during the 2000s when Qaddafi's son Saif al-Islam used the movement to help deradicalize jihadists. Politicians linked to the Brotherhood were appointed to senior positions following the 2011 revolution — when the JCP was formally created — but their move to ensure that all Qaddafi-era officials were banned from government posts was rejected by rivals and became a key factor in triggering a de facto civil war in 2014. The JCP says it has no formal links with the Egyptian Muslim Brotherhood, a claim rejected by opponents.

See also:
Between ISIS and a failed state: The saga of Libyan Islamists, Brookings Institution paper

Tunisia

Ennahdha
Part of governing alliance

Ennahdha's founders were influenced by the ideology of the Brotherhood. The party was banned in Tunisia for more than 20 years before the 2011 revolution that kicked off the Arab Spring, its members targeted by secular-leaning autocrats. After the uprising, exiled members returned and the party was legalized. It won elections in 2011, though later stepped down after being criticized for poor handling of the economy and failing to control radical Islamists. Its readiness to work with secular parties won praise and it helped draft a constitution heralded as a model for the region. Today, it defines itself as a party of democratic Islam.

See also:
Tunisia's Secular Approach to a Spiritual Goal

Turkey

Justice and Development Party
Ruling party

Like the Brotherhood in Egypt, Recep Tayyip Erdogan's governing party and its Islamist-rooted predecessors cultivated grassroots support by providing social services, helping them win control of major cities in the 1990s and national government in 2002. After the Arab Spring, Erdogan saw an opportunity for his type of political Islam to win power across the region, a hope that was dashed by the coup in Egypt. Turkey was one of the few countries to speak out in support of Mursi, and offered a haven for Brotherhood leaders driven out of their own countries.

See also:
The Seesaw Friendship Between Turkey's AKP and Egypt's Muslim Brotherhood, a Carnegie Endowment for International Peace report

Yemen, Lebanon and Iraq

Parties with roots in Muslim Brotherhood
Play small roles

Yemen's Islah party was created as a Muslim Brotherhood affiliate. The group has played only a marginal role in the Saudi-led Sunni offensive against Shiite Houthi rebels, sidelined by the deep distrust of alliance member U.A.E. In Lebanon, the Al-Jamaa Al-Islamiya has ideological kinship with the Brotherhood and one representative in parliament. A Muslim Brotherhood-linked group was part of the resistance to Saddam Hussein in Iraq, and after his ouster supported the U.S.-backed Provisional Coalition Authority.

See also:
The Muslim Brotherhood: From Opposition to Power

Qatar

Islamist parties like the Muslim Brotherhood have used Qatar as a base

Brotherhood members fleeing Nasser's Egypt and later Syria's massacre in Hama arrived in Doha, where they worked as teachers and civil servants. Qatar has supported Islamist groups in the region, chiefly the Brotherhood, as part of a drive to boost its influence. Pressure from other Gulf states to abandon its support came to a head in March 2014 when Bahrain, Saudi Arabia and the U.A.E. withdrew their ambassadors. Seven top Brotherhood leaders left Qatar. In an interview with al-Hayat in 2015, former Foreign Minister Khalid al-Attiyah said Qatar didn't back the Brotherhood.

See also:
Qatar and The Arab Spring, A Carnegie Endowment for International Peace report

Gaza Strip

Hamas
Designated a terrorist organization by Israel, the U.S. and European Union, among others

The dominant Islamist group in the Palestinian territories is Hamas, which was founded in 1987 at the start of the first Palestinian uprising against Israel and traces its roots to Brotherhood ideology. Its military wing, Izzedine al-Qassam, has carried out deadly suicide bombings and rocket attacks on Israeli soldiers and civilians. It won 2006 Palestinian elections. But the legislature became dysfunctional after Hamas seized control of Gaza in 2007, setting up a rival government to Palestinian President Mahmoud Abbas's Palestinian Authority in the West Bank, where it also has a presence. Hamas and other militants warred with Israel three times between 2008 and 2014. Hamas is considered a terrorist organization by Israel, the U.S. and European Union, among others.

See also:
Hamas: Terror and Beyond

Source: Data compiled by Bloomberg
Design & development: Michael Keller, Yue Qiu and Cedric Sam

Annex 76

Maher Chmaytelli, "Iraq says it still has Qatari money sent to free ruling family members", *Reuters* (11 June 2017), *available at* https://www.reuters.com/article/us-mideast-crisis-iraq-qatar/iraq-says-it-still-has-qatari-money-sent-to-free-ruling-family-members-idUSKBN1920Y5

reuters.com/article/us-mideast-crisis-iraq-qatar/iraq-says-it-still-has-qatari-money-sent-to-free-ruling-family-members-idUSKBN1920Y5

World News
June 11, 2017 / 1:18 PM / 2 years ago

Iraq says it still has Qatari money sent to free ruling family members

BAGHDAD (Reuters) - Iraq still has hundreds of millions of dollars sent by Qatar to secure the release in April of members of the Qatari ruling family abducted in 2015, Iraq's prime minister said on Sunday.

Press reports had suggested some of the money had ended up in Iran, angering Saudi Arabia and the other Gulf Arab neighbors of Qatar and contributing to their decision to severe ties with Doha.

However, Iraqi Prime Minister Haider al-Abadi said in comments broadcast on state TV on Sunday that the money was in the central bank in Baghdad, pending a decision on what to do with it.

"Not one dollar, or euro (...) was spent; they are still in their crates, supervised by a committee, and two representatives of the Qatari government came to check when they were deposited under the trusteeship of the central bank," he said.

The decision on how to dispose of the money "has a political aspect and has a legal aspect, it will be taken in conformity with Iraqi law," he said, without elaborating.

The prime minister said in April authorities had seized suitcases containing hundreds of millions of dollars on a private Qatari jet that landed in Baghdad. He suggested the funds were part of a deal to free the Qatari hostages without Baghdad's approval.

The 26 hostages, including members of Qatar's ruling royal family, were abducted during a hunting trip in southern Iraq in 2015. It is unclear how their release was negotiated.

No one claimed responsibility for the abductions, which took place near a Saudi border area dominated by Shi'ite militias close to Iran.

Reporting by Maher Chmaytelli; Editing by Mark Potter

Annex 77

"Slump in travel to and from Qatar as thousands of airline bookings are cancelled", *The National* (13 June 2017), *available at* https://www.thenational.ae/business/slump-in-travel-to-and-from-qatar-as-thousands-of-airline-bookings-are-cancelled-1.80185

The National

Slump in travel to and from Qatar as thousands of airline bookings are cancelled

Saudi Arabia, the UAE, Bahrain and Egypt cut ties with Qatar on June 5, imposed a travel ban and imposed a no-fly zone over their air space for Qatar-registered airlines and aircraft.

Sananda Sahoo
June 13, 2017

Airlines are cancelling a large number of passenger bookings to and from Qatar after four Arab countries severed diplomatic and economic links, endangering Doha's hub status for international travel.

Saudi Arabia, the UAE, Bahrain and Egypt cut ties with Qatar on June 5, imposed a travel ban and imposed a no-fly zone over their air space for Qatar-registered airlines and aircraft.

"Last week, net bookings for all airlines flying in and out of Doha for global destinations swung to minus 23,000 as a wave of cancellations hit Qatar," according to a spokesman for Travelport, the global travel commerce platform specialist.

"The biggest falls came for Qatar's routes to and from Saudi Arabia, where net bookings slumped from 10,000 to minus 110,300, and the UAE, from 4,700 to minus 36,000," he said.

The cancellations are for all dates, including forward bookings.

Arabian Gulf airlines, including Saudia, flydubai, Emirates, Air Arabia and Etihad, flew frequently to and from Doha before the ban. Rival Qatar Airways also had a number of flights heading to and from the four countries.

The travel ban has had a widespread impact on passenger demand, especially for Qatar Airways, and the longer it carries on, the worse it is expected to become for Gulf carriers, according to some analysts.

"For passengers, the ban has resulted in restricted travel choices and in many cases, people are cancelling travel plans altogether," said Saj Ahmad, the chief analyst at London-based StrategicAero Research. "The impact of cancellations would be far greater for Qatar Airways than any other Arabian Gulf carrier because the Doha-based airline is banned from flying to several countries."

Qatar Airways, which is part of the 15-member oneworld alliance, had built Doha into an international hub, competing with Dubai and Abu Dhabi for long-haul travel. The Doha-based carrier has amassed stakes in companies such as IAG, owner of British Airways, and Latam Airlines, Latin America's largest carrier, to expand its global reach.

"[The ban] reflects on the region's political tension and deters travellers using Gulf carriers overall," said Peter Morris, the chief economist at Flight Ascend Consultancy in London. "Anything that reduces competition will result in higher prices and fewer passengers."

As Qatar Airways is a connecting hub carrier, any reduction in major origins and destinations, such as Saudi Arabia, will have an impact on its whole network, he added.

"So South Asia routes to Doha would suffer if onward connections are reduced," Mr Morris said.

ssahoo@thenational.ae

Annex 78

A. Gearan & K. DeYoung, "State Department issues unusual public warning to Saudi Arabia and UAE over Qatar rift", *Washington Post* (20 June 2017), *available at* https://www.washingtonpost.com/world/national-security/state-department-issues-unusual-public-warning-to-saudi-arabia-and-uae-over-qatar-rift/2017/06/20/66294a58-55e9-11e7-a204-ad706461fa4f_story.html

State Department issues unusual public warning to Saudi Arabia and UAE over Qatar rift

washingtonpost.com/world/national-security/state-department-issues-unusual-public-warning-to-saudi-arabia-and-uae-over-qatar-rift/2017/06/20/66294a58-55e9-11e7-a204-ad706461fa4f_story.html

National Security

Secretary of State Rex Tillerson has made the Qatar crisis his main priority and cleared his travel schedule this week. (Zach Gibson/Getty Images)

By Anne Gearan and
Karen DeYoung
June 20, 2017

The State Department issued an unusual public warning to Saudi Arabia and the United Arab Emirates on Tuesday over a diplomatic rift with fellow U.S. ally Qatar, and suggested that the Saudis may have provoked a crisis and drawn in the United States on false pretenses.

Department spokeswoman Heather Nauert said the administration was “mystified” that — two weeks after announcing a diplomatic and economic embargo against Qatar over alleged support for terrorism — Saudi Arabia and the UAE have not publicly detailed their complaints.

“The more that time goes by, the more doubt is raised about the actions taken by Saudi Arabia and the UAE,” Nauert said.

“At this point, we are left with one simple question: Were the actions really about their concerns about Qatar’s alleged support for terrorism, or were they about the long-simmering grievances between and among the GCC countries?”

All three nations are part of the six-member Gulf Cooperation Council, a loose diplomatic confederation of mostly wealthy Persian Gulf states. Of them, Saudi Arabia is the most powerful.

Saudi Arabia, the UAE and Bahrain, along with Egypt, severed diplomatic ties with Qatar this month and blocked trade and passenger traffic through their territory and airspace in protest of what the three said was Qatar’s backing of extremist Islamist organizations, as well as its ties to Iran.

The diplomatic crisis has been a test of the new U.S. administration’s pull with Arab allies, and has pitted President Trump’s public support for the Saudi-led action against Secretary of State Rex Tillerson’s preference for quiet, backroom diplomacy. Tillerson has had more than 20 calls and meetings devoted to helping resolve the crisis, Nauert said, but now sees little further room for U.S. mediation.

But, she said, he wants “results,” and is now saying: “Let’s finish this. Let’s get this going.”

The blockade was announced shortly after Trump last month made Saudi Arabia the first stop on his first overseas trip. He received an extravagant welcome, and lavished his hosts with praise. He also met with leaders of the UAE and Qatar individually, as well as at a GCC gathering, and signed a unity agreement with them.

Within days after his departure, Saudi Arabia announced the Qatar blockade. Trump tweeted his support. In their conversations with him, he said, the others had “pointed” at Qatar as a source of terror financing. He implied that his Riyadh visit had inspired the Saudi-led action.

Tillerson and Defense Secretary Jim Mattis, however, called for mediation and a quick resolution of the dispute. Qatar hosts the regional headquarters of the U.S. Central Command and launches air operations to Syria, Iraq and Afghanistan from a massive base there.

On June 9, Tillerson asked reporters to the State Department to read a prepared statement calling for the blockade to be eased, saying it was causing humanitarian and business hardships, and hindering U.S. military actions against the Islamic State.

The same day, Trump, speaking at a Rose Garden news conference, called the blockade “hard but necessary” and appeared to reinforce his backing for the Saudi view of Qatari culpability.

Last week, Mattis hosted Qatar’s defense minister here to finalize a $12 billion sale of 36 F-16 fighter jets. Two U.S. naval vessels made a port visit to Doha, the Qatari capital, and participated in an unscheduled military exercise with Qatar.

At a high-level White House meeting on the crisis Friday, officials expressed frustration at the failure of Saudi Arabia, the Emiratis and the others to present a promised list of their demands of Qatar. “It’s been two weeks,” said one senior administration official, who spoke Tuesday of the sensitive issue on the condition of anonymity. “We still haven’t seen this list.”

Over the years since the 9/11 attacks, the Treasury Department has accused virtually all of the GCC members of supporting terrorism in some fashion. Three successive U.S. administrations have tried to deal with the issue, with varying success. Although none of the governments is now believed to finance terror groups, Saudi Arabia continues to spread its extreme version of Islam throughout the Muslim world while Kuwait, and especially Qatar, are believed to turn a blind eye to individuals in their countries who engage in such funding. Qatar denies being the source of terror funding, and has said that the United States has not supplied evidence of its charges.

Nauert referred to “alleged” Qatari support for terrorism but would not go into detail at the State Department briefing about whether Trump or Tillerson have changed their minds about the veracity of the Saudi claims.

Tillerson had made the Qatar crisis his main priority and cleared his travel schedule this week. The former Exxon Mobil chief executive has said that he hoped to use his longtime contacts with leaders of all three countries to defuse tension.

But as the crisis drags on, the Trump administration risks looking like a pawn in an old dispute over differing approaches to extremism, free expression and potential challenges to Arab authoritarianism.

Saudi Arabia and the UAE have long objected to Qatar's more liberal support for political Islam, including the Muslim Brotherhood. Qatar has also used its wealth, as the world's largest exporter of liquefied natural gas, to support groups such as Hamas.

Although all the GCC countries are members of the U.S.-led coalition against the Islamic State, and Qatar is part of the Saudi and Emirati campaign against Iran-backed rebels in Yemen, Qatar also favors dialogue with Iran, the Shiite power that Saudi Arabia considers to be its chief rival.

In a briefing last week for reporters, Yousef al-Otaiba, the Emirati ambassador to Washington, said that Trump had different "equities" in the region from Tillerson and Mattis, who want to "maintain the war" against the Islamic State from the Qatar base. He said they had been assured no action would be taken to impede U.S. military operations.

"When was there a crisis when the State Department did not say we need to de-escalate?" he said. In his own communications with the White House, Otaiba said, he had gotten no pushback.

Anne Gearan Anne Gearan is a White House correspondent for The Washington Post, with a focus on foreign policy and national security. She covered the Hillary Clinton campaign and the State Department for The Post before joining the White House beat. She joined the paper in 2012. Follow

Karen DeYoung Karen DeYoung is associate editor and senior national security correspondent for The Post. In more than three decades at the paper, she has served as bureau chief in Latin America and in London and as correspondent covering the White House, U.S. foreign policy and the intelligence community. Follow

Annex 79

"Qatar given 10 days to meet 13 sweeping demands by Saudi Arabia", *The Guardian* (23 June 2017), *available at* https://www.theguardian.com/world/2017/jun/23/close-al-jazeera-saudi-arabia-issues-qatar-with-13-demands-to-end-blockade

The Guardian

Qatar given 10 days to meet 13 sweeping demands by Saudi Arabia

Gulf dispute deepens as allies issue ultimatum for ending blockade that includes closing al-Jazeera and cutting back ties with Iran

Patrick Wintour *Diplomatic editor*

Fri 23 Jun 2017 13.58 EDT

Saudi Arabia and its allies have issued a threatening 13-point ultimatum to Qatar as the price for lifting a two-week trade and diplomatic embargo of the country, in a marked escalation of the Gulf's worst diplomatic dispute in decades.

The onerous list of demands includes stipulations that Doha close the broadcaster al-Jazeera, drastically scale back cooperation with Iran, remove Turkish troops from Qatar's soil, end contact with groups such as the Muslim Brotherhood and submit to monthly external compliance checks. Qatar has been given 10 days to comply with the demands or face unspecified consequences.

Saudi Arabia and the other nations leading the blockade - the United Arab Emirates, Bahrain and Egypt - launched an economic and diplomatic blockade on the energy-rich country a fortnight ago, initially claiming the Qatari royal family had licensed the funding of terrorism across the

Middle East for decades. Since then, the allies appear to be pushing for the isolation of Iran and the suppression of dissenting media in the region.

The list of demands, relayed to Qatar via mediators from Kuwait, represents the first time Saudi Arabia has been prepared to put the bloc's previously amorphous grievances in writing. Their sweeping nature would, if accepted, represent an effective end to Qatar's independent foreign policy. According to one of the points, Qatar would have to "align itself with other Arabs and the Gulf, militarily, politically, socially and economically, as well as in financial matters".

The UAE's foreign secretary, Anwar Gargash, insisted the anti-Qatar alliance is not seeking to impose regime change. Nevertheless, it is unlikely that Qatar will see the demands as the basis for serious negotiations.

Qatar has become reliant on Turkey and Iran for food imports since the embargo was imposed on 5 June and insists with its huge wealth it can survive the embargo for an indefinite period.

Gargash blamed Qatar for the "childish" leak of its 13 demands and called it either an "attempt to undermine serious mediation or yet another sign of callous policy.

"It would be wiser that [Qatar] deal seriously with the demands and concerns of the neighbours or a divorce will take place," he said.

Qatar faces a choice of either stability and prosperity or isolation, he said, adding: "Perhaps the solution is in parting ways."

In a sign that the UK does not regard the demands as reasonable, foreign secretary Boris Johnson said on Friday: "Gulf unity can only be restored when all countries involved are willing to discuss terms that are measured and realistic.

"The UK calls upon the Gulf states to find a way of de-escalating the situation and lifting the current embargo and restrictions which are having an impact on the everyday lives of people in the region."

US policy towards Qatar so far has been marked by confusion. President Donald Trump has appeared to take credit for the Saudi embargo and described Qatar as a haven for terrorism. By contrast, the State Department under Rex Tillerson has twice upbraided Saudi Arabia's approach to Qatar and questioned its true motives in sparking the diplomatic crisis.

In recent days the State Department has been pressing Saudi to specify the actions Qatar must take to see the embargo lifted, but warned that those demands need to be "reasonable and actionable".

On Friday a White House spokesman told the Guardian: "The United States is still accessing the list and we are in communication with all parties. As we have said, we want to see the parties resolve this dispute and restore unity among our partners in the region, while ensuring all countries are stopping funding for terrorist groups."

The State Department spokesperson also declined to take a position on the specific Saudi demands, focusing instead on the need for the involved parties to resolve the dispute themselves through dialogue.

“We understand the Kuwaitis, in their mediation capacity, have delivered a list of demands to the Qataris,” a spokesperson said. “We encourage all parties to exercise restraint to allow for productive, diplomatic discussions.”

The US has a major military base in Qatar and risks seeing Qatar forced into an alliance with Iran if its enforced isolation continues, an outcome that would be a major strategic blow to Washington as well as a further threat to the security of the region.

Qatar’s UN ambassador, Sheikha Alya Ahmed bin Saif al-Thani, said the allegations that her country supports terrorism are “sabotaging our relationship with the world, with the west, tarnishing our reputation in a way by using the terrorism card”.

She said: “The blockade they have imposed is illegal. They used the terrorism card as a way of attracting attention. But the main objectives are more about criticising our media, al-Jazeera, and our openness.”

Al-Thani added: “We are small, but we have integrity.” She said on US broadcaster CBS that she believed the Saudi positioning was softening, but not that of the UAE. She hopes for a resolution but fears a prolonged chill: “They continue to escalate even though both Kuwait and the United States are playing an important role. We are confident of the US position toward the blockade.”

Al-Jazeera has condemned the call for its closure as “nothing but an attempt to end freedom of expression in the region, and suppress the right to information”.

Rachael Jolley, the editor of Index on Censorship, said: “From its treatment of blogger Raif Badawi to its tightly controlled media environment, the Saudi authorities must not be able to dictate access to information for the public in other countries. Al-Jazeera must not be used as a bargaining chip.”

But the Saudi-led alliance regards the Arabic wing of al-Jazeera, the most widely watched broadcaster in the Arab world, as a propaganda tool for Islamists that also undermines support for their governments. The list of demands also called for other Doha-supported news outlets to be shut, including the New Arab and Middle East Eye.

Other key demands mapped out by Saudi include Qatar severing all ties with terrorist groups, specifically the Muslim Brotherhood, Islamic State, al-Qaida and Lebanon’s Hezbollah. The ultimatum calls for the handing over of designated terrorists and other individuals by Saudi Arabia, the UAE, Egypt and Bahrain. All contacts with the political opposition inside Saudi Arabia, Egypt and Bahrain would have to be halted with all files handed over that detail Qatar’s prior contacts with, and support for, opposition groups.

Qatar’s links with Iran, Saudi Arabia’s main adversary, would have to be confined only to trade allowed under the international sanctions regime and approved by the Gulf Co-operation Council.

Cutting ties to Iran would prove incredibly difficult - Qatar shares with Iran a massive offshore natural gas field, which supplies the small nation that will host the 2022 Fifa World Cup with much of its wealth.

Qatar insists it does not fund terrorists, and has previously said that the embargo is a punishment for following an independent foreign policy more sympathetic to the principles of the Arab spring than that of its neighbours.

Qatar would also be required to accept monthly external audits after agreeing to the demands, then once per quarter during the second year. It would also have to agree to be monitored annually for compliance for 10 years.

Turkey's defence minister rejected suggestions that Doha should review its military base in Qatar and said demands for its closure represent interference in Ankara's relations with the Gulf state.

Speaking on Thursday, before the 13 demands were tabled, Qatar's foreign minister, Sheikh Mohammed bin Abdulrahman al-Thani, said his country had always abided by international laws and played a key role in the international coalition fighting Isis.

Additional reporting by Sabrina Siddiqui in Washington

The 13 demands in full

1 **Curb diplomatic ties with Iran** and close its diplomatic missions there. Expel members of Iran's Revolutionary Guards and cut off any joint military cooperation with Iran. Only trade and commerce with Iran that complies with US and international sanctions will be permitted.
2 **Sever all ties to "terrorist organisations"**, specifically the Muslim Brotherhood, Islamic State, al-Qaida and Lebanon's Hezbollah. Formally declare those entities as terrorist groups.
3 **Shut down al-Jazeera** and its affiliate stations.
4 **Shut down news outlets that Qatar funds**, directly and indirectly, including Arabi21, Rassd, Al-Araby Al-Jadeed and Middle East Eye.
5 Immediately **terminate the Turkish military presence** in Qatar and end any joint military cooperation with Turkey inside Qatar.
6 **Stop all means of funding for individuals, groups or organisations that have been designated as terrorists** by Saudi Arabia, the UAE, Egypt, Bahrain, the US and other countries.
7 **Hand over "terrorist figures"** and wanted individuals from Saudi Arabia, the UAE, Egypt and Bahrain to their countries of origin. Freeze their assets, and provide any desired information about their residency, movements and finances.
8 **End interference in sovereign countries' internal affairs**. Stop granting citizenship to wanted nationals from Saudi Arabia, the UAE, Egypt and Bahrain. Revoke Qatari citizenship for existing nationals where such citizenship violates those countries' laws.
9 **Stop all contacts with the political opposition in Saudi Arabia, the UAE, Egypt and Bahrain**. Hand over all files detailing Qatar's prior contacts with and support for those opposition groups.
10 Pay reparations and **compensation for loss of life and other, financial losses caused by Qatar's policies** in recent years. The sum will be determined in coordination with Qatar.
11 **Consent to monthly audits for the first year** after agreeing to the demands, then once per quarter during the second year. For the following 10 years, Qatar would be monitored annually for compliance.
12 **Align itself with the other Gulf and Arab countries militarily, politically, socially and economically**, as well as on economic matters, in line with an agreement reached with Saudi Arabia in 2014.
13 **Agree to all the demands within 10 days** of it being submitted to Qatar, or the list becomes invalid.

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Annex 80

"Saudi demands from Qatar 'very provocative': Germany", *Reuters* (26 June 2017), *available at* https://www.reuters.com/article/us-gulf-qatar-germany/saudi-demands-from-qatar-very-provocative-germany-idUSKBN19H2A3

Saudi demands from Qatar 'very provocative': Germany

reuters.com/article/us-gulf-qatar-germany/saudi-demands-from-qatar-very-provocative-germany-idUSKBN19H2A3

BERLIN (Reuters) - A list of 13 demands submitted by four Arab states to Qatar as a condition to lift their boycott on the Gulf country is “very provocative” because some items challenge Doha’s sovereignty, German Foreign Minister Sigmar Gabriel said on Monday.

FILE PHOTO: German Foreign Minister Sigmar Gabriel attend the weekly cabinet meeting at the Chancellery in Berlin, Germany June 21, 2017. REUTERS/Stefanie Loos

Saudi Arabia, the United Arab Emirates, Bahrain and Egypt imposed a boycott on Qatar three weeks ago, accusing it of backing militants - then issued an ultimatum, including demands that it shut down a Turkish military base in Doha.

Qatar denies the allegations against it and says the demands are aimed at curbing its sovereignty. A government spokesman last week said Doha was reviewing the list of demands, but did not view them as reasonable or actionable.

Gabriel told an event hosted by the European Council on Foreign Relations in Berlin that Germany remained in close touch with all sides to try to reduce tensions resulting from the biggest diplomatic crisis in the region in years.

He said some of the demands being made of Qatar were negotiable, but others clearly challenged its sovereignty.

The Arab states are demanding, among other things, that Doha close Al Jazeera television, curb ties with Iran, shut a Turkish base and also pay reparations.

Gabriel said it would be tough for Qatar to accept all 13 items on what he described as “a very provocative list”.

He said efforts were under way to define which conditions Qatar could accept, and which it viewed as problematic.

Gabriel is due to meet Iranian Foreign Minister Mohammad Javad Zarif in Berlin on Tuesday.

Iran’s President Hassan Rouhani has voiced support for Qatar in its confrontation with the four states. Qatar says it is being punished for straying from its neighbors’ backing for authoritarian hereditary and military rules.

U.S. diplomats leave Caracas amid Maduro crisis

Mainly Shi’ite Iran and Sunni Saudia Arabia have long been at loggerheads over religion and political influence in the Middle East.

Zarif told the group earlier on Monday that Europe should use its influence to defuse tensions in the Gulf, arguing that those countries that blamed Iran or Qatar for terrorism were trying to avoid taking responsibility for their own failures.

Reporting by Andrea Shalal; Editing by Alison Williams

Our Standards: The Thomson Reuters Trust Principles.

Annex 81

Naser Al Wasmi, "UAE and Saudi put pressure on Qatar ahead of demands deadline", *The National* (28 June 2017), *available at* https://www.thenational.ae/world/uae-and-saudi-put-pressure-on-qatar-ahead-of-demands-deadline-1.92119

The National

UAE and Saudi put pressure on Qatar ahead of demands deadline

'The moment of truth is drawing near. We call on our brother to choose his element, to choose honesty and transparency in his dealings,' urged the UAE's Minister of State for Foreign Affairs Dr Anwar Gargash.

Naser Al Wasmi
June 28, 2017

Abu Dhabi // The UAE and Saudi Arabia increased pressure on Qatar on Wednesday, warning “the moment of truth is drawing near” for Doha to make a decision on the 13 demands delivered by Gulf states and Egypt last week.

Dr Anwar Gargash, Minister of State for Foreign Affairs, described the situation for Qatar as “dire” as the Monday deadline for the demands to be met looms.

“The moment of truth is drawing near. We call on our brother to choose his element, to choose honesty and transparency in his dealings, and to realise that media clamor and ideological heroism are short-lived,” he said.

Earlier on Wednesday, Qatari foreign minister Sheikh Mohammed bin Abdulrahman Al Thani condemned Riyadh’s refusal to negotiate the list of demands sent to Doha last week with a 10-day deadline.

“Our demands on Qatar are non-negotiable. It’s now up to Qatar to end its support for extremism and terrorism,” tweeted Saudi foreign minister Adel Al Jubeir, apparently in response to Sheikh Mohammed’s comments.

Mr Al Jubeir, who is currently visiting Washington, confirmed that his country will not ease the trade embargo imposed on Qatar until all demands are met.

The demands sent to Qatar last week by the UAE, Saudi Arabia, Bahrain and Egypt include the scaling down of its relationship with Iran and the closure of its Al Jazeera news network. The four countries are also demanding that Qatar agree to monthly audits on government finances and end its alleged funding of terrorist organisations around the Middle East.

On Friday last week, Dr Gargash threatened Doha with “divorce” from the GCC if the demands were not met.

Another option being considered are fresh sanctions on Qatar, the UAE ambassador to Russia said. The UAE and Saudi Arabia could ask their trading partners to choose between working with them or Doha, Omar Ghobash said in an interview with The Guardian newspaper.

“There are certain economic sanctions that we can take which are being considered right now,” he said. “One possibility would be to impose conditions on our own trading partners and say you want to work with us then you have got to make a commercial choice,” he said.

He said the expulsion of Qatar from the GCC was “not the only sanction available”.

Mr Ghobash also told CNN that Gulf countries had been bold in pinpointing extremist figures in Qatar in a list published earlier this month.

The Qatari foreign minister is also in Washington where he held talks with Mr Tillerson on Tuesday, shortly before the US secretary of state met with Kuwaiti minister of state for cabinet affairs Sheikh Mohammad Abdullah Al Sabah whose country has taken on the role of mediator in the dispute.

The list of demands “is contrary to the principles that govern international relations because you can’t just present lists of demands and refuse to negotiate”, the Qatari foreign minister said on Wednesday.

But Dr Gargash stood firm in his comments on Twitter.

“We have long suffered [Qatar’s] conspiracy against our stability and witnessed its support for ideologies that aim to sow chaos in the Arab world. Enough. Return to reason,” he wrote.

nalwasmi@thenational.ae

* with additional reporting by Agence France-Presse

Updated: June 28, 2017 04:00 AM

Annex 82

N. Gaouette & Z. Cohen, "US and Qatar broker counterterrorism agreement", *CNN* (11 July 2017), *available at* https://www.cnn.com/2017/07/11/politics/tillerson-qatar-terrorism-memorandum-of-understanding/index.html

US and Qatar broker counterterrorism agreement


By Nicole Gaouette and Zachary Cohen, CNN

Updated 11:39 AM ET, Tue July 11, 2017

Qatar FM calls list of demands unrealistic 01:05

STORY HIGHLIGHTS

- Tillerson traveled to Doha in hopes of brokering a resolution in the dispute between Qatar and its Arab neighbors
- Tillerson will also travel to Saudi Arabia this week as part of his trip through the region

Related Article: Exclusive: The secret documents that help explain the Qatar crisis

Washington (CNN) — The US and Qatar have signed a memorandum of understanding on fighting terrorism that Secretary of State Rex Tillerson said might help resolve the worst diplomatic crisis to shake the Gulf Arab states in decades.

"I'm hopeful we can make some progress to bring this to a point of resolution," Tillerson said during a joint news conference in Doha with Qatari Foreign Minister Sheikh Mohammed al-Thani.

Tillerson traveled to the Middle East to try to resolve the stand-off between Qatar and other Persian Gulf nations, who have accused their oil-rich neighbor of supporting terrorism.

At its core, the dispute reflects long-standing Gulf frustration with Qatar's independent foreign policy, including its support for Islamist groups and its ties to Iran, with which Qatar shares the world's largest gas field.

The regional family feud threatens to undermine a central foreign policy goal of the Trump administration: all the Gulf countries involved in the dispute are members of the US-led coalition fighting ISIS, with Qatar playing perhaps the most prominent role. It is home to the largest US military base in the Middle East where flights against the terrorist group are coordinated.

"I think Qatar has been quite clear in its positions and I think very reasonable and we want to talk now (about) how do we take things forward," Tillerson said. "That's my purpose in coming." The top US diplomat added that he was there as "a friend to the region."

Work on the memorandum of understanding has been underway for as long as a year, Tillerson said. It lays out a series of steps the two countries will take over the coming months and years "to interrupt, disable terror financing flows and intensify counterrrorism activities globally," he said.

The agreement includes milestones to ensure both countries are accountable to their commitments. "Together, the US and Qatar will do more to track down funding sources, collaborate and share information and do more to keep the region and our homeland safe," Tillerson said.

He said he applauded Qatar's emir for being "the first to respond to President Trump's challenge" at a May summit in Saudi Arabia to stop the funding of terrorism.

News of the memorandum of understanding comes as Qatari officials are pushing back against the campaign led by Saudi Arabia, Bahrain, the United Arab Emirates and Egypt. The Gulf nations have been joined by Yemen, the Maldives and the government based in eastern Libya.

Related Article: Qatar crisis: Can Rex Tillerson fix this mess?

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Related Article: Trump, Putin and Erdogan: the three men upending global diplomacy

The Gulf countries have cut diplomatic ties with Qatar, closed their airspace to its airline, banned their citizens from travelling to or residing in Qatar and gave Qatari citizens 14 days to leave their countries after the decision was announced June 5.

The measures are serious human rights violations, Ali bin Smaikh al-Marri, head of Qatar's National Human Rights Committee, told reporters in Washington. Al-Marri, who visited the State Department to press Qatar's case, points to families that have been separated, and people whose jobs, studies and lives have been abruptly suspended.

"We're facing a new Berlin Wall," al-Marri said. "Every house in Qatar, every family in Qatar, they have relatives in the UAE, in Saudi Arabia, in Bahrain."

He pointed out that the impact is felt by citizens of the other Gulf nations as well -- 11,300 of whom had been living in Qatar until diplomatic ties were severed. "We cannot use civilians in conflict," al-Marri said, pointing out that ordinary people are bearing the the brunt of the Gulf action.

Gulf officials have said the restrictions will stay in place until Qatar meets a series of demands, including severing all ties with Iran and "terrorist" groups, shutting down the Qatari media organization Al Jazeera, and aligning its foreign, military and political policies with its neighbors.

Later on Tuesday the four countries leading the boycott released a joint statement saying the sanctions on Qatar will continue until the "just and full demands that will ensure that terrorism is addressed and stability and security are established in the region." The Statement also thanked the US for its "efforts" in the "fight against terrorism and its financing."

The Gulf spat is not helping efforts to resolve the civil war in Syria, UN Special Envoy for Syria Staffan de Mistura told reporters Tuesday.

"The tensions in the Gulf certainly are concerning," de Mistura said in Geneva. "We ... hope that those tensions will be finding a proper solution because they do obviously not help the progress of the fighting in Syria, or stop the fighting in Syria. Anything which adds tensions complicates it."

Tillerson's stop in Doha comes after Monday meetings in Turkey, which is allied with Qatar in the dispute, and Kuwait, which is playing a mediator role.

The top US diplomat travels next to Saudi Arabia as part of his trip through the region. The Egyptian Foreign Ministry announced that Tillerson will meet with the four countries leading the boycott while he is in Saudi Arabia.

Tillerson also met with Kuwait's acting Prime Minister and Foreign Minister Sheikh Sabah Khaled Al-Hamad Al-Sabah as well as British National Security Adviser Mark Sedwill in Kuwait Monday. The three countries issued a joint statement expressing concern and calling for a rapid end to the crisis through dialogue, according to Kuwait state media.

According to R.C. Hammond, a State Department spokesman, the purpose of Tillerson's trip has been "to explore the art of the possible of where a resolution can be found," and the US was "looking for areas of common ground where a resolution can stand."

"We've had one round of exchanges and dialogue and didn't advance the ball," Hammond told reporters on Monday. "We will work with Kuwait and see if we can hash out a different strategy. ... This is a two-way street. There are no clean hands."

President Donald Trump also spoke last week to the leaders of Qatar, the UAE and Saudi Arabia.

When the Gulf countries first cut ties with Qatar, however, Trump appeared to support the Gulf countries decision, saying that Doha had to stop funding terrorism. Trump's comments came following his visit to Saudi Arabia on his first foreign trip as president, and contradicted his secretary of state.

CNN's Jim Sciutto, Jeremy Herb, Laura Koran and Natalie Gallón contributed to this report.

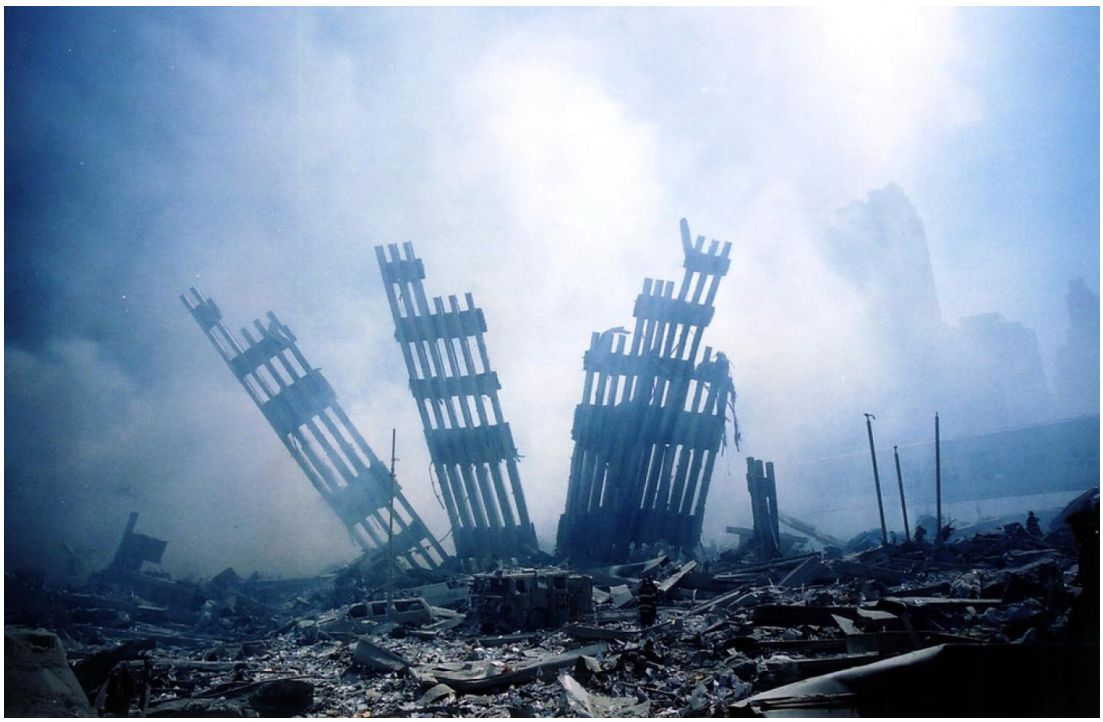
Annex 83

Jamie Merrill, "REVEALED: 9/11 families could sue UAE for alleged role in attacks", *Middle East Eye* (14 July 2017), *available at* https://www.middleeasteye.net/news/xxx-376213863

REVEALED: 9/11 families could sue UAE for alleged role in attacks

middleeasteye.net/news/revealed-911-families-could-sue-uae-alleged-role-attacks

The Qatar crisis has sparked a fierce war of words over UAE's alleged involvement in the devastating New York attacks



The rubble of the World Trade Centre smoulders following the terrorist attack on 11 September, 2001, in New York (AFP)

The families of hundreds of people killed in the 9/11 attacks are considering adding the United Arab Emirates as a defendant to a legal case against Saudi Arabia for its roles in the outrage, Middle East Eye can reveal.

Nearly 3,000 people died when hijacked airplanes crashed into New York's World Trade Centre, the Pentagon building and a Pennsylvania field in September 2001.

Until now the attention of the victims' families and their legal representatives has been focused on Saudi Arabia, which it is alleged helped support the attack through its alleged funding of al-Qaeda training camps and its support for the group, including weapons, funding and logistical support.

> 'I'm simply going to say this - to me, their hands don't seem clean'
>
> *- Kristen Breitweiser*

But the UAE's alleged support for al-Qaeda has been raised in New York legal circles in the context of the Qatar crisis, leading victims' families to discuss taking legal action before a statute of limitations on court challenges over the devastating attacks expires in January 2019.

Kristen Breitweiser, who lost her husband Ronald in the 9/11 attacks, told MEE that the UAE is "on the radar" of victims' families and their legal teams.

"The UAE needs some attention and our lawyers need to start delving into it in a more concerted way," said Breitweiser, a high-profile activist and member of the "Jersey Girls", four women from New Jersey whose husbands were killed on 9/11 and went on to campaign for a national commission of inquiry into the attack.

"I'm simply going to say this - to me, their hands don't seem clean and I think their role in the 9/11 attacks and their connection to the hijackers bears further investigation."

Did UAE support al-Qaeda?

In a series of interviews, relatives of 9/11 victims, including Breitweiser, and New York lawyers, pointed to the 9/11 Commission report finding as justification to add the UAE to the defendant lists in a string of court cases currently being brought against Saudi Arabia under the Justice Against Sponsors of Terrorism Act (Jasta), which was passed in September 2016.

Two of the 19 hijackers who flew planes into the Pentagon and the World Trade Centre towers were from the UAE, while 15 others were Saudi.

The 9/11 Commission report, which was published in July 2004, and accompanying documents, made more than 70 mentions of the UAE and found that most of the attackers travelled through Dubai on their way to take part in the attacks.

It was found that $120,000 was transferred from attack ringleader Khalid Sheikh Mohammed, now facing a military trial in Guantanamo Bay, to plot facilitator Abdul Aziz Ali in Dubai. The money was then wired to fund the hijackers in the US.

Saudi cash aids extremism in Europe, says former British envoy

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The legal focus is currently on the larger alleged role of the government of Saudi Arabia, which only moved to ban al-Qaeda in 2013, but more than 700 defendants were initially named across at least seven courts challenges: These included a number of Middle East banks, including the Dubai Islamic Bank, charities and individuals from across the Gulf.

Court documents for one case, filed in New York in December, alleged the UAE's Dubai Islamic

Bank "knowingly and purposefully provided financial services and other forms of material support to al-Qaeda... including the transfer of financial resources to an al-Qaeda operative who participated in the planning and executions of the 11 September attacks".

Neither the Dubai Islamic Bank or the UAE embassy in London responded to request for comment from MEE over alleged links to the 9/11 attackers and funding for the tragedy.

A New York legal source, who asked not to be named as they were working on a possible legal challenge involving the UAE, said it was common knowledge that the UAE had been involved in "extensive lobbying against Jasta alongside Saudi Arabia."

They said: "It's also interesting that a bank from the UAE, the Dubai Islamic Bank, is a defendant in at least three of the court cases moving through the courts."

'A base of operations'

Gordon Haberman, whose daughter Andrea Lyn Haberman was killed after American Airlines Flight 11 slammed into World Trade Centre 1, told MEE that it was "frustrating" that ties between the UAE and terrorism have not been explored thoroughly since the 9/11 Commission report was released.

He told MEE: "The UAE was certainly a country used as a base of operations for staging and prepping the hijackers who eventually were made the 'muscle' men aboard the planes on 9/11.

"They were provided a safe haven in Dubai by two of the defendants in the 9/11 trial now going on in Guantanamo: Mustafa al-Hawsawi and Ali Abdul Aziz Ali.

"The banking system in the UAE was used by Hawsawi to funnel money and material support to Mohammed Atta [one of the 9/11 ringleaders] in the United States. Most of the hijackers travelled from Dubai… on their way to the US and to take part in 9/11."

> 'Most of the hijackers travelled from Dubai… on their way to the US and to take part in 9/11'
>
> *- Gordon Hamberman, 9/11 victim's father*

Haberman added that much of the information on ties to the UAE has been in the "public domain for years" but that it was his hope that the "passage of Jasta in the US will give pause to nations, prior to their funding and facilitating terror groups and their members".

Lawyers say there is extensive evidence to link Saudi Arabia to the attacks, while the 9/11 Commission report presents evidence of Saudi, UAE, Iranian and Qatar support for the attackers.

The report also detailed how US military planners missed the chance to target Osama bin Laden at an Afghan camp in February 1999. US officials failed to launch an air strike or missile attack over fears the al-Qaeda leader was meeting with "visitors from a Gulf state".

The 9/11 report identified these visitors as high-level UAE officials. It appears UAE officials then tipped off Bin Laden to thwart future efforts to kill him.

More recent State Department reports say Saudi Arabia, UAE and Qatar all have issues with money laundering and private terrorism financing to varying degrees. Plot ringleader Khalid Sheikh Mohammed also spent time in Qatar, where he worked for the government, in the years prior to the attacks.

Terry Strada, who lost her husband Tom in the attacks on New York, told MEE: "As for me, I would consult my attorneys and look to where the evidence leads. Our counsel, on our behalf, have been and continue to pay close attention to the evidence regarding the sources of support for al-Qaeda leading into the 9/11 attacks.

"They have been careful in presenting our claims – for example, claims against Saudi Arabia were brought only after amassing a compelling body of evidence. I would anticipate a similar approach regarding any other source of support that might be identified."

Kristen Breitweiser, who lost her husband in the 9/11 attacks, reads a copy of the 9/11 Commission's findings in July 2004 (AFP)

There are currently at least seven court challenges against Saudi Arabia seeking to take advantage of Jasta, which provided a legal exemption to the legal principle of sovereign immunity so families could take the Saudi and other governments to court.

Lawyer Jim Kreindler, who is representing 850 victims in a legal claim against the Saudi government, said Saudi is "by far the biggest, most culpable defendant" but refused to rule out

expanding the case to include UAE at some point in the next 18 months.

He told MEE: "Most active families are aware of the role played by the UAE in 9/11. If we wanted to paint with the broadest brush possible we could identify other entities that provided some support to the attackers, but to get this case to the finish line it is important to focus on the entity most involved and most critical in supporting al-Qaeda."

He added that Saudi Arabia was the "elephant in our sights" but that "there may be reasons" to add other defendants "for the victims".

'The hypocrisy is galling'

Discussions over expanding the legal campaign to include UAE have intensified after the UAE warned it could withdraw intelligence cooperation with the US in an attempt to block Jasta.

Leaked emails reported by The Daily Telegraph last month show how Yousef al-Otaiba, the UAE's ambassador to the US, warned politicians that countries at risk of being sued in US courts would be "less likely to share crucial information and intelligence".

This comes after the UAE's foreign minister, Anwar Gargash, tweeted in September that Jasta would have "serious and enduring" repercussions.

The role played by the UAE in lobbying against Jasta was described as "alarming and extremely telling" by 9/11 families.

"Clearly, if you have done nothing wrong, then you have nothing to worry about when it comes to Jasta... So to me, learning that information sets off huge alarm bells, sort of gets the system blinking red," said 9/11 widow Kristen Breitweiser.

> 'Quite frankly, the hypocrisy is galling for Saudi... Why don't they look in the mirror?'
>
> *- Kristen Breitweiser*

The Jasta lobbying revelation came amid an ongoing row between Gulf monarchies after Saudi Arabia and the UAE severed diplomatic ties and transport links with Qatar, accusing it of supporting terrorism.

Breitweiser added: "Quite frankly, the hypocrisy is galling for Saudi to be putting the screws to Qatar in the manner that they are - sanctioning or blockading the Qataris for their funding of terrorism. Why don't they look in the mirror, require the same list of measures and demands of themselves - open their own books for all to see?"

The crisis saw Qatar's ambassador to the US, Sheikh Meshal bin Hamad al-Thani, accuse the UAE of supporting 9/11 last month as the diplomatic war of words between the two states continued.

Alice Hoagland, the mother of Mark Bingham who died on United Flight 93 when it crashed in a Pennsylvania field, said she feared 9/11 was being used as a "political football" in the crisis.

She told MEE: "I believe Qatar's ambassador treads on sore toes of many 9/11 families in announcing that Emiratis, not Qataris, were among the hijackers who flew planes into the Twin Towers.

"I plan to continue to study al-Thani's reasons for asserting involvement by the UAE in 9/11."

Annex 84

K. DeYoung & E. Nakashima, "UAE orchestrated hacking of Qatari government sites, sparking regional upheaval, according to U.S. intelligence officials", *Washington Post* (16 July 2017), *available at* https://www.washingtonpost.com/world/national-security/uae-hacked-qatari-government-sites-sparking-regional-upheaval-according-to-us-intelligence-officials/2017/07/16/00c46e54-698f-11e7-8eb5-cbccc2e7bfbf_story.html

UAE orchestrated hacking of Qatari government sites, sparking regional upheaval, according to U.S. intelligence officials

washingtonpost.com/world/national-security/uae-hacked-qatari-government-sites-sparking-regional-upheaval-according-to-us-intelligence-officials/2017/07/16/00c46e54-698f-11e7-8eb5-cbccc2e7bfbf_story.html

What you need to know about the diplomatic split with Qatar

U.S. officials say United Arab Emirates orchestrated hacking of Qatari government sites that occurred shortly before four nations broke ties with Qatar. (The Washington Post)

By Karen DeYoung and
Ellen Nakashima
July 16, 2017

The United Arab Emirates orchestrated the hacking of Qatari government news and social media sites in order to post incendiary false quotes attributed to Qatar's emir, Sheikh Tamim Bin Hamad al-Thani, in late May that sparked the ongoing upheaval between Qatar and its neighbors, according to U.S. intelligence officials.

Officials became aware last week that newly analyzed information gathered by U.S. intelligence agencies confirmed that on May 23, senior members of the UAE government discussed the plan and its implementation. The officials said it remains unclear whether the UAE carried out the hacks itself or contracted to have them done. The false reports said that the emir, among other things, had called Iran an "Islamic power" and praised Hamas.

The hacks and posting took place on May 24, shortly after President Trump completed a lengthy counterterrorism meeting with Persian Gulf leaders in neighboring Saudi Arabia and declared them unified.

Citing the emir's reported comments, the Saudis, the UAE, Bahrain and Egypt immediately banned all Qatari media. They then broke relations with Qatar and declared a trade and diplomatic boycott, sending the region into a political and diplomatic tailspin that Secretary of State Rex Tillerson has warned could undermine U.S. counterterrorism efforts against the Islamic State.

[Tillerson heads home from Qatar with no resolution of regional dispute]

In a statement released in Washington by its ambassador, Yousef al-Otaiba, the UAE said the Post article was "false."

"The UAE had no role whatsoever in the alleged hacking described in the article," the statement said. "What is true is Qatar's behavior. Funding, supporting, and enabling extremists from the Taliban to Hamas and Qadafi. Inciting violence, encouraging radicalization, and undermining the stability of its neighbors."

The revelations come as emails purportedly hacked from Otaiba's private account have circulated to journalists over the past several months. That hack has been claimed by an apparently pro-
Qatari organization calling itself GlobalLeaks. Many of the emails highlight the UAE's determination over the years to rally Washington thinkers and policymakers to its side on the issues at the center of its dispute with Qatar.

All of the Persian Gulf nations are members of the U.S.-led coalition against the Islamic State. More than 10,000 U.S. troops are based at Qatar's al-Udeid Air Base, the U.S. Central Command's regional headquarters, and Bahrain is the home of the U.S. Navy's 5th Fleet. All are purchasers of U.S. defense equipment and tied to U.S. foreign policy priorities in numerous ways.

The conflict has also exposed sharp differences between Trump — who has clearly taken the Saudi and UAE side in a series of tweets and statements — and Tillerson, who has urged compromise and spent most of last week in shuttle diplomacy among the regional capitals that has been unsuccessful so far.

"We don't expect any near-term resolution," Tillerson aide R.C. Hammond said Saturday. He said the secretary had left behind proposals with the "Saudi bloc" and with Qatar including "a common set of principles that all countries can agree to so that we start from . . . a common place."

Qatar has repeatedly charged that its sites were hacked, but it has not released the results of its investigation. Intelligence officials said their working theory since the Qatar hacks has been that Saudi Arabia, the UAE, Egypt or some combination of those countries were involved. It remains unclear whether the others also participated in the plan.

U.S. intelligence and other officials spoke on the condition of anonymity to discuss the sensitive matter.

The Office of the Director of National Intelligence declined to comment, as did the CIA. The FBI, which Qatar has said was helping in its investigation, also declined to comment.

A spokesman for the Qatari Embassy in Washington responded by drawing attention to a statement by that government's attorney general, Ali Bin Fetais al-Marri, who said late last month that "Qatar has evidence that certain iPhones originating from countries laying siege to Qatar were used in the hack."

Hammond said he did not know of the newly analyzed U.S. intelligence on the UAE or whether Tillerson was aware of it.

The hacking incident reopened a bitter feud among the gulf monarchies that has simmered for years. It last erupted in 2013, when Saudi Arabia, the UAE and Bahrain accused Qatar of providing safe haven for their political dissidents and supporting the pan-Arab Muslim

Brotherhood; funding terrorists, including U.S.-designated terrorist groups such as Hamas and Hezbollah; and using its state-funded media outlets to destabilize its neighbors.

[Key senator threatens arms sales over gulf dispute]

Qatar — an energy-rich country ruled by its own unelected monarchy — saw the Saudi-led accusations as an attempt by neighboring autocrats to stifle its more liberal tendencies. Separately, the United States warned Qatar to keep a tighter rein on wealthy individuals there who surreptitiously funded Islamist terror groups — a charge that Washington has also made in the past against the Saudis and other gulf countries. While Qatar promised some steps in response to the charges in a 2014 agreement with the others, it took little action.

During his two-day visit to Riyadh, Trump met with the six-member Gulf Cooperation Council — Saudi Arabia, the UAE, Kuwait, Bahrain, Oman and Qatar — and held individual closed-door meetings with several GCC leaders, including the Qatar emir. The day before his departure on the morning of May 22, Trump delivered a speech, focused on the need for religious tolerance and unity against terrorism, to more than 50 Muslim leaders gathered from around the world for the occasion.

But he devoted most of his attention to Saudi King Salman, praising as a wise leader the man who controls his country's vast oil reserves. In what the administration hailed as a high point of the visit, the Saudis agreed to purchase $110 billion in U.S. arms and signed letters of intent to invest hundreds of billions in deals with U.S. companies.

He had told the Saudis in advance, Trump said in an interview Wednesday with the Christian Broadcasting Network, that the agreements and purchases were a prerequisite for his presence. "I said, you have to do that, otherwise I'm not going," Trump recounted.

The statements attributed to the emir first appeared on the Qatar News Agency's website early on the morning of May 24, in a report on his appearance at a military ceremony, as Trump was wrapping up the next stop on his nine-day overseas trip, in Israel. According to the Qatari government, alerts were sent out within 45 minutes saying the information was false.

Later that morning, the same false information appeared on a ticker at the bottom of a video of the emir's appearance that was posted on Qatar News Agency's YouTube channel. Similar material appeared on government Twitter feeds.

The reports were repeatedly broadcast on Saudi Arabian government outlets, continuing even after the Qatari alert said it was false. The UAE shut down all broadcasts of Qatari media inside its borders, including the Qatari-funded Al Jazeera satellite network, the most watched in the Arab world.

[Why Saudi Arabia hates Al Jazeera so much]

The first week in June, the Saudi-led countries severed relations, ordered all Qatari nationals inside their countries to leave, and closed their borders to all land, air and sea traffic with Qatar, a peninsular nation in the Persian Gulf whose only land connection is with Saudi Arabia.

In addition to charges of supporting terrorism and promoting instability inside their countries, they accused Qatar of being too close to Iran, Saudi Arabia's main rival for regional power and, according to the United States, the world's foremost supporter of global terrorism. Iran conducts robust trade with most of the gulf, including the UAE, and shares the world's largest natural gas field with Qatar.

The day after the boycott was announced, Trump indirectly took credit for it. "So good to see the Saudi Arabia visit with King and 50 countries already paying off," he tweeted. "They said they would take a hard line on funding extremism, and all reference was pointing to Qatar."

At the same time, Tillerson and Defense Secretary Jim Mattis called for negotiations and a quick resolution of the dispute. When the Saudi-led group released a list of 13 "non-negotiable" demands for Qatar — including shutting down Al Jazeera and expelling a number of people deemed terrorists — the State Department suggested that they were unreasonable and that the terrorism funding issue was a smokescreen for long-standing regional grievances that should be resolved through mediation and negotiation.

Qatar rejected the demands. Tillerson appeared to agree that they were draconian. But when he called for the boycott to be eased, saying it was causing both security and humanitarian hardship, Trump said the measure was harsh "but necessary."

The one concrete result of Tillerson's stops in the region last week was a new bilateral agreement signed with Qatar on stopping terrorism financing, the only one of the gulf countries that had responded to an invitation to do so, Hammond said.

Speaking to reporters on his plane flying back to Washington on Friday, Tillerson said the trip was useful "first to listen and get a sense of how serious the situation is, how emotional some of these issues are." He said that he had left proposals with both sides that suggested "some ways that we might move this forward."

All of the countries involved, Tillerson said, are "really important to us from a national security standpoint. . . . We need this part of the world to be stable, and this particular conflict between these parties is obviously not helpful."

Asked about Trump's tweets and other comments, he noted that being secretary of state "is a lot different than being CEO of Exxon," his previous job, "because I was the ultimate decision-maker." He knew what to expect from long-standing colleagues, he said, and decision-making was disciplined and "highly structured."

"Those are not the characteristics of the United States government. And I don't say that as a criticism, it's just an observation of fact," Tillerson said. While neither he nor the president came from the political world, he said, his old job put him in contact with the rest of the world and "that engagement . . . is actually very easy for me."

For his part, Trump agreed in the Christian Broadcasting Network interview that he and Tillerson "had a little bit of a difference, only in terms of tone" over the gulf conflict.

Qatar, Trump said, “is now a little bit on the outs, but I think they’re being brought back in.” Asked about the U.S. military base in Qatar, Trump said he was not concerned.

“We’ll be all right,” he said. “Look, if we ever have to leave” the base, “we would have 10 countries willing to build us another one, believe me. And they’ll pay for it.”

Kareem Fahim in Istanbul and
Carol Morello in Washington contributed to this report.

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Annex 85

"Arab countries' six principles for Qatar 'a measure to restart the negotiation process", *The National* (19 July 2017), *available at* https://www.thenational.ae/world/gcc/arab-countries-six-principles-for-qatar-a-measure-to-restart-the-negotiation-process-1.610314

The National

Arab countries' six principles for Qatar 'a measure to restart the negotiation process'

The principles must be implemented but we can discuss and compromise on how it's done, says Saudi Arabia's UN ambassador

Taimur Khan
July 19, 2017

The four Arab countries isolating Qatar have reiterated their call for Doha to agree to a framework of six broad “principles” which they say will set the parameters for future talks on how the crisis is resolved.

The emphasis on these principles — rather than the 13 specific demands originally issued to Qatar — could indicate that the quartet is now more willing to engage in the mediation process led by Kuwait and backed by the United States, United Nations and European powers.

“I don't see this as a softening of the quartet's position on Qatar per se, as much as a measure taken to restart the negotiation process,” said Mohammed Alyahya, a Saudi analyst of Gulf politics and non-resident fellow at the Atlantic Council, a Washington-based think tank.

“It is clear that the boycotting nations are prepared to play the long game with Qatar, but there is no doubt that a speedy resolution of the crisis will be in everyone's interest,” he said. “These six principles are best viewed as an effort to set the foundation for meaningful negotiation process.”

Officials from the four countries boycotting Qatar — the UAE, Saudi Arabia, Bahrain and Egypt — spoke to journalists at the United Nations on Tuesday, and maintained that they still expect Doha to change what they say is its support for extremist groups across the region.

“Of course we are all for compromise, but there will be no compromise on these six principles,” said Abdallah Al Mouallimi, Saudi Arabia’s UN ambassador.

He added that it “should be easy” for Qatar to agree to the six principles, which are similar to the Riyadh agreements signed by the Qatari emir, Sheikh Tamim bin Hamad Al Thani, in 2013 and 2014. One of the principles is an explicit call for Doha to abide by those agreements.

Implementation and monitoring of any mechanisms agreed upon within the six categories is “essential”, Mr Al Mouallimi said. The “tactics” and “tools” for implementation are the grounds for negotiation, he added. “That’s where we can have discussion and compromise.”

The six broader principles were first announced in Cairo on July 5 after the foreign ministers of the UAE, Saudi Arabia, Egypt and Bahrain met there to determine their response to Doha’s refusal to meet the original 13 demands. Qatar rejected those demands — which were criticised by mediators from the US and elsewhere — as a violation of its sovereignty.

At the UN in New York on Tuesday, diplomats from the four countries confirmed that the six broader principles — which do not have a deadline — had superseded the original demands. Those included the full closure of Al Jazeera and other Qatar-backed news outlets which the quartet alleged spread extremist views and provided platforms for dissidents, and the shutting down of a permanent Turkish military base in Qatar.

The four countries gave a joint statement in Cairo, stating that the six principles are:

“1. Commitment to combat extremism and terrorism in all its forms and to prevent their financing or the provision of safe havens.

2. Prohibiting all acts of incitement and all forms of expression which spread, incite, promote or justify hatred and violence.

3. Full commitment to Riyadh Agreement 2013 and the supplementary agreement and its executive mechanism for 2014 within the framework of the Gulf Cooperation Council (GCC) for Arab States.

4. Commitment to all the outcomes of the Arab-Islamic-US Summit held in Riyadh in May 2017.

5. To refrain from interfering in the internal affairs of States and from supporting illegal entities.

6. The responsibility of all States of international community to confront all forms of extremism and terrorism as a threat to international peace and security.”

“We’re never going back to the status quo,” UAE Ambassador to the UN Lana Nusseibeh said during the briefing on Tuesday. “That needs to be understood by the Qataris.”

Tuesday's reiteration of the six principles by the quartet diplomats came a week after US secretary of state Rex Tillerson spent two days shuttling between the two sides in the dispute and mediator Kuwait. In Doha, he signed a bilateral agreement with Qatar on enhanced measures to close off private funding for terrorist groups and greater monitoring — a key original demand of the quartet. Despite this, officials from the four countries said last week the agreement was not sufficient to meet their demands and that they doubted Qatar would implement it.

But at the UN on Tuesday, Reem Al Hashimy, Minister of State for International Cooperation, said the US deal with Qatar was “an excellent step” and that “we’d like to see more of that”, adding: “We’d like to see stronger measures taken and stronger commitment made to address that.”

Ms Al Hashimy also said that all five countries involved in the dispute were important partners of Washington.

“We believe that the Americans have a very constructive and a very important role to play in hopefully creating a peaceful resolution,” she added.

The US administration — if not the White House itself, which has sent mixed messages — has appeared to increase pressure on the countries isolating Qatar to find a solution. Both the US secretaries of state and defence believe the Qatar crisis is distracting from the key objectives of fighting ISIL and confronting Iran in the region. In recent days, US intelligence officials have criticised the UAE in particular over allegations that it orchestrated a hack against Qatar, which precipitated the crisis. UAE officials deny the allegations.

The perceptible shift in tone by the quartet officials on Tuesday may be due to pressure from Washington or tactical moves towards greater flexibility from within the boycotting countries themselves, analysts said.

“It wouldn’t surprise me that there are more voices in all of these countries calling for a more pragmatic step back from the demands which were so maximalist and presented in such a way that makes it hard for Qatar to accept,” said Brian Katulis, a Middle East policy expert at the Center for American Progress think tank in Washington.

But even a greater willingness to appear flexible by either side does not mean that a breakthrough in resolving the crisis is imminent, he added.

“I’d be surprised if you see a full rapprochement here. It may just be a continued distancing or just a tamping down of the media war but not a real attempt to bring the GCC together that includes Qatar.”

On Monday, the Minister of State for Foreign Affairs, Anwar Gargash, said the UAE was prepared for the current situation to extend indefinitely, even if there is no major escalation of pressure on Qatar.

Meanwhile, at the UN, Ms Al Hashimy said the ball was now in Qatar's court.

"Our aim is to reach a diplomatic solution," Mr Al Mouallimi added, saying that the four countries hope Qatar "will come around".

Updated: July 19, 2017 02:32 PM

Annex 86

"Emir speech in full text: Qatar ready for dialogue but won't compromise on sovereignty", *The Peninsula* (22 July 2017), *available at* https://thepeninsulaqatar.com/article/22/07/2017/Emir-speech-in-full-text-Qatar-ready-for-dialogue-but-won%E2%80%99t-compromise-on-sovereignty

Emir speech in full text: Qatar ready for dialogue but won't compromise on sovereignty

thepeninsulaqatar.com/article/22/07/2017/Emir-speech-in-full-text-Qatar-ready-for-dialogue-but-won't-compromise-on-sovereignty

H H Sheikh Tamim bin Hamad Al Thani addresses citizens and residents on the Gulf crisis

22 Jul 2017 - 2:12

QNA

Emir H H Sheikh Tamim bin Hamad Al Thani has said that Qatar is ready for talks but will neither take dictation or compromise on its sovereignty.

"Any solution to the crisis must be based on two principles: first, the solution should be within the framework of respect for the sovereignty of each State. Secondly, it should not be in a form of orders by one party against another, but rather as mutual undertakings and joint commitments binding to all," the Emir said while addressing to the nation on Qatar TV last night.

He said: “We are ready for dialogue and for reaching settlements on all contentious issues in this context.” H H the Emir delivered a speech to citizens and residents of

Qatar on the current situation and the future directions of the State of Qatar in light of the current crisis in the Gulf region.

The Emir said that Qatar is fighting terrorism, relentlessly and without compromises, and there is international recognition of Qatar’s role in this regard.

The full text of the speech of the Emir is as follows:

In the name of Allah the Most Merciful, The Most Compassionate. Distinguished citizens, and all those who live on the good land of Qatar, brothers and sisters,

In these circumstances that our country is passing through, I wish to address your conscience in the language of reason.

We speak in rational terms in assessing the phase we are going through, to plan the promising future that our people have proved aptly worthy of, and touched by the spirit of solidarity, harmony and defiance that prevailed and frustrated the hopes of those who banked on the opposite side because of their ignorance of the nature of our society and our people.

As you know and since the onset of the blockade, day to day life in Qatar has continued as normal. The Qatari people instinctively and naturally stood up to defend the sovereignty and independence of their homeland.

All those who live in this country have become spokespersons for Qatar. Here I would like to recognise, with great pride, the high moral standard exercised by this people despite the campaign of incitement as well as the siege. They combined the solidity of stance and magnanimity of behaviour that has always characterized the Qatari people. They have amazed the world by maintaining a high level of tenacity in tackling the situation, despite the unprecedented incitement in tone and language, the honor-related prejudices, and the unparalleled blockade in the relations between our countries.

This was tantamount to a true moral test where our society has achieved great success, as we have proved that there are basic principles and norms that we observe even in times of conflict and dispute, because we respect ourselves first and foremost. I call upon all to continue this approach, and not slip into what is inappropriate for us, nor for our principles and our values. The sons and daughters of this country have realised, with common sense and political awareness, the seriousness of this campaign against their homeland, and the goals of the siege imposed on it.

They have seen through the heavy curtain of fabrications and incitement, without blurring or distorting their vision, and were able to understand the implications of the attempt to impose pressure on this country, and the gravity of the subservience to language of incitement, threats and diktats.

It has become evident to those near and far that this campaign and the steps that followed it had been planned well in advance, and that its plotters and implementers carried out an attack on the sovereignty of the state of Qatar by planting statements that had not been spoken, in order to mislead public opinion and the world and achieve predetermined goals.

Those who took these steps did not realize that the people of the world do not accept injustice so simply, and people do not believe the forgeries of those who do not respect their minds. After all, there are limits to the efficacy of orchestrated propaganda that is not believed even by the very people who forged them.

Therefore, Arab and non-Arab countries that have a respected public opinion stood with us, or at least did not stand with the siege despite the extortion they were subjected to.

The States that have taken these steps have banked on the effect that terror-supporting charges would have in the West, while appealing to the sentiments and preconceived notions of some marginal discriminative forces in Western societies.

It soon became apparent to them that Western societies are like us, in that they do not accept levelling the accusation of terrorism purely due to political dissension, or for purposes such as suppressing pluralism at home, or distorting the image of other countries and isolating them at the international level. This behavior itself, although far from being just, ultimately inflicts damage on the war on terror.

Moreover, in a similar political stance, Western political, civil and media institutions reject diktats and impositions.

This is evident from the international reaction to the conditions that some have tried to impose on us, especially controlling our external relations, infringing on the independence of our policy, shutting down media outlets and controlling the freedom of expression in our country.

We know that there have been differences with some GCC countries over Qatar's independent foreign policy. We too do not agree with the foreign policy of some member states of the GCC, especially over the attitude towards the aspirations of the Arab peoples, supporting just causes, and distinguishing between legitimate resistance to occupation and terrorism, in addition to other issues.

However, we do not try to impose our opinion on anyone. We have never thought that these differences would spoil the sense of amity. There are many commonalities for which the GCC as a regional organization has been established.

Some brothers thought they were living alone in this world, and that money can buy everything.

They have committed yet another mistake, as many States and institutions have reminded them that this world is not for them alone, and that many countries do not favour immediate interests over principles and long-term interests, and they have come to know that even underprivileged countries have dignity and will, and that they cannot impose things that history has long left behind.

They have tried to undermine two principles that humanity has made sacrifices for. First, the principle of sovereignty and the independent will of States; secondly, freedom of expression and the right to information. Freedom of expression is meaningless if the citizen does not have the right to access information. Qatar has quashed the monopoly on information through the media revolution it started, and it is no longer possible to go back. This revolution has become an achievement for all the Arab peoples.

We have been very saddened to see how some countries have used defamation and fictions against Qatar to stir political malice against us in the West. This is a disgrace under all norms: first because the allegations are baseless, and secondly because they have wrongfully prejudiced a sister country. Do we not teach our children at a young age that lying and malicious snitching are two of the worst vices? Is slander and tarnishing a reputation not a crime punishable by law in all civilized countries?

The Emir said that Qatar is fighting terrorism, relentlessly and without compromises, and there is international recognition of Qatar's role in this regard. It does this not because we want to appease anyone in the East or the West, but because we consider terrorism, in the sense of it being an act of aggression against innocent civilians for political ends, a heinous crime against humanity; and because Qatar believes that the just Arab causes are impeded by terrorism, which affects Arabs, Islam and Muslims.

We disagree with some on the sources of terrorism. For example, we say that religion is a moral motive, and not a source of terrorism that could lie in radical ideologies whether religious or secular. Even these extreme ideologies become a source of terrorism only in socio-political environments that create frustration and desperation.

While the disease of terrorism must not be underestimated, we cannot ignore other issues in our world. We believe that the whole world, including our region, also suffers from problems such as poverty, tyranny, occupation and others. This suffering needs to be addressed, as it is also a significant root cause of violent extremism and terrorism.

I do not want to underestimate the scale of suffering and pain caused by the siege, and I hope that this malevolent approach in dealing among brothers will come to an end, and that differences may be resolved through dialogue and negotiation, for this approach has tarnished the image of all GCC countries in the eyes of the world.

It is high time to stop making the citizens of our countries pay the price of political differences among governments. Our Arab region has known the method of revenge and collective punishment of citizens of the other country in case of disagreement with its government, and we have so far succeeded in avoiding this here in the Gulf. But the countries that asked the Qataris to leave, separated members of the same family, and asked their citizens to give up their jobs, their families and leave the State of Qatar, have decided to use this method.

This behaviour on their part is not only against international law, but it also affects their own citizens, the values and the norms of dealing between people.
As you know, we did not retaliate, and we have let the citizens of the other countries make their own decisions to stay in Qatar or depart, each according to their own circumstances and will.

Any solution to this crisis in the future must include arrangements to ensure that this retaliatory approach in dealing with innocent citizens will not be repeated when there is a political dispute between governments.

Despite the bitterness caused by these steps, the most prevalent proverbial wisdom in the Qatari society these days is: "Every cloud has a silver lining ", which corresponds with the Quranic verse: "And perhaps you may hate something which is good for you."

This crisis has driven Qatari society not only to explore its human values as I have indicated , but also to draw on its sources of strength that lie in its unity, will and determination. Further, the efficiency with which the government, with its various ministries and other state

institutions, dealt with the crisis to cater for all the needs of the population, has ensured that the people did not feel any difference in their daily lives.

The same qualified persons in technical, administrative, political and media fields who dealt with the situation rationally, calmly and with resolve, are capable of building our economic independence, protecting our national security and strengthening our bilateral relations with States in this world.

We are called upon to open our economy to investments and initiatives so that we produce our own food and medicine, diversify our sources of income, achieve our economic independence through bilateral relations of cooperation with other countries, in our geographical environment and worldwide, and on the basis of mutual interests and mutual respect. We also call upon ourselves to develop our educational, research and media institutions, as well as our sources of soft power at the international level and with the interaction of the best national, Arab and foreign expertise. All of this of course will be in cooperation with the residents in our country who work, contribute and live with us, and who stood with us throughout this crisis.

On numerous occasions I have directed our institutions to pursue the pursuit a policy of economic openness and diversification. At this stage, this is no longer a matter of luxury for us, but a binding and inevitable course of action, leaving no room for complacency. This is the responsibility of all of us, government and business community alike.

This crisis has helped us identify the shortcomings and obstacles in determining Qatar's national, political, economic and independent identity and in deciding to overcome and surpass these obstacles.

As we pass through this test with honor and dignity, I am addressing you to emphasize that Qatar needs every one of you to build its economy and protect its security.
We require diligence, creativity, independent thinking, constructive initiatives and interest in academic achievement in all disciplines, self-reliance and fighting indolence and dependency. This is not just wishful thinking, and these are not mere dreams. Our goals are realistic and practical, based on the continued determination that Qataris have shown during this crisis. This is not just a passing wave of enthusiasm, but rather the basis for further awareness in building the homeland.

Qatar is going through an important phase that has provided opportunities, not only to build upon, but also to bridge the gaps and address shortcomings, if any. We are not afraid of identifying errors and correcting them.

Under my direction, the government will do whatever it takes to achieve this vision, including the required economic openness, the removal of obstacles to investment, and the prevention of monopolies in the context of building the national economy and investing in human development. I have also directed the government to allocate newly-discovered gas revenues that God has blessed us with to investment for our future generations. Qatar has lived well so far without it.

We will also continue to work on the international arena to deepen bilateral cooperation and conclude bilateral agreements between Qatar and other countries.

We highly value the mediation efforts undertaken by my brother, His Highness Sheikh Sabah Al Ahmad Al Jaber Al Sabah, Emir of the sisterly State of Kuwait, which Qatar has supported from the outset. This is an opportunity to express my thanks once again for what he did and continues to do. We hope that his sincere efforts will be culminated in success. We also appreciate the American support for this mediation, as well as the constructive positions of Germany, France, Britain, Europe in general and Russia. I would like to commend the important role that Turkey has played in the rapid adoption and direct implementation of our Strategic Cooperation Agreement that had been previously signed, and to thank it for its immediate response to meet the needs of the Qatari market.

I also thank all those who opened their airspace and territorial waters when our brothers closed theirs.

We are open to dialogue to find solutions to lingering problems, not only for the interest of our States and peoples, but also to spare the efforts that are being wasted in vain by countries moved by malicious scheming against their brothers in the international arena, so that these efforts may be invested in serving the causes of the Ummah.

Any solution to the crisis must be based on two principles: first, the solution should be within the framework of respect for the sovereignty and will of each State. Secondly, it should not be in a form of orders by one party against another, but rather as mutual undertakings and joint commitments binding to all.

We are ready for dialogue and for reaching settlements on all contentious issues in this context.

I cannot end this speech without expressing solidarity with the brotherly Palestinian people, especially our people in Al Quds (Jerusalem), and denouncing the closure of the Al-Aqsa Mosque, the first of the two Qiblas and the third of the two Holy Shrines, hoping that what is happening in Al Quds be an incentive for unity and solidarity instead of division.

In conclusion, I would like to thank you for your solidarity, cohesion, determination, resolve and civilized behaviour, and to congratulate you on the spirit of nobility, love and amity prevailing in our land nowadays. These are our assets, our provision and energy to counter the great challenges in the way ahead.

May Allah’s Peace, Mercy and Blessings be upon you all.

Annex 87

"Protests outside UAE Embassy in New Delhi over 26/11 terror funding allegations", *New India Express* (6 Aug. 2017), *available at* http://www.newindianexpress.com/cities/delhi/2017/aug/06/protests-outside-uae-embassy-in-new-delhi-over-2611-terror-funding-allegations-1639346.html

Protests outside UAE Embassy in New Delhi over 26/11 terror funding allegations

The Delhi-based NGO Serve for Humans organised a peaceful protest against the UAE, amid reports that Dubai funded Pakistani banks for the 26/11 attack in India.

Published: 06th August 2017 08:21 PM | Last Updated: 06th August 2017 08:21 PM

Image used for representational purpose

By ANI

NEW DELHI: A protest was organized outside the Embassy of the United Arab Emirates (UAE) on Sunday afternoon to highlight the anger and frustration that still exists among Indians over incidents of terror and over media reports of terror outfits, including well known ones like the Lashkar-e-Taiba (LeT) being bankrolled by financial institutions that operate out of countries in the Middle East such as the United Arab Emirates.

Sunday's protest was organized by the Delhi-based NGO Serve for Humans.

Speaking to ANI on the sidelines of the protest outside the UAE embassy, Harish Malkoti, President and Project Development Officer of the NGO, said, "We are conducting a peaceful protest against the UAE, as newspapers are showing news that Dubai funded Pakistani banks for the 26/11 attack in India. We want India to take immediate and stringent action against the UAE."

He further said, "Terrorism and friendship can't go hand in hand. That has been our nation's policy. All countries are important for us, whether it is China or the UAE. If any country wants to spread terrorism in our country, we won't redeem any relations with them.
When told that terror attacks are also taking place in Pakistan, he said, "Pakistan is a poor country. From where is it getting the funds to spread terrorism? The government should conduct a probe in this regard."

To another question regarding the ongoing trilateral border impasse between India, China and Bhutan in the Doklam region, Mr. Malkoti said, "We want the government to take necessary steps and boycott Chinese products."

National and international media have widely reported in the past that the UAE financed Pakistani banks and in turn these funds reportedly bankrolled terror attacks against India such as 26/11 that claimed the lives of 166 people and maimed over 300 others.
It may be recalled that the National Investigation Agency (NIA) had registered a case on May 30 against Kashmiri separatist and secessionist leaders, including members of the Hurriyat Conference, who have reportedly been acting in connivance with active militants of the Hizb-ul-Mujahideen, Dukhtaran-e-Millat, Lashkar-e-Taiba, other outfits and gangs.

