

December 2, 2019

RE: Islamic Circle of North America  
ICNA Relief USA Programs  
Helping Hand for Relief and Development

Response to Congressman Jim Banks of Indiana  
Letter to Ambassador Nathan Sales, Coordinator of Counterterrorism,  
US State Department

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The law firm of Perkins Coie, LLP represents the Islamic Circle of North America (“ICNA”), ICNA Relief USA Programs (“ICNA Relief”) and Helping Hand for Relief and Development (“HHRD”). On behalf of ICNA, ICNA Relief and HHRD, we prepared this memorandum in response to Congressman Jim Banks of Indiana letter to Ambassador Nathan Sales, Coordinator of Counterterrorism, US State Department, to accurately address and refute the allegations set forth therein.

### **Overview of ICNA, ICNA Relief, and HHRD**

ICNA was formed as a New York Not-For-Profit corporation in 1987 and was granted federal tax-exempt status as a 501(c)(3) organization in 1988. In accordance with the bylaws, the purpose of ICNA is: (a) educating the general public as to the beliefs of the religion of Islam, (b) establishing institutions for the practice of Islamic religious and social activities, and (c) making distributions to organizations with similar purposes that qualify as exempt organizations under section 501(c)(3).

HHRD was formed as a New York Not-For-Profit corporation in 1998 and was granted federal tax-exempt status as a 501(c)(3) organization in 1999. In accordance with the bylaws, the purpose of HHRD is: (a) organizing and developing activities and provide funding for the education and health sectors throughout the world, wherever needed and feasible; and (b) providing emergency help in natural disasters and other affected areas anywhere in the world.

ICNA Relief was formed as a New York Not-For-Profit corporation in 2005 and was granted federal tax-exempt status as a 501(c) organization in 2005. In accordance with the bylaws, the purpose of ICNA Relief is to provide food, medicines, clothing, shelter and other humanitarian help to the needy, poor, sick, disabled and destitute individuals within the United States.

### **Overview of Rep. Banks’ Letter:**

Following two previous failed attacks on ICNA and HHRD, on November 1, 2019, Congressman Jim Banks of Indiana issued an invitation to his Congressional colleagues to sign-on to a letter addressed to Ambassador Nathan Sales, the Coordinator for Counterterrorism, US State Department, making baseless and defamatory accusations and requesting the State Department to investigate the potential terror financing links to ICNA and HHRD (“Rep. Banks’ Letter”).

Rep. Banks' letter is his latest attempt in a campaign directed at discrediting the reputation and interfering with the humanitarian and charitable work of ICNA and HHRD. His previous efforts include the introduction of House Resolution 1156 and then House Resolution 160, which makes baseless allegations of links to terrorism against HHRD and ICNA. Due to the good sense of the majority of his Republican and Democrat colleagues, neither resolution advancing beyond the House Committee level. Due to his inability to garner the support of the Legislative Branch, Representative Banks is turning his plea to the State Department to further his unfounded attacks again HHRD and ICNA.

Per Se Defamatory Statements:

Rep. Banks' Letter sets forth several statements amounting to *per se* defamation against ICNA and HHRD. Representative Banks states "*there is significant evidence that Helping Hand for Relief and Development and ICNA are directly involved in terror financing.*"<sup>1</sup> Representative Banks further states that HHRD "*has openly worked with U.S. designated terrorist organizations in the disputed region of Kashmir.*"

Response:

While Representative Banks presents no proof and certainly no "significant evidence" supporting this statement, his unfounded statement asserts that both HHRD and ICNA are engaged in criminal activity and as such are criminals. These false statements are inherently defamatory and libelous, and have caused and are attempting to cause further injury to the reputation of both HHRD, ICNA, and their respective affiliates, officers and board members. Both HHRD and ICNA are evaluating their legal options to pursue redress directly from Representative Banks and any other member of Congress who elect to sign-on to the Rep. Banks' Letter.

False Statement Regarding HHRD and ICNA Association with Jamaat-e-Islami:

Rep. Banks' Letter falsely states that "*ICNA and HHRD are part of Jamaat-e-Islami's international network.*"

Response:

ICNA refutes this allegation as inaccurate and incorrect. First, this allegation is factually inaccurate. The allegation makes reference to both Jamaat-e-Islami of Bangladesh ("JeI Bangladesh") and Jamaat-e-Islami of Pakistan ("JeI Pakistan") without clarifying which of the two organizations is claimed to have an association with ICNA. While they are both political parties, JeI Bangladesh and JeI Pakistan are NOT the same organization, do NOT share the same origin or mission, and do NOT share the same leadership. JeI Bangladesh evolved during the movement of independence of Bangladesh in 1971, whereas JeI Pakistan formed in 1941 in the City of Lahore of then British India. The failure to acknowledge the difference between these two organizations or to indicate which organization is associated with ICNA renders the allegation inaccurate.

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<sup>1</sup> Representative Jim Banks letter to Ambassador Nathan Sales, dated November 1, 2019.

Second, the allegation incorrectly asserts that ICNA shares leadership and openly affiliates with Jamaat-e-Islami. Rep. Banks' Letter fails to name a single person who is part of a some fictitious shared leadership, association or international network. Rep. Banks' Letter further fails to specify any instance of open affiliation between ICNA or HHRD and Jamaat-e-Islami. Both ICNA's and HHRD's respective leadership is based in the USA and are publicly disclosed on the ICNA's and HHRD's respective websites and annual tax filings. There have been no determinations by any governmental entity of any shared leadership, public affiliation, or international network connection between ICNA and/or HHRD and Jamaat-e-Islami. ICNA denies this allegation as wholly inaccurate.

