

PolicyWatch #1333

## Blacklisting Terrorism Supporters in Kuwait

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On January 16, the UN Security Council's "Al-Qaeda and Taliban Sanctions Committee" designated three Kuwaiti nationals for providing support to al-Qaeda. Although the UN measure is a welcome step forward, it is unlikely to have much impact without aggressive implementation by Kuwait. Given the Kuwaiti government's mixed record in cracking down on terrorism financing, there is reason to be skeptical that it will take strong action. At the same time, the UN blacklisting already appears to have affected Kuwaiti counterterrorism efforts in a way that previous requests from the United States alone could not accomplish.

### Designations of Kuwaitis

The three Kuwaitis -- Hamid al-Ali, Jaber al-Jalamah, and Mubarak al-Bathali -- were added to the UN's so-called "1267 list" of nearly 500 individuals and entities tied to al-Qaeda and the Taliban. All UN member states are required to freeze the financial assets and restrict the travel and arms trade of designated entities.

According to the U.S. Treasury Department -- which designated the three more than a year ago -- al-Ali recruited individuals in Kuwait to fight for al-Qaeda in Iraq. His *fatwas* supported suicide bombings and condoned the September 11 attacks, arguing that it was permissible to crash an airplane into "an important site that causes the enemy great casualties."

Al-Jalamah also provided financial and logistical support to al-Qaeda in Iraq. According to Treasury, he recruited "a significant number of men" to fight for the organization, including potential suicide bombers, and had direct contact with Osama bin Laden. For his part, al-Bathali helped raise funds for a range of terrorist organizations -- including al-Qaeda, Ansar al-Islam in Iraq, and Lashkar-e-Taiba in Pakistan -- by speaking at mosques in Kuwait. Both al-Bathali and al-Jalamah were also accused of meeting with an individual involved in a 2003 attack on two U.S. contractors in Kuwait and discussing the possibility of financing his "militant training operations."

Nevertheless, al-Ali is by far the most prominent of the three designees. He ran afoul of the Kuwaiti government in 2005, when he was prosecuted and convicted for a sermon maligning the emir. Although he was stripped of any official or institutional position, his message maintained its pitch. In 2006, at the start of the Israel-Hizballah war in Lebanon, he issued a well-publicized *fatwa* denouncing Hizballah as a Shiite *rafidah* (rejecting true Islam) movement and calling on Palestinians to practice jihad against Israel. This doubly inflammatory message threatened to affect the Kuwaiti government's laudable record of sectarian consensus with the country's roughly 30 percent Shiite minority. In May 2007, Kuwait's Interior Ministry prohibited any "seminar about tribal or sectarian conflicts," lumping such events in with other banned practices such as "advertising sorcery, magic, or massage services." Still Sheikh al-Ali's voice continued to be heard.

The UN listing already seems to have the designees concerned, however. Al-Bathali told a Kuwaiti daily that he would bring a suit against a bank for freezing his account -- the first public indication that Kuwait was beginning to take the required legal steps. And al-Ali told another paper that he would resist any restrictions

resulting from the UN designation "by all possible means."

### **Kuwaiti Efforts against Terrorism Financing**

With the UN designation, Kuwait is now legally obligated to take action against the three, but its record on such issues is decidedly mixed. In September 2006, for example, the government dispatched monitoring teams during Ramadan to ensure that fundraising was not being diverted to terrorist causes. In addition, donations in cash were banned, and charities were prohibited from sending funds abroad without governmental approval.

Despite these changes, however, the U.S. State Department assessed in March 2007 that the "potential for the financing of terrorism through the misuse of charities continues to be a concern." While Kuwait had made progress in monitoring domestic operations, it was still ineffective in tracking activities abroad. Today, terrorism financing is still not explicitly categorized as a crime in Kuwait, and the government has not yet signed on to the 1999 UN International Convention for the Suppression of the Financing of Terrorism. Also problematic is that Kuwait does not require currency reporting upon exit, making it easy to smuggle cash to Iraq, Afghanistan, and elsewhere.

### **Underlying Reasons for Kuwaiti Ambivalence**

Kuwait's delicate balancing act with regard to Islamic fundamentalism reflects a society that remains traditionally Muslim in many ways. True, there are no *mutawwa* (religious police) as in Saudi Arabia, nor do the five daily prayer times make much of an observable dent in public activities. Yet, the Kuwaiti public as a whole supports Islamic traditions, and alcohol, gambling, mixed dancing, and other such Western amusements are difficult for Kuwaitis to find. And since nearly all Kuwaiti citizens are Muslim, Islam provides a unifying identity that promotes national cohesion. Accordingly, any action by the government against Islamists, however legitimate, becomes a sensitive issue.

In politics, the Islamist "loyal opposition" comprises the largest single bloc in parliament, holding seventeen out of fifty seats. These mainstream Islamists have been largely content with piecemeal symbolic initiatives, avoiding frontal challenges to the regime. They have renounced political violence inside Kuwait and even tacitly accept the U.S. presence there. The most rabid anti-Western diatribes have largely been censored out of the country's otherwise fairly free press (either by the government or the press itself), though they can easily be found on the internet or in pan-Arab media.

At the same time, there is a significant fringe element inside Kuwait that actively supports or sympathizes with more extremist views and activities. According to a 2007 PEW poll, among the general Arab public, about 20 percent believe that suicide bombing "in defense of Islam" is sometimes justified, and 13 percent voice "some confidence" in Osama bin Laden. Even if such views are not widely shared in Kuwait, they persist under the protective umbrella of some Islamist spokesmen there.

Although Kuwaiti police and internal security have proven willing to crack down on domestic terrorism over the years, the political and social support enjoyed by the Islamists has made the government tolerant of some preaching and fundraising on behalf of jihadist causes abroad, against both Israel and the United States. Indeed, the State Department's most recent annual report on international terrorism duly noted Kuwait's "continued reluctance to confront domestic extremists and Kuwaiti supporters of terrorism active in Iraq and Afghanistan."

### **Limits to U.S. Pressure**

The promising early signs from Kuwait illustrate the important counterterrorism role the UN can play. Like many other countries in the region, Kuwait occasionally needs a UN imprimatur to take potentially troublesome steps requested by Washington, even when they serve common interests. This is true not only in the counterterrorism arena, but also with regard to Iran: although the emir has just traveled to Tehran and

proclaimed it a "friend," his government carefully adheres to UN sanctions against Iran's nuclear program.

Unfortunately, the UN's counterterrorism role has been in sharp decline, with designations steadily dropping in recent years. In fact, 2007 saw only eight designations related to al-Qaeda and the Taliban -- the lowest annual total since 2000. Given the limits of what the United States can accomplish on its own against al-Qaeda in Kuwait and elsewhere in the region, pushing to reinvigorate the UN's role should be a priority.

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