The case was registered for raising, receiving and collecting funds through various illegal means, including Hawala, for funding separatist and terrorist activities in Jammu and Kashmir and for causing disruption in the Kashmir Valley by way of pelting security forces with stones, burning schools, damaging public property and waging war against India.

In June this year, the NIA conducted raids at multiple locations in Jammu and Kashmir, Delhi and Haryana.

During the course of searches, Pakistani currency (a few thousand) and currencies belonging to the United Arab Emirates (UAE) and Saudi Arabia were found and seized apart from other incriminating material.

At that time, 23 places were raided in Kashmir, Delhi and Haryana in connection with funding received from Pakistan for terror and violence in the Kashmir Valley. Search operations were also carried out at the residences and offices of separatist leaders. Some of them and their associates have since been detained for questioning.

Several papers like the Daily Beast, The Telegraph, Huffington Post and Al-Jazeera have also reported that some Gulf countries were used to receive funds from banks in Pakistan and UAE owned by the UAE royal family to allegedly finance terror strikes in the U.S. in 2001 and Mumbai in 2008.

Banks like the Dubai Islamic Bank in UAE, and the Bank Al Falah and United Bank Ltd. in Pakistan owned by the Abu Dhabi Royal family reportedly cleared financial transactions of terrorist outfits like the Lashkar-e-Taiba (LeT) and the Jamaat-ud-Dawa (JuD), both of which have been named by India as being squarely involved in the 26/11 attacks. They were reportedly involved in terror-related financing for the 9/11 strike as well.

American citizens are said to have started filing cases in their courts against some of these Gulf nations, claiming to have evidence of their roles not only in 9/11, but also in the November 26-29 terror attacks in Mumbai.

Media reports are saying that some of these documents that may soon appear in the public domain reportedly suggest for instance that the family of one of the Americans who died in Mumbai in 2008, has filed a case against the royal family of Abu Dhabi, which owned banks that financially helped the LeT and the JuD.

Indians are looking for closure and that will come only after the Indian Government initiates an enquiry into the matter and takes action against the perpetrators.

Annex 88

"Emergency corridors opened before Qatar Airways", *Al Arabiya* (9 Aug. 2017) *available at* https://www.youtube.com/watch?v=gIqCPuto9gU

(Video not reproduced)

https://www.youtube.com/watch?v=gIqCPuto9gU; Last accessed on 2019-02-14

*[**TN**: this clip was published on Youtube.com by Al Arabiya Channel on 09 Aug 2017. It displays the logo of Al Arabiya Channel in the lower right hand corner of the screen.]*

Video Clip Transcription / Translation: *Emergency Corridors Opened before Qatar Airways*		
Time Marker	*Caption / Voice*	Text
00:00	*Caption*	The Airspace Ban
	Voice	The decision of the countries calling for fighting terrorism by boycotting Qatar included a ban on Qatar Airways preventing it from entering their airspace.
00:11	*Caption*	International Law
	Voice	According to international law, a country that blocks any international airline from its airspace has the right to deal with any intruding airplane that may enter its airspace. The options available in a case like that usually include sending their fighter planes to force the intruding plane to land, and then the intruding plane's crew gets tried and charged with many offences such as threatening national security and endangering civilian lives. This is the way commercial flights are dealt with usually.
00:36	*Voice*	However, international law also protects the countries' rights to shoot down any intruding plane entering their airspace if they are identified as an enemy target, specifically in military zones where air defense is not bound by rules.
00:50	*Caption*	9 Emergency Corridors
	Voice	In their commitment to the safety of global aerial navigation and in compliance with international laws, the countries participating in the blockade on Qatar had announced earlier the opening of nine emergency corridors for Qatar Airways, effective the first of August.
01:03	*Caption*	Eight corridors in the Arab Gulf region
	Voice	Eight of the corridors are in the Arab Gulf region. Qatar Airways is allowed to navigate over international water and airspaces, but not over the territorial water and airspaces of the Emirates and Bahrain.
01:15	*Caption*	Under the Management of the Egyptian Aviation Authority
	Voice	And the ninth is over the Mediterranean Sea under the management of the Egyptian Aviation Authority. In emergency cases, Qatari airplanes are not to enter the Egyptian territorial air and marine spaces but are allowed to follow a safe international aerial corridor arranged after coordination between Egypt, Greece, Cyprus and Libya.
01:33	*Caption*	8 - 16 KM
	Voice	Technically, the width of one of these types of corridors ranges from eight to sixteen kilometers.
01:42	*Caption*	Specified Altitude, Specified Speed
	Voice	Planes flying through these corridors must follow specific restrictions on altitude and speed regardless of their destinations.
01:48	*Caption*	Corridors Used for Emergency Cases Only
	Voice	These corridors are used for emergency cases only, such as urgent technical malfunctions or medical emergencies for a passenger onboard.
01:54	*Voice*	Zaina Rawabi, Al Arabiya.

Annex 88

نص مقطع الفيديو: " **ممرات الطوارئ التي فُتحت أمام الطيران القطري** "		
المؤشر الزمني	العناوين / الصوت	النص
00:00	العناوين	الحظر الجوي
	الصوت	قرار الدول الداعية لمكافحة الأرهاب بمقاطعة قطر تضمن حظرا جويا على الطائرات القطرية يمنعها من عبور أجوائها.
00:11	العناوين	القانون الدولي
	الصوت	و وفقا للقانون الدولي، فللدولة التي تحظر على أي طيران العبور فوقها، لها الحق في التعامل مع أي طائرة تدخل أجواءها. الخيارات في هذه الحالة عادة ما تكون أما أرسال مقاتلات جوية تجبر الطائرة على الهبوط، و من ثم يحاكم أفراد طاقمها بتهم عدة منها المساس بالأمن القومي، و تعريض حياة مدنيين للخطر، و عادة ما يتم التعامل مع الرحلات التجارية بهذه الطريقة.
00:36	الصوت	الا أن القانون الدولي يكفل أيضا للدول إسقاط أي طائرة تدخل أجواءها و تميّز على أنها هدف معاد، خاصة في المناطق العسكرية حيث يكون الدفاع الجوي غير مقيد.
00:50	العناوين	9 ممرات جوية
	الصوت	الدول المقاطعة لقطر كانت أعلنت أنه التزاما بسلامة الملاحة الجوية الجوية العالمية و احتراما للقوانين الدولية، أعلنت فتح تسع ممرات جوية للطوائ أمام الطيران القطري ابتداء من الاول من أغسطس.
01:03	العناوين	8 ممرات في الخليج العربي
	الصوت	8 منها في الخليج العربي يسمح للطائرات القطرية بالملاحة فوق المياه و الأجواء الدولية، و ليس فوق المياه أو الأجواء الأقليمية لدولتي الأمارات و البحرين.
01:15	العناوين	يخضع لإدارة الملاحة الجوية المصرية
	الصوت	و واحد فوق المتوسط يخضع لإدارة الملاحة الجوية المصرية. و في حالات الطوارئ، لن تدخل الطائرات القطرية فوق المياه و الأجواء الأقليمية المصرية، و لكنها ستتخذ ممرا دوليا آمنا بالتنسيق بين كل من مصر، و اليونان، و قبرص، و ليبيا.
01:33	العناوين	8 - 16 كيلومتر
	الصوت	تقنيا، يبلغ عرض الممر من ممرات الطوارئ هذه بين 8 و 16 كليو مترا.
01:42	العناوين	ارتفاع معين و سرعة معينة
	الصوت	و تلتزم فيه الطائرات بارتفاع معين و سرعة معينة بغض النظر عن اتجاه الطائرة.
01:48	العناوين	الممرات تستخدم فقط في حالات الطوارئ
	الصوت	هذه الممرات تستخدم فقط في حالات الطوارئ كالأعطال المفاجئة أو أي طارئ صحي لأحد الركاب.
01:54	الصوت	زينة روابي - العربية

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Annex 89

"Saudi Arabia suspends dialogue, saying Qatar 'distorting facts'", *The Guardian* (8 Sept. 2017), *available at* https://www.theguardian.com/world/2017/sep/09/saudi-arabia-suspends-dialogue-saying-qatar-distorting-facts

The Guardian

Saudi Arabia suspends dialogue, saying Qatar 'distorting facts'

Move follows earlier report of phone call between leaders of both countries suggested a breakthrough in the Gulf dispute

Reuters

Fri 8 Sep 2017 20.59 EDT

Saudi Arabia on Saturday suspended any dialogue with Qatar, accusing it of “distorting facts”, just after a report of a phone call between the leaders of both countries suggested a breakthrough in the Gulf dispute.

Saudi Arabia’s Crown Prince Mohammed bin Salman spoke by with Qatar’s Emir Sheikh Tamim bin Hamad al-Thani on Friday when they discussed the dispute, state media from both countries reported.

Saudi Arabia, the UAE, Egypt and Bahrain cut diplomatic and trade links with Qatar on 5 June, suspending air and shipping routes with the world’s biggest exporter of liquefied natural gas, which is home to the region’s biggest US military base.

The nations say Doha supports regional foe Iran and Islamists, charges Qatar's leaders deny. Kuwait has been trying to mediate the dispute.

"During the call, the Emir of Qatar expressed his desire to sit at the dialogue table and discuss the demands of the four countries to ensure the interests of all," Saudi state news agency SPA reported.

The phone call was the first publicly reported contact between the two leaders since the start of the crisis. Qatar's state news agency QNA said the call was based on coordination of US President Donald Trump who had earlier spoken with Sheikh Tamim.

But Saudi Arabia later issued a second statement citing an unnamed official at the ministry of the foreign affairs denying the QNA report.

"What was published on the Qatar News Agency is a continuation of the distortion of the Qatari authority of the facts," SPA reported citing the Saudi official.

"The Kingdom of Saudi Arabia announces the suspension of any dialogue or communication with the authority in Qatar until a clear statement is issued clarifying its position in public."

Meanwhile, the US State Department has approved arms sales packages worth more than $3.8 billion to Bahrain including F-16 jets, upgrades, missiles and patrol boats, the Pentagon said on Friday.

The approvals coincide with the State Department's notification to Congress, which had held up a similar arms deal last year over human rights concerns.

The proposed sales include 19 F-16V jets made by Lockheed Martin Corp which could have a value of up to $2.7 billion, the Pentagon said.

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Annex 90

"Hopes for Qatar crisis breakthrough raised, shattered within minutes", *Gulf News* (9 Sept. 2017), *available at* https://gulfnews.com/world/gulf/qatar/hopes-for-qatar-crisis-breakthrough-raised-shattered-within-minutes-1.2087108

Hopes for Qatar crisis breakthrough raised, shattered within minutes

gulfnews.com/world/gulf/qatar/hopes-for-qatar-crisis-breakthrough-raised-shattered-within-minutes-1.2087108

Published: September 09, 2017 08:59 Gulf News Report

Mohammad Bin Salman Image Credit: AFP

Dubai: Prospects for a breakthrough in the Gulf crisis were raised for a few minutes last night before they faded after Qatar was accused of altering the facts about a telephone conversation and Saudi Arabia distanced itself, ruling out contacts until Doha matched its public statements with its commitments.

Saudi Press Agency first reported that Crown Prince Mohammad Bin Salman Bin Abdul Aziz Al Saud received a telephone call from Shaikh Tamim Bin Hamad Al Thani, the Emir of Qatar.

During the call, the Emir expressed his desire to sit at the dialogue table and discuss the demands of the four countries to ensure the interests of all parties, Saudi Press Agency (SPA) reported.

Prince Mohammad welcomed Shaikh Tamim's desire and details were to be announced later after Saudi Arabia concludes an understanding with Bahrain, the United Arab Emirates and Egypt, SPA added.

However, in its report, Qatar News Agency (QNA) reported that a call was held between Shaikh Tamim and Crown Prince Mohammad, without mentioning who initiated it. However, it said that the call was based on coordination from US President Donald Trump and that Shaikh Tamim and Prince

Mohammad stressed the need to settle the crisis by sitting to a dialogue table to guarantee the unity and stability of the Gulf Cooperation Council (GCC).

The Qatari news agency added that Shaikh Tamim welcomed a proposal made by Prince Mohammad during the talks to assign two envoys to settle issues in dispute in a way that does not affect the sovereignty of the states.

The report was immediately assailed by Saudi Arabia as not reflecting the facts.

A Saudi Foreign Ministry official said that the report about the phone conversation as published by Qatar News Agency (QNA) did not have any relevance to the truth and was a continuation of the distortion by the Qatari authority of reality.

The report clearly proves that the Qatari authority has not yet understood that Saudi Arabia does not have the slightest willingness to tolerate the altering of agreements and facts.

The official gave as evidence the distortion of the facts regarding the call received by the Crown Prince from the Emir of Qatar a few minutes after it was over.

The call was at the request of Qatar and was a request for dialogue with the four countries on the demands, he said.

The official said that the Qatari report proved that the authority in Qatar was not serious about dialogue and was continuing with its previously rejected policies.

Consequently, Saudi Arabia declares that there would be no dialogues or communication with the authority in Qatar until it issues a clear statement in which they state their position publicly and that its public statements are in accordance with its commitments.

The kingdom stresses that Qatar's floundering policy does not enhance the building of the confidence required for dialogue, the official added.

Annex 91

"Qatar crisis: Saudi Arabia angered after emir's phone call", *BBC News* (9 Sept. 2017), *available at* https://www.bbc.com/news/world-middle-east-41209610

Qatar crisis: Saudi Arabia angered after emir's phone call

bbc.com/news/world-middle-east-41209610

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Image copyright AFP
Image caption Qatar Airways has been banned from the airspace of neighbouring Gulf states

Saudi Arabia says it has suspended dialogue with Qatar, shortly after a phone call between the Qatari leader and the Saudi crown prince.

The two sides had discussed holding talks to resolve the Qatar crisis, which has seen Doha cut off from Saudi Arabia, Bahrain, Egypt and the UAE.

However, Saudi Arabia then accused Qatar of distorting facts about the call, and said it was ending talks.

The four countries say Qatar supports terrorism - something Doha denies.

The row led to all four Arab nations cutting ties with Qatar on 5 June - Saudi Arabia closed its land border with Qatar, while all four countries cut air and sea links with the country.

Friday's phone call, which came after US President Donald Trump spoke separately with both sides, had initially been seen as a possible breakthrough in the crisis.

The call was the first formal contact between Riyadh and Doha since the crisis began.

State media on both sides reported that Qatar's Emir Sheikh Tamim bin Hamad al-Thani and Saudi Crown Prince Mohammed bin Salman had discussed the need for dialogue to resolve the crisis.

Who said what?

The Saudi Press Agency said Qatar's leader had "expressed his desire to sit at the dialogue table and discuss the demands of the four countries", and that further details would be announced after Saudi Arabia reached an agreement with Bahrain, Egypt and the UAE.

Meanwhile, the Qatar News Agency said the Saudi crown prince had proposed assigning "two envoys to resolve controversial issues in a way that does not affect the sovereignty of states".

Shortly afterwards, Saudi Arabia accused Qatar of not being "serious" about dialogue, and said communications between the two sides would be suspended.

The row appears to be over protocol - observers say Saudi Arabia is angered that Qatari state media did not make clear that the call was initiated by Doha.

Saudi Arabia, Bahrain, Egypt and the UAE, who are blockading Qatar, have presented a list of conditions for the lifting of sanctions.

They include the closure of news broadcaster Al-Jazeera and reducing ties with Iran.

The group accuses the Qatari-funded channel of fostering extremism, a charge the network denies.

Diplomatic efforts led by Kuwait and backed by Western powers have so far failed to end the dispute.

On Friday, Mr Trump spoke with both sides, and the UAE, in an attempt to broker talks.

"The president underscored that unity among the United States' Arab partners is essential to promoting regional stability and countering the threat of Iran," the White House said in a statement.

It added that "all countries must follow through on commitments... to defeat terrorism, cut off funding for terrorist groups and combat extremist ideology".

BBC News Services

Annex 92

Peter Salisbury, "The fake-news hack that nearly started a war this summer was designed for one man: Donald Trump", *Quartz* (20 Oct. 2017), *available at* https://qz.com/1107023/the-inside-story-of-the-hack-that-nearly-started-another-middle-east-war/

The fake-news hack that nearly started a war this summer was designed for one man: Donald Trump

qz.com/1107023/the-inside-story-of-the-hack-that-nearly-started-another-middle-east-war

Peter Salisbury, Commentary

AP Photo/Evan Vucci

A war with an audience of one.

WAG THE DOG

By Peter Salisbury & CommentaryOctober 20, 2017

Diplomatic spats in the Middle East are hardly rare. But the conflict that started this summer between Qatar and some of its Arab neighbors may be unique. It's the first major geopolitical crisis to have been sparked by a computer hack, and was nearly the first "fake news" war to transform into a physical conflict. And far as anyone can tell, the fake news had a target audience of approximately one: US president Donald Trump.

In interviews and documentation provided to Quartz, the Qatari government has outlined its version of the events that led to the crisis in detail for the first time.

The world took notice of the conflict in June, when Bahrain, Saudi Arabia, and the United Arab Emirates (UAE) closed their borders with their tiny Gulf neighbor in response to comments attributed to the Qatari emir, Tamim bin Hamad al-Thani. They have since accused Doha of

sponsoring terror groups and being too close to Iran. If the emir of Kuwait—who has been trying to end the dispute—is to be believed, they also contemplated a military intervention of some kind.

But it all started some two months earlier, the Qataris say, with a relatively mundane piece of cybercrime.

On April 19, a hacker gained access to the poorly-secured website of the state-run Qatar News Agency (QNA). The intruder had a Russian IP address (though that doesn't prove the hack originated in Russia). About three days later the hacker discovered a vulnerability in the code of the news agency's internal network and entered it. Within a few more days, the infiltrator had control over the entire network and had begun to collect email addresses, passwords and messages.

Weeks later, at 11:45pm on May 23, the hacker entered the news agency's system and uploaded a news story filled with fabricated quotes attributed to Qatar's emir, Tamim bin Hamad al-Thani. The story cited Tamim purportedly criticizing Trump and praising Iran—the US's main strategic rival in the region—as an "Islamic power." It also quoted him speaking warmly of Hamas, which the US has designated a terrorist organization, and its parent organization, the Muslim Brotherhood.

The fake story went live on the website at about 12:13am, and had soon become the most popular in the website's history. Early the next morning Emirati and Saudi news sites were reporting the emir's purported comments loudly and widely. QNA staff, in crisis mode, had shut the site down. Qatari officials had directly contacted their regional counterparts, asking them to prevent the story from spreading.

But the regional press had begun to publish a slew of negative stories about Qatar, accusing it of supporting terror groups and working against US interests, citing the QNA article as evidence. A small army of Twitter bots that had suddenly appeared (paywall) around the time of the first hack of the Qatar News site had also gone to work. By early June, the hashtag "#قطع_العلاقات_مع_قطر"—"Cut relations with Qatar"—was trending on Arabic-language Twitter. Qatar's neighbours soon did exactly that.

It's pretty clear what happened, Qatari officials say. Doha's neighbors, Saudi Arabia and the UAE, had long been suspicious of their gas-rich neighbor. They disliked its independent and activist foreign policy and of its sponsorship of Al Jazeera, the popular and divisive news network based in Doha, which won international fame covering the Arab Spring uprisings of 2011 and has been critical of many Arab governments. The UAE in particular had grown increasingly frustrated with Qatar's support for the Muslim Brotherhood, a transnational political Islamist group that Emirati officials see as a major threat to their internal stability and describe as a terrorist organization.

When Trump was elected president in November 2016, Abu Dhabi and Riyadh began aggressively courting the new leader of the free world and his inner circle. The Saudis and Emiratis predicted, correctly, that Trump, with his close dependence on family and trusted

advisors, would not rely as much as previous presidents on the analysis of career diplomats and officials. They decided influence in Washington would be won by a mix of flattery, propaganda—heavily slanted towards Trump's favorite social medium, Twitter—and, if the Qataris are to be believed, cybercrime.

Riyadh and Abu Dhabi deny these claims, and continue to argue that Qatar is a rogue state that needs to be brought to heel. They also deny reports that they considered invading Qatar. But Qatari officials say that their own investigations and two others conducted by the FBI's cybercrimes unit and the UK's National Crime Agency all point in one direction. (The FBI and the NCA both declined to comment for this story.)

In an account broadly substantiated to Quartz by two Western officials, the Washington Post reported in July (paywall) that US intelligence had evidence of a May 23 meeting between the UAE's de facto leader, Mohammed bin Zayed, and his inner circle to approve the news site hack and a wider media campaign against Qatar.

Qatari officials, citing their own investigations and those carried out by the FBI and NCA, told Quartz the hacker behind the QNA breach had been in regular contact with someone in the UAE via Skype from April onwards. At about 11pm on May 23, shortly before the fake news story was posted, the QNA website had begun to see an unusual spike in traffic. Two IP addresses in the UAE accessed and refreshed the website's home page dozens of times over the course of the next hour and a half.

"Qatar isn't the US," says a Qatari official. "There are only a certain number of people who access our state news site at midnight on a Tuesday. But we reached a peak of clicks that night. People were refreshing, waiting for [the story] to pop up."

About 80% of the clicks came from the UAE, says the official, who showed Quartz supporting documentation of the server traffic. Most came from a single IP address, later traced back to a single mobile phone, again in the UAE. The phone, which had been refreshing the news agency's home page repeatedly, was the first to access the article. The user would return to the article more than 40 times over the next half hour.

As far as Qatar's rivals were concerned, the story on the QNA site was definitive proof of what they had been telling American officials for years, and Trump for months: that Qatar was a rogue state in cahoots with Iran and a supporter of terrorism. Initially at least, Trump seems to have taken the bait, going as far as to suggest the blockade was his idea. He has since urged the Gulf states to find a diplomatic solution to their problems, under pressure from White House officials.

If the Qatari account is true, it foreshadows a frightening new stage in cyber-conflict. In recent years, state-backed hackers have allegedly stolen Sony Pictures executives' emails and released them to the public, hacked and released Democratic party emails, potentially changing the course (paywall) of the 2016 US election; and shut down power plants in Ukraine. Yet until now, no-one has tried to use the tools of cyber war to spark a physical one.

Technology is now emerging that can produce increasingly convincing digital mimicry of world leaders—just type in the words you want Obama, Trump, or the emir of Qatar to say, and they appear in a convincing-looking video. That would make fake news much more potent and harder to debunk.

If US officials are worried, they aren't saying so publicly. "I haven't seen a single American official condemn the actual attack itself," says Andrew Bowen, a visiting fellow at the American Enterprise Institute, who believes the hack and subsequent media campaign were aimed at the president. "To basically cyber-hack another country and use it as a way to target the president of the United States, that is something I am surprised the White House has not commented on, frankly."

What makes the Qatari episode truly worrying, therefore, is not that it nearly sparked another Middle Eastern war. The problem, says a senior Western diplomat, is that it shows fake news purveyors a new strategy: targeting not broad swathes of the population in an attempt to influence public opinion, but targeting one man, president Trump. "As long as he's around this approach is going to remain attractive," the diplomat says. "I somehow don't think that he is going to wake up one day in the next three years and decide that he has become a New York Times rather than a Twitter reader."

Annex 93

"Qatar's sanctions hit 13 facilitators of terrorism", *Qatar Tribune* (26 Oct. 2017), *available at* http://www.qatar-tribune.com/news-details/id/92566

Qatar Tribune

Qatar's sanctions hit 13 facilitators of terrorism

Oct 26, 2017

QNA

Doha

Qatar, in collaboration with the US Department of the Treasury's Office of Foreign Assets Control (OFAC), has imposed sanctions on 11 individuals and two entities, targeting leaders, financiers and facilitators of Islamic State in Iraq, Syria and Yemen and Al Qaida in the Arabian Peninsula.

The National Counter Terrorism Committee, in a statement on Wednesday, said Qatar has been working with the US Treasury and member states of the Terrorist Financing Targeting Center (TFTC) on joint sanctions against key terrorists and their supporters.

The action involves all the member states of TFTC, namely the US, Qatar, Saudi Arabia, Bahrain, Kuwait, Oman and the UAE.

"Qatar has sanctioned 11 individuals and two entities under Decree Law No 11 of 2017. Consequently, they are subject to sanctions including freezing of assets and travel bans, reaffirming Qatar's continued commitment to combating terrorism and terrorism financing," the statement said.

With regard to the sanctions list, National Counter Terrorism Committee Chairman Maj General Abdulaziz A al Ansari said,"Qatar has strengthened its counter-terror legislation and set new rules for defining terrorism and the financing of terrorism. We are committed to taking the necessary steps to defeat terrorism in all its forms, and will continue to work closely with the US to impose sanctions on those who facilitate terrorist activities."

In July, Qatar signed a memorandum of understanding (MoU) with the US, which covers counterterrorism cooperation in key areas such as security, intelligence and finance.

Announced in May 2017, the TFTC facilitates coordinated action, sharing of financial intelligence and building

member states' capacity to target terrorist financing networks and related activities that threaten security of member states.

Annex 94

Bethan McKernan, "US and Saudi Arabia arms significantly enhanced Isis' military capabilities, report reveals", *The Independent* (15 Dec. 2017), *available at* https://www.independent.co.uk/news/world/middle-east/isis-us-saudi-arabia-arms-fighters-jihadis-military-capability-enhanced-weapons-syria-terrorism-a8112076.html

Independent news email

independent.co.uk/news/world/middle-east/isis-us-saudi-arabia-arms-fighters-jihadis-military-capability-enhanced-weapons-syria-terrorism-a8112076.html

14 December 2017

US and Saudi Arabia arms significantly enhanced Isis' military capabilities, report reveals

Number of US and Saudi supplied weapons in Isis' hands goes 'far beyond those that would have been available through battle capture alone'

A rocket fired by Isis forces flies from the east to the west side of the Syrian town of Kobani during fighting on 6 November 2014 (REUTERS)

An extensive field investigation into the origins of Isis' weaponry in Syria and Iraq has found that weapons supplied by the US and Saudi Arabia to the Syrian opposition often ended up in the jihadis' hands, enhancing the "quantity and quality" of their armaments.

While most weapons in Isis' arsenal were captured from the Syrian and Iraqi armies, Conflict Armament Research (CAR)'s report, published on Thursday, found that the number of US and Saudi supplied weapons in Isis' arsenal goes "far beyond those that would have been available through battle capture alone".

"Iraq and Syria have seen Isis forces use large numbers of weapons, supplied by states such as Saudi Arabia and the United States, against the various international anti-Isis coalitions that the two states support," researchers found.

The US and Saudi supplied weapons were all manufactured in EU countries, and Washington and Riyadh had broken contractual clauses prohibiting their transfer, CAR said.

"Evidence collected by CAR indicates that the United States has repeatedly diverted EU-manufactured weapons and ammunition to opposition forces in the Syrian conflict. Isis forces rapidly gained custody of significant quantities of this material," it said.

"[The findings are] a stark reminder of the contradictions inherent in supplying weapons into armed conflicts in which multiple competing and overlapping non-state armed groups operate."

The analysis of more than 40,000 items found that in total, however, about 90 per cent of the weapons and ammunition overall were made in Russia, China and Eastern Europe.

Footage shows the Syrian military approaching the final Isis stronghold in Syria

Three per cent of Isis' arsenal was Nato-grade. The report also found that over the last three years had been able to produce its own military-grade weapons and standardise production across the so-called caliphate.

Annex 95

Noah Browning, "Qatar puts 28 people and entities on new terrorism list", *Reuters* (22 March 2018), *available at* https://www.reuters.com/article/us-gulf-qatar-security/qatar-puts-28-people-and-entities-on-new-terrorism-list-idUSKBN1GY222

WORLD NEWS MARCH 22, 2018 / 10:44 AM / A YEAR AGO

Qatar puts 28 people and entities on new terrorism list

3 MIN READ

DUBAI (Reuters) - Qatar said on Thursday it had placed 28 people and entities on a terrorism list, including several Qatari nationals already blacklisted by rival Arab states who accuse Doha of supporting militants.

Saudi Arabia, the United Arab Emirates, Bahrain and Egypt imposed travel, diplomatic and trade sanctions on Qatar in June 2017, accusing it of financing terrorism, meddling in the affairs of Arab states and cozying up to their arch-rival Iran.

Doha has called the charges "baseless allegations" and accuses the countries of seeking to curtail its sovereignty.

Adding to suspects identified in October, Doha's new list, published on the official website of its National Counter Terrorism Committee, included some individuals first named by its rivals, but stopped short of mentioning more mainstream Islamists whose regional influence they oppose.

The move appeared to bring Qatar's blacklist more in line with that of the Arab states, but the motivation for its publication remained unclear. A Qatari government spokesman did not immediately respond to a request for comment.

The four Arab countries, which have called themselves the “Anti-Terror Quartet”, maintain a list of 72 people and organizations they say have links to Doha.

Named on the new Qatari list were two Qatari citizens who were described by the boycotting countries as financiers of the Islamist militant Nusra Front group fighting in Syria. Their whereabouts are not clear.

Absent from the list was the Qatar-based International Union of Muslim Scholars, which was formed in 2004 mostly by clerics belonging to the Muslim Brotherhood and chaired by the Egyptian Sheikh Youssef al-Qaradawi. The group and Qaradawi are both blacklisted by Doha’s rivals.

'Death to America' really 'Death to Trump': Iran

UAE Minister of State for Foreign Affairs Anwar Gargash posted on Twitter: “Apart from its obstinacy, Qatar is confirming the evidence against it and that its support for extremism and terrorism is at the heart of its crisis.”

Qatar had listed 13 alleged al Qaeda and Islamic State militants in October in a joint move with the United States and five other Gulf Arab states, including the boycotters.

The United States, which hosts a major air base in Qatar, has sought to resolve the diplomatic dispute. While President Donald Trump initially accused Qatar of funding terrorism in the past “at a very high level”, he thanked its ruler for combating terrorism in a phone call in January.

Reporting by Noah Browning; Editing by Ghaida Ghantous and Alison Williams

Our Standards: *The Thomson Reuters Trust Principles.*

Annex 96

G. Jaffe & M. Ryan, "A Dubai shopping trip and a missed chance to capture the head of the Taliban", *Washington Post* (24 Mar. 2018), *available at* https://www.washingtonpost.com/world/national-security/a-dubai-shopping-trip-and-a-missed-chance-to-capture-the-head-of-the-taliban/2018/03/24/0137dd66-2ba0-11e8-8ad6-fbc50284fce8_story.html?utm_term=.1597ebb9b696

The Washington Post

National Security

A Dubai shopping trip and a missed chance to capture the head of the Taliban

By Greg Jaffe and
Missy Ryan
March 24, 2018

In the spring of 2016 senior officials at the White House learned that the head of the Taliban had turned up in Dubai for a few days of shopping and fundraising.

The appearance of Akhtar Mohammad Mansour roaming freely in the commercial capital of the Middle East presented an opportunity to capture a major adversary, but one complicated by political and diplomatic risks.

Mansour's previously unreported trip to Dubai came shortly after Taliban officials had taken part in secret negotiations with the U.S. and Afghan governments — the only three-party talks in the history of the United States' longest war. The Taliban leader's decision to give the go-ahead for those discussions weighed heavily on some Obama administration officials as they pondered how to proceed in Dubai.

Ultimately, a series of miscalculations — and a possible betrayal — allowed Mansour to leave the United Arab Emirates unmolested, traveling first to Iran and then to Pakistan, where he was incinerated by a Hellfire missile fired from a U.S. drone.

How and why the United States came to kill a man that some officials believed could bring the Taliban to the negotiating table reveals unresolved questions that have plagued the war from its earlier days and continue to divide President Trump and his top foreign policy advisers: When is a senior Taliban leader a target? When is he a possible negotiating partner? And how will this war, now in its 17th year, end?

Since the war's earliest days, American efforts to talk to top Taliban leaders have been marred by ambivalence, miscommunication and missteps. Shortly after the collapse of Taliban rule in 2001, Hamid Karzai, then the interim leader of the Afghan government, authorized an intermediary to speak with surviving leaders of the group about a peace deal, according to "Directorate S," a recent history of the CIA's war in Afghanistan and Pakistan by Steve Coll.

In Washington, then-Defense Secretary Donald H. Rumsfeld rejected such talks as "unacceptable," and some Taliban leaders who tried to surrender were shipped off to the U.S. prison at Guantanamo Bay, Cuba.

Ten years and tens of thousands of deaths later, with the Taliban resurgent, U.S. officials initiated a series of desultory peace talks that petered out in 2012. Negotiations had largely stopped until early 2016, about seven months after Mansour was publicly named to lead the Taliban.

Mansour's predecessor, Mohammad Omar, had been the group's founder, commander and spiritual leader. Omar rarely left southern Afghanistan or met with outsiders during the Taliban's years in power and was nearly invisible as an insurgent leader. An ascetic, one-eyed cleric and inspirational force, Omar had been dead for nearly two years when in 2015 the Taliban finally acknowledged his passing.

Mansour, by contrast, had been a senior minister overseeing the Taliban's aviation authority, a position that allowed him to collect kickbacks from wealthy Arabs who visited Afghanistan on falconry expeditions.

A biography on a Taliban website said he was born in 1968 and included a photograph of him in Germany in the 1990s, where he had traveled to buy equipment for the Afghan airline company. In the picture, Mansour is heavy set with a thick black beard and turban.

"He could pay people off and had a tendency to fudge the books," said one former U.S. official involved in Afghanistan policy. "He was a dealmaker."

It was Mansour's risk-taking mentality that likely led him to sign off on preliminary talks with U.S. and Afghan officials in February 2016. All sides promised that they would deny the meetings if they became public.

One question that divided U.S. officials as they prepared for the secret talks was whether the Taliban had changed during its years of exile and insurgency.

Some officials insisted that years of fighting had made the Taliban "tougher, meaner and smarter," in the words of one senior U.S. diplomat. These officials pointed to waves of indiscriminate suicide bombings — many of which had been approved by Mansour — that claimed thousands of Afghan lives.

An opposing view held that exposure to the outside world had moderated the views of the Taliban's senior leaders. In meetings with foreign delegations, Taliban officials admitted they had made errors when they were in power, voiced support for the education of girls and insisted that they did not want to be international pariahs.

U.S. officials received a glimpse of what some of the Taliban had become when they greeted the Taliban and Afghan teams in Qatar — the site of the February 2016 talks.

The Americans by happenstance sent an all-female delegation, which some officials in Washington worried might upset the Taliban. But the Taliban representatives did not seem to care. They opened the meeting at their Doha office by giving the head of the U.S. delegation a small lapis vase, according to officials briefed on the negotiations. When the Americans remarked that the Taliban did not have a gift for their Afghan government guests, a Taliban official was quickly dispatched to rectify the oversight.

He dashed out to a nearby Sephora cosmetics store and returned with a small bag of men's cologne.

'Wheels up'

For much of the war, the United States has tried to use military force to batter the Taliban into taking part in peace talks. But by early 2016, that strategy seemed spent. U.S. forces in Afghanistan had been reduced from 100,000 to fewer than 10,000 troops.

A small group at the State Department and the White House, with a focus on the peace process, began debating unconventional approaches to accelerating talks.

U.S. officials knew that Mansour and a handful of other senior Taliban leaders made regular trips to Dubai and speculated that the United States could turn the trips to its advantage. They suggested that Mansour could be used as a bargaining chip to wrest concessions from the Taliban and its patrons. A handful of U.S. officials advocated a riskier course: They wanted to grab him, secretly press him to take part in peace negotiations and possibly then let him go.

The plans had not advanced beyond the hypothetical when U.S. intelligence officials discovered that Mansour was in Dubai. It was the first time the Americans had near-real-time intelligence on his movements in the city. And, if they could capture Mansour, it would be the first time U.S. officials would have a chance to talk to the head of the Taliban since the group took power in 1996.

Some of the initial White House discussions revolved around the mechanics of asking the federal government of the UAE to grab Mansour without tipping off local Dubai officials who might allow him to escape. Those talks were still going on when they were upended by new intelligence: Mansour was leaving Dubai sooner than expected.

Susan E. Rice, Obama's national security adviser, called the Emirati ambassador in Washington, who promised to scramble his country's security forces.

A few minutes later, Rice received word that Mansour was already on a plane for Iran that was accelerating down the runway or had just gone "wheels up," according to current and former U.S. officials.

Rice requested that the plane be turned around. But the Emiratis said it was too late.

Some U.S. officials faulted the Obama White House as debating too long. Others argued that the Emiratis had concocted the story about the near miss.

"The worst thing that could have happened from their standpoint was to catch Mullah Mansour in Dubai and publicly expose that they were funding the people who were killing American soldiers," said Bruce Riedel, a former CIA official who oversaw the Obama administration's first Afghanistan policy review.

Officials in the UAE, whose troops have fought alongside U.S. forces in Afghanistan, declined to comment on Mansour's presence in their country or on their efforts to grab him. Privately, though, they have acknowledged to U.S. officials the Taliban leader's presence in the country. "They would say you don't understand or it's complicated," said one former Pentagon official.

U.S. officials said they have little insight into Mansour's time in Iran after he left Dubai. Most assumed he was there to find new financial patrons who would help reduce his movement's dependence on the Pakistan's intelligence service, one former U.S. official said.

On May 20, White House officials received intelligence about Mansour's departure from Iran and likely whereabouts the next day in Pakistan, where he was headed to take a new wife. "It was one of those rare opportunities," said a person familiar with the intelligence. An armed U.S. drone was moved into position.

The decision on whether to kill Mansour fell to then-President Barack Obama.

U.S. military officials were highly skeptical of Mansour's commitment to talks. Even as he was agreeing to secret negotiations, Mansour rejected a high-profile international peace effort. Taliban forces under his command continued to launch suicide attacks in Kabul and wage war on U.S. forces.

Those factors proved Mansour "was not interested in peace," Army Gen. John Nicholson Jr., the commander of U.S. troops in Afghanistan, said in a recent interview.

There were also domestic political concerns. In Washington, officials feared the fallout if word leaked to the media that the White House had passed up a chance to strike the leader of an organization that had killed U.S. troops and terrorized Afghans.

U.S. officials who favored sparing Mansour countered that he had risked infuriating his movement's hard-liners when he allowed his representatives to meet with U.S. and Afghan government officials in Doha. His successor might not take the same chance.

"Killing him never made sense to me unless you thought it would devastate the organization," said one official involved in Afghanistan policy. "I don't think anyone believed that."

Shortly after Mansour crossed into Pakistan, a U.S. military drone fired a missile that blew up his taxi, killing the Taliban leader and the driver.

A passport found at the scene indicated that Mansour had made as many as 13 trips to Dubai in previous years.

In news accounts, U.S. officials said that Mansour was killed because he was an obstacle to peace. The characterization rankled those who had been working on talks.

That, said one former U.S. official, "is complete B.S."

More fighting, less talking

A few days after Donald Trump won the presidency in November 2016, the Taliban sent U.S. officials a message through an intermediary: They wanted to know whether the Americans were still interested in peace talks.

U.S. officials replied that they would need to check with the incoming administration and get back to them.

One answer came last summer when President Trump announced his Afghanistan war strategy. Military officials doubled the size of the U.S. force to about 15,000 troops and boosted the pace of U.S. and Afghan airstrikes sevenfold to nearly 500 per month.

The White House also decided to shut down the State Department office that focused on Afghanistan and Pakistan and lay off the small team of civil servants working on peace talks.

U.S. contacts with Taliban officials, though significantly curtailed, have not ceased. A proposal to demand the shutdown the Taliban's office in Qatar — the primary channel for talks — has been temporarily shelved. Last year, the Trump administration authorized at least two secret visits by State Department officials to the Qatar office.

The most recent emissary was Alice Wells, the State Department official responsible for South and Central Asia.

This month at a speech in Washington, she said the U.S. objective in Afghanistan was to "bring the Taliban to the negotiating table."

She seemed, at times, to be speaking directly to insurgent leaders. "The Taliban say they have evolved as an organization," she said. "Demonstrate it . . . . Show by your actions that you are a part of this new Afghanistan."

U.S. military officials, even as they plan for a new spring push on the battlefield, are calling with new urgency for a peace initiative.

Those views, though, do not seem to jibe with the outlook of the more hawkish members of the Trump administration, who have insisted that Afghan and U.S. forces must regain battlefield momentum before any negotiations occur.

Nor do they reflect Trump's shifting views of the war. The president has described the conflict as a drain on U.S. resources. In other moments, he has spoken of his resolve to win it.

In January, after the Taliban exploded a bomb in Kabul, killing 103 Afghans, Trump said it would be "a long time" before the United States would talk to the group.

"We're going to finish what we have to finish," he told reporters. "What nobody else has been able to finish, we're going to be able to do it."

Greg Jaffe
Greg Jaffe is a national security reporter for The Washington Post, where he has been since March 2009. Previously, he covered the White House and the military for The Post.

Annex 97

Jonathan Stempel, "Saudi Arabia must face U.S. lawsuits over Sept. 11 attacks", *Reuters* (28 Mar. 2018), *available at* https://www.reuters.com/article/us-usa-saudi-sept11/saudi-arabia-must-face-u-s-lawsuits-over-sept-11-attacks-idUSKBN1H43A1

reuters.com/article/us-usa-saudi-sept11/saudi-arabia-must-face-u-s-lawsuits-over-sept-11-attacks-idUSKBN1H43A1

World News
March 28, 2018 / 5:40 PM / 10 months ago

Saudi Arabia must face U.S. lawsuits over Sept. 11 attacks

NEW YORK (Reuters) - A U.S. judge on Wednesday rejected Saudi Arabia's bid to dismiss lawsuits claiming that it helped plan the Sept. 11, 2001, attacks and should pay billions of dollars in damages to victims.

People watch the Tribute in Light installation illuminated over lower Manhattan as seen from Brooklyn, marking the 16th anniversary of the 9/11 attacks in New York City, U.S., September 11, 2017. REUTERS/Brendan McDermid

U.S. District Judge George Daniels in Manhattan said the plaintiffs' allegations "narrowly articulate a reasonable basis" for him to assert jurisdiction over Saudi Arabia under the Justice Against Sponsors of Terrorism Act (JASTA), a 2016 federal law.

The Saudi government has long denied involvement in the attacks in which hijacked airplanes crashed into New York's World Trade Center, the Pentagon outside Washington, D.C., and a Pennsylvania field. Nearly 3,000 people died.

Lawyers for Saudi Arabia did not immediately respond to requests for comment on the decision. At a Saudi stock market event in New York, asked whether the court decision would have a negative impact on Saudi investment in the United States, Capital Market Authority Chairman Mohammed A. ElKuwaiz declined to comment, saying he had not seen the news.

Daniels' decision covers claims by the families of those killed, roughly 25,000 people who suffered injuries, and many businesses and insurers.

The judge also dismissed claims that two Saudi banks, National Commercial Bank and Al Rajhi Bank, and Saudi Binladin Group, a construction company controlled by the bin Laden family, provided funds and financial services for the attacks, saying he lacked jurisdiction.

Saudi Arabia had long had broad immunity from Sept. 11 lawsuits in the United States.

That changed in September 2016, when the U.S. Congress overrode President Barack Obama's veto of JASTA, allowing such cases to proceed.

Obama had warned that the law could expose U.S. companies, troops and officials to lawsuits in other countries.

Daniels said the plaintiffs could try to prove that Saudi Arabia was liable for the alleged activities of Fahad al Thumairy, an imam at the King Fahad Mosque in Culver City, California,

and Omar al Bayoumi, said to be an intelligence officer.

They were accused of helping two hijackers acclimate themselves to the United States, and begin preparing for the attacks.

Saudi Arabia had argued that the plaintiffs could not show that any Saudi official, employee or agent planned or carried out the attacks.

James Kreindler, a lawyer for many of the plaintiffs, said he was “delighted” the case can proceed.

Stone faces judge as Mueller prepares evidence

“We have been pressing to proceed with the case and conduct discovery from the Kingdom of Saudi Arabia, so that the full story can come to light, and expose the Saudi role in the 9/11 attacks,” he said in a phone interview.

The judge also dismissed claims against the state-affiliated charity Saudi High Commission for Relief of Bosnia & Herzegovina, saying the plaintiffs’ “guilt-by-association” claims did not overcome its presumption of immunity.

The case is In re: Terrorist Attacks on September 11, 2001, U.S. District Court, Southern District of New York, No. 03-md-01570.

Reporting by Jonathan Stempel in New York; Editing by Tom Brown and Grant McCool

Annex 98

"Co-Led by US, Saudi Arabia, TFTC Members Meet in Kuwait", *Kuwait News Agency* (11 May 2018), *available at* https://www.kuna.net.kw/ArticleDetails.aspx?src*ilaw&id*2726718&language=en

وكالة الأنباء الكويتية (كونا) Kuwait News Agency (KUNA) (Default.aspx)

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Politics (CategoryPage.Aspx?Id=101&Language=En)

Co-led by US, Saudi Arabia, TFTC members meet in Kuwait

11/05/2018 LOC19:29
16:29 GMT

KUWAIT, May 11 (KUNA) -- The United States and the Kingdom of Saudi Arabia co-led a meeting of the Terrorist Financing Targeting Center (TFTC) in Kuwait City on May 9-10.
Representatives from the seven member countries, including Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and the United States engaged in a positive and constructive meeting to discuss and approve documents outlining the TFTC's governance and processes, the Kuwaiti Foreign Ministry said in a statement on Friday.
At this meeting, member states approved, in principle, some of the TFTC's documents and will convene another meeting to finalize the remaining governing documents.
The TFTC was established in 2017 as a collaborative approach to confronting new and evolving threats from terrorist financing. The TFTC represents a new and creative response that leverages existing tools and formalizes cooperation between the United States, Saudi Arabia, and partners in the Gulf to counter this threat.
The TFTC's goals are to identify, track, and share information regarding terrorist financial networks; coordinate joint disruptive actions; and offer support to countries in the region that need assistance building capacity to counter terrorist finance threats. (end) mt

Annex 99

"Bahrain sees 'no glimmer of hope' for ending Qatar crisis soon", *Reuters* (27 May 2018), *available at* https://af.reuters.com/article/commoditiesNews/idAFL5N1SY020

COMMODITIES NEWS
MAY 27, 2018 / 3:36 AM / 8 MONTHS AGO

Bahrain sees "no glimmer of hope" for ending Qatar crisis soon

RIYADH, May 27 (Reuters) - Bahrain sees no resolution in sight to a diplomatic row between Qatar and its neighbours, which cut diplomatic and trade ties with the tiny Gulf Arab state nearly a year ago.

“The information in our hands today does not indicate any glimmer of hope for a solution now, as the matter does not happen suddenly,” Bahrain’s Foreign Minister Sheikh Khalid bin Ahmed al-Khalifa told Alsharq Alawsat newspaper on Sunday.

Saudi Arabia, the United Arab Emirates (UAE), Bahrain and Egypt severed travel and trade ties with Qatar last June, alleging it was backing Iran and supporting terrorism. Qatar denies this and says the boycott is an attempt to impinge on its sovereignty and rein in its support for reform.

After initially disrupting Qatar’s imports and triggering the withdrawal of billions of dollars from its banks by depositors from the four states, the world’s top exporter of liquefied natural gas quickly developed new trade routes and deployed tens of billions of dollars from its sovereign wealth fund to protect its domestic lenders.

The dispute has evaded mediation attempts by Kuwait and Washington, which has strong alliances with both sides and fears the split among Sunni Muslim U.S. allies could benefit Iran in a decades-old tussle for influence in the Middle East.

Bahrain's foreign minister said Qatar was prolonging the crisis by taking its case to Western allies, instead of dealing with it inside the Gulf Arab bloc.

"We were expecting from the beginning of the crisis with Qatar that the emir of Qatar would go to Saudi (Arabia) but this did not happen," he told the pan-Arab newspaper.

Saudi and UAE officials have said that Doha has yet to meet 13 demands made by the four states, including closing the state-funded Al Jazeera television station and reducing ties to Iran.

UAE Minister of State for Foreign Affairs Anwar Gargash said last week on Twitter that Qatar had not dealt wisely with those demands: "Perhaps the passing of a year of the boycott will produce a new thought and a wiser approach from Doha". (Reporting by Stephen Kalin; Editing by Ghaida Ghantous and Alexander Smith)

Annex 100

"Qatar's efforts in combating terrorism win German praise", *Gulf Times* (14 July 2018), *available at* https://www.gulf-times.com/story/599458/Qatar-s-efforts-in-combating-terrorism-win-German

gulf-times.com/story/599458/Qatar-s-efforts-in-combating-terrorism-win-German

July 13, 2018

Qatar's efforts in combating terrorism win German praise

GULF TIMES

July 14 2018 12:08 AM

Germany's Defence Minister Ursula von der Leyen attends the NATO Engages discussion forum during the NATO summit Wednesday in Brussels, Belgium. Reuters

Rate

QNA/Doha

German Minister of Defence Ursula von der Leyen has confirmed that her country is aware of the size and dimensions of the threats that have besieged the Middle East region, pointing out that Berlin is working with its allies to preserve this "important region", and restore security, and ensure the protection of its allies, "especially the State of Qatar, which is making great efforts within the ranks of the alliance of North Atlantic Treaty Organisation (Nato) to combat terrorism and eliminate it completely."

In remarks to a local Arabic newspaper published Friday, the German minister said: "We know the details, the reasons and the objectives of the crisis of the State of Qatar, the important member of the Nato alliance, recently, as is known to most of the leaders participating in the Nato summit in Brussels, as mediators intertwined in the crisis of the siege on this country," adding that her country, Britain, Spain and France have presented important research papers to the leaders of the (Nato) meeting on cybersecurity and the consequences of crimes and threats and military tampering the internal security of states.

She noted Qatar's participation in the meeting, as Qatar, the participating member of Nato, recently experienced direct threat to its internal security in order to undermine its sovereignty and interference in its affairs, "asserting that Nato was working seriously that this experience would not be repeated in the future to ensure that none of the allied countries like Qatar is exposed to this situation."

The German minister also pointed out that Qatar "was subjected to a conspiracy by some neighbours to undermine its security and the security of its citizens," and called for "full involvement of Doha in the efforts of the International Coalition to confront extremist organisations in Southwest Asia."

"Qatar has outstanding military capabilities and diverse expertise that we have experienced during the joint exercises between the German and Qatari forces and through the Qatari participants within the International Coalition forces to eliminate terrorism," she said, adding that the Qatari forces "have the ability to deal with the difficult geographical nature in a number of Asian regions, and the Qatari military leadership has a distinct vision in the defence, manoeuvre and attack in the desert and in the mountainous areas, as well as possessing distinct skills in the pursuit and tracking in such circumstances, that is why Nato chose Qatar, and was keen to give it a distinguished membership in the coalition."

"The International Coalition is considering consolidating its military, defence and weapons relations further with Doha to strengthen its ranks and increase its skills and expertise," said the minister.

The Qatari forces are the only Arab forces that are very much in tune with the various forces that make up it, especially Turkish, French, German and American, she said, noting that "these trends were taken on the basis that Qatar has been a key partner for more than three years on many fronts, where its forces have important expertise to make it an effective member of the team tasked with clearing Southwest Asia from terrorism."

Annex 101

Dominic Dudley, "Saudi Arabia Accused Of Turning A Blind Eye To International Terrorism Financing By Global Watchdog", *Forbes* (25 Sept. 2018), *available at* https://www.forbes.com/sites/dominicdudley/2018/09/25/saudi-arabia-accused-of-turning-a-blind-eye-to-international-terrorism-financing-by-global-watchdog/#5bbd8f767630

5,793 views | Sep 25, 2018, 07:45am

Saudi Arabia Accused Of Turning A Blind Eye To International Terrorism Financing By Global Watchdog

Dominic Dudley Contributor
I write about business and politics in the Middle East and beyond

Saudi Arabia has been strongly criticized for its failure to tackle money laundering and international terrorism financing in a new report which will make uncomfortable reading for the authorities in Riyadh.

A report published on September 24 by the Financial Action Task Force (FATF) – an intergovernmental body based in Paris – said "Saudi Arabia is not effectively investigating and prosecuting individuals involved in larger scale or professional [money laundering] activity" and is "not effectively confiscating the proceeds of crime".

It also pointed to the lack of attention paid to financing of terrorist groups outside the country. While acknowledging that prioritizing domestic concerns is "understandable," the report also said "the almost exclusive focus of authorities on domestic [terrorist financing] offences means the authorities are not prioritizing disruption of [terrorist financing] support for threats outside the kingdom."

An image of Saudi Arabia's Crown Prince Mohammed bin Salman appears during a show to mark the 88th Saudi National Day, at the King Fahad stadium in Riyadh on September 23, 2018. MBS has been pushing a reform agenda designed to remodel the country's economy and bring it closer to the international mainstream. (Photo: FAYEZ NURELDINE/AFP/Getty Images)

The sums involved in all this could be large. The proceeds of crime in Saudi Arabia are estimated to be anywhere between $12bn and $32bn. The main areas where criminals are making money are thought to be illicit trafficking in narcotics, corruption, and counterfeiting and piracy.

Most of the profits go elsewhere, with an estimated 70-80% of proceeds of crime leaving the kingdom. Despite that, the Saudi authorities failed to repatriate any criminal proceeds from abroad in the four years from 2013 to 2016.

A key problem is that Saudi Arabia does not look for co-operation from other countries to pursue money laundering and the proceeds of crime. Investigating authorities also suffer from inadequate IT systems, which makes pursuing

complex money laundering cases particularly hard. “Investigations are often reactive rather than proactive, and tend to be straightforward, unsophisticated, and single-layered,” says the report.

The amount of criminal proceeds seized within Saudi Arabia has been increasing but the numbers are still low, the report adds.

Last year, the government made a big push to extract more funds from those it alleges to be guilty of corruption. In November 2017, several hundred members of the business elite were detained, accused of embezzling $100bn. It is not clear how much has since been recovered from these people, but the clampdown appears to have prompted some people to send more money out of the kingdom.

Terrorist funds

There are also shortcomings identified in terms of terrorism financing. More than 1,700 terrorism financing investigations have been undertaken by the Saudi authorities since 2013, resulting in more than 1,100 convictions. However, the authorities tend to be rather selective in the type of people they go after.

The report says there have been few if any convictions for standalone terrorist financing offences; most prosecutions are for financing linked to other terrorist-related offences. The authorities also pay little attention if the terrorism is happening outside the kingdom.

“Saudi Arabia’s overall strategy for fighting terrorist financing mainly focuses on using law enforcement measures to disrupt terrorist threats directed at the kingdom and its immediate vicinity,” notes the report. “Saudi authorities are particularly focused on domestic [terrorism financing] offences at the expense of international [terrorism financing] networks.”

This analysis is awkward for Riyadh and its allies such as the UAE in light of their ongoing dispute with Qatar. They typically claim they are doing everything they can to clamp down on terrorist financing while saying that Qatar actively supports it.

“The UAE has done much to stop individuals from donating to charities with covert links to terrorism," said Anwar Gargash, the UAE’s minster of state for foreign affairs, at an event at Chatham House in London in July 2017. "Our aim is to stop private financial support for terrorism from anywhere in the Gulf... But in Qatar, it is all too often the state that is directly supporting terrorist groups.”

Reporting concerns

The FATF report also says that, while measures to combat money laundering and terrorism financing are “strong and well established” at the country’s banks and financing companies, implementation is “not so strong” among smaller non-financial businesses and suspicious transaction reporting (STR) “remains a concern for all sectors.” In particular, it notes that “STRs are not submitted in a timely way, and the low number of terrorist financing-related STRs reported is a major concern”

It is worth noting that the situation today may not be quite as bad as the report suggests, as the Saudi authorities have recently taken some action to improve things. A new law covering anti-money laundering was adopted in October 2017 and one on terrorism crimes and financing was adopted the following month (including an exceptionally broad definition of what constitutes terrorism).

The new laws were coming in just as the FATF was conducting its research for this report and it is too soon to judge how effective they have been, but the position may well have improved. For example, the report suggests new powers in the anti-money laundering law “may help Saudi Arabia confiscate larger quantities of currency” at the border.

The FATF report acts as a useful corollary and counterpoint to a recent U.S. State Department report on terrorism around the world, which offered a broadly supportive analysis of Saudi efforts and emphasised the cooperation between Washington and Riyadh.

This is in contrast to the words of President Donald Trump before he took office. In a 2015 book, *Time to Get Tough*, he labelled Saudi Arabia “the world’s biggest funder of terrorism”.

The previous administration of Barack Obama also found fault with Riyadh. In a 2009 memo written by then secretary of state Hillary Clinton, and later published by Wikileaks, she noted that “donors in Saudi Arabia constitute the most significant source of funding to Sunni terrorist groups worldwide… Saudi Arabia remains a critical financial support base for al-Qaida, the Taliban, LeT [Lashkar e-Tayyiba], and other terrorist groups, including Hamas, which probably raise millions of dollars annually from Saudi sources.”

There has been no official reaction from the Saudi authorities to the release of the FATF report.

Dominic Dudley is a freelance journalist with almost two decades' experience in reporting on business, economic and political stories in the Middle East, Africa, Asia and Europe.

Dominic Dudley Contributor

Annex 102

Stephen Kalin, "Qatar rift overshadows Gulf Arab summit as emir stays away", *Reuters* (8 Dec. 2018), *available at* https://www.reuters.com/article/us-gulf-qatar/qatar-rift-overshadows-gulf-arab-summit-as-emir-stays-away-idUSKBN1O803S

Qatar rift overshadows Gulf Arab summit as emir stays away

reuters.com/article/us-gulf-qatar/qatar-rift-overshadows-gulf-arab-summit-as-emir-stays-away-idUSKBN1O803S

RIYADH (Reuters) - A Gulf Arab summit called for regional unity as Bahrain and Qatar traded barbs over the Qatari emir's decision not to attend the gathering in Saudi Arabia on Sunday in a sign that a row between Doha and its neighbors is still festering.

Qatar sent its state minister for foreign affairs to the annual one-day summit, which was overshadowed by the economic and diplomatic boycott of Doha since mid-2017 by Saudi Arabia, the United Arab Emirates, Bahrain and Egypt over allegations Doha supports terrorism, which Qatar denies.

Related Coverage

"Qatar's emir should have accepted the fair demands (of the boycotting states) and attended the summit," Bahraini Foreign Minister Sheikh Khalid bin Ahmed Al Khalifa said in a tweet.

In response, Ahmed bin Saeed AlRumaihi, director of the information office at Qatar's foreign ministry, said: "Qatar can make its own decisions and had attended (last year's) Kuwait summit while the leaders of the boycotting countries did not."

He later slammed the final communique for not addressing the boycott, which Qatar says aims to curtail its sovereignty.

The Gulf Cooperation Council's (GCC) summit of six member states was held as Riyadh faces international pressure over the Oct 2. murder of journalist Jamal Khashoggi at the kingdom's Istanbul consulate.

Saudi Arabia's King Salman opened the gathering, urging fellow member states Kuwait, Oman, Bahrain, the UAE and Qatar to maintain a united front against Iran and terrorism.

FILE PHOTO: Qatar's Emir Sheikh Tamim bin Hamad al-Thani speaks to the country's consultative Shoura council in Doha, Qatar, November 6, 2018. Qatar News Agency/Handout via REUTERS

"This requires all of us to maintain our countries' gains and to work with our partners to preserve security and stability in the region and the world," he said in a speech.

The leaders sat around a table in awkward silence at the close before a bland final communique was read out, stressing the importance of maintaining GCC unity in the face of threats to regional stability and to meet economic challenges.

The UAE will host the next summit in 2019.

BITTER DIVIDE

Doha last week abruptly announced it was exiting the oil exporters' group OPEC after 57 years to focus on gas, in an apparent swipe at the bloc's de facto leader Saudi Arabia..

Riyadh has resisted U.S. pressure to restore ties with Doha following Khashoggi's murder, an act that drew condemnation and scrutiny of the kingdom's assertive regional policies.

Slideshow (3 Images)
Saudi Foreign Minister Adel al-Jubeir reiterated in a press conference after the summit that Doha must meet the boycotting states' demands and that the dispute would not affect military cooperation.

A U.S. State Department official on Sunday urged Gulf states to mend fences to confront Iran and enable a proposed Middle East Strategic Alliance (MESA) grouping the GCC, Egypt and Jordan.

"We'd like to see that unity restored, not on our terms, but on terms of the countries that are involved," Timothy Lenderking, Deputy Assistant Secretary for Arabian Gulf Affairs, told reporters at a security forum in the UAE capital Abu Dhabi.

Venezuela's Guaido says police visited his home

Jubeir said proposals for MESA were being "refined" in coordination with the United States. "It is a work in progress that both sides want to succeed," he said.

The boycotting states insist the row is not a priority for them while Doha says the dispute harms regional security.

Kuwait's ties with Riyadh are also strained over control of shared oilfields in the so-called Neutral Zone, further weakening unity of the GCC which was set up in 1980 as a bulwark against larger neighbors Iran and Iraq.

Additional reporting by Alexander Cornwell in Abu Dhabi, Tuqa Khalid in Dubai and Marwa Rashad in Riyadh; Editing by Ghaida Ghantous, Andrew Roche and Adrian Croft

Annex 103

"Interpol removes red notice against Islamic scholar Yusuf Al Qaradawi", *TRT World* (13 Dec. 2018), *available at* https://www.trtworld.com/middle-east/interpol-removes-red-notice-against-islamic-scholar-yusuf-al-qaradawi-22453

Interpol removes red notice against Islamic scholar Yusuf Al Qaradawi

trtworld.com/middle-east/interpol-removes-red-notice-against-islamic-scholar-yusuf-al-qaradawi-22453

13 Dec 2018

Accused of various crimes by Egyptian president Abdel Fatah el Sisi, Interpol's clean chit to the scholar comes as a setback to the Saudi-led bloc in the Middle East.

Yusuf al Qaradawi is an Egyptian Sunni Muslim scholar and preacher known for using television and the internet to spread his message. (AP Archive)

The Egyptian Muslim scholar Yusuf al Qaradawi has been removed from the Interpol list after more than three years.

The head of the Doha-based International Union of Muslim Scholars has been sentenced to death in absentia by an Egyptian court, together with the former President of Egypt Mohamed Morsi and 100 other people affiliated with the Muslim Brotherhood in Egypt.

Al Qaradawi could avoid imprisonment only by moving to Qatar.

He was on the Interpol's wanted list because the Egyptian judicial authorities had accused him of committing "intentional murder, helping prisoners to escape, arson, vandalism and theft."

As a demand by Egypt, Interpol issued a warrant for his arrest in May 2015 - two years after the military coup d'etat took place, initiated by back-then Defense Minister Abdel Fattah el Sisi.

"Saudi Arabia and the UAE are at the vanguard of the anti-revolutionary movement and it is they who sponsored and supported the coup against Egypt's only democratically elected leader, Mohamed Morsi," says the award-winning Middle East specialist Tallha Abdulrazaq.

Al Qaradawi is a well-known critic of Sisi. Since the coup, Interpol has issued arrest warrants for several members of the Muslim Brotherhood - at the request of the Sisi regime.

His criticism of the present Egyptian president, has added to a rift between Qatar and other Gulf Arab states.

Speaking to TRT World Mr Abdulrazaq explains Saudi Arabia's setback as follow:

"I believe it's a setback albeit an inevitable one. Qaradawi is a Qatari citizen and there is no evidence to suggest he is an extremist or terrorist. Try as Riyadh and Abu Dhabi might, there is very little they can do to smear Qaradawi's name, and it is close to impossible for them to take him out of play. He will therefore always pose a threat to them."

The Saudi government says it backs and funds the Sisi regime because the Muslim Brotherhood is a terrorist organisation. Egypt is going through a fiscal crisis and has borrowed $12 billion from the IMF in 2016.

The Gulf Crisis

The Qatari Diplomatic Crisis in 2017 began with the claim by Saudi Arabia's that Doha supports terrorists. From June 2017 onward, Saudi Arabia, the UAE, Egypt and several other countries severed diplomatic relations with Qatar, and imposed an economic blockade on this tiny, gas-rich country. Qatar airplanes and ships were prohibited from entering their airspace and sea routes.

Saudi Arabia even blocked the only land crossing to Qatar, pushing Doha to seek access to the Iranian airspace so as to import and export goods, among other basic supplies.

To remove the blockade, Saudi Arabia demanded that Doha has to cut relations with Iran, end military cooperation with Turkey and shut down its national television Al Jazeera.

"As one of the most influential Islamic scholars alive today, Qaradawi's opposition to these anti-revolutionary forces makes him a dangerous threat to the likes of Egypt, Saudi Arabia and the UAE who would like nothing more than to silence him, hence the bogus Interpol arrest warrant", adds the Middle East specialist.

The case of Ola Qaradawi and her husband

As of yesterday, December 12, 46 members of the US Congress published a letter sent to the US Secretary of State Mike Pompeo for the detention of US citizens in Egypt without a rightful legal basis.

One of those who are detained are Ola Qaradawi and her husband Hosam Khalaf.

Both remain in prison cells with awful conditions, e.g. cells without windows, for more than 500 days. Many argue that the reason for their detention is due to the fact that Ola is the daughter of Yusuf Al-Qaradawi.

Source: TRT World

Annex 104

S. Kalin & F. Guarascio, "EU adds Saudi Arabia to draft terrorism financing list: sources", *Reuters* (25 Jan. 2019), *available at* https://www.reuters.com/article/us-eu-saudi-moneylaundering/eu-adds-saudi-arabia-to-draft-terrorism-financing-list-sources-idUSKCN1PJ23J

EU adds Saudi Arabia to draft terrorism financing list: sources

reuters.com/article/us-eu-saudi-moneylaundering/eu-adds-saudi-arabia-to-draft-terrorism-financing-list-sources-idUSKCN1PJ23J

BRUSSELS/RIYADH (Reuters) - The European Commission has added Saudi Arabia to an EU draft list of countries that pose a threat to the bloc because of lax controls against terrorism financing and money laundering, two sources told Reuters on Friday.

The move comes amid heightened international pressure on Saudi Arabia after the murder of Saudi journalist Jamal Khashoggi in the kingdom's Istanbul consulate on Oct. 2.

The EU's list currently consists of 16 countries, including Iran, Iraq, Syria, Afghanistan, Yemen and North Korea, and is mostly based on criteria used by the Financial Action Task Force (FATF), a global body composed by wealthy nations meant to combat money laundering and terrorism financing.

But the list has been updated this week, using new criteria developed by the EU Commission since 2017. Saudi Arabia is one of the countries added to the updated list which is still confidential, one EU source and one Saudi source told Reuters.

Saudi authorities did not immediately respond to request for comment.

The move is a setback for Riyadh at a time when it is striving to bolster its international reputation in order to encourage foreign investors to participate in a huge transformation plan and improve financial ties for its banks.

Khashoggi, a columnist for the Washington Post and a critic of Crown Prince Mohammed bin Salman, was killed and dismembered by Saudi agents at its Istanbul consulate on Oct 2, provoking widespread revulsion and damaging the kingdom's image.

Apart from reputational damages, the inclusion in the list complicates financial relations with the EU. The bloc's banks will have to carry out additional checks on payments involving entities from listed jurisdictions.

The provisional decision needs to be endorsed by the 28 EU states before being formally adopted next week.

COMPANY OWNERSHIP

A second EU official said other countries are likely to be added to the final list but declined to elaborate as the information is still confidential and subject to changes.

An EU commission spokesman said he had no comment on the content of the list as it had not been finalised yet.

Countries are blacklisted if they “have strategic deficiencies in their anti-money laundering and countering the financing of terrorism regimes that pose significant threats to the financial system of the Union,” the existing EU list says.

Under the new EU methodology, jurisdictions could also be blacklisted if they do not provide sufficient information on ownership of companies or if their rules on reporting suspicious transactions or monitoring financial customers are considered too lax.

U.S. suspends a key nuclear pact with Russia

Saudi Arabia missed out on gaining full FATF membership in September after it was determined to fall short in combating money laundering and terror financing.

The government has taken steps to beef up its efforts to tackle graft and abuse of power, but FATF said in September that Riyadh was not effectively investigating and prosecuting individuals involved in larger scale money laundering activity or confiscating the proceeds of crime at home or abroad.

The EU has reviewed 47 jurisdictions, including the United States, Russia and Switzerland, before updating its list. EU countries were not screened.

Reporting by Stephen Kalin in Riyadh and Francesco Guarascio in Brussels, Editing by William Maclean

Annex 105

C. Bing & J. Schectman, "Inside the UAE's secret hacking team of American mercenaries", *Reuters* (30 Jan. 2019), *available at* https://www.reuters.com/investigates/special-report/usa-spying-raven/

PROJECT RAVEN

INSIDE THE UAE'S SECRET HACKING TEAM OF AMERICAN MERCENARIES

Ex-NSA operatives reveal how they helped spy on targets for the Arab monarchy — dissidents, rival leaders and journalists.

BY **CHRISTOPHER BING** + **JOEL SCHECTMAN**

FILED JAN. 30, 2019 • WASHINGTON

Two weeks after leaving her position as an intelligence analyst for the U.S. National Security Agency in 2014, Lori Stroud was in the Middle East working as a hacker for an Arab monarchy.

She had joined Project Raven, a clandestine team that included more than a dozen former U.S. intelligence operatives recruited to help the United Arab Emirates engage in surveillance of other governments, militants and human rights activists critical of the monarchy.

Stroud and her team, working from a converted mansion in Abu Dhabi known internally as "the Villa," would use methods learned from a decade in the U.S intelligence community to help the UAE hack into the phones and computers of its enemies.

Stroud had been recruited by a Maryland cybersecurity contractor to help the Emiratis launch hacking operations, and for three years, she thrived in the job. But in 2016, the Emiratis moved Project Raven to a UAE cybersecurity firm named DarkMatter. Before long, Stroud and other Americans involved in the effort say they saw the mission cross a red line: targeting fellow Americans for surveillance.

"I am working for a foreign intelligence agency who is targeting U.S. persons," she told Reuters. "I am officially the bad kind of spy."

The story of Project Raven reveals how former U.S. government hackers have employed state-of-the-art cyber-espionage tools on behalf of a foreign intelligence service that spies on human rights activists, journalists and political rivals.

Interviews with nine former Raven operatives, along with a review of thousands of pages of project documents and emails, show that surveillance techniques taught by the NSA were central to the UAE's efforts to monitor opponents. The sources interviewed by Reuters were not Emirati citizens.

CONTRACT SPY After leaving her job at the NSA in 2014, Lori Stroud worked as a contract intelligence operative for the UAE. Stroud, now living in an undisclosed location in America, said the mission crossed a line when she learned her unit was spying on Americans. *Photo by Reuters/Joel Schectman*

The operatives utilized an arsenal of cyber tools, including a cutting-edge espionage platform known as Karma, in which Raven operatives say they hacked into the iPhones of hundreds of activists, political leaders and suspected terrorists. Details of the Karma hack were described in **a separate Reuters article** today.

An NSA spokesman declined to comment on Raven. An Apple spokeswoman declined to comment. A spokeswoman for UAE's Ministry of Foreign Affairs declined to comment. The UAE's Embassy in Washington and a spokesman for its National Media Council did not respond to requests for comment.

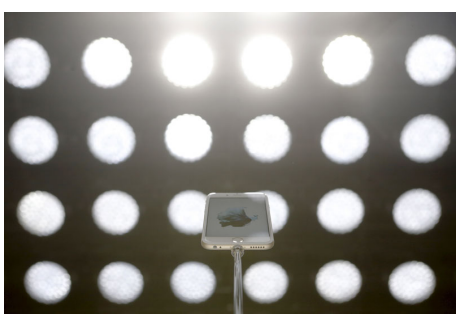
The UAE has said it faces a real threat from violent extremist groups and that it is cooperating with the United States on counterterrorism efforts. Former Raven operatives say the project helped the UAE's National Electronic Security Authority, or NESA, break up an ISIS network within the Emirates. When an ISIS-inspired militant stabbed to death a teacher in Abu Dhabi in 2014, the operatives say, Raven spearheaded the UAE effort to assess if other attacks were imminent.

Various reports have highlighted the ongoing cyber arms race in the Middle East, as the Emirates and other nations attempt to sweep up hacking weapons and personnel faster than their rivals. The Reuters investigation is the first to reveal the existence of Project Raven, providing a rare inside account of state hacking operations usually shrouded in secrecy and denials.

The Raven story also provides new insight into the role former American cyberspies play in foreign hacking operations. Within the U.S. intelligence community, leaving to work as an operative for another country is seen by some as a betrayal. "There's a moral obligation if you're a former intelligence officer from becoming effectively a mercenary for a foreign government," said Bob Anderson, who served as executive assistant director of the Federal Bureau of Investigation until 2015.

While this activity raises ethical dilemmas, U.S. national security lawyers say the laws guiding what American intelligence contractors can do abroad are murky. Though it's illegal to share classified information, there is no specific law that bars contractors from sharing more general spycraft knowhow, such as how to bait a target with a virus-laden email.

The rules, however, are clear on hacking U.S. networks or stealing the communications of Americans. "It would be very illegal," said Rhea Siers, former NSA deputy assistant director for policy.



RELATED STORY

The Secret Cyberweapon

A spying squad based in Abu Dhabi used a hacking tool called Karma to spy on iPhones of opponents

The hacking of Americans was a tightly held secret even within Raven, with those operations led by Emiratis instead. Stroud's account of the targeting of Americans was confirmed by four other former operatives and in emails reviewed by Reuters.

The FBI is now investigating whether Raven's American staff leaked classified U.S. surveillance techniques and if they illegally targeted American computer networks, according to former Raven employees interviewed by federal law enforcement agents. Stroud said she is cooperating with that investigation. No charges have been filed and it is possible none will emerge from the inquiry. An FBI spokeswoman declined to comment.

Stroud is the only former Raven operative willing to be named in this story; eight others who described their experiences would do so only on condition of anonymity. She spent a decade at the NSA, first as a military service member from 2003 to 2009 and later as a contractor in the agency for the giant technology consultant Booz Allen Hamilton from 2009 to 2014. Her specialty was

hunting for vulnerabilities in the computer systems of foreign governments, such as China, and analyzing what data should be stolen.

In 2013, her world changed. While stationed at NSA Hawaii, Stroud says, she made the fateful recommendation to bring a Dell technician already working in the building onto her team. That contractor was Edward Snowden.

“He’s former CIA, he’s local, he’s already cleared,” Stroud, 37, recalled. “He’s perfect!” Booz and the NSA would later approve Snowden’s transfer, providing him with even greater access to classified material.

Two months after joining Stroud’s group, Snowden fled the United States and passed on thousands of pages of top secret program files to journalists, detailing the agency’s massive data collection programs. In the maelstrom that followed, Stroud said her Booz team was vilified for unwittingly enabling the largest security breach in agency history.

“Our brand was ruined,” she said of her team.

A BAD HIRE Stroud’s team at the NSA came under fire after they made a fateful hiring choice in 2013: Edward Snowden. Just months after Stroud recommended him for a job, Snowden leaked U.S. national security secrets. *Photo by Reuters/Mark Blinch*

In the wake of the scandal, Marc Baier, a former colleague at NSA Hawaii, offered her the chance to work for a contractor in Abu Dhabi called CyberPoint. In May 2014, Stroud jumped at the opportunity and left Booz Allen.

CyberPoint, a small cybersecurity contractor headquartered in Baltimore, was founded by an entrepreneur named Karl Gumtow in 2009. Its clients have included the U.S. Department of Defense, and its UAE business **has gained media attention.**

In an interview, Gumtow said his company was not involved in any improper actions.

Stroud had already made the switch from government employee to Booz Allen contractor, essentially performing the same NSA job at higher pay. Taking a job with CyberPoint would fulfill a lifelong dream of deploying to the Middle East and doing so at a lucrative salary. Many analysts, like Stroud, were paid more than $200,000 a year, and some managers received salaries and compensation above $400,000.

She understood her new job would involve a counterterrorism mission in cooperation with the Emiratis, a close U.S. ally in the fight against ISIS, but little else. Baier and other Raven managers assured her the project was approved by the NSA, she said. With Baier’s impressive resume, including time in an elite NSA hacking unit known as Tailored Access Operations, the pledge

was convincing. Baier did not respond to multiple phone calls, text messages, emails, and messages on social media.

In the highly secretive, compartmentalized world of intelligence contracting, it isn't unusual for recruiters to keep the mission and client from potential hires until they sign non-disclosure documents and go through a briefing process.

When Stroud was brought into the Villa for the first time, in May 2014, Raven management gave her two separate briefings, back-to-back.

In the first, known internally as the "Purple briefing," she said she was told Raven would pursue a purely defensive mission, protecting the government of the UAE from hackers and other threats. Right after the briefing ended, she said she was told she had just received a cover story.

She then received the "Black briefing," a copy of which was reviewed by Reuters. Raven is "the offensive, operational division of NESA and will never be acknowledged to the general public," the Black memo says. NESA was the UAE's version of the NSA.

Stroud would be part of Raven's analysis and target-development shop, tasked with helping the government profile its enemies online, hack them and collect data. Those targets were provided by the client, NESA, now called the Signals Intelligence Agency.

The language and secrecy of the briefings closely mirrored her experience at the NSA, Stroud said, giving her a level of comfort.

The information scooped up by Raven was feeding a security apparatus that has drawn international criticism. The Emirates, a wealthy federation of seven Arab sheikhdoms with a population of 9 million, is an ally of neighbor Saudi Arabia and rival of Iran.

PURPLE AND BLACK

The Purple and Black briefings were given back-to-back when new operatives joined Raven in Abu Dhabi. The first briefing was to use as a cover story if operatives were asked about the operation by others in the contracting company or UAE government employees who did not have security clearance to know about Raven's true purpose. DREAD (Development Research Exploitation Analysis Department) is the name the Emirates had for Project Raven.

PURPLE BRIEFING

Personnel will **assist with the development of defensive measures** within the cyber security discipline. These measures may include the development and deployment of firewalls, intrusion detection systems and other defensive measures and techniques as deemed appropriate.

BLACK BRIEFING

Project DREAD is, in fact, more extensive than briefed in the Purple Briefing ....[DREAD] will be the **offensive, operational division of NESA,** and will never be acknowledged to the general public. DREAD focuses on the targeting and electronic exploitation of information derived from intelligence related cyber activities.

Like those two regional powers, the UAE has been accused of suppressing free speech, detaining dissidents and other abuses by groups such as Human Rights Watch. **The UAE says it is working closely** with Washington to fight extremism "beyond the battlefield" and is promoting efforts to counter the "root causes" of radical violence.