False Statement Regarding Association with Falah-e-Insaniat Foundation and Lashkar-e-Taiba:

Rep. Banks' Letter falsely states that *"In December 2017, HHRD organized a conference in Pakistan . . . included Falah-e-Insaniat Foundation, the charitable wing of the Pakistani terrorist organization, Lashkar-e-Taiba."*

Response:

ICNA acknowledges that Falah-e-Insaniat Foundation ("FIF"), through its association with Lashkar-e-Taiba (also spelled "Tyyiba) ("LeT"), is listed as a Specially Designated Nationals on the U.S. Office of Foreign Assets Control Sanctions List. ICNA, however, denies the allegation that HHRD "organized a conference" that included FIF or LeT, and asserts that Rep. Banks mischaracterizes the facts to support a false narrative against ICNA and HHRD.

The accurate facts are that on December 3, 2017, HHRD participated in a celebration of the International Day of Persons with Disabilities as part of the Children with Disability Program at a Comprehensive Rehabilitation Center in Low Dir, KP in Pakistan. HHRD was a participating sponsor, but not the organizer of the event. Among other participants, Red Crescent Pakistan and Friends of Paraplegic were also a participating sponsors. During the event, a member of the local Chamber of Commerce and Industry invited Mr. Qari Rehmat Ullah, a person affiliated with FIF, to attend and stand on stage during the distribution of gifts to the disabled children. Neither FIF, LeT nor Mr. Ullah contributed as a sponsor or spoke publicly at the event.

HHRD had no control over or involvement with the presence of Mr. Ullah. Notwithstanding, in response to this incident, HHRD instituted a policy to require HHRD to obtain a list of pre-approved individuals who will be allowed to be present at any event sponsored or co-sponsored by or in collaboration with HHRD.

HHRD vehemently denies any association with FIF or LeT. HHRD asserts that there have been no determinations by any governmental entity of any open partnership or affiliation between HHRD and FIF or LeT.

Fareed Khan Accusations:

Among the many baseless statements contained in his letter, Representative Banks presents incomplete and a blatantly false narrative regarding the prosecution of Mr. Fareed Ahmed Khan, a community events volunteer for ICNA and HHRD, who holds no official position with either organization. Mr. Khan was prosecuted for making false statements to a federal agent in the course of a terrorism investigation in Federal Court in Connecticut in September 2019.

### Response:

Contrary to Representative Banks' false narrative, Mr. Khan was NEVER charged with any acts of terrorism or terror financing. Moreover, the government has NEVER charged anyone with acts of terrorism or terror financing in connection with the investigation involving Mr. Khan's questioning.

Representative Banks' letter accurately states that Mr. Khan was "accused of lying to the FBI" during an interview conducted in connection with a terrorism investigation. These alleged false statements concern Mr. Khan being "associated with the Islamic Circle of North America, . . . ICNA Relief, . . . Helping Hand for Relief and Development" as well as his shipment of packages to Pakistan.<sup>2</sup> Although the verdict was rendered on September 19, 2019, nearly two (2) months prior to the date of his letter, Representative Banks deceptively fails to state that the jury found Mr. Khan NOT GUILTY on five of six charges of making false statement, including being found NOT GUILTY on making any false statements referencing ICNA and/or HHRD.

For accuracy, the jury found that Mr. Khan made a false statement that "the only packages he has ever sent to Pakistan were to his sister and brother and contained only *clothing*," where the evidence showed that Mr. Khan also shipped "*medical equipment*" in addition to *clothing*.<sup>3</sup>

In further deception, Representative Banks again fails to accurately state that Mr. Khan's shipping of "medical equipment" DID NOT violate of any US or foreign laws NOR was the shipment directed to any terrorist organization or specially designated person.

Seemingly unable to present a truthful recount of Mr. Khan's case, Representative Banks falsely insinuates that Mr. Khan "solicited funds for the Falah-e-Insaniat Foundation, a US designated terrorist organization and arm of Lashkar-e-Taiba."<sup>4</sup> Representative Banks yet again FAILS to accurately indicate that this accusation was were NEVER presented as a charge against Mr. Khan NOR was any evidence presented at trial supporting this false accusation against Mr. Khan and by extension against ICNA and/or HHRD.<sup>5</sup>

### Conclusion

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<sup>2</sup> Bank's Letter to Ambassador Sales

<sup>3</sup> Defendant's Motion for Judgement of Acquittal filed on November 1, 2019.

<sup>4</sup> Id. Bank's Letter

<sup>5</sup> US v. Fareed Khan trial transcript commencing September 16, 2019 and concluding on September 19, 2019

Due to the overwhelming number of inaccuracies and failures to present truthful information, it would be a grievous mistake to infer any value to or take any action in reliance on Representative Banks letter, his false and defamatory statements against ICNA and HHRD, or his mischaracterization of the prosecution of Mr. Khan.

I hope this information is useful. Please contact LaDale K. George at (312) 324-8504 or [lgeorge@perkinscoie.com](mailto:lgeorge@perkinscoie.com).