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# BUSH ADMINISTRATION SUED BY SAUDI BUSINESSMAN YASSIN KADI

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Saudi businessman and philanthropist Yassin Abdullah Kadi today issued legal proceedings against the administration of President George W. Bush in the U.S. District Court for falsely linking him to the funding of terrorism and wrongly freezing his assets.

Mr Kadi's claim relates to his designation as a 'Specially Designated Global Terrorist' (SDGT) by the Bush administration on 12 October 2001. The process which resulted in Mr Kadi's designation has been described by one senior official who was involved, David Aufhauser, as '*almost comical*'. Mr Aufhauser, the former General Counsel of the Department of the Treasury, has also spoken of the great political pressure placed upon the U.S. Treasury to name supposed funders of Al Qaeda terrorism before President Bush announced the 'war on terror', describing the process that resulted in the following terms: '*We just listed as many of the usual suspects as we could and said, Let's go freeze some of their assets*'.

One week after Mr Kadi's designation by President Bush, the U.S. administration procured his designation worldwide by the United Nations. Since then, Mr Kadi's assets have remained frozen across the globe and all attempts to reverse his designation have been blocked by the U.S. Government. However, notwithstanding the passage of more than 7 years, neither the United States nor any other country in the world has brought criminal charges of any kind against Mr Kadi. Furthermore, independent investigations into Mr Kadi following his appearance on the 'Bush List' by the prosecuting authorities in Switzerland, Turkey and Albania have each been discontinued on grounds that they found no evidence to support any of the allegations made against him, while Mr Kadi himself has been able

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to demonstrate that all and any claims concerning him that have been advanced by the United States are wholly unfounded.

In September 2008 the 14 judges of the Grand Chamber of the European Court of Justice condemned the system of designation, ruling that Mr Kadi's listing by the European Union further to his designation by the U.N. was unlawful and infringed his fundamental human rights to property, to a fair hearing and to effective judicial review.

Mr Kadi now seeks equivalent relief in the courts of the United States. The proceedings issued today assert that his designation by President Bush was unlawful and unconstitutional, infringing as it did the First, Fourth and Fifth Amendments to the U.S. Constitution, the International Emergency Economic Powers Act and the Administrative Procedure Act. Injunctions vacating both his designation as an SDGT and the freezing of his assets are sought.

Mr Kadi said today:

*"I am an innocent man. Whenever I have been given a fair opportunity to state my case I have been able to show that the allegations against me are untrue. I reiterate what I have said from the outset: that in all my individual, business and charitable activities I have never supported, nor have I ever intended to support in any manner whatsoever, Osama bin Laden or Al Qaeda.*

*I hold President Bush personally responsible for the long years of injustice and anguish that I have suffered. His case against me is as misleading as the case he put forward in support of the invasion of Iraq. I know I was listed for reasons of political convenience and yet in the years that have followed the Bush Government has denied me a clear and comprehensive statement of the allegations against me and, most importantly, an opportunity to have those allegations assessed objectively by an independent tribunal. I, and others in the same position as me, are victims of a financial Guantanamo that shows no sign of ending as what was supposed to be a temporary measure becomes permanent.*

*I condemn the actions of Al Qaeda – both on 11 September 2001 and since – without hesitation and I share the belief of both the American and the Saudi peoples that the terrorism represented by Al Qaeda must be confronted. However, the struggle against terrorism will never be won if basic human rights are ignored, if people are denied the opportunity to demonstrate their innocence and if innocent people like me are wrongly targeted with no form of redress."*

N.B. The U.S. District Court proceedings have been issued on Mr Kadi's behalf in Washington D.C. by David F. Geneson of Sheppard, Mullin, Richter & Hampton LLP.

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