Raven's targets eventually would include militants in Yemen, foreign adversaries such as Iran, Qatar and Turkey, and individuals who criticized the monarchy, said Stroud and eight other former Raven operatives. Their accounts were confirmed by hundreds of Raven program documents reviewed by Reuters.

Under orders from the UAE government, former operatives said, Raven would monitor social media and target people who security forces felt had insulted the government.

"Some days it was hard to swallow, like [when you target] a 16-year-old kid on Twitter," she said. "But it's an intelligence mission, you are an intelligence operative. I never made it personal."

The Americans identified vulnerabilities in selected targets, developed or procured software to carry out the intrusions and assisted in monitoring them, former Raven employees said. But an Emirati operative would usually press the button on an attack. This arrangement was intended to give the Americans "plausible deniability" about the nature of the work, said former Raven members.

Stroud discovered that the program took aim not just at terrorists and foreign government agencies, but also dissidents and human rights activists. The Emiratis categorized them as national security targets.

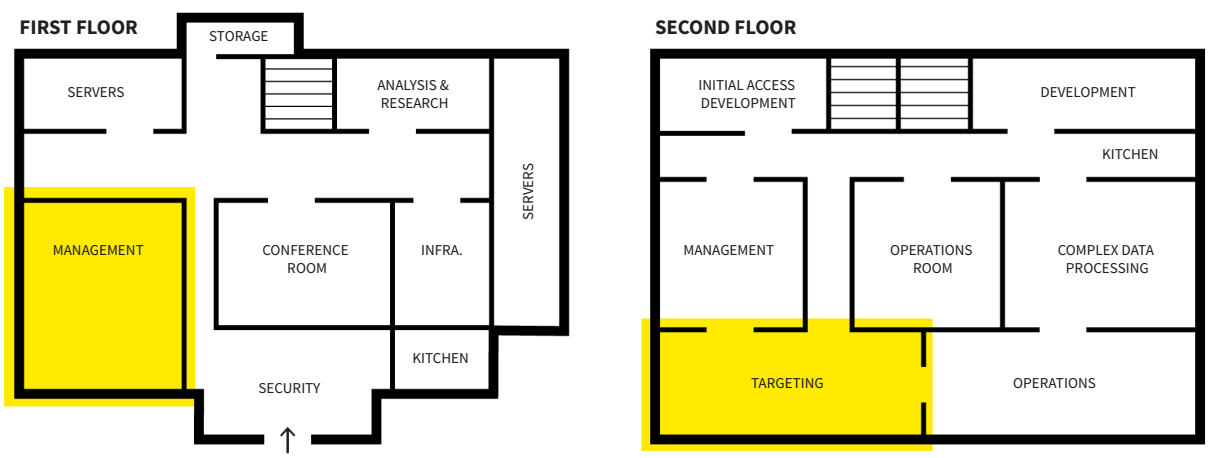
Following the Arab Spring protests and the ousting of Egyptian President Hosni Mubarak in 2011, Emirati security forces viewed human rights advocates as a major threat to "national stability," records and interviews show.

One of the program's key targets in 2012 was Rori Donaghy, according to former Raven operatives and program documents. Donaghy, then 25, was a British journalist and activist who authored articles critical of the country's human rights record. In 2012, he wrote **an opinion piece for the Guardian** criticizing the UAE government's activist crackdown and warning that, if it continued, "those in power face an uncertain future."

Before 2012, the former operatives said, the nascent UAE intelligence-gathering operation largely relied on Emirati agents breaking into the homes of targets while they were away and physically placing spyware on computers. But as the Americans built up Raven, the remote hacking of Donaghy offered the contractors a tantalizing win they could present to the client.

INSIDE THE VILLA

Dozens of Emirati staff and American contractors worked on Project Raven, based out of a converted mansion in Abu Dhabi. The operatives were broken up into teams each supporting the mission of hacking targets chosen by UAE security forces. This process was developed by American operatives with a deep background in U.S. intelligence.



STEP 1 NESA agents called on Raven **management** to gather information on the targets.

STEP 2 Using fake identities and Bitcoin, the **Infrastructure** department anonymously rented servers around the world. Those remote servers allowed Raven to launch attacks from a network of machines that cannot be traced back to the project.

STEP 3 Raven management assigned members of its **Targeting division** — mostly American former intelligence operatives — to figure out ways to spy on the targets.

Those operatives scouted the targets' **online accounts, mobile devices and social media profiles,** searching for vulnerabilities that can be exploited to gain access. The operatives also tried to learn the identity of close friends, relatives and associates that can be put under surveillance along with the primary targets.

STEP 4 **Targeting division** worked together with a team of software developers to identify and build appropriate computer attacks for those specific devices or accounts used by the targets.

STEP 5 The **Initial Access Development** group then provided the operational team with hacking tools designed to breach each specific target. The **Operations** team launched hacking missions against the people or organizations requested by NESA. They stole data and installed malicious software on the targets' systems to maintain access.

STEP 6 Data retrieved from the hacking operations was dumped into a memory repository where it could be decrypted, organized and analyzed. Management collected useful information and turned it over to NESA.

After Raven achieved initial access into its target's accounts, it maintained surveillance and continued to vacuum up emails, photos and the person's location for as long as possible.

Note: Diagrams are simplified and not to scale.

Because of sensitivity over human rights violations and press freedom in the West, the operation against a journalist-activist was a gamble. “The potential risk to the UAE Government and diplomatic relations with Western powers is great if the operation can be traced back to UAE,” 2012 program documents said.

To get close to Donaghy, a Raven operative should attempt to “ingratiate himself to the target by espousing similar beliefs,” the cyber-mercenaries wrote. Donaghy would be “unable to resist an overture of this nature,” they believed.

Posing as a single human rights activist, Raven operatives emailed Donaghy asking for his help to “bring hope to those who are long suffering,” the email message said.

The operative convinced Donaghy to download software he claimed would make messages “difficult to trace.” In reality, the malware allowed the Emiratis to continuously monitor Donaghy’s email account and Internet browsing. The surveillance against Donaghy, who was given the codename Gyro, continued under Stroud and remained a top priority for the Emirates for years, Stroud said.

Donaghy eventually became aware that his email had been hacked. In 2015, after receiving another suspicious email, he contacted a security researcher at Citizen Lab, a Canadian human rights and digital privacy group, who discovered hackers had been attempting for years to breach his computer.

> **“Some days it was hard to swallow, like [when you target] a 16-year-old kid on Twitter. But it’s an intelligence mission, you are an intelligence operative. I never made it personal.”**
>
> LORI STROUD, EX-NSA EMPLOYEE AND RAVEN OPERATIVE

Reached by phone in London, Donaghy, now a graduate student pursuing Arab studies, expressed surprise he was considered a top national security target for five years. Donaghy confirmed he was targeted using the techniques described in the documents.

“I’m glad my partner is sitting here as I talk on the phone because she wouldn’t believe it,” he said. Told the hackers were American mercenaries working for the UAE, Donaghy, a British citizen, expressed surprise and disgust. “It feels like a betrayal of the alliance we have,” he said.

Stroud said her background as an intelligence operative made her comfortable with human rights targets as long as they weren’t Americans. “We’re working on behalf of this country’s government, and they have specific intelligence objectives which differ from the U.S., and understandably so,” Stroud said. “You live with it.”

Prominent Emirati activist Ahmed Mansoor, given the code name Egret, was another target, former Raven operatives say. For years, Mansoor publicly criticized the country's war in Yemen, treatment of migrant workers and detention of political opponents.

In September 2013, Raven presented senior NESA officials with material taken from Mansoor's computer, boasting of the successful collection of evidence against him. It contained screenshots of emails in which Mansoor discussed an upcoming demonstration in front of the UAE's Federal Supreme Court with family members of imprisoned dissidents.

Raven told UAE security forces Mansoor had photographed a prisoner he visited in jail, against prison policy, "and then attempted to destroy the evidence on his computer," said a Powerpoint presentation reviewed by Reuters.

UNDER SURVEILLANCE Rori Donaghy (top) and Ahmed Mansoor (bottom) were consistently targeted for years by former American intelligence operatives working for the UAE. *Donaghy photo by Reuters/Simon Dawson and Mansoor photo by Reuters/Nikhil Monteiro*

Citizen Lab published research in 2016 showing that Mansoor and Donaghy were targeted by hackers — with researchers speculating that the UAE government was the most likely culprit. Concrete evidence of who was responsible, details on the use of American operatives, and first-hand accounts from the hacking team are reported here for the first time.

Mansoor was convicted in a secret trial in 2017 of damaging the country's unity and sentenced to 10 years in jail. He is now held in solitary confinement, his health declining, a person familiar with the matter said.

Mansoor's wife, Nadia, has lived in social isolation in Abu Dhabi. Neighbors are avoiding her out of fear security forces are watching.

They are correct. By June 2017 Raven had tapped into her mobile device and given her the code name Purple Egret, program documents reviewed by Reuters show.

To do so, Raven utilized a powerful new hacking tool called Karma, which allowed operatives to break into the iPhones of users around the world.

RELATED VIDEO

Reuters reveals UAE's secret mercenary hacking team

A Reuters investigation uncovered Project Raven, a group of former NSA operatives who helped the UAE target dissidents and journalists.

Karma allowed Raven to obtain emails, location, text messages and photographs from iPhones simply by uploading lists of numbers into a preconfigured system, five former project employees said. Reuters had no contact with Mansoor's wife.

Karma was particularly potent because it did not require a target to click on any link to download malicious software. The operatives understood the hacking tool to rely on an undisclosed vulnerability in Apple's iMessage text messaging software.

In 2016 and 2017, it would be used against hundreds of targets across the Middle East and Europe, including governments of Qatar, Yemen, Iran and Turkey, documents show. Raven used Karma to hack an iPhone used by the Emir of Qatar, Sheikh Tamim bin Hamad al-Thani, as well as the phones of close associates and his brother. The embassy of Qatar in Washington did not respond to requests for comment.

Former Raven operatives believed they were on the right side of the law because, they said, supervisors told them the mission was blessed by the U.S. government.

Although the NSA wasn't involved in day-to-day operations, the agency approved of and was regularly briefed on Raven's activities, they said Baier told them.

CyberPoint founder Gumtow said his company was not involved in hacking operations.

"We were not doing offensive operations. Period," Gumtow said in a phone interview. "If someone was doing something rogue, then that's painful for me to think they would do that under our banner."

Instead, he said, the company trained Emiratis to defend themselves through a program with the country's Ministry of Interior.

A review of internal Raven documents shows Gumtow's description of the program as advising the Interior Ministry on cyber defense matches an "unclassified cover story" Raven operatives were instructed to give when asked about the project. Raven employees were told to say they worked for the Information Technology and Interoperability Office, the program document said.

U.S. CYBERWARRIORS Before joining Project Raven in the UAE, many of the operatives worked for the U.S. National Security Agency. Its headquarters in Fort Meade, Maryland, is pictured above. *Handout photo from NSA*

Providing sensitive defense technologies or services to a foreign government generally requires special licenses from the U.S.

State and Commerce Departments. Both agencies declined to comment on whether they issued such licenses to CyberPoint for its operations in the UAE. They added that human rights considerations figure into any such approvals.

But a 2014 State Department agreement with CyberPoint showed Washington understood the contractors were helping launch cyber surveillance operations for the UAE. The approval document explains CyberPoint's contract is to work alongside NESA in the "protection of UAE sovereignty" through "collection of information from communications systems inside and outside the UAE" and "surveillance analysis."

One section of the State Department approval states CyberPoint must receive specific approval from the NSA before giving any presentations pertaining to "computer network exploitation or attack." Reuters identified dozens of such presentations Raven gave to NESA describing attacks against Donaghy, Mansoor and others. It's unclear whether the NSA approved Raven's operations against specific targets.

The agreement clearly forbade CyberPoint employees from targeting American citizens or companies. As part of the agreement, CyberPoint promised that its own staff and even Emirati personnel supporting the program "will not be used to Exploit U.S. Persons, (i.e. U.S. citizens, permanent resident aliens, or U.S. companies.)" Sharing classified U.S. information, controlled military technology, or the intelligence collection methods of U.S. agencies was also prohibited.

Gumtow declined to discuss the specifics of the agreement. "To the best of my ability and to the best of my knowledge, we did everything as requested when it came to U.S. rules and regulations," he said. "And we provided a mechanism for people to come to me if they thought that something that was done was wrong."

An NSA spokesman declined to comment on Project Raven.

A State Department spokesman declined to comment on the agreement but said such licenses do not authorize people to engage in human rights abuses.

> **There's a moral obligation if you're a former intelligence officer from becoming effectively a mercenary for a foreign government."**
>
> BOB ANDERSON, FORMER FBI EXECUTIVE ASSISTANT DIRECTOR

By late 2015, some Raven operatives said their missions became more audacious.

For instance, instead of being asked to hack into individual users of an Islamist Internet forum, as before, the American contractors were called on to create computer viruses that would infect every person visiting a flagged site. Such wholesale collection efforts risked sweeping in the communications of American citizens, stepping over a line the operators knew well from their NSA days.

U.S. law generally forbids the NSA, CIA and other U.S. intelligence agencies from monitoring U.S. citizens.

Working together with managers, Stroud helped create a policy for what to do when Raven swept up personal data belonging to Americans. The former NSA employees were instructed to mark that material for deletion. Other Raven operatives would also be notified so the American victims could be removed from future collection.

As time went on, Stroud noticed American data flagged for removal show up again and again in Raven's NESA-controlled data stores.

Still, she found the work exhilarating. "It was incredible because there weren't these limitations like there was at the NSA. There wasn't that bullshit red tape," she said. "I feel like we did a lot of good work on counterterrorism."

When Raven was created in 2009, Abu Dhabi had little cyber expertise. The original idea was for Americans to develop and run the program for five to 10 years until Emirati intelligence officers were skilled enough to take over, documents show. By 2013, the American contingent at Raven numbered between a dozen and 20 members at any time, accounting for the majority of the staff.

In late 2015, the power dynamic at the Villa shifted as the UAE grew more uncomfortable with a core national security program being controlled by foreigners, former staff said. Emirati defense officials told Gumtow they wanted Project Raven to be run through a domestic company, named DarkMatter.

Raven's American creators were given two options: Join DarkMatter or go home.

AN EMERGING POWER After a string of popular uprisings rocked the region in 2011, the UAE government took steps to tighten control. The creation of a new agency, the National Electronic Security Authority, would help the monarchy monitor threats. *Photo by Reuters/Hamad I Mohammed*

At least eight operatives left Raven during this transition period. Some said they left after feeling unsettled about the vague explanations Raven managers provided when pressed on potential surveillance against other Americans.

DarkMatter was founded in 2014 by Faisal Al Bannai, who also created Axiom, one of the largest sellers of mobile devices in the region. DarkMatter markets itself as an innovative developer of defensive cyber technology. **A 2016 Intercept article** reported the company assisted UAE's security forces in surveillance efforts and was attempting to recruit foreign cyber experts.

The Emirati company of more than 650 employees publicly acknowledges its close business relationship to the UAE government, but denies involvement in state-backed hacking efforts. Project Raven's true purpose was kept secret from most executives at DarkMatter, former operatives said.

DarkMatter did not respond to requests for comment. Al Bannai and the company's current chief executive, Karim Sabbagh, did not respond to interview requests. A spokeswoman for the UAE Ministry of Foreign Affairs declined to comment.

Under DarkMatter, Project Raven continued to operate in Abu Dhabi from the Villa, but pressure escalated for the program to become more aggressive.

Before long, senior NESA officers were given more control over daily functions, former Raven operatives said, often leaving American managers out of the loop. By mid-2016, the Emirates had begun making an increasing number of sections of Raven hidden from the Americans still managing day-to-day operations. Soon, an "Emirate-eyes only" designation appeared for some hacking targets.

By 2016, FBI agents began approaching DarkMatter employees reentering the United States to ask about Project Raven, three former operatives said.

The FBI wanted to know: Had they been asked to spy on Americans? Did classified information on U.S. intelligence collection techniques and technologies end up in the hands of the Emiratis?

Two agents approached Stroud in 2016 at Virginia's Dulles airport as she was returning to the UAE after a trip home. Stroud, afraid she might be under surveillance by the UAE herself, said she brushed off the FBI investigators. "I'm not telling you guys jack," she recounted.

Stroud had been promoted and given even more access to internal Raven databases the previous year. A lead analyst, her job was to probe the accounts of potential Raven targets and learn what vulnerabilities could be used to penetrate their email or messaging systems.

Targets were listed in various categories, by country. Yemeni targets were in the "brown category," for example. Iran was gray.

One morning in spring 2017, after she finished her own list of targets, Stroud said she began working on a backlog of other assignments intended for a NESA officer. She noticed that a passport page of an American was in the system. When Stroud emailed supervisors to complain, she was told the data had been collected by mistake and would be deleted, according to an email reviewed by Reuters.

I don't think Americans should be doing this to other Americans. I'm a spy, I get that. I'm an intelligence officer, but I'm not a bad one."

LORI STROUD, EX-NSA EMPLOYEE AND RAVEN OPERATIVE

Concerned, Stroud began searching a targeting request list usually limited to Raven's Emirati staff, which she was still able to access because of her role as lead analyst. She saw that security forces had sought surveillance against two other Americans.

When she questioned the apparent targeting of Americans, she received a rebuke from an Emirati colleague for accessing the targeting list, the emails show. The target requests she viewed were to be processed by "certain people. You are not one of them," the Emirati officer wrote.

Days later, Stroud said she came upon three more American names on the hidden targeting queue.

Those names were in a category she hadn't seen before: the "white category" — for Americans. This time, she said, the occupations were listed: journalist.

"I was sick to my stomach," she said. "It kind of hit me at that macro level realizing there was a whole category for U.S. persons on this program."

Once more, she said she turned to manager Baier. He attempted to downplay the concern and asked her to drop the issue, she said. But he also indicated that any targeting of Americans was supposed to be done by Raven's Emirate staff, said Stroud and two other people familiar with the discussion.

Stroud's account of the incidents was confirmed by four other former employees and emails reviewed by Reuters.

When Stroud kept raising questions, she said, she was put on leave by superiors, her phones and passport were taken, and she was escorted from the building. Stroud said it all happened so quickly she was unable to recall the names of the three U.S. journalists or other Americans she came across in the files. "I felt like one of those national security targets," she said. "I'm stuck in the country, I'm being surveilled, I can't leave."

After two months, Stroud was allowed to return to America. Soon after, she fished out the business card of the FBI agents who had confronted her at the airport.

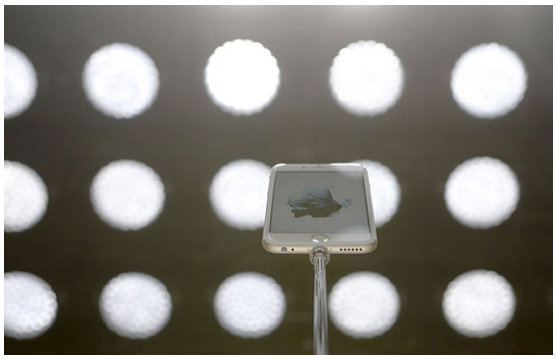
"I don't think Americans should be doing this to other Americans," she told Reuters. "I'm a spy, I get that. I'm an intelligence officer, but I'm not a bad one."

Design by Christine Chan
Additional development work by Matthew Weber
Photo editing by Steve McKinley
Video by Nathan Frandino
Editing by Ronnie Greene, Jonathan Weber and Michael Williams

OTHER REUTERS INVESTIGATIONS

Legacy of Contamination

The decades-long environmental cleanup of a former San Francisco Navy base shows the harm that can linger after the military departs.



The Karma Hack

A spying squad based in Abu Dhabi used a hacking tool called Karma to spy on iPhones of opponents. Reuters explains how the exploit worked.

Left in the Dust

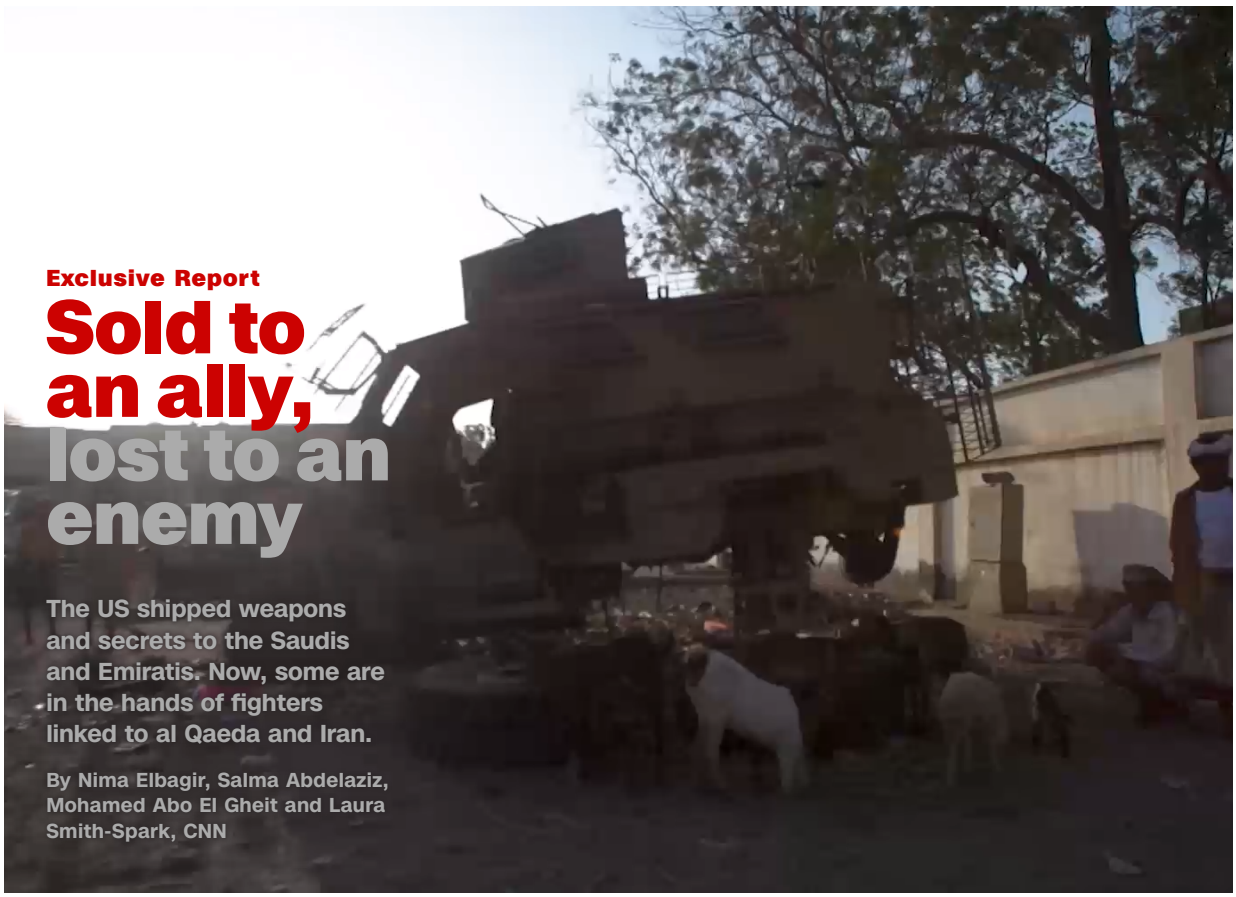
In a little-known regulatory drama, the GOP has pushed to strip key pieces of a workplace safety rule adopted in Obama's final days in office.

Soccer Exchange

The Soccer Files | The Portuguese super-agent Jorge Mendes joined forces with investors from Shanghai and planned to cash in on buying and selling athletes, documents show.

Annex 106

N. Elbagir, S. Abdelaziz, M.A. El Gheit & L. Smith-Spark, "Sold to an alley, lost to an enemy", *CNN* (Feb. 2019), *available at* https://edition.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/



Exclusive Report

Sold to an ally, lost to an enemy

The US shipped weapons and secrets to the Saudis and Emiratis. Now, some are in the hands of fighters linked to al Qaeda and Iran.

By Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, CNN

Hodeidah, Yemen (CNN) – Saudi Arabia and its coalition partners have transferred American-made weapons to al Qaeda-linked fighters, hardline Salafi militias, and other factions waging war in Yemen, in violation of their agreements with the United States, a CNN investigation has found.

The weapons have also made their way into the hands of Iranian-backed rebels battling the coalition for control of the country, exposing some of America's sensitive military technology to Tehran and potentially endangering the lives of US troops in other conflict zones.

Saudi Arabia and the United Arab Emirates, its main partner in the war, have used the US-manufactured weapons as a form of currency to buy the loyalties of militias or tribes, bolster chosen armed actors, and influence the complex political landscape, according to local commanders on the ground and analysts who spoke to CNN.

By handing off this military equipment to third parties, the Saudi-led coalition is breaking the terms of its arms sales with the US, according to the Department of Defense. After CNN presented its findings, a US defense official confirmed there was an ongoing investigation into the issue.

The revelations raise fresh questions about whether the US has lost control over a key ally presiding over one of the most horrific wars of the past decade, and whether Saudi Arabia is responsible enough to be allowed to continue buying the sophisticated arms and fighting hardware. Previous CNN investigations established that US-

The developments also come as Congress, outraged with Riyadh over the murder of journalist Jamal Khashoggi last year, considers whether to force an end to the Trump administration's support for the Saudi coalition, which relies on American weapons to conduct its war.

Video: How US-made weapons end up in the wrong hands 10:11

In 2015, Riyadh launched a coalition to oust Iranian-supported Houthi rebels from the country's capital and reinstate the internationally recognized government of President Abdu Rabu Mansour Hadi. The war split the country in two, and with it came the weapons -- not just guns, but anti-tank missiles, armored vehicles, heat-seeking lasers and artillery -- all flooding into an unruly and complex state.

Since then, some of America's "beautiful military equipment," as US President Donald Trump once called it, has been passed on, sold, stolen or abandoned in Yemen's state of chaos, where murky alliances and fractured politics mean little hope for any system of accountability or tracking.

Some terror groups have gained from the influx of US arms, with the barrier of entry to advanced weaponry now lowered by the laws of supply and demand. Militia leaders have had ample opportunity to obtain military hardware in exchange for the manpower to fight the Houthi militias. Arms dealers have flourished, with traders offering to buy or sell anything, from a US-manufactured rifle to a tank, to the highest bidder.

And Iran's proxies have captured American weapons they can exploit for vulnerabilities or reverse-engineer for native production.

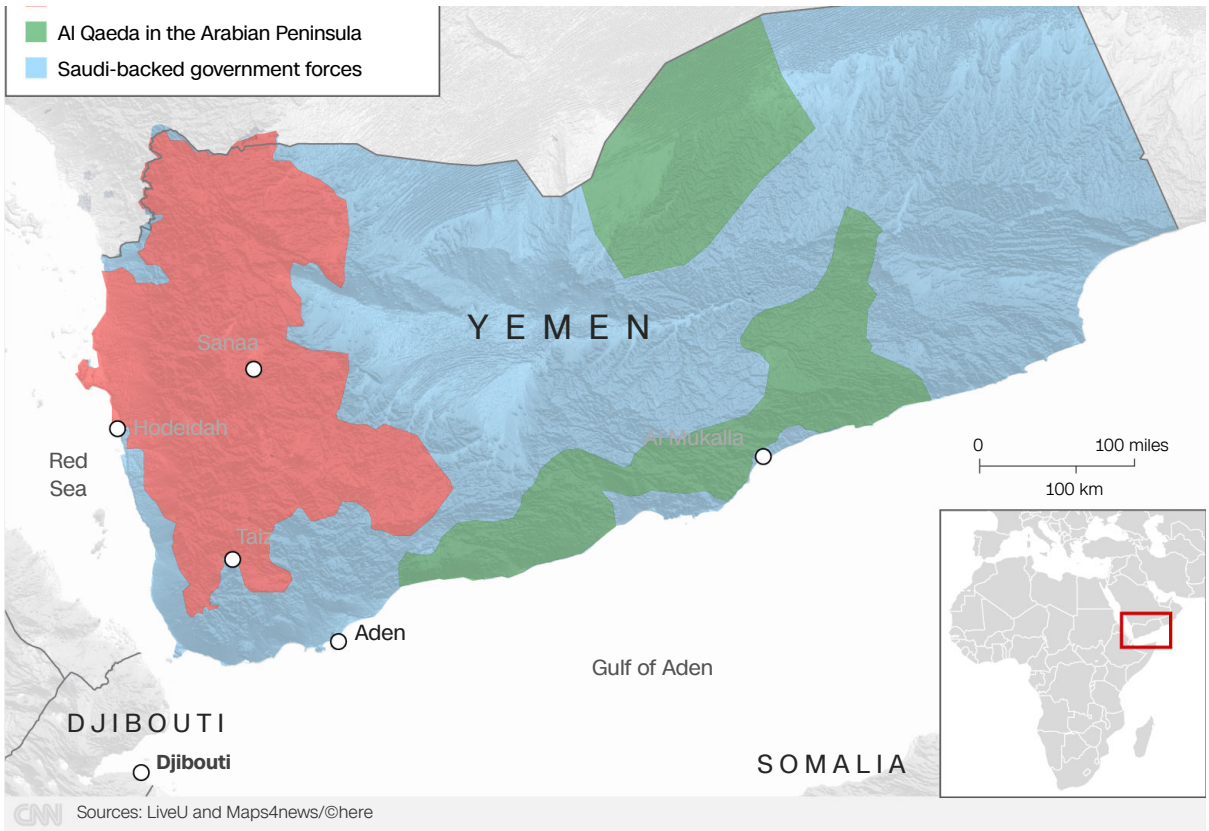
'Do you have American guns here?'

Arms markets are illegal in Yemen, but that doesn't stop them operating openly in this large, mountainous city in the country's southwest.

To one side hang veils, abayas and colorful dresses for sale; to the other are pistols, hand grenades, and US assault rifles available on special order.

In one arms market, sweets were displayed among the ammunition. "Do you have American guns here?" CNN asked. "The American guns are expensive and sought after," the weapons trader replied, in an exchange captured by undercover CNN cameras.

In another of the city's markets, a very young-looking boy handled weapons like an expert. Men joked and chewed khat, a commonly used drug, and the atmosphere was casual. But these shops don't just take individual orders, they can supply militias -- and it's this not-so-hidden black market that in part is driving the demand for hi-tech American weapons and perpetuating the cycle of violence in Yemen.



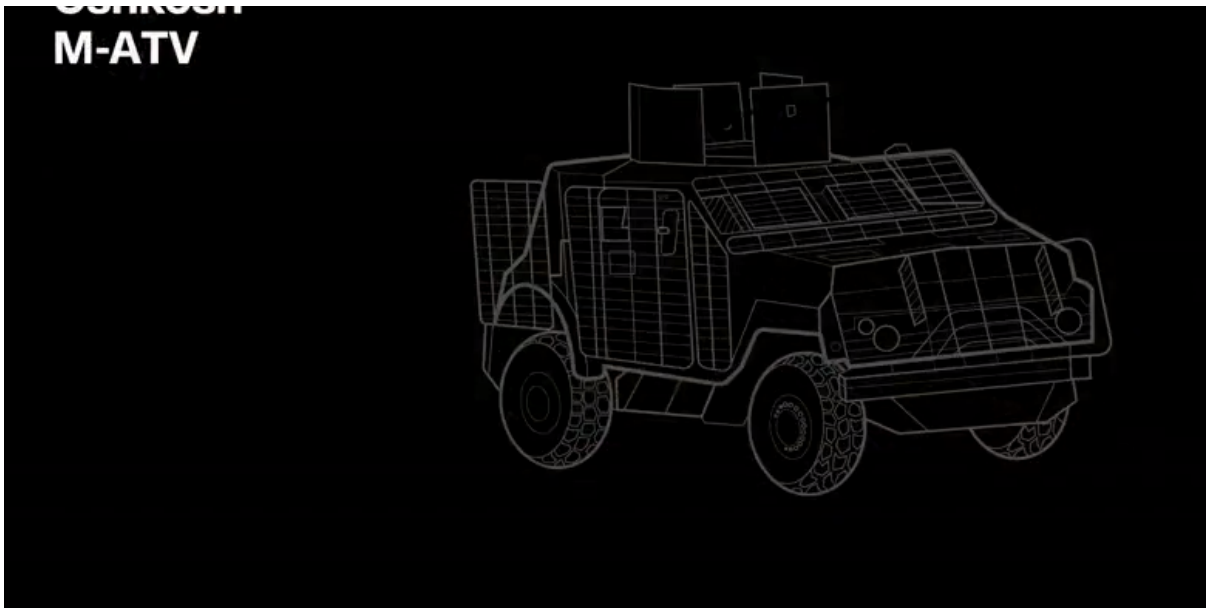
Once the intellectual heart of the country, Taiz is now a tinder box that set off a war within a war last year, when the various militias backed by the Saudi-led coalition turned their guns on each other.

Amid the chaos of the broader war, al Qaeda in the Arabian Peninsula (AQAP) made its way to the frontlines in Taiz in 2015, forging advantageous alliances with the pro-Saudi militias they fought alongside.

One of those militias linked to AQAP, the Abu Abbas brigade, now possesses US-made Oshkosh armored vehicles, paraded in a 2015 show of force through the city.

Abu Abbas, the founder, was declared a terrorist by the US in 2017, but the group still enjoys support from the Saudi coalition and was absorbed into the coalition-supported 35th Brigade of the Yemeni army.

“Oshkosh Defense strictly follows all US laws and regulations relating to export control," the firm told CNN.



An Oshkosh armored vehicle rolls down a street in Taiz in 2015.

And there are deadlier forms of weaponry that have made their way into the city. In October 2015, military forces loyal to the government boasted on Saudi- and UAE-backed media that the Saudis had airdropped American-made TOW anti-tank missiles on the same frontline where AQAP had been known to operate at the time.

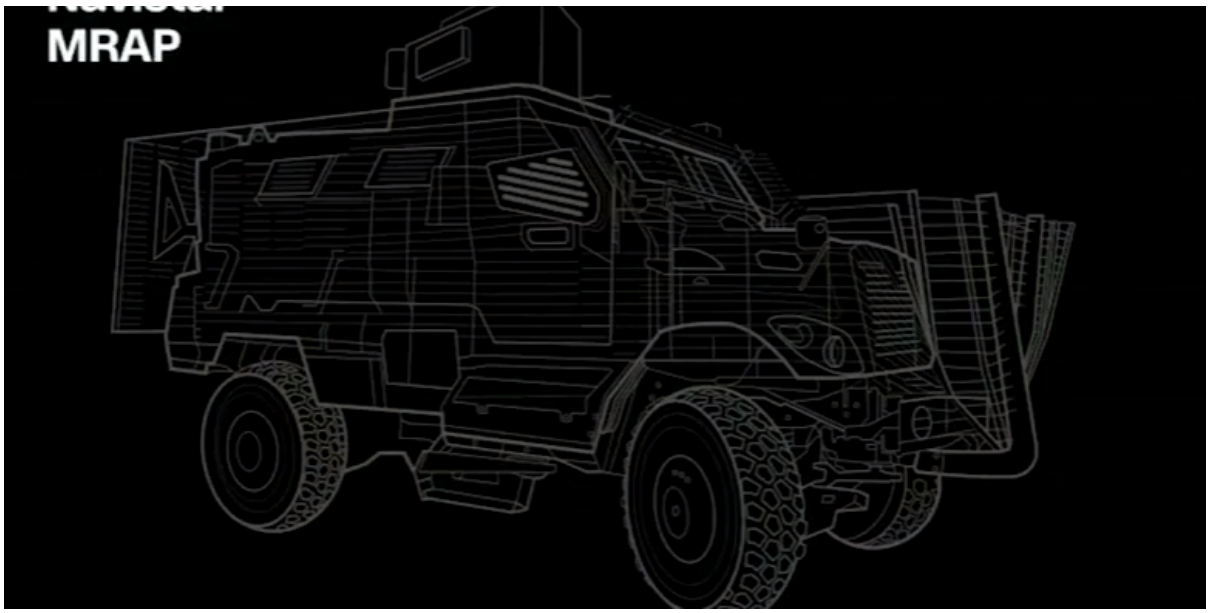
Local officials confirmed that the airdrop happened, but CNN's attempts to conduct further interviews were blocked and the team was intimidated by the local government. A local activist joked that the weapons had probably been sold on.

Graveyard of US military hardware

At a graveyard of discarded US-made military hardware near the flashpoint port city of Hodeidah, it becomes clear that the Alwiyat al Amalqa -- the Giants Brigade, a predominantly Salafi, or ultra-conservative Sunni, militia -- is a favored faction.

Nearly half a dozen Mine-Resistant Ambush Protected (MRAP) vehicles sit side by side, most bearing stickers with the insignia of the Giants Brigade.

One even has the export label on it showing it was sent from Beaumont, Texas to Abu Dhabi, in the UAE, before ending up in the hands of the militia. The serial number of another MRAP reveals it was manufactured by Navistar, the largest provider of armored vehicles for the US military.



An MRAP made by Navistar and in the hands of the Giants Brigade.

The armored all-terrain vehicles are built to withstand ballistic arms fire, mine blasts and improvised explosive devices (IEDs). “It’s the vehicle that every crew wants when they’re out in the field,” Navistar’s website says. The firm declined to comment on this report.

Recipients of US weaponry are legally obligated to adhere to end-use requirements which prohibit the transferring of any equipment to third parties without prior authorization from the US government. That authorization was never obtained.

The Saudi coalition did not respond to multiple requests for comment. A senior UAE official denied “in no uncertain terms that we are in violation of end-user agreements in any manner.”

The Giants Brigade is a “part of Yemeni forces,” the official told CNN, adding that the group was under the direct supervision of the UAE and, therefore, the equipment was in the “collective possession” of the coalition.

The US Department of Defense, when asked specifically about the Giants Brigades, said it had not given Saudi Arabia or the UAE permission to hand over US weaponry to other factions on the ground.

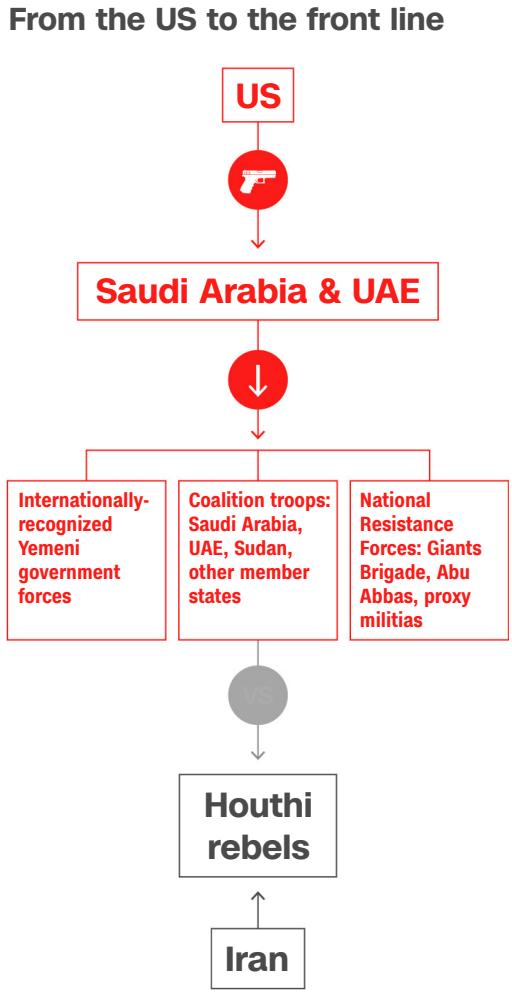
"The United States has not authorized the Kingdom of Saudi Arabia or the United Arab Emirates to re-transfer any equipment to parties inside Yemen," Pentagon spokesman Johnny Michael told CNN. "The US government cannot comment on any pending investigations of claims of end-use violations of defense articles and services transferred to our allies and partners."

Iran is ‘assessing US military technology closely’

Because a majority of American troop deaths in Afghanistan and Iraq are caused by IEDs, it is critical that knowledge of MRAP vulnerabilities does not fall into enemy hands.

But it's already too late.

"death to America" in the background.



CNN obtained an image showing the serial numbers of a second American MRAP in the hands of another senior Houthi official last year in Hodeidah. The photo was first published by Yemeni journalist Hussain al Bukhaiti, the official's brother.

The vehicle was part of a $2.5 billion sale to the UAE in 2014. The sale document, seen by CNN, certifies that "a determination has been made that the recipient country can provide the same degree of protection for the sensitive technology" as the United States.

MRAPs like these, captured on the battlefield, have been probed by Iranian intelligence, according to a member of a secret Houthi unit backed by Iran known as the Preventative Security Force. The unit oversees the transfer of military technology to and from Tehran.

The member of the force, speaking to CNN anonymously out of fear for his safety, revealed that Iranian and Hezbollah advisers have already gotten their hands on the armored vehicles and other US military hardware.

of, how it works."

The serial numbers of one MRAP captured by Houthi forces trace the vehicle back to a $2.5 billion US arms sale to the UAE in 2014.

IEDs are now mass-produced in Yemen by Houthi forces on a scale only previously achieved by ISIS, according to a report published by Conflict Armament Research.

The group tracks weapons and their supply chains in conflict zones, and has found IEDs containing Iranian components in Yemen.

Hizam Al Assad, a member of the Houthi Political Council, confirmed to CNN that the MRAPs were still in Houthi hands but denied the existence of the Preventative Security Force.

Iran has not responded to a CNN request for comment.

Human cost of conflict

The flood of US weaponry is fueling a conflict that has killed tens of thousands -- among them children on school buses and families fleeing violence -- and pushed millions more to the brink of famine.

Rehab, 2, is examined by a doctor in Tohta.

There are an estimated 200 cases of malnutrition like hers in the village of Tohta, a frontline area surrounded by artillery and mortar positions on the Red Sea coast near Hodeidah.

A few months ago, the local clinic was shut down due to political disagreements over funding. But Dr. Fatma Ibrahim won't give up.

She conducts house-to-house visits every week, and as soon as she steps into the street, worried parents flock to her.

"Look, look," one father demands as he shows the doctor his skeletal 14-month-old girl, Roula. Ibrahim gently examines her, but soon it's time to move on to the next baby.

For a young man, joining a fighting faction is one of the few means of finding employment in a poor country with little infrastructure and a barely functioning economy.

At the same time, too many powerful political figures and key armed actors in the region have been prospering greatly from the conflict and, as a result, they lack the incentives to agree to a peace process that would threaten their financial gain.

Video: Two things that explain the Saudi-US alliance 4:28

The US is by far the biggest supplier of arms to both Saudi Arabia and the United Arab Emirates, and its support is crucial to the Saudi coalition's continuing war in Yemen.

US lawmakers are trying to pass a resolution ending the Trump administration's support for the coalition.

On Tuesday, Democratic Senator Chris Murphy described CNN's investigation as a "bombshell" that should serve as a wake-up call to "get us out of the war in Yemen that has gone horribly wrong."

But Gen. Joseph Votel, the top US commander in the Middle East, told a Senate hearing that while the military would be "looking more closely at the allegations" in CNN's report, withdrawing support for the Saudi coalition could further endanger Americans in the region.

There is scant evidence that the White House wants to divert from its current approach, despite evidence that the actions of a key US ally may be making Americans less safe.

In the wake of the murder of Jamal Khashoggi murder last year, Trump said it would be foolish for the US to cancel multi-billion dollar arms deals with the Saudis. "I don't want to lose all of that investment being made into our country," he said.

CNN's Ryan Browne and Oscar Featherstone contributed to this report.
Design: Mark Oliver, Wafa'a Ayish and Sean O'Key
Maps: Maps4News/©HERE

Annex 107

Francesco Guarascio, "EU adds Saudi Arabia to dirty-money blacklist, upsets UK, U.S.", *Reuters* (13 Feb. 2019), *available at* https://www.reuters.com/article/us-eu-saudi-moneylaundering/eu-adds-saudi-arabia-to-dirty-money-blacklist-upsets-britain-idUSKCN1Q215X

WORLD NEWS FEBRUARY 13, 2019 / 5:48 AM / A DAY AGO

EU adds Saudi Arabia to dirty-money blacklist, upsets UK, U.S.

Francesco Guarascio

5 MIN READ

STRASBOURG (Reuters) - The European Commission added Saudi Arabia, Panama and four U.S. territories to a blacklist of nations it considers a threat because of lax controls on terrorism financing and money laundering, the EU executive said on Wednesday.

FILE PHOTO: European Commission headquarters in Brussels. REUTERS/Francois Lenoir/File Photo

The move is part of a crackdown on money laundering after several scandals at EU banks, but it has been criticized by several EU countries, including Britain, that are worried about their economic relations with the listed states, notably Saudi Arabia. The United States has also disapproved.

The Saudi government said it regretted the decision in a statement published by the Saudi Press Agency, adding: “Saudi Arabia’s commitment to combating money laundering and the financing of terrorism is a strategic priority”.

Panama said it should be removed from the list because it recently adopted stronger rules against money laundering.

Despite pressure to exclude Riyadh from the list, the commission decided to list the kingdom, confirming a Reuters report in January.

Apart from reputational damage, inclusion on the list complicates financial relations with the EU. The bloc’s banks will have to carry out additional checks on payments involving entities from listed jurisdictions.

The list now includes 23 jurisdictions, up from 16. The commission said it added jurisdictions with “strategic deficiencies in their anti-money laundering and countering terrorist financing regimes”.

Other newcomers to the list are Libya, Botswana, Ghana, Samoa, the Bahamas and the four United States territories of American Samoa, U.S. Virgin Islands, Puerto Rico and Guam.

The U.S. Treasury said the listing process was “flawed” and rejected the inclusion of the four U.S. territories on the list.

The other listed states are Afghanistan, North Korea, Ethiopia, Iran, Iraq, Pakistan, Sri Lanka, Syria, Trinidad and Tobago, Tunisia and Yemen.

Bosnia, Guyana, Laos, Uganda and Vanuatu were removed.

BAD FOR BUSINESS?

The 28 EU member states now have one month, which can be extended to two, to endorse the list. They could reject it by qualified majority. EU justice commissioner Vera Jourova, who proposed the list, told a news conference that she was confident states would not block it.

Slideshow (3 Images)

She said it was urgent to act because “risks spread like wildfire in the banking sector”.

But concerns remain. Britain, which plans to leave the EU on March 29, said on Wednesday the list could “confuse businesses” because it diverges from a smaller listing compiled by its Financial Action Task Force (FATF), which is the global standard-setter for anti-money laundering.

The FATF list includes 12 jurisdictions - all on the EU blacklist - but excludes Saudi Arabia, Panama and U.S.

territories. The FATF will update its list next week.

London has led a pushback against the EU list in past days, and at closed-door meetings urged the exclusion of Saudi Arabia, EU sources told Reuters.

The oil-rich kingdom is a major importer of goods and weapons from the EU and several top British banks have operations in the country. Royal Bank of Scotland is the European bank with the largest turnover in Saudi Arabia, with around 150 million euros ($169 million) in 2015, according to public data.

HSBC is Europe's most successful bank in Riyadh. It booked profits of 450 million euros in 2015 in the kingdom but disclosed no turnover and has no employees there, according to public data released under EU rules.

Pompeo meets EU's Mogherini after Middle East conference

"The UK will continue to work with the Commission to ensure that the list that comes into force provides certainty to businesses and is as effective as possible at tackling illicit finance," a British Treasury spokesman said.

MISSING "WASHING MACHINES"

Criteria used to blacklist countries include weak sanctions against money laundering and terrorism financing, insufficient cooperation with the EU on the matter and lack of transparency about the beneficial owners of companies and trusts.

Five of the listed countries are already included on a separate EU blacklist of tax havens. They are Samoa, Trinidad and Tobago and the three U.S. territories of American Samoa, Guam and U.S. Virgin Islands.

Critics said the list fell short of including several countries involved in money-laundering scandals in Europe.

"Some of the biggest dirty-money washing machines are still missing. These include Russia, the City of London and its offshore territories, as well as Azerbaijan," said Greens lawmaker Sven Giegold, who sits in the European Parliament special committee on financial crimes.

Jourova said the commission will continue monitoring other jurisdictions not yet listed. Among the states that will be closely monitored are the United States and Russia.

Additional reporting by Alistair Smout in London and Mohamed El-Sherif in Cairo; Writing by Francesco Guarascio in Brussels; editing by Mark Heinrich and Rosalba O'Brien

Annex 108

E. Cannizzaro & B. Bonafè, "Fragmenting International Law through Compromissory Clauses? Some Remarks on the Decision of the ICJ in the Oil Platforms Case", *European Journal of International Law* (2005), Vol. 16, No. 3 (2005)

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Fragmenting International Law through Compromissory Clauses? Some Remarks on the Decision of the ICJ in the Oil Platforms *Case*

Enzo Cannizzaro* and Beatrice Bonafé**

Abstract

This article addresses the role of compromissory clauses in limiting the law applicable by the ICJ to disputes concerning the interpretation and application of treaty provisions. In the Oil Platforms *case, the Court essentially tried to avoid such a problematic side-effect of compromissory clauses by relying on principles of treaty interpretation. Accordingly, customary law can be taken into account in order to interpret treaty provisions falling under the Court's jurisdiction. However, this is only a limited mechanism aiming at balancing the principle of consent (underlying the limited jurisdiction under compromissory clauses) and the need to take other international law rules into account when applying treaty rules to the dispute before it. In particular, there are disputes governed at the same time by treaty rules and customary law, which can hardly be settled on the ground of the former only. An inquiry into the jurisprudence of the ICJ shows that the Court is also prepared to consider that disputes concerning the applicability of a treaty fall within its jurisdiction under compromissory clauses. This may be deemed an important tool at the disposal of the Court in order to avoid the fragmentation of international law under compromissory clauses.*

One of the most controversial issues in the judicial settlement of disputes before the International Court of Justice (ICJ) is the relationship between the scope of the jurisdiction conferred on the Court and the law applicable to the dispute. When, in particular, the Court possesses jurisdiction under a compromissory clause of a treaty, the issue arises, in dispute settlement on the interpretation and application of that treaty, as to whether the treaty is the only law applicable. This question is easily solved when

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the parties have different views on the way in which the treaty provisions are to be interpreted or applied. In such case it can be naturally assumed that the dispute must be settled on the basis of the treaty itself. Not infrequently, however, the Court, having jurisdiction under a compromissory clause, must settle disputes over conduct which is governed at the same time by the treaty and by other international rules applicable to the relationship between the parties. In such case, the Court must preliminarily ascertain if the dispute falls within the scope of the jurisdictional clause, and then ultimately identify the rules under which the differing views of the parties must be settled.

1 The Court's Decision in the *Oil Platforms* case

This latter question has been considered by the Court in its interesting decision in the *Oil Platforms* case.[1] The case concerned the legality of certain forcible measures adopted by the United States towards Iran in the context of the Gulf War between Iran and Iraq at the end the 1980s. The jurisdiction of the Court was limited to disputes on the interpretation and application of the 1955 FCN Treaty in force between the parties; therefore, the question arose as to whether the Court could determine the legality of the forcible measures on the basis of the Treaty provisions alone, or whether it could do so on the basis of international customary law on the use of force. That is, the Court had the choice between a narrow approach, focusing on the Treaty provisions as the only law applicable to the dispute, and a broader approach, which would admit that the dispute could be settled according to a wider range of international law rules applying to both of the parties.

The Court adopted an intermediate approach. It relied on international customary law as a means of interpreting the Treaty, in particular Article XX, paragraph 1(d), which contained a saving clause allowing either party to adopt measures that are apparently inconsistent with the Treaty but are necessary for the protection of its essential security interests. Paragraph 41 of the decision reads:

> under the general rules of treaty interpretation, as reflected in the 1969 Vienna Convention on the Law of Treaties, interpretation must take into account 'any relevant rules of international law applicable in the relations between the parties' (Article 31, paragraph 3(c)). The Court cannot accept that Article XX, paragraph 1(d), of the 1955 Treaty was intended to operate wholly independently of the relevant rules of international law on the use of force, so as to be capable of being successfully invoked, even in the limited context of a claim for breach of the Treaty, in relation to an unlawful use of force. The application of the relevant rules of international law relating to this question thus forms an integral part of the task of interpretation entrusted to the Court by Article XXI, paragraph 2, of the 1955 Treaty.

The reference to Article 31, paragraph 1(c) of the Vienna Convention and to the customary law on treaty interpretation codified by this provision, is certainly a novelty in the jurisprudence of the ICJ. However, this approach is not entirely free from ambiguity.

[1] ICJ, judgment of 6 Nov. 2003 in *Case Concerning Oil Platforms (Islamic Republic of Iran v United States of America)*, available at www.icj-cij.org.

On the one hand, the decision may appear to be a far-reaching acknowledgement of the interplay between international customary law and treaties. In fact, by making the shift from a dispute concerning the application of the Treaty provisions to one concerning the interpretation of those provisions, the Court seems to have considered interpretation as a means by which to escape the narrow limits of its jurisdictional bounds. In this context, Article 31 of the Vienna Convention seems to play an important role as a means to interconnect different international legal regimes, and could prove able to provide a remedy to the emerging risk of fragmentation of international law. Thus, the relevance of the reference to Article 31 goes well beyond the single case before it. Moreover, the solution adopted by the Court echoes similar solutions by other international tribunals and, in particular, by the WTO judicial bodies,[2] and seems to adhere to widespread interpretative practices adopted by dispute settlement bodies.

On the other hand, by adopting such an approach, the Court may give the impression that the role of international customary rules in disputes brought before it under compromissory clauses is limited to that of an auxiliary aid to the interpretation of treaty provisions. A negative aspect of the Court's finding is that it seems to have implicitly assumed that it was bound in principle to consider the Treaty alone as the law applicable to disputes concerning the Treaty's interpretation and application.

This strict approach, however, would not be warranted, on the basis of sound legal reasoning nor by reference to previous jurisprudence. Its technical coherence would appear questionable and, furthermore, it could dramatically fragment the unity of the international legal order, at least in those cases in which the treaty in question contains no provision which could be reasonably interpreted as a reference to international customary law.[3]

There is thus a strong case for reconsidering the issues raised in this decision in more general terms. In the following sections an attempt will be made to demonstrate that a broad recourse to international customary law, as well as to other legal rules

[2] However, the approach of WTO dispute settlement bodies is different to some extent. According to Art. 3(2) of the Dispute Settlement Understanding, panels and the Appellate Body can take into account only 'customary rules of interpretation of public international law'. The dispute settlement organs have had wide recourse to Art. 3 in their case law: see *US – Gasoline*, WT/DS2/ABR, 29 Apr. 1996; *Japan – Alcoholic Beverages II*, WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, 4 Oct. 1996; *US – Section 301 Trade Act*, WT/DS152/R, 22 Dec. 1999; *US – Shrimp*, WT/DS58/AB/R, 12 Oct. 1998; *India – Patents (US)*, WT/DS50/AB/R, 19 Dec. 1997; *EC – Hormones*, WT/DS26/AB/R, WT/DS48/AB/R, 16 Jan. 1998; *Canada – Pharmaceutical Patents*, WT/DS114/R, 17 Mar. 2000. Arguably, this reference to interpretation rules was the only way to take into account a broader range of international rules than those embodied in the covered agreements and, in particular, rules of customary international law. See, e.g., the *US – Section 301 Trade Act* case (*supra*), applying general rules on state responsibility (para.7.80), and the *EC – Hormones* case (*supra*), taking into account the precautionary principle (paras. 120-125).

[3] See Dupuy, 'The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice' [1999] *NYU J Int'l L and Pol* 791; Dupuy, 'L'unité de l'ordre juridique international', 297 *RCADI* (2002) 9; Koskenniemi and Leno, 'Fragmentation of International Law? Postmodern Anxieties' [2002] *Leiden J Int'l L* 553.

applicable between the parties, in the context of disputes on the interpretation and application of a treaty, is perfectly consistent with the principles of the judicial settlement of disputes and is part of the well-established jurisprudential trends of the ICJ.

2 The Compartmentalization of Disputes under a Treaty: A List of Problems

The difficulty of dealing with this issue essentially derives from the fact that compromissory clauses in a treaty have a compartmentalizing effect. They tend to draw a dividing line between the category of disputes which fall within their scope – which must be settled solely on the basis of the treaty provisions – from those which fall outside their scope.

Thus, compromissory clauses presuppose the existence of a perfect symmetry between the scope of the jurisdictional clause and the law applicable to it.[4] However, the need to obtain that symmetry might lead to a narrow construction of the notion of 'dispute on the interpretation and application of the treaty'. If we accept that this notion relates only to the different views of the parties in relation to how a certain treaty provision must be interpreted or applied, then there is no difficulty in accepting that the treaty is the only law applicable to the dispute. The scope of the jurisdictional clause and the identification of the law applicable to the dispute become two overlapping notions, defined on the basis of and complementing each other.

However, uncertainty is created when the parties have different views about the identification of the law which governs certain conduct. For example, one of the parties may invoke a treaty provision in order to assess the unlawfulness of a certain conduct, whilst the other may invoke other international rules which justify the conduct that is allegedly inconsistent with the treaty or which may materially interfere with the treaty and narrow its scope. Disputes of this kind entail an assessment of the interplay between the various sources of international law in force as between the parties and which interfere with each other. The assessment of that interplay thus constitutes the true object of the dispute.

How to deal with disputes of this type is highly controversial. They do not fall plainly within the scope of the jurisdictional clause, nor clearly outside it; they straddle the dividing line. The existence of disputes of this kind thus calls into question the assumption that a neat borderline separates two categories of disputes: those falling within and those falling outside the scope of a jurisdictional clause.

Abstractly speaking, there are two different ways in which the question can be framed, both of which, however, although for different reasons, appear untenable. Either the dispute must be split into parts, each corresponding to the scope of the different legal rules applicable to them (with the consequence that only the part which

[4] Certainly, such symmetry may exist. It actually happens that disputes brought under a compromissory clause can be exclusively settled on the basis of treaty provisions. The case law of the Court affords us several cases of this type. See, e.g., the ICJ judgment of 18 July 1966, *South West Africa cases (Ethiopia v South Africa; Liberia v South Africa)*, Second Phase [1966] ICJ Rep 6.

falls under the scope of the treaty can be settled) or, alternatively, the dispute must be considered in its entirety outside the scope of the jurisdictional clause, with the consequence that the Court must decline its jurisdiction.

The first perspective presupposes the possibility of separating the structural elements of a dispute according to the scope of the compromissory clause. The part concerning the application of the treaty, falling within that scope, could be settled on the basis of treaty provisions. The remaining part, governed by other legal rules, would remain unsettled.

This construction relies on the need to maintain a certain connection between the scope of the jurisdiction of the Court on the one hand and, on the other, the law applicable to that dispute. This aim could seemingly be reached by removing the part of the dispute that falls under the jurisdictional clause and by settling it according to the treaty provisions. From the normative perspective, however, this would produce an artificial isolation of the treaty in the complex normative dynamics of international law. A compromissory clause, included in a treaty in order, presumably, to facilitate the parties deferring disputes to the Court, would have the unintended effect of cutting its ties with the rest of international law; of producing an autonomous conventional sub-regime.

A brief look at the pitfalls produced by the construction above is sufficient to evidence its inappropriateness. First, to split the dispute into parts is not always possible; certainly it is not possible when the dispute revolves around the way in which the respective scope of diverse legal rules invoked by the parties must be coordinated. In such situation, the idea of settling a part of the dispute under one isolated legal instrument appears nonsensical. However, even when it is logically possible to split the dispute into parts to be distinctly adjudged under different legal rules, this produces further incoherence. In fact, it may happen that the application of the two different legal rules leads to two contradictory solutions. For example, the conduct may be unlawful under treaty provisions and lawful under customary law.[5] Thus, the Court decision

[5] When asked to settle a dispute on the grounds of a compromissory clause, we assume that the Court can only rely on the provisions of the treaty embodying such a clause. From the viewpoint of the interplay between different treaties, this assumption has another problematic consequence. When two states by a subsequent treaty merely supplement a conventional regime previously agreed upon, the Court then faces a difficult situation if its jurisdiction is limited to the former treaty. Can the Court take into account the later discipline? This hypothesis is not so far-fetched. For example, with respect to its subject-matter jurisdiction, the Rome Statute can be considered as an implementation of the Genocide Convention providing under Art. IV that 'persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction'. Moreover, with respect to disputes concerning genocide the ICJ has jurisdiction only under the compromissory clause embodied in Art. IX of the Genocide Convention. Clearly, the dispute which may arise on the applicability of treaty provisions can hardly be split into two separate parts, each governed by a different treaty. Thus, the principle according to which the jurisdiction of the Court should be strictly connected to the applicable law (the Genocide Convention) clashes with the principle of consent (the subsequent ratification of the Rome Statute). Undoubtedly, the parties originally expressed their willingness to bring their claims before the Court, but then decided to modify the relevant legal regime applicable to the dispute. Strictly speaking, it is not even possible to say that the Court has no jurisdiction, unless the subsequent treaty can be considered as

would not be able to pronounce the 'final word' on the dispute and could allow one of the parties to refuse to abide by it. This might render the judgment practically useless and put at stake the authoritativeness of the judicial settlement of disputes.

True, the Court has admitted more than once that the parties may bestow jurisdiction upon it to adjudge only one part of a more complex dispute. In such case, the binding character of the decision is not imperilled, as the parties are bound by the part decided by the Court and may pursue a settlement of the other parts by diplomatic means. However, this has been done only following an explicit request by the parties, who delimit the part of the dispute to be decided by the Court. It is debatable whether this may constitute a side-effect of the inclusion of a compromissory clause in a treaty. Whereas the parties are certainly able to split a dispute and defer only a part of it to judicial settlement, it is much more difficult to presume that they intended the compromissory clause to have such a far-reaching effect. Rather, the opposite presumption appears much more persuasive, namely, that the attribution of jurisdiction to the Court is made conditional on the fact that the entire dispute falls under the scope of the jurisdictional clause.[6]

This paves the way for considering a second perspective, which, rather than assuming the possibility of splitting the dispute in two parts, each governed by different provisions, tends to emphasize its unitary character.

Under this approach, one may be tempted to conclude that a dispute falls within the scope of the jurisdictional clause only if the parties agree in principle that their different views concern only the way in which the treaty must be interpreted or applied. In other words, the pre-condition for the Court to have jurisdiction would be the existence of an agreement between the parties as to the identification of the treaty as the only law applicable to the dispute. If, on the contrary, there is no such agreement and the parties invoke different legal rules as the basis for the conduct in question, the dispute does not fall within the scope of the compromissory clause and the Court must decline its jurisdiction. This may be the case if, for example, one of the parties, instead of disputing the legality of certain conduct under the treaty, acknowledges in principle that it is inconsistent with the treaty provisions and invokes a different legal rule as the basis for its action.

This conclusion could appear to be appropriate. If the parties agree in principle on the applicability of the treaty, but disagree as to the effect on the treaty of a different legal rule, it can hardly be said that the dispute concerns the application of the treaty and therefore

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derogating from the compromissory clause. Arguably, the Court should still apply the first agreement while taking into account later provisions which modify its obligations. Moreover, to rule out the possibility of the Court taking into account the subsequent treaty provisions would lead to the paradoxical result that the dispute would be settled according to a legal regime that applied to it only in part.

[6] The compartmentalizing effect of compromissory clauses included in a treaty might finally encourage the emergence of forum shopping by parties. It is likely that the party which bases its claim on the treaty will tend to refer the dispute to the Court, whereas the other party will rather tend to contest the jurisdiction of the Court, or to settle the dispute according to other dispute settlement mechanisms. This is, for instance, what happened with respect to the *Swordfish* case. The dispute between Chile and the EC was actually brought by the EC before the WTO DSB – invoking the breach of Articles 5 and 11 of the GATT – and by Chile before the ITLOS – invoking the violation of several articles of the UNCLOS – respectively. See the EC request for consultations and establishment of a panel, WT/DS 193/1 and WT/DS 193/2 as well as the claim by Chile before the ITLO's case no. 7 (www.itlos.org).

falls within the scope of its compromissory clause. However, this conclusion clashes with a practical consideration. The effectiveness of the obligation to submit a dispute to judicial settlement would be seriously endangered if the jurisdiction of the Court regarding a treaty could be set aside if one of the parties were to invoke a different legal rule as the basis for its conduct. To admit that the jurisdiction of the Court depends on the contention of the parties as to the law which governs the dispute would be tantamount to depriving the jurisdiction clause of its effectiveness by affording the parties a simple way to circumvent it.

It may be useful to note what the ICJ said in the *ICAO's Council* case,[7] in which the Court was faced with a somewhat analogous situation to the one above. The dispute originated from the refusal by India to allow Pakistani aircraft to overfly its territory, in contravention of the Chicago Convention and the related transit agreement. It did so on the grounds that its obligations towards Pakistan had been suspended due to the alleged involvement of Pakistan in the hijacking of an Indian aircraft. Following the referral of the dispute to ICAO's Council by Pakistan, India contended that the jurisdiction of this organization to hear complaints about conduct inconsistent with the Chicago Convention did not extend to its conduct, because 'the Indian action had been taken wholly outside the [treaties], on the basis of general international law'. The reply of the Court was direct:

> The acceptance of such a proposition would be tantamount to opening the way to a wholesale nullification of the practical value of jurisdictional clauses by allowing a party first to purport to terminate, and then to declare that the treaty being now terminated or suspended, its jurisdictional clauses were in consequence void, and could not be invoked for the purpose of contesting the validity of the termination or suspension – whereas of course it may be precisely one of the objects of such a clause to enable that matter to be adjudicated upon.[8]

This case decided on the competence of a judicial body to hear, under a treaty's compromissory clause, disputes concerning the legality of the termination or suspension of a treaty.[9] However, its implication goes well beyond this particular scenario. It seems to imply that the jurisdiction of a judicial body under a treaty does not depend on the different views of the parties as to how the treaty must be applied,[10] but rather extends to ascertain whether the treaty is applicable to conduct taken on the basis of international

[7] ICJ judgment of 18 Aug. 1972 in *Appeal relating to the Jurisdiction of the ICAO Council (India v Pakistan)* [1972] ICJ Rep 46.

[8] *Ibid.*, at para. 32.

[9] See the ICJ judgment of 25 Sept. 1997 in *Case Concerning the Gabcikovo-Nagymaros Project (Hungary v Slovakia)* [1997] ICJ Rep 7, which, however, was brought before the Court on the basis of a special agreement referring the dispute to the Court.

[10] In its judgment no. 6 of 25 Aug. 1925, *Case Concerning certain German Interests in Polish Upper Silesia*, PCIJ Rep, Ser. A Vol.1, the PCIJ was faced with the divergent views of the parties on the law applicable to the dispute. In particular, Poland refuted the argument that the provisions of the Geneva Convention embodying the jurisdictional clause were relevant to the dispute. Yet the Court clearly held 'that the Court's jurisdiction cannot depend solely on the wording of the Application; on the other hand, it cannot be ousted merely because the respondent Party maintains that the rules of law applicable in the case are not amongst those in regard to which the Court's jurisdiction is recognised. The Court must, in the first place, consider whether it derives from Article 23 of the Geneva Convention jurisdiction to deal with the suit before it and, in particular, whether the clauses upon which the decision on the Application must be based, are amongst those in regard to which the Court's jurisdiction is established' (at 15).

customary law.[11] This rationale may include situations in which a treaty in force between the parties is not applicable to certain conduct by virtue of a rule which has the effect of narrowing its scope or affording the parties a justification for disregarding its provisions.

In situations of this type, the Court has not considered the possibility of splitting the dispute into two parts, or of declining its jurisdiction. A contrary principle has been affirmed; disputes concerning the applicability of a treaty fall within the jurisdiction conferred on the Court by compromissory clauses contained therein. This observation provides a firm basis for proceeding further in our inquiry. Once it is ascertained that the Court's jurisdiction arising under a compromissory clause encompasses the jurisdiction to decide disputes on the applicability of a treaty to a given situation, the only step that remains to be accomplished is the identification of the law to be applied in order to settle the dispute.

3 The ICJ's Jurisprudence: An Analytical Review

In consideration of the remaining step to be taken, as mentioned above, it is worth examining how this issue has been dealt with in the jurisprudence of the Court.

The results, whilst still tentative, of this line of research are certainly promising. Despite the relatively small number of cases in which this issue has arisen, the jurisprudential trends are well settled and offer some guidance on how to solve the question in more general terms. Without any pretence at exhausting the variety of relationships between international customary law and treaties, four different classes of situations can be distinguished.

A *International Customary Law Invoked as the Only Legal Basis for Assessing the Legality of the Conduct*

The first class includes cases in which the Court found itself unable to adjudge on the basis of a compromissory clause included in a treaty and grounded claims on international customary law instead.

Probably the most famous example of this class is the *Nicaragua* case.[12] Nicaragua asked the Court to ascertain, *inter alia*, if the conduct of the United States was in breach of the obligation not to prejudice the object and the purpose of the 1956 FCN Treaty in force between them. The Court, however, considered this claim to be grounded not so much on the treaty but rather on a rule of customary law.[13] Accordingly, it held itself to be empowered to deal with the claim only because it possessed

[11] See ICJ judgment of 11 July 1996 in *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia-Herzegovina v Yugoslavia)*, Preliminary Objection [1996] ICJ Rep 595. Even if no alternative ground of jurisdiction had been invoked in this decision, the Court established that the dispute between the parties actually fell under the relevant compromissory clause. In particular, it held that Art. IX of the Genocide Convention 'does not exclude any form of State responsibility' (at para. 32).

[12] ICJ judgment of 27 June 1986 in *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United* States) [1986] ICJ Rep 14.

[13] *Ibid.*, at para. 270 ('Nicaragua has relied on the existence of a legal obligation of States to refrain from acts which would impede the due performance of any treaties entered into by them. However, if there is a duty of a State not to impede the due performance of a treaty to which it is a party, this is not a duty

jurisdiction on the basis of the unilateral declarations made by the parties in accordance with Article 36, paragraph 2, of its Statute.[14] The compromissory clause embodied in the 1956 Treaty was not considered to be an appropriate ground of jurisdiction 'to entertain a claim alleging conduct depriving the treaty of its object and purpose'.

One may cast doubts on the correctness of the Court's construction as to the obligation not to prejudice the object and the purpose of a treaty.[15] However, if this obligation is, as here, traced back to a rule of international customary law, the finding of the Court seems to constitute a consistent and sustainable approach towards the limits of the jurisdiction conferred by the treaty. Arguably, the alleged breach of the obligation not to prejudice the object and purpose of the treaty could have been considered (and was actually considered) by the Court as a completely separate claim from that pertaining to specific treaty provisions.

B *International Customary Rules relating to the Application of the Treaty*

On some occasions, the Court, asked to settle disputes on the interpretation and application of treaties on the ground of compromissory clauses, has applied international customary law when customary rules and treaty obligations complemented one another.

As pointed out above, in the *ICAO Council* case[16] the Court held that compliance with the customary rules on suspension or termination of a treaty was an essential element to be taken into account in establishing whether the relevant treaties had been breached by India. A second aspect of this decision is worth mentioning. India's claim, arguing that the dispute fell outside the scope of the treaty, was partially grounded on the presence of a saving clause in the Chicago Convention.[17] Thus, the question arose as to the role of this provision in limiting the Court's power to take customary law into account when called to settle a dispute on the applicability of the treaty provisions.

The Court acknowledged that the saving clause was the object of particular disagreement between the parties and that the ICAO Council was competent to settle, amongst others, such a dispute. Therefore, the Court indirectly refuted India's argument that the mere presence of a saving clause in a treaty containing a compromissory clause is sufficient to deprive the competent judicial body of the power to take

imposed by the treaty itself. Nicaragua itself apparently contends that this is a duty arising under customary international law independently of the treaty, that it is implicit in the rule *pacta sunt servanda*').

[14] *Ibid.*, at para. 271 ('It is only because in the present case the Court has found that it has jurisdiction, apart from Article XXIV, over any legal dispute between the Parties concerning any of the matters enumerated in Article 36, paragraph 2, of the Statute, that it can proceed to examine Nicaragua's claim under this head').

[15] Should the compromissory clause limit the Court's decision to breaches of specific treaty provisions, this would result in the complete isolation of general rules on the law of treaties, such as that under examination, from the obligations arising under the treaty. Thus, the risk is not only that of fragmenting international law, but also that of depriving general rules of their object.

[16] *Supra* note 7.

[17] Art. 89 reaffirms the freedom of action of the contracting parties in times of war or national emergencies.

general international law into account when asked to interpret or apply the treaty.[18] This position is particularly significant since it rejects the existence of a general presumption according to which saving clauses are intended to isolate the legal regime established by a treaty from general international law.

In the *ELSI* case[19] the Court was confronted with a similar question. In this case, the US claimed that Italy had violated the 1948 FCN Treaty in force between the parties, by preventing US companies from liquidating the assets of the wholly-owned Italian corporation ELSI and by causing the latter's bankruptcy. Italy replied that the US application was not admissible because local remedies had not been exhausted. The Court's jurisdiction was grounded on Article XXVI of the FCN Treaty,[20] which, however, made no mention of the exhaustion of the local remedies rule. Indeed, the US maintained that this rule developed independently of the treaty as a customary international law rule and, therefore, should not apply to the dispute, which essentially focused on the breach of treaty obligations. Yet the Court found 'itself unable to accept that an important principle of customary international law should be held to have been tacitly dispensed with, in the absence of any words making clear an intention to do so'.[21] Interestingly, the Court explained that it was impossible to dissociate the claim on the exhaustion of local remedies from the dispute over the alleged violations regarding the US companies.[22] The Court admitted that the parties could have made, should they have so desired, the rule on diplomatic protection independent from the rule on previous exhaustion of local remedies. However, this should have been done by explicit terms and could not be presumed in a bilateral treaty having a different aim.

When read in conjunction with previous cases, the reasoning of the Court seems unequivocal. Assuming that its jurisdiction is limited by a compromissory clause to disputes relating to the interpretation and application of treaty provisions, the Court is prepared to take into account other international rules and, in particular, customary international law, when this has a direct impact on the applicability of the treaty in question.

C *International Customary Law Invoked as a Justification for Conduct Allegedly Inconsistent with a Treaty*

The Court has frequently been confronted with disputes over conduct which could be considered unlawful under specific treaty provisions, but which could be justified in

[18] An argument similar to India's claim was put forward by Vice-president Schwebel in his Dissenting Opinion attached to the ICJ judgment on the *Oil Platforms* case – Preliminary Objections, *supra* note 1. Accordingly, the inclusion of a saving clause in a treaty should be interpreted as an expression of the parties' intention to keep the object of such clause outside the scope of the treaty.

[19] ICJ judgment of 22 July 1989 in *Case Concerning Elettronica Sicula SpA (ELSI) (USA v Italy)* [1989] ICJ Rep 15.

[20] According to Art. XXVI, the Court can settle disputes arising between the parties concerning the interpretation and application of the FCN Treaty.

[21] *Ibid.*, at para. 50.

[22] *Ibid.*, at para. 51.

the light of customary international law. Examples of this may be found throughout the whole spectrum of the ICJ's jurisprudence.

A particularly clear example is that of the decision of the Court in the *Lockerbie* case (*preliminary exceptions*),[23] in which the parties clearly expressed different views about the law governing the conduct in question. Indeed, Libya asked the Court to hold that it had been fully justified, under the terms of the Montreal Convention, to reject the request of the United States and the United Kingdom to extradite two Libyan nationals who had allegedly brought about the destruction of an aircraft over Lockerbie, and to institute criminal proceedings itself against the two individuals. Moreover, Libya asked the Court to hold that the two respondent states were in breach of the Convention, on the grounds that they refused to cooperate with Libya in the criminal proceedings and tried to enforce their requests with means not contemplated by the Convention. On the other hand, the respondent states, without denying that abstractly the facts of the case could fall within the terms of the Montreal Convention, contested the jurisdiction of the Court over conduct described by them as a reaction towards a state involved in acts of terrorism, thus governed by international customary law.

In two separate decisions the Court held that its jurisdiction under a compromissory clause of the Montreal Convention[24] extended so far as to enable it to decide on the legal regime applicable to the conduct:

> the parties differ on the question whether the destruction of the Pan Am aircraft over Lockerbie is governed by the Montreal Convention. A dispute thus exists between the Parties as to the legal regime applicable to this event. Such a dispute, in the view of the Court, concerns the interpretation and application of the Montreal Convention, and, in accordance with Article 14, paragraph 1, of the Convention, falls to be decided by the Court.[25]

More explicitly, the Court rejected the UK and US argument, according to which 'it is not for the Court, on the basis of Article 14, paragraph 1, of the Montreal Convention, to decide on the lawfulness of actions which are in any event in conformity with international law, and which were instituted by the Respondent to secure the surrender of the two alleged offenders'. The answer of the Court leaves no space for doubt: 'it is for the Court to decide, on the basis of Article 14, paragraph 1, of the Montreal Convention, on the lawfulness of the actions criticised by Libya, in so far as those actions would be contrary to the provisions of the Montreal Convention'.[26]

Although the Court did not make any reference to the law applicable to the dispute, this finding seems unequivocal. The application of international customary law affording, under certain conditions, a justification for conduct apparently inconsistent

[23] ICJ judgment of 27 Feb. 1998, *Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v UK)*, Preliminary Observations [1998] ICJ Rep 9, and ICJ judgment of 27 Feb. 1998, *Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v USA)*, Preliminary Objections [1998] ICJ Rep 115.

[24] Art. 14(1).

[25] *Lockerbie cases, supra* note 24, respectively, at paras. 25 and 24.

[26] *Ibid.*, respectively, at paras. 35-36 and 34-35.

with a treaty, is necessary in order to integrate the yardstick against which the legality of that conduct must be measured.

The Court was confronted with a similar situation in the *Hostages* case.[27] The case originated from the seizure and holding as hostages of US diplomatic and consular staff in Tehran by Iranian nationals. Thus, the United States asked the Court to assess whether the Vienna Conventions of 1961 and 1963 and the 1955 FCN Treaty had been breached. On the other hand, Iran stated in two communications to the Court that the allegedly unlawful conduct could not be separated from the broader context of US interference in the domestic affairs of Iran, and thus it was justified in the light of previous unlawful activities by the US.

In this case the Court exhibited a certain readiness to consider justification for conduct which was alleged to be inconsistent with the treaty that conferred jurisdiction on the Court. Indeed, once it was established that the Iranian conduct was unlawful, the Court considered itself under a duty to examine one further element, namely, whether the unlawful conduct of Iran 'might be justified by the existence of special circumstances'.[28] Although the Court did not unveil the legal qualification of the special circumstances which could have justified the Iranian conduct, there is little doubt that it referred to the regime of countermeasures under the customary law of state responsibility.

In the end, the Court rejected the Iranian contention. It found that the ordinary regime of countermeasures, which was seemingly relied upon by the respondent, was derogated from by the Treaty which provided for a proper response to the US breach alleged by Iran. The Court went on to qualify this as a self-contained regime. Independently of the appropriateness of this formula in that particular case,[29] it is clear that the Iranian contention was rejected not because the Court felt unable to apply international customary law by virtue of its jurisdictional bounds, but rather because the Treaty itself provided the proper redress for the alleged breach.[30] Thus, more generally, when a treaty aims to constitute a self-contained regime, the Court will normally apply only the treaty.[31] Indeed, under such circumstances the treaty provides a regime which is aimed at substituting, at least partially, general international law.

[27] ICJ judgment of 24 May 1980 in *Case Concerning United States Diplomatic and Consular Staff in Tehran (USA v Iran)* [1980] ICJ Rep 3.

[28] *Ibid.*, at para. 80.

[29] For a comprehensive study of this difficult notion see Simma, 'Self-contained Regimes', 16 *Netherlands Yearbook of Int'l L* (1985) 111.

[30] *Ibid.*, at para. 86.

[31] As the Court held in the *Nicaragua* case: '[i]n general, treaty rules being *lex specialis*, it would not be appropriate that a State should bring a claim based on a customary-law rule if it has by treaty already provided means for settlement of such a claim': *supra* note 13, at para. 274. See PCIJ judgment 5 of 26 Mar. 1926 in *The Mavrommatis Jerusalem Concessions*, PCIJ Rep, Ser. A Vol.1. The Court rejected the Greek argument that treaty provisions had to be supplemented by certain rules taken from general international law considering 'that Protocol XII is complete in itself, for a principle taken from general international law cannot be regarded as constituting an obligation contracted by the Mandatory except in so far as it has been expressly or implicitly included in the protocol' (at 27).

D *International Customary Law Invoked in Order to Determine the Scope of a Treaty*

It now remains to consider the last class of situations – those in which the Court has taken into account international customary law in order to determine the precise scope of a treaty that it was asked to interpret and apply on the basis of a compromissory clause.

Arguably, this is what the Permanent Court of International Justice (PCIJ) did in the *Wimbledon* case.[32] Some state parties to the Treaty of Peace of Versailles instituted proceedings against Germany on the basis of a compromissory clause included in that treaty. They alleged that Germany, by refusing passage through the Kiel Canal to a British vessel, was in breach of Article 38, which imposed on Germany the obligation to maintain the Canal open to all vessels of nations at peace with Germany.[33] Germany contended that its conduct was governed by international customary law rules imposing on neutral powers the obligation not to allow their territory to be used for belligerents' aims. According to Germany, the treaty did not intend to derogate from international customary law; rather its provisions should be framed in the wider context of the rights and duties descending from territorial sovereignty and should be coordinated with them. According to Germany, therefore, there was a case for the Court to exercise its jurisdiction under the Treaty in order to assess the scope of the Treaty in its interplay with other international law rules materially interfering with the Treaty provisions.[34] The relevant passage of the decision reads:

> The argument has been advanced that the general grant of a right of passage to vessels of all nationalities through the Kiel Canal cannot deprive Germany of the exercise of her rights as a neutral power in time of war, and place her under an obligation to allow the passage through the canal of contraband destined for one of the belligerents; for, in this wide sense, this grant would imply the abandonment by Germany of a personal and imprescriptible right, which forms an essential part of her sovereignty and which she neither could nor intended to renounce by anticipation.[35]

The Court did not reject, in principle, the German contention. On the contrary, it seemed to sympathize with the argument that its jurisdiction under the treaty covered the different views of the parties as to the mutual scope of the treaty and of international customary law. It is only because it adopted a different construction of the treaty and, in particular, it construed the treaty provisions on the Kiel Canal as having a self-contained character, *se suffissant à lui-même*, that the Court rejected on its

[32] PCIJ judgment 1 of 28 June 1923, *Case of the S.S. 'Wimbledon'*, PCIJ Rep, Ser. A Vol. 1.

[33] The Permanent Court was involved on the basis of Art. 386 of the Treaty of Versailles, which conferred jurisdiction on the Court 'in the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles'.

[34] This task is usually discharged by international tribunals when they decide a dispute over which they have full jurisdiction. See, e.g., the ICJ judgment of 12 Apr. 1960 in *Case Concerning Right of Passage over Indian Territory – Merits (Portugal v India)* [1960] ICJ Rep 6, or the decision of the arbitral tribunal which adjudicated on the dispute between France and Spain in the *Lac Lanoux* case, 24 ILR (1957) 101.

[35] *Wimbledon* case, *supra* note 33, at 25.

merits the German contention as to the applicability of international customary law and ascertained that the German conduct constituted a breach under the treaty.[36]

Undeniably, there is some analogy between the findings of the PCIJ in the *Wimbledon* case and those contained in the decision of the ICJ in the *Hostages* case. In both, the Court asserted the self-contained character of the treaty in question in order to avoid considering the effect of international customary law on the applicability of the treaty. True, in both cases the self-contained character of the treaty is not uncontroversial; rather one can reasonably maintain that international customary law, although in principle interfering with the treaty provisions, could not be construed as asserted by the respondent parties. What is worth pointing out, however, is that in both cases the Court refused to assess the legality of the conduct of the respondent state according to international customary law not for want of jurisdiction, but only because international customary law was not relevant for the case before it.[37]

A restatement of this principle is contained in the decision of the PCIJ in the *Chorzów Factory* case.[38] In this case the Court recognized that disputes arising under a compromissory clause relating to the application of treaty provisions 'include not only those relating to the question of whether the application of a particular clause has or has not been correct, but also those bearing upon the *applicability* of these articles, that is to say, upon any act or omission creating a situation contrary to the said articles.'[39] From a general perspective, the Court considered that its jurisdiction under a compromissory clause is not limited to an assessment of the facts in the light of relevant treaty provisions, but also includes the taking into account of other international law rules which can interact with the treaty.

4 Concluding Remarks

From the previous analysis, one conclusion seems to emerge unequivocally: the Court has adopted quite a broad interpretation of the notion of 'disputes on the interpretation and application of the treaty'. In connection with this stance, the scope of

[36] In particular, the Court held: '[t]he provisions relating to the Kiel Canal in the Treaty of Versailles are therefore self-contained; if they had to be supplemented and interpreted by the aid of those referring to the inland navigable waterways of Germany in the previous Sections of Part XII, they would lose their "raison d'être" ': *ibid.*, at 23-24.

[37] This was explicitly affirmed in the *Polish Upper Silesia case*, *supra* note 10. The Court held that the differences of opinion contemplated by the compromissory clause of the Geneva Convention, 'which refers to Articles 6 to 22, may also include differences of opinion as to the extent of the sphere of application of Articles 6 to 22 and, consequently, the difference of opinion existing between the Parties in the present case' (at 16). Accordingly, the Court found that its jurisdiction under the compromissory clause 'in regard to differences of opinion between the German and Polish Governments respecting the construction and application of the provisions of Articles 6 to 22 concerning rights, property and interests of German nationals is not affected by the fact that the validity of these rights is disputed on the basis of texts other than the Geneva Convention' (at 18).

[38] PCIJ judgment 8 of 26 July 1927 in *Case Concerning the Factory at Chorzów – Jurisdiction*, PCIJ Rep, Ser. A Vol. 1.

[39] *Ibid.*, at 20-21 (emphasis added).

jurisdictional clauses has been expanded correspondingly, so as to encompass disputes over the legal regimes and pertinent rules applicable to a certain conduct.

Theoretically this conclusion has two main consequences. First, it dispels the fear that the mere inclusion of compromissory clauses within a treaty may prevent the application of other legal rules and may thus contribute to segmenting international law. In many instances in which the Court felt that the application of international customary law might contribute to the settlement of a dispute concerning the applicability of a treaty, it has not hesitated to apply it. Thus, whereas the parties to a dispute are always at liberty to determine the law applicable to them, the mere inclusion in a treaty of a compromissory clause cannot, by itself, have the effect of fragmenting the unity and the coherence of international law.

The second observation is that this broad notion of 'disputes on the interpretation and application of a treaty' establishes a symmetrical relationship between the scope of a jurisdictional clause and the law applicable to the dispute. If, in other words, the parties have different views on the applicability of a treaty to certain conduct, the settlement of the dispute entails the taking into account of all the pertinent legal rules which may interfere with it. Yet, the Court does not settle the dispute directly on the basis of international customary law. Rather, it assesses the effect produced by international customary law on the applicability of the treaty provisions to the conduct. Indeed, international customary law contributes to setting up the legal framework in which the application of a treaty takes place, be it by dictating rules relating to its application, by affording the parties a legal manner in which to exceptionally disregard its provisions, or by curtailing its scope.

It is not easy to determine how the finding of the Court in *the Oil Platforms* case fits into this jurisprudential trend. On the one hand, there are reasons for welcoming the finding of this case as a further step towards a wider consideration of international customary law in the judicial settlement of disputes concerning the interpretation and application of a treaty. After all, by taking into account international customary law on the use of force as a part of the treaty interpretation, the Court has refuted that the mere existence of a compromissory clause within the FCN 1955 Treaty could have the effect of cutting the ties with the rest of international law, isolating the treaty and creating a regime *se suffisant à lui-même*. Contextual interpretation may have been considered by the Court, in light of the particular circumstances of the case, as a way to attain this aim without needing to examine the complex relations between the treaty and international customary rules on the use of force. Sound judicial prudence could suggest that a court go no further than required to achieve such purpose.

On the other hand, those who advocated a more direct consideration of international customary law for settling that case may regret that the Court did not take this opportunity to make a more determined step in that direction, rather than grounding its decision on an argument that is not free from ambiguity.[40] Contextual interpretation

[40] See the separate opinion of Judge Simma appended to the ICJ judgment in the *Oil Platforms* case, *supra* note 1, available at, http://212.153.43.18/icjwww/idocket/iop/iopjudgment/iop_ijudgment_20031106_simma.PDF.

was certainly not the only means at the disposal of the Court for remedying the looming risk of fragmentation inherent in a narrow interpretation of the compromissory clauses included in a treaty. An alternative path was to make clear that its jurisdiction under the treaty extended so far as to be able to decide if the conduct by the United States, allegedly inconsistent with the treaty, was nonetheless justified as an act of self-defence. Indeed, self-defence was invoked by the United States as a justification for its conduct; they maintained, however, that it was not for the Court, only having jurisdiction to decide disputes on the interpretation and application of the treaty, to decide on the legality of its action under the customary law of self-defence. Arguably, the Court would have lost an opportunity to restate its previous jurisprudence and make a pronouncement on the relationship between the scope of a jurisdictional clause of a treaty and the law applicable to the dispute.

There is some merit in both of these views. Questions of jurisdiction must certainly be considered with great caution by a judicial body whose jurisdiction depends on the consent of the parties. A cautious approach seems the most opportune at this time in which there is growing fear of an abusive use of compromissory clauses in treaties, which could be relied upon in order to bring before the Court disputes having a political character, and which are only remotely connected with it. Moreover, a too liberal attitude could produce an adverse impact on judicial settlement of disputes, as states would be much more reluctant to include jurisdictional clauses in a treaty.

There are many instances in which this fear has found voice. Among others, it is worth mentioning the dissenting opinion appended to the decision of the ICJ in the *Lockerbie* case by Sir Robert Jennings, sitting in the Court as *ad hoc* judge.[41] In severely criticizing the decision of the Court, Sir Robert Jennings cast a harsh warning against the effect of a wide interpretation of jurisdictional clauses included in FCN treaties, which, in his view, would exceedingly enlarge the scope of these clauses and allow them to be used for bringing before the ICJ disputes going well beyond the limited object and purpose of such treaties.

However, the analysis contained in the previous paragraphs seems to demonstrate that this fear is unfounded. The Court has in fact used the jurisdiction conferred on it by compromissory clauses with much prudence, and has accepted jurisdiction to settle disputes only if there is a clear connection between the conduct around which the dispute revolves and the treaty. It is only when a conduct governed by a plurality of rules falls clearly within the scope of one or more of the obligations incumbent on the parties to a treaty that the Court has felt enabled, in order to settle the dispute, to ascertain the relationship between these rules. In cases of this kind, the enlargement of the scope of its jurisdiction and the taking into consideration of this wider set of rules applicable to the dispute, constitute the only way to set aside the incumbent danger of fragmentation of the law.

It is against this wide background that the holding of the ICJ in the *Oil Platforms* case must be read. What the Court did on this occasion was to ascertain the legality of

[41] *Lockerbie* case, *supra* note 24, at 113.

conduct alleged to be inconsistent with the treaty, in the light of international customary law invoked by one of the parties as a possible justification. The Court did so cautiously and almost inadvertently. It may be argued that, in the light of the ongoing debate on fragmentation in international law[42] and on the remedies which can be expedited to prevent this, reference to international customary law could have been made more overtly and more directly.

[42] Because of the importance of the issue, the ILC is carrying out a study on fragmentation of international law. The work of the ILC on the topic is summarized in its last report to the General Assembly, doc. A/58/10, at 267. See, in particular, Hafner, 'Risks Ensuing from Fragmentation of International Law', *Official Records of the General Assembly, 55th Session, Supplement No. 10* (A/55/10), annex, the 'Report of the Study Group on Fragmentation of International Law', doc. A/CN.4/L.644, based on the outline prepared by the Chairman of the Study Group, M. Koskenniemi, on 'The Function and Scope of the *lex specialis* Rule and the Question of Self-contained Regimes', available at www.un.org/law/ilc/sessions/55/fragmentation_outline.pdf. and the 'Report of the Study Group on Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law; ON Doc. A/CN.4/L.663/Rev. 1.

Annex 109

Adrian Guelke, *Terrorism and Global Disorder* (2006)

TERRORISM AND GLOBAL DISORDER

POLITICAL VIOLENCE IN THE CONTEMPORARY WORLD

ADRIAN GUELKE

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CHAPTER 3

Blowback

In his book on the attacks on America on 11 September 2001, *Two Hours that Shook the World*, Fred Halliday defines blowback as follows:

> Somewhat evasive term, said to be a CIA slang, for activities carried out by former Western clients, such as the Afghan guerrillas who later turn against the West. Examples of exculpatory passive: 'the pen *was* lost', '*it* slipped' rather than '*I* lost it', '*I* knocked it over'.[1]

Peter Bergen also refers to the concept in his book, *Holy War, Inc.* In fact, he devotes a whole chapter entitled 'Blowback: The CIA and the Afghan War' to this issue. However, he is critical of accounts that portray the CIA as directly responsible for sponsoring the activities of Osama bin Laden and his band of Arab Afghans during the war against the Soviet occupation of Afghanistan. He puts the main blame for this development on Pakistan's Inter-Services Intelligence Directorate (ISI) and concludes:

> They [the Pakistanis] funneled millions of dollars to anti-Western Afghan factions, which in turn trained militants who later exported jihad and terrorism around the world – including to the United States. Such an unintended consequence of covert operations is known in spook parlance as 'blowback'.[2]

How and why Western support for the Afghan resistance to Soviet occupation should have ended up in helping to create al-Qaeda forms the subject of this chapter. To explain the context, a brief history of the development of Afghanistan as a modern state is necessary, though perhaps it might be more accurate to characterize the country's political evolution as a quest for modernization that has yet to be fulfilled.

The origins of Afghanistan as a state, as opposed to its being merely a component in the building of empires by the region's many conquerors, can be traced to 1747. In that year, a meeting of tribal chiefs in what was known as a *Loya Jirga*, a concept that still has resonance in present-day Afghanistan, chose Ahmad Shah Abdali as their king. He changed the name Abdali to Durrani, inaugurating a long-lived monarchy that survived to the 1970s. He also built an impressive empire that encompassed part of present-day Pakistan and India, including Kashmir. It was the contraction of Ahmad Shah's empire under subsequent rulers that ultimately determined the boundaries of the state. The country's past glories explain the disposition within Afghanistan towards irredentism rather than partition, as well as the suspicious attitude of neighbouring states towards the promotion of Afghan nationalism.

During the nineteenth century, two expanding empires, the Russian and the British, threatened the independence and even the very existence of Afghanistan. The determination of the British to prevent the Russians from securing a pathway to the warm waters of the Indian Ocean lay at the root of two wars between Britain and Afghanistan. The history of Afghanistan during the nineteenth century was dominated by the twin themes of internal disorder and external intervention. It was the era of the Great Game in which Britain as the stronger of the two imperialisms took preventive action to prevent the Russians from gaining a foothold in Afghanistan from which they might threaten British India. The Afghan wars had a considerable impact on popular culture in Britain. It was reflected in the stereotype of Afghans as fearsome bearded warriors and in the frequency with which Afghan cities featured in street names in estates from the Victorian era.

The First Afghan War between 1839 and 1842 arose out of a British desire to replace a rather competent Afghan ruler and one by no means unfriendly to the British. It was not a successful venture. The last year of the war was marked by a catastrophic retreat of British forces from Kabul to Jalalabad in January 1842. According to legend, an assistant surgeon, Dr William Brydon, was the sole survivor out of a force of 16,500. In fact, this was an exaggeration. He was the only European to make it to Jalalabad. But by no means all of those who were taken prisoner were killed and a number were ultimately rescued when British retribution for these events followed. That was followed by withdrawal. The Second Afghan War between 1878 and 1880 was scarcely any more sensible in its conception. It arose out of a Russian diplomatic mission to Kabul, a mission not sought by the Afghan government of the time. The outcome of the conflict was the Afghan government's agreement to British supervision of its foreign affairs, a position that lasted to 1919.

For three-quarters of the twentieth century, half a dozen monarchs ruled over Afghanistan, but without the stability that such continuity might seem to imply. Resistance to modernization and a propensity towards warlordism retarded the country's development through much of the century. Habibullah Khan, whose main achievement was to keep Afghanistan out of the First World War, reigned from 1901 to 1919 when he was assassinated. His successor, Amanullah Khan launched the Third Afghan War to free the country from British supervision. After Afghan victories on the ground the British resorted to an air war. Negotiations followed the inconclusive outcome of the war. They led to the Treaty of Rawalpindi under which Afghanistan at last achieved effective independence. Amanullah introduced reforms aimed at the modernization and secularization of Afghan society. The reforms encountered resistance and proved to be Amanullah's undoing. He was forced to abdicate in January 1929. A period of instability followed during which a Tajik brigand, Bacha-i-Saqqa, briefly seized Kabul. In October 1929 Nadir Shah Ghazi became king. His assassination in 1933 led to the accession to the

monarchy of his nineteen year-old son, Mohammed Zahir Shah. He ruled the country from 1933 to 1973. He remained an important figure in exile during the years of Soviet occupation, the civil wars that followed and the period of Taliban rule. It even seemed possible at the close of 2001 that he would figure in the plans for the post-Taliban era, though by then he was in his late 80s.

An important figure during Zahir Shah's reign was his cousin, Mohammed Daud. He was Prime Minister between 1953 and 1963. In this capacity, he 'introduced a major programme of social and economic modernization, drawing economic aid from the Soviet Union'.[3] In fact, Daud sought support for his programmes from both superpowers, but the higher priority Washington gave to relations with Pakistan was an obstacle to the development of close relations between the United States and Afghanistan. This was because Daud's championing of Pashtun ethnic interests was a source of friction between Afghanistan and Pakistan. It was one of the factors that contributed to Daud's dismissal by Zahir Shah. A new constitution was adopted in 1964 and Zahir Shah, while retaining considerable power, took steps in the direction of transforming the monarchy into a constitutional one. In 1971 and 1972 Afghanistan suffered a severe drought. The economic consequences of the drought and anger over corruption in government undermined the popularity of the regime, paving the way for Daud to seize power in a military coup d'état in July 1973. Daud turned Afghanistan into a republic with himself as President. He introduced a new constitution in 1977.

A year later in April 1978 Daud was himself overthrown and killed in a coup led by Mohammed Taraki. Taraki was the Secretary-General of the People's Democratic Party of Afghanistan (PDPA). This was the country's Communist Party. Taraki headed the Khalq (or masses) faction of the party. Taraki was ousted and killed by his deputy, Hafizullah Amin, in September 1979. By this time, the reforms promulgated by the regime had given rise to a full-scale revolt against the PDPA's rule. The insurgency had attracted the interest and support of the United States. The aid to the insurgents was channelled through Pakistan so that the United

States could deny Afghan and Soviet charges of intervention. Alarmed by the prospect of the violent overthrow of an ideological ally, the government of the Soviet Union intervened militarily in the conflict in December 1979. Moscow regarded Amin as a liability and its forces captured and executed him, implausibly claiming that he had been a traitor and agent of American imperialism. The Soviet Union installed in power the exiled leader of the Parcham (or flag) faction of the PDPA, Babrak Kamal.

Despite the support of Soviet forces numbering 120,000 at their peak, Kamal was never able to establish effective control over the country as a whole, in the face of the revolt of the Mujahidin. This was the collective name the media applied to the insurgents against the Soviet occupation of Afghanistan between 1979 and 1989. How the Mujahidin were and to some degree continue to be seen in the West is captured by the US State Department's translation of the term as 'freedom fighters'. A more literal translation of both Mujahid and Mujahidin is provided by Fred Halliday in the section on keywords in his book on the impact of 11 September upon world politics:

> **Mujahid, pl. Mujahidin** One who wages *jihad*, used in modern political discourse to denote nationalist and Islamist fighters, e.g. during the Algerian war of independence (1954–62), the anti-monarchical resistance to the Shah (1971–79) and the Afghan anti-communist war (1978–92).[4]

In fact, the religious dimension of the Mujahidin was of immense importance. It attracted relatively little attention during the years of the Soviet occupation. The media interpreted the conflict simply as a nationalist struggle by the Afghan people against a puppet regime supported by an oppressive foreign presence. Few saw the supporters of the regime as beleaguered modernizers overwhelmed by the forces of rural conservatism. Just as importantly little attention was paid to the fact that the collective term, Mujahidin, covered a wide range of different organizations. These represented a variety of both ethnic groups and attitudes towards

religion and were only very loosely held together by their commitment to the common objective of ending the Soviet occupation. Further, while there was some coverage of the extent to which the organizations that made up the Mujahidin received outside material help in their fight against the Soviet Union, external involvement in the struggle for power among different elements of the Mujahidin was largely disregarded in the Western media.

Under Gorbachev, the Soviet Union ended its disastrous intervention in Afghanistan in line with the general direction of the country's foreign policy away from ideological confrontation with the non-Communist world. In May 1986 Moscow replaced Babrak Kamal with Muhammed Najibullah. In 1988 the Soviet Union agreed to withdraw its forces from Afghanistan, a process which was completed in terms of an agreed timetable by 15 February 1989. In retrospect, it is tempting to interpret Soviet withdrawal from Afghanistan as the prelude to the collapse of Communism in Eastern Europe and to the eventual disintegration of the Soviet Union itself. However, it was far from being the only factor in the demise of the Soviet system. The system's economic failings and its incapacity to adjust to the oil shocks of the 1970s and to technological innovations such as the microchip were more significant. This was notwithstanding the high cost of the Afghan intervention in terms both of money and lives, as well as its demoralizing impact on Soviet society. Yet inevitably for groups that had fought in Afghanistan, the notion that their actions had brought about the destruction of a superpower had potent appeal.

Jihadists were not alone in drawing this conclusion from the events of the late 1980s. A particularly striking statement of this thesis was put forward by President Carter's former National Security Advisor, Zbigniew Brzezinski, in an interview he gave in 1998. Brzezinski had been responsible for the policy of channelling aid to insurgents after the 1978 coup and before the intervention of Soviet forces. Indeed, the intention behind this policy had precisely been to bring about Soviet intervention, on the calculation that it would prove as debilitating for the Soviet Union as American intervention in Vietnam had been for the

United States. Brzezinski was challenged as to the consequences of America's promotion of the jihadists and made this reply: 'Which was more important in world history? The Taliban or the fall of the Soviet empire? A few over-excited Islamists or the liberation of Central Europe and the end of the cold war?'[5]

To the surprise of much of the world, the puppet regime of Mohammed Najibullah did not collapse immediately on the withdrawal of Soviet forces. Indeed, it outlasted the Soviet Union itself. Admittedly, its survival was as much a reflection of the divisions within the Mujahidin as its own political strength. At the time of the completion of the Soviet withdrawal, an interim government had been established in Peshawar, Pakistan, by seven of the groups that made up the Mujahidin. However, the alliance was by no comprehensive or representative of all the elements that had opposed the Soviet occupation. Consequently, both the United States and (less surprisingly) the Soviet Union took the view that Najibullah should stay in power until internationally recognized elections could be held. This did not in the end turn out to be a viable option as the regime lost ground to the forces supporting the Peshawar alliance. In April 1992 Najibullah's position finally became untenable and he took refuge in the United Nations compound in Kabul where he remained until his capture and execution by the Taliban in September 1996.

In accordance with an agreement among Mujahidin leaders, Burhanaddin Rabbani became the first President of the Islamic State of Afghanistan, as the country was renamed in 1992. Rabbani had founded Jamiat-i-Islami in 1973. He was a moderate Islamist who came from Afghanistan's second largest ethnic group, the Tajiks, who comprised approximately a quarter of the country's population. Pashtuns formed the largest ethnic group comprising approximately 40 per cent of the population. From the outset there was a violent struggle for power among the different factions of the Mujahidin. Ethnic and sectarian differences played an important role in the factionalism that beset the country. These tended to coincide with and reinforce regional divisions facilitating the emergence of local strong men. In short, they created

the conditions for warlordism. Compounding the country's problems was the involvement of neighbouring states in its conflicts. Amalendu Misra describes the situation after the fall of Najibullah as follows:

> Far from helping to ease the civil war in the country, regional powers such as India, Iran and Pakistan actively encouraged factional fighting, and vied with each other for power and dominance in this chaotic atmosphere. By the year 1994 Afghanistan had become really and truly an anarchical place. The idea of Afghanistan as a coherent polity had dissipated completely. Its definition as a country was held together by images of lawlessness, the destitution of people living within it, and the extreme violence that everyone experienced there. Afghanistan, at this juncture, truly manifested the classic symptoms of a failing or failed state.[6]

The anarchic conditions in much of the country and the absence of Pashtun representation at the highest levels of government prompted a movement among Pashtuns to replace the government in Kabul. It was called the Taliban, the Persian plural for *talib*, meaning a student from a religious institution. The name reflected the fact that the core of its support came from recruits from religious schools called madrassas that were to be found in both Afghanistan and Pakistan. The Taliban first emerged in the province of Kandahar in January 1994, when Mullah Omar and students from his madrassa in the village of Singesar in the Argestan district of Kandahar attacked and defeated a local warlord who had been responsible for the rape of local women and other atrocities. From these small beginnings a much larger movement developed as the fame of its exploits against the worst manifestations of warlordism spread. By the end of 1994 governments outside of Afghanistan, most particularly that of Pakistan, had taken note of the movement's emergence.

Among the factors that helped to propel the Taliban into becoming a national movement were the support of the government of

Pakistan, its student army recruited from both Afghanistan and Pakistan, and its base in the country's largest ethnic group, the Pashtuns. In September 1996 the Taliban captured Kabul. Najibullah was executed and Rabbani fled, while the Taliban leader, Mullah Mohammed Omar, declared that the state would be run wholly in accordance with Islamic principles and to this end renamed the country the Islamic Emirate of Afghanistan. There was a generally hostile international reaction to the extreme policies promulgated by the Taliban. These included the abolition of education for women, draconian punishments for a very wide range of offences and prohibitions on the most basic forms of entertainment such as popular music and kite-flying. In May 1997 Pakistan recognized the Taliban as the lawful government of Afghanistan. Saudi Arabia and the United Arab Emirates followed suit. However, continued fighting and the opposition to the Taliban in the north of Afghanistan provided grounds for other governments to withhold recognition.

One cause of the international hostility towards the Taliban was its relationship with Osama bin Laden and al-Qaeda, as discussed in greater depth below. This increased in 1998 as a result of the bombing of American embassies in East Africa by al-Qaeda, atrocities that prompted the Clinton Administration to launch cruise missile attacks on al-Qaeda bases in Afghanistan. Another reason for international hostility towards the regime was the manner in which it extended its control of the country, including the massacre of thousands of Hazara, Uzbek and Tajik civilians in the city of Mazar-i-Sharif in the same month as the embassy bombings, August 1998. In the perspective of the Taliban this was retaliation for the killing of large numbers of its supporters in the city in the previous year. By the end of 1998, the Taliban regime was in control of approximately 90 per cent of Afghanistan, but as a consequence of outrage at its actions, it continued to be denied recognition as the lawful government of Afghanistan. The main exceptions to Taliban control were the Panjshir valley and a corner in the north-east of the country. Together these provided a base for opponents of the regime who had joined forces in what became

known as the Northern Alliance. This grouping drew its support from minority ethnic and sectarian groups that had been increasingly alienated by the policies pursued by the Taliban.

The regime's lack of international legitimacy gave its opponents the incentive to continue fighting, while also increasing the regime's dependence on its few allies such as al-Qaeda. In 1999 and 2000 the Taliban launched offensives against the remaining areas of the country not under the movement's control, but there were also successful counter-offensives by the Northern Alliance, led by the Tajik leader, Ahmad Shah Massoud. In February 2001 the regime attracted further international attention and condemnation when Mullah Omar ordered the destruction of gigantic statues of the Buddha that dated back to the second century. By this time the international community had imposed sanctions against Afghanistan over the regime's failure to cooperate in the combating of international terrorism, most clearly through the safe haven it afforded Osama bin Laden and other leading figures in al-Qaeda. Two days before the attacks on America, on 9 September 2001, suicide bombers posing as journalists killed Massoud.

The events of 11 September prompted an ultimatum from the United States to the Taliban regime both to surrender bin Laden and to take other action to prevent its territory from being used as a safe haven by al-Qaeda. The United States government made it clear that it was unwilling to haggle over the terms of the regime's cooperation. In the light of both the public mood in the United States and the Taliban's previous resistance to American demands over the issue, there was little expectation of a response from the regime that would avert military action against it. Indeed, American retribution against the Taliban regime was swift. Less than a month after the attacks on America, US forces started the air war against the Taliban, with the firing of cruise missiles against military targets on 7 October 2001. In a gesture of international solidarity, British forces also took part in these attacks. The principal aim of the aerial bombardment was to lend support to a ground offensive launched by the Northern Alliance. There was

Annex 110

Ruwantissa Abeyratne, *Convention on International Civil Aviation, A Commentary* (2014)

Ruwantissa Abeyratne

Convention on International Civil Aviation

A Commentary

Springer

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authorities to restore confidence among tourists and by foreign governments to update travel advisories accordingly. Tourism is a significant contributor to both countries' economies and, as tourism returns to normalcy, overall economic recovery can be stimulated.[10]

As the situation in both Egypt and Tunisian returns to normal, tourism stakeholders from the private and public sectors have reacted accordingly. Major tourism sites are open to the public, airlines have resumed flights, tour operators in many of the main source markets have restarted selling holidays and governments have updated their travel advisories to reflect the unfolding situation.

From an aviation and tourism perspective the unrest in these regions has impelled the markets to respond with oil prices shooting skywards to $119 a barrel for Brent crude. These higher oil prices is highly worrying for airlines. Having retrenched and cut back, airlines were hoping for a return to profitability in 2011 as growth returns following the downturn. However, the latest rise in oil prices could, as IATA forecasts extinguish any airline gains this year, causing a global domino effect on aviation. Airlines were hoping for a return to profitability in 2011 as growth returns following the downturn.[11]

2 Keeping Airports Open

To begin with, The 37th Session of the ICAO Assembly of the ICAO held from 28 September to 10 October 2010 officially recognized that ICAO has three Strategic Objectives: safety, security and environmental protection and sustainability of air transport. The last strategic objective, although relevant to the consequences of civil unrest on air transport by no means impels ICAO to intervene in the internal affairs of States or to ensure that amidst the clash of arms air transport carries on regardless. However, what it does is to draw a nexus between ICAO and the Chicago Convention which provides *inter alia* that an aim of ICAO is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport.[12]

The Chicago Convention requires States to keep their airports open to all airlines operating into and out of their territories and provide meteorological, radio and other information as well as facilities such as ground services. Of course, one might argue that Article 89 of the Chicago Convention enables Contracting States to have freedom of action irrespective of the provisions of the Convention in case of war, whether belligerents or neutrals. It also allows a State which has declared a state of

[10] http://www.traveldailynews.com/pages/show_page/41810-UNWTO-welcomes-signs-of-tourism-recuperation-in-Egypt-and-Tunisia.

[11] http://www.aerosocietychannel.com/aerospace-insight/2011/02/shifting-sands/.

[12] *Id.* Article 44 (d).

national emergency (and notifies the ICAO Council of such) to have the same freedom of action notwithstanding the provisions of the Convention. Therefore, unless a State is at war (which the Convention does not define)[13] or has declared a state of national emergency, it would be bound by the provisions of the Convention.

The first duty of a Contracting State not falling within the purview of Article 89 of the Chicago Convention is to keep its airport open to all incoming aircraft. Article 15 of the Convention requires *inter alia* that, uniform conditions shall apply to the use, by aircraft of every Contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation. This condition is subject to Article 9 which stipulates that each Contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other Contracting States likewise engaged. The provision goes on to say that Each Contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition will be applicable without distinction of nationality to aircraft of all other States.

The question arises as to whether a State in which there is acute civil unrest is bound to follow the abovementioned principles of the Chicago Convention. States or international organizations which are parties to such treaties have to apply the treaties they have signed and therefore have to interpret them. Although the conclusion of a treaty is generally governed by international customary law to accord with accepted rules and practices of national constitutional law of the signatory States, the application of treaties are governed by principles of international law. If however, the application or performance of a requirement in an international treaty poses problems to a State, the constitutional law of that State would be applied by courts of that State to settle the problem. Although Article 27 of the *Vienna Convention*[14] requires States not to invoke provisions of their internal laws as justification for failure to comply with the provisions of a treaty, States are free to choose the means of implementation they see fit according to their traditions

[13]Article 31.1 of the *Vienna Convention on the Law of Treatie* provides that "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose". See *Vienna Convention on the Law of Treaties 1969*, done at Vienna on 23 May 1969. The Convention entered into force on 27 January 1980. United Nations, *Treaty Series*, vol. 1155, p. 331. The ordinary meaning of war can be considered as a behavior pattern of organized violent conflict typified by extreme aggression, societal disruption, and high mortality. This behavior pattern involves two or more organized groups. http://en.wikipedia.org/wiki/War.

[14]*Id.*

and political organization.[15] The overriding rule is that treaties are juristic acts and have to be performed.

3 Airport and Aviation Security

The biggest threat to security in the vicinity of the airport, where aircraft landing and takeoff are at their lowest altitude, is Man Portable Air Defence Systems (MANPADS). Since the events of 11 September 2001, there have been several attempts against the security of aircraft in flight through the misuse of Man Portable Air Defense Systems (MANPADS).[16] The threat of MANPADS to aviation security is by far the most ominous and the international aviation community has made some efforts through ICAO. MANPADS have posed a serious threat to aviation security. On 5 January 1974, 220 soldiers and 200 police sealed off five square miles around Heathrow International airport in London after receiving reports that terrorists had smuggled SA-7s into Britain in the diplomatic pouches of Middle-Eastern embassies and were planning to shoot down an El Al airliner.[17]

Another significant incident occurred on 13 January 1975 when an attempt by terrorists to shoot down an El Al plane with a missile was believed to have brought civil aviation to the brink of disaster. Two terrorists drove their car onto the apron at Orly airport, where they set up a rocket launcher and fired at an El Al airliner which was about to take off for New York with 136 passengers. The first round missed the target thanks to the pilot's evasive action and hit the fuselage of a Yugoslav DC-9 aeroplane waiting nearby to embark passengers for Zagreb. The rocket failed to explode and no serious casualties were reported. After firing again and hitting an administration building, which caused some damage, the terrorists escaped by car? A phone call from an individual claiming responsibility for the attack was received at Reuters. The caller clearly implied that there would be another such operation, saying 'Next time we will hit the target'.

In fact, six days later another dramatic though unsuccessful attempt did occur at Orly airport. The French authorities traced the attack to the PFLP Venezuelan terrorist, and leader of the PFLP group in Europe, Carlos.[18] It is also known that once again an El Al airliner had been deliberately chosen as a target by Gadafi in an attempt to avenge the loss of the Libyan airliner shot down by Israel over the Sinai Desert.[19]

MANPADS are extremely effective weapons which are prolific in their availability worldwide. The significance of the abuse of MANPADS as a threat to civil aviation in the airport context is that MANPADS could be used in the vicinity of the

[15]Reuter (1989), at 16.

[16]The use of SAMs and anti-tank rockets by terrorists goes back to 1973. On 5 September 1973 Italian police arrested five Middle-Eastern terrorists armed with SA-7s. The terrorists had rented an apartment under the flight path to Rome Fumicino Airport and were planning to shoot down an El Al airliner coming in to land at the airport. See Dobson and Payne (1987), p. 366.

[17]Mickolus (1980), p. 428.

[18]Dobson and Payne (1987), *supra*, note 16, p. 53.

[19]*Ibid*.

Article 89
War and Emergency Conditions

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

Contents

1 Limitations of the Convention

On the occasion of the adherence of Israel to the Chicago Convention, The Government of Egypt advised that in view of the considerations of fact and of law which still affect Egypt's special position with regard to Israel, and in pursuance of Article 89 of the Chicago Convention, Israeli aircraft may not claim the privilege of flying over the territory of Egypt.[1] In a separate event, the Government of Iraq also informed the Council that a state of emergency had been declared on 14 May 1948 and therefore Article 89 of the Chicago Convention was applicable and all Israeli aircraft were denied the privilege of flying over the territory of Iraq.

This provision has ominous nuances in that the compelling protection afforded to civil aircraft is effectively removed by it, opening it up to States in times of war to engage in intervention of civil aircraft. Although the Charter contains no provision which deals directly with the security of civil aviation, it is one of the most salutary international legal documents in the area of civil aviation security. The Preamble to the Charter stipulates that citizens of the member States of the United Nations will practice tolerance and live together in peace with one another as good neighbours. The principle of security is embodied in several articles of the Charter. Article 1 (2) provides that the purpose of the United Nations is to pursue the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.

[1]Letter dated 16 October 1949, reproduced I Annex A to Doc 6922-C/803 at 125.

DOI 10.1007/978-3-319-00068-8_90,

2 Ensuring Civilian Protection

As civil aircraft are by definition presumed to transport civilians, the principles of the Chicago Convention should ensure the protection of civilians and their property from dangers affecting civil aircraft in flight. The United Nations Charter can therefore be regarded as imputing to the international community a duty to protect the human being and his property in relation to flight:

There is a mandatory obligation implied in article 55 of the Charter that the United Nations "shall promote respect for, and observance of, human rights and fundamental freedoms"; or, in terms of article 13, that the Assembly shall make recommendations for the purpose of assisting in the realization of human rights and freedoms. There is a distinct element of legal duty in the understanding expressed in article 56 in which all members pledge themselves to take joint and separate action in co-operation with the organization for the achievement of the purpose set forth in article 55.[2]

A civil aircraft, when identified as such cannot be attacked.[3] *The United Nations Charter opposes the use of force against civilian aircraft. Article 2(4) of the charter prohibits the use of force in any manner inconsistent with the purposes of the Charter. There is also provision for the settlement of disputes by peaceful means.*[4]

An armed attack against an aircraft is a special kind of aggression[5] *and is protected by the right of self-defence which is recognized against an such an attack, by Article 51 of the Charter. This provision narrows the field of the exercise of self-defence to circumstances involving an armed attack. An unauthorized entry into the airspace of a State by an unarmed aircraft does not constitute an armed attack, even if such entry is effected for the purposes of espionage or provocation. Although no authoritative definition of an armed attack has ever been adopted internationally, it is generally presumed that an armed attack would constitute belligerence endangering the safety of those affected by such attack when it is carried out by an offender(s) wielding weapons.*

Reference

Kunz JL (1948) The inter-American treaty of reciprocal assistance. Am J Int Law 42:111, 115

[2] H. Lauterpact, *International Law and Human Rights* (1950), p. 149.

[3] I.A. Vlasic, *Casebook on International Air Law* (1982), p. 161.

[4] Art. 33 of the U.N. Charter.

[5] Kunz (1948), pp. 111, 115.

Annex 111

Ibrahim Hatlani, "Bahrain Between its Backers and the Brotherhood", *Carnegie Endowment for International Peace* (20 May 2014), *available at* http://carnegieendowment.org/sada/55653

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Bahrain Between its Backers and the Brotherhood

Ibrahim Hatlani

The recent efforts to label the Muslim Brotherhood as a terrorist organization puts Bahrain's leadership at odds with its domestic ally against the Shia opposition.

May 20, 2014 عربي Comments (2)

Since Saudi Arabia labeled the Muslim Brotherhood a terrorist organization, Bahrain's government has been struggling to strike a balance maintaining the support of the local brotherhood offshoot without upsetting its Saudi allies.

In an effort to showcase their crackdown on terrorism any support for terrorist activity, Bahrain's Interior Ministry sent a warning on March 27 to its citizens fighting in conflicts abroad, similar to one issued by Saudi Arabia on February 3, threatening punitive measures including withdrawing their nationalities if they did not return within two weeks' time. Through this measure, the government sought to crack down on both vocal and financial support for Syrian groups, particularly in light of recent reports claiming that Bahraini citizens were recently killed in Syria fighting with groups classified by Saudi Arabia and the United States as terrorist organizations.

Prior to the announcement, Bahrain's foreign minister Khaled bin Ahmed Al Khalifa commented at a press conference in Pakistan that his government was not labeling the political arm of the local Brotherhood branch, known as the Islamic Minbar, a terrorist organization. He stated that the group has respected the rule of law and has not acted against the security of the country. The foreign minister explained that "we do not see it as a global movement," distinguishing between the international organization and its domestic movements, of which Minbar is one. His statements, which emphasized Bahrain's sympathy and understanding of the Saudi's decision regarding the Muslim Brotherhood, contradict how Saudi Arabia and the United Arab Emirates wish to see Bahrain treat the Muslim Brotherood offshoot. He went to considerable effort to justify his comments to Bahrain's international allies, later that day tweeting from his official account, "The Muslim Brotherhood movement is a global movement with a single approach and is spread throughout the world, and will be dealt with according to the law of each country and the covenants to which it is party." However, the apparent contradictions caused confusion about Bahrain's position on the issue.

the local Muslim Brotherhood, which alongside the Salafis created a national unity front in 2011 to defend Bahraini stability and Al Khalifa rule. Further complicating the situation, Minbar is also closely connected to some members of the Al Khalifa family and has had elected deputies within parliament since winning seven of the eight seats it contested in 2002.

The Saudi-led effort to ban the Muslim Brotherhood has created a crisis within Bahrain, where the Brotherhood offshoot is a well-established political actor that has sided with the ruling family against Shia opposition. Bahrain does not take issue with the Saudi decision to oppose the Brotherhood in Egypt, but rather with extending this opposition to Brotherhood branches in the region. Some of the Gulf Cooperation Council (GCC) members, along with Morocco, Tunisia, and even the European Union and the United States, were not convinced by Saudi Arabia and the UAE's claims that the Brotherhood is a terrorist group, nor will they benefit from or accept such a sweeping verdict. In the majority of Arab countries, the Brotherhood is completely aboveground and active in civil society, where it helps preserve a political balance. This was likely why some Arab States, including Kuwait, which will be hosting the twenty-fifth Arab Summit, declined to sign the statement labeling the Muslim Brotherhood a terrorist organization. The Gulf countries had no plans against the Muslim Brotherhood, but the group's ascent to power in Egypt, the largest Arab country, was deeply concerning to GCC countries that do not allow organized political action. Saudi Arabia, especially, is all too aware of the power of religion when used to achieve political objectives and has been keen to prevent a similar occurrence in the neighborhood.

In Bahrain, the government's reaction to Shia protesters inflamed sectarianism and drove the government to ally more closely with Sunni Islamists, particularly Minbar, to secure their support during the showdown against the Shia opposition. With terrorist attacks in the streets of Manama, King Hamad bin Isa Al Khalifa found himself forced to side with the more powerful factions in the royal family, who have strong ties to the Sunni political current, including Minbar, which has three ministers representing it in the present government. One of the most important points of contention is how to handle the Shia opposition's demands, which include the dissolution of the government—which would force an end to the influence of the king's uncle, Khalifa bin Salman Al Khalifa, who has been prime minister since 1970 and supports an unforgiving approach towards the Shia opposition.

In light of heightened sectarian tension and chronic unrest, Bahrain is facing two options regarding the fate of the Muslim Brotherhood. It can focus on the reality of domestic terrorism, which requires maintaining good relations with Bahrain's Sunni Islamists, particularly the Muslim Brotherhood, and bearing the wrath of its regional allies. Alternatively, it can commit itself more fully to the Gulf campaign against potential Brotherhood-linked terrorism, in the process losing a key domestic ally and leaving the regime more vulnerable in facing Shia opposition.

Ibrahim Hatlani is a Jeddah-based Saudi writer and researcher.

This article was translated from Arabic.

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Human Rights Watch, *All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt*, (12 Aug. 2014), *available at* https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt

HUMAN RIGHTS WATCH

ALL ACCORDING TO PLAN

The Rab'a Massacre and Mass Killings of Protesters in Egypt

All According to Plan

The Rab'a Massacre and Mass Killings of Protesters in Egypt

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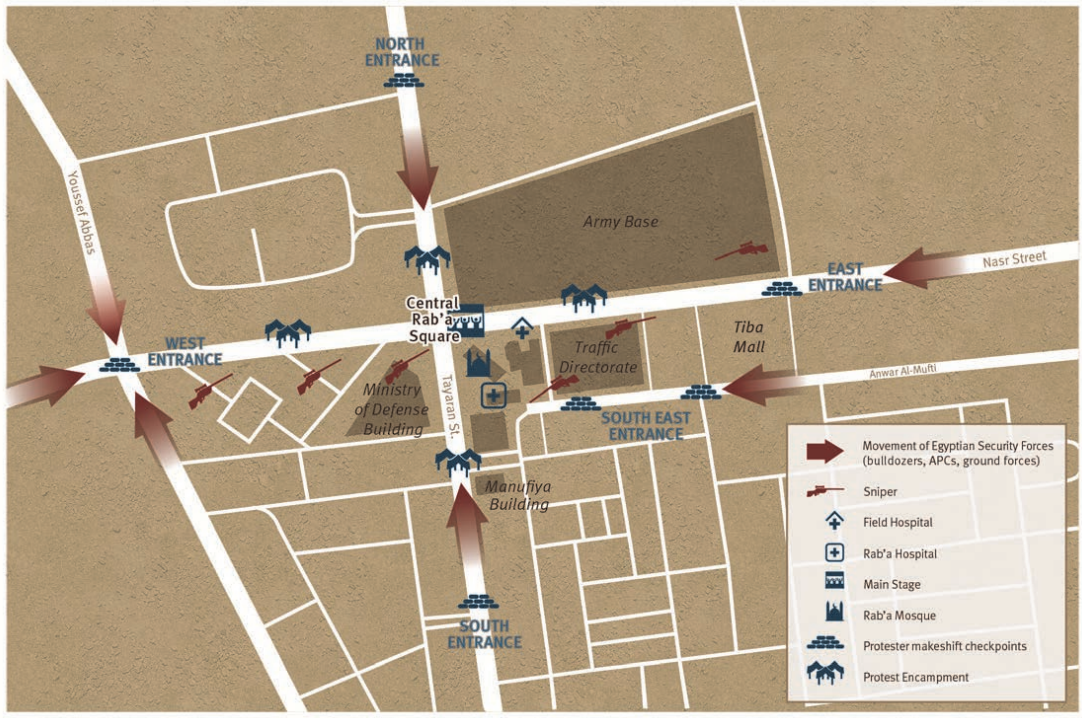
Annex 112

August 2014 978-1-62313-1661

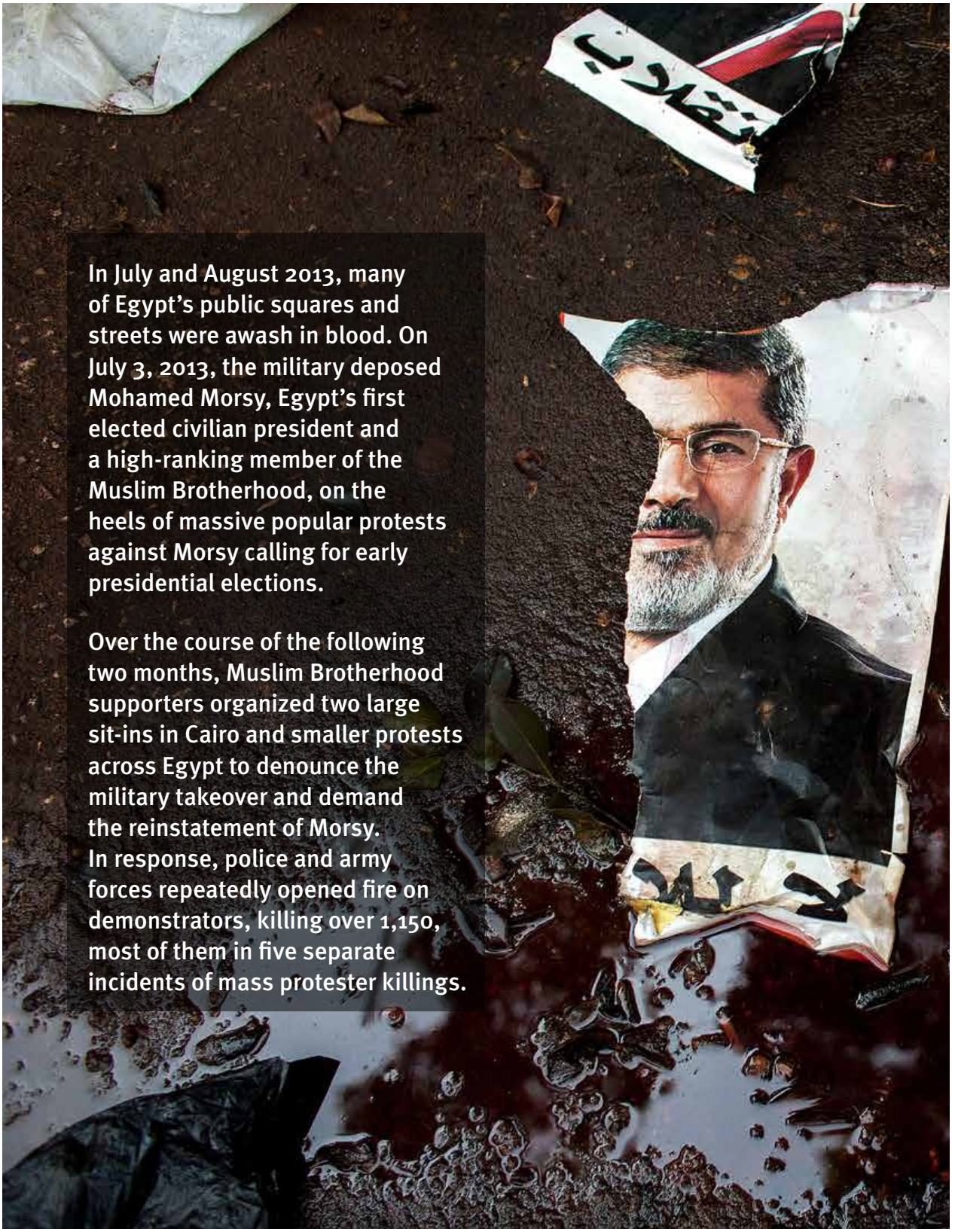
All According to Plan

The Rab'a Massacre and Mass Killings of Protesters in Egypt

DISPERSAL OF RAB'A AL-ADAWIYA SIT-IN BY EGYPTIAN SECURITY FORCES
AUGUST 14, 2013



SUMMARY AND KEY RECOMMENDATIONS



In July and August 2013, many of Egypt's public squares and streets were awash in blood. On July 3, 2013, the military deposed Mohamed Morsy, Egypt's first elected civilian president and a high-ranking member of the Muslim Brotherhood, on the heels of massive popular protests against Morsy calling for early presidential elections.

Over the course of the following two months, Muslim Brotherhood supporters organized two large sit-ins in Cairo and smaller protests across Egypt to denounce the military takeover and demand the reinstatement of Morsy. In response, police and army forces repeatedly opened fire on demonstrators, killing over 1,150, most of them in five separate incidents of mass protester killings.

A ripped up poster that reads 'No to the Coup', in reference to the military's ouster of Morsy on July 3, 2013 lies in a pool of blood in Rab'a Square on August 15, 2013.

Smoke rises over demonstrators congregated in front of the main stage at the center of Rab'a Square early on August 14, 2013, as security forces begin their forceful dispersal of the sit-in organized to call for the reinstatement of ousted president Mohamed Morsy. Human Rights Watch used satellite photography from one night of the sit-in, August 2, to estimate that there were approximately 85,000 protesters in the square that night. Interior Minister Mohamed Ibrahim estimated that there were "more than 20,000" demonstrators at the sit-in on August 14. © 2013 Private

Human Rights Watch's one-year investigation into the conduct of security forces in responding to these demonstrations indicates that police and army forces systematically and intentionally used excessive lethal force in their policing, resulting in killings of protesters on a scale unprecedented in Egypt. The evidence we examined includes on-site investigations at each of the protest sites during or immediately after the attacks were underway, interviews with over 200 witnesses, including protesters, doctors, journalists, and local residents, and review of physical evidence, hours of video footage, and statements by public officials. On this basis, Human Rights Watch concludes that the killings not only constituted serious violations of international human rights law, but likely amounted to crimes against humanity, given both their widespread and systematic nature and the evidence suggesting the killings were part of a policy to attack unarmed persons on political grounds. While there is also evidence that some protesters used firearms during several of these demonstrations, Human Rights Watch was able to confirm their use in only a few instances, which do not justify the grossly disproportionate and premeditated lethal attacks on overwhelmingly peaceful protesters.

Numerous government statements and accounts from government meetings indicate that high-ranking officials knew that the attacks would result in widespread killings of protesters; indeed, in the single largest incident, the Rab'a and al-Nahda dispersals, the government anticipated and planned for the deaths of several thousand protesters. One year later, security forces continue to deny any wrongdoing, and authorities have failed to hold a single police or army officer accountable for any of the unlawful killings.

August 14 Rab'a and al-Nahda Square Dispersals

The gravest incident of mass protester killings occurred on August 14, when security forces crushed the major pro-Morsy sit-in in Rab'a al-Adawiya Square in the Nasr City district of eastern Cairo. Using armored personnel carriers (APCs), bulldozers, ground forces, and snipers, police and army personnel attacked the makeshift

Armed personnel carriers (APCs) operated by the Egyptian police approach protesters assembled behind makeshift fences in Rab'a al-Adawiya Square in eastern Cairo on August 14, 2013. © 2013 Private

protest encampment, where demonstrators, including women and children, had been camped out for over 45 days, and opened fire on the protesters, killing at least 817 and likely more than 1,000.

Human Rights Watch researchers documented the dispersal of the Rab'a sit-in and found that security forces opened fire on protesters using live ammunition, with hundreds killed by bullets to their heads, necks, and chests. Human Rights Watch also found that security forces used lethal force indiscriminately, with snipers and gunmen inside and alongside APCs firing their weaponry on large crowds of protesters. Dozens of witnesses also said they saw snipers fire from helicopters over Rab'a Square.

While the government had declared and made public its plan to disperse the sit-ins by force, these warnings were insufficient. Government warnings in the media, and at Rab'a Square itself, in the days before August 14 failed to specify when the dispersal would take place. Warnings on the morning of the dispersal were not heard by many and did not provide protesters sufficient time to leave before security forces resorted to forcible dispersal. The vast majority of the demonstrators interviewed by Human Rights Watch in connection with this event said they did not hear the looped pre-recorded warnings security forces played over loudspeakers near at least two of the entrances to the sit-in minutes before opening fire. Security forces then besieged demonstrators for most of the day, attacking from each of the five main entrances to the square and leaving no safe exit until the end of the day, including for injured protesters in need of medical attention and those desperate to escape. Instead, in many cases security forces fired on those who sought to escape, witnesses told Human Rights Watch.

The indiscriminate and deliberate use of lethal force resulted in one of the world's largest killings of demonstrators in a single day in recent history. By way of contrast, credible estimates indicate that Chinese government

An officer from the Egyptian Central Security Forces (CSF) takes aim at a crowd of retreating protesters as security forces disperse the Rab'a sit-in on August 14, 2013.
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forces killed between 400-800 protesters largely over a 24-hour span during the Tiananmen Massacre on June 3-4, 1989 and that Uzbek forces killed roughly similar numbers in one day during the 2005 Andijan Massacre.

The dispersal of the Rab'a Square sit-in lasted 12 hours, roughly from sunrise to sunset. Police commenced their assault, in coordination with army forces, at around 6:30 a.m. by lobbing teargas canisters and shooting birdshot pellets at protesters located near the entrances to the square. They quickly, within minutes at some entrances, escalated to live fire, according to dozens of witnesses. Led by army bulldozers, police slowly advanced from each of the five major entrances to the square—two on Nasr Street, two on Tayaran Street, and one on Anwar al-Mufti Street behind the Rab'a al-Adawiya Mosque—in the early morning hours, destroying makeshift fences erected by protesters and other structures in their path. The advancing forces were supported by snipers deployed on top of adjacent government buildings. Many protesters retreated to the central area of the square for safety, but some remained on the peripheries to hurl stones, Molotov cocktails, and fireworks at advancing forces.

Injured and dead protesters quickly filled the Rab'a hospital and makeshift facilities across the square, where volunteer doctors and other medical professionals, many themselves demonstrators, tended to serious injuries using basic donated equipment and medicine. Doctors in Rab'a hospital told Human Rights Watch that the vast majority of injuries they treated were gunshot wounds, many to the head and chest. Security forces from the morning fired at makeshift medical facilities and positioned snipers to fire on those who sought to enter or exit Rab'a hospital.

Security forces advancing on the ground as well as snipers deployed on top of buildings intensified fire over the course of the morning, until indiscriminate gunfire became prevalent at the entrances around 8 a.m. By 9-10

a.m., though, security forces had become bogged down by rock-throwing protesters at each entrance, who had positioned themselves strategically to minimize exposure to direct fire, and slowed their advance.

In the early afternoon, after a brief mid-day break when gunfire was less intense, security forces intensified their fire as they made their final advance into the heart of the square. Security forces killed many protesters in these final hours, with no part of the square protected from widespread gunfire. By around 5:30 p.m., police had encircled remaining protesters around the Rab'a mosque and hospital, located near the center of the square, and then forcefully took control of the hospital. At this point, they ordered the majority of those remaining, including doctors, to exit, with instructions to leave corpses and the injured behind. As the last protesters left the square, fires broke out on the central stage, the field hospital, the mosque, and on the first floor of Rab'a hospital. Evidence strongly suggests that the police deliberately started these fires. Security forces detained over 800 protesters over the course of the day, some of whom they beat, tortured and in some cases summarily executed, six witnesses told Human Rights Watch.

Interior Minister Mohamed Ibrahim alleged in a press conference on the night of the dispersal that the use of force by the police in both Rab'a and al-Nahda squares came in response to violence, including gunfire, from protesters. Human Rights Watch's investigation found, in addition to hundreds of protesters who threw rocks and Molotov cocktails at police once the assault began, demonstrators fired on police in at least a few instances. According to the official Forensic Medical Authority, eight police officers were killed during the Rab'a dispersal. However, the protesters' violence in no way justified the deliberate and indiscriminate killings of protesters largely by police, in coordination with army forces.

Extensive witness evidence, including from independent observers and local residents, establishes that the number of arms in the hands of protesters was limited. In Interior Minister Ibrahim's August 14 press conference, in fact, he announced that security forces had seized 15 guns from the Rab'a sit-in. In an August 18 speech, then-Defense Minister Abdel Fattah al-Sisi said referencing the

Bodies of protesters killed during the August 14 Rab'a dispersal lined up in Iman Mosque, near Rab'a Square, on August 15, 2013. By the end of the day, volunteers at Iman Mosque had catalogued 257 bodies, which had been brought from the square by family members and volunteers in the aftermath of the dispersal. © 2013 Amru Salahuddien

Injured protesters rest in a makeshift field hospital in Rab'a Square, where overwhelmed volunteer doctors tended to the hundreds of injured and dead protesters in the midst of August 14 dispersal of the Rab'a sit-in. Security forces besieged protesters for nearly 12 hours without safe exit, including for injured protesters in need of medical attention. © 2013 Mosaab al-Shamy

Rab'a dispersal that, "I am not saying everyone was firing, but it is more than enough if there are 20, 30, or 50 people firing live fire in a sit-in of that size." If the figure of 15 guns is an accurate representation of the number of protester firearms in the square, it would indicate that few protesters were armed and further corroborates extensive evidence compiled by Human Rights Watch that police gunned down hundreds of unarmed demonstrators.

Furthermore, police officers stood on top of APCs facing protesters and snipers operated from atop buildings in plain view for long periods of time, according to witnesses and dozens of videos that Human Rights Watch reviewed of the dispersal, unlikely behavior if there had been a significant threat of gunfire from protesters.

Moreover, much of the shooting by police appears to have been indiscriminate, openly firing in the general direction of crowds of demonstrators instead of targeting armed protester gunmen who may have posed a serious threat. While Human Rights Watch cannot establish whether initial gunshots that day came from the security forces or armed protesters, interviews with over 100 witnesses, including local residents not sympathetic to the protesters, confirm that security forces resorted to widespread shooting from the first minutes of the dispersal, with APCs, bulldozers, ground forces, and rooftop snipers already in place.

On the same day as the Rab'a dispersal, August 14, security forces also dispersed a second smaller encampment of Muslim Brotherhood supporters in al-Nahda Square, near Cairo University in Giza in greater Cairo. The al-Nahda dispersal followed the same pattern as in Rab'a: at around 6 a.m. security forces demanded from loudspeakers that protesters leave the square, but then, almost immediately, resorted to firing at protesters, including those attempting to leave from the designated "safe" exit. Witnesses described how police fired at pro-

Volunteers in Iman Mosque, near Rab'a Square in eastern Cairo, on August 15, 2013 catalogue the bodies they received in the aftermath of the violent dispersal of the sit-in the previous day. By the end of the day, lists with 257 names were hung from the mosque's walls, all of whom had been among the at least 817 people killed during the Rab'a dispersal. © 2013 Amru Salahuddien

testers both deliberately and indiscriminately, using teargas, birdshot and live ammunition. As some protesters took shelter inside the Engineering Faculty Building at nearby Cairo University, further violence ensued, when security officers fired at protesters barricaded in the building. The Ministry of Health set the death toll for the dispersal of the al-Nahda sit-in at 87.

For weeks in the run-up to the August 14 dispersals, Interior Minister Ibrahim, then-Defense Minister Abdel Fattah al-Sisi, then-Prime Minister Hazem al-Beblawy, and other government officials stated that a forcible dispersal of the sit-ins was necessary. Officials maintained that the sit-ins disrupted residents' lives, increased traffic congestion, provided a forum for sectarian incitement and terrorism, and a locale for demonstrators to detain and abuse opponents, including some to death. Human Rights Watch interviewed local residents who catalogued the serious effects the sit-in had on their everyday lives and reviewed evidence to suggest that some protesters detained and abused a number of persons they suspected of being infiltrators, possibly resulting in casualities.

However, these allegations fail to justify a forcible dispersal that resulted in the deaths of at least 817 people and amounted to collective punishment of the overwhelming majority of peaceful protesters. The mass killings of protesters were clearly disproportionate to any threat to the lives of local residents, security personnel or anyone else. To the extent that the government had a legitimate security interest in securing the sit-in site, it failed to carry out the dispersal in a way designed to minimize the risk to life, such as by ensuring safe exits. Lethal force should be used only when strictly unavoidable to protect an imminent threat to life—a standard that was far from met in this case.

Egyptian and international mediation efforts to prevent a forcible dispersal by striking a political deal between

Egypt's National Defense Council (NDC), chaired by Interim President Adly Mansour and consisting of leading civilian and security officials, meets in July 2013. On August 4, the NDC formally reviewed and approved the plan to disperse the Rab'a and al-Nahda sit-ins drafted by the Interior Ministry. According to security sources, the plan anticipated several thousand casualties. On August 15, the day after the dispersal, Interior Minister Mohamed Ibrahim told Al-Masry al-Youm that "the dispersal plan succeeded 100 percent."

Muslim Brotherhood leaders and the government took place throughout July and the beginning of August until Prime Minister Hazem al-Beblawy announced their failure on August 7. The Interior Ministry, which had already drawn up a dispersal plan that had been approved by the National Defense Council and the cabinet and had received authorization to disperse from the Public Prosecutor based on citizen complaints that had been submitted, announced that it would proceed with dispersing the sit-ins. However, for weeks security officials promised that the dispersal would be gradual, starting with a cordon around the sit-in, warnings and a safe exit, in particular for women and children. None of the promised precautions, however, were taken.

The government ultimately opted to proceed with a violent forcible dispersal with full awareness that it would result in a very high death toll: one human rights defender told Human Rights Watch that, in a meeting with human rights organizations nine days before the dispersal, Interior Ministry officials revealed that the ministry's anticipated a death toll of up to 3,500. In the days before the dispersal, two prominent newspapers cited security sources as indicating that the Interior Ministry's dispersal plan anticipated several thousand casualties.

In a televised interview on August 31, 2013, Ibrahim confirmed that the Interior Ministry had estimated losses of "10 percent of the people," acknowledging that the sit-in involved "more than 20,000" people and that "you will find thousands lost from their side." Human Rights Watch used satellite photographs from one night of the sit-in, August 2, to estimate that there were approximately 85,000 protesters in the square that night; even assuming the actual attendance on August 14 was only 20,000, as Ibrahim postulated, a 10 percent casualty rate would still represent 2,000 fatalities.

In September, Prime Minister al-Beblawy told the Egyptian daily Al-Masry al-Youm that the death toll from the Rab'a and al-Nahda square dispersals on August 14 was "close to 1,000." He added, "We expected much more than what actually happened on the ground. The final outcome was less than we expected." The Egyptian government apparently planned for, and anticipated, a violent dispersal that would result in widespread killings of protesters without

any serious effort to implement the safeguards they promised, including warnings and safe exits for protesters.

On November 14, FMA head Dr. Hisham Abdelhamid held a press conference and announced that the final death-toll for Rab'a was 627, including 377 bodies autopsied at the official morgue, 167 bodies identified in Iman Mosque Rab'a Square and another 83 bodies that were taken to different hospitals around Cairo. The quasi-official National Council for Human Rights (NCHR) released a report on the Rab'a dispersal in March 2014, in which it cited the figure of 624 civilians killed.

These figures, though, ignore compelling evidence of additional uncounted bodies in morgues and hospitals across Cairo documented by Human Rights Watch researchers and Egyptian human rights lawyers on August 14 and in the days immediately following the Rab'a dispersal. Based on an extensive review of evidence, which compared death lists put out both by the official FMA and quasi-official NCHR and human rights lawyers and other survivors, Human Rights Watch documented 817 deaths in the Rab'a dispersal alone. Human Rights Watch also reviewed evidence of a possible 246 additional deaths, documented by survivors and civil society groups. This evidence, in addition to credible reports of additional bodies taken directly to hospitals and morgues without accurate record or known identity, and individuals still missing from Rab'a, it is likely that over 1,000 protesters were killed in Rab'a alone.

Other Mass Killings Incidents

The Rab'a and al-Nahda square dispersals were both preceded and followed by other mass killings of protesters. In July and August, as protesters organized marches across Cairo in response to the military's overthrow of the Morsy government, security forces repeatedly used excessive force to respond to demonstrations, indiscriminately and deliberately killing at least 281 protesters in different incidents separate from the August 14 dispersals between July 5 and August 17, 2014.

In the first of these incidents, on July 5, soldiers fired live ammunition at protesters gathered outside the Republican Guard headquarters on Salah Salem Street in eastern Cairo, where protesters believed Morsy to be held. The soldiers killed at least five protesters, including one who was attempting to place a Morsy poster on a fence outside the headquarters.

Three days later, on July 8, army units opened fire on crowds of Morsy supporters participating in a peaceful sit-in outside the same Republican Guard headquarters, killing 61 protesters according to the FMA. Two officers on the scene were also killed. The attack began at dawn and continued for the next six hours. Soldiers and snipers posted on military building rooftops used live ammunition to fire at assembled protesters and those emerging from a nearby mosque after performing morning prayers. Some protesters threw stones and Molotov cocktails and a few used firearms, but witnesses said that the vast majority of protesters were unarmed. Based on its investigation, Human Rights Watch found that the majority of these killings were unlawful. In the aftermath, the military refused to acknowledge any wrongdoing on the part of its forces or the police, saying that protesters had planned to attack the Republican Guard headquarters. Interim President Adly Mansour said he would set up a judicial panel to investigate the incident, but he failed to do so before leaving office on June 8, 2014.

In another incident on July 27, hours after thousands of Egyptians took to the streets in an orchestrated demonstration at al-Sisi's behest to give the government a "mandate to fight terrorism," Egyptian police deployed to stop a march of hundreds of Brotherhood supporters moving out of the Rab'a sit-in on Nasr Road towards the October 6 Bridge. Over a period of at least six hours, police and plainclothes armed men acting in coordination with security forces shot and killed 95 protesters, according to the FMA. One policeman also died in the clashes. Human Rights Watch's investigation of this incident, which included being in the field hospital as many of the dead and wounded were brought in, concluded that security forces used intentional lethal force against largely peaceful protesters. Medical staff reported that the majority of the bullet injuries were to the head, neck, and chest, indicative of intent to kill. A doctor on the scene concluded, based on the nature of the wounds, that the shootings had to have been from close range. Later in the day, the

interior minister insisted, "We never, as police, pointed any firearms at the chest of any demonstrator."

Two days after the Rab'a and al-Nahda dispersals, on August 16, police at the Azbakiya police station in the Abbasiyya neighborhood of central Cairo opened fire on hundreds of protesters who had gathered after the Friday noon prayer as part of a "Day of Anger" called by Brotherhood supporters to protest the dispersal of the sit-ins and ouster of Morsy. In the course of the next six hours, at least 120 protesters were killed, according to the FMA. Prosecutors have also identified two policemen who were killed. A senior police officer at the station told Human Rights Watch that gunmen attacked the police station, triggering the government response. Although gunmen attacking the police station might have justified the use of lethal force, the number of protesters killed, statements by victims and witnesses, including independent observers, and video footage show that the police intentionally fired on largely peaceful protesters. Human Rights Watch documented several instances of police killing clearly unarmed protesters. Witnesses who saw bodies and wounded in the hospitals and morgues, including medical personnel and journalists, told Human Rights Watch that a high number of protesters had suffered wounds in the head, neck, and upper body, raising the question of whether some police officers may have been shooting to kill.

Then-Deputy Prime Minister for Security Affairs Abdel Fattah al-Sisi in a speech at an army graduation ceremony broadcast live on state television on July 24, 2013 calls on Egyptians to take to the streets to "to give [him] a mandate and an order to confront potential violence and terrorism." On July 26, tens of thousands of Egyptians gathered in orchestrated demonstrations in Tahrir Square and across Egypt to answer his call. Hours later, in the early morning of July 27, police opened fire on a march of pro-Morsy supporters near the Manassa Memorial in Cairo, killing at least 95 demonstrators. The next day, the Egyptian National Defense Council, on which al-Sisi served, met to begin planning the Rab'a and al-Nahda dispersals and on July 31 the cabinet, citing a popular mandate to "fight violence and terrorism," approved the Interior Ministry's dispersal plan. Al-Sisi was elected president in June 2014. © 2013 AFP

Both the police and army took part in the attacks on demonstrators. Army units played the primary role in confronting demonstrators outside the Republican Guard headquarters on July 5 and 8, though police participated as well. Police dispersed the July 27 march outside the Manassa Memorial and the August 16 demonstration in Ramses Square. Police, including both Central Security Forces (CSF) and Special Forces (ESF), took the lead role in the Rab'a and al-Nahda dispersals, though the army played a critical role. Army forces secured the entrances, inhibiting protesters from entering and exiting, operated some of the bulldozers that cleared the way for police to advance, operated some of the helicopters, including Apaches, that flew over the square, and opened a military base adjacent to Rab'a Square to snipers. Police officers led the advance into Rab'a Square and appear to be responsible for most of the force used there.

International legal standards allow the intentional use of lethal force in policing situations in limited circumstances where strictly necessary to protect life. While security services may have been justified in using a degree of force to stop armed attacks by protesters or even to disperse protests that constituted a danger to public security, there is no justification for the manner and scale of the violence that was used. Those planning the dispersal operations were under a strict duty to take all feasible measures to ensure the operations posed a minimal risk to life, which the organizers comprehensively failed to do.

Helicopters hover over protesters assembled in the Ramses Square area in the Abassiya neighborhood of Cairo on August 16, 2013 to protest the dispersal of the Rab'a and al-Nahda sit-ins two days prior to the ouster of Morsy. Dozens of witnesses told Human Rights Watch that they saw snipers fire on demonstrators from helicopters over both Raba'a Square on August 14 and Ramses Square on August 16.
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Moreover, the systematic and widespread use by Egyptian security forces of unlawful lethal force, resulting in the deaths of well over 1,000 protesters, in a manner that was not only anticipated, but planned by Egyptian government leaders, likely constitutes crimes against humanity. The mass killings at Rab'a and al-Nahda squares fit a pattern of government security forces' widespread and systematic killings of protesters seen throughout July and August 2013 following Morsy's ouster. The prohibition of crimes against humanity is among the most fundamental in international criminal law and can be the basis for individual criminal liability in international fora, as well as in domestic courts in many countries under the principle of universal jurisdiction.

This report identifies the most senior security officials and key leaders in the chain of command who should be investigated and, where there is evidence of responsibility, held individually accountable for the planning and execution or failing to prevent the widespread and systematic killings of protesters during July-August 2013, including:

- Interior Minister Mohamed Ibrahim, who formulated the dispersal plan and oversaw its implementation and acknowledged that he "ordered the Special Forces to advance and purify" key buildings at the heart of Rab'a Square;

- Then-Defense Minister Abdel Fattah al-Sisi, who held a command role over the armed forces, which opened fire on protesters on July 5 and July 8, oversaw security in the country as Deputy Prime Minister for Security Affairs, and acknowledged spending "very many long days to discuss all the details" of the Rab'a dispersal;

- Special Forces head and commander of the Rab'a operation Medhat Menshawy, who boasted that he told Minister Ibrahim from Rab'a Square on the morning of August 14 that "we will attack whatever it cost us."

The report further identifies other figures, including the head of the General Intelligence Services, Mohamed Farid Tohamy, eight key Interior Ministry deputies, three senior army leaders, and several high-ranking civilian leaders, whose roles in the mass protester killings of July-August 2013 should be investigated further. If found complicit in the planning or execution of the mass killings of protesters or failing to prevent crimes committed by their subordinates that they knew or should have known about, they should also be held accountable.

The government has created a fact-finding committee to investigate the mass killings and the quasi-official National Council on Human Rights has released a report on its own investigations into the Rab'a dispersal finding wrongdoing. However, there has been no actual accounting for what happened or any credible judicial investigations or prosecutions, much less actual accountability. The police and government to date have refused to acknowledge any wrongdoing on the part of security services in their violent dispersal of the sit-ins or other attacks on protesters. In a news conference on August 14, Interior Minister Ibrahim said that his ministry successfully had carried out the dispersal of the Rab'a and al-Nahda sit-ins "without losses," and referred to a nonexistent "international standard death rate of 10 percent in the dispersal of non-peaceful sit-ins." Days later, the Interior Ministry provided all officers that participated in the dispersal with a bonus for their efforts. Until February, authorities failed to even acknowledge that they had used live ammunition in the Rab'a and al-Nahda dispersals. Other members of the government have similarly praised security forces and failed to acknowledge any wrongdoing on the part of security forces.

The government also has refused to publicly disclose almost any information on the dispersals, even to the NCHR in connection with its investigation. Nasser Amin, a member of NCHR and lead author of its report on the Rab'a dispersal, said on the Egyptian channel ONTV that the Interior Ministry did not cooperate with its investigation, including failing to provide its dispersal plan, and suggested that it sought to hide the truth. Although video footage of helicopters and buildings overlooking Rab'a Square show security forces recording the dispersal, the Interior Ministry has only selectively released footage pointing to violence on the parts of some demonstrators.

The NCHR report on the Rab'a dispersal, released on March 16, has significant methodological weaknesses that seriously undermine its findings. In particular it relies heavily on testimony of local residents, largely antipathetic to the Brotherhood, and there is little use of accounts of participants in the sit-ins who were the primary witnesses and victims. Nonetheless, the NCHR report concluded that security forces used excessive force on August 14 and faulted security forces for insufficient warnings and failure to provide a safe exit for much of the day. It also called for the opening of a full judicial inquiry into the dispersal and for the provision of victim compensation.

Prosecutors to Human Rights Watch's knowledge have not seriously investigated police or army officers for protester killings since June 30, 2013, but have extensively investigated protesters in relation to clashes with security forces. Prosecutors have initiated criminal proceedings against over 1,000 protesters and bystanders detained from the Rab'a and al-Nahda dispersals alone. Many face lengthy prison sentences.

One year after the dispersals, authorities have failed to hold accountable police and army officers and other officials responsible for the repeated use of excessive lethal force and indiscriminate and deliberate attacks on protesters. On March 19, former President Mansour requested the Justice Ministry to open a judicial investigation into the Rab'a and Nahda dispersals. The Ministry of Justice, however, announced that it would not be assigning a judge to investigate these events, since investigations fall under the prerogative of the public prosecutor, which in turn says that it is already investigating these events. Almost one year later though, prosecutors have yet to bring charges against or refer to trial a single member of the security forces for the unlawful use of firearms against protesters since June 30, 2013.

A demonstrator grieves in one of the makeshift field hospitals that held injured and deceased protesters during the dispersal of the Rab'a sit-in on August 14, 2013.
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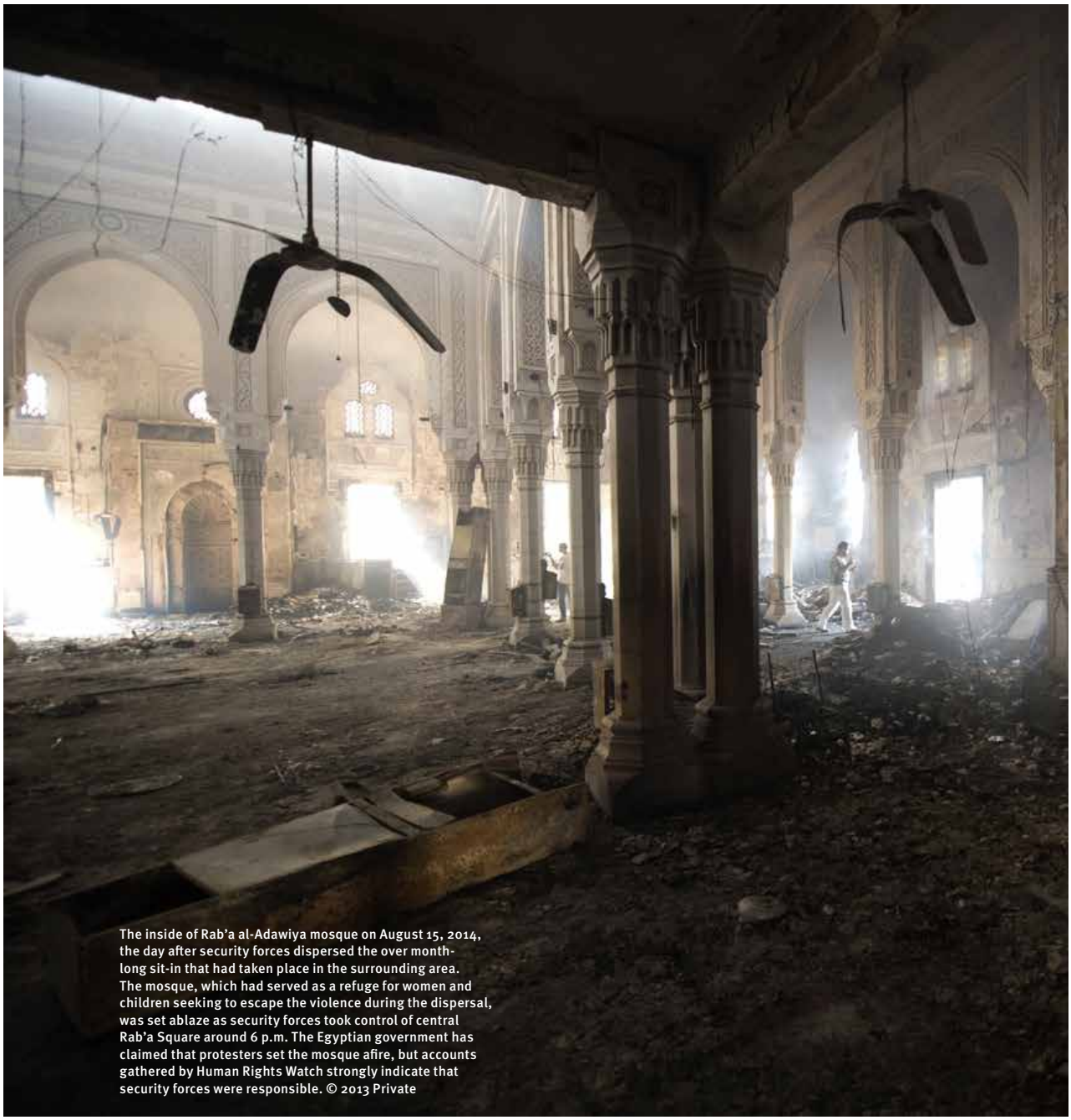
Five months after promising to do, Mansour announced in December 2013 that he had established "a national independent fact-finding commission to gather information and evidence that accompanied the June 30, 2013 revolution and its repercussions." The committee, though, has operated with little transparency and, by its mandate, will not make its findings public. The decree establishing the committee further failed to provide it with the authority to compel witnesses, including governmental officials, to testify or to subpoena information, raising questions about the sort of information it has relied upon during its investigation.

Since the events of July and August 2013, Egyptian authorities have continued to brutally suppress dissent. While focused overwhelmingly on the country's largest political opposition group, the Muslim Brotherhood, authorities have also targeted other opposition groups and individuals. Security forces have continued to use excessive lethal force against demonstrators, including killing 57 protesters on October 6, 2013 and 64 on January 25, 2014, according to the FMA. An assembly law passed in November 2013 authorizes the Interior Ministry to forcibly disperse protests that they have not been approved in



The inside of Rab'a al-Adawiya mosque on August 15, 2014, the day after security forces dispersed the over month-long sit-in that had taken place in the surrounding area. The mosque, which had served as a refuge for women and children seeking to escape the violence during the dispersal, was set ablaze as security forces took control of central Rab'a Square around 6 p.m. The Egyptian government has claimed that protesters set the mosque afire, but accounts gathered by Human Rights Watch strongly indicate that security forces were responsible. © 2013 Private

advance and to arrest demonstrators on vague grounds such as "attempt[ing] to influence the course of justice" or "imped[ing] citizen's interests." Authorities have also arrested, by their figures, at least 22,000 people since July 3, many on charges relating to their exercise of basic rights or for membership in the Muslim Brotherhood, which the government declared a terrorist organization on December 25, 2013. Prosecutors routinely renew pretrial detention orders against those detained on the basis of little evidence that would warrant prosecution, effectively detaining them arbitrarily for months on end, lawyers have told Human Rights Watch. Many of the cases that have gone to trial have been riddled with serious due process violations, including mass trials that have failed to assess the individual guilt of each defendant, yet resulted in sentences of lengthy prison terms or even the death penalty for hundreds of defendants.

Human Rights Watch reiterates calls it has made throughout the last year for the Public Prosecutor to thoroughly, independently, and impartially investigate the mass killings of protesters since June 30, 2013 and prosecute those found to have committed violations. Government statements make clear that the August 14 dispersals and attacks on demonstrators before and after were ordered by the government. As such, investigations must look at those responsible in the chain of command, including Interior Minister Ibrahim and then-Defense Minister and now President al-Sisi, ensuring that all perpetrators of serious human rights abuses are brought to justice regardless of rank or political affiliation.

The new Egyptian government should also acknowledge the serious violations that it committed in July and August 2013, provide fair compensation to victims' families, and undertake a serious process of security sector reform that results in a police force that acts in accordance with international standards on the use of force in future policing of demonstrations.

In light of the failure of Egyptian authorities until now to undertake investigations and continuing rampant impunity for serious abuses, Human Rights Watch calls on the UN Human Rights Council member states to establish a commission of inquiry to investigate all human rights violations resulting from the mass killing of demonstra-

tors since June 30, 2013. The inquiry should be mandated to establish the facts, identify those responsible with a view to ensuring that the perpetrators of violations are held accountable, as well as collect and conserve information related to abuses for future use by credible judicial institutions. Such a call follows a joint declaration made by 27 states during the March session of the Human Rights Council, which cited the need for "accountability" and "bring[ing] to justice those responsible" for the violence.

Human Rights Watch further calls for the investigation and prosecution of those implicated in these acts in national courts under the principle of universal jurisdiction and in accordance with national laws.

The European Union and the United States have both publicly criticized the mass killings in Egypt. EU High Representative Catherine Ashton for example on August 21, 2013 called the dispersal operations "disproportionate" and the "number of people who have been killed" "alarming." However the EU and other states have continued to provide support to Egypt. The United States suspended a portion of its military aid in October 2013 pending a finding required in aid legislation that Egypt was meeting particular benchmarks on rights and democratic development. But in April 2014, Washington announced its intention to release 10 Apache helicopters and $650 million in military aid on the basis of US counter-terrorism and national security interests. A bulk of the aid has since been released. The EU similarly suspended the export of military equipment to Egypt in August 2013, but left in place flexibility that permits individual states to continue supplying arms and other equipment to the government.

In light of the ongoing abuses and severe political repression in Egypt and the government's failure to investigate, much less prosecute, those implicated in the mass killings of protesters, Human Rights Watch calls on states to suspend military aid and cooperation with Egyptian law enforcement and military until the government adopts measures to end serious human rights violations.

President al-Sisi takes over an Egypt bloodied, divided, and rife with deep economic and political challenges. While it is tempting to turn the page and look past prior abuses, reckoning with the past lies at the heart of the national reconciliation process that Egypt needs to undertake in order to stabilize and move forward.

KEY RECOMMENDATIONS

To the Egyptian Government

- Order security forces to end unlawful, excessive use of force and to act in accordance with international human rights law and standards on the use of force in policing demonstrations.
- Make public the findings and recommendations of the post-June 30 fact-finding commission, in addition to those of the 2011 and 2012 fact-finding commissions.

To the Public Prosecutor

- Thoroughly and impartially investigate the unlawful use of force by security forces for protester killings since June 30, 2013, and prosecute those, including in the chain of command, against whom there is evidence of criminal responsibility.
- Immediately release any people still detained without charge following demonstrations in July and August 2013, or immediately charge them with specific cognizable criminal offences followed within a reasonable timeframe by a fair trial.

To UN Member States

- Establish through the UN Human Rights Council an international commission of inquiry to investigate all human rights violations resulting from the mass killings of protesters since June 30, 2013. The inquiry should be mandated to establish the facts, identify those responsible with a view to ensuring that the perpetrators of violations are held accountable, as well as collect and conserve information related to abuses for future use by credible judicial institutions. Ensure that the mandate is sufficiently broad to cover past and future acts and other human rights abuses committed by Egyptian security forces, as well as violence by protesters.
- Suspend all sales and provision of security-related items and assistance to Egypt until the government adopts measures to end serious human rights violations, such as those related to suppression of largely peaceful demonstrations, and to holding rights violators accountable.
- Under the principle of universal jurisdiction and in accordance with national laws, investigate and prosecute those implicated in serious crimes under international law committed in Egypt in July-August 2013.

Annex 113

"Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL)", *FATF* (Feb. 2015), *available at* http://www.fatf-gafi.org/media/fatf/documents/reports/Financing-of-the-terrorist-organisation-ISIL.pdf

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FATF REPORT

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FINANCIAL ACTION TASK FORCE

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! a [к/C¢	Anti-Money Laundering / Countering the Financing of Terrorism
! bC	Al-Nusrah Front
! v	Al-Qaida
! vL	Al-Qaida in Iraq
9C¢ă	Electronic Funds Transfers
C ! ¢C	Financial Action Task Force
CL ¦	Financial intelligence units
C¢Că	Foreign Terrorist Fighters
Lw{π/L	IRS-Criminal Investigation
L{L[	Islamic State in Iraq and the Levant
YCw	Kidnapping for Ransom
YwD	Kurdistan Regional Government
a ±¢{	Money or value transfer services
b t h	Non-Profit Organisation
w₡	Recommendation
¢C	Terrorist Financing
¦ b	United Nations
¦ bh5/	United Nations Office on Drugs and Crime
¦ b{/w	United Nations Security Council Resolution
¦ {5	US Dollars

payments amount to as much as the equivalent of several billion USD per year, meaning that ISIL could potentially profit hundreds of millions of USD annually from taxing these salary payments.

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ISIL has reportedly kidnapped hundreds of individuals, including local Iraqis, Syrians and members of ethnic minorities, as well as Westerners, and East Asians located in the region. With some of these kidnapped victims, ISIL used them to extract ransom payments, while others are brutally murdered to send a political message.[44] In certain cases, ISIL has purchased Western hostages from moderate rebels at border exchanges. Over the past year, ISIL has raised substantial revenue through ransom payments for kidnapped victims, with FATF members providing estimates that range from 20 million USD to 45 million USD.[45] Exact figures with respect to how much ISIL has earned from ransom payments are difficult to assess and often intentionally kept secret since ransom payments often originate from private companies that wish to conceal the transaction, or are otherwise paid in cash, making the transactions difficult for financial institutions to identify.

In 2010 the FATF conducted a study on Kidnapping for Ransom (KFR) which provides unique insight into the significance of revenue generated from KFR for a number of terrorist groups and criminal organisations and the role of the regulated financial sector.[46] Several UNSCRs, including 2133 (2014) and 2170 (2014), call on all Member States to prevent terrorists from benefitting, directly or indirectly from ransom payments.[47] In addition, UNSC resolution 2161 (2014) confirms that the prohibition on providing funds to individuals and entities on the Al-Qaida Sanctions List, including ISIL, also applies to the payment of ransoms to individuals, groups, undertakings or entities on the list, regardless of how or by whom the ransom is paid.[48] As such, resolution 2161 applies to both direct payments and indirect payments through multiple intermediaries, of ransoms to groups or individuals on the Al-Qaida Sanctions List. These restrictions apply not only to the ultimate payer of the ransom, but also to the parties that may mediate such transfers, including insurance companies, consultancies, and any other financial facilitators.

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The overall quantitative value of external donations to ISIL is minimal relative to its other revenue sources, but ISIL has received some funding from wealthy private regional donors. On September 24, 2014, an ISIL official who received a 2 million USD donation emanating from the Gulf was listed and sanctioned by the US Department of the Treasury. ISIL has also turned to enabled contributions

[44] See Monitoring Team Report on ISIL and ANF, at 24; see Salman, R., & Holmes (2014).

[45] US Department of Treasury (2015).

[46] FATF (2011).

[47] UNSCR 2133 (2014), OP3; UNSCR 2170 (2014), OP 17.

[48] UNSCR 2161 (2014), OP7

for financial backing to support its military campaign (see section on *Funding through modern communication networks*).[49]

Foreign donor support could increase in importance for ISIL as other sources of revenue diminish. There is also a risk that US-listed individuals and groups that have recently pledged allegiance to ISIL, including one faction of the Philippines-based Abu Sayyaf Group and Egypt-based Ansar Bayt al-Maqdis (ABM), may also develop stronger organisational ties that could lead to the provision of funding from one group to ISIL or vice versa.[50] Funds from these groups may be remitted through the international financial system.

Some delegations identified terrorist financing risks regarding wire transfers from charitable foundations to conflict zones or areas where ISIL operates. Other risks identified include the presence of NPOs raising funds for recipients in a third country which are or are suspected to be part of an organisation structure that engages in violent or paramilitary activities. These risks are enhanced when the source of the funds and purpose of the transaction is not known or cannot be verified. These instances include transactions not listing any reference or using generic terms such as "other", "services" and "goods". In some cases, public appeals for donations have not correlated with the organisations' stated purpose (e.g. educational, health care or humanitarian relief).

Case Study 1: **Distance adoptions-related donations performed by a FTF**

The account at an Italian bank of an organisation based in Northern Italy promoting charitable activities (*e.g.,* distance adoptions) in Syria received cash deposits and wire transfers (mostly involving small amounts) sent by numerous individuals and entities in located in Italy and Europe. Once credited, funds were sent to Turkey, where they would be withdrawn for their final legitimate use (most descriptions associated with the transactions referred mainly to "adoptions").

At a later stage, with reference to a limited number of transfers, investigations revealed that one of the donors was a member of an extremist group located in the North of Italy aimed at recruiting people to engage in violent extremism. Financial analysis eventually showed that this individual, who subsequently died fighting in Syria, used the organisation as unwitting conduit for fund transfers possibly connected to his terrorist activity.

Source: Italy

Some delegations have noted the movement of money among charitable organisations and principal officers purportedly serving the needs of Syrian refuges. The movement of these funds may be linked to an organisation's inability to transfer funds internationally, or who are relying on partner organisations to move funds on their behalf. However, such movement can give the appearance that charities may be attempting to obscure the source of their funds before they are transferred overseas. Charitable donations moved via physical cross-border transportation may also pose TF risks. On one occasion an EU member state's police liaison in Ankara requested that Turkish authorities stop and search three trucks that were expected to leave for Turkey, under the suspicion

[49] Monitoring Team Report on ISIL and ANF, at 25.

[50] Fadel, L. (2014).

that the trucks contained material for radical groups in Syria, organized by charity groups in that country. The source country's authorities claimed to not be able to stop the trucks themselves due to lack of sufficient regulations. It should be emphasized that the above examples are relatively isolated in nature, and while certain payments, from, to or through NPOs operating in these areas may require higher due diligence, they are not meant to imply that all transactions to or through NPOs operating in these areas are high risk.

Case Study 2: **Diversion of Funds by Actors to NPOs**

An individual (Mr. A) established a charitable foundation under the pretext of collecting donations for Syrian refugees, people in need of medical and financial aid, and construction of mosques, schools and kindergartens. However, Mr. A was the leader of an organized scheme in which donations were sent to a group of individuals related to Mr. A (Group A) instead of the foundation's account. In most cases, the first stage involved money being sent through money remitters and then transported in cash. The money was then transferred either to credit cards accounts or to e-wallets. The members of Group A placed the relevant information (that funds are being collected for the declared purposes) on the Internet, but, in fact, the funds were sent as an aid for terrorists and their families and meant to be used as a financial support for terrorist activities.

This information was discovered through investigations conducted by the FIU based on regular monitoring of entities on their domestic list of designated terrorist entities and related persons or on information provided by law enforcement. Analysis of the collected information allowed the FIU to identify the relation between different cases: common payers and recipients and similar modus operandi in collection and distribution of funds. Further cooperation with law enforcement authorities allowed the FIU to establish the direct link between Mr. A and ISIL's activity. This resulted in several criminal investigations related to Mr. A. In addition, Mr. A was listed on the domestic list of designated terrorist entities, with the relevant freezing procedures performed. Under the court decisions, assets of the Group A members were frozen.

Source: Russian Federation

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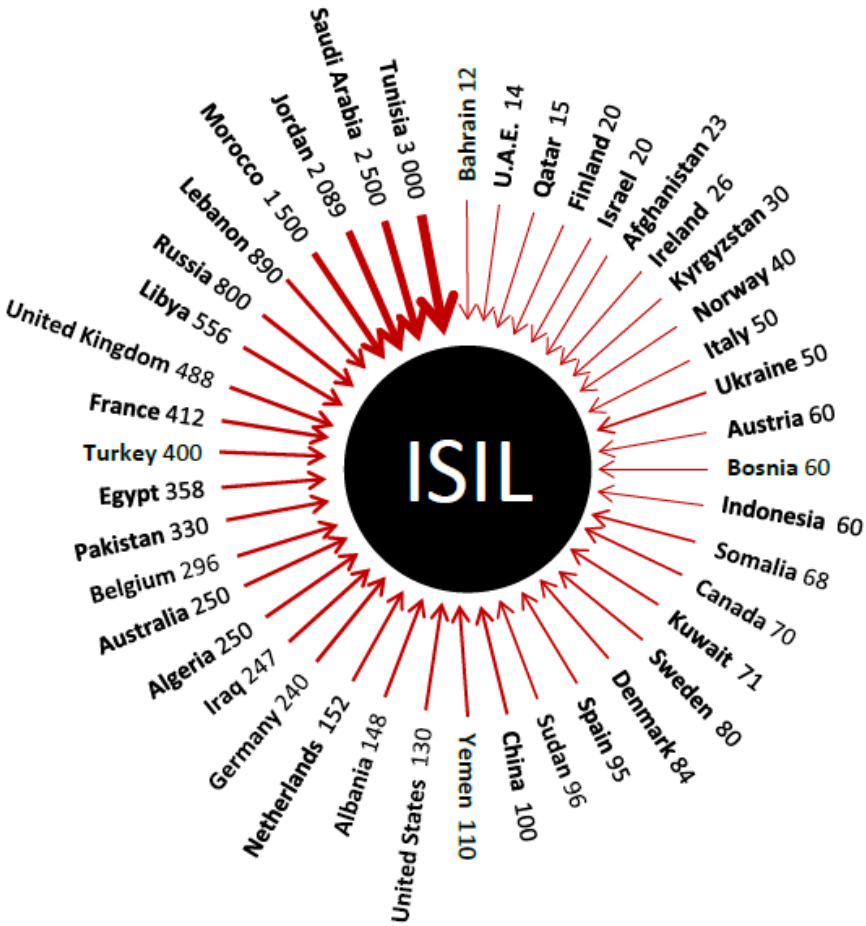
The term material support is used as outlined in the FATF definition of "funds and other assets," which includes "financial assets, economic resources, property of every kind." Foreign terrorist fighters (FTFs) continue to be a relatively small, but important source of funding for ISIL. This includes FTFs collecting money in their home country for travel; FTFs traveling with funds and Diasporas sending funds to support FTFs. These volunteers and their respective social networks are the source from which ISIL receives some physical and monetary support. According to US government information, as of December 31, 2014, at least 19,000 FTFs from more than 90 countries have left their home countries to travel to Syria and Iraq to join ISIL. This pool of international supporters is the source from which ISIL receives both physical and some monetary support. While significant in terms of manpower, the overall financial contributions from such sources are relatively low.

The following graphic[51] details the breakdown of which countries FTFs are originating from[52].

Graphic 1. **Breakdown of FTFs by country of origin**



ISIL has benefitted from supporters developing recruitment hubs in various places around the world.[53] The payment of fighters and the development of international recruitment hubs are endemic to a global movement, as seen in the case of core-AQ. Managing a multinational operation and the logistical and financial framework will require, in one form or another, use of the conventional banking system. Finland has reported that a common methodology for financing FTFs

[51] Based on a information originally published by the *Washington Post* on October 30, 2014. While the graphic and associated story estimates the number of FTFs at approximately 15 000 FTFs from 80 countries, this is not the most current estimate of FTFs, which has been included above. Nonetheless, the broader geographic trends in FTF origination illustrated are still accurate.

[52] Miller, G. (2014).

[53] Monitoring Team Report on ISIL and ANF, at 28; Dalton, M. & Coker, M. (2014).

is to send money via money remitters (i.e. MVTS) who have agents operating in border areas close to ISIL held territory. This is to finance them once they are in Syria/Iraq.

The Netherlands authorities have observed that in some cases FTFs have to pay for their own living expenses and to that end receive funds from their respective home countries. Such transfers have been found to vary from several hundred euros to several thousand euros per transaction. The Netherlands has detected funds being transferred via regulated money and value transfer systems (MVTS) to agencies located near territories where ISIL operates. Netherlands authorities regard it highly likely that in other cases intermediaries transport cash to areas near territory occupied by ISIL. The Netherlands has also found indications that FTFs use debit-cards that are linked to their national bank accounts when withdrawing money from ATMs alongside those areas where ISIL operates. (See page 17 for US case study on continued access to bank accounts by FTFs.)

Case Study 3: **Material Support**

A suspicious traveller from a Nordic country arrived in İstanbul Sabiha Gökçen Airport. Upon his interview by the competent authorities, he admitted that he travelled to Turkey with the intention of traveling to Syria and to join ISIL. This case involves the use of material support as resources. Camouflage, AK-47 type gun parts and cartridges, a first aid kit, three knives, binoculars, batteries, sport shoes, wire ropes, torches and military supplies were found in his luggage. He was denied entry into Turkey and was deported to his country of residence.

Source: Turkey

Suspected FTFs are also seen funding their own travel to ISIL-held regions to join the group's terrorist campaign. Self-funding scenarios are often limited to the purchasing of airline tickets or physically carrying small amounts of cash (less than USD 1 000) which are often based on personal earnings. Many of these fighters travel to Syria and Iraq with just enough cash to finance their travel expenses, while some abuse the cash declaration or disclosure requirements for cross-border transportation, sometimes taking significant sums of cash across borders into Syria and Iraq to the benefit of ISIL. While these methods are often difficult detect, it provides an opportunity for relevant authorities, such as Financial Intelligence Units (FIUs) and border agencies to work together to detect instances of terrorist financing.

Case Study 4: **Examples of identified revenue streams of FTFs**

- Proceeds of robbery and drug trafficking
- Social benefits, from unemployment to family allowances
- Non paid off consumer loan, below 10 000 euros, withdrawn in cash
- Opening of several bank accounts and use of bank overdraft limit to withdraw cash
- Donations by family, friends and supporters, raised through social media, and sent by cash or wire transfers

Source: France

Annex 114

E. Benmelech & E.F. Klor, "What Explains the Flow of Foreign Fighters to ISIS?", *National Bureau of Economic Research*, Working Paper 22190 (April 2016), *available at* https://www.nber.org/papers/w22190.pdf

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WHAT EXPLAINS THE FLOW OF FOREIGN FIGHTERS TO ISIS?

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What Explains the Flow of Foreign Fighters to ISIS?
Efraim Benmelech and Esteban F. Klor
NBER Working Paper No. 22190
April 2016
JEL No. H0,H56,K42,O52,O53

ABSTRACT

This paper provides the first systematic analysis of the link between economic, political, and social conditions and the global phenomenon of ISIS foreign fighters. We find that poor economic conditions do not drive participation in ISIS. In contrast, the number of ISIS foreign fighters is positively correlated with a country's GDP per capita and Human Development Index (HDI). In fact, many foreign fighters originate from countries with high levels of economic development, low income inequality, and highly developed political institutions. Other factors that explain the number of ISIS foreign fighters are the size of a country's Muslim population and its ethnic homogeneity. Although we cannot directly determine why people join ISIS, our results suggest that the flow of foreign fighters to ISIS is driven not by economic or political conditions but rather by ideology and the difficulty of assimilation into homogeneous Western countries.

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1. Introduction

About 30,000 fighters from at least 85 countries have joined the Islamic State of Iraq and Syria (ISIS) as of December 2015. Although the great majority of ISIS recruits come from the Middle East and the Arab world, many foreign fighters also come from Western nations, including most members of the European Union, as well as the United States, Canada, Australia, and New Zealand. Thousands of fighters from Russia and hundreds from Indonesia and Tajikistan have also joined ISIS. The recruitment of foreign fighters to join ISIS is a global phenomenon.[1]

Because of the threat ISIS poses to other nations, it is critical to understand the factors that lead foreigners to join this Islamic jihadist state. Foreign recruits represent a threat to the international community for a number of reasons. After joining ISIS, they engage in combat in Syria and Iraq against ISIS enemies. They also can easily return home from combat largely unnoticed on their government-issued passports. As returnees trained in terrorist tactics and furnished with new connections, these fighters can create terror networks to commit attacks at home (Hegghammer, 2013). For example, Abdelhamid Abaaoud, the alleged leader of the cell that committed the Paris attacks in November 2015, visited Syria, returned radicalized, and recruited an extensive network of accomplices to conduct the attacks (*The Guardian*, November 18, 2015).

Foreign fighters also provide ISIS with the human capital needed to operate in foreign countries. Once in Syria or Iraq, they can recruit operatives and lead them to commit attacks in Western countries without even returning home. As FBI director James Comey stated (House Homeland Security Committee Hearing, September 2014),

> *Foreign fighters traveling to Syria or Iraq could, for example, gain battlefield experience and increased exposure to violent extremist elements ... they may use these skills and exposure to radical ideology to return to their countries of origin, including the United States, to conduct attacks on the Homeland.*

The extreme gravity of this phenomenon leads us to ask: Why do people from all over the world join ISIS? We provide the first systematic analysis of the link between economic, political, and social conditions with the global phenomenon of ISIS foreign fighters. We combine a detailed data set on the number of ISIS foreign fighters emerging from countries around the world with data on

[1] The only country in the Middle East for which there are no records of ISIS foreign fighters is Cyprus.

countries' social, political, and economic indicators. These indicators capture individual countries? political freedom, social fragmentation, economic development, inequality, and unemployment.

We find that poor economic conditions do not drive participation in ISIS. In contrast, the number of ISIS foreign fighters is positively correlated with a country's GDP per capita and its Human Development Index (HDI). In fact, many foreign fighters originate from countries with high levels of economic development, low income inequality, and highly developed political institutions. Other factors that explain the number of ISIS foreign fighters are the size of a country's Muslim population and the degree of its homogeneity. Interestingly, a country's political characteristics are not correlated with the number of ISIS fighters from that country. The results are robust for different empirical specifications, econometric models, and samples of countries.

The notion that social, economic, and political conditions may correlate with terrorism is not new. The widespread view among policy makers after the 9/11 attacks is that poverty breeds terrorism. This view is based largely on research into the economics of conflict, which suggest that political unrest is correlated with poor economic conditions. For example, Alesina et al. (1996) argue that poor economic conditions increase the likelihood of political coups, and Collier and Hoeffer (2004) and Miguel, Satyanath, and Sergenti (2004) show that poor economic conditions are correlated with civil wars.

A growing body of empirical literature either confirms a negative correlation between terrorism and economic prosperity [Abadie (2006); Benmelech, Berrebi, and Klor (2012)] or finds no correlation between the two [Krueger and Maleckova (2003); Drakos and Gofas (2006); Piazza (2006); Krueger and Laitin (2008)]. To our knowledge, our study is the first to find a robust positive correlation between GDP per capita, HDI, and volunteering into an insurgent army. It even contrasts with a similar analysis by Krueger (2006) that focuses on foreign fighters captured in Iraq in 2005. As in our study, Krueger (2006) finds that countries with a large Muslim population are more likely to have more of their citizens join the Iraqi insurgency. Contrary to our findings, however, Krueger (2006) reports that low levels of civil liberties or political rights are associated with a larger number of foreign fighters captured in Iraq, and he finds no correlation between the number of fighters and GDP per capita.

Our results indicate that foreign recruits into terror organizations come from a new type of country: they come largely from prosperous, ethnically and linguistically homogenous countries. We believe that this novel finding is explained by the willingness of individuals to volunteer into ISIS

(the supply of foreign fighters) and by ISIS recruitment strategy (the demand for foreign fighters). As much of the previous literature states, most recruits are driven by religious and political ideology. Our analysis suggests that the more homogenous the host country is, the more difficulties Muslim immigrants experience in their process of assimilation. This induces some of them to radicalization (Gould and Klor, 2016). On the demand side, it is documented that ISIS targets recruits from prosperous Western countries (Weiss and Hassan, 2014). These recruits bring to ISIS all the benefits mentioned above. ISIS lures this target audience by preying on impressionable youth through its sophisticated propaganda machine and use of social media.

The rest of the paper is organized as follows. Section 2 describes the data used in the paper and presents the summary statistics. Section 3 contains the empirical analysis of the determinants of ISIS foreign fighters. Section 4 concludes.

2. Data and Summary Statistics

The main data set used here comes from two reports issued by the Soufan Group, which provides strategic security intelligence to governments and multinational organizations. The first report, *Foreign Fighters in Syria*, by Richard Barrett, was published in June 2014 (Barrett, 2014). This report calculates the number of ISIS foreign fighters from each country using official estimates of the number of citizens and residents of each country who have traveled to fight in Syria. According to Barrett (2014, p. 11), the figures are based generally on information gathered from social media, community sources, or investigations. Because ISIS prefers to conceal the identity of its members, it is likely that the reported numbers underestimate the actual number of recruits. As Barrett (2014, p. 12) writes:

> *It is only when someone dies that his family learns that he went to Syria, either through a telephone call from a friend designated by the dead fighter for that purpose, or through a death notice published on a group's website, Facebook page or Twitter feed.*

Barrett (2014) provides estimates of the number of citizens or residents who have joined ISIS and have traveled to fight in Syria for 25 countries. He also lists 57 countries from which citizens or residents are reported to have joined ISIS and traveled to fight in Syria but for which no official count exists.

A report by the Soufan Group updates the numbers in Barrett (2014). This report, titled

Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq (Soufan Group, 2015), was released in December 2015. In addition to providing data on 65 countries of the number of citizens or residents who have joined ISIS and have traveled to fight in Syria and Iraq, the report lists 20 nations from which citizens or residents are reported to have joined ISIS and traveled to fight in Syria but for which no official or unofficial count exists.

2.1. Ranking of ISIS Foreign Fighters by Country

Table 1 ranks countries based on the number of its citizens or residents who have become ISIS fighters. The information is based on data in Soufan Group (2015). For each country, the official count of ISIS foreign fighters is listed along with unofficial estimates when available. As the table demonstrates, Tunisia has the highest number of ISIS foreign fighters (6,000), followed by Saudi Arabia (2,500), Russia (2,400), Turkey (2,100), and Jordan (2,000). Among countries in Western Europe, France has the highest number of ISIS foreign fighters (1,700), followed by Germany (760), the United Kingdom (760), and Belgium (470). Cambodia, Moldova, Romania, and South Africa have only one ISIS foreign fighter each.

Table 2 provides information on the 15 countries for which there are only unofficial counts (Soufan Group, 2015). According to unofficial data, there are 600 ISIS foreign fighters from Libya, followed by 500 from Kyrgyzstan, and 360 from Turkmenistan. Kuwait and Somalia have 70 ISIS fighters each, followed by Serbia with 60, and Afghanistan, Georgia, and Trinidad and Tobago with 50 each.[2] Table 3 lists the 20 countries for which there are indications that citizens or residents have left to join ISIS and fight in Syria or Iraq but no official or unofficial count exists.

Next, we calculate the number of ISIS foreign fighters per million by dividing the number of ISIS fighters from each country by the country's population (in millions), using data from the World Bank. We use the official count of foreign fighters for countries when this figure is available (Table 1). Otherwise, we use the unofficial count presented in Table 2. Table 4 shows the population-based ranking of ISIS fighters. Tunisia ranks first in the number of ISIS foreign fighters to overall population, with 545.5 ISIS fighters per million individuals, followed by the Maldives (500 per million), Jordan (303 per million), and Lebanon (200 per million). Among Western European countries, Belgium ranks first (42 per million), followed by Austria (35.3 per million), Sweden (30.9

[2]In cases in which either the official or the unofficial count is reported as a range in the report by The Soufan Group (2015) we use the mid-range point as the count number.

per million), and France (25.7 per million).

Table 5 shows the number of ISIS foreign fighters relative to the Muslim population in each country (in millions).[3] As the table illustrates, Finland has the largest number of ISIS foreign fighters relative to the size of its Muslim population, followed by Ireland, Belgium, Sweden, and Austria. This table already suggests that inequality and poverty are unlikely to be root causes of recruits joining ISIS. After all, Finland's GDP per capita in 2010 was equal to $46,205, and it has a Gini coefficient of 27.1, which makes it not only one of the wealthiest countries in the world but also the 11th most egalitarian. Likewise Norway, which ranks fourth worldwide in terms of equality and in the top fifth percentile in GDP per capita, is in the top ten countries with the most ISIS fighters relative to its Muslim population. Belgium and Sweden, which rank third and fourth in the number of ISIS fighters in Table 5, are respectively the 12th and 15th most egalitarian countries in the world.

2.2. Summary Statistics

Table 6 presents descriptive statistics for the number of foreign fighters and the social, economic, and political indicators used in the empirical analysis. It reports mean, 25th, and 75th percentiles along with the median, the standard deviation, the minimum and maximum, and the number of observations for each variable.

The mean number of ISIS foreign fighters is 164.29, with a standard deviation of 594.78. In calculating the number of ISIS fighters, we omit the countries reported in Table 3, given that information on their number of foreign fighters is unavailable. Next, we define a dummy variable that takes the value of 1 for countries with at least one ISIS fighter (including countries listed in Table 3), and zero otherwise. As Table 6 shows, 43.5% of countries have a positive number of ISIS fighters who have traveled to fight in Syria and Iraq.[4] The mean population of countries in the sample is 36.74 million individuals, with an average Muslim population of 24.2% and a median of 2.7%.

We use the World Bank's GDP per capita (in current US prices, 2010) as our first measure of economic development. The GDP per capita in 2010 ranges from $214 to $145,221 with a mean (median) of $14,404 ($5,056). We also use the United Nations Human Development Index (HDI)

[3]The data on Muslim populations are as of 2010 and were obtained from the Pew Research Center, a nonpartisan American think tank that provides information on social issues, public opinion, and demographic trends.

[4]Given that the analysis in this paper focuses on foreign fighters we exclude Iraq and Syria from the sample.

from 2010 as an alternative measure of economic development. The HDI measures the well-being of the residents of a country based on three different dimensions: education, health, and income. This measure is constructed using country data on life expectancy at birth, school enrollment ratio, adult literacy, and GDP per capita. The index has a potential range of zero to 1, though the actual minimum is 0.326 (Niger) and the maximum is 0.94 (Norway). As a measure of income inequality, we focus on the Gini Index, which is available from the World Bank database for 151 countries. The Gini Index ranges from a minimum of 16.6 (Azerbaijan) to a maximum of 63.4 (South Africa), with a mean of 39.36. Our final economic measure is unemployment. The unemployment rate across the 164 countries for which data are available in 2010 is on average 8.61%, with a 25th percentile of 4.65% and a 75th percentile of 10.50%.

As our measure of political freedom, we use Freedom House's Political Rights for the year 2010. The Political Rights Index ranges from 1 to 7, with high values representing the absence of political rights. Table 6 shows that at least 25% of the countries in our sample are full democracies with a political rights index equal to 1.

We also include in our analysis indices for ethnic, linguistic, and religious fractionalization. These indices were built in Alesina et al. (2003) and have been updated every year since by the Quality of Government Institute at the University of Gothenburg. The indices calculate the probability that two randomly selected individuals from a given country will not share the same ethnicity, language, and religion. As with all previous measures, the indices show a great deal of variation among the countries in our sample. Korea, Japan, and Portugal are examples of countries with very low ethnic and linguistic fractionalization, whereas African countries (for example, Cameroon, Kenya, and Liberia) show high levels of ethnic and linguistic fractionalization. Muslim countries tend to have low levels of religious fractionalization (for example, Algeria, Morocco, and Turkey are all below 0.01), whereas Australia, the United States, and South Africa are the three countries with the highest levels of religious fractionalization (their levels are 0.821, 0.824, and 0.86, respectively).

Last, we collect information on the distance in kilometers between each of the countries and Syria. The mean distance is 6,265.9 kilometers and ranges from a minimum of 84 kilometers to a maximum of 16,651 kilometers.

3. Empirical Analysis

3.1. Determinants of ISIS Foreign Fighters

Before we move into the systematic analysis of the determinants of ISIS foreign fighters, we provide a preview of the main correlations of interest in Figures 1 and 2. Figure 1 presents scatter plots (together with the estimated linear fit) of the economic indices used in the analysis with the number of ISIS foreign fighters normalized by each country's Muslim population. Figure 2 presents similar scatter plots but focuses on the Political Rights Index and the available indices of fractionalization. Only countries with a positive number of ISIS foreign fighters are included in the plots.

Figure 1 shows that the number of ISIS foreign fighters per Muslim residents is (i) positively correlated with GDP per capita and with HDI, the available measures of economic prosperity; (ii) negatively correlated with economic inequality; and (iii) not highly correlated with unemployment. These findings directly contradict the recent assertions of Thomas Piketty, the prominent scholar of income inequality. In an op-ed published in *Le Monde* in the aftermath of the recent Paris terror attacks, Piketty (2015) claims that "only an equitable model for social development will overcome hatred." The large number of foreign fighters coming from highly equitable and wealthy countries like Finland, Belgium, and Sweden (see Table 5) and the correlations shown in Figure 1 run contrary to those claims.

Figure 2 presents a similar picture regarding the Political Rights Index and the factionalization indices. The figure shows that most ISIS foreign fighters come from established democracies at the top of the scale on political rights. It is also evident that societies with lower levels of ethnic and linguistic fractionalization contribute more foreign fighters to ISIS per number of Muslim residents.

We turn next to the regression analysis, in which we use different empirical models to estimate the determinants of the flows of ISIS foreign fighters to Iraq and Syria. Table 7 reports results from a probit regression estimating the probability that at least one foreign fighter from a given country joins ISIS. We define a dummy variable that takes the value of 1 for all countries in Tables 1, 2, and 3, and zero otherwise. We use the dummy variable as our dependent variable in the regression analysis reported in Table 7.

In Column (1) of Table 7 we focus exclusively on the economic determinants of joining ISIS. We add to our model political and social variables in Column (2), and we include continent fixed effects in Column (3). As an overall measure of the country's level of development we use the log of

GDP per capita in the year 2010 in the first three columns of the table. In Column (4) we use an alternative measure of development instead of GDP per capita – the Human Development Index – a composite statistic of life expectancy, education, and income per capita indicators, which are used to rank countries into four tiers of human development. In Column (5) we focus on the Gini Index as a measure of income inequality.

As Table 7 demonstrates, a country's population size and the size of its Muslim population are significant determinants of the number of ISIS foreign fighters originating from the country. According to the estimated coefficients, a 10% increase in the size of the Muslim population (relative to its mean) increases the likelihood that there will be at least one ISIS foreign fighter by 1.2 percentage points.

As the first three columns of the table show, GDP per capita and the likelihood that at least one fighter from a given country joins ISIS are highly positively correlated. The coefficient is also of a substantial magnitude: A 10% increase in GDP per capita is associated with an increase of 1.5 percentage points in the likelihood that citizens and residents of the country end up joining ISIS.

Similar to the positive association between GDP per capita and the likelihood of joining ISIS, we find in Column (4) that an alternative measure of development – the Human Development Index – is also positively correlated with the likelihood of joining ISIS. We turn next to analyze the impact of the income inequality on the probability that an individual from the country joins ISIS. Interestingly, Column (5) of Table 7 demonstrates that the marginal effect of the Gini Index of income inequality is negative (though not precisely estimated). In contrast to the assertions made by Piketty (2015), we do not find that an increase in income inequality is associated with an increase in the likelihood of joining ISIS. Moreover, we find a positive correlation between unemployment and ISIS foreign fighters – although, as we show in our robustness tests Tables, this correlation is driven entirely by Muslim countries.

Moving to the political variables, we conjecture that the inability of individuals to participate freely in the political process and exercise freedom of expression and belief may lead to radicalization and increase the likelihood of joining ISIS. Yet, as Columns (2) through (5) of Table 7 show, we find that a country's political characteristics are not correlated with the propensity to join ISIS.

In unreported results we focus exclusively on countries whose Muslim population is less than one third of their total population. When we run the regressions using the subsample of non-Muslim countries, we obtain results that are almost identical to those reported in Table 7 with the full

set of countries. The only difference between the results is that unemployment is not a significant determinant of the likelihood of joining ISIS in non-Muslim countries. That is, we observe a positive correlation between indicators of economic prosperity and the likelihood of joining ISIS, whereas income inequality, unemployment, and social and political conditions are not determinants of joining ISIS in non-Muslim countries.

3.2. Robustness Tests

In this subsection we test the robustness of the baseline findings reported in Table 7 to alternative estimations and model specifications. In Table 8 we conduct similar analysis to Table 7 using the log of the number of ISIS fighters from each country as the dependent variable. We use the group of countries for which the number of ISIS foreign fighters is known either officially or non-officially (Tables 1 and 2), as well as all countries for which there are no ISIS foreign fighters – that is, all the other countries in the world excluding those countries in Table 3, resulting in 143 countries.[5] We set the number of ISIS foreign fighters at zero for all countries that are not listed in Tables 1, 2, and, 3, and the dependent variable is defined as the log of (1+Number of ISIS fighters).

The results in Table 8 are generally similar to those documented in Table 7. As Table 8 shows, the main determinants of the number of ISIS foreign fighters are the size of the country's Muslim population, its economic prosperity – measured by either GDP per capita or HDI – and its ethnic fractionalization.[6]

We estimate regressions for all countries (Columns (1) - (5)) as well as for only non-Muslim countries – countries whose Muslim population is less than one third of their total population – in Columns (6)-(8). As the table demonstrates, whereas general measures of economic development such as GDP per capita and HDI are positively correlated with the number of ISIS foreign fighters, unemployment is positively associated with the number of ISIS foreign fighters only in Muslim countries. Moreover, our measure of income inequality (Gini) is not correlated with the number of ISIS foreign fighters in either sample.

As Column (6) of Table 8 demonstrates, among non-Muslim countries, the elasticities of ISIS foreign fighters to the Muslim population and GDP per capita are 0.384 and 0.507, respectively.

[5] Countries in Table 3 are countries with ISIS foreign fighters but for which official or non-official counts are not available.

[6] The three available measures of fractionalization are highly correlated. Hence, from Table 8 onwards we include only ethnic fractionalization in the empirical models to avoid concerns related to multicollinearity. We obtain the same results if we include either of the other two available measures of fractionalization.

That is, an increase of 10% in the size of the Muslim population is associated with an increase of 3.8% in the number of ISIS foreign fighters, and an increase of 10% in GDP per capita is associated with an increase of 5.1% in the number of ISIS foreign fighters. This column also shows that ethnic fractionalization is highly negatively correlated with the number of ISIS foreign fighters – implying that these fighters tend to come from more ethnically homogenous societies.

Whereas in Table 7 we studied the "extensive margin" of ISIS foreign fighters, Table 9 focuses on the "intensive margin." That is, conditional on a country having at least one ISIS foreign fighter, how do different variables affect the number of ISIS foreign fighters from a particular country? For this purpose, Table 9 further restricts the sample by looking only at countries with both an official or a non-official count of ISIS foreign fighters and, according to these data, with at least one foreign fighter. We use the official count whenever it is available (the countries listed in Table 1) and the non-official count when an official count does not exist (the list of countries in Table 2), and we define the dependent variable as the log of the number of ISIS fighters.

Count data, official or non-official, exists for 65 countries. Given that data on the explanatory variables does not exist for every country – the final sample that is used in the regression in the first column includes 61 countries with non-zero count data. Of course, this limits the available variation in the data, especially when we also control for continent fixed effects. As before, we include all countries with available information in Columns (1)-(5) and non-Muslim countries in Columns (6)-(8).

As Table 9 illustrates, the elasticity of the number of ISIS fighters to the size of the country's Muslim population is significant at the 1% level and is between 0.718 and 1.110. That is, a 10% increase in the size of the Muslim population is associated with between seven and 10% increase in the number of ISIS foreign fighters. Although the smaller sample size does not allow us to estimate the coefficients on the economic and social variables with sufficient precision, their sign and magnitudes are in line with those estimated in Table 8. The estimates in Table 9 confirm the conclusion from the previous tables that dire economic conditions are not root causes of participation in ISIS operation in Iraq and Syria.

We next analyze the link between the number of ISIS foreign fighters and economic conditions using a count data model because the dependent variable is a nonnegative integer, and we report the results in Table 10. One common feature of count data (which also holds in the ISIS foreign fighters data) is that the conditional variance is higher than the conditional mean – that is, the

data exhibit overdispersion. Given the overdispersion in the number of ISIS foreign fighters, we use a negative binomial model to estimate the effects of economic, political, and social conditions on the number of foreign fighters in each country.

Consistent with the previous analyses, Table 10 also shows that (i) there exists a positive and highly significant correlation between the number of ISIS foreign fighters and the size of the local Muslim population; (ii) the number of ISIS foreign fighters and economic development (measured by either GDP per capita or HDI) are positively correlated; and (iii) there is a negative correlation between social fractionalization and the number of ISIS foreign fighters. Interestingly, our negative binomial estimates suggest not only that income inequality does not lead to more participation in ISIS but, in fact, that income inequality exhibits a significant negative correlation with the number of ISIS foreign fighters. That is, controlling for other socioeconomic variables, income inequality is associated with fewer – not more – ISIS foreign fighters.

4. Conclusion

Using data on the number of ISIS foreign fighters from around the world, we provide a systematic analysis of the link between economic, political, and social conditions and the global phenomenon of ISIS foreign fighters. Our results show that, in contrast to conjectures made recently by economists and policy makers, economic conditions are not the root causes of the global phenomenon of ISIS foreign fighters. In fact, many foreign fighters originate from countries with high levels of economic development, low income inequality, and highly developed political institutions.

If poverty and lack of social equality are not to blame, then why are Western European countries disproportionately significant sources of ISIS foreign fighters? The reason lies in other country characteristics: they are ethnically and linguistically homogenous. In fact, the more homogenous the host country is, the greater difficulty immigrants such as Muslims from the Middle East experience in assimilating. As other research has shown, isolation induces some of them to become radicalized.

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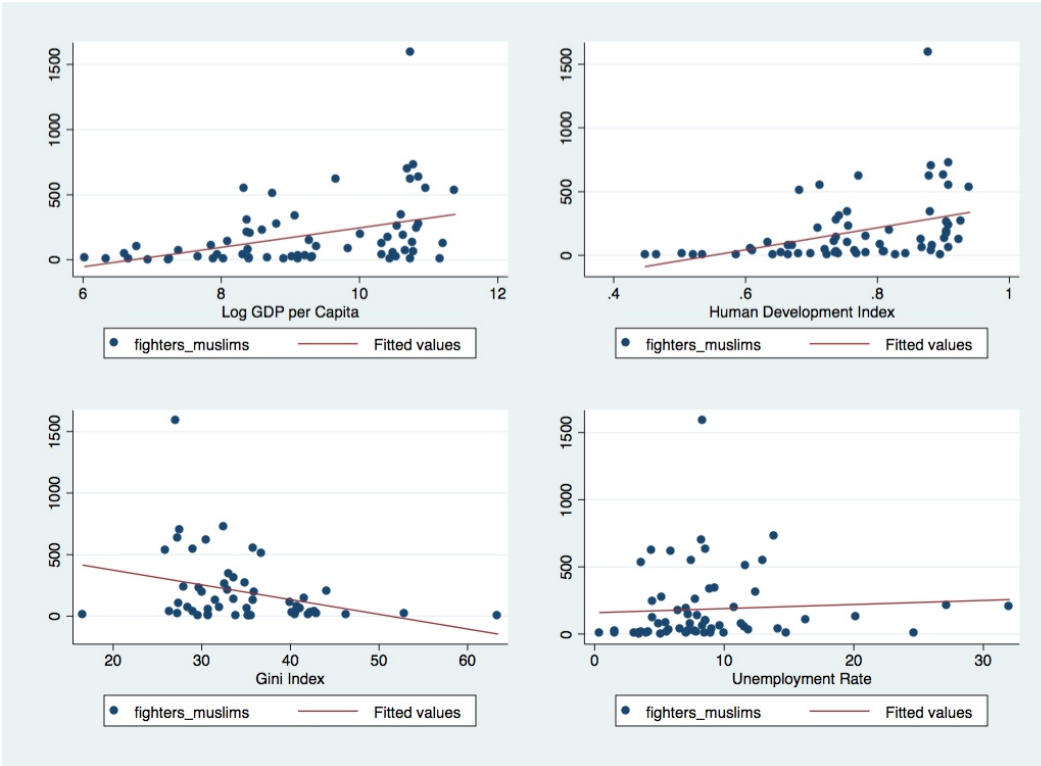

Figure 1: Correlation between Number of ISIS Foreign Fighters (as Percentage of Muslim Population) and Economic Indices

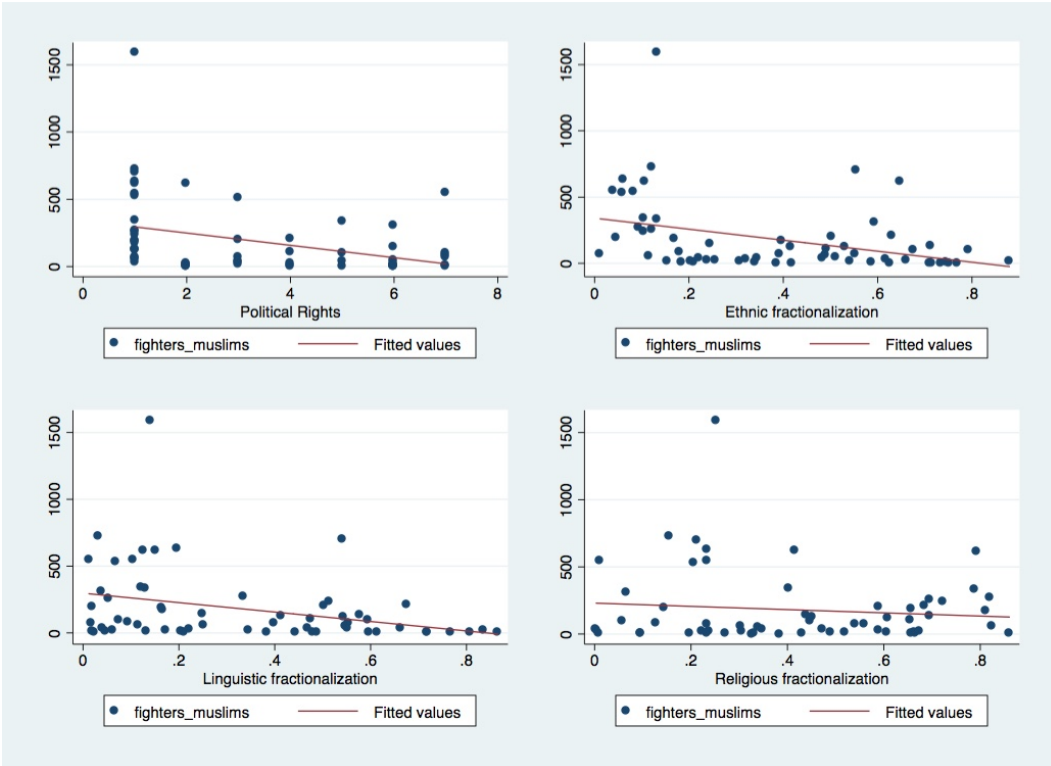

Figure 2: Correlation between Number of ISIS Foreign Fighters (as Percentage of Muslim Population) and Political Rights and Factionalization Indices

Table 1:
Ranking of ISIS Foreign Fighters by Country Based on Official Count

		Count				*Count*	
	Country	Official	Non-Official		Country	Official	Non-Official
1.	Tunisia	6,000	7,000	26.	Spain	133	250
2.	Saudi Arabia	2,500	.	27.	Canada	130	.
3.	Russia	2,400	.	28.	Denmark	125	125
4.	Turkey	2,100	.	29.	Australia	120	255
5.	Jordan	2,000	2,500	30.	Azerbaijan	104	216
6.	France	1,700	2,500	31.	Malaysia	100	.
7.	Morocco	1,200	1,500	32.	Philippines	100	.
8.	Lebanon	900	.	33.	Albania	90	150
9.	Germany	760	.	34.	Italy	87	.
10.	United Kingdom	760	.	35.	Norway	81	60
11.	Indonesia	700	500	36.	Finland	70	85
12.	Egypt	600	1,000	37.	Pakistan	70	330
13.	Belgium	470	470	38.	Sudan	70	100
14.	Tajikistan	386	.	39.	Switzerland	57	.
15.	Bosnia	330	217	40.	Israel	50	.
16.	Austria	300	233	41.	Ireland	30	30
17.	China	300	.	42.	India	23	45
18.	Kazakhstan	300	.	43.	New Zealand	7	6
19.	Sweden	300	300	44.	Brazil	3	.
20.	Kosovo	232	.	45.	Madagascar	3	.
21.	Netherlands	220	210	46.	Singapore	2	.
22.	Maldives	200	60	47.	Cambodia	1	.
23.	Algeria	170	225	48.	Moldova	1	.
24.	United States	150	250	49.	Romania	1	.
25.	Macedonia	146	100	50.	South Africa	1	.

Note: Based on data from Barrett (2014) and The Soufan Group (2015).

Table 2:
Ranking of ISIS Foreign Fighters by Country without Official Count

	Country	Non-Official Count
1.	Libya	600
2.	Kyrgyzstan	500
3.	Turkmenistan	360
4.	Kuwait	70
5.	Somalia	70
6.	Serbia	60
7.	Afghanistan	50
8.	Georgia	50
9.	Trinidad and Tobago	50
10.	Montenegro	30
11.	Argentina	23
12.	United Arab Emirates	15
13.	Portugal	12
14.	Qatar	10
15.	Japan	9

Note: Based on data from Barrett (2014) and The Soufan Group (2015).

Table 3:
Country with ISIS Foreign Fighters without Official or Non-official Counts

	Country
1.	Armenia
2.	Bahrain
3.	Bangladesh
4.	Bulgaria
5.	Chad
6.	Côte d'Ivoire
7.	Czech Republic
8.	Eritrea
9.	Estonia
10.	Hungary
11.	Iran
12.	Luxembourg
13.	Mauritania
14.	Oman
15.	Palestine
16.	Poland
17.	Senegal
18.	Ukraine
19.	Uzbekistan
20.	Yemen

Note: Based on data from Barrett (2014) and The Soufan Group (2015).

Table 4:
Ranking of Countries based on ISIS Foreign Fighters to General Population

	Country	Fighters/Population		Country	Fighters/Population
1.	Tunisia	545.5	31.	Azerbaijan	11.0
2.	Maldives	500.0	32.	Germany	9.4
3.	Jordan	303.0	33.	Serbia	8.5
4.	Lebanon	200	34.	Switzerland	7.0
5.	Kosovo	128.9	35.	Egypt	6.7
6.	Libya	95.2	36.	Somalia	6.7
7.	Bosnia	86.8	37.	Ireland	6.5
8.	Kyrgyzstan	86.2	38.	Israel	6.1
9.	Saudi Arabia	80.9	39.	Australia	5.1
10.	Macedonia	69.5	40.	Qatar	4.5
11.	Turkmenistan	67.9	41.	Algeria	4.4
12.	Montenegro	50	42.	Canada	3.7
13.	Tajikistan	46.5	43.	Malaysia	3.3
14.	Belgium	42.0	44.	Spain	2.9
15.	Trinidad and Tobago	35.7	45.	Indonesia	2.8
16.	Morocco	35.4	46.	Sudan	1.8
17.	Austria	35.3	47.	United Arab Emirates	1.7
18.	Albania	31.0	48.	Afghanistan	1.6
19.	Sweden	30.9	49.	New Zealand	1.5
20.	Turkey	27.7	50.	Italy	1.4
21.	France	25.7	51.	Portugal	1.2
22.	Denmark	22.3	52.	Philippines	1.0
23.	Kuwait	18.4	53.	Argentina	0.5
24.	Kazakhstan	17.3	54.	United States	0.5
25.	Russia	16.7	55.	Pakistan	0.4
26.	Norway	15.9	56.	Singapore	0.4
27.	Netherlands	13.0	57.	Moldova	0.3
28.	Finland	12.7	58.	China	0.2
29	United Kingdom	11.8	59.	Madagascar	0.1
30.	Georgia	11.1	60.	Japan	0.1
			61.	Cambodia	0.7
			62.	Romania	0.5
			63.	South Africa	0.2
			64.	India	0.2
			65.	Brazil	0.1

Note: Data on number of ISIS foreign fighters come from Barrett (2014) and The Soufan Group (2015). Population size data come from the World Bank.

Table 5:
Ranking of Countries based on ISIS Foreign Fighters to Muslim Population

	Country	Fighters/Muslims		Country	Fighters/Muslims
1.	Finland	1590.9	34.	Japan	70.8
2.	Ireland	724.64	35.	Moldova	69.4
3.	Belgium	699.4	36.	United States	58.8
4.	Sweden	631.2	37.	Italy	54.6
5.	Austria	619.2	38.	Tajikistan	47.0
6.	Trinidad and Tobago	615.8	39.	Albania	37.8
7.	Tunisia	546.6	40.	Morocco	35.4
8.	Denmark	544.4	41.	Israel	34.5
9.	Norway	529.4	42.	Kazakhstan	30.8
10.	Maldives	508.1	43.	Turkey	28.1
11.	France	342.4	44.	Argentina	21.4
12.	Lebanon	335.0	45.	Kuwait	21.3
13.	Jordan	306.7	46.	Philippines	19.8
14.	Montenegro	270.3	47.	Romania	16.8
15.	Australia	268.8	48.	Brazil	14.6
16	United Kingdom	256.2	49.	China	12.2
17.	Netherlands	236.7	50.	Madagascar	11.6
18.	Serbia	228.4	51.	Azerbaijan	11.1
19.	Bosnia	208.8	52.	Egypt	7.1
20.	Macedonia	199.2	53.	Somalia	6.8
21.	Portugal	192.3	54.	Qatar	5.9
22.	Germany	187.9	55.	Malaysia	5.5
23.	New Zealand	172.8	56.	Algeria	4.5
24.	Russia	142.7	57.	Cambodia	4.1
25.	Kosovo	140.6	58.	Indonesia	3.1
26.	Canada	130.8	59.	Sudan	2.5
27.	Spain	124.6	60.	Singapore	2.4
28.	Switzerland	122.0	61.	United Arab Emirates	2.2
29.	Georgia	105.8	62.	Afghanistan	1.6
30.	Libya	98.6	63.	South Africa	1.2
31.	Kyrgyzstan	97.1	64.	Pakistan	0.4
32.	Saudi Arabia	83.3	65.	India	0.1
33.	Turkmenistan	72.8			

Note: Data on number of ISIS foreign fighters come from Barrett (2014) and The Soufan Group (2015). Data on the size of countries' Muslim population are from 2010 and come from the Pew Research Center.

Table 6:
Summary Statistics

	Mean	25th Percentile	Median	75th Percentile	Standard Deviation	Min	Max	Observations
Number of ISIS fighters	164.3	0	0	57	594.8	0	6,000	173
Pr(fighters>0)	0.435	0	0	1	0.497	0	1	193
Population_{2014}	36.7	1.8	7.1	23.6	139.8	0.1	1,364.3	193
% Muslims	24.2%	0.0%	2.7%	36.7%	36.4%	0.0%	0.999%	192
$\text{GDP per Capita}_{2010}$	$14,404	$1,419	$5,056	$15,901	$22,633	$214	$145,221	193
Human Development Index	0.683	0.554	0.721	0.795	0.155	0.326	0.940	189
Gini	39.4	33.0	38.1	44.7	8.8	16.6	63.4	151
Unemployment	8.61%	4.7%	7.6%	10.5%	5.71%	0.4%	32%	164
Political Rights	3.33	1	3	5	2.12	1	7	184
Ethnic Fractionalization	0.44	0.2	0.43	0.67	0.26	0	0.93	179
Linguistic Fractionalization	0.40	0.13	0.38	0.65	0.28	0.002	0.92	174
Religious Fractionalization	0.44	0.23	0.46	0.65	0.23	0.002	0.86	182
Distance to Syria (in Km)	5960.9	2,737	4,753	9,444	4,081.5	84	16,651	193

Note: This table provides summary statistics for the main variables used in the paper. See main body of the manuscript for a detailed description of data sources.

Table 7:
The Likelihood of Joining ISIS: All Countries

	(1)	(2)	(3)	(4)	(5)
Sample	All Countries	All countries	All countries	Non-Muslim countries	All Countries
Dependent Variable:	Pr(fighters>0)	Pr(fighters>0)	Pr(fighters>0)	Pr(fighters>0)	Pr(fighters>0)
Log(population)$_{2014}$	0.076 **	0.082 **	0.077 *	0.061	0.101 **
	(0.036)	(0.038)	(0.042)	(0.041)	(0.050)
Log(Muslim population)$_{2010}$	0.0100 ***	0.111 ***	0.119 ***	0.126 ***	0.108 ***
	(0.023)	(0.027)	(0.028)	(0.028)	(0.029)
Log(GDP per capita)$_{2010}$	0.216 ***	0.198***	0.147 ***		
	(0.040)	(0.041)	(0.045)		
Human Development Index				1.622 ***	
				(0.533)	
Gini					-0.012
					(0.010)
Unemployment	0.022 **	0.021 **	0.027 ***	0.025 **	0.035 ***
	(0.009)	(0.009)	(0.010)	(0.010)	(0.012)
Log(Distance to Syria)	-0.166 *	-0.175 *	-0.105	-0.100	-0.020
	(0.092)	(0.098)	(0.108)	(0.108)	(0.092)
Political Rights		0.038	0.043	0.043	-0.009
		(0.028)	(0.035)	(0.037)	(0.038)
Ethnic Fractionalization		-0.067	0.253	0.246	-0.195
		(0.345)	(0.438)	(0.421)	(0.510)
Linguistic Fractionalization		-0.549	-0.591	-0.526	-0.407
		(0.351)	(0.448)	(0.421)	(0.527)
Religious Fractionalization		0.064	0.069	0.033	0.098
		(0.242)	(0.256)	(0.262)	(0.289)
Fixed-Effects					
Continent	No	No	Yes	Yes	Yes
Pseudo R^2					
Observations	163	155	155	154	135

Note: The dependent variable is a dummy variable that takes the value of 1 if there is a positive number of ISIS foreign fighters, and zero otherwise. The table reports the marginal effects from a Probit regression computed at the means of the independent variables. Robust standard-errors appear in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

Table 8:
The Determinants of the Number of ISIS Foreign Fighters

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			All Countries			Non-Muslim Countries		
Log(population)$_{2014}$	0.126	0.129	0.0602	0.0423	0.0586	0.181*	0.149	0.201*
	(0.113)	(0.109)	(0.108)	(0.107)	(0.121)	(0.108)	(0.110)	(0.115)
Log(Muslim population)$_{2010}$	0.417***	0.456***	0.543***	0.540***	0.524***	0.384***	0.404***	0.404***
	(0.0658)	(0.0653)	(0.070)	(0.070)	(0.0773)	(0.0771)	(0.081)	(0.0829)
Log(GDP per capita)$_{2010}$	0.719***	0.663***	0.475***			0.507***		
	(0.0863)	(0.108)	(0.116)			(0.117)		
Human Development Index				5.811***			4.611***	
				(1.265)			(1.309)	
Gini					-0.0312			-0.00704
					(0.0244)			(0.0266)
Unemployment	0.0650**	0.0778***	0.0928***	0.0896***	0.117***	0.0244	0.0311	0.0491
	(0.0271)	(0.0251)	(0.0221)	(0.0241)	(0.0267)	(0.0286)	(0.0269)	(0.0304)
Log(Distance to Syria)	-0.458*	-0.287	-0.423*	-0.397*	-0.254	0.157	0.175	0.250
	(0.235)	(0.232)	(0.242)	(0.240)	(0.331)	(0.416)	(0.420)	(0.489)
Political Rights		0.163*	0.178**	0.188**	0.0404	0.00762	0.00474	-0.143
		(0.0856)	(0.088)	(0.0916)	(0.0963)	(0.0898)	(0.0969)	(0.0992)
Ethnic Fractionalization		-2.409***	-2.154***	-2.011***	-3.000***	-1.444**	-1.749**	-2.338***
		(0.640)	(0.656)	(0.614)	(0.781)	(0.658)	(0.666)	(0.739)
Fixed-Effects								
Continent	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Pseudo R^2	0.581	0.640	0.684	0.689	0.650	0.651	0.634	0.622
Observations	143	141	141	140	123	105	105	95

Note: The dependent variable is the log of (1+ number of ISIS foreign fighters). The reported coefficients are from OLS regressions. Robust standard-errors appear in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

Table 9:
The Determinants of the Number of ISIS Foreign Fighters: Intensive Margin

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			All Countries			Non-Muslim Countries		
Log(population)$_{2014}$	-0.281	-0.412**	-0.339*	-0.313	-0.575**	-0.344	-0.330	-0.744*
	(0.176)	(0.190)	(0.199)	(0.196)	(0.245)	(0.279)	(0.284)	(0.400)
Log(Muslim population)$_{2010}$	0.718***	0.811***	0.859***	0.863***	0.914***	0.923***	0.916***	1.110***
	(0.0987)	(0.118)	(0.136)	(0.133)	(0.159)	(0.239)	(0.232)	(0.281)
Log(GDP per capita)$_{2010}$	0.525***	0.359*	0.258			0.387		
	(0.123)	(0.208)	(0.212)			(0.398)		
Human Development Index				4.945**			5.392	
				(2.456)			(4.945)	
Gini					0.0366			0.0281
					(0.0399)			(0.0811)
Unemployment	0.0638	0.0660*	0.0430	0.0621*	-0.0102	0.0461	0.0432	0.0220
	(0.0427)	(0.0357)	(0.0292)	(0.0321)	(0.0335)	(0.0502)	(0.0450)	(0.0426)
Log(Distance to Syria)	-0.228	-0.0893	-0.247	-0.201	-0.100	-0.368	-0.284	0.107
	(0.203)	(0.230)	(0.247)	(0.251)	(0.306)	(0.486)	(0.526)	(0.473)
Political Rights		-0.0298	0.147	0.190	0.115	0.359	0.346	0.220
		(0.145)	(0.142)	(0.132)	(0.145)	(0.284)	(0.253)	(0.280)
Ethnic Fractionalization		-2.589***	-2.635***	-2.183**	-2.783**	-2.704	-2.643	-2.846
		(0.907)	(0.943)	(0.932)	(1.071)	(1.875)	(1.889)	(1.844)
Fixed-Effects								
Continent	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Observations	61	60	60	59	50	35	35	32

Note: The dependent variable is the log of number of ISIS foreign fighters. The reported coefficients are from OLS regressions. . Robust standard-errors appear in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

Table 10:
Negative Binomial Estimates of the Determinants of the Number of ISIS Foreign Fighters

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	All Countries					Non-Muslim Countries		
Log(population)$_{2014}$	-0.461***	-0.506**	-0.365	-0.333	0.166	-0.203	-0.219	0.502
	(0.153)	(0.228)	(0.340)	(0.288)	(0.343)	(0.296)	(0.259)	(0.444)
Log(Muslim population)$_{2010}$	1.261***	1.219***	1.275***	1.240***	1.120***	1.124***	1.094***	0.980***
	(0.134)	(0.174)	(0.248)	(0.237)	(0.280)	(0.208)	(0.206)	(0.300)
Log(GDP per capita)$_{2010}$	1.136***	1.112***	0.886***			0.903***		
	(0.187)	(0.249)	(0.266)			(0.250)		
Human Development Index				14.44***			14.39***	
				(2.186)			(4.816)	
Gini					-0.115***			-0.149**
					(0.0335)			(0.0686)
Unemployment	0.0874*	0.0820*	0.106	0.0987	0.136**	0.0387	0.0133	0.145**
	(0.0501)	(0.0419)	(0.0682)	(0.0610)	(0.0595)	(0.0876)	(0.0752)	(0.0674)
Log(Distance to Syria)	-0.241	-0.120	-0.0640	0.0346	-0.480**	0.0411	0.341	-0.634
	(0.194)	(0.244)	(0.259)	(0.214)	(0.211)	(0.422)	(0.433)	(0.441)
Political Rights		0.146	0.473**	0.453**	0.189	0.221	0.289	-0.0325
		(0.164)	(0.189)	(0.195)	(0.200)	(0.219)	(0.264)	(0.227)
Ethnic Fractionalization		-1.731*	-2.250*	-1.473	-3.732***	0.267	0.537	-1.596
		(1.013)	(1.270)	(1.402)	(1.433)	(2.041)	(2.001)	(1.566)
Fixed-Effects								
Continent	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Pseudo R^2	0.1085	0.1124	0.1303	0.1477	0.1248	0.1638	0.1700	0.1585
Observations	143	141	141	140	123	105	105	95

Note: The dependent variable is the number of ISIS foreign fighters. The reported coefficients are from negative binomial . regressions. Robust standard-errors appear in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

Annex 115

Marc Lynch, "In Uncharted Waters: Islamist Parties Beyond Egypt's Muslim Brotherhood", *Carnegie Endowment for International Peace* (16 Dec. 2016), *available at* https://carnegieendowment.org/2016/12/16/in-uncharted-waters-islamist-parties-beyond-egypt-s-muslim-brotherhood-pub-66483

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In Uncharted Waters: Islamist Parties Beyond Egypt's Muslim Brotherhood

Marc Lynch

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Paper

Arab Islamist parties faced exceptional challenges and opportunities following the 2011 uprisings. After decades of facing authoritarian regimes, they suddenly had to navigate in radically new domestic, regional, and intra-Islamist contexts. Egypt's Muslim Brotherhood had the most spectacular rise and fall, but its experience was atypical of other Islamist parties, which adapted more successfully. These changes overhauled the structure, ideology, and strategy of these parties in ways that unsettled long-standing expectations about their ideas and behavior.

Trends for Islamist Parties

- Islamist parties were poorly equipped to deal with the political openings after the Arab uprisings in 2011, but many have adapted to the aftermath in diverse and pragmatic ways.
- The rise and fall of Egypt's Muslim Brotherhood was critically important across the region, but its experience was not typical compared to other regional Islamist parties.
- Islamist parties have continued to participate successfully in democratic elections despite domestic and regional pressures.
- The challenges to the organizational coherence and hierarchy of many Islamist movements and the failures of their older leaders have led to internal arguments over leadership, ideology, and strategy.
- Islamist parties that have traditionally positioned themselves as alternatives to violent jihadi organizations are struggling with increasingly radical and sectarian regional trends.

Findings and Recommendations

- Islamist parties should be viewed not as uniquely ideological actors but as rational political movements responding to distinctive political opportunities and challenges in each of their countries.
- Islamist parties will continue to play an important role in the politics of most Arab states, despite the pressures they have faced in recent years.
- Because Islamist parties tend to adapt to the political environment in which they operate, regimes should allow opportunities for their continued participation in formal politics rather than force them underground or into violent resistance.
- Islamist parties have typically positioned themselves as centrist movements, providing a means for Islamically oriented citizens to participate nonviolently in mainstream political life. They gain by defending this middle ground rather than veering toward extreme stances that would ultimately marginalize them.
- The rise of the self-proclaimed Islamic State and other Salafi-jihadi movements challenged Islamist parties by offering a seemingly more successful model of action. The need for effective firewalls against radicalization is why the Islamic State's military and political setbacks, especially in Iraq, could create opportunities for the revival of mainstream political Islamist alternatives.

Introduction: The Imperative of Reinvention

Islamist parties have been rocked by the dramatic political upheavals in the Arab world during the past five years. After a decade of patient political participation, outreach to the West, and careful positioning against al-Qaeda, several Islamist parties—all part of the broader Muslim Brotherhood movement—rapidly took over positions of political power in the wake of the 2010–2011 Arab uprisings. These parties won electoral victories in Egypt, Libya, Morocco, and Tunisia, and they played key roles in Western-backed political coalitions in Syria and Yemen.

However, these openings were just as quickly reversed. Tunisia's Ennahdha Party stepped down from power in January 2014 in the midst of political turmoil, and Libya's Islamists fared poorly when legislative elections were held in late June 2014. Most strikingly, the Egyptian military coup of July 3, 2013, overthrew Mohamed Morsi, the Muslim Brotherhood figure who had been elected president in 2012, and triggered an intense crackdown against the organization across the region.

These reversals not only undermined short-term political gains by Islamist political parties, but they also disrupted carefully cultivated gradualist political strategies, discredited long-held ideological and strategic convictions, and reshaped the terrain of Islamist politics. Prior to the Arab uprisings, most Islamist parties presented fairly stable and predictable political strategies, organizational structures, and ideological positions. Both the political openings of 2011 and the harsh reversals in subsequent years placed new demands on these movements. Hasty, erratic political maneuvering replaced cautious long-term political strategies as Islamists struggled to grasp new opportunities and respond to new threats. Today, most Islamist parties find themselves navigating in uncharted waters as they struggle with new forms of state repression, social polarization, organizational distress, regional rivalries, international hostility, and intra-Islamist competition.

The failures of the Muslim Brotherhood in Egypt have often been taken as emblematic of a wider pathology in Islamist politics. The poor choices, alienating behavior, and ultimate failure of the Egyptian Brotherhood after 2011 have been explained in terms of the particularities of its organizational structure and Islamist ideology.[1] But other national Brotherhood organizations have responded quite differently, and more successfully, to recent regional political developments. Even inside Egypt, sharply different approaches have emerged across generational and ideological divides within the Muslim Brotherhood itself.

The track record of the post-Arab uprising period does not support the conclusion that Islamists are especially ideological actors or that they have been revealed to be inherently incapable of participating in democratic politics. Not all Islamist parties face equally grim prospects, and outside of Egypt some have found new opportunities to advance their political agendas. What does the full spectrum of political adjustments by mainstream Islamist parties say about their current conditions and their likely future political prospects?

Political context, not qualities inherent to Islamist ideology or organization, best accounts for the full range of recent outcomes. These Islamist parties had choices shaped by local political context, and some national parties did better than others in steering through their new environments. Islamist party choices should be understood not as pure expressions of their ideology but as responses to political opportunities and challenges. Their choices are often more tactically driven and less ideologically transformative than they may appear at first blush.

As the influential leader of Tunisia's Ennahdha Party, Rached al-Ghannouchi, explained in an August 2016 interview, changes in his own party consistently followed from the political context. Ennahdha was an underground Islamist movement in the 1990s and 2000s when it resisted an autocratic regime, but it became a traditional political party after the 2011 revolution, when it competed within a democratic system.[2] A similar pattern can be seen across multiple Islamist parties in the region. Pragmatism and caution, not ideological or revolutionary fervor, have been and will likely remain the guiding principles for mainstream Islamist political parties as long as political systems provide such opportunities.

This pragmatism has been sorely tested by both the opportunities and threats in the new regional environment. The impact of the environment can perhaps be seen most dramatically in the fortunes of Egypt's Muslim Brotherhood, which found its circumstances transformed through its ascent to power, and then through the military coup and state repression that followed.[3] The Brotherhood first gained unthinkable political power, moving from the margins to the center of political institutions and abandoning the secrecy and caution that had shaped its behavior for decades. It found itself competing not only with liberals and the deep state but also with more ideological Salafists such as the Nour Party, which challenged their Islamic credentials.[4]

After the coup, the Muslim Brotherhood lost the strong, overt presence in society that had evolved over decades through its elaborate network of social services and a tolerated public presence. While it is difficult to know for certain how much of the Muslim Brotherhood's underlying support and organizational network remains intact, regime suppression of its formal nongovernmental organization and political apparatus has forced the organization to go underground. Even if the Brotherhood's social and personal networks have not disappeared, they have been forced to operate under draconian new constraints. The famously disciplined organization is now riven by open struggles over organizational power and political strategy.

Egypt's experience is often understood as typical of the trajectory of all Islamist parties. It is not. Islamist parties have pursued divergent political trajectories, offering useful snapshots of the new political and institutional situations in which they are now operating, following the failure of the Arab uprisings. This requires a rethinking of long-held conclusions about these parties' ideology, strategy, and organization.

The fate of Egypt's Brotherhood represents only one path through a complex new set of trials and opportunities for Islamist parties. Jordan's Muslim Brotherhood, for example, faced a similar, if less extreme, form of social and political repression as Egypt's, yet in September 2016 it chose to enter parliamentary elections and performed well. Tunisia's Ennahdha Party forged a political alliance with its fiercest rival after voluntarily stepping down from power. In Morocco, Islamist parties such as the Justice and Development Party (PJD) and the Justice and Charity Association (Al-Adl wa al-Ihsan) found ways to work effectively within relatively permissive political environments through strategies of electoral self-limitation, reassurance of rivals, and separation between party and movement. In Libya and Syria, Islamist parties positioned themselves between secular groups and jihadists within multipolar conflicts. In Kuwait and Yemen, Islamist parties that had long been part of the countries' mainstream endured through a period of exclusion before returning to the political game.

The behavior of Islamist parties should be analyzed as pragmatic responses to political conditions shaped by domestic, regional, and intra-Islamist dynamics.[5] This new environment affects all political actors, not just Islamists. Too often, Islamist parties are studied in isolation from the broader political field, which can lead to an exaggeration of their strengths or failings. In an Arab world in transition, all actors are struggling to find effective modes of political action, and all have made bewilderingly bad decisions. The same political turmoil that shaped Islamist behavior also drove the rise of extreme anti-Islamist trends across the Middle East, especially in transitional countries such as Egypt and Tunisia.

Some Islamist parties have done far better in the turbulent politics of the last six years than others. This is not to minimize the complexity and powerful challenges facing many of these Islamist parties in the post-2011 Middle East. Regional and national repression has put immense pressure on Muslim Brotherhood branches in major Arab countries, discredited their ideology, and poisoned their public presence.[6]

In Egypt and Jordan, the Muslim Brotherhood today is virtually unrecognizable—divided, confused, and stripped of most of its established sources of political power. More successful franchises, such as those in Morocco and Tunisia, seem to be moving away from traditional forms of religious movement organizations in order to remain viable political actors. The rise of the self-proclaimed Islamic State upended the ideological and political strategy of mainstream Islamist parties; to angry and mobilized Islamist youths, these conventional parties seemed archaic. Islamic State losses in Iraq and Syria have tarnished its appeal and shattered its image of invincibility, but its defeat will not likely undo the damage done to doctrines of moderation and nonviolence. Some, but not all, Islamist parties have faced these pressures while undergoing unprecedented challenges to their internal organizational structures and resources, with new cleavages emerging and old ones widening—all at a time when the established leadership is decapitated or at least weakened.

It would be quite premature to write off these Islamist parties and movements. Their deep roots and their demonstrated resilience, even when facing exceptional regime oppression, suggests that they will likely continue to play a critical part in the region's politics as they have for decades. The fact that Islamist parties in Jordan, Morocco, and Tunisia have performed well electorally in the past two years underlines this outlook.

In countries where such parties have fared the worst, such as Egypt, vitally important networks and movements associated with the Muslim Brotherhood still exist on the ground. Though many thousands of Egyptian Brotherhood members are in prison, in exile, or dead, an organization that large and deeply rooted is unlikely to simply disappear. Historical experience suggests that the Muslim Brotherhood is capable of adapting to its difficulties and regenerating itself. The likely failure of competitors to establish political hegemony or stabilize legitimate new political orders will create new openings. The question is which organizational, political, and ideological characteristics will define this regenerated Muslim Brotherhood—and whether new Islamist parties will replicate old patterns of behavior.

Islamist Parties After the Arab Uprisings

Five years ago, it would have been difficult to foresee that Egypt's Muslim Brotherhood and its counterparts throughout the Arab world would be up against the difficulties they face today. The organization's ideology, organization, and political strategy seemed relatively stable and predictable, despite the perennial controversies swirling around its ultimate objectives or true nature.

The Muslim Brotherhood had participated effectively in Egypt's 2005 parliamentary elections and had encountered escalating repression in subsequent years. This generated some degree of solidarity with non-Islamist opposition groups. Jordan's Islamic Action Front—the political wing of the country's Muslim Brotherhood—maintained an ongoing, if contested, place as a loyal opposition group. Muslim Brotherhood–affiliated parties also participated in elections in Iraq, Kuwait, Morocco, and Yemen. Intellectuals affiliated with the Brotherhood advanced a coherent set of ideas about democracy and nonviolence, appeasing political partners across the region. By way of contrast with al-Qaeda's violent extremism, the Muslim Brotherhood was able to put forward a very different philosophy, strategy, and rhetoric.

Several core characteristics typically defined the political presence of Muslim Brotherhood affiliates in the decades before the Arab uprisings:

- They typically had a tightly hierarchical and structured organization that imposed a high degree of ideological and behavioral conformity on their members.
- They had a significant public presence, even where they were officially banned, with elaborate social service networks and a strong political and media presence.
- They adopted an ideology of centrism (*wasatiyya*), which informed their political practice and religious doctrine and referred to a common set of public intellectuals and thinkers.
- They participated in elections wherever the opportunity presented itself—from those for student unions to those for national parliaments—and typically did quite well.
- They espoused a doctrine of nonviolence by which they sought to differentiate themselves from al-Qaeda, reassure Western governments, and protect themselves from state repression.
- And while they often spoke out on and rallied around salient regional issues such as Palestine, in practice they accepted the nation-state and prioritized national political goals over transnational commitments.

The most profound changes since 2011 can be seen in Egypt, where none of these core characteristics still exists. The Egyptian Muslim Brotherhood no longer has a strong overt presence in society or an elaborate public network of social services. Its organization now faces internal opposition. The nonviolence it espoused is being questioned by its own members. Its dispersed leadership is less able to exercise control. And the Brotherhood can no longer contest elections.

Elsewhere, Islamist organizations have adapted differently to the new challenges. Some have retained most of the institutional forms and political strategies they had before the 2011 uprisings, while others have jettisoned or altered some of their key characteristics to preserve their overall political and social position. Among Islamist groups the choices have varied. Some have survived repression and chosen to return to political life. Others have engaged in post-Islamist politics by allowing themselves to be co-opted by regimes. Yet others have fought in civil wars or have sought to demonstrate their value to Arab regimes.

Surviving Repression and Returning to Politics

Two Muslim Brotherhood affiliates, those in Jordan and Kuwait, have faced considerable pressure from their respective regimes. After repeatedly boycotting elections, they concluded that this strategy only further marginalized them and chose to return to political life.

In Jordan, the Islamic Action Front was for years at the forefront of political participation by Islamist movements in the region. It took part in several parliamentary elections after 1989, in which it stood as the leading opposition party, and boycotted others over complaints of regime manipulation of the electoral system. However, the decision to boycott elections in 2013 divided the movement, with some of its leaders seeking a more confrontational stance and others pushing to align more closely with the regime. The Jordanian government exploited such rifts within the established Muslim Brotherhood to sponsor the creation of a new Brotherhood organization, while confiscating the assets and revoking the legal status of the old one. In June 2016, the Islamic Action Front, despite such pressures, announced it would contest the parliamentary elections scheduled for September, ending years of electoral

boycotts.[7] It did so by placing candidates on multiple electoral lists and calibrated its political message to downplay Islamist slogans in favor of broad alliances. Though the overall turnout was low, the Muslim Brotherhood won sixteen seats in the 130-member parliament.

In Kuwait, the Muslim Brotherhood affiliate, the Islamic Constitutional Movement, had long participated in parliamentary elections and enjoyed a prominent role in political life. More recently, it had been eclipsed by Salafist parties on the Islamist spectrum. The growing autocracy in Kuwait and the crackdown on the Muslim Brotherhood in Gulf Cooperation Council (GCC) countries had taken a further toll on the Islamic Constitutional Movement's political participation. It boycotted parliamentary elections in 2012 and 2013. In May 2016, however, the party announced that it intended to participate in the next round of parliamentary elections. It performed well in the one held on November 26, 2016, winning four out of five seats as the broader opposition won nearly half of the seats.

Its leaders explained its return to participating in elections in practical terms. The boycott had allowed parliament to pass a series of retrograde laws and had distanced the movement from Kuwaiti society. The Islamic Constitutional Movement's resilience and adaptability affirmed its normality within the Kuwaiti political system, as well as the ability of Kuwaiti politics to resist pressure directed against the Muslim Brotherhood from more powerful GCC partners.

Playing Post-Islamist Politics

Other Islamist groups have opted to engage in a form of post-Islamist politics by allowing themselves to be co-opted by regimes. In Morocco, the PJD has done so enthusiastically, thriving in government by accepting the constraints of a monarchical system.[8] Rather than repress, the monarchy invited the PJD to contest elections, and then allowed it to form a government under its leader, Abdelilah Benkirane. The party has experienced both the benefits and costs of governmental authority in a system effectively run by the palace.[9] Its strategy, as the scholar Mohammed Masbah elegantly described it, involved "playing by the monarchy's rules, but without fully aligning itself with the palace."[10]

The PJD found itself taking on significant responsibility, without much power to actually do anything. It gained significant opportunities for patronage and institutional entrenchment in the political system, particularly at the local level, but lost credibility among Islamist sectors of society to the benefit of its Islamist rival Al-Adl wa al-Ihsan. For all the frustrations with the lack of real political change, the value of predictability for Islamist parties was visible, as the PJD found it fairly easy to operate in a system with which it was familiar. It seized opportunities that did not fundamentally challenge the existing political order.[11] The PJD's political strategy paid off in October 2016, when it once again won a plurality in the parliamentary elections—winning 125 seats against 102 for its anti-Islamist rival, the Authenticity and Modernity Party—and was invited to form a new government.

In Tunisia as well, the main Islamist organization, Ennahdha, sought to transform its role amid changing circumstances after it took power in 2011. Ennahdha's trajectory has often been compared favorably to that of the Egyptian Muslim Brotherhood. Whereas former Egyptian president Mohamed Morsi refused to compromise, leading the Brotherhood to disaster, Ghannouchi, Ennahdha's leader, found a path toward consensus allowing for the consolidation of a tenuous democratic transition. Ennahdha's decision to voluntarily surrender power in the face of political crisis seems a sharp rebuke of the view that Islamists in power would never agree to step down. The pursuit of political consensus brought the party into a surprising de facto alliance with its former archrival Nidaa Tounes, which had come to power on an intensely anti-Islamist platform, achieving some political stability at the expense of calls for more rapid political change.

Ennahdha's political realignments were responses to particular political threats and opportunities. For all its efforts to reassure Tunisians and engage in consensus building while in power during the early postrevolutionary period, Ennahdha had faced polarization and suspicion almost as intense as did Egypt's Muslim Brotherhood. Tunisia's military and security establishment was neither as powerful nor as entrenched as Egypt's, but Ennahdha had to deal with a non-Islamist civil society that was much stronger and well-institutionalized. That is why, in May 2016, the Ennahdha Party Congress voted to separate the political party from the social movement, a step that followed a similar evolution by Morocco's PJD. The practical implications of this separation remain uncertain, as Ennahdha has yet to contest an election under the new arrangement.

In Algeria, the Movement of Society for Peace (MSP), the Muslim Brotherhood–affiliated party, had to work within an environment deeply shaped by the bloody civil war of the 1990s. The MSP's accommodating attitude toward the regime was rooted in the traumas of the military coup that followed Islamist electoral victories during the early 1990s and the conflict that ensued. As the acceptable face of political Islam under a violently anti-Islamist regime, the MSP endorsed the regime-led political process and agreed to serve in several governments. The Arab uprisings complicated this by empowering those determined to unsettle, if not overturn, the stagnant political system within which the MSP had found a comfortable place. The party moved to reposition itself as a more independent actor in January 2015, ahead of the anticipated Algerian presidential transition.[12] This signaled an intention to contest parliamentary elections while also reaching out to the opposition, which viewed the MSP as thoroughly co-opted by the regime and hardly an opposition party at all.

These cases all reveal Muslim Brotherhood–affiliated parties adjusting to new political environments by remaining committed to a strategy of electoral participation. Unlike the Egyptian case, these parties survived new pressures and took advantage of new opportunities. Their successes must be weighed against the failures of Egypt's Muslim Brotherhood when evaluating the performance and future of Islamist movements.

Fighting in Civil Wars

A third path adopted by Islamist groups outside of Egypt was to redefine themselves by engaging in conflict as part of broader coalitions. The Syrian Muslim Brotherhood took an active part in the early organization of the Syrian uprising. As a favored Qatari and Turkish partner, the Brotherhood played a leading role in the Syrian National Council and in many of the Turkey-based operations of the Syrian opposition. The Muslim Brotherhood lacked a significant presence inside Syria due to then president Hafez al-Assad's fierce repression of the organization after its conflict with the regime in 1982. However, it did have a major external presence, which served it well in the international diplomacy surrounding the 2011 uprising. As the protests in Syria turned into an armed insurgency, in which more radical jihadi groups came to the fore, the Syrian Brotherhood found itself in a difficult position. It struggled

to sustain a moderate Islamism in an ever more jihadi environment, even as those jihadi movements adopted the traditional Brotherhood tactics of providing social services and governance. The Syrian Muslim Brotherhood benefited from Qatari and Turkish patronage while being targeted by Saudi Arabia's allies within rebel organizations because of the kingdom's hostility toward Muslim Brotherhood organizations.[13]

In Libya, the country's Muslim Brotherhood was one of the many actors that came together in the loosely organized opposition coalition aligned against Muammar Qaddafi. In the post-Qaddafi period, it used its access to Qatari and Turkish financial, media, military, and political assistance to carve out a powerful role for itself. While the Muslim Brotherhood underperformed in the first Libyan elections, it became deeply entrenched in emergent local power centers. It also became a key target, and actor, in the divided Libyan political scene that followed Qaddafi's fall. It struggled to sustain a coherent political and social position, caught between the rise of jihadi trends and an anti-Islamist offensive backed by the United Arab Emirates and Egypt. The rising threat of the Islamic State allowed it to regain some traction by positioning itself within the opposing coalition and on the side of the internationally backed Government of National Accord. Polarization remains intense, however, as does suspicion of the Muslim Brotherhood among backers of the House of Representatives, the legislature elected in 2014, and General Khalifa Hifter's Dignity camp.

In Palestinian areas, Hamas, while operating within a very different institutional context and embodying a very different history of both governance and violence, also found itself caught up amid these changes. Regional politics profoundly constrained its ability to govern the Gaza Strip or mobilize support among the broader Palestinian public. Even during the year of Muslim Brotherhood rule in Egypt, Cairo did little to ease the blockade of Gaza. Since the coup, the regime of Egyptian President Abdel Fattah el-Sisi has cooperated closely with Israel in reinforcing the cordon around the territory and has loudly identified Hamas, along with the Muslim Brotherhood, as an enemy. The Syrian civil war emptied the so-called Axis of Resistance (which brought together Hamas, Hezbollah, Iran, and Syria) of its political value and cost Hamas its base in Damascus.[14] Quiet rapprochement between Israel and many Arab regimes, driven in part by shared opposition to the U.S.-led nuclear agreement with Iran, increased the financial and political pressures on Hamas. As part of its efforts to adapt to the new situation, in April 2016 the organization announced that it had formally severed its ties with the Muslim Brotherhood.

Demonstrating Value to Regional Powers

A fourth path adopted by Islamist groups has been to avoid pressure by engaging in action on behalf of regional powers. Yemen's Islah Party participated fully in the uprising against President Ali Abdullah Saleh's regime in 2011–2012, and later found a comfortable place within the Saudi-led military coalition against the Houthi rebels. It avoided the broader Gulf crackdown on Islamists by making itself a player in the regional proxy wars, moving smoothly between alliances in a turbulent political field contested by Iran, Saudi Arabia, and the United Arab Emirates. Islah itself is a broad coalition, including not only the Muslim Brotherhood but also more extreme Salafi and jihadi networks alongside non-Islamist groupings. After being pushed aside during the regional push against the Muslim Brotherhood, Islah rebuilt its bridges to Saudi Arabia and occupied a central place in the Saudi-led coalition.

In Bahrain, unlike in most of the other GCC states where Islamist parties have represented a political threat, the Muslim Brotherhood's affiliate, al-Minbar, fit comfortably into the regime's sectarian ruling strategy. By mobilizing Sunni support for the regime against the country's Shia majority, al-Minbar made itself indispensable to a fragile monarchy, even at the height of the anti-Islamist regional campaign.[15] This sectarian role offered it protection from the regional crackdown, despite Bahrain's deep dependence on Saudi Arabia.

The diversity of these experiences should mitigate against any simplistic conclusions about Islamist parties or movements. Islamists continue to participate in political systems in which they have the opportunity to do so, but they have also squandered a great deal of the political capital they accumulated during decades of social outreach and opposition politics.

The Egyptian Experience and the Brotherhood Reaction

The experience of the Egyptian Muslim Brotherhood is central to that of Brotherhood organizations elsewhere in the Middle East. Both the successes and setbacks of the Egyptian Brotherhood defined national and regional constellations of opportunity and constraint for Muslim Brotherhoods in other countries. Before the Arab uprisings, Brotherhood organizations in the region were independent but typically looked to Cairo for guidance and support. The sudden, shocking fall of Egypt's Brotherhood from power in 2013 upended its long-established relationship with these other national organizations. The later choices of these Islamists were made in a context shaped by interactions across domestic, regional, and intra-Islamist domains—interactions embodied by what had happened in Egypt and its repercussions.

The Domestic Domain

Domestically, the Arab uprisings dramatically disrupted long-established political patterns for some Islamist parties—first by opening up pathways to real power and then by forcibly shutting them down. The initial political openings of 2011 were more destabilizing to Islamists than the subsequent, more familiar, repression. Islamist parties had long operated within political institutions in which they accepted that they could not actually come to power.[16] The overthrow of then presidents Hosni Mubarak in Egypt and Zine el-Abidine Ben Ali in Tunisia dramatically removed that cap on their aspirations. The surge of popular mobilization allowed national Muslim Brotherhood organizations to win unprecedented power in elections in Egypt, Morocco, and Tunisia. Brotherhood affiliates also played key roles in opposition coalitions in Libya, Syria, and Yemen that enjoyed significant Western support.

As Brotherhood organizations adapted to changing domestic and regional circumstances, their politically successful moves were overshadowed by the catastrophic failure of the Egyptian Muslim Brotherhood to succeed in its transition. After Mubarak's fall, the Egyptian Brotherhood quickly benefited from unprecedented legal recognition and, ultimately, a degree of formal institutional power.[17] But it struggled not only with the suspicion of non-Islamist political forces and the entrenched power of a fiercely hostile military but also with the new political challenge of an unleashed Salafi movement.

The Muslim Brotherhood's rapid rise to power through parliamentary and presidential elections triggered a fierce backlash. An organization that had long cultivated a reputation for honesty suddenly found itself the object of deep distrust, alienated from a society it had spent decades trying to shape in its own image. Within six months of Mohamed Morsi's election as president, most of the political class had coalesced into the National Salvation Front, which was established in December 2012 with the specific aim of toppling him from power.

Few would dispute that Egypt's Muslim Brotherhood made poor decisions during the post-2011 transition. It was not, however, the only group that was perfidious and incompetent, let alone unique in its political failure during that tortuous period. Every political actor in Egypt made disastrous decisions at the time, deploying extreme and dehumanizing rhetoric and resorting to violence. Egypt's military ruled disastrously from February 2011 to June 2012, infuriating the political class, seeking to monopolize power, and using force against protesters. The National Salvation Front moved directly toward demanding Morsi's overthrow rather than seeking, first, to alter the president's policies. Activists repeatedly misread the political climate, and then fatefully aligned with the military in Morsi's removal, paving the way for their own repression and marginalization.

That is why focusing on explaining the unique failures of the Muslim Brotherhood by exploring its organizational or ideological pathologies is misguided. The political environment in Egypt was one of deep institutional uncertainty. In the two years after Mubarak's overthrow, the Brotherhood sought an accommodation with the military, which it viewed as the most powerful competitor for power, at the expense of the divided activist sector. Many activists chose to do the same in 2013, to equally disastrous effect.

The crucial presidential election of May–June 2012 took place in the absence of a new constitution, meaning that voters and candidates did not know what powers an elected president would wield. The judiciary dissolved parliament shortly before the election, creating a legislative void, while at the same time the Supreme Council of the Armed Forces, the representative body of the military, sought to retain key powers. The machinations of the intelligence and security agencies, along with the judiciary, and the fear that they would manipulate or overturn the results weighed heavily on all calculations. Similar institutional fears lay behind Morsi's most notorious political gambit, the "power grab" of late November 2012, in which he claimed unfettered power to pass a new constitution without judicial review by what he viewed as profoundly politicized Egyptian courts.

Egypt's military coup shattered the Muslim Brotherhood in ways that have left the organization a fundamentally different political entity.[18] The Brotherhood's Egyptian leadership has by and large been neutralized. The organization is now divided between multiple power centers within Egypt and abroad.[19] However, the repression of the Egyptian Brotherhood is not historically unique. Egyptian, Syrian, and Tunisian Muslim Brotherhoods had all survived scorched-earth crackdowns in previous decades, and they returned to play key political roles when conditions changed. Jordan's Muslim Brotherhood has been divided and stripped of its key institutional foundations. It was when they faced the determination of several Gulf states to criminalize the Brotherhood as a terrorist organization that long-standing Muslim Brotherhood affiliates, including Hamas and the Jordanian Muslim Brotherhood, announced their separation from the parent organization.

The post-coup political environment in Egypt went beyond state repression. The polarization of public opinion around the question of Islamism badly undermined the Muslim Brotherhood's careful positioning. It became difficult to occupy the center when there was no center. The profound sense of injustice felt by many Muslim Brotherhood members over the coup and the crackdown that followed undermined even the normative value of occupying this center. The seemingly widespread Egyptian public turn against the Brotherhood, undoing in a moment what the organization had spent decades building, raised even more profound strategic and political questions.

Islamist parties appear to do best when they operate within clearly defined institutional rules, though some national branches have proven more flexible than others when the rules suddenly changed. Self-limiting strategies, such as those pursued by Ennahdha under the guidance of Rached Ghannouchi, typically require far greater concessions than might be dictated by the objective balance of power. Even explicit, consistent efforts at reassurance face resistance over the fears—long stoked by regime media and hostile propaganda—that Islamists provoke among others about their ultimate intentions.

Savvier leaders have accepted that Islamist movements face a higher burden of proof with non-Islamist audiences at home and abroad, and they seek to reassure rather than insist on narratives of persecution and martyrdom. However, this does not mean abandoning hopes for power or self-interest. Such strategies of reassurance and collaboration can often secure partisan interests more effectively than maximalist ones. Islamist parties have considerable experience with playing the long game and will likely find it easier than many anticipate to adjust to the hostile conditions in post-uprising Arab countries.

The Regional Domain

The Muslim Brotherhood has also become more deeply implicated in regional power politics than in previous eras. Brotherhood organizations are more transnationalized, more dependent on state sponsors, and more affected by external events.[20] The evolution of each national Muslim Brotherhood branch cannot be understood outside of the transforming regional environment.

For several years after 2011, the Brotherhood was caught up in the regional cold war between Qatar and Turkey on the one side and Saudi Arabia and the United Arab Emirates on the other. Qatari and Turkish support for Brotherhood networks offered access to crucial financial and media resources during the transitions but left them increasingly vulnerable to the perception that they served a foreign agenda. Saudi Arabia and the United Arab Emirates mobilized anti-Islamist forces across Egypt, Libya, and Tunisia—and after the Egyptian coup led a global effort to label the Muslim Brotherhood a terrorist organization. In recent years, this regional constellation has evolved, with tensions easing between Qatar and Saudi Arabia amid a heightened focus on Iran and sectarian conflict.

The Arab uprisings have tilted the balance of the Muslim Brotherhood's preoccupations from the national to the regional dimension in important ways. Egypt's coup, by crushing the Muslim Brotherhood's leadership and forcing many leaders into exile, transnationalized the organization in ways not seen since the 1950s. This created an external leadership far less organically embedded in the country's politics and culture, which had a considerable impact on Brotherhood affiliates everywhere else. Regional support for the Syrian uprising has, similarly, activated transnational networks of Islamists working in Syria and regionally to raise funds and promote the cause of the Syrian rebels, while also advancing their own political fortunes at home.

The direct and indirect effects of the Muslim Brotherhoods' evolving transnational perspective have been underappreciated. Egypt's coup is the most obvious example. The success of the coup emboldened anti-Islamist forces while alarming Islamists in other countries such as Libya and Tunisia. The Egyptian outcome likely pushed Tunisia's Ennahdha into a more cautious posture in which ideology was downplayed in favor of inclusion.[21]

The crisis in Jordan's Muslim Brotherhood, similarly, could not be separated from that of Egypt's Brotherhood.[22] After the Egyptian coup, Morocco's Justice and Development Party took steps toward conciliation, including ceding key ministries to pro-regime parties.[23] In the face of the Kuwaiti regime's support for the coup, the Islamic Constitutional Movement and popular Islamist figures such as Tareq al-Suwaidan found themselves under increasing duress, given the strong support they had shown for Egypt's Muslim Brotherhood.[24]

Successful strategies also attracted attention as sources of emulation. Tunisian Islamists carefully studied the achievements of Morocco's PJD. So did some Egyptians. As Egyptian Muslim Brother Izzat Nimr marveled, "Why is [the PJD] succeeding where other political Islam is failing? How after four years in power has [it] retained its popularity?"[25] Nimr located the PJD's appeal in its focus on municipal elections, which allowed the party to build a strong performance record without challenging the national political system.

This sort of learning from the experience of other Islamist parties was more typical than any direct transnational organizational control. Jordanian Muslim Brotherhood members, too, were looking for inspiration, yearning for their own Ghannouchi—a strong leader able to steer the organization through a confusing environment.[26] The Syrian Muslim Brotherhood learned from the ability of their Libyan counterparts to integrate into a Western-backed armed opposition. Personal and organizational contacts facilitated such learning, as did the reporting and arguments on shared online and broadcast media platforms connecting mainstream Islamists across the region.

Transnational Arab media also affected the broader political environment within which these parties operated. The media actively shaped both positive and negative regional attitudes toward the Muslim Brotherhood. Media outlets controlled by Saudi Arabia, the United Arab Emirates, and their allies relentlessly vilified the party, helping heighten the polarization and demonization that took such a toll on its popular reputation. Pro-–-Muslim Brotherhood media, such as the Qatari Al Jazeera Mubasher Misr, played a similarly divisive role, this time in promoting a contrary narrative of Islamist virtues and the evils of their non-Islamist opponents. Egyptian Muslim Brotherhood media outlets based in Turkey were equally controversial, with some members complaining that they were too doctrinaire and inflammatory in their calls for revolutionary action. Others, however, viewed such outlets as an essential component of political behavior, given the limitations of mobilization under repressive conditions.[27]

Beyond the Gulf, Turkey's policy has been a critical factor in these regional dynamics. As prime minister and then as president, Recep Tayyip Erdoğan supported the Muslim Brotherhood in critical ways across multiple domains. Turkey hosted many Brotherhood refugees from Egypt, and its media adopted a fiercely critical stance against the coup and aggressively advanced the martyrdom narrative surrounding the August 14, 2013, massacre of Muslim Brotherhood members by the Egyptian security forces at Rabaa al-Adawiya Mosque. Turkey also worked closely with the Syrian Muslim Brotherhood within Syrian opposition circles. The July 2016 Turkish coup attempt could have profoundly disrupted these Muslim Brotherhood networks and strategies had Erdoğan been removed. While he reasserted control, his narrow escape highlighted the vulnerability of a movement increasingly led from abroad and dependent on unpredictable foreign patrons.

The Intra-Islamist Domain

Less attention has been paid to the significance for mainstream Islamist parties of the dramatic changes of the past five years in intra-Islamist politics. After the Arab uprisings, it seemed the Muslim Brotherhood's political approach had been vindicated at the expense of al-Qaeda's rejection of democratic change. Since Egypt's military coup and the rise of the Islamic State, this narrative of the merits of democratic political participation and the discrediting of jihadism has been reversed.

Egypt's coup had devastating effects on the strategy of democratic inclusion. In turn, Syria's civil war has empowered ever more extreme sectarian Salafi and Salafi-jihadi trends, to the detriment of the Muslim Brotherhood's traditionally cautious pragmatism. The emergence of the Islamic State and the failure of democratic politics have transformed the Brotherhood's terrain.[28] In the year after the emergence of the Islamic State, the Egyptian scholar Khalil al-Anani argued that "the Islamic State is seizing the current moment to present itself as a role model for young Islamists around the globe, pushing them to adopt its ideology and emulate its tactics and strategy."[29] This bid for ideological hegemony rested in large part on the Islamic State's stunning military and political successes, though its military setbacks in Iraq since then have dulled its appeal. But the Islamic State is only one of many violent jihadi groups now active across the Arab world that seek to recruit fighters among disgruntled young Muslims.

The war on terror against al-Qaeda after the September 11, 2001, attacks against the United States seemed simple and predictable compared to today's complex landscape. Over the past three years, not only have Salafi-jihadi groups risen and democratic aspirations been frustrated, but also a virulent new form of sectarianism and massive public mobilization has emerged in support of the Syrian uprising. The Egyptian Muslim Brotherhood's past statements on political participation and nonviolence seem quaint at a time when democratic transitions have failed. In conflicts such as Syria's, especially, the views of the Arab mainstream appear to have moved at least partially in favor of armed struggle, particularly when defined in sectarian terms. The newly urgent imperative to combat the Islamic State's appeal, meanwhile, offers new opportunities for Islamist parties to present themselves once again as useful barriers to more extreme movements.

Rather than positioning itself as the successful mainstream avatar of Islamist politics, the Muslim Brotherhood is now competing with more extreme Islamist rivals from a relatively ineffectual and inarticulate moderate position. This weakness poses profound questions about the ability of the Muslim Brotherhood to appeal to new recruits, or even to hold on to its current members. If it cannot attract new recruits, or can do so only by resorting to violence, this will make it difficult to position itself in favor of political renewal once conditions change.

Jihadi movements understand the challenge posed by the Muslim Brotherhood. Not long ago, the Islamic State devoted the cover story of its online publication, *Dabiq*, to a denunciation of Brotherhood "apostasy."[30] It could have appeared in any al-Qaeda publication of previous years. While such reactions should open up new vistas for the Brotherhood to reclaim its place in the mainstream, the failure of democratic political participation has deeply undermined the Muslim Brotherhood's position against the Islamic State.

In Jordan, for instance, the nationalist outrage over the Islamic State's burning of captured pilot Moaz al-Kasasbeh forced the Muslim Brotherhood into an unfamiliar defensive posture, caught between the regime and those sympathizing with the jihadists. Protestations by the Islamic Action Front's then-leader, Zaki bin Rashid, that the appeal of the Islamic State only reinforced the importance of the Muslim Brotherhood's "moderate alternative" fell flat amid the reality of Salafi-jihadi mobilization and the regime's relentless cultivation of anti-Islamist sentiment.[31] Yet the Muslim Brotherhood again rushed to condemn the assassination of Jordanian nationalist Nahed Hattar in September 2016 by a Salafist, over his posting on Facebook of a cartoon viewed as offensive to Islam. Such persistence demonstrates the importance to the Brotherhood of being perceived as a moderate Islamist force and loyal opposition within the Jordanian spectrum.

Syria's conflict has, similarly, shifted the center of Islamist politics. Mohamed Morsi's June 2013 speech endorsing jihad in Syria shocked many Egyptians, who portrayed it as a radical departure from previous statements. In fact, Morsi's position reflected not movement toward extremism but an accommodation with the new direction in Islamist expression, especially in the Gulf. During the first half of 2013, fundraising and public mobilization on behalf of the Syrian rebels became ever more sectarian and militant. Islamist public figures across the Gulf competed to articulate the strongest religious appeals for supporting what they referred to as the "Syrian jihad." At the time, the adversaries of the Bashar al-Assad regime came to be dominated by a wide range of Salafi-jihadi factions other than the Islamic State (which was formally established in April 2013)—from the al-Qaeda affiliate Jabhat al-Nusra (now Jabhat Fatah al-Sham) to powerful groups such as Ahrar al-Sham, which enjoy strong support from regional powers. The war in Syria has blurred the distinctions between Islamist groups and pushed the center of Islamist politics toward endorsing violence. Morsi's fateful June 2013 speech actually lagged behind the standard rhetoric of Gulf Islamists, which revealed less about the Muslim Brotherhood's new extremism than about the ever more radicalized Islamist public arena.

The general radicalization of Islamic politics in the region over the past several years has had especially significant implications for movements and parties that aspire to occupy the middle ground. Most Islamist parties have continued to position themselves as nonviolent alternatives to Salafi-jihadi organizations. This positioning has typically proved politically useful, both with the public and inside the organizations. If this cultivated moderation fails to pay political dividends, however, Islamist parties may well be tempted to shift toward the new, more extreme and sectarian, middle ground.

The Evolution of Islamist Parties

Islamist parties have proven that they, like other parties, adapt to their political and institutional context, sometimes effectively, sometimes less so.[32] As Egyptian Muslim Brotherhood member Hazem Said has put it, "The Muslim Brotherhood slogan is 'prepare'—so we must be ready because conditions may change."[33] Such calls for flexibility cannot detract from the fact that there is a clear ideological component to the Muslim Brotherhood's political thought and practice, which is instilled into its members and which permeates both its public rhetoric and private conversation.

However, there is little reason to believe that Islamists are exceptionally ideological when compared to other political actors. While Islamist ideas do define the goals and identities of Islamist organizations, the concrete implications of those ideas have been challenged quite intensely in recent years, by both external critics and those on the inside. Indeed, Islamist political behavior tends to exhibit a great deal of strategic flexibility rather than a single, static form of politics.

The Brotherhood's adaptation to local realities has been formalized in the doctrine of *wasatiyya*, or centrism.[34] This approach is designed to allow the Muslim Brotherhood to seize the mainstream of Islamist politics—though not of the broader public sphere. *Wasatiyya* has dictated a patient, long-term strategy of societal transformation through political participation, cultural shaping efforts, and organizational development. This particular configuration of ideas stemmed from a series of critical junctures shaped by Egypt's Sadat-era political and economic opening and the emergence of violent competitors, which encouraged the Muslim Brotherhood to embrace political participation and gradualism.

These ideas took hold internally because they seemed to work well as an overarching political and ideological framework in the decade prior to the Arab uprisings. It positioned Islamism within a mainstream political center that appropriated popular issues such as Palestine, opposition to the U.S. occupation of Iraq, and demands for democracy. Because this centrism was both ideologically sympathetic to the organization's self-image and politically effective, the Muslim Brotherhood's leaders were able to hold together its different internal religious and political strands without needing to make difficult choices.

The current regional political context, particularly the developments in Egypt, seems destined to push Islamist parties away from participatory and nonviolent paths. Since the military coup, the Egyptian Muslim Brotherhood has been locked in an existential struggle in which both the organization and the regime have adopted uncompromising and increasingly forceful postures.[35] This requires little by way of ideology or unique organizational qualities to understand. The embrace by some Islamist youths of armed resistance is precisely what would be expected after the Rabaa al-Adawiya massacre and the sweeping repression that followed. For some time, this anger could be channeled into persistent protests to sustain internal morale and offer some outlet to furious members.[36] But when this approach failed to generate popular support or achieve political gains, the argument for more radical, violent action became more compelling.[37]

However, other regional trends are pushing Islamist parties in more participatory directions. As we have seen, the possible alternatives are many. However, as these parties have considered their options, four major areas in which they have been evolving and adapting are in their organizational coherence, the relationship between party and movement, democratic participation, and the use of violence.

Organizational Coherence

Egypt's Muslim Brotherhood had long been defined by its meticulous internal organization.[38] The core of the Brotherhood's organizational success was its elaborate cell structure and high degree of internal socialization, which protected the movement to some degree against state repression. It relied on a rigid hierarchy to transmit instructions from the leadership to the rank and file, while holding regular internal elections to offer some form of accountability to members. This distinctive structure lay behind its successful political mobilization. The Brotherhood's internal organization allowed for an exceptionally high degree of indoctrination, surveillance, and internal discipline. When it came time to manage political campaigns or fight street battles, the Muslim Brotherhood could quickly and effectively activate large numbers of supporters to work in a coordinated fashion.

The Egyptian Brotherhood was especially known for its organizational coherence and ability to avoid major factional splintering. Incidents of internal dissent—such as the formation of the al-Wasat Party, which emerged from a rift in the Brotherhood in 1996, or the disciplining of young Brotherhood bloggers in the late 2000s for challenging the official leadership by openly discussing internal affairs—ultimately affected only a tiny minority of the membership. The few hundred departures, even if by well-known figures, had little serious impact on an organization of its size. However, the period leading up to the Arab uprising had been unusually contentious internally. The Brotherhood elections of 2009–2010 concentrated power in the hands of a conservative faction, driving away many top reformist leaders.[39]

The Egyptian crackdown took a particularly significant toll on the Muslim Brotherhood's organizational capacity.[40] Thousands of its members were imprisoned, some 500 nongovernmental organizations affiliated with the organization were legally shuttered, the assets of its leading members were confiscated, its public presence was obliterated, and its lines of internal communication were disrupted. The Brotherhood leadership has been unable to maintain effective control in the face of radical reactions of youth cadres and incitement from members abroad.

While it seems that some families continue to meet, especially outside of Cairo, and the skeleton of the Brotherhood remains intact, the leadership has been largely decimated by arrests, killings, and exile. The remaining leaders are struggling among themselves over control, while the connections between the Brotherhood's numerous cells and the leadership have been severed.[41] Even when Brotherhood leaders have tried to sustain a nonviolent approach, they lack the organizational ability to enforce their doctrines on rebellious and angry members.[42]

As scholar Abdelrahman Ayyash has put it: "The period since Morsi's overthrow has been an unprecedented state of disarray which has in effect created a new organization."[43] This disarray complicates any form of coherent, long-term action by the organization or its ability to maintain discipline among the ranks. Even if the leadership today opted for reconciliation with the regime, it would face great difficulty in compelling members to go along with such a decision.

This situation has produced an intense degree of factional discord and internal argumentation over strategy, leadership, and organizational decisions. The disagreements track across several dividing lines. An enduring generational divide has become ever more salient as older Brotherhood members hearken back to their survival strategies during earlier eras of fierce repression, while younger members agitate for confrontation with the Egyptian regime. Another enduring divide that has taken on new significance is between politically focused Muslim Brotherhood leaders and the more religiously focused rank and file. There is also a divide between different branches of the leadership in exile and an emergent leadership inside the country.

This struggle for control between the leadership faction in Egypt and the other in exile has divided the Egyptian organization in ways deeply unfamiliar to it.[44] The splits are partly logistical, with senior leaders in prison and middle-ranking leaders dispersed among multiple countries, making coordination very difficult.[45] But they also reflect real differences over political strategy and ideology. In place of the consensus strategy of years past, Muslim Brotherhood factions today are sharply divided over the legitimacy of dialogue with the state, the formation of a government in exile, ongoing calls for protests, the use of violence, and even how leaders should be chosen.

Rather than basing their selection of leaders on traditional qualities, such as long service within the organization or relationships with existing leaders, many Brotherhood members now want the standard to be one's current activism. In that way they have rejected internal despotism while demanding genuine organizational democracy.[46] Younger members are openly hostile to the traditional demands for obedience to leaders they view as having failed. In these internal power struggles, the old guard has financial resources and international connections but lacks strong support among young members in Egypt who make up the residual strength of the movement.

The competition has played out not only within the secretive and closed circles of Muslim Brotherhood politics, but also across online platforms and social media. For instance, several figures, including the pseudonymous Mohammad Muntasir, have claimed the status of official spokesman for the Brotherhood. In late May 2016, a website belonging to the Muslim Brotherhood's banned Freedom and Justice Party went online, over the objections of the party's best-known leaders. Statements issued by official Muslim Brotherhood platforms are now routinely contradicted and denied by others. Such divisions highlight the breakdown of the organization's hierarchy and discipline, long considered among its most vital attributes.

The organization has worked to overcome these differences through a series of internal reform initiatives. The Muslim Brotherhood has always had a relatively democratic process for the selection of its leadership, with members of the Shura Council and the Guidance Office directly elected from within the organization's ranks. In 2009, anger over the perceived manipulation of those processes in the election of a new Guidance Office triggered a wave of resignations by top leaders. Youth activists, with the support of some leaders such as Mohamed Kamal and Mohamed Wahdan, began pushing in February 2014 for new elections to bring people active on the ground into the formal leadership structure.[47] Such elections were discussed throughout 2015, without achieving a consensus that could reconcile the factions. The traditional leadership, mostly in exile, resisted this challenge to their authority, but by spring 2016 had moved toward accepting internal elections.

Egypt's Muslim Brotherhood is not the only branch to experience a fundamental organizational rupture. Over the past year, as noted, Jordan's Muslim Brotherhood has been the target of an unprecedented challenge to its organizational coherence. Long-simmering internal disagreements came to the surface in October 2013 with the so-called Zamzam Initiative, led by reformist leaders in the party, mostly of East Bank origin. The Zamzam leaders were expelled by the Muslim Brotherhood's Shura Council in February 2014. A year later, the government approved an application from a group including Zamzam leaders to form a licensed charity under the name the Muslim Brotherhood Society. What began as internal momentum for reform evolved—with regime support—into a major split.

The Zamzam Initiative risked fragmenting the Muslim Brotherhood along one of its long-standing divides, namely the relationship between the Jordanian organization and Hamas. The Brotherhood had been split among multiple constituents for over a decade.[48] The divide was both ethno-national and political. East Bankers resented the role of Palestinians in the organization and the focus on Palestinian affairs at the expense of domestic Jordanian politics. Organizational hawks advocated a more confrontational approach toward Jordan's government. Zamzam leader Ruheil al-Ghuraybah explained that "the root cause of the divisions is demographic, since Hamas penetrated the group in Jordan for many years and forced its own agenda."[49]

When the new Muslim Brotherhood Society received official recognition from the Jordanian state, the old Muslim Brotherhood found itself stripped of legal recognition, while significant portions of the organization's material and financial resources were transferred to the new organization. In doing so, the Jordanian regime triggered an existential battle over the Brotherhood's identity, organization, and purpose.[50] The palace understood that removing the Muslim Brotherhood completely would be dangerous because it would eliminate one of the major channels through which Islamist-oriented youths could participate in politics. So, instead, it moved to create an alternative organization more amenable to its political goals.

This unique government approach of creating a new official Brotherhood and transferring to it the resources of the original organization generated profound uncertainty. The new Muslim Brotherhood Society commanded legal recognition and financial resources but had virtually no legitimacy among the Muslim Brotherhood's broader membership or the public. Four different Islamist parties entered the 2016 parliamentary elections, but, tellingly, it was the candidates affiliated with the traditional Brotherhood organization who succeeded.

The organizational crackdown on Muslim Brotherhood organizations in Egypt and Jordan posed a sharp challenge to their established strategy of using the provision of social services for political and organizational outreach. The effect has been to radically circumscribe, if not end, the opportunity for such social service provision.[51] How the absence of such opportunities will affect the long-term position of Islamist parties is a major question with which its leaders are grappling.

Party Versus Movement

Few recent developments in the Islamist spectrum have drawn as much positive notice as the decision of Tunisia's Ennahdha to separate its political party from its religious movement and rebrand itself the "Muslim democrats," a term used by Ghannouchi himself.[52] This bold move reshaped the Islamist political field in fascinating ways, winning approval from Gulf regimes and local audiences typically hostile to Islamism, while attracting close study by other Islamists.

However, Ennahdha's move was not as novel as it initially appeared. Other Islamist parties had also worried about coexistence between the religious and social facets of their organizations and the more limited, practical agenda inherent in their identities as political parties. Some attempted to respond to pressures from other parties and civil society to firmly demarcate where Islamist movements ended and political parties began. Critics complained that the parties' claim to represent Islam gave them an unfair advantage with religious voters.

Islamists themselves largely rejected these arguments on both ideological and strategic grounds, preferring to enjoy the electoral benefits of a large public outreach apparatus over assuaging the mistrust of their political rivals. Previous efforts to resolve the tension between party and movement by forming nominally independent political parties rarely produced genuinely distinct bodies. Jordan's Islamic Action Front remained mostly indistinguishable from its parent organization, as did the Freedom and Justice Party from Egypt's Muslim Brotherhood. Ghannouchi and other Ennahdha leaders approvingly cited the precedent of Morocco's Justice and Development Party, the first to separate a nominally Islamist political party organizationally and programmatically from its religious movement. The PJD was also the most successful of the Islamist parties at finding a place at the center of national politics.

The gambit to separate party and movement is an "old and recurring debate," notes scholar Khalil el-Anani, but one that in previous periods was typically resolved in favor of continued integration.[53] However, the initial promise of genuine democracy after the 2011 uprisings and then the rigors of failed transitions gave more impetus to the idea. Ennahdha's dramatic and highly publicized move to separate those functions took on greater significance in the transitional context, with scholar Khaled al-Hroub calling it "one of the most important steps in the evolution of political Islam since its creation."[54] With such a separation, Ennahdha could in principle lose the ability to draw on the movement's social services and resources. But it also gained by being able to recruit from a broader base, adopt positions outside of traditional Islamist concerns, and more easily enter into alliances with non-Islamist actors.

The new push was largely pragmatic, rooted in a recognition that the traditional approach of putting the movement at the service of electoral politics had manifestly failed. This pragmatism meant that the separation will, at least initially, prove as enduring as the new configuration is successful. Ennahdha has yet to go to the polls since its reinvention as a political party. Should its gamble fail to pay off, pressure to reintegrate with the movement would likely resurface.[55]

In Jordan, some Muslim Brotherhood leaders believe a similar separation between party and movement would relieve the relentless pressure on the organization by the regime.[56] The Islamic Action Front, one of the earliest and most successful of the Muslim Brotherhood political parties, had never really separated in any meaningful sense from the broader movement. The veteran Islamist journalist Hilmi al-Asmar has argued that in the new political climate "the duality of the 'party and the jamaa' [group] made these [Islamist] parties ineffective."[57] Such assessments, however, have not yet led to any final decisions.

Even Egypt's Muslim Brotherhood has joined the debate in search of a possible way out of its predicament.[58] On May 7, 2016, the High Administrative Committee of the Egyptian Brotherhood publicly circulated a road map to save the organization through new internal elections.[59] Acknowledging the realities of deep internal splits and the failure of previous initiatives, the committee proposed immediate new elections to all Brotherhood offices and the convening of a new Shura Council in June. However, little came of it.

This occurred only two months after Amr Darrag, a leading figure in the post-coup Muslim Brotherhood, proposed the separation of the political party from the religious movement as a step in the organization's political rehabilitation.[60] In the context of the internal debate over the restructuring of the Muslim Brotherhood, Darrag suggested separating its political and religious work and promising to refrain from political mobilization for a specific period of time, as a prerequisite for a regime de-escalation against the organization. To date, none of these initiatives has amounted to much, but the debate continues to simmer as Muslim Brotherhood leaders and members search for an effective strategy.

Such a separation seems much more difficult in Egypt than in Tunisia, both because of the political context and the particular experiences of the respective Brotherhood movements. Few Egyptians will quickly forget the experience of the Freedom and Justice Party, the political wing of the Egyptian Muslim Brotherhood, including its active use of Brotherhood social services to win votes during the 2011 and 2012 elections. Egypt's Muslim Brotherhood has been so deeply engaged in politics over the past fifteen years that the overlap between its activities has become central to the organization's identity, structure, and practice. It seems unlikely that angry young Brotherhood members—traumatized by intense regime repression, torture, and mass killing—would accept separating the party from the movement. At any rate, the Egyptian regime shows little sign of welcoming a Brotherhood return to public life. It has, instead, intensified its confiscation of Brotherhood assets and its labeling the Brotherhood as a terrorist organization.

The idea of separating party from movement has been clearly established as a viable model for Islamist organizations, even if it seems problematic in Egypt. The enthusiastic reception of Ennahdha's decision by commentators aligned with the hostile United Arab Emirates signaled the possibilities in such a course for embattled Islamists. What a separation would look like in practice, how it would affect the electoral prospects of Islamist organizations,

whether their membership would be willing to accept such a separation, and whether Islamists could overcome the suspicions of non-Islamists will all be major questions in the coming period.

Democratic Participation

The question of whether Muslim Brotherhood organizations become more moderate when given the opportunity to participate in democratic politics once structured much of the political science debate over Islamist movements.[61] Yet the debate has always been a frustrating one. An organization can be very moderate in its political demands while deeply radical in its cultural and social vision. The positions of the various Muslim Brotherhoods may be extreme in relation to Western values, but are quite mainstream in relation to the values of their own countries.[62]

Participation in the formal political process has long been a key marker of the mainstream aspirations of Brotherhood organizations. Even the not infrequent Islamist party electoral boycotts were typically framed as a critique of anti-democratic practices by regimes rather than as a rejection of democratic principles. It should come as little surprise, then, that Islamist parties across the region have continued to contest parliamentary elections even after facing extreme duress.

Egypt, again, is a problematic outlier in the broader Islamist field in this regard. Nor does the Egyptian experience after 2011 offer definitive lessons. The democratic opening was extremely short and took place in the absence of settled constitutional or institutional rules. Democratic inclusion produced wildly erratic behavior by Egypt's Muslim Brotherhood and by all other political actors. The Egyptian uprising triggered a profound weakening of the state, introducing enormous uncertainty into previously stable institutions. Elections and attempted governance took place in the absence of a new constitution and during a period of rapid and intense social polarization as well as considerable meddling by external actors with a stake in the outcome. The competing pulls of ambition and fear under conditions of profound uncertainty seemed to better explain the Muslim Brotherhood's "impetuous rush to power" at the time.[63]

The autocratic retrenchment of the last few years in Egypt likely means that there will be few opportunities for democratic inclusion in the foreseeable future.[64] However, political inclusion can take many forms, as can repression, and each of them may have a distinctive impact on organizational identity and behavior. There is a vast difference between participation in semiauthoritarian parliaments, where real governing power is never really at stake, and participation in truly democratic systems, where victory and governance become possibilities. Inclusion in the former may promote more moderate policy goals simply because of the limits of possible action, while participation in the latter can heighten aspirations for radical change. But alternative causal chains are also possible. Authoritarian inclusion could promote radical rhetoric because talk is cheap and will never need to be redeemed. Democratic inclusion could encourage caution for fear of alienating centrist voters.

In short, it has always made more sense to talk about specific forms of inclusion producing specific types of moderation. Authoritarian inclusion seems to have produced a pragmatic, centrist discourse and behavior in Morocco's Justice and Development Party, while democratic inclusion did the same for Tunisia's Ennahdha Party.

Elections played multiple roles in the strategy of participation. Even when the Muslim Brotherhood knew that it could not win, participation was seen as a vehicle for outreach to the public. Brotherhood organizations also typically worked to establish commanding positions within civil society. Universities were a key terrain for political contestation and training. Professional associations became bastions of Islamist power. Parliamentary blocs, even when unable to enact significant legislation, provided an opportunity to put a spotlight on government abuses and sustain a public presence. Winning governing power was not necessary for this approach—and, indeed, would have placed uncomfortable demands on the Muslim Brotherhood to fulfill demands made from a position of opposition. This long game was disrupted by the rapid political changes that took place starting in 2011.[65]

It is striking how consistently Brotherhood parties have opted for electoral participation, across many different political systems and despite widely varying degrees of repression. Islamist parties that chose to boycott elections at certain times have generally returned to contest elections later. These parties have repeated this pattern in the years since the Arab uprisings. As impossible as it seems today, it would not be a surprise if even Egypt's Muslim Brotherhood were to return to electoral politics in a few years' time, once conditions have changed.

Violence and Extremism

The changing political context after the Arab uprisings has also affected Islamist arguments and doctrines about violence.[66] The mainstreaming of violence across the region since Egypt's coup and the escalation of the Syrian insurgency has fundamentally challenged the logic of nonviolence that governed Muslim Brotherhood practice during previous decades.[67] While considering the question of violence, one Egyptian Brotherhood member, Hazem Said, reframed the mantra of the party's general guide, that "our nonviolence is more powerful than bullets." Said argued that for the Muslim Brotherhood, nonviolence was a tactic rather than a core ideological principle. Jihad, in turn, was a core principle, and at times had to be pursued by the sword. The right question was when to be nonviolent and to what end.[68] While this represented the views of only one member, it is striking that such conversations are now unfolding in public.

This highlights one of the potential dangers of pragmatic reasoning. Where previously nonviolence had been an effective way of seizing the center and reassuring dubious non-Islamists, the new regional environment seems to valorize and even demand violence. As the Syrian insurgency spiked in 2013, jihadi theories and violent practices, which had previously been anathema, came to be openly supported and even praised across many Arab media and social media platforms. At the same time, the Syrian Muslim Brotherhood sought to replicate its traditional centrism within this violent environment, making greater efforts than most other Islamist organizations to engage with non-Islamists, reassure minorities, and demonstrate moderation to the West. Still, by 2015, many Arab regimes had returned to cracking down on open advocacy of jihadi ideas, not only due to pressure from the United States but also because they began to perceive the potential threat such movements posed to their own security.

The regional and Islamist landscape has changed so radically over the past few years that it is unlikely that the Muslim Brotherhood could play a firewall role against violent extremism even if it still wanted to do so. Instead, the growing violence of national and regional politics and the degradation of democratic and nonviolent alternatives are quite likely to push the Muslim Brotherhood's political ideas in more extreme directions.[69] Brotherhood views of the use of violence have changed over the past few years for both normative and practical reasons. The traumatic experiences after the 2013 coup had a searing impact on many younger members.[70]

Nonviolence appears to have failed as a strategy, while those using violence seem to be gaining traction across the region.[71] The principle of nonviolence is more difficult to sustain as nonviolent Islamists suffer repression while wars rage in Iraq, Libya, Syria, and Yemen. The perceived superiority of the jihadi model rested in part on its own demonstrated success in comparison to the failed mainstream movements. The Islamic State's model was appealing because it demonstrated the advantages of violence for capturing territory, establishing governance, and dominating the public arena. Its steady losses and the prospect of military defeat in Libya, Iraq, and Syria and diminish the allure of this message, but the resilience of al-Qaeda and other Salafi-jihadi networks over the past fifteen years suggests that the core jihadi narrative has put down deep roots.

Conclusion: The Future of Islamist Politics

The travails of the Egyptian Muslim Brotherhood do not mean that Islamism has faded from the scene. Islamist movements have survived earlier moments of harsh state repression. Despite decades of intense harassment, Tunisia's Ennahdha prevailed to win electoral power within less than a year of former president Zine al-Abedin Ben Ali's overthrow. Syria's Muslim Brotherhood survived near eradication by the Assad regime to take a key role in opposition institutions that emerged after the 2011 uprising. Egypt's Muslim Brotherhood withstood the fierce crackdown by then president Gamal Abdel Nasser's regime in the 1950s and 1960s. It seems likely that the Brotherhood will once again return from the current crisis.

However, its return will likely be in a very different form. The Muslim Brotherhood that emerged in Egypt in the 1970s after then president Anwar al-Sadat's political opening looked very different than the organization of the previous decades. The Syrian Muslim Brotherhood developed differently in exile during the 1990s and 2000s than did Brotherhood organizations that remained active under authoritarian regimes. Tunisia's Ennahdha evolved dramatically during the decades of Ben Ali's repression, in ways that were manifested in its behavior and rhetoric during the post-2011 transition. Jordan's Muslim Brotherhood became one of the most forward-looking Islamist political parties during the kingdom's democratic heyday of the early 1990s, but it then degenerated into a retrograde, divided, and marginalized organization after decades of escalating persecution.

The denial of democratic opportunities, the rise of successful violent movements, and the shifting regional and Islamist contexts make it likely that the coming period of Islamist politics will be dominated by non–Muslim Brotherhood organizations. The current environment is highly unfavorable to the Brotherhood's traditional model and welcoming to its Islamist rivals. The Islamist impulse has hardly been subdued by the failures of the Egyptian Brotherhood. Instead, the center of gravity has shifted toward Salafi and jihadi networks offering harder, less accommodating versions of Islamism. While the Muslim Brotherhood's nonviolence and democratic participation defined the Islamist mainstream for decades, this may now be better embodied in Syria, and for many Sunnis in the Gulf, by the highly sectarian Salafi-jihadism of Ahrar al-Sham.

Islamists have tentatively begun to debate these new political realities and to rethink their ideologies and strategies. Those debates, many of them on semipublic social media platforms and websites, offer a vital glimpse into their collective effort to understand and adapt. However, they have made only limited progress toward articulating a new consensus. For Egyptian Brotherhood members, the ordeals of 2013 remain too painful and vivid, and the current lines of division too intense. For Moroccans, Tunisians, and many others, the demands of local politics have consumed the attention of Islamist groups. And in war zones such as Libya and Syria, the exigencies of the conflicts and the pull of more extreme ideologies have often seemed overwhelming.

This environment places an ever greater burden on Islamist parties to engage in strategies of reassurance and preemptive concessions, even as they seek viable new positions in the political and social landscape. The most successful Islamist parties seem to be those that have found an accommodation with new national and regional political conditions, which means working within, rather than fundamentally challenging, existing political institutions. Reform—or at least inclusion—has trumped revolution.[72]

Morocco's Justice and Development Party, Syria's Muslim Brotherhood, Yemen's Islah, Tunisia's Ennahdha, and Kuwait's Islamic Constitutional Movement have all found ways to adapt to new national, regional, and intra-Islamist conditions. They have done so by reassuring other groups about their intentions and acting with self-restraint, credibly committing to working within the system and not seeking domination. Even Ennahdha's much-celebrated separation of the party from the movement will likely matter more in this national and regional contest of perceptions than it will on the ground.

Egypt's Muslim Brotherhood faces a more difficult road than most of its peers. The intensity of the polarization between 2011 and 2013, the extreme ferocity that followed the military coup, and the regime's relentless campaign against the Brotherhood have hardened views about the organization. It has thus far proven unable to find a way back into the political system, or even to reach internal agreement over discovering one. It has also been unable to reassure a hostile Egyptian public or build new political alliances, even as elite criticism of President Abdel Fattah el-Sisi's regime mounts. Initiatives to overcome the Muslim Brotherhood's unprecedented internal divisions through elections and organizational restructuring have thus far been unsuccessful. Internal dialogues have yet to produce a consensus over a political strategy or key ideological questions about violence and political participation. For now, the Brotherhood is likely to remain consumed by these rifts, isolated from the brittle but authoritarian Egyptian political system. The center of Islamist politics—as with regional politics more broadly—may swing away from Egypt.

The future of Islamist politics will likely be driven more by the evolution of political institutions than by the ideological particularities of Islamists. Islamist parties adapt to local and regional realities, becoming violent in civil wars and becoming democratic when presented with the opportunity to contest elections. The Arab uprisings offered an opening for the unprecedented political inclusion of Islamist parties. The authoritarian backlash after the failure of those transitions now risks pushing Islamist movements away from democratic participation and toward mobilization against political systems. The constituencies mobilized by Islamist movements have not disappeared. The challenge posed by the Islamic State and al-Qaeda demonstrates the desperate need for rebuilding effective firewalls against radicalization. Whether Islamist parties can adapt to these challenges will depend on if they can generate compelling new political strategies and ideological positions that align with the rapidly shifting domestic, regional, and intra-Islamist arenas; reassure non-Islamist skeptics; and effectively counter the appeal of more violent and radical Islamist trends.

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Annex 116

Paul Stephen Dempsey, *Public International Air Law* (2017)

PUBLIC INTERNATIONAL AIR LAW

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PAUL STEPHEN DEMPSEY

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States v. France (1964); United States v. Italy (1965); United States v. France (1978); Belgium v. Ireland (1981); United States v. United Kingdom (1992), and Australia v. United States (1993)), and only five have been submitted to ICAO for resolution (i.e., India v. Pakistan (1952); United Kingdom v. Spain (1969); Pakistan v. India (1971); Cuba v. United States (1998); and United States v. European Union (2000)); a dozen were submitted to the ICJ.

Note that in all aviation arbitrations but one (i.e., Australia v. United States (1993)), the arbitration panel issued a decision addressing the merits of the complaint. In none of the disputes formally submitted to ICAO did the Council render a decision on the merits,[418] though ICAO successfully brokered several dispute resolutions informally. In ten cases, the ICJ found itself wholly unable to render a decision on the merits because it lacked jurisdiction over the respondent. In only one aviation case (i.e., Libya v. United States (1992)), did the ICJ render a decision on the merits of the complaint, though in others it rendered decisions on procedural and jurisdictional questions, and it likely would have reached the merits in Iran v. United States (1998), had the US not settled the case on the court house steps. This suggests that if the parties really want to have a decision that defines their legal rights and responsibilities, they should seek arbitration. If instead, they want the dispute resolved through conciliation and mediation without a formal decision, they should submit their complaint to ICAO. Unless the States are willing to submit the dispute to the ICJ, it is unlikely to be able to address the merits.

Absent a treaty commitment, sovereign States are under no customary international legal obligation to refer their disputes to an arbitral or adjudicatory forum.[419] Ordinarily, the bilateral air transport agreement dispute settlement provisions provide the opportunity for binding arbitration on issues arising under the bilateral. The near-universal ratification of the Chicago Convention provides the vehicle for dispute resolution by the ICAO Council. But most States have exerted reservations to the jurisdiction of the ICJ. In the absence of a treaty commitment, the customary practice of the world community is to allow each State unilaterally to resolve interpretative questions arising as a result of its treaty commitments.[420] Whatever constraints or inhibitions

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[418] Both ICAO and the ICJ rendered opinions in the second *Pakistan v India* (1971) dispute. In this case, the International Court of Justice was asked by India to assess the question of jurisdictional competence of ICAO, which was upheld by the ICJ.

[419] Lauterpacht, *supra* note 412 at 22; Bernard Oxman, "Complementary Agreements and Compulsory Jurisdiction" (2001) 95 Am J Intl L 277 at 284.

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Annex 117

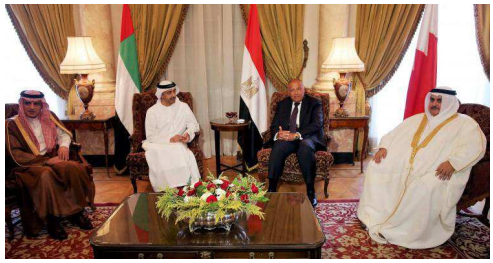
Kylie Moore-Gilbert, "A Band of (Muslim) Brothers? Exploring Bahrain's Role in the Qatar Crisis", *Middle East Institute* (3 Aug. 2017), *available at* https://www.mei.edu/publications/band-muslim-brothers-exploring-bahrains-role-qatar-crisis#_ftnref16

A Band of (Muslim) Brothers? Exploring Bahrain's Role in the Qatar Crisis

August 3, 2017

Kylie Moore-Gilbert

Are religious doctrinal differences primarily responsible for stoking intercommunal fear and hatred? What roles have state, sub-state and transnational actors played in fomenting sectarian discord? And what could be done to avert sectarian violence, to foster tolerance and peaceful coexistence, and to promote reconciliation? The essays in this series tackle these and other salient questions pertaining to sectarianism in the MENA and Asia Pacific regions. Read more ...



The crisis which has engulfed the Gulf Cooperation Council (G.C.C.) states since June 5, 2017, leading to an unprecedented diplomatic and economic blockade of Qatar, has effectively split the Gulf into three camps, fracturing the uneasy yet much-lauded unity of an alliance which has long prided itself on stability and security.

Bahrain did not hesitate to enter the fray from day one of the crisis, and quickly joined the Saudis, Egyptians, and Emiratis in picking a fight with Qatar. Very little however has been written about Bahrain's involvement, in spite of a number of incongruities which suggest that the small Gulf state would likely have preferred a negotiated solution rather than open confrontation with its eastern neighbor. What explains Bahrain's decision to get involved at all?

Overview of the Crisis

Much has been written about the motives of the Saudi and U.A.E.-led bloc, joined by Bahrain, Egypt, Yemen's government-in-exile and Libya's Tobruk-based Council of Deputies,[1] in breaking off diplomatic relations with Qatar. Kuwait and Oman have adopted their traditional positions as impartial mediators in the crisis, with Kuwait assuming an active role in facilitating negotiations between the two sides and Oman affirming its neutrality and seeking to sit out the crisis as best it can.

The Saudi and U.A.E.-led bloc's demands on Qatar are deep-rooted and far-reaching, and essentially consist of measures to contain Qatar's adventurous foreign policy, long a thorn in the side of its Gulf neighbours. The list of 13 demands[2] released by the bloc focus on bringing Qatar into line on policy areas which correlate with the internal threat perceptions of principally Saudi Arabia, the U.A.E. and

Egypt — namely, Qatar's support for Muslim Brotherhood-aligned groups, some Sunni fundamentalist factions fighting in Syria and certain domestic opposition organizations in these countries plus Bahrain.

Perceived Qatari threats to the boycotters' regime security also extend to Qatari-funded media outlets such as Al Jazeera, whose ostensibly independent coverage[3] of political issues in Egypt, and the Gulf in particular, has led Qatar's neighbors to accuse it of stirring unrest in their domestic affairs. Riyadh and Abu Dhabi also demand that Doha fall into line on the issue of their principal geopolitical preoccupation: countering the threat of Iranian influence in both the Gulf and wider Middle East. Indeed, the very first item on the bloc's list of demands requires Qatar to downgrade its diplomatic ties and cut off all military and intelligence cooperation with Tehran.

Many have pointed out the double standards at play wherein Saudi Arabia and the U.A.E. accuse Qatar of sponsoring terror organizations in Iraq and Syria, when these countries themselves (along with Kuwait[4]) have been linked to the financing of Sunni terror networks,[5] and are openly sponsoring alternative Sunni fundamentalist factions in Syria. Likewise, Emirati trade with Iran is estimated to be greater than that of Qatar,[6] and a number of Gulf states maintain cordial relations with Tehran, including Oman and Kuwait — both of which declined to join Saudi Arabia, Bahrain, and the U.A.E. in recalling their ambassadors following the January 2016 diplomatic crisis surrounding the execution of Saudi Shiʿi cleric Nimr al-Nimr.[7]

Understanding the Bahrain-Qatar Relationship

Bahrain did not hesitate to enter the fray from day one of the crisis, and quickly joined the Saudis, Egyptians, and Emiratis in picking a fight with Qatar. Like Qatar, Bahrain's government has also been accused of being slow to shut down terror funding networks and stymie Bahraini involvement in groups such as Al Qaeda and the Islamic State.[8] Bahrain's severing of diplomatic relations with Qatar over the issue of Doha's closeness to the Muslim Brotherhood is particularly puzzling, given that the Brotherhood's Bahrain affiliate operates as a legal political society and has won seats in Bahrain's parliament on a number of occasions. Bahrain appears to be the only country in the Arab world whose branch of the Muslim Brotherhood is loyal to the government, and has not been conceived of as a threat to regime stability. This stands in stark contrast to the Saudi and Emirati approach, whose aggressive campaign against the Brotherhood in Egypt and elsewhere stems from fears that the Brotherhood's grassroots Islamism could pose a substantive threat to monarchical legitimacy back home. What explains Bahrain's contradictory position, and can Manama maintain it as the Qatar crisis enters its third month?

Bahrain's relationship with Qatar has long been volatile; however, their bilateral relations had actually improved in recent years, with the current crisis putting paid to a number of ambitious joint ventures, including a much-discussed proposal to construct a "friendship bridge" linking the two countries.[9] Much of the volatility in the Bahrain-Qatar relationship is the product of their close familial ties and tribal heritage. Bahrain's ruling Al Khalifa monarchs conquered the island in 1783 from their base in Zubarah in present-day Qatar, maintaining control over Zubarah and other parts of Qatar until the late nineteenth century, when they were forced out by the British following an attempt to capture the current Qatari capital of Doha.[10] Qatar's ruling al-Thani tribe only gained full control over Zubarah in 1957, again following British intervention against the Al Khalifa's attempts to assert Bahraini sovereignty over the area.[11]

Territorial disputes continued to mar relations between Bahrain and Qatar after each achieved independence, with both states claiming the uninhabited Hawar islands, as well as Zubarah and a number of reefs and shoals, all of which were rumoured to sit atop sizeable deposits of oil and gas.[12] In 1996 Qatar accused Bahrain of participating in a counter-coup against Sheikh Hamad bin Khalifa al-Thani,[13] whose removal of his father in the previous year had not gone down well in Riyadh and Manama. Yet, following this incident relations began to improve between the two countries. Bahrain and Qatar established full diplomatic relations in 1997 and agreed to petition the International Court of Justice for a peaceful resolution of the border dispute, which was settled in 2001.[14]

While Bahrain joined Saudi Arabia and the U.A.E. in briefly recalling its ambassador to Qatar in 2014, a former Bahraini parliamentarian told the author that Manama felt it "could not refuse to participate when the U.A.E. and Saudi decided to settle their differences with Qatar," but that Bahrain's involvement in the matter remained "low key."[15] This is likely due to the same internal contradictions apparent in the current crisis — the 2014 spat principally concerned Qatar's support for the Muslim Brotherhood, including allegations that Qatar had allowed Brotherhood members fleeing Egypt after the ouster of Mohammed Morsi to shelter in Doha.[16] The very same year, Manama allowed its own, pro-regime Brotherhood affiliate to stand for elections to the Bahraini parliament, where the group won a single seat. This is a fine line to walk indeed, and begs the obvious question of why Bahrain's government is nurturing a relationship with the Bahraini branch of the Brotherhood in the first place?

Al-Minbar al-Islami: Bahrain's Muslim Brotherhood Predicament

Domestic policy-making in Bahrain has long been informed by the ruling Al Khalifa monarchy's need to shore up its base within the country's minority Sunni community, with the restive Shiʿa majority increasingly conceived of as security threat and potential fifth column.[17] What Gengler refers to as "the securitisation of the Shiʿa problem"[18] in Bahrain escalated further in the wake of the country's 2011 Arab Spring uprisings, which shook the Al Khalifa regime to its foundations and precipitated a bloody crackdown which continues to this day. While Manama became increasingly beholden to Riyadh, which spearheaded the G.C.C. military intervention that ultimately succeeded in putting down Bahrain's mass pro-democracy protests, uniting Bahrain's Sunni community behind the Al Khalifa monarchy became a matter of regime survival.

Bahrain's Muslim Brotherhood affiliate, the National Islamic Platform Society (*Jamʿiyyat al-Minbar al-Waṭanī al-Islāmī,* known as al-Minbar) is considered a pro-regime organization, in fact one of the King's uncles, ʿIsa bin Muhammad al-Khalifa, was involved in founding its parent society al-ʾIslah in 1984.[19] The support of groups such as al-Minbar in shoring up Sunni support for the regime during the 2011 protests, and in promoting the government's sectarianisation policies during the post-2011 crackdown on the Shiʿi-dominated opposition, has played a crucial role in the monarchy's ability to maintain its grip on power. Al-Minbar's position is seen as "highly critical of the Shiʿi revolt, which it describes as sectarian, violent and a reflection of terrorism,"[20] and the group has at times pressured the government to crack down even more harshly on dissent in the Shiʿi-majority areas of Bahrain. Groups such as al-Minbar and the Salafi al-ʾAsalah Society have proven to be highly useful allies to a government which has sought to employ sectarian divide and rule tactics to strengthen its

leverage within the Sunni community.[21] Al-Minbar has been vocal in its support for government efforts to tarnish Bahrain's pro-democracy protest movement as a Shiʿa plot, backed by Iran, and Manama is reluctant to take steps to limit the group's domestic activities, in spite of heightening anti-Brotherhood sentiments in much of the Gulf.

During Bahrain's 2011 Arab Spring protests, both Qatar and the transnational Muslim Brotherhood movement expressed their support for the embattled Al Khalifa regime. Qatar, like Bahrain's other G.C.C. neighbors, was principally concerned with its own security, and viewed stabilizing the Al Khalifa regime as key to preventing spill-over into other Gulf states should Bahrain's monarchy fall. Qatar contributed a small number of troops to the G.C.C. Peninsula Shield Force (PSF) which entered Bahrain in March 2011 to quell the protests, and was content to allow Saudi Arabia to spearhead the G.C.C.'s defense of Bahrain's monarchy. As Coates Ulrichsen notes, Qatar's support for the Al Khalifa and the Saudi-led military deployment to Bahrain contrasted sharply with the "thrusting unilateralism that characterised some of Qatar's other Arab Spring policies."[22] The Muslim Brotherhood's Doha-based spiritual leader Sheikh Yusuf al-Qaradawi, who features on the Saudi and Emirati-led bloc's recent list of Qatar-backed supporters of terrorism,[23] was vocal in his condemnation of Bahrain's mostly-Shiʿi pro-democracy protesters in 2011, denouncing them as violent, sectarian and motivated by "foreign forces."[24] It is little wonder then that Bahrain's government has been comparatively untroubled by widely publicized meetings between al-Minbar representatives and Sheikh al-Qaradawi in Doha, given that both are viewed as supporters of Manama's often brutal efforts to cement its grip on power. It is doubtful that political groups in Saudi Arabia or the U.A.E. would elicit such a reaction, should they take it upon themselves to pay al-Qaradawi a visit.

Why Get Involved at All?

The Muslim Brotherhood is clearly not perceived as a significant threat by Bahrain's government, which remains preoccupied with tightening its latest crackdown on dissent, including targeting prominent human rights activists[25] and dissolving Bahrain's last remaining independent opposition societies.[26] In addition, Bahrain's government has shown comparatively little concern for the issue of terror funding, with more than 100 Bahrainis estimated to be fighting for Islamic State and other Sunni extremist groups in Syria and Iraq, including top IS cleric Turki al-Binali, who according to Shehabi was "expanding his influence in Bahrain and recruiting for his cause with little or no interference from the authorities"[27] as late as 2014. Given that Qatar's sponsorship of the Muslim Brotherhood and alleged terrorist fundraising are cited as the primary reasons for the Saudi-U.A.E. bloc's severing of ties with Doha, why didn't Bahrain simply sit this one out, like neighboring Kuwait and Oman?

The answer takes us back to the events of 2011 and their aftermath, during which Manama was pulled so tightly into Riyadh's orbit that some have argued Bahrain ceded its sovereignty, or at the very least its foreign policy, to its powerful neighbor.[28] The decision to deploy the G.C.C. PSF to Bahrain in March 2011, said to be at the invitation of Bahrain's King, is often cited as the moment in which Bahrain essentially became a vassal state of Saudi Arabia, in particular as the PSF has actually remained in Bahrain despite the ostensibly temporary nature of its deployment.[29] The Saudis' military leverage over Manama is compounded by their economic influence, in particular as low oil prices and economic mismanagement have seen Bahrain run a series of budget deficits, with public

debt ballooning at an alarming rate.[30] The G.C.C., including Qatar, gave Bahrain $10 billion in 2011 for employment and development projects,[31] seen as a means of heading off Arab Spring-inspired civil unrest, and much of Bahrain's budget is dependent on revenues from the Saudi Aramco-controlled Abu Saʿfah oil field, which splits profits between Bahrain and Saudi Arabia.[32] Bahrain's increasing economic, military, and foreign policy dependence on Saudi Arabia perhaps explains its enthusiasm for its neighbor's growing geopolitical assertiveness, including the creation of a formal "Gulf Union" (rejected by the other G.C.C. states),[33] its disastrous military campaign in Yemen, and various diplomatic and rhetorical attacks on Iran.

Fears of growing Iranian influence in the Gulf, well-founded or otherwise, in part explain Manama's involvement in the diplomatic blockade on Qatar. Bahrain shares Saudi Arabia's concerns that an emboldened Iran is seeking to foment unrest in the Gulf's Shiʿi communities, and these fears are compounded by Bahrain's unique sectarian demography, and the apparently genuinely-held belief by many in Bahrain's government that an Iranian hand was behind the country's Shiʿa-dominated 2011 uprising. Half of all the organizations listed by the Saudi-U.A.E. bloc as terror groups allegedly supported by Qatar are based in Bahrain, including the February 14 Youth Coalition, Bahraini Hezbollah, and a secretive organisation called Saraya al-Mukhtar.[34] It is telling that, while virtually no evidence exists of a link between these groups and Qatar, all five of the Bahraini entities listed have been linked to Iran by Bahrain's government at various junctures. The former Bahraini MP interviewed by the author dismissed any connection between these groups and Doha, and speculated that Manama was simply jumping on the Saudi bandwagon, potentially with an eye to claiming financial damages from its wealthy neighbor — "Qatar financing these Shiʿa groups? It's just opportunism."[35]

The Bahraini government has been largely successful in depicting its 2011 pro-democracy protests as a Shiʿi-Islamist, Iran-inspired uprising and a threat to both Bahrain's Sunni minority and the balance of power in the Gulf. Manama's increasingly sectarian view of the world has impacted upon its participation in a diplomatic spat which, at face value, did not align with its domestic objective of using Bahrain's Muslim Brotherhood affiliate to strengthen Sunni support for the Al Khalifa regime. Al-Minbar have maintained a low profile since the crisis with Qatar erupted; however, it is possible that Bahrain's government may be forced to sacrifice its ally at some point, given broader efforts to designate the transnational Muslim Brotherhood a terrorist organization in the Gulf. Bahrain's involvement in the diplomatic boycott of Qatar is not motivated by concerns surrounding Doha's support for the Muslim Brotherhood, nor its funding of international terror networks. Rather, Manama's ceding of much of its foreign policy to Saudi Arabia in the wake of the 2011 protests compelled it to join the Saudi and U.A.E.-led bloc's move against Qatar. The sectarianization of Bahrain's domestic conflict, and its hypersensitivity to Iranian interference in its affairs, mean that Qatar's pragmatic relationship with Iran is far more likely to hold the key to Manama's concerns.

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[1] A number of other smaller nations also severed diplomatic relations with Qatar, including Comoros, the Maldives, Mauritania, and Senegal.

[2] For the list of demands, see "Arab States Issue 13 Demands to End Qatar-Gulf Crisis," Al Jazeera, July 12, 2017, accessed July 26, 2017, http://www.aljazeera.com/news/2017/06/arab-states-issue-list-demands-qa....

[3] For more on the link between Al Jazeera and Qatari foreign policy see Zainab Abdul-Nabi, "Al-Jazeera's Relationship with Qatar Before and after the Arab Spring: Effective Public Diplomacy or Blatant Propaganda?" *Arab Media & Society* 24 (2017), accessed July 26, 2017, http://www.arabmediasociety.com/peer_reviewed/index.php?article=1026.

[4] Kylie Baxter, "Kuwait, Political Violence and the Syrian War," *Australian Journal of International Affairs* 71:2 (2017): 128-145.

[5] For example, a leaked 2009 diplomatic cable from the US State Department comments that "donors in Saudi Arabia constitute the most significant source of funding to Sunni terrorist groups worldwide." See Wikileaks, accessed July 26, 2017, https://wikileaks.org/plusd/cables/09STATE131801_a.html.

[6] Katie Paul, "Gulf Leaders Trade Barbs as Qatar Dispute Shows No Let-Up," Reuters, June 10, 2017, accessed July 26, 2017, http://www.reuters.com/article/us-gulf-qatar-idUSKBN1910B6.

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[9] Krista E. Wiegand, "Bahrain, Qatar, and the Hawar Islands: Resolution of a Gulf Territorial Dispute," *Middle East Journal* 66:1 (2012): 94.

[10] Omar Hesham AlShehabi, "Contested Modernity: Divided Rule and the Birth of Sectarianism, Nationalism and Absolutism in Bahrain," *British Journal of Middle Eastern Studies* 43 (2016): 6.

[11] Wiegand, "Bahrain, Qatar, and the Hawar Islands," 82.

[12] Wiegand, "Bahrain, Qatar, and the Hawar Islands," 79.

[13] "Life Sentences for Qatari Coup Plotters," BBC News February 29, 2000, accessed July 26, 2017, http://news.bbc.co.uk/1/hi/world/middle_east/660887.stm.

[14] Kristian Coates Ulrichsen, "Qatar: The Gulf's Problem Child," *The Atlantic*, June 5, 2017, accessed July 26, 2017, http://www.theatlantic.com/international/archive/2017/06/qatar-gcc-saud....

[15] Interview with Bahraini former MP, July 2017.

[16] Ian Black, "Qatar-Gulf Deal Forces Expulsion of Muslim Brotherhood Leaders," *The Guardian*, September 17, 2014, accessed July 26, 2017, http://www.theguardian.com/world/2014/sep/16/qatar-orders-expulsion-exi....

[17] Moore-Gilbert, Kylie, "From Protected State to Protection Racket: Contextualising Divide and Rule in Bahrain," *Journal of Arabian Studies*, 6:2 (2016): 179.

[18] Justin Gengler, "Royal Factionalism, the Khawalid and the Securitization of 'the Shiʿa Problem' in Bahrain," *Journal of Arabian Studies* 3:1 (2013): 53-79.

[19] Frederic M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings* (New York: Columbia University Press, 2014) 59.

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[21] Kylie Moore-Gilbert, "Sectarian Divide and Rule in Bahrain: A Self-Fulfilling Prophecy?" *Middle East Institute*, January 19, 2016, accessed July 26, 2017, http://www.mei.edu/content/map/sectarian-divide-and-rule-bahrain-self-f....

[22] Kristian Coates Ulrichsen, *Qatar and the Arab Spring* (Oxford: Oxford University Press, 2014) 115.

[23] "بيان مشترك: حظر على أفراد ومؤسسات إرهابية ترعاها قطر" [Joint Statement: A ban on individuals and terrorist institutions sponsored by Qatar], Skynews, June 8, 2017, accessed July 26, 2017, http://bit.ly/2tBxhFn.

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Annex 118

C. Kotuby Jr. & L. Sobota, *General Principles of Law and International Due Process* (2018)

General Principles of Law and International Due Process

Principles and Norms Applicable in Transnational Disputes

Charles T. Kotuby Jr. and Luke A. Sobota

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certain types of desirable behavior.[310] According to the *Partidas*, positive law was needed to "unite men by love, i.e., by law and reason, because that is how justice is made."[311] The king was thus to appoint judges bound to apply the written laws,[312] whose "language . . . must be clear so every man understands them and remembers them."[313] The third *Partida* provided for appellate review,[314] set forth certain evidentiary rules,[315] and required that sentences be "read [] publicly" and "so worded that [they] may be understood without any doubt."[316] The *Partidas* had great significance in Latin America after 1492, and was especially influential in the post-emancipation codification movement (1822–1916).[317] It also served as the legal foundation for the formation of the governing juntas in both Spain and Spanish America after the imprisonment of King Fernando VII during the Peninsular War with Napoleon.[318]

Notwithstanding the import of these and other legal developments in medieval Europe,[319] it was not until the French Revolution and the adoption of the 1791 Constitution that the king was unquestionably subject to the rule of law in the

310 Alfonso X believed the king to be God's representative on earth, put there for the fulfillment of justice: "'It is fitting that a man should be ruler so as to destroy discord among men, to make FUEROS and laws, to break down the proud and evil-doers and to protect the Faith.'" Madaline W. Nichols, *Las Siete Partidas*, 20 CALIF. L. REV. 260, 266 (1932) (quoting *Partida* II).

311 *Partida* I, Law 7.

312 *Partida* I, Law 12.

313 *Partida* I, Law 8. *See also* Partida I, Law 13.

314 *Partida* III, Title 4, Law 1.

315 *Partida* III, Title 17.

316 *Partida* III.

317 *See* Nichols, *supra* note 310. Modern codification under Roman civil law influence was widespread both in Europe and the Americas, including in Canada and the U.S. state of Louisiana. From the Bavarian Codex of 1756 to the Napoleonic Code of 1804 to the German Civil Code (or BGB) of 1900, European codification efforts extended to every corner of the Continent and to the colonies under European domain, including Latin America, where existing regal legislation was also incorporated. By the end of the nineteenth century most every country in Latin America had a Civil Code, with Andrés Bello's Code in Chile having special influence in Ecuador (1858), El Salvador (1859), Venezuela (1862), Nicaragua (1867), Honduras (1880), Colombia (1887), and Panama (1903). *See generally* JOHN H. MERRYMAN & ROGELIO PÉREZ-PERDOMO, THE CIVIL LAW TRADITION (2007).

318 When King Ferdinand VII was imprisoned by Napoleon, local political bodies argued, based on the *Partidas*, that "absent the King, sovereignty reverted to the people" of the colonies. *See* HISTORIA DE AMÉRICA ANDINA: CRISIS DEL RÉGIMEN COLONIAL E INDEPENDENCIA 162 (G. Carrera Damas ed., 2003).

319 The thirteenth century has been regarded as "one of the great culminations of Western civilization":

> Extraordinary as it was in other fields, it was particularly important in law. It saw a great outburst of juristic activity, doctrinal, administrative and legislative. In Italy, it was the period of the Glossators. In France, it was the period of St. Louis and the *Ordonnances*, of the apocryphal

Annex 119

"The Battle over Appointing Judges in Egypt", *Carnegie Endowment for International Peace* (16 Jan. 2018), *available at* https://carnegieendowment.org/sada/75274

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The Battle Over Appointing Judges in Egypt

Yussef Auf

The Egyptian regime may have miscalculated the extent of judicial opposition to its attempts to control appointments of high-ranking judges.

January 16, 2018 عربي Comments (+)

Since April 27, 2017 when the passage of Law 13 of 2017 introduced sweeping changes to how the heads of judicial bodies in Egypt are chosen, Some Egyptian judges have challenged what they see as an attempt to control the judiciary. The law granted the president of the republic a discretionary power for selecting, without review, the chief justices of the judiciary, revoking the neutral clear criterion of seniority which has been in place for decades. The appeal against the law itself went to the Supreme Constitutional Court on November 27, 2017, which will start hearing the case on February 17, 2018. Although the Egyptian judiciary is in dire need of reform, neither judges nor civil society support these changes to the longstanding principle of seniority.

The Egyptian judiciary is multi-jurisdictional, meaning that the judicial branch is comprised of multiple bodies independent from one another, each with its own jurisdiction and powers. The constitutional judiciary, represented by the Supreme Constitutional Court, exclusively addresses constitutional cases. The administrative judiciary, also named the State Council and headed by the Supreme Administrative Court, considers cases stemming from decisions made by the executive branch. Finally, the general judiciary, headed by the Court of Cassation, takes up all other types of disputes, including criminal, civil, family, commercial and labor cases.

Particularly within the general judiciary and the State Council, it has been the longstanding judicial norm since the establishment of the Egyptian judiciary to consider seniority as the fundamental standard for promotions within the judicial system, including to top-level positions. The most critical top-level positions to which this applies are the chief justice of the Court of Cassation, founded in 1931 within the general judiciary, who simultaneously serves as head of the Supreme Judicial Council, which is responsible for managing all general judiciary's affairs; and the head of the State Council, established in 1945, who also serves as Chief Justice of the Supreme Administrative Court. Although the practice can open the door for incompetent leadership at times, judges have long viewed the principle of seniority (which is mentioned in Articles 159 and 209 of the Egyptian Constitution) as a strictly neutral principle for promotion, ensuring that judges focus on their legal work instead of being dragged into partisanship and competition over positions.

In this context, Law 13 of 2017 amended both Law 46 of 1972 on the judiciary (which regulates the general judiciary) and Law 47 of 1972 on the State Council to abolish the principle of absolute seniority. The law created a new mechanism wherein the Egyptian president has the sole power, without approval or review from any other authority, to appoint the chief justice of the Court of Cassation (the Supreme Judiciary Council per-se) from among three nominees put forward by the Supreme Judiciary Council, as well as to appoint the head of the State Council (the chief justice of the Supreme Administrative Court) from among three nominees put forward by the State Council's general assembly.

particularly after the January 2011 revolution. Proposed and debated reforms have included modernizing and automating litigation procedures to help solve the infamously slow pace of trials—a perpetual problem dogging the Egyptian court system—and to train judges to improve their professional competence and support their individual and institutional autonomy. However, the many reform proposals never included granting the Egyptian president such a discretionary power over the process of selecting the State Council and the Court of Cassation chief justices, raising suspicions as to the real objective of Law 13 of 2017.

Since the Egyptian Parliament announced in December 2016 that the bill was under discussion, judges, some political forces, and a number of NGOs have expressed their dissent. Opposition to the bill focused primarily on how it would undermine judicial independence and control the judiciary's leaders through the appointment process, while also casting aside the long-established historical principle of seniority, which had ensured the judges were non-partisan and bound to a rigid standard for promotions and appointments. Moreover, implementation of this law would create space for partisanship and factions among high-ranking judges to back one nominee over another, which would be a completely alien development within the Egyptian judiciary.

Despite the law's importance to the judicial authority, which would ideally require sufficient study and discussion, the House of Representatives handled the bill in a way that triggered many doubts. Under the Egyptian constitution, the bill should have been sent to the Supreme Judiciary Council for feedback, which did not happen. Furthermore, the State Council's legislation department, which has jurisdiction to offer its legal opinion on parliamentary bills, expressed its complete rejection of the bill as flagrantly unconstitutional. Parliament also ignored the statements issued by the judges' clubs (syndicates) condemning the bill. Finally, according to one member of parliament, the parliamentarians themselves were caught by surprise when the bill was introduced in a general session without being announced beforehand, and the 25-30 Coalition, a loose alliance of independent members of parliament that acts as the parliamentary opposition, were denied the request to discuss the bill. Instead, the bill was rushed to a vote, even though it was unclear at the time that the necessary quorum was present, then passed and signed into law by the president, all in a matter of hours.

After the bill officially became law on April 27, it was implemented less than two months later, when the head of the Court of Cassation was set to be retired by the end of June 2017. Under the new law, the Supreme Judiciary Council then put forth three nominees, but chose the three most senior deputies among its members, meaning that the council continued to stick to the seniority rule. Using the authority granted him under Law 13 of 2017, Sisi bypassed the oldest deputy, Anas Emara, and chose the second-oldest deputy, marking the first time in the history of the Egyptian judiciary that the principle of seniority had been broken in selecting the chief justice of the Court of Cassation.

When the then State Council's President Mohamed Masoud was set to retire in June 2017, the State Council judges were more explicit in their rejection of the new law. When their general assembly convened on May 13 to select three nominees to send to Sisi, they instead chose to send a single name, that of the most senior deputy, Yehia Dakroury who would have been in line for succession under the old seniority-based system. This was a gauntlet thrown to Sisi, who promptly responded by appointing Ahmed Abul Azm, the fourth-oldest judge, skipping the three most senior deputies.

Many observers believe that this was a way to override the appointment of Dakroury who had issued a number of judicial rulings that could be read as anti-regime. The most significant ruling was on June 21, 2016, when Dakroury's Court of Administrative Judiciary voided the controversial agreement that had redrawn the maritime border with Saudi Arabia to give Riyadh possession of the islands of Tiran and Sanafir. Only a few weeks before this ruling, Sisi had issued a statement requesting everyone within Egypt not to talk about the two islands again because the decision to transfer sovereignty to Saudi Arabia had already been made.

In fact, legislating law 13 of 2017 came as a surprise, for the Egyptian judiciary has always been considered an essential pillar of the Egyptian state and had used its various courts to stand up to former president Mohamed Morsi and the Muslim Brotherhood government. This led many to view the Egyptian judiciary as being a crucial ally and partner of the military regime. In this context, Law 13 of 2017 can only be understood as a clear message to the judiciary—and to the political and social forces behind it—that the ruling regime keeps no true partners, and only Sisi is in control.

The battle over Law 13 of 2017 is not yet done, as opposition to it has reached courthouses. Judges Yehia Dakroury (the first deputy of the State Council) and Anas Emara (the first deputy of the Court of Cassation), both of whom were overstepped when Sisi made his appointments, filed the appeal against the president's decisions that is now awaiting the decision of the Supreme Constitutional Court as to whether law 13 of 2017 is constitutional. It is expected that the court will strike down the law as unconstitutional when it meets in February, meaning that the president's appointments based on the law would also be illegitimate. This would present a major challenge to Sisi's regime, which leans heavily on control and subjugation to govern domestically. The regime may have miscalculated when it jumped into a battle with one of the oldest, most venerated Egyptian institutions. The judiciary can put up a fight to defend itself, which will have repercussions to come.

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This article was translated from Arabic.

Annex 120

FATF-MENAFATF, *Anti-money laundering and counter-terrorist financing measures – Saudi-Arabia*, Fourth Round Mutual Evaluation Report, FATF, Paris (Sept. 2018), *available at* http://www.fatf-gafi.org/publications/mutualevaluations/documents/mer-saudi-arabia-2018.html

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MENAFATF
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Anti-money laundering and counter-terrorist financing measures

Kingdom of Saudi Arabia

Mutual Evaluation Report

September 2018

The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CTF) standard.

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Executive Summary

1. This report provides a summary of the anti-money laundering and countering the financing of terrorism (AML/CFT) measures in place in the Kingdom of Saudi Arabia at the date of the on-site visit (8-23 November 2017). It analyses the level of compliance with the FATF 40 Recommendations, the level of effectiveness of its AML/CFT system, and makes recommendations on how the system could be strengthened.

Key Findings

- Inter-agency policy coordination and cooperation is a significant strength of the Saudi system. Saudi Arabia has developed a good understanding of its ML and TF risks through its national risk assessments, using a robust process and a wide range of information. Saudi authorities have introduced a number of measures to address specific risks identified prior to the recent NRAs.
- The FIU is not conducting sophisticated financial analysis to effectively support investigations, in particular those into more complex cases of ML. The analysis provided by the FIU is straightforward and single-layered, based mainly on organising and compiling information from available databases. Nevertheless, a wide variety of information is available and competent authorities regularly use financial intelligence in the course of their investigations.
- Saudi Arabia is not effectively investigating and prosecuting individuals involved in larger scale or professional ML activity. Investigations are often reactive, and tend to be straightforward, unsophisticated, and single-layered. Prosecutions are mostly for the self-laundering offence, with individuals convicted when they are unable to prove the source of funds. ML investigations have significantly increased in recent years, but remain too low.
- Saudi Arabia is not effectively confiscating the proceeds of crime. Authorities are not routinely attempting to trace and confiscate the instrumentalities and proceeds of crime, and have not been able to repatriate any criminal proceeds from another country over the period 2013-16, despite the large majority of proceeds generated in Saudi Arabia are estimated to leave the country. The amounts of

proceeds of crime seized and confiscated domestically within Saudi Arabia have been increasing, but are still low.

- Saudi Arabia has demonstrated an ability to respond to the dynamic terrorism threat it faces in country. Saudi Arabian authorities have the training, experience and willingness to pursue terrorist financing investigations in conjunction with and alongside terrorism cases. Financial investigations are routinely carried out, and TF cases are generally identified during terrorism-related investigations conducted by Mabaheth, leading to an exceptional number of investigations and convictions.
- Saudi Arabia has an established legal framework and co-ordination process for implementing UN targeted financial sanctions (TFS) on terrorism without delay, and regularly makes use of TFS domestically. However, Saudi Arabia makes far greater use of financial restrictions imposed on a person through criminal procedures and watch-list mechanisms, which lack legal safeguards and are not publicly available. On proliferation financing, the mechanisms in place to implement TFS and prevent sanctions evasion are weak.
- Saudi Arabia conducts comparatively intensive supervision of the higher-risk sectors in accordance with a risk-based approach, and has done a great deal of outreach with regulated entities to communicate their new obligations. These efforts have resulted in a significant improvement in compliance with the AML/CFT requirements.
- AML/CFT preventive measures in the financial sector are strong and well established. Major FIs including banks, securities and financing companies, have a solid understanding of the ML/TF risks they face, and a good level of implementation of the risk-based approach; although the level of implementation is not so strong among smaller DNFBPs, and STR reporting remains a concern for all sectors.
- Saudi Arabia can and does respond to incoming requests for mutual legal assistance, but does not effectively seek international co-operation from other countries to pursue money laundering and the proceeds of crime. On terrorist financing, Mabaheth clearly does prioritise international co-operation, both inbound and outbound, and provided good examples of using international law enforcement co-operation.

Risks and General Situation

2. Saudi Arabia faces a high and diverse risk of terrorism financing, linked to terrorism committed both within Saudi Arabia, and to countries experiencing conflicts within the region. The risk of terrorism and terrorist financing within Saudi Arabia is linked to the presence of cells of Al Qaeda, ISIS, affiliates, and other groups. The number of foreign fighters is high, with estimates of over 3,000 departures between January 2000 and February 2018. Saudi Arabia also faces a high risk of terrorist acts carried out in Saudi Arabian territory.

3. The economy of the Kingdom is dominated by petroleum activities: Saudi Arabia is the largest exporter of petroleum, and the sector accounts for 45% of GDP.

Saudi Arabia is generally seen as a conservative country and an unattractive location for laundering international proceeds because of its relatively small financial and commercial sectors, limitations on direct foreign investment and participation in the corporate sector, and restrictions on access by foreigners to the financial and non-financial markets. The financial sector and DNFBP sectors in Saudi Arabia are relatively small, and primarily serve domestic customers. The remittances sector is an exception: over a third of the resident population in Saudi Arabia was born outside the Kingdom, which has the second highest total outflows of remittances in the world after the US, approximately $38.8bn for the year to April 2017.

4. The overall proceeds of crime generated in Saudi Arabia are estimated to be approximately USD 12 - 32 billion; based on IMF and UNODC research on the proceeds of crime as a proportion of GDP.[1] This range is consistent with Saudi Arabia's risk profile and the Saudi NRA for ML. Saudi authorities estimate the main proceeds-generating crimes in Saudi Arabia to be illicit trafficking in narcotics, corruption, and counterfeiting and piracy of products. Between 70 and 80 per cent of domestic proceeds of crime are estimated to flow out of the Kingdom, while the balance remains in the country.

Overall level of Effectiveness and Technical Compliance

5. Saudi Arabia's AML/CFT framework has undergone fundamental changes since 2010. In late 2017, Saudi Arabia passed comprehensive revisions of its Anti Money Laundering Law (AMLL) and Law on Terrorism Crimes and Financing (LTCF). The new laws were adopted on 24 October 2017 (AMLL) and 1 November 2017 (LTCF), immediately before the on-site visit. Saudi Arabia's National Risk Assessments were adopted in August 2017, and a national Strategy and accompanying Action Plan were adopted in the same period. Further changes to the administrative system were in progress in November 2017, during the on-site visit (including structural changes at the Public Prosecution, and the move of the FIU from the Ministry of Interior to a new ministry, the State Security Presidency). The revised laws address deficiencies identified in the 2010 Mutual Evaluation, implement new requirements added to the revised FATF Recommendations in 2012, address the conclusions of the NRAs, and correct deficiencies identified in the first draft of the TC analysis prepared for the current evaluation. In terms of technical compliance, the results of the new laws have been very positive: Saudi Arabia has brought its' legal system into line with the up-to-date FATF Recommendations, and has successfully addressed almost all of the deficiencies which were present previously.

6. In terms of effectiveness, Saudi Arabia achieves substantial results on risk understanding and mitigation; on combating terrorist financing (through both law enforcement and administrative measures); and on supervision. Serious problems affect the investigation of money laundering; the confiscation of the proceeds of crime, international co-operation, and proliferation financing.

[1] The UNODC estimates that all criminal proceeds, excluding tax evasion, amounts to 2.3 to 5.5 per cent of global GDP. This figure is consistent with the 2 to 5 per cent range previously produced by the International Monetary Fund to estimate the scale of money-laundering. See http://www.unodc.org/unodc/en/press/releases/2011/October/unodc-estimates-that-criminals-may-have-laundered-usdollar-1.6-trillion-in-2009.html.

7. The new laws, regulations, and institutional/administrative framework mean that the AML/CFT framework which is the basis for the effectiveness assessment is significantly different from the framework assessed in the technical compliance annex. It has not been possible to assess the effectiveness with which Saudi Arabia is implementing the obligations which were introduced for the first time in November 2017, and in many places the effectiveness analysis highlights deficiencies or gaps which have already been addressed through the new laws, or provides recommended actions which ask Saudi Authorities to implement the new laws or continue new policies. As a result, much of the analysis in the main report on effectiveness is based on activities under the old laws and regulations while the TC annex reflects the new laws and regulations.

National AML/CFT Policies and Co-ordination (Chapter 2: IO1; R.1, R.2, R.33)

8. Saudi Arabia has a solid understanding of its ML and TF risks, based on a robust risk assessment process and a wide range of information. Saudi authorities have produced two parallel National Risk Assessments (NRAs) of ML and TF risks. The ML risk assessment identifies the main proceeds-generating offences, and laundering methods - primarily through transfers to other countries through cash, FIs, and trade-based laundering. Authorities also identify banks, money remitters, and dealers in precious metal and stones (DPMS) as the highest risk sectors. Some elements of the ML risk assessment are not fully developed, including the laundering of proceeds after they have been moved out of Saudi Arabia and the potential for more sophisticated forms of money laundering within Saudi Arabia.

9. Saudi Arabia has a very good understanding of its TF risks. The TF NRA considered the risks associated with countries, sources of funds, transportation methods, routes, and entry points. The assessment looked specifically at the financing associated with FTFs, terrorists and groups within Saudi Arabia and in other countries. The assessment benefited from analysis of more than 1,700 TF investigations undertaken by Saudi authorities since 2013, providing a uniquely rich pool of information as a basis for the analysis.

10. Inter-agency policy co-ordination and co-operation is a significant strength of the Saudi system. Saudi Arabia has a strong and well-established institutional framework for co-ordination, based on the Anti Money Laundering Permanent Committee and the Permanent Committee for Counter Terrorism.

11. Saudi authorities have introduced a number of measures to address risks identified prior to the recent NRAs. These include specific measures to mitigate ML and TF risks to NPOs and the remittances sector; to reduce the use of cash and the risks associated with the Hajj and Umar pilgrimages; and to combat corruption. Saudi Arabia has been quick to reflect the results of the risk assessments in its legal framework, passing comprehensive new AML and CFT laws in October and November 2017. However, authorities had not yet had sufficient time prior to this assessment to fully reflect their findings in national policies or in the objectives or practices of individual agencies.

Legal system and Operational Issues (Chapter 3: IOs 6-8, R.3, R.4, R.29-32)

12. Saudi Arabia has devoted significant resources to support financial investigation, distributed across the FIU and other law enforcement agencies. The

analysis provided by the FIU is straightforward and single-layered, based mainly on organising and compiling information from available databases and reporting entities. This is the result of a number of factors, including inadequate IT systems. As a result, the SAFIU is not conducting sophisticated financial analysis to effectively support investigations, in particular those into more complex cases of ML. The FIU has access to a wide range of databases, but analysts have to manually search each of them, and the FIU can only retrieve additional information from some reporting entities indirectly, via the supervisor. Specialised IT tools are not available: the main trigger that initiates investigation is the presence of a criminal record, rather than the detection of financial red flags or patterns of activity. Decisions not to follow-up on STRs are not always based on an appropriate methodology, with some STRs archived on the basis of the low value of transactions, although the outcome of the NRA will be used as means to help decide which STRs to archive. The relatively low proportion of staff devoted to analysis at the SAFIU, the long time taken to process STRs, the low level of reporting from non-bank sectors, the fact that STR reporting and dissemination is done on paper, and weaknesses in international co-operation all contribute to the weakness of the FIU.

13. Outside the SAFIU, law enforcement authorities and other competent authorities across Saudi Arabia do regularly use financial intelligence and other relevant information as part of their investigations into money laundering, predicate offences, and terrorist financing, and collaborate well. Law enforcement agencies have access to a wide range of databases, and in some cases conduct financial analysis. Trends are understood to some extent.

14. Saudi Arabia has a legal framework that provides it with an adequate basis to investigate and prosecute ML activities, and displays a number of positive elements: ML investigations have significantly increased in recent years; financial investigations are often conducted alongside the investigation of proceeds-generating offences; and awareness-raising activities have been organised by the Public Prosecution in order to encourage a consistent approach among all LEAs and OCAs. As a result of recent awareness raising and strengthened co-ordination, Saudi Arabia has increased the number of ML offences being investigated.

15. Despite these recent changes, Saudi Arabia is not effectively investigating and prosecuting individuals involved in larger scale or professional ML activity. LEAs and OCAs are not conducting a sufficient number of investigations into ML activity (whether triggered by investigations into proceeds generating predicate offences, or following the receipt of STRs from the SAFIU). Investigations are often reactive rather than proactive, and tend to be straightforward, unsophisticated, and single-layered. Prosecutions are mostly for the self-laundering offence, with individuals convicted when they are unable to prove the source of funds. This is reflected in the low number of prosecutions being sought and convictions being handed down for 3rd party money laundering. Saudi Arabia has also not demonstrated that it is pursuing cases relating to the 70-80% of proceeds which leave the jurisdiction.

16. Saudi Arabia is not effectively confiscating the proceeds of crime relative to its risks. Authorities are not routinely attempting to trace and confiscate the instrumentalities and proceeds of crime, although they are doing so in some cases. In cases where the criminal funds are located outside Saudi Arabia, the authorities have not been able to repatriate any criminal proceeds over the period 2013-16. The

amounts of proceeds of crime seized and confiscated domestically within Saudi Arabia have been increasing, but are still low and are not consistent with the country's risk profile. Deficiencies in Saudi Arabia's ability to effectively investigate and prosecute ML activity are limiting the ability of Saudi Arabia to trace and confiscate criminal proceeds. The failure to conduct co-ordinated investigations with other countries is also significantly limiting the confiscation of criminals' assets, given a large proportion of the proceeds of crime are estimated to leave the country.

17. Saudi Arabia has broad legal powers for confiscating the proceeds and instrumentalities of crime under Shari'ah. The confiscation of the objects of crime (principally narcotics) does appear as a priority. However, the identification and confiscation of proceeds is not achieved even to a relatively comparable extent.

18. At its borders, Saudi Arabia is detecting a large amount of non-declared and falsely declared cash, as well as non-declared and falsely declared gold, precious metals and stones. Saudi Arabia has also taken measures to respond to the heightened risk associated with the large numbers of individuals entering and exiting the country every year, implementing measures to limit the amounts of cash brought into the country by individuals on pilgrimage. The amounts confiscated at the border that are suspected of being related to ML, TF or a predicate offence appear relatively low, although the new powers in the 2017 AMLL may help Saudi Arabia confiscate larger quantities of currency and BNI at the border linked to ML, TF or a predicate offence

Terrorist Financing and Financing of Proliferation (Chapter 4 – IO.9-11; R.5-8)

19. Saudi Arabia has demonstrated an ability to respond to the dynamic terrorism threat it faces in country. Saudi Arabian authorities have demonstrated that they have the training, experience and willingness to pursue TF investigations in conjunction with and alongside terrorism cases. Financial investigations are routinely carried out in connection with most terrorism cases, and TF cases are generally identified during terrorism-related investigations conducted by Mabaheth. A range of investigative techniques are used to find evidence of TF activity, including preventative terrorist financing measures (mainly pertaining to FTFs), phone interceptions and social media scrutiny. The authorities have successfully identified, investigated and prosecuted a large number of TF cases within the Kingdom - including over 1,700 TF investigations, resulting in over 1100 convictions.

20. However there are some areas for improvement: there are no, or very few, convictions for "standalone" terrorist financing, that are independent from the prosecution of other terrorist-related offences, or of persons who are financing terrorism but who are not otherwise involved in the commission of terrorist act or affiliated with these terrorist groups. This includes TF cases in relation to funds raised in the Saudi Arabia for support of individuals affiliated with terrorist entities outside the Kingdom, particularly outside the Middle-East region, which remains a risk.

21. Saudi Arabia's overall strategy for fighting terrorist financing mainly focuses on using law enforcement measures to disrupt terrorist threats directed at the Kingdom and its immediate vicinity. While this is an understandable priority, the almost exclusive focus of authorities on domestic TF offences means the authorities are not prioritising disruption of TF support for threats outside the Kingdom. They are also not taking full advantage of TFS to enhance the disruptive impact of their law enforcement actions both in Saudi Arabia and beyond their borders. Saudi authorities

are particularly focused on domestic TF offences at the expense of international TF networks, which has an effect on their approach to both Immediate Outcome 9 and Immediate Outcome 10.

22. Saudi Arabia has an established legal framework and co-ordination process for implementing targeted financial sanctions (TFS) without delay under the relevant United Nations Security Council Resolutions (UNSCRs). Saudi Arabia has co-sponsored designations to the 1267 UN Committee and has partaken in de-listing and exemption requests, but has not proactively nominated individuals or entities to the UN for designation.

23. Domestically, Saudi Arabia has made significant use of designations under the UNSCR 1373 system, up through 2016 accepting 41 designation requests from foreign countries and, designating 150 individuals on its own motion. However, Saudi Arabia's 1373 designations are not public which hinders effective implementation: the largest number of freezes - - comes from financial restrictions imposed on a person through criminal procedures and watch-list mechanisms (possibly more than 3000 persons alone), which do not provide for legal processes (such as de-listing or exemption) required in the FATF standards. Even though these domestic designations are largely communicated to FIs and DNFBPs, there is no publicly available list of designees or guidance regarding implementing obligations, which hinders effective and consistent implementation.

24. Saudi Arabia's NPO sector is very small in number and tightly regulated. NPOs utilise the financial sector for virtually all their transactions, are under tight control for fundraising activities, and have highly restricted access to international transfers. In addition to these measures, Saudi Arabia has taken steps to raise awareness of TF abuse risks within the sector and the public at large. These measures have had the effect of drastically reducing the risk of terrorist financing abuse in the sector. However, NPOs continue to be treated by FIs/DNFBPs as high-risk clients for terrorist financing. In 2017 Saudi Arabia began analysing information derived from compliance visits of NPOs to implement a risk-based approach, although this is based primarily on financial integrity, and this system has not yet led to any reduction in the intensity of restrictions on lower-risk NPOs.

25. While Saudi Arabia has taken significant steps to limit its exposure to Iran and DPRK financial activity by cutting economic, financial and trade relations, the mechanisms in place to prevent sanctions evasion are weak. Saudi Arabia has an interagency framework and co-ordination mechanism that oversees the implementation of targeted financial sanctions related to proliferation financing. This technical system was enhanced with the issuance of new Implementing Regulations in November 2017. Under the system up until November 2017, implementation without delay of TFS for PF was not demonstrated. Saudi Arabia has not frozen any assets or blocked any transactions as a result of TFS related to PF, and there are no examples of inter-agency co-ordination related to proliferation financing. There are also significant delays in implementing and communicating new TFS relating to PF within both public and private sectors.

Preventive Measures (Chapter 5 - IO.4; R. 9-23)

26. AML/CFT preventive measures in Saudi Arabia are strong and well established. The new AMLL and CTFL adopted in November 2017 further

strengthened the legal basis for AML/CFT preventive measures in Saudi Arabia; these Laws were however introduced too soon before the on-site visit to assess the level of effectiveness and implementation of the new elements within the FIs and DNFBPs.

27. Major FIs including banks, securities and financing companies, have a solid understanding of the ML/TF risks they face, and a good level of implementation of the risk-based approach thanks to the supervision and outreach efforts made by the authorities, as well as the risk assessments conducted at institutional level. They apply AML/CFT preventive measures including CDD, record keeping and identification of beneficial ownerships. However, STRs are not submitted in a timely way, and the low number of terrorist financing-related STRs reported is a major concern.

28. Money exchangers and other DNFBPs (in particular real estate agents and accountants) do not fully understand their ML/TF risks and apply mitigating measures under a risk-based approach. The awareness and implementation of AML/CFT obligations among reporting institutions has increased significantly thanks to supervisory measures in the last two years, but some sectors are still at the beginning stage and need more efforts to understand the ML/TF risks and AML/CFT obligations. Implementation of the risk-based approach remains weak among class A and class B money exchangers. Reporting of STRs is a major concern, with a low level of reporting from DNFBPs, including the higher risk sectors.

Supervision (Chapter 6 - IO3; R.26-28, R. 34-35)

29. The system in place for supervision of FIs achieves a substantial level of effectiveness: financial supervisors have a good understanding of the ML/TF risks, a sound model for risk-based supervision, and good communication and relations with their sectors. Saudi Arabia conducts comparatively intensive supervision of the higher-risk sectors in accordance with a risk-based approach, and since 2016 has done a great deal of outreach and engagement with regulated entities to communicate their new obligations and supervision arrangements, which appears to have been successful. All these efforts have resulted in a significant improvement in compliance with the AML/ CFT requirements.

30. AML/CFT obligations were applied to DNFBPs comparatively recently. For DNFBPs, outreach programmes/campaigns started in 2016, and AML/CFT focussed supervision started in early 2017. These arrangements are being further elaborated and enhanced for some DNFBPs and have to be further applied to all the obligations introduced in new laws. While the pace and intensity of recent activity is impressive, it is too early to reach a conclusion about its effectiveness.

Legal Persons and Arrangements ((Chapter 7 – IO5 R. 24-25)

31. Saudi Arabia has a system for regulating and monitoring legal persons and arrangements which is helpful in maintaining transparency and also in identifying beneficial owners. The Company Register maintained by MOCI provides the updated and accurate details of the legal ownership of commercial entities. Designated Courts have such records in respect of Waqfs and conduct verification. However, prior to November 2017, Joint-Stock Companies and Limited Partnerships did not have to report shareholder information to the Company Register.

32. Saudi Arabia applies controls on foreign ownership of companies, among other measures, that mitigate the risk of misuse of legal persons and arrangements by foreigners to some extent. Foreign legal persons who want to invest in Saudi Arabia must obtain a licence from SAGIA, who grants it after conducting verification on the ownership and control structure and the financial standing of the foreign investors.

33. Access to beneficial ownership information is also primarily through the Company Registry (and SAGIA). Around 83% of the corporate entities have only natural persons as shareholders, which allows for the matching of the legal owners themselves with the beneficial owners. Banks and other reporting entities also hold beneficial ownership information and maintain the necessary records when a legal person/arrangement has a customer relationship with them. However, the accuracy of and extent to which the information is up-to-date is not always ensured as some weaknesses still exist in banks' ongoing CDD procedures. The understanding of authorities of the risks of misuse of legal entities and arrangements does not yet seem to be sufficiently well-developed. Further, it is also not clear whether current and reliable BO information is available and accessible to competent authorities in respect Joint-stock Companies

International Cooperation (Chapter 8 - IO2; R. 36-40)

34. Saudi Arabia does not effectively seek international co-operation from other countries to pursue money laundering and the proceeds of crime. The number of outgoing requests remains low despite a recent significant increase. Several authorities have shown examples of co-operation with foreign counterparts to disrupt criminal activities, but this is limited to identifying targets in Saudi Arabia, or disrupting the physical production of drugs in other countries, not exposing their wider networks in other countries or identifying financing. Saudi authorities do not follow the money outside the borders of the kingdom, and as a result they do not exploit opportunities to investigate and disrupt transnational criminal networks involved in the supply of narcotics to a lesser extent, corruption and in money laundering, or to confiscate the proceeds of crime.

35. Saudi Arabia can and does respond to incoming requests for mutual legal assistance (but there appear to be delays in some cases). The outcome of international co-operation provided to other countries was not clear, in terms of investigations carried out on behalf of other countries and / or assets confiscated and repatriated.

36. On terrorist financing, Mabaheth clearly does prioritise international co-operation, both inbound and outbound, and provided good examples of using international law enforcement co-operation with their counterparts, especially in the conflict zones, to disrupt the threat of terrorist networks. Mabaheth relies primarily on intelligence co-operation (rather than MLA) which is effectively used to identify and disrupt terrorist threats and intercept FTFs. The use of such mechanisms may mean missing the opportunity to use criminal justice tools and powers to uncover and disrupt further elements of terrorist networks, either in Saudi Arabia or overseas. Saudi Arabia also makes significant contributions through its leading role in global and regional alliances against terrorism and its financing.

Priority Actions

37. The prioritised recommended actions for the Kingdom of Saudi Arabia, based on these findings, are:

- Saudi Arabia should prioritize the investigation of professional enablers and facilitators of ML, with a view to increasing proactive ML investigations. All investigations of major proceeds-generating crimes should include a parallel financial investigation to identify associated money laundering activity and its facilitators, and to trace and confiscate the proceeds. Saudi Arabia should improve the level of capacity, awareness and understanding of the investigative and legal tools available, and consider establishing specialised units.
- Saudi Arabia should actively seek MLA and other forms of co-operation, so that their investigations prioritise following the money and disrupting criminal networks and facilitators inside and outside Saudi Arabia's borders. Saudi Arabian authorities should pursue joint investigations with foreign jurisdictions, and should establish the capacity, expertise, and agreements needed to work with other countries to identify foreign money launderers, and to seize, repatriate and confiscate the proceeds of crime that have left the country.
- Saudi Arabia should establish a system that ensures full implementation of proliferation-related TFS by FIs and DNFBPs without delay, and address the remaining technical gaps.
- National co-ordination bodies should actively monitor the implementation of the new laws, regulations, and administrative arrangements to ensure they are well-understood and effectively implemented, and should take prompt action to address any emerging weaknesses in the context of the National Strategy and Action Plan.
- The FIU should comprehensively update its systems and processes: installing dedicated analytic tools capable of sophisticated analysis and systems for secure electronic filing of STRs and dissemination to authorities. It should establish powers and channels to access additional information from all reporting entities directly, and review its staffing and internal processes for handling cases. Enhanced and more frequent training should be provided to SAFIU analysts and LEA and OCA investigators, drawing on international best practice.
- Saudi authorities should provide more information and guidance on TF risks and typologies to raise awareness among FIs and DNFBPs, especially the high-risk sectors, and enable them to better identify TF suspicious activities, and ensure timely reporting of STRs by all reporting entities. The information and guidance should focus on high risk methods and techniques for ML and TF
- Saudi Arabia should conduct a more thorough assessment of the ML/TF risks related to the misuse of legal entities/legal arrangements, and the use of straw-men, and take appropriate and proportionate mitigation measures.
- With a goal of enhancing the impact of targeted financial sanctions to the greatest extent, Saudi Arabia should reduce reliance on financial restrictions based on watch-lists in favour of a consolidated and comprehensive list of 1373 domestic designations, which should be publicly available.

Effectiveness & Technical Compliance Ratings

Effectiveness Ratings (High, Substantial, Moderate, Low)

IO.1 - Risk, policy and coordination	IO.2 International cooperation	IO.3 - Supervision	IO.4 - Preventive measures	IO.5 - Legal persons and arrangements	IO.6 - Financial intelligence
Substantial	Moderate	Substantial	Moderate	Moderate	Moderate
IO.7 - ML investigation & prosecution	**IO.8 - Confiscation**	**IO.9 - TF investigation & prosecution**	**IO.10 - TF preventive measures & financial sanctions**	**IO.11 - PF financial sanctions**	
Low	Low	Substantial	Substantial	Low	

Technical Compliance Ratings (Technical Compliance Ratings (C - compliant, LC – largely compliant, PC – partially compliant, NC – non compliant)

R.1 - assessing risk & applying risk-based approach	**R.2** - national cooperation and coordination	**R.3** - money laundering offence	**R.4** - confiscation & provisional measures	**R.5** - terrorist financing offence	**R.6** - targeted financial sanctions – terrorism & terrorist financing
LC	LC	C	LC	C	PC
R.7- targeted financial sanctions - proliferation	**R.8** -non-profit organisations	**R.9** – financial institution secrecy laws	**R.10** – Customer due diligence	**R.11** – Record keeping	**R.12** – Politically exposed persons
PC	LC	C	C	C	C
R.13 – Correspondent banking	**R.14** – Money or value transfer services	**R.15** –New technologies	**R.16** –Wire transfers	**R.17** – Reliance on third parties	**R.18** – Internal controls and foreign branches and subsidiaries
C	C	LC	LC	C	C
R.19 – Higher-risk countries	**R.20** – Reporting of suspicious transactions	**R.21** – Tipping-off and confidentiality	**R.22** - DNFBPs: Customer due diligence	**R.23** – DNFBPs: Other measures	**R.24** – Transparency & BO of legal persons
C	C	C	LC	C	LC
R.25 - Transparency & BO of legal arrangements	**R.26** – Regulation and supervision of financial institutions	**R.27** – Powers of supervision	**R.28** – Regulation and supervision of DNFBPs	**R.29** – Financial intelligence units	**R.30** – Responsibilities of law enforcement and investigative authorities
LC	C	C	C	LC	LC
R.31 – Powers of law enforcement and investigative authorities	**R.32** – Cash couriers	**R.33** – Statistics	**R.34** – Guidance and feedback	**R.35** – Sanctions	**R.36** – International instruments
LC	LC	PC	C	C	PC
R.37 – Mutual legal assistance	**R.38** – Mutual legal assistance: freezing and confiscation	**R.39** – Extradition	**R.40** – Other forms of international cooperation		
LC	LC	LC	LC		

Annex 121

"Qatar Espionage case", *The Tahrir Institute for Middle East Policy*, *available at* https://timep.org/transitional-justice-project/phase-I/qatar-espionage-case/ (last accessed: 14 Feb. 2019)

Qatar Espionage Case

timep.org/transitional-justice-project/phase-I/qatar-espionage-case

Government and Security Sector Accountability

Court / Presiding Judge

First Review: Cairo Criminal Court/Judge Muhammad Shereen Fahmy
Second Review: Court of Cassation/Judge Hamdy Abul Kheir

Procedural History

In September 2014, Prosecutor-General Hisham Barakat referred former president Muhammad Morsi and 10 other defendants on charges of illegally obtaining copies of intelligence reports on the armed forces plans and intending to deliver the documents to the Qatari network Al Jazeera. In May and June 2016, the court issued its sentence. In September 2017, the Court of Cassation issued a decision on its review of the case.

Verdict

On first review and in May 2016, the court preliminarily referred six of the defendants to the Grand Mufti of Egypt for possible death sentences. In June 2016, Morsi, his personal secretary, and his office manager were sentenced to life in prison. The six initial death sentences were confirmed. All of the aforementioned defendants received an additional 15-year jail sentence. Finally, two other defendants were sentenced to 15 years in prison and one of the two defendants was slammed with an additional fine. Upon second review of the case, the Court of Cassation upheld Morsi's life sentence, but canceled the additional 15-year jail term he had been handed; it also amended some of the other sentences.

Summary of Reasoning

The defendants were charged with leaking important national security documents from Egypt's General and Military Intelligence, the Armed Forces, National Security, and the Administrative Control Authority to Qatar.

Anecdotal Notes

Among the defendants in this case were Morsi, his secretary, his office manager, a documentary film producer, a Misr25 producer, an EgyptAir flight attendant, a university assistant, and a student. Defendants on trial in absentia included a Rassd News reporter, an Al Jazeera program executive, and the head of Al Jazeera's news sector. The list of witnesses included but were not limited to former head of the president's office Mustafa Talaat, former minister of interior Muhammad Ibrahim, and former chief of the Republican Guard Muhammad Zaki.

Legal & Judicial Implications

There were serious questions regarding the quality of evidence offered in this case. Evidence included everything from personal phone calls with family members on unrelated matters to Disney cartoons and PDF copies of prayer charts. More generally, there were questions on the level of politicization of the charges at hand in light of strained relations between Egypt and Qatar and previous court verdicts implicating Al Jazeera.

Annex 122

"Unacceptable call for Al Jazeera's closure in Gulf crisis", *Reporters Without Borders* (28 June 2017), *available at* https://rsf.org/en/news/unacceptable-call-al-jazeeras-closure-gulf-crisis

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NEWS

June 28, 2017

Unacceptable call for Al Jazeera's closure in Gulf crisis

QATAR SAUDI ARABIA BAHRAIN UNITED ARAB EMIRATES EGYPT

MIDDLE EAST - NORTH AFRICA

CONDEMNING ABUSES FREEDOM OF EXPRESSION INTERNET

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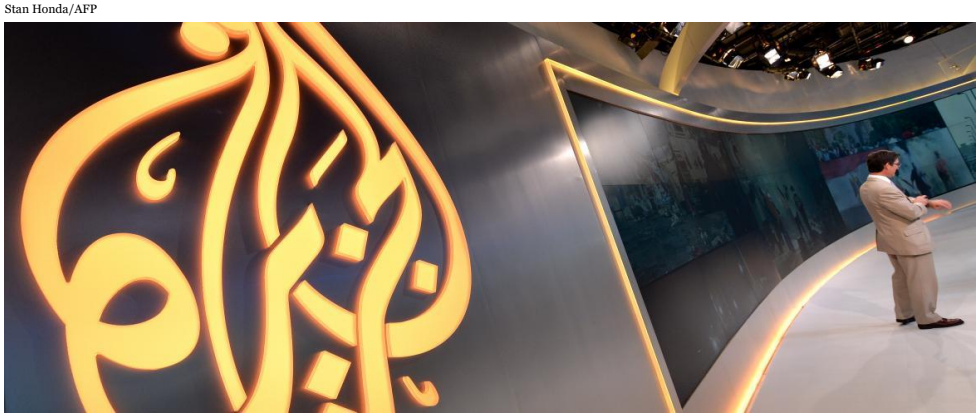

Reporters Without Borders (RSF) is very disturbed by the demand made by several Arab countries for the closure of Al Jazeera, Qatar's leading TV broadcaster, and other media outlets funded by the emirate. RSF regards this as an unacceptable act of blackmail.

Nearly three weeks after Saudi Arabia, Bahrain, United Arab Emirates and Egypt broke off diplomatic relations with Qatar, journalists at *Al Jazeera* were stunned to learn from a news agency dispatch and tweets on 23 June that the 13 demands for ending this unprecedented regional crisis included the closure of *Al Jazeera* and other outlets directly or indirectly supported by Qatar, such as *Al-Araby Al-Jadeed* and *Middle East Eye*.

"This is without precedent in the history of humankind," *Al Jazeera Arabic* director-general Yasser Abu Hilalah told RSF, adding that backing the call for the Doha-based broadcaster's closure was like issuing a "licence for killing off journalism in this region" and ending media freedom.

At times criticized for its coverage of the Arab revolutions and **accused of bias and of acting as Qatar's mouthpiece (https://rsf.org/en/news/al-jazeera-collateral-victim-diplomatic-offensive-against-qatar)**, *Al Jazeera* has nonetheless revolutionized the Arab media world since its creation in 1996 by providing a forum to all of the region's political tendencies.

The same diversity can also be found on the *Middle East Eye* website, whose editor, David Hearst told RSF that it was precisely its "pro-democracy and pro-Arab Spring" coverage, and its independence of any government that had put it on the list of media for closure. Contrasting ***Middle East Eye (http://www.middleeasteye.net/)***'s "effective" journalism with the "traditional" kind practiced in Saudi Arabia and UAE, he described the demand as an attempt to "extinguish any free voice which dares to question what they are doing."

"This use of pressure and blackmail betrays a clear desire by certain Gulf states to censor the Qatari media and constitutes a grave attack on press freedom and pluralism, and the right of access to information in the region," said Alexandra El Khazen, the head of RSF's Middle East desk.
"The targeted media outlets must be able to exist freely, without being forced to fall in with the policies of neighbouring countries, which cannot by any stretch of the imagination be regarded as models of media freedom, as models to be followed."

Saudi Arabia, Bahrain, Egypt and UAE – the countries that are demanding the closure of Al *Jazeera*, *Middle East Eye* and other media outlets regarded as pro-Qatari – are **ranked (https://rsf.org/fr/ranking)** 168th, 164th, 161st and 119th respectively in RSF's 2017 World Press Freedom Index, while Qatar is ranked 123rd.

Targeting free speech and freedom to inform

Even before Qatar was given ten days to respond to the 13 demands, the emirate's enemies began taking retaliatory measures against the Qatari media and **any form of expression potentially favourable to Qatar (http://www.albayan.ae/across-the-uae/news-and-reports/2017-06-07-1.2969979)**.

The Saudi and Jordanian governments announced the closure of *Al Jazeera*'s bureaux in their respective capitals at the start of June, just a few days after diplomatic relations were severed.
At the same time, the UAE's attorney-general announced that any expression of support for Qatar or opposition to UAE policy – whether spoken, written or on social networks – would henceforth be a crime punishable by three to 15 years in prison and a fine of 500,000 dirhams (120,000 euros).
In Saudi Arabia, expressing support for Qatar is regarded as a **public order offence (https://twitter.com/SaudiNews50/status/872209253938995201/photo/1)**.

It is also punishable under article 7 of the cyber-crime law by **up to five years in prison (http://www.youm7.com/story/2017/6/7/%D8%B9%D9%83%D8%A7%D8%B8%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA-%D8%AA%D8%B5%D9%84-%D9%84%D9%84%D8%AD%D8%A8%D8%B3-%D8%AA%D9%86%D8%AA%D8%B8%D8%B1-%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D8%A7%D8%B7%D9%81%D9%85%D8%B9-%D9%82%D8%B7%D8%B1-%D8%B9%D8%A8%D8%B1/3272882)** and a fine of 3 million riyals (710,000 euros). In Bahrain, the information ministry has warned the media that publishing any information liable to harm the state's interests could lead to **a fine and up to five years in prison (https://www.washingtonpost.com/world/national-security/bahrain-and-uae-criminalize-sympathy-for-qatar/2017/06/08/ce74a666-4c70-11e7-9669-250d0b15f83b_story.html?utm_term=.57e59e1cc506)**.

A few weeks prior to these measures, access to the websites of *Al Jazeera* and other Qatari media were **blocked in Saudi Arabia, UAE (http://english.alarabiya.net/en/media/digital/2017/05/24/Websites-of-Al-Jazeera-Qatari-newspapers-blocked-in-Saudi-Arabia.html)** and **Egypt (https://www.theguardian.com/world/2017/may/25/egypt-blocks-access-news-websites-al-jazeera-mada-masr-press-freedom)**. RSF is concerned about all these different violations of the freedom to inform and free speech and notes that this is not the first crisis that *Al Jazeera* has had to face.

Al Jazeera was forced to close its bureaux in **Kuwait (https://rsf.org/en/news/government-shuts-down-al-jazeera-office)** and **Jordan (https://rsf.org/en/news/al-jazeera-office-amman-shut-down)** in 2002. Iran demanded the closure of its **Tehran bureau in 2005 (https://rsf.org/fr/actualites/reporters-sans-frontieres-proteste-contre-la-fermeture-du-bureau-dal-jazira-teheran)** for "inciting unrest" in its coverage of incidents. It was forced to terminate its activities in **Bahrain in 2010, (https://rsf.org/fr/actualites/le-ministere-de-la-culture-et-de-linformation-suspend-temporairement-les-activites-du-bureau-al)** in **Egypt in 2013 (https://rsf.org/fr/actualites/la-branche-egyptienne-dal-jazeera-censuree-ses-locaux-attaques)** and in **Baghdad in 2014 (https://rsf.org/fr/actualites/rsf-demande-la-reouverture-du-bureau-dal-jazeera-bagdad)**.
Broadcasting worldwide in various languages, *Al Jazeera* is the Arab world's most important and influential media outlet. As well as political hostility, it has also survived physical attacks, as when its premises came under fire during the **Gaza war in 2014 (https://rsf.org/en/news/journalists-lives-line-gaza-conflict)** and it suffered US bombardment **in Afghanistan in 2001**

(https://www.ifex.org/afghanistan/2001/11/15/rsf_seeks_clarification_follo
and **Iraq in 2003. (https://rsf.org/fr/actualites/reporters-sans-frontieres-indignee-par-le-bombardement-dal-jazira-bagdad)**
"*Al Jazeera*'s staff have been threatened, locked up, and tragically killed as a consequence of carrying out their duties as journalists," the broadcaster's press office said. One of its journalists is **currently detained in Egypt. (https://rsf.org/en/news/another-al-jazeera-journalist-arrested-egypt)**

It may be because *Al Jazeera* has survived all these trials that its bureau chief in Paris, Ayache Derradji, is still optimistic. He said: "*Al Jazeera* means 'The Island' and, like an island, it cannot be surrounded, besieged or even occupied because it is bigger than the imagination of press freedom's enemies and it will remain free (…) Its life is longer than all the lives of the totalitarian regimes put together."

Annex 123

Kevin Jon Heller, "Saudi Arabia Threatens to Shoot Down a Qatari Airways Plane", *OpinioJuris* (18 Aug. 2017), *available at* http://opiniojuris.org/2017/08/18/33233/

Saudi Arabia Threatens to Shoot Down a Qatari Airways Plane

opiniojuris.org/2017/08/18/33233

18.08.17 |
Saudi-owned TV news network Al Arabiya aired a video simulation yesterday that shows a Saudi Arabian fighter shooting an air-to-air missile at a Qatari Airways plane. Here is the video:

https://youtu.be/gIqCPuto9gU

That's bad enough — but what is truly horrifying is the accompany voiceover, which intones the following:

> International law permits states to shoot down any aircraft that violates a state's airspace, classing it as a legitimate target, especially if flying over a military area.

No, it doesn't. This is wrong on so many levels. To begin with, shooting down a Qatari Airways plane would categorically violate the Chicago Convention on International Civil Aviation, which Saudi Arabia ratified more than 50 years ago. Art. 3bis, which has been in force since 1998, provides as follows:

> a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

The second sentence recognises that Saudi Arabia would have every right under the UN Charter to defend it against armed attack — if, for example, the Qatar military decided to use a Qatar Airways plane for offensive military purposes. But although a civilian Qatar Airways plane would no doubt violate the principle of non-intervention if it intentionally entered Saudi airspace, thus giving rise to Qatari state responsibility (because Qatar owns Qatar airways), the mere fact of intentional entry would not remotely qualify as an armed attack — much less one that would justify the use of lethal force in self-defense.

The conclusion is no different under the *jus in bello*. A Qatar Airways plane would not become a legitimate target by flying over a Saudi "military area" — much less simply by entering Saudi airspace. Indeed, neither act would even be a use of force sufficient to create an international armed conflict between Qatar and Saudi Arabia. So IHL would not even apply.

We need to be clear about what the video represents. Quite simply, Saudi Arabia is threatening to engage in state terrorism — the use of violence to spread panic among Qatari civilians in order to persuade the Qatari government to supposedly stop supporting terrorist groups. (Something the Saudis know more than a little about.)

Saudi Arabia is a fundamentally lawless state. I'd like to think this horrific video could prove to be its Charlottesville moment, finally convincing the US and the UK that the Saudi government has no intention of complying with international law. But I'm not going to hold my breath. If routinely massacring civilians in Yemen isn't enough, what's casually threatening to blow up a civilian Qatari plane?

Topics

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Annex 124

Committee to Protect Journalists, *Data & Research* (2018), *available at* https://cpj.org/data/imprisoned/2018/?status=Imprisoned&cc_fips%5B%5D=QA&start_year=2018&end_year=2018&group_by=location

0 Journalists Imprisoned in Qatar

Explore all CPJ data

in 2018

Reset

0 journalists match your search

Name	Organization	Date	Location

Deaths by Type in 2018

Deaths by Type Worldwide Since 1992

Impunity

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ırisoned&cc_fips%5B%5D=QA&start_year=2018&end_year=2018&group_by=location)

25 Journalists Imprisoned in Egypt

in 2018

25 journalists match your search

Name ▼	Organization	Date	Location
Abdel Halim Kandil (https://cpj.org/data/people/abdel-halim-kandil/index.php)	Sawt al-Ummah	October 15, 2018	Egypt
Abdel Rahman Shaheen (https://cpj.org/data/people/abdel-rahman-shaheen/index.php)	Freedom and Justice Gate	April 9, 2014	Egypt
Abdel-Rahman Adel al-Ansari (https://cpj.org/data/people/abdel-rahman-adel-al-ansari/index.php)	Freelance	May 8, 2018	Egypt
Abdullah Shousha (https://cpj.org/data/people/abdullah-shousha/index.php)	Amgad TV	September 22, 2013	Egypt
Adel Sabri (https://cpj.org/data/people/adel-sabri/index.php)	Masr Al-Arabiya	April 4, 2018	Egypt
Ahmed al-Sakhawy (https://cpj.org/data/people/ahmed-al-sakhawy/index.php)	Freelance	September 25, 2017	Egypt

Name ▼	Organization	Date	Location
Ahmed Tarek Ibrahim Ziada (https://cpj.org/data/people/ahmed-tarek-ibrahim-ziada/index.php)	Freelance	February 18, 2018	Egypt
Alaa Abdelfattah (https://cpj.org/data/people/alaa-abdelfattah/index.php)	Freelance	October 27, 2014	Egypt
Hassan al-Banna (https://cpj.org/data/people/hassan-al-banna/index.php)	Al-Shorouk Daily	February 4, 2018	Egypt
Hisham Jaafar (https://cpj.org/data/people/hisham-jaafar/index.php)	Mada Foundation for Media Development	October 21, 2015	Egypt
Islam Gomaa (https://cpj.org/data/people/islam-gomaa/index.php)	Veto	June 29, 2018	Egypt
Ismail Alexandrani (https://cpj.org/data/people/ismail-alexandrani/index.php)	Freelance	November 29, 2015	Egypt
Khaled Abdelwahab Radwan (https://cpj.org/data/people/khaled-abdelwahab-radwan/index.php)	Freelance	March 7, 2014	Egypt
Mahmoud Abou Zeid (Shawkan) (https://cpj.org/data/people/mahmoud-abou-zeid-shawkan/index.php)	Demotix/ Corbis Images	August 14, 2013	Egypt
Mahmoud Hussein Gomaa (https://cpj.org/data/people/mahmoud-hussein-gomaa/index.php)	Al-Jazeera	December 23, 2016	Egypt
Moataz Wadnan (https://cpj.org/data/people/moataz-wadnan/index.php)	HuffPost Arabi	February 16, 2018	Egypt
Mohamed Abu Zeid (https://cpj.org/data/people/mohamed-abu-zeid/index.php)	Tahrir	June 7, 2018	Egypt
Mohamed al-Hosseiny (https://cpj.org/data/people/mohamed-al-hosseiny/index.php)	Al-Shoura	September 12, 2017	Egypt
Mohamed Ibrahim (Mohamed Oxygen) (https://cpj.org/data/people/mohamed-ibrahim-oxygen/index.php)	Oxygen Egypt	April 6, 2018	Egypt
Momen Hassan (https://cpj.org/data/people/momen-hassan/index.php)	Freelance	June 10, 2018	Egypt

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ırisoned&cc_fips%5B%5D=QA&start_year=2018&end_year=2018&group_by=location)

16 Journalists Imprisoned in Saudi Arabia

in 2018

16 journalists match your search

Name ▼	Organization	Date	Location
Adel Benaimah (https://cpj.org/data/people/adel-benaimah/index.php)	Freelance	September 12, 2017	Saudi Arabia
Ahmed al-Suwian (https://cpj.org/data/people/ahmed-al-suwian/index.php)	Al-Bayan	September 20, 2017	Saudi Arabia
Ali al-Omari (https://cpj.org/data/people/ali-al-omari/index.php)	4Shbab	September 9 or 10, 2017	Saudi Arabia
Eman Al Nafjan (https://cpj.org/data/people/eman-al-nafjan/index.php)	Saudiwoman	May 17, 2018	Saudi Arabia
Fahd al-Sunaidi (https://cpj.org/data/people/fahd-al-sunaidi/index.php)	Al-Majd	September 1, 2017	Saudi Arabia
Hatoon al-Fassi (https://cpj.org/data/people/hatoon-al-fassi/index.php)	Al-Riyadh	Around June 24, 2018	Saudi Arabia

Name ▼	Organization	Date	Location
Jassim al-Safar (https://cpj.org/data/people/jassim-al-safar/index.php)	Awamphoto	July 8-July 9, 2012	Saudi Arabia
Marwan al-Mureisi (https://cpj.org/data/people/marwan-al-mureisi/index.php)	Freelance	June 1, 2018	Saudi Arabia
Nadhir al-Majid (https://cpj.org/data/people/nadhir-al-majid/index.php)	Al-Mothaqaf	January 18, 2017	Saudi Arabia
Nassima al-Sada (https://cpj.org/data/people/nassima-al-sada/index.php)	Juhaina	Around August 1, 2018	Saudi Arabia
Nouf Abdulaziz (https://cpj.org/data/people/nouf-abdulaziz/index.php)	Personal blog "Breathing, nothing more"	June 6, 2018	Saudi Arabia
Raif Badawi (https://cpj.org/data/people/raif-badawi/index.php)	Free Saudi Liberal Network	June 17, 2012	Saudi Arabia
Saleh al-Shehi (https://cpj.org/data/people/saleh-al-shehi/index.php)	Al-Watan	January 3, 2018	Saudi Arabia
Sami al-Thubaiti (https://cpj.org/data/people/sami-al-thubaiti/index.php)	Tawasul	September 2017	Saudi Arabia
Sultan al-Jumairi (https://cpj.org/data/people/sultan-al-jumairi/index.php)	Freelance	September 1, 2018	Saudi Arabia
Wajdi al-Ghazzawi (https://cpj.org/data/people/wajdi-al-ghazzawi/index.php)	Al-Fajr Media Group	August 10, 2012	Saudi Arabia

Committee to Protect Journalists
Committee to Protect Journalists
330 7th Avenue, 11th Floor
New York, NY 10001

Explore all CPJ data (http://www.cpj.org/data/)

ırisoned&cc_fips%5B%5D=QA&start_year=2018&end_year=2018&group_by=location)

6 Journalists Imprisoned in Bahrain

in 2018

6 journalists match your search

Name ▼	Organization	Date	Location
Abduljalil Alsingace (https://cpj.org/data/people/abduljalil-alsingace/index.php)	Al-Faseela	March 11, 2011	Bahrain
Ahmed Humaidan (https://cpj.org/data/people/ahmed-humaidan/index.php)	Freelance	December 29, 2012	Bahrain
Ali Mearaj (https://cpj.org/data/people/ali-mearaj/index.php)	Freelance	June 5, 2016	Bahrain
Hassan Qambar (https://cpj.org/data/people/hassan-qambar/index.php)	Freelance	June 12, 2018	Bahrain
Mahmoud al-Jaziri (https://cpj.org/data/people/mahmoud-al-jaziri/index.php)	Al-Wasat	December 28, 2015	Bahrain
Sayed Ahmed al-Mosawi (https://cpj.org/data/people/sayed-ahmed-al-mosawi/index.php)	Freelance	February 10, 2014	Bahrain

Annex 125

Council on Foreign Relations, *A Conversation With Adel al-Jubeir* (26 Sept. 2018), *available at* https://www.cfr.org/event/conversation-adel-al-jubeir

COUNCIL on FOREIGN RELATIONS

A Conversation With Adel al-Jubeir

Past Event — September 26, 2018 4:30pm EST

Thomas Peter/Reuters

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COLEMAN: Welcome to the Council on Foreign Relations. I'm Isobel Coleman and it is my great pleasure to be here this afternoon with the minister of foreign affairs from the kingdom of Saudi Arabia, His Excellency, Ambassador Adel al-Jubeir, who really needs no introduction.

So many people who speak here don't, but in this case, anyone who has followed anything about Saudi Arabia for the last decades knows His Excellency extremely well. He has studied in the United States, began his diplomatic career in Washington, D.C., became the Saudi ambassador to Washington for nearly a decade, and, in April of 2015, became the country's foreign minister. So welcome.

AL-JUBEIR: Thank you.

COLEMAN: Thank you for joining us here today.

AL-JUBEIR: Thank you. Great to be here.

COLEMAN: I thought I would start with an easy question. Yemen. (Laughter.)

AL-JUBEIR: Yes. Very easy.

COLEMAN: Very easy. The war has been going on for some years. Some are saying that it has become a quagmire. There is growing consternation at the U.N., broadly among human rights groups, even among those—some in the American Congress about the direction of the war, concerns about U.S. arms sales to Saudi Arabia. Has it become a quagmire? How are you thinking about the war in Yemen? What are your next steps?

AL-JUBEIR: Yeah. I don't believe it's a quagmire and this is a war that we didn't choose. This is a war that we didn't want. This is a war that was imposed on us. People forget that Saudi Arabia was instrumental in bringing about a transition in Yemen from President—former President Ali Abdullah Saleh to the transitional government.

We brought Yemenis from all walks of life in what is called the national dialogue. They discussed the future of Yemen. They came up with a vision of Yemen that would be a federal system and they plotted out their future, and then they chose a group to write the constitution, and then the Houthis struck. They moved from Sadah to Amran, and they took over Sana'a in a coup, and they declared

themselves in charge of Yemen.

The president of Yemen was imprisoned in his house. He was able to escape and go to Aden and called for support, and we responded based on Article 51 of the U.N. Charter. There was no way that we were going to allow a radical militia allied with Iran and Hezbollah, in possession of ballistic missiles and an air force, to take over a country that is strategically important to the world and that is our neighbor.

And so we responded to reverse the coup that the Houthis staged, and over the past three and a half years, four years—almost four years—the Houthi control of Yemen has shrunk from eighty percent to twenty percent. The Houthis have lobbed 197 ballistic missiles at our cities and they have fired more than two hundred ballistic missiles at Yemeni cities, and I don't see outrage.

The Houthis have laid siege on towns and villages and stopped food and water from coming into those villages. As a consequence, people starve. We get blamed. The Houthis prevent the World Health Organization or delay their entry into areas controlled by them to vaccinate people with cholera vaccine that we paid for, and when cholera breaks out people blame us, and I don't see outrage at the Houthis.

The Houthis use boys who are eight, nine, ten, eleven, put them into battle. We capture them, we rehabilitate them, we send them back to their families, and we get blamed. The Houthis randomly plant mines all over the country and people lose life and limb, and nobody says anything. We get blamed for it. When we have operations that—where a mistake is made and we think a mistake is made, we investigate, we announce the results of the investigation, and we pay compensation, which is what you do according to international humanitarian law.

The Houthis, none of this. They assassinate political leaders, including the former president. No outrage. The Houthis have made more than seventy agreements and they haven't fulfilled or lived up to any of them, and we get blamed. We support the U.N. political process. We support the U.N. envoy, whether it was Ismail Ould Cheikh or whether it's Martin Griffith(s). The Houthis talk one thing and nothing happens, and we get blamed.

So I tell people, before you rush to judgment and accuse us of something, what other option did we have. Do we want a Hezbollah-controlled country on our southern border? No. Not going to happen. Do we want a Hezbollah-controlled country controlling access to the Red Sea where more than ten percent of the world trade takes place? No.

Do we want to give Yemen to the Iranians? No. Ten percent of the Yemeni population, as we speak, lives in Saudi Arabia. We have incredible ties with Yemen historically—familial ties and political ties—and we expect that once this war is over, and it will be over, that we will be able to go back and reconstruct Yemen and turn them into a good partner of ours. We have provided Yemen with $13 billion in humanitarian assistance in the—since the war began, which is more than the rest of the world combined. We have set aside $10 billion that we will increase to twenty billion (dollars) for a fund for the reconstruction of Yemen.

We have an office that's already looking at what projects to do in Yemen and how we can fast track them once the war comes to an end, and we hope that the Yemenis will—that the Houthis will accept a political solution, because we have said from the very beginning that the solution to this problem is a political solution, not a military one, based on the outcome—based on the GCC initiative, the outcome of the Yemeni national dialogue, and U.N. Security Council 2216. Very simple.

The Houthis have every right to be part of the Yemeni political system. But they have no right to dominate the country. And we're hoping that as the military pressure continues to build on them that they will come to the negotiating table and make a deal that they could have made three years ago.

And so it took an international coalition of more than sixty countries including the world's great powers—the U.S. and France and Germany and England and Australia and you name them—five years, if not six, before they were able to turn the dial against ISIS in Syria.

So when people say it's been three-and-a-half years or so—this has gone on too long—what about the fight against ISIS in Syria, of which we were a founding member? So these things take time, and you hope that your opponent or enemy would be wise enough to recognize that it's better to make a deal than to keep on fighting.

So we're not against a political settlement. We've supported every initiative for a political settlement. It's the Houthis who have said no. Now, we lost the communications battle from the beginning and that's why people—that's why the— our reputation has taken a big hit.

That's why there's a lot of public pressure on governments, from NGOs, and from media and so forth about this war. But I think people are not realistic in looking at this picture, and my question is usually what other option did we have. There was no other option.

COLEMAN: You mentioned the need for a political resolution. The Houthis walked out of the U.N.-led talks in Geneva a couple of weeks ago.

AL-JUBEIR: Yes.

COLEMAN: The UAE has said that they would reengage in a political process. I assume Saudi Arabia is ready to—always ready to engage on that process. Do you see a U.N.-led political process having any viability in the medium term—near to medium term?

AL-JUBEIR: Yes. Yes. I'm optimistic. I'm an optimist. I always tell people that if your job is to solve problems you have to be an optimist. If you're a pessimist, you can't be a diplomat. You should be a journalist—(laughter)—with all due respect to journalists, because you can write things—you can express your pessimism. But if, as a diplomat, I am pessimistic, why am I doing this job if I don't think a problem can be solved? Why am I even tackling it?

So, yes, I believe the U.N. process is the only viable process for a resolution of this. We have great respect for Martin Griffith(s). I think he's approaching it the right way. We have great respect for Ismail Ould Cheikh. And I think he—with continued perseverance, I think we will get there.

COLEMAN: Thank you.

Well, you mentioned Syria so let's turn to that hotspot. Assad is still in power. The Iranians seem to be coming more entrenched. The Trump administration is making noises about removing troops. What do you see happening in Syria? How does Saudi Arabia intend to protect its interest there?

AL-JUBEIR: I think—

COLEMAN: As you've noted, that has been a very long war.

AL-JUBEIR: Yes. No, and Syria is very tragic. It could have ended much, much sooner had there been more robust support for the moderate opposition in the beginning of the conflict. But there wasn't. I think drawing a red line and then not enforcing the red line was a huge strategic mistake that emboldened the Assad regime and its allies.

And then when the—when Russia intervened, it tipped the balance and that's when the military option was no longer viable, and our view is we need to work on a political settlement based on the Geneva 1 declaration and U.N. Security Council Resolution 2254, which calls for a political process, constitutional committee, and then referendum, and then elections, and the—Staffan de Mistura has been working on this. We worked in 2015 to bring the Syrian opposition, unify them at the Riyadh conference, and we succeeded, so now we had one grouping.

Last summer, we worked on getting the Syrian opposition to—again, to Riyadh 2 conference last fall—sorry—where they adopted the position that they will go into political negotiations without preconditions so that the idea that Bashar al-Assad has to leave at the beginning of the process was no longer a precondition. The political process will take place and it will evolve, and whatever the Syrian people want in the end of it is what they get. There were the talks in Astana with regards to de-escalation zones that have been somewhat successful and somewhat not.

There were discussions at Sochi where the concept of a constitutional committee was adopted where the opposition would nominate fifty, the regime would nominate fifty, and the U.N. would select fifty from NGOs and other groups. Those people have been selected. There's still some give and take a little bit with regards to the ones selected by the U.N. envoy. I think the regime wants to have more of people who are closer to it and Staffan de Mistura has been resisting this.

So I think we're hoping that we'll move towards a political settlement. There is no option other than that. The military situation will come to an end. But then you have to deal with reconstruction, and you can't have reconstruction absent a credible political process. And if you don't have reconstruction, the situation will become much worse because Syria will continue to be a magnet for extremism and terrorism, which is a danger to all of us. So that's where we are in Syria.

COLEMAN: Syria is a place where your interests quite closely align with those of Israel. How are you coordinating with Israel with respect to Syria?

AL-JUBEIR: We're not.

COLEMAN: Not at all?

AL-JUBEIR: No. (Laughter.) We have no relations with Israel. I think in Syria we have—our interests are aligned also with Jordan, with other Arab countries. We are working within the Arab world of trying—of mobilizing a group of countries in order to have some influence on the political process in Syria.

COLEMAN: OK. Maybe we can turn to the peace process, or maybe the lack of a peace process. I think from the administration's view—the U.S. administration—there seemed to be hope that Saudi Arabia would bring the Palestinians along, and from New York it doesn't look like there's much going on. Do you want to talk a little bit about where that resides right now?

AL-JUBEIR: I think we do not bring the Palestinians along. We support the Palestinians and we advise the Palestinians. But, ultimately, the decisions are those for the Palestinians. Our position is that a political settlement is the formula we all know. It's two states. It's '67 borders with minor mutually-agreed-to adjustments to incorporate most of the settlers into the—into Israel—East Jerusalem, Palestinian capital, West Jerusalem, Israeli capital—the old city, special arrangements so that both sides have sovereignty over their holy sites.

And then we have the issue of refugees was already settled in terms of the formula for dealing with it. The issue of security—the plan was developed by General Allen in 2000. It's probably sitting on a shelf somewhere at the NSC—can be updated, and everything else is in place. The formula is there. Our advice to every administration since the Bush administration was you have to take a plan. The two sides cannot come together because it's too difficult. You have five issues to deal with—forget the order—borders, settlements, refugees, Jerusalem, security.

If the leaders agree on one, it becomes very difficult to agree on the second. If they get to the second and they start to think about the third, the rug gets pulled out from under them and it goes nowhere. There's distrust between the two sides. We know that most people want a two-state settlement. But they don't trust each other.

So our advice is put the package together and put it on the table and mobilize the international community to support it and give the two parties the confidence to move forward. And this still remains our position. So the Palestinians—we have tripled our support for the Palestinians in terms of monthly support for the Palestinian Authority. We have provided $150 million for the—for the Islamic trusts in Jerusalem.

We have—we have added $50 million to our contribution to UNRWA to reduce the gap from the U.S. cutbacks. The Emiratis and the Kuwaitis also joined us in putting $50 million each so we can reduce the gap further and we have said to the Palestinians that this is a process that you drive. So this idea that we will deliver, we don't deliver. We support.

COLEMAN: Was the U.S. decision to move its embassy to Jerusalem and to cut off funding for UNRWA, which supports the Palestinian refugees, was that a mistake?

AL-JUBEIR: I think the decision to move the embassy was a mistake that we disagreed with vehemently. We thought the—we believe that Jerusalem is a final status issue that should be decided at the end of the talks. We believe that it violates the principle of not taking unilateral actions that jeopardize the final status talks, and this is what happened.

Now, the administration has said that the final borders of Jerusalem are subject to negotiations so that didn't really recognize East Jerusalem as being part of Israel, and they said that the status of the holy sites remains as is so that means they didn't recognize Israeli sovereignty of the holy sites.

So what have they done? Inflamed the passions of 1.5 billion Muslims, and in the process, it led to a deterioration in the relationship between the U.S. and the Palestinian Authority, which makes it more difficult to engage and to try to talk about peace.

The issue with UNRWA is tragic because UNRWA is responsible for the education of hundreds of thousands of Palestinian children and it's responsible for running schools for refugee camps. It's responsible for providing milk for kids. It's responsible for—that's what it does. And if we don't support UNRWA, the misery in the camps goes up, the potential to recruit extremists goes up, and violence goes up. So it's—I hope that the U.S. will find a way to reverse that decision or to find other means to support institutions that provide humanitarian assistance to the Palestinians in the refugee camps.

COLEMAN: Thank you.

So last month, the Canadian foreign minister issued a tweet calling for the release of two activists who had been detained in Saudi Arabia, and the Saudi reaction was fierce.

AL-JUBEIR: Yes.

COLEMAN: Tom Friedman called it an absurd overreaction. Others have said it was quite out of—out of line. The Saudis—you pulled your students from Canada, people receiving medical treatment. Diplomats froze airlines. It's been a deep freeze between the two countries. Chrystia Freeland, the foreign minister, was here yesterday and said you two have been talking.

I just wonder if you could comment on where you see that dispute, how it's evolving, how it will be resolved, and also talk about human rights in Saudi Arabia, which she's not the only one to have raised concerns about crackdowns on activists, broadly.

AL-JUBEIR: Yes. Two things—the students are in Canada until we can find a place to move them. So we didn't pull out the students. The patients—we don't have patients in Canada. I believe there are only two.

COLEMAN: OK.

AL-JUBEIR: So that's exaggeration. We stopped new investment in Canada and we stopped new Canadian investment in Saudi Arabia, and we stopped airline traffic to Canada, and we asked Canada to take their ambassador back and we recalled our ambassador. We didn't cut relations.

It is outrageous, from our perspective, that a country will sit there and lecture us and make demands—we demand the immediate release. Really? We demand the immediate independence of Quebec. We demand the immediate granting of equal rights to Canadian Indians. What on earth are you talking about?

You can criticize us about human rights. You can criticize us about women's rights. America does. The State Department issues reports every year. British Parliament does. European Parliament does. French Parliament does. German government does. Others, too. That's right. Let's—you're right. We can sit down and talk about it. But we demand the immediate release? What are we, a banana republic? Would any country accept this?

No, we don't. You do this, you play into the hands of the extremists who are opposing our reform process. If we don't take steps, it means that we're weak. If we take steps, we damage a relationship with a friendly country. We didn't do this. You did. Fix it. Fix it. You owe us an apology. You can talk to us about human rights anytime you want. We'd be happy to have that conversation like we do with all of our allies. But lecturing us? No way. Not going to happen, and enough is enough.

We don't want to be a political football in Canada's domestic politics. That's what we became. Find another ball to play with, not Saudi Arabia. And that's where—that's why the reaction in our country was so strong. Very easy to fix. Apologize. Say you made a mistake.

We had the Canadian ambassador. He met with our public prosecutor, who explained to him what the charges are and said to him this is not about rights. This is about national security. These were individuals who are accused of taking money from governments, accused of recruiting people to obtain sensitive information from the government and passing it on to hostile powers, accused of providing—raising money and providing it to people who are hostile to Saudi Arabia outside of Saudi Arabia. Some of them were released as the investigation proceeded. Others will go to trial, and the evidence will be revealed to the world.

So the Canadians knew this was not about rights. This was about national security. And then for a tweet like this to come out in this manner, from our perspective, is outrageous.

COLEMAN: Thank you.

In your role as foreign minister, you travel around the world and meet with many leaders in the business community and, undoubtedly, top of the agenda is Saudi Arabia's reform initiatives. Do you hear concerns from members of the business community about capital flight, which we read about, and also due process in Saudi Arabia with people who have—business leaders in the country who have been—we all read about the roundup in the Ritz-Carlton last fall—just concerns about rule of law and how that affects investment?

AL-JUBEIR: I think the concern we had in Saudi Arabia was about corruption. I think we—not I think—I know that we tried to deal with it from the bottom up. It didn't work. So you take drastic measures and you take dramatic action and you deal with it from the top down, and you then settle with people and if—those who don't want to settle they end up going to trial. And most of them have settled. Some of them will go to trial.

That was the most effective way to deal with this issue, and it sends a message that we will not tolerate people looting from the public treasury. We will not tolerate people providing sweetheart contracts to their friends in exchange for a percentage of those contracts. And so this was a powerful message that was sent to people and I think it's a reassuring message that if you want to do business in Saudi Arabia you don't have to worry about paying kickbacks. That's on the one hand.

In terms of reassuring investors in Saudi Arabia, we have upgraded our commercial laws. We're upgrading our legal system. We're making it more efficient, we're making it more transparent, and I think this will enhance investor confidence in Saudi Arabia. We're opening up the country to—or new sectors for investment like mining, like entertainment, like recreation, in terms of renewable energy, in terms of infrastructure, and we're seeing investors coming in to look at these projects.

We have—we're trying to build a society that's based on innovation and technology, renewable energy, because we think that's where our strength is. We want to reduce our dependence on oil. Our income from—the percentage of our GDP from oil is shrinking and we want to reduce it further. We can produce oil for a hundred years, but the world may not need it in twenty years or thirty years. I hope they use it for a hundred years or they find other uses for it.

But we can't—we have to move away from that and move towards a more diversified economy and that's why our Vision 2030 plan—that's the objective it's trying to achieve and so far things are moving in the right direction. I expect that things will keep accelerating at a faster pace.

Last year, we had almost zero economic growth. This year, the numbers were revised twice by the IMF upwards and we're looking at close to two percent growth. We expect more next year and I think that's—as the changes—the structural changes begin to kick in, you will see—expect to see more accelerated economic growth.

COLEMAN: Do you think that the rise in GDP growth and the rise in the price of oil takes some of the pressure off of the urgency for the reform agenda in Saudi Arabia?

AL-JUBEIR: No. No. We looked at the Saudi—I'm not an economist so I speak about this second hand—we looked at the Saudi economy. We said we're a country that has no debt. We expect to have X amount of deficits. We should raise some debt because—it's domestic debt as well as external debt—because domestic debt is good. It gives banks something to invest in.

And so we've assumed that over a period of X number of years we will close the deficit and we will have been able to cover the gap in spending during the ensuing years from a combination of borrowing, bonds, and our financial reserves, and then we will end up without cutting back on spending so that you keep spending constant.

It doesn't impact the quality of services you provide to your population. It doesn't impact on the projects that you're engaged in. But you just cover the gaps combination of borrowing, bonds, and reducing from your deficit. And so we have been ahead of projections in part because of the increase in the—in the—in the price of oil as well as the amount of oil being produced.

But that doesn't change what the—what the objective is. The objective is to go full speed ahead with the reform plan and the objective is to not let any changes in the price of oil have an impact on us. Whether the price goes down, whether the price goes up, we have to go through this process in order to achieve our objectives.

COLEMAN: I'd like to turn now to our members and take questions from you. If you could, please, stand, wait for the microphone, state your name and affiliation, and just a reminder that this is on the record.

We'll start in the back—this woman right here. Thank you.

Q: Thank you. Mina Al-Oraibi, the *National* newspaper.

Your Excellency, I wanted to ask you about Iraq. We saw an opening up of relationships with Iraq. But things seem to have slowed down. Is it a wait and see with what happens regarding the government and how much of that is part of the wider regional push in facing off with Iran? Thank you.

AL-JUBEIR: Yeah. No, there hasn't been a backing off. Quite the contrary. We're moving forward very robustly in our relationship with Iraq. We have now—we have more frequent travel between ministers from Saudi Arabia to Iraq and from Iraq to Saudi Arabia. We set up a consultative council between the two countries that includes more than ten different ministries.

We have increased investments in Iraq. We are looking at more investment in Iraqi infrastructure. We have—we have—we're trying to—we have opened up the border crossing with Iraq. We have started commercial airline business between Saudi Arabia and Iraq. So we—the relationship in the last year and a half has grown by leaps and bounds. Trade between our countries is exploding. We are looking at more ways of improving this relationship.

We have had virtually all of Iraq's leaders come to Saudi Arabia and we have, I think, what you—what may be confusing people is Iraq has gone through an election and then Iraq is in the process of forming a new government, and so the focus tends to be on that rather than on the—on the—on the other issues.

We're committed to having the best ties with Iraq. Iraq is an Arab country with a rich history. Iraq is an important part of our history in terms of the Abbasid dynasty and it's a neighbor of ours. We have geographic links with Iraq. We have tribal links with Iraq. We have familial links with Iraq. We've had many, many people from the Arabian Peninsula migrate to Iraq over the centuries and many of them have come back and become among our merchant elite, and we have a lot of people from Iraq who have moved to Saudi Arabia.

So it's a very, very strong relationship. We—that was complicated by a military dictatorship that was not very friendly to us. But on the people-to-people level, the relations with Iraq are as strong as they are with any of the other Gulf States. And so we are committed to having the best ties with Iraq and we look forward to continuing to build this relationship.

COLEMAN: Right here. Roland.

Q: Mr. Foreign Minister, my name is Roland Paul. I'm a lawyer. I've been in the U.S. government a couple of times.

Could you say a few words about the falling out, on the one hand, of Saudi Arabia and the UAE on the one hand and Qatar on the other? Are you moving toward a resolution of that situation?

AL-JUBEIR: It's not a falling out. It's just we don't want to have anything to do with them. (Laughter.) The Qataris, since the mid-'90s, have been sponsoring radicals. They have been inciting people. They have become a base for the leadership for the Muslim Brotherhood, and the Muslim Brotherhood, you have to keep in mind, is the—is what begot us Takfir wal-Hijra which begot us al-Qaeda which begot us Al-Nusra.

The Qataris allow their senior religious clerics to go on television and justify suicide bombings. That's not acceptable. The Qataris harbor and shelter terrorists. That's not acceptable. And, nationally, the head of al-Qaeda in the Arabian Peninsula in 2000 entered Saudi Arabia on a Qatari passport. We captured al-Qaeda types coming in to Saudi Arabia with Qatari passports. The Qataris know this. The Americans know this. The world knows this.

The Qataris are funding dissidents in the Emirates and Bahrain and Saudi Arabia and in Kuwait in order to cause problems for those governments and to create instability. Why would you do this? The Qataris pay ransom to terrorist groups, including $500 million to Hezbollah in Iraq, $50 million to Qassem Soleimani, according to text messages between the Qatari ambassador to Iraq and the foreign minister of Iraq, including I don't know how much to Hezbollah in Lebanon. It is not acceptable.

If we gave $1 to Hezbollah in Iraq, we'd be sued in a court down the street. And so the Qataris use their media platforms to spread hate. The Qataris send weapons to al-Qaeda-affiliated militias in Libya. The Qatari emir was conniving with Gaddafi on how to overthrow Saudi Arabia. The Qataris connected Gaddafi with a Saudi dissident in London who they fund, who connected the Libyans with this group in Mecca with the objective of assassinating the then crown prince, later king, of Saudi Arabia. Is this acceptable?

We have phone conversations that the Libyans gave us after they overthrew Gaddafi where the then emir of Qatar is telling Gaddafi how he's recruiting princes and tribal leaders and military officers and members of the royal family to cause mischief and destabilize Saudi Arabia, and predicted that within ten years there would be no royal family in Saudi Arabia.

Is this acceptable? They do the same thing in Bahrain and in Kuwait and in the Emirates. So in 2012, we cut off relations with them—the same countries—and a year later they came back and agreed that they will end all of this nonsense and they signed an agreement, and nothing happened.

So this time, we said, you know what—we're not going to deal with you until—unless you change we will not allow you. There's a list of terror financiers that the U.S. puts out, the U.N. puts out, and a number of them are living openly in Qatar raising money and giving it to bad people. Is this acceptable? It shouldn't be. Why do the Qataris get away with it? Because I think people see a young country, young leadership. They buy fancy buildings. They have a nice airline, and they think, wow, these guys are really modern.

But we have to deal with the dark side that I just explained. And so that's why we said until, unless you change, we're not going to deal with you. Now, what happened since we took this action? They signed an MOU with the U.S. on terror financing that they had refused to sign before. They changed their laws to allow the introduction of evidence provided by a foreign government. They reduced their support for Hamas, which opened the door for reconciliation among the Palestinians. All of these are good things.

Now we're waiting for them to continue to implement all the things that they promised to implement. They refuse to engage in a dialogue about implementing these issues and we refuse to talk to them. And so, for us—and we've said this to them—we've taken the steps that we took. No dealing with Qatar. You can't overfly our airspace. You can't import things from our market. You—we will not—the military cooperation is still ongoing because that's a GCC issue and with the U.S. so we do that.

But the other stuff is all frozen until they change, and I hope they change. And if they don't change, we're patient people. We'll wait for ten, fifteen, twenty years, fifty years. How long did it take you with Castro in Cuba? We can do the same with Qatar. We have no issue. It would be nice of them if they acknowledge that they have a problem and then they can fix the problem, and the problem with the Qataris is they're still in denial and we need to move them from denial to introspection so they can fix the problem.

We have no hostility towards Qatar. We just vehemently oppose their behavior, which is very dangerous to us and has endangered our citizens and has endangered our security, and that's why we took the steps we took.

COLEMAN: Ambassador Indyk.

Q: Martin Indyk, Council on Foreign Relations.

AL-JUBEIR: Hi, Martin.

Q: Adel, it's very good to see you here.

AL-JUBEIR: Thank you.

Q: I wonder if you could do a kind of balance sheet for us of how the Iranians are doing in terms of their efforts to establish their hegemony in the region. They seem to be, notwithstanding all your efforts, more ensconced in Yemen. They seem to be well on their way to establishing a pro-Iranian government in Iraq. In Syria, despite all the efforts, they seem to be well entrenched there as well and, of course, in Lebanon with Hezbollah.

So I wonder how you see it from Riyadh, whether the efforts to contain and pressure them are actually working yet.

AL-JUBEIR: I have no doubt that they—that they're working and that they will continue to work. In Yemen, they're losing. In Iraq, their position is not what it was a few years ago. In Syria, over the long run they will lose, and in Lebanon, Hezbollah is going to change. No doubt about it. The Iranians are going to face tremendous pressure—economic pressure and political pressure—as a consequence of the sanctions that are being placed on them.

We see their currency dropping incredibly. We see inflation up tremendously. We see budget deficits. We see an inability to sell oil and we see rising discontent inside Iran. That's not a nice picture.

If you go beyond the Middle East, the Iranians—the Iranian position in Africa is a skeleton of what it was three or four years ago. Iran is isolated in the Islamic world. Their position in places like Bangladesh and Malaysia and Indonesia a fraction of what it was three years ago.

And so I think the pressures are tightening. In the Middle East, like I said, you have the four spots. We're dealing with it. And it took them thirty-five years or so to entrench themselves. We will work on pushing them back and I have no doubt that in the end we will succeed. The Iranian position is not sustainable.

You have two visions for the Middle East. You have a vision of light and progress and modality and moderation and innovation and taking care of your people, and you have the vision of darkness, which is about sectarianism and terrorism and murder and domination, and that's the Iranian model. It will not prevail over the long run. It just—history shows us that that model is doomed to failure and I have no doubt the same will happen to Iran and I hope that Iran can have a government that is responsible, that is a member of the community of nations in good standing so that the Iranian people, who have a great history and a great past, can lead normal lives.

COLEMAN: Down here.

Q: Thank you. Raghida Dergham, Beirut Institute.

On the short term—immediate term—how do you expect Iran to react to the pressures by the administration, particularly in Yemen and Syria? Some people are afraid of revenge. Some people are afraid that they are not going to curb back their expansionism but, in fact, you know, use other methods. And what conversation are you having with the Russians in terms of using their influence with the Iranians to pull back in Syria and in Yemen in particular? Do you have any leverage with the Russians?

AL-JUBEIR: On—the Iranians are already doing all the things you're saying. A hundred and ninety-seven ballistic missiles launched at Saudi Arabia, manufactured in Iran, operated by Hezbollah—how much—what else can you do more than this? Trying to destabilize countries. Every day we—people are captured trying to send explosives and weapons into Bahrain. They're trying to recruit citizens in order to commit terrorist attacks. I mean, they're threatening to close the Strait of Hormuz. OK. What else can the Iranians do?

And if we're going to base our policy based on fear of what the Iranians may or may not do, they're already doing all the bad stuff and they have been for thirty-five years and they've been relentless, and, if anything, it's accelerated, not slowed down, and especially after the signing of the JPCOA (sic; JCPOA). I can't—I haven't read about one road, one hospital, one school that Iran built since they had access to billions of dollars. But I have seen missiles go to the Houthis, explosives smuggled into Bahrain, and money going to fund the war in Syria, at the expense of the Iranian people.

So the issue is Iran is responsible for the position it's in. Iran is the world's chief sponsor of terrorism. Iran is the one that is trying to dominate the region. Iran is the one that is sending its Quds Forces and Revolutionary Guards into other countries to destabilize them, and that has to stop. That has to stop.

Now, with regard to Russia, we have conversations with Russia. We don't talk to people about talking to the Iranians. Our view is Iran has no role in the Arab world. Our position is that Iran has no role in the Arab world other than to get out. And with Russia, our conversations are about the general situation in the region and it's about moving Syria towards a political process. It's about our common interests in terms of energy. It's about the peace process. It's about fighting extremism and terrorism. It's about the unacceptability of interfering in the affairs of other countries. So we have a good dialogue with Russia on this.

And I think that in the long run in Syria the Iranian position is not tenable, and so we're working in that direction.

COLEMAN: Back here. The woman here.

Q: Thank you for coming to speak today.

AL-JUBEIR: You're welcome.

Q: Brooke Goldstein of the Lawfare Project.

You mentioned that Saudi Arabia was going to supplement the funding to UNRWA. So I'm wondering what, if anything, are you doing to ensure that the funding isn't going towards, you know, producing textbooks that teach martyrdom or funding Hamas, who has come in through al-Qudlah (ph)/al-Islamiya and recruited children? Because that was the primary reason why we did cut our funding. And also, if you could speak a little bit about the hate education that's been reported about by Freedom House and by Human Rights Watch about Saudi textbooks as well.

AL-JUBEIR: Yes. On UNRWA, we are talking to our partners—the other donors of UNRWA—about restructuring how the operations of UNRWA so we can focus on the essential items, because the Palestinian refugee population is going to grow and which means expenses are going to need to increase, and we want to look at the programs that are essential and the programs that are—that contribute to the well-being of the Palestinian people and focus on those. So this issue, I believe, will be dealt with.

In terms of the hate speech in Saudi Arabia, I believe that's a legacy issue. Not I believe; I know it's a legacy issue. We have revamped our educational system over the last fifteen years three times. We have introduced new teaching methods. We have new textbooks. We have new curriculums. We teach a national baccalaureate. We have reeducated public school teachers and private school teachers. And we have adopted the policy of zero tolerance, whether it's in the schools or whether it's in the mosques. But people still go back to issues in the past and say, oh, it's still continuing.

But we are dealing with this very firmly. You cannot have a normal country if you have extremism. That's why the openness of our society, the empowerment of women, the empowerment of youth, introducing recreation, introducing entertainment, introducing openness, introducing tourism, promoting our historic sites. All of this is part of the process of having people in Saudi Arabia—normal people living normal lives. You can't have this if you're promoting extremism or if you allow any kind of extremism to take place.

We have purged imams from our mosques, several thousand of them, and we've made it very clear that our policy on extremism is zero. We have jailed a number of Islamist—a number of so-called Islamic scholars and we were attacked by the very same people who criticize us, like Freedom House. Oh, my god, you're taking away their freedom of speech. OK. Explain to me—when they speak you tell us they're preaching hate. When we put them in jail, you tell us, why did you stop them from preaching—you took away their freedom of speech.

It's a damned if we do, damned if we don't situation. Which one do you want to do? And but our view is—our policy is zero tolerance. We will not allow anyone to preach extremism or hate because that undercuts our ability to move our country forward and improve the standard of living for our people.

COLEMAN: Right here.

Q: Thank you, Mr. Minister. Zach Virden (ph), Princeton University.

Over the last three years, there's been a remarkable surge in Gulf State engagement across the Red Sea and into the Horn of Africa and the region, more broadly, with political, economic, strategic impact. Could you comment on both the opportunities, which we've already seen, but also the risks as some of the aforementioned rivalries play out on a wider chessboard? Thank you.

AL-JUBEIR: Thank you. The—let me take a step back. People focus on the conflicts in the region. We have been looking at the Red Sea and we see great opportunity. We worry about the environmental impact because what happens on one side of the Red Sea can impact the other side, which is us.

We have some of the most fragile and beautiful corals in the Red Sea along our coast and we don't want to see them disappear. We want to build tourism destinations there but on less than twenty percent, and keep the other pristine so that we maintain the environment. So we have an environmental need to work together.

As we develop the Red Sea, especially in the north, it's important that that development be aligned with what Jordan does, with what Egypt does, with what Sudan does, so that we don't—we don't have either congestion or we have something that benefits all of us in the Red Sea. So there's that element. There's an economic element that I just mentioned.

There's a security element—smuggling, whether it's drugs, whether it's human trafficking—that is important—and piracy issues, of course. So unless we work on this cooperatively, it's not—if we work on it cooperatively, we all benefit. If we don't, we all lose. And so we proceeded to try to work on bridging the divide between Eritrea and Ethiopia and we were able to succeed in getting them to sign a peace agreement after twenty years of conflict.

We worked on bringing together the president of Djibouti with the president of Eritrea in a historic meeting after ten years of boycotting. So that opens the door for reducing the conflict. We worked with Somalia, Djibouti, Eritrea, and Ethiopia on seeing how they can work together in order to help stabilize the situation in Somalia.

So that's still a work in progress, and our sense is if we end these conflicts the economic opportunities are tremendous, whether it's in the field of agriculture, whether in the field of power generation, whether in the field of infrastructure, and we all stand to benefit. It helps us with our food security. It helps us with our investments. It helps us with calm in the region. It helps us with all the criminal elements—aspects that take place, especially towards the southern part of the Red Sea.

We have a lot of people who get trafficked across the Bab al-Mandab into Yemen and then they smuggle them into Saudi Arabia. And so that's a concern of us that we want to—we have concern about radicalization in the Horn of Africa because of the instability in Somalia. So we want that resolved.

So we've now—we're moving towards a more cooperative approach and we're talking to the other countries along the Red Sea and we're talking to our friends in the Gulf to see how all of us can move this region from conflict to stability and then move it towards development. We all benefit if this happens. So that's actually one of the bright spots in our region.

Q: Yes. Sy Sternberg, New York Life.

You spoke earlier today about the Palestinian-Israeli solution requires two states for two people. How, if that's the case, can you reconcile the situation of right of return where the Palestinians return to Israeli side of the border as opposed to the Palestinian side of the border, creating a de facto second Palestinian state?

AL-JUBEIR: I believe the right of return was dealt with at—to some extent at Camp David in 2000 and a few weeks later at the Taba negotiations in 2002. The thinking was that Palestinians would have Palestinian passports and they have a right to return to the state of Palestine or go wherever else.

There would be a fund set up to pay compensation and, if my memory is correct, a certain number who were born in Palestine before the state of Israel was established can go back to their homes and that number was—I don't know what their final range was—thirty, forty, seventy thousand, one hundred thousand over a number of years, and that's how you—that's how you deal with the right of return and I think that's the understanding that the Israelis and the Palestinians agreed to at Taba.

The sticking point was the issue of acknowledgement of guilt. I don't know what the exact term called. I'm getting old so my memory is fading. But it was the issue of acknowledging wrongdoing. And then the Israelis wanted an acknowledgment that something was also done wrong to the Jewish populations who left Arab countries. And the—then there was—it was some esoteric argument.

But the formula for the right of return, I think people have made too big an issue out of it. It's a matter of principle, but it's not about this idea that six million Palestinians will go to the state of Israel.

COLEMAN: Henry.

Q: Henry Siegman.

AL-JUBEIR: I know you.

Q: Good to see you back here.

On my way here to this meeting, I caught a news flash on my telephone that at the United Nations the—our president said to Bibi—told Bibi that he is back now in his own thinking that a two-state solution is necessary and that Israel will have to make certain accommodations to that.

So my question to you is since the Kushner team has been consulting with your own leadership probably more so than any other leadership in the area, is this something that you think in terms of your take on the president's thinking on this subject? Is this something that we should take as seriously as all of his other pronouncements or should we take it seriously?

AL-JUBEIR: I mean, I think anything the president—anything that a president says is serious. The administration has always said if the two parties want a two-state solution we're for it, and then—and now the president today said that he's in favor of a two-state solution. I think everybody is. The issue really is how do we move towards it and how do we come up with a package that is—that is realistic and that has a high probability of success.

As I mentioned in the beginning of our conversation, the formula, we know, it's in the marketing and it's in the providing cover for both sides to make the painful decision to move towards peace. And our hope is that—and we're prepared to play a role in this. But, ultimately, the two sides have to make that decision.

And so I—the president expressing his support for a two-state solution I think is a positive statement.

COLEMAN: We are, sadly, about out of time right now. So I apologize for those questions I couldn't get to, and I just want to say thank you so much to Ambassador al-Jubeir, and I think it's obvious why he's considered to be one of Saudi Arabia's great diplomatic assets.

So thank you for speaking with us.

AL-JUBEIR: Thank you. My pleasure.

COLEMAN: So I will—(inaudible).

AL-JUBEIR: Thank you very much. Thank you. (Applause.)

(END)

Annex 126

Doha Forum, *Qatar Announces Half a Billion USD in Funds to UN Agencies*, (Dec. 2018), *available at* https://dohaforum.org/blog/press/post/qatar-announces-half-a-billion-usd-in-funds-to-un-agencies/

Qatar Announces Half a Billion USD in Funds to UN Agencies

Qatar Ministry of Foreign Affairs and Qatar Fund for Development create framework with UN to support 10 of its agencies

Agreements signed on sidelines of Doha Forum include funding and establishment of Doha presence for several UN programs

Qatar's Ministry of Foreign Affairs and the Qatar Fund for Development today signed agreements with multiple United Nations agencies to support humanitarian, counter-terrorism and relief programs around the world.

The multi-year assistance to ten UN agencies amounts to USD 500 million, including 28 million to the UN Development Program (UNDP), 8 million annually between 2019 and 2023 to the United Nations High Commissioner for Refugees (UNHCR), 4 million annually to UNICEF and 15 million annually to the Security Council's Counter Terrorism Committee (CTC). Qatar will also provide critical support to UNRWA, which received a strong blow this year after international funding was withdrawn, through a commitment of USD 16 million annually over the next two years.

Other agencies that will benefit from Qatar's support include the World Food Program, Office of the High Commissioner for Human Rights (OHCHR), Special Purpose Trust Fund (SPTF) and Department of Political Affairs.

In addition, several UN agencies will either establish a permanent presence in Qatar or be hosted in the country to be better placed to support their target beneficiaries. Those agencies include the UNDP, OCHA, UNICEF and the Center for Applying Insights to Extremist Behaviour.

The signings were witnessed by His Excellency the Deputy Prime Minister and Minister of Foreign Affairs, Sheikh Mohammed bin Abdulrahman Al-Thani and His Excellency Mr. Antonio Guterres, Secretary General of the United Nations.

Commenting on the signings HE Sheikh Al-Thani said, "We are pleased today to reinforce the importance of the UN and the work it does in alleviating the suffering of people around the world, in addition to achieving peace, security and sustainable development. The continued cooperation and coordination between countries, the UN and its various agencies is beneficial to millions of individuals around the world, and we in Qatar greatly value this role."

He added, "We also appreciate the Secretary General's efforts to reform the UN, and emphasize our support to the announced 2030 goals. Qatar considers itself a partner that is responsible for supporting the achievement of all sustainable development goals as well as fighting terrorism."

HE Mr. Guterres remarked, "Today's development is a quantum leap in the relationship between Qatar and the UN. Today Qatar is a structural partner to the United Nations. The support to UNRWA, in particular, comes at a critical time. UNRWA has faced many challenges this year and thanks to nations such as Qatar it will survive. For that I would like to make a special expression of gratitude."

Qatar is ranked as the first Arab and sixth international contributor to global joint funds. Through institutions such as the Qatar Fund for Development, it implements external aid projects and works to achieve inclusive and sustainable development, by addressing priority issues of education, health and economic empowerment.

Published

Dec 2018

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Annex 127

"UN rights chief urges talks to save Egypt from further disastrous violence", *UN News* (15 Aug. 2013), *available at* https://news.un.org/en/story/2013/08/446802-un-rights-chief-urges-talks-save-egypt-further-disastrous-violence

UN rights chief urges talks to save Egypt from further disastrous violence

IRIN/Saeed Shahat | Supporters of deposed President Mohamed Morsi of Egypt demonstrating in Rabaa Al Adaeia Square, Cairo.

15 August 2013

The United Nations human rights chief today appealed to all parties in Egypt to act with restraint and initiate talks, following a day of bloody violence that left hundreds dead and many more injured.

The United Nations human rights chief today appealed (http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13632&LangID=E) to all parties in Egypt to act with restraint and initiate talks, following a day of bloody violence that left hundreds dead and many more injured.

"I deplore the loss of life and call on all in Egypt to seek a way out of the violence. I urge the Egyptian authorities and security forces to act with the utmost restraint," said Navi Pillay, the UN High Commissioner for Human Rights.

"What is needed is genuinely inclusive reconciliation. I therefore appeal again to all sides to engage in urgent dialogue to avoid further violence and hate speech, with the aim of restoring constitutional order through free and democratic elections."

Yesterday, security forces clashed with demonstrators demanding the reinstatement of deposed President Mohamed Morsy. Ms. Pillay noted that there were conflicting reports about the scale of the violence as Government officials said more than 500 had been killed while the Muslim Brotherhood put the figure at more than 2,000.

"The number of people killed or injured, even according to the Government's figures, point to an excessive, even extreme, use of force against demonstrators," she said. "There must be an independent, impartial, effective and credible investigation of the conduct of the security forces. Anyone found guilty of wrongdoing should be held to account."

Ms. Pillay reminded Egyptian authorities that their security forces are bound by the rule of law and must act with full respect for human rights, including the rights to free speech and peaceful assembly. She also stressed that Government opponents who have reportedly attacked public buildings and religious sites should be brought to justice, and underlined that demonstrators must ensure their gatherings remain peaceful.

"Wednesday's tragic events highlight the degree to which Egypt is becoming dangerously polarized," Ms. Pillay said, pointing to reports of violent incidents in several parts of the country in response to the clearing of sit-ins in Cairo.

Reacting to Wednesday's announcement by Egyptian authorities of a month-long national state of emergency, Ms. Pillay said it should be implemented in conformity with Egypt's obligations under international law, ensuring that human rights are respected and protected.

Ms. Pillay added that under the International Covenant on Civil and Political Rights, to which Egypt is a party, no one shall be arbitrarily deprived of his or her life or be subject to torture or other cruel, inhuman or degrading treatment or punishment, even in times of emergency.

"Everyone deprived of their liberty must be treated humanely and afforded all the judicial guarantees under international law," she said.

Egypt has been undergoing a democratic transition following the toppling of President Hosni Mubarak two years ago in the wake of mass protests. Last month, renewed protests – in which dozens of people were killed and wounded – led to the Egyptian military deposing Mr. Morsy. The Constitution was then suspended and an interim government set up.

The UN Special Adviser on the Prevention of Genocide, Adama Dieng, and the UN Special Adviser on the Responsibility to Protect, Jennifer Welsh, issued a joint statement expressing their serious concern over yesterday's events.

In particular, they noted with alarm the attacks against a number of Christian churches and institutions in the provinces of Assiut, Fayoum, Minya and Sohag, reportedly in retaliation to the incidents in Cairo.

“We urge all Egyptians to act responsibly during these difficult moments and refrain from using violence to express their grievances, in particular by targeting religious minorities and institutions, or by using language and inciting behaviours that may escalate tensions,” they said.

They noted that Christian communities have been the subject of violence in the past, and warned that violence against them could increase in the future if no measures are taken to ensure their protection.

The Special Advisers also echoed Ms. Pillay’s call on Egyptian authorities to conduct investigations into the clashes in Cairo and the attacks on religious minorities, and to prosecute all those responsible for perpetrating violence.

“Egypt is at a critical juncture. In order to prevent any further escalation of violence, it is paramount to ensure the respect for human rights and equal protection of all persons, regardless of their political and religious affiliation,” they added.

Meanwhile, the Security Council met in a closed-door meeting on Egypt, during which it was briefed by Deputy Secretary-General Jan Eliasson. “The members, first of all, expressed their sympathy to the victims and regretted the loss of lives,” Ambassador Maria Cristina Perceval of Argentina, which holds the Council’s rotating presidency for August, told reporters afterwards.

“The view of Council members is that it is important to end violence in Egypt, that the parties exercise maximum restraint, and there was a common desire on the need to stop violence and advance national reconciliation,” she added.

EGYPT (HTTPS://NEWS.UN.ORG/EN/TAGS/EGYPT)

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UN Secretary-General strongly condemns use of force against protesters in Cairo (https://news.un.org/en/story/2013/08/446692-un-secretary-general-strongly-condemns-use-force-against-protesters-cairo)

14 August 2013

Secretary-General Ban Ki-moon condemned in the strongest terms the violence that occurred today in Cairo when Egyptian security services used force to clear sit-ins and demonstrations, and urged all Egyptians to focus on promoting inclusive reconciliation.

Annex 128

"Khashoggi trial in Saudi Arabia falls short of independent, international probe needed: UN rights chief", *UN News* (4 Jan. 2019), *available at* https://news.un.org/en/story/2019/01/1029772

Khashoggi trial in Saudi Arabia falls short of independent, international probe needed: UN rights chief

UN Photo/Laura Jarriel | Michelle Bachelet, the UN High Commissioner for Human Rights, speaks to the press at UN Headquarters in New York.

4 January 2019 | Human Rights (https://news.un.org/en/news/topic/human-rights)

The criminal trial in Saudi Arabia of individuals suspected of being involved in the killing of journalist Jamal Khashoggi does not meet the requirements of an independent and international probe requested by the UN's top rights official, Michelle Bachelet (https://www.ohchr.org/en/aboutus/pages/highcommissioner.aspx), her office said on Friday.

Speaking to journalists in Geneva, Ravina Shamdasani from the Office of the High Commissioner for Human Rights (OHCHR (https://www.ohchr.org/EN/Pages/Home.aspx)), confirmed that her office was aware that the trial was under way.

“We, as you know, have been pressing for justice in the Khashoggi case for months now. We have been calling for an investigation, an independent investigation, with international involvement, and this has not happened yet.”

According to reports, 11 defendants went on trial in the Saudi capital, Riyadh, on Thursday.

Five suspects face the death penalty if convicted of the murder of Mr Khashoggi, who was a critic of the Kingdom and has not been seen since he visited his country’s consulate in Istanbul, on the afternoon of 2 October.

Ms Shamdasani confirmed that the High Commissioner’s office had spoken “several times” to the Saudi authorities about the Khashoggi case, before underlining her office’s stance on the Saudi Public Prosecutor’s call for the death penalty.

“Now while we are aware that a trial has taken place in Saudi Arabia, this is not sufficient, first of all”, she said. “Second of all, we are against the imposition of the death penalty in all circumstances.”

The OHCHR spokesperson noted that her office had no official representation in the Gulf Kingdom.

“We are not present in Saudi Arabia to be able to assess these trials, so we can’t give an assessment of the trials ourselves,” she said.

SAUDI ARABIA (HTTPS://NEWS.UN.ORG/EN/TAGS/SAUDI-ARABIA) | JAMAL KHASHOGGI (HTTPS://NEWS.UN.ORG/EN/TAGS/JAMAL-KHASHOGGI)

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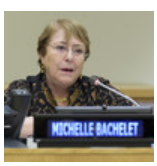

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UN rights chief says ‘bar must be set very high’ for investigation of murdered Saudi journalist (https://news.un.org/en/story/2018/10/1024472)

UN chief ‘deeply troubled’ by Saudi confirmation of Jamal Khashoggi’s death (https://news.un.org/en/story/2018/10/1023722)

Annex 129

Office of the High Commissioner for Human Rights, *Independent human rights expert to visit Turkey to launch international inquiry into Khashoggi case* (25 Jan. 2019), *available at* https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24113&LangID=E

Independent human rights expert to visit Turkey to launch international inquiry into Khashoggi case

GENEVA (25 January 2019) – The UN human rights expert Agnès Callamard is to head an international inquiry into the killing of Saudi journalist Mr. Jamal Khashoggi, starting with a visit to Turkey from 28 January to 3 February 2019.

This inquiry, established under the authority of the mandate of the UN Special Rapporteur on extrajudicial, summary or arbitrary killings, and upon her request, will review and evaluate, from a human rights perspective, the circumstances surrounding the killing of Kashoggi. Callamard will be accompanied by Baroness Helena Kennedy, QC, and Professor Duarte Nuno Vieira from the University of Coimbra.

The UN expert will assess the steps taken by governments to address and respond to the killing, and the nature and extent of States' and individuals' responsibilities for the killing. "The inquiry will also seek to identify ways by which States can strengthen fulfilment of their international commitments to protect the right to life, prevent violations and ensure accountability," Callamard said.

Callamard will report her findings to the UN Human Rights Council during the June 2019 session.

ENDS

Ms. Agnes Callamard *(France), Special Rapporteur on extrajudicial, summary or arbitrary executions, has a distinguished career in human rights and humanitarian work globally. Ms. Callamard is the Director of Columbia Global Freedom of Expression at Columbia University and has previously worked with Article 19 and Amnesty International. She has advised multilateral organizations and governments around the world, has led human rights investigations in more than 30 countries, and has published extensively on human rights and related fields.*

UN Human Rights, Country Page: Turkey

For more information and media requests, please contact:
In Turkey (during the visit): *(Alessandro Marra - +41 79 444 54 01)*
In Geneva (before and after the visit): *Alessandro Marra (+41 22 928 9321 / amarra@ohchr.org) or write to eje@ohchr.org*

Annex 130

Financial Action Task Force (FATF), "Who we are", *available at* http://www.fatf-gafi.org/about/ (last accessed: 1 Feb. 2019)

Who we are

The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a "policy-making body" which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.

The FATF has developed a series of wŜû2Y Y ŜyŘl·tions that are recognised as the international standard for combating of money laundering and the financing of terrorism and proliferation of weapons of mass destruction. They form the basis for a co-ordinated response to these threats to the integrity of the financial system and help ensure a level playing field. First issued in 1990, the FATF Recommendations were revised in 1996, 2001, 2003 and most recently in 2012 to ensure that they remain up to date and relevant, and they are intended to be of universal application.

The FATF monitors the progress of its members in implementing necessary measures, reviews money laundering and terrorist financing techniques and counter-measures, and promotes the adoption and implementation of appropriate measures globally. In collaboration with other international stakeholders, the FATF works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse.

The FATF's decision making body, the FATF Plenary, meets three times per year.

FATF Plenary in session

Annex 131

Global Coalition, *79 Partners*, *available at* http://theglobalcoalition.org/en/partners/ (last accessed: 1 Feb. 2019)

79 PARTNERS UNITED IN DEFEATING DAESH.

The Global Coalition against Daesh was formed in September 2014 and is unique in its membership, scope and commitment. Together, the Global Coalition is committed to degrading and ultimately defeating Daesh.

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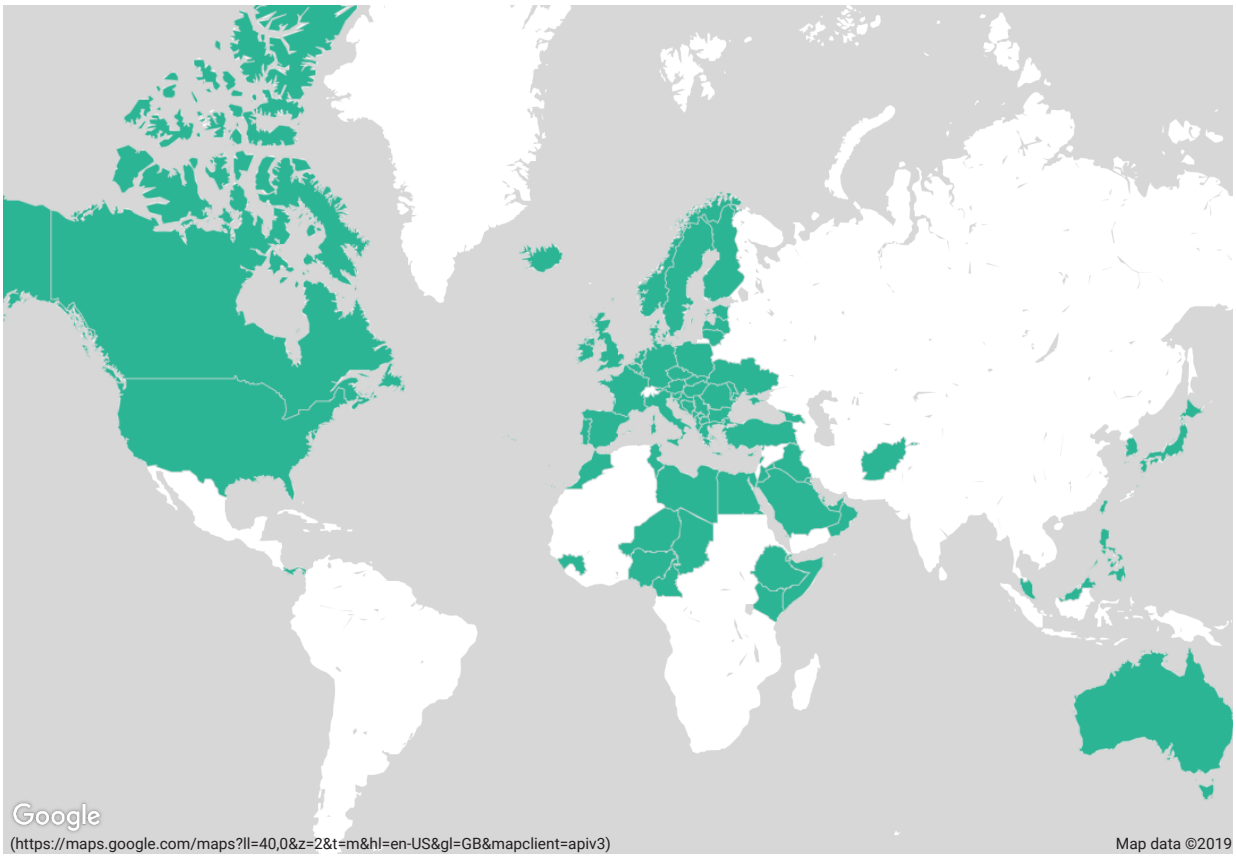

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Annex 132

Global Community Engagement and Resilience Fund, *Donor Frequently Asked Questions*, *available at* https://www.gcerf.org/donor-frequently-asked-questions/ (last accessed: 2 Feb. 2019)

Donor Frequently Asked Questions

What is the Global Community Engagement and Resilience Fund (GCERF)?

Who can donate to GCERF?

GCERF welcomes donations from governments, international organisations, foundations, corporations and individuals.

As of October 2018, contributions and pledges totalling over USD 70 million have been made by the governments of Australia, Canada, the European Union, France, Japan, Liechtenstein, Morocco, the Netherlands, New Zealand, Norway, Qatar, Sweden, Switzerland, United Kingdom and the United States of America.

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How can I/my country/organisation participate in GCERF's governance mechanisms?

For further information please contact the Executive Director Dr Khalid Koser at **info@gcerf.org**

Contact

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+ 41 22 306 08 10
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Annex 133

"Yemen: UAE recklessly supplying militias with windfall of Western arms", *Amnesty International* (6 Feb. 2019), *available at* https://www.amnesty.org/en/latest/news/2019/02/yemen-uae-recklessly-supplying-militias-with-windfall-of-western-arms/

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NEWS MIDDLE EAST AND NORTH AFRICA ARMED CONFLICT

SHARE

Yemen: UAE recklessly supplying militias with windfall of Western arms

6 February 2019, 00:01 UTC

An open source investigation published by Amnesty International today highlights a growing danger in Yemen's conflict as the United Arab Emirates (UAE) recklessly arms militias with a range of advanced weaponry.

The investigation, *"When arms go astray: Yemen's deadly new threat of arms diversion to militias,"* shows how the UAE has become a major conduit for armoured vehicles, mortar systems, rifles, pistols, and machine guns – which are being illicitly diverted to unaccountable militias accused of war crimes and other serious violations.

"While the USA, the UK, France and other European states have rightly been criticized for supplying arms to Coalition forces, and Iran has been implicated in sending arms to the Huthis, a deadly new threat is emerging. Yemen is quickly becoming a safe haven for UAE-backed militias that are largely unaccountable," said Patrick Wilcken, Arms Control and Human Rights Researcher at Amnesty International.

> **" Emirati forces receive billions of dollars' worth of arms from Western states and others, only to siphon them off to militias in Yemen that answer to no-one and are known to be committing war crimes. "**
>
> Patrick Wilcken, Arms Control and Human Rights Researcher at Amnesty International

"Emirati forces receive billions of dollars' worth of arms from Western states and others, only to siphon them off to militias in Yemen that answer to no-one and are known to be committing war crimes.

“The proliferation of these fighting forces is a recipe for disaster for Yemeni civilians who have already been killed in their thousands, while millions more are on the brink of famine as a direct result of the war.”

The armed groups on the receiving end of these dodgy arms deals – including “The Giants”, the Security Belt and Elite Forces – are trained and funded by the UAE, but are not accountable to any government. Some of them stand accused of war crimes, including during the recent offensive on the port city of Hodeidah and in the UAE-backed network of secret prisons in southern Yemen.

States supplying arms to UAE

According to publicly available data, since the outbreak of the Yemeni conflict in March 2015, Western states have supplied the UAE with at least US$3.5 billion worth of arms. Among them are heavy conventional weapons – including aircraft and ships – small arms, light weapons and associated parts and ammunition.

Despite the serious violations attributed to the UAE and militias it backs, the following states have recently supplied the Emiratis with arms: Australia, Belgium, Brazil, Bulgaria, Czechia, France, Germany, South Africa, South Korea, Turkey, the UK and the USA, among others.

Amnesty International analysed open-source evidence around the battle for Hodeidah and found that military vehicles and weapons supplied to the UAE are now widely in use by militias on the ground.

A wide variety of US-supplied armoured vehicles equipped with heavy machine guns, including M-ATV, Caiman and MaxxPro models, have been documented in the hands of UAE-backed militias Security Belt, Shabwani elite forces and “The Giants”.

Belgian Minimi light machine guns, also likely sold to the UAE, are being deployed by “The Giants”. Other weapons used by UAE-allied militias in Hodeidah include Serbian-made Zastava MO2 Coyote machine guns and the Agrab armoured-truck-mounted Singaporean 120mm mortar system – the UAE is the only country known to purchase this combined weapon system.

Elsewhere in Yemen, the UAE has directly trained and funded militias including the Security Belt and Elite Forces, which operate a shadowy network of secret prisons known as “black sites”.

Amnesty International and others have previously documented these forces’ role in enforced disappearances and other violations at these facilities – including detention at gunpoint, torture with electric shocks, waterboarding, hanging from the ceiling, sexual humiliation, prolonged solitary confinement, squalid conditions and inadequate food and water.

The UAE-backed militias running these black sites wield Bulgarian rifles and drive US armoured vehicles.

Violating the Arms Trade Treaty

Many of the states that continue to supply arms to the UAE are party to the global Arms Trade Treaty. Some have other legal obligations as EU members or under domestic laws not to transfer arms being used to commit war crimes. By persisting in transferring arms to the UAE, despite overwhelming evidence those arms are being used in war crimes and other serious violations in Yemen, they are flouting these obligations.

Amnesty International calls on all states to stop supplying arms to all parties to the conflict in Yemen until there is no longer a substantial risk that such equipment would be used to commit or facilitate serious violations of international humanitarian and human rights law. Denmark, Finland, the Netherlands and Norway have recently announced suspending arms transfers to the UAE.

“As the next round of peace talks on Yemen’s conflict looms, arms-supplying states need to reflect hard on how their arms transfers

are continuing to directly and indirectly fuel war crimes and other serious violations. The proliferation of unaccountable, UAE-backed militias is worsening the humanitarian crisis and posing a growing threat to the civilian population," said Patrick Wilcken.

> **" As the next round of peace talks on Yemen's conflict looms, arms-supplying states need to reflect hard on how their arms transfers are continuing to directly and indirectly fuel war crimes and other serious violations. The proliferation of unaccountable, UAE-backed militias is worsening the humanitarian crisis and posing a growing threat to the civilian population. "**
>
> Patrick Wilcken

"Only a handful of countries have done the right thing and stopped the conveyor belt of arms to the Yemen's devastating conflict. Others must follow in their footsteps or they will share responsibility for the devastating toll these billions of dollars' worth of arms transfers are wreaking on civilians in Yemen."

Topics

MIDDLE EAST AND NORTH AFRICA | YEMEN | ARMED CONFLICT | ARMED GROUPS | WAR CRIMES AND CRIMES AGAINST HUMANITY | ARMS TRADE

Annex 134

King Faisal Prize, *Professor Yousef A. Al-Qaradawi, Winner of the 1994 KFP Prize for Islamic Studies*, *available at* https://kingfaisalprize.org/professor-yousef-a-al-qaradawi/ (last accessed: 15 Feb. 2019)

Professor Yousef A. Al-Qaradawi

Winner of the 1994 KFP Prize for Islamic Studies

(Please press on year/ category to customize the search)

Topic: Studies Dealing with Islamic Law

Browse all Winners

Co-winner: **Shaikh El-Sayyid Sabiq At-Tihami**

Biography

Nationality: Qatar

Professor Shaikh Yusuf Al-Qaradawi was born in 1926 in the village of Saft Turb, Mahallah al-Kubra District (Gharbiyya Governorate), Egypt. He memorized the Holy Quran by the age of nine. He was educated in Al-Azhar, receiving the Alimiyya degree (1952) from the College of Usul ad-Din (Religious Fundamentals of Islam), Post-Graduate Diploma in Arabic Language Studies (1958) from the Institute of Advanced Studies in Arabic Language and Literature, and Master's (1960) and Ph.D. (1973) degrees from the Department of Quranic Studies at the College of Usul ad-Din.

Shaikh Al-Qaradawi, who holds Qatari citizenship, is at the forefront of contemporary Muslim thinkers and scholars. His vast contributions include more than 80 books and hundreds of articles on different Islamic issues, ranging from the fundamental principles and laws of Islam to the needs and challenges of modern Muslim societies. His knowledge, intellect, moderation and unrelenting efforts to bring Islam to a larger audience have gained him the respect of millions of Muslims and non-Muslims worldwide. He is also famous for his poplular Al-Jazeera Television program Ash-Shariah wal-Hayat (Sharia and Life), with an estimated 40 million viewers worldwide, and Islam Online, a web site he established in 1997. Many of his books have been translated into other languages. Shaikh Al-Qaradawi's contributions to the study of Islamic law are best illustrated in his book Fiqh Az-Zakat (The Law of Alms), a major reference in the Islamic world.

Professor Al-Qaradawi was the founder and Dean of the College of Shari'a and Islamic Studies and founder and current Director of Sunnah Research Center at Qatar University. He is also the President of the World Muslim Scholars Association, the European Council for Islamic Guidance and Research, the Supervisory Commissions of Islamic Banks of Qatar and Bahrain, Vice-President of the International Commission for Alms in Kuwait, and Member of the Islamic Academy of Fiqh of the World Muslim League and several other Islamic research institutions and charity organizations. He is also a trustee of Oxford University Center for Islamic Studies and has been recently named technical consultant for an epic movie in English on the Prophet Muhammad.

In addition to the King Faisal International Prize for Islamic Studies, Shaikh Al-Qaradawi received a number of other international awards and honors for his distinguished contributions, including the Prize of the Islamic University in Malaysia, Dubai International Holy Quran Award, the Sultan Hasan Bolkiah Prize in Brunei and Al-Owais Prize (UAE). In 2008, Foreign Policy magazine placed him in third position on its list of the "20 top intellectuals worldwide." The Islamic Studies Faculty in Qatar incepted "the Sheikh Yusuf Al Qaradawi Scholarships" in 2009. It also named its newly established research centre "The Qaradawi Center for Islamic Moderation and Renewal".

In 2011, he was awarded the Jordanian Medal of Independence (First Class).

Professor AI-Qardhawi has been awarded the Prize for his continuous academic efforts to relate Islamic Law (Fiqh) to modern Muslim society. His work "Fiqh Az-Zakat" is characteristically comprehensive in content, academic method, and analytical approach.

The 1994 topic in Islamic Studies is "Studies Dealing with Thematic Commentary of the Holy Qur'an".

More about Awarding this Winner

Browse all Winners

- Read the Press Release
- Read the Acceptance Speech
- Watch the Winner's Honoring & Speech
- View the Honorary's Certificate

Annex 135

Appendices of Working Paper 14640: Contingency Arrangements and ATM Measures in the MID Region by Kingdom of Bahrain, Arab Republic of Egypt, Kingdom of Saudi Arabia and United Arab Emirates (2017)

Appendices of Working Paper 14640:

Contingency Arrangements and ATM Measures in the MID Region
by Kingdom of Bahrain, Arab Republic of Egypt, Kingdom of Saudi Arabia and the United Arab Emirates

Annex 135


Iran
Gulf of Oman
Muscat
مسقط
Oman
Dubai
دبي
Al Ain
العين
United Arab Emirates
Abu Dhabi
أبو ظبي
Qatar
Arabian Gulf
Bahrain
Dammam
الدمام
Kuwait
Riyadh
الرياض
Saudi Arabia
Yemen
Baghdad
بغداد
Iraq
Sana'a
صنعاء
مدينة الحبيب
Medina
المدينة المنورة
Mecca
مكة
Jeddah
جدة
Red Sea
Eritrea
Syria
Damascus
دمشق
Jordan
Lebanon
Beirut
بيروت
Israel
Jerusalem
Cyprus
Cairo
القاهرة
Alexandria
الإسكندرية
Egypt
Khartoum
الخرطوم
Sudan

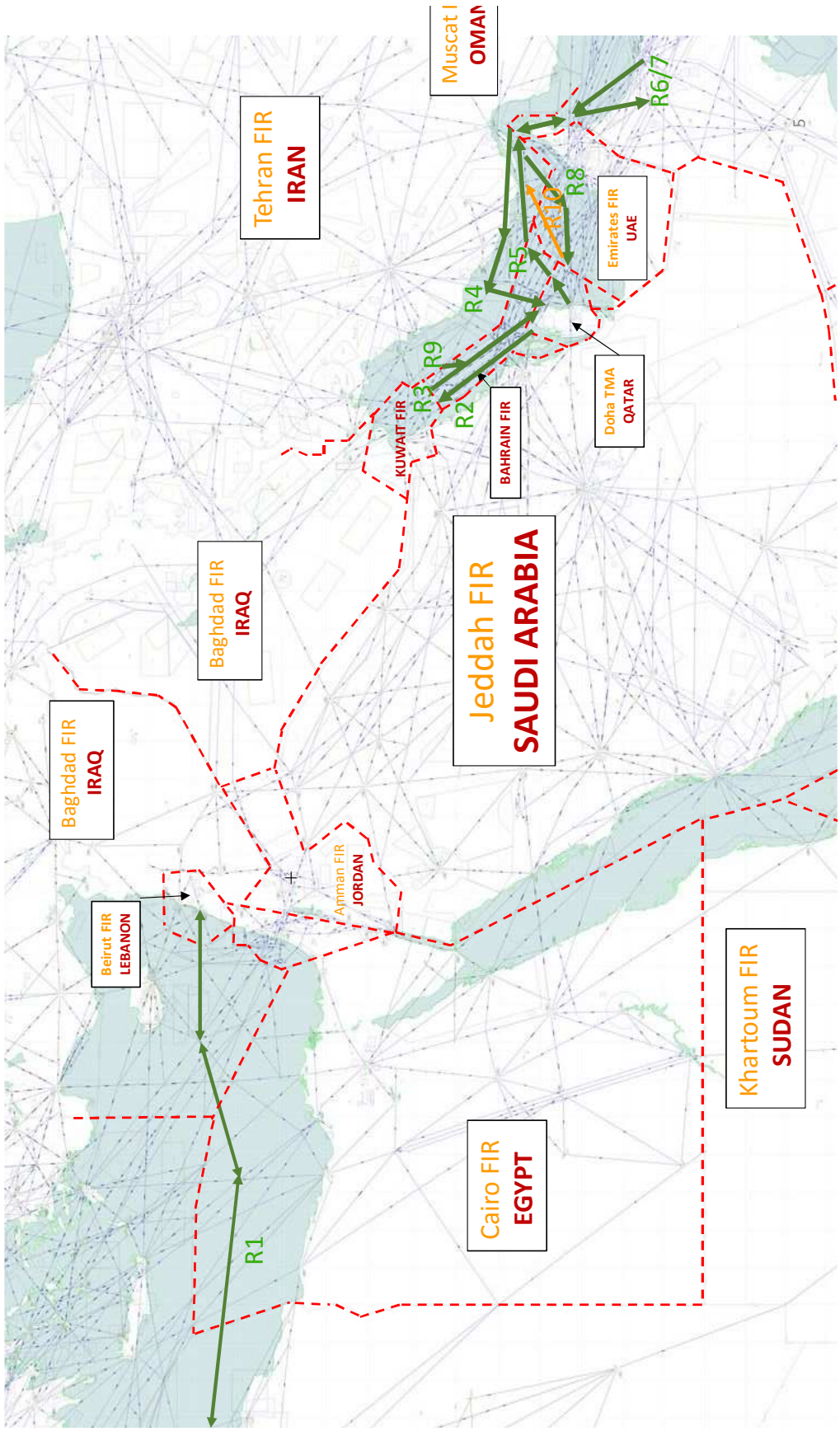
ATM Measures taken by
Kingdom of Bahrain, Arab Republic of Egypt, Kingdom of Saudi Arabia and the United Arab Emirates

ICAO Annex 11 Attachment C

Contingency arrangements are therefore temporary in nature, remain in effect only until the services and facilities of the regional air navigation plan are reactivated and, accordingly, do not constitute amendments to the regional plan requiring processing in accordance with the “Procedure for the Amendment of Approved Regional Plans”.

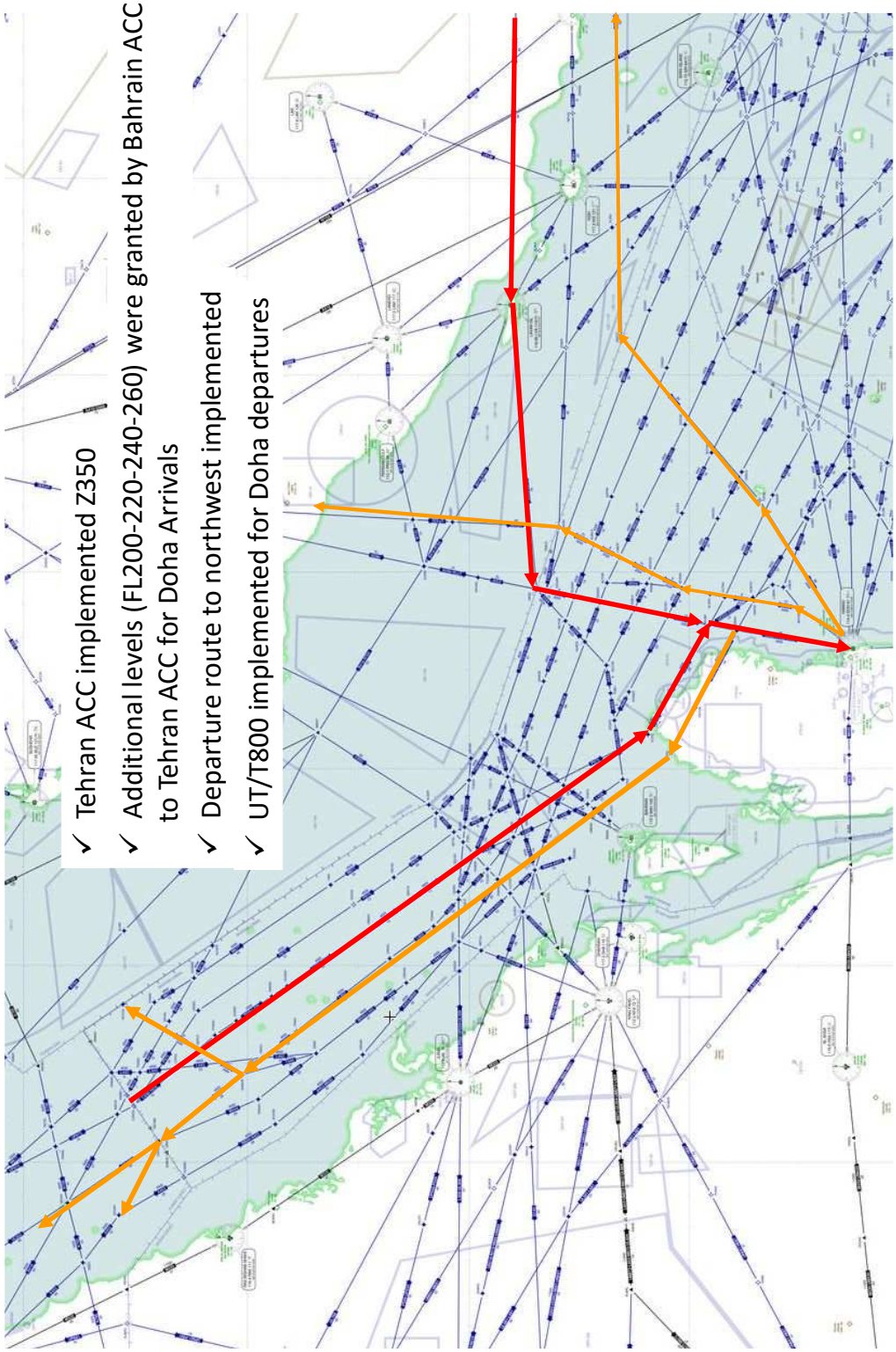
Contingency arrangements used:

- ✓ Establishment of contingency/new/additional routes
- ✓ Implementation of traffic flow restriction to enable the use of established contingency routes within neighboring FIR’s

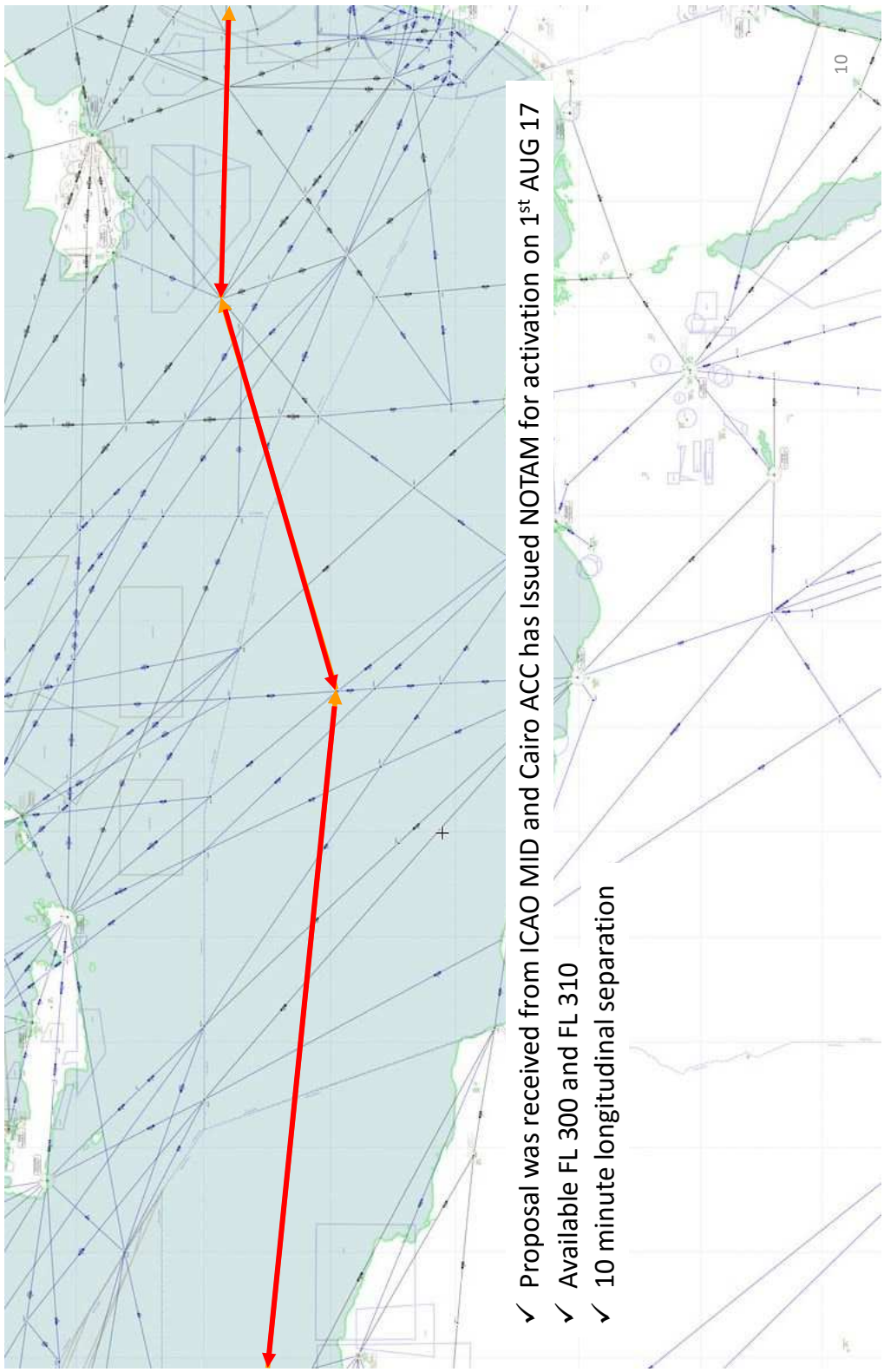

Muscat I
OMAN
Tehran FIR
IRAN
R6/7
R8
R10
R5
R4
R9
R3
R2
Emirates FIR
UAE
Doha TMA
QATAR
KUWAIT FIR
BAHRAIN FIR
Jeddah FIR
SAUDI ARABIA
Baghdad FIR
IRAQ
Baghdad FIR
IRAQ
Amman FIR
JORDAN
Beirut FIR
LEBANON
R1
Cairo FIR
EGYPT
Khartoum FIR
SUDAN

	Name	Routing	Date	NOTAM	Issuing FIR
Route 1	TBD	Bi Directional Route	1 Aug 17	A0261/17	Cairo FIR
Route 2	Multiple	PATOM- TOKMA- DAVUS	15 June 17	Via Agreement	Bahrain FIR
Route 3	Nil	LONOS-KOBOK-RASDI-VELAM	15 June 17	A0222/17	Bahrain FIR
Route 4	Z350	IVIVA-KATUS-GIGAB-NOVSU-BONIK-MOBET-KHM-SERDU-LVA-DURSI-KAVAK MIDSI	22 June 2017 25 July 2017	A1997/17 A2374/17	Tehran FIR
			10 July 2017	A0303/17	Muscat FIR
Route 5	T800/UT 800	PATIS-DASUT–MIRIT-NANPA-ULDUN	22 June 17	A0235/17	Bahrain and Tehran ACC
			20 June 17	A1994/17	Tehran FIR
Route 6	Z151	ULDUN-BUBAS	10 July 2017	A0301/17	Muscat FIR
Route 7	Z178	BOTOV-SOLUD-LAKLU	10 July 2017	A0299/17	Muscat FIR
Route 8	T665	NANPA-NWP-DAPER-ITMUS-OVON	7 Aug 2017	A1065/17	Emirates FIR
Route 9	Nil	KUVER-KOBOK-RASDI-VELAM	15 June 17	A0222/17	Bahrain FIR
Route 10	Nil	L305-TATLA-NANPA	TBD	-	Emirates and Tehran FIR

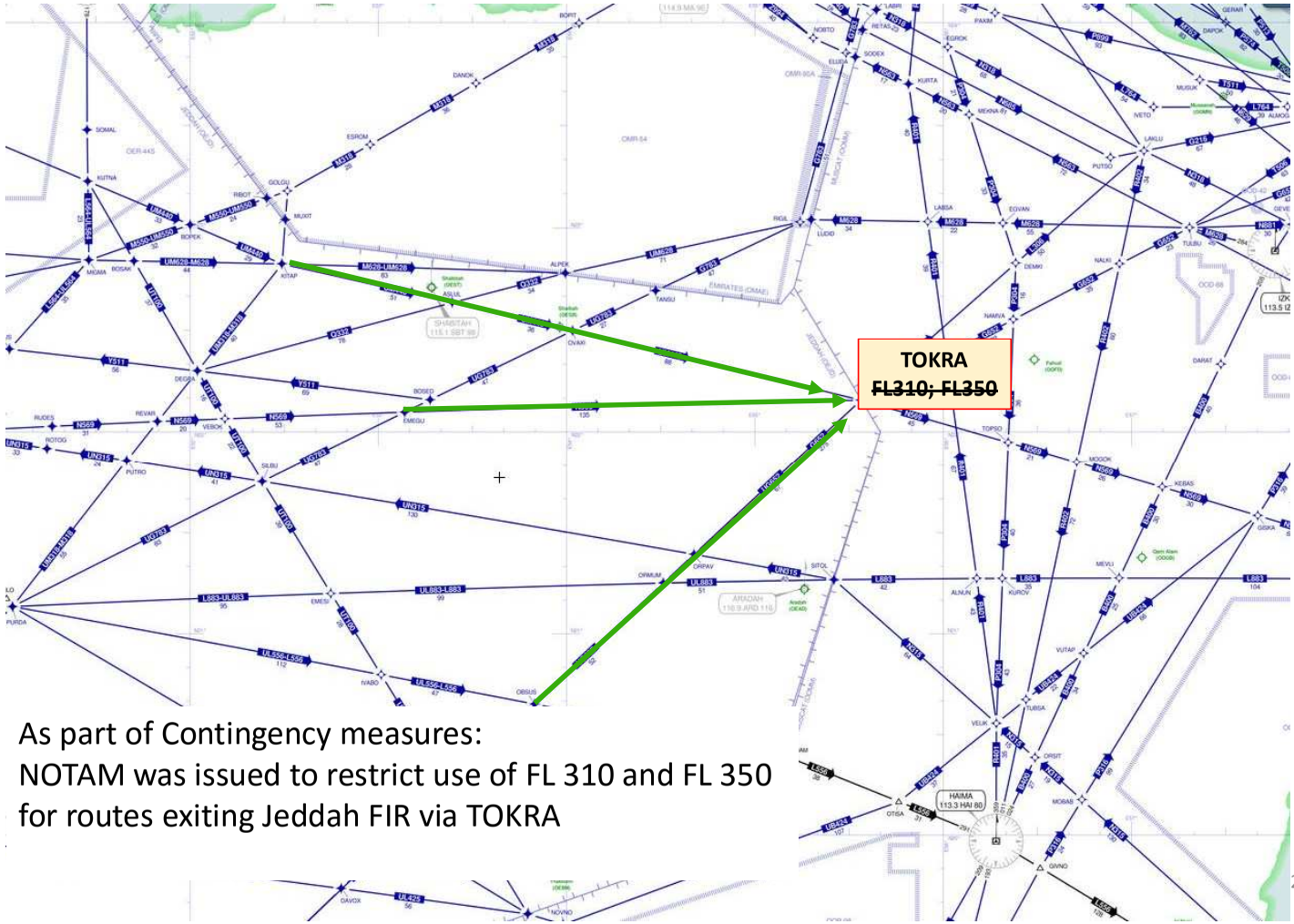
Contingency Arrangements implemented in Bahrain FIR


✓ Tehran ACC implemented Z350
✓ Additional levels (FL200-220-240-260) were granted by Bahrain ACC to Tehran ACC for Doha Arrivals
✓ Departure route to northwest implemented
✓ UT/T800 implemented for Doha departures

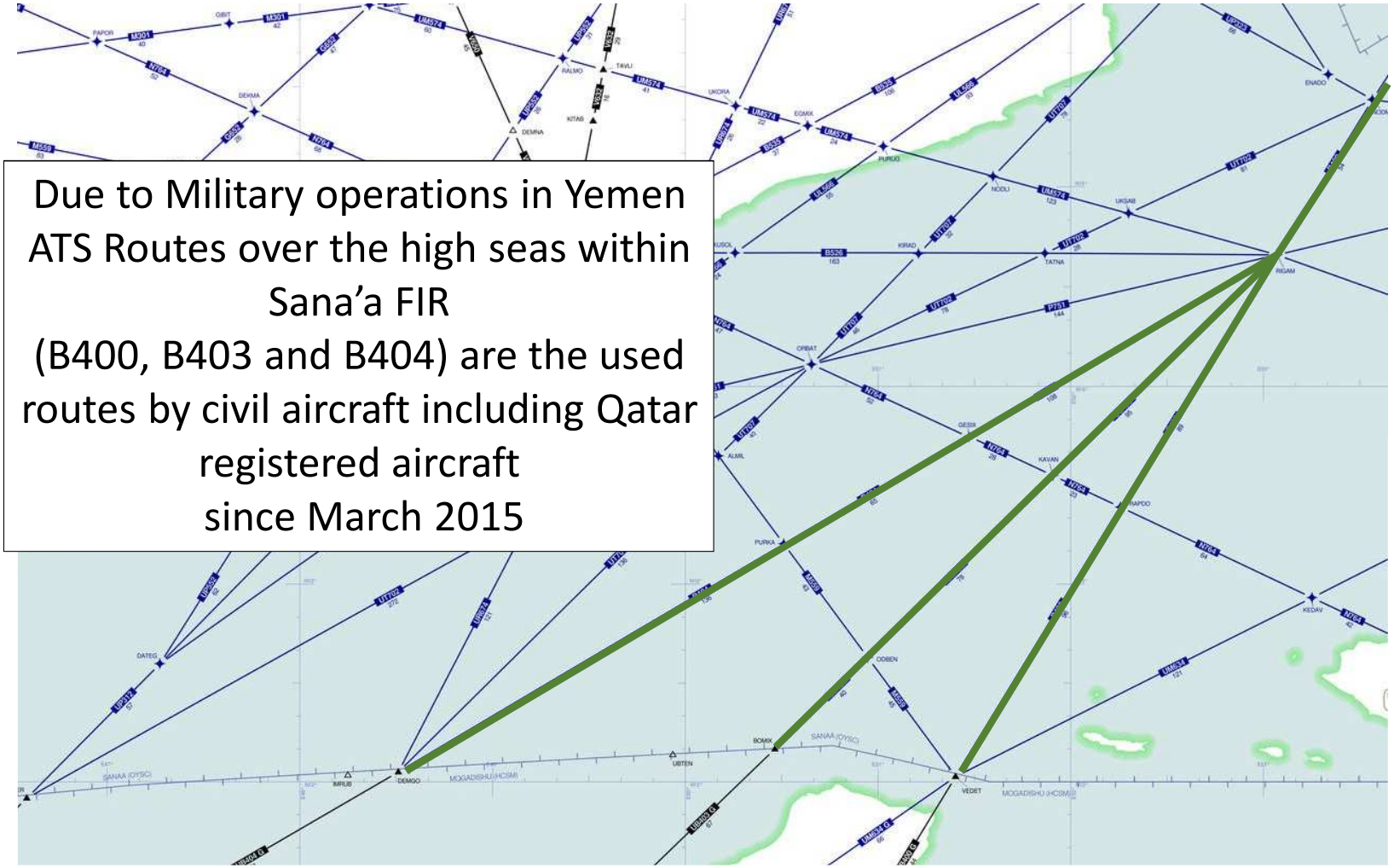
Contingency arrangements within Cairo FIR


✓ Proposal was received from ICAO MID and Cairo ACC has Issued NOTAM for activation on 1st AUG 17
✓ Available FL 300 and FL 310
✓ 10 minute longitudinal separation

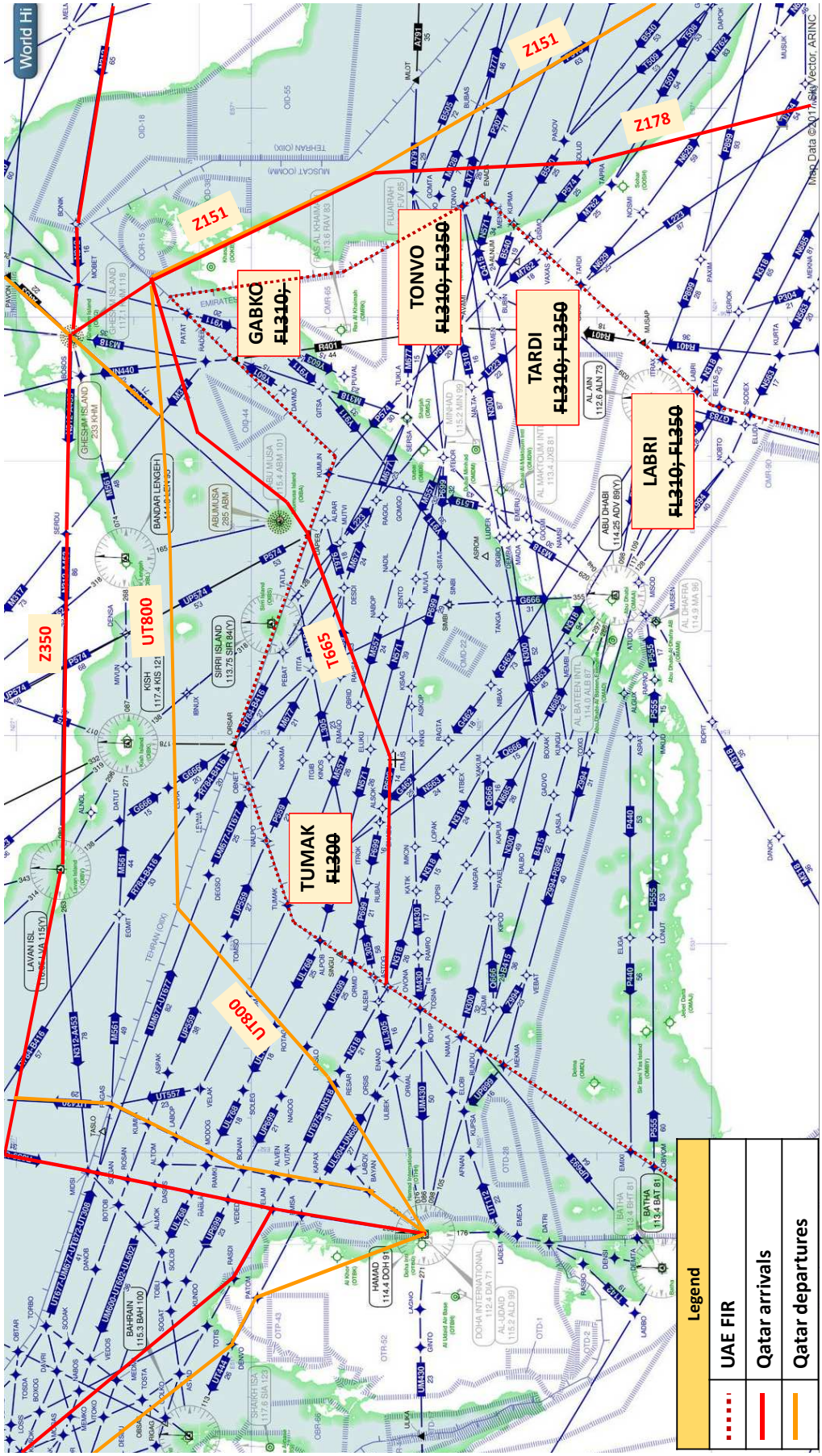
Contingency arrangements within Jeddah FIR



As part of Contingency measures:
NOTAM was issued to restrict use of FL 310 and FL 350 for routes exiting Jeddah FIR via TOKRA


Due to Military operations in Yemen
ATS Routes over the high seas within
Sana'a FIR
(B400, B403 and B404) are the used
routes by civil aircraft including Qatar
registered aircraft
since March 2015

Contingency arrangements within Emirates FIR (UAE)


Z151
Z151
Z178
GABKO
FL310; FL350
TONVO
FL310; FL350
TARDI
FL310; FL350
LABRI
FL310; FL350
TUMAK
FL300
Z350
UT800
T665
UT800
Legend
UAE FIR
Qatar arrivals
Qatar departures

Qatar contingency route proposal summary

- ICAO MID Office coordinated multiple meetings to review the contingency measures currently in place and to discuss additional proposals for State of Qatar registered aircraft operations over the high seas.

- As presented, UAE has received 2 proposals
  - Eastbound proposal: to accommodate State of Qatar registered aircraft departures
  - Westbound proposal: to accommodate State of Qatar registered aircraft arrivals

Despite the challenges and extra workload, UAE agreed to implement the Westbound Proposal for Qatari Aircraft arrivals to Doha subject to neighbouring States acceptance on the 7th August 17.

Summary

- Kingdom of Bahrain, Arab Republic of Egypt, Kingdom of Saudi Arabia and the United Arab Emirates contributed significantly in the safe and successful implementation of the ICAO MID ATM Contingency plan along with other neighbouring states.

- The Four States are committed to provide Air Traffic Services when and where required to all Aircraft during in flight emergencies.

- Kingdom of Bahrain, Arab Republic of Egypt, Kingdom of Saudi Arabia and the United Arab Emirates are working in close coordination with ICAO MID Office to improve the regional contingency arrangements Safely for Qatar registered Aircraft.

Safety is our priority